

INFORMATION NOTE

**on the meetings held and presentation of the Judicial Reform Proposals
in scope of the “Turkish Judicial Reform A to Z” Study
in the United Kingdom at the House of Lords on 22-23 May 2023 and
to the European Union and European Parliament in Brussels on 5-6 June 2023**

This Info Note provides a summary of the introductory meetings, discussions and exchanges on opportunities of the delegation of the Better Justice Association during their contacts and presentation of the Association’s proposals for judicial reform, which is promoted and open for discussion on national and international platforms, in the scope of the study “Turkish Judicial Reform A to Z”, during the meeting at the House of Lords in London, UK on 22-23 May 2023 and meetings with experts of the European Union and European Parliament in Brussels conducted on 5-6 June 2023.

The meetings were conducted by a delegation consisting of the President of the Better Justice Association Att. Mehmet Gün, Association Executive Board Members Prof. Ali Murat Vural, Att. Hande Haçar, Association Members Att. Elif Melis Özsoy, Att. Havva Yıldız and Mr. Muhammed Demircan, Secretary General Ms. Tuğçe Özbilen and Director of Communications Ms. Beyza Berber.

Prior to the meetings, the delegation of the Better Justice Association conducted courtesy visits to H.E. Ambassador Osman Koray Ertuş in London, H.E. Ambassador Bekir Uysal in Brussels and H.E. Ambassador Faruk Kaymakçı, Permanent Representative of Turkey to the EU, and provided the ambassadors with written and verbal information about the program, and informed of the aims and objectives of the meetings to be held. The ambassadors stated that contacts by a politically impartial CSO are beneficial and would contribute to the international reputation of Turkey.

In the UK, the Association's study titled "Turkish Judicial Reform A to Z" was presented to the House of Lords and civil society organisations and to representatives of the European Parliament and EU expert bureaucrats in Brussels.

Our meeting in London took place at the House of Lords of the UK Parliament. The meeting was hosted by Lord Iain McNicol and attended by experts from the International Bar Association (IBA), the Law Society of England and Wales and the University College London (UCL) Judicial Institute.

In London, meetings were also held with the British Institute of International Comparative Law (BIICL) to discuss our solutions and exchanged ideas with experts from New Zealand, Australia, Italy, and Albania working in the field of judicial policy.

In Brussels, the "Turkish Judicial Reform A to Z" was presented to Member of the European Parliament and Standing Rapporteur on Turkey, Mr. Nacho Sanchez Amor, Head of the Turkey Desk at the European Commission, Mr. Bernard Brunet, Principal Administrator at European External Action Service at European External Action Service, Dr. Ferdinand Kopp, also from the Turkey Desk, and Head of International Data Flows and Protection, EC Directorate General for Justice and Consumers, Mr. Bruno Gencarelli.

The main objectives of contacts in London and Brussels was to gain international

recognition and reputation as a politically neutral CSO, to gain access to similar CSOs, to discuss and have an exchange of critique regarding our proposals at the level of equals, to put forward constructive criticism of other systems, and thus to contribute to strengthening the position of Turkish diplomatic missions. In addition, our aim was to identify and evaluate possible cooperation opportunities within the framework of the integrated judiciary model, which includes our proposals on establishing and developing the judicial systems of African and other countries on the path to EU accession. All our objectives and aims were realised.

General Information Regarding Our Suggestions for Innovative Solutions

“Turkish Judicial Reform A to Z” is a product of the Association’s accumulated experience of over a decade; it is a genuine product of thought consisting of innovative solutions developed within the framework of universal principles for the needs and the realities of Turkey. The study is the product of a young, open-minded team consisting of nine persons as the result of intensive work spanning over a year. Special emphasis was placed on the product being an original study, based on the realities of Turkey, and special effort was made to avoid drawing from and adapting systems developed by other countries, developed for their own needs within the framework of their own experiences. However, after the study was completed and innovative solutions were developed, they were compared with the most advanced judicial systems in the world and it was seen that the system proposed was equal to or more advanced than existing systems. From this point on, the proposals were opened for discussion, both at the national and international level.

Within the scope of the proposals for reform, the judicial system has been designed to provide quality services and judicial independence has been identified as the most important factor for quality factor. Hence, the judiciary shall no longer be a topic of political debate, but structured as a quality service-oriented organisation. The Supreme Authority of Justice, which is at the centre of our proposal, has been designed as a regulatory body responsible for regulating and ensuring the production

of quality judicial services, and is an innovation that will be an example for the whole world. The composition of the members of the institution will include all segments of society, parliament and the executive power, and also legal professionals. This composition will prevent any interference on the institution on the one hand, and on the other hand, it makes the entire judicial system fully accountable without compromising its independence, and thus prevents the members of the judiciary from becoming a privileged group with immunities.

This design is intended to prevent the judiciary from becoming cumbersome, as is seen in the case of Italy, and will prevent excesses and arbitrariness that may be considered a justification for restricting the judicial independence, not unlike the concern of the Israeli public. Within the scope of our proposals, the Permanent Council of Justice, built upon our tradition of national council, is more effective than the Judicial Council of the USA. Allowing all decisions regarding the administration of the judicial system to effective judicial review, and the Supreme Court of Justice to be established for this purpose, is considered revolutionary for Turkey. The disciplinary, complaint and objection mechanism, which ensures the effective supervision of judicial personnel and which is ultimately linked to effective judicial supervision, will improve judicial ethics and professions, and will also raise the performance of the judiciary; it will achieve more effective results than the service courts in Germany, where it is possible for members of the judiciary to be sued.

The judicial systems of many countries are bottle-necked due to the current understanding of dispute resolution, as is also the case in Turkey. In order to overcome such hindrances, alternative dispute resolution approaches such as mediation are forced upon the public, large amounts of budget are spent, a large number of judges and prosecutors need to be employed or other similar methods are sought; such alternatives create social unrest, and disrupt peace and solidarity. Our Association proposes to abandon the current practice and recommends to adopt a “Managing Disputes” approach. This approach includes anonymising, unifying and improving the currently disorganised databases on disputes, predicting the workload

of the judiciary through use of artificial intelligence, preparing in advance, and encouraging reconciliation by ensuring responsible and honest communication between the parties in dispute. This approach allows the judiciary to provide a guide for reconciliation for society, while also strengthening social reconciliation and solidarity, preventing abuse of the right of access to justice, and allows disputes passed to the courts to be resolved in a single hearing within a period of 3-5 months and with less burden on financial resources. This proposal has attracted quite a lot of attention.

Regarding the contacts with the House of Lords in the UK

On the morning of 23 May, a round table meeting was held at the House of Lords (please find attached the text of the speech made by the President of the Association, Att. Mehmet Gün). It is with great pleasure to report that the event was very successful. A number of Lords conducting their work on Turkey, senior officials from the International Bar Association (IBA) working in the area of human rights, senior officials of Turkish nationality from several international organisations and journalists showed great interest in the proposed solutions in the publication titled, “Turkish Judicial Reform A to Z” of the Association.

The recommendations put forward were accepted to a large degree, bringing no substantial criticism and were greeted with enthusiasm. Moreover, it was discussed that our proposals could be a model for countries that seek to establish and improve their judicial systems in general, and especially for North African countries, such as Libya and South Sudan, which are in making efforts for restructuring.

On the previous day, we had a meeting with the British Institute of International Comparative Law (BIICL) to discuss on our proposals for solutions. We exchanged ideas with experts from New Zealand, Australia, Italy and Albania who work in the area of judicial policies. BIICL, an important institute for knowledge and thought on these such issues, showed great interest in our proposals. The excitement created by

our proposal for a Permanent Council of Justice to support the Supreme Authority of Justice among experts from Middle Eastern and North African countries was a source of pride on our part.

The President of the Association, Att. Mehmet Gün, shared his ideas on the possibility of establishing a constructive system in which developed countries encourage developing countries to develop the rule of law and an effective justice system. For example, he suggested that a system of insurance or such could be established that would allow countries in need of financing to deduct a portion of their owed interest in exchange for development in these areas, thus ensuring gain for each party. He explained that a system of sanction, such as the EU action in the cases of Poland and Hungary, does not solve the problem, but only defers it and creates resistance, and that a reward system would be more effective. This recommendation was considered worthy of further study by the high level officials attending the meeting.

A Turkish lawyer in the senior management of the International Finance Corporation (IFC), attending the round table meeting, stated that the IFC has such a mechanism, that it could be further developed and that he would share the Association's proposal and explore opportunities for cooperation. KC Barrister Steven Kay stated that he has been advising the administrations in Tripoli and Benghazi in Libya and also in South Sudan and that he would assess our solutions and recommendations for the establishment of the Supreme Authority of Justice for these countries. It was discussed that we could provide advisory to the mentioned countries on establishing and further improving their systems.

In the light of the meetings held, we believe that our proposals for solutions can be developed into an opportunity with projects that will reinforce Turkey's leadership in developing judicial systems and dispute resolution methods within the framework of Turkey opening out to Africa.

Main Messages Conveyed to EU Officials

The main areas of discussion, conveying our messages during our meetings with EU bureaucrats and European Parliament politicians, are outlined below:

1. Global power centres are emerging. It is inevitable for the Mediterranean Basin to become one of these global power centres - or it risks coming under the influence of another. Today's civilisation has its roots in the cultural interaction between civilisations that have existed in this Basin since Antiquity; the Sumerians, Egyptians, Hellenes, Romans, Seljuk, Ottomans. What they all have in common is that they have flourished in the Mediterranean basin and have had an impact on each other.
2. The cooperation of the EU and Turkey provides the opportunity to turn the Mediterranean Basin into a global power centre and to make the Mediterranean a region of peace and calm.
3. The current and considerably short-term, interest-based and trade-based relationship between the EU and Turkey suffers from a lack of long-term vision and a common objective. To realise the objective suggested in the above mentioned point 2 could lead to the EU and Turkey becoming inseparable with the aim of realising a common goal. If agreement on a common goal and objective is reached, no doubt Turkey will fulfil its responsibilities on its part and will benefit from such an alliance.
4. The rule of law and judicial independence are the most important barriers to realising common goals and have a negative impact on the development of fruitful and sound cooperation between States. Turkey and all EU Member State have their own challenges concerning domestic rule of law, albeit in different forms and at differing levels. In France, the judicial and executive powers are not clearly segregated, and in Italy Mario Draghi requested to

reform the judiciary because he believed it was slowing down Italy's development. The judicial budget of Germany is twice that of the UK and the number of judges is eight times more than in the UK. Balkan countries have complaints about the judicial restructure proposed by the EU and the problems that comes with it. The EU should also look at the difficulties of judicial independence in Poland and Hungary from another perspective, taking into account the impact of the judiciary in such countries where the sector does not offer quality services and is not accountable. Turkey has its own unique problems, but it has the capacity of finding solutions. Incentivised, rather than coercive and punitive methods, should be developed to find a solution. The EU should not focus only on economic issues and Chapters; it should certainly open and conclude Chapters 23 and 24, even if there is no progress on these issues. Issues concerning the judiciary, the rule of law and fundamental rights should foremostly be removed as a barrier to bilateral relations.

5. Developed countries should adopt a constructive and supportive approach to encouraging progress in the judiciary and the rule of law for those which they criticise in the international arena, and should establish an assurance and incentive system to encourage developing countries for improvement in these areas. It should be taken into account that the challenges of developing countries with regard to the judiciary result in a lack of judicial independence, based on problems such as the poor quality of judicial services and the lack of transparency and accountability of judicial administration.
6. The Better Judiciary Association has designed a judicial system that all countries can easily adapt and improve their judicial systems. This design ensures that, on the one hand, the system provides quality services and, on the other hand, that it is fully transparent and accountable which can deservedly sustain its complete independence.

Another important message conveyed to the EU officials on the issue of EU-Turkey relations was the failure to update the Customs Union, the accession of the Greek Cypriot Administration of Southern Cyprus as a full member and the playing of the Greek-Cypriot encumbrance card against Turkey, and the biased Aegean policy giving rise to the belief of injustice and that it is not possible to realise the goal of “full membership to the EU”. In order to overcome this, the necessity of developing a long-term vision and a common goal as mentioned in point 3 above, as well as actions such as the urgent updating of the Customs Union, was emphasised.

Agreed Topics for Joint Activities

It was agreed to organising joint international events and to further develop good cooperation with the authorities of the United Kingdom and the European Union on the following issues:

- a) Improving the accountability of the judiciary without compromising independence and establishing measures to prevent political intervention in the judiciary,
- b) Defining quality and criteria for quality judicial services, developing criteria and tools for assessment, and establishing and administering performance management focused on quality of services of the judiciary,
- c) Improving the structure and framework of judicial systems and strengthening their independence, and
- d) Developing Modern Dispute Management with Big Data and Artificial Intelligence and transforming the function of the judiciary from dispute resolution to social reconciliation and solidarity guidance.

Conclusion:

The objectives in conducting official meetings in London and Brussels were to gain recognition and credibility as a politically neutral Turkish CSO, to promote the innovative proposals of the Association, to exchange views as equal parties on international issues concerning judicial systems and the rule of law, and to develop opportunities for cooperation. It is considered that these objectives have been met. Members of the Better Justice Association take pride in gaining respect at this level as an independent and impartial CSO and to see that the efforts of the Association contribute to raising the reputation of Turkey.

Prepared by:

Att. Hande Hançar, Executive Board Member

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Note:

On occasion, lobby activities in the US and the UK in the context of human rights in relation to judges and prosecutors dismissed from the judiciary after 15 July were mentioned during our meetings. In such instances, we refrained from making comments, but contented by clearly stating the negative experiences we had before 15 July in the specific cases we encountered in our work with our US and UK based Clients.