



WHAT IS MY CRIME



This book contains the verbal deposition and cross-examination of the internationally renowned Turkish Scientist, Professor Doctor Mehmet Haberal, given in front of the judges he was brought before, for the first time after having been arrested for 357 days, on charges of, “founding and heading a terrorist organisation.”

During the course of his deposition, Professor Doctor Haberal felt unwell on a few occasions and could only continue his defence and cross-examination after the intervention of his doctors.

The court transcript for the legal process of this scientist and scholar, who is still asking and wondering what his crime is, is presented as a gift and valuable source of research to the universal history of law...

WHAT IS MY CRIME ? PROFESSOR MEHMET HABERAL'S ORAL SILIVRI DEPOSITION

WHAT IS MY CRIME



PROFESSOR MEHMET HABERAL'S
ORAL SILIVRI DEPOSITION

Biography of Mehmet A. Haberal MD, FACS (Hon), FICS (Hon)

- 1944** Born in Subaşı, a village in the Pazar district of the Province of Rize, Turkey
- 1967** Graduated from Ankara University Medical School, Ankara, Turkey
- 1971** Conferred title of General Surgeon Specialist, Hacettepe University, October
- 1973** Served as a Fellow at the Shriner's Burns Institute and the John Seally Hospital in Galveston, Texas, USA
- 1974-75** Served as a Fellow at the Colorado University Medical School Transplantation Center, January 1, 1974 to June 30, 1975
- 1975** Established the Burn and Transplantation Unit at Hacettepe University Hospital, Department of General Surgery, July
- Performed the first living-related kidney transplantation in Turkey, transplanting a graft from a mother to her 12-year-old child; Hacettepe University Hospital, Department of General Surgery, November 3
- Elected as the National Representative for the International Society for Burn Injuries (ISBI)
- 1976** Conferred title of Associate Professor of General Surgery, Hacettepe University
- 1978** Performed the first cadaver-kidney transplantation in Turkey

- with an organ provided by Eurotransplant, October 10
- 1979** Key player in the passage of Parliamentary Law 2238, enacted June 3, 1979, which validated regulations concerning the harvesting, storage, grafting, and transplantation of organs and tissues
- Performed the first domestic cadaver-kidney transplantation in Turkey, with an organ from a citizen who had died in a traffic accident, July 27
- Organized the first meeting of the National Burn Congress in Ankara, May 26-27
- 1980** Established the Turkish Organ Transplantation and Burn Foundation, September 4
- 1982** Enacted Law 2594, added to Law 2238, which included new articles enabling cadaveric organ transplantation without consent of the next of kin, for persons who have died in car accidents or natural disasters, and those whose relatives cannot be found, January 21
- Established the first hemodialysis center in Ankara through
- the Turkish Organ Transplantation and Burn Foundation, March 12
- Conferred title of Full Professor of General Surgery, Hacettepe University
- Chosen to be both a member of the Executive Committee and the representative for the Eastern Mediterranean Area for the ISBI
- 1983** Organized the first scientific transplantation meeting in Ankara, Turkey
- Conducted unprecedented research trails on organ cold ischemia time; first case in the medical literature of a successful cold kidney organ ischemia time of up to 111 hours
- Awarded the Sedat Simavi Foundation award for outstanding medical contributions
- 1984** Founding member of the Mediterranean Burns Club Established the Middle East Dialysis and Organ Transplantation Foundation (MEDOTF) to facilitate organ sharing and procurement in the Middle East
- 1985** Organized the first meeting of the Middle East Dialysis and

	Organ Transplantation Foundation, Istanbul, Turkey, November 17-20		transplantation in Turkey and the region, December 8
	Established the Turkish Organ Transplantation and Burn Foundation Hospital in Ankara, Turkey, September 16	1989	Established the Adana Dialysis Center
	Received the Everett Idris Evans Memorial Award from the American Burn Association	1990	Founder and President of the Turkish Transplantation Society, October
1986	Elected as Associate Secretary General of the ISBI		Performed the first pediatric segmental living-related liver transplantation in Turkey, the region, and in Europe, March 15
	Established the Istanbul Dialysis Center, February		Performed the first adult segmental living-related liver transplantation in the world, April 24
	Established the Haberal Educational Foundation, September	1992	Performed combined liver-kidney transplantation from a living-related donor, the first operation of its kind anywhere in the world, May 16
	Accepted as a Fellow of the American College of Surgeons (FACS)		Conferred membership in the New York Academy of Sciences
1987	Founder and President of the Middle East Society for Organ Transplantation (MESOT)		
	Organized the first Regional Eastern Mediterranean Burn Meeting in Istanbul, Turkey	1993	Established Baskent University* under the aegis of the Turkish Organ Transplantation and Burn Foundation and the Haberal Educational Foundation
1988	Organized the first meeting of the Middle East Society for Organ Transplantation in Ankara, Turkey, November 2-4		Opened Başkent University Physical Therapy and Rehabilitation Center in Ankara, Turkey
	Performed the first successful cadaver-liver		

- 1994** Opened Başkent University Zübeyde Hanım Teaching and Medical Research Center in Izmir on September 3
- 1995** Established the Turkish Burn and Fire Disaster Society in Turkey
- 1998** Opened Başkent University Dialysis Center in Yalova, Turkey, the first medical facility of this type devoted to servicing a smaller rural community in Turkey, June
- Opened the Başkent University Hospital in Adana, Turkey, June
- Established the Middle East Burn and Fire Disaster Society
- 1999** Opened Başkent University College (preschool to high school levels) in Ankara, Turkey
- 2000** Opened the Başkent University Hospital in Alanya, Antalya, Turkey, July
- Received the Millennium Medal for recognition of contributions to the development of organ transplantation in Turkey and throughout the world by the International Transplantation Society in Rome, August
- Opened Başkent University College (preschool to high school levels) in Adana, Turkey
- Opened a new Başkent University Hospital building in Ankara, November 20
- Established the Transplant Games Society, April 20
- 2002** Opened Başkent University Adana Seyhan Hospital, Adana, Turkey
- Established the Society of Clinical and Experimental Research, January 14
- 2003** Honorary Fellowship in the American Surgical Association (ASA)
- Opened Başkent University Konya Hospital, Konya, Turkey
- 2004** Member of the Academy of Surgical Research (Turkey Representative)
- Launched a TV channel, "Channel B," a radio channel, "Radio Baskent," and a news agency, "Baskent News Agency"
- Elected President-Elect of the International Society for Burn Injuries (ISBI) in 2004 in August, in Japan. The Presidential term of office will begin in September 2006 and end in 2008

- 2005** Honorary Fellowship in the International College of Surgeons (ICS), Prague, September
- 2006** Elected as Councilor for The Transplantation Society Global Region, Middle East and North Africa, May 4
- Honorary Doctorate in the Azerbaijan Medical University, May 15
- Conferred the title of Honoris Causa (Doctor of Science – D. Sc.) by the University of Karachi, Pakistan, Karachi, May 15
- Visiting Professor, The Johns Hopkins Hospital and the Massachusetts General Hospital, Massachusetts, May 15-23
- Elected as President of the Middle East Burn and Fire Disaster Society (MEBFDS), June
- Granted Honorary Membership by the Board of Directors of Brazilian Burn Society (Sociedade Brasileira de Queimaduras, SBQ), September
- Elected to membership in the International Surgical Group
- Began term of President of International Society for Burn Injuries (ISBI). Term of office will began in September 2006 and ends in September 2008, Fortaleza, September
- Given Lifetime Achievement Award by Kuwaiti Minister of Health, Shaikh Ahmad Al-Abdulla Al-Sabah, November 26
- 2007** Organized the First Meeting of the Society of Innate Immunity, Ankara, May 13-15
- Organized New Key Opinion Leader Meeting of the Transplantation Society, Ankara, July 1-7
- Organized 9th Meeting of the Turkish Transplantation Society, Ankara, July 4-6
- Organized Symposium on Surgical Education and Quality, Ankara, September 17
- Organized International College of Surgeons European Federation Turkey Section Meeting, Antalya, October 18-19
- Received an Award from The First National Burns Week in Dubai, November 4
- Established a Liaison Office in Munich, Germany

2008 Received an Award for Medical Contribution to Organ Donation and Kidney Transplantation from Prince Abdulaziz Bin Salman of Saudi Arabia, Jeddah, February 18

Received an Award for Medical Contribution to Organ Donation and Liver Transplantation from Prince Raad Bin Zeid of Jordan, Amman, March 13

Invited to be a Visiting Professor at the University of Washington, in Seattle, Washington, USA. The two day program, in honor of Prof. Haberal, consisted of a one day symposium on Organ transplantation at the University of Washington Transplant Center, and a one day symposium on the treatment of burns at the Harborview Burn Center. He was presented with the University of Washington Visiting Professorship award, Seattle, September 4-5

At the conclusion of his term as President (2006-2008) of the International Society for Burn Injuries, received an award for his valuable services and his contributions to the Society, Montreal, September 10

Awarded Honorary Membership of the Czech Medical Association by the President of the Association, Prof Radana Königova, Prague, September 30

Awarded a plaque as Guest of Honor from the Sindh Institute of Urology and Transplantation, Karachi, October 23

Attended the 11th Congress of the Middle East Society for Organ Transplantation as the guest of honor. Received an Award as the founder and constant supporter of the Society and for his Medical Contribution to Organ Donation and Transplantation. In addition, he was awarded Honorary Membership of the Academy of Medical Sciences of Iran. Shiraz, November 19

During the 36th World Congress of the International College of Surgeons, held at the Vienna City Hall, the previous president of the College, Prof Nadey S. Hakim received honorary membership. After his speech he invited Prof. Haberal, who received honorary membership in 2005, to join him on

stage, and in front of an audience of 200 people, while indicating a picture of Mustafa Kemal Atatürk on the screen, he thanked and congratulated his colleague Prof. Haberal, a man who was raised by the principles of Atatürk and who has become the world's leading transplant surgeon, Vienna, December 4

2009 Awarded a plaque as Guest of Honor at the Congress of the Asian Society of Transplantation, Beirut, October 2

Selected by the Honors Committee of the Board of Regents of the American College of Surgeons to receive the Honorary Fellowship of the College at the Clinical Congress, which will be held in Washington D.C. in October 2010.

2010 Organized the 15th Meeting of the International Society for Burn Injuries, 21-25 June 2010, in Istanbul, Turkey. The Congress also marked the occasion of the 50th Anniversary of the Society.

Awarded Honorary Membership of the International Society for

Burn Injuries by President of the Society, Dr. Ronald G. Tompkins, June 24.

Awarded Honorary Fellowship of the American College of Surgeons (FACS), Washington DC, October 2.

OTHER ACHIEVEMENTS TO DATE:

As of December 31, 2009, had performed 1832 renal and 344 liver transplantations

Organized 22 national and international scientific meetings in Turkey

Currently, a member of 35 national and international medical societies

Recipient of 26 national and international awards in medicine

Author of 1428 Turkish and English scientific publications, 2 English and 4 Turkish books

EDITORSHIPS:

Editor-in-Chief of the medical journal, Dialysis, Transplantation and Burn, the official journal of the Turkish Transplantation Society and the Turkish Burn and Fire Disaster Society

Editor-in-Chief of

Experimental and Clinical Transplantation, the official journal of the MESOT, indexed by MEDLINE/PubMed, EMBASE

Guest Editor of Transplantation Proceedings, 1996: Edited the proceedings of a meeting that commemorated the 20th anniversary of the first transplantation in Turkey

Guest Editor of Transplantation Proceedings, 1998: Edited the proceedings of the 4th Congress of the Turkish Transplantation Society

Guest Editor of Transplantation Proceedings, 2000: Edited the proceedings of the 5th Congress of the Turkish Transplantation Society

Guest Editor of Transplantation Proceedings, 2002: Edited the proceedings of the Joint Meeting of the Turkish Transplantation Society and Eurotransplant

Guest Editor of Transplantation Proceedings, 2004: Edited the proceedings of the Joint Meeting of the Turkish Transplantation Society and Eurotransplant

Guest Editor of Transplantation Proceedings, 2005: Edited the proceedings of the IXth Congress of the MESOT

Guest Editor of Transplantation Proceedings, 2006: Edited the proceedings of the 8th Meeting of the Turkish Transplantation Society

Guest Editor of Transplantation Proceedings, 2008: Edited the proceedings of the 9th Meeting of the Turkish Transplantation Society

Editorial Board Member of the International Medical Journal

Editorial Board Member of the Urology Journal

Editorial Board Member of the Journal of Investigative Surgery

Editorial Board Member of Clinical Transplantation

Editorial Board Member of Transplantation Proceedings

International Editorial Board Member of the Journal of Burn Care and Rehabilitation

Advisory Board Member of Saudi Journal of Kidney Diseases

International Board of

Consultant of the Archives of Iranian Medicine

Editorial Board Member of Journal of Burns and Wounds

Editorial Review Board Member of American Journal of Disaster Medicine

***BASKENT UNIVERSITY**

Instituted the following:

In Education

11 faculties (including faculty of medicine)

- 7 institutes (including Transplantation and Genetic Sciences Institute)

- 6 vocational schools

- 1 preparatory school

- 2 colleges

In Health

- 10 hospitals (all with dialysis centers)

- 6 additional independent dialysis centers (all of which are located in cities throughout the country)

- A liaison office in Munich, Germany, which is being represented by Prof. Walter Land, transplant surgeon

- A liaison office in London, UK, which is being represented by Prof. Nadey Hakim, transplant

surgeon

In Media

- A TV channel, Channel B

- A radio channel, Radio Baskent

- A news agency, Baskent News Agency

In Tourism

- 2 luxury hotels (1 is a spa)

In Production

- 2 holdings and more than 20 companies

- Baskent University Transplantation and Genetic Sciences Institute Integrated Facilities:

- A milk production factory

- An experimental animal breeding center (pig, rat, rabbit, hamster, guinea pig)

- A large agricultural farm

- A cow farm

- A quail farm

- A bee farm

Textiles

- Textile workshop

- Work clothes shop

Chemicals

- A dialysis solution factory

Others

- A gas station

- A woodworking shop

- An ironworks

**Professor Doctor Mehmet Haberal's
Oral Silivri Deposition**

(05 – 06 April 2010)

Republic of Turkey
Istanbul, 13th High Criminal Court
According to Clause 250 of the Criminal Procedure Law

Minutes of the Court Hearing

Docket Number: 2009/191

Hearing Number: 50

Date of Hearing: 05 April 2010

Presiding Judge: Köksal Şengün 20909

Second Judge: Hasan Hüseyin Özese 28298

Third Judge: Sedat Sami Haşiloğlu 37266

First Prosecutor of the Republic: Mehmet Ali Pekgüzel 33954

Second Prosecutor of the Republic: Nihat Taşkın 36924

Clerk to the Court: Ali Doğan 128041

The hearing, dated 5 April 2010, is convened by the Presiding Judge, Justice Köksal Şengün, Justice Hüseyin Özese and Justice Sedat Sami Haşiloğlu.

The detained defendants, excluding Levent Ersöz, Fatih Hilmioğlu, Oğuzhan Sarioğlu, Oğuz Bulut, Durmuş Ali Özoğlu, Cengiz Köylü, were escorted from prison. They take their places before the court, free of handcuffs.

The following defendants and lawyers are observed entering and taking their places in the courtroom: Defendants Ahmet Hurşit Tolon and Emin Şirin, and Ahmet Tuncay Özkan's, Mesut Özcan's and Hüseyin Nazlıkul's defence counsel Gizem Duygu Öcalan; defendant Mehmet Haberal's defence counsels Köksal Bayraktar, Yasemin Antakyalıoğlu and Efsun Ünal; defendant Ahmet Hurşit Tolon's defence counsel İlkey Sezer; defendants Durmuş Ali Özoğlu, Hatice Bahtiyar, Erol Mütercimler, Yaşar Oğuz Şahin and İbrahim Şahin's defence counsel Şule Gökyay Ağazade and defendants Fatih Hilmioğlu and Tanju Güvendiren's defence counsel Tarık Kale.

Due to the detained defendant, Professor Mehmet Haberal's

serious state of health, he has been receiving treatment in the Cardiology Institute of Istanbul University. Based on reports presented by his doctors and lawyers, his situation is believed to be life-threatening and despite continued treatment his medical condition is worsening on a daily basis, with the potential risk of sudden death. Further to these medical reports and advice from his doctors, an interlocutory injunction was passed on 29 March 2010, allowing his deposition to be divided into segments lasting a maximum of one hour each.

It is also understood that it has been decided for the defendant Professor Mehmet Haberal's deposition to be taken via video conferencing. The set-up of the unit has been completed and the whole courtroom connects to Istanbul University's Cardiology Institute.

Defendant Professor Mehmet Haberal, with his defence counsels Serdar Özersin, Belgin Özersin and Dilek Helvacı, is ready for his deposition. They are also accompanied by Hüsni Çalmuk, who has been appointed Deputy Judge, to ensure that the proceeding in the defendant's location move forward within the laws and regulations of the court.

The defendant, Professor Mehmet Haberal's deposition begins.

Presiding Judge: Sir, can you hear me?

Defendant Professor Mehmet Haberal: Yes, I can hear you.

The court moves on to identify the defendant.

Presiding Judge: Defendant Mehmet Haberal, what is your father's name?

Professor **Haberal:** Yaşar Ali.

Presiding Judge: Mother's name?

Professor **Haberal:** Medine.

Presiding Judge: Your date of birth?

Professor **Haberal:** 1944.

Presiding Judge: Is it correct that your full date of birth is 01 July 1944?

Professor **Haberal:** Yes, it is correct, Your Honour.

Presiding Judge: Where are you registered in Turkey?

Professor **Haberal:** Pazar – Rize – Subaşı.

Presiding Judge: Is that the village of Subaşı?

Professor **Haberal:** Yes, it is Subaşı village.

Presiding Judge: Can you please tell me your residential address?

Professor **Haberal:** Fevzi Çakmak Road, 10th Street, Number 45, Bahçelievler – Ankara

Presiding Judge: Are you married? Single?

Professor **Haberal:** Single, Your Honour.

Presiding Judge: Children?

Professor **Haberal:** Four.

Presiding Judge: Level of Education?

Professor **Haberal:** Doctorate.

Presiding Judge: Your current employment?

Professor **Haberal:** I am a medical doctor, Your Honour.

Presiding Judge: Where do you practice?

Professor **Haberal:** In Ankara. Başkent University's Ankara Hospital.

Presiding **Judge**: What is your monthly income?

Professor **Haberal**: Approximately 10,000.

Presiding **Judge**: You are currently working. Do you also receive a pension?

Professor **Haberal**: Yes, Your Honour. I do receive a pension. I retired from Hacettepe University's Faculty of Medicine and I currently work within the hospitals of Başkent University.

Presiding **Judge**: Can you please give me your mobile telephone number?

Professor **Haberal**: 0532 234 81 30

Presiding **Judge**: Is this telephone number registered in your name?

Professor **Haberal**: Yes, Your Honour.

Presiding **Judge**: Is the monthly income you mentioned only for your employment as medical professor at the university? Do you have any additional income?

Professor **Haberal**: Yes, Your Honour. I also receive my monthly pension.

Presiding **Judge**: The indictment issued against you has been communicated to you. You have received the indictment with the attached files, have you not? Have you received them in CD form and as hard copy?

Professor **Haberal**: Yes. Yes, Your Honour. I have read them all.

Presiding **Judge**: Now, I would like to read the section relating to you, in summary.

Professor **Haberal**: I am listening, Your Honour.

Presiding **Judge**: In this indictment you are being charged with the following:

Leading an illegal organisation and with the use of force and coercion, attempting to abolish the Grand National Assembly of Turkey and prevent it from fully or partially carrying out its functions.

Attempting to remove the Executive Authority with the use of force and coercion.

In these charges, there are accounts of certain individuals relating to the time you were involved in the treatment of Prime Minister Bülent Ecevit at a university hospital. These

individuals claim that you carried out incorrect treatment and these claims are supported by documentation and data.

Can you still hear me?

Professor **Haberal**: Yes, Your Honour. I can hear you.

Presiding **Judge**: In the section relating to the evaluation of evidence and legal status, it states that you have been in communication with the following individuals, suspected of high level involvement in the set-up of an armed terrorist organisation: Mehmet Şener Eryugur, Doğu Perinçek, Ahmet Hurşit Tolon, İlhan Selçuk, Kemal Yalçın Alemdaroğlu, Tuncay Özkan, Mustafa Özbek and Tuncer Kılınç. In the same section, it also states that you have been in contact with the following individuals accused of orchestrating the media and communication of the terror organisation: Mustafa Ali Balbay, Güler Yıldız and Ercüment Ovalı.

During this time, to the same effect, there have been phone conversations between Mehmet Şener Eryugur and Mümtaz Soysal on 13 February 2008 and between Ahmet Hurşit Tolon and Sinan Aygün on 11 March 2008. Both

of these conversations have been included in the indictment as conscious and intentional activities promoting disinformation on The Ergenekon Armed Terrorist Organisation. Additionally, it is claimed that the use of associations advocating the ideals of Atatürk were assigned for the same purpose.

Furthermore, two of your telephone conversations with Bedrettin Dalan on 9 January 2009 and 11 January 2009 have been included in the indictment, demonstrating your connection to the absconded defendant. These conversations you had expressed his discomfort surrounding the Ergenekon investigation.

Likewise, a telephone conversation between Kemal Alemdaroğlu and Erdoğan Teziç on 8 January 2008 was obtained. During this conversation, there was mention of rallies organised in the name of “Respect for the Republic”. The allegation attributed to yourself is related to this particular phone conversation. According to the “Republic Working Group’s” decision, it appears that in addition to the demonstration mentioned above, some university rectors, at different times, have made public statements

against the Executive Authority of this country. Through these statements, they have aimed to rally public opinion in efforts to create the foundation for a coup.

It is claimed that the suspected individual is a university rector and has his own television channel, enabling him to carry out activities in support of the objectives of the Ergenekon Armed Terrorist Organisation, as well as taking part in the planning of operations by the organisation. It is also claimed that this suspect has participated in attempts to overthrow the executive and legislative bodies of the country and that he has an active role within the Ergenekon Armed Terrorist Organisation.

Furthermore, your phone conversation with Ahmet Hurşit Tolon on 11 June 2008 is also included. During this conversation, it is of significance that Ahmet Hurşit Tolon, a former army general, tells you, a civilian, that he would “come running to see you, even if you called him at three in the morning”. It has been asserted that this implies an organisational and hierarchical relationship between the two of you.

Again, on 4 February 2008, a conversation between Doğu

Perinçek and an individual “X” is covered in the indictment. As part of the same subject matter, concerning you above, it is understood from this conversation that this individual is directly involved in trying to integrate the divisions known as the “National Forces”. Within this same conversation, Doğu Perinçek has stated, “That is different. Bringing all the national forces as a political solution...” It is claimed that this objective of the Ergenekon Armed Terrorist Organisation would be achieved by combining the other units under the control of the organisation, with the assistance of civilian accomplices and media accessories.

The organisation is involved in a movement attempting to overthrow the government of the Republic of Turkey, through what they have labelled the “National Forces” – a partnership between public movement, national union of forces within the parliament, national media and members of the Turkish army – using coercion and violence.

Turkish governments have been overthrown in the past and rendered partially or fully incapacitated to carry out their functions, through a similar use of manipulation and

combined forces.

The indictment also states that some members of the organisation are fairly experienced in this regard. For instance, according to the indictment, İlhan Selçuk was arrested in 1970 under the same allegations and Doğu Perinçek was tried a number of times for the same crimes.

Again, within the same topic, there is a statement in the indictment regarding efforts to re-organise Cumhuriyet Daily Newspaper. According to this statement, decisions taken by Ergenekon Organisation, have been quoted as, “within small scale institutions, it will be easier to start long and adventurous relationships with the businessmen”, have been executed in the following years. Within the indictment, there is a claim that it is understood that the suspected Mehmet Haberal plays role within the Council of Media Financing in the Ergenekon Armed Terrorist Organisation.

In the indictment, under the heading, “Efforts to Steer Political Parties”, there are notes in your diary regarding an email concerning Orhan Tunç, a telephone conversation between Hurşit Tolon and Turan Çömez

on 27 March 2008 and another phone conversation between yourself and Abdüllatif Şener on 16 December 2008. In the same way, the indictment contains telephone conversations you have had with Hüsamettin Özkan on 30 November 2008, with Mustafa S. on 16 November 2008 and with Osman Nahit D. It is claimed that these phone conversations with these individuals point to the fact that you hold a senior position within the decision-making body of this hierarchically structured organisation.

Furthermore, the indictment makes claims, in relation to you, that the organisation has conducted senior-level recruitment efforts under the leadership of İlhan Selçuk and held political meetings at Kent Hotel and Patalya Hotel. In support of these claims, the indictment contains a testimony by Engin Aydın and a phone conversation on 26 April 2008 between Ahmet Hurşit Tolon and Nedim M. Additionally, there is also a testimony by Hasan Ataman Yıldırım and a statement made by the suspected Muhittin Erdal, also included within the indictment.

In addition, amongst the allegations made against you, there are two phone conversations - on

14 February 2008 between İlhan Selçuk and İsmail Yıldız and on 3 March 2008 between İlhan Selçuk and Alev Coşkun – relating to activities attempting to control the media. The same section of the indictment also contains a phone conversation made between Mesut Özcan and Tuncay Özkan on 2 May 2008, an additional phone conversation on 10 February 2008 between İlhan Selçuk and a woman “X” and on 19 February 2008, a conversation between İlhan Selçuk, Woman “X” and Balbay.

The indictment claims that these conversations point to the fact that the television channel which, Mehmet Haberal affirms is owned by him, would emit joint broadcasts with the other television channels, mentioned in the document, which are headed by İlhan Selçuk, as appointed by the senior committees within the organisation. It is claimed that the intention of these joint broadcasts is to manipulate and rally public opinion towards the goals of the organisation.

It is also claimed that the suspected Mehmet Haberal has been collaborating with other university rectors in order to carry out the decisions of the “Republic Working Group”, in participating in the “Respect for the Republic”

rallies and other rallies with banners calling “The Army to Duty”.

It is further claimed that Mehmet Haberal has gathered numerous political leaders in the aim of steering them towards the goals of the Ergenekon Armed Terrorist Organisation and that in telephone conversations, he has talked of the necessity to topple the government. In a conversation with Mehmet S., Mehmet Haberal has instructed him to, “do away with political disagreements until the bridge has been crossed.”

Additionally, it is alleged that the same individual has said to Mehmet Haberal, “I will become Prime Minister, but you will always be my Prime Minister.”

This, combined with the fact that Ahmet Hürşit Tolon, who was a general in the army, had told Mehmet Haberal, “All you have to do is call me and I will be at your door even at 3 am” all point to the fact that Mehmet Haberal is suspected of being in the decision-making echelons of the Ergenekon Armed Terrorist Organisation. Moreover, it is understood that he is effectively involved in attempts to bring down the country’s legislative and executive bodies and to render their functioning fully or partially

incapacitated.

As a result, it has been requested that Mehmet Haberal be punished according to Clause 5 of Law number 3713 of Turkey's Counter-Terrorism Laws and according to clauses 53, 58, 59 and 63 of the Laws of the Republic of Turkey for the following crimes:

Guilty of acting as head of the Ergenekon Armed Terrorist Organisation, as defined in Clauses 314/1 of the Laws of the Republic of Turkey;

Guilty of attempting to overthrow the Grand National Assembly of the Republic of Turkey and rendering its role fully or partially incapacitated, with the use of violence and coercion, as defined in Clause 311/1 of the Laws of the Republic of Turkey;

Guilty of attempting to topple the executive body of the Republic of Turkey, with the use of violence and coercion, as defined in Clause 312/1 of the Laws of the Republic of Turkey.

Can you still hear me? You are still listening, are you not?

Professor **Haberal**: Yes, Your Honour. Thank you.

Presiding **Judge**: We can see from here that the doctors attending to your medical requirements are also present with you, as well as our appointed judge who is overseeing the court proceedings from the hospital.

Professor **Haberal**: Yes. Yes, they are.

Presiding **Judge**: You have the right to comment or to remain silent regarding these charges made against you. You also have the right to gather any evidence in your favour. The indictment has now been read to you. Have you prepared your defence? Are you in a position to deliver your defence?

Professor **Haberal**: Yes, Your Honour.

Presiding **Judge**: You may start. We are listening.

Professor **Haberal**: Thank you, Your Honour. When I was brought to the counter-terrorism unit in Istanbul, I was asked the same question. When they told me that I could use my right to remain silent. I told them, "to the contrary, I will use my right speak". Now, I will say the same thing here. I will use my right to speak. Thank you.

Your Honour, before I start my

defence, I would like to extend my gratitude to Mr Kemal Aydın, Ms Neriman Aydın, Mr Mehmet Ali Çelebi and Mr Hamza Demir, despite not knowing me personally and despite they themselves being detained, for their exemplary kindness towards me during my trial and ill-health. I will not forget them for as long as I live.

Turkey and I am proud of this.

For this reason, it is erroneous to refer to the Başkent University, that belongs to Mehmet Haberal; Channel B, that belongs to Mehmet Haberal and the hospitals that belong to Mehmet Haberal. I want to clarify this from the beginning.

Neither Başkent University nor Channel B belong to me, or to any of my family members, or to any of my friends who have worked with me. These establishments have been created for the Republic of Turkey and for the people of Turkey and I am proud of this.

Your Honour, I would like to start by correcting a common misunderstanding in existence. It is correct that, with the help of His Almighty, I established Başkent University. It is also true that I set-up the television channel, Channel B. With the help of friends, I built up all the facilities of Başkent University. However, none of these establishments belong to me, nor to any of my family members, nor to any of my friends who have worked with me. These establishments have been created for the Republic of Turkey and for the people of

Your Honour and honourable members of the court, on 20 January 2010, through the intermediary of my lawyers I had presented my written defence to the court. During the two and a half months which have elapsed since, I believe that you have perused it. For this reason, I will start by providing a brief summary.

I deny all the charges being made against me. Like other citizens of this country, I heard of my alleged connection to the Ergenekon Terrorist Organisation from the media. In order to

create an association between this organisation and myself, completely unrelated issues have been brought together, in an imaginary fashion, totally removed from reality and with no legal basis. This has led to a grave accusation, depriving me of my rights, seriously damaging my health and resulting in my detainment for the past 356 days.

Newspaper's Headquarters; the assassination of the supreme court magistrate, Mustafa Yücel Özbilgin; the 27 hand grenades confiscated in Ümraniye and the 12 hand explosives seized in an operation carried out in Eskişehir. The court claimed that there was strong evidence that these events were attributed to The Ergenekon Terrorist Organisation and that my mobile telephone number was also

Therefore, unfortunately, the telephones of Başkent University and Ankara Hospital were being listened to without legal permission.

Now, I will return to the beginning, Your Honour. On 17 October 2008, the 1st High Criminal Court took the decision to tap my mobile telephone number 0532 234 81 30, in order for the investigation to come to light, to determine the nature of the suspicions and to exhaustively collect evidence.

Then, on 14 October 2009, as per the request of the prosecutor, this time the 13th High Criminal Court requested to extend the wiretap on my telephone. This decision follows the following events: The attack by an armed organisation on three times bombed, Cumhuriyet Daily

implicated in the establishment of this organisation, resulting my telephone being tapped a second time.

However, it was not only my 0532 234 81 30 mobile number, but also my office landline (212 21 94) in Başkent University that was being listened to, although, there was no legal basis on this decision.

Consequently, further to my lawyers' request to the 13th High Criminal Court and as a result of the prosecution's investigation on this issue, it was established that there was no wiretap decision taken by Istanbul Police Headquarters'

Counter-terrorism Unit, or by its Fight Against Organised Crimes Unit. This was communicated to the 13th High Criminal Court, by the Prosecution.

Therefore, unfortunately, the telephones of Başkent University and Ankara Hospital were being listened to without legal permission.

send a notification to Istanbul Police Head quarter's Fight Against Organised Crimes Unit and the Counter-Terrorism Unit. Consequently, at 7 am on 13 April, the concerned officers from Ankara Police Headquarters' Counter-Terrorism Unit come to my home in Ümitköy. As I am unaware of this decision, I am preparing to go to the hospital, when my driver calls me saying, "Sir, officers have

All the documents are taken from my possession. However, as per Clause 134 of the Criminal Procedure Law, copies of all these documents need to made and provided to my defence counsels. However, the documents are seized without any copies being made and I am taken into custody.

Your Honour, on Sunday 12 April, the appointed deputy judge takes a decision concerning me. On a one-time basis, on suspicion of my involvement with The Ergenekon Armed Terrorist Organisation, my alleged membership and assistance to this organisation, he issues a search warrant and a confiscation of my belongings.

Based on this decision, the prosecutors of the Beşiktaş Court, with four signatures,

arrived." Of course, I look out of the window and see a large crowd. I go downstairs and open the door. Seeing the huge crowd, I say to the officer, "Is this befitting of the Turkish Republic?" Then, I allow the officers into my home. Without checking any warrants, I let them into my home and personally give them anything they ask for.

In the meantime, my lawyers speak to the most senior person in the group and tell him, "as per the court's decision, the authorities

are allowed to, within 72 hours, as a one-off job, collect what they need. They are not permitted to do anything else outside of this.”

Consequently, it appears that the concerned officer calls Istanbul. I only find this out later. While all the information and documents are still being collected, further to an instruction from the prosecutor, they decide to take me into custody. He receives this instruction over the telephone! The court’s instructions are to carry out a “search” and before the search is even completed, he decides that I should be taken into custody.

All the documents are taken from my possession. However, as per Clause 134 of the Criminal Procedure Law, copies of all these documents need to be made and provided to my defence counsels. However, the documents are seized without any copies being made and I am taken into custody.

First, I am taken to Ankara Counter-Terrorism Unit and then I am sent to Istanbul Police Headquarters’ Counter-Terrorism Unit. I am made to wait three days here. It is only at approximately 1.30 pm, on the third day, in the presence of my lawyer, Belgin Özersin, that they start taking my statement. As I had stated at the beginning of my defence today, the first thing I am told is that, “I have

the right to remain silent”, to which my response is, “To the contrary, I will use my right to speak.”

I give my testimony for eight hours, Your Honour. After that we are brought to The Courthouse of Beşiktaş. Here, after being made to wait for many hours, we are brought in front of the prosecutor where I give my statement. I would like to specify that there is not one prosecutor, but a number of them and I give my statement in the presence of my three lawyers, Professor Köksal Bayraktar, Ms Belgin Özersin and Ms Dilek Helvacı.

Halfway through my deposition, another prosecutor enters the room and says, “Some television channels are broadcasting subtitles, stating that Mehmet Haberal has been sent to court, with orders to be put under arrest.” Of course, this comes as a shock to my lawyers and I, and we look at each other with confusion. The prosecutor goes outside for a little while and I continue testifying. At the end of my testimony, as my lawyers go over what I have said, the prosecutor comes back in saying, “If you could please hurry up, as His Honour is also human and we should not make him wait any further.” So, my lawyers wrap up, as requested.

When my testimony is over, I

go outside with my lawyers. Within a short timeframe of, like, five minutes, the prosecutors send me to the 14th High Criminal Court with a warrant for arrest, confirming what was said in the courtroom earlier. Of course, Clause 122 of the Criminal Procedure Law requires the prosecution to examine the evidence before taking the decision to put someone under arrest. However, the eight hours

deputy judge took his decision and stated that I was under arrest for the following reasons: Existing facts implicating me of founding and running a terrorist organisation; the seriousness of the nature of the crime; the evidence found against me and the fact that the crime is covered within Clause 100/3 and the clauses following Clause 100 of the Criminal Procedure Law.

...without sleep for around 96 hours and exhausted, without realising what is happening, I start feeling very unwell and I collapse on the floor.

I spent giving evidence and the very substantial amount of documentation that had been taken from me would have needed more than just five minutes to evaluate, which was the time between the end of my testimony and the decision to put me under arrest. Frankly, we were all very much astounded by this decision.

Finally, I was brought in front of the Deputy Judge at the 14th High Criminal Court to testify. I was with the same lawyers who had been with me at the Courthouse of Beşiktaş. Again, we spent a long time giving evidence and arguing my case. In the same way, within approximately ten minutes, the

So, when the judge gave his verdict, he was thinking of Clause 34 of the Criminal Procedure Law. Of course he was also thinking of Clauses 101, 230, 289, and similarly, Clauses 232 and 122 of the Criminal Procedure Law. In the written discourse he sends to the prison, he charges me, under Clause 314/1 of the Turkish Penal Code, with setting up an armed terrorist organisation and consequently, the decision is taken to send me to Metris Jail.

In the meantime, as a result of having waited three days, without sleep for around 96 hours and exhausted, without realising what is happening, I start feeling very unwell and I collapse on the floor.

There is a swarm of people around me, from doctors to acquaintances. Some of these doctors, I have previously received treatment from for serious conditions, which had now relapsed. The people around me had called an ambulance and were insisting that I go to hospital. However, I told them that I would have to go to Metris Jail, whatever the situation. In the end, I go to Metris Jail accompanied by an officer and with my friends who are also university rectors, following in an ambulance behind us.

Once at Metris Jail and after completing the required administrative procedures, we are told that we would be taken to our rooms. We go through doors with iron bars, into a corridor, lined with rooms and room numbers. I am taken to room number 27. The room has an iron door with double locks. One of the locks is a yale lock and the other is an iron handle. The prison guard opens the door and I enter the room. Then he closes the iron door behind me and locks the yale lock. The door has an observation hole. The room is four metres by five metres. Of course, I'm not sure if it should not be called a "cell" rather than a "room"? Of course, I leave the evaluation of this to the legal authorities and stay in here for a few hours.

Later, I start feeling seriously unwell again, as had happened in the courthouse, so I go to the infirmary, where I wait for an hour and I take an Izordil tablet. However, as my condition does not improve, the staff and doctors at the jail send me to Bayrampaşa State Hospital's Emergency Room. Suspecting that I have a cardiac condition, the doctors at the hospital transfer me to the emergency room at Istanbul University's Cardiology Institute.

Here, my symptoms do not subside and the doctors immediately move me to the intensive care unit. I spend 12 days in intensive care, where I am also treated by the teaching staff at Cerrahpaşa Medical Faculty's Psychiatry division. After my treatment, as you had also mention Your Honour, I am moved to room number 304, on the Institute's third floor.

My treatment is continuing here at the same intensity as in the intensive care unit. These events have not just caused me cardiac problems, but I get regular nosebleeds and I have developed Thrombophlebitis in my legs. As result of all the medication I am taking, my blood work is irregular. I am suffering from numerous

health problems as a result of the side-effects of my medication. Despite all these problems, the doctors are trying very hard to treat me and I would like to thank them deeply for their hard work. As you can see, I am in this room of around ten square metres. I have been in this room for 356 days and apart from going to the forensic medicine department, on 31 August 2009, upon the request of the jail prosecutor, I have not been outside of this room.

allegations, the evidence at hand and the stage of the investigation should not allow it.

I assume that this vote was based on Clauses 34, 101, 230 and 289 of the Criminal Procedure Law. However, my lawyers' continue with their plea for my release

Then, the plea is sent to the 14th High Criminal Court, where the judge recommends my discharge saying, "Mehmet Haberal was arrested based on the court's

It is said, "Other people who had been charged with crimes relating to this specific one, or similar in nature, have been freed as a result of suffering similar health problems."

Your Honour, as I struggle with my health issues, I will admit that my lawyers are battling in the courts to be able to have me released. For this reason, they have been appealing for this on a regular basis. One of these pleas for my discharge relates to a request made to the 12th High Criminal Court, where the committee convened and one of the committee members recommended my release as he saw no evidence that I would obstruct justice or attempt to escape. He then put this to a majority vote. However, two of the other board members, voted against stating that the nature of the

investigation. The suspect's defence lawyers objected to this decision, but this was rejected by the judicial committee, due to the documentary evidence at hand. During the elapsed time, further evidence has been acquired and the suspect has been under treatment for serious health issues. The file now contains evidence in favour of the suspect's release, along with medical reports. Other people who had been charged with crimes relating to this specific one, or similar in nature, have been freed as a result of suffering similar health problems."

I have always said that if I am guilty of a crime, I am ready to suffer the consequences and the punishment. However, my release needs to be made on the basis of the evidence collected. For me to be discharged, based on health problems is not a comfortable situation for me. Therefore, at the time, I had told my lawyers that it is vital that my release should depend on the evidence in my favour. We have appealed on numerous occasions for my release because as I had mentioned earlier, I deny

High Criminal Court accepted his resignation

So, the Deputy Judge requested to be dismissed from the case on the basis that there was too much institutional pressure on his decision-making. So, my lawyers continued with their appeal, to the 14th High Criminal Court this time. On 6 June 2009, the Presiding Judge said that the reasons he had cited in his decision of the previous job number still prevailed and speaking about

I kept wondering which terrorist organisation I had set up or which armed organisation I seem to have joined.

all of the crimes which you listed in the indictment. As my lawyers are aware of this, they have been appealing for my acquittal.

Now, my file and my plea for release had to go to the Deputy Judge at the 12th High Criminal Court. However, for some reason, my file never reached the Deputy Judge and at the end, the Deputy Judge, applied to the 12th High Criminal Court with his resignation, saying, “There is too much institutional pressure on me.” Consequently, the 12th

me, he recommended my release, listing the following reasons, “the stage the trial reached; the lack of evidence on file; unlikelihood of the defendant spoiling evidence.” Despite this recommendation, the fact that the two other judges voted against, resulted in the rejection of my plea for release.

I have to admit that before the indictment was accepted by the court, with regards to the serious charges of terrorism I was faced with, I kept wondering which terrorist organisation I had set up or which armed organisation I seem

to have joined. While questioning all this in my head, on 5 August 2009 the 13th High Criminal Court accepted the indictment.

My lawyers made a total of 25 appeals – 11 before the indictment was accepted and 14 afterwards – for my release. After the declaration of the indictment, on 6 August, I felt compelled to make a statement to the public.

of this terrorist organisation with Yalçın Küçük and İlhan Selçuk. I met with these two individuals 25 years ago with regard to the “Petition of the Intellectuals”.

Since that time, I have not had any communication with either of them. The “Petition of the Intellectuals” is an initiative introduced after the coup d’état of 12 September 1980, promoting

After the declaration of the indictment, it has been seen I am still being detained for crimes that I am wrongly charged with. This is unconstitutional and against human rights. With fictitious evidence, innocent actions are given a criminal characteristic, violating all legal principles.

For this reason, on 6 August 2009, further to the alleged findings and claims made in the indictment number 2009/565, which was accepted by the 13th High Criminal Court, it was necessary to call out to the public with the following points:

Like the other citizens of this country, I have only found out about the existence of the so-called terrorist organisation stated in the indictment, through the media. The indictment states that I am a leader

democracy against the anti-democratic practices of that time. Mine was one of the signatures on that document. On this matter, I have already testified to Kemal Kadioğlu, the prosecutor at the Mamak Court of Martial Law. As a matter of fact, later the charges relating to the “Petition of the Intellectuals” resulted in an acquittal. Therefore, claims that I have set-up and am leading a terrorist organisation with two individuals who I have not seen,

nor had any contact with for 25 years, is slander.

The claim in the indictment that I am in collaboration with a Mustafa Özbek and an Erol Manisalı in structuring media financing is a lie. Information alleging that I am in the same organisation as Fatih Hilmioğlu is incorrect. There has never been any question of my interfering with the staff and payroll of any university. Fatih Hilmioğlu, a former rector himself, is currently a member of the teaching staff at Başkent University. As you know, he is also detained presently. This incident pertains to having signed the “Petition of the Intellectuals” in 1984 and is based on the minutes of the statement I had made to the Mamak Court of Martial Law, Your Honour.

On 10 August, I found out through my lawyers that the public was aware of the details of my indictment. So, I found it necessary, with the assistance of my lawyers, to prepare another disclosure, as follows:

1. I repeat once again, like the other citizens of this country, I only found out about my alleged involvement with this so-called terrorist organisation as stated in

the indictment, through the media.

2. After the declaration of the indictment, it has been seen I am still being detained for crimes that I am wrongly charged with. This is unconstitutional and against human rights. With fictitious evidence, innocent actions are given a criminal characteristic, violating all legal principles.

3. During the entirety of my detainment, which now amounts to 356 days, no proper attention has been paid to my testimonies, nor to the genuine documents we handed over to the court, nor to the defence of my lawyers and nor to the evidence we provided. My hearings have been subject to bias against me.

4. Efforts have been made to incriminate me on the basis of false findings. Imaginary terrorist organisations, which are completely unrelated to me, have been created, obstructing all my basic rights and freedom and causing serious damage to my health.

Excuse me one moment please.

Presiding **Judge**: If you are tired, we can take a break.

Professor **Haberal**: Your Honour, my doctor is telling me

that we should take a break. Would you mind if I have a five-minute pause?

The court takes a ten-minute recess.

The hearing now continues between the courtroom and Professor Haberal via videoconferencing.

Professor **Haberal**: Thank you Your Honour. I am afraid my doctor requires me to take such breaks because of my ill state of health. I will now continue.

Your Honour and honourable members of the courtroom, our country was created out of destitution, by Atatürk and his allies, and through the loss of lives of our beloved soldiers. This country is now entrusted to us. Our primary duty is to ensure that our democratic, secular and social government, administered by the rule of law, is propelled to further greatness. Therefore, with this purpose in mind, and using our civil rights within clauses 25 and 26 of the Constitution and in order to safeguard our country and contribute towards its national and international issues, we started conducting open meetings called the “Dialogue Group” in December

2006, at the entrance of Kent Hotel, where we served finger food, tea and coffee.

The attendees of these meetings were current and former members of parliament, bureaucrats and educators. The forum was an open one, where each person would give his opinion and the press would also be informed. So, these were not secret meetings held behind closed doors.

Neither I, nor these gatherings have any relationship to the meetings organised by Mr İlhan Selçuk, which you had talked about earlier. After a few of the “Dialogue Group” gatherings, we did discuss whether it would be more useful to move towards a more political structure. However, the aim of this was to see how we could contribute to the resolution of the issues facing the country and at the same time, how this could help the people running the country.

At a later stage, again in exactly the same way, these meetings continued at Patalya Hotel, founded by Başkent University, in Gölbaşı.

Patalya Hotel has been the venue of meetings and events for regular citizens, clubs, associations, charities, weddings

etc. Additionally, this hotel has also hosted meetings of the Republican People's Party, the Motherland Party, the Democratic Left Party and the Nationalist Movement Party. Not only that, the incumbent government had conducted all its activities when they were setting up their political party.

is aiming to be a political group, conforming to the country's legal framework and regulations.

If this country cannot allow such activities and tries to instil fear in people, it means that it is moving away from democracy. It is especially critical if certain people

In summary, the creation of the “Dialogue Group” and its consequent formation of the “National Sovereignty Movement”, was aimed at contributing towards the national and international concerns facing our country. The “National Sovereignty Movement”, within its constitutional rights, is aiming to be a political group, conforming to the country’s legal framework and regulations.

Therefore, these activities should be present in a democratic state, governed by the rule of law. Anyone, who thinks the opposite, should not have the right to talk about democracy and the rule of law.

In summary, the creation of the “Dialogue Group” and its consequent formation of the “National Sovereignty Movement”, was aimed at contributing towards the national and international concerns facing our country. The “National Sovereignty Movement”, within its constitutional rights,

have started a smear campaign to hinder others.

In his book, “Wrathful Years”, General Ismet said, “If a country perpetuates a regime of defamation, it means the people of that country will not have the strength to ward off foreign threats.” I think, as the citizens of the Republic of Turkey, we need to ponder on this historic inflection.

On this subject, Your Honour, the media had also been included. In the majority of the meetings,

especially the more marked ones, the media had always been provided with post-meeting information. Furthermore, as I have said earlier, everyone participated in these meetings with openness, putting forward their knowledge and opinions. Therefore, I find it very saddening that these meetings are being interpreted as being secret and taking place behind closed doors.

Your Honour, if such meetings cannot take place in a country, and if the historic slogan, “The Turkey that Speaks”, is no longer applicable, I really feel that this is very disturbing for us, for the Turkish society as a whole.

As for our late Prime Minister, Bülent Ecevit, I always remember him with kindness. Atatürk once said, “Place me in the care of Turkish doctors”. In the same way, I remember, with gratitude, Mr Ecevit’s decision to be entrusted to our care at Başkent University’s Ankara Hospital. Since it was not my area of specialisation, it was not possible for me to be involved in our late Prime Minister’s treatment. However, my colleagues, who were specialised in his medical condition, treated him successfully and he was later discharged from the hospital. I would like to take

this opportunity, to once again, thank my friends who were involved in his treatment.

A copy of the committee report, dated 27 May 2002, prepared during the treatment of our late Prime Minister, was handed over, personally by me, to Mr Ahmet Şağar, the Undersecretary to the Prime Ministry. Another copy, with recorded minutes, was delivered to Mr Recai Birgün, to be presented to Ms Raşan Ecevit and our Prime Minister, Mr Bülent Ecevit. Furthermore, during our late Prime Minister’s treatment, copies of the committee report on his consultation at our hospital on 26 June 2002, copies of his test results and a copy of his status report dated 1 July 2002 were forwarded to the office of the Prime Ministry.

At the time, there was a lot of unfounded media coverage saying that the late Prime Minister, Bülent Ecevit had cut his ties with Ankara Hospital and its doctors. As a result, the late Prime Minister, Bülent Ecevit, gave a press conference on 12 July 2002, denying the media claims and communicating his recognition to the specialists and managers of our hospital.

Furthermore, at that time, as a result of this baseless negative media publicity, as Başkent

University, we used our legal rights and applied to the judicial authorities. Our first lawsuit against Recai Birgün was launched on 19 December 2002. In addition to this first lawsuit against this individual, the consequent criminal and civil lawsuits are continuing currently.

I would like to provide an explanation here, Your Honour.

time, he has been aired on Channel B, a television channel founded by Başkent University, at his home in Oran.

Therefore, the allegation made against me and Başkent University, in relation to the treatment of our late Prime Minister, is untrue and constitutes defamation.

...and that the doctor told the Prime Minister that he had completely recovered, that he would not have any more complaints and Recai Birgün clearly confirmed that his treatment at Başkent University's Ankara Hospital had been successful.

How lawful is it for this man to be treated as a regular witness by the prosecution, and for his comments to feature in the indictment, while a number of lawsuits are continuing against him? With all due respect, I put this question to you.

Additionally, our lawsuits against the media organisations, who broadcast these unfounded claims, were won. I will present these to you in a moment.

From the date of discharge, our late Prime Minister Bülent Ecevit continued his duties as Prime Minister for seven months and lived on for another four and a half years after that. Furthermore, during this

During investigation number 2008/1756, carried out by the Chief Public Prosecutor's Office in Istanbul, as I mentioned earlier, in the last paragraph of the second page of the statement I gave, in his testimony, Recai Birgün talks of "a doctor he secretly brought to Bülent Ecevit's house". This document is in my hands now. In the last paragraph of the second page, he clearly goes on to say that this doctor examined the Prime Minister; that after the examination told him that he was not ill and that his spinal collapse had recovered. Within the same statement, he goes on to say that they secretly brought a mobile x-ray machine

from one of the hospitals and that the doctor told the Prime Minister that he had completely recovered, that he would not have any more complaints and Recai Birgün clearly confirmed that his treatment at Başkent University's Ankara Hospital had been successful.

before, this document is the record of the minutes from Recai Birgün's testimony and the other document covers the statements he has made on NTV and Habertürk channels on 15 February 2010. This contains the claims my lawyers have made in relation to Recai Birgün.

...it should be understood that whatever the nature of these serious allegations stated in my arrest warrants, let me explain myself and be accountable to our great nation, our students, my thousands of friends working at Başkent University and its subsidiary organisations, men and women of science and knowledge in the Turkic States, the Middle East, Asia, the Far East, Europe and America.

Additionally, on 15 February 2010, Recai Birgün appeared on NTV's "Within One Day" programme, as well as live on Habertürk channel's "A Day's Headlines" programme in the same day, where he refuted all the allegations against me and the hospital, saying that, "the late Prime Minister had left Başkent University's Ankara Hospital, but that according to the headquarters of the Democratic Left Party, he did not return for further check-ups".

Your Honour, as I mentioned

And lastly, this document shows Recai Birgün's testimony in court on 31 March 2010. Also, we have won lawsuits against others, amongst whom are also members of parliament. These documents are in relation to this and if you need them, Your Honour, I am happy to hand them over.

Your Honour and honourable members of the court, I now have a request from you. For everything that I have been asked and the strong allegations for which I have been under arrest for the past 356

days, please note that whatever the nature of these serious accusations, let me explain myself and be accountable firstly, to our great nation; secondly, to our students; thirdly, to the thousands of people working at Baškent University and its subsidiaries; fourthly, to the men and women of science and knowledge in the Turkic states, the Middle East, Asia, the Far East, Europe and America

interpretation.” And amongst these men of wisdom, this is the one who is chosen.

Secondly, on page 52 of the same book, Socrates is asked, “What sustains the World?” He answers, “It is justice that sustains the World. When tyranny comes, the existence of that state is unthinkable.”

Thirdly, on page 78 of the same

Socrates is asked, “What sustains the World?” He answers, “It is justice that sustains the World. When tyranny comes, the existence of that state is unthinkable.”

On page 236 of the book titled, “Stories of Wisdom”, it explains the makings of the shortest constitution, by which I want to stress that I am not speaking of the work being carried out on the constitution currently. In the book, all the wise men are gathered and they are told to create the world’s shortest constitution. Each wise man gives his opinion on the matter. However, one of them says that he thinks the shortest constitution should go as, “Not do to others what you would not want done to you. That is the law. Anything outside of that is up to

book, Alexander the Great asks his master Aristotle, “Which trait is more important for a leader, justice or courage?” His master, Aristotle, answers, “When there is justice, there is not need for courage.”

In its Surats, Araf verse 29, Muminun verse 20, Nahl verse 90 and Nisaa verse 58, our great book, the Quran ordains that, “Justice is our Great God’s directive”,

Your Honour, honourable members of the court, this completes my plea. After these 356

days, I am ready to answer any questions you will direct to me. Thank you.

Presiding Judge: The statement in folder 6, series 247, given by the witness at the police station has been read. Are you listening?

Professor Haberal: Yes, I can hear you. Your Honour, I read them.

Mehmet Haberal's Defence Counsel interjects

Defence Counsel, Köksal Bayraktar: If you would allow me, I would like to say a couple of lines in relation to the statement. Now, when our client was brought to Istanbul...

Presiding Judge: Your name. Could you please give your name for the court transcript.

Defence Counsel, Köksal Bayraktar: Sorry, yes. Counsel Köksal Bayraktar. When our client was brought to Istanbul on 13 April 2009, after having spent 3 days and nights at the police station, he was asked to make a statement at 12.45 on 16 April 2009. His testimony, combined with statements he gave at the Public Prosecutor's office, and again at the police station and then in front of the judge, continued until 5.30 am on 17 April 2009.

Your Honour, in essence, we do not oppose the minutes, which you want to read, or rather, which you are preparing to read. My client has also expressed this clearly. However, the time it took to obtain my client's testimony was exactly 16 hours and 45 minutes. This is the testimony a man close to his seventies, with an illness, which has been medically established, has given for a duration of 16 hours and 45 minutes.

For this reason, as the defence, we request the following, Your Honour and honourable members of the court. The term, "fatigue" as covered under clause 148 of the Criminal Procedure Law is applicable to my client. I request that you take into account the fact that my client was physically and psychologically exhausted when he made his statement. For this reason, I request that you not pay too close an attention to the exact wording my client used in his testimony. It is also for these reasons of exhaustion, that after completing his statement at 5.45 am, from sheer tiredness, coupled with his heart condition, he collapsed on the stone floors of the corridors of Beşiktaş High Criminal Court. It is for this reason that we put forward this request.

Presiding Judge: Yes, this is also

included in the court transcript, this subject you are talking about.

Defence Counsel, Köksal Bayraktar: Thank you. Thank you.

Presiding **Judge**: The defendant's statement, in folder 6, series 247, has been read out to him and he has been questioned on it.

Professor **Haberal**: Yes, Your Honour.

Presiding **Judge**: In the defendant's statement, the answers to questions 1 and 2, in folder 6, series 242, have been read out to him and he has been questioned on them.

Professor **Haberal**: Yes.

The defendant, Mehmet Haberal's defence counsel asks for permission to speak. Permission is given.

Defence Counsel, Dilek Helvacı: At the time our defendant gave his statement at the police station, it had not yet been established whether the telephone recordings were based on a court order. For this reason, we filed a request with the court, whereby only 13 telephones were tapped on condition that the calls were made to mobile telephone numbers. We

request that any questions directed to our client are in relation to the conversations made from these 13 telephones and that he not be questioned regarding evidence of an unlawful nature because the evidence against...

Presiding **Judge**: Defence Counsel.

Defence Counsel, **Dilek Helvacı**: Yes, Your Honour.

Presiding **Judge**: What I have read today is not directly related to your client, in the sense that the phone conversations stated were not recorded conversations from your client's telephone, but are conversations we have been told of by witnesses. That is what I have been reading.

Defence Counsel, **Dilek Helvacı**: Yes, Your Honour. I understand, but this is how the process started. This is why you are asking my client to corroborate these claims. This is why I intervened.

Defendant Mehmet Haberal asks for permission to speak. He is granted permission.

Professor **Mehmet Haberal**: When I was asked about this incident you are speaking about,

at the police station, I told them that my assistant did not relay this message to me. It is true that I was not passed on this information. I would not have any connection with or information on a conversation between two people.

Presiding **Judge**: You were already asked that, and of course, you would not have anything to do with it. You were asked to explain this and you answered that your secretary had not passed such information to you.

Professor **Haberal**: No, such a message was not passed on to me. I never got this message. I want to re-iterate that my secretary never informed me of this.

Presiding **Judge**: You have already explained this in your statement.

Professor **Haberal**: Yes.

Presiding **Judge**: In the defendant's statement, his first answer, in folder 6, series 242, has been read out to him and he has been questioned on it.

Professor **Haberal**: Yes, that is correct, Your Honour.

Presiding **Judge**: A little while earlier, I made an error by reading,

"I don't know them" when you had stated that you know Yaşar Okuyan and Tuncay Özkan.

Professor **Haberal**: No, Your Honour. I said that I know Yaşar Okuyan and Tuncay Özkan.

Presiding **Judge**: Oh, ok. You did say that you know them.

Professor **Haberal**: No, I do know them Your Honour. You said...

Presiding **Judge**: I read it incorrectly as "I don't know them". You have actually stated that you know them.

Professor **Haberal**: Oh, sorry, I understand. Sorry, it was a mistake. I know both of them.

Presiding **Judge**: In the defendant's statement, his answers to 2, 3 and 4, in folder 6, series 242, have been read out to him and he has been questioned on them.

Professor **Haberal**: Yes, that is correct.

Presiding **Judge**: You can still hear me?

Professor **Haberal**: Yes.

Presiding **Judge**: In the defendant's statement, his answer to

question 1, in folder 6, series 241, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct Your Honour.

Presiding **Judge**: In the defendant's statement, his first answer, in folder 6, series 240, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: I read it to you earlier. You had mentioned the men within the administrative circles you had contact with. I had read your recorded response. Do you remember? Your response had been, "Being a rector of a university, I regularly attend, by invitation, official meetings. It is at these meetings that I meet people belonging to the administrative circles, such as ministers, members of parliament, senior bureaucrats, senior members of the judiciary and high-ranking military officers." In your response, you refer to these people.

Professor **Haberal**: Now, Your Honour, I am a university rector. It is natural that I attend official meetings as a guest. In these meetings, it is, of course, normal

that I meet whom ever else that attends the meetings. As much as this applies to anyone who is at my position, it also applies to members of the bureaucracy. In fact, forgive me please, but this also applies to you. If tomorrow you attend a meeting, of course you will meet all the other people who are attending. It is just a part of everyday life.

Presiding **Judge**: This is indeed valid for all of us. In the defendant's statement, his answers 1, 2 and 3 in folder 6, series 239, 238, 237, 236, 235, 234, 233, 232, 231, 230, 229, 228, 227 and 226, have been read out to him and he has been questioned on them.

Professor **Haberal**: This is correct, Your Honour.

Presiding **Judge**: In the defendant's statement, answer 4, in folder 6, series 226, has been read out to him and he has been questioned on it.

Defence Counsel, **Dilek Helvacı**: Your Honour, in the contents of this conversation, in addition to there not being an element of crime, the fact is that it was listened to without the appropriate permissions. We object to this question and request that it not be directed at our client.

Professor **Haberal**: In any case, what I said is true. There is no relationship of hierarchy between Mr Hurşit Tolon and myself. As I had stated earlier, the circumstances in which I know Mr Tolon date back to when he was in the first army command in the General Staff. Anything outside of that, is completely out of the question.

Presiding **Judge**: Ok, sir.

Presiding **Judge**: In the defendant's statement, answer 5, in folder 6, series 22, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, answers 1, 2 and 3 in folder 6, series 225, have been read out to him and he has been questioned on them.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, answers 1, 2, 3 and 4 in folder 6, series 224, have been read out to him and he has been questioned on them.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, answers 1, 2 and 3 in folder 6, series 223, have been read out to him and he has been questioned on them.

Professor **Haberal**: Correct, Your Honour.

Deputy Judge, **Hüsnü Çalmuk**: Your Honour, the doctor has said that lunch needs to be served.

Presiding **Judge**: Really.

The session is adjourned until 13:00.

The session resumes from where it left off.

In the meantime, the defence counsels of some of the witnesses, as well as the defence counsels of Adnan Sanık, Defence Counsel Hasan Fehmi Demir, Defence Counsel Cavit Subaşı, Defence Counsel Rukiye Kibar, Defence Counsel Zeki Aksoy, Defence Counsel Filiz Esen, Defence Counsel Deniz Baykal, Defence Counsel Mihaye Şimşek, Defence Counsel Mehmet Eren Turan and Defence Counsel Emine Gaye Akaslan are seen entering and taking their places in the courtroom.

The defendant Mehmet Haberal is also brought into the presence

of the courtroom via video conferencing, from his hospital room.

In proceeding with his questioning and defence, the statement he gave at the police station continues to be read out.

Presiding **Judge**: In the defendant's statement, his first answer in folder 6, series 222, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his second answer in folder 6, series 222, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his third answer, in folder 6, series 222, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, the answer in folder 6, series 221, has been read out to him and he has been

questioned on it.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his first answer in folder 6, series 220, has been read out to him and he has been questioned on it.

Professor **Haberal**: Look, Your Honour. Your Honour, I did not get the question. Is it possible to repeat it?

Presiding **Judge**: Sir, let me read the entire question to you again. In the defendant's statement, the first question in folder 6, series 221 and the answer in folder 6, series 220 have been read out to him and he has been questioned on them.

Professor **Haberal**: Correct Your Honour. Anyway, in our session before lunch, I had given detailed information on this.

Presiding **Judge**: You have given an explanation on this already.

Professor **Haberal**: Yes, I have already given an explanation on this.

Presiding **Judge**: In the defendant's statement, his second

answer, in folder 6, series 220, has been read out to him and he has been questioned on it.

Professor **Haberal**: Look Your Honour, I did not understand the allegation, sir.

Presiding **Judge**: In the defendant's statement, his second and third answers, in folder 6, series 220, has been read out to him and he has been questioned on them.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his first answer, in folder 6, series 219, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his second answer, in folder 6, series 219, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his third answer, in folder 6, series 219, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct.

Presiding **Judge**: In the defendant's statement, his first answer, in folder 6, series 218, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his second answer, in folder 6, series 218, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his third answer, in folder 6, series 218, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his first answer, in folder 6, series 217, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his second

answer, in folder 6, series 217, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his third answer, in folder 6, series 217, has been read out to him and he has been questioned on it."

Professor **Haberal**: "Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his answers, in folder 6, series 216 and 215, have been read out to him and he has been questioned on them.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his first answer, in folder 6, series 214, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour.

Defence Counsel, **Dilek Helvacı**: Your Honour. Your Honour, as well the contents of this conversation not containing any criminal element and the fact that it was listened to without the

appropriate permissions, as per the Criminal Procedure Law clause 206/2, we object to this being used as evidence. Your honour, we object to this being used as the basis of an allegation.

Professor **Haberal**: Your Honour, despite my lawyer's objection, my answer is true. I would like to purposefully specify this.

Presiding **Judge**: In the defendant's statement, his first answer, in folder 6, series 213, has been read out to him and he has been questioned on it.

Defence Counsel, **Dilek Helvacı**: You honour once again. Once again, Your Honour. The recording of this conversation was not based on an appropriate permission. It is not against the law, nor does it contain any criminal element. There is no criminal element in this conversation.

Presiding **Judge**: In the defendant's statement, his second answer, in folder 6, series 213, has been read out to him again and he has been questioned on it again.

Professor **Haberal**: Your Honour, it is true that this conversation took place. However, my lawyer, Dilek Helvacı's

statement is also true.

Defence Counsel, **Dilek**

Helvacı: Your Honour, this cannot be used in court, as there was no permission to listen to this recording. Additionally, there is no criminal matter in the contents of the conversation.

Presiding **Judge:** I will read every thing out first.

Defence Counsel, **Dilek**

Helvacı: Your Honour...

Presiding **Judge:** I will read all these out. Later, you can object to each of them individually. Please do not interrupt this process.

Defence Counsel, **Dilek**

Helvacı: Ok, Your Honour. However you see fit.

Presiding **Judge:** I have to read them all out. Once I have finished, you can object to whichever ones you feel are lacking in legal basis. This way we can move forward faster.

Defence Counsel, **Dilek**

Helvacı: Your Honour, with respect to maintaining judicial efficiency, I agree. However, when you ask this question directly to my client, you end up obtaining evidence by making my client look as though he

has confessed. In order to avoid this situation, this cannot be used as a basis for this hearing.

Presiding **Judge:** Madam, please. The court will decide what does or does not constitute a confession.

Defence Counsel, **Dilek**

Helvacı: Of course, Your Honour. As defence counsel, I am simply pointing this out.

Presiding **Judge:** We would not display any intention of trying to get a confession out of him.

Defence Counsel, **Dilek**

Helvacı: Your Honour, in any case, there is no evidence of a crime in the conversation. I did not mean it as a confession as such. I used the word in a technical sense.

Presiding **Judge:** In the defendant's statement, his first answer, in folder 6, series 212, has been read out to him and he has been questioned on it.

Professor **Haberal:** That is correct, Your Honour. I just want to point out that as I had stated earlier about Mr Hurşit Tolon, everyone has a style of speaking and Mr Inan's style of speech is like this.

Presiding **Judge:** You have

already explained this in detail. You have already detailed this in your answer.

Professor **Haberal**: Yes.

Presiding **Judge**: In the defendant's statement, his first answer, in folder 6, series 211, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour.

Your Honour. I have not given any instructions with regard to this conversation.

Presiding **Judge**: Were you asked whether you had given instructions with regard to this conversation?

Professor **Haberal**: I have not given any instructions. Furthermore, Nahit Duru, on the same television channel, Channel B, gave an explanation

Nahit Duru, on the same television channel, Channel B, gave an explanation and apology, confirming that this comment was his own and that it had nothing to do with me.”

Presiding **Judge**: In the defendant's statement, his second answer, in folder 6, series 211, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his first answer, in folder 6, series 210, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct,

and apology, confirming that this comment was his own and that it had nothing to do with me.

Presiding **Judge**: Sir, you have already stated, “This issue has nothing to do with me and is unfortunately a speech given by the general manager. Moreover, the general manager later made an apology to me and the general public, consequently resigning from his position. After having evaluated it, our board of directors accepted his resignation.”

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his second answer, in folder 6, series 210, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his third answer, in folder 6, series 210, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his first and second answers, in folder 6, series 209, and the his first answer in series 208, have been read out to him and he has been questioned on them.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: Sir, please let me know if you feel unwell. We are not able to keep an eye on you properly from here. Please let me know when you get tired so that we can take a break.

Professor **Haberal**: Thank you very much, Your Honour. Thank

you for your sensitivity. Your Honour, I can continue.

Presiding **Judge**: In the defendant's statement, his first and second answers, in folder 6, series 208, have been read out to him and he has been questioned on them.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his answers, in folder 6, series 207, 206, 205, 204, 203 and 202 have been read out to him and he has been questioned on them.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his first answer, in folder 6, series 201, has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour. There are more than 250 staff working at Channel B and each one has his own show. And according to these programmes, they obtain their information from different sources. During the search of my office, they only found three CDs. One CD contained an advert for a factory I set up, called Açkar, which produces dairy products

such as cheese, butter, yoghurt. The name of the company is Açkar. The other CD contained adverts for a couple of other companies. The third CD is something else altogether. Therefore, only three CDs were found in my office. The others simply consist of information people working at the TV channel have obtained for their specific programmes.

Presiding Judge: In the defendant's statement, his answer in series 201, has been read out to him and he has been questioned on it.

Professor Haberal: Yes. Yes, Your Honour. This gentleman is also the same one who attends the programmes organised by the National Security General Secretariat Academy. Furthermore, it is documented that he has expressed that these documents belong to him. This is documented in my file.

Presiding Judge: In the defendant's statement, his second answer in series 201, has been read out to him again and he has been questioned on it.

Professor Haberal: Correct, Your Honour.

Presiding Judge: In the defendant's statement, his third

answer in series 201, has been read out to him again and he has been questioned on it.

Professor Haberal: Correct, Your Honour.

Presiding Judge: In the defendant's statement, his answers in series 200, 199 and 198 have been read out to him and he has been questioned on them.

Professor Haberal: Your Honour, everything I have said on this is correct. I just want to point out that this relates to our hospital in Izmir and is about a manager working there on whom we have made all the legal applications and who has, as a result, been sentenced. The lawyer who was following the cases, Belgin Özersin, is here. She can give you a quick explanation on this.

Presiding Judge: Sir, let us finish these questions. Let us finish up the questions. We will take the comments from the lawyer later. Anyway, your other lawyer will also comment. In the defendant's statement, his first and second answers in file 6, series 197 have been read out to him and he has been questioned on them.

Professor Haberal: Correct, Your Honour.

Presiding **Judge**: In the defendant's statement, his answer in file 6, series 196 has been read out to him and he has been questioned on it.

Professor **Haberal**: Correct, Your Honour. As I mentioned, if you see appropriate, Defence Counsel Belgin Özersin will make a comment regarding this.

Presiding **Judge**: Counsel.

Defence Counsel, **Belgin Özersin** asks for permission to speak. She is given permission.

Defence Counsel, **Belgin Özersin**: Your Honour. Your Honour, as I was present at my client's questioning, when these questions were directed at us, we presented my client's consistent and clear answers. Since time was limited, we answered them very briefly. These cases relate to the lawsuit started against the individual, employed as the director of the hospital in Izmir, who caused losses to the hospital, amounting to approximately three trillion, through the issuance of fake invoices. In order to evade this crime, they have made various allegations of slander against my client, some of which have been passed on to the public prosecution.

The allegations made to the public prosecution resulted in being dismissed due to lack of grounds for legal action. Furthermore, they have been sentenced, in subsequent lawsuits we made against them for defamation. In this corruption lawsuit carried out in Izmir, the convicted individuals, whose names were mentioned earlier, Sibel Akyel, Filiz Tuzcu and Gaye Üzümcü, are currently serving their sentence in prison.

Presiding **Judge**: Madam, is this case you speak of, the same case which is filed with the Karşıyaka 2nd High Criminal court, under docket number 2004/73?

Defence Counsel, **Belgin Özersin**: Yes Your Honour. All these documents, these documents are, as a whole, contained in this folder.

Presiding **Judge**: Understood. Understood.

Defence Counsel, **Belgin Özersin**: Apart from this, the document, which we were given and are being asked about here, contains the allegations which led them to make a criminal complaint against our client. In these cases, the court gave a dismissal verdict and as a result we opened a case

against these individuals whereby they have been convicted of libel.

Presiding **Judge**: Ok, do you have anything further to say about this.

Defence Counsel, **Belgin**

Özersin: In relation to these incidents, we have seen close to 15 cases at various courts.

Presiding **Judge**: Understood. And you madam, what is it that you would like to bring to our attention?

request numbers: 5586, 5587, 5592, 5593, 5595, 5596, 5597, 5598, 5603, 5604, 5605, 5606 and 5608. In my client's deposition today, the telephone conversations, to which reference has been made, with regard to the following individuals, Metin Kayıhan, Mustafa Sarıgül, Bedrettin Dalan, Ufuk Söylemez, Kamuran İnan, Cevher Haberal, Hüsamettin Özkan and Hurşit Tolon, contain no criminal material. Furthermore, since these conversations were

... these telephone conversations...contain no criminal material. Furthermore, since these conversations were listened to without the appropriate permissions, according to Clause 206/2 of the Criminal Procedure Law, they should not be used as a basis for the trial and should be rejected as evidence by the court.

Defence Counsel, **Dilek**

Helvacı: Your Honour, first of all, I would like to bring to your attention... first of all I would like to bring the court's attention to our client's statement at the police station. Out of the submitted telephone requests, in my client's file, permission has been given for the listening of his telephone conversations, to the following

listened to without the appropriate permissions, according to Clause 206/2 of the Criminal Procedure Law, they should not be used as a basis for the trial and should be rejected as evidence by the court. As a matter of fact, as per Clause 217 of the Criminal Procedure Law, the verdict has to be based on evidence obtained in a legally acceptable manner, making this

evidence contradictory to that clause. In the same way, this evidence is also unlawful, as per the Criminal Procedure Law clause 289, allowing it the right to be overturned. Furthermore, Your Honour, as my colleague explained earlier, even though our client has been questioned on the issue of Rıfki Kamburoğlu and Sibel Akyol, this has not been included as part of the evidence in the indictment. It does not constitute a part of the indictment's content. I would like to bring this point to the attention of your court, Your Honour.

Presiding **Judge**: Please go ahead.

Defence Counsel, **Dilek Helvacı**: Your Honour, if you prefer, after you have completed the other statements, before we start the cross-examination, there are certain matters I would like to request to be taken into consideration. Should I make this request later? Or, should I make my request now?

Presiding **Judge**: Let us finish and then you can make your requests.

Defence Counsel, **Dilek Helvacı**: Ok Your Honour. Ok Your Honour. Thank you.

A short break is taken. The trial

continues from where it left off.

In the meantime, the defence counsels, Murat Ekici and Ali Rıza Dizdar, of some of the defendants are seen entering and taking their places in the courtroom.

The courtroom joins the defendant Mehmet Haberal via video conference.

The interrogation and defence continue.

Presiding **Judge**: The defendant has been read out his statement from Folder 6, Series 353, made at the police station.

Professor **Haberal**: Correct, Your Honour.

Presiding **Judge**: The judge's statement from folder 6, Series 357 have been read out to the defendant and he has been questioned on it.

Professor **Haberal**: Your Honour, have you finished?

Presiding **Judge**: No, let me finish and you can speak.

Professor **Haberal**: Oh, I'm sorry. Please continue.

Presiding **Judge**: We have continued to read the defendant's statement, in Folder 6, Series 357,

from we left off and he has been questioned on it.

Professor **Haberal**: Yes, this is correct Your Honour. However, I would like to make one or two corrections. The first liver transplant in the world was carried out in 1967, in Denver, by my professor Doctor Thomas Starzl.

He was the first person to use a liver from a dead body. I am the first person in the world to perform

repeat, these institutions, which I have set up, I have done so for our country. They have been set up for our people. First we set up the charities and then I set up Baškent University and its subsidiaries. In none of these institutions and in no other way, is there any vested interest for me, nor for my family and nor for any of my colleagues. I want to stress that, through our work through Baškent University and its subsidiaries, we are always

...under no circumstances do I accept these very serious accusations aimed at me. I deny them once again from here.”

liver transplants from live adult donors. Also, in Europe, the Middle East and North Africa, I perform partial liver transplants between children and their relatives. Additionally, I am the first person to demonstrate that the liver can be conserved in special liquids, outside the body, for over 100 hours. Furthermore, as the doctor performing liver, partial liver and kidney transplants between the donors and recipients, I organise these. Of course, first of all, there is new and positive medical research taking place on a daily basis by others. Secondly, as I continue to

proud to be serving Turkey. I am a scientist. As I have served my country so far as a man of science, if God is willing, I wish to continue to serve it in the same way. For these reasons, under no circumstances do I accept these very serious accusations aimed at me. I deny them once again from here.

Presiding **Judge**: The defendant has been read his civil registration and questioned on it.

Professor **Haberal**: Yes, correct. Correct, Your Honour.

Presiding **Judge**: The defence

Counsel wanted add something.

Defence Counsel, **Dilek**

Helvacı: Your Honour, with the written application my colleagues presented to you today, before the cross examination of our client, I would like to request the prosecution, the court and the parties in the trial to take into consideration certain matters before directing questions to our client.

Firstly, as you mentioned at the start of the trial and as you witnessed in the Cardiology Institute's written report, they have advised that our client can be questioned for periods of only one hour at a time.

On 20 January 2010, our client presented the esteemed court with his detailed written defence and its adjoining annexes. This defence has even included detailed explanations of the unlawful telephone recordings, in order to strengthen the moral conviction of the esteemed court. However, this evidence, all of it, is against the law and cannot be used as a basis for this trial.

Furthermore, in order for our client to be able to testify, four other defendants, four detained defendants, have given him their

time slot. Therefore, in order to maintain judicial efficiency, we request the esteemed court and prosecution to not direct duplicate and repeated questions on the points in his statement, to our client. We request this, also taking into consideration his precarious state of health.

Secondly, Your Honour and honourable members of the court, as I mentioned in the beginning of my address, our client's telephones at Başkent Hospital were listened to in an improper manner, violating clause 135.

As much as it looks as though there is a court decision based on calls made from his mobile phone, as I stated in my earlier discourse, all the numbers in question, apart from the 13 telephone numbers I specified, are connected to the Başkent University Operator, which does not have a court order to be listened to, and later as the mobile phone was used in phone conferencing, these calls were unlawfully recorded. For this reason, we request that no questions be directed to our client on these conversation transcripts, as per clause 206 and other related clauses of the Criminal Procedure Law.

Thirdly, even though we

requested from the esteemed court, the recordings relating to our client, they have still not been transferred to his file. So, Your Honour, we reserve our right to object to this matter.

Lastly, we would like to point out that in the indictment, there are two sets of notebooks, referred to as diaries and attributed to our client, which have still not, at this stage of the trial, been submitted to his file. Amongst the indictment's annexes, at the outset, these were handed over to your court. While your esteemed court was supposed to, either accept or reject the indictment based on this evidence, unfortunately, this missing evidence was ignored, while unfortunately, our client is being charged on the basis of these diaries.

For this reason, in order to maintain a fair and just trial, in matters concerning these diaries, we request that no questions are directed at our client.

Lastly, the relationship between the individual called Recai Birgün and our client is documented within the files concerning the various legal and criminal lawsuits between the two since 2002. According to clause 58/1 of the Criminal Procedure Law, the first question to be directed

at the witness, after establishing his identity and his address and telephone number, should be whether they have a relationship of family, friendship or enmity.

Even though, the witness Recai Birgün, in his statement has clearly expressed that he has a hostile relationship with our client and the doctors of Başkent University, as a result of their ongoing legal and criminal court cases, he has nevertheless been listened to as a witness. However, this individual's testimony is a piece of evidence of an unlawful characteristic. Likewise, in the annex of our written application, we have also submitted the Supreme Court of Appeals 3rd Criminal Chamber's 2002-dated precedent ruling, whereby in situations where there is animosity between a defendant and witness, the witness' statement will not be considered. Recai Birgün's allegations in relation to Bülent Ecevit are baseless and purely subjective, derived from his hostility towards our client.

Furthermore, in the documents and annexes summoned from Başkent University by your esteemed court, it is clearly stated that our client was not involved in the team that treated one of our former prime ministers, the late

Bülent Ecevit. For this reason, I request that no questions relating to Recai Birgün and Bülent Ecevit are directed at my client.

Thank you, Your Honour.

The court moves onto the defendant's cross-examination.

Presiding **Judge**: Prosecution. Your turn will come. Let us finish. Your turn will also come.

Prosecutor of the Republic, **Mehmet Ali Pekküznel**: Your Honour, with your permission, I would like to ask a few questions to the defendant, Mehmet Haberal. First of all, I would like to wish him well with his health.

Mehmet Haberal, we tried to prepare our questions, with my colleague, in a clearer manner. I would appreciate your response once we have finished. I hope also that there will not be any technical problems with the video conferencing. Can you hear me now? Yes.

Presiding **Judge**: Don't speak so close to the microphone. The sound is clearer. I mean the sound travels better when you are further away.

Prosecutor of the Republic, **Mehmet Ali Pekküznel**: I will start

my questions. Within the context of your case, there are claims and documents, alleging that there was an operation planned against the late Prime Minister to remove him from his position. This was the result of his stance against the United States government's policies on Iraq. It was alleged that members within the late Prime Minister's political party were involved in this operation.

The testimony of **Recai Birgün**, who was the late Prime Minister, Bülent Ecevit's, head of security and later became a member of parliament, is included within the case file.

In his testimony, in short, he talks of the Prime Minister, in 2002, being in the care of the hospital, for which you are responsible. He speaks of this period of treatment also coinciding with the press coverage of the Prime Minister's state of health and there being a planned operation to remove him from his position.

The Democratic Left Party Group's vice president, Emrehan Halıcı's statement, "If he had gone to his last appointment, he would have been given a report deeming him feeble, unfit and incapable of working, to ensure that is removed

from the Prime Ministry” is documented in open sources.

You have said in your testimony at the police station and in your defence here, that you do not accept these allegations and that you have responded to these allegations by pressing charges within your legal rights. I am asking the next question based on your statement that you were involved in a movement in 2006, which you hoped would develop into a

from what I can see, you seem to accept this person, Recai Birgün’s statements as being legal. They are not.

Neither have I heard anything of this sort about our late Prime Minister Bülent Ecevit, nor has anyone had the courage, nor will ever have the courage, to propose such a thing to me. This is because I am a doctor. A patient comes to me and says, “Mr Mehmet. Above, there is a God and below, there is

I am the Mehmet Haberal who studied with the light of burning wood. Today, I use laser and God has allowed me to put my name to a few firsts in this world. This is not my success. Whose success is it? It is the success of the Turkish Republic, created by Atatürk, his friends and our soldiers who have lost their lives to create this country out of nothingness.

political party. In 2001 and 2002, were you involved in any political ventures? If you were, could you please explain these in detail?

Professor **Haberal**: Firstly, I have already, at least partially, answered the questions you are asking, at the start of my defence. Secondly, as my lawyer, Dilek Helvacı, pointed out earlier,

Mehmet Haberal.” Please do not misunderstand what I am saying. In communities, judges and doctors are equally important. Because both are related to human life. One, as I said earlier, employs justice, which is God’s command. If he cannot employ justice, it means he does not respect God’s command, that he denies it. The second, we doctors,

as I said earlier, are accountable to God. This is why, no one would have the audacity or the courage to dictate to us which reports we need to make and how we need to make them.

Not only that. As I have already stated in my testimony, I would like to remind you of the Quran's 5th Surat's 32nd verse, "A man who has purposefully killed another, has committed a sin as great as if he has killed all the men." Furthermore, Isra Sura's 33rd verse also contains the same things.

Furthermore, the Nisa Surat's 92nd and 93rd verses also make the same references. Therefore, to make such an accusation to a doctor, is the biggest insult and punishment you can give him.

For this reason, it is not possible for me to accept such a thing. Anyway, as I have said before, I have found out about many of these incidents at the office of the public prosecutor. So, this person in question, as I have stated before, in the second page of his statement says that our Prime Minister has been given the necessary treatment at Başkent University Hospital. He has been discharged and I have personally handed over his reports to Mr Ahmet Şağar,

the Undersecretary to the Prime Ministry. I had mentioned this earlier. It seems to have missed people's attentions.

This person, on 15 February 2010, on NTV channel and Habertürk Channel, made statements, saying, "we obtained mutual consent from the hospital to discharge the Prime Minister. But we received information from headquarters, so we did not go for a check-up." So, at the same time, this person is contradicting himself.

Secondly, I have never had any political ventures or any thoughts on wanting to do anything of the sort. However, from time to time, society or people have encouraged or nominated me. Excuse me, but our late Prime Minister Bülent Ecevit had also nominated me as presidential candidate. But I have always said, "No. The presidency must be selected from within the parliament." Because I believe that our country's parliamentary democratic system necessitates this. Therefore, I have never had an aim to set up a political party.

My entire life, I have had only one aim. And that is to advance and glorify my country. Thanks to God, I will highlight this again. I am the Mehmet Haberal who

studied with the light of burning wood. Today, I use laser and God has allowed me to put my name to a few firsts in this world. This is not my success. Whose success is it? It is the success of the Turkish Republic, created by Atatürk, his friends and our soldiers who have lost their lives to create this country out of nothingness. So, this means that the Republic of Turkey has progressed from burning wood for light, to using laser. For this reason, the only thing I can do is to try to find solutions to my country's problems and see how I can help the politicians with it.

Additionally, I have always said to my friends in this Dialogue Group and later in the National Sovereignty Movement, "I could never have a place in such a political organisation because I am a scientist. But, if there ever is an organism that can make a contribution to our country, I would not hesitate to provide my assistance." This completes my response.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: I will repeat my question clearly. In the years 2001 and 2002, have you had any political initiatives?

Professor **Haberal**: No, definitely not.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: Particularly during 2001 and 2002.

Professor **Haberal**: Definitely not. Definitely not. However, I would like to explain something. In the 1991 elections, our 9th President Mr Süleyman Demirel, had virtually, presented me with a fait accompli, so I was a candidate from Rize in the general elections and this I have to tell you now. I am the man who created the organisation called, "Green Card". So, if millions of people benefit from this Green Card, I have created it. Therefore, I fulfilled the 9th President Mr Süleyman Demirel's request and in the end said to myself, "I have fulfilled my duty and our nation has made its choice." So, I returned to where I belonged, the university. Apart from this, there has been no question of any political activities.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: You stated earlier that during our late Prime Minister Bülent Ecevit's term, Mr Ecevit offered you the presidency. How did he do this? Did he tell you in writing or verbally?

Professor **Haberal**: No... look, this offer was made to me on 22 April 2002. Briefly, that morning, Erkan Mumcu, who was the Minister of Tourism, came to our hospital to visit a patient. At around 12 pm, as he was leaving, he asked me, "What is going to happen with the presidency?" I said, "Why are you asking me?" and he replied, "We will see what happens in the afternoon." I continued with my work.

Indeed, at 2 pm, I was nominated from outside the parliament and the late Ismail Cem was nominated straight from parliament. I really did not have any idea about this. It was a real shock. Only God and I know how the next two days went by. Then, on Monday at 9.30 am, I went to visit Mr Hüsametdin Özkan, who was living, at the time, in the parliamentarians' housing complex, and told him that I could not accept such a proposal.

After that, the late Prime Minister, Bülent Ecevit, called me and said, "Mr Haberal, you did not request this, we nominated you". I replied to him, "Mr Prime Minister, thank you. I am honoured. However, according to my beliefs and my principles, our country is governed by a democratic

parliamentary system. Therefore, the 10th President needs to be selected by the parliament. For this reason, please excuse me." I also added, "If you permit, I would like to explain this to the public."

Our Prime Minister said to me, "Please do not make any statements until 2pm." This was because there was a meeting due at that time. I accepted his request. Before the meeting started, I sent the press statement I wrote to Mr Hüsametdin Özkan. I informed him that I had not accepted and that they should be comfortable to speak about it when I came for the meeting. This is all there is to this.

Prosecutor of the Republic, **Mehmet Ali Pekküzül**: Recai Birgün, who testified as a witness, was a civil servant, working as head of security for the Prime Minister and hence is one of the closest people to him. Has there been hostility, that dates back further, between you and this man, who later became a member of parliament? Could you explain whether you have any information as to why he has made such allegations?

Professor **Haberal**: I certainly do not have any idea why. I have not had any personal dealings

with him. Honestly, I do not know what to say, as I cannot figure out the Recai Birgün, whom I met at the hospital and the Recai Birgün, involved in this case. However, unfortunately, his allegations are not true and it does not suit a former head of security to say such things. In fact, the fact that he is a member of parliament, it suits him even less. It is inappropriate for a man, representing the Turkish people, to be making such allegations.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: In your statement you made at the police station, you have said the following about your relationship with the alleged senior members of the Ergenekon Terrorist Organisation, Yalçın Küçük and İlhan Selçuk, “I met Yalçın Küçük a few times, during the time I was teaching at Hacettepe University. I have not seen him for many years since then. As for İlhan Selçuk, I know him from the media. I have met him a few times at various occasions and have encountered him when he used to come to visit his close friend, the late Doctor Hüsnü Göksel.” However, in the indictment, it is claimed that your connection to Yalçın Küçük and İlhan Selçuk goes back many years.

In your defence, you claim that your contact with Yalçın Küçük, another alleged senior member of the Ergenekon Organisation, consists of both of you having signed the Petition of the Intellectuals in 1984.

Professor **Haberal**: Yes.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: In the indictment, in the sections relating to Yalçın Küçük, your name is also mentioned. I will have questions regarding this. For this reason, to begin with, could you please explain in detail, in which year your acquaintanceship with Yalçın Küçük started; how close you are and your connections to him?

Professor **Haberal**: It is out of the question that I have a close relationship with Mr Yalçın Küçük. As I already described in my statement, I met Yalçın Küçük after the coup d'état of 1980. In response to the anti-democratic movements our country was witnessing at the time, we met through activities to see how we could help in promoting democracy.

Excuse me, but I have to say this. At that time, I set up a university group to see what we could do in terms of promoting

democracy. The Petition of the Intellectuals came about at the time that our banned leaders, such as our 9th President Mr Süleyman Demirel and the late Mr Erdal İnönü, were involved in seeing how the country could be led towards democracy.

In brackets, I would also like to add something with regard to the Petition of the Intellectuals. At that time political discussions were held on the terms of the Europeans, to whom, unfortunately, we are even today bowing down to. This

this petition, as one of the main architects of the document was my late teacher, Professor Hüsni Göksel. I used to work in the same department as Mr Göksel and I also studied under him in surgery. These people also knew Mr Hüsni Göksel and used to come to see him. Likewise, İlhan Selçuk was also Mr Hüsni Göksel's friend and he would also come from time to time.

Finally, this Petition of the Intellectuals was signed. As I said earlier, as a result of this petition, I

...it is interesting that I would set up a terrorist organisation with people I have not seen in 25 years. This is nothing more than intentional slander made against me.

damaged my honour because the Turkish state is as honourable, as hardworking and as intelligent as anyone else. It is impossible for me to accept this situation. For this reason, the understanding, which was highlighted, in the Petition of the Intellectuals was that the Turkish Nation can stand on its own feet and can resolve its own problems. As a result of this, I did come into contact with Yalçın Küçük a few times. In our meeting he did ask whether I would sign

went to the Court of Martial Law in Mamak, at the time, and testified. I have my written statement. This statement is evidence of my court hearing in Mamak in 1984. Therefore, I have not had any other dealings with İlhan Selçuk and Yalçın Küçük. Of course, at this moment, I respect İlhan Selçuk. I also respect Yalçın Küçük as a person. However, apart from this, I do not know them very well. This is the extent of my dealings with them and apart from this, I have not had

any other involvement with them.

Which is why it is interesting. For 25 years, I may have seen Yalçın Küçük and possibly İlhan Selçuk I'm not sure, when they came occasionally to see Mr Hüsni Göksel. Apart from this it is out of the question that I have had any other contact with them. Therefore, it is interesting that I would set up a terrorist organisation with people I have not seen in 25 years. This is nothing more than intentional slander made against me.

Prosecutor of the Republic, **Mehmet Ali Pekküznel**: In a text obtained from the defendant, Yalçın Küçük, titled, "The Nesin Petition of the Intellectuals", your name is mentioned in the body of writing. I will now read sections of the text, as follows "Hüsni Göksel had opened his whole house, which was walking distance from the President's Residence in Çankaya, and we held our important meetings there. Sometimes, jokingly, we referred to his house as the "House of the Illegal Organisation". Doctor Mehmet Haberal was assistant professor under Hüsni Göksel. Haberal (at the time Haberal abstained from signing the Petition of the Intellectuals – I feel the need to document this) he had a Tofaş brand station wagon, which

he used for the errands of the organisation. First a decision was taken to organise press conferences in Ankara and Istanbul to make a statement on the petition, but they then changed their minds on it. During this time, there was then the idea of making an appointment for a meeting with the President, Kenan Evren. However, to me this seemed like an evasion. İlhan Selçuk had said that he would make a statement on this document in a press conference in Istanbul, but he was not going ahead with it. This is how our meeting ended and we managed to deliver the Petition of the Intellectuals, in a manner I came up with, to the door of the President's residence in Çankaya.

Later, in 2007, I thought up a Republic Manifesto and I was able to convince our valuable professor to lead us. It took two months. Then, I met with many of our intellectuals and our professor. There was a lot of excitement and we were making great headway."

What do you say to Yalçın Küçük's account? On the contrary to your statement, here it shows your connection to him as being more than just mutually signing a petition. In fact, he goes beyond this to say that you were involved in drawing up the petition together.

In 1980 or later, have you had any dealings with Yalçın Küçük, as is explained in his body of writing? Please explain.

Professor **Haberal**: I view with disapproval, a man with the title of professor, using such an expression. This is because I have never

Doctor Hüsnü Göksel had only one aim, which was to be able to contribute to the Turkish Republic created by Atatürk, his friends and our soldiers who lost their lives in the process.

Sir, let me remind you, on 16 May 1919, when Atatürk went

...the claim that I did not sign the Petition of the Intellectuals is, unfortunately, an outright lie and slander. Because, in this petition, the names are listed according to surname and my listing is 516.

attended any meetings, in relation to the Petition of Intellectuals, which took place at my teacher the late Doctor Hüsnü Göksel's house. I also find it deplorable and an insult that he should associate my teacher, the late Doctor Hüsnü Göksel, with such an activity. I would never do this to my teacher, nor to anyone else I know.

Doctor Hüsnü Göksel is one of the finest surgeons in the world when it comes to, particularly breast surgery. I have turned his treasure into a museum at Başkent University Ankara Hospital. For this reason, because of this description, I disapprove of Yalçın Küçük and I object to him. I have never attended any such meeting at this house.

from this city to his hometown of Samsun, within the same country, he had to obtain a visa from the occupying forces.

Why am I telling you this? When my late teacher, Doctor Hüsnü Göksel was a child, his mother had to apply for a visa from a British Sergeant Major, to be able to travel from Istanbul to Bandırma. This passport used to be in the museum I established and now it is in the home of Doctor Hüsnü Göksel's daughter. If anyone wants to see it...In fact, most of our people should see this passport, to see from where this country has come from and to embrace the Turkey of today.

For this reason, this association

made is an ugly one and does not suit a man carrying the title of professor.

Secondly, the claim that I did not sign the Petition of the Intellectuals is, unfortunately, an outright lie and slander. Because, in this petition, the names are listed according to surname and my name is listed as number 516. Here, this is my document. I testified at the Court of Marshall Law precisely because I signed this petition.

Of course, I want to confirm to you from here that I will use my legal right against Yalçın Küçük. I want to make a point of telling you this now. Furthermore, I continue to say that the Petition of the Intellectuals was truly very important for our country. Had we complied with it, maybe our country would not be facing many of its problems today. Thank you.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: During that time, did you own a Tofaş brand car?

Professor **Haberal:** I don't understand.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: At the time, during the time that the Petition of the Intellectuals was written, did

you have a Tofaş brand car?

Professor **Haberal:** Tofaş? Yes. Correct. I did. I did.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: Did you share this car with Yalçın Küçük?

Professor **Haberal:** Murat 24... Murat...Murat 124... Yes, I had a Murat 124 car. At the time, these cars were new. But, yes, I was an assistant professor at the time, so I could afford one.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: Did you share the use of this car with Yalçın Küçük?

Professor **Haberal:** Definitely not. Look, I am telling you. I never had a close relationship with Yalçın Küçük. And as I have said before, I have only ever met him at Doctor Hüsni Göksel's general surgery office at Hacettepe University. Other than that, I have no connection to or dealings with Yalçın Küçük.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: Again, as is mentioned in this text, do you have any knowledge of the Republic Manifesto? Can you please explain?

Professor **Haberal**: No, I don't. No, I have no information on this.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: Again, this document states the name of İlhan Selçuk. It also states that he was as well involved in the preparation of this petition and that you and he were also present in the meetings in the house in question. What do you have to say about this?

Professor **Haberal**: No. Definitely not. I have told you that I did not do it. I had, without question, no input in the preparation of this manifesto. I will explain from the beginning. During a conversation, one day, my late teacher, Doctor Hüsni Göksel said, "I will tell you something, but the outcome could be troublesome." I said, "What is it, Sir?" He replied, "You see the state Turkey is in.

From one side, we have our internal problems. From another side, look at the state the Europeans, who have broken our honour, have put us in. As intellectuals, let us try to communicate our opinions to the Presidency and the Assembly. Let us say that this does not befit us, that it does not befit our country. That maybe we can do what is necessary? But do not append your signature to this. I know that you would, but I would hope that you

would not." I said, "Sir, I would put my signature to this immediately." However, I suggested, "Sir, let us not distribute this to too many people. A committee of 50 men of science and knowledge should sign it. If it goes out to too many people, it would change the essence." Unfortunately, I was right. Of course, during his travel, there were many problems. And so, I also signed it this way. Undoubtedly, my late teacher was right.

Later, I testified at the court of Marshall law. I was subjected to disciplinary action at the university. This disciplinary action was later abolished, as a result of a law passed in parliament by the late Mustafa Taşar. Otherwise, unfortunately, we were given disciplinary punishment at the university.

My teacher had also warned of this at the time. However, Sir, to do what is required for my country is not only my responsibility, but is the duty of all of us. I would like to make this reminder to all of us, to all the citizens of the Republic of Turkey.

The German Emperor was going to take away the vehicle of a well-known farmer. The farmer said to the Emperor, "You can take my

car, but know that there are judges in Berlin.” Well, Sir, if there are judges in Berlin, are there not also judges in Turkey?

For this reason, Sir, unfortunately, as I said in my statement, these make up what General Ismet referred to as a regime of slander. Unfortunately, it saddens me greatly to see that, today, my country is moving towards such a regime of slander.

Sir, I want to reiterate that these are all acts of defamation and to quote from the late General Ismet, “If a regime of slander exists in a country, the people of that country will not have the strength to fight foreign invaders.”

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: The reason behind our question is not to criticise the contents of the petition, but to expose your connection to the organisation. That is why we are asking the question.

Again, we have found some notes concerning the health situation of our late Prime Minister Bülent Ecevit, in the computer of Yalçın Küçük, another defendant in this case. I will read some excerpts from this document to you. “I think we need to immediately take Recep

Erdoğan to Haberal. As was done with Ecevit, it would be appropriate to place two of General Aytaç’s security guards at the door, so he doesn’t run away. After all, he is a doctor, so it would be possible to obtain a report for Erdoğan, saying that he is not able to work. The country’s important interests have reached this point. There is an element of depravity in this.”

Again, in another excerpt...”

Professor **Haberal**: Yes.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: He goes onto say, for instance, “When you go to Haberal, it is well-timed to get a report stating that you are unfit to work. Haberal, this time, would not miss the chance.” He has explained this in detail. I have just summarised it.

Professor **Haberal**: Yes.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: You have explained your connection to Yalçın Küçük but he has written extensively about you. What do you say about that? Are you close enough for him to be able to write about you in this way? Can you please explain?

Professor **Haberal**: I have told

you already. First of all, it is not true that I have a close relationship with Yalçın Küçük. Secondly, whoever the Prime Minister is of this country, the fact is that he represents the Republic of Turkey. For this reason, no one has a right to write about him in this way. By making such an association with the Prime Minister, he is making the same association with the Republic of Turkey.

I always say, the institutions belong to us. The people at the head of these institutions and authorities are here today, but gone tomorrow. For this reason, our duty is to ensure that we don't cause any harm to the people at the head of these institutions, provided that the institutions themselves are protected. I repeat once again that it is shameful and unacceptable for a man carrying the title of professor in front of his name, to be speaking about the Prime Minister of the Republic of Turkey in this way. And I have no connection to this subject, or to this man and I am not aware of anything of this sort.

I am, of course, a doctor. In the past, when he felt unwell, our current Prime Minister, Mr Tayyip Erdoğan, has come to Başkent University Hospital and we have treated him and he has left again.

As doctors, it is our duty to treat all people seeking medical care. It is impossible for me to accept these offensive allusions.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: In the indictment it is alleged that the Republic Working Group is created to organise a coup d'état, under the code names Yellow Girl, Moon Light, Phosphorescence and Glove, intended to take place in the years 2003/2004. It is understood that on 19 October 2003, there was a meeting organised with university rectors and headed by Mehmet Şener, the Commander of the Gendarmerie. The purpose of the meeting was to organise the Republic Working Group's activities to be performed in 2003/2004, which also included academic activities and efforts towards briefing universities. In this meeting, it is alleged that subjects relating to current government pursuits and political reactions were discussed and that 15 to 20 university rectors said they were ready to become Kubilay. It is claimed that it was decided that on 25 October university rectors and teaching staff would go to Anıtkabir. If I did not misunderstand, you affirmed that you did not attend their meeting

organised on 19 October 2003.

Professor **Haberal**: No, no, no. I most definitely did not attend this meeting.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: In the month of October in the year 2003.

Professor **Haberal**: Anyway, in the statement I also gave at the prosecutor's office...

Prosecutor of the Republic,
Mehmet Ali Pekküzel: Yes.

Professor **Haberal**: I stated the same thing and I also said that I was finding out about this for the first time from them.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: Yes, in 2003.

Professor **Haberal**: I am not aware of this. The prosecutor asked me and I said to him, "I have just found out from you that there was such a meeting." I definitely am not aware of it and do not have any information on it.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: Yes.

Professor **Haberal**: This is something completely beyond me.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: I have not asked my questions yet.

Professor **Haberal**: By no means did I know about this.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: I have not asked my questions yet. I have simply read the statement. In October 2003 where were you? And where were you employed? In 2003, in the month of October, where were you employed and where were you?

Professor **Haberal**: In 2003, I was the rector of Başkent University and I was in Ankara, at my work. Now, when you say 2003... from time to time I go to international conferences. At times, I travel quite frequently and when the conference is in Europe or the Middle East, I go in the morning and return in the evening. So, when you say 2003, I have so many activities... I mean, as a scientist, I am also the dean of a huge university with thousands of students. I am working... I am busy with my work.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: Yes.

Professor **Haberal**: Apart from this, of course, I don't understand

the purpose of this question. If I knew the purpose of the question, I would be able to respond accordingly.

Prosecutor of the Republic, **Mehmet Ali Pekgüzel**: Yes, exactly. This is a subject dating back seven years. However, you are a university rector and the director of many associations, charities and companies. You attend many scientific panels. Of course, with so many obligations, your meetings take place around a schedule. You have a secretary who arranges your meetings.

Do you have any kind of evidence, which would prove where you were on 19 October 2003? Could you please explain if you have access to any proof, such as your secretary's diary, conference attendance documents or any other documentation? Please explain.

Professor **Haberal**: No. No.

The defendant Professor Haberal's defence counsel, Ms Dilek Helvacı asks for permission to speak. She is granted permission.

Prosecutor of the Republic, **Mehmet Ali Pekgüzel**: Yes.

Defence Counsel, **Dilek Helvacı**: The names of the rectors

who attended the alleged meeting at the Gendarmerie Command Headquarters have been written down. Mehmet Haberal's name is not on this list. For this reason, this question contradicts the assessment within the indictment. I request that this question be retracted. Thank you.

Presiding **Judge**: Is this the reason you asked this question?

Prosecutor of the Republic, **Mehmet Ali Pekgüzel**: His name may not be on the list However, can he, nevertheless, provide us with documentation proving where he was that day?

Defence Counsel, **Dilek Helvacı**: You Honour, he is saying that he did not attend the meeting.

Professor **Haberal**: No, I did not attend this meeting. I am telling you this. Sir (to the prosecutor) I am telling you. I am saying that I found out about this meeting when I was asked this question at the Prosecutor's Office. I don't have any other knowledge of it. How could I attend a meeting I had no knowledge of? I am telling the prosecution that I found out about this meeting from you. I have no other information on this. I don't know who attended and what the

outcome was.

Presiding **Judge**: Sir, the question has been answered. Please go ahead (to the prosecution).

Prosecutor of the Republic, **Mehmet Ali Pekgüzel**: On 25 October 2003, a rally by the name of “Respect to the Republic” was organised, as per the decision taken at the meeting, believed to have taken place on 19 October 2003. This rally consisted of a meeting, followed by a protest march to Anıtkabir and was attended by university rectors, university teaching staff, students and thousands of citizens from various provinces. It was observed, that during the rally, some university students were carrying banners with “Army to Duty” written on them. In addition to other defendants of this case having attended, it was observed that Istanbul University’s rector, Kemal Yalçın Alemdaroğlu, and the Council of Higher Education’s director, Kemal Gürbüz had also attended.

Did you also take part in this protest march? Did you assemble students, academicians or other citizens from your area, arranged for buses or participated in any other activity in relation to promoting this rally? Please explain.

Professor **Haberal**: No. Let me explain something. I know that the Turkish Council for Higher Education organised this meeting. We were informed of this. What we were told was that university teaching staff and rectors would go to Anıtkabir on that day and place a wreath on Atatürk’s mausoleum.

On that particular day, I had surgery. I was due to perform a kidney transplant surgery. So, I only went to Aslanlı Yol. We placed the wreath and then I returned immediately to go into surgery. After that, it seems that there were many incidents which took place. I did not have anything to do with any of them, nor was I involved in any way.

According to information I was given, it seemed to me that this was a march organised directly by the Council of Higher Education and naturally, I attended, which was of course within our constitutional and legal rights. I then came back and went into surgery. Apart from that, I did not have anything else to do with this matter, Sir.

Prosecutor of the Republic, **Mehmet Ali Pekgüzel**: Was there a significant reason that the protest march was organised on that particular date?

Professor **Haberal**: Which one Sir?

Prosecutor of the Republic,
Mehmet Ali Pekküzel: Was there a particular reason that this protest march took place on 25 October?

Professor **Haberal**: No, Sir. I don't know.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: How did they explain it to you?

Prosecutor of the Republic,
Mehmet Ali Pekküzel: Does such a walk take place every year?

Professor **Haberal**: And anyway, while I was there, I did not see any banners reading, "Army to Duty" because I came quickly and left quickly in my car and then went into surgery.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: Every year, do rectors come together in this

If Turkey will not be a Turkey that Speaks, I wonder how we would explain true democracy to the population.

Professor **Haberal**: No, there was no explanation. From the Council of Higher Education, we were told that there would be a march to Anitkabir, where a wreath would be placed. That is all I know. Apart from this, I don't have any knowledge or information on anything else.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: Every year, in the same way.

Professor **Haberal**: I am saying that I went and then came back and went into surgery.

way and organise such a march? Is this a customary practice?

Professor **Haberal**: No, this is not a customary practice. However, at times, when there are national or international issues concerning the future of our country, invariably, universities should carry out their national duty. In other words, universities are not institutions that simply produce knowledge. If that was the case, it would be difficult for countries to develop. Universities are the future of a country. They serve the knowledge base of a country, as well as finding

solutions for its national and international problems.

It is interesting. Approximately a month before I was brought here, a senior official came to me and said, “Mr Mehmet, as a university, please provide assistance to us so that we can at least solve our problems.”

For this reason, in some ways, universities can contribute towards helping the bodies running the country to solve their problems. In our society, it is said that universities are disconnected from society. They say that universities do not mingle with the community. If this is how universities are perceived to be, when certain constitutional rights are brought up, if they are misinterpreted and wrongly evaluated, how will universities be immersed and integrated within society?

Hence, this, in a way, is a democratic right. I remember very well, the words, “The Turkey that Speaks”, which were spoken of as a potential slogan. If Turkey will not be a Turkey that Speaks, I wonder how we would explain true democracy to the population. In a democratic country, it is the duty of all citizens with normal constitutional rights, and not only

university students, to work to the benefit of their country. If this does not take place, there is a lack of jurisdiction.

Deputy Judge **Hüsnü Çalmuk**: “Your Honour, can we please take a quick break?”

There is a break during the hearing.

The hearing continues from where it left off.

In the mean time, the detained defendant Durmuş Ali Özoğlu is seen entering, while the detained defendant Mehmet Koral, who is feeling unwell is seen leaving the courtroom. The defence counsels Bülent Vural, Mehmet Aydın and Namık Kemal Hatipoğlu are seen entering and taking their places in the courtroom.

The courtroom connects to Mehmet Haberal via video conferencing.

Defence Counsel, **Dilek Helvacı**, asks for permission to speak. She is granted permission.

Defence Counsel, **Dilek Helvacı**: Your Honour, before we continue with my client’s cross-examination, could I please make a statement. Your Honour, during the

cross-examination of our client, this incident took place this morning. I am presenting this report to the Deputy Judge, Mr Hüsni Çalmuk.

During the hearing, on the heart monitor, we observed one multiple local ventricular tachycardia attack made up of six or seven beats and frequent supra ventricular tachycardia attacks at speeds of 160 minutes. Additionally, his blood pressure has gone up.

Taking into consideration the poor state of health of my client, I would like to request the court to show sensitivity to this. As a matter of fact, the answers to the questions asked by the prosecution today are all in his written statement, Your Honour.

Presiding **Judge**: Madam, Madam, one minute. The written statement is in my hands. You are also familiar with the written statement.

Defence Counsel, **Dilek Helvacı**: Yes, Your Honour.

Presiding **Judge**: Also, the answers given to the written statement are known. If the answers to the questions asked are contained in the written statement, your client can state that he has already answered them in the written

statement. That is not a problem.

Defence Counsel, **Dilek Helvacı**: Your Honour, I know that, but my client, rightfully wants to eliminate this injustice he is faced with. I cannot prevent that.

Presiding **Judge**: You are still saying “but”. If there is a “but”, let it be. If your client wishes to speak, let him speak. We are not taking away anyone’s right to speak. You are speaking more than he is, madam. Please, let him speak. Please. If he wants to speak in his defence.

Defence Counsel, **Dilek Helvacı**: But your esteemed court and I have his written statement. Ok. Then, when I tell you, say that this is already in your written statement.

Professor **Haberal**: Of course, of course, of course. Yes.

Defence Counsel, **Dilek Helvacı**: Ok, Your Honour. My client will make a statement.

Professor **Haberal**: Sir, Your Honour, your voice.

Presiding **Judge**: Mr Mehmet Haberal, your written statement is with us.

Professor **Haberal**: Yes.

Presiding **Judge**: In your statement, you have replied in detail, to all the allegations made against you. If there is a question directed at you now, to which you have clearly responded already in your written statement, you can reply by saying that you have already answered it in your written defence and that you do not need to answer it again. This is completely up to you. Is that clear?

highlight, that there is only one reason why I have been here for so long. For all our appeals for my discharge, the response we get is “Serious Suspect”. Whatever this serious suspicion is, I have to find out here. I need to know what this is as I need to explain it to the Turkish people. I need to explain this, Your Honour. For this reason, you can ask the questions you want. Thank you.

For all our appeals for my discharge, the response we get is “Serious Suspect”. Whatever this serious suspicion is, I have to find out here. I need to know what this is as I need to explain it to the Turkish people. I need to explain this, Your Honour.

Professor **Haberal**: Your Honour, all the questions which I was asked today, have their answers available in my written statement. You appreciate that I have provided this statement on 20 January 2010. For this reason, as I have already mentioned earlier today, I gave this statement and I think that it has obviously been evaluated by you. Hence, I summarised and on other topics, tried give more substantial information.

However, I would like to

Presiding **Judge**: Sir, if you would be calmer it would be better for your health, although your doctors are with you. Nevertheless, if possible please try to be calm, so as we do not create any health complications. If you know what I mean.

Professor **Haberal**: Your Honour, thank you very much, but unfortunately in my country, there is a Mehmet Haberal, who is being charged with setting up and running a terrorist organisation. Forgive me,

but I wonder what anyone else in my place would do.

Your Honour, this is very degrading for me. I mean, I am being charged with starting and running a terrorist organisation in my country. Who is being charged? Mehmet Haberal.

I am not only answerable to my country, but also to other scientists in the world. Why did the judges in my country keep me detained for 356 days? Why did they keep me for 356 days in a 10 square metre room? Why did they put me in a cell? An iron door, double locks, 3 to 4 square metres. Why did I end up in a cell? It is my right to know. It is also my people's right and the right of all those who believe in me and trust me, to know, Your Honour. For this reason, I am asking; I am requesting. I am saying that I have to know for what reason I am under serious suspicion.

I want to say something today, whatever it will cost me. Unfortunately, I want to say this. In the Quran's Tawbeh Surat's 51st verse God says, "Nothing will afflict us save what Allah has ordained for us."

Therefore, things can happen

today. Anything can happen and everyone has his fate. Thank you.

Prosecutor of the Republic, **Mehmet Ali Pekgüzel**: In your defence you criticised your questioning of the protest march of 25 October 2003. It is without a doubt a legal right to organise a protest march and to place a wreath at Anıtkabir.

However, is it also a democratic right for university rectors to meet at the headquarters of the gendarmerie to organise a protest march in preparation for the foundations of a coup? Please explain.

Professor **Haberal**: Let me say this. As I said before I have already answered this in my signed testimony, but I would not know this. Excuse me, but I would not know the purpose of a meeting, which was organised outside me knowledge. I only found out about this meeting here. Is this really possible?

Furthermore, do you really think I would approve of something like this? I mean, in 1984 there was a revolution and I stood up to the anti-democratic activities of this revolution by putting my signature on a document and being

punished for it. And, in spite of this, here I am, being subjected to this discussion.

What I am talking about are not democratic practices which would shadow the future of the country. Normally, as per the 25th and 26th clauses of the constitution. I mean if my country is democratic. If the Republic of Turkey is a democratic country governed by the rule of law - I wish no offence to anyone by what I am about to say – now, the people governing this country make speeches on television, to say that Turkey is ruled by the rule of law. In that case, Mehmet Haberal is asks himself, if that is the case, then why on earth am I here?”

Therefore, Your Honour, the people of this country need to do what is in the best interest of this country. If they cannot do this, then we need to worry. What I am saying is that the Turkey who Speaks has to speak out. So, when someone says something, his words are distorted to mean something very different and one needs to know what a sin this is. In other words, I did not attend that meeting. I don't what the purpose of the meeting was. When the message about the meeting came, I accepted it because it came from the Council of Higher Education. This is why I took part

and anyway, I want to highlight this point once again. Whatever is in the interest of the country needs to happen in a constitutional manner.

Not only that, but, as you know, there were some legal repercussions after that meeting and the result was that people who had attended were acquitted. Furthermore, the meeting had taken place with permission. So, this was not a meeting decided behind closed doors. It is a meeting held with permission, in a legal manner.

Please let us not confuse things. The march to Anıtkabir should not be confused with topics discussed in other meetings here and there. Anıtkabir is a place where every Turkish citizen needs to visit and learn a lesson from because we owe our existence today to Atatürk, his friends and to the life of our great soldiers.

Prosecutor of the Republic, **Mehmet Ali Pekküznel**: How did the Council of Higher Education inform you of this meeting? Was it verbal or in writing?

Professor **Haberal**: At this moment, I do not recall how this meeting was communicated to us. It may have been communicated by friends, saying that there was such

a meeting, in such a place, on such a date and as a result I attended. Please tell me Sir, according to you, what part of this meeting was illegal?

In reality, this is not really a meeting. People came from the universities to Anıtkabir to place a wreath. They told me, we are going to Anıtkabir to put flowers on Atatürk's mausoleum. They place the flowers; they come back and I also come back.

Yes, apart from this, there are some activities which are not completely legal. As I said earlier, there is appropriate legal action taken against these illegal activities and the suspects were acquitted. So, did the people taking the decision to acquit, make a mistake? So, please do not confuse other meetings, taking place elsewhere, with this particular march.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: So, did the universities board take any decision in relation to this? Did you attend on your own or did you attend with your students and teaching staff?

Professor **Haberal**: No, it was a university. No, Sir, this is not a personal thing. The message was that the teaching staff of the

universities would go to place a wreath on Atatürk's mausoleum. So, the staff of Başkent University and I attended.

However, my attendance was very short. Anyway, my teaching staff and I returned back swiftly to get back to work. This is the situation.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: Could you please explain whether, at the time, this demonstration purported to protest the government's practices and to elicit a reaction, to the same effect, from the public and the army, who make up a part of the public?

Professor **Haberal**: Do you really think this would happen, Sir? I mean, in a democratic country – a currently democratic country – do you really think that the universities would pour to the streets advocating an undemocratic action from the army?

Also, how can such a connotation be construed to this meaning? Normal people, normal university staff, with their rectors, have gone to place flowers at Atatürk's mausoleum. How can this be wrongly interpreted?

If we interpret such conduct in

this manner, then no one should ever do anything. Then, no one should use his constitutional right.

Unfortunately, the picture I am seeing today is extremely saddening. It is, in fact, frightening.

No offence, but now phones are being listened to. The phones of Başkent University Ankara Hospital are being listened to without a court order. How can this be possible? So, do you think the people there can behave freely, in a normal fashion? So, why do we have telephones? Why do people communicate over the phone?

In which democratic country, do people leave their phones outside the meeting room when they want to have a meeting?

And then they say, we had the meeting, but so and so should not hear about it. What is this? Can you call this right to freedom? How can this be possible?

Unfortunately, the picture of my country I see today, is that it is going in a strange direction. Turkey does not deserve this. Atatürk has said, “every corner of this country is stained with the blood of many of our martyrs”. Before I knew this, I

“Do I intervene in matters concerning your country? Therefore, you cannot intervene in matters concerning my country. My country is one of the world’s most credible countries. I am responsible for this congress, so the congress will be held here.”

Two people come together. They say, come in, but leave your phones outside. Let us speak together here. How can this be possible? Is this what the Republic of Turkey was created for? Does this behaviour suit the Turkish Republic? Does this suit the Turkish Republic Sir? Is this really possible?

used to say that in every centimetre square of my country, lies the life of one of our countrymen.

Our primary duty is to look out for our country. For this reason, all this is very upsetting and let me say that, to be discussing this, in this way, here is very lamentable. To put the universities in a situation where

they are made to look as though they are encouraging an army revolt, makes me wonder if there is a different kind of revolution waiting to happen in the future of this country.

Let me give you an example. During two years I was president of the International Society for Burn Injuries and in 2008 I organised a congress in Montreal, Canada and in 2010 I organised a congress in Istanbul, Turkey. While the preparations of this congress were underway, I was, unfortunately, taken into custody. When this happened, the board of directors convened in July and they said that they could not hold the congress in Istanbul as Mehmet Haberal is under arrest. Look how far this situation is going. Through the intermediary of my lawyers, I sent the following message, “Do I intervene in matters concerning your country? Therefore, you cannot intervene in matters concerning my country. My country is one of the world’s most credible countries. I am responsible for this congress, so the congress will be held here.”

I practically gave them an ultimatum and so my friends re-convened in September and decided, “We will do what Mehmet

Haberal is asking us to do.” So, God willing, if I can be acquitted and be freed, in June this congress will take place in Istanbul.

Oh, there was another incident. The board of directors of The Transplantation Society elected me as the representative for the Middle East and Africa. I applied for the Society’s congress in 2016 to be held in Istanbul. I am 100% sure that we will hold this congress in Istanbul. 100% sure.

Of course, I was arrested in the meantime. The board of directors met in May, but because I could not attend, the meeting was postponed. They convened again, but again as I was not there, the meeting had to be postponed. In August, they will convene again in Paris, but my Australian friend, who is also the chairman of the board, is saying, “If you cannot attend this meeting, I will postpone it because you will not be there.”

Sir, for seven months this meeting got postponed and in an email he sent me in September, he said, “I will try to postpone this meeting for as long as I can.” However, there is a rule. For scientific congresses, the venue needs to be confirmed at least six months in advance. And of course, I

dreamed. I thought to myself that I would, anyway, be out by them and that I could move the congress to my country.

However, unfortunately, Mehmet Haberal is still here. As a result, the decision for that congress was taken on 6 February and my friend told me sadly, “I am very sorry, but I had no other choice. I have to do this.” And the congress will now be held in either Argentina or Thailand.

The number of attendees of the congress is at least 10,000 people. 10,000 scientists. It was going to be held in Turkey, but because Mehmet Haberal is under arrest, unfortunately it had to come to this.

You know, the saying amongst our people goes, “When the arm breaks, it stays in the sleeve.” But unfortunately, these incidents in our country end up reflecting in other areas. And I am sorry to say, that with these incidents, it seems to me that our country’s prestige is being chipped a little.

Therefore, as I have always said, my and our citizens’ primary responsibility is to propel forward and glorify our country. For this, we need to use all our legal, democratic, legitimate rights.

Otherwise, we cannot contribute to the development of our country.

Prosecutor of the Republic, **Mehmet Ali Pekküznel**: The testimonies say that in this protest march, there were some people carrying banners calling the “Army to Duty”, trying to mobilise the army.

Professor **Haberal**: Sir, I am sorry. Sir, would it be possible to speak louder?

Prosecutor of the Republic, **Mehmet Ali Pekküznel**: Should I speak louder?

Professor **Haberal**: Yes, please, a little.

Presiding **Judge**: Sir, please move away from the microphone. Please move away, a bit more, a bit more.

Prosecutor of the Republic, **Mehmet Ali Pekküznel**: He asked me to turn up the volume, but it distorts the sound. How is it now? I can’t hear. Can you hear me clearly now?

Professor **Haberal**: Yes, it’s good now.

Prosecutor of the Republic, **Mehmet Ali Pekküznel**: If you could direct your answers to

the whole court, not just to the prosecutor, but to all the members of the court, it would be more appropriate. Let me explain.

Professor **Haberal**: Ok. My apologies. I am not aware of the rules. Yes.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: It is understood from the testimonies and the photographs that there were some people at the march, carrying banners, calling the “Army to Duty.” Do you have connection to this?

Professor **Haberal**: Were these banners used at my university?

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: At the demonstration in question.

Defence Counsel, **Dilek Helvacı**: He is talking about the banners “Army to Duty” by the people who were acquitted. Were you not there?

Professor **Haberal**: No, no. I have already said that I did not even see them. I did not see any of this personally. I found out about it from the press later. Not only that, but these people were acquitted. When I say this, I do not mean that it is legitimate or legal, but that I

did not see it and I did not know about it.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: In the indictment, based on the organisation’s confiscated documents, it is claimed that the Ergenekon Terrorist Organisation advocates the influence of the political sphere, by steering political parties from a central hub and that their activities aim to achieve this.

As it is claimed that you are a senior member of this organisation, you are also accused of participating in these activities.

We have a phone conversation you had on 30 November 2008 at 21:20, with Mustafa Sarıgül. In the statement you gave at the police headquarters, you said that this is a normal conversation you have had with Mustafa Sarıgül. I will read this conversation now. Mustafa is heard saying, “Oh, what was that crowd, that wonderful crowd. Allow me until the local elections. After the local elections, I will have 262,000 voters. I will win with 70% of the votes and then, with our minister, Hüsamettin Özkan, I will come to see you and I will tell both of you, “I might become Turkey’s Prime Minister. But my

Prime Ministers will always be you. I will delegate my road map to you, if you would allow me.” You have allegedly replied as saying, “Mustafa, yes, look, I congratulate you, but I tried to reach you earlier. Everything is very good, but my request from you is not to fight with the main opposition party.

It is alleged that Mustafa Sarıgül also said, “Sir, I got your instructions and completely changed my speech. I brushed over a few things, as I was told to speak to you. I did get your message, so don’t worry.” Then, you allegedly replied, “Thank you because we need you. You are needed by this country. Let us not get into unnecessary problems.” And Mustafa Sarıgül replied, “Yes, Sir. I have gotten the message sir. I will keep my mouth shut on this subject, until the eve of the local elections.” You said, in response, “Exactly, because it is all our responsibility to save this country from the difficulties it has fallen into. Do you understand? Look, on Friday I had a senate meeting. Let me fax it to you. Read it tomorrow.” Mustafa replies, “Sir, thank you very much. I got your message. I am like your brother and you always tell me the truth. You said, “You can use the television any time in any way you

want. I want you to know that I gave him an instruction.” Mustafa says, “Sir, thank you very much. This week, I will visit our friend. I will speak with him and relay your instruction. Sir, thank you.” So, we have this particular telephone conversation you have had.

You call this a normal conversation, but it sounds like there is a situation, which is not normal. You tell a popular and ambitious politician, not to speak about a political party, which is, furthermore, his opposition and he accepts. He accepts before the election. This advice you give him is not after an encounter, but you make an effort to reach him to be able to tell him this. Could you please explain what your purpose was in telling him this?

Professor **Haberal**: Your Honour, of course this is a very normal conversation. Let me tell you this. Before the ruling party today was formed, its leaders came to me and said, “Please let us hold our meetings at Patalya Hotel and if you could put in a good word for us with such and such people and speak to them on our behalf.” Do you also find this anomalous?

For me, to do whatever is required for my country, my

important country, within my limits is my own prerogative. It is my duty.

The ruling party today, including the President and Prime Minister, before they set up their party, came to me, be it, at the University, at Ankara Hospital, or at my hotel in Gölbaşı, Patalya Hotel, and shared their views with

of us.” This is the essence of my conversation with Mustafa Sarıgül, Your Honour.

So, if there is an abnormal situation here, then the people ruling the country today should excuse and forgive me, but should I be saying that my meetings with them were also wrong? Is this possible?

Your Honour, in my opinion, the real wrongdoing would be if I would not be able to discuss the country’s problems with the individuals running the country or its aspiring leaders.

me. Finally, they conducted all their preliminary party activities at Patalya Hotel in Gölbaşı, where they set up the party and today they are running this country. Is this also a crime?

Now, Mustafa Sarıgül is a man I know very well, from the parliament. He becomes a politician. He phones me to say, “Do you think I can do work in this area?” And I say to him, “Do not do anything that would hurt this country. Everyone can do politics, but you must not create an environment, which would be detrimental to this country. Because this country belongs to all

The leader of the Republican People’s Party, Mr Deniz Baykal has been my friend for 25 years, since the 70s. So, does that make it wrong for me to speak with him? So, if Mr Deniz were to come to speak with me, would this be wrong?

Recai, the former leader of The Felicity Party, would come and discuss some of the country’s problems with me. Was that wrong?

Your Honour, in my opinion, the real wrongdoing would be if I would not be able to discuss the country’s problems with the individuals running the country or

its aspiring leaders.

It is my duty to be able to share in my country's problems with the country's aspiring leaders. This is exactly what I did with Mustafa Sarigül.

Prosecutor of the Republic, **Mehmet Ali Pekküznel**: I think I was not able to explain my question. During this conversation, you are telling a popular and ambitious politician not to speak about another political party, which also happens to be his opposition. A political party exists in order to rule and it can speak about anyone it wants to, but you are telling him not to. Could you please explain why you would offer such advice?

Professor **Haberal**: Let me say this. I understood what you are trying to say. Yes, I have understood what you said. Yes, I said to Mustafa Sarigül, "This is a country-wide problem." I said, "Why are you speaking against the People's Republican Party?" That is what I said.

Let me say this again. How can we say, "The country will attain stability" on the one hand and then say, "Let it split up as much as it can", on the other hand. Anyway, Your Honour, this is what those

who have designs on our country would want.

I have always said, "Turkey is an oasis, so there will always be foreign eyes on this oasis."

Let me say with sadness, that at this moment, it is as if there are horses of troy placed around the country. This is the reason why our country is progressively being divided. I make it my responsibility to do whatever it takes to prevent my country from dividing in this way.

Yes, it is correct that I said to Mustafa Sarigül, "Why are you speaking against the Republican People's Party? Did you not emerge from this party? If you have an issue with them, you should go and share it with the party leader."

Your Honour, is this a crime then? As I said before, I have said the same things in the past to the people running the country today. I told them because they had come to me and I had to tell them, unfortunately. Because I am the Mehmet Haberal, who is living through this personally.

The country's rulers came to me in the past and said, "Can you please help us? We will come to power and work very hard. We will

unite our country's people." So, I said to them, "So, that is what you are going to do? In that case, I will give you all the help that I can." The country's rulers are still here. If anyone wants to ask them, they can go and ask them.

And then they said, "Can you help us?" Yes, when the ruling party first formed its government, its people had asked for my help.

Also, did you know that the President's General Secretary, Professor Mustafa İsen was a member of Başkent University's teaching staff? The Minister of Culture had requested it from me and so he became Under-Secretary. First he became Under-Secretary to the Ministry of Culture and then he became General Secretary to the President.

Furthermore, just today, the current Minister of Tourism requested to hire one of my teaching staff, saying, "Please sir, I really need this guy. Can you allow him to work for me?" I said, "Ok, I will" and I did. I have always said that, if in any one of my institutions, there is a member of staff who would be useful to those running this country, I would be honoured to release him. This

means that Başkent University has reached such a level.

So, when my conversation with Mustafa Sarıgül is interpreted in this way, it is a very sad to picture. Please forgive me, Your Honour, for speaking this way today for having these brought up today. Not only that, this conversation was taken from my telephone, which was tapped without a court order. However, whether there was a court order permitting the tapping of my phones or not, I will nevertheless answer all your questions on this subject, to the point where I want to know what these words, "Strong Suspect" are all about, so that I can also explain this to the people of this country. This is all there is to this phone conversation.

Prosecutor of the Republic, **Mehmet Ali Pekküznel**: Let me also say that the defence counsels have also made a statement to the effect that there had been no court order for your phone to be tapped. It was your phone number 532 234 81 30 which was tapped. So, it was calls made to or from this number, which were listened to. Next.

Professor **Haberal**: I'm sorry, which number?

Prosecutor of the Republic,
Mehmet Ali Pekküznel: Your secretary received the call and connected it to you. It is not your secretary's phone, which was tapped. The phone, which was tapped, was your number 5322348130. In other words, the person calls your secretary and your secretary connects him to you.

Professor **Haberal:** Let me tell you this.

Prosecutor of the Republic,
Mehmet Ali Pekküznel: She connects him to your mobile phone.

Professor **Haberal:** No sir, this telephone is mine. Look, the distance between us is so great that...

Prosecutor of the Republic,
Mehmet Ali Pekküznel: There is nothing of the sort.

Professor **Haberal:** He does not even know my mobile number. Therefore, I am being listened on a phone where there is no court order allowing for this to happen.

I wonder to what degree this is of value, legally speaking. Furthermore, if it were legal, I have said what I have said and I still continue to say it. If it were speaking to a party leader or

anyone else involved in politics today, I would still share my point of view with him. Because our country needs to be united, not divided, Your Honour.

Prosecutor of the Republic,
Mehmet Ali Pekküznel: What is the extent of your contact with the individual you had this conversation with? How does he know you? What is the source of your influence over him? Please explain.

Professor **Haberal:** Do you mean Mustafa Sarıgül?

Prosecutor of the Republic,
Mehmet Ali Pekküznel: Yes.

Professor **Haberal:** Do you mean Mustafa? Mustafa Sarıgül?

Prosecutor of the Republic,
Mehmet Ali Pekküznel: Yes.

Professor **Haberal:** I have already told you that I know him from parliament and he is also a very close friend of Mr Hüsametdin Özkan. Occasionally, we speak on the phone. That is all. Other than that, I do not have any other relationship with him.

Let me say something else. Every person has his style of speaking and in a way, this is

Mustafa Sarigül's style of speech. Which is why I am not sure how correct it would be reach a conclusion based on this. This also applies to the examples I gave on some of the other individuals.

So, I am telling you explicitly and clearly that I would not, and could not, have an organisational connection to Mustafa Sarigül. I am a person who is busy 24 hours a day. Furthermore, the motto I established at Başkent University is, "Başkent University's working hours are seven days a week and 24 hours a day." It is only people who accept these working conditions, who work there. As a result, I am busy enough as it is and I don't need additional responsibilities or prestige. The prestige my country has granted me is sufficient, Your Honour.

Prosecutor of the Republic, **Mehmet Ali Pekküznel**: Your interlocutor says to you, "You will be my Prime Minister, I will delegate my road map to you if you would permit me." What do you understand from these words?

Professor **Haberal**: Yes.

Prosecutor of the Republic, **Mehmet Ali Pekküznel**: Do you have so much influence on this

person to draw up his road map? Can you please explain?

Professor **Haberal**: I did not understand anything from those words. I did not understand anything from this. Can I tell you this. If someone, anyone, says to you, "You will be my Prime Minister", does it mean that this person will make you Prime Minister? Is this the meaning you are using it in? Your Honour, can this be possible? Can you really think something like this, especially from the speech of a politician?

However, it could mean this, that he can take ideas from me. That is my duty. I am a scientist of this country. To contribute to the future of my country is my primary duty. If someone requires my knowledge for my country, I have to share this with them. As our Prophet said, "You must continue learning from your crib to your grave." If the knowledge is in China, go and get it. Is that not what he said? Well, what does this mean? What I say is that on subjects that I know, I am a teacher and on subjects I don't know, I am a student. This is my philosophy. It is possible that I may not know something very simple. However, Your Honour, I would never say to you, "Can you please come and

transplant a liver?” In the same way that I cannot come here and take a court decision. I don’t know the law and I would not ask for permission from you to do this.

So, Mustafa Sarıgül, may have said what he said. A person may tell another person a similar thing. There is nothing to it.

Not only that, but I am a person who has been nominated as presidential candidate of this country by our Prime Minister. I did not accept this honourable duty. I said that my country is a democratic parliamentary country, which means that the 10th President has to be elected by the Parliament.

So, apart from this, what have I done? I have supposedly been told that I will be made Prime Minister by someone, that I have set up a terrorist organisation, that I am contributing to the collapse of my country... These are unacceptable things.

Excuse me but I have to describe something relating to me personally. I was invited by the Minister of Health to give a speech in Egypt. I was invited. I went and delivered my speech. An old friend of mine who was with a minister, asked me, “It seems that you have been nominated to become

President. Is this true?” I replied, “Yes, it is true.” He then asked, “Why did you not accept?” to which I replied, “I am a scientist.” He turned to the Minister and said, “This Mehmet Haberal did not even accept his nomination for presidency.”

I would have been honoured to be President and I told this to our Prime Minister, the late Bülent Ecevit. Therefore, in response to this proposal coming from the highest echelons of my country, I replied, “Thank you very much. I am honoured, but this is my principle. This is not in accordance with my principles.”

So, aside from this, Mustafa Sarıgül said to me, “Look, you will be our Prime Minister.” And this is directed at me as a question, here. This man has said this; what could it mean? What is beneath the surface of this? The truth is that this is all very saddening.

But, I will say this again. If any citizen of this country requests for my knowledge in an area of my expertise, it is my duty to tell them, as another citizen of this country, as a university professor. It is also my duty as the founder of a university and employer of thousands of people in that university.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: Since the beginning, you are repeatedly stating that you are a scientist. Could you please explain where your experience in politics emanates from?

Professor **Haberal:** Politics? I don't understand.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: Where does your experience in politics come from?

Professor **Haberal:** I never said anything of the sort and I have not made any such claims. In that statement, there is no allusion of giving advice based on political experiences.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: He will bring a road map to you.

Professor **Haberal:** "I have told you here that my involvement with politics dates back to 1991 when our 9th President, Mr Süleyman Demirel, told me when we were sitting together on Güniz Street, "Look, this country has problems. I need people and one of these people is Haberal. If you don't join me, tomorrow you will not have the right to voice your opinion". When he said this, there was nothing

else I could do. So, I agreed to my nomination. I introduced the "Green Card Project". I invented that card and I am proud of having introduced that system because, today, millions of Turkish citizens have access to health care thanks to that card. Therefore, I have never made any such claims.

In any case, this person who said these words, did not intend to gain access to Mehmet Haberal's political identity, but wanted to take advantage of the areas of knowledge he may have had. However, what his intention was, is not something I can know or tell you.

Did I answer that question by saying, "Of course, I will be your Prime Minister" or "I will work within your party"? Did I say something of that sort?

Prosecutor of the Republic,
Mehmet Ali Pekküzel: From your telephone conversations prior to the local elections, it is understood that you have instructions on which speakers will appear on Channel B and how long they will speak for. It is also understood that you had direct influence on the political coverage of the channel.

Do you determine the broadcast

politics of Channel B, a subsidiary of Başkent University? Are important topics covered as per your instructions and your point of view? Can you please explain?

Professor **Haberal**: Yes, it is correct that I founded the television channel, Channel B, for the purpose of contributing to the education and resolution of the problems our country has.

In the same way that I am being held responsible, today for issues on which I have no knowledge, of course I am responsible for the TV channel that I manage. As a result, I am generally aware of its activities.

However, the programmes themselves are decided by the people making them, in the same way, that it is the same people who decide who will be invited to speak.

When I set up the channel, in principle, my instruction was that nothing, which is not based on the correct information and sources, can be aired, nor commented on.

Honestly, it is a good thing that the channel was set up, because when you watch it you see that all news coverage should be conducted in this honest way. When I set up the channel, in principle, my instruction was that nothing, which is not based on the correct information and sources, can be aired, nor commented on.

Today, this channel can readily do its job. This channel has a team of executive managers. As the Chairman, obviously, I am responsible for the activities of the channel.

This is not my subject area and I do not get involved in areas which are outside my field of expertise.

Look, Your Honour, I was not involved in the treatment of Mr Bülent Ecevit because it was not my area of specialty. How could I be involved in a field which is not my speciality? How is this possible? Television is the same. I am one of five people on the board of directors of the channel. The board meetings are attended by the General Manager and issues are discussed in an overall manner. The rest is done by the people making the programmes. For this

reason, I do not have a say in specific areas. It would go against my own principles. My rule is that when I hire someone to manage a business, I tell them that they will be managing the business and that it is under their responsibility. Therefore, it is the general manager, whom I have appointed who is accountable.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: A little earlier, the judge read out the statement you made at the police headquarters. In the document, there was a section on an incident, which took place on Channel B, on 29 March 2009, prior to the local elections, during the advert break of a programme hosting, Kemal Kılıçdaroğlu, candidate for Istanbul's mayor-ship. As the camera had accidentally been left on during the advert break, Nahit Duru, the Editor-in-Chief of the television channel was heard saying, "Haberal, open brackets the owner of the channel close brackets, gave me these instructions, 'Whatever you do they, open brackets AKP close brackets, will take their votes. Do whatever you can do, dot dot dot, to increase the votes from Ankara, Izmir, Adana.' I told him, 'Sir, we will air our guys, but really

we should be airing the people from the Felicity Party.' He asked, 'Why?' I said, 'For the one vote the People's Republican can get, the Felicity Party has the potential to get three. I called Ertan and I brought the guys here, including the party leader. I believe this has increased their point by one.'"

When we asked you about this in the courtroom, you said that this had nothing to do with you and that this was the initiative of the editor-in-chief. Furthermore, you stated that the editor-in-chief later apologised to the you and to the public and then resigned from his position.

Professor **Haberal**: Yes.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: If you did not give these instructions to this individual, did you do anything about the situation? Could you please explain whether there was a particular reason you did not accept his resignation?

Professor **Haberal**: Yes, of course I can explain. Yes, unfortunately our editor-in-chief made this mistake, but he corrected it immediately. He came to me and apologised, saying, "Sir, I apologise. Unfortunately, I used

your name here in grave error. I am very sorry. With this apology I am also handing in my resignation.”

We discussed this with the board of directors. As a rule, I do not accept damaging people’s prestige. Remember what they said in the world’s shortest constitution? The wise man had said, “Do not do to others what you would not want done to you.”

Therefore, we discussed this in great detail and finally came to the conclusion that since the editor-in-chief came and apologised to us and to the public, we should not be punishing him so severely. This is why we did not accept his resignation.

This is the extent of this incident. It was a humane reaction and there is nothing further than that, which can be said about it.

Prosecutor of the Republic, **Mehmet Ali Pekgüzel**: In your file, there are conversations you have had with Bedrettin Dalan. It is understood from the content of his conversation that he was a defector at the time. I will now read one of the excerpts, relating to a conversation you had with Bedrettin Dalan on 10 January 2009 at 18:21.

Bedrettin Dalan said, “Sir, I have had an intelligence tip saying that even this telephone of mine is being tapped. They can listen all they want. I guarantee that they will tap yours too.” You replied, “Yes, of course, I know.” Then Bedrettin Dalan, continued to say, “I have an even more tragic intelligence tip, according to which, people who are Kemalists, secular, republican, patriotic will all be rounded up and detained in 11 or 12 waves. Then, there will a general amnesty issued, to say, yes, we have forgiven Bedrettin Dalan, and we have forgiven so and so and so and so. So, as we issue an amnesty for these patriots, Abdullah Öcalan will also be forgiven in the process.” Then you replied, “Hmm, possibly.” Bedrettin Dalan then said, “Apparently that is why they are organising these operations against the terrorists. I have just heard this. I heard it while I was in the States.” You responded, saying, “Now, of course they are making fake excavations and supposedly discovering weapons and things. I don’t know what kind of game they are playing. It is a disgrace; a disgusting picture.”

In response to this, in your statement given at the police headquarters, you stated, “He had

had an operation. Our conversation was regarding his health.”

In the conversation, your response to Bedrettin Dalan, is, “Now, of course they are making fake excavations and supposedly discovering weapons and things. I don’t know what kind of game they are playing. It is a disgrace; a disgusting picture.” You speak of the discovery of weapons and ammunition within this investigation as being fake. What do you know about this? Can you please tell the court what you tangibly know about this?

Professor **Haberal**: Now, Bedrettin Dalan, while in America, called me on my phone which did not have a court order to be tapped. So, this is also a conversation which took place without the court’s permission.

Anyway, he had called me regarding his health and we resolved this problem through the intermediary of one of my friends there. When Mr Bedrettin called me, he said, “It is very difficult in America when you don’t have an acquaintance who is a doctor. Would you be able to help me with this?” So, I called my friend, Andreas Tzakis, who is the head of the Transplantation Institute at the

University of Miami. I sent him an email and the necessary procedure was carried out.

After this, in our conversation, Bedrettin Dalan, told me precisely this, “Mr Mehmet, you really have so many contacts here. I was taken care of like a king.” Obviously, during the same conversation we also discussed what was happening in our country.

Why did I say this? There was an excavation in Gölbaşı, on my road. I go to Patalya Hotel in Gölbaşı every evening. Villas were constructed there. The villas were constructed by the Municipality of Ankara. During the construction period, as people were passing through the area, an excavation was made and if I remember correctly, it was said that some explosives had been discovered. So, Your Honour, this excavation is carried out on a road that is frequented by many people, right where the villa construction is. And how are they excavating? With a shovel and then they say, look, we found weapons.

So, as the citizen of this country, what am I supposed to say about this Your Honour? What should I say? Here is a road that I take in the morning and in the evening every day. The Gölbaşı Road.

Someone should come out and explain this. They should say, “We buried these weapons here. When the construction was underway, we came back and retrieved them.”

Is it wrong of me to say this I wonder? Is it wrong to disclose the reality of this country? If we are not telling the truth about this country, then one might say that we are making a mistake.

If this country reaches a point of not allowing people to use their constitutional rights, then we should be questioning this. Yes, unfortunately, this conversation was an example of this. I will not accept the allegation. This is what I told Bedrettin Dalan. What he said is his interpretation. Yes, he mentioned it to me. He mainly spoke to me about his health. He mentioned he had heard these things, which I did not know about. I had not heard about it. I did not hear about it from anyone, nor from the country. Even if there was such a plan, I would not even know about it. I am being honest in that I did not know about it.

There is a short break during the hearing.

The trial continues from where it left off.

The defendant, Mehmet

Haberal, is joined once again by video conferencing. His cross-examination continues.

Presiding **Judge**: Yes, please continue.

Prosecutor of the Republic, **Mehmet Ali Pekgüzel**: Before the break, I had read out to you the phone conversation you had had with Bedrettin Dalan. I had questioned you on the comment you had made during the conversation, where you had said, “Now, of course they are making fake excavations and supposedly discovering weapons and things. I don’t know what kind of game they are playing. It is a disgrace; a disgusting picture.” In response, you told me about the construction which was taking place there. I had asked you to explain whether you had any tangible information regarding your comment. Do you? I mean, had you seen that the construction workers were building very close to the site?

Professor **Haberal**: Yes, that is on my way. Every evening I go to Patalya Hotel and there was construction there. And then, they come with shovels to excavate and we are told that they uncover weapons.

I have said this before and I will say it again here. I use that road everyday. I wonder whether someone came in the night and buried weapons there, using a shovel? And then the following day or on another day, people uncovered those weapons there?

Forgive me, but we are citizens of the Republic of Turkey and we witness what goes on in our country. And I have to point out the wrongdoings. If we don't, we do not just harm others, but we harm ourselves as well. We need to know these things, Your Honour. So, I have witnessed this, which has disturbed me and now I have expressed this disturbance. That is all.

Prosecutor of the Republic, **Mehmet Ali Pekgüzel**: Did you see the weapons and ammunition which were uncovered?

Professor **Haberal**: No, I did not see them. I found out from the press. Your Honour, did I say that I saw them? Did I say anything about the fact that I saw these weapons?

Anyway, I do not have to say it. Everyday, in the press, these things are being covered. There was an excavation here and such and such weapons were found. Then,

there was an excavation in Gölbaşı and such and such weapons were uncovered. I don't need to see it personally. All the citizens of the country are reading about it.

Did I state that I saw it? No, this is what was said. But I just talked about my experience. A man, who was mayor of Istanbul, who founded a university like Yeditepe University and was the chairman of its board of trustees, shared with me what he had heard. And I mentioned, here, my own experience, that is all. There is no other way to interpret this.

Prosecutor of the Republic, **Mehmet Ali Pekgüzel**: While you had these telephone conversations, were you aware that Bedrettin Dalan had escaped abroad and that he was being searched for?

Professor **Haberal**: No, I was not aware of it. I found out later. Anyway, I do not speak that frequently with Mr Bedrettin. I am a busy man. I am busy with my own work. I noticed one day that Mr Bedrettin had called my on my phone in the hospital - the one that does not have court permission to be tapped. He told me he was in the United States because of serious heart problems. As a doctor, who has taken the Hippocratic Oath, I

carried out my responsibility. As a result of this, I am happy to say that he has regained his health. I have carried out my duty as a doctor.

Anything other than that is outside my knowledge. Anyway, Your Honour, I have already told you that I found out about Ergenekon from the press. I have said this repeatedly, in my written statement, in my verbal statement, be it at the prosecutor's office or be it in front of the judge. I have said this many times. I really don't know what more I can say.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: Where does your communication with Bedrettin Dalan stem from? Could you please explain the extent of your relationship?

Professor **Haberal:** During the period that Bedrettin Dalan was the mayor of Istanbul, I had set up a dialysis centre in Istanbul. In Bostancı. I think in Bostancı. Then the concerned person sold it later, so I was looking for another place for the dialysis centre. That is how I know him.

In any case, in the 1991 elections, if I am not mistaken Mr Bedrettin was a candidate. Furthermore, I think he was also a minister in the past.

So, I know him from when he was Mayor of Istanbul and then through his other political activities. Later, when he founded Yeditepe University, he would call me from time to time, every six months or once a year, to see how I was doing things in my university, so that he could also replicate it. In fact, once he had set up the university, he had sent me the director, to see if I could be of help to him. I had shared with him my know-how and then he set up Yeditepe University. That is the extent of my relationship with him.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: The file also contains conversations between Bedrettin Dalan and another defendant, Levent Ersöz, who was at the time, head of the intelligence unit of the Gendarmerie Command Headquarters. Could you please explain whether you are aware of these conversations and what they entail?

Professor **Haberal:** No, definitely not. I am definitely not aware of them and I am hearing about them for the first time from you.

Prosecutor of the Republic,
Mehmet Ali Pekküzel: Do you know Levent Ersöz and Hasan Atilla Uğur?

Professor **Haberal**: No, I have read about them in the newspapers and the press, but other than that, I don't know them personally.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: Could you please explain your connection to the defendant Tuncay Özkan?

Professor **Haberal**: Yes, I know Mr Tuncay from the media and then when he set up the Channel, Kanaltürk. I have also met him at a reception organised at the presidential palace. From what I saw, he was sitting in the front, and chit-chatting generically, like, "how are you? I am fine". Later, he came to visit me with Yaşar Okuyan regarding an issue they had with Kanaltürk. We had a brief meeting to see how we could resolve the problem. And after that, I never saw Mr Tuncay again.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: In the file, twice.

Professor **Haberal**: But Mr Tuncay, whom I know, is a very valuable man. There is absolutely no doubt here.

Prosecutor of the Republic, **Mehmet Ali Pekküzel**: The file contains a telephone conversation between the defendants Ahmet

Tuncay Özkan and Mesut Özcan on 2 May 2008. In summary this is how the conversation goes: Ahmet Tuncay says, "The meeting was very positive." Mesut replies, "Hmm." Ahmet Tuncay Özkan then says, "He said immediately. He said that for this nation, it is not just about driving a nail. A homeland is a loan." Mesut says, "Come on." Ahmet Tuncay Özkan replies, "He said he would do it tomorrow and that Monday he would let us know." Mesut responds, "Great." Ahmet Tuncay Özkan says, "He saw me all the way to the door." Mesut says, "I don't believe it. Was it Haberal or the other one?" Ahmet Tuncay Özkan replies, "Yes, yes, Haberal." Mesut says, "Good. Let's see." Ahmet Tuncay Özkan says "Yes." Then the conversation continues with Mesut saying, "Let's hope to God. Where are you?"

There is a discrepancy between your statements and this conversation. When you were asked at the police headquarters you said, 'Tuncay Özkan came to me regarding the case to close Kanaltürk. I explained this upstairs. When it comes to matters concerning my country, if I had to hammer nails to help it, I would be honoured. I have always said these words. And, I always accompany

all my guests to the door. I don't know the individual, Mesut Özcan."

However, during the hearing, Ahmet Tuncay Özkan said that he went to see you to ask you whether you would buy Kanaltürk TV station. He said, "They took him out of surgery at Başkent Hospital and he came upstairs. He said, 'I don't have much time.' I said, 'Sir, this is the situation; we are selling Kanaltürk TV station. Would you buy it?' He replied, 'We are having difficulty with managing our own, so we would not be able to buy it.' This was it. The conversation lasted a minute or a minute and a half. I thanked him and he went back downstairs. This is all there was to it." If you remember this conversation and the subject of the conversation, could you please tell us in detail?

Professor **Haberal**: First of all, I have to admit that I don't remember the telephone conversation. I don't know what sort of telephone conversation it was.

With regard to the other subject, Mr Tuncay is sitting there with you. First of all, we did not discuss a single word about the sale of Kanaltürk. Mr Tuncay just said that he came to visit Mr Yaşar and

myself regarding a problem. He said that we must also face such problems ourselves from time to time. He asked how they could resolve this legal problem the channel was facing. This was the subject of the conversation.

The other subject is also correct. Whoever it is that comes to visit me, I will always see them to the door. This is my rule. This is my character and it is of course not comparable to other people. Everyone has their own traits and if he has given such a statement, Mr Özkan is sitting there, he should either contradict me or endorse me. This is all I have to say on this matter.

Prosecutor of the Republic, **Mehmet Ali Pekgüzel**: The indictment also contains a conversation you had with Ahmet Hurşit Tolon, who is also charged with running a terrorist organisation. I will read it out to you. It took place on 11 June 2008 at 13:49. Ahmet Hurşit Tolon has said, "I wish you my deepest respects. This job will happen with you and the other business, the Hereke business, can only happen wherever you are located. It cannot happen any other way." You said, "My general. Thank you. I should discuss this privately." Ahmet

Hurşit Tolon was heard as saying, “Look, I am telling you. This can only be done with you. It doesn’t work with the others. I have already said it yesterday. There is too much clamour and then I get sad. I said, ‘this does not work like this, as though, we should all row or that we should declare it. How are you declaring it? I mean you rowing is not the point, the point is to place the right person at the steering wheel.’”

What is the Hereke Business referred to in the conversation? Why do you not want to discuss it over the phone and why do you say you want to speak about it privately? What is it that needs to be declared and what is meant by the steering wheel reference? Can you please give us a detailed explanation regarding this conversation?

Professor **Haberal**: So, what is this Hereke? It is already explained in my written statement. Hereke, Hereke street is a street in Ankara that splits off from Nene Hatun Road. There is a villa, number 4, on that street. The owner of that villa was the late Professor Hasan Telatar. Mr Hasan, was at the same time teaching staff at Başkent University.

When he passed away, because of my close friendship with him, when his wife Ferzan Telatar asked what could be done with it, I said, “Don’t worry. We can rent this place to Başkent University. We will put it to good use. We can use it as a social facility.” It is indeed, now being used a social facility for Başkent University.

Later, from time to time, my friends from the Dialogue Group and later, the National Sovereignty Movement, requested to use it as a meeting place. I said, “Yes, you can use it for meetings. After all, it is a social facility.” I am highlighting this again and I am sure that it is already understood from what I have said today, I have never held secret meetings behind closed doors.

The reason I said that I did not want to discuss this topic over the phone is that time was short and that I would have liked him to come to discuss it in person. I believe that Mr Tolon may be here today. If there was another purpose, I am sure that he could explain. However, it was not to speak or do anything secretly. It is very sad that this subject is being brought up in this way.

Mr Tolon attends the Dialogue

Group and National Sovereignty Movement meetings. As I have said before, I am not always able to attend these meetings because of my surgeries. In one of the meetings I did not attend, I did not get an update later, so I don't know what was discussed.

Therefore, Mr Tolon made such a phone call to me. We spoke. I told him this. After that, Mr Tolon came to me with a platform group. And after that I did not converse with Mr Tolon. That is all there is to it.

social activities. By this, I mean, they hold meetings in small groups. However, I have to admit that we could not take a concrete decision on how to use the place.

This is because its layout is such that if we try to use it for one thing, it doesn't work. Then we try to use it in another way with other people, but it doesn't work. So, we keep thinking of how we can put it to good use. Then, when there are such activities, our friends ask him to ask me to use it.

From this, I see that people cannot come together to talk about a subject and that if they do, it is interpreted as trying to set up a terrorist organisation or planning a coup! These are not things befitting my country, the Turkish Republic.

Prosecutor of the Republic, **Mehmet Ali Pekgüzel**: What is the activity taking place at Hereke Street? Could you please expand on this activity?

Professor **Haberal**: What I meant by activity is that since this place belonged to the late Hasan Telatar, I wanted to protect it. Today, I am maintaining the place in the same way. There is a security guard and a staff member. From time to time, our friends use it for

In any case, the subjects discussed are not closed to the press or anyone else. Friends organise meetings with members of the media present. Otherwise, they use it to make press conferences. This is not a secret meeting place. From this, I see that people cannot come together to talk about a subject and that if they do, it is interpreted as trying to set up a terrorist organisation or planning a coup! These are not things befitting my country, the Turkish Republic.

Turkey is a constitutional state, governed by the rule of law. If we cannot protect our constitutional and legal rights, in which direction will our country go? This concerns all of us, Your Honour.

So, these things take place as a natural part of our everyday life. They are perfectly normal. Two people come to together to discuss whether their opinions would be taken into consideration, whether this would work or that would work.

I cannot accept these allegations and I want to highlight once again that they do not befit my country.

Prosecutor of the Republic, **Mehmet Ali Pekküznel**: I want to talk about the conversation you had with Osman Nahit Duru on 16 November 2008 at 15:32. In summary, you had said to him, “How was the meeting. I could not attend as I was in another meeting.” Nahit replied, “Sir, Mr Mümtaz said very good things. So did the Director of the Istanbul Bar Association. So, it was a good meeting.” You replied, “It was important for us to safeguard it.”

Nahit replied, “Yes, Mr Mümtaz also explained that it was not right for the President of the

Constitutional Court of Turkey to continue in his position.” You said, “Very good. Very good. And there is that thing you need to do on Tuesday.” Nahit responded, “Today Sir, at the beginning, I said that today we would discuss these from a legal perspective with the lawyers and then discuss them as red line issues from a political perspective with the politicians.” And you replied, “Yes, we will definitely do what is necessary with regard to the Constitutional Court’s President. He does not belong there.” Nahit stated, “There were a lot of messages. A lot of messages.” Could you please explain your statement of, “It was important for us to safeguard it.”?

Professor **Haberal**: Of course the constitutional court is the Turkish Republic’s Constitutional Court. We all have to safeguard this constitutional court. The constitutional court does not belong to individuals. The presidency, the prime ministry, the ministries are the ministries of the Turkish Republic. They represent the Turkish Republic.

I may be here because I am charged with terrorism, but within the environment created by the Turkish Republic, I can state this using my constitutional

right. Therefore, I state that the Constitutional Court belongs to all of us.

Now, coming to the President of the Constitutional Court. Haşim Kılıç is a close friend of mine, not just a simple acquaintance. From time to time, he comes to see me and I go to see him and we discuss the country's problems together. We are that close.

I am a person, who has criticized him to his face with regard to some of his decisions, knowing that his contribution to the

What is the reason? What has been proven against me? Is there such evidence?

Tell me, so that I can explain it.

So, yes, I criticize Haşim Kılıç, but I do it in person and openly. As long as he is President of the Constitutional Court, he represents the Presidency of the Constitutional Court of the Turkish Republic. When I speak to the Editor-in-Chief of my TV station, I share areas I am not happy about with him. That is all. There is nothing more than that to the conversation.

Unfortunately, I ask myself why I am here. What is the reason? What has been proven against me? Is there such evidence? Tell me, so that I can explain it.

future of our country is impartial. I am not someone who speaks behind Haşim Kılıç's back. Haşim is my friend. In fact, the President of the Constitutional Court came out and said, "It is wrong to detain innocent people until their crime has been proven." He must have said this knowing something. I know that there are certain innocent people who are being unnecessarily... Unfortunately, I ask myself why I am here.

Prosecutor of the Republic, **Mehmet Ali Pekgüzel**: During this conversation, what did you mean with the words, "We will definitely do what is necessary with regard to the President of the Constitutional Court." And how will you do what is necessary. Please explain.

Professor **Haberal**: I admit that when I think of our task, it is to do what is right for our country. I say the same thing today. As citizens

of the Turkish Republic, we all, not just I, have to do what is right. We have to do what is right because it is the only way forward. Those who accept the truth win and those who don't accept it lose. So, I do what is right.

As I told you, Haşim Kılıç is my friend. What would I do to Haşim Kılıç? What could I do to him? I would just go to him and rebuke him. I would ask him why he did what he did. I have done it before. And Mr Haşim knows this very well. So, to interpret this differently is unacceptable to me. Furthermore, I have already stated this in my written defence.

Prosecutor of the Republic, **Mehmet Ali Pekgüzel**: In the search at Channel B, a CD labelled 84 was discovered.

There is a voice recording on the CD, between the minutes 01:03 and 01:21, with the following statement, "Let's see. If he dares, let him put someone in a car to Çankaya, make him take an oath and send him back. There would be an accident on the road; the electricity would be cut; anything could happen. You could not do it." Who is speaking on this recording? What is the subject they are talking about. Do you know? Please explain.

Professor **Haberal**: This CD does not belong to me. I don't know what it is or who it is that is speaking. I have already told you this in my statement. It is an institution with around 250 people working in it.

There were only three CDs retrieved from my office and they were advertising CDs. Nothing other than that was found. This is a television channel. There is news being delivered to the people working there from all sorts of places. How could I know who this person is?

There is another thing. The people, the police officials, who confiscated those CDs were obliged to give us a copy, however, they did not. This is applicable to all the CDs. They violated Clause 134 of the Criminal Procedure Law.

Now, how could I know what is in this CD; a CD that I do not have in my possession. Furthermore, despite repeated requests by my lawyers, we never got these CDs. We want this evidence so that we can prepare our defence. Without this evidence, what are we defending? Forgive me, I do not mean offence, but the judge or the prosecutor of a court says that Mehmet Haberal should be

released, but two members of the court say no, he is a strong suspect. I find this difficult to understand.

On 5 August you accepted an indictment. Is there also another one? It is interesting that in court, one group of people have information and the other group don't. Is there anything acceptable about this? And the strong suspicion has no justification. So, if there is no justification, why were the 34th, 101st, 230th and 289th clauses of the Criminal Procedure Law written? Why does it say in these clauses that decisions have to be made based on justification? Is there anything intelligible about any of this?

Therefore, I don't know anything about these CDs or what they mean and they certainly don't belong to me. So, these are things outside my responsibility.

Prosecutor of the Republic, **Mehmet Ali Pekgüzel**: Again, during the search a Başkent University Ankara Turkey Meteksan branded notebook, numbered 1 to 90, was retrieved. On pages 16 and 17, the following notes were written:

“9 October 2007. The meeting lasted two hours. I let almost

everyone have a say. Everyone who wanted to speak spoke.

9 October 2007. Today at 14:00 we organised a panel for the referendum. During the opening speech, we spoke of the 1987 referendum. I explained the areas with question marks. I talked of the importance of Edirne and Rize, where I worked and opened a dialysis centre, and of their importance in winning the referendum with a difference of 50,000 votes. I explained that in this way, in 1991 Mr Süleyman Demirel became Prime Minister and Mr Erbakan and Mr Ecevit entered parliament. In the same way, in 1994 our Prime Minister today became Mayor of Istanbul and in 1995 Mr Erbakan became Prime Minister and went on to further explain that our President today was a Minister in this cabinet and that later Mr Ecevit became Prime Minister. In my closing speech I spoke about the incident with Ergenekon and the current situation.”

Do these notes belong to you? Could you please describe their contents. What is the incident with Ergenekon? Can you please provide an explanation?

Professor **Haberal**: Of course

I will provide an explanation. The important thing here is that these notes, my notes, are being held at the police headquarters and despite my lawyers' efforts to obtain copies, I have not seen any copies and my lawyers could not get a copy either. So, some of my documents are still being held at police headquarters even after the declaration of the indictment.

First of all, these documents have to be handed over to my lawyers. Secondly, these are my own daily notes. It is my constitutional right. Am I deprived of the right to take daily personal notes? Am I not allowed to right about my activities?

Thirdly, it is correct. The referendum of 1987, was blue, no it was white.

I wore my blue clothes and went from door to door. I opened a dialysis centre in Rize. I opened the dialysis centre with Erol Çakır, the Governor of Rize at the time. As a result of these activities, Rize made a difference of 40,000 votes. There were 40,000 "yes" votes from Rize. If you remember, the referendum was won with a difference of 50,000 votes.

Forgive me, but when Fatih

Sultan Mehmet conquered Istanbul and he gathered the people, everyone said, "we would not have won, had it not been for me." Finally Fatih said, "Correct. You are all right, but don't forget the merit this sword also deserves."

So, I had put a lot of effort there. The referendum was won and with that the former politicians came back into politics. People like Mr Demirel, Mr Ecevit, Mr Erbakan and the work started. So, Your Honour, excuse the expression but, I have also contributed salt to the soup. At that moment, I had to say this or I thought of it and wrote it down.

Prosecutor of the Republic,
Mehmet Ali Pekgüzel: Thank you Your Honour. This is all from me.

Presiding **Judge:** We can ask a few more questions to Tuncay. Do you not have any questions?

Prosecutor of the Republic,
Nihat Taşkın: I have no questions Your Honour.

Presiding **Judge:** Really?

Defendant Ahmet Tuncay
Özkan asks for permission to speak. He is granted permission.

Defendant, **Ahmet Tuncay**

Özkan: Your Honour, I believe there may be a gap in my earlier defence. As Mr Haberal stated, our meeting lasted about three minutes. As far as I remember, I did not look at the minutes. Right now, I am not sure of what I said at the time. I can only say based on what the prosecutor has read. I had meetings with many people with regard to buying my television channel. However, when I met with Mr Haberal regarding B TV, the conversation went as he said it did. The meeting only lasted about three minutes. He was kind enough to excuse himself from surgery and then he saw us to the door, where we left from the left hand door and he continued to the right hand side and went down the stairs, if I remember correctly.

We had heard the news that B TV got the regional broadcasts through a court order. I requested from Mr Okuyan. He was also here a little earlier. I am not sure if he left now.

We wanted to get a copy of the order on the regional broadcast. However, things were dragging as the lawyers said that we could not without permission from him (Haberal). So, we went to him for assistance. And really, as he promised us, by Monday or

Tuesday, we had received it. I want to thank him from here and wish him a speedy recovery.

This is the first part. If I had left something out or if there was something missing, this is the correct description of the conversation and I request for any corrections to be made, if necessary.

Your Honour, with regard to Mustafa Sarigul's party, could I please request the prosecutor to tell me the name of Mustafa Sarigul's party? At the time of the conversation, had Mustafa Sarigul already set up the party? I would like to ask this question. Could somebody please enlighten me on this as I cannot remember now.

Presiding Judge: The party was set up. What is there you want to ask about it?

Defendant, **Ahmet Tuncay Özkan:** But he just said between the two conversations, during the conversation between Mr Haberal and Mr Sarigül, that Mr Sarigül's Party (one or two words were not understood).

Presiding Judge: No, it was not set up yet. At the time, it had not yet been set up.

Defendant, **Ahmet Tuncay Özkan**: I am asking this question, Your Honour, because at that time, he had left the Democratic Left Party to join the People's Republican Party. It is really very wrong for a politician to ask a member of parliament who resigned from the People's Republican Party, "Why did they say not to talk about the party leader?" It means this, "Look Mustafa, you will lose your vote. Don't move in that direction."

I don't know what better advice there could be in politics. I find this political questioning very wrong because politics is a separate institution. I find it dangerous to drag politics so deep into the legal domain.

So, if Mustafa Sarigül joined the Democratic Left Party and was elected into parliament, with the consent of the Democratic Left Party, and that the allegations against Mr Haberal are correct, why is it that with the Democratic Left Party's leadership today, Mr Sarigül is out? I would like to ask this to the prosecutors Your Honour. Thank you.

The defendant Hasan Ataman Yıldırım asks for permission to speak. He is granted permission.

Defendant, Hasan Ataman Yıldırım: As the party leader of the Turkey Party in 2006,

I found out about the existence of a group called the Dialogue Group from friends in Ankara, while I was in Ankara. This is why I attended the meeting.

The meeting took place on 25 May 2006 in Sıhhiye, Ankara. That day, as soon as I came into the hotel, I asked at the reception desk where this meeting was being held. They told me it was straight ahead and indicated the door to the meeting room. There was no one waiting at the door. I pushed the door open and there was a meeting inside with around 100 people. I entered slowly without making any noise. They had laid out rectangular tables in a line and I sat down in an empty chair.

As Mr Haberal stated earlier, they were serving tea with some cookies and there were bottles of water on the table. There was nothing else being served other than this. As for the subjects being discussed, I cannot remember exactly what they were, but generally speaking it was about topical issues of the moment. The meeting was open to anyone who wanted to attend. No one asked me

anything when I entered the room and there was no registration of the attendees.

The meeting lasted around an hour and a half. Then they went around asking each of us if we had anything to add or comment on. When it was my turn, I stood up and made a five-minute introduction on the Modern Turkey Party and told the attendees that they could join this party. Since this was a political meeting, I made a short speech in this way. The evidence of my speech is in the annex folder, number 78, PDF page 88, section 312 of the indictment.

I had made a short note, saying that there was a meeting at Ankara Kent Hotel and the most important was my five-minute introduction to the Modern Turkey Party. This note was used as evidence in the files. I had already explained this in my statement.

Earlier, Mr Haberal said that he did not know me. It is normal for him not to know me. There are many different people who attend these meetings. This is what happened at the end of the meeting. Because I had talked about the party, a few people, five or six, came to speak to me. While I was speaking with them, Mr

Haberal left the meeting. That day, it was Kamuran İnan, who chaired the meeting. Therefore, after the meeting I did not even shake hands with Haberal. So, I know him from TV and I respect him very much. I did not even have the chance to shake hands with a man that I respect this much. That is the way that day ended.

Now, my question is this. Here we are, detained for the same case. Lack of a better word, I will call it the Ergenekon case. Supposedly there exists an organisation called Ergenekon and some people are controlling it at the top. Whoever these people are, without my being aware of who they are, have supposedly made me create a political party. Then, from another side, they also, supposedly, endeavoured to set up their own political party, the National Sovereignty Movement, which I am finding out about here. I had heard about it before, but I could not remember its name. From what I hear today, they tried to set up a political party in the name of the National Sovereignty Movement and then they continued to try the same thing again later. Were they aware of my party? Were we aware of their party? Do we get a request from the higher echelons of this

organisation, this organisation that does not exist, to set up a political party?

My question to him is, what kind of organisation is this? Thank you.

Presiding **Judge**: Did you hear the question? Did you understand it?

Professor **Haberal**: Yes, Your Honour. Thank you.

Presiding **Judge**: Did you understand the question?

Professor **Haberal**: Yes, I did understand it. Thank you.

Presiding **Judge**: Please go ahead. I am listening.

Professor **Haberal**: The gentleman is right and what he has just said is correct. I go in and out of these meetings, in between my surgeries and medical visits, so I apologise for not knowing him. This is first.

Second, it is the first time here that I hear about this party. With all due respect, I don't even remember his speech of that day.

Third, nobody could make a request to us to set up a political party in that way. I am a citizen of the Turkish Republic. I make my

decisions based on my evaluation of the situation. I come together with people who think like I do, to talk. Anyway, I have always said that I attended these meetings as a scientist and a scholar.

I have never had a desire or expressed a wish to go into politics. For this reason, I have no knowledge of this party, which is of course out of my own ignorance. As for the National Sovereignty Movement, it was an organisation where we did consider if it would be beneficial for the country to turn it into a political party.

Presiding **Judge**: Does anyone else have any questions? And are there any questions from the lawyers? As the time is now 17:30, we will end the defendant's cross-examination for today.

The session of 5 April 2010 is adjourned with the unanimous decision to continue at 09:00 on 06 April 2010.

Presiding Judge: 20909

Member Judge: 28298

Member Judge: 37266

Clerk to the Court: 128041

Republic of Turkey
Istanbul, 13th High Criminal Court
According to Clause 250 of the Criminal Procedure Law

Minutes of the Court Hearing

Docket Number: 2009/191

Hearing Number: 51

Date of Hearing: 06 April 2010

Presiding Judge: Köksal Şengün 20909

Second Judge: Hasan Hüseyin Özese 28298

Third Judge: Sedat Sami Haşiloğlu 37266

First Prosecutor of the Republic: Mehmet Ali Pekgüzel 33954

Second Prosecutor of the Republic: Nihat Taşkın 36924

Clerk to the Court: Ali Doğan 128041

The court hearing, dated 6 April 2010, is launched by the panel of judges comprising the Presiding Judge, Köksal Şengün, and member judges, Hasan Hüseyin Özese and Sedat Sami Haşiloğlu.

The detained defendants apart from Fatih Hilmioğlu, Levent Ersöz, Durmuş Ali Özdoğan, Uğur Şahin and Mustafa Dönmez, are brought from prison to the courtroom and take their places in the room without handcuffs.

Defendant Ahmet Hurşit Tolon is observed entering the courtroom. Additionally, the following lawyers are observed entering and taking their places in the courtroom: Defendants, Hasan Atilla Uğur, Birol Başaran, Adil Serdar Saçan, Hüseyin Vural Vural and İlyas Çınar's defence counsel, Serkan Günel; defendants, Mehmet Haberal and Ahmet Hurşit Tolon's defence counsels, Köksal Bayraktar and Yasemin Antakyalıoğlu; defendant, Mehmet Haberal's defence counsel, Efsun Ünal; defendant, Mustafa Özbek's defence counsel, Mehmet Erhan Turan; defendant, Mehmet Haberal's defence counsels Belgin Özersin and Serdar Özersin.

The public hearing continues.

The courtroom connects, via video conferencing, to Istanbul University's Cardiology Institute where the defendant Mehmet Haberal is currently seeking treatment. It is observed that the defendant's defence counsels, Serdar Özersin and Belgin Özersin, are ready.

Defendant Mehmet Haberal's cross-examination resumes.

Presiding **Judge:** Mr Özese, please start.

Member Judge, **Hasan Hüseyin Özese:** Mr Mehmet, I have questions for you. Is my voice clear?

Mehmet Haberal: Yes, Your Honour. I can hear you.

Member Judge, **Hasan Hüseyin Özese:** As you did not give detailed enough information in your previous statements, I want to ask some questions again.

Mehmet Haberal: Yes, I am listening, Your Honour.

Member Judge, **Hasan Hüseyin Özese:** When did you meet Şener Eruygur and what is the nature of your relationship. Can you please explain?

Professor **Haberal**: I know Mr Şener Eruygur by name from when he was Undersecretary at the Ministry of National Defence. Later, when he became the Commander of the Turkish Gendarmerie Forces, we would see each other at official functions. I was also invited, with other university rectors, to the tree-planting day organised by the Turkish Gendarmerie Forces, where I conversed with him. Afterwards, when he retired and became president of the Atatürk Thought Association, I encountered him once or twice. Other than that, I do not have any other connection to him.

Member Judge, **Hasan Hüseyin Özese**: While he was in office, did you go to his office at all?

Professor **Haberal**: No, I have never been to see him at his office.

Member Judge, **Hasan Hüseyin Özese**: When Şener Eruygur became president of the Atatürk Thought Association, did you meet with him at all?

Professor **Haberal**: I met with him twice. One was at this meeting. Since he was president of the Atatürk Thought Association, he had informed me that they would

be organising a meeting. He came to the meeting and we spoke during the event. However, I have not had any dealings with him outside the association's activities.

Member Judge, **Hasan Hüseyin Özese**: How long have you known Ahmet Hurşit Tolon

And what is the nature of your relationship?

Professor **Haberal**: When he joined the Military General Command, we were having problems with the construction of Block C of our Ankara hospital. Our hospital is made up of three blocks. For this reason, I had met him at the General Command when I went there. Since that time, we have met from time to time.

When I started kidney transplantation in 1975... I believe it was that date, but Mr Tolon is with you and I am sure he would know when it was... he was an attaché in the United States at the time. There was no law governing organ transplantation in Turkey at that time. In order for this law to be enacted, first we had to show our people that we could use the organs of the deceased in providing treatment.

For this reason, on 10 October

1978, I had the kidney of a deceased person brought over from the European Society for Organ Transplantation. This way, I showed how we could use the organs of deceased people in the treatment of patients.

After that, I started having such kidneys brought over from the United States. When I started

In 1979, the Grand National Assembly of Turkey passed 10 laws. One of those laws, was the law governing organ transplantation and in this way, organ transplantation became legalised in our country. At that time, Mr Tolon was in the United States and was closely involved in this subject. When I met him at the Military Command, it was also a surprise

...the kidneys of a person who died, could only be conserved for 12 hours. I demonstrated that the kidneys could be preserved for over 100 hours. Of course, during that period in time, we did not have any laws in our country governing this. As I mentioned earlier, in order to have this law enacted, I had to demonstrate this.

doing this, the kidneys of a person who died, could only be conserved for 12 hours. I demonstrated that the kidneys could be preserved for over 100 hours. Of course, during that period in time, we did not have any laws in our country governing this. As I mentioned earlier, in order to have this law enacted, I had to demonstrate this. As a result, a resolution was passed in parliament governing this. I remember, with gratitude, those who passed the resolution.

for me. He even told me, that organ donation is very important and that this was the area he really emphasised in the passing of the organ transplantation law. There is a statement to the effect that when a person donates their organ, it has to be done in the presence of two witnesses. The issuance of a donor card is covered under Clause 6, where it says that a living person can declare that they are willing to donate their organs in the presence of two witnesses. There, I found

out that Mr Tolon had arranged to organise this system of organ transplanting among all the soldiers when he returned to the Army Command. For this reason, I would like to thank Mr Tolon from here. If you can imagine at that time, the organ transplantation law had only just been passed. This law which was passed at that time, was done so, projecting into the future.

Because in Clause 3 of this law, it states that organs cannot be sold or bought for profit. Today, 30 years later, unfortunately organ trade is a topical issue. **While I can say that for the first time in the world, to prevent organ trade, a country was able to issue a law. For this, I am very proud of my country.**

Therefore, since that time Mr Tolon and I have met at various gatherings. Later, when he retired, he attended our Dialogue Group and National Sovereignty Movement meetings. So, I see him and meet with him through these occasions.

Member Judge, **Hasan Hüseyin Özese:** For how long have you known Sinan Aygün and what is your relationship with him?

Professor **Haberal:** Sinan Aygün is the president of the

Ankara Chamber of Commerce and someone I know. I see him at functions and he also attends our Dialogue Group meetings. From time to time, I also run into him at official events. In fact, some of the meetings he organises at the Chamber of Commerce assembly rooms are quite important, so I also attend them. I don't have anything additional to add regarding our relationship.

Member Judge, **Hasan Hüseyin Özese:** You say that you come together at some functions and meetings. Could you please explain what these are?

Professor Haberal: Sinan Aygün and Mr Tolon used to attend the Dialogue Group's meetings. Then, during the period of the National Sovereignty Movement, Mr Sinan did not attend, but Mr Tolon was with us in the meetings. Now, I don't remember exactly, as in the assembly halls of the Ankara Chamber of Commerce there have been many meetings to generate ideas and discuss the country's problems. I attended some of these meetings, but I can't remember precisely which meetings they were.

Defence Counsel, **Dilek Helvacı:** You did not attend the meetings on the abolishment of

the caliphate. That is what they are asking.

Professor **Haberal**: I'm sorry?

Defence Counsel, **Dilek**

Helvacı: Abolishment of the caliphate.

Professor **Haberal**: Oh, right. My lawyer, Ms Dilek, is trying to remind me of something. From what I understand you are talking about a caliphate? I am not aware of such a meeting, nor did I attend such a meeting.

Member Judge, **Hasan Hüseyin**

Özese: I was going to ask about this. On the 80th anniversary of the end of the caliphate, a meeting was organised. Did you attend it?

Professor **Haberal**: No, Your Honour. I did not. I did not even know about it. I am hearing about such a meeting for the first time.

Member Judge, **Hasan Hüseyin**

Özese: For how long have you known Muhittin Erdal Şenel and what is your relationship to him?

Professor **Haberal**: Erdal Şenel was the legal advisor to the president of the General Staff during the time we were building Block C and as we had problems with this construction. This is how

we met. Mr Erdal is also someone I meet from time to time at various dinners. Other than that I do not have a close relationship with Mr Erdal. We just meet on occasion at various meetings, such as forum meetings.

Also, I am from Rize, from Pazar and I am very familiar with anchovies because they were an important part of the Black Sea region's diet when I was a child. Of course, many years have passed since then and I have lived through the difficulties of those times. So, every year I organise an Anchovy Cocktail Party. Thousands of people attend this function and it is organised at Patalya Hotel in Gölbaşı. All my friends and acquaintances in Ankara attend, including Mr Şenel and this is how I meet with him.

Member Judge, **Hasan Hüseyin**

Özese: Since when do you know İlhan Selçuk and what is your relationship to him?

Professor **Haberal**: I know İlhan Selçuk from the press. As I have also mentioned before, since he was a friend of my late teacher, Doctor Hüsnü Gökşel, I may have seen him a few times at Hacettepe. Otherwise I do not have any personal dealings with İlhan

Selçuk. Obviously, in the media, İlhan Selçuk is a very important writer and anyway this is where I really know him from.

Member Judge, **Hasan Hüseyin Öze**: Your name is mentioned in the founding of Cumhuriyet TV channel. So, your name is associated with such a project. Were you involved in any projects relating to Cumhuriyet TV or were given an offers to do so?

Professor **Haberal**: No, Your Honour. No, Your Honour; definitely not. I have already told you this before. It is in my speech and also in my defence. There has never been anything of the sort. Neither do I know anything about it, nor did I receive any offers.

Member Judge, **Hasan Hüseyin Öze**: Have you had any discussions or exchange of views regarding this, with İlhan Selçuk and Kemal Alemdaroğlu and Mustafa Balbay and/or Tuncay Özkan?

Professor **Haberal**: No, Sir. Your Honour, I am stating clearly that I have not had such discussions. I do not have any information on this, nor have I had any offers.

Member Judge, **Hasan Hüseyin**

Öze: Do you know Mustafa Balbay and how is your relationship with him?

Professor **Haberal**: Mr Mustafa Balbay, yes of course. He is the Ankara Representative of Cumhuriyet newspaper. Firstly, I know him from Cumhuriyet newspaper. Then, he has also come as a guest on Channel B a couple of times, so I know him from there too. Other than that... anyway, Mr Mustafa is sitting with you in the courtroom. He is really a very valuable journalist and columnist in our country.

However, he also knows, that we do not have a very close relationship. However, as with everyone, I greatly respect Mr Mustafa, and because he contributes to activities benefiting our country, I think very highly of him.

Member Judge, **Hasan Hüseyin Öze**: Do you know Mustafa Özbek and how is your relationship with him?

Professor **Haberal**: Yes, I have known Mustafa Özbek for many years, as he was the president of the Metal Work Union. However, in recent years, I have neither seen or spoken to him. However, because of his position as president

of the Metal Work Union, in the past I have run into him at various functions. Other than that, I do not have any other relationship with him.

Member Judge, **Hasan Hüseyin**

Özese: How long have you known him for?

Professor **Haberal:** I'm sorry?

Member Judge, **Hasan Hüseyin**

Özese: In which year did you meet?

Professor **Haberal:** I don't remember which year it was. Mr Mustafa has been heading this union for many years. However, I believe I have not seen him in the last five or ten years.

Member Judge, **Hasan Hüseyin**

Özese: Do you know Tuncay Özkan? Since when do you know him and what is your relationship with him?

Professor **Haberal:** I have already told you. I know Tuncay Özkan from the media and as I stated yesterday, and he would also remember it, we met for the first time at a cocktail party given by our President. That is where we met and spoke. Later, I saw him again when he came to see me regarding Kanal Türk TV. These are the only

times we met.

Mr Tuncay is really a very valuable member of our media. In this respect, he has made some very important contributions to our country, for which I regard him very highly. However, apart from that, I have not had any other dealings with him.

Member Judge, **Hasan Hüseyin**

Özese: Since when do you know Kemal Alemdaroğlu and what is your relationship with him?

Professor **Haberal:** Kemal Alemdaroğlu is like me. He is a general surgeon and this is how I know him, professionally, as we are both scientists. And of course, he is also from the Black Sea region, from Sürmeli. So, because of that we may have met at various Black Sea functions. But, where I really know him from is the Council of Rectors and the university administrative committees and our conversations have always been of a scientific and academic nature, usually centred around resolving issues facing higher education.

In addition to that, Mr Kemal is a scientist who has made some important contributions to the medical field of our country. Apart from any education or medicine

related dealings, Mr Kemal has not had contact or any requests of a different nature with me.

Member Judge, **Hasan Hüseyin Özese**: Have you attended any meetings, rallies or demonstrations with Kemal Alemdaroğlu?

Professor **Haberal**: When you say meeting or rally, there was the walk to visit Anıtkabir, which was a meeting, attended by all the

is a democratic country governed by the rule of law. We all say this with pride and I am proud of it. My country is a democratic state governed by laws.

Again, as I explained yesterday, the German Emperor had said in Berlin, “Berlin has judges.” In the same way, are there no judges in Turkey? I am openly saying this here and I have always advocated it. If punishment will be enforced

Moreover, as I stated yesterday, this is a constitutional right. It is our people’s constitutional right... our society’s constitutional right. If we can’t do this, as I said yesterday, why does the constitution contain Clauses 25 and 26?

universities. Again, I explained this in detail yesterday. Apart from this, I have not attended any rallies, demonstrations or any other activities of the sort with Mr Kemal.

Moreover, as I stated yesterday, this is a constitutional right. It is our people’s constitutional right... our society’s constitutional right. If we can’t do this, as I said yesterday, why does the constitution contain Clauses 25 and 26?

If we cannot do this, how can we say that the Turkish Republic

on a crime, the punishment needs to be proven. The crime has to be proven so that the perpetrator can be punished and the innocent can be free.

I want to give an example for this. **The Quran has the Baqarah Surat. The 179th verse starts like this, “In the Law of Equality there is (saving of) Life to you, o ye men of understanding; that ye may restrain yourselves”. Also, in the Maidah Surat, God says, “As for the thief, both male and female, cut off their hands.”**

In other words, you need to punish the person who commits a crime, provided the crime has been proven, so that innocent people, with all due respect, as is happening today, do not have to endure punishment. So, if someone is guilty of committing a crime? If there is a punishment for the crime, it must be enforced so that innocent people can live freely.

Defence Counsel, **Dilek Helvacı**: Mr Mehmet, please explain again that you did not attend the rally, but came back immediately.

Professor **Haberal**: No, I did attend the rally. The rally I attended is a constitutional right and I was there with Mr Kemal. But it was very short. A wreath was placed and then I came back and went into surgery. I have not been in any other meetings with Mr Kemal, other than this.

Member Judge, **Hasan Hüseyin Özese**: Do you know Anıl Çeçen?

Professor **Haberal**: Anıl Çeçen? No, I don't recall right now.

Member Judge, **Hasan Hüseyin Özese**: Do you know Hasan Kundakçı?

Professor **Haberal**: Hasan Kundakçı. I know General Hasan by name and from the media, but I have not met him in person.

Member Judge, **Hasan Hüseyin Özese**: Do you know Tuncer Kılınç?

Professor **Haberal**: Yes, I know Tuncer Kılınç from when he was at the National Security Secretariat General. Like other university rectors, I have attended meetings of the National Security Secretariat General, on invitation.

Also, I have set up a Strategic Research Centre at Başkent University, in order to be able to contribute to the resolution of our country's national and international problems. From time to time, we organise functions, which many people attend. These are in the form of speeches and meetings. Mr Tuncer attends these meetings and I know him from there. This is the extent of our acquaintance.

Member Judge, **Hasan Hüseyin Özese**: Have you met with him regarding subjects, other than what you have just mentioned?

Professor **Haberal**: No. No, Your Honour.

Member Judge, **Hasan Hüseyin Öze**: For how long have you known Bedrettin Dalan and what is your relationship?

Professor **Haberal**: I also spoke about this yesterday. I know Mr Bedrettin from the days he was Mayor of Istanbul. Then he went into politics, if I am not mistaken and became minister. During the time he was Mayor of Istanbul, as I mentioned yesterday, I set up a dialysis centre in Istanbul. Başkent University's hospital, which I set up in Altunizade, used to be virtually a rubbish dump. Now, on this rubbish dump stands a very state-of-the-art hospital. I am very proud of this hospital.

At the time, Mr Bedrettin Dalan was a close friend of the late Şahin Gümüşer, who was also the brother-in-law of my friend, the late Doctor Nevzat Bilgin. This is how I met him. Later we saw each other on various different occasions and at the time he was setting up Yeditepe University, he did call me from time to time. He sent me his authorised people and they founded the prominent Yeditepe University. After that, occasionally, we continued to speak over the phone. In addition to that, there were also the questions regarding his health which were brought up and all of

which I answered yesterday.

Apart from that, there are no additional dealings I have had with Mr Bedrettin.

Member Judge, **Hasan Hüseyin Öze**: Since when do you Mr Kamuran İnan and what is your relationship with him?

Professor **Haberal**: I knew Mr Kamuran by name after he went into politics. Later, during the time he was Energy Minister, I visited him and that is when I became acquainted with him personally. I continue to run into him occasionally since those days. The last time I met with him was when we were setting up the Dialogue Group. We started working together at the Dialogue Group and then he became head of the group. He is a person who has contributed greatly to our country throughout his entire political career, be it during the time he was ambassador in the foreign office or be it when he went into politics.

Mr İnan is a person I was with since March 2006, when he was Director - this is the most appropriate term - of the Dialogue Group and then later became Director of the National Sovereignty Movement. The only

subject we talked about - and I have repeated this many times yesterday – was how can we contribute to our country; how can we find solutions for the problems our country is facing, so that the leaders of this country can also draw upon this. This has been our sole aim and our sole activity.

I always say, we exist because our country exists; our country exists because we exist. This is because this country was created out of nothingness and poverty. It was created by Atatürk, his friends and our brave soldiers and entrusted to us. I would also like to remind you of something else. The late Yasser Arafat had said, “I have no land to be buried in.” This is a very important saying for me.

Thanks to God, we have a beautiful country. The primary duty of each citizen of the Turkish Republic is to protect this country, which was entrusted to us at the cost of many lives and not, as General İsmet said, “trouble it with a regime of defamation.” We need to ensure that this country is strong against foreigners and against our own internal problems. This is our primary duty. This has also been the aim of these meetings – how can we contribute further to our

country?

Mr Ufuk is in the National Sovereignty Movement and generally speaking, he organises the group’s general administration. As I also mentioned yesterday and showed documentation in illustrating this, for a meeting, invitations are sent out, then the responses are received and Mr Ufuk attends the meetings. All he does is ensure the proper organisation of the meetings from an administrative perspective. That is the extent of his responsibility.

I would also like to say that on the 85th anniversary of the Treaty of Lausanne, a very important press release was issued, by the National Sovereignty Movement. As I also mentioned in my statement at the police station, we would come together occasionally with Mr Kamuran İnan, Mr Ufuk Söylemez, Mr Hasan Ünal, Mr Halit Dağlı and Mr Ramazan, who is the president of the Headmen Federation. We would meet to ensure the smooth running of the activities and functions.

For this reason, Mr Ufuk is a person with whom we have worked closely. Be it with the Dialogue Group or be it with the National Sovereignty Movement, Mr Ufuk

is a former parliamentarian, who is actively involved.

Defence Counsel, **Dilek Helvacı**: He has just described the Co-ordination Committee with regard to moving towards setting up a political party. This is what he is saying. It is important.

Member Judge, **Hasan Hüseyin Özese**: There is a committee, which was created after the National Sovereignty Movement. I believe it is the Co-ordination Committee.

Professor **Haberal**: These questions are really very interesting. When you ask me these questions, it makes me really wonder. **I wonder whether my country is really a democratic state governed on the basis of the rule of law, as we say it is, or is it moving towards something else? Where is this country going?**

I have repeated this numerous times. This is something that my friends and I have a right to, as per the Constitution of the Turkish

When His Honour, the presiding judge was reading all this out to me yesterday, I felt as if the whole building was collapsing over my head. Mehmet Haberal is setting up a terrorist organisation to destroy his country; Mehmet Haberal was present at the attack on the State Council; I don't know... Mehmet Haberal contributes to the use of arms. If His Honour had fired a bullet at me, it would have had less of an effect.

Professor **Haberal**: No. Now, there is something called the Co-ordination Committee.

Member Judge, **Hasan Hüseyin Özese**: Who was a member of this committee and what was its purpose? Can you please explain?

Republic. If this is interpreted as anarchy, as I am being accused of forming a terrorist organisation to destroy the country, I am seriously offended.

When His Honour, the presiding judge was reading all this out to

me yesterday, I felt as if the whole building was collapsing over my head. Mehmet Haberal is setting up a terrorist organisation to destroy his country; Mehmet Haberal was present at the attack on the State Council; I don't know... Mehmet Haberal contributes to the use of arms. If His Honour had fired a bullet at me, it would have had less of an effect.

Do you really think this is possible? This is just an organisation, a group. I have repeated this over and over again. The National Sovereignty Movement was set up in order to find solutions for our country's problems. Its purpose is to serve our country, which is why we formed a management team within the group. We also formed a committee and my name is at the head of this committee. It is so that we can enjoy an exchange of ideas and the purpose of the decision we took on 14 January 2008 was to be able to set up a political group.

Or is it against the Constitution of this country to set up a political formation? If this is how we think, then why do we have a number of political parties? What were these parties set up for?

I would like to give an

example. How is it that the current ruling party was set up under the same circumstances and in the same environment? How is it that, with my permission, they used Patalya Hotel to prepare their activities and set up their party and are now ruling the country? Forgive me, but in that case, did they also commit a crime? Is that what we should be saying? Do you really think this is what it is? In that case, with all due respect, the questions you are asking are not befitting of my country.

So, it makes me think, and I have to say tell you this as so much work has gone into it. Mehmet Haberal initiates organ transplantation in this country. He brings the World to Turkey. With the permission of God, he becomes the head of international organisations. He sets up a university in the country. He sets up hospitals and he employs thousands of the country's citizens.

I remember this very well. When this ruling party's first government was formed, the government's minister of labour had said, "For whoever employs a hundred people, I will reduce their social security premiums." All the while, Mehmet Haberal is

employing thousands of people and my premiums were consistently increased. So, is this my crime?

In this case, I have to remember General Mithat, who said, “People who serve their people or want to serve their people, cannot expect any other outcome.” Is this what you mean? But I don’t accept this. I remember the late General Mithat with respect and gratitude. It is Ziraat Bank who developed this country. However, it was not the

is the management commission and the second is a group set up for discussion. I was regarded with respect by my friends and appointed to the head of this group.

Deputy Judge **Hüsnü Çalmuk:**
Your Honour, could we take a short break?

Defence Counsel, **Dilek Helvacı:** A statement was made to the press on the Co-ordination Committee.

I am being subjected to this trial, which has prevented The Organ Transplantation Society and thousands of people from coming to Turkey. Forgive me, but it is not possible for me to accept this.

Ottomans’ people who sent General Mithat there. The people who sent General Mithat there, were unfortunately, the people ruling the Ottomans at that time.

So, is this what you want me to say? That, here, in Turkey now, the same things are happening?

With all due respect, it is not my people who sent me here.

Yes, there were two commissions set up here. The first

Professor **Haberal:** Yes, statements have been made to the press regarding this and things have been explained. The doors of all our meetings have always been open all the way and everything has been communicated to the press.

I don’t know what more there is. Please ask me whatever you need to ask me. We have to eliminate this strong suspicion. Because I have already said that I need to be answerable to the

Turkish people.

Member Judge, **Hasan Hüseyin Özese:** Mr Mehmet, we are not trying to question your constitutional rights. We are questioning you within the framework of the indictment.

Professor **Haberal:** No, you are questioning my constitutional rights. I see this and it makes me very sad.

Member Judge, **Hasan Hüseyin Özese:** Our investigation is within the boundaries of the indictment.

Professor **Haberal:** Look, let me tell you this, as a Turkish citizen. Your Honour, I am sorry, but as a Turkish citizen I am very sad by this type of questioning. I am proud of my country. I am proud of serving my country. I have brought the attention of the world to this country. I have brought the world to this country.

And this country has arrested me. As a result, I have not been able to make the opening speech as the guest of honour of this international congress, taking place in my country. My country. Unfortunately, I have been arrested in my own country. I am being subjected to this trial, which has prevented The Organ Transplantation Society and

thousands of people from coming to Turkey. Forgive me, but it is not possible for me to accept this.

Deputy Judge **Hüsnü Çalmuk:** Your Honour, the doctor says that we need to take a break.

The session breaks up for a short recess.

The hearing continues from where is left off via video-conferencing. Defendant Mehmet Haberal's cross-examination continues.

Member Judge, **Hasan Hüseyin Özese:** Mr Mehmet. Do you know Aydın Gergin?

Defendant Mehmet Haberal asks for permission to speak. He is granted permission.

Professor **Haberal:** Ger...

Member Judge, **Hasan Hüseyin Özese:** Aydın Gergin.

Professor **Haberal:** No, sir. I don't know him.

Member Judge, **Hasan Hüseyin Özese:** According to the section relating to you in the indictment, you have had five conversations. The indictment states that you have had five telephone conversations. What do you have to say about that?

Professor **Haberal**: I have had five phone conversations? I don't know him. I have nothing to do with him, nor do I have any information about him.

Member Judge, **Hasan Hüseyin Özese**: Do you know Ufuk Mehmet Büyükçelebi?

Professor **Haberal**: No, sir. I don't know him.

indictment, it looks like you have had 42 telephone conversations with him.

Professor **Haberal**: Excuse me, but I do not want to speak anymore about this indictment right now because this indictment is based on my setting up a terrorist organisation. I request that this be left to the discretion of the Turkish people. I leave it to your discretion.

This “strong suspicion” you keep mentioning... I don't know how it was formed. I don't find that this befits the prosecutors of the Turkish Republic and I am openly highlighting it.

Member Judge, **Hasan Hüseyin Özese**: Again, according to the indictment it looks like you have had six telephone conversations with him.

Professor **Haberal**: No, I don't know him and I don't recall his name.

Member Judge, **Hasan Hüseyin Özese**: Do you know Adnan Kılıçarslan?

Professor **Haberal**: No, I don't know him.

Member Judge, **Hasan Hüseyin Özese**: Again, according to the

I have been busy with my country for 24 hours a day. Mehmet Haberal has come out of a liver transplant surgery, from a kidney transplant surgery; has done scientific research and on top of that has added another 24 hours into his day to set up and run a terrorist organisation.

As I mentioned a little earlier, Your Honour. Had you fired a bullet at me it would have had less effect than these things you are accusing me of. So, in a way, unfortunately this indictment is simply trying to find any way it can to incriminate me.

Now, I am accused of setting up a terrorist organisation with a man that I have not seen for 25 years. Please, I leave the evaluation of this indictment to your discretion.

Defence Counsel Serdar Özersin ask for permission to speak. He is granted permission.

Defence Counsel, **Serdar Özersin:** His Honour asked a question a little earlier regarding Adnan Kılıçarslan. After the declaration of the indictment, we did our own research. Adnan Kılıçarslan is a police officer. The security, provided to Mr Haberal by the government, have called this individual from the university telephones. Mr Haberal does not know this individual. I would like to request the members of the court to take this detail into consideration. A question was asked about 42 telephone conversations between Mr Haberal and Adnan Kılıçarslan. He is simply an individual that Mr Haberal's official security people, provided by the government, have called. For this reason, these calls bear no relation to Mr Haberal.

Defence Counsel, **Dilek Helvacı:** Furthermore, there is no phone transcript available on this subject.

Professor **Haberal:** This is why I would like to leave the indictment to the discretion of the Turkish people and yourselves.

Member Judge, **Hasan Hüseyin Özese:** Do you know Erol Mütercimler? Erol Mütercimler.

Professor **Haberal:** No, Sir. I don't know him. I have read one of his books, but I do not know him personally.

Member Judge, **Hasan Hüseyin Özese:** In the indictment, it is claimed that you have had five telephone conversations with him.

Professor **Haberal:** Exactly. I leave the evaluation of the indictment to you. These are things I have definitely not done. I am sorry. This "strong suspicion" you keep mentioning... I don't know how it was formed. I don't find that this befits the prosecutors of the Turkish Republic and I am openly highlighting it.

Please remember Mahmut Esat Bozkurt. Why was he appointed as prosecutor of the Turkish Republic? Why was he not appointed somewhere else? Our valuable, late Minister of Justice said, "You are the prosecutor of the Turkish Republic."

This is why such an indictment does not suit the prosecutors of the Turkish Republic. I request the pardon of those who did not prepare this document. **This is because this indictment has been based on how blame can be put on Mehmet Haberal to incriminate him.**

This thing, called Ergenekon, has no close or distant connection to me. As I have said, I found out about Ergenekon from the media, just like other citizens of this country. I have no other knowledge of it apart from this.

Furthermore, I have testified for hours at the Counter-Terrorism unit of the Police Headquarters, at the Prosecutor's Office, in front of the 14th Deputy Judge. My lawyers have argued their defence for hours. Moreover, we provided all sorts of documents after that, to prove our case.

However, I have seen that neither my statements, nor the arguments of my lawyers, nor any of the documents and evidence we provided, are displayed here.

Is this what you call a judgement? Is this what you call justice?

As I said yesterday, justice is God's command. The Nahl Surat

goes, "Allah commands (people) to maintain justice, kindness, and proper relations with their relatives. He forbids them to commit indecency, sin, and rebellion. God gives you advice so that perhaps you will take heed."

Moreover, in the Nisaa Surat, it says, "Allah commands you to render trusts to whom they are due and when you judge between people, to judge with justice."

For this reason, Your Honour, justice is God's command.

I am sorry to say, but I can see that what is going on here also goes against God's command. Therefore, there are many false allegations, which are completely un-related to me, put in the indictment by the prosecutors of the Turkish Republic.

It is impossible for me accept this.

Defence Counsel, **Dilek Helvacı:** With regard to the conversation, according to the fact-finding report, Erol Mütercimler's number called the landline of Başkent University. He is a journalist. It is possible he called and could not reach Mr Haberal. In the file, there is no telephone transcript in relation to this call.

My client has also stated in front of you that he does not know this individual.

Member Judge, **Hasan Hüseyin Özese**: Do you know Fatih Hilmioğlu?

Professor **Haberal**: Who?

Member Judge, **Hasan Hüseyin Özese**: Fatih Hilmioğlu.

Professor **Haberal**: Yes, Fatih Hilmioğlu was my student in Hacettepe. Later he specialised in gastroenterology and then became the rector of İnönü University. When his rectorate ended, he came to me and said, “Professor, I would like to work with you. Would you accept it?” I replied, “Of course, I would.”

Right now, I am very proud of the fact that Fatih Hilmioğlu, a great man of science, was also my student. He currently works with me and at the moment, unfortunately, he has also found himself in the same situation as me. He has also been arrested, like me for 356...no, 357, actually, now 358 days. This is the extent of my relationship with him. In any case, I would not have anything other than that to do with him because my whole life I have not gotten involved in other people’s

businesses, nor asked them any questions, unless they came to me for my opinion.

So, according to this indictment, supposedly I gave instructions to Fatih Hilmioğlu, something about 44. I have already given my response to all this and anyway, none of it is true.

Furthermore, never has it even crossed my mind to get involved in the matters of another university. I have clearly explained this in my statement, so there is absolutely no way that I set up a terrorist organisation, let alone one with Fatih Hilmioğlu.

I am a university rector, Your Honour. My duty... My primary duty is to protect my country. My second duty is to serve science and knowledge. And today I am proud of this. Fatih Hilmioğlu is also a scholar and I am proud of him as well.

Member Judge, **Hasan Hüseyin Özese**: In the searches conducted, a document, labelled 284 by the police, was found. This was an open envelope inscribed with the words ‘Private’ and ‘Professor Doctor Mehmet Haberal’. This envelope contained an İnönü University branded document

printout, addressed to Rector, Professor Mehmet Haberal. It is unknown who wrote it, but it contains claims against Fatih Hilmioğlu.

Professor **Haberal**: Your Honour, I know that letter.

Member Judge, **Hasan Hüseyin Özese**: Please explain what you know about this.

Professor **Haberal**: Yes, I know that letter. I remember it very well. This is purely *Fitna* (provocation to cause problems between people). Now I want to say this.

of defamation”. I am sorry, but if this continues, then we will not have the strength to resolve our country’s national problems, nor its international problems

Furthermore, it is deplorable that an unsigned letter, sitting on my desk, is being used as evidence. Not only that, but the police officials did not even give us a copy of this evidence taken from my office. I did not get copies of any of the documents taken from my office and my house. According to Clause 134 of the Criminal Procedure Law, a copy of all the evidence

In these 357 or 358 days, how many livers could Mehmet Haberal have transplanted? How many kidneys? How many congresses could he have attended? How many scientific articles could he have published? Did we take into account any of this?

Now, pardon me, today I have kept taking quotes from our Holy Book, the Quran. In the Baqarat Surat’s 191st verse, God says, “... Fitnah is worse than killing”, and it is of course slander. I have already said it earlier. I have already repeated General Ismet’s words, “We are moving towards a regime

confiscated, should have been given to us, otherwise this evidence is invalid. We did not even do a body search of the officials when they came to my office and house.

Let’s look at it this way. Any one of the people there could have come with things in their pockets and planted them in my office or

house. Who would be responsible for that? Who would pay the price?

Or someone came with another computer put it in my office. They are obliged to give us copies of all the documents taken. Otherwise, what is the meaning of the 134th Clause of the Criminal Procedure Law? What was it written for? Is it just for show?

For this reason, all of this is very sad and I feel even more saddened that I am being questioned on it.

Therefore, such claims made against Fatih Hilmioglu, unfortunately, seem to have become a habit in our country. So, when someone is disturbed by someone else, they send an anonymous letter and as if our country's prosecutors and judges do not have thousands of cases to deal with, they are being kept busy with such elementary matters.

I am sorry, but here I am today for my 357th or 358th day. In these 357 or 358 days, how many livers could Mehmet Haberal have transplanted? How many kidneys? How many congresses could he have attended? How many scientific articles could he have published?

Did we take into account any of this?

And you, while waiting for all these files, how many of citizens could you have helped out in the mean time? How many life-changing decisions could you have taken?

Unfortunately, as a society, we have too much time on our hands. As the Caliph Omar had said, "The arrow that leaves its bow, words that leave our lips, opportunity that's gone and time which has passed, are all things which will never come back."

This is why we need to evaluate this properly, Your Honour. I am sad that we have this much time; that our country has really resolved all its issues, so now we can deal with such unlawful letters, without signatures. How valid can it be with no signature? If the person who typed that letter had any civilised courage, he would have signed his name at the bottom, to tell us who he is. In that case, we could have discussed it with him directly and really evaluated whether there was any truth to it. However, I can see today, that this has become an art in my country. Thank you.

Member Judge, **Hasan Hüseyin**

Özese: I will ask this question in a different way. Was the letter containing allegations against Fatih Hilmioğlu discovered in your place? Wasn't it found at your place?

Professor **Haberal:** Yes, it was. I know that. I am not saying that the letter was not found on my premises. I have already said that it was on my desk. I specifically put it on my desk and I even told the president of the Gastroenterology Unit that another letter like that may appear again. I did not want Mr Fatih to get upset over it, as it became a topical issue.

Your Honour, there was a hospital board meeting, where the headscarf issue was being discussed and of our friends at the meeting stood up and said, "I will give you an explanation for the headscarf; historical information." He said a few things and completely confused the entire matter. When he finished his speech, I asked for permission to speak and told them exactly this, "I will make a correction." Everyone looked at me to see what I would correct. And I continued to say, "In the Quran, there is the 31st verse of the Nur Surat." I even went onto say, "The 30th verse, which concerns men, goes like this, 'Say to the believing men

that they should lower their gaze and guard their modesty: that will make for greater purity for them.' The 31st verse concerns the women and starts like this, 'And tell the believing women to lower their gaze and be modest, and to display of their adornment only that which is apparent, and to cover their hair down to their shoulders.'"

There is more. The Nur Surat also has a 60th verse, which is very important. In this verse God says, "As for women past child-bearing, who have no hope of marriage, it is no sin for them if they discard their (outer) clothing in such a way as not to show adornment." This how the 60th verse goes.

I did not mention this that day; I am mentioning it now. I told them that if anyone is interested in the 60th verse, they should open it and read it. In the meeting I also added, "Friends, look. Islam equals people and the guide in Islam is the Quran." I said this in an inter-university meeting. I also said, "Look, Islam is a religion of reason."

Therefore, had we respected the Islamic religion as is stated in the Quran, we would not be going through this today.

Also, in the 29th verse of the Kahf Surat, God says, “The truth is from your Lord, so whoever wills - let him believe; and whoever wills - let him disbelieve.” In the same way, the Baqarat Surat’s 256th verse goes like this, “There is no compulsion in religion.”

So, after I made this speech and the meeting came to an end, I don’t know who said what afterwards. However, I know that my words at the inter-university meeting became a well-known speech and were repeated at various other occasions, which is why it is probable that I received the letter in question. This is also why I did not pay attention to it. I opened it, read it and placed it back on my desk. This is all there is to this letter.

Member Judge, **Hasan Hüseyin Özese**: I would also like to ask this Mr Mehmet. Why was this letter containing claims against Fatih Hilmioğlu sent to you? What was the reason?

Professor **Haberal**: Your Honour, what more do you want me to say about this? For whatever reason, the sender of the letter is making a complaint against Fatih Hilmioğlu to me. That is it.

I mean, I am sorry to say this,

but can I ask you something? What is it that you want to get from me? Just tell me straight out so that I can explain it to you. Please don’t try to twist and turn it and connect it to this letter. Whatever it is you want from me, please ask it directly and I will tell you.

Member Judge, **Hasan Hüseyin Özese**: Now, Sir, our questions are based within the context of the indictment.

Professor **Haberal**: This letter... I’m sorry.

Member Judge, **Hasan Hüseyin Özese**: We are asking you about documents, which were discovered on your premises and about people you know.

Professor **Haberal**: Yes and I am answering these questions.

Member Judge, **Hasan Hüseyin Özese**: And so, these questions are related to the indictment.

Professor **Haberal**: Yes, I understand. I am also answering your questions. I am saying that the sender of the letter is, for whatever reason, complaining about Fatih Hilmioğlu to me. Why? Because Fatih Hilmioğlu has come to work with me. That is all there is to it,

Your Honour. If you have anything further on this, please ask me.

Member Judge, **Hasan Hüseyin**

Özese: So, on that date was Fatih Hilmioğlu working at your university?

Professor **Haberal:** Yes, Fatih Hilmioğlu had applied to work with me.

Member Judge, **Hasan Hüseyin**

Özese: So, when you received the letter, Fatih Hilmioğlu was employed by you.

Professor **Haberal:** No, Fatih Hilmioğlu had retired.

Member Judge, **Hasan Hüseyin**

Özese: Hmmm.

Professor **Haberal:** And he had applied to work with me at Başkent University. This was a letter written to me during his application period.

Member Judge, **Hasan Hüseyin**

Özese: So, it is a letter.

Professor **Haberal:** **When I say a letter, it is a piece of writing, a document. And on top of that, it is un-signed. Your Honour, for you to be spending so much time on this un-signed document, it means that you are expecting something out of it. Whatever it is, please ask it directly, so that**

I can explain it to you. I can tell you it is this or it is that. It is as simple as that.

Member Judge, **Hasan Hüseyin**

Özese: Again, in the searches that were carried out, an 11-page document titled, “New Formation Notes” with the inscription “Doesn’t your heart ache?” was found. In this document there was a writing containing evaluations of the Justice and Development Party and Young Party. There are also claims regarding an individual, by the name of Oktay Yıldırım, being involved with the New Life Magazine.

Professor **Haberal:** It doesn’t mean anything to me.

Member Judge, **Hasan Hüseyin**

Özese: Do you know Oktay Yıldırım?

Professor **Haberal:** First of all, I don’t know anyone by the name of Oktay Yıldırım. Secondly, I know of the Şemdinli incident from the media. I don’t have any other information on it apart from that. What was its outcome? I don’t know. So, I don’t know what this document, which was sent to me, is.

Now, Your Honour, I am a doctor and at the same time, a teacher. Like I said yesterday, apart

from going to God, people come to see doctors for their health and they go to see judges to seek justice.

So, we can receive all sorts of documents, information. If it is related to our profession, I mean the medical profession, we have taken the Hippocratic Oath. No doctor has the right to give out to anyone, any of his patient's information, without the patient's consent. Of course, for judges, I don't know how it works. You know how it works. I would assume it would be similar. Anyway, I know of the Şemdinli incident from the media and I don't know anything else about it.

Moreover, I wonder if the people who took this document, left a photocopy of it? Have they applied Clause 134 of the Criminal Procedure Law? Or were they searched before entering the premises?

I don't know about this document frankly and I am hearing about it from you. I would also like to add, in brackets, that I don't remember reading such a document either

Defence Counsel, **Dilek Helvacı**: It was in the newspaper.

Professor **Haberal**: Whatever it

is, a news story or whatever else, I am not aware of it. Anyway.

Member Judge, **Hasan Hüseyin Özese**: Again, during the searches, a document, labelled 319 by the police, was discovered. This one-page document, addressed to the retired General İsmail Hakkı Karadayı was inscribed with the words, "My honourable general. As you requested, I am sending you the CDs of the F.D. initialled person. My sincere regards, Mehmet Haberal"

Professor **Haberal**: Your Honour.

Member Judge, **Hasan Hüseyin Özese**: This printed document, with sincere regards, was discovered.

Professor **Haberal**: Ok.

Member Judge, **Hasan Hüseyin Özese**: Do you know İsmail Hakkı Karadayı?

Professor **Haberal**: Of course I do.

Member Judge, **Hasan Hüseyin Özese**: What are the contents of this CD? If you don't mind, could you please explain?

Professor **Haberal**: Of course I can. First of all I know General İsmail Hakkı Karadayı by name

from when he was Commander of the Turkish Armed Forces. I have to be honest, right now I don't remember if I have met General İsmail Hakkı or not.

Secondly, it is interesting, how I write a letter to the retired Commander of the Turkish Armed Forces saying that I am sending him CDs. Now, Channel B, which I have founded and which I now say with pride, is a channel watched by many people in our country because it covers events and news honestly and truthfully.

On this channel, every Sunday at 20:00, there is a programme called, Voice of Anatolia (nation), hosted by a former Member of Parliament and performer, Faruk Demir. It is about traditional Turkish folk and classical music. Our retired Commander of the Turkish Armed Forces, General İsmail Hakkı Karadayı, watches this programme regularly and one day he phoned me. He said to me, "Professor, I really like Mr Faruk's programme. Would it be possible for you to send me some of the CDs of this show?" So, I took these CDs and sent them to our General, the former Commander of the Armed Forces. That is what this letter is referring to.

Member Judge, **Hasan Hüseyin Özese:** Ok, understood.

Professor **Haberal:** So, they are the CDs of the former Member of Parliament, Faruk Demir, who is now heading the music department of Channel B. These are the CDs I sent to our former Commander of the Armed Forces.

Member Judge, **Hasan Hüseyin Özese:** In another search, a document, labelled 159 by the police, was found. This document was dated 15 July 2002 and titled, "Internal Threat Evaluation" and contained bullet points from 1-22 and ended with "They are acting appropriately for this game". Other sub-headings included, "Internal Threat Evaluation Seminar Result Report" and "Evaluation of the Internal Threats facing Turkey". The report was signed by Staff Colonel MM, seminar leader PA, leader and seminar secretary TK. Can you please explain this?

Professor **Haberal:** Yes, of course I can.

Member Judge, **Hasan Hüseyin Özese:** Why was this in your possession?

Professor **Haberal:** Yes, of course. Actually, it was not found in my possession Your Honour. I

would also like to remind you that the answers to all these questions are already in my written defence. But I will explain again.

Member Judge, **Hasan Hüseyin Özese**: Please explain it briefly.

Professor **Haberal**: Every year the National Security's General Secretariat organises programmes and requests for staff from various institutions. So, at the time, in response to this request, we sent one of the news editors' assistants, İzzet Dağıştanlı. First of all, those documents did not come out of my office. They came from İzzet Dağıştanlı's office and İzzet Dağıştanlı also confirmed this. He said, "These came from my office and do not have anything to do with Doctor Haberal."

And this concerns a lesson taught at the Academy. The National Security Academy. I have the document with me. It is strange, how I have already said before that neither what I have said, nor what my lawyers have said, nor our evidence and documents were taken into account. This document was included in the indictment. Here is the document. I have it with me.

İzzet Dağıştanlı has attested and signed to say, "This document

belongs to me and so does all the information in it. The person who gave it to me is also stated on the document. It was given to us as part of our training programme and it does not have anything to do with Mehmet Haberal."

And anyway, the officers who came from the Counter-Terrorism Unit, took whatever CDs and documents they could find. Then, they came out with an unfortunate statement to the effect that they had collected over 1,300 CDs from Mehmet Haberal. Then, we understood that they only took three from my office, which were all advertising CDs. None of the other CDs belong to me. That is all I have to say. Thank you.

Member Judge, **Hasan Hüseyin Özese**: Again in the search, a memo, dated 27 August 2001 and labelled 160, by the police, was discovered. The document was titled, "New politics for a New Turkey and the First Steps to a New Formation" and had bullet points from 1-30. The last page of the computer printout had the words, "Mehmet Haberal is the owner of the application". This document, containing content of a political nature, was signed by Yaşar Nuri Öztürk and Yaşar Okuyan.

The pages that followed did not have any signatures, nor headings, but, they were photocopies of what is considered to be minutes of a trial hearing. Along with these, there were also notices signed by the National Sovereignty Movement. Furthermore, between pages 11 and 22, were lists with the following names, who are who are being tried within this investigation: Doğu Perinçek, Anıl Çeçen, Emin Gürses, Erol Manısalı, Güler Kömüçü, Hurşit Tolon, Mehmet Haberal, Mustafa Balbay, Mustafa Özbek, Şener Eruygur, Tuncer Kılınç, Tuncay Özkan.

Page 25 is titled, “Plenary Session of Administrative Law Divisions” and contains the names of the president and members of this division. It is understood that this document is the minutes of Mehmet Haberal’s application dated 27 August 2001.

Can you please provide an explanation on this? What are these minutes related to?

Professor **Haberal**: Does this document belong to me? It was my application?

Member Judge, **Hasan Hüseyin Özese**: Yes.

Professor **Haberal**: Was it my

application?

Member Judge, **Hasan Hüseyin Özese**: A document to that effect was found.

Professor **Haberal**: This...

Defence Counsel, **Serdar Özersin**: They said this while rummaging through the bag. This is what came out of the bag.

Member Judge, **Hasan Hüseyin Özese**: This document is in the 6th trial folder and is on page 200 of the CD and around page 271 of the actual document.

Defence Counsel **Serdar Özersin**: Your Honour, the documents you mention are very disjointed. Now, for example, let me explain one of them. Our university’s plenary session of administrative law divisions have a number of files. This could be related to a lawsuit file.

However, with regard to your question on the document bearing the inscription, “Applicant: Mehmet Haberal” and titled, “First steps to a New Politics for a New Turkey”, how can Mr Haberal reply to your question without having seen the document? If you could allow us, could we see which trial folder this is in?

Member Judge, **Hasan Hüseyin Özese**: Defence Counsel can reply by saying that they will check and then respond to the question.

Defence Counsel, **Serdar Özersin**: No, please tell us the page Your Honour, so that we can respond immediately. Could you please give us the page number?

Presiding **Judge**: But, we are not able to show him.

Professor **Haberal**: No, one minute. Let me say this, Your Honour. I have never made such an application. I don't remember anything of the sort. Anyway, Tuncay Özkan is sitting there.

Member Judge, **Hasan Hüseyin Özese**: Ok, we have your response.

Deputy Judge, **Hüsnü Çalmuk**: Your Honour, they are asking the page number. In the judge's question, which page of the 6th folder is it on? There seems to be a hesitation there. If you could tell them, they are saying they will respond

Presiding **Judge**: Page 268

Professor **Haberal**: Take a look at page 268

Member Judge, **Hasan Hüseyin Özese**: You can look between pages

270 and 275.

Professor **Haberal**: Ok, Ms Dilek, please take a look. Your Honour, as with the fact that I am not aware of the existence of such a document, anyway I would not make such an application anywhere. Who would do it? My lawyers would do it. For this reason, it is not possible for this document to be related to me.

Furthermore, I will continue to say this. If my country, the Republic of Turkey, is a democratic country governed by the rule of law, and if the Constitution I have in my hands is valid and if the Turkish Republic's Criminal Procedure Law is valid, how is it that an application made somewhere is recorded as a criminal act?

I don't remember any of this and I would not make such an application. Furthermore, Mr Özkan is sitting there and if I remember correctly Mr Okuyan should also be there. If they have any information on this, please let them explain or inform us. That way, I will know what it is you are looking for and reply accordingly.

So, it is not possible for me have a connection to these

documents. In any case, where exactly was this document found? From which of my offices was it retrieved? Have the people who brought the document here stated this? Have they given us any copies? When they took these documents, did they not think at all about the Criminal Procedure Law, that they might be, one day reminded of this law?

Member Judge, **Hasan Hüseyin Özese**: Yes, this document on this page is not the original document. It is the summary of another document. This answers the question. I would like to move onto the next questions.

Professor **Haberal**: Please go ahead.

Member Judge, **Hasan Hüseyin Özese**: I would like to ask some questions regarding the treatment of our Prime Minister during that time, the late Bülent Ecevit.

Professor **Haberal**: Please go ahead.

Member Judge, **Hasan Hüseyin Özese**: Now, I believe that on 4 May 2002, our Prime Minister at the time, the late Bülent Ecevit went to Başkent University, where you were rector, to undergo treatment. Could you tell me what

he was suffering from? What was the illness that made him go to hospital?

Professor **Haberal**: I have already explained this in great detail. Mr Bülent came to us on 4 May. He had just come back from India and was suffering from stomach pains. During his trip he had had some problems. So, he came for one night. I believe he was suffering from gas. Anyway, he got better and left.

Apart from this, I cannot disclose the other times he came to us because I am a doctor under oath. I have already reminded you of this before. A patient would need to give me permission for me to disclose details of his illness, Your Honour. How could I give details of our Prime Minister, the late Bülent Ecevit, Your Honour? This would be a violation of the Hippocratic Oath I took. It is not possible.

Member Judge, **Hasan Hüseyin Özese**: In that case, can you please answer the questions which do not pose you such a problem.

Professor **Haberal**: Moreover...

Member Judge, **Hasan Hüseyin Özese**: You can answer by saying that due to the patient doctor privilege, you are not able to

answer that question.

Professor **Haberal**: I don't understand.

Member Judge, **Hasan Hüseyin Öze**: You can say that you are unable to reply because of the doctor patient privilege.

Professor **Haberal**: Of course. Anyway, the patient was not related to my field. It is not just about the patient doctor confidentiality. He was not directly my patient. He was my patient once, upon his return from India. He stayed in hospital one night because he was complaining of gas. He left the following day.

Member Judge, **Hasan Hüseyin Öze**: I am asking because it is related to the allegations made in the indictment.

Professor **Haberal**: No. No, Your Honour. I'm sorry, but no.

Member Judge, **Hasan Hüseyin Öze**: Some topics...

Professor **Haberal**: No, I want everyone to know this. Only God knows the relationship between a doctor and his patient. A doctor does not have the right to give information regarding a patient, without the patient's knowledge

or permission. This is without exception. Furthermore, all the necessary reports signed by my colleagues and myself as rector, are in the files and have been presented to you.

Member Judge, **Hasan Hüseyin Öze**: Did you examine him yourself?

Professor **Haberal**: Me?

Member Judge, **Hasan Hüseyin Öze**: Yes.

Professor **Haberal**: I have already told you. He came one night and we admitted him and I examined him. He was my patient. He had complaints about gas. The next day at lunch-time he was discharged. That is all. That was the extent of his dealing with me. Other than that, it was not related to me as I have already said.

I am really thankful to our late Prime Minister, Bülent Ecevit. Because as I had mentioned yesterday, he entrusted his health to the care of Turkish doctors, just as Atatürk had done. This means that Turkey's medical standards have reached international standards.

I believe that all Turkish people are proud that the Turkish healthcare system has achieved

these standards. I have said it today. I have said it yesterday and I will say it again. Turkey has now reached a point where some of the firsts in the world are being initiated in our country.

Excuse me, but this should also be a source of pride for you too. This is for all our citizens living within the frontiers of Turkey.

I would like explain something. In 1975, when I first started doing transplantations, this did not exist in Turkey and our patients with chronic kidney problems had to go abroad for treatment. These were the ones who could afford to and they managed to survive. Unfortunately, our other compatriots, who could not afford to, lost their lives as a result of this. In our country, in the whole of the large Turkish Republic, there were only a few dialysis centres. Patients with chronic kidney problems were being given appointments for six months later, Your Honour.

Furthermore, there was a debate as to whether dialysis should be done for those aged 50 and above. At the time, I used to ask, "If they were your parents, what would you do? What would you do in their case? We have to do the same thing for these patients."

In the Turkish Republic today, I have set up dialysis centres, even in Mr Yaşar Okuyan's village, Yalova. I have also set up the dialysis centre in my own county, Pazar. Today, in the Turkish Republic, I think we have between 400 and 500 dialysis centres and over 40 transplantation centres.

Turkey has grown from nothing to this. Now, not only do our patients do not have to travel abroad for treatment, but people from abroad are coming to Turkey for treatment. I will tell you a story now. One patient came from Germany and we took him in for dialysis. The next thing I know, the patient was crying. I asked, "What's wrong? Why are you crying?" He replied, "When we said we were going from Germany to Turkey for treatment, they told us I would die. Now I'm here and when I see the quality of the facilities available, I cannot help but cry. At least I will be able to spend the rest of my holidays in comfort, in my own country."

So, our country has gone through great change. It is not for nothing that I say that Turkey has gone from gas lamps to laser and these are the possibilities that our country is able to offer us. For this reason, I am proud of my country's

condition and achievements.

Defence Counsel, **Dilek**

Helvacı: Your Honour, I would like to make a statement regarding Mr Özese's question, if you would allow me.

As my client stated in his defence statement, Mr Bülent Ecevit first came to Başkent University's Ankara hospital on 4 May 2002. Mr Haberal was involved in the decision to admit him to hospital due to the simple stomach problem he had, as Mr Haberal explained. However, my client was not in any way involved in Mr Ecevit's treatment during the time he was at the hospital between 17 and 27 May 2002. This is confirmed in the letter and report prepared by Başkent University and has been submitted to the court.

Member Judge, **Hasan Hüseyin**

Özese: The questions I have asked Mr Mehmet are anyway contained in the trial folders. They are on page 315 of the CD and page 220 of the hard copy, in the 3rd file, or 3rd trial's 6th folder. This question was asked at the police headquarters, so the question has already become public knowledge, so it is in the trial folder.

Now, a little while ago, you

said you examined him on 4 May 2002. Did you prepare any reports confirming this?

Professor **Haberal:** No, no. No, Sir. Now look; can you please tell me what your aim is in asking this?

If I tell you now – these are things I've lived through – if I now tell you, for instance that I listened to Mr Bülent's heart; his pulse was arrhythmic; that you could not hear any sounds coming from his intestines and so I asked for certain tests. I could not do this. I could not tell you something like this.

Now, I will tell you another personal story. I went to a meeting in Israel. After the meeting, I went to the airport. There they started asking me questions like, "Which congress did you attend? What did you talk about? What speech did you make?" We waited for an hour. In the end, I said, "Ok, now I will ask you. I attended the Congress of the International Society for Burn Injuries. I talked about electrical burns, the number of patients, etc. So, what do you understand from this?" The official looked at me and said, "My apologies. I was wrong." And then he left.

Now, I should not be the person to be asked such a question. As I

told you before, this is something between my patient and I. I did what was required for my patient and then my patient was discharged. Full stop.

So, as long as Mr Ecevit does not give me permission to explain, no force other than God, will make me speak about this. So, whatever it is you want to ask me about this famous “strong suspicion”, please ask it so that I can answer.

Member Judge, **Hasan Hüseyin Özese**: Mr Mehmet, my questions are clear. I am asking you in order to understand the methods of diagnosis and treatment.

Professor **Haberal**: And my answers are also clear, Your Honour. I am sorry, but you don’t have a right to ask these questions. No one has a right to ask these questions.

Member Judge, **Hasan Hüseyin Özese**: Look, in your statement at the Police Headquarters, the questions were asked in the same way.

Professor **Haberal**: No, I apologise, but no one can ask me such questions about any of my patients. The only way, is for the patient to give his permission and then the concerned doctor and I

would need to consult. Apart from that, no force in the world can put such a question forward to me. And I am sorry to hear such a question coming from this institution. It is a shame for your time and our time. This should have been known because it is a law in medicine. I am Mehmet Haberal who has taken the Hippocratic Oath. I am a doctor. How could I tell you this? This is incredible. I am asked what treatment I gave my patient. Is this possible, Your Honour? Really?

Defence Counsel, **Serdar Özersin**: Your Honour, with your permission, I would like to add something on this subject.

Presiding **Judge**: Please let us finish the questions first. Prepare what you need to say. When you are given the floor to speak... Please, it is understood. Your client has explained everything clearly.

Defence Counsel, **Serdar Özersin**: I would like to add that all the reports regarding Ecevit have already been added to the file.

Presiding **Judge**: He has explained things very clearly. What can there be more to add to this?! Please.

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Member Judge, **Hasan Hüseyin Öze**: On 4 May 2002, when the late Bülent Ecevit came to you, you examined him. Were any tests carried out or a diagnosis made?

Deputy Judge **Hüsnü Çalmuk**: Your Honour, the doctor is insisting that...

Professor **Haberal**: No No, break. I don't have to answer this. You should not be asking this question. Forgive me, but you have no right. Whether I examined him or not, my patient came to me; I did what was required; he got better and I sent him home. How can you ask me such a question? Can I ask you whether you listened to the defendant and what kind of decision you took at the end? Do I have the right to ask you? You don't have the right to ask me either.

Member Judge, **Hasan Hüseyin Öze**: In that question...

Professor **Haberal**: What is more Your Honour, all of this, all the documents have already been given to you. So, does that mean that the documents have not been read, which is why all of these issues are being brought up over and over again?

Please don't misunderstand me, but since yesterday lots of things

keep being asked over and over again.

I will be honest with you. Instead of turning things around and around – I keep insisting - this “strong suspicion” which has kept me here for 358 days, whatever it is, instead of going around the bush, just give it a name and identify it.

Tell me that Mehmet Haberal deserves these 358 days and that he will have to bear it. Then, I will bear it. Otherwise, I state that I will use all my rights regarding this as it is my constitutional right.

This is incredible.

Presiding **Judge**: Sir. Sir, please calm down. You are already not well.

Professor **Haberal**: I am calm, but I cannot believe that I am being asked this, Your Honour.

Presiding **Judge**: You are not well and you are not calm. Look, it is not helping your health.

Professor **Haberal**: Your Honour. I just can't believe this.

Presiding **Judge**: Look all you need to do is answer in two words. It is only a matter of two words.

You don't need to go into so much explanation. It can be resolved with two words.

Professor **Haberal**: But, this is what you want.

Presiding **Judge**: Please

Professor **Haberal**: You want all this explanation, Your Honour. You are asking me about the medical treatment of my patient. Do you have such a right? No, you definitely do not.

Presiding **Judge**: Sir, I am.... I am ...Can you please listen to me?

Professor **Haberal**: You have no right

Presiding **Judge**: Can you please listen?

Deputy Judge, **Hüsnü Çalmuk**: Your Honour, they are saying that we should take a short break.

Presiding **Judge**: Look, yesterday I read out the statement you gave at the police headquarters. You were asked a question, which I did not read in its entirety as I assumed that you knew the question. In fact you said that you knew it. This information, which was obtained from open sources, was prepared into a question of half a page. In fact the one and half page

explanation was read to you and you replied to it.

Hence, the intention of the question today was the same. Furthermore, during your questioning at the police station, you were asked the same question by the police.

Professor **Haberal**: Your Honour.

Presiding **Judge**: Look, this is the question. The question starts with "On 4 May 2002, Bülent Ecevit was diagnosed with an intestinal infection..." You see.

Professor **Haberal**: Yes Your Honour. That is what I am saying. Mr Bülent had returned from India. He had complaints regarding his intestines and problems with gas. One evening he was admitted to hospital. The necessary treatment was given; he got better and he was discharged.

Presiding **Judge**: He was discharged. That is it. You see, that's all.

Professor **Haberal**: That is it. What more can possibly follow?

Presiding **Judge**: Finished. Subject closed. No further details...

Professor **Haberal**: And then I

am expected to explain and go into further detail?

Defence Counsel, **Dilek**

Helvacı: Your Honour...

Deputy Judge, **Hüsni Çalmuk:**

Your Honour, the doctor is saying that we need to take a break.

The trial takes a short break.

The hearing continues from where it left off via video conferencing. Defendant Mehmet Haberal's cross-examination continues.

Defence Counsel, **Dilek**

Helvacı: Your Honour, before we continue with my client's cross-examination, I would like to provide some clarity on an issue. Being a doctor, my client, Mehmet Haberal, remains loyal to the Hippocratic Oath he has taken and is showing discretion by stating that he will not specify the details of his patient's condition.

However, as his defence counsel, I would like to express the following to the court, and especially to Mr Özese and Mr Haşiloğlu.

In the 8th article of the disclosure agreement signed by Mr Bülent Ecevit, it states that the

doctor at Ankara Hospital who admitted Mr Ecevit on 4 May 2002, was Professor Doctor Turgut Zileli, registration number: 149715.

On the patient admission form, with the admission date being 4 May 2002 and patient discharge date being 5 May 2002, there is a one page patient discharge summary, where it states that the patient complained of a stomach-ache and gives the details of the treatment.

There is a pathology report from Başkent University's Faculty of Medicine, Pathology Department, dated 6 May 2002, prepared by Doctor Banu Bilezikçi, registration number B2020.02 and signed by Doctor Beyhan Demirhan.

There is a catheter replacement form, containing registration number 149715, dated 4 May 2002.

There is an echocardiography report prepared by Başkent University's Cardiology Unit, dated 4 May 2002. Additionally, there is also a gastro-duodenoscopy report prepared by the Gastroenterology Department and signed by Professor Doctor Sedat Boyacıoğlu, registration number 11098.

These documents showing admission and discharge as 4 May

2002 and 5 May 2002 respectively, with the reports stating the patient's complaint as being stomach-ache, with the patient's discharge summary, add up to a seven page document, submitted in the file.

My client, carrying the title of Rector of Başkent University's Ankara Hospital, has stated that he was the doctor who admitted the patient and then discharged him the following day.

Mr Özese is asking which tests were carried out, while the statement, which he himself has signed, contains details of these tests and who they were carried out by. These are all present in the file. For this reason, this issue is clear. However, I want to say this. Between 17 and 27 May, when he was in hospital, the issue is regarding the doctors whose signatures are present for that period, as stated in the statement of the witness Recai Birgün, who is not allowed to testify. During this time, my client was not present in the team of doctors who attended to him and there are reports certifying this. These written reports, obtained from Başkent University's Ankara Hospital, are present in the file. Thank you.

Moreover, I would like to ask

something. A little earlier, Mr Özese stated that in the search carried out at my client's work place, some documents had been discovered. These documents are not present in the file. It may be present in the police report of the security officer by the name of Mutlu Ekizoğlu, but I would like to request the court not to direct questions at my client, regarding documents, which are not contained in the indictment, or its annexes. Thank you.

Presiding Judge: This has already been explained by the court.

Defence Counsel, Dilek Helvacı: We did not hear that this document was not present, Your Honour. We may have missed it. This document is not present in the annex.

Presiding Judge: It was already stated that the question asked was in the police report. This has been explained already.

Defence Counsel, Dilek Helvacı: But, it also has to be present in the annex. I already expressed this.

Presiding Judge: It is clear enough. It has already been stated that it was in the police report.

Defence Counsel, **Dilek**

Helvacı: Ok, Your Honour. I would also like to add that if the originals or copies of these documents are submitted to the file, we would then be able to provide a more detailed response. In any case, this question should not be asked, as the documents are not in the annex. Thank you.

Professor **Haberal:** Excuse me, but could I ask a question Your Honour? Is this document in the indictment?

Defence Counsel, **Dilek**

Helvacı: Not in the annex.

Professor **Haberal:** If it is not in the indictment, excuse me as I also asked this question yesterday, but is there another indictment?

I mean a group of judges says, “based on these documents he should be released” and another group says, “strong suspicion.” When this is the reaction of the judges of the same trial, it makes me wonder whether there isn’t another indictment. I am being questioned on a document, which is not even here.

Presiding **Judge:** No, there is no other indictment. The indictment contains the allegations against you. Yesterday, this indictment was read

out to you; the section relating to you was read to you.

Professor **Haberal:** Yes. Thank you.

Member Judge, **Hasan Hüseyin**

Özese: Between the pages 206 and 211, there are statements in relation to this subject and charges made against you. My questions are within the framework of this topic. Also, the question I asked earlier is present in your police statement, so it is already public knowledge.

Professor **Haberal:** Of course. Please go ahead. I am listening.

Member Judge, **Hasan Hüseyin**

Özese: Furthermore, in Clause 46/2 of the Criminal Procedure Law, there is a point about state secrets. In areas concerning state secrets, a witness can be asked questions indirectly relating to the subject. In this case, you are not even a witness. You are the defendant and you only have the right to remain silent. For this reason, I will continue with my questions on this subject.

Professor **Haberal:** Please go ahead. I’m listening.

Member Judge, **Hasan Hüseyin**

Özese: On 17 May 2002 did you go the Prime Minister’s residence

with Professor Doctor Turgut Zileli to visit the late, Bülent Ecevit? Did you give him a check-up?

Professor **Haberal**: At the Prime Minister's residence?

Member Judge, **Hasan Hüseyin Öze**: Yes

Professor **Haberal**: No, not a check-up. Yes, we did go to the Prime Minister's residence, naturally, because of his health condition at the time. As I have mentioned earlier, he entrusted himself to us and we had to follow his condition closely because the aim of my colleague and I, was to send him back to the Prime Ministry as soon as possible. I told this many times to the late Bülent Ecevit in the presence of Mrs Rahşan Ecevit. Therefore, we wanted to follow him closely to ensure that he was able to go back to work as soon as possible.

Of course, I don't remember the exact date, but I believe that I may have gone to his residence twice with Turgut Zileli. However, at this precise moment, I cannot remember the reason why I went. As I have mentioned before, I went on these visits within my capacity as director, rather than doctor. I would take the doctor responsible for the

specific unit, do the examination at the patient's premises and then we would return.

Member Judge, **Hasan Hüseyin Öze**: Then on 17 2002, I believe the late Bülent Ecevit was admitted to hospital again and sought treatment at Başkent Hospital where you are rector, until 27 May 2002. Is this correct?

Professor **Haberal**: Yes, it is correct.

Member Judge, **Hasan Hüseyin Öze**: Earlier, what I asked you was regarding 4 May 2002. Now, I am asking you about his treatment between 17 and 27 May 2002. I believe you are specialised in general surgery.

Professor **Haberal**: Yes, of course. I am a general surgeon, but I have specialisations in additional branches, as well as being a transplantation surgeon. At the same time, I am also a burn surgeon, which is why I was president of the International Society for Burn Injuries, in the past. Yes, please go ahead.

Member Judge, **Hasan Hüseyin Öze**: Was Bülent Ecevit's ailment within your specialisation?

Professor **Haberal**: How

many times have I explained this? I have given documents as well. Mr Bülent Ecevit's illness was not related to me. Am I not able to express myself well enough? I have said this many times already.

Member Judge, **Hasan Hüseyin Özese:** No, I am asking because I am not familiar with the scope of general surgery. I am asking you as the specialist doctor.

Professor **Haberal:** No, Sir. It is not within the scope of general surgery. The name "surgery" is obvious.

Member Judge, **Hasan Hüseyin Özese:** Now.

Professor **Haberal:** Therefore, his affliction had nothing to with general surgery. Apart from a stomach-ache and gas pain, his complaints did not relate to us.

Member Judge, **Hasan Hüseyin Özese:** Yes, so from the day Bülent Ecevit is admitted to your hospital, he undergoes treatment and some names are put on the patient records and the doctors take care of his treatment. Do they inform you of the procedures they carry out?

Professor **Haberal:** What do you mean?

Member Judge, **Hasan Hüseyin Özese:** Do they give you any information? Did they inform you of any tests they conducted or diagnoses they made?

Professor **Haberal:** My colleagues do provide me with information. They would give me an update on the Prime Minister, such as, "Sir, we are doing what is necessary." Furthermore, they did do what was necessary and on 27 May 2002, the Prime Minister was discharged from hospital, cured.

And I congratulate and thank my colleagues once again from here. The Prime Minister of our country had been treated and discharged from hospital on condition that he comes for a check-up every fortnight. The concerned reports, I have to repeat over and over and over again, were given to the Undersecretary of the Prime Ministry, Mrs Raşan Ecevit and the Head of Security at the time, to be given to our Prime Minister, Bülent Ecevit. I have told you this many times and the documents have been submitted in the file. Now, we are repeating it again.

Member Judge, **Hasan Hüseyin Özese:** Was the information given to you detailed? In other words,

did they tell you which tests were carried out, which diagnoses were made and which treatments were being followed? Or was it of a general nature?

Professor **Haberal**: No, my colleagues would just come and tell me they were doing the necessary treatment. That was my role. I don't have the right to interrogate my colleague on areas which are outside my field of specialisation. I cannot ask him what he does in specifics. This does not comply with the rules of medical deontology.

The only thing I ask of them is to give the necessary treatment and to bring our Prime Minister back to health. That is all I ask of them.

Member Judge, **Hasan Hüseyin Özese**: Yes

Professor **Haberal**: But I will repeat this again and I have told you many times before already, this is a medical rule. However, if you could tell me where you are trying to go with this, the result you are trying to achieve, neither you will get tired or lose time and nor will I have to repeat my response numerous times. That way, I will not take more of your time; not make you lose your time. Please go ahead.

Member Judge, **Hasan Hüseyin Özese**: I have already explained why I am asking these questions. There are claims made against you in the indictment and these are questions related to it. 27 May 2002.

Professor **Haberal**: Of course, please go ahead.

Member Judge, **Hasan Hüseyin Özese**: On 27 May 2002, I believe that Bülent Ecevit left your hospital, Başkent Hospital.

Professor **Haberal**: Yes

Member Judge, **Hasan Hüseyin Özese**: Was he cured? Had his treatment ended?

Professor **Haberal**: The hospital part of his treatment had ended. My colleagues had discharged him on condition that he come for a check-up every fortnight, continue his medication and follow their advice. Furthermore, as I explained this yesterday, what brought these claims to people's attention are the statements, the Head of Security at the time, made live to NTV and Habertürk TV stations on 15 February 2002. He had stated that the Prime Minister had left hospital on mutual agreement, but that they had received information from the Prime Ministry's office,

which is why he did not go for his fortnightly check-ups.

Member Judge, **Hasan Hüseyin Özese**: In the question asked at the police station, there is the following claim. It is claimed that Bülent Ecevit left Başkent Hospital after having stayed there for 11 days, without the consent of the doctors at Başkent Hospital and that he resumed his treatment with the orthopaedist, Doctor Mücahit Pehlivan from Demiryolu Hospital. Was this the case? Did doctors from Başkent Hospital go to his residence to continue his treatment?

Professor **Haberal**: Of course. What I mean is, of course we followed our Prime Minister's treatment at his house. However, after a while they said they did not want to continue coming for check-ups. Therefore, when we were told this, obviously we could not insist. So, we resorted to this. Furthermore, as I explained yesterday, these statements do not belong to me. Who do they belong to? They belong to the unlawful witness, Recai Birgün.

I had read this out yesterday, but as you ask me this now, I will have to read it out again.

In Recai Birgün's statement, the

last paragraph on the second page reads as follows, "In this situation" - not sure what situation he is referring to - "I told him I have an orthopaedist friend and I told him to call him for an examination. We brought this up with the gentleman and as he agreed, I secretly brought my doctor friend, Mücahit Pehlivan, who is very good in his field, to the house."

So, a doctor is brought secretly to the house of the Turkish Republic's Prime Minister! He continues, "There were constantly journalists in front of the house, following who went in and out. Since my friend, Mücahit Pehlivan, was one of the first doctors to carry out cartilage transplants, he was a specialist in this area. After examining him, he told him that he was not suffering from anything and that his spinal collapse had recovered."

Here, Recai Birgün has committed a crime. He has disclosed our Prime Minister's ailment and he had no right to do it. Now in parentheses I would like to add that it is not wrong if our Prime Minister or his wife, Raşan Ecevit, gave him the permission to do it. Otherwise, he has committed a crime.

He, then, continues, “When I told him that the man he was examining was the Prime Minister and that this verbal diagnosis could result in problems later, at night we secretly brought a mobile x-ray machine from a private hospital.”

So, an x-ray machine is secretly brought to the Prime Minister of the Turkish Republic.

He continues, “He took an x-ray and said that his illness had completely recovered and that he would not have further problems, but that he had to be careful of his movements and to wear a thin and discreet brace.”

the doctors of Başkent University Hospital on numerous occasions.

Defence Counsel, **Dilek Helvacı:** After this came to light, he denied these claims.

Professor **Haberal:** Yes. Yes, of course. Our Prime Minister has even denied these claims. He has made statements to say that these claims were lies.

Member Judge, **Hasan Hüseyin Özese:** On 27 May 2002.

Professor **Haberal:** Yes. I also believe that you saw his thank you letter in the file.

In his televised statements, our late Prime Minister Bülent Ecevit, has openly thanked the doctors of Başkent University Hospital on numerous occasions.

All of this, when I say all of this, I mean that I believe that this was the same advice also given by my colleagues at Başkent Hospital. These statements, made by a witness who really is unlawful, show that the treatment at Başkent Hospital was correct. Furthermore, afterwards, in his televised statements, our late Prime Minister Bülent Ecevit, has openly thanked

Member Judge, **Hasan Hüseyin Özese:** Yes, it’s there. We saw it. On 27 May 2002, when you went to Bülent Ecevit’s house, did he or did he not want to continue his treatment? Could you please confirm this. In other words, could you please reply to this.

Professor **Haberal:** To which one?

Member Judge, **Hasan Hüseyin Özese**: Did he or did he not want you to continue his treatment?

Professor **Haberal**: I don't have anything with whether he wanted to continue his treatment or not. The necessary treatment was given to him at Başkent University's Ankara Hospital. On 27 May 2002, he was given his reports and discharged on condition that he comes back for check-ups every fifteen days.

As I told you before, again I realise that I have to highlight it, the statement of a witness who is not even lawful shows us how the treatment given at Başkent University was correct and it has been brought out through this secret arrangement. And later, he made a statement, which had never been made before to say that they had left Başkent University on mutual agreement, but because of directives from the Prime Ministry's office, we did not return for check-ups.

So, the fact that he comes or doesn't come, does not have a bearing on us. Neither I, nor another doctor, can force a patient to come to hospital.

Member Judge, **Hasan Hüseyin Özese**: Did you investigate the

reason why Bülent Ecevit did not come?

Professor **Haberal**: I am not authorised to do that. We would not do that.

You really are asking me some interesting things. I do not have the right to do that. If I told you to investigate why a witness did not come and that you should investigate it.

A patient did not come and I should investigate! If a patient told me he was not coming for a particular reason or that he did not want to come, then of course, I would investigate it.

Member Judge, **Hasan Hüseyin Özese**: What I read earlier...

Defence Counsel, **Dilek Helvacı**: I would like to add a relevant point. In the police statement's 12th annex we have presented a report dated 27 June 2002, based on the examination and test results of the former Prime Minister Bülent Ecevit on 26 June 2002. This is written proof that after his discharge in May, he continued to come for his check-ups in June.

Furthermore, Bülent Ecevit, in his press statement released on

various media outlets on 12 July 2002, denied all these claims. I have also presented this in the file.

So, it is not true that he discontinued his treatment after leaving the hospital in May. His check-ups continued periodically and the reports prepared have been presented to Mr Ahmet Şağar and to Recai Birgün. This is also present in the statement. Thank you Your Honour.

Member Judge, **Hasan Hüseyin Özese**: In the statement, there is also a paragraph saying that his treatment continued with the Demiryolları Hospital's orthopaedist, Mücahit Pehlivan. Were you aware of this?

Professor **Haberal**: Now, I am telling you this. I have told you many times that I was not his doctor and I was not involved in his treatment. I am learning of this now. I mean, I have to repeat my question again...

Member Judge, **Hasan Hüseyin Özese**: I would prefer if you could reply concisely as I was aware or I was not aware. I was aware then or not.

Professor **Haberal**: Sir.

Member Judge, **Hasan Hüseyin**

Özese: If you could reply like that it would...

Professor **Haberal**: No, I was not aware. I did not know Sir.

Member Judge, **Hasan Hüseyin Özese**: Ok. Ok. I have the answer to my question. Now, in the results of the examination carried out on 28 May 2002, it mentions the committee report of the same date. In the documents you submitted or the reports concerning Bülent Ecevit, there is such a sentence. In other words, in the committee report dated 28 May 2002, there are the names of Professor Doctor Mehmet Haberal, Professor Doctor Turgut Zileli and a few other people. This one-page statement, given by hand to the late Prime Minister, Bülent Ecevit's Head of Security, Recai Birgün to be given to the Prime Minister, has been submitted.

Is your name on the committee report? In other words, did you sign Bülent Ecevit's committee report?

Professor **Haberal**: My name could not be on there. No, Sir.

Member Judge, **Hasan Hüseyin Özese**: You weren't there. You just delivered it.

Professor **Haberal**: My name

could not be on these reports. Secondly, these reports – and whatever was done in relation to the Prime Minister’s discharge was prepared in the form of a report on the day of his discharge. All these reports were presented to his wife, Mrs Raḡsan Ecevit, his Head of Security at the time and the unlawful witness, Recai Birgün and to the Undersecretary to the Prime Ministry, Mr Ahmet Őaġar. These are all documented. As my lawyer, Dilek Helvacı, said earlier, it was only a matter of coincidence. I have to call it a coincidence, as someone shows a newspaper and since then, I have been detained as per a court order.

It is never a topical issue, until one of the witnesses shows a newspaper article and then suddenly, your court urgently starts requesting our Prime Minister, Bülent Ecevit’s files.

Then, we are taken to the police headquarters. Had these documents been requested from us at the time, we would have happily handed them over to your institution, without going through the police station.

Everything you are asking me is contained in that file. All the questions you have asked me have

their detailed responses. Everything is clearly stated in the file and I do not have the authority to make and disclosures, as that file is the secret of our late Prime Minister, Bülent Ecevit.

Presiding **Judge**: Yes, Mr Özese. Please go ahead.

Professor **Haberal**: Without his permission, nor the permission of his wife, no one can make any disclosures regarding that file. Therefore, this unlawful witness has, unfortunately, committed a crime. In brackets, if he took our late Prime Minister, Bülent Ecevit’s permission or the permission of his wife, Mrs Raḡsan Ecevit, then I respect it. If not, he has committed a crime. I want to make a point of this.

Member Judge, **Hasan Hüseyin Özese**: On page 27 of your police statement, there is another question on the same subject. It is claimed that the last appointment given to Bülent Ecevit is on 11 July 2002. Is this correct? Was an appointment given to Bülent Ecevit for 11 July 2002?

Professor **Haberal**: No. I don’t know. I don’t remember right now. I really don’t know. I don’t remember because this is

something that was done years ago and because I don't know the file, I cannot comment on it.

Member Judge, **Hasan Hüseyin Özese**: I would like to go onto other questions.

Professor **Haberal**: Yes, please go ahead.

Member Judge, **Hasan Hüseyin Özese**: There is a telephone conversation dated 8 January 2008, between Kemal Alemdaroğlu and an Erdoğan T.

Professor **Haberal**: Yes, I am listening.

Member Judge, **Hasan Hüseyin Özese**: In this conversation there is talk of a trial. There is phrase along the lines of, "It is understood that Mehmet Haberal is following Kemal Alemdaroğlu's lawsuit from Ankara." Again, you were asked this question on page 28 of your police statement. Could you please explain what the nature of this lawsuit is?

Professor **Haberal**: Yes. This is not correct.

Member Judge, **Hasan Hüseyin Özese**: Is it true that you were following the lawsuit?

Professor **Haberal**: No, Sir.

This is definitely not true. It is true that Mr Alemdaroğlu one day said to me, "Mr Mehmet, I have such and such issues. What is it?" They were some legal issues, of course, a subject I am not really familiar with. So, there was nothing I could for him on a subject I was not familiar with. We only had one conversation. Other than that I have not made any other contribution to the issue. These claims are definitely not true and anyway, they have nothing to do with me. I am not interested in who followed the case.

So, excuse me, I mean no offence, but in this indictment, the whole issue is about how we can incriminate Mehmet Haberal. That is it.

It is nothing more than that. I am still waiting for this "strong suspicion". It would be much easier if I would be asked in which of my activities have I committed this "strong suspicion".

A number of issues, bearing no relationship to me, have been put in that indictment and unfortunately, they have been put there by the people bearing the title, "Prosecutor of the Turkish Republic" and now I have to continuously answer their questions. Therefore, this is not

related to me.

Member Judge, **Hasan Hüseyin Özese**: Yes, on page 8 of your police statement, you were asked a question regarding a conversation between Ahmet Hurşit Tolon and Sinan Aygün.

You replied as follows, “Being a rector, in order to exchange ideas, various NGO representatives come to visit me. UPEK and National Platforms Coalition, which you asked me about, might be one of them. Ahmet Hurşit Tolon, with a group of ten people, of which the majority were women, came to my office at the hospital, on a date, which I don’t remember. We drank tea and coffee and discussed the country’s problems and future, and had an exchange of ideas on how we could contribute.”

In your response, you speak of Non-Governmental Institutions. Could you elaborate on this? When NGO representatives visit you, what do you talk about? Have you ever offered suggestions or advice?

Professor **Haberal**: Of course. Of course.

Member Judge, **Hasan Hüseyin Özese**: Please go ahead.

Professor **Haberal**: Now,

let me tell you this. If a country does not have Non-Governmental Organisations, it means that the country has serious problems. When you look at the world today, it is NGOs which really look for solutions to the country’s problems and help its rulers.

I wish that in my country, NGOs could comfortably discuss and display ideas, instead of fearing that their phones would be listened to whether they would call or would be called. So, even if the “Turkey that Speaks” slogan would become a reality, our society would benefit more.

The Dialogue Group is an NGO. The National Sovereignty Movement is also an NGO. The Platforms are also NGOs.

I don’t know if Mr Tolon is there or not. But, it is true that Mr Tolon came to me with a group of ladies. We discussed ideas regarding the number of problems our country has and where it would be best to start. For instance, do we start with Istanbul’s floods, or the earthquakes? There are so many problems and yet we are busy with un-signed, anonymous letters.

So, we really did drink tea and each one briefly talked of

her platform. This is all that this meeting consisted of. If Mr Tolon is there, he can also give us more information on this.

Member Judge, **Hasan Hüseyin Özese**: You say that you discussed the country's problems. Did you also discuss the solutions? Did you offer these NGOs any advice?

Professor **Haberal**: There were many different platforms, such as the Çayyolu platform.

Defence Counsel, **Dilek Helvacı**: The Anatolian National Solidarity Platform.

Professor **Haberal**: This is what I'm talking about. These are the platforms I am talking about. If these freedoms, which are constitutional rights, cannot be used or followed in this way, then we have serious problems, So, we sat and discussed. I can tell you this much; we did not discuss how to set up a terrorist organisation. That, I can tell you for sure. We did not discuss how to organise a revolution and anyway we don't have any arms to be able to organise a coup. I can tell you for sure that we did not discuss this.

What we did discuss, for instance, was how to be able to bring people together

freely to be able to discuss our country's problems and share ideas, contribute. With regard to healthcare, how can we contribute to people who really need it? Moreover, I reminded you yesterday that the Green Card is a system, which is ensuring medical treatment to millions of our people. In our country, millions of people really need medical care. All of these are civic activities, if they don't exist, means there are problems.

Member Judge, **Hasan Hüseyin Özese**: So, did you get the results of your advice? I mean did they apply your suggestions?

Professor **Haberal**: Excuse me? What do you mean?

Member Judge, **Hasan Hüseyin Özese**: Were these solutions you speak of, were they applied?

Professor **Haberal**: What do you mean? Do you mean to ask what information we gave, the exchange of ideas and then what happened? Now, this is the job of the people really responsible for this role. All we can do is provide suggestions. However, it does not work if people think they know everything and so refuse to take advice from others.

Look, let me tell you this. I am a surgeon who goes into surgery. When there is a problem, I ask my colleague in surgery with me, what he thinks of the problem. In medicine, we call this consultation and in civil society, as you can see here, it is called Non Governmental Organisations.

It is an exchange of ideas. That is all. It cannot be anything more than this. We did not discuss how to set up a terrorist organisation, as is being implied here. None of you should worry about that. Many of our citizens are currently losing their lives as a result of terrorism in this country.

As I also mentioned yesterday, I would like to remind you what it says in the Quran's Maidah Surat, "We made it a law for the children of Israel that the killing of a person for reasons other than legal retaliation or for stopping corruption in the land is as great a sin as murdering all of mankind. However, to save a life would be as great a virtue as to save all of mankind." When I brought out the law on organ transplantation, I applied this Surat in the Quran in my country and in the international sphere. Even in a lecture I gave at Harvard University, I explained the same thing. I told them, "You see

Islam as a religion of terrorism, but this is what Islam is all about. It is a religion which values human life".

Presiding **Judge**: Ok, the issue has been understood. Please continue.

Professor **Haberal**: I mean, for me to be charged with this is really the biggest punishment I could ever have. It is a bigger punishment that these 358 days I have spent here. Thank you.

Member Judge, **Hasan Hüseyin Özese**: If your answers could be shorter, it would be better as we would save time. Now, back to your police statement.

Professor **Haberal**: But, Your Honour, if you would also not repeat the same questions over again in this way, then neither you nor I would waste time.

Member Judge, **Hasan Hüseyin Özese**: I am asking again because some things have not been explained in detail the first time around.

Professor **Haberal**: Yes, of course. Please continue.

Member Judge, **Hasan Hüseyin Özese**: I am asking to obtain clarity.

Professor **Haberal**: Yes, I have understood. Please continue.

Member Judge, **Hasan Hüseyin Öze**: On page 23 of your police statement, there is a question. Ahmet Hurşit Tolon has made the following remark in his statement, “I invited Professor Doctor Mehmet Haberal to the building number 4 at Hereke Sokak, which he gave me permission to use, in order to capitalise on the work he has done with the platforms.”

Was the building at this address allocated to him to be used for activities relating to the platforms? Were you given permission to use it?

Professor **Haberal**: No, I already explained this yesterday, Your Honour. This is a building rented by Başkent University to be used for social purposes. From time to time, the Dialogue Group and then at a later date, the National Sovereignty Movement’s meetings were held there and this was because its location was practical. But that Mr Ahmet Hurşit Tolon had invited me there...did he invite me there? Or did I misunderstand?

Member Judge, **Hasan Hüseyin Öze**: Yes, that is what he said.

Defence Counsel, **Dilek Helvacı**: No, he is saying that it

was dedicated for the platform. The National Sovereignty Movement.

Professor **Haberal**: No, I’m sorry. I understand now. No, there is nothing of the sort that it was dedicated for the platform. This is a social facility for Başkent University. From time to time, university groups, colleagues and friends, ask for my permission to use it. It is not dedicated for any specific purpose.

Defence Counsel, **Dilek Helvacı**: Do you mean The National Sovereignty Movement or the Anatolian National Awakening Platform?

Professor **Haberal**: Yes, yes, of course. At first it was the Dialogue Group and then the National Sovereignty Movement. That is all.

Member Judge, **Hasan Hüseyin Öze**: Ok, let me ask the question this way. Did Ahmet Hurşit Tolon carry out his platform activities at this address?

Defence Counsel, **Dilek Helvacı**: No.

Professor **Haberal**: No, not platform activities. He only held the National Sovereignty Movement meetings and before that, the Dialogue Group, meetings. There

were no other platform style activities that I know of. I met Mr Hurşit Tolon at the building at the National Sovereignty Group Movement and Dialogue Group meetings. Other than that, I am not aware whether there were any other activities. But I want to stress that this building was not dedicated for any specific activity.

Member Judge, **Hasan Hüseyin Özese**: In your statements yesterday and today, you said, “Turkey is going towards a revolution”. Could you please elaborate on this? I mean, is Turkey going towards a revolution? And what are the reasons?

Defence Counsel, **Dilek Helvaci**: No, you did not say anything of the sort.

Professor **Haberal**: I most certainly did not say anything of the sort. These are not the sorts of words that would come from my mouth. Everyone knows this. Our country is governed by a democratic parliamentary system. The Commander of the Turkish Armed Forces stated many times that Turkey has closed the chapter on its period of revolution and coups.

If you are looking for evidence,

I have shown documentation that after the coup of 1980, I stood up against anti-democratic practices and signed the Petition of the Intellectuals, for which I testified at the Court of Marshall Law and was subjected to disciplinary action by the university where I worked. Therefore, I would never make such statements or think such thoughts.

Member Judge, **Hasan Hüseyin Özese**: Ok, you are saying that you did not make such statements.

Professor **Haberal**: What I did say and what I do say frequently is that even the worst democracy cannot be compared to a coup. Even the worst democracy. Are you referring to when I said, “In which direction is Turkey going?”

Presiding **Judge**: In your statements yesterday...you have a statement yesterday, along the lines of...Is Turkey moving towards a different coup, not an armed coup, but a different type of revolution...

Professor **Haberal**: No, Your Honour. No. This has been misunderstood, Your Honour. You are saying that is the country moving towards another type of revolution?

Presiding **Judge**: You have a

statement saying that it is going in a different direction, in that sense.

Professor **Haberal**: No, Your Honour. When I said is the country moving in a different direction, I meant is it moving away from democracy!

I am sorry, but I really have to ask you. In the Turkish Republic, which is a democratic state governed by the rule of law, do you really find this hearing acceptable? I mean he has not committed any crime. However, all sorts of crimes are being created and blamed on me, Mehmet Haberal, who is simply working in his profession and other than that, is doing nothing but trying to serve his country. Here I am, with my health seriously damaged, with the primary reason being this organisation. I really cannot thank enough the doctors at this institution.

If I am able to speak here today, it is because I owe it to the efforts of the doctors here. Do you really find this normal and acceptable?

If you are able to tell me, as the rulers of this country tell us, that the Turkish Republic is a democratic state, ruled by law, then Mehmet Haberal asks

himself, “Very good, but then why am I here? What is the reason? Without being told what my crime is!”

Moreover, some court judges take their decisions, by making do with Clauses 100/3 and 314/1 of the Criminal Procedure Law, without even taking into consideration Clauses 34, 101, 230 and 289. Do you find this acceptable? Do you accept that his constitutes a legal decision Your Honour? I really want to stress once more that this direction that we are taking does not befit the Turkish Republic.

Do you approve of people coming together to discuss things and then having to leave their telephones outside out of fear? Two people come together and they have to speak quietly into each other’s ears, in case anyone were to hear what they are saying. Do you really approve of this? I don’t think any of this is befitting of the Turkish Republic.

Atatürk, his friends and our brave soldiers did not create this country from nothing, at the cost of their lives, for this. I am sorry, but our country’s aim has been made clear; to elevate it towards civilisation.

Atatürk says this and adds, “Civilisation is such a strong fire that it will burn those who are indifferent to it.” Therefore, as citizens of the Turkish Republic, our duty is to bring the country to this century’s level of civilisation. And, in my own way, I am a citizen of the Turkish Republic trying to do this, when necessary, working for it for 24 hours. All I am doing is fulfilling my civic duty.

The defendant Mehmet Haberal is brought in front of the court via video-conferencing and his cross-examination continues.

Defence Counsel, **Dilek Helvacı**: A little earlier, during my client’s cross-examination, he was asked by Mr Özese, whether he knew some of these names, Ufuk Mehmet Büyükçelebi, Aydın

Do you approve of people coming together to discuss things and then having to leave their telephones outside out of fear? Two people come together and they have to speak quietly into each other’s ears, in case anyone were to hear what they are saying. Do you really approve of this? I don’t think any of this is befitting of the Turkish Republic.

There is a break until 13:30.

The hearing continues from where it left off.

In the meantime, the following defence lawyers of some of the defendants are seen entering and taking their places in the courtroom: Defence Counsels Nurperi Sancak, Gizem Duygu Öcalan, Ceylan Türkoğlu, Filiz Esen, Zeki Aksoy and Hasan Gürbüç.

Çelebi and Adnan Kılıçarslan, to which he replied that he did not. I thought that this telephone number was my client’s direct office line at Başkent University, which is why I said that it was possible that his secretary took the call. However, I found out outside the hearing that the telephone numbers 0312 2128016 and 0312 2122194 are the telephone lines for the rectorate’s operator at Başkent University. For this reason, there are many numbers

that would call on these lines, so it is not a question of the call having been taken from my client's direct number. I felt it appropriate to give this explanation, so that it can be taken into consideration in the questions that follow. Thank you.

Member Judge, **Hasan Hüseyin Özeze**: Mr Mehmet, I have a few more questions. Earlier, this morning, before the lunch break, you had told us that you did not know Erol Mütercimler personally, but that you had bought one of his books. Could you please give me the name of the book?

Professor **Haberal**: No, I did not buy the book. It was sent to me. As for the name of the book, I apologise, but I don't remember it.

Member Judge, **Hasan Hüseyin Özeze**: Not at all. It's ok.

Professor **Haberal**: I am sorry, but I really can't remember. It was my assistant.

Member Judge, **Hasan Hüseyin Özeze**: Ok, it is possible not to remember.

Professor **Haberal**: It was my assistant at my Ankara office who sent me the book. I am sorry, but I don't remember its name.

Member Judge, **Hasan Hüseyin Özeze**: Ok.

Professor **Haberal**: But it is Erol Mütercimler's book. That is all I can say, as I don't remember the name of the book. I read the book months ago.

Member Judge, **Hasan Hüseyin Özeze**: Anyway, we are only asking whatever you are able to remember.

Professor **Haberal**: No, I really can't remember. The book is a summary and description of the establishment of the Turkish Republic. So, although I don't remember the name, I do know that the subject of the book was the creation of the Turkish Republic. So, it is not anything more than that, as I remember the subject matter well. But, I just don't remember the name.

Member Judge, **Hasan Hüseyin Özeze**: But, you don't know Erol Mütercimler, do you?

Professor **Haberal**: No, I don't know him personally.

Member Judge, **Hasan Hüseyin Özeze**: Ok, you don't know him.

Professor **Haberal**: Not personally. And I have not had any phone conversations with him. As

I said, it was my assistant who sent me the book. Anyway, I get brought many books via my lawyers, and this was one of them. However, I don't know Mr Erol. I have not spoken to him over the phone or met him.

Defence Counsel, **Dilek**

Helvacı: Please tell them that you read the book during the time you have been under arrest. You did not read it before that.

Professor **Haberal:** Yes. Yes, of course. I read the book here, Your Honour. I did not read it anywhere else. It was sent to me here and I read it here.

Member Judge, **Hasan Hüseyin**

Özese: Ok. So, it was not before the indictment.

Professor **Haberal:** Yes, I read it at the hospital.

Member Judge, **Hasan Hüseyin**

Özese: Ok, understood. On 30 November 2008, you had a phone conversation with the individual by the name of Hüsametlin Ö.

You have said the following in your statement on this subject...

Defence Counsel, **Dilek**

Helvacı: There is no court order permitting the taping of the

conversation with Hüsametlin Özkan.

Professor **Haberal:** Yes.

Member Judge, **Hasan**

Hüseyin Özese: You say, "No, the important thing is to, first of all, do what is necessary to save this country from those men. Because during no other period has Turkey suffered so much damage. Turkey has never been in such a situation during any other time". Hüsametlin replies, "Professor, I will speak with Mustafa. You don't need to do anything." And you respond, "Ok."

I want to ask about this conversation. What do you mean when you say that you want to, "... do what is necessary to save this country from those men"?

Professor **Haberal:** First of all, let me say that this is a telephone conversation, which did not have a court order to be recorded or listened to. Hüsametlin Özkan was the Deputy to the former Prime Minister.

Secondly, the rulers of the country today, as I told you yesterday, would come to meet with me and later used Patalya Hotel to form their political party, which is the ruling party today. They had told me that they would, "come to

power, work very hard and unite our people”.

Of course, they are doing all they can. I respect everyone. However, sometimes, very disturbing things do happen. So, this is a very normal conversation. It was not meant as, we really need to do something, remove them from power, etc. I want to highlight this. The people ruling the country today are people that I know very well.

In fact, you may have listened to Mr Bülent Arınç’s speech on TV. So, these are people that I know very well. However, some of their actions have disturbed me. Therefore, my conversation with Hüsamettin Özkan is nothing more than that. There was no ulterior motive behind it.

Member Judge, **Hasan Hüseyin Özese:** It is a normal conversation between two friends.

Defence Counsel, **Dilek Helvacı:** It is a conversation within the boundaries of freedom of expression.

Professor **Haberal:** Your Honour, this is a normal conversation between two friends. I did not think that it would have come up. I still think it did not need to.

Member Judge, **Hasan Hüseyin Özese:** I want to ask you about these words. How do you interpret the words, “...do what is necessary...”

Professor **Haberal:** I don’t understand. What do you mean?

Member Judge, **Hasan Hüseyin Özese:** You say that you need to do what is necessary.

Professor **Haberal:** I meant this as a political party.

Member Judge, **Hasan Hüseyin Özese:** So, what is required here? What sort of a system did you envisage?

Professor **Haberal:** No, no. Our system is established. I always say that the Turkish Republic is governed based on a democratic, parliamentary system and the rule of law. It cannot be anything else. In our activities with our friends, be it with the Dialogue Group or be it with the National Sovereignty Movement, we only discussed the possibility of another political party. This is what I meant.

Apart from that, Your Honour, I would never have had any hidden intents. My only thoughts are on how I can contribute further to my country. That is all. There is nothing

beyond that. I mean I would not have any ulterior motives. My only thoughts are to further develop and glorify my country.

Member Judge, **Hasan Hüseyin Özese:** How long have you known Hüsamettin Özkan?

Professor **Haberal:** Ever since Hüsamettin Özkan was Member of Parliament...which is 1992 or 1994, basically since he first became a member of parliament. By the time he became Deputy Prime Minister, we were already good friends. We only talk about the country's problems and we don't talk about or think anything beyond that.

Member Judge, **Hasan Hüseyin Özese:** In July 2002, there were some developments in his political life in Turkey. Were you aware of these developments before?

Professor **Haberal:** No, I have never been someone directly involved in political affairs, nor indirectly involved, for that matter. Except for one time, which I explained yesterday. In 1991, upon the request of our 9th President Mr Süleyman Demirel, when he told me that if I did not accept I would not have the right to speak about it in future, I entered the elections

from Rize from the Right Path Party and introduced the Green Card. We lost the elections and I said, "I have done my duty and the people have made their choice. So, this must mean that I will have a right to speak." That was the end of that. Other than that, I have not had any other involvement as I am a man of science and I try to contribute as much as I can to my country through my role as a man of science.

Member Judge, Hasan Hüseyin Özese: When you founded Channel B TV station, what aim were you driving at?

Professor **Haberal:** Now, Başkent University has set up a number of faculties, of which one of them is the Communications Faculty. The TV channel was set up in the aim of communicating health-related information, education-related information and as much as possible to provide information directly to our people, without interpretation or paraphrasing.

So, its basis is to provide education and health education. It does not have any other aim and I want to say this again, that whatever I have set up in this country, I have done for the benefit

of this country. Channel B is this country's TV station. Anyone can come on it and speak and express his opinion. This forms a part of the televised communication system. This is what my colleagues are doing. There is no other aim to it.

in a favourable or unfavourable manner?

Professor **Haberal**: No. I said this yesterday and I do not mean any offence, but I am here for things I have no connection to.

Today, all the broadcasts made by Channel B, are being overseen by the Supreme Board for Radio and Television. Since the TV station actively started working, the board has never given a suspension order and Channel B has never received any legal warnings.

Member Judge, **Hasan Hüseyin Öze**: In the broadcasts of the TV station, Channel B, do you offer positive or negative suggestions? In other words, do you try to guide the public?

Professor **Haberal**: Me?

Member Judge, **Hasan Hüseyin Öze**: Yes

Professor **Haberal**: No

Defence Counsel, **Dilek Helvacı**: Do you try to steer the public?

Member Judge, **Hasan Hüseyin Öze**: I mean do you contribute to the politics of the broadcasts,

I am the chairman of the TV channel, so obviously I need to be able to spot any wrongdoings. This is why the manager of the TV station has to keep me updated on how things are going and the activities of the business. Moreover, everything we do there is with the aim of being able to contribute to our society. Other than that, there is no question of any steering on my part.

Member Judge, **Hasan Hüseyin Öze**: Your Honour, this is all from me for the time being. My colleague will continue from here. Mr Sedat, please go ahead.

Defence Counsel, **Dilek**

Helvacı: In any case, the broadcasts are being supervised by the Supreme Board for Radio and Television.

Defence Counsel, **Serdar**

Özersin: Your Honour, I would like to add a point. Today, all the broadcasts, made by Channel B, are being overseen by the Supreme Board for Radio and Television. Since the TV station actively started working, the board has never given a suspension order and Channel B has never received any legal warnings. It is possible to obtain these records for your inspection. Thank you

Presiding **Judge:** Mr Sedat, you may start.

Member Judge, **Sedat Sami**

Haşiloğlu: Mr Mehmet, I will have questions.

Professor **Haberal:** Please go ahead.

Member Judge, **Sedat Sami**

Haşiloğlu: One of the witnesses on our file, İlker Güven; Do you know him?

Professor **Haberal:** No, I don't know him Your Honour. I don't know him.

Member Judge, **Sedat Sami**

Haşiloğlu: And Erol Manisa?

Defence Counsel, **Dilek**

Helvacı: Erol Manisalı

Professor **Haberal:** Erol Manisalı. Yes, I know Mr Erol as he has taken part in programmes prepared by my colleagues at the TV station. Also, I met Mr Erol personally here, when I was detained. Other than that, I don't have any other connection to him or any communication with him.

Member Judge, **Sedat Sami**

Haşiloğlu: Was Mr Erol, Erol Manisa, ever the president of the Strategic Research Centre you recreated at the university?

Professor **Haberal:** Yes. I mean no. No. The university's Strategic Research Department was set up by the university. This means that no one outside the university can be its president. I set up the unit and only the university staff can serve as president. For this reason, it is not possible for Mr Erol to take on that role.

Member Judge, **Sedat Sami**

Haşiloğlu: So, can we conclude from this that Erol Manisa has not had any role within the university?

Professor **Haberal:** No Sir. He

has no connection whatsoever.

Member Judge, **Sedat Sami Haşiloğlu**: Again, another witness, Mahir Akkar.

Professor **Haberal**: I don't know him.

Member Judge, **Sedat Sami Haşiloğlu**: The witness, Taner Ünal, from the first indictment.

Professor **Haberal**: I don't know him.

Member Judge, **Sedat Sami Haşiloğlu**: He is mentioned as being the president of the Patriotic Union of Forces.

Professor **Haberal**: I don't know him and I am hearing of him for the first time now.

Member Judge, **Sedat Sami Haşiloğlu**: This person has a telephone conversation with someone by the name of Ahmet. The part of the conversation relating to our case involves some individuals and also Channel B.

Professor **Haberal**: Yes Sir.

Member Judge, **Sedat Sami Haşiloğlu**: Taner starts like this, swearing, "I called up Akşam newspaper and said, 'Did Halit make you write this?'" The guy said,

'It was general Halit who me us write it' Obviously he made himself pass as a general." Ahmet confirms this. Then Taner goes on to say, "I went to Channel B. When Channel B heard Halit Bozkurt's name they held back a little..." He continues to speak using a lot of swear words. Then Ahmet responds, "Very good. They've done the right thing." Taner Ünal then expands on General Halit to reveal that his name his Halit Bozkurt.

Do you know anyone by the name of Halit Bozkurt, in Ankara?

Professor **Haberal**: No, Sir. I don't know him and I am hearing about this for the first time now. I don't know anything about this.

Member Judge, **Sedat Sami Haşiloğlu**: Does Taner Ünal in any way... Ms Helvacı, please do not interfere from there...I am asking a question here.

Defence Counsel, **Dilek Helvacı**: I am aware that you are asking a question.

Member Judge, **Sedat Sami Haşiloğlu**: Then please don't interrupt while I am asking the question.

Defence Counsel, **Dilek Helvacı**: I just want to know which

indictment you are referring to.

Defence Counsel, **Dilek**

Helvacı: Because it is not in this indictment.

Professor **Haberal:** One minute, we'll do this after the question. Yes, please go ahead.

Member Judge, **Sedat Sami**

Haşloğlu: I am referring to the witness, Doğu Perinçek, from the first indictment. Could you please provide details on your connection to this individual.

Professor **Haberal:** Of course. I first knew of Mr Doğu from the press. Then, from what I understand he came on a show in Channel B and that is where I met him personally. After that, if I remember correctly, he once attended a National Sovereignty Movement meeting. Apart from that, I don't know Mr Doğu personally, although I do respect him as a citizen of the Turkish republic. This is the extent of my relationship with him. If Mr Doğu is there with you, please allow him to also confirm this. This is the only contact I have had with him.

Mr Doğu is a valuable member of our country and does not hesitate to voice his opinions. Other than that, I do not have any other

connection with him. I am not someone he has a close relationship with.

Member Judge, **Sedat Sami**

Haşloğlu: You said that your first meeting was through a programme on Channel B, right?

Professor **Haberal:** Yes, that is what I remember. From what I remember, that is how it happened. If there is anything different, and if Mr Doğu is there, please let him explain himself.

Defence Counsel, **Dilek**

Helvacı: He is not a witness in this case. He was a witness in the first indictment.

Professor **Haberal:** Ah, yes. I understand.

Member Judge, **Sedat Sami**

Haşloğlu: Another witness in this case, Ahmet Hurşit Tolon, is stating that he is using the building in Hereke Street, which you say is reserved for social activities, with your permission, for his platform activities.

Professor **Haberal:** Yes, Sir.

Member Judge, **Sedat Sami**

Haşloğlu: He talks of your meeting with Doğu Perinçek. I will tell you his statement.

Professor **Haberal**: Yes, please go ahead.

Member Judge, **Sedat Sami Haşiloğlu**: He says that he was invited by Professor Doctor Mehmet Haberal to make use of the building on 4 Hereke Street in Ankara for his work on the platforms and that Doğu Perinçek had also come accompanied by two people. He says that it was close to election time and that Doğu Perinçek was a renowned person.

He explains that they did some evaluations and it was decided that they would like to present him as a candidate from Istanbul's first district and that they wanted to top the charts in the first or second district of Istanbul. In response, Ahmet Hurşit Tolon says that he replied in that he did not want to get involved in politics and that he did not have any wish to carry a political ID and that he did not want to take part in any political party. He apologised for this. Upon their continued insistence, he states that he said his decision was final. Then he goes on to say that they wanted him to become the leader of the Workers' Party and that they said they could even change the name of the party. He states that this is how the meeting ended.

Are you aware of such a meeting and were you present there? What do you know on this subject?

Professor **Haberal**: No, I was not present in such a meeting. I am not even aware of it. I have no knowledge of it and I have to admit this is the first I am hearing about it. Therefore, I am not able to give you any more information on it. Anyway, I always...

Member Judge, **Sedat Sami Haşiloğlu**: I understood from your answer that this was not a meeting you were aware of, right?

Professor **Haberal**: Yes, that's right. I was not aware of it. It had nothing to do with me.

Member Judge, **Sedat Sami Haşiloğlu**: Yes. Ahmet Hurşit Tolon continues his statement.

Professor **Haberal**: Yes.

Member Judge, **Sedat Sami Haşiloğlu**: He continues to say that some time after the elections he is invited to a meeting of the Dialogue Group, which is its former name, presided by Kamuran İnan. He says that he goes to Patalya Hotel in Gölbaşı for the meeting; that there is a large group of people among whom, is also Doğu Perinçek; that

there are some journalists also present, one of whom is Güler Kömürcü. He then says that in his speech, Doğu Perinçek explains the immediate need to form a political party and that the party's name should be National Power Party. He also states that meetings consisting of 40 people followed during the same period and that both, Ahmet Hurşit Tolon and Doğu Perinçek attended these meetings.

Professor **Haberal**: Yes.

Member Judge, **Sedat Sami Haşiloğlu**: One of the meetings held at Patalya Hotel we understood to have been on 14 January 2008 and this we worked out from the combined statements.

Professor **Haberal**: Yes, that is correct.

Member Judge, **Sedat Sami Haşiloğlu**: Were you also present at this meeting?

Professor **Haberal**: Of course. I remember this as being the first meeting held at Patalya Hotel and the names you have given are also correct. And this shows that the National Sovereignty Movement's meetings were open to the press. Anyone can attend these meetings, any journalists, not just Ms Güler Kömürcü. Mr Sabahattin Önkibar

and Mr Hulki Cevizoğlu were also amongst the journalists who attended the meeting. Furthermore, the following day, this was written in detail in the press. If I remember correctly, I also saw that Mr Doğu had attended that meeting that one time and Mr Tolon is anyway a person who used to attend such meetings of the National Sovereignty Movement.

Defence Counsel, **Dilek Helvacı**: At the same time, a press release followed afterwards.

Professor **Haberal**: Of course, after the meeting, the National Sovereignty Movement made the necessary statements to the press.

Member Judge, **Sedat Sami Haşiloğlu**: Doğu Perinçek refers to this as the National Power Movement. But in one place, he does call it the National Sovereignty Movement.

Defence Counsel, **Dilek Helvacı**: This was not understood.

Professor **Haberal**: Let me put it this way. The National Sovereignty was going to be formed, so there was no talk of a party then. It was going to be created and there was discussion on how to rename it something other than the Dialogue Group. **In the**

end, it was decided to name it the National Sovereignty Movement and from that date onwards, this organisation, this group's name was communicated to the press as being the National Sovereignty Movement. Press statements were made and from then onwards, all activities were carried out under the new name.

Defence Counsel, **Dilek Helvacı:** Was it Doğu Perinçek's proposal?

Professor **Haberal:** No, it wasn't.

Professor **Haberal:** Look, it was like this, Your Honour. Different names could have been discussed in this meeting and they were discussed, but ultimately, it was decided for it continue under the name of National Sovereignty Movement. After that, with the signature of Kamuran İnan, it was communicated to the public. Moreover, as I said, I believe that Sabahattin Önkibar wrote about this in the Yeniçağ Newspaper. Furthermore, Mr Cevizoğlu and Ms Kömürcü were involved in the subject. So, it was not closed to the press. It was an open meeting.

Member Judge, **Sedat Sami Haşiloğlu:** There is a point in

Ahmet Hürşit Tolon's statement that he states repeatedly. He talks about various meetings that take place afterwards with the presence of 40 people each time, regarding this movement. Did you attend these meetings?

Professor **Haberal:** Yes, of course I did, but I was not able to attend all of them. As one of the witnesses also said yesterday, I am a surgeon, so sometimes I am in surgery or there is an emergency that I need to attend to, so it is impossible for me to attend all the meetings.

But this is a working group, working for the country. We say this all the time. It is a discussion group to see how we can make ourselves more useful. When I had available time I would attend the meetings. When I couldn't, my friends and I would meet later and they would give me a summary of the discussions, which took place.

This is not a strict hierarchical organisation adhering to specific rules. They are simply meetings organised like a social activity.

Member Judge, **Sedat Sami Haşiloğlu:** A little earlier you mentioned that some journalists had also attended the meeting.

Sabahattin Önkibar is one of them and he wrote about it in his column. He uses these expressions to describe it, “After Ufuk Söylemez, he called Kamuran İnan. Their joint message was this: ‘We really want you to attend this meeting at Patalya Hotel.’ Accepting the invitation, we went to Patalya Hotel in Gölbaşı.”

Over a hundred invitees were welcomed into the meeting room by the big supporter of the organisation, the rector of Başkent University, Professor Doctor Mehmet Haberal. First, there was a mini cocktail and then the meeting. Before going into the content of the meetings, I will list a cross-section of the attendees: Gülsüm Toker, Bilge Han, Gülsüm Toker Bilgehan, Mümtaz Soysal, Doğu Perinçek, Yaşar Okuyan, Hurşit Tolon, Yusuf Hallaçoğlu, Tuncer Kılınç, Anıl Çeçen, Armağan Kuloğlu, Hasan Ünal, Nejdet Pamir, Hulki Cevizoğlu, Mustafa Balbay, Güler Kömürcü, Rıza Zelyut, Çetin Yetkin, Vural Savaş, Şükrü Sina Gürel, Gökhan Çapoğlu, Ali Ilıksoy, Sina Akşin, Sadi Somuncuoğlu, Ayfer Yılmaz, Hasan Korkmazcan, Talat Şalk, Bilal Şimşir, Alparslan Işıklı, Yaşar Hacısalihoğlu, Zerrin Başer, Abdulkadir Çevik, Fethi Bolayır,

Naci Ünver, Ender Arıkan, Ahmet Mumcu, Mete Akyol and many more names.”

Is this correct?

Professor **Haberal**: Yes; yes. I mean right now I cannot tell you for sure that each one attended, but overall the names you have read out are correct.

Member Judge, **Sedat Sami Haşiloğlu**: Sabahattin Önkibar states that the political atmosphere was being discussed and commented on. However, that unlike what some hoped would happen, there was not even a hint of an implication of a coup, let alone an encouragement of it. The profile of the attendees reflected individuals with a sincere concern for the Republic, rather than a bunch of overly excited people. Anxiety was prevalent among the attendees. Many of the guests perceived the meeting to be like the pre-independence Sivas and Erzurum Congresses and identified themselves with the delegates who had attended these congresses.

Professor **Haberal**: First of all, I would like to say that I am proud of the Sivas and Erzurum Congresses. I also believe that all the citizens of the Turkish Republic

are also proud of them because the existence of our country today, we owe to the solid foundations laid at those meetings.

Secondly, from what I remember from the meeting, I don't remember people going into these congresses with a mission to do something specific. Mr Hurşit Tolon is with you and Mr Sabahattin Önkibar made his own interpretation of the meeting. I am happy to see the way in which he has interpreted it because those congresses that we are proud of make up the pillars of this country. We are really proud of them. So, there is nothing to judge here, Your Honour.

What is important here is that we were not there to plan a movement of any sort. What is important, is that we were there to see if we could create a new political formation, a party, in order to be able to make a contribution to our country. The rest is purely the interpretation of Mr Sabahattin Önkibar.

Member Judge, **Sedat Sami Haşiloğlu:** Anyway, Mr Önkibar is saying that there was not even a hint of an implication of a coup. That is how he has interpreted it.

Professor **Haberal:** Yes, that is his interpretation.

Member Judge, **Sedat Sami Haşiloğlu:** As I said earlier, Doğu Perinçek tends to refer to this movement as National Power Movement. However, in one phone conversation, he does call it the National Sovereignty Movement.

Professor **Haberal:** Yes, now...

Member Judge, **Sedat Sami Haşiloğlu:** This list of attendees, that Sabahattin Önkibar states, is referred to as being the National Front meeting attendees in the various folders of the third case, concerning the National Power Movement. This same list of guests are also down as being in the National Power Movement meeting held at Patalya Hotel in Ankara on 14 January 2008. The National Power Movement is written with the acronym MPR. In another place, in Folder 9, page 54, there is another list of people referred to as "The Ones Called to the Front". This list also contains some of the same names.

Now, my question is this. After this information was provided to you, in the first indictment's 321st folder, in the file related to Doğu Perinçek, there is a document

titled, “Where Can a Siege be Penetrated?” In this document, the national forces are listed as the National Grass-Roots Movement, National Union of Forces, National Media, the Turkish Army, etc.

In this document, there is an expression as follows, “The duty of the army is to unite with its people in order to defend the historical legacy left by the Kemalist Reforms; to safeguard the country entrusted to it by the Constitution; to protect the Turkish Republic from internal and external threats and defend its national sovereignty. It is also to achieve more today because Turkey does not have real independence or a real republic today. One of our duties is to make Turkey earn its full independence and rebuild the republic. The army will carry out these duties by uniting with its people.”

It is talking about forming a national government. Did your meeting in Patalya speak about subjects, such as the army, the people’s opinion of the army or the army uniting with its people?

Professor **Haberal**: Definitely not! Such a topic most definitely did not come up. These might be Mr Doğu’s ideas, but they are just attributed to him. At none of

our meetings, not just Patalya, but the meetings of the Dialogue Group or the National Sovereignty Movement, did we ever bring up the subject of the army.

Member Judge, **Sedat Sami**

Haşloğlu: In your defence, you stated that you were “against anti-democratic practices, which is why I signed the Petition of the Intellectuals and was subjected to an inquest.”

Professor **Haberal**: Yes

Member Judge, **Sedat**

Samı Haşloğlu: This is why I specifically asked you this question. In other words, in these meetings, were there any subjects discussed that would disagree with the principles of a modern democratic society and where an un-democratic meaning could be derived?

Professor **Haberal**: No, I just want to clarify something. After the coup of 1980, for which the inquiry is still continuing today, there were such developments and we probably acted with too much audacity. At the time, we noticed anti-democratic practices, which is why we initiated such an organisation, for which we paid the price in the end.

However, here, there was no

talk of there being anti-democratic practices, which need to be corrected. Of course, we all know that our country has its problems, internal, national problems. Our aim is to see how we can contribute on our part. It has not been anything more than that.

Member Judge, **Sedat Sami Haşiloğlu**: Yesterday, the prosecution asked you about some of Yalçın Küçük's notes. However, there were a couple of points which were left out and which I would like you to elaborate on.

Professor **Haberal**: Of course; please go ahead.

Member Judge, **Sedat Sami Haşiloğlu**: Yalçın Küçük talks about a man who was your teacher and whose house, is said to have been used for the purposes of an organisation. Then, further on in the text, he says that you used your Tofaş brand station wagon to run errands for this organisation. Could you please expand on this or give me an explanation on what they mean? What does he mean by an "illegal organisation" and "errands for the illegal organisation"?

Professor **Haberal**: Now, please forgive me, but accidentally I made an incorrect statement on

this, yesterday. I had my Tofaş 124 car during the time I was simply an assistant. So, I want to make a correction. Please forgive me as I was not thinking straight when I replied to the question yesterday. During that time, I had just come back from the United States and had bought myself an Audi. So, at the time period you are referring to, I did not have a Tofaş. For this reason, my car had not been used, and I did not have any connection, to any such activity.

Defence Counsel, **Dilek Helvacı**: Your Honour, could I add one point?

Presiding **Judge**: Please make a note of it and I will give you the floor later, so you can mention everything then.

Defence Counsel, **Dilek Helvacı**: Ok, Your Honour.

Member Judge, **Sedat Sami Haşiloğlu**: I was just asking you for your explanation regarding the organisation in question and the house being used for the activities of this organisation.

Professor **Haberal**: Your Honour, I have already explained this yesterday. I really find this sad and perplexing.

With regard to this Petition of the Intellectuals, as I explained yesterday, my teacher, the late Doctor Hüsnü Göksel, had been taken from Bandırma to Istanbul by his mother, having to use a passport, during the time our country was under occupation. When Doctor Göksel used to describe those times, tears would roll down his eyes. Everything Doctor Göksel did, he did publicly and openly and I have told you yesterday as well, I find it very upsetting for someone with the title of Professor to make such accusations against Doctor Göksel. I really find it difficult to understand.

This is how I found out that meetings were being held at Doctor Göksel's house. I repeat again that while I was working with him in the same department at Hacettepe, one day he said to me that they had prepared some things, but despite the fact that he did not want me to get involved and bear the consequences, I told him I would. Other than that, I am not aware of anything else.

Member Judge, **Sedat Sami Haşiloğlu**: The accusations and allegations that Ergün Poyraz, one of the witnesses in the first indictment, had made against you

were put to you as a question. These are present in the file and in the questions and you are also aware of them.

Professor **Haberal**: Yes.

Member Judge, **Sedat Sami Haşiloğlu**: What legal acts were you involved in with Ergün Poyraz, because these allegations are very serious. So, what involvement did you have with him?

Professor **Haberal**: Yes, let me explain this to you. I don't know Ergün Poyraz and he doesn't know me. Whatever he has done is a result of his interpretation. If I remember correctly, my lawyers can confirm this; we filed a complaint against him through the notary public. Yes, we sent him an official denial, which is present in the file. Other than that I don't actually know Ergün Poyraz.

Member Judge, **Sedat Sami Haşiloğlu**: Did you file a claim for damages or a criminal complaint against him? I will quickly read out some of the allegations against to you. He says that during Ecevit's illness, he had been given incorrect treatment and that you caused a loss to the treasury as result of a loan you had taken, etc.

Did you file a claim for

damages or a criminal complaint against him in relation to these specifics?

Professor **Haberal**: Now, I am not sure whether these were specifically in the complaint we filed against him. I will let my lawyer, Belgin Özersin, comment on this as she had been involved in that case, but if you like, she can do it a little later. For me, it is very sad to see that someone who does not know me, who has not discussed any of this with me, has brought up such allegations in this way and even turned them into a book.

Member Judge, **Sedat Sami Haşiloğlu**: I am asking this question because it appears that you have filed various lawsuits against the people, who have directed at you, some of the claims made by Ergün Poyraz. You say that some of these cases have already concluded, while some are ongoing.

Professor **Haberal**: Correct.

Member Judge, **Sedat Sami Haşiloğlu**: Ergün Poyraz has raised the same issues as well as some others. As a result of this, has there been a lawsuit or any other legal dispute between you?

Defence Counsel, **Belgin Özersin**: Yes, a lawsuit was filed

against him.

Professor **Haberal**: Let me put it this way. In relation to this issue, I clearly remember that I requested my lawyers to do the necessary, from a legal perspective. My lawyer dealing with this has just said that a lawsuit was filed against him.

Defence Counsel, **Belgin Özersin**: Let me give you a brief summary of the situation.

Presiding **Judge**: Please note them and when the floor is given to you, you can make your clarifications.

Professor **Haberal**: Please make a note of it, so that you can explain it later. Let us continue.

Presiding **Judge**: It will be easier this way.

Member Judge, **Sedat Sami Haşiloğlu**: There is a telephone conversation between İlhan Selçuk and Alev Coşkun about Mustafa Balbay.

During this conversation, Alev Coşkun talks about Mustafa Balbay's function as a co-ordinator; that he has spoken with you, but because he is not on good terms with you, he says that he can take over this role of co-ordinator. Has

Mustafa Ali Balbay had any role as a co-ordinator in an activity related to you or within a group that you are also involved in?

Professor **Haberal**: No. Definitely not. I have just found out about this. I am not aware of anything of the sort. I have never been aware of something like this.

Member Judge, **Sedat Sami Haşiloğlu**: Do you know Alev Coşkun?

Professor **Haberal**: I have met Mr Alev once when he was on a programme aired by Channel B. Apart from that, since he has been a member of parliament for a long time, I know of him. He also writes from time to time in the newspapers, so I also know him from there. However, personally speaking, we only met once briefly when he was a guest on a TV programme. That is all. I don't know him further than that.

Member Judge, **Sedat Sami Haşiloğlu**: On 25 October 2003, you state that you attended a rally and in this rally because some students and academic teaching staff opened banners, reading, "Army to Duty", an inquest had followed. Did you personally witness seeing these banners

reading, "Army to Duty", being opened?

Professor **Haberal**: Now, I already explained yesterday that I stayed very briefly at this meeting and I am not aware of, nor seen, such a banner. Personally, I am not aware of any of this and only found out about it from the media.

Member Judge, **Sedat Sami Haşiloğlu**: In relation to this banner, after you found out about it in the media, did you or your university make any kind of statement denouncing or disapproving of it?

Professor **Haberal**: No. What I understood from the newspapers and the media, is that the opening of this banner, was a private demonstration aimed to provoke the people attending the walk to Anıtkabir. This is what I accepted it to be.

Later legal action was taken against these people. I just took it as a fact that there was something like this, which was being protested. I did not really pay much attention to it, as I don't think it was important.

Defence Counsel, **Dilek Helvacı**: I did not understand.

Professor **Haberal**: Moreover,

this walk to Anıtkabir was organised by the president of the Higher Council for Education. They should have had primary responsibility for it. In any case, it was only a pirate demonstration.

Member Judge, **Sedat Sami Haşiloğlu**: Within your university, has any work been conducted on stem cells? Was a stem cell centre created?

Professor **Haberal**: Stem Cells?

Member Judge, **Sedat Sami Haşiloğlu**: Yes.

Professor **Haberal**: No, we have not done any work on stem cells. As you know stem cell research has been a very important subject in recent times. It is used in the medical field. However, currently, we do not conduct any work on this in any of our facilities.

Member Judge, **Sedat Sami Haşiloğlu**: So, do you do any work on this in your university, even as a project for the future? Do you have plans to do any research in this field, to bring together specialist academicians, etc?

Professor **Haberal**: Now, the Turkish Republic is obligated to search for the medicine's most up-to-date methods. If we don't do

this, it means that we are not doing our jobs.

Today, stem-cell research, in some areas is really very promising. If we have the possibility, we would like to work on it, at least to understand it. However, at present, we do not do any work in this field. Of course, I don't know what tomorrow will bring, but at the moment, in medicine, stem cell research is seen as introducing a whole new system of treatment. Of course, we cannot know what will happen tomorrow.

Member Judge, **Sedat Sami Haşiloğlu**: The reason this question was asked is because there is a phone conversation about you.

This conversation took place on 20 May 2008 between Mevlüt Aydın and Ercüment Ovalı, where Ercüment Ovalı says, "Thanks to me you got the tender. Had we used your pricing we would have failed." Mevlüt replies, "Why? My pricing was 50 lira higher for the metre." Then, Ercüment Ovalı says, "Mehmet Haberal said once that they would give this floor to them, but we have to discuss the other one and then we can do it. Let it be. On 30 May, they want to give it to the Government Planning Organisation. The Government Planning

Organisation may not have any projects. It may not be accepted. Mehmet Haberal said that it isn't important and that we should get what we can from the Government Planning Organisation and that they would do the rest."

In this conversation, Ercüment Ovalı is talking about you to Mevlüt Aydın, a man who is interested in stem cell research and has related commercial initiatives. This is why I asked you the question.

Professor **Haberal**: Of course. First of all, I don't know this person. I don't know who he is. Secondly, my financial dealing with the government is regarding Başkent University. Başkent University's connection to the government, or rather the government budget, is that there is a fund to assist universities funded by trusts and the body that determines this is the Ministry of Finance. They have certain criteria and for the past few years, we have not received any funding. This is the source of my concern with the government budget.

The other thing is that all of Başkent University's subsidiaries are the result of the hard work put in by my colleagues working at

Başkent University. Every year, at the graduation ceremony, I make a speech. In my speech I say that I will now be answerable to you, but I will be answerable for the hard work of my colleagues at Başkent University. I will not be answerable for funds from the government budget, nor from the state banks, as we do not receive their funds.

For this reason, I am not aware of such a project. These are things that have been done or written outside my knowledge, so I do not accept them.

Deputy Judge, **Hüsnü Çalmuk**: Your Honour, is there any way we can take a break? The doctor is asking.

Presiding **Judge**: There is a related question. Once we finish it, we can take a break.

Professor **Haberal**: Sure; sure.

Member Judge, **Sedat Sami Haşiloğlu**: Do you know someone by the name of Abdülkadir Sezgin?

Professor **Haberal**: No, I don't.

There is a short break. The hearing continues from where it left off.

The court connects to the defendant Mehmet Haberal via

video-conferencing. His cross-examination continues.

Professor **Haberal**: I am listening, Sir.

Member Judge, **Sedat Sami Haşiloğlu**: The phone conversation you had with Ahmet Hurşit Tolon, on 11 June 2006, at 13:49, where he gives you his deepest respects and tells you that this can only be done with you and as for the other matter, the Hereke matter can only be possible wherever you are and that there is no other way, has been read out to you a few times, so you are familiar with it.

Professor **Haberal**: Yes

Member Judge, **Sedat Sami Haşiloğlu**: I will continue.

Professor **Haberal**: I explained this yesterday.

Member Judge, **Sedat Sami Haşiloğlu**: I haven't asked you the question yet.

Professor **Haberal**: Oh, I'm sorry. I'm listening.

Member Judge, **Sedat Sami Haşiloğlu**: Ahmet Hurşit Tolon asks, "Did the man that you put at the steering wheel become important?" Here the conversation is about a party whose declaration

is being considered. What is Hurşit Tolon's connection to this party whose creation will be declared or is declared? Do you have any information on this?

Professor **Haberal**: As I have already mentioned there were discussions as to whether the Dialogue Group or the National Sovereignty Movement could be made into a political formation. It was in the view of wanting to contribute further to our country, that this organisation started and the National Sovereignty Movement had announced it to the community through a declaration. They had announced that the National Sovereignty Movement was continuing its efforts to eventually become a political party. I believe this is what Mr Hurşit Tolon meant. I don't think it was anything beyond that.

Member Judge, **Sedat Sami Haşiloğlu**: Was Hurşit Tolon's potential role within this party discussed?

Professor **Haberal**: No. Let me explain it like this. Mr Tolon is someone who attends the Dialogue Group or the National Sovereignty Movement. In any case, there is no political party in existence yet, so it was all in the phase of discussion,

in terms of what his relationship with the party would be and so on.

So, these discussions are purely an exchange of ideas. Since there is no party yet, there were no concrete discussions on the roles of people.

Member Judge, **Sedat Sami Haşiloğlu**: You have a conversation with Tuncay Özkan, which was put to you as a question. In his conversation with Tuncay Özkan, Mesut Özcan asks him, “Is it our brother Haberal or the other one?” Tuncay Özkan replies, “Yes; yes, Haberal.”

Is this our brother Haberal? In respect to this conversation, you have already said that you had met Tuncay Özkan and Mesut Özcan? Were you close with Mesut Özcan?

Professor **Haberal**: No, I don’t know him. I don’t know who he is and I am hearing of him for the first time. Mr Özkan can probably answer this question with more ease, as I don’t who Mesut Özcan is.

Member Judge, **Sedat Sami Haşiloğlu**: Mesut Özcan is a doctor; a heart surgeon. Does this help you to remember him?

Professor **Haberal**: No, I don’t remember him. I don’t know who

he is. Who is Mesut Özcan? Is my answer ok, Your Honour?

Member Judge, **Sedat Sami Haşiloğlu**: Ok, there might be a time lag as I am moving onto another question.

Professor **Haberal**: Oh, yes, of course. I am waiting.

Member Judge, **Sedat Sami Haşiloğlu**: Ok, this digital instrument with the labelled 893 by the police, which, it is claimed, was discovered in your premises, contains an Ergenekon briefing file. Who prepared this file?

Defence Counsel, **Dilek Helvacı**: It was probably retrieved during the search of the Channel B premises.

Professor **Haberal**: I don’t remember such a file.

Member Judge, **Sedat Sami Haşiloğlu**: It was a digital instrument, numbered 893 by the police. It was either a CD or a DVD, an Ergenekon briefing file.

Professor **Haberal**: I am not aware of this. I am assuming, and this is only a probability, my colleagues got hold of such a document while preparing a programme. And as I mentioned

before, **during the searches, which were carried out at Channel B, only three CDs were retrieved from my office. The remaining CDs were all taken from my colleagues' offices. Unfortunately, and I have said this before, all these 1,300+ CDs were coded under my name, making claims as though all these CDs were found in my office.** I am not aware of everything they retrieved and I have no knowledge of this particular CD.

Defence Counsel, **Dilek Helvacı:** This was during a search of Gürbüz Evren's office at Channel B.

Professor **Haberal:** Ah, yes. It could be Gürbüz Evren. Yes, my lawyers are saying that it came out of my colleague, Gürbüz Evren's office. My colleague, Gürbüz Evren, prepares a programme on Fridays called "Waiting Room". So, it came out of his room. Therefore, it does not have anything to do with me.

Member Judge, **Sedat Sami Haşiloğlu:** Ok, so this was amongst the CDs and DVDs retrieved from Gürbüz Evren's office at Channel B in the Başkent University, Bağlıca.

Professor **Haberal:** Yes,

Gürbüz Evren is my colleague who prepares a programme called, "Waiting Room". He is also responsible for our external affairs. As we can see here, the CD came from his office. I am also finding this out now. As I said, all these CDs were being treated as though they belonged to me and my lawyers, noticing this, took the necessary action. So, this has no relation to me.

Member Judge, **Sedat Sami Haşiloğlu:** Do you know anyone by the name of Yavuz Dedeoğlu?

Defence Counsel, **Dilek Helvacı:** Yavuz Dedeoğlu?

Professor **Haberal:** I'm sorry, who? Yavuz Dedeoğlu? No, I don't know him.

Member Judge, **Sedat Sami Haşiloğlu:** He is down as the person responsible for the Association of Kemalist Thought in Bavaria, Germany. In the search carried out on campus, it is stated that one copy of a fax, numbered 35 by the police, with the title, "Federation of European Associations of Kemalist Thought", dated 22 May 2007 and addressed to Doctor Mehmet Haberal, was retrieved. The annex contained a document titled "Let Us Protect

Our Republic”, also dated 22 May 2007.

Professor **Haberal**: Yes, I remember now. We do have a centre called Kemalist Thought and Professor Ünsal Yavuz is heading this department. This gentleman had sent me this letter, as he wanted to invite Ünsal Yavuz to Germany. Ünsal Yavuz accepted the invitation and went to Germany. Other than that, I don’t know this gentleman.

Member Judge, **Sedat Sami Haşiloğlu**: There is also mention of a two-page list, which has been numbered 147 by the police, retrieved from Başkent University. This list starts with the heading, “Those Put Forward to the Advisory Board” and ends with the name, “Seyit Tosun”. In this list...

Professor **Haberal**: Yes.

Member Judge, **Sedat Sami Haşiloğlu**: ...is the name Ümit Özdağ and Kemal Keriñsiz. Have you met Kemal Keriñsiz?

Professor **Haberal**: No. I don’t know him.

Member Judge, **Sedat Sami Haşiloğlu**: And what is this Advisory Board referring to? Could you please elaborate?

Professor **Haberal**: No. I am not sure what the Advisory Board is referring to. I don’t know anything about it. I don’t know what the Advisory Board is, nor to which institution it belongs. There are a number of advisory boards and the name, Kemal Keriñsiz, you mentioned; I don’t know who he is.

Member Judge, **Sedat Sami Haşiloğlu**: Do you know anything about an establishment called The Platform of the National Forces?

Professor **Haberal**: No, I don’t. I’m hearing about it for the first time.

Member Judge, **Sedat Sami Haşiloğlu**: Again, during the searches, it is claimed that a document, numbered 155 by the police, has been found on your premises. This is a computer print out, starting with the heading, “National Stance, National Interest” and ends with the words, “The Platform of the National Forces”. This document contains a draft plan of a road map for the “National Stance, National Interest” and the “Dialogue Group”, signed by The Platform of the National Forces. It also contains an evaluation of the 22 July 2007 election, as well as writings criticising the Justice and Development Party and their

activities. This is the reason, I asked you about these organisations.

Professor **Haberal**: I really don't know. I don't know what these establishments are and I don't know anything about the print out you are talking about. Did they retrieve it from the university?

Member Judge, **Sedat Sami Haşiloğlu**: The document has been numbered. I will give you further information on it.

Professor **Haberal**: Maybe, but I am not aware of what it is. Your Honour, I really don't know anything about these documents.

Member Judge, **Sedat Sami Haşiloğlu**: Again, another document, labelled 325 by the police, is a press release in the form of a fax print out, dated 25 January 2008, with the heading, "Civilian Union of Forces". In summary, it is a press release made by the Civilian Union of Forces regarding a speech made by Recep Tayyip Erdoğan, on the subject of the head-scarf, in Spain on 25 January 2008. Have you had any contact with, or do you know anything about an organisation by the name of the Civilian Union of Forces?

Professor **Haberal**: No. I am hearing about it for the first time. I

don't have any knowledge of such a group.

Member Judge, **Sedat Sami Haşiloğlu**: Within the body of the My Turkey Community, the Dialogue Group and/or the National Sovereignty Movement, have you had any contact with them or any joint activities?

Professor **Haberal**: Now, when we moved onto the National Sovereignty Movement, there were, still are, various active groups. From what I know, My Turkey is a group, of which I have attended a few meetings, where we exchanged ideas to try to see if we could organise activities together, since we were all putting so much effort into our country. However, in the end, it did not become a real organisation.

Member Judge, **Sedat Sami Haşiloğlu**: Do you know Professor Doctor Gürhan Çağlayan, who teaches at the Hacettepe University's Dentistry Faculty? What is your relationship to him?

Professor **Haberal**: Yes, Gürhan. Yes, of course, Brother Gürhan Çağlayan from Hacettepe. I was also a professor at Hacettepe and I was trained at Hacettepe, so that is how I know him. He a friend

of mine, who teaches at Hacettepe.

Member Judge, **Sedat Sami**

Haşiloğlu: Have you ever worked together or has he participated in any activities within the body of the university?

Professor **Haberal:** No.

Member Judge, **Sedat Sami**

Haşiloğlu: Have you given him permission to make statements or participate in activities on your behalf? Does he have such an authorisation?

Professor **Haberal:** Most definitely not. No. I just want to point out that any speeches I give or statements I make are all signed off by me. I have never given anyone such an authorisation.

Member Judge, **Sedat Sami**

Haşiloğlu: The reason I have asked you this question is because there is a four-page letter, dated 10 August 2006, signed by Professor Doctor Gürhan Çağlayan, President of Hacettepe University's Faculty of Dentistry's Clinical Studies department and addressed to Kemal Kerinçsiz, a defendant in the first case.

In summary, the letter talks about efforts to promote activities in order to protest goods coming

from countries that support terrorism.

On the third page of the letter, they talk of starting with the boycotting of goods coming from three named countries and then following by a re-evaluation of the situation. They state, "The means at our disposal are as follows:

1. USIAD (Association of National Industrialists and Business Men)

2. YEMDD (Association of Certified Financial Support)

3. Your Association, broadcast corporations: Yeniçağ Newspaper, sometimes referred to as Cumhuriyet Newspaper and Channel B TV station

4. Avrasya TV station

5. Kanaltürk TV station

6. Local TV stations in Anatolia

7. Universities (Başkent, Gazi, Hacettepe)

They can contribute in the following ways: to find individuals or institutions to volunteer in this respect; Association of Kemalist Thought changed its directors, so to also get on board the new directors."

So, under the heading, “The means at our disposal”, they have listed Başkent University and Channel B TV station. This is why I asked you the question. Does this individual have a position within the University where you are rector and within the TV station, where you are chairman? Does he have a power of appointment?

Professor **Haberal**: Definitely not. And I am finding out about this document for the first time, here.

Defence Counsel, **Dilek Helvacı**: Excuse me, one minute... Mr Mehmet, this is the subject of the first indictment....

Professor **Haberal**: Now, I am definitely not aware of such a thing and this individual has no connection to us...

Member Judge, **Sedat Sami Haşiloğlu**: Levent Temiz. Do you know Levent Temiz, a defendant in this case? He, himself, is a lawyer.

Professor **Haberal**: No, I don't know him, Sir.

Member Judge, **Sedat Sami Haşiloğlu**: In a Vestel brand computer, belonging to Kemal Keriñsiz, it is claimed that there were agenda items for the Great Union of Jurists. There

is a statement about a meeting with 20 Judges of the High Court of Appeals, 16 criminal and 4 members allowing on-the-job training with a High Court of Appeals appointed letter.

According to this document, 30 nation-wide judges will be appointed by the Ministry of Justice on 18 November, so there is not enough time.

The last part is the part concerning you. It says that ART and Channel B will meet with Levent Temiz. However, you say that you don't know Levent Temiz.

Professor **Haberal**: Yes.

Member Judge, **Sedat Sami Haşiloğlu**: Has this individual been involved in any meetings with your organisations on behalf of the Great Jurists? Do you have any knowledge of this?

Professor **Haberal**: Definitely not. I don't have any knowledge of this. I don't even know who this person is and I am only just learning of this document you have just read out.

Member Judge, **Sedat Sami Haşiloğlu**: Have you met Sevgi Erenerol?

Professor **Haberal**: Sevgi?

Member Judge, **Sedat Sami**

Haşiloğlu: A defendant in the first case, Turkish Orthodox Patriarchate's public relations.

Professor **Haberal**: No, I don't know her.

Member Judge, **Sedat Sami**

Haşiloğlu: You said that you didn't know Ufuk Mehmet Büyükçelebi. I will ask you about another name in relation to him. A Kemal Şahin has an email exchange with Doctor Titri. Do you know Kemal Şahin?

Professor **Haberal**: No, I don't know him.

Member Judge, **Sedat Sami**

Haşiloğlu: The reason I asked this question is that in the defendant Mehmet Ufuk Büyükçelebi's, Exper brand computer, an email was discovered, sent from the email address **drkemalsahin@yahoo.com** to the email address **aydin.candabak@tercuman.com.tr**. The message is addressed to Mr Candabak and it comments on an article by a NKZ. It also talks about the attachment to this message, which is an article bearing the title, "The Coalition of the Insurgents Towards Light". Under the sub-heading of "Turkish Revolutionaries" is a list of our

charities, Research on the Turkish World Foundation, Hoca Ahmet Yesevi Foundation. There are also statements such as, "Like an army, on his own are Mustafa Özbek and Turkish Metal"; "ART has become the voice of the public's conscience"; "Channel B and Kanaltürk are on the front"; "There are a number of insurgents in the quasi-governmental organizations, such as Sinan Aygün"; "We have syndications". Kemal Şahin has been referred to as Doctor. You don't know him?

Professor **Haberal**: No, I don't know him. I definitely don't know him and this is the first time I am hearing of such a document.

Member Judge, **Sedat Sami**

Haşiloğlu: An official warrant was sent by our court to the prosecution enquiring as to whether any action has been taken regarding Tuncay Güney. We received a response to say that an investigation is currently underway and that it is related to such and such documents. They also mentioned an analysis case relating to your TV station. However, the contents of this case were not sent to us, although we are told that documentation relating to this does exist. What is the exact date of incorporation of Channel B?

Professor **Haberal**: In 2004. However, I would like to state once more that there is not even a single point that can be brought up with regard to Channel B casting any doubt on the future of our country. Channel B is a TV channel set up by me in order to contribute to the future of our country. The other thing; yes.

Member Judge, **Sedat Sami Haşiloğlu**: In 2001, this, Tuncay Güney is taken into custody by the Organised Crimes Unit, in relation to Change Oto, and some documentation is retrieved from his residence. These documents are said to be with the Istanbul High Criminal Court in Sultanahmet. The prosecution conducted an investigation into these documents and it is mentioned that an enquiry related to Tuncay Güney would be carried out. This is sent to us in the form of a file for our examination. Further to our examination, we discover that in the 40th row, there is mention of a Channel B Analysis File. You say that Channel B was incorporated in 2004.

Professor **Haberal**: Yes.

Member Judge, **Sedat Sami Haşiloğlu**: This document is dated 2001; rather it was discovered in 2001. Was there another channel

in the past with the same name as your Channel B that you are aware of or how many years prior to its incorporation did your activities relating to the channel start?

Professor **Haberal**: No, it is not a question of how many years prior to the incorporation. When I set up the university faculty, I spoke with Mr Fatih Karaca, the president of the Radio and Television Supreme Council. When I discussed with Mr Fatih what the name should be, everyone came with a suggestion, and I said it should be Channel B, because, first of all, no other TV station with the same name exists. Secondly, B stands for Science (Bilim) in Turkish, which is why I said it should be Channel B. Therefore, it is a name, which Mr Fatih Karaca and I decided together.

Now, whether it existed prior to 2001 or not, I don't know. It is here, from you, that I am hearing about this document for the first time. In any case, I don't know this other person, so it is un-related.

Member Judge, **Sedat Sami Haşiloğlu**: On pages 208 and 207 of the indictment, there are some claims regarding Bülent Ecevit. It is a claim that directly concerns you and I will ask you to explain it to

me. In Recai Birgün's statement, he says, "The first day they went, despite his advanced age, a lot of tests and examinations were made at the hospital. Some hospital staff even told him that these tests should not even be carried out on a young person at the age of 20". He also says that, "Although we was very tired and despite the fact that we insisted for him not to make any speeches, Mehmet Haberal told him that he needed to say a few words." Then when they went out of the door, they saw a large crowd of journalists and a podium belonging to Başkent University erected. He goes on to say that when Bülent Ecevit went up to the podium to give a speech, he was not able to speak, that his throat tightened and that he could not even say Mehmet Haberal's name. He says that he left without being able to make a speech and then when they asked Mehmet Haberal why this happened, Mehmet Haberal had replied that they had had to anaesthetise his throat to conduct an endoscopy. He claims that when he was told this, he asked why the Prime Minister was asked to make a speech if such an intervention had been carried out. He claims that Mehmet Haberal replied that it was not a big deal and at the time, since he did not know any better, he had

assumed that it had been normal. This is his statement. I would like to know what you have to say about this.

Professor **Haberal**: Yes, thank you. First of all, I would like to remind you that this witness is not a legal witness. Secondly, his words do not reflect what really happened and nothing along the lines of what he has described actually happened, as this gentleman is not a doctor. If this gentleman can determine the patient's needs, then he should have been a doctor. However, his job is to ensure the Prime Minister's security. Therefore, it is obvious that his interpretation is not correct. Furthermore, it is out of the question that I would have spoken to him in the way that he describes. It is completely against my practice. If anything, I would explain, first of all, to the patient himself.

It means that this unlawful witness did not know that my first priority is to bring my patient back to health. My first priority was to ensure that our late Prime Minister regained his health as quickly as possible. Therefore, I would like to affirm that his statement is incorrect and I deny his claims.

Member Judge, **Sedat Sami**

Haşiloğlu: Did such an incident occur? In other words, the fact that a podium was set up and that Bülent Ecevit tried to make a speech but failed to do so?

Professor Haberal: Your Honour, do you really think something like this could have happened? For me to force a patient who can't speak to speak? This is a very serious accusation to make against me and against Başkent

Minister Ecevit's treatment?

Professor **Haberal:** Not at all. Excuse me but, people come to me saying, "Professor, please can you help with this?" or "Professor, can you please do such and such." However, sometimes, I suppose, some people after a certain grade behave this way, thinking that they would never meet these people again.

I still cannot understand this coming from a man, who was the head of security of our Prime Minister and who now represents our people. Now, he is even saying, "We left Başkent University's hospital on mutual consent".

University. It is for these reasons that in 2003, we filed a lawsuit against this unlawful witness. The court case is currently continuing. So, we will be able to explain his ensuing reasons. We have a number of cases running against him and his reasons for making such allegations will become clear. I reject these allegations. I find them unacceptable.

Member Judge, **Sedat Sami Haşiloğlu:** Was there any hostility between yourself and Recai Birgün either during or prior to Prime

It is out of the question for me to behave this way towards anyone, especially someone close to one of my patients.

I still cannot understand this coming from a man, who was the head of security of our Prime Minister and who now represents our people. Now, he is even saying, "We left Başkent University's hospital on mutual consent". He is saying this for the first time and I have already told you that he said this for the first time on 15 February 2010 on NTV and

Habertürk TV stations. For this reason, I have not had any issues with him.

Member Judge, **Sedat Sami Haşiloğlu**: Did your legal hostility with him start after this? You said that you have initiated a lawsuit against him. So, did this legal disagreement start after this case? In other words, you said that you had no issues before this case.

Professor **Haberal**: Let me say this. If I remember correctly, the lawsuits against him started on 19 December 2002. My lawyers will be able to confirm. So, it is probable, unfortunately, that some members of the press and some members of parliament made such public statements. I believe that we initiated a lawsuit against each of these people. These cases were opened in response to their accusations and the ensuing news stories on this subject. However, the date we started the lawsuits is 19 December 2002.

Member Judge, **Sedat Sami Haşiloğlu**: Yes, it is on 4 May 2002 that Bülent Ecevit comes to you for the first time. I mean, during the period in question, he comes for the first time on 4 May.

Professor **Haberal**: Yes.

Member Judge, **Sedat Sami Haşiloğlu**: You make a certain intervention and then he goes home. In today's morning session, my colleague also asked you and you replied to say that you visited him at his house or his work with Turgut Zileli.

Professor **Haberal**: Yes, it was his house, not his work place, Sir.

Member Judge, **Sedat Sami Haşiloğlu**: What was the reason you went to his house? I mean he had recovered and left the hospital. Could you please explain why you then went to his house?

Professor **Haberal**: I remember very clearly. It was like this. I received a phone call to say that Mr Bülent had some health-related complaints. For this reason, I called Mr Turgut and we went together to see him. Mr Turgut gave certain suggestions on his requirements. Then, anyway, later he was admitted to hospital and his treatment within this context was given. Within this timeframe, after he completed his treatment, he was discharged from hospital in a fully recovered state.

Member Judge, **Hasan Hüseyin Özese**: Mr Mehmet. I have some more questions.

Professor **Haberal**: Of course; please go ahead.

Member Judge, **Hasan Hüseyin Özese**: You said that you were offered the Presidency, by the Prime Minister at the time, Bülent Ecevit. Was this offered, directly by him, or by someone else? Could you please explain this to us? You said it was on 22 April 2000.

Professor **Haberal**: Yes, yes. This is how it happened. As I explained already to you, I did not know anything about this. During a hospital visit with Mr Erkan Mumcu, on the same day, he brought this subject up with me and I told him to take it up with his head. On the afternoon of the same day, on 22 April 2000, I found out from TV. Our late Prime Minister had nominated İsmail Cem, as candidate from within parliament, and me, as candidate, from outside parliament. It came as a shock to me because I did not have any prior information or knowledge about it. That is how I found out. It did not happen with my prior knowledge, or upon my request.

Then, on Monday at 9 am, as I explained before, I visited Mr Hüsametdin Özkan at the parliamentary residences. I told him that I was honoured by this

nomination, but that my belief was in the country's parliamentary system and that the 10th President needed to be elected by parliament.

Later at around 10:30 am, our late Prime Minister, Mr Bülent, called me personally and told me, "Mr Haberal, you did not request this, we nominated you."

So, I replied exactly the same thing to him and when I told him that I would retract this nomination with a press release, he requested the following from me, referring to the three-way coalition at the time, "At 2 pm we will come together, so could you please hold off on the press release until then?" Out of respect for him, I signed the document, which is contained in our case file and sent it to Mr Hüsametdin Özkan, who was Deputy Prime Minister at the time, and asked him to relay the message that I wanted them to have this document when they convened for their meeting at 2 pm, as I would not be able to accept this honourable position because I believed that our 10th President had to be elected from within parliament. In the end, Mr Ahmet Necdet Sezer was nominated and he was elected as our 10th President.

Member Judge, **Hasan Hüseyin**

Özese: But Mr Ahmet Necdet Sezer was elected from outside parliament. How would you explain that? You had asked them not to elect you from outside parliament and yet, a man is elected this way.

Professor **Haberal:** **Why not? That is the parliament's decision, not mine. This is my opinion. Other people may have another opinion in this matter, but this is my personal belief. I still believe the same thing today.**

Member Judge, **Hasan Hüseyin Özese:** Ok, understood. So, you say it is the decision of the parliament.

Professor **Haberal:** Of course; of course it is the decision of the parliament. It is not my decision.

Member Judge, **Hasan Hüseyin Özese:** Ok, do you know anyone by the name of Ali Vural?

Professor **Haberal:** No, I don't.

Member Judge, **Hasan Hüseyin Özese:** Do you know anyone by the name of Engin Ak? Engin Ak?

Mehmet Haberal: No, I don't.

Member Judge, **Hasan Hüseyin Özese:** It is claimed that certain meetings were held at Kent and Patalya Hotels. Who covered the cost of these meetings? Were

they paid for by the attendees, by outsiders or by you? Could you please explain?

Professor **Haberal:** As I mentioned before, these meetings were not fancy affairs. They were meetings where we offered cookies and tea. Each person paid his own bill. After all, they were just cookies, tea and coffee. Nothing more.

Also, as I stated before, these meetings are open to anyone who wants to attend, including the press. Moreover, after the meetings, an announcement would be made to the press. So, the way I usually put it, is that they are cookie and tea meetings.

Member Judge, **Hasan Hüseyin Özese:** Who covered the cost? The attendees or you?

Professor **Haberal:** I will explain it like this...

Member Judge, **Hasan Hüseyin Özese:** Even if the cost was small, however small it was, who covered it?

Professor **Haberal:** No, let me explain. I don't remember very well, at the time, how this was done, to be honest. But whatever the cost was, everyone was in a

position to be able to pay for the one tea and couple of biscuits they ate. That was all there was to it.

Member Judge, **Hasan Hüseyin**

Özese: Yes, ok. Was it part of the National Sovereignty Movement and the National Power Movement? I mean were they related to that?

Professor **Haberal:** Yes, the first meetings were conducted under the name of the Dialogue Group and then they continued under the name of the National Sovereignty Movement and as I stated before,

Hotel in Ankara on 14 January 2008, your name, Mehmet Haberal, is listed as being among the executive board members.

Professor **Haberal:** Yes. Yes.

Member Judge, **Hasan Hüseyin**

Özese: Did this meeting take place? Did it take place in Patalya Hotel?

Professor **Haberal:** Of course; yes.

Member Judge, **Hasan Hüseyin**

Özese: Please go ahead.

I have to say it again now. Our ruling party today, organised its activities at Patalya Hotel and then incorporated itself.

only tea and cookies were served. There was nothing in addition to that.

Also, I understood from the prosecutor's office that Mr İlhan Selçuk had organised another meeting at Kent Hotel, on the first floor, in a separate meeting room. So, I wanted to also point out that detail.

Member Judge, **Hasan Hüseyin**

Özese: In a document that I have in my hands at the National Power Movement's meeting at Patalya

Professor **Haberal:** I have already explained that Patalya Hotel is a subsidiary of Başkent University. The hotel is open to everyone and a number of social functions take place in it, from weddings to balls, so it is a regular hotel. At the same time, political parties such as the Republican People's Party, the Motherland Party, the Nationalist Movement Party and the Felicity Party, all conduct meetings in this hotel.

I have to say it again now. Our ruling party today, organised its

activities at Patalya Hotel and then incorporated itself.

I would like to describe a personal story. One day Mr Cemil Çiçek had a wedding in the hotel. The Speaker of Parliament at the time, Bülent Arınç, Fatih Karaca, the member of parliament from the Zonguldak's 19th district, Ali Uzun, the Minister of Energy at the time, Mr Hilmi Güler and I were sitting in the hotel's pent house. Mr Bülent Arınç said to Mr Hilmi, "Hilmi, you wouldn't know, but this party was formed in this hotel. I am telling you this just so that you know."

So, this is what Mr Arınç said. I just wanted to highlight it.

Member Judge, **Hasan Hüseyin Özese**: Yes, these types of meetings.

Defence Counsel, **Dilek Helvacı**: He asked with regard to the National Forces Movement's meeting.

Professor **Haberal**: Oh, yes the National Forces. I'm sorry, not the National Forces Movement, but the National Sovereignty Movement. I just wanted to point this out. If it goes by the name of National Forces, I don't know what it is. I don't know what that is.

Member Judge, **Hasan Hüseyin Özese**: In the document, which I have, the heading reads, "National Forces Movement".

Professor **Haberal**: Oh, I'm sorry. I understood it as being the National Sovereignty. I misunderstood it earlier. The National Forces Movement has no connection, neither to the Dialogue Group, nor to the National Sovereignty Movement.

Member Judge, **Hasan Hüseyin Özese**: Ok. In that case how often did the National Sovereignty Group meet? Was it once a month, once a week?

Professor **Haberal**: Now, it is not possible to say, as the meetings did not take place on a regularly scheduled basis. Sometimes, there would be a meeting once in every two months; sometimes, once in every three months. So, it was not on a strict schedule. I'm sorry but am not able to hear your voice clearly.

Member Judge, **Hasan Hüseyin Özese**: Do you have any knowledge of the Domestic Language Group or the Mini Domestic Language Group?

Professor **Haberal**: Which group?

Member Judge, **Hasan Hüseyin Özese**: Do you have any knowledge of the Domestic Language Group or the Mini Domestic Language Group?

Professor **Haberal**: No, not at all. I don't know it.

Member Judge, **Hasan Hüseyin Özese**: And do you have any knowledge of a gemote?

Professor **Haberal**: No, I don't.

Member Judge, **Hasan Hüseyin Özese**: Do you know anything about the Gathering of the 40 Saints?

Professor **Haberal**: No. No.

Member Judge, **Hasan Hüseyin Özese**: I will now ask my final question. It is a little long.

Professor **Haberal**: Not at all, please go ahead.

Member Judge, **Hasan Hüseyin Özese**: On page 353 of the first case's 321st folder, there is a document and a few pages. The subject is Ecevit's assassination decision and the roundtable meetings. The date is 14 June 2004 and it starts with, from Ümit Sayın to Mehmet Perinçek, and continues with Dear Mr Mehmet and Mr Doğu. It is an email sent from Ümit

Sayın.

It starts as follows, "I am sending you some telephone recordings regarding an international operation. It is claimed that they have been recorded by JIT. On this subject, I had made a statement in Aktüel magazine in August 2003. If you would be interested, I could write an anonymous article for Aydınlik. Associate Professor, Doctor Ümit Sayın." Some phone conversations were included with this. I would like to read to you, the one dated, 18 June 2002.

Professor **Haberal**: Of course, please go ahead.

Member Judge, **Hasan Hüseyin Özese**: The conversation is between two individuals by the name of A.V. and Mr A. and it goes as follows:

Mr A. says, "No. No, please. Everything is going smoothly with regard to the mention of the bank name, isn't it?"

A.V. replies, "Yes, there is nothing to worry about."

Mr A. says, "You know that I represent certain people, whose expectations I cannot let down."

A.V. says, "I know, Sir."

Mr A. says, “I spoke with E.B. a little earlier”

A.V. says, “Yes.”

Mr A. responds, “It looks like everything is going to plan.”

A.V. says, “Absolutely, sir.”

Mr A. says, “We don’t worry. You worry.”

A.V. replies, “I don’t understand why you say that.”

Mr A. explains, “To restructure a country is not an easy task; it is a painful process. This is the situation Turkey is in at the moment. The country will be back on its feet quickly and in a dynamic manner, thanks to bureaucrats and patriots like yourself and under the leadership of Derviş and his team.”

A.V. says, “Thank you sir.”

Mr A. explains, “What we are talking about is the restructuring and rebuilding of a country. This holding has become big enough to cause us problems in the future and is becoming inoperative. The people I represent are not pleased with the situation, therefore everything needs to go as we discussed after the probable and awaited death. In the meantime, we will need to carefully and quickly

discharge the synergy which will be created.”

A.V. responds, “I know sir.”

Mr A. continues with, “The company will be dissolved in the way we discussed...” and mentions a few names. In the end, there is a notes section stating that what is meant by the expected death has been calculated to take place during his treatment period, starting with when Ecevit goes to Başkent hospital to see Mehmet Haberal and gets his test results. In other words, the aim was to assassinate Ecevit through hospital treatment. If this is about the assassination of a man like Ecevit, who has been through the teachings of Kissinger, it is then understood that these men Mr Andersen represents are a threat in themselves, through their own intentions.

In our website, this has been explained by a number of our writers. So, in our records we have such a phone conversation and an email, which was written on 18 June 2002, but Ümit Sayın, who sent the email, sent it on 14 June 2004.

Can you please elaborate on this? How do you explain it?

Professor **Haberal**: Now, when

I hear of such an email, it really makes me sad. First of all, as a doctor, my primary responsibility is to contribute to people's lives. I apologise, but I will give another example from the Quran. **I apologise as I have been quoting a lot from the Quran today. These people who are saying these things, should first read, the Maidah Surat, verse 32, Nisaa Surat, verses 92 and 93 and Isra Surat, verse 33 and then know what it means to kill.**

I am a doctor and my duty, first of all, is to contribute to the health and lives of my patients. Secondly, I am not, definitely not, aware of such a thing. I have no prior knowledge of this and am hearing it for the first time from you.

Member Judge, **Hasan Hüseyin Özese:** These are all my questions. Thank you.

Professor **Haberal:** Thank you.

There is a short break to the trial. The hearing continues from where it left off. The court connects to the defendant, Mehmet Haberal, via video-conferencing. In the meantime, the following defence counsels are seen entering and taking their places: Bülent Vural and Aydın Metin.

Presiding **Judge:** Sir, you had asked for permission to speak.

Defendant, **Ahmet Tuncay Özkan:** Yes, Your Honour. As my name has been mentioned on several occasions, I felt that I had to ask some questions, as well as providing some explanations.

First of all, I would like to refer to the question asked by Mr Özese with regard to the document labelled 160, in the 30th binder, 6th CD, 415th section, 121st page. This computer printout, starting with the title, "New Politics for a New Turkey and the First Step to a New Formation" with a list numbered from 1 to 30 and ending with the words Mehmet Haberal, Applicant and the date 27 August 2001.

There are some basic errors here. If the prosecution can help me, I would like to bring clarity to this with questions and provide explanations to clear up the matter.

In the first paragraph, I assume the written content is meant when they refer to the content. This is one of Mutlu Ekizoğlu's reports. If the prosecution could also clarify, this is what I know of this. Since I follow politics closely and because I am in this, I know about the memo titled, "New Politics for a

New Turkey and the First Step to a New Formation”, written and signed off by Yaşar Nuri Öztürk and Yaşar Okuyan.

This memorandum is not dated 2001. It was written, published and declared to the public in January or February 2008. It is with regard to the introduction of two new joint party leaders for the People’s Ascent Party.

So, why has this memo been dated 2001 and put within this indictment? First of all, I would like an explanation for this.

Secondly, it says that there is a memo signed off by the National Sovereignty Movement and labelled from 11 to 22 and it contains a list of names. For instance, the names it contains are Doğu Perinçek, Anıl Çeçen, Emin Gürses, Erol Manisalı, Güler Kömürçü, Hurşit Tolon, Mehmet Haberal, Mustafa Balbay, Mustafa Özbek, Sabih Kanadoğlu, Şener Eruygur, Tuncer Kılınç, Vedat Yenerer, Yaşar Hacısalihoğlu, Tuncay Özkan, Ümit Özdağ. I know that this meeting was held on 14 January 2008. Is that correct?

Professor **Haberal**: It is correct.

Defendant, **Ahmet Tuncay Özkan**: I was not present at this

meeting. The fact that I did not attend is stated in the sections of the indictment, which relate to me.

However, it makes it look as though Mr Mehmet Haberal attended such a meeting with the listed people and that I was also present. Furthermore, the date of the meeting was 14 January 2008. However, it has been put down in the indictment as being in 2001.

So, is there a particular reason that the 2008 statement made by the Ascent of the People’s Party, the public press conference they had in 2008 and the 14 January 2008 dated invitation of the National Sovereignty Movement are all being shown as having taken place in 2001? Why have all these been grouped together in the same paragraph by the prosecution and made to look as though they all happened at the same time?

If the prosecution could explain this, I will also add my own explanation to it.

Secondly, in the phone conversation between Mr Haşiloğlu, Mesut Özcan and myself, there is mention that Mesut has addressed Mehmet Haberal, as “brother”. A conversation transcript on paper is a cold method

of communication. A recording of a phone conversation is warm, because you can actually hear the voices. So, in your printed transcript, the person Mesut is calling “brother” is me. As far as I am aware, Mr Haberal does not know Mesut Özcan. However, Mesut Özcan is my close friend and my doctor and in this conversation he is speaking to me. The person he calls brother and his talk of the problems not being resolved all relate to me. I wanted to clarify this point.

However, why did the prosecution feel the need to show this meeting invitation dated 2008 and the Ascent of the People’s Party memo as being dated 2001? Furthermore, why were all these different facts grouped together in one paragraph to try to create a different meaning?

If I could have an answer to this, I will also consequently give an explanation.

The defence counsels start their defence

Professor **Haberal**: Ms Helvacı, let’s please start with the conditions of the hospital.

Defence Counsel, **Dilek Helvacı**: Your Honour, I would

just like to make a statement with regard to the cross-examination, if you would allow me. Your Honour, honourable members of the court and the esteemed prosecution, my client’s cross-examination has now come to an end.

With regard to the cross-examination, I would like to, particularly, draw attention to the fact that the questions put forward by the member judges Mr Özese and Mr Haşiloğlu were in violation of court procedure.

First of all, according to Clause 206 of the Criminal Procedure Law, a sentence can only be given to the acts committed and the perpetrators stated in the indictment. Furthermore, it is clearly stated in Clause 176 of the Criminal Procedure Law, that the indictment has to be communicated to the defendant.

However, questions have been put forward to my client about Ümit Saygın, Abdülkadir Sorgun, Ali Vural and Engin Ak. These individuals are not mentioned in the indictment of this case. Furthermore, a number of additional questions have been asked, which are not present in the combined 3rd and 2nd indictments, nor in the 1st indictment. This is a

direct violation of the right to a fair trial. I would like to bring this to the attention of the esteemed court.

Secondly, a question has been put forward in relation to a document retrieved from the residence of Yalçın Küçük and titled, “Declaration of the Intellectuals.” Based on digital

organisation and jokingly we would use it for the operations of our illegal organisation.”

When this question was asked, had reference been made that these words had been spoken, “jokingly”, then it would have been obvious that there was not even a need for this question.

...a number of additional questions have been asked, which are not present in the combined 3rd and 2nd indictments, nor in the 1st indictment. This is a direct violation of the right to a fair trial.

data, apparently retrieved from Yalçın Küçük, and referring to this document, it was alleged that Hüsnü Göksel’s house was used for the activities of an illegal organisation and that my client’s car was also used to run errands for the same organisation. My client was directed questions in this regard.

If the aim is to retrieve material fact, then on the 213th page of the indictment, the full contents of Yalçın Küçük’s digital data is available. Here, directly amongst this data, is the exact quote as follows, “Jokingly, we would sometimes refer to Hüsnü Göksel’s house as the house of the illegal

Thirdly, with regard to the opening of the banner that read, “The Army to its Duty”, my client had stated clearly that he had already left the “Respect for the Republic” rally at Anıtkabir and that he had gone to perform his surgery.

He had stated that he was not present when this banner had been opened and that he had not been aware that such an incident was going to take place and that he had no involvement in the matter.

However, today, he was asked the following question, “When this banner was opened, what did you do about it, as Başkent

University?” My client anyway, had no connection to this. He was not there when it happened. Furthermore, immediately after the meeting, Kemal Gürüz, the President of the Higher Council of Education made a statement to the press, saying, “This incident was a provocation and has no connection to the university. We condemn this action.” Since the president of the Higher Council of Education personally made this statement, there was no need for Başkent University to make an additional statement on the matter.

Moreover, before this indictment was declared, at the time this question was asked at the police headquarters, we had investigated this incident. The people who had opened the banner were acquitted with a decision, which was final, further to the hearing held at Ankara’s 25th Penal Court of First Instance. And this, we had presented to your esteemed court.

These are the points that I wanted to raise on this subject.

Another important point is

Moreover, before this indictment was declared, at the time this question was asked at the police headquarters, we had investigated this incident. The people who had opened the banner were acquitted with a decision, which was final, further to the hearing held at Ankara’s 25th Penal Court of First Instance

My client has stated that the reason he was present, was that this was organised by the Higher Council of Education for the purpose of placing a wreath, within the context of showing respect to the Republic. He also stated that he left after that.

about an email communication, which you mentioned, took place between Ümit Sayın and Hikmet Çiçek. From my understanding, this was saved in a Flash Drive, obtained from Hikmet Çiçek. However, it does not appear in the section titled, “Organisational Communication” in other words

between pages 202 and 215 of the indictment. Therefore, to direct this as a question was not legally suitable.

However, since my client does not have anything to hide, although these were unlawful, he nevertheless replied sincerely to all these questions. This way, he has also shown that he has nothing to hold back.

Thank you Your Honour.

Presiding **Judge:** Do you have a statement to make?

Defence Counsel, **Dilek Helvacı:** Pardon me, Your Honour?

Presiding **Judge:** I was asking Defence Counsel Belgin Özersin.

Defence Counsel, **Dilek Helvacı:** Your Honour, we would like Professor Doctor Köksal Bayraktar to make a statement in our client's defence. If necessary, we will provide additional comments. So, to begin with, we would like to request Mr Bayraktar to provide our client's defence, Your Honour.

Presiding **Judge:** They did not want to go first, and so they are giving you priority. Please go ahead.

Defence Counsel, **Köksal Bayraktar:** Your Honour, honourable members of the court and the esteemed prosecution, yesterday, with my colleagues, we presented to you a 72-page detailed letter of application dated 5 April 2010, which also included annexes, for the defence, for the release of our client.

Today, it is not possible for me to read out fully a large 72-page document. However, I would like to bring to your attention some important points.

To begin with, the situation is as follows. Your Honour and honourable members of the court, when the first part of this trial was declared, we...

Presiding **Judge:** Sir, can you please bring the microphone closer? Your client cannot hear you.

Defence Counsel, **Köksal Bayraktar:** Yes, ok. Ok, Your Honour. A while after the start of this trial, we were acquainted with the trial further to a search order put forward by the court. There was a point, which attempted to qualify my client's actions as being a member of a terrorist organisation and taking part in related activities, as per Clause 314 and Subsection 2.

After your court issued the search warrant, eight separate searches took place in Ankara, at my client's house, the university, his office and the TV station. When the searches took place, on the spot a warrant for the detainment of my client was issued, which we believe was without the judge's orders.

However, four months later, we found out that in addition to Clause 314, subsection 1, Clauses 311 and 312 were also added to the allegations. Now, the past two days, combined with the second and third indictments, we can ascertain, through the reading of the statements, the cross-examination

Now, the past two days, combined with the second and third indictments, we can ascertain, through the reading of the statements, the cross-examination and the hearing of the past two days and through the evidence which the judges and prosecution have read out, we can see that there is no proof and no evidence against my client in relation to Clauses 311, 312, 314 and subsections 1 and 2.

The prosecution and court were only informed by telephone and then we were brought to Istanbul. Four days after being brought to Istanbul, the charges against us changed with the introduction of Clause 314, subsection 2, according to which we were charged with setting up and running a terrorist organisation. In some ways, this was the prosecution's decision towards putting him under arrest, by rendering the allegations more serious.

and the hearing of the past two days and through the evidence which the judges and prosecution have read out, we can see that there is no proof and no evidence against my client in relation to Clauses 311, 312, 314 and subsections 1 and 2.

This is because, as I will demonstrate to you in the second part of my speech, Your Honour, for these allegations in all three of these Clauses, the evidence and proof should be easy and evident

to gather. This is because we are currently faced with the most serious allegations, which exist in the Laws of the Turkish Republic.

However, as you know and appreciate, every defence starts with establishing the identity of the defendant. Our client, yesterday,

return these days of light in Turkey back to the Turkish population. That is all.

My client, like all of us, and this is not just something we see in books and Turkish movies, truly originates from the heart of Anatolia. He was brought up in a

My client... was brought up in a small, unknown and poor village of the Black Sea region and today he has become an internationally renowned surgeon. For this reason, his actions – please let us interpret them this way – his actions and the activities he has taken part in are derived from nothing more than an instinct to contribute to his society.

introduced himself and spoke of some of his characteristics. Although I do not need to repeat these again, I would like to draw attention to a few of them.

Yesterday, my client had expressed something very important. My client was brought up in a village in the Black Sea region and he has never forgotten this. He had studied by the light of a candle and as a result of his studies, he can boast today of being able to carry out laser surgery and his efforts have been in trying to

small, unknown and poor village of the Black Sea region and today he has become an internationally renowned surgeon. For this reason, his actions – please let us interpret them this way – his actions and the activities he has taken part in are derived from nothing more than an instinct to contribute to his society.

I want to state this openly and honestly. If an encyclopaedia were to be written on Turkish medical history, Mehmet Haberal is one of the people, whose name would be at the top of the book.

I would also like to add that, had it not been for Mehmet Haberal or if Mehmet Haberal would cease to exist, the encyclopaedia on Turkish medical history would be undersized and meagre. I really want to make a point of this.

transplants. All of this is true and we don't need to go into detail on it. However, there is something that we need to state with pride. A surgeon can carry out a kidney transplant. Many surgeons are doing it. However, what does

Before, the kidney of someone who died in Istanbul, could not be taken all the way to Kars or to Mardin. Today, it can. In the same way, the family, of someone who died in Munich, can bring his kidney to Turkey, to Adana. All this is possible thanks to Mehmet Haberal.

So, Your Honour, we said that our client was born on such a date, in such a place, etc.

I will not emphasise on this point. There is no need to, so late in time. However, I just want to say one thing. Born in 1944, our client became a professor at the age of 38. He was younger than all those present in the courtroom today, when he became professor. I became professor at the age of 40. For this reason, please let us highlight his enthusiasm for work and his determination to bring something to his country.

We have always said that he has carried out kidney and liver

it mean to be the first surgeon in the world to carry out a liver transplant?

I did my PhD on the responsibility of doctors. For this reason, I know this subject well. The pancreas, heart and liver are the only single organs in the body. Until 1980, the transplantation of single organs was not being carried out.

The first ever person to split the liver and transplant a piece of it and create a new liver in another patient's body, is Mehmet Haberal. Mehmet Haberal has another breakthrough. He has increased the time a kidney can be preserved in a cadaver from 12 hours to 111 hours.

Do you know what this means?
The difference between 12 and 111
hours?

Before, the kidney of someone who died in Istanbul, could not be taken all the way to Kars or to Mardin. Today, it can. In the same way, the family, of someone who died in Munich, can bring his kidney to Turkey, to Adana. All this is possible thanks to Mehmet Haberal.

universities abroad. He could go to any one of these countries whenever he wants and take up a full-time teaching position.

So, here we are accusing a person of this calibre of being a founder and member of a terrorist organisation whose aim is attempt to overthrow the Turkish Republic's government or its parliament and incapacitate these bodies. This is not an acceptable situation.

However, nine of some of the most important medical awards in the world have been presented to our client. He has obtained three honorary doctorates...So, here we are accusing a person of this calibre of being a founder and member of a terrorist organisation whose aim is attempt to overthrow the Turkish Republic's government or its parliament and incapacitate these bodies. This is not an acceptable situation.

Yes, Mehmet Haberal, has had a lot of international success. Even that is not so important. However, nine of some of the most important medical awards in the world have been presented to our client.

He has obtained three honorary doctorates. He has been invited as a visiting professor to three

Of course, he himself has already stated the following figures, which I will repeat now, as I believe Your Honour and members of the court, these numbers are of great significance. After the creation of Başkent University, today there are 11 faculties, 7 institutes, 6 vocational high schools, 14 dialysis centres and 10 hospitals. The

number of staff employed in these institutions is 7,615 and the number of students enrolled is 9,187. With your permission, I would also like to give last year's figures.

There have been some important procedural errors which took place here and which we need to address as the defence. They form a part, an important part, of our defence.

The number of patients treated at Başkent University's existing hospitals and the number of patients using the dialysis centres is 1.89 Million and the number of people having undergone surgery is over 55,800...it is important to state the seriousness of detaining for over a year, a man who heads such an organisation.

The number of patients treated at Başkent University's existing hospitals and the number of patients using the dialysis centres is 1.89 Million and the number of people having undergone surgery is over 55,800.

Yes, it is important to state the seriousness of detaining for over a year, a man who heads such an organisation.

Now, Your Honour, be it at the investigation stage, be it today, be it during the trial period in relation to the search warrants, be it his detention and his deposition, there have been certain errors committed.

Look Your Honour, the search warrant was issued on 12 April 2009. This warrant was issued by your court. Officials from Ankara's police headquarters carried out searches at seven or eight separate locations and on 13 April, interestingly enough, at the same time as the searches, took our client in.

Now, let's take a look at the Criminal Procedure Law. According to Clause 90 of the Criminal Procedure Law, an order for a person's arrest is given if he is caught in the act of a crime, if there is a chance he might escape or if his identity cannot be established.

In urgent situations, the arrest warrant can be issued by the police headquarters. However, it is, most usually, issued by the prosecution.

Although, there is no warrant for arrest, we can see in the house search warrant, that the words “search” comma “arrest” and “confiscation” have been used simultaneously. I repeat that this is a violation of Clause 90 of the Criminal Procedure Law. Moreover, on the same day, on 13 April, our client is treated like a – I will use the term – criminal and is called a suspect. Like a guilty criminal he was hurriedly flown from Ankara to Istanbul and taken into custody.

However, again, according to Clause 91 of the Criminal Procedure Law, for a person to be taken into custody, there has to be a legal necessity or urgency. There was no legal necessity, nor urgency. Or, there needs to be indications pointing to a crime. But, there are no indications either.

Therefore, there has been such a serious violation of Clauses 90 and 91, that on the same dates, my colleagues in Ankara were not able to apply Clause 91’s 4th subparagraph. In other words, they were not able to, immediately,

inform the concerned judicial authorities.

This was the first error committed against my client. The second error, Your Honour, I already expressed yesterday.

Since yesterday, our client has presented the social and professional circumstances surrounding him. However, our client has been kept at police headquarters from 13 to 16 April and his questioning only started on 16 April. His questioning started at 12:45 pm on the 16th and ended at 05:30 am the following morning. Of course, it is understandable that my client had to be taken to a few locations, such as Aksaray and then to Beşiktaş. However, the time he spent making official statements, in front of three different authorities, amounts to a total of 16 hours and 45 minutes.

Your Honour, a man, at the age of 66, has been questioned non-stop for 16 hours and 45 minutes and this is not including the sleepless three days he spent at the police headquarters prior to that. The term “to exhaust” stated in sub-Clause 1 of Clause 148 of the Criminal Procedure Law has occurred here.

My client stated this yesterday

and I have also said during similar speeches I have given on earlier dates, with regard to our request for my client's release, but I will say it again. Because, this trial is at the same time, a trial which will go down in history. I have to express this, as one of the people living through this trial.

We were in the room of the Prosecutor of the Republic at the Beşiktaş Court. Professor Mehmet Haberal was sitting in the middle. I was sitting to one side and on the other was Dilek Helvacı. We were present with the Professor when he was giving his statement. The person taking the statement was Zekeriya Öz and since it was midnight, from time to time, he would get sleepy and his head would drop forward. The Professor even said, "Let us open the windows. The cool air would be good for you. Your sleepiness would pass." This is a humorous incident without any importance. However, the importance is that while my client was giving his statement, the Prosecutor of the Republic, Kasım İlimoğlu, came into the room and said, "On TV they are saying that Mehmet Haberal has been arrested. How ridiculous." **At these words, unable to make our defence, we**

were utterly shocked. After that, the taking of the statement was finished off quickly and Zekeriya Öz made a second historical statement. He said, "Let us not tire the Judge. He is also human, so please be quick with your statement."

Your Honour and honourable members of the court, if we are living in the 21st Century, as my colleague also stated, if we trust and abide by the right to a fair trial, none of this should have taken place. That morning, only at 05:30 am, were we able to give a statement in front of the judge, despite all our struggles. Because it had turned into 314/2 and 314/1 and we were only able to say a few words, when at that moment our client was put under arrest. This grave beginning, is also bringing together other issues. Combining all these issues, I would like to say the following Your Honour.

The third error is the search in Ankara. During the search of the Professor's office, hospital and rectorate office, his computers, computer programmes, computer files were all taken away in one go.

Now, when we look at Clause 134 of the Criminal Procedure Law, if a computer and computer

programme requires a password access, it will be taken away. However, none of the Professor's computers, nor his computer programmes, are locked with a password. Despite this, they were all confiscated.

Not only was it all confiscated, but no copies to this day have been provided to us. We believe it is important to re-iterate this.

Your Honour and honourable members of the court, I would like to state that it is obvious that this situation is in violation of Clauses 134, 134/2, 134/3 and 134/4.

over again. **Even in the tapping of the phones, there is a violation of the law. The telephone number, which has permission to be tapped and listened to, is only the Professor's mobile phone. No other number has official permission. We have written letters in this respect and they are all filed in the case file.**

As you know, with telephone calls, it is possible to conference people in, where another phone can connect to your call. Now, there is no recording of conversations on the mobile telephone, which has permission to be listened to.

Now, when we look at Clause 134 of the Criminal Procedure Law, if a computer and computer programme requires a password access, it will be taken away. However, none of the Professor's computers, nor his computer programmes, are locked with a password. Despite this, they were all confiscated. Not only was it all confiscated, but no copies to this day have been provided to us.

We have mentioned this before, so I will go over it quickly. However, yesterday, unfortunately, the prosecution stated that the tapping of the phones was partially lawful. However, they are wrong. We need to explain this over and

However, on all the other phones, with no permission to be listened to and without our knowledge, all calls coming through a conferencing system have been automatically listened to.

Therefore, as my colleague, Ms Helvacı pointed out yesterday, out of the approximate 40 calls which have been recorded, 25 or 30 of these calls are conversations with no permission to be recorded or listened to.

Ankara, were outside the authority of your court in Istanbul. I would like to point this out.

There is another point I would like to bring up in relation to the searches. It is that 9 searches were carried out and this was laid

Therefore, it is not possible to give consideration to these phone conversations and this situation presents a violation of Clause 135 of the Criminal Procedure Law.

Therefore, it is not possible to give consideration to these phone conversations and this situation presents a violation of Clause 135 of the Criminal Procedure Law.

There is also another point, which is a doctrinal point-of-view, but it is worth putting it forward. A judge and prosecutor can carry out their duty and authority, only in the judicial township where they are employed and have authorisation to do so. However, we are seeing this. Your esteemed court has issued a search warrant and Ankara Police Headquarters are executing this. Could your esteemed court, not have communicated this and given instructions to the Ankara High Criminal Court and transferred this to them? Because, all these operations, which took place in

out before you during the cross-examination. Now, the items which were confiscated from the hospital, university office and rectorate office, as a result of this search and claimed to be evidence, actually belonged to other individuals.

This is because the police officials, without showing any care or meticulousness, went into other offices at the TV station – I would like to point out that the premises of the TV station has a surface area of 10,000 m². **There are six studios in the premises and 250 staff. The drawers of all these staff members were ransacked to look for things.**

Now, none of these belong to Mehmet Haberal. However, these items, such as dialogue texts,

which do not belong to Mehmet Haberal, were put forward as evidence against him and this was also observed during the cross-examination and he was questioned on them. **None of this contains evidence connected to Mehmet Haberal and it has all been mixed together. In addition to this, I want to call your attention to another important point Your Honour, which is that all this shows to what extent there has been a violation of procedure and the Criminal Procedure Law.**

Clause 1 of the Criminal Procedure Law orders that any investigations and proceedings carried out in special authorised courts or in courts with jurisdiction, have to be, not only dealt with personally by the prosecutor and judge, but have to be anticipated by them.

Therefore, a statement should not have been taken at the Police Headquarters in Istanbul. **This is because, as citizens - I am also a citizen, we are all citizens – if we are being charged with crimes stated in Clauses 250 and 251, the state indemnifies us that only a prosecutor can listen to what we have to say, not the police.**

Therefore, for the prosecutor

to delegate his duty to a police official, is against the police... no, it is against the law. It is not appropriate.

So, this is how the hours pass. The 16-hour process of tiring out my client is the result of police involvement. **And, unfortunately, the questions of the police have confused all sorts of evidence obtained incorrectly and unlawfully, that the resultant evidence created is also unlawful and legally unacceptable.**

Your Honour and honourable members of the court, I am now coming onto an important technical point, which I will present to you and for which I request your careful consideration. It is a point, which has not yet been mentioned. We all say things like unlawful evidence, or that this or that is legally appropriate or inappropriate... No, not that one... Clause 148 is again regarding unlawful evidence.

Clause 148 has a very important 3rd sub-Clause, which states that statements obtained in an illegal manner, cannot be evaluated as evidence, even if they have been provided with the client's consent. This is a very important assurance given by the state and by the law, to the citizen. It is secured by the

superiority of the law. So, then, what is this exactly? I will tell you.

A statement, not taken by or listened to by a prosecutor, but taken at the police headquarters, is a statement obtained in an illegal manner.

I will continue. Telephone conversations listened to without a court order and transcripts made of these conversations, is evidence obtained in an illegal manner.

You might ask, why is the lawyer saying this? Your Honour and honourable members of the court, I am saying this because the fact that this evidence was read out in court as part of the police statement and the fact that my client was questioned on it during his cross-examination and the fact that my client or any other defendant accepted it, according to sub-Clause 3 of Clause 148 of the Criminal Procedure Law, does not give it a status of lawful evidence.

Clause 148 has a very important 3rd sub-Clause, which states that statements obtained in an illegal manner, cannot be evaluated as evidence, even if they have been provided with the client's consent.

Furthermore, a statement obtained by wearing out the defendant, is a statement obtained in an illegal manner.

Computers, which have been confiscated unlawfully and evidence obtained from them, constitutes evidence obtained in an illegal manner.

Not providing copies of confiscated documentation, is evidence obtained in an illegal manner.

I want to put this forward as part of the defence. Now, my colleague, Dilek Helvacı, has also identified some issues, which I agree with, regarding the cross-examination.

Mr Tuncay Özkan also made some points, for which I thank him, but I will not go into what he has said. However, there are some additional issues.

During the cross-examination, some interesting points came up, Your Honour. Now, let us say that

someone writes an article about me and during the cross-examination this is presented as evidence against me. In other words, articles written and opinions expressed by other people, cannot be used as evidence against a defendant. Or, when two people A and B are having a conversation, where they mention Mehmet Haberal, this is not evidence relating to Mehmet Haberal. It is not binding on Mehmet Haberal; it concerns the two people having the conversation.

a person sends me an unsigned, anonymous letter and then I question why no credit was given to this letter? It is not right.

In official communication, an unsigned, anonymous letter is never taken into consideration. It is important to openly state this.

Going further, **I have to admit that the last piece of writing that one of the judges read out frightened me in so far, as a person sends an email to**

...articles written and opinions expressed by other people, cannot be used as evidence against a defendant. Or, when two people A and B are having a conversation, where they mention Mehmet Haberal, this is not evidence relating to Mehmet Haberal. It is not binding on Mehmet Haberal; it concerns the two people having the conversation.

A person cannot be held responsible for a meeting he did not attend. If someone draws a likening to a person, for instance, as Mustata Sarigül said, “My Prime Minister”, are simply figures of speech; what we call a play on words.

It is unclear why so much emphasis is being put on them. **However, more importantly, if I am an official authority, and**

another person. Then this email is forwarded to a third person. I have no knowledge whatsoever of this email. However, based on this email, I am virtually implicated of the murder of a man!

Yes, in the last email, which was read out, Ümit Sayın’s writing is sent to Doğu Perinçek and a person by the name of Hikmet Çiçek gets it. This is unbelievable.

If this is accepted as evidence and, I am sorry to say, that it can be read out in court like this, then everyone in this country is deprived of the protection of the law and the legal system.

I have to admit that I fiercely object to such an email being read out during a cross-examination, because otherwise, it means that I should be afraid even to walk out of this door. This is not acceptable because this person who is being

leaving hospital he continued as Prime Minister for the next seven months and there are two important documents in the file, which must be read and which will go down in history, as we are responsible in front of history. I am reading it. It says, “Dear Professor Doctor Mehmet Haberal, we thank you for the close attention and care you have shown us and the well wishes you have sent. May peace be with you, Raḡsan Ecevit and Bülent Ecevit.”

...in the last email, which was read out, Ümit Sayın’s writing is sent to Doġu Perinçek and a person by the name of Hikmet Çiçek gets it. This is unbelievable. If this is accepted as evidence and, I am sorry to say, that it can be read out in court like this, then everyone in this country is deprived of the protection of the law and the legal system.

charged here is a man who who walked through dark nights with a light in his hand in Turkey. **The person, who is the subject of this crime, is Turkey’s Prime Minister. When the Prime Minister left this hospital, he lived for another four and a half years.** You know the term, causal relation, in law...

Furthermore, Your Honour, after

I am continuing Your Honour. There is also a press release. When you compare the press release with the email, how could you not freeze with fear.

Here is the press statement regarding Bülent Ecevit’s state of health, “The postponement of my medical check-up at Bařkent Hospital has been misinterpreted by some members of the press. It

has been claimed that I have cut my ties with Başkent Hospital. This is not true. I have told the hospital authorities that if I continue to go to Başkent Hospital for check-ups, it will create all sorts of incorrect news in the media. We have already started seeing signs of this. This is why I told the authorised hospital staff that it would be more appropriate for me to postpone my check-ups. At the same time,

And with this, we are being faced with incriminating questions. Furthermore, neither the question, nor the email is not in our file. **We are finding out about the email here and this is not right. So, we leave this to your discretion.**

Now, Your Honour and honourable members of the court, after discussing the wrongdoings in procedure, I would like to come

...the press statement regarding Bülent Ecevit's state of health, "...I would like to, once again, take the opportunity to express my gratitude to the valuable specialists and managers of Başkent Hospital. Thanks to their contribution, my health is now very good." This is what the Prime Minister is saying about the man who is being charged with being involved in an act against him. And with this, we are being faced with incriminating questions.

I would like to, once again, take the opportunity to express my gratitude to the valuable specialists and managers of Başkent Hospital. Thanks to their contribution, my health is now very good."

This is what the Prime Minister is saying about the man who is being charged with being involved in an act against him.

back to the subject of Bülent Ecevit. I want to say this. We are being charged with three crimes, which I will not go into in too much detail, as I don't want to abuse your patience.

We are being charged with Clause 313, Clause 314. I would like to start with Clause 314. Clause 314 constitutes the forming of an armed organisation in order to

realise grave and threatening crimes against the state as an entity.

For this, there has to be an illegal organisation and this organisation has to be realised by a specific number of people. There needs to be a hierarchic structure within the organisation. The organisation has to act continuously and regularly and the person entering this organisation or being involved in its activities has to be aware of the aim of the organisation, therefore making it a premeditated and deliberate crime.

In the book written by Vahit Baltacı, a member of the Supreme Court of Appeals, he says that the members need to be aware of the existence of weapons within the organisation. **So for Clause 314 to be valid, the organisation needs to meet certain conditions. Also, Clause 220 gives a description of what the organisation constitutes, which is that it needs to have the ability to realise its aim.**

Not every organisation fits Clause 314. Clause 220 sets out the punishment for the organisation. Since Clause 314 deals with a terrorist organisation, all actions of causing terror, threats and

intimidation need to be carried out in a continuous and regular manner by the organisation.

During the cross-examination, for the past two days, whatever our responses have been... and you have asked some very important questions, but **are any of these key elements I have just mentioned exhibited in my client's actions? No. None of them are present. So, it is not possible for me to understand how the conclusion has been reached to charge him with Clause 314.**

More importantly, we are also being charged with the former Clause 146, presently Clauses 311 and 312. In other words, we are charged with attempt to destroy the Turkish Grand National Assembly and fully or partially incapacitate the ability of its members to carry out their duties.

Clause 312, is to topple or destroy the government of the Turkish Republic and to fully or partially incapacitate its ability to carry out its functions.

Now, Your Honour, for this crime to be realised, it is necessary for there to be preparations for the organisation of a coup. I am being very honest here, as we have

all seen, in Turkey, how student demonstrations happened. In this respect, we have all seen 21 May... and 27 May and even 12 March. Now, in these secret organisations of that time, there were a lot of documents with regard to the coup. There were plans for a coup. There were maps of houses and detailed maps of the cities.

It is probably more correct to refer to it as their dreams. As well as there being no coercion, as stated in Clause 311, there are none of the actions stated in 311 nor 312 present. It is impossible not to refer to Çetin Özek, with regard to reaching a convenient conclusion, in relation to this. Because in law, it says “attempt”, but there has

...the Dialogue Group or the National Sovereignty Movement, far from trying to destroy the Turkish National Grand Assembly, their actions and dreams, are to try to move the Turkish Republic forward.

Now I ask you, forget evidence or proof, is there even any indication of a coup here?! Is there even the smallest of signs?

There is not and more importantly, there is no coercion, but we nevertheless say, looking at Clauses 313, 311 and 312, that there is attempt of destroying the Turkish National Grand Assembly and of removing the government. These groups we are talking about, like the Dialogue Group or the National Sovereignty Movement, far from trying to destroy the Turkish National Grand Assembly, their actions and dreams, are to try to move the Turkish Republic forward.

been no action to lead to such a conclusion.

There is nothing, so it is completely wrong for us to be charged with Clauses 311 and 312. It is also wrong for us to be charged with Clause 314, as we have already pleaded to the court.

We have stated the three important decisions made by the Supreme Court. The Supreme Court's 9th Penal Chamber's rulings dated 19 April 2004, 25 May 2006 and 17 July 2006, clearly state that in relation to Clauses 314, 312 and 311, there has to be actions present showing an intention to destroy government authority. It continues

to say that the evidence presented has to be credible and conclusive. In reference to this, the evidence which has been presented in this case, such as generic statements, cannot be used as evidence.

For the past two days, we have been focussing on generic statements. These are not evidence. They do not qualify as evidence.

criticism of the indictment. **The prosecution is claiming in the indictment that some of these non-governmental organisations and political formations have to be accepted as, “steering opinion in favour of the illegal organisation’s aims”.** So, my client is supposedly steering certain individuals in favour of his intentions. The individuals cited are Yaşar Okuyan, Party Leader of

...they went together to Atatürk’s mausoleum and placed a wreath at Anıtkabir. So, is placing a wreath at Anıtkabir considered an act of destruction towards the Republic of Turkey?

Your Honour and honourable members of the court, my client is asked whether he knows certain individuals or not. It became evident that he knew some and did not know others. I am not going to bring this up over and over again and I don’t want to go into it in too much detail. At the same time, it also became evident that some documents and programme drafts, taken from the TV channel studios, had not connection to my client. I will also not dwell on this point.

However, there is an issue I do want to highlight and which represents another source of

the Nationalist Democracy Party, Yaşar Nuri Öztürk, Party Leader of the Ascent of the People Party, Hasan Ataman Yıldırım, Party Leader of the Modern Turkey Party, Mümtaz Soysal, Party Leader of the Independent Turkey Party.

Amongst these names is a former Social Security Minister and former Foreign Ministers. Do you really think it is possible to steer such people? As a surgeon, our client has never had the means to steer or influence such people.

In the same way, the example of Mustafa Sarıgül was also discussed; and Abdüllatif Şener.

Abdüllatif Şener was the third most important individual in Turkey. It goes to show that to say that he was influenced and to use this as evidence, is extremely unacceptable.

We have talked about whether my client did or did not attend this rally, with other university rectors, that they went together to Atatürk's mausoleum and placed a wreath at Anıtkabir. So, is placing a wreath at Anıtkabir considered an act of destruction towards the Republic of Turkey? He did not attend the rally and was not involved in it in anyway. He went back to the hospital straight away.

At the same way, his relationship with Fatih Hilmioğlu is said to be his way of setting up his own cadre in the hospital. However, in our documentation, among emails between Haberal 44 and rektör@inönü.edu.tr, it has been established that there is no such thing.

Now, let us come back to the Ecevit issue for the last time.

First of all, we should not rely on the testimonial of Recai Birgün, the former Head of Security and current Member of Parliament. Clause 58 of the Criminal Procedure Law prevents credit

being given to his testimonials. My client has stated that there is animosity between them and that there are lawsuits currently running against this individual. Also, although the Professor has never stated the names of all the doctors, there is no reason not to give you the list, in terms of transparency, in who treated Ecevit. I am saying this because only Mr Turgut's name has been mentioned and not the others. These names are in our file and they are as follows:

Professor Doctor Sedat Boyacıoğlu,

Professor Doctor Turgut Zileli,

Professor Doctor Ahmet Hatipoğlu,

Professor Doctor Atılay Taşdelen,

Professor Doctor Nur Altınörs,

Professor Doctor Füsün Öner Eyüpoğlu,

Assistant Professor Doctor Cengiz Tuncay,

Professor Doctor Emin Alp Niron,

Professor Doctor Haldun Müderrisoğlu

Nine people treated Bülent Ecevit, on a daily basis, during the ten days he spent in hospital. They worked hard to treat him, every single day, to bring him back to health. After that, these people may have occasionally told Ecevit to be careful and not go out too often.

Moreover, what did Recai Birgün say in the most recent statements he gave? He said that they left hospital; that he had brought a close friend of his who confirmed that he had recovered and that his back and spinal collapse had recovered completely. This means that Ecevit's condition had improved, that he had recovered, and that is how he left hospital.

Furthermore, claims that Channel B, ART, National Channel and Kanaltürk TV stations were going to be re-organised and re-staffed under a new TV station called Republic TV, under the direction of İlhan Selçuk, if you'll excuse me, is completely imaginary.

Your Honour and honourable members of the court, I know how a television station is set up. It is not possible for four TV channels to be joined together and be headed

by a single individual. You could not do it even if you wanted to. First of all, all their licenses would have to be cancelled. Then, in its place, you would have to apply for a new license. You are obligated to go through TRT (Turkish Radio Television), and it would cost you very large sums of money. Nobody would want to leave four TV stations. Some of these are state-owned and one is a national TV channel. A national TV station would never want to lose its national image. Furthermore, İlhan Selçuk, Mustafa Balbay and Kemal Alemdaroğlu have all denied this claim, saying, "There is nothing of the sort. Where did such an idea come from?"

Your Honour, with regard to this alleged crime relating to Clauses 311, 312 and 314, there is a report dated 1 April 2010, which we submitted to the court. I was intending on reading this full report, but it will take too much of your time. So, I would like to read out the last two paragraphs, which are short.

The patient being discussed is our client and it goes as follows, "The patient's anti-angina treatment for vasospastic angina, combined with his triple treatment for the diagnosis of reactive depression

and anxiety, is currently being continued under the supervision of the doctors at Cerrahpaşa Medical Faculty's Psychiatry Unit. The patient's vasospastic angina, his hyperthyroidism and his psychiatric condition could trigger serious cardiac arrhythmia. The effect and possible side effects of the new anti arrhythmia medication which will be administered could..." and so it continues.

On the first day of the hearing, you had briefly stated something that made me say to myself, just like there are judges in Berlin, this court has a presiding judge who really knows the law. You had stated the words, "Mehmet Haberal is under the risk of sudden death." This is the description given in these two paragraphs.

I have expressed this already once before, Your Honour and honourable members of the court. A certain medication is administered. It produces an effect and does not always cure. That effect creates a reaction and a second or third new symptom is experienced.

In Turkey, my client is a renowned surgeon who has trained, I don't say hundreds, but thousands, even tens of thousands of doctors. Unfortunately, the past 356 days of

his arrest have caused him to be in this situation of deteriorated health. It is worth pointing this out.

Your Honour, I would like to request this from your committee. Our client's testimony was taken yesterday and today. His life is at risk. He has a fixed residence. On six occasions, we, resolute lawyers...you might laugh at this description, but we are resolute lawyers. We have pleaded numerous times for the release - eight times, to be exact – for the release of our client. And all these eight times, our plea was rejected on the basis of a two to one "dissenting opinion".

I do not know the names, or the registration numbers of the judges who gave a dissenting opinion. However, the judges have shown that there is no evidence preventing his release.

Your Honour, honourable members and of course the esteemed prosecution, I have a friend. He is a renowned brain surgeon by the name of Professor Doctor Cengiz Kuday. If today, high-school students go to Çanakkale, it is because Cengiz Kuday has started it 15 years ago. We studied at university together. One day, I said to Cengiz,

in a friendly conversation, how successful and good his operations were and how hardworking he was. That is because, like our Professor, Cengiz Kудay goes to hospital at 6 am and leaves at around midnight. He replied to me, “You also work long hours. We have to work hard. We have to learn new things.” I am telling you this now, because he told me something I did not know. He said, “Every three minutes a new medical discovery happens in the world. We need to learn these

out and humanity is losing out. I am saying this with utmost sincerity.

Just the other day, one of my close relatives, who had to go to Haydarpaşa Numune Hospital, was telling me how he had suffered, waiting in the hospital’s corridors. Then, he told me that when he had gone to Başkent University’s Hospital at Bağlarbaşı, without my knowing, he had been treated like a real human being.

For this reason, we should not leave the 100,000 people at Başkent University and the 850,000 people at Başkent University Hospital abandoned. Don’t let this process drag for much longer.

and we have very little time. We need to be able to be up to date. There is no other way that I can keep up with these developments.”

I am telling you this because we have just lost 356 days. Your Honour and honourable members, this man who can part a liver, during this time, might have discovered how to divide a pancreas, he might have discovered how to split a kidney into two parts or even four parts and apply it to his surgeries. Because of this Turkey is losing out. We are losing

Now, let us not lose these commendable establishments, because in Turkey, unfortunately, such establishments depend on such individuals. In Turkey, we don’t have institutions and establishments. In Turkey, we have people and these people can either render an establishment successful or not. For this reason, we should not leave the 100,000 people at Başkent University and the 850,000 people at Başkent University Hospital abandoned. Don’t let this process drag for much longer.

Why am I emphasizing on this point? It is because it is only after a year that we were able to come before you, the judges. Before that, we could not have any contact with you. We could not remove the Professor from behind the closed doors of his room. He had also mentioned earlier, that he has not seen daylight for the past 365 days. If you see him now, his face has become very pallid.

Now, the reason I am saying this is because of this Your Honour. Of course, every court has its procedures and you have yours. What is your procedure? It is to accept pleas and requests until Friday and then to take a decision on Friday.

So, my client whose life is at risk, has given evidence and answered, in detail, all the questions of the cross-examination over the past two days until his face has virtually gone red. He has given us lessons from the Quran and elaborated on his responses with quotations from Atatürk and İnönü. If you agree and accept that it is within your procedures, we respectfully request that the process for his release be initiated today and that a decision be taken on this plea.

This is my case, Your Honour. Thank you.

Defence Counsel, **Dilek Helvacı**: Your Honour, we do not have anything to add. We agree fully with the statements made by our colleague, Köksal Bayraktar.

I would just like to make one final point. Your Honour and honourable members of the court, the reasons your esteemed court has given for its continuation of the detainment of our client, has been that there is strong suspicion against our client and that some defendants have not yet been questioned.

We hope and believe that the two-day questioning and cross-examination of our client has completely eliminated this strong suspicion. Now that our client's inquest has been completed, we are in the belief that the reasons for his detainment have been cleared.

Your Honour, we request from your court, in whose impartiality and justice we believe, to, rightly, take into consideration our client's arrest for the past year and his life-threatening medical condition and grant him his release with judicial control. Thank you.

Defence Counsel, **Belgin**

Özersin: I also agree with my colleagues' views and request the release of our client.

Presiding **Judge:** You have listened to your lawyers, to their narration. Do you agree with their statements?

Professor **Haberal:** Thank you. Your Honour and esteemed Prosecution, I agree with the words of my lawyers.

Further to Professor Doctor Mehmet Haberal's cross-examination and defence between 05 and 06 April 2010 at Istanbul's 13th High Criminal Court and his lawyers' plea for his release, the court, in its 53rd session on 09 April 2010 concluded its interlocutory judgement number 16.

Mr Köksal Şengün, Presiding Judge with registration number 20909, despite the existence of dissenting opinion, gave the verdict in favour of his release for the following reasons, "The nature and characteristic of the crimes which the defendant, Mehmet Haberal is being charged with; the lack of evidence in his file; his statements during his defence; the probability of elimination of the serious characteristics of his charge; his social and professional status; at this stage, the unlikelihood of his escape, hiding or spoliation of evidence; the achievement of the expected aim of his detainment; his age and in case of necessity the possibility of asserting judicial control."

Member Judges, Judge Hasan Hüseyin Özese, registration number 28298 and Judge Sedat Sami Haşiloğlu, registration number 37266, with a two-to-one majority vote, rejected the plea for Mehmet Haberal's release and gave the verdict to continue his arrest, citing the following reasons, "The serious scope of the case; the various charges pressed against each individual defendant and the applicable Clauses governing these charges; the fact that the required evidence has not yet been obtained; the continued presence of reasons supporting strong suspicion against him and the fact that these crimes are cited within Clause 100/3 of the Criminal Procedure Law."

Further to his cross-examination and defence for his release, as covered in this book, and despite dissenting opinion among the panel of judges, the decision taken with majority vote in favour of him remaining under arrest, Professor Doctor Mehmet Haberal still cannot understand exactly what he is incriminated with and what this strong suspicion against him is. Despite him not carrying a risk of escape or spoliation or destruction of evidence, for over a year Professor Mehmet Haberal has still not found out why he remains under arrest. He is a respectable, world renowned surgeon, who is searching for the answer to the question he continues to ask on a daily basis, “What is my crime?”

