DEFENCE

"The World Keeps Turning"

MUSA AŞOĞLU

Boran Publishing House

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The defences submitted to the court by Musa Aşoğlu, who was detained in Hamburg on 2 December 2016 and against whom a sentence was sought under Section 129b, the provision concerning foreign organisations, on the allegation of being a member and leader of “an armed organisation operating in Turkey”; together with notes exposing the contradictions and inconsistencies of the prosecution.

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MUSA AŞOĞLU

Musa Aşoğlu was born on 15 August 1961 in the village of Soğuksu, in the Hendek district of Sakarya. After completing primary, middle and secondary school, he went to the Netherlands in 1979.

On his father’s side he is Abkhaz, one of the peoples of the Caucasus; on his mother’s side he is from the Pontic Black Sea region (Trabzon, Sürmene). Aşoğlu went to the Netherlands as part of a working-class family and continued his education there. In 1980 he attended a Dutch-language school, from 1982 to 1984 the Social Academy, and from 1985 to 1988 Rotterdam College of Higher Education, where he obtained a diploma qualifying him to teach Turkish in secondary schools.

Because of his political views, he was not appointed as a teacher. He worked in many jobs, including the service sector and the garment industry.

While a secondary-school student in Tekirdağ, he was influenced by the political developments taking place in our country and chose to take his place in the revolutionary ranks.

After coming to the Netherlands, he continued to take part in various activities on the basis of his revolutionary ideas. At first, he was active in organisations concerned with the personal and social rights of people from Turkey, cultural and solidarity associations, and the teachers’ association.

From the mid-1980s onwards, he carried out voluntary activities with the TAYAD Committee and Amnesty International.

Following 12 September 1980, he continuously took part in the activities of Revolutionary Left and other left organisations from Turkey to expose and protest against the fascist military junta in Turkey and crimes against humanity such as torture, executions and massacres.

Between 2000 and 2007, he took part in solidarity work in support of the Great Resistance based on the Death Fast in the prisons of Turkey, particularly activities directed towards world public opinion.

Between 2000 and 2007, he was involved in information activities aimed at European and world public opinion through the DHKC Information Bureaux established as legal associations in Amsterdam and Brussels (their official names were Friends of the DHKC Association).

In 1999, he was detained and imprisoned in Belgium in the course of the “DHKP-C operation”. He was acquitted on 7 January 2010. Most recently, as a result of a joint conspiracy by the US and Turkish states, his name was placed on a reward-based wanted list.

While living as a fugitive for a period in order to defend his personal safety and freedom, he was detained by German police in Hamburg on 2 December 2016.

He was imprisoned in Hamburg Prison, where he became the target of an intensive isolation regime. He was tried before the Hamburg Higher Regional Court. In his defence, Musa Aşoğlu refuted one by one all the prosecution’s theses seeking his punishment under Section 129b, while also exposing the anti-democratic — fascist — content of Section 129b.

Despite this, as required by the already-known political decision, he was sentenced to six years and nine months’ imprisonment. His sentence was enforced under severe isolation conditions until the very last day, without any reduction.

DEFENCE

To the President and Members of the Hamburg Higher Regional Court;

“THE WORLD KEEPS TURNING”

(Galileo)

This case is a political case. From the beginning and continuation of the investigation, to the public announcement of the arrest, and to the content of the punishment that began with detention, it is clearly a political case.

In general, the concept of a political case refers, unlike ordinary criminal cases, not to the prosecution of a conventional offence, but to proceedings brought against the demand for the transformation of an order considered unjust and unfair. Political cases are also cases in which what is tried is not an act considered to be a crime, but people who have already been deemed guilty and their ideas.

Politically, too, such cases are trials not of the act, but of the person already deemed to be the perpetrator.

Political cases in Germany are also handled entirely within this reality.

One of the most characteristic aspects of such cases in Germany is the rejection of political defences, which is itself characteristic of political trials, and the way this rejection is justified.

It is said: “We are not discussing human rights in Turkey here. It is not our task here to put Turkey on trial. Human-rights violations in Turkey have nothing to do with the offence committed by the defendant. What happens in Turkey is not on the agenda of our law,” and so on.

This is even supplemented by a political argument of the following kind: “Turkey is a constitutional state governed by the rule of law, with democratic institutions. Legal remedies are available against the alleged rights violations in Turkey, and the illegal organisation and unlawful methods for which the defendant is being tried cannot be defended here.”

These restrictions imposed on the defence from the outset amount to nothing more than an escape from the facts and an effort to conceal human-rights violations in Turkey and the fascist character of the Turkish state.

If the purpose of this court is to establish the facts, my lawyers and I can also prove what I have stated above — provided, of course, that we are given the opportunity to do so.

In this case, the act in question is essentially the revolutionary position taken against the fascist practices that continue to exist in Turkey. But the reason for this is not openly stated. Because if it were, the existing order in Turkey would have to be openly defended, and there is no prosecuting authority that could openly dare to do this. This includes the judicial mechanism in Turkey itself.

Although I appear to be the person placed in the position of perpetrator in this case, both the way the case file has been prepared and the accusations that lack any individual character, together with the fact that the alleged offences have no need for conventional legal and technical methods concerning the beginning and end dates of the alleged crime or the substantiation of evidence, prove that the real “perpetrator” is not me but the revolutionary opposition in Turkey and its ideas.

The real “perpetrators” here are those who demand an end to the crudest seizure of fundamental rights and freedoms in Turkey. Of course, the fact that we are made the subject of prosecution in Europe is also connected, in addition to our demands on the Turkish state, with the democratic-rights demands that we, as people from Turkey living in Europe, direct at Germany and other European states, particularly against racism.

The distortion here is that the political will to which we direct our demands is at the same time in the position of trying us. For this reason, we are living through a process whose outcome is known from the beginning. Of

course, in practice I stand before a panel that is institutionally outside the political authority. But the authority to initiate Section 129b proceedings belongs to the political government.

I consider it unnecessary to comment on whether the court before which I am being tried is biased or impartial. I do not have sufficient information, either personally or institutionally, to make such a judgement about the panel. I can even assume the panel to be completely impartial. But I am certain that there will not be a fair trial in this court. Because the decision on this has been made by the political authority, not by the court. Through its power to authorise “criminal prosecution”, the political authority instructed the court to conduct this case.

In political cases, punishment is not something that begins only after the panel has delivered its judgment. My prosecution began on the date the investigation against me was opened. My punishment had already begun in practice with the decision to arrest me. The period during which I was forced to live as a fugitive was also a period of punishment. With the total isolation imposed from the beginning of my detention and the seizure of my freedom, this punishment is already being experienced at the highest level.

There is no necessity or evidence that could justify requiring my visits with my family, my lawyers and even parliamentarians to take place “behind glass”. This practice is nothing more than pressure and torment, part of the punishment imposed from the outset.

THE DIFFERENCE BETWEEN POLITICAL CASES AND ORDINARY CRIMINAL CASES

Why do I consider it necessary to draw attention to this issue?

In this court there are the defence, prosecution and judicial authorities. The case is a political one. Yet, as far as I know, the authorities that make up the court do not have a specialist field in political trials — that is, a field in which they have received professional training. Naturally, each office may possess knowledge based on personal accumulation and experience, but this cannot be regarded as professional specialisation. I must say this: here, the only party suited to the nature of a political case is me, the “perpetrator”.

And as the “perpetrator”, I have to set out the differences between political and ordinary criminal cases because “to deal with a political case within the framework of an ordinary criminal case will make a fair trial impossible”. Of course, because the Higher Regional Court is a State Security Court, it has a political character. But the state this court is obliged to protect is Germany. It is obvious that neither the organisation being tried here nor I have any aim of overthrowing the German state. The state defended by the prosecution is the Turkish state. And this court is not an expert on that state, nor is it obliged to defend it.

An ordinary criminal case begins with the occurrence of an act, action or conduct regarded as a crime. The subject of the trial is the act regarded as criminal under the penal code.

In political criminal cases, however, the subject of the proceedings is not an act in this sense, but the person who demands rights and the demand for rights itself.

In other words, in ordinary criminal cases the act is tried; in political criminal cases, the person is tried.

For example, in an ordinary criminal case a person has been killed, property has been stolen, someone has been defrauded or assaulted. After this, an investigation begins, evidence is gathered, and on the basis of the evidence collected a criminal case is opened against the person or persons suspected of having committed the act defined as a crime. A trial is held and judgment is delivered according to the state of the evidence. Here, reasonable suspicion is a fundamental condition: there must be strong indications that the person considered to be the perpetrator committed the act regarded as a crime.

Unlike an ordinary criminal trial, which is a trial of a criminal offence, this bourgeois-liberal method of investigation and trial does not operate in political criminal cases, which are trials of persons and ideas. A reasonable suspicion concerning the perpetrator turns into suspicion concerning the offence. Because there is no longer any doubt about the perpetrator; the doubt concerns the act. The perpetrator is known from the

outset. What is uncertain is the act. Here, the concept of suspicion is more about how the act can be characterised as a crime.

The fundamental point is that, in reality, the power that decides whether the act is a crime is not the court conducting the trial, but the system itself — including the existing legal system — acting as legislator and law-maker, or directly taking the place of the court and deciding the matter. In other words, the political authority.

The same political will also decides whether Section 129b proceedings will be opened and against whom they may be opened.

Another aspect distinguishing political cases from ordinary criminal cases is that in political cases the method of “going from the accused to the evidence” prevails. It is claimed that in today’s bourgeois legal systems the dominant approach in methods of investigation is “going from the evidence to the accused”.

When we look at the beginning of the investigation in our own case, we can see concretely that it proceeded “from the accused to the evidence”. The findings concerning the accusations directed at me belong essentially to the period up to 2000-2003. The file is there; the acts included in it are there. Even a speech I made at a gift ceremony at a wedding in 2004 has been turned into evidence that I was the person responsible for the DHKP-C in Europe. This is nothing other than forcing the facts to fit an accusation.

What is actually presented here as evidence? There can be no element of crime in the content of the speech. In that case, they began from the alleged perpetrator and tried to create a criminal element. Indeed, this allegation is now being presented to me as evidence. Yet there is still no criminal element concerning this matter.

Again, many events repeated dozens of times in our file already existed before 2008. In 2008, on the day my wife was arrested, I was with her. The facts now being used as evidence against me existed then as well. Why was I not included in a case at that time? If the alleged acts were crimes, why was I not arrested then as the person who committed them? Because it was clear that the acts in question did not constitute a crime.

What criminal act did I commit between then and the issuance of the arrest warrant against me that led to this warrant? There is no new evidence — that is, no new act. There is only the baseless statement, given in return for money, of a salaried BND informant who pointed me out to the BKA. (I will deal with this matter in detail when its turn comes.) Another matter is the political assessments made about me by the Dutch and US intelligence services and the resulting decision to place a bounty on my head.

In both cases, once again, a method proceeding from the alleged perpetrator to the act was applied. And again there is neither concrete evidence nor a chain leading from evidence to the alleged perpetrator.

By now, interpretations producing allegations and claims have increased and accumulated so much that, even without evidence, evidence is no longer considered necessary and we have reached the stage of trial.

Today, in this case, I am the subject of a political trial directed not at an alleged crime but at me as the “perpetrator” and at my ideas. Being placed in this position also means being regarded as an enemy. The decisions that make this determination are decisions of the political authority.

In political cases, the law becomes an instrument for fitting an already-made political decision against a political enemy into a legal form.

The findings described as evidence are assumptions based entirely on interpretation, inflated and repeated over and over again even though they have no material basis.

The accusation concerning the action at the US Consulate in Ankara is the most concrete example. In the form in which it was presented to the press, a public conviction had already been created. The fact that the prosecution’s final indictment contains no accusation against me on this matter does not change that conviction.

Although it was the newest accusation attached to the arrest warrant, the fact that it does not appear in the prosecutor’s indictment in fact returns my legal position to the situation in 2008. In other words, just as my arrest was considered unnecessary in 2008, today too there is at least a circumstance requiring that I be tried without detention.

In political cases, the fundamental function of the prosecution and judicial authorities is to give as much legality — as much appearance of “compliance with law” — as possible to political decisions already taken against political opponents. In this way, an effort is made to create legitimacy in the eyes of the people for political decisions already taken against those opponents.

To put it briefly, in political cases, the one who makes the law and the one who seizes rights are one and the same. The one who delivers the judgment and the one who brings the accusation protect the same interest. Through the judiciary, the state punishes and imprisons those who demand rights, those who oppose it — in other words, those it regards as enemies.

In cases that begin from the alleged perpetrator, the organisation expressing the defendant’s ideas is sought to be condemned by starting from the defendant and the defendant’s ideas. In such a situation, what matters is no longer what was done but who did it. The result is collective prosecution and an understanding that seeks to condemn, wholesale, the ideas of those being tried. In other words, it is no longer even the nature of the act but intentions that are condemned.

In political cases, although the imprisoned defendant may be certain to be convicted, the real victim is not in fact the defendant in detention. On the contrary, the real victims are the defence, prosecution and judicial authorities. The lawyer will feel to the marrow the helplessness of seeing everything learned at law school turned upside down. The prosecution and judicial authorities, too, will experience the distortion of being required to apply anti-terror legislation that conflicts with the constitutional and universal legal norms they are obliged to protect, and of being forced to decide outside those norms.

Failing to see this distortion, whatever the intention, results in becoming an instrument for the application of anti-terror legislation within the framework of a law directed against the enemy.

LAW OF WAR AGAINST THE ENEMY

The theory of the Law of War Against the Enemy takes its theoretical source from Hegel, who exalted the state. According to Hegel, the state is the guarantee of freedoms and life. Every initiative and act considered to be directed against the state is dealt with within the concept of war.

Later, during the period of Italian fascism, penal laws that exalted the fascist identity of the state were enacted through the Rocco law.

During Nazi Germany, the racist jurist Carl Schmitt brought a new dimension to the “Law of War Against the Enemy” by saying: “Sovereign is he who, when necessary, sets laws aside and governs by decrees.”

Over the last thirty years, the most influential theorist of this conception of law has been the German jurist Günther Jakobs. According to him, anyone who does not provide cognitive guarantees in communication with the public is an enemy, a “non-person”. In other words, not even a person whose rights are to be protected. According to Jakobs, these “non-persons” should be subjected not to citizens’ criminal law, but to a “Law of War Against the Enemy” in which not even one of the safeguards of criminal procedure is considered applicable to them. The alleged perpetrator is now a danger that must be eliminated. Because everything such a person does is a crime, and he is a criminal who may commit a crime at any moment. Even after serving his sentence, he is a danger who should not be allowed back into society.

Under this law, it is not necessary for an act to have been committed. The scanning of a person’s mentality is sufficient for that person to be regarded as an enemy. The presumption of innocence cannot apply to him; he cannot have the right to a fair trial, and so on.

What gives life to this Law of War Against the Enemy today is “anti-terror legislation”. Anti-terror legislation disregards all universal legal norms. The personal nature of criminal responsibility, the beginning and end dates of the act alleged to constitute the crime, the presumption of innocence and everything else are rejected. Moreover, even before trial and conviction, the “non-person” who is merely a suspect is punished through conditions of detention involving unlimited isolation, a form of physical and psychological torture imposed in advance.

These characteristics are present to an extreme degree in Section 129b and DHKP-C cases.

In this sense, in political trials today, the task of defending the law itself also falls on the shoulders of the political revolutionary defendant who is being tried. Ultimately, while law assumes a mission as a guarantee of rights and freedoms, it also regulates the restriction of those rights and freedoms. Since these rights and freedoms are historical gains created through the struggles of peoples at great cost, they must also be defended.

Yet the fundamental function of anti-terror legislation, which has subsequently been grafted onto existing constitutional orders and legal systems, is to destroy existing rights and freedoms at their roots.

In DHKP-C cases, freedom of thought and freedom of organisation as an expression of thought, which are protected by the Constitution, are attributed under Section 129b to a “prohibited organisation” and are thereby brought within the scope of prohibited acts and organisations.

The treatment of Yürüyüş magazine as a prohibited publication by decree of the Ministry of the Interior, the de facto treatment of the Anatolian Federation as prohibited, and the advance condemnation of the People’s Front, not as an organisation in its own right but through the easy formula “that is Cephe, this is Cephe, therefore all of them are DHKP-C”, are natural results of this understanding.

Although the rights and freedoms won up to today are described as bourgeois law, they are essentially rights won through three hundred years of struggle by working people. Working people have given hundreds of thousands of lives for these fundamental rights. It was not the bourgeoisie but the people who died for these rights. For this reason, defending these rights is also a mission of the people.

THE DIMITROV TRIAL

I would like to give the Dimitrov trial as an example.

Who was Dimitrov? He was one of those who fought for bourgeois democratic rights. He was a compositor working in a printing house. He was a member of the first trade union established in Bulgaria. Although he initially held a social-democratic world-view, he later adopted a communist world-view.

The books he wrote dealt with “fascism and the popular front against fascism” and the “united resistance front”. In 1928, at the Red International of Labour Unions, he said: “Fascism is not a temporary phenomenon dependent on place and time. It is the system of the dictatorship of the bourgeoisie in the period of imperialism.”

He stated that fascism was becoming an ever-growing danger for the working class and the trade-union movement. How right he was was shown clearly in later years when German fascism came to power and massacred sixty million people.

What was the Dimitrov trial? It was a show trial directed against those who defended anti-fascist communist ideas and were tried in connection with the burning of the Reichstag, the German parliament building, during the Nazi regime.

It was an open application of enemy law against Dimitrov. Despite the testimony of Göring and Goebbels, he exposed their lies and was acquitted.

At the end of his defence, Dimitrov said: "It is my habit to call things by their name, as they are. As a communist on trial, I defend myself, my communist revolutionary honour. I defend my ideas and my communist convictions. I defend the meaning and content of my life."

The Dimitrov trial is one of the exemplary political trials of historical importance. Although it took place in Germany under Nazi rule, it was a political trial that ended in acquittal within the framework of defending fundamental rights and freedoms.

I should state that, in giving this example, I do not consider it right to fall into the superficiality of comparing Nazi law with present-day law. Such a comparison would trivialise the repression of that period and the massacre of sixty million people.

In Nazi Germany, the law too was an enemy of the peoples. But the "anti-terror" laws shaped after 11 September and grafted onto existing law have openly been registered as a Law of War Against the Enemy and have been made decisive in political trials.

The following is a very concrete assumption: if, during the period when Dimitrov was tried, there had existed a law like today's Section 129b — that is, the post-11 September law — the result would undoubtedly not have been acquittal. Because of his international opposition to fascism and his Marxist-Leninist communist world-view, he would certainly have received a sentence.

Likewise, while the United States' Patriot Act made possible Guantánamo, unknown prison ships in international waters, and secret prisons in some Eastern European and collaborating countries, it also brought open physical torture within a framework of legal regulation.

Britain's Terrorism Acts of 2000, 2001 and 2006 do not even recognise the alleged perpetrator's most fundamental right, the right to be tried. In other words, they have even abolished the status of the accused.

While the US and British anti-terror laws openly violate the rights not to be tortured and to receive a fair trial, these violations of rights have been made far more refined through Section 129b in Germany. The isolation regime, regulated down to every minute of prison life, is implemented by eliminating every avenue of legal defence and objection against it.

One concrete difference between the Section 129b cases conducted so far and the DHKP-C cases is that Section 129b is applied almost as though it were Section 129c. Of course, there is not yet a Section 129c. Although this law was rejected by the legislator when it was proposed, in DHKP-C cases the conclusions drawn by scanning intentions and the treatment of support for revolution as a concrete act of violence show that, in practice, the essence of a Section 129c is being applied in DHKP-C cases.

WHEN I TAKE ALL THESE REALITIES INTO ACCOUNT;

I believe that I will not receive a fair trial.

Yes, I have a lawyer. Even if it was only in the eleventh month of my detention, there is now an indictment against me.

Yes, I have the right to object to the conditions of my detention. But the authority that will assess the objection is the same authority that imposed the conditions of detention. There is no real legal right of objection. There is no court to which these conditions can be appealed. Every easing of the conditions depends on the favour of the authority that determines the restrictions. There is no right; there is only the possibility of applying for a favour. And that favour is conditioned on a change of thought.

This alone proves that this case is being conducted against the alleged perpetrator and the ideas of the alleged perpetrator.

Yes, even if only after fourteen months, I am being brought before a panel that claims to be independent. Just like the other panels that tried DHKP-C cases before me, they too were independent. Yet despite this, all of

them standardised sentences averaging six and a half years. The application of isolation conditions for periods of up to three years and the enforcement of the sentence until the final day were common decisions in all of them.

If the punishments are not to depend on the trial, if the trial to be conducted will have no determining effect and standardised sentences are to be applied, what is the meaning of all this legal theatre? How am I, as the alleged perpetrator, supposed to assess this?

COLLECTIVE TRIAL

In DHKP-C cases opened under Section 129b, there is collective prosecution: from the preparation of the files and the determination of those to be made subject to investigation, through the shaping of the investigations in the same direction, to the conditions of investigation, trial, detention and imprisonment, the preparation of the indictment and the accusations themselves.

The first file that was created consisted of the compilation of self-generated intelligence reports from different countries concerning the organisation, together with eight blue files and one black file handed to Federal Prosecutor Heike Becker-Klein at the end of a presentation made with video footage by Istanbul Chief Prosecutor Turan Çolakkadı, Chief Commissioner Serdar Bayraktutan, responsible for the DHKP-C desk, and his assistants, as recorded in file SA Bd 1.4.1 (Rechtshilfe Türkei — legal assistance from Turkey). To this were added occasional pieces of personal surveillance information relating to those tried in each case, together with the decisions of these courts and similar material.

Because personal accusations are not taken as the basis, we are, for example, made responsible for proving our own innocence against documents of the torturing Turkish police used in convictions in Turkey. Since judgments delivered in Turkey by the military-judge presidents of the special courts (DGM — State Security Courts) are also treated as evidence by German prosecutors, every defence against such supposedly final evidence, and every effort to prove the innocence of the organisation and of ourselves, becomes impossible.

In this way, on the basis of files prepared collectively by the police and prosecution authorities of Turkey and Germany together with the intelligence services of countries such as the Netherlands, Belgium, Italy and the United States, we are identified as alleged perpetrators and convicted on behalf of the organisation.

THE WAY THE FILE WAS PREPARED AND THE SIGNIFICANCE OF THE FILE

Of course, I will be tried on the basis of the file before us. But there is so much in the file that has nothing to do with me that it is impossible to know which part will be used and in what way.

I do not know the exact number of pages, but it is no fewer than seventy thousand. A large part of it consists of files from DHKP-C cases that preceded this one. Although, to be fair, perhaps I should not complain. What will the file of someone tried in a DHKP-C case five or ten years from now look like? Compared with that future file, mine may yet be regarded as rather thin.

For example, what does the interrogation concerning the golden witness in our case, the BND informant, and the murderer of Turkish and Greek tradespeople who were victims of the NSU have to do with my case? If your aim is to find the murderers and the force behind them, instead of looking for them in a show organisation such as the NSU, you should look at the NPD, of which the murderers were essentially members.

But after this point, even that can no longer be done. Because the Constitutional Court has placed them under protection.

The Constitutional Court placed four to five thousand racist, fascist xenophobes — a criminal mob that has not hesitated to murder hundreds of our people — under legal protection by declaring that they do not have the potential to threaten the constitutional order.

I would like to ask: four to five thousand racist fascists who have committed countless crimes and burned countless of our people alive do not constitute a threat to Germany’s constitutional order, but is the DHKP-C — not even a handful of people, and with no aim of targeting either public security or the constitutional order in Germany — considered to have the potential to threaten Germany’s constitutional order and public security?

This example alone clearly shows that there is no basis for any prosecution authority to claim independence.

Let a Section 129a case be opened against the NPD or against the AfD, which is effectively one of its mass organisations. Is there a prosecutor in Germany who would dare to do that? Yet not one prosecutor in any of the DHKP-C cases conducted so far has shown the slightest hesitation in opening a Section 129b case.

Because the authority that decides whether the case is opened, how it is conducted and what its outcome will be is the political will. And all responsibility belongs to them. The rest… the rest is only the known result.

The present file, in its current state, cannot be read and assessed in a healthy manner. It is materially impossible for the prosecution, the court or the defence to read and evaluate the entire file. It is clear that if even I, as the defendant, have been unable to do more than cast a general glance over it, others cannot have read it in full either.

ADDITIONAL NOTE

Another issue is that lawyer consultations take place behind glass and that all the files were loaded onto a computer that does not even allow copying and pasting from those files. This has also prevented me from preparing a proper defence.

The official who was supposed to assist me with using the computer said that he would speak to the judge and make arrangements on my computer so that I could copy and paste, use the search function, create files and prepare my defence on the computer. Yet to this day I have been given neither a positive nor a negative decision on this matter and have simply been left waiting.

What is the purpose of prohibiting these technical possibilities?

Is it not an obvious fact that without a proper defence, a proper trial is also impossible?

ON THE INDICTMENT

Charge:

“To have participated as a member of a foreign organisation whose aim and activity are directed towards committing the offences of murder or manslaughter,” and it is alleged that this organisation is DHKP-C and that I served within it as a leading cadre.

First, let me state this: there is no organisation under the name DHKP-C. We will address this issue when the time comes.

“It aims to abolish the constitutional system of government in Turkey by means of a revolutionary uprising and to govern it through an ML regime under its own control.”

I find it absurd even to discuss the logical inconsistency of this assertion.

However, the concept of a “constitutional system of government” referred to here has no validity in Turkey. We are speaking of a country in which constitutional orders have been completely abolished by military juntas and replaced by constitutions drawn up according to those juntas’ own understanding. Today, when the conditions of a junta do not exist, we are speaking of a country in which constitutional provisions are changed and distorted by the regime and government in power.

We are speaking of a country in which lower courts are under no obligation to comply with the decisions of the Constitutional Court, which is presented as the guarantor of the “constitutional” order.

Which Constitution and which constitutional system of government does the Federal Prosecutor’s Office accuse me of seeking to abolish? It is not clear. After the Federal Prosecutor’s Office issued a warrant for my arrest and after I was arrested, Turkey’s system of government was changed by a government referendum: the legislative, executive and judicial organs were brought together under the initiative of the executive, and all powers were transferred to the new presidential system headed by a party-affiliated President. It would be useful for the Federal Prosecutor-General to know this.

So what is the reality before us?

An organisational structure that does not exist…

An organisational aim that does not exist but is alleged to exist…

An attempt to overthrow a constitutional system of government that no longer exists…

Of course, the Federal Prosecutor’s Office is not obliged to be an expert on ML organisations, DHKP-C or Turkey. But as the prosecuting authority, it is at least obliged to be clearer about the accusations it makes.

Let us return to the first sentence:

Its aim is murder and manslaughter…

On what basis does the prosecution say this?

Where, in which text or statement, does the organisation it refers to speak of such an aim?

There is no such thing.

Nevertheless, let me help the prosecution. If, by referring to DHKP, the Federal Prosecutor’s Office means the activities of DHKC, nowhere is such an aim mentioned. If what it means is the deaths that occurred in DHKC actions, then to take those alone and make a new theoretical contribution to the organisation by declaring them to be “the aims of an organisation” lies outside the responsibility of the Federal Prosecutor’s Office.

On the other hand:

Yes, if the organisation being referred to is DHKC, then in the actions of DHKC’s armed units there have, as far as I know, been perhaps around 60–70 cases resulting in death. Against this, however, more than 700 people have been massacred in torture, extrajudicial executions and clashes by the forces of the so-called constitutional order because they belonged to this political line.

Likewise, thousands of people have been subjected to torture on the allegation that they belonged to this political line. Thousands have repeatedly gone on hunger strike, and 142 people lost their lives in Death Fasts alone. Beyond this, there is no need even to count the tens of thousands of actions, large and small, that have taken place.

However:

The Federal Prosecutor-General takes only those actions that resulted in death, constructs for an organisation a programme called an “aim of murder and manslaughter”, and bases the entire accusation on that. This is something that requires examination.

For example, why does the Federal Prosecutor-General not look at the more than 700 deaths and call it an “organisation whose aim is to become a victim of murder”?

Or, looking at the thousands of its people who were tortured, why does it not call it an “organisation whose aim is to be tortured”?

If there is no ideological reason behind this freedom of choice, then what we have is very clear ignorance.

But this too must be understood:

Someone pays the price for this half-baked information. Those people are those who were tried before me, myself, and those who will be tried after me.

In the end, people who are punished in one way or another serve their sentences and are released. They also lose a great deal personally. But ultimately, and in reality, the greatest blow is dealt to the sense of justice. It is the sense of justice, the democratic rights and freedoms restricted by such arbitrary interpretations, and Germany’s system of fundamental rights guaranteed by the Constitution that will suffer the greatest blow.

THE ORGANISATION

There is no organisation called DHKP-C, nor is there the alleged hierarchical structure under that name.

The indictment says, “DHKP-C is the combination of DHKP and DHKC.” There is no such combination.

DHKP-C is not an organisation but a concept representing a political understanding.

It is stated that, “Like all ML cadre organisations, DHKP-C has a strict hierarchical and centralist structure.”

I do not know what expertise the prosecution has concerning ML organisations. But the need to make such a judgement primarily expresses opposition to ML. In other words, the approach is one of political subjectivism. It is not driven by a judicial-legal concern.

Referring to the quotation concerning organisation and the formation of committees in the decisions of the DHKP founding congress, it is stated that, in party organisation, committees consisting of a secretary or responsible person together with two members are to be formed.

However:

In the indictment, these committees are arbitrarily equated with association committees in Europe, Germany or any other unit.

Committee organisation is a very widespread form of organisation in life. It is one of the most basic forms of democratic organisation and has nothing whatsoever to do with the party committees referred to.

Therefore, being a member of any committee in Europe cannot constitute a basis for claiming that the European organisation is a party organisation or that the members of these committees are party members.

These and similar quotations from the DHKP Congress decisions cannot be used against structures that are not party organisations.

Another claim by the Federal Prosecutor-General is that DHKP-C seeks to establish an “ML social order” by killing “representatives of the state”, etc., and carrying out armed and bomb attacks against other institutions of the state and economy.

Nowhere in the world has there ever been such an understanding of revolution.

Nor does this interpretation in any way express DHKP-C. Moreover, the Federal Prosecutor-General is not even talking about revolution, but about a social order.

A social order covers an extremely broad sphere, from political, ideological and economic foundations to the institutions of power. Even with the best of intentions, assessments of this sort, arising from ignorance, are fundamentally wrong.

Such assessments contain nothing but insult. Apparently, by making such caricatured determinations and analyses, the aim is to belittle me and others being tried in the same kind of case.

If the aim is to engage in polemic, I call for seriousness. It is not even possible to have a polemic on the basis of such shallow assertions. Such assertions serve no function other than to make their author look ridiculous.

For the sake of information, let us state this much: a social order refers to societies such as feudalism, capitalism and socialism. It encompasses economic relations of production and all of society’s base and superstructure, including religion, culture, and so on. Such an objective cannot be achieved by killing some people and throwing explosives at some places.

It is also alleged that “within the organisation, persons who depart from party discipline are labelled collaborators and traitors and are subjected to measures extending as far as their killing.” We do not know what the Federal Prosecutor-General means by party discipline. These may be the Federal Prosecutor-General’s own views. But they are certainly not the views of those who represent the DHKP-C tradition.

We suppose that opposing racism, too, is incompatible with the existing discipline of German law, which is why sentences of six to six and a half years are imposed. It is as though we are being told: “Be thankful you were not killed.”

As in this indictment, the indictments in previous cases also accept that the SPB and militia organisations engaged in armed struggle exist only in Turkey.

This view is also confirmed by the BND, as can be seen in the statements of people who became informers in past cases (Sa. Bd1 1.1–1.2 114, PDF page 98). Perhaps this is the only correct determination in the indictment.

However:

The subjective approach in the general assessments renders even this determination meaningless. This is because the file (the indictment) generally treats DHKP as the political organisation and DHKC as the military wing.

Elsewhere in the indictment, however, DHKC is alleged to consist of legal and illegal, armed and unarmed organisations, propaganda organisations and organisations carrying out armed actions.

Then, in addition to DHKP and DHKC, all the organisations forming the People’s Front in Europe and Turkey are treated, because of the committee-style collective organisation within them, as if all their members were DHKP members and all their activities were propaganda and logistical activities for the armed struggle.

In that case:

All economic and democratic struggle in Europe and Turkey is brought within the scope of terrorism; trade-union struggle with clearly defined aims and demands, the struggle for fundamental rights, opposition to and resistance against racism and fascism are all branded as terrorism and terrorist activity.

Everyone, from DHKP members engaged in trade-union struggle to legal associations carrying out cultural activities, is called a party member, and all organisations are called party organisations and subjected accordingly to surveillance, investigation and prosecution.

CONCLUSION: Organisations and publications that are not even banned in Turkey are being treated as banned in Germany. This is being more royalist than the king. If the supposed purpose of applying Section 129b against DHKP-C and the PKK is to protect Turkey’s constitutional regime, while on the other hand the German government and the European Union consider the Turkish regime not democratic enough – which is given as the reason Turkey has not been admitted to EU membership – then does being more prohibitive than Turkey not amount to encouraging the Turkish state to become even more anti-democratic?

Yürüyüş magazine, which is not even banned in Turkey, is effectively banned in Germany by ministerial decision or recommendation. What does it mean to say that TAYAD and associations for fundamental rights and freedoms, which are legal in Turkey, are front organisations of DHKP-C in Europe and to treat them legally on that basis?

In that case:

By banning Yürüyüş in Germany and treating TAYAD Committee and the Anatolian Federation as front organisations of DHKP-C, all activities carried out in Germany under the protection of the German Constitution and with the approval of local state institutions – lawful, legal and legitimate activities – are in effect brought within the scope of terrorist activity, thereby reducing democratic rights and freedoms themselves to a sham.

EUROPE, OVERSEAS ORGANISATION

First of all, “overseas” does not mean Europe.

The allegation that DHKP-C has a European “rear front” and that this European organisation makes an INDISPENSABLE contribution to the armed struggle in Turkey is the greatest necessity for applying Section 129b in Europe.

The Federal Prosecutor-General is trying to prove this allegation at any cost.

This “at any cost” mentality has almost become the Federal Prosecutor-General’s reason for existence. For this reason it resorts to things that have no relation to reality, such as non-existent party regulations and attempts to base the alleged European organisation on decisions in the Statute.

– It says: “According to party regulations, the overseas organisation constituting the rear front of the armed struggle in Turkey extends particularly into parts of Western Europe.”

Which regulations? What regulations?

– Who says, and on what basis, that the rear front is Western Europe? On what is this allegation based?

– The Federal Prosecutor-General, claiming that the party has units in Europe, says that these units are subordinate to the party leadership. Of course, if the party had units in Europe, nothing could be more natural than for them to be subordinate to the party.

But where are these party units?

The word “unit” is a military term. According to this allegation, is it being claimed that DHKP-C has urban and rural guerrilla units in Europe?

If the answer is no, then for what purpose have this term and this sentence been used?

– It is alleged that the task of this European committee, appointed by the party leadership IN ACCORDANCE WITH THE STATUTE, is to direct the party and front organisations in Europe in accordance with instructions given by the Central Committee and the General Secretary and to ensure that those instructions are implemented concretely.

So there are party and front organisations in Europe? If so, which organisations are they, and on what evidence is their existence based?

Was the European committee appointed by the Statute? If so, under which article of which statute was the European committee selected?

– ATTENTION: the concepts “European organisation” and “overseas organisation” are used in the same paragraph and the same meaning is attributed to both. This is one of the clearest indications of complete confusion.

At the same time, by creating a mass of words and confusion, an attempt is being made to persuade the panel and public opinion in order to apply Section 129b and impose the punishment predetermined in advance.

The Federal Prosecutor-General claims, on the basis of such abstract assertions detached from any material foundation, to have identified a hierarchical structure. This hierarchical structure supposedly consists of party and front organisations, European or overseas organisations, and other geographical sub-groups of the DHKP-C overseas organisation directed by country, state and regional officials (regional leaders).

What other geographical sub-groups? What is meant? Does DHKP-C supposedly have organisations in Europe neighbourhood by neighbourhood, district by district, street by street and village by village?

The exaggeration is now straining the limits of logic. On the other hand, illogical reasoning produces such absurd conclusions.

The Federal Prosecutor-General constructs hierarchical relationships according to its own assumptions, with completely self-generated and unsupported allegations, and concludes that everyone within these relationships can be punished under Section 129b as a member of a terrorist organisation.

It then says that those alleged to be members of this terrorist organisation make an indispensable contribution to the armed struggle in Turkey. The indispensable elements of an armed struggle are commanders, fighters, military training, logistical support, institutional relations, intelligence and similar factors. Where, then, are these elements?

The party making the allegation is obliged to prove it.

It is alleged that the cadres of the rear front employ highly secret methods of work.

Perhaps a structure of the kind alleged by the Federal Prosecutor-General exists somewhere. But the people concerned here are those who have so far been tried and convicted in DHKP-C cases. Including myself, none of us has ever been part of such a secret organisation. Of course, because of the US decision offering a reward for my capture, I did take certain personal precautions.

Apart from that period, however, the entire file contains hundreds of pieces of evidence showing that I and everyone else who has been tried were, contrary to this allegation, involved in legal and democratic struggle. A considerable part of the file is filled with such evidence.

I am accused of “participating as a member of a foreign organisation whose aim and activity are directed towards committing the offences of murder or manslaughter”.

First of all, let me state that I am not and have never been a member of such an organisation. I am not a member of DHKP. Nor have I been a fighter of DHKC. I have not taken part in armed struggle.

DHKP and DHKC aim at revolution in our country and conduct their programme and activity on that basis. Because of this aim they organise underground, and all their members and fighters live according to the reality of armed warfare.

People think as they live. Therefore, a DHKC fighter must personally be in the war and in underground organisation.

In the Party and Front understanding, the principle of the unity of political and military leadership is fundamental. It is the most basic organisational principle. The Party and Front, or more generally the Party-Front tradition, has always been this way since Mahir Çayan founded THKP in 1970. In practical terms, this means that cadres are simultaneously responsible for both political and military leadership.

For party membership, however, merely taking part in armed struggle is not enough. Taking part in armed units may be a criterion only for DHKC membership. To become a member of DHKP one must be a member or responsible person of the leadership committee of DHKC’s area organisations. One must also personally be a leader or responsible person within the armed teams. Those who do not personally participate in armed warfare and underground organisation cannot even be candidate members of the party.

Party membership is the political and military general staff of the war in the country. In order to provide both political and military leadership, one must personally be within that war. The ability of party members to carry on the struggle under all conditions also depends on this characteristic. This follows from the principle of the unity of political and military leadership within the organisation.

The party’s understanding of war is based on the Politicised Military War Strategy (PASS). Cadres who are to put this strategy into practice must operate within the framework of the principle of the unity of political and military leadership.

According to the revolutionary and struggle understanding of DHKP and DHKC, Europe is neither an organisational nor an operational field. For DHKP, the field of struggle is Turkey.

In addition, a DHKC fighter and DHKP member does not surrender in a clash. Alongside this characteristic, DHKP members, when they are put on trial, never conceal their membership in court. They make a political defence in the name of the party. This is obligatory.

Democratic struggle is the struggle for fundamental rights and freedoms. The struggle for fundamental rights is the struggle for the right to life, to a dignified life, and to bread, housing and property necessary to sustain one’s life. In this respect, the struggle for fundamental rights is the struggle of today. In one sense, it is a struggle prior to revolution. But it is not, in itself, a stage of revolution.

Revolutionary struggle or democratic struggle is a matter of choice. I take part in democratic struggle because I have chosen to struggle over the problems of today. Both the form of organisation and the conception of struggle in democratic struggle differ in content from revolutionary struggle.

There is no doubt that revolutionary and democratic struggles influence one another and are influenced by one another. But this interaction does not require an organisational or hierarchical link. The interaction may be sociological and ideological.

In countries such as ours, where conditions of fascism prevail, both democratic struggle and revolutionary struggle constitute a right of resistance.

In our country, the question of justice is the most fundamental question of democracy. It is the basis both of the struggle for bread and of the struggle for independence and freedom.

Of course, seeking justice institutionally in courthouses and palaces of justice is the most rational method to prefer. But this is possible only in an environment where justice exists.

When we speak of justice, the symbol of Themis comes to mind. The blindfold over Themis’s eyes represents impartiality, the sword she holds represents the power of justice, and the scales represent fairness.

Justice finds its true meaning in genuine democracy and under the guarantee of the separation of powers. Our country is governed by a sham democracy shaped by placing the military coup of 12 September 1980 within a legal framework.

The government in Turkey openly advocates not the separation but the unity of powers with regard to the judicial, legislative and executive apparatuses. Today this unity of powers is embodied in Erdoğan in the name of the executive. Erdoğan can openly say: “What is this separation of powers? We are in favour of the unity of powers. The unity of powers strengthens both the judiciary and the legislature. Only in this way can our country develop and our people prosper.”

Of course, the symbol of Themis also adorns Turkey’s courthouses. But our Themis has no blindfold. Whoever the government wants punished is punished. The scales are out of balance. And the sword is in the hands of oppression.

In our country, justice is nothing more than an ordinary weapon at the command of the government. Under these conditions, the search for rights and justice constitutes a legitimate right of resistance from the standpoint of both democratic and revolutionary struggle.

The right of resistance is a universal right. According to John Locke, regarded in law as one of the intellectual fathers of this right, the fundamental principle is to protect the rights to life, organisation and property and the rights derived from them. If the state departs from its duty to protect these rights and behaves unjustly, it loses its legitimacy. In such a situation, resistance to oppression is a right. More than a right, it is a duty of humanity.

According to Locke, one of the most important safeguards against the violation of individual rights by state power is the separation of the legislative and executive organs. In our country, however, this is an empty expectation that cannot even be imagined.

Whether what is on trial here is revolutionary struggle in the person of DHKP and DHKC, or the democratic struggle in which I take part, this serves no purpose other than to bring the right to resist oppression within the scope of crime and criminalise it.

Today, Section 129b is being used to obstruct the legitimate right of resistance against the fascist regime in Turkey. The arbitrary use of Section 129b by the German Ministry of Justice does not merely convict me. It also violates the right of resistance defined and recognised by the Magna Carta, the 1776 American Declaration of Independence, the 1789 French Declaration of the Rights of Man and of the Citizen, and the 1945 UN Universal Declaration of Human Rights.

In order to prove the accusations formulated in the indictment as “aim and activity directed towards murder or manslaughter”, a number of actions claimed by DHKC in various statements are listed.

Yet all the statements cited as examples themselves contradict the indictment’s claim of an “aim of murder or manslaughter”. Every one of them gives voice to a demand for justice that was denied and obstructed.

The objectives of the actions are clearly stated in these declarations. They are explicitly described as actions to demand accountability for deaths under torture and extrajudicial executions carried out by the state in our country, and against the protection of criminals hostile to the people behind an armour of impunity.

For example:

SA Bd. 1 3.3.1, pp. 174–198.

In DHKC Statement No. 390 it says: “We remained silent, we waited, we demanded justice. Enough now. We will explain that there is no law in Turkey any more.” It says: “We demanded justice; you did not give it and you will not give it. But we will take it by force!” The title of the statement is “The People Will Not Be Left Without Justice! Long Live the People’s Justice!”

SA Bd 1 3.1.3, pp. 235–257.

In DHKC Statement No. 396, responsibility is claimed for an action against the police station whose officers shot 17-year-old Ferhat Gerçek in the back and paralysed him simply because he was distributing a legal magazine. The action took place five years after the shooting. During those five years, not only were the police officers who shot Ferhat never detained in the case opened against them, but Ferhat himself faced a sentence of 15 years and 4 months, while the bloodstained shirt proving that Ferhat had deliberately been shot was lost. The action was carried out against this situation and demanded that the bloodstained shirt be produced.

The declaration says: “Do you know what Ferhat’s crime is? Damaging state property. The state tried to kill him; when it failed, it left him disabled. Yet Ferhat faces 15 years. They shot Ferhat and then, when they put him into a police vehicle, the vehicle got dirty and was damaged. Ferhat is going to spend 15 years in prison for that, is he? Look at this justice.”

In DHKC Statement No. 397, under the heading “Stop Torturing Our Wounded Fighters!”, responsibility is claimed for an action against the police station and officers who personally committed the crime, in response to revolutionaries captured wounded being massacred under torture.

The declaration says: “Weapons are used by human beings. In the people’s war, we are the ones who are right and therefore strong. What determines the outcome in the people’s war is human will and morale. The idea that weapons determine everything is wrong. What will determine everything is our ideology. We draw our strength from our ideology.”

It says: “The decisive element in the people’s war is the human being.”

As can also be seen from this statement, what is at issue is not merely a blocked demand for justice, but a position requiring urgent action against the obstruction of the right to life.

SA Bd 1 3.1.3, pp. 280–293.

In DHKC Statement No. 407, issued under the subheading “We Want Justice! We Want What Is Ours! If You Do Not Give It, We Will Take It by Force”, responsibility is claimed for attacks against the Ministry of Justice and AKP Headquarters in response to torture, massacres and mass arrests carried out by the AKP government under the demagogy of “DHKP-C terror”.

The statement says:

“Terror is what our people experience every day to their very bones.
Terror is waking every morning to operations.
Terror is associations and magazine offices being raided and destroyed.
Terror is unarmed prisoners being burned alive.”

It continues: “In our country, where terror and oppression run rampant, the people too have the right to take up arms.” It says: “The police who shot 17-year-old Ferhat Gerçek in the back and paralysed him have still not been punished. While the police who shot and massacred Cem Aygün in Ankara Keçiören go unpunished, his sisters face 58 years in prison and a fine of 55 billion lira (25,000 euros). Is this law, is this justice?”

It says: “Continue calling us terrorists. Because we will continue to punish torturers, killers, enemies of the people and those who give them orders – in other words, we will continue this terrorism. But do not forget that you will have to assume the criminal and political responsibility for protecting and defending these crimes against humanity and the criminals who commit them.”

It says: "When carrying out our armed actions, we show the utmost care not to harm the people. Our actions against the Ministry of Justice and AKP Headquarters were carried out with the same care. A late hour was specifically chosen, when the staff who work in the evening had left. In neither of our actions was any police officer on the enemy front, any AKP member or any employee of the institution targeted."

"There is no other way left but to take up arms in order to defend ourselves against the massacres and fascist terror of a government that does not even recognise its own law, statutes and rules, to defend the rights we have won at great cost, and to ensure our own safety. Seeking and obtaining rights through legal means within the limits of the system and waiting for justice to be done is a dream. All our people are witnesses to the fact that there is no justice…"

"Stop attacking the people's freedom of thought and organisation…"

"Where there are no rights and no law, we will administer the people's justice," it says.

What is clear and explicit in this example, too, is not an endorsement of a particular form of action, but the defence of the right of self-defence.

SA Bd.1 3.1.3, pp. 544–555.

In DHKC Statement No. 458, responsibility is claimed for harassing fire and a bombing directed at Dolmabahçe Palace and the police station at the palace.

Because no one died in the action, the Police Directorate sacrificed an animal in celebration. DHKC, however, explained the reason there were no deaths by saying, "The aim is not to kill, not to increase the number of dead," and stated that it had not used a fragmentation bomb precisely so that people would not be harmed.

All the statements cited as examples show that we are not dealing with an organisation "whose aim and activity are directed towards committing the offences of murder or manslaughter"; rather, they demonstrate that the actions are manifestations of the right of resistance.

In addition to all this, the accusation that I am a member of the organisation is entirely baseless.

First of all, in order to be a member of the organisation carrying out these actions, one must be part of that organisation and its activity. I took part neither in the preparation and planning of these actions nor in their execution. It would in any case have been physically impossible for me to do so, because one would have to be in Turkey.

Moreover, according to PASS and the principle of the Unity of Political and Military Leadership, being outside the war, I could have no authority to make decisions concerning the war and no involvement in it.

IN CONCLUSION:

The claims that DHKP-C has a "Rear Front", a European organisation and an overseas hierarchical structure; that it also has armed units and organisations in Europe; that the leaders and assistants within the European structure are INDISPENSABLE to the armed struggle in Turkey and should therefore be punished under Section 129b – all of these issues have been squeezed into a single page. Yet there are dozens of points within that one page that require explanation. They consist of self-generated allegations devoid of any logic.

There is a saying among the people of Anatolia: "You do not ask the camel which part of it is crooked, because there is no part of it that is straight."

It is impossible, on the basis of this indictment, to obtain any information either about DHKP-C or about the organisation in which I am alleged to have taken part.

The entire scenario of the indictment is built on abstract assertions and, from beginning to end, remains a hypothesis without a material foundation.

Fundamentally, there is no organisation before us that can be prosecuted under Section 129b.

Secondly, there are no concrete perpetrators or offences requiring criminal sanction.

The section of the indictment dealing with the European organisation is of strategic importance to this case. But as it stands, it does not go beyond an abstract allegation.

WHY? Because, as in the previous cases, this case is the product not of an approach that tries criminal acts, but of an approach that tries perpetrators.

Even if there is no act requiring punishment, there are revolutionaries opposed to the regime in Turkey that is protected under Section 129b.

In order to create a punishment appropriate to this “perpetrator”, this indictment has been shaped through strained logic.

CREATING EVIDENCE OUT OF NOTHING AND THE EXAMPLE OF ALAATTİN ATEŞ

The accusations currently made against me are, in general, based on data from before 2008.

When my wife was arrested in November 2008, I was with her. Yet the prosecution neither arrested me nor felt the need to take my statement.

In addition to material from before 2008, the warrant for my arrest relied on statements by Alaattin Ateş and on an allegation published in a Turkish newspaper known to be linked to FETÖ and therefore shut down after the coup attempt in Turkey, claiming that I had given the order for the action against the US Embassy.

I will return to the issue of the FETÖ members, because it is important. But first I want to clarify the situation concerning Alaattin Ateş.

What were the data before 2008?

Principally, they consisted of information allegedly found by the Dutch police on a hard drive at the Amsterdam Freedom Bureau.

The Dutch police did not give the German police either the original of this alleged hard drive or a one-to-one copy of the original.

The Dutch police said that certain information was on the hard drive, that they had recovered it using recycling and file-recovery programs, and that they had selected and arranged part of this information before giving it to the German police.

The information handed over had itself been altered, underlined and manipulated. In other words, the pre-2008 information was manipulated information too.

Apart from this principal information from before 2008, the surveillance directed at my wife also concerned the fact that I appeared in telephone and room surveillance. These, in general, reflected our relationship as husband and wife.

Even my relationship with my wife is treated in the file, through countless surveillance reports, information and interpretations, as though it were an element of a crime. Of course, a relationship between spouses cannot be limited simply to emotional and physical sharing. At least that is not how it is for us. We also shared many things concerning life, the world, our country and social life. When events such as weddings and concerts that I attended together with my wife are treated as organisational relations, then our coming together for such reasons is also counted as evidence of organisational membership. Likewise, my participation for at most one or two days in youth and family holiday camps openly organised for the public by the legal Anatolian Federation, of which my wife was president, merely in order to create opportunities to spend time socially with her, was also treated as proof of the same organisational membership.

If my relationship with my wife is to be treated as the proof and evidence of an organisational relationship, and naturally of organisational membership, then in November 2008 I attended the wedding of one of my wife’s relatives together with my mother-in-law and, the next day, I was with my wife when she was arrested in the operation. In other words, according to the prosecutor’s logic, I was caught red-handed. Yet despite supposedly being caught red-handed, I was neither detained nor was any official record drawn up concerning me.

Consequently, the data, interpretations and surveillance reports up to 2008 were not legally sufficient to open a case against me.

As in the other DHKP-C cases, if the material in hand was not sufficient evidence to open a perpetrator-centred criminal case against me, there was only one thing to be done: to create evidence and witnesses against me. In other words, to set up a conspiracy.

It was precisely at this point that the importance of the informer Alaattin Ateş, who was already in hand, became acute.

Yet Alaattin Ateş was not a new source or opportunity. Since 2002 – that is, throughout almost the entire period in which Section 129b had been in force – Alaattin Ateş was already available to them. I did not meet Alaattin Ateş only after 2008; I had known him almost from the time he began working as an informer. Even so, until 2008 there was no allegation, on the basis of him either, that I was an organisation member or an organisation leader.

In 2008 I was placed on the target board, and the search began for evidence of an offence against me; if there was no evidence, then an active effort began to create it. One side of this conspiracy was based on the BND, while Turkey’s DHKP-C police desk, the Istanbul Chief Public Prosecutor’s Office, the Karlsruhe Federal Prosecutor’s Office, the FETÖ media, the Dutch intelligence service AIVD, the CIA and finally the BKA became involved. The foundation of the file created against me was handed to the Federal Prosecutor’s Office, which then arranged the already existing – that is, created – allegations against me, signed beneath them, turned them into an indictment, presented them before the panel and demanded that I be punished.

THE EVIDENCE OF THE CREATION OF EVIDENCE

Through Alaattin Ateş:

In some parts of the file, Alaattin Ateş is said to have been working as an informer for the BND since 2002, and in other parts since 2004. At first he did this in return for a salary of 1,000 euros a month; after bringing his family, 2,200 euros; and from 2008 onwards 3,200 euros a month, together with residence permits for himself and his family.

As stated in his own confession, his informer activity was directed not only against DHKP-C but also against Turkish left organisations, especially the PKK and TKP-ML, and against illegal bookmakers and other criminal organisations. However, in addition to the material support provided to Alaattin Ateş, such as opportunities and salary, he was also granted the freedom to commit crimes, making him an instrument that could be used even more intensively.

His initial target regarding DHKP-C was to inform on my wife, Nurhan Erdem, who was president of the Anatolian Federation. Later he concentrated on me and Şadi Özpolat.

During this process, he also began presenting himself in his circles as being from DHKP-C, thereby both creating a form of immunity for himself and extracting additional financial benefits from the criminal circles he entered.

I think that around 2007–2008 he began working as a partner in a wholesaler in return for a one per cent share. Of course, partnership with a one per cent share may appear on the face of it to be a very modest return. But his income from that company was not limited to this. At the same time, although he did not appear officially, he was involved with a certain gang in schemes to bankrupt companies. In the company where he worked, too, he had income beyond his one per cent share. For example, they first emptied the company’s warehouse and moved the goods elsewhere, then set the warehouse on fire. They sold the goods on the unofficial market, albeit cheaply, and also collected money from the insurance. The money from the goods sold on the unofficial market was first smuggled to Turkey through Alaattin Ateş’s contacts, and then Alaattin’s brother sent the money back to Alaattin Ateş through the banking system, thereby laundering it.

While he was working at Foodland Cash and Carry, sums of 275,000 and 350,000 euros were transferred in instalments by his brother Gökhan Ateş to Alaattin’s German bank account. I believe the 350,000-euro portion

of this money was transferred in 2009, when Alaattin Ateş was detained in Cologne Prison on the supposed accusation of organisation membership. Naturally, since he had the freedom to commit crimes, this money was not seized, and after his release he continued intensely with similar company-bankruptcy operations.

Alaattin Ateş’s principal role in these company-bankruptcy schemes was to sell on the black market, for far below their value, goods that the bankrupted company had purchased on credit.

There are widespread gangs and criminal organisations whose entire activity is precisely this kind of operation. They have mainly made Cologne their centre. We are speaking of a mafia structure in which very large sums of money circulate. In those circles, Alaattin Ateş presented himself as being from DHKP-C and thereby created both a guarantee for himself and a form of protection against “swindlers” and other mafia groups.

It is inconceivable that the BND and BKA were unaware that Alaattin Ateş was engaged in what were called “Affair” company-bankruptcy operations. The BND knew because this was an activity that occupied most of the time of a man to whom they paid 3,200 euros a month, and he established all his contacts by telephone and openly arranged meetings with other people involved in these affairs. In cities such as Cologne, the meeting places of these people were in any case fixed and known. The BKA knew as well, because, not knowing of Alaattin Ateş’s BND connection, they conducted intensive telephone surveillance. It is impossible that they did not know. I do not believe that they could have such an intelligence problem that they would be unable to understand even the daily routine occupation of a person who conducted all his business over the telephone. From a single word “Ankara” spoken on the telephone they inferred that “Cihan”, who was working as a BND contact person, was connected to MİT and had been infiltrated into the BND by MİT; yet for the BKA to infer nothing from hundreds of telephone conversations about “Affair” operations is to mock our intelligence, the court’s intelligence and, above all, their own.

The fact that the reports containing the “Affair” material – telephone taps, room surveillance and observations – were not used in Alaattin Ateş’s 2009 case means that the BKA too granted A. Ateş “freedom to commit crimes” in return for obtaining statements against DHKP-C.

This is because, in the investigation in question, court orders authorising telephone taps had been obtained within the framework of human trafficking, money laundering and a banned organisation, yet there was no questioning at all on these subjects during the investigation and not a single word about them appeared in the prosecution indictment. Unless the BKA, the Federal Prosecutor’s Office, the court and the others all suffered a collective suspension of reason, it is clear that no explanation other than our hypothesis is possible.

BND ATTEMPTS TO CREATE CRIME

Through Alaattin Ateş, the BND first attempted to create a crime against me by conveying to me that it could provide the home address of a person somewhere around Düsseldorf who supposedly kept several million euros at home – I believe he was a German engaged in money-lending – and that an armed robbery could be carried out against the house; that the man’s money was in any event black money and he would not be in a position to complain; and that Ateş himself could help with the operation.

I rejected this, explaining that I did not consider such a thing right, that the People’s Front did not approve of such things, and that I considered it politically wrong. Later, however, I heard that A. Ateş had proposed the job to other people and had them carry it out, but that those people were caught during the robbery.

As recorded in the files (SA Bd 1.2.13, pp. 354–355), during his questioning by the BKA about a physical attack he suffered in a Greek café in connection with betting offices, A. Ateş said:

“At first I thought Murat Suvay, Erdal Topuz and Ali Gül were responsible. Then Robert [the BND agent] told me that Topuz was working for the police and that I should withdraw my complaint against him. Topuz also came and spoke to me; apparently he had nothing to do with it.”

“Then Robert suggested that I pin this incident on DHKP-C.”

“I thought they were leading me down the wrong path.”

“In my meeting with Robert in April 2009, I understood that he was using this attack to frighten me and was pressuring and threatening me to continue cooperating.”

“There was a second attacker. He had a white cloth in his hand. Robert told me he had a weapon.”

“The police took the café’s camera recordings and so on. I was going to file a complaint with the police, but Robert told me not to do so and that he would deal with it himself,” and so on.

In this statement Alaattin Ateş gave to the BKA, he had no reason to lie in making an accusation against the BND.

Robert of the BND probably wanted to attribute this crime to DHKP-C – and, through it, to me and others selected as perpetrators like me – either because he himself had organised or participated in it, or because he knowingly wanted to protect those who organised it.

Why? Because Robert foresaw that A. Ateş’s telephones were being tapped by the BKA and that the MİT connection created through A. Ateş, Cihan and others would come to light, and before A. Ateş’s cover was blown he tried one last time to manufacture a crime against DHKP-C through him.

Another conspiracy and attempt by the BND to create a crime directly against me was the offer to give me weapons.

On one occasion Alaattin Ateş wanted to meet me and came to see me in the Netherlands. He told me that he had found a contact and that this person had given him, as far as I remember, one or two Black-brand weapons. I asked him, “What are you going to do with a weapon?” He replied, “They gave them to me for free; if you want, I can give them to you.” I told him I had no need for such a thing.

Later he asked to meet again. This time he said that the same weapons contact – supposedly a left-wing fellow countryman of A. Ateş – wanted to give us four weapons. I told him, what would we do with weapons in Europe, and that we did not consider such things right here.

Later we met once more. This time he said that, if we wanted, the same contact could deliver the weapons to me in Adana, Turkey. As far as I remember, this conversation took place at a wedding in the Netherlands. Since it was a brief conversation while standing, I told him we could talk later. Whenever I ask for something or reject something, I always feel the need to explain it in detail. Later I explained why there was no need for such a thing and said, “If they want to show solidarity, then let them support political activities,” and so on.

As the indictment alleges, supposedly I told him to send the four weapons to Rotterdam with such-and-such a person and he did not do so... No such thing happened. Moreover, logically, in order to tell someone to bring something to a particular place, that thing must already actually exist. But there was no such situation. In any case, as is also admitted in A. Ateş’s telephone conversation with the BND man called Cihan, I did not want these weapons in Europe. The claim that I wanted to receive them in the country was merely A. Ateş’s own interpretation. Their shared aim was to introduce weapons into the matter somehow and thereby set up a conspiracy against me.

There may be two reasons for Alaattin Ateş to have made this interpretation. First, I had said to him, “What are we going to do with weapons in Europe? This is not Turkey; there is no need for such things here.” He may therefore have thought he could persuade me to act as an intermediary for delivery in the country.

Second, by making this assumption, he was primarily focused on securing the reason for his own existence. In addition to his monthly salary of 3,200 euros, one of the most important pillars of the money-making freedom to commit crime that he had been granted was supposedly his intimacy and close association with me. As can also be seen in his telephone conversations with Cihan, he exaggerated his own importance to such an extent that he even created the impression that he was supposedly one of the most important men in the organisation they had imagined and was the person responsible for Germany. No such situation ever existed.

The BND wanted, so to speak, to make use of A. Ateş’s flesh, milk, hide and even his death. With Robert’s suggestion that A. Ateş “pin the attack in the café on DHKP-C”, they wanted to place A. Ateş against the terrorist DHKP-C that existed in their own imagination and probably achieve their aims through violence that might then be used against him.

But Robert was mistaken. There was no “terrorist DHKP-C” in Europe or Germany of the kind that existed in his fantasies. To date, for example, there have been many informers and confessors who have testified in DHKP-C cases in Germany. He should have drawn logical conclusions from the fact that no action was ever developed against any of them. Yet, failing to learn even from his own experience, he stubbornly tried to prove the existence of an organisational structure that existed only in their own minds.

Let us return to the weapons issue.

In none of the conversations between Alaattin Ateş and Cihan is there anything showing that I wanted the weapons brought to Rotterdam. Yet in accusing me on this point, the Federal Prosecutor’s Office claims that I supposedly wanted those weapons sent to Rotterdam but A. Ateş refused to do it. There are many reasons for this allegation. Whatever happens, the aim is to portray me as connected to a criminal offence, while presenting A. Ateş as an innocent, blameless hero who was supposedly pushed by me towards committing a crime but nevertheless refused. That is not the reality.

HOW DID THE CONSPIRACY THAT BEGAN WITH THE BND CONTINUE?

In order to understand the role of the BND more clearly, it is necessary to understand the relations between the BND, A. Ateş, Cihan and MİT.

I do not intend here to discuss the BND’s overall structure or its institutional character. When I refer here to the BND, I mean the unit dealing with A. Ateş, consisting particularly of Robert and Cihan, together with Stefan, Bora, Lisa, Michael, İlhan, Robert Lasker and Mona Lisa. (Robert and Robert Lasker, and Lisa and Mona Lisa, may be the same people, BN.)

THE EXPOSURE OF THE INFORMER ALAATTİN ATEŞ

If, as alleged, A. Ateş was an agent provocateur who had risen as far as the position of being responsible for Germany, then exposing him merely for testimony against Nurhan Erdem, Şadi Özpolat and myself – testimony that was not actually decisive – would make little sense. He was not the only card being used against us. Moreover, concrete witnesses and evidence are not even necessarily required in order to convict us. We are prosecuted because of our ideas, and we do not conceal those ideas in any way. The activities we conduct are themselves open activities, activities that we want to be known as widely as possible.

Alaattin Ateş was exposed because, without knowing of A. Ateş’s BND connections, investigators conducting the Şadi Özpolat investigation intercepted him through telephone surveillance and interpreted A. Ateş’s relationship with Cihan as a MİT relationship, which led them to focus on A. Ateş.

However, as a result of their surveillance they too realised that Cihan was a person working with the BND. At that point a matter arose that went far beyond the investigation itself and became a question of national prestige: the possibility that Cihan was an agent who had infiltrated the BND.

From the BKA’s point of view, the issue was no longer to assess A. Ateş as an effective, still-unexposed informer against DHKP-C. What came to the fore was exposing, through an operation, that MİT had infiltrated the BND and, in a sense, scoring a goal against the BND. To achieve this, exposing A. Ateş became essential.

The BKA exposed A. Ateş. Yet the prosecutors and judicial panels in the Nurhan Erdem and Şadi Özpolat cases openly and knowingly covered up the fact that MİT had infiltrated the BND and, through this, caused investigations to be opened against revolutionaries from Turkey, leading to their prosecution and conviction.

I cannot know what motives those prosecutors and panels placed first in becoming involved in this cover-up. Because, in reality, this incident concerns the national sovereignty of the German people. Investigating it is the responsibility of German public opinion and Germany’s constitutional institutions.

The fact that MİT, with its petty agents, could play the BND and the German judiciary around its finger is not a question of honour for me. But it is a question of dishonour for German public opinion, the judiciary and the state. If they very much want to continue this situation, they may do so. It is their problem.

Although the BKA is partially aware of the situation, it is not fully aware of the true dimensions of the matter either.

This is because the MİT infiltration was not limited to Cihan. There is also strong evidence that the BND agent using the codename Robert, in particular, had himself been turned into a collaborator working for MİT.

The meeting held at the Meridien Hotel on the road to Munich on 9 April 2009 is especially important. In addition to Stefan, Cihan, Lisa, Robert and Bora, an English-speaking woman also attended this meeting.

Since February 2009, BND agents had been informing A. Ateş that his telephones were being tapped and had asked him, if caught, to say that by Freunden’s reference to Ankara he had meant Berlin.

The BND told Alaattin Ateş that his telephones had been under surveillance since 18 December 2008. Yet A. Ateş’s telephone had been tapped earlier than this. It is impossible that the BND, which knew about the surveillance and investigation, did not know the true date on which the taps had begun. We cannot know whether the BND obtained this information from the prosecutor conducting the investigation, from the judge who authorised the telephone surveillance or from a collaborator within the BKA team. But of one thing we can be certain: the BND certainly knew the true date on which the telephone surveillance began.

Why did the BND need to tell a small lie about this? Because the conversation between Cihan and A. Ateş on 10 December 2008 is particularly striking. Every subject concerning weapons and myself is made to be repeated at least twice. In other words, they create a connection between the weapons and me and have it repeated almost as if underlining it, evidently to make sure it does not escape the attention or comprehension of the BKA officer conducting the telephone tap.

Through the telephone surveillance, they also tried to steer the prosecution and the judicial panel – and in the trials so far, they succeeded.

On the basis of the evidence and witnesses now available, it has been established that the relevant BND team was engaged in dark relationships and schemes.

Cihan is not the only person collaborating with MİT. Cihan conducts the meetings together with Robert. A. Ateş does not even speak German. Of course, if Robert and the other original German BND agents are not highly proficient in Turkish, it would be impossible for them to communicate with A. Ateş. In addition to Cihan, those taking part in the meetings include Bora, İlhan and Michael (possibly Mikail, BN), who are of Turkish origin, so they may have solved the communication problem somehow.

But the documents also contain information indicating that Cihan’s German was insufficient. In that case, the possibility that Cihan, who was conducting the meetings on behalf of the BND, was an official BND agent diminishes. Yet, on the other hand, he knew about the BKA’s telephone taps, attended meetings with A. Ateş together with Robert, Stefan and others, and transmitted information for the BND. If Cihan was not a MİT agent who had infiltrated the BND, then either the BND team in question was collaborating with MİT, or the BND itself was engaged in illegal intelligence and operational cooperation with MİT in Germany.

This is the issue that neither the BKA nor the prosecuting and judicial authorities up to now have been aware of. Or perhaps they are aware of it but regard the open violation of constitutional institutions and procedures as an insignificant detail and do not consider it worth attention beside their concern to punish DHKP-C and DHKP-C members.

Which is more serious from the standpoint of the BKA and, even more so, German public opinion?

MİT infiltrating the BND?

BND agents being turned into collaborators by MİT?

Or the BND violating every kind of constitutional institution and procedure, laws and criminal law; committing crimes, inciting crime and organising illegal operations on its own territory together with foreign intelligence services?

Let us return to the meeting at the Meridien Hotel.

Among those attending the meeting with Alaattin on 9 April 2009 was the English-speaking woman. Who was this woman? Was she the official person responsible for MİT’s operational cooperation with the BND on German territory? Or, in addition to BND-MİT cooperation, were other partners involved?

The meeting at the Meridien Hotel was a meeting of a special character. It took place in circumstances in which the operation involving the tapping of A. Ateş’s telephones was approaching its conclusion and it was probably becoming certain that A. Ateş’s position would be exposed. The purpose of the meeting was to clarify the subsequent course of action and the precautions to be taken.

It is obvious that the English-speaking woman at this meeting could not simply have been some exotic friend of one of the agents present.

The decisions taken and precautions agreed at that meeting remain in the dark.

What decisions did they take that made A. Ateş – a man who for years, while collaborating with people, smiled in their faces and then swore at and slandered them behind their backs, displaying no conscientious or humane approach towards them – cry for an hour in the garden of the Meridien Hotel?

Was he, apparently because he did not implement the decisions taken at that meeting or resisted them, subjected to treatment such as, in his own words, Robert and his team trying to kill him on the motorway?

Let us return to the weapons that were supposedly to be delivered to me in Adana, Turkey. It is obvious that the BND, acting through Cihan, could not have arranged for weapons to be delivered in Turkey without the knowledge of MİT or the Turkish police authorities. If it was being done without MİT’s knowledge, then there was an open violation by the BND of the sovereignty of a foreign country. It is obvious that an intelligence service that cannot even control its own territory and its own institution could not do such a thing. So what is the truth of the matter?

Again, according to the information and documents available, it is a concrete fact that both Cihan and A. Ateş had connections with official institutions in Turkey. On the telephone, Cihan says to A. Ateş, “Look who is with me.” A. Ateş then says that the only thing he wants from this person is to be able to travel in and out of Turkey. It is obvious that this third person in the conversation was a Turkish government official or a senior administrative bureaucrat of an institution such as MİT.

In that case, beyond the BND, Cihan and A. Ateş at the very least had MİT connections and both were double-sided informers and agent provocateurs.

The very fact that this situation is not being investigated shows by itself that the dimensions of this collaboration go much deeper. The question is: who else and which German institutions are involved in this affair?

THE ATTEMPT TO CREATE A CRIME CONTINUES

Let us continue:

In the file entitled SA. Bd 1.4.1 (Auszug) 090.pdf, Rechtshilfe Türkei (Judicial Assistance with Turkey), Federal Prosecutor Heike BECKER-KLEIN and Federal Court of Justice prosecutor VOLKER HORMAN held a meeting at the Istanbul Chief Public Prosecutor's Office on 5 September 2007 for the purpose of F. Ereren's extradition to Turkey.

The Turkish delegation at the meeting was headed by Deputy Chief Public Prosecutor Turan ÇOLAKKADI and included public prosecutors Cuma Özdemir and Hikmet Usta, as well as police chief Serdar BAYRAKTUTAN from the DHKP-C desk of the Anti-Terror Branch Directorate and chief inspectors Göktürk KOÇ and Ufuk YILDIRIM from the same desk.

The meeting took the form of a briefing. The Anti-Terror Branch desk made its presentation with a slide show and handed over eight blue files they had prepared concerning DHKP-C's activities in Turkey and Europe. In addition, ÇOLAKKADI handed over a black file containing information showing how the material prepared by the Anti-Terror Branch could be used by Germany.

One of the peculiarities is that it was the Ankara Chief Public Prosecutor's Office that had requested Ereren's extradition. Yet it was the Karlsruhe Federal Prosecutor's Office that went to the meeting. One cannot help asking whether what existed was a request for extradition or a desire to extradite.

Turan ÇOLAKKADI, who chaired the meeting, is one of the figures accused of being a leader of the organisation known as FETÖ, wanted for involvement in the coup attempt in Turkey and now probably in Germany.

Likewise, police chief Serdar BAYRAKTUTAN and chief inspectors Ufuk YILDIRIM and Göktürk KOÇ, who made the presentation accompanied by images and other material, are torturers and killers against whom dozens of cases concerning torture and extrajudicial executions have been brought. Yet, by an irony of fate, they too are accused of being leaders of the terrorist organisation FETÖ.

These are the real mentors of the DHKP-C cases in Germany. In these cases, the indictments of the Federal Prosecutor's Offices were constructed on the basis of the files they prepared.

Of course, if German authorities and institutions, from the BND to the Federal Prosecutor's Office, are so willing to allow themselves to be used, someone will emerge to use them – and someone did.

The indictment against me is no exception.

The FETÖ connection is not limited to this. Two factors were principally influential in Germany issuing the warrant for my arrest.

First: A. Ateş's statements and slanders.

Second: the accusation against me concerning the US Embassy action. I have made a general assessment of A. Ateş's statements. In relation to the US Embassy action, the partnership between the FETÖ media, the Dutch intelligence service AIVD, the CIA, MİT and the Federal Prosecutor's Office came to the fore.

THE FETÖ NEWSPAPER BUGÜN

On 5 February 2013, Bugün newspaper published a report claiming that I was responsible for the US Embassy action. It cited the General Directorate of Security as its source.

Germany investigated the matter, but it was stated that the General Directorate of Security did not confirm this information and had no data on the matter. The report was written by Kamil ELİBOL and Gökhan ÖZDAĞ. Bugün newspaper was closed because of its involvement in the coup attempt.

A newspaper in the Netherlands reported Bugün's story on two consecutive days. In the first report it gave my name not as AŞOĞLU but as ASAOĞLU. The difference and importance of this are as follows.

When I was arrested in Belgium in September 1999, an error was made in the names leaked to the Turkish press and my name was given as ASAOĞLU. From that date onwards, in almost all fabricated reports about me the name ASAOĞLU appeared. There are dozens of examples of this.

The name ASAOĞLU in Bugün’s report was later, probably by the AIVD, corrected and the same false report was republished with my correct name, AŞOĞLU, once again accompanied by my photographs. All the other Dutch media then published the report in the same form.

The publication of my photographs in the press in connection with such an action naturally worried me. I thought this was the first step in a conspiracy directed at my life and I took precautions to conceal myself.

After this, my father’s home in Amsterdam and the home of a friend of mine in Rotterdam were raided. My parents were in Turkey at the time of the raid. I, meanwhile, was hiding because of the false, terrorising press reports.

I also heard that on the same day detentions had taken place in Germany and Austria.

However, the Rotterdam raid had been carried out illegally. When my friend, the householder, returned to the police station to obtain a written document for his insurance concerning the broken door, he was told, “We did not raid your house; your house was not raided. No other police force raided it either.” Naturally, this made me extremely uneasy. I regarded it as an attempt at an execution directed against my life, involving the Dutch state as well, and I continued to remain in hiding.

Around this time, AIVD officers, accompanied by people openly identifying themselves as CIA agents, were visiting various friends and acquaintances of mine and offering them cooperation. This merely added to the situation.

On 2 April 2014, the United States announced a bounty of three million dollars for my capture.

This was followed by a one-million-euro bounty placed on me by the Turkish state.

Beginning with the FETÖ media, and with the decisive targeting by the AIVD and police of the Netherlands, of which I am a citizen, it became possible to create a crime and a criminal and place me on an international target board. Naturally, this also provided a legal cloak for threats by the CIA and MİT against my life and freedom. Under these conditions, Germany’s warrant for my arrest naturally also restricted my ability to defend myself and my freedom of movement.

Because of the warrant issued against me by the Karlsruhe Federal Prosecutor’s Office, I had no possibility either to rebut the false reports published about me in Bugün newspaper in Turkey and the Dutch press as a whole, or to take a legitimate legal initiative to prove my innocence.

Although on the surface Germany’s arrest warrant appeared independent of the conspiracy I have tried to describe above, the reality and its practical consequences were never like that.

One of the decisive elements in the arrest warrant was the elevation to another level of the slander concerning the US Embassy developed by Bugün newspaper and, through the Dutch press, by the AIVD.

The arrest warrant not only took up and used this baseless allegation without question; it also claimed that the decision on the US Embassy action had been taken at a meeting in Hellevoetsluis in the Netherlands attended by myself, Alişan Şanlı, who carried out the US Embassy action, and dozens of others, and that this was established by surveillance and listening records obtained through international judicial assistance between Germany and the Dutch police.

But was that really the case? Were there recordings and evidence showing a decision on the Embassy action?

There could have been no recordings of such a decision, because no such thing happened.

Yet because the arrest warrant claimed that surveillance reports of that meeting existed, I thought for the first time that an illegitimate listening operation might play a positive role, since its existence could reveal the truth and expose this conspiracy.

In the indictment and the file, however, it is claimed that this listening operation failed for technical reasons.

Did the listening operation really fail, or are the recordings being ignored because they did not produce the desired result?

I do not believe that the listening operation failed. The collaboration of the police and intelligence services of the Netherlands, of which I am a citizen, and of Germany, which issued the warrant for my arrest, with the torturing, fascist Turkish police regime; the openly visible attempts of the BND and BKA to create and attribute crimes; and the fact that the Federal Prosecutor’s Office conducting the investigation used every accusation and slander placed before it without question – all of this confirms my lack of trust.

Beyond that, if this decisive issue in the arrest warrant has been shown to be baseless, then it is clear that we return to the situation of 2008. Just as there was no basis for arresting me then, the arrest warrant should have been lifted.

Although this accusation continues to exist indirectly in the indictment, the admissions by BKA officers that they have no evidence on this matter are also before us. Supposedly I am not being tried on this issue. Yet it is clear that I was condemned in advance because of this accusation. If I was arrested because of this accusation as well, then I should also have been tried on it. I should have been tried so that I would have had the opportunity to prove my innocence. I still demand to be tried in Germany on this matter. I should either be acquitted or convicted.

But I am not being treated in a manner appropriate to the seriousness of the accusation. I demand, at the very least, that the Federal Prosecutor’s Office state clearly that it has been established that I had no connection with this matter. And I urgently ask the panel to assess this situation.

Despite this conspiracy and these accusations, it is not possible today to behave as though nothing ever happened in relation to this issue. Or is the thinking this: “We will try and convict him for organisation membership and leadership. As for the Embassy action, we will hand him over to the United States; if he is innocent, that will be clarified there”?

Such an attitude would first of all deny the German judiciary’s own reason for existence. And such a situation would constitute the final act of the conspiracy I have tried to explain.

If the Federal Prosecutor’s Office does not believe in the rule of law, then even the salt has begun to rot, and the motives for practising this profession become suspect. There is no end to such decay.

Let us now come to the BKA, which on the surface appears to have the least dirty hands in both the use of A. Ateş to create a crime against me and the US Embassy conspiracy.

Ultimately, the BKA too is carrying out the role assigned to it. Yet one of the matters about which the BKA questioned A. Ateş was the Turkish shopkeepers who were massacred as a result of fascist terror against foreigners by German neo-Nazis. This itself provides evidence of how the BKA’s logic works.

Thousands of crimes are committed every day in Germany. In some of them the perpetrators remain unknown. The BKA must be asked: “When there are thousands of unsolved cases, why did you feel the need to question A. Ateş specifically about only these crimes, the so-called döner murders?”

Of course, today questions on this subject may seem meaningless, because it has emerged that the murders were supposedly committed by a three-person fascist cell known as the NSU, whose very existence is disputed. But the questioning in question took place in 2009. Even if only part of the truth has come out concerning who carried out the murders, one fact that has emerged is that there was a persistent attempt to link the murders to the circles of those who were killed.

Today it has emerged that the murders took place, at the very least, with the knowledge of the Office for the Protection of the Constitution. We do not know the true information possessed at the time by the BND and BKA because it has not yet been disclosed. But the fact that, in an investigation against DHKP-C, the BKA searched for the perpetrators of these murders shows that the BKA was trying to attribute these murders to DHKP-C and, through it, to me.

THE SPECIAL ROLE OF THE DUTCH INTELLIGENCE SERVICE AIVD

The special role of the Dutch intelligence service AIVD must in particular be questioned.

In the Netherlands, its attempts together with CIA agents to collect information about me and turn my acquaintances into collaborators were illegal activities contrary to the AIVD's defined duties. Of course, collecting intelligence, however unjustified, and continually seeking sources of information are among its normal tasks. But it has no authority to conduct operations on its own territory together with foreign services. Moreover, the fact that it carried out this activity with US agents who were brazen enough openly to show CIA identity cards to the people they met indicates that there were purposes beyond what appeared on the surface. The AIVD's problem is not merely servility towards the United States.

The Bugün newspaper I mentioned above was not a publication distributed in Europe, nor was it a widely distributed and seriously regarded newspaper even in Turkey. Its principal work was never journalism. It was a newspaper that undertook, for political purposes, the tasks of manufacturing agendas and of having political-police desks and intelligence services point to individuals and institutions as targets.

It is suspicious that this "news/conspiracy", which no other media outlet even in Turkey took seriously enough to publish, should somehow reach an ordinary journalist in the Netherlands. It was the AIVD that organised this.

There is even a strong possibility that the AIVD and CIA had a hand in having the story published in Bugün in the first place. Although the General Directorate of Security in Turkey was cited as the source, the Directorate denied it. In Turkey, the General Directorate of Security has special units that manufacture such stories. When they produce these stories without any document, information or basis whatsoever, they use the signature of an unnamed official or authority from the General Directorate of Security.

In that case, the strongest possibility is that this report/conspiracy was arranged for publication by the CIA and AIVD. The purpose of having it published in Bugün was to provide a reference that could then be used to spread it widely through the Dutch media.

Thus the report/conspiracy published in Turkey on 5 February 2013 was, a short time later, widely published in the Dutch media by reference to that report, and moreover on two consecutive days.

And the report/conspiracy was eventually incorporated into the warrant issued for my arrest on 19 June 2013.

This matter and information, which were important components of the post-2008 investigation, must be clarified: how and through whom were they transmitted to the BKA and the Federal Prosecutor's Office? In order to expose the Dutch leg of the affair, it is essential to uncover this connection.

The AIVD was again involved in the surveillance and identification that led to my arrest. As a result of the surveillance of a friend who came to visit me via the Netherlands, I was detained on 2 December 2016. Yet this friend had arrived on 30 November.

From 30 November until 2 December, this friend stayed at the house on Soesterstrasse where I was arrested. My wife and I, however, stayed at our home on Gartnerstrasse. On the evening of 30 November my wife and I also went from Soesterstrasse to Gartnerstrasse. On 1 December we again came to Soesterstrasse, and that night we returned to our own home. On 2 December my wife went there early and I went in the afternoon. After a while my wife left because we needed some things for the kitchen and other needs for our own home. I was going to return home that night.

Because 3 December was my wife’s birthday, she was going shopping so that we could celebrate among ourselves.

When I arrived at Soesterstrasse on 1 December, I saw a young-looking man opposite the house occupied with his mobile telephone. After I entered the house I noticed that he was photographing the house with his mobile. But since ours was a corner house and there was a street-name sign on the wall, I interpreted him as someone unfamiliar with the area who had parked his car there and was photographing the address so as not to forget it.

When I came again on 2 December, I remember seeing another middle-aged man across the street, again occupied with his telephone. Of course, countless people on the streets communicate by SMS and email on their telephones. What drew my attention was that I saw him at exactly the same point as the young man the day before. But because, on the previous day, at least as far as our own home, there had been no sign of any surveillance, I did not become suspicious. When I thought about it after my arrest, however, it became clear to me that these could not have been coincidences.

The real issue here is this:

I do not know whether the Dutch police or intelligence service has the authority, without the knowledge, approval or participation of German law-enforcement bodies, to conduct such surveillance and intelligence work for at least five days hundreds of kilometres from the Dutch border – the person who came to visit me had left the Netherlands before coming to me and had spent two days sightseeing in Germany. This is a matter that concerns Germany more than me.

What is important is the reason why, although the AIVD had identified me, it did not inform its German counterpart or the German authorities until the third day after that identification.

How do I know the German police, the BKA, had no knowledge? If the German police had known, then our home on Gartnerstrasse would also have been identified and placed under observation. I believe my wife had left Soesterstrasse no more than two or three hours before the police raid. After shopping, she was going to return directly to Gartnerstrasse. In that case, it follows that my presence there can have been communicated to the German police only a matter of hours beforehand.

Why, then, did the AIVD not share this information with Germany until the third day?

It becomes clear here that the aim was not simply for me to be caught and handed over to Germany. Behind this there was a dirty bargain or programme. Time was being allowed for my elimination and/or for plans by the United States or the Turkish state to abduct me.

This may have been one dimension of the dirty bargain. The second dimension is the possibility that the AIVD had informed its counterpart, the Office for the Protection of the Constitution, beforehand and that the same dirty bargain was conducted with the participation of that Office. Even the time required for the BKA team involved in my arrest to travel by car from Meckenheim to Hamburg would have taken at least half a day.

The BKA would have had to be informed, assemble its team, travel to Hamburg and join the special unit carrying out the raid. In my view, that would require considerably more than half a day, and during that time Soesterstrasse should already have been under German police surveillance. Had that been the case, they could have identified Gartnerstrasse the same day.

As far as the dirty bargain is concerned, it is certain that the AIVD was at the centre. The open question is the place and promises of the Office for the Protection of the Constitution and the BKA in this bargain. The difference in the Federal Prosecutor’s Office’s approach to the US Embassy incident also strengthens the suspicion that this matter was being left to the United States.

IN CONCLUSION

In order to give validity to A. Ateş’s statements and slanders, and by agreement with the BKA, A. Ateş’s lawyers and the Federal Prosecutor’s Office, organisation membership and responsibility for Germany were accepted as a premise, turning him supposedly into an organisation member/leader.

It was repeated again and again that the US Embassy action had been decided upon in Hellevoetsluis – beginning with Bugün newspaper and later in the Stuttgart trial and elsewhere – and, on the other hand, although based only on hypotheses and unsupported by any evidence, a perception was created as though this were true.

Through the press statements issued by the Federal Prosecutor’s Office after my detention and before the trial began, I was publicly declared guilty and, on the basis of A. Ateş’s statements and the supposed information concerning the US Embassy action, was presented as a “terror baron” and “terror chief”.

Under these conditions, in which public opinion was openly being directed, I believe my right to an impartial and fair trial was clearly violated. On the first day of the trial, my sister-in-law’s 15- or 16-year-old daughter was among the spectators and listened to the indictment. After the hearing she said to her parents something like, “If I had not known my aunt and uncle, I would have thought these people were guilty, that they were monsters.” This itself reveals the purpose of the Federal Prosecutor’s Office’s attempts to steer the press and public opinion.

MY FIRST CONTACTS WITH THE REVOLUTIONARY MOVEMENT

My father had gone to the Netherlands as a worker. I was continuing my secondary education in Tekirdağ. In the period before I went to the Netherlands in 1979, given the contradictions in Turkey at that time and the things I personally witnessed, it became necessary for me to take a position.

TURKEY BETWEEN 1978 AND 1980

Between 1978 and 1980 in Turkey, fascist occupations developed by civilian fascists were taking place in every sphere of life. Factories, schools and neighbourhoods were being occupied by the fascist movement. Naturally, a polarisation resembling a division between right and left existed throughout all areas of life. At first I regarded this as a problem between right-wingers and left-wingers, and my questions kept multiplying. This contradiction was being played out in the form of armed clashes and was costing dozens of lives every day.

Although student and youth movements appeared to be at the forefront of these clashes, there was polarisation in every sphere of life involving workers, civil servants, women, men, peasants, neighbourhood residents and even the police. Most of those who were killed were young people and students.

The fascist movement, with the hate speech it developed in the name of Turkism, attacked all sections of the people, everyone who was not fascist, and increasingly carried out mass massacres.

Workers who went on strike and resisted for their labour were broken by armed attacks…

Massacres against Alevis, forcing them to migrate, looting their property and possessions, and attacks aimed at Sunnification…

In cities, neighbourhoods and districts where the left was strong, the people were terrorised through armed attacks and massacres directed not only at associations, cafés, restaurants and similar places people frequented, but also at individual homes…

Under the name of Turkism, the existence of all the peoples who lived or had lived in Anatolia with their own culture, faith and identity was denied, while pressure, violence and assimilation were imposed in the direction of forced Turkification and Sunnification…

Assassinations against progressive intellectuals in order to intimidate the entire people, and all of this carried out under state protection and as the paid service of big capital…

Against all this, under conditions in which there was no state or institution to which oppressed peoples could turn for refuge, there were the revolutionaries and revolutionary youth who were the people’s only hope.

(…)

As the 1980s approached, imperialism and the oligarchy were experiencing a deep crisis. Faced with the growth of the revolutionary movements, they cast aside even the appearance of democracy and organised the military fascist junta.

The junta period became one in which repression and exploitation, torture and massacres increased without limit in our country. Thousands of people – revolutionaries, democrats and socialists – were filled into the prisons. Resistance in the prisons came to the fore.

The Death Fast resistances of 1984 and 1996 prevented the oligarchy’s attack on the prisons for a period. But the attacks began again.

This time F-Type Prisons were placed on the agenda. Cell-type prisons had been built to isolate revolutionaries. The revolutionary movement once again responded to this attack with Death Fast resistance.

In the great Death Fast resistance lasting seven years between 2000 and 2007, 122 revolutionaries were martyred.

Resistance against the fascist rule of imperialism and the oligarchy became a resistance in the prisons to “preserve political identity”. While blood and tears were flowing like a flood in my country, we could not remain silent about what was happening. As revolutionaries living in Europe, we tried to bring the demands of the resistances before European public opinion.

We took part in activities criticising and exposing the European governments that supported the isolation attack in our country.

The anti-democratic practices of the fascist government in our country, repression and torture, never ceased in any period.

(…)

Between April 2017 and December 2017, 36,432 social-media accounts were investigated for alleged crimes such as organisation propaganda and insulting the President, and 16,372 people were detained.

Between 20 January and 20 March 2018 alone, 800 people were arrested for organisation membership because they opposed the war in Afrin on social media or shared anti-war news.

After the State of Emergency of 20 July 2016:

2,271 private educational institutions and organisations,

49 private health institutions,

146 foundations,

1,427 associations,

15 foundation universities,

19 trade unions were closed.

According to Savings Deposit Insurance Fund reports, trustees were appointed to 1,022 companies and commercial enterprises with a total value of 47 billion Turkish lira (10 billion euros), and the 49,928 employees there came under trustee administration.

Trustees in place of elected representatives.

Trustees were appointed to a total of 106 municipalities, 93 of them belonging to the HDP.

In the last legislative term there were 59 HDP members of parliament.

Almost all of them were detained at least once.

Nine are currently in prison.

Six had their parliamentary mandates revoked.

During the State of Emergency, parliament was completely bypassed. The country came to be governed by decrees.

Taking advantage of this process, amendments totalling 1,202 provisions were made in 370 laws, thereby giving many emergency decrees the force of law.

One of the emergency decrees gave the President the authority to exchange prisoners. It became lawful for foreign detainees and convicted prisoners to be extradited to another country or exchanged for detainees and prisoners held in another country.

To discuss the impartiality of courts that have been stripped of authority is, I think, nothing more than the black humour of the year.

In the tenth month of the State of Emergency, in May 2017, President Erdoğan made a much-debated statement. Responding to the increasingly widespread question from almost every section of society, “When will the State of Emergency end?”, Erdoğan said: “It will not end. Until when? Until we achieve peace and prosperity. What are you lacking? Are your factories not working? Can you not go to your workplaces? Are the schools closed? Why should the State of Emergency be lifted?”

The State of Emergency introduced on 20 July 2016 for one and a half months had at that point continued for 20 months, with no prospect of being lifted in the near future.

Of the 94-year history of the Republic of Turkey, 44 years passed under juntas, martial law and states of emergency.

Until the 1940s there was already a one-party regime.

From 1925 to 1987 there were 17 periods of martial law and emergency rule on the grounds of juntas, uprisings, the expulsion of Greeks and other reasons.

From 1987 to 2002, there was uninterrupted emergency rule for 15 years.

The State of Emergency process of 20 July 2016 differed from the previous ones. With the latest State of Emergency, Articles 2, 3, 9, 10, 12, 13, 14, 17, 19, 21, 22, 25, 26 and 27 of the European Convention on Human Rights, to which Turkey is a party, were suspended.

In 1995 the State of Emergency law was amended, giving all governors and district governors powers to declare local emergency conditions even outside an official State of Emergency. Within this framework, especially in Kurdistan, curfews have been imposed hundreds of times, sometimes lasting for months, and they continue to occur.

In this way, emergency rule was essentially normalised in 1995 through amendments to Articles 11 and 66 of Law No. 5442. Thus, in the manner envisaged by Carl Schmitt, the Nazis’ intellectual authority on law, extraordinary conditions were inserted into the existing laws of the “technical and modern” state and turned into the ordinary state of affairs; under today’s AKP government, this was put into practice.

This legal amendment shows the permanent incorporation of the State of Emergency into the legal framework. In other words, the State of Emergency was no longer merely a temporary restriction of rights and freedoms but was made permanent. Even if an official normalisation is declared from now on, emergency rule will in reality continue.

We gave the numerical balance sheet of the 12 September period. But the balance sheet after 12 September is on a scale that cannot even be compared with the junta period. The number of people killed in the post-junta period is 40,000. Violations of the right to life by the state have occurred on a scale not seen even during the junta. The extent of these violations also brought with it the formation of legal and illegal counter-guerrilla organisations by the state and the transformation of the state itself into a gang.

The result: as violations of the right to life in our country increased, so too did the state’s gang-like character. Under the Çiller-Ağar governments of the 1990s, from the trafficking of women and weapons to the control and management of drugs and gambling, these activities passed directly into the initiative of illegal counter-guerrilla organisations created by the state itself. The drug traffic pumped into the world from Afghanistan and the Middle East is likewise in the hands of the fascist Turkish regime.

This reality did not change under the AKP period; on the contrary, Turkey became a centre for money laundering. In recent years there have been declarations of hundreds of billions of dollars entering Turkey’s budget from unexplained sources. Yet the source is clear: the gang-like state has a gang-like financial system. Let us take only prostitution during the last 12 years of AKP rule. According to official figures, prostitution

became a sector that grew by more than 1,800 per cent in 12 years – that is, it increased 18-fold. In parallel, drug use increased at a similar rate, and today the age of drug use has fallen to around 14.

MY REASONS FOR BECOMING A REVOLUTIONARY AS SOMEONE LIVING IN EUROPE

Although I live in Europe, I regard myself as responsible towards the people, culture, geography and so on of the country I came from. For that reason I have always opposed the fascist regime in my country and tried to do everything I could. In general, I took part in activities supporting revolutionary and democratic struggle in Turkey and exposing the fascist regime and its practices.

From protests against the junta to exposing torture, executions and massacres and supporting the struggle for democratic rights and freedoms against fascism, I took part in many activities.

THE RIGHT OF RESISTANCE

Contrary to the claims of the police and prosecution, I have not been a revolutionary only since the end of the 1990s. I have been a revolutionary since 1978, when I first became acquainted with the revolutionary movement. Since then I have struggled against the torture, massacres, disappearances in custody, extrajudicial executions, national oppression, assimilation and other forms of repression, as well as the system of exploitation, imposed by the regime in Turkey. I describe the practices of this regime as fascist terror, state terror. I regard my revolutionary activity as an exercise of the right of resistance.

Whether the Turkish state considers this activity a crime does not concern me. Even if it is deemed a crime, I regard revolutionary activity as legitimate, indeed as a human necessity. Within this framework, I am prepared to bear the consequences of my thoughts and actions.

RACISM

I am one of the millions of people from Turkey living in Europe. I have lived in Europe for 39 years. In European terminology, I am a foreigner. Faced with the problems arising from being a foreigner, I believe revolutionary policies are necessary.

The greatest problem faced by people from Turkey and other foreigners living in Europe is racism.

On the question of racism, the racist-fascist movement and organisations, and biological racism on the streets, are only one dimension of the matter. The fundamental problem is official racism: racism based on the laws of European states and institutions.

Legal racism is one of the principal causes of the problems experienced by foreigners living in Europe, from health and education to housing and unemployment, and from freedom of organisation and thought to travel rights.

I believe the existing legal framework in Europe is structured on the basis of discrimination and that this legislation contradicts the rights and freedoms contained in national constitutions.

FOREIGNERS’ LAWS ARE A FORM OF APARTHEID

Today two regimes exist simultaneously in European countries. On one side there is bourgeois democracy, and on the other an apartheid regime. Different regimes are applied to Europe’s native population and to foreigners.

Official racism in Europe exists above the governing parties and politicians and independently of their intentions and programmes. Current governments may not themselves be biological racists, but they nevertheless administer the apartheid regime.

The apartheid regime became an official, legal regime in South Africa, but in content it is the form of government applied to all colonised countries during the classical colonial period by the colonial powers and companies. In essence, it is based on limiting the rights and freedoms of people living in a country, and their responsibilities and obligations towards the state, according to their national origin.

Foreigners’ law is a systematic structure that restricts all fundamental rights and freedoms. At the same time, it is a law of prohibitions.

Foreigners’ law limits and bans rights of organisation. It prohibits foreigners from joining existing political parties and, in most European countries, even trade unions. It also prevents them from organising their own political parties and trade unions. From the furthest right to the furthest left, existing political parties and trade unions do not develop any position against this legal practice, even though it restricts them as well.

Foreigners have the right to form associations, but these associations do not enjoy the same legal protection as associations belonging to citizens and are subject to greater obligations.

Foreigners do not have the right to vote or stand for election. Although in some European countries, such as the Netherlands, they have the right to vote in local elections, in general we have no right to participate, actively or passively, in official political activity in the countries in which we live.

The right to organise is the foundation of freedom of thought. Every restriction placed on the right to organise is also a prohibition on thought. In addition to the restrictions on freedom of thought imposed by foreigners’ law, anti-terror legislation is also brought into play.

Foreigners’ laws, as in Germany, are made conditional upon anti-terror laws. In this way, the freedom of thought of foreigners is placed directly under legal and police threat.

FUNDAMENTAL RIGHTS

Alongside the problems foreigners face concerning thought and the expression of thought, they have many problems concerning education, health, housing, work, travel, belief, the right to live according to their own culture, moral and social values, and so on. As one of these foreigners, I have always been involved in organisation and activity aimed at finding remedies for these problems.

Living within these problems naturally requires seeking ways to solve them. In fact, the solution to all these problems is very simple. Just as foreigners have duties and responsibilities towards the state, the solution is to regulate the law so that foreigners benefit from the rights and freedoms in the Constitution on an equal basis with citizens.

To bring a struggle for equal rights to victory requires a very long-term struggle. For this, foreigners must become conscious and organised, and the solidarity and support of the native population are also necessary. Throughout the 39 years I have lived in Europe as a foreigner, I have worked within this struggle to build associations, organisation and solidarity.

People from Turkey living in Europe have organisations based on national and religious identity. Islamist and Turkish-nationalist sections are in a position of collaboration with the Turkish state. In other words, in one sense they are collaborators of the fascist regime, and they cannot have an outlook or approach aimed at solving the problems of working people from Turkey living in Europe.

Apart from these, there are organisations of Alevis, Kurds and other leftists from Turkey who oppose the regime in Turkey.

Alevi organisation is based on belief, while Kurdish organisation is based on recognition of national demands. Their basic work towards the sections they address has a programme limited to agitation around religious and national identity.

Yet the problems of foreigners are limited neither to national identity nor to freedom of belief. The problems of foreigners have social and class foundations.

Because I believe that only a revolutionary understanding can solve these problems, I did not choose to take part in the existing organisations.

On the other hand, there is also the reality that the work in which I have taken part is regarded by Germany as objectionable because of our ideas.

The campaign launched by the Anatolian Federation, chaired by my wife Nurhan Erdem, under the slogan “We Exist Through Our Labour, We Demand Our Rights”, was met by police intervention by the German state. At that time, addressing issues such as “Foreigners II”, “Hartz IV” and “Agenda 2010” showed the framework within which the problems of foreigners had to be considered. The Section 129b operation carried out in November 2008 was, fundamentally, an open attack by official racism on these demands.

After the operation in which my wife was also arrested, everything became clear once again. With the operation against the Anatolian Federation, a struggle for equal rights by foreigners on a social and class basis would be met by police attacks. But the existence of these attacks does not change the facts. It demonstrates that equal rights can be won only through a struggle approached from a revolutionary standpoint. The state’s police intervention is also aimed at preventing the existing status quo from being disturbed. In Anatolia there is a saying: “The tree that bears fruit is stoned.” The Anatolian Federation, the problems it voiced and the solutions it proposed were targeted for this reason.

BIOLOGICAL RACISM

Biological racism can also be described through concepts such as street racism or the neo-Nazi problem. Street racism may derive its ideological nourishment from racist-fascist Nazi ideology. But what makes these forces so brazen is official racism. Because official racism leaves the foreign minority in a weak social position, with limited means and weak organisation for defending itself, it becomes much easier to present that minority as the source of all social problems and turn it into a target.

For many years, slogans such as “Foreigners Out”, “Turks Out”, “Kanaken” and similar expressions were treated as harmless. Skinhead lynch attacks and the burning of thousands of our homes in the middle of the night, attempts to burn us alive, were tolerated as ordinary incidents. These attacks were minimised as “local reactions”, “youth excesses” and so on.

Even the massacres of dozens of innocent, defenceless people did not lead the German state and society to recognise street racism as fascist terror. On the contrary, the struggle against racism is being brought within the scope of Section 129b, branded as terrorism and obstructed.

The pretext is very simple. It is enough to say: “The Anatolian Federation is a front organisation of a terrorist organisation.” Thus even the “One Voice, One Heart Against Racism” concerts came to be banned. Anti-racist concerts attended by more than ten thousand people, with attendance increasing every year, are being prevented by threats to venue owners, visa obstacles against artists due to perform and bans on their entering the country.

On the other hand, the tolerance shown towards civilian fascist organisation in Germany has both emboldened attacks on foreigners and enabled racists to move out of the margins and become Germany’s main opposition force.

The NSU killers were protected for years. The fact that the murders committed by the NSU were investigated within the Turkish community and among the victims’ families could never have been an ordinary police mistake. Even the fact that the police officers questioning people in our own case searched for these killers among us cannot be regarded as ordinary police questioning.

Yet everything was very clear. The NSU killers were fundamentally NPD members. They never broke from the NPD. Nor did an organisation called the NSU ever really exist. What was called the NSU could at most have been one of the NPD’s underground teams. It was only one part of the NPD underground confronted with the danger of prohibition.

Faced with the possibility of being banned for years, the NPD moved towards alternative forms of organisation and achieved a mass base through PEGIDA and AfD structures.

The decision of the Constitutional Court not to consider it necessary to ban the NPD is itself open to discussion. The issue is not whether this decision was legally correct. But it is necessary to discuss and question the injustice of a judicial system that sees no need to ban an organisation with 3,000–5,000 members unafraid to shed blood, that has burned thousands of homes inhabited by foreigners, made thousands of planned attempts at murder, massacred dozens of people and carried out countless lynch attacks, on the ground that it “does not have the potential to overthrow the existing constitutional order”, while banning, on the basis of Section 129b, a handful of revolutionaries from Turkey who have neither a concrete nor a programmatic objective directed against Germany or its constitutional order.

Although I personally am one victim of this policy, it is primarily the German people and the justice system that must question it. Although we are being targeted by this policy today, the real target is the fundamental rights and freedoms guaranteed by the existing Constitution. Defending them is, first and foremost, the duty of those who possess these rights and freedoms.

Today it is clear that the price of taking a revolutionary position against racism is to be targeted under Section 129b. Nevertheless, I regard continuing to stand on the side of a revolutionary position as a necessary and honourable act of civil disobedience.

In short: I regard the struggle against fascism in our country as a legitimate Right of Resistance and the struggle against racism in Europe as a legitimate right. From Germany’s standpoint, this activity can at most be regarded as civil disobedience. I regard all other assessments as disproportionate violence. To be a revolutionary is a political and historical necessity.

THE OFFENCE ALLEGED AGAINST ME AND THE ACTIVITIES PRESENTED AS EVIDENCE OF THAT OFFENCE

The alleged offence is “membership of a terrorist organisation abroad”. The activities presented as evidence are legitimate, legal and democratic struggle. This is the greatest contradiction and handicap of the cases conducted under Section 129b in Germany. It is nothing other than an attempt to criminalise the struggle for fundamental rights.

Of course, the prosecution is aware of this contradiction. For that reason, it first plays to the gallery. The information given to the press and public concerning my arrest and the beginning of my trial is itself evidence of this contradiction. In both press statements, the prosecution tried to prove how dangerous a “terrorist” I was by using accusations that did not even appear in its own indictment.

In the end, it achieved its aim. As an imprisoned “terrorist”, I had neither access to the press being directed by the prosecution nor the right to defend myself publicly.

By placing the bounty announcements of the United States and Turkish states alongside the action against the US Consulate in Turkey, it tried to portray me as associated with such activities. Yet both the US and Turkish state bounties were independent of me, and I had no connection whatsoever with the action attributed to me. Although the prosecution knew this, it did not refrain from smearing me.

Because the prosecution knew very well that, whatever accusations were reflected in the press, it would secure my conviction on the basis of my democratic activities.

In order to transform democratic activity into a crime, it needed to declare how dangerous a “terrorist” I was.

In other words, my alleged crimes before the press are entirely different from the alleged crimes before the court. The issue here is not merely the slanders directed at my personal rights while I am condemned to a defenceless position. The fundamental issue is the attempt to convict democratic struggle itself.

The activities that the prosecution alleges before the court to be crimes are:

– Writing for and participating in the distribution of a magazine that is legally printed and distributed in Turkey… I can defend every word and every comma of everything I have written. There is not a single thought of mine that I cannot defend. I have never had a thought or activity of which I should be ashamed. Moreover, the prosecution cannot identify – and has not identified – a single criminal element in the content of those articles.

– Organising and participating in concerts against racism… The prosecution makes no accusation concerning the content of the anti-racist concerts, nor could it. Moreover, the concerts that have been banned and criminalised were not activities being held for the first time, and although there had been no criminal element at previous concerts either, they were banned on the ground that “propaganda within the scope of a crime might be made”. Despite there being no possibility of a crime, the prosecution treats my participation in such democratic activity as an offence under Section 129b.

– Participating in the activities of legal associations established and governed under Germany’s law of associations… Although there is not a single concrete accusation directed at Germany’s public security or constitutional order, the social and cultural activities of the Anatolian Federation’s associations are brought within the scope of prohibition, thereby banning freedoms of thought and expression guaranteed by the German Constitution.

– Supporting political prisoners in Turkey… The prosecution brings within the scope of crime support for those imprisoned because they struggle against the fascist regime in Turkey. In doing so, it both wants political prisoners in Turkey’s prisons to be left without support so that the psychological and physical torture of

isolation against them can continue, and it turns support for prisoners under torture in Turkey into a basis for Section 129b accusations.

– Organising holiday camps for young people or families. Some of these camps were raided by the German police. Yet although not a single piece of evidence of a crime was found in these raids, organising these holiday camps continues to be treated as criminal. The programmes and organisation of the camps are openly announced to the public. They are criminalised by saying, “Education is given at these camps.” The subjects that the prosecution tries to criminalise as “education” are issues such as “racism, the rights of foreigners, and human-rights violations in Turkey”. The prosecution cannot point to a single criminal element in the content of the education it refers to. Instead, it virtually turns the word “education” itself into something suspicious and uses it as supposed evidence for Section 129b convictions.

– Conducting educational work and taking part in such work… The prosecution treats as criminal the effort to raise consciousness in ourselves, those around us and the people, so as to understand the world in which we live and stand against injustice and crimes against humanity. We will read; we will learn from what we read; we will tell others what we learn; and we will learn from what others know. Education is not a crime; it is a requirement of being human. Humanity developed by learning, teaching and being educated. This development cannot be prevented. Education is a fundamental human right. The prosecution’s prohibition of thought is nothing other than a violation of this right contained in its own Constitution.

– Attending weddings… It is a value within our traditions and our relations of friendship and comradeship that we do not leave our people alone either in their happy days or in their days of pain. The prosecution even brings my attendance at weddings within the scope of crime and counts it as evidence for punishing me under Section 129b.

– Attending the funeral of Dursun Karataş, a leader of the Turkish revolution, and taking responsibility for the funeral… To stand by a revolutionary leader who devoted his entire life to the peoples of Turkey is a duty and an honour. I have never denied that I took responsibility for the funeral. I even publicly announced it in my own name. Why? Because before then there had repeatedly been reports that Dursun Karataş had died. This too was an instrument of psychological warfare. Eventually both the people and even much of the establishment press came to see such reports as ordinary speculation and stopped even reporting them. I, however, had no means of reaching everyone interested in the matter. Because of the cases conducted against me in Belgium and because I had taken part in democratic struggle in Europe for decades, I knew that many people knew my name. Moreover, because his death was imminent, I considered it right to take responsibility in my own name for the funeral of a leader already known to the revolutionary public. Of course, I knew at the time that there would be a price for this. But if I had to make the same choice a thousand times again, I would once more accept such an honourable duty.

It is interesting. The funeral was not supported only in Europe. In Turkey, it was supported by TAYAD families. Even the fascist Turkish regime did not take a single step against those who directly took responsibility or against the tens of thousands who attended, nor did it turn this into an accusation in the courts. Yet for the German prosecution to make this a principal basis for accusing me of being a senior leader is highly instructive.

– Supporting resistance against the fascist regime in Turkey… Since when has opposing fascism and supporting those who resist fascist terror been a crime? This amounts openly to supporting the fascist regime. By inventing the crime of supporting those who resist, the German prosecution is inventing an offence that does not exist in its own laws and is violating its own laws. Moreover, the support in question is not support through weapons or anything else that could itself constitute an alleged crime; it is fundamentally moral solidarity. Yet this solidarity too is presented as evidence of being organised and used as a basis for Section 129b.

– Commemorating the martyrs killed through torture and other methods by the fascist regime in Turkey… To commemorate the martyrs is to condemn the terror of fascism. If, without looking at the identity of those who carried out the killings or the reasons for those killings, only the organisational connection of those killed is considered, and those who commemorate them are then labelled members of the same organisation and punished, this has only one meaning: supporting the killers. It cannot be the task of German prosecutors to support fascist killers. No court exercising the right to punish in the name of the German people has the right to make the German people partners in the crime of supporting fascist killers.

– Taking responsibility for our people’s social problems… Deprivation of fundamental rights such as education, health and work leaves minorities in a weak social position. Especially for young people, it produces a condition of being condemned to a futureless life. Futurelessness throws our people into the arms of degeneration. It leads to drugs, gambling and a process that alienates people from themselves and their labour.

Generational conflict, moving away from one’s own values, alienation from one’s culture, stripping away national identity… In short, becoming rootless and futureless… As a revolutionary, it is impossible for me to remain indifferent to these problems of our people. Beginning with those closest to us, I regard raising the consciousness of our families and young people on these matters as a duty.

What traps our people in such a vice is capitalism’s selfish, self-interested culture of egoism. The way to change this is to keep alive socialist culture and the people’s values based on sharing and collectivism, on justice and equality, and to develop a culture of solidarity and mutual support. I have witnessed many times how easily our people can escape this vice when we stand by them. Every contribution I have been able to make towards helping our people emerge from the corrupt social relations of capitalism, become self-confident, think with their own minds and take their future into their own hands has been a source of great happiness to me. Once people know what they want, there is nothing they cannot do or achieve.

Everything begins with trust. A person who does not trust themselves cannot trust others or the future. The system tells people, “Do not even trust your father”, “Do not trust people”, “Do not share your weaknesses with others or they will use them against you,” and so on. Revolutionaries say exactly the opposite. They teach how feelings of friendship and comradeship socialise the human being. They teach how self-interest destroys human values, and the beauty of labouring and loving without expecting anything in return.

The prosecution, however, treats our revolutionary character as terrorism. The great majority of my revolutionary activity consists of work directed towards social problems.

I believe that none of these activities presented by the prosecution as evidence of crime can be regarded as criminal. For that reason I defend all of these activities under all circumstances.

EVIDENCE OF A NON-EXISTENT CRIME

As in the other DHKP-C cases conducted under Section 129b, in the case against me there is no allegation before us that would require a criminal sanction. In all of them, association and connection with individual democratic activities are taken as the basis, and all of these are then treated as indications of an abstract “organisation membership” and used to impose punishment.

This is what has happened in all the convictions to date: what has fundamentally been punished is the exercise of democratic and legal rights.

The legal exercise of democratic rights and freedoms has been transformed into evidence of a crime that does not in reality exist.

REVOLUTIONARY STRUGGLE / DEMOCRATIC STRUGGLE

Historically, there has always been continuous social interaction between revolutionary struggle and democratic struggles.

It is also a historical fact that in all countries where revolutionary and democratic struggles have developed, repressive governments have continually declared movements conducting revolutionary and democratic struggle to be parts of the same hierarchical structure.

The purpose is clear: to criminalise revolutionary struggle and suppress the people’s democratic demands. Within this framework, the demagogy of terrorism is used effectively. In this way, every demand for rights and freedoms is sought to be neutralised at a stroke. The result is the emergence of dictatorships that abolish all rights of thought and organisation by pointing to movements that aim to overthrow the state.

All dictatorships label democratic struggle as “criminal terrorism” and in this way try to create and legitimise their own rule. The purpose of dictatorships is to turn countries into rose gardens without thorns for the exploitation of monopolies.

EXPLOITATION IS THE BASIS OF OPPRESSION

Wherever there is exploitation and oppression, revolutionary and democratic demands by the people, together with revolutionary and democratic organisations, become a necessity. In other words, the existence of exploitation and oppression creates the material basis for revolt against them.

If people are hungry, there will be a demand for bread. Working people voice this demand through the power that comes from production and through their democratic rights to protest and resist. Through centuries of democratic struggle and resistance, working people have won many fundamental rights and freedoms, including legal and constitutional guarantees for freedoms of thought, organisation, strike, demonstration, social rights and so on.

The first steps taken by monopolies seeking to increase their share of exploitation are to reduce the wages they pay labour and increase the prices of the goods of production they control. For the poor this has only one meaning: the loaf on the table becomes smaller and their children and families are condemned to a future without prospects.

These relations of exploitation also bring democratic and revolutionary demands onto the agenda. Of course, historically and sociologically these demands have common aspects and inevitably overlap. But these common aspects do not produce organisational or hierarchical unity, because democratic and revolutionary organisations are different structures in both form and content. Everyone knows the difference between a trade-union strike and an armed uprising. But from the standpoint of the rule of exploitation and oppression, both are dangers. In order to eliminate these dangers, methods of division and fragmentation are used.

In order to suppress legitimate revolt and resistance, while first attempting to destroy the revolutionary movement through the label of terrorism, all previously won democratic rights are at the same time shelved and every form of resistance and dissent is sought to be suppressed by force.

In relation to how the Nazis came to power, the admission by the liberal pastor that, once the operations of destruction that began with the communists eventually reached him, there was no one left to resist on his behalf is very instructive for all the peoples of the world. (*) We too learned very valuable lessons from that pastor. We learned that anti-terror demagogy aims to destroy, as a whole, the peoples’ right to defend themselves and resist oppression; that the legitimacy of resistance against this must be defended; and that every attempt to annihilate forces targeted by a fascist regime must be opposed.

Our people have a saying: "You do not ask the religion of the oppressed." In other words, one does not ask the origin of the victims of fascism, nor whether their status is legal or illegal. I have always upheld this value of the people to whom I belong. I will continue to do so.

In many parts of the indictment and accusations, supporting revolutionaries engaged in revolutionary struggle when they are imprisoned, carrying out democratic protest actions against their killing when they are martyred, or holding commemorations for them, is directly equated with membership of that revolutionary organisation. Everyone targeted in the DHKP-C cases under Section 129b is accused in this way.

In doing so, the decisive accusation is that armed resisters in Turkey and those carrying out legal democratic activities within democratic organisations protected by law and the Constitution in Europe and Germany are all part of the same hierarchical structure.

Interpreting Section 129b this broadly brings with it irreversible and irreparable violations of rights that are legally and constitutionally guaranteed.

To interpret Section 129b in this way is to understand nothing of revolutionary and democratic struggles or social struggles. But if this distinction is deliberately not made, then the existing legal and constitutional provisions are also being intentionally violated. In other words, interpreting and applying Section 129b in this manner is itself directly a crime of hostility towards the constitutional order.

Another reason for interpreting Section 129b in this way is Germany's relations of interest with the fascist regime in Turkey. It is clear that treating revolutionary and democratic people here as terrorists is an attempt to impose here as well the viewpoint of the fascist regime in Turkey. At the basis of this are the political and economic bilateral agreements developed between the Turkish regime and Germany's political authorities.

Every relationship entered into with fascism and fascist regimes is an immoral relationship. It is illegitimate. More than that, it means surrendering one's own sovereign rights to the service and arbitrariness of the fascist regime.

Selling weapons to the existing Turkish regime, or making other investments, means nothing other than giving direct support to all the crimes against humanity committed there. To make German law a partner in this, together with a court that claims to conduct trials "in the name of the German people", means making the German people partners in those crimes against humanity.

Unfortunately, to date neither the German judiciary nor the peoples living in Germany have expressed a will not to become partners in these crimes.

Although in many courts, even if only indirectly, limited observations have been made concerning the crimes of the Turkish regime, there has been an avoidance of taking a direct and just position. The attitude of German public opinion on this matter has not in reality been different.

The Turkish regime's demagogy of terrorism has been so effective that it has influenced not only right-wing policies that are already blind in the right eye, but social democrats and Greens as well. Today, although there is some sensitivity among sections of the left, even if only at a symbolic level, it has not yet reached a level capable of changing or influencing the existing situation. Because the left too, out of fear of being brought within the scope of Section 129, remains silent while the democratic rights and freedoms of even a minority section of society are being mutilated and does not show solidarity.

We said that we had learned very valuable lessons from the liberal German pastor. Unfortunately, German public opinion, including the left, has not learned from this instructive situation. Because violations of the rights and freedoms of marginal revolutionary democrats in Germany or Europe today will tomorrow bring with them the cutting back of the democratic rights guaranteed to others by the Constitution. This is an inevitable outcome. The taking back and seizure of democratic rights always begins within the framework of foreigners' laws and against foreigners, because they are weak in terms of legal and juridical status and lack

broad organisations capable of resistance. Thus, the withdrawal of democratic rights always begins with foreigners. For this reason, even democratic and social rights are increasingly being seen as a luxury.

Although the demands of the Turkish regime are used as a pretext, bans on matters that even the Turkish state has not demanded reveal the prohibition of thought by the political authorities in Germany.

Yürüyüş magazine, which even the fascist Turkish regime has not banned and cannot ban despite its existing anti-democratic laws, has been turned into a prohibited publication in Germany by an ordinary ministerial decree.

In that case it is necessary to ask: are the laws of the fascist Turkish regime more democratic than German laws? Or is Germany’s constitutional order more backward than the fascist regime? Is bourgeois democracy more freedom-loving, or is the democracy of fascism more freedom-loving?

No doubt, on the surface, the legal guarantees in Germany appear more advanced than those in Turkey. But the application of Section 129b by the courts through the arbitrariness of the political authorities produces no result other than placing a hump on the back of Germany’s constitutional order.

Although the demands of the Turkish regime are presented as the pretext, the real reason is the aim of seizing existing democratic rights. At the basis of this are economic interests and exploitation.

THE REVOLUTIONARY ORGANISATION

There is no organisation called DHKP-C of which I am alleged to be a member.

The designation DHKP-C is at times used by DHKP and DHKC and by those outside them. But the designation refers to a movement that has no organisational structure.

The term DHKP-C is also sometimes used as Party-Front. What is meant here too is the expression of an understanding.

WHAT DOES THE PARTY-FRONT UNDERSTANDING MEAN?

The expression Party-Front began to be used around 1974. Its source was the naming of the understanding of revolution and organisation expressed by Mahir Çayan.

The concept Party-Front was used in the 1970s to refer to the THKP and THKC structures and understanding.

THKP and THKC were founded in December 1970 and ceased to exist organisationally on 30 March 1972.

Between 1970 and 1972, nowhere did THKP leader Mahir Çayan and his comrades use the designation THKP-C.

On 30 March 1972, together with Mahir Çayan, all remaining THKP and THKC members were physically eliminated.

From 1974 onwards, sympathisers and defenders of Mahir Çayan began to present these ideas as THKP-C ideas, and after those years dozens of groups declared themselves followers of Mahir Çayan by saying, “We defend the ideas of THKP-C.”

Mahir Çayan advocated that the Party and Front organisations be established independently of one another. For that period, the Party was a cadre organisation, while the Front was to be an organisation uniting in struggle the different strata and classes of society.

Mahir Çayan envisaged that revolution would take place through a people’s war. But since a People’s War cannot be waged in conditions in which the people themselves do not participate in the war, he aimed first to remove, through a vanguard war, the obstacles preventing the people from joining the war.

He identified the Artificial Balance as the obstacle preventing the people from joining the war. The Artificial Balance has three pillars.

Hidden Occupation: According to the neo-colonial system, our country is under the hidden occupation of imperialism.

Relative Prosperity: Alongside the game of sham democracy, there is an environment of Relative Prosperity brought about by capitalist relations of production that have developed, however distortedly.

State Terror: The suppression by the fascist state through repressive methods of the people’s demands for rights and demands for independence, democracy and socialism.

The Artificial Balance is a balance between the people and the oligarchy. This balance is determined by the oligarchy. Through the vanguard war, the “Hidden Occupation” that is the form of neo-colonial relations will be exposed; the falsehood of Relative Prosperity and sham democracy, which conceal unlimited exploitation, will be revealed; and by showing that the fascist state is in reality an instrument of threat, that it is a “Paper Tiger”, the people will be enabled to enter the class struggle on a mass scale.

The vanguard war is understood according to the Politicised Military War Strategy (PASS). PASS is not a military but a political line of struggle, not an individual but a mass line. In both form and content, this struggle is diametrically opposed to individual terrorism.

Its objective is not the physical elimination of the enemy, but to explain the reality of the country and the people and secure their participation.

The Party-Front understanding is a concept generally used to express such an understanding of revolution.

One of Mahir Çayan’s ideological followers was Revolutionary Left. Revolutionary Left also called Mahir Çayan’s ideas the Party-Front understanding, just as dozens of other groups, organisations and parties claiming to defend M. Çayan’s ideas did.

During the founding process of DHKP and DHKC, the THKP-C tradition was also expressed as DHKP-C. In essence, however, what was meant was Mahir Çayan’s understanding of revolutionary organisation and struggle called Party-Front.

DHKP-C is not an organisation. It does not have a hierarchical structure. DHKP-C has sympathisers and supporters. This support is not organisational but ideological.

There are slogans such as “Long Live DHKP-C” and “The Name of Hope Is DHKP-C”. But in these slogans what is expressed is not an organisation but an idea.

The Party-Front understanding has a mass following far beyond DHKP and DHKC. DHKP is a cadre organisation, while DHKC is a common name used by fighter organisations independently organised in different fields of struggle.

Both DHKP and DHKC are underground organisations and seek to create organisation in fields regarded as strategic for the revolution. These strategic fields also express the party organisations of DHKP.

Strategic fields of organisation are urban and rural guerrilla units, workers, civil servants, youth and neighbourhoods. All fields are organised on the basic principle of underground and armed struggle, and every field is obliged to create its own militia and fighter units.

For the Section 129b cases in Germany, the prosecution relies principally on the “Congress Documents 2. DECISIONS”.

There are many decisions adopted by the founding congress of DHKP. The prosecution and the BKA-DHKP-C desk acting as law enforcement use the Congress and Decisions as evidence for many accusations.

From the outside, this approach is intended to create the impression that they are applying an objective and scientific method. Yet when these quotations are taken outside such factors as time and place, they also open the way to unlimited arbitrary interpretation.

It is not possible to look at the programme and apply it to Europe. For example, in order to criminalise voluntary donation campaigns in Europe directed at a particular circle for political prisoners in Turkey, reference is made to Congress Decision No. 11 (SA Bd 1.1.3, pages 10–329). Yet the subject referred to in Decision No. 11 is revolutionary tax. Practices such as revolutionary tax can only arise at very advanced stages of the revolution, at stages of organisation such as liberated areas when the People’s War has reached a point of balance with the oligarchy. No such situation exists in Turkey, nor is DHKP’s organisation at that stage.

Another example: association membership fees referred to in certain notes seized in Europe are likewise, through reference to Decision No. 11, transformed at a stroke into party membership dues, and consequently both those paying and those collecting these dues in Europe are turned into party members. It is then claimed that sufficient evidence exists to prosecute them under Section 129b.

The prosecution and DHKP-C desk even accuse association administrators and committees in Europe of being party members. Yet Congress Decision No. 5 requires only commanders of armed units in Turkey to be party members and states that even fighters need not be party members. In other words, in an environment where even guerrillas are not necessarily party members, it is completely inconsistent to declare as party members people in Europe who go to associations, take part in music and cultural activities, and participate in preparations for a legal concert against racism.

Of course, there are also Congress decisions that the prosecution and DHKP-C desk detectives do not want to see. For example, Article 2 of Decision No. 5 says: “All regional and field organisations must temporarily form guerrilla units and organise themselves according to guerrilla activity.” Article 4 of the same decision says: “Where there is a committee in a field or region, every region and field is obliged to form at least one armed propaganda unit under the responsibility of a cadre directly commanded, supervised and directed by a committee member.” Likewise, in the DHKP Statute in file SA Bd. 1.1.2 (p. 65):

“Our party, being still in its founding stage, takes into account the reformist and conciliatory tendencies that remain strong within socialist ideology in the world and the country and believes that ideological purity is indispensable on the road to victory. Until the Party has strengthened, settled on its class basis, and party culture has been genuinely brought to consciousness within the Party ranks, it will remain vigilant against tendencies of deviation and, if necessary, keep the scope of membership narrow.”

DHKP Statute (p. 65)

Section 4

“Article 8: In order to apply for Party membership, it is necessary to be a Front member and to have reached the age of 18.”

DHKC Statute (p. 80)

SECTION 5

Every Front member is a fighter assigned to one of the organisations of the Front and who regularly pays their dues.

In file SA Bd 1 1.3:

DECISIONS (Decision 5) (p. 193)

Article 3: All regional and field organisations must temporarily form guerrilla units and organise themselves according to guerrilla activity.

Now let us consider the assessment by the prosecution and the DHKP-C desk that elevates association committees to the level of party committees. In that case, should there not be at least one guerrilla unit in every association and organisational unit in Germany? But there is not. And it is impossible that there should be. Because neither association membership nor association leadership in Germany can ever be equated with party committees.

Likewise, Article 3 of Congress Decision No. 4 says: “All field and regional committees are charged with organising revolutionary violence on the basis of Armed Propaganda Units and Militias.”

Can the prosecution and DHKP-C desk make such a claim? Of course not. Because the regions and fields referred to in the decisions mean Turkey, and the members and cadres referred to mean the members and cadres of the Party. What is meant is neither Europe nor people engaged in democratic struggle in Europe.

This is what happens when the concepts of time and place are arbitrarily forced into proving the prosecution’s allegation.

DHKP’s central publications are Devrimci Sol magazine and the news bulletins, statements and special statements it publishes under the names DHKP and DHKC. All publications are issued with serial numbers and dates. These are the only publications that bind DHKP and DHKC.

DEMOCRATIC ORGANISATION

The democratic organisation of which I regard myself as a supporter is called the People’s Front.

The People’s Front seeks to organise in every field of life. It sees everywhere the people and working population live as a field of organisation.

Its aim is to solve the people’s everyday problems through organisation and struggle and, through the struggle for democratic rights and freedoms, make the people’s lives bearable.

Its form of struggle is democratic. However, it does not defend its legality solely through legal organisations, but organises on the basis of legitimacy, mass participation and becoming one with the people.

The People’s Front consists of people’s organisations in different fields.

These include:

The Revolutionary Workers’ Movement (DİH), which organises within workers’ trade unions, professional associations, cooperatives and workers’ assemblies.

The Public Employees’ Front (KEC), which organises within civil-servant trade unions, professional associations and public-employees’ assemblies.

The Federation of Fundamental Rights and Freedoms, which organises through associations and People’s Assemblies in cities and working-class neighbourhoods. (It has institutions in at least 50 of Turkey’s 81 provinces. In Istanbul, for example, apart from two wealthy districts, it has organisation and institutions in 21 neighbourhoods.)

The People’s Architects and Engineers (HMM), which organises within professional associations and chambers. It runs projects for working-class neighbourhoods including People’s Gardens producing organic food, generating electricity with wind turbines in poor neighbourhoods, and workshops producing the Ferhat Gerçek walking aid invented for the poor.

The Art Front organises artists from different fields through cultural centres, music schools, music groups, orchestras, theatre, professional organisations and all disciplines of the visual arts such as painting, sculpture and film. Grup Yorum, the orchestra and people’s choirs within it organise annual public concerts attended by more than a million people.

The People’s Lawyers work through bar associations, professional organisations, law offices, Schools of Justice and Turkey’s largest lawyers’ association, the ÇHD. Through commissions they work on workers’ rights, workplace accidents, political prisoners, prisons, isolation and related issues. ÇHD alone has more than 2,500 registered members.

The People’s Lawyers project is carried out by the People’s Law Offices (Istanbul, Ankara, Izmir, Diyarbakır). Today 17 lawyers who are members of HHB are imprisoned. The reason for their imprisonment is that they explained to their detained clients what their rights were. In addition, under emergency decrees, lawyers can be barred from defending clients merely because an investigation has been opened against them, without any conviction. In this way, the profession of law is being made impossible in our country. Although the number of lawyers barred from the profession is not known, 550 lawyers are currently imprisoned.

People’s Assemblies in working-class neighbourhoods carry out work, through both commissions and institutions, to solve needs in every area of life: infrastructure problems; preventing drug use and dealing; closing gambling dens and brothels; sports centres; people’s workshops for unemployed women; People’s Bakeries and People’s Markets to solve basic food problems more cheaply and with better quality; family problems and disputes among neighbourhood residents; and courses to help children with schoolwork outside school hours.

War on Drugs and Liberation Centres establish treatment centres in working-class neighbourhoods, create commissions in People’s Assemblies and, together with local people and families, hold mass sit-ins at drug-dealing points and collectively visit cafés and other places where drugs are sold, carrying out propaganda against degeneration and demanding that they stop selling drugs or turning a blind eye to it; these places are exposed publicly. Between 2014 and 2016, the treatment centre in Istanbul Gazi alone helped more than 400 drug addicts stop using drugs. Those who undergo treatment are encouraged to join the struggle against drugs in the neighbourhoods. The commissions also carry out joint work with official substance-dependency centres called AMATEM.

The Organisation of Prisoners’ Families (TAYAD) was the first democratic mass organisation established in Turkey after 12 September against the junta’s practices, torture and inhuman conditions in the prisons. It was the organisation that carried out the first protest actions against the junta in this field. It works by establishing associations and committees in different cities. It prepares monthly reports on human-rights violations. In this framework, it makes weekly observations concerning all prisons in which political prisoners are held. During prison resistances, it mediates between prisoners and prison administrations or the Ministry of Justice. It is an organisation recognised by both sides.

The Revolutionary Youth organisation organises in secondary schools and universities. It defends free, democratic and scientific education. It works on every issue concerning young people, from canteen prices and school transport to accommodation problems in student halls and social and cultural issues.

The People’s Doctors and Health Workers provide free medical care in poor neighbourhoods through mobile caravans offering continuous health services, as well as carrying out regular health screenings. They involve democratic doctors, nurses and medical students in this work. Through relationships with pharmacies and hospitals, they obtain free medicines and respond to needs for hospitalisation and surgery.

The Revolutionary Alevi Committees (DAK) work by establishing Alevi associations and cemevis for recognition of Alevism, which is not accepted as a faith by the state.

Internationalism: through the International Relations Committee in Istanbul, the People’s Front participates in international activities, informs the public through translations from around the world, and organises international events such as panels and symposiums. It organises the annual Eyüp Baş Symposiums Against Imperialist Aggression. It organises within the Anti-Imperialist Front.

DEMOCRATIC ACTIVITY

All activities of the People’s Front are based on democratic field work. On the basis of general needs, it creates legal institutions. But its legality is defended principally on the basis of legitimacy.

What is legitimacy? In countries governed by fascism, such as Turkey, there is no guarantee of legality. Any association, cooperative and so on may be banned at any moment. If banned, it continues its activity openly. If association premises are sealed, the seal is broken collectively and, despite the ban, the premises are protected by the people and activity continues.

As closed associations are reopened by the people, police raids become more frequent. Against each raid, mass support by the people is organised. There may be dozens of detentions and arrests, but in the end it is always those who resist who win.

When the police cannot cope through operations, at times they do not merely close certain institutions but demolish them with bulldozers. For example, in Istanbul-Gazi they first occupied the People’s Assembly and the War on Drugs and Liberation Centres and turned them into police stations; when the fronts of the buildings then became permanent protest sites, they demolished the buildings in an attempt to stop the work. In response, houses in the neighbourhood were turned into treatment centres.

Drugs, gambling and prostitution are state policies applied against poor working-class neighbourhoods. Gangs are taken directly under police protection, armed and sent against revolutionaries. The state seeks to corrupt the people and destroy their dynamics of resistance. The greatest barrier to this policy is the legitimate presence and resistance of the People’s Front.

The most basic slogans of resistance of the People’s Front are struggle against degeneration, injustice and poverty and the production of solutions on these issues.

The People’s Front is the most serious extra-parliamentary opposition in our country. Extra-parliamentary opposition is revolutionary opposition. While revolutionary struggle aims to take power and solve the structural problems of the country and the people through Revolutionary People’s Power, revolutionary opposition conducting democratic activity seeks under conditions of fascism to respond to the people’s vital needs.

Today, the most intense attacks of fascism are directed against democratic struggle. It is the target of detention, arrest, torture and massacres.

All structures that make up the People’s Front from time to time conduct campaigns around common objectives. One example is the current State of Emergency and the struggle against rule through emergency decrees, in which the legislature and judiciary have been entirely bypassed and the country is governed by a dictatorship. Common campaigns are conducted in every field against bans on strikes and demonstrations justified by the State of Emergency, the closure of associations, institutions and press organisations, and the seizure of the people’s right to accurate information, freedom of thought and organisation and every form of right of resistance. Each structure conducts work according to its own particular character and, although the objectives are parallel in content, each has its own organisational specificity and independence. The People’s Front does not have a hierarchical structure.

Common objectives are an expression of the people’s solidarity in the face of exploitation and oppression.

All structures forming the People’s Front also have their own publications and educational activities specific to their fields.

Today, within the DHKP-C accusations made the subject of Section 129b cases in Germany, the claim that Yürüyüş magazine is the publication organ of this organisation is entirely wrong. Yürüyüş magazine is one of the structures forming the People’s Front and publishes, in regular sections, the activities and views of organisations in the different fields of the People’s Front. Of course, because it is a political magazine,

Yürüyüş also publishes political developments in Turkey and the world, research and analyses concerning them, as well as news on the activities and analyses of the revolutionary movement.

CONCLUSION

All institutions and publications of the People’s Front in every field have legal legitimacy.

In Section 129b cases it is neither logically nor physically possible to describe the People’s Front as an ordinary “sub-organisation”. To call a movement capable of bringing together and mobilising hundreds of thousands and millions of people merely a sub-organisation is absurd.

Despite all the reactionary and prohibitive laws of the fascist regime in Turkey, many institutions, organisations and press organs cannot be banned on such a basis. Yet in Germany, merely on the assessments of police organisations and the Federal Prosecutor’s Office, they are treated as prohibited through Section 129b. This should above all be a problem for German public opinion and institutions. A movement carrying out struggle in Turkey and placing pressure on the fascist regime cannot be banned even by that fascist regime, while Germany, which claims to guarantee freedom of thought and organisation through law and the Constitution, treats it as prohibited. This necessarily invites comparison. Such a comparison is, above all, a matter of shame for German public opinion and justice.

The DHKP-C cases conducted under Section 129b are in reality putting on trial the European People’s Front, which sees itself as part of the People’s Front.

The aim of the European People’s Front is to show solidarity with revolutionary opposition fighting fascism in Turkey, expose the fascist regime internationally and play a deterrent role against fascist aggression, torture and massacres. At the same time, it seeks to organise around the economic and democratic demands and rights of our people living in Europe, against the racist and discriminatory practices they face, and to find solutions to their problems. It seeks to achieve these aims and programmes through democratic organisation and activity.

By means of the “authorisation to prosecute” against DHKP-C given by the German Ministry of Justice to the Federal Prosecutor’s Office, the struggle of the People’s Front against the fascist regime is subjected through the trials to criminal sanctions. On one hand, this is open support for the fascist regime in Turkey; on the other, it is an unjust and unlawful practice.

As those being tried, we regard the sentences imposed as a natural price of the struggle against fascism and racism. We also regard the carrying out of our imprisonment under isolation conditions lasting for years as part of this price.

These sentences and isolation practices have neither a deterrent nor preventive role. Because we know this: in our country, merely opposing fascism can mean decades of imprisonment, torture, inhuman treatment, being disabled by state violence or being massacred.

As long as fascism exists, the situation to which our people are subjected will not change.

Just as, despite the tortured death sentences of the Inquisition courts, THE WORLD KEPT TURNING and no repression could change that reality, so too, as long as the fascist regime exists in our country, revolutionary and democratic struggle will continue to exist.

Just as the Inquisition courts, despite all their decisions, could not place the world on the horns of an ox, so too, as long as fascism exists, the struggle for Independence, Democracy and Justice will continue.

THE WORLD KEEPS TURNING

The fascist regime continues its torture and massacres. It continues its war against all fundamental rights. It continues its war against the Kurdish people.

As long as the world keeps turning, the legitimate right of resistance against fascism will continue to be exercised.

(*) German pastor Martin Niemöller: “When the Nazis came for the communists, I remained silent because I was not a communist. When they came for the social democrats, I remained silent because I was not a social democrat. When they came for the trade unionists, I again remained silent. When they came for me, there was no one left to protest.”

CURRICULUM VITAE

I was born on 15 August 1961 in the village of Soğuksu, Hendek, Turkey. I have lived in the Netherlands since 1979.

On my father’s side I am Abkhazian, one of the peoples of the Caucasus; on my mother’s side I am from the Black Sea Pontus region (Trabzon-Sürmene).

I attended primary and secondary school in my village and high school in Tekirdağ. In 1980 I attended a Dutch-language school in Amsterdam. Between 1982 and 1984 I attended the Social Academy, which I left before graduating. From 1985 to 1988 I studied at Rotterdam College of Higher Education to become a Turkish-language teacher for secondary schools.

My profession is teaching. I have also worked in the service sector, including running a cafeteria and snack bar. In 1981 I worked in the kitchen of a care home for the elderly. For short periods I also worked in a Greek restaurant and in garment workshops.

I was a citizen of the Republic of Turkey from birth. In the 1990s I first obtained Abkhazian citizenship and later Dutch citizenship. Subsequently, because of my political activities, I was stripped of my Turkish citizenship.

Since 1978 I have regarded myself as a revolutionary and a leftist. From the time I arrived in the Netherlands I was active in organisations dealing with the personal rights, culture and solidarity of people from Turkey, and in the teachers’ association.

Alongside these activities, in the 1980s I worked voluntarily in the El Salvador Committee and, from the mid-1980s onwards, in the TAYAD Committee and Amnesty International.

The work of the El Salvador Committee came to an end when the FMLN in El Salvador moved into parliamentary struggle.

Around 1991, disappearances in custody began in Turkey. The first person disappeared was Yusuf Erişti, a member of Revolutionary Left. I could not persuade Amnesty International’s headquarters in London to do anything about the disappearances in custody. Although they did not say so openly, they thought I was exaggerating. Later, disappearances in custody increased one by one, reaching hundreds and thousands. I have always believed that if serious work and solidarity had been organised in Europe from the very first disappearance, the fascist regime’s policy of disappearance could have been pushed back. For this reason, from 1992 onwards I ended my voluntary work with Amnesty International.

I have had relations with TAYAD since it was founded. Within this framework, I took part in many solidarity, support, propaganda and exposure activities concerning prison conditions and political prisoners in Turkey. I participated in organising activities such as publishing reports, organising delegations, panels, seminars, press conferences and publications directed at the Dutch, Belgian and European parliaments. Alongside these diplomatic relations, I also took part in broader activities with the same content directed at people from Turkey and Europeans.

Forty per cent of the Dutch textile sector consisted of these unregistered workshops. The workshop owners were also generally people from Turkey.

Within this framework we organised both a Garment Workers’ Solidarity Committee and solidarity committees of garment employers. Of the 500 workshops said to exist, we organised around 350. We secured workers’ right to register with the municipality and obtain housing, to work with insurance and gain access to health services and other employment rights. We succeeded in making the sectoral-liability law, which required workshops to become official and pay taxes and employee deductions, compulsory for garment workshops as well, thereby enabling insured and officially employed workers to obtain residence permits. To

make it possible for garment manufacturers to pay these deductions, we also broadly eliminated unfair competition among them and prevented manufacturing prices and wages from being driven down.

To achieve these things, I took part in activities directed at the police, municipalities and parliament, as well as in public and press work.

In order to organise international solidarity concerning garment workers, we launched the CLEAN CLOTHES campaign, particularly against C&A. There are still people in various European countries who continue this campaign independently today.

I took part in the Lorry Drivers’ Solidarity Committee, established to regularise the status of undocumented Turkish lorry drivers working for the transport company Stolk. When the drivers had won their personal and employment rights, we brought that work to an end.

From 12 September 1980 onwards, I continuously took part in the activities of Revolutionary Left and left-wing groups from Turkey to expose and protest against the fascist military junta in Turkey and crimes against humanity such as torture, executions and massacres.

After the junta was given a legal framework, I continued taking part in work of this nature up to the present day.

In relation to the Netherlands, I participated in and supported democratic-rights struggles ranging from the closure of the Ford factory and shipyards to the compulsory identity-card law, housing problems and squatting.

Between 2000 and 2007, I took part in solidarity activities supporting the Great Resistance based on the Death Fast in Turkey’s prisons, particularly activities directed at world public opinion. I participated in organising publications and propaganda, panels, marches, hunger strikes, press conferences, symposiums, information meetings and petition campaigns. For example, I took part in the “One Hundred Thousand Times No to Isolation” petition campaign, in which 160,000 signatures were collected and delivered to the President of the European Parliament during a press statement at the European Parliament.

Between 2000 and 2007 I worked in the DHKC Information Offices established as legal associations in Amsterdam and Brussels (their official names were Friends of DHKC Association), carrying out information work directed at European and world public opinion.

These offices were closed in 2007 at the request of the DHKC. The reason given was that these offices did not represent the DHKC; that the DHKC was a fighting organisation; that those working in the offices were not Front cadres; and that the Party did not have an organisation of such a strategic sphere. It was therefore stated that our use of this name was wrong. We consequently closed these offices.

Note: The Amsterdam office and the Freedom Press Office were entirely separate offices. Their premises, functions and operation were completely independent of one another.

In 2013, in relation to the action against the US Embassy in Ankara, the Turkish newspaper Bugün published an article holding me responsible for the action.

A few days later, all the Dutch media used the same report as their source and published the same story together with my photographs, publicly displaying me and making me a target. Because of this, as a precaution, I stopped going to the places I normally attended and stopped participating in institutions and activities such as associations. My purpose was to clarify the situation and, through my lawyer, take steps to protect my personal rights.

A short time later I became wanted under an arrest warrant issued by Germany. I realised this when the door of the house in Amsterdam where my parents lived had been broken and its lock changed. On the same day I heard that a friend’s home in Rotterdam had also been raided, and that the following day there had been arrests in Germany.

In particular, the Dutch police’s denial of the raid on the house in Rotterdam convinced me that this was not an ordinary arrest warrant but part of a conspiracy aimed at my life. I therefore took my own precautions and was forced to live as a fugitive.

Later, with the bounty announcements issued against me, first by the United States and then by the Republic of Turkey, I came to understand the scope of this conspiracy. In order to defend my life and freedom, I continued not to surrender and to live as a fugitive.

On 2 December 2026 [sic], as a result of surveillance by the Dutch police or intelligence service, I was detained by the German police in Hamburg. Elsewhere in the book the arrest date is given as 2 December 2016.

From December 2016 until today I have been held in Hamburg under conditions of complete isolation.

THE A. ATEŞ ISSUE

On the Rejection of Alaattin Ateş as a Witness

The basis accepted for rejecting Ateş's testimony was that A. Ateş had been convicted of membership of the organisation and of being its leader in Germany, and that it was legally impossible for him to be retried on this matter on the basis of new facts.

My reason for requesting Alaattin Ateş as a witness was that I wanted the truth to come out. This decision of rejection has prevented the truth from emerging.

For the Following Reasons

It is out of the question for Alaattin Ateş to have been a member of the DHKP-C, which in any case does not possess the organisational hierarchy alleged. He was neither a member of the DHKP nor the DHKC; nor was he a member, worker or official of the People's Front movement or of the Anatolian Federation, described as a front organisation of the DHKP-C. No such finding was made in the case in which he himself was tried.

Alaattin Ateş resorted to the lie that he occupied a leading position in the organisation and in relation to me in order to retain the BND, from which he received a salary of €3,200 a month, as a source of income.

Curiously, while Ateş was treated as a reliable source, no credence was given to his own denial of organisational membership. While statements shaped by his lawyer concerning me, Şadi Naci Özpolat and Nurhan Erdem were accepted, it is unclear for what reason his denial of his own membership was not accepted.

In DHKP-C cases there are certain common criteria concerning membership and leadership which are repeatedly cited by the prosecution offices and by the BKA detectives on the DHKP-C desk. The BND and the AKÖ (Office for the Protection of the Constitution) also cite the same criteria. All of these data are in this case file, as well as in the annual federal and state reports published by the AKÖ.

While these data and reports are accepted by the court without dispute, the fact that the same data are ignored in the case of Ateş requires explanation.

What are these criteria?

- Code name: Did Ateş have a code name within the organisation? If so, what was it?
- Coded communication: Did Ateş engage in coded communication? If so, how?
- Use of email: Did he use email for organisational work? If so, from which email address and which emails did he send?
- Authority to hold meetings and give instructions: Did he ever hold a single meeting or give a single instruction? If so, with whom, and what organisational instruction did he give and to whom?
- Educational work: At any seminar, panel, educational activity or other cultural or political event, did he ever even take the floor and express an opinion, let alone speak as a contributor? If so, where and on what date?

The questions could be multiplied, but there is no need. Whatever is done, there is not a single piece of information capable of proving his membership of the organisation. Nor is there either evidence in the file or an admission by the person himself on this point.

WHAT DO I WANT TO PROVE THROUGH A. ATEŞ'S TESTIMONY?

First of all, I want to prove that, as a salaried BND operative within the BND chain of command, he was instructed to make false accusations about the DHKP-C and people associated with it. Indeed, the admission Ateş made during his BKA interrogation on this matter is already in our case file.

However, it is clear that during his interrogation the investigation was not deepened by asking whether the BND had made other such demands of him. Perhaps this was done off the record; neither I nor the court can know that.

In particular, I want to learn the content of the meeting held in a hotel on the road to Munich. Up until this meeting Ateş claimed that the BND had tried to kill him. After the meeting, he stated that he cried alone there for an hour. It is clear that by this meeting Ateş had given in on the matters over which the BND had threatened him. It was at this meeting that it was also determined that he himself would be detained and what he would say and how he would say it during interrogation and in court. There are certain indications of this in the file, but for some reason it is a subject which the BKA interrogators avoided entering into.

Who was the English-speaking woman at the meeting on the road to Munich, and what was her role in the meeting? This too is a matter the BKA passed over. I want to show that this woman was a member of the intelligence service of a foreign state directing the German judiciary through the BND.

I want to learn the purpose of the BKA’s questions during the interrogation about the Döner murders. I want to establish whether Ateş was subjected to any request, guidance, insinuation, set-up, suggestion or threat intended to attribute these murders to the DHKP-C, and whether the BND made any such demand of him.

Quite apart from showing that Ateş was not a DHKP-C leader, I would also have liked to show that he did not even know the political and ideological matters described as the DHKP-C’s views. In other words, I would have liked to guarantee that his activity was not organisational activity and thus that no new facts could arise leading to his retrial for DHKP-C membership.

Of course, I would also have liked to expose the gang-like relations that Ateş maintained with Robert of the BND and his associates.

I demand that the classical rules of law apply to me as well.

Despite the court’s decision rejecting Ateş as a witness, I do not abandon my request that he testify. One of the criteria of a fair trial is that the police and prosecution are obliged to collect evidence in favour of the accused as well as against them. From my point of view it is clear that they have failed to perform this duty; indeed, they have gathered only adverse information, concealed some of it and distorted some of it because of their ideological subjectivism, thereby attempting to influence the court and its decision.

I believe that I too must possess the rights of a normal investigation, prosecution and trial. I demand that this institution of law be applied in my case as well.

CONCLUSION

What is actually at issue here is the BND. The BND’s threats, assaults and alleged attempts to kill Ateş are not my problem. Whether the judiciary acts on them or not concerns the limits of its own field of responsibility and its own choices. But because the allegations point to a public offence, it also has a responsibility to deal with them ex officio, without requiring a complaint.

My allegations concerning Alaattin Ateş are not new. During the trial of my wife, Nurhan Erdem, I informed her in a letter about Ateş’s gang-like activities. That letter was seized and added to the file. Nevertheless, the prosecutor in that case did not take a single step on this matter.

Of course, I have nothing to say about the judiciary choosing to protect the BND, which is a constitutional institution. But when the decision rejecting the witness was read, it was a painfully instructive experience to hear the presiding judge himself say, “You know what sort of answer would be received if the BND were approached,” thereby expressing the judiciary’s helplessness before a constitutional institution attached to the executive.

The fact that the Federal Prosecutor’s Office merely pretends to summon Ateş as a witness while calculating in advance that he will not come, and this declaration of helplessness before the BND, are factors that diminish the standing of the court and obstruct my right to an impartial trial.

The Questions Not Pursued in Alaattin Ateş’s Interrogation and the Reasons for Them Must Be Revealed

Ateş’s statements and telephone conversations are today being used against me and many others. They were not pursued and questioned in a way that might also have produced material in favour of me and the accused. For this reason I insist on my demand that A. Ateş be questioned again.

From the files to be read outside the hearing, item 128, page 1:

In a telephone conversation dated 10 December 2028 [sic], at 23:03:02, A. Ateş calls Cihan — the BND agent whom I describe as a double agent inserted into the BND by MİT — in order to report on a supposed meeting he had with me in Venlo. Ateş is using the code name “Davut”, given to him by the BND.

Alaattin Ateş says that this meeting in Venlo was again about “materials”. To clarify the subject, Cihan asks, “Is it the matter you last discussed with the woman, the lady?” A. Ateş replies, “Yes.”

SUBJECT: WHO IS THIS WOMAN?

- Was this woman going to arrange the weapons that were supposedly intended to be delivered to Aşoğlu?
- What nationality was this woman? Did she speak Turkish or English? In what language did you speak with her?
- Did the BND arrange your meeting with this woman? If so, which BND agent arranged it?
- Apart from Cihan, did any other BND agent know about your meeting with this woman?
- Was this the same English-speaking woman who attended your last meeting before the 2009 operation with BND agents at the Marriott Hotel on the road to Munich?
- In your opinion, did Cihan work only for the BND?
- Did you think Cihan had a hearing or comprehension disability? Did you ever wonder why, in that conversation, he made you repeat only the matters concerning weapons two or three times?
- The BND knew that the BKA was tapping your telephone because of the Şadi Naci Özpolat case. Did you know this too? Did you deliberately have this conversation knowing that?

Cihan gives you the following instruction: “Wenn Wieder Dings Kommt, machen Wir Wieder Dings, Wir Sprechen uns don, Davut. Ja dann morgen oder übermorgan, ich erinnere dicih daran. Du mcahst dann das, was notwendig ist in der situation.” He tells you that you must do whatever the situation requires.

- When he says “when the things come”, what does he mean? Drugs, weapons, contraband, or people who will arrive from abroad?
- You immediately reply “in Ordnung”, indicating that you will certainly do what falls to you and what the circumstances require. When he said “machen wir wieder Dings”, what did he mean that you would do again?
- When Cihan says to you about the materials, “I know you. If you want to, you can find them directly,” what does he mean? Was he talking about the weapons you were supposedly considering giving me in Adana or in Europe — that is, weapons you would find with Cihan’s knowledge?
- In your opinion, was the BND organising this proposed supply of weapons? Or was it MİT or EGM intelligence arranged by Cihan? Or was it the English-speaking woman?
- In your previous statement to the BKA, you said that Robert of the BND told you the BKA was tapping your telephone and instructed you to say that the word “Ankara” in your telephone conversations with Cihan meant Berlin, did he not?

- When you said Ankara, did you mean Berlin?
- Did the BND not already give you money for your salary and expenses relating to the meetings you conducted?
- Was the money you received from the BND paid to you in cash?
- Which BND agent paid your salary and other payments?
- When did your relationship with Cihan begin? Were you put in contact with Cihan from the beginning of your relationship with the BND?
- In December 2008 you asked Cihan for money, telling him that when he went to the friends in Ankara they should meet the travel costs of your meetings with me, Musa Aşoğlu, and buy you a new car. Here too, when you said Ankara, did you mean Berlin and the BND?
- You were already meeting Robert and other BND officers. Why did you feel the need to deal with this matter through Cihan?
- Cihan guaranteed you the extra money you requested by saying, “The friends will not leave you halfway.” When Cihan said “the friends”, did he mean the BND and Robert and the others?
- Concerning the people from whom you wanted your expenses paid, you told Cihan, “They do not know Europe well. Only those who know Europe understand this work.” If by Ankara you meant Berlin and the BND, were you saying that the BND and Robert and the others did not know Europe? On what basis would you say that the BND did not know Europe?
- Could the “Ankara” you referred to Cihan actually have meant the Turkish capital and Cihan’s contacts there?
- If so, who were Cihan’s contacts there — police intelligence under the EGM, MİT, or the AKP?

ON HEARING ALAATTİN ATEŞ AS A WITNESS

I think I did not express myself sufficiently yesterday. I consider it essential that A. Ateş give evidence. I have no desire to see his face. To breathe the same air as someone who, behind my back, particularly insulted my mother is itself torture for me.

In the coming days I want to expose the attempts by the BND and BKA to create offences against me and to accuse these institutions. Some of these attempts to manufacture offences against me were carried out through A. Ateş.

A. Ateş is not the person responsible for these attempts to manufacture offences. He was merely the intermediary. Accordingly, it is not he whom I will accuse, but the institutions I have mentioned.

I ask you to give me the opportunity to prove my innocence. Even if A. Ateş gives evidence, I am not sure that he will remain faithful to his oath and answer honestly. But I demand that both he and I be given the opportunity.

Moreover, I have been held in complete isolation for fourteen and a half months. The main justification has been “influencing witnesses and destroying evidence”. What you call evidence is already in your hands. I am not capable of destroying it. And the people you call witnesses are the BND informer A. Ateş and the agents on the BKA’s DHKP-C desk. I do not suppose you believe that I could influence BND personnel. If the Federal Prosecutor’s Office is certain that A. Ateş will refuse to testify under Section 55, as he has done in previous cases, and if the Federal Prosecutor’s Office itself named A. Ateş as a witness in its own indictment, then I have difficulty understanding this situation. I regard it as a means of discrediting the court and as demagogy used to provide a supposed legal justification for continuing my detention and complete isolation.

NOTES: FILES TO BE READ OUTSIDE THE HEARING

Item 126: SA Bd. 1.3.2.3.3, page 3

Item 127: SA Bd. 2.4.4.1, page 13

During the search carried out in Cologne on 10 October 2005, when the police asked whether there was money, weapons, explosives or drugs on us or in our vehicles, we declared the €13,000 found in my wife Nurhan Erdem’s bag. We showed the police the source of the money with a bank receipt and explained why we had it with us.

In his report on this police control, the officer named MARCZİNCİK POK also stated that we told him the money was intended for renting a home in Cologne.

In the same item, on page 15, Seifner’s KHK report dated 8 August 2008 refers to the €13,000 and cites the BGH decision dated 17 November 2024, file no. 6 BGS 126/2004, concerning my wife Nurhan Erdem and me.

According to this decision, from 17 November 2024 until 17 November 2005 [dates as in the source], measures including surveillance and monitoring were authorised against me, my wife and our vehicles under Section 163, paragraphs 1, 2 and 4, and Section 169 of the StPO.

When Kröschel, the head of the BKA’s DHKP-C desk, appeared before your court as a witness, I asked him since when they had been conducting work targeting me. He stated that the investigation concerning me began in 2013, together with the arrest warrant issued against me by the Federal Prosecutor’s Office.

Item 128: SA Bd. 2.4.9, page 87

A. says “Und don noch”, but there appears to have been an interruption. When a telephone conversation becomes unintelligible because of the connection, this is normally noted. Yet there is no such notation here. B. then says, “Ja. Das ist interessant.” It is unclear whether there was an interruption or whether it was considered unnecessary to include something in the file.

Item 94: SA Bd. 2.5.1.5.1, page 282

In the report prepared by Kröschel on 7 August 2024, page 282 states that my correspondence with Amnesty International was seized during the raid on my home in Amsterdam following the arrest warrant.

ON THE POLICE CHECK IN COLOGNE

On 10 October 2005 I attended a concert in Cologne. During a police check after the concert, €13,000 was found in my wife’s bag. The money belonged to me.

We told the officer who carried out the check this. I had taken the money as a loan from ABN-AMRO Bank and had the bank receipt with me. I showed it to the police. I do not know whether the officer photocopied the receipt, but the money was returned to me after I produced it.

I had taken the bank loan to arrange and rent a home that I intended to establish with my wife. I had given the bank this reason as well, so it is on record.

At the time I wanted to move to Germany, which was why I had brought the money there. However, we had problems renting an apartment we had found and postponed the move.

Later we waited for my case in Belgium to be resolved. After my release in 2007 I again considered moving to Germany. But when my wife was arrested in 2008, the move was postponed once more.

Note: Although the German police knew the source of this €13,000, I can explain its use as a means of manufacturing an offence against me only as bad faith.

TRANSLATION PROBLEMS

1. Regarding DHKP statements nos. 40, 46, 47, 48, 49 and 50 in items 5, 6, 7, 8, 9 and 10, which were published on Halkın Sesi, Seifner states that they were "published on DHKP-C's website Halkın Sesi tv.com". She does this without having any evidence for such a statement.

In the first three statements Ms Seifner refers to "Der DHKP-C zuzurechnenden internet site www.Halkınsesi.tv", while for the later ones she refers to "internetsite der DHKP-C, www.Halkınsesi.tv".

2. SA Bd. 1.3.1.3, page 176 (General Directorate of Security — EGM): EGM was translated as GSD. It should instead have been translated as Präsidium. The Ankara EGM is the central authority from which 250,000 police officers are directed and administered. It is not an ordinary security bureau.

3. SA Bd. 1.3.1.3, page 239: DHKP-C statement no. 396 says "bourgeois media", but on page 235 Seiffner renders this as "petty-bourgeois press"; likewise Ateşlioğlu's translation on page 251 says "petty-bourgeois press".

TRANSLATION — CONTINUED

4. SA Bd. 1.3.2.3, page 259: The Istanbul EGM was translated as "Sicherheitdifektion".

5. SA Bd. 2.4.3.1, folder 1, ID 728987 — Boztepe's supposed correction:

a) Cem Oran's translation (first translation), page 160: "İch fühle mich selbest so, dass ich gestern einmal und heute zweimal damit begonnen habe, mich zu behlagen."

b) Serdar Boztepe's correction (page 164): "İch fühle gestern, wie heute so, als ob ich direkt zu klagen bgonnen habe."

c) The translation that should have been made: "İch fühle mich so, als ob ich gestern einmal und heute zweimal begonnen ahtte, mich zu beklagen."

6. SA Bd. 2.4.3.1, folder 8, ID 755200: "Çeptil çevreler" — its meaning is unclear, yet it was translated as "Cestil Kreise". "Cestil" is not a Turkish word, adjective, noun or anything else. Nevertheless, the translator Ateşlioğlu simply invented the word "Cestil" and wrote it down as though there were no problem, despite its being meaningless.

TRANSLATION — CONTINUED

7. SA Bd. II.3.4.3.2, folder 3, page 393: Line 11 says, "The film is a film of documentary character." This was translated as "Es sei ein Dokumentarfilm", that is, "the film is a documentary film". The film in question is the feature film "The People vs. Fritz Bauer".

8. SA Bd. II.3.4.3.2, folder 4, pages 36–44: On page 39, line 2, there is a poem entitled "pazarlıksız" ("without bargaining/unconditionally"). In the translation on page 43 the title was rendered as "Geldlosigkeit", meaning "lack of money".

9. SA Bd. II.3.4.3.3, folder 1: On page 135, line 16, "Heyet Çalışması" ("delegation work") was translated as "KOMMİSSİONS Arbeit". "Heyet çalışması" means the work of organising a delegation. The file is speaking about the work of sending a delegation to Turkey. It is not commission work.

TRANSLATION — CONTINUED

10. In the arrest warrant: The Turkish is on page 3 and the German on page 4. It is alleged that Dursun Karataş is referred to as "Führer", while the translation renders this as "Başkan" ("Chairman/President").

“Başkan” means Vorsitzender or President. The concept “Başkan” is used in the PKK. Again on page 4, the term “saha” (“area/field”) is used. “Saha” is a geographical term, whereas in DHKP terminology the concept “alan” is used, and “alan” is a sectoral term.

The term “saha” exists in PKK jargon; it does not exist in the DHKP. The person who translated the arrest warrant was probably someone with some knowledge of PKK jargon and concepts. While translating, that person tried to fit the DHKP understanding into their own half-formed knowledge of the PKK and therefore deliberately translated the concepts incorrectly.

Indeed, in PKK usage, the concept “saha” is used geographically in the sense of a province/region.

QUESTIONS TO KRÖSCHEL

Gün. SA Bd. 1.2.1–1.2.12 078.pdf, page 30 / PDF page Gareth

1. You were asked what evidence you had that Nurhan Erdem was a leader. You replied that she was president of the Anatolian Federation. You were then asked about me. You said that I had been detained in Belgium in 1999 and that your Belgian colleagues had shared information about me.

- 1.a. So, despite having no evidence at all concerning organisational connections or activities, do you regard making generalisations as part of your job description?
- 1.b. Do you know Dirk Sinjan? Could you have received the Belgian information from him? When did you receive this information; can you give an approximate date?
- 1.c. Did you request information about me from the AKÖ or BND? Or did you ask them for information about the organisation? Were you aware of my meeting with the AKÖ after 11 September? Do you know the content of that meeting?
- 1.d. Did you ever have contact with Turkish police or other Turkish officials concerning me or the organisation? The report of Central Committee membership was in 2008; the US Embassy matter in 2013.
- 1.e. Did you ever have contact with US officials concerning me or the organisation? Or do you know whether German institutions held any meeting with them on this subject?
- 2.a. You stated that I was identified and arrested in Hamburg on 2 December. Could you be remembering incorrectly? Could it, for example, have been 30 November or 1 December?
- 2.b. Do you know which country’s intelligence service identified me in Hamburg? Did you have contact with them?
- 2.c. Did you ever have a meeting, exchange of views, briefing or receive information from US officials concerning me?

3. You say weapons can also be left in a “buffer/depot”. Have you ever seen such an example? On what basis do you make this assertion?

You say that I attended a meeting at Citta Romana in Hellevoetsluis with Bakuts and others.

- 4.a. You say I came to this meeting in a car rented from Buchbinder. Are you sure?
- 4.b. Could other people have attended another meeting at Citta Romana on a different date using a car rented from Buchbinder?
- 4.c. You said I discussed organising a conference in Berlin with the Bakuts. Which organisation organised this conference?
- 4.d. If the Berlin conference was organised by the DHKP-C, why did you permit it to take place?

5. You spoke of violence against police collaborators and of them being killed.

- 5.a. There have also been many collaborators in DHKP-C cases in Germany. Was any one of them killed? Was violence used against any one of them? Was any one of them threatened? Do you have any examples you can give?

6. Are you sure that during the gift-giving ceremony at a wedding I made a presentation saying, “a gift from the Westfalen DHKP-C”?

7. Concerning my identification in Germany, you stated that together with my wife I went from Hagen to associations in Dortmund, Cologne and Wuppertal.

- 7.a. Are you sure I went to the Wuppertal association?
- 7.b. Are you sure that my wife ever went even once in her life to the association in Charlottenburg?
- 7.c. Could the association in Charlottenburg have been founded in January 2010?

8. You said the action against Asuman Akça was because of cooperation with the police.

- 8.a. Are you sure?
- 8.b. Could it instead have arisen from engaging in gang/mafia activity using the name of the organisation?

9. You say you obtained statements and information about the DHKC from DHKC Info and DHKC.net. Are you aware that DHKC Info was closed in 2007 and that the DHKC.net and .org sites had ceased to be active by around 2009?

10. Was the DHKC office in Amsterdam on Witte de Withstraat?

11. Concerning me:

- 11.a. You state that I changed my surname to Achouba in Abkhazia in 1994. Are you sure I changed my name?
- 11.b. You say I used the code name Talat. Are you sure?
- 11.c. I have never in my life been in Ünal Düzyar’s car or in a car driven by him, nor have I ever made a journey with him. Yet you say you established my presence from conversations in his car. Are you sure? If Ünal referred to a “Talat” in his car, how did you decide that this was me?
- 11.d. You say I came to the Netherlands with my family in 1974 and settled there. Are you sure? Where did you obtain this information? I came to the Netherlands on 27 December 1979. My mother and siblings came in 1974. My father, I think, came in 1962 or 1963.
- 11.e. You say you identified the house on Gartnerstrasse on 21 December 2016. The landlord, however, says the police learned of Gartnerstrasse about two days after 2 December 2016. You remember some events from five, ten and fifteen years ago with names and dates. Why did you learn of Gartnerstrasse so late?
- 11.f. You say I stayed at Zimmerfort. I do not know where that is. Are you sure I stayed there?

The name Davut was a code name used by the BND. The conversations with Cihan were also conducted under the name Davut. That means Cihan was also BND.

Additional questions for Kröschel:

- 2. Do you know about UTMP?
- 3. What do you know about the 1 April documents? Were the sections used not already sent to you with the relevant passages underlined? Can we therefore say that you did not actually need to conduct any research?
- 4. I never worked at the Freedom Office. I never stayed at the Freedom Office.
- 5. The presence of Section 129a-b case files in the house on Wevslauer in Amsterdam… Is it strange that some of my wife’s documents were in my home?
- 6. Does the clue “annual subscriber” mean anything to you?
- 7. The rear front’s position is below the European responsible. When speaking of the rear front you have now said there are distinctions such as the Middle East, the Balkans and Europe. (13 December 2012)

QUESTIONS TO SEIFFNER

- 1. Are DHKP (political) and DHKC (military, mass organisations) section organisations?
- 2. Rear Front — its task: weapons + technical matters + fighters.
- 3. Is there an action not claimed by the DHKC but attributed to it? You said no, but then referred to the action against the HDP.
- 4. What is TAYAD? A committee or an association? “In my view it is DHKP-C.”
- 5. You said Yürüyüş continues to be published on the internet although it is banned. In which country is it banned? Was it published in Turkey?
- 6. Do you have a document showing that money from Yürüyüş magazine was transferred through the European responsible to the Party leadership? Was it for printing the magazine?

CAMPAIGNS

- What happens where there is no association? For example, there is no association in Belgium or France.
- People do not go to the camp to play volleyball; it is not a volleyball camp. What is strange about discussing common problems at a Family and Youth Camp?
- In which association is activity carried out under the name DHKP-C?
- “We must conduct legal activity in order to organise illegality.”
- Youth Magazine: Have you ever seen the youth magazine? What does it contain?
- Nurhan Erdem was not in the AF, yet she was its president.

SEIFFNER’S TESTIMONY

- No Dev-Sol.
- DHKP — DHKC — are they section organisations? Political, military + mass organisations.
- Rear Front — task: weapons + technical matters + fighters.
- From 2011.
- Statements are published in Halkın Sesi and Yürüyüş.
- There are generally communiqués claiming actions, but sometimes there are also denials. Statements are also issued when there is no action, for example a reward announcement or a denial of an alleged assassination attempt against Erdoğan.
- Is there an action not claimed by the DHKC but attributed to it? — No.
- She says no, but she herself had given the action against the HDP as an example.
- The prosecutor action.
- It was bloodily suppressed by the police. Statement no. 444 claimed it had been carried out for Berkin.
- Statement no. 355 — punishment for Günay Özarslan.
- The riot-police bus action.
- There were police officers inside the bus.
- Kröschel had said there was nobody on the bus.
- Onur Polat’s action. It was an unnumbered statement, but its form was consistent with the DHKC.
- There are no unnumbered statements.
- Dersim martyrs (the 13).
- Were civilians targeted in the actions? — No. When civilians were injured, apologies were issued.
- As in the US action, the Thessaloniki action, etc.
- What are the issues concerning Europe and finance?
- There is a provision on finance in the Party Congress.
- Income and expenditure through membership dues, public donations and revolutionary tax.
- Donation campaign — this is clearly present in the Netherlands documents.

- Receipts, etc. are used.
- Party dues.
- €240,000. The target was 6.7 million, but €240,000 was collected. (2002–2003)
- You said voluntary donations. This occurred in earlier years, but later, after violence was rejected in Europe, there were no forced donations.
- What is a “tampon”? — It means a depot.

ON ACTIVITIES

- Central concerts and evenings were held.
- Only the central evenings were discussed.

ON PUBLICATIONS

- DS is the central publication organ. Its final issue was August 2017.
- Why was DS banned? — Because it was the publication organ of the DHKC.
- Yürüyüş has been published since 2005.
- Although Yürüyüş is banned, it is published on the internet.
- YÜRÜYÜŞ IS A TURKISH PUBLICATION AND IS NOT BANNED THERE.

It was said that money from Yürüyüş was transferred to the Party leadership through the European responsible??? In the raid on Özkan’s home it was written that 2,500 copies were printed in Europe and that the money was used to publish the magazine, etc.

Did you conduct research concerning Musa Aşoğlu?

- There was an investigation concerning Nurhan in 2004–08. He was identified there. He was identified on 10 October 2005. It was said that the €13,000 found on Erdem was for a deposit (location).
- While Erdem was being followed, he was frequently encountered. Concert in Paris on 19–20 October.
- He took part in a march.
- He attended a camp in France.
- A document relating to the summer camp was found in the raid on N. Erdem…???
- During the raid, it was established at the police station that the person was AŞOĞLU.
- Knokke-Heist.
- The 1 April and 2 December documents. They resembled one another.

Did you investigate the US action? Do you have any information? — No.

What did you do concerning AŞOĞLU’s position? — He was said to be within the European committee and to occupy an important position there.

What is his relationship with the PKK? — He keeps his distance from the PKK.

After denying the HADEP action they said it was “People’s Power”.

Is there anything you have not explained? — The connection between propaganda and financial work. Picnics and summer camps are evaluated in terms of mass organisation and education, etc.

1.1.6 — card containing correspondence.

1.1.3 — there is a text in the document, a criticism text.

Prosecutor: Wurst’s report, page 156.

Question: Using notes coming from above as an instrument of pressure by saying that they came from us.

Seiffner: Yakup always uses “we” in his answers as a form of respect.

THE LAWYER’S QUESTIONS TO SEIFFNER

Are DHKC and DHKP section organisations?

- People are recruited through the association.
- They are recruited from sympathisers.
- First one must become a member of the Front.
- A Front member can become a member of the Party.
- We do not think biographies say that we are there for the Party.
- Because the DHKC was banned, the name Anatolian Federation began to be used.
- Campaigns are conducted through associations.

DEFENCE AGAINST THE SUPPLEMENTARY INDICTMENT

Collective Trial — The Imposition of Proving One’s Innocence

ON THE JUDICIAL AUTHORITY MAKING THE ACCUSATIONS IN THE INDICTMENT CONCRETE

Since I regard this text as a supplementary indictment, I am obliged to make additions within this framework to the defence on the merits that I previously presented.

All the legal and democratic activities attributed to me during the period 2009–2016 are being assigned to the DHKP-C, which is not an organisational or hierarchical structure, and criminalised in this way in an attempt to guarantee a conviction.

Until now, cases have been brought and convictions imposed against people alleged to be DHKP-C members on the basis of the same core file and similar reasoning.

The Atalay case in Stuttgart became the basic yardstick in this regard. It was also the first Section 129b case opened in Germany. The fact that one or two of those tried in that case accepted sentences of up to six years in exchange for an agreement on early release was to become the basic yardstick for all subsequent DHKP-C cases. And that is what happened.

In that case, the price of early release was also the closure of the route to the Court of Cassation. Because the decision in that case was taken as the yardstick, it would determine later trials as well. And it did. This also meant the open seizure of countless people’s legal right to defend themselves. And that too is what happened.

Of course, each person decides for themselves what kind of defence they will make or what they will accept. Atalay ultimately made such a personal decision.

But the judges and prosecutors in that case were not so innocent. They knew what role this decision would play and how the other so-called DHKP-C cases that had already become final would be put on automatic pilot according to the same criteria. With such a bribe of release, they knew what kind of illegality would continue to the present day, how long it might continue and how many more people it would condemn to lawlessness.

Because this release bargain also meant that the manipulated Amsterdam documents of 1 April 2004, which formed the basis of DHKP-C cases, became lawful evidence, the decision was an invaluable blessing for the Federal Prosecutor’s Office and the BKA’s DHKP-C desk.

While people were released in that case, another person, known to have abandoned revolutionary activity years earlier, received more than the sentence requested and was kept in prison until the end of the sentence because he would not reach an agreement. This too was a sign of the dimensions to which lawlessness would develop.

COLLECTIVE CASE

One of the basic characteristics of the case against me, as of the cases before and after mine, is that it is a collective case. The indictments, the accusations in them, the conditions of detention, the form of trial, the grounds for punishment, the sentences imposed, the destruction of the defence and the rendering meaningless of avenues of objection, including appeal to the Court of Cassation — everything bears common characteristics. Everything has become an open admission of the bankruptcy of legal remedies.

Collective trial is not a lawful form of trial. The real victims are not so much the supposed perpetrators brought before the court because they are already believed to be guilty, but the understanding and parties representing that form of justice. Perhaps today we, targeted for political reasons, pay the price. But the true victims are the legal institutions that think they are judging us and the understanding they represent. There have been many collective trials in the world. History has approved none of them; it has condemned them.

Another feature of collective trial is the intolerance created over time when even token legal objections become meaningless. Yet this intolerance is not voiced by those on trial, as one might think, but by the prosecution.

The prosecution of course has, and should have, the right to object to requests and objections made by the defence. But, as in this case, these objections are less legal objections than an expression of a feeling that the defence itself is unnecessary because law has been rendered meaningless.

The defence requests a witness. The prosecution, relying on the fact that this request was rejected in other cases, asks for it to be rejected on the ground that reheating sour soup will not make it taste better.

Although we accepted the judge's proposal, intended to speed up the trial, that some documents be read outside the hearing, after I read those documents and raised general translation problems, the prosecution was even able to say mockingly that the deficiencies and factual errors I identified should be ignored. It used both the judge's proposal to "limit the period of offending to the last seven or eight years and take that period as the basis" and my lawyers' remark that "at last concrete accusations are being raised", saying, "your lawyer also viewed the documents read outside the hearing positively."

What is the substantive basis for these attitudes?

These are not ordinary legal arguments or polemics. This is a question of approach. The approach is nothing more than an admission of an ordinary demagogic mentality aimed at devaluing the defence.

On what basis does the prosecution regard this attitude as legitimate?

On the one hand the prosecution refers to my relationship of trust with my lawyers; on the other it expects me to accept that it is the indisputable winner of a match it began with a 5–0 advantage.

But there is something the prosecution overlooks. Although it possesses the advantages conferred by collective trials, it fails to see what the authority it represents and the position I occupy correspond to historically.

I stand with those who resist the fascist regime in my country against the injustice and unfairness inflicted on the peoples to which I belong. The prosecution, on the other hand, is in the position of defending and protecting that fascist regime, even if indirectly. It may possess every power and advantage provided by collective trials. But I am profoundly in the right. The real problem with the prosecution's approach is not one of level. It is that it is unaware of the side for which it acts as spokesman. Whatever the court's decision, the ideas it expresses without considering this position have no possibility of winning. They are condemned to lose. I repeat: I am profoundly in the right, and no power has the capacity to destroy the strength that comes from being right.

MY DEFENCE CONCERNING THE CONCRETE ACCUSATIONS IN THE INDICTMENT

1 — 30 November 2009

It is alleged that, as the "DHKP-C European spokesperson", I held a meeting at a PKK association in The Hague, Netherlands, concerning an attack on a DHKP-C association in Turkey.

There was no DHKP-C association in Turkey that was attacked. The attack in question was carried out against more than one People's Front association. The event was reported publicly and was described this way in various media outlets.

If there was any spokespersonship or representation involved, it could have been representation of the People's Front, not the DHKP-C.

The report forming the subject of the indictment does not contain the name DHKP-C, nor could there be evidence to that effect, because the associations that were attacked were legal associations established and operating under Turkey's Law on Associations. They were associations defending the People's Front.

The prosecution’s arbitrary attempt to attribute associations that legally exist in Turkey to the DHKP-C in order to criminalise them is without foundation.

2 — By October 2015 at the Latest

It is alleged that an international relations committee was to be established and an office sought for this committee in Paris.

The committee in question concerns the People’s Front. The office concerns the International Platform Against Isolation. It has no connection with the DHKP-C, as alleged, nor with the DHKP or DHKC.

No prohibition under Section 129b was violated in this matter, nor was any prohibition in Europe violated. Moreover, no such committee or office was in fact established.

Apart from this, establishing and operating DHKC offices in countries other than Germany — such as the Netherlands, Belgium, France, Britain and Austria — is not contrary to the laws of those countries. Indeed, solidarity offices with the DHKC existed in all these countries in accordance with their legal regulations. However, because of errors in their names and manner of operation, those running them closed the offices by 2007 at the latest and did not reopen them. No legal restriction played any role in their closure. Even today in those countries DHKC and DHKP symbols, propaganda and activities that do not violate criminal law are not prohibited.

3 — By Mid-2006 at the Latest

It is alleged that I transmitted the correspondence of the International Relations Committee to Party organs.

There is not a single piece of information in the relevant correspondence found in the memory records seized at the address where I was arrested showing that it was written to the Party, namely the DHKP, or to its governing organs. Nor could there be, because the correspondence in question has nothing to do with the DHKP.

As far as I know, the DHKP has no international relations committee or activity. Had it done so, the organisation itself would already have made this public through Devrimci Sol magazine and through DHKP and DHKC bulletins and statements.

4 — 3 October 2026

It is alleged that I published statement no. 1 on behalf of People’s Front International.

As is clear from the statement itself, the international relations referred to concern the international activity of the People’s Front, a structure that is legal even in Turkey. It has no connection with the DHKP or, as alleged, the DHKP-C. Its content is entirely legal and democratic. It contains no criminal expression.

5 — 16 May 2013 to 30 May 2013

It is alleged that for fourteen days in Hellevoetsluis, Netherlands, I participated in meetings with leading cadres of the DHKP-C, including Anıl Sayar, who is alleged to have been the Netherlands regional responsible.

Since there is no organisational structure called DHKP-C, there can be no cadres of such a structure.

Citta Romana is a holiday village that holds personal memories for me, and I have stayed there from time to time. When people from my circle of friends wanted to call me and see me while I was there, I may have invited them there.

These meetings may have been friendly or may have concerned democratic activities that I supported or regarded as correct — social and cultural activities. But I did not hold meetings there for days or weeks. Nor is there any information or allegation in the file showing that two weeks of meetings took place in Hellevoetsluis.

According to SA Bd. II.5–II.5.1, folder 1, OZO PDF, the bungalow in Hellevoetsluis was rented in Anıl Sayar’s name and I was identified as its user. This document itself establishes that Anıl Sayar was not the user and that it was not used for an educational activity, as alleged. Since surveillance and monitoring also took place during this period, the allegation that an educational activity with Anıl Sayar occurred is plainly without foundation.

6 — From Around Mid-2015, at Least Until the Beginning of 2016

It is alleged that I assumed responsibility for the education and practical activity of nineteen-year-old Elif.

I did not work with nineteen-year-old Elif for six months as alleged, nor did I have meetings with her lasting days or weeks.

I do not regard educational work as a crime. I regard discussion of the problems facing the world and our country, and democratic organisation and struggle concerning them, as an indispensable element of freedom of thought.

I carried out no systematic educational work, short or long term, with nineteen-year-old Elif. Nor is there any information in the file to that effect. The allegation is therefore without foundation.

7 — Alleged Educational Work with “Senior Cadres”

It is alleged that together with my wife Nurhan I personally conducted and directed educational work for high-level cadres of the regions. In this context, it is alleged that I educated Anıl and Bahtiyar from 10 July 2016, İlhan and Güney from 20 July 2016, Deniz from 10 November 2016, and Nihat and İbo from 29 November 2016.

What the prosecution understands by the concept of “high-level leading cadre” is unclear. There is no information on this in the file, and by not even naming the organisation concerned it indirectly turns everyone into a high-level leading cadre of the non-existent DHKP-C.

It groups many names together, throws them into the same sack and stamps them all with the same label. This characterisation of these people is wrong. Indeed, it is invented.

The problem is not limited to inventing a status. For example, the allegation that from 29 November 2016 I provided educational work to Nihat and İbo from Britain is a definite distortion.

Nihat is an old friend of mine. He came to visit me on 29 November 2016. When I was arrested three days later I was together with Nihat. In fact, I was found because Nihat was followed. It is also clear, from the documents in the file and from reports of the Office for the Protection of the Constitution and the Dutch intelligence service AIVD that are not in the file, that there was no one named İbo with Nihat.

To prove this assertion, I request that the relevant correspondence and reports of the AKÖ and AIVD be included in the file.

Yes, Nihat came to me on 29 November. He arrived in the evening, but there is no information about this date in any document in the case file. This information exists only with the AKÖ and AIVD; the prosecutor has those documents but has not placed them in the file. They are being concealed.

8 — 6 July 2016

It is alleged that I asked Ali from France to publish the leaflet for the Family and Youth Camp and, after the camp, to bring Adem with him and come to me for education.

It is unclear what illegality the prosecution finds in publicly publishing an invitation leaflet for a Family and Youth Camp conducted on a lawful and legitimate basis, when the address, date and content of the camp are openly public. The leaflet even states who organised the camp. Despite everything being open, the prosecution avoids naming the organiser and tries to criminalise the camp by attributing it to the DHKP-C.

There is also no information in the file showing that any educational activity took place on the date alleged.

As with the examples of Elif, Deniz and İbo, allegations are simply put forward and I am then required to prove my innocence against these baseless allegations. Whether I can prove my innocence becomes the only “document” on the subject. Instead of producing evidence for its own allegations, the prosecution demands from me documents showing my innocence. Yet, as in the case of İbo, it also conceals information and documents in its own possession.

9 — 26 July 2016

It is alleged that I informed those responsible for Germany not to give Deniz any work other than international relations.

Once again, neither the organisation whose German responsibles are referred to nor the organisation on whose behalf this notification was supposedly made is stated, and there is no information in the file concerning me.

Moreover, this item itself amounts to a rebuttal of the prosecution’s allegation in item 7. It is an admission that describing Deniz as a high-level leading cadre was wrong.

10 — Since July 2016 at the Latest

It is alleged that I was looking for a Kurdish-speaking person to be sent to Iraq.

What criminal element is supposed to exist here is not clear; in fact there is no criminal situation. The documents in the file plainly refer to analysis of the political situation in Iraq and to political relations. This is a right that falls within the right to obtain information. The prosecution is attempting to turn this right into a criminal element.

11 — Since the Beginning of 2016 at the Latest

It is alleged that every week I wrote and sent an article for the “We in Europe” column of Yürüyüş magazine.

The magazine in question is legally printed and distributed in Turkey. It is a political news and commentary publication through which various democratic people’s organisations defending the ideas of the People’s Front express themselves.

As can be seen in the “We in Europe” articles in the file that form the subject of the allegation, there is neither propaganda expressing illegality nor any concrete organisational call or activity.

They consist generally of expressions of views concerning racism, discrimination and other problems affecting foreigners and people from Turkey living in Europe, and social, cultural and democratic issues and solutions.

The articles and news in the “We in Europe” column are a platform on which the European People’s Front openly expresses all its views and activities. All associations and formations referred to in the news are entirely within democratic legitimacy and legality. This is also proof that the prosecution is seeking to use Section 129b to destroy democratic rights and freedoms and that there is neither a terrorist organisation nor terrorist activity as alleged.

The prosecution claims that the printing and distribution in Germany of Yürüyüş, which is legally printed and distributed in Turkey, is prohibited.

But here the prosecution is not targeting the printing or distribution of this magazine. By treating writing articles and sending news to a magazine that is legal in Turkey as prohibited, it seeks to extend the ban on Yürüyüş and to have thought itself condemned.

Furthermore, the editors responsible for the allegedly banned Yürüyüş and for the Yürüyüş publications to which articles were sent and which exist today are different, as are the owners and the names of the publications.

So blinded is the desire to punish that no legal or factual circumstance is taken into account.

Turkey today is among the countries that most violate freedom of the press and imprison the largest number of journalists. Yet even the openly government-directed prosecutors and courts of the Turkish state are left behind by the prosecution’s interpretation of a ban on Yürüyüş.

The claim that the printing and distribution of Yürüyüş is prohibited appears in SA Bd. II.1, folder 3, page 36, with reference to SA Bd. I.1.4, pages 69–105 concerning the Yürüyüş ban. But this prohibition decision does not contain any criminal sanction against people whose writing is published in Yürüyüş.

There is no single magazine called “Yürüyüş magazine”. There has not been one magazine by that exact name existing since 2005 as alleged.

For example, today, in June 2018, there is a publication entitled Yürüyüş Against Imperialism and the Oligarchy, which has reached issue 70. In 2014–2015 there was a publication entitled Yürüyüş for Independence, Democracy and Socialism, with issue numbers around the 430s. There have also periodically been publications under names such as Yürüyüş for the People.

Which magazine did the Ministry ban? Within the scope of this ban, which publication does the prosecution say is prohibited from being printed and distributed? For which publication does it demand criminal punishment merely for writing an article?

The prosecution’s perspective consists of crude generalisation: “That is Yürüyüş, this is Yürüyüş, they are all Yürüyüş; all are banned.”

The same prosecution subjects the word “Front” to an even more elastic generalisation.

What follows from such generalisation? The destruction of the very foundation of the rule of law.

Every prohibition must have a legal basis and must be implemented through a legal decision. Yet in relation to Yürüyüş these requirements of the rule of law are openly disregarded by the police and prosecution.

It is an instructive spectacle that law should be trampled on in this way in Germany when even the fascist regime in Turkey is obliged to accept such legal procedures.

Of course, democratic rights and freedoms in Turkey are not more advanced than in Europe. Even these legal rights can be used only by those who resist. Arbitrary action can be stopped only through resistance.

Unfortunately, in order to stop arbitrariness concerning Yürüyüş, we are obliged to exercise the same right of resistance here as well.

12 — Summer 2016

It is alleged that I took part in work preparing a DHKP-C book entitled “War and Us”.

I do not know whether the book in question was ever published. However, not a single book or publication has ever been issued in the name of DHKP-C. Nowhere in the file is there a single piece of information or indication showing that this book was to be a DHKP-C publication. The prosecution’s allegation is entirely without foundation. More than that, it is an admission of the prosecution’s subjectivism.

13 — Organisation of Activities in Europe

It is alleged that I worked on organising and programming a number of activities held in Europe and on obtaining visas for lawyers, artists and others coming from Turkey to participate in them.

In this context, reference is made to the One Voice, One Heart Against Racism concert of 18 June 2016 and the Fête de l’Humanité in Paris, France, continuing until 25 July 2016.

This accusation by the prosecution is an open admission. It is indisputable evidence of the views I expressed in my defence. The arbitrary political use and abuse of Section 129b aims to destroy democratic rights and freedoms. This accusation is proof of that.

Another aspect shown by this accusation is that the political arbitrariness of Section 129b recognises neither constitutional limits nor even national borders, and claims for itself the right to intervene in democratic rights and freedoms in other countries and even in their national sovereignty. Trying to criminalise participation in and support for lawful activities in France is an instructive indication of the prosecution’s conception of democracy.

The One Voice, One Heart Against Racism concert that the Anatolian Federation was to hold on 18 June 2016 WAS BANNED AND COULD NOT TAKE PLACE as a result of threats, blackmail and pressure by the police, municipality and AKÖ.

The concert was to be held at the open-air event ground belonging to the Gladbeck Alevi Association. The Alevi Association was openly threatened by the municipality and AKÖ. It was blackmailed with the cancellation of joint projects with the municipality and threatened with constant police raids if it rented out the concert site. As a result, the Alevi Association withdrew from renting the venue. In this way the concert was prevented and banned through unlawful means. Artists who came from Turkey for the concert were detained at the airport and deported as a result of the arbitrary conduct of the police and AKÖ despite having lawful visas.

Quite apart from the unlawfulness of the manner in which the concert was banned, this proves that in practice the rejected Section 129c is being forcibly implemented in Germany through intention-scanning that goes beyond Section 129b.

Preventing the concert was also an open violation of the German Constitution. The AKÖ’s conduct here is proof of hostility towards the Constitution it is charged with protecting.

The banning of the concert and the prevention of artists with visas from entering the country were in themselves already punishments for organising the event. Yet the prosecution does not stop there; it now seeks to punish me again for preparatory work for a concert that did not happen.

What is the source of so much hostility towards opposition to racism? Nor is this hostility confined to us. How does this attitude differ from the slogans “Down with human rights” and “Down with democracy” shouted by fascist police and soldiers during the fascist military juntas in Latin America and Turkey?

All evidence concerning the unlawful prevention of this concert is in the case file.

Banning and eliminating those who oppose racism in Germany will not, as the prosecution imagines, make Germany safer. On the contrary, it will allow the existing way of life to be poisoned further by racists.

After the concert was unlawfully prevented, some anti-fascists from the DKP and MLPD organised a rally in Gladbeck on the same date and called it the One Voice, One Heart Against Racism rally. Some of the thousands who would have attended the concert joined this rally and protested against the arbitrary prevention. The prosecution now seeks to punish the Anatolian Federation and me for this rally, although its organisers are known and neither the Anatolian Federation nor I had anything to do with organising it.

I must ask again: what is the source of such hostility?

14 — Since the Beginning of 2016 at the Latest

I am accused of trying to purchase a campsite in France in order to continue educational activities at summer and winter camps.

Although the names and aims of the camps were publicly declared, the prosecution persistently avoids using the camp’s name. The camps are not called “Summer Education Camp” but “Family and Youth Camp”. By saying only “education camp”, the prosecution seeks to evoke a military camp and thereby make the punishment of fundamental rights that it labels criminal appear legitimate and lawful.

Moreover, attempting to purchase a place in France with one’s own money is not a matter for German criminal law. What mentality treats the lawful acquisition of property, moreover a commercial matter outside its own sphere of responsibility and sovereignty, as a crime? Historical examples in which people were treated as guilty because of their property, dispossessed and deprived en masse of the right to life arose precisely through processes in which the boundaries of arbitrariness were stretched until they became limitless.

15 — Regular Meetings of the “European Committee”

I am accused of regularly organising meetings of the European Committee, for example from 30 June 2016 to 1 July 2016.

There is no information in the file as to which organisation the structure called the European Committee belongs to. The prosecution links it to the non-existent DHKP-C, but there is no evidence for that. By making the accusation, it requires me to prove my innocence; if I cannot, it seeks to turn that failure into proof of guilt.

From the information in the prosecution’s possession it is clear that the agenda of these meetings concerned the personal rights, social and cultural issues, political demands and democratic rights of people from Turkey living in Europe. These are not agenda items that can be described as membership of a terrorist organisation abroad.

According to the file, the activities and agenda of the People’s Front were discussed: the anti-racism concert, participation in the Fête de l’Humanité, an internet newspaper concerning the problems and agenda of People’s Front supporters in Europe, and the idea of creating an internet radio station with similar content. These can only concern freedom of thought.

Likewise, the proposed website “All of Us for One, One of Us for All” was intended to promote solidarity within the democratic community from Turkey living in Europe. It was conceived as a site for direct personal solidarity: for people who had experienced illnesses or similar problems to share their experience with others, to help solve such problems, and for people to support one another in cases of death and so on.

Like the internet radio, this website remained an unrealised idea. There is no information in the file showing otherwise.

It did not happen; and even if it had, such a humane idea of solidarity, which would in no way constitute a crime, is legitimate. It cannot be the subject of a criminal case.

16 — 17 September 2016

Referring to an internal text concerning the 2016–2017 voluntary donation campaign, it is alleged that the text was not written by the Party leadership as the indictment claims but with my participation; that it organised a donation campaign; and that because expressions such as “Rear Front”, “strengthening the Front” and “raising the Front’s firepower” were used as moral values, I was part of an illegal structure.

The one correct point is that the DHKP, under the name “Party leadership”, is not what is at issue in this text.

Considering the file as a whole, the word Front here refers to the People’s Front and its rear front.

The text itself makes clear that the campaign was voluntary and that its target concerned democratic resistance and political prisoners in Turkey.

It is also clear that the aim was not merely material aid; the principal aim was to raise mass struggle and the struggle for democratic demands against the fascist regime.

What is described is a lawful and legitimate struggle, with emphasis on increasing magazine distribution, association-building and mass activity in associations.

17 — 3 October 2016

It is alleged that in a note I referred to a task or responsibility for all regions to meet the expenses of “our Party”.

Neither that note nor other information in the file identifies what Party expenses are supposedly meant. The only concrete information concerns the political identity of political prisoners.

As can be understood from the documents, the expenses referred to concern political prisoners in Turkey.

The prisoners referred to are “DHKP-C prisoners”.

Explanation: The term “DHKP-C prisoners” refers collectively to DHKP and DHKC prisoners and to prisoners detained or convicted because they were members, militants, sympathisers or popular contacts of organisations of the People’s Front.

“DHKP-C prisoners” is a designation. It is the only organisation-name in this context containing DHKP-C. This organisation is not banned in Turkey. Supporting these prisoners is not a crime. Since even the Turkish state does not treat it as a crime, it cannot be treated under Section 129b as “membership of a terrorist organisation abroad”.

18 — Alleged Supervision of Regional Payments

It is alleged that I supervised decisions such as arranging payments to be made by the regions and stopping payments.

The inference that these reports and controls were directed to the Party level or carried out on its instructions is without foundation. There is no information supporting it in the file or the relevant documents.

For example, on 26 July 2016 there is reference to stopping payments to the printer in the country. The printer referred to is the printer of Yürüyüş magazine in Turkey. As far as can be understood from the file, direct payments to the printer were stopped because of accounting errors on the printer’s side, and payment was instead to be made directly through the magazine.

On 18 June 2016 money may have been deposited for political prisoners through their lawyers. Prisoners in Turkey do not have their own bank accounts inside prisons. In the past, money could be sent from Europe in the prisoner’s name through post offices or banks to the branch in the area of the prison; the prison trustee would collect it from the PTT or bank branch and take it to the prisoner’s account within the prison.

However, under new laws governing international banking, banks were prohibited from making payment to the trustee; since prisoners themselves cannot go to a bank, money may have been sent in the names of lawyers or prisoners’ families so that they could make the payments.

Regarding €3,000 sent to Lina Radwan El Dana in Lebanon on 3 July 2016, €1,100 deposited from Britain on 22 July 2016, and payments to various countries: Lina Radwan is an internationally recognised human-rights defender. She is secretary of the Khiam Rehabilitation Centre for Victims of Torture in Beirut, Lebanon. Khiam is also a member of UTMP, the International Platform Against Isolation (IPAI in English, PILI in French). In 2016 UTMP organised an international symposium in the UNESCO building in Beirut. Documents

concerning this are in the file. The only plausible explanation is that these payments concerned the expenses of that event.

Other payments may also have concerned this event or a similar matter.

The allegation in the note dated 13 November 2016 that Nihat and İbo were to transfer money to the Party leadership is without foundation. The correspondence contains no phrase saying “Party leadership”. It may have been contemplated that İbo would come together with Nihat, but the file establishes that this did not happen. I explained this in detail above under item 7.

There is no reference to Party leadership, and because İbo did not come, it is clear that the alleged transfer did not occur. Nihat was detained together with me, and the searches also establish that no such sum of money existed.

19 — 13 November 2016

It is alleged that I arranged for €4,500 spent on eye treatment for a friend who came from Greece to be paid by the “movement”, and that by the word movement I meant the Party level, namely DHKP or DHKP-C.

The interpretation of “Party level” in this accusation is also speculative. Neither the file nor the note contains any information confirming it.

A movement is a form of organisation. In both hierarchy and operation it is completely distinct from a party organisation.

The movement referred to here may be the European People’s Front. Moreover, treating the provision of medical treatment to someone who needs it as a crime is meaningless, inhuman and illegitimate.

20 — Since the Beginning of July 2016 at the Latest

It is alleged that by the end of June 2016 I was trying to obtain 35,000 but had managed to obtain 20,000; that on 15 June 2026 I asked Britain, “Bring our money when you come to the concert”; that on 28 July 2026 I asked for what was probably the same 20,000 to be brought quickly to Cologne; and that on 22 July 2016 I reported that the money promised at the “Party level” had not been arranged but that 25,000 of the amount could nevertheless be made up by mid-August 2016.

Although no currency is stated for these amounts, it is interpreted that they may have been euros. Moreover, the amounts are repeatedly stated separately, creating the impression that there are numerous separate sums. Yet, as the documents make clear, there is one target amount of 35,000. This was not obtained, and there is only a hypothetical statement that 25,000 might be found by mid-August. There is no information showing whether even that amount was obtained.

Because this concerned a voluntary donation campaign and because the principal target concerned expenses of political prisoners in Turkey, the most likely possibility is that the amounts were Turkish lira.

This item again alleges a report submitted at “Party level”, but there is not a single basis for that allegation.

The fundamental issue is that the accusations are made on the basis of complete prejudice, without any evidence, and the accused person is forced to prove their own innocence.

21 — 22 July 2016

It is alleged that I reported to the “Party level” that weekly file communication was not yet functioning.

There is no information either in the document concerned or elsewhere showing that a note was written to an authority called the “Party level”.

22 — 2 July 2016

It is alleged that I was looking for a courier to take a hard disk to Greece.

It is not known whether this even occurred, and leaving aside whether its contents constituted an offence, it is not even known whether the disk was empty or full.

Being a courier is not in itself a crime. There are many commercial firms in the market that perform such work. When one begins with the prejudice that whatever is being transferred must necessarily contain a criminal element, everything natural in ordinary life is transformed into the perception of a crime, and the result is that no evidence is considered necessary.

23 — 21 June 2016

It is alleged that I wrote a note to the supposed France responsible, asking Hüseyin there to write by hand directions describing the place where he had buried “materials”.

Why is the word “materials” understood to mean weapons? Of course, once the people concerned have already been branded terrorists, it becomes natural to arrive at the conclusion: “What could a terrorist need other than weapons?” This allegation too is without foundation.

The materials concerned could be many things, especially rare and unique things. For revolutionaries, among the most precious are photographs, films and other images of those martyred in the struggle, and symbolic items left by them. Such things are among the first to be seized even in the most routine police raids, and they never return and cannot be replaced.

They could also be archival materials such as old and unobtainable publications that have become rare.

24 — Since July 2016 at the Latest

It is alleged that in July 2016 I asked for premises in Britain for an association, magazine contact point or press-agency office; that on 24 October 2016 I made proposals about the programme of activities to be carried out at premises that had been found; and that I committed an offence by saying that organisational activity should not be conducted in the association.

There is not a single thing in the proposed programme that could constitute a criminal element under Section 129b. On the contrary, it proposes that everything, from finances to activities, should be conducted within the legal limits of that country. The document itself proves this.

The only concrete fact that emerges is how arbitrarily democratic struggle is being brought within the scope of Section 129b.

25 — 1 August 2016

It is alleged that at the “Party level” I proposed that Perihan go to Belgium every two weeks to help Sezgin (Helin), who could not manage alone.

Once again there is only the abstract allegation of a “Party level”. Here too speculation is built around the magic phrase “Party level”.

26 — 6 November 2016

It is alleged that people in various European countries were assigned certain letters, that new email accounts were opened, and that from 15 November 2016 I supplied these addresses for secret communication.

The documents contain no information showing that a letter was assigned to country or regional responsibles. There may be a reference to the initial letters of email addresses.

The special nature of communication is indisputable for all people and institutions. Not everything private must necessarily be subversive.

Crime is being sought through an ideological scan, precisely in the spirit of Günther Jakobs, representative of “Enemy Criminal Law”, who holds that “anyone who does not provide cognitive guarantees in communication with the public is an enemy”. In other words, whether or not something contains a criminal element, it is viewed as inherently harmful to society.

CONCLUSION

The basic premises on which all the accusations rest are the claims that correspondence was conducted with an authority called the “Party level” and that the relations in question existed within the framework of the DHKP-C or DHKP. Yet neither the documents concerned nor the approximately 3,000 pages of documents I read outside the hearing contain a single piece of information, evidence or even implication confirming this claim.

All the accusations are therefore without foundation.

Naturally, I am then forced to prove that these baseless allegations are untrue. This means that I am subjected to the burden of proving my innocence.

This imposition, one of the most basic features of political trials, unfortunately forms the main body of the indictment against me and openly violates universal rules of law.

By contrast, all the prosecution’s allegations consist of hypotheses based on self-generated assertions. What is expected of the defence and of me is that we prove these hypotheses invalid.

DEFENCE REGARDING DOCUMENTS READ OUTSIDE THE HEARING

ON THE ITEMS IN LIST 1A

FIRST FOLDER

1 — DHKP Party Programme and Statute — SA Bd. I.1.2, pp. 2–62

The DHKP programme is very clear. It does not have, as the prosecution alleges, an objective of “committing manslaughter and murder”. Its objective is to establish democratic people’s power and a regime of people’s democracy.

Its national and class objectives and alliances are clearly stated. It explains its aims and objectives in the political, economic, social and cultural fields and declares how it intends to overcome the fundamental problems of our country, from labour questions to the freedom of the Kurdish people.

Page 64: Article 1 of the Statute states that the name of the Party is the Revolutionary People’s Liberation Party and its abbreviation is DHKP; Article 2 defines its flag and emblem.

Contrary to the prosecution’s claim, there is no DHKP-C organisation.

Pages 64–67: Article 6 of the Statute states: “Until the Party grows stronger and is established on its class basis, and until consciousness is genuinely raised within the Party ranks, it will act sensitively towards those carrying tendencies of deviation and, when necessary, will keep the scope of membership narrow.”

It is clear that the Party has not yet reached this stage. It remains largely at the ideological and political level. Contrary to what the prosecution and BKA officer Seiffner claim, merely visiting associations in Europe and participating in some democratic activities cannot satisfy the conditions for Party membership.

Article 8 of the Statute states that, in order to apply for Party membership, a person must be a member of the Front and at least eighteen years old. A Front member may apply for Party membership with the recommendation of two Party members with whom they work, the approval of the responsible person for that field, a biographical report and two photographs.

Front membership requires being a fighter and taking part in armed struggle. For the prosecution and BKA, however, the fundamental criterion of being an armed fighter is ignored, and the mere submission of a biography is treated as sufficient. Yet a biography may be submitted or requested for many different reasons.

Article 12 of the Statute states: “Between two congresses the Central Committee is the highest organ responsible for implementing Party policies. It directs and administers the war. It is the political and military general staff of the war. Between two congresses it may change all organs except the General Committee.”

There has been no second congress of the DHKP. In that case, its General Committee must remain as it was at the first congress. Under the Statute, it is impossible for someone who was not present at the first congress to become a member of the Central Committee or to occupy a position directly subordinate to it, because under the Statute the General Committee cannot be bypassed.

Party membership remained limited to the founders at the First Congress, while new Central Committee, General Committee and membership appointments during this period were already restricted by Article 6. The fact that no new congress was held within two or four years also shows that the objectives of the First Congress had not yet been achieved and that new memberships and governing organs could not have been formed during this period.

The prosecution and BKA use the objectives in the Party programme as evidence that those objectives have already been realised. Yet the very fact that a second congress has not taken place is in itself proof that they

have not been realised. On matters that do not suit them, however, they take neither the programme nor the Statute as their basis. Anything beyond that is speculation.

Quite apart from the prosecution bestowing Party membership on me, its promotion of me to Central Committee membership or to a position directly subordinate to the Central Committee is contrary to the programme and Statute, and there is not, and cannot be, a single piece of evidence for it apart from interpretation.

An article headed “Indictment Ready” on page 12 of Hürriyet dated 14 June 2018 states that an indictment in a case in Turkey had been sent to the 27th High Criminal Court and that aggravated life imprisonment twice over would be sought for the defendants. I am one of those defendants. Alongside known people tried in other cases, the list includes people who have already been prisoners in Turkey for twenty or thirty years.

The prosecution in Turkey arbitrarily announced a Central Committee and placed me in the General Committee, which it describes as below and responsible to the Central Committee. The German prosecution has simply taken over these absurdities of the Turkish prosecution and is now trying to use them against me. The German prosecution’s claims are as baseless as those of the Turkish prosecution.

Article 13 of the DHKP Statute is clear on this point: the Congress elects the General Committee. Since there has been no new congress, a new General Committee is impossible.

Under the Statute, the powers of the General Secretary and Central Committee are very broad, but the highest organ in the DHKP is the Congress, and the authority to elect the General Committee belongs only to the Congress.

2 — DHKC Statute — SA Bd. I.1.2, pp. 79–80

Article 1 of the DHKC Statute states that the name of the Front is the Revolutionary People’s Liberation Front and its abbreviation is DHKC; Article 3 describes its flag and emblem.

The DHKC too was founded at the DHKP’s First Congress. But contrary to the prosecution’s claim, it does not combine with the DHKP to form “DHKP-C”; it is a fighting organisation with its own statute, operation and flag. A fundamental condition of DHKP membership is to be a DHKC fighter.

Article 5 of the DHKC Statute states: “The Front consists essentially of armed units and militias, and legal and illegal mass organisations. The Party’s armed units operate within the Front under the name of the Front.”

There can be neither a DHKP nor a DHKC organisation in Europe, and there can be no members of such organisations there. As both the prosecution and BKA acknowledge, there is neither armed struggle nor armed organisation in Europe.

Article 7 in Part 5 of the DHKC Statute is clear: “Every Front member is a fighter assigned to one of the Front’s organisations and pays regular dues.” In other words, one must be a fighter in order to be a Front member. In Europe there is no material basis for this. The DHKC Statute itself proves it.

For example, the prosecution’s attempt to infer Party membership from association membership dues is nothing more than a distortion of theory and reality. Members of all democratic mass organisations already have an obligation to pay dues.

However prejudiced Turkish prosecutors may be, and however dependent the courts may be, even they cannot make the same sweeping membership generalisation as the German prosecution. Instead, in recent years they have taken refuge in the formula of “conducting organisational propaganda and activity without being an organisation member”. Anti-terror cases in Turkey are generally framed in this way. As legally ridiculous as that justification may be, the German prosecution’s use of every kind of democratic activity as evidence of illegal-organisation membership goes beyond the ridiculous.

3 — CONGRESS DECISIONS — SA Bd. I.1.3, p. 193

Decision 5, Article 3 states: "All regional and field organisations must temporarily form guerrilla units and organise themselves in accordance with guerrilla activity."

The prosecution also regards the European organisation as a Party organisation. If so, this decision would have to have been implemented in Europe as well. Yet there is no such organisation in Europe, and neither DHKP and DHKC publications nor the tens of thousands of pages of our case file contain a single piece of information showing the existence of, or an attempt to create, such an organisation.

Page 182, Decision 4, Article 3 states: "All field and regional committees are responsible for organising revolutionary violence on the basis of armed propaganda units and militias."

There is no information either in the file or in public knowledge concerning activity of this kind.

SECOND FOLDER

12 — Hengst (BKA) on DHKC Statements Nos. 299, 302, 305, 309 and 310 — SA Bd. I.3.1.3, pp. 20–21

DHKC statement no. 302 makes clear that the bomb carried by Şengül Akkurt exploded accidentally. Yet the BKA officer Hengst describes this accident as an attack, openly distorting it.

The effort is to portray the DHKC as a terrorist organisation carrying out actions against innocent people. In fact, the common objective of police bodies such as the BKA and prosecutors in DHKP-C cases is to use such speculation to condemn the DHKC and discredit it in public opinion.

13 — Hengst (BKA) on DHKC Statements Nos. 330, 335, 348 and 350 — SA Bd. I.3.1.3, p. 35

He claims that the DHKC carried out the actions against the HSBC bank in Istanbul on 15 April 2005 and the Istanbul Commercial Court on 17 April 2005. Yet the DHKC did not claim these actions.

There is not a single action of its own that the DHKC has failed to claim. It uses each action as an opportunity to explain its political aims publicly and therefore always claims responsibility. Even in cases that did not fit its aims and that it regarded as wrong — such as the bomb that exploded accidentally on a bus — it accepted responsibility.

Hengst bases his allegation on his contact within the Istanbul police. In reality, then, Hengst is doing little more than admitting under whose direction he operates.

18 — Hengst (BKA) on DHKC Statement No. 363 — SA Bd. I.3.1.3, p. 76

The actions carried out do not correspond with the Istanbul police list. Hengst nevertheless once again bases himself on police falsehoods.

20 — Hengst on DHKC Statement No. 367 — SA Bd. I.3.1.3, p. 89

Hengst's report on page 89 is dated 13 June 2007, whereas the date given in item 20 of List 2A is 16 August 2006. They are entirely different.

22 — Seiffner (BKA) on DHKC Statements Nos. 389, 390 and 392 — SA Bd. I.3.1.3, p. 177

On 16 June 2012 the Ankara General Directorate of Security added to the actions in statements 389, 390 and 392 the information that on 17 June 2012 they had supposedly been telephoned from Ludwigsburg, Germany, from number 71638, insulted and threatened.

Seiffner states in her report that no such number exists. Nevertheless, in file SA Bd. I.4.1 Federal Prosecutor Heike Becker-Klein accepted the allegation without question in the list of alleged DHKP-C actions and used it in all DHKP-C cases subsequently brought under Section 129b. It is clear that the Turkish police wanted to steer the Federal Prosecutor’s Office by adding a German connection to their allegations through such a falsehood, and they succeeded.

23 — Seiffner on DHKC Statement No. 393 — SA Bd. I.3.1.3, p. 202

She relies on a report on Muhalifgazete.com alleging, supposedly on police authority, that the order for İbrahim Çuhadar’s action against the Gazi police station was given by Hüseyin Fevzi Tekin in Greece. This demonstrates how open she is to being steered. Yet Seiffner has the possibility of receiving daily information from the EGM; so to speak, she is online with the EGM and DHKP-C desk in Turkey. She could have verified the report directly instead of becoming an instrument of third-rate provocateurs.

26 — Seiffner on DHKC Statement No. 402 — SA Bd. I.3.1.3, pp. 258–259

She says DHKP-C claimed the action. That is not correct. As statement no. 402 in the file shows, the action was claimed by the DHKC, not DHKP-C. She says, “They call the USA the principal enemy.” Is Ms Seiffner responsible for protecting and defending the United States? She says, “They accuse the Turkish state of collaboration and betrayal.” Is Ms Seiffner the authority responsible for absolving the state in Turkey?

Concerning journalist Didem Tuncay, who was accidentally injured in the action, she says that Tuncay was “seriously injured”. That is not correct. She was lightly injured in the leg; the DHKC publicly apologised to her and paid her hospital expenses. By saying “seriously injured”, Seiffner seeks to create an atmosphere of horror.

29 — Seiffner on DHKC Statement No. 428 — SA Bd. I.1.2, p. 179

In addition to commenting on the DHKC statement against the US bounty placed on three people, including me, it is stated that on 18 February 2013 the Ankara EGM answered the BKA liaison office in Ankara when asked who constituted the DHKP-C Central Committee. According to the Ankara EGM, the DHKP-C Central Committee consisted of Musa Aşoğlu, Zerrin Sarı and Seher Demir.

Seiffner’s addition of this information serves only to legitimise the US bounty. The three people targeted by the bounty are the same people whom the EGM claims constitute the Central Committee.

When Dursun Karataş, the DHKP General Secretary, was martyred in 2008, Seiffner’s information sources said that Aslan Tayfun Özkök had replaced him. At that time the EGM’s supposed “Central Committee” was different as well.

According to Hürriyet of 14 June 2018, both the EGM and the official indictment of the Turkish prosecution stated that the Central Committee consisted of Faruk Ereren, Zerrin Sarı and Nuri Eryüksel.

The claim concerning T. Özkök lasted only a short time, because the DHKP issued a statement explaining that Özkök had already been expelled after absconding for a year and a half.

During the period 1999–2007 when I was tried in Belgium, Belgian Federal Prosecutor Delmulle also alleged that everyone tried with me, including myself, was a member of the Central Committee. Yet at the end of the trial we were acquitted even of membership.

What does all this show? Particularly in political cases, prosecutors frequently accuse those they manage to capture of leadership and Central Committee membership so that they can obtain the highest possible convictions.

In these politically motivated cases there is no concern to discover the truth. Instead, the aim is to strike the politically selected target as hard as possible. The way to do that is to impose the highest punishment in

absentia on the highest level of the targeted organisation; those who are captured are in effect accused and tried in the place of that Central Committee.

Within this framework, Turkish prosecutors announce new Central Committees according to the characteristics of each period and the needs of new cases. European prosecutors acting with the same concerns announce their own Central Committees on the basis of their police and intelligence services. Thus Italy, France, Belgium, the United States and Germany can each have their own declared “Central Committee”.

It is also clear that the police and intelligence services of these countries have created a “terror industry” under the spectre of terrorism and use it to expand their budgets and areas of operation. In matters concerning Turkey, intelligence and reports supplied by the Turkish EGM and prosecution offices are vital, because the wheels of this terror industry can be kept turning only by such information.

There is much information in our file proving these assertions. Likewise, the recent operation at BKA headquarters concerning defrauding the state through false and exaggerated budget justifications may give an idea of this.

As the parts of our file concerning Alaattin Ateş show, even to meet an ordinary collaborator-informer of this kind, seven or eight BND agents would travel hundreds of kilometres, probably taking excessive expenses from taxpayers each time.

The sole work of the BKA’s Ankara liaison office is to receive and forward to Germany documents handed to it by the Turkish police for transmission to the BKA and Federal Prosecutor’s Office — documents that often have no original version and sometimes not even a Turkish version, having been prepared directly in German.

Likewise, Federal prosecutors such as Heike Becker-Klein, who appears in our file, have opened countless investigations in Germany on behalf of the Turkish state using files handed to them by Turkish prosecutors such as Turan Çolakkadı, who is today wanted in Turkey for alleged leadership of a terrorist organisation and is probably being sheltered legally or illegally in Germany.

Prosecutors in Germany who conduct investigations on behalf of the Turkish state, including Heike Becker-Klein, together with the Turkey and DHKP-C desks in the BKA, AKÖ and BND and the translators attached to them, form an enormous “terror industry” of their own.

Ultimately, in order for all this to be sustained, they need grounds that can be presented as serious. Their own supposed Central Committees become the saviour at precisely this point.

They also need informers who will confirm such claims. Knowing the role of informers whom they employ for large sums and salaries, artificially elevating their importance and obtaining the statements they want from them presents no special difficulty. In the final analysis, the supposed Central Committees are indispensable to this “terror industry”.

In Annex 4 to item 29, Seiffner’s comment is headed: “The probable person who ordered the suicide action against the US Embassy in Ankara on 1 February 2013 is Musa Aşoğlu.”

In addition to the Central Committee list supplied by the EGM that included my name, this comment contains the claim that Alişan Şanlı’s action had been ordered by the Central Committee.

This information had been published by the FETÖ newspaper Bugün, which was closed after the coup attempt in Turkey. Seiffner’s comment is based on this press cutting. Yet while the newspaper says the EGM confirmed the allegation that I was on the Central Committee, it also states that the allegation that I had instructed seven suicide bombers was not confirmed in correspondence with the EGM. In the newspaper cutting where the matter was announced, however, reference was made to information from the EGM Intelligence Department claiming that I had instructed seven suicide bombers supposedly identified by the police in Turkey.

The source is the same, yet the information does not match. Why? Because those who invent a new lie at every step can forget their previous lies and slanders even after a short time, or because they invent a fresh lie and slander at every step and the result is that none of them is consistent with the others.

30 — Seiffner on DHKC Statement No. 438 — SA Bd. I.3.1.3, pp. 338–349

After waiting 570 days for the killers of fifteen-year-old Berkin Elvan, killed by the police, to be tried, the DHKC carried out an armed action against Dolmabahçe Palace in Istanbul to protest that they had not been prosecuted. Only the activist was injured and captured in the action.

In the operation that followed, eight people were arrested together with some weapons and fireworks; the weapons were hunting rifles and gas pistols of types found in many homes in Turkey and not prohibited. The arrests took place on 4 January 2015. It then emerged that one of those arrested, Alişan Gül, had visited a Resistance House on 10 June 2001.

“Resistance Houses” was the name given to houses supporting from outside the Death Fasts that began in Turkish prisons in October 2000, including houses where people released while on hunger strike continued the resistance. These houses were in Küçük Armutlu, Istanbul. The police later raided and riddled them with bullets and killed people under torture; six resisters lost their lives in this raid.

The very police responsible for this massacre supplied, in response to information requested through Seiffner’s BKA office in Ankara, the fact that one person among the tens of thousands who had visited a Resistance House in 2001 was found fourteen years later, in 2015, with a hunting rifle in his home. This information was used to terrorise what was called “DHKP-C’s local Party-level People’s Front”.

There is an Anatolian saying for looters and marauders arriving from the East: “like a Maghrebi who has found goods”. Seiffner believes she has found such a treasure here.

I must explain another point. Whereas other BKA officers present the EGM’s comments as though they were their own, Seiffner openly identifies the EGM as the source of her comments. In the end, however, she still imports the interpretations of the EGM Intelligence Department into our case file as findings.

German prosecutors are thereby indirectly forced to act on the findings of Turkish law-enforcement bodies. This is why, in the eyes of those of us on trial, they appear as representatives of the Turkish regime.

33 — Seiffner’s Comment of 11 January 2016 on DHKC Statements Nos. 455 and 456 — pp. 473–480

The woman revolutionary Günay Özarslan was captured and executed by police without any document or court decision. To protest this, the DHKC carried out an action against a police headquarters. It also carried out actions against the AKP headquarters and the US Consulate to demand an accounting for Günay Özarslan and for the killing of thirty-two young people in Suruç, Kurdistan, by a bomb attack carried out by ISIS, which the source describes as created by the United States and used by the AKP.

In the clash after the actions, a fifty-one-year-old woman DHKC fighter was cornered and surrounded at a construction site. When Hatice Aşık ran out of bullets, she began throwing stones. There is camera footage of these moments, which was also broadcast on television. As the footage clearly shows, Hatice had nowhere to escape. Nevertheless, police chiefs ordered, “Shoot, shoot,” and Hatice was riddled with bullets and wounded.

This, the text argues, is how the war between the people’s revolutionary forces and the fascist regime is waged in Turkey: revolutionaries conduct a struggle for justice at the risk of death, while the regime seeks to suppress that demand through extrajudicial executions and massacres.

How was Günay Özarslan killed? Her house was surrounded and she was called on to surrender. Günay had no weapon. After first ensuring that the family whose house she was staying in left, she appeared at the window,

shouted slogans against fascism and declared that she would not surrender. She was then riddled with bullets and killed by the hundreds of police surrounding the house.

Günay became one of the SEVENTEEN THOUSAND people whom the text says were killed in extrajudicial executions by the police, army, counter-guerrillas and Turkey’s Gladio, the counter-guerrilla. It states that the state killed seventeen thousand people in extrajudicial executions and more than fifty thousand in total, and asks how many more must be killed before this is called a war.

In her comment on the shooting of Hatice Aşık, Seiffner describes it as “Hatice Aşık’s arrest” — “Festnahme der Hatice Aşık”.

Seiffner states that she included the footage in the file as an annex. Although she had the footage, she describes it as follows: “There is a woman in the image, the police repeatedly call on her to surrender. ‘Take your hand away — die Hände wegzunehmen’ — then the weapons fire and the woman who does not want to surrender collapses behind a wall.”

The text argues that Seiffner stops only short of openly congratulating the police, and that a perspective capable of describing an obvious execution in such a distorted way is not concerned with police findings and analysis for a case but with absolving the killers of the regime.

In order to prove what I say, I request that the footage added to the file as Annex 8 be shown at the hearing and that the dialogue in it be translated.

Seiffner also says: “On DHKP-C’s internet site http://halkinsesi.tv-2.blogspot.de, statements prepared by the People’s Front, Dev-Genç and Gazi People’s Assembly concerning the arrest of Hatice Aşık were published.” Through this she again tries, according to the text, to connect democratic struggle in Turkey with supposed terrorism and to absolve the state.

There is camera footage of the whole action and killing, and it was broadcast live on television.

THIRD FOLDER

35 — Seiffner’s Comment of 13 April 2016 on DHKC Statement No. 460 — pp. 556–559

This concerns the action by two women DHKC fighters, Çiğdem Yahşi and Berna Yılmaz, against the central garrison of the riot police — described here as responsible for almost all police killings in Istanbul, and not an ordinary police station as Seiffner claims — and the subsequent pursuit, clash and killing of Çiğdem and Berna.

Çiğdem and Berna carried out the action to demand an accounting for fifteen-year-old Berkin Elvan; for a young woman shot through the heart in front of her mother and siblings during a raid after telling police, “Do not come into the house with muddy shoes; put on overshoes”; and for a young man killed in the street on his way home from work. These events are described in the statement in the file. Not one member of the riot police responsible was arrested.

When Dilek Doğan was killed, police claimed that her brother had shot her and arrested him. Later, through the persistent efforts of lawyers from the People’s Law Office, helmet-camera footage that police were required to use during raids was obtained and the truth of the incident was exposed. Despite this, the police officer who killed her was not even detained.

Seiffner’s own research contains information that Dilek and Yılmaz were executed by police in the presence of camera footage and eyewitnesses.

During her student years, Çiğdem had spent nearly three years in prison after she and two friends unfurled a banner reading “We Want Free Education” at a hall meeting held by then Prime Minister Erdoğan as part of what was called the democratic opening.

In this item the DHKC statement and its translation are listed as Annex 3. The other two annexes are not in the file.

36 — Seiffner’s Assessment of the DHKC Rural Guerrilla Action in Diyarbakır — SA Bd. I.3.1.3, pp. 587–646

On page 585, in relation to a DHKC fighter martyred in an action against the governor’s office in Dersim, Kurdistan — which the state calls Tunceli — it is stated that, in addition to a weapon, the fighter carried a “DHKP-C rag”.

Terms such as “rag” or “piece of cloth” are expressions used by the fascist regime to denigrate flags it regards as hostile. It may be that all this information originates with the Turkish EGM and is handed to you. If such words had been placed in quotation marks as quotations, that could perhaps be understood. But when you present them as your own finding, you admit that you follow the murderous, torturing regime ideologically and culturally and remain under its influence.

The task of German law enforcement cannot be to take sides in the war opened by the fascist regime in Turkey against the people. The German people do not finance you for that purpose.

The flag in question was most probably a DHKC flag.

On page 585 Seiffner tries to label Yürüyüş issue 516, in which a letter left by Onur Polat, martyred in Dersim, to the people and his family was published, as “DHKP-C’s magazine Yürüyüş”.

No matter how often false information is repeated, truths do not become false and realities do not become lies. Such assertions are self-generated; they have no counterpart in real life and there is no evidence confirming them in the tens of thousands of pages of the file.

In item 36, statement no. 463 is also given as Annex 4; the other three annexes are not in the folder, pages 594–634.

37 — Seiffner on DHKC Statement No. 466 — SA Bd. I.3.1.3, pp. 660–675

She says the statement is directed particularly at prosecutors and judges, yet she neither quotes nor comments on its content. This creates the impression that there is a threat against prosecutors and judges. In fact there is no such threat or implication of threat. It merely calls on them not to absolve killers.

Like the translation, Seiffner uses the expression “Turkish oligarchy”. The text says not “Turkish oligarchy” but “the oligarchy in Turkey”. The difference is very great.

Political terms are not used accidentally. Every expression has a meaning. Arbitrarily changing a translation and a term amounts to subjecting those involved to an intention scan and reveals subjectivism in the perspective.

Page 662 states that camera images of the action and of the moment the activist was killed were also added to the file as Annex 2. I want to see this footage. The same matter also lists Annexes 2, 3, 4 and 5; I want to see those images and annexes as well.

Page 663 refers to “Decision 4 of the DHKP-C Party Founding Congress”. As the document SA Bd. I.1.3 shows, the congress concerned is the DHKP congress. The decisions are DHKP decisions. There is no such thing as “DHKP-C decisions” in the files before us.

39 — Mielach’s Comment that Vatan, Ekmek ve Adalet and Yürüyüş are DHKP-C Publications — SA Bd. I.3.2.1, pp. 13-18–13-19

By a decision dated 11 January 2005, the Bamberg court banned Ekmek ve Adalet as a DHKP-C publication.

First, an organisation that does not exist cannot have a publication organ. There is no organisation called DHKP-C, although there was a publication called Ekmek ve Adalet.

It is stated that the prohibition took effect from 17 May 2005. Ekmek ve Adalet published its final issue on 15 May 2005 and ceased publication.

However, the ban does not have an adequate legal basis. Neither the case nor the decision of 11 January 2005 was served on Ekmek ve Adalet. A legal entity that was not even given a right to defend itself and did not even know of the case or the ban was prohibited. That procedure is unlawful.

During the period Ekmek ve Adalet was published, its address, owner and responsible editors were known.

The prohibition case and decision were not lawfully established. All sanctions implemented on the basis of that decision should therefore be annulled with all their consequences, and all resulting damage should be compensated.

Where the address, owner and responsible persons are known, trying a magazine in absentia or through persons without legal capacity to represent it can have no legal validity.

Mielach’s claim, relying on this unlawful ban of Ekmek ve Adalet, that Yürüyüş bears the same legal liability because it supposedly continued Ekmek ve Adalet amounts to little more than ordinary police trickery.

The sale price of Yürüyüş was €3 from its first issue on 22 May 2005 until 15 January 2006, after which it became €4. Does that mean every publication costing €3 is a DHKP-C publication?

He also points out that, like Ekmek ve Adalet, Yürüyüş was printed by the printing company Aspaş Pazarlama. Asya Publications and the Aspaş printing house are among the largest in Turkey and have an Islamic identity, but many Islamist, right-wing, left-wing and revolutionary publications are printed and distributed there. If Aspaş is the criterion, dozens or hundreds of other publications must also be declared DHKP-C publications and banned.

He says Yürüyüş’s overseas office in Rotterdam, Netherlands, was the same as an organisation called TAYAD, which he describes as DHKP-C, and therefore presents Yürüyüş as suspect because it supposedly continued Ekmek ve Adalet.

The address concerned is the address of an office building containing dozens of businesses and offices. There was no TAYAD Association there, as alleged, and never had been. For a period there was an office of the “Solidarity Committee with TAYAD”, but it did not share an office with Vakıf Efsane; the two institutions had separate offices. On what legal authority does Mielach dare accuse TAYAD and the Dutch Solidarity Committee with TAYAD of being “DHKP-C organisations”? He might as well have accused the dozens of other offices at the same address of being DHKP-C offices.

Police trickery, arbitrariness and unlawful thinking do not express only Mielach’s mentality; together with the BKA and Federal Prosecutor’s Office they reveal a logic of banning thought.

06-08-2028 [date as in source]

40 — Kröschel’s Comments on an Article in Issue 373 of Yürüyüş — SA Bd. I.2, pp. 169–174

Contrary to Kröschel’s claim, the article contains no threat to Germany, Europe or the United States. The article is before us. Its essence is that no hope should be placed in the token criticism of the AKP by the United States and Europe during the Gezi uprising; that their attitude is false; and that, as shown for example by arbitrary Section 129b arrests and cases in Germany, these powers in fact support the existing government against the people in Turkey. In a propagandistic framework, as an exercise of freedom of thought, it says that people should not be deceived by such false attitudes.

The expression “Mitglieder der Front”, meaning “members of the Front”, is not used in the article. It says “Cepheliler”, that is, “Front supporters/Frontists”. It does not point specifically to the members of a particular organisation. If the DHKC had been intended, as Kröschel and the AKÖ interpret it, it could simply have said “DHKC members”. Even such a formulation would not itself contain a crime, because it would merely describe an existing situation.

Yürüyüş is known in Turkey for using very plain Turkish and for presenting its political analysis and findings in language designed to be as easy to understand and as closed to misunderstanding as possible. It does not mean “B” when it says “A”, as Kröschel claims. This is one of Yürüyüş’s most basic characteristics.

Contrary to Kröschel’s claim, the article was not written in response to the arrest warrant issued by the Düsseldorf Prosecutor’s Office on 26 June 2013. That event is given only as an example. Kröschel’s interpretation amounts to no more than his own attempt to read intentions.

In order to carry out the instruction given by the AKÖ to write this report, Kröschel distorts reality and searches for fabricated justifications.

41 — The 1983 Ban on Revolutionary Left — SA Bd. I.1.41, pp. 3–15

On 5 November 1982 the junta leaders who had seized power through a coup against the constitutional order announced a referendum intended to compel acceptance of the Constitution they had prepared to institutionalise the junta.

Participation in the referendum was compulsory and non-participants were punished. Soldiers stood by the ballot boxes, the yes and no ballots were blue and red, and although voting was formally secret, the colour of the yes or no ballot placed in the envelope could be seen from outside.

The referendum was held in conditions in which propaganda for “No” was prohibited; there were no political parties because the 12 September 1980 coup had banned them all; every association in Turkey apart from TÜSİAD, the industrialists’ and businessmen’s association, was banned; the leaderships of the official pre-coup parties were under house arrest on an island; and tens of thousands from the revolutionary extra-parliamentary opposition were imprisoned.

In an environment where not even a single protest could be held in Turkey, a group of Revolutionary Left militants and supporters in Germany occupied the Turkish Consulate-General in Cologne in order to be the voice of the people against the junta at that historic moment. Of the ten occupiers, three were armed. The purpose of this symbolically armed action was to proclaim that the peoples of Turkey, then numbering forty-five million, would not surrender to the junta.

At a time when European states had also begun supporting the junta, no democratic activity concerning the referendum could gain coverage in the press.

Those days were very different from today. During the AKP referendum process in 2017 concerning amendments to one or two articles of the fascist 1982 Constitution, for example, the entire German press and political spectrum, up to Merkel herself, could say “No” to the referendum.

The Cologne action was a one-off form of action relating to that historical period.

Nevertheless, in the case opened after the action, the German judiciary banned Revolutionary Left and associations named Halk-Der.

It was plainly clear that there was no aim or attempt to harm consular staff or people in the surrounding area. Nevertheless, the German judiciary imposed the ban on the assumption that the action was not a one-off.

From the practical implementation of the ban in 1982 until Revolutionary Left dissolved itself in 1994, it carried out no similar or armed action in Europe or anywhere outside Turkey.

Indeed, by 1991–92 the 1983 ban was no longer being applied in practice, and activities could be conducted in Germany with banners signed Revolutionary Left and Revolutionary Left flags.

42 — The 1998 Ban on DHKP-C — SA Bd. I.1.04.1, pp. 19–45

The bans on Revolutionary Left, DHKP-C and Yürüyüş are dealt with in greater detail. Although the Revolutionary Left ban arose from a one-off, non-structural action, it could to some extent be understood.

The 1998 DHKP-C ban, however, is legally misplaced, inadequate and without foundation. The subsequent 2015 ban on Yürüyüş on wholly arbitrary grounds linked to that prohibition is a complete legal absurdity.

I am preparing to bring proceedings before the administrative court for the ban to be lifted or at least reviewed, because the politically motivated prohibition is both without foundation and has come to target constitutional rights such as freedom of thought and organisation.

First, DHKP-C is not an organisational continuation of Revolutionary Left, and there is no organisational structure called DHKP-C. It therefore cannot be the “successor organisation of the banned organisation Revolutionary Left” referred to in the 1998 prohibition.

The grounds used to justify the ban on the basis of being a successor organisation have no counterpart in reality, because there is no political, organisational or cadre continuity.

In 1993 there was an internal coup within Revolutionary Left and the leadership organs changed completely. The same split occurred in Europe, where the European Committee sided with the coup faction.

The section that opposed the coup carried out an ideological struggle against it and, under the leadership of Dursun Karataş, founded the DHKP and DHKC organisations. By embracing the tradition of struggle and the martyrs of the Revolutionary Left period it ensured continuity in the struggle. That continuity expresses sociological continuity, not organisational continuity.

WHY IS THERE NO CADRE OR ORGANISATIONAL CONTINUITY?

Dursun Karataş was a founder and leader of Revolutionary Left. From 1978 to 1980 he was a member of the Central Committee. He was imprisoned in 1980 and remained imprisoned for nearly ten years. During that period he was not a member of the Central Committee. As a movement defending the Bolshevik conception of the party, under which membership lapses when a person is imprisoned, he was also free of organisational responsibility for Revolutionary Left activity during his imprisonment.

In this sense, he cannot bear responsibility for the 1982 Cologne consulate action that led to the ban on Revolutionary Left.

Although the Cologne action was a one-off and entirely outside Dursun Karataş’s will, in 1998 he issued an appeal to DHKC supporters in Germany and Europe setting out the wrongness of an understanding based on armed struggle, armed organisation and violence in Europe. This call ended problems arising from local individuals and groups in Europe.

Ignoring this appeal by Dursun Karataş, the court banned DHKP-C, DHKP, DHKC and the emblems and flags of DHKP and DHKP-C.

The claim used to justify the DHKP-C ban — that it posed a danger to Germany’s internal security and public order — is entirely without foundation.

For twenty years since Dursun Karataş’s 1998 appeal there has been no violation of internal security or public order. The spokesperson for the BKA’s DHKP-C desk personally confirmed this fact in this court.

The prohibition decision states that DHKP-C was organised both in Europe and Turkey, and bases this allegation on the existence of “DHKC Offices” in Amsterdam, Athens, Brussels, London, Paris and Vienna.

Yet there has never been a DHKC office in Athens. In the other places there were not DHKC Offices but DHKC Information Offices. These offices were official associations established in accordance with the laws on associations in the countries concerned. Their full names were Friends of DHKC Information Associations. In most places they were venues where European solidarity activists sought to inform European public opinion about repression and revolutionary resistance in Turkey.

The presence of “DHKC” in the names of these offices was merely symbolic.

Although there was no legal obstacle or prohibitory legislation in the countries where the offices existed, these associations were closed by their own workers.

These offices were never a cadre organisation of the DHKC.

Their closure occurred after a discussion initiated at the request of DHKC members in Turkey, when those carrying out solidarity work in the offices were persuaded.

The DHKC members explained that the DHKC was an underground organisation conducting armed struggle, that it aimed at Revolutionary People’s Power, and that because it waged a revolutionary struggle it did not have a conception of itself as a lawful/legal organisation. They said they regarded solidarity work as correct, but considered it wrong for their name to be used for a legal office in a way that did not correspond either politically or organisationally to their understanding. They therefore considered the continued existence of these offices inappropriate.

They also argued that “no DHKC member surrenders in a clash; the tradition of not surrendering is one of our most fundamental principles. Moreover, no one can enter a DHKC base or house without killing us. In Europe, however, we have no objective or programme of organising in this way.” Those engaged in solidarity work accepted these reasons, and because the name and mission did not correspond, it was decided to close the associations.

To cite similarities in the political discourse and actions of the DHKP and Revolutionary Left and conclude that the DHKP is the successor organisation of Revolutionary Left means either understanding nothing about politics or deliberately distorting the matter.

Revolutionary People’s Power and socialism can be objectives of dozens of different organisations. That never indicates the same organisational continuity.

Likewise, opposition to US imperialism and NATO, targeting torturers and enemies of the people, and conducting hunger strikes and death fasts in prison do not make one organisation the successor of another.

The DHKC’s embrace of the prison resistance of the Revolutionary Left period does not show that it is a successor organisation either. Nor is there anything strange in its doing so, because the tradition of prison resistance developed by Revolutionary Left was led and created personally by Dursun Karataş. He was the first volunteer for the first Death Fast in 1984.

The requirement that the same leading cadres must exist for there to be a successor organisation is then itself supported with fabricated grounds.

Alongside Dursun Karataş, the names Nuri Eryüksel, Şerafettin Gül and Kemal Kayar are cited and imaginary scenarios constructed.

First of all, the Revolutionary Left ban concerned the existence of Revolutionary Left in Germany. At that time there was not yet any concept under Section 129b of “membership of a terrorist organisation abroad”.

Nuri Eryüksel, who is referred to, was one of tens of thousands imprisoned by the fascist junta in the 1980s for supposedly attempting to change the constitutional order — even though the junta itself had completely destroyed that Constitution by its coup. He was not convicted in Turkey. Nor is there any document on this in the prohibition proceedings.

Şerafettin Gül’s fifteen-year sentence in Turkey in the 1982 Revolutionary Youth case is likewise explained by saying that “DG was the youth organisation of Revolutionary Left”.

Kemal Kayar is also cited as an example, yet there is neither information nor a case or conviction showing that K. Kayar was a leader after 1984, still less after the proclamation of the DHKP.

There is not a single document showing that either Nuri Eryüksel or Ş. Gül was a leader or member of Revolutionary Left from the period of the 12 September junta up to the foundation of the DHKP.

Another comical argument is that Revolutionary Left and the DHKP appeal to the same social sections. What is strange about the DHKP and DHKC taking former Revolutionary Left supporters and supporters of revolution as a target audience? Many political currents have appealed to this same audience. Does that mean that at least fifty organisations that have existed in Turkey must all be successor organisations of Revolutionary Left?

A number of actions up to 1998, such as throwing red paint at Turkish state missions in Germany and breaking windows, are used as grounds for the accusation of attacking the interests of the Federal Republic of Germany. Reference is made to Article 2(4) of the UN Charter prohibiting violence against members.

Relying on the UN Charter in order to ban an organisation is black humour. Why does the UN Charter not come to mind when the Turkish state violates the people’s right to life, tortures hundreds of thousands, tries tens of thousands in special and military courts lacking impartial justice, and commits crimes against humanity such as deaths under torture, disappearances in custody, extrajudicial executions and mass killings directed against revolutionaries, workers, Alevis and Kurds?

To remember the UN Charter because a few windows of the missions of a state said to have killed 17,500 of our people in extrajudicial executions in the last twenty-five years were broken in Germany is nothing but abuse of the UN Charter.

Moreover, the breaking of those windows ended twenty years ago as a result of Dursun Karataş’s appeal.

If breaking a few insignificant windows constituted damage to the interests of the Federal Republic of Germany, what does preventing such damage for twenty years mean?

Under the heading “comparable actions of Dev-Sol and DHKP-C”, it is said that “like Dev-Sol, it has killed numerous people in bomb attacks”. Neither Revolutionary Left nor the DHKC and DHKP referred to as “DHKP-C” has a practice of bomb attacks aimed at eliminating individuals. It is known that they regard such an approach as wrong. The prohibition court had no evidence or document for this allegation, and our own file contains none either. It is simply an attribution and slander.

43 — The 2015 Ban on Yürüyüş — SA Bd. I.1.4.1, pp. 69–100

The basis of the Yürüyüş ban is again the DHKP-C ban. The effort to invent grounds for using the Revolutionary Left ban as the basis of the DHKP-C ban becomes boundless arbitrariness in the Yürüyüş prohibition.

What is the reason for the ban and what is its scope? Even publications for which no prohibition decision exists are called continuations of one another, and everything is arbitrarily brought within the ban.

Anything that is not prohibited from publication in Turkey, even ordinary news, can be treated by Germany as grounds for prohibition if it concerns political prisoners.

Yeni Çözüm, Mücadele, Kurtuluş, Vatan, Ekmek ve Adalet, Yürüyüş, Yurtdışı Mücadele, Der Kampf in der Türkei, Mücadele International — all are labelled as continuations of one another and as the central publication organ of DHKP-C. The concern is not to find material evidence for any of these claims, but to ban the ideas they express.

Once that is the starting point, opposition to racism and opposition to torture are also brought within the concept of terrorism.

Yurtdışı Mücadele, Der Kampf in der Türkei, Yeni Çözüm and Mücadele were publications issued during a period when the Revolutionary Left ban had been reviewed and Revolutionary Left could operate openly in Germany. There was no prohibition against these publications.

Kurtuluş is nevertheless called the continuation of Mücadele and this too is treated as a ground for prohibition, although Mücadele was not banned in Germany when it was published. Yeni Çözüm likewise was not banned in Germany.

Another dimension of the prohibition decision is the statement that there was no need to question the magazine’s management, publisher, distributor or readers concerning the prohibition, because it was a public-law proceeding.

For a ban whose dimensions and scope were made extremely broad and which, because there was no time limitation on the accusations, could include countless people, the court said there was no need for statements, explanations or a defence, but at the end of the decision it nevertheless provided information on where and by what date a legal objection could be made.

To whom was this information given? If those who were prohibited did not know about the prohibition, the supposed legal right of objection was no more than an empty, token legal formality.

44 — Lifting of the Yürüyüş Ban on 12 January 2016 — SA Bd. I.1.4.1, pp. 101–102

The heading of this item is the lifting of the Yürüyüş ban, with reference to pages 101–102. Those pages state that the prohibition of 10 April 2015 was lifted on 6 May 2015.

So is Yürüyüş banned or not? Item 45 states that the prohibition decision quashed on 6 May 2015 was lifted on 20 January 2016 and that the ban continued.

What was the reason for lifting the prohibition? Why was a decision made to reapply a prohibition that had been lifted? The court decisions contain no answers.

Items 46–55 concern BND and AKÖ reports. I will make a separate defence regarding those items.

56–57 — Search of the Anatolian Federation Centre in 2008 — SA Bd. II.4.4.4.2, pp. 328–331, 335, 345, 356, 369

During the operation against my wife Nurhan Erdem, documents concerning a subscription to the newspaper Hürriyet were found at the premises of the Anatolian Federation, of which my wife was president. Through the profound investigations of the BKA and Kröschel it was discovered that this subscription was in my name. (!) What an extraordinary feat of detective work. Remarkable documents even established that the subscription was sent to me while I was a prisoner in Belgium.

There is of course nothing strange about my wife arranging a subscription to a newspaper such as Hürriyet for me while I was imprisoned and having the payment made in the name of someone at the Federation at the time.

What is strange is that the BKA and the then head of its DHKP-C desk personally pursued this subscription and produced thirty pages of documents about it. Evidently the BKA had no more serious work to do.

In the face of these documents I therefore CONFESS that my wife subscribed me to Hürriyet.

58–59 — Search Concerning Ü.K. Düzyar in Pulheim in 2010 — SA Bd. II.4.8.1, pp. 33–40, 43–45, 151–153, 183–185, 209–215

These items are instructive examples of arbitrariness in translation and interpretation.

Among handwritten notes allegedly found with Düzyar were entries “eniş. 7.5”, “eniş 10”, “enişl0”, “enişЗ”. In translation, “eniş” became Schwager/Onkel.

When the notes were interpreted, the figures were first multiplied by one thousand; then, through a simplification based on the word Schwager, the notes found with Düzyar were rearranged and a supposed finding was produced that “€27,500 was paid/delivered to Musa Aşoğlu”.

Why were the figures multiplied by one thousand and interpreted as sums of money in euros? There is no statement, information or document supporting this. The file is empty on this point.

The arbitrariness of the translations continues: “Kem. Abi” becomes “Kemal abi”; “Özg.” becomes Özgür Aslan, the Stuttgart responsible; “Far.” becomes the Hamburg responsible codenamed Faruk, Erdal Gökoğlu.

The same list also contains figures already expressed in thousands, such as 10,500, 6,000 and 4,000. If the figure 10 is to become 10,000, should not 10,500, 6,000 and 4,000 likewise become twenty million five hundred thousand and so on?

Likewise “enişЗ” becomes “three thousand to Musa Aşoğlu”.

Findings such as “Stuttgart responsible” and “Hamburg responsible” are made on 26 February 2010. At that time there was not yet a judicial decision against Özgür Aslan, and to this day there has still been no conviction of Erdal Gökoğlu. Yet the officer Sowinski-Kolzem prefers to convict them directly rather than call them suspects and turns this into an official document. In his eyes law has no meaning; he does not need a court decision.

Ultimately, such interpretations by police officers are not surprising. These officers work specifically on particular people, and their basic task is to persuade the prosecutor specially assigned to such cases to have those people arrested. The real absurdity is that attempts to prove an offence through such prejudices and fabricated figures become documents in the file.

Indeed, in every DHKP-C case so far, police hypotheses first become indictments, then prosecution submissions, and finally judgments. Because this has repeatedly happened, the habit of placing police fantasies in the file in place of documents has become a tradition.

But no fantasy can abolish reality. In the concluding section of these fantasies, in document 3-1-1-1-4 (Assenrat), Sowinski-Kolzem claims that “without any room for doubt these figures represent the figures of DHKP-C’s 2009/2010 campaign”, presenting his own invented interpretation as indisputable.

It is necessary to ask: indisputable to whom? The prosecutor, the lawyer, the court, or the defendant whom he has already declared guilty? Who is not allowed to question it?

There is also a note “1,200 delivered to brother-in-law Özgür”. Why is 1,200 not multiplied by one thousand when this sentence is translated?

Why does it become “Özgür Aslan gave/delivered 1,200 to Musa Aşoğlu” instead of “a brother-in-law named Özgür” or “Özgür’s brother-in-law”?

Because multiplying 1,200 by a thousand would look too exaggerated and he is trying to remain credible. And because if he did not say Özgür Aslan and Musa Aşoğlu, he would not be fulfilling the list placed in his hands for arrests.

16 August 2018

68 — 1 April Documents, ID 728987: On the Authors of the Notes — SA Bd. II.4.3.1, Folder 1, pp. 155–164

There is a handwritten police note on the first page. Why it was added is unclear.

A second issue is that, on the basis of the name at the beginning of the file, the note is assumed to have been written by “TALAT”. Yet the name “MEHMET” appears at the end. In other words, the note was written by MEHMET.

This shows that names at the beginning of files do not identify the writer.

On page 163 translator Boztepe says there was an error in the translation and provides a corrected version from line 43 onwards. Yet both the translation and Boztepe’s correction are wrong.

73 — 1 April Documents, ID 730646: Two Unrelated Files Arbitrarily Joined — SA Bd. II.4.3.1, Folder 6, pp. 398–406

In the original, at page 399, item 3, it is clear that the words “photo galleries” have no connection with the sentence that continues “there are many volunteers among the friends in …”.

At the beginning of the sentence, problems on an internet site are being listed; then suddenly, with the suffix “-teki” — not a complete word but half a word — comments begin about people volunteering for the Death Fast. In summary, it says that they say “we volunteer” but, because they are young and inexperienced, they are not ready.

What does this show?

There are many documents in the 1 April material that were “recovered” only in fragments. Either the police who carried out the recovery or the BKA officers who received the files arbitrarily joined these fragments together to create complete files. Yet they then hold the name at the beginning of the resulting file responsible for everything written in it, and the prosecution uses the documents in this form against those tried under Section 129b in Germany.

This document clearly demonstrates the methods of manipulation used in the 1 April documents. The example appears in item 3 on page 403 of the German translation.

At the beginning of the note “Brother Talat” appears, while the notes added to it concern prison resistance in Turkey. In this way they try to elevate me to the level of someone responsible for Turkey.

FOURTH FOLDER

78 — 1 April Documents, ID 750395 — SA Bd. II.4.3.1, Folder 3

There are two translations, both made by Füsun Ateşlioğlu, yet they differ from one another. The first translation is on pages 104–107 and the second on pages 108–112. Pages 113–114 contain Boztepe’s corrections. Some items appear in one translation but not in the other. Why? Are there two different originals? If so, where are they?

79 — 1 April Documents, ID 751243 — SA Bd. II.4.3.1, Folder 4, pp. 3–18

This document is a complete patchwork. Seven separate file fragments have been combined in an attempt to create a single file.

It is one of the clearest documents proving that the 1 April documents are MANIPULATED material.

First file: begins on page 3 and ends on page 5. But on line 20 of page 3, after the figures and letters “2ga” — letters with no meaning in Turkish — it continues nonsensically with “if he knows that it happened, he will be afraid”. In reality another file has been inserted here.

Second file: pages 6 and 7. This is a fragment with no beginning and no end.

Third file: page 8. It begins with “hello” and, in an unrelated way, ends with another “hello”. Up to line 20 it is the same as the first twenty lines of the first file, but after line 20 it differs from the material after line 20 in the first file.

Fourth file: page 9. This is a thirteen-line note beginning “Nazan” and ending “END OF NOTE. GREETINGS AND RESPECTS”. It has nothing in common with the preceding or following sections.

Fifth file: page 9. It has no beginning, starts in the middle of a sentence and ends in an unrelated manner.

Sixth file: page 10. It has neither beginning nor end; it starts and finishes in the middle of sentences.

Seventh file: it has no beginning. The note ends “greetings and respects”. It has no connection with the previous files either in subject or in the numbering of items.

TRANSLATION

Page 12 is said to contain a summary translation, but there is no translation there. There is only a partial translation of items 6 and 7 from the first file.

From pages 13 to 18, however, translator Füsun Ateşlioğlu arbitrarily mixes, orders and unifies the seven files and produces a full translation as though they were one new complete file.

Ateşlioğlu carried out both the translation and the combining of files. She did not combine them in Turkish; the effort to create a single whole appears only in the German translation.

Viewed from outside — by a prosecutor, judge or lawyer — it appears that there is first a summary and then one complete, coherent file.

The end of the full translation finishes with the final section of the first file, apart from its last two lines, and contains a phrase such as “greetings and respects”.

Apart from file 4, the beginnings and ends of the seven fragments contain meaningless scribbles.

What do these fragments contain? Gülşen; Nurhan Erdem, referred to as Eser; the name and address of Nurhan Erdem’s sister; weapons, explosives, couriers, sending magazine money to Turkey, the address of an AKP MP, and so on — almost everything imaginable. This reveals why the fragments were combined.

83 — 1 April Documents, ID 753161 — SA Bd. II.4.3.1, Folder 4, pp. 189–191

Nearly half of this document has been highlighted on a computer. To highlight a TXT file, it was first converted into a DOC file.

85 — 1 April Documents, ID 754777 — SA Bd. II.4.3.1, Folder 7, pp. 607–616

What is said about me in my absence in this text is evidence that I was not within Party relations. The person referred to here as Talat is probably me. This document too appears to have been put in the file for that reason. It says about me (Talat), in my absence: “Brother Talat told me that I first had to tell the Party my criticisms concerning the functioning, and that even he could not directly intervene in or criticise the functioning under Kerem’s supervision in the office.” The German translation of this note begins on line 3 of page 615.

In item 2 of the passage placed at the very beginning of document 763861, which is not present in document 763070, it says that it was understood that Zeliha and Talat would be sent on holiday. In this way my middle name was made to appear in five texts pasted together and the impression was created that I was responsible for all five texts.

File no. 763070 was translated by Petra Wurzel (Şaşmaz), while file no. 763861 was translated by someone named GÖK. Petra Wurzel’s translation was also rechecked by a person named BOZTEPE. The translations by Wurzel and Gök differ almost completely in sentence structure and word choice. For example, for the name “Kervan” in item 16, Gök writes “???” and says it was not understood. Wurzel, however, makes no such notation.

THIRD: “Mahmut’s” note consists of one numbered item and ends in the conventional manner with greetings and affection. But the police who re-arranged the file appended another file whose beginning is missing and which starts with item 2. In this way they tried to link together the broken half-files in their possession and openly manipulated them.

SECOND: two different kinds of alteration were made to this file dated 25 November 2002. A note by “Mahmut” was added. While the Turkish letters in the 25 November 2002 file are made up of “hieroglyphic” characters, the added file dated 24 November 2002 was rendered into Turkish using letters from a German keyboard instead of the “hieroglyphic” signs. This must have been done by the German police, because among European keyboards the Turkish letter Ü is present only on the German Q keyboard, exactly as in “MAHMUT’s” file dated 24 November 2002.

In ID 763861, three fundamental changes were made. FIRST: another file dated 25 November 2002 was placed in front of the file in ID 763070.

The alterations are as follows. In ID 763070, the “hieroglyphic” characters in the original notes were removed and the text was adapted to the Turkish keyboard.

The same files were altered and assigned two different “ID” numbers by the Dutch or German police.

90–92 — 1 April Documents, IDs 763070 and 763300 — pp. 385–397 and 485–496

It is beyond dispute that I did not attend university in Turkey, that I was not in Turkey between 1990 and 1993, and that I was not imprisoned there.

However, on page 77 a note has been attached to it, written by an unidentified person who had been imprisoned in Turkish cities such as Konya, Uşak and Niğde and who describes how and why he was arrested in 1990, as well as his arrests in 1991 and 1992. This text has neither a beginning nor an end.

First there is a file addressed to Şamil which is attributed to me and said to have been written by me. Its subject is a declaration concerning Cuba that was publicly announced at an international meeting organised by the Workers’ Party of Belgium.

86 — 1 April Documents, ID 755200 — SA Bd. II.4.3.1, Folder 8, pp. 71–84

91 — 1 April Documents, ID 763300 — SA Bd. II.4.3.1, Folder 8, pp. 419–434

This document was created by joining four separate files.

The first file is dated 28 December 2002; the second, 29 December 2002; the third, 3 October 2002; and the fourth is also dated 3 October 2002 and ends abruptly in the middle of an unfinished sentence.

In fact the third file is dated 23 September 2002. The police altered it by adding the date 3 October 2002 at its beginning.

Why did they alter it? Because the date of the file to which the 23 September 2002 document was attached was 3 October 2002. Since the chronology would otherwise be impossible, the police placed the date 3 October 2002 on the third file in order to eliminate the discrepancy.

The first of these four joined files again contains the name “Talat”; the continuation then ranges from the Death Fast in Turkey to couriers, guerrillas, France, Germany, Switzerland, the Netherlands and so on. Half-files have been joined and “Talat sauce” added, openly creating a manipulated document intended to manufacture a terrorism offence.

There may be another reason the four files were joined. In the note dated 23 September 2002, after “hello”, appears the line: “THIS IS THE NOTE I SENT EARLIER CONCERNING AYDIN AND VELİ.” In the partial note dated 3 October 2002 there are writings by Aydın and Veli. To make the two-month difference disappear, the police put the date 3 October 2002 on the note dated 23 September 2002.

POSSIBILITY: Most probably, when the hard disk containing the 1 April documents was found to have been erased and material was recovered with a recovery program, the section concerning Aydın and Veli became attached to the beginning of the note dated 23 September 2002. This example is further evidence that the documents being used cannot be regarded as reliable.

99 — Financial Matters, We 003-04-02-002 — SA Bd. II.5.1.5.1, pp. 470–478

TS1 shows figures sent, or supposedly to be sent, to prisoners in Turkey.

TS2 is a receipt from a shop whose name and address are known. What does shopping at a market have to do with DHKP-C financing? Moreover, while photocopies of everything else are placed in the file, why is there no photocopy of this receipt?

TS3 contains figures placed one beneath another and amounts subtracted from the figure 116,860 above them. It is claimed that the figures opposite the names Ünal and Alaattin belong to Ünal Kaplan Düzyar and Alaattin Ateş and that these people are already proved to have delivered money to me.

But did they give these amounts to me, or did I give the amounts to them? If they had given them to me, should the sums not have been added to the figure above with a “+” sign? Contrary to Mr Kröschel’s claim, there is no evidence here of sums being delivered to me.

TS4 attributes to me all train cards found in my father’s house, which was also my address. Yet outside my own room in that house, nothing belonged to me. Just like the mobile phones my parents used while in the Netherlands, the train and tram tickets belonged to my father. The tickets for journeys to and from Germany were used by him. While my wife Nurhan Erdem was held in Cologne-Ossendorf prison, my father was one of her visitors and visited her frequently. This can be established by comparing the dates of the tickets with the prison visiting records.

TS5 concerns my case in Belgium, which lasted ten years from 1999 to 2009. I was tried for membership and leadership of a terrorist organisation and received a seven-year sentence, but the case was quashed and restarted three times and was twice returned by the Court of Cassation. Ultimately I was acquitted of the terrorism accusation. This document is the invoice issued by my lawyer for expenses and services during that period. Why does an invoice of €57,000 become a matter of DHKP-C financing? It has been placed in the list in the hope of “convincing” those involved in the trial — prosecutor, judges and lawyers — who merely skim financial material without reading the detail.

TS6 is the rental invoice for a small hall hired for an event by the Anatolian People’s Culture and Art Association in Rotterdam. What connection does this have with “DHKP-C”, Germany or Section 129b?

TS7: I was caught by a speed camera in Germany while driving my wife’s car. What could be more natural than the invoice coming to my address? Moreover, I paid it. I do not owe Germany anything. What does this have to do with DHKP-C financing or Section 129b?

The purpose is to inflate the file and thereby obtain greater funding from the German state. Such superfluous material exists only because of the anti-terror industry.

TS8: What does my employment contract with the workplace where I worked for a year and a half between 2008 and 2010 have to do with DHKP-C financing or a Section 129b investigation? Mr Kröschel, without relying on any evidence, simply invents the comment that I worked there. On what does he base this? Did he investigate? Was it recorded through surveillance? What did he actually do to reach this conclusion? Of course, when someone has already been branded a “terrorist”, especially a DHKP-C member, anything can be invented and any label attached.

After all, DHKP-C people supposedly do not make a defence. So invent whatever you want; nobody will object. Neither the prosecutor nor the court will ask what these fabricated conclusions are based on. What can one say: “long live the terror industry”.

TS9: What conceivable connection can the presence in my home of a DVD containing a film called ULAK have with DHKP-C financing? I genuinely wonder about the basis of the “intelligence” that drew this conclusion.

126 — Brohl’s Supposed Assessment Concerning the Raid on the Family and Youth Camp in Neuhausen — SA Bd. I.3.2.3.3, pp. 1–14

It is alleged that I attended the camp in Neuhausen. I did not. I went only to the entertainment held on the last day in order to be with the woman who was then my fiancée and later became my wife. I am certain that this camp was under surveillance from beginning to end. The surveillance records therefore also establish that I did not attend the camp itself.

On page 3 it is also alleged that I attended a camp in Eberbach from 1 to 5 August 2004. I have never in my life set foot either in the city called Eberbach or in that camp. How the officer named Brohl reached this conclusion is unknown.

Someone who has constructed a terrorist portrait in his head and sits at a desk fantasising about what this terrorist may have done can of course make such interpretations. He can comfortably invent lies because, in his view, he will never bear responsibility or account to anyone for anything he invents about a “terrorist” who will in any event be convicted.

On pages 13–14 he does not hesitate to stamp publications and books found at the camp as DHKP-C publications and treat everything as banned material; nor does he hesitate to lie in order to prove his claim. For example, he openly slanders the legally published Turkish book Resistance, Death, Life-2 by calling it a DHKP-C publication. This is not a document-analysis report in an investigation. There is no document analysis; it is an effort to “create a document” through outright false statements.

The same book is also falsely said to contain DHKP and DHKC emblems. Those emblems are not in the book. The book concerns the 1996 Death Fast resistance in Turkish prisons, in which twelve prisoners were martyred in prison and twelve people were killed in solidarity actions outside. It is entirely normal that photographs of prisoners who died during the Death Fast were included. Some resisters wore headbands bearing DHKC or DHKP emblems and did not remove them during the sixty-nine-day resistance; photographs taken in prison therefore show the headbands. Those photographs cannot be called DHKP-DHKC emblems.

The same page says that the book entitled Decisions of the DHKP Founding Congress was published by a “DHKP-C publishing house” (Herausgeber). There is no publishing house called DHKP-C and there never has been. Nor is the book signed DHKP-C.

Almost every paragraph of the fourteen-page report could be answered with explanations like the above and shown to be built on lies and fantasies. But this would be pointless, because those who write such reports are never required to prove the scenarios they invent.

127 — Seiffner’s Report on the Beginning of BKA Surveillance of Me as a Suspect — SA Bd. II.4.4.1, pp. 12–18

When I asked Kröschel, head of the BKA’s “DHKP-C desk”, during the trial, “Since when have you been investigating me?”, he replied without hesitation: “Since the prosecution’s request concerning you in 2013.”

Yet, as Seiffner’s report shows, an investigation against me as a suspect began under file no. 6 BGS 126/2004 dated 17 November 2004, and surveillance of me and my car was initiated.

I have argued in this case, and in relation to political cases generally, that particular individuals are first targeted and only afterwards is evidence sought — or even manufactured — against them. Instead of moving from act to perpetrator as in classical criminal law, the method moves from perpetrator to act, obstructing lawful and fair trial. This document is indisputable evidence for that argument.

As a result of this surveillance, ordinary mutual visits between my wife and me and the fulfilment of our responsibilities as spouses are presented almost as crimes. What could be more natural than meeting my wife?

The great discovery of a year of surveillance was the €13,000 found with us in Cologne on 10 October 2005 while I was with my wife. I had explained, with a bank document, that the money was a bank loan for the home we wished to rent in Cologne, and I got my money back.

Seiffner at least recorded in her report the reason stated in the police record, but the document I showed the police is mentioned nowhere. The prosecution treats the €13,000 as part of DHKP-C financial movements and transfers and tries to manufacture an offence against me.

128 — Telephone Conversation of 10 December 2008 Between A. Ateş and a BND Agent — SA Bd. II.4.9, pp. 86–92

This telephone conversation between Alaattin Ateş, using the code name Davut given to him by the BND, and a BND agent codenamed Cihan, probably of Turkish origin, is of vital importance to this case.

First, at the time of the call the BND knew that the BKA was tapping this telephone. On a phone known to be tapped, a conversation was conducted about me in my absence with the aim of creating an offence against me. The call was a BND construction.

A. Ateş and perhaps even the person codenamed Cihan may not have known of this construction. At least there is a possibility that at that moment they did not know that the phone was being tapped or that a scenario was being set up.

I am not an authority who can tell a prosecutor how to perform their duty. But in addition to the obvious attempt to create a concrete offence against me, there are strong indications that both A. Ateş and the BND

agent codenamed Cihan were also cooperating with a third party, most probably on behalf of the Turkish state. The prosecution and BKA should therefore have investigated in that direction as well.

Why? Because the prosecution is obliged to examine material favourable to the suspect as well as material against them. By failing to do so, the defence was left defenceless and vital information and facts were concealed from the trial panel. My right to an impartial and fair trial was thereby violated, and the failure to investigate this set-up and these concrete facts has placed me in a position of irreversible and irreparable harm. It cannot be said that the prosecution could not foresee such harm.

The supposed request for weapons discussed about me in my absence is plainly a set-up. Likewise, the request in the Ateş-Cihan conversation for a new car from “Ankara”, and the discussion in their 3 February 2009 call of a house being given to Ateş, are not trivial matters that could escape the Federal Prosecutor’s attention: they show the effort by a third party to create criminal material against me.

Note: What is this house issue? Most probably a base or house was purchased in Germany for institutional use by the group referred to as “Ankara”. Ateş arranged the house. After Ankara finished using it, the house was to be given to Alaattin Ateş in return for his services. See item 132.

The Ateş-Cihan conversations make it clear that both were working for “Ankara” in parallel with the BND.

Despite the obviousness of this information, there can be no reasonable justification for the prosecution and BKA failing to deepen the investigation in this direction.

The situation is plain. The sole effect is to use everything that could be used against me — including a set-up — while making invisible the BND’s manufacture of offences and Ankara’s direction and intervention. Whatever the intention, that is the result.

The prosecution plainly made a choice between these two possibilities. In order to use evidence manufactured against me in my absence through Ankara’s initiative and BND involvement, it chose to overlook the alleged attempt by the BND officer codenamed Robert to attribute the attack at the Greek café to the DHKP-C and therefore to me; the alleged effort by Cihan and a woman from Ankara to manufacture a weapons offence against me; the arrangement of statements and accusations against me in return for money, a house and cars from Ankara; and the alleged infiltration of the constitutional institution BND by Cihan and Ateş as agents and informers working for Ankara and carrying out dark operations in Germany.

By presenting the material manufactured against me to the court, this choice has turned the panel into an authority effectively trying me on Ankara’s behalf.

Because the prosecution failed to take steps that were plainly capable of assisting me, I face an unjust accusation; and because A. Ateş’s testimony or statement was blocked on irrelevant grounds, my right to an impartial and fair trial has been destroyed. I therefore demand restoration of this seized right before every legal authority.

I also raised this matter in my request headed “On the Rejection of A. Ateş as a Witness”.

In addition, I request that the telephone call of 10 December 2008 between Ateş and Cihan and at least the call of 3 February 2009 in item 132 (SA Bd. II.4.9, pp. 199–205) be listened to. A line-by-line examination will demonstrate the basis of my claims.

For example, on page 86 Ateş calls Cihan and says that I supposedly urgently want “materials”. Cihan asks, “Is it the matter you last discussed with the woman?” Ateş answers, “Yes, exactly.” These words show that the weapons issue did not arise from a request by me; it had already been arranged among themselves with the participation of a woman.

On page 87, line 13, Cihan asks, “So the delivery can be here as well, is that right?” This shows that they had previously been pursuing a plan for the weapons to be delivered in Turkey.

Apart from the set-up against me, two further important questions arise. If Cihan was arranging this on behalf of the BND, there was an attempt on behalf of the German state to commit offences outside Germany’s sovereign territory such as arms trafficking, financing terrorism and providing logistical support for terrorism. If, on the other hand, Cihan was arranging it on behalf of Ankara rather than the BND, then both he and Ateş were involved in an Ankara-directed conspiracy against me.

On page 87, line 20, Ateş tells Cihan as if for the first time that I supposedly told him the weapons could be delivered in Turkey as well. Yet by then the possibility of delivery in Turkey had already been discussed. This and the subsequent dialogue raise further questions that the prosecution did not investigate.

The prosecution did not need to wait for Ateş to appear as a witness in my trial in order to ask these questions. These calls were already in its possession before Ateş himself was tried, and his interrogation was conducted by the same BKA officers.

Nor can the prosecutor in my case say: “I was not the prosecutor in Ateş’s case, so I could not ask; I called him as a witness here, but the court prevented him from coming.” It is impossible that the prosecution failed to see the fabrications and contradictions present in almost every line. The prosecutor in this trial has already admitted, through the “sour soup” remark, that he knows the other DHKP-C cases. Federal Prosecutor Heike Becker-Klein is in fact the person who supervises all DHKP-C cases, and the prosecutors in the individual cases are a team working together at the Federal Prosecutor’s Office in Karlsruhe.

As I have said, there is no possibility that the prosecutor failed to see the fabrications and distortions that I can see in every line. If he did not see them, then he was not doing his job. If, on the other hand, he saw them but did not try to clarify matters that might assist me, then he was not doing his job fully.

Today we are discussing Ateş’s intercepted calls and statements here. They are treated as if they were documents. Despite their distortions, every objection is rejected. In a sense they are the guaranteed weapon of prosecutors in DHKP-C cases, because objection is not made possible. Once this guaranteed weapon is used, conviction becomes inevitable: the defendant’s right to defend himself is seized, while the prosecution refuses to investigate exculpatory material as well as incriminating material. This is the greatest obstacle to my receiving an impartial and fair trial.

If statements and documents originating from Ateş are imposed on us on the basis of his right to refuse to testify, why must I and many others suffer the consequences for the sake of that “right”? Why do we have no right to defend ourselves? Why is our right to defence sacrificed to Ateş’s right to refuse testimony? Why must we be convicted of matters of which we are innocent in order to protect his right not to be tried twice for the same offence?

For my seized defence rights, I request that Ateş be questioned again or brought here as a witness; if that is impossible, then at the very least all material concerning him should be removed from the file.

On page 91, line 14, Ateş states that more than anything else he wants to be able to travel to and from Turkey. Cihan responds, “Understood, very good, very clever.” Apparently at this point there is negotiation and contact with “Ankara”. Ateş is making a “clever” choice: Cihan considers it clever because he is prepared to do what is asked in order to obtain the thing he most wants.

At line 16 Ateş asks Cihan to arrange a meeting on this subject, probably with the woman who would arrange the weapons and with whom he had previously discussed the matter.

At line 17 Cihan says this could be done and that if Ateş can find someone to whom the weapons can be delivered in Turkey and arrange the transport, “why not”.

At line 26 Ateş says to Cihan, “When you go to Ankara, it would be good if you arrange for the friends there to make a payment for the journeys I have made.” He then asks the “friends in Ankara” for a new car. Cihan says these requests are perfectly reasonable and that he will arrange them. But the bargaining does not end. On

page 92, line 1, Ateş asks for a new car every five or six months. Cihan replies, “Of course, you are entitled to it,” and promises to arrange it.

At line 15 Ateş says of the people from whom he is requesting money and new cars: “They do not know Europe well. Only those who know Europe can understand this.” It is clear that he is not referring to the BND. It is equally clear that “Ankara” does not mean Berlin. In other words, this bargain was not being conducted with the BND for which Ateş and Cihan worked.

In this telephone conversation the fabricated work comes first: the demands of the BND, BKA and “Ankara” are carried out. Then, as in every “job”, comes the bargaining, and that is settled without difficulty.

Nor can the prosecutor in my case say, “I was not the prosecutor in Ateş’s case, so I could not ask. I summoned him as a witness in this case, but the court prevented him from attending.” It is impossible that the prosecution failed to see the suspicious nature, fabrication and contradictions in virtually every line. The prosecutor in this very trial had already admitted, in the matter of the “sour soup”, that he knew the other DHKP-C cases. In any event the Federal Prosecutor who supervised all of the DHKP-C cases was Heike BECKER-KLEIN.

The prosecution did not need to wait for Ateş to testify at my trial in order to ask these questions. These telephone calls were already in the prosecution file before Ateş himself was tried, and he was interrogated by the same BKA officers.

Who is the person and what is the matter referred to here as “the thing”? I am curious. Why were Ateş’s interrogators and the prosecution not curious, and why are they still not curious? Could the “thing” be the woman with whom delivery of weapons in Turkey had previously been discussed? When Cihan tells him to take the delivery slowly, are they speaking of waiting for that woman to arrive? Or are they talking about drugs, stolen goods or something else? Why is the prosecutor not curious? Is it because they fear finding something that could assist me?

On line 31 of page 90 Cihan says, “When the thing comes, we will do the thing again,” and immediately afterwards instructs Ateş to take it slowly for the time being concerning delivery of weapons in Turkey.

When Ateş answers the leading question with “Yes, Talat met him personally”, Cihan says, “Understood. All right, good.” “Understood, all right” might make sense. But why does he feel the need to approve it by saying “good”? It is hardly because he admires me or the supposed conduct. The only reason for saying “good” is that he got the answer he wanted — Ateş had understood how he was expected to answer the leading question.

NOTE: This was supposedly the period in which Ateş was the person responsible for Germany. If he was responsible, why does he first speak in the plural of "they" having spoken to this person, only to answer "Yes, Talat personally met and spoke with him" when Cihan asks on line 25 whether Talat spoke to the person directly? So much for Ateş being responsible for Germany. Moreover, why would the person responsible for Europe speak with someone with whom relations were not even to be established? Or why should "they" speak to him? None of it is logical. The reason is that this telephone conversation, built around leading questions, was poorly prepared and plainly fabricated merely to insert my name into different subjects.

From line 9 of page 89 Ateş says that some people whom he calls "they" spoke to this person and said: "We will not establish relations with you. If you had a problem with the movement in Greece, go and solve it there," and so on.

I do not know who this person was whose name was deliberately kept secret and not mentioned on the telephone. I do not even know whether such a person existed. But I never met such a person for any reason.

On line 43 of page 88 Ateş mentions someone who had fled from Greece to Duisburg. He tries to remind Cihan of the matter by saying, "You know, I had spoken to someone who came to Duisburg." Although he first says that he himself spoke with this person, on line 25 of page 89 Cihan again asks a leading question: "Who spoke directly with this person — Talat?" Ateş answers, "Yes, Talat met him personally."

On line 36 of page 88 Ateş answers Cihan's question about whether the book concerning Dayı was being prepared in the Netherlands. "In the Netherlands? The movement is preparing the book. We are only putting it into written form," he says. From whichever angle one looks at it, this is an inconsistent and meaningless dialogue. Cihan asks the question in order to bring the Netherlands — and indirectly me — into the subject. Ateş, plainly caught unprepared by this set-up question, first responds with the question, "In the Netherlands?" and then invents something: "The movement will prepare the book. We will only put it into written form," and so on. Was Ateş a typist? Was the movement supposedly preparing the book orally, for Ateş and others to put it into writing? This lack of logic can only be explained by a fabricated answer to an unexpected question.

On line 29 of page 87 Ateş says, "There is one more thing." But the continuation of what he says is missing. On line 30 Cihan says, "Yes, that is interesting." Yet instead of recording what Ateş said and what Cihan found interesting, the file contains only ".....". Normally, if something in a conversation cannot be understood or there is a problem with the telephone connection, the monitoring report states this. Here there is no explanatory note at all. Why? Was that section genuinely unintelligible, or did it contain something that those preparing the report did not want recorded?

On line 20 of page 87 Ateş tells Cihan, as if mentioning it for the first time, that I had supposedly told him that the weapons could also be delivered in Turkey. Yet by then they had already been speaking about delivery of the weapons in Turkey. This too reveals that the telephone conversation was a set-up. Cihan immediately answers "In Ordnung" — all right — to the matter of delivery in Turkey.

129 — Telephone Conversation of 19 December 2008 Between A. Ateş and BND Agent Cihan — SA Bd. II.4.9, pp. 393–396

At the beginning of the conversation they speak about 20,000 pages of data, propaganda material and so on.

On page 393, line 20, Ateş says that other people can also use these documents; from his point of view there is no problem and it will not harm him. In other words, whatever information they have can now be marketed to people outside the BND as well.

On page 394 they discuss my journey to Austria. At line 25 Cihan asks Ateş by which route I will travel to and return from Austria, when, and in what car. It should be noted that this is concrete, direct location intelligence. Ateş replies, "Nobody knows." Yet Ateş did know. He brought me from the Netherlands to Germany and I stayed at his home that night. The next day I travelled to Austria in a car he had arranged. He also knew when I would return because I had to return the car.

The night I stayed with Ateş he told me about the attack on him at the Greek café and about his car in the garage later being opened and searched under the appearance of a theft, saying that the police were seeking to set him up.

Why did Ateş give Cihan false information? In my view, at that stage he had not yet become fully engaged in the cooperation between Cihan and Ankara. He understood that Cihan’s request for precise intelligence about me could relate to an attempt on my life and, because he was afraid of entering into such cooperation from which he might later be unable to extricate himself, he lied.

Having experienced an attempt to force his own car off the motorway, he knew very well what such intelligence could mean. Yes, Ateş was a collaborator. He knowingly and willingly worked both for the BND and for Ankara. But he also saw that this cooperation was going off the rails and beyond his control, and he was afraid. He knew that the forces for which he collaborated would not limit themselves to threats, blackmail or material benefits when imposing their demands on him.

His crying for hours in the garden of the Marriott Hotel after meeting Robert’s whole team, Cihan and the English-speaking woman is presented in the source as the result of the blackmail having achieved its purpose and Ateş accepting complete submission to everything now demanded of him. From then on, events would move beyond his control. His role could no longer remain secret, because he would openly give the requested statements and accusations concerning people including me, and the profitable activities he had carried out under protection would also be adversely affected.

At page 394, line 36, Cihan asks about someone called “Veli from Switzerland”. The source argues that the BND agent Cihan was asking this not for the BND but for Ankara, because Switzerland was not a matter within the BND’s proper field, and that this indicates that the attempts to create accusations against me through Ateş were also being directed by Ankara.

130 — Telephone Conversation of 5 January 2009 Between A. Ateş and BND Agent Cihan — SA Bd. II.4.9, pp. 113–117

This telephone conversation too is described as being entirely aimed at creating accusations and an agenda against me and providing material for the BKA, because it was well known that the BKA was tapping this telephone. The same applies to items 131, 132, 133 and 134.

FIFTH FOLDER

131 — Telephone Conversation of 30 January 2009 Between A. Ateş and BND Agent Cihan — SA Bd. II.4.9, pp. 123–127

On page 126, line 30, Cihan tells Ateş that a meeting will be held on 10 February to evaluate the past and discuss at length matters not previously covered.

This meeting shows, according to the source, that within the BND group supervised by Robert, the BND agent codenamed Cihan was simultaneously working on behalf of Ankara and organised this critical meeting. The BND has provided no information about its operative Cihan. The BKA officers who conducted the wiretaps and investigation also treat Cihan independently of his BND and Ankara identities, although he is at the centre of the events.

Why does the prosecution not investigate Cihan? For what interest is it sacrificing the possibility of my innocence?

The source argues that there can be only one reason for the absence of an investigation: Cihan remains an active BND operative and continues, under BND authority, to organise Ankara’s provocations and set-ups.

At page 127, line 5, Cihan asks Ateş whether, at the last meeting, “Brother-in-law” (Onkel/Schwager) asked about the materials. At line 8 Ateş replies: “No. Nothing was said about that; I was very tired and not well.”

What emerges is that the materials issue was something they themselves were arranging. Ateş had not said anything about it because he was tired; moreover, he did not fully grasp the leading question and responded that “nothing was said about that.”

132 — Telephone Conversation of 3 February 2009 Between A. Ateş and BND Agent Cihan — SA Bd. II.4.9, pp. 199–205

On page 202, line 26, Cihan asks, “Has there been any development concerning the materials and brother-in-law (Onkel/Schwager)?” The conversation continues to line 47. From beginning to end, inconsistent and contradictory things are said.

The source describes the conversation as a complete set-up. Ateş first says: “They have not found the revolver-type weapons yet. When they do, they will send two.” Thus it is clear that nothing is yet actually available. Then Cihan asks a leading question: “But they have found/prepared four, haven’t they?” Ateş says “yes”. Cihan again asks, “So they found four?” and, knowing the BKA is listening, tries to obtain the desired answer. Ateş does not seem to know what to say and replies, “They are still looking for two revolvers.”

Cihan continues with leading questions: “Why are they looking for them? Do you know?” Ateş, still uncertain what answer is expected, says: “Brother, this is very interesting. I don’t know.” He then tries to recover the conversation by asking whether the revolvers are .38 calibre. After Cihan answers “yes”, Ateş talks at length about revolvers not having magazines and says the weapons are guaranteed.

Unable to obtain the answer he wants, Cihan asks whether “they are keeping the four weapons” or “have sent them”, referring to something he himself has invented. Ateş, confused about what answer to give, says, “No, nothing was said about that.”

When Cihan realises he cannot awaken Ateş to the desired response, he tries to change the subject, finally asking: “You know there was that matter we were going to arrange — has there been any development on that?” In other words, he is referring to four weapons they themselves were to arrange. Ateş says there has been no development.

How, despite all this, is the matter formulated in the indictment? It is said that I supposedly asked Ateş to bring four weapons to Rotterdam and deliver them to me, but that Ateş refused to commit this offence.

First of all, were there actually four weapons in existence for me to ask that they be brought to Rotterdam? If there had been, Ateş, Cihan and the BND would have known where they were. I never made such a request. What happened was this: Ateş said he had found a contact who wanted to give us weapons in Europe. When I refused, he came back with an offer that the same contact could deliver the weapons in Turkey. I rejected that too. The entire materials/weapons issue was a subject of the set-up constructed by Ateş and BND agent Cihan. Because I rejected it, the attempted set-up failed. That is all.

From line 14 of page 203 Ateş speaks of a USB belonging to me and asks whether Cihan and the others — the BND and/or Ankara — would be interested in it. Cihan says it would be very good but they would need at least two or three hours, during which they would place something on the USB. Ateş says he will try somehow to borrow this USB from me briefly and take it to them.

Of course, Ateş could not borrow my USB for two or three hours — not even for one minute. What is at issue is that through absurd promises of this kind he was keeping Cihan, Robert and their associates occupied, presenting himself as a big man, a “007”, obtaining both salary increases from the BND and extra expenses for such work. Apparently Ateş too understood the limitless possibilities offered by the “terror industry”.

From line 18 of page 204, Cihan raises the subject of a house that “Ankara” was to have Ateş purchase and then give to him after Ankara had finished using it.

I have already dealt with this under item 128 and need not repeat it. But a monthly salary of €3,000, a new car every six months, a house/property, lucrative activity under BND protection and immunity — these are not ordinary bribes. Taken alone, they are presented as an indication that Ateş would give any slanderous statement requested against me and people like me.

At line 41 Ateş asks Cihan, “When were we holding our meeting?” Cihan replies, “Take care of your health until the friend comes here.” Apparently this may have been the meeting planned for 10 February or another meeting, but it shows that they were waiting for a “friend” to arrive in Germany. The Turkish word arkadaş can refer to either a male or female friend, yet the translator assigned it only the male meaning.

This “friend” could have been the English-speaking person at the Marriott, the person who gave Ateş a house, or someone from Ankara who would provide a new car every six months. The question is: why did the BKA and prosecution not investigate this person?

137 — Arrest Warrant and Red Notice Issued Against Me by Courts of the Republic of Turkey — SA Bd. II.2.1.9, pp. 125–126

BKA officer Kröschel reports that, in relation to Alişan Şanlı’s action at the US Embassy in Ankara on 1 February 2013 and the hostage-taking of prosecutor Mehmet Selim Kiraz in Istanbul on 31 March 2015, Turkish judicial authorities issued requests on 26 October 2015 and 29 March 2016 for me to be sought through an Interpol Red Notice, detained and extradited, alleging that I was a member of the supposed DHKP-C Central Committee and responsible for these actions.

These actions and the allegation that I was a Central Committee member are also matters in my trial in Germany. In particular, the Turkish state’s accusations are being used here to support the Central Committee allegation that forms a foundation of the German accusations.

But what documents and evidence exist for these allegations in the Turkish state’s Ankara file no. 2015/4094 and Istanbul file no. 2016/1817?

When my German file contains tens of thousands of pages of unnecessary documents, it must be explained why the files of the Turkish courts concerning the Federal Prosecutor’s central accusation are not being used. Instead, the Turkish courts’ judicial requests are reduced to a short information report by Kröschel, then head of the BKA’s DHKP-C desk.

What is the basis of Turkey’s arrest and extradition requests? Why does the prosecution not add these documents to the file?

I ASSERT that these Turkish court files are without foundation and contain no supporting information. In other words, these files are themselves evidence of my innocence regarding fundamental accusations such as Central Committee membership.

The prosecution has not placed them in my file because it has them and knows that they contain no material evidence against me. Instead, it uses a police information report referring to the Turkish accusations in an attempt to create a basis for the accusations against me and obscure the truth.

I accuse the prosecution once again: while it does not refrain from any act capable of creating evidence against me, it conducts no investigation or questioning that might assist me; indeed, it conceals and keeps out of sight evidence capable of establishing my innocence.

ON DOCUMENTS READ OUTSIDE THE HEARING — ON THE ITEMS IN LIST 2A

FIRST FOLDER

2 — 26 Questions on Europe — SA Bd. II.3.4.3.1, Folder 1

This document explains the fundamental principles of the People’s Front organisation, of which I am also a part, and the problems and solutions concerning organisation in Europe.

The problems of people from Turkey living in Europe and their solutions are addressed here through organisation based on democratic struggle and freedom of thought.

The problems raised are social and cultural problems. These problems, whose existence cannot be denied, cannot be solved except through people’s own organisations.

In the European countries in which we live as foreigners, struggling against racism and against alienation from ourselves and degeneration in relation to the question of identity is a matter of honour.

When the document is examined line by line, it becomes clear that there is no terrorist activity of the kind alleged by the prosecution.

4 — Dergi-Yazı-5-7 — SA Bd. II.3.4.3.2, Folder 2

This magazine article gives examples of why people from Turkey came to Europe and of their continuing close ties with Turkey. Turkey is not merely the country from which we came and where our relatives live. For fifty years, the great majority of our people who have worked in Europe have invested what they earned through their labour in Turkey. They bought houses, land and workplaces there. For decades they have paid contributions in order to retire in Turkey. Many have even bought their graves there.

The second matter discussed is the repression in Turkey and the justified resistance against it.

On page 84, under the subheading “We Are Revolutionaries of This People”, the kind of revolutionary identity being defended is expressed in the words: “We are the revolutionaries of the workers who came to Europe to struggle against poverty in pursuit of bread.” It also says: “Whatever a people is like, the revolutionaries of that people will be like that too.”

It stresses that, in Europe, where we brought our children, and in our country, where we invested the fruits of our labour, we have built two separate lives for ourselves. It therefore calls for a democratic struggle consisting of statements and protests against the regime in Turkey that threatens our future there.

I defend every word of this article. One does not even have to be a revolutionary to make the observations contained here. Any ordinary sociologist who thinks scientifically could make the same observations. The activities called for are exercises of the freedom to seek rights and of the right to protest.

The prosecution attributes this article to me and alleges that I thereby engaged in terrorist activity. It does not explain which word of the article constitutes an offence or what exactly this document is supposed to prove. There is nothing criminal in the article.

The article is entitled “We Share Victory and Honour; We Must Also Share the Struggle and the Labour.” There is no criminal element in it. But if I am the person who wrote it, then apparently it becomes a crime (!). This article too shows that the prosecution’s accusations are prepared and used according to the logic not of a criminal court concerned with acts, but of a criminal court concerned with the perpetrator.

This logic is a prohibition of thought. The fact that the article appeared in Yürüyüş, which is claimed to be banned in Germany, cannot justify such a prohibition of thought. The article was legally published under the

legal rules in force in Turkey. Moreover, the magazine in question is not banned in Germany either. If an offence had been committed, it would have been committed in Turkey, where the magazine was published. Yet every legal publication in Turkey must be submitted to the censorship authorities before publication. If its content contains prohibited elements, proceedings are opened and a confiscation order is issued. Neither proceedings nor a confiscation order were issued against this article or this issue of the magazine.

I have dealt with the ban imposed on Yürüyüş in Germany by ministerial decision under another heading and will not repeat it here.

SECOND FOLDER

90 — File named Balikağzi1 — SA Bd. II.3.4.3.2, Folder 5, pp. 16–32

The file named Balikağzi1.txt is not a coherent whole. Its beginning is missing and it starts with item 14. Unrelated files were later appended to it.

This file too appears to consist of half-files recovered through a recovery program and then joined together. Lines 8 to 10 on page 18 contain information concerning the deletion of the file. This information itself proves that the file was created through recovery programs.

91 — Files named ?tmp123 and tmp — SA Bd. II.3.4.3.2, Folder 5, pp. 33–45

This document was formed from five separate files which lack coherence, partly repeat one another and have different beginnings and endings. The police who prepared the file carried out this assembly. The dates on which the files were written are also different. One of them is even dated 2 July 2017. In other words, a file alleged to have been written by me was written eight months after I had been arrested.

THIRD FOLDER

118–119 — Files 393.txt and 393.txt — SA Bd. II.3.4.3.2, Folder 7, pp. 206–210 (118), pp. 211–216 (119)

The two files are identical. Yet they were translated separately by two different people. Item 118 was translated by Ayten Bozbey and item 119 by Oran. The two translations are different from one another and use different emphases.

The court panel had claimed that translations of written and audio files should be accepted as originals because the translation was the same as what was written in the original language.

As can be seen from these two translations, almost none of the sentences are the same. The translations were not made word for word; rather, they translated only the approximate overall meaning of the content.

122 — File named Bölgeler-14-7 — SA Bd. II.3.4.3.2, Folder 7, pp. 261–315

On page 292 the translation contains an interpretation: “Nr. Abi (older brother, Nr — probably Nuri, A.D.Ü.)”.

Why the translator Ayten Bozbey interprets “Nr” as Nuri is unknown. Why is it translated as Nuri rather than a Turkish name such as Nurol, Nurettin, Nurhan or Nurten?

The translator is not acting as a translator but making interpretations like a detective. I am certain that the interpretation “Nuri” comes from a “gotcha” mentality, because elsewhere in the case file there is a person named Nuri who was tried in earlier DHKP-C cases.

This interpretative method of translation is an example of the logic with which our case file has been translated. It also exposes a method of creating offences by using interpretation to implicate unrelated people.

133 — File named Dergi yazı-25.9 — SA Bd. II.3.4.3.3, Folder 1, pp. 181–190

It is alleged that I wrote the magazine article entitled “The Solution to Our Problems in Europe: A Committee for Every Problem, a Person Responsible for Every Committee.”

The article identifies as problems “racism, discrimination, health, education, work, housing, degeneration and other losses, together with the repression of the people in Turkey under the State of Emergency and fascism, and imperialism’s terror against the peoples of the world.”

It calls for organisation in Europe around these problems, for committees to be formed for each problem, and explains what a committee means.

“A committee is an organisation of the people in which the people learn to govern themselves, take their own decisions and implement them.”

The article also expresses the aims and programme of the People’s Front. To realise these aims, it says, “it is possible by holding regular people’s meetings and putting collectivism into practice.”

I defend this article down to its last full stop and comma. Not one word points to an act that could be considered a crime.

Moreover, it proves how illogical it is for the prosecution to confuse every use of the word “committee” with the “committees” that are practical governing bodies of the DHKP and DHKC, and thereby to try to create a criminal fact, treating committees as Party organisations and people participating in them as members of an organisation under Section 129b.

The prosecution’s findings, which strain both logic and reality, have no counterpart in real life. What is being done is simply to turn legitimate protest and democratic organisation against the problems described in the article into a crime.

134 — File named Enternasyonal Rapor-6.10 — SA Bd. II.3.4.3.3, Folder 1, p. 205 onwards

From page 205 onwards appears the statement of People’s Front International dated 3 October 2016, entitled “Fascism Is Lawlessness.”

It discusses, with examples, the repression and terror intensified by the Turkish state through the declaration of the State of Emergency. It says: “Using the coup as a pretext, all rights and freedoms were shelved. All national laws were disabled. All international laws were trampled underfoot.” It stresses the lawlessness of the fascist regime and calls on all democratic institutions, organisations and individuals to show solidarity with the peoples of Turkey, to organise protest and exposure actions against representatives of the fascist regime, and to send delegations to institutions and neighbourhoods under repression in Turkey in order to establish the facts on the spot.

Under the subheading “Erdoğan’s Confessions”, the statement quotes remarks made in a live press statement on 3 October 2016: “The US does not give us Gülen. Yet whenever they ask us for a terrorist, we immediately package him up and hand him over without question. We do not look for a court decision or anything of the sort. But we ask for one terrorist and our strategic partner, the US, does not give him to us. When they ask us for a terrorist, there is no need for a court or anything. They call us directly, reach us by telephone and we package him up and hand him over. What court? Now that I say these things, our American friends tell me not to say this in front of the press. All right, let us not say it, but there is no progress either. Even inside the AKP there are objections to my frankness. Apparently I should not speak so openly. Either you will be as you appear, or appear as you are,” and so on.

These words are proof, according to the statement, of the existence of a fascist regime that takes people into custody without trial and hands them over. Yet neither the press, nor a prosecutor, nor an international

institution to which Turkey belongs, such as the ECHR or ICC, asks: “How can you package people up and hand them over without trial? Whom have you handed over so far?”

In fact there is no need even to comment on Erdoğan’s words. The regime in Turkey is exactly as Erdoğan describes it. This is the regime placed under protection by Section 129b.

There has never been an independent judiciary in Turkey. The State of Emergency of the last two years has, in a sense, brought a transition to a new form of government called the Presidential Government system.

The fundamental feature of the new form of government is that the legislature has now officially been disabled as well. The legislature’s most important function, law-making, has been usurped and transferred to the President’s power to issue decrees having the force of law.

The government, the most decisive force of the executive, has become a technocratic government appointed by the President from outside parliament. The government has therefore been reduced to the status of ordinary officials appointed by the President.

While the ineffectiveness of the judiciary is already beyond dispute, both legislature and executive now find direct embodiment in the person of the President.

Local government in Turkey is subject to the Provincial Administration system. Provinces and districts were administered by governors and district governors — appointed officials. The powers of municipalities, elected mayors and councils were limited. Now governors and district governors have also been given broad powers to seize municipalities and mayoralties, appoint trustees in their place, or assume their powers themselves.

The Council of Judges and Prosecutors is appointed with every elected President. The Court of Cassation, Council of State and Constitutional Court are determined not by merit but by the President’s discretion. Under the new system, the Court of Accounts has also been deprived of the right to audit the appropriations and expenditure of the President, ministries, directorates and advisory offices, producing a system without even internal oversight.

I do not know what German law or German logic would call such a regime. I call it a dictatorship. Nor is there any possibility of struggling against this dictatorship within the framework of parliament or local government. I regard struggle against this state as a requirement of being human. The only avenue of struggle is extra-parliamentary opposition.

Protecting such a state through Section 129b [the source here says “120-b”] serves only to turn German law into a simple extension of such a dictatorship.

The statement of People’s Front International is a call for democratic struggle against precisely this state. I defend every word of it. Can the prosecution that seeks to have me convicted under Section 129b defend the legitimacy of this dictatorship?

Of course it cannot defend it openly. Nor can the defence of this state be legitimised by abstract demagogy about terrorism.

135 — Document named Dergi yazı-5.9 — SA Bd. II.3.4.3.3, Folder 1, pp. 227–239

This magazine article calls for the establishment of alternative treatment centres against drugs, and for struggle against degeneration such as prostitution and gambling, saying that we should live with our own style of dress and culture and protect the values of our people.

I defend this article word for word as well. There is not a single word in its content that could constitute a criminal element. It says: “Struggle against their efforts to corrupt us, strengthening relations among our families and preventing disintegration is the only way for the future of our children, so that we do not lose them.” If that is the crime, I still defend these ideas, and I will continue to defend them.

136 — Document named Dergi yazı-3.10 — SA Bd. II.3.4.3.3, Folder 1, pp. 246–258

This article is the continuation of the magazine article in item 133. It discusses what kind of organisation and struggle are needed to solve the problems of people from Turkey living in Europe. In addition to committees and meetings in which the people take their own decisions, it examines the subjects of Education, Supervision and Programme.

On education it says: “If we cannot do a job or solve a problem, it means our present knowledge is insufficient or our method is wrong. Then we will educate ourselves. We will understand the questions and learn the paths and methods of solution. The way is education. Learning what one does not know means renewal. To solve problems our people must participate, be able to express their thoughts and take part in production. And the most important aspect of education is grasping the political importance of a task. To grasp the political importance of a task is to find the answer to the question ‘why’. To solve a problem, first we must learn why that work is to be done. Once we answer the question ‘why’, we will certainly find the method of how it is to be done.”

On supervision it says: “Supervision means making a task doable. How we do a task depends on bringing the person to whom we give it into a position where they can obtain a result. First we will trust. We will trust and give responsibility. We must not look at someone and say they cannot do it. Everything can be learned; everyone can learn; everyone can be a revolutionary. Supervision is not checking who did how much of which task. To supervise means arranging why something is to be done, how it will be done, toward what aim, within what time, with whom and what will be done. And when people have contributed to determining decisions and become part of the decision taken, they will embrace the aims more strongly. When there is belief that the aim will be reached collectively, enthusiasm and dynamism multiply.”

On programme it says: “A programme means knowing what you want. It means determining an aim and determining how we will reach it. To be planned means setting a time for our aim and making the necessary effort and labour to obtain a result. Education and discipline are essential for results. If we are uneducated we cannot know what to do and how to do it. If we are undisciplined we cannot obtain results. If we do not do our work on time, again we cannot obtain results. The first link of supervision begins with learning ethical responsibility and discipline in work.”

Items 133 and 136 show what kind of organisation exists in Europe and what its aims, working system, functioning and struggle are. In other words, it is fundamentally different from the organisation and struggle imagined by the prosecution.

Page 3 of the arrest warrant says: “As with all Marxist-Leninist cadre organisations, the DHKP-C has a hierarchical and centralised structure.”

Page 8 says that the “overseas organisation constituting the Rear Front”, “as in the military section of the Front in Turkey”, has “a European leadership, the highest hierarchical level of the organisation’s European structure, directly subordinated to the Party leadership, whose instructions it must obey in every matter. Immediately below the European leadership is the DHKP-C overseas structure, directed by the relevant country, area and regional leaders.” It further says: “These important functionaries of the Rear Front and the other members assigned there by the organisation are also members of the terrorist association. Through their activities these members make an indispensable contribution to enabling terrorist attacks to be carried out in Turkey.”

On page 9, in the section concerning me, it says: “According to the information stated, the DHKP-C is a foreign terrorist organisation; that is, an association voluntarily formed by more than three persons who, in accordance with the established hierarchical structure and programme of the organisation, pursue common purposes in which the will of the organisation stands above individual will and who regard themselves collectively as one formation. The DHKP-C has a firm organisational structure and a process of organised formation of will voluntarily accepted by its members, based in essence on the principle of command and obedience.”

There is the imaginary organisational structure the prosecution seeks to have convicted; and there is the real organisation of which I have been made a defendant. The organisation described in the article is the exact opposite of the organisation alleged by the prosecution and has no similarity to it.

FOURTH FOLDER

138 — File named Herkesi-8-10 — SA Bd. II.3.4.3.3, Folder 1, pp. 285–295

This is a partial file. Its beginning is missing. It is a file assembled by piling pieces together.

The file also contains many unusual abbreviations and typing errors which translator ORAN interpreted and assigned meanings to without even noting that he was doing so.

In Turkish, proper names without exception begin with a capital letter, while common nouns begin with a lower-case letter. The translator, without making any note, added punctuation, created new sentences and at times turned words he did not understand into proper names by capitalising them.

Some examples: “Bigrs” becomes Bulgaria; “Glocuku” becomes Glock; “Av” becomes Avukat [lawyer]; “Seyan” becomes Seyan.

The line “Şimdilik kimse ile paylaşma sadece Seyan bilsin yeter” was translated in effect as: “For the moment share this with nobody. It is enough that only Seyan knows.”

This style of translation is problematic. Translator ORAN is not translating; he is editing. Without indicating his own corrections, he presents his self-generated interpretation as reality. He is therefore acting not as a translator but as a detective and presenting his own findings and ideas as facts.

140 — Goutputstieam—NCFMDA — SA Bd. II.3.4.3.3, Folder 1, pp. 357–369

Why was this file given a name such as Goutsputstream-NCFMDA? Why did the BKA officers examining the files feel the need to change the name of a file?

Every data-storage device requires a file name. This file too must therefore have had an original name. Why was a different name used instead of the original?

The preliminary information on the first page of the file says it was created on 1 January 1980 at 00:00:00.0 and modified at exactly the same date and time. Why? Since portable memory had not yet been invented in 1980, what is the origin of this file?

141 — File named Dergi-iç yazı — SA Bd. II.3.4.3.3, Folder 1, pp. 394–401

This file is plainly a magazine article written in Turkey and for Turkey. It was probably published legally in Turkey in an issue of Yürüyüş.

Its content concerns the implementation of democratic demands by democratic methods.

The article is dated 2014. It lists revolutionary publications that had been legally published in Turkey since 1986. For example, Yürüyüş magazine is listed from May 2005, while from 2014 a magazine called HALKIN SESİ SUSMAYACAK [THE PEOPLE’S VOICE WILL NOT BE SILENCED] is listed. All the magazines on the list were legally published in Turkey, while some were declared objectionable and banned by the German Interior Ministry. But there is no German ban on the final magazine, Halkın Sesi Susmayacak, and no information concerning such a ban anywhere in this case file.

Furthermore, according to the root information on page 394, the file was written (created) on 23 September 2016 at 10:38:46.7 and modified on 13 February 2016 at 08:00:20. In other words, it was modified seven months before it was created — altered before it had even been written. The “access” date is also given as 1 January 1980. How is this possible? It requires explanation.

REQUEST

In all five folders in List 2A, the creation and modification dates shown on the first pages of the 218 files containing preliminary/root information do not reflect reality.

If the modification dates indicate the last change made by the people who created or wrote these files, does the date shown as the latest creation date indicate the date on which BKA officers manipulated the text? And during this process of re-creation, what changes did the BKA officers examining the files make to their content? This must be explained.

I therefore request that the originals of the documents in List 2A and their final versions be examined file by file, compared, and the differences between them presented to me.

171 — File “Başlık ara başlık-toplu-süreç değerlendirme-29.01.2016.txt” — SA Bd. II.3.4.3.5, Folder 3, pp. 74–101

This is a TXT file. A file name in TXT format cannot contain Turkish characters — in principle, any foreign character outside the English QWERTY keyboard causes the file name not to be accepted or recognised. Who added the Turkish letter “Ş” to the words “Başlık ara başlık”, and for what purpose? What else was added?

At line 9 of page 77 it says: “1 — to expand and spread sm.” In the translation on page 89, however, this becomes “1 — Den Bewaffneten Kampf steigern und ausweiten” — “to increase and expand the armed struggle.”

“SM” is an ad hoc abbreviation, specific to the relevant text. In Turkish the abbreviation “SM” is used only for sado-masochism. If the translator had to expand it, that would be the only established expansion. From the content it is of course clear that sado-masochism is not intended.

On what basis, then, did translator Oran translate this “sm” as “armed struggle”? There is no such Turkish equivalence. The line immediately below says “2 — mass work”. In that context and internal logic, it would be more reasonable to translate “sm” as “political struggle”, Politischen Kampf.

Yet the person named Oran rendered it without hesitation and without a single explanatory note as “armed struggle”. This is not translation; it is interpretation and slander made with the mentality of an informer. Because he made an unfounded interpretation and accusation, he distorted and altered a judicial document.

On page 78 the concept TÜRKİYE DEVRİMİ [REVOLUTION IN TURKEY / TURKEY’S REVOLUTION] is translated on page 91 as DIE TÜRKISCHE REVOLUTION, “the Turkish Revolution”, distorting the concept. This is a routine example of the translation ability of Oran, who translated thousands of pages for this file. “Turkish state” as an ethnic-national concept and “Turkish revolution” carry ideological meanings different from the source, and the document does not express an ideology corresponding to that formulation.

Again, on page 80 the phrase “2-silahla mücadele” is said by the source to mean “struggle against the weapon”, but line 1 of the translation on page 94 renders it as “armed struggle”.

FIFTH FOLDER

174 — File 01.12.2009-Dursin-solickom-yurtdışı Gorus Yakup — SA Bd. II.3.4.3.8, Folder 1, pp. 201–208

For information on this matter, see item 1 of the prosecution’s restructured list of 26 accusations after the decision to restrict the alleged offence period.

This text has no ending. It begins with item 6 and has no conclusion. Its integrity is therefore doubtful.

176–177 — “Yeni Kitap-Nasıl Bir Ülkede Yaşıyoruz?” and “İstihbarat Hedefler-Kısa El Notları” — pp. 102–147 and 156–186

Both texts are plainly a fictional plan for a book that was intended to be written. The way the texts are structured is treated as though it were evidence of a crime or attempted crime.

A fictional presentation assessing Turkey from the standpoint of revolutionary struggle cannot itself constitute a crime. Just as the plot and subject matter of books or films about world wars cannot be treated as an “attempt to start a world war”, the plan for this contemplated book cannot be treated as an attempted offence. Nor can novelists whose books contain robbery, murder and countless other acts be accused of attempted murder or of possessing a mind and way of thinking with criminal potential.

Of course every work and every fictional structure may be judged good or bad. That depends on each person’s own values of good and bad, right and wrong.

These plans are treated as educational material. Their headings are under the title “Education Subjects”. They explain in short headings how the people should organise against fascism, what revolutionary struggle should be like, what values should shape it and what its traditions are.

They also construct a conception of morality and of struggle and organisation. For example: “To possess love of homeland and people”; “To be honest, honourable and modest”; “To make one’s essence and one’s word one”; “To tell the people the facts and the truth”; “To be just”; “To know how to share”; “To be clean, orderly and simple” (p. 104). What is criminal about wanting to be the kind of human being humanity longs for?

On page 106 it says: “Comradeship means being able, without hesitation, to entrust one another with one’s honour, dignity and life. It is self-sacrifice”; “comradeship means treating one another justly, equally and honourably; it is purity, cleanliness and sharing”; “comradeship is free from prejudice and suspicion; it is warmth and sincerity, true love and friendship; comradeship means thinking and living collectively.” What is criminal about desiring human relationships for which all humanity longs?

The foundations of capitalism and capitalist culture are individualism, egoism and selfishness. But for the people these can never become ideals. That is why even capitalism, in literature, culture and art, depicts heroes and heroism embodying the revolutionary culture and understanding described above, although those values are distant from capitalism itself. Human nature does not accept evil, injustice or immorality. The form of life longed for by humanity is in fact represented by the values believed in by revolutionaries living in these societies. Is there anyone in this courtroom who can openly reject those values? I do not think there is.

Revolutionaries are the bearers of these values. When they are surrounded by thousands of killers, when they are blindfolded and stripped naked on torture benches, when under conditions of captivity they are shot with their hands and arms bound or beaten to death, when they lie down in hunger and Death Fasts and embrace death smiling so that our people may be free, our children may sleep without fear and be fed like human beings — it is always these ideals that give them strength. And in our country such heroes are not isolated examples.

There are thousands of such examples. In the prison resistance between 2000 and 2007 that we call the Great Resistance alone, 122 revolutionaries and people from among the public defeated death with these values in the Death Fasts and disgraced death itself.

The greatest error of those who think they can suppress revolutionaries by police measures, violence and terror, destroy them by massacring them, throw them into dungeons and silence their voices, is their failure to see that the people will always defend these values. On the contrary, making these values the occasion for prosecution, as in this court, has no validity before history or humanity.

On page 113 there is a subheading “Democratic, Illegal Struggle and Working Methods”. In this case too, revolutionary organisational understanding is branded “conspiratorial” and accused of being an organisation of

“sedition and conspiracy”. Yet page 113 says: “Working or not working in the legal or illegal field is not a matter of subjective preference.” Fascist regimes can close every organisation that sides with the people and ban even the most legitimate forms of resistance. In order to carry out democratic struggle under all conditions, methods such as secrecy and illegality may come into operation. Therefore, condemning illegality here can mean nothing other than prohibiting the expression of thought under all conditions and destroying democratic rights — in other words, condemning the legitimate right of resistance itself.

On page 115, under the subheading “The meaning and importance of weapons for us and our understanding of action”, the understanding of revolutionary struggle in Turkey is discussed. Page 116 says: “For revolutionaries, actions are instruments of our conception of justice; they carry our political policies to the masses, express our demands and deter the enemy from its practices.” In other words, actions are described as instruments for explaining political realities to the people and deterring state practices such as torture, massacre and disappearance in custody. It is also a fact, the text argues, that campaigns directed specifically against torturing and killing police and military personnel have greatly reduced systematic torture in our country.

The same page says: “The target of revolutionary action must be clear and its message unambiguous”; “The property and lives of the people must not be harmed”; “Unintended negative consequences arising from actions must be remedied; where necessary compensation must be paid and an apology made to the people.” It thereby expresses support for legitimate popular resistance in Turkey against the tyranny of a coercive state.

Concerning targets of action, page 165 says: “The governing parties, their leaders, MPs and ministers are targets. Opposition parties ARE NOT TARGETS”; “Police stations, gendarmerie posts and police vehicles are targets”; “You have NO authority to carry out expropriation (robbery — BN). You have NO authority to extort money.”

Page 166 says: “Where you stay, your weapon must be with you. You must always be alert. One cannot surrender without fighting. You must continue the tradition of fighting. This applies under all conditions.” This draws attention to the principle that fighters, as the first condition of membership, must always be armed and cannot surrender without fighting. Page 167 again underlines this principle: “Fighting must become a tradition. Fighting is not merely for the sake of fighting and dying honourably.”

An important point here is that all these explanations are presented in a fictional form. The contemplated book was in any event to be published legally in Turkey. Some passages read as though a first-person speaker is addressing a second person. This form of narration is not an organisational, hierarchical relationship. The source material used as information notes includes, for example, a legally published book in Turkey entitled Eylem Öğretiyor [Action Teaches], and examples from other legal publications in which prisoners describe their own experiences.

I should also state that no book has ever been published in the name of the DHKP or DHKP-C. Material on the DHKP Congress and its decisions was published legally in Turkey. Ultimately, the DHKP Congress Documents are no different, in this respect, from Marx and Engels’s Communist Manifesto, which is also printed and distributed in Germany. This book too must be assessed in that framework.

210 — Concerning the document AYA-12-11-EK — SA Bd. II.3.4.3.12, Folder 6, pp. 305–317

Between pages 308 and 310, under the heading “2 — Concerning the Pir Sultan Cultural Centre”, the conception and functioning of associations in Europe are described in detail, from membership dues and other financial matters to programmes and even the cleaning of toilets.

Yet in this case the prosecution makes numerous accusations concerning everything from the Anatolian Federation to dues and activities. At the basis of these accusations are the unfounded claims that association activities and membership dues are intended to finance armed struggle and actions in Turkey, and that these

organisations and activities in Europe are therefore indispensable and fundamental to armed “terrorist” actions in Turkey.

The text on pages 308–310 is the most concrete document refuting those unfounded accusations. I therefore request that these pages be read in full at the hearing.

In particular, what the text says about membership, dues, activities and aims must be accepted as an explanatory document concerning the structure of the Anatolian Federation.

“A… Membership: We must certainly make people members and begin dues and members’ meetings from now on. We should begin the membership of families, tradespeople, workers, students and even our children. We should prepare regular forms for membership. The forms should contain name, surname, place of origin, occupation, residential address, bank account number and so on. Dues for membership should be fixed in advance, with separate rates for adults and young people (…)

“B… Commissions: You should establish culture, family, youth, tradespeople’s and children’s commissions. These commissions should work as sub-bodies of the association. You should identify people who will carry out work for each commission. Each commission should have a person responsible. Those responsible for the commissions should also be members of the management.

“C… Publicity: You should prepare an introductory leaflet. It should explain the work you will carry out in the association and the general aims of the association’s activities. We should have a leaflet setting out, briefly and concretely, our policies against racism and degeneration. The leaflet should provide information about what kinds of activities the commissions will organise for culture, families, youth, children and tradespeople. (…)

“F… Food arrangements: Before opening, we should arrange a kitchen capable of providing a daily breakfast and one meal (…) The association should aim to meet its own expenses (rent, etc. — BN) in this way. (…)

“G… Use of dues and grants: Dues and grants should not be a source for paying rent. Dues and grants that may be obtained from the municipality and so on should be used primarily to organise activities. (…)

“I… Financial affairs: We will be under particular pressure in this area in the coming period. You must understand very clearly that the enemy’s eyes will also be on us. All our financial affairs must be completely open and clear. If necessary, we should have a comrade who understands financial matters.

“The association should have a bank account. Nobody should interfere with this bank account. You must not use it for organisational work. In other words, it should not be in your hands. It should be in the hands of whoever deals with financial affairs. (…) You will not mix it into any organisational work. (…) Dues should also go into this account. Discuss automatic payment of dues with people. They should be deducted automatically from everyone’s account. (…)

“J… Cinema days: You will designate one day a week as cinema day. At that hour the film will begin even if not a single person comes. (…)

“K… Children’s room, children’s activities: You must certainly arrange a children’s room. It should be designed for children. In particular there should be wooden toys and so on, toys that support children’s creativity. (…) You must certainly have a children’s playground made. (…)”

This document must be accepted as evidence that the associations and membership dues were not intended, as alleged, to finance armed struggle and actions in Turkey.

ON THE ITEMS IN LIST 3A

SINGLE FOLDER

The items in List 3A are not numbered as the other documents are. I have therefore numbered them myself from 1 to 7 according to the order in which they were prepared.

The documents in question were produced through telephone and room surveillance.

In particular, the transcriptions of room surveillance in the Netherlands are problematic. It is especially problematic that non-Turkish names are forced into Turkish and translated as though they were Turkish names.

This is not a phonetic auditory illusion. On the contrary, it reveals an anxiety to turn material into a criminal act.

The mistakes in names do not arise from carelessness or an isolated human error. There is intent and bad faith directed at creating an offence, because every altered name has been turned into a Turkish name, while there is no misunderstanding in the opposite direction: not a single Turkish name has supposedly been misunderstood (!).

FOREIGN NAMES MADE TURKISH

- Aleyda → Alieida Guevara (Che’s daughter)
- Hippodrom → Tempodrom (a well-known hall in Hamburg or Berlin)
- İlyas Leteli → Elias Letelier (Chilean poet, Canadian citizen)
- Varkas → Andre Vergas (Hungarian poet, Canadian citizen)
- Emin → Emilio (an Austrian)
- Andi → Andy (a Swiss person)
- Ahmet Ümbele → Ahmed Ben Bella (former President of Algeria)
- Sahar Mehdi → Sahar Mahdi (an Iraqi lawyer)
- ATAK → ATTAC (an international organisation)
- Meryem → Miriam (French, member of Amnesty International)

2 — Room surveillance (Hellevoetsluis), Asservat No. 1.8, pp. 221–234 — translator: Gök

On fourteen pages the notation “unintelligible” or “completely unintelligible” appears 152 times.

The conversation between Sandra and me concerns an international symposium organised each year in different countries by the International Platform Against Isolation (UTMP). The symposium has no connection whatsoever with the DHKP or DHKP-C, and there is no criminal element in the content of the conversation.

Room surveillance (Hellevoetsluis), Asservat No. 1.14, pp. 385–431 — translator: Oran

Across forty-seven pages the number of “unintelligible” notations is zero. The translator merely states that three names were written phonetically. One is “Vesetaris”; the real name is Resetarits, a former Austrian Member of the European Parliament. Another is “Ahmet Ümpele”; the real name is Ahmed Ben Bella, former President of Algeria and umbrella organiser of the UTMP symposium in Paris. The third is Sahar Mehdi; the real name is Sahar Mahdi, an Iraqi lawyer who participated in UTMP symposia.

ORAN claims to have written these three names as he heard them. Yet even their Turkish pronunciation could not produce the versions ORAN says he heard. In other words, all three names whose spelling he admits uncertainty about were heard incorrectly, while in forty-seven pages of room surveillance there was supposedly not a single other word he could not understand.

The surveillance in item 2 and the surveillance in item 3 were carried out in the same place using the same equipment. Yet Gök has 152 unintelligible passages in fourteen pages, while ORAN has not a single unintelligible point. Either Gök had a hearing problem, or ORAN possessed perfect hearing. In that case, assigning translation work to Gök could be called a major mistake. But this situation reminds me of an Anatolian proverb used for people like ORAN: “THE DEAF MAN DOES NOT HEAR; HE MAKES IT UP.”

ORAN is simply making things up. This is beyond dispute.

This surveillance too concerns preparations for the symposium referred to in item 2, and its content contains no offence.

The prosecution’s claim that this symposium was a DHKP-C symposium is wholly without foundation. In tens of thousands of pages of the file there is not a single fact or indication supporting that claim.

The symposium was held in Berlin. It was not held illegally. As it was announced on UTMP’s own website, it was also publicised on many German left-wing websites. It was announced repeatedly on Indymedia and advertised for weeks in Junge Welt. It is therefore remarkable that neither Kröschel nor Seiffner supposedly knew of this symposium in Berlin (!).

DHKP-C is banned in Germany. Yet a three-day DHKP-C event, whose address and date were known months beforehand, which was publicly advertised with posters and attended by hundreds of people, somehow did not attract BKA attention. More than that, neither the prosecution nor the BKA even tried to prevent a three-day event they now treat as terrorism (!).

The reality is different. The BKA undoubtedly knew of the Berlin symposium and monitored it in some way. It monitored it and knew from the beginning that these symposia were not DHKP-C activities. That is why it could find no basis on which to prevent them.

The reason they now behave as though they knew nothing about the UTMP symposia and had never heard of the event in Berlin is their desire to claim that the symposium was a DHKP-C symposium and to use conversations about it captured by room surveillance as evidence for a Section 129b accusation.

After all, in their logic there is already a perpetrator, and it does not matter which act this perpetrator did or did not commit. Everything this perpetrator does is regarded as criminal anyway. The rest is merely detail.

One of the most important points in this item is the nonsense that I supposedly threatened to kill two people. Who are these two people? One is Emilo and the other is Emin.

Emilo is an Austrian leftist. He has no connection whatsoever with DHKP-C or the DHKP. That makes a death threat for “betrayal” meaningless. But when Emilo is turned into the name Emin in some places (!), a second person is created who can supposedly have been threatened. And when a Turkish name is supplied, a basis is also created for a death threat supposedly arising from betrayal of the organisation.

On page 413 the speaker, Sandra, herself Austrian, says “Emilo” and this is understood as “Emin”. On page 414 the same speaker refers to the same person once as Emilo and once as Emin. There is no intelligible explanation for this.

There are not two people called Emilo and Emin. The only person being discussed is Emilo. The name Emin is fabricated.

4–5–6 — (5), (6), (7) TELEPHONE SURVEILLANCE

It is alleged that these telephone interceptions contain conversations conducted in my absence. There is no offence in their content. An attempt is made to prove that “Talat” and “Enişte” [brother-in-law] refer to one and the same person.

Yes, Talat is my middle name. Because I married a German woman, some Germans also called me “Enişte”.

Talat is a common Turkish name. Enişte is an extremely common form of address. For example, every foreign man married to a woman from Turkey may be an “enişte” to people from Turkey. In Turkey it is not merely a kinship title. We call men who marry someone from our city or region and live in another city “enişte”, just as we call men from other villages who marry women from our village “enişte”.

I do not know whether the people alleged to be speaking about me in items (5), (6) and (7) were referring to me when they used the words “Talat” and “Enişte”.

I do not think I dance particularly well. But I think I dance the çiftetelli well.

In conclusion, UTMP is neither a DHKP-C organisation nor a “People’s Front” organisation. It is a platform containing individuals and organisations from at least twenty-five countries and many different ideologies. Alongside people such as Ahmed Ben Bella, Angela Davis (an American professor and human-rights advocate), Henri Alleg (the French writer who wrote about the Algerian resistance) and Targetti (an Italian parliamentarian), it includes Amnesty International workers, rehabilitation centres for torture survivors, institutions such as the Palestinian Ministry for Prisoners and many prisoner-solidarity organisations and political formations.

As far as I remember, UTMP’s own website (IPAI / isolation.info) states that UTMP is not an ideological organisation. The witnesses to this are the BKA’s DHKP-C desk and the prosecutors who conduct DHKP-C cases, since this website too is not accused by the BKA of being a DHKP-C website.

REQUESTS FOR JUDICIAL ASSISTANCE, COURT DECISIONS AND IDEOLOGICAL INDOCTRINATION

“Doubt is used in favour of liberty.”

On the “Judicial Assistance” requested from Turkey as a basis for the preliminary investigation prepared for DHKP-C cases by Federal Prosecutor-General NEHM before the Federal Court of Justice

File no. 2 BJs 13/03-7, 2 October 2003 — SA Bd. I.4.1 (extract), pp. 8–15; German pp. 1–7. Case officer: Becker-Klein.

The request for judicial assistance is addressed “to the judicial authorities of the Republic of Turkey or other competent authority”.

Which “other competent” authority, apart from the judicial authorities, is being asked for judicial assistance? How can a non-judicial institution provide judicial assistance?

The point is that this amounts to an admission that the judiciary in Turkey is merely for show and that the Federal Prosecutor-General before the German Federal Court of Justice accepts that some “other institution” can act in place of the judiciary.

Federal Prosecutor-General Nehm states that a preliminary investigation, file no. 2 BJs 13/03-7, was opened under Section 129b against Dursun Karataş and other suspects in Germany.

When people are called suspects, one would of course assume that there must be an offence. But what happened in practice? Let us look together.

According to Nehm, the reasons and subject of the prosecution were, in short, that “the DHKP-C was founded under the leadership of Dursun Karataş and there is suspicion that in Turkey it carried out killings, above all of MPs and ministers, and armed and bomb attacks on state and private institutions.”

He further says: “There is also suspicion that the persons under investigation have acted in an organised manner to punish, up to and including the death penalty, persons who deviate from the Party’s disciplinary line and those whom they regard as ‘collaborators’ or traitors.”

“The accusation of membership of this terrorist organisation is directed at the organisation’s secretary, members of Party committees and persons active in Party cells. The information available to us shows that attacks were planned and directed by these functionaries. The criminal prosecution initiated also covers the cadre members of the Armed Propaganda Units (SPB), who personally undertake the task of carrying out the attacks.”

Let us open a parenthesis here. There are two points that need to be stressed.

First, while he says that they have only suspicions concerning general matters such as the organisation’s functioning and practice, he claims that they possess concrete information about who committed which offences and who directed and carried out these criminal acts. Yet the Federal Prosecutor’s Office has no such concrete information and the statement is false, because these are precisely the matters it is trying to obtain through judicial assistance. The prosecutor is not asking the Turkish authorities to confirm information he supposedly already possesses.

Second, the Federal Prosecutor-General says he will prosecute SPB members living in Turkey who are alleged to have carried out actions in Turkey. Were there no prosecutors, police or courts in Turkey? Are alleged offences committed in Turkey not prosecuted under Turkish law? Would Nehm therefore prosecute and convict for a second time people who were already prosecuted in Turkey? Neither the targets of the actions nor

the alleged perpetrators are German citizens, nor do they live in Germany. There is therefore no legal basis under Sections 129a or 129b for such a prosecution.

Let us continue, because the prosecutor’s suspicions continue as well.

He says: “Information obtained from prosecutions conducted in other investigations contains the suspicion that DHKP-C leaders, when they have health problems or are exposed to danger, illegally infiltrate the Federal Republic of Germany from Turkey,” and adds: “DHKP-C leaders use Germany as an area of rest and retreat.”

This allegation is an entirely fabricated scenario. There is not a single fact in the file supporting it. Either Nehm saw such a thing in a dream, or he was acting on guidance whispered into his ear by torturing and killing police officers and officials of Turkey.

It is a known fact that the DHKP and DHKC prohibit their cadres from fleeing abroad and seeking asylum and sever all organisational, and even social, relations with those who nevertheless go abroad.

If Nehm possessed information beyond suspicion, why did he not arrest those whom he labels criminals supposedly coming to Germany to rest? Because no such thing existed. Had it existed, the file would contain information and documents about it.

The prosecutor’s suspicions know no bounds. He says: “We also have information that the DHKP-C in Turkey procures weapons on a large scale from Western Europe.” The content and source of this information are not stated. Once again Nehm treats speculative and propagandistic claims that appeared in media defending the Turkish regime as information, and thereby allows himself, German law and German law-enforcement bodies to be used.

Nehm continues: “There is suspicion that these weapons are purchased by members or supporters of the terrorist organisation in Western European countries, including the Federal Republic of Germany, stored in secret locations and illegally transported from here to Turkey in vehicles equipped with special compartments for transporting the purchased weapons.”

This is a contradiction from beginning to end. Nehm then lists his requests to the Turkish authorities.

He writes in substance: “In order to clarify the suspicions against Dursun Karataş and other persons concerning the above offences and in order to take legal steps against Dursun Karataş and other DHKP-C members, information is required concerning the present situation of the DHKP-C organisation, its current structure, who belongs to it, and its activities both in Turkey and in the Federal Republic of Germany. In particular, I urgently request certified copies of investigative records and written evidence in your possession concerning the organisation, as well as criminal-court judgments whose reasoning contains findings relevant to our investigation, and answers to the following questions.”

He asks whether investigations against DHKP-C members in Turkey have produced concrete information on the organisation’s current leadership structure, especially the participation of the leadership in planning, preparing and carrying out attacks, and which leading cadres apart from Dursun Karataş are known by name.

He asks whether leading cadres or other members of the alleged DHKP-C terrorist organisation carry out activities on the territory of the Federal Republic of Germany or merely spend time there; whether there is concrete information about persons staying or active in Germany who support the alleged organisation in Turkey, particularly in procuring weapons and transporting them to Turkey; and whether there are indications that weapons and explosives previously procured in Germany and smuggled into Turkey were used in attacks carried out in Turkey.

He says that, in order to prove that the organisation’s aims and actions are directed toward murder, arson or explosive attacks within the meaning of Section 129a, more detailed information is required about attacks previously carried out in Turkey.

He requests, as quickly as possible, certified copies of investigative records containing information on how attacks were planned and carried out, the stages through which the organisation’s actions developed, the instruments and materials used, the perpetrators and findings said to show their links with DHKP-C; he also asks for written claims of responsibility or other documents said to establish the organisation’s responsibility. He adds that, in order to bring criminal proceedings in Germany, information and documents are needed concerning the period after Section 129b entered into force on 30 August 2002.

Nehm states that he has assigned prosecutor Becker-Klein and BKA officers Ilgner, Schmitz and Hengst to this judicial-assistance matter. He asks that information and documents be given to them and says that they in turn will provide requested information. He asks the Turkish authorities to permit them, with the assistance of an interpreter, to inspect and evaluate all investigative and case files, documents, evidence and information so that they can select what they wish to take.

Nehm finally closes his petition: “I hope that you will not withhold your support and assistance in the matters I have requested. With deepest respect.”

What does this document show?

- The prosecution’s investigation file was empty in substance.
- The investigation was opened solely on suspicion; there was not a single concrete ground or act at the outset.
- Countless requests and hopes were expressed so that the Turkish authorities would fill the investigation file.
- The universal legal norm expressed as “doubt is used in favour of liberty” was disregarded from the very beginning: accusations based only on suspicion were not treated in favour of those labelled defendants.
- This proves that the investigation began from the alleged perpetrator rather than from an act. The cases continue to be built on the same foundation today.
- Nehm himself legitimised intelligence and investigative operations by Turkish authorities on German territory, within Germany’s sovereign jurisdiction.
- This raises the question whether German state institutions have thereby deprived themselves of the right to object to intelligence activity by Turkey on German territory through DİTİB imams and teachers sent from Turkey to provide mother-tongue and cultural lessons.
- The “other competent authority” to which Nehm directed the request alongside judicial authorities thereby appears to include Turkish intelligence bodies such as MİT, JİTEM and Police Intelligence, as well as the Counter-Guerrilla, described here as Turkey’s Gladio.
- What information, documents, investigation files, court decisions and intelligence material were obtained through this judicial-assistance request?
- How were those materials evaluated by Nehm and by Heike Becker-Klein, who was tasked with preparing the investigation file?
- I maintain that although the investigation file bears German prosecutors’ signatures, it was in substance created by Turkish authorities. A comparison of the file with the information and documents obtained through judicial assistance would document this.
- The basis for the parallels between Turkish court decisions requested by Germany and the ideological approaches and findings in German prosecutors’ submissions and judgments in DHKP-C cases would likewise become clear.

I have a separate defence dealing with why the judgments in Section 129b cases conducted so far are almost word for word identical, so I do not consider further detail necessary here.

In this way, Prosecutors General Nehm and Becker-Klein did not merely surrender their own will to the torturing prosecutors in Turkey, the killers on the DHKP-C desk of TEM and the intelligence organisations; they also placed under mortgage the DHKP-C judgments handed down from 2007 to the present. Thus they

handed the sovereign rights of the Federal Republic of Germany over to the fascist regime in Turkey and condemned the peoples of Germany to national dishonour.

There is one additional matter. Referring to attacks reported in the press and claimed by DHKC, Nehm asks Turkey for details and describes an alleged “attack using a flamethrower on the Fatih District Police Directorate in Istanbul and the Officers’ Club in Şişli on 16 June 1997 and 14 July 1997.”

The DHKP, in its bulletins and in its central publication Devrimci Sol, repeatedly wrote about what the correct revolutionary understanding of action should be and repeatedly condemned wrong forms of action, both in our country Turkey and around the world, that also make innocent people victims, bomb attacks aimed at eliminating individuals, and the use of large weapons that cannot be controlled. A flamethrower, in particular, is a weapon known in history only among the military equipment of Nazi Germany and the United States, and it is a known fact that no other country or organisation has used this weapon of crime against humanity. The DHKP, having repeatedly been the victim of the fascist regime’s practice of “burning people alive” in our country, condemned this inhuman form of massacre. The DHKC has never carried out such an action.

It is not clear what Prosecutors General Nehm and Becker-Klein base these constructions and fantasies on. If they insist on looking for such a crime, they should look to their own country’s past and precedents. They cannot smear revolutionaries with such groundless allegations.

On the “Judicial Assistance” requested from Turkey by Federal Prosecutor-General WACHE for the preliminary investigation of DHKP-C cases

File no. 2 BJs 13-03-7, 26 February 2003 [the German date is stated as 2004] — SA Bd. I.4.1 (extract), pp. 28–30; German pp. 25–27. The request is addressed to the Turkish Ministry of Justice, General Directorate for International Law and Foreign Relations.

This request also concerns Dursun Karataş and other DHKP-C members in Turkey whose identities were said to be unknown.

Because it begins, “I once again request your assistance and support,” and is presented as an addition to the request of 2 October 2003, it is apparent that the information and documents previously requested had been supplied.

The request states that “there may also be e-mail correspondence between the DHKP-C leadership centre, probably based in Belgium, and functionaries engaged in arms smuggling.”

I know the Belgian file very well — I can say better than the prosecutors, lawyers, panel and gendarmerie investigators in that case. I know both the documents placed in the case file and those that were not. I assert that within the Belgian documents there is NOT a single e-mail communication, let alone e-mail correspondence with functionaries involved in arms smuggling, and no document showing such a thing.

On 7 July 2004 the German Embassy in Ankara informed the relevant German authority about documents delivered by Turkey in response to the request of 2 October 2003. Pages 37–39 contain a particularly significant message from the Turkish side. In the context of the latest exchange of legal assistance, Turkey says that obstacles to prosecution of political offences had been removed, with the aim of ending the practice whereby extradition proceedings were blocked on the ground that the offences were political.

In other words, Germany had now moved onto the line desired by Turkey.

Judicial assistance requested from Turkey by Federal Prosecutor-General GRIESBAUM for the preliminary investigation of DHKP-C cases

File no. 2 BJs 13-03-7, 1 February 2007 — SA Bd. I.4.1 (extract), pp. 71–76; German pp. 65–70. Case officer at the BGH: prosecutor Becker-Klein.

This request is addressed to “the judicial authorities in Ankara” or “another competent Turkish authority”. In other words, so long as the information suits their purpose, the source is regarded as unimportant; an understanding in which any means are permissible for the end is revealed.

Although the file number is the same, the targets are no longer limited to Dursun Karataş and DHKP-C leaders and members in Turkey.

The Federal Prosecutor thanks the Turkish side for complying with the request of 2 October 2003: “First of all, I once again thank you for the information and documents you provided in dealing with this request for judicial assistance. They have been very useful for my investigations.”

The prosecution then refers to roughly 20,000 documents supplied by the Netherlands and seized on 1 April 2004, and presents conclusions supposedly drawn from them to the Turkish side.

One alleged conclusion is: “Obtaining money, for the purpose of financing armed struggle in Turkey, through donations and in particular by organising nights such as Grup Yorum concerts, and transferring the money.”

The Prosecutor General is LYING. Neither a night nor a Grup Yorum concert was organised to finance the armed struggle in Turkey. There is nothing to this effect either in the 1 April documents or in any other document. The aim is to have Grup Yorum banned both in Turkey and in Europe and Germany and to bring cases against and secure the conviction of those who organise Grup Yorum concerts. In later years, they also achieved these aims.

Another alleged conclusion is: “Producing false identity documents and illegally bringing organisation members into the country.”

The Prosecutor General is LYING again. First of all, when he says “the country”, it is not clear whether he means Germany or Turkey. Given that the DHKP and DHKC prohibit their cadres and members from going abroad, what is meant is probably bringing people into Turkey. HOWEVER, what is referred to in the documents as an identity document is a Turkish Republic identity card. International travel is not possible with this identity card. Unless the Prosecutor General has a problem with his ability to assess facts, he is knowingly constructing a hypothesis based on distortion and lies.

Another conclusion is: “Participation in procuring weapons, ammunition, explosives and communications equipment and organising their transport to Turkey.”

On this point too, the Prosecutor General resorts to LIES and CONSPIRACY. There is no evidence in the 1 April documents showing participation in the procurement of weapons, explosives and so on. There is only the slander of a person named Hüseyin Hiram. Hüseyin Hiram describes a scenario in which he says that, on behalf of DHKP-C, he transported weapons from Germany to Turkey and, after passing the Bulgarian checkpoint when entering Turkey, left the vehicle fitted with a hidden compartment in the Turkish customs area between Bulgaria and Turkey and returned.

This is the entirety of the information in the hands of the Federal Prosecutor’s Office. HOWEVER, Hüseyin Hiram gave this statement when faced in Germany with the accusation of acting as an agent for MİT. Although H. Hiram was convicted in that case of acting as a MİT agent, his statements concerning DHKP-C were treated as those of a “Golden Witness”. Moreover, the car and the weapons Hiram speaks of should normally have been in Turkey’s possession. But the Turkish police had no such finding, and although the Federal Prosecutor’s Office made requests for judicial assistance on many matters, it did not make a request to Turkey to clarify this issue. BECAUSE the Federal Prosecutor’s Office also knew very well that Hiram was lying. Despite this, those tried in the first Section 129b case opened in Stuttgart were convicted on the basis of Hiram’s statements.

It is impossible that the Federal Prosecutor’s Office did not investigate this vehicle matter. Most probably it investigated it, but disregarded and did not use documents showing that no such vehicle and weapons shipment existed, and instead knowingly elevated Hiram’s slander to the status of golden evidence.

Another alleged conclusion is: "Secret communications between the leadership cadre and the DHKP-C's military units in Turkey and abroad."

The Federal Prosecutor's Office cannot get enough of LIES. Supposedly DHKP-C had military units abroad. On which 1 April document is this allegation based? It is not stated. There is no such fact in the 1 April documents, and communication with non-existent military units cannot exist either.

Another conclusion is: "Recruitment of members and supporters through seminars and propaganda meetings."

This may be the Federal Prosecutor's only hypothesis that is even close to reality. Seminars and propaganda activities did take place in Europe and Germany. BUT in whose name were they held, what was being propagated, and for which structure was membership supposedly being recruited? This is the questionable point. The prosecution provides no explanation on these matters. Moreover, there is not a single piece of information either in the 1 April documents or in any other document showing that DHKP and DHKC members were recruited through seminars and propaganda meetings. In any event, to become a DHKP member one must first be a DHKC fighter-member. To become a DHKC member one must want to fight and must be a fighter in an armed DHKC unit. To claim that such memberships are created through seminars and propaganda meetings goes beyond absurdity.

This request for judicial assistance also asks Turkey for countless pieces of information and documents concerning DHKP-C cases, ranging from investigation files and police-intelligence interpretations and analyses to interrogation records of torturing police officers, concerning numerous anonymous persons.

It also refers to a Milliyet newspaper report of 10 January 2007 concerning a DHKP-C operation and mass DHKP-C arrests on 11–12 October 2006 in Turkey, and asks for information on the organisation's current structure, who belongs to it, its activities in Turkey and abroad, and certified copies of relevant investigative records and written evidence.

In addition to the breadth and quantity of the material requested, Turkey is again asked for concrete information concerning DHKP-C organisation and persons in Europe and Germany.

According to the report of the German Embassy in Ankara dated 7 July 2004 on pages 37–39, intelligence gathered by Turkey's MİT in Germany concerning DHKP-C had already been given to the Federal Prosecutor's Office. But Prosecutor General GRIESBAUM asks for the reports of MİT's agent activity against DHKP-C on German territory after that date. In other words, GRIESBAUM knows that the Turkish state is conducting permanent intelligence work on his own country's territory and regards this as legitimate. Naturally, when those who so readily hand their own sovereign rights over to Turkish officials then use the demagogy of terrorism against people carrying out democratic struggle against fascism and racism in the name of supposedly protecting the constitutional order, it is not convincing in the slightest.

The principal purpose of the request is stated in the words: "In addition to my request for judicial assistance of 2 October 2003, I ask that the desired information and documents be sent to me promptly, since these documents are urgently required for the criminal proceedings soon to begin against four accused persons currently in provisional detention."

In other words, Germany had arrested four people and was making entreaties for Turkey's illegal intelligence information gathered in Germany in order to convict them. It is a complete example of disgrace and scandal from the standpoint of German justice and law.

To give him his due (!), Griesbaum nevertheless indicates sensitivity to certain legal rules. He says that, in order for the information and documents coming from Turkey to be used, the evidence must be formally introduced in court and, under German criminal law, asks for the names of witnesses who can testify in order for this evidence to be introduced.

The Turkish side had already supplied its agent provocateur Hüseyin Hiram for this first Section 129b case. There was no evidence, but because Hiram’s admission was taken as the basis, there was no need for evidence to be introduced.

On the other hand, to establish the documents supplied by Turkey, the torturing killers Serdar Bayraktutan and Ufuk Yıldırım were proposed as witnesses. These two were members of the DHKP-C desk at TEM against whom dozens of cases had been opened in Turkey for extrajudicial executions and for torturing and killing dozens of DHKC members and people from the public.

In the event, their testimony was unnecessary. Information and interpretations obtained from Turkey were used in indictments and submissions as if they were findings of the Federal Prosecutor itself, without the source being identified, so witnesses from Turkey were no longer needed to introduce the information.

I will prove this allegation too, with concrete examples, in the section in which I examine the judgments in DHKP-C cases conducted in Germany to date.

During this period the mutual flow of information and documents became virtually automatic. On 13 March 2007 Turkey supplied new material. Turkey increasingly sent German translations and thereby saved the Federal Prosecutor additional work. Often it eventually sent only German translations, without the underlying original documents, because documents arriving only in German, without originals or Turkish copies, were nevertheless used as evidence in German terrorism trials.

With this process, the flow of information and documents from Turkey became almost monthly. Turkish Chief Public Prosecutors saw that the police reports they sent first became indictments of German Federal Prosecutors, then final submissions, and finally OLG judgments. They understood very well that, through so-called evidence that did not need to be proved or formally introduced, they could have Germany carry out their dirty work as well.

THE FLOW OF DOCUMENTS FROM TURKEY CONTINUES

From page 86 onwards (German pp. 89–93), the German Embassy in Ankara receives, in the embassy’s words, written documents, translations, folders — “a pile of documents”, a carton full of written material. The flow became continuous because judicial assistance was requested for every new case. Turkish authorities prepared an investigation file and sent it to German prosecutors.

On 7 November 2007, Istanbul Deputy Chief Public Prosecutor Turan Çolakkadı delivered, for the case concerning Faruk Ereren, nine folders of documents prepared by Istanbul public prosecutor Cuma Özdemir, together with a further file explaining how the documents in the folders could be used.

Eight of the nine folders — eight blue folders — had been prepared by the Counter-Terrorism Branch Directorate (TEM). A point in the explanation of item (i) on page 87 is particularly important. In the relevant letter, Istanbul Chief Public Prosecutor’s Office states that, at Germany’s request, it collected comprehensive information and prepared documents on “the activities of the illegal DHKP/C organisation in Turkey and Germany, and the persons included in the organisation”. It says this information was contained in the eight TEM folders and that, in addition to information requested by the German prosecutor about defendants in the 2007 Stuttgart OLG case, information was supplied on 89 other suspects.

NOT JUDICIAL ASSISTANCE BUT IDEOLOGICAL INDOCTRINATION

The report by Istanbul Deputy Chief Public Prosecutor Turan Çolakkadı to the Turkish Ministry of Justice on page 87 is striking.

It records that on 5 September 2007 at 10:00, a meeting was held at the Istanbul Chief Public Prosecutor’s Office competent under Article 250 of the Code of Criminal Procedure. The Turkish delegation was chaired by Deputy Chief Public Prosecutor Turan Çolakkadı and included prosecutors Cuma Özdemir and Hikmet Usta,

Police Chief Serdar BAYRAKTUTAN of the Counter-Terrorism Branch DHKP/C desk, and Chief Inspector Göktürk KOÇ of the same desk. The German visitors were Federal Court of Justice prosecutor Heike Becker-KLEIN and Federal Court of Justice prosecutor Volker HORMAN.

The report says that during this meeting information was conveyed about the foundation of the alleged illegal DHKP/C organisation, major incidents attributed to it over time, and actions carried out by persons said to act for it in the Federal Republic of Germany and other European countries. The information was presented with slides.

It further says that while the slides were being shown, Çolakkadı, prosecutors Özdemir and Usta, and police officers Bayraktutan and Koç provided the visiting German officials with detailed information about the actions shown.

WHAT WAS THIS DETAILED INFORMATION?

Neither the slide presentation referred to nor the detailed information described is contained in any file. But it is plain how this detailed information was reflected in the language and approach used by Chief Prosecutor Heike Becker-Klein in the cases she personally conducted and supervised, and how the same language was generally copied and pasted by OLG panels from prosecutorial submissions into judgments.

Although the judicial-assistance correspondence with Turkish authorities bears signatures of different prosecutors such as Nehm and Griesbaum, Becker-Klein appears in all the correspondence and known meetings as the case officer and representative.

Becker-Klein also conducted various DHKP-C cases herself and standardised the conduct of cases she did not personally prosecute, including the detention process and conditions, the trial and the levels of sentence.

Prosecutor Becker-Klein’s role in DHKP-C cases went far beyond a lawyer’s mission. What was decisive in this were the multi-dimensional relations established with the Turkish authorities. The DHKP-C cases became a means used for this mission.

Relations that began with requests to Turkey for judicial assistance developed, as the correspondence shows, into an exchange of information and mutual legal assistance. Yet none of these files contains information, documents, legal assistance, commitments or promises supplied by the German case officer to the Turkish side.

The judicial-assistance correspondence establishes, at the very least, that Turkish police intelligence conducted intelligence activity against people from Turkey in Germany and that this took place with the knowledge and approval of German Federal Prosecutors. And for the DHKP-C cases opened in Germany, these illegal intelligence reports played an indispensable and decisive role.

Is this lawful?

Beyond the question of legality, the uncertainty of the sources and the questionable accuracy of information and documents create an uncontrollable situation.

Information supplied by the Turkish side concerning Germany does not appear in the files with its source identified. The Federal Prosecutors identify the source of this information with themselves and use it as though it were their own findings and conclusions. Naturally, it is also a consequence of this that Hüseyin Hiram and Alaattin Ateş, who worked for both Turkey and Germany, and even the BND agent codenamed Cihan, appear within the judicial assistance supplied by the Turkish side with content that exactly meets the need and at precisely the required time.

INDOCTRINATION REFLECTED IN COURT DECISIONS READ OUTSIDE THE HEARING

The judgment in file no. 2 BJs 37/II is presented as one of the clearest examples.

On page 25, section 2, concerning the DHKP-C’s aims, the judgment states in substance that its aim is “to eliminate the constitutional system of government in Turkey through a revolutionary overthrow and replace it with a communist regime of Marxist-Leninist character … and as its ultimate goal to propagate a classless order and a world without exploitation.”

Turkey’s constitutional system of government: what kind of constitutional system of government exists in Turkey? It is not clear. I referred to this, albeit briefly, in my previous defences. Turkey’s constitutional system of government was destroyed by the military coups of 1971 and 1980. Each time it was continually narrowed with the words that “this constitutional shirt is too loose for Turkey”. In November 1982 a new Constitution was made by the junta, and the democratic rights and freedoms in the 1961 Constitution were eliminated. Under the 1982 Constitution, military tutelage above the system of government acquired constitutional status under the name of the National Security Council (MGK).

But this Constitution too was thought too loose for our peoples and was narrowed twice more through referendums. In this way, an openly dictatorial form of government was introduced, called the Presidential Government System, in which all legal and constitutional institutions were subordinated to one person and the legislative and judicial institutions were rendered ineffective and merely for show.

So which constitutional system of government are the Stuttgart OLG that gave this judgment and the prosecutor in the case, Becker-Klein, talking about? This formulation is one of the indispensable standard grounds used in Turkish police reports and prosecutors’ submissions.

The Federal Prosecutor, it argues, did little more than translate the sample court decisions requested and received from Turkey into German and place a German signature beneath them.

On page 27, item 2, the judgment says in substance: “The DHKC is, as a so-called fighting force, the combat (front) organisation of the DHKP-C.”

The expression “so-called fighting organisation” is not a casually chosen expression or characterisation. It is a phrase used by the Turkish police and the pro-state press to demean revolutionaries. They always describe revolutionary parties as “so-called parties”; they even call revolutionary leaders “so-called leaders”. Likewise, they imagine that by calling those responsible “so-called responsibles”, they can deny and demean them.

So why did the Federal Prosecutor use this expression? More than that, on what basis did the court copy the prosecutor’s phrase and paste it into its judgment? This requires explanation.

The “so-called” formulation is not an isolated example. Under heading “b” on page 80 the judgment refers, in substance, to “meetings of DHKP-C leadership cadres at secret locations, so-called meclis [assemblies], which he regularly attended by virtue of his office as area leader.”

Becker-Klein did not stop there: she stamped people’s meetings attended by 100–200 people as “secret” and called these meetings “so-called assemblies”. Naturally, the court in question continued to copy and paste.

On page 28, under item 1 concerning armed struggle, the judgment says in substance that gathering and entertainment places of the petty bourgeoisie — for example persons or businesses associated by the organisation with drugs, gambling and prostitution — are attacked with firearms, explosives and incendiary devices in order to awaken the “sympathy of the people”, from whom the desired revolution is supposed to originate, and to attract public attention to the organisation’s goals.

All of these words - with the exception of the phrase “petty bourgeoisie” - are word for word the language of the Turkish police and the state-collaborationist press. If necessary, I could give dozens, even hundreds, of examples of this standard sentence appearing in the press.

In Turkey, drugs, prostitution, the arms trade and so on are under police control in the cities and under the control of the gendarmerie and army in rural areas. Drugs and prostitution are among the principal instruments

used by the state to suppress the struggle of the people and revolutionaries. The gangs are directly organised and directed by the police. Drugs and prostitution are used as instruments of pacification.

According to official figures, during the last twelve years of AKP-Erdoğan rule prostitution increased by 1,800 per cent - eighteen-fold. Drug use increased at similar rates and the age of users fell to fourteen.

The businesses Becker-Klein speaks of are brothels, gambling houses and drug-selling points. The “businessmen” are pimps, drug gangs hostile to the people, and so on. It is in order to protect these gangs that the Turkish regime is placed under protection by Section 129b.

The struggle of the People’s Front and People’s Assemblies against drugs and degeneration in the people’s neighbourhoods is one of their most basic struggles. In neighbourhoods where it is effective, the People’s Front, together with the people, closes gambling houses and betting offices; places where drugs are sold and women are trafficked are protested against in mass actions and are repeatedly warned not to commit these crimes. Where the crimes continue, the people organise mass actions to enter and disperse such places.

It further argues that gangs and mafia groups are used by the state as paramilitary forces and that their leadership includes police, intelligence officers and military officers; drugs, gambling and prostitution are also described as sources of income for such groups.

The Republic of Turkey is also a gang state.

Today countless People’s Front prisoners are in prison because of the struggle against gangs. And many people have been martyred in this struggle. In order to suppress this struggle and secure mass pacification, the state and its institutions use the demagogy of terrorism and try to prevent the people from embracing this struggle by saying that the People’s Front carries it out merely to make itself look good to the people.

Let us say the attitude of the police and state press is understandable. But on what grounds does a German Federal Prosecutor use the same language? More than that, for what reasons does a court copy and paste this language into its judgment? These are questions that must be examined.

These examples alone prove the success of the indoctrination activity of the DHKP-C desk at TEM directed towards the Federal Prosecutors at the Federal Court of Justice.

Page 27 also says, in substance: “The DHKC often also calls itself by the abbreviated term People’s Front (Halk Cephesi).”

This is completely false and fabricated. Neither in the tens of thousands of pages in this file nor anywhere else has the DHKC ever said that its abbreviated name is People’s Front. Nor is it.

The People’s Front is legal and legitimate. The DHKC, on the other hand, is an underground fighting organisation.

It argues that the claim was invented by the prosecutor to criminalise the People’s Front’s struggle against drugs, prostitution and gambling and has no basis whatever.

People’s Front is not an abbreviation. It is described as a popular organisation capable of mobilising millions of people.

Page 27 also states that the organisation “had approximately 300 to 500 members in Turkey in 2010”.

As is true in life and as is also stated in our file, the DHKP and DHKC are organised primarily in Turkey. It is not stated where Prosecutor Becker-Klein and the panel in the relevant case obtained the figure of between 300 and 500 members. The organisations concerned made no such statement. I have no information on this matter either, nor am I in a position to make an estimate.

However, the annual reports of the Office for the Protection of the Constitution (AKÖ) in Germany have for years stated that it has 650 members in Germany alone. Of course, it is not known what the AKÖ bases these

figures on either. But it cannot logically be explained that an organisation whose principal field of organisation and struggle is Turkey and which prohibits its own members from seeking asylum abroad or emigrating should have twice as many members in Germany alone as it has in Turkey. It is a complete example of illogicality.

In Germany there is neither a war corresponding to the conception of struggle described by Becker-Klein nor an organisational unit corresponding to it. These German figures are entirely fabricated, and their sole purpose is to portray this organisation as a danger to Germany and thereby provide grounds for maintaining the ban on DHKP-C.

This ban also serves, as in the AKÖ and BND, to create special units in the BKA, Federal Prosecutor General’s Office and elsewhere and to allow certain circles to benefit from them.

THOSE WHO WERE DIRECTED TRY TO DIRECT OTHERS

There is much to say about the sample DHKP-C judgments added, at the prosecution’s request, to the documents to be read outside the hearing. The fact that these judgments acquired legal validity through confirmation by higher courts does not legitimise either the manner in which the cases were handled or the contents of the judgments, nor does it make them immune from criticism.

Because these judgments contain not the views and demands of the Stuttgart and Düsseldorf OLG courts, which claim to administer justice in the name of the German people, but principally those of the torturing Turkish police. The carrier of these ideas is the Federal Prosecutor’s Office; the relevant court panels legalised them by the copy-and-paste method.

Only two such judgments were treated as documents to be read outside the hearing. Apart from a few minor exceptions, both have the same content. Although some subheadings and sentences are reformulated using different word choices, the writing scenario and content are essentially identical.

These similarities cannot be ordinary coincidence. Although the names of those mentioned and convicted in the judgments change, sentences at the same level eliminate even this small difference. Every person tried was subjected to the highest level of isolation that could be imposed. This isolation was also part of the total punishment and had no single concrete personal justification. Isolation too was applied as part of enemy criminal law, for purposes of revenge. The instinct for revenge and hatred strengthens not justice, but injustice.

In this respect, the use of these judgments in other cases, as in my case, does not serve to establish the truth. It only perpetuates injustice. It places a mortgage on the impartiality of the judicial authorities that use them.

So long as the fate of prosecutions is left to the torturing and killing police of the Turkish state, institutional independence too is condemned to remain merely “so-called”.

The judgments in question can add nothing to the accusations against me. Despite this, there is only one purpose in asking that they be read: to present them as examples for the judgment in my case. There may perhaps even be a naive intention to share the panel’s workload. But this too does not serve to establish the truth or justice. On the contrary, it serves to make German law part of the law in Turkey.

A SMALL ADDITION

What is the present position of those who prepared files in Turkey under the name of judicial assistance and, in face-to-face meetings, imposed the Turkish state’s official views and approach on Federal Prosecutors?

Istanbul Deputy Chief Public Prosecutor Turan ÇOLAKKADI; Istanbul Public Prosecutors Cuma ÖZDEMİR and Hikmet USTA; and, from the TEM DHKP/C desk, Police Chief Serdar BAYRAKTUTAN and Chief Inspectors Göktürk KOÇ and Ufuk YILDIRIM.

It describes the DHKP-C desk police officers as people against whom numerous cases had been opened for torture, deaths under torture and extrajudicial executions, and says they were protected by government and judiciary while in office.

The prosecutors are described as having conducted many political cases for the AKP-Erdoğan government while it was building its own “deep state”.

However, after the attempted coup of 15 July 2016, cases were opened against these people on the basis of “leadership of a terrorist organisation”, and most are fugitives. It has also been established that some of them, particularly ÇOLAKKADI, were taken under the protection of their contacts in Germany and were living in Germany.

Of course, the exposure of their true character does not exonerate the others. In the end, whichever clique comes to the fore, the common point of all of them is hostility towards the people and revolutionaries. What has emerged and been proved is the fact that all of them were practitioners of fascist terror.

These are the people who directed German law.

DEFENCE REGARDING BND AND AKÖ REPORTS

"PREVENTIVE MEASURE, PREVENTIVE PUNISHMENT… FROM GÜNTHER JAKOBS TO THE OFFICE FOR THE PROTECTION OF THE CONSTITUTION (AKÖ): ENEMY CRIMINAL LAW…"

All cases opened and conducted under anti-terror laws are treated as offences against the state. Offences against the state are political offences. Cases brought concerning them are therefore political cases.

Political offences — offences against the state — can be considered under three main headings.

First: offences that directly target the constitutional order and also contain a threat to public security, including the use of violence for that purpose.

Second: conduct that does not undermine the constitutional order or public security but disapproves of the state's domestic or foreign policy and involves defending the legitimacy of one's position through democratic rights and freedom of thought.

Third: a category that may also be included in the second group consists of foreign solidarity groups existing in the country concerned — here, Germany. These exercise the democratic right of protest against regimes outside Germany that, in the source's description, use racist, fascist and repressive methods against their peoples, practise systematic torture and openly violate the right to life, the most fundamental human right.

Section 129a is used against the first category; Section 129b is used against the third. For the time being there is no criminal sanction against the second category. That category is very broad and includes left and socialist parties, solidarity organisations, the left press and other democratic organisations and institutions. They are not subject to criminal sanctions, but may be labelled a "threat" by Interior Ministry decisions and monitored by the AKÖ and similar bodies.

When Section 129b was enacted, the concept of perpetrators in Section 129a was expanded to cover the whole world; as for the acts, activities of revolutionary and democratic opposition against states allied with Germany or in which Germany has political and economic interests were made a central basis for application.

Thus Section 129b can be described as an unlimited expansion and flexibilisation of Section 129a's concepts of perpetrator and act.

The content of Section 129a concerning investigation, prosecution and punishment was automatically made applicable to Section 129b as well.

Another role of Section 129b, the source argues, is to blur the scope of Section 129a. Applying the same investigative, prosecutorial and punitive restrictions means that support and solidarity for those resisting regimes described by the source as fascist and terrorist — such as the Turkish state — and protest and exposure of alleged crimes against humanity committed by those regimes can also be subjected to investigation, prosecution and punishment.

In this way, democratic organisations and individuals in the second category, who do not target the constitutional order or public security and who could not otherwise be prosecuted for activity against the state under Section 129a, can be brought within its effective scope.

Such punishments may still be limited today. But the Düsseldorf OLG's sentence of one year and nine months against Heike Schrader is presented as a pilot case. The source points to that sentence, arising from translation into German of a TAYAD (Association for Solidarity with Families of Prisoners and Convicts) leaflet concerning rights violations and prison practices in Turkey, together with investigations against social-media users who shared posts containing YPG flags, as evidence of this direction.

The source argues that left-wing cases opened in Germany to date have in substance been similar to cases such as Schrader's, but that the fact prosecutions have so far been directed principally against non-Germans does not mean that this is the limit. Section 129b can apply even where the alleged perpetrator is German or lives in

Germany. The absence, so far, of widespread cases against German solidarity activists does not mean that the future will be the same.

On the contrary, the source says, cases against foreigners who receive little support from German society, German media or even sections of the second category ultimately target democratic rights and freedoms in Germany itself.

One point, it says, must be stated and underlined heavily.

Existing Section 129b cases in Germany fall under two principal headings: first, cases against some Islamist organisations such as ISIS; second, cases against the Turkish left, including DHKP-C, PKK and TKP/ML.

Alongside the fundamental ideological difference between these two groups, they differ above all in the nature of their aims and in the reasons for their presence in Germany. The most concrete difference is that the Islamist sections in question target public security in Germany, whereas the Turkish sections have neither such a programme and plan nor such a practice.

Despite this concrete and fundamental difference, there is only one purpose behind the fact that the punishments imposed in DHKP-C trials conducted to date have been almost twice as heavy as those imposed in organisation-membership trials concerning ISIS and similar organisations. That purpose is, in the long term, to bring democratic rights and freedoms in Germany itself within the scope of prohibition.

The reason revolutionary and democratic sections that do not target Germany's public order receive heavier sentences than Al-Qaeda, ISIS and their derivatives lies in the fact that these Islamist sections were created and armed by Germany, the EU and the USA and used as “freedom fighters” in the name of the so-called Arab Spring in countries such as Syria, Egypt, Tunisia and Libya. The efforts of Western intelligence services in this regard are publicly known. And, as in the case of Anis Amri, the role of the AKÖ has still not been clarified. Sections of Al-Qaeda such as HTŞ can still be described by the German and Western press as “the opposition” in Idlib, Syria.

While this shameless attitude towards al-Nusra, the FSA and HTŞ continues, the demands for rights and freedoms of Turkish revolutionaries and democrats are being dismissed through the demagogy of “terrorism”.

ENEMY CRIMINAL LAW AND PREVENTIVE MEASURES

When the DHKP-C trials are considered as a whole, the investigation, trial and punishment processes are a typical example of how enemy criminal law is applied.

First a profile of a crime and a criminal is created in the mind, and investigations are opened against people exercising their right to freedom of thought. But because there is no concrete evidence to support a concrete accusation of terrorism, freedoms of thought and organisation such as Yürüyüş and TAYAD, which are not even banned in Turkey, are elevated to the level of legal findings through unfounded allegations such as “the central publication of the terrorist organisation” and “a camouflage organisation”, without any material evidence. There is no need to prove these allegations, because the analyses of BKA police officials conducting the investigation, the AKÖ and the BND, which themselves are not required to prove their claims, are considered sufficient.

Investigations and trials under Section 129b are opened by means of an instruction to conduct criminal proceedings issued by the Ministry of Justice on behalf of the government. In other words, ordinary criminal law is disregarded from the outset, as is the principle that there must be a concrete criminal act, that is, a crime.

Because there is no concrete offence on the basis of which a public prosecution can be brought, offences are created for the purpose of collective guilt and collective punishment so that those on trial can be accused of terrorist activity. Without any need for proof, the self-generated allegations of Turkish police and prosecutors described here as torturers and killers, or the words and slanders of so-called confessors and informants who

have themselves been shown to work for the intelligence services of the Turkish state, are elevated to the status of concrete evidence and used as a foundation.

In addition to these sources, the findings of the AKÖ and the BND, which prepare analyses and reports on the basis of absurd, fabricated and manipulative reports from the pro-fascist-regime press in Turkey, are treated as indispensable and beyond challenge. They are made the basis of this collective guilt and punishment.

The standardised isolation conditions maintained until the end of the trial process, and in various forms even until the end of the sentence, are also instruments of preventive measures and political punishment. Although it is claimed that these isolation conditions arise from the individual circumstances of the person on trial and are tailored to that person, this is not the case. The fact that the same measures have been applied in exactly the same way to all nineteen people tried in DHKP-C cases under Section 129b, despite there having been not a single case of destruction of evidence, pressure on witnesses, an escape attempt, disruption of prison order, or anything similar, means that this isolation can only be an instrument of collective punishment. Although on the surface it appears that prosecutors and judges determine these conditions, the decisive authority is in fact the executive, through the Ministry of Justice that issues the instruction to investigate.

In these cases conducted by decision of the executive, there is no concern with discovering the truth. Everything serves the international policies of the political authority in accordance with its political and economic interests.

It is beyond dispute that the surveillance, trial and punishment of revolutionary and democratic sections from Turkey take place within the framework of Germany's shared interests with the regime in Turkey. The fact that all cases brought against the left under Section 129b have been directed only against people from Turkey is proof of this.

In eight DHKP-C cases that ended in convictions, seventeen people were tried, and two more people are being tried in two cases that are still continuing with the defendants in detention. Four of these cases were collective trials. Most of the sentences imposed have averaged six to six and a half years.

According to August 2018 figures from the Azadi Association, which carries out legal work concerning Kurds, more than ten people had received prison sentences of between two and three and a half years in PKK trials, and one further trial was then continuing with the defendant in detention.

Although the bans on the DHKP-C and PKK are cited as the basis for DHKP-C and PKK cases, the case against the unbanned TKP-ML and surveillance decisions concerning the MKP and MLKP show that Section 129b is being applied only to the Turkish left.

If we also include the TKP-ML trial in Munich, which had been continuing for three years and in which ten people were being tried, the fact that forty political prisoners in Germany had been held under similar isolation conditions also reveals a politicised judiciary.

The principal determining actors in this politicised judiciary have been the special Federal Prosecutors conducting these cases. The prosecutor units established within the Karlsruhe Federal Prosecutor's Office according to organisations are the basis not only for specialised prosecution but also for the emergence of special courts.

The defining common feature of these prosecutors is that they regard the Turkish state as a constitutional and legitimate state with electoral democracy, regard extra-parliamentary opposition to the Turkish state as illegal terrorist activity, and approach every struggle directed against the regime in Turkey with hostility.

When we add the political and ideological influence exercised by political-branch police and prosecutors during mutual legal-assistance meetings in the preparation of investigation files, the standard attitudes of these prosecutors become easier to understand.

There are no concrete offences forming the subject of these trials. Since there are no concrete criminal acts, the evidence sought is either obtained directly from the fascist regime in Turkey or taken from manipulation reports produced by German intelligence services.

This is an effort to create a legal foundation for hypotheses built on so-called evidence, or more accurately on subjectivism. And this effort is political, not legal.

The legal conception of a mentality that places political allies under protection and regards everything contrary to its political interests as an enemy is enemy criminal law.

The political authority applying Section 129b today also regards the extra-parliamentary opposition to the Turkish state, which it has chosen as an allied power, as an enemy. Although there is no concrete crime or danger, it resorts to preventive measures and preventive punishment. In doing so it takes the propositions of Günther JAKOBS as its guide.

Günther JAKOBS says:

“Punishment should be imposed by anticipating the enemy's future actions.”

“Punishment comes before the actual harm; the suspect must be punished before the harm occurs.”

“The punishment imposed on the enemy should be disproportionate and excessively severe.”

Of course, for those who take universal legal norms as their principle, such propositions can only be described as lunacy and hostility to law. Yet the defenders of anti-terror laws developed and expanded especially after 11 September have turned them into indispensable principles.

Johann Delmulle, the prosecutor in my case in Belgium, which began in 1999 and lasted almost ten years, also argued that I should be punished as severely as possible. He claimed that if I were released I might appear before them with an action of the kind then well known and still on the agenda, such as those in Madrid and London in which dozens of people were killed — for example, by turning Brussels into a bloodbath — and demanded that the trial panel impose the maximum sentence if it did not want to bear responsibility for such a possibility.

I was first sentenced to seven years and was later acquitted.

Delmulle, who had taken part in our case as a Ghent prosecutor, rose at the end of the case to become Belgium's Federal Prosecutor responsible for anti-terrorism.

I oppose every act, statement and policy directed against or hostile to the peoples of the world. And I pay a price for that. In the end I was proved right, while Delmulle made a career.

Delmulle too acted on Jakobs's proposition of “preventive punishment”.

THE ROLE OF AKÖ REPORTS

The Ministry of Justice, which issued the instruction for the case in which I am being tried, is responsible both for the ban cited as the basis of that instruction and for creating the reports and evidence said to underpin it. It creates this evidence through the AKÖ.

Cases are opened and convictions imposed on the basis of information that does not have to rest on any material foundation or be proved. The sole purpose of the legal processes in these cases is to give a legal appearance to these conclusions.

Against bans and evidence created by the executive, those of us who maintain our innocence are required to prove every assertion we make. It is a complete legal inequality of the kind expressed in the saying: “Tell the rabbit to run and the hound to catch it.”

The analyses of the BND and the AKÖ (BfV) are generally parallel at certain points. It is nevertheless useful to consider them separately.

BND REPORTS

The BND reports consist of a 2007 briefing to the prosecution about the organisation, a 2013 report concerning me personally, and, again for the purpose of informing the prosecution, notes dated 12 January 2017 concerning the reward-based wanted notices issued against me by the US and Turkish states.

THE BND'S 2007 REPORTS

SA Bd. I. 3.1.1, pages 17–22, Urkundenliste 1A-46

On page 17 it says that in 2004 the DHKP-C had 300 members in Turkey. The source and basis for this information are unknown. There is no document or publication anywhere containing such information. Yet in prosecutors' submissions and court judgments this notion is supposedly made more reasonable by changing it to “between 300 and 500”. So how did the court and prosecution arrive at the figure of 300–500? They simply made it up. But once this inflated information appears in a court judgment, it too acquires a legal character.

At the end of this section of the report (page 18), it says that according to the Turkish security forces, although the DHKP-C had weakened in Germany and Turkey in recent years, it remained the strongest extreme-left group in Turkey. This reveals that the BND's source was the Turkish police. It therefore also establishes that the Turkish police were the source of the court judgments.

Page 18 contains an analysis of the organisational structure in Germany. It states that the DHKP-C supposedly has a regional hierarchical structure in the form of committee members and is organised at local, regional, national and party levels. But it also describes the committee members as sympathisers and family circles. It then goes so far as to claim that all these committee members — that is, the sympathisers — are directly subordinate to the party's Central Committee.

One does not need to be an expert in anything to understand how illogical this is. So why is such nonsense produced? Because if a clear distinction were drawn between membership and sympathy in these trials, the conviction of those on trial could not be guaranteed. In the end, however absurd it may be, it is “functional”. For that reason it finds its way into indictments, submissions and judgments as documentary material.

On page 19, in the section on propaganda activities, it supposedly says that the organisation struggles against TURKISH IMPERIALISM. Neither the DHKP-C nor any structure described as one of its camouflage organisations has ever made such an analysis of “Turkish imperialism” or conducted agitation around such a concept. It is unclear what this is based on. It is simply invented. Yet prosecutors and courts accept such nonsense as a serious source and base their findings on it.

Again on page 19 it says: “We can confirm that the organisation commits document forgery and that organisation members are brought illegally into Germany, but because we have to protect our source of information we cannot give names in this regard.”

This attitude is pure trickery. As though anyone had asked the BND for the name of its source. This is a well-known trick of intelligence services. They frequently resort to this kind of lie to support self-generated information or hypotheses. What matters is that the lie should be functional. And despite having no support, this lie is accepted in court judgments as a documented finding.

On page 20 it claims that the organisation transports weapons from Germany to Turkey. What is the evidence? What is the data? There is none. As a demagogic example, it cites the fact that a man named Abdi Cangı travelled from Germany to Turkey and was arrested there in October 2006. Anyone reading this is led to think that Abdi Cangı transported weapons from Germany to Turkey. In fact, Cangı was arrested in Turkey for organisation membership and served twelve and a half years.

Urkundenliste 1A-47, pages 209–211 and 214–215

On page 210 it claims that intelligence concerning me was based on credible, reliable sources and credible, reliable intelligence services, while saying that information about those sources could not be provided.

Those “reliable sources” are nothing other than A. Ateş and Turkish intelligence. The comparison may sound crude, but there is an Anatolian saying: “If your guide is a crow, your nose will never be free of shit.” There is no need to return to the Ateş issue. The fact that the source is Turkish intelligence is in itself sufficiently explanatory of the reliability of the information.

Let me emphasise only one point. When Turkish official authorities and police issue written statements about the DHKP-C, they write DHKP/C — that is, they use a slash rather than a hyphen. Normally the BND uses the hyphen. But in these two intelligence documents concerning me, the organisation's name appears six times in total. All six are written with a slash, just like the Turkish police.

And this form of usage is copied and pasted, in places exactly as it is, into prosecutors' submissions and court judgments.

Again on page 210, according to information that had not been confirmed but was supposedly received from a reliable intelligence service, it is claimed that I had responsibility not only for Britain but also for Belgium, the Netherlands and Luxembourg. Where did Luxembourg suddenly come from? There is nowhere else in the tens of thousands of pages of the file where Luxembourg is mentioned. Nobody knows what this reliable intelligence service is. And as though all the information it supplied had otherwise been verified or was being verified, they solemnly add that this particular piece of information had not been confirmed. They are plainly mocking the authority with which they are corresponding.

The same page then continues to provide information. On page 211, a “third reliable intelligence service” supposedly gives information about four money transfers said to have been made by me. There is not a single piece of evidence in the file concerning these four transfers, nor is there any information or source provided by the BND. One of the transfers supposedly made between November 2004 and October 2005 was around €268,000, and I supposedly delivered it to the DHKP/C “Central Committee” in Belgium. Since the organisation's name is written with a slash, there is no need to ask where the information came from: the source of the intelligence is Turkey. Since this information is not based on any written note either, they must supposedly also know the address of the Central Committee to which it was delivered and who composed that committee. Is there any information about this in the file or anywhere else? No. Nor is there any need for it. Once they say it, it becomes evidence.

In January 2005 I supposedly received €80,000 from Westphalia, but they did not know where I took the money. In August 2005 I supposedly transferred €30,000 of unknown origin to Cologne. Had the Central Committee moved to Cologne now? Or did I throw it into the donation box at Cologne Cathedral? In October 2005 I supposedly received an unspecified amount of money collected throughout Europe in Cologne, but there was only one thing the BND did not know: where I took it.

The BND is doing nothing but talking in circles. Supposedly I was responsible for money transfers and they are giving information about them. Supposedly they know every last detail, except where I transferred the money. Then why is this event called a transfer at all? There is no transfer. And what kind of business is this? There was supposedly money, I take it to Cologne, then collect it from there and take it somewhere unknown. What possible reason would I have to carry money from one place to another and then from there somewhere else?

On page 214 the BND says: “At the end of 2008, when his wife Nurhan Erdem was arrested, Musa Aşoğlu assumed coordination of the DHKP/C in Germany. When General Secretary KARATAŞ died, he assumed responsibility for Europe.”

The BND is supposedly applying its own logic. Let us say it makes my wife the person responsible for Germany and then has me fill the vacancy she left (!). But was KARATAŞ responsible for Europe, so that I would fill his place when he died?

This “logic” belongs to the Turkish police and intelligence services. The “DHKP/C with a slash” already shows this. When Dayı was martyred, Turkish police and intelligence even claimed that I had taken Dayı's place.

So why did Turkish police and intelligence suddenly bestow such ranks on me? The issue was not simply that I had taken responsibility for the funeral. (*) The Turkish authorities did not even know my name until the Belgian case. Before that I had even travelled to Turkey on holiday. Through the Belgian case, and because of the press, my name became publicly known. The Belgian case was a complete international disgrace for the Turkish state. Naturally it would seek revenge in some way. But that is still not the main issue.

The Turkish “DHKP-C desk” and intelligence know very well that I am not a DHKP member or cadre and that I did not take part in the DHKP congress. They know extremely well that I could not be a DHKP leader, let alone the person responsible for it. So why, knowing how absurd it was, did they bestow this rank on me?

Because one of the principal duties of the “DHKP-C desk” and intelligence services is psychological warfare. The rank bestowed on me was part of that.

The DHKP is a cadre organisation. In a tradition that defends the understanding of Mahir ÇAYAN, they know that someone who has no experience of armed struggle and underground organisation, who has not repeatedly faced death and emerged victorious from those trials, cannot be a DHKP cadre. But of course the people who know this best are the DHKP cadres and DHKC fighters themselves.

These cadres and fighters, who face death every day and have been forged throughout their lives in fire and struggle, also know that someone living openly in the democratic sphere — especially in Europe — is not a cadre and fighter.

By publicising my name, the Turkish state used it as an instrument in the psychological war it was conducting against DHKP and DHKC cadres and fighters. In their own minds, the aim was to provoke cadres and fighters into asking “Who have we fallen into the hands of?” and to create differences of opinion.

On the very day Dayı was martyred, the Turkish police launched the first psychological-warfare attempt on this issue by announcing that Aslan Tayfun Özkök had taken Dayı's place. Although it had not been publicly announced that A. T. Özkök had betrayed the movement and broken from the DHKP, it is impossible that the police did not know. By promoting someone in Özkök's position, who was trying to save himself, they attempted to provoke the movement. But the game collapsed when the DHKP announced that it had had no relations with Özkök for more than a year. (*) They then tried the same provocation by publicising my name. But they quickly saw that it would have no credibility and did not continue it. (**)

At the same time, by doing this they were also trying to devalue the idea of the party cadre and Front fighter, which had become legendary among the people and democratic sections. This too was part of psychological warfare.

In the end, although this psychological-warfare tactic did not work, they at least used willing organisations such as the BND — described as “reliable intelligence organisations” — to direct the Europeans against me so that they could take revenge for the humiliation of the Belgian case.

Item 48 (1A), pages 218–220

The BND has no information concerning me from the period 2008 to 2017 that it could submit to the courts or prosecutors.

The only things it added for this period were the reward-based bounty notices issued against me by the USA in 2014 and by the Turkish state in 2016. That is the entire work carried out by the BND's DHKP-C desk over nine years.

On page 220, in the section concerning the US and Turkish reward-based bounty notices, the organisation's name appears in two places. In the first, because it is the BND's own narrative, it is written DHKP-C, with a

hyphen. The Turkish WANTED notice is quoted as: MUSA AŞOĞLU, Sakarya-1961, DHKP/C WANTED — that is, “DHKP/C with a slash”.

This example too proves that the source of the analyses, interpretations, findings and hypotheses using “DHKP/C with a slash” that have entered prosecutors' submissions and court judgments is Turkey's WANTED machinery.

For this reason as well, although the DHKP-C judgments issued to date may have acquired a certain legal force, from my point of view they are NULL AND VOID.

(*) The reason I took responsibility for the funeral and announced his death under my own name was that I had known him personally since the 1980s. My reason for taking responsibility was entirely personal.

(**) I want the reports in the Turkish press after Dayı's death in 2008 on this issue to be read in court as documents. Those who first announced T. Özkök as the person who had replaced Dayı turned to me once it became clear that T. Ö. would not be credible.

REPORTS OF THE OFFICE FOR THE PROTECTION OF THE CONSTITUTION

There has been a series of DHKP-C trials beginning in 2007 and continuing to the present day. The individual trials in this process are merely for show.

The political aim is, on the one hand, to support the survival of the fascist regime in Turkey and, in return, to serve the material interests of German monopolies in the Turkish market. On the other hand, it is to suppress the struggle for rights and freedoms waged by millions of people from Turkey living in Germany against the racism of the official and civilian fascist movement, and to prevent the revolutionary demands and solutions of people from Turkey.

The AKÖ reports have assumed a determining role in this respect.

On item 1A no. 49, SA Bd. I. 3.1.1 (pages 23–34)

The AKÖ report from Cologne, October 2007, forms the basis of the cases and prosecution indictments opened after 2007. Yet this report is full of errors and distortions. It also omits a number of very important points and thereby covers over the actual course of events.

On page 24 it states that Revolutionary Left, founded in 1978, committed a series of offences in Germany and was banned by the Ministry of the Interior in 1983, particularly because of the armed occupation of the Turkish Consulate General in Cologne in 1982.

In fact, the AKÖ also knows that the Consulate General action was a one-off and exceptional action and that a ban on this basis was groundless. It therefore speaks of a “series of criminal actions” in order to legitimise the grounds for the ban. What were these criminal actions?

Apart from the Consulate General action, Revolutionary Left did not carry out violence-based actions in Germany. Turkey was under military-junta rule at the time. In response to sudden killings under torture, massacres and executions, Revolutionary Left supporters carried out certain acts of civil disobedience, such as unauthorised demonstrations, hanging a giant banner from the tower of Cologne Cathedral, and chaining themselves to railings in front of certain public institutions. None of these involved a threat to public security or the constitutional order of a kind that could justify banning freedom of thought and organisation.

It claims that after Revolutionary Left was banned, it organised in Germany and Europe under the name Dev-Genç, or under the name “Revolutionary People's Forces”. THIS IS NOT TRUE. There was no structure called Revolutionary People's Forces (DHG) at that time. DHG was a structure that carried out democratic-field struggle in Turkey between 1995 and 2006. It did not exist in 1987 or thereabouts, as the AKÖ claims.

The AKÖ states that contradictions within Revolutionary Left in 1992 produced a split and that one wing became organised as the DHKP-C in 1994 while the other became THKP-C Dev-Sol. This analysis is

incorrect. Revolutionary Left, banned in 1983, and the DHKP and DHKC founded in 1994 have no organisational or political relationship. Nor was there a split in the sense claimed.

The AKÖ says that the DHKP-C organisation consists of the DHKP and DHKC wings, with the DHKP responsible for political and ideological agitation and the DHKC as its military wing. THIS IS NOT TRUE. There is no organisation called DHKP-C. The DHKP is not a wing carrying out political and ideological agitation. It is a party whose aim is revolution.

The DHKC is not a military wing. It is a front organisation that conducts political and military agitation and propaganda within the framework of armed struggle in the cities and countryside, with the aim of creating the people's armed revolutionary front.

The difference between the DHKP and the DHKC is as great as the difference between the South African Communist Party and the ANC. In other words, they are not sectional organisations. They are two organisations with completely separate structures and statutes. Their political aims, however, are common. Evidence proving this is contained in items 1 and 2 of the 1A documents read outside the hearing.

The most defining feature of an organisation is that it has its own statute. But field organisations or sections within the same organisation do not have separate statutes and operating rules of their own. Moreover, as separate organisations, both the DHKP and the DHKC have their own flags and emblems. There is no statute, flag, programme, organisational functioning or similar data belonging to a structure called DHKP-C. No such evidence exists either in the case file or elsewhere to support the AKÖ's claim.

On page 25 it states that the DHKP-C was banned in 1998 on the grounds that it was a successor organisation to Revolutionary Left, and it analyses that after the ban the DHKP-C moved its clandestine activities outside Germany. WRONG: there is no organisation called DHKP-C in the first place. “The DHKP and DHKC are already illegal organisations and base themselves, as an organisational principle, on underground organisation.” This finding is supposedly used to legitimise how effective operations and arrests against supporters in Germany had been. The DHKP and DHKC would not abandon their areas of organisation because of a few operations and a few arrests in Germany. If they did, they would have abandoned Turkey, its major cities where hundreds of people are arrested and dozens martyred every year, and the poor neighbourhoods there in which they are organised. The DHKP and DHKC tradition is known for intensifying its activity precisely where it is attacked most heavily and persisting until it achieves a result. In this respect it is a distinctive structure. This has always been both an organisational characteristic and a basic form of behaviour among its cadres.

The truth is this: from 1994, when the DHKP and DHKC were founded, until 1998, when the DHKP-C ban came into force — that is, even when there was no ban — neither the DHKP nor the DHKC had legal or illegal activity in Germany. Even in the absence of a ban, DHKP and DHKC signatures or flags were not used in marches and demonstrations. No result was produced by the ban, operations or arrests.

Yes, in that period there were some actions involving supporters and sympathisers of the DHKP and DHKC that constituted criminal offences. In response to mass killings of the people by state forces in Turkey, extrajudicial executions of revolutionaries, deaths under torture and prison massacres, supporters and sympathisers organised militant actions against official and semi-official institutions and organisations of the Turkish state. These actions had nothing to do with the DHKP and DHKC. I do not believe that the AKÖ is incapable of knowing the difference. It knows it very well. The AKÖ also knows that no cadre organisation consists of hundreds or thousands of people, but of a handful of vanguard cadres. Yet although it says “A”, it refuses to say “B”. Because if it said “B” as well, it would have to accept that supporters and sympathisers in Europe, and even cadres and fighters in Turkey who are not directly involved in the vanguard war, cannot be members of the DHKP and DHKC. But because the aim is not to arrive at and declare the truth, but to criminalise people and institutions in Germany engaged in the struggle for democratic rights and freedoms, it chooses not to acknowledge this truth openly.

When speaking of the party congress, the AKÖ quotes from the congress reports the principle that the congress is to be held every two years, and at the latest every four years. Yet it also notes that no congress was held after 1994. It states that the General Secretary, the Central Committee Executive Committee and the General Committee are elected at the congress. This is also stated in the DHKP founding congress reports and decisions contained in items 1 and 2 of 1A. Although the name of the party is stated countless times in these published documents as DHKP, the AKÖ's insistence on calling the party “DHKP-C” is not an ordinary error or mistake. No one who is not a party member can say “I am DHKP”. And they do not. To be DHKP is something legendary. DHKP-C, by contrast, expresses an understanding based on the ideas of Mahir ÇAYAN and Dursun KARATAŞ. Anyone who ideologically calls themselves a follower of ÇAYAN may describe themselves as a DHKP-C supporter or sympathiser.

For precisely this reason, by calling the organisational structure “DHKP-C” instead of DHKP and DHKC, the AKÖ makes this distortion in order to place under investigation as organisation members supporters and sympathisers who are neither party nor Front members.

On page 26 it is stated that the party is Marxist-Leninist, that all members are obliged to obey instructions and that those who behave incorrectly may be punished by death. The AKÖ caricatures this issue to such an extent that it creates the impression that anyone who acts contrary to instructions can be punished by death. This is an open distortion. Since 1994, when the DHKP was founded, the DHKP has never punished any of its members with death.

The DHKP tradition necessarily announces such matters to the public. In the DHKP and DHKC, “doing what you say and defending what you do” is a fundamental principle. There are dozens, perhaps hundreds, of published texts on this subject. The heaviest punishment applied by the DHKP is breaking off relations and expulsion from the party, accompanied by public exposure; and judging from what has appeared in the press, even these cases have numbered no more than a few. The DHKP is in any event a very narrowly constituted cadre organisation.

The DHKC has, to date, applied the death penalty a few times. But these too are extremely exceptional. Betrayal by itself, or breaking under police torture, is not in itself grounds for such punishment. Conditions include betrayal combined with knowingly and willingly causing comrades to be killed, knowingly participating in the massacre of the people or a team, participating in the torture of comrades, and, beyond this, showing no remorse for such betrayals. All this must be proved with evidence beyond any doubt. The DHKC is known in Turkish public opinion for being very sensitive about revolutionary justice. It has also applied certain punishments where crimes such as rape or harming the lives and property of the people have been proved. But the most general punishment is to break relations, expose the person and expel them.

The punishments imposed by the DHKP and DHKC have, to date, always been vindicated in the conscience of the public. There is not a single example that has become the subject of public controversy.

Nor does our file give an example of such injustice. Nothing of this kind has entered the public record. Yet by using an expression such as “incorrect behaviour”, the AKÖ trivialises the subject, makes it appear as though this were a widespread practice, and tries to create the image of a monster in people's minds.

Moreover, has anything like this ever happened in Germany? Leaving aside punishment by death, has there even been any use of violence? For years the AKÖ has spoken of 650–750 “members”. So are all these people in Germany supposedly flawless, without a single instance of “incorrect behaviour”?

Furthermore, as is clear from the DHKP documents in the file, the DHKP is an ideological cadre organisation. It would be impossible for such a cadre organisation to exist without the right at every level to speak, debate and make proposals.

On page 26 it states that the “DHKP-C” is organised in Europe outside Turkey and carries out agitation through the Freedom Press Office in Amsterdam and similar places in countries where the DHKP-C is not banned.

The real problem here, of course, is that the AKÖ simply labels the Freedom Press Office as a DHKP-C organisation without question. Yet it is clear that “Freedom” was not a DHKP or DHKC organisation. The fact that, as a press office, it also carried statements by the DHKP and DHKC does not turn it into a DHKP organisation. In addition to its work as a press office, it operated as a bookshop and music shop and opened stands at large cultural events. The books, music, video CDs and cassettes it displayed came from dozens of different bookshops and publishers. It displayed books from all bookshops that were not racist-fascist or Islamist, and music by all musicians who were not racist-fascist or Islamist. This was how it maintained its existence.

“Freedom” was not a DHKC office or a solidarity institution for the DHKC, and never was. During the period in which the Freedom Press Office existed, there was at the same time a “DHKC Information Office” in Dusartstraat, Amsterdam, established by the “Association of Friends of the DHKC”. That had no relationship with Freedom. While the AKÖ says nothing about this, the BKA's “DHKP-C desk” thinks that the DHKC Information Office was inside the Freedom Press Office.

Not knowing something is of course not a crime. But pretending to know matters you do not know and trying to demonise whatever you have placed in your sights is, at the very least, an example of irresponsibility. The AKÖ reports and BKA analyses used as the basis of DHKP-C cases are among the clearest examples of this irresponsibility.

Of course, at this point the prosecution's only refuge is the fact that the documents known as the “1 April documents” were found at Freedom. What I know about this is as follows. The Freedom Press Office was an office staffed largely by volunteers, many of whom were not permanent, and it had very limited financial resources. It met many of its technical needs through support from friends and ordinary people. Much of the equipment it used, such as computers and hard drives, consisted of older devices donated by people who had bought new computers, or equipment bought second-hand. The erased hard drive on which the 1 April documents were found was a hard drive donated by friends in this way. It had been given as an erased drive and was believed to be empty; for that reason it stood among equipment used in everyday work without anyone having any concern about it.

The raid on the Freedom Office on 1 April 2004 was not the first raid. In 2000, or at the end of 1999, it had also been raided in the context of the Belgian case in which I too was tried. The results of that search are available. Nothing objectionable or prohibited was found, nor was anything relating to the DHKP or DHKC or an organisation in Europe found on its computers. On 1 April, too, only that external hard drive was found. And in the third raid, which led to the closure of the Freedom Office, nothing objectionable was seized.

The DHKP-C connection constructed through me in relation to Freedom is also completely unfounded. It was claimed that I worked at the Freedom Press Office, and even that I was responsible for it. But I never worked there. It was a place I frequently visited when I needed books or music, on holidays to exchange greetings, and sometimes when they invited me for a meal. But I did not work there. Had I done so, I would have defended it openly and proudly. Those who worked there were already living in the office. Everyone knew it was under continuous surveillance. As those surveillance records also show, I did not stay there even for a single day.

The section on page 26 entitled “The DHKP-C's aims and actions in Turkey” also contains deliberate distortions and superficial information.

The distortion is particularly evident in the statement that it “continues to target institutions and persons through suicide attackers known as so-called self-sacrifice militants”. As examples it cites, alongside the self-sacrifice action directed at the Ministry of Justice in Ankara on 1 July 2005, the accidental explosions already referred to in my defence and contained in the case documents: the bomb that exploded accidentally on a bus in Istanbul in June 2004 and another that exploded accidentally in the toilet of a café in Ankara in May 2003. Although it had been explained that the women fighters carrying the bombs in these latter two incidents were not self-sacrifice militants, presenting them as “suicide bombers” is a deliberate provocation. In the case of the Istanbul bus incident, it even added the shameless slander that “it was carried out against the NATO summit”.

WHY? Because by likening these events in the West to “suicide attacks”, especially the attacks carried out by Islamists and fascists against places such as buses and cafés where only innocent members of the public are present, the aim is to create condemnation of the organisation among the German state institutions, government and public to whom the AKÖ report is submitted. Particularly by saying “directed against the NATO summit”, the aim is to create hatred of the organisation in a NATO member country and incite severe repression. Yet the DHKC does not conceal anything it has done, whatever the cost. If it makes a mistake, it openly engages in self-criticism and then takes definitive measures to prevent the matter for which it criticised itself from recurring. It has presented these matters to the public in its statements.

The action directed at the Ministry of Justice in Ankara was a self-sacrifice action. There are major differences between self-sacrifice actions and what are publicly known as suicide attacks or actions of mass killing. The purpose of a self-sacrifice action has never been to kill as many people as possible. Those carrying them out used only enough explosives to destroy themselves, or at most to harm someone who tried to stop them at very close range. The self-sacrifice militants were some of the resisters who had taken part in the death fast between 2000 and 2007, who had lost 122 comrades in the resistance and dozens more in prison massacres, and who had themselves been targets of those attacks. Their actions were acts of reckoning with those responsible, decided on individually, and were directed solely at the institutions responsible for those massacres. There is no such organisational conception in the decisions of the DHKP congress, in the statute establishing the DHKC or in its aims. Some resisters who had lost hundreds of comrades around them chose such actions and the DHKC ultimately stood by those fighters. These actions were not a preference but facts created by the process that had been lived through. That is the reality.

This reality is also present in the statements issued by the DHKC. These actions were a reflection and continuation of the death-fast resistance.

Even if it is not a preference, holding torturers and killers to account and respecting a resister's right to decide how they will die is another matter. Of course no one wants a revolutionary to die either in a death fast or in a self-sacrifice action. I personally do not want that either. But unfortunately it was not we who created this paradox.

I do not believe it is right for me to comment on why or how a person should or should not sacrifice themselves. Rather, I believe we should address the political and sociological factors that drive people towards self-sacrifice actions and their own deaths, and that the solution lies in struggling against those factors.

Again on page 26 it says: “Under the name Union of Basic Rights, the DHKP-C conducts propaganda work and militant actions, especially in major cities such as Istanbul and Ankara.” WRONG.

THE TRUTH: There was no association under the name Union of Basic Rights. There was the Federation of Basic Rights. This Federation was formed by Basic Rights and Freedoms Associations established in around fifty cities in Turkey. The Federation of Basic Rights was not a DHKP or DHKC organisation either. Organisationally it was an institution affiliated to the HÖC (Front for Rights and Freedoms).

The section beginning on page 27, “The DHKP-C's structure and aims in Germany”, is likewise full of comments based on stereotyped assumptions.

The locations of existing associations are taken as a template, a new template is then created and called “the DHKP-C structure”, and every finding is shaped around it.

The circles in which the associations exist are described as areas of activity; those carrying out the activities are said to constitute the DHKP-C structure and to be local officials; and the organisation's supposed current leaders are said to direct them from Belgium or the Netherlands.

The AKÖ's fundamental problem here is that it is trying to describe as reality an organisational template that it is determined to construct in its own mind.

Personally, I do not know exactly what the structure referred to here was like, or how accurate the AKÖ's findings are. Nor am I in a position to say, “It was not like that; it was like this.” But I can say with certainty that some of the foundations on which these findings rest are fabricated.

FIRST: Especially together with the Belgian case in September 1999, in which I too was arrested, Turkish police and politicians invented the scenario that the centre was in Belgium and the Netherlands and attempted to pressure the Belgian and Dutch authorities — especially the Belgians — into playing the same banning game in Belgium and the Netherlands after Germany.

This was also a period in which the “DHKP-C” ban in Germany was dealt with not through criminal proceedings but as a matter of violation of the Associations Act. Although there was surveillance and monitoring, there was no special criminalisation. The AKÖ itself acknowledges this in its report.

At the same time, while using the claim that the organisation's centre had been moved abroad after earlier operations and arrests in Germany as proof of the success of those investigations and arrests, it also claimed, in order to fend off pressure from Turkey, that “the organisation's centre had moved to Belgium and the Netherlands”. The AKÖ's annual reports in the 2000s likewise stated that “the organisation's central structure was removed from Germany as a result of investigations”. This was in conformity with the Belgium-Netherlands template promoted by Turkish police and politicians.

Moreover, the disappearance, following DAYI's call, of action forms involving supporters and including violence also removed the basis for applying the ban through criminal law. In other words, the organisation ceased to constitute a problem of internal or public security. Although this remains true, with the enactment of Section 129b and because of German politicians' economic and political relations with Turkey, the AKÖ was compelled, under the instruction to investigate the DHKP-C, to make forced claims that the organisation constituted a public- and internal-security problem and accepted Turkey's Belgium-Netherlands scenario.

SECOND: Another reason that invalidates the claim that “the centre is in Belgium and the Netherlands” is the enactment of Section 129b and the investigations and cases initiated by the Federal Prosecutor at the instruction of the political authority. This created a necessity to accept that a threat existed even where there was none.

When we look at the convictions in the cases brought as a result of this necessity, the Belgium-Netherlands scenario has in fact also become invalid. All the convictions were generally shaped around alleged responsibility for Europe. The Ünsal and Erdem cases demonstrate this. Although these convictions rendered the Belgium-Netherlands scenario meaningless, it continued to be used. And now, as someone who was also tried in the case that originally gave rise to the police's Belgium-Netherlands scenario, I possess a profile that fits this scenario perfectly.

But apparently this is not a problem either (!). An unjust ban has continued on fabricated grounds... Dozens of people have been subjected to baseless surveillance... Some have been sentenced to long years in prison on equally fabricated claims that they endangered internal and public security... And now, by virtue of a scenario from fifteen or twenty years ago, I am being targeted. So how are the convictions handed down until now to be explained? Will it be admitted that an injustice was committed? The available evidence indicates that the chance of Germany showing such foresight is almost zero.

The fact that this AKÖ report has been made the basis of all the convictions imposed to date is itself an indication of how far removed they are from such foresight.

Because the existing associations were taken as a template for the organisation, conclusions such as “Federation presidents are also organisation officials” were drawn by Federal Prosecutors from reports of the AKÖ type. Lack of foresight was thus continued through injustice.

From page 28 onwards, feeling obliged to prove that the organisation constitutes a problem for Germany's internal and public security, the AKÖ makes unfounded findings that do not correspond to reality.

The AKÖ says “the organisation is seeking false identity documents and uses these documents to smuggle organisation members into Europe and enable them to remain here.” WRONG. I do not believe that the organisation in question has any effort to send its members to Europe. Politically, it is opposed to becoming refugees. And despite that, where members do go abroad, it severs political, organisational and social relations with them. This attitude of the DHKP and DHKC is well known throughout the left.

Furthermore, neither the AKÖ reports nor our case file contain evidence or data supporting such a claim. Whom did it take to Europe? For whose residence in Europe were these documents used? There is nothing of the kind. At least there is nothing of the kind in the files I possess.

I do not know the full truth of this matter. The only material in my hands is the documentation from my Belgian case. Among the documents seized in Belgium it emerged that some identity documents had been used by people wanted in Turkey so that they could remain inside Turkey by using identities showing residence in Europe. I accepted responsibility for all the documents in that case. Because I compared helping a revolutionary who, without identification in Turkey, could be arrested, tortured and perhaps martyred, to SCHINDLER'S LIST, I also defended Schindler's List in court.

On the basis of the evidence in the Belgian case, if there was a false-identity issue at all, I am certain that it was not for smuggling people into Europe or for enabling them to reside in Europe.

The AKÖ claims that the organisation conducts educational work through its managers in order to recruit members and supporters. Membership of the DHKC is possible only in war, in armed struggle. It is therefore impossible to become a member in Europe. Moreover, the case documents, the DHKP congress decisions and its statute all state that one cannot become a DHKP member without first being a DHKC fighter.

The AKÖ states that regional officials are responsible for obtaining explosives, weapons, ammunition and communications equipment, and for courier and transport work. WRONG. There is no evidence in the file confirming this claim. THE TRUTH: the AKÖ itself gives the truth in the first two lines of page 33 of this same document. The AKÖ has no concrete information that weapons are obtained here, including in Germany, and taken to Turkey.

It contradicts on page 33 the finding it made on page 28. So what appears in the prosecution submission and the sample judgments that use this report? Only the fabricated hypothesis on page 28. In this way, fabricated analyses are given a legal character.

When the DHKP-C ban came onto the agenda in August 1998, the AKÖ claimed that in Germany the organisation used the names TAYAD, TAYAD Committee and Anatolian Federation as camouflage, that it had alliances with extremist German groups, and that for this purpose it used the name HÖC (Front for Rights and Freedoms).

First of all, between 1994 and 1998 there was no activity in Germany in the name of the DHKP-C, DHKP or DHKC, and the emblems and flags of these organisations were not used in existing activities either. In other words, the AKÖ's analysis has no counterpart in real life.

TAYAD is the first democratic mass organisation formed in Turkey under the conditions of the 1980 junta. It is a prisoners' solidarity organisation that also carried out the first mass actions after 1980, in 1984. From the mid-1980s to the present day it has continued its legal existence. TAYAD existed years before the DHKP. It is not a front or camouflage organisation. It has repeatedly been subjected to state attacks and arrests and to fascist lynch attacks. Hundreds of its members have experienced imprisonment and torture, dozens have been martyred, and it is a democratic mass organisation that has maintained its existence under every condition.

TAYAD Committees, by contrast, are committees independently created by individuals throughout Europe for the purpose of solidarity with TAYAD. In countries such as Italy, Spain and Ireland, where there are few or no people from Turkey, TAYAD Committees were also formed by local people.

I too am a former member of a TAYAD Committee. TAYAD is an established organisation respected throughout Turkey and even among many sections with different ideologies. Calls issued by TAYAD receive a response from and are followed by many different sections. If they issued a call to me today, I would do everything I could to fulfil it. The name TAYAD is deeply respected. No one uses it as camouflage, and anyone who tried to do so would not be looked upon kindly.

The founding of the Anatolian Federation had nothing to do with the DHKP-C ban either. It was founded to meet a need concerning the individual and social rights of people from Turkey in Germany. And, as page 29 of this AKÖ report itself states, it was founded not in 1998 but in 2004. The AKÖ's interpretation is therefore inaccurate.

As far as I know, the HÖC was also founded in Turkey before 1998. I do not know exactly which sections are meant by “German extremist left-wing groups”. But I am certain that no such search for or formation of alliances took place. As far as I know, on 1 May it participates in marches involving organisations such as the SPD, Greens, Left Party and DGB. Speakers and guests from organisations such as the SPD and Left Party have also attended Anatolian Federation congresses. Who is an extremist? This political term changes according to where the person using it stands. For some the SPD is extremist; for others the Left Party; for others the CSU. The AKÖ makes such a finding according to its own ideological origins and formation. The impression it seeks to create is that the Anatolian Federation or HÖC is connected with illegal sections. In other words, it is intended to create prejudice.

In its supplementary explanation on page 28, the AKÖ calls the F-Type prisons “the supposedly so-called F-Type cellular prisons”. They are not “supposedly F-Type”; the official name of these prisons is F-Type Prison. Moreover, their defining feature is not that they are single-person prisons, but that they are torture prisons. It is not the AKÖ's task to whitewash Turkey's prison and isolation system or torture.

The supplementary explanation also claims that most groups withdrew from the resistance begun jointly by all political prisoners in 2000, that after 2002 only DHKP-C prisoners continued to resist, and that because of this the IKM, which was in solidarity with the resistance, made the DHKP-C its theme of agitation. NO. This is wrong. The IKM never conducted DHKP-C agitation. It may have addressed the resistance of DHKP-C prisoners and solidarity with them. There is no data or document in the files showing that the IKM conducted agitation for the DHKP-C.

On page 29 the Anatolian Federation is subjected to a detailed analysis. According to the AKÖ's own analysis, the Anatolian Federation is an integrative structure focused mainly on migration and foreigners law and on social issues in Germany. It also notes that the Federation avoids DHKP-C-related issues.

But, says the AKÖ, “its members, activists and leaders are people known as DHKP-C members.” The absence of “DHKP-C” from its activity and agitation is then labelled as an effort “to hide the DHKP-C name”. There is an Anatolian saying: “If someone is determined to beat another person, they invent a reason by saying, ‘You have eyebrows above your eyes.’” The AKÖ is inventing a reason. Supposedly this gives the DHKP-C a legal structure through which it can hold meetings and demonstrations without encountering problems. But why would an illegal structure try to create a legal platform for itself? If it wanted such a thing, why would it choose such strange methods rather than dissolve its illegal structure and organise as a legal party? It is illogical.

On page 29 it analyses a heading concerning attack actions and the procurement of weapons. It quotes DHKP statement no. 35. In that statement, dated 28 March 2006, the DHKP says that the only path of resistance is armed struggle, that the parliamentary road is closed, that the only path to socialism is People's War, that the road of the DHKP is revolution and that victory can be won only in this way. In other words, the statement itself demonstrates precisely that the AKÖ's claim that the organisation seeks “to create a legal platform for itself” is wrong.

It then gives examples of DHKC actions after Section 129b entered into force. For example, in this list it discusses the bomb that exploded on a bus in Istanbul on 24 June 2004 with reference to DHKC statement no. 335, and notes that the heading of the statement was along the lines of “We apologise to our people”. Yet on page 26 it had claimed that this was a suicide action against the NATO summit.

Among the actions listed are the demolition by the Front, between 13 and 22 September 2006, of a music hall and a café on the grounds that they were selling drugs, facilitating prostitution and allowing gambling — actions reported in Yürüyüş magazine. These were not DHKC actions. Yet it claims that the name “Front” used by those carrying out the actions was an abbreviation of DHKC. WRONG. The action was carried out by the People's Front. “Front” is not an abbreviation of DHKC, because DHKC is already an abbreviation. Moreover, this was a mass action carried out with participation by the people.

At the end of the list of armed actions in Turkey on page 32, it claims that at least part of the DHKP-C in Europe supports the DHKP-C's terrorist actions in Turkey with weapons, explosives, ammunition and military equipment. It declares that specially prepared vehicles with hidden compartments are used for this, with persons whose DHKP-C connection is supposedly unknown to Turkish security forces. It bases this information on a judgment issued by the Koblenz Higher Regional Court on 1 April 2004 in case no. 3 StE 2/04 concerning a person named Hüseyin Hiram.

Anyone reading this would think that a court had proved that the DHKP-C transported weapons and ammunition to Turkey. In fact, that judgment concerned Hüseyin HİRAM's activity in Germany as an agent for the Turkish intelligence service MİT. It had nothing to do with the alleged transport of weapons or similar material.

In that case Hüseyin HİRAM admitted working for MİT and said that on behalf of MİT he had infiltrated the DHKP-C, that the DHKP-C had given him a vehicle with a hidden compartment and weapons to take to Turkey, but that he left the vehicle and weapons in the customs area at the Turkish border and fled.

This statement entered the first Section 129b judgment in 2007, and the people indicated by HİRAM were convicted. Claims about the procurement and transport of weapons and the use of specially prepared vehicles with hidden compartments have appeared in every indictment, prosecution submission and judgment since 2007.

Yet the information supplied by Turkey within the framework of mutual legal assistance contains no information about such a vehicle. Nevertheless HİRAM's supposed admission became decisive and continues to be treated as valid. Although it is clearly a slander, it has unfortunately become basic and fixed evidence in all DHKP-C cases for German prosecutors and courts. Even though on page 33 the AKÖ itself says that it has no concrete evidence of weapons being procured in Germany and transported to Turkey, the opposite hypothesis based on HİRAM was accepted.

On page 33 the subject of finance is supposedly examined. It notes that donation campaigns are held for political prisoners in Turkey and that their needs are met. What harm does meeting the needs of prisoners in Turkey cause Germany? What is criminal about such humane solidarity? Moreover, there is no evidence in the file that these campaigns were organised by the DHKP-C. In the past there were accusations that such campaigns were conducted by force. Had that been the case, an offence under German law might have been committed. Yet for years both German police and the AKÖ have themselves recorded in their reports that donation campaigns are based on voluntariness and that there is no situation amounting to extortion.

The AKÖ states that every year in March and April music and cultural nights attended by between 2,000 and 4,000 people are held to celebrate the founding of the Party, that tickets cost €15–20 and that money is earned in this way. These events have not been held for many years. But between March and May many Turkish left-wing groups organise concerts and evenings, because they were held to commemorate those martyred in the struggle against fascism in Turkey. They were held long before the DHKP was founded. There has never been

a concern with making financial profit from these events. Many artists have to be paid, and no hall is free. It is already a major success if such an event merely covers its own costs.

The AKÖ continues. Supposedly, enormous profits are made by selling food and soft drinks at very high prices during these events. It would have been useful if they had given a single example of what was sold and at what price.

At these events, what was generally sold was döner in bread or roast meat in bread, sometimes lahmacun, and canned non-alcoholic drinks. I never saw anything else. Prices were, for example, €2 or at most €3 for a döner sandwich, €1 for a can of soft drink, and around €1–1.50 for lahmacun.

Every hall also has its own food and drink outlets, selling what is on their menus, such as pork products or alcoholic drinks. The right to make those sales is bought by making an additional payment on top of the hall hire. Depending on the size of the hall, this can cost €10,000 or €20,000. The €2–3 döner and €1 soft drinks are used to try to cover this extra cost.

Let an AKÖ expert come and try to make these events profitable! (!)

Anyone who arrives and says they have no money for a ticket may enter free of charge, and those who have no money are also offered food and drink. The capitalist conception of profit therefore does not apply at these events.

On page 34 it says:

“For years the DHKP-C has regularly smuggled organisation associates (Organisationsangehörigen) from Turkey, as well as from Italy and Greece, into Germany using false identity documents.”

It also says that it falsifies the identities of supporters living in Germany and sends them to Turkey.

In addition it says that “the false identities obtained provide travelling cadres with freedom of movement in Europe.”

These findings by the AKÖ are nothing more than its own constructions. There is no material in the file confirming them. Nevertheless these constructions are treated by prosecutors and courts as though proved, while those of us on trial are required to prove, with concrete evidence and in a manner that convinces the court, that these abstract accusations are baseless. In the end, trying to explain that something which does not exist does not exist becomes as pointless an exercise as trying to convince a religious person that God does not exist.

In such a situation, making a defence itself is rendered meaningless. That is why many people tried under Section 129b are effectively condemned to exercise their right to remain silent. In one sense, this abolishes their rights of defence.

AKÖ REPORT DATED 3 MAY 2011

SA Bd. I.3.1.1, Urkundenliste 1A, item 50 (pages 35–49)

On page 35 it states that the section of the report concerning A. Ateş had been separated out, but gives no reason why.

The section from pages 36 to 43 is identical to the corresponding section of the 2007 report. In other words, there was no change to item 49 in Urkundenliste 1A, which we have already discussed at length.

On page 43, when quoting from the Revolutionary Left magazine published in April 2009, it calls it a DHKP-C publication. Yet directly beneath the name and emblem of the magazine Devrimci Sol, which it calls a “DHKP-C publication”, appear the words “DHKP Central Publication”. In other words, it is a DHKP publication, not a DHKP-C publication.

The quoted passage addresses armament and the escalation of war. It says that this should be the sole task, that arming the people is the basic duty, that liberation and victory depend on this, and so on.

This article essentially points to the duties of DHKP and DHKC cadres and fighters. Neither the People's Front in Europe nor in Turkey has carried out such work, because the call is not addressed to it.

The people and institution workers described by European police, intelligence and prosecutors as “DHKP-C members” would, if that description were correct, have had to make this central call their principal work. But this did not happen. The absence in Europe of work around armament and the escalation of war is itself evidence that the people and institutions accused of membership were not in fact members.

Again on page 43, quotations are made from a DHKP statement dated 29 March 2011.

Statements published by the DHKP on the occasion of 30 March are very wide-ranging statements in which it announces its principal work and objectives. The 2011 statement quoted here is of this kind.

The statement concerns 30 March 1972, the date on which Mahir ÇAYAN, leader of the Turkish revolution, and nine of his comrades were martyred. It is also the date on which the THKP and THKC were physically destroyed by that massacre. By beginning its founding congress on the same date, the DHKP demonstrated that Mahir ÇAYAN's thought continued and regards this as the most important day of the year for itself. The date is also a day of commemoration for the martyrs of the revolution.

As can be seen from the quoted passages, the statement emphasises that socialism is the only solution and revolutionary war the path. All its calls concern the struggle in Turkey. There is no call to Europe, or to any supposed European or German structure or members such as the AKÖ claims, because there is no party work in Europe. The statement itself demonstrates this as well.

When discussing this statement, the AKÖ uses the term “the DHKP, the political wing of the organisation”. It is unknown what finding or document it relies upon for this. There is no such information or definition either in the file, in DHKP bulletins, or in Devrimci Sol magazine.

The entire world knows that Dursun KARATAŞ was the founding leader and General Secretary of the DHKP. As the case documents also show, the highest organ of the movement is the DHKP congress.

If, as claimed, the DHKP were the political wing of an imaginary DHKP-C, then the DHKP would itself be a subordinate organisation of the DHKP-C. In that case, would there not have to be some mechanism above Dursun KARATAŞ directing him? Yet no such mechanism exists, because there is no hierarchical organisation called DHKP-C.

For that reason the AKÖ's organisational analyses are flawed from the beginning. It does not know the organisation it claims to analyse, and its entire analysis is self-generated.

Between 2007 and 2011 the only additions the AKÖ made to its DHKP-C report were comments on these two texts. It also added to the 2007 report's list of actions DHKC statements dated 29 April 2009 and 18/19 January 2011.

For an institution that has a DHKP-C desk within its structure and discusses the organisation in annual reports every year, this is all it was able to add over four years. Because it had nothing tangible in its hands.

We might say that on pages 47–48 it slightly corrected its analyses on financing. In the 2011 report it did not repeat the absurdity in the 2007 report about “transferring money to the organisation by selling food and soft drinks at very high prices at cultural events”. It amended this to say that income is also generated from food and soft drinks sold at concerts and evening events. It added in a footnote that “they no longer organise a central evening at the end of March”.

Urkundenliste 1A item 51 (pages 50–61)

AKÖ report dated 16 October 2012 concerning the case against Gülaferit ÜNSAL.

This report was prepared in response to a series of specific questions from the prosecution. For virtually every question concerning ÜNSAL personally or the organisation, the response was along the lines of “we have no finding in this regard”. But when asked about the relationship between Grup Yorum and the DHKP-C, it gave an eight-page answer, from pages 53 to 60 of an eleven-page report.

Looking at the report as a whole, it is clear that the real aim was to move towards banning Grup Yorum.

Of course, in ÜNSAL's trial — although she was not a member of Grup Yorum and had no connection with it — the purpose of asking this question and giving such a gigantic answer is itself remarkable. What is clear is that a music group is being subjected to extensive information gathering and an effort at criminalisation.

While numerous Nazi-fascist music groups in Germany openly call for violence against foreigners living in Germany — who are themselves obviously part of German society and reality — Grup Yorum is targeted because it gives concerts in workers' resistances and performs at political and cultural events to which it is invited. Even slogans shouted by the audience at such events, none of which is banned or calls for hatred or hostility, are attributed to Grup Yorum. This clearly shows that there is a scheme behind the matter.

Apparently the AKÖ is consciously diverting the criticism directed at racist-fascist music groups in its own country elsewhere in order to shift the target.

Everything is distorted in order to portray Grup Yorum as connected with the banned DHKP-C. For example, it even felt the need to use the fact that, after a concert attended by Grup Yorum and by my wife and me, we were stopped (!) in a traffic check while going to eat at the restaurant DOY-DOY in Cologne's Hansaring, and that we had €14,000 on us. This is an example of how artificial the forced organisational connection is.

On page 60, when asked what information and data exist concerning the procurement and transport of weapons and explosives between the DHKP-C's so-called rear front and Turkey, it replies that there is no information in its hands concerning the procurement of weapons in Germany and their transport to Turkey. Immediately afterwards, however, it presents as evidence the slanders against the DHKP-C made by Hüseyin HİRAM, the MİT agent who was convicted in Germany in 2004 for working for MİT. The section concerning HİRAM from items 49 and 50 has simply been copied and pasted.

On page 61, the question “What information do you have concerning the means of communication between the DHKP-C party leadership and the rear-front workers?” is answered: “We have identified no communication.”

Again on page 61, the question “What information do you have concerning money transfers between the DHKP-C party leadership and the rear-front workers?” is answered: “We have identified no money transfer.”

So what happened to the claim that between 2005 and 2007 I was responsible for money transfers and to the four transfers supposedly mentioned in that connection? Were they forgotten? (Item 1A-47.)

In the end all the reports are in their hands, and in every report after 2007 they copy and paste from the report submitted to the prosecution in 2007. They therefore cannot have been unaware of the accusation directed at me. I suppose even they eventually saw that this accusation was baseless and chose not to repeat it.

This item of the report therefore also constitutes evidence that the allegation concerning my transport or transfer of money was untrue.

THE AKÖ REPORT DATED 3 MAY 2011 CONCERNING YÜRÜYÜŞ MAGAZINE

SA Bd. I.3.2.1, Urkundenliste 1A item 52 (pages 13.17.1–13.17.22)

The lengthy AKÖ report on Yürüyüş magazine and the ban on Yürüyüş goes no further than being a blatant example of the banning of thought. In fact, anyone who evaluates this AKÖ report calmly can confirm that the ban on Yürüyüş was wrong.

There is undoubtedly an interrelationship between freedom of thought and freedom of organisation. But the ban on Yürüyüş is solely the result of banning thought.

It states that on 11 January 2005 the Bamberg Regional Court banned the magazine Ekmek ve Adalet because it regarded it as a DHKP-C publication, and that the decision was upheld by the Federal Court of Justice on 17 May 2005.

It then claims that Yürüyüş magazine is the successor to Ekmek ve Adalet.

It then claims that Yürüyüş magazine is the successor to Ekmek ve Adalet and gives countless examples from articles and news published in Yürüyüş concerning the DHKP and DHKC in an attempt to prove that Yürüyüş is a DHKP-C magazine.

The purpose of this report was to secure the banning of Yürüyüş magazine, which at that time had not yet been banned. None of the examples given ultimately points to an organic link between Yürüyüş and the DHKP-C, or the DHKP and DHKC, as alleged.

The AKÖ's strongest and supposedly most convincing evidence that Yürüyüş is a “DHKP-C” publication consists of reports in Yürüyüş about people martyred by the fascist regime in Turkey under torture or in extrajudicial executions, people arrested and tried, and DHKC actions. It also cites articles about repression against prisoners and the actions of prisoners' families and relatives against that repression, and articles expressing a Marxist-Leninist world view.

On page 2 of the 13.17 series, referring to the judgment delivered by the Stuttgart Higher Regional Court on 7 August 2009 against Mustafa ATALAY and others, it says that “the organisation's magazine Yürüyüş was distributed in order to develop the activities”...

This shows that although it had not yet been formally banned at the time, Yürüyüş was already being treated in practice as a prohibited publication and people were being convicted on that basis. The report then relies on this to argue that Yürüyüş should be banned.

It is a comedy recalling the question: which came first, the chicken or the egg? Was the sentence imposed because Yürüyüş was banned, or was Yürüyüş banned because of that sentence? It is not clear.

The only thing that is clear is that the basis on which Yürüyüş was branded a DHKP-C magazine in the first place is itself unclear.

And it is obvious that the DHKP-C, which is not an organisation, cannot have its own publication.

Again on page 2 it says that the magazine's content reflects the political ideas of the DHKP-C. Which ideas, for example? Which of those ideas endangers Germany's constitutional security, and which of them is prohibited in Germany? Is it Marxism-Leninism that is prohibited? Opposition to fascism and fascist terror? Opposition to torture and crimes against humanity? Defending freedom of thought and organisation and the right to resist oppression?

It even says that when the magazine reports DHKC actions, it does not distance itself from those actions. In other words, it does not reject or exclude the right to resist oppression and, for that reason, should be punished.

With this reasoning the AKÖ in fact reveals what it understands by freedom of the press and objectivity. Yürüyüş has always openly stated that it is not neutral and has never hesitated to say at every opportunity that it stands on the side of the people.

On page 3 it tries to prove a connection between the magazines “Ekmek ve Adalet/Yürüyüş”. Yes, Yürüyüş magazine is also part of the tradition of the free press and revolutionary press. In terms of ideas, it may have points in common with other magazines in the revolutionary press tradition. But it is a separate magazine with a different owner, management, responsible editor and name. There are also differences in content and editorial policy.

Like Yürüyüş, Ekmek ve Adalet is not a DHKP-C publication. The responsible editors who assume political and criminal responsibility for these magazines and the articles they publish are registered with the press and associations authorities in Turkey. Their full names and addresses are also printed in the magazines. The AKÖ could have asked these people whether the magazines were DHKP-C publications. Instead, it chose to make its own interpretation.

Yet when German courts tried these magazines in absentia, they neither informed their owners and responsible editors, nor requested a defence, nor gave them the right to defend themselves. Is not the legality of punishment and prohibition imposed in such a process highly questionable? The fact that the Federal Court of Justice also approved the ban cannot by itself give the ban a cloak of legality.

Moreover, as page 3 itself states, the name of the magazine published at that time was “Yürüyüş for Independence, Democracy and Socialism”. It was not simply Yürüyüş. BDS Yürüyüş had no connection with the magazine subjected to legal prosecution. Its management, responsible editorship and publication policy were different. This is a legal difference. The magazine subjected to prosecution was “Yürüyüş Against Imperialism and the Oligarchy”, that is EOK Yürüyüş.

In order to create at least the appearance of a legal basis for the claim that BDS Yürüyüş was a continuation of Ekmek ve Adalet, even if on stereotyped grounds, it was considered necessary to rely on a court decision. In 2015 BDS Yürüyüş was banned on the ground that it was the continuation of Ekmek ve Adalet.

Does the 2015 ban apply to EOK Yürüyüş? There are two possible answers.

NO, legally it does not apply, because no legal process took place.

YES, in practice it applies arbitrarily, because neither the BKA, the AKÖ nor prosecutors feel any need for a legal basis.

Moreover, simply because the word Yürüyüş appeared in their names, the BKA, AKÖ and prosecutors shortened these different magazines to “Yürüyüş” and deliberately gave the courts false information that they were the same magazine, effectively directing the courts in that direction. The courts either failed to see this legal distinction or did not want to see it.

I did not make the laws that impose publication bans and also ban successors to prohibited publications. Nor am I obliged to defend those laws. Protecting those laws is the task of the BKA, AKÖ, Federal Prosecutor's Office and courts. Yet all of them have crudely trampled their own laws underfoot. I do not recognise this arbitrariness. I also maintain, as a matter of law, that the idea that these arbitrary practices gain legality merely by being reflected in court judgments is null and void.

I DEMAND that my allegations — namely that the BKA, AKÖ and Federal Prosecutors have violated the relevant laws still in force in Germany — be formally recorded; that this illegality and contempt for law be exposed; and that all sanctions which have until now found their way into court judgments and which are also sought to be used against me in this case be annulled together with all their consequences.

On page 4 it claims that the first issue of Yürüyüş said “the Turkish people's march for independence, democracy and socialism continues”, and on that basis supposedly argues that Yürüyüş has the same content as Ekmek ve Adalet.

First of all, as a matter of principle, the revolutionary press tradition of which Yürüyüş is part never says “the Turkish people”; it says “the peoples of Turkey”. Even in quotation, the lack of seriousness in translation is obvious. In addition, the slogan in question is a common formulation used by all left publications. It cannot possibly be evidence of partnership with or continuity from Ekmek ve Adalet.

It also says that Yürüyüş and Ekmek ve Adalet were both distributed in Istanbul/Turkey by what it believes was ASPAŞ Marketing, and presents this as a sign that one was the continuation of the other.

ASPAŞ Marketing was not even a left-wing distribution company. It distributed hundreds of periodicals and was at that time one of the largest distribution monopolies in Turkey. This ground therefore does not show continuity either.

The same page quotes an editorial in issue 153 of Yürüyüş dated 6 July 2008: "We live in a country in which the oligarchy collaborating with imperialism is in power. (...) The Yürüyüş we have continued for three years carries on with the same consciousness and perspective."

If we ask how this quotation proves that Yürüyüş was the continuation of Ekmek ve Adalet, there is no answer. Neither the word imperialism, nor the word oligarchy, nor the concept of acting with the same consciousness shows that Yürüyüş was a successor magazine. None of these words is the monopoly of Ekmek ve Adalet or Yürüyüş.

Indeed, if this quotation has to be treated as evidence of anything, the fact that it limits its own history to three years may instead be evidence that it was not the continuation of Ekmek ve Adalet.

The next paragraph says that issue 182 of 31 May and issue 183 of 7 June 2009 referred to a revolutionary press tradition continuing for twenty-three years. It says that an article on the revolutionary press in issue 182 mentioned Dev-Genç, Devrimci Sol and Yeni Çözüm appearing in the 1980s, and the magazines Mücadele and Kurtuluş appearing in the 1990s.

Supposedly, by doing so, Yürüyüş admitted an organic continuity not only with Ekmek ve Adalet but also with Dev-Genç and Devrimci Sol magazines.

FIRST: The magazine DEV-GENÇ appeared in 1978. In 2009 that would have been the thirty-first year of DEV-GENÇ. Likewise, DEVRİMCİ SOL magazine published its final issue in August 1980. At least twenty-nine years had passed since then.

If Yürüyüş magazine had based its own history on the DG and DS magazines, it would have referred to a thirty-one-year revolutionary press tradition, not twenty-three years.

SECOND: Yeni ÇÖZÜM magazine, first published in 1987, was the first left and revolutionary magazine to appear after the fascist military junta came to power in Turkey on 12 September 1980. As a monthly magazine Yeni ÇÖZÜM pioneered many things. Its pioneering character was decisive, and dozens of different left-wing circles that took it as an example later founded their own magazines. It is therefore entirely natural for Yürüyüş to begin the history of the "revolutionary press" with Yeni Çözüm.

THIRD: The first publication of the DEVRİMCİ SOL organisation, founded in 1978, was called DEV-GENÇ. It later changed the name of its publication to DEVRİMCİ SOL magazine.

Although the DEVRİMCİ SOL organisation was illegal, the DEV-GENÇ and DEVRİMCİ SOL magazines it published were legal publications. In other words, although the DG and DS magazines were legal publications, Yürüyüş does not begin its own history with them. There is therefore no identification of itself with an underground organisation.

This quotation is evidence only that the alleged DEVRİMCİ SOL and DHKP-C connection used as a ground for banning Ekmek ve Adalet is meaningless. It means nothing else.

Again on page 4, it notes that page 22 of issue 183 of Yürüyüş addressed publication bans in Turkey and police attacks and raids on magazine offices.

What an extraordinary finding! Look at the logic! Even making publication bans and arbitrary police raids the subject of an article is presented as evidence that Yürüyüş is the continuation of Ekmek ve Adalet. What kind of distorted mentality is this? Why does it disturb the AKÖ so much that the repressive and censorious approach of the Turkish state is made the subject of an article?

This quotation can indicate not that Yürüyüş is the continuation of Ekmek ve Adalet, but at most that the AKÖ is continuing the terror of the censorious Turkish police.

The AKÖ has also failed to understand why the magazines Mücadele and Kurtuluş are mentioned in these quotations. Yeni Çözüm was monthly, Mücadele fortnightly and Kurtuluş weekly. Their contents were also different.

On the basis of these quotations the AKÖ finds that the magazines Zafer Yolunda Kurtuluş and Halkın Sesi Kurtuluş supposedly tried to circumvent publication bans by adding a word to their names. Yet both magazines had different owners and different responsible editors. The use of similar names, in defiance of the state's banning mentality, was nothing more than a protest against censorship.

Just as adding the word “Junge” to Die Welt would not make one publication the continuation of the other, Halkın Sesi Kurtuluş is not the continuation of Zafer Yolunda Kurtuluş.

On page 4 the AKÖ tries to prove that the political line of articles published in Yürüyüş serves as a platform for spreading the ideology of the DHKP-C. It claims that the DHKP-C and Yürüyüş share the same political outlook.

It is not even clear what the AKÖ is actually saying. By filling its findings with terms such as Marxism-Leninism, socialism and US imperialism, it tries to give the impression that it is making a scientific analysis. But what it says still goes no further than a caricature.

The AKÖ says that the “DHKP-C”, acting from a Marxist-Leninist outlook, wants to overthrow Turkey's social and state order through revolution and build a socialist society. It claims that from a Marxist-Leninist perspective it creates an image of an enemy and at the same time directs itself against fascism, imperialism and especially US imperialism by SLANDERING Turkey, which it calls an oligarchy — the AKÖ uses the word “diffamierte”. It then says that through its political wing, the DHKC, it propagates armed people's struggle.

At last the AKÖ reveals the political and ideological standpoint from which it approaches the matter.

Supposedly the DHKP-C SLANDERS the Turkish oligarchy. Rather than making a factual assessment and trying to understand or establish the truth, the AKÖ openly admits that it stands on the side of the fascist regime in Turkey.

The only thing it is really saying here is that the DHKP-C ideology is Marxist-Leninist and socialist. What is criminal about that? Treating this as a crime is possible only from an anti-Marxist-Leninist and anti-socialist position.

Without providing any information on the basis for its conclusion above, the AKÖ then tries to prove that this supposed outlook is identical to the ideas expressed in two separate articles in the first issue of Yürüyüş dated 22 May 2005.

It says that one article in the first issue dealt with Revolutionary People's Power and that the article on page 3 stated: “In order to build an independent, democratic, socialist Turkey, we want Democratic People's Power.” It then cites page 5 of the same article: “The revolution can first overthrow the oligarchy and establish the political power of the people. (...) The revolutionary people's government can defeat the army, police, bureaucracy, ideological, cultural and other institutions of the fascist state, which are the instruments of repression of imperialism and the oligarchy. People's democracy cannot be established without defeating the fascist system. (...) The decisive decision-making body of the revolutionary people's government is the People's Parliament.”

So what is the ideological similarity between the ideas the AKÖ attributes to the DHKP-C and the quotations from Yürüyüş's first issue? None. None. None.

The only similarity is the use of certain concepts: revolution, socialism, the people. Is there any socialist or revolutionary person or group that does not use these concepts?

This example may in fact show not an ideological-political similarity between the DHKP-C and Yürüyüş, as the AKÖ intends, but a difference between them.

On page 5 it states that in issue 17 of Yürüyüş dated 11 September 2005, in an article on pages 3 and 4 concerning the military coup of 12 September 1980, it said: “We will not bow to threats and games aimed at forcing the people to their knees, or to the new terror law! The oligarchy will pay a heavy price for the lynchings and its policies of provocation.”

What is the political and ideological similarity between the DHKP-C and this quotation? Is it that both use the concept of oligarchy? Or that both oppose new terror laws used as a means of terrorising the people, or oppose lynchings organised by the state? Why does opposition to terror and lynching directed at the people disturb the AKÖ so much? It disturbs the AKÖ because politically and ideologically it too stands with state terror and lynch attacks directed against the people.

The words of MAHİR ÇAYAN, leader of the Turkish revolution — “those who are the same stand in the same place; those who are different stand apart” — describe precisely this situation: the alignment of those who support terror and lynching and those who oppose them.

There is no need to quote at length the passage from issue 20 of Yürüyüş. It is enough to mention the expressions used: “the collaborationist Turkish regime”, “oligarchic dictatorship”, “We revolutionaries support an independent, democratic and socialist Turkey”, “imperialist monopolies”, and “the anti-imperialist struggle of the peoples”.

Perhaps the AKÖ does not know that hundreds, perhaps thousands, of groups and hundreds of thousands, even millions, of people throughout the world use these concepts. Or perhaps it uses them in order to mislead and direct judges and prosecutors whom it assumes do not know that these terms are widely used among the left.

The fact that Yürüyüş uses these concepts does not show that it shares the ideology of the DHKP-C. They are concepts rooted in the sociological basis and political vocabulary of revolutionary and left-wing sections.

It states that issue 72 of Yürüyüş dated 1 October 2006 said: “The struggle against degeneration is the struggle against the system; the system creates the filth; only revolution can clean up the filth”, and so on.

The slogan “Only revolution can clean up the filth” had an enormous impact in Turkey and was embraced by the masses. In the late 1990s there was a car crash in Susurluk, a small town in the Aegean region. There were four people in the car: one was an MP from the then governing party, the DYP; one was a police chief; one was an MHP fascist killer wanted in Turkey since before 1980 for many murders and massacres; and the fourth was the prostitute companion of the killer named A. Çatlı. Everyone except the MP died in the crash. Although the MP's bodyguards escorting them removed and cleaned away many items from the car, the evidence that remained exposed relations between the state, mafia and politics, ranging from drug trafficking to executions of revolutionaries. The fascist killer Çatlı was carrying a diplomatic passport and an international firearms-expert certificate personally issued by the then Interior Minister M. Ağar. Çatlı was also the chief of the MHP Grey Wolves assassination team that included Mehmet Ali Ağca, who carried out the assassination attempt on the Pope, and is known as a figure behind that assassination. After 12 September 1980 he went to Europe and served time in France for drug and heroin trafficking. Then Prime Minister Çiller publicly declared ÇATLI a hero. The actions that supposedly made him a hero included organising forest fires in tourist areas in Greece and murders in Europe directed against the Armenian organisation ASALA. It also emerged that he had been assigned to kill PKK leader Öcalan and DHKP leader KARATAŞ, and that hundreds of kilograms of heroin seized by the state in various operations had been delivered to him in Europe using state resources in order to finance such operations.

All this information was among the findings reached by the Susurluk Investigation Commission established in the Turkish Grand National Assembly and made public.

At the time the DHKP issued a statement entitled “Revolution Will Clean Up the Filth” and called on the people to join a campaign. The campaign continued for months. Across Turkey, people responding to the call switched their household lights on and off every night and went into the streets in broad mass demonstrations.

People's Assemblies carried out the campaign. As a result of this campaign, the Susurluk Investigation Commission was established in parliament and the state-mafia-politics relationship was exposed.

Of course, this campaign was brought to life principally through the political direction and leadership of DHKP General Secretary KARATAŞ, because the slogan found a complete response among the people. Yürüyüş, which began publication in 2005, used the slogan in an article published in 2006 on the anniversary of Susurluk.

What is criminal about Yürüyüş using a slogan embraced by the whole people? If using this slogan identifies Yürüyüş with DHKP-C thought, what does it mean that in August 2002 Section 129b placed under protection a state in which the government itself organised drug trafficking, casinos and brothels, arms trafficking, and numerous murders and crimes including in Europe?

What I have described here is only part of the truth that emerged. Be assured that those who know these facts in full detail include both the BND and the AKÖ. Placing the Republic of Turkey under protection and issuing an investigation instruction against the extra-parliamentary opposition to the regime of filth in Turkey was a conscious choice.

In issue 78 of Yürüyüş dated 12 November 2006, in relation to the death of former Prime Minister Bülent Ecevit, it said: “The people's curse knows no bounds and lasts forever,” and wrote that enemies of the people and killers such as Ecevit would never be forgotten or forgiven.

Ecevit was the killer who gave the order for the operation of 19 December 2000 in Turkey in which twenty-eight prisoners were shot or beaten to death by state soldiers. He was also responsible for the deaths of 122 people in the death-fast resistance that followed that massacre. Of course our people will never forget or forgive such a killer. In its article Yürüyüş gave voice to these feelings of our people. In other words, it expressed not merely the thoughts of the DHKP but the thoughts of the people.

In the first election held two years after the massacre of 19 December 2000, Ecevit's government fell, his party remained below the electoral threshold and never recovered. The people's curse therefore continues and will continue. For Ecevit was a shameless killer who, after the massacre of 19 December 2000, could say regarding the twenty-eight people martyred in the operation: “We had calculated that at least one hundred people would die. It seems our security forces acted with great restraint.”

Is it then a crime for Yürüyüş to say of such a bloodthirsty killer that “history will never forget or forgive him”? Is this what supposedly identifies Yürüyüş with DHKP-C thought?

On page 6 it says that in issue 86 of Yürüyüş dated 7 January 2007 the magazine stated: “In a world where rights and justice have been destroyed, the only way to secure rights and justice is to resist and struggle.” What is wrong with that? Was it supposed to say that injustice and lawlessness should not be resisted?

In issue 177 dated 29 March 2009, Yürüyüş published an article commemorating the revolutionaries martyred at Kızıldere. A footnote said that Mahir ÇAYAN was martyred at Kızıldere on 30 March 1972, that Mahir ÇAYAN was the founder of the THKP-C, described as a predecessor of the DHKP-C, that Revolutionary Left had declared 30 March–7 April as a Week of Commemoration of the Martyrs of the Revolution, and that the DHKP-C had extended these commemorative days to 30 March–17 April.

Every people in the world has had leaders who rose against oppression, and peoples have always embraced and remembered those leaders. Every people has moral values that make it a people, and the martyrs who gave their lives against oppression are among the greatest values of peoples. It is not commemorating them that is a crime; forgetting them is.

Sophie Scholl and Georg Elser are still commemorated with respect. Even Nazi officers who were complicit in countless crimes against the peoples of the world until almost the end of the war but later attempted to strike at Hitler through an assassination attempt are remembered with respect today, because they are among the moral

values that the German people most needed in order to recover themselves. Of course all these heroes too were criminals and terrorists in their own time. History, however, recognised their heroism.

Mahir ÇAYAN is the vein of honour and resistance of the peoples of Anatolia who resisted oppression. Today even his opponents respect Mahir as a leader.

Mahir ÇAYAN was the founding leader of the THKP and THKC. During ÇAYAN's lifetime there was no concept called THKP-C. Only after 1974 — that is, two or three years after Mahir and his nine comrades were martyred at Kızıldere in 1972 and the THKP and THKC were physically destroyed — did those released from prison and sections of the youth begin using the concepts Party-Front and DHKP-C to express Mahir's ideas. Likewise, the name DHKP-C is a symbolic name used by supporters of this thought to express the ideas of Mahir and DAYI.

In issue 188 of Yürüyüş dated 12 July 2009, it said: “Imperialism attacks revolution and socialism in the person of Stalin and legitimises the Nazis. We will live by our values and struggle with our ideas. And we will wipe imperialism from the face of the earth! Stalin belongs to us! He is our faith in revolution, our socialist future!”

The slogans expressing this thought do not belong only to the DHKP-C or Yürüyüş. In the name of imperialism, under the leadership of the USA, NATO and at times the UN, there is hardly a continent that has not been burned or a country that has not been plundered. Since 1945, more people have been martyred in wars led by the West than in the world wars themselves, and many peoples have been subjected to massacres and genocides.

Millions of dead are proof of this. According to UN figures, one and a half million Iraqi children alone died through lack of medicine as a result of the US-EU embargo against Saddam's Iraq. If one may put it this way, the imperialist world has drunk the blood of the peoples of the world in rivers. It gained this freedom to kill because there was no socialist alternative. Stalin, on the other hand, symbolises socialism, which was able to stand as an alternative to systems of exploitation and oppression, and for that reason he is subjected to every kind of attack. The real target, through Stalin, is the peoples of the world.

Whether the AKÖ or the West likes it or not, this view is part of daily life for progressive people and forces among peoples who are poor, oppressed and subjected to wars intended to force them into submission.

The hypocritical democracy demagogy and hostility to Stalin developed by the bloody killers of one and a half million Iraqi children and, for example, those who plunder all the underground and above-ground resources of Africa and condemn millions to hunger, serves the preservation of exploitation and oppression.

This is the view expressed by Yürüyüş. It is purely a matter within freedom of thought.

Again on page 6, it says that in an article in issue 206 of Yürüyüş dated 7 February 2010, the magazine SLANDERED the multi-party system in Turkey by saying that none of Turkey's problems could be considered separately from the dependence on imperialism of the multi-party system dominated by fascism.

Do you see the “crime”? According to the AKÖ, Turkey supposedly has a genuine multi-party — that is, democratic — system, is not a dependent country, and its people have no problems.

To brand Yürüyüş's views as SLANDER (“diffamierend”) is, at the very least, insolent. The AKÖ should first look at itself. Moreover, the AKÖ's task is not to express its subjective emotions but to present objective data to the court.

The AKÖ knows no bounds in defending the fascist regime in Turkey. It harbours hostility towards the opponents of that regime and spits out its hatred through an accusation of SLANDER. This “slander” issue alone is proof of the partisan basis on which all AKÖ reports are prepared.

For that reason no AKÖ report can constitute evidence in this case.

Unfortunately, however, these wretched analyses have become the backbone of prosecutors' indictments and submissions, and through copy-and-paste have also dominated the judgments in DHKP-C cases to date and determined their outcomes.

It says that in issue 212 of Yürüyüş dated 21 March 2010, the magazine quoted from a DHKP statement on Kızıldere and described this as “explaining the aims of the DHKP-C”.

First of all, Yürüyüş does not explain the aims of the “DHKP-C”; it reports them. Explaining and reporting are different things. Second, this concerns an understanding of journalism. As an independent publication, Yürüyüş addresses events and subjects it considers important and, when it considers it necessary, directly gives space to the views of those concerned.

Why this situation, which does not even disturb the censorship-champion Turkish state, causes the AKÖ such offence is unknown. The only logical explanation is that the AKÖ has united its fate with the regime in Turkey.

It is also stated that the article headed “From Mahir to Dayı, We Are the Hope, We Are the Alternative!” in issue 213 of Yürüyüş dated 28 March 2010 was a report from a DHKP-C statement.

Like the previous matter, this is a question of journalistic practice and objectivity.

On page 7 it is stated that in issue 228 of Yürüyüş dated 8 August 2010, the magazine published words expressing one of its basic ideas as a slogan: “Forty years of NATO membership and fifty-eight years of applauding slavery. Peoples of Turkey, let us not remain silent against imperialist slavery! Let us raise the struggle against US imperialism and NATO.”

In this article too Yürüyüş expressed its own views as an opposition publication. These views are not the monopoly of the DHKP-C.

In issue 234 of Yürüyüş dated 19 September 2010, page 37 apparently quoted from a DHKC statement. The subject of the article is not specified, but the quotation contains a call to struggle: “Peoples of Turkey; let us unite in the ranks of the Front, fight and win.”

It is clear that this article was not written by Yürüyüş. I believe it probably quoted from a DHKC statement as a consequence of its journalistic approach.

In issue 244 of Yürüyüş dated 28 November 2010, it is stated that the magazine put the following words in its headline: “All Anatolian lands are filled with NATO and US bases. No to imperialism's missile defence shield! Let us not allow Anatolia to become NATO's and the USA's military base!”

Supposedly the ideas placed in this headline also belonged to the DHKP-C. WRONG. In 2010 there was a campaign lasting months in Turkey. This anti-militarist campaign was organised by the People's Front. Its main demand was the closure of US-NATO bases. Its principal activity consisted of collecting signatures at tents set up in different cities. Hundreds of thousands of signatures were collected. In other words, the slogans used in Yürüyüş's headline were a common democratic demand signed by hundreds of thousands of people. The entire campaign was conducted within a democratic and legal framework.

It is stated that in issue 248 of Yürüyüş dated 26 December 2010, the magazine published the DHKP-C's New Year message.

There has never been a New Year message signed DHKP-C. There is no evidence of one in our file either. At New Year, DHKP messages appear in Yürüyüş, but messages are also published from many associations, organisations, trade unions and others, not only from the DHKP.

In its message the DHKP stated its determination by saying: “Even if the world collapses, we will not abandon our aim of revolution and power,” and said it was prepared to pay every price for this, including death.

The report also refers to readers' letters published in issue 252 of Yürüyüş dated 23 January 2011. In those letters readers said that the Kızıldere massacre would not be forgotten and that, as Marxist-Leninists, they would not abandon the goal of revolution.

Yürüyüş is a political magazine and has a particular world view. It publishes within that framework.

The AKÖ's method of examining Yürüyüş's articles is problematic, because the AKÖ examines them from an opposing ideological standpoint. Once it does that, it is natural for it to see a problem in every line. But even if it is wrong in its views, it is obliged to respect democratic rights and the limits of press freedom.

The articles in question are published legally in Turkey. The magazine continues to publish within the framework of democratic rights and press freedom in Turkey, however limited these may be. Apparently the AKÖ regards even Turkey's press freedom (!) as a luxury. But even if it sees it that way, it is obliged to respect it. If it has a complaint, it should submit its reports to Turkey's Ministries of Interior and Justice. Of course that would itself be absurd. But at the very least it must not attempt to establish in Germany a practice that falls behind even the anti-democratic order and censorious limits of press freedom in Turkey. Even if it does not respect freedom of the press and freedom of thought, it must tolerate them.

On page 8 it tries to prove that Yürüyüş is a “DHKP-C” publication and secure its ban on the ground that the magazine publishes reports and commentary concerning “DHKP-C” members and martyrs. In 2015 it ultimately achieved this purpose. But law and justice are different things.

For six pages in this section, the AKÖ gives examples from 2005–2010 of reports concerning prisoners and martyrs in “DHKP-C” cases.

As with the previous two sections of the report, we could examine every example one by one. But the summary of all of them is simply that Yürüyüş published news about “DHKP-C” trials and about “DHKP-C” people who had been martyred.

The fundamental issue here is this:

I do not know how things are in Germany, but in Turkey no one can continue illegal organisation membership from the moment of arrest until release. With arrest, membership activity legally ends. Perhaps it is the same in Germany; I do not know. But the magazine in question operates according to Turkish law. The second point is the absurdity of speaking of the membership of people, or even their bodies, after they have died.

Can a “DHKP-C” trial not be news? Is it a crime to report the killing of a “DHKP-C” person?

In this section the AKÖ does not merely strain the limits of logic. It is so blinded by hatred and hostility that it seems to demand that those arrested and martyred simply be erased. This attitude has nothing to do with law or conscience and cannot even be explained by ordinary hostility.

News about “DHKP-C” arrests in Belgium, Italy and Germany and about events organised for prisoners is thereby brought within the scope of prohibition. The AKÖ's role here is one of censorship engineering. It also tries to condemn to silence the situation of those who lost their lives or were imprisoned in Turkey.

There are especially many examples concerning the Belgian case in this section. Because it is a case I know very well and one that directly concerns me, I have to say something about it.

For example, on pages 9 and 10 the AKÖ adds explanatory notes to reports concerning those tried in the Belgian case. These notes say that by judgment of 28 February 2006 they received sentences of between four and seven years. I was the one who received seven years. But strangely, it does not mention that the same people were acquitted in 2008 by the Belgian High Court and Court of Cassation. Yet the report was written in 2011 and there is no possibility that the AKÖ was unaware of those acquittals. It does not mention them because then it could not say that “they were also convicted by a court for membership of the DHKP-C”, and consequently could not claim that Yürüyüş committed an offence by reporting on prisoners as “DHKP-C members”.

It is as simple and childish as that. When the concept of thought and reason is replaced by petty cleverness, this is the result.

Also on page 9 it quotes from issue 38 of Yürüyüş dated 5 February 2006: “Those who do business together with fascists cannot try revolutionaries.” WRONG translation. The correct translation is: “Those who collaborate with fascism cannot try revolutionaries.”

This cannot be an ordinary translation error. It creates the impression that someone is commercially trading with a fascist businessman in order to belittle the statement. But the party actually demeaned here is the AKÖ itself. Similarly, it says “prisoners who are members of the DHKP-C”. The correct expression is “people imprisoned on the accusation of DHKP-C membership”.

For two and a half pages, from pages 14 to 16 of the report, it tries to prove that because Yürüyüş reported on hunger strikes and death fasts in prisons, even treating them as a principal agenda item, and because from 2002 to 2007 the death-fast resistance was supposedly continued only by DHKP-C prisoners, Yürüyüş was therefore the publication of the DHKP-C.

A resistance joined by thousands of prisoners...

A resistance that lasted seven years...

Twenty-eight prisoners martyred in a state operation...

Thousands of political prisoners, women and men without exception, tortured, sexually harassed and raped, and transferred to F-Type isolation prisons...

A resistance in which 122 resisters were martyred in the death fast...

A resistance in which more than 500 resisters were left permanently disabled as a result of forced intervention...

Hundreds of arrests and thousands of detentions under torture because of solidarity with the resistance...

A resistance supported for seven years by thousands of democratic actions in Turkey and throughout the world...

The suffering of tens of thousands of family members of those wounded, martyred, disabled, imprisoned and resisting...

A resistance that could not be suppressed despite every kind of repression and ended in victory...

This resistance entered the history of Turkey as the GREAT RESISTANCE.

And the AKÖ says this resistance should not have been reported. In 2000, when the resistance began, the Ministries of Justice and Interior also said that one of the most important pillars allowing the resistance to continue was the press reporting on it, and called on the entire press not to report the resistance. With the exception of the revolutionary press, the whole press complied and applied total self-censorship. The Justice Minister of the period said that if the resistance was not reported for two years it would end. But the resistance lasted seven years and ended in victory. From 2002 onwards, much of the left press also joined this self-censorship.

It was precisely in this process that Yürüyüş magazine acted according to its conception of revolutionary journalism and in every issue reported on the resistance and solidarity with it. For this it repeatedly had its offices raided and wrecked, many of its workers imprisoned, and readers and distributors tortured and martyred, yet it continued to do what was right.

The AKÖ is trying to take revenge on Yürüyüş for this independent and truthful understanding of journalism.

No one can engage in demagogy about this seven-year resistance. Both the resistance itself and solidarity with and support for it were always based on peaceful struggle. The only force that used violence was the state.

Another point is the arrogant language of the AKÖ, which might be called the courage of ignorance.

On page 14 it says “the so-called F-Type Prison”. Not “so-called”, AKÖ, not “so-called”. This is the actual name given to these prisons by the state itself.

On page 16 it says that those expressing solidarity with prisoners tried in Section 129b cases in Germany made appeals against “so-called isolation prison conditions”. Years of being held alone twenty-four hours a day, visits behind glass, bans on left-wing publications, lawyer visits behind glass, even defendants being held inside glass cages in court, and many other restrictions and obstacles are apparently only “so-called isolation”.

Good heavens, AKÖ — you may clown around, but you are not funny. Of course the founding cadres of the AKÖ know very well what real isolation means, because for them isolation has meant even concealing from the eyes of the world the gas chambers in which millions of people were killed. Yet the situation of Section 129b prisoners corresponds exactly to the UN definition of isolation. Nor are ordinary remand conditions applied to Section 129b prisoners. They are subjected to the harshest possible conditions of detention. If these are not ordinary conditions, what are they to be called?

The description “so-called” is intended to trivialise, belittle, deny and demean. This language of the AKÖ's DHKP-C desk is an expression of its subjectivism. It also shows how deeply it is influenced by the Turkish police and pro-state press.

For two and a half pages, from pages 18 to 20, examples are given of Yürüyüş publishing DHKC statements, and an attempt is made to prove a connection between Yürüyüş and the DHKC.

It is also stated that Yürüyüş prepared these reports by using statements that reached its news lines or were otherwise delivered to it. These calls and statements are sent not only to Yürüyüş but to many media organisations, and some media outlets publish them as Yürüyüş does. With some exceptions, however, the state-directed press prefers to publish the statements prepared by the police censorship desk concerning the events in question.

Yürüyüş and some other media publish DHKC statements according to their own understanding of journalism. There is nothing strange about this. Yürüyüş acts according to the basic principles of journalism and, when describing a newsworthy event, follows the rule of the five Ws and one H: what happened, how, where, why and by whom. It is beyond dispute that the most direct answers to those questions are found in statements made by the subject of the event itself. Of course the magazine also publishes distorted commentary from the police censorship desk. But the AKÖ prefers to ignore that, because its concern is to portray Yürüyüş as linked to the DHKC whatever the cost.

In Turkey, the police and intelligence services each have separate “DHKP-C” desks. In addition, the police press and censorship section also has a “DHKP-C” desk. They send statements and prepared news reports to the press concerning every event. The reports they prepare are reproduced, without a comma or full stop changed, by the major state-directed press — whether it appears right wing, left wing, liberal or critical.

In other words, Turkey's major press does not have its own editorial process for political events and news. The police performs the editing. These are not really news reports at all; they are counter-propaganda reports.

At precisely this point Yürüyüş fulfils a public service by meeting the need for an independent press. Publishing DHKC statements is therefore not evidence of an organic connection with the DHKC; it is a public service.

In social life today there is a need not only for judicial, legislative and executive organs independent of one another, but also for an independent press and media as an unofficial fourth power. Yürüyüş meets this need.

Because of its revolutionary and oppositional identity, practising journalism in the manner it considers right is also part of protecting its democratic rights. In short, I can say that the existence of Yürüyüş is a guarantee of the right to receive truthful information.

Of course, being part of the revolutionary opposition press in Turkey carries enormous costs. Torture, long years of imprisonment, being martyred, disappearance in custody, interrogations under torture, harassment and rape under torture are normalised forms of daily repression.

Yürüyüş has experienced all these forms of repression in abundance. Its offices have also been raided repeatedly. In every raid its doors, walls and roof have been smashed or demolished; toilets destroyed and sewer pipes burst; computers, desks, chairs and kitchen equipment broken to pieces. Such raids take place on average three to five times a year. Despite this, Yürüyüş has never interrupted publication for even a single day. On the very day its premises are destroyed, the people embrace it; volunteer supporters repair everything the same day and its work continues without interruption.

The reason Yürüyüş is embraced to this extent is that it is the voice of the voiceless and responds under every condition to the people's need for an independent revolutionary press. I can say that Yürüyüş is the only magazine not only in Turkey but in the world subjected to such extensive repression and state terror while nevertheless maintaining its continuity. In this sense it is the honour, pride, defiance and rebellion not only of the peoples of Turkey but of the peoples of the world. And of course it is one of the most determined fighters for freedom of the press and freedom of thought.

What interest the AKÖ has in silencing such an honourable voice is unknown. In a world polluted in every respect, where selfishness and egoism corrupt every institution, there is a need for a Yürüyüş that resists every form of fascist attack and terror. German courts should not become an instrument of this repression. There is no public interest in these bans and pressures. The continuation of Yürüyüş's publication and the freedom to distribute it in Germany pose no danger or threat to Germany's public security or constitutional existence. On the contrary, they are a requirement of the freedoms of the press and thought guaranteed by the Constitution.

From pages 20 to 22 the report tries to prove that Yürüyüş uses “DHKP-C” slogans and emblems.

For two pages the AKÖ treats slogans appearing in Yürüyüş's reports of marches and demonstrations, or slogans shouted in speeches at those events, as evidence of a “DHKP-C” connection. Yet the examples given are slogans that have become part of the people and have even been turned into songs.

Foremost among these is the slogan “We Are Right, We Will Win”.

The AKÖ claims that “We Are Right, We Will Win” first emerged as a principal slogan at the DHKP congress in 1994.

In fact, “We Are Right, We Will Win” is the title of the collective defence in the REVOLUTIONARY LEFT-2 case, known as the Revolutionary Left Main Trial, which began in 1980, continued into the 1990s and involved 1,243 defendants.

That defence was later published legally in Turkey as a book under the name of Dursun KARATAŞ.

In the years following the fascist military junta of 12 September 1980, all trade unions and associations, parties and organisations were closed. Strikes, school boycotts, demonstrations and marches were banned, and revolutionaries who went into the streets were shot and martyred.

Under these conditions, for almost eight to ten years the only focus of resistance in Turkey was the revolutionaries in the prisons. Prison resistance developed principally under the leadership of the prisoners in the REVOLUTIONARY LEFT case. This line of resistance won enormous sympathy from hundreds of thousands of people.

From 1986 onwards social movement slowly began to develop. Workers', student and public-employee organisations were also established in this process. The first actions of workers, students and public employees were Hunger Strikes. Why hunger strikes? Although workers and public employees had great power arising from production and public services, they nevertheless chose as their example the hunger strike, a form of prison resistance.

In those years the only opposition voice was the public hearings in the REVOLUTIONARY LEFT Main Trial. Those hearings took place in the indoor sports hall at Baş Tabya in the Metris military garrison in Istanbul. Every weekly hearing filled the hall to capacity. Those attending were not only families but workers, public employees, students, residents of poor neighbourhoods, small shopkeepers, intellectuals, peasants and people from every section of society.

This is why the first democratic movements after 12 September began with hunger strikes and why the slogan “We Are Right, We Will Win” became central to all of them. This did not indicate an organisational connection. It was the sociological influence created in Turkish society by REVOLUTIONARY LEFT and Dursun KARATAŞ. The people did not merely turn the title of this defence into a slogan; they made it their own.

Workers said: “We are workers, we are right, we will win.”

Public employees said: “We are public employees, we are right, we will win.”

Students said: “We are students, we are right, we will win.”

Peasants, shopkeepers and others adapted the slogan to themselves. People living in poor neighbourhoods adopted “We are the people, we are right, we will win”, turning it into a common slogan shouted by everyone.

The AKÖ's own example shows this. It says: “At the first congress of the Basic Rights and Freedoms Association in Hatay, the association president ended his speech with the slogan ‘We are the people, we are right, we will win’.” It then notes that Yürüyüş, reporting on this congress, quoted the association president's speech including that slogan. Supposedly this proves (!) organisational integration with the “DHKP-C”.

In Anatolia we say in such situations: “Should you laugh or cry?” Yes — should we laugh or cry at the AKÖ's pitiful condition?

It likewise gives as an example a report of a democratic action at which the slogan “Down with American Imperialism!” was shouted. It claims that “Down with American Imperialism” also shows identification with the “DHKP-C”.

This slogan has been shouted since the 1960s, when the left-wing movement became a mass movement. It was a period in which the left's anti-imperialist struggle grew principally around the demand for independence. The people embraced it.

Yet the AKÖ translated the slogan as “Verdammt sei der Imperialismus der USA!” The correct German is not “Verdammt”, but “Nieder mit...”.

The slogan “Down with fascism, long live our struggle” likewise emerged principally with the rise of anti-fascist struggle in the 1970s and was embraced by the people. It did not originate with the “DHKP-C” and is not its monopoly.

The AKÖ says that at the closing hearing in 1999 of the Revolutionary Left Main Trial, which began in 1980, the slogans “We Are Right, We Will Win”, “Down with American Imperialism”, and “Down with Fascism, Long Live Our Struggle” were shouted by members of TAYAD, the organisation of prisoners' families attending the court, and argues that Yürüyüş's report mentioning these slogans proves identification with the DHKP-C.

All 1,243 people tried in that case were subjected to severe torture and long years of imprisonment. Dozens were shot and martyred in the streets, some were martyred under torture or disappeared in custody, and many were martyred as a result of prison conditions, prison operations and resistance.

The TAYAD members were their families. What slogans were these families expected to shout? Of course they would shout slogans expressing their children and their defence. Were these mothers and fathers, whose hearts were burning, expected to remain silent and bow to fate? Or was Yürüyüş expected to censor them, like the state press that calls itself the “major press”, and help drown them in silence?

Yes, that is precisely what the AKÖ wants. But I do not know what problem it has with these mothers and fathers. I cannot understand what interest it could gain from this, or what involving German justice in this hostility has to do with protecting the German Constitution.

In this item the AKÖ also invents an organisation name, “DHKP-C/DHKC”. It says that in an article bearing the slogan “Theory in Life: We die for our ideals”, a supposed “DHKP-C/DHKC” emblem was published. Theory in Life is a two-volume book. Yürüyüş probably published a review of that book or quoted from it in relation to a current issue. It may also have placed an emblem connected with the subject into the article as an illustration. On this issue I can only say that the AKÖ is talking nonsense for the sole purpose of manufacturing an offence.

It also labels the words “Let us organise, unite and resist” in an article as a “DHKP-C” slogan and says that this is a “well-known slogan”. Yes, it is a well-known slogan, embraced and shouted by very broad sections. What is wrong with that?

Readers' letters contained the expressions “We are Marxist-Leninists, we will not change”, and in relation to the Kızıldere massacre the slogan “War Until Liberation”. As the name suggests, these were readers' letters.

The slogan “War Until Liberation” was shouted by Mahir ÇAYAN and his nine comrades when they were surrounded by an army of twenty thousand in a village house at Kızıldere in Tokat. The slogan was shouted on 30 March 1972. Since then it has been embraced by dozens of groups and hundreds of thousands of people who defend Mahir ÇAYAN.

For example, the KDP is banned in Germany. Suppose someone took the trouble to research every slogan ever used in KDP publications or demonstrations, and whenever one of those slogans appeared today in a magazine or newspaper, that publication too was banned. Would that not create a terrible legal dead end — indeed lawlessness — and produce pure, naked censorship?

ITEM 53 — AKÖ REPORT DATED 12 MARCH 2013

SA Bd. I.3.21, pages 13.48–13.67

On page 48 it claims, relying on decision no. 9 of the Founding Congress, that Devrimci Sol magazine was the central publication of the “DHKP-C”.

The Founding Congress that adopted decision no. 9 was not the Founding Congress of the “DHKP-C”; it was the Founding Congress of the DHKP. Item 1 read outside the hearing proves this.

Throughout this case, the prosecution, BKA, BND and AKÖ reports and writings insist that the organisation concerned is the “DHKP-C”. Yet the documents they use to prove this actually point to the DHKP.

Whenever the Founding Congress is mentioned, they call it “DHKP-C”. Yet the documents do not show the existence of such an organisation.

When actions are concerned, they again say “DHKP-C”. They quote “statement no. such-and-such of the DHKP-C”. But beneath the quoted statement appears the name DHKC.

In other words, all the evidence in the file contradicts the prosecution, BKA, BND and AKÖ.

Whatever its political character, strength or size, every organisation names itself. Why would a political organisation with its own claims present its own name as something different from what it actually is? There is no logical explanation.

Why, then, do the prosecution, BKA, BND and AKÖ insist that “the name of this organisation is not that, but this”?

This is the question that must be asked and clarified. Those who insist on the name “DHKP-C” are the ones who must explain it. Yet as the person on trial, I am expected to provide the explanation.

I repeat: “DHKP-C” is not an organisation.

There has never been a Founding Congress of an organisation called “DHKP-C”.

An organisation called “DHKP-C” has no publication, no actions and no hierarchical organisational structure.

For example, Dursun KARATAŞ was the General Secretary of the DHKP. The prosecution, BKA, BND and AKÖ say: “The real organisation is the DHKP-C. The DHKP is its political wing and the DHKC its military wing.” Logically, this would make the “DHKP-C” an umbrella organisation. The prosecution, BKA, BND and AKÖ say precisely this in their documents. If we take the claim seriously, “DHKP-C” would have to be a structure above the DHKP and DHKC.

The natural consequence would be that there must be a mechanism above DHKP General Secretary Dursun KARATAŞ. Is there any such mechanism above Dursun KARATAŞ? There is not a single document indicating one, nor do the prosecution, BKA, BND or AKÖ mention any such mechanism.

If there is an organisational structure called “DHKP-C”, there must be a mechanism above the DHKP General Secretary. Where is this structure? Who composes it? Those making the claim must first answer these questions correctly. Yet in some places they call Dursun KARATAŞ the DHKP General Secretary, while elsewhere they call him the “DHKP-C” General Secretary. They offer not a single explanation of how this can be. The reason they have no explanation is not ignorance about the organisation (DHKP). There are reasons behind this insistence that they avoid stating openly.

Unless those reasons are exposed, the truth cannot be found in this case and a fair trial cannot be conducted. I will also explain why a fair trial cannot be conducted.

First it is necessary to answer the questions: what is “DHKP-C”, what is it not, and what are the DHKP and DHKC? But before even doing that, the confusion in people's minds must be removed, because there are many similar foreign organisational names in the file. It is obvious that the panel also listens carefully when these issues arise, but nevertheless everything appears very complicated.

The prosecution, BKA, BND and AKÖ are the ones who have made the matter complicated. In the “DHKP-C” trials conducted to date under Section 129b, what these institutions said has principally been taken as the basis. To my knowledge, because those tried in these cases have not until now made substantive defences on these issues, the untrue claims of these institutions have determined the outcomes of the cases.

I do not really believe that these errors will now be corrected by, for example, my defence. In a sense I know that I am rowing in vain. At this point, acceptance of the truth is impossible. Of course I am not speaking of any special personal attitude of the panel towards me. The reasons the truth cannot be accepted go far beyond my person. Accepting the truth now would mean revealing all the victimisation created by investigations, prosecutions and convictions conducted until now in the name of the DHKP-C, and acknowledging that they were legally meaningless.

Can any court, whatever its character, sign such a judgment? I seriously doubt it. This is not an ordinary doubt. That is why I have no expectation of a fair trial. Nevertheless I rack my brains and make every effort to establish the truth, because I am a political person. That is why I am here. I have never avoided paying the price for my ideas, and I never will. To avoid paying the price for my ideas would, in my view, be to betray them. Whatever the price, I will not betray my ideas. I want that to be understood first.

One way or another, this case will certainly end in a conviction.

Although my formal legal status is one of pre-trial detention, that conviction in fact began from the moment of my arrest — indeed from the moment the search for me began. I am seeking neither acquittal nor a light sentence. In my view, the higher the price of my ideas, the more valuable those ideas are. Nor will the sentence I receive show that I am guilty. My only crime is what I have failed to do.

Let us now turn to the confusion of names.

The problem does not end with “DHKP-C”, DHKP and DHKC. There is also the name THKP-C, said to be the predecessor of “DHKP-C”. Likewise there are THKP and THKC, said to be the predecessors of DHKP and DHKC. As if that were not enough, there is also the People's Front.

As far as I understand, there is legally no opportunity to question the BND and AKÖ on these matters. In truth, no decision, judgment, prejudice or opinion against which there is no legal right of objection can be either legal or just. It is inherently suspect. Yet BND and AKÖ reports, against which there is no legal right of appeal, are among the most important factors forming the backbone of judgments in our cases. These institutions are not even required to prove their opinions. In essence, therefore, their reports stand outside the law. Whatever their content, they are not legal evidence. Nor do these institutions claim to be fair or impartial. They are direct instruments of political power.

At least in relation to the BKA, the two police officers dealing with our case gave evidence. Although I have not yet fully adapted to how proceedings work here or to all my rights, I at least had the right to question and cross-examine them. Organisational matters were placed on Ms Seifner. At the beginning Ms Seifner tried to explain the organisation as best she understood it. But at the end of her presentation she expressed her own view along the lines of: “In my opinion they are all under the DHKP, they are all one organisation. In reality there is no such thing as legal or illegal, political wing or military wing, organisational functioning, congress, and so on. There was only Dursun KARATAŞ and they were all subordinate to him.” From my point of view, according to her, everything is the same. The DHKP is both political and military leadership. For her there is no TAYAD, no Anatolian Federation, and so on; everything is supposedly “DHKP-C” (!).

In her reports Seifner in fact tried, as far as possible, to base herself on data. For example, when referring to a DHKC statement she preferred to say DHKC. But in the end she too reached the conclusion that “they are all the same”.

Of course, there is no difference between saying “they are all the same” and saying “they must all be punished”. To say “they are all DHKP-C” is to turn the Anatolian Federation, the democratic workers', public employees' and youth organisations forming the People's Front in Turkey, TAYAD, the people's lawyers, architects and engineers, health workers and educators, artists, and the socio-cultural organisations and institutions of poor neighbourhoods into a “foreign terrorist organisation” whose members must be punished.

Under this approach, a mother, father, relative or friend who stands by a child who has been tortured or martyred becomes a terrorist. Struggling against drugs and prostitution becomes terrorist activity. Opposing fascism and racism, and demanding democratic rights and freedoms, become acts that must be punished under Section 129b.

This is the thinking that lies behind the insistence on “they are all the same, they are all DHKP-C”. It permits the scope of Section 129b to be expanded and democratic struggle, as a category, to be subjected to criminal prosecution. Applying Section 129b through such an expanded interpretation also means abusing the law. That is what is being done today. It results both in judicial murder and in irreparable victimisation.

Of course, the fundamental problem is that Section 129b was incorporated into the law for political rather than legal motives and is open to arbitrary use. But the issue cannot be explained only by the subjectivism of lawmakers. It also lies in the arbitrariness of those applying the law in interpreting and stretching its abstract concepts.

This arbitrariness is brought to life principally through the confusion of names that has been created.

History of the Organisation Names

Mahir ÇAYAN founded the THKP and THKC in 1970–71.

The THKP is a political-military party.

The THKC, meanwhile, was conceived as the mass organisation that would conduct the people’s front struggle as the war developed. The THKC too is a political-military front organisation.

Mahir ÇAYAN states that in neo-colonial countries such as Turkey, imperialist occupation takes shape according to the principle of covert occupation, and that for this reason the people do not take part directly in the war against occupation from the very beginning of the struggle.

He determines that the covert nature of the occupation, the oppressive dictatorial structure of the regime and the relative prosperity created by capitalism, however distorted its development may be, create an artificial balance between the people and the oligarchy.

He regards breaking this artificial balance as a prerequisite for putting the People’s War strategy into practice.

He says that the artificial balance can be broken only through a vanguard war.

He treats the vanguard war as a campaign aimed at explaining political realities to the people.

He says that during the vanguard-war period the Party and Front organisations will not become mass organisations, but must be conducted by a narrow body of cadres and fighters.

He determines that in countries like ours, where imperialism maintains a covert occupation, People’s War must pass through a stage of vanguard war. During this stage, Party cadres and Front fighters must above all form a steel core, and for this reason they must remain limited in number.

He treats the concept of vanguard war within the framework of PASS — the Politicised Military War Strategy. In organisational terms this means that both the Party and the Front have a political-military character. Mahir ÇAYAN calls this organisational conception the principle of the unity of political and military leadership. According to this conception, Party cadres and leaders in the vanguard war must at the same time be fighters. This principle is fundamental in Mahir ÇAYAN’s thought. In countries such as ours, he raised to the level of principle the necessity for leaders to be not behind desks but personally at the forefront of the armed struggle.

Mahir ÇAYAN himself acted according to this principle and personally took his place at the forefront of the struggle. With his death he also proved his adherence to this principle.

Before 30 March 1972, THKP Central Committee members Hüseyin CEVAHİR and Ulaş BARDAKÇI, along with a number of other cadres, had been martyred. They too were martyred fighting directly in the struggle. With the massacre of Mahir ÇAYAN and nine of his comrades at Kızıldere on 30 March 1972, the THKP and THKC were physically destroyed.

Although they were physically destroyed, Mahir ÇAYAN’s ideas and his attitude of doing what he said and defending what he did had an enormous impact. Mahir ÇAYAN’s ideas and theoretical analyses began to be published in book form for the first time from 1974 onwards. During this period his ideas began to be called the Party-Front conception. Some also called it the THKP-C conception. From 1974 onwards revolutionary struggle in Turkey developed greatly. Many political groups entered the political arena claiming that they best represented the THKP-C conception.

The name “THKP-C” likewise began to be used after 1974 to express Mahir ÇAYAN’s Party and Front conception.

One of the organisations that defended the “THKP-C” conception was REVOLUTIONARY LEFT, which entered the political arena under that name in 1978. Its leader was Dursun KARATAŞ. The aim of REVOLUTIONARY LEFT was to re-establish the Party and Front founded by Mahir ÇAYAN but physically destroyed. They achieved this in 1994.

Dursun KARATAŞ developed Mahir ÇAYAN’s ideas and founded the DHKP and DHKC in 1994. He adopted the concepts of Party and Front from Mahir ÇAYAN and the description “People’s Liberation” in order to emphasise the class character of the movement, but because in a multinational and multi-peopled

country the word "Turkey" in THKP might be understood as expressing only the liberation of Turks, he preferred the word "Revolutionary" in its place.

Like the THKP and THKC, the influence of the DHKP and DHKC has gone far beyond their physical strength. They have greatly influenced and continue to influence both the people and the people's movement. The expression "DHKP-C movement" also began to be used outside the DHKP and DHKC to refer to the ideas of Mahir ÇAYAN and Dursun KARATAŞ.

For this reason, "DHKP-C" does not denote a hierarchical organisational structure; it denotes an ideology shaped by the ideas of Mahir and Dayı.

According to the DHKP and Dursun KARATAŞ, the concepts of the "artificial balance", "vanguard war", PASS (Politicised Military War Strategy) and the "Unity of Political and Military Leadership" remain valid in our country. For this reason all DHKP members are cadres. In other words, it is a cadre organisation. And all its cadres must personally be involved in political and military struggle.

Mahir's theory of Uninterrupted Revolution 1, 2 and 3 was also published in Turkey as Kesintisiz Devrim 1-2-3. Later, some of Mahir's other articles were added and published as Bütün Yazılar [Collected Writings]. Some of Mahir's ideas — the most important parts — were published in German as Ununterbrochene Revolution, comprising Parts 2 and 3 of Uninterrupted Revolution.

Dayı's ideas were expressed in the thousands of pages of the defence in the Revolutionary Left 2 Main Trial, in which he himself was tried alongside 1,243 defendants.

According to the ideas of both Mahir and Dayı, there is no revolutionary situation in countries such as Germany where bourgeois democracy exists. The conditions there are those of an evolutionary period. In countries such as Turkey, however, periods of evolution and revolution are intertwined and a revolutionary situation exists. Revolutionary struggle and armed struggle are therefore fundamental in Turkey. In bourgeois democracies, however, the conditions for armed struggle — that is, revolutionary struggle — do not exist.

All cadres of an organisation that defends the strategy of "vanguard war" and PASS must be involved in armed struggle. Without personally taking part in armed struggle, it is impossible to become a cadre or a member of the DHKP or DHKC. In Europe there are no conditions whatsoever for this. For anyone wishing to become a member, the only option and the first step is to join the armed struggle in Turkey. Outside this, there is no possibility of being a DHKP cadre or DHKC fighter in Europe.

From the beginning of my defence I have pointed to the legal defectiveness of Section 129b and have repeatedly emphasised this. This is because, apart from the US Patriot Act and Germany's Section 129b, there are currently no laws of global scope in the world. The purpose of these laws is politically to act as a world policeman.

After the US Patriot Act, Germany's legislative and executive bodies, acting as lawmakers, enacted Section 129b as if to say: "We too have a claim to policing the world." In other words, it was enacted not because of a legal necessity but for political ambitions.

Today Section 129b is used principally in "DHKP-C" and PKK cases. Yet under Section 129b organisations such as the UÇK and many bloody-handed Islamist Wahhabi organisations in Syria, Iraq, Iran, Libya and elsewhere would also have to be treated as terrorist organisations. For political reasons, however, rather than being prosecuted as terrorist organisations they are given political and military support.

When the legal distortion of Section 129b is combined with the arbitrary interpretations of the prosecution, BKA, BND and AKÖ, insoluble situations such as these emerge. The confusion created around names serves to conceal these insoluble contradictions.

Of course I am not claiming that the panel is incapable of understanding this confusion of names. Those whose minds are actually confused — and who turn that confusion into an opportunity to bring democratic struggle within the scope of Section 129b — are the prosecution, BKA, BND and AKÖ. Their sources of information

originate principally from the Republic of Turkey: from the prosecutors, police and intelligence services of the fascist regime in Turkey. They are the ones who present this torturing, conspiratorial police and intelligence apparatus as “reliable intelligence services”.

In order for the truth to be reached and brought to light, I refer to the documents in our case file and documents such as Uninterrupted Revolution 1-2-3. All my claims are documented.

I am a victim of the illegality of the “DHKP-C” and Yürüyüş bans, which are based on the subjective evaluations of the prosecution, BKA, BND and AKÖ. I do not know how far this victimisation can be remedied in this court. I am neither a member of the DHKP nor part of the editorial staff of Yürüyüş. But as a victim I will bring cases seeking the lifting, or at least the review, of the “DHKP-C” and Yürüyüş bans.

In short:

“DHKP-C” expresses a body of thought. Since it is not an organisation, it cannot be treated under Section 129b as a “terrorist organisation abroad”.

The number of people who defend, approve of or sympathise with the “DHKP-C” conception runs into the hundreds of thousands, perhaps millions. If the term “DHKP-C supporter” is to be used, it refers to people who sympathise with the ideas and analyses of Mahir and Dayı. Such people cannot be members of a “terrorist organisation abroad” under Section 129b.

Many so-called “DHKP-C” cases are also continually opened in Turkey. Party and Front members, as a matter of principle, openly defend their membership. But people from the popular movement who are arrested over trade-union rights or the struggle for fundamental rights and freedoms are also generally tried for organisation membership, although convictions are usually for “participating in organisational activity without being a member of the organisation” or “making propaganda for an organisation without being a member”. Those tried on such grounds cannot be the subject of Section 129b charges either.

The People’s Front, meanwhile, is a democratic movement. It is a legal movement organised according to different fields of work. The People’s Front is an official movement in Turkey and is not banned. What exists in Europe is in fact this structure. It cannot in any way be treated as a terrorist organisation abroad under Section 129b, because it is organised according to fields of work. In Europe too it acts according to European conditions and with the aim of finding solutions to the problems of people from Turkey living in Europe. In other words, it is not a structure that can be placed in the category of “abroad”.

I will deal with the People’s Front separately, so for now I will leave this matter here.

I hope I have been able to explain the confusion surrounding organisational names, how that confusion is used, and what consequences it produces.

This matter is very important. It is one of the most crucial points in our case. As I have said, I have no expectation of acquittal or of any particular sentence. But this confusion must now be cleared up in one way or another.

On page 49, Devrimci Sol magazine (issue 23 of 2012), in discussing the qualities a member must possess, states that the member must “organise the people, radicalise mass actions and spread the armed struggle … organise People’s Justice, in other words punishments, against enemies of the people …”; and on page 50 it says that the member must “carry out within practice all forms of training that will raise the struggle, becoming skilled in the use of weapons and in making Molotov cocktails and explosives …”.

What is written is perfectly clear. AKÖ’s quotations are equally clear. Is there such an organisation, such practice and such a struggle in Europe? Has any concrete offence demonstrating this form of cadre or membership been proven against me, or in any of the Section 129b cases tried up to now? No. It has not, because AKÖ knows that this does not exist, and the BKA knows it too.

Again on page 50, it is stated that the magazine in question contains no discourse whatsoever concerning a “rear front” of the “DHKP-C” in the European Union. AKÖ’s examination of the magazine and the quotations

it makes from it are themselves evidence that membership of people in Europe under Section 129b cannot be established.

On page 51, again in the same magazine, a dual task is mentioned: organising the people and spreading armed struggle.

AKÖ says on the one hand that the organisation distinguishes between legal and illegal struggle, thereby acknowledging that these struggles are separate. Yet on page 52 it quotes from the same magazine the analysis that “armed struggle opens the way for democratic struggle, and democratic struggle creates possibilities for the development of armed struggle”. From this, however, AKÖ claims that democratic and armed struggle are shaped within the same hierarchical structure.

The article in question says nothing about such an organisational structure. The “opening of the way” and “creating possibilities for development” referred to are sociological effects. In Turkey, as armed struggle develops, state repression against the democratic movement diminishes and demands for rights and freedoms achieve gains. On the other hand, the growth of the democratic mass movement demanding rights and freedoms indirectly and dialectically contributes to the development of political struggle — that is, illegal organisation. This is what the article emphasises.

Again on page 52, another quotation is taken from the same article. Under the subheading “Not Legality but Legitimacy”, AKÖ says that “DHKP-C” states: “The state itself violates its own laws. It arrests and tortures, and attacks and destroys democratic gains”, and on this basis says that “armed struggle becomes legitimate”.

The interpretation placed on this quotation is also subjective. Yes, the magazine contains such a passage. And the magazine — not DHKP-C but Devrimci Sol magazine, in other words the DHKP — says that fascism’s attacks on democratic struggle give legitimacy to armed struggle. This quotation is therefore also an assessment of a situation and, based on the previous quotation, shows that AKÖ’s claim that democratic struggle and armed struggle are organised within the same hierarchical structure is wrong.

On page 53 AKÖ says that “DHKP-C” is a fighting organisation engaged in war. It again says this with reference to the same article in the same magazine. It goes on to claim that the organisation says only those who believe in “combatant resistance” and resist the enemy are legitimate. It is clear that this is AKÖ’s own interpretation, not a quotation. In DHKP terminology there is no concept of “combatant resistance”. All DHKP publications can be searched with a simple search function and it can be established that no such term exists. In other words, AKÖ is interpreting. In addition, when AKÖ says, again supposedly on the basis of the organisation’s analyses, that the state is regarded as “fascist” and “bourgeois”, it places the words “fascist” and “bourgeois” in quotation marks. In other words, according to AKÖ there is no fascist administration and no bourgeoisie in Turkey. Is it AKÖ’s task to protect the regime by claiming that Turkey’s regime is not fascist? And if this is AKÖ’s task, does that not reveal how it will view the opponents of that regime?

In the same article, AKÖ says the organisation refers to the democratic movement and states that even its smallest gain is sought to be destroyed by attack, that even distributing a magazine can become grounds for being martyred under torture, and that armed struggle is the only form of struggle capable of pushing fascism back. When all these quotations and interpretations are put together, what picture emerges? On what basis do these quotations show that armed struggle and democratic struggle are organised in the same hierarchical structure?

Again on page 53, in the “conclusion” to its findings, AKÖ says: “DHKP-C is determined to conduct struggle against the Turkish state by every means, whatever the price.” What are these “every means”? It is not clear. Looking at the article and the quotations, it might be thought that legal and illegal struggle are meant, but the quotations themselves contradict that. What, then, does AKÖ mean by “every means”? Biological or chemical weapons and weapons of mass killing? Making no distinction between guilty and innocent? It is not clear. But this is the impression it seeks to create.

Yet in the history of the DHKP there has been no mass killing that could be considered a crime against humanity, nor crimes against humanity such as torture.

The DHKP and DHKC have never had an understanding that regards every method as permissible. In their publications they have repeatedly condemned approaches that regard every means as permissible for the sake of the objective.

ITEM 54 — AKÖ REPORT DATED 1 OCTOBER 2013 CONCERNING ME

SA Bd II.2.4.2, pages 225–229

AKÖ states that, because I was arrested in Belgium in September 1999, it has known of me since then. It claims that between 2000 and 2002 I was responsible for the “DHKP-C” in the Netherlands and Belgium; that I had a close relationship with “DHKP-C” General Secretary Dursun KARATAŞ until August 2008; that from 2001 I was on the Europe Committee; that from at least August 2010 I was the “DHKP-C” Europe responsible; and that I used the code name Talat.

Yes, I was arrested in Belgium in September 1999. But the rest of this information is incorrect. There is no document supporting these allegations. It is not clear what AKÖ bases these findings on.

Talat is my middle name. It is not a code name. Even my father called me Talat. A code name is used in order to conceal a person’s identity. Yet from at least 2000 the Belgian police also knew that I used the name Talat. Everyone called me Talat even in the presence of the police. There was nothing secret about it and it could not have served as a code name, because it was already impossible for me to conceal my identity by using the name Talat.

The claim that I had a very close relationship with “DHKP-C” General Secretary Dursun KARATAŞ until his death is incorrect. Moreover, Dursun KARATAŞ was the General Secretary not of “DHKP-C” but of the DHKP.

I first knew the name Dursun KARATAŞ from 1981 onwards, because of the first defence he made as defendant number one in the Revolutionary Left Main Trial that began in Istanbul that year. From 1988 onwards, when the collective defence in the Main Trial began to be read, I organised many delegation visits to observe the proceedings. Although we did not meet face to face, he too became aware of my existence.

Throughout almost the entire period from 2000 to 2008 I was under surveillance by the Belgian and Dutch police. In other words, it would have been impossible for me to have the close relationship with Dayı that is alleged.

During the hearing the prosecutor also asked me whether Dayı and I were friends. Yes, I knew him and he knew me. But Dayı is a legend in my country and especially throughout the entire left movement. To be able to say that such a legendary person was “my friend” would, in my view, be flippant and arrogant.

After 1980, when no oppositional voice could be heard, he was the resisting voice of the peoples of Turkey following the junta. With his politics in the period 1978–80, when I became a revolutionary, he was one of those who broke the fascist occupations imposed by the civilian fascist movement throughout Turkey. From 1986 onwards he was also the architect and pioneer of policies that opened the way for democratic rights to be won in my country and, in a sense, made my country liveable again.

I have many friends. But what I feel towards him goes far beyond the concept of friendship. Unfortunately, contrary to what AKÖ says, I did not have a very close relationship with him until his death in 2008. He entrusted the final six days of his life and his death to me. I believe that I did everything I could to be worthy of that trust. His final wish was that his body be taken to Turkey and buried in a poor people’s cemetery somewhere in Anatolia. I did what I could to ensure that the funeral was held and that his body was transported to Turkey without obstruction.

I do not know why AKÖ says that from August 2010 I became the Europe responsible. The BND had claimed that when Dayı died in 2008, I became Europe responsible as part of a new division of duties within the organisation.

There is no organisation called “DHKP-C”. I am not a member of the DHKP, nor does the DHKP have an organisation in Europe.

In this AKÖ report there are a total of twenty-five points at which they claim to have identified me.

Nine concern occasions on which I was a speaker at public democratic events.

Eleven concern my attendance as a visitor at various social and cultural events.

Four concern interviews given by me.

One concerns the allegation that I brought Yürüyüş magazine from the Netherlands to Germany and distributed it.

It is alleged that on 22 April 2000 I spoke at a Europe-wide event in Hasselt, Netherlands.

First of all, Hasselt is not in the Netherlands. It is in Belgium.

The event was a commemoration of the martyrs. Yes, I probably spoke there. At that time I had been released from detention in the Belgian case, but one of my friends remained imprisoned. I must have spoken to announce the campaign seeking his release.

It is stated that on 24 February 2001 I attended an event in Dortmund concerning the F-Type prisons. I do not remember, but it is possible. I attend such events whenever I have time because I am sensitive to the issue.

This was certainly not a “DHKP-C” event because “DHKP-C” was already banned in Germany.

It is alleged that on 11 August 2001 I participated in a march organised by “DHKP-C” supporters to mark the 300th day of the death fast, and that at the end of the march I made a speech calling for solidarity with the prisoners.

I definitely do not remember taking part in a march in Frankfurt. In those years I tried to do something for prisoners at every opportunity, but I do not think I participated in a march in Frankfurt.

It is alleged that on 21 April 2001 I attended, as a visitor, the “DHKP-C party foundation night” in Den Bosch, Netherlands.

“DHKP-C” is not a party. From the time I came to Europe in 1979, I attended cultural nights held every year in March and April to commemorate revolutionary martyrs.

It is alleged that on 27 April 2002, in Leiden, Netherlands, I attended the “DHKP-C party foundation night” and read solidarity messages from different organisations around the world.

“DHKP-C” is not a party. That night too was a commemoration of revolutionary martyrs. Yes, I attended and read the solidarity messages. Nor was this a “DHKP-C” event.

It is alleged that on 10 September 2002, after a protest in Brussels by “DHKP-C” supporters, I took part in delivering to the European Parliament the signatures collected concerning the situation of prisoners in Turkey, and that I did so as the “DHKP-C responsible for the Netherlands”.

Yes, I took part in the signature campaign called “One Hundred Thousand Times No to the F-Types”. I was also the spokesperson for the delegation that delivered approximately 135,000 signatures to the President of the European Parliament — I think it was Martin Schulz. The signatures had been collected through a campaign conducted by the IKM. I hardly need to point out that Martin Schulz would not have received inside the European Parliament building signatures supposedly collected by a “DHKP-C” campaign from someone introducing himself as the “DHKP-C responsible for the Netherlands”. I remember that day very well. The European Parliament was holding its annual report debate on Turkey’s membership in the main chamber, and

our delegation was invited to observe. Meanwhile the Turkish government’s Foreign Minister had also arrived with a delegation to observe the sitting but was not admitted to the main chamber and had to wait in the corridor. So the President of the European Parliament supposedly treated the banned “DHKP-C” as honoured guests? AKÖ’s report is complete nonsense.

It is alleged that on 13 May 2002 I gave an interview to the “DHKP-C publication” Ekmek ve Adalet as a DHKC spokesperson regarding the EU’s inclusion of “DHKP-C” on the blacklist.

Ekmek ve Adalet is not a “DHKP-C” publication. Yes, I oppose the EU’s blacklisting of “DHKP-C”. I did not give the interview as a DHKC spokesperson; I gave it on behalf of the DHKC Brussels Information Office. Nor did I give the interview specifically to Ekmek ve Adalet. I gave it at a press conference at the information office on Rue Stevin in Brussels, attended by many Turkish and foreign journalists.

The DHKC Information Office was also a registered legal association. At that time Section 129b did not yet exist.

It is alleged that on 28 July 2002 I attended a picnic in Cologne organised by “DHKP-C” supporters, spoke about the prisoners on hunger strike in Turkey and called for assistance to them.

Yes, I attended the picnic, spoke about the prisoners and called for assistance to them. But the picnic was not organised by “DHKP-C” supporters. I think it was organised by the Anatolian Federation and was called “Dost Sofrası” [Table of Friends].

It is alleged that on 18 April 2004 I gave an interview to the “DHKP-C publication” Ekmek ve Adalet as spokesperson for the DHKC Information Office concerning the coordinated raids of 1 April in Turkey and Europe.

Ekmek ve Adalet is not a “DHKP-C” publication. I was one of those detained in Brussels on 1 April — in other words, I was one of the victims of the event. This interview too was given at a press statement. It was reported in various sections of the Turkish press. I stand behind every word I said there.

It is alleged that on 26 April 2003 I attended an evening organised on the occasion of the “DHKP-C party foundation day”.

“DHKP-C” is not a party. It is true that I attended. But the evening was a commemoration of revolutionary martyrs.

It is alleged that on 17 October 2004 I attended a concert in Cologne organised by the Anatolian Federation.

That is correct; I attended. As I have stated in my previous defences, I attended cultural events in Westfalen, where my wife also lived, whenever possible. Not only concerts but also theatre, stand-up and film premieres.

It is alleged that on 23 April 2005 I attended the “DHKP-C party foundation night” in Den Bosch, Netherlands.

“DHKP-C” is not a party. It is true; I may well have attended.

According to unconfirmed information, in June 2005 I regularly brought the “DHKP-C publication Yürüyüş” from the Netherlands for distribution in Germany and distributed it.

Yürüyüş is not a “DHKP-C” publication. I definitely did not bring it from the Netherlands for distribution in Germany and did not distribute it. I may not remember perfectly, but at that time Yürüyüş magazine was already being printed in Germany. Why would I have brought it from the Netherlands?

It is alleged that on 9 October 2005 I attended an Anatolian Federation concert in Cologne.

That may be true.

It is alleged that a reader’s letter I wrote was published in Özgür Politika newspaper dated 30 January 2007.

Yes, I sent a reader’s letter to Özgür Politika and it was published. I wrote and sent the letter while I was in prison in Belgium.

I am rather particular about matters of names. That is why I wrote the letter. They had described a DHKC action as a “Dev Sol” action and there were also accusations against a friend who was being tried in the same case as me. There is no organisation called Dev Sol. There is Revolutionary Left, and “Dev Sol” is not an abbreviation either. “Dev Sol” is what the bourgeois press writes. I found it strange to see this style of reporting in Özgür Politika, which is a left publication, and that is why I wrote the letter.

It is alleged that on 7 October 2007 I attended an Anatolian Federation concert in Cologne and sold “DHKP-C” magazines and books there.

I may have attended. But a structure called “DHKP-C” has no magazines or books. Moreover, even if “DHKP-C” had publications, I would not distribute them in Germany because “DHKP-C” is banned in Germany.

It is alleged that on 19 April 2008 I attended the “DHKP-C party foundation night” in Paris.

Yes, I attended the night in Paris. But “DHKP-C” is not a party. The evening was a commemoration of revolutionary martyrs. I went with a family who were friends of mine from the Netherlands.

Apparently an intelligence service also took large photographs of me outside the hall and supplied them to Sabah newspaper in Turkey, describing my friend and his twelve- or thirteen-year-old son as my bodyguards; Sabah then published the photographs prominently. Yet my friend’s wife and their younger child, aged five or six, were also with us.

I have never gone around with bodyguards. I always assumed I was under surveillance.

It is alleged that a statement I made concerning the death of DHKP General Secretary Dursun KARATAŞ was published in the “DHKP-C publication Yürüyüş” on 17 August 2008.

“DHKP-C” is not a party. Dursun KARATAŞ was the General Secretary of the DHKP, not of “DHKP-C”. Yürüyüş is not a “DHKP-C” publication either.

It is alleged that at a commemoration in Rotterdam on 20 September 2008 I was announced as the “interim leader of the DHKP-C”, gave an account of Karataş’s life and read the Party statement on the matter.

In Anatolia, on the fortieth day after someone dies, food is distributed in what is called the “fortieth-day meal”. Religious Muslims recite the Qur’an at the fortieth-day meal. We atheists hold a commemoration and play the music the deceased loved. This was a fortieth-day meal.

“DHKP-C” is not an organisation. Nor was I announced anywhere as its “interim leader”. No Party statement was read there, because the DHKP has never issued a “fortieth-day meal statement”. That is not part of the DHKP’s practice. Photographs from different periods of Dayı’s life were displayed there.

The lies in this report are also Alaattin ATEŞ’s lies, because he too attended the fortieth-day meal. Apparently the crow was not guiding only the BND.

It is alleged that on 12 December 2009 I participated as a speaker in an event in Wuppertal organised by “DHKP-C” for the fortieth anniversary of Revolutionary Youth.

“DHKP-C” is not an organisation capable of organising an event. I did not attend any event in Wuppertal and have never spoken at a youth night there.

It is alleged that on 23 January 2010 an information stand was set up in Hamburg-Altona in solidarity with those arrested in the Anatolian Federation case, and that photographs identified me as attending.

I definitely did not attend such an event. In any case, after my wife was arrested I hardly travelled to Germany.

It is alleged that photographs identify me as having attended an event on racism in Nuremberg on 6 June 2010.

I do not think I attended this event. Moreover, it is said that fifteen people attended. Why would I travel all the way from the Netherlands to Nuremberg to attend an event of fifteen people? It is illogical.

It is alleged that on 22 June 2010 “DHKP-C” held a thank-you meal in Belgium at the conclusion of the eleven-year Belgian “DHKP-C” case, and that I was identified in photographs.

The thank-you meal was in Brussels. Yes, I attended because it was also a case in which I myself had been tried. The event was not a “DHKP-C” event.

It is alleged that on 16 April 2011 I attended as a speaker the “DHKP-C party foundation event” in Liège, Belgium.

“DHKP-C” is not a party. I do not remember whether or not I attended. But I have never, anywhere, called for violence, nor have I threatened that actions would be carried out in Turkey.

It is claimed that in my speech there I said that struggle in Europe must be appropriate to European conditions, that it must be different from Turkey and that policies appropriate to local conditions must be developed.

Yes, I believe that in Europe people must organise in a way specific to Europe, based on local demands and local problems. But I do not remember making such a speech at that event.

DOCUMENT LIST 1A — ITEM 55

AKÖ report dated 1 January 2017 concerning Gündoğdu

SA Bd I.3.2.1 (pages 496–506)

A) General Line of “DHKP-C” Publications

Since there is no organisation called “DHKP-C”, it cannot have publications either.

AKÖ claims that “DHKP-C” and its predecessor Revolutionary Left regularly published the magazines Mücadele, Kurtuluş, Vatan, Ekmek ve Adalet and Yürüyüş.

In its other reports and annual reports, however, AKÖ gives the names of many publications besides these. When all of them are put together, it becomes clear that it has labelled dozens of publications as “DHKP-C” publications.

It claims that the common feature of all these publications is that they propagate the political analyses of “DHKP-C”. Yet it cannot give a single example of what political analyses it is referring to, because it is speaking by rote and merely asserting.

It also claims that the contents of these publications reflect “DHKP-C” ideas. Is there an example? Again, no.

It claims that these publications continually publish positive material about “DHKP-C”. Does it provide an example? Again, no. In this section it examines Gündoğdu magazine. It devotes ten pages to the subject. In the examples and examination contained in those ten pages, not a single use of the terms DHKP-C, DHKP or DHKC appears in Gündoğdu. Nor can it give a single example of any of the ideas of Mahir ÇAYAN or Dursun KARATAŞ — the ideas and conceptions of revolution and organisation that we have referred to in previous sections as the “DHKP-C” conception — having been published in Gündoğdu. There is no such example.

Personally, I have not seen every issue of Gündoğdu, because some of the issues cited here were published after my arrest, and I did not see some of the earlier ones either. Nevertheless I am certain that Gündoğdu would not contain articles presenting “DHKP-C” ideas, because as far as I know Gündoğdu is a magazine aimed solely at people from Turkey living in Europe, while “DHKP-C” has no policies or organisation concerning the problems of people from Turkey living in Europe. Had there been even one such example, AKÖ would certainly not have missed it and would have included it in this ten-page report.

It is claimed that in news about “DHKP-C” actions in Turkey these publications do not distance themselves from the “DHKP-C” actions. Here the publication in question is Gündoğdu. Has Gündoğdu published news or commentary about “DHKP-C” attacks in Turkey from which it would then need to distance itself?

Why should it distance itself? Why must a publication that does not report or comment on “DHKP-C” nevertheless explicitly distance itself? In my view, by not reporting or commenting on “DHKP-C” ideas and actions it has already distanced itself — and quite substantially. What does AKÖ mean by distancing itself? Does it count as distancing itself only if, without any reason, the publication denounces and conducts counter-propaganda?

B) Gündoğdu in General

Gündoğdu — Gündoğdu for Europe — is a Turkish-language publication that began publication on 1 September 2015. Its last known issue was No. 10, dated 13–26 March 2017. According to AKÖ’s criteria, “this internet publication is a DHKP-C publication”.

I do not know exactly what AKÖ’s criteria are on this matter. Nor do I know whether such official criteria exist.

The word “criteria” means standards of measurement that must be based on concrete data. Yet AKÖ does not state according to which criteria it acts in relation to Gündoğdu.

The subjective character of AKÖ’s criteria is evident in all the following items of the report. We can therefore examine the report heading by heading and item by item.

C) AKÖ’s Assessment of Gündoğdu’s Content

AKÖ says that “when its language and content are considered, it is obvious that Gündoğdu is a DHKP-C publication”.

I do not want to make jokes about such a serious matter, because joking would deny its seriousness. However baseless this report may be, it will undoubtedly have consequences. The very fact that AKÖ prepares a report on a publication means in practice that the publication will be banned. A ban will then bring consequences extending to surveillance, prosecution, investigation, operations and arrests.

What does AKÖ mean when it says that Gündoğdu’s language is the same as the language of DHKP-C? Does it mean Turkish? Yes, Gündoğdu uses the same language — Turkish — as the other publications AKÖ calls DHKP-C publications.

Perhaps by “language” AKÖ means a certain jargon. In that case it must provide examples. But it avoids giving concrete examples.

AKÖ also speaks of similarity in content. I will address that assessment within the framework of the examples given in the following sections.

Style:

It claims that Gündoğdu has the same style as the banned Yürüyüş. It claims that the way events are justified and the rhetoric used show the same ideological approach, the same Marxist-Leninist organisational conception, fundamental concepts, slogans, ideological approach and formulations.

AKÖ’s measurements concerning style are abstract and subjective. It gives no concrete example. The only thing it says is that the articles use propagandistic, militant and socialist concepts.

The literal meaning of propaganda is a way of presenting matters by appealing to emotions. Yet the examples given contradict this, because the subjects cited — racism, degeneration and so on — are dealt with through concrete data. In any event, presenting a subject in a way that appeals to emotions does not indicate a common political commitment. Take all poets: without exception they appeal to emotions. Yet no one claims that because of this style all poets belong to the DHKP-C line.

It says they use militant concepts. This too is highly subjective. Anyone or any outlook that believes it has a claim and a mission uses militant or struggle-oriented concepts, whether right-wing or left-wing. That does not make them part of the DHKP-C line.

It says they use socialist concepts. What is a “socialist concept”? Proletariat, working class, socialist revolution, dictatorship of the proletariat, communism, class struggle, working-class party, alliance of classes and so on are among the most common socialist concepts. Does Gündoğdu speak of these? No. These concepts are not used in the examples given. Nor does Gündoğdu anywhere claim to be an ML socialist publication.

AKÖ is not merely subjective. It insists that the labels existing in its own mind are reality and builds all its allegations on that basis.

It also speaks of an ML organisational conception. Which ML organisation does Gündoğdu talk about? None. This is an entirely fabricated label.

Objectives:

AKÖ says that Gündoğdu presents itself as a publication against racism and degeneration among people from Turkey living in Europe. Yes, that is correct. But what is wrong with that? Why should opposing racism and degeneration be grounds for a ban?

AKÖ also says that, as stated in Gündoğdu itself, the publication’s name comes from a popular folk song/march that became widespread in Turkey in the 1960s. Yes, that too is correct. But why is that objectionable? Why should it be banned because of this? This march has been sung in Turkey for sixty years and has not been banned even during periods of military coups. Why should its name be banned in Germany? AKÖ can have no answer to these questions.

Ideological Expressions:

“Every person whose door we knock on opens their door.” (Issue 3.) This is an Anatolian tradition. When you knock on someone’s door, they invite you in. It is a tradition thousands of years old. Why do you knock on someone’s door? Because you have a concern, a problem or something you want to explain. This has nothing to do with the ideological discourse of an organisation banned under Section 129b. Unless they are reactionary, Islamist or fascist, people generally open their doors.

“Degeneration in Europe.” (Issue 4.) Yes, there is degeneration among our people living in Europe. There is estrangement from one’s own culture. Degeneration means drugs, prostitution and gambling. Opposing these cannot be labelled an ideological expression. Apparently degeneration has an important place in DHKP-C’s organising. What should Gündoğdu have done — organised degeneration?

“We too are right.” (Issue 6.) “Here we are not only legal. We are also right. We are an alternative.” This wording is labelled ideological because the word “right” is used. Saying that you are right cannot be an offence. AKÖ here wants to show that it understands the whole word from the first syllable, linking it to the slogan “We Are Right, We Will Win”.

“We Resisted, We Won; We Are Right, We Will Win!” (Issue 7.) The context in which these words were used is not explained. But this approach shows a political dogmatism heading towards banning words themselves.

“Let us establish Grup Yorum choirs everywhere. Let us organise in People’s Assemblies in Europe.” (Issue 7.) Grup Yorum is a collective music group that performs the songs of Anatolian resistance. The people it reaches are not only revolutionaries. It is a music group that has been able to gather more than a million people at its concerts in Turkey. No other musician in Turkey apart from Grup Yorum has been able to attract hundreds of thousands. Its albums have always broken records in Turkey. Of course life itself and every way of life is ideological. People’s Assemblies are also among the most flexible forms of organisation found throughout the world. People’s Assemblies did not begin with Revolutionary Left or the DHKP. Today, for example, Kurds in Germany have widespread People’s Assembly organisation and activity. Gündoğdu’s treatment of this subject cannot make it a banned publication.

“What does the constitutional amendment referendum mean?” (Issue 10.) Yes, it dealt with this issue. It explained that repression would not decrease but increase under the presidential system and that the referendum was not a solution. Are these words ideological? Yes. But why is opposing the referendum an offence? Was DHKP-C the only force opposing the referendum? Was Gündoğdu obliged to support Erdoğan and the AKP? Because AKÖ is looking for a calf under an ox, it has to come up with such wretched reasons. It has nothing else to say. If AKÖ supports Erdoğan, that is the problem of AKÖ and of the political power to which it is attached. It does not concern me. I am already certain that AKÖ has always defended the established order in Turkey, regarded it as an ally and supported all the repression and massacres of the regime. The AKÖ reports we have examined in this case alone are clear evidence of this.

Relations with the DHKC:

What does AKÖ say?

“DHKC is the military wing of DHKP-C.” Beginning with that sentence naturally creates an expectation that it will prove an organic connection between Gündoğdu and the military wing — that is, armed action and guerrilla activity. Let us see how AKÖ establishes this connection.

First it says: “DHKP-C conducts political and propaganda activity in Germany in the name of the European People’s Front.” On what concrete evidence is this finding based? On none. It simply says so.

How, then, is Gündoğdu connected? In its first issue Gündoğdu wrote that “the European People’s Front also attended the Humanity Festival in Paris, the world’s largest anti-fascist gathering. There it explained our struggle in our country to the peoples of the world and anti-imperialist organisations and institutions.”

AKÖ even places the words “our country” and “our struggle” specially in quotation marks. Why? Because these words are its only evidence.

You see? We have all now witnessed how AKÖ supposedly exposes with such eagle-eyed skill Gündoğdu’s military relations with the DHKC in Turkey.

Relations with the Anatolian Federation:

AKÖ says: “DHKP-C conducts political and propaganda activity in Germany in the name of the Anatolian Federation, its front organisation.” Here it has merely substituted the name Anatolian Federation for European People’s Front, and thereby supposedly produced all the evidence needed to prove its claim.

In one article Gündoğdu said that German imperialism “shows its support for repression [in Turkey] through operations against the Anatolian Federation and its supporters”.

Are the facts otherwise, such that saying this becomes an offence? Operations against the Anatolian Federation are conducted under Section 129b. Under Section 129b, the first step required before a public prosecution can be opened is an authorisation to prosecute from the Ministry of Justice. Whether that authorisation is given depends solely on whether the relevant state is taken under protection as an ally. Naturally, therefore, issuing such an authorisation is concrete proof that the regime of the state concerned has been taken under protection. There is nothing wrong in Gündoğdu’s observation; it points to reality.

What, then, does AKÖ say? It says: “Gündoğdu must not write the truth. If it does, it too should be subjected to the same ban, prohibited and subjected to raids and operations.”

Association Discourse:

AKÖ says: “DHKP-C organises in numerous associations in Germany and through association activity develops relations of friendship and a sense of belonging.”

In Issue 3 Gündoğdu made seventeen recommendations about our lives in Europe — the lives of people from Turkey. One of them was: “Take your children to the nearest association. Associations are our home.” Look at the offence!

What did Gündoğdu say? Did it say, "Take your children to DHKP-C associations"? No. Did it say, "Take them to Anatolian Federation associations"? No. What did it say? "Take them to the nearest association." But when our detective is called AKÖ, there is no need for concrete data or legal evidence. Reading intentions is enough, and AKÖ's speciality is reading intentions. It obtains its findings through fortune-telling.

On 27 September 2015, a Facebook page carried a call to a People's Meeting on "refugee problems" at an association called Dayev.

What is wrong with that? What is criminal about holding a meeting on a subject discussed throughout Germany and indeed the whole world?

Moreover, the report in question concerns Gündoğdu, yet it is not even clear that this Facebook call was made by Gündoğdu or, if Gündoğdu had a Facebook page, that it appeared there. And even if Gündoğdu had made the call, so what?

Issue 7 of Gündoğdu carried an article on the history of imprisonment of the Turkish left in European prisons. It referred to the eighty-six-week sit-in outside Cologne Cathedral organised by the Freedom Committee in solidarity with Anatolian Federation President Nurhan ERDEM, Cengiz OBAN and Ahmet İSTANBULLU, and stated that Freedom Committee member Ünal Kaplan DÜZYAR was also arrested after these actions.

Now let us come to AKÖ's association-linkage scenario:

Dayev is supposedly a "DHKP-C" association.

ERDEM, OBAN and İSTANBULLU were convicted by the Düsseldorf Higher Regional Court on 16 December 2010 for being "DHKP-C" leaders.

The Anatolian Federation is supposedly a front organisation of "DHKP-C".

DÜZYAR was convicted by the Düsseldorf Higher Regional Court on 9 February 2012 for "DHKP-C" membership.

What more need be said, what more evidence is needed? For AKÖ everything is perfectly clear. Gündoğdu is a "DHKP-C" publication, an association-type organisation of the terrorist organisation. Conclusion: they too should be arrested.

But even this much evidence is not enough for AKÖ, because it prepared this report for use in the case against me personally. It adds: "In 2017 a Freedom Committee for Musa AŞOĞLU was established in Hamburg."

Now let us examine AKÖ's data one by one.

Dayev is supposedly the "DHKP-C" association in Dortmund. First of all, let us note that there is no official ban on Dayev. But "DHKP-C" is banned in Germany. In that case, why and how does Dayev continue to exist in Dortmund? AKÖ does not even call Dayev a front organisation. It directly calls it a "DHKP-C" organisation. If that is so, how is Dayev's continued existence to be explained? Are the guardians of the law in Germany so helpless? Yes, the guardians of the law are HELPLESS — not because Dayev has not been closed, but because although no court has made any such decision against Dayev, they are incapable of defending their own Constitution, which guarantees the right of democratic organisation, against such arbitrary accusations by a constitutional institution such as AKÖ.

Likewise, the allegation that the Anatolian Federation is a "DHKP-C" front organisation has not yet led to criminal proceedings against the Federation itself. But its members become "terrorists", and its democratic activities, although not prohibited, are enough for AKÖ to stamp them "terrorist".

In addition, to portray the Anatolian Federation and Freedom Committees as terrorist, AKÖ cites the fact that some of their members were sentenced by the Düsseldorf Higher Regional Court to long prison terms for terrorist-organisation membership.

Again we have a chicken-and-egg situation. Anatolian Federation members were themselves convicted principally on the basis of AKÖ reports and through AKÖ's direct guidance of law-enforcement bodies and

prosecutors. The court judgments concerned are already copies of AKÖ reports. First the members are convicted on fabricated grounds; then the democratic institutions to which they belong are stamped “terrorist”.

It also brings within the same framework the establishment of a solidarity committee for me. What does a solidarity committee concerning me have to do with Gündoğdu? According to AKÖ’s footnote, the announcement of this committee was published on the internet page of someone called Devrim Kurtuluş.

Moreover, Freedom Committees are not an organisation. In Turkey the expression “Freedom Committee” is used for temporary, limited committees formed for the specific purpose of supporting the freedom of a particular person or several individuals. How AKÖ creates an organisation out of this expression is unknown.

Another point that must be taken seriously is AKÖ’s identification of new targets. In this report it states that a solidarity committee for me was established. In its annual report it goes into even more detail and describes the demand for my freedom as a “DHKP-C terrorist activity”.

Thus those who demand my freedom are “DHKP-C members”, and those who come here to observe the trial are “DHKP-C terrorists”!

Well, are “DHKP-C membership”, “DHKP-C organisations” and “DHKP-C activities” not banned in Germany? And is one of AKÖ’s duties not to prevent terrorist actions? I am genuinely curious where this logic will lead. I would not even be surprised if official restrictions were soon imposed on the public nature of hearings. AKÖ has already made such threats in its annual report.

Statements Concerning Those Arrested for Membership

In an article in Issue 3, Gündoğdu addressed people from Turkey living abroad and said: “At births, weddings, funerals, in hospitals and during imprisonment, let us not forget people; let us stand by them.”

The next article concerned a court decision relating to members of the Anatolian Federation in Stuttgart. Supposedly the expression “our tradition of defence” appeared in the article. It should be “our tradition of standing by our people”, not defence.

In a footnote explaining the phrase “let us not forget people during imprisonment” in the first article, AKÖ refers to “DHKP-C political prisoners in Germany” and comments that “extrajudicial investigations by the fascist German state against migrants” are among the organisation’s principal themes.

AKÖ is simply inventing things and trying to provoke the authorities to whom it submitted this report.

First of all, the article contains nothing about “DHKP-C political prisoners”. Secondly, the claim that there is a fascist regime in Germany is itself an invention.

I have not seen the original article, and AKÖ did not attach it. But I do not consider it possible that Gündoğdu contains an assessment that Germany has a fascist regime. If Gündoğdu does contain such an assessment, its only meaning would be evidence that Gündoğdu has nothing whatsoever to do with “DHKP-C”, because both Mahir ÇAYAN and Dursun KARATAŞ say that countries such as Germany have bourgeois democracy.

Of course there are fascists and a fascist movement in Germany, and the terror of that fascist movement against migrants is beyond dispute. Between 1990 and 2018 alone, 169 people were proven to have been martyred in attacks against migrants carried out by fascist and right-wing movements in Germany.

The covert and direct relations of AKÖ with those who committed these 169 murders are also a public and indisputable reality. AKÖ identifies itself so much with these fascist terror organisations that it interprets even mentioning these fascists as calling the German state fascist and then uses that interpretation to try to provoke our court.

Issue 6 of Gündoğdu reportedly said: “Let us stand by those who pay a price in prison for our future.”

Naturally this too does not escape the eye of the master detective AKÖ. AKÖ says: “By prisoners they mean detained DHKP-C members.” Were the Pink Panther not one of the heroes of our childhood, I might call this

Pink Panther detective work, but there is nothing lovable or sympathetic about this mentality. Nor is there any indication whether "prisoners" means prisoners in Turkey or in Europe.

Moreover, there is no such thing as a detained "DHKP-C member". But if Gündoğdu had meant DHKP-C prisoners when it said prisoners, it could simply have written that.

Issue 10 of Gündoğdu apparently carried a report about a Long March organised in relation to me.

AKÖ's footnote states that I was arrested on 2 December 2016 pursuant to the arrest warrant issued against me in 2013 and that the Federal Prosecutor had been investigating me since 2012 for membership as a high-ranking Party cadre of a terrorist organisation. I do not understand what a "high-ranking member" is supposed to mean, but by now I do not find it very meaningful to look for logic in AKÖ reports.

AKÖ's only logic here is to target those who showed solidarity by participating in the Long March.

Gündoğdu Announced DHKP-C Members/"Martyrs"

When AKÖ uses this heading it places the word "Martyrs" in quotation marks. Let us assume that AKÖ does not regard them as martyrs. It may think that. But this is a heading of AKÖ's own making. It could have used another heading or referred to these people who died in whatever terms it considers appropriate. It does not. Instead it uses quotation marks to mock the term.

Let us now come to the issue of the martyrs in question.

Issue 4 of Gündoğdu carried an article headed "All of Us for One, One of Us for All", which gave solidarity with Güler ZERE and Berkin ELVAN and the people's support for them as examples of solidarity.

Güler ZERE was a woman who developed cancer during more than fifteen years of imprisonment for DHKC membership. She was released after a months-long campaign involving thousands of people demanding her release because of her illness. In the end the state was forced to release her. Her care and medicine were also provided through popular solidarity. At least she was able to face death as a free person.

Berkin ELVAN was a fourteen-year-old child. During the period known as the Gezi events, while going out to buy bread, police shot him in the head at close range with a tear-gas launcher. He remained in a coma for months and died without regaining consciousness.

Berkin became a symbol of the Gezi Resistance. The police and media of the Republic of Turkey nevertheless spent months claiming that he was a terrorist. While Berkin lay in a coma, a very broad campaign was organised around the slogans "Hold On, Berkin" and "Wake Up, Berkin". Hundreds of thousands of people in Turkey and around the world joined the campaign. But he could not hold on to life and died. Three million people attended his funeral.

Recep Tayyip ERDOĞAN publicly branded Berkin's mother a "terrorist mother" in the press and before the public, and fascist gangs were set upon her and assaulted her.

These, then, are the "DHKP-C terrorists" AKÖ speaks of.

AKÖ says: "DHKP-C exploited the death of Berkin ELVAN, who was killed in Turkey." Who killed Berkin? The Turkish state killed him. Yet without shame AKÖ says, "DHKP-C exploited Berkin's death." How did it supposedly exploit it? Again, there is no answer.

Yes, demonstrations of solidarity with Berkin were held very widely. The People's Front exposed Berkin's killers before the whole world, and Berkin was sent into eternity with perhaps one of the largest mass funerals in the world.

That is what disturbs AKÖ. What should have been done instead?

Should a cancer patient not have been supported? Should the murderer of a child have been ignored? And even that would not be enough: not only should they not be supported, but should even reports about them have

been suppressed and buried in silence? AKÖ may not know it, but something called conscience still exists in human beings and among the peoples of the world.

Issue 5 of Gündoğdu said that five revolutionaries had received prison sentences of up to several years because “they took part in organising a Grup Yorum concert”.

Did that not happen? Is it a lie? Were four of them not sentenced by the Stuttgart Higher Regional Court and one by the Düsseldorf Higher Regional Court to prison terms of up to six years?

Issue 6 of Gündoğdu carried a report about a woman named Evin TİMTİK, who had conducted a hunger strike lasting sixty-seven days because her residence rights had been arbitrarily obstructed, and about a police raid on the Austrian Anatolian Federation premises on the fifty-fourth day of her resistance, during which she and seven other people were detained.

The people were detained and then released. What, then, is the heading of the AKÖ report in which this matter appears? Is Evin a “DHKP-C martyr”? Neither she nor the others are. Why, then, does it disturb AKÖ that Evin, as someone who had sought asylum in Austria, should demand rights from Austria? It is impossible to understand such fury and hatred.

AKÖ says that the German Federal Prosecutor has a Section 129b investigation concerning Evin TİMTİK.

I do not know whether investigations in Germany are made public. As far as I know, even lawyers of people under investigation need not be given an answer, at least not a correct one. Perhaps the federal prosecutors conduct their investigations under AKÖ supervision. But how is Gündoğdu expected to know that such an investigation exists? And because it did not know, reporting about her becomes an offence!

Moreover, the fact that someone is under investigation does not necessarily mean that they are guilty. If the investigation itself is proof of the offence, even the prosecutor’s application for an arrest warrant becomes meaningless, because judgment has already been given. All that remains is the approving signature of a court panel.

Will Germany’s constitutional order be safeguarded by turning Germany into such a country? THIS is the Germany AKÖ wants. The treatment currently imposed on revolutionaries from Turkey under Section 129b is the first step in preparing such a Germany.

Issue 7 of Gündoğdu is said to have committed an offence by reporting on Bülent DİL, who travelled to Turkey from Britain and was killed by police in Adana in 1998.

I do not know whether there is such an offence in Germany. Is there a law in Germany banning reports about people killed or arrested by the Turkish police? If there is, AKÖ has a great deal more work to do. For example, I have been in prison for almost two years and during this period I have followed the German press and agenda. In those two years I have not heard a single positive report about the AKP-Erdoğan government in the German press. In that case AKÖ should also accuse everyone who reports on Deniz YÜCEL, STEUDNER, Meşale TOLU, Mark ZİRNGAST, the American pastor and others tried in detention for “membership of a terrorist organisation”, and everyone who does not distance themselves from them, of membership of those terrorist organisations and place them under surveillance. In other words it would have to openly support Erdoğan.

Issue 9 of Gündoğdu reportedly gave the names of five people under the heading “our martyrs who fell abroad”.

Who these five names are is not stated.

What connection these five people have with “DHKP-C” is not stated. In that case, should we not ask what offence Gündoğdu has supposedly committed?

Most probably these five were democrats who lost their lives through illness or traffic accidents, or were people who died as a result of racist or gang attacks.

THERE you have the evidence supposedly demonstrating Gündoğdu's relationship and connection with "DHKP-C", uncovered by the glorious AKÖ after its profound research!

CONNECTIONS WITH GRUP YORUM

We dealt with AKÖ's obsession with Grup YORUM under Item 51 as well. But in this item too AKÖ cannot restrain itself on the subject of Grup YORUM. It seems to labour under the delusion: "If I finish Grup YORUM, I will finish DHKP-C as well."

In the first paragraph of the report AKÖ sets out its new interpretations concerning Grup YORUM. According to AKÖ's estimates, Grup YORUM is "an internal organisation of DHKP-C", in other words "an integral structure".

As the word itself indicates, AKÖ is making an estimate. Of course it may make estimates. But before making an estimate it must have data. You can estimate the outcome of an event or undertaking, but you can do so only on the basis of available data. To estimate both the event and its outcome without any data is like practising magic or fortune-telling, with no scientific basis. AKÖ is fortune-telling.

AKÖ says: "Grup YORUM was founded in 1985. DHKP-C was founded in 1994." In that case how can Grup YORUM be an "integral structure" of "DHKP-C"? Moreover, the reports and decisions of the founding congresses of the Party and Front were submitted to the court as evidence under Items 1 and 2. Nowhere in the congress documents is there any mention of either the DHKP or DHKC having a musical wing. And how can a music group whose members continually change and which constantly renews itself be an integral structure of a cadre organisation?

What is an integral structure of an organisation? A Central Committee, General Committee, Congress, political-military commissariat or some other organisational body perhaps. But of one thing I am certain: a music group can never be an integrated part of either a legal or illegal organisational structure, because each component that constitutes an organisation is an organisational organ. Whatever its character, a music group cannot be an organisational organ. There is no such example anywhere in the world.

AKÖ says: "Grup YORUM defines itself as the Voice of the Peoples of Anatolia, says that it is part of the struggle for Rights and Freedoms and that it has a revolutionary socialist understanding of music." How does AKÖ interpret Grup YORUM defining itself in this way so as to present it as evidence that it is "an integrated structure of DHKP-C"? It does not say.

AKÖ continues inventing: "It regularly participates in DHKP-C protest actions in Turkey, and takes part in marches, strikes and occupations."

Does "DHKP-C" organise protest actions, marches, strikes and occupations in Turkey? No. Neither the DHKP nor the DHKC has a conception of organising actions such as occupations, strikes or protest demonstrations, and there is not a single example of such activity. As far as I know their banners were carried at one or two May Day marches in Istanbul in the 1990s, but those carrying them were sympathisers. Apart from that, neither the DHKP nor the DHKC has conducted a single legal activity, occupation, strike or similar action.

AKÖ says: "Since the group was founded, it is striking, thematically too, that there have been cadre and ideological crossovers between it and DHKP-C."

How is this supposedly striking? How does AKÖ see something no one else can see? Moreover, it says this has been the case since the group was founded and that there have been cadre crossovers with DHKP-C. Let us repeat: Grup YORUM was founded in 1985, while the DHKP and DHKC were founded in 1994. So how did these crossovers supposedly occur? Which fighter or guerrilla has ever moved into Grup YORUM, and which Grup YORUM member has become a guerrilla? There is not a single example.

Now let us come to Gündoğdu's supposed connections with Grup YORUM. When we say a connection, we mean an organic link. Let us see what kind of organic link is alleged.

AKÖ says that Issue 1 of Gündoğdu contained news about Grup YORUM. In fact there was not even a news report specifically about Grup YORUM. There was a report on a concert in Oberhausen on 14 November 2015 at which Grup YORUM also appeared. It explained that the concert had been organised by volunteers and that in its fourth year attendance had increased each year. It also said that the arrest of members of the Anatolian Federation who had helped organise these concerts showed the true face of European democracies. In other words, there is no connection with Grup YORUM here.

An article in Issue 3 of Gündoğdu said: "No objective is impossible to achieve. We have an objective. By raising the consciousness of and organising our people living abroad, we will strengthen the solidarity of the peoples of the world against racism and thereby provide maximum support to the struggle in our country." It continued: "The path to great objectives lies in breaking down the status quo and bureaucracy in our minds and embracing our duties militantly." These words were written in relation to the target of bringing 20,000 people to the fourth large concert mentioned in Issue 1.

First, none of these three quotations contains anything establishing a connection with Grup YORUM. Moreover, the passages are life experience and advice that could apply to any person; there is nothing ideologically distinctive about them.

Look at what we have been reduced to: we now find ourselves seeking comfort in saying that there is no offence in a thought. Yet by definition thought is ideology, and it must never be banned. But through AKÖ's ingenuity thought-banning is being produced, exactly as in this report.

Issue 4 of Gündoğdu also carried an article about the Grup YORUM concert, saying "the people's labour, the enthusiasm of the youth = 20,000". Again this article was not about Grup YORUM; it concerned the target of bringing 20,000 people to the fourth large anti-racism concert. Again there is no connection with Grup YORUM.

An article in Issue 5 of Gündoğdu dealt with the theme "We Are Here, We Exist, They Could Not Silence Us". The subject was again the fourth large concert. These large concerts are annual anti-racist events held under the slogan "One Voice, One Heart Against Racism". AKÖ tried through threats to prevent the fourth concert. The owner of the hall did not submit to the threat. But AKÖ prevented visas from being issued to Grup YORUM members and those who did have visas were turned back at the airport. Nevertheless 7,000 people came to the concert and sang Grup YORUM songs themselves. The article dealt with this refusal of the people to bow down. Again, there is no organisational connection with Grup YORUM.

An article in Issue 7 of Gündoğdu dealt with thousands of people holding a rally in Gladbeck and singing Grup YORUM songs despite the obstruction of the fifth major festival, "One Voice, One Heart Against Racism". Grup YORUM had been prevented from attending through visa bans, while AKÖ's threats frightened the owners of the festival site into cancelling the rental agreement.

When the festival was effectively banned, German democrats and solidarity activists took the lead in organising a rally under the same name to protest against AKÖ's threats and bans. The article expressed determination in the words: "We Resisted, We Won, Because We Are Right and We Will Win", and emphasised that the struggle against racism could not be stopped by such bans.

The municipality, acting on AKÖ's instructions, was also preventing the right to hold the rally. For this reason a tent and sit-in action lasting twenty-three days was organised outside Gladbeck municipality and the right to rally was won. AKÖ agents attended meetings with the municipality concerning both the festival and the rally, and even spoke on behalf of the municipality. For example, in meetings attended by the municipality they threatened the Gladbeck Alevi Association, which owned the festival site: "If you let them use your premises, we will obstruct your projects with the municipality, have your operating licence revoked and the police will frequently come to your premises." They displayed outright bullying, while the municipality remained silent and helpless in the face of AKÖ's arbitrariness.

The sit-in was also attacked by fascists and by people from mosques in the area. A German woman who supported the sit-in was beaten by fascists, and on the day of the rally there was an attempted raid and attack with knives and baseball bats by the gang called Osmanen Germania.

After the rally, Gündoğdu published an article describing this whole process as "We Resisted, We Won". In other words, once again there is nothing showing any relationship or connection between Grup YORUM and Gündoğdu.

We have examined line by line AKÖ's report seeking to demonstrate a Gündoğdu–Grup YORUM connection, and it has become clear that there is not a single such connection.

Gündoğdu is an internet newspaper. It is not a particularly influential media outlet. Yet AKÖ's serious attacks on it are evident. What did Gündoğdu do? It carried out the basic duty of any press organ: reporting news. AKÖ's attitude towards Gündoğdu is identical to what the Erdoğan governmental system does to the press in Turkey, because they share the same prohibitive mentality.

"YÜRÜYÜŞ-STYLE" EXPRESSIONS

Issue 9 of Gündoğdu published a historical article by the European People's Front concerning prisoners and people who had lost their lives in Europe. In this article the European People's Front wrote that it had a ten-year history and that during that period it had been deficient in these matters, and so on.

According to AKÖ, a series of articles on the same subject, under the title "Our Tradition and Resistance in Europe", was also published in Yürüyüş. On this basis AKÖ claims that Gündoğdu publishes expressions in the style of Yürüyüş and therefore seeks to have it banned like Yürüyüş. Yet the article was written by the European People's Front and Gündoğdu merely published it. There is no relationship whatsoever with Yürüyüş.

AKÖ says that Issue 5 of Gündoğdu published a photograph of a person it called a martyr. What a discovery! Who this martyr was is not even stated. And what does publishing a photograph of someone described as a martyr have to do with Yürüyüş-style discourse? Does only Yürüyüş have the right to publish the photograph? Moreover, what possible connection can a photograph have with the same expression or discourse?

Issue 6 of Gündoğdu published a photograph of Mahir ÇAYAN and Dursun KARATAŞ alongside an article. AKÖ adds that Mahir was the ideological predecessor of "DHKP-C" and Dayı its founder and General Secretary. What part of this demonstrates a common style of expression or discourse with Yürüyüş?

Under this heading AKÖ tries to prove that Yürüyüş and Gündoğdu supposedly share a common discourse. Yet it is obvious that none of the examples it provides demonstrates this. Photographs of Mahir and Dayı are not expressions or discourse. And there is not a single press organ in Turkey that has never published their photographs.

If we approach the matter with AKÖ's logic, should numerous German press organs also be banned merely because they have published photographs of Baader and Meinhof? Perhaps much of the German press distances itself from them, but there are also many publications that do not. How do we explain that? There can be no basis for this positive discrimination other than the fact that they were native Germans, while Gündoğdu's people are dark-haired Germans of Middle Eastern appearance. This too is an indication that AKÖ tramples Germany's Constitution underfoot when it comes to racism.

INTERNET PLATFORM

AKÖ says that Halkın Sesi-TV is DHKP-C's internet platform for addressing the public.

Halkın Sesi reportedly carried news that Issue 489 of Yürüyüş had been published.

The same issue of Yürüyüş reportedly contained an announcement that Gündoğdu had been published.

That issue of Yürüyüş also reportedly contained an announcement that a new issue of Devrimci Sol magazine had been published.

The Devrimci Sol magazine in question reportedly carried an article and a photograph concerning an action in which a prosecutor was taken hostage by the DHKP-C, and DHKP and DHKC emblems — flags — could be seen hanging on the wall in the photograph.

The same photograph also appeared on the cover of Issue 463 of Yürüyüş.

Let us try to put these fantasies back on their feet.

Halkın Sesi-TV is not an internet platform. It is the website of Halkın Sesi-TV.

A website and an internet platform differ technically as well as in form and content.

If the prosecution and the panel lack the technical knowledge on this subject, I REQUEST that an expert establish that halkinsesi-tv is a website, not a platform, and that on the basis of that finding AKÖ's allegations under this heading be ruled a baseless label.

AKÖ adds that both the two people who carried out the hostage action and the prosecutor were killed. But it carefully avoids saying who killed them.

The prosecutor concerned was the prosecutor handling the case of Berkin ELVAN, who was martyred at the age of fourteen. A publication ban had been imposed on reporting concerning Berkin's killing, his killers were protected and allowed to continue in their posts. Indeed President ERDOĞAN himself publicly declared them to be "heroes who did their duty for the survival of the state". The prosecutor had been personally appointed to the case by the Ministry of Justice.

The hostage action was carried out by the DHKC. The demand of the militants was that the identities of Berkin's protected killers be disclosed. Those facts were plainly contained in the file that had been subjected to the publication ban.

The action had an enormous impact and was carried for hours throughout the Turkish media. The militants contacted the press using video-capable mobile phones and conveyed to the whole of Turkey the facts concerning Berkin's killing. The action achieved its objective. The militants also spoke with Berkin's parents. Berkin's father asked to act as mediator so that the action could end without another death, and this was accepted. A number of intellectuals, writers and MPs also came with Berkin's father to Istanbul Courthouse to mediate; together with the authorities they began negotiations to end the action, and it was announced that the action would be brought to an end.

HOWEVER, in order to break the political impact of the action, the political power decided on an operation and ended the action by killing both the militants and the prosecutor. This was done before the eyes of 80 million people, live on television. Naturally none of this appears in the AKÖ report signed by Maassen. On the contrary, by placing responsibility for the prosecutor's death on the militants, AKÖ sought to provoke the prosecutors and court panel to whom it submitted its report through professional solidarity, and thereby to lend legitimacy to the baseless terror connections alleged throughout the report.

What, then, is the entirety of the matter? Yürüyüş magazine, which carried an announcement that Issue 3 of Gündoğdu had appeared, itself had an announcement on Halkınsesi-TV. That is all. It was Yürüyüş that placed the announcement on Halkınsesi-TV. If there was anything wrong with that — and in my view there was not — responsibility would belong to Yürüyüş. Let us even suppose Halkınsesi-TV bore responsibility for carrying the announcement. What involvement did GÜNDOĞDU have in the matter? None whatsoever.

CONCLUSION — AKÖ'S "CONCLUSION"

AKÖ says: "On the basis of the data here, WE ESTIMATE that GÜNDOĞDU is the publication organ of the Anatolian Federation, a front organisation of DHKP-C."

Of course words never truly run out. Every event and fact in the world remains capable of being expressed in words. But if one insists on using the expression “the point where words end”, AKÖ’s report is the most concrete example.

AKÖ has poured out everything in its imagination and said everything. It forgot only one thing: that according to the documents Gündoğdu, Yürüyüş, the Anatolian Federation, “DHKP-C”, Grup YORUM, Halkınsesi-TV, “DHKP-C case prisoners” and the “so-called martyrs” are all dark-haired people with a Mesopotamian appearance. The only thing it did not say was: “Their Middle Eastern appearance is itself proof that they are terrorists.”

My recommendation to Maassen’s successor is that they add this to the next report; it will make it more convincing.

IN CONCLUSION: BND AND AKÖ REPORTS

The principal determinants in our cases are the BND and AKÖ. I have demonstrated with concrete examples how BND and AKÖ reports are reproduced almost word for word, in copy-and-paste fashion, in the reasoned judgments of previous example cases submitted by the prosecution in this case.

BND and AKÖ reports are the principal foundation of the investigations. They determine not only the investigations but the judgments as well.

It is the BND and especially AKÖ that define the phenomena described as offences. I have demonstrated concretely, through examples such as Gündoğdu, Grup Yorum, Yürüyüş and TAYAD, how democratic rights and freedoms of expression containing no offence in themselves are turned into the list of alleged crimes in our cases through baseless hypotheses founded on speculation.

Using documents already contained in our case file, I have shown that the sources of BND and AKÖ reports are the Turkish police and intelligence services and that the reports were prepared under their direction.

I have shown through concrete examples how the ideological influence of Turkey’s political police and intelligence services on the BND and AKÖ dominates not only indictments and prosecution submissions but also court judgments.

Of course the institutions of the fascist regime in Turkey are not the only ideological sources from which the BND and AKÖ draw. I will address that matter separately below.

But the principal reason BND and AKÖ reports are treated as unquestionable currency is the partisanship of the unit of the Karlsruhe Federal Prosecutor responsible for “DHKP-C” cases. I have already shown with concrete examples how Federal Prosecutor Ms Becker-Klein was indoctrinated by the Turkish public prosecutor’s office and political police.

So to speak, BND and AKÖ reports became a lifebuoy for filling the investigation file. In order to construct that file, the BND and AKÖ both created witnesses and created definitions of crime.

The panels hearing the “DHKP-C” cases conducted to date ignored these facts. Their role went little beyond approving what was placed before them.

For example, the judge who presided over the Düsseldorf Higher Regional Court case against my wife Nurhan ERDEM, Cengiz OBAN and Ahmet İSTANBULLU said in a private gathering among acquaintances: “Before I retire, I will show everyone how a DHKP-C case should be conducted.” He then did what he said by sentencing my wife Nurhan ERDEM to seven years and nine months.

This statement by the judge is not speculation. It was witnessed by a former judge who was present at that gathering and later became an assisting lawyer in my wife’s case. However, because it was something said in a “private gathering”, it was not raised in that form before the court.

What enabled that judge to say such things was the Ministry of Justice’s authorisation to investigate, issued at the request of the political power, the intelligence services acting as the shadow of the Interior Ministry, and a politically committed Federal Prosecutor. A conviction had to emerge from that case. And the sentence had to function as “preventive punishment, preventive measure”. That judge honoured the spirit of Günther JAKOBS.

The “DHKP-C” cases do not arise from a legal necessity or from any need to protect constitutional public security. Their only rationale is the German state’s desire to use them in connection with its political and economic interests with the fascist regime in Turkey.

The German state and successive political governments supporting regimes in Turkey in such matters is not new; it is historical and reaches back to the Ottoman Empire.

Let us briefly look at this historical cooperation.

The Armenian genocide: the Ottoman Empire was Germany’s most important ally in the First World War of imperialist division. Its relations with Talat and Enver Pashas were very concrete. Under Talat Pasha’s political direction and Enver Pasha’s command, the Ottoman Empire launched its expedition against Russia through the Caucasus as part of a joint strategy with Germany. But the army collapsed at Sarıkamış because of inadequate military equipment and 90,000 soldiers froze to death. The Ottoman rulers then took revenge on the Armenians in 1915–16, massacring one and a half million Armenians and “cleansing” Anatolia of them. Germany stood behind this policy as well. Talat Pasha himself lived in Berlin. Germany wanted to keep the Ottoman Empire as an ally at any cost. In December 1915, in response to warnings from the German ambassador in Istanbul about the Armenian genocide, Chancellor Theobald von Bethmann Hollweg was able to instruct him that whether or not the Armenians were exterminated was unimportant and that the only task was the survival of the Ottoman Empire.

The expedition into Asia through the Ottoman Empire was itself undertaken principally for the interests of German arms monopolies and Deutsche Bank’s strategy of opening the Asian market.

Germany wanted to enter and colonise the Middle East through the Ottoman Empire. The Ottoman Empire, in turn, opened its doors to Germany in order to escape the grip of France and Britain.

This collaboration led to the Ottoman army being placed completely under German command, while the Ottoman General Staff was entrusted to the German general Liman von Sanders.

The Ottoman intelligence organisation, the Teşkilat-ı Mahsusa [Special Organisation], was also established by German agents.

Hundreds of thousands of sons of Anatolia lost their lives in the wars at Çanakkale, Sarıkamış, Galicia and around the Suez Canal under the command of Liman von Sanders. Germany wanted to settle its account with Britain on Ottoman soil under Sanders’s command and expand its own areas of exploitation.

Germany also played a direct and decisive role in the genocide against Armenians. All the weapons, ammunition and artillery used in the Armenian massacres were supplied by Germany, because Armenians who had allied with Russia in the war were considered a danger to Germany and had to be eliminated.

As the German Orientalist Ewald Banse later admitted in his book: “The only way to eliminate the Armenian question is to eliminate the Armenian people.” Germany also organised this policy. The genocide was carried out through the army under the supervision of German officers and through the Teşkilat-ı Mahsusa, which they had themselves helped establish.

German commanders led the armies sent against Armenians who had taken refuge on Musa Dagh in 1915 and against Zeytun in March of the same year. In October 1915 the army that surrounded and massacred the Armenian quarter in Urfa was led by the German staff officer in Syria, Eberhard Graf von Wolfskeel.

Naturally, alongside political domination there was an economic-interest dimension. Philipp Holzmann, which built the Baghdad Railway, used tens of thousands of Armenians held by the Ottoman army as unpaid slave

labour. German monopolies such as Deutsche Bank and Victoria Insurance also profited from the assets and insurance policies of Armenians subjected to genocide.

The Ottoman-German brotherhood in arms formally began in 1836 with the Prussian officer Helmuth von Moltke as part of Germany’s colonial strategy.

From 1882 cooperation continued with Goltz Pasha, principally facilitating KRUPP’s sales of artillery to the Ottoman Empire. The entire Ottoman army was modernised by the German Empire, and many Ottoman wars had German generals and staff officers such as General von Papen.

The Gallipoli battles are an example. Britain and its allies could occupy Istanbul only if they passed Gallipoli. That would have meant Germany losing the war together with its Ottoman ally. For this reason the brotherhood in arms at Gallipoli also became a place where numerous German officers lost their lives.

Is today’s collaboration very different? Deutsche Bank and Krupp have been joined by others: Rheinmetall’s Leopard tanks, Heckler & Koch, Siemens and around six thousand German companies are today in the Turkish market.

This state policy has not changed according to who is in government — from the SPD-Greens government’s Leopard-tank sale in 2005 to CDU-CSU-FDP and others.

History keeps repeating itself. Yesterday Paul Rohrbach pushed the Baghdad railway; when Erdoğan most recently came to Germany as a state guest, today’s German government took on a new railway project into the Middle East worth 20 billion euros.

The meaning of this will be nothing other than further attacks on opponents of the Turkish government.

It may be said that relations dating back to the Ottoman Empire are far in the past: the Ottoman Empire collapsed, the German Empire collapsed, the Weimar Republic collapsed, even the Third Reich collapsed, and the present-day Federal Republic of Germany and Republic of Turkey bear no legal political responsibility for those past periods. But the Turkey-Germany brotherhood in arms has always continued, and NATO membership strengthened it.

In 1961 Germany began recruiting workers from Turkey. In the 1970s these workers increasingly became permanent residents. Under NATO and Cold War concepts of the period, the FRG–Turkey alliance against socialist forces also developed.

The first official cooperation against socialists among migrants from Turkey in Germany became concrete in April 1978, when Alparslan TÜRKEŞ, fascist leader of the MHP — then a coalition partner in the Turkish government and known in Germany as the Grey Wolves — met CSU chairman and Bavarian Prime Minister Franz Josef Strauss.

As a result of joint decisions against Turkish leftists and socialists, the MHP’s Turkish Federation was built up in Germany while left-wing circles were attacked and subjected to intimidation.

As a result of the April 1978 Türkeş–Strauss meetings, certain cadres from the Turkish Federation also began to be placed as assistants inside AKÖ. These cadres continue to be used effectively today. Naturally, under the Strauss–Türkeş understanding, they are also intertwined with Turkish intelligence. Cihan, who was active in our case and was Ateş’s contact officer, is only one of them. In the intelligence world, the integration of these cadres into German intelligence services is called infiltration or double agency.

The day after the military coup of 12 September 1980, an IMF loan of one billion dollars was secured for the stability of NATO ally Turkey by the SPD Finance Minister Hans Matthöfer.

The first international agreement signed by the fascist junta was also a police and security agreement. Under the agreement concluded in March 1981, a delegation of the West German social-liberal government visited Turkey and published a report stating: “There is certainly no dictatorial government in Turkey. The people are very satisfied with military rule and there is no systematic torture whatsoever.”

On 30 August 1983, Cemal Kemal ALTUN, a refugee who had sought asylum because of Revolutionary Left, committed suicide by jumping from the window of the Berlin courtroom in which he was being tried. [The source continues this historical account.]

The ideological and cultural roots of the BKA, BND and AKÖ are relevant because these institutions perform the function of political police and political branch in relation to the non-parliamentary opposition of the Turkish state.

Besides their direct links to political power, a second determining factor is that from the foundation of the new Germany — the Federal Republic — all three institutions were shaped in terms of personnel and culture by cadres originating in the Third Reich.

It is already generally accepted in Germany that their right eye is blind. Naturally, blindness in the right eye means that the left eye becomes even sharper.

Their hostility to concepts such as Marxism, socialism, people’s democracy, revolutionism and revolutionary organisation is plainly reflected in the language of the analyses and reports about the organisation contained in the investigation file.

When this is the perspective, it becomes inevitable that every democratic expression and freedom of organisation will be labelled a “front organisation” or “camouflage organisation”.

I have dealt with such findings in our file in general and demonstrated them with concrete examples.

I must give several further examples in order to prove that this style of analysis is not an exception but a general attitude.

Hubert SCHRÜBBERS was head of AKÖ for seventeen years, from 1955 to 1972.

AKÖ was principally divided into three major sections: left-wing radicalism, right-wing radicalism and counter-espionage. SCHRÜBBERS placed at their head figures such as Günter NOLLAU, Werner GERKENS and Lorenz BESEL-LORCK, who had made careers in Nazi institutions such as the Gestapo, SS and SA. He also employed former Nazi prosecutor Ernst BRÜCKNER.

Albert RADKE, Reinhard GEHLEN’s right-hand man, was responsible from 1950 onwards for recruiting personnel for AKÖ. His recruits were generally former Gestapo officials engaged in reorganising themselves after 1945.

Historians Constantin GOSCHLER and Michael WALA from Bochum demonstrated in detailed research published in 2015 that under SCHRÜBBERS AKÖ pursued a personnel policy in which SS, SD and Gestapo officials were employed, documenting that hundreds of former Nazis served in AKÖ.

In the 1950s at least one third of all civil servants employed across institutions of the Federal Republic had been members of the NSDAP. Their greatest concentration was in the police and intelligence services. Many were themselves torturers and killers.

SCHRÜBBERS, unfortunately, was also a lawyer — like MAASSEN. On 1 January 1956, Erich WAGNER, a former Hitler aide, was placed in charge of AKÖ’s operational unit dealing with the supposed investigations against war criminals. The sheep were entrusted to the wolf. As STERN wrote in February 1959: “Who will protect us from AKÖ?” That question remains a concrete and current reality for all democratic rights and freedoms today.

MAASSEN, who failed to see the Hitler salutes, the cries of “Ausländer raus” and fascist mobs hunting foreigners in Chemnitz before the eyes of the whole public, searches for a calf under an ox in all the AKÖ reports examined here. I have demonstrated concretely how TAYAD and Grup Yorum are turned into a “terrorist organisation”, Yürüyüş and Gündoğdu into “terror publications”, and the Anatolian Federation placed at the centre of this supposed terrorist organisation.

As Rudolf AUGSTEIN observed in DER SPIEGEL on 31 January 1972, SCHRÜBBERS attacked not only communists but even "quarter-communists", everything on the left, without any moral restraint. Is it different today? What difference is there between those attacks on "quarter-communists" and MAASSEN's AKÖ today treating even the democratic and legal exposure in Germany or other European countries of the gravest human-rights violations in Turkey — violation of the right to life, freedom of thought and organisation, freedom from torture and ill-treatment, and so on — as terrorist activity and making it a target?

When DER SPIEGEL criticised AKÖ for violating constitutional rights and for twenty-five Nazi cadres in its senior management, Interior Minister Hermann HÖCHER felt the need to defend AKÖ, saying: "Civil servants cannot be expected to carry the Constitution booklet under their arm all day." Theo SOMMER replied in DIE ZEIT on 13 September 1963: "They may not carry the Constitution under their arm all day, but they continuously carry SS blood-group marks and tattoos on their arms."

Today the newer generation of AKÖ agents may no longer carry SS tattoos, but they can still terrorise Grup Yorum concerts and protests against racism and the fascist regime in Turkey without regard to the fact that these are constitutional rights within freedoms of thought and organisation. And supposedly they do this in order to protect the Constitution!

Many other former Nazi cadres — Dr Wilhelm LUDWIG, Paul MISCHKE, Johannes STRÜBING, Werner ARETZ, Dr Gustaw HALWICK, Alfred WURBS and others — served in AKÖ until retirement and were then replaced by new people with the same mentality. Does this continuity of personnel and thought not make AKÖ the continuation of its predecessor, while a slogan in Ekmek ve Adalet supposedly makes Yürüyüş and Gündoğdu its continuation? Does the presence of one or two names supposedly make "DHKP-C" the continuation of REVOLUTIONARY LEFT?

When SCHRÜBBERS was removed in 1972, Hans-Dietrich GENSCHER appointed Günter NOLLAU in his place. NOLLAU had long headed the left-wing radicalism section and had been an NSDAP member since 1942; it was SCHRÜBBERS who had brought him into AKÖ. Thus continuity with the Third Reich was maintained.

Although the destruction of AKÖ's NSU files is a concrete fact, Axel MİNRATH, head of the right-wing radicalism section, can openly mislead the public by saying that the destroyed files had nothing whatsoever to do with the NSU. This power was of course not independent of MAASSEN — the same person whose signature appears under the report about me and whose reports declared our case linked to "DHKP-C".

Paul DICKOPF, appointed head of the BKA in 1965, was an SS officer. SD agent Josef OCHS was among the key cadres at the establishment of the BKA in 1951. His background included the SS officers' school at Berlin-Charlottenburg; he was an SS commander and the right-hand man of Dickopf, head of the BKA political branch.

The list of such names is endless. I have not even carried out any special research on the subject. These are merely some of the things I was able to learn, despite my limited German, from media I could follow concerning the Chemnitz–MAASSEN affair.

Of course, when a Nazi state whose cadres dominated every state institution collapses and a new state is established in its place, it is inevitable that some cadres of the old order will individually enter the new institutions. The Federal Republic was built on a Nazi state defeated by external rather than internal dynamics. At its founding, therefore, it may have been impossible to find enough uncontaminated cadres to replace all officials of the former state who had committed crimes against humanity. That is understandable.

But it is another matter when the policies and outlook of the past are continued along the same line under new conditions in the new state. The continuity of old cadres in the BKA, BND, AKÖ and judicial institutions is important both to me personally and to the case in which I am a defendant.

I can say that I do not know much about the German judiciary. But I am not blind. A photograph of Constitutional Court judges standing with the Hitler salute, and even a couple of films such as Labyrinth of

Lies and The People vs Fritz Bauer, provide enough clues to understand the institutional difficulties Germany experienced in overcoming the Nazi period. In particular it is clear that, despite honourable people such as Fritz Bauer, cultural and ideological change in security, intelligence and judicial institutions was not easy.

Of course it would be unscientific to generalise from a few examples and a few films and claim to understand all realities. But anyone who is not blind and deaf to the world also accumulates everyday knowledge that plays a role in forming a broad judgment.

Then there are our own experiences. Perhaps the average German in the street never deals in daily life with the BKA, BND, AKÖ or the judiciary. But it is natural that people such as me, whose political views and national origins bring us into much greater contact with these institutions than native Germans with established views, should have considerably more experience of them.

My own personal experience is not small. During my wife's imprisonment six years of our marriage were taken from us, and during my own imprisonment two more years have been taken from us so far. In addition to refusing me the right to visit my wife, after her release even banning her from meeting me reveals an ideological approach, a sadistic vindictiveness and hatred contrary to human nature that it would take more than blindness not to see.

Of course what is said to me at every step is effectively this: "You should have closed your eyes to the world. What is fascism, racism, torture or crimes against humanity to you? What are rights, being right, resistance to oppression and human dignity to you? Yes, you see these realities — everyone sees them anyway. No one can change either reality or fate. Fine, see them, but do not raise your voice. What is civil disobedience or the right to resist oppression to you?"

That is what I am told at every step. But there is such an irresistible satisfaction in being right and just, in rebelling against oppression and insisting on what you believe to be right, that I cannot deprive myself of that bittersweet pleasure.

AKÖ'S ANNUAL REPORTS AND PREVENTIVE MEASURE, PREVENTIVE PUNISHMENT

Under this heading I want to deal with the part concerning "DHKP-C" in AKÖ's annual reports published by the Federal Interior Ministry. This is not an assessment of the annual reports as a whole. I will deal with one section of the heading "Security-Endangering and Extremist Activities of Foreigners (without Islamism)" [Sicherheitsgefährdende und extremistische Bestrebungen von Ausländern (ohne Islamismus)].

THE INTERIOR MINISTRY'S GROUNDS FOR THE BAN

The grounds given for banning "DHKP-C" are violation of criminal laws and posing a threat to internal security. The decision of 6 August 1998 is said to be based on the claim that it is a successor organisation to Revolutionary Left, which was banned on 9 February 1983.

Yet there is no issue of violating criminal laws. BKA officer Seifner herself stated that for the last twenty years — that is, since the "DHKP-C" ban came into force — no such situation had existed.

Of course the membership offence under Section 129b, which forms the legal basis of our case, is part of criminal law. But the reason this offence can be punished at all is precisely that "DHKP-C" was brought within the scope of that provision. In earlier parts of my defence I explained that this too was the result of political arbitrariness.

Nor has there been a single violation of the ban through use of organisation names, symbols, demonstrations or similar activity. Even between 1994 and 1998, when the names and symbols of "DHKP-C", DHKP and DHKC were not banned, these organisational names and symbols were not used in Germany. There has been no such violation during the last twenty years either.

There has never been any situation in which Germany’s internal security was threatened. Our case file, which also covers periods long before the organisation existed, contains no data indicating such a thing. Especially since Section 129b entered into force in August 2002, there is not a single piece of data suggesting a threat to internal security; nor does our file contain any such data or allegation against me.

The grounds for banning fascist Nazi organisations and Islamist terrorist organisations appearing on the Interior Ministry’s list, meanwhile, are described as “the objective of organising against the constitutional order”. Yet they are not subjected to criminal prosecution under Sections 129, 129a and 129b on this basis.

Fascist formations such as the NSU do not appear on this list at all.

While belonging to or being a member of fascist formations that have committed and continue to commit numerous crimes against humanity is not criminalised, membership of or affiliation with “DHKP-C”, which threatens neither the constitutional order nor public security, is punished with an average of six years. This is entirely an indication of political arbitrariness. AKÖ’s annual reports themselves are evidence of this.

LIST OF “SECURITY-ENDANGERING AND EXTREMIST ACTIVITIES OF FOREIGNERS (WITHOUT ISLAMISM)”

For some reason, alongside “DHKP-C” and the PKK, this list also includes the Grey-Wolf movement and motorcycle gangs such as Turan and TURKOS. Yet these fascist structures are not on the Interior Ministry’s list of banned organisations.

The gang Osmanen Germania, whose activities were banned in 2018, had for years conducted organised criminal activity in Germany involving prostitution, drugs and similar matters, yet it did not appear in AKÖ reports until 2017. Why not? Because Osmanen Germania was a gang of the AKP government, the government of allied Turkey, and was therefore under the protection of Germany’s political authorities. Its ban in 2018 arose from contradictions between the Merkel and Erdoğan governments.

But whatever problems arise with the Turkish government, the attitude towards “DHKP-C” and the PKK does not change, because the decisive factor beneath that attitude is an ideological commitment against socialism.

Why, then, does this list include sections on some fascist organisations alongside “DHKP-C” and the PKK? Why are apples and pears being added together?

First of all, the fascist movement in Turkey is not organised under the name “Grey-Wolf Movement”. It consists of the MHP and BBP parties and formations affiliated to them. Yet their names do not appear. They have been used in almost every massacre in Turkey, have martyred thousands of our people and committed countless crimes against humanity. I gave many concrete examples in the section dealing with the period before 12 September 1980 and will not return to the subject here.

The only purpose of AKÖ and the Interior Ministry placing Turkish fascists on the same list, for appearances’ sake, is to create the impression: “We oppose right-wing terror just as we oppose left-wing terror in Turkey. We are neutral. We support only the survival of the constitutional Turkish state threatened by terror from right and left.” In this way they seek to legitimise the bans on DHKP-C and the PKK and their criminal prosecution.

On pages 213–214 of AKÖ’s 2016 report it says that “DHKP-C” poses a danger to Germany’s internal security because “DHKP-C conducts armed struggle in Turkey”.

We must therefore ask: why does the DHKC’s struggle in Turkey against torturing and murderous police and the racist-fascist AKP constitute a danger to Germany’s internal security?

On what basis does AKÖ identify the survival of Turkey’s fascist regime with Germany’s internal security? The rationale for protecting the fascist regime expresses a community of fate and is an ideological defence of the fascist regime in Turkey.

In this section, on page 213, AKÖ also makes the blunder of saying that after the attempted coup of 15 July 2016 in Turkey the state repressed not only the putschists but also “DHKP-C”, the PKK and the Grey-Wolf Movement.

Yes, despite having nothing whatsoever to do with the coup, “DHKP-C” and the PKK were also targeted for destruction. But not only was there no action against the Grey-Wolf Movement; after 15 July the AKP became integrated with the MHP and BBP. They entered both the constitutional referendum and the 2018 elections on the same lists. Although AKÖ’s 2017 report again contains the same assessments concerning the Grey-Wolf Movement, it does not repeat the 2016 claim that the AKP government also targeted them after 15 July. The reports are therefore full of recurring inconsistencies.

The 2016 and 2017 reports concerning DHKP-C are on average almost identical. As every year, they continue to establish the alleged “DHKP-C” connection with Germany through the baseless claim that “DHKP-C uses Germany as a resting area”.

Unlike the previous report, the 2017 report adds “Grup Yorum, DHKP-C’s integrated propaganda organisation”.

A second addition to the 2017 report concerns my arrest in Hamburg on 2 December 2016: it states that after the “suspected European responsible of DHKP-C” was arrested, DHKP-C organised a Long March and numerous demonstrations in Germany.

As in the 2016 report, the 2017 report claims that the other activities of “DHKP-C” in Germany concern political prisoners in Turkey and racism by the “fascist German state” against migrants.

The same words appeared in the report concerning our case and I answered them there too. Neither the DHKP nor the DHKC uses the formulation “fascist German state”, nor do I consider the regime in Germany to be fascism. With inventions of this kind AKÖ serves no purpose other than provoking the judiciary.

Pages 238–243 of the 2017 report contain detailed information under the heading “DHKP-C”.

In broad outline it repeats almost exactly the report concerning the organisation that was sent in relation to our case. I therefore do not consider it necessary to examine the whole report again.

The matters appearing in the 2017 report but not in previous reports include:

“Case against the DHKP-C Europe responsible.”

It states that on 28 September the Federal Prosecutor submitted the indictment to the Hamburg Higher Regional Court and that the trial began on 25 January 2018 — although this is a 2017 report, it has also added this 2018 information. It says there is significant evidence of membership against the defendant and declares: “For many years the defendant has been a senior manager in the organisation’s so-called rear front in Western Europe. He has supplied and delivered weapons to DHKP-C fighting units in Turkey.”

AKÖ has already found me guilty and convicted me. I do not know whether there is any need for my trial still to continue.

I also have a request of the court on this matter.

Was the file of the case against me given to the Federal AKÖ or the Hamburg AKÖ?

On what basis does AKÖ announce publicly that there is serious evidence against me? Is this lawful?

Pages 242–278 of the Hamburg AKÖ’s 2016 report contain the Hamburg AKÖ law. Article 16 of that law concerns providing information to foreign intelligence services. It states that information may be supplied in accordance with security and Germany’s interests.

Were all or some of the data used in the case against me supplied to foreign intelligence services? If so, what data and to which intelligence organisations? In particular, were details concerning me and the organisation in

the file shared with the intelligence services or other institutions of Turkey, the United States and the Netherlands? If so, what was shared?

I want to be informed on these matters. The Interior Ministry’s justification for banning “DHKP-C” is that it threatens internal security. Likewise, the continuation of armed struggle by “DHKP-C” in Turkey is treated as grounds for saying that Germany’s internal security is threatened and Germany’s interests are invoked. Does this then make it legally legitimate to share matters concerning the organisation and me with foreign intelligence services?

On page 241 of the 2017 report it says that, following the arrest of the “probable European leader of DHKP-C”, “a Long March was organised by DHKP-C under the slogan ‘Being a Revolutionary Is Not a Crime’. Beginning in Hamburg on 31 December 2016, marches were held in various places and the protest ended in Berlin on 18–19 March 2017.”

As far as I know, this protest was organised by the “Freedom Committee for Musa AŞOĞLU”. DHKP-C had no organisation whatsoever in relation to it.

Everyone knows that “DHKP-C” is banned in Germany. If the activity, which lasted two and a half months, had really been organised by “DHKP-C”, it too would have had to be banned. It was not banned because DHKP-C was not the organiser. Yet despite this fact, the 2017 report prepared by Maassen and signed by Horst Seehofer plainly misled the public with false information.

The problem is not only misleading the public. By calling it a “DHKP-C protest”, everyone who participated in those demonstrations is also presented as a prospective “DHKP-C member”.

It is equally obvious that AKÖ’s report also targets those who came here every week for at least a year and a half in solidarity, and those who came to observe the trial because court hearings are public. Will the future defendants in future DHKP-C cases be the people who exercise the democratic right of protest recognised by the German Constitution and come to show solidarity under the principle of the public nature of your court?

All the cases conducted under the name of “DHKP-C cases” are more or less the same. The AKÖ reports and logic that form their foundation always operate in this way, and the judicial mechanism is set in motion accordingly.

Thus AKÖ reports restrict constitutional rights, while also drawing the legal framework for criminally prosecuting those who insist on exercising those constitutional rights. The rest concerns the bureaucratic details of the BKA, the Federal Prosecutor’s “DHKP-C desk” and the Higher Regional Courts.

Another matter in the 2017 report is the section headed “DHKP-C members arrested in Greece”. It says: “On 28 November 2017 Greek police arrested nine Turkish citizens belonging to DHKP-C in Athens. Searches discovered evidence concerning preparations for armed attacks in Turkey, together with a firearm and materials necessary for preparing explosives.”

First of all, as far as I understand, most of those arrested are not citizens of the Turkish state. They are European citizens or people granted asylum in Europe. I do not know most of them, but because they are political prisoners I correspond with them and in this way I have some information about the case.

Those arrested were caught in three separate houses. In one house there was apparently a broken pickaxe and a shovel; in another there was some cable. The Greek police claimed that these people might have used the pickaxe and shovel to bury weapons in a forest and intended to use the cables in bombs for attacks.

In Anatolia there is a well-known joke told about such situations. A man who wanted to become a cavalryman once found a horseshoe on the road. He then said: “Only three more horseshoes and a horse to go.” The Greek police calculation is just like that. What more is left to establish as evidence? And what should we say about AKÖ joining in this absurdity?

What actually happened, and why were they arrested? The operation was carried out, I think, a day or two before Erdoğan’s state visit to Greece. The entire Greek press was given a police statement full of claims too

absurd even to be called mad: that “the team that was going to assassinate Erdoğan in Athens has been caught; they intended to block the front and rear of his convoy with rockets and kill Erdoğan and those in the convoy with automatic weapons and bombs”, and so on. The same reports were widely carried in the Turkish press.

Yet in neither police questioning nor prosecution questioning were those arrested asked even a single question about any of these matters.

AKÖ of course does not believe this scenario. Knowing that no one else will believe it either, it produces a different scenario that sounds more plausible. The relevant section of the 2017 AKÖ report is nothing other than this scenario.

AKÖ says: “Another activity to which DHKP-C gave particular emphasis in Turkey and Germany in 2017 was solidarity with two academics dismissed and barred from public service who were conducting a hunger strike. The hunger-strike resistance was presented as an example of how one can resist the Erdoğan regime and was used to recruit supporters.”

The resistance in question was begun by two teachers named Nuriye and Semih. Both belonged to KEC, the Front of Public Employees. They were among the first public employees dismissed after the attempted coup of 15 July 2016. A few days after the state of emergency was declared, Nuriye began a lone sit-in on Yüksel Street in Ankara under the demand “I Want My Job Back”. Semih first joined the sit-in, which was held twice daily, morning and afternoon. Many others then joined and it continually grew into a mass action. Hundreds participated each day. Nuriye sat in front of the Human Rights Monument on Yüksel Street, explaining the problem to people and demanding her job back.

Because the state of emergency banned all demonstrations, they were detained twice every day, morning and afternoon, subjected to identity checks, fined and released. As the action grew, the state became increasingly aggressive and began constantly attacking the crowd; eventually the Human Rights Monument itself was surrounded and a mobile police station established there. Nevertheless the sit-ins continued. Finally Nuriye and Semih were arrested on charges of organisation membership.

These academics, who for almost a year and a half had been manhandled, beaten and detained twice a day during their resistance, were suddenly “discovered” to be organisation members. With their arrest Nuriye and Semih began a hunger strike. Meanwhile the Yüksel Resistance continued without interruption through other people.

With the beginning of Nuriye’s resistance, other KEC public employees inspired by them began sit-ins in cities such as Malatya, Antalya, Düzce, İzmir and Istanbul. I should add that these resistances are still continuing.

Even before the hunger strike there were many solidarity actions with Nuriye and Semih’s resistance. Of course the People’s Front organised solidarity actions everywhere. But they were supported by very broad circles outside the People’s Front as well. German television channels such as ZDF, Phoenix and ARTE made programmes presenting Nuriye as a courageous woman resisting Erdoğan. Solidarity actions began to be organised from Turkey to the United States, Australia and Europe by people and groups both from Turkey and from other countries, because Nuriye and Semih had become symbols of being right and of resistance.

After their arrest, the Interior Ministry published a Turkish- and English-language brochure about Nuriye and Semih, claiming they were “terrorists” and declaring solidarity with them to be a crime. It distributed these brochures to police and intelligence organisations throughout the world, consulates, various government representatives, the press and others in an attempt to silence the resisters.

With their arrest, even saying the names Nuriye and Semih was banned in Turkey. Our people then gave them the name Nu-Se, and throughout Turkey the words “Nu-Se — I Want My Job Back” began to appear on walls, school desks, in factories, state offices and elsewhere.

The hunger strike, which exceeded two hundred days, became a source of hope for the 160,000 public employees dismissed in Turkey and their families. On 12 September 2017, one day before Nu-Se's court hearing, eighteen of their lawyers were arrested. At their first hearings, Nu-Se themselves were not brought before the court, supposedly for security reasons. Many members of Nu-Se's families and friends had joined their hunger strikes. Eventually the authorities were forced to bring them to court. Semih was acquitted, while Nuriye was sentenced to six and a half years. But as a result of solidarity both were released. They were banned from entering Yüksel. Nevertheless the Yüksel Resistance has continued in the same way through others for more than two years. People are still detained twice every day. In addition to the release of Nuriye and Semih, the right of the 160,000 unlawfully dismissed public employees to appeal to the courts is also regarded as a gain of the resistance.

Nu-Se, barred from Yüksel, now continue to go from house to house throughout Ankara explaining their demands. To date, thanks to the legal right of appeal won through Nu-Se's resistance, around 30,000 people whose cases have been heard have been reinstated in their jobs.

There has been a massive robbery in which all the tax, insurance and pension deductions and rights of these 160,000 people were transferred into the state treasury. The robber is the Republic of Turkey and the Erdoğan regime. These 160,000 people were denied unemployment benefit and were also prohibited from working elsewhere in the public or private sectors. Erdoğan displayed his cruelty by saying of them: "If they go hungry, let them eat tree roots." Nu-Se's slogan "We will not eat roots either; we will resist and win our rights" reached the whole people.

The Nu-Se Resistance is a KEC resistance, and it came to life through the People's Front. The People's Front did not merely show solidarity with Nu-Se, as AKÖ claims; it is the subject of the resistance. It did not "use" the resistance; it organised it directly and showed that oppression can be resisted under all conditions.

Through this resistance Nu-Se, KEC and the People's Front became symbols of the struggle for democracy. They also showed how a legal struggle should be conducted. While the state abolished law, Nu-Se kept legitimate legal struggle alive.

The Erdoğan regime organised bullying, theft, dispossession and hostility to law.

Let us return to what AKÖ says about the Nu-Se Resistance. What does AKÖ represent in this matter? Quite clearly it defends the Erdoğan regime's bullying, theft, dispossession, hostility to law and hostility to labour and the people.

It is precisely this ideological approach that caused AKÖ to include the subject in its annual report.

AKÖ's shameless statement that solidarity actions in Turkey and Germany were conducted in the name of "DHKP-C" can have no meaning other than the criminalisation of the Nu-Se Resistance just described.

Supposedly "DHKP-C" organised these solidarity actions in Germany. Legally speaking, that would mean the "DHKP-C" ban had been violated, indeed violated dozens of times. In that case, should we not ask AKÖ: where were you and why did you not stop them? Is the German state so helpless and pitiful that it cannot prevent such widespread and open actions by a banned organisation?

AKÖ's target here is very clear. It opposes this effective struggle against the Erdoğan government. It seeks to derive an opportunity for itself from the Turkish Interior Ministry brochure unlawfully branding Nu-Se terrorists, in order to target the broad section of society trying to create public pressure so that Nu-Se could recover their rights and not die in the resistance.

AKÖ's approach is entirely ideological and subjective. There is no other way and no other reason for Nu-Se solidarity to appear in its annual report.

GRUP YORUM CONCERTS IN GERMANY

AKÖ once again repeats the refrain that Grup Yorum is “an integral part of DHKP-C”. Apparently a new organisational conception will thereby enter the history of organisations worldwide: the first integral musical structure. Its inventor will be the song- and music-hating AKÖ.

For the people, Grup Yorum is more than a music group, because when Grup Yorum is prevented from appearing at concerts, ordinary people and new young people take the stage instead. For three or four years, through AKÖ’s efforts, Grup Yorum members have not been granted visas. Yet Grup Yorum concerts still take place in Germany. Who takes the stage? Young, new people. Does a sixteen- or seventeen-year-old immediately become an integrated part of DHKP-C — in other words a Party member — simply by appearing at a concert? Does singing a folk song on stage become an armed action? Do musical instruments become weapons?

The situation into which AKÖ has fallen goes beyond the ridiculous.

The arrogance of deciding what music the peoples of Turkey may listen to can never be legitimate.

Grup Yorum has always defended the slogan: “Those who make a people’s songs are stronger than those who make its laws.” Those who make laws come and go. Those who impose bans are forgotten and even cursed. As Grup Yorum says: “Songs Cannot Be Silenced, the Halays Will Continue.”

At the root of AKÖ’s obsession with Grup Yorum lies the oppressive, prohibitive mentality of the first cadres who created AKÖ.

Grup Yorum’s greatest idol is Victor JARA. Those who tore Victor JARA apart in the stadium were very powerful at the time. Where is Pinochet today, and where is Victor JARA? Pinochet lies in history’s graveyard; Victor JARA represents the honour of the peoples.

AKÖ also uses a judgment of the Stuttgart Higher Regional Court dated 28 July 2015, stating that the “DHKP-C rear front” had had close relations with Grup Yorum since the 1990s, in order to seek a ban on Grup Yorum. How did the Stuttgart Higher Regional Court reach that conclusion? Naturally, thanks to an AKÖ report!

Grup Yorum is in practice already banned in Germany, even though it is not yet banned even in Turkey. The Turkish state is also trying to ban it. Do you know what justification the Turkish state uses? It cites Grup Yorum’s ban in Germany. From the point of view of Germany and AKÖ, this should actually be a source of shame. Even a fascist regime has been reduced to relying on an AKÖ report in order to ban the group. Even the fascist regime looks for a legal pretext for a ban; AKÖ does not even feel such a need.

And what happens to AKÖ’s prohibitionism when it comes to fascist organisations and racist Nazi music groups that pit peoples against one another and use hate speech? When Nazi groups are concerned, there is no ban. German racists can demand “a powerful Heil Hitler” from the stage and this becomes freedom of thought.

In order to protect Nazi demonstrations and concerts, the state can use all its resources, supposedly in the name of maintaining internal security, and make intervention against counter-demonstrations its objective. In that case, must we not ask in AKÖ’s own terms: are the Nazi groups integrated into AKÖ, or is AKÖ integrated into them?

AKÖ says: “At events where Grup Yorum performs, DHKP-C publications and propaganda are distributed.”

This is false and distorted.

There is no such thing. There is no organisation called “DHKP-C”, so there can be no publications belonging to it. I myself attended many events in Germany at which Grup Yorum also appeared.

At none of them did I witness the distribution of any publication signed by “DHKP-C”, DHKP or DHKC. The allegation belongs to AKÖ. It is for AKÖ to prove it.

I DEMAND that AKÖ be officially asked: at which event attended by Grup Yorum in Germany were books, brochures, leaflets, posters, CDs, DVDs or Devrimci Sol magazine bearing the signatures “DHKP-C”, DHKP or DHKC distributed? On what date and where were they distributed? What is the source of the information and what is the evidence?

Either AKÖ must give a satisfactory answer to this question or what I say must be taken as the basis.

AKÖ says that 2,000 people attended an anti-racism rally in Fulda in 2017, that Dev-Genç had a stand there, and that “a banner probably demanding the release of DHKP-C’s European leaders was displayed”.

First of all, Dev-Genç is not banned. Nor can the demand for my freedom be banned in Germany.

Most importantly, I am certain that publications such as DHKP, DHKC or Devrimci Sol magazine have not been distributed at any event in Germany. But suppose they had been. Why would Grup Yorum be responsible? Grup Yorum is not the organiser of any event in Europe. Any banned publication or criminal act at an event is the responsibility of the organiser. For every rally, concert, festival or evening event, the names of the persons responsible are provided to the municipality and police; everything is fixed by written agreements and contracts.

AKÖ has only one purpose in adding Grup Yorum to its annual report: to have Grup Yorum officially banned as well, just as it expanded the DHKP-C ban and had Yürüyüş banned.

In conclusion:

The realities that have brought me to the position of being tried here today lie principally in the ideological approach and culture embedded in the BKA, BND and AKÖ.

Of course there is much more that could be said. But for the moment I think this is enough.

LEGAL DEFENCE REGARDING THE CONTENT OF THE INDICTMENT

At the beginning of my defence I made, in broad outline, a political defence concerning the indictment. In dealing with the accusations I also presented certain substantive legal arguments through specific examples.

In this section I want to concentrate my substantive defence on the accusations in the indictment, focusing on matters I did not address in the previous section.

THE REAR FRONT, COMMUNICATION — Indictment, page 5

“The cadre members active within DHKP-C’s rear front use a highly secret method of work and therefore operate within a clandestine network made up of other organisation members and supporters … They communicate with one another and with the organisation’s leadership almost entirely by encrypted emails and other electronic means. For conversations — telephone communications conducted in coded language that conceals their content through indirect expressions — they predominantly use mobile phones registered in the names of third parties and public communication devices. Personal meetings also serve for the exchange of information and money, and of items required for Party work.”

Let us begin at the end. This is a very far-reaching accusation: that all relationships serve the exchange of organisational information, money and goods. The reason for such an approach is to label all relationships and social activities of everyone described as a cadre as terrorist-organisation membership and terrorist activity, and thereby convict them.

Let us look at what evidence exists in the file on this matter.

For example, the file contains documents showing that some of my meetings with my wife were subjected to telephone and physical surveillance. Which of these documents shows any exchange of goods, information or money with my wife? How does being together with my wife — eating together, going into the countryside, taking boat trips, picnics, cinema, theatre, stand-up performances or concerts — become the exchange of organisational information, money and goods?

It is clear that I too am being tried as a supposed cadre of the “DHKP-C rear front”. The prosecution says these cadres meet only people from within their own circles and that their entire lives are clandestine. Yet the documents in this very file establish that I ran stalls at events attended by thousands of people and that I was a speaker during the traditional gift ceremony at weddings attended by at least a thousand people. How, then, can I be someone living illegally who has relationships with nobody other than cadres and supporters? Of course the only thing the prosecutor can say is that all those thousands of people were “DHKP-C” members engaged in clandestine activity. And that is precisely the objective.

The prosecution says they communicate with one another and with the organisation’s leadership through coded email and other electronic methods. This allegation is entirely fabricated. NOT A SINGLE encrypted or open email communication exists in our file. From which email address was which open or encrypted note sent? There is not a single example. On what basis does the prosecution make such a claim? Personally, I find it hard to believe the prosecution could invent something so unsupported. This hypothesis must either come from the Turkish police or be the work of Becker-Klein, who copied and pasted the allegations and fantasies of German law-enforcement and intelligence agencies into the investigation file.

With whom was I supposedly communicating by email? My wife and I lived in different countries. Is there even one email exchange between me and my wife? There is not a single piece of evidence. It is also said that we used other electronic communication devices besides email. What kind of devices? Radios, telegraphs, satellite phones, satellite links? What exactly does the prosecutor mean? The remaining electronic communication devices are megaphones and microphones. Which of them did I supposedly use to communicate? Ah yes, I forgot: I used a microphone at a wedding and similar events so people could hear me.

There is evidence of that in the file and I confess it. But I never made a single coded statement through a microphone either.

Another prosecution claim is that communications were conducted in Aesopian language using mobile phones registered to third parties. I have never used a mobile phone registered in someone else’s name. Mobile phones can be bought even in supermarkets, and prepaid SIM cards are sometimes handed out free in the street as promotions, even with a small amount of credit on them.

From August 2002, which the prosecution uses as its starting point, until my arrest on 2 December 2016, I used a total of three different phones. One was the phone I used from 2000 to 2006. The second was the phone I used from my release from prison in Belgium in 2007 until my wife’s arrest in November 2008. I was with her when she was arrested and the BKA also seized my phone. The third phone I used from November 2008 until 2013, when — after Germany issued the arrest warrant against me — my family home in Amsterdam and, on the same day, particularly a friend’s home in Rotterdam were illegally raided.

Whenever I used a phone I knew very well that I was constantly being listened to. Germany listened too, but the Netherlands certainly did, and Belgium may also have done so. Belgian and Dutch police were already in online contact with the German police. Thus, even if unlawfully, all my conversations are in the hands of the BKA and Federal Prosecutor. Had there been anything criminal in them, or examples of incomprehensible Aesopian speech, they would already have been placed in the file. I did not speak in Aesopian language with anyone; indeed I have a particular aversion to speaking that way. But the prosecution making the accusation is obliged to substantiate the indictment and prove what it alleges.

AFTER AUGUST 2002 — page 6

Although the Federal Prosecutor extends the accusations against me back into the 1990s, it treats August 2002 as the principal starting point.

Why August 2002? Because Section 129b entered into force then.

With the law entering into force on 30 August, the supposed period of offending was made to begin on that very day. It is almost as though legal prosecution against me had begun before Section 129b itself existed. The decision to bring “DHKP-C” within the scope of Section 129b had likewise been determined by an authorisation to investigate issued before the law was enacted.

“DHKP-C” was used as the test case for applying Section 129b. And in order to set the standard, the sentence in the first trial was deliberately kept especially high.

In the end, I too have the right to know what kind of trial I am being subjected to.

Perhaps it will be said that when Section 129b entered into force on 30 August 2002, the organisation concerned already existed. And it will also be said that Musa AŞOĞLU was politically active at the time. Yes, throughout the last forty years of my life I have continuously engaged in political activism, though at varying levels of intensity.

But is this an organisation trial, or am I the person on trial?

If the criminal period begins on 30 August 2002 and the organisation’s alleged existence on that date is used as evidence, that organisation had already been banned in 1983. The ban was then repeated in 1998 on the ground that it was the continuation of the “banned organisation”. In other words, the organisation had long since been tried and punished by being banned.

If, on the other hand, I am the one being tried, should not my offences be concretely established on the basis of the individuality of crime and punishment?

What, then, was my first offence?

Apparently I was in Germany on 30 August 2002 in order to attend a youth camp organised at Neuhausen-Schellbronn. Yes, I was there at that time. I explained the reason previously. I had arrived the day before to meet my then-fiancée, now my wife, and I intended to return to the Netherlands on 30 August. When the camp site was raided, my Pocket PC was seized from my car. It was said that after examination of the evidence a decision would be made as to whether an investigation should be opened against me. I think a week or two after the incident I requested the return of my seized belongings through my lawyer.

I was then invited to the police station that had carried out the operation and was told that I could be questioned if necessary. I went alone. After a few questions my belongings were returned. As I understood it, I was told that no investigation was necessary and was allowed to leave.

Section 129b existed then too. How does an incident in respect of which it was decided at the time that no investigation was necessary now become an offence? If I had committed an offence then, why was it ignored?

Thus this matter alleged against me is not a concrete crime but merely a device for creating an impression. The accusations in the indictment are generally of this character.

It is then said that after 30 August 2002 I devoted myself to various tasks carried out at the DHKC offices in Brussels and Amsterdam.

First, there was never a DHKC office at Witte de Withstraat 160. The Amsterdam Association of Friends of the DHKC was in Dusartstraat. I worked neither at Witte de Withstraat nor at Dusartstraat.

I did, however, stay at the office mentioned in Brussels. My staying there was with the knowledge of the Belgian Interior Minister personally and of the gendarmerie officer responsible for the security section of the Interior Ministry. I did not stay there continuously, but I went there frequently.

Yet the indictment claims that there I carried out “various other tasks of the DHKP-C”. What various tasks did I carry out there? There is no answer. The prosecution is simply speculating. Because it knows nothing — or at least because I did nothing criminal — it rounds the matter off with the phrase “various other tasks” in an attempt to create an impression open to speculation.

The only concrete thing it ultimately mentions is the allegation that I contributed to arranging the content of the website www.dhkc.info.

I do not possess the technical knowledge required to design a website.

The website dhkc.info was not an official DHKC website. It was not like dhkc.org or dhkc.net. The dhkc.info site carried DHKC and DHKP statements, but it also carried statements by various organisations and news from the daily press. Its principal function at that time was to present to the public information about resistance and solidarity activities concerning the hunger strike and death fast in Turkish prisons. As far as I remember, when the resistance ended in 2007 the site also ceased publication. It contained various books, television news footage and similar material.

There is talk of server administration. I do not even know what that work involves. It is invented.

Apparently I paid the site’s email costs. What an enormous operation! It amounts to perhaps 100 or 150 euros a year.

It says that simultaneously with these activities I also dealt with other management tasks of the organisation. Which organisation, and which management task did I perform? It is the prosecution’s responsibility to make that concrete. Did I direct the entirely armed organisations and activities of the DHKP and DHKC? Which DHKP or DHKC unit did I manage? There is no such thing. They are simply trying to create suspicion through generalisations.

Apparently the prosecution thought these vague generalisations were insufficient and felt the need to say more in order to create an impression. In the same paragraph it continues with unsupported accusations: “These included in particular the organisation and implementation of commercial events serving to disseminate

organisational propaganda, recruit new members and supporters and generate financial resources through collected ticket money.”

The only thing that never changes is the absence of anything concrete.

What did I do to disseminate organisational propaganda? It says I recruited new members and supporters. Members of what? Whom did I recruit into which organisation? Did I recruit fighters to the DHKC or cadres to the DHKP? Let them give a single example if I did. There is none.

What “collected ticket money”? Why is even the word “ticket” put in quotation marks? The purpose is obvious: to create an atmosphere open to speculation.

During the period mentioned by the prosecutor, an evening in solidarity with prisoners was held in Belgium attended by 150 or 200 people. Is the prosecutor referring to the ticket money from that event? Does he know how much money was actually lost on it?

Let us suppose the evening had no expenses at all and 1,500 or 2,000 euros came in through ticket sales. Which commercial production did I finance with that? And why should this concern the prosecutor? There was neither terrorist activity nor activity by a banned organisation, and it does not fall within Section 129b in any way.

Which commercial events did I organise and implement using ticket money? I want one concrete example. I am not a trader and I do not like commerce.

On page 7 the prosecution continues its vague, generalised accusations.

Within a single paragraph it assigns me three separate roles. It says that, in addition to my other duties:

“From the end of 2002 until October 2003 he participated in the DHKP-C leadership in Britain …”

“He was responsible for Britain …”

“He supported the management officials active in Britain in accordance with instructions from the European leadership …”

The prosecution seems to list every possibility according to the logic that if one does not stick, perhaps another will. It is impossible to occupy three separate positions simultaneously.

Moreover, where does this “DHKP-C organisation” come from? There is no such organisation. Under Britain’s proscription regime “DHKP-C” is banned. But the relevant court decision stated: “DHKP-C is banned. DHKC and DHKP are not banned. So long as they conduct no activity requiring criminal prosecution in our country, both DHKC and DHKP may open offices in our country, conduct propaganda and organisational work, and collect money through financial-aid campaigns.”

I did not conduct activities on behalf of DHKP-C.

Nor did I conduct activities on behalf of DHKC or DHKP.

It is said that during the period concerned “an important part of the defendant’s work in Britain, apart from the sale of organisational publications, was particularly connected with the organisation’s magazine, the organisation of commercially motivated events, the DHKP-C donation campaign for 2002–2003 and related financial matters.” Within one sentence the prosecution tries to connect me with money and commerce through the sale of publications, the organisation’s magazine, commercially motivated events, a donation campaign and related financial matters.

It does not name the publications it calls organisational publications or the organisation’s magazine, nor does it say which organisation supposedly published them. Again it rounds everything off in general terms.

Which publications did Germany ban as organisational publications in 2002–2003, and which of these banned publications did I arrange to distribute, and how? The prosecution has no answer. It cannot have one. At that time, from Germany’s point of view, Devrimci Sol magazine and books, statements and bulletins signed by

DHKC and DHKP were banned. I neither distributed nor sold nor organised the distribution or sale of these in Britain during the period concerned.

What is meant by “donation campaign and related financial matters”? What financial matters? Did I trade on the stock exchange, make investments, what did I do? I am not a trader; I neither like nor understand commerce.

I have never encountered any donation campaign conducted by “DHKP-C”. I know that in the past Revolutionary Left and DHKC conducted donation campaigns. Our investigation file itself contains examples of donation receipts signed Revolutionary Left and DHKC seized in old cases.

But there is no organisational statement anywhere mentioning a “DHKP-C donation campaign”, nor is there any donation receipt bearing the name “DHKP-C”.

Beyond everything else, the country concerned is Britain. A British court says: “DHKP and DHKC may conduct donation campaigns in our country.” Let us suppose there was a DHKC donation campaign in Britain. What does that have to do with Section 129b?

How can the German prosecution simply disregard and invalidate a British court decision? The prosecution may like it or not, but Britain has its own justice system. If it has an objection, it cannot make that objection through me.

The prosecution continues its accusations concerning Britain: “In addition, during his cadre activities in Britain the defendant attempted to influence, in favour of DHKP-C, investigations and criminal cases conducted in connection with activities carried out for the organisation by other persons there. During the course of a pending criminal case concerning, among other matters, the distribution of magazines belonging to DHKP-C in Britain, the defendant held numerous meetings with the defendants’ lawyers in order to issue instructions concerning the defence strategy.”

Let us assume I did hold such meetings. What offence is there in that? In any case, there can never have been any “instruction”. What does the prosecution think these lawyers are, that they could take instructions from me? Why would other people’s lawyers take instructions from me? There is no logical explanation. Were these lawyers cadres of the organisation too, obliged to obey organisational instructions?

The prosecution recognises no limit merely in order to make accusations.

Wherever in the world it occurs, I oppose bans directed against the left, revolutionaries and trade-union movements. My political outlook requires this, because I regard every ban against the left as the seizure of democratic rights that made the world liveable and were won for all humanity at the cost of millions of lives throughout human history.

Just as I oppose bans on Herri Batasuna, Sinn Féin, the DKP, FHKC, PKK, Communist Party of the Philippines, FARC and others, I also oppose bans on “DHKP-C”, DHKP and DHKC. I likewise oppose every form of banning ideas, except racist, fascist, denialist, paedophile and sexist publications.

Whatever court, political institution or authority imposes such bans, I oppose them. I support every legitimate struggle within my power for such bans to be lifted.

Within this framework I have met not only lawyers but MPs, Members of the European Parliament, UN bodies, various institutions and organisations, and even various intelligence organisations. In none of these meetings have I ever adopted the discourteous approach of giving “instructions”.

The case in Britain was opened following the raid on the DHKC London Information Office. Yes, there was a pending case. The prosecution is interested in that, but why does it ignore the outcome? If it claims the freedom not to recognise that court decision, it must set out its reasons. Whatever it does, by virtue of its own position it cannot simply refuse to recognise an existing court judgment.

But as a political activist I have the freedom not to recognise or accept bans imposed arbitrarily for political reasons by states and international organisations. No one can take that freedom from me through threats or blackmail.

Nor have I ever asked anyone, for any purpose, to make a false statement. On the contrary, in police and intelligence operations against organisations I have personally witnessed people being pressured to give statements against organisations through threats that residence or citizenship rights could be taken away, and through residence permits, citizenship, professional licences and permits or financial rewards.

In such situations I advise anyone being pressured to protect their honour and to say what is right and true. Whether they follow that advice or not is not for me to determine. They do what they themselves choose.

What I discuss with which lawyer is nobody else’s business. Lawyer consultations are covered by professional confidentiality, and possessing such confidential information cannot be a crime.

On page 8 of the indictment the prosecution makes yet another determination about my position in Britain: temporary regional responsible. Apparently it cannot place me anywhere because it is confused and has no concrete evidence.

It is alleged that in 2003, principally in Belgium and the Netherlands, I carried out “activities such as obtaining logistical means to strengthen the functioning of the organisation”.

First of all, strengthening an organisation’s functioning is not a logistical problem. It may be a question of cadres and training. Cadres and training cannot be purchased on either legal or illegal markets. The problem here is not merely one of ordinary logic. Since none of the accusations impose individual responsibility and nobody examines these logical errors, the purpose is simply to create an impression without any need to prove the accusation.

It says that I “dealt with obtaining clandestine houses and residences for the organisation and communication equipment such as digital radios”. Yes, when I was arrested in Belgium in 1999 I had helped obtain a clandestine house. But I was tried for that period and served the sentence.

Which clandestine house did I obtain in 2003, and where did I buy which radio? Neither obtaining a house unknown to others nor buying a radio is itself an offence. I did not buy one, but buying a radio from a shop as easily as buying chewing gum is not a crime. It also refers to “communication equipment such as radio devices”. I do not understand this at all. The communication devices I can compare to radios are baby monitors and mobile phones. Did the organisation supposedly communicate through baby monitors, radios or mobile phones? There is no data in the investigation file supporting this allegation.

It is said that I was “tasked with obtaining and stockpiling weapons and ammunition and, through contacts established for procuring weapons, seeking sources for ignition mechanisms and explosives”.

It is alleged that I was tasked with seeking sources. In other words, an intention is being alleged. Did I actually obtain weapons or explosives? What evidence is there? None. The only supposed indication is contained in the documents of 1 April 2004, which even Turkish courts accepted had been manipulated and were false. The so-called 1 April documents consist of material reconstructed from an external hard drive. I demonstrated, through various examples in documents read outside the hearing, that it was a deleted hard drive from which fragments were recovered through restoration software and then arbitrarily assembled into separate files.

The suspicious character of these documents is obvious. Turkish courts accepted legally that they had been manipulated. The fact that Germany treats them as lawful without any scientific examination is a problem in itself. Their lack of personal attribution is another problem. Moreover, cases had already been brought and convictions handed down on the basis of these manipulated documents; in other words, people have been repeatedly tried and convicted for the same alleged offence, while even the concept of limitation periods is ignored.

Once someone becomes a Section 129b suspect, fundamental legal principles such as the individuality of criminal responsibility, whether an alleged offence remained merely an intention or was ever carried out, and limitation periods are collectively treated as invalid.

Although some accusations are presented as having been removed because the court panel limited the period of offending, the prosecution is at the same time effectively guaranteed that those “removed” accusations can still influence the punishment.

If conviction on accusations within the accepted offending period means that prosecution allegations outside that period “will play a role in increasing the sentence”, I cannot interpret this in any other way.

Fine, I too do not want the trial prolonged by unnecessary matters. But why should I pay the price — why am I condemned to pay the price — merely to reduce the workload on all parties to the proceedings? Particularly when matters are excluded as being outside the offending period and my right to defend myself against them is therefore removed, I consider another legal principle to have been violated.

Of course subjectivism generally takes the place of evidence in political trials, and political trials are partisan. As the defendant I can, up to a point, understand and even accept that partiality against me. From the beginning of my trial I accepted your court and my being tried here knowing that it would not be impartial.

I do not accept this because I believe I will receive a fair trial. It is because a political defence can only be made in a partisan political trial. If this were merely a legal proceeding, there would be no work for me to do; my lawyers would do what was necessary.

Being tried under Section 129b already means being tried for one’s ideas as well. In making my defence I have defended my ideas and declared that I will pay the price for them. But everything has a limit. To say: “It is not part of the offending period, but it may increase your sentence,” requires me to accept conviction for things against which I have been unable to defend myself. I cannot accept that.

The claims concerning procurement and storage of weapons, Glock pistols and so on have been used in every “DHKP-C” trial conducted under Section 129b so far and, I think, also in Levent Yanlık’s German case in 2008. At this rate it looks as though our grandchildren will also be convicted for the same offence.

On page 9 it is said: “The defendant also maintained contacts with persons capable of obtaining false and falsified Turkish identity documents.”

What does “maintaining contacts with persons capable of obtaining documents” mean? I am genuinely curious what criminal offence this accusation is supposed to constitute. Let us suppose I kept the names of such people and their contacts. Was any such list found on me? No. And where is the offence in keeping names? Suppose I made a list of people accepted as criminals — I did not, but suppose I did — is that itself a crime? In prison, for example, I have seen several prisoners wearing “Escobar” T-shirts. During Erdoğan’s visit to Germany I saw people appearing on television wearing T-shirts bearing the image of Erdoğan, a serial killer and serial criminal, and I know that none of them was prosecuted.

Apparently between March and July 2003 I tried to obtain false Turkish identity documents and papers. My God, what an enormous crime! There is supposedly an attempt, but not a single piece of evidence of an attempt, yet the offence is treated as established.

I have already explained the issue of false identities in relation to the Belgian case. As a matter of principle, if a false identity can prevent a person from being tortured, unjustly imprisoned or extrajudicially executed, I regard obtaining or providing one as legitimate in the same sense as in Schindler’s List.

It is also said: “Between July and November 2003 the defendant contributed to bringing an organisation member, who was intended to be brought illegally from Greece to Britain, into Britain.” The accusation is concrete: someone was smuggled into Britain. Who was this person? Did I really contribute to smuggling someone into Britain? How did I do it? What did I do? What contribution did I make? As I said, the accusation is concrete, but there is not a single fact or item of evidence constituting the alleged offence.

I read something about this in the 1 April documents contained in the electronic investigation file. I did not record the file number and could not find it again. But as I remember it, the subject concerned a death-fast veteran living in Greece who had serious memory loss and physical balance problems and whose transfer to Britain for care was being discussed.

The only thing I know because of my interest in the subject is that no such veteran went to Britain. Again the prosecution has chosen the easy path. After all, it supposedly has no need to prove what it says. If I am being concretely accused, at the very least a concrete name must be given. The prosecution could, for example, have made requests for judicial assistance to Greece and Britain and investigated whether such a person actually went to Britain. It did not. It failed to perform its duty, but it can still accuse me. It does not even say merely that “there was an intention to attempt this”; it says “a person was brought”. Please, a little seriousness.

First it says this person was brought, then it says: “A sham marriage was envisaged between a female DHKP-C supporter and the organisation member. In this way the member was to obtain lawful residence status in Britain.”

The relevant document contains no reference to “DHKP-C” whatsoever. Where the idea comes from that a female “DHKP-C member” was to marry a veteran member in order to secure residence is unknown. The prosecution has even created a new status of organisational affiliation: a “member who is a DHKP-C supporter”.

Supporter or member? How can a person be both at once? I am curious and ask the Federal Prosecutor to enlighten me.

The prosecution constantly says “in addition” and “in addition to his other duties”, and thereby, thank you very much, turns me into a superhuman being. It loads so many tasks onto me that I appear not to live twenty-four hours a day like other people but a hundred hours.

It says: “In addition to these activities, the defendant continued, during the period from 30 August 2002 until the end of 2003, the activities he had already been carrying out since 2001 as the official responsible for DHKP-C’s Western European external-relations section. The principal focus of these activities was receiving and subsequently forwarding internal organisational reports and, in part, writing or distributing statements signed DHKC International or DHKC International Relations Committee.”

Let us begin with what it calls the principal focus of the activities.

It says: “Writing or distributing statements in the name of DHKC International or the DHKC International Relations Committee.”

At that time the name DHKC International was used principally by the Brussels Information Office. But there were definitely no statements signed DHKC International Relations Committee during 2002–2003. DHKC International and the DHKC International Relations Committee denote entirely different structures. I saw the first statement signed DHKC International Relations Committee in 2008, after I was released in Belgium. That statement had been written while I was in prison in Belgium, so there is no material possibility that I could have written it. Where does this freedom to accuse come from?

How could I have written a statement in 2002–2003 that did not exist then?

A second point is the claim that I wrote or distributed DHKC International or DHKC International Relations Committee statements. The approach appears to be: “Even if we cannot prove he wrote them, we can hold him responsible for distributing them.” Where and to whom did I distribute them? Is there proof? No. Is proof even considered necessary? Apparently not. And when International Relations Committee bulletins began appearing, I was in prison. How could I have distributed them?

Philosophically I do not believe in metaphysics; I believe in historical materialism and dialectics. Yet apparently the prosecution attributes metaphysical powers to me and claims that while my body was in prison I was outside distributing leaflets.

It says: "The defendant also planned and organised DHKP-C events serving to maintain international relations. These included the symposium on 'Isolation Imprisonment' held in Florence, Italy, on 19–21 December 2003."

Yes, I attended the Florence symposium and took part in organising it. But it was not organised by DHKP-C; it was organised by the UTMP. I explained the UTMP in previous sections. It is not a "DHKP-C organisation" as alleged. It is an international democratic formation composed of different individuals, institutions and organisations. It is not ideological; it is a platform defending social interests.

The Florence symposium itself was organised principally by Italian MPs and Florence Municipality. It was held in the large halls of Florence City Hall and the regional parliament. It concerned not only isolation prisons but anti-terror laws, blacklists such as the EU terror list, war, occupation and annexation.

It is then said that after New Year 2003–2004 I continued to be active for "DHKP-C" under the code name Talat.

Talat is not my code name. It is my middle name. For as long as I can remember it is the name I have used outside official institutions, school and similar settings.

It says: "Particularly because of his trusted relationships with DHKP-C General Secretary Dursun KARATAŞ, the leading organisation cadres located there and other contacts, although he stayed predominantly in the Netherlands and Belgium, he again carried out membership-related activities for the organisation in Germany from 2004 to 2006."

I did not live in the Netherlands because of anyone's protection. I lived in the Netherlands because I am Dutch. Nor do I have information as to whether Dursun KARATAŞ lived in the Netherlands.

I do not know who the prosecution means by "other DHKP-C leading cadres" in the Netherlands. But neither the DHKP nor DHKC has organisational activity in the Netherlands or Belgium, nor are there activities by DHKP cadres or DHKC fighters there. If they did have such activity, I do not think they would conceal it. An organisation whose members never cease their activity in Turkey despite the Turkish state's policy of elimination and killing would not, I am one hundred per cent certain, be afraid of European repression and refrain from publicly announcing its organisational activity and carrying out actions in Europe. After all, Europe contains representatives of the Turkish state, fascist organisations, collaborators and supporters of the Turkish state, and imperialist monopolies. If DHKP and DHKC were organised in Europe, they could also organise armed activity against such targets. But politically they have no such objective.

I do not know what public interest the prosecution sees in presenting a non-existent war and non-existent organisational structure in Europe as though they existed and encouraging repressive methods against them. As I have stated in previous parts of my defence, according to the ideas of Mahir ÇAYAN and Dursun KARATAŞ — the outlook that can also be described as the "DHKP-C" conception — there is no revolutionary situation in Europe. According to the Party-Front conception, conditions for armed struggle do not exist there. Since there is no conception of revolution or armed struggle in Europe, and the basic conditions for such a conception are absent, cadre work in Europe is impossible. In an environment where those conditions and that war do not exist, it is also impossible to develop cadres capable of becoming DHKP or DHKC members.

There are no "DHKP-C" leading cadres in the Netherlands or Belgium, just as there are none elsewhere in Europe.

It is also alleged that between 2004 and 2006 I "again" began membership activities in Germany alongside my activities in the Netherlands and Belgium.

Let us first examine the word "again". When had I previously conducted membership-recruitment activity in Germany, such that I supposedly took up this task again in 2004–2006? If there was no first occurrence, a repetition is scientifically impossible. I must first point out this basic logical error.

I did not carry out any activity in Germany to recruit people as members on behalf of DHKP-C or any other organisation.

The prosecution’s claim on this matter is based on the fact that I “met many times with his wife Nurhan ERDEM, who generally resided in Germany”.

The prosecutor says “generally resided in Germany”. No, not generally. Apart from a period of childhood in Turkey, from birth onwards she lived only in Germany. Why does the prosecution think it has the freedom to make an incorrect assertion despite having every relevant document? What am I supposed to do in response to such an accusation? Strictly speaking I would have to explain what “residence” means and what is indicated by the word “generally”. But I regard lowering the level this far as an insult to myself, so I will say no more about it.

According to the prosecution, meeting my wife many times is evidence that I resumed recruiting members in Germany. First of all, I prohibit Prosecutor SETTON from arbitrarily assessing my private life and my relationship with my wife and interpreting its nature. My advice to the prosecutor is to pay careful attention to the balance between bringing legal accusations and personalising matters. Conduct appropriate to the dignity of his office is one measure of the quality of the court.

It says: “Between 13 February 2005 and 22 August 2005 he made numerous car journeys, principally from Hagen to Cologne or Dortmund, for the purpose of going to DHKP-C front associations there.”

What is the offence here — driving a car? It is true, I drive. I also drive a diesel car because it is cheaper. It is true that diesel harms the air and nature. I confess that through these journeys I caused harm to Germany’s environment.

I also confess that during the period mentioned, before it and afterwards, I met my wife many times.

I do not know where Hagen comes from, but I travelled from Hohenlimburg, where my wife and her mother lived, to Cologne and Dortmund. My wife was President of the Federation to which the associations there belonged. I respect my wife’s social activity and work. Because the essence of her work was social relations, of course we discussed such matters. Our conversations were listened to by the BKA and examples are in the file. The intercepted calls in the file make it equally clear that there was no relationship of orders, instructions or organisational hierarchy between us. Of course there is no rule that we must think identically about everything. We discussed the events and facts of daily life as both she and I experienced them. But as the interception records themselves establish, there was never an order-instruction relationship between us.

Moreover, we are husband and wife. We met in Hohenlimburg and on the return journey I dropped my wife wherever she wanted. I do not know about others, but in my view being a good husband does not merely mean not restricting your wife’s freedom. A relationship must also contain courtesy and effort. Taking my wife to the place where she worked and feeling that she wanted to share her working environment with me are requirements of mutual feeling.

Page 10 also states that “the defendant, together with his wife, participated in planning and organising events in Germany of DHKP-C or the organisation’s front associations”.

No. I took no part in planning or organising any event in Germany. The prosecution’s allegation is baseless.

It continues: “In this way, together with his wife Nurhan ERDEM and others, he took part in a concert organised in Cologne on the evening of 10 October 2005 in the name of the Anatolian Federation.”

This is the prosecution’s evidence that between 2004 and 2006 I “again” conducted work recruiting members to “DHKP-C” in Germany. Yes, I attended that concert and ran a publications stall there. There were no “DHKP-C” publications on the stall. “DHKP-C” publications are banned in Germany. As the indictment itself says, my car was searched from top to bottom that night. This was not an ordinary traffic stop but a specially organised check intended to detect an offence. The officers who stopped us called a separate team to conduct the search. Had there been “DHKP-C” publications there, matters would have taken an entirely different turn

and at least there would have been seizure and an investigation. But because there were no “DHKP-C” publications of the kind alleged by the prosecution and sought by the police, nothing was seized. Facts that did not exist that day do not exist today either.

As for the 13,000 euros found on my wife during that search, which I had brought, I have already made a separate defence on that matter and see no need to repeat it.

Again on page 10 it says: “During the period from 2004 to the beginning of 2006 the defendant again attended family celebrations in Germany of persons belonging or close to DHKP-C. His presence there was not merely an expression of personal attachment but served to represent the organisation through a senior management official.”

The supposed proof is that I attended in Dortmund the wedding of the daughter of a friend whom I knew from the Netherlands and whose father, an old acquaintance of mine, had died of cancer, and that I agreed to a request to conduct the traditional gift ceremony. I am proud to perform such a traditional service at the wedding of a friend’s daughter.

Speaking during the gift ceremony cannot possibly have anything to do with representing “DHKP-C” at senior level. The gift ceremony is an act of service. I cannot fault the panel or prosecution for not knowing the place of such ceremonies in our culture. But I do fault the prosecution for describing that service as “senior-level representation”, because it does not hesitate to distort reality consciously rather than making the effort to find out the truth of something it does not know.

If what I say about the place of gift ceremonies in Anatolian culture is not considered reliable, any community from Turkey, any religious or cultural institution from Turkey, or whatever institution or expert is considered appropriate can be asked for a statement or report. No belief community would regard the person conducting the gift ceremony as a senior representative. Of that I am as certain as I am of my own name.

The same paragraph again refers to “family celebrations in Germany of persons again belonging or close to DHKP-C”. Why “again”? Which family event had I attended before so that this could be a repetition? There is none. But in order to extract an element of crime from a family event I attended because of friendship, the prosecution presents it as though there were a repeated pattern.

It also says that “he explicitly described certain gifts as gifts of DHKP-C”.

No. I certainly did not say “DHKP-C”. The film of the wedding should be in the possession of the BKA and prosecution. I have not watched it myself and there is no transcript of the recording in the file. But of one thing I am certain: I would not say “a gift from DHKP-C”, because there is no structure called “DHKP-C”. I may, however, have said “the Front” or “Front supporters”.

On what basis does the prosecution interpret my use of the word “Front” as “DHKP-C”? Here the purpose is simply to invent an unsupported accusation in order to manufacture an offence.

What kind of freedom to interpret is this? What should I do? Should I respond in the same way and read every use of the word “national” in the file as meaning Nazi? Of course I would not. At least someone among us must remain reasonable and prevent matters from going completely off the rails.

Everyone may use the word “Front” according to their own situation and position. A People’s Front supporter means the People’s Front when saying “the Front”. A DHKC member means the DHKC and the military field of confrontation. Recently, for example, there was an operation in Turkey against architects and engineers. The purpose of the operation was anger at activities such as establishing People’s Gardens in poor neighbourhoods to produce cheap natural food for the people, and erecting wind turbines to provide free electricity. I was reminded of the Istanbul political police who extracted a DHKP-C meaning from uses of the word “front” in architectural drawings by the same HMM — People’s Architects and Engineers — for an Alevi worship and cultural centre they built in Istanbul. Yet “front” is also an architectural term: front elevation, rear elevation, side elevation.

This kind of “gotcha” reasoning is anti-scientific. Events and facts cannot be understood through “gotcha” reasoning. It expresses only prejudice already present in the mind.

But the prosecution is not merely engaging in that. Had it said “when he said Front he meant DHKP-C”, that would be ordinary “gotcha” reasoning. Instead it states positively that I “explicitly described them as gifts from DHKP-C”, thereby presenting its own thought as fact — describing something that did not happen as though it had happened.

To prove what I am saying, I REQUEST that the recordings of the wedding be provided to me as evidence or shown during the hearing.

Page 11 supposedly proves how I continued my “DHKP-C” membership during 2006–2007.

It states: “During the period of detention from 28 February 2006 to 19 April 2007 in Bruges, Belgium, and thereafter, the defendant continued without any change his membership participation in DHKP-C as a high-ranking cadre.”

The prosecution, which thinks that my meetings with my wife, attending weddings and so on prove “DHKP-C membership”, indeed “high-ranking membership”, now claims that during my imprisonment I also continued in the same position as a “high-ranking member”, thereby attempting to prove uninterrupted membership and activity.

How did I conduct this high-ranking membership activity for fourteen months? The prosecution must explain. For eleven and a half months of that imprisonment I was held twenty-four hours a day in a single-person cell. I did not go to the exercise yard even once, even alone. I did not see my wife and attended no wedding or concert. The light in my cell was left on twenty-four hours a day and I was checked through the hatch at least four times an hour. How did I carry out this high-ranking membership?

Of course I was not idle during that period. First I brought cases against isolation. Apart from the first case, I won four of them. Despite court decisions, including my final victories against isolation, the Justice Minister personally ordered the isolation to continue. I then went on hunger strike against that decision. After fifty-four days the isolation law was changed and I secured the ending of my isolation. That was my only political activity during that period. Is that how I continued my high-ranking membership activity?

Moreover, the DHKP defends the Bolshevik conception of the party, and according to that conception membership lapses with imprisonment. Since I was never a Party member, there could be no question of my membership lapsing. But even if I had been a member, my membership would have lapsed during that period.

Let us look at the supposed evidence of membership after prison.

The prosecution says: “In this capacity [high-ranking membership], the defendant, together with his wife Nurhan ERDEM and other DHKP-C cadres, attended both the Anatolian Federation summer camp held in Carry-le-Rouet, France, from 20 July to 4 August 2007 and the organisation’s European Congress held in Montreuil-sous-Bois, France, on 19 April 2008.” It also says that on 25 May 2007 I attended another family celebration as a guest and directed the presentation of gifts to the married couple.

I attended only the last day and a half or two days of the summer camp. It was shortly after my release and I wanted to spend two days with my wife. Is that high-ranking membership? And where does it come from that only high-ranking cadres attended the camp? I saw around 150 people there: families, newborn babies, many children and young people. On the basis of what information and authority does the prosecution turn all of these people into high-ranking cadres? Even arbitrariness should have limits, but in our case it has none. For representatives of the judiciary — one of the most important components of social organisation — to preserve their own dignity is indispensable to common social interests. Arbitrariness, rote thinking, cliché and subjectivism destroy that dignity at its roots.

The event in Montreuil, Paris, was a cultural event organised by an association in Paris. Where does the prosecution get the idea that it was the organisation’s European Congress? The prosecution cannot be unaware

of the difference between a congress and an evening event, though of course it is not obliged to know. If necessary I can explain what a congress and an evening event are. If my explanation cannot be accepted as evidence, the prosecution or court may use whatever source or expert witness they consider appropriate.

There was no congress in Paris. I did not attend any congress. The cultural event in question included visits to the Communards and Yılmaz Güney graves at Père Lachaise, a city tour and a visit to the Eiffel Tower, as well as musical, cultural and political activities.

As I remember it, the programme for the cultural event in Montreuil was announced through posters and leaflets. I do not have the means to research these. But the prosecution is making the accusation. It is therefore its task to prove that it was a congress, whatever kind of congress it supposedly was. I REQUEST that the court require the prosecutor to document this allegation.

Another supposed item of evidence is that I “attended a family celebration as a guest” and “attended the wedding celebration together with other DHKP-C cadres, again directing the presentation of gifts to the married couple”.

Attending a concert with thousands of “high-ranking cadres” and then a wedding with hundreds more cadres — this does nothing except make a farce of the concept of “high-ranking membership”. Please, a little logic.

Page 11 also contains allegations concerning Dayı’s death and my position afterwards.

I stated my views concerning Dayı’s funeral in my initial defence. But this subject needs to be examined in detail because certain matters included in the indictment — particularly the allegation that I became the “DHKP-C Europe responsible” — played a decisive role in Germany’s arrest warrant against me and, subsequently, the bounty notices of the United States and the Republic of Turkey and the reported “shoot-to-kill orders” concerning me.

It is said: “On the occasion of the death from cancer in the Netherlands in August 2008 of Dursun KARATAŞ, then General Secretary of DHKP-C, DHKP-C made a statement on the website Halkınsesi.tv headed ‘Condolences to Our Peoples’. The defendant’s signature also appeared on this statement.”

First of all, I do not know what “DHKP-C Halkınsesi.tv site” is supposed to mean. If it means that Halkınsesi.TV is a “DHKP-C” site, that is wrong. There is no organisation called “DHKP-C”, and Halkınsesi.TV is not its website.

It is alleged that my signature appeared on the statement. I announced the news of Dayı’s death to the public in a short notice under my own name. Contrary to the allegation, there were no signatures by others or by me on that notice. There was only my first and surname. I previously explained why I made the announcement under my own name. As part of its psychological warfare, the fascist regime in Turkey frequently had reports published in the Turkish press claiming that Dayı had died. For this reason nobody took reports of his death seriously. I therefore made the public announcement using my own first and surname.

I organised the transfer of the body to the mortuary, obtaining a laissez-passer from the consulate, taking responsibility for the body, holding the funeral ceremony in Rotterdam and sending the body to Turkey.

I did this not merely as a humanitarian duty but because I regarded it as my duty in view of Dayı’s historical personality, his struggle against fascism, and his leadership of and contribution to the causes and demands of revolution and democracy.

Of course the fact that I had known him since the 1980s also played a role. My political personality was shaped principally by the anti-fascist struggle of 1978–80 and, after 1980, by the fascist junta’s torture, massacres, prison repression and political trials. Throughout all these periods, Dayı embodied the popular leadership, the people’s resistance and their gains — the will that made today’s life possible. The principal factor behind my standing by him is the love and respect I feel for this. As I have said before, whatever the price, even a thousand times over, I would show the same honourable solidarity again.

Dayı became a legend during his imprisonment. Respect for his leadership goes far beyond an organisational comradeship relationship. I have personally heard former prisoners from many different organisation trials who shared the same prison with him — even people from other organisations who were themselves leaders — say of Dayı: “He is my idol.”

Now we come to the crucial point.

The prosecution says: “At the latest after the death of General Secretary KARATAŞ, as part of the personnel changes required at the summit of the organisation, the defendant assumed responsibility for Europe.”

According to the prosecution there was, after Dayı’s death, a “necessary organisational summit”. When was this summit held? Did I attend? Were personnel changes made there? None of this is within my knowledge and no such information has appeared publicly. If the prosecution possesses information about this, it is obliged to disclose that information together with its sources and documents. I REQUEST that the prosecution present before the court the concrete explanatory information and documents it claims to possess; if it cannot do so, it must openly acknowledge that the allegation is baseless.

A “necessary organisational summit” — who says such a summit was necessary? According to the indictment, the Federal Prosecutor says it was necessary. Because it thinks so, it makes assumptions, and within those assumptions it assigns me an organisational role.

The prosecution admittedly says “at the latest after the death of General Secretary Dursun KARATAŞ …”, thereby also suggesting that I might have been Europe responsible before August 2008. It keeps this as an alternative in case it cannot prove the “organisational summit” it itself deems necessary. But the fact that this possibility is used in the same sentence as the “organisational summit” is itself evidence that the scenario being advanced is nothing more than ordinary fantasy.

In ML organisations the equivalent of what might be called an organisational summit is a Party Congress or a Party Conference convened by the Congress. Historically, no ML party, legal or illegal, conceals its congresses or conferences from the public. If they are held under illegality, the decisions are nevertheless announced publicly after the congress or conference. Yet ten years have passed and there has been no announcement of any such summit or even conference.

Congresses and conferences are extremely important in ML parties, and the ability to hold them is itself a concrete achievement for those organisations. For an illegal organisation such as the DHKP, being able to hold one would be an enormous achievement, and it would make no sense to conceal its decisions from the public.

Let us also examine the “personnel change” the prosecution considers necessary. What does personnel change mean, and what is its equivalent in an ML organisation? Literally, personnel change means a change of cadres. But if the organisation concerned is a cadre organisation such as the DHKP, that would mean changing all the organisation’s cadres — in other words liquidating the organisation. Such a thing is impossible.

The prosecution’s allegation reflects the outlook of conventional parties, which are generally clique parties and bring in their own cadres whenever the leadership changes. The prosecution looks at them and speculates about the DHKP. That is all.

Moreover, why should the death of the DHKP General Secretary make me Europe responsible? Was the DHKP General Secretary also the Europe responsible, such that I would be appointed to the position vacated by him?

It continues: “On the other hand, the defendant was obliged to account to the Party leadership on all matters. In this way the defendant dealt comprehensively with all affairs of the European organisation.”

Sentences beginning “on the other hand”, just like those beginning “in addition to his other duties”, serve to load every imaginable task into a sack and place it on me in order to secure a wholesale and shortcut conviction.

Returning to the substance, I am assigned the stunted organisational role of having to account to the leadership on every matter, yet at the same time it is claimed that I dealt comprehensively with all work in Europe. This is internally inconsistent. One denies the other. If that was my role, it would be impossible to deal with everything, because the role described is that of an official.

Up to this point, through allegations about my supposed duties — principally attending concerts, meeting my wife and attending weddings and other family celebrations — my status as a “high-ranking member” is now being transformed into the status of a “senior cadre”. Let us look at the new duties the prosecution assigns me for this purpose.

It says I dealt with “the functionality and authority of committees and assemblies in countries and regions, the conduct of donation campaigns and commercial evenings, the sale of magazines, the training and supervision of lower-level members, equipping fighters in Turkey with necessary materials and equipment, obtaining false passport documents and clandestinely transferring organisation members. For this purpose the defendant was transferred powers to supervise and direct management officials in Europe in all organisation-related matters.”

Take “commercial evenings”, for example. First the prosecution must explain what it means by a “commercial evening”. I have never attended such an event and have never participated in organising one.

Commercial evenings are organised for profit. Entry prices are figures such as 50, 100 or 150 euros. They involve alcohol, belly dancing and so on. It is almost impossible to make a profit from an evening where alcohol is not sold. Let the prosecution give one example — just one — not only of an event I attended but of any such event organised by institutions or persons it calls front organisations. If it can, I will accept every accusation. But it cannot.

I have never in my life done anything for profit and I would not. I regard undertaking something with that objective as an insult to myself. If my concern were to make money, to make a great deal of money, capitalism offers hundreds of ways. I know those ways very well. But I will not use them. I have never taken part in anything based on exploiting or degenerating the people, and I never will.

The easiest form of a commercial evening is what is called a “halay night”, an alcoholic dance evening. Halay is a folk dance, but the way such events are conducted is directed towards degenerating the people and, as a matter of principle, I oppose all such activities. I criticise them being organised. I have never in my life acted against my principles. If I am being tried here today, the reason is precisely that I have never violated the principles by which I live.

“Equipping fighters in Turkey with necessary materials …”

“Obtaining false passport documents …”

“Dealing with clandestinely transferring organisation members …”

I understand the prosecution too. Without supposedly proving these kinds of things, it cannot describe a terrorist organisation or establish terrorist activity. The prosecution also knows very well from earlier cases and from BND and AKÖ reports that these accusations need not actually be proved. Was any allegation that Federal Prosecutor Becker-KLEİN took from Turkish prosecutors and torturing police and had validated by German justice ever required to be proved, such that the same kinds of allegations must now be proved in my case?

Likewise, BND and AKÖ reports of this kind, and BKA interpretations based on them, have until now entered court judgments word for word. It would therefore be rather difficult for the prosecutor in this case to spoil the game.

I can understand all of this. But during the twenty years since the ban began in 1998, through hundreds of searches of homes and premises, dozens of arrests and so on, in which one has a single weapon or a single bullet ever been found?

Has there been one single violent action in Europe in twenty years?

Has there been one violation of the ban in twenty years through activities in the name of the banned organisation and under its flags?

Who has been smuggled into Germany in twenty years for rest or any other purpose? Give one name.

As for the allegations against me personally: which “necessary materials and equipment” did I supply to which “fighters”? For whom did I obtain which false passport document? Whom did I illegally bring into Germany or Europe? I want one single concrete allegation and item of proof.

Pages 18 and 19 of the indictment contain an INDEX OF EVIDENCE. I will deal with that section item by item as well. But that list contains no indication of evidence supporting any of the accusations alleged.

What does “necessary materials and equipment for fighters in Turkey” mean? Such materials can include clothing, tents, pickaxes, shovels, medical products, pots and pans, communication, writing and reading equipment, drinking cups, fire-lighting equipment, needles, thread and cloth for repairing torn clothing, daily food, money and other needs, as well as weapons, bullets, explosives and ammunition — and the list could be detailed further.

Which of these did I obtain, and which did I deliver to fighters? I do not want generalisation; I want evidence. Concrete evidence. The only material used in the organisation investigation in this direction is the manipulated 1 April documents, and even they contain no concrete evidence. They are false documents in which scraps of information were gathered together later in a suspicious manner and turned into allegations against me. Every claim remains at the level of assumption, generalisation, interpretation, speculation, fabrication and fantasy. Yes, many people have been convicted on this basis. But I now invite the prosecution to exercise a little common sense.

Yes, the prosecution has before it old case files and judgments, the BKA’s analyses and interpretations as law enforcement, and reports prepared through the political-ideological commitments of the BND and AKÖ. But there is also a reality that fits none of them. Reality cannot be turned upside down to this extent merely because there is a political desire to convict.

Pages 11 and 12 of the indictment also accuse me of appointing Alaattin Ateş as Germany responsible.

I am tired of the subject of Ateş, but I must nevertheless address it briefly.

It is alleged that after my wife was arrested on 5 November 2008, I appointed Alaattin Ateş as Germany responsible in her place.

I did not appoint Ateş as Germany responsible. There is nothing in Ateş’s statements saying that I appointed him as Germany responsible. On the contrary, in intercepted telephone conversations with BND agent Cihan, Ateş says that I was supposedly trying to task him as though he were a cadre, but that he had a job and family and could not give twenty-four hours a day to the work.

Of course this too is Ateş’s own interpretation. At least before the BND he was trying to present himself as such an important man, showing how indispensable he was and seeking an increase in his salary. And his salary was increased.

I did not make Ateş Germany responsible. I had no such position or authority.

It also says: “In December 2008 the defendant tasked Ateş with obtaining four firearms and bringing them to him in Rotterdam, Netherlands, but Ateş did not carry out this assignment.”

This is a complete lie. I made no such request. I previously stated that the matter of the four weapons was proposed to me by Ateş himself within the knowledge and plan of the BND and Cihan.

In conversations between Cihan and Ateş, BND officer Cihan flatters Ateş: “Without you, they cannot do anything in Germany.” Yet regarding the weapons the prosecution says: “Ateş did not carry out this assignment.”

The prosecution is plainly trying to protect Ateş. How does it know what kind of psychological character Ateş has? On what basis does it vouch for him? What service is this treatment repayment for?

Deliberately declaring Ateş to be Germany responsible is nothing more than a tactic to make what he says seem reliable. The BND, BKA and then Federal Prosecutor all thought in such petty terms and did not hesitate consciously, deliberately and intentionally to mislead the judiciary.

Trying now to use the “protected-responsible” person they created in this case means nothing other than continuing to mislead the judiciary while pretending innocence.

Yet clarifying all of this is very simple. In addition to bringing Ateş as a witness, I REQUEST that BND officers Cihan and Robert also be brought before the court as witnesses.

I want to prove that the matter of the four firearms was a BND–MİT conspiracy. For this purpose I REQUEST that Cihan of the BND be brought before the court.

I also REQUEST that Robert be brought as a witness. If the BND played no role in the weapons conspiracy, then, as is in fact clear from the investigation file, Cihan is a BND agent who also worked for MİT.

If the BND still protects Cihan and asks the court not to hear him as a witness, this can mean only one thing: that the weapons conspiracy was jointly organised by the BND and MİT.

On the other hand, if the BND says it no longer has any relationship with Cihan, it will emerge that the weapons conspiracy was organised solely by Turkey.

In either case the truth will come out. I therefore request the testimony of Cihan and Robert, who maintained the relationship with Ateş. If the BND denies the existence of Cihan and Robert, then I REQUEST the testimony of whichever agents actually maintained contact with Ateş.

Pages 12 and 13 state that through Ateş, ÖZPOLAT was brought into the Germany-responsible position, and so on.

But there is a matter overlooked or deliberately concealed here. Ateş, whom I supposedly made temporary Germany responsible, is treated as though once the Germany responsibility ended all his relationships ended as well. How can that be?

Suppose Ateş temporarily filled the position vacated by ERDEM. Who then replaced İstanbullu and Oban, arrested with my wife and described as responsible for Dortmund and Westfalen? Logically, could someone who had supposedly acted as Germany responsible not then assume responsibility for one of those areas?

Could he not have been given some other, even limited, task? The BKA and prosecution skip over these questions because, in their view, they had already obtained what they wanted from Ateş. What did they want? A statement that ERDEM was Germany responsible, that I was the high-ranking cadre who filled the position above the Germany responsible, and that ÖZPOLAT became the new Germany responsible. To make that statement credible, Ateş was said to have been the temporary responsible. Once those statements had been obtained, Ateş was no longer necessary to the BKA and Federal Prosecutor. Suddenly all his authority was reduced to zero, and he was treated as an innocent man who rejected the organisation’s criminal activities involving weapons and so on.

Yet from the beginning both the BKA and the Federal Prosecutor knew very well that none of Ateş’s statements was true.

Pages 12 and 13 then deal with donation campaigns involving Özpolat and Düzyar.

I addressed this in detail in my earlier defences. I dealt with the meaninglessness of the lists containing the alleged figures, uncertainty as to whether amounts were in Turkish lira or euros, names being altered in translation and many other falsifications, giving concrete examples. I therefore will not return to the details here.

However, it is alleged that campaigns concerning veterans and prisoners were organised to provide resources required by the organisation for armed struggle in Turkey.

During the death-fast resistance from 2000 to 2007, in which 122 people died, around 600 people were also left disabled. Some were disabled as a result of the Turkish state burning prisoners alive, shooting them, poisoning them with chemical gases, subjecting them to severe physical torture and forcibly intervening in hunger strikes through forced feeding.

These 600 disabled people are referred to as “veterans”. Their operations, care and needs were met by all democratic sections of society.

Likewise, with the opening of the F-Type prisons in Turkey, prisoners — most of whom were poor — were placed in a situation where they could not meet their basic needs. To give a small example: prisoners in F-Type prisons are even required to pay their own electricity costs. A prisoner without money is therefore condemned to darkness. Food, electricity, clothing, books, stationery, stamps and similar needs are necessities of life. Voluntary campaigns in Europe concerning prisoners are a humanitarian duty.

Now the prosecution says that campaigns for prisoners and veterans were “intended to finance armed struggle in Turkey” and is trying to criminalise solidarity with veterans and prisoners who have essential needs.

But even if the world collapses, no force can prevent the people of Anatolia from standing by their prisoners. Nobody can stop this. Trying to obstruct aid to prisoners and veterans through demagogy about “financing armed struggle” means nothing other than whitewashing and supporting the fascist regime that practises brutality in Turkish prisons. German justice should not allow itself to become an instrument of that.

The prosecution claims that during 2009–2010 I continued the same role of “high-ranking cadre” and Europe responsible in connection with these donation allegations.

Then there is a two-year gap between 2010 and 2012. During those years I was in the Netherlands and constantly in public view. Yet there is no evidence whatsoever during this period of “high-ranking cadre” status or European responsibility. But what does that matter to the BKA and Federal Prosecutor? They treat every concert, wedding and other event I attended as evidence that the Europe responsibility continued, yet for these two years, despite possessing nothing, they never consider the possibility that the situation might be otherwise.

During those two years there are only four recorded meetings in Hellevoetsluis.

I explained those meetings in earlier parts of my defence. The ambient recordings are also clear. They discuss the UTMP symposium in Berlin. Yet the BKA and prosecution claim not even to have known about an event that was legally organised, publicly advertised with posters and announcements, and lasted three days, as though mocking the intelligence of every party to the proceedings.

Of course their purpose is not really to mock anyone. The reason they pretend neither to have known about the UTMP nor about when the three-day Berlin symposium would take place or had taken place is to label the activity a DHKP-C activity and the participants high-ranking DHKP-C members and cadres, thereby creating crime and criminals.

If the BKA, BND and AKÖ genuinely knew nothing about a platform with its own website whose events had been held annually for twelve years, publicly announced through posters and leaflets and attended by hundreds or thousands of people, this could only be explained by their own stupidity. Announcements and reports concerning these events were themselves published on websites and in magazines continually monitored by the BKA, BND and AKÖ. The claim that they did not know is therefore an outright fabrication and lie.

On the other hand, while pretending innocence, they present UTMP activities as DHKP-C activities and use them as evidence of organisation membership against me. This is plainly intrigue, and the prosecution takes these intriguers as its guide.

Page 14 claims that in 2015 I continued my membership activity together with my wife in Hamburg and that in this way I had conducted uninterrupted activity for seven years.

I came to Hamburg in the middle of 2016. Our file contains documents and witnesses establishing that fact. Nor did I stay at a place called Zimmerforte. I do not know where it is.

They fill the period 2010–2012 with three or four meetings and a symposium, then claim that in 2015 I was supposedly in Germany and say: “For seven years he continued his membership activity, together with his wife Ms Nurhan ERDEM, in Hamburg, where he had regularly resided since at the latest November 2015.”

Pay attention to the selection of words: seven years, together with his wife, regularly resident in Hamburg. The very combination of these words is enough by itself to reveal the construction.

Then, because I was arrested in Hamburg in 2016, it supposedly becomes proven that I had continued uninterrupted organisational membership for eight years!

Yet for the last five years of those eight there is nothing serious in the file indicating that I continued membership activity.

Between May and December 2016, education — a democratic right and activity — and writing magazine or newspaper articles — likewise a democratic right and activity — are turned at a stroke into terrorist activity simply by saying that the article “was published in the DHKP-C magazine Yürüyüş”.

What can one say? The BKA and Federal Prosecutor’s hocus-pocus spell has become “DHKP-C”. Any person or institution onto which they arbitrarily stick the name “DHKP-C”, which is not even the name of an organisation, suddenly becomes deserving of prosecution and punishment under Section 129b.

Evidence? There is no need for evidence, because they have neither any concern nor any obligation to prove what they say.

I expressed my views on these matters in previous parts of my defence.

There is also an Anatolian saying: “to kill two birds with one stone.” The prosecution says: “The defendant also co-authored, together with Nurhan Erdem, a newspaper text written by Nurhan Erdem and, together with a report dated 5 September 2016, the column text entitled ‘We in Europe’, which he sent to the authorised Party cadre for use in Yürüyüş magazine.”

The prosecution throws a hocus-pocus stone and hits two birds. The birds are me and my wife.

Calling Yürüyüş a “DHKP-C magazine” is the piece of hocus-pocus that solves everything.

It adds something else. On what basis or document I do not know: supposedly I sent these articles to the relevant Party cadre. Why bother with evidence? The prosecution thought that must have happened, and that apparently means everything.

On what basis does it claim that I co-authored the article with my wife? As evidence it points to the use of the word “our” rather than “my” in the article.

In Turkish, preferring “we” instead of “I” and “you” in the plural/respectful form instead of the singular is a matter of courtesy.

In addition to this rule of courtesy, in Turkish revolutionary jargon the word “I” is regarded as an indication of boasting and ego, while the singular “you” can be an indication of personalising a problem. For this reason the language of courtesy and respect is preferred.

Ignoring this rule of courtesy, the prosecution attempts to kill two birds at once through the word “we”.

On the other hand, wanting to publish one’s thoughts and observations — in other words, doing journalistic work — is called terrorism. I imagine there is nobody in this courtroom who, when Erdoğan says of journalists arrested in Turkey on the same grounds, “but they are not journalists, they are terrorists”, does not regard that as a violation of press freedom and freedom of thought. Yet here it can be said: “By writing articles and

publishing them in camouflage magazines, Section 129b is violated and terrorist activity is conducted.” The public can make its own judgment.

ON THE MAIN RESULTS OF THE INVESTIGATIONS

Regarding my personal circumstances:

It is claimed that there is no information about my schooling and vocational education, and that it is not known whether I worked in paid employment at any time. Yet it is stated that I received social assistance in the Netherlands between 1988 and 2009.

Between 1988 and 2009 I received social assistance only for very short periods. In particular, after my releases from prison in Belgium in 2000 and 2007, I had to find work or receive social assistance in order to rent accommodation and renew my driving licence and identity documents. I received social assistance until I found work. Apart from that, I myself refused social assistance.

The assertion that I did not work in paid employment is a deliberate distortion designed to make an accusation possible. It is impossible that the places where I officially worked are unknown. This information exists in the social-services office, employment agency and tax office. It is impossible for those who know that I received social assistance not to possess this information.

According to other information in the file, they also know some of the places where I officially worked. Yet even there they interpret the records by claiming that I was merely registered as working and did not actually work, and can say that “there is certainly no question of his having worked for payment”. Why make such an interpretation? Because they want to draw a typical criminal profile in people’s minds and fit me into it. There is no evidence and no surveillance report supporting it.

I am a Dutch citizen. I am not obliged to be registered anywhere, work or receive social assistance in order to remain in the Netherlands. Legally I also had the right to receive social assistance continuously for twenty years.

Why would I have needed to pretend to work somewhere? Moreover, because I am a teacher they could not force me to work outside my profession. They could compel me only if they found me full-time employment in my profession. But it was impossible to find a full-time post in any school. Had I wanted, I could have lived on social assistance all my life and nobody could have said anything.

But even when I did not have official employment and had income from unofficial work, I did not receive social assistance. I do not regard undeclared work as inherently wrong. So long as it does not conflict with my ethical values, I do not see undeclared work as a moral problem. Under capitalism there is always an informal sector. Eliminating it is neither my problem nor my responsibility.

Likewise, it is impossible that my education is unknown. These deliberate interpretations are made in order to create an impression corresponding to the typical criminal profile already formed in their minds.

Regarding my citizenship and nationality, it is said only that I am a Dutch citizen, that it is unknown whether I still hold Turkish citizenship, and that in 1994 I acquired citizenship of Abkhazia, which Germany does not recognise, and changed my surname from Aşoğlu to Aschuba.

Yet the fact that I was stripped of Turkish citizenship is stated by them in footnote (4) of the same document. The reason I was deprived of citizenship was that I had not performed military service by the end of my thirty-ninth year. The Turkish state does not recognise conscientious objection. It is impossible for me to serve the organised terrorist gang of a fascist state. Had I been caught, I would have been imprisoned and then forcibly conscripted. Because they could not catch me and knew I was registered abroad, they stripped me of citizenship.

How, then, can they claim not to know whether I am still a Turkish citizen when the relevant footnote in their own report states that I was deprived of citizenship?

Moreover, my Abkhazian passport and identity card are in the prosecution’s possession. Germany may not officially recognise Abkhazia, but that cannot be grounds for treating my Abkhazian citizenship as non-

existent. Those conducting the investigation have acquired a habit: anything they do not recognise is treated as though it does not exist. What, then, are people living in Abkhazia — stateless, without nationality? That is the mentality.

I did not change my surname when I became an Abkhazian citizen. My first name is also registered as “Moussa” rather than “Musa”.

My first name is different because it is written phonetically. My surname is likewise the morphological form in which my family name is written. There was no change of name.

Regarding my wife Nurhan ERDEM, it is alleged that she resided “predominantly” in Germany and was a “DHKP-C cadre”.

My wife was born in Klatenkirchen and, both before and after our marriage, has always lived in Germany. Yes, sometimes she came to visit me for a day or two or went abroad on holiday. But her residence was always Hagen-Hohenlimburg. This is established in the municipal records there. Yet in order to create demagogy about my wife supposedly being a travelling cadre, the facts are deliberately distorted.

My wife is also not a DHKP-C cadre. For the reasons already explained — which I will not repeat — even the unjust court decision cited as evidence convicted her of membership, not cadre status.

It is stated that under a Belgian court judgment of 23 December 2009 I received a three-year sentence for participation in a criminal organisation, and that the sentence was ordered to be served under conditional release.

In Belgium I was acquitted of membership of both a terrorist organisation and a criminal organisation. Formally I received three years for “participation in gang activity”. Under Belgian execution law, on a first conviction release after serving one third of the sentence is a right. I served twenty months. In other words, I served more than required and was not subjected to any conditional-release supervision.

The prosecution’s purpose is to present me as criminal and create the impression that I did not even serve the sentence imposed on me.

ON THE ACTS ALLEGED

“Foreign Terrorist Organisation DHKP-C”

It is said that “the history, structure and activities of DHKP-C in Turkey and Anatolia have in previous years repeatedly been the subject of final judgments of the German higher courts”, and most recently reference is made to a judgment of 28 June 2015 in which “four leading cadres” of the organisation were convicted and the court supposedly “made comprehensive findings concerning the development and structure of DHKP-C”.

If every court decision binds only that court, why are previous decisions presented as examples? Because none of the judgments to date was independent of the one before it. All the judgments were copies of one another. Sentences too were standardised from the first trial onwards. The earlier Higher Regional Court judgments are placed at the beginning of the alleged offences in the report in order to emphasise that this case too must become another link in the previous chain of injustice.

The natural consequence of this approach is: why bother with a trial at all? Simply impose the standard punishment as before.

In the Stuttgart DHKP-C trial of June 2015, four supposed leading cadres were convicted. That conviction contains no finding as to whom they led, which units or organisations they directed, or how. As far as I understand, the conviction concerned membership activity.

Let us now examine the supposedly “comprehensive findings” made in this model court judgment.

Regarding the claimed historical development up to the establishment of DHKP-C:

It is claimed that Mahir ÇAYAN founded the THKP-C in 1970. WRONG.

Mahir ÇAYAN founded the THKP and THKC. At no point during that period was the designation THKP-C used. Mahir ÇAYAN himself never used or even heard the concept THKP-C.

It is said that the THKP-C dissolved in 1978. WRONG.

The THKP and THKC were physically defeated and destroyed with the massacre of Mahir ÇAYAN and nine of his comrades on 30 March 1972. They did not dissolve in 1978.

It is said that when THKP-C dissolved, Revolutionary Left was established in its place. WRONG.

Revolutionary Left was not founded because THKP-C dissolved.

It is claimed that the short name of Revolutionary Left was DEV-SOL. WRONG.

The abbreviated name of Revolutionary Left was not Dev-Sol. The label Dev-Sol was used by people outside Revolutionary Left and by the state. Devrimci Sol magazine repeatedly carried warnings that there was no organisational abbreviation “Dev-Sol” and that the organisation’s name, Revolutionary Left, was already itself a shortened conceptual name.

It is said that Revolutionary Left was banned in September 1980. WRONG.

Revolutionary Left was founded as an illegal organisation in 1978 and was banned from its inception.

There was, however, a legal publishing house called “Revolutionary Left Publications”. It published various pamphlets and books as well as Devrimci Sol magazine. Its owner and responsible editor was Haydar BAŞBAĞ. What was banned on 12 September 1980 was this publishing house and Devrimci Sol magazine.

These are the errors contained in just two sentences of one paragraph of the June 2015 judgment and its supposedly “comprehensive findings”. The breadth and scope of these “comprehensive findings” mean nothing more than the breadth of the freedom to interpret and invent.

Page 23 claims that Revolutionary Left was banned in 1983 but that the organisation ignored the ban.

There was a ban in 1983. But I know that in 1991–92, for example, it was not enforced. I do not know the legal reason. Yet I witnessed marches in that period with Revolutionary Left banners and flags. In other words, I think there was a process in which the ban was relaxed or reconsidered, not one in which it was simply ignored.

It is stated that in 1992 a rivalry emerged between two wings within Revolutionary Left for control of the organisation. WRONG.

There was no rivalry. A section within the organisation carried out a coup against the elected, approved and legitimate leadership, and a revolutionary-democratic resistance developed from the grassroots in response. Dursun KARATAŞ’s book Kara Mizah [Black Humour] contains detailed information on this matter.

Regarding the same coup, the indictment says: “These wings (…) called themselves the Karataş wing and Yağan wing.” WRONG.

The process lasted almost two years and thousands of pages of publications, books and so on were printed about it. During that period I read almost everything written about the matter not only by the parties themselves but also by the rest of the left. Yet no party to the dispute ever called itself the “Karataş wing” or “Yağan wing”. These descriptions were principally imposed by the Turkish police on the press under their control. The 2015 court takes its information from there and even adds that the parties called themselves by those labels. Another “comprehensive finding”.

The prosecution cannot find a single document in which either side described itself as such a wing, because none exists.

Again on page 23 of the “comprehensive” judgment, findings are presented concerning how DHKP-C was supposedly founded. It says: “When the wings were weakened as a result of internal struggle and Turkish police operations, Dursun KARATAŞ called upon the congress to clarify the right to leadership. As a result of the congress held in Syria between 30 March and 9 May 1994, members of the Karataş wing founded DHKP-C as a combination of DHKP and DHKC.” WRONG.

Between 1992 and 1994 both sections continued to use the name Revolutionary Left. The congress in question was not a congress attended by both sides. Nor did Dursun Karataş at any point have a problem concerning who possessed the “right to leadership”. His purpose in convening the congress was to bring the process of becoming a party to maturity. From the founding of Revolutionary Left in 1978 there had always been the aim and promise of becoming a party. The congress was held for that purpose. On what basis the Stuttgart court in June 2015 interpreted the reason for convening the congress according to its own imagination is unknown, and the interpretation does not accord with historical facts.

It also says: “DHKP-C was founded as a combination of DHKP and DHKC.” The congress documents and decisions contained in our file were also before the Stuttgart court. Nowhere in those documents is there anything confirming this allegation. Yet the prosecution presents this Stuttgart judgment to us as “comprehensive findings”. In reality this claim too is self-generated and does not reflect reality in any way.

There is no statement or implication in the congress documents or decisions that “DHKP-C was founded as a combination of DHKP and DHKC”. If it is said to be a quotation, then it is necessary to show where it was quoted from.

It is said that “the statutes of DHKP and DHKC state that DHKP-C defines itself as the direct continuation of Revolutionary Left and therefore adopted its symbols, namely its flag and emblem.” As sources it points to SA 1.1.2 page 64, German page 68, and page 79, German page 81.

There is absolutely no such statement on those pages. What audacity is this? How can a prosecution or court panel point specifically to its own investigation file, or one in its possession, and present as evidence something that simply does not exist?

Of course, who is going to read tens of thousands of pages in the investigation file and compare them in order to expose the lie?

Naturally one party that should expose such falsification is the defence. But the file is first placed before the prosecution. The standard prosecutors in these standardised trials have never once looked for any document, information, interpretation or statement that might favour the defendant. All they have done is feed the courts every interpretation — including lies and inventions — as though it were proven fact backed by evidence in order to secure conviction. The courts concerned, being ready to swallow it, swallowed it. Such falsifications were then elevated to the status of judicially approved evidence and passed from court to court, generation after generation, as guaranteed instruments of conviction.

Under the heading PARTY FLAG AND EMBLEM on page 64 of SA 1.1.2 it says:

“The REVOLUTIONARY LEFT flag, consisting of a five-pointed red star within a yellow sun on a red background, with a yellow hammer and sickle drawn inside the star, shall be the flag of the DHKP.

“The REVOLUTIONARY LEFT emblem, consisting of a hammer and sickle within a five-pointed star, shall be the emblem of the DHKP.”

Again, under the heading THE FRONT’S FLAG AND EMBLEM on page 79 of SA 1.1.2 it says:

“The REVOLUTIONARY LEFT SDB flag, consisting of a red star within a five-pointed yellow star on a red background, shall be the flag of the DHKC.

“The two interlocking five-pointed stars, yellow on the outside and red within, shall be the emblem of the DHKC.”

On page 64 of the same document, under the heading THE PAST OF OUR PARTY, it says:

“Our Party is the recreation, under the name DHKP and at the ideological, political and organisational level, of the People’s Liberation Party of Turkey (THKP), which was physically destroyed at Kızıldere in 1972, through Revolutionary Left, which organised and fought as its continuation and completed the process of becoming a party in the course of struggle, in a form appropriate to the conditions of the developing struggle. Our Party also lays claim to the history of all revolutionaries and Marxist-Leninists who have led peoples and made revolutions throughout the history of revolutions.”

Now let us return to the “comprehensive findings” conveyed by the prosecution on this subject. Where does it say that DHKP-C took over Revolutionary Left’s flag and emblems because it defined itself as Revolutionary Left’s continuation?

The DHKP declared Revolutionary Left’s flag to be its own, and the DHKC declared the SDB flag to be its own; politically and ideologically, it also defined itself as continuing the THKP.

But in a legal sense it is impossible for it to be the continuation of the THKP. There was no transfer of cadres, nor was it simply the same organisation changing its name. Likewise, because Revolutionary Left underwent an organisational split, there is no straightforward continuity of cadres or organisational renaming.

There was also a six-year gap between the destruction of the THKP and the founding of Revolutionary Left.

Politically, ideologically and sociologically, the DHKP is a continuation and reorganisation of the THKP and Revolutionary Left. Indeed the DHKP has declared its roots to be the continuation of the history of all revolutionary and ML movements that have resisted throughout history.

Why, then, did the Stuttgart Higher Regional Court in June 2015 distort the given dates?

The Stuttgart Higher Regional Court is presumably not composed of people incapable of understanding what they read. But through a simple manipulation of dates it was able to make the “comprehensive” finding that “when THKP-C dissolved in 1978, Revolutionary Left was founded in its place; when a leadership dispute arose within Revolutionary Left, they held a congress and changed their name to DHKP-C.” In this way organisational continuity and the legality of continuing the ban were secured, guaranteeing conviction.

The use of the designation DHKP-C instead of DHKP and DHKC is likewise deliberate and does not arise from ignorance.

Those who prepared the investigation files, and the courts that used them, should have known perfectly well that both the concepts DHKP-C and THKP-C express an ideological body of thought and political outlook rather than an organisational-organic structure.

One might think the problem comes from not knowing the truth or from the complexity of the matter. But that manner of proceeding is wrong. If you do not know, you must learn. If many sources are available, you must at least make the effort to read them. You must work. What does it mean to sweep all this aside, limit yourself to what the Turkish police place in your hands, and then call the result a “comprehensive finding”? In one sense this is pure “courage of ignorance”; in another it is the expression of hostility aimed at convicting supporters and sympathisers of an ideological and political concept — “DHKP-C” — as organisation members.

ON THE OBJECTIVE OF “DHKP-C”

It is alleged that “DHKP-C” wants to abolish the Turkish state.

I will not return once again to the question of “DHKP-C” itself. But if the alleged target is the “Turkish State”, what exactly is meant by that? The concept is left abstract.

In criminal law, just as the act committed is decisive, the perpetrator and the deceased or victim are crucial. Yet although the investigation file presented by the prosecution sometimes points to Turkey as the place where the alleged crime was committed, the name of the deceased or victim always remains abstract.

For example:

A case is to be brought against Ahmet for beating Mehmet.

But then it is said that by Ahmet we actually meant Ali, and by Mehmet we meant Veli.

Why, then, is Ahmet being tried?

Perhaps using humour on such a serious subject oversimplifies it, but unfortunately that is the reality.

Page 25 says that the targets of “DHKP-C” attacks are particularly “the Turkish State” and its institutions, together with other “Enemies of the People” declared by the organisation. It says that alongside “American Imperialism” and “other imperialist powers”, the organisation counts among these enemies particularly “informers, confessors, agents and provocateurs”, as well as “their organisations that seek to obstruct the revolutionary war and assist the oligarchy”.

It speaks of “other” enemies of the people supposedly declared by the organisation.

There is no such list of enemies of the people declared by the DHKP or DHKC.

But there is a list that became a nightmare for enemies of the people in Turkey. This is the list of those responsible for 12 September. It was appended in 1989 to the defence of Revolutionary Left prisoners tried before the military court at Metris-Başţabya in Istanbul. It contained more than a thousand names: those responsible for the 12 September 1980 junta and torturers and killers whose names could be identified.

The Revolutionary Left Defence was published legally in Turkey, signed by around twenty-five or thirty defendants and compiled by Dursun KARATAŞ. It was published under the title We Are Right, We Will Win.

Ultimately this list was also a criminal complaint. Yet to this day no court has acted upon that complaint to punish the torturers and killers.

When Revolutionary Left began punishments against those responsible for 12 September from 1990 onwards, enormous demand developed both for the book and for the list appended to it. Police protection teams were assigned to those whose names appeared on the list.

As a result of Revolutionary Left’s punishments, one third of the police in Turkey were assigned to protect “critical persons”.

Yet the torturers and killers on the list were invited to submit themselves to revolutionary justice, the people’s justice: publicly to accept responsibility for their crimes, reveal the aspects of events that remained in darkness and those who had given them orders, and make self-criticism before the people.

Thus nobody innocent was targeted, and everyone who was targeted was given a perfectly reasonable opportunity to express remorse. Of course it was materially impossible for Revolutionary Left to punish everyone on the list. Nor was that the principal objective. The main objective was to expose and reveal these crimes of the state, and this was achieved to a very great extent.

The public perception became: “If Revolutionary Left punished them, they must have deserved it.” By the end of the 1990s, the list and actions of People’s Justice also played a decisive role in the major reduction of systematic torture in Turkey.

That is the list in question.

Most probably, however, on the basis of tendentious information received from the Turkish police through judicial assistance, the Federal Prosecutor interpreted the list and added American Imperialism, other imperialist powers and organisations of those powers. There is no truth in this; it is invented.

What are “institutions of the imperialists”?

It is an extremely broad concept. It could be extended from national and international institutions and organisations to constitutional and public bodies and organisations.

Yet neither the DHKP nor DHKC has any activity or programme directed against Germany’s constitutional order or public security. Nor, as the prosecution itself states in this indictment, does “DHKP-C” have such an objective or activity. I will deal with this under the later heading concerning organisation in Europe and Germany and will not repeat it here.

On the other hand, while obscuring alleged targets through a generalisation about “organisations of other imperialists”, the prosecution claims that “DHKP-C has remained firmly and unchangedly committed to this programme and objective to the present day”. As evidence it cites DHKP and DHKC statements, generally Party statements analysing the current political situation in Turkey.

The footnotes cite DHKP statements Nos. 46, 47, 48, 49 and 50.

It additionally gives as examples what it calls DHKP statements Nos. 387 and 428. But as far as I know DHKP statement numbers 387 and 428 have never yet existed. According to the file, DHKP statement No. 50 was issued on 30 March 2017. Yet the file says Nos. 387 and 428 were issued in 2011 and 2014.

Once again this section speaks of “DHKP-C statements”, while the footnotes actually cite DHKP statements. A DHKP statement is called a “DHKP-C statement”; under “other DHKP-C statements”, DHKC statements are referenced. This defect in nomenclature recurs thousands of times throughout the file.

ON THE STRUCTURE OF “DHKP-C”

The prosecution devotes two and a half pages to its findings concerning the structure of DHKP-C. In order to explain the matter it refers twenty times to DHKP congress documents. It also quotes judgments from certain cases and reports by BKA officers, but these too principally reach their conclusions on the basis of the DHKP congress decisions.

Eleven of the references to DHKP congress decisions concern pages 64 and 79, the opening pages of the DHKP and DHKC statutes. The text actually being referred to amounts to less than one page.

Yet this original text of perhaps ten or fifteen sentences has been subjected to so much interpretation that everything has been rendered incomprehensible and what is actually said there has lost its original meaning.

First of all, neither the relevant passage in the document nor indeed the entire Congress Documents contains anything called “DHKP-C”. The interpretative findings therefore naturally cannot correspond to the original. The attempt to force them in that direction not only distorts reality but leaves the prosecution’s conclusions suspended in mid-air.

Ultimately, the insistence that the organisation’s name must be “DHKP-C” makes the entire indictment questionable.

Why would an organisation conceal its own name? It is already an illegal organisation, and the name DHKP that it uses certainly does not prevent attacks against it.

There is no reason for the organisation to conceal its name. That is clear.

The only remaining possibility would therefore be that the organisation itself does not know what its own name is or how its organisational structure works.

Is such a possibility conceivable?

Does the organisation’s own congress not know, while BKA officers do?

Of course I know that at this stage neither the case file nor the prosecution report will be cleansed of “DHKP-C” and corrected. Many cases have already been decided through such erroneous interpretations and findings.

Those tried in previous cases appear, probably because of the political character of the proceedings, to have refrained from presenting substantive defences. The belief has taken root in practice that even if a defence is

made nothing will change because the cases were opened as a consequence of relations with the Turkish state and conviction was predetermined.

What happens when I make a defence? To speak openly, I too think nothing will change. The reason I make the defence is perhaps so that future cases may be opened with a little more regard for reality. In the end “DHKP-C” cases are a kind of semi-special court. Yes, the panels differ from case to case, but the prosecutors are effectively special-court prosecutors.

When one looks at the judgments in the cases to date, the conclusion is obvious. They are all copies of one another because all bear the stamp of special prosecutor Becker-Klein. I already exposed her guidance in earlier parts of my defence.

Let us return to the “DHKP-C” structure in the indictment.

It says the organisation encompasses DHKP and DHKC: DHKP is the political wing, DHKC the military wing.

This description implies a sectional organisational structure, but it is incorrect because the DHKP too is, in essence, both a political and military organisation. There are many examples of this around the world, such as the Communist Party of Vietnam and the Viet Cong.

The documents cited in the indictment contain abundant information showing this. Yet pages 64 and 79 of the congress documents cited for the finding that the organisation consists of DHKP in the political sphere and DHKC as a military wing contain no information supporting such a conclusion.

On pages 64 and 65 of the Congress Documents, under the heading DISTINCTIVE CHARACTERISTICS OF OUR PARTY, it says:

“In our country, as its revolutionary strategy, it takes as its basis the line of Protracted People’s War founded on the Politicised Military War Strategy. (…) The Party is responsible for all political and military organisations and their leadership. The Party embodies political and military leadership in itself …”

“Since our Party is still in the stage of foundation (…) it will keep the scope of membership limited.”

On page 67 of the Congress Documents it says:

“Party committees (…) are charged with directing and administering Party and Front organisations, developing the war and spreading organisation.”

On page 79 it says:

“At the present stage, Party organs are the higher organs of the Front. The Front consists principally of armed units and militias, and legal and illegal mass organisations. These organisations are directed and administered in accordance with their own internal statutes.”

“Party armed units operate within the Front under the name of the Front.”

The findings in the indictment generally concern these quotations. But they are interpreted incorrectly because it is impossible to interpret DHKP and DHKC solely through these quotations.

Let us first examine what these quotations mean.

According to the DHKP and DHKC statutes concerned:

“To become a member of DHKC, the fundamental condition is to be a fighter and to take part in armed struggle.”

“The fundamental condition for becoming a DHKP member is to be a DHKC member.”

When one becomes a Party member one does not cease being a fighter. On the contrary, one’s military task increases, because, as the document briefly states, DHKP cadre policy rests on the principle of the unity of

political and military leadership. This means that political leadership is at the same time military leadership and personally takes part in and directs the war.

For example, the meaning of the words "at the present stage, Party organs are the higher organs of the Front" is very clear. Party members are also the military commanders and, in a sense, political commissars of urban and rural guerrilla units. The duties of Party members are likewise expressed through the obligation of "Party committees" to direct and administer the war and develop it.

Yet the quotations by themselves are insufficient to explain PASS, the "principle of unity of Political and Military Leadership" and what is meant by "the present stage", because these concepts have a background. To understand that background one must read and understand Mahir ÇAYAN's Bütün Yazılar [Collected Writings] and the book Haklıyız Kazanacağız [We Are Right, We Will Win], compiled by Dursun Karataş. Mahir Çayan's book in particular should at least be examined.

It explains the basis of the assessment of the stage we are in.

Mahir Çayan determines that Protracted People's War will pass through a long stage of Vanguard War.

The conception of Vanguard War explains comprehensively why Party membership must be kept limited, why Party members must personally take their place at the forefront of the war, PASS, the principle of Unity of Political and Military Leadership, and so on.

Because Mahir ÇAYAN's conception of organisation and revolution forms the background to the Congress Documents, the meaning drawn from them by people familiar with that background will be completely different from conclusions drawn by BKA officers who know nothing of it.

The pages of the "Statutes" quoted here are not sufficient for a sound determination of the organisation's structure. Without the background information it is impossible to understand them.

The only correct conclusion that can be drawn from these statute quotations is this:

Membership of DHKP and DHKC is impossible in Europe, because to be a member one must personally take part in armed struggle.

Party members take part in the leadership organs of the Front. But this principally concerns urban and rural guerrilla units — the SPBs. It does not apply, for example, to the widespread militia organisations of the DHKC in rural areas and cities. DHKC mass organisations are likewise outside this. The statement that these organisations are governed according to their own internal statutes shows that DHKC is, as a matter of principle, a separate organisational structure.

Although this distinction is not very sharp during the Vanguard War stage, they are separate organisations.

When I read the Congress Decisions in the file, these and similar conclusions are what I draw. Without the background information no determination can be made concerning the organisation's structure; if one is made, correct conclusions cannot be reached. On page 26 of the indictment, for example, it says: "The Front forms the executive with the fighting units of the DHKC." In other words, it says something that has no meaning. At least I understand nothing from the sentence.

Admittedly I think the German wording is formulated differently, but I do not understand it. In any case I am making my defence on the basis of the Turkish version of the indictment.

As for the meaningless sentence above, in my view its meaninglessness arises from people who do not understand the subject using a mass of words to create the appearance of saying something.

Page 27 of the indictment quotes from the Congress Documents: "The war (…) is won not at the front but in the rear front."

On that basis the prosecution says: "Outside Turkey, DHKP-C is also organised in Europe, particularly Germany, and in the Middle/Near East, and through these organisations it possesses a rear front."

I understand the Middle East, but I do not understand what is meant by the Near East here or which geography is being referred to. East Germany, Poland, Hungary and so on? Or Iran and Armenia? It is not clear. As someone interested in the subject, I have never heard of a single activity of Revolutionary Left or DHKC in any country in either Germany’s “Near East” or Turkey’s “Near East”, and I can say there has been none. From public information, as far as I know, there was limited activity in Syria and Lebanon in the Middle East. Camps in the Bekaa, for example, were reported in the press.

Of course the matter must be considered in the conditions of the 1994 Party Congress. After the First Gulf War, especially by 1997–98, possibilities for such activity ended both in the Bekaa and in Syria. In the military sense, the areas treated as a rear front were principally those places.

The phrase “the war is won not at the front but in the rear front” is not itself a DHKC finding, nor does it refer geographically to a particular rear-front territory. It points to the fact that preparation for war is decisive for victory. It refers, for example, to expanding militia organisations that can provide cadres for the guerrilla, urban institutional structures and courier networks, relations in rural areas able to meet the guerrilla’s daily needs, and arrangements for wanted people to withdraw to safe rural areas when repression increases in the cities.

A guerrilla does not need a weapon every day, but does need bread, flour, oil and other food every day. Logistics principally means the necessities of life. These cannot possibly be supplied from Europe. Since there is no armed struggle in Europe, it is likewise impossible to transfer from Europe the cadres the guerrilla needs.

Taken literally, moreover, the statement “the war is won in the rear front, not at the front” is materially impossible. Victory in war is won only by defeating the opposing side on the battlefield.

There is also a saying that “victory is won on the eve of war”. Such expressions must be understood politically, not as literal military geography. It is not possible — at least not legally — to look at such sayings, designate Germany geographically as a rear front, and on that basis label people engaged in democratic struggle in Germany as “indispensable to the armed struggle in Turkey”.

On this matter the prosecution refers to the Stuttgart Higher Regional Court judgment of 2015 and quotes: “Without their activities it would not be possible to carry out terrorist attacks in Turkey.” This is a very sweeping and equally unrealistic finding.

Someone unfamiliar with the Stuttgart case, looking only at this “rear front” description and quotation from the Higher Regional Court judgment, might imagine that those tried there had been convicted of transferring fighters and weapons to the war in Turkey.

In fact the Stuttgart Higher Regional Court principally tried four people for organising in 2013 an anti-racism concert under the name “One Voice, One Heart Against Racism”.

The quotations concerning the rear front are formulations found in writings on guerrilla warfare by Clausewitz, Alberto Bayo, Mao, Che Guevara, Giap, Lin Piao and others.

For background information on the organisation’s structure, I REQUEST that Mahir ÇAYAN’s book Bütün Yazılar [Collected Writings] in Turkish and Ununterbrochene Revolution, the German translation of part of that book, be added to the file as evidence.

ON THE “TERROR” ATTACKS OF “DHKP-C” IN TURKEY

This section again refers to “DHKP-C’s actions and statements concerning the actions”, but both the actions and the statements in question belong not to “DHKP-C” but to the DHKC.

I dealt with this subject in detail in my initial defence and will not repeat it. I stated there that the objective of the actions was a demand for justice.

ON “DHKP-C’S REAR FRONT IN EUROPE”

EUROPE AND GERMANY ORGANISATION

This section is particularly important because it forms the backbone of the Section 129b cases in Germany.

The section begins with a passage alleged to have been taken from DECISION No. 8 of the Congress Decisions:

“In accordance with DHKP-C’s revolutionary objectives and programme, Party work and armed struggle must be carried out not only in Turkey but also in other countries. It proceeds from the existence of a (war) front wherever members of the organisation reside.”

This supposed quotation is referred to in footnote 114 as Decision No. 8 adopted by the DHKP Founding Congress of 30 March 1994, with the reference I.1.3, page 221 ff. (226 ff.).

Of course, if this were so, Section 129b proceedings against the organisation in Germany would become legitimate. Indeed, prosecution under many criminal provisions, beginning with Section 129a, would also naturally follow.

Yet Decision No. 8 cited here contains neither such a decision nor a single sentence implying anything of the kind.

It is simply a lie, simply an invention.

What kind of mentality is this? What kind of falsification is this? What kind of hostility to law is this?

It is a Machiavellian mentality based on the idea that every means is permissible in order to reach the objective. The peoples of the world have suffered enormously from this mentality. Every kind of anti-human policy has been, and continues to be, legitimised through it.

There is no such quotation in Decision No. 8. Nor is there any such understanding or call in any other document of either the DHKP or the DHKC.

The quotations and interpretations continue. Proceeding from this alleged ideological background, it is stated: “Outside Turkey, particularly in many Western European and South-Eastern European countries, DHKP-C has established a network structure which within the organisation is described as the rear front (for this, see the explanations already given above on p. 3). In doing so, the organisation largely made use of organisational units already established in Europe by Revolutionary Left and, as a rule, following the line of Dursun KARATAŞ. This made it possible to develop and maintain the rigidly hierarchical and almost all-embracing structure that has continued to exist up to the present.”

I shall leave aside the linguistic errors and absurdities in this interpretative finding. The basis of these errors is not a problem of grammar, but an attempt deliberately to create confusion by writing incomprehensible things.

It is said that “in Western Europe (…) a network structure described as the rear front was established”. Since the only evidence cited is “the explanations above on p. 3”, what is meant may be the “actions and statements in Turkey” in section B.4 of the indictment. There are no other quoted statements. Yet those statements contain no information that a rear-front network covering almost everywhere in Western Europe was established. If such information exists, it should be shown concretely.

I assert that nobody here apart from me would read through the hundreds of pages of statements that were read outside the hearing simply to find out whether such a finding exists. This is how indictments hide their interpretations in dead ends and build walls before the panel and the defence.

Moreover, the establishment of this supposedly “all-embracing” and extraordinarily exaggerated rear-front organisational network is linked to the DHKP Party Programme.

Yet the Party Programme contains nothing of this kind or anything that even implies it. This interpretation was made by deliberately misdirecting matters merely because it also appears in the Stuttgart Higher Regional Court judgment of 2015. If it is in the Party Programme, it should be shown concretely. But it is not.

Furthermore, the Party Programme published by the DHKP is, in essence, a Programme of Revolution. That is, it explains what is to be done and what the objectives are after the revolution. Even within that framework there is no objective of creating such a network.

Again, on page 41 of the indictment it says: “DHKP-C members active in the rear front in Europe are subordinate to the governing organs of the organisation and are integrated into the hierarchical structure of the organisation as a whole. The objectives and duties of the organisational units established in the countries referred to are directed towards supporting the maintenance and continuation of the armed struggle in Turkey. In addition to obtaining financial resources, arming fighters and equipping them with explosives, communications equipment and other material, recruiting fighters and their organisational integration, followed by cadre training, are among the principal duties of the rear front.”

This interpretation too is based on the 2015 Stuttgart Higher Regional Court judgment. The Stuttgart court in turn based it on the AKÖ report of 2007.

It says “the countries referred to”. Which countries are meant is not stated. Apparently this was not considered necessary (!).

In the first quotation in this section, it speaks of a decision by the organisation to conduct armed struggle also in Europe and Germany. In this quotation, however, it refers to sustaining “the armed struggle in Turkey”. Thus within the same judgment two different forms of organisation are expressed, demonstrating how internally inconsistent that judgment is.

Again, relying on AKÖ, it speaks of obtaining weapons, explosives, fighters and similar things in Germany. Yet all the reports of both BND and AKÖ clearly state that they possess no information concerning the procurement of weapons or explosives in Germany and their transfer to Turkey. Those findings are ignored in an attempt deliberately to create an offence, and the court even places that fabricated offence into its judgment and thereby turns it into something supposedly established.

Pages 42 and 43 of the indictment attempt to describe the organisational structure in Europe and Germany.

It is alleged that at the head of the organisation there is a Europe Responsible, supported by one or two deputies, who is directly subordinate to the Party, and that Germany is, after Turkey, the most important organisational field of “DHKP-C”. This claim is attributed by AKÖ to the DHKP Party Programme. Yet the words Germany or Europe do not even appear in the Party Programme.

The DHKP’s views concerning the rear front appear in Decision No. 8 of the Congress Decisions.

Decision No. 8 expresses the following views:

“The most important point for us in continental Europe is the existence across the continent of social upheavals and uncontrolled countries and regions, the advantages this may provide us in organisation and expansion, and the fact that three million people from Turkey live on the continent.”

Here some places are referred to hypothetically and in general terms. According to the quotation, I think the places intended are Bosnia-Herzegovina, Montenegro, Albania and similar areas. It would be absurd to describe countries such as Germany, France or the Netherlands as countries or regions marked by social upheaval and lack of control. From Moldova to Albania there are millions of people of Turkic origin, such as the Gagauz (Gök Oğuz Turks), Bosniaks and others.

Perhaps Europe as a whole is meant. But the other regions — that is, the western part in which Germany is located — are more secondary. According to this assessment, what is being expressed is principally an idea: that the presence of so many people from Turkey and of Turkic origin might constitute an advantage. In

practice, however, it is not possible to speak of any concrete organisational work in this direction. Nor was there any.

The same decisions also say: “The millions of our people living in Europe are, in the literal sense of the word, ‘a people without an owner’. To the extent that we take responsibility for them, defend their real interests and struggle for them to preserve their national identity, it will not be very difficult to win these people and draw them into the Front organisation.”

Yet the DHKP has never carried out organisational work of this kind, and the matter referred to remained at the level of a hypothetical aspiration.

Likewise, by referring to the Caucasus, Georgia, Armenia, Iran, Iraq, Syria, Cyprus, Greece and Bulgaria — in other words, countries directly bordering Turkey — it speaks of examining possibilities for a rear front, but there is no evidence that anything of the kind was ever put into practice. This too remained an aspiration.

As for the concrete perspective, it says:

“Our European organisation will take its place within the democratic organisation of the Front. Legal positions capable of assuming the role of spokesperson for the Front must be created.”

“Our Middle East organisation must be handled more professionally and developed and professionalised in every respect — diplomacy, opportunities, a sound analysis of developments, changes and balances, and so on.”

“Our Party’s Middle East organisation is responsible for drawing useful conclusions for our revolution from this situation. The Middle East is the field most capable of offering important advantages not only in terms of weapons, ammunition, training and bases, but also in opening up to the world and to other organisations and in developing relations of friendship and solidarity.”

The only conclusion that emerges from this is that the understanding of the rear front described by the prosecution concerns not Europe but the Middle East. The attempt forcibly to transpose objectives relating to the Middle East onto Europe is nothing more than subjectivism. It has no connection with reality.

On page 43 of the indictment, it is stated that between 1995 and 1998 the then “DHKP-C” structure came to the attention of German security and criminal-investigation authorities, and that “this leadership group instructed numerous criminal offences which were then carried out, in accordance with instructions, by activists subordinate to it, such as setting fire to Turkish businesses, extortion and imposing punishments extending as far as killing traitors.”

This finding too is made on the basis of four Düsseldorf Higher Regional Court judgments between 2002 and 2007, which themselves refer to the AKÖ report of 2007 and ultimately to the DHKP Party Programme. These are the judgments against Elif Sağlam, Ahmet Düzgün Yüksel, Köse and Levent Yanlık. I am hearing of the Elif Sağlam case for the first time only now and still do not know its outcome. Indeed, I am hearing for the first time that such a person exists.

As for the activities referred to, I can say the following.

I have never before heard of actions involving the burning of Turkish businesses. During the period referred to there were some militant actions involving supporters in response to massacres of the people by the Turkish state’s security forces, extrajudicial executions and deaths under torture of revolutionaries, and massacres in the prisons. Some of those actions involved violence against official and semi-official institutions of the Turkish state. They had no connection with the DHKP or DHKC.

The allegation of extortion, meanwhile, featured for many years in the claims of intelligence services and law-enforcement agencies in Germany and Europe, but remained an assumption without concrete basis. Fortunately, for the last twenty years those assumptions have disappeared. They have been replaced by findings that there is no extortion and that voluntary donation campaigns are conducted. In that sense there has

been a return to reason. Yet despite this, the baseless accusations of the past continue to be used as though they were concrete evidence with which the present is judged.

As for the claim that punishments extending as far as killing traitors were imposed, this allegation is based on no evidence whatsoever. Who has been killed up to now? Which traitor has been killed? There is no such case.

But, as I have said repeatedly, prosecutors, intelligence organisations and the courts in all the cases to date have continually abused the fact that they have not considered themselves under any obligation to prove their allegations. This claim too is the result of that approach.

Neither Revolutionary Left nor the DHKC has ever lightly announced a death sentence against anyone. Both Revolutionary Left and the DHKC have always based themselves on the principle of doing what they say and defending what they do before the public. They have always shown extreme sensitivity concerning people’s justice.

In Europe, however, the position is different.

There has never been an SDB (Armed Revolutionary Units) organisation — the military organisation of Revolutionary Left — in Europe, nor any militia organisation. Likewise, because there have been no DHKP or DHKC organisational structures in Europe, there have been neither organs capable of taking such a decision nor SPB (Armed Propaganda Units) or militia structures capable of carrying it out.

According to the DHKP statutes, every Party member must at the same time be a commander or direct leader of DHKC military units. Since the DHKP and DHKC have no organisational structure in Europe, there can be neither an authority there capable of taking such a decision nor a structure capable of implementing it.

This issue also arose when we questioned BKA officer Kröschel in this court. I asked him concretely whether there had been any case in Europe of a traitor being killed, or even at least being slapped. He replied: “No, because we protected them well.” I then said that this was not the case. For example, I already knew about A. Ateş’s false statements against both me and my wife; I knew which businesses he had opened, where he carried out fraudulent activities, and where he lived. I asked whether Ateş too had police protection. Kröschel replied that Ateş had not been protected because he had not requested protection. If there had been such a decision-making mechanism, it is therefore clear that there would have been no obstacle to implementing a decision.

I do not know what the prosecution is trying to provoke here. Indeed, the Ateş affair is an example of what was being provoked. To put it plainly, the final role assigned to Ateş by the BND and the Federal Prosecutor’s Office was for him to be killed. But nothing of the kind happened. Moreover, this person is the sole “golden witness” in at least six or seven Section 129b DHKP-C cases. The BND itself tried to have him killed and blame it on DHKP-C. The golden witness’s own statements on this matter are on record.

In conclusion, this allegation too is entirely fabricated and is a deliberate lie invented in order to influence our case negatively.

I should add that of the people described in the file as traitors, the only one I know is Ateş. I would not recognise the others if I saw them in the street; that is why I have used Ateş as the example.

The footnotes to this allegation are also striking. The DHKP Party Programme, the 2007 AKÖ report and supposedly a number of OLG judgments are given as sources.

There is nothing of this kind in the Party Programme. Nor does the AKÖ report of 2007 contain such a concrete allegation.

I have not read all of the court judgments concerned. But in the two judgments I have read there is no conviction based on such a concrete ground.

Allegations of this kind have long appeared in police reports and in prosecution indictments and submissions, and have then been copied and pasted into judgments as supposed “findings concerning the organisation”. But

they have never been able to say that such a decision or execution existed in relation to this person, that person or some traitor, because they have always known perfectly well that no such thing occurred. Nevertheless, they have not hesitated to include these baseless allegations merely in order to create an impression.

It has also been made impossible to trace these claims through the footnotes. In Anatolia there is a saying for situations of this kind: “The boza seller’s witness is the şıra seller.” In other words, the entire affair consists of people “testifying” to one another’s claims.

It was on the basis of these realities that “DHKP-C” was banned in Germany on 6 August 1998. Although the ban itself lacks any foundation, it has since continued to be used as evidence in every Section 129b “DHKP-C” case.

HOWEVER, it is also stated: “Because a large number of high-ranking DHKP-C cadre members in Germany were arrested and sentenced, the organisation’s General Secretary Dursun KARATAŞ announced that the organisation would in future refrain from acts of violence in Germany. Since then, no terrorist acts of violence by the organisation have been observed in Germany. The domestic organisation established in Germany has not existed since that time.”

YET Dursun KARATAŞ never made a statement saying that in future he would refrain from acts of violence in Germany. In the statement concerned he explained that they had never had such an understanding in the first place.

Nor do I think this statement had anything to do with court judgments. It was simply a statement addressed to DHKC supporters explaining that they did not have such an understanding.

Throughout his political line and entire past, Dursun KARATAŞ repeatedly proved the following: “He never changes, and never did change, either the organisation’s line or its understanding of struggle in order to ward off repression or prevent certain convictions.” Throughout his political life Dursun KARATAŞ represented a political and organisational line known for never retreating, even at the cost of being left entirely alone and completely surrounded, and for overcoming every encirclement through that determination.

For example, in situations of such encirclement he had a history of placing even his own freedom and life at stake. In 1984 he himself became the first volunteer for Turkey’s first Death Fast and, by not participating in the mechanism that would decide at what stage and when the resistance would end, transferred that right and authority to others. As a source, the book Direniş, Ölüm, Yaşam [Resistance, Death, Life], written about the 1984 Death Fast, may be consulted.

Likewise, during the period of the 1980 junta, when all organisations in Turkey withdrew and suspended the struggle, he represented an understanding that alone took the decision to struggle against the junta and organised resistance down to the last militant.

After the period of 12 September was overcome, in the 1990s and afterwards, he repeatedly created the tradition of confronting all repression even when standing alone. Finally, during the Death Fast process of 2000–2007, this was a political line that insisted until victory despite both the state’s attacks — shooting prisoners, beating them with timber and burning them alive with chemical gases — and despite all the other left organisations abandoning the resistance.

Now let us return to the question of the ban and the supposed renunciation of acts of violence.

“DHKP-C’s organisation in Europe and Germany” was banned by an order “definitively prohibiting and dissolving in Germany, as the substitute organisation of Dev-Sol, which had been banned in 1983”.

The grounds for the 1983 ban were explained on page 23 of the indictment as follows: “Revolutionary Left was also active outside Turkey, particularly in Germany, where it had established its own structure under the name Revolutionary Left Abroad, with its headquarters in Cologne. Because the organisation participated in acts of violence in the Federal Republic in 1982, and in particular because of its involvement in the hostage-taking at the Turkish Consulate General in Cologne, it was permanently banned in Germany and prohibited

from all activity by an order of the Interior Ministry dated 27 January 1983 pursuant to section 14(1) in conjunction with section 3 of the Associations Act.”

The 1998 ban was extended to “DHKP-C” on the ground that it was the successor organisation of the organisation subjected to the 1983 ban.

HOWEVER, as the indictment itself acknowledges, with Dursun KARATAŞ’s call the organisational structure used as the basis for that prohibition disappeared and, from that time onwards, “there were no terrorist acts of violence”.

The decision of the Sixth Criminal Senate of the Stuttgart Higher Regional Court dated 28 July 2015 therefore has two meanings.

First, it emphasises that the proceedings in question were not a matter under Section 129a.

Second, it establishes that the grounds for banning “DHKP-C” had ceased to exist at least since February 1999.

Yet the Sixth Criminal Senate used this only in relation to the non-application of Section 129a.

Page 44 of the indictment continues on this point as follows:

“DHKP-C remains banned in Germany because of the absolute danger it continues to represent in Turkey. Despite the declaration referred to above [renouncing violence], DHKP-C’s rear front remains firmly committed to the objective of supporting, in personnel and material terms, the armed struggle conducted by the organisation in Turkey. In order to realise this objective, violations of the law continue to be accepted without change.”

Let us now consider the entire section on the “Europe and Germany organisation” as a whole.

“The organisation established domestically has not existed since that time [February 1999 — my note].”

Yet everything said throughout this section amounts principally to an attempt to prove the existence in Germany and Europe of precisely the organisational structure said to justify the ban.

The accusation against me is broadly the same.

The only allegation that the ban continues to be violated is justified by saying that the armed struggle in Turkey is supported with personnel and equipment.

The only thing missing here is the actual transfer of personnel and equipment.

There is no information showing what personnel or equipment those tried before the Sixth Criminal Senate of the Stuttgart Higher Regional Court supposedly supported, whom or what they supported, how, when or where.

It is clear that there has been no activity or effort in Europe involving the recruitment, training and dispatch of personnel — that is, cadres and fighters. Nor is any concrete allegation of this kind made against me.

As for obtaining and supporting equipment, the AKÖ, whose reports form the backbone of the investigation files in these cases, has itself stated that it possesses no information or data concerning the procurement of weapons in Germany. AKÖ’s own reports therefore contradict the allegation concerning equipment.

And if there is no organisational structure carrying out terrorist activity — which there is not — the supposed issue of personnel and equipment is invalid as well.

Neither I nor those tried under Section 129b before me were tried because of membership of the organisational structure in Turkey. All the allegations were principally directed towards proving the existence of an organisational structure in Germany, and the judgments were made into the legal grounds for the supposed proof of such a structure.

On the one hand it is said that the organisational conditions requiring continuation of the ban do not exist, while on the other hand the “existing ban” is made the basis for convictions.

Another contradiction is that those tried before the Sixth Criminal Senate of the Stuttgart Higher Regional Court received sentences of up to six years and were ordered to serve them in full to the very end, whereas those who occupied the Turkish Consulate General in Cologne with weapons and carried out a hostage-taking action — the very act that gave rise to all these bans — received prison sentences of between three and five years.

Apparently, under Section 129a, forming an armed organisation and carrying out an act of violence is less dangerous than organising a democratic and peaceful concert against racism under Section 129b. (…) Because the concrete offence attributed to those tried in Stuttgart was participation in organising such a concert.

Likewise, the fact that people who form organisations with the purpose of carrying out massacres in Europe and Germany, such as ISIS, receive membership sentences of around two and a half to four years points to another contradiction.

To call all this justice can mean nothing other than the murder of justice.

It is said that “DHKP-C remains banned in Germany because of the absolute danger it continues to represent in Turkey.”

This clear position is precisely what makes our case a political case. It is an admission that “DHKP-C” does not in fact constitute a threat to Germany and that the real purpose of the ban is to protect the regime in Turkey.

Does the Turkish state not possess mechanisms of its own to protect itself against this “absolute danger”? Has the Republic of Turkey said, “I cannot deal with this danger. Let the Federal Republic of Germany help me,” and invited Germany to intervene as a member of the UN or NATO?

Yet for the peoples of Turkey there is only one danger: the torturing, murderous gang state organised under the name Republic of Turkey — the fascist state.

This state has an army of close to a million personnel, hundreds of thousands of private security personnel, hundreds of thousands of police and intelligence officers, as well as militias created and armed by the AKP, mafia gangs, motorcycle gangs and so on. And it uses all this coercive power against the people.

Who, then, is the “absolute danger” to Turkey?

This approach means nothing other than protecting and supporting the fascist regime and becoming complicit in the crimes against humanity it commits.

Using Section 129b and the Associations Act for this purpose can mean nothing other than the abuse of the German judiciary.

The final ground presented in this section as evidence of a terrorist formation is that, by a decision of the Council of the European Community dated 27 December 2001, it was “included on the list of terrorist organisations”.

This list is publicly known as the blacklist. The blacklists were not drawn up by the Council itself but by an administrative body attached to it, COREPER, composed of representatives of the European foreign ministries.

During discussion of which organisations, formations and persons should be placed on the blacklist and by what criteria the list should be prepared, Rasmussen, then Prime Minister of Denmark, intervened and proposed: why do we need a new list and new criteria? Let us take the United States list. That proposal was accepted.

Thus this is in reality not the list of the Council of the European Community or of COREPER, its subordinate body, but the list of the United States. After 11 September 2001, under the demagogy of the “war on

terrorism”, enemies of established constitutional rights in Europe turned the blacklist into the first step in the process of seizing democratic rights and freedoms in European Union countries.

Although legally it is supposed to be reviewed every six months, the blacklist is automatically renewed every six months and no fresh investigation of the organisations and individuals is actually carried out.

Above all, the blacklist is an administrative decision by a body such as COREPER which is not itself even capable of legally binding the European Union. It is not a judicial decision and has not been given legality by any court.

By contrast, removal from the list depends on the listed organisation proving before a European court that it has suffered harm as a result of the list and having the court accept that its rights were violated.

The blacklist is nothing more than a symbolic expression of the political reaction that began in the European Union after 11 September, the seizure of fundamental rights and complete submission in these matters to US arbitrariness.

Moreover, COREPER does not have a single criterion even for its own blacklist. There is no answer to the question of what criteria are required for inclusion.

Nor is there a right to bring a legal action against the prohibition arising from the blacklist. Because the authority imposing the ban is not a judicial body, there is no legal right of objection.

That is the disgraceful phenomenon called the blacklist.

I regard the prosecution’s attempt to use this blacklist to secure my conviction only as an instructive example.

ON “CADRE FORMATION”

On page 44 of the indictment it says: “The leadership cadres active in DHKP-C’s rear front in Europe — that is, country and regional responsibles, as well as the leaders of organisational units whose composition varies according to the task — are appointed and removed either directly by the Party leadership or by its Europe Responsible. At least until 2004, because of the importance of the German organisation of DHKP-C within the rear front, it was directly subordinate to the relevant Europe Responsible, who at the same time partly carried out duties falling within the Germany country responsibility.”

Who is being quoted? Once again the Sixth Criminal Senate of the Stuttgart Higher Regional Court — the same panel that said the organisation’s domestic structure had not existed since 1999.

The indictment then goes on, through the interpretations of BKA officers Kröschel and Seifner, to claim that the organisational structure described above developed into an even more elaborate organisation consisting of country, state, city and special-task units.

While the Sixth Criminal Senate based its findings on interpretations of the manipulated 1 April documents, the BKA officers sat at their desks and pondered how an even more perfect organisation could be constructed from those interpretations.

They found one horseshoe, then added the remaining three horseshoes and a horse by interpretation, and finally produced the cavalryman. In the meantime everyone was turned into a Party member, and that was still not enough: the existence of DHKP-C units in Europe was invented as well…

Within the DHKC only rural and urban guerrilla units exist. On this logic, the countryside and cities of Germany too become filled with guerrilla units.

Is there not something missing from this picture?

There is no such organisational chart in any document in our file — neither in the manipulated 1 April documents nor in the 2016 Hamburg documents.

The alleged organisational chart is also completely devoid of concreteness.

If such an organisational chart does not exist among the documents and evidence — and it does not — one might suppose that such an organisational and cadre structure had at least been identified through some successful BKA operation that deciphered the organisation.

Of course it is not always necessary for an organisational chart to be based on a document or documents belonging to the organisation itself. If country, state, regional and unit responsibles had actually been identified and the responsibles, committees and special-area units exposed, it would be perfectly natural for the police that achieved this to sit down and turn their findings into an organisational chart.

But did anything like that happen? No. What happened? They caught me. In other words, they found one horseshoe. That is all.

There is also talk of special DHKP-C units. What were the tasks and responsibilities of these guerrilla units? Which Party members supposedly made them up?

It is said that people in certain positions are removed and new ones appointed. If only a list of those removed and appointed were provided, perhaps the analysis would have some meaning. Yet neither the file nor the indictment contains any such information.

If concrete names cannot be given for the positions referred to, all these hypotheses remain conjecture. And it is impossible either to analyse an organisational and cadre structure on the basis of conjecture or to mount a defence against such an analysis.

On page 45 of the indictment, concerning the manipulated 1 April documents, it says: “The data present on the data carriers, which had been multiply encoded and equipped with passwords, could partly be decrypted, and deleted data could be made readable again.”

It is said that these results were obtained from the German translation of the findings of the Dutch police and the determinations of an “expert”.

Since the devil is in the detail, the devil inevitably raises some questions.

It says “data carriers”. Yet what are called the 1 April documents were obtained from only one data carrier. Where are the additional carriers that justify use of the plural?

It says “multiply encoded and equipped with passwords”. What exactly does this mean? Multiple encoding and then additionally equipping a text with passwords? Unless the purpose is to create a “wow” effect on people who know nothing about the subject, what is this other than word salad designed to make the court swallow it? It is the prosecution that repeats the allegation. Let it explain to us here how a document is supposedly multiply encoded and equipped with passwords. If it cannot explain it, that means it has not understood it. And it should not try to make us swallow something it does not itself understand.

It says that the data were “partly decrypted”. What does “partly decrypted” mean? Was part of each text decrypted? Was part of a document decrypted, or only some of the documents? Is an accusation being made on the basis of partial decryption? Is a document of which only part has been decrypted not an incomplete document — and therefore a document different from the original?

Is conviction on the basis of half-complete information justice? Is it law?

For example, how exactly was the decryption carried out? I ask for a single example. There is none. Is there a report by the Dutch expert?

They call him an expert. An expert? We are talking about a police officer named “Mr Bey”, probably of Turkish origin. He may perhaps be an internal specialist employed by the police, but he cannot be an independent expert. The witness to the police’s own allegation is once again one of its own officers.

It is said that material was “decrypted” and “made readable again”. I REQUEST an example showing how even one document that was supposedly multiply encoded and then equipped with passwords was actually solved.

I am certain that what is involved here is straightforward fraud. It is impossible that the prosecution does not see this. But because it suits its purpose, it accepts it and even seeks support from these manipulated documents.

What are called the 1 April documents are manipulated documents. An attempt was made to use the same documents in Turkey. Eighty to a hundred people were arrested for that purpose. But there, independent expert reports exposed the manipulation.

Yet convictions have been imposed on the basis of these documents in every Section 129b DHKP-C case up to now. No independent expert has ever been appointed concerning them, and the Dutch officer described as the supposed “expert” has not even been brought before the court.

I do not know in full which points the expert reports prepared in Turkey concerning these manipulated documents concentrated on. But I REQUEST that those expert reports be added to our file, that the Dutch Mr BA be called as a witness to explain how he prepared his expert report, and that an independent expert be appointed.

Page 46 of the indictment says: “Functionaries operating in the rear front below the level of the European leadership are likewise subject to a strict hierarchical order. Each functionary is obliged to obey the cadre immediately above him unconditionally and must also obtain the approval of the higher cadre for important decisions.”

The DHKP Party Programme is cited as the source. Yet the Party Programme contained in our file, on pages 2–22, contains no such statement, nor does any other evidential document in the file. There is not a single word about the hierarchy of a European leadership.

“Unconditional obedience” is an extraordinarily sweeping assertion. I have read and know all the published views of Mahir and Dayı. I have also read various books and publications in which they are represented or explained, above all Devrimci Sol magazine. I have never encountered any such idea. Nor can there be such unconditional obedience within a political and ideological outlook.

By contrast, within the DHKC’s military units there is a command structure. Because a guerrilla force is military in nature, it operates according to a chain of command. But, as is also stated in the statutes of both the Party and the Front, the right of every member to express ideas, make proposals and criticise is defined as one of the most fundamental rights of membership.

Nor can the chain of command in the military sphere legally be treated as a criticism. As the United Nations recognised after the Second World War, one of the basic conditions for internal conflicts in a country to be regarded as war and acquire legitimacy is that the insurgent force possess a regular chain of command in the universal sense and be organised like a military army. The organisational structure of the military units concerned is itself a condition established by the UN.

If such a determination is to be used in relation to “DHKP-C”, it can only be used in the sense of acknowledging that it is organised in a manner consistent with the UN’s definition of a party to an armed conflict. That would mean nothing other than accepting the legitimacy of “DHKP-C’s” war against the fascist regime in Turkey.

Likewise, the age limit for becoming a fighter contained in the DHKC statutes, and the principle that the people must not be targeted, may also be regarded as requirements of compliance with those universal UN rules.

I do not imagine that AKÖ or the prosecution cite these matters in order to prove the legitimacy of DHKP-C’s right to resist oppression. Why, then, do they make this allegation? Because their only objective is to create the impression of a blind, cult-like obedience and thereby establish a prejudice about how dangerous the organisation supposedly is. In fact, when they make this allegation, they are describing not the European cadre

structure of “DHKP-C” but themselves and the chain of command in which they operate, because that is the only kind of organisational structure they understand.

Let us assume that, for one reason or another, such an allegation is made. What are the data? What is the evidence? What are the examples? The problem is not simply that an allegation has been made. Perhaps AKÖ can make an allegation of this kind. But the prosecution cannot possess an unlimited freedom to make such an allegation and accusation. If it does so, it must prove it and present the evidence. Anything else is not law. On the contrary, it is fantasy explainable only by fortune-telling.

Page 17 of the indictment says: “The state responsibles, who are the highest-ranking leaders of the regional substructure in Germany, are in principle directly subordinate to the Germany Responsible (…) At least this was the case in the past.”

This allegation speaks of a structure organised at state level. Yet there is neither a document among the material in our file showing such an organisational structure nor such a structure exposed by the BKA or the prosecution.

By saying “at least this was the case in the past”, the prosecution itself admits that it has not established such a structure in the present. Yet it attempts to fit me into a structure whose existence it does not know.

Again one must ask: who are these state responsibles? Who is the Germany Responsible? Who are the subordinate cadres under them? There is nothing about this in our file.

Page 47 of the indictment also says: “Each functionary of the rear front entrusted with special duties is directly subordinate to the Party leadership. This applies above all to functionaries responsible for obtaining weapons and other military equipment and organising the transport of material to Turkey by vehicle. Their tasks are carried out within a division of labour in cooperation with the European leadership and DHKP-C members placed below them.”

It is impossible to understand exactly what this quotation is trying to say. The only thing that can be understood is the claim that there is, in Europe, a structure directly subordinate to the Party leadership, while in addition there is a second formation under a European leadership; and that the European leadership itself is organisationally subordinate to the people directly linked to the Party who supposedly carry out tasks such as weapons procurement and transport.

Yet in other sections, weapons procurement and transport were themselves listed among the duties attributed to the European leadership, and I am consequently made a suspect on that basis as well.

This quotation and interpretation are based on organisational interpretations by BKA officers Kröschel and Hengst contained in SA Bd. I.4.2.3.2, pages 403–410, 315–320 and 54–57, documents which were not among those read outside the hearing. Since no translations of the relevant texts are available and they were not among the out-of-hearing documents, I cannot know precisely what the prosecution is relying on when it makes such an interpretation.

Kröschel’s and Hengst’s interpretations were produced in 2006 and 2007.

As far as I can understand from these reports, Kröschel’s report, for example, contains no such organisational structure. Nor did he make such an allegation in his testimony before this court.

In his report dated 2 November 2006, Kröschel said, on the basis of Decision No. 8 of the Congress Documents, that the transport of weapons and similar material was a duty of the European organisation. Attention: he says not procurement of weapons, but only transport.

How, then, does Decision No. 8 deal with this question?

In the part containing Decision No. 8, page 223 says: “Institutions will be created that fulfil and make permanent and continuous the indispensable functions of the rear front: financial support to the country, the

transfer of weapons and various forms of technology usable in every field, and the provision of military-training needs.” In other words, it refers to work intended to be created, not to work already being carried out.

The quotation does not say Europe; it says the rear front. Decision No. 8 concerns activity abroad, and abroad does not mean Europe.

Moreover, the only thing said about Europe on page 224 is that the European organisation should take its place within democratic organisation, while page 225 says: “The Middle East is the field most capable of offering important advantages in terms of weapons, ammunition, training and bases, as well as opening up to the world and to other organisations and developing relations of friendship and solidarity.”

These are the relevant quotations from Decision No. 8. If Kröschel’s interpretation is not a deliberate effort to force reality and present something non-existent as though it existed, then it is a failure to understand what he read.

Even if, in the most charitable interpretation, one says that he simply has a problem understanding what he reads, the consequences produced are far from innocent. There is straightforward slander here, and people have been sentenced to long years and subjected to years of isolation torture because of such slanders. It therefore cannot be regarded as innocent.

If he lacks the capacity to understand what he reads, there is also a question of competence for the work and office he holds. Making other innocent people pay the price for that is, legally and humanly, itself a crime.

Moreover, on pages 406 and 407 of the same document, although the word “explosive” does not appear even once in Decision No. 8, Kröschel has the audacity to claim that Decision No. 8 makes the procurement and transport of weapons, explosives, military equipment and communications devices the duty of the European organisation and particularly the German organisation.

The only victims of these lies and distortions are not those of us who were prosecuted. The panels in all Section 129b DHKP-C cases up to now have also been guided by these lies. By knowingly and deliberately falsifying evidence, misdirecting justice and abusing the public office he occupies, Kröschel has committed wrongdoing.

On this occasion, I lodge a criminal complaint against Kröschel.

There is no translation of Hengst’s report referred to on pages 315–320. In any event, those pages contain nothing concerning Europe or the procurement or transport of weapons.

Likewise, the Hengst report said to be on pages 54–57 is not present on those pages.

The allegation attributed to Hengst that there was a special unit in Europe working directly for the Party and responsible for weapons procurement and transport is therefore completely without foundation.

There is another striking feature of Hengst’s reports. As the name of the organisation he uses DHKP/C — DHKP/C with a slash — exactly as the Turkish police do.

Hengst is probably the BKA officer who signed the edited form of the intelligence report on DHKP-C in Germany prepared by the Turkish police and personally handed to Chief Federal Prosecutor Becker-Klein by police officers in Turkey within the framework of judicial assistance. He can never be regarded as a reliable source, because the source of this intelligence is Turkey and Turkey obtained it unlawfully. Apart from being unreliable, its use is therefore unlawful as well.

I REQUEST

The most important basis for the allegations concerning weapons procurement in Europe and similar matters is intelligence received from Turkey within the framework of judicial assistance. It is unknown how folders upon folders of documents were used in the investigation file. From slips in Becker-Klein’s indictments and submissions — expressions such as “DHKP-C with a slash”, “so-called organisation” and “slandering Turkey”

— I have already shown that she used without filtering the intelligence and reports prepared by the Turkish political police’s DHKP-C desk.

It is also clear that the Hengst reports cited in relation to weapons procurement and similar matters were derived from those Turkish reports.

The request for this judicial assistance was made by Chief Federal Prosecutor Griesbaum and the material was received by Becker-Klein. Griesbaum requested witnesses from Turkey in order to introduce these documents into evidence. Chief Public Prosecutor Kadıoğlu, who conducted the discussions on behalf of Turkey, responded by proposing Serdar Bayraktutan and Ufuk Yıldırım as witnesses.

I want to prove that the files received from Turkey were decisive both in the investigation file and in all “DHKP-C-Section 129b” cases. For that reason I REQUEST to see the files provided by the Turkish Chief Public Prosecutor’s Office, and I REQUEST the testimony of Chief Public Prosecutor Kadıoğlu and of Serdar Bayraktutan and Ufuk Yıldırım, whom he proposed as witnesses.

In addition, this section makes allegations concerning the organisation’s cadre structure on the basis of matters previously raised in relation to me personally: communication by email, communication through telephones registered in other people’s names, and the use of code names in telephone conversations.

In our file, a number of code names are listed and it is alleged that they were used, but there is no concrete information showing who used which code name in which telephone conversation.

Moreover, as far as I know, similar allegations appear in the latest Stuttgart OLG judgments that we read outside the hearing. Yet in the case of defendants such as Samur Yıldırım, Yusuf Taş and Özgür Aslan, because they had no telephones and there was no evidence that they had made telephone calls, the prosecutor in that case used an argument to the effect: “As far as we understand, they no longer communicate by telephone. Therefore the absence of telephones and the inability to establish telephone conversations proves that these defendants are members of the organisation.” This too should be stated here.

If you use a telephone, it is a problem because a different meaning can be attributed to everything you say. If you do not use one, that is also a problem because the absence of telephone use may itself be used as evidence of organisational membership. Unfortunately, in the reality of life there is no middle position or alternative between these two.

ON FRONT ORGANISATIONS

This section is two and a half pages long. It consists of a total of seven sentences spread over twenty-nine lines. Yet it contains fifteen footnotes referring to seventy-nine documents and records.

What is decisive, however, is the first and last sentences. The first sentence on page 50 of the indictment says: “As local bases serving as points of contact or meeting places, the DHKP-C has for a long time used, among others, cultural associations in Germany controlled by the Party. In order to cloak the activities of the associations in legality and conceal their affiliation with the DHKP-C, they use above all the name Anadolu Cultural Centre.”

Thus we learn that the DHKP-C supposedly needs associations clothed in legality in order to take membership applications, and that these associations must above all bear the name Anadolu Cultural Centre.

If the associations are a kind of recruitment office, then those who go there must also be “DHKP-C” members and cadres.

Everything is apparently that clear — and that comic. It is admittedly difficult to remain serious in the face of such allegations. Yet so many people have had their lives turned into hell because of these absurd claims. Around twenty people have also, because of such allegations, undergone years of imprisonment under isolation conditions.

I do not even count the families of the prisoners who suffered through these prosecutions and convictions, or the enormous financial costs in the security and judicial fields. What is more serious is the blow struck at democratic rights and freedoms and at the existing constitutional order by anti-democratic practices whose limits and future consequences are unknown.

The indictment speaks of associations in Cologne, Duisburg, Dortmund, Wuppertal, Hamburg, Berlin and Nuremberg. In that case, these recruitment centres must naturally have been extremely busy building armies.

I will not ask who applied to these registration centres because I know there is no answer. But the fact that AKÖ has for years kept the alleged number of DHKP-C members at exactly 650, without any increase, is by itself enough to show how absurd the allegation is.

It is obvious that the mentality producing these findings and analyses is not a very sound one. They serve no purpose other than to cloak support for the fascist regime in Turkey in legality.

Page 52 of the indictment says: “The Committee Against Isolation Detention in Hamburg is one of these front organisations used by the DHKP-C, with the aim of circumventing the banning order, particularly for propaganda activities, but also to conceal its remaining illegal activities.”

The organisation referred to is the IKM. As far as I know, the IKM was formed in 2000 after the fascist regime in Turkey launched operations against twenty prisons between 19 and 22 December 2000 in order to crush the prisoners. In those operations six women were burned alive and martyred; many prisoners still live with burns on their bodies. Twenty-eight prisoners were martyred, some by gunfire but most by being beaten to death. Among the thousands of prisoners there was hardly anyone who was not injured. The wounded prisoners were separated from one another, women and men were subjected to sexual assault and torture, and they were thrown into F-Type isolation prisons.

For the three days of the massacre, smoke rose from the prisons. The smell of burned human flesh filled the air as a crime against humanity.

The torture did not end with transfer to the F-Types. For months, visits by lawyers and families were prohibited. For months nobody knew who had been sent to which prison. Families remained in the streets for months merely to learn whether their children were alive and where they were. They cried out their grief, which often turned into rebellion, either outside the closed prisons where their children had been martyred or elsewhere.

The first news from the F-Types came on 21 March 2001 with the news that Cengiz Soydaş had been martyred during the hunger strike. Meanwhile the families in the streets were dragged by their hair and subjected to torture every day.

In short, a full-scale fascist terror was being unleashed.

I will spare you here the details of this chain of crimes against humanity and my feelings about them.

You are not politicians and you may refrain from making a political assessment. But since you are lawyers, I believe you are at least obliged to look at this issue from a legal standpoint.

The fact that the scene of the crime was Turkey’s prisons, streets and homes does not absolve you of responsibility. Crimes against humanity are universal. Moreover, you are legally obliged to consider this case. If you insist on applying against me an anti-terror law that you do not hesitate to use, then you must at least examine legally the crimes that unfolded before your eyes and that are still continuing.

In this matter the prosecution has placed itself on the side of those who committed these crimes against humanity. It is as though it has removed its robe, put on a helmet and begun swinging a sword at everyone before it. The sword is Themis’s sword, but there is no scale in its hand. The scale has been lost; the balance has been abandoned. I call on the prosecution not to trample further on the dignity inherent in its office.

Now let us return to the IKM.

The IKM was a solidarity committee formed voluntarily, for entirely humanitarian reasons, in order to support political prisoners, their relatives and friends in their resistance against the opening of the isolation prisons in Turkey through massacre and the continuation of torture, and to prevent further deaths. It imposed no obligation on any participant and was one of the most flexible forms of organisation imaginable.

Its reason for existence was entirely humanitarian. It also limited its existence to the period of resistance to the F-Type assault, which lasted from 2000 to 2007, and afterwards ceased to exist.

To try, in 2018, to make the IKM a subject of prosecution is completely misplaced. Even if the prosecution regards this structure as a “front organisation”, should it not then ask why the supposed organisation had no need for a “front” after 2007?

I do not know much about the other alleged front organisation, HÖC-Dortmund. I had heard that some people in Dortmund were trying to establish an association under the name Front for Rights and Freedoms Association. But as far as I know, no such association was ever established. At least in practice it had no premises or office and, more importantly, carried out no activities.

One must therefore ask: how can a structure that did not even exist as a “front”, and that carried out no activity, have carried out “DHKP-C propaganda” and concealed the DHKP-C’s so-called “other” illegal activities such as the procurement and transport of weapons, explosives and the like?

And what is the position now? Since neither the IKM nor the HÖC Dortmund Association exists, has the need to conceal illegal activities and conduct propaganda supposedly disappeared?

If the IKM and HÖC do not exist, then the allegation of a “front organisation” must also disappear.

As for the Anadolu Cultural Centres: as the file itself shows, after 2006 this structure became the Anadolu Federation, which concentrated its activities on the personal and social rights of people from Turkey living in Germany and on democratic demands concerning problems such as racism and degeneration.

On the fortieth anniversary of the presence of people from Turkey in Germany, it carried out an exposure campaign under the slogan “We Exist Through Our Labour, We Demand Our Rights”, addressing Agenda 2010, Hartz IV, unemployment legislation, systematic lynching attacks against people from Turkey, people being burned alive by racists and other threats to democratic rights and the freedom to live.

As soon as it began to raise local demands directly from the problems experienced in Germany, attacks on the Anadolu Federation also increased. Until then its activities had been considered within the framework of the law on associations. Once it began these activities it was deemed dangerous and its activities were brought within the scope of Section 129b.

Contrary to what the prosecution alleges, the Anadolu Federation was not targeted because of activities concerning Turkey. It was targeted because it directly defended the economic and democratic demands of people from Turkey living in Germany. There was nothing in these activities to conceal. On the contrary, it tried to remove the veil covering existing violations of life, property and rights.

That is precisely what disturbed AKÖ and the Federal political prosecution office in Karlsruhe.

Today, attacks on the Anadolu Federation, on the IKM which voluntarily ended its existence more than ten years ago, and on the HÖC-Dortmund Association which in practice never existed at all, are themselves brought forward in order to conceal and cover other matters.

While the IKM existed it was not, in fact, targeted by the German state. Because its activities were limited and concerned problems in Turkey, its work did not cause discomfort.

What caused discomfort was the Anadolu Federation raising demands specific to Germany itself.

In 2007 the Anadolu Federation wanted to organise an anti-racism event expected to attract three to five thousand people. AKÖ threatened every venue that was approached. AKÖ agents even attended a meeting with one venue and, as I know it, told the Federation president in person words to the effect: “We do not object

to your marches about developments in Turkey and the prisons, or concerts attended by a thousand or fifteen hundred people. You can also hold activities about problems in Germany; you can organise panels, marches and demonstrations. But we will not allow you to become a mass organisation. We will not allow you to organise large events; we will prevent them."

In reality the prosecution does not know why either the Anadolu Federation or Grup Yorum was targeted. A fabrication about "front organisations" was put before it and it is trying, in vain, to carry out the implications of that fabrication.

Yet the prosecution should first have questioned and substantiated this allegation, at least in legal terms.

For example, it says: "The Anadolu Federation associations, the IKM and HÖC were established by the DHKP-C as front organisations principally in order to carry out propaganda."

The prosecution must first clarify what propaganda means. It must then give at least one plausible, concrete example of how these existing, no-longer-existing or never-existing organisations carried out DHKP-C propaganda.

The prosecution does not do this. What does it do? It says, in effect, "I said it, therefore it is so." I say: "No. You cannot do that. If you make the allegation, you must give a concrete example."

But neither the BKA nor AKÖ has supplied the prosecution with concrete material on this point. In previous cases the defendants exercised their right to remain silent and, moreover, the courts copied all the allegations into their judgments without needing evidence. The prosecution therefore felt no need for concrete evidence or data and preferred to content itself with police reports placed before it.

Page 52 of the indictment again says: "The DHKP-C uses these front organisations (…) also to conceal its remaining illegal activities."

I do not know how strongly the prosecution itself believes this. But it is trying to make us believe it. Very well: let us believe it. But then let the prosecution give us one concrete example. How, for example, did these organisations conceal the procurement of weapons and explosives in Germany and their transport to Turkey? If they were concealed, how did the prosecution uncover them? Let it give an example.

I have already explained the work of the IKM, its reason for existence and the fact that it dissolved itself. But it is also necessary to explain why the prosecution puts forward the relevant police report.

Let us give just one example. Imagine a prison, the women's ward of that prison. Its doors and windows are steel and there is nowhere to escape. Soldiers open a hole in the roof and throw inflammable and poisonous gases inside. Chemical gas bombs of unknown origin leave the clothing undamaged while the women's flesh melts. They are burned alive with incendiary substances. The bodies of six women are burned beyond recognition. The surviving women are condemned not only to carry burn scars for the rest of their lives but also never to forget the screams of the women burned alive and the smell of burning flesh and fat.

Today the whole world rightly condemns the killing and subsequent disappearance of one person in the Saudi Arabian consulate. Do women burned alive deserve no condemnation? Did this massacre occur in another universe or another century? No. It happened in today's Turkey — in an allied NATO country, in EU-candidate Turkey, in Turkey where some 7,500 German companies operate and which is Germany's largest trading partner. The burned bodies reduced to heaps of bone are the proof.

The IKM carried out exposure and protest work against this savagery. It did not conduct DHKP-C propaganda, nor did it conceal the DHKP-C's illegal acts. If I am asked to explain the difference between exposure and protest on the one hand and propaganda on the other, I can do that too, but I do not think it is necessary.

Although the IKM had already ended its existence before the beginning of the alleged period of my offence, the prosecution's attempt to have the exercise of the right to protest against anti-human fascist terror punished as terrorist activity is nothing other than an effort to cover up those crimes against humanity. What it is doing is complicity. I lodge a criminal complaint against this.

ON “THE DUTIES AND ACTIVITIES OF THE REAR FRONT IN EUROPE IN DETAIL”

First of all, let me point out that in Turkish the term used here by the translation as “geri cephe” literally means “primitive front”. Of course I understand that what the prosecution intends is “cephe gerisi”, the rear area behind the front. I mention this only to underline the linguistic competence of the person who translated a term repeated hundreds of times in this way.

In this section the prosecution attempts to prove what contribution the members of the “DHKP-C” said to operate in the rear front make to supporting the units fighting in Turkey.

ON “PROCUREMENT OF MONEY TO FINANCE THE ARMED STRUGGLE”

Page 52 of the indictment says: “One of the principal duties of the DHKP-C’s European organisation, as laid down in its statutes, consists of meeting the high financial requirements necessary to finance terrorist activities in Turkey.”

First of all, no such matter appears anywhere in the statutory section of the Congress Documents. This allegation by the prosecution is contrary to fact.

I dealt with this earlier through quotations from the Congress Decisions concerning the rear front. There is no assignment of such a duty to Europe. There is, however, an assessment that the rear area in the Middle East is the most suitable field to offer important advantages regarding “weapons, ammunition, training and bases” and similar matters.

By saying that Europe’s duty “consists of meeting the high financial requirements (…) for terrorist activities”, the prosecution states that Europe’s sole duty is to meet a “high financial requirement”. Yet, as we will see below, the duties the prosecutor attributes to Europe extend far beyond high financial requirements.

Moreover, on what basis is it asserted that “DHKP-C” has a “high financial requirement” for armed struggle? What amount is “high”, and how much money is supposedly required? It would not be a bad thing for the prosecution to explain these points as well. But it cannot say anything concrete because there is no such determination anywhere. This too shows that the accusations on the subject are merely an invented scenario.

It is said: “Every organisational unit in Europe participates in procuring financial resources for the armed struggle.”

Who says this? BKA officers Hengst and Seifner. Both are making interpretations. According to their own thinking, that is how it has to be. Why must it be so? Because the torturing police in Turkey supposedly decreed it for “DHKP/C” with a slash — once again a case of one witness vouching for another from the same side.

According to Hengst’s famous 2006 report: “In the documents seized in the organisation’s archive in Amsterdam, reports concerning activities aimed at procuring financial resources occupy a large area. Donations collected among Turkish citizens, income from events and Party publications, and membership dues paid by ‘DHKP-C’ members and sympathisers serve as sources of income.”

I will address the details of these matters one by one. But neither the reports cited nor any other documents say that these funds were collected in order to finance the armed struggle. The entire construction is therefore without foundation.

The thought “money is being collected, therefore it must be for the armed struggle” is nothing more than an assumption.

ON “DONATION COLLECTIONS”

With regard to donation campaigns, the reports and findings of Seifner are relied upon in particular.

None of the documents referred to in these reports contains information that voluntary donation campaigns were organised to finance armed struggle.

The target of the donation campaigns is said to have been around EUR 650,000–700,000. Yet on the basis of the reports themselves, the amounts actually collected were stated as follows:

For the years 2002–2005, EUR 400,000 — although EUR 300,000 of this is said to have been donated by a single person in the Netherlands.

For 2005, although EUR 400,000 is mentioned, only EUR 260,000 was collected. In that case the earlier figure is itself rendered invalid.

For 2008–2009, EUR 130,000.

For 2009–2010, EUR 72,000.

Was the armed struggle supposedly financed with these sums? Are these amounts the “high financial requirement”?

It is further alleged that there were depots in different parts of Europe for these sums and that couriers carried the money to these depots. Page 56 of the indictment continues: “The transfer of the money to units in Turkey is also carried out with the participation of members of the rear front. In this connection members are tasked with finding organisational sympathisers either in whose names money can be transferred to Turkey or who can smuggle the money into Turkey.”

As the source for this information, footnote 194 refers to a note identified as document 794.684, SA Bd. I.4.2.4, Folder 7, page 85.

Document 749.684 is not on page 85.

On page 85 there is document 794.688.

But neither of these contains ANY information about sending money to units in Turkey, finding persons to make bank transfers, or finding sympathisers to carry money secretly into Turkey.

Where, then, does this detailed criminal analysis come from?

Document 749.688 contains a note saying that EUR 3,000 was deposited into one account, EUR 3,000 into another and EUR 5,000 into another, a total of EUR 11,000 “for the country”. The hypothesis above is probably based on that note.

But the note makes no reference to a unit, military or otherwise, and no reference to a unit in Turkey. Indeed, the word Turkey does not occur. It says “country”. Let us even assume that “country” means Turkey. The note does not say “to the country”; it says “for the country”.

Under this subheading alone, twenty-five footnotes refer to more than a hundred documents. Some footnotes and documents cannot even be found under the numbers given. And in those that can be found there is no concrete information confirming the allegations. The clearest example is the footnote I have just discussed, from which nothing can be understood. The only concrete conclusion is that the interpretations made are fabricated.

Page 56 of the indictment says: “In addition to annual campaigns, campaigns are organised under headings such as veterans or prisoners, for example in order to provide financial assistance to members who are no longer active or have been imprisoned, or to members of their families.”

Footnote 195 cites three documents as proof of this allegation.

First document: document 794.592, SA Bd. I.4.2.4, Folder 7, page 92 ff. (94).

The document on pages 92–94 is numbered 794.699, and nowhere in it is there any reference to prisoners, veterans or any other campaign.

Second document: document 761-911, SA Bd. I.4.2.4, Folder 16, page 185.

This document likewise contains no reference to any campaign.

Third document: 762-089, SA Bd. I.4.2.4, Folder 17, pages 22–26.

This document also contains no reference to any campaign. Neither veterans nor prisoners nor any other campaign are mentioned. The only sentence containing the word “veteran” concerns a person who had met a German professor who was going to participate in a tender to buy or establish a hospital in Turkey. The professor was told about veterans of the Death Fast in Turkey. The person who had met the professor was then told: “Bring the man to the association so that we can meet him.”

Now let us return to the allegation in the indictment. Where in this material is there any information confirming the allegation? There is none. There is no information on the subject and not even an implication.

THIS is the kind of supposed documentation on which the allegations in the indictment are based.

In this example one cannot speak of an error. There is intent. All three documents cited as evidence are unrelated to the allegation. Human error of course exists. But when all three documents offered as proof are irrelevant, no possibility remains other than deliberate conduct.

Even if it were human error, procedure comes before substance. I do not know German law, but at least in Turkey there is such a universal legal principle.

Page 56 of the indictment also says: “The purpose here is to increase the willingness of the other members to struggle by helping such persons who have devoted themselves to the aims of the organisation.”

Again it speaks of prisoners and veterans. Let us see how this thought is supposedly proved.

The relevant footnote is No. 196, which refers to six documents.

First document: Seifner’s report dated 7 March 2007, file SA Bd. I.4.2.3.2, pages 339–347.

On page 350 of this report, under the subheading “other campaigns”, Seifner himself claims that campaigns were organised concerning “veterans”, “books” and “prisoners”. In other words, the prosecution’s “document” is again nothing but a hypothesis written by its own BKA officer. Its own police report is used as proof of its own allegation.

Second document: the same document 749-592 referred to above. I will not repeat it.

Third document: document 749-789, SA Bd. I.4.2.4, Folder 7, page 134.

This document contains nothing about campaigns for prisoners, veterans or their families, and nothing about increasing the willingness of members to struggle.

Fourth document: document 751-229, SA Bd. I.4.2.4, Folder 9, page 45.

This document likewise says nothing about increasing members’ willingness to struggle. At last, however, it does contain information about a campaign, namely a “Prisoners and Veterans Campaign”. BUT, as far as can be understood, it points to one single campaign. The campaign concerns prisoners and veterans together; it does not refer to other campaigns alongside it.

I want briefly to open a parenthesis here. Legally, the membership of prisoners is already invalid. Prisoners cannot be members; if they were members beforehand, membership ends with imprisonment. This applies to Marxist-Leninist organisations generally, and in legal terms the period of the alleged offence of membership is likewise limited to the period before arrest.

On the other hand, those referred to as veterans — some still prisoners, others released — include people who were burned alive during the Death Fast, shot, or left with memory loss and Wernicke-Korsakoff syndrome as a result of forced intervention. From the press I know that some of the women prisoners who survived being burned alive underwent more than ninety or one hundred operations. The campaign in question was

humanitarian assistance to prisoners and veterans in such circumstances. It was not support for armed struggle, as claimed from the beginning. Still less can it be said that armed struggle in Turkey could not exist without such campaigns. As is also established by documents in the file, it is impossible to conduct such a struggle with the limited sums involved — between EUR 72,000 and EUR 300,000 a year. With such amounts one could cover only some of the prisoners’ needs and some of the veterans’ medical operations.

I close the parenthesis here.

Fifth document: document 753-201, SA Bd. I.4.2.4, Folder 12, pages 1–69.

This document likewise contains not a single word about increasing members’ willingness to struggle.

On page 24, however, as with the previous document, there is mention of a campaign and of a “Veterans and Prisoners Campaign”. Again, it does not speak of two separate campaigns; it refers to the same single campaign.

Sixth document: document 762-099 likewise contains not a single word about increasing members’ willingness to struggle, nor even an implication to that effect.

ON “REVENUE OBTAINED FROM COMMERCIAL ACTIVITIES”

When one sees the heading “commercial activities”, one cannot help wondering what kind of commercial activities are supposedly being carried out. Yet all the “activities” described in the plural over three pages are cultural evenings or concerts.

Page 57 of the indictment says: “The organisation of concerts and other events constitutes another source of income for the organisation. Income is obtained at these events through the sale of admission tickets and food and drink, as well as through sales at stands set up for magazines, books, CDs, cassettes and other goods.”

As can be seen, what is meant by “commercial activities” are merely component parts of cultural events such as concerts, all dependent on the cultural event itself.

I have already dealt in detail with the matter of food and drink sales at concerts and will not repeat it. Selling a can of soft drink for one euro and döner bread for two or three euros cannot even cover the fee charged by venues for the right to run food and drink sales. The purpose of taking over that right is to prevent venues selling things, such as alcoholic drinks or pork products, that most participants do not consume.

Stands selling books and music CDs are generally run by ordinary bookshops. Agreements are made with these bookshops. Under those agreements they cannot sell right-wing or religious publications or CDs. A basic condition is that they sell the other items more cheaply than in their shops, that is, below ordinary market price. Whichever bookshop will sell more cheaply is permitted to set up the stand. The purpose is to allow participants to obtain things they need at lower prices. It can be described as a service offered to participants.

Above all, the aim of these events has never been to make a profit. The aim is for the event to cover its own expenses. Some concert accounts referred to in the file are themselves evidence of this and generally show losses.

The purpose of a commercial activity is profit. An event that does not seek profit cannot be treated as a commercial activity.

The real reason why “commercial activities” are made an issue in our case becomes clear from the quotation below and exposes the real objective of both the police and the prosecution.

Pages 57 and 58 of the indictment say: “The responsibles commission the artists, rent the event venues, provide the necessary technical equipment, sell admission tickets and, in addition, organise bus journeys for participants and advertise the events by means of leaflets, banners and newspaper advertisements.”

So what does this mean? Countless people who contribute in any way to a cultural event organised against racism — from handing out publicity, selling a ticket and speaking with artists or venues — are elevated to the level of RESPONSIBLE and their convictions are GUARANTEED.

At first sight this may look like a display of intelligence, and perhaps the BKA and the prosecution imagine that by resorting to such tricks they are proving how clever they are and can take pride in the invention.

But this is not intelligence or foresight. It is the skill of turning democratic rights into terrorism through procedural tricks. It is the confiscation of constitutional rights on false grounds. The winner is neither the constitutional order nor public security nor justice.

On the contrary, the loser is justice, public conscience and the constitutional order itself.

I add a footnote of my own here. As evidence for that footnote I submit the OLG judgment of 7 December 2015, with Wieland as judge and Becker-Klein as prosecutor, and the reasoned judgment that became legally final on 14 December 2016.

That judgment shows, for example, how people who organised a lawful and peaceful concert against racism were punished with prison sentences of up to six years. That judgment is a document.

I do not believe that this approach is either a product of intelligence or justice.

The large concerts at issue are organised through the contributions and labour of hundreds of volunteers. Under this court judgment and the quotation from the indictment above, hundreds of people could therefore be punished with up to six years’ imprisonment simply because they are opposed to racism.

Unfortunately the prosecution is not satisfied with criminalising such a broad section of people. It targets still wider circles. Page 58 of the indictment says: “In addition, their duties include obtaining visas for artists coming from Turkey through invitations sent by DHKP-C sympathisers and looking after them during their stay in Europe.”

Perhaps you may ask what is wrong with that. As far as I know, in order to resolve visa problems for artists coming from Turkey for cultural events, assistance is generally obtained from members of parliament of German left parties and from certain German institutions.

So I ask the prosecution: are institutions, organisations and persons such as Claudia Roth, the Greens, the Jusos, Ulla Jelpke and others the DHKP-C sympathisers referred to? When will you take action against these sympathisers?

Now let us come to the nine documents cited in footnote 208 in order supposedly to substantiate this issue.

Documents 750-843, 750-856 and 750-617 concern the same matter. They mention a person called Aziz arranging visa matters for artists, but say nothing about which artists were involved or who would issue the invitation. Most probably this Aziz was simply someone who had contact with an institution or person able to assist with obtaining visas, as I described above.

Documents 752-331 and 752-043 concern a person called Sabi obtaining a visa for himself to travel to an unnamed country. They have nothing to do with artists.

Documents 735-354, 763-014, 763-718 and 736-255 contain nothing about visas for artists. In two of them the word visa does not even occur. In the case of document 735-354, even the page number cited cannot be found.

The prosecution makes an allegation and then, in order to prove it, places into a footnote every relevant or irrelevant file containing the word visa, together with document numbers. It creates the appearance that the allegations have a foundation. BUT THEY DO NOT.

Why, then, are all these footnotes, document numbers, file numbers and page numbers given?

The 153-page accusation section of the indictment contains 660 footnotes. Each footnote cites on average three to five documents. In order to see the basis of the allegations one would therefore have to examine thousands

of documents. Some of these are again police reports, and the police in turn attach countless further documents to support their claims, turning the prosecution’s indictment into a bottomless pit.

It is obvious that these footnotes and supposed documents presented as the basis of allegations do not assist in reaching the truth in our case. Digging this bottomless pit cannot be attributed to ordinary human error. It is not innocent.

Who is forced to enter this bottomless pit? I and my defence are. I am placed under an obligation to prove the invalidity of hundreds of allegations whose existence has not been proved and whose basis has never been established.

It is doubtful how thoroughly even the prosecution has examined the indictment that has been turned into this bottomless pit through footnotes. Yes, the document is called an indictment, but in my view it is beyond dispute that it is in substance a police report prepared by the BKA and transformed into an indictment with only a few strokes of the pen.

Let us return to the point. Why, then, was this unsupported visa matter raised? That is the important question. Why were such unsupported supposed documents used instead of more concrete evidence? That is another question.

Nobody can deny that Germany is a country of documentation and archives. Grup Yorum is the target here. Participation at any level in cultural events in which Grup Yorum appears is elevated to the level of responsibility in a terrorist organisation, while those who solve visa problems are alleged to be at least sympathisers of a terrorist organisation. It follows, according to this logic, that they too commit the offence of “aiding and abetting” terrorist activity by assisting with cultural events such as concerts, which themselves are treated as terrorist activity.

It would be no problem for the BKA or AKÖ to establish who issued visa invitations during the last thirty years for events in which Grup Yorum participated. They already possess such information. For at least fifteen or twenty years, Schengen visa applications made to all EU countries have been subject to scrutiny by security and intelligence services throughout the EU.

If the real visa invitation documents were used as evidence in this court, however, it would be necessary to allege that German parliamentarians and unquestionably lawful institutions were “DHKP-C” sympathisers and had participated in numerous terrorist activities in Germany.

Perhaps today they refrain from taking such a step. But the long-term aim is to use Section 129b to cleanse Germany of opposition, and concealed allegations of this kind in “DHKP-C” cases will be used when the occasion arises. I have no doubt about that.

The prosecution continues describing the “commercial activities” of “DHKP-C”. It says that in order to increase attendance at concerts, artists and music groups loved by the peoples of Turkey are invited, and continues: “Within this framework the leadership functionaries, on the instructions of the ‘DHKP-C’ leadership, organise the annual European tour of Grup Yorum, one of Turkey’s well-known groups, which is at least close to the ‘DHKP-C’, has personal links with the organisation and conducts propaganda for it.”

I have never witnessed Grup Yorum having annual European tours; indeed, I have never witnessed even a single “tour” in Europe in the sense alleged, and there can be no document proving one.

It says: “the leadership functionaries, on the instructions of the DHKP-C leadership”. This already accepts that the leadership functionaries referred to are different from the DHKP-C leadership. Yet under Section 129b is not the whole effort precisely to prove that these people themselves are members of the DHKP-C leadership? In this way the prosecution itself accepts the incorrectness of its allegations.

Grup Yorum is described as “at least close to the DHKP-C”. Well then, what happened to the earlier claim that Grup Yorum was an “integral structure” of the DHKP-C?

This is not merely an inconsistency. Until it can have Grup Yorum formally banned, the prosecution alternates between calling it an “integral structure of the DHKP-C” and “close to the DHKP-C”, keeping one formulation in reserve if it cannot prove the other.

As for the phrase that Grup Yorum “also has personal links with the organisation”, footnote 210 cites six documents.

Documents 739-374, 734-465, 734-472, 734-494, 730-254 and 740-180 contain nothing whatsoever about personal links between Grup Yorum and the DHKP-C or any such organisation.

By contrast, on page 78 of document 740-180 there is a note concerning concerts attended by Grup Yorum stating that Grup Yorum was paid a fee for each concert and giving the amounts.

In other words, Grup Yorum is not a music group that conducts DHKP-C propaganda or is a member of an organisation. Just as other artists are paid fees for attending events and the relationship is on that basis, the same applies to Grup Yorum.

Pages 58 and 59 of the indictment say that the central evenings described as supra-regional are organised as “celebrations of the founding of DHKP-C” and that “in this connection, advertising the events and selling tickets are in particular among the duties of the responsibles.”

First of all, the central evenings referred to have not been organised for many years. If I am not mistaken, they had not been organised for at least seven or eight years even at the time in question. I dealt with this earlier. Such events had existed for decades before the foundation of the DHKP and were held in Turkey and Europe as events “Commemorating the Martyrs of the Revolution”. The “commercial” events the prosecution describes as the highest level had therefore not existed for years.

Yet the prosecution can characterise advertising and selling admission tickets as responsibility at a level even beyond organisational membership. “Advertising” can mean anything from telling individual people about an event to handing out its leaflet or putting up a poster. To accuse everyone who participates in preparing a cultural event that may be attended by hundreds of people of being a leader is, to put it mildly, absurd. We thus learn that becoming a DHKP-C “leader”, that is, a cadre, can be achieved simply by selling a ticket or putting up a poster for an evening. The allegation is nonsense.

Page 59 of the indictment says: “In addition, the regions organise events such as song and poetry evenings, picnics and film screenings. The local regional leaders are personally responsible for organising these events and for their course.”

To prove these allegations, footnotes 216 and 217 refer to 2007 reports by BKA chief inspectors Seifner and Tutz, and as evidence for these reports to document 761.873 and to a Tutz report which is not in the place indicated in the footnote. I found Tutz’s report elsewhere, but Tutz himself merely refers to Seifner’s report. There is therefore nothing new or separate in Tutz’s report on this subject. Tutz’s report also uses “DHKP/C” with a slash, in the form taken from the Turkish police. That too should be noted.

Document 761-873 speaks of the possibility of renting new association premises in Duisburg. It records an idea of holding a poetry and folk-song evening each month in the association in order to pay the rent.

But neither our file nor the indictment contains information showing that even one such paid event — a poetry evening, folk-song evening, film screening or similar event — was ever held in an association. I personally have neither heard of nor witnessed any such paid-entry event in an association.

This may simply have remained an idea proposed by one person. It is not even clear whether the association premises referred to were ever rented. As we say in Anatolia in such situations, “they have sewn clothes for a child not yet born.” Yet this police report appears in the indictment as though a commercial event had actually taken place. The allegation is therefore void.

An offence and an offender are then manufactured by accusing a "local leader of the organisation" of being responsible for organising and running these events — events that never took place. What can one say? Good luck to them.

Page 60 of the indictment says: "The leadership cadres regularly report to the leadership on all activities carried out in preparing and implementing the events."

What, then, is the position of the leadership cadre? Is leadership not normally the work of the leadership cadre? Are they supposedly reporting to themselves?

It continues that the DHKP-C leadership is obliged to account to the European leadership.

So the Party leadership is supposedly required to account to the European leadership that is said to be subordinate to it.

One need not know the subject in order to see the absurdity of these allegations. Does the prosecution that makes this finding not know that the allegation is absurd? Of course it does. But in order to make everyone it can catch in Europe responsible for everything the DHKP and DHKC do in Turkey and thereby secure convictions, it is willing to resort even to such absurdity.

If even the organisation's highest leadership is obliged to account to the European "leader" who sells concert tickets and puts up posters in Europe, then the conviction under Section 129b of even the most ordinary person participating in association activities in Europe becomes inevitable by presenting that person as standing above the Party leadership.

THAT is the prosecution's purpose.

Let us now return to this entire subheading of "commercial activities".

The allegation that commercial activities were carried out to finance the armed struggle in Turkey is a case of the mountain giving birth to a mouse.

This section consists of twenty-one sentences. To "prove" its allegations, twenty-five footnotes cite a total of ninety-two documents. Yet there is not a single piece of evidence confirming the allegation.

The only things referred to as "commercial activities" and "other commercial activities" are cultural concerts and evenings. It is not even established that they made a profit. More importantly, there is not a single piece of evidence or indication that these events were organised in order to support armed struggle materially or morally.

The prosecution cannot point to any money existing or circulating. Its whole theory therefore comes down to this: "If money had been earned, it would have financed the armed struggle." This is equivalent to prosecuting someone on the reasoning: "If he had had a gun, he would have killed the man."

With this allegation the prosecution is making an accusation in which not only has the offence not been proved, there has not even been an attempt.

ON "THE SALE OF PUBLICATIONS"

It is said that the sale of regularly published DHKP-C publications, and especially the organisation's weekly magazine, serves not only the DHKP-C's propaganda aims but also to obtain the income necessary to finance terrorist activities.

As evidence, footnote 224 refers to reports by BKA officers using the names Burkard and Mielach. Yet neither of the two reports beginning on pages 67 and 43 of file SA Bd. I.3.2.2.3.3 contains ANY information or indication linking "DHKP-C" to a magazine, identifying which magazine is meant, or showing that the magazines were used to finance armed struggle.

Moreover, since “DHKP-C” is not an organisation, it cannot have a regular publication. Nor is it even stated which magazine or publication is being referred to.

Page 60 of the indictment says: “The regional responsible is responsible for sales of the magazines in the individual regions.” Footnote 225 is cited as evidence. Its first reference is to the DHKP Party Programme. Yet the Party Programme neither mentions a magazine, gives the name of a magazine, nor contains a statement that Party responsibles are responsible for distributing magazines.

Nor does the indictment explain what the “regional responsible” is supposedly responsible for. The prosecution has once again resorted to wholesale generalisation. Through ideas invented from its own head and baseless generalisations, it sets itself up as champion of censorship and violations of press freedom.

I must admit that in this respect even the prohibitive regime in Turkey represented by Erdoğan cannot compete with the Federal Prosecutor’s Office.

Such a justification for censorship, which even Turkey’s fascist regime has not thought of, is capable of inspiring even Erdoğan.

In one sense this allegation by the prosecution lowers the level of the proceedings. Of course the prosecution may not intend to lower the level. It is trying to manufacture crimes and criminals at any cost. For this purpose it seeks support in unadulterated falsehoods.

I am not personally accusing the prosecutor of being a liar. But this subject is a crucial point both in our case and in relation to the magazine ban and Section 129b cases.

I will show in the clearest possible way how the falsehoods I refer to become police reports and then form the prosecution’s indictment.

Page 61 of the indictment refers to the magazine office operated in Cologne until 2003. Footnotes 229 and 230 again contain, in general, interpretations by BKA officer Seifner referring to the manipulated 1 April documents. There is also reference to the 2005 Bamberg court decision banning Ekmek ve Adalet.

Yet in dealing with this subject not a single document from the Cologne office is used. That office printed and distributed the European edition of Ekmek ve Adalet magazine. I think the magazine office was raided in 2003 and all its documents were seized.

Why do the police and prosecution not use the documents seized from the Cologne magazine office? I will explain this in detail. But first let us quote the indictment.

Page 61 says: “Since May 2005 the DHKP-C has obtained not inconsiderable profits from sales of the Party magazine Yürüyüş. Since August 2006 this magazine has been published weekly at a price of EUR 4 per copy, with a circulation of at least 2,500 copies” — in the Turkish version it says 25,000 — “and, after deduction of printing costs of EUR 1,250 per issue, the total income if all copies were sold was EUR 35,000.”

Thus it is stated that 2,500 magazines were printed each week, that since 2006 the price was EUR 4, that the printing cost was EUR 1,250, and on that basis the monthly profit from the magazine was EUR 35,000. How were these figures obtained? That is the question, and the footnotes contain no data proving them.

Yes, the file contains a document stating that 2,500 magazines were printed. The price of Yürüyüş since 2006 was also EUR 4. But there is no document showing a printing price of EUR 1,250.

BKA officer Seifner cites file SA Bd. I.3.2.1, dated 11 July 2007, in footnote 233 on this issue. Pages 13–23 of that file contain a document showing the total number of magazines distributed to France, the Netherlands, Belgium, Britain, Austria and Switzerland, together with four points in Germany. The document belongs to Vakıf Efsane, which at the time handled the European distribution of Yürüyüş. It gives the number placed in distribution in Europe as 2,230.

On the other hand, in footnotes 231 and 232 Seifner repeatedly refers to file SA Bd. I.3.2.2.3.3. On page 388 of Folder 2 of that file, the seized documents show that for each issue EUR 3,750 was paid weekly to the printer in Europe and EUR 3,325 to the printer in Turkey.

The same document states that EUR 74 per week was spent on distribution organisation. In addition, rent and electricity for the office and the cost of sending consignments to ten different destinations must be added.

If all 2,230 magazines distributed were sold, weekly income would be EUR 8,920. Once printing costs of EUR 7,075 are deducted and office, stationery and postage expenses added, one does not need to be an accountant to see that there would be a loss, not a profit.

So where is this monthly profit of EUR 35,000?

The entire uproar is based on the allegation that this supposed profit existed. One of the grounds for banning the magazine was BKA reports claiming that this hypothetical money was used to finance armed struggle.

In our own case too, although there is no concrete document regarding magazine distribution, the same EUR 35,000 story is decisive in the allegation that the magazine was distributed in Europe not only for propaganda but in order to organise terrorist actions in Turkey.

I am not inventing these documents. They are in our case file, and the file was given to me by the Federal Prosecutor’s Office. In theory, therefore, the prosecution should know about them.

I do not believe the prosecution examined these documents and the materials cited in the footnotes. These documents are police reports prepared by the police, and the prosecution signed beneath them on the assumption that they were correct.

If I were certain that the prosecution itself had personally prepared these documents, that is, the indictment, I would accuse it of itself lying in order to mislead justice and of suppressing existing documents.

But the matter is not limited to this accounting fraud.

Until 2003, Ekmek ve Adalet, the first legal magazine to be banned, was printed in a European edition and distributed through the magazine office in Cologne. Footnote 229 of the indictment also refers to documents on this subject.

The Cologne magazine office was, I think, raided in 2003, and all income and expenditure records there were seized. Yet those documents are not used in the indictment. Despite being direct evidence on the very issue, they are not cited at all.

The income and expenditure documents show — and these were submitted to and approved by the German tax office — that the organisation operating the office made a loss and even received a tax refund.

But Seifner, who prepared reports on this subject, never used these documents. He ignored and concealed them. Had he used them, he could not have invented the famous theory of EUR 35,000 a month financing the armed struggle.

It is impossible that either Seifner or Chief Federal Prosecutor Becker-Klein, who was preparing the investigation files at the time, was unaware of these documents.

It was this prosecutor herself who ordered the raid on the Cologne office. Having the documents seized there verified by the German tax office would have been child’s play.

But neither Becker-Klein nor Seifner was concerned with reaching the truth. Their sole aim was, at any cost, to have the magazine banned and to open the way to convict everyone connected with it as a Party cadre.

The repeated use of the phrase “Party magazine Yürüyüş” hundreds of times throughout indictments was NEVER accidental. It was part of a deliberate strategy to misdirect justice. For that purpose, falsehoods were used and documents in their possession were concealed, amounting to deliberate falsification.

Yet the DHKP Congress Documents contained in the file clearly state that the only central publication binding on the Party is Devrimci Sol magazine and that this is its sole binding character. Nevertheless, a democratic publication that remained legal even in Turkey was labelled “Party publication” hundreds of times in order to repeat something nonexistent until it appeared to exist in people’s minds.

There is much more that could be said on this subject, but for now this is enough. I want only to add a Norwegian proverb: “A lie gallops; the truth walks step by step. But it still arrives in time.”

ON “COLLECTION OF MEMBERSHIP DUES”

First of all, this subheading falls under the broader heading “Procurement of money to finance the armed struggle”. It should therefore explain how armed struggle was financed through membership dues. Yet none of the eleven files cited in the seven footnotes under this subheading contains any information or implication to that effect.

On the basis of Seifner’s report, it is said that “a distinction is made between Front dues collected from members, ordinary dues collected from sympathisers, and tradespeople’s dues.”

In none of the eleven documents shown as the basis do the expressions “ordinary dues” or “membership dues” even occur.

Seifner divides the dues into types, interpreting them as member and sympathiser dues. There is no explanation why the expression “tradespeople’s dues” is placed in quotation marks. According to documents that do exist in the file, what are called tradespeople’s dues are funds sent to prisoners in Turkey, but even here there is no collection of dues in the sense alleged.

Tradespeople and workers wishing to help prisoners are given prisoners’ names and addresses, and they arrange to send regularly, directly to whichever prisoner they choose, an amount they themselves determine.

At least that was how it was done in the past. Political prisoners held in Turkey’s F-Type prisons must even pay the electricity charge for their own cell. Chairs, tables, crockery, radios, televisions and similar items are permitted only if the prisoner buys them personally. There is no possibility of acquiring them by rental.

Turkey’s prisons, especially during junta periods, have been among the country’s most serious centres of resistance. Through resistance such as the Death Fast they sustained for seven years, the prisoners repeatedly proved themselves to be among the most resistant prisoners in the world. It is indisputable that in this way they have always played a role in opening the path of the democratic struggle in Turkey.

Since 12 September 1980, hundreds of thousands of people in Turkey have suffered torture or imprisonment as political prisoners. Tens of thousands of these people are today in Europe as political refugees or through family reunification, and thousands are self-employed tradespeople. The great majority carry out no political activity. But many feel a moral responsibility toward those who resist, know some of the prisoners personally and share memories with them, and therefore regard material assistance as a matter of human sensitivity.

A prisoner in Turkey held in a single cell has fixed monthly expenses of around EUR 50. A three-person cell has expenses of around EUR 100. Tradespeople or volunteers in a better financial position would arrange to send these amounts directly to prisoners they themselves chose. Money was not collected centrally; volunteers sent it by post directly to the prisoner.

In recent years — I do not know the details, but after around 2010 — the international banking system changed. In the past, money sent by post or bank to a prisoner was collected from the bank by a prison official and placed into the prisoner’s account. Under the new banking system, third persons such as the official needed a notarised authorisation for every withdrawal. For sums of EUR 50 or EUR 100 this became too expensive and impractical. I therefore think that today funds are probably paid through prisoners’ families.

As for what are called member and sympathiser dues, as the prosecution itself acknowledges in the indictment, these meet the rent, telephone and similar needs of the associations. It is entirely natural that such costs are met

by members of the associations. Some data in the file show that it was preferred for association members to pay dues directly into the association’s bank account. The same documents state that dues and other association income should be fully recorded, legally documented and accountable. Yet the prosecution did not use these documents in the indictment.

I quoted and presented the documents not used by the prosecution in my defence concerning the documents in List 2A read outside the hearing, so I will not repeat that subject. In any event, as is fixed even in the prosecution’s own indictment, the issue of dues has nothing whatsoever to do with financing armed struggle.

On this subheading as a whole — that is, the alleged “financing” of armed struggle — I can say the following.

The armed struggle advocated by the DHKP and DHKC is not a question of finance. It is not an armed struggle based on money. In the conception of vanguard war defended by the DHKP and DHKC, the political objective, not the weapon, is decisive. According to this conception, the quality and quantity of weapons are not decisive. Thus the DHKP and DHKC’s conception of armed struggle is neither a financial question nor a logistical one; it is principally a conception based on people.

Its aim is not to annihilate the enemy but first to expose it and enable the people to see the political reality. In that sense armed action is primarily symbolic.

For example, a Death Fast action is regarded as an action involving a very high level of violence. This conception is explained in detail in the book Direniş, Ölüm, Yaşam [Resistance, Death, Life], written by the resisters about the 1984 Death Fast, and in Devrimci Sol magazine.

Likewise, DHKC statements contained in our file repeatedly say that the success of an action depends not on the military accuracy or destruction of the target but on the political level achieved.

Their common point is that armed struggle is not a question of armament but of cadres capable of risking death and placing their own lives on the line.

This is also one of the reasons why an organisation based on the DHKP and DHKC conception of cadres cannot exist in Europe. But that is not our subject here.

Under this subheading the prosecution alleges that the armed struggle in Turkey is financed from Europe. As the person accused, I reject that allegation.

Of course I am neither obliged to answer the question “How does the DHKC obtain its weapons?” nor in a position to do so.

There are, however, realities on this subject that have appeared in the press. I do not think the DHKC has a need for weapons and ammunition in the manner alleged.

From time to time, during armed demonstrations in poor popular neighbourhoods of large cities in Turkey where it is influential, the DHKC makes the call “People, bring us weapons” and puts up posters explaining why weapons are needed. During such actions, fighters moving from street to street are offered weapons and ammunition by people. Likewise, when militias erect barricades against police operations and repel police attacks, assistance comes from the people in every form: weapons, ammunition, food, drink, materials for strengthening barricades and information on where police are positioned. All of this has repeatedly been reported in the press.

Given such possibilities, why would the DHKC purchase weapons in Europe and move them thousands of kilometres through many customs posts, accepting the risk of capture, when it can obtain them without cost? It is not a logical method.

The fact that both BND and AKÖ state in their official reports that they have no finding regarding weapons procurement in Germany or Europe, and no information concerning transport to Turkey, is among the strongest indications that no such procurement or shipment from Europe exists.

In those circumstances, alleging the financing of nonexistent weapons procurement and shipment is a futile effort. It is simply an accusation invented in order to secure a conviction at any cost.

ON “COURIER ACTIVITIES / PROCUREMENT OF MATERIALS”

Page 62 of the indictment says: “In accordance with Decision No. 8 of the Founding Congress, the task falling to the rear front of providing the infrastructure necessary for the regular transport of material support, weapons and other technologies is also undertaken by leading DHKP-C members in Europe, including state and regional responsibles in Germany.”

There is absolutely nothing in Congress Decision No. 8 confirming these allegations. They are entirely fabricated.

Yes, one does not have to be very intelligent to become a police officer. But in order to prepare political reports capable of determining people’s lives, one must at least be able to understand what one reads.

Decision No. 8 contains nothing about procuring weapons from Europe, still less about state and regional responsibles in Germany having such a duty. Indeed, the words “state and regional responsibles in Germany” do not appear at all.

Since weapons procurement has already been assumed, the reasoning then becomes: there must also be transport to Turkey. The existence of weapons shipments is therefore accepted and an attempt is made to prove it.

When we look at the alleged basis, we find references to the manipulated 1 April documents and to the judgment of the 6th Chamber of the Stuttgart OLG dated 7 August 2009.

Once again the famous Decision No. 8 is the principal foundation. In addition, the Stuttgart judgment based on statements by Hüseyin Hiram is used.

I dealt with Hiram separately earlier. The Hiram matter is an obvious fabrication and an ordinary conspiracy.

Hiram is a person who was convicted in Germany for working as an agent for MİT. He presented a scenario in which he claimed to have transported weapons to Turkey on behalf of “DHKP-C”, abandoned the vehicle carrying the weapons in the customs area at Kapıkule together with the weapons, and fled back to Germany.

Yet there was never any finding of such a vehicle or weapons in the customs area. Nevertheless, this allegation has since been used in every Section 129b “DHKP-C” case as a “proven fact” supporting convictions.

A transport vehicle and transported weapons are spoken of. But there is no vehicle and no finding concerning the weapons supposedly transported. There was not even a prosecution of Hiram for the alleged act, although he claimed “I made the transport”.

What exists instead? Court judgments sentencing seventeen people to an average of six to six and a half years’ imprisonment. Now the same trick is being used in this case. That is all.

On page 63 the prosecution claims it has been proved that “weapons, explosives, ammunition, military equipment and communications devices” were procured in Germany and transferred to Turkey.

Nothing has been proved. Everything consists of assumptions derived from interpretations of the manipulated 1 April documents.

Page 63 of the indictment also says: “In addition, secret messages are transmitted to units in Turkey through couriers. For this purpose the messages to be transmitted are recorded on flashcards or laptops and carried to the recipients by couriers.”

Has even one such incident been established? No. What message was delivered to which armed unit — that is, to which urban or rural guerrilla unit? There is not a single item of data on that either.

Eleven manipulated 1 April documents are cited on this subject. Yet even the cited documents do not establish that any such transfers took place from Germany.

The prosecutor in our own case knows this very well. For example, the arrest warrant against me used a 1 April document concerning the delivery and storage of certain weapons in Turkey. Yet the event took place during a period when I was in prison in Belgium. The prosecutor later noticed this and therefore did not use it in the indictment.

What linked that 1 April document to me in the first place? Merely the appearance in those documents of the name “Talat”.

At least the prosecution realised that it could not use this against me and omitted it from the indictment. But if the person called Talat had carried out the alleged act at a time when I was not in prison, would I have been able to escape responsibility for it? I very much doubt it.

That is what the so-called 1 April documents are always like. Nor do I believe the abandonment of this allegation resulted from the prosecution’s own attention. I discussed the matter with my lawyer during the period when I was forced to meet him through glass, before the indictment was issued. Information was obtained by listening to that conversation and the allegation was omitted from the indictment because such an obviously false accusation could not be used against me.

The reason for requiring me to meet my lawyer through glass and insisting on that measure for nearly a year and a half was precisely to monitor my lawyer meetings. There can be no other explanation.

In conclusion, there is neither procurement and transport of weapons from Germany nor couriers carrying secret messages on flashcards and laptops to armed units. There is no evidence capable of making these allegations concrete.

All the scenarios described in the police reports are nothing more than reasoning of the kind: “If we were doing this job, how would we do it?”

PROPAGANDA

First of all, let me state this: in Turkish there is no word “propaganda”; there is the word “propoganda”. Likewise, there is no concept called “rear front”; there is the concept “rear of the front”. Whoever the “translator” was, these words were used incorrectly hundreds of times and not once correctly.

The indictment on this subject is based principally on Decision No. 8 of the DHKP Founding Congress, on pages 221–229 of folder SA Bd. 1.1.3. As stated in Decision No. 8, the objective is set as “to announce the struggle in all its details to the whole world”.

However, what is written in this section is made somewhat confused. Perhaps because Decision No. 8 has a secondary position within the Congress Decisions, it may not have been written in greater detail. I do not know. But the content of the decision identifies different geographical areas expressed under the general concept of the rear front.

The Middle East, the countries bordering Turkey and Europe are different areas with different objectives and modes of operation, although a generalisation is made and the term “rear front” is also used.

This decision sets out an intention. That intention is defined in stages:

- To establish offices of the Party and Front, that is, the DHKP and DHKC;
- To create an internationalist platform. As Devrimci Sol magazine also states openly, the Third International — the international of Communist Parties and organisations — had in practice ceased to exist, and it was necessary to recreate the Third International today; the DHKP declared that politically and ideologically it aspired to this mission;
- A central publication to be issued in English.

On page 224 of the folder containing Decision No. 8, these three stages are explained separately. Pages 224 and 225 also deal in detail with the importance and professionalisation of the Middle East in military terms, in international relations and as a base area.

Europe is defined as the democratic field. While the intention of establishing formations in countries bordering Turkey is expressed, the characteristics of the rear front are underlined in the broad sense in relation to the Middle East. Indeed, the fact that the Congress itself was held in the Middle East is also an indication of this.

Since there is no revolutionary situation in Europe, that is, no conditions for revolution, revolutionary communist parties do not exist there in the same sense. The parties and organisations with which the DHKP could share the same platform in that sense therefore do not naturally exist in Europe. For that reason, the Middle East was taken as the basis in international relations as well. The DHKP and DHKC offices referred to here do not mean premises or local centres, but a party bureau capable of carrying out the function described above.

I have already explained the structure of DHKC information offices.

The Party and Front offices described in Decision No. 8 are completely different from those.

Nor is the issue one of legality in Europe. For example, although “DHKP-C” is banned in Britain, a court ruled that the DHKP and DHKC could open representations there and, provided that they remained within the law, carry out propaganda, activity and fundraising. Despite that, neither Party nor Front offices were opened there. This example itself establishes that the DHKP and DHKC have no policy of establishing an organisation in Europe.

Page 65 of the indictment says: “From the past to the present, DHKP-C has conducted its propaganda primarily through the publications that it sells.”

As evidence, footnote 253 points to Decision No. 9 of the Founding Congress. Decision No. 9 contains no concept such as “publications that are sold”. The sale of publications is not mentioned at all.

Immediately afterwards it says: “The decisive instructions concerning publication activities are contained in Decision No. 9 adopted for this purpose at the Party Founding Congress.”

I do not know where the prosecution gets the idea of an instruction from. What exists is a decision: a decision concerning something the participants in the congress intend to do. An instruction, on the other hand, means an order given to others to carry out a decision. Decision No. 9 contains no such matter.

Again on page 65 it says: “Among other things, the said decision establishes that the regularly published Devrimci Sol magazine is to be the main publication organ of DHKP-C.”

It refers to the main publication organ, that is, the central publication organ. Yet Devrimci Sol is not the central publication organ of DHKP-C but of the DHKP. And contrary to the prosecution’s assertion that it is one among others, it is the sole central publication organ.

The prosecution also points to Devrimci Sol as a “regularly published” magazine. But Devrimci Sol magazine was never published regularly. The only period in which it appeared regularly was when it first came out in 1980, when it was published legally.

Decision No. 9 states: “The only publication organ that binds the Party in every respect is the central publication organ”, referring to Devrimci Sol.

Two separate legal publications are also mentioned. Concerning the publication envisaged as a weekly, it says: “Since the weekly newspaper will concentrate more on news, propaganda, agitation, commentary and exposure activities, it will not be able adequately to fulfil the task of conveying various theoretical subjects and analyses to our cadres and supporters and to the left potential.” In other words, it states that the envisaged weekly magazine would not be sufficient to carry out political propaganda and therefore envisages a legal magazine to be published every two months. Such a magazine also existed.

In addition, it states that DHKP and DHKC bulletins would be published. As appears many times in our file, these too are contained in the decision.

The prosecution makes a lengthy quotation from an article in Devrimci Sol cited in footnote 257 and tries to prove that democratic struggle and underground struggle are intertwined. Yet the article says that in a country governed by fascism there is no guarantee for democratic rights and positions, and therefore calls upon those struggling in the democratic field to move towards underground struggle. In other words, the article is evidence not of the interweaving of the democratic field and the underground, but of the opposite.

Page 67 of the indictment says: “Editorial work on the publications is carried out predominantly in Turkey, in close cooperation with the magazine offices in Germany (Cologne) and the Netherlands.”

Footnote 270 is cited as evidence. It refers to Seifner’s report of 23 May 2007 and to a 1 April document.

Seifner’s report claims that the editorial work and printing of the magazine were carried out by the magazine office in Istanbul together with the Cologne office and the Özgürlük office in Amsterdam.

Yet what the prosecutor calls the Netherlands magazine office is Vakıf Efsane in Rotterdam.

In a note written to someone called Kenan in Folder 10 of SA Bd. 1.4.2.4, which is cited as evidence, there is no mention of editorial work. It merely says that when the edited magazine arrived from Turkey for page layout, they found some photographs that those in Turkey could not find in their own archive and on the internet and sent them to Turkey. If the note is from the Özgürlük Press Agency, it is entirely natural for a press agency to provide a photographic service. But this is page-layout work, a technical task. Editorial work concerns determining content. The note has nothing to do with the allegations of the prosecution and Seifner.

Immediately after claiming that editorial work was carried out jointly in Cologne and, according to the prosecutor, at Vakıf Efsane in Rotterdam — or, according to Seifner, at the Özgürlük Press Agency in Amsterdam — and because the magazines were printed and distributed both in Turkey and Europe, the prosecution alleges: “DHKP-C members active in Europe are themselves responsible for printing and selling the magazine.”

By saying “DHKP-C members active in Europe”, hundreds and perhaps thousands of people are placed in a position of responsibility.

I can call this nothing but a suspension of reason. According to the information in the file, four to five hundred magazines are distributed in Germany, while according to the AKÖ report there are 650 DHKP-C members responsible for distributing those four to five hundred magazines. Thus everyone who reads the magazine is presented as responsible for its editorial work, printing and distribution. Take everyone who reads the magazine and convict them of being a manager (!)...

Yes, Germany does not have a fascist regime, but the incompetence of these poisonous informers would make even Turkey’s murderous, torturing, rapist fascist regime look merciful.

On this matter footnote 271 cites five police reports and four 1 April documents. Yet the 1 April documents confirm neither the police reports nor the prosecution’s allegations.

The documents cited as evidence speak of debts owed by the magazine to the printers. There is information that because those in Europe were not regularly paying printing costs, the office in Turkey stopped printing the magazine in Europe.

On page 68 of the indictment, according to an AKÖ report dated 7 May 2007, the printed material is said to contain “information about attacks carried out by DHKP-C, hunger-strike actions and the course of proceedings against DHKP-C members”.

In the Maassen report on pages 13-1 to 13-67 of folder SA Bd. 1.3.2.1, the magazines Yürüyüş Bağımsızlık, Demokrasi, Sosyalizm Yolunda [March on the Road of Independence, Democracy and Socialism], Emperyalizm ve Oligarşiye Karşı Yürüyüş [March Against Imperialism and the Oligarchy], Halk Gerçeği [The

People’s Truth] and Devrimci Sol are examined. All are labelled “DHKP-C publications”, attributing them to a non-existent organisation. But nowhere in the 67-page report do the contents of the cited magazines use expressions such as “DHKP-C action” or “DHKP-C hunger strike”.

Moreover, the matters concerned are newsworthy. If what is described as a “DHKP-C attack” means DHKC actions, these too are newsworthy. And the action dismissed as a “hunger strike” was called the Great Resistance. It continued without interruption for seven years, during which 122 people were martyred or lost their lives as a result of state actions. Its participants were not only DHKC members. There were ordinary people, prisoners’ relatives and people from other organisations as well.

What, then, does the AKÖ say? It says the Great Resistance should not have been reported. Perhaps Germany has laws that do not permit reporting such an action; I do not know. Yet even under Turkey’s fascist regime these matters were legally published within the framework of press freedom.

What is visible here is not merely the narrowness of German laws on press freedom, but the limits of freedom in the mindset of the AKÖ and Maassen and the limits they believe should exist.

The same text continues: “One of the propaganda methods used by the organisation in the past was the hunger strikes known as Death Fasts.”

This is disgusting; it is a mentality completely aligned with the Turkish state. What an extraordinary truth the prosecution has supposedly discovered that nobody else could see (!). In Turkey there is an expression for childish nonsense: “So much intelligence at this age is dangerous.” But the prosecution harms more than intelligence. It harms reality and reflects a longing for a fascist dictatorship that leaves no room even to breathe for opposition.

So what is being said? That “DHKP-C” dies in order to make propaganda. Mr Prosecutor, Mr Prosecutor: in Turkey, the death of a “DHKP-C” member or a prisoner, whatever the cause, has neither news value for the state media nor propaganda value.

Indeed, throughout the period 2000–2007, successive governments asked the press to exercise self-censorship and not publish news about prison resistance or solidarity with prisoners, and the press complied with calls not even to report them. What propaganda are you talking about? What should have happened? Should those who did not abandon the principle of independent journalism also have complied with the call of the torturing and murderous authorities of the Turkish government? This approach is shameful.

Yes, shameful. One should have at least a little respect for the 122 people who died or were martyred. To ignore a brutal system in which the state tortured, shot, bombed or burned alive people held with their hands and arms tied between four walls, and to describe reporting that as terrorist propaganda, is frivolous. Does the prosecution think those who died were fools who risked death merely for propaganda?

The name for this is simply presenting Turkey’s fascist prison system as innocent. I am certain that even the prosecution could not defend that fascist prison system. Yet by calling reports about it terrorist propaganda it hopes to benefit from demagogy. My appeal to the prosecutor is this: do not repeat in society the words you use here in order to have us convicted, and above all do not say them to your children. Keep yourself away from the curse of defending Turkey’s fascist prison system. Your life is precious, but believe me, the lives of those who died were just as precious. Everyone has only one life. No one knowingly dies merely for propaganda, knowing that it will not appear in the press and will not even have news value. Believe me, they do not. We too have people we love, loves of our own, hopes of our own. And believe me, we love life more than you do — so much that we can die for it.

The sole reason for the resistance in the prisons and in the streets was the inhuman prison conditions in Turkey. Nor was the issue merely single-person cell prisons. Turkey does not in fact have as many single-person cells as is generally imagined. F-Type prisons principally have three-person cells. Architecturally and in general practice, their isolation system is not even as extensive as the German isolation system. The principal problem in Turkey’s prisons is the problem of safety of life. When state torture and massacres could

not be prevented even in wards of fifty to one hundred people, no prisoner’s safety of life could be guaranteed in one- or three-person cells.

Deaths in Turkey’s prisons number in the thousands. No one can defend this brutality.

What does the prosecution present as evidence for this extraordinary finding? Footnote 273 cites reports by Maassen on behalf of the AKÖ and Hengst on behalf of the BKA.

I have dealt at length with the AKÖ reports and see no need to repeat myself. But Hengst’s report of 27 March 2006 is forty-two pages long, and from beginning to end it is the report supplied to them by the Turkish police. Throughout the report the form DHKP/C, with a slash, appears hundreds of times, and Revolutionary Left is written as “Dev Sol”, as the police called it. On the Turkish left people said “Dev-Sol”, using a hyphen. The police said “Dev Sol”. In its spelling, content and political commitment, the report is entirely identical to the Turkish police accused here of torture and killing.

Hundreds of pages of defence could be written on Hengst’s report alone. Indeed, I could make a defence on Hengst’s report at least as long as all the defences I have made so far. When examined by main headings, subheadings, content and purpose, all the police reports are essentially identical even though they were updated and rewritten at different dates by different BKA officers.

The only difference in the police reports is that until Section 129b cases against “DHKP-C” began, the Turkish-police designation DHKP/C with a slash was used, whereas later reports used DHKP-C with a hyphen.

The police reports then entered the prosecution’s indictments, then its submissions, and ultimately became the judgments of the courts. The BND and AKÖ reports are no different.

I do not tire easily. If the court’s claim is genuinely to find the truth, I can examine every report, indictment, intelligence assessment, prosecution submission and court judgment separately. I will decide according to developments.

Of course each new indictment also contains something new. In fact every case determines new persons and institutions to be targeted so that another case may follow it. These are then inserted into the new indictment in a manner completely unrelated to the case.

Because no indictment concerns only the defendants in that particular case. Every case must at the same time create a legal basis for new bans. Almost all the cases until now were shaped by Becker-Klein, who prepared the first investigation file with the “unique” assistance of the Turkish police.

This policy is the same in all her cases. Our case is no different. In the end Becker-Klein’s sources — the Turkish police, BKA, BND and AKÖ — have not changed.

The new target for prohibition that stands out in our case is Grup Yorum.

Page 68 of the indictment says: “Concerts, particularly those of Grup Yorum, and other DHKP-C events serve, in addition to generating income, to propagandise the terrorist aims of the organisation.”

I answered the question of income in the section concerning finance. There was never such an objective.

But apart from this question of income, which terrorist aims are supposedly served by concerts and events in which Grup Yorum participates? The prosecution must explain that too. Yes: which terrorist aims do they serve?

The prosecution cannot answer, because there is no such thing. But if it insists that there is, I would like to learn what it is.

The events and concerts attended by Grup Yorum are especially against racism, discriminatory policies directed at minorities because they are foreigners, degeneration and drugs. In that case, opposing racism, discrimination, drugs and degeneration is being labelled terrorist activity. If there were violent activity against

these things, then despite the legitimacy of the objective I could to some extent understand the state’s coercive power being brought into play. But there is no such situation.

Since there is neither violence nor illegality, the only effect of this approach is to defend racism, protect discriminatory policies and place drugs and degeneration under protection. I cannot say that the prosecution personally or legally sees a benefit in doing that. But it is the natural consequence of its approach. So long as its predecessors and the persons and institutions that supplied its sources remain the same, and so long as the prosecution places no distance between itself and them, unfortunately it cannot avoid serving racism and degeneration.

How, then, does Grup Yorum supposedly make terrorist propaganda? Page 68 of the indictment says: “At event venues, some of which are decorated with very large Party flags, information stands filled with propaganda materials are regularly set up.”

Even if such a thing existed, what would it have to do with Grup Yorum? And when many other artists and groups participate in the same events, it is another absurdity that only Grup Yorum is targeted.

At these events neither very large nor small Party flags have ever been displayed. Not a single event held in Germany over the last twenty years has involved violating the ban by displaying a DHKP flag.

This allegation is completely false and fabricated.

The person making an allegation is obliged to prove it. But the prosecution cannot do so; indeed it does not even cite a footnote on this point. It does not possess even a token piece of evidence.

Again page 68 says: “The music programme and other performances are interrupted, and during the intervals speeches are made containing attacks on the Turkish government and glorifying the aims of DHKP-C.”

So there are speeches attacking the Turkish state. Fortunately the prosecution’s predecessors did not get carried away and say “slander”. But is opposing the Turkish state and speaking against its torture and terror a crime? What nonsense.

Whoever says “A” must also say “B”. For example, over the last two years, apart from Orbán, leaders of every EU country and German politicians of every rank and every party have publicly made speeches that could be described as attacks on the Turkish government. Then cases should be opened against them too, so that equality before the law is achieved.

It continues: “Through displays such as children marching into the hall carrying DHKP-C flags and pictures of deceased DHKP-C members, and partly through the song lyrics of musical groups appearing on stage, a deliberately tense or aggressive atmosphere is created among the participants in order to win sympathisers for the ideology and aims of DHKP-C.”

As proof, it cites a ten-page note from January 2000 on page 142 of Folder 5 of SA Bd. 1.4.2.4. But that note contains nothing about Grup Yorum, a concert or event, children marching, or the idea that a tense atmosphere wins sympathisers. It contains not even an implication capable of supporting the allegation.

There is no data in any of the material cited in footnote 274 supporting these allegations.

I am very, very curious who actually lays these absurd eggs.

The allegations are materially wrong because there is no document supporting them. On the other hand, the allegation about “attacking” the Turkish state is contrary to logic. And the assertion that a deliberately tense atmosphere wins sympathisers is nothing other than a racist view of people from Turkey: “when there is tension, they become sympathisers”. Forgive me, but I can find no name for treating people from Turkey as this stupid other than racism. Perhaps the prosecutor or BKA officer who prepared this text genuinely thinks in that way. Fortunately, the people of the world are not like them.

Footnote 274 also cites the lengthy report of police officer Watterott beginning on page 43 of SA Bd. 1.3.2.2.1. That report is a clinical case in itself. It specially targeted Grup Yorum members in Turkey and served the

historical mission of the BKA and Federal Prosecutor’s Office, from blocking European visas for Grup Yorum members to banning large concerts and festivals against racism in Germany.

Nor did it stop there. Through those bans and obstacles in Germany, Watterott’s report became, as far as I know, the sole document in the hands of Turkish prosecutors for keeping around twelve Grup Yorum members imprisoned for more than a year and forcing four members to live as fugitives under shoot-to-kill orders and rewards placed on their heads.

The BKA and prosecution can hardly be proud enough of Watterott’s perverse report.

A defence on this subject may belong to another case. Since the report contains no information supporting any allegation in this case, I consider a defence on it unnecessary here.

Finally, on page 69 the allegation of “winning new supporters or members for the organisation” points, in footnote 275, to “events suitable for establishing new contacts”.

Yet a new contact does not mean a new sympathiser or member. For example, through this case I established contact with my lawyers for the first time. One way of teaching a new word to primary-school children is to use it in an example sentence so that they understand its meaning. Let that be the lesson.

TRAINING

This section begins on page 69 of the indictment by saying: “Another important field of activity of DHKP-C’s rear front consists of training activities.”

This finding is based on the report of BKA Chief Inspector Tutz dated 11 March 2007, cited in footnote 276. In other words, Tutz says it and the prosecution presents Tutz’s words as evidence.

One might think there is nothing in this sentence. Yet because the entire construction of falsehood, distortion and the creation of a crime begins with this sentence, it is anything but innocent. It amounts to deliberate falsification of documents submitted to the court.

On page 391 of Tutz’s report in folder SA Bd. 1.4.2.3.2, an informer and slanderer called Hüseyin Ergin says: “Theoretical training is given by Nuri Eryüksel and practical training by Şerafettin Gül.”

PAY ATTENTION: even Ergin, the slanderer, says nothing about what he means by practical training. But the poisonous detective Tutz immediately opens a parenthesis and writes: “Note: practical training means weapons training.” And that is how the prosecution’s allegation in this section is formed.

HOWEVER, Tutz appears to have thought that merely making such an interpretation would not be convincing enough, because in order to make the allegation appear documented he falsifies the documents in his possession.

On page 391 of the same folder, supposedly to strengthen his claim, he takes the following steps in sequence:

- He says that the seized curriculum vitae of a prisoner in Turkey named Hasan GÖKHAN contains an admission that he received weapons training;
- He then uses the reasoning of the Turkish police in the judicial-assistance documents received from Turkey that “both theoretical and practical training are given in Turkey and in the rear front”;
- Finally he inserts the subheading “DHKP-C’s ideological and practical training policy in the rear front”. I reproduce in full everything said under that subheading: “According to the available information, we can make the concept of training concrete as follows:

Cadre training

Mass training

Theoretical and practical training carried out by DHKP-C for its military units.”

Yes, that is the entire quotation.

Let us reconsider the allegation and the alleged evidence. Although the expression “rear front” creates conceptual confusion, in order for the prosecution to attribute a crime the rear front must mean Europe and indeed Germany.

I repeat: the concept “rear front” is not a special geographical term. For example, any relatively less-controlled region of Turkey may also be a rear front. The concept is not geographical. Nor can it simply be understood as “abroad”. As I stated earlier, the DHKP Congress Documents make clear that it applies to the Middle East.

In none of the Section 129b “DHKP-C” case files and indictments until today has there even been an allegation that those tried in Europe or Germany had a direct connection with the Middle East.

On what document does Tutz base the allegation that weapons training was given in Europe? There is no such document. Hasan GÖKHAN is in Turkey and has no connection with Germany. Tutz knows this very well. The prosecution too is obliged to know it.

The decisive element is the police interpretation received from Turkey. Even the Turkish police, to whom Tutz clings with both hands, do not claim that armed training was given in Europe. The Turkish police merely say “practical training”.

Moreover, why is “practical training” identified with weapons training? That is another problem. But we must briefly consider the concept of theoretical and practical training.

As a political term, “theoretical and practical training” is used to describe training in the same subject. Practical training is shaped according to the content of theoretical training. If the subject is growing flowers, the theory explains how to grow them, while the practical training consists of actually showing how the flower is planted and cultivated.

Theory and practice are political concepts. They are also very widely used in left literature. In that usage, theory is disciplined practice.

What meaning does Tutz impose on the concept? As a police officer, his outlook is shaped according to his own theory and practice. For a policeman, theory is the law. Practice is the use of force.

Police theoretical training concerns what is forbidden and what can be forbidden. Practical training is instruction in the use of weapons and force, which they regard as the sole means of applying laws.

In a sense, Tutz is trying to convince us that his own shallow view of the world applies to all of life. He seems to have convinced the prosecutor, if not us.

Now we come to the most crucial point. The subheading of Tutz quoted above contains the allegation that weapons training took place in Europe and Germany. But the example he gives concerns Turkey and the Middle East, which plainly have nothing to do with those tried in Europe. In other words, he presents to the court a document concerning Turkey and the Middle East as if it concerned Germany, openly falsifying it and unlawfully preventing the truth from emerging.

The second sentence of this section is expressed as follows: “According to Decision No. 13 adopted at the Party Founding Congress, both the organisation’s cadres and the masses must be educated.”

Decision No. 13 in folder SA Bd. 1.1.3 (pp. 264–272), cited by footnote 277, is headed “On propaganda, agitation, political education, mass education and cadre formation”. Its content does not concern abroad or Europe, nor does it mention military training. It explains the DHKP’s understanding of political education. There is no practical training concerning weapons. It seeks to explain political realities in Turkey. Attempting to explain this Decision No. 13 through Tutz’s interpretation also imposes on the prosecution the obligation to prove that mass education in Europe was carried out as weapons training.

How does the prosecution prove this? Is there a single example of armed struggle or weapons training in Europe? NO. Is there a single example of anyone tried in Germany having received or given weapons training in Europe? NO.

I too have never in my life received weapons training or given it. Nor have I seen or heard of weapons training being given in Europe.

Look: I even find it dangerous to be forced to make a defence on this subject, because the baselessness of the allegation will be forgotten and the matter will be reduced to “How do you know?” I know because of my political background, which enables me to understand what political concepts mean, and because I have read the documents in the file to which Tutz and the prosecution point in their footnotes. Although no such accusation is personally directed at me, in order to clear myself I am compelled to rely on the DHKP’s own views contained in the file.

Let us continue. Again on page 69, footnote 278 — the same Tutz report — is used to state that the training of people who are to become cadres is different from the training given to existing cadres. An example given is that managerial cadres participate in training groups and also read specified books and prepare reports on them. What is criminal about that? Nor is there anywhere in the file a condition that becoming a managerial cadre depends on such a requirement.

Page 70 of the indictment says: “Members who will participate in fighting units in Turkey in particular are beforehand subjected to theoretical and practical training in the use of weapons and explosives and in the construction of explosive mechanisms.” This allegation is again based in footnote 280 on the famous Decision No. 13.

Yet Decision No. 13 contains nothing about training in weapons, explosives or explosive mechanisms. And even if it had contained such material, how would it be made binding for Europe and Germany? The prosecution does not even attempt to prove that. It merely says it.

I am nevertheless thankful. Because although I can apparently be accused even from such a hypothetical starting point, at least I am not held directly and individually responsible for concrete actions carried out by people in Turkey.

The same page continues: “Members of fighting units are beforehand given comprehensive information about guerrilla warfare in training camps. Training includes bomb-making, remote firing devices, ignition materials, weapons and firing instruction. Computer-use lessons are also included.”

The relevant documents are said to be listed in footnote 281. Yet folder SA Bd. 1.4.2.3.1 (pp. 264–268), which supposedly contains BKA Chief Inspector Tiedtke’s report of 15 January 2007, is not among the file documents supplied to me. Thus an allegation is made on the basis of a document that is not in the file.

Neither in the documents in the file nor in information reflected publicly has there ever been mention of the DHKC possessing a military training camp. If the DHKC had such a camp, it would certainly have appeared in the press. For example, in 1990–91 Revolutionary Left had a camp in Lebanon’s Bekaa Valley, and the organisation itself published films and photographs of it in its publications.

Even if such a camp had existed, what connection could it have had with people in Europe and Germany? Our own file establishes that fighting units were not based in Europe.

The same page also says: “These military training courses are mostly organised in training camps in Greece and Syria, but some members of the Armed Propaganda Units have in part been trained in Germany by high-ranking Party officials.”

As evidence for the allegation of military training camps in Greece and Syria, footnote 282 refers to reports by Chief Inspectors Hengst dated 27 March 2006 and Mielach dated 7 March 2007. Yet in these reports, which total fifty-six pages, there is not even an allegation that training camps existed in Greece and Syria.

There is neither data nor even a claim in the BKA reports confirming the prosecution’s allegation.

Hengst’s report, which is cited, is very clearly an assessment of the report supplied by the Turkish state’s police, because from beginning to end it uses the Turkish-police form DHKP/C with a slash.

The question of camps appears in the file only in DHKC Statement No. 359 dated 23 December 2012, on page 152 of folder SA Bd. 1.1.1–1.2.

The statement lists a number of lies told by the Turkish police about the DHKC and denies reports published in the Turkish press. The allegations are that the DHKC had camps at Lavrion, Kinesa and Dileysi in Greece and that weapons, bomb and assassination training was given there. In Statement No. 399 the DHKC says: “We have no camp in Lavrion, Kinesa or Dileysi in Greece, nor in Syria, nor in any other country where we give weapons, bomb or assassination training.”

The DHKC and DHKP are known never to make false statements in any of their published declarations or writings, whether on police matters or political matters. They have never resorted to such methods even tactically.

I do not know the Kinesa and Dileysi camps. But I personally know the Lavrion camp. I think it was around 1985 that I stayed there for two or three weeks. It is a refugee camp under UN protection, supervised by the Greek police and situated in the town centre. After 1980, all refugees from Turkey seeking asylum in Greece were initially placed in such camps. I believe they are still used. Yet since 1980 the Turkish police and press have always portrayed these camps as guerrilla camps.

That is what the prosecution’s “camps in Greece and Syria” amount to.

Pages 70 and 71 of the indictment say: “The education of the masses serves first and foremost the propaganda carried out to spread DHKP-C’s aims and its Marxist-Leninist ideology.”

Footnote 285 is cited as proof. But Decision No. 13 of the Founding Congress, to which the footnote points, contains nothing about spreading Marxist-Leninist ideology. Decision No. 13 is headed “On propaganda, agitation, political education, mass education and cadre formation”. It does not deal with group training or educational sessions. It explains the importance of political and tactical agitation and propaganda in order to counter fascism’s demagogy aimed at influencing the masses.

Moreover, the sentence says that “the education of the masses serves propaganda”. How does education serve propaganda? A completely illogical sentence has been constructed. That too shows that the allegation is nothing but a mass of words.

Page 71 of the indictment claims, with reference to a report attributed to Ünsal, that “winning new supporters is also important for DHKP-C in acquiring new financial resources in order to obtain houses, vehicles and other things necessary for clandestine work”.

From the report, the following fragments are selectively quoted: “A large part of the work depends on money. (...) Of course money is not everything, but in practice it is like that. (...) I say the solution is to go to the people, create masses, educate people. (...)”

There is nothing in these quotations, as alleged, about creating financial resources. Indeed the author of the report stresses: “money is not everything”. Secondly, there is no statement that the subject concerns “DHKP-C” or “clandestine work”. It is not clear how the prosecution reached that conclusion. On the contrary, what is being explained is the need not to depend on money or financial resources. Thirdly, mass work is democratic work. Mass work is not clandestine activity; it is the opposite. Fourthly, even the prosecution cannot give a single example of how such a financial resource was supposedly created. Was a company being established? A business opened? Was some commercial undertaking being formed? No. There is nothing of the sort.

Pages 71 and 72 allege that the youth and family camps organised by the alleged “front organisation” Anadolu Federation in order to win young people are intended to recruit members for the organisation, and that “DHKP-C ideology” is taught at these events.

First of all, the educational programmes of the Anadolu Federation camps are announced in advance in the camp brochures, on the internet pages where they are advertised and in their publicity. They absolutely do not deal with subjects that could be labelled “DHKP-C ideology”.

The camps are intended for holidays and education. It is beyond dispute that these are fundamental rights. Through terrorism demagogy, the prosecution is openly trying to place an embargo on those basic rights.

Educational topics in these camps generally concern problems arising from being a foreigner in Europe and their solutions. In particular, degeneration and popular solidarity are discussed. Their content is directed against criminality such as drugs, gambling and theft. Naturally such subjects are not presented bluntly as “this educational topic is about the badness of theft; do not steal”, because that would be ineffective and provoke a negative reaction. Instead they may be explained through labour, the value of labour, an honourable life and similar concepts.

Of course not every young person attending such camps is a troubled young person. But some families also bring children who, for example, have drug problems. Both in the camps and in other activities of the Anadolu Federation, this is a central subject. Through questions of popular values and solidarity against alienation, countless young people have until today been rescued from the drug trap and countless others prevented from falling into it.

There is absolutely no objective of recruiting new members or fighters for the DHKC. The allegation is already extremely illogical. I do not know what the prosecutor imagines, but does he think families from Turkey would bring their children and say “Here, make them fighters”? If he thinks that, he is mistaken. Far from wanting their children to become fighters or guerrillas, families would not send them even as peacekeepers to places such as Afghanistan, Syria or Africa, although that is far more protected. No family wants its child to be placed at risk.

Of course the camps also function as a means of organisation, but that is principally the Federation’s own activity. Moreover, those attending are generally already association members. Members who have not gone on individual holidays have a collective and inexpensive holiday among themselves.

It is impossible that the police and prosecutor do not know this, because the camps are announced months in advance with their dates, address and programme. They take place openly in public locations before everyone’s eyes. There is nothing secret about them.

One of the fundamental aims of the Anadolu Federation is precisely this: struggle against racism, struggle against degeneration and drugs, and defence of a life worthy of human dignity against the creation of lost generations.

Footnote 289 cited on this subject contains Tutz’s report and two 1 April documents. Most of the text in Folder 13 of SA Bd. 1.4.2.4 is unreadable because those who later manipulated it blacked out or marked much of it. But from what can be read, a report written in the name of Gülşen says that they wanted to organise a camp but, because not enough people came — eight to ten people attended — they talked among themselves on different subjects and discussed the individual problems of those attending. The second 1 April document refers to a camp attended by around thirty-five people, most of whom came only occasionally and therefore had no continuity. It does not state what topics were discussed. But because those who were to provide education did not attend, it describes individual conversations with participants.

Neither Tutz’s report nor the other two documents contain anything about teaching DHKP-C ideology or recruiting members. Only Tutz’s report contains his interpretation that the camps were held to gain sympathisers. For that interpretation he cites footnote 32. But the documents Tutz cites are not in our file, so it is impossible to understand what he is referring to.

Among the documents supplied to me there is no folder or document called 2.3.6 ST 22.

In many earlier allegations too, BKA reports are cited. When one looks at them, they in turn refer to another note that is not in my possession. Thus an allegation is made and then the things called evidence are thrown into blind wells. I am forced both to prove my innocence and, as in this example, deprived of the documents that might prove it.

At the same time, struggle against drugs and degeneration and against racism is being suppressed through terrorism demagogy. The BKA and prosecution are obliged to explain why they are trying to obstruct the struggle against drugs and addiction.

I do not regard organising against drugs merely as a fundamental right. I regard it as a human duty. I condemn the prosecution's attempt to abuse Section 129b in order to confiscate this right, and I believe that obstructing people's rights to organise and educate themselves is an irreparable violation.

ON "SMUGGLING PEOPLE AND FALSIFICATION ACTIVITIES"

Page 72 of the indictment refers to Hengst's DHKP/C report of 27 March 2006, which includes the subjects of smuggling people and falsification.

Folder SA Bd. 1.1.1 contains the most extensive findings about DHKP-C. In this folder alone, the Istanbul political branch — the political police in Istanbul — is quoted forty-five times under the designation "PP Istanbul". Thirty-seven of those quotations are indicated in footnotes.

Although all the findings concerning "DHKP-C" bear Hengst's signature and may have been somewhat edited into report form, their main skeleton follows the subheadings determined by the Istanbul political police.

Almost all Hengst's subheadings begin with the words "Nach Erkenntnissen des PP Istanbul ist bekannt". Concerning the "DHKP-C" organisation and activities in Europe and Germany, he writes "Wird im Bericht des PP Istanbul dargestellt", supposedly identifying a reference. In other words, he emphasises a "reliable" reference. In this folder alone the Turkish political police's own designation DHKP/C, with a slash, and Dev Sol without a hyphen are used 182 times.

Leaving aside Hengst's magnificent findings, even this form of the organisation's name proves how questionable the reports are.

All the reports prepared on "DHKP-C" were produced by the BKA officers responsible for the DHKP-C desk at the time of each new case, with minor retouching and by copying and pasting the earlier reports.

Yes, perhaps I am repeating myself. But this must be emphasised. The intelligence reports collected by the Istanbul political branch about Europe and Germany at the request of Federal Court Chief Prosecutor Heike BECKER-KLEIN were turned by the BKA into police reports. Those reports in turn became indictments, prosecution submissions and ultimately OLG judgments. Every Section 129b case against "DHKP-C" until today has proceeded in this way.

In that sense Hengst's files played a historic role. Yet the principal changes made by other BKA officers who copied him, by prosecutors and by the Stuttgart, Berlin and Düsseldorf courts were as follows:

First, the phrase "PP Istanbul" under every subheading — that is, the statement identifying the source — was removed. Instead of saying "this is the allegation and finding of the Istanbul political branch", the text was rewritten as if the allegations had become fixed and established conclusions.

Second, the Turkish police's own form DHKP/C with a slash was replaced by DHKP-C with a hyphen.

Thus the original source of Section 129b indictments, submissions and judgments was concealed. The traces identifying that source were erased as far as possible. As those traces were erased, the allegations and slanders of the Istanbul political branch — which I describe as torturing, murderous, rapist, anti-people and conspiratorial — were elevated into factual, proven findings.

The political and legal result was that the German judiciary was turned into a plaything of the Istanbul political branch.

This reality is established by the documents in our file as clearly as black and white.

At the beginning of the case I did not realise that this reality was established by such concrete material in the file. As I worked through each subject I encountered the details one by one. And because I had to emphasise

them whenever I encountered them, unfortunately I have had to repeat certain facts and findings. While trying to reach the truth I was repeatedly warned against such repetition. Although those warnings may appear formally correct, the realities I am trying to explain have almost been overshadowed by the panel’s objections.

At the beginning of the trial BKA officers Kröschel and Seifner gave evidence before the court. Unfortunately, at that time I had not yet fully grasped the dimensions of the seriousness of the case.

In order to clarify the origin of the reports about the organisation marked “PP Istanbul”, it is necessary to question BKA officers Diedke, Mielach, Hengst and Tutz, as well as Kröschel and Seifner, and also BECKER-KLEIN, the prosecutor in, I believe, all but one of the Section 129b “DHKP-C” cases until today.

Yes, great efforts were made to erase all traces. But there is a historical truth: FACTS ARE VERY PERSISTENT. One day they inevitably emerge, and they are emerging. It is enough that there is a will to see the facts; it is enough that the gravity of reality is understood.

Let us turn to the concrete examples of people alleged to have been brought illegally by the organisation.

As examples, it is alleged that “other high-ranking members of the organisation” such as Fehriye Erdal, Ecevit Şanlı, Mustafa Atalay, Ahmet Düzgün Yüksel and Şadi Naci Özpolat were brought by the organisation. Footnotes 291, 292, 293 and 294 are cited as evidence.

What in those footnotes proves the allegation? We look and find references to judgments of the Düsseldorf OLG from 2001 and 2013 and Stuttgart OLG judgments from 2009 and 2010, which in turn refer to Hengst’s report of the “PP Istanbul” origin described above. That is how the organisation’s role in bringing these named people to Europe is supposedly proved (!).

Let us look at footnote 291, presented as evidence of how Fehriye Erdal was brought by illegal means.

It refers to pages 130–137 of folder SA Bd. 1.1.4.2. HOWEVER, neither those pages nor the full judgment concerning Songül Ergül on pages 130–152 contains any mention of Fehriye Erdal.

Pages 144 and 145 of the same report state that a police collaborator called Ali Birkaç took Songül Ergül to Romania and that Ergül was to help someone who would come there to cross the border, but because Ergül’s identity and other papers were unsuitable, no such border crossing occurred.

Footnote 292, on page 98, contains Hengst’s report and includes Ali Burkaç’s speculation that the person who was intended to cross might have been Fehriye Erdal.

Ali Burkaç merely guesses. For Hengst that becomes evidence. The prosecution then accepts it as proved.

Yet according to information and documents elsewhere in our file, at that time there was someone in Romania called Semih Genç. The person Ali Burkaç calls “Yılmaz” was probably him.

Semih Genç went to the Turkish Republic’s embassy in Romania and openly became a collaborator of the Turkish state. At the Istanbul political branch he took part in torture, acted as a consultant and provided services as a secret witness under his own name or various code names on matters required by the political branch. In the German case against Ereren, which is also in our file, the political branch based the entire case on Semih Genç’s testimony. As far as I know, his false testimony in that case was exposed.

Ali Burkaç deliberately conceals Semih Genç in relation to the Romania incident. Yet Semih Genç is one of the best-known persons, by name and face, in political circles. His photographs have been published hundreds of times in the press. In the Revolutionary Left case in which he was tried in Turkey he made a defence on behalf of the organisation, and among the persons named above he was in fact the best-known person to have gone to Europe. Despite that, Ali Burkaç pretends not to know him.

In reality Ali Burkaç is a collaborator of this same Semih Genç. His statements and interpretations, like those of Semih Genç, are testimony supplied directly to the BKA by the Istanbul political branch.

Footnote 292 is also used as evidence that Ecevit Şanlı — also called Alişan Şanlı in various parts of our file — was brought to Germany by the organisation. Yet Hengst’s report contains no information about Alişan Ecevit Şanlı’s arrival in Germany. There is only Hengst’s allegation.

Hengst bases that allegation, irrelevantly, on someone called Hakan Yıldırım.

Who is Hakan Yıldırım? According to the file, he was a person who sought asylum in Germany in the name of “DHKP-C”. Hengst himself states that this person had no relationship with “DHKP-C” in Germany. Does Yıldırım say anything about Şanlı? No. Nevertheless, Hengst can use the statement of a refugee who may have been one of hundreds or perhaps thousands of people who sought asylum in Germany using the name “DHKP-C” as evidence for the claim that “the organisation brings its people to Germany”.

Footnote 293 seeks to prove that Ahmet Düzgün Yüksel and Mustafa Atalay were brought to Germany by the organisation. Yet the Stuttgart OLG judgments of 2009 and 2010 contain neither a statement nor a finding that these people were brought to Germany by the organisation. Those judgments show only that the individuals were present in Germany and have no evidentiary value beyond that.

Footnote 294 seeks to prove that Şadi Naci Özpolat was brought to Europe — to France — by the organisation. Yet the relevant judgment contains no information or finding on this point. It shows only that Özpolat sought asylum in France and was in Germany in 2013.

Why does the prosecution make interpretations about how these people came to Germany instead of producing a single piece of evidence with a basis? Because it has no concern with finding the truth.

Had it possessed such a concern, it would have used their written sworn statements, which should be in their asylum applications, explaining how they came, or at the very least asked these people: “How did you come?”

It did none of that. Instead it prefers to make baseless interpretations and then manipulate the court by attaching footnotes that correspond to nothing as supposed evidence. Footnotes 291, 292, 293 and 294 are themselves evidence of that manipulation.

Using Kröschel’s report cited in footnote 295, it is alleged that many correspondences in the manipulated 1 April documents concern bringing numerous organisation managers to Germany, including discussion of obtaining the necessary documents.

Yet the documents concerned and cited as evidence refer to obtaining refugee identity cards and Turkish Republic identity cards.

ONE: A refugee identity card cannot be used to leave Turkey. The asylum cards or passports of people from Turkey all state that they are not valid for Turkey.

TWO: A Turkish Republic identity card is not valid outside Turkey either as a travel document or as an identity document.

I do not know whether the prosecution made these allegations after thinking about them or simply took previous prosecutorial allegations and court judgments as its measure. But if it had at least asked a customs official or border police officer for an opinion, it would not have placed itself in such a ridiculous position.

ON “SMUGGLING PEOPLE ACROSS BORDERS”

Page 73 of the indictment states that the Party leadership decides on illegal transfers of people within Europe and that they are carried out under the direct responsibility of the Party’s European responsibles, while for departures from Turkey professional smuggling networks are often used for payment. Not a single footnote or document is cited in support of these allegations.

Does it not need to be asked whether there are borders within the European Union that require Party decisions and the personal involvement of European responsibles in order to cross them illegally? Anyone who needs or wants to crosses wherever they choose.

Moreover, which smuggler did the organisation pay, for whom, to get that person out of Turkey? At least one concrete example must be given.

ON “PROCUREMENT OF FALSE DOCUMENTS”

Concerning what is called the procurement of false documents, there are said to be some correspondences among the 1 April documents. Although there are no concrete facts or evidence, proceedings and punishments were imposed on persons held responsible for the alleged incidents.

In my previous defences I stated that the identity documents concerned were Turkish Republic identity cards. They were the kind of cards used until the end of the 1990s. Since the newer identity cards are technically completely different, I think it has for a long time been impossible simply to change the photograph. For that reason I consider that accusations concerning the period 2000–2003 as a whole cannot have present relevance.

ON “THE PUNISHABILITY OF THE ACCUSED AND THE PERIOD PRECEDING IT”

It is stated that I can be punished for the period from the entry into force of Section 129b on 30 August 2002 until my arrest on 2 December 2016.

The proceedings opened against me in Belgium in 1999 were later expanded under anti-terror legislation, adding charges of membership and leadership of a terrorist organisation to allegations of gang activity and criminal organisation.

The Belgian Federal Prosecutor’s Office possessed not only the Belgian documents, some of which Germany also had, but also the 1 April documents. During my ten-year trial our case returned from revision three times, and in the end the seven-year sentence imposed on me was reduced to three years for gang activity, falsification and firearms offences. I served more than that sentence and was released.

Today, to try me again on the same documents, accusations and acts at least up to 23 December 2009, when my Belgian case ended, is in my view a confiscation of the acquittal I legally obtained. I was acquitted of membership and leadership of a terrorist organisation for the ten-year period up to 2009. The judgment of 23 December 2009 became final after the prosecution’s fifteen-day appeal period, that is, in January 2010.

In Belgium I was tried under a prosecution request for ten years’ imprisonment. Although I was not legally obliged to attend the judgment hearing, I attended it while being tried without detention. I received six years. That sentence was increased by the higher court to seven years. After the case returned from revision and the trial resumed with me at liberty, I attended every hearing.

In Belgium, where it is a first conviction, sentences of up to three years require the person to serve one third. Yet because I was being tried for a terrorist-organisation offence, I remained detained for twenty months.

In other words, I served eight months more than necessary on an accusation of which I was acquitted, and now punishment is again sought against me for the same accusation on which I already over-served.

ON “THE ACCUSED’S BIOGRAPHY IN REVOLUTIONARY LEFT AND DHKP-C BEFORE THE PERIOD OF THE ALLEGED OFFENCE”

ON “HIS ACTIVITIES IN REVOLUTIONARY LEFT AND DHKP-C UNTIL OCTOBER 1994”

Page 76 of the indictment points to subheading B1.1 for details concerning my activities in REVOLUTIONARY LEFT before “DHKP-C”. Yet there is no activity there in which I participated. Under that subheading the organisational development of “DHKP-C” is presented according to the prosecution’s own historical account. There is nothing about me.

I myself have already said that I have been a supporter of REVOLUTIONARY LEFT since 1978. But I had no connection with the events and developments described under heading B.1.1. I already set out in detail in my biography the matters with which I did have a connection.

I also want to state here that I request the return to me of the documents seized in the 2013 raid on my address in Amsterdam, most of which concern the 1980s and the struggle against the fascist junta, because they have historical value and constitute a unique archive that cannot again be found elsewhere.

Of course you may make photocopies, but I want the originals back. Since they were not used in my case file, I do not think there is any obstacle to handing them to my lawyer on my behalf.

The same applies to the letter written to Selim.

The principal subject in this section is my travelling to and from Abkhazia, my paternal homeland, and obtaining Abkhazian citizenship, to which I had both a historical and a personal right.

I wanted to migrate there in order to spend the rest of my life in my paternal homeland. Yes, certain requests were made of me. For example, finding an illegal route from Abkhazia through Georgia and Armenia.

But it is impossible to cross from Abkhazia into Georgia. Apart from the passage at the border where the dam and hydroelectric plant are located, there is nowhere to cross the Abkhazia–Georgia border. Since 1991 this border has been completely closed and both sides are military zones. Nor is it possible to reach Armenia without entering Georgia. Thus the accusation has no material basis. Even if there had been a material basis, whether I could have done it is a separate question. I never made such a promise.

The indictment also refers to two Russian passports allegedly issued in Abkhazia in 1994. One of the documents concerned is a national identity card and the other an international passport. They are not Russian identity documents, but identity documents of the Abkhazian Soviet Socialist Republic, which at the time was still a Soviet state. Russia at that time was no longer a Soviet Republic.

The prosecution claims that, in order supposedly to identify an illegal route, the organisation instructed me to obtain an Abkhazian passport and that I carried out this task. The prosecution has again found one horseshoe and supplied the remaining three shoes and the horse itself.

Abkhazia and Georgia remain in a state of war today. I am supposedly going to carry the passport of the enemy country in order to cross into a country at war with Abkhazia. Whichever way one takes hold of it, this accusation falls apart. It is nothing more than fantasy.

In any event I had already abandoned the idea of migrating to Abkhazia. The reasons were personal.

ON “HIS ACTIVITIES AS A ‘DHKP-C CADRE’ UNTIL HIS ARREST AND DETENTION IN BELGIUM IN SEPTEMBER 1999”

Until September 1999 I did not carry out activities in Europe for “DHKP-C” in Belgium or the Netherlands in the capacity of a high-ranking person. I explained the matter concerning the summer of 1999 in detail in my earlier statement. As the Belgian judiciary also found, it was temporary digitisation work, and I was acquitted of it.

THE CRIMINAL CASE IN BELGIUM

The account of the course of my Belgian case is generally correct.

However, although the final hearing in my Belgian case was on 23 December 2009, the judgment became final after the prosecution’s fifteen-day appeal period, on 7 January 2010.

Footnote 319 on page 79 of the indictment inserts the materially strained finding that “the other accomplices in the case (...) Bahar Kimyongür, Şükriye Akar and Zerrin Sarı were leading cadres of DHKP-C”. Yet these

people were acquitted of membership in the same case. How, then, can the prosecution label them leading cadres?

Although the BKA report by Scholand dated 18 March 2014, cited in this footnote, contains nothing confirming the allegation, the judgment of the Brussels Court of Appeal dated 23 December 2009, also cited there, states that these persons were acquitted.

I think what we have here is either an inability to understand what is read or some other form of arbitrariness that cannot be named.

ON THE PEOPLE’S FRONT

In my defences so far I have said: “DHKP-C” is not an organisational structure; it represents an ideological and political body of thought. The DHKP and DHKC do exist. Both are underground cadre organisations.

I have also stated that I am not a member of the DHKP or DHKC and that in Europe one cannot become a member of them, because, as their statutes concretely state, the precondition for membership is to take part personally in a unit engaged in armed struggle.

The DHKP and DHKC uncompromisingly aim at revolution. And these structures consist of a small number of vanguard cadres.

I consider the ideas expressed by the concept DHKP-C to be correct and I defend them ideologically. But I am not a member of the DHKP or DHKC. If I were, I would defend that with honour as well.

I am a People’s Front member. But because there is almost nothing accurate about the People’s Front either in the investigation file or in the indictment, I asked my lawyers to request that this People’s Front brochure be accepted as evidence.

It is impossible to find the truth without understanding the existence of the People’s Front and what it is.

First of all, the People’s Front is a legal and legitimate organisation in Turkey. It is a popular movement capable of mobilising hundreds of thousands and, in some circumstances, millions.

On page 7 of the brochure there is reference to the funeral of a People’s Front member martyred by drug gangs, where there was a danger of attack. Both the police and the gangs under their protection had openly announced that they would attack the funeral.

The People’s Front has organised hundreds of mass demonstrations against gangs. When necessary, just like the people whose funeral they were attending, they defended themselves with their bare hands against gangs and police. People from many other groups also took part in these resistances alongside People’s Front members.

Because of the concrete danger, a group of DHKC militia members also attended the funeral in order to prevent an attack. After all, DHKC members do not live on a separate planet. They too live in the same cities in Turkey.

When this point came up while the brochure was being read, however, I saw both the panel and the Federal Prosecutor’s Office become animated. I think it was believed that the approach “There, that too is Front, this is Front, they are all the same, all DHKP-C” had been proved.

Yes, it says there that Front (DHKC) militia members protect people’s safety of life. But that Front is the DHKC, not the People’s Front. If that is the conclusion you draw, it is wrong.

If that is what you thought, I must stress again: the People’s Front is not the DHKC. Nor is it the DHKP, and certainly not DHKP-C.

This brochure explains in which fields, through which forms of organisation and towards which objectives the People’s Front works. In its aims, objectives, organisational form and style of struggle it is completely different from the DHKP and DHKC.

The DHKP and DHKC conduct revolutionary struggle. The People’s Front conducts democratic struggle. And it is a very broad movement. What exists in Europe too is the People’s Front movement.

Today, because there is no democratic environment in Turkey and because it regards elections as the fascist regime’s game of democracy, it does not participate in elections. Its principal struggle is to create a democratic, independent Turkey in which the will of the people can be realised.

If the DHKP and People’s Front must be compared at all, the comparison can only be with the PKK and HDP.

Nor is the attendance of DHKC militia members at that funeral to protect safety of life a problem for the people attending. Because the Turkish state is a rogue state that has tens of thousands of times violated the safety of life and right to life regarded by the UN Universal Declaration of Human Rights as the most fundamental right, it is also a legitimate right for revolutionaries to protect the people with arms.

As Bertolt Brecht said: when injustice becomes law, resistance becomes a duty.

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PEOPLE’S FRONT

2013–2014

(42-page German People’s Front brochure)

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FINAL WORD

EVEN ONE DAY IS TOO MUCH, BUT...

WHEN IT COMES TO IDEOLOGY, WHATEVER YOU GIVE IS TOO LITTLE.

The prosecution did not surprise me in its final submission either.

From beginning to end, the submission confirmed almost all the main points I raised in my defence. I therefore want to begin by thanking the prosecution.

I have constantly stressed that this case is a political case. The content of the submission itself proves that claim.

From the beginning I have always said that I am a revolutionary. And as a revolutionary I have said that, whatever the cost, I will continue to oppose fascism and racism, which are crimes against humanity.

What does the prosecution say? Look, you see? In other words, he has no intention of learning his lesson or behaving himself.

That is right, I do not. I will continue to struggle against both fascism and racism. Let the prosecutor follow me too. Let him do everything in his power.

THE RIGHT TO RESIST

The prosecution says that rights violations in Turkey do not prevent the application of Section 129b and that therefore there can be no question of a right to resist.

First of all, the torturing, massacring and sexually abusive character of fascism cannot be concealed by calling it “rights violations”. The violations concerned include the right to life, the right not to be subjected to torture and ill-treatment, the right to live with dignity, freedom of thought and organisation, the right to a fair trial, the right to a grave, the right to receive the body of a deceased person, and the rights to elect and be elected. There is no need even to list rights such as work, residence, travel, health and education, because those too do not exist.

What exists is not isolated rights violations. All the violations I have listed are systematic.

The number of people subjected to torture, counting only documented cases, is expressed in the hundreds of thousands. It would not even be wrong to say millions.

The number of people who have no right to obtain a passport, or whose passports have been confiscated, can be expressed in the millions.

Over the last forty years nearly fifty thousand of our people have been martyred solely because of their thoughts.

The number officially martyred under torture is expressed in the hundreds. But there are also thousands whose detention was never acknowledged and who are called “disappeared”, but who in reality were martyred under torture and whose bodies were destroyed in acid wells, buried in concrete or thrown into the open sea as food for fish. I am talking about thousands of our people described as victims of “unsolved” murders — young and old, children and adults — shot in the streets and in their homes and thrown onto rubbish dumps. I told you here about 150,000 people dismissed from their jobs in just the last two years, but it is also necessary to speak of the millions who cannot find employment because they come from a politically, religiously or nationally “suspect” background.

What the prosecution simply calls rights violations has a name. Its name is fascism.

In other words, the prosecution says that resisting fascism is a violation of Section 129b and that the right to resist does not apply.

The concept called the right to resist is the right to resist oppression. If there is no right to resist, then it follows that there has been no oppression in Turkey for the last forty years.

The prosecution must be asked a question. Sociology and political science may not be within its area of competence, but since it makes a political assessment, it must answer. If there is no oppression in Turkey, what name should be given to the totality of the rights violations I have described above? Democracy? Tyranny? A pluralist constitutional order? What?

The political name of what the prosecution calls rights violations is fascism. Its legal name is crimes against humanity. Trying to condemn resistance to these crimes under Section 129b is an open threat against those who struggle against crimes against humanity. More than that, it is an abuse of German law by making it an accomplice in protecting crimes against humanity.

To pass over crimes against humanity as “rights violations” is to diminish existing reality and legitimise the fascist regime.

Why, then, does this logic, which calls the fascist regime’s crimes against humanity “rights violations”, not say “violations of the law” when speaking of the actions of those resisting fascism, but instead labels them “terror”? “Terror” is not a legal term; it is a political term.

There is open partiality here. What is defended is obvious, and what is sought to be condemned is obvious. What is defended is fascism. What is sought to be condemned is the right to resist oppression.

Rights violations are not the same thing as violations of law. Yet the prosecution even dares to say that the latter are far worse.

Then let us compare them. Let us see how many examples the prosecution can give and how many I can give. Let us see.

The prosecution claimed that when I referred in my defence to DHKC actions, I passed over their victims and interpreted and legitimised only the actions according to my own way of thinking.

Let us first look at the numbers.

At least fifty thousand people martyred by the regime are before us, whereas the number who died in DHKC actions does not exceed double figures. The prosecution has already listed most of them here. Shall I list them too? Do you have the time and patience for that?

I do not think I need to count them. I made this claim in my defence and it has already been published many times by numerous publicly accessible media outlets. The prosecution did not object to this point in my defence and therefore accepted it.

Secondly, let us consider the manner of death.

Among those martyred by the regime’s massacres and terror, which are called “rights violations”, thousands were tortured, burned alive, buried alive in concrete or earth, bombed by tanks, aircraft and helicopters, and martyred by every imaginable method. By contrast, in DHKC actions involving the death penalty there were only executions by the shortest method. None of the punishment actions carried out by the DHKC until today fall within the category of terror. The UN has never regarded any DHKC action as terrorism, nor does it regard the DHKC as a terrorist organisation, because DHKC actions do not involve random targets. Punishment actions do not involve spraying indiscriminately with automatic weapons, nor do they involve bomb attacks designed for indiscriminate destruction.

The prosecution also referred to DHKC actions against traitors that extended to punishment by death. Yes, there have been a few such actions. But those were not against people simply because they betrayed, but against those whose betrayal knowingly and deliberately caused deaths and who afterwards felt no remorse.

For example, countless people who broke under torture and caused great harm were embraced again so that they could regain their honour, and many did so.

DHKC actions do not involve torture, a crime against humanity, nor do they target anyone who might be innocent without regard to the target. Those punished were people with direct roles in massacres and torture.

I am not the only person saying this. Even the bourgeois press has always acknowledged this reality.

DHKC punishment actions have always had the content of revolutionary justice or the people’s justice. Documents concerning these justice actions are contained in the communiqués claiming responsibility that are also present in our case file.

Legally, perhaps DHKC actions could be described as applying one’s own justice. Perhaps this understanding could also be described as not recognising the state’s monopoly of violence. But it cannot be called terror, because it is not terror. It is the right to resist oppression.

Bertolt Brecht said: “When injustice becomes law, resistance becomes a duty.”

Karl Marx said: “The only way to remain human is to fight against this inhuman system.”

Perhaps Brecht and Marx too were terrorists. Of course they were victorious revolutionaries through their revolutionary character, their responsibility towards the peoples of the world, and the way they honoured peoples and opened their path and minds.

But even intellectuals such as Max Stirner could observe that “The state calls its own violence law, but that of the individual crime”, while Shakespeare could call people to the right of resistance with the words: “Raise your words, not your voice. It is rain that grows flowers, not thunder.” And J. M. Coetzee says that “those who witness the unjust suffering of people also bear the shame of the suffering they have witnessed”, confronting with shame those who remain silent in the face of crimes against humanity and thereby legitimise them.

I did not take part in justice actions or their organisation. Since the age of seventeen, for forty years, I have witnessed oppression, injustice, exploitation and wars imposed first of all on the peoples of Turkey and on the peoples of the world. I raised my voice against them; I spoke about them. I did not share in the shame. Today I am paying the price for that here. That price does not show that I am guilty. On the contrary, it is the honourable suffering I bear with my head held high.

What name does the prosecution give to this attitude? “Devotion to the point of fanaticism.” Fanaticism? Fanaticism means reacting in an excessive and disproportionate way and making such reactions habitual.

Even if all the imaginary offences the prosecution attributes to me and asks to have punished were real, they still could not be called fanaticism. And I did not commit those offences.

I only exercised my legitimate and democratic rights. I also defended revolutionary struggle against fascism, and perhaps I also took part in its propaganda. But I could not have done otherwise, because I had to fulfil my duty to my conscience, act on my sense of responsibility and live with honour. That is what I did. These were the facts, and I told the facts to everyone I could reach, exactly as I have explained them in my defences.

While seeking to condemn the organisation, the prosecution said: “A conception of struggle involving violence cannot be regarded as political struggle.” Once again the prosecution has made an aphorism about politics, which is not its field. Yet war is nothing other than politics carried on at the highest level. There is no war that is not political. Nor is there politics without struggle. This is reality itself. What was the 1918 revolution in Germany that ended monarchy with the Weimar Republic and led to many democratic gains, including women’s right to vote? Was it apolitical because it involved violence, or was it terrorism?

Of course not every policy and every war is legitimate. But as a sociological reality these two phenomena have always been intertwined.

Our subject is the legitimate right to resist an unjust war waged against the people.

The war waged by the fascist state against the people in Turkey is a crime. To label that crime a "rights violation" is to diminish crimes against humanity. More than that, it legitimises them. The view that "there can be no right to resist" has no meaning other than direct complicity in the crimes of the fascist regime.

Perhaps when making these findings the prosecution does not consciously think, "Let me whitewash fascism." Even if it has no such subjectivism, objectively there is only one name for the position it takes: protecting and shielding the fascist regime.

OBEDIENCE TO ORDERS

The prosecution has claimed that the application of Section 129b in our case is legally appropriate. To do so it based the existence of acts falling within Section 129b on DHKC actions in Turkey.

First of all, the actions in Turkey described as acts falling within Section 129a cannot be matters for the relevant field of German law.

The attempt to connect activities carried out within the People's Front framework in Germany and Europe with acts in Turkey said to fall under Section 129a is also extremely forced.

Neither were the decisions for those actions taken by the people tried or being tried here, nor were the intelligence, weapons or other needs of those actions supplied from here, nor did those tried here take part in them. There is not a single concrete accusation or item of data on this point.

The prosecution forces aid to political prisoners in Turkey and similar activities into the conclusion that they serve the armed struggle. On what does it base this? On the subjectivism "We as the prosecution think so." Exactly as in the matter of the thirteen thousand euros found on me in Cologne: "We think that money too was the organisation's concert money."

Then it puts a full stop after it: without that money there would have been no armed struggle in Turkey.

This is the absurdity of the prosecution submission, which cannot even be called comic, because it rests on such subjective judgments.

Because of reports by its own police and intelligence services, the prosecution accepts that in "DHKP-C" cases there is no situation in Germany creating a danger to public security or the constitutional order. In other words, it effectively admits that Section 129a does not fit. Then, without embarrassment, it says: "By applying Section 129b we are in fact protecting public security in Turkey against DHKP-C."

Is it the task of German judicial authorities to protect public security in Turkey? Of course, even asking the question is absurd. The prosecution's admission is not a chance slip of the tongue. It is exactly the same as the admission in the latest report of the Office for the Protection of the Constitution that I cited here: that the principal basis for the "DHKP-C" ban is the armed struggle carried out in Turkey.

That admission is at the same time an admission that neither the DHKP-C ban in Germany nor the Section 129b DHKP-C cases in Germany possess a legal foundation.

Everything is obvious: the purpose is to protect the fascist regime in Turkey.

The prosecution also stated that the Ministry of Justice's instruction to open the investigation is sufficient justification for this Section 129b case.

What does that mean? In language an ordinary person in the street can understand, it means: the order came from above; what can we do? We are servants of orders. And if the laws permit it, then there is nothing standing in the way of applying Section 129b here too, is there?

The political authorities decide, and the judiciary that obeys orders does what is required. More precisely, the prosecution asks the judiciary to do what is required.

LEGAL SUBMISSION OR POLITICAL SUBJECTIVISM?

It says: "In the logic of DHKP-C's actions human life has no value."

It supposedly says this from a lawyer's point of view. On one side this is anti-propaganda; on the other it is propaganda for the regime in Turkey. The prosecution itself has already stated that the main aim of this trial is to protect public order in Turkey. I again remind it that it has placed itself in the position of defending all crimes against humanity committed in Turkey.

If it is so curious, it need only look at the hundreds of judgments of the European Court of Human Rights in Strasbourg finding the Turkish state responsible for violations amounting to grave abuses of human rights.

The DHKC's conception of action is too clear to be obscured by demagogy.

"The activists are very young, so they are deceived and sent to their deaths," it says.

That is the language of the fascist regime. The prosecution does not even realise that this discourse puts it in the same category of mentality as Erdoğan.

Let me give a small example. During operations in Kurdistan, or operations against poor neighbourhoods of the big cities by thousands of police and soldiers — by which you should understand crowds of torturers and killers — children of the neighbourhoods also throw stones at tanks and armoured vehicles.

Erdoğan, whom the prosecution defends, said: "Even if those who throw stones at our security forces are children, what is necessary will be done." Within a few months of that statement dozens of children were shot dead in the streets. Some were seven or eight years old, some twelve or thirteen.

I had a friend who lived in Greece, Mehmet Ali Mandal. He grew up in Germany. His mother still lives in Germany. In the 1980s he returned to Turkey to work in tourist areas around İzmir. One day someone came to the hotel where he worked and explained his situation. He wanted to flee to Greece as a refugee and asked Mehmet Ali to take him there in the hotel's motorboat. Mehmet Ali was not politically active at the time, but out of human feeling he helped him. The man escaped to Greece, but they were caught by the Greek authorities and Mehmet Ali no longer had any chance of returning.

One day he telephoned a house I happened to be visiting. Nobody else was at home, so I answered. We recognised each other from our voices. When I asked "How are you?", he said with great joy: "I have a son. I named him Aris." That was our last conversation. He had married a Greek woman and named his child after a hero of the Greek people.

Then one day I saw his name on a list of people disappeared in custody. This time he had gone from Greece to Turkey in a small yacht to try to save three people who were wanted under shoot-to-kill orders from torture and being martyred, but all four were captured in Turkey. Campaigns continued for months. Neither their living bodies nor their remains could be found. They remained four names among the thousands disappeared in custody.

One day I read in the press that one of those who had disappeared Mehmet Ali and his comrades had been hanged by the DHKC in prison. The killer's confessions were also published. In his confession he exposed the names, operation and structure of the police's secret units, codenamed K2, that carried out disappearances in custody.

They captured Mehmet Ali and his three comrades and subjected them to severe torture. After breaking all the bones in their bodies without killing them, they threw the four of them into the yacht they had intended to escape in like sacks. They took the boat out into the Aegean and sank it with a bomb.

Respect for human life, valuing human life, is that what we are talking about? But no: the prosecution defends only the right to life of that torturing killer. It defends the regime that martyred Mehmet Ali and the other three. In my ears I can still hear Mehmet Ali's proud voice: "I have a son. I named him Aris."

While discussing this subject the prosecution also spoke at length about Şengül Akkurt. It claimed that because she was very young she had been deceived. I do not know Şengül’s exact age, but as I remember she was close to forty. After Şengül the prosecution gave two more examples of actions. Both were justice actions directed against police headquarters used as torture centres where revolutionaries were martyred under torture. One of those who carried them out was forty-six and the other, as far as I remember, was over fifty.

The prosecution’s allegation is materially untrue. If its only purpose is not to create suspicion, then it suffers from a lack of information.

The prosecution’s approach to the embassy action in Ankara is also very striking. It itself accepts that I had no connection with that action. Yet it has not refrained from alleging that because I met the person who carried out the action around two years earlier, I might indirectly have had an ideological influence on him carrying it out, and in this way it tries to associate me with the action.

There is no evidence, no data, not even a direct accusation, yet nevertheless suspicion is created around me in an attempt to secure my conviction.

Why all this effort? As the prosecution said at the beginning of its submission, it wants to protect public order in Turkey and the people of Turkey from DHKP-C.

No doubt it knows very well that people like me tried in Germany had nothing to do with DHKC actions in Turkey and played no role in directing or organising them. But it also knows that without creating token defendants like me it can do nothing to “secure” public safety in Turkey. That is why, even by creating suspicion, it tries to impose a moral responsibility on me. I do not accept it.

If the prosecution wants to understand the reason and motivation for Alişan Şanlı’s action, it should look at the fascist regime in Turkey, at the USA-NATO and at the Federal Republic of Germany.

If it wants to understand Alişan’s action, it should look at the torture inflicted on him by the fascist regime. It should look at the F-Type prisons built in Turkey as a NATO project. It should look at the seven-year resistance against the isolation torture to be applied in those prisons, a resistance in which Alişan took part, and at the 122 people who lost their lives and around 600 prisoners left disabled in that resistance. Alişan was a veteran of that resistance. He himself had carried out a hunger strike for hundreds of days and returned from death by chance and against his own consciousness. Those 122 people were Alişan’s friends and comrades with whom he had taken the decision to resist. Of those people held between four walls, six women were burned alive by the security forces and dozens were martyred by beatings or gunfire. None of those who committed these crimes against humanity were tried. Do you know who was tried in the massacre case?

Not the guards, soldiers and special teams who carried out the operation, nor those who gave them the orders, but the very people who were subjected to the massacre.

The F-Type prisons were a NATO project. Their architect was the USA. And those standing behind the fascist regime in Turkey were none other than these forces. They support and strengthen the regime in Turkey. Methods of torture, massacre and conspiracy are taught to the Turkish army and police through NATO-US manuals and applied by Turkey’s Gladio, the Counter-Guerrilla. Alişan already knew this reality when he entered the resistance. If his action is to be understood, this is where one must look.

In the end Alişan somehow came to Germany and left death and torture behind. Of course he had not forgotten what he had lived through, but he could have built a new life. Was he given that opportunity? No. He was not permitted to settle, work or live here. Germany effectively forced him towards returning to Turkey by keeping him under the infamous status known as “tolerated stay”. He lived continuously under the threat of deportation and being handed over to Turkey’s torturers. If one wants the reason and motivation for Alişan’s action, all of this must be examined.

If the People’s Front in Europe had any role at all, I can say it was to postpone his decision to return to Turkey.

Because the prosecution has no legal basis, it resorts to political agitation and tries to create demagogic conclusions. The organisation's fighters are supposedly young and deceived. I warn the prosecutor about copyright. This finding does not belong to him. Since time immemorial, all oppressive regimes have used this principal discourse to suppress rebellions against injustice and destroy their legitimacy. If Erdoğan learns that the prosecutor has used this argument, God forbid, he might sue him for copyright on behalf of all torturers.

The DHKC has around eight hundred martyrs. Each of them created legends, giving their lives without hesitation so that children could live better lives without hunger, repression and fascist terror. The packs of torturing killers who martyred them under torture but could not make them betray their people, by what coincidence, expressed their helplessness with exactly the same demagogy. In this way they wanted at least to devalue those they had martyred in the eyes of society. But they never achieved their aim. I warn the prosecution: with these methods it too cannot whitewash Turkey's oligarchy. An ugly word binds its speaker.

The prosecution says it wants to protect the regime in Turkey. I do not know with what motives it does so. But I consider it my duty to warn them that by doing this they will get nowhere.

The reality is this: there is a fascist regime in Turkey. That regime wages war against the people. It applies fascist terror. Against it the DHKC wages a war of resistance. But apparently the prosecution is conducting this conflict through me. It has chosen a side for itself and put me on the opposing side, imagining that if it has me convicted it will strike a blow at the DHKC resistance in Turkey.

You can cut off my head if you want; you can even have hundreds of People's Front supporters in Europe like me shot. It would not strike even a penny's worth of blow at the DHKC resistance in Turkey, because I am not a constituent element of that resistance. I am neither its organiser nor its fighter.

It is true: here I defend the legitimacy of the revolutionary resistance of the peoples of Turkey. The more the prosecution identifies itself with the oligarchy, the more inevitably I am compelled to defend the resistance. To the extent that the prosecution is a representative of the oligarchy, to that extent I am a representative of the resistance.

Just as the prosecution is not a salaried official of the Erdoğan government today, I am not a member of the DHKP or DHKC. But life has placed us opposite each other in this courtroom. If I am to be convicted for an organisation of which I am neither member nor fighter, history will convict the prosecution for militancy on behalf of the fascist regime.

THIS CASE IS A CASE TO CONSOLIDATE THE "DHKP-C" BAN

Supposedly I am being tried here. Yet ninety per cent of the prosecution's submission concerns the organisation. It listed actions as though presenting a catalogue of crimes. If I am the person being tried, why are actions with which I have no connection being listed? Because the target is the organisation and resistance in Turkey. The remaining ten per cent consists of baseless allegations used to make me appear connected with those actions and that organisation.

Exactly as in the matter of the thirteen thousand euros found on me in Cologne, where the source was clear but reality was turned upside down by saying "We think so", membership of the organisation is supposedly proved through magical findings of the same kind concerning Grup Yorum, Yürüyüş, TAYAD and others: "We think so."

Legally these findings have no value. The arbitrariness is so extreme that Yürüyüş, which even the Republic of Turkey regime — a champion of censorship and repression — could not ban and could find no grounds to ban, can be prohibited here. Grup Yorum and others are objectively treated as banned, and events in which Grup Yorum takes part can be called terrorist activity and lead to convictions. Above all this should be a source of shame for Germany. To be even more prohibitive than Turkey's fascist regime honours nobody. On the contrary, it is a source of shame.

Why, then, is that ninety per cent repeated? The same grounds were already raised in the prohibition cases against “DHKP-C, DHKP and DHKC”, and those names and symbols were banned. On the other hand, even before those bans there was neither organisation nor activity in Germany under these organisations or their symbols. There still is none.

It is as though a new ban is being imposed here and the grounds for the ban are being used again. What has that got to do with me? If I am being tried here, is something not missing? Or if the DHKP-C conception is being tried, was that trial not already conducted?

Under these conditions can one speak of the principle that crime and punishment are individual? The need to reconsolidate the DHKP-C ban in every case effectively turns each person tried into a justification for the ban and guarantees conviction.

“DHKP-C” OR AN ASSOCIATION OF AT LEAST THREE PERSONS?

Once again I declare that “DHKP-C” is not an organisation but a concept expressing a political body of thought.

Quoting from my defences and relying on the panel’s interim decision, the prosecution claims that the idea that “DHKP-C” is a concept has been refuted.

As I understand the panel’s decision, it does not refute my claim that “DHKP-C” is a concept expressing political thought. The interim decision removes from the agenda the debate over whether “DHKP-C” is an organisation or a body of thought. In essence it departs from the understanding on which all previous Section 129b decisions were based, namely that DHKP-C is an organisation. In other words, it moves away from a generalising approach.

I consider the “DHKP-C” ban both legally and in principle wrong, unnecessary and without basis. But I regard punishment under Section 129b as the suicide of law.

Even though I consider the ban fundamentally wrong, against an approach that condemns collectively and by generalisation everyone who defends a body of thought — as happened before Section 129b — I consider there to be a legal basis for imposing an organisational penalty against an association of at least three people where there is a violation of Section 129a or other existing criminal law.

I think that this conception of an “association” would also remove from the law the shadow of the Ministry of Justice — that is, the political authority — giving instructions to open investigations. Because investigations carried out on that basis would no longer require the Ministry of Justice’s instruction on political grounds; individual punishment could be pursued directly on the basis of individual offences.

Of course under such conditions the political approaches of prosecutors and panels could still arise. But in any event the process would not be as detached from reason and judgment as it is under the present arrangement.

This approach essentially removes Section 129b from its current use in organisation cases and renders it unnecessary. It returns to the essence of Section 129a proceedings as they existed before Section 129b.

The panel’s interim decision can also be interpreted in this way. In that case the interim decision does not refute my claim. To refute my claim it would have to prove that “DHKP-C” is, as the prosecution alleges, a hierarchical structure above the DHKC and DHKP. No such situation exists.

On the contrary, the interim decision makes Section 129b unnecessary and undermines the foundation of the indictment. Of course the principal objective of the panel that made the decision may not have been to undermine the basis of the case. But in one way or another it serves common sense.

Now, having found in relation to my trial an association of at least three persons, the panel has an obligation to state that an organisation named “DHKP-C” has not been established. This is a legal obligation. I have never said you cannot try me. I have spoken of the unlawfulness of conducting a trial in the name of a non-existent

organisation. If I have violated existing criminal laws, including Section 129a, of course I can be tried for those matters. Whether I accept such a trial is not even the issue.

By making its finding concerning an association, the panel has said “A”. Since it has said “A”, it must also say “B”. At least within the framework of this trial it must acknowledge that no hierarchical organisational structure called “DHKP-C” has been established and must declare that this is not a political case aimed at consolidating the “DHKP-C” ban.

I have no demand to be exempted from punishment. I know very well that in Section 129b cases there is effectively no institution of acquittal, and I have no request to be punished at a lower or higher level. Whether I appeal the court’s judgment will depend not on the level of the sentence but on whether the content is just or unjust.

To prove the existence of DHKP-C as a hierarchical organisational structure, the prosecution presented as evidence the “DHKP-C” signatures beneath Statements Nos. 438 and 439.

The statements concerned are DHKC statements. The versions shown by the prosecution as evidence are the versions published on the Halkın Sesi website. They are not the original versions. As far as I remember, as in the letterhead of all DHKC statements, at the end too the signature Revolutionary People’s Liberation Front is written out in full, not as the abbreviation DHKC.

Abbreviations are used only where the statement is issued by a particular military unit of the DHKC, for example: “DHKC Dersim İbrahim Erdoğan SPB Command”.

If the organisation’s name was abbreviated on Halkın Sesi as DHKP-C, that may be an error by people working at Halkın Sesi, probably by an inexperienced person unfamiliar with these matters.

I believe no such error would exist in the original of the statement. DHKC statements are principally published on www.dhkc.net and .org sites. They are also sent to the entire press and distributed by hand.

Moreover, just as it is known that DHKC and DHKP statements are numbered and sequenced separately, it is obvious that Statements Nos. 438 and 439 are DHKC statements. Their original versions are published with a fixed letterhead. For reasons I do not know exactly — probably because of Halkın Sesi’s own original page-layout arrangement — those letterheads are not reproduced exactly as in the originals. Therefore no conclusion can be drawn about the layout and signatures of DHKC statements merely by looking at Halkın Sesi.

Sometimes Halkın Sesi publishes these statements only in part. As a publication it can publish as much as it wishes or considers necessary. But on www.dhkc.net they are published in full original form, with letterhead and signature.

It is also significant that the prosecution did not investigate more deeply these supposed sole pieces of evidence on which it relies to prove the hierarchical organisational existence of “DHKP-C”. Its general approach is to use only what suits it and disregard every other possibility.

The prosecution’s final basis on this point is an officially unpublished congress document — that is, a document not declared to the public — in which the name is written D.H.K.P.-C, with dots between the letters.

I do not know why such a document, particularly one never declared to the public, was signed in that way. As can also be understood from the document, that name may have been given to the congress while it was being convened. But during a congress one cannot yet speak of an organisation existing under the name to be decided. In the end, the congress adopted decisions to organise under the names DHKP and DHKC, and all the decisions were declared publicly. The congress gave clear and concrete answers to the questions of what organisation and how. An underground organisation — an organisation that has no concern with legality — has no reason to conceal its own name. Beyond that, whether legal or illegal, every organisation decides for itself how it will name itself. No one has the right to say “I think so” and then rename and reinterpret the organisation’s name, organisational structure and functioning under different names.

ON DAYI

Dursun Karataş was the founding leader of the DHKP and DHKC and the General Secretary of the DHKP.

But Dursun Karataş was also, through his role in the anti-fascist struggle from the mid-1970s onwards, a master, pioneer and leader of the Turkish revolution. In particular, through his role in the anti-fascist struggle before 1980 and by personally showing the peoples of Turkey how to resist the 1980 junta, he acquired a leadership mission in the eyes of hundreds of thousands and millions.

Through this leadership mission, Dursun Karataş was an architect not only of the shaping of revolutionary and democratic struggle in our country but also of many democratic rights that have been won today. In this role he was accepted not merely as the creator of the DHKP and DHKC but as the Dayı of the peoples of Turkey.

In that sense I have said, I say and I will say: “Dayı is my leader too.” Saying that makes me neither a DHKP cadre nor a DHKC guerrilla. I repeat: Dayı was far more than the leader of a guerrilla organisation. His principal leadership was ideological. Through his ideas he was a pioneer of the world revolutionary movement.

In discussing my biography and activities, the prosecution also claims that my announcement of Dayı’s funeral in my own name is evidence that I was a “high-level responsible” in the DHKP. It says: “The fact that he made the statement in his own name proves it, because in the DHKP only high-level managers can make statements in their own names.”

First, since I have already answered this in detail, I will not repeat the same matters. But the statement I made in my own name was not published as a DHKP or DHKC statement. To my knowledge it was not published on www.dhkc.net or .org either. It was, however, published by countless media outlets — newspapers, television, radio and internet sites.

It is true that Halkın Sesi also published it. But that in no way proves that I was “high-level”. It cannot. Halkın Sesi publishes thousands of news items, interviews and statements. It has no principle of publishing only the statements of a particular organisation or only the statements of that organisation’s “high-level” managers. Determining this would not be difficult at all. Yet here too the prosecution avoided investigation and was attracted by the wholesale charm of “I think so.”

MISCELLANEOUS ACCUSATIONS

The prosecution interprets my attendance at one or two weddings and a few concerts in Germany as meaning that “after 2004 he concentrated on Germany”. No such thing occurred. I did not conduct activity in Germany. Attending a few social and cultural events does not change that reality.

Likewise, despite the fact that the event discussed in the monitored conversation at Hellevoetsluis was entirely clear and despite my detailed statement on the subject, reference to a “DHKP-C” event in Hagen-Berlin is as meaningless as it shows a refusal to understand. Despite information available in every detail on the internet, reality is forced in order to speak of a DHKP-C event and thereby create an offence against me. As for my statements, merely saying “he said something else” proves the superficiality with which matters determining people’s lives are treated.

At the end of a six-year investigation, more than two years of detention and a year of trial hearings, despite the clear evidence in hand and my own statement, persisting in third-rate detective games serves only to damage the institutional personality represented by the prosecution.

ON THE EXISTENCE OF THE REAR FRONT

I did not say “there is no rear front in Europe”. I said “the DHKC has no rear front in Europe”. The subject of the rear front of the war is explained very clearly in the congress documents. The DHKC says: “the Middle East as the rear front of the war”.

The DHKP and DHKC evaluate Europe as the democratic field. Although they also referred to an objective of establishing official offices in Europe, that objective was never implemented. Had it genuinely entered the agenda, it could have been carried out in many places where there was no ban.

Not only was that objective possible in principle; the offices established in Europe by supporters for political solidarity and information were themselves asked to close because they did not represent the DHKC. They were closed not through any prohibition but by those operating them.

Europe has also been used for democratic work.

The concept of a rear front refers to external support. I have already spoken in part about the People’s Front’s activities in Turkey. You will remember that you rejected my proposal to explain them in greater detail through a film.

Today there are People’s Front supporters in Europe too, and through legal, lawful activities they support the democratic work of the People’s Front in Turkey. The rear front concerned could therefore be the rear front of the People’s Front.

ON DHKC ACTIONS

The prosecution listed DHKC actions and said that such actions could be legitimate only under conditions of fascism.

The first point that must be stated is this: in legal terms, of course the people’s right to resist is legitimate under conditions of fascism too. But a determination of fascism is a political determination and has no legal measurement as such.

In legal terms what matters is the right to resist oppression. The measure is oppression. Is there oppression in Turkey or not? That is the issue.

On this point, although there are formal differences, a common consensus has emerged among all parties to the proceedings.

I relied principally on reports of parliamentary commissions of the Grand National Assembly of Turkey and officially issued institutional statements. In addition, as a person subjected to oppression, I explained it with concrete information and data.

The prosecution too, using Amnesty International reports, presented as evidence at least some violations in Turkey concerning the right to life, humane treatment and torture, the right to an impartial trial and similar matters.

Although the judicial panel has not yet expressed an explicit decision on this subject, it at least implied that it is aware of this reality. It stressed that there was no need to repeat violations reflected in the press because the members themselves were aware of these publicly available sources.

Likewise, my lawyers in their defences set out with detailed examples and statistics how all fundamental human rights in Turkey are systematically and widely violated by the state as an institutional practice.

According to Human Rights Watch, there are today 2,800 children imprisoned in Turkey solely in connection with political cases.

The right to life has openly been eliminated, particularly through anti-terror laws that institutionalise impunity. Prosecutors cannot open investigations against security forces for torture and massacres against the people without permission from the administrative authorities to which those forces are subordinate — district governors, provincial governors, police chiefs and garrison commands.

When the Interior Minister said in relation to the few investigations that had been opened against security forces in blatant massacre cases, “These investigations cool the hands of our security forces. Terror is a matter of survival. We must not cool the hands of our police and soldiers,” and prime ministers then said, “Let our

police and soldiers do their work. I stand behind them. We will crush the traitors; we will give them no right to live,” the resulting bloody picture became inevitable. Nor are these statements and this approach limited to the Erdoğan-AKP governments. They have been essentially the same at least since the fascist junta of 12 September 1980. The result is before us: at least fifty thousand dead, systematic torture and so on.

In short, this practice is called oppression; it is called tyrannical rule.

Of course every rights violation is oppression for the person who suffers it. But tyranny, despotic rule, means that oppression is not only widespread but institutionalised.

Take torture as an example. If police directorates and police stations have special torture rooms, special torture instruments, suspension devices, factory-made electric-torture magnetos and so on, then we cannot speak of individual and isolated rights violations. In Turkey torture is systematic and institutional.

Questions concerning the right to life and torture in Turkey are regulated through laws. Where laws are considered insufficient, the gaps are filled through decrees having the force of law. This situation also cripples the judiciary and legislature and creates an order in which all power is determined by the executive. A form of government in which the executive dominates the judiciary and legislature can only be called a dictatorship. Tyranny and oppression are the governing methods of this dictatorship.

This relationship between judiciary, legislature and executive has been institutionalised through law. Once the legal framework is structured in this way, there is really no need to prove oppression through statistics as well.

In Europe, the rights to elect and be elected are cited as fundamental political measures. Enormous and sometimes unrealistic significance is attached even to the formal existence of those rights. Today more than one hundred municipalities are administered by appointed trustees and elected mayors are in prison. In the last two years alone dozens of members of parliament have been imprisoned, including for exercising parliamentary immunity in their speeches.

Local elections in Turkey are due on 31 March 2019. It has been publicly declared that if the same kinds of mayors are again elected in Kurdish cities currently administered by trustees, they will once again be removed and trustees appointed. What, then, are we to call the present situation in Turkey? Is it possible to say there is a right to elect and be elected?

This form of government can be called nothing other than oppression and tyranny. The situation objectively acknowledged by the prosecution must also be named. Of course the prosecution and judicial authority do not have to call this dictatorial form of government “fascism” or “fascist dictatorship” as I do, because the determination of fascism is political. But it is impossible to evade or ignore the institutional oppression before us.

To circle around these facts is not merely to deny reality. To deny institutional oppression in the face of this material is to confer legitimacy on the existing brutal state. Objectively, this is the prosecution’s position of saying “A” but refusing to say “B”.

Of course many statistics have been presented. I will add one recent example.

Ayten Öztürk is a young woman.

She is an Arab Alevi from Turkey. At present she is imprisoned in Ankara in a “DHKP-C” case. One of her brothers had previously been martyred on the allegation that he was DHKP-C, and her sister-in-law died in a Death Fast.

In 2018, while attempting to travel to Greece from Beirut airport, she was unlawfully detained by Lebanese officials and secretly handed over to Turkey’s MİT.

MİT abducted Ayten and brought her to Turkey. She was placed in a secret prison near Ankara. In this secret prison she was subjected for six months to every form of torture, including sexual assault.

For six months Turkish and Lebanese authorities denied knowledge of Ayten’s fate. As a result of People’s Front campaigns, they were forced to produce her.

MİT bound her hands, arms and eyes and handed her to police in open land near Ankara.

The police said: “We found her in the countryside with her hands, feet and eyes bound.”

Ayten was charged with “membership of DHKP-C”.

When Ayten was brought to Ankara Sincan Women’s Prison she weighed forty-three kilograms and had exactly 868 wounds on her body that had not yet healed.

They could not make Ayten talk. Nor could they make her submit. When the torturers understood that torture would not work, throughout months of torture they told her only one thing: “Whatever it is in your mind that enables you to resist, we want to tear it out. And we will.”

For six months they told her: “Nobody knows you are in our hands. We can do whatever we want to you. If we want, we can kill and bury you and nobody will ever know.” But as a result of resistance they were forced to move her from the secret prison into an ordinary prison.

How many violations are there in Ayten’s case, how many crimes, and what name should be given to the totality of those crimes? How should they be condemned?

In Ayten’s case not only national law but international law, universal norms of justice, fundamental rights and women’s rights were violated at their roots. Crimes against Ayten fill what could be a criminal-law textbook.

Six months. Forty-three kilograms. Eight hundred and sixty-eight wounds.

Let the prosecution compare this case too. In its submission it said of me, “He explains everything according to his own interpretations and does not set out the whole truth.” Then let it say of Ayten too: “But she too committed the crime of organisation membership.” Let it say of Ayten’s case: “Turkey’s security forces and law are protecting the Turkish people from Ayten.”

Whatever sentence the prosecution requests and whatever punishment the judicial authority imposes, in the face of “six months, forty-three kilograms and 868 wounds” it cannot obscure the legitimacy of the struggle against fascism, nor can it prevent the existing fascist regime from ending in the dustbin of history.

THE ACCUSATION OF “CONSPIRACY”

The DHKP’s conception of extra-parliamentary struggle and the DHKC’s illegal organisation and action cannot cast doubt on the legitimacy of that organisational understanding.

Under fascism, the guarantee of democratic-rights struggle also makes clandestine organisation necessary, because fascism is prohibitive. There is no guarantee that rights won today will not be banned tomorrow. Therefore a movement for democratic rights and freedoms also requires clandestine organisation in order to ensure continuity of democratic struggle.

The difference between revolutionary struggle and democratic struggle is not the form of organisation but the form of struggle and action.

The People’s Front too is organised principally through legal institutions. It cannot be condemned as “conspiratorial” merely because it uses secure communication, correspondence and similar methods. Anyone who wants democratic rights to continue and wants to protect people engaged in democratic struggle from fascist operations and arbitrary arrests also needs clandestine organisation and illegal relations.

Moreover, while states are defended in every form of their right to secrecy and individuals are defended in rights of confidentiality in commercial and specially designated private relationships, it is not justice to condemn political secrecy intended directly to guarantee human life merely by calling it illegality. This prohibitive approach towards revolutionary democratic struggle has no meaning other than enemy law.

ON THE SENTENCING REQUEST

When requesting a sentence, the prosecution first listed at length the reasons that supposedly justified mitigation.

Because the submission was not provided in writing, and because of the speed of the interpretation, I could not fully follow it.

I know certain points — those I thought important from my perspective and could understand. But so many mitigating reasons were listed that even I began waiting to see what would emerge from this change of approach.

As I said from the beginning, the prosecution did not surprise me in the end. Nevertheless, among the matters described as grounds for reducing the sentence I cannot pass over the issue of isolation. I do not know what value it assigned to the arbitrary isolation torture that has continued for twenty-six months. If only to learn the price it puts on this, I reject the application of that reduction to me.

The isolation imposed was not a preventive measure against anything. Everything was for revenge. Law, detention and isolation were all instruments of revenge. This still continues, and from previous “DHKP-C” cases it is known that it will continue during the appeal process as well.

As the victim of this arbitrary torture, I am not asking for compensation. Its price cannot be measured or paid. The only step that would satisfy me is for the arbitrariness of this isolation torture to be exposed and denounced. For that I can serve years more. No problem.

Leave aside my inability to attend my father’s funeral and to share my mother’s grief. Leave aside the unlimited and brutal isolation imposed on me. But it is impossible for me to forget or for anyone to repair the fact that my eighty-five-year-old mother came from the Netherlands and was twice prevented from seeing me. Germany’s democracy can fly the grandmother of the bloodthirsty NSU killer by helicopter for a visit, even an open visit, because she is old. When Nazis are concerned, democracy comes to mind. But when anti-fascists from Turkey are concerned, neither humanity nor law remains. What was my mother’s crime? Because she has Alzheimer’s, she forgot to bring the permit paper with her.

You are already taking revenge on me on behalf of the fascist regime in Turkey. What was the reason for the torture inflicted on my mother?

In any event, later my mother visited me twice. What price could ever compensate for the hatred created in me, and the breaking created in her, by the way she affectionately kissed that filthy glass in the visiting area?

If necessary, merely to learn what this reduction in sentence is supposed to be worth, I could appeal on this point. But I do not accept the insulting formulation “the detention conditions were difficult”.

What matters is the reason. That must be brought to light.

Apparently in Germany law operates according to personal circumstances (!). Believe that if you can. What, for example, was the personal reason in my case? Influencing witnesses? Could I have threatened Seifner and Kröschel? Could I have altered the documents in the prosecution’s possession, or changed the prosecution’s approach of “I think so”? Could I have demolished the prison or made life difficult for other prisoners? What conduct of mine supposedly gave rise to any of these concerns? Can you tell me?

I will tell you. None of these measures had a reason, nor could they have had one.

If you wish, ask the prison officers where I have been held for twenty-six months. Although those with whom I could speak expressed the view that this unlimited isolation was stupid, I do not think a single one could provide a reason for it.

The prosecution also stated that the reason for the isolation imposed in this case was that I did not give evidence in the manner desired. In other words, it was admitted to be an instrument of torture intended to destroy political identity.

The isolation imposed on me is part of the standard practice in “DHKP-C” cases. Like the sentences, the conditions of detention are standardised.

Referring to my defence in which I described this standardisation of revenge, the prosecution claimed that every trial in Germany is independent of the others. But when requesting sentence it exposed that it does not believe its own words by saying: “He should receive more punishment than the others.”

Who the prosecution means by “the others” is clear. It means the victims of Section 129b tried in “DHKP-C” cases. Other cases in which Section 129b is applied include PKK and ISIS cases. Their standardisation is different. In “DHKP-C” cases those standards are doubled.

The mere demand that I receive a greater sentence than the others is itself an admission of those standards. So much for every case in Germany being different. It is clear to me that nobody in this courtroom — including the prosecutor who said those words — believes them. A sentencing request based on the sentences of others is, by the prosecution’s own admission, a political revenge sentence decided in advance and merely given a legal appearance.

ADDITION ON THE LEVEL OF SENTENCE

When listing reasons to aggravate my punishment, the prosecution pointed to my Belgian case and said: “He was tried and convicted there on the same content. Yet that conviction did not deter him; he did not learn his lesson.”

FIRST: The matter for which I was convicted in Belgium and the subject of this trial are completely different. There I was acquitted of membership of a terrorist organisation. I was principally punished there for violating firearms law. It cannot be alleged that I later violated that law anywhere.

SECOND: Although the concrete matters for which I was convicted in Belgium are not directly the subject of an investigation here, this is nothing other than a request to punish me a second time for something for which I have already been punished.

Another aspect of this is that the Belgian judiciary’s sentence is considered insufficient and an increase is sought.

Moreover, both the United States and the Republic of Turkey placed rewards on my head in a form of “Wild West law”, in circumstances where there was no realistic possibility of being taken alive. Even though under such circumstances violating firearms law in order to protect my right to life would have been my most legitimate right, the fact is that I did not violate that law. Seeking to punish me again for a matter for which I have already served the sentence goes beyond unlawfulness.

What else does the prosecution say? “If he had accepted the accusation, a different reduction might have been possible.”

What was I supposed to say? That I was a member of “DHKP-C”, which is not an organisational structure? And of course that I was a member of the DHKP and DHKC, of which I am not a member? I know this situation myself. I know that by saying “I was a member” or “I accept the accusations” I could receive a lower sentence, and I am certain nobody would condemn me for doing so. Yet I still cannot accept these accusations because I cannot deny the truth.

In conclusion, we are bringing this case to an end here.

Throughout my defence I made Heike Becker-Klein’s ears ring quite a lot. I hope what I said has reached her ears too. The standardisation of the “DHKP-C” cases is her work. It was she who inserted the torturing and murderous Istanbul political police into the German judiciary. It was she who encouraged Turkish police and MİT to conduct intelligence operations in Germany against left political opponents of the regime. Beyond the level of isolation and sentences, it was the same person who supervised and obstructed until the end of sentences such possibilities as early release, open prison and leave.

The creation of the famous and sinister investigation file was likewise her achievement.

Although she did not personally take part in my case, her standards and spirit were decisive in this trial too. I would have preferred to see her opposite me as prosecutor. On a personal level she is also personally responsible for the special isolation method imposed on my wife, which disabled her and caused a chronic illness. But of course the determining point is that she was a willing admirer and collaborator of the torturing and murderous officials of the regime in Turkey.

I also have advice for the prosecutor in our case. Our cases are principally conducted by special prosecutors, and they have certain standards. In that sense these courts are semi-special courts. In these courts you can obtain the result you want. Nobody will confront you with your unlawfulness. Even so, avoid personalising cases. Show at least some respect for people’s values. Here, besides trying to put even my marriage on trial, do not bring martyrs into the matter and put those who died in the category of people who were deceived, because you do not know those martyrs. Moreover, while the regime you objectively defend martyrs our children, it is very ugly in human terms to label those who resist as deceived. Why do you find it strange that people old enough to be martyred can also resist? Look at your own history. In your recent history there are the Scholl siblings, who protected the honour of the German people with their lives. At least out of shame before them, do not treat those who died as “young fools” and those who remain as “people who used them”. You face a defendant, but you are not the defendant’s rival, and there is no meaning in behaving as though you were his enemy.

Apart from these matters, I also want to say something positive about the prosecutor in our case. I did not experience the arbitrary blocking of correspondence, deliberate loss of letters or arbitrary prevention of visitors that I know very well from other cases. Despite the standard practices, I thank him for not acting arbitrarily in those matters.

As I said in the title, in political cases even one day of imprisonment is too much. But when the matter is ideology and ideas, whatever punishment you impose is too little. If captivity is the price of my ideas, then as a free prisoner it is the honourable suffering I bear with my head held high.

I thank everyone who attended the trial as listeners, above all, for listening to my long defence. And of course I also thank the defence, judicial and prosecution authorities because they too had to listen.

As Galileo said:

“THE WORLD KEEPS TURNING”

THE END

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