

REPORT of TURKISH NATIONAL GROUP (2023 – 2024)

25.06.2024

- Dear Members of Board of Directors and Representatives of the National Groups,
- Before presenting to you the activities during our 2-year mandate, I, Kemal Kumkumođlu, would like to salute you on behalf of the Board of Directors of Turkish Penal Law Association. First, a little announcement for our Association; after the 3 term-mandate of Att. Mehmet İpek as the President, Prof. Dr. Fatih Selami Mahmutođlu took over the duty in our last General Assembly hold in December 2023.
- As we all know, The Corona-Virus pandemic which started at the beginning of 2020 left its mark on the past 4 years. As in all areas of life, the pandemic conditions had a negative impact on the activities of our Association. However, we tried to keep our Association active under these conditions as much as we could.
- I would like to devote the first place in our list of activities to our journal "Crime and Punishment". Thanks to the efforts of our board members, our journal, which is now published consistently, is included in the ULAKBIM index (official academic directory). Our journal continues to be published with a rich content in Turkish regularly and with free online access. Crimen e Poena has a website called www.sucvecezadergisi.com. Our journal is also published as hard copy and sent to our national group members who request so, and to certain institutions such as the Court of Cassation, Law Faculty libraries.
- Among our activities, we continued the "Monday Forums", which we have been continuing uninterruptedly since 2006, which took place online during the pandemic period. Due to the long-term impact of the pandemic, participation in the forums is quite low compared to the pre-pandemic period. However, we record our forums and publish them on our Youtube channel later ([Türk Ceza Hukuku Derneđi - YouTube](#)).
- To give examples from the forum topics we have determined according to the actual legal discussions in Türkiye; unfortunately, firstly, we discussed violence against women, which has never fallen off the agenda in our country, in the context of the Istanbul Convention. We also discussed the topic of "offence of stalking" in a separate forum.
- We discussed the Russia-Ukraine war with the title of individual criminal responsibility and state responsibility in international law. We have also discussed the transfer of criminal proceedings

through the trial known as the "Jamal Khashoggi" case. Moreover, the evaluation of our board member (currently the President) Prof. Dr. Fatih Selami Mahmutođlu on this issue in the context of international legal aid has been published as a report on the website of our Association.

- In the rest of the forums of 2022-2023, we determined the law of execution, which is still one of the areas of criminal law that has not been studied much, as the main framework. We tried to examine the law of execution, which has been on the national legal agenda with many recent amendments to the law, with a holistic perspective, both as the evaluation of the provisions of the law and the issues arising in practice. We identified the problems of execution arising from medical issues, a sociological examination of women prisoners, and the prohibition of torture as separate forum topics. Of course, we also made a general evaluation of conditional release and probation institutions and execution practices.
- The first Monday forum of the 2023-2024 period in November was devoted to the events in Gaza since 7 October. In December, we discussed "Cybercrimes and Electronic Evidence", which is gaining importance every day and will be one of the biggest issues of criminal law in the future.
- One of the biggest events that marked the past two years in our country was the earthquake of 6 February 2023. We organised an "Earthquake Symposium" in which we discussed the consequences of the earthquake disaster in terms of criminal responsibility and administrative responsibility. This symposium was also recorded and later published on our Youtube channel.
- An important legislative amendment that we believe has not sufficiently occupied the national legal agenda was the amendment known as the "Social Media Law". As the Turkish Criminal Law Association, we shared our opinion with the public on 13 October 2022 that the proposed law is contrary to our Constitution and international conventions on fundamental rights and freedoms, especially the European Convention on Human Rights.
- The most nationally discussed issue of the recent period is the failure of the 3rd Criminal Chamber of the Court of Cassation to implement the violation decision of the Constitutional Court upon the individual application of Şerafettin Can Atalay. The footsteps of this issue, which gave rise to a judicial crisis, were heard with the violation decision dated 11 July 2022 issued by the Committee of Ministers of the Council of Europe on the grounds of the implementation of the decisions of the Constitutional Court and Turkey's failure to implement the ECtHR judgments. As the Association, we have published our opinion on the violation decision of the Committee of Ministers of the Council of Europe. Moreover, we have showed our legal reaction to the issue with scientific studies, conferences and articles published in our journal Crime and Punishment. We have also shared with

a public the opinion and criticism of the Board of Directors of the Association on the decision of the 3rd Criminal Chamber of the Court of Cassation.

- As always, we continued our good relations with the International Association of Penal Law in this period. For the 21st International Criminal Law Congress to be held in 2024, a national committee was formed by the Association for the studies to be carried out in the field of "Artificial Intelligence and Criminal Law" and four national reports were prepared. Our board member Att. Kemal Kumkumođlu represented our Association in three of international colloquiums in Buenos Aires (Argentina), in Bucharest (Romania) and in Opatija (Croatia). We would also like to extend our cooperation with AIDP in the next term of 2024-2029, with our desire to host an international colloquium in İstanbul.
- Our Association participated as an observer in the working groups established within the scope of the European Union's and the Council of Europe's "Joint Project on Strengthening the Criminal Justice System in Turkey and Increasing the Capacity of the Judiciary for the Prevention of Violations of the European Convention on Human Rights".
- In summary, we would like to thank to all members of the national group for their dedication to realize our activities during this period. We would also like to extend our respects to you, all valued members of AIDP.

Turkish Penal Law Association
