

The Case of the Özgür Gündem Raid

PEN Norway observe the 9th hearing in the Özgür Gündem raid case

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The 9th hearing in the case against 22 employees, including 17 journalists, of the shuttered Kurdish newspaper Özgür Gündem took place on April 22, 2021 at Istanbul's 5th Court of First Instance. The defendants are being accused of 'insulting a public officer' and 'obstructing a public officer in the course of duty'.

Lawyers, Özcan Kılıç and Hazal Pekşen Demirhan were present for the defence, whilst their clients were absent. Observing the brief hearing, in addition to PEN Norway were representatives of the Media Law Studies Association (MLSA) and Punto24 (P24).

Lawyer Özcan Kılıç stated that no further work was required on the case file and requested the judicial panel move to rule on the case.

The court ruled for the separation of the files of the 4 journalists in question from the main case, due to their residence abroad. The file will now be submitted to the Prosecutor for the Republic for an opinion.

The defence had requested the return of the personal possessions (telephones and computers/laptops) of defendants. However, the court ruled that this matter would be dealt with at the verdict stage.

Lawyer Kılıç: When the Police are complainants the court cannot rule comfortably

Following the hearing, defence lawyer Özcan Kılıç told PEN Norway that the fact that this case had been going on for 5 years had opened the way to further rights violations and that it had repercussions on the daily lives of the defendants.

She stated that the fact of the complainants' being police officers affected the court's decision-making process, saying: "This case is a case that should never have been brought. The 22 people on trial here were beaten (during the initial raid on the newspaper premises) and taken into custody. However, here they are now in the role of defendants, accused of 'resisting police arrest'."

She continued, "This case must conclude in full acquittals. The fact that this trial has gone on for 5 years has given rise to a serious rights violation. Our clients may be targeted in their daily lives, their working lives, or in their social surroundings simply due to being involved in this case."

Speaking of the change to the lead judge in the case, lawyer Kılıç said, "The former judge interrogated police officers in an objective manner whilst hearing their testimony. Such objectivity is not something we come across very often. Once the complainant in a case is a police officer, or if they are a Counter Terrorism police officer, the courts cannot act comfortably. And in this particular case the police officer complainants went to the door of the Prosecutor and complained to him in person, waiting there for 2 days until he accepted the case. That is the kind of pressure they have already brought for this case to be opened."

The next hearing is scheduled for 1 July, 2021 at 10.45 am.

BACKGROUND: There are hundreds of different cases against the now-closed newspaper Özgür Gündem. This case was brought by police officers who took part in a raid on the Kurdish daily's newspaper offices in August 2016. Newspaper staff complained of officers smashing computers and dragging journalists down the stairs by their hair before sexually assaulting them in the waiting police vans. Despite this, the officers themselves are bringing charges against Özgür Gündem staff and journalists for 'insulting police officers' and 'obstructing officers carrying out their duties' during the raid. In the hearing in this case in July 2020, the prosecutor demanded up to 8 years 4 months imprisonment for each defendant.