

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 "the state of emergency" in Article 1 of the 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.