

## **Code on Establishment and Rules of Procedures of the Constitutional Court**

**Code No : 6216**

**Date of Ratification : 30/03/2011**

### **SECTION ONE**

#### **General Provisions**

#### **CHAPTER ONE**

#### **Aim, Scope and Definitions**

##### **Aim and scope**

**Article 1-** The aim and scope of this Code is to regulate the principles pertaining to the structure of the Constitutional Court, its duties, trial procedures, President, deputy presidents and the selection of its members, disciplinary and staffing affairs and rapporteurs, deputy rapporteurs and the quality, appointment, duties and responsibilities of their staff, their disciplinary and staffing affairs.

##### **Definitions**

**Article 2 - (1)** In the implementation of this Code;

- a) President shall mean: the President of the Constitutional Court,
- b) Presidency shall mean: the Presidency of the Constitutional Court,
- c) Deputy president shall mean: the members who are elected by the General Assembly for four years to act as presidents of sections and as deputies to the President,
- ç) Section shall mean: The board that is composed of seven members under the presidency of a deputy president and that has the authority to convene under the deputy president with the participation of four members and make decisions regarding individual applications,
- d) The general assembly shall mean: The board that is composed of the seventeen members,
- e) The internal regulations shall mean: the Internal Regulation of the Constitutional Court,
- f) Seniority shall mean: The time that has passed since election as a member of the Constitutional Court or being older, in terms of age, than those that have been elected on the same date,
- g) the Commission shall mean: the boards that are established so as to carry out the examination of admissibility of individual applications,
- ğ) the Court shall mean: the Constitutional Court,
- h) Member shall mean: all of the members including the president and the deputy presidents,

ı) Supreme Court shall mean: The General Assembly of the Court that is tasked to process persons that have been specified in clauses six and seven of article 148 of the Constitution for crimes relating to their duties.

## **CHAPTER TWO**

### **Duties, Authorities and the Budget of the Court**

#### **The duties and authorities of the court**

**Article 3-(1)** The duties and authorities of the court are as follows:

- a) To process actions of annulment that have been lodged upon the claim that the codes, decrees in the force of law, the Internal Regulation of the Grand National Assembly of Turkey or certain articles or provisions are in breach of the Constitution regarding their form and principle; and amendments to the Constitution regarding their form only.
- b) To decide on matters that have been forwarded to it by courts by way of objection as per article 152 of the Constitution.
- c) To make a ruling concerning individual applications that have been made as per article 148 of the Constitution.
- ç) To process as the Supreme Court, the President of the Republic, the Speaker of the Grand National Assembly of Turkey, members of the Council of Ministers, the presidents and members, chief prosecutors of the Supreme Court of Appeals, the Council of State, the Military Court of Appeals, the High Military Administrative Court, the deputy of the Chief Prosecutor of the Republic, the presidents and members of the High Council of Judges and Prosecutors and the Supreme Court of Accounts, the Chief of General Staff, commanders of the Army, Navy and the Air Forces, the General Commander of the Gendarmerie for crimes regarding their duties.
- d) To make a ruling regarding actions for the banning and deprivation from the State assistance of political parties and regarding cautionary appeals and requests for the determination of the status of dissolution.
- e) To control and to ensure the performance of the control regarding the congruity with the law of acquisition of property of political parties and their revenues and expenditures.
- f) In the event of decision by the Grand National Assembly of Turkey to lift the legislative immunity of members of the parliament or to revoke their status as members of the parliament or to lift the the immunity of the ministers who are not members of the parliament, to make a ruling regarding the requests of annulment by the member of the parliament concerned or by another member of the parliament regarding a breach of the provisions of the Constitution, a code or of the Internal Regulations of the Grand National Assembly of Turkey.
- g) To elect among its members the President of the Court of Constitution and deputy presidents and the President of the Court of Disputes and the Deputy President thereof.
- ğ) To perform other tasks that have been assigned to it in the Constitution.

#### **The budget of the court**

**Article 4- (1)** The Court is managed with its own budget within the central administration budget.

(2) The Secretary General of the Court shall be present at the talks concerning the budget at the Grand National Assembly of Turkey.

#### **Internal regulation**

**Article 5 - (1)** Within the scope of this Code;

- a) The internal order of the court, its operation, organization, working procedures, books and records that shall be kept, the order of flow of documents including electronic medium, archiving thereof, the library of the Court, its Secretariat General and the administrative organization, duties and responsibilities of administrative staff,
- b) Keeping of the staff files of the President, members, rapporteurs and deputy rapporteurs, disciplinary affairs, their leaves and health situations, the form and place of the garments that they shall wear,
- c) Working and trial procedures and principles of the court, management and recording of sessions, shall be regulated by way of an Internal Regulation that shall be accepted by the General Assembly.

(2) The Internal Regulation shall be published in the Official Gazette.

## **SECTION TWO**

### **Membership to the Constitutional Court,**

#### **CHAPTER ONE**

##### **Qualities, Election and Appointment of the Members**

##### **Composition of the Court and competence of the members for being elected**

**Article 6-(1)** The Court is composed of seventeen members.

(2) In order to be able to be elected as a member of the Court, one shall have one of the qualities listed below:

a) Being a member of the Supreme Court of Appeals, Council of State, the Military Court of Appeals, the High Military Administrative Court or being the President of the Supreme Court of Accounts or a member thereof.

b) To be in service at the Court for at least five years as a rapporteur.

c) To have turned forty-five years of age, accomplished higher education and not to have a condition that prevents from being accepted in the profession of justice.

1) To have earned the title of a professor or that of an associate professor in the branches of law, economy or political sciences of higher education institutions.

2) To have worked as an independent lawyer for a duration of at least twenty years.

3) Regarding members who will be elected from high level administrators who have worked in public service at least for twenty years, to be the president or a member of the Higher Education Council, or the rector or the dean of a higher education institution or an undersecretary, deputy undersecretary, ambassador or a governor,

4) To a first class judge or for prosecutors, to have worked at least for twenty years including candidacy.

##### **Election of members**

**Article 7- (1)** The Grand National Assembly of Turkey shall elect; two members from the President and members of the General Assembly of the Supreme Court of Accounts among three candidates that it shall nominate for each vacant position; and a member from among three candidates that the chairpersons of bar associations shall nominate

among independent lawyers by way of a secret voting. In such election that shall take place at the Grand National Assembly of Turkey, at the first round of votes for each vacant membership, a majority by two thirds of the total number of members and in the second vote, the absolute majority of the total number of members are sought. If, in the second voting, the absolute majority cannot be achieved, a third voting for the two candidates who have received the most votes; in the third vote, the candidate that receives the most votes shall be elected as member. The voting shall continue until equality between the candidates who have received equal number of votes in the second and third round of votes is disrupted.

(2) The President of the Republic shall select; two members from the Supreme Court of

Appeals, one member from the Military Court of Appeals, one member from the Military High Administrative Court among three members that they shall nominate among their presidents and members as candidates for each of the vacant positions; three members from among the candidates that shall be nominated by the Higher Education Council for each of the vacant positions whereby at least two thereof shall be from the teaching staff at the law, economy and political sciences branches and who are not their members; four members among high level administrators, independent lawyers, first class judges and prosecutors and among the rapporteurs of the Constitutional Court who have served no less than five years as rapporteurs.

(3) The three persons to receive the most of the votes in the elections that shall be carried out for the nomination of candidates for membership of the Court by the general assemblies of the Supreme Court of Appeals, the Council of State, the Military Court of Appeals, the Military High

Administrative Court, the Supreme Court of Accounts and by the presidents of the Higher Education Council and the bar associations. Elections that shall take place as per this clause shall be carried out in a single round and each member can cast a vote for three candidates for each vacant membership. The voting shall continue until equality between the candidates who have received equal number votes is disrupted.

#### **Notification to those elected as members and non-acceptance of the duty by those elected**

**Article 8-** (1) Members who have been selected by the Grand National Assembly of Turkey and the members who have been selected by the President of the Republic shall be notified to the Court in writing by the Grand National Assembly of Turkey and by the Presidency of the Republic, respectively. The Presidency of the Constitutional Court shall make an announcement regarding the situation to those who have been elected.

(2) The names and surnames of the elected shall be published in the Official Gazette.

(3) In the event of non-acceptance of such duty by s/he who is elected as a member of the Court, such matter shall be notified in writing by the President, to the Grand National Assembly of Turkey, should s/he be elected by it; to the Presidency of the Republic should s/he be elected by the President of the Republic and to the respective institution or board if s/he has been nominated as a candidate.

(4) The new member shall be elected as per the procedure set out in article 7, within one month from such notification. In cases where boards that shall nominate are on holiday, such duration shall commence as of the end of the holiday.

#### **Taking oath**

**Article 9-** (1) Before the members take office, they shall take the oath below in the presence of the President of the Republic, the Speaker of the Grand National Assembly of Turkey, the Prime Minister, the presidents and chief prosecutors of high judicial bodies, the Minister of Justice and other high level administrators that are included in the State protocol and those who participate from among retired members and others concerned who shall be invited by the President; and before the President of the Constitutional Court and the members thereof:

"I hereby swear on my dignity and honor before the great Turkish Nation that I shall protect the Constitution of the Republic of Turkey and the fundamental rights and freedoms and I shall perform my duty in righteousness, fairness, impartiality and with a sense of respect for the truth, free from all impacts and concerns and with an understanding of the law which is in harmony with the basic principles on which the Constitution relies and following only the orders of my own conscience."

#### **Duration of membership and its guarantee**

**Article 10-** (1) The members of the Court shall be elected for twelve years. A person cannot be elected as a member twice.

(2) The President and the members cannot be dismissed; they cannot be forwarded for retirement before the completion of their office or before the age of sixty-five.

(3) Duties of the President and of the members shall cease only in cases prescribed in the Constitution and in this Code.

#### **Membership becoming vacant and termination of membership**

**Article 11-** (1) The President, two months prior to the termination of the office of a member or in the event of a vacancy otherwise, immediately, informs such consequence in writing to those who are authorized to elect and nominate a member and within two months starting from such date and an election is carried out from the source of membership as per the procedure set out in article 7.

(2) The President and members can either request their retirement in writing or similarly withdraw from their duty without being bound by duration and acceptance; their office shall end at the end of twelve years starting from the date of their election and they shall retire in any case when they turn the age of sixty-five.

(3) Presidency and membership shall terminate automatically upon conviction of or loss of Turkish citizenship because of a crime that, regarding the Code on Judges and Prosecutors No. 2802 and dated 24/2/1983, requires expulsion from profession; and it shall terminate upon the decision by the absolute majority of the total number of members of the Court in cases where it is firmly understood that the duty cannot be performed for health reasons; or it shall terminate as per article 19 upon the decision of the General Assembly when the member has been punished with an invitation to self-withdraw from membership or when s/he is considered as resigned.

(4) Of the member who will be nominated by the Military Supreme Court of Appeals and the Military High Administrative Court, all rights regarding retirement arising from being a member of the military are reserved.

#### **The election of the president, deputy presidents and of the president and the deputy president of the court of disputes**

**Article 12-** (1) The President and deputy presidents, the president of the court of disputes and his/her deputy shall be elected among the members with secret vote and with the absolute majority of the total number of members for four years.

(2) A member whose term expires may be re-elected. Elections shall be completed within the two months before such duties end.

(3) Matters pertaining to elections shall be regulated by an Internal Regulation.

#### **The duties and authorities of the president**

**Article 13-** (1) The duties and authorities of the court are as follows:

- a) To set the agenda of the General Assembly and the sections whenever required.
- b) To preside over the General Assembly and the Supreme Court; to task, if s/he deems necessary, one of the deputy presidents for his/her place.
- c) To assign and dismiss the Secretary General and the deputies of the Secretary General.
- ç) To represent the Court.
- d) To approve court regulations.
- e) To supervise the compliance of expenditures with the Court budget.
- f) To assign members from the other section in cases where one of the sections cannot convene due to an actual or legal impossibility.
- g) To appoint the Court staff.
- ğ) To ensure effective and orderly working of the Court and to take precautions that s/he deem necessary to such end.
- h) To give information and to make statements to the press if s/he deems necessary, or to task a deputy president, a member or a rapporteur for this purpose.

#### **The duties and authorities of the deputy president**

**Article 14-** (1) Duties and authorities that belong to the president shall be performed by the senior deputy president in cases of vacant Presidency; in cases where the President is in excused absence or on leave, such duties and authorities shall be performed by the deputy president who shall be determined by the President. In the absence of deputy presidents the most senior member shall preside over the Court.

(2) The duties and authorities of the deputy presidents are as follows:

- a) To preside over sections and in cases deemed necessary by the President, over the General Assembly or the Supreme Court.
- b) To determine the agenda of the section of which they are chairs.
- c) To ensure that members serve in turns at the commissions that shall be formed from within the sections.
- ç) To perform other duties that are assigned by this Code and that are offered by the President.

#### **Liabilities of the Members**

**Article 15 -** (1) Member;

- a) Must act in compliance with the honor and solemnity of the profession of justice; they shall not enroll in any activities that are contradictory to their duties,
- b) Shall attend the sessions unless they have a valid excuse,
- c) Shall not reveal their opinions and thoughts on matters that are being handled at the Court,

ç) Shall preserve the secrecy of the session and the vote,

d) Shall not cast reticent votes during voting,

e) Shall not take on any official or private duty whatsoever apart from their duties; they can attend to national and international congresses, conferences and similar scientific conventions upon the President's permission.

(2) Cases of membership to associations pursuing sports, social and cultural aims shall not constitute duties under the condition that one does not accept duties at the executive and auditing boards thereof.

## **CHAPTER TWO**

### **Provisions Concerning Disciplinary Procedures and Crimes and Punishments**

#### **Inspection and prosecution about the president and the members**

**Article 16-** (1) Opening an investigation for the crimes arising from the duties of the President and the members, or that are alleged to have been committed during their offices, and for their personal crimes and disciplinary actions, shall depend on the decision of the General Assembly. However, in cases of in flagrante delicto that fall under the competence of the high criminal court, the investigation shall be conducted as per general provisions.

(2) The President shall not process information and complaints that have been received or that are understood to originate from aliases, that are not signed, that do not have an address and that do not involve a certain event or a cause and evidence and grounds of which have not been demonstrated. However, in the event of reliance of such information and complaints on material evidence, the required investigation and research shall be conducted about such issue.

(3) In cases required, the President can have one of the members perform a preliminary examination before taking the matter to the General Assembly. The member who has been assigned to carry out the examination to determine whether or not there is grounds for opening an investigation shall inform the President of the situation after completing his/her investigation.

(4) The matter shall be put on the agenda by the President and discussed at the General Assembly. The member processed shall not attend such discussion. In the event of a decision by the General Assembly that there is no grounds for opening an investigation, this decision shall be notified to the member concerned and to informing and complaining parties.

(5) In the event of a decision for opening an investigation, the General Assembly shall choose from the members, three persons to set up the Investigation Board. The senior member shall preside over the Investigation Board. The Investigation Board shall have all the authorities that the Code of Criminal Procedure dated 4/12/2004 and numbered 5271 bestow upon the prosecutor of the Republic. Procedures that the Board requests to be performed regarding the investigation shall be performed immediately by the authorized judicial offices in their stead.

(6) Principles regarding the performance of preliminary investigation, selection of the members of the Investigation Board, performance of the investigation and taking of other required decisions shall be regulated by the Internal Regulation.

(7) In the event of seeing or learning about acts of the President similar to those written above, the procedures that have to be carried out by the President shall be performed by the senior deputy of the president.

#### **Judicial investigation and prosecution**

**Article 17-** (1) With the exception of cases of in flagrante delicto relating to personal crimes that fall under the jurisdiction of the high criminal court, protective measures concerning the President and members as a result of crimes arising from their duties or that are alleged to have been committed during their offices and their personal crimes can be decided only as per the provisions of this article.

(2) In cases of in flagrante delicto that fall under the competence of the high criminal court, the investigation shall be conducted as per general provisions. In the event of preparation of an indictment, prosecution shall be done by the Penal General Assembly of the Supreme Court of Appeals.

(3) In case of crimes and personal crimes arising from duty or that are alleged to have been committed in the course of duty except for the case of in flagrante delicto regarding personal crimes that fall under the competence of the high criminal court, if the Investigation Board requests that protective measures that have been specified in the Code No. 5271 and in other codes be taken during the investigation, the General Assembly shall decide on such issue.

(4) If the Investigation Board, after it completes the investigation, does not deem the lodging of a public action necessary it rules that there is no need for prosecution. If the Board considers it necessary that a public action be lodged, it shall send the indictment and the file to the Constitutional Court in case of crimes that are in relation to their duties so that it sits as the Supreme Court, and in case of personal crimes, it sends them to the Presidency so as to be forwarded to the Penal General Assembly of the Supreme Court of Appeals. Decisions that are to be given by the Investigation Board shall be notified to the accused and the plaintiff, if any.

#### **Disciplinary investigation procedures**

**Article 18-** (1) A disciplinary investigation within the framework of the rules that are specified in article 16 shall be carried out regarding the attitudes and conduct of the President and the members that are not in compliance with the dignity and the honor of the profession of justice or that lead to hindrance of the service. The General Assembly, depending on the information at hand, the evidence and the nature of the attitude and conduct relied upon, shall decide whether or not there is room for a disciplinary investigation.

(2) Penal investigation and prosecutions shall not prevent the performance and application of disciplinary procedures separately. Disciplinary investigation shall not be opened in cases where one year has passed from when actions requiring disciplinary investigation have been found out about. Disciplinary penalties shall not be ruled in cases where five years have passed from when the act that requires disciplinary penalty has been committed. If the action that requires a disciplinary penalty also constitutes a crime and the law stipulates a longer statute of limitations for this crime and if a penal investigation or a penal prosecution is opened, this period of statute of limitations shall apply instead of the period that is specified in this clause. Regarding those concerning whom the General Assembly has decided to wait for the outcome of the prosecution, the competence to rule for penalty shall be subject to statute of limitations when one year passes from the finalization of the decision of the court that executes the prosecution.

(3) If the General Assembly decides that a disciplinary investigation be opened, the Investigation Board collects information concerning the matter and determines the factual evidence, hears persons hearing of whom it deems necessary, under oath; and upon acknowledging due action, invites the person concerned to make his/her defense within a matter of a period which shall not be less than fifteen days. The person concerned, starting from the moment when his/her defense is requested, shall be authorized to examine the prosecution documents.

(4) Public administrations, public officials, other real and legal persons including the banks must respond to the questions of the Investigation Board and to its requests regarding the investigation.

(5) At the end of investigation, the Investigation Board shall prepare a report demonstrating the information and evidence that it has gathered and which includes its opinion regarding whether or not a disciplinary penalty is required and forward such report and its annexes to the Presidency so that it is forwarded to the General Assembly.



(6)The President shall inform the person concerned in writing about the outcome of the investigation and invites him/her to deliver his/her oral or written defense before the General Assembly in a period of time that it shall determine and which shall not be less than five days.

(7)Depending on the outcome of the disciplinary investigation that has been carried out, the General Assembly decides that the investigation be extended if such is needed; or the file be suspended if it deems that the attitude or conduct relied upon are not proven, or it decides on a disciplinary penalty if they are proven.

### **Disciplinary penalties and their execution**

**Article 19-** (1) In cases where the President and the members take on an official or a special duty apart from their essential duty or in the event that their attitudes and conduct are proven to be incongruous with the oath that they have taken or with the dignity and honor of membership and when they are established to hinder the service, depending on the nature of the act one of the penalties to warn, condemn or to invite to withdraw from membership shall be decided upon.

(2) In order for the penalty to invite to withdraw from membership to be decided on two thirds majority of the votes of the General Assembly is sought.

(3) The person concerned, against the decision of the General Assembly regarding the disciplinary penalty, can make an application to the General Assembly for a re-examination in fifteen days from the date of notification of the decision to him/her. The decision that will be taken after the re-examination of the General Assembly shall be final. The decision of the General Assembly shall be notified by the President to the person concerned.

(4) The member concerning whom the penalty to invite to withdraw from membership has been given shall be considered as resigned if s/he fails to comply with such decision in one month from the date of notification and s/he shall be considered as on leave for such duration.

## **SECTION THREE**

### **Organizational Structure**

#### **CHAPTER ONE**

#### **Organization of the Court**

##### **Organization**

**Article 20-** (1) The organization of the Constitutional Court shall comprise of the Presidency, the General Assembly, sections, commissions, the Secretariat General and administrative units.

##### **General Assembly**

**Article 21-** (1) The General Assembly is composed of seventeen members of the Court. The General Assembly shall convene under the presidency of the President or the deputy president that shall be determined by him/her at least with twelve members.

(2) Such are the duties of the General Assembly:

a)To hear actions of annulment and objection and to handle trials that will be conducted as the Supreme Court.

b)To conduct financial audits concerning political parties, to conclude actions and applications.

c) To accept or amend the Internal Regulation.

ç) To elect the president, deputy presidents and the president the deputy presidents of the court of disputes.

d) To distribute work among the sections, to convene at the beginning of the year to give some of the works to the other section if the incoming workload of one section has increased during the year to the extent that cannot be handled with the normal pace of work, creating an imbalance of work among the sections.

e) To make final decisions regarding conflicts about the distribution of the workload among sections, to assign another section to the task in cases where a section, as a result of an actual or a legal impossibility, fails to handle a work that falls under its duty.

f) To make decisions about the members concerning the opening of a disciplinary or a penal investigation, measures of investigation and prosecution and to order a disciplinary penalty when required or the termination of membership.

g) To have objections examined.

### **Sections and commissions**

**Article 22-** (1) At the Court there shall be two sections under the presidency of a deputy president, with seven members each and which shall make rulings regarding individual applications. Sections shall convene under the presidency of a deputy president, with the participation of four members.

(2) Issues concerning the formation of sections and commissions and the distribution of work shall be regulated with the Internal Regulation.

## **CHAPTER TWO**

### **The Secretariat General, Rapporteurs and Deputy Rapporteurs**

#### **Duties of the Secretary General and the deputies of the Secretary General.**

**Article 23-** (1) A General Secretariat unit shall be established under the Presidency. The working principles of the units that are under the Secretariat General shall be regulated with a regulation.

(2) The Secretary General shall be assigned by the president from the rapporteurs. In cases where the Secretary general is off duty, the deputy Secretary General who shall be determined by the Secretary general shall substitute for him/her.

(3) The Secretary General is assigned with and authorized to;

a) Record and direct applications,

b) Conduct administrative affairs regarding the meetings of the General Assembly and the units,

c) Ensure that verdicts and reports are automated and archived,

ç) Carry out Court's correspondence,

d) Follow-up the implementation of the decisions of the Court and to inform the General

Assembly on this matter,

- e) Spend the budget and to inform the President on this matter,
- f) Conduct institutional, scientific, administrative, financial and technical affairs of the Court,
- g) Arrange protocol affairs,
- ğ) Ensure direction and management of staff,
- h) Carry out other works as assigned by the President within the framework of the provisions of the Code, Internal Regulations and regulations,

Under the supervision and control of the President.

(4) Among the rapporteurs, three deputy Secretary Generals shall be assigned by the President. Issues pertaining to the duties of and the distribution of work among deputy Secretary Generals shall be arranged via regulation.

### **Rapporteurs**

**Article 24-** (1) At the Court, an adequate number of rapporteurs to assist with judicial and administrative works shall be assigned or appointed.

(2) In order to be able to be a rapporteur at the Court, one shall have one of the qualities listed below:

- a) To be a judicial or an administrative judge or a prosecutor or a Supreme Court of Accounts auditor, chief auditor or a specialist auditor who has worked with success in his/her profession for at least five years,
- b) To be research assistants at the law, economy or political sciences departments of higher education institutions who have completed their studies as associate professors, assistant associate professors or their doctoral studies.
- c) To be an assistant rapporteur who has worked, with the exception of the duration of candidacy, successfully for at least five years.

(3) To have been awarded a minimum of (C)-level certificate at the Foreign Language Proficiency Exam for State Employees and to have completed graduate studies shall be preferable during assignment and appointment as a rapporteur.

(4) Rapporteurs shall be accountable, administratively, to the President and they shall perform their duties in compliance with the tenure of judges.

### **Assignment of rapporteurs, their staffing rights, disciplinary and penal works**

**ARTICLE 25-** (1) Those who wish to work as rapporteurs shall submit their requests regarding this issue to the Presidency.

(2) Rapporteurs shall be assigned by the institution they are attached to upon due opinion of the President.

(3) With the exception of cases provisions regarding which are present in this Code, provisions concerning the professions their perform shall be applied to issues regarding the staffing of assigned rapporteurs and the durations they serve at the Court as rapporteurs shall be considered as time they have served in their profession. Written information that shall be given by the President shall be taken as basis in the promotion and upgrade progress.

(4) Duration for the promotion of rapporteurs who are appointed to the staff positions of the Court shall be two years.

(5) Including those who are assigned, the monthly salaries and other financial rights of rapporteurs shall be covered from the budget of the Court.

(6) Actions concerning the right of legal leave and health issues of the assigned rapporteurs shall be executed by the Presidency and their institutions shall be informed for entry to their staffing files.

(7) The method pursued in their assignment shall be applied when the rapporteurs who have been assigned as per sub-clauses (a) and (b) of clause two of article 24 leave. During appointments that will be made as per codes that they are subject to after they leave their duties; their grade and seniority, their works at the Court and their own wishes shall be taken into account.

(8) Rapporteurs who have been assigned as per sub-clauses (a) and (b) of clause two of article 24 are appointed as Court rapporteurs upon their request and due opinion of the Presidency. Of rapporteurs who have been appointed as such, their attachment to their previous institution shall be terminated.

(9) Concerning the retirement rights and guarantees of those who have been appointed to the staff position of rapporteurs of the Court, they shall be subject to provisions regarding the first class, selected first-class, second class and third class judges and prosecutors in their seniority, class and grades. In addition to additional indicators, the condition 'to have lost their right to be elected for the membership of the Supreme Court of Appeals and the Council of State' that is sought in judges and prosecutors who have been selected as first-class shall be applied for appointed rapporteurs as 'not having lost their qualities for selection for first-class.'

(10) In cases where there are no provisions in this Code regarding the monthly salaries, allowances, financial, social and retirement rights, investigation and prosecution procedures regarding their judicial crimes and other rights of the rapporteurs who have been appointed to the Court, the provisions of the Code No. 2802 shall be applied.

(11) The rapporteurs who have been assigned as per sub-clauses (a) and (b) of clause two of article 24 shall be processed, upon the acknowledgment of the President, by the institutions to which they are attached in compliance with the provisions of the legislation regarding themselves in the event of crimes arising from their duty or crimes that they have committed during their office and their personal crimes.

### **Duties of rapporteurs**

**Article 26-** (1) Rapporteurs shall prepare the initial and merits examination reports of the files that have been given to them by the President and attend meetings, perform tasks that have been specified in the Code and the Internal Regulation regarding individual applications.

(2) Whenever needed, rapporteurs can be given tasks such as hearing witnesses or experts and similar tasks by the President.

(3) Rapporteurs can be assigned to commissions by the President.

(4) Rapporteurs can tutor and give courses and conferences at universities, the Justice Academy of Turkey and at similar institutions and organizations under the condition that the President gives permission thereto.

(5) They perform other tasks assigned by the Code, Internal Regulation, regulation or the President.

### **Assistant rapporteurs and candidates**

**Article 27-** (1) At the Court, an adequate number of rapporteurs to assist with judicial and administrative works shall be assigned or appointed.

(2) Those who pass the entrance tests among those who have attended higher education of at least four years in areas of law, political sciences, economy, management and economic and administrative sciences or those who are graduates of foreign institutions of education that are accepted as equivalents thereof or those who have completed a faculty of law and took tests for classes that were lacking against the curricula of faculties of law in Turkey, receiving thus a certificate of achievement, are appointed by the President, as candidates for assistant rapporteurs. In order to be able to take the test, one must have completed or deferred his/her military service or be exempted therefrom, and not have turned the age of thirty as of the last day of the month of January in the year when the entrance exam took place for those who have completed undergraduate and graduate education and the age of thirty-five for those who have completed their doctoral education, and to have the general qualities that are specified in article 48 of the Code dated 14/7/1965 and No. 657 on Civil Servants.

(3) The entrance exam comprises of the written exam and the interview.

(4) The interview shall proceed by evaluating the candidate regarding his/her;

a) Capacity to grasp and summarize a subject, his/her ability to express and his/her discerning power,

b) Worthiness, ability to represent, suitability of his/her conduct and reactions to the profession,

c) Self-confidence, ability to convince and persuasiveness,

ç) General ability and general culture.

d) Openness to scientific and technological developments,

and by scoring each separately. Candidates shall be evaluated by the commission for each of the qualities written above over twenty points each and the scores given shall be separately put in the minutes. Apart from this, no recording system regarding the interview shall be used.

(5) Assistant rapporteurs and assistant rapporteur candidates are included in the class of general administrative services in the Code No. 657 and not the rapporteurship class and grades. To them, the provisions of the Code No. 657 which are not contradictory to this Code shall apply.

(6) In order for the assistant rapporteurs to be able to be appointed as rapporteurs, they must have worked in such office actively at least for five years and the thesis of professional nature that they shall prepare must be accepted. Those who comply with these conditions can be appointed as rapporteurs by the proposal of the Secretary general and upon the approval of the President, with a consideration of the situation of the staff position.

(7) The procedures and principles of the entrance exam for assistant rapporteur candidacy, the form and terms of the candidacy training, the procedures and principles of the exam that will take place at the end of the duration of candidacy, the form and content of the theses that assistant rapporteurs shall prepare and other issues shall be arranged with a regulation.

### **Higher Disciplinary Board**

**Article 28-** (1) With the exception of the President, deputy president, members and those who have been listed in sub-clauses (a) and (b) of clause two of article 24, disciplinary affairs of the staff employed at the Court shall be conducted by the Higher Disciplinary Board.

(2) The Board shall comprise of three rapporteurs to be determined upon the proposal of the Secretary General and the approval of the President. The senior rapporteur among them shall preside over the Board.

3) Regarding circumstances that require disciplinary penalty and penalties to be ruled, provisions of the Code No.657 that are not contradictory to this Code shall be applied. The working procedures and principles of the Board and other issues shall be arranged with a regulation.

## **CHAPTER THREE**

### **Service Units**

#### **Service Units**

**ARTICLE 29-** (1) Service units of the Court are as follows:

- a)Office of the Chief Clerk
- b)Administrative and Financial Affairs Directorate
- c)Staff Directorate
- ç) Publication and Public Relations Directorate
- d)Foreign Relations Directorate
- e)Strategy Development Directorate
- f) Technical Services Directorate
- g)Office of the Executive Assistant
- ğ) Office of the Press Advisor

(2) Whenever needed, new units can be established upon the proposal of the President and with the decision of the General Assembly.

(3) The duties and responsibilities of service units are indicated in the regulation.

#### **The Court staff and appointment thereof**

**Article 30-** (1) In the performance of its duties the Court shall employ adequate number of staff who will work in legal, administrative and financial areas. Regarding such staff, the provisions of the Code No. 657 which are not contradictory to this Code are applied.

(2) Appointment of staff shall be done by the President upon the proposal of the Secretary General.

#### **Provisional assignment**

**Article 31-** (1) In cases when needed during the performance of the Court of its duties as given to it by the Constitution and in this Code; judges, prosecutors and auditors of the Supreme Court of Accounts, of those working at public institutions and organizations who hold the status of civil servant and other public officials can be assigned to the Court under the condition that their monthly salaries, allowances, all sorts of raises, compensations and other financial and social rights and assistances are paid by their institutions. In assignments that will be made within the framework of this provision the consent of the public official shall be sought. Duration of assignments made as such shall not exceed one year. However, whenever necessary, this period may be extended in six monthly terms.

(2) President's assignment request within this scope shall be carried out within ten days by respective institutions and boards unless there is a legal obstacle. The institutions of persons concerned shall take the duration of provisional assignment into consideration regarding the promotion and retirement of such persons and thus, their staffing rights shall be sustained.

(3) During provisional assignment, the President shall inform respective institutions and organizations in writing, which shall be principal regarding promotion and grade advances.

(4) Regarding those who are assigned provisionally to other institutions and of judges, prosecutors, Supreme Court of Accounts professionals, the difference between their net monthly salaries of rapporteurs and other payments; and regarding civil servants and other public officials, that between the monthly salaries touched by equivalent civil servants and other payments shall separately be paid. The provisions concerning monthly salaries shall be applied regarding payments that will be made as per this clause and no other taxes except for the stamp tax shall be imposed, it shall not be taken into consideration in any which way whatsoever during the calculation of another payment.

### **Contracted personnel**

**Article 32-** (1) At the Presidency of the Court, press advisors and interpreters can be employed, as long as such staff positions are provided for, without being subject to the provisions concerning the employment of contracted personnel in the Code NO. 657 and in other codes.

(2) The gross contract price that shall be paid in line with the provisions of the contract to persons who shall be employed as such shall be determined by the Presidency so as not to be in excess of the gross average monthly salaries that have been set up for grade one assistant rapporteurs.

### **Service provision**

**Article 33-** (1) The President shall be authorized to employ local and foreign experts for works that require specific professional knowledge and expertise, by way of provision of services under the condition that this is exclusive to compulsory and exceptional cases as mandated for the preparation, realization, management and operation of projects in areas the Court requires.

### **Appointment of administrative staff to the staff positions of the Ministry of Justice**

**Article 34-** (1) With the exception of those who are appointed as per clause of article 27, staff working at the service units of the Court who are subject to the Code No. 657 can be appointed by the Ministry of Justice to the central and provincial staff positions of the Ministry upon the proposal of the Secretary General and the due opinion of the President.

## **SECTION FOUR**

### **Procedures of Examination and Trial**

#### **CHAPTER ONE**

#### **Action for annulment**

#### **Those who are authorized to lodge action for annulment**

**Article 35-** (1) Those who are directly authorized to lodge actions for annulment upon the claim that the codes, decrees in the power of law, the Internal Regulation of the Grand National Assembly of Turkey and certain articles or provisions thereof are contradictory to Constitution are as follows:

a)President of the Republic

b)Parliamentary groups of the ruling and the main opposition party

c)Members of the Grand National Assembly of Turkey who constitute at least one fifths of the absolute number of members thereof

(2) In the event of presence of more than one political parties in government, the party which has the most number of members shall exercise the right of action of the governing parties.

(3) The President of the Republic or the members of the parliament that constitute at least one fifths of the absolute number of members at the Grand National Assembly of Turkey shall be authorized to lodge actions of annulment with the claim that amendments to the Constitution and codes are contradictory with the Constitution regarding their form.

Action for annulment regarding its form and its limit

**Article 36-** (1) Supervision regarding form shall be limited to the majority of proposals in Constitutional amendments, majority of amendments and whether or not the condition to negotiate urgently has been adhered to; whether or not the final voting of the codes or the Internal Regulation of the Grand National Assembly of Turkey has been carried out with the prescribed majority.

(2)Actions of annulment against constitutional amendments can be lodged only with the claim of contradiction regarding form.

(3)Actions for annulment that are based on deformity shall be adjudicated first by examination by the Court.

(4)Actions for annulment that are based on deformity shall not be claimed by the Court.

#### **Period for filing an action of annulment**

**Article 37-** (1) The right to directly lodge an action of annulment with the claim that constitutional amendments and codes are contradictory with the Constitution regarding their form shall foreclose in ten days starting from the day on which these are published in the Official Gazette; and the right to directly lodge an action of annulment with the claim that decrees in the force of law and the Internal Regulation of the Grand National Assembly of Turkey or certain articles and provisions thereof are contradictory regarding their form and merits and the codes regarding their form only, with the Constitution shall foreclose in sixty days starting from the publication of these in the Official Gazette.

#### **Principles to be observed during the lodging of an action for annulment**

**Article 38-** (1) The action for annulment that will be lodged with the claim that codes, decrees in the force of laws, the Internal Regulation of the Grand National Assembly of Turkey or certain articles or provisions thereof are contradictory with the Constitution shall be lodged upon the decision to be taken with the absolute majority of the by the plenaries of the political parties that are written in sub-clause (b) of clause one of article 35.

(2) In the event of the case being lodged by the members of the Grand Turkish National Assembly as written in sub-clause (c) of clause one of article 35, names of two members shall be shown in the petition so that the Court can notify them.

(3) Action for annulment shall be considered as lodged on the date when the lawsuit petition containing the cancellation of the constitutional amendments and codes, decrees in the force of law and the Internal Regulation of the Grand National Assembly of Turkey or certain articles or provisions thereof for such being in contradiction with the



Constitution is forwarded to the Office of the Chief Clerk by the Secretariat General. To those lodging the case, a document concerning that the application has been registered shall be given by the Secretariat General.

(4) If the case is being lodged by members of the parliament amounting up to at least one fifths of the total number of the members of the Grand National Assembly of Turkey, together with the lawsuit petition, the number, names and surnames, their constituency and their signatures must be available and each page of such petition involving signatures must be approved by the Speaker of the Grand National Assembly of Turkey or by an official that the latter shall appoint by way of putting their seal and signature as to the fact that those whose signatures are there are members of the parliament and that those signatures belong to them and as such, this petition must be given to the Secretariat General.

(5) In case of actions lodged by the political party groups, approved samples of the decision of the group General Assembly and approved sample documents bearing witness that those whose signatures are on the lawsuit petition are group chairs or deputies of the latter shall be given to the Secretariat General together with the lawsuit petition.

(6) In case of actions for annulment, with which articles of the Constitution the provisions contradiction with the Constitution of which are claimed are contradictory to, and the justification thereof must be demonstrated.

#### **Rectification of shortcomings and providing opinions**

**Article 39-** (1) Whether or not the lawsuit petition meets the criteria specified in article 38 shall be examined by the Court in ten days starting from the date off registration. If there are shortcomings in the lawsuit petition, these shall be ascertained with a decision and those concerned shall be notified that such shortcomings have to be rectified in no less than fifteen days.

(2) If the case has been lodged by the members of the parliament amounting up to at least one fifths of the total number of members of the Grand National Assembly of Turkey, the notification regarding the rectification of the shortcomings must be made to the members of the parliament who, in the lawsuit petition, have been determined as the addressees of notifications and if such information has not been ascertained in the petition, the notification shall be made to the two members whose names and surnames are written at the very beginning of the petition.

(3) In the event that the shortcomings are not rectified within the duration of time specified in clause one it shall be decided that the General Assembly considers that the action for annulment has not been lodged at all. Such decision shall be notified to those concerned.

(4) In actions for annulment, in cases where the Court decides that the merits be re-examined, the lawsuit petition and its annexes shall be sent to the Office of the Speaker of the Grand National Assembly of Turkey, the Prime Ministry and to the groups of the political parties that are authorized to lodge actions for annulment. Such offices can report their written opinions regarding the action for annulment to the Court for evaluation.

## **CHAPTER TWO**

### **Remedy of objection**

#### **Contradiction with the Constitution being asserted by courts**

**Article 40-** (1) If a court which is seeing a case finds that the provisions of a code or a decree in the force of law that will be applied in this case are contradictory with the Constitution or if it deems that the claim of contradiction with the Constitution as claimed by one of the parties is serious, it shall send;

a)The original of the justified application decision whereby to which articles of the Constitution that the rules the cancellation of which are requested are contradictory,

b)The approved sample of the minutes regarding the application decision,

c)The approved samples of the lawsuit petition, the indictment or the case-lodging documents together with the respective sections of the file, to the Constitutional Court by affixing to an index.

(2) If the allegation as to contradiction with the Constitution is not considered as serious by the by the Court handling the case, such request on this issue shall be rejected also by giving the justifications thereof. This issue with the main judgment can be subjected to appeals.

(3) The Secretariat General forwards the incoming documents to the office of the executive assistant and informs the applicant court with a letter regarding the consequence.

(4) Within ten days starting from the registration of the incoming documents their compliance with the application methodology is examined. Applications of objection which are expressly bereft of any ground or that are not in compliance with the methodology shall be rejected by the Court with justifications thereof without proceeding with the main examination.

(5) The Constitutional Court makes a ruling and announces such ruling within five months starting from its full receipt of the affair. If a decision is not made within such duration, the court concerned finalizes the case as per effective provisions. However, if the ruling of the Constitutional Court comes until the finalization of the decision regarding the merits, the court must accord with this.

#### **Circumstances preventing application**

**Article 41-** (1) An application of objection with the claim that the same provision of the law is contradictory with the Constitution cannot be made unless ten years have passed after the publication in the Official Gazette of the decision of rejection that the court has made by considering the merits of the affair.

(2) In the event of other files being present at the Court that applies to the remedy of objection whereby the rule which is the subject of the objection will be applied, the application of objection that has been made shall be considered as a preventive issue for such files as well.

### **CHAPTER THREE**

#### **Common Provisions Concerning Actions of Annulment and Objection**

#### **Arrangements contradiction with the Constitution of which cannot be propounded**

**Article 42-** (1) Actions of annulment regarding the form and the merits against international agreements that have been enacted in due procedure cannot be lodged and the allegation of contradiction with the Constitution cannot be alleged by courts.

(2) Moreover, contradiction with the Constitution of the provisions of;

a) The Code on the Unity of Education No. 430 and dated 3 March 1340,

b)The Code on Wearing the Hat No. 671 and dated 25 November 1925,

c) The Code on Banning of Monasteries Lodges and Tombs and Interdiction and Abolishing of Tomb-keeping and Certain Titles No. 677 and dated 30 November 1925,

ç) the principle of civil marriage that has been enacted with the Turkish Civil Code No. 743 and dated 17 February 1926 regarding the establishment of the bond of marriage before a marriage registry officer and the provision of article 110 of the same law,

d) The Code on the Accepting International Numbers No. 1288 and dated 20 May 1928,

e) The Code on Accepting and Using the Turkish Letters No. 1353 and dated 1 November 1928,

f) The Code Regarding the Abolishing of Titles and Nicknames such as Bey Pacha No. 2590 and dated 26 November 1934,

g) The Code Regarding the Restriction of Wearing of Certain Garments No. 2596 and dated 3 December 1934, which were in force on the date of 7 November 1982 cannot be claimed.

#### **Examination over the file and not being affixed by justification**

**ARTICLE 43-** (1) The investigation cases and applications for objection the examination shall be carried out over the file. Also in cases it deems necessary, the Court can summon those concerned and those who are knowledgeable about the matter so as to make oral explanations.

(2) The oral explanation shall be delivered by the President of the Republic or by an official as deemed appropriate by the President of the Republic.

(3) The Court has no obligation to rely on the justifications that have been propounded regarding the contradiction of the codes, decrees in the force of law and the Internal Regulations of the Grand National Assembly of Turkey with the Constitution. The Court can make a ruling regarding contradiction with the Constitution under the condition that it is bound by the request.

(4) If the application has been made only against certain articles or provisions of the code, the decree in the force of law or the Internal Regulation of the Grand National Assembly of Turkey whereby, however, the annulment of such articles or provisions results in certain or all of the other provisions of the code, the decree in the force of law of the Internal Regulations of the Grand national Assembly of Turkey, the Court, under the condition that such circumstance is notified in its justification, can make a ruling regarding the annulment of the other or the entirety of the related provisions of the code, decree in the force of law or the Internal Regulation of the grand national Assembly of Turkey which have lost their application capacity.

#### **Negotiations on the files that have been taken on the agenda**

**ARTICLE 44-** (1) The negotiations of the Court are confidential and shall be recorded using technical equipment as deemed appropriate by the President. The principles regarding the preservation and use of such recordings shall be arranged by way of regulation.

(2) The order and management of the negotiations shall be ensured by the President or in cases where s/he cannot attend the meeting, by the deputy president that s/he shall assign. Members are given turns in speech depending on the order of requests.

### **CHAPTER FOUR**

#### **Individual Application**

##### **Individual application right**

**Article 45 –** (1) Everyone can apply to the Constitutional Court based on the claim that any one of the fundamental rights and freedoms within the scope of the European Convention on Human Rights and the additional protocols thereto, to which Turkey is a party, which are guaranteed by the Constitution has been violated by public force.

(2) All of the administrative and judicial application remedies that have been prescribed in the code regarding the transaction, the act or the negligence that is alleged to have caused the violation must have been exhausted before making an individual application.

(3) Individual applications cannot be made directly against legislative transactions and regulatory administrative transactions and similarly, the rulings of the Constitutional Court and transactions that have been excluded from judicial review by the Constitution cannot be the subject of individual application.

#### **Persons who have the right of individual application**

**Article 46-** (1) The individual application may only be lodged by those, whose current and personal right is directly affected due to the act, action or negligence that is claimed to result in the violation.

(2) Public legal persons cannot make individual applications. Legal persons of private law can make individual application only with the justification that only the rights of the legal person they are have been violated.

(3) Foreigners cannot make individual applications regarding rights that have been vested only to Turkish citizens.

#### **Individual application procedure**

**Article 47-** (1) Individual applications can be made directly in compliance with the conditions specified in this Code and the Internal Regulation or through courts or representations abroad. Procedures and principles regarding the admission of the application in other ways shall be regulated with the Internal Regulation.

(2) Individual applications are subject to fees.

(3) In the petition for application information on the identification and address of the applicant and his/her representative, if any, the right and freedom that is alleged to have been violated because of a transaction, act or of negligence and the provisions of the Constitution relied upon, the stages regarding the exhaustion of application remedies, the date on which the remedies for application have been exhausted or if remedy of application has not been envisaged, the date on which the violation has been acknowledged and the damage incurred, if any, must be indicated. Evidence relied upon and the originals or samples of the transaction or the decisions that are claimed to have led to the violation and the document regarding the payment of the fee must be attached to the application.

(4) If the applicant is being represented by an attorney, the proxy must be submitted.

(5) The individual application should be made within thirty days starting from the exhaustion of legal remedies; from the date when the violation is known if no remedies are envisaged. Those who fail to apply within due duration upon just excuse can apply in fifteen days starting from the ending date of such excuse and with evidence bearing proof of their excuses. The Court shall accept or reject such request first by way of examination of the admissibility of the applicant's excuse.

(6) In the event of any shortcomings in the application documents, through the office of the Chief Clerk the Court shall grant the applicant or his/her representative, if any, time so as such time is not in excess of fifteen days and in the event that such shortcoming is not remedied within such time without a valid excuse, s/he is informed that a decision regarding the rejection of the application will be made.

#### **Conditions for and examination of the admissibility of individual applications**

**Article 48-** (1) In order for the decision of admissibility regarding the individual application be taken the conditions prescribed in articles from 45 to 47 must be fulfilled.

(2)The Court can decide that applications which bear no importance as to the application and interpretation of the Constitution or regarding the definition of the borders of basic rights and freedoms and whereby the applicant has incurred no significant damages and the applications that are expressly bereft of any grounds are inadmissible.

(3)Examination of admissibility shall be performed by commissions. Concerning applications that have been concluded unanimously to fail to fulfill the criteria for admissibility, a decision of inadmissibility shall be taken. Files regarding which unanimity could not be achieved shall be forwarded to sections.

(4)Decision of inadmissibility shall be final and it shall be notified to those concerned.

(5)The conditions of the examination of admissibility and the procedures and principles thereof and other issues shall be regulated by the Internal Regulation.

### **Examination on Merits**

**ARTICLE 49-** (1) The merits examination of individual applications admissibility of which has been decided shall be carried out by the sections. The President shall employ measures required for a balanced distribution of such workload between the sections.

(2) In the event of a decision whereby the application is deemed admissible, a sample of the application shall be sent to the Ministry of Justice for information. In cases it deems necessary, the Ministry of Justice shall inform the Court in writing regarding its opinion.

(3) During their examination of individual applications, commissions and sections can carry out all sorts of research and examination regarding whether or not a basic right has been violated. Information, documents and evidence that are deemed as necessary for the application shall be requested from those concerned.

(4) The Court, although it makes such examination over the file, can also decide to hold a hearing if it deems it necessary.

(5) During the merits-examination the sections can decide, ex officio or upon the request of the applicant, on measures that they deem to be essential for the protection of the basic rights of the applicant. In the event of a decision for such a measure, the decision regarding the merits shall be made latest within six months. Otherwise, the decision for the measure is automatically lifted.

(6) Examination of the sections of individual applications regarding a court decision shall be limited to whether or not a basic right has been violated and the determination of how such violation can be remedied. Examination on issues that have to be observed in legal remedies shall not be performed.

(7) In the examination of individual applications, in circumstances where this Code and Internal Regulation do not contain any provisions, the provisions of relevant procedural laws which are suitable to the nature of the individual application are applied.

(8) The conditions of the examination of admissibility and the procedures and principles thereof and other issues shall be regulated by the Internal Regulation.

### **Decisions**

**ARTICLE 50-** (1) At the end of the examination of the merits it is decided either the right of the applicant has been violated or not. In cases where a decision of violation has been made what is required for the resolution of the

violation and the consequences thereof shall be ruled. However, legitimacy review cannot be done, decisions having the quality of administrative acts and transactions cannot be made.

(2) If the determined violation arises out of a court decision, the file shall be sent to the relevant court for holding the retrial in order for the violation and the consequences thereof to be removed. In cases where there is no legal interest in holding the retrial, the compensation may be adjudged in favor of the applicant or the remedy of filing a case before the general courts may be shown. The court, which is responsible for holding the retrial, shall deliver a decision over the file, if possible, in a way that will remove the violation and the consequences thereof that the Constitutional Court has explained in its decision of violation.

(3) The decisions of the sections regarding the merits shall be notified to those concerned and the Ministry of Justice with the justifications thereof and they shall be published on the web page of the Court. Issues pertaining to which of such decisions are to be published in the Official Gazette are indicated in the Internal Regulation.

(4) Differences between the case-laws of commissions shall be settled by the sections to which they are attached; and the differences of case-laws between the sections shall be settled by the General Assembly. Other issues in relation thereto shall be regulated by an Internal Regulation.

(5) In the event of waiver from the case non-suit shall be decreed.

#### **Misuse of the right of application**

**Article 51-** (1) Against the applicants who have been found to have expressly misused the right of application a disciplinary penalty so as not to be in excess of two thousand Turkish Lira can be ruled apart from the expenses for action.

### **CHAPTER FIVE**

#### **Cases of Banning of Political Parties and Abolition of Immunity**

##### **Cases of Banning of Political Parties**

**Article 52-** (1) The Court, upon the action lodged by the Chief Prosecutor of the Republic at the Supreme Court of Appeals, can decide with the two thirds majority of the members who have attended to the meeting that a political party be banned as a result of circumstances prescribed in article 69 of the Constitution or that it be divested partially or entirely, of the State assistance, depending on the gravity of the acts which are the subject of action.

(2) Cases concerning the banning of political parties shall be examined by the General Assembly over the file by way of application of the provisions of the Code No. 5271 that are befitting to the case and ruled.

(3) The rapporteur who is assigned by the President prepares the initial examination report and submits it to the Presidency. In the event of making of a decision to accept the indictment following the initial examination, the indictment and the attachments thereof shall be sent to the political party concerned and their defense as to the procedure and merits shall be obtained. In cases where the litigated party provides a written defense, such defense shall be sent to the office of the Chief Prosecutor of the Republic at the Supreme Court of Appeals. Also, after the Chief Prosecutor of the Republic at the Supreme Court of Appeals, the oral defense of the general chair of the party the banning of which is requested or that of an attorney who shall be appointed by him/her shall be heard. Those about whom political ban is requested can submit their defense concerning the allegations in writing.

(4) The General Assembly, in cases that it deems necessary, can summon those concerned and those who are knowledgeable about such matter to hear their oral explanations.

(5) The decision that has been made at the end of the case regarding the banning a political party shall be notified to the political party concerned through the Chief Prosecutor of the Republic at the Supreme Court of Appeals and published in the Official Gazette.

#### **Passing a warning to political parties**

**Article 53-** (1) The Chief Prosecutor of the Republic at the Supreme Court of Appeals can address the Court regarding the ruling for a warning against a political party with the claim that such political party has acted in violation of the imperative provisions of the Political Parties Code No. 2820 dated 22/4/1983 with the exception of article 101 therein and of the imperative provisions of other codes in relation to political parties. Following the obtainment of the defense of the political party within the duration of time to be assigned by the Court, if any violations are found, a decision of warning regarding the political party concerned shall be given so that the violation concerned is rectified.

(2) The decision shall be notified to the political party concerned through the Chief Prosecutor of the Republic at the Supreme Court of Appeals and published in the Official Gazette.

#### **Request of annulment in cases of abolition of immunity and foreclosure of membership to the parliament**

**Article 54-** (1) Against the decisions of the Grand National Assembly of Turkey regarding the abolition of legislative immunity or foreclosure of membership to the parliament, the member of the parliament concerned or the minister who is not a member of the parliament or another member of the parliament can address the Court in seven days starting from the date on which such decision is made for annulment with the claim that such decision is in violation of the Constitution, the code or the Internal Regulation of the Grand National Assembly of Turkey. Such request shall be ruled definitively within fifteen days.

(2) The Court in case of requests for annulment shall get required documents brought in without waiting for submission by the person concerned.

### **SECTION SIX**

#### **Financial Supervision of Political Parties**

##### **Financial supervision of political parties**

**Article 55-** (1) The Court receives help from the Supreme Court of Appeals so as to supervise the acquisition of property of political parties and the legality of the revenues and expenditures thereof.

(2) Political parties shall send to the Presidency of the Constitutional Court in compliance with the Code No. 2820, approved samples of each of the consolidated final account and the final accounts of the party headquarters and the provincial organization which includes the subordinate districts until the end of the month of June. The Court sends such documents that have been sent to it for examination to the Presidency of the Supreme Court of Accounts.

(3) Reports concerning the examination that has been carried out at the Supreme Court of Accounts shall be sent to the Court for ruling.

##### **The initial and principal examination in financial supervision**

**ARTICLE 56 -** (1) Examination of the final accounts of political parties shall be carried out as per the provisions of the Code No. 2820.

(2) The reports regarding the examination that has been carried out shall be sent to the political party concerned which is requested to forward its opinions thereon latest in two months.

(3) The Court evaluates the opinions of the political parties regarding the examination during the financial supervision.

(4) Samples of each of the decisions of the Court regarding the financial supervision shall be sent to the political party concerned and to the office of the Chief Prosecutor of the Republic at the Supreme Court of Appeals so that it goes in the file of records.

(5) Decisions taken at the end of financial supervision shall be published in the Official Gazette.

## **SECTION SEVEN**

### **Trial by the Supreme Court**

#### **Hearing**

**Article 57-** (1) During its work as the Supreme Court, the General Assembly sits and makes rulings in compliance with the codes that are in effect.

(2) In the event also of presence of other substantial circumstances that are in violation of the law other than the reasons for returning the indictment that is in the Code No. 5271, the Supreme Court can decide that the indictment or other documents to substitute for the indictment be returned.

(3) In cases where a accused who has been questioned at the Supreme Court does not attend subsequent hearings or in cases where, also, such presence is not deemed to be necessary by the Supreme Court, the public case can be finalized in absentia thereof even if there is no requests for the excuse from hearings. The defendant can always be readily present at the hearing.

(4) During the session, technical equipment as deemed appropriate by the President can be used for recording. Each page of the minutes of the hearing that shall be drawn up by reliance on such recording shall be signed by the President and those who have drawn up such minutes.

(5) At the Supreme Court, the duty of prosecution shall be carried out the Chief Prosecutor of the Republic at the Supreme Court of Appeals of the deputy Chief Prosecutor of the Republic at the Supreme Court of Appeals. Those who have been tasked among the Prosecutors of the Republic at the Supreme Court of Appeals can also participate in the hearing together with the Chief Prosecutor of the Republic at the Supreme Court of Appeals of the deputy Chief Prosecutor of the Republic at the Supreme Court of Appeals.

#### **Re-examination**

**Article 58-** (1) The application for a re-examination of the decision by the Supreme Court can be made by the Chief Prosecutor of the Republic at the Supreme Court of Appeals, or the deputy Chief Prosecutor of the Republic at the Supreme Court of Appeals, the accused, the defendant, the participant and his/her attorney.

(2) The application for re-examination shall be made within fifteen days starting from the announcement of the verdict by way of submitting a petition to the Supreme Court. If the verdict has been pronounced in the absence of those who have a right to apply for re-examination, the period shall commence from the date of notification.

(3) The Supreme Court shall perform the re-examination over the file. Upon the request of the Chief Prosecutor of the Republic at the Supreme Court of Appeals or the deputy Chief Prosecutor of the Republic at the Supreme Court of Appeals, of the accused or the participant, it can be decided that the ex officio examination be made by holding a hearing.



(4) In the event that it is decided that the examination be made by holding a hearing, the date of the hearing shall be notified to the Chief Prosecutor of the Republic at the Supreme Court of Appeals or the deputy Chief Prosecutor of the Republic at the Supreme Court of Appeals, to the accused, the participant, defendant and the attorney. As may the accused be present in the trial, so may s/he have himself/herself represented by a defense counsel.

(5) At the hearing the Chief Prosecutor of the Republic at the Supreme Court of Appeals or the deputy Chief Prosecutor of the Republic at the Supreme Court of Appeals, the accused in case that s/he is present, the defense counsel, the participant and the attorney declare their claims and defenses; the party who has applied for a re-examination is heard first. In any event, the final say shall belong to the accused.

(6) The re-examination shall be carried out only within the boundaries of the issues written in the application. If the application is found to be admissible, the decision is also made regarding the subject of the application. Decisions that are taken upon the application of re-examination shall be final.

## **SECTION EIGHT**

### **Other Issues in Relation to Trial**

#### **Circumstances Preventing from Participating in the Hearing or in Other Businesses**

**Article 59 -** (1) The President and the members shall not hear;

a) Cases and affairs which belong to them or relate to them,

b) Cases and affairs of their spouses even if the bond of marriage between them no longer exists, his/her antecedents and descendants regarding blood and kinship, peripheral kins up to the fourth degree (including such degree) regarding blood and even if the bond of marriage that gives rise to such kinship no longer exists, regarding in-law kinship, peripheral kins up to the third degree (including such degree) or of persons between whom there is filial bond,

c) To cases and affairs whereby s/he acts as the attorney, guardian or trustee of the owners of the case or of the affair,

ç) To cases and affairs that s/he has heard as the judge, prosecutor, arbitrator or where s/he has made a statement as witness or expert,

d) To cases and affairs where s/he has provided his/her advisory opinion,

#### **Rejection of the President and the members**

**ARTICLE 60 -** (1) The president and the members can be rejected upon the claim regarding the presence of circumstances verifying the presumption that they cannot act in impartiality.

(2) In this case at the General Assembly or at the sections, without the participation of the member concerned, a final decision is made regarding the subject of rejection.

(3) Rejection is personal. Requests regarding the rejection of such a number of members to prevent the convention of the General Assembly or the sections shall not be heard.

(4) In the petition of rejection, the reasons must be expressly shown and the evidence be informed therein. Petitions that lack such conditions shall be rejected. Oath shall not constitute evidence.

(5) If the request for rejection is understood to be made in bad faith and not accepted on grounds of merits, a disciplinary fine of five hundred Turkish Lira to five thousand Turkish Lira shall be ruled on for each of the requesters.

(6) Within the meaning of this Code disciplinary fine refers to a fine which is given against the applicants whose express misuse of the right of application or the request of rejection has been determined, and which is final the moment that it is given and which must be immediately executed. This fine cannot be transformed into alternative sanctions and is not included in criminal records.

(7) The disciplinary fine is collected according to the Law on the Collection Procedure of Public Receivables the provisions of dated 21/7/1953 and numbered 6183.

### **Refrain**

**Article 61-** (1) In the event of the President and the members refraining from hearing the case or the affair by reliance on reasons that are written in articles 59 and 60, the General Assembly shall make its final decision regarding such issue with the participation of the President or the members who has requested refrain. However, the member who has requested refrain cannot participate in the vote.

### **The liability to give information and documents and information with the quality of State secrets**

**Article 62-** (1) The Court, during the performance of the tasks that have been given to it, shall be authorized to correspond directly with legislative, executive and judicial organs, public administrations, public officials, banks and other real and legal persons, to request information and documents, to examine all sorts of documents, records and transactions that it deems necessary, to summon all degrees and classes of public officials and persons concerned and to request representatives from the administration and other legal persons. Concerning those who fail to carry out such requests of the Court in the specified time frame, a direct investigation as per general provisions shall be carried out.

(2) Information pertaining to the case and affairs that the Court is tasked with hearing cannot be held confidential against the Court on grounds that these are State secrets.

(3) In the event that such information qualifies as State secret, the witness shall be heard by the Court without the presence of even the stenographer and the court clerk. The President, the judge or chief judge shall later on have only the information of the quality to clarify the alleged crime from said testimonies recorded in the court record. Information the disclosure of which might harm the foreign affairs of the State, its national defense and national security, and which is of a quality which might create peril in its constitutional order and foreign affairs shall be considered as State secret.

(4) Such provisions shall also apply to those the verbal explanations of whom are addressed and also to experts.

### **Avail of vehicles, tools and staff**

**Article 63-** (1) In cases required by the case, the President can place a request for the avail of vehicles, tools, stenographers and technical staff during cases for the banning of political parties and during verbal explanations. Such requests shall be carried out immediately.

### **Fee exemption**

**Article 64-** (1) Applications other than individual applications to be made to the Court, the decisions to be taken and transactions that will be performed in relation thereto shall not be subject to fees.

## **CHAPTER NINE**

## **Decisions**

### **The form of the vote and quorum for decision**

**Article 65-** (1) The General Assembly and sections make their decisions with the absolute majority of the participants. In case of equality of votes, the decision is considered as taken in the direction of the view of the President.

(2) In order for decisions regarding annulment in amendments to the Constitution, banning of political parties or bereaving them of the State assistance the two thirds majority of the members participating in the meeting shall be sought.

(3) Voting starts with the least senior member.

### **Decisions of the Court**

**Article 66 -** (1) Decisions of the Court are final. The decisions of the Court are binding for the legislative, executive and judicial organs of the State, administrative offices, real and legal persons.

(2) Annulment decisions shall not be executed retrospectively.

(3) The code the revocation of which has been ruled by the Court, decree in the force of law or the Internal Regulation of the Grand National Assembly of Turkey or certain articles or provisions thereof shall lose force on the date of its publication in the Official Gazette. In cases the Court deems necessary, the date on which the annulment decision shall become effective can be separately decided so as not to be in excess of one year starting from the day on which it was published in the Official Gazette.

(4) When the Court is annulling a code, a decree in the force of law or entirety or a provision of the Internal Regulation of the Grand National Assembly of Turkey, it cannot deliver judgment so as to lead to a new application with an act such as that of the law maker.

(5) Verdicts of the Court shall be written together with the justification thereof. Decisions of annulment shall not be made public without writing their justification.

(6) Principles pertaining to the preparation and negotiation of draft verdicts shall be demonstrated in the Internal Regulation.

(7) Verdicts shall be signed by the president and the members who take part in the examination or the trial. Those who oppose shall deliver their reasons for opposition to the verdict within the duration of time specified in the Internal Regulation. Verdicts shall be notified to those concerned in such form.

(8) Reasoned decisions that are taken at the end of annulment and objection applications shall be published in the Official Gazette immediately.

### **Retrial**

**ARTICLE 67 -** (1) Retrial against the decisions of the Court in cases for banning political parties and the decisions that the Court has taken as the Supreme Court can be requested as per the provisions of the Code No. 5271.

(2) In cases where the European Court of Human Rights rules that the political party banning decision of the Court or a decision that the Court has taken as the Supreme Court was ruled by way of violation of the European Human Rights Convention and its Protocols, retrial of the case can be requested from the Constitutional Court within one year starting from the finalization of the verdict of the European Court of Human Rights.

(3) If the Court deems that such retrial request is substantial and worthy of admission it shall decide on a retrial. Such request shall be concluded as per general provisions.

## **SECTION FIVE**

### **Financial Provisions, Staff and Personal Actions**

## **CHAPTER ONE**

### **Financial, Social and Other Rights**

#### **Financial rights**

**Article 68-** (1) The monthly salaries and allowances, other financial, social rights and assistances of the President of the Constitutional Court, deputy presidents, members, rapporteurs of the Constitutional Court, assistant rapporteurs and assistant rapporteur candidates shall be subject to the provisions of this Code.

#### **Monthly salary chart**

**ARTICLE 69-** (1) Up to;

- a) %100 to the President of the Constitutional Court,
- b) %90 to the deputy Presidents of the Constitutional Court,
- c) %86 to the members of the Constitutional Court,
- ç) %79 to rapporteurs first-class,
- d) %65 to rapporteurs selected as first-class,
- e) %55 to other rapporteurs first-class,
- f) %53 to rapporteurs second-class,
- g) %51 to rapporteurs third-class,
- ğ) %49 to rapporteurs fourth-class,
- h) %47 to rapporteurs fifth-class,
- ı) %45 to rapporteurs sixth-class,
- i) %43 to rapporteurs seventh-class,
- j) %41 to rapporteurs eight-class,
- k) %65 to assistant rapporteurs first-class,
- l) %56 to assistant rapporteurs second-class,
- m) %54 to assistant rapporteurs third-class,

- n) %52 to assistant rapporteurs fourth-class,
- o) %50 to assistant rapporteurs fifth-class,
- ö) %47 to assistant rapporteurs sixth-class,
- p) %46 to assistant rapporteurs seventh-class,
- r)%44 to assistant rapporteurs eight-class,
- s)%37 to assistant rapporteur candidates,

of each item of disbursement that constitutes a comparative salary shall be paid. In the calculation of the bonus which is among the items of disbursement under this article, one twelfths of the total amount of the bonus in a financial year inside the comparative monthly salary shall be taken into consideration.

(2) Rapporteurs of the Constitutional Court and assistant rapporteurs shall earn the right to the monthly salary that corresponds to their new grade starting from the 15th of the month that follows the dates of effectiveness of their promotion.

(3) To the ratios of monthly salaries touched by rapporteurs first-class, two points shall be added every three years under the condition that the ratio that will serve as the basis of the payment does not exceed 83% and that they shall not lose their qualities for selection as first-class.

(4) Among the disbursement items those which are not subject to tax shall also be not subject to tax in payments that will be made as per this article.

(5) A judicial allowance up to 10% of their gross monthly salaries shall be given to the President of the Constitutional Court, deputy Presidents, members and to rapporteurs among those the titles of which have been specified in clause one.

(6) Payment to the rapporteurs and rapporteurs who come from higher education institutions or from the Supreme Court of Accounts shall be made on the basis of monthly salaries and allowances that are paid to rapporteur-judges and rapporteur-prosecutors of the same grade and seniority.

(7) To those to whom payments are made as per this article; payments that are made within the scope of the decree in the force of law No. 375 and dated 27/6/1989 (with the exception of the foreign language compensation) and compensation for representation, office and high-justice shall not be paid and payments as per article 152 of the Code No. 657 shall not be made.

(8) Additional indicators of the President and the members of the Constitutional Court are (9.000) and (8.000) respectively, and their high-justice indicator is (17.000).

(9) A monthly additional allowance that amounting up to the outcome of multiplication of the indicative figure of (40.000) with the coefficient that is applied to the salaries of civil servants shall be given to the President, deputy presidents and the members; and amounting up to the outcome of multiplication of the indicative figure of (10.000) with the coefficient that is applied to the salaries of civil servants shall be given to rapporteurs. The provision of the Code No. 2802 regarding earning the right to such allowance and the payment thereof shall be applied whereby such allowance, with the exception of the stamp tax, shall not be subject to any tax or any cuts whatsoever.

(10) In cases where this Code does not have any provisions, the provisions, depending on the issue, of the Code No. 2802 and the Code No. 657 shall be applied regarding the time of payment of the salaries of those who are paid as

per this article, under which circumstances these shall be recalled and regarding social rights and assistances and earning the right to salary and allowances in case of appointment from assistance and from other institutions.

(11) An additional payment which shall be found by way of multiplication of the indicative figure of (5.000) with the monthly coefficient that is applied to the salaries of civil servants shall be paid to staff who are subject to the Code No. 657 every month. The amount of additional payment, with the exception of stamp tax, shall not be subject to any tax or cuts whatsoever. The additional payment shall not be taken into consideration during the calculation of another payment.

### **Permission**

**Article 70-** (1) The President and the members have the right to an annual leave of forty days under the condition that businesses that are handled as the Supreme Court or that are time-bound according to the Constitution are not hampered.

(2) Sickness and excused leaves shall be subject to general provisions. Annual and excused leaves shall be given by the President.

### **Health affairs and treatment**

**Article 71-** (1) Health expenditures of the President and the members and the retired thereof and those whom they are liable to look after shall be paid from the budget of the Court within the framework of provisions and principles to which the members of the Grand National Assembly of Turkey are subject.

### **Awarding of certificates of the day of establishment and of honor**

**Article 72 -** (1) The 25th day of the month of April every year is the day of establishment of the Court. The day of establishment shall be celebrated with ceremonies; seminars, conferences and similar events can be organized.

(2) Certificates of honor and gifts that symbolize the memory of their past services shall be given to each of the retired Presidents, deputy presidents and members.

(3) Each year, adequate amount of allowance shall be appropriated for the budget of the Court so as to meet the costs of the ceremony that will be organized to this end, and of the gifts. Expenditures that will be made for this purpose are not subject to the Public Procurement Code No: 4734 dated 4/1/2002.

### **Being sent to foreign countries**

**Article 73-** (1) Rapporteurs and assistant rapporteurs can be assigned by the Presidency abroad up to two years so as to augment their knowledge and etiquette and for purposes of graduate studies, scientific research or to work at the courts of foreign countries, universities or international organizations or for education purposes within the framework bilateral cooperation. Such durations, if deemed necessary by the Presidency, can be doubled.

(2) Within this scope, regarding the financial rights, liabilities, compulsory services, meeting the expenditures and the transfer of their monthly salaries and allowances provisions regarding civil servants shall be applied.

(3) The upgrade and promotion, retirement, monthly salary, allowance and all other staffing rights and liabilities of those sent to foreign countries shall continue.

### **Staff positions**

**Article 74-** (1) Determination, formation, use and cancellation of the staff positions that belong to the Court and other issues pertaining to staff positions shall be regulated as per the provisions of the Decree in the Force of Law dated 13/12/1983 and No. 190.

#### **Transitional provisions**

**PROVISIOANL ARTICLE 1-** (1) The duties of those occupying, at the Constitutional Court the staff position offices titles of which are; Deputy General Secretary, Chief Clerk, Director of Press and Public Relations, Director of Verdicts, Executive Assistant, Director of Archives, Financial Affairs Director, ICT Director, Logistics Director, Staff and Training Director, Director of Publications, Library Director, Director for Administrative Affairs, Manager, Properties Accountant and Civil Defense Expert shall terminate on the date of publication of this Code. These shall be appointed within the Court or within the organization of the Ministry of Justice, to staff positions suitable for their grades latest in six months. Until the transaction of appointment is completed, they can be assigned to tasks that are befitting for their statuses. Until they are appointed to a new staff position, they shall continue to receive their monthly salaries, additional indicators and all sorts of raises and compensations and other financial rights which belong to their previous staff position. In the event of the monthly salaries, additional indicators, all sorts of raises and compensations and the total of other rights of the new staff positions of staff concerned that they are appointed to being less than the monthly salaries, additional indicators, all sorts of raises and compensations and the total of other rights of their previous staff positions, the difference in between shall be paid without incurring any cuts as long as they remain in such staff positions that they are appointed to.

(2)Of those who, on the date of publication of this Code, are in such staff positions which belong to the Presidency, and whose staff position and work title has not changed shall be considered as appointed to the staff positions of the Presidency with the same work title.

(3)Until re-arrangements and appointments are made according to this Code performance of the tasks that have been assigned to the changing or newly-established units of the Court shall be continued by other units that have been carrying such tasks on previously. The Presidency shall adopt its organization and staff positions to this Code in six months at the latest. Within this framework, staff position changes shall be executed as per the provisions of the said Decree in the Force of Law without applying the provision of the last clause of article 9 of the Decree in the Force of Law No. 190.

(4)The President and the Deputy President who are in office on the date when this Code enters into force shall fulfill the time that is valid on the date of their election.

(5)The Internal Regulations and the regulations prescribed in this Code shall be prepared by the Presidency and enter into force in six months at the latest. Until the new Internal Regulation and the regulation enter into force, application of the provisions of the existing Internal Regulation and the regulation shall continue to be implemented.

(6)The references in the legislation to Code on Establishment and Rules of Procedures of the Constitutional Court No. 2949 and dated 10/11/1983 shall be considered as references made to this Code except for their provisions that are contrary to this Code.

(7)Regarding treatment expenses that have been made before the date of entry into force of this Code the provisions of article 14 of the Code No. 2949 that has been revoked with this Code shall be taken as basis.

(8)The court shall examine the individual applications to be lodged against the last actions and decisions that were finalized after 23/9/2012.

#### **Amended and abolished provisions**

**ARTICLE 75-** (1) Code on Establishment and Rules of Procedures of the Constitutional Court dated 10/11/1983 and numbered 2949 has been abolished.

(2) The expression "Constitutional Court" in article 13 of the Passport Code No. 5682 and dated 15/7/1950 has been amended as "with the President and the members of the Constitutional Court."

(3) The expressions of "Constitutional Court" in articles 1 and 2 of the Code of Judges and Prosecutors No. 2802 and dated 24/2/1983; the expressions the "President of the Constitutional Court," "Deputy President of the Constitutional Court," "members of the Constitutional Court" and the expressions "the President of the Constitutional Court," "the President of the Court of Disputes" and "the members of the Constitutional Court" in the additional indicator chart in the said Code have been removed from the text.

(4) The expressions "the President of the Constitutional Court," "the President of the Court of Disputes" and "the members of the Constitutional Court" that are found in article 1 of the Decree in the Force of Law about High Judgeship Compensation No. 270 and dated 23/1/1987 have been removed from the text.

(5) The expression "to the Office of the Press Advisor of the Constitutional Court" has been added to succeed the expression "to the Secretariat General" in article 59 of the Passport Code No. 657 and dated 14/7/1965.

(6) The staff positions in chart (I) that is annexed to the Decree in the Force of Law on the General Staff Positions and Procedure No: 190 dated 13/12/1983 have been annulled and removed from the chart concerned. The staff positions that are found in the list No. (I) that is annexed to this Code have been formed and added to the Presidency of the Constitutional Court section of the chart No. (II) of the Decree in the Force of Law No. 190, and the staff positions that are found in the list No. (2) have been formed and added to the Presidency of the Constitutional Court section in chart No. (I), the staff positions that are found in the list No. (5) have been abolished and removed from the Presidency of the Constitutional Court section of the chart No. (II) of the Decree in the Force of Law No. 190.

The staff positions that are found in the annexed list No. (3) have been formed and added to the Ministry of Justice section of chart (II) that is annexed to the Decree in the Force of Law No. 190, the staff positions that are found in the list No. (4) have been formed and added to the Presidency of the Supreme Court of Accounts section of the chart No. (II).

(7) To the section under the title No. (5) in the chart No. (II) of the Code No. 657 the expression "Managers of the Presidency of the Constitutional Court" has been added.

(8) The expression "in individual applications to the Constitutional Court" to succeed the expression "in judicial matters" has been added to the first sentence of the section "A) Court Fees" in the Tariff No. (1) which is connected to the Fees Code No. 492 and dated 2/7/1964 and the sub-clause below has been added to the clause titled "I- Application fee."

" 4. 150,00 TRY in the Constitutional Court"

## **Force**

**Article 76 - (1)** Of this Code;

a) Articles 45 to 51 on the date of 23/9/2012,

b) Other provisions on the date of their publication,

enter into force.

## **Execution**

**ARTICLE 77- (1)** The Council of Ministers executes the provisions of this Code.



