Şahin Alpay till sitt försvar 18 september 2017

Your Honour, Honourable members of the panel, and Mr. Prosecutor,

In order to introduce myself to you, I would like to briefly talk about my background. I was born in Istanbul on 18 April 1944 to an Ayvalık family who came to Turkey under the population exchange of 1923. (My birth registration is in Ayvalık). My father, Ahmet Alpay, is from Serez, which is today located in Greece, and my mother, Sabiha Alpay, is from Lesbos. Neither of them are with us today.

Since 1965, in other words for the past 52 years, I have been married to Fatma Nur Alpay, the love of my youth who was born in Ayvalık. We have a daughter named Elvan (born 1968) and a son named Acar (born 1978). We have two grandchildren, one from each of our children (Defne, born 1997 and Leyla, born 2014).

My educational background

I completed my elementary school education at *Nilüfer Hatun* Primary School (1950-55) in Nişantaşı, İstanbul; and my secondary school education at the British High School for Boys (1955-1960), again, located in Niştanaşı. I went to high school at Robert College high school in Bebek. During this time, I attended Webb School, an elite private high-school in California, US during my sophomore year as an AFS exchange student. I also acquired a US high-school diploma at the end of this program.

I graduated from Robert College *summa cum laude* after which I earned a Fulbright scholarship to Columbia University in New York, one of the most prestigious schools in the US. However, I did not take advantage of this scholarship and continued my undergraduate education at Ankara University's department of political science (SBF), thinking that it would be more proper to finish university in Turkey. I graduated from the department (also known as *Mülkiye* in Turkish) -- which I had entered in 1963 -- with a good GPA in 1967.

My career background

I wear two hats as an academic -- a political scientist and a columnist.

Between 1968 and 1971, I functioned as an assistant to late Professor Bülent Nuri Esen at the Constitutional Law and Human Rights Chair at Ankara University's education department. During this time, I completed my graduate degree at SBF and qualified for a doctoral degree.

All through my life, I was victimized by military interventions. I had to seek asylum in Sweden after the 12 March 1971 military coup d'état. I worked as a research assistant at the political science department of Stockholm University between 1972 and 1981 and completed a doctoral degree on a state-sponsored scholarship.

The 12 September 1980 military coup had occurred by the time I returned home and for this reason, I couldn't find an opportunity to pursue my academic career further.

Between 1982 and 1992 I worked as an editor and columnist at the *Cumhuriyet* newspaper. In 1992, I resigned from the newspaper. Between 1992 and 1993, I worked as the director of the Social and Economic Research Foundation (TÜSES) following an invitation from the late Erdal İnöünü. In 1993, I worked at the Republican People's Party (CHP) as its Research Centre director and as an advisor to the party's parliamentary group on the invitation of Deniz Baykal, who was the CHP's leader at the time. Deciding that I wasn't making much of a contribution, I resigned and started working as an editor and columnist at *Sabah* newspaper between 1993 and 1994. When the commentary page which I edited -- entitled "Intellectual Outlook" -- was discontinued in 1994 during the financial crisis of that year, I resigned in May of 1994. That summer, I acted as the broadcast consultant of a documentary programme aired on ATV.

In November 1994, I started working as an editor and columnist at *Milliyet* newspaper upon an invitation by the late Ufuk Güldemir. Between 1999 and 2002, I also hosted a weekly interview programme on CNN-Türk, which was entitled "Intellectual Outlook."

During this time, I kept my academic life alive by teaching "commentary writing" courses at Anadolu University in the fall of 1987, "Scandinavian politics" at Boğaziçi University in the spring of 1994, and courses on "Politics in Turkey" at Princeton, one of the leading schools in the US.

In February 2001, I was fired from *Milliyet* newspaper. Due to this, I worked as a full-time lecturer for 14 years at the political science department of Bahçeşehir University from April 2001 to February 2015.

Starting in November 2002, I wrote three columns per week at *Zaman* newspaper, and, from January 2007, one column for *Today's Zaman* upon an invitation by the newspaper in return for royalty fees as an outside contributor. I continued my columns until both newspapers were shut down in March 2016. I never held an executive or editorial position in either of these newspapers. I rarely went to the newspaper's office in person and I always sent my columns to op-ed page editors via e-mail.

There were three main reasons why I agreed to write at *Zaman*:

1- I hadn't found the opportunity to write at any of the other newspapers.
2- I had the habit of, and desire to, share my views with the public through writing commentaries; and I needed an additional income.
3- In an attempt to become a serious newspaper and communicate with all segments of society, *Zaman* was opening its pages to writers with very different opinions. I thought it would be beneficial to address *Zaman* readers with my views defending liberal democracy. I thought I could contribute to conservative segments of society's understanding of the virtue of democracy and the rule of law.

My ideological life

In the mid-60s when I studied at SBF/Mülkiye, left wing opinions were prevalent at school. I was also caught up in this current and came to defend increasingly radical socialist opinions. An arrest warrant was issued for me regarding articles I had written for left-wing magazines by the martial law government after the 12 March 1971. I did not surrender and found the opportunity to go abroad with the help of my late brother. My asylum request in Sweden was accepted. Shortly after that, I started working as a research assistant in the political science department of Stockholm University. I returned to Turkey in 1974 as part of the general amnesty of that year and completed my military service (in 1975, as a short-term conscript as a reserve officer). Later I returned to Sweden and completed my doctoral studies, and returned to Turkey for good in 1981.

My political ideas changed radically in Sweden. In the 70s, I came to appreciate the grave consequences that the idea of authoritarian socialism has for societies. In the 80s, when I returned to Turkey, I had adopted a liberal social democratic philosophy. When I was affronted by accusations of being a "sell-out", I always responded: "I am proud of having sold out," and that "reversing from a wrong is a virtue." Most socialist countries in the world would abandon socialism shortly after that.

The coup d'état of 12 September 1980 strengthened my belief in liberal democracy and rule of law. In late 1980, I was detained and kept in custody for two weeks for absolutely no reason.

Since the 1980s, in my articles and speeches, I have criticized authoritarian secularist and identity politics that imposed a uniform society on Turkey; the role of the military in politics, military tutelage and every sort of violence. I defended the principle that the country should be ruled by elected administrators and that governments, regardless of the vastness of the support they have, should remain committed to the principle of the rule of law which dictates respect for the rights and freedoms of all citizens. I saw military interventions and military tutelage as the main obstacle to the full establishment of democracy and the rule of law.

In my articles published in the newspapers *Cumhuriyet*, *Milliyet*, *Sabah*, *Zaman* and *Today's Zaman* and also in my statements made on television programs, both the domestic and international public came to know me as a "liberal in the truest sense," according to a description by *Hürriyet* columnist Taha Akyol. Taha Akyol wrote the following about me: "Şahin Alpay is a liberal in the truest sense of the word. Besides from being a professional writer, he cannot be the man of any religious network, let alone Fetö," (from an article entitled "The wet and the dry," published in *Hürriyet*, 5 September 2017).

The following was what I saw begin in the 1980s:

The imposition of a uniform faith (the Sunni interpretation of Islam represented by the Religious Affairs Administration), and the state holding religion under its monopoly and control, did not comply with the necessities of a democratic society. Restrictions on religious freedoms were making it hard for the pious to be at ease with democratic institutions and values.

In the face of pressures, the Islamist current grew in the 1990s. The majoritarian understanding of democracy manifested in the National View movement slogan, "Everybody will be a supporter of the Welfare Party one day", was cause for concern.

The consecutive closures of political parties defending the Islamic identity, much like the treatment of parties defending the Kurdish identity, created increasingly higher tension in the country and forced the opposition to move outside legitimate boundaries. For the country to be saved from this vicious cycle, I claimed that restrictions imposed on freedoms of faith and identity rights should be lifted, and that the doors of political representation should be kept open to all political views, on the condition that they rejected violence and respected human rights, and I strongly hoped that the prospects of Turkey's membership in the EU would create an opportunity for this.

The Justice and Development Party (AK Party), which was founded in 2001 as a successor to the Welfare Party (RP) had appeared with the most liberal political party program ever prepared in Turkey to date. The program placed EU membership as a target in its central goals and defending a long-awaited peaceful approach to foreign policy summarised in the slogan "zero issues with neighbours."

When AK Party was elected to power on 3 November 2002, I called this a "Victory of Democracy" in my article printed in *Zaman* on 5 November 2002. After that date, though I did criticise the AK Party's various policies -- starting with their policies on the media, energy and the environment -- and never voted for the AK Party, I always defended my conviction that this party served the establishment of democracy and the rule of law in Turkey, both at home and abroad (in front of EU and US audiences). In October 2009, I wrote that "Erdoğan should be awarded the Nobel Peace Prize" for the party's reforms and contributions to peace both domestically and regionally. I, too, was of the opinion that these changes were helping to strengthen the rule of law in Turkey, as did the Venice Commission, which specializes on constitutional matters, and the EU Commission.

Starting in the mid-90s, I also came to think that the civil society movement which was formed around the convictions of Fethullah Gülen, who was viewed as a religious scholar, was serving to associate Islam with democratic values and helping the rule of law to take root.

In the light of social sciences, I reached the opinion that the Gülen movement, which had roots in Turkey's historical Sufi Muslim tradition, but had gone beyond the limits of a religious community as it was organized in the form of schools, foundations, associations and companies, had turned into a religion-based civil society movement serving the establishment of peaceful links between Turkey and the world.

The Gülen movement, with its religious motivations, had completely secular targets; and was gaining the appreciation of many segments of society by pioneering in many spheres; particularly in education, production, media and charity. Spokesmen for the movement defended democracy, human rights, the rule of law, a liberal understanding of secularism which meant freedom of religion for all, tolerance, peace, that religion and science didn't contradict either other, and Turkey's EU membership. I

followed with interest their projects like the Abant Platform meetings which they conducted through a dialogue with society and mutual understanding.

From all this, I came to the conclusion that just like the AK Party government, the Gülen movement would serve to associate Islam with democracy and therefore it was of global importance.

I worked as a full-time lecturer at Bahçeşehir University from 2001 to 2015. I have known both AK Party and the Gülen movement through their public faces. My knowledge about the Gülen movement came from media outlets, the visits I had made to schools opened by the movement both in Turkey and abroad and the Abant platform meetings, some of which I had attended. About the allegations that the Gülen movement had a non-transparent face that wasn't seen by the public; this is what I wrote:

"If among this movement, there are those who, as alleged, break the law, take orders from people outside their superiors, that have engaged in illegitimate affairs, this should absolutely be investigated and tried in a fair way and those people should be punished as they deserve. But I also found it against both logic and supremacy of law that the Gülen movement was being accused in its entirety and collectively and that it was being turned into a scapegoat for everything bad in society."

My disillusionment with the AK Party began in the 2011 elections. The AK Party increasingly strayed away from the democratic policies it had followed in its first two terms in government and started to turn the country into an authoritarian and arbitrary "one man regime." It increasingly moved away from EU criteria and the "zero problems with neighbours" policy. As such, I started writing oppositional, critical columns against the AK Party government.

All the criticism that I voiced was also being stated by opposition parties and other commentaries. But I did not find the entire government party responsible for the mistakes being made, rather I held President Erdoğan and his immediate circle responsible and made calls on the party to return to its previous policies. I always waited for the solution for the wrongs being done to come from inside the government party.

My disillusionment with the Gülen movement started with the 15 July 2016 coup attempt. I should confess that I wasn't aware that the movement had a dark face that was engaging in illegitimate affairs. Certainly, the extent of the movement's illegal dealings and which members of the Gülen movement were involved in the 15 July coup attempt will become apparent after trials. However, signs indicating that members of the Gülen movement were involved in the 15 July coup attempt to this or that extent have shocked me as a liberal democrat who has defended civilian governments all his life, who has written against military coups and military tutelage, and which has created in me a profound sense of oversight.

It is clear that I am not alone among those who were mistaken about the Gülen movement. In fact, here is what President Erdoğan says:

"If all of our friends have understood us fully during the 17-25 December process, 15 July might not have happened. Not only that they failed to understand, but there were also some of our friends who protected those traitors, those who said that they nurtured no such purpose. 15 July also helped our friends know these [members of the Gülen Network]. They, like most of our people, came to understand what these [Gülen Network members] stand for." (*Hürriyet*, 20.11.2016)

Chief of General Staff Hulusi Akar has said the following:

"For many years FETÖ presented itself as a peaceful group and as such won the support of democratic society." (*Hürriyet*, 24.11.2016)

It is certain that if there had been a judicial ruling that had established that the Gülen movement was a criminal organization, I wouldn't have continued writing for *Zaman* for even a day. It is also equally certain that if it had ever occurred to me that members of the Gülen movement could play a role in a military coup attempt to this or that extent, I would have never written at *Zaman*. I condemn the 15 July coup attempt and for this reason I regret having written at *Zaman*. I was badly mistaken for failing to see the dark face of this movement.

In the morning of 27 July 2016, I was taken into police custody from my Beşiktaş apartment in Akatlar which I have rented for 32 years. While I was waiting to be released, since I had not committed any crimes, I was formally arrested in the evening of 30 July 2016 after my police interrogation, without being referred to a prosecutor, under an order of the İstanbul 4th Criminal Judicature of Peace and I was sent to Silivri Prison. In a decision issued by the İstanbul 7th Criminal Judicature of Peace, it was stated that six *Zaman* writers including myself were arrested under suspicion of "*spreading opinions and defence of the organisation that attempted the coup especially after 17-25 December 2013 in the eyes of the public, without being accused of direct involvement of the coup and membership of a terrorist organization."*

On my arrest, columnist colleagues of mine wrote the following:

"Şahin has written for *Zaman* for years.., But can you make a Gülenist, a putschist out of Şahin Alpay? Can there be such senselessness?" (Ali Bayramoğlu, *Yeni Şafak*, August 2016)

"You cannot possibly manufacture a putschist out of Şahin Alpay who has fought coups and putschists all his life..." (Ertuğrul Özkök, *Hürriyet*, 04.11.2016)

"Nazlı Ilıcak in in prison. Şahin Alpay, Ali Bulaç, Mümtazer Türköne, and the Altan brothers are also in prison. We know that they are not terrorists. Regardless of what those in government might say." (Mehmet Y. Yılmaz, *Hürriyet*, 31.12.2016)

In the indictment that was completed on 10.04.2017 -- in other words, about 8.5 months after my arrest -- by the İstanbul Chief Prosecutor's Office, I was accused of "attempting to overthrow the Constitutional order, attempting to overthrow the parliament or render it unable to perform its duties, attempting to overthrow the government of the Republic of Turkey or render it unable to perform its duties, and

membership of an armed terrorist organizations," along with a number of people whom I do not know in any way, aside from the other writers.

First, I would like to state that I have no relation to any of the alleged crimes. Given my lifestyle, and my religious beliefs, it is out of the question for me to be a member of any religious community or group. Similarly, given my democratic and peaceful views, it is out of question that I can be a member of any illegal terrorist organization. The organisations of which I am a member are: Political Sciences Association of Turkey, Journalist Association of Turkey and the Press Council. I am a founding member of the Social and Economic Research (TÜSES) Association and a member of its board of trustees. In addition to the domestic and international community, I am certain that the state's intelligence agencies also know that I am a liberal -- or pro-freedoms -- political scientist and columnist who is committed to democracy, secularism and the rule of law and someone who has always stood against all forms of violence.

The indictment makes references to seven articles written by me and published between 19 December 2013 and 29 March 2014 in *Zaman* as evidence to prove that I have committed the said crimes. None of these articles, which were all been published three or four years previously, have been the subject of any investigation; nor has any investigation been launched into any of my articles since I started writing in the press.

In my opinion, the articles referenced in the indictment are not proof that the alleged crimes were committed; to the contrary, that they were not committed. To Explain:

In my article dated 19.12.2013 entitled "*Something smells foul*" the call for the resignation not of the AK Party government but of the ministers who were being investigated for corruption is a normal, usual demand in democracies. As a matter of fact, the same call was made by the leading representatives of the ruling party. In the article, AK Party deputy leader Hüseyin Çelik is quoted saying: "*We as the AK Party want everything that needs to be done to bring out the truth without any flaws.*" Isn't the resignation of the accused ministers tantamount to "doing what needs to be done without any flaws." Then Finance Minister Mehmet Şimşek's words, "*If something like this ever happened to me, I would choose to resign*," are also quoted in the indictment.

In my article titled "*They say it is a war of religion*", dated 21.12.2013, I make the following assertion about the AK Party: *"In roughly the first decade of the century, the AKP government led by President Erdoğan, led the way to a New Turkey by placing joining the EU in the heart of its program, and it also came a long way in this regard. Various groups representing different political, economic and cultural groups, starting with the victims of the old Turkey, supported the struggle of Erdoğan and his party based on each of their own characteristics and expectations. The New Turkey alliance found its widest manifestation in the 2010 Referendum (58 percent). This alliance included capital groups happy not about the AKP's piety but about liberalisation in the economy and army officers who were aware that the role of the army in politics was good neither for the country nor for the military."*

In this article, which criticized an article that appeared in the foreign press and referred to what was going on in Turkey as a "War of religion," I reached the conclusion that what was going on was in fact a fight between the Old and the New Turkey. And I was explaining in no abstract terms what I understood from "New Turkey", with the reforms of the AK Party adopted between 2002 and 2011.

In my articles criticising authoritarianism after 2011, I always referred to the services the AK Party government rendered in its first two terms and called on it to return to its initial agenda. It is clear that what I wrote doesn't have anything to do with trying to render the AK Party government unable to perform its duties, but to the contrary, encourage it to carry out its duties.

In my article titled "*The President can't just remain a spectator*" from 24.12.2013, on the contrary of what is being said, I am calling on President Abdullah Gül to fulfil his responsibilities for the protection of the constitutional order so that the corruption investigations can be conducted in accordance with the principle of the supremacy of law.

In my article titled "*Between Erdoğan and the West*" from 28.12.2013, rather than trying to render the AK Party government unable to perform its duties, to the contrary, I underline that the government is taking steps in accordance with the national interest:

"The Erdoğan government, in recent weeks, has been looking to bring to the agenda protocols that will establish diplomatic ties with Armenia, and to revive talks with Greece for a solution to the Cyprus issue, and even gave signals to repair ties with Israel. In any event, it is certain that regardless of which government is in power, Ankara will protect its commitment to the Western alliance and keep in place its goal of EU integration and at the same time emphasize national interests in every sphere."

In my article titled, "*Yes, both crime and punishment are personal",* dated 08.02.2014 after quoting Prime Minister Erdoğan I say the following:

"The prime minister is right. In countries where the supremacy of the law based on human rights is in place, both crime and its punishment are personal; in other words, people cannot be accused or punished en masse. Additionally, an individual is presumed innocent until the end of trial. It is not the AKP government which is accused of being involved in corruption, but the members of this government who are being investigated in a parliamentary commission for corruption allegations. Until their crime is established by a court, they are considered innocent. As a matter of fact, they have resigned from office on the request of Prime Minister to ensure a fair trial. Their parliamentary immunities should be lifted."

I continue:

"Feeling a sense of closeness to the Hizmet Movement [Fethullah Gülen network] is not a crime, nor can it be accepted as such. But if among these there are individuals who have acted on orders not from their superiors but from the Hizmet Movement, these should certainly be taken before the judiciary with evidence and documents; they should be

removed from their positions for a fair trial and be punished according to the law when the judiciary decides they are guilty."

It is clear that with these expressions, as is the case in all of my writings, I protect the constitutional order and the rule of law.

In my article titled **"***This nation is not a nation of 'blockheads'"*, dated 01.03.2014, I wrote:

"*The people of Turkey are not 'blockheads'! [a reference to earlier comment on AKP voters by hawkish writer Yılmaz Özdil] The people of Turkey no longer want to be ruled under the sticks of the military or the police force; they are protecting their rights. It is not because this nation is a nation of "blockheads" that it brought the AKP to government, and exactly because it is not a nation of "blockheads," it will know how to end the government of Erdoğan and his clique and not allow them to ruin the nation*."

As can be seen in this article, what is being defended is liberal and pluralist democracy. I highlighted that the government will change with the people's vote, and it is being stated that military or civilian authoritarian regimes will not be accepted in the country by saying that the nation wants to be ruled either by the *"sticks of the military or the police force."*

My article titled "*A government without Erdoğan is the solution*" from 29.03.2014 was written at a time when the Republican People's Party's (CHP) leader Kılıçdaroğlu was saying: "*We can't have a prime minister out of a thief*", and the MHP leader Bahçeli was saying: "*The prime minister should pay for the spinelessness which denied theft*," and the Peace and Democracy Party (BDP) leader Selahattin Demirtaş was saying, "*It is now impossible to work with this government*," and at a time, when one of the ministers that was implicated in the corruption investigation called on the prime minister to resign "*to put this nation and the country at ease*" and it makes a call for the establishment of a new government in the parliamentary democratic system. Here is what the article states:

"The parliamentary system allows the AKP group a vote of no confidence in the Erdoğan government, and to set up an AKP government without Erdoğan. Such a government could be founded by Mr. Arınç or Mr. Babacan, and refresh the public's trust in the government." It is clear that I am not committing the crime of overthrowing the constitutional order, or rendering the government or the Parliament unable to perform duties, or making a statement that crosses the boundaries of freedom of expression in any shape or form.

My article titled "*The misery of the opposition*" dated 14 July 2016, which was published in *Yarına Bakış* newspaper, stated:

"It might be that 'neonationalists' are calling for a return to military tutelage. However, military tutelage has been tried in this country for many years, and consequently, it prepared the way for the disaster that we face today. Our only possible exit is to put up a struggle for a liberal and pluralist democracy against autocracy. A tiny hope for this is the presence of a resurrection movement inside the AKP to return the party to its 'factory settings' (the main party programme)."

In this article which was published one day before the despicable coup attempt of 15 July, my commitment to the democratic order and my stance against military tutelage and military coups is emphasized yet again in the most open of ways.

I would like to reiterate that I have always remained committed to the conditional order, democracy and the rule of law, which is an inseparable part of that order, in all of my articles and speeches. My criticism towards the AK Party government has never crossed the boundaries of freedom of expression drawn by the constitutional and international covenants on human rights. To the contrary, they were written in the belief that freedom of expression in Turkey is protected. To date, not a single of my speeches or articles has been subject to any investigations.

I have been under arrest for 14 months. My detention has turned into punishment. The European Court of Human Rights has decided to review my application that I was unjustly arrested as a matter of urgency and it has posed questions to the Ministry of Justice demanding a response by 4 October 2017. I did not commit any of the crimes set out in the indictment. I am certain that I will be completely cleared of all accusations at the end of the trial process.

After our indictment was made public, our columnist colleagues wrote the following:

"*Ali Bulaç, Ahmet T. Alkan, Şahin Alpay… I do not believe in any way that these three writers can knowingly and deliberately be supporters of a putschist structure… that they can be part of the hierarchical structure of FETÖ... that they can lend support to a coup attempt such as 15 July.*" (Ahmet Hakan, *Hürriyet*, 14.04.2017)

"*Supporting a coup would constitute his own ideological suicide for Şahin Alpay, who is a liberal in the true sense of the word's meaning and, as far as I know, Şahin Alpay's mental and psychological state is healthy enough not to consider suicide*." (Aydın Engin, *Cumhuriyet*, 16.04.2017)

"*Our colleagues who have professionally written and expressed their views in FETÖ media outlets which were legal at the time -- and in which spokespeople for the government also made frequent appearances -- including Ahmet and Mehmet Altan, Nazlı Ilıcak, Şahin Alpay, Ali Bulaç, Mümtazer Türköne are still in prison… Is it possible to gather articles or news reports that are found disturbing and then jump to conclusions such as "aiding a terrorist organization, supporting a coup," and level accusations for which life in prison is wanted?*" (Taha Akyol, *Hürriyet*, 29.05.2017)

Your Honour, Honourable members of the panel, Mr. Prosecutor,

I have committed no crime. I only used my freedom of expression, guaranteed under the Constitution and the European Convention on Human Rights. I am certain that I will be cleared in the end of this trial, and ask for my acquittal. Not only is my escape out of the question during the course of the trial, but it is impossible for me to obscure evidence. I ask you for my release and to rule for me to be tried outside prison. Allow me to live out the few years left in my life together with my wife, children and

grandchildren. From this point onward, I have no hope from life other than to be with my family.

In this case, four of the eight writers who are being tried along with me were released pending trial. We know that suspects who are over 70 are being tried without being held under arrest in other cases. I hope that you will also grant me this right.