



# **DEVELOPMENT OF PRACTICE OF MEDIATION IN CRIMINAL JUSTICE SYSTEM OF TURKEY**

**(TRAINING OF TRAINERS PROGRAMME)**

***2-13 February 2009***  
***Plaza otel, Ankara***  
**(Bestekar Sok. No:5 Kavaklıdere)**

# PROGRAM

## First Day

- 09.00**                      **Opening**  
Homage  
The Turkish National Anthem
- 9.15.10.15**                **Presentations About the Process**
- Chairmen-Çetin ŞEN**  
Deputy General Director, General Directorate of Criminal Affairs,  
Ministry of Justice
- Presentation on the Needs Assessment Group Works and Findings of  
the Workshop*  
**Seyfullah ÇAKMAK**  
Judge, General Directorate of Criminal Affairs, Ministry of Justice
- Mediation within the scope of substantive law and the expectations -  
The implementation of the VOM process and the importance of its  
sustainability for Turkey, the expectations from the candidate  
trainees*  
**Prof. Dr. Adem SÖZÜER**  
İstanbul University, Faculty of Law
- Law on VOM and the process for functioning the secondary  
legislation and its stages, challenges, the need for such an institution  
and the expectations from the candidate trainees*  
**Prof. Dr. Cumhuri ŞAHİN**  
Deputy Rector, Gazi University
- Presentation About the Current Project*  
**Dr. Leyla ŞEN**  
UNDP Democratic Governance Programme Manager
- 10.15-10.30**                **Coffee Break**
- 10.30-10.45**                **Review of the Training Session Agenda**  
**Alenka MEZNAR- Andrejs BERZINS**
- 10.45-11.45**                **MODUL 1 – Exploring Alternate Approaches to a Sample Case**  
Participants will be presented with a sample case by the Facilitator and  
divided into groups to consider how to best handle it. They will discuss  
the various alternatives in a plenary session.

11.45-13.00

**MODUL 2 – Restorative Justice – Mediation as an Option**

**Mediation in criminal cases within the scope of restorative justice**  
*(The theory and principles of restorative justice, definition of several concepts, the history of mediation in criminal justice and its cultural background)*

**Dr. Ekrem ÇETİNTÜRK**

Judge, General Directorate of Laws, Ministry of Justice

**Other Country Experiences With Regard to the Implementation of the VOM Process** *(VOM Models in Different Countries, types of cases that solved through VOM and the mediators)*

**Alenka MEZNAR- Andrejs BERZINS**

13.00-14.00

**Lunch**

14.00-14.30

**MODUL 3: Meet a Victim (and Offender)**

A Victim will talk about his/her own case and experiences with regard to VOM

*A real victim (and a real offender if available) tells the story of their own case What happened, how they felt during the mediation process, what the outcome of mediation in criminal matters meant to them. Participants should get some insight into the victim's (and offender's) perspective on mediation and become aware of the benefits of mediation for the people involved.*

14.30-15.30 **MODUL 4: The Legal Framework for VOM and its Practical Application**

*(The legal framework that governs the practice of VOM: international legal instruments, Turkish law, regulations, and administrative directives)*

**Assistant Professor. Mustafa Serdar ÖZBEK**

Başkent University Faculty of Law

**VOM Practices in Today's Turkey**

*(The practices of mediation in criminal disputes in Turkey and the relevant arrangements will be presented. Who are the mediators in Turkey and what types of challenges do they meet? Sample cases will be presented in this regard)*

**Attorney at Law. Seçkin ARIKAN**

**Head of ADR Center, Ankara Bar Association**

15.30-15.45

**Coffee Break**

**15.45-16.30 MODUL 4: The Legal Framework for VOM and its Practical Application**  
**Panel- *Review of the practical steps leading to VOM, addressing the legal issues and challenges involved***

**Mehmet Reşat KOPARAN-** Judge, Kayseri

**Enis Yavuz YILDIRIM-**Chief prosecutor, Hatay Province

**Hüsnü ALDEMİR-** Prosecutor, Of

*(A prosecutor and a judge who have experience with mediation in criminal matters tell how they use mediation, the steps that they follow and the legal issues connected with them. In particular they should address the areas that were identified as legal obstacles or challenges at the Needs Assessment Workshops held in June and November 2008 and suggest practical solutions within the context of the current law. This presentation can be done in the form of a dialogue between the prosecutor, judge, and the facilitator. The legal issues to be covered include the following: (i)The cases that are eligible for VOM according to the law of Turkey, (ii)The selection and referral procedures)*

**16.30-17.00 MODUL 5: Different Perspectives on the Benefits of VOM and How to Promote its Greater Use**

**Panel- *benefits of VOM and practical strategies for promoting its greater use in Turkey.***

**Osman Nuri GÜLER –**Chief Prosecutor, Tavşanlı

**Sabri USTA –** Judge, Manisa Province

*(A Turkish prosecutor, judge, and defense counsel who have used VOM, and the Facilitator, talk about their views on the benefits of this procedure for victims, offenders, the community, and the justice system. Examples of real cases in Turkey are given. International research findings, for example about greater victim satisfaction and the impact of VOM on crime reduction, are presented. The panel will then consider what strategies may be employed to increase the use of VOM in Turkey today. To make the discussions useful and productive, the panelists should not dwell on the need for legislative changes but discuss practical steps that may be taken within the confines of the current law in Turkey)*

17.00

**Closure**

**Overview: Alenka MEZNAR- Andrejs BERZINS**  
**A Voluntary Trainer**

## **Second Day:**

*(An expert Mediator Martina Mossmer / Michael Konigshofer tell participants how mediation works in practice, the process of mediation, basic skills of a mediator, how mediators are trained and supervised, how his/her mediation service is organized. Afterwards participants watch the performance of a real mediation, either on video or in a demonstration performed by professional mediators or actors. It is important to give them the opportunity to get a 'view behind the curtains'. The video must be in the participants' language and show the different steps of mediation)*

09.00-10.30 **MODUL 6: When and How to Offer Mediation to Victims and Offenders**  
*(The types of cases that are most suitable for VOM, how to approach the victims and offenders with the offer, the use of forms and information pamphlets.  
Session led by an expert mediator with Input from participants who have had experience with VOM in Turkey)*

10.30-10.45 **Coffee Break**

10.45-11.30 **MODUL 7: Preparing for Mediation**  
*.The participants will learn about the necessity of properly preparing the parties for VOM. They will learn about key decisions that must be made before the mediation*

11.30-12.45 **MODUL 8: Conducting the Mediation**  
*The presentation of a VOM process by the expert mediator  
Impartiality, confidentiality and other ethical principles for mediators*

12.45-13.45 **Lunch Break**

13.45-15.30 **MODUL 8: Conducting the Mediation**  
*The participants demonstrating the mediation process by roll playing*

15.30-15.45 **Coffee Break**

15.45-18.00 **MODUL 9: The Agreement**  
*The types of agreements that may be negotiated.  
Failed negotiations.  
The enforcement of agreements*

18.00-18.30 **MODÜL 10: Debriefing and closure**

Prof. Dr. Cumhuri ŞAHİN

ALENKA Meznar

Andrejs BERZINS

Assistant Professor Mustafa Serdar ÖZBEK

A Volunteer Trainer

*(A panel of the judge, the prosecutor and the mediator answer questions and problems from module 9 and discuss important issues. In the closing session a summary of the contents of the course will be given. It's desirable to have some concrete hints on how follow-up will be organized.)*

**18.30**

**Closure**