



**PARTIES** (Number of accused: 1)

**The Accused**

Pinar Dinc [REDACTED]  
[REDACTED]  
[REDACTED] Lund  
Citizen of Turkey

Public Defender:  
Advokat Eva Bäckström

[REDACTED]  
[REDACTED]  
[REDACTED]

Public Defender by substitution

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Plaintiff**

Umut Özkirimli  
[REDACTED]  
080 06 Barcelona  
Spain

Legal Adviser:  
Advokat Sebastian Scheiman

[REDACTED]  
[REDACTED]  
[REDACTED]

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**JUDGEMENT**

**Crimes the accused is convicted of**

1. Slander, Chapter 5, 1 § of the Swedish Penal Code  
2020-06-08
2. Gross slander, Chapter 5, 2 § of the Swedish Penal Code  
2018-11-02 -- 2020-06-06 (6 occasions)

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about our processing of personal data.

**Charges the Accused has been acquitted from**

Gross slander, Chapter 5, 2 § of the Swedish Penal Code  
01/10/2018 -- 23/12/2020 (4 occasions)

**Penalties etc.**

Daily fines 40 of 400 kronor each

**Damages**

Pinar Dinc will pay Umut Özkirimli damages in the amount of 10 000 kronor with interest according to 6 § of the Interest Act (1975:635) from November 25<sup>th</sup>, 2020, until payment is complete.

**Trust Fund for Victims of Crime**

The Accused will pay a fee of 800 kronor according to the Trust Fund for Victims of Crime Act (1994:419).

**Compensation**

1. Eva Bäckström will receive compensation from the government in the amount of 118 453 kronor. This amount will cover 84 075 kronor for work, 652 kronor for loss of time, 10 035 kronor for expenses and 23 691 for VAT. Pinar Dinc will pay the government 60 000 kronor of this cost.
2. [REDACTED]

### **CLAIMS ETC.**

Umut Özkirimli has filed a private prosecution against Pinar Dinc for gross slander according to the following description of the facts of the case.

Pinar Dinc has, by sending emails to potential employers of Umut Özkirimli's and to other colleagues, and by posting on social media, such as Twitter and Facebook, spread information about Umut Özkirimli subjecting her to stalking, harassment and sexual harassment, and that because he subjected her to sexual harassment, he was fired from the University of Lund.

Pinar Dinc has committed the acts as follows:

1. Email on October 1<sup>st</sup>, 2018, from Pinar Dinc to Professor Glendinning and Professor Featherstone, London School of Economics, see File appendix 65 (**Court appendix 1** translated to Swedish from English),
2. Email on June 8<sup>th</sup>, 2020, from Pinar Dinc to the EU Commission, see File appendix 25 (**Court appendix 2** translated to Swedish from English),
3. Facebook posting on November 2<sup>nd</sup>, 2018, see File appendix 6 (**Court appendix 3**, translated from English to Swedish),
4. Facebook posting on January 24<sup>th</sup>, 2019, see File appendix 7 (**point 14 of Court appendix 4** translated from Turkish to Swedish),
5. Tweets (nine) on June 1<sup>st</sup>, 2020, see File appendix 13 (**point 18 of Court appendix 4** translated from Turkish to Swedish),
6. Tweets on June 1<sup>st</sup>, 2020, see File appendix 49 and 50 (**Court appendix 5 and 6** (translated to English) and **point 40 of Court appendix 4** (translated to Swedish from Turkish),
7. Tweets on June 2<sup>nd</sup>, 2020, see File appendix 17 (**Court appendix 7**, translated from Turkish to English),
8. Tweet on May 24<sup>th</sup>, 2020, see File appendix 49, (**Court appendix 5**, translated to English),
9. Tweet on June 6<sup>th</sup>, 2020, see File appendix 49 (**Court appendix 5, translated to English, and point 35 of Court appendix 4**, translated from Turkish to Swedish),
10. Tweet on December 17<sup>th</sup>, 2020, see File appendix 44 (**point 31 of Court appendix 4**, translated from Turkish to Swedish), and

11. Tweet on December 23<sup>rd</sup>, 2020, see File appendix 45 (**Court appendix 8**, translated from Turkish to English).

Pinar Dinc has in the above postings depicted Umut Özkirimli as criminal or reprehensible in his behaviour. The statements have been such that they would be expected to subject Umut Özkirimli to the disdain of others. The statements have been untrue and there has been no reasonable reason to spread them. The acts took place in an unknown location in Lund or some other unknown location in Sweden.

The crime should be judged as gross, as the statements have covered serious criminal activity, have been widely spread and resulted in serious damage both in Umut Özkirimli's private and personal life.

Pinar Dinc committed the acts intentionally.

Legal provisions: Chapter 5, 1 § and 2 § of the Swedish Penal Code

Umut Özkirimli has, in connection to the indictment, sought damages from Pinar Dinc in the amount of 110 000 kronor, with interest according to 4 § and 6 § of the Interest Act from the date of service until payment is complete. Of this amount, 100 000 kronor will cover defamation and 10 000 Swedish kronor will cover pain and suffering.

Legal provisions: Chapter 2, 3 § and Chapter 5, 6 § of the Tort Liability Act and Chapter 2, 1 § and Chapter 5, 1 § of the Tort Liability Act respectively.

Umut Özkirimli has sought compensation for court fees.

Umut Özkirimli has cited hearings with himself and witness hearings with Erika Larsson and Christofer Edling. The Parties have cited extensive written evidence.

## **FINDINGS OF THE COURT**

### **Will Pinar Dinc be convicted for gross defamation?**

#### *Opinion*

Pinar Dinc has contested criminal liability and further stated the following: Pinar Dinc has not depicted Umut Özkirimli as criminal or reprehensible, neither has she spread information designed to subject him to the disdain of others. Should the Court find that this was the case, she contests spreading information where Umut Özkirimli could be identified. In any case, spreading the information is defensible, as it is true. She also claims not to be liable due to the rules of social adequacy. In any circumstance, the acts in counts 1 to 3 should not be considered gross. Therefore, the criminal acts are subject to the statute of limitation.

#### *Background*

Both Umut Özkirimli and Pinar Dinc are originally from Turkey. Umut Özkirimli is a Professor of Political Science and Pinar Dinc is a PhD in the same area. In the autumn of 2011, Umut Özkirimli started working as an Associate Professor at the Centre for Advanced Middle Eastern Studies at the University of Lund.

In 2012 or in early 2013, Umut Özkirimli had a short relationship with the witness Erika Larsson and on March 15<sup>th</sup>, 2013, their son Luca was born. The relationship of Umut Özkirimli and Erika Larsson had already ended when their son was born. Luca was diagnosed with cancer, causing his parents to seek medical care for him. The medical care was not just received in Lund, but also in Barcelona and Los Angeles. Despite the medical efforts, Luca passed away on June 5<sup>th</sup>, 2018.

Pinar Dinc has a daughter of about the same age as Luca. At the suggestion of a Professor in Turkey, in 2017 she began looking into the possibilities to work at the University of Lund. She applied for a position as a postdoc at the University but did not get it. In connection to looking into the possibility to work at the University of Lund, Pinar Dinc contacted Umut Özkirimli. She visited Lund on two occasions which was when she met Umut Özkirimli. In August 2017, Pinar Dinc and her daughter moved to Lund, and she started working as a doctoral researcher at the University of Lund with Umut Özkirimli as

her supervisor. Later, Pinar Dinc was granted funds for a research project within an EU program, Marie Skłodowska Curie Actions. When the grant was approved, Umut Özkirimli was Pinar Dinc's project supervisor. In the autumn of 2017, Umut Özkirimli and Pinar Dinc had a brief relationship. **The Parties differ about the nature of the relationship, but it is undisputed that they did have a sexual relationship.** Pinar Dinc ended this relationship in November 2017. Umut Özkirimli's appointment as supervisor to Pinar Dinc was terminated.

In the spring of 2018, Pinar Dinc reported to the Faculty of Social Sciences at the University of Lund that Umut Özkirimli had subjected her to harassment and sexual harassment. The Faculty assigned an external investigator to investigate Pinar Dinc's report. In the investigation, the investigator stated the following under the heading "Analysis":

*From the material found in text messages, messenger-texts etc. between Pinar Dinc and Umut Özkirimli, it is evident that Pinar Dinc has tried to limit her interactions with Umut Özkirimli. When she ends the relationship, Umut Özkirimli loses something he valued highly. His emotional state is expressed through different control strategies/master suppression techniques where he tries to limit her contact with other male colleagues. He also shows different forms of victim behaviour, for example apportioning guilt for his feeling bad. The hacking events is a matter for the police, and it is a question of word against word about what happened. There is yet no actual evidence and therefore cannot be weighed in in this report. However - in the light that Pinar Dinc had lost confidence in, and wanted to change supervisors - the posting on the EU portal can be seen as ill-judged and an enforcement of Pinar Dinc's feeling of being harassed. Based on what is described above, it is the investigator's opinion that Umut Özkirimli's behaviour towards Pinar Dinc constitutes harassment by stalking.*

The investigator does not use the Parties' names in the investigation, but the letters x and y.

The Faculty of Social Sciences issued through its Dean Christofer Edling on June 1<sup>st</sup>, 2018, a written reprimand against Umut Özkirimli. The reprimand reminded Umut Özkirimli about the obligations he had as an employee of the University. The reprimand treated, in addition to the report from Pinar Dinc, reports against Umut Özkirimli from a colleague and a student. The reprimand states, among other things, the following:

*A student as well as a co-worker have reported to the employer that they have been subjected to harassment/sexual harassment by you. Furthermore, a co-worker has experienced that you have threatened them. The employer has investigated the events and thereafter been able to decide that you have threatened a co-worker and subjected a student to offensive discrimination. You have also acted contrary to the prohibition on reprisals in the Discrimination Act by indirectly threaten both a student and a co-worker with reprisals for the events. The employer takes a very serious view on the occurred, especially considering the professional role you are expected to take and keep to, in relation to those who have been subjected, and that you have broken your above obligations by:*

- *Repeatedly acting in an unsuitable way and subjecting a co-worker and a student to harassment. This behaviour has negatively affected the operation, co-workers, students and work environment at the CMES (Centre for Advanced Middle Eastern Studies).*
- *Repeated unsuitable behaviour in relation to students in a dependent position, by demanding socialising in areas and situations outside the work tasks and the assignment that can be considered normal for an Associate Professor.*
- *By threatening co-workers with reprisals, you have committed breach against the prohibition on reprisals in the Discrimination Act.*

In the written reprimand, the Faculty further stated how Umut Özkirimli should behave in future but also repeated that **the reprimand was neither a punishment, nor a disciplinary action.**

The Equality Ombudsman reviewed the University's work on investigating and correcting any experienced sexual harassments and harassments connected to the discrimination basis of gender, and found no support for the claim that the University of Lund had failed in its duty to investigate and take necessary action.

It is undisputed that Pinar Dinc during the period from October 1st, 2018, to December 23<sup>rd</sup>, 2020, has sent email, posted on Facebook, and made the tweets that are subject to prosecution in points 1 - 11. From Court appendix 8, a picture from Pinar Dinc's Twitter account, it is evident that she had 7 057 followers on December 23<sup>rd</sup>, 2020.

*The Parties' development of their claims*

Umut Özkirimli: In April 2017, Pinar Dinc contacted him as she had applied for a position at the University of Lund. They had then contact via Messenger and started flirting with each other. Later that year, Pinar Dinc arrived in Lund and slept in his home. He helped Pinar Dinc so she could come to Sweden. They spent a lot of time together and had a sexual relationship. Together they applied to the EU Commission for a research grant, a Marie Curie fellowship, and in the project, he would be her supervisor. In November 2017, he went to Los Angeles where Luca was treated for his illness at the time. When he was in Los Angeles, Pinar Dinc sent him a text message in which she explained that she no longer wanted to continue their relationship. Luca was feeling better at the time, but he felt bad that Pinar Dinc ended their relationship. When he returned home, he and Pinar Dinc visited a Christmas party at the University. He became upset at this party as Pinar Dinc was hooking up with a colleague, and after the party he sent a text message to the colleague that he and Pinar Dinc had had a relationship and a text message to Pinar Dinc that she had used him as a dildo. He travelled to London and when he came home, he felt better and was over that the relationship with Pinad Dinc had finished. At this time, he and Pinar Dinc were informed that their application for the Marie Curie fellowship had been approved, a project which was to start in December 2018. On March 4<sup>th</sup>, 2018, his and Pinar Dinc's Facebook and Twitter accounts were hacked by a Russian hacker and the same day Pinar Dinc contacted him. To get the accounts back, as they contained private pictures, he paid an amount to the hacker. The hacker, however, spread the information that he had hired him for the attack. Pinar Dinc believed the hacker's statements and spread that this had been the case to their mutual friends. On March 5<sup>th</sup>, 2018, was the last time he met Pinar Dinc and the day after he wrote to her that their relationship was harmful to him and that they should not have any more contact. On March 7<sup>th</sup>, 2018, a friend warned him that Pinar Dinc would do something if he did not leave the Marie Curie project. He then left the project. He did this as he no longer wanted to work with Pinad Dinc but also because Luca's health had deteriorated. On March 22<sup>nd</sup>, 2018, Pinar Dinc turned to the Faculty with complains against him. After the subsequent investigation he got a written reprimand. On the same day, Luca underwent surgery in Lund, and he was informed that there was nothing more they could do for the son. After Luca passed away on June 5<sup>th</sup>, 2018, he had nothing left that tied him to Lund. He agreed on a sabbatical year with Christofer Edling and left Sweden in August 2018 to work in Barcelona. On October 1<sup>st</sup>, 2018, Pinar Dinc informed two Professors at London School of Economics about the investigation about him at the

University of Lund (**Court appendix 1**). During the autumn of 2018, he received more evidence that Pinar Dinc spread the investigation to a wider circuit of people. He had been in contact with a journalist regarding Luca's illness and the collection of funds for research about the disease, that he and Erika Larsson intended to start. He also planned to write a book about the battle with Luca's disease. In October 2018, the journalist began asking questions about the alleged sexual harassment. The publishing company which was going to publish his book changed its mind. Other examples showing that Pinar Dinc had spread information depicting him as criminal and reprehensible in his behaviour is a message on October 30<sup>th</sup>, 2018, from a Professor at the University of Reading to him stating that she also had received a copy of the Swedish decision and that the television company Al-Jazeera had contacted Pinar Dinc about the alleged harassment. On November 2<sup>nd</sup>, 2018, Pinar Dinc posted a statement on Facebook (**Court appendix 3**) about the person who continuously had harassed her. Everyone in the academic world understood that he was the person being targeted. The posting shows that Pinar Dinc's spread the information with the intention of shaming him. On January 24<sup>th</sup>, 2019, Pinar Dinc posted a statement on Facebook about people who harass (**point 14 of Court appendix 4**). He is not mentioned by name, but he was at this time the only person fitting the description, an academic in Lund, with left-wing opinions who has worked at the University of Bilgi. On January 30<sup>th</sup>, 2019, his legal adviser wrote a letter to Pinar Dinc. In the letter, he brought her attention to her spreading information depicting him as criminal or reprehensible in his behaviour, that she should stop doing so and that if not, he would take legal action. As Pinar Dinc kept spreading such information about him, his legal adviser wrote a new letter of warning to Pinar Dinc on May 15<sup>th</sup>, 2020. On May 24<sup>th</sup>, 2020, Pinar Dinc tweeted about a person who had harassed her for two and a half years since December 2017, and that it was still going on, although the person had left Lund. On June 1<sup>st</sup>, 2020, Pinar Dinc kept depicting him as criminal or reprehensible in his behaviour in nine tweets in Turkish, in which she addressed Turkey (**point 18 of Court appendix 4**). She also wrote the tweet in English (**Court appendix 5 and 6**). To one of the tweets was attached an extract from the reprimand against him, issued by the Faculty of Social Sciences, but Pinar Dinc labelled it as a warning. Pinar Dinc describes him in the tweets as a person who has stalked and harassed her for two and a half years. She also states that he has subjected other women to stalking and harassment. He is not mentioned by name in the tweet, but it is obvious that he is the identified assailant. That this is the case is evident as several of Pinar Dinc's followers are naming him (points 19 - 24 of Court appendix 4). On June 1<sup>st</sup>, 2020, Pinar Dinc also replied in a tweet a question

why he no longer was at the University of Lund, that she did not know but that you do not lightly give up a permanent position in Sweden (**point 40 of Court appendix 4**). Pinar Dinc also wrote several tweets on June 2<sup>nd</sup>, 2020, about what happened in the case regarding the person who had subjected her to harassment and stalking (**Court appendix 7**). On June 6<sup>th</sup>, 2020, Pinar Dinc wrote in a tweet that she for two years had been subjected to harassment and attacks and referred to the investigations and official files of the University (**point 35 of Court appendix 4**). On June 8<sup>th</sup>, 2020, Pinar Dinc sent an email addressed to two persons at the EU Commission (**Court appendix 2**). In her message, Pinar Dinc wrote that Umut Özkirimli had smeared her academic reputation, especially by claiming that her Marie Curie project was his idea and his project and that she is forcing him away from his supervisory assignment. In the message, Pinar Dinc also states, *inter alia*, that she in March 2018 reported him to the University of Lund for (sexual) harassment and that she had been subjected to constant harassment since receiving the grant in February 2018.

Identifying him had a very large resonance in Turkish media, a country with 80 million inhabitants and 13 million Twitter users. He was accused in television and media of being a terrorist. The prosecutor's office in Istanbul opened a criminal investigation based on what had occurred in social media about the alleged harassments in Lund.

In a tweet on December 17<sup>th</sup>, 2020, (**point 31 of Court appendix 4**), Pinar Dinc wrote about inventing a sexual partnership that never existed. Pinar Dinc's identifying him was still happening on December 23<sup>rd</sup>, 2020. From her Twitter profile, it is evident that she had then pinned the mentioned nine tweets on June 1<sup>st</sup>, 2020, so that these messages are what a person visiting her profile will see (**Court appendix 8**).

Pinar Dinc: She had a brief relationship with Umut Özkirimli in 2017. After the relationship ended, Umut Özkirimli has in various ways harassed her. She reported the harassments to the University of Lund. After an independent consultant's investigation, the Faculty of Social Sciences at the University gave Umut Özkirimli a written reprimand due to his misbehaviour. In the decision, it was explained what obligations Umut Özkirimli had as an employee. The Equality Ombudsman has found that the University of Lund did not fail in its obligation to investigate the harassment cases and that the University formed an opinion about the correctness of the experienced harassments by stating that there was harassment on his part. Umut Özkirimli kept harassing her even after the decision. On October 1<sup>st</sup>,

2018, she sent an email to London School of Economics (**Court appendix 1**) since Umut Özkirimli was an affiliated researcher to the school. In the letter, she described that the investigation at the University of Lund against Umut Özkirimli the University's decision of June 2018, which seems to have been systematic harassment in the University environment. On October 4<sup>th</sup>, 2018, Umut Özkirimli write to a Professor at the University of Michigan that her research was based on his ideas. In the letter, Umut Özkirimli miscredits her. The message that she wrote to the EU Commission (**Court appendix 2**) must be viewed in the light of this letter from Umut Özkirimli and that he in a research portal at the EU Commission had added his name to her project. She has been very careful not to name Umut Özkirimli when posting on social media. Through her posts, she has wanted to lift harassment problems in the University word to a general level. She has never contacted media. She cannot be held responsible for other persons on Twitter and other social media writing that Umut Özkirimli is the person who harassed her.

*Narratives*

Umut Özkirimli has essentially confirmed the information he has given when developing his claim.

Pinar Dinc: She had, before she arrived in Lund, some contact with Umut Özkirimli but she did not come to Lund at his invitation. Instead, the background was that the Swedish Institute in Istanbul had given her a grant. Umut Özkirimli was a support and helped her by becoming her supervisor and he also became her supervisor for the Marie Curie project. It bothers her that he thus has made it impossible to be a doctoral researcher in Lund. The conversation on social media that Umut Özkirimli has cited is taken out of context. They never had a romantic love relationship, only a working relationship. She finished something that had never started. In November 2017 she informed Umut Özkirimli that in future, they would only be in contact with each other in matters concerning work. She felt that he controlled her; he wanted to know what she was doing and where she was. When a close friend of Umut Özkirimli's had visited her, Umut Özkirimli became rude to both her and the friend. During the period November 2017 to March 2018, his strange controlling behaviour continued, which bothered her. One of the incidents was Umut Özkirimli's behaviour at an office party. During this, he got the idea that a colleague, a mutual friend, was flirting with her, got angry at her and threatened the friend. It was a terrible incident which offended her. The friend did not think she should have any contact with Umut

Özkirimli, but should report him. She moved her workstation to a different building to put some distance between herself and Umut Özkirimli, but he kept bothering and stalking her, but they have not met since March 2018. In March 2018, she reported him to the Faculty. When she was told the Marie Curie project was a success, she felt it was not possible to work together with Umut Özkirimli considering what had happened. Umut Özkirimli said that he would leave the assignment as her supervisor but that he did not accept that someone else take his place. Umut Özkirimli had a safe position while her position was unsure. He understood this and tried to scare her and sabotage for her. During this period the University started their investigation of the report filed against Umut Özkirimli. It was a difficult time for her, and the University arranged for her to get therapy. In June 2018, the University gave its decision. Umut Özkirimli did not accept the decision. It upset and worried her a lot, but she continued her life. In August 2018, she received confirmation by email about books ordered by Umut Özkirimli, despite the Dean ordering him to have no contact with her, directly or indirectly. The email bothered her a lot as the University recently had investigated harassment by Umut Özkirimli, an investigation he had not accepted. All books were about death. She felt it was a way for Umut Özkirimli to contact her. She was informed by the Rector and the Dean that Umut Özkirimli demanded that when the results of the Marie Curie project were published, his name would be on it and a special thanks would be given to him. She explained to the EU Commission and the University that she would leave the project if she was forced into this. She had difficulties finding a professor to be her new supervisor on the project, but in September 2018, she began working with the project. She was then informed that Umut Özkirimli had reported her to the University whereupon she filed a counter-report as she felt the report was a reprisal against her. In January 2019, she received a letter from Umut Özkirimli's legal adviser. At the University of Lund, there is a portal where all researchers publish their projects. Umut Özkirimli wrote his name in the portal and thus gave the outward impression that he was part of the project. It was a way for him to indirectly seek contact with her. She contacted the Dean who informed both the department and Umut Özkirimli that his name would be removed. The University found in the new investigation that Umut Özkirimli was not guilty, but reminded him of the earlier warning he had received. It was quiet for a while but then she received another letter from Umut Özkirimli's legal adviser. There was no solid explanation for the letter, and she felt this letter and the previous letter from the legal adviser were scare tactics by Umut Özkirimli. As a woman and academic, she feels that there is a structural problem in the academic world with people who harass. It is true that she at the time of the second

letter had posted several times on Twitter, but she had been careful not to mention Umut Özkirimli by name, and not to reveal dates, case numbers or file numbers. She had even covered CMES (Centre for Advanced Middle Eastern Studies) so that nobody would find Umut Özkirimli. She wanted the messages not to direct attention to Umut Özkirimli, but to express what she had experienced and treat the structural problems in society and within the academic environment. There are many academics who have been in her situation. When other persons in posts have mentioned Umut Özkirimli's name she never expressed she liked it and never forwarded the posts. She is unable to censure what others write and she can also not remove their posts. It is correct that she had sent the two emails this action concerns. One is a message to London School of Economics where she graduated in 2017. She belongs to the school's academic network and feels a responsibility for the school where Umut Özkirimli was an affiliated researcher. The message was sent to a limited circle of friends, and all teachers and students did not receive it. In the message she only reveals the decision made by the University of Lund in June 2018 about harassment by Umut Özkirimli. She has not altered anything in the decision. The school thanked her a few days later. She does not know how the school then treated the information. The message she sent to the EU Commission on June 8<sup>th</sup>, 2020, was also sent to a limited number of people. It was a reaction on Umut Özkirimli's spreading information about the Marie Curie project belonging to him and not to her. Thus, he accuses her of stealing his project. She therefore felt that she needed to inform the two persons at the EU Commission who were responsible for her project about this. What she writes is the truth. She has never contacted any foreign prosecutor and no foreign press about the case. She also did not approve any Turkish media to publish her picture. She has, through her legal adviser, requested that her picture and name be removed.

Umut Özkirimli has stalked and harassed her even during the time after they did not stop seeing each other. He has *inter alia* taken screen shots and shared them, put in his name as active in her Marie Curie project in the portal at the University of Lund, reported her to the University and through his legal adviser several times contacted her about her harassing him. She has never claimed that Umut Özkirimli harassed her sexually nor that he got fired.

Erika Larsson:

She met Umut when she was a doctoral researcher. Their relationship ended before their son was born. Their relationship after Luca was born was and still is to be their son's

parents. She spent a lot of time with Umut when Pinar came to Lund as Luca was very ill. She met Umut with Pinar and her daughter. Her impression is that Umut and Pinar were a romantic couple at the time, but that they wanted their relationship to be open as they worked together. When Pinar ended it in November 2017, Umut felt very bad. Umut then no longer had anything tying him to Lund but moved to Barcelona, where he had friends to help him with his grief after losing his son. She is still in touch with Umut, and she knows that he ended his contacts with Pinar as their way of communication with each other was unhealthy and destructive. The way she understands it, Pinar accuses Umut of getting drunk at a Christmas party and that he hired somebody to hack her. Pinar also saw it as a veiled threat when she happened to receive confirmation on books ordered by Umut. Umut had ordered books about death as he was going to write a book about Luca. Umut has suffered economically due to the accusations against him. The publishers who were meant to publish the book about Luca cancelled the contract with Umut in 2019 due to the media storm. It became impossible to conduct a project to collect money for a research fund for the disease Luca suffered from.

Christofer Edling: He is Dean of the Institution of Social Sciences at the University of Lund since 2018. He met Umut due to a report of sexual harassments. In the investigation that was conducted it emerged that Umut and Pinar had had a relationship that derailed and became a conflict. The investigation found no support for any sexual harassment. Instead, there was a hierarchy problem. An older representative for the University has a special responsibility in how they act towards younger colleagues and students. Umut received a written reprimand on June 1<sup>st</sup>, 2018. This is to be considered a ticking-off conversation. If the harassment had been considered serious, the University would have taken stronger intervention actions, at least a written warning. During the summer of 2019, the centre where Umut was working was reorganised and the staff were moved to faculties. Umut then quit, which partly had to do with the son. He did not get fired or dismissed.

#### *The Findings of the District Court*

#### Extent of the District Court's assessment

Umut Özkirimli has brought charges against Pinar Dinc for gross slander and had specified the acts in eleven counts. What the District Court must do is assess whether the charges in these counts have been proven. The indictment does thus not cover the other messages from

Pinar Dinc that Umut Özkirimli has submitted in the case. These acts and other acts referred to may only be used as evidence when trying the case.

The relationship of the Parties

The parties agree that they got to know each other in the summer of 2017 but disagree on the nature of their relationship until November 2017, when Pinar Dinc informed Umut Özkirimli that in future, they should only be in contact concerning work. It is possible that the Parties already in the autumn of 2017 had different opinions on the nature of their relationship. Umut Özkirimli's statements, however, are supported by the messages and photographs he has submitted. The circumstances mainly suggest that the Parties had a brief romantic relationship in the autumn of 2017, a relationship that Pinar Dinc later felt a need to distance herself from.

About the investigation regarding sexual harassment and harassment

In March 2018, Pinar Dinc reported to the Faculty of Social Sciences at the University of Lund that Umut Özkirimli had subjected her to sexual harassment and harassment. The Faculty investigated, by using an external investigator, how Umut Özkirimli had acted towards her but also how he acted towards another co-worker and a student. The investigation led to the Faculty through its Dean Christofer Edling issuing on June 1<sup>st</sup>, 2018, a written reprimand, according to what emerges from page 7 above of the District Court's judgement. The reprimand stated that Umut Özkirimli in different situations behaved in a less appropriate way, but the investigation did not show any evidence that Umut Özkirimli was guilty of sexual harassment. A reprimand is not considered a punishment and does not constitute any disciplinary action.

Charges in general

Umut Özkirimli has in his charges claimed that Pinar Dinc, by sending emails and posting on social media, spread information that he subjected her to stalking, harassment and sexual harassment and that he, due to the sexual harassment he subjected her to, was fired from the University of Lund.

Did Pinar Dinc claim that Umut Özkirimli was fired?

The District Court can, to start with, state that in none of the eleven messages covered by the indictment does Pinar Dinc mention that Umut Özkirimli was fired by the University

of Lund due to his subjecting her to sexual harassment. In tweet no 6 of point 18 of Court appendix 4 and tweet in point 40 of Court appendix 4, Pinar Dinc does, actually, mention that Umut Özkirimli no longer works at the University of Lund. However, the information is not such that it can be seen as a statement that Umut Özkirimli was fired. The part of the charge that refers to firing is therefore dismissed.

Did Pinar Dinc identify Umut Özkirimli as the offender?

It has been established that Pinar Dinc in the eleven counts covered by the indictment has spread information to other persons than Umut Özkirimli. She has in messages to London School of Economics and the EU Commission (counts 1 and 2, see Court appendix 1 and 2), identified Umut Özkirimli by name.

In other messages, Pinar Dinc did not identify Umut Özkirimli by name. However, the messages contain such information that must have made it easy for several of Pinar Dinc's followers on Twitter and Facebook to identify Umut Özkirimli as the person she describes. That so was the case is evident from that several followers have reacted to Pinar Dinc's nine tweets (points 18 - 24 of Court appendix 4) by explaining that the depicted person is Umut Özkirimli. This is also evident from the description of Umut Özkirimli's person and the reference to the 2018 investigation at the University of Lund.

Were Pinar Dinc's statements intended to subject Umut Özkirimli to the disdain of others?

The question is then whether Pinar Dinc has identified Umut Özkirimli as criminal or reprehensible in the way he lives, and in that way spread information intended to subject him to the disdain of others. In this assessment, there is no requirement that the information must be untrue.

When assessing this, the District Court would like to stress that the parties have worked together at the same institution at the University of Lund, that Umut Özkirimli for a shorter period was Pinar Dinc's supervisor, and that they are still active within the academic world. The assessment whether the information later spread by Pinar Dinc was intended to subject Umut Özkirimli to the disdain of others' must be made based on these circumstances.

In the message to London School of Economics (count 1) Pinar Dinc briefly informs some people at the school about the investigation and the decision made by the University of

Lund regarding harassment/sexual harassment by Umut Özkirimli. In the message to the EU Commission (count 2) Pinar Dinc mentions that she, in 2018, reported Umut Özkirimli to the University of Lund for (sexual) harassment and explains the conflict that arose between her and Umut Özkirimli regarding the Marie Curie project and that he has smeared and harassed her regarding the project. The information must be seen to depict Umut Özkirimli as reprehensible in his behaviour towards her. In the academic world of the Parties, the information was intended to subject Umut Özkirimli to the disdain of the recipients.

Regarding the posts on Facebook and Twitter, counts 3, 4 - 5, 7 - 9 (Court appendix 3, points 14, 18 and 35 of Court appendix 4 and Court appendix 5) all contain statements which, without naming Umut Özkirimli still identifies him as reprehensible in his behaviour. In the message in count 3 (Court appendix 3) it is stated that he continuously harassed her and others for the past year and that he had received a formal warning. In it, it is also stated that the University, to put a stop to this violence, should not do research on sexual discrimination and sexual harassment but take necessary action. In the message in count 4 (point 14 of Court appendix 4) Pinar Dinc writes that she was harassed for a year by a person who is obviously Umut Özkirimli, but then moves on to a more general post about men's harassment of women in the academic world. In the nine messages of June 1st, 2020, in count 5, (point 18 of Court appendix 4) Pinar Dinc claims that a person who is obviously Umut Özkirimli has subjected her to stalking and harassment for two to two and a half years, and that she wants the concerned institutions to initiate and conduct proper investigation routines regarding sexual harassment and assault. She also mentions that in March 2018, she made a formal report to the Faculty, and that an investigation was conducted and that he received a written warning for harassment, but that the harassment did not stop. To one of the messages was attached an extract from the decision of the Institution of Social Sciences at the University of Lund. The message in count 7 (Court appendix 7) concerns statements from Pinar Dinc to her followers on Twitter. The statements seem to be replies to questions posed due to earlier posts on her page. Pinar Dinc confirms in her replies that the person who is obviously Umut Özkirimli keeps stalking and harassing her. In the message of May 24<sup>th</sup>, 2020, in count 8 (Court appendix 5) Pinar Dinc mentions that the person who is obviously Umut Özkirimli has acted shamefully since December 2017, and that he harassed her for two and a half years. She also mentions that he after an investigation received an official warning for harassment. In

count 9 (Court appendix 5 and point 35 of appendix 4) Pinar Dinc mentions that she for two years has been subject to harassment and attacks.

In addition to the mentioned nine tweets of June 1<sup>st</sup>, 2020, Umut Özkirimli has referred to two additional tweets on the same day (count 6, Court appendix 5 and 6 and point 40 of Court appendix 4). One of the tweets (Court appendix 5) is a translation from Turkish to English of no 2 of the nine tweets in count 5. Such a translation being spread to a different group than those who received the messages in Turkish may be actionable on its own. However, as it is unclear how and to whom the English message was spread, the charge concerning the English translation is dismissed. In the other message Pinar Dinc replies to a question why Umut Özkirimli no longer works at the University of Lund. The message does not contain any information intended to subject him to the disdain of others. The charge in count 6 is therefore dismissed in its entirety.

When it comes to count 10 of the charges, (point 31 of Court appendix 4) there is no information intended to subject Umut Özkirimli to the disdain of others. In the message Pinar Dinc writes in Turkish that somebody, who is obviously Umut Özkirimli, makes up stories about something which in Turkish is ambivalent and may imply that they had a sexual relationship or a romantic relationship. No matter what relationship the Parties had earlier, the statement itself is not such as it is intended to subject Umut Özkirimli to the disdain of others. The charge in this count is therefore dismissed.

When it comes to count 11 of the charges (Court appendix 8) Pinar Dinc writes on Twitter that she will not give up her fight. This message is not intended to subject Umut Özkirimli to the disdain of others. Umut Özkirimli has further claimed that whoever visits the Twitter account of Pinar Dinc easily finds the mentioned nine tweets (count 5). That this is the case does not mean that Pinar Dinc committed another crime on December 23<sup>rd</sup>, 2020. The charge in count 11 is therefore dismissed.

#### Exemption from criminal liability

The District Court has thus found that Pinar Dinc in counts 1 - 5 and 7 - 9 has spread information intended to subject Umut Özkirimli to the disdain of others.

The question is then whether Pinar Dinc is exempt from liability because she had the obligation to speak up or that it otherwise was defensible for her to submit the information. What the District Court must assess here is the conflict of interest between on the one hand the protection from being subjected to the disdain of others', and on the other hand the interest of freedom of speech.

There is no obligation, legal or employment-wise, for Pinar Dinc to submit the information.

It was also not defensible for her to submit the information in counts 1 -5 and 7 - 9.

When it comes to the message to London School of Economics (count 1), it was unnecessary to inform the school about the investigation conducted at the University of London. The message also gives a misleading description of what the University found, by the reference to sexual harassment.

Concerning the message to the EU Commission (count 2) this gives a misleading description of Umut Özkirimli, as a person who in 2018 sexually harassed Pinar Dinc and thereafter continuously harassed her for a long time.

When it comes to the messages on Facebook and Twitter (counts 3 - 5 and 7 - 9), these state that Umut Özkirimli for a long period of time stalked and harassed Pinar Dinc, and in some cases, there is also the suggestion that the harassment was of a sexual nature. Through these messages, Pinar Dinc creates an image of Umut Özkirimli as a person who compulsively stalks her in various ways although the Parties have not met in several years and what she describes as harassment in the spring of 2018 concerns whether Umut Özkirimli in any way contributed to the Marie Curie project.

Umut Özkirimli has therefore proven that it was not defensible for Pinar Dinc to submit the information in counts 1-5 and 7-9. The acts cannot be seen as permitted because of some unwritten rule of exception or other reason.

#### About classification and limitation

Regarding the messages in count 1 and 2, they have been spread to a limited group. In the message in count 1, Pinar Dinc describes the disciplinary case at the University of Lund

and in count 2 she mainly discusses the conflict that arose between her and Umut Özkirimli regarding his role in the Marie Curie project. The slander Pinar Dinc is guilty of in these messages is, based on the above reasoning, not gross. Since more than two years had passed between the act in count 1 and the initiation of criminal prosecution, the act falls under the statute of limitations. Pinar Dinc can therefore not be convicted on that count.

When it comes to the messages on Facebook and Twitter these have been spread to many people with the risk of further spreading. The purpose of the messages was to hurt Umut Özkirimli and especially his academic career. Umut Özkirimli used to be Pinar Dinc's supervisor. The accusations Pinar Dinc put forward are serious as they concern a man in a senior position in the academic world abusing his position and harassing a junior woman. The messages have had serious consequences for how others view Umut Özkirimli as a person. Even if Pinar Dinc cannot be held responsible for the fact that Umut Özkirimli was accused of being a terrorist, Pinar Dinc's accusations are serious enough for the crimes in counts 3-5 and 7-9 to be considered gross.

#### **What sanctions will be imposed on Pinar Dinc?**

Pinar Dinc has no previous convictions.

The Pinar Dinc's criminal behaviour is so serious that penalties cannot be limited to fines alone. Instead, the sanctions will be decided to a conditional sentence, which according to the main rule will be combined with fines.

#### **Damages**

##### *Opinion*

Pinar Dinc objects to paying damages to Umut Özkirimli and has not accepted any amount as reasonable *per se*.

##### *The Findings of the District Court*

The District Court finds Pinar Dinc guilty of gross slander aimed at Umut Özkirimli. Through these crimes, Pinar Dinc has grossly violated Umut Özkirimli's personal integrity. She will therefore compensate him for the violation in the reasonable amount of 10 000 kronor.

To support his claim for compensation for pain and suffering, Umut Özkirimli has referred to two affidavits, one from the Professor and psychiatrist Kültegin Ögel and the other from the psychotherapist Hatice Günes. Professor Ögel has stated that on June 8<sup>th</sup>, 2020, he diagnosed Umut Özkirimli with serious anxiety hysteria, a condition which has been aggravated by the accusations against him. The psychotherapist Günes has treated Umut Özkirimli with psychotherapy after his son passed away. He has described the serious psychological problems Umut Özkirimli suffered by this event and maintained that the accusations of harassment interrupted and interfered with Özkirimli's recovery.

The evidence submitted by Umut Özkirimli does not sufficiently show that he, due to the crimes in question, suffered such psychological distress that can be compensated as pain and suffering. The claim for compensation for pain and suffering is therefore dismissed.

Thus, Pinar Dinc will pay damages to Umut Özkirimli in the amount of 10 000 kronor. The claimed interest follows by law.

#### **Compensation and repayment obligation**

The Public Defender will be awarded the sought compensation as it is deemed reasonable. Considering the result of the liability and compensation assessment, Pinar Dinc will repay 60 000 kronor of the cost to the government.

Umut Özkirimli has sought compensation for his court fees in the case. He has further sought that and her Public Defender, regardless of the outcome of the case, jointly and severally compensate him for additional expenses arisen due to the postponement of the main hearing on May 3<sup>rd</sup>, 2021. From the specification of costs calculation emerges that Umut Özkirimli's legal representative had prepared for one hour before the postponed main hearing and that compensation for work is sought in the amount of 2 500 kronor plus VAT, and that Umut Özkirimli incurred costs in connection with the postponed main hearing in the amount of 6 480 kronor plus VAT for travel and living expenses.

Pinar Dinc and the Public Defender have contested the claims and not conceded that any amounts are reasonable *per se*.

When assessing cost liability, the Court will apply Chapter 31, 11 § and Chapter 18 of the Swedish Code of Judicial Procedure.

From the files of the District Court, it emerges that the District Court postponed the main hearing at the request of Pinar Dinc's Public Defender on May 3<sup>rd</sup>, 2021. Umut Özkirimli did on April 27<sup>th</sup>, 2021, through his legal adviser, adjust the charges by specifying the acts in eleven counts, referring to written evidence, of which not an insignificant share were certified translations from Turkish to Swedish of documents that had previously been translated in other ways. In the file, the theme of proof was also adjusted for the questioning of Umut Özkirimli and Erika Larsson.

The District Court does not find that Pinar Dinc or her representative intentionally or by neglect caused an unnecessary hearing by requesting that the appointed main hearing be cancelled. The material Umut Özkirimli's legal representative submitted on April 27<sup>th</sup>, 2021, was extensive and difficult to take in. Pinar Dinc and her Public Defender therefore needed ample time to peruse the material and assess whether they needed to refer to added evidence from their side. The request that Pinar Dinc and her Public Defender in any circumstance are jointly and severally obligated to pay part of Umut Özkirimli's court fees is therefore dismissed. It was justified that the Court postponed the main hearing as Umut Özkirimli in a late stage adjusted his claim and referred to new and newly translated evidence. The costs Umut Özkirimli incurred for his own legal representative before the cancelled main hearing and for his own travel and living costs are unnecessary costs that Pinar Dinc under no circumstances should be liable for. (2 500 + 6 480 + VAT = 11 225 kronor).

**There are eleven counts of gross slander. The District Court finds Pinar Dinc guilty of gross slander on six counts, slander on one count and dismisses the rest of the charges.** The District Court further instructs Pinar Dinc to pay Umut Özkirimli damages, but in a substantially lower amount than what he sought. The Parties have thus won and lost in parts. Umut Özkirimli is to be regarded as a winner to a greater extent, but what he lost cannot be regarded as being of minor importance. Pinar Dinc will therefore according to Chapter 18, 4 § of the Swedish Code of Judicial Procedure compensate Umut Özkirimli for a third of his reasonable court fees, less the amount mentioned above.

Umut Özkirimli seeks compensation in the amount of 372 341 kronor. This amount covers 239 250 kronor for legal representation for 95,7 hours of work, 58 623 kronor for expenses and 74 468 kronor for VAT.

Umut Özkirimli has brought charges for gross slander but only several months later specified the documents through which these crimes were committed. Once he did so, the material has been difficult to take in for the opposing Party and the Court. Even at the main hearing, the presentation was not characterized by clarity, when it came to the alleged criminal acts. The Court has already stressed the importance of highlighting the eleven charge accounts, in particular, and the acts the counts consist of. The compensation sought for legal representation fees is too high. Instead, a reasonable compensation is 140 000 kronor with a deduction made for the unnecessary cost of 2 500 kronor. The District Court has no objection to the sought expenses except the mentioned unnecessary cost of 6 480 kronor. Pinar Dinc will compensate a third of reasonable costs, *i.e.*, 79 019 kronor, of which 45 834 kronor cover legal representation fees.

#### **Fund for Victims of Crime**

Pinar Dinc is convicted of a crime which is punishable by imprisonment. Therefore, she will pay the statutory fee to the Fund for Victims of Crime.

#### **HOW TO APPEAL**, see appendix (TR-01)

Any appeal must be submitted to the District Court no later than November 3rd, 2021. The appeal will state that it is directed to the Scania and Blekinge Court of Appeal.

Mikael Petersson

Lay judges also participated in the decision. Dissenting opinion, see below.

#### **Dissenting opinion**

The presiding judge was of a dissenting opinion and states the following. I agree with the majority until the third paragraph under the heading “Exemption from criminal liability”. When it comes to whether it was defensible for Pinar Dinc to spread information, I am partly of a dissenting opinion.

The message in count 1 to London School of Economics was sent on October 1<sup>st</sup>, 2018, to a limited number of people at a school to which she and Umut Özkirimli has a certain affiliation. The message contains nothing but a correct account of the investigation, conducted the same year at the University of Lund due to reports against him from Pinar Dinc and two other persons. At the time of the message, a conflict had arisen between Pinar Dinc and Umut Özkirimli about his role in the Marie Curie project. In my opinion, it was defensible that Pinar Dinc submitted the information in the message. A different point of view would mean too strong a limitation of the freedom of speech. The charge on this count should therefore be dismissed, in my opinion.

The message in count 2 to the EU Commission was sent on June 8<sup>th</sup>, 2020, to a limited number of people. The Commission handles a variety of research projects, such as the Marie Curie project. The message contains information about Pinar Dinc's report against Umut Özkirimli in 2018 for "(sexual) harassment" and then contains an account of the conflict which exists between her and Umut Özkirimli when it comes to the Marie Curie project. Pinar Dinc states that Umut Özkirimli in this conflict has smeared her academic reputation and harassed her since she received the grant for the project in February 2018. In the message, Pinar Dinc refers to what Umut Özkirimli wrote on the internet three days earlier. Even if it was ill-advised to use the word sexual within a parenthesis to earlier assessment of harassment, it seems defensible that Pinar Dinc explains her view of the conflict between her and Umut Özkirimli in the Marie Curie project. She makes it clear in her message, just in what way she means Umut Özkirimli has smeared and harassed her. The charge on this count should therefore be dismissed, in my opinion.

The Facebook posting in count 3 was written on November 2<sup>nd</sup>, 2018. In her post, Pinar Dinc writes that a person, who is obviously Umut Özkirimli, continuously harassed her and others in the last year and that he received a formal warning about this in June, and then continues to write that the University to stop this violence should not research sexual discrimination and sexual harassment but take necessary action. The message is vague when it comes to what Umut Özkirimli is supposed to have done, but still gives a picture of a person who abuses his position by repeatedly harassing her and other people. It cannot be considered defensible to spread the information. It is unclear to how many the post has been spread. The post cannot be regarded as a serious crime. Since more than two years have passed between the posting of the message and Pinar Dinc receiving the notice of the

charges on November 25<sup>th</sup>, 2020, the act is subject to the statute of limitations. Pinar Dinc can therefore not be convicted on that count.

When it comes to counts 4, 5 and 7-9, I concur with the majority in the assessment of guilt. Pinar Dinc will therefore be convicted for slander on these counts. It is unclear to how many the post on Facebook in count 4 has been spread. This slander cannot be considered gross.

When it comes to other acts committed on Twitter, the extent of the spreading of the information indicates that the crimes should be considered gross. In my opinion, however, the acts Pinar Dinc accuses Umut Özkirimli of are not serious enough for the slander to be considered gross. I especially want to press that it has not been proven that Pinar Dinc intended the information to be spread to media and prosecutor in Turkey.

I would instead convict Pinar Dinc for slander on counts 4, 5 and 7-9 and sentence her to 50 day fines.

Outvoted in the assessment of liability, I concur with the majority on everything else.