

Turkish Ministry of Justice  
Directorate General for Criminal Records and Statistics

Devlet Mahallesi, Vekaletler Caddesi, 06420  
Çankaya,

ANKARA

**Istanbul, 2 September 2024**

The Better Justice Association, of which I am the President, focuses intensive efforts to contribute to the development of Türkiye, to improve our judiciary and its function, which is the pillar of our democracy and the cornerstone of our nation's advancement, and to produce and implement concrete innovative, progressive and remedial solutions for this aim. The activities of our Association are regularly published on our website, [www.dahaiyiyargi.org](http://www.dahaiyiyargi.org).

On the occasion of the start of the 2024-2025 Judicial Year, we consider it our responsibility to submit for your information our review of the Justice Statistics, which we have published with the intent of sharing our recommendations on how justice statistics should be developed so as to provide strategic support for the further development of Türkiye.

We extend our sincere thanks to our colleagues and the officials of your Directorate General for their efforts in compiling, consolidating and updating the 2022 data and publishing the justice statistics. It is our hope that our review and the points raised in this letter will contribute to your work and the further development of the document.

With this letter, we wanted to share with you some other issues that we do not deem appropriate to be included in our public announcement, but which we think may contribute to the work of your esteemed Directorate General. The points we wish to raise are as follows:

1. Firstly, we would like to state that the statistics should be technically easy to read. However, it is difficult to read certain sections of the report, even when the scale of the page is magnified.
2. As the documents is prepared in a PDF format, the indexing and navigation features of the PDF program should be used to its full capacity; the possibility to move to the preferred page by selecting an item from the list of contents should be made available. The font in the majority of the document is too small and illegible. The criteria based on specific data should be included on the same page. If the information is placed horizontally instead of vertically, this will make it easier.
3. The resolution of the visuals and design (which is designed as if a printed document/book) should be reduced; this would facilitate ease of downloading and working on the document by the reader.
4. The document restricts the reader's ability to study the document, to review it from different perspectives, to draw conclusions and critique. On each page of the statistics document where datasets are published, perhaps a link or a QR code could be included to be able to access and download the datasets, thus strengthening the transparency, accountability and, thus, the credibility of the document.
5. Data sets should be presented in only one place and should not contain discrepancies and ambiguities. Inferences based on the same data set should always lead to the same result.
6. In cases where inferences in judicial statistics documents are in contradiction to public perception, the difference should be analysed and explained to strengthen the reliability of the data. For example, where averages are provided for cases concluded within one year, question marks may arise in the minds of citizens who are given a date nine months for preliminary examination from the time of filing their case, and whose case may easily take four to five years with the stages of appeal. Sound data should be shared to provide clarification concerning the processes.
7. Among the files received by the courts, it is necessary to distinguish those in which a full-fledged trial was conducted compared to other case files and to bring qualification to the statistics accordingly. For example, while the settlement of the

case is especially of importance, the case files that are closed with decisions such as lack of jurisdiction, lack of competence or judicial remedy indicate that citizens have difficulty in selecting the judicial authority that is relevant to their case and should be taken separately, and the statistics related to decisions such as statute of limitations, forfeit of right, lack of standing and similar decisions, which indicate that citizens do not know their right to seek justice, should be presented separately. In doing so, such statistical information concerning the right of access to justice would be revealed more effectively and create a foundation for solutions.

8. There cannot be a criterion as “partial acceptance-partial rejection”, which simultaneously indicates both a positive and a negative value. This is a fundamental error of reasoning in terms of justice of claiming one’s rights. In a lawsuit, the claimant cannot be both right and wrong. A person who is justified in their case, but who could not correctly determine the amount of compensation to be claimed, or who loses a case due to a judge’s incorrect judgement, cannot be considered to have lost their case. Similarly, in a situation where resolution is sought with the peculiarity which is the “unspecified claim case”, asking citizen who would likely be rightful in their case to correctly estimate their deserving compensation as if they is the judge, forcing the citizen to determine less (or more) than rightfully deserved, and then concluding the case on partial acceptance-partial rejection is both a case of incapacity to administrate such situations and also a bullying, as it were, of citizens upon their lawsuits.
9. On the other hand, if separate matters are undertaken in one individual case, it is not appropriate to accept multiple issues as a single case by simply saying that a single case has been filed. Just as the joinder of cases are considered to be separate case files, the same should be done when there is more than one claim in the same case file. Until this peculiarity in procedural laws is eliminated, all files in which such decisions are rendered should be counted as files in which a decision of acceptance is rendered.
10. In cases where case files are referred from one service unit to another of the same competence, and where files in which decisions of lack of jurisdiction, lack of competence, referral or similar decisions are taken, these should be excluded from the statistics. Likewise, files related to the preparatory procedures prior to trials, such as the cancellation of decisions to grant or deny investigation or demurrer to

indictment, should be excluded from the general statistics and should be a separate category of statistical data.

11. All indexes, except for the table of contents, and the list of concepts should be placed at the end of the document.
12. On page 10, information regarding experience and seniority should be included in the tables.
13. It is probable that the Türkiye average and the duration of the hearings regarding the overall duration of all proceedings given on page 11 are incorrect and create an impression which is unrealistic. To provide this information according to districts, provinces, development regions and appeal regions, and separating those that do not constitute actual proceedings would a more realistic overview.
14. Statistics on transferred case files should not be provided separately or on a vertical page, but should be organised horizontally and added at the end of the section together with the others and in a format that is easier to read.
15. The data on distribution of adjudicated and transferred case files by year on page 90 is meaningless. The list of the pending files by year and the information regarding the number and rate of decisions rendered or transferred to the following years according to year should be presented in a more meaningful way. Accordingly, a basis should be established on which developing recommendations for measures, such as accelerating the examination of the case files specifically at the appeal stages.
16. Particularly in matters concerning criminal law, data should be published on the basis of articles, for example, one for the article related to the offence itself, and separately for abatements or commutations; and common data should be published for crimes of the same nature.

Kindly submitted for your information and consideration.

Att. Mehmet Gün

President of the Better Justice Association