

GUIDELINES ON THE DECLARATION OF ETHICS FOR TURKISH JUDICIARY





GUIDELINES ON THE DECLARATION OF ETHICS FOR TURKISH JUDICIARY

Prepared for Publication by	Council of Judges and Prosecutors
Address	Emniyet Mahallesi, Mevlana Bulvarı No:36 Yenimahalle / ANKARA
Telephone	0 (312) 204 10 00
Electronic Contact	https://www.cjp.gov.tr/
Pre-press Preparation and Design	Ministry of Justice Department of Training
Address	Devlet Mahallesi Vekaletler Caddesi No:4 Çankaya / ANKARA
Telephone	0 (312) 595 36 25
Electronic Contact	edb@adalet.gov.tr www.edb.adalet.gov.tr

All rights reserved. No part of this publication may be
copied or reproduced without permission.

**GUIDELINES ON THE
DECLARATION OF ETHICS FOR TURKISH
JUDICIARY**

C O N T E N T S

INTRODUCTION	1
ETHICS AND JUDICIAL ETHICS	10
A. In General	10
B. Ethics and Fundamental Ethical Concepts... 12	
C. Perspective on Ethics and Fundamental Ethical Concepts in Terms of the Profession of Judges and Prosecutors.....	15
PRINCIPLES, EXPLANATIONS AND EXAMPLES OF CONCRETE APPLICATIONS	
1. THEY RESPECT HUMAN DIGNITY, PROTECT HUMAN RIGHTS AND TREAT EVERYONE EQUALLY.....	17
A. Introduction	17
B. Principles.....	19
C. Explanations and Concrete Examples of Application.....	20
2. THEY ARE INDEPENDENT	30
A. Introduction	30
B. Principles.....	32
C. Explanations and Concrete Examples of Application.....	33
3. THEY ARE IMPARTIAL.....	41
A. Introduction	41
B. Principles.....	43
C. Explanations and Concrete Examples of Application.....	44

4. THEY ARE HONEST AND CONSISTENT	64
A. Introduction	64
B. Principles	66
C. Explanations and Concrete Examples of Application	67
5. THEY REPRESENT TRUST IN THE JUDICIARY .	77
A. Introduction	77
B. Principles	79
C. Explanations and Concrete Examples of Application	80
6. THEY CONSIDER CONFIDENTIALITY	85
A. Introduction	85
B. Principles	86
C. Explanations and Concrete Examples of Application	87
7. THEY ACT WITH PROPRIETY AS REQUIRED BY THEIR PROFESSION	93
A. Introduction	93
B. Principles	95
C. Explanations and Concrete Examples of Application	97
8. THEY ARE COMPETENT AND ACT DILIGENTLY IN THEIR PROFESSION	113
A. Introduction	113
B. Principles	116
C. Explanations and Concrete Examples of Application	117
CONCLUSION	128
BIBLIOGRAPHY	130



INTRODUCTION

The independence and impartiality of the judiciary are among the fundamental pillars and the most essential safeguards of a democratic state governed by the rule of law. The concrete implementation of this safeguard is possible not only through constitutional and legal regulations, but also through ensuring that judges and prosecutors act in accordance with the ethical principles they are required to follow. In order to maintain public trust in justice, judges and prosecutors are obliged not only to deliver fair decisions, but also to set an example through their stance, conduct and attitudes when delivering those decisions.

Pursuant to subparagraph (d) of the second paragraph of Article 7, entitled “Formation and Duties of the General Assembly” of the Law No. 6087 on the Council of Judges and Prosecutors, the duty “to determine the ethical principles of conduct to be observed by judges and prosecutors” has been entrusted to the General Assembly of the Council of Judges and Prosecutors. For the establishment of a culture of judicial ethics, the General Assembly of the Council of Judges and Prosecutors has the powers and duties to determine ethical principles, to supervise compliance with them, and to perform its consultative function by issuing consultative decisions regarding such principles.

The internationally recognised United Nations Bangalore Principles of Judicial Conduct were adopted by the decision of the Council of Judges and Prosecutors dated 27 June 2006 and numbered 315, and the European Guidelines on Ethics and Conduct for Public Prosecutors (the Budapest Guidelines) were adopted by the decision of the Council of Judges and Prosecutors dated 10 October 2006 and numbered 424. Indeed, the Turkish judicial system is not unfamiliar with ethical principles. Long before these instruments, the Mecelle-i Ahkâm-ı Adliyye



(briefly, the Mecelle), prepared between 1868 and 1876, had already regulated ethical principles in a manner specific to the Turkish judiciary, culture and justice system. The primary motivation for initiating the drafting process of the Declaration of Ethics for Turkish Judiciary was to harmonise the ethical principles set forth in the Mecelle with universal instruments and adapt them to the present day. In this context, the “Declaration of Ethics for Turkish Judiciary” was adopted and announced by the General Assembly of the Council of Judges and Prosecutors on 6 March 2019 and published in the Official Gazette dated 14 March 2019. Accordingly, although the main text to be observed by our judges and prosecutors is the “Declaration of Ethics for Turkish Judiciary”, it is evident that the provisions of the Bangalore Principles of Judicial Conduct and the Budapest Guidelines which are not contrary to our Declaration should also be taken into consideration.

As stated in the Declaration of Ethics for Turkish Judiciary, judges and prosecutors respect human dignity, protect human rights and treat everyone equally; they observe their independence and impartiality in the performance of their judicial duties and act with integrity and consistency. At the same time, judges and prosecutors represent public trust in the judiciary, adhere to the principle of confidentiality, conduct themselves in a manner befitting the profession, are competent, and bear the responsibility to act with due diligence.

Since a wide range of valuable sources have been used during the drafting and adoption of the ethical rules contained in the Declaration of Ethics for Turkish Judiciary, the General Assembly has decided that transforming the relevant opinions, documents, translations and meeting outputs into a set of guidelines would provide guidance to judges and prosecutors and facilitate their compliance with the codes of conduct.

Following the aforementioned decision of the General Assembly, it was decided to summarise the outputs of meetings held with judges, prosecutors, academics,



attorneys-at-law and courthouse staff during the formation process of the Declaration of Ethics for Turkish Judiciary; as well as articles, books and symposium papers in the relevant literature, and translations of foreign sources such as ethical codes of various countries and internationally recognised declarations, opinions and decisions. In addition, the views of judges and prosecutors currently serving at all levels of the judiciary were sought regarding sample cases that may be encountered in practice. The exemplary practices of the Inspection Board of the Council of Judges and Prosecutors, which may provide guidance in practice, were also utilised.

The Guidelines on the Declaration of Ethics for Turkish Judiciary have been drafted on the basis of the fundamental ethical principles set out in the Declaration of Ethics for Turkish Judiciary adopted by the Council of Judges and Prosecutors. The explanations and examples contained in these Guidelines aim to give concrete effect to the practical implications of the said ethical principles. The Guidelines have been prepared to remind judges and prosecutors of their ethical responsibilities not only in their professional lives but also in their private lives, and to provide guidance in various situations they may encounter.

Ethical principles are not merely a body of professional rules; they are also an expression of a way of life befitting the honour of judicial office. For this reason, each principle set forth in these Guidelines should be regarded as a principle aimed at preserving the sanctity, impartiality and public esteem of the judicial office.

Ultimately, these Guidelines in their final form were adopted by the decision of the General Assembly dated 15 October 2025 and numbered 2025/1269.

The systematic method followed in the preparation of these Guidelines is presented below:

In preparing these Guidelines, use was made of the outputs of meetings held with judges, prosecutors, courthouse staff, non-governmental organisations,



academics and attorneys-at-law, which also influenced the formation of the ethical declaration; the Bangalore Principles of Judicial Conduct and its Commentary; the Budapest Guidelines; international instruments used as reference sources, in particular the opinions of the Consultative Council of European Judges (CCJE) and the Consultative Council of European Prosecutors (CCPE); and national instruments used as reference sources, notably the Mecelle and Islamic law, in order to convey past national experience. Numerous sources were cited and drawn upon. Accordingly, these Guidelines were drafted to explain the Declaration of Ethics for Turkish Judiciary, beginning with fundamental definitions and containing practical examples of a guiding nature. They are binding on judges and prosecutors.

On the other hand, in preparing these Guidelines, particular consideration has also been given to the recommendations on judicial ethics addressed to our country within the Fourth Evaluation Round on the “Prevention of Corruption in respect of Members of Parliament” and the “Prevention of Corruption in respect of Judges and Prosecutors”. This Evaluation Round is conducted by the Group of States against Corruption (GRECO), which operates within the Council of Europe and of which our country is a member, with the aim of assessing States Parties’ compliance with anti-corruption standards and assisting them in enhancing their capacities in this regard. In this context, GRECO’s evaluation and interim compliance reports revealing the recommendations addressed to other member States and the legislative and internal practice developments of States within the scope of the said Evaluation Round were examined. Accordingly, particular consideration has been given to GRECO Recommendations XI, XIII and XXI addressed to our country, which call for judges and prosecutors to be subject to supervision on ethics and integrity based on clear and objective criteria accessible to the public and aligned with European standards, and for the determination of ethical principles of conduct for



specific duties of judges and prosecutors, including practical examples providing sufficient guidance on conflicts of interest and other integrity-related matters (such as gifts, recusal, relations with third parties and the handling of confidential information, etc.).

During the preparatory works of these Guidelines, it was observed that the fundamental ethical rules apply not only to judges but also to prosecutors. Furthermore, taking into account that within the Turkish judicial system the employment-related rights and benefits of the two professional groups are the same, their working conditions are of a similar nature, and that professional transition from one group to the other may be considered within the framework of decisions of the Council of Judges and Prosecutors, the concrete examples included in these Guidelines have been addressed in a manner encompassing both professional groups. Indeed, the Council of Judges and Prosecutors, which adopted the Declaration of Ethics for Turkish Judiciary and these Guidelines, is a constitutional body established to carry out procedures concerning both judges and prosecutors — such as admission to the profession, appointment, promotion, discipline, leave and election to the high judiciary — in accordance with the principles of the rule of law, the independence and impartiality of courts, and the tenure of judges and prosecutors. The structure and duties of the Council also demonstrate the close nature of the functions performed by the two professional groups in our country. Nevertheless, matters that differ by virtue of the inherent characteristics of the professions of judges and prosecutors have been addressed in these Guidelines, and separate examples have been provided according to various situations.

The Guidelines on the Declaration of Ethics for Turkish Judiciary constitute an integral part of the legislation concerning judges and prosecutors.



It is of vital importance, both for the professional reputation of judges and prosecutors and for the preservation of public trust in the judiciary, that they avoid all forms of conflict of interest while exercising judicial authority. In this context, the circumstances in which judges may not hear a case, as well as the situations in which they are required to recuse themselves or be disqualified, are regulated in detail under Articles 34 and onwards of the Code of Civil Procedure No. 6100, Articles 22 and onwards of the Code of Criminal Procedure No. 5271, and Articles 31, 56/5 and 57 of the Code of Administrative Procedure No. 2577, which constitute the procedural laws of first instance courts in our country. With regard to the members of the Council of Judges and Prosecutors, Articles 40 and 41 of the Law No. 6087 on the Council of Judges and Prosecutors regulate the cases in which members of the Council may not be involved in files due to circumstances incompatible with independence and impartiality.

The said statutory provisions take into account not only objective conflicts of interest, but also any subjective perception that may impair the appearance of impartiality; thus, it is not considered sufficient for judges merely to be independent and impartial in fact; they must also manifest these qualities to the outside world. In this respect, the complementary nature of the ethical dimension should be particularly emphasised. Article 5.3 of the Declaration of Ethics for Turkish Judiciary reinforces this understanding with the following wording: “When they become aware that a perception, suspicion or doubt that may undermine the confidence placed in them has arisen in the performance of their duties, they shall assess, with the utmost care and diligence, whether they are required to recuse themselves.” This provision points not only to legal obligations, but also to the self-control, ethical sensitivity and individual responsibility of judges and prosecutors towards the public perception of justice.

Another important regulation in terms of judicial ethics is Law No. 3628 on the Declaration of Assets and Combating Bribery and Corruption. Within the scope of



this Law, the obligation of judges and prosecutors to declare their assets at certain intervals contributes to the institutionalisation of transparency and accountability.

Furthermore, Article 51 of the Law No. 2802 on Judges and Prosecutors provides that “Judges and prosecutors may not become members of political parties; those who do so shall be deemed to have resigned from the profession.” Within this framework, these Guidelines do not lay down special provisions regarding the prohibition of political activities of judges and prosecutors.

Nevertheless, Article 48 of the Law No. 2802 on Judges and Prosecutors provides that “Judges and prosecutors may not undertake any official or private duties other than those prescribed by law, nor may they engage in income-generating activities. They are obliged to notify the Ministry of Justice within fifteen days of the continuous income-generating activities of their spouses and of their minor or legally restricted children.” Even though no separate explanation is provided in these Guidelines, it is a well-known fact that judges and prosecutors are subject to the restrictions set forth in the aforementioned legislation.

The procedures and principles regarding the examination and finalisation of applications alleging violations of the Declaration of Ethics for Turkish Judiciary, and, where necessary, the manner in which ethical consultative decisions are to be issued, were determined by the decision of the General Assembly of the Council of Judges and Prosecutors dated 30 April 2020 and numbered 57.

The most significant feature of the Declaration of Ethics for Turkish Judiciary is that it enables judges and prosecutors, in the face of challenges and various situations that may arise due to changing conditions over time, to seek opinions on judicial ethics by consulting the General Assembly of the Council of Judges and Prosecutors. With regard to the consultative function of the Council in the



field of judicial ethics, the General Assembly of the Council of Judges and Prosecutors provides guidance to judges and prosecutors by issuing consultative decisions, thereby clarifying the real-life applications of ethical principles. Within this framework, consultative decisions have been issued regarding applications concerning matters related to judicial ethics that judges and prosecutors encounter in practice and that give rise to uncertainty, and some of these consultative decisions have been published on the Council's website.

As regards the supervisory function of the Council in the field of judicial ethics, it is possible to submit a notification of ethical violation to the Council of Judges and Prosecutors, which is the competent authority to decide on allegations that the conduct of judges and prosecutors violates the principles set forth in the Declaration of Ethics for Turkish Judiciary, and the General Assembly of the Council of Judges and Prosecutors may also initiate an ex officio review. Applications may be submitted without being subject to any time limit or formal requirement. In addition, decisions determining ethical violations may be re-examined through a review procedure. All decisions determining ethical violations and such ethical consultative decisions as deemed necessary by the General Assembly of the Council of Judges and Prosecutors are published on the Council's website.

Decisions finding ethical violations are taken into consideration in the promotion and appointment of judges and prosecutors. In this manner, it is aimed to ensure the sustainability of practice in the field of judicial ethics by overseeing its implementation. Currently, references to the Declaration of Ethics for Turkish Judiciary are made in the decisions of the Council and in the acts and reports of the Inspection Board.

The examples of ethical conduct set out in these Guidelines have been prepared in order to determine the fundamental professional standards that judges and prosecutors are required to observe both in the



performance of their judicial duties and in their private lives, and to contribute to the development of a consistent, predictable and institutional approach to professional and ethical issues they may encounter. These provisions, which are of a guiding nature for judges and prosecutors, not only set out principles of ethical conduct, but are also regarded as one of the institutional safeguards of judicial independence and impartiality. None of the rules contained in these Guidelines may be interpreted as restricting or limiting the constitutionally guaranteed independence of judges and prosecutors; on the contrary, these Guidelines aim to strengthen judicial independence on ethical foundations.

These Guidelines, which set out illustrative examples intended to guide judges and prosecutors in complying with the Declaration of Ethics for Turkish Judiciary, will undoubtedly make a highly valuable contribution to strengthening public trust in judges and prosecutors.



ETHICS AND JUDICIAL ETHICS

A. In General

It is an indisputable fact that the delivery of high-quality and high-performance services in courthouses is possible through judges and prosecutors who adhere to ethical principles. The contribution of developing technologies, artificial intelligence capabilities and physical improvements to judicial activities is undoubtedly very significant. However, these contributions do not alter the fact that the principal subjects of judicial activity are judges and prosecutors.

In democratic societies, public institutions are obliged to meet the expectations of the beneficiaries of services. The fulfilment of such expectations is a criterion demonstrating the satisfaction of those benefiting from public services.

In this context, it is essential that judicial activities ensure that their beneficiaries are satisfied.

It should be clarified that the concept of expectations in judicial activities does not encompass the phenomenon of a party being found right or wrong. Indeed, it is a reality that those engaged with law have debated and developed ideas on the quality of justice for thousands of years. It is also accepted that the concept of quality and the satisfaction of justice service users encompass human-centred values within legal processes, such as equality, fairness, integrity, impartiality, competence and transparency. It has been concluded that an ideal, high-performance court approaching excellence can only be defined through the concrete realisation of these concepts.

Accordingly, shaping and adapting to contemporary conditions the noble values and attributes required of judges and prosecutors will constitute the framework of a “good or ideal judicial system.”



The increasing number of disputes over time, together with the growing complexity of cases, has necessitated a renewed and more comprehensive definition of the values and attributes required of judges and prosecutors.

By way of example, within the concept of fairness are included principles such as judges showing the same degree of sensitivity in every case, prosecutors displaying the same diligence in every investigation and prosecution, pursuing their judicial activities in a proportionate manner among the cases and investigations before them, and ensuring that procedural processes are comprehensible and transparent to the parties. It is observed that these examples may be classified and elaborated under sub-headings. For instance, while judges are required to show individual attention to each case, they must also allocate such attention proportionately according to the nature of the cases. This is because individual and proportionate attention is related to fair trial guarantees and at the same time requires the efficient use of working time. In other words, the fundamental principle that judges must act fairly requires them, within the framework of a fair trial, to give individual attention to each case and, consequently, to focus on cases in a manner that enables them to use their limited time efficiently according to the nature of each case.

Fair trial is also related to refraining from acts that would unnecessarily prolong the proceedings. Judges appearing at hearings with full knowledge of the contents of case files constitute a very significant factor in minimising the number of hearings. Avoiding unnecessary interim decisions during proceedings is another positive factor that ensures savings in both time and procedural costs.

Likewise, it is essential that prosecutors use time efficiently within the scope of the files brought before them and the investigations they conduct, show individual attention to each file, be fully conversant with case files, and complete investigations within reasonable time.



The equitable application of procedural rules in judicial processes plays a leading role in securing confidence in justice. This is also of great importance in terms of the institutional legitimacy of courts and prosecution services and the public trust placed in them. The perception that judicial authorities apply procedural rules equitably will increase satisfaction with adjudicatory processes, ensure respect for decisions even if the parties are not satisfied, and enhance the willingness to comply with the outcomes of decisions.

While it is necessary to benefit from developing technology in judicial processes, it is of paramount importance that legal processes remain under the direct control of judges and prosecutors. This plays a key role in making fundamental principles such as fair trial, transparency, impartiality and competence visible, and ultimately in influencing society's trust in the judiciary.

B. Ethics and Fundamental Ethical Concepts

The concept of ethics is etymologically derived from the Greek word *ethos*, meaning “character describing patterns of conduct”, and is defined as a body of moral values. While there are views asserting that the concepts of morality and ethics are distinct, there are also views maintaining that they are essentially interrelated. However, in order to determine the meaning of ethics, it is necessary to distinguish it from the concept of morality, with which it is often confused. Morality consists of the value judgments or rules accepted within a society, community or the environment to which one belongs. These rules may vary from one society to another and may even differ by region within the same society.

When the relationship between morality and ethics is considered in this manner, it is understood that “ethics” or “professional ethics” refers to the extension of morality, as a concept concerning an individual's values, into the performance of a public duty or a specific profession in daily life. The term “professional” is also used for those



who perform their duties in accordance with the ethical rules or professional morality of their profession.

Ethics should be understood as knowledge of value and values. Indeed, merely acting in compliance with principles may lead to distancing oneself from the knowledge of what should be protected in a given situation and may result in ethically flawed decisions. Acting on the basis of knowledge of value and values, by knowing the meaning of the value of the human being, first and foremost, and of related values such as justice, love, respect, integrity, trust and loyalty, and by acting in accordance with those values, is what ethical conduct entails.¹ According to Ioanna Kuçuradi, ethics in this sense is a branch of philosophy that produces knowledge.² Ethics makes it possible to reveal, through knowledge, whether what we do in our lives bears value, and to point out that this is a matter of knowledge. In Kuçuradi's words, ethics in this context is an endeavour of enlightenment.³ Why do we seek such enlightenment? It may be stated that such a pursuit is important in terms of understanding what is happening in the world regarding human relations in a broader sense, and is related to our desire to act ethically.

Ethical conduct is related to a person's character. Ethical behaviour is realised when one acts in accordance with fundamental ethical values such as being fair, honest and trustworthy.

Human beings possess the potential to act ethically. This is the most important feature that distinguishes humans from other living beings in nature. As Aristotle stated, we are beings who possess the natural capacity to acquire virtues:⁴

¹ Gülriz Uygur, Hukuk, Etik, Meslek Etiği [Law, Ethics and Professional Ethics] (unpublished lecture notes).

² Ioanna Kuçuradi, Etik [Ethics] (6th edn, Türkiye Felsefe Kurumu 2015) 36.

³ ibid vii.

⁴ Aristoteles, Nikomakhos'a Etik [Nicomachean Ethics] (Furkan



“Virtues are acquired neither by nature nor contrary to nature; rather, we are by nature able to acquire them, and we perfect them through habit. We first acquire them and then develop them.”⁵

Accordingly, the development of this capacity is only possible through ethical knowledge. If we assess matters not merely from the perspective of others but through the lens of human dignity, and question what is deserved, this leads us to establish stronger bonds with one another and to distance ourselves from our selfish tendencies.

If we act on the basis of knowledge of ethical values and evaluate our conduct accordingly, and realise that this is a matter of knowledge concerning our lives, we are also able to hold ourselves accountable for our actions.

Professional ethics should be regarded as a sub-branch of ethics and understood within this framework. Today, professional ethics appears primarily as a body of principles or norms and is articulated through norms indicating what should be done or avoided in a given situation. While an ethical question concerns the evaluation of an act, a person or a particular situation, a question of professional ethics concerns how a person should or should not behave while performing a particular profession. The answers to such questions are found in ethical codes or norms relating to professional ethics. For this reason, it is observed that professional ethics seeks to establish universal norms.

In this context, what is expected from professional ethics is to provide answers to questions of how a person should or should not behave while performing a profession, and how a problem should be resolved or what the criteria for its resolution should be. Professional ethics in law concerns judges, prosecutors, attorneys-at-law and other

Akderin tr, 1st edn, Say Yayınları 2014) 41.

⁵ ibid 41.



actors in judicial proceedings. Judicial ethics, however, concerns judges and prosecutors. The principles of professional ethics relating to judges and prosecutors are reflected internationally in the Bangalore Principles of Judicial Conduct and the Budapest Guidelines, and nationally in the Declaration of Ethics for Turkish Judiciary.

C. Perspective on Ethics and Fundamental Ethical Concepts in Terms of the Profession of Judges and Prosecutors

Justice services and professional ethics are inseparable. Although the establishment of justice is essential for a secure and peaceful communal life, justice can only be delivered by officials who possess superior moral values. For this reason, in the Mecelle — one of the principal sources used in the drafting of the Bangalore Principles of Judicial Conduct, which are international principles of judicial ethics — the qualifications required of a judge are listed as follows: “A judge must be hakîm (learned), fehîm (intelligent), müstakîm (upright), emîn (trustworthy), mekîn (prudent) and metîn (resilient).”

The characteristics referred to above in fact constitute the essence of ethical principles. Indeed, the fundamental concepts of ethics explained in the previous section encompass these qualifications that judges are required to possess. It is beyond doubt that a judge who is upright and trustworthy will conduct fair trials and preserve the qualities of impartiality and independence.

During the preparation of the Declaration of Ethics for Turkish Judiciary, the Council of Judges and Prosecutors translated into Turkish the ethical rules and legislation of certain countries and organisations to be used as reference sources. In addition, examples to be taken into account separately for judges and prosecutors were generally included from these sources.

As emphasised in Joint Opinion No. 12 (2009) of the CCJE and No. 4 (2009) of the CCPE on the relations



between judges and prosecutors in a democratic society, which contains the Bordeaux Declaration “Judges and Prosecutors in a Democratic Society”, in order to ensure the fair, impartial and efficient administration of justice, it is necessary that the distinct yet complementary duties of judges and prosecutors be duly performed. Judges and prosecutors must share common legal principles and ethical values. This is essential for the proper administration of justice.

As is evident, while the core ethical principles are common to both judges and prosecutors, clarifying fundamental values that can guide the resolution of practical problems encountered by prosecutors and that encompass safeguards against undue pressure and external interference concerning their role and status will undoubtedly enhance public trust in the judiciary. For instance, prosecutors should support courts in reaching fair decisions by conducting investigations diligently and fairly, and should contribute to the effective, expeditious and efficient functioning of the justice system. Except for exercising their right to challenge court decisions within their authority, they should refrain from attitudes and conduct that would cast doubt on judges’ decisions or aim to hinder the enforcement of such decisions.

Above, the historical and conceptual foundations of ethical values and the meaning those values impart to the judicial function have been addressed. Hereafter, it is intended to demonstrate, through explanations and concrete examples, how these fundamental principles are reflected in the professional and private lives of judges and prosecutors, and which conduct and attitudes are evaluated within the ethical framework. These explanations and examples will both raise awareness of the principles and provide guidance to judges and prosecutors in their daily practice.



PRINCIPLES, EXPLANATIONS AND EXAMPLES OF CONCRETE APPLICATIONS

1. THEY RESPECT HUMAN DIGNITY, PROTECT HUMAN RIGHTS AND TREAT EVERYONE EQUALLY

A. Introduction

Human rights are defined as the rights that a person possesses solely by virtue of being human, without the need for any other qualification, in order to live a dignified life. Everyone has the right to be treated with respect for their human dignity and fundamental rights. The importance of protecting human rights and raising standards in this field has been emphasised in fundamental international texts such as the Universal Declaration of Human Rights and the European Convention on Human Rights, as well as in judiciary-specific texts such as the Bangalore Principles of Judicial Conduct and the Budapest Guidelines. Similarly, fundamental rights and freedoms are guaranteed in the Constitution of the Republic of Türkiye, Law No. 2709. At this point, respecting human dignity and protecting human rights are among the primary duties of judges and prosecutors. In similar terms, as stated in Article 2 of Opinion No. 9 of the CCPE on “European Norms and Principles Concerning Prosecutors” (Rome Charter), as regards the protection of and respect for human rights and freedoms, prosecutors acting in the public interest and on behalf of the nation, as well as judges delivering judgments on behalf of the nation, must undoubtedly respect human rights, uphold the principle of the social state, and safeguard the rule of law.

Respect for human rights is not limited to protecting the rights recognised by law. It also requires acting in accordance with the essence of these rights and valuing the existence of the individual. In this context, our noble nation has historically embraced respect for human dignity and the preservation of fundamental rights as a social and



cultural principle, has sustained this understanding across generations, and will continue to uphold it in the future. This approach also constitutes the foundation of humanism, a way of thinking that places the human being at the centre. Humanism advocates that every individual has the right to live with dignity and freedom, calls for respect for differences, and seeks to enable individuals to realise their potential. Therefore, respecting human rights also entails recognising the value of the human being as such and sustaining that value.

Moreover, in a state governed by the rule of law, the sole indicator of whether judges and prosecutors serving within the judicial system respect human dignity and protect human rights is whether they treat all relevant parties equally in all proceedings and decisions, without discrimination and regardless of the parties' status. The principle of equality, which is one of the fundamental pillars of trust in the justice system, means that all individuals, regardless of their legal status, social position, or role in the judicial process, must be treated with the same respect and care.

It must be particularly emphasised that the prerequisite for treating everyone equally is to regard all individuals as equal before the law. Undoubtedly, it cannot be expected that members of society possess identical characteristics. The most significant element that makes a society democratic is the ability of individuals to internalise the culture of living together with those who are different from themselves and the skill of empathising with others. Within this framework, judges and prosecutors perceive each individual in society as one of the different colours that make up a painting; they accept and embrace these differences as a source of richness. In this way, they treat everyone equally in a manner befitting human dignity. Such an approach not only instils the concept of equality within society but also fosters confidence among the public that the principle of equality is being applied flawlessly.



B. Principles

Judges and prosecutors:

1- Respect human dignity, protect human rights and treat everyone equally

1.1. Reflecting our civilization's embracement as well as the universal acceptance of the inviolability of human dignity, they always rely on human dignity and act in compliance with human rights and freedoms.

1.2. are aware that the principle of human rights-based state can be fulfilled only through efficient protection of human rights and freedoms, and are conscious of their responsibility thereof.

1.3. accept that living together entails respect for differences, understanding each other, and treating everyone equally.

1.4. absolutely reject discrimination on the basis of language, religion, sect, race, ethnicity, nationality, sex, political view, social and economic status, birthplace, lifestyle, age, health status, physical appearance, marital status and so on, and they do not use a discriminatory discourse. They know that positive discrimination enshrined in the Constitution shall not be considered as violation of the principle of equality.

1.5. give confidence to the society and all those involved in judicial processes, including their colleagues, lawyers, judicial staff, witnesses, experts, and particularly those wishing to access justice, that the principle of equality is applied. They prevent, within their area of duty and authority, any actions that might undermine this trust



C. Explanations and Concrete Examples of Application

1. Everyone has the right to be treated with respect for human dignity and fundamental human rights. The protection of human rights and the enhancement of standards in this field are enshrined in fundamental international texts such as the Universal Declaration of Human Rights and the European Convention on Human Rights, as well as in the Bangalore Principles of Judicial Conduct and the Budapest Guidelines. Similarly, the Constitution of the Republic of Türkiye (Law No. 2709) guarantees fundamental rights and freedoms.
2. At this point, respecting human dignity and protecting human rights are among the primary duties of judges and prosecutors. In other words, judges and prosecutors must respect human rights, uphold the principle of the social state, and safeguard the rule of law. In a democratic society where human dignity and human rights are central and the rule of law prevails, and where the legislative, executive, and judicial powers have obligations in different dimensions, judges and prosecutors, as representatives of the judiciary, fulfil their obligations by treating all relevant parties equally and with respect for human dignity and fundamental human rights, regardless of their status. Paragraph 8 of the explanatory note to Opinion No. 9 of the CCPE on “European Norms and Principles concerning Prosecutors” (Rome Charter) emphasises the importance of this matter as follows: *“A system in which both the prosecutor and the judge act with the highest standards of integrity and impartiality provides a much more comprehensive protection of human rights than a system relying solely on the judge.”*
3. The principle of equality before the law, enshrined in Article 10 of the Constitution, is one of the most fundamental principles of a modern state governed by the rule of law. In essence, this principle means that



individuals in the same legal status must be treated equally without discrimination for any reason. In other words, it prohibits discrimination. Since the most concrete examples of the application of the principle of equality manifest themselves in judicial decisions, it is particularly necessary for judges and prosecutors, as representatives of the judiciary, to adhere to this principle, avoid unequal practices that may cast doubt on their impartiality, and treat everyone before them equally without discrimination. Only in this way can the principle of equality before the law be established. The legitimacy of the decisions rendered by judges and prosecutors is directly related to their consistency with these universal values.

4. Accordingly, judges and prosecutors, both during judicial proceedings and in their private lives, act in accordance with human dignity, human rights, and the principle of equality, avoiding words, behaviours, and practices that may constitute or be perceived as violations of this principle.⁶ They also ensure that the staff they work with act with the same sensitivity. For example, where a complaint is made against a staff member for displaying different attitudes towards lawyers or persons involved in the judicial process, the relevant judge or prosecutor explains to that staff member the importance of acting in accordance with the principle of equality, gives the necessary warning, and reminds them that such conduct may affect the entire process, thereby instilling a sense of responsibility.

⁶ Similarly, see: '...Equality is not only a fundamental issue for the realisation of justice; it is also an element of the functioning of the judiciary and reflects judicial impartiality. Conduct contrary to the principle of equality casts doubt on the impartiality of the court and may require the judge to recuse himself or herself...' Sibel Inceoglu, Devlette Etikten Etik Devlete: Yargıda Etik [From Ethics in the State to an Ethical State: Ethics in the Judiciary] (TÜSİAD Publication No TÜSİAD-T/2012-08/530, TÜSİAD Yayınları 2012) 127.



5. Considering the multicultural structure of our country, with its diverse ethnic elements and other forms of diversity and richness, it is not sufficient for judges and prosecutors merely to accept these differences; they must also internalise them. Such an approach embeds the concept of equality in the social fabric and ensures that everyone, with their differences, has the right to live under equal conditions.
6. Judges and prosecutors are aware of the various forms of diversity in the society in which they live, including differences in religion, language, race, sect, ethnic origin, gender, nationality, political opinion, social and economic status, place of birth, lifestyle, age, health status, physical appearance, marital status and disability. In the course of their duties, they reject discrimination by remaining free from prejudice and bias arising from these factors. They refrain from using discriminatory language and from adopting attitudes or engaging in conduct that may create the impression of unequal treatment. Indeed, judges and prosecutors constitute the cornerstone of the legal order that enables different social identities and beliefs to coexist peacefully.
7. Judges and prosecutors avoid gender-based discrimination in their communication with parties, lawyers, and courthouse staff. They refrain from engaging in such discrimination openly or implicitly, and they do not adopt a condescending attitude, even indirectly, through their manner of address or behaviour. They refrain from adopting attitudes towards or using expressions for female interlocutors that they would not adopt or use towards men, and they do not comment on their physical appearance or clothing.
8. Comments made by judges or prosecutors during judicial activities that may be discriminatory on grounds of gender, physical appearance, ethnic origin,



clothing or lifestyle constitute a violation of the principle of equality. Similarly, the Commentary on the Bangalore Principles of Judicial Conduct states that comments directed at female lawyers or parties that may suggest gender discrimination, or remarks about the physical appearance or clothing of parties or their representatives, are incompatible with judicial ethics.⁷

9. However, Article 10 of the Constitution provides in its first paragraph that everyone is equal before the law without discrimination based on language, race, colour, gender, political opinion, philosophical belief, religion, sect, or similar reasons; in its second paragraph, that women and men have equal rights, and that the state must ensure the realisation of this equality, with measures taken for this purpose not being interpreted as contrary to the principle of equality; and in its third paragraph, that measures taken for children, the elderly, disabled people, widows and orphans of martyrs, as well as the invalid and veterans, shall not be considered contrary to the principle of equality, thereby emphasising positive discrimination. Accordingly, judges and prosecutors, in order to implement the positive discrimination envisaged in the Constitution, take the necessary measures and inform the other party if positive discrimination is required for one party. They are aware that taking facilitating steps to remove obstacles to disadvantaged persons' pursuit of rights is a requirement of justice. For example, if one of the parties is not sufficiently proficient in Turkish, the judge simplifies sentences, speaks slowly and clearly to facilitate communication. This behaviour, though not legally mandatory, reflects ethical sensitivity that

⁷ United Nations Office on Drugs and Crime, Commentary on the Bangalore Principles of Judicial Conduct para 185 <https://www.unodc.org/conig/uploads/documents/publications/Otherpublications/Commentry_on_the_Bangalore_principle_s_of_Judicial_Conduct.pdf> accessed 8 September 2025.



respects human dignity. Likewise, practices such as taking the statement of a person with physical disabilities at their residence, due to the difficulty of coming to the courthouse, are among the best examples of steps taken to remove obstacles to disadvantaged persons' pursuit of rights.

10. Furthermore, in the "Islamic Law" section of the Commentary on the Bangalore Principles of Judicial Conduct, striking examples are provided regarding judges' obligation to act equally: *"A judge must ensure every kind of equality between the parties; whether they are father and son, caliph and subject, or Muslim and non-believer. This includes everything, such as the way he looks at them, the way he addresses them, and his behaviour. He must not frown at one while smiling at the other. He must not show more interest in one than the other. If he can speak in a language known to both parties, he must not address one in a language the other does not understand."*⁸
11. Similarly, paragraph 60 of Opinion No. 13 of the CCPE on "Independence, Accountability and Ethics of Prosecutors" states: *"Prosecutors should direct their attention to those who have a legitimate expectation of justice, especially the most vulnerable: victims, witnesses, the elderly, children and young people, persons with disabilities, those without financial means or those who have difficulty understanding their situation, persons detached from their familiar environment and/or who do not know the country's language and judicial procedures."*
12. Judges and prosecutors, during the taking of statements, interrogations or hearings, or in other situations requiring them to interact with parties, do not make remarks that may suggest their own or their interlocutors' political opinions, ethnic origins, genders, hometowns, or even the sports clubs they support. Undoubtedly, actions and remarks contrary to

⁸ ibid 156.



this principle are incompatible with the qualities of judges and prosecutors. For example, engaging in a casual conversation that undermines the appearance of equality about a football club supported by the judge or prosecutor, such as “We are champions this year; the player you signed is very good”; a prosecutor asking a suspect “Where are you from?” while taking their statement and then making a humorous or suggestive remark about their hometown; or a judge making a disparaging remark to a migrant defendant such as “You do not know the order of this country anyway,” may be cited as examples of this.

13. Judges and prosecutors are aware of changing attitudes and values in society, and within the framework of legal rules, they do not judge the behaviours of their interlocutors based on their own worldview, moral values, or beliefs. For instance, in a sexual assault trial in the United States, it was stated that a judge violated the principle of impartiality by reading a passage from the Bible that disparaged the individual’s sexual life.⁹
14. Judges and prosecutors, in the performance of their duties, do not use humiliating or scolding language towards parties, their counsel or legal representatives, or any other participants involved in the judicial process, and they act with courtesy. They always behave with mutual respect and politeness in their relations, adopting an attitude that reinforces such behaviour. They avoid rude, offensive, hurtful, or derogatory words and actions. The credibility of judges and prosecutors in society is measured not only by their fair decisions but also by their manner of treatment. At the same time, they do not refrain from intervening, in accordance with their duties, against racist, discriminatory, sexist, or otherwise aggressive or inappropriate behaviour that individuals may be

⁹ *State v Pattno*, 254 Neb 733, 579 NW2d 503–509 (1998), cited in *İnceoğlu* (n 6) 57.



subjected to. They do not make comments, gestures, or insinuations that could reasonably be perceived as tacit approval of such remarks.

15. Examples clarifying the matter are as follows:

"...The judge must explicitly state or point out sexist, racist, or other offensive or irrelevant discriminatory remarks made by lawyers or prosecutors in court or before the judge. Any speech, gesture or inaction that could be interpreted as tacit approval of such remarks also constitutes a violation of the principle of equality. However, if issues such as gender, race, or similar factors are the subject of dispute before the court, admissible testimony or properly conducted legal representation must not, of course, be obstructed. This is consistent with the judge's duty to listen fairly. Nevertheless, the judge must, when necessary, maintain control over the proceedings and act patiently and appropriately to create an atmosphere of equality, order, and decorum in the courtroom. Naturally, how the judge should act will vary depending on the circumstances. Sometimes a polite correction may suffice, while in cases of deliberate or particularly offensive conduct, a more serious response may be required. For example, the judge may privately warn the lawyer or ensure that the warning is recorded. However, if the lawyer repeats the misconduct despite being warned, the Judicial Integrity Group notes that contempt of court proceedings may be initiated to the extent permitted by law. Citizens' first contact with the judicial system is through court staff. Therefore, the language and behaviour of court staff are extremely important in ensuring and enhancing confidence in the judiciary. Court staff must avoid abusive, offensive, threatening, overly familiar, or otherwise inappropriate behaviour based on the differences mentioned above, as well as disrespectful language based on gender. For this reason, it is crucial that the judge, within the scope of his or her authority over court staff, ensures that personnel under his or her management and supervision act without prejudice or bias based on such differences."¹⁰

¹⁰ İncoğlu (n 6) 130–131 (quoted verbatim).



16. Although the following words of Yusuf Has Hacıp, author of Kutadgu Bilig, the first written work produced after the Turks' adoption of Islam, were addressed to those who would govern the people, they are also highly meaningful in view of the importance of the matter and constitute valuable advice for judges and prosecutors who exercise public authority:

"Whoever rules over the people must have a gentle nature and noble demeanour. His language and words must be sweet, and he must show humility. Since the ruler represents justice, law, and punishment, he is not subject to his emotions."¹¹

17. Judges and prosecutors not only carefully avoid any words or actions that would constitute a violation of the principle of equality or the prohibition of discrimination, but also instil confidence in parties, colleagues, lawyers, court staff, witnesses, experts, and society at large that the principle of equality is being upheld.
18. Judges and prosecutors prevent any behaviour within their duties and authority that could undermine this confidence. Judges and prosecutors exercising judicial authority must approach parties and others they address from the bench with tolerance and humility, taking into account their psychological state.

"In modesty and humility, be like the earth." (Mevlânâ Jalâl ad-Dîn Rûmî)

"Humility is the antidote to pride."

(Voltaire)

¹¹ Yusuf Has Hacıp, Kutadgu Bilig [Wisdom of Royal Glory] (Ayşegül Çakan tr, 1st edn, Türkiye İş Bankası Kültür Yayınları 2015), cited in Ahmet Fırat, Yargı Etiği ve Mesleki Kimlik [Judicial Ethics and Professional Identity] (1st edn, TAA Yayınları 2017) 74.



- 19.** Judges and prosecutors give parties sufficient time to express themselves.

Unless there is a clear and obvious indication that the right is being abused, they listen with reasonable patience to the parties, their counsel and legal representatives. Equal treatment and a humane perspective mean that the judge listens to what parties have to say with patience and understanding, but without sympathy. At this point, judges and prosecutors must be aware that decisions rendered without properly listening to one party, even if legally correct, will not be fair.

“Judges must also, in performing their duties, avoid all prejudice and discrimination, establish a balance between the parties, and ensure that both parties are fairly tried, bearing in mind the principle of equality of the parties.” (Consultative Council of European Judges, Opinion No. 3, para 24)

- 20.** Judges and prosecutors, based on the principle that lawyers are one of the founding elements of the judiciary and on reciprocity, show due respect to lawyers, act courteously in their words and behaviour, and avoid disputes with lawyers that are incompatible with the dignity of the profession.
- 21.** Judges and prosecutors, in their relations with court staff, act within the bounds of courtesy while also considering their disciplinary authority. They display the same respectful attitude toward court staff as they do toward colleagues, avoiding rude, offensive, humiliating, or derogatory words and actions. For example, they do not express a staff member’s mistake in a humiliating or derogatory manner in front of other judicial actors, parties, or third persons. Similarly, if a clerk or bailiff needs to be replaced because of a mistake made during the hearing, they take a recess in the hearing to arrange the replacement.



22. Judges and prosecutors supervise the division of duties among court staff and, except for matters such as competence and areas of expertise, exercise due care and effort to eliminate practices contrary to the principle of equality.
23. Judges and prosecutors strive to keep their knowledge of domestic legal and constitutional provisions safeguarding equality, as well as international instruments prohibiting discrimination, up to date.



2. THEY ARE INDEPENDENT

A. Introduction

Judicial independence constitutes the fundamental safeguard of fair trial and the rule of law, enabling judges and prosecutors to perform their duties in accordance with the law and their conscience. Judges and prosecutors are the bearers of the principle of independence, which forms the cornerstone of the judicial function. It must be emphasised that judicial independence is not an individual privilege or immunity; rather, it is a responsibility imposed upon every judge and prosecutor to render decisions honestly and impartially, in conformity with the law and evidence, free from any pressure or influence, without fear that their decisions may provoke public reaction, and without apprehension of external interference. Indeed, judges and prosecutors, through their independent identities and free will, are the primary guardians of fair trial and the rule of law. Although the independence of courts is enshrined in Article 138 of the Constitution, paragraph 27 of the explanatory note to Joint Opinion No. 12 (2009) of the CCJE and No. 4 (2009) of the CCPE on the Relations between Judges and Prosecutors in a Democratic Society, which contains the Bordeaux Declaration, addresses prosecutorial independence as follows: *“The independence of public prosecutors is indispensable for enabling them to carry out their mission. It strengthens their role in a state of law and in society and it is also a guarantee that the justice system will operate fairly and effectively and that the full benefits of judicial independence will be realised (Declaration, paragraphs 3 and 8). Thus, akin to the independence secured to judges, the independence of public prosecutors is not a prerogative or privilege conferred in the interest of the prosecutors, but a guarantee in the interest of a fair, impartial and effective justice that protects both public and private interests of the persons concerned.”* Moreover, in order to preserve public confidence in the judiciary, it is not sufficient for judges and prosecutors merely to be independent; they must also



be perceived as such by society. Judicial independence must therefore be not only an internal reality but also an externally observable condition. Judges and prosecutors must not only act independently but also project an attitude that visibly reflects this independence in the eyes of the public.



B. Principles

Judges and prosecutors:

2- Are independent

2.1. are the guarantee of fair trial and rule of law, with their independence.

2.2. act with the awareness that judicial independence is granted for fulfilling the judicial function free from any influence or pressure.

2.3. unconditionally reject any influence or pressure that might directly or indirectly affect their independence.

2.4. render their decisions independently, without any concern about any possible negative reaction from individuals, institutions, or public, and without feeling obliged to please them.

2.5. are aware that for ensuring and maintaining trust in the judiciary, it is important to not only be independent but also to appear as such.

2.6. are aware that independence does not mean being irresponsible and privileged, but on the contrary, it aims to ensure justice in accordance with the principle of accountability.

2.7. know that accountability, according to the procedures and substantives specified in laws, does not undermine their independence, but rather consolidates it by increasing public legitimacy.



C. Explanations and Concrete Examples of Application

1. The most important safeguard of fair trial and the rule of law is judicial independence. Judges and prosecutors secure judicial independence only when they perform their duties in accordance with the law and their conscience. However, independence must not be understood as requiring judges and prosecutors to lead a life isolated from society. Undoubtedly, such an approach would also impair the proper performance of judicial functions.¹²
2. Judges and prosecutors bear in mind that judicial independence is the prerequisite of their impartiality.
3. Judicial independence is not only a status or relationship based on objective conditions or guarantees, but also a state of mind or attitude in the actual performance of judicial functions.¹³
4. Judicial independence necessitates an absolute separation among the legislative, executive, and judicial powers. This separation was first articulated by the French political scientist Charles-Louis de Secondat, baron de La Brède et de Montesquieu (commonly known as Montesquieu) in his work *The Spirit of Laws* (*De l'esprit des lois*), where he defined the separation of political power as the division of legislative, executive, and judicial authorities.
5. Judicial independence is, without doubt, not a privilege granted to judges and prosecutors.

In this respect, independence is not merely a status but a dynamic responsibility that must be preserved and

¹² Inceoglu (n 6) 43–44.

¹³ Canadian Judicial Council, *Ethical Principles for Judges* 8 <https://cjc-ccm.ca/cmslib/general/news_pub_judicialconduct_Principlese n.pdf> accessed 26 September 2025.



safeguarded at all times. Judges and prosecutors are conscious that independence signifies not only external independence but also independence from their own internal values, beliefs, and predispositions. In this context, they recognise that internal and external influences on judicial independence may vary, and that they must render justice solely in accordance with the law, their conscience, and the specific circumstances of the case, free from any improper influence. Accordingly, judges and prosecutors can render decisions in line with their conscience only if they are independent.

6. Judges and prosecutors reject all forms of influence, pressure, and guidance, regardless of their source. They stand unconditionally against any attempt that may threaten their independence, bias their actions and decisions, or divert them from justice. In the event of encountering such a situation, when necessary, they record the matter and report it to the competent authorities. This matter, as also stated below, is set out in paragraph 29 of the Commentary on the Bangalore Principles of Judicial Conduct.
7. As clearly stated in paragraph 29 of the Commentary on the Bangalore Principles of Judicial Conduct, all attempts to influence a court must be made publicly in a court room, and only by litigants or their advocates.¹⁴ A judge may occasionally be subjected to efforts by others outside the court to influence his or her decisions in matters pending before the court. Whether the source is a ministry, political circles, public authorities, journalists, family members or another institution, all such efforts must be firmly rejected. These threats to judicial independence may sometimes take the form of subtle attempts to influence how a judge should approach a particular case or of undue praise directed at the judge. Any

¹⁴ United Nations Office on Drugs and Crime (n 7) para 29.



external attempt, direct or indirect, to influence a judge who duly performs his or her duties and responsibilities must be rejected. In some cases, particularly where such unethical attempts are repeated despite being rejected, the judge should report the matter to the competent authorities.

8. Furthermore, judges and prosecutors *“...must find a way to protect themselves from excessively close relationships with various local figures, particularly those involved in the administration of justice, institutions, joint organizations, the local business community, or the media.”*¹⁵
9. Judges and prosecutors render their decisions with courage, without any concern about pleasing politicians, the bureaucracy, or other segments of society, and without fear of criticism from such groups. Composure and courage are fundamental personal attributes of judges and prosecutors. Indeed, under the heading *“Courage”* in Belgium’s ethical guide entitled *“Guidelines for Magistrates: Principles, Values and Qualities”*, it is stated that judges are expected to act courageously in the performance of their duties, while acknowledging that such courage may lead to public discontent and isolation.¹⁶ Even where a general public opinion has formed regarding a particular case or investigation, judges and prosecutors do not allow this situation to become a means of pressure and act independently of external influences. In particular, they shield themselves from potential impacts

¹⁵ Council of Europe–European Union Joint Project on Strengthening Judicial Ethics in Türkiye, Yargı Etiğiyle İlgili Avrupa Standartları ve Uygulamaları [European Standards and Practices Relating to Judicial Ethics] (Council of Europe 2016) 31.

¹⁶ *Guidelines for Magistrates: Principles, Values and Qualities – Belgium* (2012) 21 <<https://csj.be/admin/storage/hrj/o0023f.pdf>> Turkish translation <https://www.hsk.gov.tr/Eklentiler/Dosyalar/Uluslararası_Hukukta_Etik_Kodlar.pdf> accessed 9 September 2025.



originating from social media.¹⁷ At this juncture, judges and prosecutors do not adopt public approval or disapproval of their decisions as a criterion, but apply the law alone. Accordingly, when a judge is required to render a decision against a major company providing employment in the region, the judgment is based not on economic pressure or concerns about employment, but solely on the legal grounds contained in the case file. Similarly, when a public prosecutor considers rendering a decision in favour of a suspect in an organised crime case based on the evidentiary situation, he or she does so without being influenced by the constant assertions of local media and political figures that the offence has been established, and without yielding to societal pressure, but by taking into account only the evidentiary situation in the file. This stance is a requirement of the principle of independence.

10. As clearly established in the judgment of the European Court of Human Rights in the case of *Ringeisen v. Austria*, judicial independence comprises two dimensions: the individual independence of the judge, that is, independence vis-à-vis the parties to the dispute, and institutional independence, that is, independence from the executive branch.¹⁸ Moreover, judges and prosecutors are conscious that judicial independence transcends the traditional separation of powers. In this respect, they must not forget that judicial independence requires them to remain, and to appear, independent from all powers, influences, or external interest groups, including the media.¹⁹

¹⁷ United Nations Office on Drugs and Crime (n 7) para 27.

¹⁸ *Ringeisen v Austria* App no 2614/65 (ECtHR, 16 July 1971) para 95.

¹⁹ Similarly, see Australasian Guide to Judicial Conduct (3rd edn, 2019) <<https://aija.org.au/publications/guide-to-judicial-conduct-third-edition-revised/>> accessed 26 September 2025.



11. Given the fact that, by the very nature of their functions, prosecutors are in more frequent interaction with law enforcement authorities, paragraph 39 of the explanatory note to Opinion No. 9 of the Consultative Council of European Prosecutors on European norms and principles concerning prosecutors (the Rome Charter) states: *“Prosecutors are also independent with regard to their cooperation with law enforcement authorities, courts and other bodies.”*
12. Judges and prosecutors are independent not only from the legislative and executive branches, but also from judicial institutions and their colleagues. Judicial activity is the individual responsibility of the judge and the prosecutor. In other words, judges and prosecutors must be, and must appear to be, independent both in the exercise of their functions and from one another. This independence also applies to the functions they perform within legal proceedings. As stated in the joint opinion of the Consultative Council of European Judges (CCJE), Opinion No. 12 (2009), and the Consultative Council of European Prosecutors (CCPE), Opinion No. 4 (2009), entitled “Relations between Judges and Prosecutors in a Democratic Society”, judges and prosecutors must maintain their mutual independence. For instance, when rendering their decisions, they do not allow concern about the rating to be given by a higher court to become a source of pressure on them. While the sharing of professional knowledge and experience is to be encouraged, judges and prosecutors act without permitting their colleagues to influence their decisions; in particular, those with less seniority act without falling under the influence of more senior colleagues or creating any perception to that effect. For instance, during the period in which a public prosecutor is to render a decision concerning an investigation file that has been the subject of intense public debate, he or she may engage in a technical exchange of views with the chief public prosecutor or a colleague solely within the framework of the evidence and the scope of the case file.



13. Furthermore, the independence granted to judges and prosecutors in the exercise of judicial authority also encompasses independence vis-à-vis higher judicial bodies. Indeed, Recommendation CM/Rec (2010)12 of the Committee of Ministers to Member States on Judges: Independence, Efficiency and Responsibilities states as follows: *“Superior courts should not address instructions to judges about the way they should decide individual cases, except in preliminary rulings or when deciding on legal remedies according to the law.”*²⁰
14. Judges and prosecutors refrain from engaging in any form of relationship, whether within or outside the courthouse, with representatives or officials of political parties that may cast doubt upon their independence, regardless of whether such relationship is connected to the subject matter of adjudication. Indeed, the French politician, historian, and statesman François Guizot emphasised the importance of the matter by stating: *“The moment politics enters the courtroom, justice departs”*.²¹ A similar reference to judicial independence can be found in the United States, where in an incident involving a letter sent by a member of the legislature to a judge, expressing the wish for a swift and fair decision, it was assessed from the perspective of judicial ethics that such a letter must neither be taken into consideration nor be responded to.²² Likewise, Hong Kong’s Guide to

²⁰ Council of Europe Committee of Ministers, Recommendation CM/Rec (2010)12 to Member States on Judges: Independence, Efficiency and Responsibilities, para 23 <<https://rm.coe.int/avrupa-konseyi-bakanlar-komitesi-cm-2010-12-say-l-tavsiye-karar-/16809f0093>> accessed 26 September 2024.

²¹ H Basri Erk, Adalet Edebiyatı Antolojisi [Anthology of Literature on Justice] (Varol Matbaası, İstanbul 1950), cited in Firat (n 11) 102.

²² Commonwealth of Virginia Judicial Ethics Advisory Committee, Opinion 2000-7 (11 September 2000)



Judicial Conduct explicitly provides that judges must not respond to letters or other forms of reactions from parties dissatisfied with judicial decisions and that, where necessary, the chief judge must be informed of the matter.²³

15. Another pertinent example is conveyed and interpreted by *İnceoğlu*.

The author, with reference to the decision of the Massachusetts Committee on Judicial Ethics, illustrates the matter by stating: *“A judge whose spouse is an active politician must dissociate himself or herself from the conduct of family members; the judge must not appear, in the eyes of the public, to be supporting a political candidate; when the spouse attends political meetings, the judge must not accompany him or her; the judge must not permit such meetings to be held at the judge’s residence; any political assistance or financial contribution must be made through the spouse’s personal account; such activities must not be allowed to impair the court’s appearance of independence within the community.”*²⁴

16. Judges and prosecutors do not become part of any group, circle, or structure that may compromise their independence, nor do they create such an impression in society. Furthermore, they must refrain from engaging in political, philosophical, ideological, or

<<http://www.courts.state.va.us/agencies/jirc/opinions/2000/007.html>> cited in *İnceoğlu* (n 6) 39.

²³ The Judiciary of the Hong Kong Special Administrative Region of the People’s Republic of China, Guide to Judicial Conduct (2022) para 43
<https://www.judiciary.hk/doc/en/publications/gjc_e.pdf> accessed 26 September 2024.

²⁴ The Massachusetts Committee on Judicial Ethics, Opinions Nos 1994-4, 1995-4, 1996-4, 1996-5, 1998-3 and 2002-1 <<http://www.mass.gov/courts/sjc/cje/chrono.html>> cited in *İnceoğlu* (n 6) 41.



religious propaganda that could impair the perception of judicial independence.²⁵

17. Judges and prosecutors bear responsibility to the extent that they can account for their acts and decisions when necessary. They are aware that accountability, when exercised in accordance with the procedures and principles prescribed by law, is not a factor that undermines judicial independence but rather a principle that enhances and strengthens its social legitimacy. For instance, appellate reviews conducted by higher judicial authorities, findings of rights violations by the Constitutional Court or the European Court of Human Rights, or administrative inspections carried out by the Council of Judges and Prosecutors constitute various manifestations of accountability. They act with the awareness that such mechanisms do not cast a shadow over their independence; on the contrary, accountability serves as an element that increases the social legitimacy of their acts, measures, and decisions, thereby reinforcing their independence.

“We have granted our judges such freedom in reflecting on the laws and rendering decisions that no freedom could be more arbitrary or more extensive than this.”²⁶ (Michel de Montaigne)

²⁵ Council of Europe–European Union Joint Project on Strengthening Judicial Ethics in Türkiye (n 15) 33.

²⁶ Montaigne, Denemeler [Essays] 147 (bk II, ch XIII), cited in Fırat (n 11) 93.



3. THEY ARE IMPARTIAL

A. Introduction

Every member of society has the right to seek resolution for their legal disputes before an independent and impartial judicial authority. The fundamental requirement for the effective realisation of this right is that judges and prosecutors exercising judicial functions diligently fulfil their obligation to be and appear impartial. This matter is particularly enshrined in the Declaration of Ethics for Turkish Judiciary as well as in both international documents and our national legislation, and it is stipulated that the adherence of members of the judiciary to the principle of impartiality is the foundation of confidence in the justice system.

Partiality may be described as a tendency, desire or preconceived view directed towards a particular outcome that would favour or disadvantage one of the parties to judicial proceedings.²⁷ Impartiality is a fundamental quality required of judges and prosecutors as a condition of a fair trial and the rule of law. It must both exist in fact and be perceived, from a reasonable perspective, to exist. The appearance of partiality, one of the principal causes of a sense of injustice and unfairness, damages confidence in the justice system. Judges and prosecutors avoid conduct that may generally undermine the confidence of the

²⁷ R v Bertram [1989] OJ No 2123 (HC), reasons of Watt J, 51–52, quoted in R v S (RD) [1997] 3 SCR 484 (Supreme Court of Canada) para 106 <<http://scc.lexum.org/en/1997/1997scr3-484/1997scr3-484.html>> accessed 9 September 2025, cited in İnceoğlu (n 6) 51; the latter judgment, para 106: ‘Bias in its ordinary meaning is an inclination, bent, predisposition or disposition towards one side or another or a particular result. In its application to legal proceedings, it represents a predisposition to decide an issue or cause in a certain way which does not leave the judicial mind perfectly open to conviction. Bias is a condition or state of mind which sways judgment and renders a judicial officer unable to exercise his or her functions impartially in a particular case.’



parties and society in their impartiality. It is essential that impartiality prevail not only at the decision-making stage but throughout the judicial process.

Judges and prosecutors, aware of the fact that the trust felt towards them in their social life is directly linked to the trust felt towards the judiciary, abstain from attitudes and behaviours that can undermine the perception of impartiality. In a judge's or prosecutor's private life, the persons with whom and the manner in which they form relationships, the degree of distance they maintain from their social circle, and any visible closeness to persons who may become parties to a case may give rise to doubts in society about their impartiality. This situation may cause the creation of a perception among the public that the judge or the prosecutor will not be able to carry out an objective assessment when, in the future, a dispute arises in relation to that person.

Accordingly, the principle of impartiality applies not only to cases currently being handled but also to cases that may come before the judge or prosecutor in the future. Therefore, impartiality must also be perceptible to persons who may seek justice in the future, and such persons must be assured that judges and prosecutors will be impartial and fair. In other words, impartiality should be protected not only for the past and the present, but also for the future. For this reason, every choice made by judges or prosecutors in their social lives must be carefully considered in relation to persons or circles who may later appear before them as parties to a case.



B. Principles

Judges and prosecutors:

3- Are impartial

3.1. act impartially by refraining from discriminating against or favouring any party, in pursuance of a fair trial.

3.2. not only act impartially but also take a stance to eliminate any doubt about their impartiality from an objective perspective. They are aware that for ensuring and maintaining trust in the judiciary, it is important to not only be impartial but also to appear as such.

3.3. refrain from any kind of discriminatory discourse and conduct incompatible with the principle of impartiality in their professional and social lives, and they take care not to violate their impartiality through their speech or body language.

3.4. act with the foresight that any comment, evaluation, or statement shared via mass media, especially the social media, might easily result in certain consequences that go beyond its original purpose and thus make their impartiality questionable.

3.5. do not let their personal opinions and ideas cast doubt on their impartiality and do not act with prejudice. They monitor themselves not to be influenced by their own biases or preferences in performing their duties.

3.6. maintain their impartiality even in cases where a positive or negative public opinion has been formed.

3.7. refuse to engage in any biased behaviour for the interests of their own, their relatives, or their social circles in the exercise of their duties, and do not compromise their impartiality.

3.8. do not provide any advantages to their colleagues or former colleagues who currently work as lawyers, experts, mediators, or perform other judicial professions, and they do not create such an impression.



C. Explanations and Concrete Examples of Application

1. Impartiality is a fundamental characteristic required for judges and prosecutors as a prerequisite of fair trial and a state governed by the rule of law. Impartiality must both exist in fact and be perceived, from a reasonable perspective, to exist.

“What destroyed the nations before you was that they let an honourable and prominent person go when he stole, but punished a weak and ordinary person when he stole.”(Hadith of the Prophet)

“... It is an abomination of the god to show partiality. This is the teaching: thou shalt act alike to all, shalt regard him who is known to thee like him who is unknown to thee, and him who is near . . . like him who is far . . . An official who does this, then shall he flourish greatly in the place. ...”²⁸ (Commentary on the Bangalore Principles of Judicial Conduct, Part of “Ancient Middle East” section)

2. Impartiality and independence are directly correlated; independence is, doubtless, a prerequisite of impartiality. Nonetheless, as stated in the Canadian Judicial Council’s Ethical Principles for Judges, although it is clear that there is a close relationship between independence and impartiality, they are values and requirements which are separate from each other. Impartiality refers to a mental state or an attitude of the court in relation to the subject matters and parties in a certain case. The word “impartial” refers to the absence of a real or perceived bias.
3. The perception of partiality, which may give rise to a sense of unfairness and injustice, undermines confidence in the justice system. Judges and prosecutors

²⁸ United Nations Office on Drugs and Crime (n 7) 147.



generally refrain from conduct that may undermine the confidence of the parties and society in their impartiality.

4. Judges and prosecutors act with particular caution when sharing with the public their opinions, beliefs and value judgments that they have as a part of the society. They do not make any statement that can undermine their impartiality and their appearance as impartial. They act in the awareness that, even where their statements are not in themselves capable of undermining their impartiality, once shared with the public they will be beyond their control; that they may be taken out of context, particularly on social media platforms; that it may be impossible to prevent a post or statement from continuing to exist in the digital world; and that such situations may cause their impartiality to be called into question and erode confidence in the judiciary as a whole. The procedures and principles governing how judges and prosecutors exercise their freedom of expression in print, visual, audio or social media are set out in the “Guidelines on the Use of Social Media within the Scope of the Declaration of Ethics for Turkish Judiciary”, adopted by Resolution No. 639 of the General Assembly of the Council of Judges and Prosecutors dated 8 March 2022 and published in the Official Gazette No. 31816 dated 21 April 2022. Judges and prosecutors act in accordance with these principles and procedures.

Furthermore, another matter requiring particular attention when prosecutors make assessments and comments concerning matters pending before the courts is expressed as follows in paragraph 41 of the explanatory note to Joint Opinion No. 12 of the CCJE and No. 4 of the CCPE on the Relations between Judges and Prosecutors in a Democratic Society, which contains the Bordeaux Declaration: *“Public prosecutors should refrain from making public comments and statements, using the media, which may create an impression of putting direct or indirect pressure on the court to reach a certain decision or which may impair the fairness of the procedure.”*



5. It is natural that judges and prosecutors, as individuals living in the society, have their own opinions, beliefs and value judgments in relation to social, economic, political or societal developments within the scope of the daily life. However, judges and prosecutors are neither influenced by these elements in their inner worlds nor allow the fact that one of the parties to a dispute before them is close to or distant from their own opinions, beliefs and value judgments to affect their impartiality during judicial proceedings; rather, they decide according to the particular circumstances of the case, solely within the authority vested in them by the Constitution and the laws, free from prejudice, guided by their free conscience and taking universal values as their guiding principles.

For instance, it is an indication of partiality if a judge who has accepted an indictment concerning an accused person with a worldview different from his or her own forms a preconceived view at the very beginning of the proceedings as to whether the offence has been proven, or tends to presume the innocence of an accused person who shares the same worldview. In such a situation, when the judge regards any evidence or defence capable of weakening or changing the opinion previously formed in his or her mind as a factor that unsettles that opinion, he or she may be inclined not to investigate it.

Similarly, this matter is addressed as follows in Paragraph 58 of Opinion No. 13 of CCPE entitled "Independence, Accountability and Ethics of Prosecutors": *"Prosecutors should seek to ensure that all necessary and reasonable enquiries and investigations are made before taking a decision in relation to a prosecution and proceed only when a case is founded upon evidence assessed to be reliable and admissible. Prosecutions should be firmly but fairly conducted and not beyond what is indicated by the evidence."*

For instance, a public prosecutor does not proceed on the assumption that a person who habitually commits



theft must also have committed the offence in question; when taking the suspect's statement or rendering a decision, the prosecutor assesses the suspect's legal position only after collecting all evidence both in the suspect's favour and against the suspect. The prosecutor performs his or her duty free from any biased assumptions, preserving impartiality and objectivity within the framework of the law.

"...Judges should therefore discharge their duties without any favouritism, display of prejudice or bias. They should not reach their decisions by taking into consideration anything which falls outside the application of the rules of law. As long as they are dealing with a case or could be required to do so, they should not consciously make any observations which could reasonably suggest some degree of pre-judgment of the resolution of the dispute or which could influence the fairness of the proceedings. ..."
(Consultative Council of European Judges, Opinion No. 3, para 23)

"Prosecutors should adhere to the highest ethical and professional standards, always behaving impartially and with objectivity. They should thus strive to be, and be seen as, independent and impartial, should abstain from political activities incompatible with the principle of impartiality, and should not act in cases where their personal interests or their relations with the persons interested in the case could hamper their full impartiality."
(Consultative Council of European Prosecutors, Opinion No. 9 (Rome Charter) para 6)

"When a dispute arises, the king (or other judge) is expected to "pay equal attention to both parties", to "hear arguments of each side and decide according to what is right". Throughout the trial proceedings, the judge is expected scrupulously to avoid the "four avenues to injustice". These are prejudice, hatred,



fear and ignorance.”²⁹ (Commentary on the Bangalore Principles of Judicial Conduct, Part of “Buddhist Philosophy” section)

“It is harder to crack prejudice than an atom.”(Albert Einstein)

6. Biased conduct or prejudice may manifest itself verbally or physically. Judges and prosecutors take care to use their speech and body language in a manner that does not call their impartiality into question. The expressions and body language used by judges and prosecutors should neither create an expectation that a decision will be rendered in favour of one party nor cause the other party to despair that the judicial proceedings will result against them.

Mecelle:

“Article 1798 – During the trial, the judge must not engage in any conduct liable to give rise to accusation or suspicion, such as receiving only one of the parties at his home, being alone with one of the parties during the hearing, making a sign to one of them with his hand, eye or head, speaking secretly to one of them, or speaking to one of them in a language unknown to the other.”³⁰

As stated in the Adab al-Qadi chapter of Serahsi’s Mebsut, concerning the rules that qadis must observe and the conduct they must avoid during judicial

²⁹ Sri Lanka Foundation, Human Rights and Religions in Sri Lanka (Colombo 1988) 67, cited in United Nations Office on Drugs and Crime (n 7) 150.

³⁰ Yusuf Sancak and Emre Kiyak, ‘Günümüz Türkçesi ile Mecelle’nin Onaltıncı Kitabı Kitâbü’l Kazâ Günümüz Düzenlemeleriyle Karşılaştırmalı Bir İnceleme’ [The Sixteenth Book of the Mecelle, Kitâbü’l Kazâ, in Contemporary Turkish: A Comparative Study with Contemporary Regulations] (2014) 22(2) Selçuk Üniversitesi Hukuk Fakültesi Dergisi 46–105, 60.



proceedings under Islamic law, a judge must not speak secretly with one of the parties or intimidate the parties; must treat the parties equally; and must pay attention to matters such as tone of voice, the time allotted for the parties' statements, and the distance between the parties and the judge during the hearing.³¹

Judges and prosecutors do not make statements such as the following to the parties to the dispute, their counsel or legal representatives:

On account of their personalities or professions, they do not make remarks such as, *"We all know you; everyone knows and likes you; you are a person respected by society."*

They do not undermine their appearance as impartial by creating an impression that they have a private relationship with any one of the parties by way of addressing them using their names.

They do not nod in a manner indicating approval of what is being said or make statements such as, "You are right; what you are saying is correct."

They do not use gestures, during or after the statements, which will create an impression that they do not like the statement. They do not show emotions in a manner that can be felt by the parties. They do not laugh sarcastically. They pay the same attention and care to the statements of everyone and do not tell jokes or stories in a manner, which will create the impression of giving a message.

³¹ Serahsî, Mebsut [Al-Mabsut], vol XVI (M C Akşit ed, Gümüşev Yayıncılık 2015), cited in Göktuğ İdiz, 'Kadı Adabına Aykırı Davranışlar: Arşiv Vesikalarında Kadı ve Naibler' [Conduct Contrary to Judicial Etiquette: Qadis and Naibs in Archival Documents] in Cihan Osmanağaoğlu Karahasanoglu, Sercan Gürler, Sevgi Kayak and Sezen Kama Işık (eds), Yargıya Etikkle Bakmak [Looking at the Judiciary through Ethics] (1st edn, Onikilevha Yayınları 2023) 178.



They do not draw conclusions from physical appearance or make remarks such as, *“Your bag is very beautiful; your suit is very smart,”* indicating that they like the parties’ clothing or accessories.

They do not make statements implying that they have something in common with the parties or use a language, regional dialect or accent in a manner suggesting that they share such a commonality.

7. Judges and prosecutors must refrain, in the performance of their duties, from adopting any guiding, directing or suggestive attitude towards the parties to a dispute, except in circumstances specifically regulated by law, such as encouraging settlement or mediation. Indeed, the principle of impartiality in judicial proceedings requires not only maintaining an equal distance from the parties but also refraining from telling them how to exercise their rights or from using words, conduct or implications intended to lead them towards a particular course of action.

Such guiding conduct may create the impression that the judge or prosecutor has predetermined his or her decision or is assisting one of the parties. This impression not only undermines the principle of impartiality but may also create serious distrust on the part of the other party to the case.

Guiding conduct is not limited to explicit suggestions; well-intentioned statements such as *“It would be better if you brought your action in this way,”* *“It would be in your interest to have this witness heard”* or *“Do not miss the time limit for objection”*, which amount to acting as though an advisory relationship existed with one of the parties, also fall within this scope.

During a hearing, a judge’s statement to counsel for the claimant, *“In fact, in such situations, hearing a witness who can prove that the other party acted in bad faith is very useful,”* would amount to guiding the claimant and would lead the other party to believe that the principle of impartiality had been compromised.



A public prosecutor's comment to counsel for the complainant during the investigation stage, such as, *"There is little likelihood that a public prosecution will be brought in this case. However, you may obtain a remedy by bringing a civil action,"* undermines the appearance of impartiality by creating the impression that the prosecutor is advising and directing one of the parties.

8. Judges and prosecutors are responsible for maintaining order in judicial proceedings. Any abuse of the authority to maintain that order would be a clear indication of partiality. They must act with utmost care and proportionality when maintaining order and refrain from using the powers granted to them for this purpose in a biased manner against parties, lawyers or witnesses.
9. When allowing the parties to speak during a hearing, judges do not grant any privilege and act fairly with regard to the time allotted. If, during a hearing, a judge gives one party the time and opportunity necessary to explain their case but does not allow the other party to speak, uses an inappropriate manner when giving them the floor, or continuously interrupts them even after allowing them to speak, the judge will violate the principle of equality of arms and, consequently, the principle of impartiality.

*"During the hearing, treat the parties equally in the places you assign them and in the way you look at them, so that the powerful do not expect you to favour them and the weak do not lose hope in your justice. In places where rights are sought (courts), do not become angry, raise your voice or become distressed by the conduct of the parties. For Allah rewards endurance of such matters and beautifies one's provision for the Hereafter."*³²

³² Abdüsselam Arı, 'Hz. Ömer'in Ebû Mûsa El-Eş'arî'ye Gönderdiği Mektubun Yargılama Hukuku Açısından Analizi' [An Analysis of



10. Within this scope, judges should not constantly interrupt the statements made by the parties or attorneys during the course of the hearing. It goes without saying that it may be necessary that a judge should ask a series of questions to the parties and witnesses in order to shed light on the subject matter of the case. Nonetheless, the power given to the judge is not limitless. In addition, judges and prosecutors should not forget the scope of their duties and powers in a criminal case. In other words, judges should remember the powers of prosecutors, and prosecutors should remember the powers of judges, and they should refrain from interfering in each other's sphere of duties. Judges and prosecutors should not act as attorneys. Otherwise, this will undermine the right to a fair trial.³³

Mecelle:

“Article 1799 – The judge must act fairly towards the parties to the dispute. Therefore, even if one of the parties is a person of high rank and the other an ordinary person, the judge must fully observe fairness and equality in all matters relating to the proceedings, such as seating the parties, looking at them and addressing them during the trial.”³⁴

“A Judge must be firm to maintain proper conduct during a hearing. Intervention is appropriate but should be moderate. It is important that a Judge does not appear from interventions to have reached a conclusion prematurely or, in the case of criminal trials before a jury, to have reached a view of guilt

the Letter Sent by Caliph Umar to Abu Musa al-Ash'ari from the Perspective of Procedural Law] (2003) 2 İslâm Hukuku Araştırmaları Dergisi 85–99, 87–88.

³³ United Nations Office on Drugs and Crime (n 7) para 63.

³⁴ Sancak and Kiyak (n 30) 60.



or innocence.”³⁵ (Guidelines for Judicial Conduct for the Judges of the Supreme Court of Bermuda and the Magistracy, para 64)

“Socrates advised judges to listen courteously, answer wisely, consider soberly and decide impartially.”³⁶

11. While performing their duties, judges and prosecutors should refrain from referring to and conveying to the parties examples from their personal experiences, lifestyles, beliefs or family circumstances. Such an attitude may cast doubt on the impartiality of judges and prosecutors by creating, in the eyes of the parties, the perception that their private lives influence judicial decisions. Giving personal examples may sometimes be perceived as placing the judge’s or prosecutor’s decision-making process on an emotional or subjective basis. Information regarding the personal life of a judge or a prosecutor, either provided directly or indirectly, may make the parties of a case doubt the objectivity of the decision. The personal opinions or lives of judges and prosecutors, or events they have experienced in the past, cannot form part of their decisions and should not be conveyed to the parties. This is not only an ethical requirement but also a foundation of public confidence in the judiciary.

During a custody case, if a family court judge expresses the view that the child should remain with the father on the basis of the mother’s working life and gives the personal example, *“I also lost my mother at a young age. My grandmother raised me while my father worked, but I*

³⁵ The Chief Justice of Bermuda, Guidelines for Judicial Conduct for the Judges of the Supreme Court of Bermuda and the Magistracy (2006) para 64
<https://www.gov.bm/sites/default/files/guidelines_for_judicial_conduct__bermuda_final_july14%202006_amended%20jan1%202014.pdf> accessed 26 September 2024.

³⁶ Canadian Judicial Council (n 13) 18.



nevertheless had a very happy childhood. Therefore, I think the father can take care of the child,” this casts doubt on the objectivity of the decision and undermines the principle of impartiality.

Similarly, where it is argued in an investigation file that the suspect was driven to the offence by economic hardship, a public prosecutor’s personal comment and example to counsel for the victim, “I also grew up in similar circumstances, but I never went down such a path; so it is a matter of character,” creates the impression that the prosecutor is not making an objective assessment and casts doubt on his or her impartiality.

12. As required by their duties, judges may meet with the parties, their counsel or legal representatives within the limits of their duties, provided that they comply with their obligation to be and appear impartial. In this regard, judges treat all parties, their counsel or legal representatives equally, maintain appropriate distance in such meetings and absolutely refrain from expressing any view on the merits. Furthermore, judges ensure that the evidence in the case file is discussed in open court during the hearing. In the absence of one party, they reject requests by the other parties, their counsel or legal representatives for a meeting aimed at discussing the merits of the case or the evidence, and they bring to an end, within the rules of professional courtesy, any dialogue that develops into such a discussion.
13. During meetings with the parties to an investigation, their counsel or representatives concerning the subject matter of the investigation, public prosecutors do not compromise their impartiality. To ensure the principle of impartiality, it is essential to hold the meetings within working hours and in the courthouse.
14. In their relations with members of other professions working in the courthouses where they serve, such as



registry staff, law enforcement and security officers, forensic medicine personnel, bank staff and PTT staff, judges and prosecutors do not give rise to any suspicion or appearance of bias.

15. Judges and prosecutors refrain from conduct that may damage the perception of their impartiality or create an appearance of privilege, such as hosting one of the parties to a dispute in their chambers or meeting them one-on-one before a site inspection. Where it is necessary to have a meal during a site inspection, they decline any offer by either party to provide the meal.
16. Judges and prosecutors act impartially in proceedings and decisions concerning disputes involving individuals such as players from the team they support, representatives of the political party they vote for, or artists they admire.
17. Judges and prosecutors refrain from having photographs taken within the court premises or engaging in similar behaviour with public figures, such as those from the art, sports or political circles, even if they are not parties to the dispute they are hearing, in a way that may give the impression that these individuals enjoy a privileged position before the court.
18. Judges and prosecutors do not prioritise cases pursued through lawyers, nor do they postpone cases not pursued through lawyers.

For example, in the process of taking statements regarding investigation files, the public prosecutor does not prioritise the case of a suspect represented by a lawyer over other files; he assesses all files in chronological order and according to workload. Similarly, the public prosecutor does not relegate a file concerning an unrepresented suspect by saying, “They have no lawyer; we will deal with it later,” but handles it with the same seriousness and priority as the other files.



19. Judges take care not to exchange views with a public prosecutor on the merits of a case before or during a hearing. Regarding this matter, paragraph 36 of the explanatory note to the joint opinion of the CCJE, Opinion No. 12, and the CCPE, Opinion No. 4, entitled “Relations between Judges and Prosecutors in a Democratic Society” (Bordeaux Declaration), states: *“The activity and the demeanor of the public prosecutor and the judge should leave no doubt as to their objectivity and impartiality. Judges and public prosecutors must both enjoy independence in respect of their functions and also be and appear independent from each other. In the eyes of litigants and the society as a whole, there must not be even a hint of connivance between judges and prosecutors or confusion between the two functions”.*
20. During a hearing, when a judicial panel adjourns to deliberate and render its decision, prosecutors do not participate in the deliberations. In single-judge courts, prosecutors do not consult with the judge before the decision is rendered. In this regard, the reference to the case-law of the European Court of Human Rights in paragraph 18 of the explanatory note to the joint opinion of the CCJE, Opinion No. 12, and the CCPE, Opinion No. 4, entitled “Relations between Judges and Prosecutors in a Democratic Society” (Bordeaux Declaration), is important: “Lastly, outside the criminal sphere, the Court has a well-established body of case-law on the ‘doctrine of appearances’, according to which the presence of prosecutors at the deliberations of courts is contrary to Article 6 paragraph 1 of the ECHR (judgments of 20 February 1996, in *Lobo Machado v. Portugal*, §§ 28-32, and 12 April 2006, in *Martinie v. France* [GC], §§ 50-55).”
21. Judges should not privately communicate with the relevant appellate or cassation court concerning cases they have decided once those cases are under appellate or cassation review. The same rule undoubtedly



applies to prosecutors.³⁷ To illustrate this as a positive behaviour from the perspective of judges and prosecutors: a judge, after a case he had decided on in the court where he served was appealed, did not call a colleague at the regional court of appeal where the case was sent to express an opinion on the case; he did not make any suggestions such as, *'It would be good if you looked at the case this way'*. He respected the review process of his decision and specifically avoided any private communication. Similarly, a public prosecutor, after a criminal case he had prosecuted resulted in a conviction and was appealed, did not reach out to an acquaintance who was a rapporteur judge at the Court of Cassation where the case had been sent and say, *'This case is important; look at it the way we did'*. He waited for the case to be evaluated through the ordinary review process and on the basis of the case file, refraining from any individual initiatives that would undermine institutional impartiality.

22. In their private lives, judges and prosecutors refrain from any conduct or statement that may create a perception of partiality capable of giving rise to a sense of unfairness or injustice.
23. Judges and prosecutors refrain from conduct that may jeopardise their impartiality, such as frequently dining out with lawyers or other persons, travelling together in a private vehicle, or attending the opening of or visiting an office or place of business. They also act with restraint and care during courtesy visits to their chambers or visits they themselves make. Where a lawyer with whom a judge has previously maintained a friendly relationship and occasionally dined begins representing parties in cases falling within the jurisdiction of the court on which that judge serves, the judge is expected, in order to prevent any public

³⁷ The Judiciary of the Hong Kong Special Administrative Region of the People's Republic of China (n 23) para 42.



perception that could cast doubt on his or her impartiality, to end such private meetings and limit communication with the lawyer to official settings.

24. Judges and prosecutors do not engage in activities that may result in an ongoing relationship involving regular or periodic monetary transfers with lawyers or other persons located in the places where they serve or likely to appear before them in judicial proceedings, where this could cast doubt on their impartiality. For example, a judge may wish to purchase real estate owned by a lawyer who actively participates in court hearings in the district where he or she works. However, this transaction involves an instalment sale and a long-term debt relationship rather than a direct sale. As this situation may damage the perception of impartiality, the judge should refrain from this transaction. Similarly, where another residence is available, a public prosecutor does not rent a property from which a lawyer who frequently appears before him or her as counsel in investigation files receives regular rental income, thereby entering into an ongoing financial relationship with that lawyer.
25. There is no objection to judges and prosecutors attending social gatherings (special occasions, celebrations, congratulations, etc.). However, as it is likely that lawyers who appear before them or are highly likely to appear before them may also be present in such environments, judges and prosecutors act with diligence and caution, refraining from words and actions that may compromise their impartiality or be perceived as partial.
26. There is no objection to judges and prosecutors visiting gyms or similar establishments frequently used by lawyers or other individuals who are likely to appear before them. However, judges and prosecutors must exercise caution regarding whether being seen together with such individuals in these places may



create the perception in the public eye that these individuals have a special relationship with judges and prosecutors.

27. Judges and prosecutors do not disregard the perception of partiality that their relationships with certain lawyers or other individuals may create in the eyes of society and act with due diligence. For example, in ethical consultative decision No. 961 of the General Assembly of the Council of Judges and Prosecutors dated 22 December 2021, issued upon an application seeking to determine whether a judge's co-authoring a book with a lawyer who serves as an expert witness in the same branch of law and in the same city was compatible with the principles set out in the Declaration of Ethics for Turkish Judiciary, it was stated that such conduct would be contrary to the principle of impartiality.
28. In order to strengthen the perception of impartiality in society, it is essential that judges and public prosecutors behave in a manner that does not undermine this perception in their relations with law enforcement officers. In this context, judges and public prosecutors do not enter into close relationships with law enforcement officers, either inside or outside the courthouse, beyond what professional conduct requires, in a manner that may create in society the impression that they could be influenced by such officers. For example, frequently hosting law enforcement officers in their chambers beyond the limits of professional relations, visiting police stations to spend time together, or using law enforcement vehicles except where required by their duties are matters that may damage the perception of impartiality.
29. Judges and prosecutors do not express their political views in public, nor do they wear any symbol associated with a political party, such as a lapel pin,



cufflink or ring, that may cause them to be perceived as aligned with a particular political view.

30. Judges and prosecutors refrain from displaying symbols, images or objects relating to affiliations in a prominent and dominant manner in their offices within the court, in a manner that may undermine the principle of impartiality and maintaining an equal distance, or create such an impression. The measured and careful use of such personal items is important in terms of professional conduct and trust in the judiciary.
31. Judges and prosecutors maintain an equal distance from every religion, belief, sect, view, race and colour; refrain from any discriminatory discourse or conduct in their professional and social lives that may be contrary to the principle of impartiality; take care to use their language and body language in a manner that does not compromise their impartiality; do not use language suggestive of any political party or ideological group; and refrain from uttering stock phrases used by politicians or evoking their conduct even by implication.
32. Judges and prosecutors who have politicians in their family or close circle should be aware that the political activities of their family members or close circle may negatively affect the public's perception of their impartiality. In this context, if a judge or prosecutor has a family member who is involved in political activities, they should not participate in that person's campaign, statements, rallies, or other activities, nor should they frequently appear in public with a politically active family member.
33. The duties of judges and prosecutors do not include providing guidance or consultancy in legal disputes. These matters fall within the remit of lawyers. Judges and prosecutors are expected only to issue lawful decisions and take lawful action in the cases brought



before them. Because of a lack of knowledge in society or because of the trust placed in judges and prosecutors, people may occasionally seek opinions, guidance or solutions from them. However, such requests carry serious risks in terms of professional ethics. Even if viewed from the outside, a judge or prosecutor appearing to favour one side may undermine the perception of impartiality. In this context, judges and prosecutors respond to requests for legal advice politely and with appropriate professional reserve, stating that the individuals should seek legal support if necessary. They do not make suggestive statements such as 'If I were you, I would do this,' do not explain in detail to one party how to manage the legal process, and do not make suggestions that would favour one party. Judges and prosecutors may only provide basic guidance to their close circle to prevent a serious loss of rights; however, this should be an exception and not become a habit. To give an example, where an administrative court judge is asked by a close friend whether he or she should bring an action for annulment against a demolition decision issued by the municipality concerning the friend's property, the judge avoids giving direct guidance by saying "bring an action" or "do not bring an action"; instead, the judge explains that the conditions for decisions such as a stay of execution are prescribed by law and that obtaining professional assistance would be more appropriate.

34. Judges and prosecutors protect themselves from potential influences, particularly those originating from social media. They do not make decisions or alter existing decisions based on statements made by the press or public opinion during judicial proceedings following an incident that has caused public outrage. In a criminal case that has caused public outrage, where intense public pressure creates an expectation that the perpetrator will be placed in pre-trial detention, a judge's approach of evaluating the existing evidence and, instead of ordering pre-trial detention, imposing



judicial control with clear and lawful reasons demonstrates that the judge has remained faithful to the principle of impartiality despite public pressure. Conversely, ordering pre-trial detention because of intense public reaction or rendering unreasoned judicial decisions under the influence of media reports would constitute a violation of this principle.

35. Judges' and prosecutors' interests, whether their own or those of their relatives, may compromise their obligation to appear impartial and raise the issue of conflict of interest. When judges are required to decide on a matter concerning a commercial activity conducted by a relative or capable of affecting their own interests, they are aware that the perception of their impartiality may be adversely affected, disclose any circumstances relating to a conflict of interest and, where necessary, recuse themselves from the case. For example, judges should be aware that share ownership in a publicly traded company may be perceived by the public as a conflict of interest requiring recusal from the case. On the other hand, judges should carefully consider whether to retain investments that could frequently lead to their recusal from cases they hear.
36. Judges and prosecutors exercise oversight over and prevent relationships, conduct and statements by their family members and staff involving lawyers or other persons that could damage the judges' or prosecutors' impartiality. For example, where the spouse of a judge establishes a close relationship on social media with a lawyer who frequently appears at the courthouse where the judge serves, shares photographs taken together and uses statements praising the lawyer's professional achievements, this may give rise to public doubts about the judge's impartiality in cases involving that lawyer. Therefore, the judge is expected to warn family members against making such posts and to prevent such posts.



37. It is important for judges and prosecutors to act in accordance with the principle of professional solidarity for the institutional integrity of the judiciary. However, this solidarity cannot be interpreted as granting preferential treatment to current colleagues or former colleagues who have left office. The principle of impartiality is fundamental to the judiciary's function of dispensing justice, and any privileged approach undermines this function. Judges and prosecutors do not show preferential treatment to former colleagues who have left the profession and practice as lawyers; even though they were colleagues in the past, they do not forget that they are now a party to the case. Accordingly, they behave towards their former colleagues in the same way as they would behave towards the other party. Those who have transitioned from advocacy to the judiciary or prosecution do not continue their relationships with former clients in a manner that may compromise their impartiality. Judges and prosecutors do not refer anyone outside their immediate circle to a specific lawyer or notary, but when referring their immediate circle to a lawyer or notary, they take the utmost care not to compromise the appearance of impartiality. For example, when referring a family member to a lawyer, they inform both the family member and the lawyer of the sensitivity of the matter. Furthermore, they do not frequently assign expert duties to friends who have left the profession and are acting as experts, and they do not apply the criterion of friendship or former colleague status when assigning expert duties. Where there are different persons acting as experts on the same matter, they exercise due care in distributing the work fairly, taking into account their respective qualifications.
38. Judges and prosecutors do not use the influence of their profession in a manner that would confer an advantage on spouses, family members or close associates who perform duties such as those of lawyers or notaries, or that would distort competition among lawyers.



4. THEY ARE HONEST AND CONSISTENT

A. Introduction

Honesty is a fundamental moral value that entails being true to oneself and one's word, expressing facts without distortion or concealment, displaying a sincere attitude, and not attempting to appear different from what one knows, believes or truly is. This concept is a principle associated with sincerity, openness, and trustworthiness, and requires consistency between a person's words and actions. Honesty is not a quality that can be graded or measured; it either exists or it does not. In this respect, honesty is not merely a virtue but the expression of a moral integrity that encompasses the individual's entire life.

In the field of the judiciary, honesty goes beyond being an ordinary personal virtue and becomes an obligatory quality required by the nature of the duty. Since the responsibilities undertaken by judges and prosecutors involve decisions that directly affect individuals' fundamental rights and freedoms, the foundation of society's trust in them lies not only in their professional competence, knowledge, or diligence, but also in the perception of absolute honesty and consistency.

For judges and prosecutors, honesty must present itself both as an inner self-discipline and as a transparent and consistent stance toward the outside world. All statements made in the course of duty, all decisions rendered, and all procedures carried out must be shaped in accordance with this principle. It is of vital importance that every form of conduct displayed by judges and prosecutors in their personal and professional lives should be consistent with honesty in the public conscience.

Judges and prosecutors can influence the law's claim to justice either positively or negatively through every decision, action, or form of conduct. As long as they act honestly and consistently, not only is this claim strengthened, but compliance with the law is also ensured.



Therefore, being honest and consistent is one of the most important ethical values for judges and prosecutors.

The importance of honesty and consistency is also expressed as follows: *“Honesty is based on honour, integrity, and judicial ethics. Members of the judiciary are expected to act in accordance with the principle of honesty. Indeed, the Bangalore Principles of Judicial Conduct state that “Integrity is essential to the proper discharge of the judicial office.” In the judicial field, honesty is not merely a virtue but a necessity. The personal conduct of a member of the judiciary affects the judicial system as a whole. The fact that judges or prosecutors are competent or demonstrate diligence in their professional activities is not the sole source of public trust in the judiciary; such trust also stems from belief in their moral rectitude and honesty. Society expects a member of the judiciary not only to be a “good judge or prosecutor,” but also to be a “good human being.” From society’s perspective, a judicial officer has not only sworn to serve the ideals of democracy, the rule of law, justice, and truth, but has also promised to represent these ideals. Therefore, the personal qualities a judicial officer reflects, their conduct, and the image they present influence the entire judicial system and the public’s trust in the judiciary.”*³⁸ In conclusion, from the perspective of judicial ethics, honesty is not merely an individual choice or a sign of moral superiority; it is one of the essential conditions of the profession, the fundamental basis of society’s trust in the judiciary, and the source of the legitimacy of the administration of justice.

³⁸ Bangalore Principles of Judicial Conduct, Principle 3, and United Nations Office on Drugs and Crime (n 7) para 109, cited in Inceoglu (n 6) 67.



B. Principles

Judges and prosecutors:

4- Are honest and consistent

4.1. being aware that honesty and integrity are indispensable elements of the high character required by the profession, they act in accordance with these traits in both their professional and social lives.

4.2. In line with their honesty, they seem as they are and be as they seem.

4.3. are sensitive in fulfilling their promises in order to protect their professional reputation. They act in a careful manner in order not to engage in any situation that may cast doubt on their honesty.

4.4. do not deviate from integrity in their words and behaviours, as well as in their work and acts, even if they foresee that this will result in unfavourable consequences for them.

4.5. act in such a manner to ensure that there is no doubt about their honesty during judicial procedures, including any doubt by parties against whom a judgment has been rendered.

4.6. perform their duties by considering consistency in their practices as required by the principle of legal certainty.

4.7. do not interpret consistency as rigidity, and they take social changes into consideration.



C. Explanations and Concrete Examples of Application

1. As emphasised in the Declaration of Ethics for Turkish Judiciary, judges and prosecutors, acting with the awareness that honesty and integrity are indispensable elements of the high character required by the profession, display an honourable demeanour befitting judicial office at all times, not only in the performance of their duties; they remain good and virtuous, free from deceit and falsehood. Furthermore, judges and prosecutors consider how a particular act would be perceived by reasonable, fair-minded, and informed members of society, and whether such perception might call into question public trust in the judiciary; accordingly, they refrain from any words or conduct that could give rise to doubts about their honesty and integrity or lower confidence in the judiciary.

“Respect for the rule of law requires that both judges and prosecutors act according to the highest ethical and professional standards, both on and off duty, which ensures public trust in justice. Prosecutors act on behalf of the public and in the public interest. Therefore, they must always maintain their personal integrity and act in a fair, impartial and objective manner in accordance with the law; they must respect and uphold fundamental rights and freedoms, including the presumption of innocence, the right to a fair trial, equality of arms, the separation of powers and the binding nature of court decisions. Prosecutors are required to remain free from any political or other influence.”
(Consultative Council of European Prosecutors, Opinion No. 13, para 51)

2. In this context, the following explanation may be given regarding the perception that integrity creates in the minds of reasonable, fair and informed members of society: *“Society expects a member of the judiciary to be honest in his or her private life; in other words, it is desirable that such*



a person be good and virtuous both in character and in conduct. It is not possible to go beyond expressing the value of integrity in general terms and define it more concretely, because the impact of conduct on public perception depends on social standards that may vary to a greater or lesser extent according to time and place. Therefore, it is necessary to consider how a particular behaviour would be perceived by reasonable, fair and informed members of society (the reasonable observer). If such behaviour diminishes, in the eyes of such persons, respect for the member of the judiciary and for the judiciary as a whole, then an obligation to refrain from that behaviour arises.”³⁹

3. Judges and prosecutors must rid themselves of worldly ambitions that would prevent them from making fair decisions.

“He should not have craving and attachment to wealth and property. He must possess a genial temperament. He must lead a simple life, and should not indulge in a life of luxury, and must have self-control.”⁴⁰ (Commentary on the Bangalore Principles of Judicial Conduct, ‘Buddhist Philosophy’ section)

“Public prosecutors must demonstrate absolute integrity in their conduct, must not accept any benefit or fee as a result of the choices they make, and must refrain from pursuing career ambitions that could mislead their decisions (for example, seeking to please a particular political or administrative authority).” (CCPE Opinion No. 13, para 55)

³⁹ Bangalore Principles of Judicial Conduct, Principle 3.1, and United Nations Office on Drugs and Crime (n 7) paras 101–102, cited in Inceoglu (n 6) 75.

⁴⁰ United Nations Office on Drugs and Crime (n 7) 149.



4. Judges and prosecutors are expected to be what they appear to be and to appear as what they are, both in the exercise of their judicial functions and in their private lives. Considering that their private lives are subject to public scrutiny, if they were to condemn in public conduct that they themselves display in their private lives, or if there were a contradiction between their private behaviour and their conduct in the exercise of their judicial duties, their integrity would be called into question, which could undermine public confidence in the judiciary. In this context, some concrete examples and explanations may be set out as follows:

A judge who states in their social circle that they are firmly committed to human rights should not, in the course of their duties, render decisions that disregard those values. They must ensure consistency between their personal views and their professional practice.

If a prosecutor conveys messages of impartiality to the media in a case that has aroused public concern while at the same time maintaining intense communication with one party to the case in private settings, this creates a serious inconsistency between words and actions. Such a contradiction both violates professional ethical principles and undermines public trust in the judiciary.

If a judge displays an extremely patient and respectful attitude toward the personnel when other people are present in the courthouse, but adopts a harsh and oppressive manner when alone with them, this is regarded as an inconsistent form of communication. Likewise, addressing senior colleagues in a respectful tone while failing to show the same courtesy to other colleagues is another example of this conduct. Such behaviour is contrary to the principle of integrity between words and actions and undermines the coherence of professional stance.



“Failing to do what is “good” when no one is watching, while performing “good” deeds or avoiding “bad” ones only in situations open to others’ judgment, is far from the essence of morality. What is truly ethical is to do what is right even when no one else sees.”⁴¹

“There is a consistency between what wise people say and what is expressed here. Their words should always be evaluated in light of the right actions they perform and the upright lives they lead. In short, we must ask whether there is harmony between their words and their lives: if there is, we should accept what they say as true; if there is not, we should not take them seriously.”⁴² (Aristotle)

“An incident that might be regarded as misfortune when experienced by someone who is not a judge may be considered unacceptable when experienced by a judge, who, by virtue of office, is required to pass judgment on the conduct of others. An example of this would be a judge’s manifest failure to observe the requirements of the law.”⁴³

“Judges tasked with combating the effects of alcohol addiction may be seen as having compromised their position if they themselves suffer from alcohol dependence. Breaches of the law, at least those that go beyond minor or merely technical violations, are incompatible with the judiciary’s duty to uphold the

⁴¹ Gözde Dedeoğlu, Etik ve Bilişim [Ethics and Informatics] (2nd edn, Etki Yayınları 2009) 16.

⁴² Aristoteles (n 4) 230.

⁴³ Judiciary of Scotland, Guidance to Judicial Office Holders on Judicial Ethics in Scotland (revised 2023) para 6.1 <https://www.judiciary.scot/docs/librariesprovider3/judiciarydocuments/judicial-institute-publications/guidance-to-johs-on-judicial-ethics.pdf?sfvrsn=8c484132_1> accessed 26 September 2024.



law. Likewise, a lack of honesty or propriety in private relationships and financial affairs to the extent that it would expose a judge to the condemnation of reasonable, fair-minded and informed members of the public, may also be regarded as incompatible with judicial office.”⁴⁴

5. Nevertheless, it is well known that society’s expectations regarding the conduct of judges and prosecutors are much higher than those for other citizens. Judges and prosecutors are expected to display almost flawless behaviour. Therefore, their manner and style of conduct must reinforce public confidence in the integrity of the judiciary. Indeed, certain actions that would not have serious consequences if committed by an ordinary person may be perceived differently when carried out by a judge or a prosecutor.⁴⁵
6. Judges and prosecutors must not only be honest and consistent, but must also be conscious of the need to appear honest and consistent. In other words, it is not sufficient for judges and prosecutors only to apply the law and legislation correctly in their decisions or actions; how society perceives judges and prosecutors also becomes important. They should never lose sight of the fact that their conduct is continually evaluated in terms of whether it is regarded by society as the conduct of a virtuous person.
7. Judges and prosecutors are part of the society in which they live. Naturally, in their private lives they engage in economic and social relations with others. For example, they may be landlords or tenants, sell the vehicle they use, purchase a vehicle, or benefit from the services of establishments such as hotels and restaurants. In short,

⁴⁴ The Chief Justice of Bermuda (n 35) para 35.

⁴⁵ Inceoglu (n 6) 76.



like other individuals, they participate in social life. However, in all such conduct, they bear primary responsibility for safeguarding their professional reputation and therefore refrain from any behaviour that could cast a shadow over their integrity. They fulfil their debts and obligations as undertaken and ensure that their professional identity does not provide them with any advantage in this regard.

8. Judges and prosecutors keep their promises and show the utmost diligence in fulfilling their commitments in both their professional and social lives. For example, they pay their debts on time. Even where they are unable to keep their promises for reasons beyond their control, they explain the reasons to the persons concerned in order to prevent any doubt about their integrity.
9. Judges and prosecutors do not deviate from rectitude or compromise their integrity, even if they may be adversely affected by the consequences of their acts and conduct. For example, when they are required to vacate public housing allocated to them by virtue of their office due to reasons such as reassignment, retirement, or resignation, they take care to vacate the premises as soon as possible so as not to cause hardship. Likewise, when acting as a seller in any transaction, they disclose to the buyer all defects of the property of which they are aware. This is because they foresee that a person purchasing movable or immovable property from a judge or prosecutor may place greater trust in the seller upon learning that the seller is a judge or prosecutor and, because of that trust, may even refrain from carrying out the more detailed examination that they would normally undertake.
10. Without prejudice to the provisions of Article 48 of the Law on Judges and Prosecutors No. 2802, judges and prosecutors, being aware of their own and their family members' personal and financial interests, consider



whether the decisions they are to make may affect themselves, a member of their family, or persons in their close circle, and whether such decisions may give rise to any possibility of financial gain for themselves or the persons concerned; and, where necessary, they refrain from taking part in the relevant investigation or prosecution.

11. Judges and prosecutors refrain from any conduct in their judicial activities that may cause the parties or their legal representatives to doubt their integrity. Being aware that their honesty in social life, and the trust it generates, directly affects confidence in the decisions they render and the actions they take in their professional duties, they regard themselves as role models and consistently pay attention to their conduct in terms of truthfulness and integrity. Through the trust they foster by their truthfulness and honesty, they strengthen the belief of all parties, including those against whom a decision is rendered, that the decision has been made in accordance with the law.
12. The principle of legal certainty requires that individuals be able to act within a framework of legal predictability and that public authority be exercised in a manner that leaves no room for arbitrariness. This principle necessitates that judicial decisions be consistent, foreseeable, and in conformity with established case law. Judges and prosecutors act with the awareness that delivering contradictory decisions in cases of a similar nature would undermine the principle of legal certainty. They avoid any attitudes or conduct that may create an impression of arbitrariness in practice. Where a change in case law is required, they pursue such change in a manner that does not harm the stability of the legal system or individuals' trust in the law, by clearly and comprehensibly setting out the reasons for that change.



“Carefully understand and reflect upon the cases for which you cannot find a ruling in the Qur’an and the Sunnah and about which you have not reached a certain conviction in your conscience. Examine precedent cases and try to identify their similarities, then compare them with one another. From the conclusions you reach, give the judgment that is most pleasing in the sight of Allah and, in your view, closest to equity.”⁴⁶

13. For example, unless there has been a change in legislation or case law, a judge’s delivery of contradictory decisions in cases that are identical in all respects except for the parties will weaken confidence in justice and eliminate legal certainty. Likewise, as a requirement of the principle of legal certainty, prosecutors should not adopt different decisions, opinions, or submissions in the face of the same circumstances and facts.
14. Accordingly, judges and prosecutors maintain consistent practice by following established practices based on judicial case law and taking into account the decisions they have previously rendered in similar matters, thereby ensuring compliance with the principle of legal certainty.
15. While judges and prosecutors adopt consistency in their practice as a requirement of the principle of legal certainty, they also recognise that consistency does not mean being fixed in their views. By its very nature, social life is not static but continuously evolving and transforming. Individuals’ needs, social expectations, and value judgments may change significantly over time, particularly under the influence of technological developments and digitalisation. This change shapes

⁴⁶ Ari (n 32) 87.



not only individuals' ways of living but also their expectations regarding law and justice.

In this context, what is expected of judges and prosecutors is that, while remaining faithful to the universal and fundamental principles of law, they do not remain indifferent to processes of change in society. Judges and prosecutors cannot adopt an approach detached from social reality in the performance of their duties. On the contrary, they must act with the awareness that social perceptions, values, and needs may vary over time.

With this awareness, judges and prosecutors should take into account the socio-cultural and technological transformations undergone by society in their decisions and actions, develop an understanding and awareness of newly emerging situations, and consider the current social context in their legal interpretations. This approach both enhances public confidence in justice and ensures that the law functions as a living system.

However, the fundamental point requiring attention here is that the basic principles of law and universal ethical values must not be departed from in the effort to keep pace with change.

Judges and prosecutors cannot arbitrarily bend the law in line with changing value judgments; they may only recognise and assess such change and interpret it within the framework of the law.

This principle is important for ensuring that the judiciary is both reliable and in harmony with social realities. Remaining indifferent to social changes may lead to the perception of the judiciary as a static institution detached from the public. It is within the ethical responsibilities of judges and prosecutors to read the spirit of the times and to render decisions that are consistent with the requirements of the age, without undermining the principle of the rule of law.



In this context, it should not be overlooked that judicial decisions can also evolve in matters such as changes in family structures, the role of women in society, or new types of disputes arising from technological developments.

“Why do I change my opinions? Because I am the owner of my ideas, not their slave. I owe no allegiance to my own thoughts. I may alter them or keep them as I wish.

Outdated ideas resemble rusted nails: they are extremely difficult to remove.”⁴⁷ (Cenap Şahabettin)

⁴⁷ Tacettin Uzun, ‘Cenap Şahabettin’den Vecizeler’ [Aphorisms from Cenap Şahabettin] (2006) 15 Edebiyat Dergisi 185–194, 190 <<https://dergipark.org.tr/tr/download/article-file/151684>> accessed 29 September 2025.



5. THEY REPRESENT TRUST IN THE JUDICIARY

A. Introduction

What sustains the judicial systems of nations is the trust that society places in the independence of the judiciary, in the integrity of judges and prosecutors, and in the impartiality and effectiveness of judicial proceedings. It is not sufficient for judges and prosecutors merely to apply the law fully and correctly; they are also expected to be good, honest, and exemplary individuals. Indeed, the personal qualities, conduct, and public image of judges and prosecutors, both in their judicial functions and in their private lives, collectively affect the judicial system and, consequently, the confidence that society places in it. The matter to be assessed here is the conduct of judges and prosecutors that may influence society's trust in them and, ultimately, in the judiciary, as well as the manner in which such conduct is perceived by the public. For such conduct may be interpreted differently by various segments of society. Judges and prosecutors, by the very nature of their duties, are obliged to earn and maintain the trust of society. With the awareness that they exercise judicial authority directly on behalf of the Turkish Nation, judges and prosecutors must conduct themselves in their decisions and actions with dignity and seriousness befitting this representative authority.

On the other hand, judges and prosecutors, who exercise an honourable profession in order to establish justice, are vested with very significant powers within the scope of judicial proceedings. In this context, the decisions rendered by judges and prosecutors have profound effects on the lives and futures of the parties. Therefore, judges and prosecutors must never lose sight of this fact in the performance of any and all judicial acts and procedures.

In this respect, it is often not possible to determine individually, in precise and immutable terms specific to each situation, the rules of conduct that judges and



prosecutors must follow. This is because circumstances that may raise ethical concerns can vary depending on the context of the event, the timing, the perceptions of the parties, and the reflections in the public conscience. However, what is essential here is that all attitudes, behaviours, and statements exhibited by judges and prosecutors, both in the performance of their judicial duties and in their private lives, must be of such a nature as to reinforce the trust placed in them by society.

The demeanour of judges and prosecutors in the courtroom, as well as the relationships they establish within their social environment, their conduct in public settings, and even their social media postings, may directly affect the public perception of their professional impartiality, integrity, and seriousness. For this reason, judges and prosecutors must go beyond written rules and consistently position themselves in a manner befitting the dignity of their profession, acting with a consistency and diligence that will serve as an example both to their colleagues and to society at large. Avoiding any conduct that may give rise to doubt or suspicion should be regarded as a fundamental indicator of ethical awareness and professional responsibility. Accordingly, all acts, procedures, and statements of judges and prosecutors, whether in the course of judicial activities or in their private lives, must be of such a nature as to inspire everyone's confidence in them.



B. Principles

Judges and prosecutors:

5. Represent trust in the judiciary

5.1. ensure and strengthen trust in the judiciary with all their acts, actions, and decisions, with the awareness that trust in them is directly and inseparably connected with trust in the judiciary.

5.2. ensure, through their dignified attitude, that they are trusted by everyone, particularly the Turkish Nation on behalf of which they make decisions.

5.3. consider with maximum care and attention whether they need to withdraw from duty when they notice that a perception, doubt, or concern that may harm trust in them has been formed.

5.4. carefully refrain, at any place and any time, from any attitude or behaviour that might undermine trust in the judiciary or make it questionable.

5.5. act sensitively in their private lives not to cast doubt on their professional reliability.

5.6. use their freedom of expression in such a manner that they do not harm trust in the judiciary or do not show political bias.



C. Explanations and Concrete Examples of Application

1. Judges and prosecutors ensure and strengthen public confidence in the judiciary. In their acts or decisions, they must bear in mind that any attitude or conduct which may cast doubt upon their independence, impartiality, integrity, credibility, merit or professional propriety will not be regarded merely as a personal matter, but that any negative perception may spread generally and undermine society's trust in the judiciary as a whole. Accordingly, they exert the utmost effort in all acts, actions, and decisions to prevent such a situation.
2. Judges and prosecutors inspire confidence in those they encounter through their self-assured, calm, and dignified demeanour. They do not act out of anger or rage, but render their decisions while maintaining composure. By such conduct, they ensure that both their colleagues and the Turkish Nation, on whose behalf they render decisions, place complete trust in them. During hearings, they do not react with anger to discomfort that may arise from the tone or manner of a party or counsel, nor do they allow such reactions to influence their judgments or opinions.

In this regard, examples may include: the president of a high criminal court, in a case that has attracted public attention, conducting the hearing with composure, maintaining an equal distance toward the parties and their counsel, and thereby conveying the dignity of the court panel; a family court judge, in a sensitive divorce case, responding calmly to the emotional outbursts of the parties and guiding the hearing without undermining respect and confidence in the court; and a public prosecutor, when faced with provocative accusations by the complainant, replying within the bounds of courtesy without compromising impartiality, thereby reinforcing confidence in the investigation process.



“A judge should not let his gaze wander. He should speak as little as possible, limiting himself to the relevant questions and answers. He should not raise his voice except when necessary to check impertinence. He should keep a serious expression at all times, but without showing anger. He should sit in a calm and stately manner. He should neither jest nor speak about matters unrelated to the case at hand.”⁴⁸ (Commentary on the Bangalore Principles of Judicial Conduct, section on “Islamic Law”)

3. The provisions governing judges’ disqualification from hearing a case and challenges to judges are laid down in our legislation. Without prejudice to those provisions, judges exercise the utmost care and diligence during judicial proceedings in determining whether any doubt or suspicion has arisen that could impair their independence, impartiality or integrity and thereby undermine public confidence in the judiciary, and they act with sensitivity regarding recusal from the case. Likewise, where grounds equivalent to those requiring the disqualification of a judge exist in respect of an investigator or inspector, it is appropriate for that investigator or inspector to decline the assignment, stating the reasons. Although our legislation does not regulate circumstances involving a prosecutor’s disqualification, challenge or withdrawal, where grounds exist that would prevent a judge from hearing a case, it would be appropriate for the prosecutor to inform the chief prosecutor, who should then take the necessary measures.
4. Moreover, frequent recusals by judges may undermine public confidence in the judiciary and in judges individually, or impose an unreasonable workload upon their colleagues. Therefore, judges must carefully avoid any conduct that would frequently necessitate recusal. For example, if a judge, at a previously

⁴⁸ United Nations Office on Drugs and Crime (n 7) 156.



attended conference, made assessments regarding an incident similar to the subject matter of the trial by incorporating his or her personal value judgments without an objective judicial perspective, the judge should consider recusal from the case even without a request from the parties. Likewise, if a family court judge realises in a custody case that the child concerned is a classmate of his or her own child and that there is therefore a social connection with the family, the judge must assess whether his or her impartiality has been affected and whether any predisposition in favour of or against either party has arisen.

5. Judges and prosecutors must act cautiously in cases in which they are parties, avoiding any impression that they derive advantage from their position and leaving no room for their credibility to be questioned. By way of positive examples: a judge who, as an heir, brings an action together with the other heirs before a court at a location other than the courthouse where he or she serves, deliberately refrains from disclosing that he or she is a member of the judiciary and does not establish any private communication with court staff or the judge handling the case in order to expedite the processing of the file or the proceedings. Through such conduct during the proceedings, he creates strong confidence that he has not used his position to gain advantage. Similarly, a prosecutor, in a reinstatement lawsuit in which his spouse is a party, refrains from making any statements or suggestions regarding the file, and does not intervene in the process, mindful that such involvement could be perceived as exerting indirect pressure on the opposing party. By this careful conduct, the prosecutor ensures that the parties' belief in the fairness and equality of the proceedings remains intact.



6. Judges and prosecutors must be mindful of the fact that their conduct in private life is closely observed by society, and that such conduct directly affects their professional credibility and, consequently, public confidence in the judiciary. Therefore, they must carefully avoid attitudes and behaviours that could damage their professional credibility not only in their official duties but also in their private lives, and they must remain aware that a dignified demeanour, both in appearance and in substance, is indispensable to preserving professional dignity. For example, they do not associate with persons who, due to their past conduct, fail to inspire trust, lack respectability, or have made a habit of committing crimes; they do not engage in disputes in their private lives that are incompatible with the dignity of their profession; and they do not display careless or frivolous behaviour in public.
7. If a judge or prosecutor is frequently seen at social events together with a locally well-known businessperson or politician, this may create a public perception that such individuals are afforded preferential treatment in judicial proceedings. In order to prevent impressions that could undermine confidence in the judiciary, it is of great importance that members of the judiciary maintain an appropriate distance from such persons and consistently demonstrate a stance in conformity with the principle of impartiality.
8. Judges and prosecutors refrain from giving persons present at social events detailed explanations about the scope of their duties and authority.
9. Judges and prosecutors do not compromise their dignified demeanour in private life and pay due attention to complying with social rules. As a requirement of communal living, they act in accordance with the rules of the apartment building or residential complex in which they reside. For example,



they comply with the rules concerning parking spaces and, unless they meet the relevant conditions, do not park in spaces reserved for persons with disabilities; nor, where only one parking space has been allocated to their household, do they park a second family vehicle in a space to which another person is entitled. Likewise, if the management plan of the complex prohibits keeping pets, they do not keep pets in violation of such rules.

- 10.** Judges and prosecutors, while enjoying the right to freedom of expression guaranteed by the Constitution and international conventions, are obliged to reconcile this right with their professional responsibilities, their duty of impartiality, and the public's confidence in the judiciary. In other words, judges and prosecutors have not renounced their freedom of expression by virtue of their office; however, they must exercise this right with due care so as not to undermine society's trust in the judiciary. They must always and everywhere refrain from making statements that express political views or may be perceived as indicating closeness to a particular side, where such statements could give rise to doubts about their impartiality, undermine confidence in the judiciary, or make them personally and, indirectly, the judiciary itself a target.



6. THEY CONSIDER CONFIDENTIALITY

A. Introduction

Confidentiality, in its literal sense, means secrecy or privacy. It does not mean that judges and prosecutors should withhold information from society; on the contrary, it is a value and a right of individuals that must be protected. In other words, the concept of confidentiality implies that judges and prosecutors must not disclose information they have acquired about the parties involved in judicial proceedings due to their judicial activities. In this context, judges and prosecutors may have access to information constituting state secrets, documents falling within the scope of trade secrets, sensitive data of institutions, or information concerning individuals' private lives, either in the course of various investigations or prosecutions they conduct as part of their judicial duties, or within the scope of their administrative duties. Protecting the confidentiality of this information or these documents is not only a legal duty; it is also an ethical obligation. In this respect, confidentiality is an aspect of the judicial function that does not conflict with transparency but rather complements it.

Judges and prosecutors must be discreet and protect the confidentiality of state secrets, trade secrets, and information and data belonging to individuals or institutions that must remain confidential, which they learn while performing their duties, both in their private lives and in their judicial activities.

Protecting confidentiality is a crucial responsibility of judges and prosecutors in ensuring justice is served by safeguarding the rights of those involved in the judicial process.



B. Principles

Judges and prosecutors:

6- Consider confidentiality

6.1. *consider confidentiality, not as a means of hiding information from the public but to provide justice by protecting the rights of those involved in judicial procedures.*

6.2. *protect the confidentiality of any state secrets, business secrets, or private information about individuals or institutions that they obtain in connection with their duty.*

6.3. *do not use any secret or information that should be kept confidential to their own benefit or to the benefit or the detriment of others. They do not violate the confidentiality of such information via social media or any other means.*

6.4. *ensure that those having access to confidential information as part of their duties, particularly the court staff, abide by confidentiality.*

6.5. *accurately identify the information that must be kept confidential. In cases where confidentiality interferes with the principles of openness and transparency, the right not to be labelled as criminal, the right to information, the right to defence, and freedoms of press, information, and expression, they act in consideration with keeping the sensitive balance between the honour and reputation of persons and public interest.*

6.6. *ensure confidence that the information and secrets entrusted to the judiciary are protected, and they respect the confidentiality of such information and secrets even after the end of their service.*



C. Explanations and Concrete Examples of Application

1. Judges and prosecutors preserve confidential information obtained in connection with disputes before them in order to protect the rights of those involved in the judicial process and to ensure justice in this regard. For example, they ensure that the facts and evidence presented in a dispute arising from labour law or family law, or in a criminal complaint for sexual assault against a spouse, remain within the case file, and take the necessary measures to prevent confidential information, documents, videos, photographs, or compact discs submitted by the parties or obtained as evidence from falling into the hands of unrelated persons, thereby protecting the privacy of these persons. They do not use this information and data for purposes other than judicial purposes.
2. Judges and prosecutors must respect the confidentiality of the judicial proceedings in which they are involved. They must not disclose any information they possess, even anonymously or in the form of anecdotes. Furthermore, judges and prosecutors bear in mind that the confidentiality of the information they possess may be violated by other persons. In this context, judges and prosecutors take concrete measures such as locking their offices, shutting down their computers, and destroying unnecessary documents, being aware of these risks, and draw attention to any problems they may observe in this regard.⁴⁹
3. Judges and prosecutors do not use, for their own benefit or that of their relatives, or to the detriment of others, information constituting state secrets, documents falling within the scope of trade secrets, sensitive data of institutions, or information

⁴⁹ Council of Europe–European Union Joint Project on Strengthening Judicial Ethics in Türkiye (n 15) 41.



concerning individuals' private lives, which they have obtained through various investigations or prosecutions conducted by virtue of their duties or within the scope of their administrative duties. They bear in mind that this information has been entrusted to them as judicial authorities. For example, a public prosecutor conducting an investigation carefully protects the confidentiality of information obtained about the complainant's private life, bearing in mind that this information is closely related to that person's honour, reputation, or business life. To give another example, a judge hearing a dispute over a zoning plan, upon learning from the information and documents in the file that a zoning plan will be prepared shortly for a plot of land for which no zoning plan has yet been prepared, does not direct his relatives to purchase real estate in that area, nor does he himself resort to this course of action.

4. Judges and prosecutors strictly adhere to the principle of confidentiality and ensure that everyone with access to information that must remain confidential, including court personnel, complies with this principle by exercising the necessary oversight and control in this regard. To illustrate this point with a few examples from the perspective of judges and prosecutors: A family court judge, in an ongoing divorce case, uses the contents of private messages in the case file, detailed bank records concerning the parties' financial circumstances, and the children's pedagogical reports only to the extent necessary at the hearing and in the reasoning of the decision. To prevent this and similar information and records from leaving the case file, the judge warns the relevant personnel and clearly states that only those who need to access the file for their duties may do so. The judge also issues a general warning that the file should not be left open on the desk where others can see it. Similarly, in an investigation into an offence of causing bodily injury, where copies of documents such as the victim's medical reports, statement concerning the



incident and complaint petition are requested, a public prosecutor reminds staff that such documents may be shared only with the parties to the file or their counsel. Additionally, they warn court personnel with access to the investigation file through the National Judiciary Informatics System (UYAP) that they should not review the file outside their area of responsibility.

5. Judges and prosecutors keep confidential any information obtained in the course of their duties even from family members including their spouses, children, and first-degree relatives. As was particularly evident during the global pandemic (Covid-19 outbreak), judges and prosecutors may sometimes be required to work from home, either for compelling reasons or due to heavy workloads. In such cases, they exercise the necessary sensitivity to prevent family members from gaining access to information that must remain confidential.
6. The duties of judges and prosecutors, or incidents they encounter while performing their duties, are met with interest by society. For this reason, judges and prosecutors bear in mind that incidents repeatedly encountered in judicial work and procedures, which have become routine for them in the course of their profession, may be received by society as interesting stories or tabloid news, and they take into account in their personal communications that individuals' privacy may be violated. Judges and prosecutors should refrain from disclosing details of witness or victim statements or information that should remain confidential in a manner that could harm individuals' privacy in social settings, and should avoid making such disclosures. For example, they should only evaluate reports submitted to the investigation or prosecution file that contain the suspect's or defendant's private health information within the scope of the file and should not discuss or share this information in any other setting. Similarly, they should



not share information about disciplinary investigations involving public officials in a social setting or during a conversation.

7. The chairperson of the commission, the chief public prosecutor or the president of the court exercises the utmost care to preserve the confidentiality of letters sent by the Presidency of the Inspection Board requesting the written defence of judges and prosecutors under investigation. They take the necessary measures to prevent the judge or public prosecutor concerned from being humiliated in the eyes of colleagues or members of the public within the courthouse and prevent any rumours that could damage the reputation of the judiciary.
8. The principle of confidentiality does not prevent consultation between judges and prosecutors. However, such consultation must be conducted with caution to ensure confidentiality is maintained. This is because confidentiality must not be violated even between judges or prosecutors. For example, in an investigation file subject to a confidentiality order, providing information to another judge or prosecutor for purposes other than legal and technical consultation would constitute a violation of the principle of confidentiality.
9. Judges and prosecutors strictly adhere to the principle of confidentiality in press releases made through press officers for the purpose of informing the public.
10. It is of great importance to identify correctly the information that must remain confidential. Confidentiality does not mean withholding information from society. In this context, where confidentiality comes into conflict with the principles of openness and transparency prescribed by law, the right not to be stigmatised as a criminal, the right of access to information, the rights of the defence, freedom of the press, freedom to receive information



and freedom of expression, judges and prosecutors act with due regard to maintaining the delicate balance between individuals' honour and reputation and the public interest. For example, where a report concerning one of the candidates is received shortly before local elections, the public prosecutor acts with due diligence and particular care to safeguard impartiality, so that the timing of the investigation does not produce political consequences.

11. During hearings, judges ask only those questions necessary to reach a decision in the context of resolving the dispute, carefully avoiding asking questions that could harm individuals' privacy or displaying attitudes in this regard. Likewise, during the hearing, judges prevent the other party or counsel from displaying attitudes or engaging in conduct that could violate individuals' privacy. Prosecutors are also particularly meticulous in protecting the privacy of the deceased when performing post-mortem examinations or autopsies.
12. Judges and prosecutors are obligated to protect the confidentiality of information they have access to by virtue of their profession. In this context, they may only use the personal information (such as addresses and phone numbers) of individuals involved in a case in any capacity within the scope of judicial proceedings and when necessary. They keep confidential the outcome of any decision not yet approved in UYAP and carefully select photographs, videos and similar images shared on social media and networks so as not to cause the disclosure of documents marked "confidential" or "highly confidential" or of personal data. However, court decisions may be used during pre-service and in-service training activities and academic studies. Such use is intended solely to contribute to professional development and enhance legal competence. In this context, court decisions may be used in training activities and academic studies



provided that they are anonymised by removing all personal data, including the names, titles, addresses, telephone numbers and similar information of the parties.

13. Judges and prosecutors take the necessary measures to prevent the passwords for their assigned electronic signatures, UYAP accounts and email accounts from coming into the possession of others.
14. Judges and prosecutors are not only required to protect the confidentiality of information they have access to that must remain secret, but they are also expected to instil the necessary confidence in society that such information is being protected. Furthermore, they are obligated to keep such information and secrets confidential even after their term of office has ended.
15. Judges and prosecutors not only protect the confidentiality of information or secrets they become aware of in the course of their duties, but also respect the confidentiality of their colleagues or other individuals they work with. To clarify this point with a few examples: if a public prosecutor learns that a judge working in the same courthouse has been undergoing treatment for health problems for a long time, they do not share this information, which is of a personal nature and not directly related to their duties, in professional conversations or disclose it to third parties. When asked why the judge is on leave, the prosecutor simply states that the judge is “on leave.” Similarly, when a judge learns that a member of the clerical staff with whom they work has filed for divorce and that the case is being heard in another court, the judge does not mention the matter either in the courthouse or in social settings. The judge exercises the necessary sensitivity by respecting the confidentiality of the information concerning the staff member’s private life, which they learned only by chance.



7. THEY ACT WITH PROPRIETY AS REQUIRED BY THEIR PROFESSION

A. Introduction

Professional propriety and the appearance of professional propriety constitute indispensable elements in ensuring that judges and prosecutors carry out all judicial activities independently, impartially, and competently. Likewise, professional propriety and its appearance are also significant aspects of the private lives of judges and prosecutors. However, it is not easy to define the precise content of the concept of professional propriety. Therefore, in determining whether a particular conduct is befitting or not befitting the profession, it would be appropriate to use the assessments of a reasonable observer—*namely, reasonable, fair, and knowledgeable members of society*—as a criterion.

Judges and prosecutors are obliged, both within and outside the courthouse, to lead lives befitting the profession and to demonstrate through their conduct the fairness, equity, virtue, respect and courtesy expected of them by society. Their duties and lifestyles are monitored and scrutinised by the public; in the digital age, their conduct has become increasingly visible through written, visual, audio, and social media.

In this context, judges and prosecutors, with an outlook consistent with the aforementioned criterion, knowingly and sincerely accept the limitations that their profession and the responsibilities entrusted to them impose upon their lives, and they live in a manner befitting their profession. In other words, serving as a judge or prosecutor is not merely an occupation; it is a public office that represents the public conscience, plays a decisive role in maintaining social order, and carries a high degree of responsibility. The ethical and legal obligations imposed by this duty require judges and prosecutors to act with care and moderation not only in their judicial activities but also in their social and private lives. The gravity of their duties



makes them a professional group whose personal attitudes and behaviours are closely observed by society. For this reason, judges and prosecutors preserve, under all circumstances, the dignity and sensitivity required by the mission they represent.



B. Principles

Judges and prosecutors:

7- Act with propriety as required by their profession

7.1. Being aware of the value added to their lives and the responsibility laid on them by their profession, they act with the sensitivity that their duty requires.

7.2. act within the framework of principles of respect and courtesy in their professional and social relationships, and they consider the influence of their words and behaviours on others.

7.3. are aware that the society expects them to be virtuous, in addition to providing a quality judicial service.

7.4. use a reconciling discourse and act prudently and cautiously in all circumstances.

7.5. create an efficient working environment by working with their colleagues in harmony, cooperation, and mutual respect while exercising their duties.

7.6. are willing to share their professional knowledge and experience with their colleagues.

7.7. act in accordance with the ethical principles of the profession while sharing their comments or explaining their opinions in print, audio-visual, or social media within the framework of their freedom of expression.

7.8. are constructive and considerate in their comments and evaluations regarding the functioning of the profession and the judicial decisions. They do not subject the competence of their colleagues to debate in a manner that might harm the reputation of and the trust in the judiciary.

7.9. do not accept any gift, donation, loan, aid, or favour which is, or may seem to be, in connection with the exercise of their duty. They do not take advantage of the power arising from their position and profession. They ensure that others who are close to them and the staff they work with also respect this rule.



7.10. ensure that public goods and services and human resources are used in the most effective and proper way and in compliance with their purposes, taking into consideration the requirements of the service.

7.11. pay due attention to their private lives to ensure protection of their professional reputation.

7.12. do not allow persons that they are in contact with in their private lives to influence their acts and decisions, and they refrain from any attitude or behaviour that might give an impression that these persons have the power to exert such an influence. Neither do they allow anyone to create such an impression.

7.13. protect their professional reputation by carefully selecting the environments and places where they will spend their social lives.



C. Explanations and Concrete Examples of Application

1. Judges and prosecutors internalise the noble values inherent in and inseparable from their profession, including independence, impartiality, fairness, truthfulness, integrity and courtesy; integrate those values into their character; and allow them to guide their conduct with the utmost sensitivity. They avoid any attitude or behaviour incompatible with these values. For instance, judges and prosecutors do not compromise these principles for reasons such as personal gain or career advancement.
2. In their professional or social relations, judges and prosecutors act in a manner befitting the Turkish Nation on whose behalf they render decisions, mindful that each individual is valuable, and they behave in accordance with the principles of respect and courtesy. In particular, they do not use offensive or scolding language toward parties or lawyers, they express themselves calmly, avoid ambiguous statements, and create a working environment based on mutual respect. They strive to improve their communication skills, endeavour to use proper Turkish, ensure that their words and expressions are measured, and refrain from using coarse, slang or profane expressions.
3. Judges and prosecutors treat those with whom they work in judicial proceedings, such as court clerks and law enforcement officers, with courtesy and consideration. Bearing in mind that criticism directed at such individuals may have a greater impact due to the hierarchy between them, they avoid inappropriate, humiliating, intimidating or aggressive comments or behaviour. In their social relations, they do not regard their professional position as a means of superiority over others, they pay attention to their manner of speech, and they refrain from arrogant or condescending attitudes and expressions. In this regard, paragraph II(m) of the Budapest Guidelines provides: *“Public prosecutors should*



at all times adhere to the highest professional standards and discharge their duties with the courts, the police, other public authorities, as well as other members of the legal profession with respect and courtesy.”

4. Judges and prosecutors are aware that they must perform judicial services in the best possible manner and act accordingly, showing the necessary sensitivity to ensure that judicial proceedings are conducted fairly, independently, impartially, swiftly, and effectively. In this context, judges and prosecutors are conscious that society expects not only quality in their decisions, actions, and reasoning, but also virtue and high moral standards—qualities that reflect spiritual maturity, such as goodness, humility, courage, and truthfulness.
5. In the face of events or circumstances encountered in their professional activities or private lives, judges and prosecutors use conciliatory language, act prudently and cautiously, avoid inappropriate, intimidating, humiliating, or aggressive comments or behaviour, and do not use scolding language. During their professional activities, when confronted with individuals whose manner is inappropriate, they maintain their composure, do not respond in a similar manner, and politely warn their interlocutors to correct their manner, for example by lowering their voice or ceasing exaggerated gestures. In situations encountered in social life—such as driving in traffic, celebrating the victory of a team they support, or conducting transactions in official or private institutions—they act prudently, cautiously, and calmly in the face of both positive and negative events. They avoid exaggerated, impulsive, or inappropriate conduct or speech.

*“Attention and prudence are the surest guides.”*⁵⁰

⁵⁰ The Judiciary of the Hong Kong Special Administrative Region



6. Judges and prosecutors, in the course of performing their duties, maintain harmony with their colleagues, work in mutual respect to create a productive working environment, and strive to preserve this environment. Regardless of seniority or title, they do not regard themselves as superior to another colleague, respect each other's opinions, refrain from hurtful words, and act with courtesy. They ensure that disagreements are resolved through direct dialogue and within the framework of respect, avoiding corrosive behaviour in their communications. For instance, by strictly observing working hours, they avoid conduct that would prevent the proper constitution of judicial panels in courts sitting as panels. Particularly in places where the number of colleagues is limited, they carefully plan court hearings and tasks, determine leave dates as far as possible in consultation with colleagues, and thus do not cause an increase in their colleagues' workload or disrupt the harmonious working environment. They do not take leave or obtain medical reports for the purpose of avoiding the requirements of their duties. They do not engage in comparisons that highlight competitiveness between colleagues or courts in a manner that would disrupt workplace harmony, such as the number of cases disposed of or matters dealt with. In matters such as assigning clerks or staff, allocating offices, or distributing files, they avoid attitudes and behaviours that would disrupt workplace harmony among colleagues, and provide accurate and complete information to the competent units authorised to make decisions. They even refrain from conduct that could indirectly disrupt workplace harmony, such as occupying a parking space customarily used by a colleague in a courthouse or official-residence car park where spaces are not formally assigned to individual vehicles.



7. Judges and prosecutors, in order to enhance their professional knowledge, follow current case law and new information throughout their careers. They are conscious that sharing such knowledge and experience will enable their colleagues to make the most accurate and complete decisions, and they act willingly in this regard. In this regard, they attach utmost importance to sharing new and different information acquired in professional training seminars and similar meetings aimed at increasing and transferring knowledge and experience, including current or changing case law of the higher judiciary, decisions of the Constitutional Court, and judgments of the European Court of Human Rights. They ensure that their acts and decisions are consistent with these and show the necessary sensitivity in complying with the Constitutional Court's decisions on individual applications and the judgments of the European Court of Human Rights finding a violation. Thus, judges and prosecutors are aware that professional training and the other matters mentioned, and the enhancement of their professional capacity, are the most important means of enabling them to perform their duties impartially and independently and protecting them from improper external influences.
8. Although legal knowledge is the foremost requirement of the professions of judge and prosecutor, sharing with other colleagues the experience gained at various stages of professional life, such as conducting hearings, carrying out judicial on-site inspections, performing autopsies and undertaking administrative duties, as well as in situations encountered in social life by reason of the profession, is also important for professional harmony and success. Another matter of vital importance is the proper training of assistant judges and prosecutors, so that especially young colleagues start their first posts well-equipped and can perform their duties appropriately. Judges and prosecutors actively participate in the objectives and tasks set forth



in the legislation concerning assistant judges and prosecutors, in order to ensure that appointed assistant judges and prosecutors are trained in the best possible manner.

9. The procedures and principles regarding how judges and prosecutors may exercise their freedom of expression in written, visual, audio or social media are set forth in the “Guidelines on the Use of Social Media within the Scope of the Declaration of Ethics for Turkish Judiciary”, and judges and prosecutors act in accordance with these procedures and principles. Considering that statements regarding ongoing investigations may be made by chief public prosecutors’ offices, the importance of the matter is emphasised in paragraph 9 of the explanatory note to Opinion No. 9 of the CCPE on “European Norms and Principles concerning Prosecutors” (Rome Charter), which states: *“Prosecutors enjoy freedom of expression and association. In communications between prosecutors and the media, the following principles must be observed: transparency, the presumption of innocence, the right to privacy and reputation, the right to information and freedom of the press, the right to a fair trial, the right of defence, and the integrity, effectiveness and confidentiality of investigations.”*
10. Judges and prosecutors, except for constructive criticism contributing to the development of the law, do not publicly question the competence of their colleagues in a manner that could damage the dignity of the judiciary, its institutional identity, or public confidence in it. On the contrary, they act with the awareness that appreciating the achievements of their colleagues is important for professional development and motivation. They are measured when commenting on their colleagues’ decisions or matters concerning professional practice. In academic studies, they pay attention to using scientific language when evaluating decisions. Even if a colleague expresses an opposing view that is contrary to law or established



case law, they do not use language that exceeds the bounds of legitimate criticism or makes the matter personal. For instance, judges and prosecutors do not use derogatory, mocking or humiliating expressions, or expressions questioning their colleagues' professional competence, in relation to a decision or act, either in the workplace or in instant messaging applications involving multiple persons.

11. The presentation of gifts, in Turkish culture, is regarded as an act showing appreciation for the recipient, fostering positive relations, and demonstrating goodwill and respect. However, gifts may sometimes create in the recipient a sense of obligation or the need to reciprocate; moreover, they may lead the recipient to treat the giver differently compared to others.
12. As a principle, judges and prosecutors must not create the impression that they expect gifts. In this regard, judges and prosecutors do not request or accept any gift, donation, loan, privilege, unusual discount, or favour related to or that may be perceived as related to the performance of their judicial duties, nor do they derive any benefit, even symbolic, from the parties to a dispute or their counsel. For instance, in ethical consultative decision No. 349 of the General Assembly of the Council of Judges and Prosecutors dated 25 September 2019, it was stated: *"...It is clear that the appearance of impartiality would be impaired in situations where, in particular, the author who is to present the gift, or, more generally, the person who is to present a book by any author or publishing house, has a case before the court in which the relevant judge serves, or where the book is presented during the hearing..."*

"Judges must not accept any gift, favour or advantage that could call into question their independence or impartiality." (Resolution on Judicial Ethics of the European Court of Human Rights, Article 8)



“In the performance of their duties, judges must refuse any gift or advantage offered to them or their relatives.” (Judicial Ethics Report of the European Network of Councils for the Judiciary, 2009–2010, Article 2.1)

13. There may, however, be certain exceptions to the prohibition on accepting gifts applicable to judges and prosecutors. Where a gift is unrelated, or cannot reasonably be regarded as related, to their judicial duties, judges and prosecutors carefully assess all the relevant circumstances before deciding whether it may be accepted without compromising their impartiality or the appearance of impartiality. These circumstances include the nature of the gift; the place, manner and timing of its presentation; its monetary value; whether it may create an expectation of reciprocity; whether it may be associated with a pending case, a case that may subsequently come before the judge, or a pending or potential investigation; whether the giver is inclined to make demands or seeks, by referring to the gift, to create among third parties the impression of a special relationship with judges or prosecutors; the manner in which the relationship giving rise to the gift was formed; how acceptance of the gift would be perceived by an objective observer; the degree of closeness between the recipient and the giver and whether the gift is consistent with that degree of closeness; and whether the gift is intended personally for the judge or prosecutor or for a member of their family or another person close to them. On the basis of this assessment, they determine whether gifts such as flowers, local items or books may be accepted without undermining their impartiality or the appearance of impartiality. In this context, without prejudice to the specific circumstances of each case, commemorative gifts of low monetary value, such as plaques, certificates or greeting cards, may not constitute a violation of ethical principles. On the other hand, in ethical consultative



decision No. 349 dated 25 September 2019, the General Assembly of the Council of Judges and Prosecutors considered whether there was any obstacle, in terms of judicial ethics, to judges accepting books sent to them as gifts by their authors. The Decision in question states, among other matters, that “...it has been unanimously decided that, provided that the person or institution giving the book as a gift does not have any case pending before the judge or likely to come before the judge, the value of the gifted book does not exceed a reasonable amount, the gift does not create an expectation of reciprocity, and it does not compromise the judge’s appearance of impartiality, there is no obstacle in terms of judicial ethics to accepting books sent to judges as gifts by their authors.”

On the other hand, the Decision further states: “...Where the book is a work of special character and its monetary value exceeds reasonable levels, its acceptance by the judge may cause the judge to feel under an obligation and may thereby undermine his or her independence. Likewise, if the book contains discriminatory content, it may affect the judge’s impartiality as well as the appearance of impartiality. There may also be circumstances in which the judge, on the basis of his or her own assessment, considers it inappropriate to accept the gift.”

For example, this may be the case where the author presenting the gift has a bad reputation in society or where the book has previously been found objectionable and made subject to an order for its withdrawal from circulation. Apart from such exceptional circumstances, although it is considered that a judge may accept a book presented as a gift by its author and that this would not constitute a violation of ethical principles, there is no doubt that, owing to the particular characteristics of each case, the judge must act in accordance with the spirit of the principles set forth in the Declaration of Ethics for Turkish Judiciary.” Through these assessments, the Decision provides examples of circumstances in which the presentation of a gift may raise concerns in terms of



judicial ethics, emphasises that each case has its own particular characteristics, and clearly states that judges and prosecutors must act in accordance with the spirit of the principles set forth in the Declaration of Ethics for Turkish Judiciary.

“A judge may not accept gifts. Any benefit that a judge may obtain from another person within his or her jurisdiction should be treated in the same manner as a gift.”⁵¹ (Commentary on the Bangalore Principles of Judicial Conduct, section on “Islamic Law”)

14. Gifts presented within the framework of national and international institutional contacts and in accordance with rules of courtesy, custom or protocol are excluded from this scope.
15. Judges and prosecutors do not use their status and the influence afforded by their profession for their own benefit, for the benefit of others, any group, or any institution, nor do they give the impression that they have improperly used their position in their own legal proceedings or bureaucratic procedures.

In their personal and social relationships, they do not use their professional identity and take care not to give the impression that they are using the status of their office to gain an advantage. Furthermore, they do not engage in any behaviour aimed at ensuring that their identity is known by those around them when it is not necessary, and they do not attempt to gain privileges by voluntarily disclosing their judicial or prosecutorial identity when shopping, waiting in line at a bank, or conducting business at an official institution, even when not asked and when it is not necessary. They ensure that their relatives and the personnel working with them also comply with these matters.

⁵¹ United Nations Office on Drugs and Crime (n 7) 155.



16. Judges and prosecutors do not use or allow the use of public property, services, or human resources for purposes other than those required for the performance of their duties. They ensure that public property, services, and human resources are used in the most effective and appropriate manner, in accordance with their intended purpose, thereby preventing the waste of public resources under their administration. For example, with regard to the tools and resources allocated to them for their duties, they do not print documents related to their personal affairs using the workplace printer; they do not use vehicles for their own, their families' or their relatives' private affairs; they do not make public housing available for the exclusive use of family members or persons they are responsible for protecting and caring for. They make the best use of human resources by distributing work fairly, taking into account the competencies of the personnel they work with, and do not use these personnel to carry out their personal affairs.

Additionally, the matters to which chief public prosecutors' offices should pay attention in the administrative duties they perform in their capacity as spending authorities are outlined in paragraphs 18 and 19 of Opinion No. 9 of the CCPE on "European Norms and Principles concerning Prosecutors" (Rome Charter) as follows: *"Prosecutors should have the necessary and appropriate means, including the use of modern technology, to exercise their missions which is fundamental for the rule of law. ... Where the prosecution service is entrusted with the management of resources, it should use modern management methods efficiently and transparently, being also provided with adequate training."*

17. Judges and prosecutors exercise the utmost care in their private lives in order to preserve their professional dignity and public trust in the judiciary. They act fairly in both their professional and private relationships, thereby preserving the dignity of the judiciary.



18. Judges and prosecutors, aware that they are constantly in the public eye, understand the constraints that their profession and the responsibilities entrusted to them impose on their lives, which may be considered burdensome by others. They freely and sincerely accept these constraints and fulfil the requirement to lead exemplary lives.

“A judge must accept that he or she is a public figure and that he or she must not have a disposition that is either too susceptible or too fragile.” (Commentary on the Bangalore Principles of Judicial Conduct, para 30)

19. Judges and prosecutors conduct themselves in a manner befitting the formality and seriousness required by their profession. In their private lives, they maintain a demeanour consistent with the dignity of their profession, both in their attire and in their speech and conduct. They understand that the concept of seriousness requires them to act politely and respectfully in their work and proceedings, without displaying excessive formality or an inappropriate demeanour. They strive to avoid situations that would violate etiquette and affect the dignity of the profession, taking care to maintain a neat appearance.
20. Judges and prosecutors, as members of the society in which they live, may produce written works on non-legal subjects, engage in artistic or sporting activities, or participate in other social activities, provided that they do not undermine the reputation of the judiciary, impede the performance of judicial duties, or compromise their independence or impartiality.
21. Judges and prosecutors do not participate in political party rallies or any programme that may be related to politics, nor do they engage in activities that reflect their political views and opinions.



22. Judges and prosecutors do not actively participate in game shows, discussion programmes or entertainment programmes broadcast on television or digital platforms, except as viewers.
23. Judges and prosecutors particularly avoid contact with individuals known to have improper connections or a bad reputation in society. They know that such relationships would deeply undermine public confidence in the judiciary. To clarify this issue from the perspective of judges and prosecutors, the following example may be considered: A judge learns that he has been invited, along with other public officials, to a social event organised by a businessman who is frequently the subject of criminal investigations in the city where he works and is known in the public eye for illegal betting activities. Knowing that this person has a bad reputation in society and that there are various criminal investigation files against him, the judge would not attend such invitations under any circumstances, would maintain social distance from this person, and would carefully avoid any direct or indirect contact. He would be aware that, otherwise, the perception that this person has “close ties with members of the judiciary” could lead to a loss of confidence in both him and the judiciary that would be difficult to remedy.

Likewise, where a public prosecutor attends the same gym as a person who has previously been subject to numerous judicial proceedings for alleged involvement in organised crime, some of whose case files have been closed due to insufficient evidence, and that person is known in the district as someone “influential but with shady connections”, the prosecutor would, upon rumours spreading among some citizens that the person “is close to the prosecutor”, assess that the situation could lead to a serious loss of public confidence, decide to change the gym and keep such a distance from the person as to



avoid meeting them in any private or social setting. By taking this approach, the prosecutor would carefully preserve not only the appearance of impartiality but also the exemplary stance expected of a member of the judiciary in the eyes of society.

24. Judges and prosecutors exercise particular care, prudence, and moderation in matters concerning alcohol consumption and playing games of chance. They carefully avoid attitudes and behaviours that could damage their own reputation and, consequently, the reputation and credibility of the judiciary, and do not create the impression in the mind of an objective observer in society that they engage in such activities excessively or to the point of addiction. They are aware that addiction or excess in these matters could harm their economic situation, health, family and social relationships, and the practice of their profession.
25. Without prejudice to the provisions of Article 48 of Law No. 2802 on Judges and Prosecutors, judges and prosecutors, when exercising their rights, as permitted by law, to establish housing cooperatives, civil society organisations, associations, foundations or professional associations, to become members thereof and to participate in their activities, act in a manner consistent with the reputation of the profession, the independence and impartiality of the judiciary, and other ethical principles. They acquire sufficient knowledge of the aims and activities of these organisations. They exercise greater sensitivity when making public statements on behalf of civil society organisations, associations, foundations or professional associations. They also contribute to and participate in the activities of civil society organisations, associations, housing cooperatives, foundations or professional associations outside working hours. They do not turn their participation in the governing bodies of housing cooperatives into a profit-making activity; refrain from accepting attendance fees or any other



remuneration, regardless of its designation, that is disproportionate to the work performed; do not enter into close relationships with contractors, businesspeople or political actors in a manner incompatible with the nature and characteristics of the profession; and take measures to prevent contractors from using the influence of the profession as an advertising tool in sales and marketing.

26. Judges and prosecutors inform their family members, close associates, and staff about ethical restrictions concerning their private lives and warn them not to violate these restrictions.
27. Judges and prosecutors exercise particular care regarding the persons with whom they associate in their private lives, never allowing the people they meet to influence their decisions, and taking particular care not to give the impression that these people influence or could influence their decisions. The conduct of judges and prosecutors should not raise doubts in a reasonable observer as to whether justice will be done, nor should it give the impression that individuals with whom they have social relationships have special access to judicial proceedings.

“...The place where a judge speaks or the occasion for the speech may cause the public to associate the judge with a particular organization, interest group, or case. This should be avoided...”⁵²

28. Judges and prosecutors do not give the impression that anyone is in a position to influence them inappropriately in their private lives in relation to their duties, nor do they allow anyone else to give such an impression. For example, a judge or prosecutor whose son is a lawyer does not allow his robed photograph to be displayed in his son's office or used in a manner that

⁵² *Judiciary of Scotland (n 43) para 4.19.*



could create the impression that he has influence over the judiciary. Likewise, a judge or prosecutor acting as if he were the owner of a restaurant belonging to his close friend, greeting some of the guests who come to the restaurant and paying attention to them, or displaying behaviour that gives the impression of having a very close relationship with the restaurant owner to people coming to that restaurant, or turning a blind eye to the restaurant owner's words or behaviour that would give the same impression to third parties, constitutes behaviour contrary to this principle.

29. Judges and prosecutors hold copyright in any written work they produce. However, where judges and prosecutors prepare a publication jointly with a third party, they must not allow the co-author to make use of their official position and must exercise sufficient control over publication agreements and any advertising activities to be carried out. However, where the activity of producing a written work is incompatible with the credibility, impartiality or independence of judges or prosecutors, or prevents them from dealing properly and within a reasonable time with the matters before them, such activity may be restricted. For example, the matter is clarified as follows in ethical consultative decision No. 961 of the General Assembly of the Council of Judges and Prosecutors, dated 22 December 2021: *"...The act of a lawyer practising in the same legal field as the court where the applicant serves, co-authoring a book with the applicant, will raise questions about the judge's obligation to act and appear impartial. This is because, from an objective point of view, co-authoring a book would create the perception that the judge has a close personal relationship with the lawyer, that the lawyer is held in esteem by the judge at least in terms of legal competence, and that the lawyer may have the ability to influence the judge's decision. The judge must avoid any situation that could call into question the appearance of impartiality. For the reasons stated, it was unanimously*



decided that the applicant's co-authoring a book on labour claims with a lawyer who is an expert witness in the same field of law would not be in accordance with the principle of impartiality set forth in the Declaration of Ethics for Turkish Judiciary..."

- 30.** Judges and prosecutors carefully select the venues and social settings they frequent, including places where they shop or meet their daily needs, taking into account the reputation of the establishment, the profile of its clientele and how their presence there might be perceived by a reasonable observer. They take care to ensure that the environments they choose for their social lives are compatible with their status, safeguarding both their personal reputation and institutional reputation. For example, judges and prosecutors are aware that it would be incompatible with the honour of the profession to visit a place known for frequent criminal incidents, a place which officially operates as a lawful business but is owned by a person reputed in society to engage in loan-sharking or to use influence to pursue matters before public authorities, or a place known to host gambling.



8. THEY ARE COMPETENT AND ACT DILIGENTLY IN THEIR PROFESSION

A. Introduction

According to the Turkish Language Association, competence is defined as “the state of being competent, maturity, perfection, excellence”; diligence is defined as “the effort made to ensure that a task is performed as well as possible; care, attention.” When these concepts are considered together, it is understood that the standard of behaviour expected of judges and prosecutors in the performance of their professional duties is directly related to both their level of knowledge and experience and the attention and diligence in their approach.

The judicial function is a public service that directly affects individuals' fundamental rights and freedoms and represents public authority. Possessing legal knowledge alone is not sufficient for this public service to be carried out reliably and fairly. It also requires qualifications such as using this knowledge through correct methods, basing decisions and proceedings on sufficient grounds, following current legal developments, taking into account the details specific to each case, and adopting a human-centred approach in all circumstances. When all these elements are combined, the comprehensive meaning of the concept of “competence” in terms of judicial ethics becomes apparent.

Furthermore, the concept of “diligence” is not limited to mere formal attention. In particular, conducting judicial proceedings in a timely, complete and fair manner, with respect for human dignity and due regard for their social consequences, is among the fundamental components of diligent conduct. All oral and written decisions of judges and prosecutors may affect not only the parties to the case but also, at times, society and confidence in the legal system. Therefore, the responsibility attached to every action taken and every decision rendered is of great significance.



Furthermore, professional competence depends not only on legal knowledge acquired through examinations but also on continuous professional development, the habit of following current legal precedents and legislation, and the ability to translate academic and theoretical knowledge into practice. In this context, a member of the judiciary who fails to develop themselves, remains distant from current legal developments, or attempts to justify their decisions with careless reasoning falls short of the ethical level of competence expected.

In conclusion, competence and diligence are the two fundamental pillars that sustain both the internal discipline and public credibility of the professions of judges and prosecutors. Judges and prosecutors are expected to apply their knowledge and expertise in a manner tailored to the particular features of each case and with the sensitivity necessary to ensure that justice is served. Judicial activity is not merely a decision-making process; it is also the responsibility to instil a sense of justice in society. This is only possible with a profile of a competent and diligent member of the judiciary.

In this context, judges and prosecutors, assuming responsibility for ensuring the realisation of justice, perform their duties in accordance with their conscience, without being influenced by any external factors, possessing the knowledge, experience, skills, personal qualities and qualifications required by the profession and social life, and in a manner befitting their moral maturity, competence and merit. In this regard, competence and merit are prerequisites for judges and prosecutors to perform their duties properly.

Judges and prosecutors who possess the competence and merit demonstrate exemplary conduct as expected of them, exercising the utmost diligence in the performance of their duties. They understand that their judicial duties take precedence over all other matters and that they must dedicate themselves to fulfilling these judicial duties.



“That judges and court officials possess high merit commensurate with the honour of their service is in keeping with the spirit of our judiciary.”⁵³ (Mustafa Kemal Atatürk)

“My honourable sultan, when the chief judge reads the register and says, ‘Appoint so-and-so to such-and-such judicial district,’ please graciously ask: ‘Is the judge you propose learned and worthy? Take care never to appoint an unworthy person, for the responsibility will be yours. Examine him properly; do not appoint an ignorant person as judge. I do not give my imperial consent to the appointment of an ignorant person.’”⁵⁴ (Koçi Bey, Risaleler [Treatises])

“The judge makes a value ‘judgement’ and ‘assessment’ concerning what individuals have done and/or failed to do in their relationships, and also calls them to account in the name of something.”⁵⁵ (Ioanna Kuçuradi)

⁵³ Fırat (n 11) 140.

⁵⁴ Koçi Bey, Risaleler [Treatises] 77, 133–134, cited in Fırat (n 11) 79.

⁵⁵ Kuçuradi (n 2) 133.



B. Principles

Judges and prosecutors:

8- Are competent and act diligently in their profession

8.1. perform their duties on the basis of their conscience and in a manner befitting their moral maturity, competence, and merit.

8.2. are aware of the impact that their decisions and acts may have on the lives of those concerned and on the society. Therefore, they conduct all their professional activities with due care and diligence and attach due importance to them. They address every problem with the same sensitivity and solution-oriented approach.

8.3. take care to reach all sources of information required to render a fair decision and to support their acts with sufficient justification.

8.4. assume responsibility to receive the necessary training to update and improve their professional knowledge and to follow scholarly advances, domestic and international legal developments, and case laws in their field.

8.5. know that enhancing their professional competence contributes to their capability to decide independently from external influences.

8.6. perform their duties without delaying justice and within a reasonable time.

8.7. set a good example in terms of professional ethics through the attention they pay to their behaviour as well as their commitment to their duty, endeavour, and sedulity.

8.8. use their working hours efficiently and act with maximum care not to hinder the public duty. They know that time is important for everyone and act sensitively in this regard.

8.9. do not make any requests concerning appointments, changes in place of duty, and their rights related to employment that would be incompatible with the principle of fairness



C. Explanations and Concrete Examples of Application

1. Judges and prosecutors perform their duties in a manner befitting their moral maturity, competence and merit. Their conscientious convictions serve as their guide.

“Being a good judge requires maturity. Maturity, in turn, is the product of time and experience. Being a judge is also a stressful and bench-bound profession. Therefore, a wise judge must remain healthy and seek ways to preserve their health.”⁵⁶

2. Judges and prosecutors are aware that the decisions they make and the proceedings they carry out have significant effects not only on the parties involved but also on society as a whole. The direct or indirect effects of judicial activities can either strengthen or undermine the sense of justice. For this reason, judges and prosecutors act with a high degree of attention, care and responsibility in performing their duties. Anticipating that each case may have critical consequences in an individual's life, they adopt a solution-oriented and human-centred approach. Judges and prosecutors are aware that their decisions will resonate not only in the legal world but also in society; they know that their decisions not only resolve disputes but sometimes also shape society's perception of justice.

“Those who appear before the judicial authorities are not files or papers, but human beings; decisions are not mere pieces of paper, but documents that alter the destinies of individuals and even entire societies.”⁵⁷

⁵⁶ Edward F Hennessey, Excellent Judges 5–10, cited in Firat (n 11) 42.

⁵⁷ Muhammet Özokes, ‘Ülkemizde Yargı Etiği Sorunlarına



“...At first glance, requiring a judge to possess qualities such as love, mercy, compassion, pity and affection may be regarded as a weakness. In reality, however, it is essential for a judge to possess these qualities. If these qualities were not required, a computer into which all the data in the case file were loaded could also perform the function of a judge. However, the resulting decision would then lack a soul. This is because law is not merely a mathematical and logical analysis, but a conscientious reflection of what is just...”⁵⁸

“The judge must, in a manner consistent with nature, the ordinary course of events and reality, and without becoming trapped within hardened hearts and rigid patterns, bring to the dispute a solution that bears the scent of humanity.” (Court of Cassation, 1st Civil Chamber, E 1976/9370, K 1976/13138, 31 December 1976)

3. The lack of sufficient competence in their professions may prevent judges and prosecutors from making correct and equitable decisions in judicial proceedings and may also undermine the confidence of the public in the judiciary. In this context, since a lack of knowledge or skills on the part of judges and prosecutors in matters such as taking statements, conducting interrogations, managing hearings, drafting decisions, knowledge of legislation, accurately determining court fees and litigation costs, giving complete and accurate instructions to law enforcement officers, and using UYAP information systems at an

Örneklerle Bir Bakış' [An Overview of Judicial Ethics Issues in Türkiye through Examples] (paper presented in Ankara, 18 February 2009) 6
<<https://www.muhammedbalci.com/hukukdunyasi/alintilar/425.pdf>> accessed 9 September 2025.

⁵⁸ Edward F Hennessey, Excellent Judges 11–28, cited in Fırat (n 11) 44.



adequate level may prevent the proper performance of their duties, all judges and prosecutors are expected to develop sufficient competence in these areas.

*“One who is not thereby righteous because one arbitrates hastily. He who is wise investigates both right and wrong. The wise man who guides others with due deliberation, with righteous and just judgment, is called a true guardian of the law.”⁵⁹
(Commentary on the Bangalore Principles of Judicial Conduct, “Buddhist Philosophy” Part)*

“The value of a lawyer is measured not by the extent of their knowledge, but by their ability to apply that knowledge.”(Ernst Eduard Hirsch)

4. Judges and prosecutors act with an awareness of the profound impact that all their proceedings and decisions have on the lives of the parties and, consequently, on society's trust in the judiciary. In this regard, they approach each case with the same diligence and sensitivity, regardless of the workload, the subject matter of the dispute, the parties involved, the economic value, the level of public attention the case receives, or the amount of the penalty prescribed by law for the act. For example, they show the same diligence and sensitivity in cases involving theft with relatively low material value as they do in cases involving theft with relatively high material value. They are also aware that adopting a solution-oriented approach to the disputes they encounter in their professional activities will positively reinforce the perspective of the parties and, ultimately, society towards the judiciary.

⁵⁹ *Dhammapada, sections 256 and 257, cited in United Nations Office on Drugs and Crime (n 7) 150.*



5. With regard to the prevention of secondary victimisation, paragraphs 32 and 34 of CCPE Opinion No. 12 on “The Role of Prosecutors in Relation to the Rights of Victims and Witnesses in Criminal Proceedings” address this issue as follows: *“Secondary victimisation is a harm which is not caused directly by an offender, but originates as a consequence of actions of prosecutors, law enforcement agencies or judicial authorities having an impact on the victim. Prosecutors should seek to avoid secondary victimisation being caused by their actions... An unprofessional approach by prosecutors, police, other law enforcement or judicial authorities, may also lead to secondary victimisation. Lack of understanding of the particular situation of victims may give rise to feelings of isolation, uncertainty and loss of faith in the criminal justice system on the part of the victims.”*
6. Judges and prosecutors exercise due diligence in resolving disputes, address the matters raised by the parties in their claims and defences, do not overlook the parties’ requests during proceedings, and obtain from the parties or relevant authorities any information and documents they consider useful for resolving the dispute. Furthermore, judges and prosecutors who resolve disputes in accordance with the law through their competence and professional diligence also set out the reasons for their decisions or acts with the same competence and diligence. This is because the right to a reasoned decision, one of the principal components of the right to a fair trial, is recognised and protected in fundamental international human rights instruments and the Constitution. Reasoning establishes the link between a judicial decision and the truth and also lays the foundation for effective judicial review. It thus makes it possible to ascertain that the decision is based on objective grounds rather than personal bias. Individuals’ confidence in the judiciary is strengthened when they find the reasoning satisfactory. In this context, judges and prosecutors take care to consult all necessary



sources of information and to support their decisions and acts with adequate reasoning in order to deliver fair decisions. They also pay due regard to effective access to sources of information, the careful and competent use of Turkish, clear and concise language, and mastery of legal methodology, thereby ensuring that their decisions are supported by adequate and sound reasoning.

“The reasons must be consistent, clear, unambiguous and not contradictory. They must allow the reader to follow the chain of reasoning which led the judge to the decision.” (CCJE Opinion No. 11, para 36)

7. Judges and prosecutors make the necessary and appropriate references to the judicial decisions and scholarly opinions they cite in their decisions, show absolute respect for the authors of ideas and works that are not their own, and raise awareness of this issue among assistant judges and prosecutors.
8. The disputes brought before judges and prosecutors are diverse and cover a wide range of areas, following a dynamic course. Ensuring justice will only be possible by keeping pace with these developments. Based on this reality, strengthening professional skills and constantly updating knowledge is of paramount importance. In this context, it is essential that judges and prosecutors continuously review their professional knowledge and closely follow national and international doctrine and practice as well as changes in legislation. Thus, the legal vision whose foundations are laid during university education and which takes concrete shape through pre-service training matures through the sharing of experience and in-service training, thereby strengthening their interlocutors' confidence in the judiciary.

According to Kuçuradi, in summary, *"In order for a judge to perform their judicial duties fairly, they must possess ethical freedom as an individual, as well as the necessary*



knowledge and skills. In order to make correct assessments, they must have a clear philosophical understanding of concepts directly related to their work, such as right, value and justice, etc., and they must have as much information as possible about the laws in force in their own country and in other countries, the amendments made to these laws, the decisions taken in accordance with and contrary to these laws, and the reasoning underlying those decisions, and they must constantly update themselves."⁶⁰

*"Subject to any requirements of local law, whatever the nature of his or her duties, a judge cannot properly ignore, or claim ignorance of, international law, including international human rights law."*⁶¹ *(Commentary on the Bangalore Principles of Judicial Conduct, para 206)*

9. Judges and prosecutors should view the evaluation and grading of their performance not only as an indicator of merit and a criterion for career advancement, but also as an element that reveals areas for improvement and contributes to their own learning process.
10. Judges and prosecutors enhance their professional knowledge by following professional publications, accessing information sources such as books, journals, and articles related to their areas of responsibility or other areas of law, and participating in professional development activities such as in-service training and seminars. In this way, judges and prosecutors who keep their professional knowledge up to date and add to it increase their competence in making decisions in accordance with the law. In addition to reading scientific publications and participating in in-service training, they also increase their knowledge by following the decisions of higher courts. Furthermore,

⁶⁰ Kuçuradi (n 2) 152.

⁶¹ *United Nations Office on Drugs and Crime (n 7) para 206.*



they are willing to develop their core competencies, such as openness to learning, knowledge sharing, communication skills, a solution-oriented approach, effective use of resources, the ability to work as part of a team, and institutional awareness. They strive to enhance their competencies by pursuing master's, doctoral and similar postgraduate studies without neglecting their duties.

- 11.** One of the most important foundations enabling judges and prosecutors to make decisions independently and free from any external influence is their full knowledge of the legislation and case law concerning the dispute before them. The legal conviction of a judge or prosecutor who has endeavoured to enhance his or her competence and become well-equipped will rest on much firmer grounds. Thus, they are able to make decisions independently of the views of their colleagues, prevailing public opinion and media reports.
- 12.** Time is valuable to everyone, and it is certain that all delays, except those arising from exceptional and unforeseen circumstances, will cause individuals to lose time, effort and rights, create dissatisfaction, foster the perception that prolonged proceedings make access to justice difficult, and ultimately undermine the right to a fair trial. Judges and prosecutors perform their duties within a reasonable time and comply with target timeframes, bearing in mind that delays in the performance of their duties will weaken the confidence of both the parties and society in the judiciary, given their expectation that swift and fair decisions will be delivered and justice realised. In this context, they do not prioritise disputes that can be resolved easily and leave other files pending on account of the remaining period of service at their current place of duty, promotion considerations or any other reason. They do not prolong proceedings by scheduling on-site inspections or hearings for dates on which they know



in advance that they will be on leave. They ensure that the interlocutory decisions they issue and the official letters they issue contribute to shortening the duration of proceedings, and they plan their own leave and that of their staff in a manner that does not disrupt judicial activities.

“A judge must be prompt in delivering his judgment. The purpose for appointing a judge in the first place is to resolve people’s disputes and put an end to their conflicts. The quicker a proper judgment can be given, the quicker people can receive what is rightfully theirs.”⁶² (Commentary on the Bangalore Principles of Judicial Conduct, “Islamic Law” part)

“The judge must deliver his ruling no later than sunset.” (The Laws of the Twelve Tables)

“To no one will we sell, to no one deny or delay right or justice.” (Magna Carta Libertatum)

- 13.** The duties performed by judges and prosecutors are closely monitored by society and involve collective work with many institutions. For this reason, judges and prosecutors set an example to society and to those with whom they work through their dedication, effort, diligence and dignified demeanour. Consequently, it is natural to expect a degree of self-sacrifice and dedication from those who practise the profession of judge or prosecutor that is beyond that of other professional groups.

“...There are two imperatives of loyalty for a judge: on the one hand, the duty to exercise the powers conferred upon them, and on the other hand, the prohibition against exceeding those powers. When democracy and fundamental freedoms are at risk,

⁶² *ibid* 157.



such loyalty cannot be expected from a judge...”⁶³ (Guidelines for Magistrates: Principles, Values and Qualities – Belgium, Part 2, “Loyalty”)

“If you pay attention, you will notice that the best workers are those who are unable to describe how they do their jobs. Conversely, those who are very good at explaining what they do rarely produce good work. I know someone who is very good at speaking eloquently about every kind of work and making himself heard, yet he pitifully squandered a fortune that yielded him hundreds of thousands a year.”⁶⁴ (Michel de Montaigne)

14. Judges and prosecutors attach importance to the cleanliness and tidiness of their offices and courtrooms, take care with their attire, and do not appear tired, sleepy or lacking in seriousness, or otherwise create a negative impression while taking statements or conducting hearings. For example, the Italian High Council of the Judiciary regarded it as a breach of the duty of efficiency for a judge to continue working in an office that also served as a courtroom while it was cluttered with piles of files, old newspapers, bottles and old shoes.⁶⁵

“A courtroom is a place of seriousness, sobriety and respect. It is not a place for frivolous behaviour, protracted speeches and bad manners. This applies equally to litigants, witnesses and everyone else present in the courtroom. When the judge takes his

⁶³ *Guidelines for Magistrates: Principles, Values and Qualities – Belgium (n 16) 20.*

⁶⁴ Montaigne, Denemeler [Essays] 96 (bk II, ch XX), cited in Firat (n 11) 18.

⁶⁵ Decision of the Disciplinary Section of the Italian High Council of the Judiciary (13 June 1997), cited in Giacomo Oberto, 13, cited in Inceoglu (n 6) 156.



seat, he should be in a presentable state, completely prepared to hear the cases that will come before him and to consider all the evidence that will be presented to him. The judge should not be in a state of anger, and should be free from severe thirst, excessive joy or grief, and extreme worry. He should not be in need of relieving himself or be overly tired. All of these things can compromise his mental state and his ability to properly consider the testimony of litigants.”⁶⁶ (Commentary on the Bangalore Principles of Judicial Conduct, “Islamic Law” section)

15. Judges and prosecutors maintain their professional demeanour and dignified stance even when their decisions are debated in public and they are personally criticised for those decisions; they do not defend their decisions in public or respond to criticism except through briefings and press statements made by the competent authorities.
16. Judges and prosecutors do not engage in any argument with parties or their lawyers who are dissatisfied with a decision after rendering that decision on the matter in dispute at the investigation or prosecution stage.
17. It is of great importance that judicial services be delivered in a timely manner so that persons entitled to rights may secure them as soon as possible and public confidence in the judiciary may thereby be strengthened. In this regard, judges and prosecutors adhere to working hours and are present at their posts on time, as required by the principle of continuity and efficiency of public service. In addition to adhering to working hours, they focus entirely on their work during working hours, devote their working hours directly to their profession and to justice, and pay the utmost

⁶⁶ *United Nations Office on Drugs and Crime (n 7) 156.*



attention to using their working hours efficiently. In places where they work under a heavy workload, they strive to develop their workload management skills.

- 18.** Judges conduct judicial activities such as hearings and judicial on-site inspections at the times they have scheduled and plan accordingly. In this context, they determine the dates and times of hearings in a manner that does not cause a waste of time for themselves or the parties or their representatives, taking into account the number of parties to the case, the scope of the case, and its progress.
- 19.** During the taking of statements, public prosecutors hear the parties, witnesses or counsel as soon as possible, arrive at the scene of the incident in a timely manner, and conclude the procedures expeditiously, taking into account the working schedules of other public officials who will be present during post-mortem examinations and autopsies, as well as the sensitive circumstances of the deceased's relatives. Prosecutors ensure that trials are concluded as quickly as possible by making the necessary preparations in advance for the hearings they will attend and the opinions and views they will present.
- 20.** Judges and prosecutors ensure that clerical staff adhere to working hours and use their time efficiently by effectively exercising their authority to supervise and monitor them.
- 21.** Judges and prosecutors comply with the regulatory provisions concerning appointments, transfers, employment-related rights, the allocation of official housing, the use of social facilities and other matters, and do not make requests that are incompatible with fairness and justice.



CONCLUSION

The ethical principles and practical examples set out in these Guidelines apply to persons falling within the scope of Article 3 of Law No. 2802 on Judges and Prosecutors. These persons include court presidents and members, judges, rapporteur judges of the Court of Cassation, and judges performing administrative duties in the central, affiliated and related institutions of the Ministry of Justice within the ordinary judiciary; court presidents and members, judges, rapporteur judges of the Council of State, and judges performing administrative duties in the central, affiliated and related institutions of the Ministry of Justice within the administrative judiciary; provincial and district chief public prosecutors, deputy chief public prosecutors, public prosecutors, public prosecutors of the Court of Cassation, and prosecutors performing administrative duties in the central, affiliated and related institutions of the Ministry of Justice within the ordinary judiciary; and prosecutors of the Council of State and prosecutors performing administrative duties in the central, affiliated and related institutions of the Ministry of Justice within the administrative judiciary. They also include the Secretary General and Deputy Secretaries General, the Head and Deputy Heads of the Inspection Board, rapporteur judges, chief inspectors and inspectors serving at the Council of Judges and Prosecutors. These Guidelines provide fundamental guidance on certain situations that the persons listed above may encounter in their professional, social and private lives. However, ethical conduct is a multifaceted field that cannot be confined solely to written rules and requires conscientious judgment, legal intuition and a sense of responsibility in the performance of one's duties. It is therefore neither possible to enumerate every conceivable scenario individually nor to prescribe a specific rule for every situation in these Guidelines.

Judges and prosecutors are expected to apply the principles set out in these Guidelines not merely in a formalistic manner, but by internalising their essence and



purpose. These Guidelines essentially invite judges and prosecutors to assess their own conduct, in their own consciences, from the standpoint of judicial ethics. Acting in accordance with the spirit of ethical principles is the most fundamental condition for strengthening public trust in the judiciary.

Even where a situation is not expressly regulated in the Declaration, judges and prosecutors are expected to base their decisions and conduct on the spirit of these principles. These principles embody the shared expectations not only of a professional group but also of society, which places its trust in the judiciary. Nevertheless, in cases of doubt, an application may be submitted to the Council of Judges and Prosecutors for an ethical consultative decision.

Furthermore, prior to the preparation of the present Guidelines, a dedicated guide addressing social media use, one of the most frequently raised issues, had already been prepared and published on the Council's website under the title Guidelines on the Use of Social Media within the Scope of the Declaration of Ethics for Turkish Judiciary (the "Social Media Guidelines"). While the present Guidelines envisage judges and prosecutors serving as guarantors of justice, impartiality and independence through their decisions and conduct, the Social Media Guidelines aim to ensure that these ethical principles continue to apply on digital platforms, thereby pursuing the same objective. In this respect, the Social Media Guidelines are the digital-age reflection and complement of the Declaration of Ethics for Turkish Judiciary. Both the Social Media Guidelines and the present Guidelines constitute commentaries on the Declaration. The Declaration safeguards against attitudes and conduct by judges and prosecutors that could undermine their credibility, independence, impartiality and integrity, as well as public trust in the judiciary.

It should not be forgotten that increasing public trust in the judiciary through adherence to ethical principles lies in the hands of judges and prosecutors and constitutes their greatest responsibility.



BIBLIOGRAPHY

Arı A, 'Hz. Ömer'in Ebû Mûsa El-Eş'ari'ye Gönderdiği Mektubun Yargılama Hukuku Açısından Analizi' [An Analysis of the Letter Sent by Caliph Umar to Abu Musa al-Ash'ari from the Perspective of Procedural Law] (2003) 2 İslâm Hukuku Araştırmaları Dergisi 85–99

Aristoteles, Nikomakhos'a Etik [Nicomachean Ethics] (Furkan Akderin tr, 1st edn, Say Yayınları 2014)

Australasian Guide to Judicial Conduct (3rd edn, 2019) <<https://ajja.org.au/publications/guide-to-judicial-conduct-third-edition-revised/>> accessed 26 September 2025

Canadian Judicial Council, Ethical Principles for Judges <https://cjc-ccm.ca/cmslib/general/news_pub_judicialconduct_Principles_en.pdf> accessed 26 September 2025

Committee of Ministers of the Council of Europe, Recommendation CM/Rec(2010)12 to Member States on Judges: Independence, Efficiency and Responsibilities, Turkish translation <<https://rm.coe.int/avrupa-konseyi-bakanlar-komitesi-cm-2010-12-say-l-tavsiye-karar-16809f0093>> accessed 26 September 2024

Consultative Council of European Judges (CCJE), Opinion No 3 on the Principles and Rules Governing Judges' Professional Conduct, in Particular Ethics, Incompatible Behaviour and Impartiality, submitted to the attention of the Committee of Ministers of the Council of Europe (2002) <<https://rm.coe.int/16807475bb>> Turkish translation <<https://www.hsk.gov.tr/Eklentiler/Dosyalar/a9ea0e77-409d-41be-bee1-5f02a30aa528.pdf>> accessed 8 September 2025

Consultative Council of European Judges (CCJE), Opinion No 11 on the Quality of Judicial Decisions, submitted to the attention of the Committee of Ministers of the Council of Europe (2008) <<https://rm.coe.int/16807482bf>> accessed 8 September 2025



Consultative Council of European Judges (CCJE) and Consultative Council of European Prosecutors (CCPE), Opinion No 12 of the CCJE and Opinion No 4 of the CCPE, submitted to the attention of the Committee of Ministers of the Council of Europe on the Relations between Judges and Prosecutors in a Democratic Society (2009) <<https://rm.coe.int/1680747391>> Turkish translation <<https://www.hsk.gov.tr/Eklentiler/2003202409409-ccpe-4-2009-10192635042-pdf.pdf>> accessed 8 September 2025

Consultative Council of European Prosecutors (CCPE), Opinion No 9 submitted to the Committee of Ministers of the Council of Europe: European Norms and Principles concerning Prosecutors (2014) <<https://rm.coe.int/168074738b>> Turkish translation <<https://www.hsk.gov.tr/Eklentiler/Dosyalar/26b555c0-9084-4429-a3e0584a96a9e77a.pdf>> accessed 8 September 2025

Consultative Council of European Prosecutors (CCPE), Opinion No 12: The Role of Prosecutors in Relation to the Rights of Victims and Witnesses in Criminal Proceedings (2017) <<https://rm.coe.int/opinion-no-12-on-the-role-of-prosecutors-in-relation-to-the-rights-of-168076fd32>> Turkish translation <<https://www.hsk.gov.tr/Eklentiler/170120251638ccpe-12-2017-pdf.pdf>> accessed 8 September 2025

Consultative Council of European Prosecutors (CCPE), Opinion No 13: Independence, Accountability and Ethics of Prosecutors (2018) <<https://rm.coe.int/opinion-13-ccpe-2018-2e-independence-accountability-and-ethics-of-pros/1680907e9d>> Turkish translation <<https://www.hsk.gov.tr/Eklentiler/170120251638ccpe-13-2018-pdf.pdf>> accessed 8 September 2025

Council of Ethics for Public Officials of the Republic of Türkiye, Kamu Görevlileri Etik Rehberi [Guide on Ethical Conduct for Public Officials] (Mustafa Lütfi Şen ed, 9th edn, 2023)



Council of Europe–European Union Joint Project on Strengthening Judicial Ethics in Türkiye, Yargı Etiğiyle İlgili Avrupa Standartları ve Uygulamaları [European Standards and Practices Relating to Judicial Ethics] (Council of Europe 2016)

Dedeoğlu G, Etik ve Bilişim [Ethics and Informatics] (2nd edn, Etki Yayınları 2009)

European Court of Human Rights, Resolution on Judicial Ethics
<https://www.echr.coe.int/documents/d/echr/Resolution_Judicial_Ethics_ENG> Turkish translation
<https://www.hsk.gov.tr/Eklentiler/Dosyalar/Uluslararası_Hukukta_Etik_Kodlar.pdf> accessed 9 September 2025

European Guidelines on Ethics and Conduct for Public Prosecutors (the Budapest Guidelines)
<<https://rm.coe.int/conference-of-prosecutors-general-of-europe-6th-session-organised-by-t/16807204b5>> Turkish translation
<<https://www.hsk.gov.tr/Eklentiler/Dosyalar/d28e036f-72e3-4db7-a602-b86c198eb73c.pdf>> accessed 9 September 2025

European Network of Councils for the Judiciary, Judicial Ethics Report (2009–2010)
<https://www.encj.eu/images/stories/pdf/ethics/judicialet_hicsdeontologiefinal.pdf> accessed 9 September 2025

Fırat A, Yargı Etiği ve Mesleki Kimlik [Judicial Ethics and Professional Identity] (1st edn, TAA Yayınları 2017)

General Assembly of the Council of Judges and Prosecutors, Ethical Consultative Decision No 349 (25 September 2019)
<<https://www.hsk.gov.tr/Eklentiler/files/HSK%20GENEL%20KURULU%20ET%C4%B0K%20SON%20HAL%C4%B0.pdf>> accessed 9 September 2025

General Assembly of the Council of Judges and Prosecutors, Ethical Consultative Decision No 961 (22 December 2021)
<<https://www.hsk.gov.tr/Eklentiler/120120221431etik-istisare-kararipdf.pdf>> accessed 9 September 2025



Guidelines for Magistrates: Principles, Values and Qualities – Belgium (2012)
<<https://csj.be/admin/storage/hrj/o0023f.pdf>> Turkish translation

<https://www.hsk.gov.tr/Eklentiler/Dosyalar/Uluslararası_Hukukta_Etik_Kodlar.pdf> accessed 9 September 2025

Inceoğlu S, Devlette Etikten Etik Devlete: Yargıda Etik [From Ethics in the State to an Ethical State: Ethics in the Judiciary] (TÜSİAD Publication No TÜSİAD-T/2012-08/530, TÜSİAD Yayınları 2012)

International Association of Prosecutors, Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors (1999) Turkish translation

<<https://www.iap-association.org/admin/IAP/media/Global-Training-Academy-Documents/Manuals/Turkish.pdf>> accessed 10 September 2025

Judiciary of Scotland, Guidance to Judicial Office Holders on Judicial Ethics in Scotland (revised 2023)
<https://www.judiciary.scot/docs/librariesprovider3/judiciarydocuments/guidance-to-johs-on-judicial-ethics.pdf?sfvrsn=8c484132_1> accessed 26 September 2024

Kuçuradi İ, *Etik* [Ethics] (6th edn, Türkiye Felsefe Kurumu 2015)

Ministry of Finance of the Republic of Türkiye, Kamu İç Denetim Standartları ve Meslek Ahlak Kuralları [Public Internal Audit Standards and Code of Professional Ethics] (2006)

Osmanağaoglu-Karahasanoğlu C, Gürler S, Kayak S and Kama-Işık S (eds), Yargıya Etikle Bakmak [Looking at the Judiciary through Ethics] (1st edn, Onikilevha Yayınları 2023)

Özekes M, ‘Ülkemizde Yargı Etiği Sorunlarına Örneklerle Bir Bakış’ [An Overview of Judicial Ethics Issues in Türkiye through Examples] (paper presented in Ankara, 18 February 2009)

<<https://www.muhamrembalci.com/hukukdunyasi/alintilar/425.pdf>> accessed 9 September 2025



Presidency of the Istanbul Regional Administrative Court of the Republic of Türkiye, Yargı Etiği [Judicial Ethics] (speeches from the Judicial Ethics Panel held on 7 February 2017)

Prime Ministry Council of Ethics for Public Officials (Türkiye), Kanun ve İlgili Düzenlemeler [Law and Related Regulations] (Kamu Görevlileri Etik Kurulu Yayını 2009)

Prime Ministry Council of Ethics for Public Officials of the Republic of Türkiye and Council of Europe Directorate General of Human Rights and Legal Affairs, Directorate of Co-operation, Economic Crime Division, Corruption and Fraud Unit, Yolsuzluğun Önlenmesi için Etik Projesi, Etik Yol, Etik Liderlik Programı Uygulama Kılavuzu [Ethics for the Prevention of Corruption Project, The Ethical Path, Ethical Leadership Programme Implementation Guide] (Elma Yayınevi 2009)

Ringeisen v Austria App no 2614/65 (ECtHR, 16 July 1971)

Sancak Y and Kıyak E, ‘Günümüz Türkçesi ile Mecelle’nin Onaltıncı Kitabı Kitâbü’l Kazâ Günümüz Düzenlemeleriyle Karşılaştırmalı Bir İnceleme’ [The Sixteenth Book of the Mecelle, Kitâbü’l Kazâ, in Contemporary Turkish: A Comparative Study with Contemporary Regulations] (2014) 22(2) Selçuk Üniversitesi Hukuk Fakültesi Dergisi 46–105

The Chief Justice of Bermuda, Guidelines for Judicial Conduct for the Judges of the Supreme Court of Bermuda and the Magistracy (2006) <https://www.gov.bm/sites/default/files/guidelines_for_judicial_conduct__bermuda_final_july14%202006_amended%20jan1%202014.pdf> accessed 26 September 2024

The Judiciary of the Hong Kong Special Administrative Region of the People’s Republic of China, Guide to Judicial Conduct (2022) <https://www.judiciary.hk/doc/en/publications/gjc_e.pdf> accessed 26 September 2024



United Nations Office on Drugs and Crime,
Commentary on the Bangalore Principles of Judicial
Conduct

<https://www.unodc.org/conig/uploads/documents/publications/Otherpublications/Commentry_on_the_Bangalore_principles_of_Judicial_Conduct.pdf> accessed 8
September 2025

Uygur G, Hukuk, Etik, Meslek Etiği [Law, Ethics and
Professional Ethics] (unpublished lecture notes)

Uzun T, 'Cenap Şahabettin'den Vecizeler'
[Aphorisms from Cenap Şahabettin] (2006) 15 Edebiyat
Dergisi 185–194, 190
<<https://dergipark.org.tr/tr/download/article-file/151684>>
accessed 29 September 2025