

**DECREE-LAW NO. 690 DATED 29 APRIL 2017**

**ON SPECIFIC REGULATIONS UNDER THE STATE OF EMERGENCY**

**CHAPTER I**

**Regulations in the field of Judiciary**

**ARTICLE 1** – The following Article 3/I was added to Law No 2576 on the Establishment and Duties of Regional Administrative Courts, Administrative Courts and Tax Courts dated 6/1/1982, following its Article 3/H.

“Procedure on Investigation and Prosecution”:

ARTICLE 3/I – Investigations and prosecutions regarding the offenses committed by the presidents, heads of chambers and members carrying out duties at regional administrative courts, resulting from their duties or during their duties and their personal offenses are conducted within Article 47 of Law No 5235 on the Establishment, Duties and Jurisdiction of First Instance Judicial Courts and Regional Courts of Justice dated 26/9/2004. However, the expression of ‘the closest Regional Court of Justice’ in the said article means ‘the Regional Court of Justice’ to which the Regional Administrative Court is affiliated to the province where the duty is conducted.”

**ARTICLE 2** – Former Paragraph 6 of Article 46 of Law No 2797 on the Court of Cassation dated 4/2/1983 is rearranged as follows:

“In consequence of the investigation conducted pursuant to general provisions in the event that someone is caught in the act regarding personal offenses within the jurisdiction of the Assize Court, the file is forwarded to Chief Public Prosecutor’s Office of the Court of Cassation together with the report prepared. Regarding the appeals made against the decisions of non-prosecution with the claims of Chief Public Prosecutor’s Office of the Court of Cassation as regards the proceedings requiring judge’s decision, the head of the criminal chamber, following Criminal Chamber of the Court of Cassation, dealing with the severest offense which is the subject of investigation, by number, renders the decision. The authority to examine the claim belongs to the Head of the First Criminal Chamber in the event that the offense falls within the jurisdiction of the criminal chamber of the last number. In the proceedings requiring judge’s decision, the appeal made against the decisions given by the president is examined by the head of the criminal chamber succeeding by number. The decision of the head of chamber of the last number is examined by the head of First Criminal Chamber. In the event that an indictment is prepared, the prosecution is made by the relevant criminal chamber of the Court of Cassation.”

**ARTICLE 3** – The following paragraphs were added to Article 47 of Law No 5235 on the Establishment, Duties and Jurisdiction of Judicial First Instance Judicial Courts and Regional Courts of Justice dated 26/9/2004.

“Regarding the appeals made against the decisions of non-prosecution with the claims of Chief Public Prosecutor’s Office as regards the proceedings requiring judge’s decision in the process of investigation, the head of the criminal chamber, following Criminal Chamber of

the Court of Cassation, dealing with the severest offense which is the subject of investigation, by number, renders the decision. The authority to examine the claim belongs to the Head of the First Criminal Chamber in the event that the offense falls within the jurisdiction of the criminal chamber of the last number. In the proceedings requiring judge's decision, the appeal made against the decisions given by the president is examined by the head of the criminal chamber succeeding by number. The decision of the head of chamber of the last number is examined by the head of First Criminal Chamber.

Articles 22 to 31 of Misdemeanors Law No 5326 of 30/03/2005 are applied in terms of the authority to render decisions of administrative sanction of Public Prosecutors of Regional Courts of Justice and criminal chambers. Appeal against the decisions of administrative sanctions given by the Public Prosecutor, can be made to the Criminal Chamber of the Regional Court of Justice.”

**ARTICLE 4** – The following Article 27/A was added to Law No 5490 on the Civil Registration Services of 25/4/2006, following its Article 27.

“The registration of divorce decisions given by judicial or administrative authorities of foreign countries on the civil registration

ARTICLE 27/A – (1) The decisions given by the judicial or administrative authorities of foreign countries regarding divorce, nullity, annulment, presence or absence of marriage are registered on the civil registration on condition that the parties make their application together in person or by attorney, the decision was given by the competent judicial or administrative authority pursuant to the laws of the state and procedurally finalized, and it is not explicitly contrary to Turkish public order.

(2) Registrations to be made on the civil registration are made abroad by foreign representations in the countries where the decision was given and in Turkey by civil registration offices determined by the Ministry.

(3) Recognition of decisions regarding which the claims of registration was rejected on the ground that the conditions stated in this article were not fulfilled is made under Law No 5718 on International Private and Procedural Law of 27/11/2007.

(4) Procedures and principles on the application of this article are determined by the Ministry by regulation.”

**ARTICLE 5** – The expression “to the Board” falling within the second sentence of Paragraph 9 of Article 38 of the Law No 6087 on the High Council of Judges and Prosecutors of 11/12/2010 was amended as “to the Chief Public Prosecutor’s Office of the Court of Cassation” and the following sentences were added to the same paragraph.

“Provisions of Paragraph 6 of Article 46 of the Law No 2797 on the Court of Cassation of 4/2/1983 are applied in the subsequent works and proceedings to be conducted by the Chief Public Prosecutor’s Office. In the event that an indictment is filed, the prosecution is conducted for the offenses regarding duties by the Constitutional Court acting in the capacity

of Supreme Court and by the relevant criminal chamber of the Court of Cassation for personal offenses.”

**ARTICLE 6** – The following additional article was added to Law No 6458 on Foreigners and International Protection of 4/4/2013.

“Seizure of the vehicle used for the offense of migrant smuggling

ADDITIONAL ARTICLE 1 – (1) The vehicles used while committing the offense of migrant smuggling are seized pursuant to Paragraph 4 of Article 128 of the Law No 5271 on Code of Criminal Procedure of 4/12/2004.

(2) Pursuant to the first paragraph, in the event that the seized vehicle;

a) is used again for committing the same offense while the investigation and prosecution is ongoing,

b) is not registered in Turkey,

c) is captured while a significant number of migrants are being carried according to the total number of passengers,

d) possesses special equipment facilitating the commission of offense,

the seized vehicle could not be returned to its owner. In this case, if the owner delivers the guarantee amounted to the value of the vehicle to the Ministry of Finance within thirty days from the date of the seizure, the vehicle is returned to the owner. Otherwise, the Ministry of Finance will immediately liquidate it without waiting for the conclusion of the investigation and prosecution. In the event that the liquidation occurs by sale, the amount left from income earned from the sale after covering the necessary expenses for the storage and sale of the vehicle is transferred into the deposit account in order to conduct proceedings according to the result of the prosecution.

(3) The value at the application of the provision of Paragraph 2 means the value inscribed in the full coverage insurance of the land vehicles; the value constituting the basis of hull and machinery insurance on marine vessels; the market price on uninsured vehicles and airway and railway vehicles.”

## **CHAPTER 5**

### **Regulations on the Inquiry Commission on the State of Emergency Measures**

**ARTICLE 52** – The following sentence was added to the beginning of the first sentence, of Paragraph 2 of Article 4 of the Decree Law No 685 on the Establishment of the Inquiry Commission on the State of Emergency Measures dated 2/1/2017, and Paragraph 3 of the same article was amended as follows:

“Members are considered to be granted leave of absence with salary by their institution during their duties at the Commission.”

“(3) Article 37 of Law No 6755 concerning the adoption of the amendments of the Decree Law on Measures to be Taken under the State of Emergency and Arrangements Made on Certain Institutions and Organizations dated 8/11/2016 is applied regarding legal, administrative, financial and criminal responsibilities of Commission members in relation to their decisions, duties and acts within the scope of their membership duties.”

**ARTICLE 53** – The following Paragraph was added to Article 10 of the Decree Law No 685.

“(3) Regarding the file concluded by the Commission, all documents in the Commission are transferred to the institution or organization in which the individual lastly performed duty for the files within the context of Paragraph 1, to the relevant institution or organization for the files within Paragraph 2, and to the institution or organization through which hostility is directed pursuant to the additional Article 1 for other files.”

**ARTICLE 54** – The expression “against the institution or organization in which the individual lastly performed duty” was added to Paragraph 1 of Article 11 of the Decree Law No 685, following the expression “before Ankara administrative courts” and the following sentence was added to the same Paragraph:

“Hostility could not be directed to the Prime Ministry in these cases.”

**ARTICLE 55** – The following additional article was added to the Decree Law No 685.

“Hostility at the cases to be initiated

**ADDITIONAL ARTICLE 1** – (1) Actions for annulment to be initiated against the Commission decisions are initiated against;

- a) The institution or organization which is the last place of duty by the individuals who are dismissed from public service, profession or the organization in which they perform duty,
- b) The Ministry of Defence by the individuals dismissed from Turkish Armed Forces including public servants and employees,
- c) The Ministry of Interior by the individuals dismissed from Gendarmerie General Command and Coast Guard Command,
- ç) The Ministry of National Education by the students dismissed from studentship,
- d) The Ministry of Interior by the associations closed,
- e) General Directorate of Foundations by the foundations closed,
- f) The Ministry of Labour and Social Security by the unions, federations and confederations closed,
- g) The Ministry of Health by the private health institutions closed,
- ğ) The Ministry of National Education by the private education institutions, private dormitories and lodgings for students closed,

h) The Ministry of National Education by the foundation-run higher education institutions closed,

i) Radio and Television Supreme Council by the private radio and television establishments closed,

i) Directorate General of Press and Information by the newspapers, periodicals, publishing houses, distribution channels and news agencies closed,

j) The Ministry of Interior by the Police Organization personnel who are retired ex officio, retired willingly, dismissed from profession or civil service, or considered to have resigned, and whose ranks are cancelled pursuant to the provisions of Police Organization Disciplinary Regulations,”

**ARTICLE 56** – The following sentences were added to Paragraph 3 of the provisional Article 1 of the Decree Law No 685.

“It is definitively ruled on the basis of the file that there is no need for judicial authorities to decide on these files and the expenses made by the parties be imposed on the parties, counsel’s fee could not be ruled. These files are forwarded to the Commission to be examined without the requirement of a new application.”

**ARTICLE 57** – The following provisional article was added to the Decree Law No 685.

“The applications to be referred to the Commission

PROVISIONAL ARTICLE 2 – (1) The applications made before the date when this Decree Law entered into force on the subjects within the context of this Decree Law are referred to the Commission to put into proceeding on condition that they are in accordance with the requirements in Article 7 except for time requirement.”

## **CHAPTER 6**

### **Arrangements Regarding Media Service Providers**

**ARTICLE 58** – The following Paragraph was added to sentence 2 of Paragraph 1 of Article 2 of Law No 6112 on the Establishment of Radio and Television Enterprises and their Media Services of 15/2/2011 following the expression “third”, with the expression “and the fourth”.

“(4) Broadcasting organizations that broadcast to Turkey in Turkish via satellites belonging to Turkey or that includes broadcasts of commercial communication for Turkey although the broadcasting language is not Turkish are considered to be under the jurisdiction of the State of the Republic of Turkey regardless of other Paragraphs of this Article. It is obligatory that these organizations also receive the broadcasting license from the Supreme Council as the organizations under the jurisdiction of the State of the Republic of Turkey.”

**ARTICLE 59** – The expression “tag information, contact address” in Paragraph 5 of Article 6 of Law No 6112 was amended as “tag, contact and address information and registered e-mail address”.

**ARTICLE 60** – The expression “without using protective symbol” in Paragraph 2 of Article 8 of Law No 6112 was amended as “even if a protective symbol is used” and the following Paragraph was added to the same Article:

“(4) It is not allowed to include friendship programs in which people are introduced and/or brought together with the aim of finding mates; to sell, commercialize and/or advertise any products including food supplements and similar supplementary products contrary to the relevant legislation; to promote chat, friendship lines and services in radio and television broadcasting services. Award and bonus under the name of competition, draw, lottery and so on could not be guaranteed in a way to mislead the audience and listeners and/or bring forth unjustifiable income by using value added telecommunication service numbers, numbers to be locally dialled, similar premium rate service numbers and other fixed and mobile numbers subject to specific charges and products could not be advertised, sold and commercialized with this method.”

**MADDE 61** – In Article 32 of Law No 6112;

a) In Paragraph 1, the expression “to the principles of broadcasting service in Subparagraphs “(a), (b), (d), (g), (n), (s), (§) and (t)” was amended as “to the principles of broadcasting service in Subparagraphs “(a), (b), (d), (f), (g), (ğ), (h), (n), (ö), (s), (§) and (t) and Paragraph 4 of the same Article”.

b) Sentence 1 of Paragraph 2 was amended as follows and Sentence 2 was repealed.

“Considering the severity of violation, broadcast environment and area, the media service provider who broadcast against the principles, liabilities and restrictions stated in other Subparagraphs of Paragraph 1 of and Paragraphs 2 and 3 of Article 8 and other Articles of this Law and/or do not fulfill the obligations determined by the Supreme Board within the context of the provisions of this Law is imposed an administrative fine from one percent up to three percent of gross commercial communication income in the month before the month when the violation was identified.”

c) The expression “to the principles” in Paragraph 5 was amended as “to the principles and Paragraph 4” and the following sentences were added to the same Paragraph.

“The broadcasting of the media service provider who has violated the Subparagraphs of Article 8 Paragraph 1 rather than the Subparagraphs (a), (b) and (d), Paragraph 2 of the same Article and any provisions regulating the commercial communication in the broadcasting services of this Law for more than 20 times in a year beginning from the notification of the sanction decision is ceased up to five days. In the event that the same violation is repeated in a year, it is decided that the broadcasting of media service provider be ceased for 5 to 10 days; in the event that the violation is repeated twice, it is decided that the broadcasting license be revoked. In the event that the media service provider institution continues to broadcast in violation of the requirements of decision in spite of the notification of sanction decision, it is decided that the broadcasting license be revoked.”

ç) The expression “and failure of the obligation regulated in Paragraph 5 of Article 6” was added to sentence 1 of Paragraph 6, following the expression “forfeiture”.

d) The following sentence was added to Paragraph 8.

“The Supreme Board could warn the media service provider institution instead of imposing administrative penalty for once only for each violation stated in Paragraph 2 considering the severity of violation, presence of unjustified income and its recurrence and administrative sanctions imposed in the last five years.”

e) The expression “and administrative sanction” was added to sentence 1 of Paragraph 10, following the expression “warning”; the expression “by forwarding it to e-mail address” in the same sentence was amended as “to the registered e-mail address” and sentence 2 of this Paragraph was amended as follows.

“The notice made to the address declared to the Supreme Council is regarded as a notification in the event that the notification could not be made to the registered e-mail address declared to the Supreme Council for a compelling reason.”

**ARTICLE 62** – The following Subparagraph was added to Paragraph 1 of Article 37 of Law No 6112, following the Subparagraph (v) and the present Subparagraph (y) was numarated by the Subparagraph (z).

“y) Considering the principle to protect the family and children in the broadcasting services, encouraging the family and child friendly productions and series to support the integrity and continuity of the family and physical, mental and moral development of children and young people pursuant to the procedures and principles to be determined together with the Ministry of Family and Social Policies on condition that it does not exceed twenty percent of the administrative fines imposed by supreme board in the previous year.”

## **CHAPTER 7**

### **Various and Final Provisions**

**ARTICLE 65** – The following additional Article was added to Law No 2547.

“ADDITIONAL ARTICLE 31 – Equivalency proceedings shall not be conducted for the diplomas and degrees which the people received from higher education institutions, institutes and centers abroad that the Ministry of National Education identified them to have membership, affiliation or connection with terrorist organizations or structures, formations or groups, established by the National Security Council as engaging terrorist activities against the national security of the State; and the proceedings that have been initiated in this respect shall not be concluded.”