**Name of the Course :** ABE203-Expert Witness Law

**Medium of the Course :** Turkish

**Aim of the Objective :** In the context of the Ministry of Justice's Judicial Reform Strategy, it is important to teach the concept and procedural principles of expert witness services, which are designed to be trustworthy, efficient, people-centered, and focused on public satisfaction. This includes examining the duties, responsibilities, and powers of the courts within the Turkish judicial system from a civil litigation perspective, explaining the fundamental concepts related to evidence law, the appointment, obligations, and rejection of expert witnesses, the principles and procedures for writing expert reports as tools in evidence activities, the process for withdrawing from expert witness duties, the procedures to be applied to expert witnesses who fail to perform their duties, the ethical principles that expert witnesses must adhere to, and the usage principles of the UYAP Expert Witness Portal. Additionally, it includes teaching the penalties for those who provide false expert testimony.

**Level of the Course :** Master’s Degree

**Type/ Content of the Course :** Elective / In the Expert Witness Law course, students will be informed about the fundamental qualities of expert witnesses within the Turkish legal system, their authority, duties, and responsibilities, the concepts of findings and evidence, the supervision and accountability of expert witnesses, the principles of applying for and appointing expert witnesses, and the UYAP Expert Witness Portal information system.

**Credit of the Course :** 3

**Term / Weekly Hour :** Fall/3

**Name(s)/Surname(s) of Instructors :** Hakim Dr.Yasin ÇEVİK

**Contect Number of Insts. :** 0505 441 02 83

**Program Coordinator :** Prof.Dr. Gökhan İbrahimÖĞÜNÇ

**Prerequisites :**

**Teaching Methods :** Seminar, discussion, presentation, article

**Resources :**

1. 5271 sayılı Ceza Muhakemesi Kanunu
2. 5237 sayılı Türk Ceza Kanunu
3. 6754 sayılı Bilirkişilik Kanunu
4. 2577 sayılı İdari Yargılama Usulü Kanunu
5. 2004 sayılı İcra ve İflas Kanunu
6. 5366 sayılı Yıpranan Tarihi ve Kültürel Taşınmaz Varlıkların Yenilenerek Korunması ve Yaşatılarak Kullanılması Hakkında Kanun
7. 2659 sayılı Adli Tıp Kurumu Kanunu
8. 2547 sayılı Yükseköğretim Kanunu
9. 2942 sayılı Kamulaştırma Kanunu
10. Bilirkişilik Yönetmeliği
11. Bilirkişilik Temel Eğitiminin Usul ve Esaslarına İlişkin 169 Nolu Bakanlık Genelgesi
12. Bilirkişilik Temel Eğitimi, Prof.Dr. Talat CANPOLAT, Yrd.Doç.Dr. Ersin ERDOĞAN, Yrd.Doç.Dr. Barış TORAMAN, Adalet Bakanlığı, Bilirkişilik Daire Başkanlığı
13. Bilirkişilik ve Uygulaması, Rüknettin Kumkale, 1 Baskı, Mart 2018, Seçkin Yayıncılık

**WEEKLY TOPICS**

|  |  |
| --- | --- |
| **Weeks** | **Units** |
| **1** | **Turkish Judiciary Organization** |
| **2** | **Fundamental Rights and Principles of Procedural Law** |
| **3** | **Fundamental Rights and Principles of Evidence Law** |
| **4** | **Concepts of Findings and Evidence** |
| **5** | **The Concept of Expert Witness Services and the Essential Qualities Required of an Expert Witness** |
| **6** | **The Powers and Duties of an Expert Witness** |
| **7** | ***Midterm*** |
| **8** | **Ethical Rules to Which an Expert Witness Must Adhere** |
| **9** | **The Supervision and Accountability of Expert Witnesses** |
| **10** | **Principles and Procedures for Applying for and Appointing Expert Witnesses-1** |
| **11** | **Principles and Procedures for Applying for and Appointing Expert Witnesses-2** |
| **12** | **Principles and Procedures for Expert Witness Examination and Report Writing** |
| **13** | **Concepts of Fault and Causation in the Turkish Legal System** |
| **14** | **UYAP Expert Witness Portal Information System** |
| **15** | ***Final*** |

**EVALUATION SYSTEM**

|  |  |  |
| --- | --- | --- |
| **Semester Studies** | **Number** | **Contribution Margin %** |
| **Attandence** | 1 | 10 |
| **Quiz** | - | - |
| **Midterm** | 1 | 20 |
| **Practice** | - | - |
| **Project** | - | - |
| **Assignment / Presentation** | 1 | 20 |
| **Final** | 1 | 50 |
| **Total** | 4 | 100 |

**ECTS / WORKLOAD TABLE**

|  |  |  |  |
| --- | --- | --- | --- |
| **ACTIVITES** | **NUMBER** | **DURATION**  **(Hour)** | **Total workload (Hour)** |
| **Theoretical Course (+Practice)** | 14 | 3 | 42 |
| **Duration of Out-of-Class Study** | 14 | 3 | 42 |
| **Presentation/Seminar Preparation** | - | - | - |
| **Project** | - | - | - |
| **Assignments** | 1 | 22 | 22 |
| **Midterm**   1. **Exam** 2. **Individual Study For The Exam** | 1 | 20 | 20 |
| **Final**   1. **Exam** 2. **Individual Study For The Exam** | 1 | 24 | 24 |
| **Total workload (hours)** | 31 | 72 | 150 |
| **ECTS Credit of The Course (Total workload (hours) / 25)** |  |  | **6** |

**COURSE OUTCOMES**

|  |  |
| --- | --- |
| **No.** | **Explanation** |
| **O1** | Understanding the Turkish Judiciary Organization |
| **O2** | Gaining Knowledge of the Fundamental Rights and Principles of Procedural Law |
| **O3** | Gaining Knowledge of the Fundamental Rights and Principles of Evidence Law |
| **O4** | Gaining Knowledge of the Concepts of Findings and Evidence |
| **O5** | Gaining Knowledge of the Concept of Expert Witness Services and the Essential Qualities Required of an Expert Witness |
| **O6** | Understanding the Powers and Responsibilities of an Expert Witness |
| **O7** | Understanding the Ethical Rules That an Expert Witness Must Follow |
| **O8** | Understanding the Supervision and Accountability of Expert Witnesses |
| **O9** | Understanding the Principles and Procedures for Applying for and Appointing Expert Witnesses |
| **O10** | Understanding the Principles and Procedures for Expert Witness Examinations and Report Writin |
| **O11** | Understanding the Concepts of Fault and Causation in the Turkish Legal System |
| **O12** | Understanding the UYAP Expert Witness Portal Information System |

**PROGRAM QUALIFICATIONS**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | | | | | | | |
| **No.** | **Explanation** | **Contribution Level of the Course** | | | | | |
| **0** | **1** | **2** | **3** | **4** | **5** |
| **P1** | To have a understanding of forensic science ethics and protection of personal data |  |  |  |  |  | X |
| **P2** | To have a knowledge of the principles and techniques of scientific research. |  |  |  | X |  |  |
| **P3** | To reach proficiency about the effects of forensic sciences on ensuring the rule of law. |  |  |  |  |  | X |
| **P4** | To have theoretical and practical knowledge in the fields of Forensic Science Investigation. |  |  |  |  | X |  |
| **P5** | To recognise the importance of using forensic science methods in criminal investigations. |  |  |  |  | X |  |
| **P6** | To have command of crime scene investigation techniques and forensic photography principles. |  |  | X |  |  |  |
| **P7** | To understand the importance of crime scene investigation process in criminal investigations |  |  |  |  |  | X |
| **P8** | To apply the developments in the fields of positive science to the fields of criminalistics. |  |  |  |  |  | X |
| **P9** | To know and apply the hierarchy of forensic sciences, which are multidisciplinary and interdisciplinary, and their relations with each other. |  |  |  |  |  | X |
| **P10** | To have basic theoretical and practical knowledge in at least one of the fields of criminalistics. |  |  |  |  |  | X |
| **P11** | To be able to relate the results of reports prepared by forensic science laboratories to the criminal investigation by reasoning. |  |  |  |  |  | X |
| **P12** | To recognise the legal responsibilities of the expert witness and to internalise the ethical rules. |  |  |  |  |  | X |

**CONTRIBUTION OF COURSE LEARNING OUTCOMES TO PROGRAM PROFICIENCY**

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Tüm** | **P1** | **P2** | **P3** | **P4** | **P5** | **P6** | **P7** | **P8** | **P9** | **P10** | **P11** | **P12** |
| **Ö1** | **5** | **5** | **5** | **5** | **5** | **3** | **5** | **5** | **5** | **5** | **5** | **5** |
| **Ö2** | **5** | **5** | **5** | **5** | **5** | **4** | **5** | **5** | **5** | **5** | **5** | **5** |
| **Ö3** | **5** | **5** | **5** | **5** | **5** | **4** | **5** | **5** | **5** | **5** | **5** | **5** |
| **Ö4** | **5** | **5** | **5** | **5** | **5** | **4** | **5** | **5** | **5** | **5** | **5** | **5** |
| **Ö5** | **5** | **5** | **5** | **5** | **5** | **4** | **5** | **5** | **5** | **5** | **5** | **5** |
| **Ö6** | **5** | **5** | **5** | **5** | **5** | **3** | **5** | **5** | **5** | **5** | **5** | **5** |
| **Ö7** | **5** | **5** | **5** | **5** | **5** | **4** | **5** | **5** | **5** | **5** | **5** | **5** |
| **Ö8** | **5** | **5** | **5** | **5** | **5** | **4** | **5** | **5** | **5** | **5** | **5** | **5** |
| **Ö9** | **5** | **5** | **5** | **5** | **5** | **4** | **5** | **5** | **5** | **5** | **5** | **5** |
| **Ö10** | **5** | **5** | **5** | **5** | **5** | **4** | **5** | **5** | **5** | **5** | **5** | **5** |
| **Ö11** | **5** | **5** | **5** | **5** | **5** | **4** | **5** | **5** | **5** | **5** | **5** | **5** |
| **Ö12** | **5** | **5** | **5** | **5** | **5** | **4** | **5** | **5** | **5** | **5** | **5** | **5** |

**0- None 1- Very Low 2- Low 3- Moderate 4- High 5- Very High**

**.../…/2024**

**Prof.Dr. Gökhan İbrahim ÖĞÜNÇ**

**Director of the Institude of Forensic Science**