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**STRENGTHENING THE CRIMINAL JUSTICE SYSTEM AND  
THE CAPACITY OF JUSTICE PROFESSIONALS ON PREVENTION OF  
THE EUROPEAN CONVENTION ON HUMAN RIGHTS VIOLATIONS IN TURKEY**

**REPORT ON TRAINING NEEDS ASSESSMENT  
IN THE FIELD OF CRIMINAL JUSTICE  
WITHIN TURKEY**





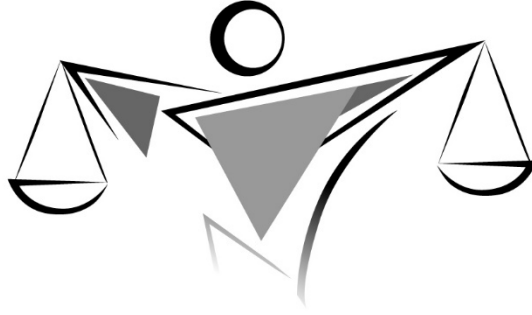


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# REPORT ON TRAINING NEEDS ASSESSMENT IN THE FIELD OF CRIMINAL JUSTICE WITHIN TURKEY



## REPORT ON A NEEDS ASSESSMENT FOR LEGISLATION AND POLICY RELATING TO THE CRIMINAL JUSTICE SYSTEM IN TURKEY

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*The opinions expressed in this report are the responsibility of the authors and do not necessarily reflect the official policy of the Council of Europe, the European Union, the Justice Academy of Turkey or other stakeholders of the project.*

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### Stakeholders:

- Turkish Constitutional Court
- Court of Cassation
- Council of Judges and Prosecutors
- Union of Turkish Bar Associations
- Financial Crimes Investigation Board (MASAK)
- Gendarmerie General Command
- Turkish National Police
  - Anti-Cybercrime Department
  - Counter-Terrorism Department
  - Anti-Smuggling and counter-Organized Crime Department
- Information and Communication Technologies Authority
- Forensic Medicine Institution

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## INTRODUCTION

This report is based on a consolidation of notes taken by Konul Gasimova, Fahri Gökçen Taner, Tuğçe Duygu Köksal, Tolga Şirin and Michael Jameison in relation to assessment visits of the Justice Academy of Turkey, the Courthouses of Izmir and meetings with the Ministry of Justice in Ankara. It also includes further reports from Yucel Erduran and Elena Jovanovska-Brezoska about study visits to Spanish Judicial Schools, conducted in the accompany of the members of the JAT. Therefore, the findings of this report are limited to the information obtained from the participants of meetings listed in Annexes.

During the second half of 2019, the JAT conducted a separate Needs Assessment study, which was carried out by national academics and aimed at obtaining more qualitative and quantitative data by addressing much bigger sample groups from different stakeholders of Judiciary. It is expected to be a guideline for the further steps of the JAT in restructuring the judicial training system in Turkey.

The following abbreviations are used in the text below:

CoE	Council of Europe
CPC	Criminal Procedure Code
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
iPROCEEDS	Cooperation on Cybercrime under the Instrument of Pre-accession (IPA)
HELP	Council of Europe programme on Human rights Education for Legal Professionals
JAT	Justice Academy of Turkey
MASAK	Financial Crimes Investigation Board
PGCE	Postgraduate Certificate in Education
TCC	Turkish Constitutional Court
ToT	Training of Trainers
TPC	Turkish Penal Code (Criminal Code)
UTBA	Union of Turkish Bar Associations

## A. Background

This report is based on assessment visits relating to the CoE/EU project on “Strengthening the Criminal Justice System and the Capacity of Justice Professionals on Prevention of European Convention on Human Rights Violations in Turkey.”

The project has identified areas of delivery, which include;

- Needs assessment (concerning 1. legislation and judicial practice and 2. judicial training) in the field of criminal justice,
- Capacity building in the field of human rights related to criminal justice,
- Organising awareness raising events in various forms in the field of human rights.

This activity is related to a Needs Assessment at the JAT.

Observations were collected from a needs assessment visit that took place between 21<sup>st</sup> to 23<sup>rd</sup> October 2019 in Ankara, a study visit to the Spanish Judicial Schools in Madrid and Barcelona between 11<sup>th</sup> and 14<sup>th</sup> November 2019 and a needs assessment visit that took place between 6<sup>th</sup> to 8<sup>th</sup> January 2020 in Izmir and Ankara.

Latest version of this Report was shared with beneficiaries of the project in order to obtain their opinions and suggestions, on 27.03.2020. Opinions and suggestions of Council of Judges and Prosecutors were conveyed by the official letter dated 28.04.2020 and numbered 17440263-659-70/25161 and were incorporated into the report.

### 1. Assessment Visits

In advance of the meetings, a questionnaire had been prepared with the aim of forming the basis of the observations recorded in this portion of the report.

The first assessment visit occurred at the JAT in Ankara, Turkey and was undertaken with four training experts acting as consultants with the CoE.

The following meetings were held between 21<sup>st</sup> and 23<sup>rd</sup> October 2019;

- Meeting with the management of the JAT,
- Pre-service training department,
- In-service training department,
- Measurements and assessment centre,
- Trainers of the JAT,
- Consultants of the JAT from different universities of Turkey who had undertaken a needs assessment for the training.

The study visits to the Spanish Judicial School Pre-Service and In-Service Training Departments in Barcelona and Madrid, Spain were undertaken by members of the project team, who were accompanied by managers from the JAT.

The second needs assessment visits occurred at the Izmir Courthouses, the Izmir Bar Association premises and a meeting room in Ankara. These meetings were undertaken with five training experts acting as consultants with the CoE.

The following meetings were held between 6<sup>th</sup> to 8<sup>th</sup> January 2020 in Izmir and Ankara;

- President and Chief Public Prosecutor of the Regional Courts of Appeals in Izmir,
- Members and Prosecutors of the Regional Courts of Appeal in Izmir,
- President of Justice Commission and Chief Public Prosecutor of Izmir Courthouse,

- Previous trainers (judges) from the earlier COE projects at Izmir Courthouse,
- Judges of First Instance Courts, Izmir Courthouse,
- Prosecutors of First Instance Courts, Izmir Courthouse,
- Recently assigned Judges of First Instance Courts, Izmir Courthouse,
- Recently assigned Prosecutors of First Instance Courts, Izmir Courthouse,
- Ministry of Justice from Ankara, including the following departments; Directorate General of Personal Affairs, Directorate General of Criminal Affairs, Department of Training, Directorate General of Foreign Affairs, Strategy Development Department and Council of Judges and Prosecutors,
- Justice Academy of Turkey (debriefing).

Agendas and lists of participants of both visits are annexed.

## 2. Relevant Information

The JAT was established in 2003 and is located in Ankara. It has served as the training centre for trainee judges and prosecutors since then. All persons joining the service as a trainee judge or trainee prosecutor start their career with pre-service training. This has continued without interruption until the coup attempt on 15<sup>th</sup> July 2016.

Immediately after the coup attempt in Turkey, the High Council of Judges and Prosecutors dismissed 2,745 judges and prosecutors.<sup>1</sup> The Minister of Justice informed the Parliament that 3,926 judges and prosecutors had been dismissed from profession as of the end of 2019.<sup>2</sup>

The JAT, which was closed down in July 2018<sup>3</sup>, was reinstated on 2<sup>nd</sup> May 2019 as a public entity related to the Ministry of Justice with financial autonomy. It includes a Presidency and an Advisory Board. One significant issue facing the judiciary was the shortage of judges and prosecutors as a consequence of the dismissals. The JAT has trained a large number of judges and prosecutors in the last few years and in some areas such as Izmir, around %60 of the judges and prosecutors have three years' experience or less. In summary, between the years of 2018-2019, 4,000 trainee judges were trained in pre-service training and 10,000 judges and prosecutors received in-service training.

The JAT has sought to increase its training about the ECHR and many of the new instructors have academic qualifications related to human rights. The JAT has formed a Human Rights Centre as a core part of its organisation. Since May 2019, the Human Rights Centre of the JAT has provided several human rights trainings and a total of 82 judges and prosecutors received online "HELP" training.

In the organisation chart, it is seen that the new organisation has been planned in a detailed manner. The advisory board, which comprises 17 members, took part in creation of the new organisation mission. The advisory board is chaired by Deputy Minister of Justice and its members are judges and prosecutors who are working in different parts of the judiciary. Two of the members are academicians, one comes from a law faculty while the other from a faculty of educational sciences.

### ***Importance of Human Rights Training for the Judiciary***

The CoE has endorsed the importance of the human rights training through different documents adopted by relevant bodies. Consultative Council of European Judges' (CCJE) Opinion No. 4 (2003) states that training of judges has been recognised as of crucial importance for improving the skills and

<sup>1</sup> <https://www.independent.co.uk/news/world/europe/turkey-coup-latest-news-erdogan-istanbul-judges-removed-from-duty-failed-government-overthrow-a7140661.html>

<sup>2</sup> <https://www.aa.com.tr/en/turkey/over-3-900-judges-prosecutors-dismissed-since-2016/1654678>

<sup>3</sup> Decree No 703, Official gazette dated 9 July 2018. During the period of reinstatement of the JAT (from July 2018 until May 2019), the training department under the Ministry of Justice was responsible for both pre-service and in-service trainings of judges and prosecutors.



the functioning of the judicial public service. Rec (2004)4 of the Committee of Ministers (CM), stated that *“it appears necessary that all member states ensure that adequate education on the ECHR is provided, in particular concerning legal and law enforcement professions”*. Finally, the CM adopted on 16 October 2019 the Recommendation CM/Rec (2019)5 on the system of the ECHR in university education and professional training, stressing the fundamental role played by university education and professional training in the Convention system for preventing violations and promoting human rights.

The CoE has worked extensively in Turkey through cooperation projects in the past and currently on development of human rights curricula, both in-person and online courses, in different thematic areas and supported number of cascade trainings for judges and prosecutors.<sup>4</sup> Many relevant courses were developed in the field of prohibition of ill-treatment, freedom of expression, right to fair trial, right to liberty and security as separate courses, but also with opportunity to link human rights issues with substantive and procedural topics. Their common aim was to strengthen the national justice system in dealing with human rights issues according to the European standards. This is mainly achieved through strengthening the justice training centres’ capacities in the area, and ensuring they remain relevant and sustainable.

Such approach in bringing human rights issues closely to the judiciary, both through pre-service and in-service trainings, can positively influence the quality of better reasoned judgments delivered. Accordingly, this will have impact on reduction of the violations of the ECHR, against Turkey before the ECtHR, which currently indicates increased violations. Please see table below.

Year	Number of Judgments	Number finding at least one violation	Right to Life - deprivation of life	Lack of effective investigation (Art 2)	Torture	Inhuman or degrading treatment	Lack of effective investigation (Art 3 & 4)	Liberty and security	Right to a fair trial	Length of Proceedings	Non-enforcement	No punishment without law	Right to respect for privacy and family life	Freedom of thought, conscience and religion	Freedom of expression	Freedom of assembly and association	Right to an effective remedy	Prohibition of discrimination	Protection of property	Right to education
2010	278	228	10	7	3	32	24	80	42	83	6	0	5	2	19	10	22	0	30	0
2011	174	159	6	2	2	36	37	38	30	53	31	0	9	1	6	4	6	0	37	0
2012	123	117	11	7	0	18	17	37	26	38	20	0	3	3	8	4	11	1	23	0
2013	124	118	11	17	0	18	19	35	15	32	3	0	1	0	9	4	6	5	5	0
2014	101	94	7	11	0	15	13	45	31	11	0	0	2	2	24	2	7	2	2	0
2015	87	79	4	13	2	11	14	14	20	8	1	0	5	0	10	7	4	0	6	0
2016	88	77	8	18	0	9	10	22	11	4	0	0	6	2	7	5	3	4	6	0
2017	116	99	3	5	0	2	2	19	46	8	2	0	4	0	16	9	4	1	4	0
2018	146	140	1	10	0	11	5	29	41	9	3	0	8	1	40	11	7	3	3	0
2019	113	97	5	2	0	12	4	16	13	4	0	0	11	1	35	2	2	2	14	1

- The source of the information in these tables is the annual reports and statistical data published by the ECtHR.
- This table has been redacted so that it only includes those ECHR articles where violations have been found at the ECtHR against Turkey.

<sup>4</sup> Current and on-going Projects implemented by the CoE on: Supporting the Individual Application to the TCC; Strengthening the Capacity of the Turkish Judiciary on Freedom of Expression; Strengthening the Capacity of Turkish Bar Associations and Lawyers on European Human Rights Standards; Strengthening the Criminal Justice System and the Capacity of Justice Professionals on prevention of the European Convention on Human Rights Violations in Turkey; Improving the efficiency of investigations of allegations of ill-treatment and combatting impunity in Turkey; Supporting the Implementation and Reporting on the Action Plan on the Human Rights in Turkey; Strengthening the human rights protection of asylum seekers, migrants and victims of human trafficking in Turkey.

## B. Findings

### 1. JAT - Management

#### a. Observations

The JAT management emphasised that the new administration has a different perspective from the old one. As a consequence, it is stated by the JAT that they are very open minded about collaboration with the Union of Turkish Bar Associations (UTBA), universities and academicians. The JAT now seeks to review its entire curriculum and modules for pre-training so as to meet the needs of the prosecutors and judges in country.

JAT, which needs to train very large numbers of candidate judges and prosecutors in order to fill the big gaps in judiciary, continues to work with motivation to meet all expectations whilst improving the quality of training.

Departments and units have been set up as a result of the relevant work of the managers and administrative support. The JAT has 20 in-house trainers: 8 full-time trainers and 12 administrative staff members who deliver trainings. The JAT also collaborates with 200 trainers from judiciary and academic circles to support their activities.

Through pre-service training programs, approximately 4,000 candidates were selected and qualified as judges and prosecutors during 2018 and 2019. In addition, for approximately 10,000 judges and prosecutors, in-service training programs and projects were carried out during the same timeframe. It is recognised that many of these programs predated the new JAT.

Training programs are provided in three main areas:

1. The scientific and technical subjects required by the profession.
2. Courses about personal development.
3. Professional ethics.

The new managers at the JAT have an intention to change the past perspective. They have requested support in preparation of training modules in the criminal justice field, after reviewing and updating all pre-service training curriculum by the JAT.

The outputs of the meeting with the management of the JAT seem to be compatible with the mission statement of the JAT in general which is to harmonise the curriculum with the requirements of the modern age.

#### b. Considerations

- The JAT management is passionate about its mandate and very enthusiastic as to complete re-structuring of the JAT. The JAT aims to develop materials and modules for all courses in the pre-service training after revision and simplification of the curriculum by the JAT. They would like to do it supported by the CoE's project and without delay.
- The President of the JAT, a Head of Department and many judges in the management discussed proposals that the project could prepare a module based on the advices of both the JAT trainers and international experts. The modules should mainstream the relevant standards of the ECtHR and also case-law of the highest courts in Turkey, such as the TCC and the Court of Cassation and use training interactive methodologies, rather than lecture format.
- The project team is considering adjusting to the needs of the JAT in line with the available resources and time needed.

## **2. JAT – Pre-Service Training Department (pre-service curricula)**

### **a. Observations**

In order to be appointed as candidate judge or prosecutor, the candidates pass a rigorous exam, complete an interview stage and finally start studying at the JAT.

The pre-service training includes the preparation (3 months) period, and the final (4 months) period training. The pre-service training is organised up to 6 hours per day, however it is not scheduled for every day. In the first phase of the training, which is called “preparation training” trainee judges and prosecutors are trained together. At the completion of this phase, they are divided into groups of “judges” and “prosecutors” and attend some specific training sessions which are called “final training.”

The JAT conducts 10 ongoing projects. The JAT publishes two peer-reviewed publications and an open academic platform is provided to the professionals in order to allow them to express themselves in cultural and artistic issues.

The current training program is extremely wide and follows the structure of the national legislation (the TPC and the CPC). The JAT informed the consultants that there is a pre-prepared training curriculum, which is described in a book called the ‘Civil and Criminal Law Training Module.’ It is seen that this book only contains the headlines to be delivered for each course and during each module, which are described as topics and sub-topics. Lesson plans and notes are prepared and utilised by trainers individually, who appear to have freedom to design and develop content as they see appropriate.

From time to time, the pre-service internship period of two years has been shortened to one year to meet the needs of the judiciary. As a consequence, the duration of the pre-service training has fallen by half.

At the time of the study visit to the JAT two courses were underway. For example, in the 22<sup>nd</sup> term (intake) there are 1453 trainees, in the 23<sup>rd</sup> term there are 1411 trainees. The 24<sup>th</sup> term started on Monday, October 21<sup>st</sup> with 1000 trainees, albeit the 24<sup>th</sup> term is divided into two parts comprised of 500 persons. The classes consisted of 40-45 trainees and were delivered by one trainer.

The curriculum for pre-service training included legislation relating to procedural safeguards in criminal procedures in pre-trial and trial phases of a case. This included specific subjects such as pre-trial custody, special measures, sentencing and courtroom procedures. However, no linkage to the ECHR was included in the instruction and little time was allocated to practical implementation of this legislation beyond some in-class discussions.

The trainers reported that there is no need to prepare training modules specifically for financing of terrorism for pre-service training and that this matter can be considered for in service training. In-service training courses are not mandatory. The trainers also suggested that the cybercrime training should be removed from the pre-service curriculum as it was more suited to in-service training.

Money Laundering and Terrorist Financing had little or no place in the curriculum for pre-service training. There was an eight-hours training on cybercrime, which concentrated on the legislation in the TPC (243, 244, 245) and practices. There are similar amounts of training time relating to criminal offences against children, which included issues such as indecent images of children on the Internet.

No students failed to complete the entire pre-service training courses. The failure rate of the final exam was 81% and all students completed the examination successfully upon resitting it. It was explained that the selection process was extremely compelling, and this ensured the quality of trainees.

## b. Considerations

- The reduction of a course planned for two years down to one year must have a negative consequence on the level of the candidate completing their training. The reduction of training duration means gaps in knowledge are bound to occur.
- There appears to be little planning to make up the shortfall in learning at the JAT in shortened training courses through additional training by in-service training.
- There is an absence of lesson plans and case studies that are necessary so as to maintain consistency in between trainings from one year to another. Detailed lesson plans and training objectives should be designed.
- 40 to 45 students per class is an extremely large number and means that training techniques can only be limited to lecture styles.
- It is surprising not one person failed the training and all persons passed the examination in two attempts. The results of the examination are not publicly announced to the trainees, which requires consideration.
- It is clear that the JAT needs an appropriate programme, courses (modules) and materials.
- The JAT needs a harmonised approach to training of all subjects by all trainers.
- The JAT's request as to development of all modules and materials within this project to include lesson plans, objectives and practical methodology seem unrealistic considering the resources available to the COE and the project plan. However, a few courses could be developed in collaboration with the JAT trainers as model courses and then expanded to all programme.
- The current curriculum includes mainly the courses on the substantive criminal law (about 132 hours) rather than the procedural law (about 32 hours). The practical application of legislation in prosecution and court exercises is insufficient.
- There is no evidence that a human rights-based approach exists in the overall curriculum. It is of utmost importance to mainstream human rights standards in the substantive training courses, which was inter alia demonstrated during the study visit in Spain.<sup>5</sup>
- The use of the HELP online course on Introduction to the ECHR and the ECtHR is a good addition for the pre-service training. In the period of May 2019 until January 2020, around 626 candidate judges and prosecutors have undertaken this online course. This is very encouraging and should be considered by the JAT as a mandatory course for candidate judges and prosecutors.
- The suggestion of removing pre-service training for financing of terrorism must be compared against the current threat levels of both topics. Turkey faces exponential threats in relation to terrorism and a large number of the cases at the ECtHR are involving issues related to terrorism.
- The suggestion of removing pre-service training about cybercrime is a good consideration as this is a specialised subject.
- Issues related to electronic evidence are essential training requirements and must be included in pre-service training. The number of cases relating to electronic evidence are at extremely high levels, for crime statistics that relate to technology enabled crime such as; articles 142/e, 158, in particular, 226, 243, 244 and 245 of the TPC No. 5237. In 2018, prosecutors processed 196,466 files relating to 233,418 suspects<sup>6</sup>
- Development of the pre-service curricula can be accomplished through focused working groups together with the JAT staff and trainers, supported by competent outsourced support.

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<sup>5</sup> By the time this report is being written, the final version of the Needs Assessment report, conducted by JAT was delivered to CoE, reducing the no of courses to 7 by focusing more on procedural courses.

<sup>6</sup> Judicial Statistics 2018 – produced by General Directorate of Judicial Record and Statistics

### 3. JAT – In-Service Training Department

#### a. Observations

Once Judges or Prosecutors complete their initial training, they are sent to the courts to serve in their role. There are significant numbers of courses available for in-service training.

According to the latest state statistics, there are 20,629 judges and prosecutors in Turkey. There are 13,233 judges, out of which 6450 are female, whereas there are 7,396 prosecutors out of which 946 are female.

Generally, in-service training is not compulsory but there are some compulsory trainings.

It is seen that one of the aims specified in the strategy document published by Ministry of Justice is to render in-service training compulsory. In service trainers are experienced judges and prosecutors. Considering previous experience of CoE projects on trainings with the judiciary, it has been observed that female judges and prosecutors are not very keen on participating if trainings are outside their place of residence and last long.

Generally, the training methodology is delivered in lecture styles. It is stated that most of the trainers delivering in-service training have no qualifications to teach.

In service training is provided to the professionals on the subjects determined according to the needs of the courts. In service training includes mainly scientific and technical subjects required by the profession, both in its procedural and material aspects.

During the restructuring process of the JAT, the self-improvement and the stress/anger management training are also considered as necessary and the JAT is working in this area with social workers.

The JAT reiterated that the development of the entire curriculum could be possible with the acceptance of the additional component by the Project.

According to the previous experience of the JAT, there is apparently a need for skill-based training rather than knowledge-based learning. The courses should be skill oriented. It is important to note that the JAT seems in favour of a participatory model for the development of the curriculum.

#### b. Considerations

- The JAT has been in a *restructuring* process since May 2019 and the independence of the JAT is one of the main objectives.
- Judicial ethics and principles are taken into consideration in the scope of the trainings. This is an important issue in the framework of the new JAT.
- When a judge or prosecutor has completed their initial training there is no requirement to attend further in-service training. According to information provided by the JAT, judges and prosecutors receive compulsory trainings when there are significant legislation changes.
- In-service training appears to have no link to career progression, promotion or employment decisions.
- Judges and prosecutors appointed immediately after the attempted coup d'état had a shorter period of pre-service training. A prioritised planning of in-service trainings for this category of new judges/prosecutors could be put in place.
- The JAT does not have a specific in-service curriculum regarding the ECHR and the ECtHR other than projects delivered by CoE and similar organisations. Many serving judges and prosecutors have received little or no training with regards to human rights dimensions. Within the scope of this project, a Human Rights training course could be designed for Turkey, including all possible subjects related to criminal justice. Such compulsory course would perfectly serve the aim of the prevention of the ECtHR violations.

- The JAT collaborates with over 200 trainers in in-service training. However, there is little or no coherent approach and training methodology among them.
- An evaluation form is distributed after each training to each participant and an evaluation report is prepared by Measurement and Assessment Centre at the JAT. The fact that a trainer was given poor feedback by the trainees is one of the factors, together with her/his background, seniority, experience and specialisation fields, that they may not be invited to deliver future trainings. No development plan appears to be in place for these trainers.
- The In-service Training Department expressed the need for distance learning modules and e-learning modules and that they wanted to create this capacity within the JAT. The CoE HELP courses are known to the JAT, but they need to be popularised. The JAT expressed that online training is one of the priorities and it plans to establish online training platform in addition to promoting of HELP courses and requested the Project to support its online training plans.
- Financing of terrorism is considered as a secondary issue in the framework of the pre-service trainings and it is proposed that this component could be useful as in-service training modules.
- Cybercrime is considered as a secondary issue in the framework of the pre-service trainings and it is proposed that this component should be included as in-service training modules.
- Participation of female judges and prosecutors is encouraged by the Council of Judges and prosecutors.

#### **4. JAT – Measurement and Assessment Centre**

##### **a. Observations**

The Measurement and Assessment Centre's mission is to measure the quality of training. This centre receives feedback from students who attend pre-service and in-service training and evaluate performance of the trainers. The centre performs an important function in measuring the quality of training but is at an early stage in its development and is likely to take two years to have all of its aspirations fully in place.

In order to evaluate the competence of training, the unit distributes an evaluation/feedback form after each module to trainees and an evaluation report is prepared by the unit based on those feedbacks. The questions of the evaluation mainly concern logistical aspects of the training and only a few questions are asked concerning the trainer.

The feedback/evaluation forms also serve a role in evaluation of the trainers; of note those guest trainers who receive poor feedback by the trainees may not be invited to future trainings, also taking into account their background, seniority, experience and specialisation fields.

However, this unit does not assess the long-term impact of the trainings, in particular the human rights trainings, on the quality of judgments and reducing violations of the ECHR. It does not assess the trainings needs of the judges and prosecutors related to some pertinent issue, which would be considered by relevant departments.

##### **b. Considerations**

- The existence of such a centre is important for standardising training levels in both pre-service and in-service training. This centre could measure the best outsourced trainers and identify where training skills are required. The only way of dealing with poor performances by a trainer is not to invite them to future courses. The fact that a good content expert with poor methodology could be trained and could improve, is not taken into consideration.

- Once the training program is standardised and harmonised, the evaluation of trainers and material will be easier to conduct. It will be more objective, more indicative, will identify shortcomings and identify areas for improvement.
- Once all full-time trainers of the JAT are trained for adult training methodology, some of them could be involved to give training skills instructions to their colleagues who have received poor feedback on methodology. The content which received poor feedback, could be improved by the trainers specialised in that subject. The JAT expressed that the Project might support it in areas of programme development, evaluation and measurement and the ToT.

## **5. JAT – Trainers of the JAT**

### **a. Observations**

One of the new practises adopted by new administration is the employment of full-time permanent trainers. Currently, there are 8 in-house trainers and 12 administrative staff members who are employed as trainers. There is an aspiration of increasing that number. In-house trainers have at least 10 year-experience as a judge or prosecutor.

The following requirements are sought for the trainers: speaking more than one language, having academic qualifications and having professional experience in the judiciary. This is an important detail to ensure sustainability.

The training subjects delivered by the in-house trainers include, among others, the following; Protection measures, the CPC, human rights course, relations between prosecutor and law enforcement bodies, interrogation techniques, some offences which are stipulated in the TPC, the Law No. 6284, real estate law, disciplinary legislation and courses on professional ethics.

The trainers are delivering lessons using a style of practice-based lectures. The trainers are occasionally asked to deliver a full course day, which they describe as very heavy and tiring. Normally each trainer gives lecture for half a day and they can prepare for other lessons in the remainder of the day.

The trainers stated that they recently had started discussing how to create harmonised approach to the courses and somehow reach certain quality level. However, it appears that this concerns only in-house trainers and “outsiders” are not involved in these discussions.

The trainers believe that a human rights-based curriculum is needed and that the hours currently dedicated to the human rights course and the freedom of expression course in the curriculum are not adequate. According to them, two separate modules should be created: One pre-service training for the candidate judges and prosecutors and second for in-service training for judges and prosecutors.

### **b. Considerations**

- To provide standardisation of the training process, the presence of permanent trainers is essential.
- The trainers have insufficient educational qualifications and academic instruction. All trainers have received a three-day in-house course on training methodology. Currently only four trainers have passed a train-the-trainer course.
- The amount of training instruction is relatively short when compared to the available adult education qualifications (degree, diploma, PGCE etc.). The trainers welcome the development of a standards guideline and they believe that the CoE project should try to establish a sustainable training system for trainers.

- The shortage of wider training skills leads to a lack of systemic approach in preparing a course where training should be standardised.
- Interactive training methods are rarely used during the training. It was apparent, that some trainers do not apply interactive methodology in lessons and limited themselves to lecturing with some visual support (Power Point presentations).
- The in-house trainers of the JAT (full-timers and administrative staff delivering training) are very motivated and interested in having a high-quality standard training. They agreed that they needed CoE input and support in development of the curricula and materials
- The use and diversification of the training materials, including *Istanbul Protocol* and judgment samples, should be taken into consideration.<sup>7</sup>
- The trainers were familiar with the requirements of human rights (especially Articles 3, 5, 6 and 8) and stated that they address the ECHR related issues from time to time. Currently no standardised materials exist, and quality of the training varied very much from one trainer to another.
- Trainings under the CoE HELP programme provided under the Constitutional and Human Rights part of the Curriculum could be considered as a very important step. In particular, inclusion of Introduction to the ECHR and the ECtHR course under which 9 tutors of the JAT have been trained in the period of May-December 2019.
- Concerning the *cybercrime* component of the in-service training, the JAT does not have a full-time trainer in cybercrime so the requirement is outsourced to the experts in this area.

## 6. Findings of the Report Prepared by Consultants of the JAT from Different Universities in Turkey

### a. Observations

A team of academicians have been employed by the JAT to conduct a need assessment study for the JAT. The needs assessment report was subsequently finalized in January 2020. The main aim of the assessors was to ensure wide participation in their assessment meetings.

During the study, they:

- Created and prepared a detailed assessment about training at the JAT,
- Shared the questionnaire with former trainees of the JAT (507 judges and 179 prosecutors) via UYAP,
- Conducted 30 face-to-face meetings with former and current candidate judges and prosecutors,
- Shared the questionnaire with 3,000 serving judges,
- Met with High Judicial Council and Supreme Court,
- Interviewed a large number of judges (1451) and prosecutors (788),
- Interviewed the groups with the highest scoring trainers (six groups of ten),
- Visited 6 faculties of law,
- Reviewed timetables, training material and the curriculum,

<sup>7</sup> The **Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, commonly known as the **Istanbul Protocol**, is the first set of international guidelines for documentation of torture and its consequences. It became an official United Nations document in 1999.

The Istanbul Protocol is intended to serve as a set of international guidelines for the assessment of persons who allege torture and ill treatment, for investigating cases of alleged torture, and for reporting such findings to the judiciary and any other investigative bodies.



- Interviewed with the Local Bar Association,
- Carried out field visits to courts in question in Erzurum, Antalya, Ankara, and Istanbul,
- Visited the TCC (regarding Human Rights issues),
- Held 6 workshops among experts and with the JAT to discuss findings and curriculum,
- 31% of interviewed judges/prosecutors were women.

During their research the consultants from different universities placed significant weight on the feedback and responses from the students, but placed importance to identifying what could be added to the curriculum to add value. This was undertaken scientifically. Their report was shared with the management of the JAT in January 2020 for the latter's assessment in order to be finalised.

The report made many recommendations and it is noted that there are many similarities to the conclusions made in this document.

## b. Considerations

The approval of a judgment by the Court of Cassation or the Regional Court of Appeals is playing a factor in the promotion of the first instance judges. But the references made to the case-law of the ECtHR or the TCC do not. At the time this report was being written, two new principle decisions of the Council of Judges and Prosecutors amending "Principles about Promotion Grounds of Judges and Prosecutors" (decision no: 675/1; 05.04.2017) and "Principles about assessment of first instance judges and prosecutors" (decision no: 675/2; 05.04.2017) were published in the official gazette<sup>8</sup> the following provision was inserted:

*"On the basis of principles of judicial independence and guarantees for the judgeship, it is taken into account (for their promotion) whether they (judges and prosecutors) had caused a violation decision rendered by the ECtHR and TCC, if so characteristics and gravity of the violation found, above all their efforts for protection of the rights guaranteed by the ECHR and the Constitution."*

The decisions also referred to in service training of Judges and Prosecutors and making "in-service training activities, specialization programmes attended ..." a criterion in promotion and the assessment of work of the first-class judges and prosecutors.

The needs assessment by the consultants of the JAT from Different Universities of Turkey has made a number of recommendations including the following;

- Simplify curriculum and reduce the number of courses from 93,
- Recommend a new training structure: application of the legislation,
- Use of the specific decisions as an example (rather than template decisions),
- Improvement of the practical aspects of the trainings (Moot courtroom),
- Introduce a training file for each candidate to take into the field,
- Introduce internship in courtrooms,
- Mentoring of newly qualified judges and prosecutors so as to support and improve internship,
- The awareness about the importance of the case-law of the ECtHR or the TCC should be given during the trainings at the JAT.

The JAT shares the main idea that the training model might be incomplete if international standards are not inserted into it. During the need assessment visits, several stakeholders were interviewed for this purpose. The opinion of the foreign experts (for example from Spanish Justice Academy) were

<sup>8</sup> Official Gazette dated 15.1.2020 (no 31009)

also asked on the training modules. It seems that the JAT has a flexible and open-minded understanding in this field.

It is important to synchronize the outputs of two need assessment works carried out by two different expert teams (The University Consultants and CoE Project).

## **7. Pre-Service Training School in Barcelona**

### **a. Observations**

The Spanish Judicial School for the Judiciary depends on the General Council of the Judiciary, which has the authority for the selection and training of judges. The school has two locations, one in Barcelona for initial training, and one in Madrid for in-service training.

The selection process for judges consists of written and oral exams for which average preparation time is around four years after a university law degree. It is an exam which requires good knowledge of laws therefore judges who pass this exam are expected to be very good in theoretical matters and are trained for more practical issues and procedures in Judicial School.

The initial training for those who have passed the public competition entry exams consists of 3 phases:

- A theoretical/practical phase (at least 9 months),
- Internships in courts with a mentor judge (at least 4 months),
- Stage of substitution and reinforcement of courts (at least 4 months) after appointment as a judge (like a probation period).

The Spanish Judicial School has a team of 12 full-time judges: 8 trainers (4 civil and 4 criminal fields), School Director, Training Director, 2 judges deal with administrative matters but are also engaged in training delivery. There are also 2 full-time university professors for Constitutional and the EU Law courses. They also collaborate with outsiders (judges, lawyers and experts etc.) throughout the year.

Currently, there are 188 trainees (72 last term). The best candidates will have a chance to select the court where they would like to work.

The curricula are based on increasing knowledge, developing skills and attitudes. There are 3 main areas of study each comprises of 10 core courses:

- Civil Law and Civil Procedures
- Criminal law and Criminal Procedures
- Constitutional and the EU Law (covering the ECHR and the case-law of the ECtHR)

The Spanish Judicial School describes its courses as 'ordinary' and 'non-ordinary' courses. Ordinary courses are more fixed and are long-term courses, whereas the non-ordinary courses are designed according to the needs of the judiciary in Spain. Therefore, non-ordinary courses are easy to change, while the ordinary courses are core curricula. For ordinary curricula, they have fixed term trainers but for non-ordinary they receive external training support.

### **b. Considerations**

The system of delivering course material using lecturing style has been abandoned for the last 20 years in the Spanish Judicial School. During discussions, the managers and trainers from the Spanish Judicial School encouraged the JAT to consider using more interactive methods the Spanish Judicial School are problem-based learning and learning by doing. These are the key concepts in the training and are complimented by different tools to increase knowledge and skills of the candidate judges. These include;

- Surveys: knowledge-based questions for trainees in different fields,
- Case studies: very often real cases (finished or pending still before national courts) are selected as course material and trainees are asked to reach a decision. Later, the actual decision of the court is discussed. Teamwork is utilised when dealing with case studies,
- Workshops/World café: for cooperative learning,
- Video conferences: direct streaming during a hearing from a court and communication with a sitting judge about the case,
- Role play / mock trials/ simulations,
- Online training courses: for e-learning Moodle platform is used. HELP course on Introduction of the ECtHR is mandatory under the Constitutional and the EU Law area and another HELP course on domestic violence will be introduced as a mandatory course next year,
- Under the Constitutional and the EU law they used hybrid training system (online and face-to-face training together).

A variety of practical and interactive activities support the classroom learning. These include;

- Visits to institutions: One or two-day visits or placements in different public institutions (stays in prisons, police headquarters, lawyers' chambers, prosecutor's office, hospitals etc.) to observe the work of different public officials and to better understand the system and its link with judiciary in addition to comprehend how their decisions as judge could alter an individual's life. For instance, staying in prison and meeting prison staff and prisoners themselves or with a lawyer in a courthouse to understand the attitudes of court staff against lawyers etc.,
- Specialised seminars: On specific topics relevant for trainees as decided for each academic year.
- Additional courses: Ethics, Forensics, psychology, finance, mediation, languages (obligatory English; one level progress is expected), data protection, communication skills etc.

HELP organises an annual conference with participating beneficiaries in order to evaluate the implemented courses and identify the needs for the following year. The methodology used to identify training needs follows this process during the cycle of the conference and could be a model to identify the needs for the JAT:

- Preparatory work – brainstorming with different groups on possible training needs,
- Questionnaires – Answers submitted in advance by participants attending the conference,
- Preparation of meaningful agenda and concept paper,
- Conference working groups and discussions, where findings and recommendations are identified,
- Evaluation of the conference findings and recommendations and an action plan created,
- Implementation, where courses are developed, reviewed and updated according to the conference outcomes.

A significant part of the training course is the observations and study that takes place during attachments to courts. This process is managed by specific judges, who sign a protocol with Judicial School and act as a mentor for the trainee during a period of approximately 4 months. The judges who act as mentor have completed train-the-trainer type courses and may mentor more than one candidate judge, depending on the overall number of candidates. The courts used for attachment include civil courts, family courts and criminal courts (investigation and trial).

## **8. In-Service Training for Senior Judges in Madrid**

### **a. Observations**

Continuous training of judges is conducted separately in Madrid, by senior judges who are permanently employed in Spanish Judicial School. There is another institution under the Ministry of Justice responsible for the training of prosecutors in Madrid.

In-service training is not mandatory in Spain, but it is delivered when a judge changes his/her court as an orientation training for the new field. It has also been considered to make in service training compulsory by law. However, it is very important for professional development and during promotions for judges, the level of training received is a key factor to support career progression. Additionally, for judge assignments in higher courts, their educational background is taken into consideration.

Planning of the continuous training courses is done according to the inputs from: different judicial needs (from surveys); changes of the law, changes of practice; special request from the Court of Cassation judges.

The annual plan of courses is prepared by a pedagogical committee and approved by the Higher Judicial Committee for each year.

### **b. Considerations**

The different delivery styles used during in-service training do not use lecture as a teaching style. Some of the learning styles include;

- Face-to-face trainings both in Madrid and also in the judicial premises of the Autonomous communities,
- Online training (working also with HELP),
- Professional trainings upon request,
- Visits in institutions within Spain and outside, e.g. Visit of the ECtHR and other international judicial bodies,
- Conferences,
- Human rights forum (organised for discussions on HR issues, violence against women is quite relevant),
- Summer schools,
- Congress,
- Seminars such as working groups comprised of judges to prepare guidance on certain areas,
- Interdisciplinary workshops together with different stakeholders on some relevant topics,
- Online platform. The school is using an Open University platform, around 30 online trainings available for judges on different topics. Some of the courses, such as the online course about gender and inclusion is mandatory for judges.

## **9. Chief Public Prosecutor at the Regional Court of Appeal in Izmir**

### **a. Observations**

The Chief Public Prosecutor at the Regional Court of Appeals asserted that Turkish judges and prosecutors were not in any worse position than their counterparts in Europe in terms of legal knowledge and professional experience. He reported that the Turkish judicial system works effectively, despite all the unique challenges it faces. Although there are some problems in the field of human rights, he believed that these problems could be resolved in the near future.

In 2019, 60309 criminal cases were seen by the public prosecutors and 10214 trials were held at the Court of Appeals in presence of the prosecutors.

Both compared themselves favourably to European institutions but there was a consensus that junior judges and prosecutors who came into the field after the coup d'état attempt in 2016 have failed to meet certain critical standards. Despite this, they were open to cooperation with European institutions in resolving this problem. Secondly, judges and prosecutors complained that they were under a heavy workload. This was a structural and systematic problem that was voiced in subsequent sessions.

The following comments were made;

- Enormous workload faced by the courts and public prosecution appears as the major problem of Turkish judiciary. Moreover, inexperience of the judges and prosecutors is another important problem and in-service training need is very clear,
- Regular problems that needed addressing through training were lack of skills on knowing what evidence is needed for each crime, writing a reasoned judgement or preparing a full indictment,
- It should be identified in which field candidates will work, and training sessions should be designed according to the needs of their role(s). Newly appointed judges at the first instance courts were doing their internship at the Court of Appeals for about 2 months and were given access to case files in order to participate also in the hearings.
- The functioning of this internship depends on the initiative of the head of chamber of the Court of Appeal.
- Newly appointed judges should be given access to more files and their stay at the Court of Appeals be extended in order to make the internships more effective,
- More importance should be given to the in-service trainings due to the insufficient experience of the newly appointed judges and prosecutors in the field. In-service training sessions should be provided immediately regarding changes in legislation,
- It was identified that the appeals related to the case files of the entire Aegean Region were heard at the Izmir Regional Court of Appeals and important feedback regarding the insufficiencies related to the curriculum of the JAT were apparent. It was advised that study visits or coordination meetings between Regional Court of Appeals and the JAT be considered,
- Qualification should not take place after completion of pre-service training but should occur after experience in the courtroom has been gained,
- Interns have to take responsibility during their internship period but because of some legal obstacles, it is not possible to transfer any judicial authority to them. A proposal that was discussed at this meeting and further meeting related to the establishment of the roles of assistant judge and assistant prosecutor. In this way, some basic affairs can transfer to the assistant judges and assistant prosecutors where they can gain experience under the supervision of experienced judges and prosecutors.

#### b. Considerations

- It was identified throughout the meeting that the training of judges and prosecutors in Turkey is fragmented and inconsistencies occur regarding the content of pre-service training and internship training. One of the main contributors is identified as the jurisdiction of the JAT and the Council of Judges and Prosecutors (CJP), which are uncertain. Standardisation and planning are required in these areas and a solution is having an overall singular body responsible for learning and development so as to better coordinate the different parts.
- In order to increase the impact of human rights law, it is necessary to provide education in this field.

- Further training would be appropriate as judges and prosecutors move from one area of the legal profession to another. A stand-alone course for each of these many areas would be useful so that if a judge is sent to court of assize dealing with terrorism or cybercrimes or family courts etc., they receive dedicated instruction.
- The tenure of judges and prosecutors should be guaranteed for a reasonable period of time so as to ensure continuity of members in specialised courts, make best use of the training given in a specialised field of law and to prevent unnecessary use of training resources.
- The long-term implementation of ‘assistant judges’ and ‘assistant prosecutors’ is a valid proposal, which seems to deal with many of the concerns around less experienced judiciary. Putting into place legislation and a training roadmap is crucial to the success or otherwise of such an implementation.

## **10. President, Members and Prosecutors of the Regional Court of Appeals in Izmir**

### **a. Observations**

Comments were made about the coup attempt in 2016 and the workload caused by the reduction in the number of the judges and prosecutors. All agreed that there was a need to recruit and train new judges, but the recent schemes needed to be significantly improved. There was consensus that the intense training should stop and a return to a two-year training course. The participants identified that those judges who had only received one year (or less) of training and development needed further upskilling through in-service trainings.

The participants stated that the new judges and prosecutors did lack not only legal experience but also legal knowledge. Consequently, mistakes were being made and unnecessary delays were occurring because of the inexperience and lower knowledge levels in practice.

The participants emphasised that internship is essential rather than training at the JAT to solve the current problems. For them, practical regional training, instead of theoretical training in the JAT in Ankara, is more suitable for overcoming these shortcomings in the Turkish judiciary. According to a judge present at the meeting, six months of experience in the district court is worth five years of training at the JAT.

The following comments were made;

- There is an excessive number of law faculties in Turkey, where there are not enough law professors to fill all the positions and those professors that are at the universities in Turkey do not have practical court experience. For these reasons, lessons in undergraduate education are far from the reality of courthouses,
- Recruitment process of the judges and prosecutors should be revised to ensure that they start profession with sufficient knowledge and apply their knowledge in their daily work,
- The JAT should change from the lecture style training methods to more practical based modules, supported with materials such as video, flash memories related to the summaries of the content of the modules as well as the samples of decisions and handbooks,
- The duration of the internship at the JAT should be extended to a longer time. In parallel, the number of trainees per class should be reduced. The JAT's number of classes and accommodation capacity should be increased,
- Input of materials by experienced senior judges from the Court of Cassation and Council of State should be considered,
- There should be training modules on effective investigation, which include forensic sciences and the requirements of the Istanbul Protocol. Since e-evidence related issues concern all

types of crimes, this subject was necessary as a part of the training on evidence gathering and assessment,

- Interns are not given any responsibility in the institutions where they do internships. The effectiveness and control of internships are left to the discretion of the relevant judge or prosecutor with local oversight of the internees,
- Success is almost 100% at the end of pre-service training and internship processes. This proves that there is no separation between successful and unsuccessful candidates. Comments were made that in bygone days, trainees were “eliminated at entry level” if they did not have the aptitude to be a judge or prosecutor. This seems to have been passed from the JAT to the Chambers at the high courts. The participants recommended a reversal of this position,
- In-service training must be mandatory and should be organised without delay throughout the entire country regarding judicial reform and legislative amendments,
- The expert witness institution is not sufficiently understood. For this reason, it is recommended that interns work with the expertise unit during the internship process,
- There are not enough sources of access to reach the ECtHR decisions, or judges/prosecutors do not know these sources. A user-friendly, accessible system should be established in this regard and be available to those in the judiciary, such as UYAP,
- There was concern about the effectiveness of resources on the Internet and a perception that e-learning courses would not be well received,
- Participants mentioned they benefited from the books produced by the CoE. However, they complained that these books were not distributed regularly and systematically,
- The JAT should make periodic visits to the regional courts and other state institutions, such as gendarmerie, forensic institution. It was suggested that these visits be undertaken for education purposes for candidate judges and prosecutors to observe the work of the courts,
- Implementation of the law is not a focus of current curriculum and should be incorporated in the courses for pre-service and in-service training,
- The participants indicated promotion is possible without attending any vocational training, whereas it should not be possible. In-service training should be linked to career advancement (see above recently adopted decision on promotion and assessment of first instance judges and prosecutors. Decision no: 675/1; 05.04.2017 and 675/2; 05.04.2017).

#### b. Considerations

- Without taking a holistic view of recruitment, training and development, the ongoing shortfalls will continue to prevail.
- The participants gave a strong indication that some practical problems in courthouses stem from the methods used in undergraduate education. In this context, cooperation with universities in Turkey with the JAT could contribute to solving the problems.
- Many judges and prosecutors have problems accessing the relevant cases at the ECtHR system. Such information should be incorporated in one central place, such as the UYAP system. In the interim, data relevant to the ECtHR can be read on Turkish sites<sup>9</sup>.
- The participants reported that they still use the books prepared in the SIAC project<sup>10</sup> on human rights law. The JAT together with the MoJ should take active steps to re-print if needed and distribute these books systematically for the sustainability of previous projects’ outcomes.

<sup>9</sup> See [www.insanhaklari.gen.tr](http://www.insanhaklari.gen.tr) <https://forum.taa.gov.tr/>

<sup>10</sup> EU-CoE Joint Project on “Supporting the Individual Application to Constitutional Court in Turkey”

- The 100% success rate at the end of the pre-service training and admission to the profession has been criticized. In this context, it may be meaningful to conduct transparent and interactive exams at the end of training processes and professional promotions. Such processes should also be used to measure knowledge on human rights.
- The management of internships and the individual development lacks coordination and it is possible to observe inconsistencies between chambers, courthouses and regions. The structure of the internship model should be part of a pathway that builds upon knowledge learnt at the JAT in a structured and methodical process.
- Input of materials by experienced senior judges from the Court of Cassation and Council of State should be considered but this should be complimented by similar materials from the Regional Courts of Appeals
- The constant circulation of judges and prosecutors makes it complicated to identify which judge made a decision that resulted in an ECHR violation. An audit record needs to be created for accountability using a technical solution such as the UYAP system. In the case of repetitive decisions that do or may have resulted in ECtHR violations, require the judge to receive training.

## **11. President of Justice Commission and Chief Public Prosecutor at Izmir Courthouse**

### **a. Observations**

The President and Chief Public Prosecutor (P&CPP) felt that most of the improvements in training and development should be concentrated on new prosecutors and judges.

The P&CPP identified that after the coup d'état attempt in July 2016 and the removals of staff, many of the recently qualified judges and prosecutors had only received 10 months training and development, which is far too short.

The P&CPP recognised the need for the JAT to restructure itself and felt this was a positive thing.

The P&CPP reported that internships had no structure or standards of teaching, which meant that meaningful opportunities to train staff were having many mixed results. The method of dealing with interns should be enhanced and be much more structured. At the last time interns were received there were 42 persons, which meant often there were two per court and occasionally three. This undermined the opportunities to develop future prosecutors and judges.

The P&CPP were unsure that in-service training actually added meaningful value to their staff or whether it works for the system in its current format. This was in part because of the quality of the training and in part because such training was not compulsory or linked to career pathways.

The P&CCP indicated that judges try to help new prosecutors as much as possible, but there were also lots of inexperienced judges.

The P&CCP identified some areas that they felt the JAT should improve its teachings;

- Practical completion of indictments.
- Evidence collection and questioning so as to expedite investigations.
- Dealing with insult.
- Dealing with injury through practical exercises.
- Guidelines and checklists to be put in place to ensure improved consistent decision-making.



## **b. Considerations**

This meeting was brief when compared with some of the other meetings and the content of the discussion reflected many of the salient points heard from the JAT, prosecutors and judges.

## **12. Previous Projects' Trainers**

### **a. Observations**

The judges and prosecutors who participated in this session were people who previously took part in the CoE projects as educators. They conveyed their comments both as judges, prosecutors and as educators. Their feedback about interactive training was good and they reported that the participants were satisfied.

Some of the participants said that there is no trainers pool or register after a project finished, the trained trainers were not employed on in-service training, which was a disappointment to them.

The knowledge of these judges and prosecutors on human rights law was extremely strong when compared with other participants we met with. Although the problems in the judicial training systems are related to structural reforms, they expressed that there were some problems with judicial independence.

The problems and suggestions expressed by the judges and prosecutors spoken in this session are as follows:

- The pre-service training period is too short. It should be extended, and the entire programme should be expanded to two years.
- The pre-service training was based on lecture methodology, which was probably because of time constraints. But the JAT seemed to be training judges and prosecutors to pass an exam, which meant that practical learning took to lower priority. The participants felt participation was a more effective way of teaching modules, giving examples of 'learning by doing'.
- New professional judges/prosecutors do not understand trial management or their role for the bench. Young judges and prosecutors were not trained to manage the court secretariat. The judges and prosecutors need to be informed about administrative management. One cited an example of a new judge who was afraid to sit on the bench because he/she was so unprepared because of a lack of training and instruction.
- Education through simulation/moot court exercise should be used as one of the methods.
- Judges and prosecutors are often unfamiliar with foreign cultures and international relations.
- Learning the English language should be encouraged.
- They proposed the introduction of working as an "assistant judge" during the internship process, supported by a "mentor judge" at the end of the internship, increases efficiency. Assistant judges should be given the authority to sign.
- In-service training must be mandatory, and certificates from these training must be taken into account in professional promotions.
- Training should focus on ethical values, judge behaviour, and cultural values.
- Methods such as role-playing (creative drama) should be included.
- A legal philosophy course must be available during the pre-service training.
- The training should focus on areas where human rights violations such as protection measures, catalogue crimes and arrests are common.

- Philosophy of law course should be added to the curriculum. This course exists in undergraduate education but remains theoretical. In vocational training, this course could be delivered in a practice-oriented way.

#### **b. Considerations**

It was really interesting to hear that judges and prosecutors with experience of training were able to identify some significant issues relating to a career pathway of trainee judges and prosecutors.

It seemed a waste, that the in-service training department of the JAT was not utilising these judges and prosecutors with training skills more effectively during intern programs or in-service training. More importantly these trainers have the skills to deliver interactive training as they had received much of their instruction in relation to practical training, non-verbal communication, verbal communication, training aids, planning of training and alike.

The participants stressed a genuine care about training for the role of judges and prosecutors.

It seems that trainee judges and prosecutors are not sufficiently trained or skilled to take up their role. In the short term, it was proposed that more practical cases involving moot courts should be delivered by the JAT. Long term planning for 'assistant judge', 'assistant prosecutor' and 'mentor judge/prosecutor' was necessary. There seems to be strong agreement that simulation practices were more widely utilised.

The feedback from the CoE's SIAC project is substantial. It seems meaningful to integrate the modules found successful in the SIAC project as well as the outputs of the other joint projects into this project accurately or revised. All the CoE projects are based on interactive training techniques and outcomes of previous projects can be used as legacies in the current project.

The emphasis on the transfer of senior judges and prosecutors' experiences were significant. These experiences should not be reset. A system for the employment of retired judges and prosecutors at the JAT could be developed.

### **13. Izmir Bar Association**

#### **a. Observations**

As general rule, judges and prosecutors are very distant with lawyers. They do not interact out of courtroom, from fear of being considered as bias/partial. In some cases, the lawyers are not duly respected. Therefore, it is crucial to train judiciary members on their own role, their image and their independency and impartiality. Their interaction with lawyers, victims and other participants of the process is also of importance and must be addressed during the trainings. Empathy building exercises were crucial in this respect.

Newly recruited judges face difficulties with the management of the hearings because they lack basic fundamental practical skills. It was reported that the judges have a huge workload which create an enormous burden on them. In order to respect "reasonable time" requirement, the quality of adjudication is sacrificed too often. Some new judges/prosecutors faced difficulties in elaborating a decision or an indictment decision and judges lacked practical skills in delivering a reasoned judgment.

It was indicated by the participants that the knowledge could be learned through in-service training. It was also essential to train the newly recruited judges and prosecutors about fundamental principles and some practical skills, to develop human rights reflexes. The participants felt that human rights dimensions should be existent in all modules and topics in training. This argument was strengthened by the example of offences involving Criticism against President. Judiciary members know the ECtHR case-law on this point, but still apply harsh sanctions against freedom of expression are imposed on defendants. It was said that Article 90§5 of the Constitution should be explained in a very detailed

manner and all judiciary members should know the rule: when the national legislation is in contradiction with the ECHR, as interpreted and applied by the ECtHR should be applied by national judges.

The participants expressed a view that the training would certainly support some improvements in relation to the ECHR, but they felt it would be unlikely to reduce the number of findings at the ECtHR.

#### **b. Considerations**

The Bar Association gave some indicative comments about where training was necessary, which included:

- Training in writing an indictment and investigation skills in gathering evidence,
- Reasoning in relation to pre-trial detention, including clearer instructions that detention is not a default position but a last resort,
- How to conduct investigations where electronic evidence is present,
- More knowledge about how to gather evidence and conduct parallel money laundering investigations and terrorist financing investigations (rather than rely upon intelligence feeds from MASAK),
- More structure to internship for prosecutors and judges,
- Use practical training by reviewing current and closed files to improve procedural application of knowledge,
- Provide enhanced communication training so judges and prosecutors know how to interact appropriately with defendants, witnesses, lawyers and court staff,
- Use of lawyers in moot courts at the JAT was advised, albeit dismissed by the JAT representative as there would be no *quid pro quo* in relation to lawyers training, and it was unlikely that permission would be granted by senior decision makers.
- Development of reference documents, guidelines and checklists (For example, preventive measures – a practical guidebook, with all kind of checklists and guidance, defence rights: access to lawyer, meeting with lawyer, access to the file, effective preparation of defence).

### **14. Judges of the First Instance Courts of Izmir Courthouse**

#### **a. Observations**

This meeting was conducted with very senior judges, who had more than 20-year service as sitting judges. The judges reiterated that the independence of the judiciary is the most important subject to be taught.

Long-time serving judges do not receive training on current changes of the legislation as they are no longer invited to attend in-service training. According to the participants, only newly appointed “young” judges were invited to the trainings about new legislative changes.

There are no guidelines or instruction about electronic evidence, digital forensic examinations and the Internet related issues.

Some participants criticised the JAT because of the lack of a system of certificate. It means, some judges were of the opinion that the JAT should issue certificates on expertise areas.

The assessment procedure of the trainees at the end of the training could be more detailed. Interns should be given duties and responsibilities in courts during their official Internship. However, the content of the internship is often at the initiative of individual judges at the courthouse. There is no

standardised internship content, which is available at the courthouses. It depends on the experience and the willingness of the judges.

Many of the judges recognised the importance of pre-service training and continued in-service training despite the fact that they had not attended such training before becoming judges. The judges identified that their younger colleagues needed instruction on the following matters, but were uncertain if the JAT was the place that should deliver all of these;

- Substantive and procedural laws, which they expected candidate judges to have learned at law faculty,
- Empathy towards the defendant, defence lawyers, witnesses and victims. They needed to appreciate these people in their roles by 'putting their selves in the position of each of these persons',
- Meet the expectations of victims and the public,
- What questions the judge should ask when examining a file and in court,
- During the internship, actively review files and learn from the indictments and judgments within,
- Undergo a formal assessment at the end of the internship,
- Increase in-service training about the admissibility and assessment of expert witnesses,
- Written reference material should be provided to help judges while adjudicating cases: for example, checklists on *how to investigate torture and ill-treatment*, which should be prepared and given to the trainees at the JAT. The outputs of the COE-MoJ project on '*Effective Investigation of the Allegations on Ill-treatment*' can be used in this regard. Furthermore, visual materials, presentations and videos can be used as educational materials and provided to the trainees as reference material.

There was a lot of discussion about interns, which were often only placed with a court or judge for 15 days, which did not give any opportunity to develop the individual. Recently internship period had increased to a month. The judges said that they had wanted to commit more time to internships, but they have so much other work to complete in a limited time this was often challenging. The development of interns mainly relied upon the review of files and concluded cases, because they were not allowed to review or participate in ongoing cases. The judges indicated that a common lecture that was always delivered to interns was the 'code of ethics.'

The judges indicated that specific training should be given to judges by the JAT before they were sent to courts. This included the following;

- Write and review reasoned judgements,
- How to act impartially in a court case,
- Read and review case files in order to support practical learning.
- Pre-service training should be supported by study visits to institutions such as police stations, forensic medicine institutions, expert centres, narcotics departments, prisons and other relevant institutions. Candidate or junior judges are expected to be ready to rule land cases without seeing any village, decide on drug smuggling cases without seeing any drug, conduct murder trials without seeing any autopsy, etc.

The judges present were not very supportive of e-learning or online types of training delivery because not all judges have Internet connectivity at home, it takes too long to complete, and they preferred face-to-face training because they regarded to be more effective and memorable.

None of the judges, who were present, had ever received training about electronic evidence or cybercrime and had to learn about things whilst in role. A common crime type that relied upon electronic evidence was credit card fraud and defamation conducted using social media.

None of the judges present had ever received training about how to use a computer or how to safely use the Internet.

#### **b. Considerations**

A number of the comments that were made in this meeting repeated a number of other statements included in this report.

The training on the evidence obtained from the Internet is not sufficient in the field and indicates that judges are not able to understand technology effectively. These judges have been supplied with computers and access to the Internet at courthouses but have received no instruction about digital hygiene or making best use of the technology that they are provided with.

### **15. Prosecutors of the First Instance Courts of Izmir Courthouse**

#### **a. Observations**

The participants had little direct knowledge of the training delivered at the JAT. Nevertheless, their view of the training standards at the JAT was negative based upon impressions of recently qualified prosecutors, including letters' consideration on the trainings at the JAT.

Senior prosecutors expressed the internship process was not well organised, and there is a need for more specific provisions in the legislation. The internships posed a number of logistical challenges insofar as there was insufficient space to host the interns, case files were not relevant to the areas that interested them, or they simply were not sufficiently motivated. The prosecutors agreed that they had difficulties finding time to meet the constant requirements and changes of interns. In this context, they agreed that a status like an "assistant prosecutor" would be more productive. Such a status would enable newly trained prosecutors to take the initiative and participate in some investigation stages. They criticised the lack of standardisation of the internship process, which caused arbitrariness according to the prosecutor's workload or the intern's interest.

From their perspective, the new prosecutors required significant additional training and instruction on practice from the more experienced prosecutors upon qualification. The prosecutors stated the following as the most common problems:

- Young prosecutors fall short of preparing an indictment properly. One of the significant shortcomings was the lack of a specific course on this subject,
- Newly appointed prosecutors are insufficient in communicating with the police or gendarmeries. Therefore, law enforcement can easily manipulate them,
- The appointment of inexperienced prosecutors to large cities put them in a difficult position where they were required to make decisions based on complex factors in a short time. The participants recommended that newly appointed prosecutors should be posted to small cities and quieter regions so that they can have the time to consider cases and gain the experience needed when they were moved to busier courthouses,
- After the coup attempt d'état, many of the persons who entered the career as prosecutor at the age of 23-24. The prosecution is a profession that should not be started before the age of 30,
- The language used by young prosecutors is not a "jurist language" but rather a vernacular. Young prosecutors are more aggressive than their predecessors. It is one of the systematic problems of recent years. The political climate in recent years after the coup attempt d'état raises some concerns in terms of judicial independence and the independence of prosecutors. Young prosecutors are not sufficiently conscious of this issue,

- The training at the JAT should not be a repetition of the law faculty. Since human rights law is not sufficiently available in undergraduate education, there should be a specific lesson on this subject and/or it should be incorporated into all lessons. Current judgements of the TCC and the ECtHR should be summarised in accordance with national legislation and the subject area, and the prosecutors should be informed systematically,
- Protection of vulnerable people, preparation of indictments and the ability to write reasoned arguments for their rulings were not adequately covered in the trainings,
- The right to liberty and the issue of impunity are the leading problems in terms of human rights in Turkey. The training should focus on effective investigation and pre-trial detention conditions,
- There should also be courses in areas not directly related to law, such as foreign language education or general cultural education. Judges and prosecutors should be directed to various social activities and hobbies,
- There should be programs for judges and prosecutors to visit prisons or even facilitate short term stays in prisons and detention centres to develop their empathy skills. It may also make sense to have them work alongside other components of the proceedings, such as lawyers, scribes, bailiffs,
- Interactive methods, such as more moot courts and role-playing, must be used,
- New handbooks should be prepared according to crime types. In these books, which evidence should be given priority for which crime should be mentioned.

Another issue discussed in this session was domestic violence. All prosecutors agreed that awareness of gender-based discrimination should be raised. They said this issue should be specifically included in the curriculum and that security forces should be trained.

The prosecutors had no confidence that e-learning or online training would work because of the lack of engagement between trainers and students. The prosecutors felt this type of training was more of a tick-box training exercise. They felt that the issue of guidance notes available on an online resource would be time better spent.

In this session, the issue of the implementation of the ECtHR judgments was specifically discussed. Prosecutors present expressed they are informed of general principles of the European human rights law. Relevant and open discussions about the political landscape also took place.

#### **b. Considerations**

There is a need for guidelines on the elements of the crime types and the main steps of investigations; the JAT can provide the prosecutors such guidelines during the pre-service training.

The prosecutors present at this meeting identified that candidate prosecutors should work as an “assistant prosecutor” at a particular stage of their training. They felt that it is the best training method for interns to take initiatives within certain limits and to make viable decisions.

### **16. Recently Appointed Judges of the First Instance Courts of Izmir Courthouse**

#### **a. Observations**

It was observed that all of newly appointed judges are young judges between the ages of 25-35 and with a maximum of 3 years of experience.

These judges described the high intensity of work and the backlog of cases caused by the reduction of numbers of judges as a consequence of the attempted coup d'état in 2016. One of the judges came from a small town (with less workload) and explained that there had been benefits that she had been

able to take her time to review evidence and record strong reasoning in cases that she had dealt with. However, she was not able to consult more experienced judges as they were mainly transferred to bigger cities, which was not case for instance in Izmir. Overall, the participants expressed that it was an excellent opportunity to work with experienced judges.

Majority of the judges were working as junior members of Assize Court and compared to the other judges who are working alone, these judges felt more comfortable and they say that being a part of a team, which was very beneficial for them.

It was reported that the judges were focused more on having more cases processed due to the pressure of “reasonable time” requirement, which had impact on the quality of the judgments.

Prosecutors were not presenting quality files, so the judges were completing large parts of the investigations.

The participants made the following comments about the JAT;

- The training was quite good and followed a good system,
- The training was not similar to the university education system and the instructions was different in many ways. For instance, the trainers asked you to consider what you would do if you were a judge or prosecutor,
- Some moot courts did take place, but this was limited, and only a few candidate judges had a chance to participate (and not necessarily as a judge),
- Some judges indicated that they received training on writing a judgement and others said they had not received such training,
- The judges felt that the training was often delivered in a way that did not help them in their future roles but was designed so they could pass the final examination,
- Some of the judges had received training in adjudicating cases involving electronic evidence, others had not,
- Some of the students had received lectures on the ECHR, which they described ineffective and forgettable.

The judges reported that internship needs to be improved so that a standardised and detailed programme for the candidates’ internship period is put in place.

Currently the judges who manage the interns have a huge workload and they have to balance the time they can give to the interns. The internship period is too short and occasionally the judges are not really interested in training the interns. It would be more practical if the internships are passed only in Regional Courts of Appeal, where the workload is not that big, and judges are more experienced.

One judge had received 45 days training at the JAT and was directly placed at the Assize Courts dealing with terrorism cases. She had worked hard to learn the material needed for the cases, but it was a very steep learning curve at the commencement of the role.

Appointment from a civil court to a criminal court or to a specialised criminal court (i.e. terrorism) is an ordinary practice but such appointments are not followed by a training. As such, newly appointed judges are trained by their peers in unstandardized manner or are left to learn for themselves.

It was also highlighted that shortened and ineffective training created a huge psychological pressure on new judges. Therefore, and in general, an effective training on stress management is also needed.

The judges indicated gaps that they felt would have helped them in their roles, such as:

- Study visits to drug centres, prisons and women’s shelters would be very fruitful
- More interactive training is proposed, including more role play.
- Using more case studies would be beneficial.

- How to deal with forensic reports and expert evidence is essential.
- Judges were assigned some support staff that they were expected to lead, but they had not received any management skills training.
- Number of trainings in relation to admissibility of evidence, assessment of evidence and writing of an indictment is required to be increased
- Judges sent to the courts dealing with terrorism and also cybercrime related cases had no meaningful and specialised training about the subject matter.

#### **b. Considerations**

Junior judges are aware of their shortcomings in knowledge and experience and are eager to make up for this gap. This motivation needs to be kept alive.

Terrorism is one of the main threats Turkey faces, is one of the most serious crimes in the eyes of the law. There have also been a high number of ECtHR violations involving issues related to terrorism. Whilst it is acknowledged that there are senior judges who provide assistance, there are risks in sending a judge with minimal training and experience (i.e. 45 days pre-service training) to rule and adjudicate on such serious matters. In many other countries, terrorism cases are always undertaken by the most learned and experienced members of the judiciary.

After completing their pre-service training, it appears that the intern judges were sent to the chambers and their development was in the hands of the senior judges, who have little training skills. There is no uniform pathway and no induction training for their posting (such as terrorism, cybercrime etc.).

### **17. Recently Appointed Prosecutors of the First Instance Courts of Izmir Courthouse.**

#### **a. Observations**

The prosecutors who attended the meeting were observed to be aged than the judges met in the previous meeting, and some of them had law enforcement or lawyer background. . Most of the prosecutors had only completed the first 45 days of the Justice Academy of Turkey training. Once they finished the training, they came to the courthouse and started working on the backlog of files.

The prosecutors indicated there were many shortfalls in their training, but they had learnt a lot at the JAT. They were satisfied with the lesson notes, which were provided by the JAT.

They identified that the pre-service training given at the JAT was insufficient for their preparation in the professional field for the following reasons;

- Training by the Justice Academy of Turkey was seen to be insufficient as it is limited to 45 days..
- The lessons mostly included theoretical information and were far from practice
- Classes were too long and often boring. This was mainly because the material was all theory and delivered in the form of didactic lecturing.
- Study visits to places relevant to their placement(s) should take place.
- More 'learn by doing' and practical exercises in relation to the chambers that they were going to be sent to was recommended.
- Moot court is a very good technique and a good example of 'learning by doing' and the numbers of these should be increased
- ECHR training was provided but did not resonate with the judges, as there were no opportunities to participate. Some of the participants stated that the course on the ECHR



could be given in the form of a panel or moot court exercise. More instruction on subjects such as freedom of expression and the ECtHR would have been useful.

- At the courts, the prosecutors review many case files, and this should have been replicated at the JAT.
- Classes were too large and often between 30 and 40 students.
- No other training had been received to compliment the missed time at the JAT.
- Some of the participants indicated that the number of daily compulsory courses at the JAT could be decreased.
- There should be a module in the curriculum concerning the communication techniques with the victim and the suspect.

The following comments about the internships were noted;

- Depending on the interest and available time of the managing prosecutor, the interns were given files and requested to draft a decision. This was a useful training exercise.
- The participants suggested that an 'assistant prosecutor' system would be more efficient for development of new colleagues and enable contribution to the completion of case files. The internship of the Supreme Court was more productive as interns were given responsibility.
- In the Supreme Court, the interns were motivated as they were aware that their draft decisions would be published.

In relation to their assignment at the courthouses at the end of their training, the participants stated the following;

- The internship at the courthouses was much more effective than the training given at the JAT.
- The participants pointed out that the internship at the Regional Court of Appeals was productive and useful.
- The participants recommended that there is a need for in-service training relating to the sphere of specialisation that they were assigned to.
- Since arriving at the courts, all of the prosecutors had received some further in-service training.
- They had also received instructions and coaching from other prosecutors when reviewing files. For example, they looked at well written indictments and poorly drafted examples.
- The prosecutors also stated that a lot of the problems with the rejection of indictments was not because of a deficiency of training; on many occasions this was because of a difference of opinion on how it should be drafted.
- The prosecutors indicated that had they received more instruction on the different levels and types of evidence needed in an investigation, this would have made things easier in the early parts of their role.
- There were some useful comments about the reference materials available at the JAT.
- A number of helpful documents were provided by the JAT.
- There were some papers and digital reports that were online that prosecutors could study.
- Training material at the JAT could include a prepared handbook on the acts of the prosecutor and include samples of decisions or minutes/warrants.
- The access of the library was limited in time and access. The JAT should ensure full time access to trainees.
- Materials prepared under 'CJS-1 Project' were never distributed to members of judiciary even though they could be extremely helpful as they included guidelines and checklists.

- Some participants recommended that virtual classes could be prepared, and the prosecutors could be given homework and ask questions in the forum. Such a virtual class can be optional and be integrated into UYAP system.

It was indicated that some young in-service prosecutors have tendency to open criminal cases even if according to national and the ECtHR case-law, there is no need to open a case. These cases are referred to judges and create a huge workload. It is advisable that the Justice Inspectors (inspectors working under the Board of Inspection in Council of Judges and Prosecutors) take into consideration number of unnecessarily opened cases by those prosecutors. Inspectors can derive training needs from those repeated professional errors, omissions and negligence.

#### **b. Considerations**

- The duration of the internship should be increased to a prolonged period of time, which would cover pre-service training and substantial use of internships.
- Training needed to consider more examples of the judgments decided by the Court of Appeals, the Court of Cassation and the TCC.
- As understood from the feedback given by the JAT, a website has been prepared and it would include a forum and virtual classes.
- The 'assistant prosecutor system' was considered more practical than internship by these participants.
- In general, newly recruited members should begin their career in the smaller courts (identified as 4<sup>th</sup> and 5<sup>th</sup> regions) where the workload permits a smooth initiation to the profession.
- It was interesting to note that these prosecutors realised that they lacked experience and training yet were working really hard to fill in these gaps.

### **18. Ministry of Justice**

#### **a. Observations**

The MOJ was represented by the following departments, Directorate General of Personnel Affairs, Directorate General of Criminal Affairs, Department of Training, General Directorate of Foreign Affairs and the EU Strategy Development and the Department Council of Judges and Prosecutors.

In this session, the representative of the General Directorate of Foreign Affairs and the EU Strategy Development made a presentation<sup>11</sup> of the "Judicial Reform Strategy" of the Ministry of Justice. In this strategy document, some points intersected substantially with those spoken of in previous sessions. The representative mentioned that the model "Assistant judge" and "Assistant prosecutor" who would be supported by a mentor are planned as objective 3 in the long-term strategy. This is conditional on other matters being put in place beforehand.

The representative of the Directorate General of Personnel Affairs stated that they had prepared a directive consisting of 15 articles for trainers related to clerks; trainings. The representative explained that those who want to be trainers could prepare their videos and offer feedback at the end of the training. This model could be good example for developing training skills.

Information was exchanged on professional ethics and the use of social media by judges and prosecutors. The risks of the judiciary who use social media is not appreciated and such subject matter could be included in an electronic evidence instruction/training under the title of 'digital hygiene'.

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<sup>11</sup> [http://www.sgb.adalet.gov.tr/ekler/pdf/YRS\\_ENG.pdf](http://www.sgb.adalet.gov.tr/ekler/pdf/YRS_ENG.pdf)

As to the movements of the judges and prosecutors between different courts, it is a commonly known and admitted challenge that they move with no training. This problem in fact could be easily solved as decision of movements, which are made during summertime, which leaves sufficient time to deliver proper training.

Other points that were discussed includes the following;

- Where a judge makes mistakes or errors at trial related to the application of the law or case-law, then further in-service training should be considered,
- Mandatory in-service training was needed in more areas and was being reviewed by MOJ,
- The use of new technology is to be embraced, but it should be used cautiously so as not to spoil some of the good training that is being delivered,
- There is still a requirement for large numbers of judges and prosecutors to be recruited due to the dismissals after the coup attempt d'état,
- Efficiency of the intern system was too low, and this was being reviewed by MOJ,
- There is a lack of expertise to train interns,
- As part of the long-term strategy, there will be no guarantee that a successful candidate from the JAT will qualify to become a judge or prosecutor. There will be a need to prove competence,
- Career roadmaps are considered useful,
- There is a need for guidelines to assist prosecutors and judges,
- 5,000 judges changed roles in 2019 and moved with little if any training. This has been identified as a gap by the MOJ and considerations to deal with this include online training courses,
- The JAT should focus more of its training to meet the needs of the courts,
- There were 130 faculties teaching law degrees in Turkey. It was recognised that not all of them were teaching the law to a level required by the MOJ,
- Every two years, judges and prosecutors are to be assessed and their performance reviewed,
- There is a need for a more holistic approach to the training of new judges and prosecutors for the first two years. This then needs to be continued throughout their career,
- There is a need to recruit staff to deliver cybercrime training to judges and prosecutors. This may require them attending train the trainer courses.

#### **b. Considerations**

The MOJ had already put into planning some of the recommendations detailed below.

### **19. JAT – Debriefing**

#### **a. Observations**

This session was used to update the JAT about the findings of the experts and some indications about the recommendations that were being made.

#### **b. Considerations**

This was a useful session insofar as the JAT remained supportive and interested in continuing with positive changes, whilst identifying how the project could assist them.

## C. Conclusions and Recommendations

### I. Institutional structure

#### a. *Coordination among different institutions:*

Roles of the JAT, the MoJ and the Council of Judges and Prosecutors in needs assessment, planning, organisation and assessment of (in-service and pre-service) training activities may cause problems related to prioritisation and coordination of training activities such as: training needs from several sources such as different projects implemented by the MoJ, the JAT or other sources such as legislative changes, lack of adequate training, coordination of training and internship etc.

- R. 1. Creation of a single department for organisational oversight and management of learning and development:** It has been identified through our assessments that there is a disconnection between the training delivered at the JAT, the internship at courthouses and the in-service training provided to prosecutors and judges. There is a need for central oversight in order to manage the career path and development of judges and prosecutors. Currently this role is divided between the JAT and departments within the MOJ. There is a clear need for one body to ensure a holistic career pathway is planned and delivered for trainee candidate judges and prosecutors and continues throughout the remainder of their careers.
- R. 2. Active participation of trainers in redesigning/revision of training courses:** Any redesign of the curriculum should be undertaken by trainers at the JAT but should be reviewed and overseen annually by an appropriate body made up from the JAT and Ministry of Justice to ensure that the course meets the needs of the court system.
- R. 3. Putting in place more coherent, sustainable and effective evaluation system:** An objective evaluation system should be put into place for all trainers and particularly at the end of training activities. A Process of improvement and trainer development should be utilised as necessary and upon the feedback. Systems can include the use of mentors, supervision and further training. The CoE project team could support the JAT in the implementation of these systems with expert guidance and the creation of standard policies. The JAT should also consider putting in place more sustainable impact assessment evaluation of its trainings in relations to concrete improvements of the national case-law.

#### b. *Internal structure of JAT*

Internal structure of JAT itself: Focus on pre service training, lack of crucial units such as “programme development unit,” lack of adequate staff or coordination mechanisms among units, lack of an internal staff development mechanisms (continuous training for trainers themselves and the staff of the JAT) etc.

- R. 4. Establishment of a curricula development unit is essential.** This unit, in cooperation with trainers, academics and measurement and evaluation unit would revise the training programme and courses of JAT continuously and sustain consistency of the training system. Working with academics from education and law faculties is essential, in establishing this unit. A permanent team of core staff would develop the system (including templates for trainers) and train their colleagues in time.

- R. 5. An increase in the number of trainers** is necessary to support the reduction in class sizes at the JAT and at the same time ensuring quality training. Any full-time trainers and part time trainers should attain qualifications mentioned below (see paragraph R17 & R19). Internal regulation of the JAT to be adopted regulating these issues about trainers in detail.
- R. 6. Internal regulation to be adopted to regulate criteria for selection of trainers and remuneration.**

CJP: It is important that relevant legislation include transparent procedures, which demonstrate that the selection of trainer is made only based on merit and ability.

## **II. Training environment**

- R. 7. The training environments should be reconsidered in line with the usage of interactive techniques for the trainings.** The traditional classroom formats prepared according to didactic lecture format should be abandoned without delay and learning environments that include more active learning styles should be planned. The learning environment should not be limited to “classrooms” but be interpreted broadly to include other facilities of JAT, other institutions or courts. Conducting a course for prosecutors in the Ankara Courthouse with senior prosecutors or a lesson on autopsy in Forensic Medicine Institution together with medical doctors and prosecutors may be good examples, if the course plans are made carefully. This would also help to avoid crowded classrooms in JAT.
- R. 8. Number of students in the class:** Active learning styles will only be more effective if smaller class sizes are implemented. An average class size of 20 students is recommended. In some circumstances, a maximum of 25 students is acceptable but should not be exceeded.
- R. 9. Training on practical aspects:** safety issues, stress management, as well as the notion of law, independency of the judiciary, deontology and ethics should be considered. Considering foreign languages; mutual assistance in criminal and civil matters.

## **III. Equipment, Internet, online resources, forum**

- R. 10. Establishment of an online learning platform by JAT is essential.** An online learning environment (online courses, library, forums for discussions or question and answer sections for different courses or topics) could be developed in time and help sustain the training activities. Various training material, books, handbooks prepared/translated in previous projects should be available in this online platform.
- R. 11. Proposal to include HELP courses:** HELP and self-learning courses must be enhanced and included in pre-service training. This may include a requirement for resources and training to allow the creation of material in the Turkish language. In particular:
- HELP course on Introduction of the ECHR and the case law of ECtHR (already adapted in Turkish context) – The project should support the preparation and delivery of HELP courses and facilitate HELP Secretariat assistance. This course should be mandatory

for the candidates in pre-service training. Modules could be placed upon the UYAP system for ease of access or under online platform of the JAT.

- Continued use of the HELP Freedom of expression course
- See more concrete courses to be supported by the Criminal justice project or other projects implemented by the CoE for the in-service curricula

**R. 12. Revision/adaption of the previous training materials developed under the CoE:** A review of materials that have been created in previous CoE projects in Turkey should be undertaken and where appropriate, relevant and current training material should be provided to the JAT for their modules. Such training material should be delivered using interactive training techniques.

#### **IV. Internship period (relations with senior judges/prosecutors in courts; facilities for interns in courts etc.)**

**R. 13. Internship of candidates should be better organised:** The intern scheme is work place learning and needs to have objectives which are specific, measurable and achievable. Candidates must be evaluated effectively and mentored throughout by experienced judges or prosecutors. It is recommended the mentors receive some training or instruction to help the candidate judges. At the conclusion a detailed evaluation form about each intern should be completed. The objectives of each type of traineeship (prosecution office and different courts) should be well-linked to the training in JAT and they should be complementary to each other. By doing so, the number of courses and density of each course in JAT could be reduced.

**R. 14. Internships should last for a minimum of four months:** The current practice of placing candidates for 15 days with one court and then moving them to another is ineffective. The placements should be connected to the role that the candidate is likely to be sent to in order that a mutual interest occurs. It is in the interest of the mentor to develop the candidate because he will be returning to that courthouse after completion of all of their training. The outcomes of two projects on “Strengthening the Court Management System in Turkey,” implemented by the CoE between 2008 and 2014, would be very useful to understand how judges and trainees benefitted from longer term traineeships. Visits to other courts, after this main traineeship court, could be undertaken as short-term study visits.

**R. 15. Evolution of internships to Assistant Prosecutor and Assistant Judges:** The roles of interns are limited to a number of theoretical discussions where they review files and cases in order to discuss the outcomes. The review of decisions is a useful learning technique, but the next step is actually fulfilling the role of a judge or prosecutor. The creation of an “assistant” allows for the judge or prosecutor to become legally involved in cases in an incremental way, so as to be guided until they are assessed ready to be a qualified judge or prosecutor in their own right. It is recognised that this is planned in the MOJ long-term strategy.

**R. 16. Supervision of internships in courts:** It is proposed that this process is managed by specific judges, who sign a protocol with JAT and act as a mentor for the trainee during a period of approximately 4 months. There is a new project in Turkey specifically focusing

on stage period, which is managed by the Ministry of Justice. By making the JAT responsible or co-responsible with MoJ for the stage period is recommended to make this period more effective and consistent. It is necessary to conduct discussion with Council of judges and prosecutors and obtain agreement with President of Courts and Head Prosecutors.

## **V. Duration of training of candidate judges and prosecutors (JAT + internship)**

**R. 17. Extend the period of initial training and assessment period to two years:** The pre-service training course should take place over two years and consist of basic training at the JAT, which is complimented by planned and meaningful internships and study visits. Examinations, interviews and assessments should all be successfully completed before the training is regarded as fully completed. Where necessary training and assessment could be extended up to one further year. Remedial learning should be considered, but unsuitable and/or unsuccessful candidates would be expected to leave the service. Individual records of achievement are required to evidence the completion or otherwise of this training pathway.

## **VI. Trainers**

### *a. Full time trainers of the JAT*

**R. 18. Permanent trainers should attain qualifications such as a diploma or certificate (PGCE)<sup>12</sup>** in adult education or even teaching degree. This would provide skills of lesson preparation, module writing skills and expertise in learning styles.

CJP: It is considered important to ensure that the trainers hold an adult training formation (andragogy).

### *b. Part time trainers*

**R. 19. Internal regulation to be adopted to regulate criteria for selection of trainers and remuneration.**

**R. 20. Part time trainers should receive a minimum level of qualification similar to Training-of-Trainers certification.**

**R. 21. Evaluation of training courses.** The CoE project could support or evaluate adult education courses for full-time trainers and should support a series of train-the-trainer courses for part time trainers. These can evaluate further need of the courses, possibility for changes current modules, enhancing skills of trainers. Evaluation should also serve to assess the impact of trainings, both pre-service and in-service, on the quality of judgments, their sound reasoning and also compliance with the ECtHR and the CC standards.

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<sup>12</sup> PGCE: Post Graduate Certificate in Education

c. *Trainers of in-service training activities to be employed randomly*

**R. 22. Internal regulation to be adopted to regulate criteria for selection of trainers and remuneration.**

**R. 23. Former trainers from the previous projects of the CoE,** who are serving as judges and prosecutors to be involved as trainers; they know content and have rich experience in adult training.

## VII. Training methodologies

Making training programmes more in line with principles of *andragogy* (interactive, problem-based learning, learning by doing etc.).

**R. 24. Introduction of a lesson plan template by the JAT for each lesson and curriculum:** All lessons and/or modules need lesson plans and must describe the learning objectives, learning styles, examples and case studies to be presented. The preparation of lesson plans should be undertaken across the entire curriculum so as to harmonise the teaching standards.

**R. 25. Need for restructuring of the curricula in criminal field:** There is a demand for more practical based training that concentrates on processes and activities that judges and prosecutors complete at courthouses. Whilst the understanding of the TPC is essential, the interpretation and application of the CPC needs to be increased. The CoE project could support core courses in the field of criminal proceedings (all phases of the criminal proceedings related to right to fair trial), protective measures, safeguards, investigations and reasoning of judgments.

**R. 26. Introduction of interactive techniques for the trainings:** Didactic lecture format as a means of teaching is regarded as one of the least effective teaching/learning tools<sup>13</sup>. This teaching style should be abandoned without delay and replaced with lessons/modules that include more active learning styles. A number of these learning styles were detailed in the visit to the Spanish Judicial School. These active learning methods should include, but not be limited to problem-based learning and learning by doing. Other active learning styles should include surveys, discussion of case studies, forums, workshops, video conferences, virtual classes, role play, online training, and hybrid training (for example a Hydra Simulation Suite).<sup>14</sup>, <sup>15</sup>There are several resources available for interactive teaching/learning techniques; for instance a document titled 'Training guide on the rule of law for judges and prosecutors,'<sup>16</sup> recently published by the EU, provides a comprehensive reference to many of the interactive techniques and active learning styles which have been identified by the authors of this report.

CJP: It is important to teach the workflow process regarding the disputes that may be subject to criminal cases through personal observations and interactive training methods.

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<sup>13</sup> <https://www.tandfonline.com/doi/abs/10.3109/01421599209044010>

<sup>14</sup> <http://www.hydrafoundation.org>

<sup>15</sup> <https://www.canterbury.ac.uk/social-and-applied-sciences/law-criminal-justice-and-policing/facilities/hydra.aspx>

<sup>16</sup> [http://www.ejtn.eu/PageFiles/19048/2019-056-Training%20guide-v5\\_FINAL.pdf](http://www.ejtn.eu/PageFiles/19048/2019-056-Training%20guide-v5_FINAL.pdf)



In doing this:

It is considered that it would be useful to inform candidates on legal background of the process which includes various stages such as “crime scene investigation, starting a prosecution, filing a case after preparation and acceptance of the indictment, examination of the evidence and trial process, adjudication, stages of appeal and Court of Cassation, execution of the judgment, individual application to the Constitutional Court and then to the ECtHR, retrial after the Constitutional Court or ECtHR judgment and possible recourse claims against judicial personnel due to compensations that may be paid as per the aforementioned judgments.” After clarification of the process, it would be fruitful to provide candidates with the opportunity to observe the whole process in the field and assign them certain roles in practice.

In other words, it is considered that it would be fruitful to make sure that candidates raise their knowledge on what they will encounter when they start working and what stages are followed in addition to understanding the impact of their job on the human life.

**R. 27. Introduction of an effective evaluation process of trainees:** The JAT should consider better evaluation and grading system during the period of pre-service trainings, where more interactive approaches are introduced between trainers and trainees in relation to latter’s evaluation and progress.

**R. 28. Materials developed under previous CoE Projects in Turkey:** particularly on phase I of the Just Project, as well as those developed and adapted under the TCC and the project on Effective Investigation of the Allegations on Ill Treatment should be adapted to the recommended training methodology and more widely circulated. These materials deal with Freedom of Expression, Prohibition of ill-treatment, Protective measures and Trial Management, Interview and Interrogation technics.

**R. 29. Additional supportive materials to be developed:** Instruction about dealing with specific vulnerable groups, children, migrants; domestic violence; instructions (check lists) on dealing with forensic reports and expert evidence; samples of well-reasoned decisions; court warrants; prosecutors’ requests for protection measures; samples on well-reasoned pre-trial detention decision etc.

## **VIII. In-service and Pre-service Training Curricula**

**R. 30. Mainstreaming of the case-law of the ECtHR and TCC in the respective courses:** Relevant articles from the ECHR and the ECtHR violations should be included in all lessons concerning investigative processes (the CPC), and where appropriate included in lessons about criminal offences (the TPC). These should aim to compliment instruction already provided from the TCC and not replace it. The CoE project could support the development and inclusion of relevant material into course material related to the case-law such as factsheets and research reports,<sup>17</sup> in collaboration with the JAT. Relevant material would include detailing learning objectives, lesson plans, interactive training methodology, debriefing and reporting.

CJP: Rather than transferring the court's case-law to the candidates in an abstract manner, it would be more beneficial to select the case-law on the issues that mostly cause violation and

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<sup>17</sup> <https://www.echr.coe.int/Pages/home.aspx?p=press/factsheets/turkish>;  
<https://www.echr.coe.int/Pages/home.aspx?p=caselaw/analysis&c=>

perform case studies with reference to the case files that are the subject of the violation judgments.

**R. 31. Practical Training through the use of case files and investigations:** It is recommended to increase practical teaching methods through the use of case and investigations files. Such teaching methods should seek to enhance skills in writing indictments and carrying out criminal proceedings, understanding how to collect evidence and assemble a file, the management of hearings and court staff.

CJP: It is important to teach the workflow process regarding the disputes that may be subject to criminal cases through personal observations and interactive training methods.

In doing this:

It is considered that it would be useful to inform candidates on legal background of the process which includes various stages such as “crime scene investigation, starting a prosecution, filing a case after preparation and acceptance of the indictment, examination of the evidence and trial process, adjudication, stages of appeal and Court of Cassation, execution of the judgment, individual application to the Constitutional Court and then to the ECtHR, retrial after the Constitutional Court or ECtHR judgment and possible recourse claims against judicial personnel due to compensations that may be paid as per the aforementioned judgments.” After clarification of the process, it would be fruitful to provide candidates with the opportunity to observe the whole process in the field and assign them certain roles in practice.

In other words, it is considered that it would be fruitful to make sure that candidates raise their knowledge on what they will encounter when they start working and what stages are followed in addition to understanding the impact of their job on the human life.

**R. 32. Observation stage:** Learning should be reinforced by visits to institutions, which should include one or two-day visits or placements in different public institutions to observe the work of different public officials, and to better understand the system and its link with judiciary. Examples may include prisons, police stations, detention centres, drug centres, domestic violence units, forensic medicine institutions, lawyers’ offices, bailiffs, etc. JAT can consider signing Memorandum of understanding with relevant institutions to facilitate related stage/placements of candidate judges and prosecutors.

CJP: It is important to teach the workflow process regarding the disputes that may be subject to criminal cases through personal observations and interactive training methods.

In doing this:

It is considered that it would be useful to inform candidates on legal background of the process which includes various stages such as “crime scene investigation, starting a prosecution, filing a case after preparation and acceptance of the indictment, examination of the evidence and trial process, adjudication, stages of appeal and Court of Cassation, execution of the judgment, individual application to the Constitutional Court and then to the ECtHR, retrial after the Constitutional Court or ECtHR judgment and possible recourse claims against judicial personnel due to compensations that may be paid as per the aforementioned judgments.” After clarification of the process, it would be fruitful to provide candidates with the opportunity to observe the whole process in the field and assign them certain roles in practice.

In other words, it is considered that it would be fruitful to make sure that candidates raise their knowledge on what they will encounter when they start working and what stages are followed in addition to understanding the impact of their job on the human life.

**R. 33. Mainstreaming of the ECHR through different courses and separate course under Human Rights and Constitutional Rights:** Inclusion of pre-service training module, which is dedicated to accurate interpretation of the ECHR, the ECtHR and Freedom of expression is necessary. The JAT should consider having more general ECtHR course as mandatory for candidate judges and prosecutors (online or in person course, see above recommendation under R.10).

**R. 34. Electronic evidence as part of the assessment of evidence module under criminal proceeding:** Inclusion of pre-service training module, which is dedicated to electronic evidence and its role in the judicial system. Necessary references could be made to cybercrime, but more enhanced course on the latter can be developed for in-service training. The project team could use CoE material and collaborate with trainers at the JAT to prepare such material in a similar way to paragraph R23 above. It is important that cyber hygiene is included in any training.

**R. 35. Electronic evidence guidance notes for Judges, Prosecutors and Police:** It is recommended that an electronic evidence guide is prepared and presented to the judges and prosecutors at all stages of their career. The project team in collaboration with trainers from the JAT should review the COE Electronic Evidence Guidance Notes for Judges, Prosecutors and Police and update it. Turkish legislation should be included in the guidelines in order to provide a single reference point dealing with the search, seizure and expert examination of digital evidence. This guidance note should be placed at a central online resource and physical copies circulated for the use of judges and prosecutors in courthouses.

**R. 36. CoE support in developing courses for pre-service training under the project:** The CoE does not have the resources to review every module in the pre-service training but should provide support in writing a number of criminal procedural courses, which will comprise of; lesson plans, active learning styles, consideration for human rights, relevant case studies and supporting artefacts. The creation of these 'model' lessons should be undertaken in collaboration with JAT trainers, which will allow the replication of this design across the pre-service curriculum.

**R. 37. Promotion and career progression of judges and prosecutors:** In-service training and the courses that judges and prosecutors attend should be linked to career progression. There should be an expectation that judges, and prosecutors continue to develop their knowledge and the participation in training should be linked to promotion and career progression. It is noted since the assessment visits were completed that the Council of Judges and Prosecutors (CJP) published decisions in the Official Gazette of 17<sup>th</sup> January 2020 (31009), which referred to the in-service training of Judges and Prosecutors. Article 1 of these decisions make "in-service training activities, specialization programmes attended ..." a criterion in assessment of the grounds of promotion of judges and prosecutors (decision no: 675/1; 05.04.2017).

**R. 38. Some in-service training courses should be compulsory:** For example, the inclusion of an in-service training module, which is dedicated to the ECHR, the ECtHR and Freedom of expression should be one of the compulsory training courses. It is suggested that project team support JAT to adapt the HELP modules to complete this recommendation.

**R. 39. Proposals for other vocational in-person courses for in-service training (in line with suggestions of junior judges and prosecutors):**

- Workshops on dissemination of the case law of the TCC and the ECtHR on different topics related to more human rights violations found by those courts;
- Specialized trainings on pre-trial detention, impunity; effective investigation of ill-treatment and pre-trial detention conditions. (some of those proposed can be supported by the CoE criminal justice project);
- Reasoned indictment/judgments courses;
- Domestic violence and violence against women course;
- Course on admissibility of evidence in particular digital and expert evidence.

CJP: Regarding the whole process of training activities, it would be very beneficial to take into account the opinions and contributions of the trainees before, during and after the training activities.

**R. 40. Additional interactive training format** should be used that include the following, external professional trainings upon request, visits in institutions within Turkey and outside, e.g. Visit to the ECtHR and other international judicial bodies, conferences, human rights forum, summer schools, seminars such as working groups composed of judges to prepare guidance on certain areas, interdisciplinary workshops together with different stakeholders on some relevant topics and an online platform, such as a Moodle. One strong suggestion is the forum <https://forum.taa.gov.tr/> created by the JAT that could have a HTTP links to e-learning and HELP courses available in Turkish.

**R. 41. Prioritised planning of in-service trainings for new judges and prosecutors:** It was identified that many new judges and prosecutors were called to the courthouses without completing their initial training. Whilst it is accepted that this was necessary to deal with the vacancies created in a response to the coup attempt, it is recommended that these judges finish the significant parts of their pre-service training as in-service training modules.

**R. 42. Training prior to placement or transfer:** In general, all movements should be accompanied by special training (even for experienced judges when they change in the field). Such examples include judges who are placed to a courthouse (such as terrorism, domestic violence or cybercrime) and have no training related to the subjects which they are going to be dealing with. It is recommended that a short orientation course should be prepared and delivered before judges and prosecutors fill their new positions.

**R. 43. Proposal to include HELP courses during in-service training:** HELP and self-learning courses must be enhanced and included during in-service training. This includes a requirement for resources and training material to be prepared in the Turkish language. These courses may be optional and can depend on judges and prosecutors' specialisation. They will be facilitated by HELP national tutors and supported by the HELP Secretariat. It is recommended that this type of in-service training and HELP courses are adapted into

Turkish under the project and some of them launched within the project duration. The recommended topics are;

- Alternative measures to detention;
- Right to liberty and security;
- Procedural Safeguards in Criminal Proceedings;
- Reasoning of judgments (criminal aspects: pre-trial detention decisions and criminal conviction);
- Gathering and Use of Evidence in Terrorism related cases under a radicalisation course;
- Cybercrime (currently under development).

**R. 44. Introduction of in-house trainings on specialised matters** for the Public Prosecutors office in all courthouses to be encouraged.

## **IX. Candidate Judges and Prosecutors**

**R. 45. Evaluation of candidates:** It was commented upon during the assessment visits that judges and prosecutors who have had legal training at law school or university are being employed without the requisite legal knowledge. Of concern is that these comments also occurred after the candidates completed their training and arrived at the courthouses. A thorough review of the recruitment system is required. Part of this review may be the accreditation or assessment of certain degree courses to ensure that students arrive with the necessary knowledge, instruction and qualifications to begin a career in the judiciary. Entrance exams should be revised to measure the expected competencies of the candidates.

## **X. Other**

**R. 46. Introduce the role of assistant judges and assistant prosecutor:** There has been much comment that judges and prosecutors who arrive at court face significant challenges, which include managing staff, managing investigations and courtroom cases, ensuring decision making is accurate, compliance with the law and the ECHR. This often occurs after a dedicated training course that is theoretical. There is no incremental process in career development and with the significant demands of the roles, preventable mistakes are occurring. Providing a position that allows the judges and prosecutors to gain experience in an apprenticeship style of learning will enhance performance by the judiciary. This may take some time to put into place and is already one of the long-term strategic objectives of the MOJ.

**R. 47. Gender Mainstreaming:** JAT should consider gender aspects in the process of:

- increasing visibility on gender equality and women's empowerment to promote and engage in the JAT's interventions at all level;
- Ensure gender balance in the process of selection of trainers among permanent and part time trainers (include in the JAT's strategy or its internal regulations);

- Encourage and support the attendance of female in-service trainings in collaboration with the Council of judges and prosecutors, in particular for events outside their places of residence;
  - Ensure that inclusion of gender aspects into the production of training curricula for pre-service trainings (for instance women as victims and their rights; sensitivity of judges and prosecutors in relation to sociological consequences and impact on the family and other aspects of private and professional life when it comes to deprivation of liberty of women);
  - Gender-neutral evaluations and reporting of trainings and collection of gender disaggregated data.

## D. Annexes

### Annex 1. Agendas of the Training Needs Assessment Missions

#### A. Agenda of the First Training Needs Assessment Mission in Ankara on 21-23 October 2019

Monday 21/10/2019		Pazartesi
Council of Europe Ankara Programme Office		Avrupa Konseyi Ankara Program Ofisi
Information about the meeting and WG-2		Toplantı ve ÇG-2 hakkında bilgi
Yücel Erduran Project Manager, Council of Europe		Yücel Erduran Proje Yöneticisi, Avrupa Konseyi
Elena Jovanovska-Brezoska Project Coordinator, Council of Europe		Elena Jovanovska-Brezoska Proje Koordinatörü, Avrupa Konseyi
Başak Cansu Boyoğlu Senior Project Officer, Council of Europe		Başak Cansu Boyoğlu Kıdemli Proje Sorumlusu, Avrupa Konseyi
Content and the methodology of the needs assessment	09:45	İhtiyaç analizi çalışmasının içeriğinin ve yönteminin belirlenmesi
Detention -		- Tutukluluk
Fairness of proceedings -		- Adil yargılanma
Financing of terrorism -		- Terörizmin Finansmanı
Cybercrime -		- Siber suçlar
Coffee Break	11:00	Kahve arası
Reporting Format	11:15	Raporlama formatı
Questionnaires (in each areas) –		- Anketler (her bir konuda),
Format of the reports –		- Rapor formatı,
Reporting deadlines –		- Süresi,
Individual reports of the consultants –		- Bireysel raporlar
Final report of the Needs Assessment Group		İhtiyaç Analizi Grubu Nihai Raporu
Finalizing the work plan	12:00	Çalışma planına karar verilmesi
Determination of the:		Ziyaretler için:
dates -		- tarihlerinin
institutions and individuals -		- kurum ve kişilerin
for the visits		kararlaştırılması.
Lunch Break	12:30	Öğle arası
Transfer to the Justice Academy	13:45	Adalet Akademisine gidiş
Meeting with the JAT	14:00	Adalet Akademisi Yönetimi ile görüşme
Information about the new JAT:		Yeni Adalet Akademisi hakkında bilgilendirme:
Vision and Mission -		- Akademinin misyon ve vizyonu,
Management structure -		- Yönetim Yapısı,
Training activities		- Eğitim faaliyetlerinin organizasyonu (eğitim
(units, programmes trainers ...) -		birimleri, programlar, eğitmenler ...)
End of First Day	17:00	Birinci gün sonu
Tuesday 22/10/2019		Salı
Departure from hotel		Otelden hareket
Justice Academy of Turkey		Türkiye Adalet Akademisi
Meeting with Pre-service Training Department		Hizmet Öncesi Eğitim Departmanı ile Görüşme
Training programmes -		- Eğitim programları
Trainers -		- Eğitmen kadrosu
Plans for next term training of candidate judges and prosecutors –		- Önümüzdeki dönem hakim savcı adayları için planlamalar
... -		- ...
Meeting with In-service Training Department		Hizmet İçi Eğitim Departmanı ile Görüşme
Training programmes -		- Eğitim programları
Trainers -		- Eğitmen kadrosu
Plans for 2020 in-service training activities –		- Önümüzdeki dönem (2020) hizmet içi eğitim planlamaları hakkında bilgi
... -		- ...
Meeting with Measurement and Assessment Unit		Ölçme ve Değerlendirme Birimi ile Görüşme
Mission of the unit -		- Birimin görevleri
Staff -		- Kadrosu

Work undertaken since establishment of the JAT (May 2019) and plans for future – ... – <i>Lunch</i>	13:15	Öğle yemeği
<b>Meeting with trainers of the JAT</b>	<b>14:15</b>	<b>Akademi Eğitimcileri ile Görüşme</b>
Training experiences – Training received as trainers – Status as trainers (permanent/ secondment etc.) – Opinions about the new JAT – ... –		- Eğitimciler deneyimleri - Eğitimciler eğitimleri - Akademide statüleri (Kadro/görevlendirme vb.) - Akademi ile ilgili görüşleri - ...
<b>Meeting with consultants, who conducted needs assessment study for the JAT</b>	<b>16:00</b>	<b>Adalet Akademisi için ihtiyaç analizi yapan uzman grubu ile görüşme</b>
Information about the needs assessment for JAT: Scope of work – Methodology – Target groups – Early findings – ... –		Adalet Akademisi ihtiyaç analizi çalışması hakkında bilgilendirme: - İhtiyaç analizi kapsamı - Yöntem - İlk bulgular
<i>End of Second Day</i>	<b>17:30</b>	<i>İkinci gün sonu</i>
<b>Wednesday 23/10/2019</b>		<b>Çarşamba</b>
<i>Council of Europe Ankara Programme Office</i>	<b>09:15</b>	<i>Avrupa Konseyi Ankara Program Ofisi</i>
<b>Evaluation of training modules prepared in other projects of CoE</b>	<b>09:30</b>	<b>Önceki Projelerde hazırlanan eğitim modüllerinin değerlendirilmesi</b>
<u>Criminal Justice (1) Project (2012-2014)</u> Arrest and custody – Interception of communication – Pre-trial detention – Search and seizure – Technical surveillance – Corruption – Cybercrime – Effective investigation – Right to fair trial – Terror and organised crime –		<u>CAS 1 Projesi (2012-2014)</u> - Yakalama ve gözaltı - İletişimin dinlenmesi - Yargılama öncesi tutukluluk - Arama ve el koyma - Teknik takip - Yolsuzluk - Siber suçlar - Etkili Soruşturma - Adil yargılanma hakkı - Terör ve organize suçlar
<u>Freedom of Expression Project (2014-2017)</u> Drafting of a Reasoned Judgment –		<u>İfade Özgürlüğü Projesi (2014-2017)</u> - Gerekçeli karar yazma
<u>Ill Treatment (2017-2019)</u> - Prohibition of ill treatment and fight against impunity		<u>Kötü muamelenin yasaklanması (2017-2019)</u> - Kötü muamelenin yasaklanması ve cezasızlıkla mücadele
<u>Individual Application Project (2016-2019)</u> Right to life / Prohibition of torture, Right to liberty and security, Right to a fair trial (civil/criminal), Right to respect for private life and family life, ... –		<u>Bireysel Başvuru Projesi (2016-2019)</u> - Yaşam Hakkı / İşkence yasağı, - Özgürlük ve güvenlik hakkı - Adil yargılanma hakkı (özel hukuk/ceza hukuk), - Özel hayata ve aile hayatına saygı hakkı - ...
<i>Lunch Break</i>	<b>13:00</b>	<i>Öğle arası</i>
<b>Evaluation of Previous Training Modules</b>	<b>14:00</b>	<b>Önceki Eğitim Modüllerinin Değerlendirilmesi</b>
<i>Continued</i>		<i>Devam</i>
<b>Overall assessment of the first mission</b>	<b>15:30</b>	<b>İlk toplantının genel değerlendirmesi</b>
Evaluation of the meetings held – Persons/institutions to be visited for next mission – Reporting (methodology/deadlines) – Date/place for second mission – ... –		- Yapılan görüşmelerin değerlendirilmesi - Bir sonraki toplantı için görüşülmesi planlanan kişi/kurumlar - Raporlama (yöntem - tarih) - İkinci toplantı için yer ve tarih - ...
<i>End of the meeting</i>	<b>16:00</b>	<i>Toplantının sonu</i>



## B. Agenda of the Second Mission in Izmir&Ankara on 6-8 January 2020

<b>Monday (Izmir)</b>	<b>06/01/2020</b>	<b>Pazartesi (İzmir)</b>
<b>Departure from the hotel</b>	<b>08:30</b>	<b>Otelden hareket</b>
<b>Regional Court of Appeals of İzmir</b>	<b>09:00</b>	<b>İzmir Bölge Adliye Mahkemesi</b>
President and Chief Public Prosecutor/Deputies		Başkan ve Başsavcı / Vekilleri
Break	<b>09:45</b>	Ara
<b>Regional Court of Appeals of İzmir</b>	<b>10:00</b>	<b>İzmir Bölge Adliye Mahkemesi</b>
Members and Prosecutors		Üyeler ve Savcılar
Lunch Break	<b>12:00</b>	Öğle arası
<b>Izmir Courthouse</b>	<b>13:30</b>	<b>İzmir Adliyesi</b>
President of Justice Commission and Chief Public Prosecutor / Deputies		Adalet Komisyonu Başkanı ve Başsavcı / vekilleri
<b>Meeting with the previous project's trainers</b>	<b>14:15</b>	<b>Önceki projelerin eğitmenleri ile görüşme</b>
<b>Izmir Bar Association</b>	<b>16:30</b>	<b>İzmir Barosu</b>
Meeting with lawyers		Avukatlarla görüşme
End of First Day	<b>17:30</b>	İlk gün sonu
<b>Tuesday (Izmir)</b>	<b>07/01/2020</b>	<b>Salı (İzmir)</b>
<b>Departure from the hotel</b>	<b>08:30</b>	<b>Otelden hareket</b>
<b>Izmir Courthouse</b>	<b>09:00</b>	<b>İzmir Adliyesi</b>
Judges of First Instance Courts		İlk derece Mahkemesi Hakimleri
Break	<b>10:30</b>	Ara
<b>Izmir Courthouse</b>	<b>10:45</b>	<b>İzmir Adliyesi</b>
Prosecutors of First Instance Courts		İlk derece Mahkemesi Savcıları
Lunch	<b>12:30</b>	Öğle yemeği
<b>Izmir Courthouse</b>	<b>14:00</b>	<b>İzmir Adliyesi</b>
Recently assigned judges of First Instance Courts (year of seniority; 1-3 years)		İlk derece Mahkemesi yeni atanmış hakimler (kıdem 1-3 yıl)
Break	<b>15:00</b>	Ara
<b>Izmir Courthouse</b>	<b>15:15</b>	<b>İzmir Adliyesi</b>
Recently assigned prosecutors of First Instance Courts (year of seniority; 1-3 years)		İlk derece Mahkemesi yeni atanmış savcılar (kıdem 1-3 yıl)
End of Second Day	<b>16:30</b>	İkinci gün sonu
<b>Wednesday (Ankara)</b>	<b>08/01/2020</b>	<b>Çarşamba (Ankara)</b>
<b>Ministry of Justice</b>		<b>Adalet Bakanlığı</b>
Directorate General of Personnel Affairs		Personel İşleri Genel Müdürlüğü
Directorate General of Criminal Affairs		Ceza İşleri Genel Müdürlüğü
Department of Training	<b>09:30</b>	Eğitim Dairesi Genel Müdürlüğü
General Directorate of Foreign Affairs and the EU		Dış İlişkiler Ve AB Genel Müdürlüğü
Strategy Development Department		Strateji Geliştirme Başkanlığı
Council of Judges and Prosecutors		Hakimler ve Savcılar Kurulu
Lunch	<b>12:00</b>	Öğle yemeği
<b>Justice Academy of Turkey</b>	<b>14:30</b>	<b>Türkiye Adalet Akademisi</b>
Debriefing		İlk bulguların değerlendirilmesi
End of Third Day	<b>16:30</b>	Üçüncü gün sonu

## Annex 2. Interviewees of the Training Needs Assessment Missions

### Justice Academy of TurkeyAcademics

- |                     |                                    |
|---------------------|------------------------------------|
| 1. Muharrem KILIÇ   | Ankara Yıldırım Beyazıt University |
| 2. Elvan KEÇELİOĞLU | Çankaya University                 |

### Izmir Court of Appeals

- |                       |  |
|-----------------------|--|
| 1. Abdullah YEŞİL     | President, 6th Criminal Chamber              |
| 2. Ayşe Yeşim AKÇELİK | President, 3rd Civil Chamber                 |
| 3. Bestami TEZCAN     | Chief Public Prosecutor                      |
| 4. Bülent ÖZER        | Member, 6th Criminal Chamber                 |
| 5. Ercan TURAN        | President of 10th Civil Chamber              |
| 6. İlker UÇDU         | Member, 16th Criminal Chamber                |
| 7. İdris KIZIR        | President, Justice Commission                |
| 8. Oktay YÖRÜK        | Member, 7th Criminal Chamber                 |
| 9. Mehmet YAYLA       | Member, 20th Criminal Chamber                |
| 10. Seda AKMEŞE GÜNEŞ | President, Regional Board of Legal Expertise |
| 11. Talat DENİZ       | Public Prosecutor                            |

### Izmir Courthouse

- |                            |                         |
|----------------------------|-------------------------|
| 1. Kamil Erkut GÜRE        | Chief Public Prosecutor |
| 2. İbrahim KORKMAZ         | Judge                   |
| 3. Adem YILMAZ             | Judge                   |
| 4. Ali YÜCER               | Judge                   |
| 5. Ayhan PARMAKSIZ         | Judge                   |
| 6. Dilek ÇELİKTAŞ          | Judge                   |
| 7. Fatma TÜRKER            | Judge                   |
| 8. Hidayet SERİN           | Judge                   |
| 9. Osman Levent AKÇALI     | Judge                   |
| 10. Ümit ÖZMEN             | Judge                   |
| 11. Ali Osman KAYNAK       | Public Prosecutor       |
| 12. Halil ÖZEN             | Public Prosecutor       |
| 13. Hünkar Ersen KIRLANGIÇ | Public Prosecutor       |
| 14. Murat EFE              | Public Prosecutor       |
| 15. Murat Veysel SULAR     | Public Prosecutor       |
| 16. Nesli Sumru TUNÇ       | Public Prosecutor       |
| 17. Nihal FINDIK           | Public Prosecutor       |
| 18. Soner KAYA             | Public Prosecutor       |
| 19. Çelebi TETİK           | Judge                   |
| 20. Emrullah ERÖRS         | Judge                   |
| 21. Fatma Nur BALOĞLU      | Judge                   |
| 22. Kübra ARSLAN           | Judge                   |
| 23. Pelin AVCIOĞLU ELİTOK  | Judge                   |

24. Şeyma MUTLU	Judge
25. Zeliha GÖZ	Judge
26. Aslıhan OCAKTAN	Public Prosecutor
27. Buğra KIRGIL	Public Prosecutor
28. Buket Müzeyyen BİLGİÇ	Public Prosecutor
29. Cihan İDİZ	Public Prosecutor
30. Deniz ŞAHİN	Public Prosecutor
31. Fazıl KANDEMİR	Public Prosecutor
32. Gürcan AKGÖZ	Public Prosecutor
33. Hayrullah ALTUNTAŞ	Public Prosecutor
34. Merve BOŞNAK TOKGÖZ	Public Prosecutor
35. Osman Tufan KAYIRAN	Public Prosecutor
36. Utku AYVAZ	Public Prosecutor
37. Yücel ÖZDEMİR	Public Prosecutor

### **Trainers of Previous Projects**

1. Ali SOYER	Judge
2. Huriye KASAP	Judge
3. İlhami GÜNEŞ	Judge
4. Kamuran ASYA	Judge
5. Kenan ARSLANBOĞAN	President of Court of Assize
6. Mustafa Tarık ŞENTUNA	Judge
7. Önder BAYRAK	Judge
8. Sabri USTA	Judge
9. Turan GÜZELOĞLU	Public Prosecutor

### **Izmir Bar Association**

1. Ali Deman GÜLER	Lawyer
2. Mehmet Baran SELANİK	Lawyer
3. Serkan CENGİZ	Lawyer
4. Yakup GÜL	Lawyer

### **Ministry of Justice**

1. İsmail DOĞAN	Judge, DG Personnel
2. Bülent KAYALI	Judge, Directorate of Strategy Development
3. Tamer SOYSAL	Judge, DG Foreign Affairs and European Union
4. Yusuf ÖNÇİRAK	Judge, Training Department
5. Yasemin BUDAKOĞLU	Judge, DG Criminal Affairs

### **Council of Judges and Prosecutors**

1. Hüseyin Cem EREN	Judge, Foreign Affairs and Projects Bureau
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