



Project on Improving the Effectiveness of Investigation of Allegations of Ill-treatment and Combating Impunity

Roundtable 1

Subject: Role of Public Prosecution in Efficient Investigation of Allegations of Ill Treatment: Initiation of Prosecutorial Investigation, Collection and Assessment of Evidence, Preparation of Indictments

Aims of the Roundtable

The project aims at contributing to the improvement and strengthening of the judges and prosecutors' capacity to effectively conduct investigations to combat ill-treatment and impunity. In this regard, a comprehensive recommendation paper of Turkish legal and operational framework will be developed for combating alleged ill-treatment with a view to identify gaps and make proposals to improve the legislation and in particular practice of judicial bodies in that context. These recommendations for the report and the legislative amendments will be derived from the **Round Table Meeting (RTM)** discussions and other relevant activities in the Project. There will be total of four RTMs to be organised. International and national consultants will moderate and provide input in this process.

Participants/target groups: There will be different target groups to participate in each RTM. This is the first RTM to be held in Ankara on 12 and 13 July 2018.

In this RTM, it is planned that there would be total of 44 participants; consisting of 34 national participants (The Constitution Court, the Court of Cassation, Regional Court of Appeals, the Ministry of Justice, the Ministry of Interior and prosecutors from Ankara, İzmir, Adana, Diyarbakır, and judges from the criminal court of peace) and 1 national and 1 international expert, 1 representative from the Council of Europe (Strasbourg), and 6 members of the Project team staff from the CoE and the MoJ.

Logistics:

- The meeting is planned to be held, if possible, on a large meeting hall, when necessary the groups would work in separate rooms. There will be three groups working at the same time. Since one of the moderators of the groups will be an international expert, simultaneous translation for this group will continue.
- Service shuttle bus will be provided by the MoJ between the MoJ and the Hotel twice a day for the participants who are residing in Ankara.
- Participants from outside the city will stay at the hotel where the activity will take place.
- The relevant resources for the participants will be sent by the CoE Project team via e-mail before the RTM (two weeks before).

RT1. Effective investigation of allegations of ill treatment by prosecutors (initiation of the investigation, collection of the evidence, and preparation of the indictment)

Target groups: prosecutors, judges (especially judges at criminal courts of peace), law enforcement officers

- a. Initiation and procedural/organizational framework for investigation/prosecuting alleged ill-treatment by state agents.
- b. Specifics of handling procedures, assembling evidence on and prosecuting:
 - 1) Effective investigation of allegations of ill treatment during interventions of law enforcement officers in meetings and demonstrations,
 - 2) Effective investigation of allegations of ill treatment during arrest or detention
 - 3) Effective investigation of allegations of ill treatment of people in state-controlled premises (during military service, in prisons, in hospitals)



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Actions:

1. Discussing the similar decisions of the Constitutional Court and the Court of Cassation, by comparing them with the case-law of the ECtHR;
2. Exchange of opinions concerning the application of the relevant case law of the ECtHR and the Turkish High Judiciary in the investigation of alleged acts of ill treatment especially in interventions in meetings and demonstrations, during police interrogations, and in places under the supervision of the state such as military, hospitals, prisons, etc.; determination of the problems arising from laws or practices in Turkey, and developing recommendations for the solution of these problems;
3. Sharing opinions and suggestions about the draft needs assessment / recommendations report being prepared by the experts in relation to the subject.

Agenda

12- 13 July 2018, Ankara

Day 1 - Thursday, 12 July 2018

12:30-13:45 Lunch

14:00 Opening Remarks

- Özlem Demirel Cook, S. Project Officer, Council of Europe
- Pınar Başpınar, Deputy Head of Office, Council of Europe,
- Selim Doganay, , Deputy Head of Human Rights Department, Ministry of Justice

14:15 Plenary Session: Presentations by experts about the ECtHR standards and the national legal framework concerning effective investigation of allegations of ill treatment by public prosecutors

Moderator: Project Officer, Council of Europe

Speakers:

- **İlhan Üzülmöz**, “Effective Investigation of Allegations of Ill Treatment during Interventions in Meetings and Demonstrations: Relevant Legislation and National and International Human Rights Standards” (20 min)
- **Eric Svanidze**, “ECtHR Standards Concerning Effective Investigation of Allegations of Ill Treatment in Custody” (30 min)
- **Hüseyin HEZER, Senior Lawyer, ECtHR**, “ECtHR Case Law Concerning Effective Investigation of Allegations of Ill Treatment of People in State-controlled Premises (during military service, in prisons, in hospitals)” (20 min)

15:30 COFFEE BREAK



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15:50 -17:10 Group Work: Examination of Judgments - 1

Participants will be divided into three groups, with each group being facilitated by an expert. Participants will examine **1 or 2 exemplary judgments** related to one of the subjects below. One of the judgments will belong to the Constitutional Court, and the other one will be an ECtHR judgment against Turkey finding a violation.

Group 1: Effective Investigation of Allegations of Ill Treatment during Interventions by Law Enforcement Officers in Meetings and Demonstrations (**İlhan Üzülmöz-Moderator**)

Group 2: Effective Investigation of Allegations of Ill Treatment during Arrest or Detention (**Eric Svanidze-Moderator**)

Group 3: Effective investigation of allegations of ill treatment of people in state-controlled premises (during military service, in prisons, in hospitals) (**Hüseyin Hezer, ECtHR -Moderator**)

17:15 – Announcement of the next day's agenda and closure of the session

Day 2 - Friday, 13 July 2018

09:30 - 11:00	Group Work: Examination of Judgments - 2 Each group will examine 2 other cases. One of the judgments will be a relevant judgment of the ECtHR against another country finding a violation, and the other one will be an ECtHR judgment about Turkey finding no violation.
11:00 -11:120	COFFEE BREAK
11:20 -12:30	Group Work: Problems and Suggestions for Their Solution Based on the cases that they have examined, each group will find 5 to 10 problems arising from legislation or practice and discuss suggestions for the solution of these problems.
12:30 -14:00	LUNCH
14:00 -15:30	Group Work: Problems and Suggestions for Their Solution - continued Based on the cases that they have examined, each group will find 5 to 10 problems arising from legislation or practice and discuss suggestions for the solution of these problems.
15.30	COFFEE BREAK
15.45-17:15	Plenary Session: Sharing the Results of Group Work and Remarks by Experts



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Moderator: Project Officer, Ministry of Justice

A representative from each group will present the results of their group work, and there will be a discussion in plenary after each presentation. 30 minutes will be allocated for the presentation of each group and the discussion.

The experts will share their brief remarks about the main issues addressed during the discussions about the topics on which they have made presentations. They will especially state their opinions concerning how these can be involved in the needs analysis / recommendations report to be prepared. Following these discussions, representatives of the Council of Europe and the Ministry of Justice will close the roundtable meeting.

17:15 -17:30

CLOSING REMARKS AND END OF THE DAY