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ANAYASA MAHKEMESİNE BİREYSEL BAŞVURU SİSTEMİNİN DESTEKLENMESİ ORTAK PROJESİ

JOINT PROJECT ON SUPPORTING THE INDIVIDUAL APPLICATION TO THE CONSTITUTIONAL COURT IN TURKEY



Conference on Appeal and
Individual Application to the
Constitutional Court

AGENDA

1 June 2017
Swissotel, Istanbul

Round Table on Appeal and
Individual Application in the context of
Turkish Criminal Law Reform

2-3 June 2017
Istanbul University
Law Faculty

This event is organized in cooperation with the Law Faculty of Istanbul University



Conference on Appeal and Individual Application to the Constitutional Court

1 June 2017
Thursday

Swissôtel The Bosphorus
Fuji Ball Room

14.00 Registration

14.30 Opening remarks

Christos Giakoumopoulos, Director of Human Rights Directorate, Council of Europe

Adem Sözüer, Dean of the Law Faculty, Istanbul University

Gabriel Munuera Vinals, Deputy Head of the European Union Delegation to Turkey

Yılmaz Akçil, President of the Justice Academy

Bekir Bozdağ, Minister of Justice, President of the Council of Judges and Prosecutors

İsmail Rüştü Cirit, President of the Court of Cassation

Zühtü Arslan, President of the Turkish Constitutional Court

16.00 Break – Group photo

16.30 Panel discussion: The impact of the Turkish criminal law reform and of the individual application on ECtHR judgments

Moderator: Prof Adem Sözüer, Istanbul University

Speakers:

- Özgür Derman, Council of Europe
- Dr. Silvia Tellenbach, Max Planck Institute, Germany
- Prof İzzet Özgenç, Gazi University
- Prof Bahri Öztürk, İstanbul Kültür University
- Dr Hacı Ali Açıkgül, Head of Human Rights Department, Ministry of Justice
- Associate Prof Selami Demirkol, Member of the Council of State
- Eyüp Yeşil, President of the 16th Criminal Chamber, Court of Cassation
- Prof Engin Yıldırım, Vice President of the Turkish Constitutional Court

Questions & Answers

Rapporteurs:

- Assistant Prof Gülay Arslan Öncü, Istanbul University
- Assistant Prof Murat Aksan, Selçuk University

18.00 End of the conference

20.30 Official dinner



Round Table on Appeal and Individual Application in the context of Turkish Criminal Law Reform

2 June 2017
Friday

Istanbul University Law Faculty
Doktora Hall, Beyazıt

08.45 Departure from Swissôtel

09.30 Welcome remarks

Prof Mahmut Ak, Rector of Istanbul University

09.35 Introductory remarks

Christos Giakoumopoulos, Director of the Human Rights Directorate, Council of Europe

09.45 First Session: The role of the individual application in harmonising domestic case law with fundamental rights and freedoms/ country experiences

Moderator: Prof Rick Lawson, Leiden University, the Netherlands

Presentations:

- Tatiana Termacic, Council of Europe
- Prof Philip Kunig, Turkish - German University
Individual Application: German Experiences
- Prof Juan Antonio Hernandez Corchete, Constitutional Court of Spain
Individual Application: Spanish Experiences

Discussants:

- Prof Osman Doğru, Marmara University
- Selim Doğanay, Deputy Head of Human Rights Department, Ministry of Justice
- Dr Atilla Nalbant, ECtHR
- Prof Yusuf Şevki Hakyemez, Judge, Turkish Constitutional Court

Questions & Answers

Rapporteurs:

- Associate Prof Saadet Yüksel, İstanbul University
- Research Assistant Eren Sözüer, İstanbul University

11.15 Break

11.30 Second Session: The role of Courts of Appeals – Experiences from other countries (I)

Moderator: Prof Fatih Selami Mahmutoğlu, Turkish - German University

Presentations:

- Prof Íñigo Ortiz de Urbina, Complutense University, Spain
- Prof Gordan Kalajdziev, University of Skopje, “the former Yugoslav Republic of Macedonia”
- Prof Mirela Bogdani, University of Tirana, Albania
- Nassima Hanafi, National Body for Prevention and Fight against Corruption, Algeria

Questions & Answers

Rapporteurs:

- Assistant Prof Elvan Keçelioğlu, Çankaya University
- Dr Elif Bekar, İstanbul University

12.30 Lunch



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2 June 2017
Friday

Istanbul University Law Faculty
Doktora Hall, Beyazıt

14.00 Third Session: The role of Courts of Appeals – Experiences from other countries (II)

Moderator: Prof İbrahim Dülger, Karatay University

Presentations:

- Prof Nuno Brandao, University of Coimbra, Portugal
- Prof Roberto Kostoris – Dr. Massimo Bolognari, University of Padua, Italy
- Associate Prof Anna Maria Getos – Assistant Prof Lucija Sokanovic, University of Zagreb, Croatia
- Dr Peter Pavlin, Ministry of Justice, Slovenia

Questions & Answers

Rapporteurs:

- Assistant Prof Abdullah Batuhan Baytaz, İstanbul University
- Research Assistant Muhammed Demirel, İstanbul University

15.00 Break

15.15 Fourth Session: Review of the first year of the Courts of Appeals in Turkey

Moderator: Hicabi Dursun, Judge, Turkish Constitutional Court

Presentations:

- Prof Ali Kemal Yıldız, Turkish - German University
- Prof Mahmut Koca, İstanbul Şehir University
- Yaşar Varoğlu, President of Chamber, Samsun Court of Appeals
- Hayri Kaynar, President of İstanbul Court of Appeals

16.00 Break

16.10 Discussion

Moderator: Prof Bahri Öztürk, İstanbul Kültür University

Discussants:

- Prof Feridun Yenisey, Bahçeşehir University
- Prof İzzet Özgenç, Gazi University
- Prof Handan Yokuş Sevük, Dicle University
- Assistant Prof Neslihan Göktürk, Gazi University Assistant Prof Selman Dursun, İstanbul University
- Alparslan Azapağası, Head of Strategy Development, Ministry of Justice
- Dr Mustafa Saldırım, Deputy Secretary General, Court of Cassation
- Rıdvan Güleç, Judge, Turkish Constitutional Court

Rapporteurs:

- Associate Prof Murat Balcı, Fatih Sultan Mehmet University
- Assistant Prof Serdar Talas, İstanbul University
- M. Serhat Mahmutoğlu, Rapporteur, Turkish Constitutional Court

17.15 End of the first day



3 June 2017
Saturday

İstanbul University Law Faculty
Doktora Hall, Beyazıt

09.15 Departure from Swissôtel

10.00 Fifth Session: Lengthy proceedings before Courts of Appeals and their implications on the duration of detention

Moderator: Prof Veli Özer Özbek, Dokuz Eylül University

Presentations:

- Prof Mustafa Ruhan Erdem, Yaşar University
- Associate Prof Szomora Zsolt, University of Szeged, Hungary

Discussants:

- Prof Ahmet Gökçen, Marmara University
- Assistant Prof Tolga Şirin, Marmara University
- Ünal Bingül, Chief Prosecutor, Erzurum Court of Appeals
- Murat Azaklı, Chief Rapporteur for Commissions, Turkish Constitutional Court

Questions & Answers

Rapporteurs:

- Associate Prof Yusuf Yaşar, Marmara University
- Associate Prof Güneş Okuyucu Ergün, Ankara University
- Dr. Recep Kaplan, Rapporteur, Turkish Constitutional Court

11.00 Break

11.15 Sixth Session: Assessment of evidence by the Constitutional Court, the Court of Cassation and Courts of Appeals in the context of the right to a fair trial

Moderator: Prof İlhan Üzülmez, Gazi University

Presentations:

- Prof Ali Rıza Çınar, MEF University
- Associate Prof Pınar Ölçer, Leiden University, the Netherlands
- Hasan Tahsin Gökcan, Judge, Turkish Constitutional Court

Discussants:

- Prof Faruk Turhan, Süleyman Demirel University
- Assistant Prof Ulaş Karan, Bilgi University
- Ali Naki Ceylan, President of 5th Criminal Chamber, İzmir Court of Appeals
- Vuslat Dirim, President of 13th Criminal Chamber, Court of Cassation

Questions & Answers

Rapporteurs:

- Associate Prof Olgun Değirmenci, TOBB University of Economics and Technology
- Assistant Prof R. Murat Önok, Koç University
- Akif Yıldırım, Rapporteur, Turkish Constitutional Court

12.15 Lunch



3 June 2017
Saturday

İstanbul University Law Faculty
Doktora Hall, Beyazıt

13.30 Seventh Session: The principle of equality of arms within the context of the right to defence in appeals and individual application proceedings

Moderator: Prof Ahmet Gökçen, Marmara University

Presentations:

- Associate Prof Hakan Karakehya, Anadolu University
- Associate Prof Erol Pohlreich, Berlin Humbolt University, Germany

Discussants:

- Prof Çetin Arslan, Hacettepe University
- Mustafa Eşer, President of 5th Criminal Chamber, Antalya Court of Appeals
- Mustafa Artuç, Deputy Head of Justice Academy of Turkey
- Celal Mümtaz Akıncı, Judge, Turkish Constitutional Court

Questions & Answers

Rapporteurs:

- Assistant Prof Mehmet Maden, İstanbul University
- Assistant Prof Mehmet Emin Alşahin, Marmara University
- Murat Şen, Rapporteur, Turkish Constitutional Court

14.30 Break

14.45 Eighth Session: The reasoning of judicial decisions, a constitutional right protected by the Constitutional Court and Courts of Appeals

Moderator: Prof Cumhuri Şahin, Gazi University

Presentations:

- Prof Bertil Emrah Oder, Koç University
- Associate Prof Erdal Yerdelen, Yıldırım Beyazıt University

Discussants:

- Prof Vahit Bıçak, Security Sciences Institute of Police Academy
- Prof Muharrem Özen, Ankara University
- Ramazan Gürkan, Head of Department, Directorate General for Criminal Affairs of Ministry of Justice
- Adem Galip Dinçtürk, President of 8th Criminal Chamber, Ankara Court of Appeals
- Hamit Yelken, Deputy Secretary General, Turkish Constitutional Court
- Muammer Topal, Judge, Turkish Constitutional Court

Questions & Answers

Rapporteurs:

- Prof Devrim Güngör, Ankara University
- Assistant Prof Ali Emrah Bozbayındır, İstanbul Zaim University

16.00 Break



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3 June 2017
Saturday

İstanbul University Law Faculty
Doktora Hall, Beyazıt

16.15 Summary of discussions and closing remarks

Moderator: Prof Adem Sözüer, Istanbul University

Evaluation:

- Prof Sibel İnçeoğlu, Marmara University
- Prof Cumhur Şahin, Gazi University
- M. İlhan Koç, Chief Rapporteur for Research and Caselaw Unit, Turkish Constitutional Court

Closing remarks:

- Michael Ingledow, Head of Ankara Program Office, Council of Europe
- Burhan Üstün, Vice President, Turkish Constitutional Court

17.00 End of the programme

** 17.30 – 19.00 Fundamental Rights since *Tanzimat* Period
(Political reformation of Ottomans in 1839) (Boat Tour)

Presentation: Prof Fethi Gedikli, Department of Law History, İstanbul University, Law Faculty

(* *organized by Law Faculty of İstanbul University*)

This activity is organized under the **Joint Project on Supporting the Individual Application to the Constitutional Court in Turkey** co-financed by the European Union, the Republic of Turkey and the Council of Europe, and implemented by the Council of Europe.

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