

New regulation on time limits for completion of legal proceedings

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The Regulation on the Determination and Enforcement of Target Investigation, Prosecution or Trial Periods was published in the *Official Gazette* (30105) on June 23 2017. It was enforced by the Ministry of Justice and will enter into force on September 1 2017.

The regulation sets out the rules and procedures for determining the specific periods in which legal proceedings must be completed, thus ameliorating the judicial process. It applies to investigations, prosecutions and trials conducted by:

- regional courts of justice;
- public prosecutor offices;
- first-instance civil and criminal courts;
- regional administrative courts; and
- first-instance administrative courts.

The Ministry of Justice will set the target trial periods after receiving the opinion of the Supreme Council of Judges and Public Prosecutors.(1)

As per Article 5/2 of the regulation, the following will be considered during the determination of target trial periods:

- the average time periods for investigations, prosecutions or trials according to statistics from the Official Statistics Programme and the Ministry of Justice;
- the number of judges and public prosecutors on duty;
- the number of ongoing files per each chamber, court, judge or public prosecutor and scores of judges and public prosecutors;
- the procedural rules of investigations or trials;
- annual reports sent by public prosecution offices and the presidency of the Justice Commission in accordance with Article 8 of the regulation.(2)

In many other jurisdictions, similar legislative provisions exist in order to:

- ensure that legal proceedings are completed within the prescribed periods; and
- provide efficiency of justice.

By establishing and adhering to time limits for legal proceedings, Turkey may be able to eliminate the delays in its judicial system. The prescribed trial periods would allow the performance of public officers to be ranked and bring legal proceedings to a conclusion in a reasonable time.(3) This would end the excessive length of legal proceedings, which causes a considerable loss of time and money.

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Endnotes

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(1) The target time periods will be updated every two years at the latest and will be announced on the Ministry of Justice website and sent to the Public Prosecution Offices and the Presidencies of the Justice Commissions.

(2) Article 8 of the regulation stipulates that:

"Public Prosecution Offices and Presidencies of Justice Commissions, by receiving opinion of the president, members, judges and prosecutors, prepare a report in every year at the end of January regarding causes of delay in realization of the target time periods and solution offers which shall involves their jurisdiction. The prepared report shall be sent to the Directorate of Strategy Development of the Supreme Council of Judges and Public Prosecutors."

(3) The compliance of judges and prosecutors with the target time periods will need to be considered.

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