

*Translators note: The emphasizes are adopted from the original version of the texts. Except for several minor paraphrases and some sentences rearranged in order to make the text more comprehensible, the translation follows nearly word-to-word the Turkish original. Additional remarks and explanations regarding the translation can be found in footnotes.*

## **REPUBLIC of TURKEY**

### **ISTANBUL CHIEF PUBLIC PROSECUTOR'S OFFICE**

**Investigation No. XXX**

**Docket No. XXX**

**Indictment No. XXX**

### **THE BILL OF INDICTMENT**

#### **TO THE CONCERN OF THE HIGH CRIMINAL COURT OF ISTANBUL**

**The Plaintiff:** XXX

*The personal information of the defendant(s) remains classified.*

<b>The Alleged Crime:</b>	Propaganda for a terrorist organization
<b>Date and Place of the Crime:</b>	January 11, 2016, Propaganda for a terrorist organization
<b>Article of Referral:</b>	Article 7/2 of the law numbered 3713, Article 53 of the Turkish Penal Code numbered 5237
<b>Evidences:</b>	The investigation report concerning the statement made by Bese Hozat, the co-president of the PKK/KCK terrorist organization's executive committee, on December 27, 2015; the investigation reports about the suspects concerning their press declarations dated January 11, 2016 and March 10, 2016 that are of a supportive nature in relation to the PKK/KCK terrorist organization,; records of statement and interrogation reports of the suspects and the arrest warrants for them; and the scope of the whole investigation file.

## **THE EXAMINATION OF THE INVESTIGATION DOCUMENTS:**

On the date of **January 11, 2016**, 1128 people in total including the suspect XXX working at XXX University, whose personal information is stated above, published the following *declaration that supports the terrorist organization PKK/KCK*<sup>1</sup>:

*We will not be a party to this crime! Em ê nebin hevparên vî sûcî!*

*As academics and researchers of this country, we will not be a party to this crime!*

*The Turkish state has effectively condemned its citizens in Sur, Silvan, Nusaybin, Cizre, Silopi, and many other towns and neighborhoods in the Kurdish provinces to hunger through its use of curfews that have been ongoing for weeks and by the attacks carried out in these settlements with heavy weapons and equipment that would only be mobilized in wartime, the right to life, liberty, and security, and in particular the prohibition of torture and ill-treatment protected by the constitution and international conventions have been violated.*

*This deliberate and planned massacre is in serious violation of Turkey's own laws, international customary law, mandatory rules of international law and the international treaties to which Turkey is a party.*

*We demand the state immediately to abandon its deliberate massacre and deportation policy imposed on the peoples of the region, particularly the Kurdish people, to lift the curfew, punish those who are responsible for human rights violations, and compensate those citizens who have experienced material and psychological damage and for this purpose, to give independent national and international observers access to the region and allow them to monitor and report on the incidents.*

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<sup>1</sup> *Translators note:* The Turkish version of the declaration and the English version that has been published by Academics for Peace contain minor phrasal differences between each other. As the prosecutor examines the Turkish and English versions separately, it was seen necessary to introduce the text in a version that reflects the Turkish version more precisely. The English version published by Academics for Peace can be found in the following sections.

*We demand the government to prepare the conditions for negotiations and create a road map that would lead to a lasting peace which includes the demands of the Kurdish political will. We demand inclusion of independent observers from broad sections of society in these negotiations and we also declare our willingness to volunteer as observers. We oppose suppression of any kind of the opposition.*

*We, as academics and researchers working on and/or in Turkey, declare that we will not be a party to this **massacre** by remaining silent and **demand an immediate end to the violence perpetrated by the state** and we promise to continue advocacy with political parties, the parliament, and international public opinion until our demands are met.*

**As can be clearly understood from the content of the published statement, the so-called peace declaration has the nature of explicit propaganda for the terrorist organization PKK/KCK.**

It is understood that the essential intention of the declaration is **to forge public opinion in favour of an end to the operations that have been initiated by the security forces in the regions, where so-called declarations of “self-governance” were made, with the purpose of cleansing the regions of the terrorists and ensuring peace and prosperity for the residents of the region.** Therefore, our Chief Public Prosecutor’s Office has initiated an investigation numbered 2016/5734 based on the crime “propaganda for a terrorist organization”

While our Chief Public Prosecutor’s Office, in the process of carrying out the investigation numbered 2016/5734, had started to take statements of the suspects that have signed the declaration, it is determined that **the suspects Esra Mungan, Kivanç Ersoy, Muzaffer Kaya, and Meral Camcı have issued a press statement that has the nature of giving the message “We stand behind our declaration” and whose essential intention is to continue to carry out propaganda for the PKK terror organization with the purpose of preventing the other suspects from withdrawing their signatures and of publicly showing that they are still able to challenge the Republic of Turkey.**

In the mentioned press release dated March 10, 2016, it is stated that:

*“As Academics for Peace, we have been the target of a campaign of false accusations and intimidation since the 11th of January 2016, when we made public our declaration titled “We*

*will not be party to this crime.” The vilification which we faced, verging on death threats against some signatories, was intended, first and foremost, to get us expelled from institutions of higher education, so that our voices could no longer be heard. However our colleagues who embraced our demands for peace and democracy have entered into solidarity with us and gave us support. One of the most tangible expressions of this support was that the number of signatories, which was 1128 on the 11th of January, rose to 2212 within a week thereafter. **Especially in these days when the Istanbul Public Prosecutor’s Office is initiating legal action against us in order to step up the pressure**, it is heartening to see that, as signatories, we are firmly united around our demand for peace.*

*Since the 11th of January, as a consequence of the acquiescence of many university administrations in the instructions of the Higher Educational Council, disciplinary actions without any legal basis have been taken against many of the signatories. Many signatories have been arbitrarily fired from their jobs, their offices and homes searched, and some detained by the police. Since the 11th of January, [as of 10 March] at least 9 dismissals, 5 resignations, 464 disciplinary investigations, 27 suspensions, 153 criminal investigations and 33 detentions have been recorded at public universities [of which there are 109]. At private universities [of which there are 84], at least 21 faculty members have been sacked, 1 was forced to retire and 43 face disciplinary investigation.*

*However, the issue which really sears our hearts today, and which should be resolved with the utmost urgency, is the establishment of the conditions for peace in the country. **Since the past two months, the state of war in the Kurdish areas has raged with all its might, and only ruins remain of the cities and towns where the state claims to have conducted “cleansing” operations. Ruins where all living beings as well as history have been destroyed and where only human bones and unrecognizably charred bodies are being recovered.***

*Since the beginning of this week [starting the 7th of March], the Istanbul Public Prosecutor’s Office has started the process of legal investigations, even though they have not yet decided what charges will be levelled against us [the signatories]. However, we, as the Academics or Peace, would like to affirm that we will not step back, in spite of all the threats against our lives or our careers. We will act in accordance with the responsibility which befalls us as academics and researchers of this country. We will continue to strive with all our might, both for academic freedoms and for the institution of a lasting peace.*

*We therefore declare that we will accompany and establish solidarity with all our colleagues who face legal action and we will closely follow all such cases in the courts. Starting from next week, we will keep academic vigil at Sur and the other towns which have undergone destruction. We will stage teach-ins in front of universities which have laid off signatories of the Academics for Peace statement.*

*We know that the pressure brought to bear on academics asking for peace is part and parcel of the attempt at purging the universities of any dissident opinion. We are determined to wage a legal battle against this intended purge, to protect our academic domain for intellectual output, and to continue to loudly voice our demand for peace.”*

**The summary of the legal statement of the suspect given at the date of XXX:**

*The suspect has stated: “I hereby deny all of the accusations. I will not answer each of the individual questions. Instead, I am going to give a single answer covering all the questions”. Then the suspect has been asked if s/he sees PKK/KCK as a terrorist organization.*

*The suspect has been reminded that the declaration s/he has signed contains the expression “We demand the state to abandon its deliberate massacre and deportation imposed on the peoples of the region, particularly the Kurdish people”, then s/he has been asked “what the actual intention and meaning of this expression is and who in her/his idea had committed the massacre” and “if s/he thinks that the Republic of Turkey has committed a massacre?”,*

*The suspect has been reminded that the declaration that s/he has signed contains the expression “we demand (the state) to compensate those citizens who have experienced material and psychological damage” and “for this purpose we demand the state to give independent national and international observers access to the region and allow them to monitor and report on the incidents” and s/he has been asked “in the name of who s/he has demanded the mentioned observers and compensations”,*

*The suspect has been reminded that the declaration that s/he has signed contains the expression “...has effectively condemned its citizens... to hunger... and by the attacks carried out in these settlements with heavy weapons and equipment that would only be mobilized in wartime, the right to life, liberty, and security, and in particular the prohibition of torture and ill-treatment protected by the constitution and international*

*conventions have been violated” and s/he has been asked “who actually violates and hinders the use of these rights”.*

The suspect has declared "I have signed the mentioned declaration dated January 11, 2016 for the purpose of the establishment of the right to peaceful co-existence. The mentioned declaration falls under the scope of freedom of thought and expression and it does not constitute a crime. The other questions that are directed at me are explicitly contrary to the provision mentioned in the Article 25/2 of the Constitution assuring that no one can be compelled to reveal her/his opinions and thoughts. I hereby deny the alleged accusation”.

**In order to understand the real intention behind the declarations that aim to make propaganda for the terrorist organisation, it is necessary to evaluate the period preceding the time that the declarations were publicized and the period in which the declarations were published:**

In Turkey, as a result of the conflicts that have commenced in the 1980’s and that have endured for more than 30 years, approximately between 40,000 and 100,000 lives were lost and an incontrovertible amount of economic loss has occurred. The legal regulation that aims to solve the long lasting Eastern and South-Eastern problem was submitted to the approval of the President of the Republic by the Grand National Assembly of Turkey on July 11, 2014 and after approval by Abdullah Gül, President of the Republic on July 15, it was published in the Official Gazette under the name of “Law on Ending Terror and Strengthening Social Integration”. The law specified the specific works to be carried out by the government of the Republic of Turkey as part of this solution process.

In order to explain the solution process to the public, commissions composed of writers, academics and artists that would actively work on the seven regions of the country and carry out regional meetings were constituted and these commissions were introduced to the public on April, 4th.

While this process was pursued by the government of the Republic of Turkey despite all kinds of obstructions and difficulties like the attempt on February the 7<sup>th</sup>, on the 22th of July 2015, two police officers were martyred by being shot in the neck by the PKK in their homes in Ceylanpınar, Şanlıurfa as a so-called retaliation against the suicide bomb attack organized by the terrorist organization ISIS in Suruç, Şanlıurfa on the date of July 20, 2015.

After this assault, the terrorist organization PKK started to dig trenches, build barricades and set up bombed traps at the entrances of districts and on streets in order to hinder the security forces from entering these districts and to position themselves at an advantage in the conflict against these security forces.

In this context, the first incident occurred on August 7, 2015 as the security forces that had arrived at the Başak and Barbaros districts of Silopi, Şırnak in order to fill up the mentioned trenches were attacked by the terrorist members of the organisation using rocket launchers and long-barrelled weapons.

On August 10, 2015, the so-called “**self-governance**” was declared in the province of Şırnak by the so-called Popular Assembly of Şırnak of the terrorist organization PKK/KCK. Following this, on the 12th of August, 2015, following the statement by the terrorist organization PKK/KCK, so-called “**self-governances**” were declared in Silopi, Cizre and Nusaybin.

**On December 22, 2015, Bese Hozat**, the Co-Chairperson of the Executive Council of the terrorist organization PKK/KCK made a statement via media under the control of the organisation, saying “**The literate and democratic circles should support the self-governances**” which actually bears the nature of a directive addressed to the suspects.

At the extraordinary congress held by **The Democratic Society Congress (DTK)** on **December 27, 2015**, the so-called **declaration of self-governance consisting of 14 articles** was published.

Following this declaration, it is seen that same so-called “self-governances” were declared in Yüksekova District of Hakkari Province, Varto and Bulanık districts of Muş Province, Edremit and İpekyolu Districts of Van Province, Sur, Silvan and Lice Districts of Diyarbakır Province, Doğubeyazıt District of Ağrı Province, Hizan District of Bitlis Province, the Province of Batman, the Districts of Gülsüyu and Gazi of İstanbul Province and that in order to hinder the security forces to enter these so-called self-governed regions, trenches were dug, barricades built and bombed traps set up by members of the terrorist organization.

In the following period, upon the directives of the Official Governors, curfews were declared from time to time in the regions of the so-called self-governance and operations were commenced by the security forces in order to cleanse these regions of terrorists.

At the current stage, it appears that the operations have been finished in the İdil District of Şırnak Province and Sur District of Diyarbakır Province.

Regarding the mentioned operations, the press release by the Turkish Armed Forces on its official website, [www.tsk.tr](http://www.tsk.tr), dated March 9, 2016 and numbered BA-66/16, reports that:

*“On February 16, 2016, relying on the directive issued by the Prime Ministry dated December 13, 2015, and upon the reinforcement demand of the Governorate of Şırnak pursuant to the Article 11/d of the Law for Provincial Administration numbered 5442, an operation together with the forces of the General Directorate of Security was commenced in order to end the activities of the separatist terrorist organization and to re-establish public security, order and peace,*

*As a result of the operation finished on March 08, 2016, 113 members of the separatist terrorist organization were neutralized, 192 barricades were dismantled and removed, 71 trenches were filled up, 428 improvised explosives were destroyed, and 249 weapons were seized together with 4,731 pieces of ammunition belonging to these weapons, 16 walkie-talkies and 451 kg of materials to be used in the production of improvised explosives,*

*Detailed security searches, the dismantling and filling up of existing barricades and trenches, the defusing of improvised explosives in the region continue to be carried out, and as of today ((March 09, 2016) 7 more members of the separatist terrorist organization have been neutralized as a result of the security search activities and the total number of terrorists that have been neutralized has risen up to 120”.*

And in the press release dated March 10, 2016 and numbered BA-67/16, it was reported that;

*“The joint operation that was commenced in order to end the activities of the separatist terrorist organization and to re-establish public security, order and peace on December 18, 2015 together with the forces of General Directorate of Security, upon the reinforcement demand of the Governorate of Diyarbakır on December 17, 2015 pursuant to the Article 11/d of the Law for Provincial Administration numbered 5442 has been finished on the date of March 09, 2016,*

*As a result of this operation, 279 members of the separatist terrorist organization were neutralized, 206 barricades were dismantled and removed, 7 trenches were filled up, 365*

*improvised explosives were destroyed, and 504 weapons were seized together with 48,048 pieces of ammunition belonging to these weapons, 10 walkie-talkies and 3470 kg of materials to be used in the production of improvised explosives,*

*Detailed security search, the dismantling and filling up of the existing barricades and trenches, the defusing of improvised explosives in the region continue to be carried out”.*

*During the period in which the operations were being carried out by the security forces in order to cleanse those regions in which the terrorist organization PKK/KCK had declared so-called “self-governance” from terrorists and to ensure the peace and prosperity of the local communities;*

**On December 22, 2015, Bese Hozat, the Co-Chairperson of the Executive Council of the terrorist organization PKK/KCK made a statement via media under the control of the organisation, saying “The literate and democratic circles should support the self-governances”,**

At the extraordinary congress held by **The Democratic Society Congress (DTK) on December 27, 2015, the so-called declaration of self-governance consisting of 14 articles** was published, and immediately after this, on January 11, 2016, the declarations that are subjected to our investigation were publicized.

### **GENERAL EVALUATION REGARDING THE DECLARATIONS PUBLICIZED ON JANUARY 11, 2016 AND MARCH 10, 2016:**

The initiative called Academics for Peace has been organizing, since 2012, activities aimed at the solution of the problem in eastern and southeastern Turkey on the so-called principles of “peace and democracy”. Simultaneous to the calls of the leaders of the PKK/KCK on their militants, since the end of 2015, to resist the so-called “violent massacre and genocide” committed by the state in the settlements located in the eastern and southeastern provinces of Turkey, to stir up revolts and declare self-governances, the Academics for Peace initiative mobilized and submitted the petition “We Will Not Be a Party to This Crime” with the support of domestic and foreign academics. By organizing defamation campaigns against the Republic of Turkey, its government, judiciary, army and security forces using press and media, they have carried out propaganda for the armed terrorist organization PKK/KCK in a way that justifies or promotes its methods including force, violence and threats.

When examined from a historical perspective and within a cyclical approach, the text of the declaration, both in respect of its preparation period and timing and of its content, appears as a theoretical component of the acts of violence committed by the terrorist organization PKK/KCK in the settlements located in eastern and southeastern Turkey. It is clear that the plan for the settlements in eastern and southeastern Turkey depicted in the declaration is completely delusional and without any solid foundation and that the declaration has initiated a campaign of incrimination and been used as a tool for propaganda. The fact that the declaration was publicized in the period when the PKK started its bloody assaults on security forces and civilians bears a particular importance within the context of the incident.

Following the propaganda for said terror organization by means of the publicized declaration signed by persons with academic titles, whose opinions are highly regarded in society due to the scientific studies they carry out, the state officials unavoidably became concerned and uneasy about the intensification of terrorist activities in the country. By influencing its audiences on domestic and international platforms through several media organs, the declaration was intended to and used to manipulate the instances occurring in eastern and southeastern Turkey, to spread false, baseless and malicious news through disinformation and information pollution, **to target the Republic of Turkey, its government, its army and security forces by depicting the state not as a sovereign entity but rather as an “illegitimate, destructive power” through counter-propaganda, and to legitimize the methods of force, violence and threat of the armed terrorist organization PKK/KCK and consequently, to carry out propaganda in favour of actions that adopt these methods.**

Further, the propaganda carried out through the mentioned declaration aims to throw the country into turbulence and to obtain the control over the thoughts of people considered as respondents and interlocutors in the field by affecting them, prompting them to take an active stance and demoralizing the public in general.

The mentioned academics have intentionally published manipulated and distorted information via several media organs by misrepresenting the measures taken by the government, army and the security forces aimed at safeguarding the territorial integrity of the country and preventing crime by blaming Turkey for “... *practically condemning people to hunger and thirst under the name of curfew*”, “...*attacking these settlements with heavy weapons and equipment that would only be mobilized in wartime*”, “... *violating*

*particularly the right to life, liberty, and security, and in particular the prohibition of torture and ill-treatment that have been protected by the constitution and international conventions that Turkey has undersigned”, “... this deliberate and planned massacre is in serious violation of Turkey’s own laws and international treaties to which Turkey is a party, the international customary law and the binding norms of international law”. They went further and carried out a propaganda campaign against the Republic of Turkey and in favour of the armed terrorist organisation PKK/KCK by asking “...the state to abandon its deliberate massacre and deportation of Kurdish and other peoples in the region. We also demand the state to lift the curfew, punish those who are responsible for human rights violations, and compensate those citizens who have experienced material and psychological damage. For this purpose we demand that independent national and international observers to be given access to the region and that they be allowed to monitor and report on the incidents”, “...the government to prepare the conditions for negotiations and create a road map that would lead to a lasting peace which includes the demands of the Kurdish political movement”, “...the state to immediately end to the violence it perpetrates against its citizens”. It is important to note here that sustaining a democratic society requires securing the territorial integrity and public safety of the Republic of Turkey, maintaining the people’s sense of integrity and togetherness, establishing the public order and security and preventing such kinds of crimes.*

*Even though the academics that signed the declaration in question, playing a special role as bearing the title of scientists, had the right to express their reactions within the borders defined by the law and in a manner that respects the dignity, honour, prestige and rights of the Republic of Turkey, they instead made propaganda for the terrorist organisation by preparing a declaration that contains dishonouring expressions and that manipulates and distorts the factual truths and they have therefore committed a crime.*

Upon reading the declaration, people will be unaware of the methods of force, violence and threat that the PKK has employed in the region for years. *Especially foreign people who are ignorant or indifferent to the realities of the region or who carry out activities against Turkey despite their knowledge of the issue, perceive the incident as “an assault and massacre carried out by the state against innocent and oppressed people of the region” and spread this interpretation through chains of dissemination. When the text is attentively examined, it is obvious that the academics that signed the mentioned declaration have deliberately resorted*

to this method and exceeded the borders of criticism, that they have meticulously chosen the terms and concepts used and that they have sought to legitimise the armed terrorist organisation PKK/KCK through the messages they aimed to convey.

It is also seen that those academics that signed the declaration without reading it thoroughly and understood that the content of the text exceeds the limits of criticism have stated that “They have subsequently understood that the declaration adopts an attitude that is partial and far from serving the aim of attaining peace”.

**The academics that prepared the declaration have deliberately changed some of the expressions and concepts in the foreign language versions of the text. Through professional touches in the texts they submitted to the foreigners, they have taken pains to carry out propaganda for the PKK/KCK in a way that legitimizes its methods of force, violence and threat or that promotes the adoption of these methods.**

The texts of the declaration shall therefore be examined.

**The English version of the declaration goes as follows:**

As academics and researchers of this country, we will not be a party to this crime!

The Turkish state has effectively condemned its citizens in Sur, Silvan, Nusaybin, Cizre, Silopi, and **many other towns and neighborhoods in the Kurdish provinces** to hunger through its use of curfews that have been ongoing for weeks. It has attacked these settlements with heavy weapons and equipment that would only be mobilized in wartime. As a result, the right to life, liberty, and security, and in particular the prohibition of torture and ill-treatment protected by the constitution and international conventions have been violated.

This deliberate and planned massacre is in serious violation of Turkey’s own laws and international treaties to which Turkey is a party. These actions are in serious violation of international law.

We demand the state to abandon its deliberate massacre and deportation of Kurdish and other peoples in the region. We also demand the state to lift the curfew, punish those who are responsible for human rights violations, and compensate those citizens who have experienced material and psychological damage. For this purpose we demand that independent national

and international observers to be given access to the region and that they be allowed to monitor and report on the incidents.

We demand the government to prepare the conditions for negotiations and create a road map that would lead to a lasting peace which includes the demands of *the Kurdish political movement*. We demand inclusion of independent observers from broad sections of society in these negotiations. We also declare our willingness to volunteer as observers. We oppose suppression of any kind of the opposition.

We, as academics and researchers working on and/or in Turkey, declare that we will not be a party to this massacre by remaining silent and demand an immediate end to the violence perpetrated by the state. We will continue advocacy with political parties, the parliament, and international public opinion until our demands are met.<sup>2</sup>

*When the English version of the text is examined, it is seen that a discriminatory and separatist discourse has been employed by referring to the phrase “the provinces of Kurdistan”<sup>3</sup>, a term that PKK/KCK uses to signify the eastern and southeastern provinces of Turkey. Similarly, the phrase “Kurdish political will” in the Turkish version has been replaced with the phrase “Kurdish political movement”. The declaration that is the product of a scenario that aims to create a perception within the international public that there exists a political and geographical region called “Kurdistan” in Turkey and that the PKK, the organiser of acts of terror in eastern and southeastern Turkey, is the representative of the “Kurdish political movement”, has aimed to make propaganda for the terrorist organisation that works towards the disintegration of the territorial integrity of the Republic of Turkey and to gain domestic and international support in favour of the organisation.*

It should not be forgotten that the PKK, especially after the arrest of Abdullah Öcalan, the leader of the organisation, has spent much effort in the international arena to be accepted and addressed as the “legitimate will and the political representative of Kurdish people”. At that very point, it must be stressed that the Academics for Peace initiative has the manner of an organisation that, under a legal cloak, aims to execute the decisions taken by the PKK.

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<sup>2</sup> *Translators note:* The original text is followed by a Turkish translation of the declaration.

<sup>3</sup> *Translators note:* Here it is important to note that the English version of the declaration that was publicized by the Academics for Peace initiative does not include the phrase “Kurdistan”. But while translating the English version to Turkish, the prosecutor has taken the phrase “Kurdish provinces” in the English version as the “provinces of Kurdistan” and used this inexact translation as an evidence.

Again, it must be stressed that the PKK, in accordance with its “Serhildan” theory, recently started planning activities with an aim to deeply influence its audience by voicing its “democratic rights demands” in a way that is seemingly in conformity with the laws but contrary to their essence in its substance; and it must be stressed that the declaration publicized by Academics for Peace initiative must be evaluated within this context.

It is probably beyond doubt that the academics that legitimize the destructive activities of the terrorist organisation that seeks to establish a new political authority by abolishing the political will of the Republic of Turkey in the mentioned region, using heavy machine-guns, mortars, rocket launches, anti-aircraft guns, demolition bombs enhanced by chemical and physical components, trying to prevent the security forces from entering and controlling the self-governance regions by digging up trenches and setting up traps, harming state officials and civilians by entering into conflict on the streets and accusing the state/government which aims to establish order in the region by reference to its sovereignty, to carry out a deliberate and planned “massacre”, ***are aware of*** the meanings and equivalents of these concepts and expressions in the domestic and international law and of ***what it means to invite international “independent observers”*** to a sovereign state in order to solve its domestic problems. Besides, while making propaganda for the legitimisation of the terrorist organisation, the mentioned academics have not hesitated to sign an accusation that targets the Republic of Turkey, its Government, judiciary, army and security forces.

***It should not be glossed over that this community of academics, which, in order to draw a veil over the assaults carried out against the Turkish army and security forces, accuses the Republic of Turkey, its government, army and security forces for committing a massacre, more openly, for “massively exterminating/slaying” the people of the region, has taken on the duty to become the seeming legal protector of the PKK/KCK that aims to neutralize and wipe out the governmental institutions in the region.***

Including under-developed countries, no state or government in the world fighting terrorist organisations shall deem the statements of persons that accuse it of committing a “massacre”, that degrade it or make propaganda in a way that legitimates or promotes the methods of force, violence and threat of terrorist organisations that aim to abolish its existence, within the borders of freedom of thought or the right to critique. ***For example, an academic would not be able to accuse the United States of America or any member state of the European Union of carrying out a massacre against Al-Qaida and ISIS, whom they have actively been fighting.***

The legal systems of the respective countries would never let this happen. The ones who act contrary to this would become subject to sanctions on the grounds of committing a crime against her/his country and even for betrayal. The direct involvement of the domestic signatory academics has laid the ground for foreign academics in to participate by a declaration that contains propaganda for an organisation that aims to annihilate the state and the government of Republic of Turkey without considering the risks. Through the act of making propaganda for the mentioned text in international platforms, the domestic academics that prepared and signed the declaration have committed a crime against the Republic Turkey to which they are affiliated.

The foreign academics that have signed the text or supported the signatories have supported their so-called Turkish colleagues through propaganda campaigns organized abroad (by writing articles and letters, giving lectures and holding press conferences etc.). And this is an indicator of the fact that, an organized and extensive action against the Republic of Turkey and its Government has been organized with multifaceted and intricate international connections.

Additionally, some academics that hold positions in the universities of Istanbul have argued that “the prosecutor’s office has started an investigation before specifying the crime” and have therefore directly served the ends of the organisation by initiating a campaign of abuse that seeks to render the judiciary a target of domestic and international public opinion.

Chris Stephenson, a lecturer at Bilgi University, in solidarity with his so-called colleagues under custody, arrived at the Court House of Istanbul carrying material in his bag deliberately to be used for propaganda for the terrorist organisation and wanted to support the defamation campaign in the international community against Turkey.

The defamation propaganda and campaign against Turkey was furthered by several foreign organisations which cancelled events they had planned to hold in Turkey in referenced to “the pressure imposed on academics and the violations of their rights”, but essentially to render Turkey a target of international public opinion. It is impossible to assume that these kinds of activities that seek to magnify the propaganda by depicting Republic of Turkey and its Government as unrighteous even though it is hundred percent right, have arisen on their own accord and independently of each other.

As the legal process regarding some of the academics that signed the declaration began, their colleagues and fellow signatories prepared a second declaration to consolidate their propaganda campaign. The signatories of the second declaration sought to cast a shadow on the investigations and targeted the higher education institutions, security and judiciary organs. With expressions like “human bones and burned out human bodies have been found in the provinces and historical artefacts have been damaged”, they went further and tried to make the Republic of Turkey and its Government pay for activities that are actually carried out by the PKK.

In order to shape public opinion, the relevant academics held various press conferences, carried out so-called watch duties, organised demonstrations and, in order to present the detained academics as victims, they tried to carry out protests on the themes of “freedom of thought and expression” and “the right to criticize” by way of all kinds of written and oral means of communication, using in particular the media, and used all this as a cloak for the committed crime.

Those academics subject to administrative actions in their universities and those that have been dismissed from their posts have given lectures under the name “Solidarity Academies” and have thereby provoked the public and the students of the universities they were affiliated to against the Republic of Turkey and its Government.

Looking at the methods and expressions employed, it is our understanding that the academics that signed the declaration prepared the ground for partitions by creating a sense of mistrust towards the state and the government within the national and international public and by creating social separations, and consequently that they planned to destroy public order, weaken the state and to reach their goal by stressing that “a chaotic environment reigns the country’s East and South-East, and the judiciary is acting under the influence of the politicians”.

Undoubtedly, it is a democratic right to sign a document that contains no criminal elements. But the academics that expressed their desire to implement an environment of peace and democracy in the country signed a declaration that contains criminal elements in that it legitimizes a terrorist organisation that seeks to bring about a civil war by digging trenches, attacking security forces and using civilians as human shields, and that, in the subsequent environment of chaos, seeks to lift the state’s sovereignty in the region. They signed a

declaration that further accuses the state forces that attempt to assure the unity, integrity, peace and order of the country of “carrying out massacre”.

It cannot be within the limits of the freedom of thought to attribute a concrete act or stance to a person or institution that would compromise its honour, dignity, esteem or prestige or to make claims regarding that person or institution that are contrary to the facts. Even in the most libertarian states, expressions of insult are not protected and propaganda for terrorist organisations is not tolerated.

In Spain, a country that has fought the armed terrorist organisation ETA for many years, it is forbidden to vindicate those that partook in acts of terror by any means, including mass communication, to make statements that would humiliate the victims of these crimes and to use expressions that glorify the terrorist organisation. Persons who commit these crimes are punished in accordance with the penal code. Even though ETA has declared to lay down arms, some people were detained during a commemoration ceremony in 2015 on the grounds that they glorified and made propaganda for the terrorist organisation.

Likewise, in the United Kingdom, following many years of struggle against the terrorist organisation IRA and more recent attacks by international terrorist organisations, statements that are perceived as terror propaganda by its audience and that would encourage this audience to commit terrorist actions are punishable according to the anti-terror law.

In the United States of America, which was targeted by international terrorist organisations in recent years, the Supreme Court, with a view to the interests of the country, has prohibited terrorist organisations to give statements aimed at manipulating and distorting truths and threatening the country. Besides, in USA, not only those that make propaganda for terrorist organisations, but also those assumed to be connected to these organisations face heavy sanctions, get deported or banned from entering the country.

The ECHR also accepts that statements can be limited which incite people to hatred and hostility based on discrimination by reference to religion, language and ethnicity on the grounds of national security, public order territorial integrity, recognizing that, “even though they generally regard a specific region, actions that can harm the territorial integrity and the national security of a country do concern the existence of the entire state and the country”.

In addition, a state's preventative measures must be taken in a reasonable way considering that the ECHR has stated that "in evaluating the incidents, the margin of appreciation of a state which sees the country's integrity under threat is greater than the margin of one faced with effects of a more singular dimension".

Similarly, the ECHR has decided that "critical evaluations can be asserted insofar as they establish the truth" and found statements wrong that sought to depict the state and its institutions negatively through untruthful and groundless claims.

Moreover, the ECHR "accepts that all kinds of ungrounded, malicious and defamatory statements can be arranged/corrected by the norms of criminal law. Given that the ECHR, for instance, rejected accusations regarding Nazism that indirectly bring to mind a massacre, it should not be compatible with the law to legitimize the methods of force, violence and threat of the PKK/KCK or to make propaganda in a way that encourages the employment of these methods by accusing the state, the government, the judiciary, the army and the security forces of committing a massacre.

## **CONCLUSION**

In conclusion, by analysing the text of the declaration and the actions simultaneously carried out, it is considered evident that the texts of declaration in question cannot be deemed within the limits of freedom of expression and the right to critique; that the text is essentially not different from declarations published by the PKK; that the text does not defend human rights but instead defends and makes propaganda for the PKK which violates human rights; that the heading of the text and concepts and phrases like massacre, torture and deportation have been consciously selected and used/stressed in the text and that the academics are aware of the associations they make through these meanings; that the methods and statements that seek to legitimize the methods of force, violence and threat of the terrorist organisation PKK/KCK, which is the perpetrator and the cause of the incidents in the region, have been promoted; that the text aims to prevent the Republic of Turkey from taking measures against acts of terror; that it contains messages aiming to incite chaos in the country and adopts related objectives; that the state is humiliated and accused of pursuing measures aimed at preventing humanitarian needs from being catered for in the region; that it has sought prevent the government, the army and the security forces from carrying out their duties; that it has sought to make foreign states intervene in the domestic affairs of Turkey by attracting their attention;

that, in the style and jargon of the PKK/KCK, totally ungrounded defamations like “the state has carried out a massacre and implemented a deliberate policy of deportation in the region, targeting particularly the Kurdish people” have been made; that, with this emphasis, ethnic discrimination and separatism has been committed; that the legitimacy and the raison d’être of the Republic of Turkey is sought to be abolished by asking it to negotiate with the terrorist organisation; that counter-perception campaigns have been pursued by asserting that the state is committing violence against the PKK, which is the actual source of the violence in the region; that, judging by the process of its announcement, the timing, the way of its publication, its proclamations and by the remarks of the academics and their statements before the prosecutor’s office, the declaration is part of an organised action guided by the PKK-KCK; that expressions aimed at exerting social pressure, fear, intimidation and suppression were used in the declaration; that the declaration has the tone of a threat at domestic and international levels; that the second declaration publicized in response to the investigations has the same character as the first one; that instead of finding a solution, it was sought to aggravate the problem through academic watches and street lectures; that the public and the youth of the universities were sought to be included as participants in the crimes committed; that the academics, assuming a special responsibility in the time of conflict and tension, have supported the provocation of violence and the dissemination of hatred; and that they have sought to destroy the unity, togetherness and integrity of the people. Therefore, it is understood that the academics that signed the declaration have carried out propaganda in a way that legitimizes the coercive, violent and threatening actions of the terrorist organisation PKK/KCK or encourages the employment of these methods by presenting the Republic of Turkey as the responsible body and perpetrator of the incidents that have occurred, through the actions it has taken for assuring its security, territorial integrity, public safety and order against the incidents of violence that have been carried out under the responsibility and the perpetration of the terrorist organisation PKK/KCK,.

It is hereby claimed and demanded that the suspect be judged by the office of your respective court and be punished in accordance with the applicable articles that have been stated above and that fall under the scope of the suspect’s actions.

Public Prosecutor’s Office