**ANNEX-4**

**REPUBLIC OF TURKEY**

**……………….. OFFICE OF THE CHIEF PUBLIC PROSECUTOR**

**CONCILIATION PROPOSAL FORM**

**A.** In accordance with Articles 253 and 254 of the Criminal Procedure Code No. 5271, as the ........ offense(s) requiring investigation/prosecution is/are subject to conciliation, a conciliation proposal was submitted to the person whose identity is clearly stated below after explaining the nature of conciliation and the legal consequences of accepting or rejecting the conciliation as specified in section (D) of this form. .../.../20... Time:

**Name and surname,**

**Registration No.
of the Conciliator
Making the Proposal**

|  |  |
| --- | --- |
| **B. PROPOSED TO** | 1. (....) Victim / Participant2. (....) Legal Representative of the Victim3. ( ....) Party that Suffers Losses 4. (....) Legal Representative of the Party that Suffers Losses5. (.....) Suspect/Accused6. (....) Legal Representative of the Suspect/Accused |
| **C. PERSON TO WHOM THE CONCILIATION PROPOSAL WAS MADE**  | 1. Turkish ID No |  |
| 2. Name and Surname  |  |
| 3. Father's Name  |  |
| 4. Mother's name |  |
| 5. Place and Date of Birth  |  |  |
| 6. Address and Contact Details |  |
| **D.** **The nature of conciliation and the legal consequences of accepting or rejecting the conciliation** |
| 1. Conciliation is an agreement reached between the parties in return for or without an act to be determined of their free will.
2. Conciliation process shall begin with the approval of the parties. The process shall not proceed without approval of one of the parties. The parties can always renounce their will in that regard until a conciliation settlement is reached.
3. The parties shall make their own decisions about the merits of conciliation between the suspect/accused and the victim/participant or the party who suffers losses.
4. The conciliator is an impartial and independent person assigned by the conciliation bureau of the Office of the Chief Public Prosecutor. The conciliator shall only facilitate the conduct of the negotiations.
5. The conciliator shall provide detailed information to the parties concerning the conciliation process, explain their rights and obligations, and answer the questions of the parties regarding the conciliation.
6. The victim or the party who suffers losses shall not be liable in any way for the conciliation fees and expenses.
7. If the conciliation settlement is reached, the suspect or the accused shall not pay for the conciliation expenses. These expenses shall be covered by the National Treasury.
8. In the event that the decision is not notified to the conciliator within three days of the proposal of conciliation, the proposal shall be deemed to have been rejected.
9. Conciliation negotiations shall be conducted in confidentiality. The statements made by the parties during the conciliation negotiations that are related to the issue shall not be used as evidence in any investigation or prosecution or in any trial nor can it be disclosed anywhere, including those related to the current investigation and discipline.
10. The conciliation proposal form and the conciliation report shall be signed by the parties.
11. The fact that victim or the party who suffers losses and agreeing on the conciliation proposal and holding conciliation negotiations shall not mean they have waived their rights.
12. The suspect or the accused agreeing to the conciliation proposal and holding conciliation negotiations shall not mean they have admitted to committing the offense.
13. The conciliator, the parties and their legal representatives, defence counsels and attorneys may attend the conciliation negotiations.
14. If one of the parties does not attend the conciliation negotiations, the conciliation shall be deemed to have been rejected.
15. If the conciliation settlement is reached, the victim shall enjoy their rights determined as a result of the conciliation without going through litigation process.
16. If the conciliation settlement is reached, no claim for damages can be sought for a crime that is subject to investigation/prosecution; if any lawsuit has already been filed, they shall be deemed to have withdrawn from it.
17. In the event that a conciliation settlement is reached and the act is fulfilled during the investigation phase, a decision of non-prosecution shall be made about the suspect and this shall not be registered in their criminal record. Otherwise, a public lawsuit shall be filed.
18. In the event that a conciliation settlement is reached and the act is fulfilled during the prosecution phase, a decision of dismissal shall be made about the suspect and this shall not be registered in their criminal record. Otherwise, litigation process shall be continued.
19. In the event that the suspect or the accused does not fulfil their act, the conciliation report or the conciliation file shall be deemed as a written judgement as stipulated in Article 38 of the Enforcement and Bankruptcy Law No. 2004. This document shall be enforced as a court judgement.
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| **I HAVE UNDERSTOOD THE NATURE OF CONCILIATION AND THE LEGAL CONSEQUENCES OF ACCEPTING OR REJECTING CONCILIATION. I HAVE RECEIVED A COPY OF THE FORM.** |
| I want to review and declare my decision within three days. | ..../..../20... Time: ……. Signature |
| I accept | ..../..../20... Time: ……. Signature |
| I reject  | ..../..../20... Time: ……. Signature |
| **the conciliation proposal submitted to me in person.** |