

DEFENSE
The Justice of Stupidity

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Your Honor,

I came here today not to be judged but to judge.

I will judge those who, in cold blood, killed the judiciary in order to incarcerate thousands of innocent people.

I will base my judgment on the indictment against us, a text that will go down the history of law as a “murder document.”

I don't have the power to punish people or to incarcerate them. I would not, in any case want to possess such power.

But I have the power to unearth the murder, to determine the murderers' identity, to display the bloody weapons used in this treacherous murder and to put on the record the crimes that have been committed.

Passing judgment does not mean having the authority to imprison.

Passing judgment is telling the truth based on evidence.

Every honest person has this right and this authority.

I have the right to speak on behalf of thousands of innocent people who, let alone stage a coup, don't even have a way of objecting to their own persecution. I have the right to speak on their behalf, because I have seen the injustice they are subject to and shared their fate within these stone walls.

Before I tell you about the murder, allow me to tell you about the Law, the judiciary and justice once again in order to be able to show you the murder scene.

The Law is a body of values. It has been shaped with the iron mace of pains inflicted on human beings by other human beings since the genesis.

It is the earthly god that humankind – wounded by wars, genocides, massacres, murders, betrayals, persecutions and injustices – has created to protect itself by taking refuge in its shadow.

Each act of injustice adds to the strength and glory of this god.

With each act of injustice, the importance and necessity of the Law is better appreciated.

The hammer of injustice with its every stroke shapes the Law in sharper, more defined lines but this hammer can't crack and distort the Law, it can't chip pieces from it.

The Law is like Zeus living on Olympus -- untouchable and unreachable.

Every despot, every oppressor, every dictator wants to kill the Law but none of them can.

The Law is immortal.

It keeps its distance, waiting patiently for those who feel the need to come and take refuge.

It is the judiciary who brings the Law from the high peaks where it dwells down to society.

Clad in solid armor, the judiciary carries the God of Law on its strong shining wings and brings it to people.

Lady Justice emerges from where Law and society meet.

Societies nursed by Lady Justice find peace, confidence and plenitude; injustice is prevented, theft and cruelty stop.

In the triangle and holy chain of Law, judiciary and justice, the only weak link that can be struck, wounded and killed is the judiciary.

That is why the first target of every despot, every dictator is the judiciary.

Just as a judiciary flying high with the Law on its wings is so luminous, strong, majestic, admirable and reassuring, a judiciary that has been hit, wounded and dying is that ugly, disgusting and revolting.

The moment the judiciary is struck and falls it begins to rot, become infested with maggots and putrefies. Pus flows in its veins instead of blood.

A judiciary that is dead or dying has such a foul stench; even Hell doesn't smell so bad.

The smell of rotten corpses that has overtaken Turkey today is the smell of a judiciary on its deathbed. It is a stench that reaches all segments of society and appalls everyone.

Today, we are going to lay this pitiful rotting body of a dying judiciary on the dissection table.

While the judiciary, thanks to the efforts of a few honorable judges, is still trying to make a comeback and prove once again to be the winged and sacred carrier of the God of Law, we are going to see today the horrifying state of the other side of the judiciary – the side which has willingly accepted to rot and die.

Robert Müsil, in a speech entitled “On Stupidity,” which he delivered on 11 March 1937 – one year before Hitler took Austria – said this:

“Some time ago, a well-known psychiatry textbook cited the answer ‘punishment of the other’ given to the question ‘what is justice’ ‘as the exemplification of stupidity.’ Alas, in our day, this question and this answer form the basis of a much disputed understanding of the Law.”

It is hard to find another example, which tells the story of our present day so well.

In Turkey today, the judiciary and the media perceive justice as “the punishment of the other.”

And we – all of the opponents of the AKP – are “the other.”

We are on trial in a country where what was once perceived as “stupidity” is accepted as “justice.”

All the world’s major newspapers from India to Norway, from Germany to Britain, from Italy to the U.S. are dedicating column inches to the coverage of this trial... Many an international organization from the United Nations to the Council of Europe, from the European Parliament to the OSCE is closely monitoring it. The reason for their interest is the reckless display in this trial of the very rottenness that is an insult to the whole of what humanity has achieved.

The World watches this trial in horror as if it were the autopsy of a murdered judiciary.

I will tell you about each and every phase of this murder, but before I do that we need to understand a simple fact.

The judiciary, this glorious knight of humanity in its shiny armor, can never be hit unless someone from inside betrays it and

secretly removes its armor so that oppressors, who have lost their souls and minds to their greed, can strike.

If a judiciary has received blows it must definitely have been betrayed.

No real prosecutor, no real judge, no real lawyer will take part in this betrayal.

Our honorable lawyers who resist taking part in this betrayal and keep telling the Law's truths without fear or exhaustion show everyone how the judiciary should behave.

For the judiciary to receive blows functionaries disguised as prosecutors and judges must have infiltrated it.

How are we to recognize the robed collaborators of this betrayal?

Spotting them is easier than you think.

In our youth, the state apparatus in this country believed leftists to be its enemy and infiltrated leftist groups with functionaries in various guises.

In those days, my father taught us how to spot the men hiding their true identity in disguise.

“Those men,” my father said, “do not have a sense of shame. They will swallow all kinds of humiliation, insult and apathy. They have a mission and in order to carry out that mission they erase the sense of shame from their souls.”

Do you want to spot those members of the judiciary who betray their profession?

Look at those who have no shame.

Whoever has erased the sense of shame from their souls, they are the traitors within the judiciary.

I will give you two examples.

The two prosecutors in this case.

They have no sense of shame. They lie openly.

They don't care at all about how their colleagues around the world disdain the legal distortions in their indictments. They don't care about how they will be humiliated because of the legal rubbish they write.

They have given up on their reputations and professional honor.

They have infiltrated the judiciary to be partners in crime with its murderers.

Because this is their mission.

They are to kill the judiciary with trials such as this so that opponents of the government can be thrown in jail and silenced.

Of course, they are not alone in this dishonorable mission.

Those who have thrown in jail the thousands of innocents who are filling up the prisons today are their partners in the same filthy mission.

Well then, why do these people who belong to one of the civilization's most honorable and valued vocations surrender such high self-esteem to betray their profession?

A few in their midst prefer malice to honor and volunteer to be involved in this betrayal. They desire to taste the fiendish pleasures of doing injustice to people, while touching the hem of power.

But the majority among them have been mixed in this malicious slime in order to attain their present positions and status, a goal which they could never reach without betraying their profession given how inept and ill-equipped they are.

Indeed, this is the gravest predicament of despotic governments such as this one: In order to be able to work with the type of traitors ready to betray their professions, they have to choose their staff from among the least worthy.

These types of governments lose any spark of attraction and become dimmer and dimmer as they fill their ranks with those lacking cerebral gleam, creativity and honesty.

Such governments condemn themselves to a rottenness that reeks of death because they keep employing people less and less worthy.

We don't witness this erosion of merit – this pitiful death – in the judiciary only.

The media, which have assumed the role of a lookout in the murder of the judiciary, also consist of people without talent who could only attain their present positions through betrayal.

They lie, smear, distort the facts and slay their profession in order to silence the opponents of the government.

We see those types every day on the rotten pages of pro-government papers that reek of mud; they are the elephantine prostitutes of the brothel of ideas who have grown fatter and bigger before our very eyes with their necklines disappearing and their paunches swelling, with banknotes shoved into their noses and mouths in return for their betrayal.

Of course, this filthy crowd of theirs can't shroud the encouraging and empowering luster of those honest and brave journalists

who, like a guiding star, show the right path to the whole country.

Like all governments seeking to grab unearned power and enslave their societies by spreading fear, this present government has been corroding each and every institution to nothing in a vitriol bath.

There is no institution working properly in today's Turkey except for the Cemetery Administration.

The judiciary has collapsed, the media have collapsed, the army has collapsed, the education system has collapsed, the health system has collapsed, the economy has collapsed, foreign policy has collapsed, public order has collapsed, parliament has collapsed, politics have collapsed, morality has collapsed.

There is nothing that has not collapsed.

This is inevitable when a single man wishes to grab undeserved authority and possess absolute power.

He has to sicken society, slaughter all institutions that help that society function in an orderly manner and fill all positions with unworthy traitors.

Every society in which a single man possesses "absolute power" eventually collapses. When you suck up the power that constitutes of millions of people acting in unison and concentrate it on a single spot, you corrode the common ground and drain everything into the vortex.

That absolute power turns into a black hole, which society is sucked into and lost.

Today every step that is taken in order to make power absolute by concentrating it on a single spot enlarges that black hole and enhances its ominous pull.

This country's only chance of survival before getting completely sucked up into that hole is to finish the government – which has generated this black hole – at the ballot box.

And I think this will happen.

Despite everything, I trust that Turkey has not lost its will to live.

This is a country of miracles. Its people have been through many trials and hardships and managed to come back from the edge of many a black hole with an ultimate survival reflex. This people make miracles happen.

In order to be able to demonstrate this survival reflex the people have to know those men burning with the ambition of “absolute power.”

These men reflect the malice in nature into the human realm.

They are wild and ruthless.

They have no compassion.

And these men have always brought death onto the societies they ruled.

Peace, trust and ease are their enemy.

They need chaos and war.

No society that was ruled by such men has avoided chaos, war, civil war, rebellion and death.

Coming to power is never enough for these men.

They want people to be afraid of them, because the only human emotion they know is fear. They always spread fear.

The fear they spread is their biggest strength and biggest weakness. The fear they spread is the food and poison of their power.

Fear casts a temporary spell on people and brings them together for a while; the masses feel a pitiable admiration towards the one who scares them, they get closer to the scary man in order to share his scary power.

Yet, at the same time, this fear crushes their souls, weakens their existence, and corrodes their personality. Hidden under their admiration is a deep sense of humiliation that is secretly distilled drop by drop into fury and enmity.

This fury manifests itself sooner or later.

The fear that keeps the present regime on its feet will also be the government's end.

Because no society can endure this much fear.

No government spreading fear and violence can stay in power for a very long time.

In the words of Talleyrand, Napoleon Bonaparte's foreign minister, "You can do anything you like with bayonets, except sit on them."

The current government attempts to sit on bayonets. That is why they will eventually lose the elections and see their power overturned.

Indeed, the current government is aware of this possibility and that is why they are trying to use the coup attempt of July 15 as grounds for silencing the opposition and accusing everyone of putschism and terrorism.

We, too, are in prison today and facing life sentences as part of this crackdown.

The Turkish state accuses us of carrying out the July 15 coup attempt.

This is an outright lie.

The intelligence service, which has monitored us for years, knows this is a lie and that we have nothing to do with this coup. The police and the prosecutors who penned these indictments know it as well.

In fact, that is why they can't bring forward a single piece of evidence. That is why what they call as evidence of our putschism is nothing more than three newspaper columns and a conversation on TV.

That is also why the Constitutional Court decided that arresting people for only a few op-ed pieces and speech as evidence was a clear violation of the Constitution.

As the government continues its accusation of putschism based on these lies, my doubts about the events of July 15 intensify.

Why would a force, which uses the July 15 incident as an excuse to keep lying so relentlessly amount me, refrain from lying about other matters?

In the prison cell where I dwell today I have as much right as anyone to doubt the events of July 15.

And I have very strong doubts.

What is this really, this most foolish coup d'état the world has ever seen? What is this coup that killed hundreds of people and wounded thousands, this coup that Erdoğan interpreted as

“God’s blessing” and that ultimately brought him to absolute power?

Is there any other coup attempt in history that equals this one in its stupidity and dastardliness?

There is.

Indeed, we have another ominous event in our history that is very much like the July 15 incident.

The March 31 rebellion from a century ago.

I will tell you the similarities between the two events and you will be very surprised.

The March 31 rebellion of 1909, just like the coup attempt of July 15, was carried out by military men who were said to be religious.

Around three thousand soldiers participated in the March 31 rebellion.

According to official figures, around five thousand soldiers took part in the coup attempt on July 15.

In both events, the rebels were a very small number.

In both events, the rebels lacked the force to resist the main force of the Army.

Before March 31, men in religious vestments used to go to the military barracks and provoke the military men. The intelligence apparatus of the Union and Progress Party was well aware of this, but kept quiet about it.

Before July 15, the state apparatus and the government knew there was going to be a coup. Indeed, a pro-government journal-

ist wrote as early as April that there would be a coup, he even wrote about who would carry it out. On July 15, hours before the coup began, an officer went to the Turkish National Intelligence Agency to tell them the military operation was about to begin.

When the March 31 rebellion began, the First Army in Istanbul could have easily suppressed it. But it was under orders not to act.

According to the general, who is currently the Deputy Chief of the General Staff, had the troops been ordered to stay in their barracks on July 15 the coup attempt would have been prevented. That order was never given.

Today, it is still not known who the military commander of the March 31 rebellion was.

It is not known who the commander of the July 15 coup was.

In both cases, there was a military operation, but there was no obvious military commander.

On March 31, the rebels committed bloodthirsty murders.

On July 15, the putschists committed bloodthirsty murders. Because they had more sophisticated weapons, the number of their victims was much higher.

On March 31, the rebels surrendered without resistance once the First Army entered the city of Istanbul.

The July 15, putschists surrendered within three hours once the people and the army started moving against them.

March 31 was an act against the Union and Progress Party, but it gave them decisive and absolute power.

July 15 was an act against the AKP and Erdoğan, but as a result of this coup Erdoğan gained decisive and absolute power.

After March 31, the Union and Progress Party arrested thousands of dissidents whose names were already on their blacklist.

After July 15, thousands of dissidents, whose names were already on AKP's blacklist, got arrested.

After March 31, so many political dissidents were under arrest that there wasn't enough space in prisons for them so they let the common criminals go.

After July 15, there were so many political dissidents under arrest that the common criminals were released from prisons.

After March 31, the Union and Progress Party built a regime of oppression and fear.

After July 15, the AKP built a grand regime of oppression and fear.

Now, someone should explain to me the similarities between these two ominous and cursed incidents.

How was it possible that a military rebellion against the Union and Progress Party paved the way to their absolute power and a military rebellion against Erdoğan paved the way to his?

Why couldn't these acts of rebellion be prevented despite the presence of prior knowledge in both cases?

It is easy to tell a lie, to say "July 15 is your doing" and throw me in jail, but it isn't that easy to answer these questions.

That is exactly why the AKP prefers the secrets of July 15 to be covered up rather than exposed.

Just as those who asked the question, “What was March 31 really about” were declared “traitors,” those who now ask what July 15 was really about are also declared “traitors.”

It was the Union and Progress Party itself that prevented investigations from getting the inside story on March 31.

This rebellion, which never had a chance of succeeding militarily, remained a mystery.

But it was used as a piece of oiled kindling to keep the fire alive for the argument that “the state was in danger” and therefore the extraordinary pressures were justified.

The July 15 coup attempt had no chance of succeeding militarily.

It doesn't take a military genius to figure that a force of five thousand people cannot beat a 500 thousand men army; you only have to know how to count.

And the July 15 attempt had no backing at the grassroots of society.

The brave crowds, which took to the streets against the coup, were the proof of that. All segments of society opposed that bloody, treacherous attempt. Society as a whole condemned the immoral atrocity.

Well then, how could such a bloody attempt that lacked both reason and mercy take place?

Four months before the incident, newspapers had reported that a coup was in the making and relevant information was received, so why couldn't the coup attempt be prevented?

None of these vital questions have been given clear and straightforward answers.

Instead, a large group of people that include village imams, teachers, pastry chefs, businessmen, journalists, students and academics were hastily arrested and thrown in jail.

After March 31, every opponent of the Union and Progress Party was labeled as “reactionary.” In the same manner, thousands of people arrested after July 15 were labeled as “FETO’ists.” They all became members of the “Fetullahist Terror Organization.”

The concept of “FETO’ist” was never properly defined; it was left vague on purpose so that it could be thrown over all AKP’s opponents as a dratted fish net.

This net caught each and every opponent.

Now I ask you:

What is the definition of this certain type of human being called “FETO’ist”?

Why are people in jail who have no ties whatsoever to the coup?

Which legal criteria provide for everyone who has criticized the government to be stigmatized with this hot branding iron?

And then, there is this new type of human being who “even though not a FETO’ist, is aiding FETO.”

Who are these people?

Why are they aiding a religious rebellion even though they are not FETO’ists?

What are the criteria for “aiding FETO?”

Is opposing the government enough to be accused of this crime?

Clear and straightforward answers to these questions were never given.

They will never be given.

Because only by keeping these concepts in a slurry of uncertainty can one create a prison wide enough to shove in all the opponents of the AKP.

I participate in FETO's coup, Mehmet Altan participates in FETO's coup, Cumhuriyet's columnists participate, Nazlı Ilıcak participates, Osman Kavala participates, and human rights defenders participate... Or, "even though they are not FETO'ists they still aid the FETO'ists."

Not satisfied with this, they also imply threateningly that political leaders such as Kemal Kılıçdaroğlu, Meral Akşener and even Abdullah Gül could be blamed for this unspecified crime.

Once you look at all these people, you do arrive at a clear definition for those rather odd unspecified concepts.

If you oppose Erdoğan you are either a FETO'ist or, even though you are not a FETO'ist you are aiding FETO; or, one of these labels can be stuck on your forehead at any moment.

And that is not all of it.

Today, someone who would object to Erdoğan from within the AKP can be the subject to one of these labels as well.

Is there anyone in Turkey except for Erdoğan himself who will not be accused of FETO'ism or of aiding FETO?

The Chief of the General Staff, the judges who are trying us here today, the leaders of the opposition, businessmen... They can all be subject to this accusation.

And this is not the only accusation.

For those who are not grouped as FETO'ists there is yet another category.

The category of “those aiding the PKK terrorist organization.”

HDP deputies and members of the Kurdish opposition, including first and foremost Selahattin Demirtaş, have been thrown into jail under this category.

And then there is this third category, which can be named as the “*crème de la crème* of criminals,” to which I also belong.

These people aid both the FETO and the PKK.

They plot the coup on July 15 and they fight alongside the PKK in the Southeast.

These “elite” criminals including myself are such maniacs that wherever they see a weapon they go running towards it.

As you can see, there is at hand a suitable crime to accuse anyone who opposes Erdoğan and his one-man regime.

All these oddities, which constitute a tragedy for Turkey and a comedy for those watching from outside, have two important goals.

First, to stop opposition to Erdoğan by creating great violence and fear within society.

Secondly, to put a stop to serious questions about July 15 by creating a curtain of fog with this conceptual chaos.

Well then, have these goals been achieved?

No.

One mistake after another has led Erdoğan to a place where he is now criticized even at the grassroots of the AKP and the decrees published by him are met with suspicion even among his supporters.

The conundrum of July 15 remains in the mind of this society in the form of a question mark that is growing bigger by the day.

What happened at the end of all this violence and oppression?

The judiciary along with all other state institutions has been put into a coma.

They could not have created this chaos had they not struck the judiciary.

A judiciary, alive and well, would have prevented this chaos, this anarchy of crimes and concepts. It would have protected the order of the state and society.

It wouldn't have arrested those who made Erdoğan angry and released those whom Erdoğan asked to be released based on his negotiations with foreign government officials.

Decisions of arrest and release would have been made on the basis of law and order.

In that case, thousands of innocents would not have been thrown in jail nor would ridiculous trials based on indictments without evidence been heard in courts.

Had this been done, we would all have gotten the lowdown on the stupidity that is the July 15 and the calculations behind it.

But it is clear this is not what they want; they are throwing thousands of people in jail in order to dilute the facts and hide the truth about July 15.

That is why, despite what the Constitution clearly calls for, the courts do not abide by the rulings of the Constitutional Court and it is judges who commit constitutional crimes.

Criminals put innocents on trial.

Now let us begin doing something the current government never does nor can ever do. Let us prove what we have been saying with concrete evidence and let us document how the judiciary has been bashed.

The document that proves what I have been saying is in your hands.

That document is the indictment that was sent to this court.

Once we examine this indictment step by step, we will see not only how a legal chaos was created and truths were distorted with the goal of silencing the dissent but also how the judiciary has been betrayed.

First off, I would like to begin with an example that will surprise everyone and cause the entire world to gasp.

We will see the surprising contradiction presented to us by both the prosecutor, who supervised the initial investigation, and the prosecutor who submitted the final opinion on the case.

I draw your attention to the section, which begins the accusations against me.

In the eyes of these prosecutors, the gathering of the Istanbul-based First Army – an army with its corps, divisions, brigades, squadrons, cannons, tanks and thousands of soldiers – in defi-

ance of their generals' orders and with a view to make preparations "to arrest all political leaders" does not constitute a coup attempt.

Because I published a news story in 2010 about just such military preparations, which is why they begin the indictment there.

And they say "this cannot be considered a coup attempt."

Now we are coming to the best part.

What is the "real" coup attempt in the eyes of the prosecutors who say those preparations by the First Army generals "were not a coup attempt"?

For them, the criticism waged against Erdoğan on a TV show by three columnists who have no cannons, no guns and no ties whatsoever to the military is the "real" coup attempt.

Do you see how the definition of "coup d'état" has changed during Erdoğan's absolute power?

Writers, not the generals, are the putschists now.

Why is that so?

Because they are not afraid of the generals anymore. With their policies satisfying each and every desire of the military tutelage period there is no reason for them to be afraid of the generals.

The weapons don't scare them but the pen does.

Because the pen reaches a place where the weapons cannot – the conscience of society.

Nothing horrifies the government as much as the conscience of society, because they know they have done things, which would tear that conscience into pieces and make it bleed.

They are scared as hell their wide network of corruption and bribery will be revealed.

That is why they try to confine each and every pen, each and every voice that can reach the conscience of society by making them hostage to a comatose judiciary.

They are so eager to do this that their prosecutor has no qualms about writing the same baseless allegations as if there had been no hearings in this trial and we had not already disproved his odd allegations.

I was the chief editor of the Taraf newspaper that published the story about the generals' Sledgehammer Seminar, which according to the prosecutor "was not a coup attempt."

The seminar at the First Army that is mentioned in this indictment was organized by generals who defied the orders of the General Staff.

They themselves recorded the discussions and those records are in the official archives today.

In that seminar they clearly made preparations "to arrest political leaders," "to start a war with Greece in order to garner public support," to force the mayors whose names were on their lists out of office, to detain two hundred thousand dissidents who opposed military tutelage and fill entire stadiums with them.

In the view of the prosecutor, this was not a coup attempt.

Three columnists talking on TV, however, was a coup attempt.

Both the generals' discussions and our talk on TV are in official archives.

Let's bring those records here and listen to both conversations.

So that the people in this country can clearly see the "coup" concept in the mind of a dying judiciary.

We are talking about this Sledgehammer Seminar organized by generals, because the prosecutor puts forward the news story I published in 2010 on that seminar as the first proof of my participation in the July 15 coup attempt.

Let me repeat and underline this so it is clear for everyone.

The indictment puts forward a news story I published in 2010, that is six years before July 15, as the first piece of evidence of my participation in the July 15 coup in 2016.

How did I participate in a coup that would take place in six years' time by publishing a news story that long before the incident?

This is exactly how the prosecutor, after citing various headlines from the newspaper, explains how I had done that:

"That the defendant had written about the issue of the Sledgehammer coup plan, thereby the Sledgehammer investigation had begun and those officers in the Turkish Armed Forces who were not members of the terrorist organization were purged to be replaced by officers who were members of the terrorist organization and that in the period that followed the organization had placed its members in critical positions within the Turkish Armed Forces as a result of the so-called investigations..."

Let me translate this mess of a sentence for you:

I am said to have purged those army officers who are not members of the organization, a.k.a. the FETO, and replaced them with members of the organization, promoting organization

members to critical positions within the Turkish Armed Forces by way of ongoing investigations.

I apparently have such extraordinary power that I purge officers, I replace them with members of the organization and I promote to critical positions those members of the organization.

All of this I do.

It is as if I am not a writer but the Head of Personnel in the Turkish Armed Forces.

There is no High Military Council, no government, no prime minister, no president.

Only me.

For six years, I bring whomever I want to whatever position I want within the armed forces.

I am on trial facing a life sentence on an accusation as flippant as this.

The prosecutor seems to have read neither the responses I had given to these accusations in previous hearings nor the Constitutional Court's ruling that a "news story" cannot be considered a crime.

Or he has read them, but neither my explanations nor the Constitutional Court ruling interest him.

He is on a mission: To jail Erdoğan's opponents.

For that he has to forego any sense of shame and put forward as evidence such ridiculous nonsense.

This is exactly what I mean when I say that the government, using the judiciary, wants to dilute and hide the facts about July 15

and tries to spread fear and violence with these false accusations.

The prosecutor desperately fluttering about is solid proof that the judiciary is at death's door.

If the people who are responsible for the July 15 coup are the people who take care of the purges and promotions within the army, then the prosecutor has to put on trial those officials whose signatures are at the bottom of the military appointment decrees.

Do you see any one of them in this courtroom?

Is Tayyip Erdoğan whose signature is at the bottom of all those appointment decrees among the defendants?

He is not.

Because the prosecutor isn't interested in finding the real culprits.

His mission is to protect those who are truly responsible for the turn of events while accusing those who aren't, so that the truth of the matter won't be uncovered.

“There is no need for evidence, we can put anyone we want on trial and jail them for life.” His mission is to spread this notion in the society so that the roots of fear will be irrigated, the horror will be fed and the way to the oppressive government Erdoğan desires will be paved.

The prosecutor's bizarre allegations do not prove that I am guilty but they do prove that the judiciary is at death's door.

Yet the second piece of “evidence” of my “putschism” is as bizarre as the first one.

Clearly, the prosecutor is both lazy and malicious.

He has never read our defense statements.

According to the testimony of an untruthful witness who is outright fraudulent and whom I previously proved to be a liar, Alaattin Kaya was the liaison between Fethullah Gülen, Mehmet Altan and myself. We are said to be in “frequent” contact with Kaya.

The files of this trial include the record of our phone conversations over a decade.

How many times have we talked to this man Kaya whom we are said to have contacted “frequently”?

I am said to have talked to Alaattin Kaya twice in ten years and Mehmet Altan had talked to him only once.

This is what the prosecutor calls “frequently.”

And he puts this allegation in the indictment as the proof that we carried out the July 15 coup.

In the file requesting that we are imprisoned for life this, too, is stated as “evidence.”

As a Norwegian reporter wrote, this indictment will indeed become one of the historic documents from this period.

According to another witness testimony, Kaya is said to have been coming to the offices of the Taraf newspaper and bringing me documents up until 17-25 December 2013.

In the same indictment, the prosecutor notes that I left my job at the Taraf newspaper in 2012.

The prosecutor doesn't even read what he himself wrote.

How could documents be brought to yours truly in 2013 when I had quit working for the newspaper in 2012?

Is there a reasonable explanation for this?

Does the prosecutor care about sounding reasonable in his accusations against us?

He doesn't.

Can the judiciary continue to exist in such nonsense?

It can't.

But does that happen here?

It does.

Why does it happen?

Because the judiciary had been wounded by the government and is on its deathbed.

According to the prosecutor's allegations, Kaya is said to have been paying me visits and after these visits I am said to be criticizing the AKP in my columns.

Right here this is one of the statements that prove loud and clear what I have been saying.

The prosecutor views criticizing the AKP as "the proof of putschism" and says that I have to die in prison because I did this.

This allegation of the prosecutor is a clear-cut summary of what has been going on in this country since July 15.

If you criticize the AKP you will be put on trial for putschism.

Criticizing the AKP is considered a coup.

It is as clear as that.

Following these allegations, are listed my three columns as “the proofs of my participation in the coup.”

I wrote a column with the title “Absolute Fear” and said, “I suspect we are watching the last act of a bad play. It has been a bit costly but it is still good to know that it is coming to an end.”

I already said this in my previous statement to the court:

This is exactly what I think today.

This AKP government will be brought down.

An order such as this one, in which the judiciary and the justice are being crushed, can't continue forever.

The second column, which is presented as “the proof” of my putschism has the title “Beating all hollow.”

Let me first disclose something about that column, something I believe will go down the history of Law.

This court has put me on two separate trials because of this column. Two trials are underway in the same court about the same column. This column is being tried twice.

In the present trial, this column is the proof of my being a FETO supporter and a “putschist.” In the other trial, it is the proof of my being a “PKK supporter.”

With the same column, I become both a FETO supporting putschist and a PKK terrorist.

What kind of fear is this fear of the written word that this government and these prosecutors have?

What sort of a mindset must a person have, by what sort of paranoia must one have been held hostage, to detect in a single column both putschism and terrorism, both religious fundamentalism and Marxism?

I wrote this column in reaction to these words by Erdoğan: “If there will be a civil war so be it. We’ll beat them all hollow.” In the column, I said that civil war would be terrifying, it was nothing to aspire to, and I went on to describe how truly horrific a civil war can be.

I must say I love the way the prosecutor has accused this column, I love the words he uses in doing that.

In this column, I am said to have used an expression that was “evocative” of the coup attempt. That is the word: “evocative.”

An expression that is “evocative” of the coup attempt? What does this ever mean?

What kind of crime is this?

The prosecutor does not stop there, he goes on.

The fact that I had written that column indicates to him that I had prior knowledge of the “action plan to target the Presidential complex” and that I threatened the president by implying that action plan.

Once the prosecutor says, “You knew ahead of time that the coup was going to take place,” he should be obliged to prove when, how, where and from whom I had received that information.

Who came to me? When, where and why this person came and said to me, “We’ll bomb the palace. Write a column and disclose this information”?

What kind of a crackpot would go and tell a columnist which buildings he is going to bomb?

Does the prosecutor answer these questions?

Of course not.

He doesn’t even think such answers are needed.

The prosecutor thinks his claim that I used “an expression that was evocative of the coup” suffices as proof.

“I think you evoked the coup, Ahmet Bey. Now go to jail and die there.”

This is what the prosecutor is saying.

This is the kind of flippant enmity I am talking about when I say “the judiciary is rotten.”

The third column, which was put forward as proof of my putschism has the title, “Montezuma.”

How am I being a putschist in this column?

I am said to have primed the society for a coup attempt by calling Erdoğan a dictator and saying that he will quit government.

Indeed, these words show us the state of the judiciary today.

In the prosecutor’s view, criticizing Erdoğan, calling him a “dictator” and saying he will leave government is akin to carrying out a coup d’état.

If you criticize Erdoğan you are a putschist.

Erdoğan can't be criticized.

It is forbidden.

Whoever criticizes him is thrown in jail.

Well, then, criticizing what sort of leaders is punishable by imprisonment?

Has anyone been accused of putschism and thrown in jail because they criticized the President of France, the Queen of England or the Chancellor of Germany?

No one has.

Even this bit of comparison is enough to explain the situation here.

Now we are about to reach another peak of shamelessness.

Two people who are said to be FETO'ists are texting each other.

They say their rights have been violated and discuss how they should make this information public.

One of them says, "Let's not go to public with this information ourselves. Let's give it to the senior segment and have them disclose it."

The other person doesn't understand and asks, "What do you mean by the senior segment?"

The first person answers, "The Altans, the Taha Akyols, the MP's, lawyers in the academy."

He lists other names, too, but the prosecutor who put this document in our file erases and hides those names.

Thus, he covers up the men's intention to give this report to intellectual democrats. He tries to make it look as if they were going to give this report to some special people.

Now, when two people converse between themselves, do those whose names are mentioned in that conversation turn into putschists who should be given life sentences?

And now we come to the remarks on Can Erzincan TV I made as a guest of the program hosted by Nazlı Ilıcak and Mehmet Altan.

First off, I want to say this:

My remarks constituted almost 95 percent of the conversation on that program. Ilıcak and Mehmet Altan said only a few sentences.

If you are going to accuse someone for that conversation you are going to accuse me.

Why are you accusing Ilıcak and Mehmet Altan?

You are accusing them because they are dissidents, too. What they actually say is not that important.

Now I list for you the expressions the prosecutor used to accuse my remarks:

“Using rhetoric...,” “making comments...,” “with this kind of rhetoric...”

In other words, I am committing the crime of “putschism” by using “rhetoric” and “making comments.”

What does this prosecutor think a coup d'état is?

Coups are not done with “comments,” they are done with weapons.

Only in dictatorships where the society is governed by fear and violence, “commentary” is considered a weapon.

Unfortunately, Turkey has become just such a country.

I stand verbatim today by the “rhetoric” and “comments” of that conversation.

What then are these terrifyingly “putschist” comments and rhetoric of mine?

I am said to have stated that the Sledgehammer Seminar held by the First Army was a “coup attempt.”

Yes, I still think so today.

The Prime Minister and the Chief Prosecutor of the Court of Cassation think so, too.

Will you put them on trial for life also?

I am said to have stated that there is no freedom of expression in Turkey.

Oh my God! What a terrifying act of putschism!

There aren't even the crumbs of freedom of expression in this country.

If there were freedom of expression, why would we be on trial for our “rhetoric” and “comments”?

I am said to have used “insult-like” rhetoric about Erdoğan.

As I said before, saying “insult-like” things is not a crime.

Can someone be considered a “putschist” because of his “insult-like” rhetoric?

That program was broadcast live in the evening of July 14.

In the words of the prosecutor, I am said to have declared on that program that there would be a coup.

These are the exact words of the prosecutor:

“He declared that there would be a coup d’état.”

Even if he isn’t put on trial for anything else he will be put on trial for this sentence.

Because this is an outright lie.

There is no such sentence in my remarks.

Indeed, there cannot be.

The prosecutor is sitting there. Let him point out the sentence in which I declared there would be a coup.

He can’t point it out.

Because there is no such sentence.

The poor wretched man had twisted and turned to come up with a crime and when he couldn’t find one he decided to concoct one so he made this up.

He tells such a baseless lie that it is proven to be a lie within the minute.

Will they not ask him where that sentence is?

They will someday.

He tells a lie and then he builds his reasoning on this lie.

“He declared there would be a coup, he couldn’t have known there would be coup if he had not collaborated with the putschists, therefore he is a putschist, too.” This is what the prosecutor is saying.

First, he makes up a sentence, something I hadn’t said, and then concocts an accusation based on this lie.

And the poor judiciary keeps squirming on the ground at death’s door.

The one who thrust the harpoon deep into its lungs is no other than its own prosecutor.

On that program, I said what I have been saying for years – that if you remove the civilian control over the military you will open the gates to a coup.

I have been saying this for thirty years.

This is exactly what I think today also.

Is it a crime to say this?

Is my criterion wrong?

Haven’t I said this all these years?

On that program, we said “there were elections in two years’ time” and made comments on those elections.

This trial, according to the trial files, started with an anonymous tip-off.

The tipster wrote this in an informer's letter: "They say Erdoğan will go in two years. How do they know this?"

That tip-off letter is in the files.

The informer is telling the truth. I did say that Erdoğan would go down in the elections two years later.

The informer doesn't know that it isn't a crime to say this.

But since the prosecutor knows it isn't a crime he is lying.

Now, are we supposed to call a process based on lies a free trial?

The hollowness of this trial manifests itself in the prosecutor's having to resort to lies.

If you put us on trial, claiming, "You have carried out the July 15 coup... You wanted to overthrow the constitutional order with force and violence," your only resort will be lies.

Indeed, we have before us a very interesting situation.

We are so clearly innocent that even if the prosecutor's lie were not a lie we still could not be accused for it.

We stand on such solid ground that you can't get to us even with your lies.

Even the sentence you concocted as our "crime" is not a crime.

The Court of Cassation had a clear ruling on this.

They say, "Having prior knowledge of the coup is not a criminal act."

In fact, if there were such a crime the journalist who wrote four months ahead of time that there would be a coup should have been on trial before everyone else.

But he is not on trial. We are.

Why?

Because the man who wrote about the coup four months ahead of time is Erdoğan's sycophant and we are dissidents.

There is a single criterion that determines "guilt" and "innocence" in Turkey today.

If you are an Erdoğan advocate, whatever you do you are innocent; go shoot a man if you will.

If you oppose Erdoğan, whatever you do you are guilty no matter how fervently you defend the Law.

The United Nations have called this a "show trial."

They are not wrong.

This trial violates the Constitution, which safeguards "the freedom of expression."

This trial violates the law that calls for the existence of force and violence as *sine qua non* for the crime of "attempting to overthrow the constitutional order."

This trial violates the justification of the article of the law in question, which states that "the element of force is written into this article in order to protect the freedom of expression."

This trial violates the Court of Cassation ruling which states: "Force and violence constitute elements of this crime. There-

fore, the attempt to overthrow the constitutional order has to be carried out by using force and violence; in other words, there should be a derangement of order by way of forcing the will of individuals.”

In short, this trial goes on in a manner that violates the Constitution, the laws and the ruling of the Court of Cassation.

For any person to be put on trial for this crime, he or she must either use “force and violence” or be in a position to give orders to someone who is “using force and violence” or be receiving orders from that someone.

Have we used force and violence?

No.

Have we given orders to someone using “force and violence” on July 15?

No.

Have we received orders from someone using “force and violence” on July 15?

No.

Then, this case should not have been litigated in the first place. No elements of crime have occurred.

But this is what is dangerous for us.

We are on trial for life in a case that should never have been litigated.

This demonstrates that there is no “judiciary” here; that the judiciary is in a coma.

Where there is no judiciary it is not that easy to have a fair trial.

We are hostages in the hands of a group that does not respect the Constitution and the laws.

No one in this courtroom takes the Constitution, the laws and the Court of Cassation seriously.

What we say, what we explain, what we prove do not reach the ears of those sitting in this courtroom.

We are aware of this fact, so is the rest of the World.

Everyone who has been monitoring this trial sees here an X-ray of Turkey.

This trial, which has announced to the world “the death of the Turkish judiciary” and invited the international community to its funeral, alone proves how the July 15 incident is being used as leverage to establish a dictatorship.

Just like the Union and Progress Party, which exploited the March 31 incident and never let it be investigated, the current government exploits to the utmost the July 15 incident and doesn't allow the truths of the coup to be investigated.

Well, then, can the dictatorship, the trailers of which we have been watching since July 15, be founded by way of such trials?

Will the waves of fear created by these trials carry the government's boat to the shores of dictatorship?

No, they won't.

Because fascism is an expensive business.

A government of violence and fear can't survive without money.

If you want to be the boss of violence and fear, you need to pay the people you crush; you need to provide them with a certain amount of wealth so that they can stomach their own cowardice.

Because Erdoğan has bankrupted the state and the economy he has no money left in his pockets.

In fact, that is why he has been auctioning out the government properties, estates, land and foundations. He is trying to raise enough money to take him to the next elections, which he thinks will give him the dictatorship he wants.

Like Phileas Fogg of *Around the World in Eighty Days*, Erdoğan, too, is out of coal and he has ordered parts of the vessel removed and burned in order to get his ship to the last harbor.

If he arrives at the last harbor he won't have the state ship anymore; he will be left with a mere skeleton unable to float.

He burns the state to achieve his goal.

But even that money is not enough.

People are getting poorer and poorer. The Turkish lira keeps depreciating. Prices soar.

Therefore, Erdoğan has grasped the final weapon that all incompetent politicians grasp – that is, nationalism.

Nationalism, the common foolishness of humankind, is politics' free-of-charge fuel.

People like being deemed “worthy” just for their birth-given identity, without having to make an effort in life, without creating anything.

When governments move away from the Law, justice and wealth, rumbles of nationalism increase.

But it is not that easy for Erdoğan to use this free fuel.

In order to inflame nationalism and garner nationalists' support, he has been fighting with and insulting all nations.

Naturally, he runs into an impasse here.

Turkey needs the inflow of billions and billions of dollars from abroad every year barely in order to survive.

How will he get all this money from the countries he is fighting and drowning in insults?

As long as he wants to press ahead with violence, fear and nationalism he won't find the money Turkey desperately needs.

And he will open wounds of poverty – wounds so deep that he cannot dress them with nationalism.

All the roads leading to a fascist dictatorship are blocked.

AKP's leaders also see these facts. They are aware that they are nearing the end of their government. They are beginning to consider that “last resort” which the Union and Progress Party had also used, which is to up the ante in violence and bring it to the dimension of street killings.

That is why they recently issued – and strongly resisted calls for its amendment — a decree with force of law that paves the way for “decriminalizing the killing of dissidents in the streets.”

The frightening symptoms of this madness has shaken the whole country, exploding in people's minds like a cannonball.

This move appalled not only dissidents but also those clear-headed AKP voters.

Because this amounts to inscribing the possibility of civil war into the future of this society.

That is why support for AKP is on decline.

Their votes have decreased.

That is why, with each passing day, they are moving further away from clear-headed segments of society and trying to build a base for themselves from among the lumpen, who they think are easier to deceive and provoke.

Both their speech and personnel are becoming lumpen-like.

As a result, a mafia-type non-ideological lumpen anarchy is on the rise in the country. In every part of the land, we see an increase in lumpen fighting, mob raids and murders.

I don't think Turkey will allow its government to keep walking on this path and dragging the whole country along with it.

The fact that Abdullah Gül, a founder of the AKP and the former president, has also objected to this last decree and insisted that it should be repealed shows that an awareness of danger and a sense of unease within the AKP grassroots are on the rise.

And because the judiciary has been killed, the possibility of preventing the earth from loosening, the possibility of saving Turkey and themselves with it is being lost.

I will repeat what I said in the column they are using to accuse me:

We are getting to the end of a bad play.

The road this country was put on by a stupid and dastardly coup, the road that has been travelled in the company of a dead judi-

ciary while making vague accusations against dissidents is coming to an end.

Either the government will turn back from this road...

Or its own grassroots, whose souls have been rotting through fear, will realize even before the dissidents do, that even more rot means extinction, and so they will bring down the government.

The government tries to overawe opposition and throw dissidents in jail, but it will eventually be brought down by AKP's own grassroots who are even more scared than the dissidents, but have to internalize that fear.

No one sees what sort of regret, fear, worry, anger and disappointment have been accumulating in the silence of AKP's grassroots.

The real big risk for Erdoğan is not the voices of his opponents but the silence of his supporters.

Let us say it in a Shakespearean way:

-- Erdoğan, beware that silence.

In that silence are the eyes of the hungry children.

The pale faces of the unemployed whose complexion has turned a wax-like white.

The sad glances of the fathers with their heads down in embarrassment before their children.

The suppressed sobs of unhappy mothers.

Perhaps there can be found a way to silence the voices.

How will you turn off the silence?

An entire society is unhappy.

Turkey watches in shivers a government gone mad as if it were a man dangling from the edge of the abyss.

The purpose of trials such as this one is to hide these facts from the distressed eyes of society.

A judiciary that does not respect the Constitution, the laws and the Court of Cassation follows the political orders of the government, now puts us on trial to “kill us in prison.”

Life sentence means death in prison.

What they want for us is death in prison.

History has taught us a certain fact.

The despots who punished their opponents in unjust ways have been eventually punished in the same manner.

He who sent people to the guillotine has ended up on the guillotine, he who imprisoned people has been sent to prison, the one who exiled others has been sent into exile himself.

The types of punishment they imposed on others have been marked as a port of call in the maps of the despots' own destiny.

Now you want to kill me in prison.

I have told you all the truth about this case and now this is what I say to you:

I am prepared to die in prison.

And I ask you:

What about you?

Are you prepared to die in prison, too?

Because whatever punishment you will give us will be marked as a port of call on the map of your own destiny as well.