

JUDICIAL ETHICS ADVISORY COMMITTEE DECISIONS

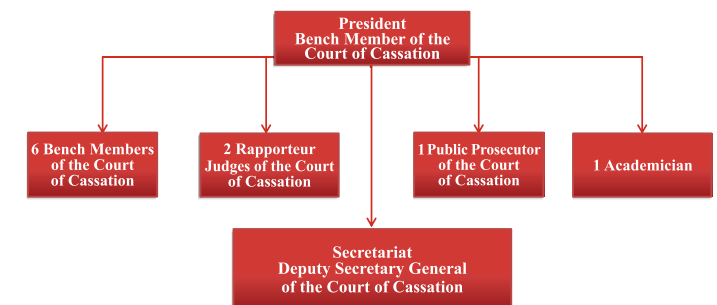
- **Decision No 2018/1** “In case the lawyer of a state economic enterprise requests assistance in order to distribute the promotional materials to the Court of Cassation, in accordance with the Art. 3.4 of the Court of Cassation Code of Judicial Conduct, it will be appropriate for the judge to reject this request.”
“It is a requirement for the judge to refuse the offer of a gift that is in the nature of promotional materials from a lawyer of a state economic enterprise even if s/he met him/her before being appointed as a judge.”
- **Decision No 2019/1** “It is inappropriate for the applicant judge to write a letter of reference.”
- **Decision No 2019/2** “It is inappropriate for the applicant judge to take part in the quiz show titled as “3’te 3 Tarih” (3 out of 3 History) broadcast on TRT-1.”
- **Decision No 2019/3** “It is appropriate for the public prosecutor of the Court of Cassation to attend the vocational contact meeting that is organized by Union of Turkish Bar Associations and the Bars in terms of ethics provided that the principles which are explained in the decision are observed.”

- **Decision No 2019/4** “According to Art. 25/2 of Judicial Ethics Advisory Committee Decision on Working Procedures and Principles, it is a requirement for the applicant’s petition to be dismissed on procedural grounds due to his/her lack of capacity as a judge or a public prosecutor.”
“According to Art. 26/3 of Judicial Ethics Advisory Committee Decision on Working Procedures and Principles, it is not possible to send the document to another authority or institution.”
- **Decision No 2019/5** “It is inappropriate for the judge to attend in the opening of lawyer’s office of a retired judge or to send flowers or congratulatory messages via social media.”
- **Decision No 2019/6** “It is inappropriate for the applicant to recommend a lawyer to one of the parties to the case with whom s/he is a close friend, and it is not important whether the recommended lawyer is a familiar person to the judge in this regard.”
- **Decision No 2019/7** “It is inappropriate in terms of codes of conduct for the judge to congratulate his/her close friends on social media or to visit him/her in his/her office due to their election as mayor or member of the parliament.”

ETHICS, TRANSPARENCY AND TRUST PROJECT OF THE COURT OF CASSATION



COMMITTEE STRUCTURE



“ETHICS, TRANSPARENCY AND TRUST PROJECT OF THE COURT OF CASSATION”

This brochure is prepared and published within the scope of the “Ethics, Transparency and Trust Project of the Court of Cassation” which is financed by the Court of Cassation and implemented by the Court of Cassation and UNDP.

**ETHICS COMMITTEE
DISCHARGES ITS DUTY
INDEPENDENTLY
OF THE ADMINISTRATIVE AND
DISCIPLINARY BODIES OF THE
COURT OF CASSATION**



"Judicial Ethics Advisory Committee (Ethics Committee)"

was established in accordance with the Court of Cassation Code of Judicial Conduct adopted by the Decision of the Grand Plenary Assembly of the Court of Cassation dated 8 December 2017 and numbered 2017/5 and took its office as of 9 July 2018.

COURT OF CASSATION CODE OF JUDICIAL CONDUCT



You can find the information about the Judicial Ethics Advisory Committee at <http://www.yargitay.gov.tr/kategori114>



INTERNATIONAL STANDARDS REGARDING ETHICS COMMITTEE

Recommendation CM/REC(2010)12 of the Committee of Ministers of the Council of Europe on Independence and Responsibilities of Judges:

Judges should be guided in their activities by ethical principles of professional conduct. These principles not only include duties that may be sanctioned by disciplinary measures, but offer guidance to judges on how to conduct themselves (Art. 72).

These principles should be laid down in codes of judicial ethics which should inspire public confidence in judges and the judiciary. Judges should play a leading role in the development of such codes (Art. 73).

Judges should be able to seek advice on ethics from a body within the judiciary (Art. 74).

The United Nations Convention against Corruption Implementation Guide and Evaluative Framework for Article 11 to which Turkey is a party as well:

...there should be a mechanism or procedure, formal or informal, to advise members of the judiciary on the propriety of proposed conduct (Art. 6).

COURT OF CASSATION CODES OF CONDUCT

"Promoting and entrenching respect for the Rule of Law and the role of the judiciary depend upon a multi-generational understanding of important legal principles and individual rights." This concise statement in the Article 9 of Istanbul Declaration on Transparency in the Judicial Process forms the basis of legitimacy regarding dissemination of the Court of Cassation Codes of Conduct in the society.

The Court of Cassation attaches great importance and priority to the themes of "judicial ethics, transparency and trust in the judiciary". As a result of the International Symposium and Ethics Workshop held within the framework of the Ethics, Transparency and Trust Project of the Court of Cassation, codes of conduct, which were determined with a broad participation, were revised in the consequence of meetings with more limited participation and presented to the opinion of more than 90 institutions and experts at home and abroad. In the wake of the studies conducted in line with the views received, Court of Cassation Code of Conduct for Public Prosecutors and Court of Cassation Code of Conduct for Staff were adopted on 19 October 2017. Upon the proposal of the Board of Presidents of the Court of Cassation, the Court of Cassation Code of Judicial Conduct was unanimously approved by the Grand Plenary Assembly of the Court of Cassation and entered into force on 8 December 2017. The Court of Cassation Codes of Conduct has been formulated with collective ethics understanding and in a democratic, participatory and transparent way, and forms the basis of the Court of Cassation Judicial Ethics System representing the highest standards in the world.

ETHICS COMMITTEE FUNCTIONS IN ACCORDANCE WITH THE PRINCIPLES OF TRANSPARENCY AND ACCOUNTABILITY TO THE PUBLIC