



**Assessment and Suggestions of  
the Union of Turkish Bar Associations  
Regarding the Reorganisation of the  
High Council of Judges and Prosecutors**



## INTRODUCTION

1. Independence and impartiality of the judicial power are indispensable conditions for a democratic regime where the rule of law prevails.<sup>1</sup>
2. An understanding of independence, and thus impartiality that depends solely on the courageous and ethical attitude of the members of the judiciary is not acceptable. What matters is to be able to establish a modern system that prevents all kinds of extrajudicial intervention to the judiciary, ensures that its members act lawfully and are otherwise held responsible for their actions, while placing individual freedoms and the right to a fair trial among the highest values. Fulfilment of these prerequisites is also the most important precondition for the citizen to feel a sense of judicial security. The judiciary's safeguarding of its independence, especially against executive and legislative powers, is the indispensable determinant of democracy.
3. A system that is based on these principles must embody members of the judiciary who have internalised the fact that distinguishing right from wrong, the just from the unjust, and the guilty from the innocent is not possible where the right of defence is restricted, and must rid itself of those who have not recognized it.
4. The system that had been established by the constitution of the 12 September military coup was an antidemocratic, faulty system which did not encourage participation and pluralism until the Constitution was amended pursuant to the 12 September 2010 Referendum, and worked like a "closed circuit" as the phrase goes. It absolutely needed modification.
5. On the other hand, the constitutional arrangement that was introduced with Law No. 5982 following its adoption by the 12 September 2010 Referendum has led to the emergence of new problems let alone resolving the matter.
6. The bill that was submitted to the Speaker of the Parliament on 7 January 2014 that proposes to amend the Law on the High Council of Judges and Prosecutors, No. 6087 and some other laws bestows powers on the Minister of Justice over the judiciary that are impossible to reconcile with judicial independence and impartiality. The bill has been adopted with minor amendments in the Justice Commission of the Turkish Grand National Assembly (TGNA) and is advancing in the legislative process; the principle of separation of powers will be greatly damaged in the event that this bill becomes law.
7. In brief, justice is the foundation of the country, and today the country is shaken to its foundations. Therefore, it is necessary for all political parties, the Union of Turkish Bar Associations, universities, non-governmental organisations, and all related persons and institutions to join forces to sort out how the judiciary can be independent and impartial and how the society that has lost her faith in justice can be reassured, and not concern themselves with how the judiciary could be controlled extrajudicially.
8. However, primarily and immediately, the bill to amend the Law on the High Council of Judges and Prosecutors, which is advancing in the legislative process before the TGNA, should be withdrawn.

---

<sup>1</sup> This principle, which is an indispensable provision for a democratic state of laws, is also stressed and recognized at the international level in the present day. See: The United Nations Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985, Article 1.



## **I. WHY IS IT VERY IMPORTANT THAT THE HIGH COUNCIL OF JUDGES AND PROSECUTORS IS INDEPENDENT?**

1. “High judicial councils” that aim to protect the members of the judiciary against all kinds of unjust and unlawful influence and interference which may come from inside or outside the judiciary, and thus to realize “judicial independence” in an effective manner, is a modus of resolution accepted in almost all advanced democratic countries.<sup>2</sup>
2. The system that was initially embraced with the 1961 Constitution in our country, appeared in heavily altered form first in 1971, and then in the first version of the 1982 Constitution, and then underwent a radical change with the constitutional amendments in 2010.
3. The High Council of Judges and Prosecutors fulfils the following duties in accordance with Article 4 of Law No. 6087, which regulates its formation, duties, and powers:
  - It finalises the proposals of the Ministry of Justice regarding the removal of a court or a change in its jurisdiction.
  - It carries out all personnel affairs of the judges and prosecutors other than those clearly bestowed on the Ministry by law. In this framework, it admits judges and prosecutors into the profession; performs acts of appointment and relocation, temporary entitlement, all kinds of promotions and first-rate distinctions, and distribution of cadres. It dismisses judges and prosecutors who are deemed not suitable for the profession; initiates disciplinary proceedings against judges and prosecutors, and imposes disciplinary penalties on those who are responsible; and suspends them from duty if necessary.
  - It superintends judges and prosecutors to see whether they perform their duties in accordance with the laws, by-laws, regulations, and circular letters; investigates whether they commit an illegal act ex officio or during their assignments, and whether their conduct and acts concur with the requirements of their office and duties; conducts inspections and investigations if necessary.
  - It draws up circular letters on matters pertaining to the administrative tasks of judges and the judicial tasks of prosecutors with the exception of the latter’s authority to assess evidence and to charge crimes.
  - It selects members for the Supreme Court of Appeals and the Council of State.
  - It performs other tasks conferred by the Constitution and relevant laws.
4. In that case, the independence of such a Council is an indispensable condition for judicial independence and impartiality, and for ensuring that the judiciary treats everyone equally before the law.

---

<sup>2</sup> “An appropriate method for guaranteeing judicial independence is the establishment of a judicial council, which should be endowed with constitutional guarantees for its composition, powers and autonomy.” CDL-AD(2007)028, “Judicial Appointments”, European Commission for Democracy Through Law, (Venice Commission), Report adopted by the Venice Commission at its 70th Plenary Session, Venice, 16-17 March 2007.



## II. WHY IS THE PRESENT STRUCTURE OF THE HIGH COUNCIL OF JUDGES AND PROSECUTORS THAT WAS DESIGNATED BY THE CONSTITUTION PROBLEMATIC?

1. The High Council of Judges and Prosecutors witnessed a radical change by the constitutional amendments of 2010. It was claimed that the following goals were aimed with those changes:
  - For the council to have a more pluralistic and participatory member composition,
  - For it to function more swiftly and more efficiently by way of increasing the number of its members and creating various divisions,
  - By creating its own secretariat and inspection bodies, for the Council to strengthen its independence against the executive, and
  - To ensure its transparency and accountability by opening some resolutions of the Council to judicial review.
2. Nevertheless, today it is observed that most of the expected benefits from the aforementioned changes have not been derived, and both the elections to designate the members of the Council, and various resolutions and acts of the Council are now subject to serious discussions and criticism from the viewpoint of the principle of "judicial independence."

### 3. Tabular explanation and assessment of the Council's present structure:

CAPACITY/ SELECTING APPOINTING OFFICE	WHETHER IT IS PRONE TO THE INFLUENCE OF THE EXECUTIVE BODY/ADMINISTRATION BASED ON THE ESTABLISHED SYSTEM (NOT ACCORDING TO PERSONALITY TRAITS)
President of the Council (Minister of Justice)	Member of the government.
Undersecretary of the Ministry of Justice	<p>Under the command of the Minister of Justice, and the Minister's subsidiary.</p> <p>(Duties and obligations of the Undersecretary of the Ministry of Justice according to Article 6 of Law no. 2992 on the Adoption by Amendment of the Statutory Decree on the Organisation and Tasks of the Ministry of Justice:</p> <p><i>"The Undersecretary is under the command of the Minister, and is the Minister's subsidiary. The Undersecretary organises and conducts the services of the Ministry on behalf of and according to the instructions and orders of the Minister in line with the Ministry's objectives and policies, development plans and annual programmes, and legislative provisions. To that end, the Undersecretary issues necessary orders to the institutions of the Ministry with the exception of the Inspection Board of the Ministry, and pursues and ensures the performance of those orders.</i></p> <p><i>"The Undersecretary is responsible to the Minister with regard to the implementation of the aforementioned services.")</i></p>



<p>4 members appointed by the President</p>	<p>In spite of the fact that the President is the head of state, he is endowed with a great number of powers with regard to the executive function. (Article 104 of the Constitution.)</p> <p>Those powers go rather beyond the powers that are given to the head of state in states that enjoy a parliamentary system of government.</p> <p>It is beyond doubt that the President, who is nominated by members of parliament or political parties, and elected by the people, will be a very powerful political figure within the system even if he is not a member of a political party. By virtue of the settled political culture in our country, the President is elected from among candidates nominated by political party councils, and generally a candidate from within the organisation of the party in power can become President.</p> <p>Nevertheless, the President is legally not liable, and politically unaccountable.</p> <p>In that case, the members that are appointed by the President may be assumed to be open to the influence of the President, who was elected by the people according to political party directions, and who has broad executive powers.</p> <p>The facts that the selection/appointment to HCJP membership is for 4 years, and that a member whose term of office has expired can be reappointed to the same position strengthen the possibility that members that are appointed by the President could be open to his suggestions during their term of office.</p>
<p>1 permanent, 1 substitute member to be selected by the General Assembly of Justice Academy of Turkey</p>	<p>The influence of the Ministry of Justice over the General Assembly of Justice Academy of Turkey is almost absolute. Hence, HCJP members to be selected by the General Assembly of Justice Academy of Turkey are in fact designated by the executive.</p> <p>(According to the Law on the Justice Academy of Turkey, No. 4954:</p> <p><i>In the General Assembly of the Justice Academy of Turkey, 8 members, along with the Minister of Justice, come from the Ministry of Justice. The President of the Academy is appointed by the Cabinet from among 3 candidates that are nominated by the Board of Directors of the Academy. Therefore, it is an expected result that the President would side with the Ministry in the show of hands in the General Assembly.</i></p> <p><i>1 member (the President) is directly tied to the executive since he/she is appointed by the Cabinet from among 3 candidates that are nominated by the Board of Directors of the Academy.</i></p> <p><i>Those who teach at the Academy select 4 members from within their ranks.</i></p> <p><i>Those who teach at the Academy, in turn, are designated by the Board of Directors of the Academy at the recommendation of the President. Therefore, it is not surprising that those 4 members would vote in the General Assembly according to the direction set by the Ministry.</i></p> <p><i>In this way, a block voting power of 13 members is formed at the side of the Ministry of Justice.</i></p> <p><i>The presidents of the academy that have been appointed by the Cabinet become ordinary members at the end of their terms of office.</i></p> <p><i>The Council of Higher Education, over which the executive is quite influential, designates 2 other members.)</i></p>



<p>10 permanent and 6 substitute members separately selected by the civil and criminal, and administrative judges and prosecutors from within their ranks</p> <p>(7 permanent and 4 substitute members from civil and criminal jurisdiction, 3 permanent and 2 substitute members from administrative jurisdiction)</p>	<ol style="list-style-type: none"> <li>1. All of the judges and prosecutors have the right to vote.</li> <li>2. Civil and criminal judges and prosecutors may vote for candidates from the civil and criminal jurisdiction, and administrative judges and prosecutors may vote for candidates from the administrative jurisdiction.</li> <li>3. All first-rate judges and prosecutors, who have not lost their necessary qualifications to be distinguished as first-rate, have the capacity to be selected.</li> <li>4. In every province, in elections to be conducted under the management and supervision of the provincial election board, judges and prosecutors that serve in that province and the districts of that province vote for civil and criminal judges and prosecutors to select members to the Council.</li> <li>5. In election for the civil and criminal jurisdiction quota every province comprises an election district, whereas in elections for the administrative jurisdiction quota the election district is the judicial locality of the regional administrative court. <ul style="list-style-type: none"> <li>- In most of the election districts, the number of constituents are so few as to result in predicting which constituent votes for which candidate. This state, as a matter of course, calls into being an environment susceptible to affect the will of the constituents.</li> </ul> </li> <li>6. It is observed that the possibility to influence the will of the constituents is quite high when one takes into joint consideration the HCJP's authority over judges and prosecutors, the right of HCJP members whose terms of office have expired to stand for re-election, and the fact that in most of the constituencies the number of constituents are so few as to permit predicting the preferences of the judges and prosecutors. The candidates under these circumstances keep hold of the "files" of the constituents, so to speak. In the face of this danger, abstract statements like "judges and prosecutors will not be put under influence" or that no member of the Council will ever try to use this position to his/her advantage, are not sufficient to constitute reassurance. What matters is to have a guaranteed system. At the same time, it could be rightly claimed that the candidacy of an incumbent constitutes unfair competition against the other candidates.</li> <li>7. It is also evident, in case of the candidacies of judges and prosecutors that serve in the bureaucracy of the Ministry of Justice, that unfair competition might occur to their advantage due to their standing.</li> <li>8. Right before the elections on 17 October 2010, an unofficial list presented as the candidate list of the Ministry of Justice was published in some media organs on 14 October 2010. The question of whether the free will of the constituents was influenced was further brought to attention due to the fact that a large part of the names on that list won the elections at the end of the ballot on 17 October 2010.</li> </ol>
---	--



<p>5 permanent and 5 substitute members separately selected by the grand general assemblies of the Supreme Court of Appeals and Council of State from within their high court members</p> <p>(3 permanent and 3 substitute members from among the members of the Supreme Court of Appeals, and 2 permanent and 2 substitute members from among the members of the Council of State)</p>	<p>The fact that the number of high judiciary representatives is only 5 in the 22-seat Council might reduce the effectiveness of the high judiciary bodies to ensure uniformity in their case-law. Furthermore, the extent of reflection of the professional experience of the high judiciary members onto the Council is below the necessary level due to the shortage of their number. It is difficult to account for the fact that the quota reserved for the judges and prosecutors that serve in first instance courts is exactly double the quota reserved for the judges and prosecutors that serve in high judiciary.</p>
---	---

4. Within the framework of the aforementioned explanations, a systemic problem is observed regarding the independence of the Council. That state of affairs justifiably gives cause for questioning judicial independence. A constitutional amendment is necessary to reach a solution.
5. We particularly would like to underline that our findings are aimed at the system. We do not find it constructive to make an assessment that targets persons and is based on concrete acts of the Council. We would like to reiterate that, what matters is not the ethical attitudes of persons, but to be able to trust in the system.

### III. CLUSTER OF PRINCIPLES REGARDING THE REORGANISATION OF HIGH JUDICIAL COUNCILS

1. First and foremost, a fundamental preference that appeared in the original text of the 1982 Constitution and retained as it was in the aftermath of 2010 amendments, namely organization of “judges” and “prosecutors” under the roof of the same council, should be abandoned. Two different councils, a **High Council of Judges** and a **High Council of Prosecutors**, should be established.
  - a. Such a separation would permit the natural differentiation between these offices, which stems from the characteristics of the tasks that they perform, as they assume two different functions as “prosecution office” and “judicial office” in criminal procedure, to show its reflections on the relevant councils. In other words, this separation would ensure the conservation of the natural and required separation in basic functions such as appointment, crime policy and independence between prosecutors, whose closer relation with the Ministry of Justice is deemed relatively normal, and judges, who, for the sake of their duty, must be entirely independent from the executive body, and particularly from the Ministry of Justice.



- b. When one elaborates on this matter with specific focus on Turkey, it is possible to see that organization of judges and prosecutors under the same roof results in approximating the judges to the prosecution office, which is, by virtue of its characteristics, more unsecure and open to administrative supervision rather than approximating the prosecutors to the independent and more protected status that the judges enjoy.<sup>3</sup> In other words, equalising judges and prosecutors on the basis of councils, is an equalisation not for *independence* but rather for *dependence* in terms of the extent of independence, and causes great challenges, especially from the perspective of the characteristics and security of the profession of judgeship.
- c. On the other hand, this structure virtually aggregates the prosecution and the adjudication against the defence, and de facto unifies the assertor and the decreer.
2. The existence of the two different envisaged judicial councils is an important point in terms of ensuring customisation of the designation of members in accordance with the requirements, ensuring independence of those councils, and securing accountability of the judiciary as a whole within the democratic system and the democratic representation of the judges and prosecutors within the councils.
  3. First and foremost, it should be maintained that persons from the professions of judgeship and prosecution take part in the high councils according to a certain ratio.
  4. It would be a balanced solution if judges and prosecutors that serve in the high judiciary (Supreme Court of Appeals and Council of State), and at the level of first instance and appeal courts are represented according to a certain ratio both at the High Council of Judges and at the High Council of Prosecutors.
  5. It should be essential that members who belong to the high judiciary that serve in the councils should be designated from within the members of those judiciary bodies by way of elections.
  6. It is generally accepted that judges that serve in the high judiciary could more easily withstand any pressure and interference that could come from legislative and executive bodies, as in principle they are positioned at the top of their careers.<sup>4</sup> When the professional experience of these judges is also taken into account, it should be considered that *the ratio of judges* that serve in the High Council of Judges should be increased in comparison to the present structure of the HCJP.
  7. In addition to the high judiciary, it should be accepted that judges who serve at the level of first instance and appeal courts would be elected to the High Council of Judges, and that prosecutors who serve at the level of first instance and appeal courts as well as the high courts (Supreme Court of Appeals and Council of State) would be elected to the High Council of Prosecutors.

---

<sup>3</sup> As a matter of fact, according to Bülent Tanör: "...it is also striking see that personnel affairs of judges and prosecutors are gathered within the legal power of the same council. This approach, which eradicates functional differences between the two, clearly means approximating the judges to the prosecution office, which has a less secure position, rather than approximating prosecutors to the more secure position that the judges enjoy or must enjoy" *Türkiye'de Demokratikleşme Perspektifleri*, (Democratization Perspectives in Turkey) TÜSIAD Publications No. T/97-207, İstanbul 1997, p. 154.

<sup>4</sup> Levent Gönenç, *Dünyada ve Türkiye'de Yüksek Yargı Kurulları*, (High Judicial Councils in the World and In Turkey) TEPAV Anayasa Çalışma Metinleri (Constitutional Work Texts) No. 4, Ankara 2011, p. 7.



- a. A *professional seniority requirement* should be sought of members who would be elected this way.
  - b. When the fact that judges and prosecutors who are not yet at the top of their careers could be more open to external influences and more defenceless against pressures and interferences is taken into consideration,<sup>5</sup> the number of these members in the councils should be less than the number of members that come from the high judiciary.
  - c. It should be ensured that constituents can vote without feeling under pressure in the elections for the members of the councils from the courts of first instance and the appeals courts, and from the prosecution offices structured alongside them. Remedies should be created that would prevent the voters' identities from being discovered. In order to achieve this, following actions are proposed:
    - i. The number of judges and prosecutors in most of the election districts are so few as to result in correctly predicting which constituent votes for which candidate. For this reason, *all the votes cast in Turkey should be collected at the Supreme Election Council in Ankara without opening the envelopes, and then envelopes coming from different ballot boxes should be mixed and counted afterwards.*
    - ii. Judges and prosecutors that serve in the bureaucracy of the Ministry of Justice should be barred from candidacy in order to avoid unfair competition and suppression of the constituents' will.
    - iii. A constituent's right to cast *as many votes as the number of members to be elected should be discussed.*
    - iv. The prevention of practices such as "lists" that could bring into question the political impartiality of the members of judiciary bodies should be seriously considered.
  - d. Those who are elected to high judicial councils from this source should be constitutionally assured the means to serve in any province of their choice in Turkey after their term of office has expired. Members that are thus provided with security of job location would then be rid of the need to serve in the Ministry of Justice bureaucracy in order to stay in Ankara after their term of office expires.
8. The Justice Academy of Turkey, which due to the structure of its General Assembly is under the administration of the executive body, should not elect members for the high councils. On the other hand, this structure of the Academy, which could allow the government to shape prospective judges and prosecutors in line with its wishes, should definitely be changed by heeding the principle of pluralism.
  9. Selection of a certain number of members who are not in the staff of judges and prosecutors by the TGNA should be ensured for purposes of guaranteeing the accountability of the judiciary power in the democratic system and for reinforcing democratic legitimacy. However, during this selection by the legislature, the condition of "qualified majority," which requires consensus among political parties and thus maintains political impartiality of the selected members, should become a must.
  10. The procedure of appointment by the President should either be completely abandoned, or limited to one member per council, or the power of the President in this field should be transformed into recommending members to the legislative body.

---

<sup>5</sup> Gönenç (2011), p. 8.



11. Lawyers are a constituent component of the adjudicatory process. The essence of the problem of fair trial, which Turkey has been unable to overcome, stems from the fact that the office of prosecution and the judicial office do not consider the defence as a constituent component. The General Assembly of the Union of Turkish Bar Associations should definitely have the ability to elect a certain number of members to the High Council of Judges and the High Council of Prosecutors in order to emphasize the fact that lawyers are a constituent component and to facilitate for judges and prosecutors to internalize this fact which indeed is an indispensable condition for a state of laws.
12. The participation of “organic members” in the high judiciary councils who come from the executive is traditionally one of the most criticised issues in the doctrine of constitutional law. In this context, the organic membership of the Minister and the Undersecretary of Justice should be ended.<sup>6</sup> However, representation of the Ministry by the Undersecretary in the High Council of Prosecutors without the right to vote should be considered.
13. The concept that the President of the Supreme Court of Appeals would be the President of the High Council of Judges, and the Chief Public Prosecutor of the Supreme Court of Appeals would be the President of the High Council of Prosecutors should be evaluated.
14. Re-election or reappointment of a Council member whose term of office has expired should absolutely be barred, even if this would come from a different quota. Decisions should be taken in a manner that the number of the present members of the council is considered as the total number of members. However, if for any reason the number of the members of the council should fall below half the total number of members envisaged by law, an election should be held for all members within one month at the latest. (Note: This possibility might occur due to reasons such as mass resignation.)
15. One third of the Council members should be renewed every two years. This way, it could be possible to prevent block votes that create major drawbacks.
16. In order for the high judiciary councils to perform the duties expected of them, some priorities should be pursued not only in the process of designating the members, but also in the process of designating the powers and working principles of the councils. In this context, the following issues should be especially stressed:
  - a. The internal structure and the working order of the Council should be put under constitutional guarantee, and the concept of the Council itself filling any gaps left by the Constitution should be discussed.
  - b. The issues that particularly come to the foreground in this context are the *structure of the divisions* and *division of labour*, in case the Council works through divisions, and the Council’s *secretariat services*. As a matter of fact, in the event that the division of labour between the divisions is left to the discretion of the legislature or left open to interference by the Ministry of Justice, the possibility could arise that all the other guarantees provided for the independence of the Council might boil down to nothing.

---

<sup>6</sup> Nonetheless, practices that open decisions and acts of judiciary councils to influences from the executive are criticised in a number of relevant international texts: “The authority taking the decision on the selection and career of judges should be independent of the government and the administration.” Recommendation No. R (94) 12 of the Committee of Ministers to Member States on Independence, Efficiency and Role of Judges, adopted by the Committee of Ministers on 13 October 1994 at 518th Meeting of the Ministers’ Deputies, Principle I, 2. c.



- c. In a similar vein, in cases where the Council secretariat follows the agenda of the Ministry, or the staff of the secretariat is appointed, and/or controlled by the Ministry of Justice, it would possible to claim that the proceedings of the Council would be under the supervision of the executive.
17. It should not be forgotten that high judiciary councils are councils that perform administrative acts and make decisions of an administrative nature, even though they are councils that are composed of judges and prosecutors to a great extent. That *all the decisions taken by the aforementioned councils should be open judicial review* is the natural consequence of this finding in a state of laws. At this point, the matter that ought to be stressed is that not only decisions regarding dismissal from the profession but also all acts and decisions that are of an executable nature and can therefore have an impact on the respective parties should be subject to judicial review.<sup>7</sup>
18. In light of the aforementioned principles, the number and breakdown of members of the high judiciary councils are proposed as follows:

---

<sup>7</sup> Within this scope, for example, “The possibility of an appeal to a court against decisions of disciplinary bodies should be provided for.” CDL-AD(2010)004, European Commission for Democracy Through Law, Venice Commission, Report on the Independence of the Judicial System Part I: The Independence of Judges, adopted by the Venice Commission at its 82nd Plenary Session, Venice, 12-13 March 2010, Conclusions no. 6.



<b>HIGH COUNCIL OF JUDGES</b>	17 members in total
President (President of the Supreme Court of Appeals)	
3 members selected by the General Assembly of the Supreme Court of Appeals from among their member judges	
2 members selected by the General Assembly of the Council of State from among their member judges	
1 member appointed directly by the President	
3 members selected directly by the TGNA with 2/3 qualified majority	
4 members selected from among their respective ranks by judges serving in first instance courts, regional courts of justice, regional administrative courts, courts of appeal, and as reporter judges in high courts	
2 members selected from among lawyers by the General Assembly of the Union of Turkish Bar Associations	
1 member selected by the General Assembly of the Supreme Court of Appeals from among the prosecutors serving at the Chief Public Prosecutor's Office of the Supreme Court of Appeals	

<b>HIGH COUNCIL OF PROSECUTORS</b>	11 members in total
President (Chief Public Prosecutor of the Supreme Court of Appeals)	
2 members selected by the General Assembly of the Supreme Court of Appeals from among the prosecutors serving at the Chief Public Prosecutor's Office of the Supreme Court of Appeals, and 1 member selected by the same from among the member judges	
1 member selected by the General Assembly of the Council of State from among the prosecutors serving at the Chief Public Prosecutor's Office of the Council of State	
3 members selected by the prosecutors serving in the first instance courts from among their ranks	
1 member selected by the TGNA	
1 member appointed by the President	
1 member selected from among lawyers by the General Assembly of the Union of Turkish Bar Associations	

#### **UNION OF TURKISH BAR ASSOCIATIONS**

