



Welcome to IADL,  
International Association of Democratic Lawyers

# United Nations Activities Bulletin

INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

In Consultative Status with ECOSOC and Represented at UNESCO and  
UNICEF

[www.iadllaw.org](http://www.iadllaw.org)

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### UPDATE ON TRIAL AGAINST TURKISH LAWYERS

There has been a verdict in the trial against twenty lawyers in Turkey, including 16 lawyers who were members of Progressive Lawyers Association (CHD), a member association of IADL, and some who were lawyers from the People’s Law Bureau. The lawyers were sentenced to between nineteen years and two years in prison. IADL calls for international outcry against their imprisonment.

Ceren Uysal has provided a summary of the trial, a copy of which is attached in the Annex to this *Bulletin*.

IADL Bureau Member Fabio Marcelli observed the trial. For his observations please see <http://iadllaw.org/2019/03/iadl-joins-delegation-observing-political-prosecutions-of-progressive-lawyers-in-turkey/>

### GENEVA REPORT

IADL Permanent Representative to the UN in Geneva and Coordinator of IADL’s UN Representation Micòl Savia represented the IADL at the 40<sup>th</sup> session of the United Nations Human

Rights Council from 25 February to 22 March 2019, at the Palais des Nations in Geneva, Switzerland.

Micòl organized a side event during the 40<sup>th</sup> session entitled “Humanitarian Crisis in Venezuela: propaganda vs. reality” which was held on 19 March 2019. The speakers were US journalists Max Blumenthal and Anya Parampil, SURES Venezuela Director Maria Lucrecia Hernandez, and former UN Independent Expert Alfred de Zayas. Micòl moderated the event. The event was very successful. Please see the flyer for this event in the Annex to this *Bulletin*. A video of this event can be found on the IADL website at <http://iadllaw.org/2019/02/watch-video-new-york-event-highlights-anti-imperialist-struggles-in-latin-america/>

During this 40<sup>th</sup> session, Micòl issued written statements on behalf of IADL condemning attempts to prosecute Julian Assange on account of his publishing activities and calling attention to human rights violations at the US southern border. She delivered two oral statements, one calling for the US to release Chelsea Manning from prison, and one calling for peaceful engagement and genuine dialogue to secure improvements to the human rights situation in the Democratic People’s Republic

of Korea.

Micòl issued a joint written statement between IADL and Greenpeace International to call attention to the Japanese government's non-compliance with the UN Convention on the Rights of the Child in its treatment of children impacted by the Fukushima Daiichi nuclear disaster.

Micòl also represented IADL in a joint civil society oral statement delivered to the UN High Commission for Human Rights questioning the silence of the OHCHR on human rights violations in the occupied territory of Western Sahara.

For the full text of all IADL's statements at the 40<sup>th</sup> session of the Human Rights Council, please see [iadllaw.org/iadl-at-the-united-nations/](http://iadllaw.org/iadl-at-the-united-nations/)

## **NEW YORK REPORT**

### [Report from IADL Permanent Representative to the UN in New York Lennox Hinds](#)

Permanent Representative Lennox Hinds has been involved in discussions with the Honorable, Hannibal Uwaifo, President of the African Bar Association to facilitate a strategic relationship with the IADL. In that regard, an invitation was extended to President Jeanne Mirer to attend the African Bar Association's conference in Cairo, September 1-5, 2019.

At IADL's request, the African Bar Association joined IADL's affiliates in condemning the United States attempted coup and interference in the internal affairs of Venezuela, in violation of Article 2(4) of the UN Charter. [Lennox](#) believes that further collaboration between the two organizations could be achieved to mutual benefit. Also, Lennox is assisting the African Bar Association to obtain consultative accreditation to ECOSOC.

### [Report from IADL Alternate Representative to the UN in New York Beth S. Lyons\\*](#)

*\*For Beth's report of her activity at the ICC Assembly of States Parties please see the "ICC Assembly of States Parties" section of this Bulletin.*

Organizational issues: My participation in IADL activities continues to be curtailed due to the demands of my work as one of the defence counsel on the *Ongwen* Case at the International Criminal Court. We are now presenting the Defence case, and will be filing a closing brief and having final arguments later in 2019 or early 2020.

The situation of lack of available volunteers to attend UN meetings in New York has not changed since the last Report. The most likely source of volunteers still, in my view, is the NLG International Committee, and we again ask members to reach out to us. Alternate Representative Claire Gilchrist or I can provide more detailed information. In addition, through Claire's work at CSW, more involvement from lawyers and law students in NCBL in UN work may be a possibility. During CSW, Claire, Alternate Representative Beatrice Lindstrom and I met briefly to discuss these organizational issues. One concrete suggestion was that Beatrice will work through her network at Columbia University, where she is now teaching.

### [Report from IADL Alternate Representative to the UN in New York Claire Gilchrist](#)

During the last period, I represented IADL at the 63<sup>rd</sup> session of the UN Commission on the Status of Women held from 11-22 March 2019 in New York, NY, USA. This year's priority theme was "Social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls." IADL was

selected to make an intervention during the Interactive dialogue on “Women and girls of African descent,” which I delivered, highlighting the leadership of US women and girls of African descent in fighting voter suppression and supporting the US Human Rights Network statement to the panel. I ran out of time to question the panel on current best practices in pushing back against government actors dismantling systems of accountability for violations of rights of women and girls of African descent. An attorney from the DRC and a member of an NGO from Canada approached me following the intervention to connect with IADL; I will follow up with these contacts.

Speaker Valdecir Nascimento, Executive Coordinator of ODARA – Instituto da Mulher Negra (Black Women’s Institute), spoke out against the assassination of black Rio de Janeiro councilwoman and activist against police brutality Marielle Franco, calling out state actors for her murder. The member state delegate from Brazil, recently appointed to the Bolsonaro government, denied that state actors had anything to do with her murder. Brazilian authorities had arrested two former military police officers in connection with her assassination the day prior to this interactive dialogue at the CSW.

The chair’s summary of the Interactive dialogue can be found at the following web link: <https://undocs.org/E/CN.6/2019/17> and is attached in the Annex to this *Bulletin*.

Additionally I attended a side event on the empowerment of women in informal employment entitled “Social Protection, Public Services and Sustainable Infrastructure: Policy Coherence for the Empowerment of Women in Informal Employment” hosted by Ghana, UN Women, United Nations Office for Project Services (UNOPS), Women in Informal Employment:

Globalizing and Organizing (WIEGO), Self-Employed Women’s Association (SEWA) and International Center for Research on Women (ICRW). The discussion centered around recognizing and compensating work in the informal sector. Speaker Phumzile Mlambo-Ngcuka, Executive Director of UN Women, highlighted that lack of pay for women doing care-giving work combined with a lack of access to the formal economy is slavery. UNOPS took the position that so-called corporate partnerships on work projects formalize work and empower women. There was no analysis from UNOPS of the dangers of corporations perpetuating inequalities, labor violations, and systems of control that adversely impact women.

During the 63<sup>rd</sup> CSW, I had the pleasure of meeting with Bureau Member Vanessa Ramos and other delegates from the AAJ, many from Argentina, over dinner to get to know each other and share campaigns, victories and strategies. I also was fortunate to meet with IADL’s UN representatives Evelyn Duermayer, Beth Lyons, and Beatrice Lindstrom. We discussed organizational issues. I agreed to contact NCBL and NLG members to recruit volunteers to attend UN meetings in New York.

## **VIENNA REPORT**

### [Report from IADL Permanent Representative to the UN in Vienna Evelyn Dürmayer](#)

I attended the Vienna NGO Committee on the Status of Women meeting held in February. There was also a film screening of a film honoring International Women’s Day. Attached in the Annex to this *Bulletin* is a flyer for the film.

In March, again I was as IADL representative a member of the Austrian official delegation to CSW63. The head of the delegation was Juliane

Bogner-Strauß, Federal Minister for Women, Family and Youth. She introduced the panel discussion on “Rebuilding Trust in Leadership”. Please see the flyer in the Annex. Barbara G. Novick, Vice chair of Black Rock, the world largest investment portfolio company, did not confirm her presence.

Additionally I observed the side event the Algerian Minister for National Solidarity, Family, and the Condition of Women ( in French Minister del a Solidarität Nationale, de la Famille et de la Condition de la Femme), Ghania Eddalia gave an overview of the achievements realized for women in Algeria, especially in the field of education and work and where there were still deficiencies. I invited her to the IADL Congress in Algiers and she intends to come.

A most special encounter was the evening with Jeanne Mirer and colleagues from the Argentinian Branch of AAJ including the ‘abuela’ or grandmother of the movement for legalizing abortion in Argentina Nelly Minyersky and the plans for future common work at the forthcoming IADL Congress in Algiers and the cooperation at the UN in New York.

## **ICC ASSEMBLY OF STATES PARTIES**

The Assembly of States Parties to the Rome Statute took place from 5-12 December 2018 at the World Forum in the Hague. IADL sent several delegates to the Assembly and organized a well attended side event entitled “Prosecuting International Crimes Committed Against the Palestinian People” which was held on Monday 10 December 2018. The speakers for the side event were the program director of Al Haq and a senior staff attorney for the Center for Constitutional Rights.

IADL bureau members Carlos Orjuela and Beth Lyons, who is also an alternate representative to the

UN in New York, and IADL volunteer Eniko Sandor, provided the following reports.

### [Report from IADL Bureau Member Carlos Orjuela](#)

The side event “Prosecuting International Crimes Committed Against the Palestinian People” hosted by IADL was a resounding success. IADL had an unpopular time slot (9-10am) but managed to exceed the room's 50 seat capacity, something which many other side events did not do. Whilst Raji was unable to attend, we still managed to have a strong panel, with the program director of Al Haq and senior staff attorney of the Centre for Constitutional Rights giving their high level legal analyses of the ongoing International Crimes which have been committed in 2018 and the content of the latest preliminary examination report. We then showed a short documentary on Israel’s policy of administrative house demolitions produced by Al-Haq. As chair, I used my position to introduce the Palestine Campaign and speak about the role of the IADL. People were very interested in finding out more. In the end I think this was a very effective way of reaching a more international audience directly involved in practicing/advocating on issues of international criminal law and human rights.

### [Report from IADL Associate Bureau Member and Alternate Representative to the UN Beth S. Lyons](#)

There have already been reports about the successful IADL Side Event, “Prosecuting International Crimes Committed Against the Palestinian People” on Day Five. Congratulations again to Carlos Orjuela for organizing and chairing this event, and to Richard Harvey and others who contributed assistance. One of the persons who attended the event was the Special Advisor to the ICC Prosecutor on MENA (Middle East and North Africa). I forwarded IADL materials on Palestine (assembled for me mostly by Charlotte Kates), but

have not done any follow-up.

The representatives at the ASP events included Bureau members Carlos Orjuela and Hasan Tarique Chowdury, myself and a one or two volunteers from my ICC Defence team. Unfortunately, each person could attend only one or two days.

In addition, Carlos, Hasan and I had opportunities to meet during this event.

On Day Five, I attended two presentations by the ICC Office of the Prosecutor on its Preliminary Examinations. One was a side event co-hosted by Bulgaria, Niger, Norway, Senegal, Slovenia, Tunisia and Uruguay. At this event, I asked about a more specific timeline for the Palestine investigations, but there was no specific answer. In addition, questions were asked by members of the audience about the situations in Mexico, Colombia, Nigeria and elsewhere.

The second event was a strategy meeting with the ICC Prosecutor on preliminary investigations, organized by the Coalition for its members. Questions and statements were made by Coalition members from different regions. The ICC Prosecutor's presentation was similar to the States' Parties event, and reflected information publicly available in the OTP report.

IADL has been a Coalition member for more than two decades. And, I am grateful for their past assistance in providing visa and other logistical information to our delegations, and especially their provision of invitation letters for the last ASP. IADL usually registers under its ECOSOC status, but -for a number of reasons, including the timely need for invitations and visa letters for members – we registered in 2018 under the Coalition umbrella.

The material provided before, after and – most importantly – during the ASP by the Coalition is

invaluable. For further information and reports on the ASP (and previous ones), please see

[www.coalitionfortheinternationalcriminalcourt.org](http://www.coalitionfortheinternationalcriminalcourt.org)

Within this context, I was taken aback when I was stopped at the entrance to the Coalition strategy meeting, and was told I could not remain for the meeting. I had entered the room wearing my ICC badge, which says “Defence Counsel.” To this day, I do not know if this was the trigger for the request to leave. I ended up remaining through the meeting, and trust that this was a singular event, which is not representative of larger policy issues.

[Report from IADL Volunteer Eniko Sandor- Side Event on Prosecution of Sexual and Gender-Based Crimes](#)

I attended a side event at the ASP hosted by Canada and the Federation for Human Rights (FIDH) where the investigation and prosecution of sexual and gender based crimes were discussed.

The ICC Deputy Prosecutor James Stewart mentioned that the Rome Statute requires the OTP to include investigations of SGBC and violence against children. He seemed to state that the OTP has a gender focus and that SGBC, violence against children goes hand in hand with ending impunity. He added that the OTP has special advisors regarding SGBC who it can contact for advice.

The Deputy Prosecutor also mentioned the Ntaganda case, where the Appeals Chamber allowed the OTP to prosecute sexual crimes committed by soldiers against their own troops. He also mentioned the Ongwen case and the charges of forced marriage. He added that although both cases are still ongoing, these crimes have been investigated by the OTP.

Following the speech of the Deputy Prosecutor, three panelists spoke about matters relating to SGBC.

The first panelist was from FIDH NGO. Specifically, she spoke about FIDH and a Yezidi group which documented SGBC crimes. She claimed that these crimes amount to Genocide and Crimes Against Humanity committed by ISIS. She added that the perpetrators include many foreign fighters, some of whom are State Parties. FIDH has published a report and sent it to the OTP. FIDH believes that the ICC can play a central role, although their investigation is limited.

The second panelist was from an NGO from East Ukraine. The NGO documented human rights violations and sexual crimes, notably the arbitrary detention of fighters and civilians without judicial oversight. He added that there were 16 paramilitary groups that were involved and claimed that these groups were under direct Russian control. The panelist mentioned that the SGBC crimes were committed against both women and men. He also added that he saw no motivation for Ukrainian authorities to prosecute, and admitted that it is difficult to investigate such crimes as they were committed years ago. This panelist also called on the OTP to open a full investigation.

The third panelist was from the NGO, We Are Not Weapons of War. She mainly spoke about Libya, specifically that in 2011 during the revolution there were many rapes of women, and in 2014, both women and men became victims of SGBC. She also briefly mentioned migrant trafficking that is taking place in Libya, and that these migrants are then forced to rape other people. The panelist said that it will be interesting to see how this situation will be dealt legally, and seemed to refer to the situation as one of individuals becoming both victims and perpetrators.

There was a discussion of SGBC at the ICC, including that the OTP was not exactly successful regarding prosecutions of SGBC. In addition, there were difficulties in the Trial Chambers' understanding of the issue: while the Trial Chambers appear to understand that SGBC is "inevitable" in an armed conflict and "everyone knows it happens," the Trial Chambers have difficulty relating this to commanders.

In conclusion, I do not understand what ICC Deputy Prosecutor James Stewart meant exactly by his statement that the OTP has a gender focus when investigating SGBC. However, relating it to the Ongwen case and forced marriage, it appears to me that the OTP focuses on SGBC as it concerns women, and does not address how men were affected by forced marriage. It was interesting to see that two NGO panelists reiterated that both men and women are victims of SGBC.

## **UPCOMING UNITED NATION EVENTS AND CONFERENCES**

Please visit the following website for the calendar:

<https://conf.un.org/DGAACS/meetings.nsf/wByDate?OpenForm&Start=1&Count=30&Expand=3&Seq=2>

### **WATCHING United Nations MEETINGS ON THE WEB**

If you are interested in a particular United Nations event but cannot personally attend, you can watch it on WEBTV from the United Nations. You can sign up at [webtv.un.org/subscribe](http://webtv.un.org/subscribe) to receive daily/nightly schedules of events to be webcast

The IADL *United Nations Activities Bulletin* is prepared under the direction of the Permanent Representative to the United Nations in New York, Professor Lennox S. Hinds. This issue was edited by Claire Gilchrist. Reports were contributed by Evelyn Dürmayer, Claire Gilchrist, Lennox Hinds, Beth Lyons, Carlos Orjuela, Eniko Sandor, Micol Savia, and Ceren Uysal.

# SUMMARY OF TRIAL AGAINST 20 LAWYERS

16 lawyers who were the members of Progressive Lawyers Association (CHD) and some of whom were lawyers from People's Law Bureau have been detained and arrested in 12 September 2017<sup>1</sup>, two days ago before the court hearing of their clients, Nuriye Gülmen and Semih Özakça.<sup>2</sup> Their arrest warrant included the decision to collect and incorporate the evidence against Nuriye Gülmen and Semih Özakça. The number of lawyers under arrest rose to 17 when the President of Progressive Lawyers Association, Lawyer Selçuk Kozağaçlı and Lawyer Yaprak Türkmen were also arrested under the scope of the same investigation.<sup>3</sup>

On 15th of July 2017, the official webpage of the Ministry of Interior published an online booklet about Gülmen and Özakça which directly targeted the lawyers of Gülmen and Özakça and the lawyers of People's Law Bureau. Pro-government media reported numberless fake news about Selçuk Kozağaçlı and other lawyers.<sup>4</sup> After the lawyers are arrested, the Minister of Interior Süleyman Soyulu voiced some allegations in his speech in the Parliament. On the 3rd of November 2017, during a public rally in Manisa province where the Soma Miners' Massacre had taken place, President Erdogan said "the extremist left, unfortunately they are provoking the families by exploiting the event. They are playing games on the families. We very well know who they are. The families of our martyrs should spoil the plot." Five days after the speech, Lawyer Selçuk Kozağaçlı, the lawyer and the spokesperson of the victims' families in the Soma Miners' Massacre case has been detained and arrested.<sup>5</sup>

When the bill of indictment (Date: March 22, 2018; No.: 2018/12766) that forms the grounds for the public case (Merits No.: 2018/84) is examined it is observed that it starts with the inference related to the assumption that HHB is an institution of an illegal organization named RPLP/F on the basis of the documents of the public case (Merits No.: 2014/117) which is still pendent. It is also understood that the indictment is based on the statements of a suspect named B.E. who was detained under the scope of another investigation. The accusations against many defendant lawyers were not personalized; a statistical report has been prepared which shows how many times the lawyers were present during the criminal procedures of their clients who have been either detained or in prison and the video clips from the previous case files that the lawyers obtained through the legal means were brought as accusations. Another accusation was that the lawyers followed the socially influential court cases such as Soma Miners Massacre and Ermenek Miners Massacre on the orders of the illegal organization and

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<sup>1</sup> Ahmet MANDACI, Aycan ÇİÇEK, Ayşegül ÇAĞATAY, Aytaç ÜNSAL, Barkın TİMTİK, Behiç AŞÇI, Didem BAYDAR ÜNSAL, Ebru TİMTİK, Engin GÖKOĞLU, Naciye DEMİR, Özgür YILMAZ, Süleyman GÖKTEN, Şükriye ERDEN, Yağmur EREREN EVİN, Zehra ÖZDEMİR who were taken under custody on 12th September 2017 were kept under custody for 8 days and then arrested on 21st September 2017; A judicial control decision was given for Ezgi Çakır who was also taken under custody as she had a little child in need of nursing. A warrant was issued for the arrest of advocate Günay dağ and advocate Oya Aslan who had been issued for custody.

<sup>2</sup> After their baseless dismissal with the emergency state decree law, the academician Nuriye GÜLMEN and the teacher Semih ÖZAKÇA sat in front of the statue of human rights in Ankara for 120 days; then they started a hunger strike and demanded to return to their jobs on 09.03.2017. While they were continuing their strike Gülmen and Özakça were arrested on 23.05.2017 due to the claim that they were members of an illegal organization and their court date was determined as 14th September 2017.

<sup>3</sup> Advocate Selçuk Kozağaçlı was taken under custody on 8th November 2017 within the same investigation file, kept under custody for 5 days and was arrested on 13rd November 2017; and Advocate Yaprak Türkmen was taken under custody on 18 December 2017 within the same investigation file, kept under custody for 2 days and arrested on 20 December 2017 by Justice Of The Peace Court.

<sup>4</sup> <https://www.sabah.com.tr/gundem/2017/07/13/orgutten-avukata-avukattan-gulmene>

<sup>5</sup> <https://www.sabah.com.tr/ekonomi/2017/11/03/erdogandan-somada-sehit-olan-madencilerin-ailelerine-mujde>

that their purpose was to trigger a social unrest. Finally, the press statements that they attended and newspaper and social media reports about the lawyers by the third party entities were included in the accusations.

## **17 LAWYERS HAS BEATEN ON THE COURT AFTER ONE YEAR ARREST**

In the first hearing on Monday 10 September 2018, 17 lawyers have been battered by the gendarmerie in front of the court panel, their clothes have been torn out and they were handcuffed within the courtroom. Despite the fact that there were no problems in the following days, the court decided on the fifth day that the trial should continue in the courtroom that is located within the Silivri Prison Campus. More than 300 lawyers worked as defence counselors, 17 defendants and 30 lawyers took the floor to make their statements and voice recordings that amount to 45 hours in total and 9 hours per day in average have been made.

## **REASON OF THE COURT DECISION WHICH WILL REVOKING IN 10 HOURS WITH SAYING “PARDON”**

The interim court decision numbered 16, dated 14/09/2018 said the following: Considering the present state of the evidence within the file for each defendant, the possibility that the classification of offence may be subject to change, that the defences of the defendants have been collected and that they are lawyers and also considering the time spent under arrest, the decisions by the European Court of Human Rights and the Constitutional Court given for the applications on arrest and that the measures aimed at during the trial could be implemented by implementing the judicial control provisions, the court decided to properly release each and everyone of the defendants.

## **EVEN THOUGH RELEASING DECISION, LAWYERS HELD IN PLEDGE**

The court decision has been announced on 14 September 2018 at around 22:10. After the announcement of the release decision, 9 lawyers who were being kept in İstanbul Silivri Closed Prison (No. 9) were kept waiting for 8 hours illegally and then released on 15 September 2018 at around 6:30 in the morning. Likewise, 8 lawyers who were being kept in İstanbul Bakırköy Women’s Closed Prison were kept waiting for 6 hours illegally and then released at around 4:30 in the early morning.

## **OBJECTION ON MIDNIGHT**

An enquiry on the National Judicial Network (UYAP) showed that the public prosecutor respectively objected the release decision for 17 lawyers on 15 September 2018 at around 01:00 o’clock at night. It became clear that the cause behind the delayed release of our colleagues was the prosecutor’s unlawful attempts to enforce his objection.

## **A “PROCEDURE” IN LAW PROCESS WHICH IS NOT FOUND IN TURKISH PENAL LAW**

The court panel of 37th Heavy Penal Court has convened during the weekend, on 15 September 2018 at around 16:30 upon the objection of the public prosecutor’s office -a practice that has not been in the procedures. The Panel issued a new bench warrant aimed at the detainment of 12 lawyers whom they had released anonymously ten hours ago.<sup>6</sup> The objection of the public prosecutor against the 5 other

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<sup>6</sup> The Code of Criminal Procedure (CMK) which was put into practice in 2005, revoked the decision called “sentence in absentia”. Even the old practices that were revoked by the new law have been used. There is no legal basis to give “warrant of arrest” about either the suspect or the defendant by referencing arrest causes in CMK item number 100. There is no legal basis for the practices such as applying the decision of the court which enacted the warrant “aiming to arrest” or “reading the decision to defendant’s face” just after having

lawyers has been rejected and sent to Istanbul 1st Heavy Penal Court for an assessment.

In the evening on Thursday, 19 September 2018, place of duty of two judges of the court were changed by a decree of Council of Judges and Prosecutors; the chief judge of Istanbul 37th Heavy Penal Court who conducted the trial between 10-14 September 2018 was appointed as a judge to Istanbul 18th Criminal Court of First Instance and the senior judge of the same court was appointed as a judge to a commercial court.<sup>7</sup> The judges of the Istanbul 26th Heavy Penal Court who decided on the detainment of Selçuk Kozağaçlı without the presence of his lawyers, were appointed to Istanbul 37th Heavy Penal Court.

After the Court has, in violation of the Constitution and the laws, issued a bench warrant aimed at detainment of 12 lawyers 10 hours after their release, 6 lawyers are already detained

### **RE-BUILDING OF SPECIAL AUTHORIZED COURT BOARD AFTER REMOVING THE OLD COURT BOARD WHICH HAS DECIDED RELEASE DECISION SHOWS US CLEARLY THAT THE NEW COURT BOARD HAS NON-LEGAL BUT POLITIC AUTHORISATIONS**

In this process which we try to sum up above text, it is clearly understandable that the state try to make political process above judges of 37th Heavy Penal Court.

Thus, dismissing and sending other courts of president of the court Kadir Alpar and member of the Court Serkan Baş by a decision about permanent jurisdiction which issued in 19.09.2018 is certain evidence about our opinions. After this illegal process it is impossible to talk about President Akın Gürlek's independence and objectivity. Must remember that he was the judge who arrested Selçuk Kozağaçlı without his lawyers although his one day transient assignment and after that his assignment became lasting 2 days ago.

Both in his proceedings during his assignment as the temporary judge and as the presiding judge later on, Akın Gürlek maintained an attitude of ensuring the lawyers of Progressive Lawyers Association are punished, rather than of revealing the material truth.

Formerly, the presiding judge Akın Gürlek acted as the judge of 2nd Criminal Court of Peace during the investigation and -later on- as the president of the 26th Court of Assize during the ongoing prosecution that was conducted about B.E., who has been shown as the basis of the allegations in the file. Meanwhile, he sentenced Canan Coşkun, a journalist who reported about B.E., to 2 years and 3 months in prison on the grounds that she "targeted the people who took charge in anti-terrorism".

This means that Akın Gürlek has expressed his opinions as to the evidence on trial from various positions.

Another dimension of this special assignment is the appointment of a judge who has been directly involved in the formation of the informant as the presiding judge during the trial. The attorneys of the defendant filed an application to the Board of Judges and Public Prosecutors on 15 March 2019 with their demand to have an investigation regarding the possible extraordinary contacts between Akın Gürlek and Can Tuncay, the public prosecutor of the investigation.

Rejecting the demands of the defendant attorneys without giving any justifications, Akın Gürlek

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identification after he is caught. The directory provisions that were claimed to be the basis for the practice were repealed in 2005.

<sup>7</sup> The judgement of HSK(Supreme council of judges and prosecutors) on 19/09/2018, number 1322.

glossed over the processes of taking the statements of the informants and numerous undue proceedings during the investigation.

Even the simplest demands such as asking about the current status of the digital materials that were not present in the file but nevertheless used as the basis of the ongoing imprisonment; or demanding the return of the digital materials after they are copied and having expert investigations on the digital material are rejected. This decision of the judge has openly violated the principle which says the verdict that underlies the criminal procedure should be given on the grounds of the evidence that is presented to the audience and discussed over.<sup>8</sup>

In his rejection decision, the judge relied on a digital report that was not in the file.

Since 3rd of December 2018, the judge kept deciding on the continuation of the detention based on a highly dubious record that does not constitute a digital report. This is a clear evidence of the judge's bias which establishes a ground for recusation.

The court ignored the interlocutory decisions that were made during the hearings that took place between 3-5 December 2018. Overriding the motions on the extension of inquiry and ignoring the demands, the court invited the public prosecutor to give his opinion as to the merits of the case and made it clear that it is going to reject all the demands about the proceedings and displayed its bias. The court's persistent invitations to the public prosecutor to deliver his opinions as to the merits led the public prosecutor to send a notification to the file which says "as part of the pre-decided division of labour, the opinion as to the merits will not be given by him".

As a reaction to that unlawfulness, the detained lawyers went on a hunger strike by 24th January 2019 (Day of Endangered Lawyers) with the demand of a "fair trial".

The opinions of the prosecution as to the merits of the case are presented on 21st of February 2019 by a public prosecutor who was not involved in the trial before. Obviously it is impossible for a public prosecutor who was not involved in the trial so far to be ready to give his opinions as to the merits of the case within one week.

During the hearing on 18th March 2019, presiding judge Akın Gürlek declared that he will not let the defence speak and then rejected all demands to extend the inquiry on the grounds that "all the evidence is collected during the investigation phase" which made the entire proceedings nonfunctional. The evaluations of the defense lawyers as to the evidence and their related demands, plus their demands about clarifying the proceedings of the investigation phase were rejected even before the evaluations began. The court also declared that it will not let the defence speak its demands afterwards and decided that "no demands about the extension of the inquiry will be collected during the hearing tomorrow.)

Presiding judge Akın Gürlek actively prevented the non-transparent and shady investigation process that he was involved as a judge of Criminal Court of Peace from being enlightened. He led the witnesses during the examination which produced completely fictitious witness statements.

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<sup>8</sup> The defendant should be notified about the presented evidence according to the CMK article 206/1 and it shall be rejected if the evidence is gathered unlawfully according to the CMK article 206/2- ( a )  
Accused and the defence lawyer should be given the opportunity to discuss the presented evidence according to CMK article 216/1.

The sentence can only be based on the presented and discussed evidence according to the CMK article 217/1 and the alleged offense could be proven by any kind of evidence that is collected lawfully according to the 2nd paragraph of the same article.

On 19th March 2019, as the accused announced their recusation request, the presiding judge interrupted Selçuk Kozağaçlı's words as he was justifying the recusation. The detained defendants were forcibly taken out of the courtroom and it was decided that the defence lawyers should be taken out of the room. The defence lawyers are not received in the courtroom after the break and the doors were locked.

The court announced the verdict as to the merits of the case on 20th March 2019 hearing, in the absence of defence lawyers and detained defendants; without inviting the accused to make their defence or to say their last words.

Prison sentences by the Court:

- 18 years 9 months of prison service for Atty. Barkın Timtik
- 13 years 6 months of prison service for Atty. Özgür Yılmaz
- 13 years 6 months of prison service for Atty. Ebru Timtik
- 12 years of prison service for Atty. Behiç Aşcı
- 12 years of prison service for Atty. Şükriye Erden
- 10 years 15 months of prison service for Atty. Selçuk Kozağaçlı
- 10 years 6 months of prison service for Atty. Engin Gökoğlu
- 10 years 6 months of prison service for Atty. Aytaç Ünsal
- 10 years 6 months of prison service for Atty. Süleyman Gökten
- 9 years of prison service for Atty. Aycan Çiçek
- 9 years of prison service for Atty. Naciye Demir
- 7 years 12 months of prison service for Atty. Ezgi Çakır
- 3 years 9 months of prison service for Atty. Yağmur Ereren
- 3 years 9 months of prison service for Atty. Yaprak Türkmen
- 3 years 9 months of prison service for Atty. Didem Baydar Ünsal
- 3 years 9 months of prison service for Atty. Ayşegül Çağatay
- 2 years 13 months of prison service for Atty. Zehra Özdemir
- 2 years 13 months of prison service for Atty. Ahmet Mandacı

The detentions of the lawyers Selçuk Kozağaçlı, Barkın Timtik, Behiç Aşcı, Aycan Çiçek, Aytaç Ünsal and Engin Gökoğlu were continued. A home detention is sentenced for Ezgi Çakır who had not been detained, despite the fact that she has a 6 year-old daughter that she takes care of herself alone.

### **The other scandalous sentences by the presiding judge Akın Gürlek**

Below are some of the scandalous sentences passed by Akın Gürlek when he was the president of İstanbul 26th Court of Assize:

- 4 years 8 months of prison service for the co-president of HDP, Selahattin Demirtaş; 3 years 6 months of prison service for the former Ankara MP of HDP, Sırrı Süreyya Önder,
- The author İhsan Eliaçık has been sentenced to 6 years and 3 months of prison service without any remissions on the charges of “propaganda for an armed terrorist organization” just because he criticized some activities of the state security forces in his speech that he delivered in Democratic Islam Congress and his articles that were published in various websites in 2015 and 2016.

Below are some of the scandalous sentences passed by Akın Gürlek when he was the president of

İstanbul 37th Court of Assize:

- The president of Human Rights Foundation of Turkey Prof. Dr. Şebnem Korur Fincancı was sentenced to 2 years and 6 months of imprisonment on the grounds that she was making “propaganda of a terrorist organization” because she undersigned the declaration titled “We will not be a party to this crime”. And no remissions were made because of Fincancı’s “negative attitude and behaviour observed during the hearing” and of the fact that “she showed no signs of regret after committing the crime”.
- Prof. Dr. Gençay Gürsoy was sentenced to 2 years and 3 months of imprisonment after he was put on a trial on the charges of making “propaganda of a terrorist organization” because he undersigned the declaration titled “We will not be a party to this crime”. The justification for this higher punishment and lack of remission was presented as such: “considering as a whole that the defendant gave statements that are supporting the content of the declaration together with the Turkish Medical Association to which he has been presiding; his interview conducted on 15th January 2016 and published in t24.com.tr right after the declaration, the copies of which are in our file; his social media statements and tweets which support and own the declaration, the copies of which are in our file; the way the crime is committed; the position of the defendant during the time of offense; the impact of the offense on the population because the published declaration is backed by the Turkish Medical Association to which the defendant has been presiding; the defendant’s willingness to accept and stand by with the declaration; therefore the intensity of the defendant’s willfulness and the impact of the resulting danger...”
- Assist. Prof. Dr. Gülsün Güvenli was sentenced to 1 year and 3 months of imprisonment on the charges of making “propaganda of a terrorist organization” because she undersigned the declaration titled “We will not be party to this crime”. She was also imposed a judicial control which dictates that “the wife and family of Ahmet Çamur who was killed in Şemdinli town of Hakkari province after an armed attack by PKK in 15 August 2015 shall be visited by Güvenli to express her condolences.” The judicial control was lifted on 13.02.2019 after the public prosecutor objected the judicial control decision dated 12.02.2019 and the objection was sustained.

Below are some of the scandalous sentences passed by Akın Gürlek when he was serving as a judge in İstanbul Criminal Court of Peace:

- News Director of the Cumhuriyet newspaper website Oğuz Güven was issued an arrest warrant in 15.05.2017 after he sent and quickly deleted a tweet using the official Twitter account of cumhuriyet.com.tr.
- A book titled “Confidential: Turkey’s Secrets in Secret Documents” and numerous media reports were banned on 28.09.2017 after the request of Celalettin Güvenç, an AKP member of parliament from Kahramanmaraş. The book and the news reports were about a 15 year-old girl, S.Ö. who was raped by 84 people in Erzurum during Celalettin Güvenç’s office as the governor of the province and about the details of the way the lawsuit has been glossed over.

HUMAN RIGHTS COUNCIL - 40th Session

# HUMANITARIAN CRISIS IN VENEZUELA: propaganda vs reality



Tuesday 19 March 2019  
14.00 p.m - 15.00 p.m.

ROOM XXV

PALAIS DES NATIONS, GENEVA

(Spanish interpretation)

**MAX BLUMENTHAL**

Author and journalist, United States

**ANYA PARAMPIL**

Journalist, United States

**MARIA LUCRECIA HERNANDEZ**

SURES Director, Venezuela

**ALFRED DE ZAYAS**

Former UN Independent Expert on the Promotion of a Democratic and Equitable  
International Order

Moderator:

**MICÒL SAVIA**

IADL Permanent Representative to the UNOG

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*Side Event organized by the International Association of Democratic Lawyers  
(IADL)*



# Economic and Social Council

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## Commission on the Status of Women

### Sixty-third session

11–22 March 2019

Agenda item 3 (b)

**Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled “Women 2000: gender equality, development and peace for the twenty-first century”: emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men: women and girls of African descent**

### **Interactive dialogue on the focus area: women and girls of African descent**

#### **Chair’s summary**

1. On 14 March 2019, the Commission on the Status of Women held an interactive dialogue on the focus area on women and girls of African descent. The Vice-Chair of the Commission, Mauricio Carabalí Baquero (Colombia), made an introductory statement and chaired the dialogue. The following guest speakers made opening remarks: a member of the Working Group of Experts on People of African Descent, Dominique Day; the General Coordinator of the Afro-Latin American, Afro-Caribbean and Diaspora Women’s Network, Caren Paola Yañez; the Executive Coordinator of Instituto da Mulher Negra, Valdecir Nascimento; the Programme Manager of the European Union Agency for Fundamental Rights, Sami Nevala; and the Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), Phumzile Mlambo-Ngcuka. Ministers and high-level officials from six Member States contributed to the dialogue, as did one observer and a representative from a United Nations organization. Representatives from 10 non-governmental organizations also provided their views. The dialogue concluded with closing comments by the Vice-Chair.

#### **Key messages**

2. Participants stated that, compared with women and girls of other backgrounds, women and girls of African descent face added discrimination and disadvantage and are further behind as a result of multiple and intersecting forms of discrimination and historical legacies. In addition to the challenge of combating discrimination on the basis of race and gender, there is a need to eliminate resistance to efforts aimed at levelling the playing field for women and girls of African descent and to overcome



their marginalization in terms of participating in and benefiting from development, as well as to address their exposure to multiple and intersecting forms of discrimination, to disproportionate forms of harassment and violence, and their exclusion from economic and political opportunities.

3. Participants underlined the importance of legal, policy and institutional reforms, backed by evidence-based analysis on the situation of women and girls of African descent, including their role as agents of change. Such evidence was critical to support informed policymaking, targeted interventions and actions that ensure full access for women and girls of African descent to social services and the tracking and measurement of progress to strengthen accountability for results.

#### **Enhancing political participation, economic empowerment and access to social services for women of African descent**

4. Participants underscored that women and girls of African descent play significant roles in shaping various development agendas. However, they also continue to encounter barriers in their access to social protection and public services such as health care, housing, education and judicial services, as well as other public and private services. They are also marginalized in political and economic life.

5. Participants provided examples of good practice, including legislation that prohibits and penalizes discrimination against women and girls of African descent, action plans that promote the provision of and access to social and legal services, and temporary special measures and affirmative action that broaden opportunities and enhance access to positions and that would otherwise not be available to them owing to their circumstances.

6. Speakers also presented examples of measures to establish dedicated budgetary allocations and special funds for economic and cultural initiatives of relevance to women and girls of African descent and to foster intercultural dialogue alongside the creation of intercultural offices at state level. Participants highlighted the role of education and awareness-raising as important vehicles for empowering women and enhancing their political participation, and drew attention to the many examples of women and girls of African descent who are leaders and role models. Examples of the provision of health care, including for sexual and reproductive health care, were also provided.

7. Participants called for the systematic collection of data on women and girls of African descent to allow for an evidence-based review and analysis of their situation and as a contribution to the midterm review for the International Decade for People of African Descent (2015–2024). There were proposals on the effective use of 2020 census data to enhance data availability. A suggestion was also made for the United Nations to adopt an international declaration on people of African descent.

#### **Addressing the inequalities, discrimination and violence faced by women and girls of African descent**

8. Participants raised concerns about the fact that racism, racial discrimination, xenophobia and negative social norms and gender stereotypes produce unequal outcomes for women and girls of African descent. They highlighted that women and girls of African descent experience higher rates of sexual harassment and intimate partner violence, and are disproportionately affected, and stigmatized by, HIV/AIDS. Aggregated data often masked the disproportionate level of violence and sexual assault perpetrated against women and girls of African descent, including when perpetrated by public officials.

9. Participants noted some progress in addressing the discrimination and violence experienced by women and girls of African descent. Amendments to some national constitutions have paved the way for the recognition of equal rights for women and girls, including those of African descent. Sectoral policies, including national sustainable development, health and security policies, increasingly incorporate programmes to address violence against women of African descent and complement legislative frameworks. Participants also highlighted efforts to create platforms for women and girls of African descent from different countries to interact and engage in collective action to tackle discrimination and inequalities.

10. Participants stressed the need to accelerate action to effectively address, eliminate and prevent discrimination and violence against women and girls of African descent. They called for addressing racism through intergenerational dialogue, restoration projects and curriculum development. They also called for funding and capacity-building for statistics offices to enable the effective collection and analysis of data disaggregated by sex, age, ethnicity and other socioeconomic factors. Participants further underscored the importance of targeted funding for research on issues that matter to and have an impact on women and girls of African descent.

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## City of Joy

(by Madeleine Gavin, 2016, 74 min)

Monday, 4 March 2019 | 6:30 p.m.

Topkino, Rahlgasse 1, 1060 Vienna

Admission free | no bookings taken | admission is first come, first served | please come early

With Q&A  
session

To mark **International Women's Day**, the **United Nations Information Service (UNIS) Vienna**, in cooperation with the **UN Women National Committee Austria**, **this human world** film festival and **Topkino**, invites you to the Ciné-ONU Vienna screening of the movie **"City of Joy"**

### Panellists:

<b>Desirée Schweitzer</b>	President, UN Women National Committee Austria
<b>Maaïke van Adrichem</b>	Gender adviser, Organization for Security and Co-operation in Europe (OSCE)
<b>Jesper Samson</b>	Crime Research Section, United Nations Office on Drugs and Crime (UNODC)
<b>Doris Burtscher</b>	Medical Anthropologist & Qualitative Researcher, Evaluation Unit, Doctors Without Borders
<b>Martin Nesirky</b>	Director, United Nations Information Service (UNIS) Vienna, Moderator

This film follows the first class of students at a remarkable leadership center in the Eastern Democratic Republic of Congo, a region often referred to as "the worst place in the world to be a woman." These women have been through unspeakable violence spurred on by a 20-year war driven by colonialism and greed. In the film, they band together with the three founders of this center to find a way to create meaning in their lives even when all that was meaningful to them has long been stripped away. In this ultimately uplifting film, we witness the tremendous resilience as these women transform their devastation into powerful forms of leadership for their beloved country.

Watch the trailer: <https://www.youtube.com/watch?v=MNyOMGiyOY>



"Ciné-ONU Vienna" is part of a Europe-wide initiative of regular film screenings of UN related topics followed by podium discussions with invited guests who were part of the film making process or are experts in the topic covered by the film. The United Nations Information Service (UNIS) Vienna is honoured to have "Ciné-ONU Vienna" partner with *this human world* (THW) film festival and *Topkino* for the regular film screenings in Vienna.

For more information: [www.unis.unvienna.org/unis/events/cine-ONU-vienna.html](http://www.unis.unvienna.org/unis/events/cine-ONU-vienna.html)

If you would like to receive invitations for Ciné-ONU Vienna film screenings by email, please write to [unis@un.org](mailto:unis@un.org)

Please note the United Nations does not necessarily endorse the views and opinions expressed in films screened at Ciné-ONU events.

## “Rebuilding Trust in Leadership”

Trust in traditional forms of leadership has declined [1]. While addressing the UN General Assembly in September, UN Secretary-General Antonio Guterres emphasized that the world is “suffering from a bad case of trust deficit disorder”.

“Trust is at a breaking point. Trust in national institutions. Trust among states. Trust in the rules-based global order. Within countries, people are losing faith in political establishments, polarization is on the rise and populism is on the march” (Guterres, September 2018).

The general perception is that today’s challenges are not being properly, efficiently and most importantly: credibly addressed. The speed of information and (mis) information exchange has caused impatience and fear. There is a sense of urgency to take action to address global challenges – armed conflict, fake news, climate change, forced displacement, irregular migration flows, cyber threats, and extremism, among others.

Young generations demand participation and explanation. The world population is impatient for action. Purpose led leadership needs to be the new paradigm, in business as well as political leadership. Today’s leaders need to step up to the challenge, and change their path of power. They are not called to preserve the status quo. They are called to shape the future.

On the occasion of the sixty-third session of the Commission on the Status of Women (CSW), **Women Political Leaders (WPL), in cooperation with EY**, will host a high level panel discussion to address the pressing questions that may lead to greater stability and progress for all.

Suggested Discussion Questions:

- How can trust be restored in the leadership of the private, public and international organization sectors?
- How can good leadership be used to make more effective decisions? What type of incentives can be put into place?
- How can power and purpose be aligned?
- How can the public, private and civil society sectors increase participation and ownership of purpose to society?
- In this digital age, how can the private, public, international organisations use information technologies to increase transparency and accountability?
- What tools do business, CSOs and politicians have to advance decisions for the better so that power and purpose are aligned?

**Date & Time:** Monday 11th of March, 7.30am - 9.30am

**Place:** Westin Grand Central Hotel  
212 E 42nd St, New York, NY

**Participants:** around 50 participants, from business/politics/media/civil society

### Draft Agenda:

7.30-8.00 Coffee and Conversation

8.00-8.05 Welcome

- Hanna Birna Kristjánsdóttir, Chair of the Executive Board of WPL
- Kris Pederson, Americas Advisory Corporate Governance Leader at EY

8.05-8.10 Introductory Remarks

- Juliane Bogner-Strauß, Federal Minister for Women, Families and Youth of Austria

8.10-8.55 Panel Discussion

- Sue Allchurch, Chief of Outreach & Engagement at UN Global Compact
- Randi Davis, Director, Gender Team at UNDP
- Bineta Diop, Special Envoy on Women, Peace and Security of the African Union Commission
- Susan Myers, Senior Vice President at the UN Foundation
- Kris Pederson, Americas Advisory Corporate Governance Leader at EY

Chaired by: Hanna Birna Kristjánsdóttir, Chair of the Executive Board of WPL

8.55-9. 25 Q&A from the audience

9.25-9.30 Closing Remarks

- Kris Pederson, Americas Advisory Corporate Governance Leader at EY

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[1] Edelman Trust Barometer, Global Report Feb, 2018.