

Turkey Introduces Legislative Regime for Court Experts

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Turkey has introduced a legislative regime for experts involved in judicial processes, including procedures and principles for experts' qualifications, training, selection and supervision. Regional Committees are introduced, located at regional courts of justice. These committees will establish and maintain lists of experts, as well as supervise and audit individuals.

The Law on Experts ("**Law**") was published in Official Gazette number 29898 on 24 November 2016.

The Law states that:

- Expert reports must not address issues which do not require special or technical knowledge.
- Experts cannot make legal assessment and evaluations.
- Courts must clearly state the problem and the scope of the matter to be examined when appointing experts.

The Law establishes the Expert Consultation Committee to propose solutions for execution of expert services. The Undersecretary of the Ministry of Justice will preside over the Committee.

The Law also establishes regional expert committees ("**Regional Committee**"), located at each regional court of justice. The duties of Regional Committees are to:

- Ensure expert services are carried out in accordance with the relevant legislation.
- Accept someone as an expert and deciding whether to register the individual in the expert's register and on the expert's list.
- Create experts lists according to basic and subspecialty areas of registered experts.
- Decide on the removal of experts from the expert register and experts list.
- Supervise experts and measure their performance.
- Enable private legal entities to carry out expertise activities, cancel their permits, as well as audit their expert activities and reports.

Applications for expertise must be made in writing (including relevant documents) to:

- Regional Committees.
- The justice commission of the civil or criminal court of first instance. Applications will be referred on to the relevant Regional Committee.
- Administrative court of first instance where the person concerned:
 - Conducts professional activities, or
 - Resides.

Regional Committees will inspect experts either ex officio or by application. Such inspections will consider experts' compliance with the relevant legislation regarding their attitudes and behaviors related to their duties or reports.

The Law amends provisions in other legislation regarding experts:

- Enforcement and Bankruptcy Law.
- Law on Establishment and Trial Procedural of Military Courts.
- Military High Administrative Court Law.
- Administrative Jurisdiction Procedures Law.
- Institution of Forensic Medicine Law.
- Judges and Public Prosecutors Law.
- Law of Expropriation.
- Turkish Criminal Law.
- Code of Criminal Procedure.
- Code of Civil Procedure.
- Law on the Use and Protection of Worn Historic and Cultural Immovable Properties by Renewal.

The Law makes significant amendments to the Institution of Forensic Medicine Law. Accordingly, from 1 September 2017:

- The Forensic Medicine General Assembly is divided into three Supreme Councils of Forensic Medicine.
- Two Forensic Medicine Specialization Councils are added to the existing six councils.
- The Law also makes significant amendments to the Code of Civil Procedure. Accordingly:
- Experts are now selected from the list prepared by the Regional Committee, rather than the annual lists prepared by the justice commission.
- Civil servants will not be appointed as experts in cases related to the institutions which they are affiliated to.

If an expert does not submit his/her report within the determined time, the parties can ask the court to terminate the expert's services, as well as suspend or remove the expert from the expert list. The Law states that such requests must now be made to Regional Committee, rather than to the court.

Please see this [link](#) for the full text of the Law (only available in Turkish).

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