

Question 14.a.

The Law on Public Officials No. 657;

1- Article 48 paragraph 1 subparagraph (A) item 5 titled "General and special conditions:" sets out that;

"...

Even if the periods specified in Article 53 of the Turkish Criminal Code have lapsed, not being convicted of an intentional offence for a penalty of 1 year or more imprisonment, of offences against the security of the state, crimes against the constitutional order and the functioning of this order, embezzlement, extortion, bribery, theft, fraud, forgery, breach of trust, fraudulent bankruptcy, bid rigging, bid rigging, bid rigging, laundering of assets derived from crime or smuggling, even if they have been pardoned,

...",

2- Article 98 titled "Termination of public service" sets out that:

"The civil service of civil servants ends in the following cases:

- a) Dismissal from civil service in accordance with the provisions of this law;
- b) Where it is subsequently understood that the individual does not fulfill any of the conditions for being a civil servant or where he loses any of these conditions during his civil service;
- c) Resignation from the civil service;
- ç) Retirement due to one of the reasons such as request, age limit, disability (...);
- d) Death of the civil servant."

3- Article 137 titled "Suspension from duty" governs that:

"Suspension is a precautionary measure taken for civil servants who are deemed inconvenient to remain on duty, when required by the State public services.

The measure of suspension may be taken at any stage of the investigation.",

4- Article 140 titled "Suspension during criminal prosecution" provides for that:

"Civil servants, who are subject to criminal prosecution by the courts, may also be dismissed by the authorities in Article 138.",

5- It is set forth in subparagraph (E) of the first paragraph of Article 125 titled "Types of disciplinary penalties and acts and situations to be punished" that:

"Dismissal from civil service shall mean being dismissed from civil service, not being appointed to the civil service again.

The acts and situations which are subject to the penalty of dismissal from the civil service are as follows:

- a) Disturbing the peace, harmony and working order of institutions for ideological or political purposes, participating in actions such as boycott, occupation, preventing the execution of public services, slowdown strike and other strikes, or being absent at work collectively for these purposes, provoking and encouraging or helping such,

- b) Printing, duplicating, distributing all kinds of prohibited publications or statements, posters, banners, tapes and so on for political or ideological purposes, or hanging or displaying these in any part of the institutions,
- c) Joining a political party,
- d) Not being on duty for a total of 20 days in a year without any excuse,
- e) Failing to carry out the duties or orders given by the superiors in matters related to war, state of emergency or general disasters,
- f) Assault against superiors, subordinates and employers,
- g) Engaging in disgraceful and embarrassing acts in a quality and degree that are incompatible with the title of civil servant,
- h) Disclosure of confidential information without authorization,
- i) Hiding those wanted for political and ideological actions on the work site,
- j) Engaging in attitudes and behaviors abroad that will discredit the State or damage the dignity of duty,
- k) Committing acts contrary to the Law No. 5816 on Crimes Committed Against Atatürk,
- l) Being in action with terrorist organizations, helping such organizations, using public facilities and resources to support such organizations or to make them be used, propagandizing for such organizations.

A heavier penalty shall be imposed in case of repetition of an act or situation that caused a disciplinary penalty to be removed from the employee's personnel file. In the third application of disciplinary penalties that require the same degree of penalty but are imposed due to separate acts or situations, one-degree heavier penalty shall be imposed.

One-degree lighter penalty may be applied to the civil servants who have positive work during their past service and who receive an award or certificate of achievement.

The same kind of disciplinary penalties shall be given to those who commit acts similar to the above-mentioned acts in terms of their nature and gravity and situations that require disciplinary penalty.

In cases where the penalty of stopping the advancement of the level is required to be imposed, one-fourth to one-half of the gross salary of civil servants, who are in the last ranks of the positions they can be promoted due to their educational background, shall be deducted and their duties shall be terminated in case of recurrence.

Provisions of special laws regarding disciplinary offences and penalties shall be reserved.

The fact that the above-mentioned disciplinary prosecution has been carried out does not prevent another criminal prosecution from being initiated against the accused if the act falls within the scope of the general provisions."

According to the Civil Servants Law No. 657, dismissal or expulsion from civil service is the termination of a civil servant's duty where it is subsequently understood that the individual does not fulfill any of the conditions for being a civil servant or where he loses any of these conditions during his civil service. Acts and situations requiring the penalty of dismissal from public service are regulated in Article 125

of the said Law, while it is stipulated in Article 140 that civil servants who are subject to criminal prosecution by the courts can be suspended from duty.