CRIMINAL PROCEDURE CODE

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FIRST BOOK
General provisions

PART ONE
Scope, Definitions, Duties and Authority

FIRST PART
Scope and Definitions

Scope of the law

Article 1 – (1) This Law regulates the rules on how criminal proceedings are conducted and the rights, powers and obligations of the persons participating in this process.

Definitions

Article 2 – (1) In the implementation of this Law;

a) Suspect: The person under suspicion of committing a crime during the investigation phase,

b) Defendant: The person who is suspected of committing a crime from the beginning of the prosecution until the verdict is final.

c) Defense counsel: The lawyer who defends the suspect or the defendant in criminal proceedings,

d) Attorney: The lawyer who represents the person who is a party, the person who has been harmed by the crime or the person who is financially responsible in the criminal proceedings,

e) Investigation: The phase from the learning of the suspicion of a crime by the competent authorities until the acceptance of the indictment,

f) Prosecution: The phase that begins with the acceptance of the indictment and continues until the verdict becomes final.

g) Taking statements: The suspect is heard by law enforcement officers or the public prosecutor regarding the crime under investigation.

h) Interrogation: The hearing of the suspect or the accused by the judge or the court regarding the crime that is the subject of investigation or prosecution,

i) Financially liable: The person who will be affected by or suffer the consequences of the judgment by bearing material and financial responsibility after the matter in question is decided and finalized.

j) Red-handed:

1. The crime being committed,

2. The crime committed by the person who has just committed the act or who was caught by the law enforcement, the person who was harmed by the crime or by others immediately after the act was committed,

3. The crime committed by a person who is caught with an object or evidence showing that the act was committed a short time ago,

k) Collective crime: A crime committed by three or more people, even if there is no will to participate among them.

l) Disciplinary imprisonment: Imprisonment given for an act that has been sanctioned in order to maintain a partial order, which cannot be converted into alternative sanctions, cannot be paid in advance, is not based on repetition, cannot be subject to conditional release provisions, cannot be postponed and is not recorded in the criminal record.

It expresses.

SECOND PART
Duty

Duty

Article 3 – (1) The duties of the courts are determined by law.

(2) **(Added: 26/6/2009 – 5918/6 art.) (Repealed: 2/7/2018-KHK/700/159 art.)**

Ex officio duty decision and disagreement in duty

Article 4 – (1) The court hearing the case may decide ex officio at any stage of the prosecution whether it has jurisdiction. The provisions of Article 6 are reserved.

(2) In case of a dispute between the courts regarding jurisdiction, the common higher court determines the competent court.

Circumstances and consequences of a decision of lack of jurisdiction

Article 5 – (1) If, after the acceptance of the indictment, it is understood that the case exceeds or falls outside the jurisdiction of the court hearing the case, the court sends the case to the competent court with a decision.

(2) An objection may be filed against decisions of lack of jurisdiction given by the courts within the judicial courts.

Situation in which a decision of lack of jurisdiction cannot be made

Article 6 – (Amended: 6/12/2006 – 5560/16 art.)

(1) A decision of lack of jurisdiction cannot be made at the hearing on the grounds that the legal nature of the crime has changed and the file cannot be sent to a lower court.

Proceedings of a judge or court that is not competent

Article 7 – (1) Proceedings made by a judge or court that is not authorized, except those that cannot be renewed, are null and void.

THIRD PART
Related Cases

The concept of connection

Article 8 – (1) If a person is accused of more than one crime or if there is more than one defendant in a crime, regardless of their title, a connection is deemed to exist.

(2) Acts of favouring the criminal, destroying, concealing or altering evidence of the crime after the crime has been committed are also considered related crimes.

Filing of cases by consolidating them

Article 9 – (1) If each of the related crimes falls under the jurisdiction of different courts, a case can be brought against them by combining them in the higher competent court.

Consolidation and separation of pending cases

Article 10 – (1) At any stage of the prosecution phase, the higher court may decide to combine or separate related criminal cases.

(2) In cases that are consolidated, the trial procedure of the court that hears these cases shall be applied.

(3) After going into the merits of the case, the cases that are separated continue in the same court.

Aggregation due to wide connection

Article 11 – (1) If the court sees a connection between multiple cases it is hearing, it may decide to combine these cases in order to hear and rule on them together, even if this connection is not of the type indicated in Article 8.

CHAPTER FOUR
Authority

Authorized court

Article 12 – (1) The jurisdiction to hear the case belongs to the court where the crime was committed.

(2) The court of jurisdiction is the place where the last enforcement action was taken in the attempt, where the interruption occurred in continuous crimes, and where the last crime was committed in chain crimes.

(3) If the crime was committed with a printed work published in the country, the court of the place where the work is published has jurisdiction. However, if the same work is published in more than one place and the crime occurred in a print outside the publication center, the court of the place where the work was published also has jurisdiction for this crime.

(4) In the crime of insult, the investigation and prosecution of which is subject to a complaint, if the work was distributed in the place of residence or residence of the victim, the court of that place also has jurisdiction. If the victim is under arrest or is convicted outside the place where the crime was committed, the court of that place also has jurisdiction.

(5) The provision of the third paragraph of this article shall also apply to visual or audio broadcasts. If the visual or audio broadcast was heard or seen in the place of residence of the victim, the court of that place shall also have jurisdiction.

(6) **(Added: 8/7/2021-7331/10 art.)** In crimes committed by using information systems, banks or credit institutions or bank or credit cards as a tool, the courts of the place of residence of the victim are also competent.

Special authority

Article 13 – (1) If the place where the crime was committed is unknown, the court where the suspect or defendant was caught has jurisdiction, or if not, the court where the suspect or defendant resides.

(2) If the suspect or defendant does not have a place of residence in Turkey, the court of the place where his/her last address is in Turkey has jurisdiction.

(3) If it is not possible to determine the court in this way, the court where the first procedural action was carried out has jurisdiction.

Jurisdiction in crimes committed in foreign countries

Article 14 – (1) In crimes committed in a foreign country and which must be investigated and prosecuted in Turkey in accordance with the provisions of the law, jurisdiction is determined in accordance with the first and second paragraphs of Article 13.

(2) However, upon the request of the public prosecutor, the suspect or the defendant, the Supreme Court may grant jurisdiction to the court of the place closer to the place where the crime was committed.

(3) In such crimes, if the suspect or defendant has not been arrested, settled or has no address in Turkey, the competent court is determined by the Supreme Court upon the request of the Minister of Justice and the application of the Chief Public Prosecutor of the Supreme Court of Appeals.

(4) The Ankara Court is the competent court for crimes committed by Turkish public officials who are in foreign countries and benefit from diplomatic immunity.

Authority for crimes committed on sea, air and railway vehicles or with these vehicles

Article 15 – (1) If the crime is committed on a ship authorized to fly the Turkish flag or when such a vehicle is outside Turkey, the court in the first Turkish port of call or the mooring port of the ship has jurisdiction.

(2) The provisions of the above paragraph shall also apply to aircraft and railway vehicles that have the right to fly the Turkish flag.

(3) In cases of crimes committed on or with sea, air or railway vehicles within the country, the court of the first place to which the crimes are committed is also competent.

(4) If the crime of pollution of the environment is committed outside Turkish territorial waters by a ship flying a foreign flag, the court closest to the place where the crime was committed or the first port the ship called in Turkey is located has jurisdiction.

Jurisdiction in related crimes

Article 16 – (1) According to the above articles, related criminal cases, each of which falls within the jurisdiction of different courts, may be consolidated and heard in any of the competent courts.

(2) If related criminal cases are tried in different courts, all or some of these cases may be combined in one of these courts upon agreement between the courts, provided that it is in accordance with the requests of the public prosecutors.

(3) If disagreement persists, upon the request of the public prosecutor or the defendant, the common higher court with jurisdiction decides whether there is a need for consolidation and, if so, in which court the cases will be consolidated.

(4) Separation of consolidated cases is also done in this way.

Positive or negative disagreement in authority

Article 17 – (1) If a positive or negative jurisdictional dispute arises between several judges or courts, the common higher jurisdiction court determines the competent judge or court.

Claim of incompetence

Article 18 – (1) The defendant shall state his claim of lack of jurisdiction before his interrogation at the hearing in the first instance courts, before the commencement of the examination in the regional courts of justice, and before the reading of the examination report in cases with hearings.

(2) The decision on the claim of incompetence is given before the interrogation of the defendant in the first instance courts, at the very beginning of the examination in the regional courts of justice in cases without a hearing, and before the reading of the examination report in cases with a hearing. After these stages, a claim of incompetence cannot be made and the courts cannot make a decision on this issue ex officio.

(3) An objection may be filed against decisions of lack of jurisdiction.

Transfer of the case and holding the hearing elsewhere

Article 19 – (1) If the competent judge or court is unable to perform his duty due to legal or factual reasons, the higher competent court decides to transfer the case to a court of equal degree located elsewhere.

(2) If the prosecution in the place where the competent court is located would be dangerous to public security, the Minister of Justice requests the transfer of the case from the Supreme Court.

(3) **(Added: 24/11/2016-6763/21 art.)** The court may decide to hold the hearing elsewhere within the provincial borders for actual or security reasons. There is an appeal against this decision.

Proceedings of an unauthorized judge or court

Article 20 – (1) Proceedings made by an unauthorized judge or court shall not be deemed invalid merely because of lack of authority.

Procedures carried out in cases where delay is harmful

Article 21 – (1) Even if a judge or court does not have jurisdiction, it may take the necessary action within its jurisdiction in cases where delay would be detrimental.

CHAPTER FIVE
Judge's Inability to Hear a Case and Rejection

Cases in which the judge cannot hear the case

Article 22 – (1) The judge;

a) If the person himself has been harmed by the crime,

b) If there is a marriage, guardianship or trusteeship relationship between the suspect, defendant or victim, even if it is later removed,

c) If the suspect is a blood relative or descendant of the defendant or the victim,
d) If there is an adoption connection between the suspect, defendant or victim,
e) If there is a blood relationship, including third degree, between the suspect, defendant or victim,
f) Even if the marriage has ended, if there is a second-degree kinship between the suspect, defendant or victim,
g) If he/she served as a public prosecutor, a judicial police officer, a suspect or defendant's defense counsel, or a victim's attorney in the same case,
h) If he/she was heard as a witness or expert in the same case,
He cannot perform his duties as a judge.

Judge unable to attend trial

Article 23 – (1) A judge who participates in a decision or judgment cannot participate in the decision or judgment to be given by the higher competent court regarding that decision.

(2) A judge who has served in the investigation phase of the same case cannot serve in the prosecution phase.

(3) In case of a new trial, the judge who served in the previous trial cannot take on the same duty.

Reasons for rejection of a judge and those who can request rejection

Article 24 – (1) Rejection of a judge may be requested in cases where the judge is unable to hear the case, as well as for other reasons that may cast doubt on his/her impartiality.

(2) The public prosecutor, the suspect, the defendant or their defense counsel, the intervener or their attorney may request the rejection of the judge.

(3) If any of them requests, the names of the judges who will participate in the decision or judgment will be notified to him/her.

Duration of request to challenge a judge due to reasons that may cast doubt on his/her impartiality

Article 25 – (1) The challenge of a judge due to reasons that may cast doubt on his/her impartiality may be requested in the first instance courts until the interrogation of the defendant begins; in the regional courts of justice in cases with hearings, until the examination report and the report written by the member or the examining judge assigned to the Court of Cassation are disclosed to the members. In other cases, the challenge of a judge may be requested until the examination begins.

(2) A request to challenge a judge may be made until the hearing or investigation is completed for reasons that later emerge or are learned. However, this request must be made within seven days of learning the reason for the challenge.

Procedure for request for rejection

Article 26 – (1) The rejection of a judge is done by submitting a petition to the court to which he/she is affiliated or by applying to the court clerk to prepare a report on this matter.

(2) The person requesting rejection is obliged to explain all the reasons for rejection that he/she has learned about at once and to present them together with the facts within the time limit.

(3) The judge whose rejection is requested shall submit his/her opinions on the reasons for rejection in writing.

The court that will decide on the request to challenge the judge

Article 27 – (1) The decision on the request for the challenge of a judge shall be made by the court to which he/she is affiliated. However, the judge whose challenge is requested cannot participate in the deliberations. If the court cannot be constituted for this reason, the decision on this matter shall be made by;

a) If the judge whose rejection is requested is a member of a criminal court of first instance, to the high criminal court within the jurisdiction of this court,

b) If the judge whose rejection is requested is a member of a high criminal court, if there is more than one chamber of the high criminal court in that location, to the chamber following the number, for the chamber with the last number, to chamber number (1); if there is only one chamber of the high criminal court in that location, to the nearest high criminal court,

It belongs.

(2) If the request for rejection is against a criminal judge of peace, the criminal court of first instance within whose jurisdiction it is located shall decide; if it is against a single judge, the high criminal court within whose jurisdiction it is located shall decide.

(3) The request for rejection of the president and members of the criminal chambers of the regional court of justice is examined and decided by the chamber in which it is responsible, without the participation of the rejected president and member.

(4) If the request for rejection is accepted, another judge or court is assigned to hear the case.

Decisions to be made upon the request for rejection and legal remedies to be applied

Article 28 – (1) Decisions regarding the acceptance of a request for rejection are final; decisions regarding its rejection may be appealed. The decision of rejection made upon objection shall be reviewed together with the judgment.

Actions that can be taken by the judge whose rejection is requested

Article 29 – (1) The judge whose challenge is requested shall only take actions which would be detrimental if delayed until a decision is made on the challenge.

(2) However, if the judge is rejected during the session, the session shall continue without interruption even if it is necessary to adjourn in order to make a decision on this matter. However, in accordance with Article 216, the hearing of the parties' claims and statements cannot be proceeded with and the next session cannot be started by the rejected judge or with his/her participation before a decision on the rejection is made.

(3) If a decision is made to accept the request for rejection, the hearing is repeated, except for the actions taken due to a situation where delay would be harmful.

Judge's hesitation and the authority for review

Article 30 – (1) When a judge refrains from doing so due to reasons necessitating his/her prohibition, the authority assigns another judge or court to handle the case.

(2) When a judge refrains from the case by citing reasons that cast doubt on his or her impartiality, the court decides whether the refrain is appropriate. If the refrain is found appropriate, another judge or court is assigned to hear the case.

(3) The provisions of Article 29 shall apply to the work carried out in cases where delay would be detrimental.

Rejection of the rejection request

Article 31 – (1) The court rejects the request to challenge a judge made during the prosecution phase in the following cases:

a) If the rejection request is not made within the time limit.

b) If the reason for rejection and evidence are not shown.

c) If it is clearly understood that the request for rejection was made for the purpose of prolonging the hearing.

(2) In such cases, the request for rejection shall be rejected by the participation of the rejected judge in the deliberations in the collective courts, and by the rejected judge himself in the single-judge courts.

(3) Objections may be made against decisions on this matter.

Refusal or hesitation of the court clerk

Article 32 – (1) The provisions in this Section also apply to court clerks.

(2) In case of rejection by the court clerk or his/her refusal to perform the duty by stating the reasons for his/her rejection, the necessary decision is given by the chief justice or judge of the court he/she works for.

(3) The authority that will decide on the request for refusal or refusal of the court clerk together with the judge in the same case is determined by the judge.

PART TWO
Decisions, Explanation and Notification, Deadlines and Reinstatement

FIRST PART

Decisions, Explanation and Notification

Procedure for making decisions

Article 33 – (1) Decisions to be made at the hearing are made after the public prosecutor, the defense counsel, attorney and other relevant parties present at the hearing are heard; decisions outside the hearing are made after the written or oral opinion of the public prosecutor is received.

Reasoning of decisions

Article 34 – (1) All decisions of judges and courts shall be written with reasons, including dissenting votes. Article 230 shall be taken into consideration in writing the reasons. Dissenting votes shall also be shown in the examples of decisions.

(2) The decisions shall specify the legal remedies, time period, authority and forms that may be applied to.

Explanation and notification of decisions

Article 35 – (1) The decision made to the relevant party's face shall be explained to him/her and, if requested, a copy of the decision shall be provided.

(2) Judge or court decisions against which legal action may be taken, except for those related to protective measures, are notified to the relevant party who is unable to attend.

(3) If the relevant party is a person who is not free or a detainee, the decision served shall be read and explained to him/her.

Notification and correspondence procedure

Article 36 – (1) The court president or judge shall make all kinds of notifications and correspondence with all real or private law legal entities or public institutions and organizations.

(2) Decisions to be executed are submitted to the Office of the Chief Public Prosecutor.

Notification procedures

Article 37 – (1) Notification shall be made in accordance with the provisions of the relevant law, without prejudice to the special provisions specified in this Law.

(2) When international agreements accept written documents to be sent directly by post or other means of communication, notification abroad shall be made by registered mail or other means of communication.

Notification to the Chief Public Prosecutor's Office

Article 38 – (1) Notification to the Office of the Chief Public Prosecutor is made by submitting the original of the document to be notified. If a period begins with notification, it is recorded on the original of the document by the Office of the Chief Public Prosecutor on the day it is given.

Electronic transactions

Article 38 /A – (Added: 2/7/2012-6352/95 art.)

(1) The National Judiciary Network Information System (UYAP) is used in all criminal proceedings. All data, information, documents and decisions related to these proceedings are processed, recorded and stored through UYAP.

(2) Except for the exceptions specified in the laws, files can be reviewed and all kinds of criminal prosecution procedures can be carried out through UYAP using secure electronic signature.

(3) Any document and decision that is intended to be prepared physically within the scope of this Law can be prepared, processed, stored and signed electronically with a secure electronic signature.

(4) Documents and decisions signed with a secure electronic signature are sent to other persons or institutions electronically. Documents or decisions signed with a secure electronic signature are not prepared separately physically unless necessary and are not sent to the relevant institutions and individuals.

(5) In case of conflict between the electronically signed document and the handwritten signed document, the document with the secure electronic signature registered in UYAP shall be deemed valid.

(6) In documents and decisions signed with a secure electronic signature, the provisions of the law requiring the issuance of multiple copies, including sealing, do not apply.

(7) Documents or decisions prepared physically due to compelling reasons are scanned by authorized persons and transferred to UYAP and, when necessary, sent electronically to the relevant units.

(8) In cases where a physical copy needs to be taken from an electronic environment, it is signed and sealed by the judge, public prosecutor or the authorized person, stating that the original of the report or document is the same.

(9) For transactions made electronically, the period ends at the end of the day.

(10) Information, documents and records obtained from external information systems such as population, land registry and criminal records required by judicial units through UYAP are not requested physically unless necessary. Information and documents sent from UYAP to external information systems are not sent physically unless necessary.

(11) The procedures and principles regarding the conduct of criminal prosecution proceedings in UYAP are regulated by the regulation to be issued by the Ministry of Justice.

SECOND PART
Periods and Reinstatement

Calculation of durations

Article 39 – (1) The periods determined by day begin to run the day following the day of notification.

(2) If the period is determined as a week, it ends at the end of the working hours of the day corresponding to the last week on which the notification was made.

(3) If the period is determined as a month, it ends at the end of the working hours of the day that corresponds numerically to the day of the notification in the last month. If there is no corresponding numerical day in the last month, the period ends at the end of the working hours of the last day of the month.

(4) If the last day falls on a holiday, the period ends the day after the holiday.

Reinstatement

Article 40 – (1) A person who has spent a period without fault may request reinstatement.

(2) If the person is not informed of the right to take legal action, he/she is deemed to be at fault.

Petition for reinstatement

Article 41 – (1) The petition for reinstatement shall be submitted to the court, which shall carry out the procedural procedures if the period is met, within two weeks from the removal of the obstacle.

(2) The petitioner shall explain the facts, including any documents, showing that he/she is not at fault for the expiration of the period. Procedural actions that could not be performed at the time the petition was submitted shall also be carried out.

Decision to be made on the petition for reinstatement

Article 42 – (1) The court that would have ruled on the merits if the procedural action had been taken within the time limit shall also rule on the petition for reinstatement.

(2) The decision to accept the request for reinstatement is final; an appeal may be filed against the decision to reject it.

(3) A petition for reinstatement does not suspend the execution of the decision; however, the court may postpone execution.

PART THREE
Testimony, Expert Review and Discovery

FIRST PART
Testimony

Calling of witnesses

Article 43 – (1) Witnesses are summoned with a summons. The consequences of failure to appear are stated in the summons. In cases of detention, a decision may be made to bring witnesses by force. The reasons for bringing them in this manner are stated in the decision and the same procedure is applied to witnesses who appear with a summons.

(2) This call can also be made by using means such as telephone, telegraph, fax, e-mail, etc. However, the results attached to the call sheet will not be applied in this case.

(3) The court may order the court officials, in writing, to have the witnesses who are deemed necessary to be heard immediately during the hearing, present on the day and at the time it will specify.

(4) The President may, at his own discretion, refrain from testifying. If he wishes to testify, his statement may be taken at his residence or sent in writing.

(5) The provisions of this article can only be applied if the person is heard as a witness before a public prosecutor, a judge or a court.

Witnesses who do not comply with the summons

Article 44 – (1) Witnesses who are duly summoned but fail to appear without stating an excuse shall be brought by force and the expenses caused by their failure to appear shall be assessed and paid in accordance with the procedure for the collection of public receivables. If the witness brought by force subsequently provides reasons that justify his/her failure to appear, the expenses ruled against him/her shall be waived. **(Additional sentence: 8/7/2021-7331/11 article)** The decision to bring by force shall be notified to the witness by means of communication such as telephone, telegram, fax, e-mail, if these communication details are available in the file.

(2) The decision to force soldiers to perform active service is executed through military authorities.

Don't hesitate to testify

Article 45 – (1) The following persons may refrain from testifying:

a) The suspect or the defendant's fiancée.

b) The spouse of the suspect or defendant, even if there is no marriage bond.

c) The suspect or defendant's lineage or lineage through blood kinship or in-law relationship.

d) Blood relatives, including the third degree, or in-law relatives, including the second degree, of the suspect or defendant.

e) Those who have an adopted relationship with the suspect or defendant.

(2) Those who are not able to understand the importance of refraining from testifying due to their young age, mental illness or mental weakness may be heard as witnesses with the consent of their legal representatives. If the legal representative is a suspect or defendant, he/she cannot decide on the refrain of these persons.

(3) Those who may hesitate to testify are informed that they may do so before being heard. These people may also refuse to testify at any time while being heard.

Hesitation to testify due to profession and ongoing pursuits

Article 46 – (1) Those who may refrain from testifying due to their professions and regular occupations, and the subjects and conditions for refraining are as follows:

a) Information acquired by lawyers or their trainees or assistants in their capacities or due to the judicial duties they undertake.

b) Information learned by physicians, dentists, pharmacists, midwives and their assistants and all other members of the medical profession or arts about their patients and their relatives in their capacity.

c) Information learned by advisors and notaries assigned to financial affairs about the people they serve in their capacity.

(2) Persons other than those specified in subparagraph (a) of the above paragraph cannot refrain from testifying if the person concerned consents.

Testimony regarding information that is a state secret

Article 47 – (1) Information regarding a criminal fact cannot be kept secret from the court as a State secret. Information whose disclosure may harm the State’s foreign relations, national defense and national security, or pose a threat to the constitutional order and foreign relations, is considered a State secret.

(2) If the information to be testified is a state secret, the witness shall be heard only by the court judge or panel, even without the presence of the court clerk. The judge or the presiding judge shall then record in the minutes only the information from the witness statements that will clarify the alleged crime.

(3) The provision of this article shall apply to crimes for which the lower limit of imprisonment is five years or more.

(4) In the case of the President's testimony, he or she determines the nature of the secret and whether it should be reported to the court.

Hesitation to testify against himself or his relatives

Article 48 – (1) The witness may hesitate to answer questions that may subject him or the persons listed in the first paragraph of Article 45 to criminal prosecution. The witness is informed in advance that he or she may hesitate to answer.

Notification of reason for refusal to testify

Article 49 – (1) When deemed necessary by the presiding judge, judge or public prosecutor, the witness shall, in the cases specified in Articles 45, 46 and 48, state the facts constituting the basis for his reluctance to testify and, if necessary, shall be sworn in this regard.

Witnesses not sworn

Article 50 – (1) The following persons are heard without taking an oath:

a) Those who have not reached the age of fifteen at the time of rest.

b) Those who cannot understand the nature and importance of the oath because they do not have the power of discernment.

c) Those who are suspected, accused or convicted of participating in crimes that are the subject of investigation or prosecution, or of favoring the criminal due to these crimes, or of destroying, concealing or altering criminal evidence.

No one should hesitate to testify.

Article 51 – (1) It is at the discretion of the judge or court to swear an oath to those who may hesitate to testify in accordance with Article 45. However, a witness may hesitate to take an oath. This matter must be notified to him/her.

Hearing of witnesses

Article 52 – (1) Each witness is heard separately and without the presence of subsequent witnesses.

(2) Until the prosecution phase, witnesses may be confronted with each other and with the suspect only in cases where there is a risk of delay or in cases related to identification.

(3) Images or sounds during the hearing of witnesses may be recorded. However;

a) Child victims,

b) Persons who cannot be brought to the hearing and whose testimony is necessary to reveal the material truth,

This record is mandatory in your testimony.

(4) Audio and visual recordings obtained by applying the provision of the third paragraph shall be used only in criminal proceedings.

Explaining the importance of the task to the witness

Article 53 – (1) To the witness;

a) The importance of telling the truth before being heard,

b) If he does not tell the truth, he will be punished for the crime of giving false testimony,

c) He will swear to tell the truth,

d) Not leaving the courtroom without the express permission of the presiding judge or judge during the hearing,

It is explained.

Oath-taking of witnesses

Article 54 – (1) Witnesses shall take an oath separately before testifying. If necessary or if there is any doubt as to whether it is appropriate for a person to be heard as a witness, the oath may be postponed until after the testimony.

(2) During the investigation phase, public prosecutors also swear oaths to witnesses.

Form of oath

Article 55 – (1) The oath to be given to the witness shall be in the form of "I swear on my honour and conscience that I will tell the truth about what I know" before the testimony and "I swear on my honour and conscience that I will tell the truth about what I know" if given after the testimony in accordance with Article 54.

(2) Everyone stands up when the oath is taken.

Fulfillment of the oath, the oath of the deaf or dumb

Article 56 – (1) The witness takes an oath by repeating it out loud or reading it.

(2) Deaf or dumb people who can read and write take an oath by writing the oath form and signing it. Deaf or dumb people who cannot read and write take an oath by sign and through an interpreter who understands their signs.

Hearing the witness again

Article 57 – (1) If a witness who has been heard under oath needs to be heard again during the same investigation or prosecution phase, the witness may not be sworn again and may be merely reminded of the previous oath.

First questions to be asked to the witness and the protection of the witness

Article 58 – (1) The witness is first asked about his/her name, surname, age, occupation and place of residence, the address of his/her workplace or temporary residence, and telephone numbers, if any. If necessary, questions are asked about the circumstances that will enlighten the judge about the extent to which his/her testimony can be trusted, especially questions about his/her relationship with the suspect, defendant or victim.

(2) If the identities of the persons to be heard as witnesses would pose a serious danger to themselves or their relatives, the necessary measures are taken to keep their identities confidential. The witness whose identity is kept confidential is obliged to explain the reason and the means by which he learned about the events he testified. In order to keep his identity confidential, the witness's personal information is kept by the public prosecutor, judge or court.

(3) If the hearing in the presence of those present would constitute a serious danger for the witness and this danger cannot be prevented in any other way or would constitute a danger in terms of revealing the material truth, the judge may hear the witness without the presence of those who have the right to be present. Audio and video transmission is made during the hearing of the witness. The right to ask questions is reserved.

(4) The measures to be taken to keep the identity of the person confidential or to ensure his/her security after the witness duty is fulfilled are regulated in the relevant law.

(5) The provisions of the second, third and fourth paragraphs may only be applied in relation to crimes committed within the scope of the activities of an organisation.

Things to say to the witness and questions to ask

Article 59 – (1) Before being heard, the witness is informed by the presiding judge or judge about the incident about which he/she will testify; the defendant who is present is shown to the witness. If the defendant is not present, his/her identity is disclosed. The witness is asked to state what he/she knows about the issues on which he/she will testify, and his/her speech is not interrupted while testifying.

(2) Additional questions may be asked to the witness in order to clarify and complete the issues testified to and to properly evaluate the situations on which his information is based.

Refusal to testify or take an oath without cause

Article 60 – (1) A witness who refrains from testifying or taking an oath without a legal reason may be sentenced to disciplinary imprisonment for a period not exceeding three months, until a verdict is given on the case in order for the witness to take the oath or testify, together with the costs arising from this. If the person complies with his/her obligation to testify, he/she shall be released immediately.

(2) The deputy judge, the court to which the case is referred and the criminal judge of peace during the investigation phase are authorized to take these measures.

(3) After these measures are taken during the hearing of the case and the above-mentioned periods are fully applied according to the type of crime, they will not be repeated in that case or in other cases related to the same work.

(4) The decision of disciplinary detention may be appealed.

Compensation and expenses to be paid to the witness

Article 61 – (1) A witness called by the public prosecutor, the presiding judge or the judge shall be paid compensation in proportion to the time lost, according to the tariff prepared by the Ministry of Justice each year. If the witness has to travel to be present, travel expenses, accommodation and food expenses at the place where he/she is called to testify shall also be covered.

(2) The compensation and expenses to be paid pursuant to the provision of the first paragraph shall be paid without any taxes, duties or charges.

SECOND PART
Expert examination

Provisions applicable to experts

Article 62 – (1) The provisions regarding witnesses, which are not contrary to the following articles, also apply to experts.

Appointment of expert

Article 63 – (1) In cases where the solution requires expertise, special or technical knowledge, the decision to obtain the opinion and vote of an expert may be made ex officio or upon the request of the public prosecutor, the party involved, his/her attorney, the suspect or the defendant, his/her defense counsel or legal representative . **(Amended sentence: 3/11/2016-6754/42 article)** However, an expert witness cannot be consulted on issues that can be resolved with general knowledge or experience or with the legal knowledge required by the profession of judge. **(Additional sentence: 3/11/2016-6754/42 article)** Persons who have received law education cannot be appointed as experts unless they document that they have a separate expertise outside the field of law.

(2) The appointment of an expert and the determination of the number of experts to be more than one, with justification, is the responsibility of the judge or the court. The same decision is made when requests for the appointment of more than one expert are rejected.

(3) During the investigation phase, the public prosecutor may also use the powers indicated in this article.

Those who can be appointed as experts

Article 64 – (1) **(Amended: 3/11/2016-6754/43 art.)** Experts are selected from among the persons included in the list prepared by the regional expert board, based on the jurisdictions of the regional courts of justice. However, if an expert in the relevant field of expertise is on the regional list, but is located closer to the place of assignment, an assignment may be made from this list.

(2) **(Amended: 3/11/2016-6754/43 art.)** If there is no expert in the field of expertise to be consulted in the list prepared by the regional board, an expert may be appointed from the lists of other regional boards, or if he is not there, an expert may be appointed from outside the lists, provided that he/she also meets the conditions set forth in the first paragraph of Article 10 of the Expert Witness Law, excluding subparagraphs (d), (e) and (f). Experts appointed from outside the lists shall be reported to the regional board.

(3) Official experts assigned by law on certain issues are appointed first. However, public officials cannot be appointed as experts in cases related to the institution to which they are affiliated.

(4) **(Repealed: 3/11/2016-6754/43 art.)**

(5) Experts registered on the lists swear an oath before the regional expert board or the provincial judicial justice commission of the place where they are located,

repeating the words "I swear on my honor and conscience that I will perform my duties in a way that is loyal to justice, in accordance with science and technology, and impartially." These experts are not given a new oath for every job they are assigned to.

(6) Experts who are not included in the lists shall, when appointed, take an oath in the manner prescribed in the above paragraph before the authority that appointed them. The record of the oath being taken shall be signed by the judge or public prosecutor, the court clerk and the expert.

(7) In cases where there is an obstacle, the oath may be given in writing and its text shall be placed in the file. However, the reason for this situation must be stated in the decision.

Obligation to accept expert witness

Article 65 – (1) The following persons or institutions are obliged to accept the duty of expert witness:

a) Those who have been appointed as official experts and those included in the lists specified in Article 64.

b) Those who have acquired the sciences and arts that are necessary to conduct the examination.

c) Those who are officially authorized to perform the profession required for the examination.

Appointment decision and conducting investigations

Article 66 – (1) In the decision to have an expert examination conducted, the questions that require expertise, special or technical knowledge to be answered, the subject of the examination and the period in which the task will be performed shall be specified. This period cannot exceed three months depending on the nature of the work. If special reasons make it necessary, this period may be extended for a maximum of three months upon the request of the expert, with a reasoned decision of the authority that appointed him.

(2) An expert who does not submit his report within the specified period may be replaced immediately. In this case, the expert shall submit a report explaining the actions he has taken up to that point and shall immediately return the items and documents delivered to him for his duty. **(Amended final sentence: 3/11/2016-6754/44 art.)** In addition, provided that the provisions regarding legal and criminal liability are reserved, it may be decided that no payment will be made to the expert in the name of fees and expenses and the application of the necessary sanctions shall be requested from the regional expert board by stating the reason.

(3) The expert shall perform his duties in cooperation with the authority that appointed him, and when necessary, he shall inform this authority about the developments in his investigations and may request that measures deemed beneficial be taken.

(4) An expert may seek information from persons other than the suspect or the defendant in order to obtain information in order to fulfill his/her duty. If the expert wishes to be enlightened on a matter that is not within his/her area of expertise, the judge, court or public prosecutor may allow him/her to meet with qualified persons who are known for their knowledge on the subject. The persons summoned in this manner shall take an oath and the reports they shall submit shall be placed in the file as an integral part of the expert report.

(5) The relevant parties may also request the relevant authorities to decide on hearing the persons they will designate by name who can provide technical information to the expert during the investigations or to conduct certain investigations.

(6) If necessary, the expert may ask questions to the victim, suspect or defendant through the presiding judge, judge or public prosecutor. However, the presiding judge, judge or public prosecutor may also allow the expert to ask questions directly. The medical expert assigned to the examination may ask questions that he/she deems necessary while performing his/her duty directly to the victim, suspect or defendant without the presence of the judge, public prosecutor or defense counsel.

(7) Before the items to be examined are given to the expert under seal, they are listed and counted. These matters are determined in a report. The expert is obliged to state in a report the opening and re-opening of the seals and to prepare a list.

Expert report, expert opinion

Article 67 – (1) When the examinations are completed, the expert shall sign a report explaining the procedures he has carried out and the conclusions he has reached, stating that he has carried out the examinations requested of him, and shall deliver or send it to the relevant authority. The sealed items shall also be delivered or sent to the relevant authority, and this matter shall be recorded in a report.

(2) If more than one appointed expert has expressed different opinions or if they have different opinions on common results, they shall write this in the report together with their reasons.

(3) **(Amended: 3/11/2016-6754/45 art.)** The expert cannot make any statements in his report and during his oral explanations, other than those that require expertise, special or technical knowledge to solve; he cannot make legal qualifications and evaluations that should be made by the judge.

(4) Copies of the report prepared by the expert may be given directly to the public prosecutor, the participant, his/her attorney, the suspect or the defendant, his/her defense counsel or legal representative during the hearing, or may be sent to them by registered mail.

(5) When the expert examinations are completed, the public prosecutor, the party, his/her attorney, the suspect or the defendant, his/her defense counsel or legal representative are given a period of time to request a new expert examination or to notify objections. If the requests of these persons are rejected, a reasoned decision is made on this matter within three days.

(6) The public prosecutor, the intervener, his/her attorney, the suspect or the defendant, his/her defense counsel or legal representative may obtain a scientific opinion from an expert regarding the incident that is the subject of the trial or for evaluation in the preparation of the expert report or regarding the expert report. No additional time may be requested for this reason alone.

Expert witness statement at the hearing

Article 68 – (1) The court may at any time decide to hear the expert at the hearing, or may call the expert to the hearing to make statements if one of the parties requests so.

(2) After their statements, the experts remain in the courtroom unless the presiding judge or judge allows them to withdraw; however, it is not necessary for them to be admitted to the courtroom one by one and heard separately from each other.

(3) The provisions of the above paragraphs shall also apply to the hearing of an expert who has prepared a scientific opinion upon the request of the public prosecutor, the party, his/her attorney, the suspect or the defendant, the defense counsel or the legal representative.

Rejection of expert

Article 69 – (1) The reasons that necessitate the rejection of a judge are also valid for an expert.

(2) The public prosecutor, the participant, his/her attorney, the suspect or the defendant, his/her defense counsel or legal representative may exercise the right of objection. The name and surname of the judge or the expert appointed by the court shall be notified to those who have the right of objection, unless there are obstacles.

(3) The judge or court hearing the case shall examine the request for rejection. During the investigation phase, a request for rejection not accepted by the public prosecutor shall be examined by the criminal judge of peace. The person requesting the rejection shall be obliged to explain the reason for this, indicating the facts on which it is based.

Do not hesitate to be an expert witness, those who cannot be heard as an expert witness

Article 70 – (1) The reasons for refraining from testifying are also valid for experts. An expert may also refrain from giving an opinion for other valid reasons.

Proceedings against an expert who did not perform his duty

Article 71 – (1) The provision of the first paragraph of Article 60 shall be applied to experts who fail to appear despite being duly summoned or who refrain from taking an oath, voting or giving their opinions, and the situation shall be reported to the regional expert board .

Expert expenses and fees

Article 72 – (Amended: 3/11/2016-6754/47 art.)

(1) The expert is paid a fee proportional to the labor and work he has spent, as well as his examination, transportation, accommodation and other expenses. In this regard, the tariff issued by the Ministry of Justice and updated every year is taken as basis.

Investigations to be conducted on counterfeit money and values

Article 73 – (1) In cases of forgery committed on money and securities such as bonds and Treasury bills issued by the State, all seized money and securities shall be

Article 73 – (1) In cases of forgery committed on money and securities such as bonds and Treasury bills issued by the State, all seized money and securities shall be examined by the central or provincial units of the institutions that put the originals into circulation.

(2) It is decided that the opinions of the competent Turkish authorities will be taken regarding the currencies and values of foreign states.

THIRD PART
Observation, Examination, Discovery and Autopsy

Being placed under observation

Article 74 – (1) In order to determine whether the suspect or the defendant, who is strongly suspected of having committed an act, is mentally ill, if mentally ill, how long he has been ill and the effects of this on the person's behaviour, upon the recommendation of a specialist physician and after hearing the public prosecutor and the defence counsel, the criminal judge of peace may decide during the investigation phase, and the court may decide during the prosecution phase to place him under observation in an official health institution.

(2) If the suspect or the accused does not have a lawyer, a lawyer is appointed by the bar association upon the request of the judge or the court.

(3) The observation period cannot exceed three weeks. If it is determined that this period will not be sufficient, additional periods may be given upon the request of the official health institution, not exceeding three weeks each time; however, the total period cannot exceed three months.

(4) An objection may be filed against the decision to be placed under observation; the objection suspends the execution of the decision.

(5) The provision of this article shall also apply in cases where a stay of proceedings must be decided in accordance with the eighth paragraph of article 223.

Physical examination of the suspect or defendant and taking samples from his body

Article 75 – (Amended: 25/5/2005 – 5353/2 art.)

(1) The public prosecutor or the victim may decide, upon their request or ex officio, to conduct an internal physical examination on a suspect or defendant in order to obtain evidence of a crime, or to take samples of blood or similar biological samples, hair, saliva, or nails from the body, or the public prosecutor may decide. The public prosecutor's decision shall be submitted to the judge or court for approval within twenty-four hours. The judge or court shall make its decision within twenty-four hours. Decisions that are not approved shall be null and void, and the evidence obtained shall not be used.

(2) In order to perform an internal body examination or to take blood or similar biological samples from the body, the intervention must not pose a risk of harming the person's health.

(3) Internal body examination or taking blood or similar biological samples from the body can only be performed by a physician or another health professional.

(4) Examination of the genitals or anus area is also considered an internal body examination.

(5) In crimes that require a prison sentence of less than two years, an internal physical examination cannot be performed on the person; blood or similar biological samples, hair, saliva, and nail samples cannot be taken from the person.

(6) Objections may be made to the judge or court decisions taken pursuant to this article.

(7) The provisions of special laws regarding alcohol testing and taking blood samples are reserved.

Physical examination of other people and taking body samples

Article 76 – (Amended: 25/5/2005 – 5353/3 art.)

(1) In order to obtain evidence regarding a crime, an external or internal body examination may be conducted on the victim's body or samples such as blood or similar biological samples, hair, saliva, and nails may be taken from the body; provided that this does not endanger the health and no surgical intervention is performed; upon the request of the public prosecutor or ex officio by the judge or court, or in cases where delay is deemed undesirable by the public prosecutor, the public prosecutor may decide. The public prosecutor's decision shall be submitted to the judge or court for approval within twenty-four hours. The judge or court shall make its decision within twenty-four hours. Decisions that are not approved shall be null and void and the evidence obtained shall not be used.

(2) If the victim gives consent, it is not necessary to take a decision in accordance with the provision of the first paragraph in order to carry out these procedures.

(3) If it is necessary to investigate the child's lineage, a decision must be taken in accordance with the provision of the first paragraph in order to conduct this investigation.

(4) Examination or taking a sample from the body may be avoided due to reasons of hesitation to testify. The legal representative decides on the hesitation of a child or a mentally ill person. If the child or mentally ill person is in a position to perceive the legal meaning and consequences of the testimony, his/her opinion is also taken. If the legal representative is also a suspect or a defendant, the judge decides on this matter. However, in this case, the evidence obtained cannot be used in the later stages of the case without the permission of the legal representative who is not a suspect or a defendant.

(5) Judge or court decisions made pursuant to this article may be appealed.

Examination of the woman

Article 77 – (1) The examination of the woman shall be carried out by a female physician upon her request and whenever possible.

Molecular genetic studies

Article 78 – (1) Molecular genetic examinations may be conducted on samples obtained through the procedures stipulated in Articles 75 and 76, if necessary to determine lineage or whether the findings obtained belong to the suspect or the accused or the victim. Examinations aimed at making determinations other than these purposes on the samples taken are prohibited.

(2) The examinations that can be conducted in accordance with the first paragraph may also be conducted on body parts that are found and whose identity is unknown. The second sentence of the first paragraph shall also apply in such a case.

Judge's decision and review

Article 79 – (1) Only a judge can decide to conduct molecular genetic examinations in accordance with Article 78. The expert assigned to conduct the examination is also indicated in the decision.

(2) Officials who are officially appointed for the examinations to be conducted or who are responsible for expert witnessing or who are not members of the authority conducting the investigation or prosecution or who are members of a unit of this authority that is organizationally and objectively separate from the department conducting the investigation or prosecution may be assigned as experts. These persons are obliged to prevent the conduct of prohibited molecular genetic examinations and unauthorized third parties from obtaining information by taking appropriate technical and organizational measures. The findings to be examined are given to the expert without informing the person concerned about their name and surname, address and date of birth.

Confidentiality of genetic examination results

Article 80 – (Amended: 25/5/2005 – 5353/4 art.)

(1) The results of the examinations conducted on the samples taken in accordance with the provisions of Articles 75, 76 and 78 are personal data and cannot be used for any other purpose; they cannot be given to anyone else by persons who have the authority to learn the content of the file.

(2) In the event that the period for objection to the decision of not prosecuting expires, the objection is rejected, an acquittal or a decision of not imposing a penalty is made and becomes final, this information shall be destroyed immediately in the presence of the public prosecutor and this matter shall be recorded in the minutes to be kept in the file.

Determination of physical identity

Article 81 – (Amended: 25/5/2005 – 5353/5 art.)

(1) If it is necessary to identify a suspect or defendant for a crime that requires a prison sentence of two years or more, his/her photograph, body measurements, fingerprints and palm prints, other features on his/her body that will facilitate identification, as well as his/her voice and images are recorded upon the order of the public prosecutor and placed in the file regarding the investigation and prosecution proceedings.

(2) If the objection period for a decision of no prosecution expires, the objection is rejected, an acquittal or a decision of no punishment is made and becomes final, the records in question are immediately destroyed in the presence of the public prosecutor and this matter is recorded in the minutes.

regulation

Article 82 – (1) The procedures for carrying out the transactions envisaged in Articles 75 to 81 are indicated in the regulation.

Discovery

Article 83 – (1) Discovery is made by the judge or court or the substitute judge or the judge or court to which the rogatory is addressed and, in cases where delay is deemed undesirable, by the public prosecutor.

(2) The absence of evidence that was expected to exist but could not be obtained, depending on the existing situation and the special nature of the incident, is also recorded in the discovery report.

Those who may be present during discovery and hearing of witnesses or experts

Article 84 – (1) The suspect, the defendant, the victim and their defense counsel and attorney may be present during the investigation.

(2) If it is understood that a witness or expert cannot be present during the hearing or that it is difficult to be present due to the distance of his/her place of residence, the provision of the first paragraph shall also apply to the hearing of this witness or expert.

(3) If the presence of the victim, suspect or defendant may prevent one of the witnesses from giving truthful testimony, it may be decided that the suspect or defendant will not be present in that case.

(4) Those who have the right to be present at these works are informed before the date of the works, provided that this does not cause the work to be postponed.

(5) If the suspect or defendant is under arrest, the judge or court may decide to have him/her present during the inspection only in cases deemed necessary.

Show location

Article 85 – (Amended: 25/5/2005 – 5353/6 art.)

(1) The public prosecutor may order a suspect who has made a statement about the crime attributed to him to be shown where he is. In the case of crimes falling within the scope of the first paragraph of Article 250, the chief of the judicial police is also authorized to order a showing where he is.

(2) The defense counsel may also be present during the showing of the location, provided that it does not delay the investigation.

(3) The location indication process is recorded in the minutes in accordance with Article 169.

Identification of the dead and forensic examination

Article 86 – (1) Unless there are impeding reasons, before the post-mortem examination or autopsy, the identity of the deceased shall be determined by all means, especially by showing it to those who know him, and if there is a suspect or defendant, the deceased may also be shown to him for identification.

(2) During the forensic examination of the dead body, all findings are determined to determine the medical symptoms, time of death and cause of death.

(3) This examination is carried out in the presence of the public prosecutor and by assigning a physician.

Autopsy

Article 87 – (1) The autopsy is performed by two physicians, one of whom is a forensic medicine specialist, the other a pathologist or a member of one of the other branches, or one a general practitioner, in the presence of the public prosecutor. A physician brought by the defense counsel or representative may also be present at the autopsy. In cases of necessity, the autopsy may also be performed by a physician; this situation shall be clearly stated in the autopsy report.

(2) Autopsy requires the opening of the head, chest and abdomen, if the condition of the body allows it.

(3) A physician who treated the deceased during his illness immediately before his death cannot be given the task of performing an autopsy. However, this physician may be asked to be present during the autopsy and provide information about the course of the illness.

(4) A buried body may be exhumed for examination or autopsy. The decision on this matter is made by the public prosecutor during the investigation phase and by the court during the prosecution phase. If the decision to exhume does not jeopardize the purpose of the investigation and is not difficult to reach, a relative of the deceased shall be notified immediately.

(5) While the procedures mentioned in the above paragraphs are carried out, images of the corpse are recorded.

Forensic examination or autopsy of the newborn's body

Article 88 – (1) In the forensic examination or autopsy of the corpse of the newborn, it is determined whether there are signs of life during or after birth, whether the baby was born at the normal time, whether it is biologically mature enough to survive outside the womb or whether it has the ability to live.

Action to be taken on suspicion of poisoning

Article 89 – (1) When taking samples from organs in cases of suspected poisoning, the damage to the organ is identified by its visible form. Suspicious substances found in the dead body or elsewhere are examined and analyzed by the assigned expert.

(2) The public prosecutor or the court may decide that this examination be carried out with the participation of the physician or under his supervision.

PART FOUR
Protection Measures

FIRST PART
Arrest and Detention

Arrest and procedures to be carried out on the person arrested

Article 90 – (1) Temporary arrest can be made by anyone in the following cases:

a) Encountering the person while committing the crime.

b) There is a possibility that the person being monitored for a red-handed act will escape or it is not possible to immediately determine his/her identity.

(2) In cases where an arrest warrant or warrant of arrest is required and where there is a risk of delay, law enforcement officers have the authority to arrest, provided that it is not possible to immediately apply to the public prosecutor or their superiors.

(3) Although investigation and prosecution depend on a complaint, the arrest of a person in flagrante delicto, committed against children or those who are incapable of governing themselves due to physical or mental illness, disability or infirmity, is not dependent on a complaint.

(4) **(Amended: 25/5/2005 – 5353/7 art.)** After taking measures to prevent the person from escaping or harming himself or others during the arrest, the law enforcement officer shall immediately inform the person of his or her legal rights.

(5) **(Amended: 25/5/2005 – 5353/7 art.)** The public prosecutor shall be immediately informed about the person and the incident who is caught and handed over to the police according to the first paragraph or caught by the officers according to the second paragraph, and the action shall be taken in accordance with his/her order.

(6) If the purpose for which the arrest warrant was issued is eliminated due to the execution of the act subject to the arrest warrant, the court, judge or public prosecutor shall immediately request the return of the arrest warrant.

Custody

Article 91 – (1) If the person caught according to the above article is not released by the Public Prosecutor’s Office, it may be decided that he/she will be detained for the completion of the investigation. **(Amended second sentence: 25/5/2005 – 5353/8 article)** The detention period cannot exceed twenty-four hours from the moment of capture, excluding the mandatory period for transfer to the nearest judge or court to the place of capture. **(Additional sentence: 25/5/2005 – 5353/8 article)** The mandatory period for transfer to the nearest judge or court to the place of capture cannot exceed twelve hours.

(2) Detention is subject to the necessity of this measure for the investigation and the existence of concrete evidence indicating suspicion that the person has committed a crime.

(3) In crimes committed collectively, due to the difficulty in collecting evidence or the large number of suspects, the public prosecutor may order in writing that the detention period be extended for three days, not exceeding one day at a time. The order to extend the detention period shall be immediately notified to the detainee.

(4) **(Added: 27/3/2015-6638/13 art.)** Limited to cases of being caught red-handed; a person may be detained for up to twenty-four hours by the police chiefs to be determined by the provincial governors for the crimes specified in the following paragraphs, and for up to forty-eight hours during social events that may cause widespread

violence and serious disruption of public order, and for crimes committed collectively. If the reason for detention is eliminated or upon completion of the procedures, and in any case at the latest at the end of the above-mentioned periods, the public prosecutor shall be informed about the procedures carried out and his/her instructions shall be followed. If the person is not released, the procedures shall be carried out in accordance with the above paragraphs. However, the person shall be brought before a judge within forty-eight hours at the latest, and within four days for crimes committed collectively. The provisions regarding detention shall also apply to persons detained by the police within the scope of this paragraph.

a) Crimes involving force and violence committed during social events.

b) Included in the Turkish Penal Code No. 5237 dated 26/9/2004;

1. Intentional killing (Articles 81, 82), negligent killing (Article 85),
2. Intentional injury (articles 86, 87),
3. Sexual assault (article 102),
4. Sexual abuse of children (article 103),
5. Theft (articles 141, 142),
6. Plunder (articles 148, 149),
7. Manufacturing and trading of narcotic or stimulant substances (Article 188),
8. Acting contrary to measures regarding infectious diseases (Article 195),
9. Prostitution (article 227),
10. Ill-treatment (article 232),

c) Crimes included in the Anti-Terrorism Law No. 3713 dated 12/4/1991.

d) Crimes specified in subparagraph (a) of the first paragraph of article 33 of the Law on Meetings and Demonstrations No. 2911 dated 6/10/1983.

e) Violating the curfew declared based on the Provincial Administration Law No. 5442 dated 10/6/1949.

f) Crimes specified in Article 3 of the Anti-Smuggling Law No. 5607 dated 21/3/2007.

(5) In the event of a written order by the public prosecutor regarding the arrest, detention or extension of the detention period, the person arrested, his/her defence counsel or legal representative, spouse or first or second degree blood relative may apply to the criminal judge of peace to ensure immediate release. The criminal judge of peace shall review the documents and conclude the application immediately and finally within twenty-four hours. If it is deemed appropriate to arrest or detain or extend the detention period, the application shall be rejected or a decision shall be made to immediately present the person arrested with the investigation documents at the public prosecutor's office.

(6) A person who has been released upon the expiration of the detention period or upon the decision of a criminal judge of peace cannot be arrested again for the same reason unless new and sufficient evidence is obtained regarding the act that led to the arrest and unless there is a decision by the public prosecutor.

(7) If the detained person is not released, he/she shall be brought before a criminal judge of peace and interrogated at the latest at the end of these periods. His/her defense counsel shall also be present during the interrogation.

Supervision of detention procedures

Article 92 – (1) Chief public prosecutors or public prosecutors they designate shall, as required by their judicial duties, inspect the detention centres where detained persons will be held, the statement-taking rooms, if any, the conditions of these persons, the reasons and duration of detention, and all records and procedures related to detention; and record the results in the Book of Persons Taken to the Detention Centre.

Transport of captured or detained persons

Article 93 – (1) Handcuffs may be placed on persons who are captured or arrested and transferred from one place to another if there are signs that they will escape or that they pose a danger to the life and physical integrity of themselves or others.

Taking the arrested person to court

Article 94 – (Amended: 21/2/2014 – 6526/7 art.)

(1) A person who is arrested during the investigation or prosecution phase upon an arrest warrant issued by a judge or court shall be brought before the competent judge or court within twenty-four hours at the latest.

(2) If the person caught cannot be brought before the competent judge or court within twenty-four hours at the latest, the person's interrogation or statement will be taken by the competent judge or court using the audio and visual communication system established in the courthouse where he/she was caught, or if this is not available, in the nearest courthouse, within the same period.

(3) **(Added: 8/7/2021-7331/12 art.)** The release of a person who is apprehended outside working hours upon an arrest warrant issued for the purpose of taking his/her statement and who undertakes to appear before the judicial authority on the specified date may be ordered by the public prosecutor. This provision may only be applied once for each arrest warrant. A person who fails to fulfill his/her undertaking shall be subject to an administrative fine of one thousand Turkish liras by the public prosecutor of the place where the arrest warrant was issued.

Notification of the situation of the captured or detained person to his/her relatives

Article 95 – (1) When a suspect or defendant is caught, taken into custody or the period of custody is extended, a relative or a person designated by the public prosecutor shall be notified without delay upon the order of the public prosecutor.

(2) If a foreigner is caught or detained, his situation is reported to the consulate of the state of which he is a citizen, unless he objects in writing.

Notification of the arrest to the relevant parties

Article 96 – (1) If the suspect is caught before the complaint is made in accordance with the third paragraph of Article 90 regarding the crime whose investigation and prosecution depend on the complaint, the arrest is notified to the person authorized to make the complaint or, if there is more than one of them, to at least one of them.

Arrest report

Article 97 – (1) The arrest process is recorded in a report. This report clearly states the crime for which the person was arrested, under what conditions, at what place and time, who made the arrest, by which law enforcement officer he was identified, and his rights are fully explained.

Arrest warrant and reasons

Article 98 – (1) **(Amended: 25/5/2005 – 5353/10 art.)** An arrest warrant may be issued by the criminal judge of peace upon the request of the public prosecutor for a suspect who does not appear upon summons or who cannot be summoned during the investigation phase. In addition, in the event of an objection to the decision to reject the request for arrest, an arrest warrant may also be issued by the objection authority.

(2) Public prosecutors and law enforcement officers may also issue arrest warrants for suspects or defendants who escape from law enforcement officers while being caught, or for detainees or convicts who escape from detention centres or penal institutions.

(3) During the prosecution phase, an arrest warrant for a fugitive defendant is issued by the judge or the court ex officio or upon the request of the public prosecutor.

(4) The arrest warrant shall indicate the person's clear description, his identity if known, the crime he is charged with and where he will be sent if caught.

regulation

Article 99 – (1) The material conditions of the detention centres where detained persons will be held, the officer to whom this person will be placed, how the health check will be carried out, how the records and books regarding detention procedures will be kept, which minutes will be kept at the beginning of detention and when this measure is terminated, which documents will be given to the detained person and the rules to be followed in the execution of arrest procedures carried out by the police are specified in the regulation.

SECOND PART
Arrest

Reasons for arrest

Article 100 – (1) If there is concrete evidence showing the existence of strong suspicion of a crime and a reason for arrest, an arrest warrant may be issued for the

suspect or the accused. If the importance of the case is not proportionate to the expected punishment or security measure, an arrest warrant cannot be issued.

(2) A reason for arrest may be deemed to exist in the following cases:

a) If there are concrete facts that give rise to suspicion that the suspect or defendant is escaping, hiding or will escape.

b) Behavior of the suspect or defendant;

1. Destroying, concealing or altering evidence,

2. Attempting to put pressure on witnesses, victims or others,

If there is strong doubt about the issues.

(3) If there is strong suspicion based on concrete evidence that the following crimes have been committed, there may be grounds for arrest:

a) In the Turkish Penal Code No. 5237 dated 26.9.2004;

1. Genocide and crimes against humanity (articles 76, 77, 78),

2. **(Added: 6/12/2019-7196/58 art.)** Migrant smuggling and human trafficking (art. 79, 80)

3. Intentional killing (articles 81, 82, 83),

4. **(Added: 6/12/2006 – 5560/17 art.)** Intentional wounding (article 86, paragraph 3, subparagraphs b, e and f) and intentional wounding aggravated by its consequences (article 87),

5. Torture (articles 94, 95)

6. Sexual assault (excluding the first paragraph, article 102),

7. Sexual abuse of children (article 103),

8. **(Added: 6/12/2006 – 5560/17 art.)** Theft (articles 141, 142) and plunder (articles 148, 149),

9. Manufacturing and trading of narcotic or stimulant substances (Article 188),

10. Establishing an organization for the purpose of committing a crime (Article 220, except for paragraphs two, seven and eight),

11. Crimes against State Security (articles 302, 303, 304, 307, 308),

12. Crimes Against the Constitutional Order and the Functioning of This Order (Articles 309, 310, 311, 312, 313, 314, 315),

b) Arms smuggling crimes defined in the Law on Firearms, Knives and Other Tools No. 6136 dated 10.7.1953 (Article 12).

c) The crime of embezzlement defined in paragraphs (3) and (4) of Article 22 of the Banking Law No. 4389 dated 18.6.1999.

d) Crimes defined in the Anti-Smuggling Law No. 4926 dated 10.7.2003 and requiring imprisonment.

e) Crimes defined in articles 68 and 74 of the Law on the Protection of Cultural and Natural Heritage No. 2863 dated 21.7.1983.

f) Crimes of deliberately burning forests as defined in the fourth and fifth paragraphs of Article 110 of the Forest Law No. 6831 dated 31.8.1956.

g) **(Added: 27/3/2015-6638/14 art.)** Crimes listed in Article 33 of the Law on Meetings and Demonstrations No. 2911 dated 6/10/1983.

h) **(Added: 27/3/2015-6638/14 art.)** Crimes specified in the third paragraph of Article 7 of the Anti-Terror Law No. 3713 dated 12/4/1991.

i) **(Added: 12/5/2022-7406/9 art.)** The crime of intentional injury committed against a woman.

j) **(Added: 12/5/2022-7406/9 art.)** Crime of intentional injury committed against personnel working in health institutions and organizations during or because of their duties.

(4) **(Amended: 2/7/2012-6352/96 art.)** An arrest warrant cannot be issued for crimes that only require a judicial fine or for crimes for which the upper limit of imprisonment is not more than two years, except for those committed intentionally against physical integrity.

Arrest warrant

Article 101 – (1) During the investigation phase, the arrest of the suspect is decided by the criminal judge of peace upon the request of the public prosecutor, and during the prosecution phase, the arrest of the defendant is decided by the court upon the request of the public prosecutor or ex officio. In these requests, justification must be given and legal and factual reasons indicating that the application of judicial control will be inadequate must be included.

(2) **(Amended: 2/7/2012-6352/97 art.)** In decisions regarding arrest, continuation of arrest or rejection of a request for release in this regard;

a) Strong suspicion of a crime,

b) Existence of reasons for detention,

c) The measure of detention was proportionate,

d) **(Added: 8/7/2021-7331/14 art.)** Judicial control practice will be insufficient,

The evidence that shows the reasoning is clearly shown by justifying it with concrete facts. The content of the decision is notified to the suspect or the defendant verbally, and a written copy is given to them and this matter is stated in the decision.

(3) When an arrest is requested, the suspect or defendant shall benefit from the assistance of a defense counsel chosen by him or her or assigned by the bar association.

(4) If no arrest warrant is issued, the suspect or defendant is immediately released.

(5) Decisions made pursuant to this article and article 100 may be appealed.

Period during detention

Article 102 – (1) **(Amended: 6/12/2006 – 5560/18 art.)** The period of detention in cases that are not within the jurisdiction of the High Criminal Court is a maximum of one year. However, in cases of necessity, this period may be extended for another six months by stating the reasons.

(2) In cases falling within the jurisdiction of the high criminal court, the period of detention is a maximum of two years. This period may be extended in cases of necessity, by showing a reason; the extension period may not exceed a total of three years, or five years for crimes defined in the Fourth, Fifth, Sixth and Seventh Sections of the Fourth Part of the Second Book of the Turkish Penal Code No. 5237, and crimes falling within the scope of the Law on Combating Terrorism No. 3713 dated 12/4/1991.

(3) The extension decisions foreseen in this article are made after the opinions of the public prosecutor, the suspect or defendant and his/her defense counsel are taken.

(4) **(Added: 17/10/2019-7188/18 art.)** The period of detention during the investigation phase cannot exceed six months for cases that do not fall within the jurisdiction of the high criminal court, and one year for cases that fall within the jurisdiction of the high criminal court. However, for crimes defined in the Fourth, Fifth, Sixth and Seventh Sections of the Fourth Part of Book Two of the Turkish Penal Code, crimes falling within the scope of the Anti-Terror Law and crimes committed collectively, this period is a maximum of one year and six months, and may be extended for another six months by stating a reason.

(5) **(Added: 17/10/2019-7188/18 art.)** The detention periods stipulated in this article shall be applied at half the rate for children who have not yet completed fifteen years of age at the time of the act, and at three-quarters for children who have not yet completed eighteen years of age.

The public prosecutor's request for the arrest warrant to be withdrawn

Article 103 – (1) The public prosecutor may request the criminal judge of peace to release the suspect by placing him under judicial control. The suspect and his/her defense counsel may also make the same request. **(Repealed third sentence: 25/5/2005 – 5353/12 art.)**

(2) If the public prosecutor concludes during the investigation phase that judicial control or arrest is no longer necessary, he shall release the suspect ex officio. When a decision is made that there is no need for prosecution, the suspect shall be released.

Requests for release of suspect or defendant

Article 104 – (1) At every stage of the investigation and prosecution, the suspect or defendant may request his/her release.

(2) The decision to continue the detention of the suspect or defendant or to release them is made by the judge or court. These decisions may be appealed.

(3) When the file comes to the regional court of justice or the Supreme Court of Appeals, the decision on the request for release is given after the examination of the file by the regional court of justice or the relevant department of the Supreme Court of Appeals or the General Assembly of Criminal Proceedings of the Supreme Court of Appeals; this decision may also be given ex officio.

Method

Article 105 – (Amended: 25/5/2005 – 5353/13 art.)

Article 103 – (Amended: 25/5/2005 - 5353/15 art.)

(1) Upon a request made pursuant to Articles 103 and 104, the court shall decide within three days, after receiving the opinion of the public prosecutor, suspect, defendant or defense counsel, to accept, reject or impose judicial control. **(Additional sentence: 24/11/2016-6763/23 art.)** Except for requests made pursuant to the first sentence of the first paragraph of Article 103, this period shall be applied as seven days for crimes committed within the framework of organizational activities. **(Additional sentence: 11/4/2013-6459/15 art.)** When making this decision outside of the hearing, the opinion of the public prosecutor, suspect, defendant or defense counsel shall not be sought. These decisions may be appealed.

Obligations of the released

Article 106 – (1) Before being released, the suspect or defendant is obliged to inform the competent judicial authority or the director of the detention center of his/her address and, if any, telephone number.

(2) The suspect or the accused is warned to notify the court of any changes in the addresses he/she has previously provided by making a new declaration or by registered letter until the date the investigation or prosecution is terminated; in addition, if he/she does not act in accordance with the warning, he/she is informed that notification will be made to the address he/she has previously provided. The original or a copy of the report or document prepared by the director of the detention center stating that these warnings have been made and including the new addresses is sent to the judicial authority.

Notification of the situation of the detained person to his/her relatives

Article 107 – (1) A relative of the detainee or a person designated by the detainee shall be informed of the detention and any decision to extend the detention without delay, upon the decision of the judge.

(2) In addition, the detainee is allowed to personally notify a relative or a person he/she designates of the arrest, provided that this does not jeopardize the purpose of the investigation.

(3) If the suspect or defendant is a foreigner, his/her arrest will be reported to the consulate of the state of which he/she is a citizen, unless he/she objects in writing.

Examination of detention

Article 108 – (1) During the investigation phase, the decision on whether the suspect's detention will be required during the period he/she is in the detention house and at the latest for periods of thirty days is made by the criminal judge of peace upon the request of the public prosecutor, by taking into account the provisions of Article 100, by hearing the suspect or his/her defense counsel.

(2) The suspect may also request a review of the detention status within the period stipulated in the above paragraph.

(3) The judge or the court shall decide ex officio at each session or, when circumstances require, between sessions or within the period stipulated in the first paragraph, whether the detention of the accused in the detention house is necessary.

THIRD PART
Judicial Control

Judicial control

Article 109 – (1) **(Amended: 2/7/2012-6352/98 art.)** In an investigation carried out for a crime, if the reasons for arrest specified in Article 100 exist, it may be decided to place the suspect under judicial control instead of arresting him.

(2) In cases where the law prohibits arrest, the provisions regarding judicial control may be applied.

(3) Judicial control involves subjecting the suspect to one or more of the following obligations:

a) Not being able to go abroad.

b) To apply regularly to the places determined by the judge within the specified periods.

c) To comply with the calls of the authorities or persons specified by the judge and, when necessary, the control measures regarding professional activities or continuing education.

d) Not being able to use any type of vehicle or some of them and, when necessary, surrendering the driver's license to the clerk against a receipt.

e) To be subject to and accept treatment or examination measures, including hospitalization, especially for the purpose of purifying oneself from addiction to narcotics, stimulants or volatile substances and alcohol.

f) To deposit a security deposit, the amount and payment periods of which will be determined by the judge upon the request of the public prosecutor, taking into account the financial situation of the suspect, either at once or in multiple installments.

g) Not to possess or carry weapons, and when necessary to surrender the weapons possessed to judicial custody in return for a receipt.

h) To secure in kind or as a personal security the amount and payment period of which will be determined by the judge upon the request of the public prosecutor, in order to safeguard the rights of the crime victim.

i) To give assurance that he/she will fulfill his/her family obligations and regularly pay the alimony he/she is sentenced to pay in accordance with the judicial decisions.

j) **(Added: 2/7/2012-6352/98 art.)** Not to leave one's home.

k) **(Added: 2/7/2012-6352/98 art.)** Not to leave a certain residential area.

l) **(Added: 2/7/2012-6352/98 art.)** Not to go to the designated places or regions.

(4) **(Added: 25/5/2005 - 5353/14 art.) (Repealed: 2/7/2012-6352/98 art.) (Revised: 14/4/2020-7242/15 art.)** A suspect who is determined to be unable to sustain his/her life alone in penal institution conditions due to a serious illness or disability, pursuant to the third paragraph of Article 16 of the Law No. 5275 on the Execution of Sentences and Security Measures dated 13/12/2004, and a female suspect who is pregnant or has not had six months since giving birth, may be placed under judicial control instead of being arrested. If a conviction has been rendered and an appeal or cassation appeal has been filed regarding this verdict, the first instance court that rendered the verdict may also issue a judicial control decision by examining the UYAP records.

(5) In the implementation of the obligation specified in subparagraph (d), the judge or public prosecutor may give permanent or temporary permission to the suspect to use a vehicle in his/her professional endeavors.

(6) The period spent under judicial control cannot be deducted from the sentence as a reason for restricting personal freedom. This provision shall not be applied in the cases specified in subparagraphs (e) and (j) of the third paragraph of the article. **(Additional sentence: 8/7/2021-7331/15 art.)** However, every two days spent under the obligation not to leave the house specified in subparagraph (j) shall be taken into account as one day in deducting the sentence.

(7) **(Added: 6/12/2006 – 5560/19 art.)** Provisions regarding judicial control may be applied to those who are released due to the expiration of their detention periods stipulated in the law.

Judicial control decision and the authorities that will rule

Article 110 – (1) The suspect may be taken under judicial control at any stage of the investigation upon the request of the public prosecutor and the decision of the criminal judge of peace.

(2) Upon the request of the public prosecutor, the judge may place the suspect under one or more new obligations in the application of judicial control; may remove or change the obligations constituting the content of the control in whole or in part, or may temporarily exempt the suspect from complying with some of them.

(3) The provisions of Article 109 and the first and second paragraphs of this Article shall be applied at every stage of the prosecution process by other competent and authorized judicial authorities, when deemed necessary.

(4) **(Added: 8/7/2021-7331/16 art.) The decision** on whether the continuation of the judicial control obligation of the suspect or the accused is necessary is made at intervals of four months at the latest; by the criminal judge of peace upon the request of the public prosecutor during the investigation phase, and by the court ex officio during the prosecution phase, taking into account the provisions of Article 109.

Period to be spent under judicial control

ARTICLE 110/A – (Added: 8/7/2021-7331/17 art.)

(1) The period of judicial control in cases not falling within the jurisdiction of the High Criminal Court is a maximum of two years. However, in cases of necessity, this period may be extended for another year by stating a reason.

period may be extended for another year by stating a reason.

(2) In cases falling within the jurisdiction of the High Criminal Court, the period of judicial control is a maximum of three years. This period may be extended in cases of necessity, with justification; the extension period may not exceed three years in total, or four years for crimes defined in the Fourth, Fifth, Sixth and Seventh Chapters of the Fourth Part of Book Two of the Turkish Penal Code, and crimes falling within the scope of the Anti-Terror Law.

(3) The judicial control periods stipulated in this article shall be applied at half the rate for children.

Removal of judicial control decision

Article 111 – (1) Upon the request of the suspect or the accused, the judge or the court may decide within five days, in accordance with the second paragraph of Article 110, after receiving the opinion of the public prosecutor.

(2) Decisions regarding judicial control may be appealed.

Failure to comply with measures

Article 112 – (1) The competent judicial authority may immediately issue an arrest warrant for a suspect or defendant who intentionally fails to comply with the provisions of judicial control, regardless of the duration of the prison sentence that may be imposed. **(Additional sentence: 14/4/2020-7242/16 art.)** If a conviction has been rendered and an appeal or cassation remedy has been applied regarding this verdict, the first instance court that rendered the verdict may also issue an arrest warrant by examining the UYAP records.

(2) **(Added: 24/11/2016-6763/24 art.)** The provision of the first paragraph may also be applied in the event of a violation of the judicial control measure given due to the expiration of the maximum detention period. However, in this case, the detention period cannot exceed nine months in cases falling within the jurisdiction of the high criminal court and two months in other cases.

Assurance

Article 113 – (1) The assurance given by the suspect or the accused ensures that the following matters are fulfilled:

a) The suspect or the accused must be present at all procedural procedures, at the execution of the verdict or to fulfill any other obligations that may be imposed on him/her.

b) Payments are made in the order shown below:

1. Expenses incurred by the party, compensation for damages caused by the crime and restitution; alimony debts if the suspect or defendant is prosecuted for non-payment of alimony debts.

2. Public expenses.

3. Fines.

(2) In the decision that obliges the suspect or the accused to provide security, the parts covered by the security are shown separately.

Prepayment

Article 114 – (1) The judge, court or public prosecutor may, with the consent of the suspect or the defendant, order that the parts of the security that meet the rights of the victim or are related to the alimony debt be given to the victim or alimony creditors, if they so request.

(2) If a court decision has been made in favour of the victim or the alimony creditor due to the events that are the subject of the investigation and prosecution, payment may be ordered even without the consent of the suspect or the accused.

Return of security

Article 115 – (1) If the convict has fulfilled all the obligations stated in subparagraph (a) of the first paragraph of Article 113, the part of the security that meets subparagraph (a) of the first paragraph of Article 113 and is specified in the decision to be given in accordance with the second paragraph of the same article shall be returned to him.

(2) The second part of the security deposit that is not given to the crime victim or the alimony creditor shall be returned to the suspect or the defendant in the event of no prosecution or an acquittal decision. Otherwise, except for a valid excuse, the security deposit shall be recorded as income to the State Treasury.

(3) In case of conviction, the security shall be used in accordance with the provisions of subparagraph (b) of the first paragraph of Article 113, and any excess shall be returned.

CHAPTER FOUR
Search and Seizure

Search for suspect or defendant

Article 116 – (1) If there is reasonable suspicion that the suspect or the accused may be arrested or that evidence of a crime can be obtained, his/her person, belongings, residence, workplace or other places belonging to him/her may be searched.

Search for other people

Article 117 – (1) In order to capture the suspect or the accused or to obtain evidence of a crime, another person’s person, belongings, residence, workplace or other places belonging to him may be searched.

(2) In these cases, the search is dependent on the existence of events that allow it to be accepted that the person sought or the evidence of the crime is located in the specified places.

(3) This restriction does not apply to the places where the suspect or defendant is located or the places he enters while being monitored.

Search to be done at night

Article 118 – (1) Searches cannot be conducted at night in residences, workplaces or other closed places.

(2) The provision of the first paragraph shall not apply to searches conducted for the purpose of recapturing a person caught red-handed or in cases where there is peril in delay, or a person who has escaped after being caught or detained, or a detainee or convict.

Search warrant

Article 119 – (1) **(Amended: 25/5/2005 – 5353/15 art.)** Law enforcement officers may conduct searches upon a judge’s decision or, in cases where there is a risk of delay, upon the written order of the public prosecutor, or, in cases where the public prosecutor cannot be reached, upon the written order of the chief of law enforcement. However, searches in residences, workplaces and closed areas not open to the public may be conducted upon a judge’s decision or, in cases where there is a risk of delay, upon the written order of the public prosecutor. The results of the searches conducted upon the written order of the chief of law enforcement shall be immediately reported to the Office of the Chief Public Prosecutor.

(2) In the search warrant or order;

a) The act constituting the reason for the search,

b) The person to be searched, the address of the residence or other place where the search will be carried out, or the item,

c) The period of time during which the decision or order will be valid,

It is clearly shown.

(3) The clear identities of those who carried out the search are recorded in the search report. **(Repealed second sentence: 25/5/2005 – 5353/15 art.)**

(4) In order to conduct searches in residences, workplaces or other closed places without the presence of the public prosecutor, two people from the local council of elders or neighbours are required.

(5) **(Amended: 25/7/2018-7145/14 art.)** Searches to be conducted in military areas shall be conducted by judicial law enforcement officers with the participation of military authorities under the supervision of the public prosecutor. In cases where there is a risk of delay, searches may be conducted by judicial law enforcement officers with the participation of military authorities upon the written order of the public prosecutor.

Those who may be present at the search

Article 120 – (1) The owner of the place to be searched or the possessor of the goods may be present during the search; if he is not present, his representative or one of

his relatives with the power of discernment or a person living with him or his neighbour shall be present.

(2) In the cases specified in the first paragraph of Article 117, the possessor and the person to be summoned in his place if he is not found shall be informed about the purpose of the search before the search begins.

(3) The person's lawyer cannot be prevented from being present during the search.

Document to be given at the end of the search

Article 121 – (1) At the end of the search, the person against whom the search is carried out shall be given, upon his request, a document stating that the search was carried out in accordance with Articles 116 and 117 and the nature of the act that is the subject of investigation or prosecution in the case specified in Article 116, a notebook containing the list of the items seized or taken under protection upon his request, and a document stating that nothing justifying the suspicion has been obtained.

(2) The documents specified in the first paragraph shall also include the views and claims of the person against whom the search is carried out, regarding the ownership of the seized goods.

(3) A complete register of the goods taken under protection or confiscated is made and these goods are sealed with an official seal or marked.

Authority to examine documents or papers

Article 122 – (1) The authority to examine the documents or papers of the person about whom a search operation is carried out belongs to the public prosecutor and the judge.

(2) The possessor or representative of the documents and papers may also affix his/her own seal or signature. If it is decided in the future that the seal will be removed and the papers will be examined, the possessor or representative or his/her defense counsel or attorney will be summoned to be present during this process; if the summons is not complied with, the necessary action will be taken.

(3) Documents or papers that are found not to be related to the crime under investigation or prosecution are returned to the relevant party.

Preservation and seizure of goods or earnings

Article 123 – (1) Property values that are deemed useful as evidence or that are the subject of confiscation of goods or earnings are kept under protection.

(2) Such items may be confiscated if the person in possession does not surrender them with his/her consent.

(3) **(Added: 27/12/2020-7262/19 art.)** The value of the goods or assets that are taken into custody or confiscated is determined.

Action to be taken against those who do not give the requested item

Article 124 – (1) A person who has the goods or other assets specified in Article 123 is obliged to show and deliver these items upon request.

(2) In case of abstention, the provisions regarding disciplinary detention in Article 60 shall apply to the possessor of the thing. However, this provision shall not apply to the suspect or the accused or to those who may hesitate to testify.

Court examination of documents whose content is a state secret

Article 125 – (1) Documents containing information regarding a criminal fact cannot be kept secret from the court as a State secret.

(2) Documents containing information that is a state secret may only be examined by a court judge or panel. Only the information contained in these documents that can clarify the crime charged shall be recorded in the minutes by the judge or the presiding judge.

(3) The provision of this article shall apply to crimes for which the lower limit of imprisonment is five years or more.

Letters and documents that cannot be confiscated

Article 126 – (1) Letters and documents between the suspect or the accused and persons who may refrain from testifying in accordance with Articles 45 and 46 cannot be seized as long as they are in the possession of these persons.

Authority to issue seizure order

Article 127 – (1) **(Amended: 25/5/2005 – 5353/16 art.)** Law enforcement officers may carry out the seizure upon the decision of a judge or, in cases where there is a risk of delay, upon the written order of the public prosecutor, or, in cases where the public prosecutor cannot be reached, upon the written order of the law enforcement officer.

(2) The clear identity of the law enforcement officer is recorded in the report regarding the seizure process.

(3) **(Amended: 25/5/2005 - 5353/16 art.)** A seizure without a judge's decision shall be submitted to the approval of the competent judge within twenty-four hours. The judge shall announce his/her decision within forty-eight hours from the seizure; otherwise, the seizure shall be lifted automatically.

(4) A person whose possession of goods or other assets has been confiscated may at any time request a judge to make a decision on this matter.

(5) The seizure process shall be notified to the victim of the crime without delay.

(6) **(Amended: 25/7/2018-7145/15 art.)** The seizure operation to be carried out in military areas shall be carried out by judicial law enforcement officers with the participation of military authorities under the supervision of the public prosecutor. In cases where there is a risk of delay, the seizure operation may be carried out by judicial law enforcement officers with the participation of military authorities upon the written order of the public prosecutor.

Seizure of real estate, rights and receivables

Article 128 – (1) In cases where there is strong suspicion based on concrete evidence that the crime under investigation or prosecution has been committed and that these crimes were obtained, the suspect or the accused;

a) Immovable properties,

b) Land, sea or air transportation vehicles,

c) Any account in banks or other financial institutions,

d) All kinds of rights and receivables from real or legal persons,

e) Valuable documents,

f) Partnership shares in the company in which he is a partner,

g) Safe deposit boxes available,

h) Other property values,

It can be seized. Even if the immovable, right, receivable and other assets determined concretely are in the possession of a person other than the suspect or defendant, the seizure process can be carried out. **(Additional sentence: 21/2/2014 - 6526/10 art.)** In order to take a seizure decision within the scope of this article, a report on the value obtained from the crime shall be obtained from the Banking Regulation and Supervision Agency, Capital Markets Board, Financial Crimes Investigation Board, Undersecretariat of Treasury and Public Oversight, Accounting and Auditing Standards Authority, depending on the relevance. This report shall be prepared within three months at the latest. If special reasons make it necessary, this period may be extended for another two months upon request.

(2) The provision of the first paragraph;

a) As defined in the Turkish Penal Code;

1. Genocide and crimes against humanity (articles 76, 77, 78),
2. Migrant smuggling and human trafficking (Articles 79, 80) and organ or tissue trafficking (Article 91),
3. Theft (articles 141, 142),
4. Plunder (articles 148, 149),
5. Abuse of trust (article 155),
6. Fraud (articles 157, 158),
7. Fraudulent bankruptcy (article 161),
8. Manufacturing and trading of narcotic or stimulant substances (Article 188),
9. Counterfeiting of money (article 197),
10. **(Repealed: 21/2/2014 - 6526/10 art.; Re-arranged: 24/11/2016-6763/25 art.)** Establishing an organization for the purpose of committing a crime (article 220, paragraph three),

11. Tender rigging (article 235),
12. Interfering with the performance of the act (Article 236),
13. (**Added: 24/11/2016-6763/25 art.)** Usury (article 241),
14. Embezzlement (article 247),
15. Extortion (article 250)
16. Bribery (article 252),
17. Crimes against State Security (articles 302, 303, 304, 305, 306, 307, 308),
18. **(Amended: 2/12/2014-6572/41 art.)** Crimes Against the Constitutional Order and the Functioning of This Order (art. 309, 311, 312, 313, 314, 315, 316),
19. Crimes Against State Secrets and Espionage (articles 328, 329, 330, 331, 333, 334, 335, 336, 337).

b) Arms smuggling crimes defined in the Law on Firearms, Knives and Other Tools (Article 12),
c) The crime of embezzlement defined in paragraphs (3) and (4) of Article 22 of the Banking Law,
d) Crimes defined in the Anti-Smuggling Law that require imprisonment,
e) Crimes defined in articles 68 and 74 of the Law on the Protection of Cultural and Natural Assets,
It is applied to about.

(3) The decision to seize real estate is enforced by making an entry in the land registry.

(4) The seizure decision regarding land, sea and air transportation vehicles is executed by annotating the registry where these vehicles are registered.

(5) Any decision to seize an account in a bank or other financial institution shall be immediately notified to the relevant bank or financial institution via technical communication means and shall be enforced. The decision shall also be notified to the relevant bank or financial institution. After the seizure decision is taken, any action taken on the accounts to render this decision ineffective shall be invalid.

(6) The decision to seize the partnership shares in the company is executed by immediately notifying the relevant company management and the trade registry directorate where the company is registered, through technical communication means. The decision in question is also notified to the relevant company and the trade registry directorate.

(7) The decision to seize rights and receivables is executed by immediately notifying the relevant natural or legal person through technical communication means. The decision is also notified to the relevant natural or legal person.

(8) In case of violation of the requirements of the seizure decision taken in accordance with this article, the provisions of Article 289 of the Turkish Penal Code titled "Abuse of the duty of safekeeping" shall be applied.

(9) **(Amended: 24/11/2016-6763/25 art.)** Only a judge can decide on seizure in accordance with the provisions of this article and on the appointment of a trustee in accordance with the tenth paragraph.

(10) **(Added: 15/8/2016-KHK-674/13 art.; Accepted as is: 10/11/2016-6758/13 art.)** In case of need for the management of the immovable, rights and receivables seized in accordance with this article, a trustee may be appointed for the purpose of managing these assets. In this case, the provisions of Article 133 shall apply by analogy.

Mail seizure

Article 129 – (1) Items suspected of constituting evidence of a crime and deemed necessary to be in the possession of the judiciary in the investigation and prosecution to uncover the truth, may be seized by the decision of the judge or, in cases where delay is deemed permissible, by the decision of the public prosecutor.

(2) Law enforcement officers who carry out the seizure process upon being notified of a judge's decision or a public prosecutor's order cannot open the envelopes or packages containing the items specified in the first paragraph. The seized items are sealed in the presence of the relevant postal officials and immediately delivered to the judge or public prosecutor who issued the seizure decision or order.

(3) **(Added: 20/11/2017-KHK-696/94 art.; Accepted as is: 1/2/2018-7079/89 art.)** If the seizure decision or order is given in relation to the crimes listed below, the envelopes or packages containing the items may be opened by law enforcement officers upon the instruction of the public prosecutor.

a) Included in the Turkish Penal Code No. 5237;
1. Unauthorized possession or transfer of hazardous materials (Article 174),
2. Manufacturing and trading of narcotic or stimulant substances (Article 188),
crimes.
b) Crimes defined in Articles 12 and 13 of the Law No. 6136 on Firearms, Knives and Other Instruments, dated 10/7/1953.
c) Crimes defined in Articles 67 and 68 of the Law on the Protection of Cultural and Natural Heritage No. 2863 dated 21/7/1983.

(4) Unless there is a possibility of harming the purpose of the investigation and prosecution, the measures taken are notified to the relevant parties.

(5) The dispatches that are decided not to be opened or that are opened but do not need to be kept at the disposal of the courthouse due to their content are immediately delivered to the relevant persons.

Search, seizure and postal seizure in law offices

Article 130 – (1) Law offices may only be searched by court order and under the supervision of the public prosecutor in relation to the incident specified in the order. The president of the bar association or a lawyer representing him shall be present during the search.

(2) If the lawyer whose office is searched, the president of the bar association or the lawyer representing him/her objects by claiming that the items to be seized as a result of the search are part of the professional relationship between the lawyer and his/her client, these items are placed in a separate envelope or package and sealed by those present, and the necessary decision on this matter is requested from the criminal judge of peace during the investigation phase and from the judge or the court during the prosecution phase. If the competent judge determines that the seized item is part of the professional relationship between the lawyer and his/her client, the seized item is immediately returned to the lawyer and the minutes indicating the action taken are destroyed. The decisions provided for in this paragraph are made within twenty-four hours.

(3) In case of seizure of mail, if the lawyer whose office is searched or the bar association president or the lawyer representing him objects, the procedures specified in the second paragraph shall be applied.

Return of confiscated goods

Article 131 – (1) If it is understood that there is no need to preserve the seized property belonging to the suspect, the accused or third parties for the purposes of investigation and prosecution or that it will not be subject to confiscation, the public prosecutor, judge or court may decide to return it ex officio or upon request. Decisions rejecting the request may be appealed.

(2) If the goods or other assets confiscated in accordance with the provisions of Article 128 belong to the victim of the crime and are no longer needed as evidence, they shall be returned to their owner.

Preservation or disposal of seized goods

Article 132 – (1) If there is a risk of damage or significant loss of value to the seized property, it may be disposed of before the judgment becomes final.

(2) The disposal decision is given by the judge during the investigation phase and by the court during the prosecution phase.

(3) Before the decision is made, the suspect, defendant or other relevant persons who are the owners of the goods are heard and the disposal decision is notified to them.

(4) Necessary measures are taken to preserve the value of the seized goods and to prevent damage.

(5) The seized property may be delivered to the suspect, the accused or another person for safekeeping, provided that the Chief Public Prosecutor's Office takes measures for its care and supervision during the investigation phase, and the court takes measures for its immediate return when requested. This release may also be subject to the condition of providing security.

(6) If there is no need to keep the seized goods as evidence, they may be delivered to the person concerned in return for the immediate payment of their market value. In this case, the subject of the confiscation decision is the market value paid.

Appointment of a trustee for company management

Article 133 – (1) If there are strong reasons for suspicion that a crime is being committed within the scope of a company’s activities and if it is necessary to reveal the material truth, the judge or court may appoint a trustee to manage the company’s business during the investigation and prosecution process. The appointment decision shall clearly state that the validity of the decisions and transactions of the management body is subject to the trustee’s approval or that the management body’s powers or the management of partnership shares or securities together with the management body’s powers are all given to the trustee. The decision regarding the appointment of a trustee

management of partnership shares or securities together with the management body's powers are all given to the trustee. The decision regarding the appointment of a trustee shall be announced in the Trade Registry Gazette and through other appropriate means.

(2) The fee determined by the judge or court for the trustee shall be covered by the company budget. However, if there is no prosecution for the crime that is the subject of investigation or prosecution or if an acquittal decision is given, the entire amount paid from the company budget as a fee shall be covered by the State Treasury, together with legal interest.

(3) The interested parties may apply to the competent court against the actions of the appointed trustee in accordance with the provisions of the Turkish Civil Code No. 4721 dated 22.11.2001 and the Turkish Commercial Code No. 6762 dated 29.6.1956.

(4) The provisions of this article may only be applied in relation to the crimes listed below.

a) Included in the Turkish Penal Code,

1. Migrant smuggling and human trafficking (articles 79, 80),
2. Manufacturing and trading of narcotic or stimulant substances (Article 188),
3. Counterfeiting of money (article 197),
4. Prostitution (article 227),
5. Providing places and facilities for gambling (Article 228),
6. Embezzlement (article 247),
7. Laundering assets originating from crime (article 282),
8. Armed organization (Article 314) or providing weapons to these organizations (Article 315),
9. Crimes Against State Secrets and Espionage (articles 328, 329, 330, 331, 333, 334, 335, 336, 337),

Their crimes,

b) Arms smuggling crimes defined in the Law on Firearms, Knives and Other Tools (Article 12),

c) The crime of embezzlement defined in paragraphs (3) and (4) of Article 22 of the Banking Law,

d) Crimes defined in the Anti-Smuggling Law that require imprisonment,

e) Crimes defined in articles 68 and 74 of the Law on the Protection of Cultural and Natural Heritage.

(5) **(Added: 1/7/2016-6723/32 art.)** Compensation lawsuits for the acts and actions of the trustees appointed in accordance with this article, related to their duties, shall be filed against the State in accordance with articles 142 to 144. The State shall have recourse within one year against the trustees who have abused their duties by acting contrary to the requirements of their duties, for the compensation it has paid.

Search, copy and seizure of computers, computer programs and files

Article 134 – (1) In an investigation into a crime, if there are strong suspicions based on concrete evidence and there is no other way to obtain evidence, the judge or, in cases where there is a risk of delay, the public prosecutor may decide to search the computer and computer programs used by the suspect and the computer logs, to make copies of the computer records, and to decipher these records and convert them into text. **(Additional three sentences: 25/7/2018-7145/16 art.)** The decisions made by the public prosecutor shall be submitted to the judge for approval within twenty-four hours. The judge shall give his/her decision within twenty-four hours at the latest. If the period expires or the judge decides otherwise, the copies made and the deciphered texts shall be destroyed immediately.

(2) In case the computer, computer programs and computer logs cannot be accessed due to the failure to decipher the password or to access the hidden information or if the process takes a long time, these tools and equipment may be seized in order to solve the problem and to make the necessary copies. If the password is deciphered and the necessary copies are made, the seized devices shall be returned without delay.

(3) During the seizure of computers or computer logs, all data in the system is backed up.

(4) A copy is made from the backup taken in accordance with the third paragraph and given to the suspect or his/her attorney, and this matter is recorded in the minutes and signed.

(5) A copy of all or part of the data in the system can be taken without seizing the computer or computer logs. The copied data is written on paper, this is recorded in the minutes and signed by the relevant persons.

CHAPTER FIVE
Monitoring of Communications Made Through Telecommunications

Detection, listening and recording of communications

Article 135 – (1) **(Amended: 21/2/2014–6526/12 art.)** In the investigation and prosecution of a crime, if there are strong reasons for suspicion based on concrete evidence that the crime has been committed and if there is no other way to obtain evidence, the suspect or defendant's telecommunication communication may be listened to, recorded and signal information may be evaluated by the decision of the judge or, in cases where there is a risk of delay, the public prosecutor. The public prosecutor shall immediately submit his/her decision to the judge for approval and the judge shall give his/her decision within twenty-four hours at the latest. If the period expires or the judge decides otherwise, the measure shall be immediately lifted by the public prosecutor. **(Last two sentences repealed: 24/11/2016–6763/26 art.)**

(2) **(Added: 21/2/2014–6526/12 art.)** When making a request, a document or report showing the owner and, if known, the user of the line or communication device about which a precautionary measure will be taken pursuant to this article shall be attached.

(3) Communication between the suspect or the accused and persons who may hesitate to testify cannot be recorded. If this situation is discovered after the recording has taken place, the recordings are destroyed immediately.

(4) In the decision given in accordance with the provision of the first paragraph, the type of the crime charged, the identity of the person against whom the measure will be applied, the type of communication device, the telephone number or the code that allows the determination of the communication link, the type, scope and duration of the measure shall be specified. The measure decision may be given for a maximum of two months; this period may be extended for another month. **(Additional sentence: 25/5/2005 - 5353/17 article)** However, if deemed necessary in relation to crimes committed within the scope of the activities of the organization, the judge may decide to extend the above periods for not more than one month at a time and not exceeding three months in total.

(5) In order to capture the suspect or the accused, the location of the mobile phone may be determined based on the decision of the judge or, in cases where there is a risk of delay, the public prosecutor. The decision regarding this matter shall specify the mobile phone number and the duration of the detection process. The detection process may be carried out for a maximum of two months; this period may be extended for another month.

(6) **(Added: 2/12/2014-6572/42 art.)** The determination of the communication of the suspect and the defendant via telecommunication shall be made by the judge during the investigation phase or by the public prosecutor in cases where there is a risk of delay, and by the court during the prosecution phase based on a decision. The decision shall specify the type of the crime charged, the identity of the person against whom the measure will be applied, the type of communication tool, the telephone number or the code that allows the determination of the communication link, and the duration of the measure. **(Added sentences: 24/11/2016-6763/26 art.)** The public prosecutor shall submit his/her decision to the judge for approval within twenty-four hours, and the judge shall give his/her decision within twenty-four hours at the latest. If the period expires or the judge decides otherwise, the records shall be destroyed immediately.

(7) The decisions taken and actions taken in accordance with the provisions of this article shall be kept confidential during the period of the measure.

(8) The provisions regarding listening, recording and evaluation of signal information within the scope of this article can only be applied in relation to the crimes listed below:

a) Included in the Turkish Penal Code;

1. Migrant smuggling and human trafficking (Articles 79, 80) and organ or tissue trafficking (Article 91) ,
2. Intentional killing (articles 81, 82, 83),
3. Torture (articles 94, 95),
4. Sexual assault (excluding the first paragraph, article 102),
5. Sexual abuse of children (article 103),
6. **(Added: 21/2/2014 – 6526/12 art.)** Qualified theft (article 142) and plunder (articles 148, 149) and qualified fraud (article 158),
7. Manufacturing and trading of narcotic or stimulant substances (Article 188),
8. Counterfeiting of money (article 197),
9. **(Repealed: 21/2/2014 - 6526/12 art.; Re-arranged: 24/11/2016 - 6763/26 art.)** Establishing an organization for the purpose of committing a crime (article 220, paragraph three)

paragraph three),

10. **(Added: 25/5/2005 – 5353/17 art.)** Prostitution (article 227),

11. Tender rigging (article 235),

12. **(Added: 24/11/2016-6763/26 art.)** Usury (article 241),

13. Bribery (article 252),

14. Laundering assets originating from crime (article 282),

15. **(Amended: 2/12/2014-6572/42 art.)** Undermining the unity and territorial integrity of the state (article 302),

16. **(Added: 2/12/2014-6572/42 art.)** Crimes Against the Constitutional Order and the Functioning of This Order (art. 309, 311, 312, 313, 314, 315, 316),

17. Crimes Against State Secrets and Espionage (articles 328, 329, 330, 331, 333, 334, 335, 336, 337).

b) Arms smuggling crimes defined in the Law on Firearms, Knives and Other Tools (Article 12).

c) **(Added: 25/5/2005 – 5353/17 art.)** The crime of embezzlement defined in paragraphs (3) and (4) of Article 22 of the Banking Law,

d) Crimes defined in the Anti-Smuggling Law that require imprisonment.

e) Crimes defined in articles 68 and 74 of the Law on the Protection of Cultural and Natural Heritage.

(9) No one can listen to or record another person's communication via telecommunication except in accordance with the principles and procedures specified in this article.

Defense attorney's office and location

Article 136 – (1) The provision of Article 135 cannot be applied to the defense counsel’s office, residence and telecommunication means at the place of residence due to the crime attributed to the suspect or the defendant.

Execution of decisions, destruction of communication content

Article 137 – (1) In accordance with the decision to be given in accordance with Article 135, when the public prosecutor or the judicial police officer he/she will assign requests in writing from the authorities of the institutions and organizations providing telecommunication services to perform the operations of detecting, listening to or recording the communication and to place devices for this purpose, this request shall be fulfilled immediately; if not fulfilled, force may be used. The date and time the operation started and ended and the identity of the person performing the operation shall be recorded in a report.

(2) The records kept in accordance with the decision made in accordance with Article 135 are deciphered and converted into text by the persons assigned by the Public Prosecutor's Office. Records in a foreign language are translated into Turkish by an interpreter.

(3) If a decision is made during the implementation of the decision made in accordance with Article 135 that there is no need to prosecute the suspect or if the approval of the judge cannot be obtained in accordance with the first paragraph of the same article, the implementation of this decision shall be terminated immediately by the public prosecutor. In this case, the records related to the detection or listening shall be destroyed under the supervision of the public prosecutor within ten days at the latest and the situation shall be recorded in a report. **(Additional sentence: 8/7/2021-7331/18 art.)** In the event of an acquittal decision, the records related to the detection or listening shall be destroyed under the supervision of the judge in the same manner.

(4) In case the records related to the detection and listening are destroyed, the chief public prosecutor's office or the court shall inform the person concerned in writing about the reason, scope, duration and result of the measure within fifteen days at the latest from the end of the investigation or prosecution phase.

Evidence obtained by chance

Article 138 – (1) If, during the application of search or seizure protective measures, evidence is obtained that is not related to the ongoing investigation or prosecution but may raise suspicion that another crime has been committed; this evidence is preserved and the situation is immediately reported to the Public Prosecutor's Office.

(2) If, during the monitoring of communications made via telecommunication, evidence is obtained that is not related to the ongoing investigation or prosecution and that may only raise suspicion that one of the crimes listed in the sixth paragraph of Article 135 has been committed; this evidence is preserved and the situation is immediately reported to the Public Prosecutor's Office.

CHAPTER SIX
Covert Investigators and Monitoring with Technical Tools

Appointment of undercover investigators

Article 139 – (1) **(Amended: 21/2/2014–6526/13 art.)** If there are strong reasons for suspicion based on concrete evidence that the crime under investigation has been committed and if no other evidence can be obtained, public officials may be assigned as undercover investigators. The assignment to be made in accordance with this article shall be decided by the judge . **(Repealed final sentence: 24/11/2016–6763/27 art.)**

(2) The identity of the investigator may be changed. Legal transactions may be carried out with this identity. If necessary, the necessary documents may be prepared, changed and used to establish and maintain the identity.

(3) The decision and other documents regarding the assignment of an investigator shall be kept at the relevant Chief Public Prosecutor's Office. The identity of the investigator shall be kept confidential even after the termination of his/her duty. **(Additional sentences: 15/8/2017-KHK-694/142 article; Accepted as is: 1/2/2018-7078/137 article)** If it is necessary for the investigator to be heard as a witness during the prosecution phase, he/she shall be heard in a private environment without the presence of those who have the right to be present at the hearing or by changing his/her voice or image. In this case, the provision of Article 9 of the Witness Protection Law No. 5726 dated 27/12/2007 shall be applied by analogy.

(4) The investigator is obliged to conduct all kinds of investigations regarding the organization whose activities he is assigned to monitor and to collect evidence regarding the crimes committed within the scope of the activities of this organization. **(Additional sentence: 28/3/2023-7445/19 article)** The judge may allow the investigator to make audio or video recordings in public places and workplaces in order to collect evidence regarding the crimes listed in subparagraph (1) of paragraph (a) of the seventh paragraph.

(5) The investigator cannot commit a crime while performing his duty and cannot be held responsible for the crimes committed by the organization to which he is assigned.

(6) Personal information obtained by assigning an investigator cannot be used outside of the criminal investigation and prosecution for which he/she was assigned. **(Added: 21/2/2014–6526/13 article)** Personal information not related to the crime is destroyed immediately.

(7) The provisions of this article may only be applied in relation to the following offences:

a) Included in the Turkish Penal Code;

1. Manufacturing and trafficking of narcotic or stimulant substances, regardless of whether they are committed within the scope of the organization's activities (Article 188),

2. Establishing an organization for the purpose of committing a crime (excluding the second, seventh and eighth paragraphs, article 220),

3. Armed organization (Article 314) or providing weapons to these organizations (Article 315).

b) Arms smuggling crimes defined in the Law on Firearms, Knives and Other Tools (Article 12).

c) Crimes defined in articles 68 and 74 of the Law on the Protection of Cultural and Natural Heritage.

Monitoring with technical means

Article 140 – (1) If there are strong reasons for suspicion based on concrete evidence that the following crimes have been committed and if no other evidence can be obtained, the activities of the suspect or defendant in public places and at their workplace may be monitored using technical means and audio or video recordings may be made:

a) In the Turkish Penal Code;

1. Migrant smuggling and human trafficking (Articles 79, 80) and organ or tissue trafficking (Article 91) ,

2. Intentional killing (articles 81, 82, 83),

3. **(Added: 21/2/2014–6526/14 art.)** Qualified theft (article 142) and plunder (articles 148, 149) and qualified fraud (article 158) ,

4. Manufacturing and trading of narcotic or stimulant substances (Article 188),

5. Counterfeiting of money (article 197),

6. **(Repealed: 21/2/2014–6526/14 art.; Re-arranged: 24/11/2016-6763/28 art.)** Establishing an organization for the purpose of committing a crime (article 220, paragraph three),

7. **(Added: 25/5/2005 – 5353/19 art.)** Prostitution (article 227)

8. Tender rigging (article 235),

9. **(Added: 24/11/2016-6763/28 art.)** Usury (article 241),

10. Bribery (article 252),

11. Laundering assets originating from crime (article 282),

12. **(Amended: 2/12/2014-6572/43 art.)** Undermining the unity and territorial integrity of the state (article 302),

13. **(Added: 2/12/2014-6572/43 art.)** Crimes Against the Constitutional Order and the Functioning of This Order (art. 309, 311, 312, 313, 314, 315, 316),

14. Crimes Against State Secrets and Espionage (articles 328, 329, 330, 331, 333, 334, 335, 336, 337),

Their crimes.

b) Arms smuggling crimes defined in the Law on Firearms, Knives and Other Tools (Article 12).

c) Crimes defined in the Anti-Smuggling Law that require imprisonment.

d) Crimes defined in articles 68 and 74 of the Law on the Protection of Cultural and Natural Heritage.

(2) **(Amended: 24/11/2016-6763/28 art.)** The decision to monitor with technical means is made by the judge, or by the public prosecutor in cases where there is a risk of delay. The decisions made by the public prosecutor are submitted to the approval of the judge within twenty-four hours. The judge makes his/her decision within twenty-four hours at the latest. If the period expires or the judge decides otherwise, the records are destroyed immediately.

(3) **(Amended: 21/2/2014–6526/14 art.)** A decision to monitor with technical means can be given for a maximum period of three weeks. This period can be extended for another week if necessary. However, if deemed necessary in relation to crimes committed within the scope of the activities of the organization, the judge may decide to extend the above periods for not more than one week at a time and not to exceed four weeks in total. **(Additional sentence: 15/8/2017-KHK-694/143 art.; Accepted as is: 1/2/2018-7078/138 art.)** In the event that an undercover investigator is assigned together with the measure of monitoring with technical means, the periods specified in this paragraph shall be applied by increasing them by one fold.

(4) The evidence obtained cannot be used for purposes other than the investigation and prosecution of the crimes listed above; if it is not necessary for criminal prosecution, it is immediately destroyed under the supervision of the public prosecutor.

(5) The provisions of this article cannot be applied to a person's home.

regulation

ARTICLE 140/A- (Added: 20/11/2017-KHK-696/95 art.; Accepted as is: 1/2/2018-7079/90 art.)

(1) The procedures and principles regarding the implementation of the protective measures regulated in Articles 135 to 140 of this Law are regulated by regulations.

CHAPTER SEVEN
Compensation Due to Protection Measures

Claim for compensation

Article 141 – (1) During criminal investigation or prosecution;

a) Those who are caught, arrested or whose detention is decided to continue outside the conditions specified in the law,

b) Not brought before a judge within the legal detention period,

c) Detained without being reminded of their legal rights or without fulfilling their request to benefit from their reminded rights,

d) If, although arrested in accordance with the law, a person is not brought before the judicial authority within a reasonable time and a verdict is not given within this period,

e) Those who were caught or arrested in accordance with the law and for whom it was decided that there was no need for prosecution or that they were acquitted,

f) Those who have been convicted and whose time spent in custody and detention is longer than their sentence, or who are mandatorily sentenced to a fine because the penalty prescribed by law for the crime they committed is only a fine,

g) The reasons for their arrest or detention and the accusations against them are not explained to them in writing or, if this is not immediately possible, verbally,

h) Those whose capture or detention is not reported to their relatives,

i) The search warrant was executed in an excessive manner,

j) If the belongings or other assets were seized even though the conditions were not met, or if the necessary measures were not taken for their protection, or if the belongings or other assets were used for purposes other than intended or were not returned on time,

k) **(Added: 11/4/2013-6459/17 art.)** Those who are not provided with the application opportunities stipulated in the Law against the arrest, judicial control or detention process,

l) **(Added: 2/3/2024-7499/12 art.)** Those who are decided not to prosecute or acquitted after their judicial control obligations are implemented, such as not leaving their home or being subject to treatment or examination measures, including being hospitalized in order to purify themselves from addiction to drugs, stimulants or volatile substances and alcohol, and accepting these,

Individuals may claim compensation for all kinds of material and moral damages from the State.

(2) The authorities that make the decisions specified in subparagraphs (e), (f) and (l) of the first paragraph shall notify the person concerned of their right to compensation and this matter shall be included in the decision .

(3) **(Added: 18/6/2014-6545/70 art.)** Except for the cases stated in the first paragraph, compensation cases can only be brought against the State due to the decisions made or actions taken by judges and public prosecutors during the criminal investigation or prosecution, including personal fault, tort or other liability cases.

(4) **(Added: 18/6/2014-6545/70 art.)** The State shall take recourse within one year against judges and public prosecutors who abuse their duties by acting contrary to the requirements of their duties, for the compensation it has paid.

Conditions for claiming compensation

Article 142 – (1) A claim for compensation may be made within three months from the date of notification to the person concerned that the decision or judgment has become final, and in any case within one year from the date of finalization of the decision or judgment.

(2) The request shall be decided in the high criminal court where the injured party resides and, if the high criminal court of that location is related to the transaction in question and there is no other high criminal chamber in the same location, in the nearest high criminal court. **(Additional sentences: 2/3/2024-7499/13 art.)** However, the provisions of the Law No. 6384 on the Duties and Working Principles and Procedures of the Compensation Commission dated 9/1/2013 shall apply to requests within the scope of subparagraphs (e), (f) and (l) of the first paragraph of Article 141. Requests made to the high criminal court, despite being within the scope of Law No. 6384 in accordance with this paragraph, shall be sent to the Commission. If requests that fall within the jurisdiction of the high criminal court and those that do not fall within the jurisdiction of the high criminal court are made together, the high criminal court shall send the requests that do not fall within the jurisdiction to the Commission separately. In such cases, the date of the request made to the high criminal court shall be taken into account.

(3) The person requesting compensation must record his/her clear identity and address, the nature and quantity of the damage and the transaction in which he/she suffered damage, and attach the documents to his/her petition.

(4) If the information and documents in the petition are insufficient, the court shall notify the person concerned that the deficiency must be remedied within one month, otherwise the request will be rejected. The petition, which is not completed within the time limit, shall be rejected by the court, with the right to appeal.

(5) After examining the file, the court shall notify the State Treasury representative in its own jurisdiction of a copy of the petition and the attached documents that it has determined to be sufficient, and request that he/she submit his/her statements and objections, if any, in writing within two weeks.

(6) The court is authorized to conduct any investigation it deems necessary or have one of its judges conduct such investigation in the evaluation of the claim and supporting documents and in determining the amount of compensation to be given in accordance with the general principles of compensation law.

(7) **(Amended: 25/5/2005 - 5353/20 art.)** The court shall give its decision in a hearing. If the person making the request and the Treasury representative fail to appear

despite the notification of the explanatory summons, the decision may be given in their absence.

(8) The requesting public prosecutor or the Treasury representative may appeal against the decision; the review shall be carried out with priority and urgency. **(Additional sentences: 2/3/2024-7499/13 art.)** If the decision is not found to be justified, the regional court of justice shall decide on the merits of the case. The decisions given by the regional courts of justice in accordance with this paragraph are final.

(9) **(Added: 15/8/2017-KHK-694/144 art.; Accepted as is: 1/2/2018-7078/139 art.)** The proportional attorney fee calculated in accordance with the Minimum Fee Tariff for Attorneys shall be paid for compensation cases. However, the amount to be paid cannot be less than the fixed fee determined in the Tariff for cases followed up in criminal courts of peace, nor more than the fixed fee determined for cases followed up in high criminal courts.

(10) **(Added: 15/8/2017-KHK-694/144 art.; Accepted as is: 1/2/2018-7078/139 art.)** Court decisions regarding compensation cannot be subject to enforcement proceedings before they become final and the administrative application process is completed. The compensation and attorney fees ruled in the final court decision shall be paid to the bank account number notified in writing to the defendant administration by the plaintiff or his/her attorney within thirty days from the date of such notification. If payment is not made within this period, the decision shall be enforced and executed in accordance with general provisions.

Recovery of compensation

Article 143 – (1) The part of the compensation paid to those who were convicted after the decision of non-prosecution was later revoked and a public lawsuit was filed against them, and to those who were convicted after the acquittal decision was revoked after the trial was retried against them, shall be taken back for the period of conviction, upon the written request of the public prosecutor and by a decision to be taken from the same court, in accordance with the provisions of the legislation on the collection of public receivables. This decision may be appealed.

(2) **(Repealed: 18/6/2014 - 6545/103 art.)**

(3) In case of arrest or detention due to the crime that constitutes the subject of slander or giving false testimony, the State has recourse against the person who slandered or gave false testimony.

Persons who cannot claim compensation

Article 144 – (1) The following persons who have been arrested, taken under judicial control or detained in accordance with the law cannot claim compensation:

a) **(Repealed: 11/4/2013-6459/18 art.)**

b) Those who are not entitled to compensation but whose situation has become suitable for claiming compensation due to the law that has come into force later and brought favorable regulations.

c) Those against whom it was decided not to prosecute or the case was dropped due to reasons such as general or special amnesty, withdrawal of complaint, conciliation, or the public case was temporarily suspended or the public case was postponed or dropped.

d) Those who are decided not to be penalized due to lack of capacity to commit a crime.

e) Those who cause their detention, judicial control or arrest by declaring that they committed a crime or participated in a crime with false statements before the judicial authorities.

FIFTH
Expression and Query

FIRST PART
Call for Testimony or Interrogation

Call for statement or query

Article 145 – (1) The person whose statement will be taken or whose interrogation will be conducted is summoned by invitation; the reason for the summoning is clearly stated; it is written that if he does not come, he will be brought by force.

Forced delivery

Article 146 – (1) **(Amended: 6/12/2006 – 5560/20 art.)** A decision may be made to bring a suspect or defendant by force if there are sufficient reasons to issue an arrest warrant or an arrest warrant, or if the suspect or defendant fails to appear when summoned in accordance with Article 145.

(2) The decision to bring in the suspect or defendant by force shall clearly state who the suspect or defendant is, the crime against him/her, his/her description if necessary, and the reasons for bringing him/her by force.

(3) A copy of the decision to bring in a suspect or defendant is given to the suspect or defendant.

(4) **(Amended: 6/12/2006 - 5560/20 art.)** The suspect or the accused summoned with a decision of compulsory attendance shall be brought before the judge, court or public prosecutor who summoned him immediately, or within twenty-four hours at the latest excluding travel time, if this is not possible, and shall be interrogated or his statement shall be taken.

(5) **(Amended: 6/12/2006 - 5560/20 art.)** The forced bringing begins at a time deemed justified and continues until the end of the interrogation or statement taking by the judge, court or public prosecutor.

(6) The reasons for the failure to carry out the decision to force the person to come are determined in a report signed by the village or neighbourhood headman and the security officer.

(7) **(Added: 6/12/2006 – 5560/20 art.)** A decision to bring witnesses, experts, victims and complainants who do not come despite the summons may be made by force.

SECOND PART
Procedure for Testimony and Interrogation

The style of expression and query

Article 147 – (1) The following matters shall be observed when taking the statement or interrogating the suspect or the accused:

a) The identity of the suspect or defendant is determined. The suspect or defendant is obliged to answer questions regarding his/her identity truthfully.

b) The crime attributed to him is explained.

c) He/she is informed that he/she has the right to choose a lawyer and can benefit from his/her legal assistance, and that the lawyer can be present during his/her interrogation or statement. If he/she is not in a position to choose a lawyer and wishes to benefit from the assistance of a lawyer, a lawyer is assigned to him/her by the bar association.

d) Without prejudice to the provisions of Article 95, the arrest of the person shall be immediately notified to any of the relatives of the person of his choice.

e) It is said that it is his legal right not to make a statement about the crime he is accused of.

f) It is reminded that he/she may request the collection of concrete evidence to get rid of suspicion and is given the opportunity to eliminate the reasons for suspicion against him/her and put forward the issues in his/her favor.

g) Information is obtained about the personal and economic situation of the person giving statement or being questioned.

h) Technical facilities are used in recording statements and interrogation processes.

i) The statement or interrogation is recorded in a report. The following points are included in this report:

1. Place and date of taking statements or interrogation.

2. The names and titles of the persons present during the taking of statements or interrogation and the clear identity of the person giving the statement or being interrogated.

3. Whether the above procedures were followed during the statement taking or interrogation, and if not, the reasons.

4. The contents of the report are read by the person giving the statement or being questioned and the defense counsel present, and their signatures are taken.

5. Reasons for refusal to sign.

Prohibited procedures in taking statements and interrogation

Article 148 – (1) The statement of the suspect and the accused must be based on their free will. No physical or psychological interventions such as ill-treatment, torture, drugging, tiring, deceiving, using force or threats, or using certain tools can be made to prevent this.

(2) No unlawful benefit can be promised.

(3) Statements obtained through prohibited methods cannot be considered as evidence, even if given with consent.

(4) A statement taken by the police without the presence of a defense counsel cannot be used as the basis for a verdict unless it is confirmed by the suspect or the defendant before the judge or the court.

(5) When the need arises to take the suspect's statement again regarding the same incident, this process can only be done by the public prosecutor.

PART SIX
Defense

FIRST PART
Selection, Assignment, Duties and Powers of Defense Counsel

Choice of defense counsel for the suspect or defendant

Article 149 – (1) The suspect or the accused may benefit from the assistance of one or more defense counsel at every stage of the investigation and prosecution; if he has a legal representative, he may also choose a defense counsel for the suspect or the accused.

(2) During the investigation phase, a maximum of three lawyers may be present during the taking of statements. **(Additional sentence: 3/10/2016-KHK-676/1 article; Accepted as is: 1/2/2018-7070/1 article)** In prosecutions conducted for crimes committed within the scope of the activities of the organization, a maximum of three lawyers may be present at the hearing.

(3) At every stage of the investigation and prosecution, the lawyer's right to meet with the suspect or the defendant, to take statements or to be present during the interrogation, and to provide legal assistance cannot be prevented or restricted.

Appointment of defense counsel

Article 150 – (Amended: 6/12/2006 – 5560/21 art.)

(1) The suspect or the accused is asked to choose a lawyer. If the suspect or the accused declares that he/she is not in a position to choose a lawyer, a lawyer will be appointed upon his/her request.

(2) If the suspect or defendant has no defense counsel, is a child, disabled to the extent that he cannot defend himself, or is deaf and mute, a defense counsel will be appointed without his request.

(3) The provision of the second paragraph shall be applied in the investigation and prosecution of crimes requiring a sentence of imprisonment with a lower limit of more than five years.

(4) Other issues regarding compulsory defense will be regulated by a regulation to be issued after taking the opinion of the Union of Turkish Bar Associations.

Procedures to be taken when the defense counsel fails to fulfill his/her duty and prohibition from performing defense duties

Article 151 – (1) If the defense counsel assigned pursuant to the provision of Article 150 fails to attend the hearing, withdraws from the hearing prematurely, or refuses to perform his duty, the judge or the court shall immediately take the necessary action to assign another defense counsel. In such a case, the court may adjourn the session or decide to postpone the session.

(2) If the new defense counsel declares that there is not enough time to prepare his defense, the hearing is adjourned.

(3) **(Added: 25/5/2005 - 5353/22 art.) A** lawyer who is selected in accordance with article 149 or assigned in accordance with article 150 and who acts as a defender or attorney for those who are suspected, accused or convicted of crimes listed in articles 220 and 314 of the Turkish Penal Code and terrorism crimes may be banned from acting as a defender or attorney if he/she is prosecuted for the crimes listed in this paragraph.

(4) **(Added: 25/5/2005 - 5353/22 art.)** The judge or court shall decide on the request of the public prosecutor for a ban without delay. These decisions may be appealed. If the ban is lifted as a result of the appeal, the lawyer shall continue to serve. The ban decision from the defense office may be issued for a period of one year, limited to the crime that is the subject of the prosecution. However, depending on the nature of the prosecution, these periods may be extended twice, not exceeding six months. If a decision is made at the end of the investigation that no prosecution is necessary or a decision other than conviction is made at the end of the prosecution, the ban decision shall be lifted automatically without waiting for it to become final.

(5) **(Added: 25/5/2005 - 5353/22 art.)** The decision to ban from duty shall be immediately notified to the relevant bar association presidency for the appointment of a new defense counsel for the suspect, defendant or convict.

(6) **(Added: 25/5/2005 - 5353/22 art.)** As long as the defense counsel or attorney is banned from duty, he/she cannot visit the person for whom he/she is the defense counsel or attorney in the penal institution or detention house, even if it is related to other cases.

Defense in case there is more than one suspect or defendant

Article 152 – (1) The defence of more than one suspect or defendant whose interests are compatible with each other may be given to the same lawyer.

The defense counsel's authority to review the file

Article 153 – (Amended: 2/12/2014-6572/44 art.)

(1) The defense counsel may examine the contents of the file during the investigation phase and obtain a copy of the requested documents free of charge.

(2) The defense counsel's authority to examine the contents of the file or to obtain copies of documents may be restricted by a judge's decision upon the request of the public prosecutor if it may jeopardize the purpose of the investigation. This decision may only be given in investigations conducted regarding the following crimes:

a) Included in the Turkish Penal Code No. 5237 dated 26/9/2004;

1. Intentional killing (articles 81, 82, 83),
2. Sexual assault (excluding the first paragraph, article 102),
3. Sexual abuse of children (article 103),
4. Manufacturing and trading of narcotic or stimulant substances (Article 188),
5. Establishing an organization to commit a crime (Article 220),
6. Crimes against State Security (articles 302, 303, 304, 307, 308),
7. Crimes Against the Constitutional Order and the Functioning of This Order (Articles 309, 310, 311, 312, 313, 314, 315, 316),
8. Crimes Against State Secrets and Espionage (articles 326, 327, 328, 329, 330, 331, 333, 334, 335, 336, 337).

b) Arms smuggling crimes defined in the Law No. 6136 on Firearms, Knives and Other Tools dated 10/7/1953 (Article 12).

c) The crime of embezzlement defined in Article 160 of the Banking Law No. 5411 dated 19/10/2005.

d) Crimes defined in the Anti-Smuggling Law No. 5607 dated 21/3/2007.

(3) The provision of the second paragraph shall not apply to the minutes containing the statement of the arrested person or suspect, expert reports and minutes related to other judicial proceedings in which the aforementioned persons are authorised to attend.

(4) The defense counsel may examine the contents of the file and the preserved evidence from the date the indictment is accepted by the court; he may obtain copies of all minutes and documents free of charge.

(5) The representative of the person harmed by the crime also benefits from the rights contained in this article.

Meeting with the defense counsel

Article 154 – (1) The suspect or the accused may meet with his/her defense counsel at any time without requiring a power of attorney and in an environment where others cannot hear what is being said. The correspondence of these persons with their defense counsel cannot be monitored.

(2) **(Added: 3/10/2016-KHK-676/3 art.; Approved as is: 1/2/2018-7070/3 art.) The** right of a suspect in custody to meet with his/her lawyer may be restricted for twenty-four hours upon the request of the public prosecutor and by a judge's decision, for crimes defined in the Fourth, Fifth, Sixth and Seventh Chapters of the Fourth Part of the Second Book of the Turkish Penal Code, crimes falling within the scope of the Law on Combating Terrorism, and crimes of manufacturing and trafficking in narcotic and stimulant substances committed within the framework of the activities of the organisation; statements cannot be taken during this period.

Presence of legal representative or spouse at the hearing

Article 155 – (1) The legal representative of the defendant is notified of the hearing date and time and may be admitted to the hearing and heard upon request.

(2) The provision of the first paragraph shall be applied to the spouse of the defendant without any notification.

Procedure for appointing a defense counsel

Article 156 – (1) In the cases specified in Article 150, the defense counsel;

a) During the investigation phase, upon the request of the authority taking the statement or the judge conducting the interrogation,

b) During the prosecution phase, upon the request of the court,

He/she is appointed by the Bar Association.

(2) In the cases mentioned above, the defense counsel is appointed by the bar association where the investigation or prosecution is carried out.

(3) If the suspect or the accused subsequently chooses a lawyer, the duty of the lawyer appointed by the bar association ends.

THE SECOND BOOK
Investigation

PART ONE
Reports and Investigations of Crimes

FIRST PART
Confidentiality of Investigation, Reporting of Crimes

Confidentiality of the investigation

Article 157 – (1) Procedural procedures during the investigation phase are confidential, provided that they do not harm the rights of defence and that the cases for which the law stipulates other provisions are reserved.

Reporting and complaints

Article 158 – (1) Reports or complaints regarding crimes may be made to the Office of the Chief Public Prosecutor or law enforcement authorities.

(2) Any notification or complaint made to the governor's office or district governor's office or to the court shall be sent to the relevant Chief Public Prosecutor's Office.

(3) Reports or complaints can be made to Turkish embassies and consulates about crimes committed abroad that need to be prosecuted in the country.

(4) Any report or complaint made to the relevant institution or organization administration regarding a crime alleged to have been committed in connection with the performance of a public duty shall be sent to the relevant Office of the Chief Public Prosecutor without delay.

(5) A report or complaint may be made in writing or verbally to be recorded in the minutes.

(6) **(Added: 15/8/2017-KHK-694/145 art.; Approved as is: 1/2/2018-7078/140 art.)** If it is clearly understood without requiring any investigation that the act in question does not constitute a crime or if the report and complaint are of an abstract and general nature, it is decided that there is no need for an investigation. In this case, the person complained about cannot be given the status of a suspect. The decision that there is no need for an investigation is notified to the person who made the report or the complainant, if any, and an objection may be made to this decision according to the procedure in Article 173. If the objection is accepted, the Chief Public Prosecutor's Office initiates the investigation proceedings. The actions taken and decisions given pursuant to this paragraph are recorded in a system specific to them. These records can only be viewed by the Public Prosecutor, judge or court.

(7) If, after the investigation has proceeded to the prosecution phase, it is understood that the crime is related to the complaint, the trial continues unless the victim explicitly withdraws the complaint.

Reporting of suspicious death

Article 159 – (1) If there is a situation that gives rise to suspicion that a death did not occur due to natural causes or if the identity of the deceased cannot be determined, the law enforcement officer, village headman or persons responsible for health or funeral affairs are obliged to immediately report the situation to the Office of the Chief Public Prosecutor.

(2) In cases falling within the scope of the first paragraph, the burial of the deceased is only subject to written permission given by the public prosecutor.

SECOND PART
Investigation Procedures

The duty of the public prosecutor who learns that a crime has been committed

Article 160 – (1) As soon as the public prosecutor learns of a situation that gives the impression that a crime has been committed, through a report or any other means, he shall immediately begin to investigate the truth of the matter in order to decide whether or not to file a public lawsuit.

(2) In order to investigate the material truth and to conduct a fair trial, the public prosecutor is obliged to collect and preserve the evidence in favour of and against the suspect through the judicial police officers under his command and to protect the rights of the suspect.

Duties and powers of the public prosecutor

Article 161 – (1) The public prosecutor may conduct any kind of investigation, directly or through the judicial police officers under his command; he may request any kind of information from all public officials in order to reach the conclusions stated in the above article. When the public prosecutor needs to take action outside the jurisdiction of the court in which he serves in accordance with his judicial duty, he requests the public prosecutor of that place to take action in this regard.

(2) Judicial law enforcement officers are obliged to immediately report the incidents they have seized, the persons captured and the measures taken to the public prosecutor under whose command they work, and to carry out all orders of this public prosecutor regarding the courthouse without delay.

(3) The public prosecutor shall give orders to the judicial police officers in writing, or verbally in urgent cases. **(Additional sentence: 25/5/2005 - 5353/24 article)** The verbal order shall also be notified in writing as soon as possible.

(4) Other public officials are also obliged to provide the public prosecutor who requests the information and documents needed within the scope of the ongoing investigation without delay.

(5) Public prosecutors shall directly investigate public officials who are found to have abused or neglected their duties or duties related to the judiciary assigned to them by law or requested from them by law, and law enforcement officers and officials who are found to have abused or neglected their duties in carrying out the verbal or written requests and orders of public prosecutors. The provisions of the Law No. 4483 on the Trial of Civil Servants and Other Public Officials dated 2.12.1999 shall apply to governors and district governors, and the trial procedure to which judges are subject due to their duties shall apply to the highest-ranking law enforcement officers.

(6) **(Amended: 2/1/2017-KHK-680/9 art.; Accepted as is: 1/2/2018-7072/8 art.)** The authority to investigate and prosecute personal crimes of governors and district governors belongs to the provincial chief public prosecutor's office where the regional court of justice to which the relevant person works is affiliated and the high criminal court of the same place. In cases of flagrante delicto falling within the jurisdiction of the high criminal court, the investigation is conducted in accordance with general provisions.

(7) **(Added: 31/3/2011-6217/21 art.)** If the public prosecutor concludes that he/she is also incompetent in an investigation brought with a decision of incompetence, he/she issues a decision of incompetence and sends the investigation file to the closest high criminal court to the high criminal court in whose jurisdiction he/she is serving in order to determine the competent prosecutor. The decision given by the court in this regard is final.

(8) **(Added: 21/2/2014–6526/15 art.)** Public prosecutors shall directly investigate the crimes regulated in articles 302, 309, 311, 312, 313, 314, 315 and 316 of the Turkish Penal Code, even if they are committed during or because of their duties. The provisions of article 26 of the Law No. 2937 on State Intelligence Services and the National Intelligence Organization dated 1/11/1983 are reserved.

(9) **(Added: 15/8/2017-KHK-694/146 art.; Approved as is: 1/2/2018-7078/141 art.)** The authority to investigate and prosecute a member of parliament who is alleged to have committed a crime before or after the election belongs to the Ankara Chief Public Prosecutor's Office and the high criminal court of that location. The Chief Public Prosecutor or his/her designated deputy may personally conduct the investigation. The Chief Public Prosecutor or his/her deputy may request the public prosecutor of the location where the crime was committed to conduct the investigation partially or completely. In cases where there is a risk of delay, the public prosecutor of the location

where the crime was committed collects the necessary evidence and, if necessary, requests the criminal court of peace of the location for the decisions to be taken.

Request for a judge's decision by the public prosecutor in the investigation

Article 162 – (1) If the public prosecutor deems it necessary to conduct an investigation that can only be conducted by a judge, he shall notify his requests to the criminal judge of peace of the place where this action will be conducted. The criminal judge of peace shall decide on the requested action by examining whether it is in accordance with the law and shall carry out the necessary action.

The investigation is conducted by a criminal judge of peace.

Article 163 – (1) In cases where there is a danger of delay, if the public prosecutor cannot be reached or if the scope of the case exceeds the workload of the public prosecutor, the criminal judge of peace may also carry out all investigation procedures.

(2) Police chiefs and officers shall take the measures and carry out the investigations ordered by the criminal judge of peace.

Judicial police and its duties

Article 164 – (1) Judicial police means the security officers who carry out the investigation procedures specified in Articles 8, 9 and 12 of the Law No. 3201 on the Security Organization dated 4.6.1937, Article 7 of the Law No. 2803 on the Organization, Duties and Powers of the Gendarmerie dated 10.3.1983, Article 8 of the Decree Law No. 485 on the Organization and Duties of the Undersecretariat of Customs dated 2.7.1993, and Article 4 of the Coast Guard Command Law No. 2692 dated 9.7.1982.

(2) Investigation procedures are carried out primarily by the judicial police in accordance with the orders and instructions of the public prosecutor. Judicial police officers carry out the orders of the public prosecutor regarding judicial duties.

(3) Judicial police are under the command of their superiors in services other than judicial duties.

Judicial police duties of other law enforcement units

Article 165 – (1) When necessary or upon the request of the public prosecutor, other law enforcement units are also obliged to perform judicial law enforcement duties. In this case, the provisions of this Law shall apply to law enforcement officers due to their judicial duties.

Evaluation report authority

Article 166 – (1) At the end of each year, chief public prosecutors prepare evaluation reports about the responsible persons of the judicial police in that place and send them to the provincial administrators.

regulation

Article 167 – (1) The qualifications of judicial police officers, their pre-service and in-service training, their relations with other service units, preparation of evaluation reports, the departments in which they will be employed according to their specializations and other issues are determined in the regulation to be jointly issued by the Ministries of Justice and Internal Affairs within six months from the effective date of this Law.

In case of non-compliance with the measures taken by the judicial police at the scene,

Article 168 – (1) The judicial police officer who starts the procedures related to his duty at the scene of the incident shall prevent those who prevent these procedures from being carried out or who act contrary to the measures taken within his authority, until the procedures are concluded and, if necessary, by using force.

Recording of the actions taken during the investigation phase

Article 169 – (1) During the taking of the statement or interrogation of a suspect, the hearing of a witness or expert, or during an inspection and examination, a court clerk shall be present with the public prosecutor or the judge of the criminal court of peace. In urgent cases, another person may be appointed as the clerk, provided that he/she takes an oath.

(2) Every investigation process is recorded in a report. The report is signed by the judicial police officer, public prosecutor or criminal judge of peace and the court clerk present.

(3) The name and signature of the lawyer shall be included in the minutes of the proceedings in which he/she is present as a defence counsel or representative.

(4) The report shall include the place where the transaction was carried out, the date, the starting and ending time, and the names of the persons involved or interested in the transaction.

(5) The parts of the minutes that concern them are read or given to them to be read by the relevant persons present at the transaction for approval. This matter is written in the minutes and signed by the relevant persons.

(6) In case of refusal to sign, the reasons are recorded in the minutes.

(7) **(Added: 21/2/2014 – 6526/16 art.)** In investigations and prosecutions conducted regarding crimes defined in the Fourth, Fiveth, Sixth and Seventh Sections of the Fourth Part of the Second Book of the Turkish Penal Code (excluding articles 318, 319, 324, 325 and 332) and crimes falling within the scope of the Anti-Terror Law No. 3713 dated 12/4/1991, only the registration numbers of the relevant officers shall be recorded in the minutes prepared by the police instead of their clear identities. In cases where the statements of law enforcement officers must be taken, the invitation or summons issued shall be served to the workplace address of the law enforcement officer. The workplace addresses of these persons shall be indicated as the addresses in the statements and hearing minutes.

PART TWO
Filing of Public Lawsuit

FIRST PART
Filing of Public Lawsuit

Duty to file public lawsuit

Article 170 – (1) The duty to file a public lawsuit is carried out by the public prosecutor.

(2) If the evidence collected at the end of the investigation phase creates sufficient suspicion that a crime has been committed, the public prosecutor prepares an indictment.

(3) In the indictment addressed to the competent and authorized court;

a) Identity of the suspect,

b) Defense counsel,

c) The identity of the deceased, victim or the person harmed by the crime,

d) The attorney or legal representative of the victim or the person harmed by the crime,

e) The identity of the person making the notification, if there is no harm in disclosing it.

f) The identity of the person making the complaint,

g) Date of the complaint,

h) The crime charged and the articles of law to be applied,

i) The place, date and time period in which the charged crime was committed,

j) Evidence of the crime,

k) Whether the suspect is under arrest or not; if arrested, the dates of detention and arrest and their durations,

It is shown.

(4) In the indictment, the events constituting the charged crime are explained in relation to the available evidence; information that is not related to the events constituting the charged crime and the evidence of the crime is not included.

(5) In the conclusion of the indictment, not only the matters against the suspect but also the matters in his favour are put forward.

(6) In the conclusion part of the indictment, the penalties and security measures stipulated in the relevant law are requested to be imposed due to the crime committed; and if the crime is committed within the scope of the activities of the legal entity, the security measures that can be applied to the relevant legal entity are clearly stated.

and if the crime is committed within the scope of the activities of the legal entity, the security measures that can be applied to the relevant legal entity are clearly stated.

Discretionary power to file public lawsuit

Article 171 – (Amended: 6/12/2006 – 5560/22 art.)

(1) In the event that conditions requiring the application of the provisions of effective repentance as a personal reason for waiving the penalty or a personal reason for impunity exist, the public prosecutor may decide not to prosecute.

(2) **(Amended: 17/10/2019-7188/19 art.)** Except for crimes within the scope of reconciliation and prepayment, the public prosecutor may decide to postpone the opening of a public lawsuit for a period of five years, despite the existence of sufficient suspicion, for crimes that require an upper limit of imprisonment of three years or less. The person harmed by the crime or the suspect may object to this decision in accordance with the provisions of Article 173.

(3) In order to decide to postpone the filing of a public lawsuit;

a) The suspect has not previously been sentenced to imprisonment for a deliberate crime,

b) The investigation concludes that the suspect will refrain from committing a crime if the filing of a public lawsuit is postponed.

c) Postponing the filing of a public lawsuit is more beneficial for the suspect and society than filing a public lawsuit.

d) The damage suffered by the victim or the public as a result of the commission of the crime and determined by the public prosecutor must be completely remedied by way of restitution, restoration to the state before the crime, or compensation.

conditions must be met simultaneously.

(4) If no intentional crime is committed during the postponement period, a decision of no prosecution is made. If an intentional crime is committed during the postponement period, a public lawsuit is filed. The statute of limitations does not apply during the postponement period.

(5) Decisions regarding the postponement of the opening of a public lawsuit shall be recorded in a system specific to them. These records may only be used for the purpose specified in this article if requested by the public prosecutor, judge or court in connection with an investigation or prosecution.

(6) **(Added: 17/10/2019-7188/19 art.)** The provisions of this article;

a) Crimes of establishing, managing or being a member of an organization to commit crimes and crimes committed within the scope of the activities of the organization,

b) Crimes committed by public officials because of their duty or against public officials because of their duty, and military crimes committed by military personnel,

c) Crimes committed against sexual immunity,

does not apply to.

SECOND PART
Decision of No Prosecution, Objection and Return of Indictment

Judgment that there is no room for prosecution

Article 172 – (1) At the end of the investigation phase, if sufficient evidence is not obtained to create suspicion for the initiation of a public lawsuit or if there is no possibility of prosecution, the public prosecutor shall decide not to prosecute. This decision shall be notified to the person harmed by the crime and to the suspect whose statement has been taken or who has been interrogated in advance. The right to appeal, the period and the authority shall be indicated in the decision.

(2) **(Amended: 2/1/2017-KHK-680/10 art.; Accepted as is: 1/2/2018-7072/9 art.)** After a decision of non-prosecution is made, unless new evidence is obtained that will create sufficient suspicion to initiate a public lawsuit and a decision is made by the criminal court of peace on this matter, a public lawsuit cannot be initiated for the same act.

(3) **(Added: 11/4/2013-6459/19 art.)** If the final decision of the European Court of Human Rights determines that the decision of non-prosecution was made without an effective investigation, or if the application made to the European Court of Human Rights against this decision is dropped as a result of a friendly settlement or a unilateral declaration, a new investigation shall be opened upon request within three months from the date of the finalization of the decision.

Objection to the decision of the public prosecutor

Article 173 – (1) The person who has been harmed by the crime may appeal to the criminal court of peace in the jurisdiction where the high criminal court in whose jurisdiction the public prosecutor who made the decision is serving is located, within two weeks from the date of notification of the decision not to prosecute.

(2) The objection petition shall specify the events and evidence that may necessitate the filing of a public lawsuit.

(3) **(Amended: 18/6/2014-6545/71 art.)** If the criminal judgeship of peace deems it necessary to expand the investigation in order to make its decision, it may request the Chief Public Prosecutor's Office of that place, stating this clearly; if there are no sufficient reasons to open a public lawsuit, it rejects the request with justification; sentences the objector to pay expenses and sends the file to the Public Prosecutor. The Public Prosecutor notifies the objector and the suspect of the decision.

(4) **(Amended: 25/5/2005 - 5353/26 art.)** If the criminal judgeship of peace finds the request appropriate, the public prosecutor prepares an indictment and submits it to the court.

(5) The provisions of this article shall not apply in cases where the public prosecutor exercises his discretionary power regarding not filing a public lawsuit.

(6) **(Amended: 2/1/2017-KHK-680/11 art.; Accepted as is: 1/2/2018-7072/10 art.)** If the objection is rejected, the second paragraph of Article 172 shall apply in order to file a public lawsuit for the same act.

Return of the indictment

Article 174 – (Amended: 25/5/2005 - 5353/27 art.)

(1) After all documents related to the investigation phase are examined by the court within fifteen days from the date of submission of the indictment and investigation documents, any missing or incorrect points are indicated;

a) Organized in violation of Article 170,

b) **(Amended: 17/10/2019-7188/20 art.)** Organized without collecting any evidence that will directly affect the proof of the crime,

c) **(Amended: 17/10/2019-7188/20 art.)** In cases where it is clearly understood from the investigation file that the works are subject to advance payment, conciliation or expedited trial procedure, they are arranged without applying advance payment, conciliation or expedited trial procedure,

d) **(Added: 17/10/2019-7188/20 art.)** In cases where the investigation or prosecution is subject to permission or request, the investigation or prosecution of which is carried out without permission or request,

It is decided to return the indictment to the Office of the Chief Public Prosecutor.

(2) The indictment cannot be returned due to the legal qualification of the crime.

(3) An indictment that is not returned at the end of the period specified in the first paragraph shall be deemed to have been accepted.

(4) Upon the return of the indictment, the public prosecutor, after completing the deficiencies and correcting the faulty points indicated in the decision, prepares a new indictment and sends the file to the court, unless there is a situation requiring a decision of non-prosecution. The return of the indictment cannot be resorted to based on reasons not stated in the first decision.

(5) The public prosecutor may object to the extradition decision.

THE THIRD BOOK
Prosecution Phase

PART ONE
Conducting Public Prosecutions

FIRST PART
Preparation for the hearing

Acceptance of the indictment and preparation for the hearing

Article 175 – (1) With the acceptance of the indictment, a public lawsuit is filed and the prosecution phase begins.

(2) After the indictment is accepted, the court determines the hearing date and calls the persons who must attend the hearing.

Notification of the indictment to the defendant and summoning of the defendant

Article 176 – (1) The indictment shall be notified to the defendant together with the summons. **(Additional sentence: 8/7/2021-7331/20 art.)** In addition, information regarding the indictment and the hearing date shall be notified by using communication information such as telephone, telegram, fax, e-mail, etc., if these are available in the file; however, the results attached to the summons shall not be applied in this case.

(2) In the summons to be served to the defendant who is not under arrest, it is written that if he does not come without an excuse, he will be brought by force.

(3) The summoning of the detained defendant is done by notifying him/her of the hearing date. The defendant is asked to state whether he/she will make a request to defend himself/herself at the hearing and if so, what it will consist of; his/her defense counsel is also invited together with the defendant. This process is done by bringing the prison clerk or the personnel assigned to this task to the penal institution where the detainee is located and keeping a record.

(4) In accordance with the above paragraphs, there must be at least one week between the notification of the summons and the hearing date.

Request for collection of evidence for the defendant's defense

Article 177 – (1) When the defendant requests the invitation of a witness or expert or the collection of evidence for his defense, he shall submit his petition to the presiding judge or judge at least five days before the hearing, indicating the events to which they are related.

(2) The decision to be made on this petition will be notified to him/her immediately.

(3) The accepted requests of the defendant are also notified to the public prosecutor.

Bringing the witness and expert whose call was rejected directly to the court

Article 178 – (1) When the presiding judge or judge rejects the petition to call a witness or expert nominated by the defendant or the party, the defendant or party may bring those persons to court. These persons shall be heard at the hearing. **(Additional sentence: 3/10/2016-KHK-676/4 art.; Accepted as is: 1/2/2018-7070/4 art.)** However, requests made for the purpose of extending the case shall be rejected.

Notification of the names and addresses of the witnesses summoned to the defendant and the public prosecutor

Article 179 – (1) The defendant shall notify the public prosecutor within a reasonable period of time of the names and addresses of the experts and witnesses he will invite directly or bring during the hearing.

(2) If the public prosecutor invites any other persons, either by the decision of the presiding judge or judge, or on his own, in addition to the witnesses and experts indicated in the indictment or invited upon the request of the accused, he shall inform the accused of their names and addresses within a reasonable period of time.

Hearing of witnesses and experts by proxy or by rogatory

Article 180 – (1) If it is understood that a witness or expert will not be able to attend the hearing for a long and unknown period of time due to illness, disability or another reason that cannot be remedied, the court may decide to hear him/her through a substitute or by letter rogatory.

(2) This provision also applies to the hearing of witnesses and experts who are difficult to bring because their residences are outside the jurisdiction of the competent court.

(3) Unless necessary, the court hearing the case cannot decide to hear the complainant, participant, defendant, defense counsel or attorney, witnesses and experts located within the borders of the metropolitan municipality by way of rogatory.

(4) If the court to which the rogatory is addressed is within the borders of a metropolitan municipality, it shall act accordingly without rejecting the rogatory document that needs to be fulfilled within the borders of the metropolitan municipality, even if the persons concerned are not within its jurisdiction.

(5) If, according to the content of the above paragraphs, it is possible for a witness or expert to be heard simultaneously using visual and audio communication techniques, the statement shall be taken using this method. The principles and procedures regarding the establishment and use of technical equipment that will enable this are specified in the regulation.

Notification of the day on which witnesses and experts will be heard

Article 181 – (1) The day determined for hearing witnesses or experts shall be notified to the public prosecutor, the person harmed by the crime, his/her attorney, the defendant and the defense counsel. A copy of the prepared report shall be given to the public prosecutor and the defense counsel present.

(2) If a new inspection and examination is required, the provisions of the above paragraph shall apply.

(3) The suspect or defendant who is under arrest may only request to be present at such proceedings to be held in the court where he is under arrest. However, in cases deemed necessary by the judge or the court, the presence of the suspect or defendant who is under arrest may be ordered at such proceedings.

SECOND PART
Hearing

Openness of the hearing

Article 182 – (1) The hearing is open to the public.

(2) In cases where public morality or public safety absolutely necessitates it, the court may decide that a hearing be held partially or completely behind closed doors.

(3) The reasoned decision to hold the hearing in private and the verdict are announced in an open hearing.

Prohibition on the use of audio and video recording devices

Article 183 – (1) Subject to the provisions of the fifth paragraph of Article 180 and the fourth paragraph of Article 196, no audio or video recording or transmission devices may be used in the courthouse or in the courtroom after the hearing has started. This provision also applies to the execution of other judicial proceedings inside and outside the courthouse.

Decision on removal of openness

Article 184 – (1) In the cases specified in Article 182, the hearing regarding the request for the removal of publicity shall be held in camera upon request or if deemed appropriate by the court.

Mandatory closure

Article 185 – (1) If the defendant has not reached the age of eighteen, the hearing is held behind closed doors and the verdict is announced in the closed hearing.

Writing the closure decision and its reasons

Article 186 – (1) The decision to remove the publicity is recorded in the minutes together with the reasons.

Ability to attend closed hearings

Article 187 – (1) In a closed hearing, the court may allow some people to be present. In this case, those mentioned are warned not to disclose matters that require the hearing to be closed, and this is recorded in the minutes.

(2) The content of the closed hearing cannot be published through any means of communication.

(3) If the content of the open hearing is of a nature that would harm national security or public morality or the dignity, honour and rights of individuals or incite people to commit a crime, the court shall prohibit the publication of the content of the hearing in whole or in part, in order to prevent these and to the extent necessary, and shall announce its decision in the open hearing.

Those who will be present at the hearing

Article 188 – (1) The presence of the judges, the public prosecutor, the court clerk and, in cases where the Law accepts compulsory defense, the defense counsel is required. **(Additional sentence: 3/10/2016-KHK-676/5 art.; Accepted as is: 1/2/2018-7070/5 art.)** If the defense counsel fails to attend the hearing without an excuse or leaves the hearing, the hearing may continue.

(2) **(Repealed: 18/6/2014 - 6545/103 art.)**

(3) In a case that will not be concluded in one session, an alternate member may be appointed to take the place of a member who is absent for any reason and to participate in the vote.

More than one public prosecutor and lawyer attending the hearing

Article 189 – (1) More than one public prosecutor and more than one lawyer can attend the hearing at the same time and they can also divide the work among themselves.

Pause

Article 190 – (1) The hearing shall continue without interruption and the verdict shall be given. However, in cases of necessity, the hearing may be adjourned to enable the case to be concluded within a reasonable time.

(2) If the time period specified in Article 176 has not been complied with, the defendant is reminded that he/she has the right to request an adjournment of the hearing.

Beginning of the hearing

Article 191 – (1) The hearing begins by determining whether the defendant and his/her defense counsel are present and whether the witnesses and experts who have been summoned have arrived. The defendant is admitted to the hearing without bond. The presiding judge or judge announces the start of the hearing by reading the decision to accept the indictment.

(2) Witnesses are removed from the courtroom.

(3) At the hearing, in order;

a) The clear identity of the defendant is determined and information is obtained about his personal and economic situation,

b) **(Amended: 24/11/2016-6763/29 art.)** The actions and evidence that form the basis of the accusation in the indictment or the document replacing the indictment and the legal qualification of the accusation are explained,

c) The defendant is informed of his/her legal right not to make a statement about the crime charged and of his/her other rights specified in Article 147.

d) When the defendant declares that he is ready to make a statement, he is questioned in accordance with the procedure.

Duty of the President or Judge

Article 192 – (1) The court president or judge manages the hearing and interrogates the defendant and ensures the submission of evidence.

(2) If one of the parties concerned at the hearing argues that a measure ordered by the presiding judge regarding the conduct of the hearing is not legally acceptable, the court shall make a decision on this matter.

Failure of the defendant to appear at the hearing

Article 193 – (1) Except for the cases excluded by the law, no hearing shall be held regarding the defendant who is not present. If there is no valid reason for the defendant not to appear, a decision shall be made to bring him by force.

(2) **(Amended: 28/3/2023-7445/20 art.)** If it is concluded that there is no need to convict or punish the accused based on the evidence collected and that a decision other than security measures should be made, the case may be concluded in his absence even if his interrogation has not been conducted.

Defendant leaving the court

Article 194 – (1) The presence of the defendant who comes to court is ensured throughout the hearing and the court takes the necessary measures to prevent him from evading.

(2) If the defendant absconds or does not appear at the hearing following the adjournment, the case may be concluded in his absence if he has already been questioned and the court no longer deems his presence necessary.

Hearing in the absence of the defendant

Article 195 – (1) If the crime requires a fine or confiscation, alone or together, a hearing may be held even if the defendant does not attend. In such cases, the invitation sent to the defendant shall state that the hearing will be held even if he does not attend.

Immunity of the defendant from trial

Article 196 – (1) If the defendant who has been questioned by the court or his/her defense counsel requests it in cases authorized by the defendant in this regard, the court may exempt the defendant from attending the hearing.

(2) The accused may be interrogated by way of a letter of rogatory, except for crimes that carry a minimum sentence of five years or more. The day set for the interrogation shall be notified to the public prosecutor, the accused and his/her defence counsel. The presence of the public prosecutor and defence counsel is not required during the interrogation. Before the interrogation, the accused shall be asked whether he/she wishes to give his/her statement before the court of first instance.

(3) The interrogation report is read out at the hearing.

(4) **(Amended: 15/8/2017-KHK-694/147 art.; Accepted as is: 1/2/2018-7078/142 art.)** In cases where the judge or the court deems it necessary, the defendant who is in the country may be questioned or may be ordered to attend the hearings by using the visual and audio communication technique at the same time.

(5) The court may decide that the defendant, who has been transferred to a hospital or detention centre outside the jurisdiction where the trial is held due to illness, disciplinary measures or other compelling reasons, will not be brought to the hearings where his presence is not deemed necessary, provided that his interrogation has been completed.

(6) If it is difficult for the defendant, who is abroad, to be present on the determined hearing date, the hearing may be held before this date or the interrogation may be conducted by means of a letter rogatory.

The defendant may send a defense counsel

Article 197 – (1) Even if the defendant is not present, his defense counsel has the authority to be present at all sessions.

Condition of reinstatement in a hearing held without the presence of the defendant

Article 198 – (1) If the hearing is held without the presence of the defendant, the defendant may, within one week from the date of notification of the court's decision and proceedings, request the reinstatement of the court's decisions and proceedings, based on legal reasons, in order to eliminate the consequences arising from the lapse of time.

(2) However, if the defendant has been exempted from the hearing upon his own request or has used his authority to be represented by his defence counsel, he may no longer request reinstatement.

The defendant may be brought by force

Article 199 – (1) The court may at any time decide that the defendant must be present and brought with a decision of forcible arrest or an arrest warrant.

The defendant may be removed from the courtroom during questioning.

Article 200 – (1) If there is concern that one of the accomplices or a witness will not tell the truth to the defendant's face, the court may decide to remove that defendant from the courtroom during the interrogation and hearing.

(2) When the defendant is brought back, the minutes are read and, if necessary, their contents are explained.

Asking direct questions

Article 201 – (1) The public prosecutor, the defense counsel or the lawyer attending the hearing as a representative may directly ask questions to the defendant, the participant, witnesses, experts and other persons called to the hearing in accordance with the hearing discipline. The defendant and the participant may also ask questions through the presiding judge or the judge. In case of objection to the question posed, the presiding judge decides whether the question should be asked or not. If necessary, the relevant persons may ask questions again.

(2) In courts that serve as panels, the judges who form the panel may ask questions to the persons specified in the first paragraph.

Circumstances in which an interpreter will be required

Article 202 – (1) If the defendant or the victim does not know enough Turkish to be able to express himself/herself, the essential points regarding the claim and defense in the hearing are translated by an interpreter appointed by the court.

(2) The essential points regarding the claim and defence in the hearing are explained to the disabled defendant or victim in a way they can understand.

(3) The provisions of the first and second paragraphs also apply to suspects, victims or witnesses heard during the investigation phase. At this stage, the interpreter is appointed by the judge or the public prosecutor.

(4) **(Added: 24/1/2013-6411/ 1 art.)** In addition, the defendant;

a) Explanation of the indictment,

b) Giving the opinion on the merits,

upon which he may make his oral defence in another language in which he declares that he can express himself better. In this case, translation services shall be provided by the interpreter chosen by the defendant from the list established in accordance with the fifth paragraph. The expenses of this interpreter shall not be covered by the State Treasury. This opportunity cannot be misused for the purpose of prolonging the trial.

(5) **(Added: 24/1/2013-6411/ 1 art.)** Interpreters are selected from among the persons included in the list prepared annually by the provincial judicial justice commissions. Public prosecutors and judges may select interpreters not only from the lists prepared for the province they are located in, but also from the lists prepared in other provinces. The procedures and principles regarding the preparation of these lists are determined by the regulation.

THIRD PART
Order and Discipline of the Hearing

Authority of the judge or president

Article 203 – (1) The order of the hearing is ensured by the court president or the judge.

(2) The presiding judge or judge orders the removal of the person who disrupts the order of the hearing from the courtroom, provided that it does not hinder the exercise of the right to defence.

(3) If a person resists or causes a disturbance while being taken out, he/she is caught and, with the exception of lawyers, he/she may be immediately placed in disciplinary detention for up to four days by a decision to be given by the judge or the court. However, disciplinary detention shall not be applied to children.

Taking the accused out

Article 204 – (1) If it is understood that the defendant’s presence would endanger the orderly conduct of the hearing due to his/her behavior, the defendant shall be removed from the courtroom. If the court does not deem the defendant’s presence at the hearing necessary for his/her defense based on the status of the file, the hearing shall continue and end in his/her absence. However, if the defendant does not have a defense counsel, the court shall request the appointment of a defense counsel from the bar association. The procedures carried out in his/her absence shall be explained to the defendant who is decided to be re-admitted to the hearing.

Procedure regarding the crime committed during the trial

Article 205 – (1) If a person commits a crime during the hearing, the court determines the incident and sends the report it prepares to the competent authority; if deemed necessary, it may also decide to arrest the perpetrator.

CHAPTER FOUR
Presenting and Discussing Evidence

Presenting and rejecting evidence

Article 206 – (1) The presentation of evidence begins after the defendant is interrogated. **(Additional sentences: 25/5/2005 - 5353/29 art.)** However, the fact that the defendant's interrogation could not be carried out due to his/her failure to appear without an excuse despite notification does not prevent the presentation of evidence. The evidence presented is notified to the defendant who comes later.

(2) Evidence requested to be presented shall be rejected in the following cases:

a) If the evidence was obtained unlawfully.

b) If the event sought to be proven with evidence has no effect on the decision.

c) If the request is made solely for the purpose of prolonging the case.

(3) If the public prosecutor and the defendant or his/her defense counsel give their consent, hearing a witness or presenting any other evidence may be waived.

(4) **(Repealed: 25/5/2005 - 5353/29 art.)**

Late reporting of evidence and incident

Article 207 – (1) The request for evidence to be presented cannot be rejected due to late notification of the evidence or the event sought to be proven.

Witness leaving the courtroom

Article 208 – (1) Witnesses may leave the courtroom after being heard only with the permission of the presiding judge or judge.

Documents and minutes that must be explained at the hearing

Article 209 – (1) Documents and other writings to be used as evidence, such as the interrogation minutes of the accused who was questioned by proxy or by rogatory, the statement minutes of the witness heard by proxy or by rogatory, examination and discovery minutes, criminal record summaries and documents containing information on the personal and economic situation of the accused, shall be explained at the hearing.

(2) The court may decide to disclose documents containing personal data of the defendant or the victim in a closed session if they explicitly request so.

Documents not to be read at the hearing

Article 210 – (1) If the evidence of the incident consists of the statements of a witness, this witness must be heard at the hearing. Reading the minutes prepared during the previous hearing or a written statement cannot be considered as a substitute for hearing.

(2) If a person who is able to refrain from testifying refuses to testify at the hearing, the minutes of his previous statement cannot be read.

Documents that can be read out at the hearing

Article 211 – (1) a) If the witness or the defendant’s accomplice is dead or mentally ill or his/her whereabouts cannot be determined,

b) If the presence of the witness or the defendant's accomplice at the hearing is not possible for an indefinite period of time due to illness, disability or another reason that cannot be remedied,

c) If the witness's presence at the hearing is not deemed necessary due to the importance of his/her statement,

Instead of listening to these people, the minutes prepared during the previous listening and the documents they wrote can be read.

(2) The public prosecutor, the defendant or his/her attorney, the defendant or his/her defense counsel may jointly consent to the reading of minutes other than those specified in the first paragraph.

Reading of the witness's previous statement

Article 212 – (1) If the witness says that he cannot remember a matter, he is helped to remember by reading the relevant part of the record containing his previous statement.

(2) If there is a contradiction between the witness's statement at the hearing and his previous statement, the contradiction is tried to be resolved by reading his previous statement.

Reading of the defendant's previous statement

Article 213 – (1) In case of a contradiction between them, the statements made by the defendant before the judge or the court and the minutes of the statement taken by the public prosecutor or to the law enforcement officers in the presence of his/her defense counsel may be read out at the hearing.

Reading reports, documents and other writings

Article 214 – (1) After reading official documents and other writings containing an explanation and opinion, and technical examination and medical reports, if deemed necessary, those whose signatures are on the documents and other writings or reports may be summoned to the hearing to make an explanation.

(2) If the explanation and opinion or report is given by a board, the court may propose to the board to assign the task of explaining the board's opinion to one of its members.

(3) The statement regarding scientific opinions is made in accordance with the provisions of Article 68 of this Law.

Asking what you have to say after listening and reading

Article 215 – (1) After hearing the accomplice, witness or expert and reading any document, the party or his/her attorney, the public prosecutor, the defendant and his/her defense counsel shall be asked whether they have anything to say against them.

Discussion of evidence

Article 216 – (1) In the discussion regarding the evidence presented, the floor is given to the participant or his/her attorney, the public prosecutor, the defendant and his/her defense counsel or legal representative, respectively.

(2) The public prosecutor, the respondent or his/her representative may respond to the statements of the defendant, his/her defence counsel or legal representative; and the defendant and his/her defence counsel or legal representative may respond to the statements of the public prosecutor and the respondent or his/her representative.

(3) The final word before the verdict is given to the defendant who is present. **(Additional sentence: 15/8/2017-KHK-694/148 article; Accepted as is: 1/2/2018-7078/143 article) The** absence of the mandatory defense counsel at this stage does not prevent the verdict from being announced.

Authority to appreciate evidence

Article 217 – (1) The judge may base his decision only on the evidence brought to the hearing and discussed in his presence. This evidence is freely evaluated by the judge according to his own conscience.

(2) The charged crime can be proven with any kind of evidence obtained in accordance with the law.

Additional jurisdiction of criminal courts

Article 218 – (1) If the proof of the crime charged depends on the solution of a problem that falls within the jurisdiction of a court other than the criminal courts, the criminal court may also decide on this problem in accordance with the provisions of this Law. However, it may decide on a pending problem regarding the filing of a lawsuit in the competent court regarding this problem or the conclusion of the lawsuit that has already been filed.

(2) If a problem is encountered during the prosecution phase regarding the determination of the age of the victim or the defendant in terms of criminal provisions, the court resolves this problem in accordance with the procedure determined in the relevant law and gives its verdict.

CHAPTER FIVE
Hearing Minutes

Hearing minutes

Article 219 – (1) Minutes shall be kept for the hearing. The minutes shall be signed by the presiding judge or judge and the court clerk. If the proceedings of the hearing are recorded by technical means, these records shall be converted into a written record without delay and signed by the presiding judge or judge and the court clerk.

(2) If the court president has an excuse, the minutes are signed by the most senior member.

Title of the hearing minutes

Article 220 – (1) In the title of the hearing minutes;

a) Name of the court where the hearing was held,

b) Session dates,

c) Name and surname of the judge, public prosecutor and court clerk,

is specified.

Contents of the hearing minutes

Article 221 – (1) In the hearing minutes;

a) Name and surname of the defendant, defense counsel, participant, attorney, legal representative, expert, translator, technical consultant attending the sessions,

b) Elements that reflect the course and results of the hearing and show that all basic rules of the trial procedure were complied with,

c) Statements of the defendant,

d) Witness statements,

e) Expert and technical consultant statements,

f) Documents and writings that have been read or refused to be read,

g) Requests, and in case of rejection, the reason thereof,

h) Decisions made,

i) The verdict,

takes place.

Evidential power of the hearing minutes

Article 222 – (1) How the hearing was held and whether it was held in accordance with the procedures and principles specified in the law can only be proven through a report. Only a claim of forgery can be made against the report.

PART TWO
End of Public Prosecution

FIRST PART
End of Hearing and Verdict

End of the trial and verdict

Article 223 – (1) The verdict is given after the hearing is declared over. The verdict is the acquittal, no penalty, conviction, security measure order, rejection or dismissal of the case.

(2) Acquittal decision;

a) The act charged is not defined as a crime in the law,

b) It is established that the accused did not commit the crime,

c) The perpetrator does not have intent or negligence in terms of the crime charged,

d) Although the crime charged was committed by the defendant, there is a legal reason for the incident,

e) It is not proven that the accused committed the crime,

It is given in cases.

(3) About the defendant;

a) The existence of minor age, mental illness, deafness and muteness or temporary reasons in connection with the crime charged,

b) **(Amended: 25/5/2005 - 5353/30 art.)** The crime charged was committed by means of executing an unlawful but binding order or under the influence of necessity or force or threat.

c) Exceeding the limits of legitimate defense due to excitement, fear and panic,
d) Making a mistake that eliminates the fault,
In such cases, it is decided that there is no need to impose a penalty because there is no fault.
(4) Although the act committed continues to be a crime;
a) Active repentance,
b) Existence of personal impunity,
c) Mutual insults,
d) The injustice content of the act committed is low,
Therefore, in cases where the perpetrator is not punished, a decision is made that no punishment is necessary.
(5) If it is proven that the accused committed the crime, a decision of conviction is given.
(6) If it is proven that the accused committed the crime, security measures are imposed instead of a sentence to a certain penalty or in addition to the sentence.
(7) If there is a previous judgment or a lawsuit filed against the same defendant for the same act, the case is rejected.
(8) If the reasons for dismissal stipulated in the Turkish Penal Code exist or if it is understood that the condition of investigation or prosecution will not be met, the case is decided to be dismissed. However, if the investigation or prosecution is made conditional and it is understood that the condition has not yet been met, a stay decision is made to wait for it to be met. This decision may be appealed.
(9) In cases where an immediate acquittal decision can be given, a stay, a dismissal or a decision of no penalty cannot be given.
(10) A decision of lack of jurisdiction by a judicial authority other than the judicial court shall be deemed a judgment for the purposes of legal remedies.

Number of votes required for decisions and rulings
Article 224 – (1) The court's decisions and verdicts are given unanimously or by majority vote.
(2) The dissenting vote is recorded in the minutes and its justification is also shown in the minutes.

Subject of the judgment and the jurisdiction of the court in assessing the crime
Article 225 – (1) The verdict can only be given regarding the act and the perpetrator of the crime the elements of which are stated in the indictment.
(2) The court is not bound by the claims and defences in characterising the act.

SECOND PART
Change in Criminal Nature

Change in the nature of the crime
Article 226 – (1) Unless the accused is informed before the legal nature of the crime changes and is in a position to present his defence, he cannot be convicted under a provision other than the law that refers to the crime whose legal elements are indicated in the indictment.
(2) The same provision shall apply when the circumstances that would require an increase in the penalty or the implementation of security measures in addition to the penalty arise for the first time during the hearing.
(3) In cases where an additional defence is required, the defendant is given time to prepare his/her additional defence upon request.
(4) The notifications written in the above paragraphs shall be made to the defense counsel, if any. The defense counsel shall benefit from the same rights granted to the defendant.

THIRD PART
Decision and Judgment

Judges who will participate in the discussion
Article 227 – (1) Only judges who will participate in the decision and verdict shall be present in the deliberations.
(2) The chief justice may allow assistant judges and prosecutors and lawyer candidates who are doing their internships in the court to be present during the deliberations.

Management of the negotiation
Article 228 – (1) The court president manages the deliberations.

Counting of votes
Article 229 – (1) The president of the court collects the votes one by one, starting with the junior member, and casts his own vote last.
(2) None of the presidents or members of the court may abstain from voting on any issue or problem by claiming to be in the minority.
(3) If the votes are distributed, the vote most against the defendant shall be added to the vote closest to him until a majority is reached.

Matters to be indicated in the justification of the judgment
Article 230 – (1) The following points shall be indicated in the justification of the conviction:
a) Opinions put forward in the claim and defense.
b) Discussion and evaluation of evidence, indication of evidence that is taken as basis for the verdict and that is rejected; within this scope, the evidence in the file that was obtained through illegal methods is shown separately and clearly.
c) The opinion reached, the act of the defendant that is proven to constitute a crime and its characterization; determining the penalty according to the order and principles determined in Articles 61 and 62 of the Turkish Penal Code, taking into account the requests put forward in this regard; determining the security measure to be applied instead of or in addition to the penalty, according to Articles 53 and following of the same Code.
d) The grounds for postponing the sentence, converting the prison sentence into a judicial fine or one of the measures, or applying additional security measures, or accepting or rejecting requests regarding these matters.
(2) In the justification of the acquittal decision, it must be stated which of the circumstances specified in the second paragraph of Article 223 is relied upon.
(3) In the justification of the decision that no penalty is imposed, it must be stated which of the circumstances specified in the third and fourth paragraphs of Article 223 is relied upon.
(4) If a decision or judgment other than the provisions specified in the above paragraphs is given, the reasons for this shall be stated in the justification.

Announcement of the verdict and deferment of the verdict
Article 231 – (1) At the end of the hearing, the sentence paragraph recorded in the hearing minutes in accordance with the principles specified in Article 232 is read and its justification is explained in outline.
(2) The defendant present is also informed of the legal remedies he can apply to, the authority and the period.
(3) If there is a situation in which the acquitted defendant can claim compensation, this will also be notified.
(4) The ruling paragraph is heard by everyone standing.
(5) **(Added: 6/12/2006-5560/23 art.) (Amended: 2/3/2024-7499/15 art.)** If the sentence imposed at the end of the trial for the crime attributed to the defendant is imprisonment for two years or less or a judicial fine, the court may decide to defer the announcement of the verdict. Provisions regarding reconciliation are reserved. Deferment of the announcement of the verdict means that the verdict, except for provisions regarding confiscation, does not have any legal consequences for the defendant.
(6) **(Added: 6/12/2006-5560/23 art.) (Amended: 2/3/2024-7499/15 art.)** In order to decide to postpone the announcement of the verdict;
a) The defendant has not been convicted of a deliberate crime before,
b) The court decides that the defendant will not commit a crime again, considering his personality traits and his attitude and behavior during the hearing.
c) The damage suffered by the victim or the public as a result of the commission of the crime must be completely eliminated by returning the damage to the victim or the public, by restoring the condition to the state before the crime, or by compensation.
must.

(7) **(Added: 6/12/2006-5560/23 art.) (Amended: 2/3/2024-7499/15 art.)** In the judgment for which the announcement is deferred, the prison sentence cannot be postponed and cannot be converted into alternative sanctions if it is short-term.

(8) **(Added: 6/12/2006-5560/23 art.) (Amended: 2/3/2024-7499/15 art.)** In the event that a decision is made to postpone the announcement of the verdict, the defendant shall be subject to a period of supervision for five years. During the supervision period, a decision to postpone the announcement of the verdict cannot be made again due to a deliberate crime against the person. During this period, for a period to be determined by the court, not exceeding one year, the defendant shall be subject to a measure of supervised release;

a) If he/she does not have a profession or art, to continue an education program in order to become a professional or art teacher,

b) If the person has a profession or art, he/she is to be employed in a public institution or privately under the supervision of someone else who practices the same profession or art in return for a wage.

c) To be banned from going to certain places, to be obliged to go to certain places or to fulfill other obligations at their discretion,

The statute of limitations for the case stops during the audit period.

(9) **(Added: 6/12/2006-5560/23 art.) (Amended: 2/3/2024-7499/15 art.)** If the condition specified in subparagraph (c) of the sixth paragraph cannot be fulfilled immediately, a decision to postpone the announcement of the verdict may be made on the condition that the defendant completely compensates for the damage he has caused to the victim or the public by paying the fine in monthly installments during the audit period.

(10) **(Added: 6/12/2006-5560/23 art.) (Amended: 2/3/2024-7499/15 art.)** If no new crime is committed intentionally during the probation period and the obligations regarding the probation measure are complied with, the decision to announce which was postponed is annulled and the case is dismissed.

(11) **(Added: 6/12/2006-5560/23 art.) (Amended: 2/3/2024-7499/15 art.)** If a new crime is committed intentionally during the probation period or if the defendant acts contrary to the obligations related to the probation measure, the court shall announce the verdict. However, the court may evaluate the situation of the defendant who cannot fulfill the obligations assigned to him; and may decide not to execute a part of the sentence, which it will determine up to half of the sentence, or to postpone the prison sentence in the verdict or convert it to alternative sanctions if the conditions are met, and may establish a new conviction. The announced or newly established verdict may be appealed. The objection authority may only make an assessment limited to the conditions in this paragraph.

(12) **(Amended: 2/3/2024-7499/15 art.)** Subject to the provisions of the third paragraph of Article 272, an appeal may be filed against the decision to postpone the announcement of the verdict. The provisions of Article 286 shall apply to the decisions given by the regional court of justice. Subject to the provisions of the third paragraph of Article 272, an appeal may be filed if the decision to postpone the announcement of the verdict is given by the regional court of justice or the Court of Cassation as the court of first instance. In the appeal and cassation proceedings, the decision and judgment shall be examined in terms of unlawfulness regarding procedure and substance.

(13) **(Added: 6/12/2006-5560/23 art.) (Amended: 2/3/2024-7499/15 art.)** The decision to postpone the announcement of the verdict shall be recorded in a system specific to these. These records may only be used for the purpose specified in this article if requested by the public prosecutor, judge or court in connection with an investigation or prosecution.

(14) **(Amended: 2/3/2024-7499/15 art.)** The provisions of this article regarding the deferment of the announcement of the verdict shall not apply to the crimes included in the revolutionary laws protected in Article 174 of the Constitution.

The reasoning of the ruling and the matters to be included in the ruling paragraph

Article 232 – (1) At the beginning of the judgment, it shall be written that it is given "in the name of the Turkish Nation".

(2) At the beginning of the judgment;

a) Name of the court that issued the verdict,

b) The name and surname of the president and members of the court that gave the verdict or the judge, the public prosecutor and the court clerk, the participant, the victim, his/her attorney, his/her legal representative and the defense counsel, and the clear identity of the defendant,

c) Except for the acquittal decision, the place, date and time period in which the crime was committed,

d) The date and duration of the defendant's detention or detention and whether he/she is still under arrest,

It is written.

(3) The reasoning for the verdict and the reasoning for the dissenting vote, if any , shall be placed in the case file within fifteen days at the latest from the date of its announcement, if not recorded in full in the minutes.

(4) Decisions and judgments are signed by the judges who participated in them.

(5) **(Amended: 24/11/2016-6763/31 art.)** If a judge dies or becomes unable to sign the decision after the verdict is pronounced, the new judge shall personally write the reasoned decision in accordance with the pronounced verdict and sign it. In the event of such a situation in collective courts, the verdict shall be signed by the other judges and signed by the presiding judge or the most senior judge, stating the reason for the other judge's inability to sign at the bottom of the verdict.

(6) The provision paragraph must clearly state, without any hesitation, what the decision is in accordance with Article 223, the applicable articles of law, the amount of the penalty imposed, whether there is the possibility of resorting to legal remedies and seeking compensation, and if there is a possibility of application, the period and the authority for such action.

(7) Copies and summaries of the judgments shall be signed and sealed by the presiding judge or judge and the court clerk.

THE FOURTH BOOK
Victim, Complainant, Responsible for the Act, Participant

PART ONE
Rights of the Victim of Crime and the Complainant

Calling the victim of the crime and the complainant

Article 233 – (1) The victim and the complainant shall be summoned and heard by the public prosecutor or the presiding judge or the judge with a summons. **(Additional sentences: 8/7/2021-7331/21 art.)** When the prosecution phase begins, the indictment shall be added to the summons. In addition, information regarding the indictment and the hearing date shall be notified by using communication information such as telephone, telegram, fax, e-mail, if these are available in the file.

(2) The provisions regarding witnesses shall apply to the summoning and bringing of witnesses in this regard.

Rights of the victim and the complainant

Article 234 – (1) The rights of the victim and the complainant are as follows:

a) During the investigation phase;

1. Requesting the collection of evidence,

2. Requesting a copy of the document from the public prosecutor, provided that it does not compromise the confidentiality and purpose of the investigation.

3. **(Amended: 24/7/2008-5793/40 art.)** In the event that he/she does not have an attorney, to request that the bar association assign him/her a lawyer in the crimes of sexual assault, sexual abuse of children or persistent stalking, intentional injury, torture or torment committed against women and crimes that require a lower limit of imprisonment of more than five years,

4. To have the investigation documents and seized and preserved items examined through his/her representative, provided that it complies with Article 153.

5. To exercise the right to object to the public prosecutor's decision not to prosecute, in accordance with the procedure set forth in the law.

b) During the prosecution phase;

1. To be informed of the hearing,

2. Participation in public litigation,

3. Requesting copies of minutes and documents,

4. Requesting the invitation of witnesses,

5. **(Amended: 24/7/2008-5793/40 art.)** In the event that he/she does not have an attorney, to request that the bar association assign him/her a lawyer in the crimes of sexual assault, sexual abuse of children or persistent stalking, intentional injury, torture or torment committed against women and crimes that require a lower limit of imprisonment of more than five years,

6. To take legal action against the decisions that conclude the case, provided that one has participated in the case.

(2) If the victim is under eighteen years of age, deaf or mute, or disabled to the extent that he cannot express his wishes, and does not have an attorney, an attorney shall be appointed without his request.

(3) These rights are explained to the victims of the crime and the complainant, and this matter is recorded in the minutes.

(4) **(Added: 17/10/2019-7188/21 art.)** In case of necessity to go to a place outside the place of residence due to case transfer or forensic medical procedures during the investigation or prosecution phase, the accommodation, food and transportation expenses of the victim are covered by the budget of the Ministry of Justice in accordance with the provisions of the Daily Allowance Law No. 6245 dated 10/2/1954.

Failure of the victim and the complainant to comply with the invitation

Article 235 – (1) The addresses of the victim, complainant or their representative stated in their petitions or statements recorded in the minutes shall be taken as basis for notification.

(2) No further notification will be made to anyone who fails to appear despite the summons sent to this address.

(3) In cases where notification cannot be made due to the address being incorrect, incomplete or failure to notify of a change of address, it is not necessary to investigate the address.

(4) In cases where it is deemed necessary to obtain the statements of these persons, the third paragraph shall not apply.

Hearing of the victim and the complainant

Article 236 – (1) If the victim is heard as a witness, the provisions regarding testimony, except for the oath, shall apply.

(2) A child or victim whose psychology has been damaged as a result of the crime committed may be heard once as a witness in the investigation or prosecution related to this crime. The cases that are necessary to reveal the material truth are reserved.

(3) A person who is an expert in the fields of psychology, psychiatry, medicine or education shall be present during the hearing of child victims or other victims whose psychology has been damaged as a result of the crime committed. **(Repealed sentence: 17/10/2019-7188/22 art.)**

(4) **(Added: 17/10/2019-7188/22 art.)** The statements and testimonies of children or victims whose statements and testimonies are deemed necessary to be taken in a private environment by the public prosecutor or judge or whose face-to-face encounter with the suspect or defendant is deemed to be inconvenient are taken in a private environment by experts.

(5) **(Added: 17/10/2019-7188/22 art.)** The statements of children who are victims of crimes regulated in the second paragraph of Article 103 of the Turkish Penal Code during the investigation phase are taken by experts under the supervision of the public prosecutor in centers providing services for these. The statements and images of the victim child are recorded. However, during the prosecution phase, only if it is necessary to take the statement of the victim child or to perform another action in order to reveal the material truth, this action is carried out by the court or the deputy judge it will assign through experts in these centers. The victim child is taken to the nearest center regardless of the jurisdiction and territorial borders and the actions specified in this paragraph are carried out.

(6) **(Added: 17/10/2019-7188/22 art.)** The provision of the fifth paragraph shall also apply to the statements of those who are victims of the crimes regulated in the second paragraph of Article 102 of the Turkish Penal Code during the investigation phase. However, the consent of the victim is required for the recording of statements and images.

(7) **(Added: 17/10/2019-7188/22 art.)** The statements and video recordings taken within the scope of the fifth and sixth paragraphs are kept in the case file, not given to anyone, and necessary measures are taken to ensure confidentiality.

(8) **(Added: 17/10/2019-7188/22 art.)** The statements and video recordings taken within the scope of the fifth and sixth paragraphs shall be converted into a written report. This report shall be given to the suspect, defendant, defense counsel, victim, attorney or legal representative who requests it. The statements and video recordings may be watched by these persons under the supervision of the investigation and prosecution authorities, provided that their confidentiality is maintained.

PART TWO
Participation in Public Litigation

Participation in public litigation

Article 237 – (1) Victims, real and legal persons who have suffered damage as a result of the crime and those who are financially responsible may participate in the public lawsuit by declaring that they are complaining at every stage of the prosecution in the first instance court until the verdict is given.

(2) A request to join the case cannot be made during the legal proceedings. However, requests to join that are put forward by the first instance court and rejected or not decided upon will be examined and decided upon if they are clearly stated in the application for legal remedies.

Participation method

Article 238 – (1) Participation is made by submitting a petition to the court after the public lawsuit is filed or by recording the verbal application requesting participation in the hearing minutes.

(2) During the hearing, upon the statement stating the complaint, the person who was harmed by the crime is asked whether he/she wishes to participate in the case.

(3) After hearing the public prosecutor, the defendant and his/her defense counsel, if any, it is decided whether the request to participate in the case is appropriate or not.

(4) **(Repealed: 18/6/2014 - 6545/103 art.)**

Participant rights

Article 239 – (1) **(Amended: 24/7/2008-5793/41 art.)** When the victim or the person harmed by the crime participates in the case, he/she may request that the bar association assign him/her a lawyer in the crimes of sexual assault, child sexual abuse or stalking, intentional injury, torture or torment committed against women and in crimes that require a lower limit of imprisonment of more than five years.

(2) If the victim or the person harmed by the crime is a child, deaf and mute, or mentally ill to the extent that he/she cannot defend himself/herself, no request for the appointment of a lawyer is required.

Impact of participation on the case

Article 240 – (1) Participation does not stay the case.

(2) The hearing and other procedures related to the trial procedure, the date of which is specified, are held on the specified day, even if the person participating cannot be called or notified due to lack of time.

Objection to decisions made before participation

Article 241 – (1) Decisions made before participation are not notified to the participant.

(2) When the period foreseen for the public prosecutor to appeal against these decisions expires, the participant loses his right to appeal.

The participant's recourse to legal action

Article 242 – (1) The participant may take legal action without being dependent on the public prosecutor.

(2) If the decision is overturned upon the application of the party, the public prosecutor shall follow up the case again.

Participation becomes null and void

Article 243 – (1) If the participant renounces or dies, the participation becomes null and void. The heirs may participate in the lawsuit to pursue the rights of the participant.

THE FIFTH BOOK
Special Procedures for Trial

PART ONE
Trial of Missing Persons and Fugitives, Investigation of Legal Entities and

Representation in Prosecution, Procedure for Trial of Certain Crimes

FIRST PART
Trial of the Missing

Definition of the missing and possible actions

Article 244 – (1) A defendant whose whereabouts are unknown or who is abroad and cannot be brought before the competent court or is deemed unsuitable to be brought is deemed absent.

(2) No hearing is held regarding the absentee; the court takes the necessary actions to seize or preserve evidence.

(3) These proceedings may also be carried out through the deputy judge or the court to which the rogatory is directed.

(4) The defendant's defense counsel or legal representative or spouse may be present during these proceedings. If necessary, the court may request the appointment of a defense counsel from the bar association.

Warning to the unseen

Article 245 – (1) The absentee whose address is unknown shall be notified through an appropriate means of communication to appear before the court or to notify his/her address.

Security certificate to be given to the defendant

Article 246 – (1) The court may give a guarantee document to the defendant who is absent, stating that he will not be arrested if he comes to the hearing, and this guarantee may be subject to conditions.

(2) If the defendant is sentenced to imprisonment, or prepares to escape, or fails to comply with the conditions of the guarantee certificate, the certificate shall cease to be valid.

SECOND PART
Trial of Fugitives

Definition of fugitive

Article 247 – (1) A person who is hiding in the country or in a foreign country in order to ensure that the investigation or prosecution against him/her remains inconclusive and therefore cannot be reached by the public prosecutor or the court is called a fugitive.

(2) **(Added: 25/5/2005 - 5353/31 art.)** If the decision to bring the suspect or the accused, against whom an investigation or prosecution has been initiated for the crimes specified in the second paragraph of Article 248, forcibly cannot be implemented due to the failure of the authorized public prosecutor or court to comply with the notification made in accordance with the procedure, the public prosecutor or the court;

a) Decides that the summons be announced in a newspaper by hanging it on the door of the known residence of the suspect or defendant; and explains in the announcements that if the summons is not received within fifteen days, the measures specified in Article 248 may be ruled upon.

b) It decides that the suspect or defendant who does not apply within fifteen days from the date of determining in a report that these procedures have been fulfilled is a fugitive.

(3) **(Abrogation: By the Constitutional Court's Decision No. E: 2022/145, K: 2023/59, dated 22/3/2023.) (Re-arrangement: 2/3/2024-7499/16 art.) A** fugitive defendant may be prosecuted. However, if he/she has not been questioned before, a decision of no conviction and no punishment cannot be made.

(4) If the fugitive defendant does not have a lawyer during the hearing, the court requests the bar association to appoint a lawyer.

Coercive seizure and security deposit

Article 248 – (1) In order to ensure that the fugitive applies to the public prosecutor or attends the hearing, his/her property, rights and receivables in Turkey may be seized by a criminal judge of peace or a court decision upon the request of the public prosecutor, in proportion to the purpose , and if necessary, a trustee may be appointed for its management. The decision to seize and appoint a trustee shall be notified to the defense.

(2) The provision of the first paragraph;

a) As defined in the Turkish Penal Code;

1. Genocide and crimes against humanity (articles 76, 77, 78),
2. Migrant smuggling and human trafficking (articles 79, 80),
3. Theft (articles 141, 142),
4. Plunder (articles 148, 149),
5. Abuse of trust (article 155),
6. Fraud (articles 157, 158),
7. Fraudulent bankruptcy (article 161),
8. Manufacturing and trading of narcotic or stimulant substances (Article 188),
9. Counterfeiting of money (article 197),
10. Establishing an organization to commit a crime (Article 220),
11. Embezzlement (article 247),
12. Extortion (article 250),
13. Bribery (article 252),
14. Tender rigging (article 235),
15. Interfering with the performance of the act (Article 236),
16. Crimes Against State Security (articles 302, 303, 304, 305, 306, 307, 308),
17. **(Added: 24/11/2016-6763/33 art.)** Crimes Against the Constitutional Order and the Functioning of This Order (art. 309, 310, 311, 312, 313),
18. Armed organization (Article 314) or providing weapons to these organizations (Article 315),
19. Crimes Against State Secrets and Espionage (articles 328, 329, 330, 331, 333, 334, 335, 336, 337),

Their crimes,

b) Arms smuggling crimes defined in the Law on Firearms, Knives and Other Tools (Article 12),

c) The crime of embezzlement defined in paragraphs (3) and (4) of Article 22 of the Banking Law,

d) Crimes defined in the Anti-Smuggling Law that require imprisonment,

e) Crimes defined in articles 68 and 74 of the Law on the Protection of Cultural and Natural Assets,

It is applied to about.

(3) The provisions regarding seizure shall apply to the protection of seized property, rights and receivables. The criminal judge of peace or the court may decide to publish a summary of the decisions regarding the measures in a newspaper .

(4) The decision to lift the seizure is made when the fugitive is caught or surrenders himself.

(5) A decision to arrest a fugitive in his/her absence may be issued by a criminal judge of peace or a court in accordance with Articles 100 and subsequent articles.

(6) If the criminal judge of peace or the court , when deciding on the seizure, determines that the relatives of the fugitive who are legally obliged to look after the property may fall into poverty due to the measures taken, he/she shall allow the trustee to provide assistance from the seized property in an amount proportional to their social situation in order to provide for their livelihood.

(7) The provision of Article 246 also applies to fugitives.

(8) These decisions may be appealed.

THIRD PART

Representation of Legal Entities in Investigations and Prosecutions

Representation of legal entity

Article 249 – (1) In the investigation and prosecution of crimes committed within the scope of the activities of a legal entity, the organ or representative of the legal entity is admitted to the hearing as a participant or as a party to the defense.

(2) In this case, the organ or representative of the legal person shall benefit from the rights granted by this Law to the participant or the defendant.

(3) The provision of the first paragraph shall not apply if the defendant is also an organ or representative of the legal entity.

CHAPTER FOUR
Trial Regarding Certain Crimes

Serial reasoning method

Article 250 – (Repealed: 2/7/2012-6352/105 art.) (Rearranged with its title: 17/10/2019-7188/23 art.)

(1) At the end of the investigation phase, unless a decision is made to postpone the opening of a public lawsuit regarding the following crimes, the expedited trial procedure shall be applied:

a) Included in the Turkish Penal Code;

1. Trespassing on unauthorized land (article 154, second and third paragraphs),
2. Intentionally endangering public security (Article 170),
3. Endangering traffic safety (article 179, second and third paragraphs),
4. Causing noise (article 183),
5. Counterfeiting of money (article 197, second and third paragraphs),
6. Breaking the seal (article 203),
7. False statement in the preparation of an official document (Article 206),
8. Providing a place and opportunity for gambling (article 228, first paragraph),
9. Use of someone else's identity or identity information (Article 268),

crimes.

b) Crimes specified in the first, third and fifth paragraphs of Article 13 and the first, second and third paragraphs of Article 15 of the Law No. 6136 on Firearms, Knives and Other Instruments, dated 10/7/1953.

c) The crime specified in the first paragraph of Article 93 of the Forest Law No. 6831 dated 31/8/1956.

d) The crime specified in Article 2 of the Law No. 1072 on Roulette, Pinball, Table Football and Similar Gaming Equipment and Machines, dated 13/12/1968.

e) The crime specified in subparagraph (1) of the first paragraph of the additional article 2 of the Cooperatives Law No. 1163 dated 24/4/1969.

(2) The public prosecutor or law enforcement officers inform the suspect about the expedited trial procedure.

(3) The public prosecutor proposes to the suspect the application of the expedited trial procedure, and if the suspect accepts the proposal in the presence of his defense counsel, this procedure is applied.

(4) The public prosecutor determines the sanction by taking into account the matters specified in the first paragraph of Article 61 of the Turkish Penal Code, by applying a reduction of half from the basic penalty determined between the lower and upper limits of the penalty foreseen in the legal definition of the crime and from the penalty determined after applying the provisions regarding the chain crime, if the conditions are met.

(5) The prison sentence determined as a result of the fourth paragraph may be converted into alternative sanctions by the public prosecutor in accordance with Article 50 of the Turkish Penal Code or postponed in accordance with Article 51, if the conditions are met.

(6) The public prosecutor may apply the sanctions determined in accordance with this article by analogy with Article 231, if the conditions are met.

(7) The imposition of sanctions under this article does not prevent the implementation of the provisions regarding security measures.

(8) The public prosecutor requests in writing from the competent court that the summary trial procedure be applied to the suspect. In the request letter;

a) The identity of the suspect and his/her defense counsel,

b) The identity of the victim or the person harmed by the crime and their attorney or legal representative, if any,

c) The alleged crime and relevant articles of law,

d) The place, date and time period in which the alleged crime was committed,

e) Whether the suspect is under arrest; if arrested, the dates of detention and arrest and their durations,

f) Summary of the events constituting the crime charged,

g) The conditions specified in the third paragraph are met,

h) If the fifth and sixth paragraphs have been implemented with the determined sanction, the relevant issues and security measures,

(Additional sentence: 8/7/2021-7331/22 art.) The request letter, which is understood to have been prepared in violation of this paragraph, that a material error was made in the determined sanction, that the objective conditions were not met in the application of Article 231 or Articles 50 and 51 of the Turkish Penal Code regarding the sanction, or that a security measure appropriate to the nature of the proposed penalty was not specified, shall be returned to the Office of the Chief Public Prosecutor by the court in order to complete the deficiencies. After the deficiencies are completed by the Public Prosecutor and the erroneous points are corrected, the request letter shall be re-arranged and sent to the court.

(9) If the court, after hearing the suspect in the presence of his/her defense counsel, reaches the conclusion that the conditions in the third paragraph are met, the act falls within the scope of the expedited trial procedure and that a conviction decision should be given based on the available evidence in the file, it shall rule in accordance with the provisions of the fourth to seventh paragraphs, not more severe than the sanction specified in the request; otherwise, it shall reject the request and send the file to the Office of the Chief Public Prosecutor for the investigation to be concluded in accordance with the general provisions. A suspect who fails to appear in court without an excuse shall be deemed to have waived this procedure.

(10) In cases where the expedited trial procedure cannot be completed for any reason or the investigation is sent to the Chief Public Prosecutor's Office in order to conclude it in accordance with general provisions, the suspect's statements regarding his acceptance of the expedited trial procedure and other documents regarding the application of this procedure cannot be used as evidence in subsequent investigations and prosecutions.

(11) If the crime is committed as a joint offence, and one of the suspects does not accept the application of this procedure, the expedited trial procedure shall not be applied. **(Additional sentence: 8/7/2021-7331/22 article)** The expedited trial procedure shall not be applied if a crime falling within this scope is committed together with another crime not falling within the scope.

(12) The summary trial method is not applied in cases of minors, mental illness, deafness and muteness.

(13) If the suspect is not at the address stated in the investigation file, is abroad, or cannot be reached for any other reason, the expedited trial procedure will not be applied.

(14) **(Amended: 8/7/2021-7331/22 art.)** An objection may be made to the decision made by the court within the scope of the ninth paragraph. The objection authority examines the objection in terms of the conditions in the third and ninth paragraphs.

(15) The procedures and principles regarding the implementation of this article are determined by the regulation issued by the Ministry of Justice.

Simple trial procedure

Article 251 – (Repealed: 2/7/2012-6352/105 art.) (Rearranged with its title: 17/10/2019-7188/24 art.)

(1) After the acceptance of the indictment, the criminal court of first instance may decide to apply the simple trial procedure for crimes that require a judicial fine and/or imprisonment with an upper limit of two years or less. **(Additional sentence: 8/7/2021-7331/23 art.)** After the hearing date is determined in accordance with the second paragraph of Article 175, the simple trial procedure shall not be applied.

(2) If it is decided to apply the simple trial procedure, the indictment is notified to the defendant, the victim and the complainant by the court and they are asked to submit their statements and defenses in writing within two weeks. The notification also states that a verdict may be given without a hearing. In addition, the documents to be collected are requested from the relevant institutions and organizations.

(3) After the period given for the statement and defence has expired, the court may, without holding a hearing and without obtaining the opinion of the public prosecutor, rule on one of the decisions specified in Article 223, taking into account Article 61 of the Turkish Penal Code. If a conviction is given, the resulting sentence shall be reduced bv one-fourth.

(4) If the conditions are met, the court may convert a short-term prison sentence into alternative sanctions or postpone the prison sentence or decide to postpone the announcement of the verdict, provided that the defendant does not object to its implementation in writing.

(5) The objection procedure and the results of the objection are specified in the judgment.

(6) If deemed necessary by the court, the trial may continue in accordance with general provisions by holding hearings at every stage until a decision is given in accordance with this article.

(7) The simple trial procedure shall not be applied to cases of minor age, mental illness, deafness and muteness, and to crimes for which investigation or prosecution is subject to permission or request.

(8) The simple trial procedure shall not be applied if a crime falling within this scope is committed together with another crime not falling within this scope.

Objection in simple trial procedure

Article 252 – (Repealed: 2/7/2012-6352/105 art.) (Rearranged with its title: 17/10/2019-7188/25 art.)

(1) Objections may be made to the decisions made pursuant to Article 251. Decisions not objected to within the time limit shall become final.

(2) **(Amended: 2/3/2024-7499/17 art.)** The file is sent by the court that renders the verdict upon the objection to the criminal court of first instance determined according to the distribution criteria if there is more than one criminal court of first instance in that place, and the hearing is opened by this court and the trial continues in accordance with the general provisions. In places where there is only one criminal court of first instance, if there is another competent judge in the same court, the hearing is opened by this judge; otherwise, by the judge assigned by the president of the justice commission of the first instance court of the judiciary and the trial continues in accordance with the general provisions. The hearing is held even if the parties do not attend and a verdict can be given in accordance with Article 223 in their absence. This matter is stated in the invitation to be sent to the parties. If the objection is withdrawn before the hearing, the hearing is not held and the objection is deemed not to have been made.

(3) **(Amended: 2/3/2024-7499/17 art.)** When giving a verdict in accordance with the second paragraph, the court is not bound by the verdict given according to the simple trial procedure within the scope of Article 251. However, in cases where the objection is made by persons other than the defendant, a reduction is applied in accordance with the third paragraph of Article 251.

(4) **(Amended: 2/3/2024-7499/17 art.)** If the decision given upon the objection is in favour of the defendant, and if these matters can be applied to other defendants who have not objected, these defendants will also benefit from the decisions given as if they had objected.

(5) **(Amended: 2/3/2024-7499/17 art.)** Legal remedies may be sought against the decisions given in accordance with the second paragraph in accordance with the general provisions.

(6) **(Amended: 2/3/2024-7499/17 art.)** When the court evaluates that the objection in the first paragraph was not made within the time limit or was made by a person who does not have the right to apply to the legal remedy, the file is sent to the authority authorized to examine the objection in accordance with the second paragraph of Article 268. The authority examines these reasons and sends its decision to the court for the necessary action.

(7) **(Added: 2/3/2024-7499/17 art.)** If the objection in the first paragraph is related to the litigation expenses, attorney fees or material error, the provision of the second paragraph of Article 268 shall apply. The authority shall examine it in terms of these reasons and send its decision to the court for the necessary action.

PART TWO
Reconciliation and Confiscation

FIRST PART
Compromise

Reconciliation

Article 253 – (Amended: 6/12/2006-5560/24 art.)

(1) In the following crimes, an attempt is made to reconcile the suspect with the victim or the natural or private law legal person who has suffered damage as a result of the crime:

a) Crimes whose investigation and prosecution depend on complaints.

b) Regardless of whether it is based on a complaint or not, as stated in the Turkish Penal Code;

1. Intentional injury (Article 86, except the third paragraph; Article 88),
2. Injury by negligence (Article 89),
3. **(Added: 24/11/2016-6763/34 art.)** Threat (article 106, first paragraph),
4. Violation of the inviolability of the residence (Article 116),
5. **(Added: 17/10/2019-7188/26 art.)** Violation of freedom of work and labor (article 117, first paragraph; article 119, first paragraph, subparagraph (c)),
6. **(Added: 24/11/2016-6763/34 art.)** Theft (article 141),
7. **(Added: 17/10/2019-7188/26 art.)** Abuse of trust (article 155),
8. **(Added: 24/11/2016-6763/34 art.)** Fraud (article 157),
9. **(Added: 17/10/2019-7188/26 art.)** Purchasing or accepting criminal property (article 165),
10. Abduction and detention of a child (Article 234),
11. Disclosure of information or documents that are trade secrets, banking secrets or customer secrets (Article 239, except for the fourth paragraph), crimes.

c) **(Added: 24/11/2016-6763/34 art.)** Crimes that require imprisonment with an upper limit not exceeding three years or a judicial fine, provided that the victim or the person harmed by the crime is a natural person or a private law legal entity, in terms of children dragged into crime.

(2) In order to resort to conciliation in relation to crimes included in other laws, except for those whose investigation and prosecution depend on a complaint, there must be a clear provision in the law.

(3) Even if the investigation and prosecution depend on a complaint, reconciliation cannot be applied to crimes against sexual inviolability and the crime of stalking (Article 123/A). **(Additional sentence: 26/6/2009 - 5918/8 art.)** If a crime that falls within the scope of reconciliation is committed together with another crime that does not fall within the scope of reconciliation against the same victim, the provisions of reconciliation shall not apply.

(4) If the crime under investigation is subject to reconciliation and there is sufficient suspicion to initiate a public lawsuit, the file is sent to the reconciliation office. The reconciliator assigned by the office makes a reconciliation offer to the suspect and the victim or the person harmed by the crime. If the suspect, victim or the person harmed by the crime is a minor, the reconciliation offer is made to their legal representative. The reconciliation offer may also be made by explanatory notification or rogatory. If the suspect, victim or the person harmed by the crime does not notify them of their decision within three days of the reconciliation offer, they are deemed to have rejected the offer.

(5) If a conciliation offer is made, the nature of the conciliation and the legal consequences of accepting or rejecting the conciliation are explained to the person.

(6) If the victim, the person harmed by the crime, the suspect or their legal representative cannot be reached due to not being at the address stated in the investigation file or being abroad or for any other reason, the investigation is concluded without resorting to conciliation.

(7) In order to seek reconciliation for a crime that has caused victimization or harm to more than one person, all victims or those harmed by the crime must accept reconciliation.

(8) Making or accepting a conciliation offer does not prevent the collection of evidence regarding the crime under investigation and the implementation of protective measures.

(9) **(Repealed: 24/11/2016-6763/34 art.)**

(10) The cases in which the judge cannot hear the case and the reasons for rejection specified in this Law are taken into consideration in the appointment of a conciliator.

(11) The assigned mediator is given a copy of the documents in the investigation file that are deemed appropriate by the public prosecutor. The mediator is reminded by the mediator that he/she is obliged to act in accordance with the principle of confidentiality of the investigation.

(12) The conciliator shall finalise the conciliation proceedings within thirty days at the latest after receiving a copy of the documents in the file. The conciliation office may extend this period a maximum of two more times, not exceeding twenty days each time.

(13) Mediation negotiations are conducted confidentially. The suspect, victim, victimized by the crime, legal representative, defense counsel and attorney may participate in the mediation negotiations. If the suspect, victim or victimized by the crime himself/herself or his/her legal representative or attorney refuses to participate in the negotiations, he/she is deemed not to have accepted the mediation.

(14) The mediator may consult with the public prosecutor regarding the method to be followed during negotiations; the public prosecutor may instruct the mediator.

(15) At the end of the conciliation negotiations, the conciliator prepares a report and submits it to the conciliation office together with the copies of the documents given to him . If conciliation is achieved, the report, which includes the signatures of the parties, explains in detail how the agreement was reached. **(Additional sentence: 24/11/2016-6763/34 art.)** The conciliation office sends the investigation file, the report and the written agreement, if any, to the public prosecutor.

(16) Despite the rejection of the offer of reconciliation, the suspect and the victim or the person harmed by the crime may apply to the public prosecutor with a document showing that they have reconciled, at the latest until the date the indictment is prepared.

(17) If the public prosecutor determines that the reconciliation is based on the free will of the parties and that the act is in accordance with the law, he shall keep the report or document under seal and signature and keep it in the investigation file.

(18) If conciliation fails, reconciliation cannot be attempted.

(19) If the suspect immediately fulfills his/her obligation as a result of reconciliation, a decision is made that there is no need for prosecution. If the fulfillment of the obligation is postponed to a later date, paid in installments or is continuous, a decision is made to postpone the filing of a public lawsuit against the suspect without seeking the conditions in Article 171. The statute of limitations does not apply during the postponement period. If the requirements of the reconciliation are not fulfilled after the decision to postpone the filing of a public lawsuit, a public lawsuit is filed without seeking the conditions in the fourth paragraph of Article 171. (…) The lawsuit filed is deemed to be waived. If the suspect fails to fulfill his/her obligation, the reconciliation report or document is considered to be a document having the nature of a verdict as stated in Article 38 of the Execution and Bankruptcy Law No. 2004 dated 9/6/1932.

(20) Statements made during conciliation negotiations cannot be used as evidence in any investigation, prosecution or lawsuit.

(21) From the date of the first offer of conciliation to a suspect, victim or a person harmed by the crime, until the date on which the conciliation attempt fails and at the latest until the conciliator prepares his report and submits it to the conciliation office , the statute of limitations and the period of litigation, which is a condition for prosecution, do not run.

(22) **(Amended first sentence: 24/11/2016-6763/34 art.)** The mediator is paid a fee according to the tariff determined by the Ministry of Justice. The mediator's fee and other mediation expenses are considered as litigation expenses. If mediation is achieved, these expenses are covered by the State Treasury.

(23) Legal remedies provided for in this Law may be used in relation to the decisions to be made as a result of conciliation.

(24) **(Amended: 24/11/2016-6763/34 art.)** A mediation office shall be established within each chief public prosecutor's office and a sufficient number of public prosecutors and personnel shall be assigned. Mediators shall be assigned from the mediator lists determined by the Ministry of Justice, which include lawyers or persons with law education. The mediator shall send the report he/she has prepared, the minutes and the written agreement, if any, to the office. At the end of the mediation process, the investigation files shall be finalized by the public prosecutors assigned to the mediation office.

(25) **(Added: 24/11/2016-6763/34 art.)** The qualifications, training, examination, duties and responsibilities, supervision of mediators, qualifications and supervision of persons, institutions and organizations that will provide training, mediator registry, arrangement of lists of mediators and educational institutions, working procedures and principles of mediation offices established within the Office of the Chief Public Prosecutor, procedures and principles regarding the mediation proposal and negotiation procedure, mediation agreement and issues to be included in the report and other issues related to implementation are regulated by the regulation issued by the Ministry of Justice.

Conciliation by the court

Article 254 – (Amended: 6/12/2006-5560/25 art.)

(1) If, after a public lawsuit is filed, it is understood that the crime in question is within the scope of conciliation, the prosecution file is sent to the conciliation office for the conciliation procedures to be carried out in accordance with the principles and procedures specified in Article 253.

(2) If reconciliation is achieved, the court decides to dismiss the case if the defendant fulfills his/her obligation immediately as a result of reconciliation. If the fulfillment of the obligation is postponed to a later date, paid in installments or is continuous; a decision is made to postpone the announcement of the verdict regarding the defendant without seeking the conditions in Article 231. The statute of limitations does not run during the postponement period. If the requirements of the reconciliation are not fulfilled after a decision is made to postpone the announcement of the verdict, the court will announce the verdict without seeking the conditions in the eleventh paragraph of Article 231.

Reconciliation in case of multiple perpetrators

Article 255 – (1) In crimes committed by more than one person, whether or not they are involved in a crime, only the person who reconciled can benefit from the reconciliation.

SECOND PART
Confiscation Procedure

Application

Article 256 – (1) In cases where a confiscation decision must be made, if a public lawsuit has not been filed or if a public lawsuit has been filed but a decision has not been made together with the merits, the public prosecutor or the party to the case may apply to the court competent to hear the case for a decision to be made.

(2) If a public lawsuit has been filed and no decision has been made on the merits of the property or assets to be returned, the court shall decide on their return ex officio or upon the request of the relevant parties.

Hearing and decision

Article 257 – (1) Decisions to be made in accordance with Article 256 shall be given in a hearing.

(2) Persons who have rights over the goods or other assets to be confiscated or returned are also summoned to the hearing. These persons may exercise the same rights as the defendant.

(3) Failure to comply with the summons does not cause the procedure to be postponed and does not prevent the judgment from being rendered.

Legal way

Article 258 – (1) The public prosecutor, the parties and the persons specified in Article 257 may appeal against the decisions given in accordance with Article 256.

Confiscation of non-criminal property

Article 259 – (1) The confiscation of goods that are not the subject of a crime but are only subject to confiscation is decided by the criminal judge of peace without holding a hearing.

BOOK SIX
Legal Remedies

PART ONE
General provisions

Right to seek legal remedies

Article 260 – (1) Legal remedies are available against judge and court decisions for the public prosecutor, suspect, defendant, those who have acquired the status of a participant according to this Law, and those whose request for participation has not been decided upon, has been rejected, or who have been harmed by a crime in a way that would allow them to acquire the status of a participant.

(2) **(Amended: 18/6/2014-6545/73 art.)** Public prosecutors in high criminal courts may take legal action against the decisions of the criminal courts of first instance in the jurisdiction of the high criminal court; and public prosecutors in regional courts of justice may take legal action against the decisions of the regional courts of justice.

(3) The public prosecutor may also resort to legal remedies in favor of the defendant.

Right to apply to a lawyer

Article 261 – (1) A lawyer may resort to legal remedies provided that they do not go against the express wishes of the person for whom he/she acts as a lawyer or

Article 261 – (1) A lawyer may resort to legal remedies provided that they do not go against the express wishes of the persons for whom he/she acts as a lawyer or representative.

Right of application of legal representative and spouse

Article 262 – (1) The legal representative and spouse of the suspect or the accused may apply on their own within the time limit for the legal remedies available to the suspect or the accused. The provisions regarding the application of the suspect or the accused also apply to the application made by them and the subsequent procedures.

Detainee's recourse to legal remedies

Article 263 – (1) A suspect or defendant who is under arrest may take legal action by making a statement to the court clerk or the director of the penal institution or detention house where he is detained, or by submitting a petition on this matter.

(2) In case of application to the court clerk, after the declaration or petition for legal recourse is recorded in the relevant book, a report stating these matters is prepared and a copy is given to the suspect or defendant in custody.

(3) In case of an application to the institution director, the procedure is carried out in accordance with the provision of the second paragraph and the minutes and petition are immediately sent to the relevant court. The court clerk records the application in the relevant book.

(4) When the court clerk or the institution director carries out the action in accordance with the provision of the second paragraph, the periods specified in this Law for legal remedies are deemed to have been interrupted.

Error in determining the remedy

Article 264 – (1) An error in determining the legal remedy or authority in an acceptable application does not eliminate the applicant's rights.

(2) In this case, the authority to which the application was made shall immediately send the application to the competent and authorized authority.

Scope of the public prosecutor's application result

Article 265 – (1) The decision against which a legal remedy has been sought by the public prosecutor may be overturned or changed in favour of the defendant. When the public prosecutor seeks legal remedy in favour of the defendant, the re-issued decision cannot include a heavier penalty than the penalty determined in the previous decision.

Abandonment of application and its effect

Article 266 – (1) The abandonment of a legal remedy after it has been applied for is valid until the court decides. However, the application made by the public prosecutor in favor of the defendant cannot be abandoned without his/her consent.

(2) The defense counsel or attorney may waive the application, provided that he/she has been specifically authorized to do so in the power of attorney.

(3) In accordance with the second paragraph of Article 150, when a legal remedy is sought on behalf of a suspect or defendant who has been assigned a defense counsel, or when the legal remedy sought is abandoned, and if the will of the suspect or defendant and the defense counsel conflict, the will of the defense counsel shall be deemed valid.

PART TWO
Ordinary Legal Remedies

FIRST PART
Objection

Decisions that may be appealed

Article 267 – (1) Objections may be made against judges' decisions and court decisions in cases specified by law.

Objection procedure and review authorities

Article 268 – (1) Objection to a judge's or court's decision shall be made by submitting a petition to the authority that made the decision within two weeks from the day the relevant parties learn of the decision in accordance with Article 35, in cases where the law does not impose a separate provision, or by making a statement to the court clerk on condition that it is recorded in the minutes. The court president or judge shall approve the statement and signature recorded in the minutes. The provisions of Article 263 are reserved.

(2) If the judge or court whose decision is objected to finds the objection justified, he/she corrects his/her decision; if he/she does not find it justified, he/she sends it to the authority authorized to examine the objection within a maximum of three days.

(3) The authorities authorized to examine the objection are listed below:

a) **(Amended: 18/6/2014-6545/74 art.)** The examination of objections to the decisions of the criminal judgeship of peace belongs to the judgeship following the number in case there is more than one criminal judgeship of peace in that place; to the judgeship numbered first for the judgeship with the last number; if there is only one criminal judgeship of peace in places where there is no serious criminal court, to the criminal judgeship of peace in the place where the serious criminal court in whose jurisdiction it serves is located; if there is only one criminal judgeship of peace in places where there is a serious criminal court, to the criminal judgeship of peace in the place where the nearest serious criminal court is located.

b) **(Amended: 8/7/2021-7331/24 art.)** The examination of objections made against the decisions of the criminal judgeship of peace regarding arrest and judicial control belongs to the judge of the criminal court of first instance within whose jurisdiction it is located. In cases where the authorities authorized to examine the objection are different, the necessary measures are taken by the criminal judgeship of peace whose decision is objected to in order to examine the objections without delay. If the affairs of the criminal judgeship of peace are handled by the criminal judge of first instance, the authority to examine the objection belongs to the president of the high criminal court.

c) The examination of objections to decisions made by the judge of the criminal court of first instance belongs to the high criminal court in whose jurisdiction they are located, and the examination of objections to decisions made by this court and its president belongs to the chamber following its number if there is more than one chamber of the high criminal court in that place; to the first chamber for the chamber with the last number; to the nearest high criminal court if there is only one chamber of the high criminal court in that place.

d) The examination of objections to the decisions of the regent judges belongs to the president of the high criminal court to which they are affiliated, and to the president of the court or the court in their location, in accordance with the principles set forth in the above paragraphs, against the decisions of the court rogatory.

e) In objections to the decisions of the regional court of justice criminal chambers and the decisions of the Court of Cassation criminal chambers in cases they consider as the main court; the decision of the member is reviewed by the head of the chamber he/she is responsible for, the head of the chamber and the criminal chamber that follows the decision of the criminal chamber by number; if the chamber is the last numbered chamber, the first criminal chamber.

Effect of objection on execution of decision

Article 269 – (1) Objection does not result in the suspension of execution of the decision.

(2) However, the authority whose decision is objected to or the authority that will review the decision may decide to postpone the decision.

Notification of the objection to the public prosecutor and the opposing party and conducting an examination and research

Article 270 – (1) The authority that will examine the objection may notify the public prosecutor and the opposing party of the objection so that they can respond in writing. The authority may conduct an examination and investigation, or may order these to be carried out if deemed necessary.

(2) **(Added: 11/4/2013-6459/20 art.)** In case the opinion of the public prosecutor is received upon the objection made in accordance with articles 101 and 105, this opinion shall be notified to the suspect, defendant or his/her defense counsel. The suspect, defendant or his/her defense counsel may submit his/her opinion within three days.

Decision

Article 271 – (1) Subject to the conditions set forth in the law, the objection shall be decided without holding a hearing. However, when deemed necessary, the public prosecutor and then the defense counsel or attorney shall be heard.

(2) If the objection is found to be justified, the authority also decides on the subject of the objection.

(3) The decision shall be made within the shortest possible time

(3) The decision shall be made within the shortest possible time.

(4) The decisions of the authority upon objection are final; however, an objection may be made against the detention decisions given by the authority for the first time.

SECOND PART
Appeal

Appeal

Article 272 – (1) Appeals may be filed against the decisions given by the first instance courts. However, decisions regarding prison sentences of fifteen years or more are reviewed ex officio by the regional court of justice.

(2) Court decisions that were given before the judgment and that formed the basis of the judgment or for which no other legal remedy was provided may be appealed together with the judgment.

(3) However;

a) **(Amended: 31/3/2011-6217/23 art.)** The provisions of sentencing to a judicial fine up to and including fifteen thousand Turkish Lira, excluding judicial fines converted from prison sentences,

b) To the provisions of acquittal for crimes that require a judicial fine with an upper limit not exceeding five hundred days,

c) Provisions stated in the laws as final,

No appeal can be taken. **(Additional sentence: 14/4/2020-7242/17 art.)** The decisions given in this way cannot be the basis for repetition.

Request for appeal and its duration

Article 273 – (1) The request for appeal shall be made by submitting a petition to the court that rendered the judgment within two weeks from the date of notification of the judgment together with its reasons or by making a statement to the court clerk; the statement shall be recorded in the minutes and the minutes shall be approved by the judge. The provision of Article 263 regarding the defendant in custody is reserved.

(2) **(Repealed: 2/3/2024-7499/18 art.)**

(3) **(Amended: 18/6/2014-6545/75 art.)** Public prosecutors in high criminal courts may appeal against the decisions of the courts of first instance within the jurisdiction

of their courts within two weeks from the date of receipt of the decision by the chief public prosecutor's office of that place.

(4) The failure to state the reasons for the application in the petition or statement of the defendant, those who have acquired the status of a participant in accordance with this Law, and those whose request for participation has not been decided upon, has been rejected, or who have been harmed by the crime in a way that would qualify them as a participant shall not prevent the examination.

(5) The public prosecutor shall clearly state the reasons for appealing, together with the justifications, in his written request. This request shall be notified to the

relevant parties. The relevant parties may submit their responses on this matter within two weeks from the date of notification.

Running of the appeal period within the reinstatement period

Article 274 – (1) The defendant may request reinstatement against the judgments given against him/her in his/her absence. The appeal period also runs during the reinstatement period. In cases where the defendant requests reinstatement, he/she must also request an appeal. In such a case, the proceedings related to the appeal request shall be postponed until the decision on the reinstatement request is given.

Effect of appeal

Article 275 – (1) An appeal filed within the time limit prevents the judgment from becoming final.

(2) **(Repealed: 2/3/2024-7499/21 art.)**

Rejection of the appeal request by the court that issued the verdict

Article 276 – (1) If the appeal request is made after the expiry of the legal period or against a decision against which an appeal cannot be filed, or if the person who files an appeal does not have the right to do so, the court that rendered the decision shall reject the petition by a decision.

(2) The public prosecutor or the relevant parties who have filed an appeal may request the regional court of justice to make a decision on this matter within two weeks from the date of notification of the rejection decision. In this case, the file is sent to the regional court of justice. However, the execution of the judgment cannot be postponed for this reason.

Notification and response to the appeal request

Article 277 – (1) A copy of the minutes regarding the petition of appeal or statement not rejected by the court that rendered the judgment in accordance with Article

276 shall be served on the opposing party. The opposing party may respond in writing within two weeks from the date of service.

(2) If the other party is the defendant, he/she may also respond by making a statement to the court clerk to be recorded in a report. After the response is given or after the specified period of time has elapsed, the case file is sent to the regional court of justice.

(3) The provisions of Articles 262 and 263 are reserved.

Distribution of the file in the regional court of justice

Article 278 – (Amended: 15/8/2016-KHK-674/14 art.; Accepted as is: 10/11/2016-6758/14 art.)

(1) When the case file arrives at the regional court of justice, it is given to the criminal chamber in charge according to the division of labor. The chamber ensures that any deficiencies in notification are remedied.

Preliminary review on the file

Article 279 – (1) At the end of the preliminary examination of the file;

a) If it is understood that the regional court of justice does not have jurisdiction, the file will be sent to the competent regional court of justice,

b) If it is understood that the application to the regional court of justice was not made within the time limit, the decision requested to be reviewed is not one of the decisions that can be reviewed in the regional court of justice, and the applicant does not have the right to do so, the appeal application shall be rejected.

The decision is made. **(Additional sentence: 18/6/2014-6545/76 art.)** These decisions are subject to objection.

Investigation and prosecution in the regional court of justice

Article 280 – (1) The regional court of justice, after examining the file and the evidence submitted with the file;

a) If it is determined that there is no unlawfulness in the decision of the first instance court regarding the procedure or the substance, that there is no deficiency in the evidence or proceedings, and that the evaluation is appropriate in terms of evidence, the appeal application is rejected on the merits; in the event of the existence of violations in subparagraphs (a), (c), (d), (e), (f), (g) and (h) of the first paragraph of Article 303, the unlawfulness is corrected and the appeal application is rejected on the merits,

b) **(Added: 20/7/2017-7035/15 art.)** If the public prosecutor deems it appropriate to apply the lowest level of the penalty prescribed by law for the crime subject to conviction in accordance with the reason for applying to the appeal, the unlawfulness shall be corrected and the appeal shall be rejected on the merits.

c) **(Added: 17/10/2019-7188/27 art.)** In cases where a lesser sentence or a decision of no penalty is required due to personal reasons requiring the removal of the penalty or reduction of the penalty without the need for further investigation or personal reasons for impunity, the appeal application shall be rejected on the merits by correcting the unlawfulness,

d) **(Added: 20/7/2017-7035/15 art.)** In cases where the case is rejected without the need for further investigation of the incident or where the erroneous decision regarding security measures needs to be corrected, the appeal application is rejected on the merits by correcting the unlawfulness,

e) If the decision of the first instance court contains a reason for unlawfulness as specified in the subparagraphs of the first paragraph of Article 289, except for subparagraphs (g) and (h), the judgment shall be reversed and the file shall be sent to the first instance court whose judgment was reversed or to another first instance court within its jurisdiction that it deems appropriate for re-examination and decision,

f) **(Added: 17/10/2019-7188/27 art.) If** it is understood that the investigation or prosecution condition has not been met or that the prepayment and conciliation procedure has not been applied or if it is necessary for the case to be conducted together with a case pending at the first instance court, the judgment shall be reversed and the file shall be sent to the first instance court whose judgment was reversed or to another first instance court within its jurisdiction that it deems appropriate for re-examination and decision,

g) In other cases, after taking the necessary measures, the case will be retried and the hearing preparations will be started.

Decides.

(2) **(Added: 18/6/2014-6545/77 art.)** At the end of the hearing, the regional court of justice rejects the appeal on the merits or revokes the first instance court's decision and re-rules.

(3) **(Added: 20/7/2017-7035/15 art.)** If the decisions given in accordance with the first and second paragraphs are in favour of the defendant, and if these issues can be applied to other defendants who have not requested an appeal, these defendants will also benefit from the decisions given as if they had requested an appeal.

Preparation for the hearing

Article 281 – (1) During the preparation phase of the hearing, the regional court of justice chamber president or the member he/she designates determines the hearing date in accordance with the provisions of Article 175 and makes the necessary calls. **(Repealed second sentence: 20/7/2017-7035/16 art.)**

(2) The court decides to hear the necessary witnesses and experts and to conduct an investigation.

Exceptions

Article 282 – (1) When the hearing opens, the provisions of this Law regarding preparation for the hearing, the hearing and the decision shall apply, except for the exceptions shown below:

a) After the hearing starts in accordance with the general provisions of this Law, the examination report of the assigned member is explained.

b) The reasoned decision of the first instance court is explained.

c) **(Amended: 20/7/2017-7035/17 art.)** The minutes containing the statements of the witnesses heard in the first instance court, the discovery minutes and the expert report are explained.

d) **(Added: 20/7/2017-7035/17 art.)** The evidence and documents collected during the preparation phase of the regional court of justice hearing, and the minutes and reports regarding the discovery and expert statements, if any, are explained.

e) Witnesses and experts who are deemed necessary to be heard at the regional court of justice hearing are summoned.

f) **(Added: 17/10/2019-7188/28 art.)** If the defendant, his/her defense counsel, the participant and his/her attorney do not attend the hearing despite being notified of the invitation, the hearing may continue and the case may be concluded in their absence by presenting the interrogation minutes of the defendant. However, without prejudice to the provisions of Article 195, if the sentence to be given to the defendant is heavier than the sentence given by the first instance court, the defendant must be heard in any case.

The decision to be given in case of application in favor of the defendant

Article 283 – (1) If the appeal is filed only in favour of the defendant, the new verdict cannot be heavier than the penalty determined by the previous verdict.

Prohibition of resistance

Article 284 – (1) The decisions and rulings of the regional court of justice cannot be resisted; no legal remedy can be taken against them.

(2) Provisions regarding objections and appeals are reserved.

Provisions of special laws regarding appeal

Article 285 – (1) Except for the provision of the fourth paragraph of Article 18 of the Law No. 6706 on International Judicial Cooperation in Criminal Matters dated 23/4/2016; an appeal may be made against the decisions and judgments of the first instance courts regarding the cases and matters falling within the jurisdiction of the regional courts of justice, which are stipulated in other laws to be appealable or to be applied to the Supreme Court.

THIRD PART
Appeal

Appeal

Article 286 – (1) The decisions of the criminal chambers of the regional court of justice, other than reversals, may be appealed.

(2) However;

a) Regional court of justice decisions rejecting appeals on the merits against sentences of imprisonment of five years or less and judicial fines, regardless of their amount, given by first instance courts.

b) Regional court decisions that do not increase sentences of imprisonment of five years or less given by first instance courts,

c) **(Added: 20/7/2017-7035/20 art.)** All kinds of decisions regarding alternative sanctions given by the regional court of justice regarding the first instance court decisions regarding alternative sanctions converted from prison sentences and decisions regarding the rejection of the appeal on the merits,

d) **(Cancelled by the Constitutional Court's decision dated 27/12/2018 and numbered E.:2018/71 K.:2018/118; Re-arranged: 20/2/2019-7165/7 art.) All** decisions of regional courts of justice regarding crimes that fall within the jurisdiction of first instance courts and that require imprisonment with an upper limit of up to two years (including two years) and related judicial fines, with the exception of conviction decisions given by regional courts of justice for the first time and falling outside the scope of the third paragraph of Article 272,

e) All kinds of regional courts of justice decisions regarding the decisions given by the first instance courts in crimes that require a judicial fine,

f) **(Amended: 18/6/2014-6545/78 art.)** Decisions regarding the rejection of appeals on the merits only in relation to first instance court decisions regarding confiscation of goods or earnings or the absence of such decisions,

g) Decisions to reject appeals on the merits of acquittal decisions given by the first instance courts for crimes that require imprisonment for ten years or less or a judicial fine,

h) **(Amended: 18/6/2014-6545/78 art.)** Decisions of the first instance court regarding the dismissal of the case, no penalty, security measures, and decisions of the regional court of justice regarding such decisions or the rejection of the appeal on the merits,

i) Regional court of justice decisions containing more than one of the same provisions, penalties and decisions, provided that they remain within the limits set forth in the above paragraphs.

No appeal is possible.

(3) **(Added: 17/10/2019-7188/29 art.)** Even if they are within the scope of the decisions that cannot be appealed as specified in the second paragraph, the decisions of the criminal chambers of the regional court of justice given for the crimes listed below may be appealed:

a) Included in the Turkish Penal Code;

1. Insult (article 125, third paragraph),
2. Threats with the aim of creating fear and panic among the public (Article 213),
3. Incitement to commit a crime (Article 214),
4. Praising the crime and the criminal (article 215),
5. Incitement to hatred and hostility or humiliation of the public (Article 216),
6. Incitement to disobey the law (Article 217),

7. **(Added: 13/10/2022-7418/30 art.)** Publicly disseminating misleading information to the public (article 217/A),
8. Insulting the President (Article 299),
9. Insulting the symbols of the state's sovereignty (Article 300),
10. Insulting the Turkish Nation, the Republic of Turkey, the institutions and organs of the State (Article 301),
11. Armed organization (Article 314),
12. Discouraging the public from military service (Article 318),
crimes.

b) Crimes listed in the second and fourth paragraphs of Article 6 and the second paragraph of Article 7 of the Anti-Terror Law.

c) Crimes set forth in the first paragraph of Article 28, Article 31 and Article 32 of the Law on Meetings and Demonstrations.

Appeals against decisions prior to the verdict

Article 287 – (1) Court decisions given before the judgment and which form the basis of the judgment or for which no other legal remedy is provided may be appealed together with the judgment.

Grounds for appeal

Article 288 – (1) An appeal may only be based on the unlawfulness of the decision.

(2) Failure to apply or incorrectly apply a legal rule is unlawful.

Cases of absolute violation of law

Article 289 – (1) Even if it is not stated in the appeal petition or statement, the following situations are deemed to be definitely unlawful:

a) The court is not constituted in accordance with the law.

b) Participation in the decision of a judge who is prohibited by law from performing his duties as a judge.

c) A request for rejection due to valid suspicion was put forward and the judge agreed with the verdict although this request was accepted or this request was rejected unlawfully and the judge agreed with the verdict.

d) The court considers itself to be authorized or competent to hear the case contrary to the law.

e) Holding a hearing in the absence of the public prosecutor or other persons who are required by law to be present at the hearing.

f) Violation of the rule of clarity in the verdict given in a hearing.

g) The judgment does not contain the justification required by Article 230.

h) The right to defence is limited by a court decision on matters important to the verdict.

i) The verdict is based on evidence obtained by illegal methods.

Violation of rules that are in the interest of the defendant

Article 290 – (1) Contradiction to the rules of law that are in the interest of the accused does not give the public prosecutor the right to overturn the verdict against the accused.

Appeal request and period

Article 291 – (1) The appeal request shall be made by submitting a petition to the court that rendered the verdict or by making a statement to the court clerk within two weeks from the date of notification of the verdict together with its reasons; the statement shall be recorded in the minutes and the minutes shall be approved by the judge.

The provision of Article 263 shall be reserved for the defendant who is under arrest.

(2) **(Repealed: 2/3/2024-7499/19 art.)**

Running of the appeal period within the reinstatement period

Article 292 – (1) The provisions of Article 274 shall apply to the request for reinstatement of the judgments given against the accused in his absence.

Effect of appeal

Article 293 – (1) An appeal filed within the time limit prevents the judgment from becoming final.

(2) **(Repealed: 2/3/2024-7499/21 art.)**

Contents of the appeal

Article 294 – (1) The appellant must indicate in his appeal why he wants the verdict to be overturned. **(Additional sentence: 2/3/2024-7499/20 art.)** The public prosecutor shall clearly state in the appeal petition whether the appeal request is in favor or against the defendant.

(2) The grounds for appeal may only be related to the legal aspects of the decision.

Grounds for appeal

Article 295 – (Repealed: 2/3/2024-7499/21 art.)

The appeal request was rejected by the court that rendered the verdict because it was deemed unacceptable.

Article 296 – (1) If the appeal request is made after the expiry of the legal period or if a judgment that cannot be appealed is appealed or if the person making the appeal has no right to do so, the regional court of justice or the court of first instance whose judgment is appealed shall reject the appeal request by a decision.

(2) The appellant may request the Court of Cassation to make a decision on this matter within two weeks from the date of notification of the rejection decision. In this case, the file shall be sent to the Court of Cassation. However, the execution of the judgment cannot be postponed for this reason.

Notification of the appeal petition and its response are the duties of the Office of the Chief Public Prosecutor of the Supreme Court of Appeals.

Article 297 – (1) A copy of the petition regarding the appeal request that is not rejected by the regional court of justice that rendered the decision in accordance with Article 296 shall be notified to the opposing party. The opposing party may submit a written response within two weeks from the date of notification.

(2) After the response is given or the specified period of time has elapsed, the case file is sent by the regional court of justice to the Office of the Chief Public Prosecutor of the Supreme Court of Appeals.

(3) The notification prepared by the Office of the Chief Public Prosecutor of the Supreme Court of Appeals shall be notified to the defendant or his/her defense counsel and the participant or their attorneys by the relevant department if they appeal the verdict or if it contains an opinion that may have a negative effect on them. The relevant party may respond in writing within two weeks of the notification.

(4) Notifications made in accordance with the third paragraph shall be valid if they are sent to the last addresses of the parties specified in the case file.

(5) The provisions of Articles 262 and 263 are reserved.

Rejection of appeal request

Article 298 – (1) If the Court of Cassation determines that no appeal was filed within the time limit, that the judgment cannot be appealed, that the appellant has no right to do so, or that the appeal petition does not contain grounds for appeal, it shall reject the appeal request.

Review with hearing

Article 299 – (1) In the judgments concerning imprisonment of ten years or more, the Court of Cassation may conduct its examinations through a hearing if it deems appropriate. The defendant, the person participating, the defense counsel and the attorney shall be informed of the hearing date. The defendant may be present at the hearing

or may be represented by a defense counsel.

(2) If the defendant is under arrest, he cannot request to attend the hearing.

Procedure at the hearing

Article 300 – (1) Before the hearing, the report prepared by the assigned member or the investigating judge is explained to the members. The members also examine the file in person. After these matters are fulfilled, the hearing is opened.

(2) At the hearing, the Chief Public Prosecutor of the Court of Cassation or the Public Prosecutor of the Court of Cassation assigned by him/her, the defendant, his/her defense counsel, the participant and his/her attorney shall explain their claims and defenses. The party requesting the appeal shall be given the floor first. In any case, the defendant shall have the final say.

Matters to be examined in the appeal

Article 301 – (1) The Court of Cassation only examines the issues stated in the appeal application and, if the appeal request is due to procedural deficiencies, the facts indicating this in the appeal application.

Rejection of the appeal request on the merits or reversal of the verdict

Article 302 – (1) If the appealed decision of the regional court of justice is found to be lawful by the Supreme Court, the appeal request is rejected on the merits.

(2) The Court of Cassation shall overturn the appealed decision due to the unlawfulness indicated in the appeal and which may affect the decision. The reasons for overturning are stated separately in the decision.

(3) When the verdict is overturned for the reasons stated in the petition of appeal, all other unlawful circumstances determined, even if not explained in the petition, shall also be stated in the verdict.

(4) If the unlawfulness that causes the judgment to be annulled stems from the transactions that form the basis of this judgment, these will also be annulled.

(5) The provisions of Article 289 are reserved.

Circumstances in which the Supreme Court will decide on the merits of the case, correction of unlawfulness

Article 303 – (1) If the judgment is overturned due to unlawfulness in its application to the events that form the basis of the judgment, the Court of Cassation may rule on the merits of the case and also correct the unlawfulness in the judgment in the following cases:

a) If it is necessary to acquit or dismiss the case without further clarification of the incident, or to impose a fixed penalty with no lower or upper limit.

b) If the Supreme Court of Appeals deems it appropriate to apply the lowest level of punishment written in the law to the defendant in accordance with the claim of the Chief Public Prosecutor's Office.

c) If the elements, nature and punishment of the crime determined by the court are shown correctly in the judgment, but only the article number of the law is written incorrectly.

d) If the law that came into force after the verdict has reduced the penalty for the crime and the reason for the increase has not been accepted by the court in determining the penalty to be given to the defendant, or if the act has been decriminalized by a new law, in the first case a lesser penalty should be imposed and in the second case no penalty should be imposed.

e) If the necessary reduction was not made or an incorrect reduction was made in determining the sentence based on the defendant's clearly established dates of birth and crime.

f) If a material error has been made in determining the duration or amount of the penalty to be given as a result of the increase or decrease.

g) If a penalty is given that is less or more than the order in Article 61 of the Turkish Penal Code is not observed.

h) If there is a violation of the Law on Fees and the provisions regarding litigation expenses and the fee schedule prepared in accordance with the Law on Attorneys.

Authority to which the Supreme Court decision will be sent

Article 304 – (1) **(Amended: 20/2/2019-7165/8 art.)** The file regarding the decisions given by the Supreme Court of Appeals in accordance with the first paragraph of Article 302 or Article 303 shall be submitted to the first instance court, and a copy of the decision shall be submitted to the Office of the Chief Public Prosecutor of the Supreme Court of Appeals to be forwarded to the regional court of justice.

(2) The Court of Cassation sends the file to the regional court of justice where the verdict was overturned or to another regional court of justice for re-examination and decision in cases other than those specified in Article 303. **(Additional sentences: 20/2/2019-7165/8 art.)** However, the decision of overturning,

a) If the file is related to the decision to reject the appeal on the merits, it is sent to the first instance court that made the decision.

b) If the file is related to the decision to reject the appeal on the merits by correcting the unlawfulness, the file is sent to the first instance court that made the decision or to the regional court of justice if the Supreme Court of Appeals deems it appropriate in line with the content of the reversal decision.

In cases where the file is sent to the first instance court, a copy of the decision is also sent to the regional court of justice.

(3) If the judgment is overturned because the court unlawfully deemed itself competent or authorized, the Court of Cassation also sends the file to the competent or authorized court.

(4) The file regarding the decision given by the first instance court regarding the judgments that are directly appealable is given to the Office of the Chief Public Prosecutor of the Supreme Court of Appeals to be sent to the first instance court that gave the decision.

Announcement of the verdict in the Supreme Court

Article 305 – (1) The verdict shall be announced in accordance with Article 231. If this is not possible, the decision shall be made within seven days from the end of the hearing.

Effect of overturning the verdict on other defendants

Article 306 – (1) If the verdict is overturned in favour of the defendant and these issues can be applied to other defendants who have not requested an appeal, these defendants will also benefit from the overturning of the verdict as if they had requested an appeal.

Procedures of the court that will re-hear the case

Article 307 – (1) The regional court of justice or the first instance court that will re-examine the case after the reversal decision of the Supreme Court of Appeals shall ask the relevant parties what they have to say against the reversal.

(2) If the defendant, his/her defense counsel, the participant and his/her attorney could not receive a summons to their addresses in the file or if they did not attend the hearing despite being served with a summons, the hearing may continue and the case may be concluded in their absence, even if their statements against reversal are not determined. However, if the sentence to be given to the defendant is more severe than the sentence that is the subject of reversal, it must be heard in any case.

(3) **(Added: 20/2/2019-7165/9 art.)** In case the reversal decision of the Supreme Court is complied with, only an appeal can be filed against the decision given by the first instance court, regardless of the limits of appeal or cassation.

(4) The regional court of justice or the first instance court has the right to resist the reversal decision given by the Court of Cassation. **(Amended second sentence: 24/11/2016-6763/36 art.)** The decisions of resistance are sent to the chamber whose decision is resisted. **(Additional two sentences: 24/11/2016-6763/36 art.)** The chamber examines the decision of resistance as soon as possible and if it finds it appropriate, corrects its decision; if not, it sends the file to the General Assembly of Criminal Courts of Cassation. Decisions given by the General Assembly of Criminal Courts of Cassation upon resistance cannot be resisted.

(5) If the verdict is appealed only by the defendant or by the public prosecutor on his behalf or by the persons specified in Article 262, the re-ruling verdict cannot be more severe than the penalty determined by the previous verdict.

PART THREE
Extraordinary Legal Remedies

FIRST PART

Objection Authority of the Chief Public Prosecutor

The objection authority of the Chief Public Prosecutor of the Supreme Court of Appeals

Article 308 – (1) The Chief Public Prosecutor of the Court of Cassation may object to the decision of one of the criminal chambers of the Court of Cassation, ex officio or upon request, to the General Criminal Assembly within one month from the date on which the decision was given to him. No time limit is required for an objection in favor of the defendant.

(2) **(Added: 2/7/2012-6352/99 art.)** Upon objection, the file is sent to the department whose decision was objected to.

(3) **(Added: 2/7/2012-6352/99 art.)** The Chamber examines the objection as soon as possible and, if it finds it justified, corrects its decision; if not, it sends the file to the General Assembly of Criminal Matters of the Court of Cassation.

The objection authority of the regional court of justice chief public prosecutor's office

Article 308/A- (Added: 20/7/2017-7035/23 art.)

(1) **(Amended sentence: 28/3/2023-7445/22 art.)** The chief public prosecutor of the regional court of justice may, ex officio or upon request, object to the chamber that issued the decision within one month from the date the decision was given to it. No time limit is required for objections in favor of the defendant. **(Additional sentences: 28/3/2023-7445/22 art.)** In order to object against the defendant, there must be a fundamental error that will affect the decision, and this objection is notified to the defendant or his/her defense counsel by the chamber. The notification is valid when it is sent to the last address specified in the case file of the relevant parties. The relevant parties may respond in writing within two weeks from the notification. **(Amended sentences: 17/10/2019-7188/30 art.)** The chamber examines the objection as soon as possible and, if it deems it appropriate, corrects its decision; if it does not, it sends the file to the board of presidents of the criminal chambers to examine the objection. A report is prepared regarding the objection sent to the board by the president of the chamber whose decision is objected or by the member he/she designates to be submitted to the board. **(Additional sentences: 17/10/2019-7188/30 art.)** The board's decisions regarding the acceptance of the objection are sent to the chamber for the necessary action. The decisions made by the board are final. In regional courts of justice with more than four criminal chambers, the board of presidents determined by the Board of Judges and Prosecutors from among the chamber presidents and consisting of four members shall conduct this examination. The working procedures and principles of the board of presidents regarding this article shall be determined by the Board of Judges and Prosecutors.

SECOND PART
Violation for the Benefit of Law

Disruption in the interest of law

Article 309 – (1) The Ministry of Justice, which learns that there is an unlawfulness in a decision or judgment given by a judge or court and which has become final without going through an appeal or cassation review, shall notify the Office of the Chief Public Prosecutor of the Court of Cassation in writing, stating the legal reasons for the request for the annulment of that decision or judgment by the Court of Cassation.

(2) The Chief Public Prosecutor of the Supreme Court of Appeals shall write down these reasons verbatim and submit a letter requesting the annulment of the decision or verdict to the relevant criminal chamber of the Supreme Court of Appeals.

(3) If the criminal chamber of the Supreme Court of Appeals finds the reasons put forward to be justified, it shall overturn the decision or judgment in the interest of the law.

(4) Reasons for cancellation:

a) If it is about a decision defined in Article 223 that does not resolve the merits of the case, the judge or court that gave the decision shall make a new decision after the necessary examination and research.

b) If the judgment of conviction is related to an aspect of the case that does not resolve the merits of the case or to procedural procedures that result in the removal or restriction of the right of defense, the judge or court that gave the judgment shall give the necessary judgment according to the results of the retrial. This judgment cannot be heavier than the penalty determined by the previous judgment.

c) If it resolves the merits of the case and concerns decisions other than conviction, it does not produce adverse results and does not require a retrial.

d) If it requires the removal of the sentence of the convict, the penalty shall be lifted; if it requires the imposition of a lighter sentence, the Criminal Chamber of the Court of Cassation shall directly rule on this lighter sentence.

(5) The decision to overturn the decision made in accordance with this article cannot be resisted.

The Chief Public Prosecutor of the Supreme Court of Appeals applies in the interest of the law

Article 310 – (1) The authority specified in Article 309 may also be used ex officio by the Chief Public Prosecutor of the Supreme Court of Appeals, specific to the cases specified in subparagraph (d) of the fourth paragraph of the same article and in the interest of the law.

(2) When applied for by the Ministry of Justice in accordance with Article 309, this authority can no longer be exercised by the Chief Public Prosecutor of the Supreme Court of Appeals.

THIRD PART
Retrial

Reasons for retrial in favor of the convict

Article 311 – (1) A case that has resulted in a final judgment shall be retried in favor of the convicted person by means of retrial in the following cases:

a) If a document used in the hearing and affecting the verdict is found to be forged.

b) If it is understood that a witness or expert who was heard under oath has intentionally or negligently given false testimony or voted against the convict in a way that would affect the verdict.

c) If one of the judges who participated in the verdict has failed to perform his duties in a way that would necessitate criminal prosecution or conviction with a penalty, other than the fault caused by the convicted person.

d) If the criminal judgment is based on a judgment of a civil court and this judgment has been abolished by another final judgment.

e) If new events or new evidence are presented and these, when taken into consideration alone or together with the evidence previously presented, are of a nature that necessitates the acquittal of the defendant or the conviction of the defendant by applying a provision of law that includes a lighter sentence.

f) If it has been established by a final decision of the European Court of Human Rights that the criminal verdict was given in violation of the Convention for the Protection of Human Rights and Fundamental Freedoms or its additional protocols and that the verdict was based on this violation, or if the application made to the European Court of Human Rights against the criminal verdict is annulled as a result of a friendly settlement or a unilateral declaration. In this case, retrial may be requested within one year from the date on which the decision of the European Court of Human Rights becomes final.

(2) The provisions of subparagraph (f) of the first paragraph shall apply to the final decisions of the European Court of Human Rights dated 4.2.2003 and to the decisions to be given on applications made to the European Court of Human Rights after 4.2.2003.

Postponement or stay of execution

Article 312 – (1) The request for retrial does not postpone the execution of the judgment. However, the court may decide to postpone or stay the execution.

Circumstances that do not prevent the retrial

Article 313 – (1) The execution of the verdict or the death of the convict does not prevent the request for retrial.

(2) The spouse, lineal descendants, and siblings of the deceased may request a new trial.

(3) In case of absence of the persons listed in the second paragraph, the Minister of Justice may also request a new trial.

Reasons for retrial against the defendant or convict

Article 314 – (1) A case that has resulted in a final judgment may be retried through retrial to the detriment of the defendant or the convict in the following cases:

a) If a document put forward in favor of the defendant or the convict during the hearing and which is effective in the verdict is found to be forged.

b) If one of the judges who participated in the verdict has failed to perform his duties in favor of the defendant or the convict, which would necessitate criminal

b) If one of the judges who participated in the verdict has failed to perform his duties in favor of the defendant or the convict, which would necessitate criminal prosecution against him or her or his conviction with a penalty.

c) If the defendant has made a credible confession before the judge regarding the crime after being acquitted.

Cases where retrial will not be accepted

Article 315 – (1) Retrial for the purpose of changing the sentence within the limits set forth in the same article of the law is unacceptable.

(2) If there is another way to remedy the error, retrial cannot be sought.

Conditions for acceptance of requests for renewal based on a crime

Article 316 – (1) A request for renewal based on a criminal allegation can only be accepted if a final conviction has been given for this act or if a criminal investigation has not been initiated or continued for a reason other than the lack of strong evidence requiring a conviction. This article shall not be applied in the case specified in subparagraph (e) of the first paragraph of Article 311.

Provisions applicable to the renewal request

Article 317 – (1) The general provisions regarding recourse to legal remedies also apply to requests for retrial.

(2) The request for retrial shall include the legal reasons and the evidence on which it is based.

The decision and authority on whether the renewal request is acceptable or not

Article 318 – (1) The request for retrial shall be submitted to the court that rendered the judgment. This court shall decide whether the request is acceptable or not.

(2) In cases where the Court of Cassation has given a direct ruling in accordance with Article 303, an application may be made to the court that gave the ruling.

(3) The decision on whether the request for retrial is acceptable is made without holding a hearing.

Reasons for not accepting the renewal request and the action to be taken in case of acceptance

Article 319 – (1) If the request for retrial is not made in the manner specified by law or if no legal reason is given to require retrial or if no evidence is disclosed to confirm this, this request is deemed unacceptable and rejected.

(2) Otherwise, the request for retrial shall be notified to the public prosecutor and the relevant party, who shall inform them within two weeks if they have anything to say.

(3) Decisions made pursuant to this article may be appealed.

Gathering evidence

Article 320 – (1) If the court finds the request for retrial justified, it may assign a subordinate judge or the court to which the rogatory is addressed to collect evidence, or it may itself carry out these duties.

(2) During the collection of evidence by the court or the deputy judge or by way of rogatory, the provisions regarding the investigation shall apply.

(3) After the collection of evidence is completed, the public prosecutor and the person against whom the verdict has been rendered are asked to express their views and opinions within a period of two weeks.

Rejection of the request for renewal due to its lack of basis, otherwise acceptance

Article 321 – (1) If the allegations put forward in the request for new trial are not sufficiently substantiated or if it is understood that they have no effect on the previously given decision in the circumstances of the case in subparagraphs (a) and (b) of the first paragraph of Article 311 and subparagraph (a) of the first paragraph of Article 314, the request for new trial shall be rejected without a hearing as it is unfounded.

(2) Otherwise, the court decides to renew the trial and open the hearing.

(3) An objection may be filed against the decisions made pursuant to this article.

Review of renewal request without holding a hearing

Article 322 – (1) If the convict has died, the court decides to acquit the convict or reject the request for a new trial after collecting the necessary evidence without holding a new hearing.

(2) In other cases, if there is sufficient evidence on this matter, the court decides to acquit the convict immediately, without holding a hearing, after receiving the approval of the public prosecutor.

(3) The court decides to annul the previous judgment along with the acquittal decision.

(4) If the person requesting a new trial wishes, the decision to annul the previous judgment will be announced in the Official Gazette, with the expenses to be borne by the State Treasury, or, at the discretion of the court, in other newspapers.

The verdict to be given after the re-hearing

Article 323 – (1) As a result of the re-hearing, the court confirms the previous verdict or annuls the verdict and gives a new verdict on the case.

(2) If the request for retrial is made in favour of the convict, the new verdict cannot include a sentence heavier than the sentence determined by the previous verdict.

(3) If, as a result of the retrial, a decision is made that there is no need for acquittal or punishment, the material and moral damages suffered by the person due to the full or partial execution of the previous conviction decision shall be compensated in accordance with the provisions of Articles 141 to 144 of this Law.

BOOK SEVEN
Litigation Expenses and Miscellaneous Provisions

PART ONE
Litigation Expenses

Litigation expenses

Article 324 – (1) The fees and attorney fees to be paid in accordance with the tariff, and all kinds of expenses incurred by the State Treasury for the purpose of conducting the trial during the investigation and prosecution phases and the payments made by the parties are the trial expenses.

(2) The judgment and decision shall indicate who will be charged with the litigation expenses.

(3) The amount of expenses and the amount of money that one party must pay to the other are determined by the court president or judge.

(4) Decisions regarding the litigation expenses of the State shall be executed in accordance with the provisions of the Law on Fees; decisions regarding personal rights shall be executed in accordance with the provisions of the Law on Enforcement and Bankruptcy No. 2004, dated 9.6.1932. **(Additional sentence: 2/7/2012-6352/100 art.)** If the litigation expenses of the State are less than the amounts to be cancelled in Article 106 of the Law on the Procedure of Collection of Public Receivables No. 6183, dated 21/7/1953, it shall be decided that this expense shall be charged to the State Treasury.

(5) The expenses of the translator assigned for a suspect, defendant, victim or witness who does not speak Turkish or is disabled are not considered as trial expenses and these expenses are covered by the State Treasury.

Liability of the defendant

Article 325 – (1) In case of a sentence of imprisonment or security measures, all litigation expenses shall be borne by the defendant.

(2) **(Amended: 6/12/2006-5560/27 art.)** The provision of the first paragraph shall also apply in cases where the announcement of the verdict is postponed and the sentence is suspended.

(3) If expenses have been incurred due to the investigation or procedures carried out at different stages of the trial and the result has been in favour of the defendant, if it is understood that it would be against justice to charge these expenses to the defendant, the court decides that they be charged partially or completely to the State Treasury.

(4) If the defendant dies before the verdict becomes final, the heirs will not be held liable to pay the expenses.

Expenses in related cases

Article 326 – (1) If a person who has been prosecuted for more than one crime is convicted of some of them, he is not liable to pay the expenses required for the hearing of the crimes of which he was acquitted.

(2) Those who are convicted of a crime committed in a joint capacity are charged separately for the litigation expenses they have caused.

Expenses in case of acquittal or no penalty decision

Article 327 – (1) A person who is acquitted or found not guilty of a crime shall be sentenced to pay only the expenses arising from his/her own fault.

(2) Expenses that this person had to pay in advance are covered by the State Treasury.

In cases of mutual insults, it goes away

Article 328 – (1) In cases of mutual insult, a decision that no penalty is imposed on one or both parties does not prevent one or both of them from being sentenced to cover the expenses.

It goes in cases such as fabrication and slander.

Article 329 – (1) A person who is proven to have fabricated a crime and slandered is sentenced to pay the expenses incurred for this reason.

Expenses resulting from recourse to legal remedies

Article 330 – (1) The party who resorts to one of the legal remedies shall pay the expenses arising from the withdrawal of this application or the rejection of the application. If the party who resorts to the legal remedies is a public prosecutor, the expenses that the defendant has to pay shall be charged to the State Treasury.

(2) If the request of the person applying for legal remedy is partially accepted, the court shall distribute the expenses as it deems appropriate.

(3) The same provision applies to the expenses incurred in requesting the retrial of a hearing that resulted in a final judgment.

(4) The expenses arising from the request for reinstatement shall be charged to the person who puts forward this request, unless they arise from an unfounded opposition by the opponent.

PART TWO
Miscellaneous Provisions

Judicial holiday

Article 331 – (1) **(Amended: 8/8/2011-KHK-650/27 art.; Cancelled: By the Constitutional Court's decision dated 18/7/2012 and numbered E.: 2011/113 K.: 2012/108; Re-arranged: 27/6/2013-6494/25 art.)** The authorities and courts dealing with criminal matters shall suspend their work from the 20th of July to the 31st of August, starting from the 1st of September each year.

(2) The manner in which investigations and prosecutions related to detainees and other matters deemed urgent will be carried out during the recess period is determined by the High Council of Judges and Prosecutors.

(3) During the recess, the regional courts of justice and the Court of Cassation only examine the cases related to the detention sentences or the cases dealt with in accordance with the Code of Procedure for the Trial of Known Crimes.

(4) Periods that coincide with judicial recesses will not be processed. These periods will be deemed to have been extended for three days from the day the recess ends.

Request information

Article 332 – (1) It is mandatory to respond to the information requested in writing by the public prosecutor, judge or court during the investigation and prosecution of crimes within ten days. If it is impossible to provide the requested information within this period, the reason and the latest date on which a response can be given shall be notified within the same period.

(2) In the letter requesting information, it shall be stated that the provision of the above paragraph and that acting contrary to it may constitute a violation of Article 257 of the Turkish Penal Code. In this case, a direct investigation shall be conducted against the persons against whom a public lawsuit is filed, permission or decision is obtained, with the preservation of their legislative immunity.

regulation

Article 333 – (1) Unless otherwise provided, the regulations foreseen in this Law shall be issued by the Ministry of Justice after taking the opinion of the relevant ministries.

Special provisions for law enforcement officers

Additional Article 1- (Addition: 3/5/2016-6713/10 art.)

(1) Public prosecutors shall personally and primarily conduct investigations into allegations of murder, intentional injury, torture, exceeding the limits of authority to use force, establishing an organization for the purpose of committing a crime, and crimes committed within the scope of organizational activities against law enforcement officers. Cases filed against law enforcement officers for these crimes are considered urgent cases. Legal examination of such cases shall also be carried out as a priority.

Temporary Article 1 – (Added: 24/1/2013-6411/2 art.)

(1) The regulation stipulated in the fifth paragraph of Article 202 of this Law shall be issued by the Ministry of Justice within one month from the date of entry into force of the Law establishing this article. Until the lists of interpreters are established in accordance with this regulation, the translation services stipulated in the fourth paragraph of Article 202 of this Law shall be performed by the interpreter brought by the defendant himself.

Temporary Article 2 – (Added: 11/4/2013-6459/21 art.)

(1) The provision of the second paragraph of Article 311 of this Law shall not apply to those who are under review before the Committee of Ministers of the Council of Europe as of 15.6.2012, from the final decisions of the European Court of Human Rights, which have determined that a criminal sentence has been given for the violation of the Convention for the Protection of Human Rights and Fundamental Freedoms or its additional protocols. Those in such a case may request a retrial within three months from the date of entry into force of this article.

Temporary Article 3- (Added: 15/8/2017-KHK-694/149 art.; Accepted as is: 1/2/2018-7078/144 art.)

In cases opened against members of parliament until the date of entry into force of this article, no decision of lack of jurisdiction or lack of competence can be given in accordance with the provision of the ninth paragraph added to article 161 of this Law by the Decree Law establishing this article; these cases shall continue to be heard by these courts until they are concluded with a final judgment. In investigations opened against members of parliament until the date of entry into force of this article, no decision of lack of competence can be given in accordance with the provision of the ninth paragraph added to article 161 of this Law by the Decree Law establishing this article.

Temporary Article 4 – (Added: 20/2/2019-7165/10 art.)

(1) The regulation made in the second paragraph of Article 304 by the Law that established this article shall apply to the reversal decisions given by the Supreme Court after the date of entry into force of this article.

Temporary Article 5- (Added: 17/10/2019-7188/31 art.)

(1) By the Law establishing this article;

a) The regulation made in Article 102 shall be implemented three months after the date of publication of this article.

b) The centers that need to be established in accordance with the regulation made in the fourth and fifth paragraphs of Article 236 shall be put into operation by 1/9/2020 at the latest. The current practice shall continue until this date.

c) The provisions regarding the expedited trial procedure regulated in Article 250 and the simple trial procedure regulated in Articles 251 and 252 shall be applied as of 1/1/2020.

d) The rapid trial procedure and simple trial procedure shall not be applied in cases where the prosecution phase has started, a verdict has been reached or a final

judgment has been made as of 1/1/2020 .

e) As of the date of entry into force of this article, the provisions regarding the postponement of the filing of public lawsuits shall not apply to cases that have entered the prosecution phase.

f) The regulation made in the third paragraph of Article 286 shall also be applied to the final decisions given by the regional courts of justice regarding the same crimes, provided that a request is made within fifteen days from the date of publication of this article. In the event that this paragraph is applied, the issue of whether the detention of convicts whose sentences are being served will continue in accordance with Article 100 shall be evaluated by the first instance court that issued the decision.

g) The procedure introduced for the examination of objections made by the regional court of justice chief public prosecutor's office with the amendment made to article 308/A shall not be applied to objections that were appealed and rejected before the date of publication of this article.

h) Regulations regarding psychologists, pedagogues and social workers working in family courts and juvenile and juvenile high criminal courts shall be implemented six months after the date of publication of this article.

Temporary Article 6- (Added: 2/3/2024-7499/22 art.)

(1) The following provisions shall apply to the Law establishing this article and the regulations made in this Law:

a) The amendment made in the first paragraph of Article 41 regarding the institution of reinstatement shall be applied for the obstacles removed on and after 1/6/2024. The provisions prior to the amendment made by the Law establishing this article shall continue to be applied for the obstacles removed before this date.

b) The amendment made in the first paragraph of Article 173 regarding the period for objecting to a decision of non-prosecution shall apply to decisions made on or after 1/6/2024. The provisions prior to the amendment made by the Law establishing this article shall continue to apply to decisions made before this date.

c) The amendments made in articles 268, 273, 276, 277, 291, 294, 296, 297, 308, 308/A, 319 and 320 regarding the method and periods for applying to legal remedies, the commencement of these periods from the notification and the response periods shall be applied to decisions made on or after 1/6/2024. The provisions prior to the amendments made by the Law establishing this article and the provisions repealed shall continue to be applied to decisions made before this date.

d) The amendments made to articles 291, 296 and 297 regarding the appeal period and the start of this period from the notification of the decision and the response period shall also apply to decisions given on or after 1/6/2024, which are within the scope of the first paragraph of article 8 of the Law No. 5320 on the Entry into Force and Application of the Code of Criminal Procedure dated 23/3/2005.

e) The provisions of the second paragraph of Article 275, the second paragraph of Article 293 and Article 295, which were repealed by the Law establishing this article, shall continue to be applied in terms of decisions made before 1/6/2024.

(2) a) The amendments made to the eleventh and twelfth paragraphs of Article 231 regarding the legal remedy by the Law that established this article shall apply to the decisions to defer the announcement of the verdict given on or after 1/6/2024.

b) The appeal legal remedy shall continue to be applied to the decisions to postpone the announcement of the verdict given before 1/6/2024. These appeals shall be concluded in accordance with the provisions prior to the amendment made to the twelfth paragraph of Article 231 by the Law establishing this article.

c) In case the verdict is announced or re-established in accordance with the eleventh paragraph of Article 231 regarding the decisions to postpone the announcement of the verdict given before 1/6/2024, the provisions regarding the legal remedy prior to the amendment made to the eleventh paragraph of Article 231 by the Law establishing this article shall be applied.

d) The condition of acceptance by the defendant continues to be sought for decisions to postpone the announcement of the verdict given before 1/6/2024.

(3) The regulations made in article 141 by the Law that established this article shall be applied to decisions or judgments that become final after 1/6/2024.

(4) The amendments made to Article 142 by the Law establishing this article shall be applied to requests made on or after 1/6/2024. Requests made before this date shall continue to be examined by the judicial authorities in accordance with the provisions prior to the amendment made to Article 142 by the Law establishing this article until they become final. The regulations in this paragraph and the amendments made to Article 142 by the Law establishing this article shall be applied by analogy to requests made or to be made pursuant to the repealed Law No. 466 dated 7/5/1964 on the Payment of Compensation to Persons Illegally Caught or Detained.

Force

Article 334 – (1) This Law shall enter into force on 1 June 2005.

Executive

Article 335 – (1) The Council of Ministers shall execute the provisions of this Law.

PROVISIONS THAT CANNOT BE IMPLEMENTED IN LAW NO. 5271

(1) Temporary Article 1 of Law No. 5560:

TEMPORARY ARTICLE 1 – In cases where a decision has been made as of the date of entry into force of this Law but has not yet been finalised, a reversal decision cannot be made on the grounds that the scope of the reconciliation has expanded.

(2) Temporary Articles of Law No. 5728:

TEMPORARY ARTICLE 1- In cases where the favorable provisions of this Law can be immediately applied to the files in the relevant criminal chamber of the Court of Cassation on the date of entry into force of this Law **,** if there is no irregularity in procedure, the file will be examined on its merits, will be considered as urgent cases and the decision will be made by taking into account Article 7 of the Turkish Penal Code.

The favorable provisions of law regarding conviction decisions that became final and are being executed before the date of entry into force of this Law shall be determined by the court that rendered the verdict by taking into consideration Articles 98 to 101 of the Law No. 5275 on the Execution of Penalties and Security Measures dated 13/12/2004 and by examining the file. However, if the subject of the verdict requires any examination, research, discussion of evidence and the exercise of discretionary power, the examination may be conducted by holding a hearing.

In cases that have resulted in a final judgment before the date of entry into force of this Law, the provisions of the statute of limitations shall not apply to the trial conducted for the purpose of determining and implementing the verdict in favor of the court.

In cases where a decision has been made although not final as of the date of entry into force of this Law, a reversal decision cannot be made on the grounds that the scope of the reconciliation has expanded.

TEMPORARY ARTICLE 2 - Regarding the case files that are in the prosecution phase on the date this Law comes into force:

a) If the court does not have jurisdiction, the file is sent to the competent court with a decision of lack of jurisdiction given as a result of the examination of the file.

b) Actions and decisions made during the previous investigation and prosecution phases maintain their legal validity.

TEMPORARY ARTICLE 3 - Due to acts that turn the sanction imposed in response to a crime into an administrative sanction in accordance with the provisions of this Law;

a) By the Chief Public Prosecutor's Office during the investigation phase,

b) By the court during the prosecution phase,

administrative sanction decision is given.

Among the acts falling within the scope of the first paragraph, the case file is sent to the court that rendered the decision in accordance with the procedure in which it was received, in order to be processed in accordance with this Law, by the Office of the Chief Public Prosecutor of the Court of Cassation, in cases where the case is at the Office of the Chief Public Prosecutor of the Court of Cassation, and by the relevant department in cases where the case is at the relevant department of the Court of Cassation.

(3) Temporary Article 1 of Law No. 5918:

TEMPORARY ARTICLE 1 – The provisions of the amendments made in Articles 3 and 250 of Law No. 5271 by this Law shall also be applied to investigations and prosecutions that are ongoing on the date of entry into force.

(4) Temporary Article 2 of Law No. 6008:

TEMPORARY ARTICLE 2 – If those for whom a decision to postpone the announcement of the verdict was made until the date of entry into force of this Law apply to the

court within fifteen days from the date of entry into force of this Law, the decision to postpone the announcement of the verdict shall be revoked by the court and a new verdict shall be given on the defendant who made the application, notwithstanding the provision in the seventh paragraph of Article 231 of the Code of Criminal Procedure.

(5) Temporary Article 1 of Law No. 6763 dated 24/11/2016:

TEMPORARY ARTICLE 1 - (1) The regulation regarding Article 253 of the Code of Criminal Procedure shall be issued within six months at the latest from the date of entry into force of this Law and the lists of conciliators shall be established within six months at the latest from the date of entry into force of the regulation. An announcement shall be made by the Ministry of Justice for the purpose of assigning conciliators in accordance with these lists. Until such an announcement is made, the assignment of conciliators determined in accordance with the procedure foreseen prior to the amendment made by this Law in Article 253 of the Code of Criminal Procedure shall continue and these conciliators shall complete their duties.

(6) Temporary Article 1 of Law No. 7035 dated 20/7/2017:

TEMPORARY ARTICLE 1 - (1) The amendments made by this Law in Article 291 of Law No. 5271 and Article 361 of Law No. 6100 regarding the appeal periods shall be applied to the decisions given on and after the date of entry into force of this Law.

(2) Until the Board of Judges and Prosecutors makes a division of labor between the regional courts of justice and the regional administrative court, the division of labor made by the boards of presidents of the regional courts of justice and the regional administrative court shall continue to be implemented.

LEGISLATION ADDING AND AMENDING LAW NO. 5271 OR CANCELLATION DECISIONS MADE BY THE CONSTITUTIONAL COURT TABLE SHOWING ENFORCEMENT DATES

Number of the Amending Law/Decree Law or the Annulment Constitutional Court Decision	Amended or Cancelled Articles of Law No. 5271	Date of Entry into Force
5328	334	31/3/2005
5353	35, 75, 76, 80, 81, 85, 90, 91, 94, 98, 100, 103, 105, 109, 119, 127, 135, 137, 140, 142, 143, 151, 153, 161, 164, 173, 174, 193, 206, 223, 247	1/6/2005
5560	6, 100, 102, 109, 146, 150, 171, 231, 253, 254, 309, 310, 325, Unworkable Provision	19/12/2006
5728	231, Unworkable Provisions	8/2/2008
5793	234, 239	6/8/2008
5918	3, 250, 253, Unworkable Provision	9/7/2009
6008	231, 250, Unworkable Provision	25/7/2010
6217	161, 173, 272	14/4/2011
Decree Law/650	331	1/1/2012
6352	38/A, 100, 101, 109, 250, 251, 252, 308, 324	5/7/2012
Decision of the Constitutional Court dated 17/5/2012, numbered E.: 2011/37, K.: 2012/69	234	21/7/2012
6411	202, Temporary Article 1	31/1/2013
6459	105, 108, 141, 144, 172, 270, Temporary Article 2	30/4/2013
Decision of the Constitutional Court dated 18/7/2012 and numbered E.: 2011/113 K.: 2012/108	331	After six months starting from 1/1/2013 (1/7/2013)
6494	331	7/7/2013
6526	91, 94, 100, 116, 128, 134, 135, 139, 140, 153, 161, 169	6/3/2014
6545	141, 143, 173, 188, 231, 238, 260, 268, 273, 279, 280, 286	28/6/2014
6572	116, 128, 135, 140, 153	12/12/2014
6638	91, 100	4/4/2015
6713	Additional Article 1	20/5/2016
6723	133	23/7/2016
Decree Law/674	128, 277, 278, 280, 297	09/1/2016
Decree Law/676	149, 151, 154, 178, 188	29/10/2016
6754	63, 64, 66, 67, 71, 72	24/11/2016
6758	128, 277, 278, 280, 297	24/11/2016
6763	19, 100, 112, 128, 135, 139, 140, 191, 202, 232, 247, 248, 253, 254, 307, Unworkable provision	2/12/2016
Decree Law/680	161, 172, 173, 247, 248	6/1/2017
7035	280, 281, 282, 283, 285, 286, 291, 304, Title of the Third Part of the Sixth Book, 308/A, Unworkable Provision (Temporary Article 1)	5/8/2017
Decree Law/694	64, 102, 139, 140, 142, 158, 161, 196, 216, Temporary Article 3	25/8/2017
Decree Law/696	104,129,140/A,188, 209, 280, 288, 299	24/12/2017
7070	149, 151, 154, 178, 188	8/3/2018
7072	161, 172, 173, 247, 248	8/3/2018
7078	64, 102, 139, 140, 142, 158, 161, 196, 216, Temporary Article 3	8/3/2018
7079	104, 129, 140/A, 209, 280, 288, 299	8/3/2018
Decree Law/700	3	On the date when the President took the oath of office as a result of the joint Turkish Grand National Assembly and Presidential elections held on 24/6/2018 (9/7/2018)
7145	119, 127, 134, 172, 311	31/7/2018
Decision of the Constitutional Court dated 27/12/2018 and numbered E.: 2018/71 K.: 2012/118	286	15/2/2019
7165	286, 304, 307, Temporary Article 4	28/2/2019
7188	102, 171, 174, 234, 236, 250, 251, 252, 253, 280, 282, 286, 308/A, Temporary Article 5	24/10/2019
Decision of the Constitutional Court dated 24/7/2019 and numbered E.:2018/73; K.:2019/65	151	29/11/2019
7196	one hundred	24/12/2019
7242	109, 112, 272	15/4/2020
Decision of the Constitutional Court dated 25/6/2020		

Decision of the Constitutional Court dated 25/6/2020 and numbered E.:2020/16; K.:2019/33	Temporary Article 5	19/8/2020
7262	123	31/12/2020
Decision of the Constitutional Court dated 14/1/2021 and numbered E.:2020/81; K.:2021/4	Temporary Article 5	16/3/2021
Decision of the Constitutional Court dated 31/3/2021 and numbered E.:2020/35; K.:2021/26	250	15/6/2021
7331	12, 94, 100, 101, 109, 137, 170, 250, 251	14/7/2021
	44, 176, 233	09/1/2021
	110, 110/A, 268	1/1/2022
7406	100, 234, 239, 253	27/5/2022
Decision of the Constitutional Court dated 21/4/2022 and numbered E.:2020/87; K.:2022/44	Temporary Article 5	Publication date
Decision of the Constitutional Court dated 8/9/2022 and numbered E.:2021/118; K.:2022/98	193	After six months starting from 4/10/2022 (4/4/2023)
7413	Article 227	1/1/2023
7418	286	18/10/2022
Decision of the Constitutional Court dated 26/1/2022 and numbered E.:2021/48; K.:2022/7	308/A	Nine months after its publication (14/1/2023)
7445	139, 193, 231, 308/A	5/4/2023
Decision of the Constitutional Court dated 26/7/2023 and numbered E: 2023/43, K: 2023/141	253	18/10/2023
Decision of the Constitutional Court dated 22/3/2023 and numbered E: 2022/145, K: 2023/59	247	Nine months after its publication (10.05.2023) (10/2/2024)
7499	231, 247, Temporary Article 6	12/3/2024
	41, 141, 142, 144, 173, 251, 252, 268, 272, 273, 275, 276, 277, 291, 293, 294, 295, 296, 297, 308, 308/A, 319, 320	1/6/2024

While the title of this article was “Transfer of the case”, it was changed as in the text with Article 21 of Law No. 6763 dated 24/11/2016.

With Article 1 of Law No. 5353 dated 25/5/2005; the phrase "based on a legally valid excuse" in this paragraph was removed from the text of the article and the phrase "not found" was changed to "not found".

With Article 37 of Law No. 7499 dated 2/3/2024, the phrase "seven days" in this paragraph has been changed to "two weeks".

Regarding the application of the compensation amounts in this article as of 1/1/2024, please see the 2024 Witness Fee Tariff published in the Official Gazette dated 28/12/2023 and numbered 32413.

With the article 140 of the Decree Law No. 694 dated 15/8/2017, the phrase "(ç), (d) and (e)" in this paragraph was changed to "(d), (e) and (f)", and later this provision was accepted as is with the article 135 of the Law No. 7078 dated 1/2/2018 and became law.

With Article 43 of Law No. 6754 dated 3/11/2016, the phrase “expert regional board or its location” was added after the phrase “experts” in this paragraph.

With Article 46 of Law No. 6754 dated 3/11/2016, the phrase “and the situation is reported to the regional expert committee” was added to this paragraph after the phrase “applicable”.

The title of this article was "Physical examination of other persons", but it was changed as in the text with the 3rd article of Law No. 5353 dated 25/5/2005.

With Article 6 of Law No. 6526 dated 21/2/2014, the phrase “indications that may suggest that the crime has been committed” in this paragraph was changed to “concrete evidence indicating suspicion of the crime”.

With Article 13 of Law No. 6638 dated 27/3/2015, a fourth paragraph was added after the third paragraph of this article and the other paragraphs were renumbered accordingly.

With Article 8 of Law No. 6526 dated 21/2/2014, the phrase “facts” in this paragraph was changed to “concrete evidence”.

With Article 13 of Law No. 7331 dated 8/7/2021, the phrase "based on concrete evidence" was added to this paragraph after the phrase "in respect of".

In this paragraph, subparagraphs (3) and (7) were added after subparagraphs (2) and (5) by Article 17 of Law No. 5560 dated 6/12/2006, and the other subparagraph numbers were renumbered accordingly.

With Article 58 of Law No. 7196 dated 6/12/2019, subparagraph (2) was added after subparagraph (1) and the other subparagraphs were renumbered accordingly.

With Article 9 of Law No. 7406 dated 12/5/2022, the phrase "Intentional wounding committed with a weapon (Article 86, paragraph 3, item e)" in this paragraph has been changed to "Intentional wounding (Article 86, paragraph 3, items b, e and f)".

With Article 22 of Law No. 6763 dated 24/11/2016, the phrase “or” in this paragraph was changed to “except for crimes or those committed intentionally against physical integrity”.

With Article 141 of the Decree Law No. 694 dated 15/8/2017, the phrase "five years for the crimes defined in the Fourth, Fifth, Sixth and Seventh Chapters of the Fourth Part of Book Two of the Turkish Penal Code No. 5237 and the crimes falling within the scope of the Anti-Terror Law No. 3713 dated 12/4/1991" was added after the phrase "three years" in this paragraph, and later this provision was accepted as is with Article 136 of the Law No. 7078 dated 1/2/2018 and became law.

With the article 93 of the Decree Law No. 696 dated 20/11/2017, the phrase "To the rejection decision" in this paragraph was changed to "To these decisions", and later this provision was accepted as is with the article 88 of the Law No. 7079 dated 1/2/2018 and became law.

With Article 16 of Law No. 6459 dated 11/4/2013, the phrase "by hearing the suspect or his/her defense counsel" was added after the phrase "by being present" in this paragraph.

With Article 14 of Law No. 5353 dated 25/5/2005, paragraph (4) was added after the third paragraph and the other paragraphs were renumbered accordingly.

With Article 15 of Law No. 7331 dated 8/7/2021, the phrase "in paragraph (e)" in this paragraph has been changed to "in paragraphs (e) and (j)".

With Article 98 of Law No. 6352 dated 2/7/2012, the phrase "without the requirement of time in the first paragraph" in this paragraph was removed from the text of the article.

With Article 16 of Law No. 7331, the phrase “provisions of this article” in this paragraph has been changed to “provisions of the first and second paragraphs of this article”.

With Article 9 of Law No. 6526 dated 21/2/2014, the phrase “reasonable” in this paragraph was changed to “strong based on concrete evidence”, and then with Article 40 of Law No. 6572 dated 2/12/2014, the phrase “strong based on concrete evidence” in this paragraph was changed to “reasonable”.

With Article 10 of Law No. 6526 dated 21/2/2014, the phrases “based on concrete evidence” and “concretely determined” were added after the phrase “obtained” and “may be seized” in this paragraph.

With Article 25 of Law No. 6763 dated 24/11/2016, the phrase “organ or tissue trade with (Article 91)” was added after the phrase “(Articles 79, 80)” in subparagraph (2) of paragraph (a) of this paragraph, subparagraph (13) was added after subparagraph (12) in the same paragraph, and the other subparagraphs were renumbered accordingly.

This paragraph was added to Article 129 with Article 94 of the Decree Law No. 696 dated 20/11/2017 and the other paragraphs were renumbered accordingly, and later this provision was accepted as is with Article 89 of the Law No. 7079 dated 1/2/2018 and became law.

With Article 32 of Law No. 6723 dated 1/7/2016, the phrase "or the powers of the management body together with the powers of the partnership shares or securities management" was added after the phrase "authorities" in this paragraph.

With Article 11 of Law No. 6526 dated 21/2/2014, the phrase “the existence of strong suspicions based on concrete evidence and” was added after the phrase “in the investigation” in the first paragraph of this article, and the phrase “upon request, this” in the fourth paragraph was changed to “taken in accordance with the third paragraph”.

With Article 16 of Law No. 7145 dated 25/7/2018, the phrase “upon the request of the public prosecutor” in the first paragraph of this article was changed to “by the judge or, in cases where delay is permissible, by the public prosecutor”, the phrase “by the judge” in the paragraph was removed from the text of the article, and the phrase “or the process will take a long time” was added to the second paragraph after the phrase “inability to access information”.

With Article 12 of Law No. 6526 dated 21/2/2014, a second paragraph was added to this article after the first paragraph and the paragraph numbers were arranged accordingly; the phrases “three months”, “once” and “the judge several times for a period not exceeding one month” in the fourth paragraph were changed to “two months”, “one month” and “the court, in addition to the above periods, for a period not exceeding one month each time and not exceeding three months in total” respectively.

With Article 26 of Law No. 6763 dated 24/11/2016, the phrase “high criminal court” in the first paragraph of this article was changed to “judge”, the phrase “court” to “judge’s”, the phrase “court” to “judge”, and the phrase “court” in the fourth paragraph of the same article was changed to “judge”.

With Article 12 of Law No. 6526 dated 21/2/2014, the phrases “three months” and “once” in the fifth paragraph of this article were changed to “two months” and “one month” respectively; the subparagraph “6. Qualified theft (Article 142) and plunder (Articles 148, 149)” was added after subparagraph (5) of paragraph (a) of the existing sixth paragraph, the other subparagraphs were renumbered accordingly and the phrase “paragraph 3” in subparagraph (10) of paragraph (a) of the seventh paragraph was removed from the text of the article.

With Article 42 of Law No. 6572 dated 2/12/2014, paragraph (6) was added to this article after the fifth paragraph and the other paragraphs were renumbered accordingly, subparagraph (14) of paragraph (a) of the existing seventh paragraph was changed as it was in the text, subparagraph (15) was added after this subparagraph and the other subparagraphs were renumbered accordingly.

With Article 26 of Law No. 6763 dated 24/11/2016, the phrase “or in cases where delay is permissible, the public prosecutor” was added after the phrase “judge” in the sixth paragraph of Article 135; the phrase “organ or tissue trafficking (Article 91)” was added after the phrase “(Articles 79, 80)” in subparagraph (1) of paragraph (a) of the eighth paragraph; the phrase “qualified fraud (Article 158)” was added after the phrase “(Articles 148, 149)” in subparagraph (6) of the same paragraph; paragraph (12) was added after subparagraph (11) in the same paragraph and the other subparagraphs were renumbered accordingly.

With Article 42 of Law No. 6572 dated 2/12/2014, the phrase “detectable” in this paragraph was removed from the text of the article.

With Article 17 of Law No. 5353 dated 25/5/2005, the phrase "Suspect" in this paragraph has been changed to "Suspect or accused".

With Article 17 of Law No. 5353 dated 25/5/2005, the phrases "in use" and "used" in this paragraph were removed from the text of the article.

Article 17 of Law No. 5353 dated 25/5/2005 added paragraph (c) after paragraph (b) and the other paragraphs were renumbered accordingly.

With Article 18 of Law No. 5353 dated 25/5/2005, the phrase "as of the end of the investigation phase" was added after the phrase "in case" in this paragraph.

With Article 18 of Law No. 7331 dated 8/7/2021, the phrase “or prosecution” was added to this paragraph after the phrase “investigation” and the phrase “Chief Public Prosecutor’s Office” in the paragraph was changed to “Chief Public Prosecutor’s Office or Court”.

With Article 27 of Law No. 6763 dated 24/11/2016, the phrase “unanimously by the high criminal court” in the first paragraph of this article was changed to “by the judge”, and the phrase “Drugs” in subparagraph (1) of paragraph (a) of the seventh paragraph of the same article was changed to “Drugs, regardless of whether they are committed within the scope of the activities of the organization”.

With Article 14 of Law No. 6526 dated 21/2/2014, the phrase “based on concrete evidence” was added after the phrase “in respect of” in this paragraph; the subparagraph “3. Qualified theft (Article 142) and plunder (Articles 148, 149)” was added after subparagraph (2) of paragraph (a) of the same paragraph, the other subparagraphs were renumbered accordingly, the current subparagraph (5) was repealed, and the phrase “paragraph 3” in the current subparagraph (6) was removed from the text of the article.

With Article 28 of Law No. 6763 dated 24/11/2016, the phrase “organ or tissue trafficking (Article 91)” was added after the phrase “(Articles 79, 80)” in subparagraph (1) of this paragraph, the phrase “qualified fraud (Article 158)” was added after the phrase “(Articles 148, 149)” in subparagraph (3), subparagraph (9) was added after subparagraph (8) in the same paragraph, and the other subparagraphs were renumbered accordingly.

With Article 19 of Law No. 5353 dated 25/5/2005, subparagraph (6) was added to this paragraph after subparagraph (5), and the other subparagraphs were renumbered accordingly.

With Article 43 of Law No. 6572 dated 2/12/2014, the subparagraph was added after subparagraph (11) and the other subparagraphs were renumbered accordingly.

With Article 28 of Law No. 6763 dated 24/11/2016, the term "court" in this paragraph was changed to "judge".

With Article 12 of Law No. 7499 dated 2/3/2024, the phrase "Arrest" in subparagraph (k) of the first paragraph of this article has been changed to "Arrest, judicial control", and the phrase "in subparagraphs (e) and (f)" in the second paragraph has been changed to "in subparagraphs (e), (f) and (l)".

With Article 13 of Law No. 7499 dated 2/3/2024, the phrase "fifteen days" in this paragraph has been changed to "two weeks".

With Article 14 of Law No. 7499 dated 2/3/2024, the phrase “caught” in the first paragraph was changed to “caught, taken under judicial control” and the phrase “taken into custody” in subparagraph (e) of the paragraph was changed to “taken into custody, taken under judicial control”.

While the title of this article was “Bringing the suspect or the accused to justice by force”, it was changed as in the text with Article 20 of Law No. 5560 dated 6/12/2006.

The title of this article was "The action to be taken when the defense counsel fails to fulfill his duty" but was changed as in the text with Article 22 of Law No. 5353 dated 25/5/2005.

With Article 2 of the Decree Law No. 676 dated 3/10/2016, the phrase “detainee and” in this paragraph was changed to “suspect, defendant or”, and the phrase “defense or representation of the detainee or convict in case of prosecution” was changed to “defense or representation duty in case of investigation or prosecution”

defense or representation of the detainee or convict in case of prosecution" was changed to "defense or representation duty in case of investigation or prosecution".

The phrase "investigation or" in this paragraph was annulled by the Constitutional Court's decision dated 24/7/2019 and numbered E.:2018/73; K.:2019/65.

With Article 2 of the Decree Law No. 676 dated 3/10/2016, the phrase "prosecution against the defense counsel or attorney" in this paragraph was changed to "judge or", the phrase "at the end of the prosecution" was changed to "decision not to prosecute at the end of the investigation or at the end of the prosecution", the phrase "investigation against the attorney or" was added after the phrase "decision to ban from defense counsel duty" and the phrase "investigation or" was added after the phrase "However", and later this provision was accepted as is with Article 2 of the Law No. 7070 dated 1/2/2018 and became law.

The phrase "investigation into the lawyer or" and the phrase "investigation or" in this paragraph were annulled by the Constitutional Court's decision dated 24/7/2019 and numbered E.:2018/73; K.:2019/65.

With Article 2 of the Decree Law No. 676 dated 3/10/2016, the term "detainee" in this paragraph was changed to "suspect, defendant", and later this provision was