

1. Pursuant to Article 164 of the Code of Criminal Procedure (Law No.5271), the law enforcement officers conduct the investigation proceedings in accordance with the orders and instructions of the public prosecutor. The law enforcement officers follow the public prosecutor's orders that are related to judicial duties. Pursuant to Article 161 of the said Code, the law enforcement officers are obligated to immediately report the incidents they handle, persons they arrest and the measures they take to the public prosecutor under whose service they are, and to carry out all the judiciary-related orders of the public prosecutor without any delays.
2. In the Turkish justice system, the investigation stage is conducted by the public prosecutor and the law enforcement officers are obligated to immediately report the incidents they handle, persons they arrest and the measures they take to the public prosecutor under whose service they are, and to carry out the orders of the public prosecutor without any delays. According to Article 161 of the Code of Criminal Procedure (Law No.5271), the public prosecutor gives written orders, verbal in emergencies, to the law enforcement officers. Verbal order is also communicated in written form as soon as possible.
3. Regarding the pre- and in-service trainings of the law enforcement officers, the last paragraph of Article 9 of the Regulation on the Law Enforcement Officers states that "In the training of the law enforcement officers, the Ministry of Justice shall appoint trainer personnel provided that a demand is made by the Ministry under which the law enforcement unit serves. The opinions of the Ministry of Justice or the authorized Chief Public Prosecutor's Office are also taken regarding the planning of the in-service trainings". Within this scope, it is possible for the public prosecutors to be appointed as trainers on condition that the necessary procedures are followed.
4. The work principles of the law enforcement officers are regulated by Article 161 of the Code of Criminal Procedure and the Regulation on the Law Enforcement Officers.
5. In our Criminal Justice System, while some offences are investigated ex-officio, others are investigated upon complaint. While an investigation upon complaint may be carried out upon the complaint of the aggrieved if the offence is indicated to be within the scope of complaint pursuant to the related statute or article.; an ex-officio (without the requirement of a complaint) investigation shall be carried out by the investigation authorities as regards to the offences that require relatively heavier punishments or that constitute severity. In any case of a perpetration of either of these offences, all the necessary research and examinations are carried out indiscriminately by the investigation authorities.

On the other hand; the matters that should be taken into consideration when conducting an investigation -such as the nature of an offence, public interest, and the indignation aroused in the society- are announced to all the judicial bodies with the circulars published by the General Directorate of Criminal Matters of the Ministry of Justice. For instance, awareness was raised in all the bodies through the announcement of the points to take into consideration regarding issues such as "Investigations and

Prosecutions into the International Corruption Incidents” and “Investigations into the Allegations of Human Rights Violations or Torture and Ill-Treatment”.

6. The public prosecutors may give orders to the law enforcement officers if necessary, since there are some liabilities attributed to the public prosecutors regarding the matters to especially focus on pursuant to the abovementioned secondary legislation. For example, pursuant to the Circular No. 155 of the Ministry of Justice titled “Prevention of the Whitewashing of the Assets Gained from Crimes and the Financing of the Terrorism”, since the investigation into these offences must be conducted by the Chief Public Prosecutor himself/herself or the public prosecutor s/he appoints, all necessary actions must be taken for the immediate transfer of the relevant case file to the public prosecutor’s office if an investigation has been initiated by the law enforcement officers.
7. After a public prosecutor is informed -via denunciation or by other means- of a situation giving the impression of an offence having been committed, s/he immediately starts criminal proceedings. In order to make it possible for the material truth to be researched and a fair trial to take place, the public prosecutor is obligated to gather and secure the evidence in favour of and against the suspect and protect the rights of the suspect, through the law enforcement officers under her/his service. The public prosecutor may conduct all kinds of research directly or via the law enforcement officers under her/his service.
8. Public prosecutors may receive the complaint themselves or get the police to receive it. In both situations, the public prosecutors are in charge of conducting the investigation, directly or by giving orders to the police.
9. Pursuant to the provisions of the Regulation on the Law Enforcement Officers, the investigation proceedings have the law enforcement officers be carried out principally by the investigation authorities in accordance with the orders and instructions of the public prosecutor. The law enforcement officers follow the judiciary-related orders of the public prosecutor without delay. The law enforcement officers are obligated to immediately report the denunciations and complaints regarding an offence, incidents they handle, persons they arrest and the measures they take to the public prosecutor, and to initiate the necessary investigation proceedings to bring the incident to light, in line with the order of the public prosecutor. In order to make it possible for the material truth to be researched and a fair trial to take place, the law enforcement officers are also obligated to collect and secure the evidence in favour of and against the suspect with the orders of the public prosecutor and in line with the requirements stated in the law, and submit them to the public prosecutor with a summary. If it is found out that evidence has been collected unlawfully, the summary must include this information as well. The law enforcement officers carry out the other investigation procedures with the same level of rigorousness. The law enforcement officer, who initiates the procedures regarding her/his duty at the scene of the incident, verbally warns the persons who prevent him from doing so or act in breach of the measures s/he has taken

within her/his authority until the procedures are concluded; and if the person does not obey, s/he takes the person away from the scene of the incident by using force. If the person persists, s/he is arrested. In brief, they cannot carry on an investigation without informing the relevant public prosecutor and taking order from him/her except taking immediate precautions.

10. The public prosecutor is not authorized to stop or prevent an ongoing investigation. In the circumstance that permission for investigation must be taken because of special investigation procedure, the prosecutor has to freeze the prosecution in order to take permission from relevant authorities (for example from governors or district governors for civil servants). In the circumstance of lack of complaint regarding an offence within the scope of complaint, the prosecutor makes decision on not prosecuting.
11. Pursuant to the provisions of the Regulation on the Law Enforcement Officers, regarding the law enforcement officers' assignments, the Security General Directorate, the Gendarmerie General Command, the Coast Guard Command, and the Customs Enforcement General Directorate are the authorities in charge. Public prosecutors do not have any authorizations or duties on this matter.
12. In our judicial system, investigations are carried out by the public prosecutors. As to the case files that are considered more appropriate to be carried out by the law enforcement officers due to their nature, the law enforcement unit is sent a writ within a reasonable time to ask for information on the outcomes of the investigation, is sent additional writ for further examination, or can be ordered to stop and take all relevant documents and evidence to prosecution office in order to be continued by prosecutor.
13. Since the investigations are carried out by public prosecutors in our Criminal Justice System, all the stages of an investigation are under the supervision and control of the public prosecutor. Regarding the case files s/he handles, the public prosecutor is in charge of evaluating all the actions and procedures carried out by the law enforcement officers under her/his service, and the complaints submitted to her/him in terms of the approaches to parties, and taking the necessary actions. The public prosecutors may get a law enforcement officer showing weakness in these matters to be excluded from the case file, as well as launch investigations ex officio against the law enforcement officers' actions that constitute crime. However, these kinds of controls are mostly indirect.
14. (Yes.)
15. The general principles of carrying out an investigation are regulated in Article 160 and following articles of the Second Section titled "Investigation Procedures" of the Code of Criminal Procedure (Law No.5271).

Issues such as witnessing, expert examination, supervision, medical examination, scrutinizing and autopsy, seizure and custody, detention, supervised release, search and seizure, wiretapping, eavesdropping, , , electronically surveillance, statement and

interrogation, confidentiality of the investigation and denunciation of offences are regulated in the Code of Criminal Procedure; and are binding for all investigation authorities.

Furthermore, detailed regulations regarding the conducting of an investigation have been made with several secondary legislations such as the Regulation on Judicial and Preventive Searches, the Regulation on Physical Examinations, the Regulation on Crime Objects, the Regulation on Seizure, Detention and interrogation, and the Regulation on Surveillance and undercover Investigators.

16. Pursuant to the provisions of the Regulation on the Law Enforcement Officers, the public prosecutors always monitor the judicial procedures conducted by the law enforcement officers in order for the law enforcement services to be carried out actively and efficiently. The public prosecutor may examine the investigation document anytime and anywhere if necessary, may order the completion of the parts s/he considers lack, and may order the case file to be referred to the chief public prosecutor's office on the grounds of the investigation documents and the circumstances of the parties. As part of their judicial duty, chief public prosecutors or public prosecutors check the detention houses/rooms where the persons in custody will be kept, and if any, interrogation rooms, the circumstances of the detained or interrogated persons, durations of custody, and all the procedures and records regarding custody; and write down a record of the outcomes to the record book for detainees.

Moreover, at the end of every year, chief public prosecutors prepare an evaluation report regarding the persons responsible of the law enforcement unit in the regions, and send it to governors in provinces and district governors in districts in order for them to communicate it to the chiefs of registry. The competency of the law enforcement officers in investigations and prosecutions, their hard work in these procedures, work discipline and success rates are stated in these evaluation reports. These evaluation reports are taken into consideration when the registry of the relevant person is prepared.

17. What a public prosecutor is judicially capable of doing in a case where it is determined that the judicial police are not conducting the necessary actions their duty requires have been mentioned before. Regarding the administrative aspect, since the judicial law enforcement officers are a part of the law enforcement unit they serve under, public prosecutors do not have any authorizations on this matter.
18. In Turkey, administrative and judicial law enforcement officers are only separated in terms of duty. There is no division in terms of organization or personnel. The duties of administrative law enforcement officers and law enforcement officers are connected to each other. Whether there is a need of the establishment of the judicial law enforcement unit separately from the general law enforcement units in order for a more efficient conducting of judicial services has been discussed for a long time. Even though the Regulation on the Judicial law enforcement officers was published and

enforced on 1 June 2005, a judicial law enforcement unit has not been established as the regulation requires.

In the law enforcement units, the chief of registry and discipline of a policeman working in a judicial law enforcement unit is a policeman. The public prosecutor has no authorization on this matter. The fact that one policeman working in the judicial side is conducting and managing two different chiefs -one from judiciary and one from administration- reduces the efficiency of the services and casts a shadow upon the assurance emerging from the law enforcement units being judicially subordinate to the public prosecutors' office. In order for the efficient conducting of the judicial services, judicial law enforcement body needs to be established as soon as possible.