

THE ASSASSINATION CASE OF THE RUSSIAN AMBASSADOR TO TURKEY



October 2020

SUMMARY

This study has been prepared based on the indictment and case file issued by investigative prosecutor Adem Akinci, who investigate the murder of Andrei Gennadiyevich Karlov, Russia's then ambassador to Turkey.

Police officer Mert Mevlut Altintas assassinated Karlov on December 19, 2016, in the Ankara Contemporary Arts Center as the diplomat was delivering a speech during an art exhibition titled "Russia from Kaliningrad to Kamchatka through the eye of an explorer."

This study presents concrete evidence of the error of fact and failures in the indictment issued in Turkey's judicial atmosphere. It will present the AK Party (AKP) government's effort to exploit the assassination through the judiciary under its political agenda of targeting followers of the Gulen (Hizmet) movement.

Key Words: *Andrei Karlov, Mert Mevlüt Altıntaş, Hizmet Movement, Gülen Group*

1. INTRODUCTION AND METHODOLOGY

A Turkish court accepted a lawsuit from Akinci into-the assassination of the Russian ambassador to Turkey Andrei Karlov that took place in the last days of 2016, following an indictment which was to be examined thoroughly but prepared following an inadequate investigation.

The trial preparation phase, including the detention of suspects, is negligent in terms of judicial proceedings. The court has violated article 170/4 of Turkey's Criminal Procedure Code, which operates according to the universal rule of law and states: "The events that comprise the charged crime shall be explained in the indictment in accordance with their relationship to the presented evidence."

The court fabricated evidence due to lack of evidence and became grounds for the AKP's ongoing witch-hunt and mass crackdown in the country.

As a whole, the indictment shows a far from complete or proper investigation into the murder of a foreign ambassador whose life and safety was the responsibility of the Turkish state.

Yet, the court has not extended the inquiry as will be revealed in this study. The prosecutor Adem Akinci, who blamed the Gulen movement in advance, refused to collect concrete evidence in favour of the Gulen movement.

The investigation procedure of the assassination case is a follow-up of the Turkish government's mass purge, crackdown, and arrest, which started after the corruption operations against Erdogan and his close circle on December 17-25, 2013, and hit the

top following the controversial July 2016 coup attempt.¹

International organizations underline that the judiciary under the HSK² (Council of Judges and Prosecutors) in Turkey has no fair trial practice, which will be detailed in the following chapters.

Murderer Mevlut Altintas could have been arrested alive, but the police murdered him to keep the most crucial evidence from coming to light.

Focusing on the assassination of Karlov, this study will also sum up the relationship between the AKP and the Gulen movement, discussing the current political atmosphere in the country.

It will also present background information about the Turkish government's decision to declare the Gulen movement or Hizmet, a group based on voluntariness, as a terrorist organization.

We evaluated the indictment of Karlov's assassination with judges formerly worked in the Turkish judiciary. We discussed the technical details with a police chief³ who performed duty in different departments and a police officer who served in Turkish special police forces.

In this study, you will also find opinions of experts from Russia and Turkey, some excerpts from their articles on the investigation procedures and international relations.

2. JUDICIAL BODIES LOST INDEPENDENCE AFTER THE 17/25 DECEMBER CORRUPTION INVESTIGATIONS

The Istanbul Chief Public Prosecutor's Office launched corruption and bribery investigations on 17 and 25 December 2013 into four ministers of the AKP, their relatives, the head of the top state bank, public officers, and businesspeople.

In response then-Prime Minister Erdogan's government blocked the investigation and resisted the inquiry.

Dismissing the corruption allegations, the government claimed a "parallel body within the state" had attempted a "judicial coup." It dismissed the prosecutors and police officers involved in the operations of 17 and 25 December 2013.

¹ President Tayyip Erdogan blamed the Gulen movement for orchestrating the July 15 coup attempt, even before it was suppressed. Fethullah Gülen, the leader of the group, denies any intervention in the coup attempt.

² High Council of Judges and Prosecutors. It inspects, assigns, accepts/dismisses to/from the profession, inflicts a disciplinary punishment to judges and prosecutors of the Turkish Republic.

³ Judicial and police officers' names are disclosed in this study based on their request and safety concerns.

Subsequently, the government dismissed or reassigned dozens of police officers, judiciary members, and public officers. The Turkish courts arrested several police officers.

The Istanbul chief public prosecutor's office prepared an indictment in September 2014 regarding 96 important suspects who were blamed for launching the December 17 corruption scheme.

Subsequently, the Turkish government prepared and adopted legislation re-shaping the High Council of Judges and Prosecutors and internet regulations.⁴

2.1 Criminal Peace Judgeships, Trial courts and Appeal

The AKP government published a regulation in the Official Gazette on June 28, 2014 which enacted numerous clauses establishing Criminal Peace Judgeships, who were given exclusive power in arrests, objection to arrests, search and seizure powers, appointing trustees, and refutation trials. Then-Prime Minister Tayyip Erdogan vowed that they adopted this new body to target followers of the Gulen movement.⁵

This trial practice is against the natural judge principle, and there is no mechanism to appeal to a higher court,⁶ blocking any fair trial.

The creation of the criminal peace judgeships is the turning point affecting the judicial independence in Turkey.⁷

The United Nations' Working Group on Arbitrary Detention ruled out that "Turkey practices systematic arbitrary detainment" in its report on people convicted because of their use ByLock, an encrypted texting app.⁸

The group also urged Turkey to investigate those responsible for carrying out arbitrary detentions.⁹

⁴ EU 2014 Progress Report for Turkey page 9

(https://www.ab.gov.tr/files/ilerlemeRaporlariTR/2014_ilerleme_raporu_tr.pdf)

⁵ Erdogan said: "You know, it is, to fight against the parallel state... , we assigned some members for criminal peace judgeships. They will all take office starting from tomorrow. We will see what happens in the judiciary and the police." <https://www.star.com.tr/politika/basbakan-erdogan-paralel-yapiyla-mucadele-etmeyen-bedelini-agir-oder-haber-915819/>

⁶ <http://www.anayasa.gen.tr/tabii-hakim.htm>

⁷ AKPM report dated 6.6.2016 titled "*The functioning of democratic institutions in Turkey*" (Doc. 14078, paras. 5 and 69. This report passed in an AKPM session in 22.6.2016 with some alterations. (*Resolution 2121(2016)*). This report mentions the criminal peace judgeships and the points affecting the fair trial of the Gulen movement followers. See: https://www.ecoi.net/en/file/local/1350862/1226_1465286865_document.pdf

⁸ <https://humanrights-ev.com/birlesmis-milletler-turkiyede-sistematik-tutuklama-yapiliyor/>

⁹ 18 September 2019, United Nations Human Rights Council Working Group on Arbitrary Detention, Opinion No. 53/2019 concerning Melike Göksan and Mehmet Fatih Göksan (Turkey) https://humanrights-ev.com/wp-content/uploads/2019/10/A_HRC_WGAD_2019_53.pdf

There is substantial evidence that the supreme court of Turkey, the highest appeal court, has lost its objectivity and independence completely. The relevant department investigating the “terror” cases has been ruling in favor of the ruling party.

One hundred and ninety higher judicial representatives have been arrested by lower-rank judges of the criminal courts of peace following the July 2016 coup attempt.¹⁰

2.2 Restraining/Abolishing the Right of Defence

The defense mechanism, one of the most important bodies of the judiciary, has been mutilated in Turkey.

The Arrested Lawyers Initiative, an NGO recording human rights violations in Turkey's judiciary, announced in August 2020 that nearly 2,000 lawyers were on trial. According to the group, the courts of the first instance convicted 441 for being a member of a terrorist organization and sentenced them to a combined total of 2728 years imprisonment. There have been 605 of the lawyers who were put behind bars temporarily or are still languishing in prison.¹¹

According to a report by the Human Rights Watch, the imprisonment of defense lawyers results in failure to obtain lawyers to defend the “FETO/PDY” cases, which has been exploited by government in its criminalization of the Gulen movement. (FETO/PDY are acronyms created by the Turkish government to declare the Gulen movement as a terrorist organization.)

Many lawyers are unwilling to be assigned these cases out of fear that they will face persecution. It results in a delay in the assignation of lawyers through a Bar.¹²

2.3 Effective Remorse Law and Using Informants

Security officers in Turkey threaten detainees by pointing to what is known as the effective remorse law as the only way not to be arrested by the court. They try to convince the person to be an informant and supply them some other names. This interrogation tactics by the police drives suspects/defendants to despair.

The defendant, whose name was mentioned by another person or listed by the authorities, is forced to prove their innocence.

Ramazan Faruk Guzel, a former Heavy Penal Court judge of Diyarbakir who was dismissed from his post with a presidential decree, revealed that many people reached

¹⁰ 20 July 2019, Human Rights Defenders, a report about Supreme Court's not being “an independent, free and objective court.” (<https://humanrights-ev.com/wp-content/uploads/2019/08/Ceza-Mahkemeleri-Bagimsizlik-ve-Tarafsizlik-Raporu.pdf>)

¹¹ <https://arrestedlawyers.org/2020/07/30/report-update-mass-prosecution-of-lawyers-in-turkey-2016-2020-2/>

¹² April 2019 “LAWYERS AND FAIR TRIAL UNDER ATTACK IN TURKEY” report, Human Rights Watch https://www.hrw.org/sites/default/files/report_pdf/turkey0419turk_web.pdf

out to him and said they were threatened with their families and forced to mention names under the effective remorse law.¹³

Anonymous witnesses and confession have been used in FETO/PDY trials, and the mechanism has been exploited in many cases such as the arrest of an American pastor Andrew Brunson and former lawmaker Eren Erdem.¹⁴

Some anonymous witnesses even speculated before a court that Gulen movement followers secretly gave medicine to then-prime minister Tayyip Erdogan with the aim of an assassination in 2013 before he fell off a horse.¹⁵

These practices show that Turkey's judgment and appeal mechanisms regarding investigations or prosecutions under the terror law have been subjected to political influence.

2.4 The Result of a Broken Judicial System in Turkey

Considering its practices before and after the July 2016 coup attempt, the Turkish judiciary is under the ruling AK party's influence.

Activities that are considered to be mere shreds of evidence of being a member of FETO/PYD have affected nearly 200,000 people. These activities have been accepted as reasons for being jailed pending trial.¹⁶:

"Using ByLock, opening an account or investing money legally in Bank Asya, studying or working legally in the schools or courses affiliated by the Gulen movement, being a member of legal organizations, foundations, and syndicates, joining their meetings, having a book, magazine or any publication of Fethullah Gulen, following the publications on social media affiliated with the movement, sharing content in favor of the group, donating even if it was against receipt, having 1 dollar at home."¹⁷

Unprecedented extrajudicial criteria have been applied in the investigations launched after the July 2016 coup.

Bypassing the principle of individual criminal responsibility, Turkish courts accept evidence against a person if their relatives, spouse, parents, and children have been

¹³ Ramazan Faruk Güzel, Tr724.com, last updated 19 October 2018, <https://www.tr724.com/itirafci-oldum-simdi-nasil-kurtulurum/>

¹⁴ İlker Doğan, last updated 14 October 2018, TR724.com <https://www.tr724.com/iktidar-in-yargi-sopasi-gizli-taniklar/>

¹⁵ "This is what an anonymous witness is" Last updated 10 March 2020, Samanyolu Haber <http://www.samanyoluhaber.com/gizli-taniklik-budur-haberi/1341857/>

¹⁶ The penal department no.16 of the Supreme Court has removed some of these criteria but even more complicated the rule by separating the membership and leadership, which has no objectivity. Anadolu Agency, last updated 8 March 2020. <https://www.aa.com.tr/tr/turkiye/yargitay-16-ceza-dairesinden-feto-uyeligi-kriterleri/1758356>)

¹⁷ These non-crime activities are to be evaluated under the fundamental rights and freedom. Still, some of them are accepted as proof to be a member of an organization, while others are indirect evidence.

practising the activities mentioned earlier.^{18 19}

3. THE EVIDENCE THE PROSECUTOR PRESENTS IN THE KARLOV'S MURDER INVESTIGATION

3.1 Overview

Before analyzing the indictment, it would be pertinent to mention the response of Irina Korkut, secretary-general of the Russian Cultural Center, to the decision by prosecutor Akinci, not to launch a prosecution in connection with the Russian ambassador's assassination.

Korkut said she was aware of the murder details thanks to Turkish media reports that pointed to an organization called FETO/PDY. She said "The Turkish authorities either blame FETO or Kurds in nearly all disputes in the country."²⁰

The Turkish government's witch-hunt, fight, and political agenda targeting its opponents, mainly the Gulen movement, obviously led her to that conclusion.

It could be concluded that the prosecutor's primary motivation is to blame the movement in advance and try to prove it.

The prosecutor claims the murderer Altintas was a member of "FETO/PDY" and the organization masterminded and conducted the assassination. Despite a considerable effort by the prosecutor, the prosecution has never been able to prove his claims.

On the other hand, the prosecution ignored Altintas' radicalization, his connection with certain radical groups, and the possibility that some radical groups might have masterminded the murder. Furthermore, the prosecution deliberately obfuscated the pieces of evidence that have already been collected, claiming that they were aiming a to mislead investigators.

A security specialist who contributed to this study as a consultant underlines the murderer's radicalization history based on his family's statements about how Altintas ended up assassinating Turkey's Russian ambassador.²¹:

"His family members gave the most vital information about the radicalization of the

¹⁸ No assignment for those whose spouse dismissed. Cumhuriyet, Last updated 1 March 2018
<http://www.cumhuriyet.com.tr/haber/esi-ihrac-edilenin-atamasi-yapilmiyor-936265>

¹⁹ It was deemed crime to be a spouse of an academics who had been dismissed by a presidential decree. Sol.org.tr, last updated 11.06.2018, <https://haber.sol.org.tr/toplum/ohalde-ihrac-edilen-akademisyenin-esi-olmak-da-suc-sayildi-239768>

²⁰ The main indictment of Karlov murder (Indictment No: 2018/14397) / IV-WITNESS STATEMENTS / NO NEED FOR AN ADDITIONAL INVESTIGATION / 12-İRİNA KORKUT (File II/38)

²¹ Notes from a discussion with a police chief whose name is disclosed.

murder. He was a person drinking alcohol when he started to study at the Police Academy in 2012; in his second year at the academy, he was more into religion. He cut his connection with the Gulen movement after the corruption operations targeting the AKP seniors on December 17-25,2013. Afterward, his religiosity transformed into extremism. He started to join the religious gatherings of Nurettin Yildiz in Ankara and got in touch with his Sosyal Doku foundation. He had a lack of special religious education from his family. He became religious and contacted a foundation interpreting the religion with extremist ideas, and he became a radical. His family describes him as a naive and introvert personality who could be easily tempted. It is a small but remarkable detail that none of his schoolmates wrote anything about him in the annum. The books he read, the videos he watched, the gatherings he joined, the civil tragedies in Syria seem to have been factors that contributed to his radicalization. Indeed, his will to go to Syria to join a battle, according to a witness Murat Oduncu, is a typical action seen in the pro-jihadist groups.²²”

The prosecution based its indictment-on two main pieces of evidence. We will analyze these two, initially, and then we will mention the others.

3.2 The Pieces of “evidence” that the Prosecutor Never Presented

The prosecution has applied the criteria mentioned in section 2.4 in relation to Bylock, Bank Asya, membership of an institution/syndicate affiliated with the Gulen movement, which is deemed a demonstration of being a group member.

The prosecutor found no evidence regarding these criteria, neither about Altintas nor his family members.

An anti-organized crime department of the Turkish police focusing on the crimes targeting the national security response to the prosecution indicates that the security units found no relation between Altintas and his immediate family with the Gulen movement.²³

The same report underlines that Altintas’ name, surname, or national identity number did not appear in any documents obtained by the intelligence agency as text messages through the Bylock application.

The indictment also indicated that there were no hotel records showing that he had a connection with the suspects below in the file, some of whom were arrested.

“Şahin Söğüt, Ramazan Yücel, Ahmet Kılınçarslan, Murat Tokay, Temel Alsancak, Hamza Sevinç, Emrullah Uslu, Şerif Ali Tekalan, Vehbi Kürşad Akalın, Hüseyin

²² The elder sister of Mevlüt Mert Altıntaş: Police Academy changed him. Hürriyet Daily, Last updated 26.12.2016 / 09:06 <https://www.hurriyet.com.tr/gundem/suikatcinin-ablasi-anlatti-biz-bu-sekilde-yetistirmedik-40317229>

²³ a.g iddianame "3-1.e) Statements about Mevlüt Mert Altıntaş, findings, reports, records"

Kötüce, Salih Yılmaz, Cengiz Özkan, Hayreddin Aydınbaş, Mustafa Timur Özkan, Cemal Karaata, Sercan Başar and Burak Yusmak.”

The prosecution has not obtained any hard data showing that he was contacted by those whom the indictment alleges instigated Altintas to kill the ambassador.

Security units have conducted numerous operations in the last four years through the filings, statements of anonymous and identified witnesses, investigations took place in the Police, judiciary, and intelligence (MIT), including the ones based on "payphones" inquiries.²⁴ They have targeted thousands of soldiers, police officers, and civilians, allegedly affiliated with the Gulen movement.

The prosecution has not been able to collect any evidence that Altintas has a connection with the Hizmet movement, even with the prosecutors' unlawful methods leading to people's mass detention.

3.3 MAIN PIECES OF EVIDENCE IN THE INDICTMENT

The indictment about the assassination of Karlov is based on two separate pieces of “evidence” to claim a connection between the murderer Altintas and “FETO/PDY.”

The first one is based on suspect/defendant statements that claim Altintas joined some movement’s gatherings.

The second one is the information obtained from a micro SD card seized from an anonymous witness nicknamed “Garson,” as stated in the investigation numbered 2017/68532 by Ankara chief prosecution.

We will detail below that these two pieces of “evidence” are insufficient to prove Altintas’ being a member of the movement. On the contrary, these disprove the prosecutor’s allegations.

3.3.1 The claim that the murderer used to join the movement gatherings

Allegation: The prosecutor claims in the indictment that the murderer joined some meetings of the movement before corruption investigations of December 17-25, 2013, which is before the AKP government declared its fight against the group. The indictment alleges that this is the most vital evidence showing that Altintas was a Gulen movement member.

²⁴ Payphone investigations. Turkish judiciary accepted it as evidence to designate a public officer connected to a Gulenist if they have used public phones even if it was a few times, and no call contents are presented. Two police officers or soldiers’ being called through a payphone one after the other was accepted as evidence. Some cases showed even one payphone call included as proof in the trials.

Conclusion: The Turkish government has purged tens of thousands of police officers and chiefs before and after the July 15 coup attempt. Being one of the biggest purges in history, employees in the police – nearly 30,000 people – who even only had contact with the people from the movement as work colleagues have been purged without any questions being asked.

Paradoxically, Altintas was still on duty at the end of 2016 before the assassination, and the Turkish judiciary deemed him to be a member of the Gulen movement.

Before questioning if joining a social gathering of the movement proves someone is a member of the organization, we will briefly look at Turkey's recent incidents.

Until the corruption investigations dated December 17-25, 2013, the ruling party members joined the Gulen movement's events. Then-Prime Minister Tayyip Erdogan invited the U.S.-based leader of the movement Fethullah Gulen on June 14, 2012, to Turkey.²⁵

Given the claims that the movement was influential in the police and political circles, joining a group gathering is insufficient evidence to prove that that person is a member of the organization. Besides, many people also joined those events intending to afford advantages.

Yuksel Korkmaz, one of the witnesses in the case, said his police officer son Alper Korkmaz downloaded the Bylock application to get a promotion in his job, before he was dismissed.

On the other hand, is a person's attendance of a group's gatherings sufficient evidence to prove that they are a "member of the organization?" An answer to this question is present in the decisions of the Supreme Court. Penal department no.16 of the Supreme Court ruled out in a similar case that joining the religious gatherings is not sufficient evidence to prove any membership.²⁶

Another judicial body decision states that "Gathering at homes for religious conversations and teaching Quran can not be considered under the organizational structure."²⁷

United Nations Human Rights Council Working Group on Arbitrary Detention underlined that "joining the religious gatherings of the movement in 2013 can not be used as a basis of allegations of terror activities."²⁸

It's a remarkable note by the Council of Europe Commissioner for Human Rights in a

²⁵ Tayyip Erdogan's speech during the 10th Turkish Olympiads <https://www.dailymotion.com/video/xrjnt8>

²⁶ Penal department No.16. of the Supreme Court decision dated 26.10.2017 and number 2017/1809, 2017/5155

²⁷ Penal department No.16. of the Supreme Court decision dated 23.05.2016 and number 2016/1767, 2016/3206

²⁸ https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session82/A_HRC_WGAD_2018_42_AEV.pdf

memorandum that "It's quite exceptional for a Turkish citizen not to have been in contact with the Gulen movement or communicate with the members of the group."²⁹

In conclusion, the prosecutor's claim that Altintas was a member of the movement based on only alleging that he joined the group's religious gatherings is legally groundless and baseless.

3.3.2 The filing list given to the police by an anonymous witness in Micro SD card which includes the name of the assassin

Claim: The second "evidence" put forward by the prosecutor claiming the murderer Altintas was a member of "FETO/PDY" is the secret information obtained from a micro SD card. The card allegedly was given by an anonymous witness nicknamed "Garson," as stated in the investigation numbered 2017/68532 by Ankara chief prosecution.

The information in the SD card consists of encrypted words. These were decrypted by the security units and sent to the prosecution as a response.

Conclusion: It's controversial if this digital data is proper evidence on legal grounds. The indictment claims that digital data includes the profiling of all employees in the police, regardless of whether they are members of an organization.

A police officer's being mentioned in the digital data doesn't prove solely that that person is a member of the Gulen movement. The personnel who are not a member of the organization were also included in the list, which was created by profiling. This "evidence" was obtained contrary to the rule of law and put in the process by courts through controversial anonymous witnesses statements.³⁰

The records about the murderer Altintas in the SD card are as follows: "2015 BB ANKARA, 2015 MART ALAN SC, 2015 MART ALAN DIŐI SCC, ALAN SC, AD SCD, ZAAF OKUL, KURS TAKSİDİ -, OFİS HAYIR, ETÜT 2015 -, ZÜMRE BAŐKANI SAİD BEY, ÖĐRETMENİ AHMET, ASİL VEKİL ASİL, VEKİL AD RAMAZAN YÜCEL."

The indictment mentions the Turkish police's anti-organized crime department's decryption, focusing on the crimes targeting national security.

It is impossible to confirm that the decryption of the encrypted notes in the file is authentic. Even if we assume that the digital data obtained according to the rule of law and the prosecutor's claim that the decryption is genuine, it doesn't prove that the murderer Altintas was a member of the Gulen movement.

²⁹ CommDH(2016)35, 7 October 2016, page 4. <https://rm.coe.int/16806db6f1>

³⁰ A REPORT SHOWING THE FILING INFO ON THE SD CARD GIVEN BY AN ANONYMOUS WITNESS CALLED GARSON (K) WAS OBTAINED THROUGH THE PBS SYSTEM ON POL-NET, Lawyer Mesut Can Tarım, sayfa 7,10,11, <https://hukukibilgiplatformu.com/wp-content/uploads/2019/04/2222.pdf>

On the contrary, the indictment mentions the police's report on the decryption as follows:³¹

Terrorist Mevlüt Mert Altıntaş was a member of FETO/PYD before December 17-25, he broke his ties with the group, and it seems difficult for him to be a part of the organization again."

This statement from the indictment contradicts the prosecutors' claim, as Altintas did not involve in the movement, according to the report, more than being a sympathizer. As briefly mentioned before, it seems possible that he might have joined the events of the movement "unwillingly" or "for self-interest" based on the conditions of the country then.

Furthermore, the decryption report of the filing list states that Altintas did not financially aid the movement. He disconnected from the group and never lived in a place where the people close to the group stayed and did not join their gatherings.³²

Altintas joined some religious gatherings of the movement when he was studying at the Police Academy; still, he cut off his "weak" connection with the group, which only includes joining a few gatherings. It was right after the corruption operations dated December 17-25, 2013, and he graduated from the school and came to Ankara as a police officer.

The digital "evidence" that the prosecutor uses as a base to claim Altintas was a member of "FETO/PDY" contradicts with his allegations and rebuts the claim.

3.3.3 Prosecutor's allegation that the movement planted the murderer in a different religious group

Claim: The prosecutor claims, based on the info aforementioned (Section 3.3.2), that the murderer disconnected from the Gulen movement after December 17-25 and joined religious gatherings of another religious group called Sosyal Doku Vakfi, with the direction of the group.

Conclusion: The prosecutor doesn't believe that Altintas left the Gulen movement after December 17-25, 2013. By considering the information in the SD card given by an anonymous witness, he claims Mevlut Altintas joined a new religious group per the movement's "practice of infiltration (renklendirme) to plant its members to other

³¹ a.g indictment "3-1.e) Statements, findings, reports, and records about Mevlüt Mert Altıntaş

³² The decrypted notes and their meanings according to the profiling records. And the criteria applied for Altintas if he was a member of the movement as of 2015 which all were negative:

PAYMENT TO AN INSTITUTE: If the person financially supported the movement.

OFFICE: If the person stayed in accommodation facilities where people close to the movement stayed

SURVEY 2015: Joinin the gatherings of the movement.

political or religious groups.

He speculates about the murderer with controversial accusations towards the members of the movement, who have been systematically discriminated against, purged, and targeted by the authorities merely due to their group identity.

Murderer Altintas, on the other hand, had cut off his relationship with the movement according to the police report.

Altintas was vocal about his thoughts on the movement, according to the witness statements in the indictment, stating that he "joined some gatherings when he was studying at the Police Academy only before "he unmasked their real face" and cut all connections."³³

No data shows Mevlut Altintas with the Gulen movement after he graduated from the Police Academy on July 26, 2014, even after the authorities inspected his daily life, books, digital evidence, and personal computer and phone seized during a police investigation.

The Turkish authorities inspected Altintas' life in detail, including the whole "FETO/PDY" filing and intelligence reports, and attested their results in the indictment in depth.³⁴

Since there is no evidence connecting Altintas with the Hizmet movement, the prosecutor claims "infiltration."

In contrast, there are numerous concrete pieces of evidence about the murderer's relationship with some radical groups.

Altintas' connection with the Sosyal Doku foundation led by Nurettin Yildiz, who is followed by many AKP senior and supporters, owning books by writers with extremist ideas, meeting them, donating several radical organizations, his opinions against democracy, and sharing his ideas with his friends about "being a police officer in a democracy is not acceptable," speaking out proudly that he wanted to go to the Syrian war and become a martyr, Googling on his personal computer about how to go to Syria summarized the steps of his radicalization.

The prosecution alleges that the aforementioned activities of the murderer are aimed at misleading and putting the blame of the assassination on al-Qaeda/Al Nusra terror groups; however, it does not produce evidence.

Contrarily, it is evident in the indictment that Altintas embarked on a new circle soon after becoming a police officer in Ankara and had new connections. The authorities

³³ Murat Oduncu's statement, 129- Murat Oduncu, a.g indictment, III-WITNESS STATEMENTS (FILE III/1-2)

³⁴ See. Section (3.2) Evidences that could not be found

have not been able to confirm any liaison of Altintas with the Gulen movement during his two years of stay in Ankara.³⁵

The witness statements in the indictment states that:

Altintas was following the news of the Syrian civil war³⁶, he planned to join a battle in Syria³⁷ hence considered resigning from his job³⁸, he often said Russia has done atrocities in Syria³⁹, he said "I will keep aiding my Syrian brothers and sisters as much as I can afford"⁴⁰, he transferred promotion cash received to Syrians affected by the war⁴¹.

He asked a religious imam "Is it ethical for me to be a police officer, I am not comfortable with it, I am studying theology at an open university?"⁴²

He shared numerous messages on a Whatsapp group about Syria, ISIS in an extremist tone.⁴³

He denounced working as a police officer in a democratic regime, until it becomes an Islamic state or caliphate.⁴⁴

Witnesses in the indictment also said that Altintas denounced going to the polls for the election based on his opinions against a democratic regime. He was planning to leave his post and he financially aided people in war zones.⁴⁵

He underlined that he was "willy-nilly" working as a police office due to his need for money and he was planning to join the battle in Syria.⁴⁶

He mentioned to his friends that he had some problems with his family because they were not practising Islamic prayers.⁴⁷

He encouraged his friends to react against the United States and to feel responsible about it, saying that the US inflicted cruelty in Islamic countries.⁴⁸

Based on the witness acknowledgments in the indictment, the prosecutor's infiltration

³⁵ See. Section 3.2 Evidences that could not be found

³⁶ İbrahim Bilal Oduncu's statement "III-WITNESS STATEMENTS (KLASÖR III/1-2) 80-İBRAHİM BİLAL ODUNCU"

³⁷ Durmuş Kutlu's statement "III-WITNESS STATEMENTS (FILE III/1-2) 27-DURMUŞ KUTLU"

³⁸ İbrahim Vardar's statement "III- WITNESS STATEMENTS (FILE III/1-2) 82-İBRAHİM VARDAR"

³⁹ Kaan Çelik's statement "III-WITNESS STATEMENTS(FILE III/1-2) 93-KAAN ÇELİK"

⁴⁰ Murat Oduncu's statement "III- WITNESS STATEMENTS (FILE III/1-2) 129-MURAT ODUNCU"

⁴¹ Ömer Sarı's statement 'III- WITNESS STATEMENTS (FILE III/1-2) 149-ÖMER SARI"

⁴² Hüseyin Korkmaz's statement "III- WITNESS STATEMENTS (FILE III/1-2) 76-HÜSEYİN KORKMAZ"

⁴³ Ridvan Güneş's statement "III- WITNESS STATEMENTS (FILE III/1-2) 161-RIDVAN GÜNEŞ"

⁴⁴ Muhammet Dalkılıç's statement "III- WITNESS STATEMENTS (FILE III/1-2) 120-MUHAMMET DALKILIÇ"

⁴⁵ Zeliha Sağdıç's statement "III- WITNESS STATEMENTS (FILE III/1-2) 205-ZELİHA SAĞDIÇ"

⁴⁶ Enes Asım Silin's statement "IV-DEFENDANTS' STATEMENTS RULED NO NEED FURTHER INVESTIGATION 4- ENES ASIM SİLİN (FILE II/3)"

⁴⁷ Mehmet Emin Akın's statement "III-WITNESS STATEMENTS (FILE III/1-2) 106-MEHMET EMİN AKİN"

⁴⁸ Fadime Kara's statement "III- WITNESS STATEMENTS (FILE III/1-2) 40-FADİME KARA"

claim about the murderer Altintas is baseless. The relationship of Altintas with the witnesses is mainly based on his professional association and the religious gatherings in the Sosyal Doku foundation.

Witnesses' expressions are from their daily conversations with him, and there is no single indication to conclude the prosecutor's infiltration claim.

It's evident in his daily conversations that he was radicalized and had an idea to resign as a police officer and join a battle [jihad] in Syria; he was eager to fight against Russia due to its role in the Syrian civil war.

The official inspection on Altintas' personal computer reveals that on October 16, 2015 he googled "How to go to Syria" and he downloaded a video on February 14, 2016, titled "El Kaide - sen ancak kendinden sorumlusun (Al Qaeda – You are only responsible for yourself)."⁴⁹ Different drafts on his e-mail [mrtltns@gmail.com] dated July 27, 2015 indicate that he was preparing to be a “martyr.”⁵⁰

Based on the above, Altintas was lining up for a "fight [jihad]" against Russia, the country that he saw responsible for the killings in Syria. He was ready to be killed and deemed "martyr."

When he killed the ambassador, not wearing a police uniform is synonymous with his feelings about being a police officer in a democratic regime and that he could not be a "martyr" in a police uniform. The prosecutor ignores this point and interprets in the indictment that he did not wear a uniform to "hide from the eyes."⁵¹

Altintas would have easily entered the building with his uniform as a police officer.

3.3.4 Claims about Serif Ali Tekalan, a prominent person in the Gulen movement, gave directions to Altintas after a series of gatherings in the U.S. ⁵²

Claim: The prosecutor claims that the “decision” to assassinate the Russian

⁴⁹ The mentioned e-mail consists of the following sentences: "İnna lillah ve inna ileyhi raciun. Surely we belong to Allah and to Him shall we return. No escape. May Allah forgive all of us and let us meet in the heaven with the Prophet. I am a sponsor of orphans until November, 1.000 Turkish lira monthly, let it go on. Do not cry in my funeral in a way crying out against him. Condole my mother, she can't stand. Carry out my funeral according to Islam and carry my body by saying, "Allahuakbar," no marching band. Hope to meet you in eternity, the glory belongs to Allah. What belongs to me are only my sins. Pray for me a lot. I am scared a lot from the Judgement day, and I am hopeful at the same time from his mercy."

⁵⁰ The mentioned e-mail consists of the following sentences: "İnna lillah ve inna ileyhi raciun. Surely we belong to Allah and to Him shall we return. No escape. May Allah forgive all of us and let us meet in the heaven with the Prophet. I am a sponsor of orphans until November, 1.000 Turkish lira monthly, let it go on. Do not cry in my funeral in a way crying out against him. Condole my mother, she can't stand. Carry out my funeral according to Islam and carry my body by saying, "Allahuakbar," no marching band. Hope to meet you in eternity, the glory belongs to Allah. What belongs to me are only my sins. Pray for me a lot. I am scared aa lot from the Judgement day, and I am hopeful at the same time from his mercy."

⁵¹ a.g. Indictment 3.5.f) "The murderer buys suit "

⁵² a.g Indictment 3.13 "The organization behind the assassination"

Ambassador to Turkey Andrei Karlov was made in January 2016 in the United States during a series of gatherings by the Gulen movement.

Conclusion: The *raison d'être* of penal procedure law is criminal suspicion. A state following the rule of law can only describe a doubt with proof. The strength of the proof leads to the strength of the suspicion. Predictions without evidence are not enough in the rule of law to start an investigation. Otherwise, arbitrary prosecution is inevitable.

The prosecutor supports its claim with only a text message through the Bylock app sent by Celalettin Yuvaci, investigated in Kayseri over being a member of the movement, on January 1, 2016. The text message says, “Subject: Notes, January 3 – We explained to H.E. [Fg] that hotel gatherings all around the U.S. have been productive. Then, Serif Ali Tekalan took the floor...”

The indictment doesn't include any previous or further messages. The prosecutor's only proof to blame the movement to decide to kill the Russian ambassador is merely based on this message. The indictment does not include essential details such as who joined those gatherings, when and in which hotels they took place, what the attendees talked about or agreed on.

The prosecution also never asked for any information from U.S. officials.

The prosecutor has no evidence to support his claim that an assassination decision was taken during those gatherings.

Turkish Criminal Law's 267th article requires an action of malicious prosecution about the prosecutor based on this groundless claim.

There is no single evidence to support the prosecutor's claim that defendants Mustafa Timur Özkan⁵³ and Hayrettin Aydınbaş organized an art exhibition where the Russian ambassador was killed under the “command” of Prof. Dr. Şerif Ali Tekalan, a prominent figure in the movement.

The defendant Mustafa Timur Özkan is a member of the same social group called “Türkiye Gezginler Grubu [Turkey Travelers Group]” as Şerif Ali Tekalan, and they communicated each other through e-mail between 2008-2015 about the activities of the group.

The indictment includes emails between Ozkan and Tekalan between 2011-2012 about the invitations to trips, exhibitions, articles, and book publications, which are official social group activities.

⁵³ The organizer of the art exhibiton

Prof. Dr. Şerif Ali Tekalan he said during an interview published on Youtube that the Turkish media claimed his connection with Timur Ozkan was based on our money transfers.

*“These transfers were due to an article about a journey of myself that I published in Ozkan’s book. I paid 100 TL through my bank account for the price of 10 books that I bought. This transaction was years ago, and we had already declared it in our e-mails. It’s not a topic in the indictment, whereas I have no relation to the assassination of the Russian ambassador,” said Tekalan.*⁵⁴

The acquaintance between Mustafa Timur Özkan and Hayreddin Aydınbaş is also based on their travel activities and related magazine/book publications as stated in the indictment. Aydınbaş says during his testimony that he had never met Tekalan in person.⁵⁵

To sum up, the prosecutor associates Celalettin Yuvaci with Serif Tekalan based on a Bylock message that mentions his name on January 7, 2016. Based on Tekalan's acquaintance with Mustafa Timur Ozkan, he claims Tekalan instructed Ozkan and Aydınbaş.

However, the prosecutor's claims are groundless, and he cannot prove any of his claims.

3.3.5 The similarity between the assassination and a scenario released in 2014 on the movement affiliated Samanyolu TV⁵⁶

Claim: The prosecution shows an episode of a TV series released in 2014 on Samanyolu TV, a media outlet affiliated with the Gulen movement, as a proof to blame the group for the assassination of the Russian ambassador Andrei Karlov. It claims in the indictment that the 89th episode of “Nizama Adanmis Ruhlar [Souls dedicated to order (rule)],” a scene showing an assassination of an ambassador, is similar to the murder of Karlov, as an assassination plot.

Conclusion: It’s counter-intuitive to associate an assassination that took place in 2016 with the 89th episode of a series publicized in 2014. Former directors of Samanyolu TV that we contacted for this study say they serialized ten months of a year, seven episodes of different series, roughly 280 episodes in a year. They claim the incrimination of a fiction series over a real murder is groundless.

The efforts of the prosecution to associate the movement with murder is evident, as mentioned earlier. On the contrary, the prosecution ignores the police search findings

⁵⁴ Prof. Dr Şerif Ali Tekalan told Tr724: 15 Temmuz, KPSS soruları, Karlov Suikasti ve Şike davası, 3 Nisan 2020, <https://www.youtube.com/watch?v=vSnvjjsrKkg>

⁵⁵ No proof against this statement in the indictment

⁵⁶ a.g.indictment "3.2) Plan of Attack "

in Altintas' house and his phone, several videos related to organizations such as Al-Qaeda and ISIS, September 11, and Charlie Hebdo terror attacks.

3.3.6. The claim that “The assassin chanted radical slogans to mislead to the perpetrators”

Claim: The assassin Mevlüt Altıntaş chanted slogans after killing the ambassador in Arabic and Turkish.⁵⁷

The indictment asserts that he learned those slogans by heart under the Gulen movement's instructions in a bid to blame terror groups such as Al Qaeda or ISIS.

Conclusion: The assassin chanted slogans in Arabic and Turkish about the Syrian civil war and Aleppo, which was under attack by Russian jets, right after he fired his gun nine times at the Russian ambassador.

Unlike the prosecution, a security expert that we consulted for this study explains the slogans he chanted as follows:⁵⁸

The only moment an attacker doesn't act is the moment they decisively go to kill and to be killed. According to psychiatrists, the anger, anxiety, and dense feelings peak during an attack. It can be easily observed in Altintas' case, too, from his hand gestures and mimics in the videos showing those moments. He seems to be decisive and focused on killing before the murder. Then he becomes angry and never considers escaping, chanting his last slogans showing his ideology, giving a clear message as saying: Don't forget Aleppo."

As seen from the footage of the killing, the assassin seemed like a "suicide attacker," waiting for the security officers to intervene. He had twenty minutes to run away from the scene where there was no security guard nor any police officers. He waited to be shot by the police and "martyred" in a similar motivation to the radical groups and their members.

⁵⁷ a.g. Indictment page .51, ARMED ATTACK/ 1-INCIDENT

Slogans he chanted are as follows:

"Allahuekber, Allahuekber, Mahmullezine mahlehu Muhammeden alel cihadi mahahi rizzaagat, Allahuekber, We are the ones who pledged loyalty to [the Prophet] Muhammad to fight jihad as long as we live. Don't forget Aleppo, don't forget Syria. You will not be able to feel safe for as long as our districts are not safe. Only death will remove me from here. Everyone who has taken part in this oppression will one by one pay for it, one by one. [by pointing to the body of the ambassador] call his guards; I will not leave here unless I die. We will not drop tonnes of bombs on your cities; we will only punish those responsible for the killings; we will not target civilians and women. Know this, you attacked our cities with tonnes of bombs, leave my brother, leave here, if you like your life, leave here, yes I know, I will not leave here until I die, I am not harming civilians, I am not harming civilians. Yes, yes, you know very well. No, call his security guards here. Evict the civilians, evict everyone; I will not harm. Stay away, if you get closer to me, you too, pull back, let civilians out, walk, don't take photos, don't take my photo, keep walking, leave here, no one shall stay mates, don't let innocents in, don't let innocents die."

⁵⁸ Notes from our discussion with a police chief whose name is disclosed.

3.3.7 The claim that “Some Gulenists tapped into the social media accounts of the murderer Mevlüt Altıntaş'ın through a VPN and changed some info, deleted some others”

Claim: The prosecution alleges some members of the Gulen movement tapped into the social media accounts of the assassin after the murder, deleted some information, and made alterations on his social media accounts.⁵⁹

Conclusion: The prosecution detected that someone tapped into the social media accounts of the murderer Altintas after the assassination and tried to change their passwords.

Based on the electronic devices belonging to Altintas, the authorities cooperated with the police's cybercrime unit, Turkey's BTK communications authority, the VPN and server companies, Google, Microsoft, GSM companies, and some hotels.

The "evidence" of the prosecution presented to the court is 67 people used "suspicious" IP addressed both in Turkey and Northern Cyprus (KKTC). The address in Northern Cyprus belongs to a student dormitory with 330 students staying.

The prosecution admits that it couldn't find any suspect after investigating those addresses and radio base stations.

In the conclusion part of the indictment, acknowledges that it couldn't come up with a result.⁶⁰

“The investigation over the member of the terrorist organization who connected to the social media accounts of Altintas through VPN is separated from the main file with the new investigation number of 2018/203309.”

Despite no findings nor any concrete evidence, the prosecutor wrote in the indictment he “has a strong belief” that a member of the Hizmet movement tried to make changes on Altintas’ social media accounts.

Further investigation about this is absolutely essential to determine if someone tried to tap into the murderer’s social media accounts and tried to make changes.

⁵⁹ a.g indictment, 3.9.a) Access to social media accounts of terrorist Mevlüt Mert Altıntaş page 226

⁶⁰ a.g indictment page 607, NOT2

3.3.8 The 103rd verse from the Quranic Ali Imran found on Altintas' e-mail

Claim: The prosecution deems a verse from Quran found on Altintas' e-mail through an expert examining as an instruction to the assassination.

Conclusion: The indictment states that Altintas saved the 103rd verse of Surah Ali Imran as a draft text of an e-mail that he was co-using with his flatmate Serkan Özkan, the day before the murder.

The English translation of the verse as follows:

“And hold firmly to the rope of Allah all together and do not become divided. And remember the favor of Allah upon you – when you were enemies and He brought your hearts together and you became, by His favor, brothers. And you were on the edge of a pit of the Fire, and He saved you from it. Thus does Allah make clear to you His verses that you may be guided.”

It is far-fetched how the prosecutor associates this Quranic verse with the Gulen movement in the indictment:

*“Based on our research about the 103rd verse of Surah Ali Imran, the same verse was included in a book of Necip Hablemitoglu, a Turkish historian and writer who was assassinated on December 18, 2012, with a footnote claiming that Fethullah Gulen interpreted this verse in favor of his movement, that’s he is deceiving people with God.”*⁶¹

The prosecutor can not find any proof that Fethullah Gulen used this verse; however, he tries to create evidence from a footnote in a book of a writer which was published years ago.

The prosecutor aims to use even some unrelated footnotes against the movement. In contrast, he ignores concrete pieces of evidence showing Altintas' connections with the radical groups and his opinions about “Syria, jihad, martyrdom.”

Even if referring to Quranic verses in texts, articles, and speeches is not an element of a crime, the prosecutor ignores that some radical groups also read and spread the same verses.

3.3.9 The claim that Assassin Altintas had HTS record with some suspects⁶²

Claim: The prosecution claims there is an organized connection between Mevlüt

⁶¹ a.g indictment, Syf 59, 3-1.f) Search on the belongings of terrorist Mevlüt Mert Altıntaş and inspection on the digital data obtained

⁶² Historical Traffic Search: A record showing cell phone call details, including the caller, the time of call, the duration and the location of the call, the radio basis signals.

Altintas and some other suspects and people not included in the court case merely based on a report of historical traffic search (HTS) showing that they used the same base station.

Conclusion: The prosecution examined the HTS records in an area of 30 minutes/500 meters away and evaluated its findings as an organized connection.

Altintas's phone's signals within a 500-meter distance in any half-hour of duration during 2,5 years of his stay in Ankara matching with some specific people don't prove that he was connected with those people.

These criteria could easily associate Altintas with at least half of Ankara's population, including politicians, bureaucrats, judges, public officers, and even the prosecutor himself.

If we assume that the murderer watched a football game in a stadium, all spectators sharing the same radio basis for 90 minutes could be suspects in the same court file.

Hence, it is impossible to consider being in the same spectrum of a radio basis in 1800seconds/30 minutes/500 meters as evidence of an organizational connection.

THE INVESTIGATION THAT THE PROSECUTION CHOSE NOT TO DEEPEN

The prosecutor Adem Akinci who conducted the primary investigation about the murder of Karlov and prepared the indictment, has left many blank points in the proceeding.

1. Assassin's connection with the Sosyal Doku Foundation and his possible relationship with some radical groups

The prosecution, who only focused on the assassin's possible connection with the Gulen movement and searched for proof to support its claim, ignored several relationships in his radicalization. It has not investigated the radicalization of Altintas and his new environment around the religious "Sosyal Doku Vakfi" group in Ankara after he became a police officer.

There are several shreds of evidence that Altintas contacted this group and some other radical groups during his stay in Ankara, despite the investigations showing he had no relation with the Gulen movement.

The witness statements, digital data found on his computer, his books, and personal notes, bank transaction details (donations to several groups and foundations) are some of the evidence. However, the prosecution has not investigated the foundation, and the

circle Altintas was intensely in touch with.

Meanwhile, the local media reported that Nurettin Yildiz, the head of Sosyal Doku foundation who irked the public with his radical opinions, has been widely accepted by the circles close to the ruling AKP.⁶³ Some media reports also revealed that a member of the Supreme Court Selahattin Mentesh assigned by the AKP has close relations with Nurettin Yildiz.⁶⁴

The prosecution, which claims that the assassin Altintas had links to the Gulen movement, actually ignores the network he tried to become a part of was centred around the Sosyal Doku foundation.

Muhammet Dalkilic gave his testimony before the prosecution and said he received a phone call from Ibrahim Yilmazoglu, an acquaintance from the Sosyal Doku foundation, about Altintas in 2015:

"A brother of us, a police officer [Mevlut Altintas,] moved to Bitlis [eastern Turkish city] recently, he joins our gatherings regularly, could you please help him to have friends there?"

Dalkilic said he was given Altintas' phone number and met with him over a cup of tea.

This study does not aim to bring anyone under suspicion. However, the prosecutor insists on ignoring the findings and evidence apart from his in-depth research and effort to accuse the assassination movement.

The prosecutor must have investigated this kind of assassin's connections instead of claiming that Altintas had "a guide from the Hizmet movement."⁶⁵

2. The phone call Marina Karlova receives from Moscow

The court statement of the ambassador's wife has unfolded a piece of vital information. Marina Mihaylovna Karlova said during her statement to the prosecutor:

There were protests in front of the Russian embassy [in Ankara] on 14 or 15 December 2016. I received a phone from a woman that I didn't know. She introduced herself as an investigation officer from a Russian prosecution. She tried to get information from me about the incidents [in front of the Russian embassy] and tried to learn if my husband had a bodyguard with him. Although I did not inform anyone, there published

⁶³ Nurettin Yıldız focused on the education of AKP youth! See, who invited him!, HalkWeb, Last update 30 March 2018, <https://halkweb.com.tr/nurettin-yildiz-akp-gencligine-egitim-vermis-bakin-kim-cagirmis/>

⁶⁴ Is the newly assigned judge close to Nurettin Yildiz who said "A six-year old child can marry?" Yurt Daily, Last update 06 July 2019, <https://www.yurtgazetesi.com.tr/gundem/aym-ye-alti-yasindaki-cocuk-evlenebilir-diyen-h133806.html>

⁶⁵ a.g. Indictment, A-Fethullahist Terror Organization structure / 6-) Hierarchical structure of the organization, page 30

some news reports saying that I gave a statement. The country code of the number was 495 (Moscow), and I did not save the number."

The Turkish prosecutor should have investigated this non-official call to the ambassador's wife, but not himself through an official line. He should have focused on who questioned if the ambassador's bodyguards were protecting him at that time.

3. The case of Abdülkadir Şen

The prosecutor has not thoroughly investigated the relations of a witness, Abdulkadir Sen, who bore testimony to the prosecutor after the assassination.

According to an investigation report, David Cohen, US Department of the Treasury as Under Secretary for Terrorism and Financial Intelligence stated: Ibrahim Sen, who was kept under arrest in Guantanamo, and his brother Abdulkadir Sen, who was arrested in Turkey in 2018 over his connection with Al-Qaeda affiliated groups, donated 600.000 US dollars in September and December 2012 to Al-Shabab terror group based in Somalia.

Besides, anti-terror experts from the British and French embassies in Turkey asked for information from the Turkish authorities in 2014 about Ibrahim Sen and Abdulkadir Sen.

It was part of an investigation and inquiry about people joining a battle in Syria to include these two men in a UN list sanctioning Taliban and Al-Qaeda affiliates.

There is a witness statement revealing that Abdulkadir Sen, having a record of connection with the radical groups, met the murderer Mevlut Altintas on October 8, 2016, in Istanbul.

The prosecutor alleges that Altintas met the jihadist suspect in an effort to mislead the perpetrator of the murder.

Enes Asim Silin, a witness in the file, said during his first testimony before the police that he brought them together; however, he changed his statement afterward.

According to Silin's first statements, he exchanged direct messages with Altintas on Twitter, which started from being fellow townsmen and then discussions developed over Syria.

Altintas mentioned during those texting sessions that he was reading a book written by Abdulkadir Sen titled "The motivation of the Syrian revolution, The map of fighting groups, and the actors' strategy." Silin responded he knew in person the book's writer and organized a meeting in Istanbul; subsequently, Altintas went to Istanbul from Izmir

for the meeting, according to the statement.

Based on the detailed story Silin shared with the security officers, the relationship between Altintas and Sen developed spontaneously.

The prosecutor has not presented any proof that Altintas met with Sen on the instructions of the Gulen movement. He only mentioned his assumption in the indictment.

Asim Silin withdrew his statement revealing that he put Altintas in touch with Sen, later citing his physiological problems.

It's significant that the prosecutor did not investigate such an important meeting and why Silin withdrew his statement after a while.

Declaring that he would proceed no further investigating Sen and Silin, the prosecutor did not investigate Altintas' efforts to join a the battle in Syria and ignored claims of Sen and Silin transferring money and send fighters to specific radical groups doing battle in Syria.

4. Security Weakness

It's a loss of prestige for the country considering the security weaknesses, which led to the assassination of an ambassador during an art exhibition in the capital Ankara, whose safety is guaranteed by Turkey.

Marina Karlova, the wife of Karlov, stated in her statement before the prosecutor said that her husband went to the exhibition without any bodyguard and weapon, that ambassadors have immunity and protecting him was the Turkish Republic's responsibility.⁶⁶

Ms. Karlova also stated that there was only one unarmed security officer in the building. It's clear that there was a lack of security. The ambassador was left unprotected and open to attack; any security officers did not escort him despite the heated debate over the Syrian war and Russia's role in it.

The prosecution was expected to expand the investigation towards the Interior Ministry and security units to work out if it was a security breach or evil purpose. It did not do so.

The assassin chanted slogans behind the ambassador's body and waited to be attacked with these words: "Get his guardians in, get them in, I came here to die."

⁶⁶ a.g Indictment – THE SECOND PART / I-COMPLAINANT STATEMENTS (FILE III/1) / 1-MARINA MĪHAYLOVNA KARLOVA (File VIII/2)

As seen in suicide attacks, the murderer might have followed his motivation to clash with the Russian guardians and become a "martyr."

The chronology of the murder⁶⁷ is as follows, according to the prosecution:

18.31 – The assassin Altintas enters the building of art exhibiton.

18.45 – The ambassador Karlov enters the building.

19.05 - Assassination takes place.

19.25 – Police arrive at the scene and urge the assassin to surrender. A fatal clash between police and Altintas takes place.

19.42 – Mevlut Altintas is captured dead as a result of the police operation.

There are twenty minutes of silence between the murder and the police intervention. It is very evident that the murderer did not attempt to escape and he waited to be killed.

The Turkish security authorities could neither protect the ambassador nor intervene immediately. They killed the assassin who should have been captured alive.

5. Why did the police killed the murderer?

Altintas, who was fatally shot 13 times by police and silenced forever, could have explained the background to the assassination if he had been caught alive.

According to the statement in the indictment of a police officer who joined the raid, Altintas fell to the ground after he was shot; a police officer approached him and moved Altintas' gun away with his foot.

The police officers realized that he was alive and moving his body, subsequently shot him until they were assured that he was dead. Their the reasoning was that "he could be a suicide bomber."

It's an important claim to follow up that the police officers executed Altintas with six bullets to the head. According to the experts, there is no need to shoot someone in the head and execute them when there are no hostages.

Instead of blasting away this claim, the prosecutor made an extralegal comment in the indictment by saying that "Even if the murderer had been captured alive, he would not have given any information."

However, the prosecutor should have investigated such a sensitive assassination, which could profoundly affect the two countries' relationship. And he should have also focused on the execution of Altintas when there was no need.

⁶⁷ a.g Indictment 3.12) Chronology of the incident, page 247

6. Why did the prosecutor not include the statement of Serkan Kurtulus who was arrested in Argentina?

Serkan Kurtulus, allegedly led a criminal group in Izmir, was arrested on June 13, 2020, in Argentine by the Interpol.

According to an investigation ongoing in Turkey, Serkan was managing the group's armed wing and blackmailing businesspeople by threatening them that they were included in "FETO" investigations" and demanding money to "clear their names from "charges."

Ahmet Kurtulus, then-deputy head of the AKP's Izmir branch, was assassinated in his house when an investigation was ongoing over being co-partner of Serkan Kurtulus. The two had the same surname but were not related.

Fleeing Turkey later, Serkan Kurtulus disclosed his group's criminal activities in Turkey by speaking to Argentinian local media⁶⁸ after being arrested and-during an interview with Hollie McKay from the American FOX News.⁶⁹

Speaking to a Turkish media outlet,⁷⁰ Kurtulus also said he had cooperated with people close to the Turkish government.

He said the government supported some radical religious groups and tried to blame the Gulen movement for the murder of his partner Ahmet Kurtulus.

He also claimed that he was asked to help assassinate Andrew Brunson, an American pastor whose arrest in Turkey triggered tension between Ankara and Washington.

"AKP officials were planning to make someone assassinate pastor Brunson just like Karlov," Serkan Kurtulus said.

"They contacted me in 2015 and 2016. They wanted me to rent a house. These were [who wanted me to do so] Nukhet Hotar [a former deputy chairman of the AKP who also served as a lawmaker for the ruling party from the Aegean coastal city of İzmir] and Ahmet Kurtulus [then-deputy head of the AKP's Izmir branch]. A house was rented, and some books related to the Gulen movement were put in the house. They wanted a boy to stay there for a while. They probably wanted him to leave fingerprints to give

⁶⁸ Infobae.com, 22.07.2020, by Federico Fahsbender

<https://www.infobae.com/sociedad/policiales/2020/07/22/habladesde-la-carcel-el-mafioso-turco-detenido-en-puerto-madero-politicos-de-mi-pais-me-pidieron-asesinatos/>

⁶⁹ Jailed Turkish mob boss claims government officials dispatched him to kill American Pastor Andrew Brunson, 1.09.2010, by Hollie McKay <https://www.foxnews.com/world/jailed-turkish-mob-boss-claims-government-officials-dispatched-him-to-kill-american-pastor-andrew-brunson>

⁷⁰ "AKP GENERAL VICE PRESIDENT ORDERED ME TO ASSASSINATE PASTOR BRUNSON" TURKISH INTELLIGENCE KILLED THE RUSSIAN PILOTS!, 5.08.2020, https://www.youtube.com/watch?v=j3_D9RGtjH4

the impression that he was living there. Of course, I did not accept this; I kept them busy to no particular end. Killing an American is a serious crime. I couldn't say no, so I stalled. They would probably kill the person who was to commit the assassination, just like when the Russian ambassador was assassinated in Ankara. They would also present the house after killing the perpetrator and lay the blame on the movement. We met with Nukhet Hotar in Ahmet Kurtulus' office during these talks. Then I fled Turkey after an investigation started about me."

Kurtulus also told FOX News that the plans to kill Brunson were in place before the July 15 coup attempt:

"Even before the coup attempt, [officials] had started to talk about Brunson – that he was a spy and supporting terrorism. Then, after the [2016] failed coup, they wanted me to find someone to kill him and blame it on the Gulenists."

Serkan Kurtulus is known for his important ties from the AKP circles, and he claims to be speaking out in a bid not to be assassinated.

He states that if Brunson was assassinated, the Turkish government would put the blame on the Gulen movement like hundreds of events, including the July 15 coup attempt and the murder of Karlov.

FOX News reported that the American Federal Bureau of Investigation (FBI) launched an investigation based on Kurtulus' statements. The prosecutor of the Karlov case should also have started an inquiry accepting his words as new evidence and expanded the ongoing proceedings.

4. RUSSIA'S APPROACH TO THE ASSASSINATION

4.1 Overview

Despite strategic cooperation in recent years, the Russian Federation has not investigated Karlov's killing in parallel with Turkey, targeting the Gulen movement. Moscow seems not to have accredited Turkey's thesis on the case.

A group of Russian intelligence visited Turkey right after the assassination to investigate the murder, but the result was not publicly announced.

According to Arif Asalioglu, a Russia-based expert on Turkish-Russian relations and the head of MIRNAS (International Scientific Development Cooperation Institute), Russian authorities don't blame the Gulen movement, unlike the Turkish government.

“Although Turkey claims the opposite, the Russian authorities and state-sponsored mainstream media did not blame the Gulen movement about the murder of Karlov. They questioned Ankara’s official statements and explanations. The initial statements from some Russian politicians were targeting the Turkish authorities and international terrorism.”

A Turkish security official that we consulted comments as follows:

*“If the Russian authorities had found a single connection with the Gulen movement, their investigations would have been so different. A Russian committee inspected the murder in Turkey in detailed research. It is most likely that they noted down the assassin’s connection with the Sosyal Doku foundation, his radicalization and will to join the battle in Syria, the important facts that the Turkish prosecutor chose to ignore.”*⁷¹

Franz Klintsevich, a member of the Federation Council’s defense and security committee and Senator, told Russian news agency RIA Novosti that Karlov was a target of radical Islamists, ISIS or al Qaeda. We have questions for the Turkish authorities. This murder took place after several terror attacks. Turkey’s related services should have taken security measures.”⁷²

“An awful incident that has no sample in the world history, a nightmare,” Klintsevich told the Russian agency.⁷³

Chairman of the Federation Council (upper house) Foreign Affairs Committee Konstantin Kosachev highlighted that Turkey must launch a detailed investigation into the murder of Karlov:

"If Turkey includes professional experts in the inquiry and investigates the murder comprehensively, we will believe what it says. It was a planned terror attack. The Turkish government must show its will to investigate the attack and its responsibility in not being able to protect the ambassador."⁷⁴

Russian foreign minister Sergei Lavrov drew attention to the Syrian war, claiming that the murder perpetrators targeted the normalization of ties between Russia and Turkey.⁷⁵

Prime Minister Dimitri Medvedev vowed to find the perpetrators following a precise investigation: “Russia will call those organizing the murder and those connected to them into account.”⁷⁶

⁷¹ Notes from the meeting with a Turkish police chief

⁷² <https://ria.ru/20161219/1484024784.html>

⁷³ <https://ria.ru/20161219/1484024784.html>

⁷⁴ <https://tr.sputniknews.com/rusya/201612201026387362-kosacev-karlov-cinayeti-sorusturma/>

⁷⁵ <https://allkharkov.ua/news/pro/sakralnoe-ybiistvo-posla-karlova-ili-lovyshka-dlia-pytina.html>

⁷⁶ <https://tr.sputniknews.com/rusya/201612201026386948-medvedev-karlov-suikasti/>

A political scientist Eduard Limonov wrote an article for Regnum news agency titled "Erdogan always puts us [Russia] in trouble."

"Erdogan created problems for both Russia and Iran following the assassination of our ambassador and occupying the lands of the Kurds in northern Syria. I am underlining that he always puts us in trouble. He wanted to purchase Patriot missile systems from the US recently. However, they had already purchased S-400 from Russia! And Erdogan claims that he is innocent. Shortly before, his guard, a police officer, killed a Russian ambassador. It was most likely that this murder was going to force Russia to declare war with Turkey. We just ignored it."⁷⁷

4.2 – How serious did Russia take the allegations of Turkey? Did it target the Gulen movement?

Evgeniye Satanovsky, the head of the Middle East Institute, said during several TV and radio interviews that Ankara blamed the Gulen movement for any negative development [in the region].

Satanovsky said: "No one knows, most probably no one will know about the perpetrators of these incidents. However, some incidents caused the death of numerous people and the arrest of more. As a result, all of these incidents enabled Tayyip Erdogan to create his dictatorship and regime. A total authoritarian Turkish Republic will be a total totalitarian one. True, it will be a 'gift' and a victory, as there is no doubt Erdogan will definitely terrorize Kurds and leftist groups."⁷⁸

The Russian ambassador to Turkey Aleksey Yerhov, blamed radical groups fighting in Syria for the murder of Karlov, unlike the Turkish government, which accused the Gulen movement. Yerhov also said he was receiving direct death threats.

“Look at the horrible insanity on social media. ‘Say goodbye to your life; no one will cry behind you.’ All of these [words] also spread on the conventional and social media five years ago. The reason was not Idlib, but Aleppo at that time. Result? The plane crisis [Turkey’s shutting down a Russian jet] and the assassination of the ambassador Karlov. Meanwhile, I am also receiving direct threats,” said Yerhov.

According to a report by the Russian Sputnik media outlet, ambassador Yerhov also accused Ankara over the clashes in Idlib between Russian&Syrian forces and the insurgent groups: “[Our] patience has ended. The Syrian army has decided to get every inch of its soil back.”⁷⁹

Alexandır Ignatenko, the head of Religious Foundations, said, “All signs show a terror

⁷⁷ <https://regnum.ru/news/polit/2813826.html>

⁷⁸ <https://www.svoboda.org/a/27865669.html>

⁷⁹ <https://kronos32.news/tr/rus-buyukelcisi-karlov-suikastindan-suriyeli-cihatcilari-sorumlu-tuttu/>

act conducted by Salafi groups.”⁸⁰

The Turkish department of Russian state-sponsored news agency Sputnik published a report stating that Fath-al Sham front [former al-Nusra before it was separated from al Qaeda] claimed responsibility for the murder of Andrei Karlov, the Russian ambassador to Turkey.⁸¹

The general director of MIRNAS Arif Asalioglu comments as follows:

*“Having advanced strategic military psychological warfare and security experience, Russia can analyze the developments that take place in Turkey. That should be the reason why it has not targeted the Hizmet movement after Karlov killing.”*⁸²

Maksim Yusin told Kommersant that there might be two motivations behind the assassination of Karlov:

*“First, it was the Sunni radicals' motivation to punish Russia, which intervenes in the Syrian war in favor of Bashar al-Assad, who is deemed by them as the worst enemy. Second, the rapprochement between Moscow and Ankara. This rapprochement was a determinant in the previous months regarding the developments in the Syrian civil war. The most significant loss of the Syrian opposition after four years in Aleppo resulted from the agreements between Russia and Turkey.”*⁸³

Yashar Niyazbaev, a researcher on Turkey, told Exo Moskow radio on January 17, 2020, during a live interview that it was difficult to know that all arrested by Turkey were affiliated with the Gulen movement.

*“There is something that is widely known, though, which is Turkey aims to associate the murder with the Gulen movement, and that’s why the trial takes this long. I conclude this after reading several articles written by Turkish and Russian journalists who followed the trials. The only thing that I understand is Turkish politicians look for a single result: To somehow find a connection with Gulen.”*⁸⁴

Yuri Mavasev, an expert on Asian-African countries from Moscow State University (MGU), told Izvestiya that Gulen is not a person to support terrorist activities, and he is the last person to gain advantage from the killing of the Russian ambassador.

“When a terrorist attack targeted Karlov, everyone realized that the Turkish authorities were to blame the Gulen movement. But the preacher Gulen and his organization are not a group resorting to terror methods. Besides, Gulen is on the brink of deportation

⁸⁰ <http://www.kommersant.ru/doc/3175699>

⁸¹ <https://tr.sputniknews.com/ortadogu/201612211026428039-karlov-fetih-el-sam/>

⁸² Notes from the meeting with Arif Asalioglu

⁸³ Notes from the meeting with Arif Asalioglu

⁸⁴ <https://echo.msk.ru/blog/yashar/2572439-echo/>

*from the US; thus, he knows that an attack on a Russian ambassador is irrational.”*⁸⁵

Fethullah Gulen, the leader of the movement, told Regnum news agency shortly after the Karlov murder⁸⁶ that the government could pave the way for some other assassins and blame the Gulen movement.⁸⁷

He underlined that the government couldn't persuade the world that its accusations [about the movement] are true.⁸⁸

Gulen's statements were published by the Russian mainstream media⁸⁹ ⁹⁰ and the official Gazzette Rosiskaya Gazeta, which functions as the state official gazette and releases official decisions.⁹¹

4.3- Have Russian authorities taken any precautions about the Hizmet movement, or has shown any unusual/aggressive behaviour? Was anything similar observed in the Central Asian countries where Russia has a vast political impact?

Arif Asalioglu, who has been following the Turkish-Russian relations and published several studies on the topic, responses to this claim as follows:

“Following the jet crisis between Russia and Turkey in 2015, Russia boycotted Turkish products,⁹² Turkey’s embassy in the country was stoned,⁹³ the nearly 100,000 Turkish diasporas decreased to 20,000⁹⁴. Russia did not respond in the same way after Karlov killing against the Gulen movement that is announced to be the perpetrator by the Turkish government. People and institutes affiliated with the Hizmet movement kept living and functioning in Moscow and other Russian cities, without any backlash. The case is the same in other Russian-speaking countries.

Russia has been following the Gulen movement's activities in detail for years, keeping track of the incidents such as December 17-25, 2013 corruption operations and July 2016 coup attempt. The Russian government is aware of the Hizmet movement's rhetoric, stance, and victimization. Recent developments removed some hesitations about the movement in Russia, such as considering the group might have been an intelligence activity of the Turkish government.”

⁸⁵ <https://tgme.org/2016/12/yuriy-mavashev-the-last-person-to-benefit-from-russian-ambassadors-murder-is-fethullah-gulen/>

⁸⁶ Gulen said during the interview: “It’s a ridiculous attempt of Erdoğan government to blame the Gulen movement [for the murder]. They try to put the blame on others instead of investigating their security weakness and taking the responsibility.”

⁸⁷ <https://tr.sputniknews.com/abd/201612221026456564-fethullah-gulen-andrey-karlov-suikast/>

⁸⁸ <https://tr.sputniknews.com/abd/201612221026456564-fethullah-gulen-andrey-karlov-suikast/>

⁸⁹ <https://rg.ru/2016/12/22/ubijca-karlova-otvetil-otkazom-na-predlozhenie-sdatsia.html>

⁹⁰ <https://echo.msk.ru/news/1896704-echo.html>

⁹¹ <https://rg.ru/2016/12/22/ubijca-karlova-otvetil-otkazom-na-predlozhenie-sdatsia.html>

⁹² https://www.bbc.com/turkce/haberler/2015/12/151204_rusya_krizin_10_gunu

⁹³ <https://falanamesele.wordpress.com/2015/12/25/ucak-krizi-ve-rusyadaki-turk-aleyhtari-histeriyi-anlamak/>

⁹⁴ https://www.bbc.com/turkce/haberler/2015/12/151204_rusya_krizin_10_gunu

Despite Turkey's efforts, Russia has not designated the Gulen movement as a terrorist organization even four years after the Karlov murder.

4.4 –Has the Russian judiciary concluded its investigations about the murder? Is Turkey cooperating with Russia?

Russia has founded a committee to investigate the killing of Karlov led by Aleksandr Bastirkin. This committee has not blamed any group for the assassination other than the aforementioned radical Islamist groups.

Bastirkin told Rossiyskaya Gazeta "We tracked the activities of the perpetrator, a Turkish police officer Mevlut Mert Altintas. He had prepared for the assassin meticulously, searching the ambassador's events to join Karlov. It was [publicly] announced he would be joining an art exhibition in Ankara.

Bastirkin also said Altintas went to a hospital a day before the murder to have a doctor's report to be granted a leave of absence:

"Altintas booked a hotel room one minute walk away from the building where the art exhibition was planned and had gone to the art exhibition building to examine on-site.⁹⁵"

Igor Krasnov, deputy head of the Russian committee investigating the murder, told Kommersant daily:

"Russia launched an investigation designating the murder as a terror attack. We cooperate with our colleagues from Turkey in the inquiry. Our duty is to reach to the correct information and bring the responsible ones to justice. The organization, customers, or ideological inspirers of the murderer are not less dangerous than himself. The killer of Andrei Karlov had just stood behind him before the assassination; our duty is to find those behind the assassin."⁹⁶

CONCLUSION AND REVIEW

The prosecution turned a blind eye to some crucial concrete evidence while blaming the Gulen movement for perpetrating the assassination with prejudices and bias. It is also a result of Turkey's current situation: The Gulen movement has been left defenseless in Turkish courts, and it has been the target of a massive media smear campaign and censorship. The judiciary has been acting in favor of the rulers of the country.

The Turkish government aims to use the Karlov murder as an argument to oppress Gulenists abroad, who have been blacklisted and jailed in Turkey. It is most likely that

⁹⁵ <https://rg.ru/2019/07/24/bastirkin-rasskazal-o-hode-rassledovaniia-ubijstva-posla-karlova.html>

⁹⁶ <https://www.kommersant.ru/doc/3187296>

Ankara will prepare refoulement or red bulletin files over Karlov murder to crackdown the on the group outside of the country.

Ankara has covered its responsibility for failing to secure the ambassador's life by lumping it with FETO/PDY investigations, despite evidence to the contrary. It's likely that the Turkish government tried to prevent any potential crisis with Russia and attempted to make the Gulen movement their "common enemy."

The first prosecutor of the investigation launched an inquiry about the state-sponsored TRT TV employees who published the news of Karlov's murder. The prosecutor ordered⁹⁷ the detention of the news manager, reporter, cameraperson, presenter, and graphic designer who prepared the report before he was dismissed from the post.⁹⁸ This shows exactly how Turkish authorities and judiciary dealt with and manipulated Karlov's assassination and their failure to properly investigate.

⁹⁷ Karlov purge in TRT: Police couldn't find that person, Yurt Daily, Last update 19 July 2019 Cuma 07:56, <https://www.yurtgazetesi.com.tr/gundem/trt-de-karlov-operasyonu-polis-o-ismi-bulamadi-2-h135162.html>

⁹⁸ Crisis over an indicment about 6 TRT employees Cumhuriyet Daily, Last update, 8 February 2020, 02:00, <https://www.cumhuriyet.com.tr/haber/6-trt-calisani-hakkinda-hazirlanan-iddianame-krize-neden-oldu-1719326>