

Freedom for - Freiheit für - Liberte Pole
MÜSLÜM ELMA!

ÖZGÜRLÜK
KAMPANYASI



- 4.11.2019 Opening Rally in front of the DLG in Munich
- 6.11.2019 Hashtag Campaign '#FreeMüslümElma'
- 15.11.2019 Freedom Day for Müslüm Elma
- 18.11.2019 Participation of International Lawyers
- 27.11.2019 Appropriation of those who were imprisoned in Diyarbakir and their attendance in trial
- 2.12.2019 End of Campaign (Rally) in front of the DLG in Munich



FREEDOM FOR MÜSLÜM ELMA

Müslüm Elma and nine other friends were arrested during an operation carried out in cooperation between Turkey and Germany on 15 April 2015 in Germany, Greece, Switzerland and France. Müslüm Elma, Haydar Bern, Erhan Aktürk, Musa Demir, Seyid Ali Uğur, Banu Büyükkavci and Sinan Aydın were arrested in Nuremberg, Mehmet Yeşilçalı in Switzerland, Sami Solmaz in France and Deniz Pektaş in Greece. All those arrested abroad were subsequently delivered to Germany.

On June 17, 2016, the criminal case against the ten revolutionaries began in the Higher Regional Court of Munich. Based on the paragraphs § 129 a and b of the German penal code they are charged with membership or leadership in the Communist Party of Turkey Marxist / Leninist.

In the first few months, the ten revolutionaries were subjected to total isolation in pre-trial detention. For a long time, the family and lawyer visits were only possible with a glass divider between them to prevent physical contact. The ten were in single cells and were forbidden contact to other prisoners. Although they are charged in the same trial, they were denied joint defense and communication among themselves.

Through public relations and the resulting international solidarity, the lifting of isolation, the possibility of joint communication in the courtroom and the right to visit family and lawyers without a divider could be enforced. In addition, the arrest warrants for all revolutionaries except Müslüm Elma have now been suspended. All this was only possible through the common struggle of the public. Müslüm Elma is the only one who is currently in custody, which has been going on for four years and six months. Even after more than 190 days of trials, an end to the three-year process is not yet foreseeable.

Who is Müslüm Elma?

Müslüm Elma was born in 1960 in Dersim as a child of a Kurdish and Alevi family. Already during his school years in high school he was politically active. Because of these activities, he had to later withdraw from university. His life reflects the repressive and cruel policies of the Turkish state towards Communists and Kurds.

Shortly after the military coup of 12 September 1980, Müslüm Elma was arrested for his political activities in Diyarbakır. Following his arrest, he was subjected to inhuman torture at the interrogation centers of Antep, Elazığ, Urfa, and Diyarbakır for over six months, and then transferred to Diyarbakır's notorious No. 5 Prison.

The torture continued during his detention in the dungeon of Diyarbakır. To protest against them, he participated in the years 1983 and 1984 over a long period of time on death fast actions. As a result of the deathfast and the torture endured he still suffers from significant health problems.

Müslüm Elma was released from the dungeon of Diyarbakır in 1992, but re-arrested, tortured and imprisoned a year later, in November 1993. After a long term of imprisonment, he was released in 2002, following the death fast action that began in 2000.

Due to the torture he suffered in the many years of his detention in Turkey, the resulting health problems and the existing mortal danger, Müslüm Elma was forced to leave Turkey. In 2009, his asylum application was granted in Germany. Much of the life of Müslüm Elma consisted of fighting the inhumane torture in prisons in Turkey. His life story is at the same time the story of the resistance in the dungeons of Turkey.

Müslüm Elma spent many years in prison in Turkey for his political views. Today he is imprisoned in Germany, also because of his political views. The basis of the allegations against

him are information that has been transmitted by Turkish security authorities to the German security authorities. Given that the police officers who provide and sign this information are being detained for document falsification in Turkey and the fact that Müslüm Elma is being prosecuted on the basis of these documents, is a violation of rights and freedoms.

That Müslüm Elma is detained solely because of his political identity has been confirmed several times during the long process. Therefore, we call on the entire democratic public to join and support the "Freedom for Müslüm Elma" campaign so that Müslüm Elma regains his freedom.

Freedom for Müslüm Elma!

Freedom for all political prisoners!

Müslüm Elma: Survivor of Diyarbakir Prison No. 5 - in custody for over four and a half years

The Turkey native Communist Müslüm Elma was arrested on 15 April 2015 in Germany together with other persons. Before his arrest, he lived for years as a recognized political refugee in Germany. On 17 June 2016, one of the largest state protection processes of the last decades began in Germany. In addition to Müslüm Elma, nine other Communists are accused of having formed the so-called Foreign Committee of the Communist Party of Turkey / Marxist-Leninist, and thus are members or, in the case of Müslüm Elma, the ringleader of a "foreign terrorist group" according to paragraph 129b of the German penal code.

The Communist Party of Turkey / Marxist-Leninist is an organization banned only in Turkey. It is not banned in Germany or any other European country and is not on any of the national and international terrorist lists. Neither Müslüm Elma nor any of the other nine Communists are accused of violence or any other punishable offense other than membership.

The ten communists arrested in April 2015 under massive security intervention - like highly dangerous criminals - were, prior to their arrest, partially under criminal investigation of the Federal Criminal Police Office since 2006. And despite their supposed dangerousness, the security authorities had not felt the necessity for nine years to intervene and stop the organization's alleged activities.

Political criminal proceedings in the interest of Turkey

The prosecution of Müslüm Elma and the other nine Communists is only legally possible because the Federal Ministry of Justice has granted permission to do so. Under Article 129b of the German penal code, criminal proceedings for membership of a foreign terrorist group can only be prosecuted if ministerial authorization exists. The granting of this so-called persecution warrant is a political decision for which the foreign policy interests of Germany are decisive.

Over the last few years, Turkish President Erdogan has repeatedly and vociferously demanded from Germany to prosecute PKK supporters living in Germany and communist organizations banned in Turkey. Moreover, he accuses Germany of offering retreat space to those that he is defining as terrorists.

Thus, this criminal process can only be understood as a procedure conducted in the interest of German foreign policy towards Turkey. This goes hand in hand with extending the practical scope of section 129b of the German penal code to organizations not listed internationally as terrorist organizations and not banned in Germany.

Trial Procedure

Correspondingly difficult for the court is the condemnation of the ten communists. They defended their political beliefs in the proceedings and otherwise remained silent. The defense has repeatedly demanded the cessation of the trial and the repeal of the persecution authorization, pointing to the autocratic and non-respecting human dignity character of the Turkish state. During the trial, the coup attempt and the counter-coup took place, the state of emergency was imposed and suspended. In front of the world, the Turkish army violated the Kurdish city of Afrin in northern Syria in violation of international law and has now occupied Kurdish areas in northern Syria. None of these events has led the court to terminate the proceedings, although this would have been legally possible. Even the Federal Government, which is committed to human rights and understandings between nations, has not yet been forced to end its legal support for the Erdogan regime and to withdraw its prosecution authorization.

Rather, the court has based its evidence on findings and documents that stem from the police exchange of information with Turkey and whose authors are now partly imprisoned for evidence falsification and membership in a terrorist organization in Turkey.

Overlaid pre-trial detention

An end to the proceeding is not in sight. The trial has now been going on for over three years, with more than 190 court days. Müslüm Elma is the only one of the accused Ten left in custody, meanwhile for over four years and six months. However, the court has made it clear that it wants to condemn all ten according to the indictment to high prison sentences.

Survivor of Diyarbakir

The political nature of the case is also evident in the person of Müslüm Elma. Before being imprisoned in Germany, Müslüm Elma was imprisoned in Turkey for two decades because of his political convictions. He is one of the survivors of Diyarbakir No. 5 Prison, where he was imprisoned shortly after the 1980 military coup and subjected to unimaginable torture and other atrocities. To this day, he is marked by the long imprisonment and torture. However, this did not prevent the German judiciary from exposing Müslüm Elma to nearly total isolation in the early months of his pre-trial detention and continuing to hold him on remand for more than four years. From the point of view of the defense, this shows the high constitutional price that the German state is prepared to pay in order to serve the interests of allied unjust states.

The defense lawyers of Müslüm Elma

Lawyer Stephan Kuhn

Lawyer Antonia von der Behrens

Statement by Müslüm Elma at the beginning of the proceedings on 17 July 2016

"Which state is actually protected by German criminal law and German justice? As if the roses of democracy and freedom flourished in Turkey and we would stand trial because we cut them down. As if the Kurds had not been persecuted for generations. As if the Kurdish region had not been turned into a bloodbath and would not go up in flames. As if there were no brutal suppression of freedom of expression and conscience. As if Erdogan in his palace and his gang did not want to add to their racist ideology "one state, one nation, one flag, one language" even "just one voice" and as if they did not regard polyphony as "terrorism". In summary, it can be said that the federal prosecutor has dealt with some consequences, but has not been interested in their causes at all. Because the script, which forces us here on the benches, is a common product of the German and Turkish states.

But I can not hope for a fair trial after your decision. Above us hovers the 'democracy' sword of today's Europe. This sword reminds us of the Sword of the Ottomans. No doubt we will not tilt our necks in front of this sword. We can stand pain. We can also let our lives. But bowing is not up for discussion.

Injustice, illegality and cruelty know no bounds, our case is an example of this. Our life in captivity, which began in Turkey in 1980 with the military coup, is now continuing in German prisons.

Excerpt from a statement by Müslüm on his life of 11 June 2018

"Above, I tried to summarize a specific time frame. Which picture conveys this short presentation to us? This picture shows us the following facts: We did not come as socialists from the bellies of our mothers. Even if we were born as such, it would be harmless. Being a socialist is a great virtue. Nor were we born as "terrorists," as you like to express and often accuse us of. Meaning, we were born just like all the other children. Later, we were all students who had a goal: education. However, the apparatus of violence designated by the state and the civilian fascists it controls have marginalized us in advance simply because of the national and denominational identity of the city in which we were born. Therefore, it was the assimilation and denial of the state and its hostility to divergent attitudes and identities that made us socialist revolutionaries. In other words, the real existing circumstances were the reason. Therefore, if you are looking for the real guilty, you are with us at the wrong address. The real culprits are the imperialists and their collaborators. And what makes us socialists is their greedy policies that drive millions into poverty and misery and their unwarranted wars and their destructive policies. "

Excerpt from a statement by Müslüm Elma on his imprisonment in Diyarbakir on 11 June 2018

"As part of an offensive against the TKP / ML, I was detained by the security forces at a friend's facility on September 23, 1980. From the moment they put me in the police vehicle, they hit me and asked me questions at the same time. It was obvious that they were in a hurry.

They needed new information to make further detentions. On the other hand, I was neither in a hurry nor felt obliged to answer the questions asked. Because it was appropriate to remain silent. Since my eyes had been blindfolded, I could not see them, I just heard them say with loud laughter, "He swallowed his tongue in fear."

I was taken to the interrogation center, which was located on the grounds of the military barracks in Diyarbakir and had regional responsibility.

Immediately after they got me out of the car, they took me to the interrogation room.

After they subjected me to the "Bastonade", they crossed my arms and hung me from behind with my arms crossed. Throughout this time, they shocked me with electric shock at various parts of my body. Here's what I can assure you: That evening, they practiced all the basic methods that existed at the torture centers. The resounding laughter that they had in my arrest was replaced by anger and helplessness. Finally, these torturing fools realized that I had not swallowed my tongue.

Yes, torture is a crime on humanity. On the other hand, to claim the right to silence is the defense of human dignity. The fact that the torturers and the judiciary interpreted this behavior as an "attitude of organization" also showed how much they had distanced themselves from human values. One of the most effective forms of protest against these inhumane practices is the use of the right to silence. That is what I have tried to do."