

person whose legal aid request has been dismissed, can renew his/her request based on a reason which occurs afterwards. When your request is approved by the court, you are entitled, as long as the decision of legal aid is in force, not to pay the fee, advance amounts and other expenses completely or partially.

### How can I use the legal aid for assignment of a lawyer?

If you cannot afford to hire a lawyer, you can apply to the bar associations or legal aid offices of the bars to ensure that a lawyer who will be assigned by legal aid pursues your case.

### What is the Bar Association?

Bar is the vocational organization for lawyers. A Bar Association is established in every province which has a total number of lawyers more than thirty. When sufficient number of lawyers is reached, a representation office is established in the district level.

#### **ATTENTION!**

This brochure is prepared to inform you about the Turkish justice system and your rights in general. The text has been simplified for facilitating comprehension and legal terms were avoided when possible. Thus, you may suffer loss of rights if you act based solely on the information herein. It would be useful to benefit from the help of a legal professional once you better know your rights.

Please read the whole brochure for acquiring accurate and complete information.

### Joint Project on Strengthening the Court Management System



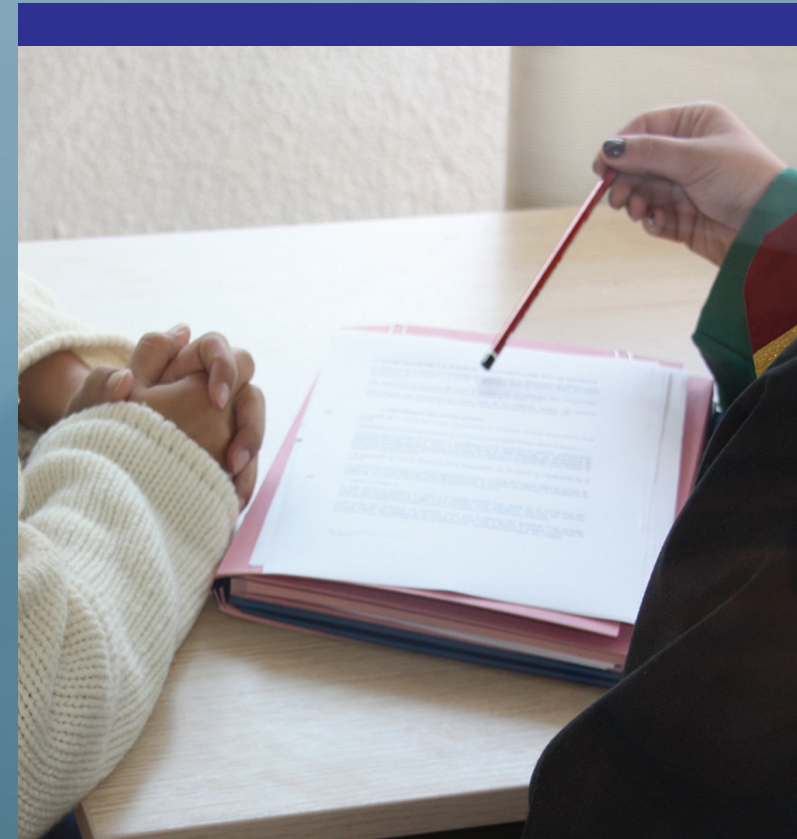
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# Legal Aid



# Legal Aid

## How can I find the Bar Association?

The easiest way to find the Bar is to go to the courthouse.

Furthermore, you can find the contact details of all Bar Associations via the webpage of the Union of Turkish Bar Associations (UTB) which is [www.barobirlik.org.tr](http://www.barobirlik.org.tr).

## Does the Legal Aid Lawyer (LAL) ignore my case since his service is free of charge?

LALs provide their services free of charge. The fee set in accordance with the minimum rate tariff is paid for you to the lawyer by the Bar. This amount of fee is lower than the market prices however the lawyers working in the legal aid office accept these conditions and then volunteer for the job. Legal Aid Boards of the Bars monitor the lawyers assigned to different cases.

## Will I pay the court fee and trial cost afterwards which I have not paid initially?

The advance amounts paid by the State and all trial expenses which have been postponed due to the decision of legal aid will be collected from the person who loses the case. In case you lose the case, you will be asked to pay those amounts. However, if it is deemed appropriate, the trial cost that you will pay when you lose the case

may be divided into monthly instalments on condition that these instalments do not exceed one year.

## What is legal aid?

Legal aid has been introduced as a requirement of the right to fair trial and it is a principle brought not to be deprived of the right to file a case for those who cannot afford it. In accordance with this principle, individuals who do not have sufficient income are exempt from court fees and expenses and in this case the Bar assigns a lawyer free of charge.

## Who can receive legal aid?

Individuals who cannot afford the trial cost and other expenses partly or completely can receive legal aid provided that they establish an idea that they are right in their claims and defence, requests for temporary legal protection and enforcement proceedings.

## Can I request legal aid in all types of cases?

Legal aid system does not cover the criminal cases. In criminal cases, the system has been structured differently. You can request legal aid in regular courts (civil courts) and administrative courts when you file a case or when a case is filed against you.

## Can I request legal aid in criminal cases?

No. Legal aid will help you only for private law and administrative cases. A different procedure has been adopted in criminal cases. If you are the suspect of a crime that has a lower limit of more than 5 years of imprisonment, a lawyer will be assigned for your case without your request and; with your request, if you are not able to select a lawyer. Furthermore, the state assigns a lawyer for the deaf and speech-disabled and the suspects under 18.

## What should I do to be eligible for legal aid?

Before and after the case is filed, you need to apply to the trial court. In enforcement proceedings, application is made to the enforcement court which will carry out the process. In accordance with the order of applying for legal remedies, the application should be made either to the regional court of appeal or Court of Cassation. The relevant court examines if the requirements have been fulfilled for legal aid and then decides on partial or complete approval or dismissal of the request. Legal aid continues until the consummation of the judgment.

Decisions on legal aid rendered by the courts are final decisions. However, the