

CONCLUSIONS

An international symposium on “The Separation of Powers and Freedom of Association of Members of the Judiciary” was convened jointly by YARSAV, IAJ and MEDEL in Ankara, Turkey on the 5th and 6th of July 2008. In an effort to work together in order to eliminate obstacles to the forming of voluntary associations by the judiciary and to promote judicial independence, the symposium concluded:

- The security of freedom and equality is paramount to the judiciary,
- Judicial independence falls into the same category as human rights, the Rule of law and democracy,
- Judicial independence and impartiality are the true bases of democracy,
- Democracy cannot be merely a notional idea; it must be brought to life through a system of values, i.e. the law and specifically through the judiciary,
- It is imperative that independence of not only the judiciary as a whole, but also of individual judges, is assured,
- There exist certain guarantees to ensure that the judiciary remain outside of politics, and the legislature must comply with such guarantees,
- The principle of pluralism should not influence that of separation of powers, particularly in relation to the judiciary,
- Under the European Convention on Human Rights and the International Covenant on Civil and Political Rights, the general Freedom to establish associations is recognised to judges and prosecutors, too ,
- Thus, judges and prosecutors must be free to establish associations which shall not be governed or regulated by other authorities,
- In addition to its independence, the intellectual freedom of the judiciary must be secured.

