

Decree-Law No. 679, 6 January 2017
Measures regarding public personnel

ARTICLE 1 – (1) The persons whose names are cited in the annexed list no. 1 and who have membership or affiliation or connection or contact with terrorist organizations or the structures, organizations or groups, which have been established by the National Security Council as carrying out activities against the national security of the State, have been dismissed from public service without the need for any procedure to be carried out. 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 special law.

(2) Regardless of a criminal conviction ruled, those who have been dismissed from public service pursuant to Paragraph 1 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 to all kinds of boards of trustees, boards, commissions, boards of directors, supervisory boards or liquidation boards shall cease. 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, co-founder 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.

(3) Those who have been dismissed from public service pursuant to Paragraph 1 cannot use titles they had, if any, such as ambassador or governor and also professional titles and capacities they held such as undersecretary, district governor etc and cannot enjoy the rights provided in connection with those titles, professional titles and capacities.

Measures regarding retired Police Organization personnel

ARTICLE 2 – (1) Among the persons, who have been *ex officio* pensioned off pursuant to Paragraphs 19 and 20 of Article 55 and Provisional Article 27 of the Police Organization Act (Law No. 3201) dated 4 June 1937, who have retired on their own accord, who have been dismissed from profession or public service, or who have been deemed resigned in accordance with the provisions of the Disciplinary Regulations of the Police Organization, those who have membership, affiliation and connection with the FETÖ/PDY terrorist organization, which has been established as posing a threat against the national security, and whose names are cited in the annexed list no. 2 shall be deprived of their ranks. These persons cannot be reinstated to the agency they worked and to any public service, and they cannot directly or indirectly do these services. They cannot also use their professional titles and capacities, as well as, they cannot enjoy the rights they were provided on account of their titles and capacities. In addition, their all memberships to board of trustees, council, commission, administrative board, board of supervisors and liquidation committee and their other duties shall be ended. Their gun licences, retired police identities, seamen's documents, pilot licences and their passports shall be cancelled. These persons cannot be founder, partner or employee in private security services.

Provisions of restitution

ARTICLE 3 – (1) The public officials listed in Annex (3) were removed from the relevant parts of the lists annexed to the decree law in question.

(2) As from the date on which this Decree Law has been published, the relevant provisions of the Decree Law shall be abolished, with its all effects and results, with respect

to the persons referred to in the 1st paragraph. Out of these personnel, those who do not restart their duties within ten days after this article enters into force shall be assumed to be resigned from office. In this scope, those who took office shall be paid their financial and social rights for the period starting from the date they were dismissed from the public service to the date on which they took office. These persons cannot claim compensation due to their dismissal from the public service. These personnel may be reinstated to the cadres and positions other than their administrative positions they held on the date when they were dismissed from public service, which are suitable for their educational backgrounds and their acquired rights of salary degrees. The relevant ministry and institutions shall carry out the procedures under this article.

Those who study abroad

ARTICLE 4 – (1) Out of those who were dismissed from studentship in accordance with the Decree Law No. 675 on the Measures to Be Taken Within the Scope of the State of Emergency dated 3 October 2016, the person who appears in the list (4) annexed to this Decree Law has been removed from the relevant part of the list (5) annexed to the Decree Law No. 675. As from the date on which this Decree Law has been published, Article 4/1 of the Decree Law No. 675 shall be abolished, with its all effects and results, with respect to that person.

Institutions and organizations which were closed down and excluded from the scope of relevant articles

ARTICLE 5 – (1) The associations indicated in the list (5) annexed, which have membership, affiliation or connection with terrorist organizations or the organizations, formations or groups which have been found by the National Security Council to have carried out activities against the national security of the State have been closed down.

(2) Movable properties and all kinds of assets, claims and rights, documents and instruments belonging to the associations and media organs closed within the scope of the first paragraph shall be deemed to be transferred to the Treasury free of charge. Immovable properties of these institutions and organizations shall be *ex officio* registered in the title deed in the name of Treasury being free and clear of all kinds of restrictions and right of encumbrance. Any right or claim cannot be demanded from the Treasury on account of any kind of liabilities of such institutions and organizations. All actions pertaining to such transfer shall be performed by the Ministry of Finance by means of receiving necessary assistance from all institutions.

(3) The associations indicated in the list (6) annexed have been removed from the relevant part of the list (III) annexed to the Law No. 6749 on amending and adopting the Decree on the Measures to Be Taken Within the Scope of the State of Emergency dated 18 October 2016 and from the relevant part of the list (6) annexed to the Decree-Law No. 677 on the Measures to Be Taken Within the Scope of the State of Emergency dated 31 October 2016. As from the date on which this Decree-Law has entered into force, Article 2 of the 6749 and Article 3/2 of the Decree-Law No. 677 shall be abolished, with its all effects and results, with respect to the relevant associations. The Ministry of Interior and the Ministry of Finance, according to their relevance, shall carry out the relevant procedures.

(4) The newspapers indicated in the annexed list (7) have been excluded, where relevant, from the relevant lines of the list no. 3 enclosed with the Law, dated 8.11.2016 and No. 6755, on the Adoption, upon being amended, of the Decree-Law on the Measures to Be Taken Within the Scope of the State of Emergency and on Making Arrangements with respect to Certain Institutions and Organizations and from the relevant lines of the list no. 7 enclosed

with the Decree-Law, dated 3/10/2016 and No. 675 on the Measures to Be Taken Within the Scope of the State of Emergency. The provisions of the third paragraph of Article 2 of the Law No. 6755 and the provisions of the first paragraph of Article 5 of the Decree-Law No. 675 shall be regarded null and void with all its rulings and outcomes in respect of the relevant newspapers, as from the entry into force of the relevant decree law.

Amended Provisions

ARTICLE 6 – (1) The fifth paragraph of Article 5 of the Decree-Law No. 670 on the Measures to Be Taken within the Scope of the State of Emergency, dated 15 August 2016 has been amended as follows:

“(5) In the payment of debts, they shall be sorted as debts required to be paid to public administrations such as taxes, duties, charges, surcharges and interests; insurance premiums of the employees, pledgee credits, the debts resulting from energy, communication and water use, and debts not exceeding five hundred Turkish liras, regardless of their types. Education and accommodation fees paid in advance or in cash to the closed private institutions and organizations, courses, tutoring centers, student dormitories and hostels for the periods following the date of closure shall be reinstated without subjection to the above mentioned row.”

...

(3) Article 5 of the Decree-Law No. 673 on the Measures to Be Taken Within the Scope of the State of Emergency, dated 15 August 2016 has been amended as follows:

“ARTICLE 5 – (1) Among the persons to be paid bonuses under the Anti-Smuggling Law no. 5607 dated 21 March 2007, those who were dismissed from the public duties due to the fact that they are considered to be a member of, have affiliation or connection with terrorist organizations shall not be paid any bonuses. The amounts of those in respect of whom judicial or administrative investigations or prosecutions are conducted shall be secured under the Public Financial Management and Control Law No. 5018 dated 10 December 2013 until the outcome of the investigation or prosecution.”

(4) The following sentence has been added to the second paragraph of Article 10 of the Decree-Law No. 675 on the Measures to Be Taken within the Scope of the State of Emergency dated 3 October 2016.

“Within the scope of the debt obligations under subparagraph (b) of the first paragraph, the amounts which were collected until the publication of this Decree Law shall not be repaid.”

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(6) The statement “from the creditor” in the second paragraph of Article 37 of the Decree-Law No. 678 on the Measures to Be Taken Within the Scope of the State of Emergency dated 31 October 2016 has been amended as “from the debtor”.