

VÁCLAV HAVEL HUMAN RIGHTS PRIZE 2016

NOMINATION FORM

Extended Deadline: 30 June 2016

Please read the regulations and instructions
before completing this form

Instructions

Nominations must be submitted on the **forms** which can be downloaded from the website: http://website-pace.net/en_GB/web/apce/vaclav-havel-human-rights-prize.

Please fill in 1A if the nominee is an individual and 1B if the nominee is an institution or an organisation. All the other rubrics of the form should also be duly completed.

The nomination form (Word format) and the list of signatures of sponsors (PDF format), together with the supporting documents that you may wish to add, must be submitted in **English or French** and reach the Secretariat at the latest by **30 June 2016**.

They should be sent by e-mail, to the following address: hrprize.pace@coe.int.

We will confirm receipt of your submission.

1 A. Individual nominees:

Please indicate the name and contact details of the person nominated

** MEDEL - Magistrats européens pour la démocratie et les libertés as, an organisation, alongside five public prosecutors from European countries, as individuals, collectively nominate the following four Turkish public prosecutors for the Václav Havel Human Rights Prize. All four public prosecutors share life and legal situation deriving from the same cause and therefore share destiny, so the sponsors consider it natural that all of them share the nomination as well.*

Title:	Mr Former Mr Deputy Chief Prosecutor of Adana
Family name:	KARACA
First name:	Ahmet
Date of birth:	
Nationality:	Turkish
Country of current residence:	Turkey

Address: Turkish Prison Ankara Turkey

Title: Mr Former Prosecutor
Family name: TAKÇI
First name: Aziz
Date of birth:
Nationality: Turkish
Country of current residence: Turkey
Address: Prison Ankara Turkey

Title: Mr Former Prosecutor
Family name: ŞIŞMAN
First name: Özcan
Date of birth:
Nationality: Turkish
Country of current residence: Turkey
Address: Turkish Prison Ankara Turkey

Title: Mr Former Chief Prosecutor of Adana
Family name: BAĞRIYANIK
First name: Süleyman
Date of birth:
Nationality: Turkish
Country of current residence: Turkey
Address: Turkish Prison Ankara Turkey

2. Sponsors:

Please indicate the name and contact details of at **least 5 persons / institutions / organisations** putting forward the nomination. In order to validate their nomination, the sponsors are asked to sign on the separate list of signatures of sponsors.

Name: MEDEL - Magistrats européens pour la démocratie et les libertés

Address: office:
Greifswalder Strasse 4 | Briefkasten 42,
10405 Berlin, Germany

seat:
12-14, rue Charles Fourier,
75013 Paris, France

Telephone: tel +4930 420 223 49

Fax: fax +4930 420 223 50

E-mail: office@medelnet.eu

Website/social media (if appropriate): www.medelnet.eu

Main field of activity: human rights; rule of law

Country/ies in which it operates: European countries

Year of establishment: 1985, Strasbourg (France)

Status (*including potential link with governmental or other authorities, academia, political parties, etc.*): NGO

Main sponsor:

Title: [Mr, Mrs, Ms, other...] Mr.

Family name: MICHELINI

First name: Gualtiero

Profession/occupation: Judge - Court of Appeal - Rome

Capacity in which you know the nominee: President of MEDEL

Nationality: Italian

Address: Via A. Varisco 3, Roma, Italy

Telephone: 06 398088705

Fax: N/A
E-mail: gualtiero.michelini@medelnet.eu

Website/social media (if appropriate): www.medelnet.eu

Other sponsor:

Title: Mr.
Family name: MONETTI
First name: Vito

Profession/occupation: Prosecutor general of the Court of appeal of Genova, Italy until 31 December 2015, retired

Capacity in which you know the nominee:

I have been for four years the president of MEDEL (Magistrats européens pour la démocratie et les libertés) an Association that gathers several national Associations of Judges and Public Prosecutors, there including the Association Yarsav, form Turkey. I have been invited to several conferences, organized by the High Council for Judges and Public prosecutors, as well as by the National Bar Associations, etc. All that gave me the opportunity to study the Turkey institutional and judicial system; as well as certain practices that I find hard to understand and to accept. The indictment and the arrest of a Public Prosecutor because not of a particular and specific abuse or infringement of the law: but only for having started an investigation. This "particular intervention" is carried out before the intervention of the Court, theoretically competent for judging the case.

Nationality: Italian
Address: Passo Barnabiti1\11, 16122 Genova, Italy
Telephone: 00393381037633
Fax: 0039010812347
E-mail: vitomonetti@libero.it

Other sponsor:

Title: [Mr, Mrs, Ms, other...] Mr.
Family name: GARCIA ORTIZ
First name: Alvaro
Profession/occupation: public prosecutor
Capacity in which you know the nominee: I know him through international judicial activities
Nationality: Spanish
Address: RUA VIENA S/N 15701 SANTIAGO DE COMPOSTELA, SPAIN
Telephone: 34616351847- 34981540378
Fax: 34981540386
E-mail: secretariadoupf@gmail.com
Website/social media (if appropriate): <http://www.upfisciales.com/>

Other sponsor:

Title: [Mr, Mrs, Ms, other...] Mrs
Family name: RÉGNIER
First name: Marie-Blanche
Profession/occupation: vice-procureure au Tribunal de grande instance de Marseille
Capacity in which you know the nominee: I know him through international judicial activities
Nationality: française
Address: 141 boulevard Baille 13005 Marseille, France
Telephone: 0033 688652162
Fax: N/A
E-mail: mb.regnier@gmail.com
Website/social media (if appropriate):

Other sponsor:

Title: [Mr, Mrs, Ms, other...]	Mr.
Family name:	Ventinhas
First name:	António
Profession/occupation:	prosecutor
Capacity in which you know the nominee:	I know them trough international judicial acitivities
Nationality:	Portuguese
Address:	Rua Tomás Ribeiro, nº 89, 3º, 1050-227 Lisboa
Telephone:	+351212813410
Fax:	+351213870603
E-mail:	<u>Secretariado@smmp.pt</u>

3. Description of the nominee's actions and specific merits in the defence of human rights:

Please explain how the nominee has made an outstanding contribution to the cause of human rights. Indicate whether the nominee's actions have made a tangible difference for the human rights situation of the target group/country, have been instrumental in uncovering human rights violations, have successfully mobilised public opinion/the international community for a given cause, have been successful in achieving genuine improvements in a given area, have been carried out at a great personal/physical risk, are the result of a specific action or of life-time engagement. Please add any other information you deem relevant.

(maximum one page in Arial 10pt)

Former Chief Prosecutor of Adana Süleyman Bağrıyanık, Deputy Chief Prosecutor of Adana Ahmet Karaca, Prosecutors Aziz Takçı and Özcan Şişman and Adana Gendarmerie Commander are being tried in the Supreme Court 16th Criminal Department because of the attempted coup and espionage crimes in Ankara.

Moreover, the chief prosecutor of Kırıkhan at that time Yaşar Kavalcıoğlu and military police who were acting with the order of prosecutors were also charged with the same crimes. This case also was combined with the Adana case in Supreme Court.

Prosecutors Süleyman Bağrıyanık, Ahmet Karaca, Aziz Takçı, Özcan Şişman and Commander Özkan Çokay were arrested 1 year 4 months later from the event and they are still under detention.

The trials are closed to press and public and secret trial is ongoing.

On 1 January 2015, a soldier from the Turkish gendarmerie reported that several lorries were transporting weapons to Syria. In response, the Adana Prosecutor Aziz Takçı requested the police to conduct a search on the lorries. With the influence of Hatay governor Celalettin Lekesiz, Minister of Justice Bekir Bozdağ and the Undersecretary Kenan Ipek police officially recorded the cargo of the lorries as 'humanitarian aid', with soldiers not being permitted to attend to the scene. With a similar tip-off occurring on 19 January, the prosecution requested the head of Adana's Gendarmerie, Colonel Özkan Çokay to conduct the search on lorries in Adana again carrying weapons to Syria. The prosecution also threatened to begin legal investigations into soldiers who disobeyed Çokay's command. With 125 gendarmes, the lorries were stopped and searched, with Governor Coş soon becoming aware of the situation and arriving at the search area. Having obtained an emergency command to stop the search, Coş claimed that the lorries belonged to the National Intelligence Organisation (MİT). Çokay refused and demanded that the MİT send a command to stop the search itself, causing a rise in tensions between the gendarmerie, MİT personnel and other police officers who arrived later on. Because of these only one of the truck which was full of weapons was searched.

The prosecutors' request to search the truck as a judicial duty has been claimed by the Turkish government as a coup attempt and a damage to Turkey's international image. Moreover, it was claimed that prosecutors tried to give the impression that Turkish government was supporting al-Qaeda like terrorist organizations.

Turkish Intelligence Agency's and Turkish Government's officials never accepted the weapons in the trucks which was tried to be searched by prosecutors. Prosecutors defended themselves that they were doing their legal jobs and they didn't know the trucks were belonging to MIT. Furthermore, MIT was not authorized to carry weapons. Otherwise, according to the Turkish law crimes cannot be under secret of state. The enormous contrast was that Turkish government claimed that the trucks were full of humanitarian aid but prosecutors were accused for revealing of the secret of state. How can a medicine be a secret?

After these incidents, the influence of the minister of justice and his Undersecretary on prosecutors was tried to be investigated. However, the influence on prosecution crime abolished by the government and the Turkish Government made a lot of changes about the Intelligence Law in order to protect agents from prosecution. For example, the prosecution was subjected to permission of Prime Minister and weapon transporting authority was given to MIT after the events.

After these events a court in Istanbul has charged two journalists from the opposition Cumhuriyet newspaper with spying after they alleged Turkey's secret services had sent arms to Islamist rebels in Syria. Can Dundar, the editor-in-chief, and Erdem Gul, the paper's Ankara bureau chief, are accused of spying and "divulging state secrets", Turkish media reported. Both men were placed in pre-trial detention. Turkey's constitutional court on 26.02.2016 ruled that the rights of two Turkish journalists charged with revealing state secrets in a hugely controversial case had been violated, leading to their release after three months in jail.

4. Supporting documents:

Please insert links to supporting documents (maximum 5).

If the supporting documents are not available on the internet please attach them to the form (electronic version if possible).

5. Date: 21, June 2016