



Bu proje Avrupa Birliği ve Türkiye Cumhuriyeti tarafından birlikte finanse edilmektedir.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



ANAYASA MAHKEMESİNE BİREYSEL BAŞVURU SİSTEMİNİN DESTEKLENMESİ ORTAK PROJESİ

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



Case Law Forum:

Individual Application Judgments
Related to Civil Proceedings

AGENDA

23-24 November 2017

Mövenpick Hotel, Ankara



ANAYASA MAHKEMESİNE BİREYSEL BAŞVURU SİSTEMİNİN DESTEKLENMESİ ORTAK PROJESİ
JOINT PROJECT ON SUPPORTING THE INDIVIDUAL APPLICATION TO THE CONSTITUTIONAL COURT IN TURKEY

23 November 2017

Thursday

Bern Hall

09.15 **Registration**

09.30 **Opening speeches**

Michael Ingledow, Head of Council of Europe Ankara Programme Office

Mehmet Kürtül, Vice-President, President of the General Assembly of Civil Chambers, Court of Cassation

Prof Engin Yıldırım, Vice President of the Constitutional Court

10.00 **Overview of Constitutional Court Judgments and the Concept of Legal Remedy Complaints under the light of the ECtHR Caselaw (Fourth instance doctrine)**

Ali Bahadır, Senior Lawyer, ECtHR

10.30 **Question – Answer**

10.50 Break

11.20 First Session

The Right to Life

Chair: Ali Selman Erkuş, President of the 13th Civil Chamber, Court of Cassation

Rapporteur: Hüseyin Mecek (20 min)

Prof. Dr. Osman Doğru (20 min)

Judgments to be discussed:

- İlker Başer and others (App. No: 2013/1943, 9/9/2015)
- Fatma Şimşek and others (App. No: 2013/7002, 11/5/2016)
- Hilmi Düzgüner , (App. No: 2014/9690, 11/5/2017)
- Aysel Keskinbalta and others (App. No: 2014/19199, 7/6/2017)

12.00 **Question – Answer**

12.30 Lunch



23 November 2017

Thursday

Bern Hall

13.30 Second Session

Right to protection of honour and reputation, freedom of expression and trade union rights

Chair: Sadık Demircioğlu, President of 4th Civil Chamber , Court of Cassation

Rapporteur: Dr. Yunus Heper (30 min)

Assistant Rapporteur: Derya Atakul (20 min)

Zehra Tunçer Bardakçı, Reporter Judge, General Assembly of Civil Chambers, Court of Cassation (20 min)

A. Freedom of Expression and Trade Union Rights

(Rapporteur: Dr. Yunus Heper)

Judgments to be discussed:

- Ali Rıza Üçer (2), (App.No: 2013/8598, 2/7/2015)
- Tuğrul Çulfa (App.No: 2013/2593, 11/3/2015)
- İlder Nur (B. No: 2013/6829, 14/4/2016)
- Tez-Koop-İş Trade Union and Yalçın Çalışkan (App.No: 2013/6759, 3/2/2016)

B. Right to protection of honour and reputation

(Assistant Rapporteur: Derya Atakul)

Judgments to be discussed:

- İlhan Cihaner (2), (App.No: 2013/5574, 30/6/2014)
- Zafer Bozbey, (App.No: 2014/6423, 21/9/2016)
- A.H.Ö. and L.D. (App.No: 2013/3496, 6/1/2016)
- Tansel Çölaşan (App.No: 2014/6128, 7/7/2015)

14.40 Question – Answer

15.10 Coffee break



23 November 2017

Thursday

Bern Hall

15.30 Third Session

Right to respect for private life and family life

Chair: Ömer Uğur Gençcan, President of 2nd Civil Chamber, Court of Cassation

Rapporteur: Şermin Birtane (25 min)

Rapporteur: Elif Çelikdemir Ankıtcı (25 min)

Assistant Prof Gülay Arslan Öncü (20 min)

A. Right to respect for private life

(Rapporteur: Şermin Birtane)

Judgments to be discussed:

- Ayla (Şenses) Kara (App. No: 2013/7063, 5/11/2015)
- Aslan Faruk Toprak (App. No: 2013/2957, 24/3/2016)
- T. A. A. (App. No: 2014/19081, 1/2/2017)
- Ahmet Acartürk (App. No: 2013/2084, 15/10/2015)
- Halime Sare Aysal (App. No: 2013/1789, 11/11/2015)

B. Right to respect for family life

(Rapporteur: Elif Çelikdemir Ankıtcı)

Judgments to be discussed:

- Fatma Julia Ekinciler (App. No: 2013/2758, 17/2/2016)
- Serpil Toros (App. No: 2013/6382, 9/3/2016)
- Marcus Frank Cerny (App. No: 2013/5126, 2/7/2015)
- Selim Adıyaman (App. No: 2013/8846, 9/3/2016)
- M. M. E. und T. E. (App. No: 2013/2910, 5/11/2015)

16.40 Question – Answer

17.00 End of the first day

24 November 2017

Friday

Bern Hall

09.30 Fourth Session

Chair: Seracettin Göktaş, President of 22nd Civil Chamber, Court of Cassation

Rapporteur: Dr Akif Yıldırım (40 min)

Rapporteur: Heysem Kocaçınar (30 min)

Rapporteur: Volkan Sevtekin (20 min)

Prof Sibel İnceoğlu (30 min)

A. Judgments with reasoning and presumption of innocence

(Rapporteur: Dr. Akif Yıldırım)

Judgments to be discussed:

- *Türkan Bal* (App. No: 2013/6932, 6/1/2015)
- *Bayram Özkaptanoğlu* (App. No: 2013/1015, 8/4/2015)
- *Hüseyin Özdemir* (App. No: 2013/7455, 25/3/2015)
- *Hasan Rahmi Özgenç* (App. No: 2013/2418, 16/12/2015)
- *Salih Söylemezoğlu* (App. No: 2013/3758, 6/1/2016)
- *Oğuz Tiftikçier* (App. No: 2013/2091, 4/11/2015)

B. Right to a court and the right to public hearing

(Rapporteur: Heysem Kocaçınar)

Judgments to be discussed:

- *Medikal Kozmetik ve Dış Ticaret Ltd. Şti.* (App. No: 2014/8282, 8/3/2017)
- *Bubo Çelik* (App. No: 2013/3954, 26/2/2015)
- *Mehmet Soysal and others* (App. No: 2014/2678, 17/11/2016)
- *Ali Bacacı* (App. No: 2014/18688, 9/3/2017)

C. Right to a trial within reasonable time

(Rapporteur: Heysem Kocaçınar)

Judgments to be discussed:

- *Fatma Tuzcu* (App. No: 2014/4332, 7/6/2017)
- *Behçet Ökmen and others* (App. No: 2014/2607, 19/7/2017)
- *Mustafa Metin* (App. No: 2013/9017, 17/3/2016)
- *İmdat Çelik* (App. No: 2014/9702, 24/11/2016)
- *Faruk Mete* (App. No: 2013/8489, 8/9/2014)

D. Principle of equality of arms and the right to adversarial trial

(Rapporteur: Volkan Sevtekin)

Judgments to be discussed:

- *Emine Yıldız* (App. No: 2014/12324, 1/2/2017)
- *Ramazan Ayhan* (App. No: 2014/2704, 16/11/2016)
- *İbrahim Demirayak* (App. No: 2013/4075, 10/3/2016)
- *Ümit Caner ve Erge İnşaat San. Tur. Tic. Ltd. Şirketi* (App. No: 2013/1422, 5/11/2014)

11.30 **Question – Answer**

12.00 **Lunch**

13.30 Fifth Session

Right to property

Chair: Sinan Zeki Piyale, Member of the 5th Civil Chamber

Chief Rapporteur: Ayhan Kılıç (35 min)

Rapporteur: Özgür Duman (35 min)

Associate Prof Burak Gemalmaz (20 min)

A. Right to property (1)

(Chief Rapporteur: Ayhan Kılıç)

Judgments to be discussed:

- *Emel Kaynar and others* (App. No: 2013/3667, 10/6/2015)
- *Tevfik Baltacı* (App. No: 2013/8074, 9/3/2016)
- *Sedat Haspolat* (App. No: 2014/12849, 20/7/2017)
- *Yaşar Çoban* (App. No: 2014/6673, 25/7/2017)
- *Süleyman Oktay Uras and Sevtap Uras* (App. No: 2014/11994, 9/3/2017)

B. Right to property (2)

(Rapporteur: Özgür Duman)

Judgments to be discussed:

- *Necdet Çetinkaya* (App. No: 2013/7725, 24/3/2016)
- *Abdülkerim Babir and others* (App. No: 2013/2550, 10/12/2014)
- *Yaşar Albayrak* (App. No: 2013/4523, 16/9/2015)
- *Hatice Avcı and others* (App. No: 2014/9788, 22/9/2016)
- *Nusrat Külâh* (App. No: 2013/6151, 21/4/2016)
- *Bekir Sağırdak* (App. No: 2013/5669, 24/3/2016)
- *Mehmet Eray Celepgil and others* (App. No: 2014/612, 1/2/2017)

15.00 **Question – Answer**

15.30 Closing remarks

Burhan Üstün, Vice president of the Constitutional Court

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.

The Central Finance and Contracts Unit is the Contracting Authority of this Project.

