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MERIT and OPEN COMPETITION BASED APPOINTMENTS FOR JUDGE and PUBLIC PROSECUTOR POSITIONS

- In the First Instance and Appeal Courts
- In the Constitutional Court, Court of Cassation and Council of State
- For the Republics Chief Public Prosecutor
- Law on Appointment of Members of the Constitutional Court, the Court of Cassation and the Council of State-Draft

Rationale

Judges and prosecutors will be appointed to the courts of first instance and appeal, according to their merits. Their merits will be determined by the needs of the courts. All legal professionals who possess the necessary requirements will be able to apply. Professional knowledge, expertise, experience, personal and social competencies, success in previous positions, and written exam and oral interview results will be taken into consideration. An open competition method will be used to elect from among those who demonstrate merit. Serving in areas of hardship will be encouraged. Additional qualifications will be sought for popular locations.

Anyone who possesses the necessary requirements of being a member of the Constitutional Court, Supreme Court of Appeals or Council of State will be able to apply to the Supreme Authority of Justice as a candidate for nomination six months before the election date. The Supreme Authority of Justice will list those applications that it finds to possess the membership requirements by scoring them according to their merits; it will then announce the applications to the public for the submission of objections and opinions.

The central unions of judicial professional associations will inform the Supreme Authority of Justice about their candidates for the offices of the chief public prosecutor and the deputy chief public prosecutor. Those who meet the membership requirements will also be able to apply directly to the Supreme Authority of Justice as a candidate for nom-

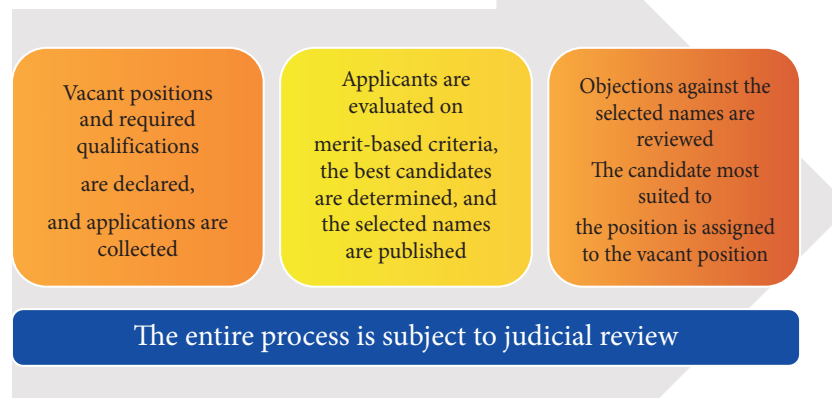
ination. The Supreme Authority of Justice will grade the applications that it determines to meet the membership requirements, sort them according to their merits and disclose them to the public. Opinions about, and any objections to, the candidates will be collected from the public. Announced candidates will attend an interview before an inclusive panel; they will be obliged to give honest answers and explanations in response to all questions asked.

Subsequently, the general assembly of the Supreme Authority of Justice will elect five individuals from among the 10 candidates with the highest merit for each position; these five people who receive the highest number of votes will be appointed. Votes will be cast openly in three rounds of voting, and the factors justifying the election of the preferred candidates will be given. The president will elect as a member the most qualified candidate from among these five candidates. The decisions of the Supreme Authority of Justice in the nomination of candidates and those of the president in the election of a member from among the candidates will be actionable in the Supreme Court of Justice.

Admission and Appointment of Judges and Public Prosecutors

at First-Instance Courts and Regional Appeal Courts

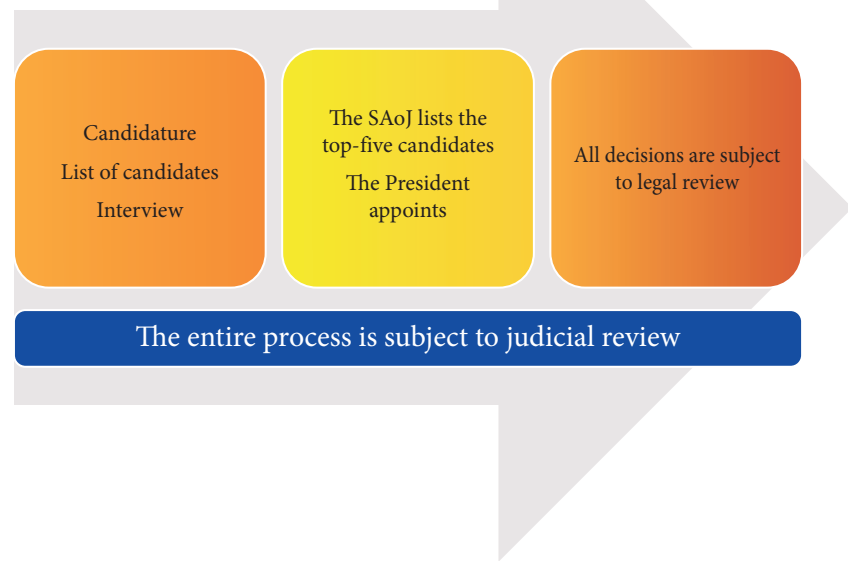
- Judges and public prosecutors are appointed on merit-based criteria.
- The required qualifications are set depending on the needs of the court.
- Professional knowledge, expertise, experience, personal and social skills, as well as past accomplishments and the scores of written and oral exams are considered.
- The appointments are made based on open competition among the qualified candidates.
- All judicial professionals having the required qualifications may apply.
- Applications for positions at less prestigious courts are actively encouraged.
- Applications for positions at more popular courts will require candidates to have additional skills.



NOTES

Merit and Open Competition Based Candidature, Selection and Appointment to the Constitutional Court, the Court of Cassation and the State Council

- Anyone with the required qualifications for at least six months before the application date is eligible.
- The SAoJ lists and declares the names of the candidates with the required qualifications and all relevant information to the public.
- The General Assembly of the SAoJ scores and ranks the candidates.
- The candidates declare all information to the public and respond to their questions. They are interviewed by an independent panel on national TV and radio.
- The SAoJ General Assembly elects the top-five candidates with the best qualifications for each position from a shortlist of 10.
- Ballot papers will be open and will list the reasons the voter chose a particular candidate.
- The President appoints the most qualified candidate among top-five candidates.
- The SAoJ's and President's decisions in this matter can be challenged in the Supreme Court of Justice



Merit and Open Competition Based Candidature, Election and Appointment to Republic's Chief Public Prosecutor, Deputy Republic's Chief Public Prosecutor and Assistant Republic's Chief Public Prosecutor Positions

- Parliament nominates three candidates, the legal professional associations nominate one candidate, other professional associations each nominate one candidate, and NGOs nominate one candidate.
- Anyone with the required qualifications for at least six months before the application date is eligible.
- The Supreme Authority of Justice declares the names of the candidates with the required qualifications and all relevant information to the public.
- The General Assembly of the Supreme Authority of Justice scores and ranks the candidates.
- The candidates declare all information to the public and respond to their questions. They are interviewed by an independent panel on national TV and radio.
- The SAoJ General Assembly elects the top-five candidates with the best qualifications for each position from a shortlist of 10.
- Ballot papers will be open and will list the reasons the voter chose a particular candidate.
- The President appoints the most qualified candidate of the top-five candidates.
- The SAoJ's and President's decisions in this matter can be challenged in the Supreme Court of Justice

