CEZA ADALET SİSTEMİNİN GÜÇLENDİRİLMESİ VEAVRUPA İNSAN HAKLARI SÖZLEŞMESİ İHLALLERİNİN ÖNLENMESİ İÇİN YARGI MENSUPLARININ KAPASİTESİNİN ARTIRILMASI ORTAK PROJESİ

STRENGTHENING THE CRIMINAL JUSTICE SYSTEM AND THE CAPACITY OF JUSTICE PROFESSIONALS ON PREVENTION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS VIOLATIONS IN TURKEY

Webinar
REASONING OF JUDGMENTS IN CRIMINAL PROCEEDINGS IN THE SCOPE OF THE RIGHT TO FAIR
TRIAL"

24 June 2020

13:00 – 15:20 (Strasbourg)
14:00 – 16:20 (Turkey)

Objective: To raise awareness of Turkish judges on the importance of reasoning in judgments to prevent human rights violations

Participants: Representatives of the Ministry of Justice, (DGCA, HR Department, DG EU) Justice Academy (especially trainers of the Justice Academy) judges from first and second instance courts.

The working language of the webinar will be **Turkish**.

Bluejeans platform will be used.

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Agenda

13:00-13:10   Brief opening and presentation of the objective of this webinar

Yücel Erduran, Project Manager, Council of Europe

Kemal Ertürk, Head of Department, Ministry of Justice DGCA

13:10-13:50   Panel I "*Basic rules related to structure and components of a judgment (Introduction, decision, reasoning and remedy)***"**

13:10-15:20   Panel sessions

Moderator Prof Osman Doğru, Marmara University

- **Standard of the reasoned judgments- reflecting the case-law of the ECtHR (15 minutes)**
  - *Structure and element of the judgment (sharing in advance template structure with participants)*
  - *Factual and legal grounds, arguments of parties, techniques citing the domestic laws and other regulations; citing the former ECtHR case-law*
  - *Reasoning of a conclusion of the judgment in respect of finding violation or non-violation*

  Speaker: Mahmut Can Şenyurt, Lawyer, the Registry of the European Court of Human Rights

- **Standard of the reasoned judgments- reflecting the case-law of the Constitutional Court (15 minutes)**
  - *Factual and legal grounds, arguments of parties, techniques citing the domestic laws and other regulations; citing the ECtHR and Court of Cassation case-law in its's judgments*
  - *Reasoning of judgments in the context of constitutionality*
  - *Sharing short samples of CC's judgments*

  Speaker: Dr Akif Yıldırım, Rapporteur, Turkish Constitutional Court

13:40-14:10   Discussion

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14:10-15:10 Panel II "Obligations to provide reasons when assessing evidence in the judgments"

- **Standards of the Court of Cassation in respect of reasoning of the judgments** (15 minutes presentation+15 minutes Q&A)
  - *…Discussion on the samples provided by the speakers (good examples and bad examples in respect of reasoning of admissibility of evidence)*

  Speaker: Dr İlhan Baştürk, Member of 8th Criminal Chamber, Court of Cassation

- Mahmut Can Şenyurt, Lawyer from the Registry of the European Court of Human Rights (15 minutes presentation+15 minutes Q&A)
  - *What are the ECtHR's limits in supervision of the domestic courts in respect of administration of evidence? Samples from the ECtHR's case-law (these can be prepared in advance in Turkish)*
  - *How does the ECtHR assess counterbalancing measures taken by the national courts to protect the applicants' right to a fair trial and equality of arms the conviction based on evidence and the reasoning in that context? Samples from the ECtHR's case-law (these can be prepared in advance in Turkish)*

15:10 - 15:20 – Conclusions and end of webinar