

REGULATION ON CONCILIATION IN CRIMINAL PROCEDURES

CHAPTER ONE

Purpose, Scope, Basis and Definitions

Purpose

ARTICLE 1 - (1) The purpose of this Regulation is to regulate the principles and procedures regarding conciliation and the working procedures and rules of the Department of Alternative Resolutions and conciliation bureaus.

Scope

ARTICLE 2 - (1) This Regulation covers the scope of application of conciliation; the qualifications, training, examination, duties and responsibilities of conciliators; their supervision; the codes of conduct that they have to comply with; the qualifications and supervision of the persons, institutions and organizations that will provide the conciliator training; the regulation of the conciliator's registry; the preparation of the lists of educational institutions and conciliators; the working procedures and rules of the conciliation bureaus established under the Office of the Chief Public Prosecutor; the negotiation procedure with the conciliation proposal; the matters to be included in the conciliation document and the conciliation report; other issues regarding the implementation; and the working procedures and rules of the Department of Alternative Resolutions, as stipulated in Articles 253, 254 and 255 of the Criminal Procedure Code no. 5271 and dated 4/12/2004.

Basis

ARTICLE 3 - (1) This Regulation has been prepared on the basis of Article 253 of the Law No. 5271 and Article 9 of the Law No. 2992 and dated 29/3/1984 on the Amendment and Adoption of the Decree-Law Concerning the Organization and Duties of the Ministry of Justice.

Definitions

ARTICLE 4 – (1) Definitions of the terms in this Regulation are as follows;

- a) Ministry: Ministry of Justice,
- b) Bureau: The conciliation bureau established under the Office of the Chief Public Prosecutor,
- c) Department: Department of Alternative Resolutions,
- ç) List of educational institutions: The list stored in the Department in which the educational institutions that are permitted to provide conciliation training are registered,
- d) Electronic list: The list in which the names of the educational institutions that are permitted to provide conciliation training are stored electronically,
- e) Electronic environment: The whole environment consisting of information system and information network,
- f) Directorate General: Directorate General for Criminal Affairs,
- g) Code: Criminal Procedure Code no. 5271 and dated 4/12/2004,
- ğ) Recording: Storage of information, documents and data that are physically or electronically produced in or transferred or transmitted to this environment,
- h) Registry: Registry of conciliators,
- ı) Tariff: Conciliator Minimum Wage Tariff prepared annually by the Department of Alternative Resolutions,

i) UYAP: The National Judiciary Informatics System established for the purpose of performing judicial services electronically,

j) Settlement: The agreement between the suspect or the accused and the victim or the party who suffers losses due to a crime that falls within the scope of conciliation in accordance with the Law and the procedures and rules in this Regulation,

k) Conciliation: The process of the conciliator settling the dispute by way of an agreement between the suspect or the accused and the victim, the party who suffers losses or their legal representative due to a crime that falls within the scope of conciliation in accordance with the Law and the procedures and rules in this Regulation,

l) Conciliator: A lawyer or a person who has legal education, who is appointed with the approval of the public prosecutor, who manages the conciliation negotiations between the suspect or the accused and the victim or the party who suffers losses,

m) Conciliation report: The report issued by the conciliator when the conciliation process is concluded,

n) Conciliation document: The document drawn up between the parties as a result of their conciliation before the conciliator is appointed or after the rejection of the conciliation proposal,

o) Written exam: The exam held at the end of the conciliation training.

CHAPTER TWO

Conciliation Principles

Basic principles

ARTICLE 5 - (1) Conciliation takes place when the suspect or the accused and the victim or the party who suffers losses accept and decide with their own free will. These persons can change their decisions until an agreement is made.

(2) Conciliation is carried out based on the principle of protecting the interests of the suspect or the accused and the victim or the party who suffers losses in accordance with their fundamental rights and freedoms.

(3) During the negotiations held between the suspect, the accused, the victim or the party who suffers losses and their legal representatives participating in the conciliation, they are entitled to the basic guarantees recognized by the Law.

(4) If the suspect, the accused, the victim, the party who suffers losses or the legal representatives of these persons do not speak Turkish are disabled, Article 202 of the Law is applied.

(5) Before starting the conciliation process, the suspect or the accused and the victim or the party who suffers losses are informed about their rights, the nature of the conciliation and the legal consequences of their decisions.

(6) Significant differences such as the age, maturity, education, social and economic status of the suspect or the accused and the victim or the party who suffers losses are taken into consideration during the conciliation process.

(7) The conciliator protects the confidentiality of the information and documents provided to them as part of their duty. Confidential information and documents submitted by one of the parties cannot be disclosed to the other party without the consent of the submitter or unless required by law. The obligation to protect confidentiality continues even after the conciliator's duty ends.

(8) Before starting the negotiations, the conciliator explains the basic principles of conciliation, their impartiality, the conciliation process and its consequences, the functions of

the conciliator and the parties during the conciliation, and the obligation of confidentiality, and ensures that they understand the process.

(9) The conciliator takes measures to make sure that the parties reconcile knowing the terms and consequences and with their own free will.

Codes of Conduct

ARTICLE 6 - (1) The conciliator must perform their duty according to the following codes of conduct:

a) The conciliator shall perform their duty independently and impartially within the framework of honesty, look after the common interests of the parties, and try to ensure that the parties have sufficient and equal opportunities in negotiations.

b) With a sense of serving justice, the conciliator shall perform their duty effectively, on time and efficiently, aiming to increase the quality of service they provide.

c) They shall act kindly and respectfully to the parties while performing their duty. The conciliator shall inform the parties about respecting each other and participating in the negotiations in good faith.

ç) In accordance with the principle of the presumption of innocence, they cannot be prejudiced about the culpability of the suspect or the accused and cannot assume an attitude against the suspect or the accused.

d) While performing their duty, the conciliator cannot discriminate between the parties on the grounds of language, race, colour, gender, political opinion, philosophical belief, religion, sect or for similar reasons, and cannot act in a way that jeopardizes the reputation and trust.

e) They cannot perform or continue their duty without disclosing circumstances that may affect independence or conflict of interest between the parties or those circumstances that appear to do so, such as having any personal or business relationship with one of the parties, having a direct or indirect, financial or other interest towards the outcome of the conciliation, or performing any duty other than conciliation for one of the parties.

f) They cannot later assume the role of an attorney or counsel in relation to the case which they worked on.

g) They cannot provide any direct or indirect benefits to themselves or to anyone else in a way that would arouse suspicion about their impartiality.

ğ) They shall refrain from any behaviour that damages or raises doubts about the reputation of their duty and the trust of the people in justice.

General provisions

ARTICLE 7 – (1) In order to use the conciliation process, it is required that the victim or the party who suffers losses be a natural person or private law legal entity.

(2) Conciliation terms for offenses committed by more than one person, whether or not there is a partnership relationship between them, are considered separately for each suspect or accused, while the person who reconciles benefits from the conciliation.

(3) In order to resort to a conciliation process due to an offense leading to injury or grievance of several people, all of the victims or the party who suffers losses should agree to the conciliation.

(4) In cases where a single penalty is stipulated in the law despite multiple instances of offense, separate conciliation shall be carried out for each offense.

(5) If a conciliation effort fails to yield any result, the conciliation attempt shall not be repeated.

(6) In case of conciliation, no action for damages can be filed for the offense subject to investigation or prosecution; and the lawsuit shall be deemed to have been withdrawn.

(7) In the event of the death of the victim or the party who suffers losses during the investigation phase, the conciliation procedure shall be terminated. Article 243 of the Law is reserved for the prosecution phase.

(8) The proposal for conciliation or the acceptance of any such proposal shall not constitute an obstacle for collecting evidence of the crime subject to investigation or prosecution nor for the implementation of protective measures.

(9) In offenses that are subject to conciliation, no decision shall be taken to postpone the opening of a public lawsuit or to defer the announcement of the sentence without an attempt for conciliation.

(10) The conciliator, with the approval of the public prosecutor, makes a conciliation proposal for the suspect, the accused, the victim or the party who suffers losses.

(11) The conciliator shall be responsible for fulfilling the duties assigned to them personally and cannot relinquish the execution of their duty partially or completely to another person.

(12) In the event that the victim, the party who suffers losses, the suspect, the accused or their legal representative cannot be reached due to being absent at the address specified in the investigation or prosecution file or being abroad or for any other reason, despite having declared to the official authorities, conciliation shall not be invoked.

Offenses subject to conciliation and their exceptions

ARTICLE 8 - (1) For the offenses listed in the first paragraph of Article 253 of the Law, an attempt shall be made to reconcile the suspect, the accused, the juvenile pushed to the crime and the victim or the party who suffers losses natural person or the private law legal entity.

(2) In terms of children pushed to the crime, a conciliation attempt shall also be made in offenses that require imprisonment with a maximum limit of no more than 3 years or a judicial fine, on the condition that the victim or the party who suffers losses is a natural person or private law legal entity.

(3) As for offenses that are included in other statutes, excluding those whose investigation and prosecution is dependent on complaint, there must be a specific provision in that statute in order to resort to conciliation.

(4) Even if the investigation and prosecution is dependent on the complaint, conciliation cannot be invoked in crimes against sexual inviolability.

(5) (**Amendment: OG-31/12/2019-30995 4. Repeated**) Conciliation shall not be invoked where the suspect or the accused has committed an offense that falls within the scope of conciliation alongside another offense that does not fall within the scope of conciliation against the same victim.

CHAPTER THREE

Conciliation during the Investigation Phase

Collection of evidence

ARTICLE 9 - (1) The necessary research and investigation procedures shall be carried out by the public prosecutor conducting investigation regarding the offenses investigated and which fall within the scope of conciliation.

(2) The public prosecutor conducting the investigation collects all the evidence that needs to be collected in accordance with Article 160 and the following articles of the Law.

(3) The public prosecutor that has jurisdiction over the juvenile bureau may request from the juvenile judge to implement the protective and supportive measures set out in the Child Protection Law no. 5395 and dated 3/7/2005, when they deem it necessary during the investigation.

Submission of the case to the office and registration

ARTICLE 10 - (1) At the end of the investigation, if sufficient evidence has not been collected in order to file a public lawsuit or if prosecution is not possible, the public prosecutor conducting the investigation shall conclude the case without referral to the bureau.

(2) If the investigated offense is subject to conciliation and there is sufficient doubt for filing a public lawsuit, the public prosecutor conducting the investigation shall submit the case to the bureau alongside the submission decision attached at Annex-1.

(3) In cases where an offense that falls within the scope of conciliation is committed alongside another offense that does not fall within its scope and it is decided that there is no need to prosecute for the latter, the case shall be sent to the bureau upon the expiration of the objection period against this decision or following the rejection of the objection.

(4) After a referral decision is made by the public prosecutor conducting the investigation, following the examination by the chief public prosecutor or the appointed deputy chief public prosecutor, the case falling into the case allocation pool of the conciliation bureau shall be automatically provided with a bureau registration number when it is allocated to the conciliation bureau by the chief public prosecutor or the appointed deputy chief public prosecutor.

Examination of the case and the decision to return

ARTICLE 11 - (1) If, as a result of the examination made by the public prosecutor responsible for conciliation,

a) It is understood that the action accepted in the decision to refer to the bureau is not within the scope of conciliation,

b) It is understood that the case was sent to the bureau without collecting the absolute evidence to determine whether there is sufficient suspicion for filing a public lawsuit against the suspect within the context of the case that is subject to the referral decision, which will affect the nature of the offense, then the file shall be returned to the investigation bureau together with the decision to return given in Annex-2.

Allocation of conciliators

ARTICLE 12 - (1) If, as a result of the examination of the case sent to the conciliation bureau by the public prosecutor responsible for conciliation, it is understood that the offense subject to the referral decision falls within the scope of conciliation, the allocation of conciliators is made with the approval of the relevant public prosecutor according to the list determined by the Department.

(2) In the event that there are not enough conciliators in the jurisdiction of the Chief Public Prosecutor at the High Criminal Court, allocation can be made among the list of the Chief Public Prosecutor's Office of the closest high criminal court.

(3) After the case has been submitted to the conciliator, the parties shall be notified of this by phone, SMS or through other electronic means.

(4) The conciliation document shall be delivered to the conciliator with a report and added to the receipt file.

(5) Conciliation proposal cannot be made before a period of one month from the date of the offense.

Case distribution criteria in the allocation of conciliators

ARTICLE 13 - (1) The distribution involves matters such as;

- a) The nature and number of the offenses subject to conciliation,
- b) The number and location of the parties,
- c) The duration of the conciliation report,
- ç) The result of the conciliation proposal,
- d) The result of the conciliation, etc.

Distribution in the conciliation bureaus

ARTICLE 14 - (1) The case to be referred to the conciliators is automatically determined by the public prosecutor or the bureau staff under their supervision according to the distribution rules of UYAP.

The number of cases that can be referred to the conciliator

ARTICLE 15 - (1) The Department can determine the monthly maximum number of cases to be referred to the conciliator taking into consideration issues such as the number of conciliators registered in the list of the Chief Public Prosecutor's Office at the High Criminal Court and the number of cases arriving to the bureau.

Submission of the documents and privacy statement

ARTICLE 16 - (1) A copy of the documents for the offense(s) subject to conciliation in the investigation file which are necessary for the conciliation and approved by the public prosecutor is provided by the bureau staff to the conciliator.

(2) The documents that are provided, the date of their provision and the confidentiality of the investigation are reported including the signatures of the bureau staff and the conciliator.

Conciliation period

ARTICLE 17 - (1) The conciliator concludes the conciliation process within thirty days after receiving the conciliation document. **(Amended text: OG-31/12/2019-30995 4. Repeated)** If it cannot be concluded within this period, where the conciliator applies to the bureau with a motion explaining the situation, the conciliation bureau may extend this period up to two more times, not exceeding twenty days each time, provided that the approval of the public prosecutor in charge of the bureau is obtained.

(2) Despite the rejection of the conciliation proposal, the suspect and the victim or the party who suffers losses may declare by applying to the chief public prosecutor that they have reached a conciliation agreement through a document verifying this until the date of issuance of the indictment at the latest.

Conciliation report

ARTICLE 18 - (1) When the conciliator concludes the conciliation procedures, they shall deliver to the conciliation bureau a report prepared in accordance with the Sample Conciliation Report in Annex-3, showing the act of the parties separately, beyond reasonable doubt and suspicion, and if possible, in one more copies than the number of the parties, including the

sequence number, as well as the document showing the samples given to them and the expenditures, if any, the note of expenses or a written statement that is in accordance with the current rate, along with a report to be issued in UYAP.

(2) In case of conciliation, the manner in which the agreement was reached shall be explained in detail in the report, which includes the signatures of the parties. However, statements made regarding the commission of the offense during the conciliation negotiations shall not be included in the report.

(3) The bureau shall submit the investigation file, report and the written agreement, if any, to the public prosecutor in charge of the conciliation bureau without delay.

(4) If the public prosecutor determines that the conciliation is based on the free will of the parties and that the act is legal and ethical, they shall approve the report or document by stamping and signing it, and keep it in the investigation file.

(5) If the public prosecutor does not approve the report or document because the conciliation is not based on the free will of the parties and the act is legal and ethical, the justification shall be written in the report. In the event that they do not approve the report because the act is not legal and ethical, they can ask the conciliator to change the act, provided that the time period in article 17 of this Regulation is complied with.

Conciliation document

ARTICLE 19 - (1) If the suspect and the victim or the party who suffers losses have reached a conciliation agreement before the conciliator is allocated or the conciliation proposal is rejected, to the extent that it is found appropriate by the parties, a conciliation document shall be issued according to the Sample Conciliation Report in Annex-3. The public prosecutor shall examine and assess this document according to the criteria specified in the fourth and fifth paragraphs of Article 18.

Legal consequences of the conciliation during the investigation phase

ARTICLE 20 - (1) If the suspect fulfils their act at once as a result of the conciliation, a decision of non-prosecution is made by the public prosecutor in charge of the conciliation. When deemed necessary, the juvenile judge is asked to implement protective and supportive measures for the child pushed to the crime as specified in the Child Protection Law No. 5395.

(2) If the fulfilment of an act has been postponed to a future date, split into instalments, or is continuous, the decision to postpone the filing of a public lawsuit against the suspect shall be made without requiring the conditions listed in Art. 171 of the Law. In that case, the follow-up of whether the act has been fulfilled is handled by the bureau. During the duration of the postponement, the statute of limitations shall not apply.

(3) If the requirements of the conciliation are fulfilled, after the decision to postpone the filing of a public lawsuit has been made, a decision of non-prosecution shall be taken.

(4) If the requirements of conciliation are not fulfilled after the decision to postpone the filing of public lawsuit is made, a public lawsuit shall be filed, without requiring the conditions that are mentioned in the fourth paragraph of Article 171 of the Law.

(5) If the suspect does not fulfil their act, the conciliation report or the conciliation document shall be considered as a document with the nature of a written declaration in Article 38 of the Enforcement and Bankruptcy Law No. 2004 and dated 9/6/1932.

Issuance of indictment

ARTICLE 21 - (1) If the conciliation remains inconclusive after the conciliation proceedings, the indictment about the suspect is issued by the public prosecutor in charge of conciliation.

(2) If an indictment is issued about the child pushed to the crime at the end of the conciliation process, the public prosecutor in charge of conciliation requests the court to implement the protective and supportive measures specified in the Child Protection Law No.5395.

CHAPTER FOUR

Conciliation at the Prosecution Phase

Conciliation procedure

ARTICLE 22 - (1) After the public lawsuit is filed, the conciliation proceedings shall be carried out by the conciliation bureau at the request of the court, in accordance with the procedures and rules specified in Article 253 of the Law, in case of any of the following situations:

- a) If it is understood that the offense subject to prosecution is within the scope of conciliation due to the change in the legal nature of the offense,
- b) If it is first understood during the prosecution phase that a conciliation proposal should have been made during the investigation phase,
- c) If there is an offense subject to conciliation that comes directly before the court with a document substituting the indictment, without an indictment being issued by the public prosecutor,
- ç) If, during the prosecution phase, the offense falls within the scope of conciliation due to the amendment to the law.

(2) The bureau number shall be taken after the case sent by the court is registered in the bureau.

(3) Among the documents related to the offense(s) subject to conciliation, those that are necessary for conciliation and deemed appropriate by the judge shall be sent to the bureau. The persons with whom the conciliation proceedings will be made and the offenses subject to conciliation shall be clearly stated in the interlocutory referral decision.

(4) After the registration procedures are completed by the bureau staff, the case is then handed over to the public prosecutor in charge of the bureau.

(5) In the event that the persons for whom the conciliation will take place or the offenses subject to conciliation are not clearly stated in the court's interlocutory decision, the public prosecutor may request the court to remedy these deficiencies.

(6) If it is determined by the public prosecutor that the offense is not clearly within the scope of conciliation, then the court may be asked to reconsider the interlocutory decision.

(7) Allocation of conciliators shall be made with the approval of the public prosecutor.

(8) After the case has been submitted to the conciliator, the parties shall be notified of this by phone, SMS or through other electronic means.

Issuance of documents

ARTICLE 23 - (1) The case referred by the court shall be delivered by the bureau staff to the conciliator along with a report and added to the receipt file.

(2) The documents that have been issued and the date of issue shall be determined through a report containing the signatures of the bureau staff and the conciliator.

Conciliation period

ARTICLE 24 - (1) The conciliator concludes the conciliation process within thirty days after receiving the conciliation document. **(Amended text: OG-31/12/2019-30995 4. Repeated)** If it cannot be concluded within this period, where the conciliator applies to the bureau with a motion explaining the situation, the bureau may extend this period up to two more times, not exceeding twenty days each time, provided that the approval of the public prosecutor in charge of the bureau is obtained.

Conciliation report

ARTICLE 25 - (1) As of the date when the conciliator concludes the conciliation procedures, they shall deliver to the conciliation bureau a report prepared in accordance with the Sample Conciliation Report in Annex-3, showing the act of the parties separately, beyond reasonable doubt and suspicion, and if possible, in one more copies than the number of the parties, including the sequence number, as well as the document showing the samples given to them and the expenditures, if any, the note of expenses or a written statement that is in accordance with the current rate, along with a report to be issued in UYAP.

(2) In case of conciliation, the manner in which the agreement was reached shall be explained in detail in the report, which includes the signatures of the parties. However, statements made regarding the commission of the offense during the conciliation negotiations shall not be included in the report.

(3) The public prosecutor in charge of the bureau shall send the case and the report to the court with a cover letter.

(4) If the Court concludes that the conciliation is based on the free will of the parties and that the act is legal and ethical, the report shall be sealed and signed and kept in the prosecution file.

(5) If the court does not approve the report or document because the conciliation is not based on the free will of the parties and the act is not legal and ethical, the justification shall be written in the report. Where the court does not approve the report due to an illegal and unethical act, it can send the case to the bureau in order to change the act, provided that the time limit in Article 24 of this Regulation is complied with.

(6) The public prosecutor in charge of the bureau shall arrange the outlay decision to expend regarding the fee to be paid to the conciliator after the approval or rejection of the report and send it to the court.

Conciliation document

ARTICLE 26 - (1) In cases where conciliation can be applied during the prosecution phase, if the accused and the victim, the participant or the party who suffers losses reach a conciliation agreement until the decision is made, despite the rejection of the conciliation proposal, a conciliation document can be prepared and submitted to the court in accordance with the Sample Conciliation Report in Annex-3 to the extent that is agreed by the parties. The judge shall then examine and evaluate this document according to the criteria specified in the fourth and fifth paragraphs of Article 25.

Legal consequences of conciliation during the prosecution phase

ARTICLE 27 - (1) In case of conciliation, the court shall decide to dismiss the case provided that the accused fulfils their act at once as a result of the conciliation.

(2) If the fulfilment of the act is delayed to a later date, split into instalments or is continuous, then it is decided to defer the announcement of the sentence, without requiring the

conditions in Article 231 of the Law. During the period of the deferment, the statute of limitations shall not apply.

(3) After it is decided to defer the announcement of the sentence, if the requirements of the conciliation are fulfilled, the case shall be dismissed by removing the deferred provision.

(4) After the decision to defer the announcement of the sentence, if the requirements of the conciliation are not fulfilled, the sentence shall be announced by the court without seeking the conditions in the eleventh paragraph of Article 231 of the Law.

(5) If the defendant fails to fulfil their act, the conciliation report shall be deemed to a document with the nature of a written declaration in Article 38 of the Law No. 2004.

CHAPTER FIVE

Common Provisions

The conciliator's hesitation or refusal

ARTICLE 28 - (1) The circumstances in which the judge cannot hear a case as specified in the law and the reasons for refusal shall be taken into account regarding the appointment of the conciliator.

Conciliation proposal

ARTICLE 29 - (1) Conciliator shall make a conciliation proposal to the suspect, the accused, the participant, the victim or the party who suffers losses. In the event that the suspect, the accused, the participant, the victim or the party who suffers losses is a minor or under legal disability and if the victim or the party who suffers losses does not have the power of discernment, the conciliation proposal shall be made to their legal representatives.

(2) Where the complainant or the party who suffers losses is a private law legal entity, if there is any special authority stated in the power of attorney, a conciliation proposal can also be made to the counsel.

(3) The conciliator can also make the conciliation proposal via an annotated notice, a demand letter or the Audio-Visual Information System (SEGBIS) through the bureau.

(4) In cases where the conciliation proposal form is required to be signed by a demand letter. the proposal form shall be signed through the chief public prosecutor's rogatory office in which the party is located.

(5) The conciliation proposal issued by the conciliator shall explain the information in the Conciliation Proposal Form in Annex-4 including the nature of the conciliation and the legal consequences of accepting or rejecting the conciliation, and the proposal form shall be submitted to the concerned person that is present under their signature. The signed copy of the form stating that the duty of informing has been fulfilled by the conciliator and that a conciliation proposal has been made shall be included in the conciliation document.

(6) If the suspect, the accused, the participant, the victim or the party who suffers losses or their legal representatives to whom the conciliator will make a conciliation proposal cannot be reached through the means of communication, an annotated conciliation proposal shall be made through the bureau. This process shall be carried out when the conciliator applies to the bureau and submits the proposal form.

(7) Phone, telegram, fax, electronic mail can be used to call for making the conciliation proposal. However, such call does not mean a conciliation proposal.

Acceptance period for the conciliation proposal

ARTICLE 30 - (1) If any of those who receive the conciliation proposal does not notify the conciliator of their decision within three days, the conciliation proposal shall be deemed to have been rejected. In that case, without prejudice to Article 255 of the Law, no further conciliation proposal shall be made to others.

Conciliation negotiations

ARTICLE 31 - (1) The suspect, the accused, the participant, the victim, the party who suffers losses, the legal representative, the attorney and the counsel may attend the conciliation negotiations. In the event that the suspect, the accused, the participant, the victim or the party who suffers losses refuses to participate in the negotiations without a justified excuse, the relevant party shall be deemed to have not accepted the conciliation.

(2) More than one negotiation session can be held to reach a conciliation agreement. The conciliator can discuss with the public prosecutor about the method to be followed during the negotiations. The public prosecutor may instruct the conciliator to conduct the conciliation negotiations in accordance with the law.

(3) Negotiations can be carried out in meetings to be held together with the parties or separately.

(4) Negotiations can also be made using audio-visual communication techniques.

(5) The conciliator shall have the report signed by the parties.

(6) In cases where the conciliation report is required to be signed by a demand letter, the report shall be signed through the chief public prosecutor's rogatory office where the party is located.

(7) In the event that the victim, the party who suffers losses, the suspect, the accused, the participant or their legal representative cannot be reached due to not being present at the address indicated in the investigation or prosecution file or being abroad despite having declared it to the official authorities or for any other reason such as the address not being found despite the searches, the conciliation proceedings shall be terminated by the conciliator after recording this issue in an official report.

Confidentiality of conciliation negotiations

ARTICLE 32 - (1) Conciliation negotiations shall be carried out in confidence. The conciliator shall be responsible for keeping confidential the statements made during the conciliation process, the facts conveyed to them or learned in another way.

(2) Unless otherwise agreed, the parties, the attorneys and the counsels shall also be responsible for complying with the confidentiality rule specified in the first paragraph.

(3) Statements made during the conciliation process cannot be used as evidence in any investigation, prosecution or lawsuit. Participants in the negotiations cannot be heard as witnesses regarding this information.

(4) The fact that a previously existing document or fact was put forward during the conciliation negotiations shall not prevent them from being used as evidence in the investigation and prosecution process or in a lawsuit.

Subject of the act

ARTICLE 33 - (1) If the parties come to an agreement about the fulfilment of a certain act at the end of conciliation, they may decide on one or more of the following acts or another legal and ethical act:

- a) Providing full or partial compensation for or the restitution of material or moral damages caused by the act,
 - b) Providing full or partial compensation for or the restitution of material or moral damages of a third person or persons who are successor to the rights of the victim or the party who suffers losses,
 - c) Performing certain acts such as making donation to a public institution or a private organization serving public interest, or to helpless person(s),
 - ç) Temporarily performing certain services for a private organization serving the public benefit, a public institution, the victim, the party who suffers losses or a third party,
 - d) Ensuring participation in a programme that will enable them to become an individual who is beneficial to the society,
 - e) Apologizing to the victim or the party who suffers losses.
- (2) The parties may also come to an agreement without any act at the end of the conciliation process.

Statute of limitations

ARTICLE 34 - (1) The statute of limitations and the term of litigation, which is a condition for prosecution, shall not apply from the date of the proposal of conciliation for the suspect, the accused, the participant, the victim or the party who suffers losses until the date when the conciliation attempt fails and the conciliation's report is submitted to the bureau at the latest.

(2) In the event that the conciliation proposal is not answered within the time limit or the proposal is rejected, the conciliation attempt shall be deemed to have failed.

(3) Upon the refusal of the parties or their legal representatives or the counsels to participate in the conciliation negotiations, and one of the parties declaring during the negotiations in writing or verbally that they decided not to seek for a conciliation anymore, the legal statute of limitations and the term of litigation, which is a condition for prosecution, start to run again from the date of submission of the report to the bureau.

CHAPTER SIX

Place and Time of Conciliation, Conciliator Fees and Expenses

Place and time of conciliation

ARTICLE 35 - (1) Conciliation negotiations can be held;

- a) In courthouses if a room has been allocated for conciliation negotiations,
- b) In places reserved for this purpose within public institutions and organizations,
- c) In the bureau where the conciliator carries out their activities, provided that the parties agree,
- ç) In a safe environment suitable for the interests of the parties, where they will feel at peace, or in other places suitable for this work that are accepted by the parties.

(2) In the event that conciliation negotiations are conducted in courthouses, the meeting rooms shall be arranged, their security, where necessary, shall be ensured, and the designation order and time for the conciliation meetings shall be determined by the Office of the Chief Public Prosecutor.

Conciliator fee

ARTICLE 36 - (1) The conciliator shall be paid according to the tariff prepared by the Ministry of Justice every year.

(2) The conciliator's fee shall be determined between the lower and upper limits in the tariff, taking into account the ability of the conciliator in assessing the distinct differences between the suspect or the accused and the victim or the party who suffers losses, such as age, education, social and economic status, as well as in reconciling the parties, the effort they have shown in the process, the number of parties, the scope and nature of the dispute.

(3) In cases where multiple conciliators are allocated, the conciliator's fee shall be paid to these persons separately and equally.

Payment of the conciliator's fee

ARTICLE 37 - (1) The fee determined for the allocated conciliator shall be paid by the public prosecutor in charge of conciliation within a reasonable time after the submission of the report to be issued at the end of the conciliation.

(2) The tariff in force on the date of completion of the conciliation report shall be taken as basis for the valuation of the conciliator's fee.

Conciliator's expenses

ARTICLE 38 - (1) The expenses made by the conciliator including compulsory road expenses shall also be paid as long as it does not exceed the lower limit of the amount determined in Article 8(1)(b)(1) of the Conciliator Minimum Wage Tariff for the relevant year.

(2) Conciliator's fee and other conciliation expenses shall be counted among the court expenses and these expenses shall be covered from the related allowance.

(3) In the event that conciliation does not take place, the provisions of the Law regarding court expenses shall be applied for the conciliator's fee and other conciliation expenses.

(4) In case of conciliation, the conciliator's fee and other conciliation expenses shall be covered by the State Treasury.

(5) In cases where the conciliator does not demand a fee for their work, the provisions of this article shall not be applied.

CHAPTER SEVEN

Establishment of the Conciliation Bureau, Duties and Responsibilities

Establishment of the Bureau

ARTICLE 39 - (1) A conciliation bureau shall be established within each office of the chief public prosecutor, and a sufficient number of public prosecutors and staff shall be assigned.

(2) The works and procedures of the bureau shall be carried out by the court clerk and other officials managed by the chief clerk under the supervision of the chief public prosecutor, deputy chief public prosecutor or the public prosecutor.

Duties and responsibilities of the bureau staff

ARTICLE 40 - (1) The duties and responsibilities of the chief clerk are as follows:

a) To ensure and supervise the performance of services related to conciliation works and procedures.

b) To make a division of labour between the court clerk and other officials,

c) To take any measure for the efficient and regular performance of conciliation works and procedures,

- ç) To allocate conciliators with the approval of the public prosecutor,
- d) To transfer the documents deemed appropriate by the public prosecutor.
- e) Granting additional time to the conciliator with the approval of the public prosecutor.
- f) To perform other duties arising from the legislation or assigned by the public prosecutor.

(2) The duties and responsibilities of the court clerk are as follows:

- a) To do the works assigned on a timely basis according to the division of labour and without allowing for any backlog.

- b) To save files and documents to UYAP informatics system accurately, completely and on time.

- c) To keep the conciliation files in a complete and orderly manner.

- ç) To allocate conciliators with the approval of the public prosecutor.

- d) To inform the parties via SMS after the file has been submitted to the conciliator.

- e) To submit to the conciliator the documents deemed appropriate for the crime(s) subject to conciliation.

- f) Granting additional time to the conciliator with the approval of the public prosecutor.

- g) To send an annotated notice or a demand letter that includes the conciliation proposal prepared by the conciliator.

- ğ) To receive the report and file issued by the conciliator alongside the minutes.

- h) To submit the report and file to the public prosecutor so that the necessary works and procedures can be carried out.

- ı) To prepare the notice documents.

- i) To archive the completed files.

- j) To perform other duties arising from the legislation or assigned by the public prosecutor or the chief clerk.

Division of labour

ARTICLE 41 - (1) The division of labour between court clerks and other staff is made by the chief clerk with the approval of the chief public prosecutor, deputy chief public prosecutor or the public prosecutor.

(2) The chief clerk and the relevant staff are jointly responsible for the accurate, complete and timely entry of data into UYAP.

Supervision and monitoring of bureaux

ARTICLE 42 - (1) The conciliation bureau shall be under the supervision and monitoring of the chief public prosecutor, the deputy public prosecutor or the public prosecutor, whichever is relevant.

2) Monitoring covers the following matters:

- a) To keep regular records,

- b) To make duly conciliator appointments,

- c) To transfer the documents on time,

- ç) To make duly procedures related to the documents required to be physically delivered,

- d) To ensure notifying the decisions to the relevant persons,

- e) To perform other duties arising from the legislation or assigned by the public prosecutor according to the procedure.

CHAPTER EIGHT

Records and Folders to Keep

Records

ARTICLE 43 - (1) The records of the conciliation bureau at the Office of the Chief Public Prosecutor, as shown below, must be kept in UYAP according to date, serial number, and the person who prepared or approved it, in an inquirable manner:

- a) Conciliation record,
- b) Monitoring and performance record.

(2) One or more of the data in these records can be inquired into and reported together.

(3) New records and new columns may be added to existing records by the Ministry, if deemed necessary for the records mentioned in this article.

Conciliation record

ARTICLE 44 - (1) A single copy of the record for conciliation proceedings carried out by the office of the chief public prosecutor during the investigation and prosecution phase shall be kept.

(2) Conciliation record shall consist of the serial number, investigation number, court name and basis number, the ID details of the victim, the complainant, the participant, the suspect, the accused, the counsel, the attorney or the legal representative and the conciliator, conciliator's duty and profession, the type of offense, the type and duration of the agreed act, the date when the case was given to the conciliator, the date of submission of the conciliation report, the result of the conciliation process, and the fee paid to the conciliator as well as a column including the comments.

Monitoring and performance record

ARTICLE 45 - (1) The records that include the results of the monitoring and performance assessments about the conciliators carried out by the Chief Public Prosecutor, Deputy Chief Public Prosecutor, and the public prosecutor.

(2) This record consists of how long the file stayed with the conciliator, the result of the conciliation proposal and the conciliation report, compliance with the codes of conduct and basic principles, complete preparation of the conciliation report, observance of the confidentiality of the negotiations, timely submission of the report and the comments column.

Folders

ARTICLE 46 - (1) The folders of the conciliation bureau at the Office of the Chief Public Prosecutor, as shown below, must be kept in UYAP informatics system.

a) Conciliator list folder: It is the folder in which the name list of the conciliators working under the jurisdiction of the High Criminal Court Office of the Chief Public Prosecutor is kept.

b) Decision to expend folder: The folder in which the decisions regarding conciliation fees and expenses are kept by the Office of the Chief Public Prosecutor.

CHAPTER NINE

Registry, Training, Examination and Monitoring of the Conciliators

Keeping a registry of the conciliators

ARTICLE 47 - (1) Registries of persons who are permitted to become conciliators shall be kept by the Department along with the registration numbers.

(2) The registry shall keep personal information such as the person's name and surname, year of birth, profession, business address, area of specialisation and academic title. This information is announced by the Department on the website of the Directorate General.

(3) The conciliator must notify the Department with the document, if any, alongside any change in the information within the registry regarding themselves within one month. With regard to these changes, necessary corrections shall be made electronically by the Department.

(4) The Department shall also keep a personal registry file about the conciliators. Documents such as the ID of the conciliator, their education and professional status, the foreign language knowledge, professional works and writings, disciplinary and criminal investigations and their results, and other documents shall be included in this file.

Conditions for registration as a conciliator

ARTICLE 48 - (1) Applications for registration shall be made to the Department electronically.

(2) The following items shall be added to the letter of application, which will include the contact information of the Office of the Chief Public Prosecutor at the High Criminal Court where the concerned person wants to act as a conciliator;

- a) The Republic of Turkey ID Number,
- b) Certified copy of the graduation certificate and the transcript for those other than law faculty graduates,
- c) Passport photo taken within the last six months,
- ç) The names of the registered chamber, institution and organization, if any,
- d) The original or certified copy of the certificate of participation showing that the conciliator training has been completed.

(3) In order to be registered as a conciliator, it is required to;

- a) Be a Turkish citizen,
- b) Be fully qualified,
- c) Be registered within the bar association as a lawyer,
- ç) **(Amendment: OG-31/12/2019-30995 4. Repeated)** For those who have studied law, to have graduated from a law faculty of a university, or to have studied at least four years of higher education in political science, administrative sciences, economics, finance or in a police academy, which include sufficient law or legal knowledge in their programmes,
- d) Not be convicted of an intentional offense,
- e) Not be associated with or connected to terrorist organizations,
- f) Complete the conciliator training and be successful in the written exam,
- g) Not be dismissed from the profession or a civil service post for disciplinary purposes and not be temporarily banned.

(4) There should not be any provision that prevents the person who applying for registration from carrying out the conciliation activity in the relevant legislation of their actual profession.

(5) The applicants who are found to have met the registration conditions as specified in the third paragraph and who do not have any missing documents shall be registered as a conciliator. Applicants who do not fulfil the requirements or who do not submit their missing documents within one-month period shall not be registered.

(6) A decision shall be made about the applications within two months of the date of reception or the delivery of the missing document and it shall be notified to the relevant person.

(7) Persons whose registration request is rejected due to lack of documents can reapply for registration by submitting the missing documents.

(8) The conciliator must notify the Department within one month of any changes in their information regarding the terms listed in the third paragraph, alongside the related document, if any.

(9) Exam results of those who are successful in the exam shall remain valid until they are registered, provided that they also complete their refresher training.

Removal from the registry and list of conciliators

ARTICLE 49 - (1) Conciliators who are registered despite not fulfilling the conditions to become a conciliator or who later fail to fulfil these conditions or those who engage in acts and behaviour that is incompatible with the duty of conciliation, who significantly or continuously fail to fulfil the obligations stipulated by the Law, who are not found competent as a result of performance evaluations, who act against the codes of conduct, and those who do not complete the refresher training shall be removed by the Department from the registry and the list.

(2) In case of violating the codes of conduct, a warning or a temporary delisting up to one year may be imposed instead of removal from the list and registry, depending on the nature of the violation.

(3) Written defence of the conciliator shall be received before the removal from the registry and the list. The conciliator has to submit their defence within ten days from the date of the written notification sent to them for preparing a written defence. The conciliator who refrains from the notification or does not prepare a defence within this period shall be deemed to have waived their right to defence.

(4) The conciliator who is subject to a warning for violating the codes of conduct shall be warned in writing by the Department. In case of failing to comply with the warning, it shall be decided to remove them from the registry and the list after their defence is received in accordance with the third paragraph, and this decision shall be notified to the relevant person.

(5) The conciliator can always request that they be removed from the registry and the list. Those who are in this situation can re-register if they meet the conditions outside the exam conditions.

Conciliator training

ARTICLE 50 - (1) Before the persons to be allocated as conciliators take up their position, it shall be ensured first that they receive training and are kept subject to training as long as they continue their duty.

(2) The training shall aim to develop alternative dispute resolution, communication and negotiation skills and methods and provide competence in knowledge about the special conditions of working with the victim, the party who suffers losses, the suspect or the accused and the criminal justice system.

(3) The subject of the training shall consist of the minimum qualifications, level of knowledge and personal skills required for persons who will work as conciliator. Persons to be allocated as conciliator shall be provided theoretical and practical training on the subjects determined by the Department.

(4) Persons who will be conciliator shall receive at least forty-eight hours of training, which includes thirty-six hours of theoretical and twelve hours of practical training. Daily training cannot exceed eight hours and training groups shall consist of a maximum of thirty

people. Permission shall be obtained from the Department for groups consisting of more than this number.

(5) Practical training shall include sample dispute resolution studies and practice monitoring activities that will enable candidates to improve their skills of using communication and negotiation techniques individually and in groups. People who receive conciliator training shall be expected to present a sample dispute scenario, conclude it using the conciliation method, and make group evaluations with the trainers.

(6) Theoretical and practical refresher training shall be provided to the conciliators by the institutions that have been permitted to carry out conciliation training at least once every two years, not less than eight hours in total. Conciliators have to attend this training that is provided every two years.

(7) Participants in the training must attend the lectures and studies given during the conciliator training unless they have a justified excuse that is proven by a document and accepted by the training institutions. A chart showing the attendance status of the candidates shall be prepared by the training institutions, and those who do not attend 1/12 of the courses without an acceptable and justifiable excuse shall be dismissed from the training programme.

(8) Training institutions shall issue a certificate of participation within one month at the latest to those who have successfully completed their training, stating that they have completed their conciliator training.

Permit for training institutions

ARTICLE 51 - (1) Conciliation training shall be provided by law faculties of universities, Union of Turkish Bar Associations or the Turkish Justice Academy. These institutions can provide training with the permission of the Ministry. The list of permitted training institutions shall be published electronically.

(2) A written application shall be made for obtaining a permit. The application shall provide justified and sufficient information about the training programme, the number of trainers, their titles and areas of specialty, competencies and training venues, including the content and duration of the training.

(3) If it is determined based on the documents submitted in the application that the training will reach its goal, and the compliance of the training venues and the continuity of the training activities in the training institutions will be ensured, then the relevant training institution shall be permitted for a maximum of five years and registered in the list of training institutions.

(4) The application of the training institution which is found to not meet the qualifications specified in the second and third paragraphs shall be examined and rejected by the Ministry within two months from the date of receipt of the application and the decision shall be notified to the relevant person. If the Ministry cannot make a decision within two months, the request shall be deemed to have been rejected.

(5) The training institution whose permit has not been extended or whose permit has been revoked shall be removed from the list of training institutions and the electronic list. Documents related to this training institution shall be kept in its relevant file.

Extension of the permit

ARTICLE 52 - (1) A training institution registered in the list of training institutions can request in writing the extension of the validity period of the registration in the list of training institutions minimum one year and maximum three months before the expiry of the registration. In cases where it is found from the reports submitted by the training institution according to

Article 53 that the training of conciliators continues successfully and the reasons stated in Article 54 are non-existent, the validity period of the permit granted may be extended for five years each time. The training institution shall remain registered in the list until a decision is rendered on the application made in due time.

(2) Requests for the extension of the permit shall be examined and decided within two months from the date of receipt of the request by the Ministry, and the decision shall be notified to the relevant person.

Requirement to inform the department

ARTICLE 53 - (1) Training institutions shall submit a report to the Department in January every year on the scope, content and success of the training activity carried out during the previous year.

(2) A one-month period shall be granted, along with a written notice, to the training institution failing to submit a report. The notice shall state that if the report is not submitted within the given time, the permit to provide training will be cancelled.

Cancellation of the permit for the training institution

ARTICLE 54 - (1) The permit for the training institution shall be cancelled by the Ministry in the following cases:

- a) It is found that one of the conditions for permit is removed or no longer exists.
- b) It is found that the training is not provided in accordance with the Regulation.
- c) Forgery or significant mistakes in the issuance of conciliator training certificate of participation.
- ç) Failure to fulfil the requirement to inform as stated in Article 53 despite the notice.
- d) It is found that the continuity of the training activity is not ensured.

(2) The Ministry can always decide to cancel the training permit upon the written request of the training institution.

The location, form, date and subject of the exam

ARTICLE 55 - (1) Those who have completed the conciliator training need to be successful in the exam in order to register.

(2) **(Amended text: OG-31/12/2019-30995 4. Repeated)** The exam shall be made according to the number of conciliators needed to be determined by the Ministry. The place, date and time of the exam shall be determined by the Department and announced on the website of the Directorate General.

(3) The exam shall cover the subjects given during the conciliator training.

Authority to apply and manner of application for the exam

ARTICLE 56 - (1) Applications for the written exam shall be made to the Department electronically until the deadline.

(2) Turkish ID number and original or certified copies of the certificate of graduation and the certificate of participation showing that they have completed the conciliator training shall be attached to the application of the concerned person.

(3) Other issues related to the application shall be specified in the announcement of the exam.

Examination of the application form

ARTICLE 57 - (1) The application form shall be examined to determine whether the concerned person has the right to take the written exam.

(2) The applications of those who leave one or more of the questions in the application form unanswered and those who are found not to have the right to take the exam shall be rejected and they shall be notified about this issue.

(3) Necessary information about those who have the right to take the written exam shall be sent to the institution that will hold the exam. Exam pass and ID document shall be sent by the relevant institution to the applicant.

The conduct of the exam

ARTICLE 58 - (1) Written exam shall be done by testing physically or electronically.

(2) This exam can be carried out by an institution to be determined by the Ministry among the Measuring, Selection and Placement Center or higher education institutions.

Condition for passing the exam

ARTICLE 59 - (Amendment including the Title: OG-31/12/2019-30995 4. Repeated)

(1) In the written exam, as many candidates as the number of conciliators needed as specified in the announcement for the exam shall be considered to have passed the exam, starting from the candidate who had the highest score provided that they got at least seventy points out of a hundred points. Candidates who get the same score as the candidate with the lowest score who passes shall also be considered to have passed.

Announcement of and objection to exam results

ARTICLE 60 - (1) The Department shall announce the written exam results within one month from the date of reception of the exam results.

(2) Those concerned can make a written objection to the Department within seven days from the announcement of the exam results.

(3) Objections to the exam shall be notified by the Department to the institution conducting the exam within seven days. The objection results shall also be notified by the Department to the concerned parties in writing within the same period.

(4) Objections to the exam shall be resolved by the institution conducting the exam.

(5) The scores corresponding to the wrong questions in the exams shall be equally distributed to the other questions. However, if it is determined upon the objections made within the period specified in the second paragraph or in any other way that more than five percent of the questions are wrong, the exam shall be cancelled and a new exam shall be held as soon as possible.

Invalidity of the exam

ARTICLE 61 - (1) A report shall be drawn up and the exams of those who took it shall be deemed invalid if:

- a) They leave the exam hall or site without permission,
- b) They cheat or attempt to cheat in the exams,
- c) They help or attempt to help others cheat in the exams,
- ç) They allow someone else to enter the exams in their stead,
- d) They behave in an undisciplined manner during the exam.

(2) The exams of those who are found to have made false statements in the application form despite having passed the exam shall also be deemed invalid. Persons who find themselves in such a position cannot make any claims. In addition, administrative and legal actions shall be taken against those who are found to have made false statements.

Failing the exam **ARTICLE 62** - (1) The following applicants shall be deemed to have failed the exam:

- a) (**Amendment: OG-31/12/2019-30995 4. Repeated**) Those who do not meet the condition for passing the exam in Article 59,
- b) Those whose exam is deemed invalid,
- c) Those who have not attended the exam.

Right to retake an exam

ARTICLE 63 - (1) Those whose exam is deemed invalid in accordance with subparagraph (a) of the first paragraph of Article 61 and those who are deemed to have failed the exam in accordance with subparagraphs (a) and (c) of the first paragraph of Article 62 have the right to retake the exam.

Storage and destruction of examination documents

ARTICLE 64 - (1) Exam application documents of those who have passed the exam shall be placed in their relevant personal registration file. Exam application documents of those who have failed the exam shall be returned upon request within six months of the announcement of the exam results. Documents that are not returned within the specified period shall be destroyed after writing a report. However, the documents of those who have applied to the administrative court shall continue to be stored until the conclusion of the case.

Audit procedure

ARTICLE 65 - (1) Training institutions shall be audited by the Department to determine whether the Law and the provisions of this Regulation are followed.

(2) Conciliators shall be audited by the Chief Public Prosecutor, the deputy Chief Public Prosecutor or the appointed public prosecutor with the jurisdiction.

(3) The institutions and conciliators that have been granted training permit shall be audited every year.

(4) Conciliators and institutions that have been granted training permit can always be audited upon notice or complaint.

Auditors

ARTICLE 66 - (1) A sufficient number of auditors shall be employed in the Department to be assigned for the audit procedures of conciliator training institutions.

Scope of audit

ARTICLE 67 - (1) Training institutions shall be audited in terms of the following:

a) Performing training services in accordance with the purpose of the Law and the provisions of this Regulation,

b) The availability and validity of the operating permits and the work permits of the trainers,

c) Duly preparation of the training programmes, implementation of these programmes completely and as required during the training period,

ç) Keeping the records in due form.

(2) Conciliators shall be audited in terms of the following:

a) Acting in accordance with the basic principles and the codes of conduct specified in the Regulation,

b) Drafting the conciliation proposal and conciliation report in due form,

c) Completing the conciliation proceedings in due time,

- ç) Respecting the confidentiality of conciliation negotiations,
- d) Compliance with the obligations stipulated by the Law and this Regulation.

Monitoring the audit result

ARTICLE 68 - (1) As a result of the audit, a report shall be prepared in terms of training institutions by the auditors, and in terms of conciliators, by the relevant Chief Public Prosecutor, deputy Chief Public Prosecutor or public prosecutor.

(2) One copy of the prepared report shall be kept in the archive of the auditee or the relevant Office of the Chief Public Prosecutor, and the other copy shall be submitted to the Department.

(3) The deficiencies found as a result of the audit shall be notified by the Department in writing to the relevant training institutions, and a suitable period of time shall be allowed to correct these deficiencies. If the deficiencies are not corrected at the end of the given time or in the event that criminal practices are found as a result of the audit, judicial and administrative proceedings shall be initiated.

(4) Actions shall be taken against conciliators or training institutions that are found to have committed a crime in accordance with Articles 49 and 54 of this Regulation.

CHAPTER TEN

The Department

The Department

ARTICLE 69 - (1) The Department shall consist of a head of department, a sufficient number of rapporteur judges and other staff.

Duties of the Department

ARTICLE 70 - (1) The duties of the Department are as follows:

- a) To ensure the effective implementation of alternative procedures such as prepayment, conciliation and postponement of filing a public lawsuit.
- b) To follow up the application related to their jurisdiction and to investigate the reasons for the problems that emerge and present their proposals for a solution to the Ministry.
- c) To determine the procedures and principles regarding the basic training of conciliators and the qualifications of the institutions and organizations that will provide training and to submit these to the approval of the Ministry, to list these institutions and organizations and to publish them electronically.
- ç) To determine the procedures and principles of the exam to be held at the end of the conciliator training and to hold these exams
- d) To determine the duration of the written exam, the number of questions and the weights of the subjects and the scoring principles.
- e) To have the questions related to the written exam prepared by the training institutions that provide conciliator training.
- f) To determine the procedures and principles regarding admission into the registry of conciliators; to decide on the admission into and removal of conciliators from the registry, to list the registered conciliators according to the Office of the Chief Public Prosecutor where they want to serve.

- g) To determine the principles of distribution of the files for the conciliators and the maximum number of files that can be given on a monthly basis.
- ğ) To determine the procedures and principles regarding the audit and performance of conciliators.
- h) To conduct informative studies on alternative dispute resolution methods.
- ı) To organize and publish about scientific meetings at national or international level and to promote and support such efforts.
- i) To work in cooperation with the relevant units of the Ministry on the compilation and dissemination of statistics within their jurisdiction.
- j) To cooperate with public or private institutions and organizations in their jurisdiction.
- k) To prepare the Conciliator Minimum Wage Tariff.

Creation and announcement of the conciliator lists

ARTICLE 71 - (1) In accordance with Articles 47 and 48 of this Regulation, conciliator lists shall be created based on the order of registration, the judicial locality of the Office of the Chief Public Prosecutor at the High Criminal Court, and the need for conciliators.

(2) Conciliator lists shall be added by the Department to UYAP informatics system.

(3) The conciliators shall be allocated by the Offices of the Chief Public Prosecutor in accordance with the lists determined by the Department.

(4) Conciliator lists created by the Department shall be announced by the Ministry.

CHAPTER ELEVEN

Miscellaneous and Final Provisions

Transitional provision

PROVISIONAL ARTICLE 1 - (1) Conciliator lists shall be created by the Department maximum six months from the effective date of this Regulation. An announcement shall be made by the Ministry in order to allocate a conciliator in accordance with these lists. Until the announcement is made, allocation of the conciliators shall continue to be made among those identified in accordance with the procedure prescribed before the amendment in Article 253 of the Law made by the Law on the Amendment of the Criminal Procedure Code No. 6763 and Certain Laws, and these conciliators shall complete their duties.

Repealed regulation

ARTICLE 72 - (1) The Regulation on the Implementation of Conciliation According to the Criminal Procedure Code published in the Official Gazette no. 26594 and dated 26/7/2007 has been repealed.

Entry into Force

ARTICLE 73 - (1) This Regulation shall enter into force on the date of its publication.

Enforcement

ARTICLE 74 - (1) The Minister of Justice shall enforce the provisions of this Regulation.

The Official Gazette in which the Regulation was published	
Date	Number
5/8/2017	30145
Official Gazettes in which Regulations Amending the Regulation were Published	
Date	Number
1. 31/12/2019	30995 (4. Repeated)
2.	