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## **Election of Judges to the European Court of Human Rights List and curricula vitae of candidates submitted by the Government of Turkey**

**Communication**

Secretary General of the Parliamentary Assembly



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## 1. List and curricula vitae of candidates submitted by the Government of Turkey

*Letter from Mr Erdoğan İřcan, Ambassador of Turkey to the Council of Europe, to Mr Wojciech Sawicki, Secretary General of the Parliamentary Assembly, dated 3 September 2018.*

[...]

In reference to your letter dated 20 April 2018, I would like to present the candidacy of Ms Esra Gül Dardađan Kibar for election as judge to the European Court of Human Rights in respect of Turkey. The CV of Ms Dardađan Kibar is at annex.

The candidacy of Ms Dardađan Kibar is submitted in addition to the candidacies of Mr Selami Kuran and Mr Necati Polat whose candidacies had been forwarded in my letter dated 13 March 2018.

[...]

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*Letter from Mr Erdoğan İřcan, Ambassador of Turkey to the Council of Europe, to Mr Wojciech Sawicki, Secretary General of the Parliamentary Assembly, dated 13 March 2018.*

[...]

In reference to your letter dated 21 October 2015 as well as 10 October 2017, I would like to submit the list of three candidates for election as judge to the European Court of Human Rights in respect of Turkey. The names of the candidates are indicated below (in alphabetical order):

- Mr Selami KURAN
- Ms Selma ÖZTÜRK PINAR
- Mr Necati POLAT

[...]

## 2. Information on national selection procedure for the position of a judge of the European Court of Human Rights

1. The election of the candidates for the position of judge at the European Court of Human Rights was commenced by the Turkish Government upon the receipt of the communication of the Secretary General of the Parliamentary Assembly of the Council of Europe, dated 21 October 2015. The whole procedure was jointly conducted by the Ministry of Foreign Affairs and the Ministry of Justice.

2. As the first list of candidates had been found unsuitable for the position by the Advisory Panel, the Government of the Republic of Turkey decided not to submit the first list to the Committee on the Election of Judges to the Court and to commence the second election procedure.

3. The second list of candidates which was submitted to the Advisory Panel had also been found unsuitable. However, the Government decided to submit the second list to the Committee on the Election of Judges to the Court. The candidates in the second list were not found qualified. For this reason, the Government decided to commence a new procedure.

4. As it had been the case with the first and second one, the procedure was initiated with a public announcement for candidates posted simultaneously on the websites of the Ministry of Foreign Affairs and the Ministry of Justice on 23 October 2017. Moreover, in order to raise awareness of potential candidates, the announcement was also sent to the Court of Cassation, the Supreme Administrative Court, the Constitutional Court, the Higher Education Institution and the Union of Turkish Bar Associations. The public announcement remained on the websites for 30 days. The applicants were requested to submit their documents until 23 November 2017. All process, including the relevant deadlines, was clearly mentioned in the announcement.

5. In accordance with the Resolution No. 1646 (2009) of the Parliamentary Assembly, the applicants are expected to meet the following criteria:

- to hold Turkish nationality
- to be of high moral character

- to be fluent in one of the official languages of the Council of Europe (English or French) (to be documented) and to have at least intermediate knowledge of the other language
- as of 27 December 2017, to be at least 35 years of age and no older than 60 years of age
- to be graduated from a faculty of law/faculty of political sciences or faculty of economics and administrative sciences which provides sufficient law courses in their curriculum/foreign faculties equivalence of which is recognised.
- to have knowledge of Turkish legal system and public international law
- not to engage in any activity incompatible with their independence or impartiality or with the demands of a full-time office as a judge at the European Court of Human Rights.
- to have studies on human rights
- not to have any convictions (recklessness offences are not included)
- not to have any health problems that might prevent candidate from performing his/her duties

**6.** In addition to the above-mentioned criteria, the applicants are also expected to have one of the following qualifications:

- to hold at least the academic title of associate professor for academic candidates
- to be of first class under the Law No. 2802 and to have spent three years as first class judge or prosecutor for judge or prosecutor candidates
- to be a member of a High Court
- to document that he/she has effectively worked in his/her profession for at least 15 years for attorneys
- for the remaining candidates; public officials shall have experience for at least 15 years in public institutions and those who are not public officials shall have at least 15 years of effective professional experience.

**7.** The applicants were asked to submit their curriculum vitae in one of the official languages of the Council of Europe.

**8.** In the prescribed period of 30 days for submission, a total of 32 applications were received. The Interview Committee reviewed the CVs of the applicants and decided not to call eight of them on the ground that they did not satisfy the criteria.

**9.** The applicants were interviewed by the Interview Committee composed of:

- Deputy Undersecretary of the Prime Ministry (Chairperson of the Committee)
- Deputy Undersecretary of the Ministry of Justice
- Deputy Undersecretary of the Ministry of Foreign Affairs
- General Secretary of the Court of Cassation
- General Secretary of the Council of State
- General Secretary of the Constitutional Court
- A member of the Council of Higher Education

**10.** All applicants were summoned for individual interviews that had been conducted on 13 December 2017, and all candidates attended.

**11.** Following the interviews, the Interview Committee agreed on a short list of ten candidates and these names were submitted to the Council of Ministers of Turkey in order to make the final decision. During the interviews, questions about the Court's case-law and its functioning were asked to all candidates both in Turkish and in a language that they stated they were fluent in. Interviews were made with each candidate for, on average, twenty minutes.

**12.** The Council of Ministers selected three candidates, namely Prof. Dr. Selami Kuran, Selma Öztürk Pınar and Prof. Dr. Necati Polat for this post in accordance with the Resolution No. 1646 (2009), from the short list submitted by the Interview Committee.

13. [...] The Government decided to submit the said list to the Committee on the Election of Judges to the Court.

14. It was officially notified to the Government by the Secretary General of the Parliamentary Assembly of the Council of Europe that the candidate Selma Öztürk Pınar withdrew from candidacy on 20 April 2018. Thereupon, the procedure was initiated with a public announcement for only female candidates posted simultaneously on the websites of the Ministry of Foreign Affairs and the Ministry of Justice on 20 April 2018. The public announcement remained on the websites for seven days. The applicants were requested to submit their documents until 27 April 2018. All process, including the relevant deadlines, was clearly mentioned in the announcement.

15. In the prescribed period of seven days for submission, a total of nine applications were received.

16. All applicants were summoned for individual interviews that had been conducted on 2 May 2018, and eight candidates attended.

17. Following the interviews, the Interview Committee (see § 9 above) agreed on a short list of three candidates and these names were submitted to the Council of Ministers of Turkey in order to make the final decision.

18. In addition to two previous male candidates (see § 12 above), the Council of Ministers selected a female candidate, namely Neslihan Karataş Durmuş, for this post in accordance with the Resolution No. 1646 (2009), from the short list submitted by the Interview Committee.

19. [...]

20. Subsequently, another candidate from the reserve list of candidates (see § 17 and § 18 above), Prof. Dr. Esra Gül Dardağan Kibar was found suitable by the Interview Committee for this post and submission of her name to the Advisory Panel was deemed appropriate by the President of the Republic<sup>1</sup>.

**Prof. Dr. Esra Gül Dardağan Kibar:** She has been working for the department of International Private Law in the Faculty of Political Sciences in Ankara University since 1991. She earned the title “Professor” in 2014. She interprets the law of aliens in terms of human rights. She has written many books and conducted studies in the field of international law. Especially, she worked on the subject of deportation from the perspective of human rights in her academic studies. She has directed many theses in the field of conflict of laws, international procedural law, law of aliens and European Union intellectual property law. Also she submitted declarations to national and international platforms in her field of expertise. Between 2014 and 2017, she was the head of the department of Political Sciences and Public Administration in the Faculty of Political Sciences in Ankara University. In addition to these, she published several articles and books on the international conflict of laws, law of aliens, and history of Turkish Law. She has also very intense knowledge on international human rights law and human rights perspective because of her teaching. Accordingly, it is clearly inferred that she is eligible for the post on account of the high level of her language skills and knowledge of international law and human rights.

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1. The Presidential System of Government was accepted in Turkey with a referendum dated 16 April 2017. With the Presidential and 27th Parliamentary General Elections made on 24 June 2018, the transition to the new government system was completed. In this context, references made to the “the Council of Ministers” was changed to refer to the “the President of the Republic” pursuant to the Decree Law no. 703 issued within the scope of transition since “the Council of Ministers” was removed in the Presidential System of Government.

## Appendix 1 – Esra Gül DARDAĞAN KİBAR

### CURRICULUM VITAE

#### I. Personal details

Name, forename: Dardağan Kibar, Esra Gül

Sex: Female

Date and place of birth: 9 October 1967, Ankara

Nationality: Turkish

#### II. Education and academic and other qualifications

##### a. Education

Institution [Date from – Date to]	Degree(s) or Diploma(s) obtained:
Ankara University, Faculty of Law [1986-1990]	Licence
Ankara University, Graduate School of Social Sciences [1991-1993]	Master
Ankara University, Graduate School of Social Sciences [1993-1999]	PhD

##### b. Academic/ Professional Qualifications

Institution [Date from – Date to]	Academic/ Professional Qualification
Ankara University, Faculty of Political Sciences [1991-1999]	Research Assistant
Ankara University, Faculty of Political Sciences [1999-2000]	Research Assistant, PhD
Ankara University, Faculty of Political Sciences [2000-2002]	Lecturer, PhD
Ankara University, Faculty of Political Sciences [2002-2008]	Assistant Professor
Inter-Universities Council, 25.12.2006	Title of Associate Professorship (Habilitation)
Ankara University, Faculty of Political Sciences [2008-2014]	Associate Professor
Ankara University, Faculty of Political Sciences [2014-]	Professor

#### III. Relevant professional activities

##### a. Description of judicial activities

Expertise in civil lawsuits in the field of Private International Law.

##### b. Description of non-judicial legal activities

I am teaching Private International Law in under-graduate and graduate program. I taught also Introduction to Turkish Law between 2003 and 2016 in under-graduate program. Some of my published books and articles in the field of Private International Law and History of Turkish Law are below mentioned. I have supervised many

theses at graduate level in the field of Conflict of Laws, International Civil Procedure, Status of Aliens and European Intellectual Property Law. I have submitted papers in national and international symposiums on subjects falling into my research area.

*c. Description of non-legal professional activities*

None

**IV. Activities and experience in the field of human rights**

I am teaching the topic of Status of Aliens in the sphere of Private International Law in human rights perspective. Some of my articles and researches on the mentioned topic are also prepared in this perspective, particularly those concerning deportation.

**V. Public activities**

*a. Public office*

- Professorship of Private International Law in the Faculty of Political Sciences, Ankara University since 2014
- Chair of the Department of Political Sciences and Public Administration, Faculty of Political Sciences-Ankara University (2014-2017)

*b. Elected posts*

None

*c. Posts held in a political party or movement*

None

**VI. Other activities**

*a. Field*

Intellectual Property

*b. Duration*

2013-nowadays

*c. Functions*

Membership of Central Board of the Intellectual and Industrial Rights Research and Application Center (FISAUM), Ankara University.

**VII. Publications and other works**

Selected Publications

Books/ Authorship of Chapters in Edited Book

- Aybay, R. ve Dardağan, E., Uluslararası Düzeyde Yasaların Çatışması (International Conflict of Laws), B.2 (2nd ed.), İstanbul Bilgi Üniversitesi Yayınları, İstanbul 2008.
- Aybay, R. ve Dardağan Kibar, E., Yabancılar Hukuku (Law of Aliens), B.3 (3rd ed.), İstanbul Bilgi Üniversitesi Yayınları, İstanbul 2010.
- Dardağan, E., Fikir ve Sanat Eserleri Üzerindeki Haklardan Doğan Kanunlar İntilâfı (Conflict of Laws in Copyright), Betik Yayınları, Ankara 2000. (PhD thesis)

- Dardağan Kibar, E.: «L'impact des instruments juridiques relatifs à l'association entre l'Union européenne et la Turquie sur la condition des étrangers en Turquie», La Turquie et l'Europe: Une évolution en interaction, Sous la direction de Samim Akgönül et Beril Dedeoğlu, L'Harmattan, 2013, 87-106.
- Dardağan, E., Yaşayan Lozan (Living Lausanne) (ed. Çağrı Erhan), Ankara 2003, Kültür ve Turizm Bakanlığı Yayınları, 503-724, 833-838, 840-848 (co-authorship).

(5 books and 5 authorship of book chapters in total)

#### Articles

- Dardağan Kibar, E., “Régime juridique et contentieux administratif de l'expulsion des étrangers: Le cas turc”, *Prof. Dr. Tuğrul Arat'a Armağan* (Mélange pour l'honneur de Prof. Tuğrul Arat), Seçkin Yayınları, Ankara 2012, 721-748.
- Aydıngün, İ. ve Dardağan, E., “Rethinking the Jewish Communal Apartment in the Ottoman Communal Building”, *Middle Eastern Studies*, Vol. 42, No.2, 319-334 (March 2006).
- Dardağan Kibar, E., “Quelques remarques sur le rattachement objectif en matière contractuelle selon la nouvelle loi relative au droit international privé et à la procédure civile internationale turque”, *Ankara Law Review*, Special Issue, 39-81 (2012).
- Dardağan Kibar, E.: “An Overview and Discussion of the New Turkish Law on Foreigners and International Protection”, *Perceptions*, Vol.18, No.3, 109-128 (2013).
- Dardağan Kibar, E., “Yabancılar ve Uluslararası Koruma Kanunu Tasarısında ve Başlıca Avrupa Birliği Düzenlemelerinde Yabancıların Sınır Dışı Edilmelerine İlişkin Kurallar: Bir Karşılaştırma Denemesi” (Regulations Concerning Deportation of Foreigners in the Project of Law on Foreigners and International Protection and European Union Legal Instruments: An Essay of Comparison), *Ankara Avrupa Çalışmaları Dergisi*, Vol.11, No.2, 53-74 (2012).

#### VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language:									
– Turkish	X			X			X		
b. Official languages:									
– English	X				X			X	
– French	X			X			X		

**IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.**

#### X. Other relevant information

Membership of UNESCO International Agreements Committee in Turkish National Commission for UNESCO (2007-)

**XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court**

I will take up permanent residence in Strasbourg if elected a judge on the Court.

## Appendix 2 – Selami KURAN

### CURRICULUM VITAE

#### I. Personal details

Name, forename: Kuran, Selami

Sex: male

Date and place of birth: 5 December 1962, Viransehir

Nationality: Turkish

#### II. Education and academic and other qualifications

- Bachelor: Switzerland, University of Zurich, Faculty of Law
- Master: Switzerland, University of Zurich, Faculty of Law (1987)
- Doctorate: Switzerland, University of Zurich, Faculty of Law (1990)
- European Union Law Studies: England, University of London (1994-European Union Jean Monnet Scholarship)
- Assoc. Prof.: Turkey, Marmara University, Faculty of Law (2001)
- Professor: Turkey, Marmara University, Faculty of Law (2007)

#### III. Relevant professional activities

##### a. Description of judicial activities

- 1994–ongoing – Member of Istanbul Bar Association (Attorney at Law).

Providing legal services as a consultant before the Turkish courts regarding the issues such as freedom of expression, right to fair trial, protection of properties and other fundamental rights and freedoms.

##### b. Description of non-judicial legal activities

- 1999–2002 – Giving consultancy service to the Foreign Ministry of the Republic of Turkey regarding the European Union-Turkey relations from the perspectives of international law and European Union law.
- 2003–2004 – Giving consultancy service to the Foreign Ministry of the Republic of Turkey regarding the Annan Plan for Cyprus.

##### c. Description of non-legal professional activities

- Founding Member of the Deutsch-Türkische Juristenvereinigung
- Member of the Deutsch-Türkische Industrie- und Handelskammer
- Member of the Turkish-German Businessman Association

#### IV. Activities and experience in the field of human rights

- 1996–1998 – Assistance to the Turkish Government Agent (Professor Aslan GUNDUZ) before the European Court of Human Rights.
- 1998–2000 – Marmara University, Principal of the Center of Human Rights.
- Topics of the Conferences and Seminars Organised by the Marmara University Center of Human Rights: ECHR and Turkish Constitution, Jurisprudence of ECtHR and Turkish Judicial System, Fundamental Rights and Freedoms under the Turkish Constitution and ECHR, Acceptance of the Compulsory Jurisdiction of ECtHR by the Turkish Republic.

- Participation of various conferences, panels, and seminars as a speaker concerning “Constitutional Rights and ECHR”, “European Union Law”, and “Public International Law.”

## V. Public activities

### a. Public office

- 1992–ongoing – Marmara University, Faculty of Law Academic Fellow
- 1993–ongoing – Marmara University, European (Community) Union Institute
- 1996–1998 – Marmara University, Faculty of Law, Member of Board of Management
- 1998–2000 – Marmara University, Principal of the Center of Human Rights
- 2006–ongoing – Marmara University, Faculty of Law, Head of Law of the Sea Department
- 2009–ongoing – Marmara University, European Union Institute, Member of Board of Management
- 2009–ongoing – Marmara University, European Union Institute, Head of European Union Law Department
- 2010–ongoing – Marmara University, Faculty of Law, Head of International Law Department
- 2012–ongoing – Marmara University, Faculty of Law, Head of Public Law Section

## VI. Other activities

### a. Field

My teaching experiences consist of branches of the public international law and European Union law for 25 years (10 years as a professor) including various lectures in bachelor, master and doctoral levels at Faculty of Law and Institute of European Union.

### b. Duration

25 years (10 years as a professor)

### c. Functions

As a “public international law” and “European Union law” professor I give various lectures which can be counted as follows:

Bachelor Lectures:

- Public International Law, European Union Law, and Law of the Sea

Master and Doctorate Lectures:

- International Legal Problems of Turkey (That lecture includes such topics as; European Union-Turkey Relations, International Terrorism, International Human Rights, Turkey-ECtHR Relations, The Problems of Refugees, The Legal Status of Ecumenical Patriarchate, The Cyprus Conflict, 1915 Armenian Incidents, The Problems of Minorities and many others)
- Legal Aspects of Internal Market (European Union Law) – Legal Regime of the Maritime Areas (Law of the Sea)

Prominent theses which have been accepted under my supervision, among others as follows:

- ABDULKADİR GÜLÇÜR, 2017 LL.M., Uluslararası Deniz Hukuku Mahkemesinin Yapısı ve Yargı Yetkisi (*The composition and the jurisdiction of the International Tribunal for the Law of the Sea*)
- MEHMET SİRAÇ SEZER, 2016 LL.M., Silahlı çatışmaların uluslararası andlaşmalar üzerindeki etkisi (*Effect of armed conflicts on international treaties*)
- ELİF KADIOĞLU, 2016 LL.M., Ege Denizi'nde kıta sahanlığı uyuşmazlığının Uluslararası Adalet Divanı'nın güncel kararları ışığında değerlendirilmesi (*The assesment of Aegean continental shelf dispute within recent judgements of the International Court of Justice*)

- HANDE GÜR, 2016 LL.M., Devlet-dışı aktörlere karşı meşru savunmada 'İsteksiz veya Aciz' doktrini (*The 'Unwilling or Unable' doctrine of self-defense against non-state actors*)
- SERCAN REÇBER, 2015 Ph.D., İnsancıl müdahale ve koruma sorumluluğu (*Humanitarian intervention and responsibility to protect*)
- FİRDES ŞEYDA TÜRKAY, 2013 LL.M, Devletin askeri faaliyetlerinde yargı bağıışıklığı (*Jurisdictiona and immunity in military operations*)
- SELMAN ÖĞÜT, 2013 Ph.D., 21. Yüzyılda Uluslararası Hukuk Çerçevesinde Birleşmiş Milletler Güvenlik Konseyi'nin Yeniden Yapılandırılması (*Restructuring of United Nations Security Council In Terms of International Law in the 21st Century*)
- MEHMET AKİF POROY, 2011 Ph.D., Avrupa Birliğı Hukukunda Lizbon Antlaşması'nın getirdiğı yapısal değışiklikler ve genişleme sürecine etkisi (*The Lisbon Treatys' aspects to the European Union Institutions and to the enlargement in the framework of the European Union Law*)
- HAKAN SELİM CANCA, 2011 Ph.D., Denizde işlenen suçlar (*Crimes committed at sea*)
- MUHAMMET NEDİM BEKRİ, 2010 Ph.D, Suçta ve cezada kanunilik ilkesi ve ilkenin Türk Hukukundaki uygulaması (Principle of legality in crime and punishment and the implementation of the principle in Turkish Law)
- İSMAİL PAMUK, 2010 Ph.D., Uluslararası Hukukta yeni bir kavram olarak uluslararası yönetimler (*International administrations as a newconcept in International Law*)

## VII. Publications and other works

Among over than fifty publications, my prominent studies may enumerate as follows:

- Uluslararası Hukuk Temel Metinler, (*Basic Documents in International Law*) Beta Publishing, 3rd Edition, Istanbul 2014.
- Uluslararası Deniz Hukuku, (*International Law of the Sea*) Beta Publishing, 5th Edition, Istanbul 2016.
- Ceza Muhakemesinde Geçerli Olan İlkelerdeki Fonksiyon Değışimi, (*The Shift of Functions in the Applicable Principles of the Criminal Procedure*) Translated from: Prof. Dr.h.c. Albin Eser, Fakultatis Demica Anneversaria, 10th International Symposium of Juvenile Delinquency, Marmara University, Faculty of Law Publishing, No. 441, Istanbul 1993, pp. 19-56.
- Ege Denizi Kıta Sahaneliğinin Sınırlandırılması Sorunu, (*Delimitation Problem of Aegean Sea*) Liber Amicorum to Prof. Dr. Selahattin Sulhi Tekinay, Marmara University, Faculty of Law Publishing, 1999, pp. 426-451
- Uluslararası Hukukta Kendi Kaderini Tayin Hakkı (*Self-Determination in International Law*), Marmara University, Faculty of Law Argumentum Journal 1999-2000, Vol. 58, pp. 489-493.
- 3 Ekim 2005 Tarihli Müzakere Çerçeve Belgesinin Uluslararası Hukuk ve AB Hukuku Açısından Değerlendirilmesi (*Evaluation of the Negotiating Framework Document dated on 3 October 2005 in terms of International Law and European Union Law*), Presentation in the Panel of Turkey's Recent International Problems).
- Savaş Gemilerinin Dokunulmazlığı ve Yargı Bağıışıklığı (*The Immunities and Privileges of the Warships*), Istanbul University Faculty of Law, Public International Law and Private International Law Journal, Vol. 1-2 2005/2006.
- Devlet-Dışı Aktörlere Karşı Meşru Müdafaada "İsteksiz veya Aciz" Doktrini: Suriye ve DAES Örneğı (*The "Unwilling or Unable" Doctrine of Self-Defense against Non-State Actors: The Example of Syria and ISIS*), (co-author with Hande Gür) Marmara University, Journal of Law Researches, Vol. 23, 2017.
- Silahlı Çatışmalarda Kültürel Varlıkların Korunması Hukuki Rejiminde Bir İstisna Olarak "Askeri Gereklilik": Antlaşmalarla Getirilen Düzenlemeler (*"Military Necessity" as an Exception in the Legal Regime of Protecting Cultural Assets in Armed Conflicts: Arrangements Made with the Treaties*), (co-author with Şeyda Türkay Kahraman), Marmara University, Journal of Law Researches, Vol. 23, 2017.

**VIII. Languages**

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
<b>a. First language:</b>									
- Turkish	X			X			X		
<b>b. Official languages:</b>									
- English	X			X			X		
- French			X			X			X
<b>c. Other languages:</b>									
- German	X			X			X		

**IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.**

I confirm that, in case of I am elected as a judge of the Court and if I would not meet the language proficiency in French, I will intent to follow intensive language classes for French.

**X. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.**

I confirm that, in case of I am elected as a judge of the Court, I will take up my permanent residence to the Strasbourg.

## Appendix 3 – Necati POLAT

### CURRICULUM VITAE<sup>2</sup>

#### I. Personal details

Name, forename: Polat, Necati

Sex: male

Date and place of birth: 27 June 1963, Elazig (Turkey)

Nationality: Turkish

#### II. Education and academic and other qualifications

- PhD in law: Nottingham University, England (1989-1994).
- Postgraduate work in constitutional law and in political science at Gazi University (Ankara), and Middle East Technical University (Ankara), respectively (1986-1989).
- Apprentice lawyer in Istanbul (1985-1986).
- Undergraduate education: Istanbul University Faculty of Law, Istanbul (1981-1985).

#### III. Relevant professional activities

1. An established legal scholar and (as I would like to think) an internationally recognised jurisconsult, I am currently **Professor of Public International Law at the Dept. of International Relations, Middle East Technical University (METU)**, Ankara, since 2006. My area of specialisation is international human rights law. METU, where the medium of instruction is English, is one of the top universities in Turkey. It has a long-enduring cosmopolitan ethos in teaching and research and in the profiles of its teaching staff and students. I am fairly well published internationally, with many academic pieces in prestigious international journals (see Section VII below) and several books published by reputable academic publishers, such as the Edinburgh University Press, Routledge, and the international law specialists Transnational (now part of Brill).

2. Having taught various courses of public international law for over 23 years, I have intimate knowledge of the area. I have authored several Turkish-language textbooks in international law and in human rights as a sub-discipline. *Bir Kuram Olarak Uluslararası Hukuk (International Law as Theory)*, which came out in 1999, is an undergraduate textbook at many Turkish universities. In human rights, I am the co-author of the books *Insan Haklari ve Demokrasi El Kitabı [A Handbook of Human Rights and Democracy]* (1998) and *Herkes İçin İnsan Haklari ve Demokrasi [Human Rights and Democracy Simplified]* (2004).

3. I have expert knowledge of the national legal system in Turkey, with emphasis on rights and the constitutional function of the state. Before my PhD work, I was a research assistant in constitutional law for three years. On my postgraduate course “Turkey and the European Court of Human Rights (ECtHR),” students are guided to study and research the relevant legal issues, especially in the Turkish penal law, before we go in class through the specific ECtHR case files picked for the week, with Turkey as the respondent state. My book, *Regime Change in Contemporary Turkey: Politics, Rights, Mimesis*, is centred on specific problems in the national legal system in Turkey, especially the poor implementation of the basic rights in the Convention law.

4. I would like to think that I have some aptitude for judicial interpretation of the law, especially the interpretation of treaties. My PhD thesis is on the interpretation of formal legal instruments in individual cases, and the attendant problems of adjudication: *Interpreting the Law: a Reassessment of the Dichotomy between the Law and its Readings*. It was through my work on treaties, such as the Convention, that I became interested in public international law, subsequently devoting most of my academic work to it.

5. Having worked as an evaluator on the European Union 6th and 7th Framework Programmes, Brussels, I have some ability to work as part of a team at international level. I taught the Convention law at the University of Southern Denmark (2010-2011), where I was, again, part of an international academic team.

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2. Text in bold indicates posts or missions held at present.

6. I would like to think that I have been not only independent in my work over decades, but also impartial. My aforementioned book *Regime Change in Contemporary Turkey* (especially Part II) is an objective assessment of the human rights practices in Turkey in the light of the Convention law, not at all shy, at some personal peril perhaps, of strong criticisms of the political rule.

7. Finally, I am proficient in English, with near-native mastery, and have some knowledge of French.

#### **IV. Activities and experience in the field of human rights**

Developer and instructor at METU of several courses (1999-2017) centered on the European Convention on Human Rights, the Protocols, and the case law of the European Court of Human Rights, including the following courses:

International Human Rights Law

The European Regime of Human Rights

Turkey and the European Court of Human Rights

Human Rights Issues in Europe

Human Rights in Russia

Co-coordinator of the European Union and the Turkish Democracy Foundation project (1998-1999) on the Mainstreaming of Human Rights in the Turkish Education System.

Law and human rights expert (2011) on the Turkey Political Criteria Programme funded by the Danish Foreign Ministry, to review on terrain several human rights awareness and advocacy projects that involved the Turkish police, the Ministry of Interior bureaucrats, and several non-governmental organisations in various Turkish provinces, including Diyarbakir.

Human rights expert on the Council of Europe project Democratic Citizenship and Human Rights Education (2012), in coordination with the Turkish Ministry of Education.

Author of the above-mentioned book on Turkey's commitments to the Convention law and the actual state of human rights in the country, especially from 2013: *Regime Change in Contemporary Turkey: Politics, Rights, Mimesis* (Edinburgh University Press, 2016). The book also includes an assessment of the early performance of the Turkish Constitutional Court in its newly introduced function of settling human rights issues via individual applications. The rights treated to separate chapters and sections in the book include: freedom of expression, especially media independence; government control of internet access; social media restrictions; freedom of assembly and association; issues of free and democratic elections; hate crimes; discrimination; violence against women, the LGBTI rights, the ordeal of sex workers, dying prisoners, the right to life and the astonishing toll of workplace mortality.

Implementation of basic rights under the current structure and dynamics of world politics is a theme that runs throughout my book *International Relations, Meaning and Mimesis* (New York and London: Routledge, 2012).

Co-author of the following book on the state of rights in Turkey: *Human Rights in Turkey* (Ankara: Turkish Democracy Foundation, 1998).

#### **V. Public activities**

#### **VI. Other activities**

##### **Turkish Academy of Sciences lifetime member: 2012-**

Visiting Researcher, Università degli Studi di Firenze, Dipartimento di Teoria e Storia del Diritto, Florence, Italy (2012)

Visiting Professor, Institute of History, Centre for Contemporary Middle East Studies, University of Southern Denmark, Odense (2010-2011)

Visiting Scholar at Edinburgh University, Scotland (2008)

Visiting Scholar at the Faculty of Oriental Studies, University of Cambridge, England (2003-2004)

Visiting Senior Research Fellow at Zentrum für Europäische Integrationsforschung, Rheinische Friedrich-Wilhelms-Universität, Bonn, Germany (2002)

Visiting Professor at the University of Kent (Darwin College), Canterbury, England (1995)

Visiting Research Fellow at the University of Tours, France (1990)

Many academic seminars, papers at academic conventions, and conference organisations outside Turkey, including those in the following countries: England, Scotland, Germany, France, Italy, Switzerland, the Netherlands, Belgium, Denmark, Sweden, and the United States of America.

Review of manuscripts for European Journal of International Law, European Journal of International Studies, Review of International Studies, Theory, Culture & Society, Millennium: Journal of International Studies, Alternatives: Global, Local, Political, International Political Sociology, Journal of Contemporary European Studies, Security Dialogue, Turkish Studies, Cyprus Review, Perceptions, Peace Building, Spectrum.

## VII. Publications and other works

I have four English-language books published so far (as cited in Sections III and IV above), and two other English-language books are currently in progress. My early book on legal issues of territory in Central Asia in the aftermath of the Soviet Union, including rights, the ethno-border and transboundary water disputes, *Boundary Issues in Central Asia* (New York: Transnational, 2002), is still the only book-length academic work on the theme and is generally regarded as authoritative.

I have five Turkish-language books. In addition to the ones cited above, the Turkish-language books include the following co-edited volumes: *Devlet, Sistem ve Kimlik: Uluslararası İlişkilerde Temel Yaklaşımlar >The State, the System, and Identity: Basic Approaches in International Relations>*, (Istanbul: İletişim, 2001); *Uluslararası İlişkilerde Catismadan Güvenliğe [From Conflict to Security in International Relations]* (Istanbul: Bilgi University Publications, 2012).

Many English-language articles published in the following academic periodicals (1994-2014):

Oxford Journal of Legal Studies

Law and Critique

International Journal for the Semiotics of Law

Social and Legal Studies

Government and Opposition

Peace Review: A Transnational Quarterly

International Affairs

European Journal of International Relations

Review of International Studies

Millennium: Journal of International Studies

Alternatives: Global, Local, Political

Internationale Politik

Mediterranean Politics

Insight Turkey

Social Text

Interventions: International Journal of Postcolonial Studies

**VIII. Languages**

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
<i>a.</i> First language:									
Turkish	X			X			X		
<i>b.</i> Official languages:									
– English	X			X			X		
– French			X			X			X

**IX. Note on languages**

My English is near native. As for French, I studied it in France many years ago (I enclose a certificate), but have since had little use for the French that I then picked up. As a result, presently my French is less than adequate. However, I am delighted to confirm my intention to resume French-language studies in any way possible if I am elected a judge on the Court.

**X. Other relevant information**

The scholarships, awards and prizes won include those by the Leverhulme Trust of the United Kingdom (2002-2005), the DAAD of Germany (2002), NATO (2000-2002), the HSFR of Sweden (1998-1999), the British Council (1995), the Turkish Ministry of Education (1989-1994), METU Outstanding Academic Achievement Awards (1999, 2011), the Turkish Academy of Sciences research award (2003-2004), and the academic publication awards of the Turkish TÜBİTAK (1994-2017).

h-Index (Google Scholar): 10

**XI. Note on permanent residence in Strasbourg**

I confirm that I will take up permanent residence in Strasbourg if elected a judge on the Court.