

A photograph showing the silhouettes of two people looking out from a cave or a hole in a rock. The person on the left is sitting and holding a rifle. The person on the right is sitting and looking towards the left. The background is a hazy, blue-tinted landscape with mountains and a bright sky. The entire image is set against a dark blue background.

# **Cinema on Trial: A Timeline of the Bakur Trial**

# For everyone inquiring after the truth...

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Ertuğrul Mavioğlu and Çayan Demirel, directors of the documentary movie Bakur (North), were each sentenced to 4 years and 6 months in prison on Thursday July 18, 2019 over the allegation of “disseminating propaganda for a terrorist organization”. The prison sentences handed down in the trial, publicly known as “the Bakur trial,” marked one of the harshest penalties imposed so far over the allegation of “disseminating terrorist group propaganda”. Since then the trial hangs like Damocles’ sword over film circles, for it is a reminder that not even cinema is free from persecution.

Even though the Bakur would end up not being screened at the 34th Istanbul Film Festival as intended, because it lacked the official registration certificate, movie exposed the pressure put upon the film industry. The stricture for the registration certificate, which had rarely been enforced at festivals previously, became obligatory in all festivals afterwards. The directors of the film are currently waiting for a response to their objection against the verdict, pending before the Court of Appeals. The friends of Mavioğlu and Demirel are calling out together: Cinema cannot be prosecuted!



# What happened prior to Bakur?

## / 9-12 August 2007

The 7th Munzur Culture and Nature Festival announced that it would be screening 38. However, the screening was blocked by police on the grounds that it lacked a registration certificate. The film's producer Ayşe Çetinbaş said that they had never been asked to undergo the certification process before.

## /4-19 April 2009

The documentary titled "Prison No 5: 1980-84" was screened at the Istanbul Film Festival for the first time. The film began to be shown commercially after it was given a registration certificate.

## /2006

The film 38, directed by Çayan Demirel was completed and screened in various film festivals such as the International 1001 Documentary Film Festival (2006) and the Antalya Golden Orange Film Festival (2007).

## /19 October 2007

The Ministry of Culture and Tourism Directorate General of Copyrights and Cinema, rejected to give a certificate for 38. The film crew filed a complaint against the Ministry's decision with the 7th Administrative Court of Ankara.

## /19 October 2007

Lawyer Fikret İlkiz, published an article in Bianet News that featured an e-mail from Abdurrahman Çelik, the General Manager at the Ministry of Culture and Tourism Directorate General of Copyrights and Cinema, in which Çelik said that 38's request for a certificate was rejected on the grounds that "the film wasn't based on documents, and contained commentary and prejudice."



**ÇELİK, THE GENERAL MANAGER AT THE MINISTRY OF CULTURE AND TOURISM DIRECTORATE GENERAL OF COPYRIGHTS AND CINEMA SAID:**

“As can be understood here it is essential for the documentary to be based on documents and is unbiased. After examining the film in question; it is observed that the narration is not based on documents, its entirety (in its entirety) contains commentary and prejudice. Because the narration has been executed without the use of historical information, documents, maps, photographs and similar documents and supportive visuals components, it does not qualify as a documentary.

For these reasons, as it is speaking of a healthy public life in societies where laws don't exist or are not applied, it is clear that the movie “provokes hatred or hostility in one section of the public against another section of the society over social class, race, religion, sect, gender or regional differences” and may cause a violation of the public order.”



# What happened before and during the 34th İstanbul Film Festival?

## /10 March 2015

The programme of the 34th İstanbul Film Festival was announced. It included a screening of Bakur.

## /12 April 2015

The İstanbul Foundation for Culture and Arts (İKSİV) cancelled the screening of Bakur, 4 hours prior to the screening. It was announced that the Ministry of Culture and Tourism had sent a warning, concerning the film's lack of a certificate. SURELA FILM PRODUCTION said the withdrawal of the film was an outright censorship.

## /15 April 2015

The head of the Cinema Directorate Cem Erkul said to Sabah newspaper that he had called İKSİV after reading the interview with Bakur's directors in Radikal newspaper, to remind them of the certificate required for all movies and not just for the case of Bakur.

## /2009

The Kurdish-Turkish peace process also known as the Oslo Talks began between the National Intelligence Organization (MIT) and the Kurdistan Workers' Party (PKK).

## /18 March 2015

A day after Çayan Demirel had completed the film's editing, his heart stopped beating. Demirel went into a coma and was taken to an intensive care unit. He spent months in the hospital. Demirel now has a medical report, declaring he is rated 99 percent disabled.

## /13 April 2015

22 local films announced that they withdraw themselves from the festival programme. Since only 2 films were left in the category of National Films, The National Golden Tulip Competition had to be cancelled. The international jury decided to withdraw in protest of the censorship. The Radikal People's Prize, organized by Radikal newspaper, was also cancelled in response to censorship.

## **/18 April 2015**

Filmmakers protested against the censorship of Bakur with the slogan "Free Cinema Against Censorship."

## **/15 June 2015**

The films Bakur, Dersim 38, Yeryüzü Aşkın Yüzü Oluncaya Dek and Berivan were screened as part of the Censored Film category at the Documentarist 8th İstanbul Documentary Film Days. The screening of Bakur, which was held at the Şişli Kent Cultural Center, attracted wide acclaim.

## **/16 April 2015**

After the episode in İstanbul, Dünya Kitle İletişim Vakfı (World Population Communications Research Foundation) which organizes Ankara Film Festival, said that it was the first time the Ministry of Culture had asked for the law crafted in 2004 to be implemented and this had made it almost impossible to organize such events. The Festival announced that it would be cancelling the documentary and short film categories on the grounds that it wouldn't be fair competition.

## **/6 May 2015**

Bakur was screened at the Yılmaz Güney Cultural Center in Batman.

## **/24 October 2015**

It was discovered that there were attempts to block the screening of Bakur at the Stockholm Film Festival which was to be held from 10 to 14 November. The Festival Director Git Scheynius announced that there were attempts from embassies to block the screenings of banned movies from countries such as Iran, Morocco and China.



## WHAT IS THE REGISTRATION CERTIFICATE?

For a film to be screened commercially in Turkey, it first must acquire a registration certificate. On the other hand in festivals, a certificate was previously not necessary. Following the censorship of films in 1998 at the İstanbul Film Festival and the protest organized against it, the certificate requirement for foreign movies was lifted. However, local films are still required to legally be certified. The law on the registration certificate as it applies to festivals is covered in "The Regulations on the Assessment and Classification of Cinema Films."

However registration certificates were not being requested de facto from local films previously. After the Bakur crisis, it became a norm especially for the festivals supported by the Ministry of Culture and Tourism. Following the incidents in Antalya and İstanbul Film Festivals, in 2017 the movie *Son Şnitzel* could not be screened at the If İstanbul Independent Film Festival neither.



# A Timeline of The BAKUR Trial

## /20 December 2017

The 2nd High Criminal Court of Batman accepted the indictment prepared in 2016 against Demirel and Mavioğlu, claiming that “the documentary Bakur legitimized or praised the methods of the PKK/KCK terrorist organization or encouraged their acts of violence.” Also included in the indictment were the Prosecutor’s Office question asking the the Ministry of Culture whether or not the movie was banned, and the Ministry’s response saying that: “it wasn’t”.

## /5 February 2018

Ertuğrul Mavioğlu said at the 37th High Criminal Court of Istanbul that he’d be giving his defense statement during the main trial in Batman. Çayan Demirel, who couldn’t attend the hearing on 8 February at the 23rd High Criminal Court due to health complications, said that he’d be giving his defense statement at the hearing on 29 May in Batman.

## /23 October 2018

Excuse was presented for non-attendance and the hearing was adjourned until February.

## /2016

An investigation was launched against Çayan Demirel and Ertuğrul Mavioğlu over the screening of their film at the Batman Yılmaz Güney Cultural Center in May 2015. Dicle Anter, an official at the Cultural Center had to give his statement to the police about the screening.

## /28 December 2017

Çayan Demirel, accused of “disseminating propaganda for a terrorist organization,” gave his statement at the 23rd High Criminal of Istanbul. Ertuğrul Mavioğlu, the co-director of the movie and many other filmmakers were also at the Çağlayan Courthouse to lend their support to Demirel. Due to the court panel being on leave, the trial was adjourned until February 8.

## /29 May 2018

The first hearing of the trial was held at the 2nd High Criminal Court of Batman. Lawyer Rozerin Seda Kip said that the defense wouldn’t be delivering their defense statement against the final opinion during that hearing. She presented the expert opinion prepared by Article 19, a British human rights organization which defends and promotes freedom of expression, to court. Accepting the request to exempt Mavioğlu and Çayan from attendance, the court postponed the trial until 23 October 2018.



**THE EXPERT OPINION BY ARTICLE 19**

The conclusion of the expert opinion prepared by the London based freedom of expression organization Article 19, penned by Senior Legal Officer Gabrielle Guillemin:

In light of the foregoing, ARTICLE 19 concludes that the charges brought against the defendants and the legislation on which these charges are based fail to comply with Turkey's obligations under international human rights law, in particular the right to freedom of expression. As such, they amount to an unlawful restriction on the right to freedom of expression under Article 19 (3) ICCPR and Article 10 (2) ECHR.



## **/21 February 2019**

During the Bakur Trial at the 2nd High Criminal Court of Batman, Lawyer Meral Hanbayat requested time to prepare their defense statement. The trial was adjourned until 3 April for the preparation of defense statements against the final opinion.

## **/2 May 2019**

The trial held at the 2nd High Criminal Court of Batman, was expected to conclude on this day. Çayan Demirel and Ertuğrul Maviöğlü were in attendance at the courtroom along with many filmmakers who came in support of Bakur's directors.

## **/18 July 2019**

Announcing its verdict at the end of the 7th hearing, the court panel sentenced Maviöğlü and Demirel each to three years in prison on the charge of "disseminating terrorist propaganda." The sentences were increased to a total of 4 years and 6 months each, on the grounds that the crime was committed through the press. The court also imposed foreign travel bans on the two defendants.

## **/13 February 2019**

The final hearing in the trial of Veysi Altay, the director of *Nû Jîn*, a documentary about the struggle of three women against ISIS in Kobanê, and Dicle Anter, the former manager of the Yılmaz Güney Film Theatre in Batman, took place at the 2nd High Criminal Court in Batman. Veysi Altay was sentenced to 2 years and 6 months to prison on the charge of "disseminating terrorist organization propaganda" and Dicle Anter was sentenced to 2 years and one month in prison on the same charge. The court also ruled to impose international travel bans on the two defendants.

## **/3 April 2019**

Çayan Demirel, who had an appointment with the Forensic Institute in İstanbul, submitted a letter of excuse for non-attendance and did not attend the hearing.

## **/17 July 2019**

A day before the hearing scheduled to be held on 18 July, numerous filmmakers called for support to the directors on trial. An announcement called "Filmmakers against censorship" said that "it is against fundamental human rights and law for works of art to be considered as crime."

On 20 July 2019 the Bakur film crew held a press conference titled "Cinema Cannot be prosecuted."

**FROM ERTUĞRUL MAVİOĞLU'S  
DEFENSE STATEMENT:**

The state has to stop treating artists, students, academics, — the intelligentsia — as a nail to be hit on the head. Just because they are doing their work, people should not be prosecuted and sentenced to heavy punishments, their breaths should not be cut short in the claws of injustice.

I spoke to many of my filmmaker friends before coming here. According to what I learned, this is the first time a film has been put on trial in Turkey. It is interesting, this happened to be the destiny of the Batman region in the nearly 100 years old Turkish Republic. We know that after the 12 September 1980 junta, filmmakers were also arrested and detained. It is no secret that one of the first areas that the junta targeted happened to be the art of filmmaking. After the declaration of the coup, many workers unions, such as Sine-Sen connected to DİSK (Confederation of Progressive Trade Unions) were also closed down. 25 administrators of the union were tried on death penalty, they spent from 6 months to 2 and a half years in prison and were tortured. For example Şerif Gören, Tarık Akan, Necmettin Çobanoğlu, Gani Turanlı were a few of the filmmakers who were tortured. But even at that period, no one even heard of a film director taking the stand as a defendant over a movie he had shot. On top of that, at a country claiming to be ruled by democracy and not the junta, I am sure that even today it is apparent these trials will be marked in history as minus points.



