



F2 Assessment of the Allegations and Evidence in Criminal Proceedings and the Innocence Project in Turkey

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After attending this presentation, attendees will be familiar with the Innocence Project in Turkey and the assessment of the allegations and evidence in the criminal proceedings.

This presentation will impact the forensic science community by demonstrating that in criminal proceedings, the evidence is important in terms of prevention and impact on the judicial system.

In the legal sense, when a crime is committed, a legal institution subjects the criminal to punishment or security precautions. The history of crime is as old as the history of humanity. Throughout history, states have been subjected to various forms of culpability if they have tried the factions as required by society's dynamics and if the criminal action has been reached by the prosecuted offender. If it is concluded that the person did not commit the crime, he was acquitted.

The crime is not rendered suspect by the issue of proof that comes into play, so the suspect is innocent or must prove himself, which will be hard to prove to the party who claims to have committed a crime. In Roman law and in our legal system, the plaintiff has to prove his claim. In medieval Europe, the plaintiff had to prove that the suspect was innocent. The function of the Law of Criminal Procedure is to show the offender, in return of the actual execution of the application (if it has been exercised) to determine by whom it will be handled. Essentially, the goal is to investigate material facts. The authority that has the authorization to pursue punishment has no right to arbitrarily decide who committed the crime, but must prove it in accordance with the law. Material reality is relative. The parties will naturally go on to influence the court, and the judicial authority will go through the process of finding the truth by examining the evidence.

Article 217/2 of the Criminal Procedure Code in the Turkish Criminal Proceedings, which regulates the judge's discretion, is regulated as follows: "Any crime that has been committed in accordance with law can be proven."

The concept of "evidence," which is the principle of the law of evidence, can be described as each type of trace, effect, document, and record that contributes to revealing whether the acts, having abstract descriptions in the punishment norms, have been realized in the concrete case.

The imputed crime in the Turkish Criminal Procedure can be proven with each type of evidence collected in compliance with the law. As securing justice is achieved by reaching the material fact in the criminal procedure, each type of means can be a proof, which serves to prove the occurring concrete case and the judge has the discretionary power to make a selection between these means.

Although the proof of the material extent of the penal discrepancy in the criminal procedure is limited as to the types of evidences, the principle of evidence freedom does not mean an unlimited freedom.

Evidence, Criminal Procedure, Innocence Project