

Turkish Constitutional Court: Government Body Holds Burden of Proof in Lawsuits Against Administrative Fines

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The Turkish Constitutional Court recently ruled that the Criminal Court of Peace violated an applicant's presumption of innocence by failing to investigate his fault in a dispute, simply holding that he failed to prove the claim. The applicant had disputed an administrative fine for exceeding the maximum load limit while transporting goods. The Constitutional Court ruled that, as the claimant, the burden of proof in these circumstances actually rests with the party which imposed the fine.

The applicant objected to the fine before the Criminal Court of Peace. However, the court rejected his case on the basis that the applicant had not submitted any proof of his claim. Accordingly, the applicant escalated the matter to the Constitutional Court, claiming violations to his right to a fair trial and the principle that penalties must be imposed in accordance with the law.

The Constitutional Court ruled that the constitutional presumption of innocence had been violated. Therefore, the applicant was entitled to initiate a new trial to address the results of this violation.

The Constitutional Court reasoned that:

- The presumption of innocence requires a person to be deemed innocent until a final ruling is given (Articles 36 and 38 of the Constitution).
- The burden of proof rests with the party claiming the other party's guilt.
- The Criminal Court of Peace objected to the applicant's case without any investigation into whether he was at fault, ruling that he had not proved the claim.
- As the claimant, the burden of proof in these circumstances actually rests with the administration which imposed the fine.

The Constitutional Court gave its decision on 19 April 2017 (application number 2014/3905) published in Official Gazette numbered 30069 on 17 May 2017. Please see this [link](#) for the full text of the decision (only available in Turkish).

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