



Ayşe Berktaş

Prison Notes

Ayşe Berktaş

In October 2011, Ayşe Berktaş (Hacimirzaoglu) – a celebrated translator, researcher, and lifelong activist for peace and justice – was taken from her home in Istanbul at five o'clock in the morning and subsequently arrested by police. At the time of writing, she remains imprisoned with no clear prospect of early release. We publish a letter and statement written by Ayşe whilst in prison, which record what is happening to her and others, and what she thinks needs to be done. Her letter is addressed to Lieven De Cauter, a philosopher and founding member of the BRussells Tribunal on Iraq, which formed part of an extended process leading to the World Tribunal on Iraq, held in Istanbul in June 2005 (see Spokesman 83). Ayşe was part of the small and highly accomplished team which made this notable gathering happen.

In addition to Ayşe, among the recent victims of the Erdoğan government's assault on public dissent are Professor Büşra Ersanlı of Marmara University, and Ragıp Zarakolu, a founding member of the Human Rights Association and former chair of the 'Writers in Prison Committee' of the International PEN organization in Turkey, both taken into custody on 28 October 2011.

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Istanbul Bakirköy Women's Prison
10 December 2011

Dear Lieven,

I hope this letter finds you well. I have received your letter. It was a nice surprise and stimulation. Thank you. Please give my greetings to all. The presence of you all out

there surely makes us feel stronger. I am – we are – fine. Yes, you can send me books; I'd love it. This prison – for the time being – is one of the better ones in Turkey. I mean, the conditions aren't horrible like in other prisons. Being deprived of one's freedom, being behind bars in itself, is horrible enough, though. Looking at the direction and speed of developments, conditions here will (may) probably begin to deteriorate as well. We shall see!

The situation here is rather critical. Feeling ever more powerful with the support he is getting from 'Western powers' as a representative of so-called 'Western ideals of democracy and freedom' in the region, Erdoğan has turned his back on – or done away with – all semblance of democracy at home and is preparing to intervene actively in the region. Your action is valuable in the sense that it exposes the true nature of the Erdoğan government. Having the world public question their practices at home, and challenge the façade of democracy he has put up abroad, is very important because he feeds on this 'democratic prestige' he has abroad to take harsher measures against democratic opposition at home. Such prestige strengthens his hand against opposition in the country. Anyone who does not agree, or go along with his way of solving the problem, is a terrorist, an enemy. Familiar, no?

Because of efforts to find a democratic, peaceful solution to the Kurdish issue, to democratise Turkey, and because we are members of the BDP [Peace and Democracy Party], a legal political party that won thirty-six seats in the parliament in spite of all their unimaginable anti-democratic obstruction, because of our activities, our work as BDP members, we are accused of 'membership in an armed terror organization'. We have been refused access to any further information on the case. They say our 'file is restricted'. Our lawyers don't know on what grounds this accusation has been made. So we haven't been able to make any statement of defence; we simply told them that we cannot defend ourselves or testify because we have not been allowed to read our files and to understand the context.

There are two positions on finding a solution to the Kurdish issue, and on putting an end to the armed conflict. One says keep fighting, defeat and eliminate the 'terrorists'. Kill them and the problem will finish. And the other says engage in dialogue, negotiate, stop military operations, and talk. Take steps, change laws – to provide for a truly democratic atmosphere that ensures thorough discussion, where everyone can express his opinions freely, without legal backlash. Free political prisoners and discuss. Because we favour and work for this latter position, they have declared war on us as terrorists. This action to criminalize all legal political activity

of the BDP is, in fact, a conscious choice that opts for limiting and restricting democratic political struggle, thus giving leeway and priority to military options.

This is why protests against arbitrary detentions to obstruct political struggle and democratic opposition are very important. They need to know that the world knows and follows.

I know this letter is not well-structured. It has been rather mixed up. Do forgive the confusion. Please send my greetings to all.

With all my best wishes. Take care.

Ayşe

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Ayşe's summary of her situation and proposals

December 2011, Istanbul Bakirköy Women's Prison

I was taken into custody at 5am on 3 October 2011, when my house was raided by the police. All of us were taken into custody in the same way, at approximately the same hour. My door was not broken down, but the doors of some were. Some of our friends, not at home when the police arrived, went to party headquarters (BDP-Peace and Democracy Party) to find out what was going on and what could be done, and were then taken into custody themselves from there. In fact, one person, upon hearing that the person who generally opens up the BDP's Istanbul Province Headquarters had been taken into custody, arrived to open the building so that the headquarters wouldn't remain closed that day. This person, too, was taken into custody there.

No one attempted escape of any kind. And none of us were summoned for questioning or testimony prior to being taken into custody. The method of raiding houses and forcibly taking people into custody, which should be used only under exceptional circumstances, has now become standard procedure. Being awoken from sleep at five o'clock in the morning to find your house full of armed police is simply unacceptable. Our whereabouts, our jobs, our addresses, our lives are not secret; we can easily be found. If there is an investigation happening, they could easily call us in for questioning. There was absolutely no justification for raiding my house.

A thorough search was conducted of my house, which certainly pushed the limits and at least verged upon an invasion of privacy. During the search, books and my computer were confiscated as evidence. The practice of the police and courts, thus far, indicates that the websites I have visited, articles I have downloaded and read, drafts of articles I have written, and thoughts that I have noted down can all be admitted as elements of crime.

Freedom of thought and expression, and the freedom to organize, have all been completely trampled upon, completely disregarded.

They listened in on our telephone calls. While listening in on private communication is generally something used as a last resort, in our case it happens automatically. Yet I have made no attempt to conceal my actions. Everything I do is completely out in the open.

The file regarding our case has been declared confidential. Therefore, we are unable to learn what we are being accused of or the hard evidence upon which the case is based. Other than general, roundabout expressions such as 'strong suspicion' and 'the nature of the evidence and accusations stated in the file,' we know nothing about the evidence against us, on the basis of which we have been arrested. Hence it is impossible for us to defend ourselves. Our right to defence has been obstructed, destroyed. We were told that our lawyers would not be given a copy of the deposition we were to give at the police station, accompanied by our lawyers. Legally, it is utterly unacceptable not to give my lawyer a copy of this document, which both I and he were to sign. And so no statements were given at the police station. We were transferred to the prosecution office without having first given a deposition. In the document written by the judge responsible for the decision not to give our lawyers copies of our signed depositions, all of the lawyers who had taken on our legal defence were described as potential criminals. The exact words were: 'A copy of the depositions is not to be given to the lawyers because they may share it with the terror organization'.

The press declared us guilty the very day the operation happened, based upon information supplied by the police department. Documents that were not shown to our lawyers, due to the claim that they were 'evidence', were promptly delivered to the press by the police. We were arrested before we even had a chance to prove the evidence wrong. We were not even allowed to question the validity of the 'evidence'. The fact that no action was undertaken to prosecute those who published the 'information' in the classified documents that comprised our files indicates that their publication happened in collaboration with the police. We were labelled as people who were planning terrorist activities, making plans to bathe cities in blood, planning provocative actions intended to derail the peace and reconciliation process, and conspiring to get the people worked up into a furore by having women 'throw themselves' under the police panzers. A defamation campaign of lies, slander, and police scenarios was waged against us. We have been informed of no concrete accusations, no concrete crime based upon concrete evidence, for which we are being held. They

are trying to build the legitimacy of the case based upon pronouncements of what a horrible organization the KCK is. And this policy, put into practice by the AK party and the prime minister himself, is being propagated by the media. Yet the case is not about what kind of an organization the PKK-KCK is or is not, but about whether or not we are involved in said organization. While they need to prove that I and my friends – 144 of us plus the thirty-four lawyers also recently arrested – have ties to the organization, they are simply not doing so. And to those who speak up to say that the claims being made have no legal basis, they are accused of being accessories.

I am able to meet with my lawyers, so there are no restrictions in that regard. But as I said before, we face another problem, and that is that the lawyers are being treated as potential criminals and so, for example, my file is being withheld and deemed confidential. And now to add to this is the recent arrest of thirty-four lawyers.

I'm a member of the BDP. I have chosen to carry out legal, democratic political activities. The same is true of my friends as well. Our actions comply with this. We have thoughts and ideas about what needs to be done to bring about a peaceful, democratic solution to the Kurdish issue, and we have conducted work to this end. We received some three million votes in national elections and have thirty-six MPs elected to parliament. These thoughts and recommendations of ours regarding peaceful resolution are not secret; they have been declared in parliament and to the public. Of course differing views regarding this issue exist in our country. We do not share the opinions of the AKP in this regard, which is perfectly natural. What is *not* natural is the effort to 'cleanse' the field, eradicating the democratic opposition and those advocating a resolution to the Kurdish issue by means of dialogue between the relevant parties together with changes to the constitution, by declaring them criminals and their activities illegal. Right now, some six thousand political activists belonging to our party are under arrest, in cases very similar to ours. The files containing the charges and evidence brought against them have been declared confidential until the official bills of indictment have been written up. It sometimes takes as long as one to two years for such indictments to be prepared. Most recently, they have arrested our lawyers too. Thirty-four people who are also lawyers for Abdullah Öcalan [the PKK leader kidnapped and held by the Turkish authorities since 1999] have been arrested. What we are dealing with here is a deliberate political purge of dimensions reminiscent of the McCarthy period.

The BDP is a political party under constitutional protection. Therefore,

it is illegal to spy upon it by using listening devices. The 'evidence' and 'claims' mentioned in the press are all based upon such illegal recordings (of conversations in person and via telephone). Everything carried out within the framework of party activities has been declared illegal. For example, photographs of me entering the headquarters of the party of which I am a member and administrator are amongst the few pieces of evidence that have been shown to us.

What I Propose

We need to expose how justice, universal rights and freedoms are being trampled upon in Turkey, and to show that these arrests and the process surrounding them are absolutely unacceptable. The face of the Turkish state and of Erdoğan need to be revealed for what they truly are, by doing away with their phony masks disguising them as defenders of democracy.

We need to speak up and make it clear that what we currently face is a situation very similar to that of the Hitler regime that preceded World War Two.

They're trying to clear their names and wriggle their way out of this situation by using propaganda, stressing that the PKK and KCK are terror organizations. But that is not the issue at hand. They are accusing us of being 'members and administrators of an armed terrorist organization'. They have no evidence to prove this. They are policing thought. They are saying that BDP=KCK=PKK. The rapporteur on Turkey for the European Commission has said that the BDP needs to distance itself from the PKK-KCK terrorist organization. This approach imitates the mentality of the Turkish government. The rapporteur is defending our arrest. Thus we become the 'distance' to which he refers. Meanwhile, the unlawfulness to which we are being subjected is obvious. The state has literally taken us hostage; it is both constricting the political field and trying to intimidate us in a blatant act of extortion. Lawyers and members of the judiciary should be encouraged into action by spreading the word about this legal reality and these anti-democratic practices in all their dimensions, in order to put pressure on the European Union and the European Council and to get European and world public opinion to take a stance against it. The Turkish state has created a false image of itself in Europe and throughout the world as an 'advocate of democracy'. Drawing strength from this, it applies enormous pressure and oppressive measures against all manner of opposition in the country. In addition, it is currently involved in preparations to further an aggressive, expansionist agenda in the Middle East. Its next step will most likely be to arrest the BDP members of

parliament and those mayors who have not yet been arrested.

This is a mass operation: 144 people and thirty-four lawyers. And it is said that the numbers will increase. This is the number of people arrested in Istanbul alone. All of these people are being subjected to the same process, the same treatment. That is to say, I am not some ‘innocent’ person who has got mixed up with a bunch of criminals. Be careful to avoid giving any such impression. This entire operation is nothing but a huge travesty of justice, a scandal, and a disgrace.

A summary of the course of events: the prime minister blames the BDP. And then these operations are carried out. We are asked why we go to the BDP, why we hold meetings. The prime minister gives speeches in which he targets the BDP Political Science Academies, which have been established in accordance with the BDP bylaws, immediately after which operations against the BDP are carried out. All of the students, teachers, and administrators who have attended the academy are arrested. The political science professor who teaches at the academy, the publisher and author who attended the academy opening are arrested. The person teaching the lesson on gender is arrested.

The prime minister gives a speech targeting the lawyers, claiming that they are couriering documents to and from Abdullah Öcalan on Imral Island, and the lawyers are arrested.

The prime minister gives a talk saying that he supports the KCK operations and adds that the evidence proves the crimes committed. We haven’t seen the evidence, and neither have the lawyers. So how has the prime minister seen it? Whatever happened to judicial independence?

In late summer 2011, it was announced in the press that the prime minister had a list of 1,400 people who were to be arrested. This is a planned political operation of political arrests. The verdict has already been given. Independent judiciary, fair trial, the right to defend oneself, etc., do not exist. What is happening is extrajudicial execution.

Illegal organizations may exist. The state can investigate them within a legal framework. But it cannot present and portray legal activities as being the illegal activities of a terrorist organization. It cannot simply ‘make claims’ to that effect. Even expressing it requires very real, concrete, irrefutable evidence. *Otherwise the person is left to prove him- or herself innocent.* And that is exactly the situation we are in.

What’s more, our appeal was denied, based upon article 108 of the Code of Criminal Procedure (CMYK), because ‘due to the nature and type of the alleged crime and the existing evidence, there is reasonable suspicion that the accused could attempt to flee or tamper with evidence’.

News of what is happening should be more widely disseminated and the situation should be brought to the attention of international institutions and organizations and social movements, who should be encouraged to take action. Concerns about and protests against this operation and these arrests, which are effectively extrajudicial executions and are in violation of the presumption of innocence, should be conveyed to the governments, parties, and parliaments of various countries, to the government of the Republic of Turkey, and to international institutions and organizations by means of writing or fax campaigns.

Lawyers' associations should be encouraged to take action. If the World Social Forum Co-ordination is informed of the situation, they will take action. We were together with them one week before the arrests.

One important point to stress is this: all countries have these anti-terror laws. I believe that a general campaign against them needs to be undertaken. We already brought this up several years ago at the WTI*. The debate regarding anti-terror laws and the mentality and logic that uphold them should be actively resumed. I'm of the opinion that the powers-that-be could resort to these anti-terror laws in the face of pressure that has arisen and will continue to arise due to the ongoing global economic crisis, in order to avoid shouldering the economic burden that comes with it, and in the face of current and future protest of states' war-perpetuating politics. Campaigns against this mentality are becoming increasingly important.

Translated from Turkish into English by Amy Marie Spangler

* A comprehensive record of proceedings was published in *World Tribunal on Iraq: Making the Case against War*, edited by Mûge Gûrşöy Sökmen, with introductions by Arundhati Roy and Richard Falk (Olive Branch Press, USA, 2008).