

PEER REVIEW VISIT TO TURKEY

17-21 January 2011

EXECUTIVE SUMMARY

- **The Republic of Turkey is a vibrant, modern democracy, with a developed and energetic media. There are, however, significant obstacles preventing its citizens from enjoying the full free expression rights to which they are plainly entitled under Article 10 of the European Convention on Human Rights.**
- **These obstacles stem in part from certain provisions of the Turkish Penal Code, its Anti Terror Law, and other laws relating to the media and the Internet. These provisions require repeal or amendment to include clear and unambiguous public interest defences to protect journalists, broadcasters and others who are engaged in legitimate reporting and comment.**
- **The obstacles also stem from cultural biases. Prosecutors, in particular, should be required by explicit law to consider Article 10 rights each time they are asked to open criminal files in which those rights are potentially engaged. They should be much more willing to decline to open files in unmeritorious cases, and they should be supported by their superiors and by the courts in exercising appropriate discretion.**
- **The judges should see themselves as independent of the State and they should pay the highest defence to Article 10 rights, recognising their critical importance to the maintenance of democratic society.**

Introduction

1. At the invitation of the European Commission, I visited Turkey between 17-21 January 2011 in connection with Chapter 23 of its accession negotiations. In particular, I was tasked with conducting a peer review into free expression and the freedom of the media in Turkey.
2. I have practiced law at the Bar of England and Wales for thirty-three years, specialising in criminal law, media law and international law. I served as Director of Public Prosecutions and Chief Prosecutor for England and Wales between 2003-2008. I have been a Visiting Professor of Law at the London School of Economics since 2009, and a member of the House of Lords since July 2010. I was recently asked by the United Kingdom government to provide independent oversight of its Review of Counter-Terrorism and Security Powers. I reported my findings to the UK Parliament in January 2011.
3. In the course of my mission to Turkey, I have sought to apply to my analysis current European standards of compliance with Article 10 of the European Convention on Human Rights, as developed in jurisprudence from the European Court of Human Rights in Strasbourg and in domestic courts. Broadly, this jurisprudence requires States to pay very high deference to free expression rights, which may only be limited in accordance with what is strictly necessary in a democratic society, and to develop legal and other mechanisms to protect and to promote these rights throughout society. Under the terms of the European Convention and according to case law, and for very obvious reasons, political speech requires a particularly high degree of protection in a democratic state.
4. During my mission, I was welcomed with great hospitality and kindness by Turkish colleagues and held a wide variety of meetings with judges, public officials, parliamentarians, journalists, broadcasters, academics and NGOs. In these meetings my interlocutors displayed great openness and frankness towards me. Government officials, in particular, engaged fully with my work and

gave me most of the assistance that I needed. Their response to my visit was generous and broadly cooperative. In the circumstances, I am satisfied that I was able to obtain a clear picture of the degree of Turkey's present adherence to Article 10 of the European Convention on Human Rights, and of the challenges it faces in maintaining and strengthening that adherence.

5. It is clear that Turkey is a democratic country with a vibrant, often boisterous media. There is a great wealth of newspapers and periodicals and many television and radio channels. Opposition views are regularly expressed in trenchant terms and journalists, in particular, are proud of their professionalism. Politics is conducted in the public space at very high volume. There is much to be commended in the openness of the Turkish national debate and I pay strong tribute to this aspect of Turkish society. It puts certain other parts of Europe to shame.
6. Yet it is plain to me that there are also significant challenges to be faced. Indeed I have concluded that in its legal and judicial cultures, in its legislative provisions, and in its political responses, there remain in Turkey some significant impediments to the free and appropriate exchange of information and ideas. As an intrinsic part of my role, I am required to address these issues with a high degree of frankness and I shall do so.
7. I acknowledge that Turkey is a nation not so very long out of military dictatorship and that it has suffered very serious problems with terrorism in recent years. Its national security has been under significant threat, and this is an important factor to be taken into account in assessing Article 10 compliance.
8. Nevertheless, my firm overall conclusion is that a more determined assault on those aspects of Turkish arrangements that impede Article 10 rights is now necessary and pressing, if Turkey is to meet required European Convention standards. I have no doubt that, given the political will, such an assault is not only possible, but could, within a reasonable timescale, deliver the reforms that are necessary appropriately to secure full Article 10 protections for all Turkish

citizens and institutions, quite consistent with national security and good public order in a democratic State.

9. I shall deal with the issues, as I perceive them to be, in turn.

The Turkish Penal Code

10. The Turkish Penal code was revised in June 2005, in part to deal with criticisms that certain provisions were antipathetic to Article 10 rights, particularly to those of the media. The changes have marked a degree of improvement but, in my view, the reforms have not gone far enough.
11. A number of my interlocutors in Turkey were firmly of the view that the Penal Code itself was not the problem; rather its interpretation by prosecutors and judges presented a difficulty. I disagree. In my view, it is precisely because of the way in which the offending Articles are drafted that persistent interpretations hostile to Article 10 rights are possible and widespread: instead of shutting them out, aspects of the Penal Code give every encouragement to interpretations hostile to Article 10.
12. But even if this is an ungenerous analysis, the very fact that so many Turkish prosecutors and judges have apparently shown themselves inclined to draw conclusions from the existing Penal Code that are plainly undermining of Article 10 rights, is itself sufficient reason to amend the Code without delay, so that these unfortunate and damaging interpretations may be adequately controlled.
13. My conclusion is that numerous existing Articles of the Turkish Penal Code present significant barriers to Turkey's full enjoyment of Article 10 protections, and that amendments are essential and urgent.

Article 125

14. This article of the Penal Code criminalises defamation. It is excessively broadly drafted and it is widely used, particularly against journalists and broadcasters. I

have no doubt that this Article has a chilling effect upon the media and that in many cases it has quite deliberately been used in a manner that is designed to inhibit free expression. I understand that many thousands of files are opened every year in *Article 125* cases (*see annex 1*)

15. I note that in one well-known case, the Turkish Prime Minister himself has filed a criminal complaint and is seeking compensation in defamation proceedings against a journalist. Doubtless such high profile litigation tends to encourage other intimidatory action against the media, quite inconsistent with a free and energetic press. Such actions on the part of senior politicians are unhelpful and are to be deprecated.

16. *I conclude that problems arising from the interpretation of Article 125 are so severe that the Turkish authorities should give serious consideration to decriminalising defamation altogether and consigning it purely to civil jurisdiction, so that imprisonment is no longer an outcome that threatens journalists, broadcasters and others.*

17. *Failing that, the terms of Article 125 should be drafted much more strictly, requiring evidence of real damage to a claimant before a criminal file may be opened, and they should include a clear and powerful public interest defence to protect journalists and broadcasters, in particular, from intimidation and from prosecution in inappropriate cases. The burden should be on the complainant to overcome this defence to the criminal standard. Prosecutors should be required by explicit law to weigh free expression rights in the balance each time they receive a complaint under one of these Articles. The legal presumption should be in favour of publication.*

Articles 214, 215, 216, 220

18. These Articles, which on their face are designed to protect public order, are regularly used against journalists and broadcasters who report events and

developments in parts of Turkey, as well as against others apparently using commonplace language to categorise individuals and groups. Many thousands of files are opened each year (*see annex 2*).

19. Of course the protection of public order is essential in a democratic society, but legislative measures must be proportionate and restricted only to what is necessary. Any provisions capable of interfering with Article 10 rights, as these plainly are, require particular scrutiny. Many of my Turkish interlocutors insisted that in too many cases in Turkey, journalists and broadcasters who are merely reporting events of plain public interest are caught by these Articles and in circumstances which would not properly be regarded as criminal according to European Convention standards.
20. ***I conclude that these Articles require serious amendment to restrict their ability to interfere with the appropriate Article 10 rights of Turkish citizens. At the very least, each of the Articles should include a clear public interest defence, protecting journalists and broadcasters who are reporting matters of legitimate public interest. The burden should be on the complainant to overcome this defence to the criminal standard. Prosecutors should be required by explicit law to weigh free expression rights in the balance each time they receive a complaint under one of these Articles. The legal presumption should be in favour of publication.***

Article 226

21. This Article outlaws, amongst other things, the publication or broadcast of obscene material. Hundreds of *Article 226* files are opened each year (*see annex 3*). A number of journalists and members of NGOs suggested to me the *Article 226* is sometimes used to prevent the description or depiction of homosexuality. But in a modern, pluralistic society it is offensive and impermissible for the State to regard homosexual acts, between consenting adults, as obscene.

22. ***I conclude that the Turkish government should take urgent steps to reassure itself, and the wider world, that the Penal Code is not being misused in this egregious way.***

23. ***I further conclude that this Article requires serious amendment to restrict its ability to interfere with the appropriate Article 10 rights of Turkish citizens. It should contain clear definition of obscenity sufficient reasonably to exclude misuse. It should also include a clear public interest defence, protecting journalists, broadcasters and artists who are reporting matters of legitimate public interest, or creating works of art. The burden should be on the complainant to overcome this defence to the criminal standard. Prosecutors and courts should be required by law to weigh free expression rights in the balance each time they receive a complaint under this Article. The legal presumption should be in favour of publication.***

Article 285

24. On its face, this Article protects the confidentiality of investigations. In practice it is used very extensively indeed against journalists and broadcasters who are apparently doing no more than reporting matters of serious and legitimate public interest. At any one time, hundreds of Turkish journalists are facing criminal charges under this Article, which has a palpable chilling effect upon free expression in the press (*see annex 4*).

25. It is, of course, perfectly legitimate to use the criminal law to protect the integrity of legal proceedings. But the criminal law should only be invoked when the act complained of is likely seriously to prejudice the fairness of the proceedings in question. *Article 285* contains no such qualification. In consequence, it is dangerously broad, and inimical to free reporting.

26. ***I conclude that this Article should be amended to include a requirement of proof to the criminal standard that proceedings are likely to be substantially***

prejudiced by the act in question and, in consequence, require the protection of the law.

27 *I further conclude that it should include a clear public interest defence, protecting journalists, broadcasters and others who are reporting matters of legitimate public interest. The burden should be on the complainant to overcome this defence to the criminal standard. Prosecutors should be required by explicit law to weigh free expression rights in the balance each time they receive a complaint under one of these Articles. The legal presumption should be in favour of publication.*

Article 288

28 This Article outlaws attempts to influence prosecutors, judges, courts or witnesses and many hundreds of files are opened each year, mainly against journalists and broadcasters who comment upon cases (see **annex 5**). It is excessively broadly drawn, it does not require any proof that proceedings were, in fact, prejudiced and it contains no public interest defence. It should be amended accordingly, or abolished.

29 *I conclude that, at the very least, this Article should be amended to include a requirement of proof to the criminal standard that proceedings are likely to be substantially prejudiced by the act in question and, in consequence, require the protection of the law.*

30 *I further conclude that it should include a clear public interest defence, protecting journalists, broadcasters and others who are reporting matters of legitimate public interest. The burden should be on the complainant to overcome this defence to the criminal standard. Prosecutors should be required by explicit law to weigh free expression rights in the balance each time they receive a complaint under one of these Articles. The legal presumption should be in favour of publication.*

Article 301

31 This Article outlaws the insulting of the Turkish nation, the Republic and the organs and institutions of the State, including the military. Many hundreds of files are opened each year (see **annex 6**). Investigations may only be brought with the consent of the Minister of Justice, and this has resulted in many fewer cases being brought- although some have questioned the role of a Minister in prosecutorial decision-making. Furthermore expressions of opinion for the purpose of criticism do not constitute an offence. Yet this Article is used against journalists and broadcasters, particularly those who are said to have denigrated the military, and it remains highly questionable whether such prohibitions are necessary or proportionate in a democratic society.

32 ***I conclude that this Article should be repealed. At the very least, it should include a clear public interest defence, protecting journalists, broadcasters and others who are reporting matters of legitimate public interest, or expressing non-violent political views. The burden should be on the complainant to overcome this defence to the criminal standard. Prosecutors should be required by explicit law to weigh free expression rights in the balance each time they receive a complaint under one of this Article. The legal presumption should be in favour of publication.***

Article 318

33 This Article makes it an offence to discourage people from performing military service. Scores of files are opened each year (see **annex 7**). The Article has been used against journalists and broadcasters reporting events of obvious public interest in Turkey, and it is doubtful that its provisions are necessary or proportionate in a democratic society.

34 ***I conclude that this Article should be repealed. At the very least, it should include a clear public interest defence, protecting journalists, broadcasters and others who are reporting matters of legitimate public interest, or expressing non-violent political views. The burden should be on the complainant to overcome this defence to the criminal standard. Prosecutors***

and courts should be required by law to weigh free expression rights in the balance each time they receive a complaint under this Article. The legal presumption should be in favour of publication.

The Ataturk Law

35 This controversial law protects the founder of modern Turkey, Ataturk, from insult. It has been widely criticised internationally. This criticism has contended that the provision has been employed disproportionately to restrict political speech in a way quite inconsistent with European Convention rights. Many commentators inside and outside Turkey have contended that the law is no longer necessary, that it is oppressive and hostile to Article 10 rights, and that it should be abolished.

36 Partly in response to these criticisms, there is now a requirement that any prosecution under the Ataturk Law may only be brought with the consent of the Minister of Justice. This reform has resulted in many fewer cases being brought, though some question the appropriateness of a Minister's involvement in prosecutorial decision-making.

37 Others argue that, since the law is now so little used, it should be abolished. Senior prosecutors and judges in a number of my meetings in Turkey expressed this view forcibly to me.

38 ***I conclude that there is a substantial risk that the Ataturk Law has a chilling effect upon political speech in Turkey, that it is no longer required to protect either national security or public order and that, as a barrier to free speech, it can therefore no longer be justified in a democratic society. It should be repealed.***

39 ***I further conclude that, at the very least, it should include a clear public interest defence, protecting journalists, broadcasters and others who are***

reporting matters of legitimate public interest, or expressing non-violent political views. The burden should be on the complainant to overcome this defence to the criminal standard. Prosecutors should be required by explicit law to weigh free expression rights in the balance each time they receive a complaint under this law. The legal presumption should be in favour of publication.

The Anti Terror Law

40 In my view, Turkey's anti terror laws impact disproportionately and in a number of important ways upon Article 10 rights.

Article 6

41 This Article prohibits the publication of the acts and declarations of terrorist organisations and permits the suspension of publications that praise terrorist organisations or repeat their propaganda. Hundreds of files are opened every year (see ***annex 8***).

42 The provisions appear seriously to interfere with the right of journalists and broadcasters legitimately to report matters and events of clear public interest—indeed no specific public interest defence is to be found in *Article 6*. Without it, this Article plainly risks restricting the legitimate flow of information appropriate for dissemination.

Article 7

43 This Article prohibits the founding, managing and membership of terrorist organisations and making propaganda on their behalf. Thousands of files are opened each year (see ***annex 9***). It is used extensively against the press and journalists, as well as against television channels and broadcasters.

44 Again it seems plain that *Article 7* is used extensively against journalists and broadcasters who are simply reporting matters and events of clear public

interest. It is quite inappropriate, in a democratic society, for journalists who are merely reporting matters of obvious public interest, to face the threat and reality of criminal prosecution- particularly for offences of terrorism. This is bound to have a seriously chilling effect upon free speech.

45 ***I conclude that Turkey should re-examine very closely Articles 6 and 7 of its Anti Terror Laws. At the very least, their plainly disproportionate use against journalists and broadcasters should be curbed by the inclusion of clear and unambiguous public interest defences, protecting journalists, broadcasters and others who are reporting matters of legitimate public interest, or expressing non-violent political views. The burden should be on the complainant to overcome this defence to the criminal standard. Prosecutors should be required by explicit law to weigh free expression rights in the balance each time they receive a complaint under this law. The legal presumption should be in favour of publication.***

46 Overall, the picture is of very large numbers of criminal files being opened against members of the media under provisions of both the Penal Code and the Anti Terror Law. The figures run into many thousands every year. Indeed, in the Heavy Criminal Court in Istanbul, a senior judge told me that no less than ten percent of all his cases involved allegations against journalists. This seems very excessive: either a large number of journalists in Turkey are terrorists, or the law is being misapplied in an oppressive and disproportionate way against the media. I favour the latter interpretation.

47 The Turkish Journalists' Association has estimated that in the period September-December 2009, there were 688 criminal cases and civil suits proceedings against journalists in Turkey. In December 2009, it is claimed, there were 38 journalists in prison.

- 48 It is true that the Turkish authorities maintain that a substantial proportion of the imprisoned journalists in Turkey are incarcerated as a result of having committed common crimes. But the numbers remain of significant concern.
- 49 This situation plainly fails to accord with European Convention standards and the Turkish government should address it urgently by amending, and where necessary abolishing, the offending statutory provisions to give new resonance to the importance of free expression in a democratic society. In the absence of radical legislative change, I do not believe the situation will improve.
- 50 A clear danger represented by laws of the type I have referred to is not simply that they may result in the prosecution of journalists and broadcasters who are merely going about their everyday business in ways that a democratic society ought to regard as wholly lawful. It is also that these laws have a chilling effect, so that journalists begin to 'self censor' their own work.
- 51 This is highly undesirable in a democratic society, and very seriously undermining of Article 10 rights. It is apt to create a situation in which the public loses the capacity to receive information to which it is plainly entitled, to the detriment of democratic structures and civil society in general.

The Press Law

- 52 This entered into force on 26 June 2004. It contains provisions that are plainly of concern, particularly in relation to sanctions and penalties for relatively minor infringements, which may be sufficiently severe to result in a degree of self-censorship. These provisions require urgent review.
- 53 It is obvious that the free passage of information, including political speech, requires a high degree of protection in a democratic society. It is far from clear that Turkey's Press Law offers an adequate or appropriate degree of protection to free expression.

54 *I conclude that, at the very least, the Press Law should be amended to include a strong public interest clause, permitting publication of otherwise questionable material in circumstances where the public interest favours publication over restriction and protecting journalists and publishers who are reporting or publishing matters of legitimate public interest, or expressing non-violent political views. The burden should be on the complainant to overcome this defence to the criminal standard. Prosecutors should be required by explicit law to weigh free expression rights in the balance each time they receive a complaint under these Laws. The legal presumption should be in favour of publication.*

The Broadcasting Law

55 The interpretations of parts of *Law No. 3984*, relating to the broadcast media and to the sanctions that may be enforced upon broadcasters, remain a cause for concern.

56 In June 2010, the regulator RTUK imposed a broadcasting ban upon a television channel following the comments of a contributor who had spoken about the Armenian question. RTUK felt that his comment exceeded the bounds of legitimate criticism. Setting to one side the merits of the decision itself, the sanction seems disproportionate in a democratic society.

57 It was also suggested to me by a number of my interlocutors that a finding may be made that a broadcaster is offending family values where its programmes feature homosexual themes. Again, if it occurs, this seems inappropriate in a pluralistic democratic society.

58 It seems clear that *Law 3984* requires specific provisions to protect political speech from censorship and to protect the appropriate depiction of differing lifestyles in a democratic society. Furthermore, art itself, even where it may be

deemed offensive to parts of the community, deserves a high degree of protection in a democratic society. It is far from clear that Turkey's Broadcasting Law contains these protections and appropriate clauses should be enacted as a matter of urgency.

59. ***I conclude that the Broadcasting Law should also be amended to include a strong public interest clause, permitting the broadcast of otherwise questionable material in circumstances where the public interest favours publication over restriction and protecting broadcasters who are reporting matters of legitimate public interest, or expressing non-violent political views. The burden should be on the complainant to overcome this defence to the criminal standard. Prosecutors should be required by explicit law to weigh free expression rights in the balance each time they receive a complaint under these Laws. The legal presumption should be in favour of broadcast.***

The Internet

Law No. 5651

60. Law no. 5651 was adopted in May 2007. Its stated purpose is to protect families, children and young people from illegal broadcasting that promotes drugs, suicide, sexual abuse, child pornography gambling and other unhappy influences. It empowers the Telecommunications Communication Presidency ('TIB') to monitor, audit and supervise publications on the Internet.
61. An initial decision to remove particular material from a website may taken at a Peace Court, which is the lowest level criminal court. Any person who feels their rights have been violated by material posted on the Internet may make an application at this court for the material to be taken down. A Peace Court Judge's order to this effect may be appealed by the website host.

62. I visited a Peace Court in Ankara, where the judge deals with numbers of these cases each month. This position is, presumably, replicated all over Turkey. It may be laudable in one sense that citizens are given the power to go to the law to protect their feelings from injury. But a democratic society has the duty to pay a very high degree of deference to the right of the community *as a whole* to enjoy Article 10 freedoms, free from disproportionate interference. Furthermore, the Peace Court seems a very junior jurisdiction within which to adjudicate such important matters touching upon Article 10 rights.
63. It seems clear that the balance in the Turkish system is wrong. Frankly, injury to feelings should not trump free speech rights, except in particularly egregious circumstances. Article 10 caselaw has made very plain that the right to speak freely must include, in appropriate circumstances, the right to speak offensively. Otherwise free speech has no point.
64. The blocking of websites in Turkey by the authorities appears to be very extensive indeed. The Organisation for Security and Cooperation in Europe ('OSCE') has reported that between May 2007 and December 2009, approximately 3,700 websites were blocked under *Law No. 5651*. It reports that these have included prominent sites such as YouTube, Geocities, DailyMotion and Google. Furthermore, websites dealing with issues in southeastern Turkey have also been blocked. Finally, two websites combining the largest online gay community in Turkey, with some 225,000 subscribers, have also been blocked.
65. The OSCE concludes that the impact of the Turkish arrangements adversely affects the freedom to send and to receive information in Turkey. For my part, I note with alarm that, since May 2009, the TIB has declined to publish blocking statistics. Indeed, my own request to be supplied with the relevant figures was rejected. This is unjustifiable and extremely unsatisfactory.
66. I think it most unlikely that the Turkish regime meets European Convention standards. It appears that blocking and filtering tools are used to silence

politically motivated speech, the criteria for blocking appears to be opaque and there is no longer any transparency over the numbers of websites affected.

67. ***I have concluded that the extent of Internet censorship in Turkey is beyond what is necessary or proportionate in a democratic society and that Law 5651 should be abolished. The government should devise new legislation that is truly designed to protect children from harmful Internet content without undermining free speech and the right of all Turkish adults to access all types of legal Internet content.***

68. ***I further conclude that any such legislation should stipulate that relevant matters should only be adjudicated in the higher courts, and should contain a strong public interest clause, permitting publication of otherwise questionable or controversial material in circumstances where Article 10 rights favour publication over restriction, and protecting journalists, bloggers and other publishers who are reporting or publishing matters of public interest, or expressing non-violent political views. The burden should be on the complainant to overcome this defence to the criminal standard. Prosecutors should be required by explicit law to weigh free expression rights in the balance each time they receive a complaint under these Laws. The legal presumption should be in favour of publication.***

Conclusion

69. It was clear to me from the many meetings that I had during my mission to Turkey, that there is a wide appreciation amongst government officials, prosecutors and judges that Turkey has serious issues to address in relation to freedom of expression. Journalists, broadcasters and publishers representing a very broad range of political opinion expressed similar disquiet.

70. Whilst there was less agreement about the appropriate solutions, there was some significant acknowledgment that Turkey's criminal legislation remains

highly problematic in terms of its impact upon free speech. I understand that work is being undertaken within the Ministry of Justice to identify appropriate legislative reforms. This is work of great importance and it should be prioritised.

71. It was repeatedly suggested to me that the judicial and prosecutorial culture also needs to be re-balanced in favour of a greater appreciation of the importance of Article 10 protections in a democratic society. I think the point was well made. One judge in the Court of Cassation told me that he felt prosecutors were too reluctant to exercise their discretion *not* to open a file in particular cases. In his view, this resulted in large numbers of files being opened, including against journalists, in thoroughly unmeritorious cases.
72. It is certainly true that the vast majority of files against journalists and broadcasters are closed with no further action. But this by no means resolves the problem. The very act of opening a criminal file against a writer is a potentially chilling and oppressive act, particularly if it amounts to an attack upon his or her Article 10 rights.
73. The answer is not that the file is eventually closed without court proceedings but, rather, not to open the file in the first place. Prosecutors in Turkey should be strongly encouraged to exercise their discretion not to open unmeritorious files, particularly in cases where Article 10 rights are engaged. They should be supported in this by their professional bodies, by their superiors and by the judiciary. As I have made plain, what is required is a political, prosecutorial and judicial culture in which the presumption is always towards publication rather than censorship. I detected a strong need for a change in this regard.
74. The judges, too, should see themselves as independent of the State, adjudicating rights both between citizen and State and between citizens themselves, in a fair and balanced manner. In conducting adjudications, they should pay the highest deference to Article 10 of the European Convention, understanding its critical role in securing the development of a free and democratic society.

75. I have no doubt that Article 10 values are right for modern Turkey. This vibrant, creative and energetic nation enters the new century in a state of growth and quite extraordinary development that presents a striking contrast with much of the rest of Europe. The free flow of information, ideas and learning, within a spirit of tolerance and subject to minimum restriction, is a process intrinsic to Turkey's future progress as a modern democracy close to the heart of Europe.

Lord Macdonald of River Glaven QC

London

April 2011

Year	Article	Cases	Ongoing cases	The accused	Victim	Arrest	Conviction	Acquittal	Suspension of announcement of a decision	No need to punish
2008	5237S.K. 125/1 art.	100632	6523	414758	376482	35908	21787	20986	10583	5821
2008	5237S.K. 125/2 art.	4575	356	15314	15954	1777	870	760	363	105
2008	5237S.K. 125/5 art.	971	81	3594	6158	525	490	242	245	16
2009	5237S.K. 125/1 art.	126586	23911	351811	311489	43387	19531	30015	24673	8659
2009	5237S.K. 125/2 art.	6301	1509	14182	14964	2335	928	1065	1027	167
2009	5237S.K. 125/5 art.	884	189	2179	4106	378	341	293	410	22
2010	5237S.K. 125/1 art.	145460	96932	407304	351866	40599	16003	35142	33715	10546
2010	5237S.K. 125/2 art.	8997	6574	20671	21612	2712	765	1293	1568	234
2010	5237S.K. 125/5 art.	916	592	2283	4392	440	288	229	484	14

Average trial duration

2009	5237S.K. 125 art.	267 (day)
2010	5237S.K. 125 art.	277 (day)

Drop	Lack of substantial competence	Lack of territorial competence	Merging	The accused under the age of 18	The accused over the age of 18	Victim under the age of 18	Victim over the age of 18
35991	306	2455	1079	4733	133486	5935	118521
1095	49	126	48	140	4964	151	5087
57	3	36	12	60	1138	10	1987
52125	280	3298	1284	6049	169834	8074	146206
1625	59	157	75	211	6882	266	7102
31	4	37	11	59	1030	9	1962
63029	163	3997	1801	7220	196425	10286	163978
2222	55	203	129	367	9967	446	10217
49	2	36	19	64	1077	9	2116

Year	Article	Cases	Ongoing cases	The accused	Victim	Arrest	Conviction	Acquittal	Suspension of announ	No need to punish
2008	5237S.K. 214/1 art..	57	6	456	120	74	12	32	6	0
2008	5237S.K. 214/2 art..	3	1	30	9	9	0	0	0	0
2008	5237S.K. 215/1 art..	1478	115	17574	576	1441	481	1347	276	15
2008	5237S.K. 216/1 art..	132	15	687	191	121	26	96	14	2
2008	5237S.K. 216/2 art..	18	1	72	103	7	2	4	3	1
2008	5237S.K. 216/3 art..	9	0	27	19	3	2	3	0	0
2008	5237S.K. 217/1 art..	15	3	216	350	21	8	22	0	0
2008	5237S.K. 220/1 art..	1581	494	27311	39659	6618	490	2133	29	5
2008	5237S.K. 220/2 art..	1586	458	39597	40993	9076	969	1670	34	11
2008	5237S.K. 220/8.1 art..	278	44	2444	1186	420	110	295	95	2
2008	5237S.K. 220/7 art..	348	93	4717	4820	670	98	320	2	0
2009	5237S.K. 214/1 art..	46	21	196	265	48	6	74	2	0
2009	5237S.K. 214/2 art..	2	1	8	0	2	0	0	0	0
2009	5237S.K. 215/1 art..	896	123	6701	399	1122	584	1408	344	7
2009	5237S.K. 216/1 art..	64	21	214	40	66	26	71	27	0
2009	5237S.K. 216/2 art..	18	3	44	47	9	4	9	4	0
2009	5237S.K. 216/3 art..	5	3	10	27	1	2	1	2	0
2009	5237S.K. 217/1 art..	5	1	16	2	2	0	51	0	0
2009	5237S.K. 220/1 art..	1574	732	16836	24318	6357	500	2199	17	9
2009	5237S.K. 220/2 art..	1802	772	31961	21494	11006	1541	3270	147	6
2009	art..	202	50	1082	771	294	101	344	65	6
2009	5237S.K. 220/7 art..	395	157	3533	3942	852	125	463	8	4
2010	5237S.K. 214/1 art..	54	38	300	166	27	5	93	7	0
2010	5237S.K. 214/2 art..	1	1	2	4	0	0	0	0	0
2010	5237S.K. 215/1 art..	824	466	7485	623	943	339	1935	267	15
2010	5237S.K. 216/1 art..	76	43	510	543	76	16	44	25	0
2010	5237S.K. 216/2 art..	33	20	264	388	18	4	17	6	0
2010	5237S.K. 216/3 art..	10	8	34	35	4	1	2	2	0
2010	5237S.K. 217/1 art..	9	5	20	2	3	1	4	2	0
2010	5237S.K. 220/1 art..	1495	965	15577	26389	5462	354	3012	23	12
2010	5237S.K. 220/2 art..	1800	1049	30181	24454	9589	1217	5693	152	17
2010	5237S.K. 220/8.1	292	144	1596	739	395	29	159	48	0
2010	5237S.K. 220/7 art..	352	215	3090	5760	600	132	342	12	3

Average trial duration (day)

2009	5237S.K. 214/1 art..	322
2009	5237S.K. 214/2 art..	179
2009	5237S.K. 215/1 art..	221
2009	5237S.K. 216/1 art..	296
2009	5237S.K. 217/1 art..	351
2009	5237S.K. 220/1 art..	306
2009	5237S.K. 220/2 art..	416
2009	art..	338
2009	5237S.K. 220/7 art..	308

Average trial duration (day)

2010	5237S.K. 214/1 art..	468
2010	5237S.K. 214/2 art..	363
2010	5237S.K. 215/1 art..	220
2010	5237S.K. 216/1 art..	297
2010	5237S.K. 217/1 art..	373
2010	5237S.K. 220/1 art..	366
2010	5237S.K. 220/2 art..	467
2010	art..	309
2010	5237S.K. 220/7 art..	343

Drop	Lack of substantial competence	Lack of territorial competence	Merging	The accused under	The accused over	Victim under the age of 18	Victim over the age
7	0	8	7	3	149	3	35
0	0	1	1	0	10	0	3
7	1	435	191	304	5553	2	183
2	1	16	9	11	218	0	62
0	0	3	1	2	22	0	31
0	0	1	0	1	8	0	6
0	0	0	0	0	72	0	116
25	50	164	152	114	8990	128	12387
27	31	129	283	360	12840	139	12825
1	2	34	32	121	694	6	383
2	4	40	54	53	1520	9	1518
0	0	6	2	3	95	13	118
0	0	0	1	0	4	0	0
20	4	171	216	219	3130	2	195
10	0	11	3	2	105	0	20
0	0	0	0	0	22	6	17
0	0	0	1	1	4	0	13
3	0	0	1	0	8	0	1
26	62	195	165	81	8344	104	11207
87	57	171	352	316	15675	180	9714
6	1	34	51	67	474	1	368
85	13	29	42	44	1723	19	1870
2	0	5	3	5	145	3	79
0	0	1	0	0	1	0	2
79	6	183	45	624	3117	5	294
1	0	13	6	24	231	70	198
2	3	1	1	5	127	71	123
0	0	1	0	0	17	0	15
0	0	2	0	1	9	0	1
43	76	370	151	109	7681	149	12461
73	76	452	287	516	14577	134	11575
8	3	127	18	360	438	1	354
11	13	81	39	75	1470	24	2794

IMPLEMENTATION OF ARTICLES 312 AND 314 OF THE TURKISH CRIMINAL CODE BY THE CRIMINAL COURTS										
Year	Article	Cases	Ongoing cases	The accused	Victim	Arrest	Conviction	Acquittal	Suspension of announcement	No need to punish
2008	5237S.K. 312/1 md.	18	1	180	13	30	4	19	9	0
2008	5237S.K. 314/1 md.	34	8	264	95	49	17	31	1	0
2008	5237S.K. 314/2 md.	1175	142	11253	4857	2492	900	691	94	92
2009	5237S.K. 312/1 md.	8	3	126	9	44	3	56	3	0
2009	5237S.K. 314/1 md.	52	27	322	350	23	98	22	53	1
2009	5237S.K. 314/2 md.	1536	268	8959	7269	430	2942	1253	1223	122
2010	5237S.K. 312/1 md.	6	4	40	795	16	6	5	0	0
2010	5237S.K. 314/1 md.	86	58	468	914	0	169	50	13	3
2010	5237S.K. 314/2 md.	2908	1118	14953	6260	214	4673	1847	1350	151

Average trial duration (day)			
2009	5237S.K. 312/1 md.	482	
2009	5237S.K. 314/1 md.	573	
2009	5237S.K. 314/2 md.	583	
Average trial duration (Gün)			
2010	5237S.K. 312/1 md.	576	
2010	5237S.K. 314/1 md.	560	
2010	5237S.K. 314/2 md.	493	

Drop	Lack of substantial competence	Lack of territorial competence	Merging	The accused under the age	The accused over the age	victim under the age of 18	victim over the age of 18	
17	0	3	2	8	52	0		
4	2	1	7	2	86	0		
43	6	13	183	760	2993	66		
18	0	1	1	3	60	0	5	
0	1	1	1	7	3	159	2	177
87	82	11	26	289	750	3734	144	3417

41	0	1	0	0	20	0	394	
0	1	3	8	10	46	188	3	423
88	31	22	774	276	2847	4639	21	3068

IMPLEMENTATION OF ARTICLE 226 OF THE TURKISH CRIMINAL CODE BY THE CRIMINAL COURT

Year	Article	Cases	Ongoing cases	The accused	Victim	Arrest	Conviction	Acquittal
2008	5237S.K. 226/1 a art.	62	5	210	534	38	21	19
2008	5237S.K. 226/1 b art.	96	4	348	150	57	31	31
2008	5237S.K. 226/1 c art.	194	11	640	30	87	101	45
2008	5237S.K. 226/1 d art.	345	21	1125	15	221	99	42
2008	5237S.K. 226/1 e art.	22	1	72	51	11	8	8
2008	5237S.K. 226/1 f art.	5	0	15	3	3	0	1
2008	5237S.K. 226/2 art.	128	12	447	64	49	27	33
2008	5237S.K. 226/3-1.sentence art.	91	9	351	255	60	27	26
2008	5237S.K. 226/4 art.	443	23	1680	187	314	214	91
2008	5237S.K. 226/5 art.	20	4	81	108	13	10	2
2008	5237S.K. 226/3-2.sentence art.	170	13	636	224	108	67	48
2009	5237S.K. 226/1 a art.	73	12	174	358	41	19	27
2009	5237S.K. 226/1 b art.	90	18	209	116	41	32	24
2009	5237S.K. 226/1 c art.	173	29	386	6	89	52	41
2009	5237S.K. 226/1 d art.	293	56	670	4	164	105	57
2009	5237S.K. 226/1 e art.	16	6	48	11	12	5	1
2009	5237S.K. 226/1 f art.	8	2	20	5	2	1	7
2009	5237S.K. 226/2 art.	133	26	306	26	67	30	42
2009	5237S.K. 226/3-1.sentence art.	87	13	202	156	53	28	30
2009	5237S.K. 226/4 art.	511	76	1187	106	284	256	125
2009	5237S.K. 226/5 art.	19	4	49	16	11	7	12
2009	5237S.K. 226/3-2.sentence art.	173	31	425	107	85	53	55

2010	5237S.K. 226/1 a art.	94	60	206	424	61	18	28
2010	5237S.K. 226/1 b art.	86	56	208	161	41	24	28
2010	5237S.K. 226/1 c art.	211	122	468	28	112	41	20
2010	5237S.K. 226/1 d art.	257	129	574	36	137	78	50
2010	5237S.K. 226/1 e art.	17	10	50	20	13	3	5
2010	5237S.K. 226/1 f art.	2	1	6	2	1	0	0
2010	5237S.K. 226/2 art.	152	46	350	53	102	16	36
2010	5237S.K. 226/3-1.sentence art.	101	60	248	181	57	28	30
2010	5237S.K. 226/4 art.	512	256	1249	204	228	191	112
2010	5237S.K. 226/5 art.	22	10	66	54	16	8	7
2010	5237S.K. 226/3-2.sentence art.	231	117	556	210	96	69	64

Average trial duration (day)				
5237S.K. 226/1 a art.	2009	298	2010	286
5237S.K. 226/1 b art.	2009	318	2010	318
5237S.K. 226/1 c art.	2009	309	2010	314
5237S.K. 226/1 d art.	2009	296	2010	304
5237S.K. 226/1 e art.	2009	261	2010	275
5237S.K. 226/1 f art.	2009	327	2010	319
5237S.K. 226/2 art.	2009	278	2010	269
5237S.K. 226/3-1.sentence art.	2009	299	2010	278
5237S.K. 226/4 art.	2009	319	2010	320
5237S.K. 226/5 art.	2009	378	2010	353
5237S.K. 226/3-2.sentence art.	2009	277	2010	278

Suspension of announcement of a decision	No need to punish	Drop	Lack of substantial competence	Lack of territorial competence	Merging	The accused under the age of 18	The accused over the age of 18	Victim under the age of 18	Victim over the age of 18
16	0	2	0	10	3	8	62	97	79
32	0	0	2	26	1	15	101	21	28
63	0	1	0	54	5	19	194	1	2
82	0	4	7	98	9	32	343	0	4
3	0	0	0	3	0	0	24	8	8
2	0	0	0	2	0	0	5	0	1
27	0	1	2	17	3	8	141	6	13
25	0	1	0	8	5	5	112	44	39
214	4	4	0	24	8	27	533	20	34
4	0	0	0	0	1	2	25	18	18
44	0	0	3	2	1	11	201	25	40
16	0	0	0	8	0	6	81	90	87
43	0	3	0	19	3	9	96	35	22
72	0	1	0	51	4	12	181	0	1
116	1	5	0	77	5	27	307	0	0
5	1	0	0	3	0	1	23	2	3
3	0	0	0	2	0	3	7	0	2
50	0	0	1	17	2	8	145	0	12
53	0	2	0	9	4	11	90	36	31
269	3	8	0	10	12	25	568	11	36
9	0	0	1	2	0	0	24	4	4
75	2	1	0	6	6	18	194	24	27

25	0	2	0	9	5	3	100	120	92
24	1	0	1	12	2	8	96	46	34
87	2	1	0	27	5	18	216	0	2
107	0	3	0	71	6	7	280	2	4
8	0	1	0	2	0	5	20	5	5
3	0	0	0	1	0	0	3	0	1
124	0	0	2	8	2	9	166	7	19
49	0	2	0	1	5	18	106	52	38
277	0	3	1	12	10	35	590	21	66
10	0	0	0	2	1	4	29	16	10
104	1	2	5	7	6	16	262	42	60

IMPLEMENTATION OF ARTICLE 318 OF THE TURKISH CRIMINAL CODE BY THE CRIMINAL COURTS									
Year	Article	Cases	Ongoing cases	The accused	Victim	Arrest	Conviction	Acquittal	Suspension of announcement of a decision
2008	5237S.K. 318/1 art..	26	5	261	28	34	3	10	1
2009	5237S.K. 318/1 art..	11	4	28	0	8	3	41	1
2010	5237S.K. 318/1 art..	16	8	56	92	12	6	14	8

Average trial duration(day)

2009	5237S.K. 318/1 art..	220
2010	5237S.K. 318/1 art..	237

IMPLEMENTATION OF ARTICLE 301 OF THE TURKISH CRIMINAL CODE BY THE CRIMINAL COURTS										
Year	Article	Cases	Ongoing cases	The accused	Victim	Arrest	Conviction	Acquittal	Suspension of announcement of a decision	No need to punish
2008	5237S.K. 301/1 art.	138	19	480	321	66	15	66	4	5
2008	5237S.K. 301/2 art.	284	23	1201	592	189	60	138	25	3
2009	5237S.K. 301/1 art.	69	7	174	68	50	9	18	8	2
2009	5237S.K. 301/2 art.	123	11	316	253	88	17	54	25	5
2010	5237S.K. 301/1 art.	49	28	118	214	22	4	18	3	1
2010	5237S.K. 301/2 art.	86	35	220	145	51	15	19	13	0

Average trial duration (day)		
2009	5237S.K. 301/1 art.	381
2009	5237S.K. 301/2 art.	330
Average trial duration(day)		
2010	5237S.K. 301/1 art.	416
2010	5237S.K. 301/2 art.	343

Drop	Lack of substantial competence	Lack of territorial competence	Merging	The accused under the age of 18	The accused over the age of 18	Victim under the age of 18	Victim over the age of 18
28	1	6	6	3	157	0	102
72	1	30	10	16	384	0	191
97	0	8	3	6	81	0	34
126	2	13	6	7	151	1	112
29	0	5	0	7	52	1	104
65	1	13	3	2	108	0	57

IMPLEMENTATION OF ARTICLE 288 OF THE TURKISH CRIMINAL CODE BY CRIMINAL COURTS

Year	Article	Cases	Ongoing cases	The accused	Victim	Arrest	Conviction	Acquittal	Suspension of announcement of a decision	No need to punish	Drop	Lack of substantial competence	Lack of territorial competence	Merging	The accused under the age of 18	The accused over the age of 18	Victim under the age of 18	Victim over the age of 18
2008	5237S.K. 288/1 art.	171	24	769	249	67	8	75	7	0	21	3	5	26	0	256	2	74
2009	5237S.K. 288/1 art.	237	95	830	282	165	12	82	12	0	10	6	9	14	2	413	2	120
2010	5237S.K. 288/1 art.	583	356	1956	911	389	7	202	9	0	53	2	16	136	1	977	20	416

Average trial duration (day)	
2009	5237S.K. 288/1 art. 148
Average trial duration (day)	
2010	5237S.K. 288/1 art. 174

IMPLEMENTATION OF ARTICLE 285 OF THE TURKISH CRIMINAL CODE BY CRIMINAL COURTS																			
Year	Article	Cases	Ongoing cases	The accused	Victim	Arrest	Conviction	Acquittal	Suspension of announcement of a decision	No need to punish	Drop	Lack of substantial competence	Lack of territorial competence	Merging	The accused under the age of 18	The accused over the age of 18	Victim under the age of 18	Victim over the age of 18	
2008	5237S.K. 285/1 art.	481	39	1754	0	279	19	145	12	0	127	4	5	98	0	584	3	89	
2008	5237S.K. 285/2 art.	316	13	1016	0	221	1	35	5	0	95	1	4	72	0	338	6	15	
2008	5237S.K. 285/4 art.	87	4	357	0	52	18	13	1	0	26	0	2	25	0	119	0	11	
2009	5237S.K. 285/1 art.	873	281	2504	266	553	23	165	50	0	184	5	26	92	1	1250	1	113	
2009	5237S.K. 285/2 art.	188	35	467	65	90	4	114	10	0	43	1	7	27	0	234	1	29	
2009	5237S.K. 285/4 art.	124	95	530	31	65	3	12	8	0	7	0	3	5	0	265	0	15	
2010	5237S.K. 285/1 art.	704	412	2241	532	285	16	323	37	0	59	4	15	246	0	1120	2	252	
2010	5237S.K. 285/2 art.	41	25	108	42	16	1	68	6	0	1	2	1	8	0	53	2	18	
2010	5237S.K. 285/4 art.	440	246	1506	243	228	4	8	2	0	15	0	1	185	0	753	0	118	

Average trial duration (day)		
2009	5237S.K. 285/1 art.	215
2009	5237S.K. 285/2 art.	178
2009	5237S.K. 285/4 art.	201
Average trial duration (day)		
2010	5237S.K. 285/1 art.	254
2010	5237S.K. 285/2 art.	214
2010	5237S.K. 285/4 art.	113

IMPLEMENTATION OF THE LAW ON CRIMES AGAINST ATATURK BY THE CRIMINAL COURTS

Year	Article	Cases	Ongoing cases	The accused	Victim	Arrest	Conviction	Acquittal	Suspension of announcement of a decision	No need to punish	Drop	Lack of substantial competence	Lack of territorial competence	Merging	The accused under the age of 18	The accused over the age of 18	Victim under the age of 18	Victim over the age of 18	Year
2008	5816S.K. 1/1 art.	106	9	370	289	70	36	46	15	2	7	0	8	2	20	102	0	92	
2008	5816S.K. 1/2 art.	49	3	276	141	36	26	33	17	0	0	0	4	0	58	34	4	41	
2009	5816S.K. 1/1 art.	102	23	282	145	0	44	35	48	23	2	10	2	8	5	43	98	4	66
2009	5816S.K. 1/2 art.	47	10	178	66	0	23	14	35	22	1	5	0	2	1	44	45	0	32
2010	5816S.K. 1/1 art.	120	76	294	213	0	59	25	43	38	4	5	0	7	3	31	116	5	99
2010	5816S.K. 1/2 art.	43	25	130	49	0	18	8	39	20	3	4	0	6	0	42	23	4	20

Average trial duration (day)

5816S.K. 1/1

2009 art. 448

5816S.K. 1/2

2009 art. 417

Average trial duration (day)

5816S.K. 1/1

2010 art. 422

5816S.K. 1/2

2010 art. 417

Year	Article	Number of files	Ongoing files	The suspect	Victim	Arrest	Indictment	Non-prosecution	Lack of substantial territorial competence	Merging	Referring the file to prosecutor or penal court	Postponement for opening different case	Sending the file to different offices	The suspect under the age of 18	The victim under the age of 18			
5237S.K.	2008 214/1 art.	174	7	1345	200	7	0	73	61	3	12	10	7	0	1	22	392	0
5237S.K.	2008 214/2 art.	16	0	110	7	0	0	5	2	0	4	3	2	0	0	1	34	0
5237S.K.	2008 215/1 art.	4630	57	46425	789	0	0	1101	1494	277	108	336	1247	0	6	996	13903	0
5237S.K.	2008 216/1 art.	405	10	1435	600	0	0	82	168	36	49	28	27	0	2	17	362	0
5237S.K.	2008 216/2 art.	66	2	239	85	0	0	18	25	3	9	8	0	0	0	3	62	0
5237S.K.	2008 216/3 art.	29	2	73	61	0	0	8	9	2	1	6	1	0	0	1	17	0
5237S.K.	2008 217/1 art.	46	2	353	86	0	0	14	21	1	3	3	1	0	1	2	107	0
5237S.K.	2008 220/1 art.	4201	131	58483	15507	120	0	1482	515	270	509	979	299	0	7	257	18424	0
5237S.K.	2008 220/2 art.	2823	145	71540	12584	55	0	1415	209	253	282	215	293	0	4	460	22902	0
5237S.K.	2008 220/8.1 art.	1075	72	8736	826	1	0	339	148	124	68	68	248	0	2	373	2414	0
5237S.K.	2008 220/7 art.	855	38	10185	3124	48	0	315	178	45	60	48	159	0	3	76	3212	0
5237S.K.	2009 214/1 art.	144	5	560	230	0	60	50	3	12	7	5	0	2	9	214	0	0
5237S.K.	2009 214/2 art.	2	0	5	2	0	0	1	0	0	0	1	0	0	0	1	0	0
5237S.K.	2009 215/1 art.	2160	96	13987	514	0	699	722	125	84	47	382	0	4	644	6004	0	0
5237S.K.	2009 216/1 art.	422	15	1093	325	0	59	193	44	46	33	30	0	2	4	425	0	0
5237S.K.	2009 216/2 art.	51	5	127	50	0	21	18	2	3	1	0	0	1	0	54	0	0
5237S.K.	2009 216/3 art.	28	0	73	37	0	6	10	0	8	2	1	0	1	0	19	0	0
5237S.K.	2009 217/1 art.	29	3	123	23	0	6	15	1	1	0	3	0	0	0	37	0	0
5237S.K.	2009 220/1 art.	3285	259	31972	16118	0	1245	539	263	432	293	251	0	3	188	14735	0	3
5237S.K.	2009 220/2 art.	2695	200	50107	13504	0	1305	261	241	214	208	265	0	1	567	23606	0	0
5237S.K.	2009 220/8.1 art.	784	79	3372	861	0	228	115	77	32	50	201	0	2	285	1312	0	0
5237S.K.	2009 220/7 art.	834	65	6048	3155	0	316	163	44	55	44	146	0	1	84	2829	0	0
5237S.K.	2010 214/1 art.	151	36	681	251	0	42	58	5	6	3	1	0	0	22	251	0	0
5237S.K.	2010 214/2 art.	6	1	10	51	0	1	2	0	0	2	0	0	0	0	4	0	0
5237S.K.	2010 215/1 art.	1300	206	8434	340	0	371	242	76	56	75	272	0	2	464	3599	0	0
5237S.K.	2010 216/1 art.	299	40	1054	483	0	51	120	12	48	18	7	0	3	19	380	0	0
5237S.K.	2010 216/2 art.	91	14	358	389	0	23	19	1	13	17	4	0	0	6	149	0	0
5237S.K.	2010 216/3 art.	57	13	109	78	0	7	19	0	16	1	0	0	1	0	23	0	0
5237S.K.	2010 217/1 art.	37	9	202	96	0	8	9	4	4	1	1	0	1	1	90	0	0
5237S.K.	2010 220/1 art.	2378	605	20680	11364	0	611	316	167	311	263	98	0	6	142	9082	0	1
5237S.K.	2010 220/2 art.	1874	378	28249	9703	0	678	164	184	164	182	124	0	0	383	13138	0	1
5237S.K.	2010 220/8.1 art.	719	195	3125	579	0	161	88	52	28	36	159	0	0	390	1026	0	0
5237S.K.	2010 220/7 art.	606	124	4284	3141	0	188	79	49	35	33	99	0	0	115	1871	0	0

IMPLEMENTATION OF THE ARTICLES 312 AND 314 BY THE PROSECUTION OFFICE																		
Year	Article	Number of files	Ongoing files	The suspect	Victim	Arrest	Indictment	Non-prosecution	Lack of substantial jurisdiction	Lack of territorial competence	Merging	Referring the file to prosecutor of heavy penal court	Postponement for opening a case	Sending the file to different offices	The suspect under the age of 18	The suspect over the age of 18	Victim under the age of 18	Victim over the age of 18
2008	5237S.K. 312/1 art.	19	1	69	394	0	3	5	6	3	0	1	0	0	3	17	0	0
2008	5237S.K. 314/1 art.	296	54	1262	707	0	33	36	29	35	45	63	0	0	30	343	0	0
2008	5237S.K. 314/2 art.	4655	601	34077	3753	0	1102	636	360	353	585	996	0	1	1627	9268	0	1
2009	5237S.K. 312/1 art.	27	7	117	13	0	4	4	3	1	3	5	0	0	1	50	0	0
2009	5237S.K. 314/1 art.	290	54	954	300	0	53	40	17	29	50	47	0	0	25	385	0	0
2009	5237S.K. 314/2 art.	5960	681	25730	6664	0	1447	646	435	313	719	1716	0	1	2293	9792	0	0
2010	5237S.K. 312/1 art.	66	21	293	131	2	1	8	19	9	5	3	0	0	1	12	0	0
2010	5237S.K. 314/1 art.	256	60	780	311	14	43	31	28	19	26	49	0	0	50	285	0	0
2010	5237S.K. 314/2 art.	6128	1355	26778	5140	308	1480	666	415	296	731	1185	0	0	2472	9862	0	0

IMPLEMENTATION OF ARTICLE 226 OF THE TURKISH CRIMINAL CODE BY THE PROSECUTION OFFICE

Year	Article	Number of files	Ongoing files	The suspect	Victim	Arrest	Indictment	Non-prosecution	Lack of substantial jurisdiction	Lack of territorial competence	Merging	Referring the file to prosecutor of heavy penal court	Postponment for opening a case	Sending the file to different offices	The suspect under the age of 18	The suspect over the age of 18	Victim under the age of 18	Victim over the age of 18
2008	5237S.K. 226/1 a art.	90	2	324	171	0	55	17	4	1	3	6	0	2	26	80	0	1
2008	5237S.K. 226/1 b art.	140	2	480	125	0	80	28	1	13	7	9	0	0	27	126	0	0
2008	5237S.K. 226/1 c art.	165	1	536	29	0	125	17	1	9	8	3	0	1	9	165	0	0
2008	5237S.K. 226/1 d art.	268	2	901	27	0	231	15	1	8	5	6	0	0	18	279	0	0
2008	5237S.K. 226/1 e art.	29	1	125	5	0	22	5	0	0	0	1	0	0	2	37	0	0
2008	5237S.K. 226/1 f art.	13	1	35	2	0	8	1	1	0	2	0	0	0	0	11	0	0
2008	5237S.K. 226/2 art.	225	2	754	49	0	131	58	2	18	5	7	0	2	15	223	0	0
2008	5237S.K. 226/3-1.sentence art.	102	1	374	98	0	69	16	0	8	2	5	0	0	10	111	0	0
2008	5237S.K. 226/4 art.	401	4	1669	61	0	348	18	4	15	5	7	0	0	15	536	0	0
2008	5237S.K. 226/5 art.	33	1	130	20	0	23	6	0	2	0	1	0	0	1	42	0	0
2008	5237S.K. 226/3-2.sentence art.	202	2	729	96	0	152	23	3	16	3	3	0	0	13	222	0	0
2009	5237S.K. 226/1 a art.	77	2	197	212	0	54	11	2	2	0	6	0	0	2	94	0	1
2009	5237S.K. 226/1 b art.	113	6	266	89	0	71	27	0	6	1	1	0	1	13	117	0	0
2009	5237S.K. 226/1 c art.	132	5	325	11	0	99	20	0	3	2	3	0	0	19	139	0	0
2009	5237S.K. 226/1 d art.	202	5	480	9	0	158	26	0	2	6	3	0	2	26	201	0	0
2009	5237S.K. 226/1 e art.	15	1	34	3	0	10	2	0	1	1	0	0	0	1	15	0	0
2009	5237S.K. 226/1 f art.	4	0	8	0	0	2	2	0	0	0	0	0	0	0	3	0	0
2009	5237S.K. 226/2 art.	145	4	381	44	0	87	19	1	20	9	5	0	0	13	158	0	0
2009	5237S.K. 226/3-1.sentence art.	99	5	248	63	0	71	10	0	4	5	3	0	1	8	113	0	0
2009	5237S.K. 226/4 art.	473	3	1245	166	0	403	19	7	12	16	12	0	1	14	602	0	0
2009	5237S.K. 226/5 art.	47	1	117	16	0	22	4	8	9	2	0	0	1	0	52	0	0
2009	5237S.K. 226/3-2.sentence art.	253	10	607	130	0	144	29	19	41	3	6	0	1	18	255	0	0
2010	5237S.K. 226/1 a art.	100	10	228	188	0	61	11	0	10	6	1	0	1	8	99	0	0
2010	5237S.K. 226/1 b art.	127	21	294	97	0	60	28	2	10	1	4	0	1	16	117	0	0
2010	5237S.K. 226/1 c art.	130	18	302	20	0	101	4	0	1	5	1	0	0	15	135	0	0
2010	5237S.K. 226/1 d art.	158	16	363	9	0	127	9	0	2	3	1	0	0	6	169	0	0
2010	5237S.K. 226/1 e art.	33	7	105	16	0	12	8	0	2	2	0	0	2	10	41	0	0
2010	5237S.K. 226/1 f art.	10	4	27	5	0	1	2	0	1	0	0	0	2	1	11	0	0
2010	5237S.K. 226/2 art.	148	30	352	47	0	68	32	0	8	5	2	0	3	17	133	0	0
2010	5237S.K. 226/3-1.sentence art.	121	17	323	44	0	60	30	3	5	4	1	0	1	20	129	0	0
2010	5237S.K. 226/4 art.	375	28	878	135	0	277	30	4	28	6	3	0	0	23	392	0	0
2010	5237S.K. 226/5 art.	38	4	86	20	0	17	4	5	5	0	3	0	0	8	32	0	0
2010	5237S.K. 226/3-2.sentence art.	246	31	664	90	0	151	34	7	10	8	5	0	0	20	300	0	0

IMPLEMENTATION OF ARTICLE 318 OF THE TURKISH CRIMINAL CODE BY THE PROSECUTION OFFICE

Year	Article	Number of files	Ongoing files	The suspect	Victim	Arrest	Indictment	Non-prosecution	Lack of substantial jurisdiction	Lack of territorial competence	Merging	Referring the file to prosecutor or of heavy penal court	Postponment for opening a case	Sending the file to different offices	The suspect under the age of 18	The suspect over the age of 18	Victim under the age of 18	Victim over the age of 18
2008	5237S.K. 318/1 art.	77	1	345	53	0	0	25	16	2	16	12	3	0	1	0	95	0
2009	5237S.K. 318/1 art.	32	2	64	11	0	7	11	2	7	3	0	0	0	0	24	0	0
2010	5237S.K. 318/1 art.	50	10	221	59	0	10	8	5	5	5	5	0	2	3	98	0	0

IMPLEMENTATION OF ARTICLE 301 OF THE TURKISH CRIMINAL CODE BY THE PROSECUTION OFFICE

Year	Article	Number of files	Ongoing files	The suspect	Victim	Arrest	Indictment	Non-prosecution	Lack of substantial jurisdiction	Lack of territorial competence	Merging	Referring the file to prosecutor of heavy penal court	Postponement for opening a case	Sending the file to different offices	The suspect under the age of 18	The suspect over the age of 18	Victim under the age of 18	Victim over the age of 18
2008	5237S.K. 301/1 art.	400	15	1279	232	1	0	89	142	21	54	21	46	0	11	21	331	0
2008	5237S.K. 301/2 art.	550	14	1841	277	0	0	155	201	32	55	19	64	0	9	20	532	0
2009	5237S.K. 301/1 art.	339	7	1143	240	0	47	162	4	41	19	54	0	5	11	397	0	0
2009	5237S.K. 301/2 art.	384	11	974	172	0	44	180	12	34	13	82	0	8	6	416	0	0
2010	5237S.K. 301/1 art.	325	49	731	151	0	31	134	7	37	15	49	0	4	15	283	0	0
2010	5237S.K. 301/2 art.	380	48	1099	197	0	39	164	12	33	14	63	0	7	6	477	0	0

IMPLEMENTATION OF ARTICLE 288 OF THE TURKISH PENAL CODE BY THE PROSECUTION OFFICE

Year	Article	Number of files	Ongoing files	The suspect	Victim	Arrest	Indictment	Non-prosecution	Lack of substantial jurisdiction	Lack of territorial competence	Merging	Referring the file to prosecutor of heavy penal court	Postponement for opening a case	Sending the file to different offices	The suspect under the age of 18	The suspect over the age of 18	Victim under the age of 18	Victim over the age of 18
2008	5237S. K. 288/1 art.	834	5	2800	509	1	0	181	390	15	113	116	8	0	5	4	660	0
2009	5237S. K. 288/1 art.	1074	15	2687	663	2	0	340	528	9	121	51	5	0	5	3	937	0
2010	5237S. K. 288/1 art.	1189	124	3489	1168	0	0	499	325	26	125	79	7	0	4	5	1433	0

IMPLEMENTATION OF ARTICLE 285 OF THE TURKISH PENAL CODE BY THE PROSECUTION OFFICE

Year	Article	Number of files	Ongoing files	The suspect	Victim	Arrest	Indictment	Non-prosecution	Lack of substantial jurisdiction	Lack of territorial competence	Merging	Referring the file to prosecutor of heavy penal court	Postponement for opening a case	Sending the file to different offices	The suspect under the age of 18	The suspect over the age of 18	Victim under the age of 18	Victim over the age of 18
2008	5237S. K. 285/1 art.	1336	2	4647	242	0	0	489	599	16	90	135	3	0	0	1	1408	0
2008	5237S. K. 285/2 art.	1033	2	2995	195	0	0	381	522	28	45	52	2	0	1	0	852	0
2008	5237S. K. 285/4 art.	145	1	470	34	0	0	77	51	2	7	7	0	0	0	0	145	0
2009	5237S. K. 285/1 art.	3074	21	7298	952	0	893	1537	7	139	472	2	0	3	0	3326	0	0
2009	5237S. K. 285/2 art.	1081	8	1963	128	0	168	790	5	45	64	0	0	1	1	686	0	0
2009	5237S. K. 285/4 art.	106	0	271	45	0	88	13	1	2	2	0	0	0	0	127	0	0
2010	5237S. K. 285/1 art.	1205	74	3713	588	0	623	282	6	145	72	2	0	1	1	1650	0	0
2010	5237S. K. 285/2 art.	177	31	419	109	0	25	77	4	24	16	0	0	0	3	136	0	0
2010	K. 285/4 art.	514	7	1677	146	0	443	36	0	14	14	0	0	0	0	811	0	0

IMPLEMENTATION OF THE LAW ON CRIMES AGAINST ATATURK BY THE PROSECUTION OFFICE

Year	Article	Number of files	Ongoing files	The suspect	Victim	Arrest	Indictment	Non-prosecution	Lack of substantial jurisdiction	Lack of territorial competence	Merging	Referring the file to prosecutor of heavy penal court	Postponment for opening a case	Sending the file to different offices	The suspect under the age of 18	The suspect over the age of 18	Victim under the age of 18	Victim over the age of 18
2008	5816S.K. 1/1 art.	305	29	908	223	1	0	87	88	6	59	26	4	0	6	58	177	0
2008	5816S.K. 1/2 art.	85	18	533	95	0	0	43	17	3	1	1	1	0	1	105	65	0
2009	5816S.K. 1/1 art.	245	35	505	155	0	73	63	14	41	16	3	0	0	23	141	0	0
2009	5816S.K. 1/2 art.	79	26	294	42	0	32	13	3	2	0	3	0	0	59	66	0	0
2010	5816S.K. 1/1 art.	235	48	477	122	0	71	61	5	36	11	3	0	0	30	144	0	0
2010	5816S.K. 1/2 art.	55	16	156	32	0	25	11	0	1	2	0	0	0	38	29	0	0