

## Questionnaire “A” on the structural and functional features of training institutions of judges and prosecutors<sup>28</sup>

I. What is (are) the name (s) of the training institution (s) of judges and prosecutors in your country? Please indicate whether the training of judges and that of prosecutors takes place or not within the same training institution; does (do) the training institution(s) of judges /prosecutors ensure both initial and in-service training? National and decentralised training? **The Name of the training Institution of judges and prosecutors in Turkey is Turkish Justice Academy. The training of judges and prosecutors take place in the same institution in Ankara where the Justice Academy is located. It ensures both initial and in service training. The Academy has the following duties on training. To organize courses for the in-service and initial training and advancement of judges and public prosecutors in general, administrative and military judiciary, of lawyers and notaries and of auxiliary justice personnel; to organize specialty programmes, seminars, symposiums, conferences and similar activities in certain areas; to implement training and education programmes at the end of which certificates or diplomas will be issued; to assist in the development and implementation of training plans and research projects by relevant institution, organization and boards in the area of law and justice.**

II. For each training institution, please indicate:

- a) the number of full- time trainers: --
- b) the number of part- time trainers: --
- a. the number of occasional trainers. **Total number of the trainers is 140 from different institutions at the moment.**
- c) the number of administrative and managerial staff: **The Academy consists of the following organs: A) Presidency, It consists the President, two deputy presidents, the secretary general and a sufficient number of personnel B) General Assembly, It consist of the Minister, The Ministry Undersecretary, the Director-General for Penal Affairs, the Director-General for Legal Affairs, the Director-General for Laws, the Director-General for Personnel, The Head of the Training Department, one representative from the Department of Military Justice Affairs of The Ministry of Defense, Four members of the Supreme Court of Appeal, Three member of the Council of State, One member Military Supreme Court of Appeal, One member Military Supreme Administrative Court, one member of Supreme Board of Judges and Prosecutors. 2 member from law faculties, One members from the Bar Association, One member from the Union of Notaries, 4 members elected by the teaching staff, expert, researchers and other personnel. C) Board of Directors, it consist of the president and six members of the General Assembly. D) Board of Auditors, It consists of three members of whom selected among the General Assembly. Totally, there are 8 administrative and managerial staff at the moment**

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<sup>28</sup> Members of the Lisbon Network are invited to send their replies to the Secretariat by E-mail ([valerie.schaeffer@coe.int](mailto:valerie.schaeffer@coe.int)) for 31 March 2005 at the latest.

- d) the origin of funding : The academy has the following sources of revenue:
  - Appropriations to be included every year in the budget of the Ministry of Justice,
  - Donations, contributions and legacies to the academy
  - Fees to be received in return for research, education, training, consulting and other services provided by the academy.
  - Revenues from publication
  - Income from movable and immovable property owned by the Academy;
  - Income from investing the above-mentioned revenues
  
- e) the link with the Ministry of Justice, the High Council of Magistrates, etc.: To carry out its duties, the academy cooperate with the Constitutional Court, the Supreme Court of Appeals, The Council of State, The Military Supreme Court of Appeals, The Military Supreme Administrative Court, The Court of Jurisdictional Disputes, the Supreme Board of Judges and Prosecutors, the faculties of law, The Union of Bar Association, and other institutions, organizations and boards as may be required by its duties; it may implement joint work, research and training programmes and create consultative boards and commissions with them. The Academy is a related institution to the Ministry of Justice.
  
- f) taking into account, in particular, item f) above, if it should be considered as an autonomous/independent training institution. The Justice Academy of Turkey is created as a legal body with scientific, administrative and financial autonomy to carry out duties indicated in its law.
  
- g) the links between the training institutions if there are more than one (co-operation, coordination, subordination, etc...); --

III. What are the procedure and the criteria for the appointment of managerial staff and instructors of the training institution (s)? Are the criteria for the appointment of the trainers identical for a) full-time, part-time and occasional trainers? b) trainers responsible for initial training and those responsible for in-service training?

The President and the deputy presidents are selected and appointed by the Council of Ministers, for a term of four years, from among the three candidates for each position who are nominated by the Board of Directors with the votes of at least five members from among the members of Supreme Court of Appeals, the Council of State, the Military Supreme Court of Appeal, and Military Supreme Administrative Court, general, administrative or military judges and public prosecutors of first-degree or those who are deemed to be of such degree, professor of law, and lawyers or first-degree notaries after receiving their consent.

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 may also be employed as teaching staff at the Academy in sufficient numbers, upon a request from the President of the Academy. The Academy may employ researchers or experts on contract. In this way foreigners may also be selected as researchers or experts

IV. What is the proportion of judges and prosecutors who are full- time / part-time instructors and/or members of the management?

Totally, there are 8 administrative and managerial staff at the moment. Seven of them are judges or prosecutors.

V. If persons other than judges or prosecutors fulfill the task of trainers, what are their original profession? Please also give details on their proportion;

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. 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.

VI. Are retired judges and prosecutors or other retired law practitioners invited to act as trainers or members of the management?

Retired member of the high courts, retired judges and public prosecutors and retired university staff, lawyers and notaries may also be employed at the academy on a permanent or temporary basis. Those to be employed in this way shall not be subject to any upper age limit and their pension shall not be suspended. Former presidents of the Academy are natural members of the General Assembly.

VII. What choice has been done between full-time instructors, part-time instructors or occasional instructors that furthermore have judicial functions? ---

VIII. If judges or prosecutors are part-time or occasional trainers, is the burden of their work within their jurisdiction alleviated? no

IX. Please specify the modalities of the training of trainers who perform their training mission –full-time or part-time- within the framework of the training institution(s) or in Courts (content, educational methods, duration, periodicity, etc...);<sup>29</sup> Is training of trainers compulsory?

Training of the trainers is done in accordance with the EU project Office and Turkish High Commission of Judges and Prosecutors. Training of trainers is not compulsory.

X. Please specify what initiatives are taken to assure vicinity between trainers and trainees at regional and local level as well as to develop communication (including through the Internet); **no**

XI. Please specify what initiatives are taken to assure participation of the training institution in international co-operation in the field of training (exchanges between training institutions, periodicity of these exchanges, organisation of / participation. in international seminars, co-operation with International Organisations / Institutions (Council of Europe, the European Commission, etc...)).

The Academy may use the services of expert in the country and establish professional and scientific relations with concerned international institution.  
There are joint training activities with international organizations.

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<sup>29</sup> See the conclusions of the meeting of the Lisbon Network held in Budapest, 25-26 October 1999, on the theme "The training of trainers".