

STATUTE OF THE UNION OF THE JUDGES AND PROSECUTORS

Preamble

(1) The right to freedom of association is regulated in the 22nd Article of the United Nations International Covenant on Civil and Political Rights. A restriction for the association of the judges and prosecutors is not envisaged in this Article.

(2) Also any restriction regarding the freedom of association is not provided in Article 11 of the European Convention on Human Rights and Fundamental Freedoms.

(3) In the “Basic Principles on the Independence of the Judiciary” adopted by General Assembly resolution 40/146 of 13 December 1985 it is declared that; “ In accordance with the Universal Declaration of Human Rights, members of the judiciary are like other citizens entitled to freedom of expression, belief, association and assembly; provided, however, that in exercising such rights, judges shall always conduct themselves in such a manner as to preserve the dignity of their office and the impartiality and independence of the judiciary.”

(4) In Article 9 of the “UN Guidelines on the Role of Prosecutors” adopted in 1990, it is expressed that “ Prosecutors shall be free to form and join professional associations or other organizations to represent their interests, to promote their professional training and to protect their status.”

(5) In Article 4 of the “Recommendation No. R (94) 12, adopted by the Committee of Ministers of the Council of Europe” it is articulated that “Judges should be free to form associations which, either alone or with another body, have the task of safeguarding their independence and protect their interests.”

(6) In Article 4 of “The Bangalore Principles of Judicial Conduct” prepared by “the Judicial Group on Strengthening Judicial Integrity” and adopted by the UN Human Rights Committee resolution 2003/43 on 23 April 2003 it is defined that “A judge, like any other citizen, is entitled to freedom of expression, belief, association and assembly, but in exercising such rights, a judge shall always conduct himself or herself in such a manner as to preserve the dignity of the judicial office and the impartiality and independence of the judiciary.”

(7) In this context the restriction envisaged in Article 16 of the Law on Associations numbered 2908, is not included in the Law on Associations numbered 5253, which abolished the former law. By this way the restrictions with regard to judges and prosecutors, constraining them from “forming of associations, being a member of the association, and to serve its bodies as a judge or prosecutor” are abrogated.

(8) Moreover the right to freedom of association is within the scope of the fundamental rights and freedoms according to the national and international regulations and it is expressed in the sentence added to Article 90 of the Constitution with the Law numbered 5170 that “In any disputes which may arise because laws contain different provisions on the same subjects as are dealt with in international treaties on fundamental rights and freedoms which have duly entered into force, the provisions of the international treaty shall be taken as a basis.”

(9) While in the 5th paragraph of Article 140 of the Constitution it is told that “Judges and Prosecutors cannot accept official or special tasks other than defined in the Law”, in the 4th paragraph of Article 48 of the Law on Judges and Prosecutors it is provided that “Judges and Prosecutors cannot accept official or special duties other than defined in the Law, and cannot pursue an occupation aiming economic benefits”. In this way the regulation in the constitution is allocated to the occupation aiming economic benefits. Moreover, founding an association, being a member of a founded association or to serve in an association is not a duty, but a “fundamental human right”. In other words, it is briefly a right. This has been stated in Article 33 of the Constitution too. There are no hindrances related to the judges and prosecutors in the laws and regulations regarding the founding of an association, being a member of a founded one or to serve in one. This is confirmed by Article 13 of the Constitution too. Therefore, while making regulations through the Law numbered 5253, naturally any amendment is not considered in the Law numbered 2802.

(10) The judiciary and the public prosecution are considered in the same status like in some other countries and the regulations of the Law numbered 2802 are in this direction. Because of the fact that the judiciary and the prosecution are accepted as duties of a unique profession and the mutual shifting of duties is always a possibility, it has been *necessarily* rendered possible that the high court judges, judges, public prosecutors and prosecutors assemble themselves under one roof, instead of categorizing themselves in different organizations.

(11) Moreover it has been indicated in the first, second and third Advisory Visit Reports regarding the Functioning of the Turkish Judicial System prepared on behalf of the European Commission that founding a professional organization consisting of judges, public prosecutors and prosecutors is necessary. The proposed professional organization should be at all points independent from the executive authority and shall have the character of a civil organization.

That is to say that a professional organization should not to be established, or caused to be established by the executive authority and be open to the influence of it, in order to be respected as an entirely civil institution

It is known that the European Association of Judges refused to accept an application of a professional organization of a country, which was regarded under the influence of the executive authority. Therefore the Union has embraced a nonpolitical and over political model of civil organization.

(12) Because of all these reasons, it has been decided to found the “Union of Judges and Prosecutors” having the status of an association after due consideration given to the

independence and impartiality of judiciary and assurance of the judges, to remove the political pressure and influence on the judiciary, to monitor the loyalty to the principles of professional ethics as long as there are no more objections for an organization of Judges of the High Court, judges, public prosecutors and prosecutors, which shall orient itself regarding the purposes and principles designed in its statute.

(13) The Union will be loyal to the Constitution and laws. It will act within the framework of the Constitution and laws. But its acting in accordance with the freedom of opinion and association according its purposes and principles, its adopting to convey within this context its opinion standpoints and observations to the decision makers and relevant units, related to the amendments that should be made in the constitution and laws, and its forming of the public opinion, cannot be interpreted as acts which are lying outside of the framework of the constitution and laws.

Article 1 - Name, short name and emblem of the association

- 1)The name of the association is “ The Union of Judges and Prosecutors”.
- 2)The shortened name of the association is “Yarsav”.
- 3) The emblem is to be determined by the administrative board.

Article 2 - Center and seat of the association

- (1) The center of the association is in Ankara.
- (2)The seat of the association is to be determined by the administrative board with the condition that it is in the center of the association.
- (3) The changes about the seat of the association shall be notified to the Governorship within thirty days beginning from the date of change.

Article 3- The aims of the association

- (1) The aim of the Union is, to procure the judicial independence, impartiality and assurance of judges.
- (2) The Union, as an over-political institution intends to make use of the human rights and liberties; to increase the efficiency, productivity, respectability of the law, to provide that the rule of law is superior and prevailing.
- (3) The Union aims to protect the professional rules and ethics in order to provide the common requirements, to improve the profession, to procure honesty and trust in the relation between the members of the profession and within the community.
- (4)The Union aims to defend the material and moral interests of the judges and prosecutors, and in particular to evolve their employment, vocational training and professional life.
- (5) The Union aims to improve the labor standards in the judiciary.

6)The union aims to bring the material, methodology and programs of the vocational retraining in agreement with the efficiency and respectability of the judiciary.

Article 4- The principles of the association

(1) The Union admits that there are three powers namely, the legislation, execution and the judiciary in the pluralist democratic systems, and between these powers no superiority but a division of responsibilities exists.

(2) The Union adopts to achieve its aims as a prerequisite, the presence of a democratic, secular and social state of law. The Union embraces the presence of a democratic, secular and social state of law as a prerequisite to achieve its aims,

(3) It defends that the independency of the judiciary should not be realized only regarding the public opinion, the legislative and executive organs, but it should be realized among judicial institutions too.

(4) It defends that the quality of law education should be exalted.

(5) It defends that eligible people shall be accepted to the profession and the executive function shall not have any influence in the entering upon the career.

(6) It defends that the number of the candidates to taken on considering the necessities, should not be determined by the executive authority, but by the “High Council of the Judges and Prosecutors.”

(7) It defends that the selection of trainee judges and prosecutors during the candidacy process should not be made by the executive authority.

(8) It defends that the admission of candidate judges and prosecutors to the profession, who have received an accelerated education may due to the shortness of the candidateship cause quality problems within the judiciary.

(9) It defends that the candidates besides the monitoring of the dealings and procedures in the judicial institutions, should be employed during the candidateship in the judicial institutions regarding designated issues, in order to achieve their adaptation to the law practice through taking personal responsibility.

(10) It adopts that during the training process, the jurisprudence and law practice should be taught by the persons who are expert in their field.

(11) It defends, that the candidateship should be carried out on the level of masters degree. The thesis of the candidates to be prepared in the Justice Academy should be by the admitting to the profession taken into account. After the academic evaluating of these thesis the “High Council of Judges and Prosecutors” should decide regarding all criteria the admission to the profession and the equivalence of the candidateship to the masters degree should be with this admittance provided.

(12) It adopts, that the candidates shall for a period of time, which has not be too short, examine the other judicial systems, appointed abroad and that they shall receive a foreign language course.

- (13) It defends the standardization of the workload and the determination of the number of the judges and prosecutors in the judicial agencies according to it.
- (14) It adopts, that for the development and innovation during the career the training a permanence needs.
- (15) It adopts that the specialization in the task and courts shall be provided.
- (16) It defends that the trial methods of the courts shall become closer.
- (17) It defends that the tasks of the high judiciary institutions, the job dilution in this institutions, moreover the appointments to be made in this institutions shall be defined according the criteria of specialization.
- (18) It defends that the promotion in the profession shall be performed through objective criteria.
- (19) It defends that the inspectorship shall be a task within a timeframe, and the inspectors shall be appointed among the competent members of the profession.
- (20) It defends that judicial supervision should not gain the character of advice and suggestion; there should be right to respond against the drafts of the inspection reports; it should be respected that the task of supervision on the issues that are subject to judicial settlements belongs to the competent judicial organs.
- (21) It defends that the judges and prosecutors should only be evaluated according to the professional rules and principals ; if the information, gathered from other sources, is used during the supervision, this information should be declared.
- (22) It defends that subordinating the members of the profession to a separate examination method is the compulsory clause of the judicial independence; and this should not be indicated as immunity from prosecution.
- (23) It defends the loyalty to the ethical rules and monitors diligently, whether it is acted according to these rules.
- (24) It defends that the experts should not be turned into people to whom the judicial competences are transferred.
- (25) It embraces geographical assurance; announcement of the draft decrees of appointments to the persons concerned and hearing their opinions on the issue.
- (26) It defends that the labor conditions of the judges and prosecutors and the employee personal rights of the actual and retired members of the profession should be improved in conformity with the respectability of the profession.
- (27) It defends that an adequate budget, in conforming with its position, should be reserved for the judiciary.
- (28) It defends that the judges and prosecutors should have access to all of their employment records.
- (29) It embraces transparency in the declaration of wealth of the judges and prosecutors.

- 30) It adopts that the members of the profession should not be employed in non-judicial services and tasks.**
- (31) It strives to prevent the bureaucratization of the members of the profession.**
- (32) It adopts that the informing of the press on grounds of trials and investigations, shall instead of administrative units or administrative institutions be performed only by the adequate number of the to be appointed members of the profession.**
- (33) It defends avoidance from ambiences, deeds and proceedings that can give rise to influencing the judiciary or produce such a perception.**
- (34) It defends not to act politically; but accepts that opposing the behaviors of other powers and political focuses which will directly or indirectly put the judiciary under influence, can not be considered as political acting.**
- (35) It adopts to contribute to contribute legislative functions of the legislative organ by delivering its opinions.**
- (36) It defends that the judges and prosecutors shall be enabled to be effective by the designating of the law and profession policies.**
- (37) It defends easy access to decisions of the high courts.**
- (38) It defends that a General Public Prosecution Office of Turkey should be founded.**
- (39) It adopts and defends that judges should with regard to their administrative acts subordinated to the “High Council of Judges and Prosecutors”, whereas the public prosecutors should with regard to their judicial and administrative acts subordinated to the “General Public Prosecution Office of Turkey”.**
- (40) It defends that a judicial law enforcement office should be established.**
- (41) It defends that public prosecutors should not investigate through legal assistance. Instead, when they see any need, they should transact the investigation proceedings through completing the related procedure by their own and the necessary technical support for this should be provided.**
- (42) It defends that the efficiency of the criminal judicial system can not only be established through legal arrangements, that particularly the supporting and logistical maintenance of the prosecution organization should be arranged too, standardization of the demands adequate for the requirements of justice service shall be defined and provided.**
- (43) It defends that the judicial resolutions shall be immediately executed in accordance with the principle “state of law” without any hesitation.**
- (44) It defends that the Presidency of the Forensic Medicine Institution shall be by respecting the administrative structure of the State transferred to Ankara and its agencies around the country become widespread, regarding its professional staff and facilities brought to top levels and its efficient control provided.**

(45) It adopts the idea that the quality of the employees and management of the justice departments shall be promoted, monitored and controlled by a specialized unit.

(46) It defends that the “Justice Commissions” shall be established by means of democratic principles.

(47)It defends that the frequently appealing to the amnesty institution, offends the sense of justice, and reduces the efficiency of the judicial agencies.

(48) Because of the fact that international agreements, which our country is a party to, are increasing each day, and the provisions of these agreements should be complied with by judicial organs, it embraces that these agreements should be submitted regularly for the information of the judicial agencies, including their reservations, declarations and interpretations in the official language.

(49) It defends that all decisions taken, all interpretations made, all principles determined by the competent units and committees within the context of implementing international agreements shall be submitted for the information of the judiciary through established translation offices.

50) The Union defends establishment of relations between the judges and prosecutors of different countries and by this way developing and maturing of their information level.

(51) It adopts that the “High Council of Judges and Prosecutors” should work as two councils namely, the judges and the prosecutors and the members of the Council should be appointed according to democratic principles.

(52)It defends that the members of the “High Council of Judges and Prosecutors”, shall not be able to be a candidate or fielded as a candidate in the elections during or for a definite time after their membership regarding the high judiciary.

53) It defends, that the “High Council of Judges and Prosecutors” shall not be influenced by the political power, and the minister and its secretary shall not take place in this Board.

(54) It adopts the opinion that the competences exercised by the Presidency of the Inspection Committee, the General Directorate of Personnel and the General Directorate of Criminal Affairs about the members of the profession shall be transferred to the “High Council of Judges and Prosecutors” or a body within this Council.

55) It defends that the “High Council of Judges and Prosecutors” shall have a separate office, secretary and budget.

(56) It defends that against the disciplinary practice of the “High Council of Judges and Prosecutors” there shall be a way of verbal defense and an effective remedy available against its decisions.

(57) It adopts that the Academy of Justice shall be autonomous, and not be under the influence and guardianship of the executive function; that the vocational retraining and prevocational training activities shall be planned and managed by the Academy of Justice.

(58) The Union does not accept to limit its legal existence within a definite time frame due to the fact that it has been founded to operate and work in accordance with its purposes and principles.

Article 5- Subjects and functioning of the association

(1) The Union reconnoitres, works and publishes to achieve its purposes and principles, about state of law, independence of the judiciary and impartiality and assurance of judges, and monitors and supports the efforts in this field.

(2) It will be in collaboration with adequate persons or institutions in order to create a unity in opinion and movement regarding the subjects, state of law, independence of the law, and assurance of judges,

(3) The Union makes regarding its founding purpose and principles, all sorts of press releases through written, audio, visual, non periodical or daily publications, sets up Internet websites, furthermore makes or procures monitoring, analysis and research workings, supports existing ones and participate in them.

It submits and announces its stand points, opinions and works to decision makers, authorized institutions, units and also to the public in written, audio, visual or electronic mediums and operates with this intention through colloques, meetings, symposiums, seminars, congresses, conferences and similar scientific activities in all kinds of communication, representation, cooperation and counseling activities.

The Union can found associations, can be a member of national or international associations, institutions and confederations; can establish platforms; can aid each other make joint activities on base of projects.

(4) The Union, can establish agencies regarding its purposes.

(5) The Union may establish committees and subcommittees through decisions of the Administrative Board in accordance with its purposes and principles.

(6) After the necessary conditions envisaged through law are met, it makes necessary applications in order to obtain the status as a benevolent association depending on the Administrative Board's decision.

(7) The Union adheres to the ethical principles declared in the 3th and 6th paragraph of the Preamble and monitors the adherence to it.

(8) The Union provides in the framework of its deeds and activities solidarity between its members.

(9) To realize its purposes, it provides a salubrious working environment, forms a documentation center, obtains all kinds of technical equipments, fixtures and expendable items.

(10) It performs activities to collect contributions after the obtaining of necessary permissions. It can accept in this context national or international donations.

Article 6- The scope of the association activities

(1) The field of activity of the Union is the Republic of Turkey.

(2) The Union manifests its activities in the social field.

(3) The Union, in accordance with its founding purposes and principles can perform bilateral or multilateral international acts and cooperation.

Article 7- The founding members

(1) The names, surnames, titles and addresses of the founding members are in the annex.

(2) The founding members have the right and obligations of the membership beginning from the establishment, so long as their relation with the Union continues.

Article 8- Membership

(1) Member of the Union can be ;

a) The ones still in the Office whose titles are shown in the first and second list annexed to the Law on Judges and Prosecutors numbered 2802 and the judge and public prosecutor candidates in the ordinary or administrative judiciary.

b) High court judges employed according to the Law on State Council numbered 2575,

c) High court judges employed according to the Law on Supreme Court numbered 2797,

d) High court judges and rapporteur judges employed according the Law on Establishing of the Constitutional Court and its Proceedings numbered 2949,

(e) The ones who dissociated themselves from the tasks mentioned in subparagraphs (a),(b),(c) and (d) because of resigning or retirement.

(2) To be in the temporary or timeframe service elsewhere or in service of other institutions does not hinder to be a member.

(3) For the ones defined in the subparagraph (e) of paragraph (1) it is furthermore necessary for being a member, that;

(a) They are not invited to dissociate themselves, not penalized with depose or shifting,

(b) They have not participated in political activities actively or are not a member of a political party,

c) They are not engaged in business except for academic tasks,

(4) The application for membership could be carried out in writing. In this application, it is to be required that;

a) The professional title is being declared,

b) It is attested that the statute of the Union has been read, the provisions of the statute are accepted,

(c) The copy of the identification card is being enclosed,

(d) The ones who are in the scope of Article1 (d) have declared whether they are bearing the conditions of Article 3.

(5) The application, has to be dealt within thirty days. The relevant person has to be informed regarding the result in writing. When the decision of the Administrative Board is negative, it must include the justification too. The provisions of Article 11 from paragraph 8 to 11 are to be applied by analogy.

(6) The starting date of the membership is the date of the Administrative Board decision.

(7) The member who's application has been accepted, has to be registered in the register of members.

(8) To be able to serve in the organs of the Union it is compulsory to be a member.

(9) The ones who resigned from membership can apply for membership again.

(10) The applications of the ones who are dissociated, cannot before two years after dissociating date, and the ones who's applications were rejected cannot before two years after the rejecting date be accepted.

Article 9- Resigning from membership

(1) The members can whenever they want resign from the Union.

(2) For the resigning is obligatory that the application is sent in writing.

(3) The resignation is to be counted as realized at the date of delivery to the Union, provided that its trustworthiness has been determined by the Administrative Board.

Article 10- The dissolution of the membership

(1) The membership ends per se, when ;

(a) Death

b) Suspension of civil rights,

Occurs.

(2) The final date of the membership is the date of death or suspension of civil rights.

(3) The non-acceptance of candidate judges and prosecutors to the profession is a reason for dissolution of the membership. In this case the membership ends per se at the date of dissolution.

Article 11- Exclusion from membership

(1) The members who;

(a) are violating the purposes, principles and strivings of the Union,

- (b) are not holding the membership requirements,**
 - (c) have lost the conditions defined in paragraph 3 of Article 8,**
 - (d) violate the judicial ethics,**
 - (e) are not performing the assigned tasks given by the compulsory bodies of the Union without an excuse,**
 - (f) damages the honor and reputation of the Union ,**
 - (g) do not pay the admission subscription or the annual subscription in time after the notification through reply-paid letter asking the payment of the amount within thirty days,**
- shall be excluded from membership.**

(2) The Administrative Board decides whether the ones other than described in Article 8 paragraph 3 (a) who are subject to a disciplinary punishment should be excluded from membership.

(3) The referral to the Administrative Board, with a view to evaluate the situation of the member, is possible when it is proposed by the President or one-third of the whole number of the members of the Administrative Board.

(4) At least five members together can request in writing from Administrative Board the culmination of the membership.

(5) The Administrative Board will discuss in the first place whether the member could exercise his membership rights until the decision is given. It comes to a conclusion with regard to culmination of the membership within 3 months at most.

(6) The quorum for exclusion from membership is the two-thirds of the whole number of the members of the Administrative Board.

(7) The exclusion from membership will be effectual from the date of the decision.

(8) The excluded member can challenge against the decision within fifteen days after the notification of the decision with reply-paid letter.

(9) The appeal has to be made before the Administrative Board and is put to be discussed on the agenda of the General Assembly by the Administrative Board.

(10) Provided that the challenge of the member is delivered to the Administrative Board at the latest thirty days before the General Assembly it shall be put on the agenda of the first General Assembly . Otherwise it has to be adjudicated in the consequent General Assembly.

(11) The challenge for exclusion does not provide member rights and engagements until the challenge results.

Article 12- The rights of the members

(1) The members have equal rights.

- (2) The discrimination between members because of their families, genders, languages religions, races, professional ranks and grades, sects, hues, classes and categories is not allowed; policies that harms the equality or grants privileges to some members because of these reasons are not applicable.**
- (3) Every member has the right to take part in the activities and administration of the Union as well as in its bodies.**
- (4) Every member has only one voting right, voting by proxy is not permitted.**
- (5) None of the members can vote in decisions as regards a legal transaction or disagreement between the Union and himself, his/her spouse, lineal ancestors or descendants.**
- (6) The members who have unpaid subscriptions are not permitted to exercise their member rights.**
- (7) The ones who resign, who are expelled from the Union, or whose membership has ceased per se cannot claim any right on the Union assets.**
- (8) In view of the fact that the Union has adopted to express the problems of the profession trough the active participation of the members of the profession in charge and to benefit in this context from the experiences of the resigned members of the profession, it cannot be alleged that the restricting regulations as regards the serving of the resigned members of the profession to the bodies of the Union are contrary to this article.**

Article 13- The Engagement of the Members

- (1) Each member has to pay 50 New Turkish Liras admission subscription and 50 New Turkish Liras annual subscription.**
- (2) The admission subscription has to be paid within thirty days after the notification of the membership admittance. In the calendar year in which the admission subscription has been paid, an additional subscription is not to be paid. The time frame for the annual subscriptions is until the last weekday of the month of March. The regulations of paragraph five of Article 16 are reserved. The annual subscriptions are valid for a calendar year.**
- (3) The General Assembly decides whether to increase and what the new amount of the admission or annual subscriptions would be. The General Assembly can transfer these competences to Administrative Board. In case of the transfer, the admission subscription and the annual subscription will be determined by Administrative Board in each December of the year being valid for the consequent calendar year.**
- (4) The ones who resign, are expelled or whose membership is culminated per se have to pay the subscription fee for the time of the membership.**

(5) Each member has to avoid from the attitude causing difficulty or hindrance in the realization of the purposes, principles and strivings of the Union, and has to act in accordance with the statute of the Union.

(6) None of the members; can make declaration to the press or public using his position in the Union without the permission or approval of the Administrative Board, cannot give information or declaration to real or legal persons, institutions, establishments or any other unit or cooperate with them. Otherwise the deeds and acts do not bind the Union.

(7) The Administrative Board can foreclose the rights of the members from two months to two years depending on the gravity of their acts, who;

(a) Deliberately or in negligence do not fulfill their engagements other than the subscription,

(a) Are acting against the purposes, principles and strivings of the Union ,

In this case the ninth and twelfth paragraph of Article 11 shall apply by analogy.

Article 14- Honorary membership

(1) The one who has an academic career in law may be a honorary member through the decision of the Administrative Board.

(2) The honorary members do not have to recompense the admission subscription and the annual subscription.

(3) The membership of the honorary members violating the paragraphs five and six of Article 13 can be terminated by the decision of the Administrative Board.

Article 15- The bodies and general regulations

(1)The compulsory bodies of the Union are:

(a) General Assembly

(b) Administrative Board

(c) Supervisory Board

(2) The non-compulsory bodies of the Union are:

(a) The High Advisory Board

(b) The Board of Ethics

(3) In case of necessity, other non-compulsory bodies may be established by the General Assembly too.

(4) The tasks and competences of the compulsory bodies can not be transferred to the non-compulsory bodies.

- (5) The tasks of the compulsory bodies are not compatible with the tasks of the noncompulsory bodies.**
- (6) The main and alternative membership to the Administrative Board does not suit with the main and the alternative membership to the Supervisory Board.**
- (7) It is possible to serve in more than two bodies which are noncompulsory.**
- (8) In every compulsory body there can be one main and one alternative member in maximum, who resigned from the profession. But these members cannot serve in tasks bearing a title in the mentioned organs.**
- (9) In every noncompulsory organ, utmost one-third of the main and alternative members may consist of the members that are within the scope of the subparagraph 1 (d) of Article 8.**
- (10) The honorary members may serve in noncompulsory organs.**

Article 16- General Assembly

- (1) The General Assembly consists of the registered members of the Union.**
- (2) The General Assembly assembles in the second Sundays of every January of the years last with odd number, in the seat of the association or if determined in an another place in the center of the association regularly.**
- (3) The General Assembly assembles extraordinarily in the seat of the association unless determined otherwise or if it is determined in an another place within the center of the association with an extraordinary agenda;**
 - (a) Upon the invitation of the Administrative Board;**
 - b) Upon the invitation of the Administrative Board in cases where the Supervisory Board deems it necessary,**
 - (c) Upon the invitation of the Administrative Board upon the written request of one-fifth of the members.**
- (4) The Administrative Board announces the list showing whether the members of the Association taking part in the General Assembly are in debt at least fifteen days before the meeting of the General Assembly in the seat of the association and publishes the list in the Internet Website of the association.**
- (5) The members, who are in debt because of any subscription fees including the present year, may not attend to the General Assembly as of the stage of Council - Voting in the General Assembly.**
- (6) This announcement is made to all members via e-mail if available or via reply-paid letter if it is not, and any another notification is not necessary.**

(7) There will be also the date, hour, place and agenda of the General Assembly in the announcement.

(8) In this announcement, it shall also be declared in which day, hour and place the second assembly will be held, if it is not possible to assemble because of the lack of majority.

(9) The time interval between the first and second assembly cannot be less than seven days and more than sixty days.

(10) If the assembly is postponed because of another reason than the lack of the majority, this situation will be announced with the reasons thereof to the members with the same invitation method used for the First Assembly.

The second assembly must be held seven days after the postponement but utmost in 60 days. The members are invited to the second assembly again according to the invitation principles mentioned above.

(11) The General assembly cannot be postponed for more than one time.

(12) The list of members, which have the right to take part in the General Assembly is kept ready in the venue. The identification cards given by public authorities, has to be controlled by the Administrative Board or by the person charged by the Administrative Board.

(13) The members enter the venue by signing against their names in the list arranged by the Administrative Board. The ones who do not show their identification cards, do not sign the mentioned list, do not have the right to take part in the assembly and the guests cannot be accepted in the venue. These may follow the assembly in another venue.

(14) If the assembly quorum is met, this has to be written down in an official record and the meeting has to be opened by the President of the Administrative Board or by one of the members of the Administrative Board appointed by the President. If the assembly quorum is not met, an official record has to be arranged by the Administrative Board.

(15) The General Assembly assembles, at least with the absolute majority of the members which have the right to participate in the meeting and if the change of the statute or dissolution of the association is under discussion, with the two-third of them. In case the assembly is postponed because of the lack of the majority, in the second assembly the majority is not sought. But, the number of the members who attend the meeting cannot be less than twice of the number of the main members and alternative members of the Administrative Board and the Supervisory Board.

(16) After the opening, the members of the noncompulsory bodies have to elect a president, a vice president and a secretary from its members by means of communication and to form the council, that shall lead the assembly.

(17) During the voting held to elect the bodies of the Union, it is compulsory for the voting members to show their identification cards to the Council and sign against their names in the list of attendants.

(18) The elections for the bodies of the Union is concluded under the principles of secret ballot and open classification. In other issues open ballot is held. In case of equality in votes, name-drawing determines the result.

(19) In the elections open list system is applied.

(20) The administration and the security of the assembly is under the responsibility of the President of the Council.

(21) The General Assembly ends after the discussion and settling of the issues on the agenda. After establishment of the Council but before the discussions, the issues that are requested to be discussed by at least one tenth of the members have to be put on the agenda.

(22) The decisions of the General Assembly are taken by absolute majority of the participants. However, the decisions pertaining to dissolution of the association and the amendment of the statute shall be taken by the two third majority of the participating members.

(23) The issues discussed and the decisions taken in the assembly have to be written in an official report and to be signed by the members of the Council.

(24) After the assembly the official report and other documents are given to the President of the Administrative Board. The President of the Administrative Board has the responsibility to protect these documents and to submit them within seven days to the newly elected Administrative Board.

(25) In case of the appointment of a trustee or an appointment under the second paragraph of Article 75 of the Civil Code, the tasks given to the Administrative Board in this article have to be performed by them.

(26) The decisions taken trough written participation of all of the members without assembling and the decisions taken by the assembling of all of the members falling to comply with the invitation method in the law are valid. But the taking of such decisions cannot supersede the regularly meeting.

(27) Every member which attended the regular or extraordinary general assembly and do not accept the decisions violating the law or the statute taken in the General Assembly can within a month after the date of decision; the members who did not attend the assembly within a month beginning from the date of information, but in any case within three months beginning from the date of decision, ask for annulment by applying to the court of law.

It is not allowed to bring an action for rescission against the decisions of other bodies without exhausting all legal remedies available for the supervision of the association.

Article 17-The Notification of General Assembly Decisions

(1) The President of the Administrative Board notifies in duplicate the General Assembly Conclusion Notification and its annexes specified in the statute of the association to the Civil Administration within thirty days after the regular or extraordinary General Assembly, in which the name of the elected members to the Administrative Board, Supervisory Board and other bodies are included.

(2) The notification of the General Assembly conclusions can be made by an authorized Administrative Board member too. Anyway is for the notification the President of the Administrative Board responsible.

Article 18- The Tasks and Authorization of the General Assembly

(1) The General Assembly is the highest decision body of the Union.

(2) The following issues can only be discussed and decided in the General Assembly:

(a) The election of the compulsory bodies,

(b) The amendment of the statute,

(c) The discussion of the Administrative Board and Supervisory Board reports, the release of the Administrative Board,

(d) The discussion and acceptance of the budget prepared by the Administrative Board, with or without changes,

(e) The auditing of the bodies and the removal of them from office upon good grounds at all times,

(f) Authorizing the Administrative Board for purchasing of the real properties, hiring, establishing of right of easements and usus fructus or selling of the existing real properties, hiring of them, establishing right and liabilities on them,

(g) Being a member of a federation or leaving federation in accordance with its purposes,

(h) Acting on International level, joining to the associations and organizations abroad as member or dissociating itself,

(i) Dissolution of the Union,

(j) Scrutinizing and giving of the final decisions according the appeals against the decisions of the Administrative Board regarding the rejecting of the membership applications, excluding from membership and deprivation of the rights

(k) Performing of the tasks specified in the legislation and Statute of the Union,

(l) Founding of associations or being a member of a founded one,

Article 19- Administrative Board

- (1) The Administrative Board consists of nine main and nine alternative members.**
- (2) The term of office of the Administrative Board is one regular term of General Assembly.**
- (3) The main members of the Administrative Board elects from its members a president, adequate vice presidents, a secretary general and an accountant in the first meeting after the elections.**
- (4) The number of the vice presidents and the division of responsibilities between them, the tasks of secretary general and accountants are specified by the Administrative Board.**
- (5) By the ending of the presidentship, vice presidentship, secretariat general and accountancy with any reason the Administrative Board shall met and elect with the same method for the discharged function.**
- (6) The Administrative Board unless otherwise provided assembles with absolute majority and decides with the absolute majority of the participants.**
- (7) The Administrative Board has to assemble itself per se at least once a month, in the seat of the association or in the place decided by the Administrative Board or made known by the President, in the day and hour determined in advance.**
- (8) If vacancy in the main membership of the Administrative Board occurs, election is made through the participation of the existing main and alternative members by secret voting. If an equality occurs in the voting, the voting continues until the equality breaks.**
- (9) If even the elections regarding the paragraph seven was done, the number of the Administrative Board members fell under the half of the whole number of the members because of vacant seats, the remaining Administrative Board or Supervisory Board members have to call the General Assembly within one month,**
If the call does not happen, on application of a member the justice of peace appoints three members for the calling of the General Assembly.

Article 20- The Tasks and Competences of the Administrative Board

- (1) Administrative Board is the executive and representative body of the Union. It has to fulfill these tasks within the rules of law and the Statute of the Union.**
- (2) The Administrative Board is represented by the President.**
- (3) The declarations to the press and the public has to be made by the president or the ones appointed by him. The declarations made in case of urgencies by the president or the ones appointed by him have to be considered in agenda of the first meeting of the Administrative Board.**

(4) The Administrative Board;

a) Takes decisions as regards the issues mentioned in the statute and besides this regarding the issues, which do not fall explicitly within the task of the General Assembly,

(b) Evaluates the reports of the High Advisory Council and the Board of Ethics, and submits them to the General Assembly if it considers necessary,

(c) Prepares the drafts regarding the amendment of the statute, the drafts regarding the final accounts and balance sheets and the proposal which will become into force with the decision of the General Assembly,

(d) Matures the annual working program and draft budget and submits it to the General Assembly,

(e) Elects the non-compulsory bodies. Each of the main members can be nominated by the Administrative Board as a candidate for these bodies and the members may apply as a candidate too,

(f) Keeps all of the books and registers of the Union,

(g) Decides upon the publishing through written, visual, audio and electronic means of communication, the promulgation of its workings and opinions,

(h) May decide upon the establishment of platforms and opening of representative offices,

(i) Promulgates the decisions taken in the General Assembly to the members,

(j) May grant awards to the ones who have workings in accordance with the object and purposes of the Union,

(k) Can constitute working groups,

(l) Performs other tasks given by the laws and regulations and its Statute,

(5) The Administrative Board is responsible for his dealings and transactions against the General Assembly.

Article 21- Supervisory Board

(1) Supervisory Board consists of five main and five alternative members.

(2) The term of the office of the Supervisory Board is equal to the regular period of the general assembly.

(3) Supervisory Board elects a president from its members in the first meeting after the elections.

(4) In case of vacancy in the presidency, the Supervisory Board elects its president with the same method.

(5) Election is made during the assembly done with the participation of the existing main and alternative members through the method of secret voting in case of vacancy in the main membership of the Supervisory Board. If there is equality in voting, voting continues until the equality breaks.

(6) If the number of members of the Administrative Board fell under half of the whole number of members because of opening spaces even when the elections regarding paragraph five was done, the General Assembly is called to assemble by the members of the Administrative Board within one month. If there isn't any call by the Administrative Board, the justice of peace appoints three members for inviting the General Assembly on application of a member.

Article 22- The tasks and competences of the Supervisory Board

(1) The Supervisory Board audits regarding the fundamental principles and methods specified in the Statute of the Union every six month periodically,

(a) If the Union performs its activities regarding its purposes,

(b) If the books, accounts and registrations are kept according the laws, regulations and the statute,

And submits its conclusions to the Administrative Board and the General Assembly whenever it is convened.

(2) The internal audit of the association is performed by the Supervisory Board.

(3) If the president of the Administrative Board calls the Supervisory Board, it has the task to attend the meetings in which the final accounts and balance sheet, the draft budget and reports will be discussed.

(4) It calls for an extraordinary General Assembly meeting if corruption is determined in the accounts.

(5) If the members of the Supervisory Board request, it is obligatory to show or give all kinds of information, documents and records and to fulfill every request of the Supervisory Board for auditing purposes by the authorized Union staff.

Article 23- High Advisory Board

(1) High Advisory Board consists of five members elected by the Administrative Board.

(2) High Advisory Board convenes with absolute majority and elects a president and a secretary from its members with the absolute majority of its members.

(3) The term of the office of the High Advisory Board is one regular term of general assembly.

(4) If the number of the members in the High Advisory Board falls under the half of the total number of the members because of vacant seats; the Administrative Board has to elect the members for the vacant seats within one month.

Article 24- The tasks and competences of the High Advisory Board

(1) The High Advisory Board is an advising body that works on the strategy, which has to be followed by the Union regarding its objects and principles and field of work.

(2) High Advisory Board makes at least two meetings in one calendar year. It submits its report reflecting its standpoints and opinions to the Administrative Board.

Article 25- Board of Ethics

(1) Board of Ethics consists of eleven members elected by the Administrative Board.

(2) Board of Ethics convenes with the absolute majority and elects a president and a secretary among its members with the absolute majority of the participants.

(3) The term of the office of the Board of Ethics is one regular term of term of general assembly.

(4) If the number of members of the Board of Ethics falls under the half of the total number of the members because of vacant seats; the administrative board makes election for the vacant seats.

Article 26- The tasks and competences of the Board of Ethics

(1) The Board of Ethics is an advising body that monitors the loyalty to the judicial ethic rules.

(2) Board of Ethics makes at least two meetings in one calendar year. It submits its report reflecting its standpoints and opinions to the Administrative Board.

Article 27- Internal Audit

(1) The internal audit of the Union is performed by the Supervisory Board.

(2) The Supervisory Board takes into consideration the related laws and regulations while performing this function.

(3) The General Assembly may decide to carry out the internal audit through independent auditing firms. This does not abrogate the task of the Supervisory Board to carry out the internal audit.

Article 28- Representative Offices

(1) The Union may upon the decision of the Administrative Board open Representative Offices in the places where it deems necessary, which would be in charge within the borders of a province, and close the opened ones.

(2) The Administrative Board also defines in its decision, the charged person or persons and the division of responsibilities between them.

(3) There is no need to give written statements for the Representative Offices, but all kind of information regarding the Representative Offices is shown in the proclamation of the association.

(4) The Representative Offices are not represented in the General Assembly of the Association.

(5) The address of the Representative Office is notified to Presidency of the Civil Administration of that place through person or persons appointed as representatives by the decision of the Administrative Board.

(6) The appointment of the representatives to the places out of the borders of their provinces where they were entrusted with representation, excluding the temporary authorization or assigning of duties is the ground for ending of their representative title per se. The ending day is in this case the day in which the appointment was abandoned. In the case of temporary authorization or temporary assigning of duties has the Administrative Board to evaluate and decide whether the representation will continue or not.

(7) In cases where the membership of the representatives ended, has the necessary appointment to be made by the Administrative Board.

(8) The Administrative Board has to convene with the provincial representatives at a place and time which it sees appropriate.

(9) The provincial representatives meet with members in their assignment area at places and times which they see as appropriate.

(10) The basis, conditions and principles regarding the opening and closing of Representative Offices is to be defined by the General Assembly.

(11) Considering the number of the members who are on duty in the places where the Representative Offices are established, has the General Assembly to decide after how many members the representatives should be elected by this members.

Article 29- Establishing of Platforms

- (1) The Union may establish platforms with associations, foundations, trade unions, professional societies and similar non governmental organizations to realize a common purpose as regards its purpose and working field.
- (2) The person or persons who shall be appointed in the representation of the Union shall be determined in the decision of the authorized bodies of the Union in order to establish platforms.
- (3) A memorandum of understanding is signed by the representatives in order that a platform can start working.
- (4) In this memorandum, the purpose of establishing a platform, the seat of the platform, where the activities will be conducted, the members of the administration group and the name of its coordinator shall be defined.

Article 30- Revenue

The revenue of the Union consists of;

- (a) Member subscriptions,
- (b) Revenues gained through the activities purpose of the Union oriented.
- (c) Revenues gained from the properties of the Union,
- (d) Grants and aids,
- (e) Banking interests, investment and fund revenues,
- (f) Other revenues.

Article 31- Method regarding income and expenditure

- (1) The revenues are gathered through bill of deliveries and the expenditures are made through expenditure bills.
- (2) Documents prepared by bank like the bank slips or account abstracts serve as the bill of delivery in case of collection of revenues through a bank.
- (3) The bill of deliveries, the expenditure bills and other documents except the books are kept for five years without prejudice to the time-frames in the special laws in accordance with the number and date order in the books they are saved.
- (4) The bill of deliveries, which will be used for collecting revenues, are printed by the decision of the Administrative Board.

(5) The form, printing, approval and usage of the bill of deliveries and the issues regarding the certificate of authority that will to be used in collecting revenues have to be conducted and regulated according to the Regulation on Associations.

(6) The persons authorized for collecting revenues are defined by the decision of the Administrative Board and certificates of authority are issued for these persons.

(7) There shall be an amount of cash in the vault that does not surpass the amount defined by the Administrative Board considering the necessities.

(8) The money must be paid into the bank account, which shall be opened by the Administrative Board. The situation in paragraph 7 is reserved.

(9) It is not allowed to accept aid or grants from the person or persons, which have affairs or proceedings in the judicial institutions in which the members are assigned.

If the incongruity with this condition is understood after the aid or grant was made, this aid or grant is returned immediately.

(10) The acceptance of aids and grants are dependent on the decision of the Administrative Board. The Administrative Board scrutinizes the role and the position of the donator or contributor and whether this aid or grant is compatible with the object and purpose of the Union, while giving its decision.

(11) The Union follows the provisions of the Regulation of the Association regarding the revenues and expenditures and the methods to be followed on the issue.

Article 32- Books

(1) The Union keeps the books and records, which are mandatory under the Regulation of the Association, within the framework of this regulation.

(2) The books that will be kept should be approved by the Association Unit or by the Notary Public.

(3)The Administrative Board may decide that the books and records have to be kept in computers.

Article 33- The employees and their wages

(1) The services are performed by the volunteers or the wage earners assigned by the decision of the Administrative Board.

(2) The staff in the Union bodies who are not public officials can be paid.

(3) The wages and all kind of appropriation, traveling expenses and compensations are determined by the General Assembly.

Article 34- Aid and cooperation

(1) The Union can accept pecuniary assistance from natural persons or associations and legal entities having similar purposes, or professional institutions and can grant them pecuniary assistance in order to realize the purposes in its statute within the framework of the conditions shown in Article 31.

(2) The Union can undertake exchange commitments by a decision of the Administrative Board, use contract loans from banks and special finance houses because of its activities.

(3)The Union can with the decision of the Administrative Board, within the framework of the conditions mentioned in Article 31, take without surpassing the one year term of payment cash loan from natural persons or legal entities to perform association activities.

(4) The General Assembly determines pursuant to second and third paragraphs upon the decision of the Administrative Board;

a) At which amount can debt be taken from a natural or legal entity in a year,

b) At which amount totally can debt be taken within a year,

(5) The Union may carry out common projects with the public bodies and institutions regarding the issues within the scope of their duties without prejudice to the provisions of the Law on the Relation of Associations and Foundations with the Public Bodies and Institutions numbered 5072.

Contributions in goods or cash may be received at most 50 percent of these project costs from public bodies and institutions pursuant to Article 10 of the Law on Associations.

(6) The Union can collaborate with natural persons or legal entities regarding its purposes, principles, field of work and activities.

(7) The Union can not take on debts; undertake chattel mortgage, mortgage, and bill guarantee in favor of third persons.

Article 35- The Obligation of Declaration

The Union has to give the declaration regarding its activities, the result of its incomes and expenditures to the Presidency of the Civil Administration by the end of April each year.

Article 36- Accepting Foreign Aids

(1)The Union may receive contributions in goods or cash from foreign persons, bodies or institutions in conformity with its objects and principles considering the regulations

in Article 31 under the condition that it has been notified in advance to the Presidency of the Civil Administration.

(2) The contributions in cash are received through banks and before their usage the notification condition should be fulfilled.

(3) In case of receiving aid from abroad, the “Declaration for Receiving Aid from Abroad” described in the Regulation of the Association, should be filled in two copies and notified to the Presidency of the Civil Administration.

(4) A certified copy of the declaration by the Presidency of the Civil Administration will be given to the related bank and the cash in the bank account is transferred to the accounts of the Association.

(5) The sample of the decision of the competent body, the copies of the prepared protocol if present, the agreement and similar documents together with the bank slip regarding the account the grant has been transferred, bank statement and similar documents are enclosed in the annex of the Application Form given to the Presidency of the Civil Administration.

(6) One piece of the received declaration and its annexes are sent to the related unit in seven days.

Article 37- Obtaining Real Properties

(1) The Union can with the authorization of the Administrative Board purchase real properties or sell its real properties. The regulations of the subparagraph 2 (f) of Article 8 are reserved.

(2) The Union notifies real properties it obtained to the Presidency of the Civil Administration within one month after the registration in the land registry.

Article 38- Dissolution of the Association

(1) The legal entity of the association naturally ends in the following cases and in these cases every one concerned may request from the competent court to determine that the association naturally ended.

a) If the purposes are realized or their realization becomes impossible,

(b) If the First General Assembly Meeting is not held in the time frame prescribed in law and the compulsory bodies are not constituted,

(c) If the Association falls in loan default,

(d) If constitution of the Administrative Board in accordance with the Regulation becomes impossible,

(e) If the regular General Assembly does not convene twice successively.

(2) The General Assembly may always decide to terminate the Association.

(3) If the objects of the Union become against the law or the morals; the court decides dissolution of the Union upon the request of the public prosecutor or the ones concerned. The court has to take all necessary measures during the trial including detainment from activities.

(4) The legal entity of the Association that dissolutes because of any reasons mentioned above in the 1,2or 3th paragraph continues, but its competency is restricted for the purpose of the liquidation during the liquidation,

(5) The liquidation of the assets is carried out pursuant to the provisions on the official winding up of estates.

(6) In case of dissolution for any reason of the legal entity, its assets have to be transferred to the Association having the maximum member and closest purposes of the Association pursuant to Article 15 of the Law on Associations.

Article 39- Proceedings of the Association

Proceedings of the Association are conducted electronically in compulsory situations provided in the Regulation of the Association or when the Administrative Board decides.

Article 40- Absence of Provisions

In the absence of provisions, the mandatory regulations of the Turkish Civil Code, the Law on Associations and other laws regarding the associations are applied together with the Regulation of Association.

Article 41- Terms

(1)The expression legal entity in this statute does not include the political parties.

(2)The term “Union” used in the name of the Union does not include the unions, federations or other similar organizations which are within the meaning of the Law on Establishing of Organizations with International Characteristics numbered 3335. This word does not attribute a meaning to the Union other than Association.

(3)The word audio, cannot be interpreted as, that it requires the obtaining of the permission for radio and television broadcasting, as it is mentioned in the Law on the Establishing of Radio and Televisions and their Broadcasting numbered 3984 or that it provides to enter the firms which are making this broadcastings.

Article 42- Preamble

(1) The Preamble is an integral part of the text.

Provisional Articles

Article 1- The First General Assembly shall be held within 6 months after the founding of the association and the compulsory bodies shall be constituted in accordance with conditions explained in the Law on Associations numbered 5253, Association Regulation and Turkish Civil Code numbered 4721,

(2) The Provisional Administrative Board has the competence to represent the Association to carry out all kinds of actions and proceeding until the General Assembly has been assembled.

(3) The Provisory Administrative Board consists of seven founding members, namely the founding president Ömer Faruk Eminağaoğlu, vice president Zekeriya Sevimli, vice president Hasan Ali Atay, vice president Ziya Özcan, vice president Gülsüm Karşlı, Secretary General Salih Zeki İskender, and accountant Ali Orhan. The Provisional Administrative Board has also two alternative members: Alı Rıza Aydın and Mustafa Ernalbant.

(4) The founding president Ömer Faruk Eminağaoğlu and the vice presidents Zekeriya Sevimli and Hasan Ali Atay have the competence to accept the notifications regarding dealings and proceedings of the Union. The regulations of the second and fourth paragraphs of Article 19 are reserved.