Print

Code on Criminal Procedure

(selected articles)

Law no No. 5271, date of adoption: 4.12.2004

(...)

Definitions

Article 2. –

(1) In the application of this Code:

a) Suspect means a person, who is suspected of a crime during the investigation phase,

b) Accused means a person who is suspected of a crime during the period between the launching of the prosecution until the judgment is finalized,

c) Defense Lawyer means the lawyer defending the suspect or the accused during the criminal procedure,

d) Legal Counsel means the lawyer representing the intervening party, the victim or the party liable for pecuniary compensation during the criminal procedure,

e) Investigation refers to the period starting from the time when a suspected crime comes to the notice of the competent authorities until the indictment is accepted,

f) Prosecution refers to the period starting from the admissibility of the indictment until the judgment is finalized,

g) Statement-taking refers to the process whereby the suspect is heard by the law enforcement forces or the public prosecutor concerning the offence which is the subject of investigation,

h) Interrogation refers to the process whereby the suspect or the accused is heard by the judge or the court concerning the offence which is the subject of investigation or prosecution,

i) Party liable for pecuniary compensation means a person liable for material and pecuniary damage who will be affected by the results of the judgment and will have to comply with them after the court releases its judgment on the subject of trial and the judgment becomes final

j) Offence *in flagrente delicto* means

1) an offence which is being committed at the moment,

2) an offence which has just been committed by a person who is pursued and apprehended immediately afterwards by law enforcement officials, by the victim or by other persons,

3) an offence committed by a person who is apprehended in the possession of objects or on the basis of evidences of the offence indicating that it was committed a short time ago,

k) Collective offence means an offence committed by three or more persons with or without intent to act in concert,

l) Disciplinary detention means deprivation of liberty which is imposed on certain acts with the aim of protecting order in certain institutions; this sanction may not be commuted to optional sanctions, is not subject to settlement procedures, may not be taken as the basis for assessment of recidivism, is not subject to the provisions governing conditional release, may not be postponed and may not be included in criminal records.

(...)

Summoning witnesses

Article 43. –

(1) Witnesses shall be invited to appear in court by summons. The summons shall contain a caution as to the consequences of failure to appear. In cases where the person is detained on remand, a subpoena may be issued for witnesses. The subpoena shall state the reasons for recourse to a subpoena and such witnesses shall be subject to the measures applicable to persons who appear upon being summoned.

(2) The summons may also be made by means of telephone, telegram, fax and e-mail. However, the consequences of summons shall not apply in this case.

(3) During the hearing the court may give written orders to officials to subpoena witnesses on the date and at the time designated by the court, if it considers that a witness should be heard immediately.

(4) The President of the Republic may, upon his discretion, decide to refrain from testifying as a witness. If he wishes to testify as a witness, then his testimony shall be taken in his residence or it may be sent as a written statement.

(5) The provisions of this Article can only be applied in cases where the person is to be heard as a witness before the Public Prosecutor, the judge or the court.

(...)

Hearing of witnesses

Article 52. –

(1) Every witness shall be heard separately and no witness shall be heard in the presence of the next one.

(2) Until the prosecution phase witnesses may be confronted with each other and with the suspect only in cases where delay would be detrimental or for purposes of identification.

(3) During the hearing of witnesses audio visual recording can be done. However, such recordings shall be obligatory for the testimony of;

a) victimized children,

b) persons who can not be brought before the court but whose testimony is necessary for the revealing of the truth.

(4) The audio visual recordings obtained through the application of the provisions of paragraph 3 shall only be used in criminal proceedings.

(...)

Preliminary questions to be asked of a witness and witness protection

Article 58. –

(1) The witness shall first be asked his first name, family name, age, occupation and domicile, his work address or temporary home address and, if any, his telephone numbers. If deemed necessary, questions that would enlighten the judge as to the reliability of his testimony shall be asked, especially about his relationships with the suspect or the accused or the victim.

(2) If it is likely that the revealing of witnesses' identities would constitute a big danger for them or their relatives; then necessary measures shall be taken in order to keep their identities confidential. The witness whose identity is kept confidential has the obligation of revealing the reasons and occasion as to how he got hold of the information relating to the incidents for which he is testifying as a witness. However, in order to keep the identity confidential, the personal information concerning the witness has to be kept by the public prosecutor, judge and the court.

(3) If the hearing of the witness in the presence of the ones present during the hearing is going to create a big danger for the witness and if this danger can not be eliminated in any other way or if it shall endanger the revealing of the truth; the judge may hear the witness without the presence of those who are entitled to be present during the hearing. There will be audio visual transmission when the witness is being heard. The right to ask questions shall be reserved.

(4) The measures to be taken after the witness is heard so as to maintain the confidentiality of his identity and to ensure his security will be regulated in the relevant law.

(5) The provisions of the second, third and fourth paragraph can only be applied in relation to crimes committed in the frame of the activities of an organization.

(...)

Provisions applicable to experts

Article 62. - (1) Those provisions relating to witnesses who are not contrary to the following articles shall apply to experts as well.

(...)

Appointment of experts

Article 63. –

(1) Where expertise or, special or technical knowledge is required for the solution of a case, the court may decide - on its own initiative - to obtain the vote and opinion of an expert upon the request of the public prosecutor, the intervener, the counsel, the accused or suspect, the defendant or the legal representative. However, if the issue can be solved by applying the general and legal knowledge required by the judge's profession, no expert shall be heard.

(2) The judge or court shall appoint an expert and if the number of experts requested is more than one, shall give reasoned decision to that effect. If a request to appoint more than one expert is denied, the decision shall be given in the same way.

(3) The public prosecutor may also exercise the powers provided for in this article during the investigation phase.

Persons eligible as experts

Article 64. –

(1) Experts shall be chosen from the list of individuals or corporations drawn up each year by the judicial commissions at the ordinary courts. Public prosecutors and judges may choose experts not only from the lists of experts drawn up for their city, but also from the

lists drawn up in other cities. The Ministry of Justice shall issue a regulation laying down the principles and procedures governing the drawing up of lists of experts and the removal of experts from the lists.

(2) An expert whose name is not listed may be appointed if the reason for this appointment is explained in the decision.

(3) Where official experts are designated by law for certain areas of expertise, such experts shall have priority as regards appointment. But public officials can not be appointed as experts to cases involving their institution.

(4) In cases where a corporation is appointed as an expert, this corporation shall submit the names of the individual or individuals who are to conduct the examination on its behalf to the judicial authority for its approval.

(5) Experts included on the lists shall take an oath, repeating the following words before the judicial commission at the ordinary courts: "I swear upon my honor and conscience that I shall perform my duty in a spirit of commitment to justice, in accordance with science and technology and in an impartial manner". These experts shall not repeat the oath for every case to which they are assigned in the future.

(6) Experts who are not included on the lists shall take the oath as described in the above paragraph before the authority that has appointed them. The record attesting that the oath has been taken shall be signed by the judge or public prosecutor, the court clerk and the expert.

(7) In cases where there are obstacles, the oath may be taken in written form and the text of the oath shall be added to the file. The reasons for this circumstance shall be stated in the decision.

(...)

Physical examination of the suspect or accused

Article 75. –

(1) In order to obtain evidence in relation to an offence, at the request of the public prosecutor or the victim or with the initiative of the judge or the trial court, a decision may be taken for a physical examination of the suspect or accused or the taking of samples from his body such as blood or sperms. Such intervention can only be performed by a doctor or by another person who is a health worker under the supervision of a doctor. The public prosecutor may also decide for the taking of samples such as hair, saliva and nails from the body of the suspect or the accused. In such case, the decision of the public prosecutor shall be submitted – within twenty four hours- to the judge or the court for approval. The judge or the court shall decide on this matter within twenty four hours. In case an approval is not granted, such decision shall remain null and void and the evidence obtained as such shall not be used.

(2) In order for a medical examination to be performed or for samples to be taken from the body, there should be no risk of endangering the health of the person.

(3) A physical examination of the person or the taking of samples such as blood, hair, saliva, nail or sperm is not possible in the case of crimes whose upper limit of imprisonment is less than two years.

(4) Objections may be lodged against decisions taken by the judge or court under this article.

Physical examination of third parties

Article 76. –

(1) In order to obtain evidence in relation to an offence, at the request of the public prosecutor or with the initiative of the judge or the trial court, a decision may be taken for a physical examination of the victim or the taking of samples from his body such as such as blood, hair, saliva, nail or sperm, without endangering the health of the person.

(2) Where it is necessary to investigate the kinship of a child, a decision should be taken according to the provisions of paragraph one for such investigation to be performed.

(3) The grounds for refraining from testimony as a witness shall apply to refusal of physical examination and of body samples being taken. If the person is a child or mentally ill, the decision to decline physical examination shall be made by his legal representative. If the child or the mentally ill is able to perceive the legal meaning and consequences of acting as a witness, then his/her opinion shall also be consulted. If the legal representative is the suspect or accused, the judge shall make the decision. However, the evidence of the offence obtained upon this decision shall not be used in the further stages of the proceedings unless a legal representative who is not under criminal charges as a suspect or accused gives his consent.

(4) Objections may be lodged against decisions taken by the judge or court under this article.

Physical examination of women

Article 77. –

(1) Where possible and requested by the woman, the physical examination shall be conducted by a female doctor.

(...)

Regulation

Article 82.-

(1) The procedures governing the measures provided for in Articles 75 and 81 shall be laid down in a regulation.

(...)

Persons entitled to be present during a judicial inspection, a witness hearing and the hearing of an expert's opinion

Article 84. –

(1) The suspect, the accused, the victim of the offence, their defense counsels or representatives may be present during judicial inspections.

(2) If it emerges that a witness or expert will not be able to attend the hearing or that it would be difficult for him to attend because he lives far away, the provisions of the first paragraph shall apply during the hearing of this witness or expert.

(3) If the presence of the victim, suspect or accused is likely to prevent one of the witnesses from testifying truthfully, it may be decided that the suspect or accused shall not be present during this procedure.

(4) Persons who have the right to be present during these procedures shall be informed in advance of the date of the procedure provided that this does not cause the procedure to be postponed.

(5) If the suspect or the accused is in detention, it may be decided for them to be present during the judicial inspection, if the judge or court deems it necessary.

On-site investigation

Article 85.- (1) The provisions of Articles 83 and 84 shall be applied for on-site investigation.

Apprehension and steps to be taken in respect of apprehended persons

Article 90. –

(1) In the circumstances listed below, anyone may temporarily apprehend a person:

a) If this person is seen committing an offence,

b) If the person is being pursued after committing an offence and if there is a possibility that he may escape or it is not possible to establish his identity.

(2) In cases where an arrest warrant or apprehension order is required, and where delay would be detrimental and there is no immediate possibility of applying to the public prosecutor or to their superiors, law enforcement officials shall be entitled to apprehend a person.

(3) In the case of crimes detected in the act that are committed against children or against persons who are not capable of controlling their lives because of a physical or mental illness or disability or limited physical strength, although these crimes may only be investigated and prosecuted pursuant to a complaint by the victim, apprehension of the offender shall not be subject to a complaint.

(4) The law enforcement officials shall immediately inform the apprehended person of his/her rights.

(5) Persons apprehended according to paragraph one above and handed over to law enforcement officials or persons apprehended by law enforcement officials in accordance with paragraph two above shall immediately be sent to the public prosecutor’s office together with the investigation document drawn up by the law enforcement officials.

(6) In cases where the matter which is the subject of the apprehension order is performed and the reason for the issuance of the apprehension order no longer exists, the court, judge or the public prosecutor shall immediately ask for the withdrawal of the apprehension order.

(...)

Custody

Article 91.

(1) If a person apprehended under the above article is not released by the public prosecutor, it may be decided to take him into custody in order to complete the investigation. However, the custody period shall not exceed twenty four hours starting from the time of apprehension.

(2) A person shall be taken into custody only if this measure is necessary in respect to the investigation and if there is circumstantial evidence suggesting that he has committed an offence.

(3) In the case of collective offences, where there are difficulties in collecting evidence or where there are a large number of suspects, the public prosecutor may give a written order extending the custody period for a period of three days provided that each time the extension ordered does not exceed one day. The extension order shall immediately be notified to the person taken into custody.

(4) The apprehended person or his lawyer or legal representative or his spouse or a blood relative of the first or second degree may apply to the district judge dealing with criminal matters against the apprehension measure or against the written order by the public prosecutor to take the person into custody or to extend the custody period, in order to obtain immediate release from custody. The judge shall immediately examine the file and shall decide on the request within 24 hours. If he considers that the apprehension or taking into custody or extension of the custody period is appropriate, the request shall be dismissed or it shall be decided that the person apprehended is to be brought before the public prosecutor immediately together with the investigation documents.

(5) After the apprehended person has been released on expiry of the custody period or by decision of the district judge dealing with

criminal matters, the same person shall not be apprehended again for the same offence, unless new and sufficient evidence relating to the act for which he was apprehended is obtained and the public prosecutor gives an order for his apprehension.

(6) If the person taken into custody is not released, he shall be brought before the district judge dealing with criminal matters and questioned on expiry of the custody period, at the latest. His lawyer shall also be present during the questioning.

(...)

Informing interested parties of the apprehension of the suspect

Article 96. – (1) In cases where the suspect had been apprehended according to Article 90, paragraph (3), for offences that may be investigated and prosecuted only upon a complaint, the person who has the right to lodge a complaint or if there are more than one at least one of them shall be informed of the apprehension.

(...)

Regulation

Article 99. – (1) The material conditions in the detention facilities where persons taken into custody are to be accommodated; the officials responsible for securing and guarding the person; the health examination of the person; the records and registers to be kept concerning custody procedures; which records are to be drawn up at the beginning and end of custody and which documents are to be given to the person taken into custody; and the rules to be complied with by law enforcement officials in carrying out apprehension procedures shall be laid down in a regulation.

(...)

Judicial supervision

Article 109.–

(1) In the presence of the arrest reasons specified in Article 100 and where an investigation is being conducted on account of an offence necessitating imprisonment whose upper limit is three years or less, a decision may be taken to place the suspect under judicial supervision instead of arresting him.

(2) The provisions on judicial control may also be applied to cases for which the law prohibits arrest.

(3) Judicial supervision shall impose one or more of the following obligations on the suspect:

a. Not going abroad,

b. Applying regularly, within the time-limits indicated, to the places specified by the judge,

c. Obeying the summons of the authorities or persons specified by the judge and where necessary complying with supervisory measures regarding the person's occupational activities or pursuit of his education,

d. Not being able to drive any or certain vehicles and where necessary leaving his driving license with the registry in return for a receipt,

e. Undergoing and accepting medical care or treatment or examination, including hospitalization for detoxification purposes, particularly from drugs, uppers or volatile substances or from alcohol addiction,

f. Depositing an amount of money as a security, as determined by the judge at the request of the public prosecutor after taking into account the financial circumstances of the suspect and deciding if it is to be paid in more than one installment,

g. Not possessing or carrying weapons and where necessary leaving the weapons owned with the judicial depositary in return for a receipt,

h. Providing real and personal security for the money to secure the rights of the injured party of which the judge, at the request of the public prosecutor, shall specify the amount and the time-limit for payment,

i. Providing assurance that he will pay alimony regularly, pursuant to the court decisions, and that he will fulfill his obligations towards his family.

(4) In the application of sub-section (d) the judge or the prosecutor may permanently or temporarily allow the suspect to drive vehicles as part of his occupational activities.

(5) The time spent under judicial supervision cannot be deducted from the punishment by being considered as a reason for restricting personal liberty. This provision shall not apply to cases listed under sub-section (e) of this article.

(...)

Searches at night

Article 118. –

(1) Private dwellings or workplaces or other property closed to the public shall not be searched at night.

(2) The provisions of paragraph one shall not be applied in cases where a person is to be caught red-handed or where delay would be

detrimental or in the case of re-apprehension of a person who has escaped from custody or detention on remand or an escaped sentenced prisoner.

Search warrant

Article 119. –

(1) Law enforcement officials may conduct searches upon a judge's decision or upon the written order of the public prosecutor, in cases where delay would be detrimental.

(2) The search warrant or order shall clearly specify;

a. the act which constitutes the reason for the search,

b. the person who will be searched or the address of the dwelling or other premise, or the item to be searched,

c. the time-limit for validity of the warrant or order.

(3) The identities of those who have conducted the search shall be clearly indicated on the record of the search. The first paragraph of Article 127 shall apply if any items are seized at the end of search.

(4) If private dwellings, workplaces or properties that are not open to the public are to be searched without the public prosecutor being present, two members of the community council in that district or two neighbors shall be required to be present.

(5) Searches of military premises shall be conducted by the military authorities at the request and with the participation of the judge or the public prosecutor.

Persons who may be present at the search

Article 120. –

(1) The owner of the premises or the possessor of the items to be searched may be present at the search; if he is not present, his representative or a mature relative of his or a person living in his household or a neighbor shall be present.

(2) In the cases provided for in the first paragraph of Article 117 the possessor, or in his absence the person called on his behalf, shall be informed of the purpose of the search before it begins.

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

(...)

Examination by the Court of documents in the nature of State Secrets

Article 125. –

(1) Information concerning the facts of a crime can not be withheld from the court as State secrets.

(2) Information in the nature of State secrets can only be examined by the presiding judge or by the panel of judges. From the information stated in the documents, the president of the court or the judge shall have recorded in the minutes only the ones unraveling the offence in question.

(3) The provisions of this article shall apply to offences whose lower limit of imprisonment is five years or more.

(...)

Detection, monitoring and recording of communication

Article 135. –

(1) If during a crime investigation, there is strong suspicion that a crime has been committed and there are no other means of collecting evidence, with the decision of the judge or where a delay is detrimental with the decision of the public prosecutor, the communications of the suspect or the accused may be detected, monitored or recorded by means of telecommunications. In such case, the public prosecutor shall immediately submit his decision to the judge for approval and the judge shall decide on this matter within twenty four hours, at the latest. Upon expiry of this period or if the judge denies approval, such measure shall be lifted by the public prosecutor immediately.

(2) The suspect's communication with persons who are entitled to refrain from acting as a witness shall not be recorded. If such a situation is understood after the recording, the recorded material shall be destroyed immediately.

(3) In the decision to be taken in accordance with paragraph one, the type of the crime attributed, the identity of the person for whom such a measure is to be implemented, the type of communication means, telephone number or the code that allows for the detection of the communication line, the type of measure, its scope and duration shall be stated. Such a measure can be ruled for three months, at the most; however this period can be extended for once.

(4) In order to apprehend the suspect or the accused, the place of the mobile phone used by the suspect or the accused can be detected by a judge's decision and where a delay may be detrimental by the public prosecutor's decision. In the decision taken for this purpose, the number of the mobile phone and the duration of the detection process shall be indicated. Detention can be performed for a period of three months, at the most; however this period can be extended for once.

(5) The decision taken and the actions taken according to the provisions of this article shall be kept confidential during the period in which such measure is implemented.

(6) The provisions of this article shall only apply in the case of the below listed offences:

a) In the Turkish Penal Code;

1. Migrants smuggling and trafficking in human beings (Articles 79, 80),

2. Deliberate 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. Manufacturing and trafficking of drugs and stimulant (Article 188),

7. Counterfeiting of money (Article 197),

8. Establishing an organisation with the aim of committing crimes (excluding paragraphs two, seven and eight, Article 220),

9. Corruption in tenders (Article 235),

10. Bribery (Article 252),

11. Laundering the proceeds obtained through criminal activity (Article 282),

12. Armed organisation (Article 314) or provision of arms for such organisations (Article 315),

13. Espionage and crimes against state secrets (Article 328, 329, 330, 331, 333, 334, 335, 336, 337)

b) Arms smuggling as defined in the Law on Fire Arms and Knives and Other Tools (Article 12)

c) The crimes which necessitate imprisonment as a punishment in the Anti-Smuggling Law.

d) The crimes defined in Articles 68 and 74 of the Law on the Preservation of Cultural and Natural Heritage.

(7) Apart from the principles and procedures laid down in this Article, no one can monitor or record the communication of another person through telecommunications.

Office and domicile of the defense lawyer

Article 136. - Article 135 may not be applied to telecommunications devices in the office or dwelling or domicile of the lawyer defending a suspect or accused in connection with the offence committed by the suspect or accused.

(...)

Appointment of an undercover investigator

Article 139. –

(1) If there is strong suspicion that a crime has been committed and there are no other means of collecting evidence, with the decision of the judge or where a delay is detrimental with the decision of the public prosecutor, public officials may be appointed as undercover investigators.

(2) The identity of the investigator may be changed. Legal procedures can be carried out with the ID. If deemed necessary, necessary documents may be prepared, changed or used in order to develop an identity and then for its continuation.

(3) The decision and other documents relating to the appointment of an investigator shall be kept at the office of the chief public prosecutor. The identity of the investigator shall also be kept confidential after the termination of his duty.

(4) The investigator shall be responsible for undertaking any kind of investigation relating to the organisation he is entrusted with the task of following as well as collecting evidence relating to the crimes committed under the scope of the activities of the organisation.

(5) The investigator shall not commit crimes during the performance of his duty and shall not be held responsible for the crimes being committed by the organisation for which he has been appointed.

(6) The personal information obtained on account of the appointment of an investigator cannot be used for purposes outside the criminal investigation or prosecution to which he has been appointment.

(7) The provisions of this article shall only apply in the case of the below listed offences:

a) In the Turkish Penal Code;

1. Manufacturing and trafficking of drugs and stimulants (Article 188),

2. Establishing an organisation with the aim of committing crimes (excluding paragraphs two, seven

and eight, Article 220),

3. Armed organisation (Article 314) or provision of arms for such organisations (Article 315),

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

d) The crimes defined in Articles 68 and 74 of the Law on the Preservation of Cultural and Natural Heritage.

Monitoring with technical devices

Article 140. –

(1) If there is strong suspicion that the below listed crimes have been committed and there are no other means of collecting evidence, the activities and the workplace of the suspect or the accused may be monitored in public places, or it may be subject to audio-visual recording by means of technical devices:

a) In the Turkish Penal Code;

1. Migrants smuggling and trafficking in human beings (Articles 79, 80),

2. Deliberate killing (Articles 81, 82, 83),

3. Manufacturing and trafficking of drugs and stimulants (Article 188),

4. Counterfeiting of money (Article 197),

5. Establishing an organisation with the aim of committing crimes (excluding paragraphs two, seven and eight, Article 220),

6. Corruption in tenders (Article 235),

7. Bribery (Article 252),

8. Laundering the proceeds obtained through criminal activity (Article 282),

9. 12. Armed organisation (Article 314) or provision of arms for such organisations (Article 315),

10. Espionage and crimes against state secrets (Article 328, 329, 330, 331, 333, 334, 335, 336, 337)

b) Arms smuggling as defined in the Law on Fire Arms and Knives and Other Tools (Article 12)

c) The crimes which necessitate imprisonment as a punishment in the Anti-Smuggling Law.

d) The crimes defined in Articles 68 and 74 of the Law on the Preservation of Cultural and Natural Heritage.

(2) A decision for monitoring by means of technical devices may be taken by the judge or where a delay is detrimental by the public prosecutor. The decisions taken by the public prosecutor shall be submitted to the judge for approval within twenty four hours.

(3) A decision for monitoring by means of technical devices can be taken for a maximum of four weeks; however this period can be extended for once.

(4) The evidence obtained cannot be used for purposes unrelated to the investigation or the prosecution of the crime in question; if in terms of prosecution it is no longer needed, then such evidence shall immediately be destroyed under the supervision of the public prosecutor.

(5) The provisions of this article cannot be implemented in the dwelling of the person.

Claim for compensation

Article 141. –

(1) Persons who suffer damage during the investigation or prosecution of offences may request from the State compensation for material and non-material damages incurred, if:

a) they were unlawfully apprehended or arrested or their period of detention on remand was unlawfully extended,

b) they were not brought before a judge within the statutory custody period,

c) they were arrested without being informed of their statutory rights or after they were informed of their rights their request to exercise those rights was not met,

d) notwithstanding that they were lawfully arrested, they were not brought before the trial court within a reasonable time and did not receive a judgment within a reasonable time,

e) after they were lawfully apprehended or arrested it was decided not to prosecute them or they were acquitted,

f) they were convicted but the period spent in custody and in detention on remand was longer than the sentence received, or they were necessarily only fined because the law provides only for a fine for the offence committed,

g) they were not informed of the grounds for their apprehension or arrest and of the charges against them either in

writing or, if this was not immediately possible, orally,

h) their relatives were not informed of their apprehension or arrest,

i) the search warrant was implemented in a disproportionate manner,

j) their belongings or other property were confiscated in the absence of the required conditions, or the necessary measures were not taken for their protection, or their belongings and other property were used for reasons outside the purpose or if they were not returned on time.

(2) The authorities that give the decisions mentioned in sub-paragraphs (e) and (f) of paragraph one shall notify the interested party that he has the right to file a claim for compensation and this notification shall be included in the decision.

Requirements governing a request for compensation

Article 142. –

(1) Compensation may be requested within three months of notification of the final decision or at all events within one year of the final decision.

(2) The claim shall be decided by the assize court of the place where the injured party resides; in cases where the assize court is connected with the measure for which compensation is requested and where there is no other assize court in the district, the nearest assize court shall decide.

(3) The person who requests compensation shall indicate his full identity and address, the measure that caused the damage incurred and the nature and amount of the damage suffered, and shall attach documents relating to these submissions.

(4) If the court deems that the petition lacks information or documentation, it shall notify the applicant that he must remedy the deficiencies within one month or his claim will be dismissed. Where the deficiencies are not remedied within this time-limit, the court shall reject the petition; however an objection may be lodged against the decision.

(5) The court shall examine the file and after ruling that the petition and appended documents are admissible, shall send a copy of the petition and appended documents to the representative of the State Treasury, notifying this authority to submit its views and objections if any, in writing, within fifteen days.

(6) The court or a delegated member shall be entitled to conduct any investigations it or he considers necessary in assessing the request and supporting documents and in determining the value of the compensation to be paid in accordance with the general principles of the law on Compensation.

(7) The court shall decide after hearing the party who filed the request, the public prosecutor and the representative of the Treasury.

(8) The party who filed the request, the public prosecutor or the representative of the Treasury, may appeal against this decision; this appeal shall take priority and shall be speedily examined.

(...)

CHAPTER TWO

Procedure for interview and questioning

Prohibited methods of statement taking and questioning

Article 148. –

(1) The statements given by the suspect or accused should derive from his own free will. Any physical or psychological intervention that would hamper free will - such as ill-treatment, torture, the administration of medicines or drugs, and the infliction of fatigue, deception, the use of compulsion or threat, and the use of certain equipment shall be prohibited.

(2) No unlawful advantage may be promised.

(3) Statements obtained through the prohibited methods mentioned in the above paragraphs shall not be used as evidence notwithstanding that they were given with the person's consent.

(4) The statements taken by the law enforcement forces in the absence of the lawyer shall not be taken as basis for the verdict unless confirmed before the judge or the court by the suspect or the accused.

(5) When there is such a need to do so, it is only the Public Prosecutor who shall be empowered to take statements of the suspect for a second time concerning the same case.

(...)

Examination of the case-file by the defense lawyer

Article 153. –

(1) The defense lawyer may examine the full content of the file during the investigation phase and may take a copy of the documents of his choice free of charge.

(2) At the request of the public prosecutor, the defense lawyer's power to do so may be restricted by decision of the district judge

dealing with criminal matters, if his examining the contents of the file or taking copies is likely to jeopardize the aim of the ongoing investigation.

(3) The provision in the second paragraph shall not be applicable to the records of statements given by the apprehended person or suspect as well as to the written expert opinions and the records of other judicial proceedings at which the afore-mentioned persons are entitled to be present.

(4) From the date on which the office of the public prosecutor submits the indictment to the court, the defense lawyer for the suspect or accused may examine the contents of the file, the evidence, traces, indications or circumstantial evidence of the offence and other items which have been placed in safe custody, and may take copies of any records and documents free of charge.

(5) The lawyer of the victim shall likewise enjoy all the rights provided for by this article.

(...)

Confidentiality of the Investigation

Article 157 –

(1) Provided that the cases on which the Law has imposed special provisions are reserved, and that the right to defense is not offended, the procedural actions in the investigation phase shall be confidential.

The Obligation of the Public Prosecutor with the Knowledge of an Offence Committed

(...)

Article 160. –

(1) To clarify whether or not a public law suit should be filed, the Public Prosecutor takes immediate action with the aim of confirming the impression or information he has gotten through denunciation or in any other ways about the commission of an offence.

(2) In order to investigate the material facts and ensure a fair trial, through the assignment of law enforcement agency under his command, the Public Prosecutor shall be obliged to collect and place in safe custody the evidence for and against the suspect and protect his rights.

Duties and Powers of the Public Prosecutor

Article 161. –

(1) The Public Prosecutor - either directly himself or through the judicial police under his command - may conduct any inquiry; and may request any information from any public servant in order to reach the end stated in the paragraph above. Where a need emerges to carry out an action out of the jurisdiction of the Court at which he performs his judicial tasks, the Public Prosecutor shall request the Public Prosecutor of that other jurisdiction to carry out the action.

(2) Judicial police shall be obliged to notify its particular Public Prosecutor immediately about the incidents that it has taken over, the persons apprehended and the measures applied; and it is obliged to comply with the judicial orders of the particular Public Prosecutor without any delay.

(3) Public Prosecutor shall give his orders to the law enforcement officials in writing; in urgent cases, the orders may be given verbally.

(4) Other public employees shall as well be obliged to provide the Public Prosecutor with the information and documents that he requested under the scope of the ongoing investigation.

(5) Public Prosecutor shall directly launch an investigation about public officials, who abuse or breach their duties or functions pertaining to their official status or those related with the judiciary requested from them within the context of law, and about law enforcement officials and their senior officers, who abuse or breach their duties concerning the verbal or written orders given by the Public Prosecutors. The provisions laid down by the Law No 4483 of 2.12.1999 on the Trial of Civil Servants and Other Public Employees shall apply to governors and district governors.

(6) Concerning offences committed by district governors, the Public Prosecutor of the province to which the office of the district governor is attached; and concerning those committed by governors, the Public Prosecutor of the closest province shall be in charge of conducting an investigation in line with the general provisions provided that the provisions laid down in this Law herein are applicable for apprehensions in *flagrante delicto* which call for heavy punishment. In such cases, the court that is established in the territory where the investigation had taken place shall be empowered to carry out the prosecution.

Public Prosecutor's request for a Decision from a Judge

Article 162. –

(1) If the Public Prosecutor deems it necessary to carry out an action which can only be performed by a judge, he notifies the requirement to the district judge dealing with criminal matters of the specific territory where this action shall be carried out. The district judge dealing with criminal matters shall decide whether the request is in compliance with the law and take necessary action.

(...)

The judicial police and its duties

Article 164.-

(1) The term judicial police implies the security personnel who fulfils the investigation procedures outlined in Articles 8, 9 and 12 of Law No.3201 dated 4.6.1937 on the Security Forces, Article 7 of Law No.2803 dated 10.3.1983 on the Organization, Duties and Powers of the Gendarmerie, Article 8 of the Decree having the force of law No.485 dated 2.7.1993 on the Organization and Duties of the Under secretariat of Customs and Article 3 of Law No.2692 dated 9.7.1982 on the Coast Guard Commandership.

(2) Investigation procedures shall be undertaken primarily by the judicial police upon the instructions of the Public Prosecutor. Members of the judicial police shall carry out the instructions given by the Public Prosecutors with respect to judicial duties.

(3) Concerning services that fall outside its judicial duties, the judicial police is under the instructions of its direct superiors.

Judicial police duties undertaken by other law enforcement units

Article 165.-

(1) Other law enforcement units shall be obliged to undertake the duties of the judicial police if need be or upon the request of the Public Prosecutor. In such case, the provisions of this Law shall be applicable to these security personnel in terms of their judicial duties.

(...)

Regulation

Article 167.-

(1) The qualifications of the members of the judicial police, their pre- and in-service training, their relations with other service units, the preparation of evaluation reports, the departments where they will work according to their areas of specialization and other issues shall be laid down in a regulation to be issued jointly by the ministries of Justice and Interior within six months after the date of entry into force of this Law.

(...)

Records of the actions carried out during the investigation phase

Article 169. –

(1) The Public Prosecutor or the district judge dealing with criminal matters shall be accompanied by a clerk during the statement taking or questioning of the suspect or when the witness and the expert are heard or during a judicial inspection and examination. In urgent cases, another person may be commissioned with the duty of a clerk provided that he takes an oath.

(2) Every action of the investigation shall be recorded in writing. The record shall be signed by the judicial police/law enforcement officer, Public Prosecutor and the district judge dealing with criminal matters.

(3) There shall be the name and signature of the lawyer in the records of the actions where he is present as a defense counsel or representative.

(4) The record shall contain information about the place and date of the action as well as the participants or any relevant persons.

(5) The parts of the record shall be read out to the relevant persons or read by themselves for confirmation. The fact that they have read or the text was read shall be noted down on the record which shall be signed by the relevant persons.

(6) If they refrain from signing, the grounds for this shall be recorded.

Duty to bring a public prosecution

Article 170.-

(1) The duty to bring a public prosecution rests with the public prosecutor.

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

(3) The indictment that addresses the court with jurisdiction *ration materie* and jurisdiction *ration loci* shall state the following;

a) the identity of the suspect,

b) the defense lawyer,

c) the killed person, the victim or the person, who suffered due to the offence,

d) the legal counsel or representative of the victim or the person, who suffered due to the offence,

e) the identity of the informant in cases where disclosure of his identity is not detrimental,

f) the identity of the person, who filed a complaint,

g) the date on which the complaint was made,

h) the attributed crime and the legal provisions to be implemented,

i) the place where the attributed crime was committed, its date and duration of the crime,

j) the evidence of the crime,

k) whether the suspect is detained on remand or not, the dates on which he was put into custody and became a prisoner on remand and its duration.

(4) The indictment shall state the incidents that form the attributed crime by explaining its link with the evidence available.

(5) The conclusion of the indictment shall not only state the issues against the suspect but also the ones in his favor.

(6) The conclusion of the indictment shall state the punishment foreseen for that particular offence in the law and the security measures requested; and the security measures to be implemented concerning the legal entity if such crime has been committed within the framework of the activities of a legal entity.

Right of discretion in bringing a public prosecution

Article 171.- (1) In the presence of conditions calling for the implementation of effective repentance provisions as a personal reason requiring the dismissal of the punishment or in the presence of personal impunity, the public prosecutor may not bring a public prosecution.

(...)

Return of the indictment

Article 174.-

(1) The trial court shall examine all the documents relating to the investigation phase within seven days of the delivery of the indictment and investigation file, and in cases where it is concluded that the indictment does not contain the issues specified in Article 170, the trial court shall decide to return the indictment to the public prosecutor's office, by pointing out the omissions and errors.

(2) In proceedings subject to an advance payment, a public prosecution cannot be filed without implementing the advance payment procedures. Otherwise, the indictment shall be returned.

(3) Upon the return of the indictment, the public prosecutor shall remedy the omissions and correct the errors, and then re-arrange the indictment and send it to the court.

(4) The public prosecutor can file an objection to the decision to return the indictment.

(...)

The accused's request to have defense evidence collected

Article 177-

(1) When the accused wants to summon a witness or an expert or when he wants defense evidence to be collected, he shall submit a petition to this effect to the presiding judge or the judge, at least five days in advance of the hearing, by also indicating the incidents to which they are connected.

(2) The decision to be taken upon this petition shall immediately be notified to him.

(3) From the requests made by the accused, the ones that are accepted shall also be notified to the public prosecutor.

(...)

Notifying the accused and the public prosecutor of the names and addresses of witnesses summoned

Article 179. –

(1) The accused shall notify the public prosecutor in reasonable time of the names and addresses of the experts and witnesses whom he is going to have summoned directly or bring with him to the hearing.

(2) If the public prosecutor intends to summon persons other than those named in the indictment or than the witnesses and experts invited at the request of the accused, either by decision of the presiding judge or judge or of his own motion, he shall likewise notify the accused in reasonable time of those persons' names and addresses.

(...)

Public hearings

Article 182 –

(1) Hearings shall be open to the public.

(2) Where it is strictly necessary in respect of public morality or public security, the court may rule that the hearing is to be conducted partially or entirely in camera.

(3) The decision to exclude the public, which shall be furnished with reasons, as well as the judgment, shall be announced at a public hearing.

Prohibition of the use of sound and video recording devices

Article 183. – (1) Without prejudice to the provisions of the fifth paragraph of Article 180 and the fourth paragraph of Article 196, it shall be prohibited to use any device for sound or video recording or broadcasting in the court building and, once the hearing has started, in the courtroom. This provision shall also apply during the other judicial procedures conducted in or outside the court building.

(...)

Hearings required to be held in camera

Article 185. – (1) Hearings concerning persons under the age of eighteen shall be conducted in camera; the judgment shall also be delivered at a hearing in camera.

(...)

Direct questions

Article 201. – (1) The public prosecutor, the defense lawyer or the lawyer who participates in the hearing as a legal counsel or representative may put direct questions to the accused, the intervening party, the witnesses, the experts and other persons summoned to the hearing, by respecting the discipline of the hearing. The accused and the intervening party may also ask questions through the presiding judge or the judge. If an objection is raised to the questions asked, the presiding judge shall decide whether the question needs to be asked or not.

Cases where the presence of an interpreter is required

Article 202. –

(1) If the accused or the victim does not know sufficient Turkish to explain his plight, during the hearing the essential points of the prosecution and defense shall be interpreted by an interpreter to be appointed by the court.

(2) In the hearing of a handicapped accused or victim, the essential points of the prosecution and defense shall be explained to him in a way that he is able to comprehend.

(3) The provisions of this article shall also apply in respect of suspects, victims or witnesses heard during the investigation phase. During that stage, the interpreter shall be appointed by the judge or the public prosecutor.

Powers of the presiding judge or judge

Article 203. –

(1) The presiding judge or the judge shall ensure order at the hearing.

(2) The presiding judge or the judge shall order the removal from the courtroom of the person impairing order at the hearing, so as not to prevent the exercising of the right to defense.

(3) If the person removed from the courtroom resists or causes a disturbance, he shall be apprehended and - excluding lawyers - shall immediately be placed in disciplinary detention of up to four days by decision of the judge or court. However, disciplinary detention shall not be applied in respect of children.

Removal of the accused

Article 204. – (1) The accused shall be removed from the courtroom if it becomes clear that on account of his behavior his presence may jeopardize the orderly conduct of the hearing. If the court deems the presence of the accused unnecessary after considering the state of the file in respect of the rights of the defense, it shall pursue and complete the session in the absence of the accused. However, if the accused has no defense lawyer, the court shall request the Bar Association to appoint a defense lawyer. If the accused is allowed into the courtroom again, the steps taken in his absence shall be explained to him.

(...)

Recording of the hearing

Article 219. –

(1) A record of the hearing shall be drawn up. The presiding judge or judge and the court clerk shall sign the record. If the actions taken during the hearing have been recorded by means of technical equipment, written minutes of the recording shall be prepared without delay and be signed by the presiding judge or judge and the court clerk.

(2) If the presiding judge is unable to attend, the most senior member of the court shall sign the record.

(...)

Content of the record of the hearing

Article 221 - The record of the hearing shall indicate the following:

a) the name and surname of the accused, defense lawyer, the intervening party, his legal counsel or legal representative, the expert, the interpreter and the technical advisor,

b) the elements reflecting the progress and conclusions of the hearing as well as the elements indicating that all the fundamental rules of the trial procedure have been respected,

c) the statements of the accused,

d) the testimony of the witnesses,

e) the statements made by the expert and technical advisor,

f) the documents and writing that have been read or decided not to be read,

g) the requests, and the justification if rejected,

h) decisions passed,

i) judgment.

(...)

CHAPTER FOUR

Jurisdiction with regard to certain offenses

Determining the Area of Duty and Judiciary

Article 250. –

(1) The cases regarding the below-listed crimes specified in the Turkish Penal Code shall be taken up by heavy penal courts to be assigned in provinces that would be determined by the Supreme Board of Judges and Prosecutors upon the recommendation of the Ministry of Justice in such a way that the jurisdiction of these courts shall cover more than one province:

a) the crime of producing and trafficking drugs and stimulants committed as part of the activities of a criminal organisation

b) crimes committed through the use of coercion and intimidation as part of the activities of a criminal organisation established with the purpose of obtaining illicit economic gains,

c) the crimes specified in Parts Four, Five, Six and Seven of Book Two, Chapter Four (excluding articles 305, 318, 319, 323, 324, 325 and 332)

(2) By taking into consideration the incoming work load and in order to be entrusted with the task of handling the crimes that are mentioned in paragraph one, more than one heavy penal court can be established in the same place upon the recommendation of the Ministry of Justice and with the decision of the Supreme Board of Judges and Prosecutors. In that case, the courts shall be given numbers. The presiding judge and members of these courts shall not be assigned to other courts or duties by the judicial trial justice committee.

(3) Regardless of what their title and position is, those who commit the crimes mentioned in the first paragraph shall be tried by the heavy penal courts assigned by this law. Provisions regarding the people to be tried by the Constitutional Court and Court of Appeals as well as provisions on the duties of the military courts including the war and martial law situations are preserved.

Investigation

Article 251. –

(1) The investigation of crimes that are mentioned in article 250 shall personally be conducted by the public prosecutors assigned by the Supreme Board of Judges and Prosecutors for the investigation and prosecution of such crimes. Even if these crimes were committed during or because of the performance of a duty, the Public prosecutors shall directly conduct the investigation. The Chief Public Prosecutor's office shall not assign these Public prosecutors to courts other than the ones that handle cases relating to crimes mentioned in article 250 or with other tasks.

(2) During the investigation and prosecution of the crimes that fall within the context of article 250, the Public prosecutors can ask for the decisions that should be taken by the judge from – if there is one -- the heavy penal court member assigned by the Supreme Board of Judges and Prosecutors or otherwise, from authorized judicial judges.

(3) Where necessary, the investigation can be conducted by visiting the crime scene as well as places where evidence exists. If the organized crime is committed in a place where Heavy Penal Court does not exist, the Public prosecutor may ask the Public prosecutor of that place to conduct investigation.

(4) If the crime is committed in a military venue, the Public prosecutor may ask the related military prosecutor's office to conduct the preliminary investigation. The Public prosecutor's office and military prosecutor's office assigned for investigation as stated in paragraph three, shall conduct this investigation in priority and urgency.

(5) For those who were apprehended in relation to the crimes that fall under article 250, the 24-hour period mentioned in paragraph one of article 91 of the law shall be implemented as 48 hours. People, who are apprehended in places where state of emergency is declared as a requirement of article 120 of the Constitution, the time set as 4 days in paragraph 3 of article 91 of this law, can be extended up to seven days upon the request of the Public prosecutor and the decision of the judge. Before making a decision the judge shall hear the apprehended or arrested person.

(6) With respect to the investigation and prosecution of crimes falling under article 394/a, the law enforcement force is obliged to make the suspect or accused, the witness, expert and person who suffered from the crime be present at the day, hour and place determined upon the orders of the Heavy Penal Court or its Chairman, Public Prosecutor, court regent or the rogatory judge.

(7) Due to the crimes mentioned in article 250 and where necessitated by the investigation, the Public Prosecutors shall make a request from state offices with general and annexed budgets, State Economic Enterprises, Provincial Special Administrations and Municipalities to use their buildings, vehicles, equipment and personnel on a temporary basis.

(8) If a request is made from the Turkish Armed Forces to use their detachment, headquarters and institutions, the request may be met after being assessed by the authorized office.

Prosecution

Article 252. –

(1) The following provisions shall be implemented in the hearings of court cases related with the crimes that fall within the scope of article 250:

a) These crimes are regarded as urgent matters and such cases shall be taken up during the judicial recess as well

b) In cases, where the number of defendants is very high, if some of the defendants are not related with some sessions of the court, the court may decide that they may be absent. However, if situations that would affect their case emerge during the sessions that they are absent, they will be notified about the main points concerning them in the next session.

c) The court may decide to hold the sessions at a different place in order to provide security.

d) The time to be given to the Public Prosecutor, intervening party or their lawyer to notify their claim about the merits of the case; and to the defendant or his/her lawyer to make their defense against claims shall be a reasonable period. In cases where this period means limitation of right of defense in real terms, it can be extended ex-officio.

e) The court can issue a ban on the publication of verbal or written statements and behaviors that disturb the order and discipline of the court session and on the degrading and insulting words and behaviors concerning the court, the court chairman or one of the members, the Public Prosecutor, the attorney, the registration secretary or staffers. Those who make such publications despite the ban shall be punished with imprisonment from three months to six months as well as a heavy fine from five billion TL to 15 billion TL.

f) In cases where the defendant or his/her attorney disturbs the order of the court session, the Court Chairman shall send them out of the courtroom with the condition that they will not enter the whole session that day. If it is understood that they will continue performing behaviors that would disturb the next session to a great extent and if their presence was not felt necessary, the court may decide the court sessions to continue in their absence. This decision shall not be implemented in a way that it obstructs the presentation of the claim and the defense relating to the merits of the case and the defendant shall be allowed to have him/herself represented by another attorney. If the defendant or his/her lawyer insists on disturbing the order of the court session, a decision may be taken to prevent their attendance in all or some of the sessions of the same case. If the paragraph above is implemented for an attorney, the situation shall be conveyed to the relevant Bar Association. His/her client shall be given sufficient time to assign another attorney. If the attorney on whom a decision was made not to attend some or all of the court sessions has been assigned in accordance with the Attorneys Law article 41, paragraph 2, then the situation shall be conveyed to the authority that assigned him/her. When they are allowed back, the defendant or the attorney who were taken out of the court room shall be informed about the basic points of the works and processes conducted during their absence. Upon request, the defendant or attorney shall be given copies of the minutes recorded during their absence. The defendant or the attorney, who were taken out of the courtroom or who were banned from attending all of the court sessions because of the above mentioned situations should present a written defense within the period to be determined by the court.

g) Article 6 of this law shall not be implemented about Heavy Penal Courts dealing with crimes falling under the scope of article 250.

h) In case of failure to make a notification to a person or to persons that notification shall be given on his/her behalf, depending on the urgency of the issue, notification can be made through press or other mass media organizations.

(2) The duration of detention on remand foreseen in this law shall be implemented by two fold in respect of the crimes foreseen in sub-section "c" of paragraph one of article 250.

Mediation

Article 253 –

(1) In cases where statute permits the procedure of mediation, and in accordance with the case investigated, the public prosecutor shall summon the offender according to the procedures provided for in this Code and shall ask him whether he accepts responsibility with regard to the offence concerned.

(2) If the offender confesses to the offence and agrees to pay for all or most of the material and non-material damage caused by his offence and act or to compensate/make good the damage, the victim of the offence or his lawyer or legal representative, if any, shall be notified of the fact.

(3) If the victim of the offence states that he will accept a friendly settlement of his own free will if reparation is made for all or most of the damage caused, the investigation shall be discontinued.

(4) If the offender and the victim cannot agree upon a lawyer, the public prosecutor may ask the Bar Association to appoint one or more lawyers as mediators in order to lead the mediation procedure between the offender and the victim, to bring the parties together and

reach a solution.

(5) The mediator shall finalize the mediation procedure in thirty days at the latest as of the day the application is made. The public prosecutor may extend this period with thirty more days for only once. During the course of the mediation process, statute of limitation shall be suspended.

(6) Mediation negotiations shall be held in secret. The information, documents and declarations made during this process cannot be revealed later on unless permitted by the parties. If the process fails, and a court case is launched later, the confessions by the offender about an incident or an offence expressed during the mediation process cannot be used as evidence against him.

(7) The mediator shall submit a report to the public prosecutor within ten days, setting out the steps he has taken and the interventions he has effected in order to achieve a settlement.

(8) The decision not to prosecute shall be given when reparation is made for the damage according to the mediation agreement and the costs of the mediation process have been paid by the offender.

Mediation conducted by the court

Article 254. –

(1) In cases where a public prosecution is brought in respect of an offence subject to the mediation procedure, the mediation procedure can be conducted by the court in accordance with the procedures laid down in Article 253.

(2) If the mediation takes place it shall be decided that the case is dropped.

(...)

Review conducted through a hearing

Article 299.-

(1) The Court of Cassation shall conduct its review of judgments concerning offences which carry custodial penalty of ten or more years by conducting a hearing either pursuant to the request made by the accused or the intervening party in the notice of appeal on points of law or with its own motion if it so wishes. The accused, intervening party, defense lawyer and the legal counsel shall be notified of the date of the hearing. The accused shall have the right to be present at the hearing or may be represented by a defense lawyer.

(2) If the accused is detained on remand, he may not request to be present at the hearing.

(...)

CHAPTER THREE

Retrial

Court costs

Article 324.-

(1) Court costs are charges, lawyers' fees to be paid according to their fee scale, and all kinds of expenses paid during the investigation and prosecution phases by the State Treasury for the conduct of the trial, and expenses paid by the parties.

(2) Judgments and decisions shall indicate who is to pay the costs.

(3) The presiding judge or the judge shall determine the amount of the costs and the amount that one party is to pay to the other.

(4) Decisions relating to court costs to be paid by the State shall be implemented according to the provisions of the Charges Law; decisions relating to individual rights shall be implemented according to the provisions of the Law on Execution and Bankruptcy, No.2004 of 9.6.1932.

(5) The expenses paid to an interpreter appointed for a suspect, accused, victim or witness who does not speak Turkish or who is disabled shall not be considered as court costs and shall be borne by the State Treasury.

(...)

Execution

Article 334- (1) This Code shall become effective on 1 April 2005.