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AN INCLUSIVE, FULLY ACCOUNTABLE AND TRULY INDEPENDENT REGULATORY INSTITUTION

- Supreme Authority of Justice
 - Permanent Council of Justice
-

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Rationale

The system we are proposing focuses on the production of judicial services, and the “Supreme Authority of Justice” (also referred to as “SAoJ”) as an institution regulating service production lies at the center of this system. Just like the legislative and executive powers, we have designed the SAoJ to be self-governing. We have attempted to address any concerns that may arise regarding the independence of this important power. Based on Turkey’s experiences and complaints, we aim to provide a solution that is as sound and healthy as possible for the problems the current system faces. Thus, we have paid attention to complying with the requirements of management sciences on the one hand and democratic legitimacy on the other.

We give particular importance to the independence of the SAoJ; we have arranged the composition of the members in such a way that no individual, group or coalition would create internal or external dependencies and influence over the institution. We have developed a method of appointing members to the SAoJ that will represent all segments of society and ensure that it always remains independent from the legislative and executive powers. We envisage that the process of determining the members of the SAoJ will include a wide range of stakeholders in society in depth, and that the SAoJ should be pluralistic and financially autonomous.

Lastly, we have regulated the independence of the judiciary in such a way that this independence will extend to the entire judiciary, every organ and element, and that each

organ and element can protect and develop its own independence.

We have established membership representing all segments of society in such a way as to provide qualitative resources to the SAoJ to fulfill its functions. The institution will have membership of such number and quality that it can perform all its functions without the need for external human resources. Official and private institutions representing all segments of society will determine the qualified members of the institution from among those with merits. To ensure transparency and accountability, all decisions, including candidacy selections, nominations, elections and appointments, will be subject to judicial review. Membership of the SAoJ will be limited in duration, and measures have been taken to maintain institutional memory. Re-election is possible, but each member will be prohibited from serving for more than a certain period of time.

The duties and powers of the Ministry of Justice and the Council of Judges and Prosecutors will be transferred to the regulatory body and thus the restrictions on the independence of the judiciary will be removed.

The SAoJ’s functions focus mainly on determining Turkey’s legal, justice and judicial policies, priorities and principles, on providing judicial services, and on the procedures for the admission, advancement, discipline and dismissal of judicial professionals.

We envisage abolishing the pre-authorization of investigation of crimes allegedly committed by members of judi-

ary as well as public officials.

The regulating authority of the SAoJ will cover all kinds of legal services. The SAoJ will determine the legal, justice and judicial policies, preferences, and priorities of Turkey, as well as the standards of judicial services; and will take the necessary measures to develop all judicial professions individually and as a whole in line with the objectives to be determined. The SAoJ will undertake the duties and powers already given to the executive, namely the Ministry of Justice.

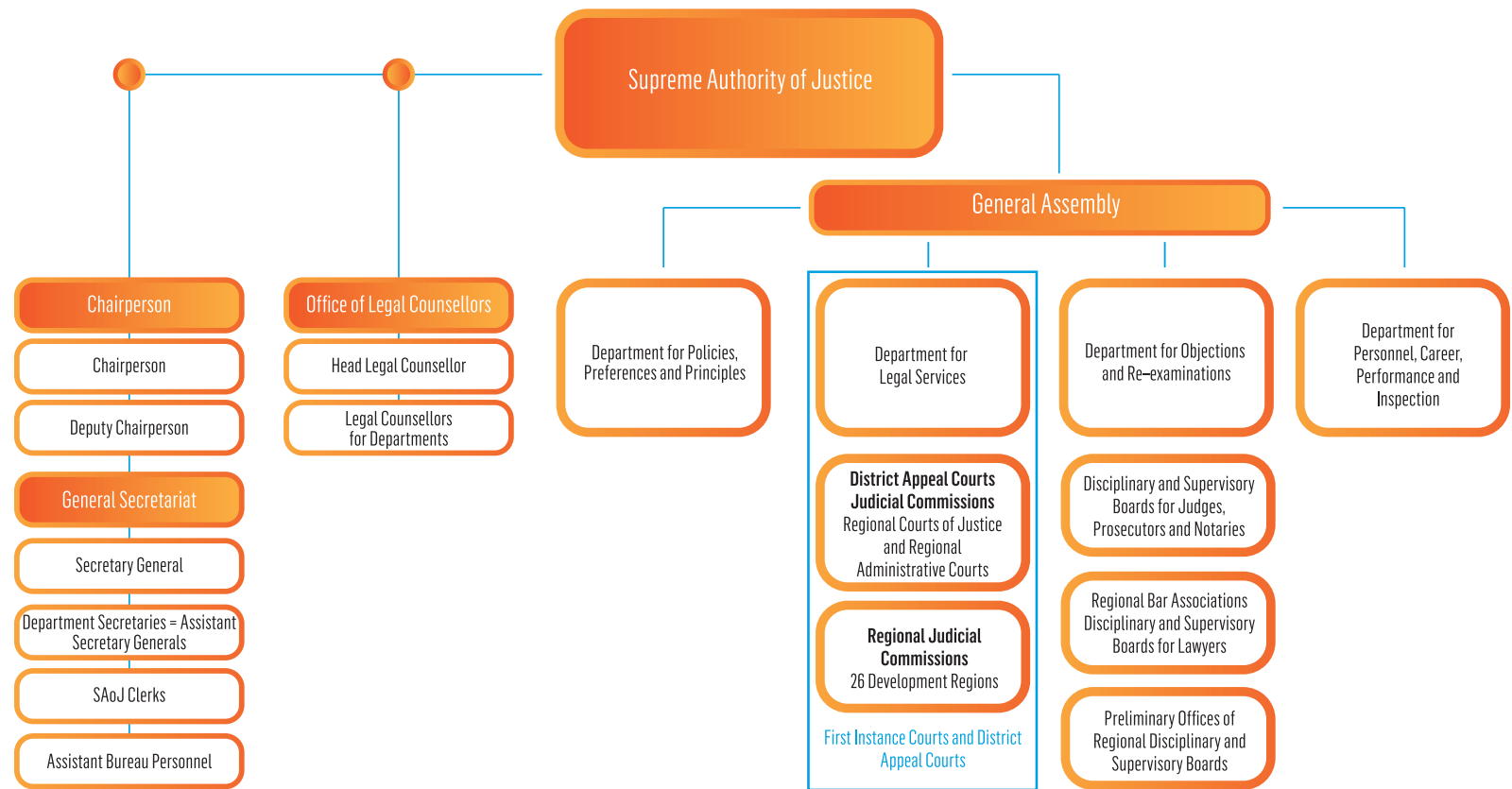
Our Permanent Council of Justice proposal aims to establish a consultation mechanism in line with Turkish state traditions and to bring all stakeholders together under an institutional roof every year to achieve justice. The Permanent Council of Justice will ensure regular meetings with judicial public officials, courts, and professional and civil society representatives, and thus will ensure that advisory decisions are taken to improve the law in accordance with the current needs and awareness is raised and continuously updated among the public, the SAoJ, professional associations and judicial service units.

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The Supreme Authority of Justice

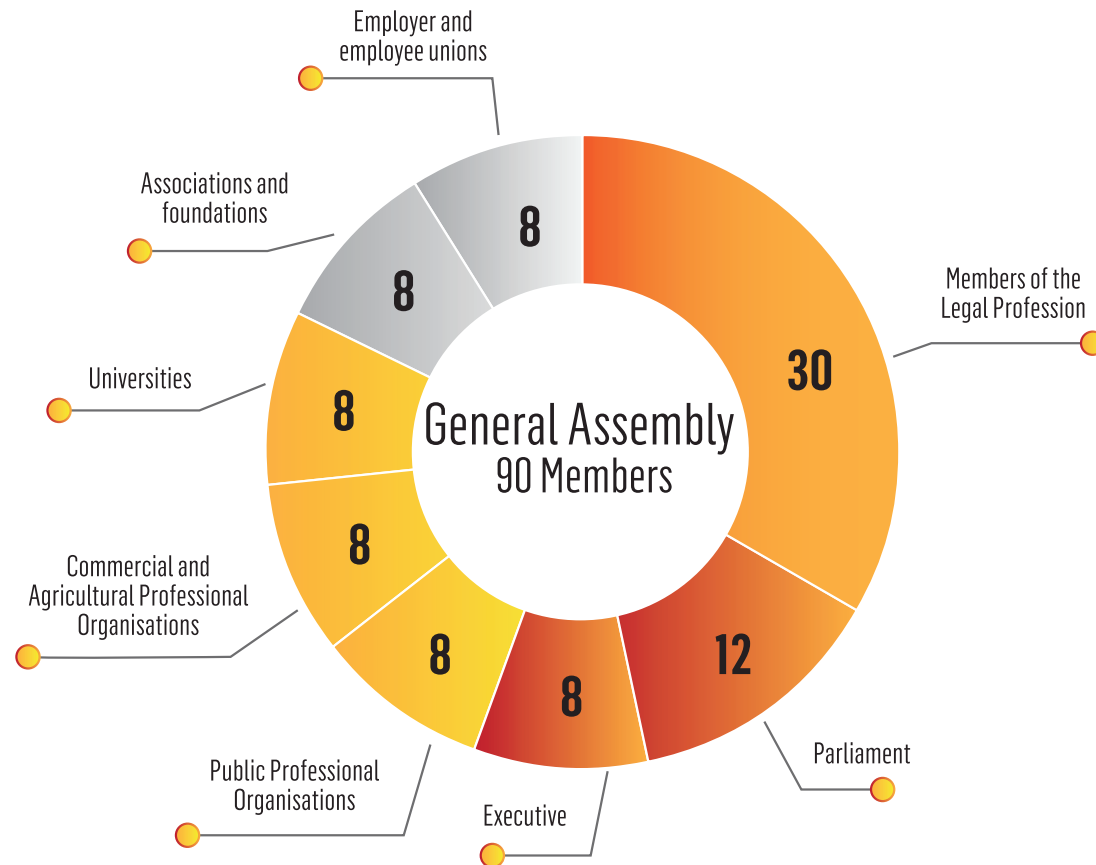
- 1- The judicial council will be transformed into a regulatory Authority.
- 2- The Authority's main objective will be to perform high-quality judicial services and create added value.
- 3- The Authority will be devised as a simple organization that is both transparent and accountable.
- 4- The Authority will be fully independent and self-governing.
- 5- The Authority will function as one general assembly and four separate departments.
- 6- The legal counsellors of the President and the departments will be independent in their legal opinions.
- 7- The Authority will comprise 90 members with different qualifications and disciplines, as necessitated by the Authority's functions.
- 8- Stakeholders from all segments of the society will elect the 90 members of the Authority from among competent candidates in a transparent and accountable manner.

Organization Chart of the Supreme Authority of Justice



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The Composition of the SAoJ General Assembly



- Regard has been given to fair representation of all segments of society, whereby the balance between civil and public institutions, and the individual and institutional establishments was protected.
- The aim is to ensure that all stakeholders have a say in and influence on the country's judicial services.

The Composition, Responsibilities and Authorities of the Supreme Authority of Justice

Supreme Authority of Justice (“SAoJ” or “Authority”): A judicial professional organization with an administrative legal personality that consists of qualified members elected to reflect the preferences of all segments of society, determining and ensuring the implementation of judicial policies in accordance with the needs of the country, carrying out its activities in accordance with democratic principles, and independently representing the independent judicial power of the state. It is a regulatory judicial institution hierarchically above the independent judicial professional associations.

The main objective of SAoJ: To ensure that the judiciary creates added value by providing high-quality judicial services to society. Accordingly, it makes or approves necessary regulations, actions and decisions to ensure the provision of those high-quality judicial services.

The responsibilities of the SAoJ include:

- Determining the needs and priorities of society with respect to judicial services;
- Establishing policies that are in accordance with the determined principles and priorities;
- Constructing judicial service units and distributing the workload among judicial members in a balanced manner;
- Developing sufficient competent judicial members, while ensuring their efficiency, competence, discipline and respectability;
- Guiding the legal professions and their service units to produce harmonious, cooperative, and efficient legal services;
- Determining a budget and resources to guarantee their appropriate distribution; and
- Ensuring transparency and accountability in all judicial institutions, professions and service units.

NOTES

The number of SAoJ Members, their Qualifications and Combinations

The number and qualifications of the SAoJ members have been determined in a way that ensures the availability of sufficient human resources for the functions of the Authority, and the reasonable and equitable representation of all segments of the society, and that prevents any of the represented stakeholders from having undue influence over the Authority on their own or by forming coalitions. The members of the Authority should be determined by stakeholders/institutions who have expertise on the qualitative competence of the candidates.

The main focus was to ensure that the Authority's functions were fulfilled in the best manner possible; subsequently, the optimal number of permanent and substitute members of the departments that could fulfil these functions was determined. Finally, the professional qualifications and expertise of the members were determined and the number of members, their qualifications and the institutions that would appoint them were accordingly established.

- Professional disciplines necessitated by the functions of the Authority and its departments: Judge, Prosecutor, Lawyer, Notary, Courthouse Staff, Professor of Constitutional and Administrative Law, Professor of Administrative and Political Sciences, Public Administration Specialist, Statistics – Economics Expert, Public Finance–Budget Specialist, Sociologist – Anthropologist, Education – Communications Faculty Member, Psychologist – Psychiatrist
- The total number of members, including the Chairperson and the Deputy Chairperson is 90.

- These 90 members will be elected by the parliament, executive, members of the legal professions, public professional associations, commercial professional associations as led by the Union of Chambers and Commodity (“TOBB”), universities, associations and foundations, and employer and employee unions, in a way that represents their interests but prevents duplicate representation.

The number of SAoJ members and qualifications are determined with the objective of providing the institution with sufficient number of people with the required skills and competence in various disciplines so as to enable the institution to perform its functions properly while ensuring that the whole of the society and all stakeholders are fairly represented in regulating the judiciary. In addition to legislative, executive and the judiciary itself other stakeholders such as commercial and agricultural professional associations, labor and employer unions, non-governmental organizations, foundations determine appropriate number of members.

The total number and composition of the SAoJ members has been determined in a manner that no groups or coalition can exert influence over the judiciary and judicial independence is truly safeguarded. The legislator and executive arms of the state may appoint less than a third of members and are a minority. Members of legal profession appoint slightly more members than the legislator and executive. However, they do not gain majority and are prevented from forming a judicial cast

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The Distribution of SAoJ Members to Departments in Accordance with their Qualifications

Professional Qualifications	Policy Dept.	Legal Services Dept.	Objections Dept.	Personnel Dept.	TOTAL
Judge	3	3	3	4	13
Prosecutor	3	3	3	4	13
Lawyer	3	3	3	4	13
Notary	2	1	1	1	5
Courthouse Staff	2	1	1	2	6
Professor of Constitutional Law	5	1	1		7
Professor of Administrative Law	3	1	1		5
Professor of Administrative and Political Sciences	4	1		1	6
Public Administration Specialist	3	1		1	5
Statistics – Economics Expert	2	1			3
Public Finance and Budget Specialist	2	2			4
Sociologist – Anthropologist	3				3
Education – Communications Faculty Member	3			2	5
Psychologist – Psychiatrist				2	2
TOTAL	38	18	13	21	90

The occupational disciplines of the SAoJ members are determined by considering the functions of the SAoJ Departments and distributed in an appropriate number to ensure effective and efficient operation.

For example, there are more members of the legal profession due to the nature of the work that will be undertaken in the Department for Objections and Re-Examinations.

There are enough members from each professional discipline for the Department for Policy, Preferences and Principles, which determines the needs and priorities of the country and the appropriate measures necessitated by such needs.

The Qualifications of the SAoJ Members and Their Distribution According to their Electing Stakeholders

In addition to the qualifications of the members to be sent by the stakeholders/sources, it is also taken into consideration that certain stakeholders may have better access to qualified members from certain disciplines.

For example, while members of the legal profession nominate the majority of judges, prosecutors, lawyers and courthouse staff, the universities nominate the majority of professors and faculty members.

	Judge	Prosecutor	Lawyer	Notary	Courthouse Staff	Constitutional Law Professor	Administrative Law Professor	Professor of Administrative and Political Sciences	Public Administration Specialist	Statistics-Economics Expert	Public Finance and Budget Specialist	Sociologist-Anthropologist	Education – Communications FM	Psychologist-Psychiatrist	TOTAL
Parliament	1	1	1	1	1	1	1	1	1	1	1		1		12
Executive / Regulatory and Supervisory Bodies						1	1	1	1	1	1	1	1		8
Members of the Legal Profession	8	8	8	1	4	1									30
Labor Unions	1	1	1			1	1	1	1				1		8
Associations and Foundations	1	1	1			1		1			1	1	1		8
Public Professional Organisations	1	1	1	1					1		1			2	8
Commercial and Agricultural Professional Organisations	1	1	1	1	1			1	1	1					8
Universities				1		2	2	1				1	1		8
TOTAL	13	13	13	5	6	7	5	6	5	3	4	3	5	2	90

NOTES

Members Elected by the Legislative Branch

Political parties with more than 20% of the votes determine six members, with three members for each majority party. The remaining six members are determined by the political parties, with 7.5% to 20% of the votes distributed equally among the minority parties. If the six members are not divisible by the number of parties, the remainder members are determined by the political parties with the most votes. For example, if there are four minority parties choosing six members, they will first choose the four members, and the two remainder members will be chosen by the two political parties that received the most votes during the latest general election.

Political parties nominate at least two candidates for each position before the SAoJ General Assembly election period. Sufficient candidates must be nominated, otherwise no candidate is deemed to have been nominated.

The General Assembly of the Parliament elects the members, starting from the candidates of the party that has the minimum votes. Meeting and decision quorums are not required for this election. No other elections are held for the qualified member elected. For example, if the eighth-ranked member is elected by the parliament from among the candidates to be nominated by the first party with the right to elect a single member, there will be no re-election for this position. With regard to those who have the right to choose more than one member, the members who receive the most votes are considered to have been elected.

		Parties by vote rates, from least to most votes				
		5 th Party	4 th Party	3 rd Party	2 nd Party	1 st Party
		2 members	2 members	2 members	3 members	3 members
		24 cand.	24 cand.	24 cand.	24 cand.	24 cand.
Professional Qualifications	No. of Members					
1- Judge	1		1			
2- Prosecutor	1			1		
3- Lawyer	1				1	
4- Notary	1					1
5- Courthouse Staff	1					1
6- Professor of Constitutional Law	1	1				
7- Professor of Administrative Law	1				1	
8- Professor of Administrative and Political Sciences	1		1			
9- Public Administration Specialist	1					1
10- Statistics–Economics Expert	1	1				
11- Public Finance and Budget Specialist	1				1	
12- Education – Communications Faculty	1			1		
TOTAL	12	1 st Election	2 nd Election	3 rd Election	4 th Election	5 th Election

Members Elected by the Executive Branch

As with the legislative branch, the importance of representation for the supervisory and regulatory bodies of the executive branch, which are closely related to the economic and social life of the country, has been recognized.

The supervisory and regulatory authorities determine eight candidates, one for each qualification, as per the table below. These lists are notified to the SAoJ.

The President of the country elects one member for each qualification from among the candidates approved by the SAoJ, according to the recommendation by the Minister of Justice. It is possible for one person to be nominated from different authorities.

Professional Qualifications	No. of members	SPK	RTÜK	RK	BDDK	BTK	EPDK	KİK	Kamu Gözetimi Muhasebe DSK	KVKK
Professor of Constitutional Law	1	1	1	1	1	1	1	1	1	1
Professor of Administrative Law	1	1	1	1	1	1	1	1	1	1
Prof. of Administrative and Political Sciences	1	1	1	1	1	1	1	1	1	1
Public Administration Specialist	1	1	1	1	1	1	1	1	1	1
Statistics–Economics Expert	1	1	1	1	1	1	1	1	1	1
Public Finance and Budget Specialist	1	1	1	1	1	1	1	1	1	1
Sociologist–Anthropologist	1	1	1	1	1	1	1	1	1	1
Education – Communications Faculty Member	1	1	1	1	1	1	1	1	1	1
TOTAL	8									

SPK: Capital Markets Board of Turkey **RTÜK:** Radio and Television Supreme Council **RK:** Competition Authority

BTK: Information and Communication Technologies Authority **EPDK:** Energy Market Regulatory Authority

KİK: Public Procurement Authority **KGK:** Public Oversight Accounting and Auditing Standards Authority

KVKK: Personal Data Protection Authority **BDDK:** Banking Regulation and Supervision Agency

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Members Elected by the Legal Profession

Balanced representation of the legal professions is crucial, as the Authority will regulate the services of those legal professions. As mentioned before, the number of legal professional members constitute a third of the General Assembly, which is high, but not high enough to take decisions on its own.

Lawyers elect eight lawyer members, judges elect eight judge members, prosecutors elect eight prosecutor members, notaries elect one notary member and one constitutional law professor member, and courthouse staff elect court courthouse staff members.

Before the election, candidates are mainly nominated by the legal professional associations' board of directors. Those who want to become members can also apply individually as independent candidates.

The list of members is reviewed by the SAoJ, and, at most, three times the number of candidates' names with the required qualifications are published. This is done on a first-come-first-served basis.

Professional Qualifications and their Member Source	No. of Members
Judges – elected by the judges	8
Prosecutors – by the prosecutors	8
Lawyers – by lawyers	8
Notaries – by the notaries	1
Constitutional Law Professor – by the notaries	1
Courthouse staff – by the courthouse staff	4
TOTAL	30

After that, the legal professions hold elections among themselves. Those who receive the most votes are elected as members.

Members Elected by the Public Professional Associations

The representation and election of members of the associations for healthcare workers, architects and engineers is also regulated. Taking into account their member numbers, the TMMOB is entitled to elect five members to the General Assembly, while the other public professional associations can elect three members.

The professional associations responsible in the fields of human/animal health will elect the two Psychologist–Psychiatrist members and one judge member, while the other five members will be elected by the TMMOB.

The TMMOB notifies SAoJ of the two candidates for each of the five positions. The TMMOB elects the five members from among the members approved by the SAoJ. Those who receive the most votes are elected.

The Board of Directors for each of the remaining public professional associations picks two candidates for each of the three positions. The associations gather to hold an election to elect the three members from among the members approved by the SAoJ. In the elections held separately for each expertise, the member with the most votes is elected.

Public Professional Organisations	No. of members
Turkish Medical Association (TTB)	83.000
Turkish Veterinary Medical Association (TVHB)	20.000
Turkish Dental Association (TDB)	22.681
Turkish Pharmacists' Association (TEB)	30.000
Union of Chambers of Turkish Engineers and Architects (TMMOB)	579.868
TOTAL	735.549

Professional Qualifications	No. of members
Judge	1
Prosecutor	1
Lawyer	1
Notary	1
Public Administration Specialist	1
Public Finance and Budget Specialist	1
Psychologist–Psychiatrist	2
TOTAL	8

NOTES

Members Elected by Other Commercial/Agricultural Associations

These associations will elect eight members.

Most of these associations, with the exception of the TESK and TÜRMOB, are also members of the chambers and commodity exchanges under the Union of Chambers and Commodity Exchanges of Turkey ("TOBB"). In order to prevent duplicate representation and to cultivate co-operation and conciliation, these associations are expected to determine their candidates. TOBB will then hold an election to determine the final members.

The central Board of Directors of each organization will determine two candidates for each position and send the list to the SAoJ, which will then approve the candidates fulfilling the qualifications requirement.

The central Board of Directors of the TOBB elects the members from among the final list of candidates.

Professional Qualifications	No. of members	Turkish Appraisers Association (TDUB)	Insurance Association of Turkey (TSB)	Turkish Capital Markets Association (TSPB)	Union of Turkish Agricultural Chambers (TZOB)	Confederation of Turkish Tradesmen and Craftsmen (TESK)	Union Of Chambers Of Certified Public Accountants of Turkey (TÜRMOB)
Judge	1	1	1	1	1	1	1
Prosecutor	1	1	1	1	1	1	1
Lawyer	1	1	1	1	1	1	1
Notary	1	1	1	1	1	1	1
Courthouse Staff	1	1	1	1	1	1	1
Professor of Administrative and Political Sciences	1	1	1	1	1	1	1
Public Administration Specialist	1	1	1	1	1	1	1
Statistics–Economics Expert	1	1	1	1	1	1	1
TOTAL	8	1	1	1	1	1	3

Members Elected by Universities

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The Council of Higher Education (YÖK) nominates two candidates for each position.

It is also possible for individuals to become independent candidates.

Accordingly, a maximum of five candidates is allowed for each position, on a first– come–first–served basis.

Candidates who are approved by the SAoJ are entered into the elections held for each professional qualification.

The university students elect the members from among the candidates. Those with the most votes are elected.

Professional Qualification	No. of Members
Notary	1
Professor of Constitutional Law	2
Professor of Administrative Law	2
Professor of Administrative and Political Sciences	1
Sociologist– Anthropologist	1
Education – Communications Faculty Member	1
TOTAL	8

NOTES

Members Elected by Associations and Foundations

Non-governmental organizations are represented in the Authority by a total of eight members.

- Public-benefit Associations elect three members: one Professor of Constitutional Law, one Professor of Administrative and Political Sciences, and one Judge.
- Public-benefit Foundations elect three members: one Public Finance and Budget Specialist, one Sociologist-Anthropologist, and one Prosecutor.
- Other sectoral associations that do not have public-benefit status elect two members: one Lawyer and one Education – Communications Faculty Member.

Each of the above sections determines, at most, twice the number of candidates and reports these to the SAoJ. It is also possible for individuals to apply as independent candidates on a first-come-first-served basis.

Professional Qualification	No. of Members
Judge	1
Prosecutor	1
Lawyer	1
Professor of Constitutional Law	1
Professor of Administrative and Political Sciences	1
Public Finance and Budget Specialist	1
Sociologist – Anthropologist	1
Education – Communications Faculty Member	1
TOTAL	8

The SAoJ approves, at most, three members for each position. A general assembly of presidents of each of the above sections elects the members from among the candidates approved by the SAoJ.

Members Elected by Employer and Employee Unions

Labor unions are represented in the Authority by a total of eight members.

Since Employer Unions are, in effect, already represented by the TOBB and other professional associations, two members will be elected by them, whereas Employee Unions will be represented by six members.

Public employees and private-sector employees were evaluated in two separate groups in the following manner:

- Public employee trade union confederations elect three members: one Judge, one Professor of Constitutional Law and one Public Administration Specialist
- Private employee trade union confederations elect three members: one Prosecutor, one Professor of Administrative Law and one Professor of Administrative and Political Sciences
- Employer union confederations elect two members: one Lawyer and one Education – Communications Faculty Member

Professional Qualifications	No. of Members
Judge	1
Prosecutor	1
Lawyer	1
Professor of Constitutional Law	1
Professor of Administrative Law	1
Professor of Administrative and Political Sciences	1
Public Administration Specialist	1
Education – Communications Faculty Member	1
TOTAL	8

In each segment, federations recommend as many members as the number of members they will elect.

It is also possible for individuals to apply as independent candidates on a first-come-first-served basis.

The SAoJ announces, at most, three times the number of candidates for each group. A general assembly of confederation presidents in each group elects members for their groups from among the approved candidates.

Department for Policies, Preferences and Principles

Formation:

Once the permanent and substitute members required for all Departments are elected, all of the remaining members form this Department. It consists of 38 members, including the Chairperson and the Deputy Chairperson. The remaining members are expected to include members with the qualifications specified in the table on the right. The total number may be slightly more or less in accordance with the rules of nomination.

There is no distinction between permanent and substitute members in this Department. All members are considered to be permanent members. The Chairperson and Deputy Chairperson of the General Assembly of the SAoJ also serve as the Head of Department and his/her assistant.

Professional Qualifications (Targeted)	No. of Members
Judge	3
Prosecutor	3
Lawyer	3
Notary	2
Courthouse Staff	2
Professor of Constitutional Law	5
Professor of Administrative Law	3
Professor of Administrative and Political Sciences	4
Public Administration Specialist	3
Statistics–Economics Expert	2
Public Finance and Budget Specialist	2
Sociologist–Anthropologist	3
Education–Communications Faculty Member	3
TOTAL	38

Responsibilities:

- Establishing, developing and publishing policies relating to judicial services, law and justice, in accordance with the needs of the country;
- Determining the principles, priorities, targets and deadlines within the framework of this policy;
- Determining and planning the resources, including the budget, as required within the framework of the policies, priorities and preferences;
- Establishing general principles and making recommendations on the establishment or abolition of courts, or the determination and change of jurisdictions.

Department for Legal Services

Formation:

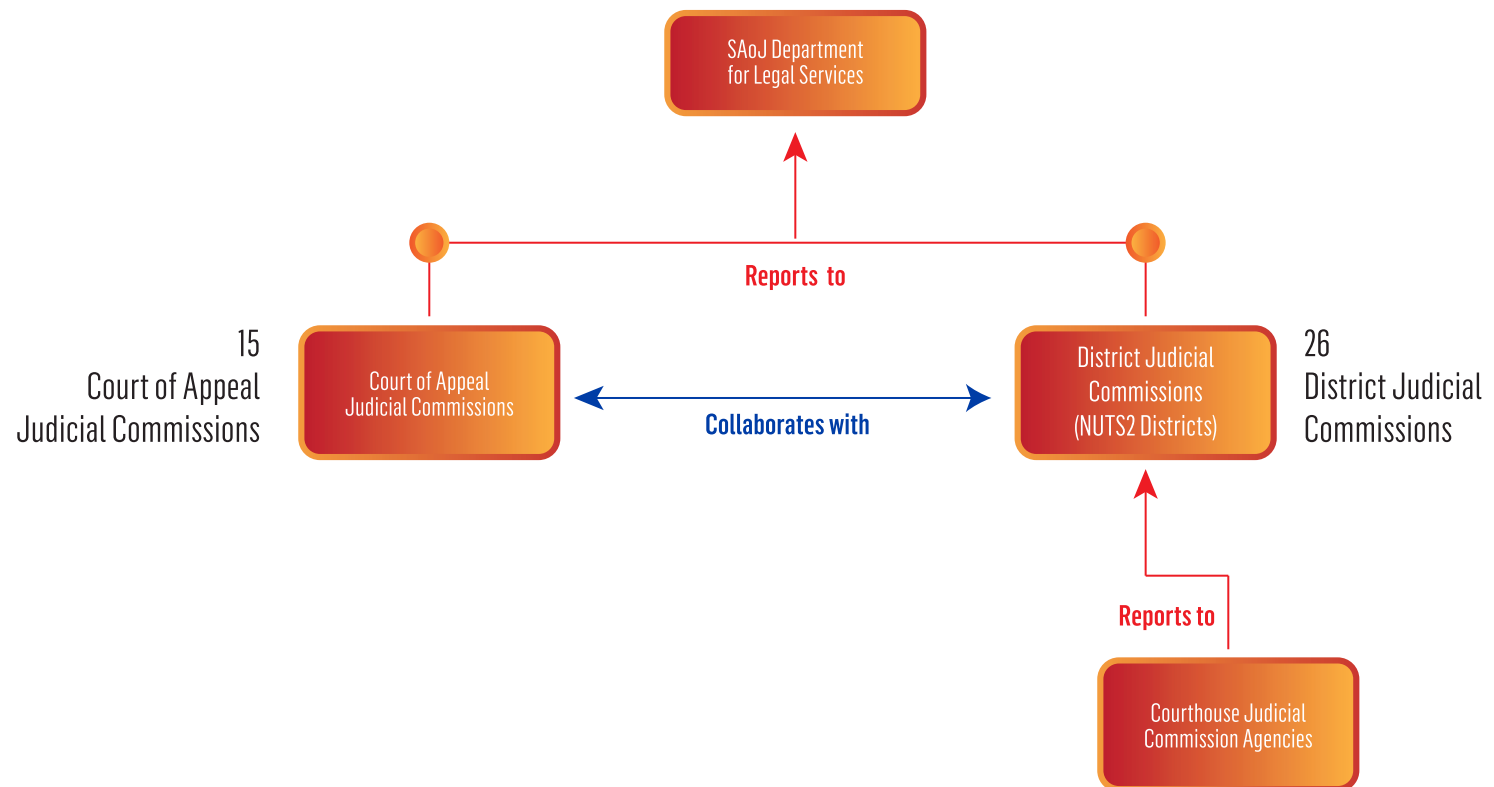
Consists of 12 permanent and six substitute members elected by the General Assembly of the SAoJ. Qualitative candidacy and priority election procedures ensure the desired qualifications of the members.

Responsibilities:

- Establishing, abolishing or changing the jurisdiction of Courts;
- Determining court personnel such as judges, prosecutors and other courthouse staff;
- Assigning court personnel to specific courts (either permanently or temporarily);
- Determining and declaring whether courts and other judicial institutions and professional members provide high-quality services (through surveys, etc);
- Making decisions on the establishment, abolishment and classification of the notary public offices, and the decisions to appoint public notaries; and
- Making decisions on budget proposals.

Professional Qualifications	No. of Members
Judge	3
Prosecutor	3
Lawyer	3
Notary	1
Courthouse Staff	1
Professor of Constitutional Law	1
Professor of Administrative Law	1
Professor of Administrative and Political Sciences	1
Public Administration Specialist	1
Statistics–Economics Expert	1
Public Finance and Budget Specialist	2
TOTAL	18

Administration of Judicial Services Central and Regional Administration



The Structure of the Department for Legal Services

District Judicial Commissions and Courthouse Agencies

The Department for Legal Services under the SAoJ is responsible for the smooth and efficient provision of judicial services throughout the country, and also for the management of judicial service facilities in accordance with efficient, continuous and high-quality service production.

In accordance with the principles of “central planning – decentralised administration”, a centrally planned operation and careful observation and evaluation ensures information is gathered from all service units, even the most distant ones, and decisions or necessary interventions can be made quickly.

The Department of Judicial Services serves its functions throughout the country by virtue of the Court of Appeal Judicial Commissions, established for the Regional Courts of Appeal, and the District Judicial Commissions established for the first-instance courts in the 26 Development Zones.

District Judicial Commissions have agency offices within the courthouses in their respective districts.

The responsibilities of the commissions and their agencies:

- Ensuring judicial service facilities, including their buildings, data processing, communication, security systems, parking, transportation, electricity, water and ventilation facilities are properly maintained without interruption, and eliminating any disruptions by taking the necessary measures;
- Making temporary appointments and providing information for said appointments for the continuation of legal services without interruption, in cases of illness or similar temporary obstacles that prevent judges, prosecutors or other courthouse staff from performing their duties, upon the decision of the Commission or the decision of its Chairperson in urgent cases;
- Supporting the SAoJ in personnel matters, supervising shifts, reviewing performance, and other management matters pertaining to all courthouse staff other than judges and prosecutors;
- Handling disciplinary matters and supervising courthouse staff other than judges and prosecutors; and
- Reporting to the SAoJ while performing their duties, and co-operating with other Judicial Commissions when necessary.

NOTES

Judicial Commissions

- Court of Appeal Judicial Commissions are established for each Regional Court of Appeal, whereas District Judicial Commissions are established for all courthouses and first–instance courts in each of the Development Zones.
- Court of Appeal Judicial Commissions consist of the Presidents of the Regional Court of Appeal and Regional Administrative Court of Appeal; the Chief Prosecutor of the Court of Appeal; one permanent and one substitute member from each of the Presidents of criminal, civil, administrative and tax chambers; and two permanent substitute lawyer members nominated by the Unions of Regional Bar Associations. The SAoJ decides which elected members become permanent and which become substitutes. In the absence of the Chief Prosecutor of the Court of Appeal, the Deputy Chief Prosecutor attends the Commissions, while in the absence of the permanent member, the substitute member attends the Commissions.
- District Judicial Commissions consists of the most senior Chief Prosecutor in the development zone; one permanent and one substitute member from each of the senior members of the criminal, civil, administrative and tax courts; and two permanent and two substitute lawyer members nominated by the Unions of Regional Bar Associations. The SAoJ decides which elected members become permanent and which become substitutes. In the absence of the Chief Prosecutor of the Court of Appeal, the Deputy Chief Prosecutor attends the Commissions.
- It is preferred that the members of the Regional Judges' Associations, Regional Prosecutors' Associations and Unions of Regional Bar Associations are elected as members of the Judicial Commissions.
- For the quorum for the meeting to be met, at least two–thirds of the Commissions' members should be present. A majority of attendees can take decisions.
- The most senior member chairs the Commission; in his/her absence, the most senior chamber president acts as deputy. The Chairperson of the Commission may assign duties and powers to one or more of the members to implement the decisions taken by the Commission.

Courthouse Judicial Commission Agencies

In all courthouses within NUTS2 Development Zones where Judicial Commissions have been established, **Courthouse Judicial Commission Agencies** are also established.

Judicial Commission Agencies comprise the most senior two judges working in the relevant courthouse (one civil-law and one criminal-law judge), the chief prosecutor of the courthouse, and two lawyers whose offices are registered with the bar within the jurisdiction of the relevant courthouse. The most senior member is the Chairperson of the Agency and the second-most senior member is the Deputy Chairperson.

Responsibilities of the Courthouse Judicial Commission Agencies:

Perform the duties related to the management of the courthouses and their facilities, as well as the duties assigned by the Judicial Commission and its Chairperson; and

Report to the Commission any issues that might affect the service in courthouses.

NOTES

Obligation of the Experts to Register to the Expert Registry Maintenance of the Expert Registry

- For each Regional Court of Appeal, a Regional Expert Registry is kept.
- The Expert Registry is maintained by the Registry Office of the Court of Appeal Judicial Commissions and is supervised by the SAoJ Department for Legal Services.
- Anyone who has been appointed as an expert by the courts, anyone who has ever submitted an expert opinion on disputes subject to trial, and those who have obtained opinions from these persons must be registered with the Registry. The registration procedure is determined by SAoJ through regulation.
- The following information about their expert is recorded in the Expert Registry:
 - Information and documents regarding the identity and contact information, their specialist subject, educational history, competence, and experience;
 - Information on the duties they have performed, the public and private institutions and persons with which they have a connection;
 - Their professional studies, works and articles, or information on their resources,
 - All copies of their opinions submitted to public trials and information on the case files; and
 - Information and documents on any complaints, disciplinary and criminal investigations, and civil cases against them.
- The information in the Registry is available to all legal professionals and is electronically accessible.
- Lawyers can freely examine the Registry without having to act on behalf of a client, and take copies of documents without incurring any fees. Non-lawyers can also access the Registry with the approval of the Judicial Preparation Court.

The Department for Objections and Re-examinations

Formation:

Consists of nine permanent and four substitute members elected by the General Assembly of the SAoJ. Qualitative candidacy and priority election procedures ensure the desired qualifications of the members.

Responsibilities:

- Rendering decisions regarding the objections against the decisions of the SAoJ institutions;
- Re-examining Department decisions rendered in relation to objections and complaints made against the decision of the Legal Professional Associations; and
- Rendering decisions regarding the objections against the decisions of the disciplinary and supervisory boards of the Legal Professional Associations.

Professional Qualifications	No of Members
Judge	3
Prosecutor	3
Lawyer	3
Notary	1
Courthouse Staff	1
Professor of Constitutional Law	1
Professor of Administrative Law	1
TOTAL	13

The Department for Personnel, Career, Performance and Inspection

Formation:

Consists of 16 permanent and five substitute members elected by the General Assembly of the SAoJ. Qualitative candidacy and priority election procedures ensure the desired qualifications of the members.

The Department operates in two panels: (1) The panel responsible for the matters of judges, prosecutors and courthouse staff consists of nine permanent members and three substitute members. (2) The panel responsible for the matters of lawyers and notaries consists of seven permanent and two substitute members.

Responsibilities:

- Making decisions about entry, admission, appointment and promotion in legal professions;
- Making decisions and taking actions regarding the personnel matters, career developments and performance evaluation of legal professionals;
- Reviewing the performances of legal professionals and improving their performance; and
- Inspecting the members of the legal professions in terms of ethics and discipline, helping to investigate their crimes and misdemeanors, imposing and enforcing their sanctions.

Professional Qualifications	No of Members
Judge	4
Prosecutor	4
Lawyer	4
Notary	1
Courthouse Staff	2
Professor of Administrative and Political Sciences	1
Public Administration Specialist	1
Education – Communications Faculty Member	2
Psychologist – Psychiatrist	2
TOTAL	21

Disciplinary Investigations and Prosecutions Regarding SAoJ Members

NOTES

Criminal allegations, complaints and reasonable suspicions that require disciplinary investigation or criminal prosecution, which are notified to the Authority, are processed in the following order and manner:

- 1- The first examination is carried out by the Chairperson of the Authority. S/he decides whether to process this application and announces the decision urgently.
- 2- It is possible to object to the decision not to process within 15 days of the announcement/notification to the concerned person. The objection is resolved by the Department for Objections and Re-examinations. It is possible to file a cancellation action against this decision of the Department before the Supreme Court of Justice.
- 3- The Chairperson appoints a member from among the Heads of Departments as the investigator and assigns the disciplinary investigation. The Head of Department who is appointed as the investigator member finalises his/her investigation within 30 days at the latest and submits his/her report to a Board comprised of Heads of Departments.
- 4- A Board of Heads of Departments either (1) decides on the extension of the inquiry, (2) dismisses the charges or (3) decides to impose a disciplinary sanction. If the action also constitutes a crime as per the criminal codes, then a criminal complaint is filed with the Republic's Chief Public Prosecutor's office. It is possible to resort to legal remedies against all actions except for the decision on the extension of the inquiry.
- 5- The disciplinary investigations of the Chairperson and the Heads of Departments are carried out by the Republic's Chief Public Prosecutor. Republic's Chief Public Prosecutor submits his/her report to the General Assembly, who then renders one of the above decisions.
- 6- Anyone can request the correction of the disciplinary decision if there is a mistake of fact, or directly file a cancellation action against the disciplinary decision before the Supreme Court of Justice, within 30 days of notification/ announcement.

Legal Remedies Against SAoJ Decisions and Judicial Review

Except for the recommendations of the Policies and Preferences Department, all decisions and actions of the Authority are open to judicial review.

- All interested persons are entitled to bring cancellation actions before the Supreme Court of Justice against all decisions and actions of the Authority. If they wish, they can also object to the decision before the Department for Objections and Re-examinations under the SAoJ before filing a court action.
- It is possible to object to an SAoJ decision within 15 days of the date of announcement of the decision or the date of notification to the relevant party.
- The Department for Objections and Re-examinations is required to render its decision within 15 days. Otherwise, the objection is considered to be rejected.
- The petitioner can withdraw his/her objection without waiting for the decision regarding the objection to be rendered, and instead file a cancellation action.
- It is possible to file a cancellation action against an SAoJ decision within 30 days of the date of the announcement of the decision or the date of notification to the relevant party.
- The decision of the Supreme Court of Justice can be appealed before the Constitutional Court within 60 days as of the notification of the decision to the concerned person.

Autonomous Judicial Budget

NOTES

The budget that will enable the judiciary to fulfill all its functions, duties, and powers in an impartial and independent manner, and in a manner that will provide quality service to the society, is determined by the SAoJ and sent to the executive bodies and the parliament to allocate the necessary resources from the general budget.

- The budget for the judiciary is primarily allocated from the general budget.
- It is managed by the SAoJ and used to cover the remuneration and other rights of the judiciary and the expenses of the judicial organs.
- The budget allocated for the judiciary cannot be less than ...% of the general budget of the government and less than 0.30% of the GDP determined for the previous calendar year. In any case, the judicial budget is determined in accordance with the personnel, facility operating and other needs of the judiciary.
- Out of the revenues of the general budget, the item of judicial fees, service duties are determined in line with the recommendations of the Authority and in a way that facilitates the right to access justice.
- Infrastructure investments for buildings, data processing facilities, facility management, education, conference and recreational facilities needed for the production of high-quality judicial services by service production units such as judicial bodies and their components, courts and enforcement offices are not included in this budget. The government ensures that these investments are made by determining the priority needs.

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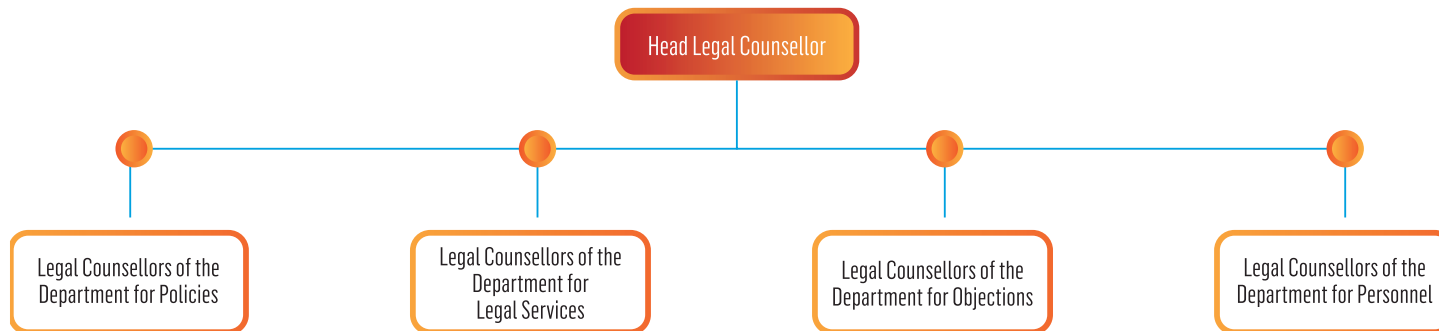
Supervision of SAoJ Activities

The activities and income/expenses of the SAoJ are subject to internal and external supervision. The Constitutional Court supervises whether the SAoJ carries out its activities in accordance with its purpose.

- The SAoJ records its activities, all income earned, and all expenses incurred in an accountable manner and reports the results to the public online in accordance with the principles of integrated reporting.
- The purpose of integrated reporting is to provide realistic information about the activities, plans and resources of the SAoJ, and to ensure that the public can make long-term and healthy predictions.
- Reports are prepared by reviewing the reports of the President and Legal Counsellors of the Departments, and the decisions, records and activities of the SAoJ, and are announced to the public in June and December of each year.
- The SAoJ primarily obtains self-audit reports from independent service organizations based on the reports it publishes. These self-audit reports are notified to the Constitutional Court and are announced on the SAoJ website so members of the public may express their opinions.
- The Constitutional Court reviews these self-audit reports and the issues raised by the public and publishes the final audit report following its inspection.
- If any irregularities/crimes are detected, these are notified to the Chairpersonship of the SAoJ, and it is possible to have recourse to prosecution through the office of the Republic's Chief Public Prosecutor.

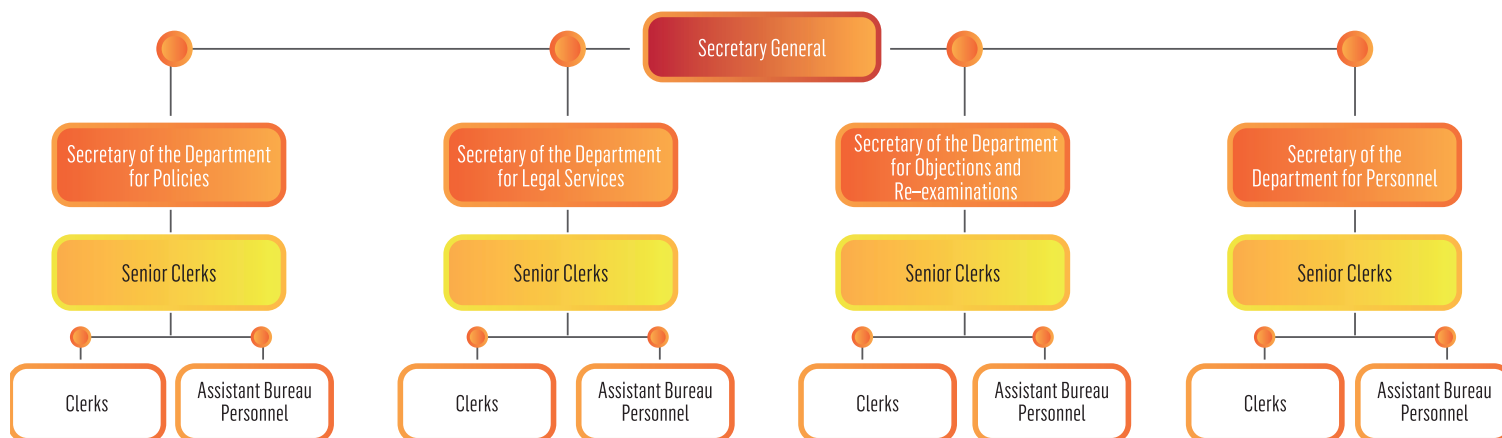
The Composition and Organization of the Office of Legal Counsellors

NOTES



- The Office of Legal Counsellors consists of at least two legal advisors appointed for each department under the leadership of the Head Legal Counsellor.
- The Legal Counsellors fulfil their duties independently of the Chairperson of the SAoJ and the Heads of Departments. Although they are dependent on the Authority with respect to their personnel affairs, they are independent in terms of their functions. They can be held accountable only to the General Assembly of the Authority and not to the Chairperson of the Authority or the Heads of Departments.
- The Head Legal Counsellor is directly elected by the SAoJ General Assembly, whereas members of the Department of the Legal Counsellors are elected from among the candidates chosen by the Head Legal Counsellor and appointed to the relevant departments in accordance with their expertise.
- The main responsibilities of the Legal Counsellors: To provide independent advice to the Chairpersonship, the General Secretariat and the Heads of Departments on legal matters, to provide legal opinions on the regulations to be issued by the Authority, and to represent the Authority before the competent authorities in all disputes. Legal Counsellors are obliged to inform the General Assembly of any activities of the Chairperson, Secretary General or Heads of Departments that are deemed unlawful or contrary to their legal opinions.

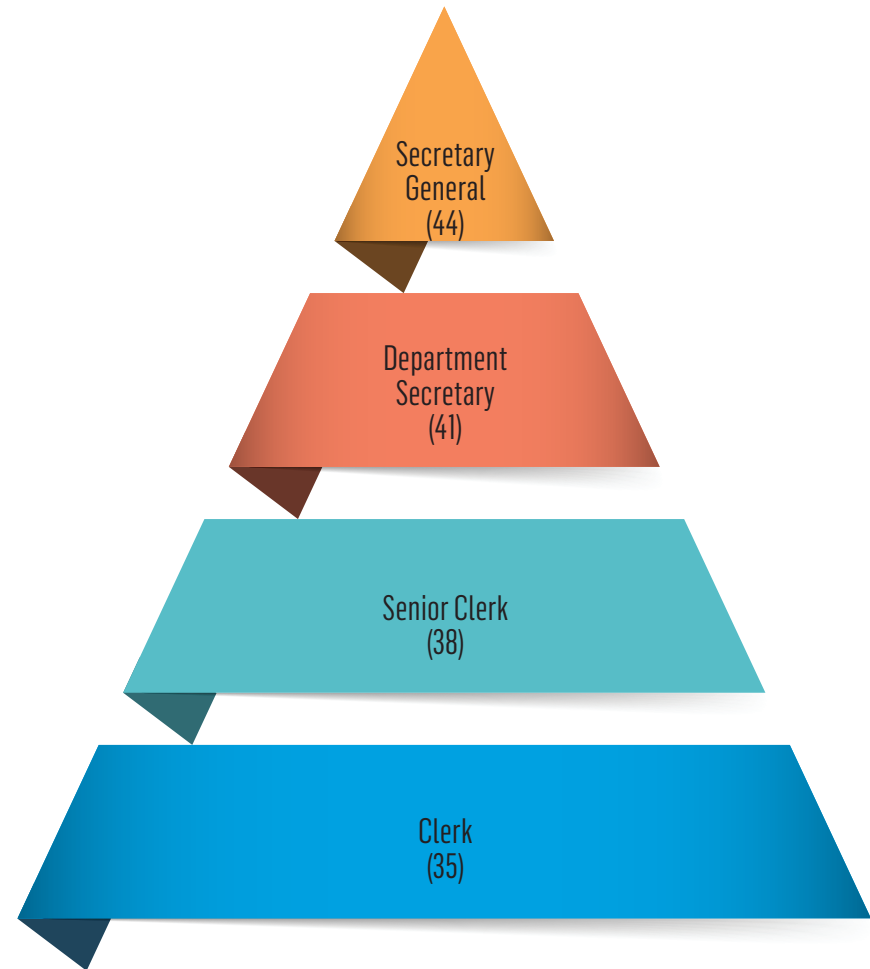
The Composition and Organization of the General Secretariat

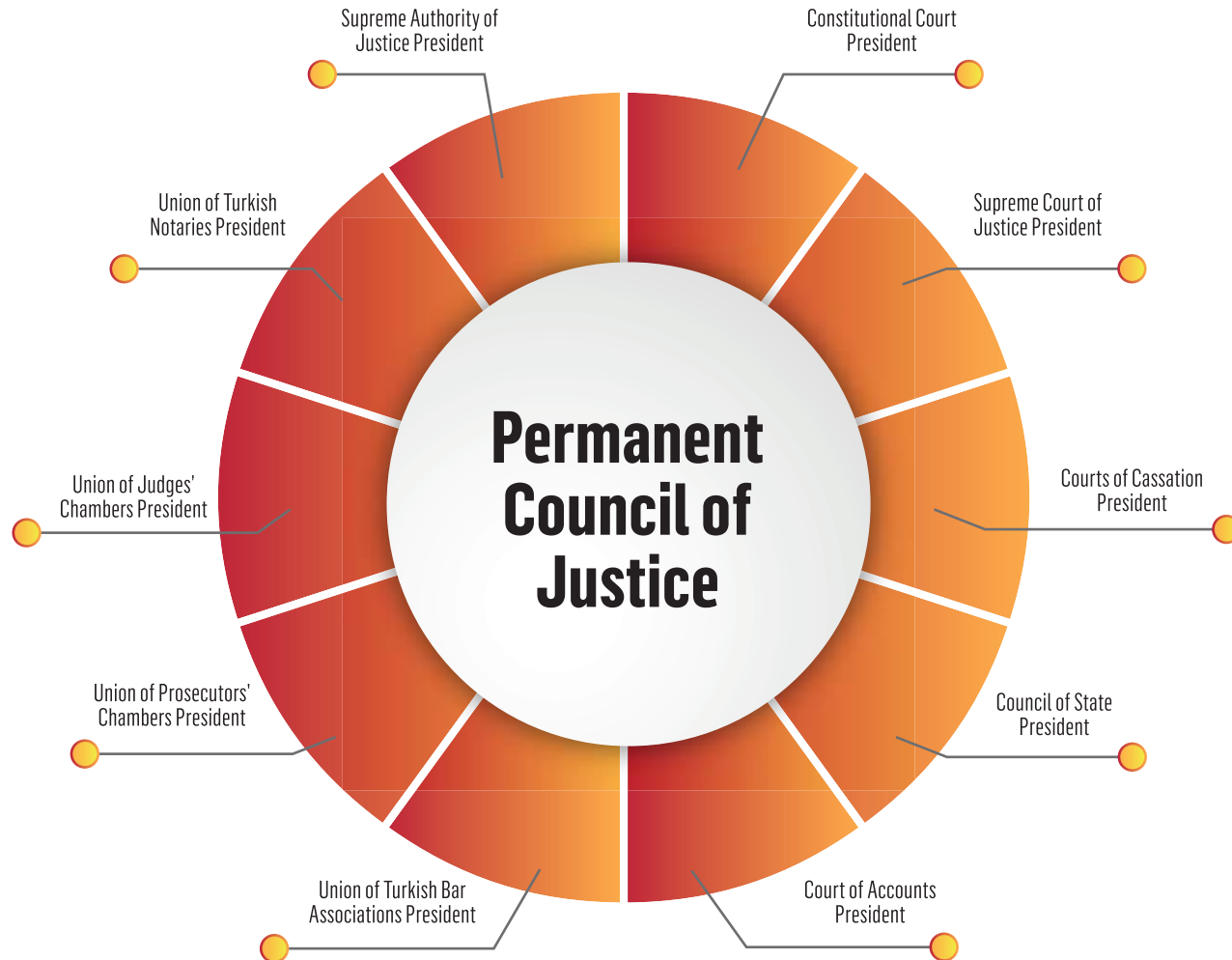


- According to the organization of the General Secretariat, there is a bureau secretariat for each department.
- The Department Secretaries work under the direction of the Secretary General, who works under the direction of the Chairpersonship.
- The Senior Clerks, the Clerks and the Assistant Bureau Personnel perform their duties under the direction of the relevant Department Secretary and form the sub-units of the General Secretariat.

Career Advancement for the Staff of the General Secretariat

- A merit-based career plan has been devised for the court Clerks, with the possibility of becoming the Secretary General of the Authority.
- The aim of this career plan is to improve the competences of these judicial officials, which consequently would ensure the improvement of judicial services and provide measurable efficiency.
- Candidates who are eligible to enter the Clerk positions of the Authority start their profession with a nine-year contract.
- At the end of each three-year tenure, personnel are subject to a performance evaluation. Those who meet the performance criteria are promoted to the higher position.
- According to the above evaluation, the Department Secretaries are appointed by the Secretary General of the Authority, whereas the Secretary Generals are appointed by the Chairperson of SAoJ. Career advancement for these two positions is therefore not automatic.





Permanent Council of Justice

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- The Permanent Council of Justice is an advisory institution established to develop co-operation between judicial institutions and judicial professions in the field of the rule of law, empowering trust in justice, judicial independence and unity in jurisprudence; determining problems in this respect, advising on their solution and disclosing the same to the public.
- It comprises the presidents of the following institutions: the Constitutional Court, Supreme Court of Justice, Courts of Cassation, Council of State, Court of Accounts, the SAoJ, Union of Judges' Chambers, Union of Prosecutors' Chambers, Turkish Bar Association (also known as the Union of Turkish Bar Associations), Union of Turkish Notaries. Secretariat duties are carried out by the institution whose president is the most senior member.
- It holds a meeting at least twice a year at the institution of the most senior member. The president determines the agenda with regard to the rule of law, the judiciary, judicial services, the economy and democracy, and adds to it issues notified to him/her, categorising them into groups in such a way that the meeting proceeds in the most efficient way. He/she declares the agenda at least seven days before the meeting and informs the participants.
- Members of the public, especially non-governmental organizations' representatives, are permitted and indeed encouraged to participate in the council's first meeting, which is held within the first three months of the year. Meetings are held in the style of a conference with a moderator, and are designed and conducted in such a way that participants can freely share their opinions, thoughts and suggestions with regard to any items on the agenda.
- In these meetings, matters submitted by the public and selected by the most senior member are discussed, and decisions are taken. All decisions taken are advisory. They are disclosed to the public via the council's website, and minutes of the discussions are compiled and published as a booklet.
- The council's second meeting is held six months after the first meeting. Any developments regarding decisions taken in the first meeting are discussed, and additional advisory decisions are taken to accelerate these developments. These decisions are notified both to the relevant institutions and to the public.