

Questionnaire “B” on the role of training institutions in recruitment and initial training of judges and prosecutors³⁰

I. What are the ways of acceding (and the respective related procedures) to the functions of judge and prosecutor (examination, selection based on a file, etc..)?

Written and oral exam

II. How, following which periodicity and by whom is the assessment of vacancies to be filled done?

The assessment of vacancies to be filled is done by the Turkish High Commission of Judges and Prosecutors in view of the need of judges and prosecutors.

III. What are the bodies which proceed to the selection of the candidates to the initial training for the function of judge or prosecutor? According to the way of acceding to the function of judge or prosecutor (cf. question I. above), please specify: a) the qualification of the persons proceeding to the selection: members of these selection bodies are they: i) exclusively judges and prosecutors? ii) in majority judges and prosecutors? iii) in majority persons who are neither judge nor prosecutor? and b) the selection procedure; do members of these selection bodies benefit from a specific training, for instance in the field of assessment techniques? If so, please give details;

The president and members of the Turkish High Commission of Judges and Prosecutors are the bodies which proceed to the selection of the candidates.

IV. What qualifications are requested from candidates (university degrees, previous professional experience)?

University degree is required

IV. In the case of a selection done by way of an examination, what are the selection modalities (multiple choice questionnaire, written and oral examinations, psychological tests, etc..)?

Written and oral examinations

VI. What is the value of passing of initial examination (access to initial training as a tool for further selection, or as a tool to begin the professional career)? What are the consequences on curricula and assessment of training?

It is a tool to begin the professional career

³⁰ Members of the Lisbon Network are invited to send their replies to the Secretariat by E-mail (valerie.schaeffer@coe.int) for 31 March 2005 at the latest.

VII. Please give information on:

- a) the framework of initial training

A Centre for the Training of Candidate Judges and Public Prosecutors is established in Ankara, within the Academy, to pre-service preparatory and final training to persons appointed as candidate judges or public prosecutors in the general or administrative judiciary in order to ensure that they are raised as individuals who have the integrity, the impartiality and the sense of justice required by the profession of law, that they are prepared for being a judge or a public prosecutor, that they become able to implement in practice the knowledge they have acquired in higher education and that they receive professional training and education on how to perform their judicial tasks.

- b) the duration of initial training

Persons appointed as candidate judge or public prosecutor in the general or administrative judiciary shall receive pre-service training for two years.

- c) the qualification and the selection of trainers

The Academy may recruit the teaching staff it needs from institutions of higher education in accordance with the Higher education Law, in cooperation with the institution concerned, and employ them in permanent positions or on a temporary basis. The periods of service spent in the Academy by teaching staff employed in permanent positions to be deemed to have spent in a university. Teaching staff employed on a temporary basis to be paid tuition fees. The rights of such staff at the higher education institutions to which they belong to be preserved. The Academy may also employ teaching staff of foreign nationality on contract.

In addition to those, members of the Supreme Court of Appeals, The Council of State, the Military supreme Court of Appeals and the Military Supreme Administrative Court, on condition that their secondment is found appropriate by the competent boards and bodies, and general, administrative and military judges and prosecutors, lawyers, notaries and other experts, on condition that they have practiced their profession for ten years as a minimum, may also be employed as teaching staff at the Academy in sufficient numbers, upon a request from the President of the Academy.

- d) the method used in initial training (seminars, training periods in a jurisdiction, training period in other places, period of the curriculum during which these training periods take place)

The length of initial training is 2 years and this time includes three periods. One of them is the period of preparatory training. During this period, candidates shall be introduced to the general and basic concepts of legal practice. They shall be taught the techniques and rules for writing texts that concern the services of justice and the judiciary. Seminars, symposiums, conferences and similar activities shall be organised on certain topics. The professional and scientific training of candidates shall be ensured, and information provided on problems encountered in practice and on ways of solving them.

The period of practical training ;

During this period, candidate judges and public prosecutors of the general judiciary shall spend times at general courts, at offices of chief public prosecutor, and at other departments of justice;

Candidate judges of the administrative judiciary spend times at the Council of State, at province governorates, and at regional administrative courts, at administrative courts and at fiscal courts.

Of the candidate judges and public prosecutors in the general judiciary, those doing their practical training in Ankara spend the last part of their time at courts in the Supreme Court of Appeals.

The final training ; During this period, the candidates together discuss, interpret and apply the knowledge they have acquired during the previous two periods; they also are asked to solve problems selected from the fields of public law, private law and administrative law and to write judgments on those problems.

The preparatory training and the final training take place at the Training Centre.

- d) the content of the initial training programmes³¹ and its link with university curricula

There is a link with the universities and the content is several law matters such as European and international law, foreign languages, international judicial co-operation, issues related to discrimination; practical studies in the field of forensic medicine, police.

VIII. Is there an exit examination? If so, what is the value of this exit examination? Please give details about the methods of selection, the selection bodies and their membership

At the end of training, the candidates shall take a written examination on the topics taught to them during the training period.

³¹ For example: deontology, European and international law, foreign languages, international judicial co-operation, issues related to discrimination; practical studies in the field of forensic medicine, police, cadastre, social security, labour law, alternative dispute resolution (ADR), etc.; familiarization with the functioning of jurisdictions such as Supreme Courts, State Councils, etc...

Those who are successful in the written examination shall be admitted into the profession and their appointments shall be made under the provisions of Law no. 2802 of 24 February 1983 on Judges and Public Prosecutors. Those who are not successful in the written examination shall be given the right to take another examination within two months; the Authorities shall terminate the candidacy of those who are not successful in that examination, either.

IX. Are there provisions for the training and tutoring for judges and prosecutors in the first years of their career (complementary training)? If so, what are the modalities?

Some seminars