

The Constituon (1982)	Proposal
<p><b>X. Equality before the Law</b></p> <p><b>ARTICLE 10.</b> All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations.</p> <p>Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice.</p> <p>No privilege shall be granted to any individual, family, group or class.</p> <p>State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings.</p>	<p><b>X. Equality before the Law</b></p> <p><b>ARTICLE 10.</b> All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations.</p> <p>Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice. <b><u>Measures taken for this purpose shall not be interpreted as contrary to the principle of equality.</u></b></p> <p><b><u>Measures taken for the persons that require special care such as children, the elderly and the disabled cannot be considered as contrary to the principle of equality.</u></b></p>
<p><b>ARTICLE 20.</b> Everyone has the right to demand respect for his or her private and family life. Privacy of an individual or family life cannot be violated. Unless there exists a decision duly passed by a judge on one or several of the grounds of national security, public order, prevention of crime commitment, protection of public health and public morals, a written order of an agency authorised by law in cases where delay is prejudicial, again on the above-mentioned grounds, neither the person nor the private papers, nor belongings, of an individual shall be searched nor shall they be seized. The decision of the authorized agency shall be submitted for the approval of the judge having jurisdiction within 24 hours. The judge shall announce his decision within 48 hours from the time of seizure; otherwise, seizure shall automatically be lifted.</p>	<p><b>ARTICLE 20.</b> Everyone has the right to demand respect for his or her private and family life. Privacy of an individual or family life cannot be violated. Unless there exists a decision duly passed by a judge on one or several of the grounds of national security, public order, prevention of crime commitment, protection of public health and public morals, a written order of an agency authorised by law in cases where delay is prejudicial, again on the above-mentioned grounds, neither the person nor the private papers, nor belongings, of an individual shall be searched nor shall they be seized. The decision of the authorized agency shall be submitted for the approval of the judge having jurisdiction within 24 hours. The judge shall announce his decision within 48 hours from the time of seizure; otherwise, seizure shall automatically be lifted.</p>

	<p><u>All individuals have the right to request the protection of their personal data. This right includes being informed of, having access to and requesting the correction and deletion of their personal data and to be informed whether these are used in consistency with envisaged objectives. Personal data can be processed only in cases envisaged by law or by the individual's own consent. The principles and procedures regarding the protection of personal data are laid down in law.</u></p>
<p><b>ARTICLE 23.</b> Everyone has the right to freedom of residence and movement. Freedom of residence may be restricted by law for the purpose of preventing offences, promoting social and economic development, ensuring sound and orderly urban growth, and protecting public property; freedom of movement may be restricted by law for the purpose of investigation and prosecution of an offence, and prevention of offences. A citizen's freedom to leave the country may be restricted on the basis of <del>civic obligations, or criminal</del> investigation or prosecution.</p> <p>Citizens may not be deported, or deprived of their right of entry to their homeland</p>	<p><b>ARTICLE 23.</b> Everyone has the right to freedom of residence and movement. Freedom of residence may be restricted by law for the purpose of preventing offences, promoting social and economic development, ensuring sound and orderly urban growth, and protecting public property; freedom of movement may be restricted by law for the purpose of investigation and prosecution of an offence, and prevention of offences. A citizen's freedom to leave the country may be restricted <b><u>only by a court decision</u></b> based on <b><u>criminal</u></b> investigation or prosecution.</p> <p>Citizens may not be deported, or deprived of their right of entry to their homeland.</p>
<p>SOCIAL AND ECONOMIC RIGHTS AND DUTIES</p> <p><b>I. Protection of the Family</b></p> <p><b>ARTICLE 41.</b> The family is the foundation of the Turkish society and based on the equality between the spouses.</p>	<p>SOCIAL AND ECONOMIC RIGHTS AND DUTIES</p> <p><b>I. Protection of the Family and <u>Children's Rights</u></b></p> <p><b>ARTICLE 41.</b> The family is the foundation of the Turkish society and based on the equality between the spouses.</p>

The state shall take the necessary measures and establish the necessary organization to ensure the peace and welfare of the family, especially where the protection of the mother and children is involved, and recognizing the need for education in the practical application of family planning.

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**Every child has the right to adequate protection and care and the right to have and maintain a personal and direct relation with his/her parents unless it is contrary to his/her high interests.**

**The State shall take measures for the protection of the child against abuse, sexuality and violence.**

#### **A. Right of Collective Bargaining**

**ARTICLE 53.** Workers and employers have the right to conclude collective bargaining agreements in order to regulate reciprocally their economic and social position and conditions of work.

The procedure to be followed in concluding collective bargaining agreements shall be regulated by law.

~~The unions and their higher organizations, which are to be established by the public employees mentioned in the first paragraph of Article 128 and which do not fall under the scope of the first and second paragraphs of the same article and also Article 54, may appeal to judicial authorities on behalf of their members and may hold collective bargaining meetings with the administration in accordance with their aims. If an agreement is reached as a result of collective bargaining, a text of the agreement will be signed by the parties. Such text shall be presented to the Council of Ministers so that administrative or judicial~~

#### **A. Right of Collective Bargaining and Collective Agreement**

**ARTICLE 53.** Workers and employers have the right to conclude collective bargaining agreements in order to regulate reciprocally their economic and social position and conditions of work.

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~~arrangements can be made. If such a text cannot be concluded by collective bargaining, the agreed and disagreed points will also be submitted for the consideration of the Council of Ministers by the relevant parties. The regulations for the execution of this article are stipulated by law.~~

More than one collective bargaining agreement at the same place of work for the same period shall not be concluded or put into effect.

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**Public servants and other public employees have the right to conclude collective agreements.**

**The parties may apply to Reconciliation Board if a dispute arises during the process of collective agreement. The decisions of the Reconciliation Board shall be final and have the force of a collective agreement.**

**The scope of and the exceptions to the right of collective agreement, the persons to benefit from and the form, procedure and entry into force of collective agreement, as well as the organization and operating procedures and principles of the Reconciliation Board and other matters shall be laid down in law.**

**B. Principles to be Observed by Political Parties**

**ARTICLE 69.** The activities, internal regulations and operation of political parties shall be in line with democratic principles. The application of these principles is regulated by law.

Political parties shall not engage in commercial activities.

The income and expenditure of political parties shall be consistent with their objectives. The application of this rule is regulated by law. The auditing of the income, expenditure and acquisitions of political parties by the Constitutional Court as well as the establishment of the conformity to law of their revenue and expenses, methods of auditing

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Political parties shall not engage in commercial activities.

The income and expenditure of political parties shall be consistent with their objectives. The application of this rule is regulated by law. **The financial auditing of the political parties shall be carried out by the Court of Auditors.** The auditing of the income, expenditure and acquisitions of political parties by the **Court of Auditors** as well as the

and sanctions to be applied in the event of unconformity shall also be regulated by law. The Constitutional Court shall be assisted in performing its task of auditing by the Court of Accounts. The judgments rendered by the Constitutional Court as a result of the auditing shall be final.

The dissolution of political parties shall be decided finally by the Constitutional Court after the filing of a suit by the office of the Chief Public Prosecutor of the Republic.

~~The permanent dissolution of a political party shall be decided when it is established that the statute and programme of the political party violate the provisions of the fourth paragraph of Article 68.~~

The decision to dissolve a political party permanently owing to activities violating the provisions of the fourth paragraph of Article 68 may be rendered only when the Constitutional Court determines that the party in question has become a centre for the execution of such activities. A political party shall be deemed to become the centre of such actions only when such actions are carried out intensively by the members of that party or the situation is shared implicitly or explicitly by the grand congress, general chairmanship or the central decision-making or administrative organs of that party or by the group's general meeting or group executive board at the Turkish Grand National Assembly or when these activities are carried out in determination by

establishment of the conformity to law of their revenue and expenses, methods of auditing and sanctions to be applied in the event of unconformity shall also be regulated by law. The judgments rendered by the **Court of Auditors** as a result of the auditing shall be final.

The dissolution of political parties **shall be decided finally by the Constitutional Court. Upon the request of** the office of the Chief Public Prosecutor of the Republic **for dissolution, the authorization to file a suit shall be granted by a Commission of the Turkish Grand National Assembly. The Commission convening under the chairmanship of the Speaker of the Assembly will compose of five members from each political party having a group in the Turkish Grand National Assembly and will decide for the authorization to file a suit by two-thirds majority, through secret ballot. The decision of the Commission is outside the scope of the judicial review. The reasons expressed in the rejected application for authorization cannot be raised in a new application. A debate cannot be held and a decision cannot be taken concerning the authorization at the group meetings of political party and at the Turkish Grand National Assembly.**

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the above-mentioned party organs directly.

Instead of dissolving them ~~permanently~~ in accordance with the above-mentioned paragraphs, the Constitutional Court may rule the concerned party to be deprived of State aid wholly or in part with respect to intensity of the actions brought before the court.

~~A party which has been dissolved permanently cannot be founded under another name.~~

The members, including the founders of a political party whose acts or statements have caused the party to be dissolved ~~permanently~~ cannot be founders, members, directors or supervisors in any other party for a period of **five** years from the date of publication in the official gazette of the Constitutional Court's final decision and its justification for ~~permanently~~ dissolving the party.

Political parties which accept financial assistance from foreign states, international institutions and persons and corporate bodies shall be dissolved ~~permanently~~

The foundation and activities of political parties, their supervision and dissolution, or their deprivation of State aid wholly or in part as well as the election expenditures and procedures of the political parties and candidates, are regulated by law in accordance with the above-mentioned principles.

directly. Notes cast and statements expressed in the course of parliamentary meetings, the views expressed at the Assembly, and unless the Assembly decides otherwise, repeating or revealing these outside the Assembly cannot be taken into account in determining whether a political party has become the center for the execution of such activities.

Instead of dissolving them under the previous paragraph, the Constitutional Court may rule the concerned party to be deprived of State aid wholly or in part with respect to intensity of the actions brought before the court. Deprivation from the state aid is subject to procedure of the case and the decision of dissolution, and cannot be the subject of a separate case.

The members, including the founders of a political party whose acts or statements have caused the party to be dissolved cannot be founders, members, directors or supervisors in any other party for a period of **three** years from the date of publication in the official gazette of the Constitutional Court's final decision and its justification for dissolving the party.

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The foundation and activities of political parties, their supervision and dissolution, or their deprivation of State aid wholly or in part as well as the election expenditures and procedures of the political parties and candidates, are regulated by law in accordance with the above-mentioned principles.

**VII. Right of Petition**

**ARTICLE 74.** Citizens and foreigners resident considering the principle of reciprocity have the right to apply in writing to the competent authorities and to the Turkish Grand National Assembly with regard to the requests and complaints concerning themselves or the public.

The result of the application concerning himself shall be made known to the petitioner in writing without delay.

~~The way of exercising this right shall be determined by law.~~

**VII. Right of Petition, Right to Information and Appeal to the Ombudsman**

**ARTICLE 74.** Citizens and foreigners resident considering the principle of reciprocity have the right to apply in writing to the competent authorities and to the Turkish Grand National Assembly with regard to the requests and complaints concerning themselves or the public.

The result of the application concerning himself shall be made known to the petitioner in writing without delay.

**Everyone has the right to obtain information and appeal to the Ombudsman.**

**The Institution of the Ombudsman established under the Turkish Grand National Assembly examines complaints on the functioning of the administration.**

**The Ombudsman shall be elected by the Turkish Grand National Assembly for a term of four years by secret ballot. In the first two ballots, a two-thirds majority of the component members and in the third ballot, an absolute majority of the component members shall be required. If an absolute majority cannot be obtained in the third ballot, a fourth ballot shall be held between the two candidates who have received the greatest number of votes in the third ballot; the candidate who receives the greatest number of votes in the fourth ballot shall be elected.**

**The way of exercising the rights referred to in this article,**

	<p><b><u>the establishment, duties, functioning and actions of the Ombudsman institution to be taken after the examination and the procedures and principles regarding the qualifications, elections and personnel rights of the Ombudsman and his/her officials shall be laid down in law.</u></b></p>
<p><b>5. Loss of Membership</b></p> <p><b>ARTICLE 84.</b> The loss of membership of a deputy who has resigned shall be decided upon by the plenary of the Turkish Grand National Assembly after the Bureau of the Turkish Grand National Assembly attests to the validity of the resignation.</p> <p>The loss of membership, through a final judicial sentence or deprivation of legal capacity, shall take effect after the final court decision in the matter has been communicated to the plenary of the Turkish Grand National Assembly.</p> <p>The loss of membership of a deputy who insists on holding a position or continues an activity incompatible with membership according to Article 82, shall be decided by a secret plenary vote, upon the submission of a report drawn up by the authorized commission setting out the factual situation.</p> <p>Loss of membership by a deputy who fails to attend without excuse or permission, five meetings in a period of one month shall be decided by an absolute majority of the total number of members after the Bureau of the Turkish Grand National Assembly determines the situation.</p> <p><del>The membership of a deputy whose statements and acts are cited in a final judgment by the Constitutional Court as having caused the permanent dissolution of his party shall terminate on the date when the decision in question and its justifications are published in the Official Gazette. The speaker of the Turkish Grand National Assembly shall immediately take the necessary action concerning such decision and shall inform the plenary of the Turkish Grand</del></p>	<p><b>5. Loss of Membership</b></p> <p><b>ARTICLE 84.</b> The loss of membership of a deputy who has resigned shall be decided upon by the plenary of the Turkish Grand National Assembly after the Bureau of the Turkish Grand National Assembly attests to the validity of the resignation.</p> <p>The loss of membership, through a final judicial sentence or deprivation of legal capacity, shall take effect after the final court decision in the matter has been communicated to the plenary of the Turkish Grand National Assembly.</p> <p>The loss of membership of a deputy who insists on holding a position or continues an activity incompatible with membership according to Article 82, shall be decided by a secret plenary vote, upon the submission of a report drawn up by the authorized commission setting out the factual situation.</p> <p>Loss of membership by a deputy who fails to attend without excuse or permission, five meetings in a period of one month shall be decided by an absolute majority of the total number of members after the Bureau of the Turkish Grand National Assembly determines the situation.</p> <p><b><u>The final paragraph is repealed.</u></b></p>

~~National Assembly accordingly.~~

### **B. Bureau of the Assembly**

**ARTICLE 94.** The Bureau of the Assembly of the Turkish Grand National Assembly shall be composed of the Speaker, the Deputy Speaker, Secretary Members, and Administrative Members elected from among the Assembly members.

The Bureau of the Assembly shall be so composed as to ensure proportionate representation to the number of members of each political party group in the Assembly. Political party groups shall not nominate candidates for the Office of the Speaker.

Two elections to the Bureau of the Turkish Grand National Assembly shall be held in the course of one legislative term. The term of office of those elected in the first round is two years and the term of office of those elected in the second round is ~~three years.~~

The candidates from among the members of the Assembly for the Office of the Speaker of the Turkish Grand National Assembly shall be announced, within five days of the convening of the Assembly, to the Bureau of the Assembly. Election of the Speaker shall be held by secret ballot. In the first two ballots, a two-thirds majority of the total number of members, and in the third ballot an absolute majority of the total number of members is required. If an absolute majority cannot be obtained in the third ballot a fourth ballot shall be held between the two candidates who have received the highest number of votes in the third ballot; the member who receives the greatest number of votes in the fourth ballot shall be elected Speaker. The election of the Speaker shall be completed within five days of the expiry of the period for the nomination of candidates.

The quorum required for election, the number of ballots and its procedure, the number of Deputy Speakers, Secretary Members and Administrative Members, shall be stipulated by the Assembly Rules of Procedure.

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The candidates from among the members of the Assembly for the Office of the Speaker of the Turkish Grand National Assembly shall be announced, within five days of the convening of the Assembly, to the Bureau of the Assembly. Election of the Speaker shall be held by secret ballot. In the first two ballots, a two-thirds majority of the total number of members, and in the third ballot an absolute majority of the total number of members is required. If an absolute majority cannot be obtained in the third ballot a fourth ballot shall be held between the two candidates who have received the highest number of votes in the third ballot; the member who receives the greatest number of votes in the fourth ballot shall be elected Speaker. The election of the Speaker shall be completed within five days of the expiry of the period for the nomination of candidates.

The quorum required for election, the number of ballots and its procedure, the number of Deputy Speakers, Secretary Members and Administrative Members, shall be stipulated by the Assembly Rules of Procedure.

The Speaker and Deputy Speaker of the Turkish Grand National Assembly cannot participate in the activities of the political party or party group in which they are a member, nor in debates, within or outside the Assembly, except in cases required by their functions; the Speaker and the Deputy Speaker who is presiding over the session shall not vote.

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### **B. Recourse to Judicial Review**

**ARTICLE 125.** Recourse to judicial review shall be available against all actions and acts of administration. National or international arbitration may be suggested to settle the disputes which arise from conditions and contracts under which concessions are granted concerning public services. Only those disputes involving foreign elements can be solved by international arbitration.

The acts of the President of the Republic on his or her own competence, and the decisions of the Supreme Military Council are outside the scope of judicial review.

In suits filed against administrative acts, the statute of limitations shall be effective from the date of written notification.

Judicial power is limited to the verification of the conformity of the actions and acts of the administration with law . No judicial ruling shall be passed which restricts the exercise of the executive function in accordance with the forms and principles prescribed by law, which has the quality of an administrative action and act, or which removes discretionary powers.

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The acts of the President of the Republic on his or her own competence, and the decisions of the Supreme Military Council are outside the scope of judicial review. **Nonetheless, recourse to judicial review shall be available against all decisions taken by the Supreme Military Council regarding expulsion from the Armed Forces.**

In suits filed against administrative acts, the statute of limitations shall be effective from the date of written notification.

Judicial power is limited to the verification of the conformity of the actions and acts of the administration with law **and in no case it can be used as the supervision of expediency.** No judicial ruling shall be passed which restricts the exercise of the executive function in accordance with the forms and principles prescribed by law, which has the quality of an administrative action and act, or which removes discretionary powers.

<p>If the implementation of an administrative act should result in damages which are difficult or impossible to compensate for, and at the same time this act is clearly unlawful, then a stay of execution may be decided upon, stating the reasons why.</p> <p>The law may restrict the issuing of stay of execution orders in cases of state of emergency, martial law, mobilisation and state of war, and for reasons of national security, public order and public health.</p> <p>The administration shall be liable to compensate for damages resulting from its actions and acts.</p>	<p>If the implementation of an administrative act should result in damages which are difficult or impossible to compensate for, and at the same time this act is clearly unlawful, then a stay of execution may be decided upon, stating the reasons why.</p> <p>The law may restrict the issuing of stay of execution orders in cases of state of emergency, martial law, mobilisation and state of war, and for reasons of national security, public order and public health.</p> <p>The administration shall be liable to compensate for damages resulting from its actions and acts.</p>
<p>1. General Principles</p> <p>ARTICLE 128. - The fundamental and permanent functions required by the public services that the state, state economic enterprises and other public corporate bodies are assigned to perform, in accordance with principles of general administration, shall be carried out by public servants and other public employees.</p> <p>The qualifications of public servants and other public employees, procedures governing their appointments, duties and powers, their rights and responsibilities, salaries and allowances, and other manners related to their status shall be regulated by law.</p> <p>The procedure and principles governing the training of senior administrators shall be specially regulated by law.</p> <p><b>2. Duties and Responsibilities, and Guarantees During Disciplinary Proceedings</b></p>	<p>1. General Principles</p> <p>ARTICLE 128. - The fundamental and permanent functions required by the public services that the state, state economic enterprises and other public corporate bodies are assigned to perform, in accordance with principles of general administration, shall be carried out by public servants and other public employees.</p> <p>The qualifications of public servants and other public employees, procedures governing their appointments, duties and powers, their rights and responsibilities, salaries and allowances, and other manners related to their status shall be regulated by law, <b><u>without prejudice to provisions on collective agreement concerning financial and social rights.</u></b></p> <p>The procedure and principles governing the training of senior administrators shall be specially regulated by law.</p>

ARTICLE 129 - Public servants and other public employees are obliged to carry out their duties with loyalty to the Constitution and the laws.

Public servants, other public employees and members of public professional organisations or their higher bodies shall not be subjected to disciplinary penalties without being granted the right of defence.

Disciplinary decisions shall be subject to judicial review, ~~with the exception of warnings and reprimands.~~

Provisions concerning the members of the Armed Forces, judges and prosecutors are reserved.

Actions for damages arising from faults committed by public servants and other public employees in the exercise of their duties shall be brought against the administration only in accordance with the procedure and conditions prescribed by law, and subject to recourse to them.

Prosecution of public servants and other public employees for alleged offences shall be subject, except in cases prescribed by law, to the permission of the administrative authority designated by law.

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Prosecution of public servants and other public employees for alleged offences shall be subject, except in cases prescribed by law, to the permission of the administrative authority designated by law.

<p><b><u>G. — Supervision of Judges and Public Prosecutors</u></b>  <del>ARTICLE 144. Supervision of judges and public prosecutors with regard to the performance of their duties in accordance with laws, regulations, by laws and circulars (administrative circulars, in the case of judges), investigation into whether they have committed offences in connection with, or in the course of their duties, whether their behaviour and attitude are in conformity with their status and duties and if necessary, inquiry and investigations concerning them shall be made by judiciary inspectors with the permission of the Ministry of Justice. The Minister of Justice may request the investigation or inquiry to be conducted by a judge or public prosecutor who is senior to the judge or public prosecutor to be investigated.</del></p> <p><b>H. Military Justice</b>  <del>ARTICLE 145 - Military justice shall be exercised by military courts and military disciplinary courts. <u>These courts shall have jurisdiction to try military personnel for military offences, for offences committed by them against other military personnel or in military places, or for offences connected with military service and duties.</u></del></p> <p><del>Military courts also have jurisdiction to try non-military persons for military offences specified in the special law; and for offences committed while performing their duties specified by law, or against military personnel on military places specified by law</del></p> <p><del>The offences and persons falling within the jurisdiction of military courts in time of war or under martial law, their organisation and the</del></p>	<p><b><u>G. Supervision of judicial services</u></b></p> <p><b><u>ARTICLE 144- Supervision of judicial services and public prosecutors with regard to their administrative duties shall be carried out by the Ministry of Justice through judiciary inspectors. The procedures and principles regarding supervision shall be laid down in law.</u></b></p> <p><b>H. Military Justice</b>  <del>ARTICLE 145 - Military justice shall be exercised by military courts and military disciplinary courts. <u>These courts shall only have jurisdiction to try military personnel for military offences related to military services and duties.</u></del></p> <p><b><u>Cases regarding crimes against the security of the State, constitutional order and its functioning shall be heard before the civil courts in any event.</u></b></p> <p><b><u>Non-military personnel shall not be tried in military courts, except during war time.</u></b></p>

<p>appointment, where necessary, of judges and public prosecutors from courts of justice to military courts shall be regulated by law.</p> <p>The organisation of military judicial organs, their functions, matters relating to the status of military judges, relations between military judges acting as military prosecutors and the office of commander under which they serve, shall be regulated by law in accordance with the principles of the independence of courts and the security of tenure of judges and <del>with the requirements of military service. Relations between military judges and the office of commander under which they serve, regarding the requirements of military service apart from judicial functions, shall also be prescribed by law.</del></p>	<p>The offences and persons falling within the jurisdiction of military courts in time of war, their organisation and the appointment, where necessary, of judges and public prosecutors from courts of justice to military courts shall be regulated by law.</p> <p>The organisation of military judicial organs, their functions, matters relating to the status of military judges, relations between military judges acting as military prosecutors and the office of commander under which they serve, shall be regulated by law in accordance with the principles of the independence of courts and the security of tenure of judges.</p>
<p><b>A. Constitutional Court</b></p> <p><b>1. Organisation</b></p> <p><b>ARTICLE 146.</b> -The Constitutional Court shall be composed of eleven regular and four substitute members.</p> <p>The President of the Republic shall appoint two regular and two substitute members from the High Court of Appeals, two regular and one substitute member from the Council of State, and one member each from the Military High Court of Appeals, the High Military Administrative Court and the Audit Court, three candidates being nominated for each vacant office by the Plenary Assemblies of each court from among their respective presidents and members, by an absolute majority of the total number of members; the President of the</p>	<p><b>A. Constitutional Court</b></p> <p><b>1. Organisation</b></p> <p><b>ARTICLE 146.</b> – The Constitutional Court shall be composed of <u>nineteen</u> members.</p> <p><u><b>Turkish Grand National Assembly shall elect two members among the presidents and members of the Court of Auditors, from among three candidates to be nominated for each vacant position, and one member by secret ballot, from among three candidates nominated from among lawyers by the heads of the Bar Associations. In this election to be carried out in the Turkish Grand National Assembly, two thirds majority of the component members for each vacant</b></u></p>

Republic shall also appoint one member from a list of three candidates nominated by the Higher Education Council from among members of the teaching staff of institutions of higher education who are not members of the Council, and three members and one substitute member from among senior administrative officers and lawyers.

**position shall be required for the first ballot, and absolute majority of component members shall be required for the second ballot. If an absolute majority cannot be obtained in the second ballot, a third ballot shall be held between the two candidates who have received the greatest number of votes in the second ballot; the member who receives the greatest number of votes in the third ballot shall be elected.**

**The President shall choose three members from High Court of Appeals, two members from Council of State, one member from the High Military Administrative Court from among three candidates to be nominated for each vacant position by their respective plenary assemblies; shall choose three members from among three candidates to be nominated for each vacant position by the Council of Higher Education from among academicians who are not members of the Council; shall choose five members from among high level executives, self-employed lawyers or rapporteurs of the Constitutional Court; and shall choose two members from among Turkish citizens with higher education.**

**In the elections to be held in the respective plenary assemblies of the High Court of Appeals, High Military Administrative Court and the Court of Auditors for nominating candidates for membership of the Constitutional Court, a member may vote only for one candidate for each vacant position; three persons obtaining the greatest number of votes shall be nominated. In the elections to be held for the three candidates nominated from among lawyers by the heads of Bar Associations, each head of the Bar Association may vote only for one candidate and three persons obtaining the greatest number of votes shall be nominated.**

<p>To qualify for appointments as regular or substitute members of the Constitutional Court, members of the teaching staff of institutions of higher education, senior administrative officers and lawyers shall be required to be over the age of forty and to have completed their higher education, or to have served at least fifteen years as a member of the teaching staff of institutions of higher education or to have actually worked at least fifteen years in public service or to have practiced as a lawyer for at least fifteen years.</p> <p>The Constitutional Court shall elect a president <del>and Deputy president</del> from among its <del>regular</del> members for a term of four years by secret ballot and by an absolute majority of the total number of members. They may be re-elected at the end of their term of office.</p> <p>The members of the Constitutional Court shall not assume other official and private functions, apart from their main functions.</p>	<p><b><u>To qualify for appointments as members of the Constitutional Court; academicians shall be required to possess the title of associate professor or professor; lawyers shall be required to have practiced as a lawyer for at least twenty years; and high level executives shall be required to have completed higher education and to have worked for at least twenty years in public service, on the condition that they are all over the age of forty five.</u></b></p> <p><b><u>The Constitutional Court shall elect a president and three heads of chamber from among its members for a term of four years by secret ballot and by an absolute majority of component members. They may be re-elected at the end of their term of office.</u></b></p> <p>The members of the Constitutional Court shall not assume other official and private functions, apart from their main functions.</p>
<p><b>2. Termination of membership</b></p> <p><b>ARTICLE 147.</b> - The members of the Constitutional Court shall retire on reaching the age of sixty-five.</p>	<p><b><u>2. Term of office of the members and termination of membership</u></b></p> <p><b><u>ARTICLE 147-</u></b> <b><u>The members of the Constitutional Court shall be elected for a term of twelve years. A member may not be re-elected.</u></b> The members of the Constitutional Court shall retire on reaching the age of sixty-five. <b><u>The appointment of the members to another office whose term of office expires prior to their mandatory age of retirement and matters regarding their employment rights shall be laid down in law.</u></b></p>

<p>Membership in the Constitutional Court shall terminate automatically if a member is convicted of an offence requiring his dismissal from the judicial profession, it shall terminate by a decision of an absolute majority of the total number of members of the Constitutional Court if it is definitely established that he is unable to perform his duties on account of ill-health</p>	<p>Membership in the Constitutional Court shall terminate automatically if a member is convicted of an offence requiring his dismissal from the judicial profession, it shall terminate by a decision of an absolute majority of the total number of members of the Constitutional Court if it is definitely established that he is unable to perform his duties on account of ill-health</p>
<p><b>3. Functions and Powers</b></p> <p><b>ARTICLE 148.</b> - The Constitutional Court shall examine the constitutionality, in respect of both form and substance, of laws, decrees having the force of law, and the Rules of Procedure of the Turkish Grand National Assembly. Constitutional amendments shall be examined and verified only with regard to their form. However, no action shall be brought before the Constitutional Court alleging unconstitutionality as to the form or substance of decrees having the force of law issued during a state of emergency, martial law or in time of war.</p> <p>The verification of laws as to form shall be restricted to consideration of whether the requisite majority was obtained in the last ballot; the verification of constitutional amendments shall be restricted to consideration of whether the requisite majorities were obtained for the proposal and in the ballot, and whether the prohibition on debates under urgent procedure was complied with. Verification as to form may be requested by the President of the Republic or by one-fifth of the members of the Turkish Grand National Assembly. Applications for annulment on the grounds of defect in form shall not be made more than ten days after the date on which the law was promulgated; nor shall objection be raised.</p>	<p><b>3. Functions and Powers</b></p> <p><b>ARTICLE 148.</b> - The Constitutional Court shall examine the constitutionality, in respect of both form and substance, of laws, decrees having the force of law, and the Rules of Procedure of the Turkish Grand National Assembly and decides <u>on the applications of constitutional complaints.</u> Constitutional amendments shall be examined and verified only with regard to their form. However, no action shall be brought before the Constitutional Court alleging unconstitutionality as to the form or substance of decrees having the force of law issued during a state of emergency, martial law or in time of war.</p> <p>The verification of laws as to form shall be restricted to consideration of whether the requisite majority was obtained in the last ballot; the verification of constitutional amendments shall be restricted to consideration of whether the requisite majorities were obtained for the proposal and in the ballot, and whether the prohibition on debates under urgent procedure was complied with. Verification as to form may be requested by the President of the Republic or by one-fifth of the members of the Turkish Grand National Assembly. Applications for annulment on the grounds of defect in form shall not be made more than ten days after the date.</p>

The President of the Republic, members of the Council of Ministers, presidents and members of the Constitutional Court, of the High Court of Appeals, of the Council of State, of the Military High Court of Appeals, of the High Military Administrative Court of Appeals, their Chief Public Prosecutors, Deputy Public Prosecutors of the Republic, and the presidents and members of the Supreme Council of Judges and Public Prosecutors, and of the Audit Court shall be tried for offences relating to their functions by the Constitutional Court in its capacity as the Supreme Court.

The Chief Public Prosecutor of the Republic or Deputy Chief Public Prosecutor of the Republic shall act as public prosecutor in the Supreme Court.

The judgements of the Supreme Court shall be final.

**Everyone may apply to the Constitutional Court on the grounds that one of the constitutional rights and freedoms within the scope of the European Convention on Human Rights has been violated by public authorities and on the condition that all other legal remedies have been exhausted.**

**In constitutional complaints, judicial review shall not be made for matters which would be taken into account during the process of recourse to legal remedies.**

**Procedures and principles concerning constitutional complaints shall be laid down in law.**

The President of the Republic, members of the Council of Ministers, presidents and members of the Constitutional Court, of the High Court of Appeals, of the Council of State, of the Military High Court of Appeals, of the High Military Administrative Court of Appeals, their Chief Public Prosecutors, Deputy Public Prosecutors of the Republic, and the presidents and members of the Supreme Council of Judges and Public Prosecutors, and of the Audit Court shall be tried for offences relating to their functions by the Constitutional Court in its capacity as the Supreme Court.

The Chief Public Prosecutor of the Republic or Deputy Chief Public Prosecutor of the Republic shall act as public prosecutor in the Supreme Court.

**Applications for judicial review can be made against the decisions of the Supreme Court. Decisions taken by the plenary assembly regarding this application shall be final.**

The Constitutional Court shall also perform the other functions given to it by the Constitution.

The Constitutional Court shall also perform the other functions given to it by the Constitution.

#### **4. Functioning and Trial Procedure**

**ARTICLE 149.** - (As amended: 3.10.2001-4709/33) The Constitutional Court shall convene with its president and ten members, and shall take decisions by absolute majority. Decision of annulment of Constitutional amendments and closure in the cases of the political parties shall be taken by three-fifths majority.

The Constitutional Court shall give priority to the consideration of, and to decisions on, applications for annulment on the grounds of defect in form

The organisation and trial procedures of the Constitutional Court shall be determined by law; its method of work and the division of labour among its members shall be regulated by the Rules of Procedure made

#### **4. Functioning and Trial Procedure**

**ARTICLE 149. – Constitutional Court consists of three chambers and a plenary assembly. The chambers convene with the participation of four members under the chairmanship of the head of the chamber. The plenary assembly shall convene with the participation of at least fourteen members under the chairmanship of the president of the Court. The chambers and the plenary assembly shall take decisions by absolute majority. Preliminary investigation committees shall be established to investigate the admissibility of the constitutional complaints.**

**The preliminary assembly shall hear the cases and applications concerning political parties, actions for annulment and objection and trials where it acts as the Supreme Court.**

**Annulment of constitutional amendments, dissolution of political parties or their deprivation from state aid shall be decided with a two thirds majority of component members.**

The Constitutional Court shall give priority to the consideration of, and to decisions on, applications for annulment on the grounds of defect in form

**The organisation of the Constitutional Court and trial procedures of the plenary assembly and the chambers shall be laid down in law; its operating principles, organisation of the chambers and commissions,**

<p>by the Court.</p> <p>The Constitutional Court shall examine cases on the basis of documents in the case file, except where it acts as the Supreme Court. However, when it deems necessary, it may call on those concerned and those having knowledge relevant to the case, to present oral explanations (Annexed sentence: 23.7.1995 - 4121/14 Article) and in lawsuits <del>on whether to permanently dissolve a political party or not</del>, the Constitutional Court shall hear the defence of the chairman of the party whose dissolution is in process or of a proxy appointed by the chairman, after the Chief Public Prosecutor of the Republic.</p>	<p><b><u>and the division of labour shall be set out by the Rules of Procedure drawn up by the Court.</u></b></p> <p>The Constitutional Court shall examine cases on the basis of documents in the case file, except where it acts as the Supreme Court. Nonetheless, <b><u>it may be decided to hold a hearing in the applications of constitutional complaints.</u></b> When it deems necessary, the Court <b><u>also</u></b> may call on those concerned and those having knowledge relevant to the case, to present oral explanations (Annexed sentence: 23.7.1995 - 4121/14 Article) and in lawsuits on whether to permanently dissolve a political party or not, the Constitutional Court shall hear the defence of the chairman of the party whose dissolution is in process or of a proxy appointed by the chairman, after the Chief Public Prosecutor of the Republic.</p>
<p><b>D. Military High Court of Appeals</b></p> <p><b>ARTICLE 156</b> - The Military High Court of Appeals is the last instance for reviewing decisions and judgements given by military courts. It shall also be the first and last instance for dealing with specific cases designated by law concerning military personnel.</p> <p>Members of the Military High Court of Appeals shall be appointed by the President of the Republic from among three candidates nominated for each vacant office by the Plenary Assembly of the Military High Court of Appeals from among military judges of the first category, by secret ballot and by an absolute majority of the total number of members.</p> <p>The president, chief public prosecutor, second presidents and heads of division of the Military High Court of Appeals shall be appointed according to rank and seniority from among the members of the Military High Court of Appeals.</p>	<p><b>D. Military High Court of Appeals</b></p> <p><b>ARTICLE 156</b> - The Military High Court of Appeals is the last instance for reviewing decisions and judgements given by military courts. It shall also be the first and last instance for dealing with specific cases designated by law concerning military personnel.</p> <p>Members of the Military High Court of Appeals shall be appointed by the President of the Republic from among three candidates nominated for each vacant office by the Plenary Assembly of the Military High Court of Appeals from among military judges of the first category, by secret ballot and by an absolute majority of the total number of members.</p> <p>The president, chief public prosecutor, second presidents and heads of division of the Military High Court of Appeals shall be appointed according to rank and seniority from among the members of the Military High Court of Appeals.</p>

<p>The organisation, the functioning of the Military High Court of Appeals, and disciplinary and personnel matters of its members shall be regulated by law in accordance with the principles of the independence of the courts and the security of tenure of judges <del>and with the requirements of military service.</del></p>	<p>The organisation, the functioning of the Military High Court of Appeals, and disciplinary and personnel matters of its members shall be regulated by law in accordance with the <b>principles</b> of the independence of the courts <b>and</b> the security of tenure of judges</p>
<p><b>III. Supreme Council of Judges and Public Prosecutors</b></p> <p><b>ARTICLE 159-</b> The Supreme Council of Judges and Public Prosecutors shall be established and shall exercise its functions in accordance with the principles of the independence of the courts and the security of tenure of judges.</p> <p>The President of the Council is the Minister of Justice. The Undersecretary to the Minister of Justice shall be an ex-officio member of the Council.</p> <p><del>Three regular and three substitute members of the Council shall be appointed by the President of the Republic for a term of four years from a list of three candidates nominated for each vacant office by the Plenary Assembly of the High Court of Appeals from among its own members and two regular and two substitute members shall be similarly appointed from a list of three candidates nominated for each vacant office by the Plenary Assembly of the Council of State. They may be re-elected at the end of their term of office. The Council shall elect a deputy president from among its elected regular members.</del></p>	<p><b>III. Supreme Council of Judges and Public Prosecutors</b></p> <p><b>ARTICLE 159-</b> The Supreme Council of Judges and Public Prosecutors shall be established and shall exercise its functions in accordance with the principles of the independence of the courts and the security of tenure of judges.</p> <p><b><u>The Supreme Council of Judges and Public Prosecutors shall be composed of twenty-one regular and ten substitute members and shall comprise three chambers.</u></b></p> <p>The President of the Council is the Minister of Justice. The Undersecretary to the Minister of Justice shall be an ex-officio member of the Council. <b><u>For a term of four years and the qualities of whom are defined by law; four regular members of the Council shall be appointed by the President from among academicians in the fields of law, economics and political sciences, high level executives and lawyers; one regular and one substitute member shall be appointed by the Constitutional Court from among the Constitutional Court rapporteurs; three regular and two substitute members shall be appointed by the plenary assembly of the High Court of Appeals from among members of the High Court of Appeals; one regular and one substitute member shall be appointed by the plenary assembly of the Council of State from among members of the Council of State; seven regular and four substitute members which are first category judges</u></b></p>

~~The Council of Judges and Public Prosecutors shall deal with the admission of judges and public prosecutors of courts of justice and of administrative courts into the profession, appointments, transfers to other posts, the delegation of temporary powers, promotion, and promotion to the first category, the allocation of posts, decisions concerning those whose continuation in the profession is found to be unsuitable, the imposition of disciplinary penalties and removal from office. It shall take final decisions on proposals by the Ministry of Justice concerning the abolition of a court or an office of judge or public prosecutor, or changes in the jurisdiction of a court. It shall also exercise the other functions given to it by the Constitution and laws.~~

~~There shall be no appeal to any judicial instance against the decisions of the Council.~~

~~The functioning of the Council and methods of performing its duties, the procedure governing election and working methods, the principles relating to the examination of objections within the Council shall be regulated by law.~~

The Minister of Justice is empowered to appoint judges and public prosecutors with their consent, to temporary or permanent functions in the central offices of the Ministry of Justice.

~~The Minister of Justice may, in cases where delay is deemed prejudicial, confer temporary powers on judges or public prosecutors to prevent the disruption of services, subject to the approval of the Supreme Council of Judges and Public Prosecutors at its first meeting thereafter.~~

**and maintain the qualifications for being first category judges shall be selected by civil judges and public prosecutors from among civil judges and public prosecutors; three regular and two substitute members which are first category judges and maintain the qualifications for being first category judges shall be selected by administrative judges and public prosecutors from among administrative judges and public prosecutors. They may be re-elected at the end of their term of office.**

**Election of members to the Council shall be held within sixty days before the expiry of their term of office. In case of vacancies for members appointed to the Council by the President prior to the expiry of the term of office, new members shall be appointed within sixty days following this vacancy. In the event that other memberships become vacant, the remaining term of office shall be completed by the substitute.**

**In the elections where each member from the High Court of Appeals and the Council of State shall vote for one nominee for membership to the Council which shall be appointed by the plenary assembly of the High Court of Appeals and plenary assembly of the Council of State and similarly where each judge and public prosecutor from courts of justice and administrative courts shall vote for one nominee for membership to the Council which shall be appointed by the first category judges and public prosecutors from courts of justice and administrative courts, the candidates who receive the greatest number of votes shall be appointed as regular and substitute members respectively. These elections shall be held once for each term and by secret ballot.**

**The regular members of the Council other than the Minister of Justice**

**and the Undersecretary to the Minister of Justice shall not assume any duties other than those prescribed by law during their term of office.**

**The administration and the representation of the Council are carried out by the President of the Council. The President of the Council shall not participate in the work of the chambers. The Council shall elect the heads of chambers from among its members. The President may delegate some of his powers to the head of chamber who is designated as the deputy president.**

The Council shall deal with the admission of judges and public prosecutors of courts of justice and of administrative courts into the profession, appointments, transfers to other posts, the delegation of temporary powers, promotion, and promotion to the first category, decisions concerning those whose continuation in the profession is found to be unsuitable, the imposition of disciplinary penalties and removal from office. It shall take final decisions on proposals by the Ministry of Justice concerning the abolition of a court or an office of judge or public prosecutor, or changes in the jurisdiction of a court. It shall also exercise the other functions given to it by the Constitution and laws.

**Supervision of judges and public prosecutors with regard to the performance of their duties in accordance with laws, regulations, by-laws and circulars (administrative circulars, in the case of judges), investigation into whether they have committed offences in connection with, or in the course of their duties, whether their behaviour and conduct are in conformity with their status and duties and if necessary, inquiries and investigations concerning them shall be carried out by the Council's inspectors, upon the proposal of the related chambers and with the permission of the President of the Supreme Council of Judges and Public Prosecutors. The inquiries and investigations may also be carried out by a judge or public**

**prosecutor who is senior to the judge or public prosecutor to be investigated.**

**Apart from the decisions regarding the prohibition of the pursuit of the profession,** there shall be no recourse to any judicial remedy against the decisions of the Council.

**A Secretariat General affiliated with the Council shall be established. The Secretary General shall be appointed by the President of the Council from among first category judges and public prosecutors, three of whom are proposed by the Council. The Council is empowered to appoint the Council's inspectors, judges and public prosecutors, with their consent, to temporary or permanent functions in the Council.**

The Minister of Justice is empowered to appoint judges and public prosecutors **and judiciary inspectors** with their consent, to temporary or permanent functions in the central, **affiliated or relevant institutions** of the Ministry of Justice.

**The election of the members of the Council, formation of the chambers and the division of labour between chambers, the duties of the Council and its chambers, quorum for meetings and decisions, operating procedures and principles, objections to be made against the decisions and proceedings of the chambers, the examination procedure for these objections, and the establishment and the functions of the Secretariat General shall be laid down in law.**

<p><del><b>PROVISIONAL ARTICLE 15.</b> No allegation of criminal, financial or legal responsibility shall be made, nor shall an application be filed with a court for this purpose in respect of any decisions or measures whatsoever taken by: the Council of National Security formed under Act No. 2356 which will have exercised legislative and executive power on behalf of the Turkish Nation from 12 September 1980 to the date of the formation of the Bureau of the Turkish Grand National Assembly which is to convene following the first general elections; the governments formed during the term of office of the Council, or the Consultative Assembly which has exercised its functions under Act No. 2485 on the Constituent Assembly.</del></p> <p><del>The provisions of the above paragraphs shall also apply in respect of persons who have taken decisions and adopted or implemented measures as part of the implementation of such decisions and measures by the administration or by the competent organs, authorities and officials.</del></p>	<p><b>PROVISIONAL ARTICLE 15 is repealed.</b></p>
	<p><b><u>PROVISIONAL ARTICLE 18- The amendment made to Article 69 of the Constitution with Article 6 of this Law shall be applied to pending cases before the Constitutional Court.</u></b></p>

**PROVISIONAL ARTICLE 19- The current substitute members of the Constitutional Court shall acquire the status of regular members on the date of entry into force of this Law.**

**Within thirty days of the date of entry into force of this Law, one member each shall be elected by the Turkish Grand National Assembly from among three candidates nominated by the plenary assembly of the Court of Auditors and the heads of Bar Associations.**

**In each election held at the Turkish Grand National Assembly for each vacancy, a two-thirds of component members in the first ballot and the absolute majority of component members of the National Assembly in the second ballot shall be required.**

**If the absolute majority cannot be attained in the second ballot, a third ballot shall be held between two candidates obtaining the greatest number of the votes in this ballot; the candidate who obtains the greatest number of votes in the third ballot shall be elected.**

**In the elections held In the plenary assembly of the Court of Auditors to nominate candidates for the membership of the Constitutional Court, each member may vote only for one candidate; the three persons with the greatest number of votes shall be nominated for the membership. Also, in the elections held for three candidates nominated from among lawyers by the heads of Bar Associations, each head of Bar Association may vote only for one candidate and the three persons with the greatest number of votes shall be nominated for the membership.**

**The President shall select two members from citizens of the Republic of Turkey who have completed higher education.**

**The current members, as well as substitute members elected from the**

quotas allocated to institutions which have nominated members for the Constitutional Court shall be taken into consideration in the final election.

An implementing law on constitutional complaints shall be prepared within two years. The applications for complaints regarding the Constitution shall be received as from the date of the entry into force of the implementing law.

The status of those who have been appointed to certain posts in the Constitutional Court shall continue until the end of their term of office. Those who are members on the date of entry into force of this Law shall continue in their office until the statutory age limit.

PROVISIONAL ARTICLE 20- The members of the Supreme Council of Judges and Public Prosecutors shall be elected within thirty days as of the date of entry into force of this Law in accordance with the principles and procedures indicated below:

a) The President shall select four members from among academicians who have been working in the fields of law, economics and political sciences for at least fifteen years, high level executives and lawyers who have completed fifteen years of active professional service, for whom there is no impediment to becoming a judge.

The member of the Council to be selected by the President from among high level executives shall be chosen from persons having carried the posts of Minister, Undersecretary, Deputy Undersecretary, Governor, Secretary-General of the Presidency, Director-General at Public Institutions or President of the Inspection Board.

b) The Constitutional Court shall select one regular and one substitute member from among the rapporteurs. The President of the

**Court shall announce the applications for candidacy for the Supreme Council of Judges and Public Prosecutors within seven days of the date of entry into force of this Law. The candidates shall apply within seven days of announcement. The Court shall select one regular and one substitute member within fifteen days from the final date of application.**

**c)The plenary assembly of the High Court of Appeals shall select three regular and two substitute members from among members of the Court. The First President of the High Court of Appeals shall announce applications for candidacy within seven days of the entry into force of this Law. The candidates shall apply to the First President within seven days of the date of the announcement. The plenary assembly of the High Court of Appeals shall hold elections within fifteen days from the final date of application. In the elections, where each member of the High Court of Appeals may vote for one candidate, the number of candidates with the greatest number of votes are elected regular and substitute members respectively.**

**c)The plenary assembly of the Council of State shall select one regular and one substitute member from among members of the Court. The President of the Council of State shall announce applications for candidacy within seven days of the entry into force of this Law. The candidates shall apply to the Presidency within seven days of the date of the announcement. The plenary assembly of the Council of State shall hold elections within fifteen days from the final date of application. In the elections, where each member of the Council of State may vote for one candidate, the number of candidates with the greatest number of votes are elected regular and substitute members respectively.**

**d) Seven regular and four substitute members which are first category judges, shall be selected by civil judges and public**

prosecutors under the supervision and control of the Supreme Election Council from among civil judges and public prosecutors maintaining the qualifications for being first category judges. Within five days of the date of entry into force of this Law, the Supreme Election Council shall announce the applications for candidacy. The candidates shall apply within three days of the date of announcement. The Supreme Election Council shall examine the applications, finalize the list of candidates and announce this within two days following the expiry of the date of application. Objections to this list may be made within the following two days. The objections shall be examined and finalised and the definitive list of candidates shall be announced within two days following the expiry of the objection period. Judges and public prosecutors working in provinces or districts shall vote in elections to be held in each province and district on the second Sunday following the date of announcement of the definitive list by the Supreme Election Council, under the supervision and control of the provincial election boards. The provincial election boards shall establish ballot councils according to the number of judges and public prosecutors that are to vote in that province. Provincial election boards shall give decision in relation to complaints on and objections to proceedings, measures and decisions of the ballot councils. Candidates may not conduct campaigns. They may publish their resumé on an internet site allocated for this purpose within the framework of the principles and procedures defined by the Supreme Election Council. In these elections, every voter may vote for only one candidate. The candidates that obtain the greatest number of votes shall be considered to have been elected as regular and substitute members respectively. The Supreme Election Council shall determine the voting ballots as well as other matters. The Supreme Election Council may have the voting ballots printed or may have these printed through provincial election boards as it may deem appropriate. In the elections to be held, the provisions of the Law No. 298 on Basic Rules on Elections and Voting Registers,

26.4.1961, that are not in conflict with this subparagraph are to be applied.

e) Three regular and two substitute members which are first category judges, shall be selected by civil judges and public prosecutors under the supervision and control of the Supreme Election Council from among civil judges and public prosecutors maintaining the qualifications for being first category judges.

In provinces where there are regional administrative courts, these elections shall be held under the supervision and control of the provincial election boards and judges and public prosecutors working in these regional administrative courts and in courts that are subject to authority of those courts shall vote. The provisions of subparagraph (d) shall be applied to these elections.

The regular members of the Supreme Council of Judges and Public Prosecutors, who have been elected in accordance with subparagraphs (a), (b), (d) and (e) of the first paragraph, shall take their office on the working day following the date of entry into force of this Law.

On the date of entry into force of this Law, the duties of the regular and substitute members of the Supreme Council of Judges and Public Prosecutors that are from the High Court of Appeals shall continue their duties until the end of their term of office. Those who have been elected in accordance with subparagraph (c) of the first paragraph in place of the members whose term of office has ended shall take their office in turn.

At the first meeting of the Council to be held after the members that have been elected in accordance with this Article have taken their office, the duty of one of the members of the regular and substitute

members of the Supreme Council of Judges and Public Prosecutors from the Court of Appeals shall end by way of drawing lots. The remaining regular and substitute members shall continue their duties until the end of their term of office. The members who have been elected in accordance with subparagraph (c) of the first paragraph shall take office in place of those whose term of office expires.

From among those members elected in accordance with subparagraph (c) and (c) of the first paragraph, the term of office of those who take office in accordance with the third and fourth paragraph shall expire on the date of the end of the term of office of the other Council members elected in accordance with subparagraph (a), (b), (d) and (e) of the first paragraph.

Regular members elected to the Supreme Council of Judges and Public Prosecutors shall benefit from the same financial, social and pension rights envisaged for the Head of Chamber of the Supreme Court of Appeals in the relevant legislation, until the necessary arrangements are made.

Furthermore, regular members of the Council except for the President, shall receive additional compensation on a monthly basis in the amount to be calculated by multiplying the index of 30000 by the coefficient applied to salaries of civil servants.

Until arrangements is made in the relevant laws, the Supreme Council of Judges and Public Prosecutors:

a) shall operate in the form of a Council in accordance with legal provisions in force without prejudice to the provisions of the Constitution,

b) shall convene under the chairmanship of the Minister of Justice

**within one week following the date that the regular members take office in accordance with the second paragraph and shall elect a temporary deputy chairman,**

**c) shall convene with at least fifteen members and take decisions by the simple majority of the component members,**

**d) the secretariat functions shall be conducted by the Ministry of Justice.**

**The provisions of this Article shall be applied until the necessary arrangements are made in the relevant laws.**

**ARTICLE-This law shall enter into force on the date of its publication and shall be voted on in its entirety when submitted to referendum**