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(VENICE COMMISSION)

TURKEY

EMERGENCY DECREE LAWS¹
OF JULY - SEPTEMBER 2016
NOS. 667 – 674

¹ Translation provided by the Turkish authorities

DECREE WITH FORCE OF LAW NO. 667 – 22 JULY 2016**DECREE ON MEASURES TO BE TAKEN UNDER STATE OF EMERGENCY**Decree Law No.: KHK/667

On 22 July 2016 the Council of Ministers, meeting under the chairmanship of the President of the Republic, has decided to take certain measures under state of emergency pursuant to Article 121 of the Constitution and Article 4 of the Law no. 2935 on State of Emergency dated 25 October 1983.

PART ONE**Aim and Scope****Aim and scope**

Article 1 – (1) The aim of this Decree Law is to establish measures that must necessarily be taken within the scope of attempted coup and fight against terrorism under the state of emergency declared throughout the country by the Decree Law of the Council of Ministers dated 20 July 2016 and numbered 2016/9064, and to determine procedures and principles relating to these measures.

PART TWO**Measures Related to Implementation of State of Emergency****Measures concerning institutions and organizations closed down****ARTICLE 2 – (1)**

- a) Private health institutions and organizations listed in the Annex I,
- b) Private education institutions and organizations as well as private dormitories and lodgings for students listed in the Annex II,
- c) Foundations and associations and their commercial enterprises listed in the Annex III,
- ç) Foundation-run higher education institutions listed in the Article IV,
- d) Unions, federations and confederations listed in the Article V, which belong to, connect to, or contact with the Fetullahist Terrorist Organization (FETÖ/PDY), established posing a threat to the national security, have been found to exist, have been closed down.

(2) All movables and real estate as well as all assets, receivables and rights, and all documents and papers of foundations closed down shall be deemed to have been transferred to the General Directorate of Foundations without cost. Health application and research centers that belong to the foundation-run higher education institutions closed down, and all movable properties as well as all assets, receivables and rights and all documents and papers that belong to other institutions and organizations closed down shall be deemed to have been transferred to the Treasury without cost, and all real estate that belong to them shall directly be registered, free and clear of any restrictions and encumbrances on the immovables, in the name of the Treasury in the land registry. Under no circumstances shall any claim or demand related to all kinds of debts of those listed in paragraph one be made against the Treasury. The Ministry of Finance or the General Directorate of Foundations, according to its relevance, shall carry out all procedures relating to transfer by receiving necessary assistance from all institutions concerned.

(3) Private and foundation-run health institutions and organizations, private education institutions and organizations as well as private dormitories and lodgings for students, foundations, associations, foundation-run higher education institutions, unions,

federations and confederations that have been found to be a member of structure/entities, organizations or groups, or terrorist organizations, which are found established to pose a threat to the national security, or whose connection or contact with them have been found to exist and which are not listed in the Annexes shall be closed down upon the proposal of the commission to be established by the minister in the relevant ministries and with the approval of the Minister. Provisions of paragraph 2 shall apply to institutions and organizations closed down under this paragraph.

(4) Students, registered to the higher education institutions closed down, shall be placed at State-run universities or foundation-run universities by the Council of Higher Education. Students to be placed as such shall continue to pay to the university concerned the tuition fees that they are required to pay to foundation-run higher education institutions until their graduation. The Council of Higher Education is responsible and authorized for establishing procedures and principles related to application of this paragraph, providing guidance on the application, taking all types of measures and eliminating hesitations that might arise.

Measures related to the members of the judiciary and those considered as members of this profession

ARTICLE 3 – (1) Continuation in the profession of those who are considered to be a member of, or have relation, connection or contact with terrorist organizations or structure/entities, organizations or groups established by the National Security Council as engaging in activities against the national security of the State, shall be found to be unsuitable and their dismissal from the profession shall be decided by the absolute majority of the Plenary Session of the Constitutional Court in so far as the members of the Constitutional Court are concerned; by the Board of the First Presidency of the Court of Cassation in so far as Presidents of Chambers of the Court of Cassation and its members are concerned; by the Board of Presidency of the Supreme Administrative Court in so far as the Presidents of Chambers of the Supreme Administrative Court and its members are concerned; by the Plenary Session of the High Council of Judges and Prosecutors in so far as judges and prosecutors are concerned; and by a commission, consisting of President of a Chamber and a member to be determined by the President and Vice Presidents of Court of Accounts under the chairmanship of the President of Court of Accounts in so far as members of profession of the Court of Accounts are concerned. Firearms licenses and green passports of those whose dismissal from the profession is decided shall be cancelled and they shall be evicted from publicly-owned houses or houses owned by a foundation in which they live within fifteen days.

(2) Those who hold office as candidates of judicial and administrative judge and prosecutor positions on the date on which this Decree Law enters into force may be appointed as a judge or prosecutor, regardless of duration of their candidacies, if they are admitted to the profession by the High Council of Judges and Prosecutors upon the proposal of the Ministry of Justice.

Measures concerning public officials

ARTICLE 4 – (1) Those who are considered to be a member of, or have relation, connection or contact with terrorist organizations or structure/entities, organizations or groups, established by the National Security Council as engaging in activities against the national security of the State shall be dismissed from public service;

a) upon the proposal of the Force Commander concerned, with the recommendation of the Chief of the General Staff and by the approval of the Minister of Defence in so far as the personnel who are subject to Law no. 926 on the Turkish Armed Forces Personnel (dated 27 July 1967) are concerned,

b) upon the proposal of the Commander of the Gendarmerie Forces and by the approval of the Minister of Interior in so far as the personnel who are subject to Law no. 2803 (dated 10 March 1983) on Organization, Duties and Powers of the Gendarmerie are

concerned,

c) upon the proposal of Coast Guard Commander and by the approval of the Ministry of Interior in so far as the personnel who are subject to the Law no. 2692 (dated 9 July 1982) on Coast Guard Command are concerned,

ç) by the approval of the Minister of Defence in so far as the personnel who work for the Ministry of Defence are concerned,

d) upon the proposal of the President of the Council of Higher Education and by the decision of the Council of Higher Education in so far as the personnel who are subject to the Law no. 2914 on Higher Education (dated 11 October 1983) are concerned,

e) upon the proposal of a commission that is established by the governor and meets under the chairmanship of the governor and by the approval of the Minister of Interior in so far as the personnel of local administrations are concerned,

f) upon the proposal of the commission that is established by the relevant or related Minister and meets under the chairmanship of the highest administrator of the institution or organization concerned, and by the approval of the relevant Minister, in so far as the personnel, employed in all kinds of positions and status (including workers) who are subject to the Law no. 657 on Civil Servants (dated 14 July 1965) and other legislation except for those set out in Article 3 of this Decree Law, are concerned,

g) upon the proposal of chief of the department and by the approval of the chief who is authorized to appoint in so far as the personnel employed in all kinds of positions and status (including workers) in other institutions that are not under the authority of, or associated with a Ministry.

(2) Those dismissed from service under paragraph one shall not anymore be employed in public service, and they shall not, directly or indirectly, be assigned; all kinds of membership in a board of trustees, a board, a commission, a board of management, a supervisory board or a liquidation board under the responsibility of those dismissed from service and their other tasks shall be deemed to have ended. Provisions of this paragraph shall apply to those who perform a task set out in this paragraph but do not have the status of public official.

(3) Firearm licenses and pilot licenses of those dismissed from service under this Article shall be cancelled, and they shall be evicted from publicly-owned houses or houses owned by a foundation in which they live within fifteen days. These persons shall not be a founder, co-founder or personnel of private security companies.

(4) Appointment shall be made to the personnel cadres and positions of personnel, dismissed from service under this Article, in a number to be determined by the Council of Ministers without being subject to any restrictions imposed by the Law on Central Administration Budget and other legislation.

Measures concerning investigations conducted

ARTICLE 5 – (1) Those against whom an administrative action is taken on the ground of their membership to, or connection or contact with structure/entities, organizations, groups or terrorist organizations, which are found established to pose a threat to the national security, and those against whom a criminal investigation or prosecution is conducted for the same reason shall immediately be reported to the passport department concerned by the institution or organization that takes action. Upon this information, the passports shall be cancelled by the passport departments concerned.

Investigation and prosecution procedures

ARTICLE 6 – (1) During the period of state of emergency, with regard to the offences enumerated under Fourth, Fifth, Sixth and Seventh Sections of Fourth Chapter of Second Volume of the Turkish Criminal Code no. 5237 dated 26 September 2004, the offences falling under the Anti-Terror Law no. 3713 dated 12 April 1991 and the collective offences;

a) The period of custody shall not exceed thirty days as from the time of arrest, save

for the required period for the suspect to be brought before the judge or the court which takes office at the nearest place to the place where the suspect was arrested.

b) The military persons who have been arrested are handed over to the law enforcement officers.

c) Within the scope of the investigations carried out, the statements of all suspects, victims and witnesses, including the public servants, may also be taken by the law enforcement officers, without a distinction being made on the basis of their duties and titles.

ç) The detention orders in respect of the military persons shall be executed in the penitentiary institutions which are set out in Article 111 of the Law no. 5275 on the Execution of Penalties and Security Measures of 13 December 2004.

d) Where there is a risk that public security and the security of the penitentiary institution is endangered, that the terrorist organization or other criminal organizations are directed, that orders and instructions are given to them or secret, clear or crypto messages are transmitted to them through the remarks during the interviews between the detainees and their lawyers; the interviews may be recorded auditorily or audio-visually via technical devices, the officers may be made present during the interviews between the detainee and his/her lawyer with a view to monitoring the interview, documents or document templates and files given by the detainee to his/her lawyer or vice versa and the records kept by them concerning the interview between them may be seized, or days and hours of the interviews may be limited upon the public prosecutor's order. In the event that the interview of the detainee is understood to be made for the aim set out above, the interview shall be immediately ended, and this fact shall be recorded into minutes together with the grounds thereof. The parties shall be warned about this issue prior to the interview. In the event that such minutes are drawn up in respect of a detainee, the Office of the Magistrates' Judge could ban the detainee from interviewing with his/her lawyers, upon the public prosecutor's request. Decision on banning shall be immediately served on the detainee and the relevant Bar Presidency with a view to assigning a new lawyer. The public prosecutor may ask for replacement of the lawyer commissioned by the Bar. The commissioned lawyer shall be paid in accordance with Article 13 of the Law no. 5320 on the Enforcement and Application Procedure of the Criminal Procedure Code of 23 March 2005.

e) The detainees may only be visited by his/her spouse, relatives of the first and second degrees and the first degree relatives-in-law and his/her guardian or trustee only where the relevant documents are submitted. The powers of the Ministry of Justice and the Chief Public Prosecutor's Office shall be reserved. The detainees shall enjoy the right to telephone conversations for once every fifteen days and for a period not exceeding ten minutes, limited to the persons set out in this subparagraph.

f) Only the registration number -instead of the clear identity- of the relevant officers shall be written on the records prepared by the public officers working in the penitentiary institutions where the detainees are held. Where it is deemed necessary to receive the statements of officers of the institutions, writ of summons or subpoena shall be sent to the relevant officer's work address. The work addresses shall be indicated in the statement records and minutes of hearings of these persons.

g) Within the scope of the investigations performed, the defence counsel selected under Article 149 of the Criminal Procedure Code no. 5271 of 4 December 2004 or assigned under Article 150 thereof may be banned from taking on his/her duty if an investigation or a prosecution is being carried out in respect of him/her due to the offences enumerated in this Article. The Office of Magistrates' Judge shall render a decision on the public prosecutor's request for a ban without any delay. Decision on banning shall be immediately served on the suspect and the relevant Bar Presidency with a view to assigning a new counsel.

ğ) Within the scope of the investigations and prosecutions, at the most three lawyers shall be present during statement-taking and questioning periods or hearings.

h) Prior to the hearings before the criminal courts, bill of indictment or the document which substitutes for bill of indictment shall be read out or summarized and explained.

i) Review of detention, objection to detention and requests for release may be concluded over the case file.

i) Where deemed appropriate by the judge or the court, suspects or accused persons may be questioned via audio-visual communication technique or they may be summoned to the hearings.

Granting a monthly duty disability pension and other rights

ARTICLE 7 – (1) With regard to the calculation of monthly pensions, under Article 21/1(j) of the Anti-Terror Law no. 3713, to be granted to civilians who lost their lives or became disabled due to the coup attempt and terrorist act of 15 July 2016 and the subsequent relevant acts, the provisions set out in subparagraph (h) of the same paragraph shall be taken as a basis, and they, the beneficiaries and those falling under subparagraph (h) shall be ensured to benefit from the other rights enshrined in the relevant legislation in the same manner. However, the total amount of monthly pensions to be granted to widows and orphans cannot be less than the pension to be granted to the disabled or deceased himself/herself. Moreover, the provisions concerning monetary compensation of the Law no. 2330 on Monetary Compensations and Monthly Pensions of 3 November 1980 shall be applied in respect of these persons and those who were injured because of these acts. As regards the monthly pensions to be granted in this manner, there shall be no requirement of not owing premium debt or debt concerning premium, including general health insurance premiums.

(2) Retirement bonuses of those who fall within the first paragraph and who are entitled to receive retirement bonuses under the Law no. 5434 on Retirement Fund of the Republic of Turkey of 8 June 1949 shall be paid in accordance with Article 21/1 (a) of the Law no. 3713, which shall not be less than 115 times as much as the highest public officer salary (including additional indicator). Among the civilians who fall within the first paragraph but are not entitled to receive retirement bonus, those who cannot maintain his/her life by way of performing necessary activities and became disabled to the extent that they need other persons' help and support and legal heirs of the deceased persons shall be paid additional compensation in the amount of 170 times as much as the highest public officer salary (including additional indicator), and other disabled persons shall be paid additional compensation in the amount of 115 times as much as the highest public officer salary (including additional indicator) by the relevant institutions in accordance with the principles and procedures concerning monetary compensation.

Abolishment of the rights of easement and usufruct and termination of lease contracts

ARTICLE 8 – (1) The relevant institution and organization shall ex officio abolish the rights of easement and usufruct and terminate the lease contracts of the beneficiaries and leaseholders of all immovable properties of which belong to public administrations within the scope of general budget and administrations within the scope of special budget, regulatory and supervisory agencies, social security institutions, local administrations and associations and entities set up by these administrations, other public agencies, boards, supreme boards and organizations, public economic enterprises established under special law and their subsidiaries, establishments and entities and the immovables whose 50 % or more shares are owned by the other public subsidiaries and foundations set out in Public Financial Management and Control no. 5018 of 10 December 2003; in the event that they are considered to be a member of, related to or in connection with the structures/entities, organizations, groups or terrorist organizations which have been found to pose a threat to national security.

Liability

ARTICLE 9 – (1) Legal, administrative, financial and criminal liabilities shall not arise

in respect of the persons who have adopted decisions and fulfil their duties within the scope of this Decree Law.

Stay of execution

ARTICLE 10 – (1) Stay of execution cannot be ordered in the cases brought as a result of the decisions taken and acts performed within the scope of this Decree Law.

Enforcement

ARTICLE 11 – (1) This Decree Law shall enter into force on the date of its publication.

Execution

ARTICLE 12 – (1) The Council of Ministers shall execute the provisions of this Decree Law.

Recep Tayyip ERDOĞAN
PRESIDENT

Binali YILDIRIM
Prime Minister

N. CANIKLİ

Deputy Prime Minister

N. AĞBAL
Minister

T. TÜRKER
Acting Deputy Prime Minister
Deputy Prime Minister

N. KURTULMUŞ

Deputy Prime

Y.

V. KAYNAK
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B.
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A. Ç. KILIÇ
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Minister of National Education

F. IŞIK
Minister of National

V. EROĞLU
Minister of Forestry and Water Affairs
and Communications

R. AKDAĞ
Minister of Health

A. ARSLAN
Minister of Transport, Maritime Affairs

DECREE WITH FORCE OF LAW NO. 668 – 25 JULY 2016**DECREE LAW ON MEASURES TO BE TAKEN UNDER THE STATE OF EMERGENCY AND ARRANGEMENTS MADE ON CERTAIN INSTITUTIONS AND ORGANIZATIONS****Decree Law no. KHK/668**

On 25 July 2016 the Council of Ministers, meeting under the chairmanship of the President of the Republic, has decided to take certain measures and to make a number of arrangements on certain institutions and organizations under the state of emergency, pursuant to Article 121 of the Constitution and Article 4 of the Law no. 2935 on State of Emergency dated 25 October 1983.

PART ONE**Aim and Scope****Aim and scope**

Article 1 – (1) The aim of this Decree Law is to determine the procedures and principles relating to measures that shall necessarily be taken within the scope of the attempted coup and the fight against terrorism under the state of emergency declared throughout the country by the Decree Law of the Council of Ministers dated 20 July 2016 and numbered 2016/9064, and to make arrangements on certain institutions and organizations.

PART TWO**Measures Taken under the State of Emergency****Measures taken**

Article 2 – (1) Those which belong to, connect to, or contact with the Fetullahist Terrorist Organization (FETÖ/PDY), established posing a threat to the national security:

a) Military personnel listed in Annex (1) have been discharged from the Turkish Armed Forces. Additional procedures shall be carried out in respect of them pursuant to the provisions of special laws.

b) Private radio and television organizations listed in Annex (2) have been closed down.

c) Newspapers and periodicals listed in Annex (3) and their publication and distribution channels have been closed down.

(2) Regardless of a criminal conviction ruled, the military personnel discharged from the Turkish Armed Forces pursuant to subparagraph (a) of paragraph 1 shall be deprived of their military ranks and public official status and such persons shall not be readmitted to the Turkish Armed Forces; they shall not be employed once again in public service, assigned directly or indirectly; their membership to all kinds of boards of trustees, boards, commissions, boards of directors, supervisory boards and liquidation boards shall cease. Firearm and pilot's licenses held by them shall be cancelled and these persons shall be evicted within fifteen days, from the public or foundation-owned houses in which they reside. These persons shall not be a founder, co-founder or personnel of private security companies. The Ministry of National Defense shall immediately notify the relevant passport authority as regards these persons. Upon such notification, the relevant passport authorities shall cancel their passports.

(3) Movable property as well as all kinds of assets, receivables, rights and all documents and papers that belong to the newspapers, periodicals, publishing houses and private radio and television organizations closed down shall be deemed to have been transferred to the Treasury without cost, and all real estate that belong to them shall be registered ex officio, free and clear of any restrictions and encumbrances on the immovables, in the name of the Treasury in the land registry. Under no circumstances shall any claim or demand related to all kinds of debts of

these be made against the Treasury. The Ministry of Finance shall carry out all procedures relating to transfer by receiving necessary assistance from all institutions concerned.

(4) Private radio and television organizations, newspapers and periodicals, publication and distribution channels that have been found to be a member of structure/entities, organizations or groups, or terrorist organizations, which are found established to pose a threat to the national security, or whose connection or contact with them have been found to exist and which are not listed in Annexes (2) and (3), shall be closed down upon the proposal of the commission to be established by the minister in the relevant ministries and with the approval of the Minister. The provisions of paragraph three shall also apply to institutions and organizations closed down under this paragraph.

Investigation and prosecution procedures

Article 3 – (1) During the period of state of emergency, with regard to the offences enumerated under Fourth, Fifth, Sixth and Seventh Sections of Fourth Chapter of Second Volume of the Turkish Criminal Code no. 5237 dated 26 September 2004, the offences falling under the Anti-Terror Law no. 3713 dated 12 April 1991 and the collective offences;

a) Arrest warrants can also be issued by public prosecutors in cases where there is peril in delay. The period of custody imposed upon the arrest warrant issued by the judge or public prosecutor shall not exceed thirty days.

b) A suspect who has been hiding within the country or is abroad and cannot be reached by the public prosecutor's office, aiming to render the investigation in respect of him/her inconclusive, shall be declared fugitive. The second paragraphs of Articles 247 and 248 of Criminal Procedure Code no. 5271 of 4 December 2004 shall not apply in respect of such persons.

c) The office of the magistrate or court, whose detention order has been objected to, shall revise its order if it deems relevant; otherwise, it shall refer, within ten days, the objection to the authority competent to examine the objection.

ç) Requests for release shall be concluded over the case file within a maximum period of thirty days, along with a review of the detention.

d) In cases where there is peril in delay, searches can be conducted in domiciles, workplaces and non-public closed spaces, upon an order by the public prosecutor.

e) For searches to be conducted in domiciles, workplaces and non-public closed spaces without the presence of a public prosecutor, a member of the council of aldermen or a neighbor shall be made present.

f) In military zones, searches and seizures can be carried out by law enforcement officers without the participation of the public prosecutor upon the order of a judge, or by the written order of a public prosecutor, in cases where there is peril in delay.

g) The documents and papers which belong to the person concerning whom a search measure has been carried out can be examined by law enforcement officers.

ğ) Letters and documents between the suspect or defendant and persons who may be reluctant to testify under Article 45 and 46 of the Law no. 5271 can be seized, even when such are held by these persons.

h) Seizures made without an order of a judge shall be submitted to the competent judge for approval within five days. The judge shall announce the decision within ten days following the seizure; otherwise the seizure shall be automatically lifted.

ı) Seizures to be made under Article 128 of the Law no. 5271 can be ordered by the magistrate's office without obtaining the report specified in the first paragraph of the same Article. In cases where there is peril in delay, the public prosecutor may order seizures as well. Seizures made without an order of a judge shall be submitted to the competent judge for approval within five days. The judge shall announce the decision within ten days following the seizure; otherwise the seizure shall be automatically lifted.

i) Searches and seizures can be carried out at lawyer's offices by law enforcement officers without the participation of the public prosecutor upon the order of a judge, or by the written order of a public prosecutor, in cases where there is peril in delay. The bar president or an advocate representing him/her shall be present during the search and seizure process;

however, the second and third paragraphs of Article 130 of the Law no. 5271 shall not be applied.

j) Searches, copies and seizures regarding computers, computer programs and databases under Article 134 of the Law no. 5271 can be ordered by the public prosecutor as well, in cases where there is peril in delay. Such orders shall be submitted to the competent judge for approval within five days. The judge shall announce the decision within ten days following the seizure; otherwise the seizure shall be automatically lifted. In case the copying and backup process will take a long time, these tools and devices may also be seized. The devices seized shall be returned without delay once the process has been completed.

k) The measures of identification of communication, interception and recording, appointment of undercover investigators and surveillance by technical tools under Articles 135, 139 and 140 of the Law no. 5271 can be ordered by the judge or the public prosecutor, where there is peril in delay. The public prosecutor shall submit the order to the competent judge for approval within five days. The judge shall announce the decision within five days; otherwise the measure shall be automatically lifted.

l) The defense counsel's right to examine the contents of the case-file or take copies of the documents can be restricted by the decision of the public prosecutor, if the purpose of the investigation may be compromised.

m) The right of the suspect in custody to see a defense counsel may be restricted for five days by the decision of the public prosecutor. No statement shall be taken during this time.

n) In case the public prosecutor requires an investigation procedure during the investigations underway, a decision may also be taken by the magistrate of the jurisdiction.

o) Chief public prosecutor's offices may request buildings, vehicles, tools and staff from the offices of civil administration chiefs within jurisdiction, as required by the investigation.

ö) As to the offenses enumerated under this article, in cases where it has been deemed necessary for the verification of the information received, remand or sentenced inmates may be taken from penitentiary institutions for temporary periods by the order of the magistrate's office, upon such request by the competent public prosecutor.

Provisions amended or revoked

Article 4 – (1) Article 1, paragraph one of the establishment of Military Courts and trial Procedures, no. 353, dated 25 October 1963, has been amended as follows and the second paragraph of the same article has been revoked:

“Military courts empowered to exercise judicial powers shall be established by the Ministry of National Defense by taking the opinion of the Force Commands, taking into account the organizational structure and the geographical location of the military units and the workload of the courts and abolished by the same procedure.”

(2) The following paragraph shall be added after Article 40, paragraph two of the Law on Military Judges, no. 357, dated 26 October 1963:

“Military judges holding the positions of judicial advisor, disciplinary officer, legal advisor, director of legal affairs section, rapporteur and military prosecutors in high judiciary bodies and other relevant positions in military jurisdiction may also be given temporary powers under paragraph one.”

(3) The following sentence shall be added to Article 54, paragraph three of the Personnel Law of the Turkish Armed Forces, no. 926 of 27 July 1967, provisional article 39 of the same Law be revoked and the following provisional article be added to the same Law:

“However, those whose service at the upper rank are required by the President of the Supreme Military Council shall be included in the evaluation by the Supreme Military Council, regardless of the rank awaiting period and the appraisal requirement under Article 47 § 1.”

“PROVISIONAL ARTICLE 41 – The decisions to be taken in the Supreme Military Council, to be held in July 2016 and the promotion, appointment, commission, use of posts, retirement and discharge procedures shall be applied on 29 July 2016.”

(4) Article 4 of the Law on the Establishment and Duties of the Supreme Military Council, no. 1612, dated 17 July 1972, shall be amended as follows and the following provisional article be added to the Law:

“Article 4 – The Supreme Military Council shall convene at least once a year upon the call by the President [of the Council].”

“PROVISIONAL ARTICLE 2 – The assembly of the Supreme Military Council, which was to take place in August 2016, shall be made in the month July of the same year.”

(5) As to the Anti-terror Law, no. 3713, dated 12 April 1991;

a) Additional Article 1, paragraph six shall be amended as follows:

“Among the right holders, the appointment of elementary, middle school and primary school graduates to posts and positions titled ‘servant’; of secondary and higher education graduates, those who have attained titles for the sake of their education status to these titles provided that these have been listed in the tables annexed to the Decree Law no. 190, or otherwise to posts and positions titled ‘official’ shall be proposed by the State Personnel Agency. Appointment proposals to worker positions shall be based on the title ‘permanent worker’.”

b) Paragraph seven of Additional Article 1 shall be revoked.

c) The phrase “until the last day of March and September of every year”, contained in Additional Article 1, paragraph eight, sentence one; and the phrase “within forty-five days” in sentence two shall be revoked, and the following sentences shall be added to the same paragraph, after the second sentence:

“Public institutions and organizations shall submit their requests under this article through the DPB e-application, until the last days of the months January and July of every year. Appointment proposals by the State Personnel Agency shall be realized based on these requests. The Agency may make appointment proposals ex officio in case the requests have been insufficient.”

ç) The following provisional article shall be added following provisional article 14:

“PROVISIONAL ARTICLE 15 – Among the personnel who took office under Additional Article 1, prior to the entry into force of this article, those who have attained titles for the sake of their education status as of the date of appointment proposal made by the State Personnel Agency and provided that these have been listed in the tables annexed to the Decree Law no. 190, shall be appointed to the posts or positions associated with these titles by public institutions and organizations without an examination being made. In case the posts attained are not present in the public institutions they have been appointed, the concerned persons may be appointed, by way of transfer, to public institutions and organizations once, following full appointment to public service, without being subject to any quota limits laid down in other laws.”

(6) The following additional article shall be added to the Decree Law no. 652 on the Organization and Duties of the Ministry of National Education, dated 25 August 2011:

“ADDITIONAL ARTICLE 4 – (1) Contracting teachers may be employed under Article 4 § (B) of the Law on Civil Servants no. 657 at formal and non-formal education institutions of the Ministry with vacant permanent positions, located primarily in provinces having the first priority in development.

(2) Contracting teachers shall be appointed in accordance with the scores made in the oral examination to be conducted by the Ministry from candidates meeting the general conditions stipulated in Article 48 of the Law on Civil Servants no. 657 and the special qualifications sought to be appointed as teachers, from candidates forming a maximum three times the number of persons to be recruited, selected in accordance with the scores made in the Public Personnel Selection Examination.

(3) Contracting teachers to be appointed as per this Article cannot be appointed to another location within four years. In cases of location changes on the ground of family unification, the spouse of the teacher employed as per this article shall be subject to this teacher. Contracting teachers shall be subject to the candidate evaluation period as applied for candidate teachers. Those contracting teachers who have completed the four-year work period pursuant to the contract shall be appointed to the teacher positions in their current locations, if they request so. Those appointed to teacher positions shall serve in their current location for at least two more years and candidacy provisions shall not apply to them.

(4) The period of service in contracting teacher positions under Article 4 § (B) of the Law on Civil Servants no. 657 by those appointed as per this article shall be taken into account in the calculation of their attained degree and grades, which shall not exceed the degrees they may attain based on their state of education. They shall be entitled to the financial and social rights

brought by the positions they have been appointed to, at the beginning of the month following the day they have taken office and no deductions shall be made on the financial and social rights they have received during their previous positions.

(5) Severance pay shall not be paid to those appointed to teacher positions under this article. Except for the periods for which severance pay has been paid, the total period of service forming the basis of severance pay shall be taken into account as the total period of service to form the basis of the retirement grant to be paid under the Retirement Fund Law of the Republic of Turkey of 8 June 1949, no. 5434.

(6) The teacher positions the contracting teachers are to be appointed as per this article shall be deemed created on the date the appointment has been made, without the requirement of a further procedure, appended to the relevant sections of the tables annexed to the Decree Law no. 190 of the Ministry of National Education and the positions held by those appointed to teacher positions cancelled without the requirement of a further procedure. The posts created and positions cancelled shall be communicated within two months to the Ministry of Finance and the State Personnel Agency following the appointment, indicating their titles, class, number, degree, organization and unit.

(7) Issues relating to applications by those to be appointed as contracting teachers, the determination of those to be admitted to the oral examination, oral examination topics, the procedure and principles relating to oral examinations, their appointment and other issues on the implementation of this article shall be stipulated in the regulation to be issued by the Ministry of National Education.”

(7) The last sentence of paragraph two, Article 29 of the Disciplinary Law of the Turkish Armed Forces no. 6413, dated 31 January 2013 shall be amended as follows:

“Where necessary, this period may be extended up to two times by the authorities specified in this paragraph, and up to a year by the approval of the relevant minister.”

(8) As to the Decree Law no. 667 of 22 July 2016 on the Measures to be taken under the State of Emergency:

a) The phrase “or from the General Directorate of Foundations” shall be added following the phrase “from the Treasury” in the third sentence of paragraph two, Article 2.

b) The phrase “,by the Board of Presidents in so far as the department head and members of the High Military Administrative Court are concerned; by the Board of Presidents in so far as the department head and members of the Military Court of Cassation are concerned; by a commission, consisting of two military judges to be determined among first-degree military judges by the Minister of National Defense under the chairmanship of the Minister of National Defense in so far as military judges are concerned” shall be added following the phrase “by the Plenary Session of the High Council of Judges and Prosecutors” in paragraph one of Article 3.

c) The phrase “dismissal” contained in the last sentence of paragraph one, article 3 shall be amended as “suspension or dismissal”; the word “green” in the same sentence shall be revoked and the following paragraph be added to the same article:

“(3) The provisions of the second paragraph of Article 4 shall also apply in respect of those who have been dismissed under the first paragraph.”

ç) Article 4, subparagraphs (d) and (f) of paragraph one shall be amended as follows and the following subparagraphs be appended to the same paragraph, following subparagraph (g):

“d) The personnel who are subject to the Higher Education Personnel Law no. 2914 of 11 November 1983 shall be dismissed from public office by the decision of the Council of Higher Education upon the proposal of the President of the Council of Higher Education; regarding the personnel working at higher education institutions and higher education supreme bodies subject to the Law no. 657 shall be dismissed from public office by the decision of the University Administrative Committee at higher education institutions and of the Council of Higher Education at higher education supreme bodies, upon a proposal by the highest officer of higher education institutions and higher education supreme bodies,”

“f) The personnel employed subject to the Law no. 657 on Civil Servants of 14 July 1965 and other legislation, in every post, position and status (including workers), shall be dismissed from public office by the approval of the relevant minister, upon a proposal by the board established by the affiliated, related or relevant minister, presided by the highest officer of institution or

organization concerned. The process related to those specified in Article 3 of this Decree Law shall be realized in accordance with the procedure laid down in the said article,"

"ğ) The personnel subject to the Specialized Sergeants Law, no. 3269 of 18 March 1986 shall be dismissed from public office by the approval of the Minister of National Defense, upon the proposal of the relevant Force Command,

h) The personnel subject to the Law on the Contracting Officers and Non-commissioned Officers to be Employed in the Turkish Armed Forces, no. 4678 of 13 June 2001, shall be dismissed from public office by the approval of the Minister of National Defense, upon the proposal of the relevant Force Command.

PART THREE

Amendments made to the Law on the Organization, Duties and Powers of the Gendarmerie

ARTICLE 5- Article 3 of the Law no. 2803 on the Organization, Duties and Powers of the Gendarmerie dated 10 March 1983 has been amended as follows.

"ARTICLE 3- The Gendarmerie of the Republic of Turkey is the general armed law enforcement agency which ensures the protection of safety, security and public order and which discharges the duties conferred by the other laws."

ARTICLE 6- Article 4 of the Law no. 2803 has been amended as follows:

"ARTICLE 4- The Gendarmerie General Command functions under the authority of the Ministry of Internal Affairs."

ARTICLE 7- Article 5 of the Law no. 2803 has been amended as follows along with its title:

"Establishment and Organization:

ARTICLE 5- The establishment, cadres and localities of the Gendarmerie General Command shall be regulated by the Ministry of Internal Affairs. However, the opinion of the General Staff shall be sought for the regulation of establishment, cadres and localities of the units which shall be subordinated to the Service Commands during martial law, mobilization and war.

Regional administrative divisions shall be taken as a basis for the regulation of establishment and localities of the gendarmerie units. However, a regional organization including multiple provinces can also be provisionally established. In the exercise of his/her functions, the region commander shall be liable to the governor of the province where the regional organization is located."

ARTICLE 8- Article 6 of the Law no. 2803 has been amended as follows along with its title:

"Gendarmerie General Commander:

ARTICLE 6- Gendarmerie General Commander is the commander of the entire Gendarmerie. Gendarmerie General Commander shall be appointed from among those who hold the rank of General.

The Gendarmerie General Commander shall be responsible for administrating the organization, ensuring the enforcement of the provisions of laws and rules and the execution of orders and decisions rendered on the basis of the provisions of laws and rules."

ARTICLE 9- Article 7 of the Law no. 2803 has been amended as follows:

"ARTICLE 7- In general, the duties of the gendarmerie within its areas of responsibility are follows:

a) Civil duties:

Ensuring and protecting safety, security and public order; prohibiting, tracking and investigating smuggling; taking and applying the necessary measures to prevent crime; ensuring the external protection of penitentiary institutions and detention houses; discharging the duties which fall outside the scope of subparagraphs (b) and (c) and which are conferred on the gendarmerie by orders and decisions based on the enforcement of the provisions of other laws and rules.

b) Judicial duties:

With respect to the crimes committed, carrying out the proceedings set out in the laws and performing the relevant judicial services.

c) Military duties:

Discharging the military duties conferred by the laws."

ARTICLE 10- Article 8 of the Law no. 2803 has been amended as follows:

"ARTICLE 8- In the event of martial law, mobilization and war, the divisions of the gendarmerie units, which shall be determined by a decision of the Council of Ministers shall be subordinated to the Service Commands and the gendarmerie shall continue to discharge its regular duties with the remainder of its divisions.

Furthermore, the gendarmerie units shall also discharge the military duties conferred on them by the approval of the Minister of Internal Affairs upon the request of the General Staff and by the approval of the governor in the provinces in the event of a request made by the garrison commander."

ARTICLE 11-The following sentence was added in paragraph 1 of Article 10 of the Law no. 2803:

"The entirety of a province or a district can be designated as the area of duty and responsibility of the police or the gendarmerie upon the decision of the Ministry of Internal Affairs."

ARTICLE 12- Article 12 of the Law no. 2803 has been amended as follows:

"ARTICLE 12- If deemed necessary, the Ministry of Internal Affairs may temporarily assign personnel in each degree between the Turkish National Police, the Coast Guard Command and the Gendarmerie General Command. The Minister of Internal Affairs may transfer this power to the governors of the provinces.

Furthermore, the Turkish National Police, the Coast Guard Command and the Gendarmerie General Command may temporarily allocate or transfer without a cost the weapons, ammunition, equipment, vehicles and other movable and immovable properties to one another with the approval of the Ministry of Internal Affairs.

Principles and procedures on the application of this Article shall be established through the regulation put into force by the Ministry of Internal Affairs."

ARTICLE 13- Article 13 of the Law no. 2803 has been amended as follows.

"ARTICLE 13- Where this Law does not include any provision, the Law no. 657 (dated 14 July 1965) shall be applied in respect of all kinds of personal procedures of personnel of the Gendarmerie Services. However, provisions related to the personnel subject to the Law no. 926 on the Turkish Armed Forces Personnel (dated 27 July 1967), Law no. 3466 on Professional Gendarmerie (dated 28 May 1988) and Law no. 3269 on the Professional Sergeant (dated 18 March 1986) shall apply, according to the status and rank, in respect of the appointment and promotion, salary and other financial and social rights.

Procedures on appointment and promotion to the rank of commissioned and non-commissioned officer shall be performed with the approval of the Ministry of Internal Affairs. However, promotion from the rank of colonel to the rank of brigadier general and promotion from the rank of general to a superior rank shall be done through a joint decree. Those who are in a position to retire due to the expiration of waiting period at their rank or lack of tenure, however, whose services are needed may continue to perform their duties with the approval of the Ministry of Internal Affairs in so far as

colonels and generals are concerned until the age of 60 and 65, respectively. As regards the exercise of power of appointment and promotion, provisions on the power of recommendation, selection, receiving opinions and similar powers entrusted to other authorities other than the Ministry of Internal Affairs by the Law no. 926 and other laws shall not apply to the personnel of the Gendarmerie General Command. Promotion of professional gendarmerie and professional sergeants shall be done by the Gendarmerie General Command pursuant to its private statute.

Law no. 205 on the Military Personnel Assistance and Pension Fund (dated 3 January 1961) shall apply under the same conditions to the personnel of the Gendarmerie General Command on the basis of the rank and seniority that has an equivalent in the Turkish Armed Forces.

Procedures related to recruitment, change of workplace, promotion, leave, registry, reward and termination of the employment contract of workers shall be carried out pursuant to the Labour Law (no. 4857, dated 22 May 2003) and, if available, provisions of a valid collective agreements."

ARTICLE 14- Article 1 of the Law no. 2803 has been amended as follows.

"ARTICLE 14- Appointment of general, commissioned and non-commissioned officers and professional gendarmerie shall be made;

a) by a joint decree in so far as the Commander of the Turkish Gendarmerie Forces, Deputy Commanders of the Turkish Gendarmerie Forces, generals and the Commanders of Provincial Gendarmerie are concerned,

b) by the Ministry of Internal Affairs in so far as other commissioned and non-commissioned officers and professional gendarmerie are concerned.

Personnel who received special training as needed for specialization may be appointed to a certain point. Commissioned and non-commissioned officers as well as professional gendarmerie shall be appointed to the order of governorship and their employment places and change of workplace within the province concerned shall be determined and carried out by the governor.

Commissioned officers who have the rank of a general may also be appointed to the provincial gendarmerie command if deemed suitable in respect of the requirements of service."

ARTICLE 15 - Article 15 of the Law no. 2803 has been amended as follows:

"ARTICLE 15- Disciplinary and investigation actions against gendarmerie personnel shall be conducted in accordance with the following procedures:

a) Disciplinary actions shall be conducted in accordance with the provisions of private statute.

b) Proceedings against the offenses arising from civil duties of the gendarmerie personnel shall be carried out in accordance with the provisions of the Law no. 4483 of 2 December 1999 on Prosecution of Civil Servants and Other Public Officials, without prejudice to the provisions of private statute.

c) Provisions of fifth paragraph of Article 161 of the Criminal Procedure Code no. 5271 of 4/12/2004 shall apply to the offenses arising from judicial duties of the gendarmerie personnel.

d) If a military duty is given to the gendarmerie personnel, the provisions of the Law no. 353 on Establishment of Military Courts and Tribunal Procedure of 25/10/1963 shall apply to the offenses arising from these duties. Military court of competent jurisdiction shall judge military unit personnel, who are subordinate to the gendarmerie personnel.

e) Proceedings against the offenses arising from personal offenses of the gendarmerie personnel shall be carried out in accordance with the general provisions."

ARTICLE 16 - Article 19 of the Law no. 2803 has been amended as follows:

"ARTICLE 19- The Gendarmerie General Command shall meet all kinds of its needs related to supply service as well as its weapons and ammunition from its own budget in accordance with the standards determined by the Ministry of Internal Affairs. However

the Gendarmerie General Command shall benefit from the Defence Industry Support Fund within the procedures and principles that the Turkish Armed Forces is subject to.

In the event of martial law, mobilization and war, all kinds of needs (including excursion stocks) of gendarmerie units, which will subordinate to Force Commands or are given military duty by the Minister of Internal Affairs or by governors shall be met by the Ministry of National Defence in accordance with the standards of these Force Commands.

ARTICLE 17 - Article 24 of the Law no. 2803 has been amended as follows:

"ARTICLE 24- The points for which a regulation is stipulated to be issued exclusively with this Law as well as the other points concerning the gendarmerie's organization, duty, competence and responsibilities, its relations with other authorities, command and control relations including the principles of working together and cooperation, promotion affairs of Gendarmerie Services Division, evaluation, rewarding, costume and dress and the implementation of the Law shall be set out by the regulation prepared by the Ministry of Internal Affairs and enacted by the decree of the Council of Ministers"

ARTICLE 18 - The expression "concerning the other duties except for their military duties" in the first paragraph of additional Article 1 of the Law no. 2803 shall be repealed and the expression "governors" has been amended as "local authorities".

ARTICLE 19 - The expression "the other duties except for their military duties" in the first paragraph of additional Article 2 of the Law no. 2803 and the expression "by taking opinion of the Turkish General Staff" in the third paragraph of the same Article shall be repealed and the following Article shall be added to the same Law.

"Provisions to be applied:

ADDITIONAL ARTICLE 7 - In case those provisions in the other laws are contrary to this Law, the provisions of this Law shall apply.

The Ministry of Internal Affairs is authorized to remove the doubts concerning implementation of this Law and to take regulatory and directive actions in this regard.

If new needs relating to the organization, staff, training and other points arise from the amendments made by the Decree Law which established this Article, the Council of Ministers is authorized to make an arrangement with regard to this upon the proposal of the Ministry of Internal Affairs."

ARTICLE 20- Articles 16, 17 and 25 of the Law no. 2803 have been repealed.

ARTICLE 21- The following provisional article has been added to the Law no. 2803.

"PROVISIONAL ARTICLE 4- a) Until a private statute is introduced in respect of the disciplinary processes, disciplinary offences and penalties of the gendarmerie personnel are governed in accordance with the disciplinary regulation of the National Police. For the other issues, the provisions of the Law no. 657 on Civil Servants shall be applied.

b) All personnel of the Gendarmerie forces shall continue fulfilling their duties in accordance with their new positions without any necessity for taking a further step in this respect. The ones concerning instructors among the existing actual cadres have been added to this Law whereas the others have been added to the chart no. 1 enclosed to the Decree-Law no. 190 as a part entitled Gendarmerie General Command under the Ministry of Internal Affairs.

By opinion of the State Personnel Presidency and the Ministry of Finance, and proposal of the Ministry of Internal Affairs, the Council of Ministers has been authorized to reorganize the cadre charts added to the Decree-Law no. 190 in accordance with the procedure and principles of the Decree-Law in question. Change of titles and degrees in the instructor cadres added to this Law may be made within the framework of the provisions of the Decree –Law no. 190. Furthermore, one cadre of full general and four cadres of deputy commander of Gendarmerie forces have been created in the Class of

Gendarmerie Services.”

ARTICLE 22- The following sub-paragraph has been added to Article 36 of the Law no. 657 on Civil Servants dated 14/7/1965 after the sub-paragraph entitled “VII – CLASS OF NATIONAL POLICE SERVICES” and the ensuing sub-paragraphs have been accordingly continued.

“VIII – CLASS OF GENDARMERIE SERVICES

This class includes commissioned officers, non-commissioned officers and professional gendarmerie in the cadres of the Gendarmerie General Command.”

PART FOUR

Amendments made to the Law on Coast Guard Command

ARTICLE 23- Article 2 of the Law no. 2692 on Coast Guard Command dated 9/7/1982 has been amended as follows:

“ARTICLE 2- The Coast Guard Command that is a general armed law-enforcement agency has been established for fulfilling the duties and services set out in this Law.

This Command is affiliated with the Ministry of Internal Affairs.

In the events of martial law, mobilization and war, the units of the Coast Guard Command determined by Decree of the Council of Ministers shall enter into the service of the Naval Forces Command while the rest of the units shall continue fulfilling their regular duties.”

ARTICLE 24- The first paragraph of Article 3 of the Law no. 2692 has been amended as follows:

“Fields of duty, bases, cadres and places of assignment of the Coast Guard Command shall be governed by the Ministry of Internal Affairs. On the other hand, in the events of martial law, mobilization and war, opinion of the Turkish General Staff shall be received in the determination of cadres and location of the units to enter into the service of the Naval Forces Command.”

ARTICLE 25- The following sub-paragraph has been added to Article 36 of the Law no. 657 after the sub-paragraph entitled “VIII- CLASS OF GENDARMERIE SERVICES” and the ensuing sub-paragraphs have been accordingly continued.

“IX – CLASS OF COAST GUARD SERVICES

This class includes commissioned officers and non-commissioned officers in the cadres of the Coast Guard Command.”

ARTICLE 26- Article 7 of the Law no. 2692 has been amended as follows:

“ARTICLE 7- The personnel of the Coast Guard Command consists of commissioned officers, non-commissioned officers, professional sergeants, contracted sergeants and recruits, students, sergeants and recruits as well as civil servants and workers. In cases where no relevant provision is included in this Law, all the personnel affairs of those in the class of Coast Guard Services shall be governed by the Law no. 657 on Civil Servants dated 14 July 1965. However, their appointments and promotions in respect of monthly and other financial and social rights shall be regulated according to their statuses and grades in accordance with the provisions applied to the personnel subject to the Turkish Armed Forces Personnel Act no. 926 of 27 July 1967, the Law no. 3466 of 28 May 1988 on Professional Gendarmerie, and the Law no. 3269 of 18 March 1986 on Professional Sergeants.

The procedures concerning the appointment and promotion to the ranks of commissioned and non-commissioned officers shall be performed subject to the approval of the Ministry of Internal Affairs. However, the promotions from the rank of

colonel to the rank of rear admiral and the promotions from the rank of admiral to a higher rank shall be carried out by a joint decree. The Coast Guard Commander shall be appointed from among the admirals. The colonels and admirals who are eligible for retirement due to the expiration of time-in-grade or lack of cadre but whose services are still required may continue to serve until the age of 60 and 65, respectively, subject to the approval of the Minister of Internal Affairs. The provisions relating to the powers of making a recommendation, selection, obtaining an opinion and similar powers conferred by the Law no. 926 and other laws on the authorities other than the Ministry of Internal Affairs, insofar as they concern the use of powers of appointment and promotion. The appointment and promotion of professional sergeants shall be performed by the Coast Guard Command in accordance with their private statute.

The provisions of the Law no. 205 on Army Solidarity Institution dated 3 January 1961 shall apply to the personnel of the Coast Guard Command under the same terms and conditions relevant for the corresponding grades and levels of seniority in the Turkish Armed Forces.

The procedures concerning the employment of the workers, their transfer to other places, promotions, permissions, rewards and termination of their employment contacts shall be governed by the Labour Law no. 4857 of 22 May 2003 and the provisions of a valid collective labour agreement, if any.

The non-military officers serving in the Coast Guard Command shall benefit from the provisions of the Law no. 2155 of 22 June 1978 on Provision of Ration Allowances to Certain Civil Servants.

In accordance with the procedures and principles to be determined by the Ministry of Internal Affairs, a security compensation for overtime work shall be paid to:

- a) Commissioned officers, non-commissioned officers, and professional sergeants who perform their duties on boats; and
- b) Commissioned officers, non-commissioned officers, and professional sergeants who perform their duties in other headquarters, units and institutions.

Such compensation shall not exceed 52% and 40%, respectively, of the highest Civil Servant salary (including the additional index) set out in the Law no. 657 on Civil Servants. No taxes and withholdings, except the stamp duty shall be deducted from such compensation.

Payments in cash and in kind made to the personnel of the Gendarmerie General Command and other institutions shall also be made to the relevant personnel of the Coast Guard Command under the same terms and conditions.

Where necessary, the personnel in any grade may be transferred by the Minister of Internal Affairs between the Turkish National Police, the Coast Guard Command and the Gendarmerie General Command for a temporary duty. The Minister of Internal Affairs may delegate such authority to the governors of provinces. The personnel appointed for a temporary duty in one of these institutions shall benefit from the additional financial rights provided to the staff serving in the relevant institution throughout the period of such temporary duty.

Furthermore, upon the Minister of Internal Affairs' approval, the Turkish National Police, the Coast Guard Command and the Gendarmerie General Command may temporarily allocate or transfer without a cost their guns, ammunitions, equipments, vehicles and other movable and immovable properties to each other.

The procedures and principles concerning the application of this article shall be determined under the regulation issued by the Ministry of Internal Affairs."

ARTICLE 27- Article 8 of the Law no. 2692 has been amended as follows:

"ARTICLE 8- Appointments of the personnel of the Coast Guard Command;

a)The Coast Guard Commander, deputies of the Coast Guard Commander, Regional Coast Guard Commanders and admirals shall be appointed by joint decree law,

b)Apart from the admirals, the Chief of Staff of the Coast Guard Command and the chiefs taking office at the headquarters of the Coast Guard Command shall be

appointed by the Minister of Internal Affairs,

c) Other commissioned and non-commissioned officers, public officers, professional sergeants, contracted sergeants and recruits shall be appointed and distributed by the Minister of Internal Affairs.

The procedures concerning the change of the places of duty and service, due to service requirements or due health or other grounds, of the commissioned and non-commissioned officers, civil personnel, professional sergeants, contracted sergeants and recruits who take office at the Coast Guard Command and who are the members of the Coast Guard shall be made in accordance with procedures and principles set out in this article.”

ARTICLE 28- The phrase “upon the consent of the Minister of Internal Affairs” has been added just following the phrase “exercises” in Article 13 of the Law no. 2692.

ARTICLE 29- Article 15 of the Law no. 2692 has been amended as follows:

“ARTICLE 15- All kinds of needs concerning the supply services and activities and guns and ammunitions required by the Coast Guard Command shall be supplied out of its own budget in accordance with standards to be set out by the Minister of Internal Affairs. However, the Coast Guard Command shall make use of the Defence Industry Support Fund within the scope of the procedures and principles which the Turkish Armed Forces is subject to.

Maintenance, repair and alteration works that cannot be performed with the available means of the Coast Guard Command shall be performed by the maintenance and repair units of the Ministry of National Defence on a priority basis. The costs of such services shall be paid out of the budget of the Command.

Exemptions and exceptions from customs, all kinds of taxes, duties, and charges and warehouses charges granted to the Ministry of National Defence and the Gendarmerie General Command by budget laws and other laws shall also apply to the Coast Guard Command.

All kinds of needs (including excursion stocks) of the coast guard units which will be subordinated to the Service Commands in cases of martial law, mobilization and war shall be supplied by the Ministry of National Defence in accordance with the standards of the Service Commands.”

ARTICLE 30- Article 18 of the Law no. 2692 along with its title has been amended as follows:

“Assessment report

ARTICLE 18- An assessment report shall be prepared in respect of the coast guard regional commanders concerning their duties by the governor of the provinces where they deploy in terms of their administrative duties at the end of each year. The assessment reports shall be taken into account in the procedures regarding promotion, rewarding, appointment and replacement of the personnel. The principles concerning the content and preparation of assessment reports shall be prescribed under the regulation issued by the Minister of Internal Affairs.”

ARTICLE 31- Article 21 of the Law no. 2692 and its title have been amended as follows.

“Disciplinary and investigation procedures

ARTICLE 21- Disciplinary actions and investigations in respect of the personnel of the Coast Guard Command shall be carried out in accordance with the following procedures.

a) Disciplinary process shall be carried out pursuant to the provisions of the private statute.

b) In the case of offences resulting from the administrative duties of the personnel of the Coast Guard Command, actions shall be taken in accordance with the provisions

of the Law no. 4483 on the Trial of Civil Servants and Other Public Officials of 2 December 1999 without prejudice to the provisions of the private statute.

c) In the case of offences resulting from the judicial duties of the personnel of the Coast Guard Command, Article 161/5 of the Criminal Procedure Code no. 5271 of 4 December 2004 shall be applied.

d) In the case of personal offences of the personnel of the Coast Guard Command, actions shall be taken pursuant to the general provisions.

e) Where the personnel of the Coast Guard Command shall be assigned military duty, the provisions of the Law no. 353 on the Establishment and Trial Procedures of Military Courts shall be applicable in respect of the offences resulting from these duties. These offences shall be tried by the competent military court given jurisdiction for trying the personnel of the military unit subordinated to the personnel of the Coast Guard Command.”

ARTICLE 32- Article 23 of the Law no. 2692 has been amended as follows.

ARTICLE 23- In addition to the matters in respect of which an exclusive regulation is considered to be issued in accordance with this Law, the duties, powers and responsibilities of the Coast Guard Command, its relations with other authorities, its command and control relations including the principles of collaboration and cooperation and the promotions of the personnel of the Class of Coast Guard Services, disciplinary superiors and boards, award, assessment, appearance and the other matters concerning the application of this Law shall be governed by the regulation issued by the Ministry of Internal Affairs and put into force with the decision of the Council of Ministers.”

ARTICLE 33- The phrase of “concerning the duties other than military duties” set out in Additional Article 1 of the Law no. 2692 has been abolished and the expression of “governors” has been amended as “local authorities”.

ARTICLE 34- The following Additional Article has been added to the Law no. 2692.

“Power to regulate

ADDITIONAL ARTICLE 3- The Ministry of Internal Affairs has been vested with the power to eliminate the hesitations regarding the implementation of this Law and to carry out regulatory and directive processes in this respect. Where new requirements concerning organization, personnel, education and other matters come up as a result of the arrangements made by the Decree Law creating this Article in the Law in question, the Council of Ministers shall have the power to make the relevant arrangements upon the proposal of the Ministry of Internal Affairs.”

ARTICLE 35- Articles 6, 9, 10, 11, 16, 20, 21/A, 21/B and 22 of the Law no. 2692 have been abolished.

ARTICLE 36- The following provisional articles have been added to the Law no. 2692.

“Transitional provisions

PROVISIONAL ARTICLE 7 – a) Disciplinary offences and penalties pertaining to the personnel of the Coast Guard Command shall be determined in pursuance of the disciplinary legislation of the Turkish National Police until a private statute is introduced concerning the disciplinary matters. Provisions of the Law no. 657 on Civil Servants shall be applied in respect of other matters.

The local authorities and relevant persons superior in rank are the disciplinary chiefs of the personnel of the Coast Guard Command. The Minister of Internal Affairs may *ex officio* impose a disciplinary punishment on personnel of every degree in the Coast Guard Command.

Workers, contracted personnel and temporary staff shall be punished in

accordance with the provisions of the contract which is in force.

b) Existing actual cadres have been added to the cadres of the Coast Guard Command under the Ministry of Internal Affairs in the chart no. 1 enclosed with the Decree-Law no. 190. Moreover, two cadres for the position of Rear Admiral / Deputy Commander of the Cost Guard have been assigned in the Class of Coast Guard Services.

c) All personnel of the Coast Guard Command shall continue performing their duties according to their new positions without any necessity for taking a further step in this respect. The existing actual cadres have been added to the chart no. 1, which is enclosed with the Decree-Law no. 190, as the section of the Coast Guard Command under the Ministry of Internal Affairs. In this respect, the Council of Ministers shall be authorized to re-arrange the cadre charts, which are added to the Decree Law no. 190, in accordance with the principles and procedures of the above-cited Decree Law upon the opinion of the State Personnel Presidency and the Ministry of Finance and the proposal of the Ministry of Internal Affairs.

PROVISIONAL ARTICLE 8- The Ministry of Internal Affairs may request the fulfilment of the personnel needs for admiral, commissioned officer and non-commissioned officers to work as a commander from the Ministry of Defence until the Coast Guard Command becomes competent in the matters such as recruitment and training of the personnel.”

PART FIVE

Miscellaneous and Final Provisions

Liability

ARTICLE 37- (1) Legal, administrative, financial and criminal liabilities of the persons who have adopted decisions and executed decisions or measures with a view to suppressing the coup attempt and terrorist actions performed on 15/7/2016 and the ensuing actions, who have taken office within the scope of all kinds of judicial and administrative measures and who have adopted decisions and fulfilled relevant duties within the scope of the decree laws promulgated during the period of state of emergency shall not arise from such decisions taken, duties and acts performed.

Stay of execution

ARTICLE 38 – (1) Stay of execution cannot be ordered in the cases brought as a result of the decisions taken and acts performed within the scope of the decree laws promulgated during the period of the state of emergency.

Enforcement

ARTICLE 39 – (1) Article 37 of this Decree Law shall enter into force on the date of its publication as being valid as from 15/7/2016, and the remaining articles herein shall enter into force on the date of its publication.

Execution

ARTICLE 40 – (1) The Council of Ministers shall execute the provisions of this Decree Law.

Recep Tayyip ERDOĞAN
PRESIDENT

Binali YILDIRIM
Prime Minister

N. CANIKLI
Deputy Prime Minister

V. KAYNAK
Deputy Prime Minister

F. ÖZLÜ
Minister of Science, Industry and Technology

M. ÇAVUŞOĞLU
Minister of Foreign Affairs

A. Ç. KILIÇ
Minister of Youth and Sports

E. ALA
Minister of Internal Affairs

N. AĞBAL
Minister of Finance

V. EROĞLU
Minister of Forestry and Water Affairs

N. AĞBAL
Acting Deputy Prime Minister

B. BOZDAĞ
Minister of Justice

S. SOYLU
Minister of Labour and Social Security

N. ZEYBEKCI
Minister of Economy

F. ÇELİK
Minister of Food, Agriculture and Livestock

L. ELVAN
Minister of Development

İ. YILMAZ
Minister of National Education

R. AKDAĞ
Minister of Health

N. KURTULMUŞ
Deputy Prime Minister

F. B. SAYAN KAYA
Minister of Family and Social Policies

M. ÖZHASEKİ
Minister of Environment and Urbanisation

B. ALBAYRAK
Minister of Energy and Natural Sources

B. TÜFENKİ
Minister of Customs and Trade

S. SOYLU
Acting Minister of Culture and Tourism

F. IŞIK
Minister of National Defence

A. ARSLAN
Minister of Transport, Maritime Affairs and Communications

Y. T. TÜRKEŞ
Deputy Prime Minister

Ö. ÇELİK
Minister of EU Affairs

DECREE WITH FORCE OF LAW NO. 669 – 20 JULY 2016

**PART 1
Aim, Scope and Measures**

Aim and Scope

ARTICLE 1- (1) The aim of this Decree-Law is to take the necessary measures within the scope of attempted coup and fight against terrorism and to determine procedures and principles relating to the establishment of the University of National Defence under the state of emergency declared throughout the country by the Decree-Law of the Council of Ministers dated 20 July 2016 and numbered 2016/9064.

Measures concerning the personnel of the Turkish Armed Forces and the Gendarmerie

ARTICLE 2- (1) The military personnel whose belonging to, connection and contact with the Gulenist Terrorist Organization (FETÖ/PDY), which was established as posing a threat to the national security, have been found to exist and whose names are cited in the annexed lists no. 1 and 2 have been dismissed from the Turkish Armed Forces and those whose names are cited in the annexed list no. 3 have been dismissed from the Gendarmerie General Command. Procedures shall also be carried out in respect of them pursuant to the provisions of special law.

(2) Regardless of a criminal conviction ruled, those listed under the first paragraph shall be deprived of their military ranks and public official status and such persons shall not be readmitted to the Turkish Armed Forces and the Gendarmerie General Command; they shall not be employed once again in public service, assigned directly or indirectly; their membership to all kinds of boards of trustees, boards, commissions, boards of directors, supervisory boards or liquidation boards shall cease. Firearm and pilot's licenses held by them shall be cancelled and these persons shall be evicted within fifteen days, from public or foundation-owned houses in which they reside. These persons shall not be a founder, co-founder or personnel of private security companies. The Ministry of National Defence shall immediately notify the relevant passport authority as regards these persons. Upon such notification, the relevant passport authorities shall cancel their passports.

Measures concerning public officials

ARTICLE 3- (1) The periods of time to initiate an investigation laid down in the governing legislation shall not be applied during the period of the state of emergency in respect of public officials who have been suspended after 15 July 2016 on the ground of national security.

Postponement of bankruptcy

ARTICLE 4 - (1) During the period of state of emergency, under Article 179 of the Law on Enforcement and Bankruptcy (dated 9 June 1932 and numbered 2004), stock corporations and cooperative companies cannot file a request for the postponement of bankruptcy; requests filed to that end shall be dismissed by courts.

ARTICLE 12 - In the first paragraph of Article 10 of the Law on the Military Judges (dated 26 October 1963 and numbered 357), the expression "upon the decision on admission to profession by the Ministry of National Defence" has been added following the expression "having regard to".

ARTICLE 13- Article 15 of the Law no. 357 has been amended as follows:

"ARTICLE 15- The procedure as to military judges' being reserved for first category and being first category shall be carried out by the Ministry of National Defence. (requirements and conditions of the procedure have been set out in the relevant paragraphs).

ARTICLE 14- Article 20 of the Law no. 357 has been amended as follows:

"ARTICLE 20- Without prejudice to the special provisions of this Law, resignations of military judges shall be accepted by the Minister of National Defence in accordance with the provisions regarding commissioned officers."

ARTICLE 15- Article 21 of the Law no. 357 has been amended as follows:

"ARTICLE 21- Regardless of their place of duty and capacity, the age limit for retirement of military judges shall be the same as that of other commissioned officers. In the event that they complete the obligatory time periods set out in the laws, military judges shall have the right to request their retirement under the specific conditions laid down in the special law. Requests for retirement shall be accepted by the Minister of National Defence.

The provisions of Additional Article 5 and Provisional Article 30 of the Law no. 926 shall be applied in respect of military judges as well.

Military judges shall continue to serve until the age limit prescribed for their respective ranks in accordance with the rules laid down in this Law and without prejudice to the provisions of the Law no. 926 on dismissal from profession, on cases of culpability which prevent being a military judge and on military judges holding the rank of general or admiral."

ARTICLE 16- Article 29 of the Law no. 357 has been amended as follows:

"ARTICLE 29- In the event that the actions of military judges do not comply with their positions and duties, the commission consisting of two first-category judges to be selected by the Minister of Defence under the presidency of the Undersecretary may impose the following disciplinary sanctions, after considering their defence submissions, on the military judges on the basis of the nature and severity of the action.

....(Disciplinary sanctions and their requirements have been set out in the relevant paragraphs).

ARTICLE 17- Abolished Article 31 of the Law no. 357 with its heading has been amended as follows:

"Suspension from Office:

ARTICLE 31- Where it is considered that continuation of the military judge against whom an investigation is being conducted in his office would impair the proper conduct of the investigation or power and reputation of the judiciary, the Ministry of National Defence may, as an interim measure, order him to be suspended from his office or to be commissioned to another place of duty with temporary power until the investigation conducted against him is concluded.

The above-mentioned measures may be taken at any stage of the investigation and prosecution.

The provisions set out in the Law no. 926 with regard to lay-off of the commissioned officers from office shall be applied in respect of those who have been suspended from their offices save for the provisions set out herein. The military judges are not to be separately laid off from office.

Suspension from office, as a requirement of disciplinary investigation, may remain in practice for three months at the most. If required by the nature of the disciplinary investigation, this period may be extended by the Ministry of National Defence for two months. If any decision is not given in respect of the relevant officer upon the expiration of these periods, he shall be allowed to resume his office.

In the event that the suspension from office is required by virtue of a criminal investigation or proceedings, the Ministry of National Defence shall examine the circumstances of the officer concerned within periods not more than two months and render a decision as to whether he would resume his office or not.

The decisions on the suspension from office shall be notified to the officer concerned.

If it is concluded at the end of the investigation that there is no need to impose a penalty of dismissal from profession or to proceed with the prosecution stage, the decision on the suspension from office shall be immediately revoked by the Ministry of National Defence.

At the end of the investigation or proceedings, the decision on the suspension from office rendered in respect of:

a) Those in respect of whom there is no need to proceed with prosecution and those who have been subject to prosecution but whose act, subject-matter of the prosecution, is not separately considered to require the penalty of dismissal from office,

b) Those on whom another disciplinary penalty has been imposed other than dismissal from office,

c) Those in respect of whom it has been decided that they would be acquitted; the criminal cases against them would be revoked for any reason whatsoever or would be discontinued or rejected; or they would be convicted and subject to a penalty which would not require dismissal from their offices, shall be revoked without awaiting for the finalization of such decisions.

In the event that the acts, which are subject-matter of the investigation, do not impede the continuation of office, the Ministry of National Defence may at any time revoke the decision on the suspension from office or the decision on assignment to another place of duty with temporary power.”

ARTICLE 18- Of the Law no. 357,

a) The expression “upon the proposal of the Presidency of General Staff”, which is specified in paragraph one of the Additional Article 3, has been abolished.

b) The expression “the command where they take office within the organization”, which is specified in paragraph one of the Additional Article 10, has been amended as “the Ministry of National Defence”.

ARTICLE 19- The following article has been added to the Law no. 357.

c) "ADDITIONAL ARTICLE 14- The ones in respect of whom a decree has not been issued despite completing the period of candidacy as of the publication date of this article shall be removed from office, and an action pursuant to Article 10 shall be taken in respect of them."

ARTICLE 20- The following Provisional Articles have been added to the Law no. 357:

"PROVISIONAL ARTICLE 13- As regards the military judges who were in service on the date of entering into force of this Article, the dates of military judges' being reserved for first category and being first category shall be re-designated by having regard to the provisions of this Law, without retracting their acquired rights and statuses and without retrospectively giving rise to financial rights and obligations.

PROVISIONAL ARTICLE 14- During the period of the state of emergency declared by the Decree-Law of the Council of Ministers, dated 20 July 2016 and numbered 2016/9064;

a) The safeguards provided for in Article 16 of the Law no. 357 shall not be taken account of when appointing military judges.

b) The procedures of dismissal from profession of the military judges who are considered to be a member of, to have connection or contact with terrorist organizations, or structures, organizations or groups which engage in activities against the national security of the State as established by the National Security Council shall be carried out in accordance with Article 3 of the Decree-Law on Measures Taken under the State of Emergency (dated 22 July 2016 and numbered 667)."

ARTICLE 42- The following provisional articles have been added to the Law no.1325.

"PROVISIONAL ARTICLE 1- Until cadres and structure of the Ministry of Defence are re-established and the necessary appointments are made within the framework of the Decree Law introducing this article and amendments made to this Law; the existing personnel working in the central and provincial cadres of the Ministry and in the units included in the cadre structure of the Ministry shall continue holding office until a new appointment is made.

PROVISIONAL ARTICLE 2- Pursuant to the Law no. 1453 on the Salaries of the Officers and Military Officers dated 18 May 1929, until actual cadres of 2017 are accepted and approved, appointments shall be made to the necessary cadres as a result of the restructuring of the organisation of the Ministry by the Decree Law introducing this article. The cadres in question shall be regarded to be created without the need of taking any other action when the appointment process is carried out. Extramural and transferal appointments to these cadres shall not be subject to the limitations prescribed in the Law on Central Administration Budget."

ARTICLE 44- Paragraphs 2 and 3 of Article 14 of the Law no. 1602 have been amended as follows:

"Each chamber shall be composed of one president and six members. Four of the members shall be military judges and two of them shall be commissioned officers who are not military judges.

The deliberations of the chambers shall be held with the participation of five members, one of whom shall not be a judge. Decisions shall be taken by majority vote."

ARTICLE 104- (1) War Colleges, military high schools and training schools for non-commissioned officers have been shut down. The following actions shall be taken in respect of the personnel serving in these commands:

a) Provisional Article 4 of the Law on the Organization, Duties and Powers of the Gendarmerie dated 10 March 1983 and no. 2803 and Provisional Article 7 of the Law on Coast Guard Command dated 9 July 1982 and no. 2692 shall be respectively applied to the personnel of the Gendarmerie General Command and the Coast Guard Command and their cadres.

b) Other personnel shall be appointed to the cadres available in the Turkish Armed Forces.

(2) The Law on War Colleges dated 24 May 1989 and no. 3563 has been abolished.

ARTICLE 105- (1) On the publication date of this Decree Law:

a) Cadets receiving education in the military high schools and training schools for non-commissioned officers shall be transferred by the Ministry of National Education to the schools suitable for their status by taking into consideration the secondary school placement scores obtained by them at the date when the entrance exam was held.

b) Cadets receiving education in the war academies, faculties or academies, and the vocational colleges of non-commissioned officers (including the Gendarmerie) shall be transferred by the Council of Higher Education to faculties and academies suitable for their status by taking into consideration the placement scores obtained by them at the date when the university exam was held.

c) Cadets who would be graduated as of 30 August shall not be appointed as commissioned or non-commissioned officers. These cadets shall be awarded a diploma by the appropriate faculties and academies to be designated by the Council of Higher Education on the basis of the placement scores obtained by them at the date when the university exam was held.

No compensation shall be received from those in respect of whom an action has been taken within the scope of this article.

The Council of Higher Education shall be competent and authorized to determine, to guide the implementation of the principles and procedures concerning the application of this article, and to take all measures, and to eliminate hesitations likely to occur in respect thereof.

(2) Any debt shall not be imposed, in pursuance of the relevant legislation, on the cadets who left or were dismissed from the military schools affiliated to the Turkish Armed Forces for any reason before the date when this Decree Law enters into force. The debts that have incurred shall not be collected, and actions that have been initiated shall be discontinued. The amounts previously collected from such cadets shall not be reimbursed to them.

Personnel to be transferred

ARTICLE 107- (1) the Council of Ministers is entitled to establish the procedure and principles concerning the transfer of the personnel, determined by the Commissions pursuant to Article 106, to the Turkish Armed Forces, the University of Health Sciences, other higher education institution along with the Ministry of Health and its related institutions, and other issues concerning the transfer.

(2) The cadres to which the transferred personnel will be appointed, as created as of the appointment dates without the need of any other action, shall be regarded to be added to the departments of the related institutions in the charts annexed to the Decree Law no. 190 and the Decree Law no. 78.

(3) If the total net amount of salary, supplementary scale, all kinds of salary increase and allowance, additional payments, contract fee and other financial rights (excluding overtime payment and shift payment) received by the personnel transferred in their previous cadres and positions on the date of the transfer exceeds the total net amount of salary, supplementary scale, all kinds of salary increase and allowance and all other financial rights of the new cadres and positions to which they are transferred, including contract fee and additional payments of circulating capital, the balance shall also be paid as allowance, without being subject to any cuts, until the difference ends, as long as they continue to hold their offices in positions to which they are transferred.

(4) The personnel transferred who were subject to the Law no. 926 shall continue to be subject to the Law no. 926 in respect of promotion, salary and other financial and social rights. They shall perform their compulsory services for the Turkish Armed Forces in the institutions transferred. Promotion of these personnel shall be carried out by the Minister or the Rector according to their relevance. Their additional payments of revolving fund shall be calculated on the basis of the tax base of personnel in the same position and status in their institutions, and shall be paid following deduction of the health allowance.

(5) The salaries and payments that must be paid to the personnel transferred after the date of the transfer shall be paid by their new institutions, and settlement concerning these payments shall not be sought between institutions.

Transfer of students

ARTICLE 108- (1) Those, who receive education in the higher education institutions that are alienated under the provision in this Part, shall be transferred to the education institutions to be specified by the Council of Higher Education by having regard to their placement scores in the university entrance exam. The Council of Higher Education shall be competent and authorized to determine, to guide the implementation of the principles and procedures concerning the application of this article, and to take all measures, and to eliminate hesitations likely to occur in respect thereof.

DECREE WITH FORCE OF LAW NO. 670 – 17 AUGUST 2016**SOME ARTICLES OF THE DECREE-LAW NO. 670 OF 17 AUGUST 2016 ON THE MEASURES TAKEN UNDER THE STATE OF EMERGENCY****Aim and scope**

ARTICLE 1- (1) With this Decree-Law, it is aimed to take certain necessary measures within the framework of the attempted *coup* and the fight against terrorism within the scope of the state of emergency that was declared throughout the country by the Decree of the Council of Ministers no. 2016/9064, dated 20 July 2016.

Measures regarding public personnel

ARTICLE 2- (1) The following persons who have membership, affiliation or connection to the Fetullahist Terrorist Organization (FETÖ/PDY), which was established as posing a threat to the national security, have been dismissed from office without the need for any other procedure to be carried out:

- a) Persons whose names are cited in the annexed list no. 1 have been dismissed from public service.
- b) Persons whose names are cited in the annexed list no.2 have been dismissed from the Turkish Armed Forces.
- c) Persons whose names are cited in the annexed list no. 3 have been dismissed from the Coast Guard Command organization.
- ç) Persons whose names are cited in the annexed list no. 4 have been dismissed from the Turkish National Police organization.

No separate notification shall be served on the persons in question. Procedures shall also be carried out in respect of them pursuant to the provisions of private laws.

(2) Regardless of a criminal conviction ruled, those who have been dismissed pursuant to Paragraph 1 from public service, the Turkish Armed Forces, the Coast Guard Command organization and the Turkish National Police organization shall be deprived of their ranks and/or public official status; they shall not be readmitted to the organization they took office in, they shall not be employed once again in public service and they shall not be assigned directly or indirectly. Their membership and other assignments to all kinds of boards of trustees, boards, commissions, boards of directors, supervisory boards or liquidation boards shall cease. The provisions of Article 4 shall also be applied in respect of them. Firearm licenses, seamanship certificates and pilot's licenses held by them shall be cancelled and these persons shall be evicted within fifteen days, from public or foundation-owned houses in which they reside. These persons shall not be a founder, partner or personnel of private security companies. The relevant Ministry or institutions shall immediately notify the relevant passport authority as regards these persons. Upon such notification, the relevant passport authorities shall cancel their passports.

Sharing of personal data

ARTICLE 3- (1) During the state of emergency period, with respect to persons, who are inspected and investigated under Articles 3 and 4 of the Decree-Law no. 667 of 22 July 2016 on Measures Taken under the State of Emergency, as well as their spouses and children, except for those regarded as falling within the scope of client secrets under the Banking Law

no. 5411 of 19 October 2005, all kinds of information and documents including those related to interception of communication through telecommunication which are required by the competent boards, commissions or other authorities shall be provided by all the public and private institutions and organizations without delay.

(2) All kinds of information found on the Asya Participation Bank, which was transferred to the Savings Deposit Insurance Fund and whose license to perform banking activities was revoked, regarding the personnel of public institutions and organizations as well as their spouses and children, or all kinds of information regarding this Bank found on the Savings Deposit Insurance Fund, the Banking Regulation and Supervision Agency or the Presidency of Financial Crimes Investigation Board shall be provided without delay if it is requested by the institution or organization where the concerned personnel take office. The restriction set out in Paragraph 1 of Article 73 of the Law no. 5411 shall not be applied to these proceedings.

Use of certain titles

ARTICLE 4- (1) Those who have been dismissed from the civil service pursuant to Articles 3 and 4 of the Decree-Law no. 667 cannot use titles they had such as ambassador or governor and also professional titles and capacities they held such as president or member of a high court, undersecretary, judge, prosecutor, district governor et cetera and cannot enjoy the rights provided in connection with those titles, professional titles and capacities.

Measures related to transfer procedures

ARTICLE 5- (1) As regards all kinds of movable and immovable properties, assets, receivables and rights as well as documents and letters (assets taken over) of institutions, organizations, private radio and television stations, newspapers, magazines, publishers and distribution channels that are closed pursuant to the Decree-Laws put into effect under the state of emergency declared throughout the country by the Decree of the Council of Ministers (dated 20 July 2016, no. 2016/9064) and that are transferred to the General Directorate for Foundations or the Treasury; the General Directorate for Foundations, in so far as foundations are concerned, and the Ministry of Finance, in so far as others concerned, shall be authorized to determine all kinds of procedures, to determine the scope, to administrate, to pursue lawsuits and to start executive proceedings as well as to carry out all other procedures related to all kinds of receivables, bonds, cheques and other valuable papers, including advance, to determine obligations and liabilities that are related to the assets taken over and are certificated through ledgers, registers or documents that substantiate the conviction and to pay these obligations and liabilities within a reasonable period by making use of these assets, providing that it does not exceed the value of the assets taken over, that it does not impose a financial burden, that it does not result from bailment and that it concerns real commodity and service relationship with persons who do not have membership, affiliation or connection to the Fetullahist Terrorist Organization (FETÖ/PDY), to terminate or make payment of goods and service costs that have been undertaken and guaranteed but have not been provided by the closed institutions and organizations, to renounce collecting claims and receivables as well as undertakings and guarantees that are established as uncollectible or as providing no benefit in collecting and pursuing, to carry out all kinds of peace-related procedures, to reimpose and recover restrictions, which were imposed due to obligations resulting from credit or real commodity and service relationship related to the assets taken over and were lifted before, under the same conditions as they were lifted in order to ensure that credits or obligations are paid, to take into account pledges of securities, to determine and remove the limits of the restrictions imposed on the assets taken over, to decide on the annulment and continuation of agreements including leasing, to take all kinds of necessary measures for management, assessment and disposition of assets taken over, to transfer, if required, assets taken over to public institutions and organizations, which are deemed appropriate, for their liquidations or sales, to return assets that are found not to fall within the scope of transfer, to determine

the scope of assets to be taken over if closed institutions belong to natural persons, to eliminate hesitations, to provide guidance on the application, to establish procedures and principles for the conduct of all these actions.

(2) Cash and other liquid assets from the assets taken over under this Article shall be monitored in trust accounts, and other assets shall be monitored in memorandum accounts. The amount corresponding to the disposed assets that are monitored in the memorandum accounts shall be transferred into the trust accounts. Obligations decided to be paid shall be paid from these trust accounts, and the remaining balance shall be recorded as revenue to the budget.

(3) The activities of the companies, which are associated with the closed down institutions, organizations, private radio and television stations, newspapers, magazines, publishers and distribution channels, shall be terminated and their trade registries shall be cancelled *ex officio*. Their assets other than the ones that have been taken over, shall be regarded as having been transferred to the Treasury without charge. The trustees, who have been previously appointed to such companies, can be assigned as liquidation officers or liquidation officers can be appointed to the companies in question. The Ministry of Finance shall have the authority to establish the procedures and rules regarding the application of this Paragraph and to apply them also in respect of the assets taken over in this manner in Paragraph 1.

(4) Those who have a claim with respect to the obligations and liabilities which can be subjected to determination within the scope of Paragraph 1 shall apply to the relevant administration with the ledgers, registers and documents that substantiate the conviction within the sixty days prescription period running from the date of entry of this Article into force. With respect to the closure procedures, which shall be carried out subsequent to the date of entry of this Article into force, the sixty days period shall start running from the date of closure.

(5) In the payment of obligations the following order shall be taken as a basis; tax obligations arising from the real asset itself, pledged receivables, employees' social security contributions, obligations such as taxes, duties, charges, surcharges and interests required to be paid to public administrations, obligations resulting from energy, communication and water use, obligations not exceeding five hundred Turkish liras regardless of their type and the others.

(6) Education institutions built on the immovable properties that belonged to the foundations closed pursuant to the provisions of the Decree-Law no. 667 and whose possessions were transferred to the General Directorate for Foundations can be allocated to the public institutions and organizations without charge and to the legal persons subject to the private law in return for the payment of their values.

(7) Public institutions and organizations, natural and legal persons and unincorporated organizations are obliged to provide information and documents to be requested under this Article within fifteen days. In this respect, those requested to provide information and documents cannot be relieved of this obligation on the basis of the written provisions in the special laws.

Public Personnel Selection Examination of 2010

ARTICLE 6- (1) Appointment processes of the personnel appointed in accordance with or on the basis of the general ability and general knowledge test in the Public Personnel Selection Examination held on 10-11 July 2010 shall continue being valid. However, appointments of

the persons that are determined to have unlawfully obtained the exam's questions and/or the answers before it is held or during the exam shall be annulled.

Measures concerning financial crimes

ARTICLE 7- (1) The seven working days period referred to in Paragraph 1 of Article 19/A of the Law no. 5549 on Prevention of Laundering Proceeds of Crime Revenues (dated 11 October 2006) shall be applied as thirty working days during the course of the state of emergency in respect of persons, institutions and organizations that are considered to be a member of, or have relation, affiliation or connection with terrorist organizations, structures/entities, or groups established by the National Security Council as engaging in activities against the national security of the State.

Re-taking of statement

ARTICLE 8- (1) As regards the offences defined in Fourth, Fifth, Sixth and Seventh Sections of Fourth Chapter of Second Volume of the Turkish Criminal Code (Law no. 5237) dated 26 September 2004 and the offences falling within the scope of the Anti-Terror Law no. 3713 of 14 April 1991, when a need for re-taking of statement of a suspect with regard to the same incident arises, this procedure may be carried out by Public Prosecutor or by law enforcement officers upon the written order of Public Prosecutor during the course of the state of emergency.

Awarding compensation

ARTICLE 9- (1) On the basis of the records of hospitals and health care organizations consulted for treatment, the persons not carrying the conditions for monthly pensions under Paragraph 1 of Article 21 of the Law no. 3713 among the public officials and civilians who were injured during the coup attempt and terrorist action carried out on 15 July 2016, and those injured while trying to be helpful and beneficial to ensure that further actions of this attempt be revealed, prevented to be effective or eliminated, shall be awarded compensation five times more than the amount to be established in accordance with the degree of disability and injury within the scope of the basis and procedures prescribed by the Law no. 2330 on Monetary Compensation and Monthly Pensions dated 3 November 1980 by the Compensation Commission of the Ministry of Interior upon the related governor's proposal.

(2) With regard to one person who may be the one that has benefitted from the right of compensation under Paragraph 1, or his/her spouse and one of his/her children (if he/she does not have a spouse or children, he/she or his/her mother, father or one of his/her siblings); the provisions on employment in Additional Article 1 of the Law no. 3713 shall be applied.

Amended or abolished provisions

ARTICLE 10-

...

(4) The following sentence has been added to Paragraph 1 of Article 8 of the Decree-Law no. 667.

"In these circumstances, all kind of immovable properties, receivables and rights, documents and records along with buildings, structures and facilities built on the immovable properties, apart from buildings, structures and facilities present on the contract date and belonged to the related institutions and organizations shall be regarded as transferred to the Treasury without charge as from 23 July 2016."

(5) The expression of "seamanship certificates" has been added after the expression of "firearm licenses" in Paragraph 2 of Article 2 of the Decree-Law no. 668 on Measures to Be Taken under the State of Emergency and Arrangements Made on Certain Institutions and Organizations dated 25 July 2016.

(10) Paragraphs 3 and 4 of Article 107 of the Decree-Law no. 669 have been amended as follows. Also, the following paragraphs have been added after Paragraph 4 of this Article. Other articles have been accordingly continued.

"(3) Among the personnel who were transferred;

a) With respect to those who receive their salaries according to the Law no. 657 on Public Officers, in the event that the total net amount of the payments (this amount is taken as a fixed value) of monthly indicator, additional indicator, monthly enhancement, basic salary, increase, compensation and additional payment or healthcare services compensation made on the basis of their cadres in the last month before the transfer is more than the total net amount of the monthly indicator, additional indicator, monthly enhancement, basic salary, increase, compensation and additional payment made from circulating capital; the difference between two amounts shall be paid to them as compensation until the making up of difference, without subjecting to any tax and cut.

b) In the event that the net amount of circulating capital additional payment which is paid in their new cadre to which they were assigned following the transfer is less than the net amount of healthcare services compensation calculated on the basis of the old cadre as from the date of transfer (this amount is taken as a fixed value); those who receive their salaries according to the Higher Education Personnel Law no. 2914 shall be provided with the difference between two amounts as compensation, without being subjected to any tax and cut.

c) Those who receive their salaries according to the Law no. 926 on Turkish Armed Forces Personnel shall be paid their monthly and financial rights (including the additional payments or healthcare services compensation) in the same way on the basis of their ranks and grades and the elements of monthly and financial rights on the date of the transfer (except for amount of appointment and the payments made in return for actual work). In the event that total net amount of their monthly and financial rights which they receive in this way is less than the total net amount of monthly and financial rights they may receive on the basis of their new positions following the transfer and the total net amount of circulating capital additional payment calculated on the basis of the new position titles to which they were appointed; the difference between these amounts shall be paid as compensation, without being subjected to any tax and cut. On the conditions that the highest rank is the senior colonel for commissioned officers and sergeant major with two grades for the non-commissioned officers and that the generals and admirals remain in their current cadres; the procedures concerning their ranks, promotions and seniority and retirement procedures including age limit and compensation for lack of cadre shall be made in accordance with the provisions of the Law no. 926. However, upon their wish, they may work until the age limit set up for the public officials so long as they benefit from the financial and social rights of the cadre to which they were appointed. Additional Article 3 of the Law no. 209 of 4 January 1961 and Additional Article 3 of the Law no. 5510 of 31 May 2006 shall not be applied to the personnel falling under this sub-paragraph.

ç) Contracted officers shall continue to take office as contracted officers in the same way and to receive salary in the framework of the relevant legislative provisions; they shall not be provided with separate payments such as additional payments and circulating capitals.

(4) Transferred personnel and the retired ones shall benefit from the social facilities affiliated to the Turkish Armed Forces, the Coast Guard Command and the Gendarmerie General

Command and from the right to bearing and possessing arms, as is the case with the personnel with counterpart ranks. The membership of the members of the Armed Forces Trust and Pension Fund (OYAK) shall continue as long as they are subject to the provisions of Paragraph 3; the mentioned right of those who benefit from the actual service period increase shall continue, in accordance with sub-paragraph (c) of Paragraph 3, as long as they receive salary in line with the Law no. 926 on the basis of the provisions on the date of the transfer.

(5) The provisions of Paragraphs 3 and 4 shall be implemented as long as the relevant persons remain in the cadres of the institutions to which they were transferred in accordance with this Article.

DECREE WITH FORCE OF LAW NO. 671 – 17 AUGUST 2016**SOME ARTICLES OF THE DECREE LAW ON MEASURES TO BE TAKEN UNDER THE STATE OF EMERGENCY AND ARRANGEMENTS MADE ON CERTAIN INSTITUTIONS AND ORGANIZATIONS**

ARTICLE 1- Article 10/3 (b) of the Law no. 357 on Military Judges has been amended, and the expression of “women” has been replaced with “those having civilian background”.

ARTICLE 23 – The following provisional article has been added to the Law no. 5651.

“PROVISIONAL ARTICLE 4 - (1) The duty of the Head of the [Telecommunications Communication Presidency](#) shall terminate as of the date of entry into force of this article and the provisions of Additional Article 18 of the Decree Law no. 375 shall be applied in this regard. The duties of the heads of departments serving in the [Telecommunications Communication Presidency](#) shall terminate as of the date of entry into force of this article. Among them, those who have previously acquired the title of Communication Specialist shall be deemed to have been appointed to the position of Information Technology Specialist in the Information and Communication Technologies Authority.

(2) Among the personnel serving in the [Telecommunications Communication Presidency](#) and established to have no membership of, affiliation, link or connection with the terrorist organizations or the structures, formations or groups which have been found by the National Security Council to commit actions against the national security of the State, those serving as Communication Specialists or Assistant Communication Specialists shall be deemed to have been appointed to the positions of Information Technology Specialist and Assistant Information Technology Specialist in the Information and Communication Technologies Authority and other personnel shall be deemed to have been appointed to the relevant positions in the Authority with their existing degrees without need for any other procedure. The relevant positions shall be deemed to be created and added to the table of positions of the Authority pursuant to its specific legislation as of the date of appointment of the personnel in question, irrespective of the provisions of other laws and without need for any other procedure. The periods of time during which those who have been appointed in this manner served as a Specialist or Assistant Specialist shall be deemed to have been served in their appointed positions in the Authority.”

ARTICLE 25- The following paragraphs have been added to Article 60 of the Electronic Communications Law no. 5809 dated 5/11/2008 after the eighth paragraph and the ensuing paragraph has been accordingly continued.

"(9) Depending on one or more than grounds enumerated in Article 22 of the Constitution, the Prime Ministry shall determine the measures to be taken and notify the Authority for their implementation, in cases of exigent circumstances. The President of the Authority shall immediately notify the operators, access providers, data centres and the relevant content and hosting providers of the Prime Ministry's decision relating to the measures deemed necessary. This decision shall be immediately fulfilled within two hours at the latest as of the notification of the decision. This decision shall be submitted within 24 hours to magistrate judge for approval. The Judge shall declare his/her decision within forty-eight hours, otherwise the decision shall be automatically revoked.

(10) The Authority shall take all kinds of measures or have them taken in order to protect the public institutions and organizations as well as the natural and legal persons against cyber-attacks and to ensure deterrence against these attacks.

(11) The Authority may receive information, documentation, data, and records from the relevant authorities within the scope of its duty; it may benefit from archives, electronic data processing centres and the communication infrastructure and may contact with them and may take other necessary measures or have them taken in this regard. The Authority shall

collaborate with the ministries, institutions and organizations in fulfilling the duties specified in this paragraph. In this regard, all kinds of information and documentation requested from the Authority, shall be fulfilled by the relevant ministries, institutions and organizations without delay.

The procedures and principles as well as other issues with regard to the requests for information and documentation made in accordance with this paragraph and fulfilling these requests shall, be determined by the Prime Ministry.

(12) The natural persons and private legal entities shall not avoid fulfilling the requests relating to the Authority's duties in this Article, by justifying the provisions of the legislation to which they are subject. The sanction in the second paragraph of this Article shall be imposed to those, who do not fulfil their obligations relating to the Authority's duties except for the business administrators."

ARTICLE 31- The following Article 20/A has been added to the Anti-Terror Law no. 3713 dated 12/4/1991 after Article 20.

"Imposition of cautionary injunction for compensation of damages

Article 20/A- It may be decided to add annotation in the phase of investigation, upon the request of the Public Prosecutor, by the Magistrate and in the phase of proceedings, by the Court to prevent transfer and assignment, establishing property rights, and to restrict power of disposal concerning the immovable or land, sea, or air transportation vehicles of the suspects or accused persons, with a view to compensating the damages suffered by the natural and legal persons as well as public institutions and organizations due to the offenses defined in the Second Volume, Fourth Chapter, Fourth, Fifth, Sixth and Seventh Parts of the Turkish Penal Code, and the offenses within the scope of this Code. The decision relating to immovables shall be executed by adding annotation into the land register and the decision relating to land, sea, or air transportation vehicles shall be executed by adding annotation into the registry to which these vehicles are registered. If the decision of non-prosecution is finalized or if a provisional seizure or interlocutory injunction regarding the continuation of annotation given by the civil court is not presented within a year as of the date of annotation, the annotation shall be ipso facto lifted.

ARTICLE 32- The following provisional article has been added to the Law on the Execution of Penalties and Security Measures dated 13 December 2004 and numbered 5275.

"PROVISIONAL ARTICLE 6- With respect to the offences committed before 1 July 2016, except for the offences of intentional killing (Articles 81 and 82), intentional injury and aggravated injury due to its consequences, committed against lineal consanguine, siblings and spouses or against a person who cannot defend himself physically or mentally and offences against sexual integrity (Articles 102, 103, 104 and 105), offences against privacy and confidentiality of life (Articles 132, 133, 134, 135, 136, 137 and 138), offence of production and trade of narcotics or psychotropic substances (Article 188), which are set forth in the Turkish Criminal Code no. 5237, and the offences defined in the Second Volume, Fourth Chapter, Fourth, Fifth, Sixth and Seventh Parts of the Turkish Criminal Code, and the offences falling into the scope of the Anti-Terror Law dated 12 April 1991 and numbered 3713;

a) The term "one year" set forth in Article 105/A of this Law has been amended as "two years";

b) The rate "two thirds" set forth in Article 107 of the same Law has been amended as "half".

DECREE WITH FORCE OF LAW NO. 672 – 1 SEPTEMBER 2016**SOME ARTICLES OF THE DECREE-LAW NO. 672 OF 1 SEPTEMBER 2016
ON THE MEASURES TAKEN UNDER THE STATE OF EMERGENCY****Measures concerning public officials**

ARTICLE 2- (1) Those who have membership of, affiliation, link or connection with terrorist organizations or structures, formations or groups which have been determined by the National Security Council to perform activities against national security of the State;

a) Those listed in Annex 1 have been dismissed from public service,

b) Those listed in Annex 2 have been dismissed from the General Security Directorate,

c) Those listed in Annex 3 have been dismissed from the Gendarmerie General Command,

ç) Those listed in Annex 4 have been dismissed from the Coast Guard Command, without the need for any other act. Additional communication documents shall not be served on them. Procedures in respect of them shall be conducted on the basis of the provisions of special laws.

(2) Those who have been dismissed from public service, from the General Security Directorate, the Gendarmerie General Command and the Coast Guard Command in accordance with the first paragraph shall be deprived of their ranks and their positions as public officials without any need for convictions, and they shall not be re-admitted to the organization in which they previously took office. They may not be re-employed and assigned directly or indirectly in any public service. Their membership of any board of trustees, boards, commissions, executive boards, supervisory boards, liquidation boards and other duties shall be automatically terminated. Their gun licenses, the documents concerning their seamanship and their pilot licenses shall be cancelled, and they shall be evicted from the public residences or foundation houses in which they live within fifteen days. These persons may not become the founders, partners and employees of private security companies. The relevant ministries and institutions shall immediately notify the relevant passport unit. Upon this notification, the relevant passport units shall cancel their passports.

(3) Those who have been dismissed from public service in accordance with the first paragraph may not use their titles, if any, such as ambassador, governor and professional names and titles such as undersecretary, district governor etc., and they may not enjoy the rights provided in connection with these titles and professional names.

DECREE WITH FORCE OF LAW NO. 673 – 1 SEPTEMBER 2016

DECREE-LAW NO. 673 OF 1 SEPTEMBER 2016 ON THE MEASURES TAKEN UNDER THE STATE OF EMERGENCY

Private education institutions and organizations removed from the scope

ARTICLE 1 – (1) The private education institutions and organizations and private student dormitory appearing in the annexed list no. 1 were removed from the list no. 2 annexed to the Decree Law no. 667 on Measures to be taken under State of Emergency dated 22 July 2016.

The provisions of Article 2 §§ 1 (b) and 2 of the Decree Law no. 667 along with all their legal consequences with regard to the private education institutions and organizations and private student dormitory shall be regarded as revoked as from 23 July 2016. The related processes shall be carried out by either the Ministry of Finance or the General Directorate for Foundations.

Reappointment

ARTICLE 2- (1) Those who have resigned on multiple occasions or retired from their posts as a judge or public prosecutor of their own will and who request to return to their previous positions may be appointed upon the approval of the relevant chamber of the High Council of Judges and Prosecutors to a position of the same grade of the degree corresponding to their monthly degree at the date of their retirement or resignation provided that they lodge an application within two months as from the date of entry into force of this Decree-Law and that they do not cease to meet the conditions required for admission to the profession.

The Monitoring Boards of Penitentiary Institutions and Detention Houses

ARTICLE 3- (1) The membership of the presidents and members of the Monitoring Boards of Penitentiary Institutions and Detention Houses shall cease on the date of entry into force of this Article and a re-election shall be held within ten days in accordance with the procedure set out in the Law no. 4681 on the Monitoring Boards of Penitentiary Institutions and Detention Houses, dated 14 June 2001.

Persons educated abroad

ARTICLE 4 – (1) Among the students subject to the Law no. 1416 on Students to be sent to Foreign Countries dated 8 April 1929, the ones having membership, relation or connection with the FETÖ/PYD terrorist organization established to pose a threat to national security listed in the annexed list no. 2 have been dismissed. Article 4 §§ 2 and 3 of the Decree Law no. 667 on Measures to be taken under State of Emergency dated 22 July 2016 shall be applied in respect of these persons. Equivalence processes concerning the education they received in this respect shall not be carried out, and they shall not benefit from the rights originating from academic titles and degrees within the scope of the education in question.

Premium not to be paid

ARTICLE 5 – (1) Pursuant to the Anti-Smuggling Law no. 5607 dated 21 March 2007, among the persons to be paid premium under this law due to the anti-drug operations carried out before 1 May 2014, those who are considered to have membership of, affiliation, link or connection with terrorist organizations or structure/entities, organizations or groups established by the National Security Council shall not be paid any bonuses as from the date when this article enters into force.

Approvals for retirement

ARTICLE 6 – (1) Being valid as from 21 July 2016 when the state of emergency declared with the decision no. 2016/9064 of the Council of Ministers dated 20 July 2016, the period of one month prescribed for approvals for retirement under Article 48 § 2 of the Law no. 5510 on Social Insurance and General Health Insurance dated 31 May 2006 shall not be executed during the state of emergency.

Workers in Public Participations

ARTICLE 7 – (1) Workers, whose labour contracts are terminated for having membership of, affiliation, link or connection with terrorist organizations or structure/entities, organizations or groups held by the National Security Council as engaging in activities against the national security of the State, while working for enterprises, partnership and participations in which State or legal entities directly or indirectly participate and within the other legal entities where the State has shares, shall not ever be employed, and directly or indirectly appointed to the enterprises and partnerships along with the other legal entities where the State has shares or the other public institutions and organizations.

The procedure for reinstatement of those suspended from office

ARTICLE 8- (1) Reinstatement of the personnel, who have been suspended from office by the public institutions and organizations in accordance with the relevant legislation following the coup attempt and the terrorist act carried out on 15 July 2016 and who hold executive positions, may also be performed by means of appointing them to cadres and positions, save for the executive positions they still hold, that are suitable to their educational background and their acquired right monthly degrees.

Revocation of some powers

ARTICLE 9 – (1) Among the persons, institutions or organizations empowered within the scope of Article 12 § 1 (1) and (m) of the Law no. 3146 on Structure and Duties of Ministry of Labour and Social Security dated 9 January 1985, the powers of those have membership of, affiliation, link or connection with terrorist organizations or structure/entities, organizations or groups established by the National Security Council as engaging in activities against the national security of the State shall be revoked by the approval of the Minister of Labour and Social Security upon the proposal of the commission established by the Minister of Labour and Social Security.

Amended provisions

ARTICLE 10- (1) The following sentence has been added subsequent to the second sentence of Paragraph 1 of Article 3 of the Decree-Law no. 667 on the Measures to Be Taken under the State of Emergency, dated 22 July 2016:

"The decisions, which shall be rendered on objections against or requests for re-examination of the decisions on dismissal from profession which are filed in accordance with the provisions of the relevant laws, shall also be promulgated in the Official Gazette and they shall be regarded as notified to the concerned persons on the date of their promulgation."

(2) The following Paragraph has been added to Article 5 of the Decree-Law no. 667:

"(2) The passports held by the spouses of persons, whose names are notified to the relevant passport unit under Paragraph 1, may also be cancelled by the Ministry of Interior on the same date where it is considered as detrimental in terms of general safety."

(3) The expression "following the declaration of" has been added subsequent to the expression "the state of emergency", and the expression "immediately, without making an inquiry into bankruptcy" has been added subsequent to the expression "by the courts" in

Paragraph 1 of Article 4 of the Decree-Law no. 669 on the Measures to Be Taken under the State of Emergency and the Establishment of University of National Defence, dated 25 July 2016; and the following Paragraph was added to the same Article:

"(2) With respect to the requests for postponement of bankruptcy filed prior to the announcement of the state of emergency:

a) During the period of the state of emergency, postponement of bankruptcy cannot be ordered.

b) No interim measure can be ordered following the declaration of the state of emergency and during the period of the state of emergency; if such interim measure has been ordered, it shall be lifted immediately.

The interim measures ordered pursuant to Article 179 (a) of the Law no. 2004 during the period preceding the declaration of the state of emergency, shall be promptly examined by the courts and the interim measures -which are understood to have been ordered in favour of the stock corporations or cooperative companies, whose controlling shareholders or administrators are subjected to judicial investigation and to which trustees were appointed pursuant to Article 133 of the Code of Criminal Procedure (Law no. 5271), dated 4 December 2004 upon the allegation that they have membership of, affiliation, link or connection with terrorist organizations or structures, organizations or groups which engage in activities against the national security of the State as established by the National Security Council- shall immediately be lifted."

Enforcement

ARTICLE 11 – (1) This Decree Law shall enter into force on the date of its publication.

Execution

ARTICLE 12 – (1) The Council of Ministers shall execute the provisions of this Decree Law.

DECREE WITH FORCE OF LAW NO. 674 – 1 SEPTEMBER 2016**SOME ARTICLES OF THE DECREE-LAW NO. 674 OF 1 SEPTEMBER 2016
ON THE MEASURES TAKEN UNDER THE STATE OF EMERGENCY**

ARTICLE 3- The following Subparagraph has been added to Paragraph 1 of Article 8 of the Law no. 2659 on the Forensic Medicine Institution, dated 14 April 1982:

"g- Computer Forensics."

ARTICLE 4- The following Article 22 (A) has been added subsequent to Article 22 of the Law no. 2659:

"Duties of the Computer Forensics Specialization Department:

ARTICLE 22 (A) – To conduct the required examinations with respect to informatics-related matters as requested by the courts, judges' offices or public prosecutors' offices, to perform examinations, researches and analyses on information systems which have data collecting, processing, storing and transmitting functions and on all kinds of digital and electronic material, and to establish the results of the examinations, researches and analyses in a report."

ARTICLE 9- The following Subparagraph has been added subsequent to Subparagraph (3) of Paragraph (3) of Article 34 of the Law no. 5235 on the Establishment, Duties and Authorization of the First Instance Judiciary Courts and Regional Courts of Justice, and the other Subparagraphs have been accordingly continued:

"4. To assign members from other chambers according to seniority and order on the basis of relevance in the event that a chamber cannot convene with its own members on account of legal or factual reasons."

ARTICLE 11- The expression "that the files are examined and subsequently communicated together with written opinions in respect thereof to relevant department and that hearings" in sub-paragraph (4) of Article 40 § 1 of the Law no. 5235 has been replaced with the expression "hearings with regard to those files".

ARTICLE 12- The expression "to examine the files which were allocated to themselves and to communicate those files together with their written opinions in respect thereof to relevant department and to attend hearings" in sub-paragraph (1) of Article 41 § 1 of the Law no. 5235 has been replaced with the expression "to attend hearings with regard to those files".

ARTICLE 13- The expression "and appointment of trustees under paragraph 10" has been added following the expression "seizure" in paragraph 9 of Article 128 of the Code of Criminal Procedure (Law no. 5271) of 4 December 2004, and accordingly the following paragraph has been added to Article in question.

"(10) In the event that immovable properties, rights and receivables, which have been seized under this Article, are required to be administered, a trustee may be appointed so as to ensure management of values of those assets. In such cases, the provisions of Article 133 shall apply by analogy."

ARTICLE 16- The following sentence has been added to paragraph 1 of Article 92 of the Law no. 5275 on the Execution of Penalties and Security Measures dated 13 December 2004. "In the event that it is considered that those who have been detained for or convicted of the offences listed under paragraph 2 of Article 9 may endanger the order of the penitentiary institution and public security, that members of terrorist organizations or other criminal organizations may provide opportunities for activities and communication in accordance with purposes of their respective organizations and that there are security risks with regard to roads, penitentiary institutions in which they would be held, exam centres or schools, Chief Public Prosecutors shall be entitled to impose restriction on their temporary leave from such institutions."

Transfer of powers of trustees and liquidation

ARTICLE 19- (1) Powers of the trustees who have been serving in companies in respect of which it was decided that a trustee be appointed under Article 133 of the Code of Criminal Procedure (Law no. 5271 dated 4 December 2004) on account of their membership, affiliation or connection to terrorist organizations prior to the date of entry into force of this Article shall be transferred by a judge or a court to the Savings Deposit Insurance Fund, and with such transfer, powers of those trustees shall be terminated.

(2) Following the date of entry into force of this Article and during the period of the state of emergency, in the event that it is decided that a trustee be appointed to a company under Article 133 of the Code of Criminal Procedure on account of its membership, affiliation or connection to terrorist organizations or that it is decided that a trustee be appointed in respect of assets under Article 13 of this Decree-Law, the trustee to be appointed shall be the Savings Deposit Insurance Fund.

(3) With the exception of the companies which have been closed down pursuant to Decree-Laws put into effect under the state of emergency declared throughout the country by the Decree no. 2016/9064 of the Council of Ministers (dated 20 July 2016) and which have been transferred to the Directorate General of Foundations or the Treasury, in the event that it is established by the Savings Deposit Insurance Fund that the current situation of the companies falling under the scope of the first and the second paragraphs cannot be sustained due to their financial conditions, shareholding structures or other problems, or the market conditions, the Savings Deposit Insurance Fund may decide that those companies or their assets, or the assets specified under Article 13 of this Decree-Law be sold or dissolved and liquidated. Procedures as to sales and liquidations shall be carried out by the Savings Deposit Insurance Fund.

Powers of the Savings Deposit Insurance Fund with regard to sales and liquidation

ARTICLE 20- (1) Powers vested in the Savings Deposit Insurance Fund with regard to the companies, whose management, control and shareholder rights, except for dividends, have been taken over by the Savings Deposit Insurance Fund in accordance with the Banking Law no. 5411 of 19 October 2005 and the assets of those companies shall be exercised by analogy in the sales or liquidation procedures carried by the Savings Deposit Insurance Fund in its capacity as the trustee under this Decree-Law without taking into account whether those companies or their owners are indebted to the Fund and whether their assets are subjected to the Fund's levy. Those who are assigned or appointed by the Fund within the scope of this

Article shall avail themselves of the provisions of Article 127 of the Law no. 5411. The liquidation committee assigned by the Fund Board so as to carry out the procedures concerning companies' liquidation shall have *locus standi* in respect of judicial acts or actions. The amounts to be obtained from the sales of the companies to which the Savings Deposit Insurance Fund has been appointed as trustee or of the assets of those companies shall be deposited into an interest bearing account until the proceedings are concluded with a definitive judgment.

(2) In the event that it is decided that assets of a company be sold via the commercial and economic integrity sales method, the Fund Board shall be entitled to pay off the debts belonging the previous periods out of the tender price or make the tender winner pay them off on the condition that those debts were incurred by virtue of an actual asset or service relation between that company and persons who had no membership, affiliation or connection to the FETÖ/PDY terrorist organization.

(3) The provisions of this Article shall also apply in the event that assets which belong to the closed down institutions, organizations, private radio and television stations, newspapers, magazines, publishing houses and distribution channels, or assets which belong to the companies (to which those are attached) and have been taken over by the Treasury are transferred by the Ministry of Finance to the Savings Deposit Insurance Fund so as to ensure their sales and liquidation. The amounts obtained as a result of sales of the transferred assets shall be transferred to the Ministry of Finance.

ARTICLE 23- The expression "and those, who are established as founders or executives of all kinds of education and training institutions and health organizations as well as foundations, associations or companies abroad, which are established as having membership, affiliation or connection to terrorist organizations, or who are established as working in these places by the Ministry of Internal Affairs" has been added to Paragraph 1 of Article 22 of the Passport Law (no. 5682, dated 15 July 1950) following the expression "established by the Ministry of Internal Affairs".

ARTICLE 38- The following paragraph has been added subsequent to Paragraph 1 of Article 45 of the Municipality Law (no. 5393, dated 3 July 2005).

"However, where a mayor or a deputy mayor or a council member is suspended from duty or detained or banned from public service or his/her position as a mayor or member of council terminates due to the offences of aiding and abetting terrorism and terrorist organizations, a mayor or a deputy mayor or a council member shall be assigned by the authorities listed in Article 46. It is obligatory that person to be assigned should be eligible. If a member of the municipal council, who has been suspended from duty or detained, resigns, the provisions of this Paragraph shall apply. Under this paragraph, in municipalities, to which a mayor or a deputy mayor is assigned, it may be ensured that budget and accounting works and proceedings are carried out by the revenue office or revenue department upon approval of the governorship. The municipal council shall not convene without mayor's call in these municipalities. Duties and powers of municipal councils, committees and commissions shall be exercised by members of committee laid down in Article 31."

ARTICLE 39- Following paragraphs have been added to Article 57 of the Law no. 5393.

"However, where it has been established by the governorship that disruption of service in a municipality or its affiliated entities affects or will affect negatively the fight against terrorism or violent activities, the Governorship shall perform the service concerned or have it performed through the Investment Monitoring and Coordination Department, the Provincial Special Administration or state institutions and organizations. Upon request of the governorship, amounts corresponding to expenditures incurred or to be incurred shall be cut down from the share of the entity concerned and transferred to the institution and organization concerned by the Ministry of Finance or the Bank of Provinces Corporation (*İller Bankası Anonim Şirketi*). Amounts transferred to public entities under the centralized administration budget shall be associated with the budgets of these entities. Needs under this paragraph shall be obtained pursuant to the procedure set out in Article 22 of the Public Procurement Law (no. 4734, dated 4 January 2002) without being subject to monetary and budget constraints. Where the governorship establishes that resources of a municipality or of its affiliated entities are benefitted with a view to directly or indirectly providing support to terrorism and violent activities, movable properties of the municipality or its entity concerned, which have been used to provide support to terrorism and violent activities, shall be confiscated by the highest civil administration officer. Where personnel of the municipality or of its entity, who have been found responsible under this paragraph, are suspended from duty by the governor or district governor, their reinstatement shall be carried out only by the authority that has carried out suspension procedures."

ARTICLE 40- The following Transitional Article has been added to the Law no. 5393. "TRANSITIONAL ARTICLE 9 – Assignment to the position of a mayor, a deputy mayor or a council member, who has been suspended from duty before the entry into force of this Article due to an investigation or prosecution conducted against him/her for the offences of aiding and abetting terrorism and terrorist organizations, shall be carried out within fifteen days in accordance with the procedure set out in paragraph 2 of Article 45 by the competent authorities listed in Article 46, even if an action has been taken against that person under subparagraph (b) of paragraph 1 of Article 45."

**INFORMATION NOTE ON THE DECREE LAW NO. 674 OF 1 SEPTEMBER 2016
ON THE MEASURES TAKEN UNDER THE STATE OF EMERGENCY**

Aim

This Decree Law no. 674 has been enacted with a view to taking certain measures under the state of emergency.

Measures concerning the judiciary

The Computer Forensics Specialization Department has been established within the Forensic Medicine Institute to provide a prompt, impartial and transparent system for experts on the matters requiring specialization in information technologies during judicial investigations. The expertise reports to be issued by this department may also provide an insight for other experts and ensure the development of case-law in the area of forensic medicine.

The interruptions of judicial services have been prevented by assigning members from other chambers in cases where it is not possible for the Regional Courts of Justice to convene on account of legal or factual reasons.

The Decree Law has removed the obligation of the public prosecutors at the Regional Courts of Justice to submit preliminary opinions in writing in order to prevent backlog of cases before the public prosecutor's offices after they have been sent to the Regional Courts of Justice for a judicial review and enable them to be promptly brought before the bench of judges. However, the public prosecutors at the Regional Courts shall attend the hearings and continue to submit their opinions during the hearings.

The Code of Criminal Procedure has been amended. Accordingly, the assize courts have been empowered to appoint a trustee in addition to its authority to seize immovable properties, rights and receivables.

The Law on Execution of Penalties and Security Measures has been amended. Accordingly, the Chief Public Prosecutor's Offices shall be entitled to impose restrictions on the temporary leave from penitentiary institutions of those who have been detained for or convicted of terror offences, where it would be detrimental to public security and provide opportunities for terrorist organizational communication. Moreover, measures have been taken to carry out activities for the construction of new penitentiary institutions.

Following the entry into force of the Decree Law, the duties of trustees serving in companies to which a trustee has been appointed on account of their membership, affiliation or connection to terrorist organizations shall be terminated and their powers shall be transferred to the Savings Deposit Insurance Fund by the decision of a judge or a court. Moreover, where a trustee is appointed to a company with regard to a court decision after the date of entry into force of the Decree Law and during the period of the state of emergency, the trustee to be appointed shall be the Savings Deposit Insurance Fund. Furthermore, where it establishes that the current financial situation of the relevant companies is not sustainable, the

Savings Deposit Insurance Fund shall be entitled to decide that those companies be sold, liquidated or their assets be sold. The amounts to be obtained from the sales of the companies to which the Savings Deposit Insurance Fund has been appointed as trustee or of the assets of those companies shall be deposited into an interest bearing account until the conclusion of the proceedings with a final judgment.

The Savings Deposit Insurance Fund, which is an independent administrative authority, has been assigned to financially fight against FETÖ and other terrorist organizations and provide uniformity in the acts of trustees.

Other measures

No passport or travel certificate shall be granted to those established to be executives or employees of education and training institutions or health organizations as well as foundations, associations or companies abroad where it is established that such establishments have membership, affiliation or connection with terrorist organizations.

Moreover, the Municipality Law has been amended. Accordingly, where a mayor, a deputy mayor or a council member is suspended from duty or detained or in the event of their resignation or termination of their duty for aiding and abetting terrorist organizations, the Minister of Internal Affairs or the Governor shall make appointments to the relevant positions within no more than fifteen (15) days from the date of entry into force of the Decree Law. Furthermore, if it is understood that the failures in the provision of municipal services have an adverse effect on the fight against terrorism, the Governorship may decide that such services be provided by other public institutions or organizations.

Assessment and conclusion

It is evident from the measures briefly explained above that with the Decree Law no. 674 issued following the declaration of state of emergency, measures have been taken for the purpose of expediting the investigations and proceedings, effectively fighting against FETÖ and other terrorist organizations, and promptly restoring public security. Furthermore, various measures have been adopted in respect of the municipal administrators who have connection with terrorist organizations. The purpose of the declaration of state of emergency and the adoption of the Decree Law within this period is to protect the rule of law, democracy and human rights. The Decree Law has imposed no restriction on the rights and freedoms of the public.

The rule of law, democracy and human rights are the fundamental principles of the State of the Republic of Turkey. Accordingly, the State of the Republic of Turkey, which intends to fight against terrorism in accordance with the law, aims at establishing an effective and impartial judicial and security mechanism.