

## Civil Liability Code

### Article 1

Any one who injures intentionally or due to his negligence, the life or health or property or freedom or prestige or commercial fame or any other right established for the individuals by virtue of law, as a result of which another one sustains materially or spiritually losses, shall be liable to compensate the damages arising out of his action.

### Article 2

In the event that the action of the loss inflictor causes material or spiritual damages borne by the loss inflicted person, the court shall condemn him to compensate the said damages after considering the case and establishment thereof. Should the action of the loss inflictor has caused one of the aforesaid damages, the court shall condemn him to compensate the same sort of damages inflicted.

### Article 3

The court shall determine the amount of loss, way and quality of its compensation with regard to the circumstances around the case.

Compensation for the loss can not be specified in a pension form unless the debtor provides the required security for its payment or a law prescribes that.

### Article 4

Court may reduce the amount of damages in the following instances :

- a) If after the occurrence of damages, the loss inflictor has in an effective manner helped and assisted the loss inflicted person.
- b) If the occurrence of damages arises out of a negligence which should be customarily waived and compensation thereof also causes indigence and difficulty for the loss inflictor.
- c) When the loss inflicted person has facilitated the loss inflictor in any way possible or has helped to increase it and/or aggravate the circumstances of the loss inflictor.

## Article 5

Should as a result of injury inflicted on body or health of someone, a blemish appears in his body or his physical strength is diminished and/or is faded away and/or causes increase in his living expenses, the loss inflictor shall be liable to compensate all the said damages.

By taking the circumstances around the case into due consideration, the court will specify compensation of the loss in the form of pension or payment of a lump sum.

In cases that the compensation of loss should be made in pension form, decision as to the quality and amount of the security obtainable from the loss inflictor should be taken by the court. If specification of the consequences of the body injuries not to be certainly possible when the ruling is rendered, the court will have right to reconsider its ruling since it has been rendered up to two years.

## Article 6

In case of death of the injured, the loss includes all expenses, specially shrouding and burial. If the death doesn't happen quickly, costs of medical treatment and the losses resulting from missing work capability during illness shall be also included in the loss.

In case that at the time of occurrence of injury, the loss inflicted person has been legally compelled and/or he might become compelled later to support a third person and as a result of his death, the third person becomes deprived of that right, the loss inflictor should pay him an amount as pension in proportion to the time period which normally the loss inflicted person might have lived and bound to support the third person. In this case determination on the amount of security shall be the duty of court.

Should at the time the injury happened a third person's germ was conceived or the child has not yet been born, the said person would be entitled to receive pension.

## Article 7

Anyone who is legally or in accordance with a contract under obligation to support or take care of an insane or minor, in case of failure to support or take care of him would be liable to compensate the losses inflicted by the insane or minor and if he is not able to afford it wholly or partly, the losses will be compensated from properties of the insane or minor. In any event the compensation should be made in a way not to cause indigence and

poverty of the one who makes the compensation.

## Article 8

Anyone who inflicts loss to the prestige, credit and position of another one as a result of certifications or publications contrary to the fact shall be liable to compensate it.

Anyone whose customers are decreased and/or are exposed to be lost due to the said publications or other means contrary to the good faith, can demand stopping the said operations and in case of establishment of the fault, seeks compensation for the inflicted losses from the person who has inflicted it.

## Article 9

A female who has accepted illegitimately a bed-fellow due to being deceived or threatened and/or misused because of being subordinate can seek compensation for spiritual loss in addition to the material loss from the loss inflictor.

## Article 10

Anyone whose personal or family prestige and credits have been damaged can seek compensation for the material and spiritual loss from the one who has inflicted the injury. Should the importance of loss and type of fault requires and in case that fault has been established, the court can rule, in addition to the issuance of a ruling for financial damages, for the removal of loss by other ways such as compelling the loss inflictor to apologize and publish the ruling in newspapers and the like.

## Article 11

The employees of government, municipalities and their affiliated organizations who intentionally or by negligence inflict damages to persons in the course of performing their duties shall be personally liable to compensate the inflicted damages. But if the inflicted damages have not been occurred as a result of their act but relate to the defective instruments of the said departments and organizations, in this case the relevant department or organization shall be liable to compensate the damages.

As to the enforcement of government's sovereignty if the losses inflicted have been necessarily due to the steps taken for securing the social interest in accordance with law, the government shall not be bound to pay for the damages.

## Article 12

The employers who are subject to the Labor Act shall be liable to compensate the damages inflicted by their administrative personnel and/or laborers in the course of performing work or due to that unless it is established that all the precautions required under the circumstances of the case have been observed or even if the said precautions were made still it was not possible to prevent infliction of loss. The employer can refer to the damage inflictor, in case he is recognized responsible in accordance with the law.

## Article 13

The employers subject to Article 12 are bound to insure all their laborers and administrative personnel against the damages which may be inflicted by them to third persons.

## Article 14

As to Article 12 if several persons collectively inflict loss, they shall be jointly and severally liable to compensate the inflicted damages.

In this case the degree of liability of each one shall be specified by the court in the light of the manner of each one's participation.

## Article 15

Anyone who in a legitimate defense inflicts body or financial damages to an aggressive person shall not be liable for the damages, on the condition that the inflicted damages are normally in proportion to the defense.

## Article 16

Ministry of Justice is in charge of enforcement of this law.

The aforesaid Law which is consisted of sixteen articles and was ratified by the Joint Justice Committee of the Parliament on 27.4.1960, shall be enforceable by virtue of the law authorizing enforcement of the proposed bills of the present Minister of Justice, after its ratification by the Joint Justice Laws Committee of the Parliament