



*Güçlü bireyler.
Güçlü toplumlar.*



REPUBLIC OF TURKEY COURT OF CASSATION

COURT OF CASSATION CODE OF CONDUCT FOR STAFF

PREAMBLE

WHEREAS modern legal systems recognize as fundamental the principle that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal established by law in the determination of rights and obligations and of any criminal charge; WHEREAS competent and impartial judicial staff is essential if the courts are to fulfil their role in upholding this principle;

WHEREAS public confidence in the judicial system is dependent on the perceived integrity of judicial staff who play any role in the administration of justice;

WHEREAS the principal responsibility for court administration, including supervision and disciplinary control of judicial staff, rests with the judiciary;

The “Court of Cassation Code of Conduct for Staff” which has been formulated by the Court of Cassation staff through broad democratic participation in order to set the standards of conduct and service with which the Court of Cassation staff must comply hereby enters into force upon approval by the President of the Court of Cassation. This Code is also supported by the presidents, members, rapporteur judges and public prosecutors serving in the Court of Cassation and aims to streamline the operation of the judiciary. Its function is to supplement and complement the existing rules without derogating from the other rules of law and conduct which bind such judicial staff.

Title

1. This Code shall be referred to as the “Court of Cassation Code of Conduct for Staff.”

Applicability

2. This Code shall apply to all judicial staff, other than judges, who are in contract or other status, directly or indirectly involved in the operations of the Court of Cassation. All such judicial staff who are no longer employed in the Court of Cassation are subject to Rule 3.3.

Construction

3. All provisions of law, rules and administrative directives governing or regulating the conduct of Court of Cassation staff are deemed to be incorporated into this Code.

This Code shall be construed in accordance with the “Court of Cassation Code of Judicial Conduct.”

Sanctions

4. The breach or violation of any Rule contained in this Code shall constitute misconduct and may attract disciplinary action, but without prejudice to the disciplinary or judicial action which may be instituted under any law where the breach is also a criminal offence.

Code

5. The provisions of the Court of Cassation Code of Conduct for Staff are as follows:

Value 1
COMPETENCE AND DILIGENCE

Principle:

The Court of Cassation staff shall discharge their duties with competence and diligence.

Rules:

The Court of Cassation staff shall;

- 1.1 At all times perform official duties properly and with diligence, and commit themselves exclusively to the business and responsibilities of the office during working hours,
- 1.2 Perform the assigned duties expeditiously, efficiently and impeccably within the limits of their authority,
- 1.3 Carry out their responsibilities to judges, public prosecutors, other staff, court users and all with whom they are in formal relations in a timely, impartial, diligent and courteous manner,
- 1.4 Acting in the capacity of a superior, when performing administrative duties relating to the appointment, promotion, title change and similar personal affairs of personnel, subscribe first and foremost to competence and merit in a transparent way, and require the same of their subordinates,
- 1.5 Not alter, falsify, destroy or mutilate, or fail to make required entries on, any record within their control. This provision does not prohibit the alteration or expunction of records or documents pursuant to a court order;
- 1.6 Not recommend private lawyers to litigants, prospective litigants, or anyone dealing with the judiciary;
- 1.7 Avoid close personal association with lawyers, litigants and other court users, where such association may reasonably give rise to suspicion or appearance of partiality or favouritism;
- 1.8 Respond to inquiries concerning court procedures, but not give legal advice, propose to find support or provide insider information or introduce themselves in a manner that would create an impression of potentially alter the course of justice;
- 1.9 Perform, or request others to perform, any arbitrary work or duty other than those in compliance with the job description in the legislation or compatible with the functioning of the office as assigned by judges, public prosecutors, chief clerk or other superiors.

Value 2
EQUALITY

Principle:

The Court of Cassation staff shall observe the principle of equality in all conduct.

Rules:

The Court of Cassation staff shall;

- 2.1 In performing official duties, not discriminate, nor manifest by word or conduct, bias or prejudice based on race, colour, sex, religion, conscience, belief, culture, dress, language, place of birth, ethnic or social origin, disability, age, marital status, sexual orientation, social or economic status or other like causes;

- 2.2 Not accept any favours from anyone, nor accord privileges by dispensing special favours;
- 2.3 Not engage in, or allow, mobbing (psychological harassment). Acts of arbitrary treatment, oppression, insult and threat on and against colleagues and staff constitute mobbing.
- 2.4 Assist victims of sexual harassment and mobbing in seeking remedy, and comply with confidentiality throughout the process.
- 2.5 Where in administration capacity, be fair in conduct and distribution of work.

Value 3
CONFIDENTIALITY

Principle:

The Court of Cassation staff shall observe professional confidentiality.

Rules:

The Court of Cassation staff shall;

- 3.1 Not disclose to any unauthorized person any confidential information acquired while employed in the judiciary, whether such information came from authorized or unauthorized sources.
- 3.2 Report confidential information to the appropriate authority in the Court of Cassation when they reasonably believe this information is or may be evidence of a violation of law or of unethical conduct. They shall not be disciplined for disclosing such confidential information to an appropriate authority.
- 3.3 Not disclose confidential information acquired during employment in the Court of Cassation when disclosure by current the Court of Cassation staff of the same information would constitute a breach of confidentiality.
- 3.4 Be aware that confidential information means information that has not been made a matter of public record relating to pending cases, as well as information not yet made public concerning the work of any judge relating to pending cases, including notes, drafts, research papers, internal discussions, internal memoranda, records of internal deliberations and similar papers. The notes, drafts, research papers, internal discussions, internal memoranda and similar papers that a judge or a public prosecutor uses in preparing a decision or order shall remain confidential even after the decision or order is made public.

Value 4
PROPRIETY

Principle:

The Court of Cassation staff shall act with propriety.

Rules:

The Court of Cassation staff shall;

- 4.1 Avoid conflicts of interest that would compromise integrity in the performance of official duties. They shall also exercise utmost diligence in becoming aware of conflicts of interest, disclosing conflicts to an appropriate authority in the Court of Cassation, and

terminating them when they arise. A conflict of interest shall be deemed to exist in the official duty when:

- (a) A staff member's objective ability or independence of judgment in performing official duties is impaired or may reasonably appear to be impaired,
- (b) A staff member derives unfair gains because of his or her official act,
- (c) Any benefit does not accrue to a staff member of the Court of Cassation as a member of a profession, business or organization to the same extent as any other member of such profession, business or organization who does not hold a position within the judiciary.

4.2 When discharging their duties;

- (a) Not enter into any contract with the judiciary for services, supplies, equipment, or lease or sale of property, apart from the employment contract relating to his or her job position,
- (b) Not use his or her position in the judiciary to assist any member of his or her member's immediate family in securing a contract with the judiciary in a manner not available to any other interested party,
- (c) Not negotiate or recommend the future employment of self or any other person, using his or her position and the name of the institution and promising preferential treatment to third parties in violation of the requirements of his or her office,
- (d) Not solicit or accept any gift, loan, hospitality, advantage, privilege or favour under circumstances from which it is, or could be, reasonably inferred that a major purpose of the donor is to influence the performance of official duties, nor permit any member of his or her immediate family to do so.

4.3 Where having authority to enter into or approve contracts for the judiciary, file a financial disclosure statement with the designated authority at the beginning and upon termination of employment, and at times as required by the legislation while so employed. The disclosure shall follow the guidelines established by the designated authority, and include all sources of income, including investments and immoveable property, as well as all known income received by the staff member's spouse or dependent children,

4.4 Not initiate or repeat ex parte communications from litigants, witnesses or attorneys to judges or any other person not compatible with the requirements of his or her official duties,

4.5 Have careful attire and appearance in accordance with the legislation,

4.6 Act with propriety in using the social media,

4.7 Avoid any speech or behaviour that may be perceived as sexual harassment by a reasonable observer, and not allow persons under their supervision to engage in such speech or behaviour,

4.8 Not use or attempt to use his or her official position to secure unwarranted privileges or exemptions for, or to confer any unfair advantage upon, himself or herself or any relation or associate,

4.9 Carefully preserve the court fees, fines or other funds placed in his custody in official duty, not take even by way of loan to himself or herself or any person,

4.10 Not use, for private purposes, the vehicles and materials entrusted for official duties, nor allow others to use the same.