

EUROPEAN PARLIAMENT



BACKGROUND INFORMATION ON FREEDOM OF SPEECH

Brussels, 20 April 2006

**Cases on Freedom of Speech
Last update: 20.04.2006**

File no/Court:	Ankara Legal Court of First Instance
Date/Period:	11 / 1 / 2005
Plaintiff:	Mustafa Sukru Elekdag
Accused:	1-Muzaffer Erdogan on behalf of Pencere Publishers 2-Ahmet Guner 3-Taner Akcam
Law/Article:	Violating personal rights by the means of press
Hearing/Decision:	The first hearing is on 30 May 2006.
Explanation:	Republic People Party (CHP) MP Şükrü Elekdag opened a case over the book "Treatment of Armenians in Ottoman Empire, 95-96" against the publisher Muzaffer Erdogan, the translator Ahmet Guner and the historian Taner Akcam whose article was published in the book. Elekdag claimed 20.000 Turkish Liras of compensation.

File no/Court:	2005/695, Beyoglu 2nd Criminal Court of First Instance
Date/Period:	5 / 1 / 2005
Plaintiff:	kh
Accused:	Ali Riza Vural
Law/Article:	TPC 301 Insulting the republic by the means of media
Hearing/Decision:	20 July 2006 Trial ongoing. Date of hearing : 20 July 2006
Explanation:	A case was opened against the editor of Doz Publishers Ali Riza Vural for publishing "Barzani and Kurdish National Liberation Movement." The book includes the memoirs and words of Mulla Mustafa Barzani (the father of Mesut Barzani and the former leader of Kurdish Resistance of 1903-1979). The first edition of the book dated February 2003 was prosecuted but the case was dismissed due to change of law. The recent case was opened for the second edition dated May 2005.

File no/Court:	Kartal 3rd Criminal Court of First Instance
Date/Period:	3 / 18 / 2002

Plaintiff:	kh Complainant : Prof. Dr. Necla Arat
Accused:	Emine Eren Keskin
Law/Article:	TPC 301 Insulting Turkish Armed Forces
Hearing/Decision:	RULING: The court sentenced Eren Keskin for 1 month imprisonment. The sentence was commuted to a fine of 6.000 NTL. The date of the decision is 4 March 2006.
Explanation:	This case is over HRA chairwoman Eren Keskin 's speech at a panel discussion on "Are Women 's Rights Human Rights?" which was held in Germany.

File no/Court:	2006/1, Ankara 18th Civil Court of First Instance
Date/Period:	12 / 24 / 2005
Plaintiff:	kh
Accused:	1-Erbil Tusalp 2-Kemal İşkin Kelesoglu (On Behalf of Ses Communication and Publishing Co)
Law/Article:	Severe violation of personal rights
Hearing/Decision:	11 Mayıs 2006 at 09:40 Date of hearing : 11 Mayıs 2006 at 09:40
Explanation:	Journalist-writer Erbil Tusalp stands trial over his article criticising the prosecution of the Rector of Van University Yucel Askin, his article titled "stability" was published in Birgun daily.

File no/Court:	2005/211, Tunceli Criminal Court of Peace
Date/Period:	9 / 29 / 2005
Plaintiff:	kh
Accused:	Mehmet Hanifi Bekmezci
Law/Article:	TCK 301/2 Publicly insulting the military and security forces of the state
Hearing/Decision:	RULING : The court sentenced Bekmezci with a 6 months imprisonment. The prison term was reduced to five months for his past record and good conduct during trial. The court commuted the prison term to a fine of 3.000 NTL. The date of the ruling is 14 February 2006 and the appeal is ongoing.
Explanation:	Bekmezci is the Tunceli city chairman of Teachers' Union (Egitim-Sen) and he is tried for his speech at a press conference over the developments after the killing of a taxi driver Hasan Akdag.

File no/Court:	2005/218, Tunceli Criminal Court of Peace
Date/Period:	7 / 25 / 2005
Plaintiff:	kh
Accused:	Hüseyin Ser
Law/Article:	TCK 301/2 Publicly insulting the military forces of the state
Hearing/Decision:	RULING : The court sentenced Ser with 6 months prison sentence. The prison term was reduced to to 5 months on Ser 's past and good conduct during trial. The prison sentence was then commuted to a fine of 3.000 NTL. The date of ruling is 31 January 2006 and the appeal is ongoing.
Explanation:	Huseyin Ser is an executive member of Energy, Industry and Mine Workers Union and he is tried for a speech he made at a press conference.

File no/Court:	1999/388, İstanbul 11th. High Criminal Court
Date/Period:	9 / 1 / 1999
Plaintiff:	kh
Accused:	Sami Cebeci
Law/Article:	TCK 312/2 Publicly inciting hatred and hostility among people
Hearing/Decision:	RULING : The court sentenced Cebeci with 1 year 3 months prison sentence. Under Statue 53/2, during his term Cebeci will be banned from excising his political rights including to elect and to be elected, parental rights, serving as a custodian, being an executive member or inspector of an association, foundation , trade union, company, cooperative or a political party; excising a profession subject to permission of a professional organisation or following a trade or commerce for his own account. The date of the ruling is 9 December 2005 and the appeal is ongoing.
Explanation:	The case is over an article of Sami Cebeci titled "Scenes from the doomsday" which was published in Yeni Asya newspaper and was republished in Yeni Aya International on 17-23 September 1999. Cebeci is a writer and executive member of Yeni Asya newspaper.

File no/Court:	2005/266, Beyoglu 2nd. High Criminal Court
Date/Period:	12 / 1 / 1999

Plaintiff:	kh
Accused:	Ahmet Önal
Law/Article:	TCK 158 Insulting the president, TCK 159 Insulting the republic, The security forces of the state through publishing
Hearing/Decision:	RULING : The court ruled on 22 March 2004 for 1.690 NTL heavy fine. The local court ordered a fine of 1.690 NTL on 7 February 2006. Court 's first ruling was rejected by the supreme court.
Explanation:	The owner of Peri Publishers Ahmet Onal stands trial for publishing Mahmut Baksi 's book "Teyré Baz or a Kurdish Businessman Hüseyin Baybasin". Ahmet Onal has had 27 cases against him for publishing boks, 8 of which are ongoing.
File no/Court:	2005/210, Istanbul 10th. High Criminal Court
Date/Period:	5 / 14 / 2005
Plaintiff:	kh
Accused:	Mehmet Cemal Kavak
Law/Article:	TCK 220/8 Propagandating for the terrorist organisation and its objectives
Hearing/Decision:	Istanbul 10th High Criminal Court referred the case to Kadikoy Criminal Court of First Instance. The case against Kavak under TPC article 220 will be continued under Fighting Terror Law article 7. Article 7 carries 5 years prison sentence and fines for "propagandating terrorism."
Explanation:	DEHAP (Democratic Peoples' Party) Istanbul City Chairman Cemal Kavak stands trial for his speech at a cultural festival organised in Kadikoy Caferaga Sports Hall.
File no/Court:	2003/316, Beyoğlu 2nd. Criminal Court of First Instance
Date/Period:	9 / 15 / 2003
Plaintiff:	kh
Accused:	Aydogan İnal
Law/Article:	TCK 159/1 Insulting military forces of the state through publishing
Hearing/Decision:	FINAL RULING : The court decided to imprison Inal for 6 months. The sentence was reduced to 5 months on Inal 's good conduct during the trial and it was commuted to 1.350 NTL of fine and it was adjourned.
Explanation:	Aydogan Inal, the owner and the responsible editor of Dema Nu weekly published in Kurdish and Turkish stood trial for publishing an article titled "405 Turkish Soldiers Raped a Kurdish Woman. Are these the soldiers Iraqi people are waiting for?" published in the 63rd. issue

of the magazine.

File no/Court:	2002/311, Beyoğlu 2nd. Criminal Court of First Instance
Date/Period:	4 / 1 / 2002
Plaintiff:	kh
Accused:	Mehmet Aslan
Law/Article:	TCK 159/1 Insulting the republic, the military forces and security forces of the state through publishing
Hearing/Decision:	RULING : The court decided to imprison Aslan for 6 months twice, 1 year in total. This sentence was reduced to 10 months on Aslan's good conduct. It was commuted to 1.800 NTL of fine.
Explanation:	Mehmet Aslan, responsible editor of Dema Nu weekly published in Kurdish and Turkish stands trial for publishing Kemal Burkay's article "Trying Generals is very Funny" in the 26th issue of the magazine.

File no/Court:	2002/711, Fatih 2nd. Criminal Court of First Instance
Date/Period:	7 / 22 / 1999
Plaintiff:	kh
Accused:	1-Ahmet Onal 2- Huseyin Beysulen
Law/Article:	Violation of ATA Law
Hearing/Decision:	9 June 2006 at 11:00 am The trial is ongoing. Date of hearing: 9 June 2006 at 11:00 am
Explanation:	Writer Hüseyin Beysulen and the owner of Peri publishers Ahmet Onal stand trial for writing and publishing the book "Alewisim in Dersim".

File no/Court:	2005/240, İstanbul 11th. High Criminal Court
Date/Period:	1 / 1 / 1995
Plaintiff:	kh
Accused:	Ahmet Onal
Law/Article:	TCK 220/8: Making propaganda on behalf of a terrorist organization
Hearing/Decision:	Istanbul 11th. High Criminal Court referred the case to Kadikoy Criminal Court of First Instance. The case against Onal under TPC article 220 will be continued under Fighting Terror Law article 7. Article

	7 carries 5 years prison sentence and fines for "propagandating terrorism."
Explanation:	Owner of Peri publishing house Ahmet Onal stands trial for Hejare Samil 's book "The Kurds in Diaspora".
Analysis:	javascript:feox(27); javascript:feox(41);
Comments:	Owner of Peri Publishing house Ahmet Onal has had 27 cases against him for publishing books 8 of which are ongoing.
File no/Court:	2005/868, Beyoglu 2nd. Criminal Court of First Instance
Date/Period:	4 / 3 / 2005
Plaintiff:	kh Informer:Chief of Staff Military Prosecutor's Office
Accused:	Hasip Kaplan
Law/Article:	TCK 216/1 Instigating a part of the people having different social class, race, religion, sect or region to hatred or hostility against another part of the people in a way dangerous for the public security
Hearing/Decision:	31 May 2006, at 09:30 am Date of Hearing: 31 May 2006 at 09:30 am
Explanation:	Lawyer Hasip Kaplan stands trial for his words during a TV program "Alternatif" he attended as a guest on Flash TV.
File no/Court:	2002/311, Beyoğlu 2nd. Criminal Court of First Instance
Date/Period:	4 / 1 / 2002
Plaintiff:	kh
Accused:	Mehmet Aslan
Law/Article:	TCK 159/1 Insulting the republic, the military forces and security forces of the state through publishing
Hearing/Decision:	RULING : The court decided to imprison Aslan for 6 months twice, 1 year in total. This sentence was reduced to 10 months on Aslan's good conduct. It was commuted to 1.800 NTL of fine.
Explanation:	Mehmet Aslan, responsible editor of Dema Nu weekly published in Kurdish and Turkish stands trial for publishing Kemal Burkay 's article "Trying Generals is very Funny" in the 26th issue of the magazine.
File no/Court:	2005/317, Bagcilar 2nd. Criminal Court of First Instance

Date/Period:	9 / 18 / 2005
Plaintiff:	kh
Accused:	Murat Yetkin
Law/Article:	TCK 288 Attempting to influence a fair trial
Hearing/Decision:	4 May 2006,at 09:55 am Date of hearing :4 May 2006 at 09:55 am
Explanation:	Journalist Murat Yetkin of Radikal newspaper stands trial for his comment entitled "Turkey will be tried in Orhan Pamuk case".
File no/Court:	2004/162, İstanbul 2nd. Criminal Court of First Instance
Date/Period:	12 / 1 / 2003
Plaintiff:	kh
Accused:	Aziz Ozer
Law/Article:	TCK 159 Insulting the state devleti (republic) and the government
Hearing/Decision:	RULING : The court ruled that Özer insulted the government in his article "Who is AKP's light bulb shining for?" and that he insulted the Republic in his article "We will not let 19 December Maccasre to be Forgotten". Özer received 6 months prison sentence for each article, 1 year in total. The date of the ruling is 1 December 2005. Ozer will appeal against it.
Explanation:	Responsible editor of "Yeni Dünya İçin Çağrı"(Call for a new World) review Aziz Özer stands trial for his articles "Who is AKP's light bulb shining for?" and "We will not Let 19 December Massacre to be Forgotten" published in the issue 73.
File no/Court:	2005/1009, Kadikoy 2nd. Criminal court of First Instance
Date/Period:	6 / 1 / 2005
Plaintiff:	kh
Accused:	Murat Papuc
Law/Article:	TCK 301/2 Insulting turkish armed forces
Hearing/Decision:	FİNAL RULİNG : The prosecutor asked for the acquittal of the accused since in the 4 months period there has not been a legal complaint on the book. The court ACQUITTED Papuc.
Explanation:	Retired army officer Murat Papuc stand trial for his book "Leaving the Painted Bank Unguarded".

File no/Court:	2005/596, Kadikoy 2nd. Criminal Court of First Instance
Date/Period:	2 / 1 / 2005
Plaintiff:	kh Informant:Chief of Staff
Accused:	1-Ekim Orhan İsmi 2-Murat Papuc
Law/Article:	TCK 301/2 Insulting turkish armed forces
Hearing/Decision:	5 April 2006,at 09:30 am Trial is ongoing. Date of next hearing : 5 April 2006 At 09:30
Explanation:	Retired army officer Murat Pabuc and responsible editor of "Sol"(Left) magazine Ekim Orhan İsmi stand trial for Pabuç's articles "Changing Social Role of Turkish Armed Forces" and "Pro-Nato wing Secure Cooperation".

File no/Court:	2004/65, İstanbul 2nd. Criminal Court of First Instance
Date/Period:	11 / 1 / 2003
Plaintiff:	kh
Accused:	Aziz Ozer
Law/Article:	TCK 159/1 insulting the state (republic) and the government
Hearing/Decision:	RULİNG : TPC article 159 was applied to Aziz Özer twice for the same offence. Özer received 6 months prison sentence twice, one year in total. Two sentences were each reduced one month on Özer's good conduct leaving the total at 10 months. 10 months were commuted to 6 thousand NTL fine. The ruling date is 22 December 2005, Özer will appeal.
Explanation:	Responsible editor of "Yeni Dünya İçin Çağrı" (Call for a New World) review Aziz Özer stands trial for his article "No to partnership in the invasion of Iraq" published in the issue 72.

File no/Court:	2004/64, İstanbul 2nd. Criminal Court of First Instance
Date/Period:	10 / 1 / 2003
Plaintiff:	kh
Accused:	Aziz Ozer
Law/Article:	TPC 159/1 insulting the republic (the state)
Hearing/Decision:	RULİNG : The court sentenced Aziz Özer on 22 December 2005 to 6

	months prison. The sentence was reduced to 5 months on Özer's good conduct during the trial and was then commuted to 3 thousand NTL fine. Özer will appeal.
Explanation:	Responsible editor of "Yeni Dünya İçin Çağrı" (Call for a New World) review Aziz Özer stands trial for his article "80 Years of Turkish republic.. 80 Years of Fascism", published in the issue 71.
File no/Court:	2005/164, İstanbul 2nd. Criminal Court of First Instance
Date/Period:	4 / 1 / 2005
Plaintiff:	kh
Accused:	Erkan Akay
Law/Article:	TCK 301/1 insulting turkishness and the republic
Hearing/Decision:	FINAL RULING : TPC article 301 was applied to Erkan Akay twice for the same offence. The court ruled on 14 December 2005 to sentence him for 6 months twice, giving him a total of 1 year prison sentence. The sentence was suspended on his past record and conduct.
Explanation:	Erkan Akay stands trial for his article titled "1915-2005... 90th. Year... Time to Face the History. Oblivion or denial" which he had sent to a monthly review "Yeni Dunya İçin Çağrı" (Call for a New World).
File no/Court:	2005, Beyoglu 2nd. Criminal Court of First Instance
Date/Period:	10 / 1 / 2004
Plaintiff:	kh, Informant: Nickname İzmir
Accused:	Abdullah Yilmaz
Law/Article:	TCK 301/2 Insulting Turkishness, the turkish state and the turkish armed forces
Hearing/Decision:	26 July 2006, at 09:30 am Date of hearing : 26 July 2006 at 09:30 am
Explanation:	Abdullah Yilmaz of Literatur Publishers stand trial for publishing Mara Meimaridi's book "Magicians of İzmir". The book tells fantastic stories of women engaged in magic craft in İzmir at a time when Turks, Jews, Armenians, Greeks and Levantines lived together as a multicultural and colourful community.
File no/Court:	1998/518, Besiktas 12th. High Criminal Court
Date/Period:	7 / 9 / 1998

Plaintiff:	kh
Accused:	1-Pinar Selek 2-Abdlmecit Ozturk 3-Alaattin Oget 4-İsa Kaya 5-Kubra Sevgi 6-Baran Ozturk 7-Heval Ozturk 8-Ercan Alir 9-Masallah Yagin 10-Delibas Arat 11-Menderes Oget 12-Erkan Oget 13-Hasan Kilicdogan 14-Alican Oget 15-Suat Kaya
Law/Article:	TCK 125 (new TCK 302) disturbing the unity of the state and integrity of the country, TCK 168 being member of an illegal organisation
Hearing/Decision:	17 May 2006,at 10:00 am Trial is ongoing. The prosecutor gave his statement concerning the content. Next step is "defence". Date of next hearing : 17 May 2006 At 10:00 AM
Explanation:	15 people stand trial for placing a bomb in a historical market place (Misir Çarsisi) on 9 July 1998, causing the death of 7 people and the injury of 120. One of the 15, Pinar Selek was a sociology student at the time and now she is a sociologist. The prosecutor, in his statement concerning the content of the case in the hearing on December 28, 2005, demanded life imprisonment under TPC article 125. (Before the last changes on 2003, it was "death" penalty)
File no/Court:	2001/1250, Beyoglu 2nd. Criminal Court of First Instance
Date/Period:	6 / 1 / 2001
Plaintiff:	kh
Accused:	Ahmet Onal
Law/Article:	ATA 1 ve 2
Hearing/Decision:	10 May 2006,at 10:00 am Trial is ongoing. Date of hearing: 10 May 2006 At 10:00 am
Explanation:	Owner of Peri publishing house Ahmet Önal stands trial for Aydar Çiçek 's book "Passions and prisoners".
File no/Court:	2005/77, Beyoglu 2nd. Criminal Court of First Instance
Date/Period:	10 / 19 / 2005
Plaintiff:	kh
Accused:	1-Hasan Bayar 2-Birgul Ozbaris
Law/Article:	TCK 318 Alienating people from military service
Hearing/Decision:	10 May 2006,at 10:00 am Trial is ongoing. Date of next hearing : 10 May 2006

	at 10:00 am
Explanation:	Reporter of Ulkede Ozgur Gundem newspaper and responsible editor Hasan Bayar stand trial for Birgul Ozbaris 's "concientious objectors' message for EU".
File no/Court:	2005/75, Beyoglu 2nd. Criminal Court of First Instance
Date/Period:	9 / 24 / 2005
Plaintiff:	kh
Accused:	1-Hasan Bayar 2-Birgul Ozbaris
Law/Article:	TCK 318 Alienating people from military service
Hearing/Decision:	10 May 2006,at 10:00 am Trial is ongoing. Date of next hearing: 10 May 2006 At 10:00 am
Explanation:	Reporter of Ulkede Ozgur Gundem newspaper Birgul Ozbaris and responsible editor Hasan Bayar stand trial for Ozbaris 's article "Anti-war gathering".
File no/Court:	2005/7, Beyoglu 2nd. Criminal Court of First Instance
Date/Period:	5 / 15 / 2005
Plaintiff:	kh
Accused:	1-Hasan Bayar 2-Ali Gurbuz 3-Birgul Ozbaris
Law/Article:	TCK 318 Alienating people from military service and TMK 6/2
Hearing/Decision:	10 May 2006,at 10:00 am Trial is ongoing. Date of next hearing : 10 May 2006 at 10:00 am
Explanation:	Reporter of Ulkede Ozgur Gundem newspaper Birgul Ozbaris, responsible editor Hasan Bayar and licence holder Ali Gurbuz stand trial for Ozbaris 's articles "Neither war nor military service" and "If Turkey plays her Role".
File no/Court:	2005/150, Diyarbakir 4th. High Criminal Court
Date/Period:	3 / 31 / 2005

Plaintiff:	kh
Accused:	1-Mahmut Buyukbayram 2-Haci Sirin 3-Necla Akkaya 4-Mehmet Tali 5-Eylem Dilan Polat 6-Nejla Akat 7-Ayse Akbas
Law/Article:	TMK 7/2 Propagandating for terrorist organisation
Hearing/Decision:	18 May 2006,at 09:00 am Trial is ongoing. Date of next hearing: 18 May 2006 At 09:00 am
Explanation:	Verbal history exhibition "War witnesses speak" held as part of Diyarbakir 5th. Culture Festival was raided by the police on its second day, police confiscated exhibited material. 7 organisers stand trial. Memories of the families of those killed in confrontation including 20 rebels, and the memories of the families of killed soldiers on duty, of those killed during raids, as missing, as suicide in prison or members of the organisation executed by the organisation were on it. Also childhood pictures of those killed were part of the exhibition.
File no/Court:	2001/340, Ankara 2nd. High Criminal Court
Date/Period:	8 / 28 / 2001
Plaintiff:	kh
Accused:	1-Burak Bekdil 2-Mine Cevik
Law/Article:	TCK 159/1 Insulting the judiciary and security forces
Hearing/Decision:	FINAL RULING : Ankara 2nd. High Criminal Court ruled in May 2002 for Bekdil 's imprisonment for 20 months. Bekdil appeal against it and the supreme court accepted the appeal. But the local court insisted on its first verdict. Bekdil appealed again but the supreme court 's Penal Department num. 9. rejected his appeal this time. Responsible editor of the paper Mine Cevik has been acquitted.
Explanation:	Journalist Burak Bekdil stood trial for his criticism of the judiciary in his article "Legal Untouchables of Turkey" published in Turkish Daily News.
File no/Court:	Istanbul 1st. Criminal Court of Peace
Date/Period:	3 / 10 / 2005
Plaintiff:	kh Complainant : Mehmet Orhan Karadeniz

Accused:	1-Ertugrul Mavioglu 2-Ali Kirca
Law/Article:	TMK 6/1
Hearing/Decision:	RULING : The court acquitted Kirca and Mavioglu on 7 February 2005, on the grounds that adequate evidence was not present proving the offence.
Explanation:	Journalist and writer Ertugrul Mavioglu and ATV's presenter Ali Kirca stand trial for Mavioglu's comments at a live program 'Siyaset Meydani' (Arena of Politics) on the state of the judiciary after 1980.
File no/Court:	Kadikoy 2nd. Criminal Court of First Instance
Date/Period:	7 / 25 / 2005
Plaintiff:	kh, Complainant : Sami Berkman
Accused:	Seyfi Ongider
Law/Article:	ATA 1 and 2
Hearing/Decision:	4 May 2006, at 09:30 am Trial is ongoing. Date of hearing : 4 May 2006 at 09:30 am
Explanation:	Seyfi Ongider the editor of Aykiri Publishing House has been tried for his article in the book "The story of two cities".
File no/Court:	2005/312, Bagcilar 2nd. Criminal Court of First Instance
Date/Period:	10 / 15 / 2005
Plaintiff:	kh, Complainants : 1-Kemal Kerincsiz 2-Kursat Baytaz 3-Kaptan Yilmaz 4-Mehmet Bilgin 5-Mustafa Yilmaz 6-Erkan Akkaz
Accused:	1-Erol Katircioglu 2-Mehmet Murat Kadri Belge 3-Haluk Sahin 4-Mehmet İsmet Berkan 5-Hasan Kaya Cemal
Law/Article:	TCK 288 attempting to influence fair trial and TCK 301/2 insulting the judiciary organs of the state
Hearing/Decision:	The case against journalists İsmet Berkan, Haluk Sahin and Erol Katircioglu of Radikal daily and Hasan Cemal of Milliyet daily was dismissed. The case was failed to be opened in 2 months statutory time limit and dismissed as a result. The case against Murat Belge was opened before the deadline hence it will continue. A new file will be opened for Belge's case and a hearing date will be set.
Explanation:	Bagcilar Public Prosecutor Ali Cakir opened a case against journalists of Milliyet and Radikal dailies, İsmet Berkan, Murat Belge, Haluk Sahin, Hasan Cemal and Erol Katircioglu. The complainants are lawyer Kemal Kerincsiz executive member of "Lawyers Union Association" and a

group of lawyers. The journalists had criticised the decision of İstanbul 4th. Administrative court which cancelled the Conference Armenian Issue.

File no/Court: 2004/1283, İstanbul 2nd. Criminal Court of First Instance

Date/Period: 4 / 1 / 2004

Plaintiff: kh

Accused: Fatih Tas

Law/Article: TCK 159/1 Insulting the republic (the state)

Hearing/Decision: RULING : The case was finalised and Fatih Tas received 6 months of prison sentence. The appeal is ongoing.

Explanation: Owner of Aram Publishing House Fatih Tas has been tried for publishing the book "They say Your Are Missing". The book tells the story of Nazım Babaoglu who was kidnapped on 12 March 1994 and no news from him have been heard since.

File no/Court: 2005/302, Bagcilar 2nd criminal court of first instance

Date/Period: 8 / 15 / 2005

Plaintiff: kh

Accused: 1-Duriye Nese Yasar (Nese Duzel) 2-Orhan Doğan

Law/Article: TMK 7/2 Propagandating for organisation

Hearing/Decision: 2 May 2006,at 09:00 am
The hearing date : 2 May 2006
At 09:00 am

Explanation: Journalist Nese Duzel and former DEP MP Orhan Dogan stand trial for an interview published in Radikal daily. The title of the interview was "One day Ocalan Will be Free."

File no/Court: 2005/312, Ankara 28th Criminal Court of First Instance

Date/Period: 10 / 22 / 2004

Plaintiff: kh

Accused: 1-Baskin Oran 2-Ibrahim Ozden Kaboglu

Law/Article: TCK 216/1 Instigating a part of the people to hatred or hostility,TCK 301/2 Insulting judiciary organs of the state

Hearing/Decision:	10 May 2006 The trial is in progress. The next hearing: 10 May 2006 Saat : 10:00
Explanation:	Prof. İbrahim Kaboglu former president of Prime Ministry Human Rights Advisory Board and Prof. Baskin Oran for the report of the "Minority and Cultural Rights Working Group" which suggested the supra identity of 'being from Turkey'
File no/Court:	2005/328, Istanbul 2nd Criminal Court of First Instance
Date/Period:	5 / 5 / 2005
Plaintiff:	kh
Accused:	Fatih Tas
Law/Article:	TCK 301 Insulting turkish national character, the republic and the Turkish Parliament;Violating ATA
Hearing/Decision:	14 June 2006,at 10:30 am The trial is in progress. The next hearing: 14 June 2006 At 10:30 am
Explanation:	Fatih Tas of Aram publishers stand trial for publishing John Tirman 's book "Spoils of War : The Human Cost of America 's Arms Trade"
File no/Court:	2004/98, Bagcilar 2nd Criminal Court of First Instance
Date/Period:	4 / 27 / 2001
Plaintiff:	kh
Accused:	1-Mehmet Ozcan 2-Abdurrahman Dilipak
Law/Article:	TCK 312/2 Instigating a part of the people having different religion or sect to hatred or hostility against another part of the people.
Hearing/Decision:	18 April 2006,at 10:00 am Due to ammendments in law, the case was sent to Bagcilar 2nd Criminal Court of First Instance, a new case was opened under the new penal code article 216 (Instigating a part of the people to hatred or hostility). The trial is in progress. The next hearing: 18 April 2006 At 10:00 am
Explanation:	The case is about a piece written by Abdurrahman Dilipak "My country is different" published in Akit newspaper.
File no/Court:	2005/467, Kocaeli 4th Criminal Court of First Instance

Date/Period:	10 / 5 / 2002
Plaintiff:	kh
Accused:	1-Osman Colakoglu 2-Ali Cakir 3-Bülent Yildirim 4-Orhan Koray Engin 5-Erol Demiroz 6-Murat Ergenlioglu 7-Cengiz Uzun 8-Ayhan Onem 9-Hurol Ertas 10-Tarik Guvenc 11-Hakan Salinmis
Law/Article:	TCK 159/1 Insulting the security forces of the state
Hearing/Decision:	RULING : The court ACQUITTED the accused. The expert report on the video shootings of the play showed that actors and actresses were not dressed up in police uniforms and did not bark as dogs in the play thus there was no offence.
Explanation:	Actors and actresses of Ankara Ekin Theatre Company stand trial for a play they staged "How to set up an illegal organisation?" in Kocaeli Sabanci Cultural Center. The actors in police uniforms made a barking sound as part of the play.
File no/Court:	2003/1203, Sanliurfa 1st Criminal Court of First Instance
Date/Period:	5 / 11 / 2003
Plaintiff:	kh
Accused:	Resit Yardimci
Law/Article:	SPK 81/c referring to article 117
Hearing/Decision:	RULING : He received 6 months prison sentence which then was converted to 1.620 NTL heavy fine and adjourned. The appeal is in progress.
Explanation:	Resit Yardimci DEHAP Chairman for Sanliurfa City had visited DEHAP city conference in 2003 where he began his speech by saying "Rojbas" ("hello" in Kurdish).
File no/Court:	2005/276, Ankara 8th High Criminal Court
Date/Period:	10 / 16 / 2004
Plaintiff:	kh Complainant: Ali Suat Ertosun
Accused:	Huseyin Yuksel Bicen
Law/Article:	TCK 480 and TCK 482 Insulting the judges
Hearing/Decision:	The court based its decision on the new Penal Code article 125 in a case opened under the old law since this was in favour of the accused. The court ordered Lawyer Bicen to pay 100 NTL fine. The date of ruling is 23 February 2006 and the appeal is possible.
Explanation:	Law Huseyin Yuksel Bicen, President of Contemporary Lawyers Association (ÇHD) stands trial for a speech he made at the general assembly of Ankara Bar Association in 2004. Bicen had criticised the

appointment of Ali Suat Ertosun, former general manager of Prisons to the Supreme Court.

File no/Court: 2005/17, Istanbul 2nd Criminal Court of First Instance

Date/Period: 8 / 1 / 2004

Plaintiff: kh

Accused: Zulkuf Kisanak

Law/Article: TCK 159/1 Insulting the republic by the means of media

Hearing/Decision: RULING : The court ruled on 22 December 2005 for 6 months imprisonment of Zulkuf Kisanak. The sentence was reduced to 5 months on good conduct and then was commuted to 3 thousand NTL fine. Kisanak will appeal.

Explanation: Zulkuf Kisanak is tried for his book "Lost Villages - How was the heritage of millenia burnt down" in which he told the stroies of 14 villages.

File no/Court: 2005/313, Ankara 2nd Civil Court of First Instance

Date/Period: 7 / 14 / 2005

Plaintiff: Atilla Koc

Accused: 1-PAK Publishing and Printing Company 2-Erdil Yasaroglu 3-Fatih Solmaz

Law/Article: MK 24 and BK 49 Severe violation of personal rights

Hearing/Decision: 27 April 2006,at 09:45 am
The trial is in progress.
The next hearing is: 27 April 2006
At 09:45 am

Explanation: Minister of Culture Atilla Koc sued PENGUIN comic paper for publishing a piece written by Mansur Sebboy. Koc claimed 20.000 NTL compensation. Mansur had called the minister with various nicknames.

File no/Court: 2002/1060, Istanbul 2nd Criminal Court of First Instance

Date/Period: 4 / 1 / 2002

Plaintiff: kh

Accused: 1-Mehmet Emin Sert 2-Emin Karaca 3-Dogan Ozguden

Law/Article: TCK 159/1 Insulting the military forces of the state

Hearing/Decision: RULING : The court decided to separate Dogan Ozguden 's case and acquitted Mehmet Emin Sert. Emin Karaca was sentenced for 5 months prison sentence and it was converted to 900 NTL fine, the fine

	was postponed. The appeal is in progress.
Explanation:	The case is based on Dogan Ozguden 's writing "30 years later" and Emin Karaca 's "On the 30th anniversary" published in "Literature in Turkey and Europe" in April 2002. Responsible editor Mehmet Emin Sert has been tried as well.
File no/Court:	Sisli 2nd Criminal Court of First Instance
Date/Period:	2 / 9 / 2005
Plaintiff:	kh Informants: 1-Sebahattin Zorlu 2-Mehmet Ozet
Accused:	Orhan Pamuk
Law/Article:	TCK 301/1 Insulting turkish national character
Hearing/Decision:	FINAL RULING : Sisli Republic Prosecutor's Office had decided that "the former Turkish Penal Code needed to be applied in the case since it would be in favour of the accused." Under the former TPC, trial in the mentioned case is subject to permission of the Justice Ministry, thus the prosecutor's office had referred the case to the Ministry. The case had been stopped since no answer was received from the Ministry. As the Ministry wrote to the court saying "we have no authority of giving permission for trial", the court then decided to drop the case before the hearing. Pamuk was threatened with a prison sentence from 6 months upto 3 years in the case
Explanation:	Writer Orhan Pamuk stands trial for what he said in an interview with a Swiss journalist. Pamuk said "We have killed 30 thousands Kurds and 1 million Armenians. Nobody in Turkey have dared to say this, I do." This statement was printed in "Aktuel" magazine in Turkey.
File no/Court:	2004/282, Erzurum 2nd High Criminal Court
Date/Period:	1 / 29 / 2004
Plaintiff:	kh
Accused:	Bedri Firat
Law/Article:	TMK 7/2 Propagandating for a terrorist organisation
Hearing/Decision:	RULING : The court ruled for 10 months prison sentence and 400 New Turkish Liras fine. Appeal is in progress.
Explanation:	In an interview published by "Dunden Bugune Tercuman" newspaper Abdullah Öcalan was referred as "Mr".
File no/Court:	2003/1114, Istanbul 2nd Criminal Court of First Instance
Date/Period:	7 / 4 / 2003

Plaintiff:	kh
Accused:	Zehra Comakli
Law/Article:	violating ATA (crimes Against Ataturk)
Hearing/Decision:	KESİNLEŞMİŞ KARAR : The court decided that Zehra Comakli has not committed the crime and ACQUITTED her.
Explanation:	Özgür-Der member Zehra Comakli stands trial for her speech at a meeting organised by Stop The War in Iraq Coalition, the meeting was entitled "Songs against the War".
File no/Court:	2005/283, Kadikoy 3rd Civil Court of Peace
Date/Period:	5 / 28 / 2004
Plaintiff:	Huseyin Goncagul
Accused:	1-Vakit newspaper 2-Harun Aksoy 3-Abdurrahman Dilipak
Law/Article:	Severe violation of personal rights
Hearing/Decision:	RULING : The court decided to drop the case against Abdurrahman Dilipak on 13 February 2006. The court accepted Dilipak 's defense saying "criticism directed at one person can not be extended onto others" and ruled in his favour.
Explanation:	Artist Huseyin Goncagul sued Abdurrahman Dilipak for his piece published in Vakit newspaper and entitled "A country where those who can not make market criers pretend to be artists".
File no/Court:	2004/1142, Kadikoy 4th Civil Court of Peace
Date/Period:	5 / 28 / 2004
Plaintiff:	Mehmet Sanar Yurdatapan
Accused:	1-Vakit Newspaper 2-Harun Aksoy 3-Abdurrahman Dilipak
Law/Article:	Severe violation of personal rights
Hearing/Decision:	FINAL RULING : The case have been finalised against Vakit newspaper. 312.146.000 Turkish Liras of compensation have been ordered.
Explanation:	Musician Sanar Yurdatapan had sued Abdurrahman Dilipak for his piece published in Vakit newspaper and entitled "A country where those who can not make market criers pretend to be artists".
File no/Court:	2005/289, Izmir 12th Criminal Court of First Instance
Date/Period:	11 / 6 / 2004

Plaintiff:	kh
Accused:	1-24 university students 2-Mahmut Celik 3-Ruken Sansur 4-Mustafa Rollas 5-Murat Ilim
Law/Article:	TCK 312/1 Praising an action considered criminal under the law.
Hearing/Decision:	20 June 2006,at 10:20 am The case is in progress. The next hearing: 20 June 2006 at 10:20 am
Explanation:	The case is about the slogans chanted during a demonstration against YOK (Supreme Education Council) took place on 6 November 2004. 24 students, Human Rights Association Izmir Branch Chairman Mustafa Rollas, Free Society Party City Chairman Mahmut Celik and executive member of the party Ruken Sansur stand trial.
File no/Court:	2003/826, Ankara 20th Civil Court of First Instance
Date/Period:	8 / 25 / 2003
Plaintiff:	312 generals
Accused:	1-Nuri Aykon 2-Mehmet Dogan (Asim Yenihaber) 3-Harun Aksoy
Law/Article:	Severe violation of personal rights
Hearing/Decision:	RULING : The court decided for 624 billion liras of compensation. The 4th Legal Department of the Supreme Court (Yargitay) overruled the decision of the local court on the grounds that its examination was inadequate. Supreme court ruled that it needed to be determined for sure if the article in question was sent by Mehmet Dogan.
Explanation:	312 generals including 4 force commandants have taken Asim Yenihaber to court for a piece he had written in his column in Vakit newspaper, the piece was entitled "A Country where those who normally can not become corporals become generals".
File no/Court:	2004/8-201, Istanbul 6th State Security Court
Date/Period:	11 / 15 / 2000
Plaintiff:	kh
Accused:	1-Mehmet Sevket Eygi 2-Selami Caliskan
Law/Article:	TCK 312, Instigating a part of the people having different social class, race, religion, sect or region to hatred or hostility against another part of the people, by the means of media
Hearing/Decision:	FİNAL RULING : Supreme Court (Yargitay) General Assembly approved the ruling of the local court with 24 members voting in favour of the ruling and 4 against.
Explanation:	The case is about a piece entitled "Terror of Anti-Religious Hostility" written by Mehmet Şevket Eygi and published in Milli Gazete paper.

The author Eygi and the responsible editor Selami Caliskan had received 1 year 8 months of prison sentences. Supreme Courts 8th Penal Department had then handled the appeal and overruled the decision of the local court. However Supreme Court Prosecutor appealed against the ruling and the case went to the general assembly of the supreme court which ruled against the accused.

File no/Court: 2004/8-130 Istanbul 6th State Security Court

Date/Period: 9 / 11 / 2001

Plaintiff: kh

Accused: Selahattin Aydar

Law/Article: TCK 312, Instigating a part of the people having different social class, race, religion, sect or region to hatred or hostility against another part of the people, by the means of media

Hearing/Decision: RULING : General Penal Assembly referred the case to Istanbul 14th High Criminal Court which was set up in place of abolished 6th State Security Court. 14th High Criminal Court resisted against the decision of Supreme Courts Penal Assembly.

Explanation: The case is about the piece entitled "lets stand up for our kids" written by Selahattin Aydar and published in Milli Gazete newspaper. 8th Penal Department of Supreme Court had approved the prison sentence received by Aydar on 19 March 2004. Public Prosecutors office of Supreme Court appealed against the decision. Supreme Court General Penal Assembly accepted the appeal on 24 October 2004 with 14 members voting in favour and 13 against and thus overruled the decision of İstanbul 6th. High Criminal Court.

File no/Court: 2005/108, Istanbul 2nd Criminal Court of First Instance

Date/Period: 3 / 4 / 2004

Plaintiff: kh

Accused: Ragip Zarakolu

Law/Article: TCK 159/1 Insulting the Turkish national character and the security forces of the state

Hearing/Decision: 21 June 2006,at 10:30 am
The trial is in progress.
The next hearing: 21 June 2006
At 10:30 am

Explanation: Ragip Zarakolu of Belge Publishing House is tried for Prof. Dr. Dora Sakayan 's (of Mac Gill University) book "ACCOUNTS of an ARMENIAN DOCTOR - GARABET HACERYAN 'S IZMIR DIARY".

File no/Court: 2005/84, Istanbul 14th High Criminal Court

Date/Period:	1 / 23 / 2001
Plaintiff:	kh
Accused:	Hamdullah Yilmaz
Law/Article:	TMK 6/2
Hearing/Decision:	RULING : High Criminal Court ruling that the case was outside its jurisdiction referred the case to Beyoğlu 2nd Criminal Court of First Instance. Hearing date is undetermined.
Explanation:	The charge is "propagandating for PKK" in the reports of the Kurdish paper Azadiya Welat in its 24-30 January dated copy.
File no/Court:	2005/105, Ankara 1st Civil Court of First Instance
Date/Period:	2 / 24 / 2005
Plaintiff:	Recep Tayyip Erdogan
Accused:	1-Erdil Yasaroglu 2-PAK Press and Publishing Limited Company
Law/Article:	MK 24 and BK 49 Severe violation of personal rights
Hearing/Decision:	RULING : Prime Minister Erdogan's case against Penguin comic paper has been finalised in favour of Penguin paper. Ankara 1st. Criminal Court of First Instance decided that the charges were inadequate and declared that "those who influence the society have to be open to criticism and have to bear it." The court dismissed the case on 4 February 2006. Prime Minister Erdogan appealed to high court.
Explanation:	The case is against Penguin comic paper for printing a frontpage with Prime Minister Tayyip Erdogan drawn as various animals: an elephant, a giraffe, a monkey, a camel, a frog, a snake, an ox and a duck, the page was entitled "The world of Tayyips" and was published in protest of cartoonist Musa Kart's conviction for drawing prime minister as a cat.
File no/Court:	2004/184, Sisli 2nd Criminal Court of First Instance
Date/Period:	2 / 13 / 2004
Plaintiff:	kh
Accused:	1-Firat (Hrant) Dink 2-Karin Karakasli
Law/Article:	TCK 159/1 Insulting The Turkish national character by the means of media
Hearing/Decision:	RULING : Responsible editor Karin Karakasli who was tried along with Hrant Dink was exempted from the case according to the regulation of the Press Law which provides exemption for responsible editors. The court decided that the article was beyond expression of opinion and criticism, and was insulting, thus sentenced Hrant Dink for 6 months prison sentence. The court taking into consideration that Dink did not

	have prior criminal record and he was unlikely to commit a crime in the future, postponed the execution. The appeal is in progress.
Explanation:	The case is about a series of articles on Armenain identity written by Hrant Dink, published in AGOS paper.
File no/Court:	2005/290, Iskenderun 2nd Criminal Court of First Instance
Date/Period:	4 / 12 / 2005
Plaintiff:	kh
Accused:	Ersen Korkmaz
Law/Article:	TPC 159/1 Insulting the government
Hearing/Decision:	7 July 2006, at 11:15 am The trial is in progress. The next hearing : 7 July 2006 At 11:15 am
Explanation:	Ersen Korkmaz is tried for a piece he had written "Turkey towards 1 May" which was published in Democrat İskenderun, a local paper.
File no/Court:	2002/107, Cermik Criminal Court of First Instance
Date/Period:	6 / 1 / 2002
Plaintiff:	kh
Accused:	1-Ahmet Karakoc 2-Haci Akbulut 3-Mehmet Emin Taskiran 4-Abdulkerim Yaman 5-Mehmet Demirkol 6-Ali Yerlikaya
Law/Article:	SPK 81/c with reference to article 117
Hearing/Decision:	RULING : The court ruled for 5 months prison sentences for each of the accused and the sentences were converted into 1089 new Turkish Liras of fines for each. Appeal is in progress.
Explanation:	HADEP Cermik District Chairman Ahmet Karakoc and district executive members Haci Akbulut, Mehmet Emin Taskiran, Mehmet Demirkol and Abdulkerim Yaman have received prison sentences for not pereventing Kurdish music and "Biji HADEP" slogans during the district conference of People´s Democracy Party (HADEP) which was later closed down. Executive member Ali Yerlikaya was acquitted since he was in Antalya at the time of the conference.
File no/Court:	Ankara 7th Criminal Court of First Instance
Date/Period:	7 / 12 / 2004
Plaintiff:	kh

Accused:	1-Alaaddin Dincer 2-Yüksel Mutlu
Law/Article:	TCK 312/1 Praising an act considered criminal under the law.
Hearing/Decision:	21 April 2006,at 09:30 am The case is in progress. The next hearing: 28 April 2006 at 09:30 am
Explanation:	The case is about the statements of Alaaddin Dincer, President of Teachers Union, and Yüksel Mutlu, top executive member of Human Rights Association. Both made speeches when teachers sit-in action on Yüksel street was visited by Mothers for Peace group.
File no/Court:	2005/140, Ankara 10th High Criminal Court
Date/Period:	11 / 17 / 2004
Plaintiff:	kh
Accused:	Medeni Ayhan
Law/Article:	TCK 312/2, Instigating a part of the people having different social class, race, religion, sect or region to hatred or hostility against another part of the people
Hearing/Decision:	RULİNG : Permission of Ministry of Justice is needed in order for a case to be opened against solicitor Medeni Ayhan (according to The Law of Solicitorship Article 58-59) thus the case stands adjourned.
Explanation:	The case is about a speech delivered by solicitor Medeni Ayhan during the general assembly of Ankara Bar Association.
File no/Court:	2004/297 Bağcılar Criminal Court of First Instance
Date/Period:	10 / 10 / 2004
Plaintiff:	kh
Accused:	1-Necdet Tatlican 2-Hasan Kilic 3-Sebati Karakurt
Law/Article:	TMK 6/2 and article 7/2
Hearing/Decision:	4 May 2006,at 09:10 am Istanbul 10th High Criminal Court decided that the case was outside its field of jurisdiction and referred the case to Bağcılar Criminal Court of First Instance. Trial is in progress. The next hearing : 4 May 2006 at 09:10 am
Explanation:	The "Hurriyet" newspaper reporter Sebati Karakurt was arrested for having an interview with Kongra-Gel militants in Kandil Mountain. He is charged with "reporting the statement of terrorist organisation" and "propagandating for terrorist organisation". The interview entitled "Womens' consciousness in Kandil go beyond pro-Kurdish activism" was published in Hurriyet's Sunday supplement on 10 October 2005

and responsible directors of the paper Necdet Tatlican and Hasan Kilic are charged with "propagandating for terrorist organisation".

File no/Court:	2005/266, Ankara 3rd Criminal Court of First Instance
Date/Period:	1 / 4 / 2004
Plaintiff:	kh
Accused:	HAK-PAR executive members
Law/Article:	SPK 81/c ref. and article 117
Hearing/Decision:	8 June 2006,at 09:00 am Trial is in progress The next hearing : 8 June 2006 At 09:00 am
Explanation:	The executive members and conference chairing board members are charged because of Kurdish speeches delivered during the 1st Conference of Rights and Freedoms Party.
File no/Court:	2005/553, Ankara 12th Criminal Court of First Instance
Date/Period:	1 / 27 / 2005
Plaintiff:	kh
Accused:	Rahmi Yildirim
Law/Article:	TCK 159/1 Insulting the military forces of the state
Hearing/Decision:	RULING : Rahmi Yildirim was ACQUITTED on the grounds that his words were meant to criticise, not insult.
Explanation:	The case was about Rahmi Yildirim 's commentary published on www.sansursuz.com.
File no/Court:	2005/579 Adana 1st Criminal Court of First Instance
Date/Period:	9 / 15 / 2004
Plaintiff:	kh
Accused:	1-Mehmet Antmen 2-Mustafa Cinkilic
Law/Article:	TCK 296/1 Hiding criminal evidence, TCK 345 Falcification of special documents
Hearing/Decision:	11 May 2006,at 14:00 am Trial is in progress. The next hearing: 11 May 2006 At 14:00 am

Explanation:

Mustafa Cinkilic, Turkish Human Rights Foundation Adana Representative, and Mehmet Antmen, Foundation 's Doctor, have been tried for not submitting a document to the Public Prosecutor 's office. The document is related to a case of torture claim. They both work for documentation of torture and to provide help for torture victims.

File no/Court:

2005/108, Ankara 11th High Criminal Court

Date/Period:

2 / 22 / 2005

Plaintiff:

kh

Accused:

1-Suhbet Şen 2-Imam Canpolat 3-Ali Şükran Aktaş

Law/Article:

TMK 7/2 Propagandating for organisation

Hearing/Decision:

HÜKÜM : The court ruled for prison sentences of 1 year 8 months for each of the accused and converted prison sentences to fines of 3 thousand 766 New Turkish Lira. Appeal is in progress.

Explanation:

Democratic Solution and Peace Group members Suhbet Sen, Imam Canpolat and Ali Sükran went to the Parliament to visit CHP (social democrats) MPs and were arrested while in the Parliament, they could not present their letter to the Mps where they summarised their suggestions on Kurdish question, and their letter has not seen day of light upto now, they had been tried for making propaganda for "the organisation" in their letter.

File no/Court:

Istanbul 2nd Criminal Court of First Instance

Date/Period:

8 / 12 / 2004

Plaintiff:

kh complainant:Asil Sami Aji

Accused:

Yusuf Cemal Anadol

Law/Article:

TCK 312 Inciting hate and hostility by pointing to differences in religious believes

Hearing/Decision:

RULING : The court have ruled that after the examination of the whole of the book it became clear that Yusuf Cemal Anadol did not commit the crime he was charged with, thus he is ACQUITTED.

Explanation:

The case is about a book "ISRAEL AND TURKEY IN THE CLAW OF SIONISM" written by Prof. Dr. Y. Cemal Anadol. The trial began on 10th of March. Anadol is charged with inciting hostility among the people by pointing to religious differences.

2003/314, Iskenderun 4th Criminal Court of First Instance

File no/Court:**Date/Period:**

8 / 29 / 2002

Plaintiff:

kh

Accused:

1- Ersen Korkmaz 2-Necmettin Salaz

Law/Article:	TCK 159/1 Insulting the security forces of the state.
Hearing/Decision:	RULING : Date of next hearing is undetermined. İskenderun 4th. Criminal Court of First Instance ruled that the case was out of its jurisdiction and sent the case to İskenderun 2nd. Criminal Court of First Instance.
Explanation:	The case is about a speech delivered by Turkish Communist Party Iskenderun Branch Chairman, which was consequently published by a local newspaper called Democrat Iskenderun.
File no/Court:	2004/118 Beyoglu 2nd Criminal Court of First Instance
Date/Period:	1 / 19 / 2004
Plaintiff:	kh
Accused:	1-Ferhat Tunc Yoslun 2-Mehmet Colak
Law/Article:	TCK 159 Insulting judicial bodies, by the means of media
Hearing/Decision:	31 May 2006,at 10:00 am The trial is in progress. The next hearing: 31 May 2006 At 10:00 am
Explanation:	The case is about Ferhat Tunç 's piece titled "A REVOLUTIONARY LEYLA AND A SONG" published in Özgür Gündem newspaper.
File no/Court:	2004/713, Muş Criminal Court of First Instance
Date/Period:	5 / 26 / 2003
Plaintiff:	kh
Accused:	Cafer Demir
Law/Article:	TCK 312, Instigating a part of the people having different social class, race, religion, sect or region to hatred or hostility against another part of the people.
Hearing/Decision:	RULING : The case was halted to get permission from the ministry of justice for the accused.
Explanation:	The case is about Cafer Demir 's, the Chairman of Human Rights Association Elazig Branch, speech at a panel discussion in Muş.
File no/Court:	2004/104, Adana 2nd Criminal Court of First Instance
Date/Period:	8 / 12 / 2003
Plaintiff:	kh
Accused:	Members of Human Rights Association Adana Branch

Law/Article:	TCK 312/1 Praising an action considered criminal under the law
Hearing/Decision:	RULING : Adana 2nd Criminal Court of First Instance ruled for ACQUITTAL.
Explanation:	Calling Abdullah Ocalan "Mr." during their press conference, organised to protest isolation policy in prisons.
Analysis:	<u>javascript:feox(20);</u>
Comments:	
File no/Court:	2004/1579, Beyoglu 2nd Criminal Court of First Instance
Date/Period:	7 / 1 / 2002
Plaintiff:	kh
Accused:	Mehmet Ali Varis
Law/Article:	Violating ATA (protecting Ataturk's memory)
Hearing/Decision:	27 April 2006 Trial is in progress. The next hearing: 27 April 2006
Explanation:	The case is against Mehmet Ali Varis, the owner of Tohum Publishing House, who published "KEMALISM THE SITTING MAN". The same publisher has cases against him for other books: "ANATOLIA FROM MULTICULTURALISM TO MONOCULTURALISM" and "KOÇGİRİ". Those trials are in progress.
File no/Court:	2004/424, Land Forces Commandership, Commandership of the 3rd Army Corps Hasdal Military Criminal Court
Date/Period:	8 / 29 / 2003
Plaintiff:	kh
Accused:	Abdurrahman Dilipak
Law/Article:	ACK 95 / 4-5 Instigating loss of respect towards commandants, acting to damage line relationship.
Hearing/Decision:	RULING : The court decided to refer the case to a civilian court since according to legal amendments "civilians can not be tried at military courts". Yet this decision was appealed on the orders of the then Commandant of 1st army troops, and the military supreme court decided the case to be held at a military court.Hasdal Military Criminal Court of 3rd. Army Corps decided once again that the case was outside its jurisdiction and referred the case to Bagcilar Criminal Court of First Instance. Dilipak faces imprisonment from 6 months upto 3 years in this case.
Explanation:	Abdurrahman Dilipak 's piece published in Cuma review titled "IF PASHAS DO NOT BEHAVE THEMSELVES".

File no/Court:	2003/9, Beyoglu 2nd Criminal Court of First Instance
Date/Period:	10 / 1 / 2002
Plaintiff:	kh
Accused:	1-Hasan Levent Erseven 2-Kivanc Günay
Law/Article:	TCK 426 Publishing pornographic books
Hearing/Decision:	RULING : The book was confiscated and 5.000 million NTL of compensation each, appeal is in progress.
Explanation:	Studio Imge Publishers published Irvine Welsh ´s book PORNO, the publisher and translator are being tried.

File no/Court:	2004/205 Istanbul 1st Criminal Court of Peace
Date/Period:	4 / 5 / 2004
Plaintiff:	kh
Accused:	Ayrinti Publishing House
Law/Article:	TCK 426 Publishing pornographic books
Hearing/Decision:	FİNAL RULING : The confiscation order was lifted, ACQUITTED.
Explanation:	Ayrinti Publishing House is being tried for publishing the book "SEX REBELLIONS, SOCIAL GENDER AND ROCK ´N ROLL". The book had been confiscated.

File no/Court:	2003/56, Erzurum State Security Court
Date/Period:	3 / 21 / 2002
Plaintiff:	kh
Accused:	1-Abdülkerim Bingöl 2-Ali Özbay
Law/Article:	TCK 169 Helping illegal terrorist organisation
Hearing/Decision:	FİNAL RULING : The court ruled for 1 year and 6 months of prison sentence, appeal court approved the ruling.
Explanation:	Abdülkerim Bingöl was sentenced for his speech he delivered at the 1st Party Conference of DEHAP, he served his sentenced and was released in recent months.

File no/Court:	2004/189, Ankara 20th Civil Court of First Instance
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Date/Period:	4 / 5 / 2004
Plaintiff:	Recep Tayyip Erdogan
Accused:	1-Bilgi Press and Publishing Company 2-Ismail Muzafer Özkurt
Law/Article:	MK 24 and BK 49 Severe violation of personal rights
Hearing/Decision:	<p>RULING : The court ruled for 10.000 million Turkish Liras compensation for loss and suffering. Supreme Court (Yargıtay) Legal Department No. 4 overruled the decision of local court against cartoonist Sefer Selvi.</p> <p>The reasoning of the Supreme Court's overruling the court decision have been revealed. Supreme Court's ruling states:</p> <p>'The text, notes that Cüneyd Zapsu is an advisor of the government party for external affairs, there is criticism about governments foreign policy and the cartoon, in parallel to the article, portrays the complainant's relationship with his foreign policy advisor through caricature. A socially accepted aphorism has been used in the cartoon commenting on Zapsu's influence on the complainant. The cartoon in question uses humour in expressing the value judgement in order to draw attention. Thus in drawing such a parallel there is no attack on personal rights.'</p> <p>The ruling states that the local court should have dropped the case on such ground and the court's decision to grant compensation was against the procedures and the law. The case is to be sent back to the local court for a retrial.</p> <p>If the court insists on its initial decision the case then gets sent to the General Legal Assembly of the Supreme Court (Yargıtay).</p>
Explanation:	Sefer Selvi 's cartoon published in Evrensel daily paper. Selvi had drawn Prime Minister as a horse and Prime Minister 's advisor Cüneyd Zapsu as jockey.
File no/Court:	2005/222, Beyoglu 2nd Criminal Court of First Instance
Date/Period:	10 / 30 / 2003
Plaintiff:	kh
Accused:	Songül Özkan
Law/Article:	TCK 312/2, Instigating a part of the people having different social class, race, religion, sect or region to hatred or hostility against another part of the people
Hearing/Decision:	25 May 2006,at 10:00 am Trial is in progress. The next hearing : 25 May 2006 At 10:00 am
Explanation:	The case is about Ahmet Kahraman 's book "Kurdish Rebellions" published by Evrensel Publishing House.

File no/Court:	2003/8095, Istanbul 2nd State Security Court
Date/Period:	10 / 3 / 1999
Plaintiff:	kh
Accused:	Nurettin Sirin
Law/Article:	TCK 312 Instigating a part of the people having different social class, race, religion, sect or region to hatred or hostility against another part of the people, by the means of media.
Hearing/Decision:	FİNAL RULİNG : Supreme court of appeal approved the court 's ruling.
Explanation:	Supreme court approved the penal sanction ruling of the local court for a piece he had written in Selam newspaper, his article was titled "Satanism or Kemalism", in the ruling it is stated that he "drew parallel between Satanists and Kemalists thus... he incited hostility among people by partitioning the people on the basis of religion.
File no/Court:	2005, Eskisehir Criminal Court of First Instance
Date/Period:	5 / 12 / 2004
Plaintiff:	kh, Complainant: Recep Tayyip Erdogan
Accused:	Hakki Saglam
Law/Article:	Insulting Turkish Prime Minister by the means of press
Hearing/Decision:	FİNAL RULİNG : Statutory period of limitation for complaint was exceeded and the case was dismissed.
Explanation:	Hakki Saglam owner of a local newspaper Sakarya News republished Musa Kart 's convicted cartoon of prime minister, the judge dismissed the case and prime ministers lawyers complained.
File no/Court:	2005/14, Ankara 11th High Criminal Court
Date/Period:	12 / 7 / 2004
Plaintiff:	kh
Accused:	journalists in custody
Law/Article:	TCK 168/1 being member to an illegal organisation
Hearing/Decision:	Trial is in progress, some of them released 10 are still in custody.
Explanation:	10 JOURNALISTS ARE IN CUSTODY IN TURKEY.. 1- Memik Horuz, Worker and Peasant Paper, Tekirdag F Type Prison 2- Erol Zavar, Focus review editor proprietor Tekirdag F Type Prison 3- Gülizar Kesici, Bread and Justice review, Gebze Special Type Prison 4- Hatice Duman, Leap newspaper editor proprietor, Gebze special type

prison
5- Metin Yavuz, Country We Live In review owner, Tekirdag F Type Prison
6- Mehmet Yayla, Youth is the Future review reporter, Kandira Number 2 F Type Prison.
7- Mustafa Gök, Bread and Justice review Ankara representative, Sincan F Type Prison
8- Cengiz Doğan, The responsible editor of Mavi and Kent newspapers,published in the town of Nusaybin,Mardin F Type Prison
9- Evrim Dengiz, The reporter of Dicle News Agency for the city of Mersin, Mersin E Type Prison
10- Nesrin Yazar, The reporter of Dicle News Agency for the city of Mersin, Mersin E Type Prison
SOLIDARITY PLATFORM FOR JOURNALIST IN PRISON

File no/Court: 2004/121, Gerger Criminal Court of First Instance

Date/Period: 8 / 1 / 2004

Plaintiff: kh

Accused: Hacı Bogatekin

Law/Article: TCK 159/1 İnsulting the security forces of the state

Hearing/Decision: RULING : Hacı Bogatekin has been ACQUITTED.

Explanation: The case was about a piece written by Hacı Bogatekin who is the owner and the responsible editor of Fırat Newspaper. His writing was titled "Gang State". Bogatekin commented in his article on some state officials having illegal links

File no/Court: 2004/377 Ankara 8th Civil Court of First Instance

Date/Period: 5 / 9 / 2004

Plaintiff: Recep Tayyip Erdogan

Accused: 1-Musa Kart 2-Mehmet Sucu 3-Yenigun News Agency Press and Publishing Company

Law/Article: MK 24 and BK 49 Severe violation of personal rights

Hearing/Decision: RULING : The court ruled for 5.000 milion Turkish Lira damages for pain and suffering + interest

Explanation: In the case of Musa Kart 's cartoon in Cumhuriyet newspaper in which he portrayed prime minister Recep Tayyip Erdogan as a cat entangled with a ball of string.

File no/Court: 2005/24, Diyarbakir 6th Criminal Court of First Instance

Date/Period: 11 / 25 / 2005

Plaintiff:	kh
Accused:	Aynur Dogan and 8 music albums in Kurdish
Law/Article:	TCK 312, instigating a part of the people having different social class, race, religion, sect or region to hatred or hostility against another part of the people.
Hearing/Decision:	RULING : Confiscation was lifted.
Explanation:	Kalan Music company owned by Hasan Saltik last year produced an album called "Keçe Kurdan", reason for confiscation was that it was claimed that the album called on Kurdish girls to take to the mountains.
File no/Court:	2003/363, Beyoglu 2nd Criminal Court of First Instance
Date/Period:	3 / 8 / 2003
Plaintiff:	kh
Accused:	1-Mehmet Çolak, 2- Ali Çelik Kasimogullari, 3-Ragip Zarakolu
Law/Article:	TCK 312, Instigating a part of the people having different social class, race, religion, sect or region to hatred or hostility against another part of the people, by the means of media
Hearing/Decision:	1 June 2006 at 10:00 am Trial is ongoing. Responsible Editor of the newspaper who is also charged, is abroad therefore he can not be contacted and the case is protracted. The next hearing : 1 June 2006 at 10:00 am
Explanation:	The case is about Ragip Zarakolu 's piece titled "What is it to you?" that he wrote in his column, Albatross in Özgür Gündem newspaper. Zarakolu wrote about the invasion of Iraq and the situation of Kurds and he commented on Turkish foreign policy on the issue..
File no/Court:	2005/98 Zeytinburnu 1st Criminal Court of First Instance
Date/Period:	9 / 5 / 2004
Plaintiff:	kh
Accused:	1-Hurriyet Sener, 2-Sahismail Karagoz, 3-Engin Yasar, 4-Yildiz Aktas, 5-Oya Ersoy Ataman, 6-Hasan Toprak, 7- Huseyin Bektas, 8-Cetin Ova
Law/Article:	TOP 23/b and 28/1 Violating the law on assembly and protest marches
Hearing/Decision:	21 September 2006,at 10:30 am Trial in progress. The next hearing : 21 September 2006 at 10:30 am

Explanation:	The case is about the slogans of "Öcalan Öcalan Blood for Blood, Eye for an Eye, We are with You Öcalan" which were chanted during a demonstration on 1st of September Peace Day. Organising committee are charged with violating the law on assembly and protest marches.
File no/Court:	2004/1579 istanbul 2nd Criminal Court of First Instance
Date/Period:	9 / 1 / 2004
Plaintiff:	kh
Accused:	Ragip Zarakolu
Law/Article:	TCK 159 Insulting the state, ,ATA 1/1,2 Insulting the memory of ataturk
Hearing/Decision:	21 June 2006 at 10:30 Trial is in progress. The next hearing: 21 June 2006 at 10:30 am
Explanation:	The case was opened upon publishing of George Jerjian 's book TRUTH WILL LIBERATE US, by BELGE publishing house.