

Subvention No XI

N° 916.

TURQUIE

Déclaration sur l'Administration judiciaire, signée à Lausanne, le 24 juillet 1923.

TURKEY

Declaration relating to the Administration of Justice, signed at Lausanne, July 24, 1923.

¹ TRADUCTION. — TRANSLATION.

No. 916. — DECLARATION BY TURKEY RELATING TO THE ADMINISTRATION OF JUSTICE, SIGNED AT LAUSANNE, JULY 24, 1923.

French official text communicated by the Minister for Foreign Affairs of the French Republic. The registration of this Declaration took place July 11, 1925.

The TURKISH DELEGATION has already had occasion to state that the Government of the Grand National Assembly of Turkey is in a position to ensure to foreigners before the Turkish Courts all the safeguards of a good judicial system and to provide therefor in the exercise of its full sovereignty and without any kind of foreign interference. It is nevertheless prepared to have an investigation made and to cause the situation to be studied with a view to the institution of such reforms as may be rendered advisable by the development of manners and civilisation.

Animated by this spirit, the Undersigned, acting in virtue of their full powers, desire to make the following Declaration :

I.

The Turkish Government proposes to take immediately into its service, for such period as it may consider necessary, not being less than five years, a number of European legal counsellors whom it will select from a list prepared by the Permanent Court² of International Justice of The Hague from among jurists nationals of countries which did not take part in the war of 1914-1918 and who will be engaged as Turkish officials.

2.

These legal counsellors will serve under the Minister of Justice ; some will be posted in the city of Constantinople and others in the city of Smyrna. They will take part in the work of the legislative commissions. It will be their duty to observe, without interfering in the performance by the magistrates of their duties, the working of the Turkish civil, commercial and criminal Courts, and to forward to the Minister of Justice such reports as they may consider necessary ; they will be authorised to receive all complaints to which the administration of justice in civil, commercial or criminal matters, the execution of sentences, or the manner of application of the law may give rise, with a view to bringing such complaints to the notice of the Minister of Justice in order to ensure the strict observance of the provisions of Turkish law.

Similarly, they will be authorised to receive such complaints as may be caused by domiciliary visits, perquisitions or arrests ; moreover, these measures shall, in the judicial districts of Constantinople and of Smyrna, be brought, immediately after their execution, to the notice of the legal counsellor by the local representative of the Minister of Justice ; this official shall in such cases be authorised to correspond direct with the legal counsellor.

¹ Communiquée par le Ministère des Affaires étrangères de Sa Majesté Britannique.

² Vol. VI, page 379 ; Vol. XI, page 404 ; Vol. XV, page 304 ; Vol. XXIV, page 152, and Vol. XXVII, page 416 of this Series.

¹ Communicated by His Britannic Majesty's Foreign Office.

3.

In cases of minor offences release on bail shall always be ordered, unless this entails danger to public safety or unless such provisional release is calculated to impede the investigation of the case.

4.

In civil or commercial matters all references to arbitration and clauses in agreements providing therefor are allowed, and the arbitral decisions rendered in pursuance thereof shall be executed on being signed by the President of the Court of First Instance, who shall not refuse his signature unless the decision should be contrary to public order.

5.

The present Declaration shall remain in force for a period of five years.

Done at Lausanne, the 24th July, 1923.

M. ISMET.
Dr. RIZA NOUR.
HASSAN.