Justice Monitoring Report:
Freedom of Expression Trials in Turkey

June-December 2018
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Given the unprecedented number of journalists in prison in Turkey at the moment and the increasing number of freedom of expression trials, trial monitoring has become an important activity for Turkish civil society over the past few years. Although some domestic and international observers have published in-depth reports on the trials of a few publicly known intellectuals, systematic efforts to provide a larger set of data on the procedures and fairness of the Turkish courts in free expression trials more broadly have been few and far between.

In addition, over the past two years, the European Court of Human Rights (ECtHR) has come under criticism regarding its decisions in cases filed by applicants from Turkey on the grounds that the Court has overestimated the effectiveness of domestic legal remedies in Turkey. As the ECtHR requires applicants to have exhausted all such remedies before turning to Strasbourg, this overestimation represents a significant hurdle to justice. There is therefore an urgent need to show the ECtHR and other relevant bodies that Turkey’s judicial system is far from being effective, speedy, or efficient.

Our trial monitoring project was designed to this end. The data contained in this report were gathered from 90 court sessions involving 82 hearings of 71 separate trials, all evaluated on the basis of a standard form prepared by the International Press Institute (IPI) and Media and Law Studies Association’s (MLSA) Legal Unit. The results of the monitoring show that Turkish courts fall short of the domestic and international standards set for securing the right to a fair trial, and in particular those set under the European Convention on Human Rights (ECHR).

This report includes findings from trials monitored so far as part of the Justice Monitoring Project, supported by the Friedrich Naumann Stiftung (FNST) and conducted by MLSA in collaboration with IPI in Turkey in the second half of 2018. Concretely, between 1 June 2018 and 31 December 2018, 90 court sessions were observed across 10 provinces of Turkey. The defendants in these trials were journalists, lawyers, academics, and politicians who were prosecuted because of their occupational activities.

The data collected thus far indicate that Turkish courts consistently ignore the Constitution and domestic legislation, as well as the international conventions to which Turkey is a party and precedent-setting rulings from international courts.
Some of the most frequent violations to the right of a fair trial include:

- In 49% (44 out of 90) of the sessions, the defendants were tried whilst in detention. Considering that these were trials pertaining to freedom of expression, this amounts to a violation of constitutional rights.
- In 34% (15 out of 44) of the sessions involving defendants in detention, the suspects were not brought physically to court. The overuse of the video-conferencing system Ses Görüntü Bilişim Sistemi (SEGBİS) constitutes a violation of the defendants’ right to be present in the courtroom and the right to have a face-to-face confrontation, which is protected under Article 6 of the ECHR.
- In 36% (16 out of 44) of the court sessions involving the defendants in detention, the defendants were brought to the courtroom in handcuffs. This is a violation of the principle of presumption of innocence as protected by the Turkish Criminal Procedure Code (CMK), the Turkish Constitution, and the ECHR.

In addition to demonstrating the Turkish judiciary’s disregard for domestic and international norms in figures, this project has achieved the following:

- We were able to report instantly on the court sessions we observed for domestic and international audiences who don’t have the chance to physically visit courtrooms in Turkey through the MLSA website and Twitter account.
- A total of 180 lawyers from the Diyarbakır Bar Association were trained on how to bring individual cases before the ECtHR and how to file proper applications.
- Ten lawyers who specialize in freedom of expression cases attended an ECtHR workshop in Berlin.
- Thirty-two people from various professional backgrounds such as journalism and civil society were trained to monitor trials and identify violations of the right to a fair trial.

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2 The International Press Institute (IPI) is a global network of editors, media executives and leading journalists defending press freedom since 1950. IPI’s Free Turkey Journalists programme seeks to promote and defend free expression in Turkey by calling for every journalist behind bars to receive due process and for the release of anyone detained for practicing journalism. More information: https://freeturkeyjournalists.ipi.media/
3 The Media and Law Studies Association (MLSA) is a Turkish non-profit (registered as Medya ve Hukuk Çalışmaları Derneği) founded in late 2017. It focuses on offering legal protection to journalists who are punished for expressing their thoughts, promoting the public’s right to information, particularly by supporting good finance and science journalism, and promoting rights of minority groups. More information: https://medyaehukuk.org/en.
4 See https://medyaehukuk.org/ and, on Twitter, @mlsaturkey.
Since the lifting of the state of emergency on 18 July 2018, there has been no significant improvement in how Turkish courts have handled cases concerning the right to freedom of expression nor any visible change in the independence of the judiciary. Prior to the attempted coup of 15 July 2016, there were 33 journalists in prison. Since July 2016, 327 journalists have spent time in prison. Of those, at least 148 remain in bars at the time of writing, of whom at least 56 have been convicted. In addition, hundreds of politicians, over 570 lawyers, and some 3000 judges and prosecutors were arrested after the coup attempt because of their occupational activities.

The severity of the rights violations during this period is also borne out in ECHR statistics. Turkey, which recognized the right of individual application to the ECHR in 1987, came in second place after Russia in terms of committed human rights violations in 2017. According to the court's statistics, the rights that Turkey violate most frequently are the right to a fair trial, the right to liberty and security of the person, and the right to freedom of expression.

Despite significant anecdotal evidence that the trials of journalists and others concerning the right to free expression do not meet the standards of the right to a fair trial as guaranteed by Article 6 of the European Convention, there has been little systematic data collection on this point. This project was designed to meet this need through a rigorous programme of trial monitoring, observation and reporting.

To do so, we started to work with a group of six justice reporters who had been previously trained in trial monitoring as part of other projects. Two months later, we recruited 24 more trial observers from various professional backgrounds including journalists, civil society professionals and students from among those who joined a full-day trial monitoring training which was publicized through an ad placed on social media. Those participants in the training who said they would like to monitor trials were then included in the observation programme. The training was provided by two experts from the Bar Human Rights Committee of England & Wales (BHRC).

At the same time, IPI and MLSA’s legal unit created a trial monitoring form (see Annex II) to facilitate the work of the trial observers in identifying violations of the ECHR and create a data set that can be used to raise awareness among both the national and international public about the failure of Turkish courts to provide a fair hearing to journalists. The trial monitoring form was designed so as to promote objectivity in the observation and reporting and establish a common format for measuring violations of the right to a fair trial. It was based on trial monitoring reference materials published by the Organization for Security and Co-operation in Europe (OSCE).

The form was comprised of a standard electronic template where observers could highlight and comment on the presence or absence of specific criteria in relation to the conduct of a fair trial. The online form and the nature of the questions, which generally require unambiguous answers, added greatly to the overall objective nature of data collection. The questions can be viewed in Annex II along with a translation of the questions into English.

Altogether, 30 trial observers attended 90 court sessions between 1 June 2018 and 31 December 2018 across 10 provinces of Turkey. The trials observed were chosen from among freedom of expression related cases, with a concentration on journalist trials.

The observers filled in the electronic form – which instantly created an electronic spreadsheet database of their observations – and their answers were reviewed by MLSA editors. Due to the structure of the questions, there were few instance of unclear answers. However, in case of any such situations, MLSA editors contacted the observers to clarify any questions. The data were later processed using Google Sheets and Tableau software.
Between 1 June 2018 and 31 December 2018, a total of 90 freedom of expression- and freedom of the press-related court sessions were monitored in Turkey. The results of the standard monitoring form filled out by the monitors revealed the following (detailed explanations on the background of particular rights violations with reference to the ECHR can be found in the section “Further Legal Commentary on Violations”):

- In 70 of the court sessions observed, the defendants were journalists or media workers. In the remaining sessions, the defendants were lawyers (10 sessions); academics (5 sessions), artists (2 sessions), students (2 sessions) and human rights activists (1 session).

- 72% of the charges against the defendants (77 out of 107) were related to terrorism offences. In 35 out of the 71 the trials observed, defendants were charged with terrorist propaganda; in 25 they were charged with membership in a terrorist organization; in seven they were charged with willingly and knowingly aiding and abetting a terrorist organization; in five they were charged with founding and/or leading a terrorist organization; and in a further five cases they were charged with committing a crime on behalf of a terrorist organization without being a member.

- The remaining 28% of the court sessions included the following accusations: attack on personal rights (slander, insult, defamation, libel), attempting to overthrow the constitutional order, denigrating the Turkish nation and/or institutions of Turkey, insulting the president, inciting the public to hatred and animosity and exposing state secrets.

- In 49% of the court sessions observed, (44 out of 90) the defendants were tried whilst in detention. In most of these cases, the evidence presented against the defendants consisted of their state-

### Professions of the Defendants

<table>
<thead>
<tr>
<th>Profession</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Journalist</td>
<td>78%</td>
</tr>
<tr>
<td>Lawyer</td>
<td>11%</td>
</tr>
<tr>
<td>Academic</td>
<td>6%</td>
</tr>
<tr>
<td>Student</td>
<td>2%</td>
</tr>
<tr>
<td>Artist</td>
<td>2%</td>
</tr>
<tr>
<td>Human Rights Activist</td>
<td>1%</td>
</tr>
</tbody>
</table>
In 35 out of the 71 the trials observed, defendants were charged with terrorist propaganda; in 25 they were charged with membership in a terrorist organization; in 7 they were charged with willingly and knowingly aiding and abetting a terrorist organization; in 5 they were charged with founding and/or leading a terrorist organization, while in 5 cases they were charged with committing a crime on behalf of a terrorist organization without being a member.

In consideration of the quality of the evidence, this constitutes a violation of Article 5 of the ECHR and Article 100 of the Criminal Procedure Code (CMK).

- In 34% of the court sessions (15 out of 44) involving defendants in detention, the defendants were not physically present in the courtroom. These defendants submitted their defense from prison via the SEGBİS video-conference system.
- In 40% of the court sessions (18 out of 44) involving defendants in detention, the defendants were held in a different province than the one in which their proceedings were underway. This is one of the primary reasons set forth by officials to justify the defendants’ not being brought to court physically. The overuse of SEGBİS constitutes a violation of the defendants’ right to be present in the courtroom and the right to have a face-to-face confrontation.
- In 36% of the court sessions (16 out of 44) involving defendants in detention, the defendants were brought to the session in handcuffs. This constitutes a violation of the principle of presumption of innocence.
- In 41% of the sessions (37 out of 90), changes had been made to the panel of judges hearing the trials.
case. This constitutes a violation of the right to the lawful judge. According to a definition by the Venice Commission, this right means “that the judge who rules a specific case must be identified on the basis of objective criteria predetermined by law, and not on the basis of discretionary choices of any individual, be he or she internal or external to the judiciary.”

- Around 70% (62 out of 90) of the legal sessions started later than planned, with these delays lasting from 30 minutes up to seven hours.
- In four of the 90 court sessions, our observers were not permitted to enter the courtroom. On one occasion, the observer was denied entry on the grounds that the courtroom was too small, while in another case the defendant’s family asked the court not to allow observers. Two observers were denied entry due to a decision to conduct a closed session. CMK Article 182/1 stipulates that all hearings must be open to public unless the court has taken a decision to hold a closed session. However, the relatively low number of observers not being allowed to enter courtrooms does not necessarily indicate that Turkish courts abide by this law. Our observers were mostly seasoned reporters and lawyers with prior courthouse experience and as such could be more assertive towards security guards. Therefore, more research is necessary in this area before any conclusions can be drawn.

- In 40% of the court sessions (34 out of 86 physically observed sessions), the monitors noted that the session was adversely affected by at least one of the following conditions:
  - the court room was too small, crowded or poorly ventilated;
  - the microphone was not working properly;
  - the presiding judge and judicial panel made no effort to speak clearly;
  - there were technical errors in the prison video link system (SEGBİS); or
  - there were too many police/gendarmerie officers in the courtroom.

- In 44% of the sessions (38 out of 86 sessions) our observers responded negatively to the following question: “Did the panel of judges conduct a private deliberation?” This means that the observers and the prosecutor were present in the courtroom while the panel of judges deliberated before issuing an interim decision or a final ruling. It was not possible to determine whether the prosecutor accompanied the panel of judges in the remaining 56% of the sessions.
In order to comply with legal requirements on judicial deliberations, the ideal situation would be for the panel to leave the courtroom and move to a private room to deliberate the decision, without anyone accompanying them. The data we gathered from our monitoring form fell short regarding this specific question: Although our observers indicated that 44% of the deliberations took place publicly, this information is not sufficient to conclude that the remaining 56% of the deliberations took place without the presence of the prosecutor. Generally, the panel of judges empties the courtroom before making a decision and locks the doors behind the observers. The observers are not able to see whether the prosecutor leaves the courtroom or not.

- The duration of pre-trial detention of the defendants in the cases observed varied from two months to three-and-a-half years. Our data include a total of 27 separate cases in which at least one of the defendants was kept in pre-trial detention. In 51% of these cases (14 out of 27 separate cases), the defendants had been in detention for more than a year. Long detention periods constitute violations of Article 5 of the ECHR and Article 19 of the Turkish Constitution.

- The evidence presented in these cases generally related to the defendants’ occupational activities. In 77% of the trials (55 out of 71 separate cases), the evidence against the suspects consisted of the news reports, interviews, and columns they wrote, or the photographs they took and transcripts of their phone conversations with news sources. In 24% of the trials (17 out of 71), social media posts of the defendants were also included as evidence. In four trials, the defendants were accused of signing a petition calling for an end to Turkey’s military operations in the country’s southeast, an initiative of the Academics for Peace Initiative. In trials where the defendants were lawyers, the accusations were based on their prior work as defense lawyers. The remaining evidence consisted of open/anonymous witness statements, footage showing the defendants attend press briefings and/or demonstrations.

- In 20% of the court sessions (17 out of the 86 sessions), the observers noted that the judicial panel behaved impolitely and aggressively toward the defense lawyers, in some cases to an extent that indicated a lack of judicial impartiality. In 27% of the court sessions (24 out of the 86 sessions) the
panel of judges spoke in a patronizing, accusatory or impolite manner to the defendant by:
- using the second person singular familiar form of address, “you/sen”;
- interrupting the defendant as he or she submitted testimony;
- cutting short the time in which the defendant or her/his counsel had to speak; or preventing the defense from performing its duty.
Furthermore, it was observed that the panel of judges remained unresponsive while the gendarmerie performing the role of security within the courtroom behaved aggressively towards the defendants.
• In 51% of the sessions (46 out of 90), either national or international observers were present in the courtroom to monitor the hearings. International observers were from the following institutions: Consulates of the U.S., Sweden, Germany, The Netherlands, France, Britain and Luxembourg; Reporters Without Borders (RSF); Paris, Vienna and Amsterdam Bar Associations; Bar Human Rights Committee of England and Wales (BHRC); Netherlands Lawyers for Lawyers; German Green Party; European Association of Lawyers for Democracy (ELDH); International Association of Democratic Lawyers (IADL); World Observatory for Defence Rights and Attacks against Lawyers (IDHAE); Confederation of Lawyers of Asia and the Pacific (COLAP); European Democratic Lawyers (EDL), English PEN, International Press Institute (IPI) and Article 19. National observers were from the following organizations: Peoples’ Democratic Party (HDP), Labour Party (EMEP), Socialist Party of the Oppressed (ESP), Republican People’s Party (CHP), Human Rights Association (İHD), Turkey Human Rights Foundation (TİHV), Media and Law Studies Association (MLSA), Confederation of Progressive Trade Unions of Turkey-Press Workers Union (DİSK BASIN-İŞ), Free Journalists Society (ÖGC), Progressive Journalists Association (ÇGD), Turkey Journalists Union (TGS), Mesopotamia Women Journalists Platform, Free Journalists Initiative (ÖGİ), Turkish PEN.

**Prisons Where Defendants are Held**

- Silivri
- Bakırköy
- Elazığ
- Burhaniye
- Konya
- Sincan
- Van
- Mardin
- Diyarbakır
- Bolu
- Edirne
- Karabük
- Trabzon

**Courts Where Defendants are Tried**

- 81% High Criminal Court
- 15% CRL. COU. of FIRST INSTANCE
- 2% CIVIL COU. of FIRST INSTANCE
- 2% COURT of APPEAL

“External and Internal Aspects of the Independence of the Judiciary.” Guido Neppi Modona (Substitute Member of the Venice Commission, Italy), 10 July 2012.
In addition to the quantitative data collected by our observers, we would like to draw attention to some qualitative examples and real-life cases from the courtrooms that demonstrate systematic human rights violations. Note that not all of the cases below are from the set of trials observed as part of this project and might include a wider range of examples.

**Obstructing the Defense**

In many hearings, lawyers are routinely denied the floor or are interrupted by judges. In some others, the defense lawyers can be removed from the courtroom and even detained under the judge’s orders:

- On 13 November 2017, during a session of the trial in which journalists Ahmet Altan, Mehmet Altan, and Nazlı Ilıcak are accused of attempting to overthrow the constitutional order, lawyers for the Altan brothers were removed from the courtroom one-by-one when they tried to explain that the defense must be given permission to take floor before the prosecutors presents their opinion. During another session of the same trial, defendant Fevzi Yazıcı’s lawyer was removed from the courtroom as well.

- On 5 October 2018, Ömer Kavili, a defense lawyer in the trial of the protest music band Grup Yorum, was arrested upon the judge’s complaint, claiming that Kavili argued with the panel of judges. The court ordered Kavili’s arrest on charges of “insulting a public official” and “resisting a public official to prevent them from performing a duty.” Kavili was released several hours later, mostly owing to outrage expressed by lawyers, bar associations, and other segments of the public.

- The first hearing of the trial of 20 lawyers – 17 of whom were in detention – of the Progressive Lawyers’ Association (ÇHD) accused of “membership in a terrorist organization” and “making propaganda for a terrorist organization” was held between 10 and 14 September 2018. During this hearing, gendarmerie officers who were present in the courtroom physically assaulted some of the detained lawyers. During another hearing of the same trial in 3 December 2018, a gendarmerie lieutenant punched İzmir Bar Association President Özkan Yücel.
Detained journalist İdris Sayılğan was never physically brought before the court during the course of his trial. As of December 2018, he had been detained in Trabzon Prison for over two years without having appeared before a judge in person a single time. During a hearing on 23 May 2018, he was unable to join the session even via video-link, with authorities citing a technical error with SEGBİS. Considering the fact that the court decided to extend his detention during this session, this decision of the panel is unlawful since Sayılğan was not able to join his own hearing and defend himself. It later emerged that Sayılğan had not even been called to testify from his prison cell.

Confidentiality Order
A frequently used method by Turkish authorities to prevent the defense team from performing its duties is announcing a confidentiality order on an ongoing probe. Such an order makes it impossible for defense lawyers and the defendant to gain access to files in the case. This practice violates the right to a fair trial and contravenes the equality of arms principle, which requires that there must be a fair balance between the opportunities afforded the parties involved in a case.

Civil society activist and prominent businessman Osman Kavala was taken into custody on 18 October 2017 and was arrested on 1 November 2017 on charges of attempting to overthrow the government and attempting to overthrow the constitutional order. Just one day after his detainment, a confidentiality order was announced on his probe. This order prevented the defense lawyers and the defendant from accessing the file. Although more than 15 months have passed since his initial detainment, no indictment has been prepared at the time of writing. Objections to his arrest have been rejected without even holding a hearing.

Due to the confidentiality order on journalist İdris Sayılğan’s file, the defense counsel could not access the evidence compiled against him for a long time. In the applications they filed to the Constitutional Court and the ECtHR, Sayılğan’s lawyers indicated that the right to a fair trial had been violated due to this confidentiality order among other practices obstructing a fair investigation.

Impartiality of the Judge

In July 2018, during the trial of lawyer Veysel Ok, who was accused of “publicly denigrating the judicial institutions of the state” for his criticism of the judicial system in an 2015 interview, the judge recused himself claiming that he could not “remain impartial” in this case. The judge argued that because he had in the past appeared as a plaintiff in a case against journalist Ahmet Altan, formerly defended by Ok, he had to recuse himself. However, there are no legal provisions requiring him to take such an action.

In the November 2017 hearing of the Altan brothers and journalist İlıcak, the defense lawyers who were thrown out of the courtroom under the judge’s orders claimed that the judge had thereby demonstrated that he had lost his impartiality and asked for a new judge to be assigned to the case. However, the court refused this request and did not recuse the presiding judge.

The findings published in this report demonstrate violations of human rights that are protected under various domestic and international laws and conventions. More elaborate legal explanations regarding the violations observed in these trials can be found below.

**Unlawful Arrests**

In 77% of the trials observed (55 out of 71) the evidence presented against the defendants consisted of work-related publications. Worse, such evidence was in some cases used to justify continued detention. Pursuant to Article 5 of the ECHR, Article 19 of the Turkish Constitution, and Article 100ff. of the Turkish Code of Criminal Procedure (CMK), reasonable doubt is necessary to justify detention. Moreover, when deciding to implement arrest measures, courts should also consider whether the suspect is a flight risk or whether he or she might try to obscure evidence or pressure any witness, in addition to the suspect’s reputation. Particularly in freedom of speech cases, detention, in order to be lawful, should carry a legitimate purpose in addition to being a necessary and proportionate measure.

Trial monitors who took part in this project have noted that reasonable doubt and additional grounds for arrest were not properly evaluated during the court sessions observed. The monitors reported that instead of evidence that could establish the presence of reasonable doubt, defendants’ occupational activities (such as published work and oral statements) were presented as evidence.

Violations of human rights experienced by individuals arrested on account of their occupational activities have been taken to the ECtHR and the Constitutional Court. Many precedent-setting rulings have found that detention as an interim measure in the case of individuals being tried on the basis of their journalistic activities is disproportionate. Specifically, the ECtHR found a violation of the European Convention in cases in which the arrest measures merely presented evidence of news stories, oral statements, or various publications and therefore no justification of the necessity of arrest, noting that such measures could have a chilling effect towards the exercise of freedom of expression and freedom of press. (Erdem Gül and Can Dündar Application, 2015/18567; Mehmet Hasan Altan v. Turkey, 13237/17; Şahin Alpay v. Turkey, 16538/17).

**Lengthy Detention Periods**

The right to appear before a court within a reasonable time is secured under Articles 5 and 6 of the ECHR and Article 36 of the Turkish Constitution. The lengthy duration of detention in criminal proceedings violates a person’s right to liberty and security of person (Selahattin Demirtaş v. Turkey, 14305/17), and further creates a chilling effect on society for exercising one’s right to freedom of speech.

According to the ECtHR, any individual arrested and deprived of the right to liberty shall be informed promptly of the reasons for the arrest and any charges. Furthermore, he or she shall promptly be brought before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial (Mustafa Avci v. Turkey, 39322/12). Many international observers have expressed concerned that the use of extended pre-trial detention in Turkey has become a form of summary punishment.**
Physical Absence of Defendants from the Courtroom

In 34% of the trials observed by this study in which the defendant was in detention, the defendant is not brought to the courtroom.

SEGBİS is a video conference tool used in Turkish courtrooms. It is regulated by Article 196 of the Turkish Criminal Procedure Code and was brought into effect by the ordinance published in the Official Gazette dated 20 September 2011 and numbered 28060. Article 3 of the Ordinance on the Usage of SEGBİS Under the Criminal Procedure Code defines SEGBİS as, “an Audio and Visual Information System where audio and video are electronically transmitted, recorded, and stored simultaneously within the National Judiciary Network Information System (UYAP).” Although this legislation originally stipulated that taking a defendant’s statement via SEGBİS may occur only under exceptional conditions, the “Decree Having the Force of Law numbered 694 on Making Several Regulations As Part of the State of Emergency” published in the Official Gazette dated 25 August 2017 and numbered 30165 has ruled that the use of SEGBİS no longer requires an exceptional condition. Pursuant to the emergency decree, Article 196 of the Criminal Procedure Code was changed to state that “the defendant’s statement may be taken via SEGBİS in situations where the judge and the court see it necessary,” leaving this decision completely to the court’s discretion.

Figures from the Ministry of Justice show that instances of the use of SEGBİS increased from 12,759 in 2013 to 244,768 in 2017.12

The defendant’s right to be physically present at his or her hearing and the requirement that all evidence pertaining to a given file be discussed in the presence of the defense, pursuant to the principle of face-to-face confrontation entitled to the defendant and the witness, have been mentioned in numerous national high court decisions and international rulings.

In various rulings, the ECtHR has established that the following constitute violations of the Convention: the defendant’s not being brought before the judiciary panel that tries him or her, particularly in cases where the defendant has expressed a wish to be in attendance (Zana v. Turkey, 18954/91); taking a defendant’s statement via video conference (Marcello Viola v. Italy, 45106/04).

Other rulings state that defendants must be brought to court in person in cases where they are the only persons who can properly answer the questions asked by the judiciary panel (e.g., instead of their lawyer), and that they must have the right to defend themselves personally in situations where there is a possibility of influencing the verdict (İnsanov v. Azerbaijan, 16133/08; Özata v. Turkey, 19578/02; Apaydin v. Turkey, 502/03).

The SEGBİS system has been criticized for the following reasons: Defendants cannot directly pose questions to the witnesses, they cannot examine the evidence newly added to the file, they and cannot receive direct legal advice from their lawyers during sessions. The practice of not bringing suspects in detention to the courtroom limits the right to self-defense and contradicts the principle of face-to-face confrontation and the principle of orality in criminal procedures.13

Changes to the Panel of Judges

The principle of the lawful judge states that no judge shall avoid hearing a case within his or her jurisdiction. In Turkey, this right is secured under Articles 36 and 37 of the Constitution. This principle ensures that judges who rule on a specific case are identified on the basis of objective criteria predetermined by law. In turn, it ensures that defendants, prosecutors, and judges all know which court will be in charge of a particular case prior to the start of the proceedings. Frequent changes to the panel of judges contravene the principle of the lawful judge and cast doubt on the impartiality and independence of courts. These changes might also cause court sessions to be delayed or unnecessarily prolonged.

Handcuffs

Our study has found that 36% of the Turkish courts violate principles regarding the handcuffing of suspects. According to Article 191/1 of the Criminal Procedure Code, any handcuffs or instruments that tie hands should be removed when a suspect appears before judicial authorities. A hearing arrangement in which defendants are brought before the judicial authorities with handcuffs constitutes a violation of the presumption of innocence protected by Article 38 of the Constitution since it implies that the defendant is guilty.

Lack of Private Judicial Deliberations

As our data revealed above, 45% of judges’ deliberations did not take place in private. Article 227 of the Criminal Procedure Code mandates that deliberations only be made among judges who participate in making the decision and giving the verdict. According to this principle, no other persons can participate in the deliberations even if they have a purpose of consultation. in accordance with the impartiality of the panel that is to decide on this principle.

This requirement also strengthens the equality of arms principle by removing any potential influence of the prosecutor on the deliberation process. The concept of an “independent and impartial tribunal” as is indicated in Article 6 of the ECHR emphasizes this quality.

Closed Hearings

Pursuant to Article 141 of the Constitution and Article 182/2 of the Criminal Procedure Code, hearings and sessions are as a rule open to public. The only confidential part of the process is the investigation stage. Trials may only be closed to the public unless required for reasons of “public morality” or “public safety”. The ECtHR has underscored the right of the press to be present at hearings and has found violations in cases in which authorities prevented the press’s attendance [Axen/Germany, 8273/78].

Disrespectful Conduct of Judges toward Defendants

In 20% of the sessions physically observed, the panel of judges were openly rude towards the defense lawyers, and in 27% of the sessions they were rude towards the defendants. In some cases, this may create the perception that the defendant is guilty prior to the completion of the proceedings. In cases where there have not yet been any convictions, an implication by the judge that the defendant is guilty can be considered a violation of the principle of presumption of innocence. This situation casts doubt on the court’s impartiality and independence. As such, the language used by judicial authorities is important. Judicial authorities’ manifesting hostility or ill-intent (Toziczka v. Poland, 29995/08) or using insulting phrases or showing bias towards one of the parties (Boeckmans v. Belgium, (Commission, report), 1727/62) contravene the principles of impartiality and independence.
MLSA and IPI have also undertaken several other activities in this project in an attempt to improve civil society’s general capacities for trial monitoring.

- On 17 September 2018, we held a trial-monitoring training, attended by 32 participants with various professional backgrounds including lawyers, journalists, human rights activists and students. The trainers were from the Bar Human Rights Committee of England and Wales (BHRC), and from ROLE UK, the British government-associated organization tasked with monitoring and supporting the rule of law. The training focused especially on the need for total impartiality when observing a trial and consisted of lectures and workshops.

- On 15 December 2018, we organized a workshop in which 180 Diyarbakır-based lawyers learned details about the intricacies of ECtHR applications. The trainers were Symeon Karagiannis from University of Strasbourg, and Ümit Kılınç and Oleksandr Ovchynnykov from the Strasbourg Bar Association.

- We held a roundtable meeting with over 20 local journalists in Diyarbakır where we introduced our project, presented our findings, and conducted a fruitful exchange about how to work in cooperation with local journalists outside Istanbul.

- IPI has presented the project findings at a one-day conference on Turkey in Berlin on 28 November 2018: Under Siege: Press Freedom and the Rule of Law in Turkey.

- In November 2018, Turkey-based freedom of expression lawyers attended a one-week ECtHR workshop in Berlin.

- MLSA released reports regarding all of the hearings that were monitored in both Turkish and English. Our news reports can be found in Annex 1, and also here: medyavehukuk.org

- To increase visibility and raise awareness about press freedom and freedom of expression, we have reported all developments in these hearings live, via MLSA’s Twitter account @MLSATurkey, both in English and Turkish.
## Annex I

**List of Monitored Sessions**

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<tr>
<th>#</th>
<th>Date</th>
<th>Venue</th>
<th>Defendant(s)</th>
<th>Accusation(s)</th>
</tr>
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<tbody>
<tr>
<td>2</td>
<td>16-17.07.2018</td>
<td>İstanbul 27. High Criminal Court</td>
<td>İsmınaz Temel, Havva Cuştan, Özlem Gümüştaş, Sezin Uçar</td>
<td>Membership in a terrorist organization</td>
</tr>
<tr>
<td>3</td>
<td>17.07.2018</td>
<td>Erciş 2. Criminal Court of First Instance</td>
<td>İdris Yılmaz</td>
<td>Slander via the press</td>
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<tr>
<td>4</td>
<td>17.07.2018</td>
<td>İstanbul 37. Criminal Court of First Instance</td>
<td>Veysel Ok</td>
<td>Defaming the Turkish judiciary</td>
</tr>
<tr>
<td>5</td>
<td>19.07.2018</td>
<td>Ankara 29. High Criminal Court</td>
<td>Onur Hamzaoğlu</td>
<td>Terrorist propaganda, inciting the public towards hatred and animosity</td>
</tr>
<tr>
<td>6</td>
<td>19.07.2018</td>
<td>İstanbul 26. High Criminal Court</td>
<td>Canan Coşkun</td>
<td>Revealing the identities of those who had participated in anti-terror operations</td>
</tr>
<tr>
<td>Date</td>
<td>Venue</td>
<td>Defendant(s)</td>
<td>Accusation(s)</td>
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<td>------------</td>
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<tr>
<td>07.08.2018</td>
<td>Şırnak 1. High Criminal Court</td>
<td>Ziya Ataman</td>
<td>Disrupting the unity and the territorial integrity of the state</td>
<td></td>
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<tr>
<td>16.08.2018</td>
<td>İstanbul 35. High Criminal Court</td>
<td>Şirin Kabakçı</td>
<td>Membership in a terrorist organization</td>
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<tr>
<td>04.09.2018</td>
<td>İstanbul 22. High Criminal Court</td>
<td>Can Dündar</td>
<td>Terrorist propaganda</td>
<td></td>
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<tr>
<td>05.09.2018</td>
<td>İstanbul 37. High Criminal Court</td>
<td>Şenay Çınar</td>
<td>Terrorist propaganda</td>
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<tr>
<td>06.09.2018</td>
<td>İstanbul 22. High Criminal Court</td>
<td>Pelin Ünker, Orhan Erinç</td>
<td>Slander, insult</td>
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<tr>
<td>06.09.2018</td>
<td>İstanbul 37. High Criminal Court</td>
<td>Şenay Çınar</td>
<td>Terrorist propaganda</td>
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<tr>
<td>06.09.2018</td>
<td>İstanbul 2. Criminal Court of First Instance</td>
<td>Fatih Polat</td>
<td>Revealing the identity of a minor</td>
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<tr>
<td>06.09.2018</td>
<td>Anadolu 24. Civil Court of First Instance</td>
<td>Sibel Hürtaş, Hayri Demir</td>
<td>Terrorist propaganda, inciting the public towards hatred and animosity</td>
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<tr>
<td>06.09.2018</td>
<td>İstanbul 26. High Criminal Court</td>
<td>Nazlı Ilıcak</td>
<td>Revealing secret documents of the state with the intent of espionage</td>
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<tr>
<td>07.09.2018</td>
<td>İstanbul 3. High Criminal Court</td>
<td>46 journalists and reporters</td>
<td>Membership in a terrorist organization</td>
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<tr>
<td>10.09.2018</td>
<td>İstanbul 23. High Criminal Court</td>
<td>Semiha Şahin, Pınar Gayıp</td>
<td>Membership in a terrorist organization</td>
<td></td>
</tr>
</tbody>
</table>
Date: 12.09.2018  
Venue: Muş 2. High Criminal Court  
Defendant(s): Seda Taşkın  
Accusation(s): Terrorist propaganda, aiding and abetting a terrorist organization without being a member

Date: 12.09.2018  
Venue: İstanbul 23. High Criminal Court  
Defendant(s): Davut Uçar, Erşin Çaksu, Fırat Benli, Günsel Aksoy, Hicran Urun, İshak Yaşar, İshak Yasul, Mehmet Ali Çelebi, Mizgin Fendik, Önder Etalı, Pınar Tarlak, Ramazan Şola, Reyhan Hacıoğlu, Yılmaz Yıldız  
Accusation(s): Membership in a terrorist organization, terrorist propaganda

Date: 13.09.2018  
Venue: İstanbul 2. Criminal Court of First Instance  
Defendant(s): Fatih Polat, Vural Nasuhbeyoğlu, Arif Koşar  
Accusation(s): Violating the secrecy of communication between individuals

Date: 13.09.2018  
Venue: İstanbul 2. Criminal Court of First Instance  
Defendant(s): Seda Taşkın  
Accusation(s): Terrorist propaganda, aiding and abetting a terrorist organization without being a member

Date: 12.09.2018  
Venue: İstanbul 23. High Criminal Court  
Defendant(s): Davut Uçar, Erşin Çaksu, Fırat Benli, Günsel Aksoy, Hicran Urun, İshak Yaşar, İshak Yasul, Mehmet Ali Çelebi, Mizgin Fendik, Önder Etalı, Pınar Tarlak, Ramazan Şola, Reyhan Hacıoğlu, Yılmaz Yıldız  
Accusation(s): Membership in a terrorist organization, terrorist propaganda

Date: 21.09.2018  
Venue: Erciş 2. Criminal Court of First Instance  
Defendant(s): Idris Yılmaz, Erhan Akbaş  
Accusation(s): Insult

Date: 18.09.2018  
Venue: İstanbul 26. High Criminal Court (held in Silivri)  
Defendant(s): Cemal Tunc, Kasım Zengin, İrfan Karaduman, Mahmut Abay, Erdoğan Zamur, Mehmet Emin Sürmeli, Musa Kaya, Süleyman Güneş  
Accusation(s): Membership in a terrorist organization, terrorist propaganda, printing materials of a terrorist organization

Date: 18.09.2018  
Venue: İstanbul 28. High Criminal Court  
Defendant(s): İshak Karakaş  
Accusation(s): Membership in a terrorist organization

Date: 19.09.2018  
Venue: İstanbul 13. High Criminal Court  
Defendant(s): Mustafa Kara, İsmail Gökhan Bayram, Gökhan Çetin  
Accusation(s): Terrorist propaganda

Date: 19.09.2018  
Venue: İstanbul 13. High Criminal Court  
Defendant(s): Mustafa Kara, İsmail Gökhan Bayram, Gökhan Çetin  
Accusation(s): Terrorist propaganda

Date: 18.09.2018  
Venue: İstanbul 26. High Criminal Court (held in Silivri)  
Defendant(s): Cemal Tunc, Kasım Zengin, İrfan Karaduman, Mahmut Abay, Erdoğan Zamur, Mehmet Emin Sürmeli, Musa Kaya, Süleyman Güneş  
Accusation(s): Membership in a terrorist organization, terrorist propaganda, printing materials of a terrorist organization

Date: 20.09.2018  
Venue: İstanbul 26. High Criminal Court (held in Silivri)  
Defendant(s): İshak Karakaş  
Accusation(s): Membership in a terrorist organization

Date: 18.09.2018  
Venue: İstanbul 26. High Criminal Court (held in Silivri)  
Defendant(s): Cemal Tunc, Kasım Zengin, İrfan Karaduman, Mahmut Abay, Erdoğan Zamur, Mehmet Emin Sürmeli, Musa Kaya, Süleyman Güneş  
Accusation(s): Membership in a terrorist organization, terrorist propaganda, printing materials of a terrorist organization

Date: 18.09.2018  
Venue: İstanbul 26. High Criminal Court (held in Silivri)  
Defendant(s): İshak Karakaş  
Accusation(s): Membership in a terrorist organization

Date: 21.09.2018  
Venue: Erciş 2. Criminal Court of First Instance  
Defendant(s): Idris Yılmaz, Erhan Akbaş  
Accusation(s): Insult
Date: 21.09.2018
Venue: İstanbul Regional Court 2. Criminal Chamber
Defendant(s): Ahmet Altan, Mehmet Altan, Nazlı Ilıcak, Şükrü Tuğrul Özşengül
Accusation(s): Attempting to overthrow the constitutional order

Date: 25.09.2018
Venue: İstanbul 36. High Criminal Court
Defendant(s): Ferhat Tunç
Accusation(s): Terrorist propaganda

Date: 26.09.2018
Venue: İstanbul 14. High Criminal Court
Defendant(s): Özlem Beyarslan
Accusation(s): Terrorist propaganda

Date: 27.09.2018
Venue: İstanbul 14. High Criminal Court
Defendant(s): Can Dündar
Accusation(s): Possessing/revealing secret state documents in relation to national security with the intent of espionage

Date: 01.10.2018
Venue: İzmir 33. Criminal Court of First Instance
Defendant(s): Kazım Kızıl
Accusation(s): Insulting the President, defying the law on assembly and demonstration

Date: 02.10.2018
Venue: İzmir 2. High Criminal Court
Defendant(s): Fadıl Öztürk
Accusation(s): Terrorist propaganda, membership in a terrorist organization

Date: 02.10.2018
Venue: İstanbul 14. High Criminal Court
Defendant(s): Ömer Çetlik, Abdulvahap Taş, Selman Çiçek, Selim Gönenç, İnan Kızılkaya, Hamza Gündüz, Çağdaş Kaplan, Kemal Sancılı
Accusation(s): Targeting those who had participated in anti-terror operations, terrorist propaganda
| Date: 03.10.2018 | Venue: İstanbul 32. High Criminal Court | Defendant(s): Ağah Suat Atay, Berke Aydoğan, Deniz Yılmaz, Enes Karakas, İsmail Gürler, Mete Ulutaş, Tevger Uzay Tula, Yusuf Noyan Oztürk, Zülkif Ibrahim Erkol, Esen Deniz Ustündag, Kübra Sağır, Sevde Öztürk, Şükran Yaren Tuncer, Ali İmran Şirin, Denizhan Eren, Emir Eray Karabıyık, Hamza Dinçer, İbrahim Musab Curabaz, Kütücin Demir-lioğlu, Mustafa Ada Kök, Onur Eren, İrem Gerküsü, Elif Nur Aybaş, Özan Yaman, Ayşe İdil Ügüt, Bektaş Deneri, Damla Uyar, Ekim Devrim Çapartas, Oğuzcan Unlu | Accusation(s): Terrorist propaganda |
| Date: 05.10.2018 | Venue: Muş 2. High Criminal Court | Defendant(s): İdris Saylıgan | Accusation(s): Membership in a terrorist organization |
| Date: 09.10.2018 | Venue: İstanbul 13. High Criminal Court | Defendant(s): Esra Mungan, Meral Camcı, Muzaffer Kaya, Kıvanç Ersoy | Accusation(s): Terrorist propaganda |
| Date: 09.10.2018 | Venue: İstanbul 14. High Criminal Court | Defendant(s): Eren Keskin, Reyhan Çapan, Filiz Koçali, Ayşe Berktay, Nuray Özdoğan, Celalettin Can, Ayşe Batumlu and Reyhan Hacıoğlu | Accusation(s): Terrorist propaganda |
| Date: 09.10.2018 | Venue: İstanbul 13. High Criminal Court | Defendant(s): Erol Önderoğlu, Ahmet Nesin, Şebnem Korur-Fincancı | Accusation(s): Terrorist propaganda |
| Date: 09.10.2018 | Venue: İstanbul 14. High Criminal Court | Defendant(s): Şirin Kabakçı | Accusation(s): Membership in a terrorist organization |
| Date: 09.10.2018 | Venue: İstanbul 35. High Criminal Court | Defendant(s): Nazlı İlıcak | Accusation(s): Revealing secret state documents in relation to national security with the intent of espionage |
| Date: 10.10.2018 | Venue: İstanbul 23. High Criminal Court | Defendant(s): Necmiye Alpay, Eren Keskin, İnan Kızılkaya, Kemal Sanlı | Accusation(s): Disrupting the unity and the territorial integrity of the state, membership in a terrorist organization |
| Date: 10.10.2018 | Venue: Muş 2. High Criminal Court | Defendant(s): Seda Taşkın | Accusation(s): Terrorist propaganda, aiding and abetting a terrorist organization without being a member |
Date: 10.10.2018
Venue: İstanbul 14. High Criminal Court
Defendant(s): Can Dündar, Enis Berberoğlu, Erdem Gül
Accusation(s): Aiding and abetting a terrorist organization

Date: 16.10.2018
Venue: Bitlis 2. High Criminal Court
Defendant(s): Uğur Yılmaz
Accusation(s): Membership in a terrorist organization, terrorist propaganda

Date: 16.10.2018
Venue: İstanbul 29. High Criminal Court
Defendant(s): Meşale Tolu, Suat Çorlu
Accusation(s): Membership in a terrorist organization

Date: 18.10.2018
Venue: İstanbul 2. Criminal Court of First Instance
Defendant(s): Perihan Mağden, Tunca Öğreten, Metin Yoksu, Orhan Şahin, Mehmet Çağlar Tekin
Accusation(s): Insulting the President

Date: 22.10.2018
Venue: Ankara 11. Criminal Court of First Instance
Defendant(s): Burak Akdemir, Özge Kayaaslan, Furkan Efe Dikmen, Dilan Can Yıldırım, and Şahin Dereağzı
Accusation(s): Insulting the President

Date: 23.10.2018
Venue: Bakırköy 2. Criminal Court of First Instance
Defendant(s): Kamil Tekin Sürek
Accusation(s): Insulting the President

Date: 26.10.2018
Venue: Şırnak 1. High Criminal Court
Defendant(s): Ziya Ataman
Accusation(s): Disrupting the unity and the territorial integrity of the state

Date: 30.10.2018
Venue: İstanbul 35. High Criminal Court
Defendant(s): Mehmet Gündem
Accusation(s): Membership in a terrorist organization
<table>
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<tr>
<th>Date</th>
<th>Venue</th>
<th>Defendant(s)</th>
<th>Accusation(s)</th>
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<tr>
<td>31.10.2018</td>
<td>Istanbul 32. High Criminal Court</td>
<td>Ali Sönmez Kayar</td>
<td>Membership in a terrorist organization</td>
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<tr>
<td>01.11.2018</td>
<td>Istanbul 37. High Criminal Court</td>
<td>Ece Sevim Öztürk</td>
<td>Aiding and abetting a terrorist organization without being a member</td>
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<tr>
<td>02.11.2018</td>
<td>Istanbul 32. High Criminal Court</td>
<td>Mehmet Baransu, Ahmet Altan, Yasemin Çongar, Tuncay Öpçin, Yıldırım Öğür</td>
<td>Possessing secret state documents in relation to national security</td>
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<tr>
<td>02.11.2018</td>
<td>Istanbul 33. High Criminal Court</td>
<td>Çağdaş Erdoğan</td>
<td>Membership in a terrorist organization, terrorist propaganda</td>
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<tr>
<td>02.11.2018</td>
<td>Istanbul 22. High Criminal Court</td>
<td>Haydar Ergül and 14 others</td>
<td>Membership in a terrorist organization</td>
</tr>
<tr>
<td>07.11.2018</td>
<td>Istanbul 37. High Criminal Court</td>
<td>Burak Akbay, Gökmen Ulu, Medhiha Olgun, Yonca Yücekaleli</td>
<td>Committing a crime on behalf of a terrorist organization without being a member</td>
</tr>
<tr>
<td>07.11.2018</td>
<td>Istanbul 35. High Criminal Court</td>
<td>Taner Kılıç, İdil Eser, Özlem Dalkıran, Günel Kürşün, Veysi Acu, Ali Garawi, Peter Steudtner, İlkur Ústün, Nalan Erkem, Nejat Taştan, Şeyh Mus Özbekli</td>
<td>Membership in a terrorist organization, committing a crime on behalf of a terrorist organization without being a member</td>
</tr>
<tr>
<td>20.11.2018</td>
<td>İzmir 2. High Criminal Court</td>
<td>Ahmet Kanbal</td>
<td>Terrorist propaganda in a sequence</td>
</tr>
<tr>
<td>20.11.2018</td>
<td>Istanbul 28. High Criminal Court</td>
<td>İshak Karakaş and nine others</td>
<td>Terrorist propaganda</td>
</tr>
<tr>
<td>Date</td>
<td>Venue</td>
<td>Defendant(s)</td>
<td>Accusation(s)</td>
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<td>21.11.2018</td>
<td>Diyarbakır 10. High Criminal Court</td>
<td>Sertaç Kayar</td>
<td>Founding/leading a terrorist organization</td>
</tr>
<tr>
<td>21.11.2018</td>
<td>Diyarbakır 9. High Criminal Court</td>
<td>Yusuf Karataş</td>
<td>Founding/leading a terrorist organization</td>
</tr>
<tr>
<td>22.11.2018</td>
<td>İstanbul 2. Criminal Court of First Instance</td>
<td>Pelin Ünker</td>
<td>Insult, defamation</td>
</tr>
<tr>
<td>22.11.2018</td>
<td>İstanbul 37. High Criminal Court</td>
<td>Veysel Ok</td>
<td>Insulting the judicial organs of the state</td>
</tr>
<tr>
<td>29.11.2018</td>
<td>İstanbul 27. High Criminal Court</td>
<td>Isminsaz Temel, Hawa Cuştan and 21 others</td>
<td>Membership in a terrorist organization, terrorist propaganda</td>
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<tr>
<td>30.11.2018</td>
<td>İstanbul 3. High Criminal Court</td>
<td>Büşra Ersanlı, Ragıp Zarakolu and others</td>
<td>Aiding and abetting a terrorist organization</td>
</tr>
<tr>
<td>03.12.2018</td>
<td>İstanbul 26. High Criminal Court</td>
<td>Cemal Tunc, Necat Hizarcı, Sadettin Demirci,</td>
<td>Terrorist propaganda, membership in a terrorist organization, publishing</td>
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<tr>
<td></td>
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<td>Muhammet Özkaran, Mehmet Kadir Özkar, Cumali Öz,</td>
<td>materials of a terrorist organization</td>
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<td>Suleyman Gunes, Kemal Dağdogen, Özgür Bozkurt,</td>
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<td>Erdoğan Zamur, Ihsan Sinmis, Irfan Karaca, Kasmı</td>
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<td>Zengin, Kasim Goezer, Mahmut Abay, Mehmet Emin</td>
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<td>Sulem, Musa Kaya, Mursel Demir, Polat Arslan ve</td>
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<td>Uğur Selman Kelekciler</td>
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<tr>
<td>03.12.2018</td>
<td>İstanbul 37. High Criminal Court</td>
<td>Semiha Şahin and Pınar Gayip</td>
<td>Terrorist propaganda, membership in a terrorist organization</td>
</tr>
<tr>
<td>05.12.2018</td>
<td>İstanbul 23. High Criminal Court</td>
<td>Şemih Şahin and Pınar Gayip</td>
<td>Terrorist propaganda, membership in a terrorist organization</td>
</tr>
</tbody>
</table>
Date: 06.12.2018  
Venue: Istanbul 23. High Criminal Court  
Defendant(s): İshak Yusuf, İlhan Yaşar, Mehmet Ali Çelebi, Hicran Ürun, Reyhan Hacıoğlu, Ramazan Sola, Pınar Tarlak, Mizgin Fendik, Yılmaz Yıldız, Önder Elaldu, Günay Aksoy, Firat Benli, Ersin Çaksu, Davut Uçar  
Accusation(s): Terrorist propaganda, membership in a terrorist organization

Date: 06.12.2018  
Venue: Diyarbakır 5. High Criminal Court  
Defendant(s): Kibriye Evren  
Accusation(s): Terrorist propaganda, membership in a terrorist organization

Date: 11.12.2018  
Venue: Istanbul 37. High Criminal Court  
Defendant(s): Ece Sevim Öztürk  
Accusation(s): Aiding and abetting a terrorist organization without being a member

Date: 11.12.2018  
Venue: Bitlis 2. High Criminal Court  
Defendant(s): İdris Yılmaz  
Accusation(s): Terrorist propaganda, membership in a terrorist organization

Date: 13.12.2018  
Venue: Istanbul 37. High Criminal Court  
Defendant(s): Ceren Sözeri  
Accusation(s): Terrorist propaganda

Date: 20.12.2018  
Venue: Istanbul 32. High Criminal Court  
Defendant(s): Deniz Yücel  
Accusation(s): Terrorist propaganda, inciting the public towards hatred and animosity

NOTE: 90 court sessions were monitored, however, these sessions comprise 82 hearings, due to the fact that hearings can take more than a day in some instances. (A single hearing of Etkin News Agency journalists’ was spread over two days on 16-17 July; one hearing of ÇHD lawyers’ was held over five days (10-11-12-13-14 September) and a hearing in the trial of Mehmet Baransu and others took to days hearing 1-2 November. Another hearing of the ÇHD lawyers’ was held on 3-4-5 December)
Annex II

Trial Monitoring Form

https://docs.google.com/forms/d/e/1FAIpQLSeu6qmlVuNn0OpEuxf9V6trlYYfWExxMLujuy9X4Ccf3gug/viewform

An English translation of the questions on the form
https://docs.google.com/spreadsheets/d/1uCglvL6UKce7830kNy4cXIoiF1n2Xto6gsXcFSlO/