



01.10.2015

**Opinions of the High Council of Judges and Prosecutors of Turkey
Regarding the Report of the Bureau of the Consultative Council of European
Judges dated 12 June 2015**

The report dated 12 June 2015, which contains opinions of CCJE Office has been examined.

A holistic evaluation of the report shows that the report seriously contradicts itself in various points such as:

1) Although it was stated in the report that the CCJE Office was not in a position to examine or investigate the factual basis of the events that had allegedly taken place as mentioned in the complaints communicated to it, in its conclusions the report included some sentences which almost judged and accused our High Council, Inspection Board and other judges and prosecutors related to these events.

2) The report stated that our High Council had not raised an objection against the letter communicated to CCJE Office by Yorulmaz, Attorney at law. CCJE mission and duties do not include adjudication. Therefore, the reply provided upon communication of the letter by Yorulmaz and relevant request was a mere summary about the chain of events. It is clear that it was not an objection raised by the High Council.

Since it is not possible for the CCJE Office to examine or investigate this matter, expecting our High Council to raise an objection against the motion by Yorulmaz does not comply with CCJE's mission.

After all, if CCJE had seen a necessity for the evaluation of allegations mentioned by Yorulmaz in the letter, it could have requested the High Council to provide clear and detailed information on every allegation found concerning.

The fact that CCJE Office had stated it could not comment on whether the law concerning both substance and procedure was enforced accurately during the action taken sets forth the justification for the position adopted by our High Council in this respect.



3) If CCJE Office states that its functions include checking compliance of actions with European standards, this function has to be exercised fairly. In this context, a detailed review has to be conducted on issues of concern taking into account all types of information. We could not understand the rush within which CCJE made statements in this report, which almost accused and judged the High Council and all judges involved in the process.

4) The fact sheet submitted to CCJE Office by our High Council summarized the course of events without mentioning the details, which was a consequence of consideration given to the general operational principles of CCJE.

For purposes of reiteration, it is hereby underlined that our fact sheet was not written as a reply to Yorulmaz's motion, it only aimed at communicating information concerning the course of events.

Had the purpose been writing a reply to Yorulmaz's motion or an answer based on a request made asking for information from the High Council on issues that were of concern to CCJE Office, the justification for the writing of this report would have been eliminated because it would have been clearly stated that none of the issues mentioned in the report were true; efforts were undertaken to administer justice and combat against some series of events, which involved some unprecedented illegal acts; and action taken was not violating European standards.

However, we consider that it is possible to engage in cooperation, which did not take place at that stage. This cooperation is seen as an opportunity for shedding light on the relevant issues and correct mistakes.

All contributions potentially made by CCJE in line with its mission and the rule of law during the process of action taken by the High Council of Judges and Prosecutors to preserve and maintain confidence in justice having regard to the recent developments in the Turkish Judiciary will be appreciated and welcomed with gratitude.