

TURKISH UNDERGRADUATE STUDENTS ON TRIAL

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ABSTRACT

Last year in Turkey, 32 undergraduate students from the Boğaziçi University faced prosecution for taking part in an antiwar demonstration on the campus of their university. Among them, there were two mathematics undergraduates. This attracted my attention to the case, and I attended, as an independent international observer, the second court hearing of their trial. In this paper, I describe in detail the procedure and the outcome of this court hearing.

1. *Trial on 3rd October 2018*

On 3rd October 2018, I attended, as an independent international observer, the second hearing of the court case against students, including two mathematics undergraduates, from the Boğaziçi University[†]. This trial took place in the Istanbul Palace of Justice, Istanbul, Turkey. In this report I describe in detail the procedure of the hearing I attended.

Everything written in this document is either based on the conversations I had with the students, with my translator or with friends and families of the students. Mainly I had discussions with one particular defendant, who was one of those who went to prison for over 2 months before the first hearing. I shall not give the name of this student (or any other student), instead I will simply call him Student X.

Firstly, I have listed below important facts about the hearing on 3rd October and developments of the case before this hearing:

- The hearing I attended was held on 3rd October, 10:30 a.m. at the Palace of Justice, Court No. 32.
- The case concerned 32 students.

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[†]Boğaziçi University is the leading, and one of the oldest, universities in Turkey. According to Wikipedia, Boğaziçi University was the only Turkish university among first 100 universities worldwide according to the Times Higher Education World University Rankings of 2013–2014.

- The hearing on 3rd October was around 3 hours and 30 minutes long.
- I had a translator who translated what was said to English for me.
- All 32 students were accused of terrorism propaganda, some had more specific accusations against them.
- The trial on 3rd October was the second hearing of the case. The first hearing was held on 6th June 2018 and it was around 11 hours long. In the first hearing some defendants already gave their defence. All these defendants were asked in the second hearing whether they had anything to add. The students who did not give their defence in the first hearing gave it in the second hearing.
- Before the first hearing, 6th of June, several students involved in the case were in prison for more than 2 months. At least 2 students were beaten during the arrest.
- Before the trial on 3rd October all but 1 of these 32 students were banned from leaving the country. Also, the police still held passports of several students. As an outcome of this second hearing the ban was lifted and everyone got their passports back.
- All students in this case were 19–26 years old, most of them were 21 or 22 years old.

2. *Brief explanation on the background of this case*

On 19th March 2018 a group of people were celebrating the victory of Turkey in the attack of the city of Afrin[†]. This group gathered to celebrate, with some boards and posters, on campus of Bogaziçi University. As a result of this celebration, some students, including Student X[‡], decided to go outside and express their opposition to this kind of ideology. Student X described this group of students as antiwar students who wanted peace and who did not accept people celebrating war (especially in the university area). The group of antiwar students took some boards outside as well and made some posters with slogans

[†]In January 2018, the Turkish military launched a military operation, in the SDF-controlled Afrin District and the Tell Rifaat Subdistrict. The offensive was against the Kurdish-led Democratic Union Party in Syria (PYD) its armed wing People's Protection Units (YPG), and Syrian Democratic Forces (SDF) positions surrounding the Syrian city of Afrin. Turkey has also said that it was fighting ISIL, though the group does not exist in Afrin. On 18 March, the Turkish-backed forces had taken full control of the centre of Afrin city. (Reference: Wikipedia, accessed 23 January 2019.) These events were widely reported in the international media, see, for example, an article in Independent, 7 February 2019; the file accessed 24 January 2019.

[‡]I know about events preceding the court hearing on 3rd October from words of Student X and some other students.

such as “İşlâğın ve Katliamin Lokumu Olmar” which freely translates to “You shall not serve delight of murder and conquest”. Many of these antiwar students were not holding any posters, also many students were there by chance; they simply passed by to see what was happening, or saw their friends outside and joined them. There was no violence of any kind between these two groups of people, though there was some yelling stating the difference of opinion between these two groups.

In words of Student X, during this occasion the group of celebrators took some pictures and videos of the antiwar students. These pictures played the role of evidence in the court case. Some of the pictures were of students who were simply passing by, that is, they came to see what was happening, stayed for a short time (one student told me that he was there for approximately 10 minutes just to see what was happening), and then left. Student X estimated that the whole event was lasting for around 90 minutes – soon after all of this had happened some academics from the university came outside and told that both parties must leave the site. Few day later, the President of Turkey made a statement in which he called these antiwar students terrorists and communists.

3. Between 19th March and 3rd October 2018

After 19th March, many of the students were arrested by the police. Some of them were sent to prison where they were held for more than 2 months, and then sent directly to the first trial on 6th June. Student X told me that the prison room he was in contained 7 small cells (that is, was meant for 7 people), however, there were 40 in the same room he was in. He said that in one room he saw up to 43 prisoners. This already illustrates how bad the conditions were in the prison, in particular Student X mentioned that the air in the cell was terrible since most of the (already too many) prisoners were smoking.

At least 2 of the students were beaten during the arrest. Also, at least 2 students were forced to undress completely during the arrest.

While arresting students police searched their houses and as a result electronic devices such as mobile phones and computers of students were confiscated.

After the first trial, on 6th June 2018, all of the students were released from the prison. However, all but one of them were banned from leaving the country. In particular, the police kept passports of several students. Also, the electronic devices which was confiscated was never returned,

which of course made it difficult for students to continue their studies successfully.

4. *3rd October 2018*

I arrived at the Istanbul Palace of Justice around 9.30 in the morning. It is a huge building where all kinds of trials take place. The trial I attended was held in the part of the Palace in which heavy crimes are dealt with.

The trial was supposed to start at 10:30 a.m. When I arrived many of the students were already gathering outside, together with their parents and friends. I spoke to some of them and got a feeling that everyone was cautiously optimistic about the forthcoming trial. One of the student told me

“I’m having mixed feelings about this trial. I have not been able to sleep at all lately but I hope I will get permission to go abroad again today”.

One of the friends of Student X described me her feelings about the forthcoming hearing as follows

“This is a very different situation from the last hearing. Last time we hadn’t been seeing our friends (students of the case) before the hearing day since they came straight from the prison. Everyone was very scared and we did not know what to expect. In the end the best possible scenario happened, that is, all the students got out from the prison. This time we get to come here with our friends (students of the case) and it seems their sentence won’t be released today, they will only get the time of the next hearing. Also, we hope that the ban from leaving the country will be lifted. For that reason this time we feel more at ease and the atmosphere is more optimistic than in the last hearing”.

Around 10:30 a.m. defendants and their lawyers moved into the courtroom. The rest of us, families, friends and other people who were waiting outside of the gate leading to the entrance of the courtroom were still not allowed to go through. Student X asked specifically before the trial that I’d be let into the courtroom; it was not a given that there would be space for me since the room was very small. Around 10:45 a.m. the rest of the people who were allowed to enter the courtroom were let in from the gate. At this point one of the lawyers was insisting that in particular I should be let in and after a brief conversation (that was done in Turkish) the guard on the gate let me enter. The trial started around 10:50 a.m.

In the courtroom there were 30 seats for the audience, but there were more people in attendance, approximately 40 people. Most of the people (families, friends) were waiting outside. The procedure of the trial was the following[†]:

- First, the judge stated, one by one, the charges against those students whose case they did not consider in the first hearing and asked those students to come forward to give their statement.
- Then, lawyers of those students gave their statements.
- After that, the judge asked all the students who already gave their statement in the first hearing whether they had anything more to add. This was followed by brief statements from the lawyers of those students.
- Next, the judge asked everyone to leave the room for about 15 minutes while a decision was made.
- Finally, everyone was asked to enter the courtroom again and the judge stated that the ban of leaving the country had been lifted from all the students. He also announced that the next hearing will be on the 19th of March 2019.

In what follows I will describe what happened in the courtroom in more detail. Everything written below is based on what I saw and what was translated to me by my translator during the trial.

The judge first asked a student, let us call him Student A, to step in front of the microphone, and then read the charges. Student A was accused of terrorism propaganda. Student A gave the following statement

“I was in a lecture. On my way to the library I saw that my friends gathered outside and I went there to be with them”.

Then, Student A went back to sit next to other students. Similarly the judge asked every student whose case was not considered in the first hearing to step up one by one to hear the charges against them and to give a statement on that.

All of the students were accused of terrorism propaganda. Some of them were accused of other things as well like “yelling at the other group of people” or “having a violent presence”.

Many of the students stated that they were at the place by chance,

[†]Since all proceedings were in Turkish, my description of them relies synchronous translation that was provided by an interpreter who assisted me during the hearing, and later discussions with some of the defendants and their friends who were present in court.

like Student A. Some of the students had more political and firm statements like

“I do not accept the charges because I do not accept the celebration of murdering people. I did not make any propaganda.”

Most of the lawyers were stating that the main demand was to lift the ban of leaving the country. They supported this demand with statements like

“You have been asking us to give some documents to support this demand like proofs that students would go for Erasmus or for a conference. However, students should have the right to leave the country freely as any of us. There is no reason to restrict this freedom.”

Many of the lawyers also pointed out that students had slogans but this didn't count as terrorism propaganda. For example one of the lawyers asked

“There were slogans which were criticizing the government but how is this related to the terrorism propaganda?”.

Another important thing the lawyers mentioned was that in any case the trial should be taken to its end, the fact that there was always another trial waiting for them in the future was not fair to the students. When one of the lawyers pointed this out the judge asked whether she was demanding that the case should be taken to its end today. Her answer was

“Well, yes I do, but, I do not believe there is any hope for that so the main demand is to lift the ban of leaving the country”.

Only at one point a lawyer and the judge had an argument, making the atmosphere in the room, in my opinion, a bit more tense. This was when the lawyer pointed out that it was wrong for the police to search the students' houses – she argued that any kind of house search would not give any information on whether the slogans the students had were propaganda or not. The judge interrupted the lawyer several times during this conversation stating that home searches were important.

Some of the students, including Student X, stated that in addition to requesting the ban of leaving the country to be lifted, they also wanted all the electronic devices that was taken during the home searches to be returned. They pointed out that it was impossible to continue their studies while they did not have their laptops.

One of the students told the judge that he was beaten during the arrest. The judge answered that he couldn't know whether this was true or not.

One of the students complained that he was arrested by accident since the police mistakenly thought that he was in one of the pictures. Student X explained to me that what happened was the following. Police arrested one student who they thought was in one of the pictures. He complained that it was not him in the picture, but they kept him at the police station for 14 days. He was released then but he still had the same charges as the other students against him.

I now give details about the outcome of the hearing. After the hearing everyone seemed very happy and relieved. In both of the hearings the outcome was very good. However, it is good to remember that the worst part happened in the beginning when many of the students were arrested and imprisoned. Also, it is not clear what the final sentence will be. From the discussions I had, I got an impression that most of the students assume that they might get sentenced to go to prison for less than 18 months which will be suspended. This suspension would mean that during the next 5 years if they ever go under any other trial they will receive a sentence from both, the new case and from this case. To me this suspended sentence looks better than any other kind of prison sentence but it still have quite scary aspects. There might be students who in the future present their opinions publicly as well and for those this suspension will do no good. Also, as in this case, it seems to be possible to end up getting accused of something like this basically by chance.

5. *General comments*

One natural question is whether it makes any difference if people from outside of Turkey go and observe these trials. I hope it does and I did get a feeling that the students I was talking with did think that it does. One of them told me that in his opinion the main reason for the good outcome of the first hearing was a high public pressure which at that point was mainly coming from academics in Turkey. He told me that he strongly believed that just the fact that there were some international people in the audience put some pressure on the judge.

The most devastating thing in my mind would be if this situation were to be “the new normal”. In that case the new normal will be forcing students into situations where it becomes difficult to plan their future or concentrate on their studies since these kinds of trials take at least a year to end. In subjects such as mathematics which requires

a high level concentration, in a situation like this it would be difficult to continue studies. Also, it seems some people may find themselves in danger completely by chance if they happen to pass by a public gathering. Moreover, the treatment some students faced should never happen in any kind of situation let alone have a chance that it will ever be deemed normal.

It is worth mentioning that this is not the only trial of this nature in Turkey. For example, there is another trial, of academics who signed the Peace Petition. I know a Turkish professor who was unable to apply for a visa for travel to a conference in England as an invited speaker. This happened because many of the academics who signed the Peace Petition are summoned to courts charged with “propaganda of terrorism” (and more summons are expected).

Disclaimer

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About the author

Ulla Karhumäki is a PhD student in mathematical logic at the University of Manchester. Her research interests are in the branch of mathematical logic called model theory.