



# 21 JULY 2016–20 MARCH 2018 STATE OF EMERGENCY IN TURKEY

**UPDATED SITUATION REPORT**  
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## Updated Situation Report- State of Emergency in Turkey

21 July 2016 – 20 March 2018

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## SECTION I. GOVERNANCE OF THE STATE OF EMERGENCY

### I.1. Duration of the SoE & its Prolongation

Following the failed coup d'état of 15 July 2016, the Government declared a State of Emergency (SoE) throughout the country on 21 July 2016 initially for a period of three months based on its authority provided by the Article 120 of the Constitution<sup>1</sup>. The period of SoE was prolonged six times by the decision of the Government<sup>2</sup>. (See Table 1). Prolongation decisions were debated at the parliament and endorsed with majority votes.

	Periods	Number & Date of Council of Ministers Decisions	No. & date of Parliamentary Debates and Endorsement
<b>1st period</b>	21.07.2016-18.10.2016	1116 / 20.07.2016	21.07.2016/117. Session
<b>2nd period</b>	19.10.2016 – 18.01.2017	1130 / 11.10.2016	11.10.2016/5. Session
<b>3rd period</b>	19.01.2017 – 18.04.2017	1134 / 3.01.2017	3.01.2017/49. Session
<b>4th period</b>	19.04.2017-18.07.2017	1139 / 18.04.2017	18.04.2017/84. Session
<b>5th period</b>	19.07.2017-18.10.2017	1154 /17.07.2017	17.07.2017/112. Session
<b>6th period</b>	19.10.2017-18.01.2018	1165 /17.07.2017	17.10.2017/9. Session
<b>7th period</b>	19.01.2018 -18.04.2018	1178/18.01.2018	18.01.2018/51. Session

### I.2. SoE Decrees and Parliamentary Supervision

***A total of 31 Decrees Having the Force of Law (Emergency Decree) were issued during the 20 months of SoE period from 21 July 2016 to 20 March 2018.***

5 of 12 Emergency Decrees issued in 2016 were debated at the General Assembly of the Turkish Grand National Assembly (TGNA) and became law. 26 Emergency Decrees (7 pending from 2016, 18 issued in 2017 and 1 issued in 2018) were debated with the presence of up to 52% of the Members of the Parliament and became law with majority votes at the General Assembly of TGNA during the period between 31 January and 13 February 2018 (see Table 2).

Emergency Decree	No. of MPs participated in voting process	% of MPs in 550 seats	Adopted		Rejected	
			No. of MPs	%	No. of MPs	%
680	266	48%	237	89%	29	11%
681	274	50%	237	86%	37	14%
684	284	52%	242	85%	42	15%
685	279	51%	241	86%	38	14%
687	284	52%	242	85%	42	15%
690	237	43%	217	92%	20	8%
694	259	47%	226	87%	33	13%
696	224	41%	200	89%	24	11%

These 26 laws were entered into force on 8 March 2018 with the publication on the Official Gazette<sup>3</sup> (see Table 3).

<sup>1</sup> The Constitution of the Republic of Turkey; Article 120 - In the event of serious indications of widespread acts of violence aimed at the destruction of the free democratic order established by the Constitution or of fundamental rights and freedoms, or serious deterioration of public order because of acts of violence, the Council of Ministers, meeting under the chairmanship of the President of the Republic, after consultation with the National Security Council, may declare a state of emergency in one or more regions or throughout the country for a period not exceeding six months.

<sup>2</sup> The State of Emergency Law no. 2935; Article 3 - (b) (...)The state of emergency decision shall be published in the Official Gazette and immediately submitted for approval of the Turkish Grand National Assembly. If the Turkish Grand National Assembly is in recess, it shall be summoned to meet immediately. The Assembly may amend the duration of the state of emergency. On a request from the Council of Ministers, the Assembly may prolong the duration each time for a period not exceeding four months, or it may terminate the state of emergency. The Council of Ministers, after declaring a state of emergency in accordance with provision (b) above, shall also consult the National Security Council before deciding on questions related to the prolongation of the duration, alteration of the scope, or termination of the state of emergency. (...)

<sup>3</sup> See Official Gazette, Date: 08.03.3028; No.: Repeated 30354; <http://www.resmigazete.gov.tr/default.aspx>

**Table 3. Parliamentary Supervision of the Emergency Decrees<sup>4</sup>**

	Decree No.	Date of Official Gazette	Submission to the Presidency of TGNA	Submission to the Parliamentary Commissions	Referral from the Commissions	Commission Report	TGNA General Assembly debate	Publication in the Official Gazette	Law No.
1	667	23.07.2016	23.07.2016	25.07.2016	15.08.2016	N.A.	18.10.2016	29.10.2016	6749
2	668	27.07.2016	27.07.2016	29.07.2016	19.08.2016	N.A.	8.11.2016	24.11.2016	6755
3	669	31.07.2016	31.07.2016	5.08.2016	4.10.2016	N.A.	9.11.2016	24.11.2016	6756
4	670	17.08.2016	17.08.2016	18.08.2016	17.10.2016	N.A.	8.02.2018	8.03.2018	7091
5	671	17.08.2016	17.08.2016	18.08.2016	17.10.2016	N.A.	9.11.2016	24.11.2016	6757
6	672	1.09.2016	1.09.2016	1.10.2016	22.10.2016	N.A.	6.02.2018	8.03.2018	7080
7	673	1.09.2016	1.09.2016	1.10.2016	22.10.2016	N.A.	6.02.2018	8.03.2018	7081
8	674	1.09.2016	1.09.2016	1.10.2016	22.10.2016	N.A.	10.11.2016	24.11.2016	6758
9	675	29.10.2016	31.10.2016	3.11.2016	24.11.2016	N.A.	06.02.2018	8.03.2018	7082
10	676	29.10.2016	31.10.2016	3.11.2016	24.11.2016	N.A.	01.02.2018	8.03.2018	7070
11	677	22.11.2016	22.11.2016	28.11.2016	19.12.2016	N.A.	06.02.2018	8.03.2018	7083
12	678	22.11.2016	22.11.2016	28.11.2016	19.12.2016	N.A.	01.02.2018	8.03.2018	7071
13	679	6.01.2017	6.01.2017	16.01.2017	6.02.2017	N.A.	6.02.2018	8.03.2018	7084
14	680	6.01.2017	6.01.2017	16.01.2017	6.02.2017	N.A.	1.02.2018	8.03.2018	7072
15	681	6.01.2017	6.01.2017	16.01.2017	6.02.2017	N.A.	1.02.2018	8.03.2018	7073
16	682	23.01.2017	23.01.2017	27.01.2017	17.02.2017	N.A.	31.01.2018	8.03.2018	7068
17	683	23.01.2017	23.01.2017	27.01.2017	17.02.2017	N.A.	06.02.2018	8.03.2018	7085
18	684	23.01.2017	23.01.2017	27.01.2017	17.02.2017	N.A.	1.02.2018	8.03.2018	7074
19	685	23.01.2017	23.01.2017	27.01.2017	17.02.2017	N.A.	1.02.2018	8.03.2018	7075
20	686	7.02.2017	8.02.2017	15.02.2017	8.03.2017	N.A.	6.02.2018	8.03.2018	7086
21	687	9.02.2017	9.02.2017	15.02.2017	8.03.2017	N.A.	1.02.2018	8.03.2018	7076
22	688	20.03.2017	29.03.2017	17.04.2017	8.05.2017	N.A.	07.02.2018	8.03.2018	7087
23	689	29.04.2017	29.04.2017	8.05.2017	29.05.2017	N.A.	7.02.2018	8.03.2018	7088
24	690	29.04.2017	29.04.2017	8.05.2017	29.05.2017	N.A.	1.02.2018	8.03.2018	7077
25	691	22.06.2017	22.06.2017	30.06.2017	4.10.2017	N.A.	31.01.2018	8.03.2018	7069
26	692	14.07.2017	14.07.2017	18.07.2017	12.10.2017	N.A.	7.02.2018	8.03.2018	7089
27	693	25.08.2017	25.08.2017	1.10.2017	23.10.2017	N.A.	7.02.2018	8.03.2018	7090
28	694	25.08.2017	25.08.2017	1.10.2017	23.10.2017	N.A.	1.02.2018	8.03.2018	7078
29	695	24.12.2017	24.12.2017	5.01.2018	26.01.2018	N.A.	08.02.2018	8.03.2018	7092
30	696	24.12.2017	24.12.2017	5.01.2018	26.01.2018	N.A.	1.02.2018	8.03.2018	7079
31	697	12.01.2018	12.01.2018	16.01.2018	31.01.2018	Avalaibe	13.02.2018	8.03.2018	7098

### I.3. Scope of the Emergency Decrees

The emergency decrees issued during the 20-month State of Emergency, covered legislative amendments besides sanctions on individuals and institutions. Majority of the sanctions and legislative amendments were not limited to the State of Emergency period.

<sup>4</sup> Tabloda yer alan bilgiler TBMM web sitesinden elde edilmiştir.  
[https://www.tbmm.gov.tr/develop/owa/kanunlar\\_sd.sorgu\\_baslangic](https://www.tbmm.gov.tr/develop/owa/kanunlar_sd.sorgu_baslangic)

### I.3.1. Measures Limited to the Duration of the SoE

The measures limited to the duration of the State of Emergency are below. (See Table 4)

EMERGENCY DECREE	Date	Measures limited to the duration of SoE
667 <sup>5</sup>	23.07.2016	Investigation and prosecution procedures (Article 6) Detention periods, Pre-trial detention conditions (attorney visits, family visits)
668 <sup>6</sup>	27.07.2016	Investigation and prosecution procedures (Article 3): (Arrest, Search, Seizure, Interception and recording of communication, limitations on legal counselling during detention)
670 <sup>7</sup>	17.08.2016	Sharing personal data (Article 3) Measures on financial crimes (Article 7): Amendment on the period mentioned in the article Retaking statements (Article 8): Arrangement on law enforcement authority for taking statements
673 <sup>8</sup>	01.09.2016	Approval on retirements (Article 6) (Arrangement on the entitlement period for retirement)
684 <sup>9</sup>	23.01.2017	Detention periods (Article 10): Reduction of the detention period in Article 6 of the Emergency Decree No. 667 from 30 days to 7+7 days Article 11: Amendment on Article 3 of the Emergency Decree No. 668

### I.3.2. Measures Not Limited to the Duration of the SoE

These measures are summarised in Table 5 and 6 below.

Measures against individuals	Measures against organisations/institutions	Legislative amendments/regulations
<b>Life-time dismissal from public office</b> <b>Cancellation of professional licenses</b> <b>Dismissal from public institutions (for Retired public officials)</b> <b>Reduction in rank</b> <b>Stripping of combat medals</b> <b>Confiscation of assets</b> <b>Ban on travel abroad and cancellation of passports</b>	Permanent closure Confiscation of assets Appointment of trustees	<b>New legislation</b> <b>Amendments to the existing legislation</b>

KHK	Tarih	Kamudan ihraç	Kamudan ihraç Kararı Kaldırılanlar	Yurtdışı Bursu Kesilen	Yurtdışı Bursu iade edilen	Rütbesi alınan	Madalyası alınan	Kapatılan Kurum	Kapatma Kararı kaldırılan Kurum	Mevzuat değişikliği
667	23.07.2016							☒		☒
668	27.07.2016	☒						☒		☒

<sup>5</sup> <http://www.resmigazete.gov.tr/eskiler/2016/07/20160723.htm&main=http://www.resmigazete.gov.tr/eskiler/2016/07/20160723.htm>

<sup>6</sup> <http://www.resmigazete.gov.tr/eskiler/2016/07/20160727m2.htm&main=http://www.resmigazete.gov.tr/eskiler/2016/07/20160727m2.htm>

<sup>7</sup> <http://www.resmigazete.gov.tr/eskiler/2016/08/20160817.htm&main=http://www.resmigazete.gov.tr/eskiler/2016/08/20160817.htm>

<sup>8</sup> <http://www.resmigazete.gov.tr/eskiler/2016/09/20160901m2.htm&main=http://www.resmigazete.gov.tr/eskiler/2016/09/20160901m2.htm>

<sup>9</sup> <http://www.resmigazete.gov.tr/eskiler/2017/01/20170123.htm&main=http://www.resmigazete.gov.tr/eskiler/2017/01/20170123.htm>

<sup>10</sup> Source: <http://www.resmigazete.gov.tr> (Official Gazette)

669	31.07.2016	?								?
670	17.08.2016	?								?
671	17.08.2016									?
672	01.09.2016	?								
673	01.09.2016			?				?		?
674	01.09.2016									?
675	29.10.2016	?	?	?	?	?		?	?	?
676	29.10.2016									?
677	22.11.2016	?	?					?	?	
678	22.11.2016									?
679	06.01.2017	?	?		?	?		?	?	?
680	06.01.2017									?
681	06.01.2017									?
682	23.01.2017									?
683	23.01.2017	?	?					?		
684	23.01.2017									?
685	23.01.2017									?
686	07.02.2017	?	?	?	?	?				
687	09.02.2017									?
688	29.03.2017									
689	29.04.2017	?	?	?				?	?	
690	29.04.2017									?
691	22.06.2017									?
692	14.07.2017	?	?	?		?	?		?	
693	25.08.2017	?	?			?		?	?	
694	25.08.2017									?
695	24.12.2017	?	?	?		?			?	
696	24.12.2017									?
697	12.01.2018	?	?		?	?		?		

#### I.4. Judicial Review of Emergency Decrees

The Members of the Parliament from the Republican People's Party applied to the Constitutional Court for the cancellation of the emergency decrees no. 668, 669, 670 and 671 in September, 2016 (Table 7). However the Constitutional Court rejected these applications on grounds of lack of jurisdiction and not being able to conduct a judicial review on the merits of the decrees issued in line with Article 121 of the Constitution, with reference to the provision stating "..., decrees having the force of law issued during a state of emergency, martial law or in time of war shall not be brought before the Constitutional Court alleging their unconstitutionality as to form or substance" in Article 148 of the Constitution.

**Table 7. Emergency Decrees Referred to the Constitutional Court for Review of Norms**

Emergency Decrees referred to the Constitutional Court for review of norms	Constitutional Court Decisions	
Emergency Decree No. 668 <sup>11</sup>	Number	2016/166

<sup>11</sup> <http://kararlaryeni.anayasa.gov.tr/Karar/Content/88fb7250-c8cc-4e9d-b723-c1a14278c17b?excludeGerekce=False&wordsOnly=False>

	Decision Number	2016/159
	Decision Date	12.10.2016
	Official Gazette Date- No.	4.11.2016-29878
<b>Emergency Decree No. 669</b> <sup>12</sup>	Number	2016/167
	Decision Number	2016/160
	Decision Date	12.10.2016
	Official Gazette Date- No.	4.11.2016-29878
<b>Emergency Decree No. 670</b> <sup>13</sup>	Number	2016/171
	Decision Number	2016/164
	Decision Date	2.11.2016
	Official Gazette Date- No.	8.11.2016 – 29882
<b>Emergency Decree No. 671</b> <sup>14</sup>	Number	2016/172
	Decision Number	2016/165
	Decision Date	2.11.2016
	Official Gazette Date- No.	8.11.2016 – 29882

## I.5. Human Rights Review of SoE Measures and Emergency Decrees

### I.5.1. Notifications to the Human Rights

Turkey as a state party to the human rights covenants of the United Nations and the Council of Europe informed the relevant mechanisms immediately after the declaration of the State of Emergency on 21.07.2016. Turkey clearly stated the articles of the conventions that it would be imposing restrictions to the Secretariat General of the United Nations. However, the Secretariat General of the Council of Europe was only provided with a general statement.

Rights under the International Covenant on Civil and Political Rights that are restricted during SoE:

Article 2(3)- General Provisions/ Right to effective remedy in case of violations

Article 9- Right to liberty and security

Article 10- Rights of persons deprived of liberty

Article 12- Freedom of movement

Article 13- Procedural guarantees against unlawful expulsion of foreigners

Article 14- Right to fair trial

Article 17- Right to privacy

Article 19- Freedom of expression

Article 21- Right of peaceful assembly

Article 22- Freedom of association

Article 25- Political rights

Article 26- Equality before law

Article 27- Protection of minorities

### I.5.2. Oversight of the Human Rights Mechanisms of the Council of Europe and the United Nations

The visits, reports and opinions of the relevant mechanisms of the Council of Europe and the United Nations between 20 July 2016 and 28 February 2018 are listed below. (See Table 8.)

<b>Table 8. International/Regional Human Rights Mechanisms' Activities on Turkey</b>	
<b>Council of Europe</b>	
<b>Visits</b>	
<b>3 August 2016</b>	Thorbjorn Jagland, Secretary General, Council of Europe

<sup>12</sup> <http://kararlaryeni.anayasa.gov.tr/Karar/Content/04955a1a-a3e0-417b-8702-1005d98f8252?excludeGerekce=False&wordsOnly=False>

<sup>13</sup> <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2016/11/20161108.htm&main=http://www.resmigazete.gov.tr/eskiler/2016/11/20161108.htm>

<sup>14</sup> <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2016/11/20161108.htm&main=http://www.resmigazete.gov.tr/eskiler/2016/11/20161108.htm>

<b>27-29 September 2016</b>	Nils Muižnieks, Human Rights Commissioner, Council of Europe
<b>3-4 October 2016</b>	Congress of Local and Regional Authorities, Turkey visit
<b>3-4 November 2016</b>	Claire Bazy Malaurie, Sarah Cleveland, Regina Kiener, Hanna Suchocka, Kaarlo Tuori and Jan Velaers, Venice Commission Rapporteurs
<b>10 November 2016</b>	Thorbjorn Jagland, Secretary General, Council of Europe
<b>18-20 December 2016</b>	Congress of Local and Regional Authorities, Turkey visit
<b>9-13 January 2017</b>	Ingebjørg Godskesen and Marianne Mikko, CoE Parliamentary Assembly
<b>24 January 2017</b>	Esanu and Hirschfeldt, Venice Commission Rapporteurs
<b>6-7 February 2017</b>	Christoph Grabenwarter, Regina Kiener, Martin Kuijerand and Herdis Kjerulf Thorgeirsdottir, Venice Commission Rapporteurs
<b>20-21 February 2017</b>	Hanna Suchocka, Richard Barrett, Thomas Markert and Simona Granata-Menghin, Venice Commission Rapporteurs
<b>8 March 2017</b>	Ingebjørg Godskesen and Marianne Mikko, – visit on the functioning of the democratic institutions in Turkey, in January
<b>15-16 February 2018</b>	Thorbjorn Jagland, Secretary General, Council of Europe
<b>Reports and opinions</b>	
<b>7 October 2016</b>	Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey. - CommDH(2016)35
<b>12 December 2016</b>	Opinion on Emergency Decree Laws N°s667-676 adopted following the failed coup of 15 July 2016, adopted by the Venice Commission at its 109th Plenary Session, 9-10 December 2016. - CDL-AD(2016)037-tur
<b>15 February 2017</b>	CoE Human Rights Commissioner Nils Muižnieks: Memorandum on freedom of expression and media freedom in Turkey. (6-14 April 2016 visit report)- CommDH(2017)5
<b>13 March 2017</b>	Opinion on the Measures provided in the recent Emergency Decree Laws with respect to Freedom of the Media, adopted by the Venice Commission at its 110th Plenary Session (Venice, 10-11 March 2017) - CDL-AD(2017)007-e
<b>13 March 2017</b>	Opinion on the duties, competences and functioning of the criminal peace judgeships, adopted by the Venice Commission at its 110th Plenary Session (Venice, 10-11 March 2017)- CDL-AD(2017)004-tur
<b>13 March 2017</b>	Opinion on the amendments to the Constitution adopted by the Grand National Assembly on 21 January 2017 and to be submitted to a National Referendum on 16 April 2017, adopted by the Venice Commission at its 110th Plenary Session (Venice, 10-11 March 2017)- CDL- AD(2017)005 Tur
<b>9 October 2017</b>	Opinion on the Provisions of the Emergency Decree-Law N° 674 of 1 September 2016 which concern the exercise of Local Democracy, adopted by the Venice Commission at its 112th Plenary Session (Venice, 6-7 October 2017) - CDL-AD(2017)021
<b>29 March 2017</b>	CoE, Congress of Local and Regional Authorities: Fact-finding mission on the situation of local elected representatives in Turkey - Resolution 416 (2017)1
<b>United Nations</b>	
<b>Visits</b>	
<b>14-18 November 2016</b>	Richard Kaye, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Turkey visit
<b>27 November - 2 December 2016</b>	Nils Melzer, UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment of punishment, Turkey visit
<b>Reports</b>	
<b>7 June 2017</b>	Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey A/HRC/35/22/Add.3
<b>18 December 2017</b>	Report on Turkey Visit by the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment of punishment

## SECTION II. CRIMINAL PROCEDURES AND MEASURES UNDER THE STATE OF EMERGENCY

### II.1. State of Emergency Practices on Police Custody

#### *Police Custody Periods*

With the Emergency Decree no. 667 (dated 23.07.2016) and 668 (dated 28.07.2016) issued after the declaration of the State of Emergency was extended to 30 days. This period, which was in practice until the end of 2016, was then reduced to a maximum of 14 days (7+7) with the Emergency Decree no. 684 dated 23 January 2017 following the warnings by the various mechanisms of the Council of Europe. The amendment was effective as of the date of publication of the Decree. (Limited to the State of Emergency)

#### *Informing the Relatives of the Detained Persons*

Although this issue was not mentioned in any Decree, the incommunicado detention for 24 hrs was arbitrarily used by the Public Prosecutors during the State of emergency despite of the obligation to immediately inform the relatives of detained persons in line with the Article 95 of the Criminal Procedure Law.

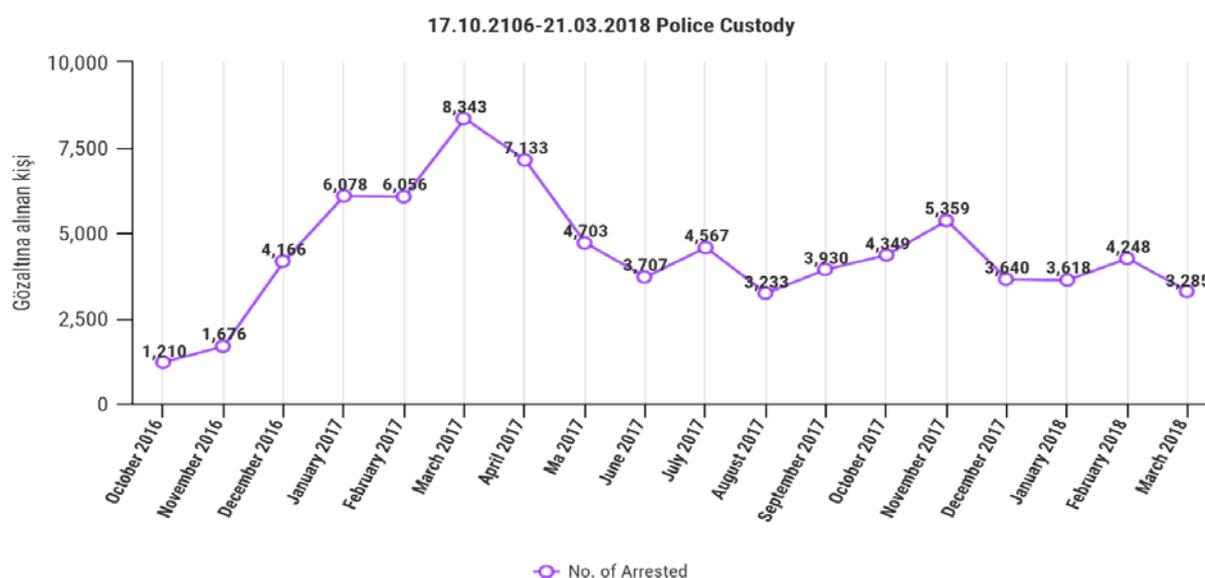
#### *Access to a lawyer in police custody*

Public prosecutors' authority to deny access to a lawyer for the detainees was extended up to 5 days with the Emergency Decree no. 668 dated 28 July 2016. Later on, this period was reduced down to 24 hrs with the Emergency Decree no. 684 dated 23 January 2017.

#### II.1.1. "Anti-Terror" Operations

In the responses by the then Minister of Justice for the questions asked during the discussions held on the Ministry of Justice budget for 2017 on 22.11.2016, it was stated that the number of suspects who were processed were **92,607** and out of this number, 36,951 were in pre-trial detention. The Ministry of Interior has begun to publish weekly statistics on the operations and custody cases since 17 October 2016. When these two sets of information are considered together, it is seen that the number of police custody cases has been over 160,000 since the declaration of the State of Emergency.

Based on the information we were able to derive from the weekly briefing notes regularly issued by the Ministry of Interior since 17 October 2016, **79,301** were taken under police custody as a result of the operations between 17 October 2016 and 20 March 2018.<sup>15</sup> Of these cases, 60% (47.617 individuals) are related with "FETÖ/PDY", 30.4% (24.113 individuals) with "PKK/PYD", 8.2% (6.497 individuals) with "DEAS" [ISIS] and 1.4% (1.074 individuals) with "Leftist Organisations".



<sup>15</sup> This number includes the number of individuals detained during the police operations called the anti-terror operations. It does not include the number of individuals taken under police custody during the anti-drug operations and the anti-human trafficking operations.

### II.1.2. Operations Against “Cyber Crimes”

Based on the Ministry of Interior information on the period between **April 2017** and **20 March 2018**, a total of **45,415** social media accounts were examined on the allegation of “*making terrorist organisation propaganda, praising such organisations, declaring one’s affiliation with terrorist organisations, inciting people to hatred and animosity, insulting senior government officials, disrupting the inseparable unity of the state and the safety of the society, containing hate speech*” and procedures were started against **17,089** persons identified

### II.1.3. “Olive Branch Operation” (Afrin Operation)

Individuals who were protesting the operation that began in Afrin region of Syria on 20 January 2018 called the “Olive Branch Operation” through the social media and attending demonstrations, were taken in police custody on grounds of “making terrorist propaganda”. Based on the information published by the Ministry of Interior, 845 were taken in police custody due to 648 social media messages and 85 activities/demonstrations protesting the operation between 20 January 2018 and 26 February 2018<sup>16</sup>.

Ankara Governor’s Office published an announcement<sup>17</sup> on 21 January 2018 on the basis of the Article 11 of the Emergency Law No 2935 and brought obligation of prior permission for all open and close meetings opened for public, press releases, hunger strike, sit-in actions, concerts, festivities, feast and other activities to be held in the park, garden, public roads, in front of public buildings, and other similar actions and activities in Ankara until the operation in Afrin is concluded.

#### Selected Cases:

##### Turkish Medical Association

Among the detainees there were 11 members of the Central Council of the Turkish Medical Association (TTB) because of a declaration made. Against the TTB Central Council members who were released with judicial control order following a 7 day custody period, an investigation is started with the allegations of “*publicly degrading Turkish Nation, State of the Republic of Turkey, Turkish Grand National Assembly, the Government of the Republic of Turkey and the judicial bodies of the state*” and “*publicly provoking hatred or hostility in one section of the public against another section which has a different characteristic based on social class, race, religion, sect or regional difference*”.

##### Association of People’s Houses (Halkevleri)

Dilşat Aktas, the President of the Association of People’s Houses and 10 members were taken into custody, as they criticised the military operations in Afrin and called for peace on 22.02.2018 and released on the 7th day of the custody with judicial control.

##### People’s Democratic Congress (DTK)

Prof. Dr. Onur Hamzaoğlu, Co-Spokesperson of the Congress, and many members of political parties and associations were detained on 09.02.2018. On the 7th day of detention, Onur Hamzaoglu and Fadime Çelebi were arrested on the grounds of Article 7/2 of the Anti-Terror Law and Article 216 of the Turkish Penal Code due to their protest the operations in Afrin.

## II.2. Pre-Trial Custody (Detention) in the State of Emergency

Between 16 July 2016 and 20 March 2018, the number of detainees put on pre-trial detention during the State of Emergency were minimum 228,137.<sup>18</sup>

Pre-trial decision orders were given for 83,821 persons between 16 July 2016 and 31 December 2016, 114,993 persons between 1 January and 31 December 2017 and minimum 29,323 persons between 1 January and 20 March 2018. The pre-trial detention periods vary from 3 to 20 months.

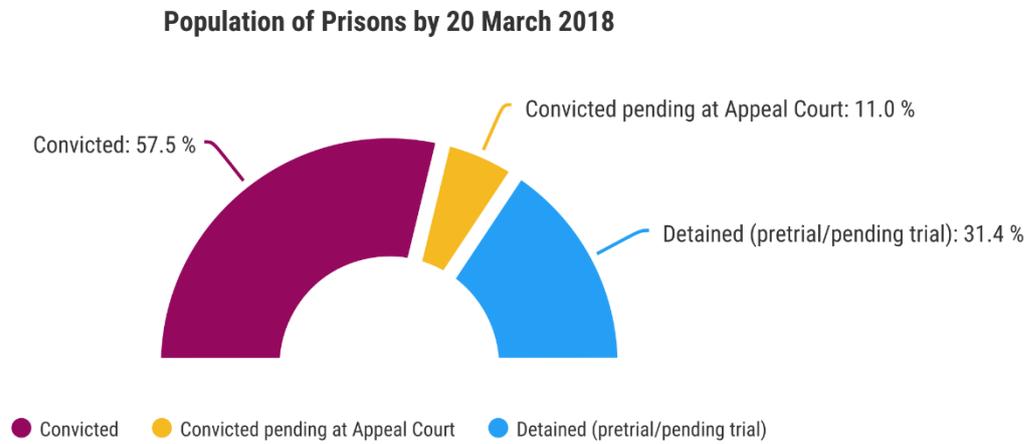
<sup>16</sup> See <https://www.icisleri.gov.tr/19022018-26022018-tarihleri-arasinda-yurutulen-operasyonlar>

<sup>17</sup> <https://translate.google.com/#tr/en/umuma%20a%C3%A7%C4%B1k%20yer>

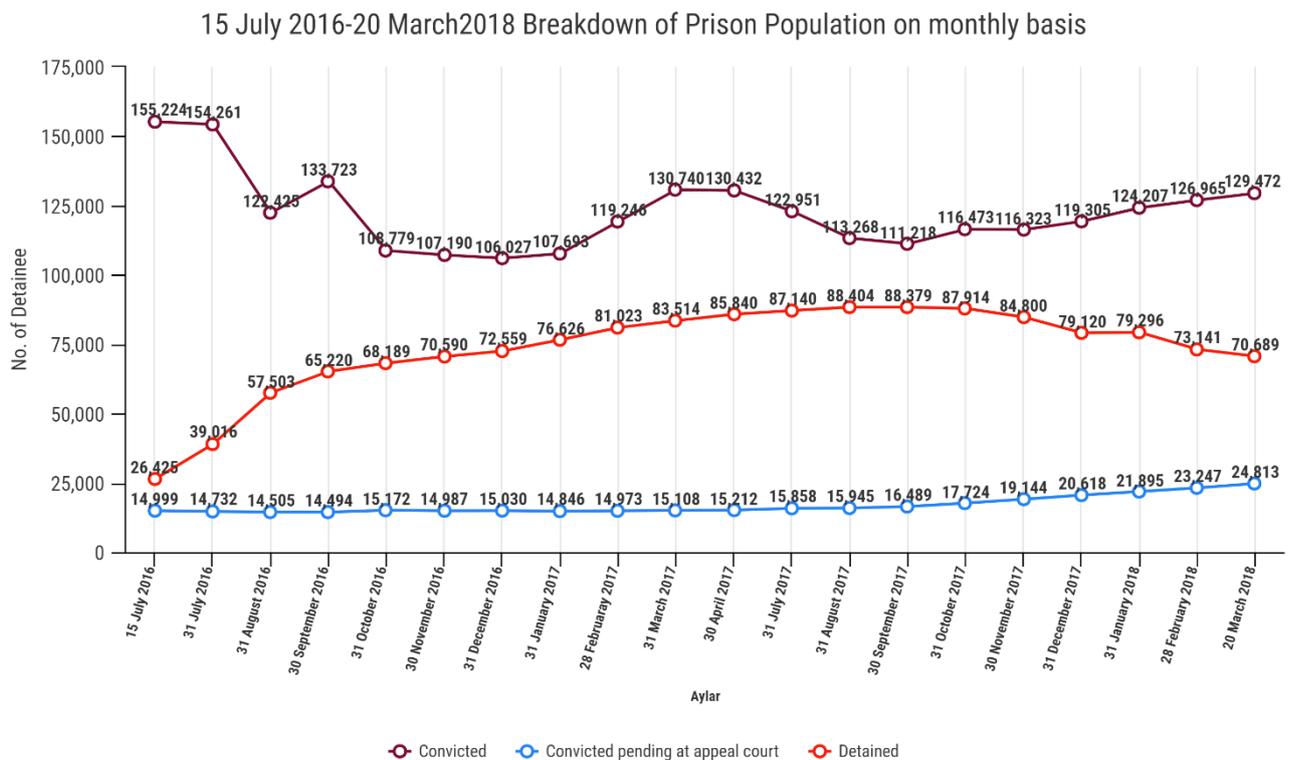
<sup>18</sup> This number is based on the sum of the daily detainee entry statistics taken from UYAP. See <http://istatistikler.uyap.gov.tr/>

**II.2.1. Situation in the Prisons and Detention Houses**

There are at least **224,974** convicts and detainees in the prisons and detention houses as of 20 March 2018<sup>19</sup>. Of those in the prisons and detention houses, 57.5% (129,472) are convicts with final sentences, 11% (24,813) are convicts pending supreme court decision and 33.2% (70,689) are detainees pending trial or investigation.



Based on the information provided by the Ministry of Justice General Directorate of Prisons and Detention Houses, there are 386 prisons with a total capacity of 208,830 in Turkey as of 4 January 2018.<sup>20</sup> In this case, it will not be wrong to say that at least 19,307 individuals are deprived of their liberty in ill-conditioned places as of 20 March 2018.



**Occupational profile of the individuals detained during the State of Emergency**

- Members of the Military

<sup>19</sup> See <http://istatistikler.uyp.gov.tr/>

<sup>20</sup> Of these institutions, 291 are closed prisons, 70 are open prisons, 4 are juvenile reformatory houses, 8 are closed prisons for women, 6 are open prisons for women and 7 are closed prisons for juveniles. See <http://www.cte.adalet.gov.tr/>

- Members of the Judiciary
- Public officials
- Members of the Parliament
- Mayors
- Journalists
- Human Rights Defenders
- Students
- Lawyers
- Business people

## II.2.2. Legislative Regulations

### Interviews between the detainees and the lawyers

According to Article 6(d) of the Emergency Decree no. 667, the following limitations can be brought forward on the interviews between the detainee and his/her lawyer, *“where there is a risk that public security and the security of the penitentiary institution is endangered, that the terrorist organization or other criminal organizations are directed, that orders and instructions are given to them or secret, clear or crypto messages are transmitted to them through the remarks during the interviews between the detainees and their lawyer”*:

- Auditory or audio-visual recordings of the interviews can be made via technical devices,
- The officers may be made present during the interviews between the detainee and his/her lawyer with a view to monitoring the interview,
- The documents or document templates and files given by the detainee to his/her lawyer or vice versa and the records kept by them concerning the interview between them may be seized,
- The days and hours of the interviews may be limited upon the public prosecutor’s order.
- In the event that the interview of the detainee is understood to be made for the aim set out above, the interview shall be immediately ended,
- In the event that such minutes are drawn up in respect of a detainee, the Office of the Magistrates’ Judge could ban the detainee from interviewing with his/her lawyers, upon the public prosecutor’s request. Decision on banning shall be immediately served on the detainee and the relevant Bar Presidency with a view to assigning a new lawyer. (Decree no. 667, Article 6(d))

### Communication of the Detainees with Their Relatives and Visits by the Relatives

The communication of the detainees with their relatives and their visits are regulated in Article 6(e) of the Emergency Decree no. 667. Accordingly,

- The detainees may only be visited by his/her spouse, relatives of the first and second degrees and the first degree relatives-in-law and his/her guardian or trustee only where the relevant documents are submitted.
- The powers of the Ministry of Justice and the Chief Public Prosecutor’s Office shall be reserved.
- The detainees shall enjoy the right to telephone conversations for once every fifteen days and for a period not exceeding ten minutes, limited to the persons set out in this subparagraph.

### Pre-Trial Detention Period

According to the Emergency Decree 694, with a permanent amendment in the Paragraph 2 of Article 102 (on *“Pre-trial Detention Period”*) of the Law on Criminal Procedure No. 5271, the maximum period of per-trial detention for the offenses within the mandate of the Assize Court (Heavy Penal Court) is extended from five years to seven years for the offenses determined in Sections 4, 5, 6 and 7 of Second Volume Part 4 of the Turkish Criminal Code No. 5237 and for the offenses within the scope of the Anti-Terror Law No. 3717 dated 12/4/1991.

### Objection to Pre-Trial Detention

The procedures on objection to pre-trial detention are regulated only for the duration of the State of Emergency in line with Article 3 of the Emergency Decree no. 668. Accordingly, the duration of examining the objection mentioned in the Criminal Procedure Law (No. 5271, Article 268(2)) is extended from 3 days to 10 days. Also it is stated that while evaluating the requests for release, *“decision shall be made on the basis of the case file”* (Decree-Law No. 668, Article 3(ç)) instead of *“listening to the suspect or his/her attorney”* (Criminal Procedure Law no. 5271, Article 108).

Later on, Article 104 of the Criminal Procedure Law titled *“Motion of release by suspect or accused”* was amended with Article 93 of the Emergency Decree no. 696. With this amendment, it is now possible to object to the court decision on *“continuation of detention or release”*.<sup>21</sup>

<sup>21</sup> A recent example of this is the Public Prosecutor’s objection to Istanbul 38<sup>th</sup> Heavy Penal Court decision on the release of Taner Kılıç, the President of the Board of Directors of Amnesty International Turkey Branch, with the condition of judicial control on 31 January 2018.

### Extradition or Exchange of Detainees and Convicts

With the Emergency Decree no. 694, a new paragraph is added to Article 74 of the Law on the National Intelligence Services and the Organisation of the National Intelligence Agency no. 2937. The paragraph reads, “*With the exclusion of Turkish citizens, the detainees or sentenced persons can be extradited to any other country or exchanged with the detainees or sentenced persons in another country upon the request of Minister of Foreign Affairs, by the proposal of the Minister of Justice and the approval of the President as required by national security and national interests; upon the presence of assurances that they will not be punished due to their race, ethnic origin, religion or citizenship, be subjected to degrading punishment or treatment or be subjected to torture and ill-treatment.*” (Article 74)

### Requirement to Wear Uniforms outside the Penitentiary Institution

With the Emergency Decree no. 696, a new additional article to the Law on the Execution of Sentences and Security Measures no. 5275 requires the detainees or convicts to wear uniform attires (coveralls). The attires are colour coded according to the crimes listed in the Turkish Penal Code. The women are exempted from wearing coveralls.

### II.2.3. Decisions of the Constitutional Courts Concerning Pre-Trial Detentions

Long detention periods which was also a systematic problem area before the State of Emergency has become more severe after the declaration of the State of Emergency.

#### Inadmissibility Decisions

- Application of Neslihan Aksakal, Application no.: 2016/42456, Decision Date: 26/12/2017
- Application of Selçuk Özdemir, Application no.: 2016/49158, Decision Date: 26/7/2017
- Application of Güser Yıldırım, Application no.:2016/40170, Decision Date: 16/11/2017
- Application of Selahattin Demirtaş, Application no.: 2016/25189, Decision Date: 21/12/2017
- Application of Alparслан Altan, Application no.: 2016/15586, Decision Date: 11/1/2018

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- Application of Selahattin Demirtaş, Application no.: 2016/25189, Decision Date: 21/12/2017
- Application of Alparслан Altan, Application no.: 2016/15586, Decision Date: 11/1/2018

#### Decisions finding no violation

- Application of Aydın Yavuz and others (4 applicants), Application no.: 2016/22169, Decision Date: 20/6/2017

#### Decisions on violations

##### Application of Ayhan Bilgen:

The Constitutional Court ruled that the right of liberty and security of person in the context of the third paragraph of Article 19 of the Constitution was violated in the case of Ayhan Bilgen, HDP Deputy, on 21 December 2017 with the conclusion that “*the investigating authorities were not able to sufficiently present the strong evidence of offense*”.<sup>22</sup> Ayhan Bilgen who was arrested on 31 January 2017 was detained for 7 months and released on 8 September 2017.

##### Applications of Şahin Alpay and Mehmet Altan:

On the application of Şahin Alpay<sup>23</sup> who was on pre-trial detention since 30 July 2016 and the application of Mehmet Altan<sup>24</sup> who was on pre-trial detention since 22 September 2016, the Constitutional Court ruled on 11 January 2018 that “*the detention was not lawful and thus violated the right of liberty and security of person*”, “*the freedom of expression and freedom of press were violated due to the pre-trial detention*” and “*the copies of this decision should be sent to İstanbul 13<sup>th</sup> Heavy Penal Court for Şahin Alpay (E.2017/112) and to İstanbul 26<sup>th</sup> Heavy Penal Court for Mehmet Altan (E.2017/127) to eliminate the consequences of the violations*” and yet neither court abided by the decisions.

Istanbul 13<sup>th</sup> Heavy Penal Court, in its justification for objection, stated that the Constitutional Court Decision was not published in the Official Gazette and the reasoned decision of the Constitutional Court had not yet been received. Istanbul 26<sup>th</sup> Heavy Penal Court, in its decision, claimed that “*the release order for Mehmet Altan could not be derived*

<sup>22</sup> Constitutional Court, Application of Ayhan Bilgen, Application No: 2017/5974, Official Gazette Date and Number: 1/2/2018-30319. See <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2017/5974>

<sup>23</sup> Constitutional Court, Application of Şahin Alpay, Application No: 2016/16092, Official Gazette Date and Number: 19/1/2018-30306. See <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2016/16092>

<sup>24</sup> Constitutional Court, Application of Mehmet Hasan Altan, Application No: 2016/23672. Official Gazette Date and Number: 19/1/2018-30306. See <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2016/23672>

from the summary decision of the Constitutional Court and the reasoned decision of the Constitutional Court had not yet been received”<sup>25</sup>

On 1 February 2018, lawyers of Şahin Alpay applied again to the Constitutional Court. In response to the individual application of Şahin Alpay, the Constitutional Court ruled on 15 March 2018 that since its first verdict of violation regarding Şahin Alpay was not implemented, his right to liberty and security guaranteed by the Article 19 of the Constitution and his right to a fair trial guaranteed by the Article 36 were violated<sup>26</sup>. Based on the decision of Constitutional Court, 13th Heavy Penal Court released Şahin Alpay on 16 March 2018 under judicial control (house arrest and ban from travel to abroad). Şahin Alpay was released from Silivri Prison at night on Friday 16 March 2018.

The European Court of Human Rights released its judgment on applications of Şahin Alpay and Mehmet Altan on 20 March 2018<sup>27</sup>. The European Court of Human Rights held its Chamber judgments separately that there had been a violation of Article 5 § 1 (right to liberty and security) of the European Convention on Human Rights and that there had been a violation of Article 10 (freedom of expression). In addition, under Article 46 (binding force and execution of judgments) of the Convention, the Court held that it was incumbent on the respondent State to ensure the termination of Şahin Alpay's pre-trial detention at the earliest possible date.

#### II.2.4. Individual Applications to the UN Working Group On Arbitrary Detention

United Nations Working Group on Arbitrary Detention (hereinafter the Working Group)<sup>28</sup>, issued its opinions on three of the applications on the dates of 8 June 2017, 16 June 2017 and 27 July 2017. The Working Group, concluded in its opinions on all three applications that the applicant's case “is of such gravity as to give the deprivation of liberty an arbitrary character”.

**Opinion no. 1/2017**<sup>29</sup>: Opinion on the application of Görgeç who was detained between 21 August – 27 November 2016 after being arrested in his home together with his wife on 16 June 2016.

**Opinion no. 38/2017**<sup>30</sup>: Opinion on the application of Çelik who was arrested with 15 of his colleagues based on an arrest warrant on 21 July 2016 and whose indictment was prepared 6 months after his arrest.

**Opinion no. 41/2017**<sup>31</sup>: Opinion on the application made on behalf of Cumhuriyet newspaper members who were arrested on the dates of 31 October 2016 and 11 November 2016 and then put on pre-trial detention as a result of investigation against Cumhuriyet newspaper that began on 18 August 2016.

#### II.2.5. Oversight of the Prisons and Detention Houses

##### II.2.5.1. Prison and Detention House Monitoring Boards

In accordance with Article 3 of the Emergency Decree no. 673 dated 1 September 2016, memberships of the president and members of the monitoring boards on penitentiaries and detention houses were cancelled and it was decided that new members would be elected to these boards within 10 days. There is still no public information about the activities of these re-established boards.

##### II.2.5.2. TGNA Human Rights Inquiry Committee's Sub-Committee on Convicts and Detainees

Based on the reports issued on the visits to the penitentiaries and detention houses by Turkish Grand National Assembly (TGNA) Human Rights Inquiry Committee's Sub-Committee on Convicts and Detainees, it was only possible to obtain some limited information on the content of the complaints made to this body. During the first 19-

<sup>25</sup> See <http://t24.com.tr/haber/anayasa-profesoru-kaboglu-mahkeme-mehmet-altan-ve-sahin-alpay-icin-tahliye-karari-vermeliydi,533276>

<sup>26</sup> <http://anayasa.gov.tr/icsayfalar/basin/kararlarailiskinbasinduyurulari/bireyselbasvuru/detay/pdf/2018-3007.pdf>

<sup>27</sup>

[https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%2216538/17%22\],\[%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],\[%22itemid%22:\[%22001-181862%22\]](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%2216538/17%22],[%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],[%22itemid%22:[%22001-181862%22])

<sup>28</sup> The Working Group on Arbitrary Detention was established by resolution 1991/42 of the former Commission on Human Rights. Its mandate was clarified and extended by Commission's resolution 1997/50. It assumed all mandates of the former Commission on Human Rights. In 2006, the United Nations, by the General Assembly resolution no. 60/251 and the Human Rights Council decision no. 1/102. The mandate was recently extended for a further three-year period by Council resolution 33/30 of 30 September 2016.

<sup>29</sup> [http://www.ohchr.org/\\_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/Detention/Opinions/Sessi on78/A\\_HRC\\_WGAD\\_2017\\_1.pdf&action=default&DefaultItemOpen=1](http://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/Detention/Opinions/Sessi on78/A_HRC_WGAD_2017_1.pdf&action=default&DefaultItemOpen=1)

<sup>30</sup>

[http://www.ohchr.org/\\_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/Detention/Opinions/Sessi on78/A\\_HRC\\_WGAD\\_2017\\_38.pdf&action=default&DefaultItemOpen=1](http://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/Detention/Opinions/Sessi on78/A_HRC_WGAD_2017_38.pdf&action=default&DefaultItemOpen=1)

<sup>31</sup>

[http://www.ohchr.org/\\_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/Detention/Opinions/Sessi on78/A\\_HRC\\_WGAD\\_2017\\_41\\_EN.docx&action=default&DefaultItemOpen=1](http://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/Detention/Opinions/Sessi on78/A_HRC_WGAD_2017_41_EN.docx&action=default&DefaultItemOpen=1)

month period of the State of Emergency rule, the Committee visited and prepared reports on 14 centres, 12, of which are open and closed prisons. In most of these reports there are dissenting opinions.

**Table 9. Prison and Detention House Visits by the Human Rights Committee of the Grand National Assembly of Turkey**

Date of Visit	Institution Visited
19 January 2018	Elazığ T Type Closed Prison
17 November 2017	Maltepe Open Prison and Maltepe L Type Closed Prison No. 2
27 October 2017	Muğla Open Prison and Muğla E Type Closed Prison
24 - 25 October 2017	Removal Centres in İzmir and Aydın
9 February 2017	Bursa H Type Closed Prison
8 February 2017	Balıkesir L Type Closed Prison
25 November 2016	İstanbul Juvenile Reformatory and Ümraniye E and T Type Closed Prisons
27 October 2016	Eskişehir H and T Type Closed Prisons

### II.2.5.3. Council of Europe Committee for the Prevention of Torture

Council of Europe Committee for the Prevention of Torture paid two visits between 29 August and 6 September 2016 and between 10 and 23 May 2017. However, the reports written at the end of these two visits were not made public as the Government did not consent to publication. (Table 10)

**Table 10. Visits of CPT**

Visit Date	Institutions visited	Submission Date to the Government
<b>29 August- 6 September</b>	Ankara Security Directorate General (Anti-terror Branch, Public Order Branch, Organised Crimes Branch, Başkent Volleyball Hall – Temporary Detention Centre) Gölbaşı Security Directorate Ankara Sincan (F type prisons no. 1 and 2, L Type prisons no. 1 and 2) İstanbul Silivri (Prisons no. 3, 4, 7 and 8) İzmir F type prison no. 1	The Committee submitted its report in November 2016. Yet the Government did not consent to its publication
<b>10-23 May 2017</b>	Ankara Security Directorate General (Anti-terror Branch, Public Order Branch, Organised Crimes Branch, the Sports Hall used as a Temporary Detention Centre) Batman Security Directorate (Anti-terror Branch), Batman Gendarmerie Command Diyarbakır Security Directorate (Anti-terror Branch) İstanbul Security Directorate (Anti-terror Branch), Beyoğlu District Security Directorate, Fatih District Security Directorate, Şişli District Security Directorate, Bakırköy Women's Prison and Metris T-type Prison no. 1 Siirt Security Directorate (Organised Crimes Branch and Public Order Branch), Yeni Mahalle Police Station, Siirt E-type prison Trabzon Security Directorate, Çarşı Police Station, Gülbahar Hatun Police Station, Trabzon E-type Prison İstanbul- Binkılıç Removal Centre, İstanbul-Atatürk Airport (new places in the transit zone where the asylum seekers are kept and the rooms of the passengers who are not allowed to enter into the country) İzmir-Harmandalı Removal Centre, Işıkkent Removal Centre Batman M-type Prison Diyarbakır D-type Prison, Diyarbakır E-type Prison İstanbul-Metris R-type Prison (inmates with mental problems) İzmir-Menemen R-type Prison (inmates requiring special care)	

## SECTION III. INVESTIGATION AND PROSECUTION PROCEDURES

Shortly after the declaration of the State of Emergency, the investigation and prosecution procedures for the collective offenses and offenses listed under the Anti-Terror Law no. 3713 and the offenses listed under the title "Offenses against the Nation and the State" in Sections 4, 5, 6 and 7 of Second Volume Part 4 of the Turkish Criminal Code No. 5237, were defined for the duration of the State of Emergency with Article 6 of the Emergency Decree no. 667 dated 23 July 2016 and Article 3 of the Emergency Decree no. 668 dated 27 July 2016. In addition, the changes made on the Criminal Procedure Law by the Emergency Decrees were not confined to the State of Emergency.

Based on the decision no. 224 dated 12.02.2015 on the specialization of the Assize Courts (Heavy Penal Courts) during the State of Emergency issued by the First Chamber of the Council of Judges and Prosecutors, 45 heavy penal courts were assigned as specialization courts (See Table 11). These courts began to take cases on the offenses listed under the Anti-Terror Law no. 3713 and the offenses listed under the title "Offenses against the Nation and the State" in Sections 4, 5, 6 and 7 of Second Volume Part 4 of the Turkish Criminal Code No. 5237 (except for the Articles 318, 319, 323, 324, 325 and 332).

**Table 11. Courts assigned for the State of Emergency Cases**

Province	Specialized Courts (Assize Courts)	Decision Date	CJP Decision No.	Province	Specialized Courts	Decision Date	CJP Decision No.
Ankara	Ankara Assize Court no. 21	24.05.2017	777	İzmir	İzmir Assize Court no. 16	31.05.2017	827
Ankara	Ankara Assize Court no. 22	24.05.2017	777	İzmir	İzmir Assize Court no. 17	2.08.2017	1069
Ankara	Ankara Assize Court no. 23	24.05.2017	777	İzmir	İzmir Assize Court no. 18	30.11.2017	1688
Ankara	Ankara Assize Court no. 24	24.05.2017	777	K.Maraş	K. Maraş Assize Court no. 4	30.11.2017	1688
Ankara	Ankara Assize Court no. 25	2.08.2017	1069	Kocaeli	Kocaeli Assize Court no. 6	30.11.2017	1688
Ankara	Ankara Assize Court no. 26	2.11.2017	1501	Konya	Konya Assize Court no. 10	30.11.2017	1688
Ankara	Ankara Assize Court no. 27	2.11.2017	1501	Konya	Konya Assize Court no. 9	31.05.2017	827
Ankara	Ankara Assize Court no. 28	2.11.2017	1501	Kütahya	Kütahya Assize Court no. 3	31.05.2017	827
Diyarbakır	Diyarbakır Assize Court no. 9	31.05.2017	827	Manisa	Manisa Assize Court no. 4	30.11.2017	1688
Diyarbakır	Diyarbakır Assize Court no. 10	31.05.2017	827	Mardin	Mardin Assize Court no. 4	31.05.2017	827
Düzce	Düzce Assize Court no. 1	20.09.2017	1253	Mersin	Mersin Assize Court no. 9	20.09.2017	1253
Erzurum	Erzurum Assize Court no. 4	2.11.2017	1501	Muğla	Muğla Assize Court no. 3	31.05.2017	827
Gaziantep	Gaziantep Assize Court no. 10	31.05.2017	827	Sakarya	Sakarya Assize Court no. 5	31.05.2017	827
Gaziantep	Gaziantep Assize Court no. 9	31.05.2017	827	Samsun	Samsun Assize Court no. 4	31.05.2017	827
Hakkari	Hakkari Assize Court no. 3	31.05.2017	827	Şanlı Urfa	Ş.Urfa Assize Court no. 6	31.05.2017	827
İstanbul	İstanbul Assize Court no. 28	24.05.2017	777	Şırnak	Şırnak Assize Court no. 3	31.05.2017	827
İstanbul	İstanbul Assize Court no. 29	24.05.2017	777	Tekirdağ	Tekirdağ Assize Court no. 3	31.05.2017	827
İstanbul	İstanbul Assize Court no. 30	24.05.2017	777	Trabzon	Trabzon Assize Court no. 3	31.05.2017	827
İstanbul	İstanbul Assize Court no. 32	2.08.2017	1069	Tunceli	Tunceli Assize Court no. 1	30.11.2017	1688
İstanbul	İstanbul Assize Court no. 33	2.08.2017	1069	Uşak	Uşak Assize Court no. 3	30.11.2017	1688
İstanbul	İstanbul Assize Court no. 34	2.08.2017	1069	Van	Van Assize Court no. 5	2.08.2017	1069
İstanbul	İstanbul Assize Court no. 35	2.08.2017	1069				
İstanbul	İstanbul Assize Court no. 36	2.08.2017	1069				
İstanbul	İstanbul Assize Court no. 37	2.08.2017	1069				

### III.1. Investigation Process

Based on the 2016 Justice Statistics<sup>32</sup>, the number of investigations in accordance with the above mentioned articles of the Turkish Penal Code were 229,662 (Table 12). When compared with the previous year, the number of such investigations were increased fivefold. Of the investigations that were started in 2016, 67% (155.014) were based on Article 314 ((1) establishing and (2) membership of armed terrorist organisation) of the Turkish Penal Code.

<sup>32</sup> See [http://www.adlisicil.adalet.gov.tr/AdaletIstatistikleriPdf/Adalet\\_ist\\_2016.pdf](http://www.adlisicil.adalet.gov.tr/AdaletIstatistikleriPdf/Adalet_ist_2016.pdf)

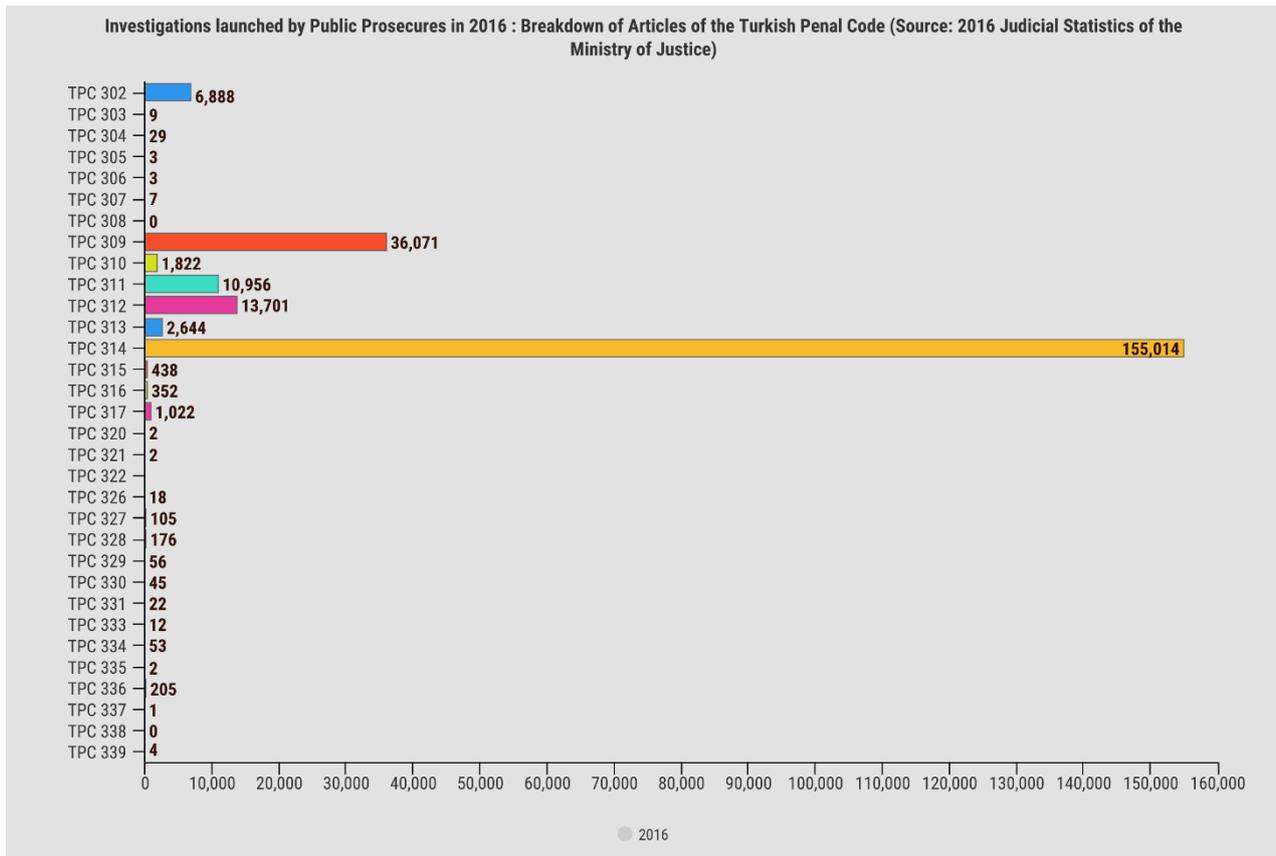


Table 12. Distribution of Investigations by the Public Prosecutors over the years<sup>33</sup>

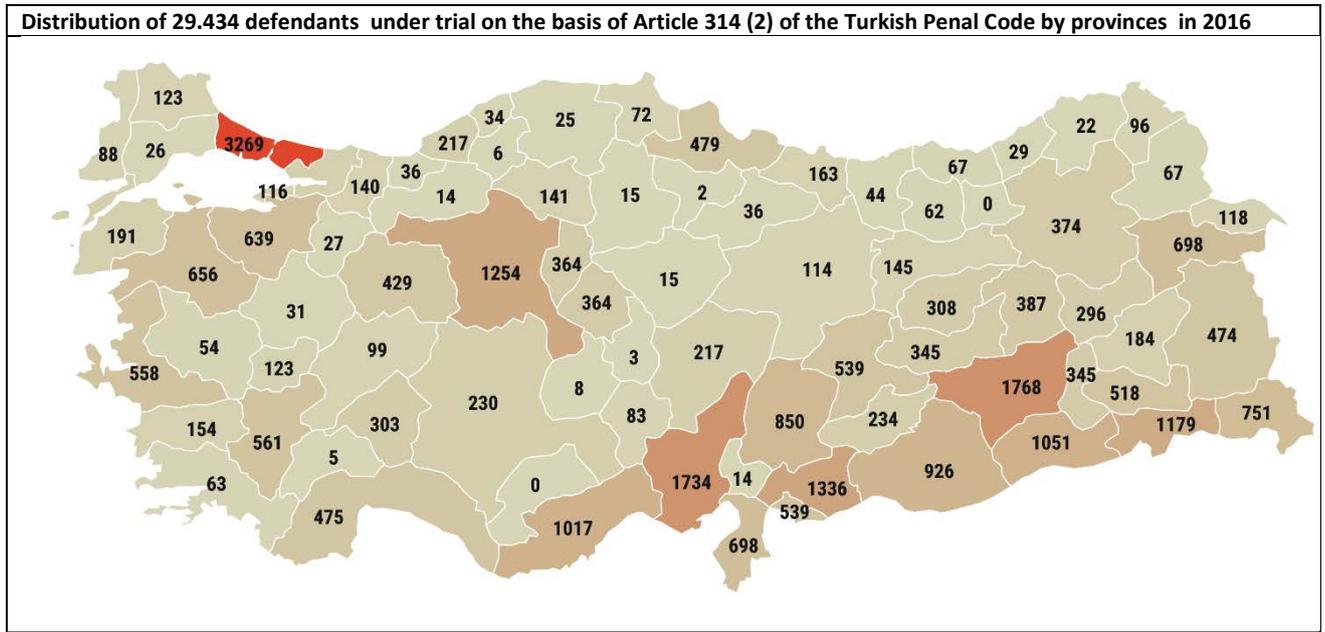
TPC Article	Article Title	2009	2010	2011	2012	2013	2014	2015	2016
<b>Part 4: Offences against State security</b>									
TPC 302	Disrupting the Unity and Integrity of the State	622	1013	727	1114	1936	17290	4505	6888
<b>Part 5: Offences against the Constitutional Order and its Functioning</b>									
TPC 309	Violation of the Constitution	130	214	1238	131	164	949	236	36071
TPC 310	Assassination of and Physical Attack against the President	1	4		10	3	7	27	1822
TPC 311	Offence against a Legislative Body	6	30	265	18	92	223	53	10956
TPC 312	Offences against the Government	20	298	865	424	443	859	638	13701
TPC 313	Armed Revolt against the Government of the Republic of Turkey	22	4	162	41	24	143	22	2644
TPC 314	Armed organisation	4623	11421	10160	12026	14903	55058	36425	155014
TPC 315	Supplying Arms	85	70	108	178	159	641	345	438
TPC 316	Agreement to Commit an Offence	22	15	45	37	17	44	53	352
	<b>TOTAL</b>	<b>5763</b>	<b>13125</b>	<b>13691</b>	<b>14112</b>	<b>18155</b>	<b>76402</b>	<b>43467</b>	<b>229662</b>

Table 13. Distribution of decisions rendered for suspects at the investigation stage at the Chief Public Prosecutors' Offices in accordance with TPC

TPC Article	Article Title	No need for prosecution	Filing a public case	Lack of Venue	Lack of jurisdiction	Joinder	Total
<b>Part 4: Offences against State security</b>							

<sup>33</sup> The data in this table are compiled from the Annual Justice Statistics published by the Directorate General of Criminal Records, Ministry of Justice. See <http://www.adlisicil.adalet.gov.tr/adaletistya.html>

<b>TCK 302</b>	<i>Disrupting the Unity and Integrity of the State</i>	756	2378	2760	60	921	6888
<b>Part 5: Offences against the Constitutional Order and its Functioning</b>							
<b>TCK 309</b>	<i>Violation of the Constitution</i>	566	6096	14169	525	14736	36071
<b>TCK 310</b>	<i>Assassination of and Physical Attack against the President</i>	27	640	404	16	735	1822
<b>TCK 311</b>	<i>Offence against a Legislative Body</i>	117	2968	3241	92	4538	10956
<b>TCK 312</b>	<i>Offences against the Government</i>	220	2869	4525	150	5937	13701
<b>TCK 313</b>	<i>Armed Revolt against the Government of the Republic of Turkey</i>	19	96	1360	21	1148	2664
<b>TCK 314</b>	<i>Armed organisation</i>	13531	<b>34595</b>	63452	2652	40673	155014
<b>TCK 315</b>	<i>Supplying Arms</i>	72	142	158	-	66	438
<b>TCK 316</b>	<i>Agreement to Commit an Offence</i>	11	143	171	-	26	352



## III.2. Investigations and Cases during the State of Emergency

Cases and investigations reported below are only representing selected cases.

### Cases on Coup Attempt

According to a new report by Anadolu Agency<sup>36</sup>, 238 cases related with the coup attempt on 15 July 2016 and 106 of these were concluded. In these trials, 805 defendants were imprisoned and of these 592 are sentenced for life.

### Cases against the Academics for Peace:

The academics who signed the petition of "Academics for Peace" were sued according to the Article 7(2) of the Anti-Terror Law. The hearings of 148 academics out of the first-round of 1128 petitioners began on 5 December 2017.<sup>37</sup> The academics were sentenced to 1 year 3 months in prison within the scope of Article 7(2) of the Anti-Terror Law and the sentences were suspended.<sup>38</sup> The cases are on-going.

### Cases and investigations against the members and board members of the Human Rights Association (HRA):

A large number of organizations working on rights and law, including Human Rights Association (HRA) and the Human Rights Foundation of Turkey (HRFT) published fact-finding and monitoring reports on curfew in Eastern and Southeastern Anatolia which has been on-going since 16 August.2015.

Following the complaint made by the Chief of General Staff to the Ministry of Interior, the Ministry initiated an administrative, financial and operational inspection against the Human Rights Association. The inspection was carried out by the inspectors of the Ministry of Interior between 27.06.2016 and 21.09.2016. The Audit Report was released on 20.06.2017. In the audit report, inspectors requested the authorities to sue the HRA and its branches alleging that the published reports, statements of HRA as well as decisions taken by the General Assembly of the HRA would violate the Articles 301 and 302 of the Turkish Penal Code and the Article 7(2) of the Anti-Terror Law. Upon this request, an investigation was launched against the Chair Öztürk Türkođan and 40 members of the HRA by Ankara Press Office of Chief Public Prosecutor Office. Another investigation, with the file number 2016/15529, conducted by the same Office against Öztürk Türkođan and chairs of other institutions who were involved in fact finding and reporting in relation to curfews in the Southeastern provinces.

IHD Ağrı branch executive member Olcay Öztürk and IHD Dersim branch executive Özgür Ateş are still under arrest because of their human rights works.

### Eren Keskin, Co-Chair of Human Rights Association:

A total of 143 court cases were launched against Eren Keskin as she acted as editor in chief of Özgür Gündem Daily for the purpose of solidarity during the years of 2014 and 2015. She was charged a total of 355.920 TL administrative fine. Out of this amount, 105.920 TL fine was confirmed. Eren Keskin was sentenced to 7,5 years imprisonment on the grounds of Articles 299 and 301 of the Turkish penal Code by İstanbul Second First Instance Criminal Court on 29 March 2018.

### Istanbul 10 Case:

On 5 July 2017, 8 human rights defenders, along with two consultants, were detained on Buyukada island of Istanbul in Turkey. as they attended a workshop on the welfare and security of human rights defenders. Following 13 days of police detention they all were referred to the Criminal Peace Judge on 17 July 2017. The Judge issued decision of release for four human rights defenders and arrest warrant for six defenders. Following the appeal of the prosecutor against the decision of release of four human rights defenders, the Judge issued decision of arrest warrant for two out of four defenders. Until the indictment was submitted to the Court, the investigation was conducted in confidentiality which restricted lawyers to access to the investigation files. On October 16, 2017, the Heavy Penal Court in Istanbul accepted the bill of indictment against the 10 human rights defenders with the accusation of "assisting an armed terrorist organisation". The prosecutor asked in its indictment that 10 human rights defenders should be charged on the grounds of Articles 314(2), 314(3) and 220(6) of the Turkish Penal Code as well as Articles 3 and 5 of the Anti-Terror Law n°3713. Moreover, the case of Mr. Taner Kılıç which was launched in İzmir was merged to the indictment. (See below)

The first hearing took place on 25 October 2017. The Heavy Penal Court No.35 in İstanbul ordered the provisional release of all 8 human rights defenders who were detained in Silivri Closed Prison by ordering judicial control for two out of 8 defenders. The Court decided the continuation of the detention of Taner Kılıç. On the second hearing on 22 November 2017, all judicial control measures were lifted, but Taner Kılıç's release demands were rejected. The third hearing took place on 31 January 2018 in İstanbul. The Court made a decision for the conditional release

<sup>36</sup> See <https://aa.com.tr/tr/15-temmuz-darbe-girisimi/yargi-fetoden-darbenin-hesabini-soruyor/1096013?amp=1>

<sup>37</sup> See <https://barisicinakademisyenler.net/node/431>

<sup>38</sup> See the database on thought crimes "Çetele: Düşünce Suçları Davası Veri Tabanı", [http://www.cil-tr.net/?s=ana&dosya\\_kat=19](http://www.cil-tr.net/?s=ana&dosya_kat=19)

of Taner Kılıç. However it was appealed by the prosecutor and his appeal was accepted by the Court. The fourth hearing will take place on 21 June 2018.

#### **Taner Kılıç Case:**

Taner Kılıç, Chair of Amnesty International Turkey, was detained on 6 June 2017 in Izmir. He was charged three days later with “membership of the Fethullah Gülen Terrorist Organization” (FETÖ) and remanded in pre-trial detention, since when he has been held at the Şakran prison in Izmir. This charge is based on the allegation that he downloaded and used the ByLock messaging application, claimed to have been used by the Gülen movement to communicate. However, two independent forensic analyses of Taner’s phone commissioned by Amnesty International found that there is no trace of ByLock having been on his phone. The court on 31 January 2018 had ordered the conditional release of Kılıç, but it reversed its decision on Feb. 1 after the prosecutor appealed the court’s ruling. The fourth hearing will take place on 21 June 2018.

#### **Osman Kavala<sup>39</sup>:**

Osman Kavala, the founder and Head of Board of Anadolu Kültür, was taken under custody on 18 October 2017. Following 14 day under the police custody, the Istanbul Chief Public Prosecutor’s Office referred him to court for arrest without taking his testimony. The Istanbul 1st Criminal Court of Peace ruled to detain Kavala on charges delineated under articles 309 and 312 of the Turkish Penal Code. There is no indictment prepared yet.

#### **Ömer Faruk Gergerlioğlu**

Ömer Faruk Gergerlioğlu has been convicted of engaging in "terror propaganda" (Article 7(2) of the Anti Terror Law) on his social media accounts and sentenced to two and a half years in prison by Kocaeli Heavy Penal Court No.2 on 21 February 2018. Gergerlioğlu, former president of the Association for Human Rights and Solidarity for the Oppressed (MAZLUMDER), as well as a medical doctor and a columnist for various publications. Gergerlioğlu had been dismissed from the medical profession by an Emergency on 7 January 2017. Before his dismissal, he had been suspended from his duty at İzmit Seka State Hospital on October 14, 2016 for a photograph he shared on social media.

#### **Murat Çelikkan**

Murat Çelikkan, a human rights defender and journalist who made a one-day chief-editorship with the aim of solidarity with the Özgür Gündem newspaper<sup>40</sup>, sentenced with article 7/2 (TMK). He was arrested on 14.08.2017 and released on 21.10.2017.

#### **Detention of Lawyers**

18 lawyers including Selçuk Kozağaçlı of Contemporary Lawyers Association which was closed down by Emergency Decree were taken under police custody on 8 November 2017. Following 7 day police custody all lawyers were detained. These lawyers under pre-trial detention since November 2017 were representing Nuriye Gülmen and Semih Özakça who were on hunger strike to protest their dismissals from public service.

#### **Cases against Journalists**

According to the Media Observation Report of Bianet<sup>41</sup>, in 2017, 520 journalists, columnists, reporters and media representatives were tried on the basis of the Turkish Penal Code (TPC) and the Anti-Terror Law (ATL). In 2017, 2 journalists were imprisoned on the charges of “coup attempt” or “threat against state security”, 6 on the charges of “membership of or controlling an illegal organisation”; 8 on the charges of “degrading state institutions”, and 1 on the charge of “violating the Law on the Protection of Atatürk”. The report also stated that there were 128 journalists in prisons and detention houses as of 6 February 2018.

According to the Solidarity Platform with Imprisoned Journalists, 213 journalists, including 27 publishers and editors in chief, are in prison by 31 December 2017<sup>42</sup>.

#### **Case of Cumhuriyet Daily**

On 18 August 2016, the Press Section of the Istanbul Chief Public Prosecutor’s Office launched an investigation in respect of certain claims (No. 2016/97293) under article 220 (6) of the Criminal Code, charging certain individuals with aiding FETÖ/PDY and PKK/KCK, both armed terrorist organizations, in accordance with their organizational aims, without being a member.

<sup>39</sup> See more detailed information at <http://www.osmankavala.org/en/about-osman-kavala>

<sup>40</sup> In addition to Murat Çelikkan, 38 intellectuals, writers, and journalists were sentenced to imprisonment for being a one-day chief-editorship for solidarity and these sentences were postponed.

<sup>41</sup> See Erol Önderoğlu; BİA Medya Gözlem 2017: Habercinin & Medyanın Bir Yılı, <http://bianet.org/bianet/medya/194083-bia-medya-gozlem-2017-habercinin-medyanin-bir-yili>

<sup>42</sup> <http://tutuklugazeteciler.blogspot.com.tr/>

On 31 October 2016, 12 employees of Cumhuriyet newspaper were taken under police custody. Following police raids, the following people were taken into custody: Murat Sabuncu (Cumhuriyet Editor-in-Chief); Güray Öz (Cumhuriyet board executive and columnist); Aydın Engin (former editor-in-chief of the newspaper); Hikmet Çetinkaya (columnist); Eser Sevinç, Hakan Kara, Musa Kart, Bülent Utku, Mustafa Kemal Güngör and Önder Çelik (all board members of the Cumhuriyet Foundation); Turhan Günay (Editor-in-Chief of the newspaper's book supplement); and columnist Kadri Gürsel, who is also the head of the International Press Institute's Turkey office. The prosecutors also issued detention warrants for two of the newspaper's executives, who were both at that time in abroad. On 5 November 2016, nine journalists and executives from the Cumhuriyet daily were placed under formal arrest by the İstanbul 9th Penal Court of Peace. The daily's columnists Aydın Engin and Hikmet Çetinkaya were released by the court pending trial. A travel ban was imposed on them. On 4 November 2016, Günseli Özalay, the accounting manager of the newspaper, and former accounting manager Bülent Yener were released.

On 7 April 2017, Cumhuriyet's Finance Manager Emre İper was taken into custody during a midnight raid on his home by police. He was arrested on 19 April on charges of using ByLock, a communications app allegedly used by the Fethullah Gülen network and "being member of a terrorist organisation".

On 29 December 2016, the journalist Ahmet Şık was detained on charges of "propaganda on behalf of an illegal terrorist organisation" and "openly denigrating the Republic of Turkey, its judicial organs and its military and police". On 30 December, Ahmet Şık was officially put under arrest on charges of spreading propaganda for the PKK, the Revolutionary People's Liberation Party/Front (DHKP-C) and for the Fethullah Gülen group.

On 12 May 2017, Oğuz Güven, editor-in-chief of the on-line edition of the daily newspaper Cumhuriyet, was detained as part of a criminal investigation led by the Bureau of Press Offences of the Chief Public Prosecutor's Office in İstanbul. On 15 May 2017, Güven appeared before a judge, who ordered that he be held in pre-trial detention, on "propaganda for a terrorist organisation" and "defamation against a person's memory" charges. On 14 June 2017, after 30 days of imprisonment, Oğuz Güven was released. The trial is pending.

On 28 July 2017, an İstanbul court released seven Cumhuriyet journalists and executives. Five are to remain under arrest including Ahmet Şık. The court also decided that additional criminal charges would be brought against Ahmet Şık for his defense statement. On 25 September 2017, the Court ruled to release Kadri Gürsel, though he remains on trial on charges of links to terror groups. The Court confirmed the detention of Akın Atalay, Emre İper and Murat Sabuncu. On 29 December 2017 an İstanbul Court ruled to release Emre İper. He remained under judicial control and an international travel ban. On 9 March 2018, the 27th High Criminal Court of İstanbul ruled for the release of Murat Sabuncu and Ahmet Şık with judicial control. Akın Atalay's demands for release were refused by the Court. The next hearing will take place on 24-27 April 2018.

#### **Murat Arslan Case**

Murat Arslan has been in detention since 19 October 2016. He is a former Rapporteur of the Turkish Constitutional Court and president of the dissolved Association for the Union of Judges and Prosecutors (YARSAV).

#### **Case of Mehmet Altan, Ahmet Altan, Nazlı Ilıcak and Other three journalists**

On 16 February 2018, the 26th Heavy Criminal Court in İstanbul convicted Mehmet Altan, Ahmet Altan, Nazlı Ilıcak, Febzi Yazıcı, Şükrü Tuğrul Özşengül and Yakup Şimşek for aggravated life sentence on charges of "trying to abolish the constitutional order of the Republic of Turkey by resorting to the use of force and violence." Another suspect in the case, Tiber Murat Sanlıman, was acquitted.

#### **Case of Zaman Daily**

On 27 April 2017, 13th High Criminal Court at İstanbul accepted the indictment against 30 former Zaman Media Group employees including columnists and editors (22 detained and 8 under judicial control). The prosecutor demanded three aggravated life sentences for each of the 30 suspects, including former columnists Mümtazer Türköne, Şahin Alpay and Ali Bulaç, of the Zaman Daily which was closed down. The first hearing took place on 18 September 2017. The second hearing took place on 8 December 2017.

Detained Suspects: Ahmet Metin Sekizkardeş, Ahmet Turan Alkan, Alaattin Güner, Ali Bulaç, Cuma Kaya, Faruk Akkan, Hakan Taşdelen, Hüseyin Belli, Hüseyin Turan, İbrahim Karayeğen, İsmail Küçük, Mehmet Özdemir, Murat Avcıoğlu, Mustafa Ünal, Mümtaz'er Türköne, Onur Kutlu, Sedat Yetişkin, Şahin Alpay, Şeref Yılmaz, Yüksel Durgut, Zafer Özsoy, Adil Gülçek.

Suspects under judicial control: Ahmet İrem, Ali Hüseyin Çelebi, Süleyman Sargın, Osman Nuri Arslan, Osman Nuri Öztürk, Lale Kemal, Nuriye Ural, Orhan Kemal Cengiz.

#### **Cases against the Protests against the State of Emergency and the related measures**

Legal fines were given to many people in Tunceli, Diyarbakır, Batman, İstanbul, Eskişehir, Malatya and İzmir as a result of the protests against dismissals by the state of emergency decrees.

**Nuriye Gülmen-Semih Özakça-Acun Karadağ Case:** Acun Karadağ and Semih Özakça were tried on the charge of “membership of an armed terrorist organisation in the 19th Ankara Heavy Penal Court. Nuriye Gülmen who was on a hunger strike to get her job back after being dismissed with an Emergency Decree and put under pre-trial detention for 193 days was sentenced to 6 years and 3 months in prison on the charge of membership of an organisation and the court ruled for her release. The court acquitted Semih Özakça and Acun Karadağ.

## SECTION IV. SOE MEASURES AGAINST INDIVIDUALS: DISMISSALS FROM PUBLIC SERVICE

Through the Emergency Decrees issued during the State of Emergency, dismissal decisions were taken on **116.512 public officials** with the condition that they will not be employed in any public service position for life. Out of this number, the dismissal decisions for merely **3833 persons** (1.69% of total dismissals) were revoked by the Emergency Decree. **As of 20 March 2018, the number of the dismissed is 112.679, of which 21.153 are women (%18,8 of the total dismissed).**

Measures were not limited to the ones in active working life in the public institutions; they were also applied to the ones who retired from the public services. **A total of 1763** retired police and soldiers were disentitled. They were banned not only from taking any position or task in the public sector, but also from working as private security or establishing a private security company.

Following the closure of private educational institutions, in which teaching staff was working with the work permit issued by the Directorate General of Private Educational Institutions of the Ministry of National Education, the Directorate General cancelled the work permits of teaching staff through a circular. **A total of 22.474 person** was affected from this measure. These people were also banned to take any post in any educational institution.

Academics and teaching staff at the closed 15 private universities had faced problems in finding job in other universities as they were also labelled. Potentially a total of 3041 academics and teaching staff of those closed universities were affected negatively.

The Ministry of Justice opposed to the decisions of Bar Associations & the Union of Bar Associations providing licence to dismissed judges/prosecutors and graduates of Law Faculties to work as independent lawyers by referring to the Article 1 of the Law on Attorneyship.<sup>43</sup>

In addition, it was not possible to obtain exact data on the number of workers who were given "not allowed to work" decisions following the security checks for employees of companies that would be involved in tendering procedures of municipalities to which trustee was appointed.

### IV.1. Authority to Decide on Dismissals from Public Services

In the emergency decrees no. 667 and 668, the authorized bodies and procedures for public sector dismissals are listed in Table 14.

	Civil servants subject to SoE measures	Authorized Body	Decision Procedures
JUDICIARY	Members of the Constitutional Court	General Assembly of the Constitutional Court	Absolute Majority
	Court of Appeal Members	Court of Appeal 1 <sup>st</sup> Presidency Council	
	Council of State Members	Council of Presidency of the Council of State	
	Judges & Prosecutors	Council of Judges and Prosecutors	
	Members of the Court of Accounts	Commission formed by the President, Vice Presidents, a Head of Department and a member of the Court of Accounts	
TURKISH ARMED FORCES	Staff of Turkish Armed Forces Employment Law	By proposal of a Force Commander submitted for the approval of Chief of General Staff	Approval of the Minister of the National Defence
	Staff of Gendarmerie	By Proposal of the Commander of the Gendarmerie	Approval of the Minister of Interior
	Staff of Coast Guard Command	By Proposal of the Commander of the Coast Guard Command	Approval of the Minister of Interior

<sup>43</sup> Article 1. "Attorneyship is a public service and a liberal profession.", Law on Attorneyship, No. 1136.

Executive bodies (ministries and related institutions)	Civil servants of the Local Authorities (Municipalities and Provincial Administrations) Special	A Commission, members of which are appointed by the Governor	Approval of the Minister of Interior
	Staff of Ministries and related institutions (Employees of Law No 657 on Civil Servants)	By proposal of the Head of Unit	Approval of the senior official authorized for appointments
	Staff in institutions employed by laws other than Law No 657 on Civil Servants	By proposal of the Commission set up by the relevant Ministry & chaired by the senior authority of the institution	Approval of the relevant Minister
	<b>Academics and the personnel subject to the Higher Education Personnel Law No. 2914</b>	<b>By proposal of the President of the Higher Education Council</b>	Decision of the Council of the Higher Education Council

## IV.2. Timeline of Dismissals

PERIOD OF SoE	DATE	DISMISSAL DECISIONS	Dismissed Public Officials	Revoked Decisions
1st period	27.7.2016	Decree No. 668	1684	
	31.7.2016	Decree No. 669	1389	
	17.8.2016	Decree No. 670	2692	
	24.8.2016	Council of Judges & Prosecutors No. 2016/426	2847	
	31.8.2016	Council of Judges & Prosecutors No. 2016/428	543	
	1.9.2016	Decree No. 672	50684	
	2.9.2016	Comm. of the Ministry of National Security No. 2016/1	76	
	4.10.2016	Council of Judges & Prosecutors No. 2016/430	66	
	10.10.2016	Presidency of Military Court of Appeals No. 2016/23	7	
2nd period	13.10.2016	Comm.of the Ministry of National Security No. 2016/2	109	
	29.10.2016	Decree No. 675	10129	74
	15.11.2016	Council of Judges & Prosecutors No. 2016/440	203	
	22.11.2016	Decree No. 677	15642	155
	8.12.2016	Council of Judges & Prosecutors No. 2016/434 Annex		78
	31.12.2016	Decision of the Public Bodies authorised by Decrees	1273	12
3rd period	6.1.2017	Decree No. 679	8393	277
	23.1.2017	Decree No. 683	367	124
	7.2.2017	Decree No. 686	4464	17
	13.2.2017	Council of Judges & Prosecutors No. 2017/35	227	
	17.3.2017	Council of Judges & Prosecutors No. 2017/113	202	
	20.3.2017	Decree No. 688		426
	29.3.2017	Council of Judges & Prosecutors No. 2017/664		5
4th period	4.4.2017	Council of Judges & Prosecutors No. 2017/665	45	
	29.4.2017	Decree No. 689	3974	236
	4.5.2017	Council of Judges & Prosecutors No. 2017/681		83
	5.5.2017	Council of Judges & Prosecutors No. 2017/682	107	
5th period	14.7.2017	Decree No. 692	7395	312
	22.08.2017	Comm. of The Ministry Of National Security No 1/2017		4
	25.8.2017	Decree No. 693	928	57
6th period	5.10.2017	Council Of Judges & Prosecutors No. 2017/770	39	
	24.12.2017	Decree No. 695	2765	115
	12.1.2018	Decree No. 697	262	1858
<b>TOTAL</b>			<b>116512</b>	<b>3833</b>

## IV.3. Distribution of Dismissal Decisions by the Public Institutions

### IV.3.1. Summary Table

Table 16. Summary table of Decisions for dismissals and revoked decisions on dismissals

PUBLIC INSTITUTIONS	A. DISMISSALS			B. REVOKED DECISIONS( RETURN TO WORK)			C. NET DISMISSALS (C=A-B)		
	Men	Women	TOTAL	Men	Women	TOTAL	Men	Women	TOTAL
Turkish Grand National Assembly (Administrative Staff)	68	18	86	3	4	7	65	14	79
Prime Minister's Office and Related Institutions	3649	908	4557	244	76	320	3492	832	4337
Ministry of Justice	5034	1134	6168	170	56	226	4864	1078	5942
Ministry of Family and Social Affairs	401	203	604	11	8	19	390	195	585
Ministry of European Union	16	4	20	0	0	0	16	4	20
Ministry of Science, Industry and Technology and Related Institutions	460	70	530	17	2	19	443	68	511
Ministry of Labour and Social Security and Related Institutions	1132	256	1388	74	25	99	1058	231	1289
Ministry of Environment & Urbanisation and Related Institutions	389	73	462	36	3	39	353	70	423
Ministry of Foreign Affairs	338	105	443	1	1	2	337	104	441
Ministry of Economy	67	15	82	3	1	4	64	14	78
Ministry of Energy & Natural Resources and Related Institutions	901	70	971	84	5	89	817	65	882
Ministry of Youth & Sports and Related Institutions	403	101	504	12	3	15	391	98	489
Ministry of Food, Agriculture & Livestock and Related Institutions	977	112	1089	53	11	64	924	101	1025
Ministry of Customs & Trade and related Institutions	360	61	421	19	3	22	341	58	399
Ministry of Interior	30436	1522	31958	741	47	788	29695	1475	31170
Ministry of Development	193	51	244	6	0	6	187	51	238
Ministry of Culture & Tourism	197	42	239	22	16	38	175	26	201
Ministry of Finance and Related Institutions	2041	601	2642	137	41	178	1904	560	2464
Ministry of National Education	23147	10588	33735	429	256	685	22718	10332	33050
Ministry of National Security	112	50	162	2	2	4	110	48	158
Ministry of Forestry & Water Management	536	52	588	30	3	33	506	49	555
Ministry of Health	4404	3261	7665	257	199	456	4147	3062	7209
Ministry of Maritime, Transport & Communications	1040	85	1125	103	9	112	937	76	1013
Judicial Institutions (Administrative Staff)	413	105	518	6	2	8	407	103	510
Judicial Institutions (Judges & prosecutors)	3402	877	4279	115	51	166	3287	826	4113
Judicial Institutions (Constitutional Court Members & staff)	39	0	39				39	0	39
Military Justice Members	192		192	4		4	188	0	188
Turkish Armed Forces (TAF)	8312	169	8481	240	1	241	8072	168	8240
Ombudsman's Office	21	0	21	12	0	12	9	0	9

Secretariat General of the National Security Council	1	0	1	0	0	0	1	0	1
Student Selection & Placement Presidency (ÖSYM)	8	7	15	0	0	0	8	7	15
General Directorate of Sugar Factories	8	1	9	0	0	0	8	1	9
Supreme Election Board	14	3	17	0	0	0	14	3	17
Higher Education Institutions (Academics)	4768	1114	5882	127	50	177	4641	1064	5705
Higher Education Institutions (Administrative Staff)	1005	370	1375	0	0	0	1005	370	1375
<b>GENERAL TOTAL</b>	<b>94484</b>	<b>22028</b>	<b>116512</b>	<b>2958</b>	<b>875</b>	<b>3833</b>	<b>91519</b>	<b>21153</b>	<b>112679</b>

### IV.3.2. Dismissals from the Presidency of the Turkish Grand National Assembly

Through the Emergency Decrees no. 672,675,689, 692 & 693, dismissal decisions were taken on **86 administrative staff of the Presidency of the Turkish Grand National Assembly**. Out of this number, the dismissal decisions for merely **7 persons** were revoked through the Emergency Decrees. **As of 20 March 2018, the number of the dismissed is 79, of which 14 are women.**

### IV.3.3. Dismissals from Ministries and Related Institutions

#### Prime Ministry and Related Institutions

Through the Emergency Decrees No 672,675, 677, 679, 683, 686, 689, 692, 693, 695 & 697, dismissal decisions were taken on 4557 public officials. Out of this number, the dismissal decisions for 320 persons were revoked by the Emergency Decrees. As of 20 March 2018, the number of the dismissed is 4237, of which 832 are women.

*67.8% of the total dismissals were from Directorate General of Religious Affairs, 10% from the Turkish Radio and Television Corporation, 7% from the Prime Ministry's Central Administration.*

Table 17. Prime Ministry and Related Institutions	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Disaster and Emergency Management	86	9	95	6	0	6
Ataturk Higher Institution of Culture, Language and History	7	1	8	0	0	0
Banking Regulation and Supervision Agency	128	22	150	0	0	0
General Directorate of Press and Information	34	13	47	2	2	4
Prime Ministry Undersecretariat of Treasury	95	9	104	2	0	2
Prime Ministry Central Organization	287	26	313	2	0	2
Directorate of Religious Affairs	2351	739	3090	220	72	292
Radio and Television Supreme Council	25	6	31	1	0	1
Capital Markets Board	52	9	61	0	0	0
Presidency of Savings Deposit Insurance Fund	13	2	15	0	0	0
Housing Development Administration	15	0	15	1	0	1
Turkish Cooperation and Coordination Agency	11	2	13	1	1	2
Development Bank of Turkey	14	5	19	1	0	1
Turkey Radio and Television Corporation	409	61	470	6	1	7
General Directorate of Foundations	28	4	32	1	0	1
Presidency for Turks Abroad and Related Communities	7	0	7	1	0	1
National Intelligence Agency	87	0	87	0	0	0
<b>Total</b>	<b>3649</b>	<b>908</b>	<b>4557</b>	<b>244</b>	<b>76</b>	<b>320</b>

#### Ministry of Justice (Central & Local Administration)

Through the Emergency Decrees No.675, 679, 689, 692, 693 & 695, dismissal decisions were taken on 6168 public officials from the local and central administrations of the Ministry of Justice. Out of this number, the dismissal decisions for merely 226 persons were revoked. As of 20 March 2018, the number of the dismissed is 5942, of which 1078 are women.

Approximately 45% of the total dismissal decisions targeted Clerks of the Courts and 29% targeted to prisons guards.

Table 18. Dismissals from the Ministry of Justice	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Central and Local Administrations of the Ministry of Justice	5031	1134	6165	170	56	226
Justice Academy	3	0	3	0	0	0
	5034	1134	6168	170	56	226

Among the dismissed, there were

- Counsellors of the Ministry and justice experts (112)
- Forensic experts of Forensic Institute (111)
- Prospective Judges and clerks at courts (2841)

Directors and Deputy Directors of Prisons, Social workers, Guardians and other personnel in prisons (2296)

### Ministry of Family & Social Policies

Through the Emergency Decrees No. 672, 677, 679, 692 & 695, dismissal decisions were taken on 604 public officials from the local and central administrations of the Ministry of Family and Social Policies. Out of this number, the dismissal decisions for merely 19 persons were revoked by the Emergency Decrees. As of 20 March 2018, the number of the dismissed is 585, of which 195 are women.

Table 19. Dismissals from Ministry of Family and Social Policies	Dismissals			Dismissal Decisions revoked		
	M	F	M	F	M	F
	401	203	604	11	8	19

### Ministry of European Union Affairs

Through the Emergency Decrees No. 672, 675, 686 ve 689, dismissal decisions were taken on **20 public officials of the Ministry of European Union Affairs**. None of the decisions was revoked. **As of 20 March 2018, the number of the dismissed is 20, of which 4 are women.**

**Table 20. Dismissals from the Ministry of European Union Affairs**

	Dismissals			Dismissal Decisions revoked		
	M	F	M	F	M	F
Ministry of EU Affairs	7	3	10	0	0	0
Council of Accreditation	6	0	6	0	0	0
Head of EU Education & Youth Programmes Centres	3	1	4	0	0	0
<b>Total</b>	<b>16</b>	<b>4</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Ministry of Science, Industry and Technology & Related Institutions

Through the Emergency Decrees No. 672, 675, 679, 692, 693 & 695, dismissal decisions were taken on 530 public officials from Ministry of Science, Industry and Technology & Related Institutions. Out of this number, the dismissal decisions for merely 19 persons were revoked. As of 20 March 2018, the number of the dismissed is 521, of which 68 are women.

48% of the total dismissals were from the Scientific and Technological Research Council of Turkey (TUBITAK).

**Table 21. Dismissals from the Ministry of Science, Industry & Technology**

	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Central Administration of the Ministry of Science, Industry and Technology	94	23	117	9	1	10
KOSGEB	75	9	84	2	0	2
Turkish Patent Institute	14	2	16	0	0	0
Turkish Standards Institute	55	6	61	2	0	2
The Scientific and Technological Research Council of Turkey (TUBITAK)	222	30	252	4	1	5
<b>Total</b>	<b>460</b>	<b>70</b>	<b>530</b>	<b>17</b>	<b>2</b>	<b>19</b>

The Ministry of Labour and Social Security

Through the Emergency Decrees No. 672, 679, 692, 693 & 695, dismissal decisions were taken on 1388 public officials from the Ministry of Labour and Social Security. Out of this number, the dismissal decisions for 99 persons were revoked. As of 20 March 2018, the number of the dismissed is 1289, of which 231 are women.

Table 22. Dismissals from the Ministry of Labour and Social Security	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
The Ministry of Labour and Social Security (Çaşgem and Central Organisation)	87	7	94	6	0	6
State Personnel Presidency	19	1	20	0	0	0
Social Security Institution	753	177	930	65	24	89
General Directorate of Business Association	273	71	344	3	1	4
<b>Total</b>	<b>1132</b>	<b>256</b>	<b>1388</b>	<b>74</b>	<b>25</b>	<b>99</b>

### Ministry of Environment and Urbanism & Related Institutions

Through the Emergency Decrees No. 672, 675, 679, 683, 689, 692, 693, 695 & 697, 462 public officials from the Ministry of Environment and Urbanism were dismissed. Out of this number, the dismissal decisions for 39 persons were revoked. As of 20 March 2018, the number of the dismissed is 423, of which 70 are women.

Table 23. Dismissals from the Ministry of Environment and Urbanism & Related Institutions

	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Central Administration of the Environment and Urban Ministry	154	35	189	16	0	16
General Directorate of Bank of Provinces Company (İİAŞ)	43	3	46	7	0	7
General Directorate of Land Registry and Cadastre	192	35	227	13	3	16
<b>Total</b>	<b>389</b>	<b>73</b>	<b>462</b>	<b>36</b>	<b>3</b>	<b>39</b>

### Ministry of Foreign Affairs

Through the Emergency Decrees No. 672, 675, 686, 689, 692, 693 & 695, 443 public officials from the Ministry of Foreign Affairs were dismissed. Out of this number, the dismissal decisions for merely 2 persons were revoked by the Emergency Decrees. As of 20 March 2018, the number of the dismissed is 441, of which 104 are women.

Table 24. Dismissals from the Ministry of Foreign Affairs

	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Central Administration of the Ministry of Foreign Affairs	338	105	443	1	1	2

### Ministry of Economy

Through the Emergency Decrees No. 672, 686, 689, 692 & 695, the dismissal decisions were taken on 82 public officials from the Ministry of Economy. Out of this number, the dismissal decisions for merely 4 persons were revoked by the Emergency Decrees. As of 20 March 2018, the number of the dismissed is 78, of which 14 are women.

Table 25. Dismissals from the Ministry of Economy

	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Central Administration of the Ministry of Economy	67	15	82	3	1	4

### Ministry of Energy and Natural Resources

Through the Emergency Decrees No. 672, 675, 677, 679, 689, 692, 693 & 695, dismissal decisions were taken on 971 public officials from the Ministry of Energy and Natural Resources and Related Institutions. Out of this number, the dismissal decisions for merely 89 persons were revoked by the Emergency Decrees. As of 20 March 2018, the number of the dismissed is 882, of which 65 are women.

Table 26. Dismissals from the Ministry of Energy and Natural Resources

	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Ministry of Energy and Natural Resources	51	9	60	2	1	3
General Directorate of Petroleum Transportation and Pipelines	56	1	57	2	0	2
Botaş International Limited Company	17	0	17	1	0	1
General Directorate of Electricity Generation	151	6	157	18	0	18
Energy Market Regulatory Authority	57	13	70	2	0	2
Eti General Directorate of Mining Operations	65	7	72	7	0	7
General Directorate of Mineral Research and Exploration	40	6	46	5	0	5
Turkey Atomic Energy Authority	24	5	29	4	0	4
General Directorate of Turkish Electricity Distribution	23	2	25	0	0	0
General Directorate of Turkish Electricity Delivery	195	11	206	23	2	25
General Directorate of Turkish Electricity Trading and Contracting	3	0	3	0	0	0
General Directorate of Turkish Coal Enterprises	83	3	86	4	0	4
General Directorate of Turkish Petroleum Corporation	83	5	88	2	0	2
Turkish Petroleum Oil Distribution Inc. (TPPD)	8	1	9	8	2	10
General Directorate of Turkish Stone Coal Institution	42	1	43	4	0	4
National Boron Research Institute	3	0	3	2	0	2
<b>Total</b>	<b>901</b>	<b>70</b>	<b>971</b>	<b>84</b>	<b>5</b>	<b>89</b>

### Ministry of Youth & Sports and Related Institutions

Through the Emergency Decrees 672, 675, 677, 679, 689, 692 & 695, dismissal decisions were taken on 504 public officials from the Ministry of Youth & Sports and Related Institutions. Out of this number, the dismissal decisions for merely 15 persons were revoked. As of 20 March 2018, the number of the dismissed is 489, of which 98 are women.

Table 27. Dismissals from the Ministry of Youth &amp; Sports and Related Institutions

	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Ministry for Youth and Sports	85	23	108	0	0	0
General Directorate of Sports	204	15	219	8	1	9
Higher Education Credit and Student Housing Institution	114	63	177	4	2	6
<b>Total</b>	<b>403</b>	<b>101</b>	<b>504</b>	<b>12</b>	<b>3</b>	<b>15</b>

### Ministry for Food, Agriculture and Livestock and Affiliated Institutions

Through the Emergency Decrees 672, 675, 679, 689, 693 & 695, dismissal decisions were taken on 1089 public officials from the Ministry of Youth & Sports and Related Institutions. Out of this number, the dismissal decisions for merely 64 persons were revoked. As of 20 March 2018, the number of the dismissed is 1025, of which 101 are women.

Table 28. Dismissals from the Ministry of Food, Agriculture and Livestock

	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Central and Local Administration of Ministry for Food, Agriculture and Livestock and Affiliated Institutions	97	11	1089	5	1	64
<b>Total</b>	<b>97</b>	<b>11</b>	<b>1089</b>	<b>5</b>	<b>1</b>	<b>64</b>

### Ministry of Customs & Trade and Related Institutions

Through the Emergency Decrees No. 672, 675, 679, 689, 692 & 695, dismissal decisions were taken on 421 public officials from the Ministry of Customs & Trade and Related Institutions. Out of this number, the dismissal decisions for merely 22 persons were revoked. As of 20 March 2018, the number of the dismissed is 1025, of which 101 are women.

Table 29. Dismissals from the Ministry of Customs & Trade and Related Institutions

	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Central Administration of Ministry for Customs and Trade	334	56	390	0	0	0
Competition Authority	26	5	31	19	3	22
<b>Total</b>	<b>360</b>	<b>61</b>	<b>421</b>	<b>19</b>	<b>3</b>	<b>22</b>

### Ministry of Interior & Related Institutions

Through the Emergency Decrees No. 669, 670, 672, 677, 679, 683, 686, 689, 692, 693 & 695, dismissal decisions were taken on 31.958 public officials from the Ministry of Interior and Related Institutions. Out of this number, the dismissal decisions for 788 persons were revoked. As of 20 March 2018, the number of the dismissed is 31.170, of which 1.475 are women.

Table 30. Dismissals from the Ministry of Interior

	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Central Administration of the Ministry of Interior	892	106	998	20	6	26
General Directorate of Immigration	37	21	58	3	0	3
Undersecretariat of Public Order and Security	7	4	11	0	0	0
General Directorate of Local Authorities	3625	545	4170	138	21	159
General Directorate of Security	22284	811	23095	477	18	495
General Command of Gendarmerie	3433	33	3466	98	2	100
Coast Guard	158	2	160	5	0	5
<b>Total</b>	<b>30436</b>	<b>1522</b>	<b>31958</b>	<b>741</b>	<b>47</b>	<b>788</b>

#### *General Directorate of Security*

As of 20 March 2018, 23,095 personnel were dismissed by the Emergency Decrees no. 670, 672, 677, 679, 683, 692, 693 and 695. Of the dismissed personnel, 811 were women.

#### *Measures regarding the retired police officers*

Measures against 1384 personnel who were retired (either ex officio or voluntarily) and dismissed before the state of emergency from the General Directorate of Security were taken on the grounds that they were "members to or related with FETÖ/PDY Terrorist organisation" (Emergency Decrees no. 670, 679 and 686).

Among other measures, it is also stated that the degraded retired police officers would not be able to establish or become a partner of private security companies or work for such companies.

#### *Gendarmerie General Command and Coast Guard*

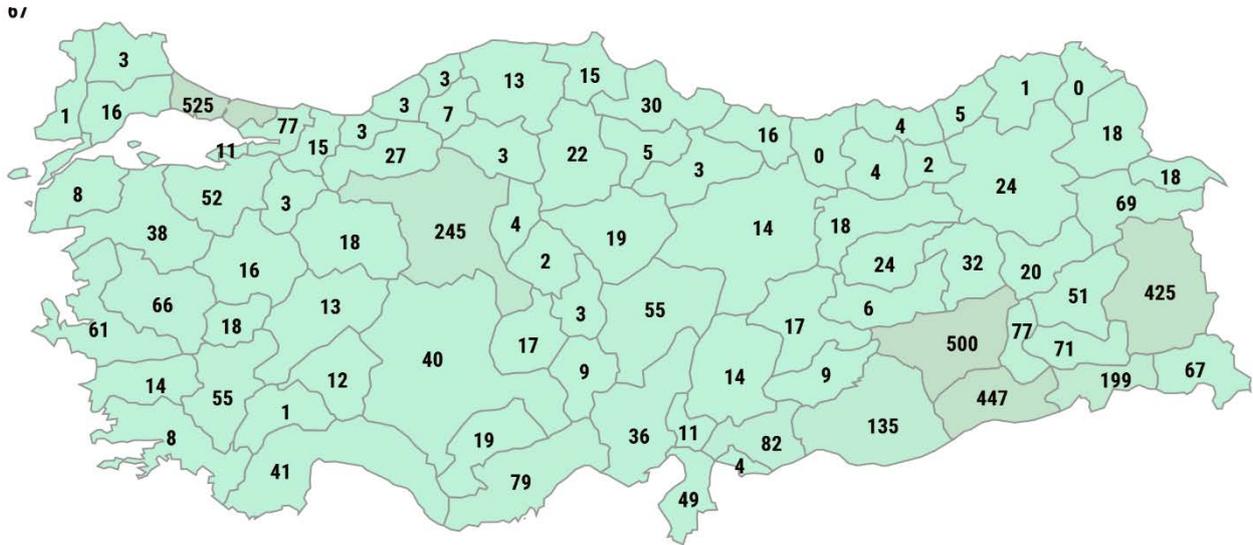
As of 20 March 2018, a total of 3466 Gendarmerie personnel by the Emergency Decrees no. 669, 672, 677, 686, 689 and 692, and 160 Coast Guard personnel by the Emergency Decrees no. 670, 672, 679, 686, 689 and 693 were dismissed.

#### *Local Administrations General Directorate*

4170 Personnel working at the municipalities and provincial special administrations under the Local Administrations General Directorate were dismissed by the Emergency Decrees no. 677, 692, 693 and 695. 523 of the dismissed personnel were women. The highest numbers of dismissals were in the municipalities in İstanbul (525), Diyarbakır (500), Mardin (447), Van (425), Ankara (245), Şırnak (199) and Şanlı Urfa (135).

47% of the dismissed municipality personnel were working in the municipalities to which trustees are appointed.

### Dismissals from Municipalities by 20 March 2018



#### Ministry of Development and Related Agencies

From the Ministry of Development and its related agencies, 244 personnel were dismissed and put of this number 51 were women (Emergency Decrees no. 672, 675, 679, 683 & 689). The dismissal decisions for 3 personnel were revoked. *As of 20 March 2018, 241 were still dismissed.*

**Table 31. Dismissals from the Ministry of Development and Related Agencies**

	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Central Administration of the Ministry of Development	68	10	78	1	0	1
Eastern Anatolia Project Regional Development Administration	1	0	1	0	0	0
South-eastern Anatolia Project Regional Development Administration	9	3	12	0	0	0
Konya Plain Project Regional Development Administration	1	0	1	0	0	0
Istanbul Development Agency	7	2	9	0	0	0
Turkish Statistics Institute	107	36	143	5	0	5
<b>Total</b>	<b>193</b>	<b>51</b>	<b>244</b>	<b>6</b>	<b>0</b>	<b>6</b>

#### Ministry of Culture and Tourism

From this ministry, 239 personnel were dismissed and 42 of these were women (Emergency Decrees no. 672, 675, 679, 686, 689, 692, 693 & 695). The dismissal decisions for 35 personnel were revoked. *As of 20 March 2018, 201 were still dismissed.*

**Table 32. Dismissals from the Ministry of Culture and Tourism**

	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Ministry of Culture & Tourism	197	42	239	22	16	38

### Ministry of Finance and Related Institutions

Through the Emergency Decrees, dismissal decisions were taken on **2642 public officials from the Ministry of Finance and Related Institutions**. Out of this number, the dismissal decisions for **178 persons** were revoked. As of 20 March 2018, the number of the dismissed is **2.464 of which 560 are women**.

**Table 33. Dismissals from the Ministry of Finance**

	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Central Administration of the Ministry of Finance	1099	220	1319	66	16	82
General Directorate of State Requisition Office	22	6	28	1	1	2
General Directorate of Real Estate(ÖİB)	1	0	1	0	0	0
Presidency of revenue management	874	370	1244	67	23	90
Public Oversight, Accounting and Auditing Standards Institution	8	0	8	0	0	0
Public procurement institution	18	0	18	1	0	1
General Directorate of National Lottery Administration	7	2	9	0	0	0
Presidency of Privatisation Administration	12	3	15	2	1	3
<b>Total</b>	<b>2041</b>	<b>601</b>	<b>2642</b>	<b>137</b>	<b>41</b>	<b>178</b>

### Ministry of National Education

Through the Emergency Decrees No. 672, 675, 677, 679, 686, 689, 692, 693, 695 & 697, dismissal decisions were taken on 33,735 public officials (mainly teachers) from the Ministry of National Education. Out of this number, the decisions on dismissal for 685 persons were revoked. As of 20 March 2018, the number of the dismissed is 33,050, of which 10,332 are women.

**Table 34. Dismissals from the Ministry of National Education**

	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Ministry of National Education	23147	10588	33735	429	256	685

**Table 35. Breakdown of Dismissed teachers by provinces**

Province	Percentage in total number of teachers	Total	Province	Percentage in total number of teachers	Total
İstanbul	12.12%	4016	Mardin	0.77%	254
Ankara	5.99%	1985	Elazığ	0.74%	244
Bursa	3.60%	1192	Amasya	0.69%	229
Konya	3.46%	1147	Batman	0.67%	222
İzmir	3.17%	1050	Düzce	0.62%	208
Gaziantep	2.99%	990	Zonguldak	0.61%	201
Kahramanmaraş	2.95%	978	Kırıkkale	0.60%	200
Kayseri	2.91%	964	Kastamonu	0.60%	199
Manisa	2.89%	959	Giresun	0.59%	195
Samsun	2.54%	843	Tekirdağ	0.50%	166
Denizli	2.41%	797	Burdur	0.46%	153
Şanlıurfa	2.33%	771	Siirt	0.46%	153
Kocaeli	2.28%	754	Karabük	0.44%	145
Antalya	2.11%	699	Bingöl	0.43%	143
Adana	2.08%	688	Çanakkale	0.42%	140
Hatay	1.84%	611	Rize	0.42%	140

İçel (Mersin)	1.83%	606	Bolu	0.42%	138
Afyonkarahisar	1.49%	495	Ağrı	0.41%	137
Erzurum	1.49%	492	Nevşehir	0.41%	136
Diyarbakır	1.38%	456	Bitlis	0.37%	124
Kütahya	1.37%	454	Kırşehir	0.37%	124
Balıkesir	1.35%	446	Şırnak	0.37%	122
Osmaniye	1.30%	430	Karaman	0.36%	118
Sakarya	1.26%	419	Erzincan	0.35%	117
Van	1.25%	414	Muş	0.35%	115
Isparta	1.25%	413	Çankırı	0.33%	110
Aydın	1.23%	408	Bilecik	0.32%	106
Malatya	1.23%	407	Yalova	0.32%	106
Tunceli	1.10%	365	Kilis	0.29%	97
Ordu	1.03%	342	Sinop	0.24%	81
Adıyaman	1.03%	341	Kars	0.24%	79
Çorum	1.03%	340	Bartın	0.21%	70
Trabzon	0.98%	324	Bayburt	0.17%	55
Yozgat	0.98%	323	Iğdır	0.17%	55
Tokat	0.95%	315	Hakkâri	0.15%	49
Aksaray	0.94%	310	Artvin	0.14%	48
Uşak	0.89%	296	Edirne	0.14%	46
Niğde	0.86%	286	Kırklareli	0.14%	46
Sivas	0.86%	286	Gümüşhane	0.11%	38
Eskişehir	0.81%	267	Ardahan	0.04%	12
Muğla	0.80%	265			

### Ministry of National Defence and Turkish Armed Forces<sup>44</sup>

On 8.783 public officials (of which 8312 were from TAF) from the Ministry of National Defence, dismissal decisions were taken by the Emergency Decrees No. 672, 668, 669, 670, 675, 677, 679, 689, 692, 693, 695 & 697. Out of this number, the decisions on dismissal for 249 persons were revoked through the Emergency Decrees. As of 20 March 2018, the number of the dismissed is 8.586.

**Table 36. Dismissals from the Ministry of National Defence and Turkish Armed Forces**

	Dismissals			Dismissal revoked		Decisions	
	M	F	General Total	M	F	General Total	
<b>Ministry of National Defence</b>	46	46	92	2	2	4	88
<b>Machinery and Chemical Industry</b>	30	1	31	0	0	0	31
<b>Fuel Supply-Nato Pol Facilities Management</b>	6	1	7	0	0	0	7
<b>Undersecretariat of Defence Industry</b>	30	2	32	0	0	0	32
<b>Turkish Armed Forces (Land Forces, Naval Forces, Air Forces, General Staff)</b>	8312	169	8481	240	1	241	8240
<b>Military Judges</b>	192	0	192	4		188	188
<b>Total</b>	<b>8573</b>	<b>210</b>	<b>8783</b>	<b>246</b>	<b>3</b>	<b>249</b>	<b>8586</b>

### *Military Judges Dismissed*

With an amendment made on the Emergency Decree no. 667 by the subsequent Decree no. 668, a National Defence Ministry Commission composed of two military judges appointed from the first grade military judges by the Minister of National Defence was established on 17 August 2016. The Commission decided on the dismissal of a total of 185

<sup>44</sup> Through the Article 36 of the State of Emergency Decree No. 669 published on July 31, 2016, the Turkish Armed Forces (TAF) were attached to the Ministry of National Defence. Thus the dismissals from the Turkish Armed Forces are reported under the Ministry of Defence.

military judges (76 Military judges on 2 September 2016 with Decision no. 2016/1 and 109 military judges on 13 October 2016).

The same commission examined the appeal requests and objections of 80 military judges and decided on revoking 4 decisions and rejected the remaining 76 applications (Decision No: 1/2017).

#### **Retired Military Officers who are Degraded**

374 retired military officers were degraded by the Emergency Decrees no. 692, 693 and 695. Their military identity cards for the retired and passports were cancelled (Emergency Decree no. 692).

#### **Ministry of Forestry and Water**

A total of 588 personnel was dismissed, 52 were women through Emergency Decrees no. 672, 675, 677, 679, 689, 693 & 695. Dismissal decisions were revoked for 33 personnel. **As of 20 March 2018, the number of the dismissed is 555.**

**Table 37. Dismissals from the Ministry of Forestry and Water**

	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Central Administration of the Ministry of Forestry and Water Management	536	52	588	30	3	33

#### **Ministry of Health**

Through the Emergency Decrees No. 672, 675, 677, 679, 683, 689, 692, 695 & 697, dismissal decisions were taken on 7,665 public officials from the Ministry of Health. Out of this number, the dismissal decisions on 456 personnel were revoked. As of 20 March 2018, the number of the dismissed is 7,209, of which 3,062 are women.

**Table 38. Dismissals from the Ministry of Health**

	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Central and Local Administration of the Ministry of Health	4404	3261	7665	257	199	456

#### **Ministry of Maritime Transport and Communications**

Through the Emergency Decrees No. 670, 672, 679, 689, 692, 693, 695 & 697, dismissal decisions were taken on 1,125 public officials from the Ministry of Health. Out of this number, the decisions on dismissal for 112 persons were revoked by the Emergency Decrees. As of 20 March 2018, the number of the dismissed is 1.013, of which 76 are women.

**Table 39. Dismissals from the Ministry of Maritime Transport and Communications**

	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Central Administration of the Ministry of Maritime Transport and Communications	81	6	87	12	0	12
Information Technologies and Communications Authority	192	32	224	3	0	3
General Directorate of State Airports Authority	138	9	147	29	5	34
General Directorate of Highways	155	7	162	29	0	29
General Directorate of Coastal Safety	23	1	24	2	1	3
General Directorate of Post and Telegraph Organization	137	24	161	2	1	3
General Directorate of Civil Aviation	22	1	23	1	0	1
General Directorate of State Railways	203	3	206	13	2	15
General Directorate of Turkish Railways Industrial Machinery	17	1	18	2	0	2
General Directorate of Turkish Maritime Enterprises	2	0	2	0	0	0
Turkish Locomotive and Engine Industry Corporation	5	0	5	2	0	2

General Directorate of Turkish Wagon Industry Corp.	7	0	7	2	0	2
Republic of Turkey State Railways Transportation	18	0	18	6	0	6
TÜRKSAT Corp. General Directorate	40	1	41	0	0	0
<b>Total</b>	<b>1040</b>	<b>85</b>	<b>1125</b>	<b>103</b>	<b>9</b>	<b>112</b>

### Other Public Institutions

As of 20 March 2018, a total of 51 personnel from the five institutions listed below was dismissed. Out of 21 dismissals from the Ombudsman's Office, the decisions were revoked for 12 personnel.

**Table 40. Dismissals from the other Public Institutions**

	Dismissals			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Ombudsman's Office	21	0	21	12	0	12
General Secretariat of the National Security Council	1	0	1	0	0	0
Presidency of Student Selection and Placement (ÖSYM)	8	7	15	0	0	0
General Directorate of Sugar Factories	8	1	9	0	0	0
Supreme Board of Election	14	3	17	0	0	0
	52	11	63	12	0	12

### IV.3.4. Dismissals from the Judiciary

A total of 4836 persons were dismissed from the judiciary. Out of this number, the dismissal decisions were revoked for 174. **As of 20 March 2018, 4662 were dismissed and 822 of these were women.**

**Table 41. Breakdown of the Dismissals by Judicial Organs and by type of decisions**

	M	F	Total
<b>A. DISMISSALS BY EMERGENCY DECREES</b>			
(High) Council of Judges & Prosecutors (administrative staff)	17	5	22
Presidency of Supreme Court (administrative staff)	170	66	236
Council of State (administrative staff)	69	28	97
Court of Accounts (administrative staff)	157	6	163
<b>B. DISMISSALS BY AUTHORISED BODIES</b>			
Constitutional Court	39	0	39
Judges and Public Prosecutors by decisions of the Council of Judges and Prosecutors	3402	877	4279
<b>Total</b>	<b>3854</b>	<b>982</b>	<b>4836</b>

#### **A. DISMISSALS BY EMERGENCY DECREES**

518 administrative personnel were dismissed from the Supreme Court, the Council of State, the Court of Accounts and the Council of Judges and Prosecutors and 105 of these were women. The dismissal decisions for only 8 were revoked.

- From the administrative personnel of the **Supreme Court, 236 personnel** (129 were clerks) were dismissed by the Emergency Decrees No. 675, 686, 689 and 692. Of the dismissed, 36% were women. The dismissal decisions for 4 were revoked.
- From the administrative personnel of the **Council of State, 97 personnel** (more than half were clerks) were dismissed by the Emergency Decrees No. 672, 679 and 689. Of the dismissed, 30% were women. The dismissal decisions for 3 were revoked.
- From the administrative personnel of the **Court of Accounts, 163 personnel** (36 chief auditors, 63 expert auditors, 52 auditors and 2 technicians) were dismissed by the Emergency Decrees No. 672, 675 and 692. Of the dismissed, 3% were women. The dismissal decision for 1 was revoked.
- From the administrative personnel of the **Council of Judges and Prosecutors, 22 personnel** (129 were clerks) were dismissed by the Emergency Decrees No. 677, 689 and 693. Most of these were data preparation and control personnel. Of the dismissed, 23% were women. The dismissal decisions for 4 were revoked.

## B. DISMISSALS BY AUTHORISED BODIES

### Dismissals by Decisions of the Constitutional Court General Assembly

From the Constitutional Court, 2 members of the Court (Decision no. 2016/12 dated 4 August 2016) and 37 personnel (1 rapporteur judge and 36 administrative personnel) were dismissed by the decision of the General Board of the Constitutional Court. In addition, many rapporteurs and other staff were seconded from the Ministry of Justice and other institutions were dismissed by the emergency decrees.

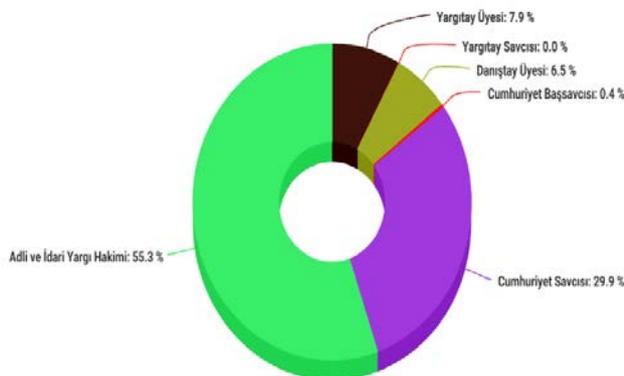
The Court announced in a press release that as a result of the investigation carried out on 68 personnel who were earlier suspended by the Presidency of the Constitutional Court within the scope of the Emergency Decree no. 667 dated 22.7.2016, 37 personnel (1 rapporteur and 27 administrative personnel) would be dismissed from public office; the suspension decision on 2 assistant rapporteurs and 13 administrative personnel would be revoked and the investigation on the remaining 16 personnel would continue. *As of 28 February 2018, no information on the on-going investigations was publicised.*

### Dismissals by the Commission of Judges and Public Prosecutors

By the authority assigned to the Commission of Judges and Public Prosecutors, 4279 judges and public prosecutors were dismissed from several positions. At least 877 of these dismissals, which corresponds to 20%, are women. The dismissal decisions related to 166 judges and public prosecutors are revoked by the same Commission. *The number of dismissed judges and public prosecutors was 4113 as of 20 March 2018.*

Date	No. of Council of Judges & Prosecutors (HSK) Decision	Number of Dismissed Judges	Number of Dismissed Prosecutors	Total	No. Revoked decision Judges	No. Revoked decision Prosecutors	Total (Revoked Decisions)
24.08.2016	HSK 2016/426	1951	896	2847			
31.08.2016	HSK 2016/428	384	159	543			
04.10.2016	HSK 2016/430	44	22	66			
15.11.2016	HSK 2016/440	159	44	203			
<b>8.12.2016</b>	HSK 2016/434-ek				57	21	78
13.02.2017	HSK 2017/35	171	56	227			
17.03.2017	HSK 2017/113	139	63	202			
<b>29.03.2017</b>	HSK 2017/664				3	2	5
04.04.2017	HSK 2017/665	31	14	45			
<b>4.05.2017</b>	HSK 2017/681				63	20	83
05.05.2017	HSK 2017/682	77	30	107			
05.10.2017	HSK 2017/770	26	13	39			
	<b>Total</b>	<b>2982</b>	<b>1297</b>	<b>4279</b>	<b>113</b>	<b>43</b>	<b>166</b>

### Dismissed judges and public prosecutors by court



Dismissed Judges & Prosecutors	No. of Dismissed
Members of the Supreme Court	340
Supreme Court Prosecutor	2
Member of the Council of State	276
Prime Public Prosecutor	15
Public Prosecutor	1280
Judges (Administrative & Criminal)	2366
<b>Total</b>	<b>4279</b>

### Appeals by Dismissed Judges and Prosecutors

The (High) Commission of Judges and Prosecutors processed the objection and reconsideration requests of 3953 dismissals in total by 20 March 2018. As a result, the dismissal decisions on 166 judges and prosecutors, (including 31 women) were revoked.

The remaining 3786 applicants' objections were rejected on the basis of several justifications such as not being a "party" in the matter concerning the objection (37 applications), abatement of one objection due to the suicide of the applicant in prison, exceeding the "10-day legal deadline for objection" (25 applications) and finally having "no occasion for changing the review decision."

Table 43. Results of the appeals by dismissed judges and prosecutors

Date of Decision	No. of Council of Judges & Prosecutors (HSK) Decision	Rejected	Accepted
29.11.2016	HSK 2016/434	3143	
8.12.2016	HSK 2016/434-ek		78
29.12.2016	HSK 2016/446	239	
29.03.2017	HSK 2017/664	2	5
4.05.2017	HSK 2017/681	335	83
28.07.2017	HSK 2017/702	68	
	Total	3786	166

#### IV.3.5. Dismissals from the Higher Education Institutions

From the academic and administrative personnel of the universities, **7178 personnel** (1459 were women) were dismissed. The dismissal decisions for only 141 were revoked. **The number of dismissed academic and administrative staff was 7037 as of 20 March 2018**

Table 44. Dismissals from Universities

Higher Education	Dismissal			Dismissal Decisions revoked		
	M	F	General Total	M	F	General Total
Academics	4768	1114	5882	127	50	177
Higher Education Council (Administrative Staff)	1005	370	1375	0	0	0
<b>Total</b>	5773	1484	7257	127	50	177

During the 20-month long State of Emergency, 5,882 academics were dismissed from 119 public universities. As of 20 March 2018, the dismissal decisions on 177 academics were revoked and 5705 academics are still dismissed.

Of the dismissed academics:

- 1.434 are women (%18.7 of the total).
- 386 of 5882 are the signatories of "Academics for Peace" <sup>45</sup> dated back to 2016, January,

**Among the dismissed academics there are:**

- 840 Professors (%14,59)
- 1026 Associate Professors (17.86 %)
- 1510 Assistant Professors (26.13 %)
- 1523 Research Assistants (25.57 %)
- 476 Lecturers (8.15 %)
- 447 Instructors/Experts

51% of the dismissals (2704 academics) mainly took place in 20 public universities (out of 119). Of these, **10 universities having the highest dismissals are:**

- Süleyman Demirel University, 253 dismissed academics,
- Gazi University, 227 dismissed academics,
- Çanakkale Onsekiz Mart University, 204 dismissed academics,
- İstanbul University, 192 dismissed academics,
- Pamukkale University, 174 dismissed academics,

<sup>45</sup> For detailed information please see: <https://barisicinakademisyenler.net/node/314>



Bilecik Şeyh Edebali University	Bilecik	21	İstanbul Medeniyet University	İstanbul	33
Bilkent University	Ankara	3	İstanbul Medipol University	İstanbul	1
Bingöl University	Bingöl	26	İstanbul Technical University	İstanbul	23
Bitlis Eren University	Bitlis	13	İstanbul University	İstanbul	192
Bozok University	Yozgat	99	İzmir Katip Çelebi University	İzmir	65
Bursa Technical University	Bursa	8	İzmir Technology Institute	İzmir	9
Bülent Ecevit University	Zonguldak	71	Kafkas University	Kars	30
Celâl Bayar University	Manisa	135	Kahramanmaraş Sütçü İmam Uni.	Kahramanmaraş	125
Cumhuriyet University	Sivas	55	Karabük University	Karabük	50
Çanakkale Onsekiz Mart University	Çanakkale	206	Karadeniz Technical University	Trabzon	36
Çankaya University	Ankara	2	Karamanoğlu Mehmetbey Uni.	Karaman	7
Çankırı Karatekin University	Çankırı	37	Kastamonu University	Kastamonu	16
Çukurova University	Adana	15	Kırıkkale University	Kırıkkale	71
Dicle University	Diyarbakır	172	Kırklareli University	Kırklareli	28
Doğuş University	İstanbul	2	Kilis 7 Aralık University	Kilis	17
Dokuz Eylül University	İzmir	33	Kocaeli University	Kocaeli	53
Dumlupınar University	Kütahya	161	Maltepe University	İstanbul	1
Düzce University	Düzce	44	Mardin Artuklu University	Mardin	39
Ege University	İzmir	40	Marmara University	İstanbul	102
Mehmet Akif Ersoy University	Burdur	23	Piri Reis University	İstanbul	1
Mersin University	Mersin	32	Recep Tayyip Erdoğan Uni.	Rize	47
Mimar Sinan Fine Arts University	İstanbul	2	Sakarya University	Sakarya	95
Muğla Sıtkı Koçman University	Muğla	38	Selçuk University	Konya	124
Munzur (Tunceli) University	Tunceli	39	Siirt University	Siirt	42
Mustafa Kemal University	Hatay	106	Sinop University	Sinop	29
Muş Alparslan University	Muş	11	Süleyman Demirel University	Isparta	253
Namık Kemal University	Tekirdağ	44	Şırnak University	Şırnak	7
Necmettin Erbakan University	Konya	50	Trakya University	Edirne	27
Nevşehir Hacı Bektaş Veli University	Nevşehir	24	Türk-Alman University	İstanbul	6
Nişantaşı University	İstanbul	2	Uludağ University	Bursa	38
Ondokuz Mayıs University	Samsun	121	Uşak University	Uşak	26
Ordu University	Ordu	18	Yalova University	Yalova	40
Middle East Technical University	Ankara	7	Yeditepe University	İstanbul	1
Osmaniye Korkut Ata University	Osmaniye	18	Yeni Yüzyıl University	İstanbul	1
Ömer Halisdemir (Niğde) University	Niğde	35	Yıldırım Beyazıt University	Ankara	35
Pamukkale University	Denizli	174	Yıldız Technical University	İstanbul	118
			Yüzüncü Yıl University	Van	71
Total (119 Universities)					<b>5882</b>

### The graduate students who were studying abroad and lost their scholarships

300 graduate students, who were studying abroad, lost their right for scholarship and student status in Turkey by the Emergency Decree No. 673, 675, 689, 692 and 695 on 20 March 2018. Since the declaration of the state of emergency, this special decision is revoked only for 25 students.

It was resolved that the ones who lost their student status will enjoy neither their right for accreditation nor their academic titles and degrees by another Emergency Decree.

## **New Regulations**

### ***Changing the Research Assistants' Cadre***

By an article added to the No. 2547 Higher Education Law on the basis of Emergency Decree No. 674, the legal statuses of all research assistants under the scope of Article 33(a) (permanent cadre) and all of the ÖYP (Öğretim Elemanı Yetiştirme Programı/Programme for Training Instructors) assistants were transferred to the cadres regulated by Article 50(d). In line with this, the decision about the future of research assistants who graduated from the doctoral programme will be at the discretion of the related university's administration.

### ***Suspension of the Procedures for the Associated Professors***

The process of application for the associated professor position by the assistant professors who are dismissed from profession by the Emergency Decree No. 683 on 23th January 2017 or who have been under a judiciary investigation or prosecution, will be suspended during the period of suspension or until the investigations and prosecutions are concluded. The applications of the dismissed or those found guilty will be cancelled (Article 4).

### ***Accreditation of the Graduates from Abroad Higher Education Institutions***

Based on an annex to the Law No. 2547 by the Emergency Decree No. 690, the accreditation of diplomas and degrees of the ones whose "connection, belonging or relation with terrorist organizations or other structures, formations or organizations acting against the national security of the State according to National Security Commission" are determined by the Ministry of National Education, will be suspended and the on-going processes on these matters will not be finalized (See Annex Article 31)

### ***Return to Public Service***

With an article added to the relevant Emergency Decree about the foundation of the State of Emergency Investigation Commission by the Emergency Decree No. 694, it is resolved that if the Commission decides on the return to public service for an applicant, he/she will be "primarily appointed to the higher education institutions established after 2006, other than his/her last university and in cities other than Ankara, İstanbul and İzmir" by Higher Education Council (YÖK) (Emergency Decree No. 694, Article 198).

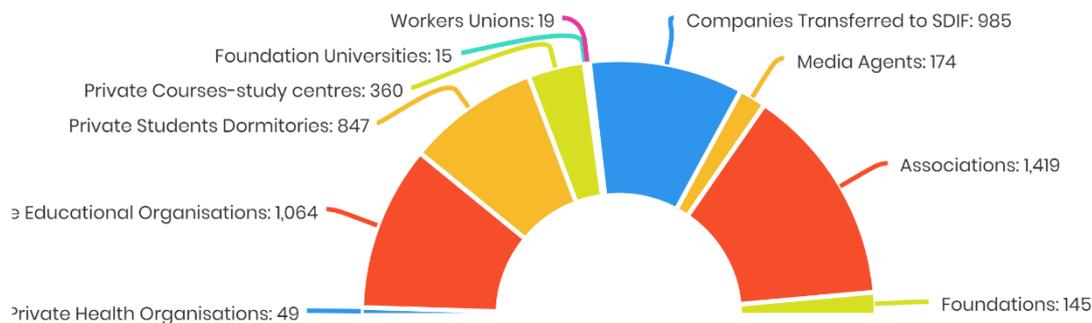
## SECTION V. MEASURES AGAINST ORGANISATIONS (CLOSURE)

The closure of organisations was first introduced by the Emergency Decree no. 667. The closures were decided both by the lists in the annex of the emergency decrees and the decisions of the authorised commissions in some government bodies.

The said organisations were initially closed down based on the allegations of having ties with “FETÖ” and then the practice was extended to the rights based organisations.

As of 20 March 2018, 1064 private education institutions (kindergartens, elementary schools, junior high schools and high schools), 360 private training courses and study centres, 847 student dormitories, 47 private healthcare centres, 15 private foundation universities, 29 trade unions affiliated to two Confederations, 1419 associations, 145 foundations and 174 media and broadcasting organizations were closed down. A total of 985 commercial enterprises was transferred to the Savings Deposits Insurance Fund (SDIF).

### Distribution of Organisations Closed Down by 20 March 2018



## V.1. Private Sector Organisations

### V.1.1. Private Health-Care Institutions

A total of 49 private health-care institutions was closed with the Emergency Decrees No 667, 689 and 695. Closure decision was lifted for only two healthcare facilities. **As of 20 March 2018, the number of the closed healthcare institutions is 47.**

### V.1.2 Private Education Institutions

As of 20 March 2018, a total of 1424 private education institutions was closed by the Emergency Decree No. 667 and by the decisions of the authorised Commission in the Ministry of Education.

The work permits of 22.474 administrators, trainers, teachers, specialist instructors, master instructors and other personnel working in private institutions closed under the Emergency Decree No. 667 were cancelled and measures were taken in order not to reissue work permits in another private education institution. As of 13 December 2016, only 614 of these persons were allowed to work again.

#### Private Schools (kindergartens, primary school, secondary schools and high schools)

Through the Emergency Decree 667, a total of 934 private kindergartens, primary and secondary schools and high schools were closed down. In addition to the Emergency Decree, an authorised commission within the Ministry of National Education also took closure decisions. Such decisions were lifted for only 53 private education institutions. **As of 20 March 2018, the number of closed private education institutions was 1060.**

#### Private student dormitories

Through the Emergency Decree No. 667, a total of 109 private student dormitories was closed. In addition, the authorised Commission within the Ministry of Education closed another 738 dormitories. Closure decision for dormitories was lifted only for one case. **As of 20 March 2018, the number of closed private student dormitories was 737, of which 393 are dormitories for female students.**

#### Private Training Courses and Study Centres

Through the decisions of the authorised Commission within the Ministry of Education, a total of 360 centres was closed.

### V.1.3. Private Universities

15 Foundation universities with a total of 3041 academic staff<sup>46</sup> in the academic year of 2015-2016 were closed through the list in the attachment of the Emergency Decree No. 667.

**Table 46. Universities closed by Emergency Decree**

Universities Closed by Emergency Decree No. 667	Province	Founding Organisations (also closed by Emergency Decrees)	Establishment date of the University
Kanuni University	Adana	Çukurova Eğitim ve Kültür Vakfı	2013
Altın Koza (İpek) University	Ankara	Koza İpek Eğitim Sağlık Hizmet Yardım Vakfı	2011
Turgut Özal University	Ankara	Turgut Özal Düşünce ve Hamle Vakfı	2008
Bursa Orhangazi University	Bursa	Uludağ Kültür ve Eğitim Vakfı	2011
Selahaddin Eyyubi University	Diyarbakır	İhtiyat Eğitim, Kültür ve Sağlık Vakfı	2013
Zirve University	Gaziantep	İpek Eğitim ve Kültür Vakfı	2009
Fatih University	İstanbul	Türkiye Sağlık ve Tedavi Vakfı	1996
Murat Hüdavendigar University	İstanbul	Merve Eğitim ve Kültür Vakfı	2012
Süleyman Şah University	İstanbul	Sistem Eğitim ve Kültür Vakfı	2010
Şifa University	İzmir	Türkiye Tabibler Vakfı	2010
İzmir University	İzmir	Doğanata Eğitim ve Kültür Vakfı	2009
Gediz University	İzmir	Sipahi Eğitim, Sağlık ve Spor Vakfı	2008
Melikşah University	Kayseri	Burç Eğitim Vakfı	2008
Mevlana University	Konya	Gevher Sultan Eğitim Araştırma Sağlık ve Kültür Vakfı	2009
Canik Başarı University	Samsun	Başarı Eğitim Vakfı	2012

### V.1.4. Private Companies under Trustees Control

In accordance with the article 19 and the article 20 of the Decree Law No. 674 published in the Official Gazette No. 2918 dated 9/1/2016, it is decided to transfer the duties and powers of trustees controlling the companies having ties/links with FETÖ/PDY terrorist organisations in accordance with the article 133 of the Code of Criminal Procedures, to the SDIF; and the Decree Law in question sets out provisions concerning the sale and liquidation of the such companies and their assets.

In addition, additional regulations were introduced for the companies and their assets transferred to the SDIF in capacity as a trustee by the Decree Law No. 675 of 9/1/2016, and the Decree Laws No. 677 and No. 678 of 11/22/2016 and the Decree Law No. 680 of 1/6/2017. The Procedures and Principles on the Enforcement of the Article 19 of the Law No. 6758 dated 11/10/2016 were introduced on 1/17/2017.<sup>47</sup>

According to the SDIF Reports as of 09.02.2018<sup>48</sup>, the powers of trusteeship of 985 companies/businesses from 44 provinces in Turkey were transferred to the SDIF or the SDIF was assigned as a trustee to the companies in question. **In addition, the SDIF was appointed as a trustee for 125 individual's assets. The number of employees of 985 companies is 49.587.**

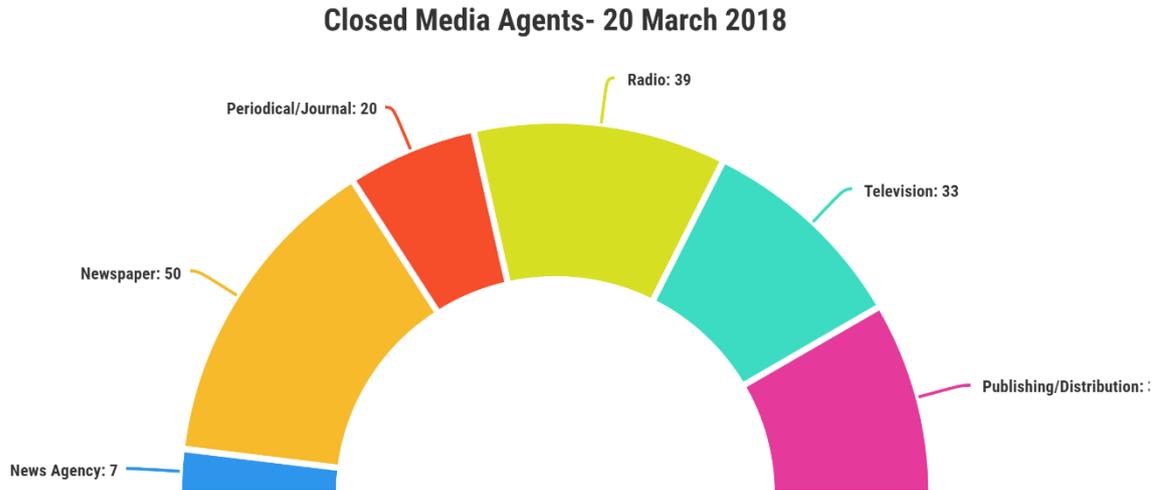
<sup>46</sup> Source: Higher Education Council statistics for 2015 -2016 academic year

<sup>47</sup> See <http://www.resmigazete.gov.tr/eskiler/2017/01/20170117-3.htm>

<sup>48</sup> SDIF, Quarterly Report, October-December 2017, pp. 28-29. <http://www.tmsf.org.tr/Aspx/kk/ashx/file.ashx?type=1&uploadId=1197>

## V.2. Media Agencies Closed Down (Print, Audio and Visual Media)

A total of 199 media agencies and publishing and distribution companies were closed down during the 20-month long State of Emergency. Out of this number, only on 25 the decisions of closing down were repealed. As of 20 March 2018, the number of closed media agencies are 174.



Decisions to close down were made by the decision of a Commission (RTUK Commission) established based on the Decree Law No. 668, as well as the Emergency Decrees. According to the Article 2 of the Emergency Decree 668, radios, TVs and other media service providers which were not named at the annex lists of the Emergency Decrees could have been closed by the proposal of the Commission and with the approval of the related Minister.

In the 2016 and 2017 Annual Reports published by the RTÜK, the measures taken by the Commission during the period of OHAL were included. (Table 39)

**Table 47. Decisions taken by the RTUK Commission in the State of Emergency**

Date of Decision	No. Of Decision	No. Of media service provider on which closure decision taken	No. Of media service provider on which the closure decision was lifted
3.08.2016	2016/1	1	
15.08.2016	2016/2	1	
5.09.2016	2016/3	1	
5.09.2016	2016/4	1	
27.09.2016	2016/5	20	
27.10.2016	9		2
28.10.2016	2016/10	1	
4.11.2016	2016/11	1	
21.11.2016	12		1
11.09.2017	2017/3	1	
<b>Total number of the Commission Decisions reported at the 2017 Annual Report of RTÜK.</b>		<b>27</b>	<b>3</b>

According to the data of the SDIF, The number of newspapers, magazines, publishing houses, distribution channels, private radio and television stations closed down in line with the respective Decree Laws as set out in the minutes and letter appendices from the revenue offices and the lists submitted in attached letters of the Directorate General of National Estate is 149 in total except for 25 of them about which the ruling to

close them down is revoked. The closed organizations consist of 33 television, 39 radio, 72 newspaper and magazine printing presses and 5 news agencies as of 9 February 2018<sup>49</sup>.

A total of 18 televisions 22 radios were closed by the Emergency Decrees. However, the number of televisions transferred to the SDIF is 33 and the number of radios transferred is 39. The difference between these figures shows that 32 radios and televisions (15 TVs and 17 radios) were closed by the Commission decisions. However, the 2017 Annual Report of RTÜK reports a total of 27 decisions including radios, televisions, news agencies, journals and publishing and distribution companies. (See Table 47 and 48)

**Table 48. Decisions by the Emergency Decrees**

Date of Emergent Decrees	No. Of Emergency Decrees	Closure Decisions	Closure Decisions revoked
27.07.2016	668	131	
29.10.2016	675	16	9
22.11.2016	677	9	
6.01.2017	679		11
23.01.2017	683	2	
29.04.2017	689	2	
25.08.2017	693	3	1
24.12.2017	695	2	
12.01.2017	697	2	
<b>Total Decisions (Emergency Decrees)</b>		<b>167</b>	<b>21</b>
<b>Commission decisions+ Emergency Decree Decisions</b>		<b>199</b>	<b>25</b>
<b>SDIF Data</b>		<b>174</b>	<b>25</b>

The organization names given in detail in this Section include the organizations obtained from OHAL KHK lists and sales announcements issued by the SDIF.

### V.2.1. Media Agencies Transferred to the SDIF

In accordance with the provision of the Decree Law No. 688 of 7/27/2016 that reads “any movable property, assets, receivables and rights, documents and papers of the newspapers, magazines, publishing houses, distribution channels, private radio and television stations closed down shall be deemed to be transferred to the Treasury for free of charge...”, and the provision of the Decree Law No. 674 of 9/1/2016 that reads “... this shall also apply in case the assets transferred are handed over by the Ministry of Finance to the Savings Deposit Insurance Fund for their sales and liquidation...”, and the consent (No. 25734 of 9/22/2016) of the General Directorate of National Estate affiliated to the Ministry of Finance, it was deemed pertinent to “allow the Inspection and Valuation Commissions and the SDIF’s authorities to identify the assets, which were handed over from the media and press organizations closed down, under the coordination of the Provincial Decree Law Procedures Offices, and transfer them along with the inspection and handover minutes to the SDIF for their sales and liquidation”.

The number of newspapers, magazines, publishing houses, distribution channels, private radio and television stations closed down in line with the respective Decree Laws as set out in the minutes and letter appendices from the revenue offices and the lists submitted in attached letters of the Directorate General of National Estate is 147 in total. Of the media and press organizations in question, 147 in total includes 38 television networks, 39 radio stations, 70 newspapers, magazines and publishing houses. **The procedures of inspection and valuation for 121 of them were concluded as of 9 February 2018. Procedures of inspection and valuation for the rest are on-going. As of 9 February 2018, a total 27,17 million TL was received from the sales of closed companies.**<sup>50</sup>

<sup>49</sup> Bkz. <http://www.tmsf.org.tr/Aspx/kk/ashx/file.ashx?type=1&uploadId=1197; sayfa 29>

<sup>50</sup> SDIF, Quarterly Report, October-December 2017, pp. 28-29. <http://www.tmsf.org.tr/Aspx/kk/ashx/file.ashx?type=1&uploadId=1197>

### V.2.2. Closed News Agencies

7 news agencies were closed down with the emergency decrees no. 668, 675 and 693. None of these decisions was revoked.

**Table 49. List of Closed News Agencies**

	News Agencies	Emergency Decree No. (closing down)	Date of putting on the market by SDIF
1	Cihan News Agency	668	30.03.2018
2	Muhabir News Agency	668	25.12.2017
3	SEM News Agency	668	14.08.2017
4	Dicle News Agency	675	16.02.2018
5	Jin News Agency	675	13.03.2018
6	Dihaber-Dicle Medya	693	2.04.2018
7	Adana News Agency	SDIF data	8.12.2017

### V.2.3. Closed Newspapers

During the state of emergency, 67 newspapers were closed down with the Emergency Decrees No. 668, 675, 677, 693 and 695. The closure decisions were revoked for 17 of these with the Emergency Decrees No. 675 and 679. **As of 20 March 2018, 50 newspapers were still closed.**

**Table 50. List of Closed Newspapers**

	Closed Newspapers	Emergency Decree No. (closing down)	Date of putting on the market by SDIF		Closed Newspapers	Emergency Decree No. (Date of closing down)	Date of putting on the market by SDIF
1	Adana Haber Gazetesi	668	8.12.2017	26	İskenderun Olay Gazetesi	668	26.01.2018
2	Adana Medya Gazetesi	668	17.11.2017	27	Kocaeli Manşet	668	
3	Ajans 11 Gazetesi	668		28	Merkür Haber Gazetesi	668	
4	Akdeniz Gazetesi	695		29	Meydan Gazetesi	668	05.09.2017
5	Akdeniz Türk Gazetesi	668		30	Milas Feza Gazetesi	668	
6	Akis Gazetesi	677	30.04.2018	31	Millet Gazetesi	668	21.08.2017
7	Antalya Gazetesi	668	26.01.2018	32	Nazar	668	17.11.2017
8	Azadiya Welat Gazetesi	675	13.03.2018	33	Özgür Düşünce Gazetesi	668	16.02.2018
9	Banaz Postası Gazetesi	668		34	Özgür Gündem Gazetesi	675	17.11.2017
10	Batman Doğu Gazetesi	668	25.12.2017	35	Rojeva Medya Gazetesi	693	16.02.2018
11	Batman Postası Gazetesi	668	25.12.2017	36	Son Dakika Gazetesi	677	
12	Bizim Kocaeli	668	05.09.2017	37	Son Nokta Gazetesi	668	25.12.2017
13	Bugün Gazetesi	668	21.08.2017	38	Taraf	668	17.11.2017
14	Cizre Postası Gazetesi	675	30.04.2018	39	Today's Zaman	668	25.12.2017
15	Çınaraltı Gazetesi	695		40	Turgutlu Havadis Gazetesi	668	25.12.2017
16	Dağyeli Gazetesi	677	26.01.2018	41	Türkiye Manşet	677	25.12.2017
17	Demokrat Gebze Gazetesi	668	05.09.2017	42	Urfa Haber Ajansı Gazetesi	668	30.04.2018
18	Ekonomi Gazetesi	668	30.04.2018	43	Van İpekyolu Haber gazetesi	689	
19	Express Gazetesi	677	8.12.2017	44	Yarına Bakış	668	05.09.2017
20	Gazete ŞuJin	693	16.02.2018	45	Yedigün Gazetesi	677	25.12.2017
21	Gediz Gazetesi	668	30.04.2018	46	Yeni Emek Gazetesi	668	17.11.2017
22	Güney Express Gazetesi	675	30.04.2018	47	Yeni Hayat Gazetesi	668	
23	Haber Kütahya Gazetesi	668	30.04.2018	48	Yerel Bakış Gazetesi	668	25.12.2017
24	İpekyolu Gazetesi	677	25.12.2017	49	Yüksekova Haber Gazetesi	675	25.12.2017

25	İrade Gazetesi	668	26.01.2018	50	Zaman Gazetesi	668	25.12.2017
					Total	50	39

**Table 51. Newspapers of which closure decisions were repealed**

	Newspapers of which closure decisions were repealed	Decree No. (closing down)	Decree No. (Repealing the decision).
1	Batman Gazetesi	668	679
2	Bingöl Olay Gazetesi	668	675
3	Ege'de Son Söz Gazetesi	668	675
4	Hakikat Gazetesi	668	675
5	Hisar Gazetesi	668	679
6	İscehisar Durum Gazetesi	668	675
7	Kurtuluş Gazetesi	668	675
8	Lider Gazetesi	668	675
9	Şuhut'un Sesi Gazetesi	668	679
10	Türkeli Gazetesi	668	679
11	Türkiye'de Yeni Yıldız Gazetesi	668	679
12	Zafer Gazetesi	668	679
13	Batman Çağdaş Gazetesi	675	679
14	İdil Haber Gazetesi	675	679
15	Kızıltepe'nin Sesi Gazetesi	675	679
16	Prestij Haber Gazetesi	675	679
17	Urfanatık Gazetesi	675	679

**V.2.4. Periodicals Closed Down**

18 periodicals were closed down during the State of Emergency with the decrees no. 668, 675, 677 and 689. No decision on closing down was repealed.

**Table 52. List of Closed Periodicals**

	Closed Periodicals	Decree No. (closing down)	Date of putting on the market by SDIF		Kapatılan Dergiler	Decree No. (closing down)	Date of putting on the market by SDIF
1	Akademik Araştırmalar Dergisi	668	-	11	Nokta	668	
2	Aksiyon,	668	-	12	Sızıntı Dergisi	668	
3	Asya Pasifik (PASİAD) Dergisi	668		13	Yağmur Dergisi	668	
4	Bisiklet Çocuk Dergisi	668	-	14	Yeni Ümit	668	
5	Diyalog Avrasya Dergisi	668	-	15	Zirve Dergisi	668	
6	Ekolife Dergisi	668	-	16	Özgürlük Dünyası Dergisi	675	
7	Ekoloji Dergisi	668	-	17	Tiroj Dergisi	675	
8	Fountain Dergisi	668	-	18	Evrensel Kültür Dergisi	675	
9	Gonca Dergisi	668	-	19	Haberexen Dergisi	677	25.12.2017
10	Gül Yaprığı Dergisi	668	-	20	Bağımsızlık, Demokrasi, Sosyalizm için Yürüyüş Dergisi	689	

### V.2.5. Radios Closed Down

43 radios were closed down during the State of Emergency with the decrees no. 668, 677 and 697<sup>51</sup> and by the Commission decisions. The decisions on closing down were repealed for 4 radios. **As of 20 March 2018, 39 radios were still closed.**

**Table 53. List of Closed Radios**

	Closed Radios	Decree No. (closing down)	Date of putting on the market by SDIF		Kapatılan Radyolar	Decree No. (Date of closing down)	Date of putting on the market by SDIF
1	Aksaray Mavi Radyo	668	25.12.2017	18	Özgür Gün Radyo	SDIF data	10.07.2017
2	Aktüel Radyo	668		19	Özgür Güneş Radyo	SDIF data	30.04.2018
3	Art Radyo	SDIF data	17.11.2017	20	Özgür Radyo	SDIF data	17.11.2017
4	Azadi Amed Radyo	SDIF data	14.08.2017	21	Patnos FM	SDIF data	25.12.2017
5	Batman FM	677	25.12.2017	22	Radyo Aile Rehberi	668	
6	Berfin FM	668		23	Radyo Bamteli	668	
7	Burç FM	668	14.08.2017	24	Radyo Cihan (İstanbul)	668	
8	Cihan Radyo	668	25.12.2017	25	Radyo Fıkıh	668	
9	Cuma Radyo	SDIF data	25.12.2017	26	Radyo Karacadağ	SDIF data	30.04.2018
10	Dünya Radyo	668	14.08.2017	27	Radyo Küre	668	14.08.2017
11	Esra Radyo	668		28	Radyo Mehtap	668	14.08.2017
12	Haber Radyo Ege	668	14.08.2017	29	Radyo Nur	668	
13	Hatmar FM	697		30	Radyo Ses - Mersin	SDIF data	8.12.2017
14	Herkül FM	668	17.11.2017	31	Radyo Şimşek	668	
15	Jest FM	668	25.12.2017	32	Rengin FM	SDIF data	30.04.2018
16	Kanaltürk Radyo	668	18.08.2017	33	Samanyolu Haber Radyosu	668	14.08.2017
17	Ört FM	SDIF data	25.12.2017	34	Uşak radyo Klas	TMSF verisi	17.11.2017

**Table 54. Radios of which closure decisions were repealed**

	Redios	Decree No. (Date of closing down)	Decree No. (Repealing the decision).
1	Radyo 59	668	693
2	Umut FM	668	675
3	Yağmur FM	668	675

### V.2.6. Closed Publishing Houses and Distribution Companies

During the state of emergency, 29 publishing houses were closed down with the Decree no. 668, and 1 publishing house was seized with the Decree no. 675. No decision on closing down was repealed.

<sup>51</sup> Emergency Decree no. 668, Article 2 (4): "Private radio and television organizations, newspapers and periodicals, publication and distribution channels that have been found to be a member of structure/entities, organizations or groups, or terrorist organizations, which are found established to pose a threat to the national security, or whose connection or contact with them have been found to exist and which are not listed in Annexes (2) and (3), shall be closed down upon the proposal of the commission to be established by the minister in the relevant ministries and with the approval of the Minister."

Table 55. List of Closed Publishing Houses and Distribution Companies

	Yayın ve Dağıtım Kuruluşları	Decree No. (Date of closing down)	Date of putting on the market by SDIF		Yayın ve Dağıtım Kuruluşları	Decree No. (Date of closing down)	Date of putting on the market by SDIF
1	Altın Burç Yayınları	668	-	16	Kuşak Yayınları	668	-
2	Burak Basın Yayın Dağıtım	668	-	17	Muştu Yayınları	668	-
3	Define Yayınları	668	-	18	Nil Yayınları	668	-
4	Dolunay Eğitim Yayın Dağıtım	668	-	19	Rehber Yayınları	668	-
5	Giresun Basın Yayın Dağıtım	668	-	20	Sürat Basın Yayın Reklamcılık Eğitim Araçları	668	-
6	Gonca Yayınları	668	-	21	Sütun Yayınları	668	-
7	Gülyurdu Yayınları	668	-	22	Şahdamar Yayınları	668	-
8	GYV Yayınları	668	-	23	Ufuk Basın Yayın Haber Ajans Pazarlama	668	-
9	Işık Akademi	668	-	24	Ufuk Yayınları	668	-
10	Işık Özel Eğitim Yayınları	668	-	25	Waşanxaneya Nil	668	-
11	Işık Yayınları	668	-	26	Yay Basın Dağıtım Pazarlama, Reklamcılık	668	-
12	İklim Basın Yayın Pazarlama	668	-	27	Yeni Akademi Yayınları	668	-
13	Kaydırak Yayınları	668	-	28	Yitik Hazine Yayınları,	668	-
14	Kaynak Yayınları	668	-	29	Zambak Basın Yayın Eğitim Turizm	668	-
15	Kervan Basın Yayıncılık	668	-	30	Evrensel Basım: Doğa Basım Yayın Dağıtım Ticaret Ltd. Şti' (seized) <sup>52</sup>	675	-

### V.2.7. Closed Television Channels

17 TV channels were closed down during the State of Emergency with the decrees no. 668 and 697. The decisions on closing down one TV channel was repealed with the Emergency Decree No. 675. 17 TV Channels were closed by commission decisions. **As of 20 March 2018, 33 TV channels were still closed.**

According to the data obtained from the sale flyers, sale procedures were initiated for 24 televisions.

In addition Mednüçe was taken out of the satellite by the French satellite company Eutelsat upon Turkey's official request.

Table 56. List of Closed Television Channels

		Decree No. (Date of closing down)	Date of putting on the market by SDIF			Decree No. (Date of closing down)	Date of putting on the market by SDIF
1	Art TV	SDIF data	17.11.2017	17	Kanal 35	TMSF verisi	25.12.2017
2	Azadi TV	SDIF data	14.08.2017	18	Kanaltürk	668	21.08.2017
3	Barış TV	668	3.07.2017	19	MC TV	668	14.08.2017
4	Birlik Medya TV	SDIF data	25.12.2017	20	Mehtap TV	668	14.08.2017
5	Bugün TV	668	21.08.2017	21	Merkür TV	668	
6	Can Erzincan TV	668	3.07.2017	22	Mezopotamya TV	SDIF data	
7	Denge TV	SDIF data	25.12.2017	23	Ört TV - Ödemiş	SDIF data	25.12.2017

<sup>52</sup> Following the closure of 3 journals closed by the Decree 675, the publishing company (Evrensel Basım: Doğa Basım Yayın Dağıtım Ticaret Ltd. Şti) for these three journals was also dissolved on the basis of the Article 5(3) of the Emergency Decree No. 670. Emergency Decree No. 670, Article 5(3): (3) The activities of the companies, which are associated with the closed down institutions, organizations, private radio and television stations, newspapers, magazines, publishers and distribution channels, shall be terminated and their trade registries shall be cancelled ex officio. Their assets other than the ones that have been taken over, shall be regarded as having been transferred to the Treasury without charge. The trustees, who have been previously appointed to such companies, can be assigned as liquidation officers or liquidation officers can be appointed to the companies in question. The Ministry of Finance shall have the authority to establish the procedures and rules regarding the application of this Paragraph and to apply them also in respect of the assets taken over in this manner in Paragraph 1.

8	Dünya TV	668		24	Özgür Gün TV	SDIF data	10.07.2017
9	Hayat TV	SDIF data	17.11.2017	25	Samanyolu TV	668	14.08.2017
10	Hayat'ın Sesi TV	SDIF data		26	Tele 9 Adana	SDIF data	8.12.2017
11	Hira TV	668	14.08.2017	27	Tuna Shopping TV	668	14.08.2017
12	Irmak TV	668		28	TV 10	SDIF data	5.09.2017
13	İMC TV	SDIF data	5.09.2017	29	Van Genç TV	Commission	
14	Jiyan TV	SDIF data	14.08.2017	30	Van TV	Commission	
15	Kanal 12	SDIF data	8.12.2017	31	Yek Televizyon	697	
16	Kanal 24	668	17.11.2017	32	Yumurcak TV	668	14.08.2017

Tablo 1. Kapatma Kararı Kaldırılan Televizyon Kanalları

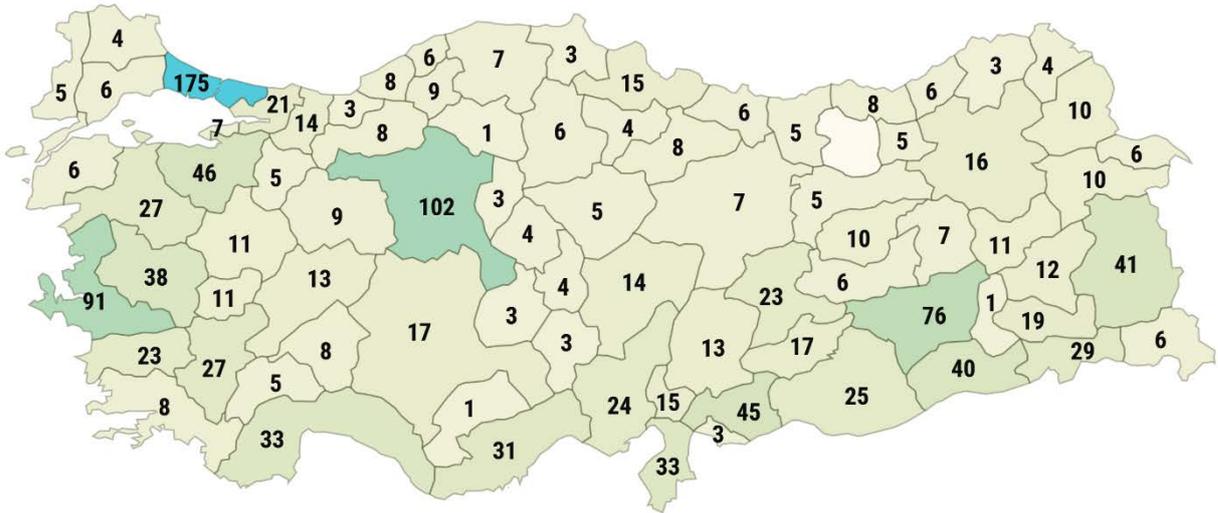
	Television Channels	Decree No. (Date of closing down)	Decree No. (Repealing the decision).
1	SRT TV	668	675
2	Zarok TV	Komisyon Kararı	Komisyon kararı

### V.3. Closed Civil Society Organisations

#### V.3.1. Associations

Closure decisions for 1607 associations were taken by Emergency Decrees No: 667, 677, 679, 689, 693 and 695. Closure decisions were revoked for 188 associations. **As of 20 March 2018, the number of closed associations was 1419.**

#### Closed Associations by 20 March 2018



The majority of these organisations were closed down permanently and their assets were seized by the Emergency Decree no. 677. Among these civil society organisations, there were tens of local human rights, woman's rights, child rights, cultural heritage protection, poverty alleviation and legal rights organisations. Lawyers' organisations such as Çağdaş Hukukçular Derneği (Contemporary Lawyers Association) and Özgürlükçü Hukukçular Derneği (Association of Lawyers for Freedom) comprised of lawyers representing the victims of torture and other ill-treatment and Mezopotamya Hukukçular Derneği (Mesopotamia Lawyers Association) representing the people effected from the curfews in the southeast Anatolia; Women's organisations such as Van Kadın Derneği (Van Women's Association) supporting women victims of

domestic violence and the child rights organisation Gündem Çocuk Derneği (Agenda Child) are among the organisations that are closed down.

**Table 57. List of Provinces and Numbers of Closed Associations**

İller	OHAL Kararnameleri Kapatma Kararları						Toplam	OHAL Kararnameleri Açma Kararları				Toplam	Kapatma Kararı Devam Eden Dernekler
	667	677	679	689	693	695		677	679	689	692		
Adana	16	7	2				25	1				1	24
Adıyaman	11	6					17					0	17
Afyonkarahisar	12	1					13					0	13
Ağrı	3	6	1				10					0	10
Aksaray	3						3					0	3
Amasya	4						4					0	4
Ankara	80	17	21	5			123	17		4		21	102
Antalya	24	8		3	2		37	4				4	33
Ardahan	3	1					4					0	4
Artvin	1	2					3					0	3
Aydın	30						30	7				7	23
Balıkesir	26	1					27					0	27
Bartın	4	2					6					0	6
Batman					1		1					0	1
Batman	11	4					15	1				1	14
Bayburt	5						5					0	5
Bilecik	4	1					5					0	5
Bingöl	4	3					7					0	7
Bitlis	9	3					12					0	12
Bolu	9	1	1				11	3				3	8
Burdur	5	3					8	3				3	5
Bursa	36	10					46					0	46
Çanakkale	4	4					8	2				2	6
Çankırı	1						1					0	1
Çorum	4	2					6					0	6
Denizli	23	9		1			33	6				6	27
Diyarbakır	33	47	5	2			87	11				11	76
Düzce	4						4		1			1	3
Edirne	2	3					5					0	5
Elazığ	10						10	4				4	6
Erzincan	3	2					5					0	5
Erzurum	18						18	2				2	16
Eskişehir	10	3					13	4				4	9
Gaziantep	34	8	7			1	50	5				5	45
Giresun	5						5					0	5
Gümüşhane							0					0	0
Hakkâri	4	2					6					0	6
Hatay	32	5	2				39	6				6	33
Iğdır	4	1		1			6					0	6
Isparta	5	3					8					0	8
İçel (Mersin)	24	9					33	1		1		2	31
İstanbul	172	28	6	1			207	29	2		1	32	175
İzmir	61	27	9			2	99	7	1			8	91

Kahramanmaraş	11	6				1	18	5				5	13
Karabük	5	2				2	9					0	9
Karaman	1						1					0	1
Kars	8	4					12	2				2	10
Kastamonu	6	3					9	2				2	7
Kayseri	7	8	1				16	2				2	14
Kırıkkale	4						4	1				1	3
Kırklareli	4						4					0	4
Kırşehir	3	1					4					0	4
Kilis	1	1	1				3					0	3
Kocaeli	14	3	4				21					0	21
Konya	37	5					42	25				25	17
Kütahya	13						13	2				2	11
Malatya	28	3	1				32	6	3			9	23
Manisa	21	19	1				41	3				3	38
Mardin	35	6	4				45	5				5	40
Muğla	5	3					8					0	8
Muş	6	5	1				12	1				1	11
Nevşehir	1	1		1		1	4					0	4
Niğde	1	2					3					0	3
Ordu	5	1					6					0	6
Osmaniye	15	2					17	2				2	15
Rize	6		1				7	1				1	6
Sakarya	10	4					14					0	14
Samsun	12	4					16	1				1	15
Siirt	13	7					20	1				1	19
Sinop	3						3					0	3
Sivas	7						7					0	7
Şanlıurfa	21	4					25					0	25
Şırnak	12	9	9				30	1				1	29
Tekirdağ	5	2					7	1				1	6
Tokat	4	4					8					0	8
Trabzon	7	1					8					0	8
Tunceli	3	2	5				10					0	10
Uşak	10	2					12	1				1	11
Van	14	27					41					0	41
Yalova	3	3	1				7					0	7
Yozgat	3	2					5					0	5
Zonguldak	8						8					0	8
<b>Toplam</b>	<b>1125</b>	<b>375</b>	<b>83</b>	<b>14</b>	<b>3</b>	<b>7</b>	<b>1607</b>	<b>175</b>	<b>7</b>	<b>5</b>	<b>1</b>	<b>188</b>	<b>1419</b>

### V.3.2. Foundations

Closure decisions for 168 Foundations were made by the Emergency Decrees No. 667, 689 & 695 and by decisions of the authorised commission in the Directorate General for Foundations. Closure decisions were revoked for 23 foundations. **As of 28 February 2018, the total number of closed foundations was 145.** According to the 2017 Activity Report of the General Directorate of Foundations<sup>53</sup>:

- “All assets and receivables of the foundations closed by the commissions set up under the Regional Directorates within the framework of the “Procedures and Principles for the Activities of the General Directorate of Foundations in line with the Decree Law no. 667” approved by the Deputy

<sup>53</sup> <https://www.vgm.gov.tr/Documents/2017%20YILI%20%20C4%B0DARE%20FAAL%20B0YET%20RAPORU.pdf>



ZAFER EĞİTİM VE KÜLTÜR VAKFI	667	BİLECİK
YILDIRIM EĞİTİM VAKFI	667	BİNGÖL
DİDEBAN ORTA VE YÜKSEK EĞİTİM VAKFI	VGM	BİTLİS
SULTAN SÜLEYMAN KÜLTÜR VE EĞİTİM VAKFI	667	BURDUR
HATUNİYE KÜLTÜR VE EĞİTİM VAKFI	667	BURSA
ULUDAĞ KÜLTÜR VE EĞİTİM VAKFI	667	BURSA
ÜFTADE KÜLTÜR VE EĞİTİM VAKFI	667	BURSA
ÇANAKKALE EĞİTİM GÖNÜLLÜLERİ VAKFI	VGM	ÇANAKKALE
GAZİ KARATEKİN EĞİTİM KÜLTÜR SAĞLIK VE ARAŞTIRMA VAKFI	689	ÇANKIRI
DERYA EĞİTİM VE KÜLTÜR VAKFI	667	ÇORUM
IŞIK EĞİTİM VE SAĞLIK HİZMETLERİ VAKFI	VGM	DENİZLİ
HALİDİYE EĞİTİM VAKFI	667	DİYARBAKIR
İHTİYAT EĞİTİM KÜLTÜR VE SAĞLIK VAKFI	667	DİYARBAKIR
DİCLE ÜNİVERSİTESİ KALKINDIRMA VAKFI (DÜKAV)	VGM	DİYARBAKIR
DİCLE ÜNİVERSİTESİ KARDİYOLOJİ VAKFI	VGM	DİYARBAKIR
DİCLE ÜNİVERSİTESİ TIP FAKÜLTESİ VAKFI	VGM	DİYARBAKIR
TRAKYA ŞÜKRÜPAŞA EĞİTİM VE KÜLTÜR VAKFI	667	EDİRNE
ELAZIĞ BALAKGAZİ ORTA VE YÜKSEK EĞİTİM VAKFI	667	ELAZIĞ
OSMAN FEVZİ EFENDİ EĞİTİM KÜLTÜR VE SAĞLIK VAKFI	667	ERZİNCAN
DANIŞMEND EĞİTİM KÜLTÜR VE SAĞLIK VAKFI	667	ERZURUM
RAMİZ EĞİTİM SAĞLIK VE KÜLTÜR VAKFI	667	ERZURUM
ESKİŞEHİR EĞİTİM VE KÜLTÜR VAKFI	667	ESKİŞEHİR
ESKİŞEHİR ÖĞRETİM VE EĞİTİM VAKFI	667	ESKİŞEHİR
İPEK KÜLTÜR VE EĞİTİM VAKFI (İPEKEV)	667	GAZİANTEP
ZEYNEL ABİDİN POLATTAŞ EĞİTİM SAĞLIK VE İSLAMİ HİZMETLER VAKFI	667	GAZİANTEP
SEYYİD VAKKAS EĞİTİM VAKFI	VGM	GİRESUN
KÖRFEZ KÜLTÜR VE EĞİTİM VAKFI	667	HATAY
BİLİM VE EĞİTİM VAKFI	VGM	HATAY
DÜNYA EĞİTİM SAĞLIK VE KÜLTÜR ARAŞTIRMALARI VAKFI	667	İSTANBUL
FEZA VAKFI	667	İSTANBUL
GAZETECİLER VE YAZARLAR VAKFI	667	İSTANBUL
KAYNAK VAKFI	667	İSTANBUL
MARMARA EĞİTİM VE KÜLTÜR VAKFI	667	İSTANBUL
MERVE EĞİTİM VE KÜLTÜR VAKFI	667	İSTANBUL
SİSTEM EĞİTİM VE KÜLTÜR VAKFI	667	İSTANBUL
TÜRK RUS KÜLTÜR VAKFI	667	İSTANBUL
TÜRKİYE SAĞLIK VE TEDAVİ VAKFI	667	İSTANBUL
TÜRKİYE YÜKSEK TAHSİL GENÇLİĞİ ÖĞRENİM VE İHTİSAS VAKFI	667	İSTANBUL
YILDIZTEPE CAMİİ DÜŞÜNSEL İLİM VE SAĞLIK VAKFI	667	İSTANBUL
ÇATALCA ERGUVAAN EĞİTİM VE KÜLTÜR VAKFI	VGM	İSTANBUL
GÜLEN EĞİTİM ARAŞTIRMA KÜLTÜR VE SOSYAL YARDIMLAŞMA VAKFI (GAV)	VGM	İSTANBUL
YEDİ RENK SANAT VAKFI	VGM	İSTANBUL
AKADEMİK ARAŞTIRMALAR VE İNTERNET VAKFI	689	İSTANBUL
ANADOLU EĞİTİM VAKFI	689	İSTANBUL
BAŞAK EĞİTİM VAKFI	689	İSTANBUL
FARUKİ İLİM VE KÜLTÜR VAKFI	689	İSTANBUL
FATİMATÜ'Z-ZEHRA EĞİTİM KÜLTÜR SAĞLIK VE ARAŞTIRMA VAKFI	689	İSTANBUL
FERAH EĞİTİM VE KÜLTÜR VAKFI	689	İSTANBUL
HALİL İBRAHİM ALKOÇ VAKFI	689	İSTANBUL
MEHMET NİZAMETTİN ALTINAY EĞİTİM VE KÜLTÜR VAKFI	689	İSTANBUL
SEMA EĞİTİM KÜLTÜR VE YARDIMLAŞMA VAKFI	689	İSTANBUL
AKYAKA ORTA VE YÜKSEK EĞİTİM VAKFI	667	İZMİR
AKYAZILI ORTA VE YÜKSEK EĞİTİM VAKFI	667	İZMİR
DOĞANATA EĞİTİM VE KÜLTÜR VAKFI (DEKVA)	667	İZMİR
RAİF CİLASUN EĞİTİM VE KÜLTÜR VAKFI	667	İZMİR
SİPAHİ EĞİTİM SAĞLIK VE SPOR VAKFI	667	İZMİR
TÜRKİYE ÖĞRETMENLER VAKFI (T.Ö.V.)	667	İZMİR
TÜRKİYE TABİBLER VAKFI (TÜ-TAV)	667	İZMİR
BALIM SULTAN KÜLTÜR VE HİZMET VAKFI	VGM	İZMİR
ÇEVRE KORUMA VE ARAŞTIRMA VAKFI (ÇEV-KOR)	VGM	İZMİR
HANCIOĞLU EĞİTİM VE KÜLTÜR VAKFI	VGM	İZMİR
İSTİHKAMTEPE ÖĞRETİM KÜLLİYESİ VAKFI	VGM	İZMİR
KERRARİYE KÜLTÜR EĞİTİM SAĞLIK VE ARAŞTIRMA VAKFI	VGM	İZMİR

MEHMET MUMCU EĞİTİM SAĞLIK VE KÜLTÜR VAKFI	VGM	İZMİR
MUZAFFER TUZCUOĞLU EĞİTİM VE KÜLTÜR VAKFI	VGM	İZMİR
TUZCUOĞLU VAKFI	VGM	İZMİR
YENİ OLUŞUM VAKFI	VGM	İZMİR
BURHANETTİN HAYRA HİZMET VAKFI	695	İZMİR
HACI PAŞALAR EĞİTİM VE KÜLTÜR VAKFI	695	İZMİR
YUSUF CEVAT BAŞCI EĞİTİM VE KÜLTÜR VAKFI	695	İZMİR
KAHRAMANMARAŞ MERAM EĞİTİM VE KÜLTÜR VAKFI	667	KAHRAMANMARAŞ
KAHRAMANMARAŞ NECİP FAZIL KÜLTÜR VE EĞİTİM VAKFI	667	KAHRAMANMARAŞ
İMARET EĞİTİM VE KÜLTÜR VAKFI	689	KARAMAN
PAMUKÇU EĞİTİM VAKFI	667	KASTAMONU
BOYDAK EĞİTİM VE KÜLTÜR VAKFI	667	KAYSERİ
BURÇ EĞİTİM KÜLTÜR VE SAĞLIK VAKFI	667	KAYSERİ
KAYSERİ KILIÇASLAN EĞİTİM VAKFI	667	KAYSERİ
HES KÜLTÜR YARDIM VE DAYANIŞMA VAKFI	VGM	KAYSERİ
ZAFER VAKFI	VGM	KIRIKKALE
HIZIRBEY EĞİTİM VE KÜLTÜR VAKFI	667	KIRKLARELİ
TUBA EĞİTİM KÜLTÜR VE SAĞLIK VAKFI	689	KIRŞEHİR
GÖLCÜK IŞIK EĞİTİM VAKFI	VGM	KOCAELİ
HADİMİ EĞİTİM VE KÜLTÜR VAKFI	695	KOCAELİ
BÜYÜKKOYUNCU HİZMET VAKFI	667	KONYA
GEVHER SULTAN EĞİTİM ARAŞTIRMA KÜLTÜR VE SAĞLIK VAKFI	667	KONYA
SAYAR KÜLTÜR VE EĞİTİM VAKFI	667	KONYA
TÜRK İLLERİ EĞİTİM VE KÜLTÜR VAKFI	667	KONYA
KÜTAHYA KÜLTÜR VE EĞİTİM VAKFI	667	KÜTAHYA
BATTALGAZİ EĞİTİM VAKFI	667	MALATYA
MALATYA EĞİTİM KÜLTÜR SANAT VE SAĞLIK VAKFI	667	MALATYA
SAADET EĞİTİM VAKFI	667	MALATYA
FEZA EĞİTİM VE KÜLTÜR VAKFI	VGM	MANİSA
HALİL VE MEHMET ÖRNEK EĞİTİM VE KÜLTÜR VAKFI	VGM	MANİSA
MEHMET HULUSİ HARAÇÇIOĞLU SAĞLIK VE EĞİTİM VAKFI	VGM	MANİSA
TURGUTLU EĞİTİM VAKFI	695	MANİSA
BAŞARI EĞİTİM VE KÜLTÜR VAKFI	667	MARDİN
AKDENİZ ORTA VE YÜKSEK EĞİTİM VAKFI	667	MERSİN
ANAMUR SELÇUKLU KÜLTÜR EĞİTİM VAKFI	VGM	MERSİN
NEVŞEHİR ZAFER EĞİTİM VE KÜLTÜR VAKFI	VGM	NEVŞEHİR
ORDU EĞİTİM KÜLTÜR VE YARDIMLAŞMA VAKFI	VGM	ORDU
HİRA EĞİTİM VE KÜLTÜR VAKFI	689	RİZE
BAŞARI EĞİTİM KÜLTÜR VE SAĞLIK VAKFI	667	SAMSUN
KARADENİZ MÜDERRİSOĞLU EĞİTİM VAKFI	667	SAMSUN
TANRIVERDİ EĞİTİM KÜLTÜR VE YARDIMLAŞMA VAKFI	667	SAMSUN
BARAN SAĞLIK VE EĞİTİM VAKFI (BARANSEV)	667	ŞANLIURFA
ÖZYURT EĞİTİM VE KÜLTÜR VAKFI (ÖZEV)	667	ŞANLIURFA
İBRAHİM HAKKI EĞİTİM VE KÜLTÜR VAKFI	667	SİİRT
SİVAS İKBAL EĞİTİM KÜLTÜR SAĞLIK YARDIMLAŞMA VE DAYANIŞMA VAKFI	689	SİVAS
TEKİRDAĞ KÜLTÜR KALKINMA VE TANITMA VAKFI	VGM	TEKİRDAĞ
TOKAT EĞİTİM VAKFI	667	TOKAT
ŞEHZADE SELİM ORTA YÜKSEK EĞİTİM VE KÜLTÜR VAKFI	667	TRABZON
NİL İLİM VE HİZMET VAKFI	667	UŞAK
SERHAT EĞİTİM VAKFI (SEV)	667	VAN
YALOVA EĞİTİM KÜLTÜR VE ÇEVRE VAKFI	667	YALOVA
YOZGAT EĞİTİM VAKFI	VGM	YOZGAT

VGM: Directorate General for Foundations

## 1 SECTION VI. MUNICIPALITIES TO WHICH TRUSTEES ARE APPOINTED

Decree Law n° 674, issued by the Government on 1 September 2016, was adopted by the Parliament and became a law on 10 November 2016. Three articles of this Decree Law - Articles 38, 39 and 40 - introduced amendments to Law n° 5393 on Municipalities.

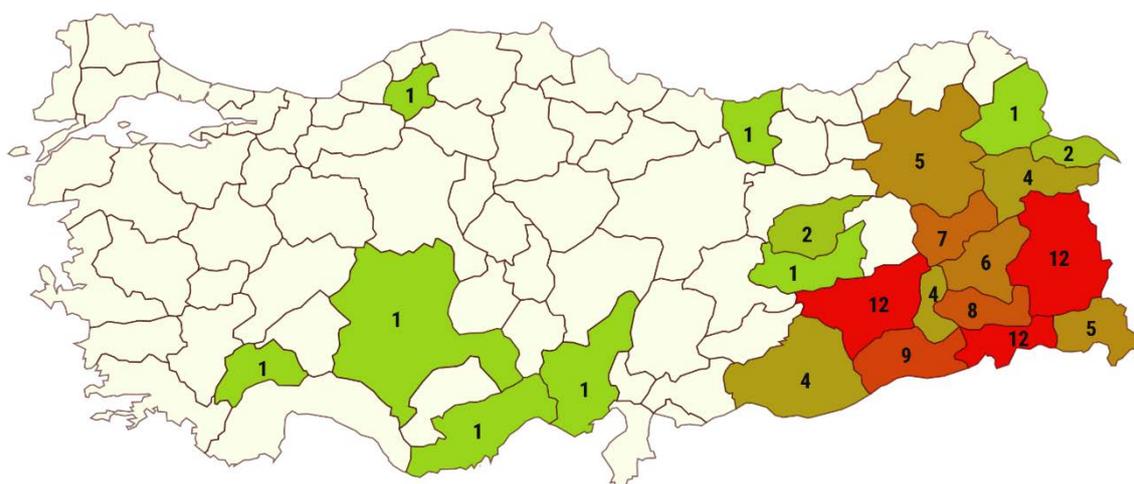
These provisions provide for the replacement of mayors, deputy mayors or council members who were suspended, detained or dismissed from public service in relation to offenses of aiding and abetting terrorism and terrorist organizations, by the trustees appointed by the state authorities (Articles 38 and 40). Furthermore, they allow interference by state authorities in the effective exercise of local self-government in certain municipalities in the context of the fight against terrorism (Articles 38 and 39). Article 39 further enables the state authorities to dismiss and reinstate the staff concerned.

**Following this amendment of the Law No 5393, the number of municipalities to which trustees appointed reached to 99 by the end of 20 March 2018.**

Political Party	Number of Municipalities to which Trustees are appointed
Justice and Development Party (AKP)	4
Nationalist Movement party (MHP)	1
Democratic Regions Party (DBP)	94
<b>Total</b>	<b>99</b>

Besides the individual municipalities, a trustee was appointed to the Union of Southeast Anatolia Municipalities on 27 January 2017. The mayors replaced by the trustees were arrested and any were in pre-trial detention.

**Municipalities to which Trustees Appointed by 20 March 2018**



**Table 59. List of Municipalities with Trustees**

	Province	Municipality	Political Party	Appointed Trustee (previous position)	Date of appointment
<b>1</b>	Adana	Pozanti	MHP	City Council member	11.09.2016

2	Ağrı	Diyadin	DBP	Sub-Governor	11.09.2016
3	Ağrı	Doğu Beyazıt	DBP	Sub-Governor	24.01.2017
4	Ağrı	Merkez	DBP	Governor	1.03.2017
5	Ağrı	Tutak	DBP	Sub-Governor	11.01.2017
6	Batman	Beşiri	DBP	Sub-Governor	11.09.2016
7	Batman	Gercüş	DBP	Sub-Governor	11.09.2016
8	Batman	İkiköprü	DBP	Sub-Governor	11.09.2016
9	Batman	Merkez	DBP	Vice Governor	11.09.2016
10	Bitlis	Güroyamak	DBP	Sub-Governor	28.11.2016
11	Bitlis	Hizan	DBP	Sub-Governor	23.12.2016
12	Bitlis	Merkez	DBP	Governor	27.11.2016
13	Bitlis	Mutki	DBP	Sub-Governor	23.12.2016
14	Bitlis	Ovakışla	DBP	Sub-Governor	3.11.2016
15	Bitlis	Yolalan	DBP	Sub-Governor	23.12.2016
16	Diyarbakır	Bismil	DBP	Sub-Governor	4.02.2017
17	Diyarbakır	Büyükşehir	DBP	Sub Governor of Etimesgut (Ankara)	1.11.2016
18	Diyarbakır	Dicle	DBP	Sub-Governor	13.02.2017
19	Diyarbakır	Eğil	DBP	Sub-Governor	8.03.2017
20	Diyarbakır	Hani	DBP	Sub-Governor	5.10.2016
21	Diyarbakır	Kayapınar	DBP	Sub-Governor	8.12.2016
22	Diyarbakır	Kocaköy	DBP	Sub-Governor	7.02.2017
23	Diyarbakır	Kulp	DBP	Sub-Governor	23.01.2017
24	Diyarbakır	Lice	DBP	Sub-Governor	20.09.2016
25	Diyarbakır	Silvan	DBP	Sub-Governor	11.09.2016
26	Diyarbakır	Sur	DBP	Sub-Governor	11.09.2016
27	Diyarbakır	Yenişehir	DBP	Sub-Governor	8.12.2016
28	Elazığ	Karakoçan	DBP	Sub-Governor	31.01.2017
29	Erzurum	Aşkale	AKP	A Civilian	11.09.2016
30	Erzurum	Hınıs	DBP	Sub-Governor	11.09.2016
31	Erzurum	Karaçoban	DBP	Sub-Governor	28.12.2016
32	Erzurum	Karayazı	DBP	Sub-Governor	6.12.2016
33	Erzurum	Tekman	DBP	Sub-Governor	6.01.2017
34	Giresun	Çamoluk	AKP	Member of City Council from AKP	11.09.2016
35	Hakkari	Çukurca	DBP	Sub-Governor	7.12.2016
36	Hakkari	Merkez	DBP	Vice Governor	11.09.2016
37	Hakkari	Yüksekova	DBP	Sub-Governor	12.12.2016
38	Hakkari	Şemdinli	DBP	Sub-Governor	12.12.2016
39	Hakkari	Esendere	DBP	Sub-Governor	12.12.2016
40	Iğdır	Hoşhaber	DBP	Vice Governor	11.09.2016
41	Iğdır	Tuzluca	DBP	Sub-Governor	11.09.2016
42	Kars	Digor	DBP	Sub-Governor	9.02.2017
43	Konya	İlgin	AKP	Member of City Council from AKP	11.09.2016
44	Karabük	Safranbolu	AKP	Sub-Governor	23.06.2017
45	Mardin	Artuklu	DBP	Sub-Governor	13.12.2016
46	Mardin	Büyükşehir	DBP	Governor	17.11.2016
47	Mardin	Dargeçit	DBP	Sub-Governor	11.09.2016
48	Mardin	Derik	DBP	Sub-Governor	11.09.2016
49	Mardin	Kızıltepe	DBP	Sub-Governor	6.12.2016
50	Mardin	Mazıdağı	DBP	Sub-Governor	11.09.2016
51	Mardin	Nusaybin	DBP	Sub-Governor	11.09.2016
52	Mardin	Ömerli	DBP	Sub-Governor	6.01.2017
53	Mardin	Savur	DBP	Sub-Governor	1.03.2017
54	Mersin	Akdeniz	DBP	Sub-Governor	18.12.2016

55	Muş	Bulanık	DBP	Sub-Governor	11.09.2016
56	Muş	Bulanık/Rüstemgedik Belgesi	DBP	Sub-Governor	15.04.2017
57	Muş	Malazgirt	DBP	Sub-Governor	2.12.2016
58	Muş	Malazgirt/Konakkuran	DBP	Sub-Governor	10.05.2017
59	Muş	Varto	DBP	Sub-Governor	11.11.2016
60	Muş	Erentepe	DBP	Sub-Governor	13.06.2017
61	Muş	Uzgörür Beldesi	DBP	Sub-Governor	13.06.2017
62	Siirt	Baykan	DBP	Sub-Governor	20.12.2016
63	Siirt	Baykan/Atabağ	DBP	Sub-Governor	18.03.2017
64	Siirt	Beğendik	DBP	Sub-Governor	30.03.2017
65	Siirt	Eruh	DBP	Sub-Governor	11.09.2016
66	Siirt	Gökçebağ	DBP	Sub-Governor	6.02.2017
67	Siirt	Merkez	DBP	Vice Governor	17.12.2016
68	Siirt	Veysel Karani	DBP	Sub-Governor	23.12.2016
69	Siirt	Kayabağlar Beldesi	DBP	Sub-Governor	12.04.2017
70	Şırnak	Balveren	DBP	Sub-Governor	17.03.2017
71	Şırnak	Beytüşşebap	DBP	A civilian from AKP	23.09.2016
72	Şırnak	Cizre	DBP	Sub-Governor	11.09.2016
73	Şırnak	Fındık	DBP	Sub-Governor	18.01.2017
74	Şırnak	Görümlü	DBP	Sub-Governor	10.02.2017
75	Şırnak	İdil	DBP	Sub-Governor	21.09.2016
76	Şırnak	Kumçatı	DBP	Vice Governor	6.01.2017
77	Şırnak	Merkez	DBP	Vice Governor	5.11.2016
78	Şırnak	Sırtköy	DBP	İdil Sub-Governor	8.11.2016
79	Şırnak	Silopi	DBP	Sub-Governor	11.09.2016
80	Şırnak	Silopi/Başverimli	DBP	Sub-Governor	10.11.2016
81	Şırnak	Uludere	DBP	Sub-Governor	27.01.2017
82	Tunceli	Mazgirt/Akpazar	DBP	Sub-Governor	14.05.2017
83	Tunceli	Merkez	DBP	Vice Governor	17.11.2016
84	Urfa	Bozova	DBP	Sub-Governor	6.01.2017
85	Urfa	Halfeti	DBP	Sub-Governor	23.12.2016
86	Urfa	Suruç	DBP	Sub-Governor	11.09.2016
87	Urfa	Viranşehir	DBP	Sub-Governor	6.01.2017
88	Van	Bahçesaray	DBP	Sub-Governor	17.02.2017
89	Van	Başkale	DBP	Sub-Governor	22.01.2017
90	Van	Büyükşehir	DBP	Governor	17.11.2016
91	Van	Çaldıran	DBP	Sub-Governor	15.02.2017
92	Van	Çatak	DBP	Sub-Governor	6.01.2017
93	Van	Edremit	DBP	Sub-Governor	11.09.2016
94	Van	Erciş	DBP	Sub-Governor	11.09.2016
95	Van	Gürpınar	DBP	Sub-Governor	3.02.2017
96	Van	İpekyolu	DBP	Sub-Governor	11.09.2016
97	Van	Muradiye	DBP	Sub-Governor	17.01.2017
98	Van	Özalp	DBP	Sub-Governor	11.09.2016
99	Van	Saray	DBP	Sub-Governor	15.02.2017

## SECTION VII. APPEALS AGAINST SOE MEASURES

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The appeals against the dismissals and closures afforded no remedies until the establishment of the Inquiry Commission for State of Emergency Measures by the Decree no.685 dated 23 January 2017.

### 1.1 Applications to the Administrative Courts

Administrative Courts e decided that the applicants for the appeals made against the dismissal decisions can not be subject to administrative proceedings on the grounds that the Decree Law is a legislative saving. All applications to the Administrtraive Courts were dropped.

### 1.2 Appeals Against Decisions of the Administrative Courts

The Fifth Chamber of the Council of State by refusing the appeals made by dismissed people from public authorities ruled that such disputes entered into the jurisdiction of the administrative courts. It has also been specially stated that the actions taken by the Emergency Decrees are at law. Decisions summarized in the website of the Council of State are listed below.

- Decision No. 2016/4066 dated 3 November 2016 concerning an appeal made by a judge dismissed from duty and profession by the decision No. 2016/426 of the High Council of Judges and Prosecutors <sup>55</sup>
- Decision No. 2016/4076 dated 3 November 2016 concerning an appeal by a public officer dismissed by the list annexed to the Decree by Law No. 672 <sup>56</sup>
- Decision No. 2016/4079 dated 3 November 2016 concerning an appeal of a public officer dismissed by the list annexed to the Decree By Law No.669<sup>57</sup>

### 1.3 Applications to the Constitutional Court

According to the press statement made by the Constitutional Court<sup>58</sup> on 4 August 2017, a total of 70,771 applications lodged to the Court have been submitted to the Inquiry Commission for State of Emergency Measures. The Court had already made inadmissible decision for three individual applications.

### 1.4 Applications to the European Court of Human Rights

The Court made inadmissible decisions for applications for failure to exhaust domestic remedies. However, these decisions made by the European Court of Human Rights are contradicting with the opinions of Venice Commission and the Human Rights Commissioner of the Council of Europe concerning the measures taken in the context of the State of Emergency in Turkey.

According to the 2017 Annual Report of the Court, more than 27,000 applications which were lodged by individuals have been declared inadmissible for failure to exhaust domestic remedies, either because there had been no appeal to the Constitutional Court or because the remedy of a complaint to the ad hoc commission set up in January 2017 had not been attempted.<sup>59</sup>

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<sup>55</sup> [http://www.danistay.gov.tr/upload/guncelkarar/03\\_11\\_2016\\_012445.pdf](http://www.danistay.gov.tr/upload/guncelkarar/03_11_2016_012445.pdf)

<sup>56</sup> [http://www.danistay.gov.tr/upload/guncelkarar/03\\_11\\_2016\\_012927.pdf](http://www.danistay.gov.tr/upload/guncelkarar/03_11_2016_012927.pdf)

<sup>57</sup> [http://www.danistay.gov.tr/upload/guncelkarar/03\\_11\\_2016\\_012659.pdf](http://www.danistay.gov.tr/upload/guncelkarar/03_11_2016_012659.pdf)

<sup>58</sup> <http://www.anayasa.gov.tr/icsayfalar/duyurular/detay/65.html>

<sup>59</sup> [https://www.echr.coe.int/Documents/Annual\\_report\\_2017\\_ENG.pdf](https://www.echr.coe.int/Documents/Annual_report_2017_ENG.pdf), page 8.

## 1.5 Establishment of the Inquiry Commission for State of Emergency Measures

In response to recommendations by various bodies of the Council of Europe<sup>60</sup>, the issued a SoE Decree No. 685 published in the Official Gazette on 23 January 2017 concerning the establishment of the Inquiry Commission for State of Emergency Measures to evaluate and bind the applications related to the procedures established by the provisions of the decree in direct jurisdiction.

The procedures and principles regarding the applications to be made to the Inquiry Commission for State of Emergency Measures and the works of the Commission were prepared by the Prime Ministry and published in the Official Gazette dated July 12, 2017.

The working methods of the Commission were reviewed by the Decree Law No. 690 dated 29 April 2017. The members of the Commission were appointed on 16 May 2017. During their work in the Commission. The Commission is composed of seven members, including judges from the Court of Cassation and the Council of State as well as senior government officials.<sup>61</sup> Due to the reassignment of the President of the Commission as the Undersecretary of the Ministry of Justice, he left the Commission. Commission Works with 6 members. (see Table 60.)

Individual application process started on 17 July 2017.

As of 13 April 2018, according to the information provided by the Inquiry Commission<sup>62</sup>, the number of applications to the Commission reached to **108.660**. **For decisions see Table 60.**

**Table 60. Time line of the events in relation to the Inquiry Commission**

Date	Time line of the events in relation to the Inquiry Commission
<b>23 January 2017</b>	Establishment of the Inquiry Commission for State of Emergency Measures by Emergency Decree
<b>16 May 2017</b>	Appointment of the SoE Inquiry Commission Members Deputy Undersecretary of the Ministry of Justice Selahattin Menteş (President of the Commission) Deputy Secretary of the Court of Cassation (Member) Judge from Council of State Murat Aytaç (Member) Prime Inspector of State Hasan Şıldak (Member) Head of Department of the Ministry of Justice, Dir-Gen of Prisons and Detention Houses Esat Işık (Member) Head of the Assignment Department of the Ministry of National Education Mustafa İkbal (Member) Member of the State Supervisory Council Salih Tanrıkulu (Member)
<b>12 July 2017</b>	Publication of the procedures and principles regarding the applications to be made to the Inquiry Commission for State of Emergency Measures <sup>63</sup>
<b>17 July 2017</b>	Announcement of the Start of Individual Applications to the Commission
<b>18 October 2017</b>	Leave of the President of the Commission due to his new appointment as the undersecretary of the Ministry of Justice
<b>18 December 2017</b>	Appointment of one of the members of the Commission as the President
<b>18 January 2018<sup>64</sup></b>	Statement by the Commission on First Decisions <b>Total number of application: 104789</b> Decisions on preliminary examination: 1984 Results of the examinations of files between 17.07.2017 and 18.01.2018: 920 (accepted: 40; rejected: 880)
<b>28 February 2017</b>	Statement by the Commission on Decisions <b>Total number of application: 107.076</b> Results of the examinations of files between 18.01.2018 and 28.02.2018: 1306 (accepted: 60; rejected: 1246)
<b>13 April 2018</b>	Statement by the Commission on Decisions <b>Total number of application: 108660</b>

<sup>60</sup> Venice Commission recommended that the government establish an ad hoc commission to review the State of Emergency measures. See. Venice Commission, Opinion on Emergency Decree Laws Nos. 667-676 Adopted Following the Failed Coup of 15 July 2016, CDL-AD(2016)037, para 220 ff. - The Secretary General of the Council of Europe has made a similar recommendation which was supported by an ad hoc sub-committee established by the Parliamentary Assembly of the Council of Europe. Committee on Political Affairs and Democracy Ad hoc Sub-Committee on recent developments in Turkey, Report on the fact-finding visit to Ankara (21-23 November 2016), AS/Pol (2016) 18 rev, para. 62,63

<sup>61</sup> "Information Note concerning the Inquiry Commission on the State of Emergency Measures established by the Decree Law No.685 dated 23 January 2017 and amended by the Decree Law No 690 dated 29 April 2017" dated 24 May 2017. This document can be reached at <https://rm.coe.int/1680717465>

<sup>62</sup> See the website of the Inquiry Commission, <https://ohalkomisyonu.basbakanlik.gov.tr/>

<sup>63</sup> <http://www.resmigazete.gov.tr/eskiler/2017/07/20170712m1.htm>

<sup>64</sup> <https://ohalkomisyonu.basbakanlik.gov.tr>

	Decisions on preliminary examination: 6 Results of the examinations of files between 28.02.2018 and 13.04.2018: 5594 (accepted: 2010; rejected:5384)
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## SECTION VIII. LEGISLATIVE AMENDMENTS MADE BY EMERGENCY DECREES (LIST)

Hundreds of provisions in at least 154 laws were amended by Emergency Decrees. These amendments included the establishment of new institutions, abolishing existing public institutions, adding new articles and paragraphs, changing the given Powers, etc.

**Table 61. Amendments of the Emergency Decrees provisions by new Emergency Decrees**

Laws/decrees subject to the amendment	Emergency Decrees													
	668	670	673	675	679	678	679	680	684	685	687	689	690	694
Emergency Decree No. 667	X	X	X			X			X				X	
Emergency Decree No. 668		X							X					
Emergency Decree No. 669		X	X	X										X
Emergency Decree No. 670				X	X							X		
Emergency Decree No. 674				X				X			X			
Emergency Decree No. 672							X							
Emergency Decree No. 673							X							
Emergency Decree No. 675							X					X		
Emergency Decree No. 677							X							
Emergency Decree No. 678							X							X
Emergency Decree No. 685													X	X

**Table 62. Amendments in relation to Military and National Defence**

Laws/Decrees subject to the amendment	Emergency Decrees										
	668	669	671	674	676	678	680	681	690	694	696
1612: Law on the Establishment and Duties of the Supreme Military Shogun	X	X									
2692: Coast Guard Command Law	X	X	X	X	X		X		X	X	
2803: Gendarmerie Organization Law	X	X	X	X	X				X	X	X
926: Turkish Armed Forces Personnel Law	X	X	X		X	X			X	X	X
211: Turkish Armed Forces Internal Service Law		X			X			X			
1111: Military service law				X	X	X	X			X	X
657: Law on General Command for Mapping											

6413: Turkish Armed Forces Discipline Law	X				X			X	X	X	X
1324: Law on the Duties and Powers of the Chief of General Staff		X	X								
1325: Law on Mission and Organization of the Ministry of National Defense		X		X	X	X		X	X	X	X
4566: Law of Military Schools		X	X		X					X	
4752: Law on Petty Officers' Vocational High Schools		X			X					X	
Law on Establishment of the National Defence University		X									
3269: Specialist Sergeant Law					X	X		X			X
6191: Contractor Sergeant and soldier Law					X					X	X
1076: Reserve Officers and Reserve Military Servants Law					X					X	
3466: Expert Gendarmerie Law							X				X
257: Soldier and Sergeant Allowance Law								X			
1453: Law on the Salaries of Enforcement and Military Officers		X			X						
2629: Flight, Parachute, Submarine, Diving and Frogman Services Compensation Law			X		X			X			X
4636 Law on the Head of Management of Liquid fuel and NATO POL premises of the Ministry of National Defence				X							
353: Military Courts Establishment and Prosecution Procedures Law	X										
1602: Military Supreme Administrative Court Law		X	X								
5202: Defense industry Security										X	
3238: Law on the Establishment of the Undersecretariat of Defense Industry					X					X	X
6586: Law regarding Amendment of the Law on the Establishment of the National Mine Action Center and Some Laws			X						X	X	
5668: Turkish Armed Forces Nutrition Law										X	X
2565: Military Restricted Zones and Security Zones Law						X			X	X	
3212: Law on Sale, Grant, Transfer and Disposal of Excess Requirement Goods and Services of Armed Forces; Domestic and Foreign Purchasing on behalf of domestic and foreign states and Foreign personnel to be trained in the Armed Forces								X			
4678: Law on Contractor Officers and Petty Officers to be Employed in Turkish Armed Forces								X			X
5715: Turkish Armed Forces Patient Nutrition Law								X			
3388: Law on Foundation for Strengthening Turkish Armed Forces											X
5201: Law on Supervision of industrial establishments producing war related products and arms											X

Table 63. Amendments in relation to the internal security and internal affairs

Laws/decrees subject to the amendment	Emergency Decrees									
	671	674	676	678	680	682	684	690	694	696
3201: Police Force Act	X		X	X					X	
3152: Law on the Organization and Duties of the Ministry of Interior		X	X							
Decree Law on Disciplinary Provisions of General Enforcement						X				
1481: Law on the Prevention of Certain Acts Affecting Public Order					X					
2559: Law on Police Duties and Authorities					X					
5188: Law on Private Security Services					X					
2920: Turkish Civil Aviation Law	X	X								
442: Rural Settlements Law					X			X	X	
2521: Law on the Production, Purchase, Sale and Preservation of the Rifles, Shotguns and Hunting Knives Used in hunting and Sports					X				X	
6136: Law on Firearms and Knives and Other Weapons		X	X		X			X	X	X
5442: Provincial Administration Law								X		
2911: Law on Meetings and Demonstrations					X					
5607: Anti-Smuggling Law								X		
3713 Anti-Terror Law	X				X		X		X	
5233: Law on the Compensation of Damages Arising from Terrorism and Anti-Terror Activities							X			
6458: Foreigners and International Protection Act								X	X	
4045: Security investigation									X	
7269: Law on Measures to be taken due to disaster affecting the general life and the aids to be made										X
3160: Law on Compensation of flight services of the Security administration										X
2937: Law on State Intelligence Services and National Intelligence Administration									X	X

Table 64. Amendments in the field of media

Laws/decrees subject to the amendment	Emergency Decrees			
	680	687	690	696
<b>2954: Turkish Radio and Television Law</b>	X			
<b>6112: The Law on Establishment and Broadcasting Services of Radio and Television</b>	X	X	X	
6352 sayılı Yargı Hizmetlerinin Etkinleştirilmesi Amacıyla Bazı Kanunlarda Değişiklik Yapılması ve Basın Yayın Yoluyla İşlenen Suçlara İlişkin Dava ve Cezaların Ertenilmesi Hakkında Kanun				X

Table 65. Amendments in relation to Education Field

Laws/decrees subject to the amendment	Emergency Decrees									
	668	669	674	676	678	684	687	690	694	696
Decree Law No 652 on the Organization and Duties of the Ministry of National Education	X		X	X			X		X	X
1739: Fundamental Law of National Education		X								
6721: Turkish Education Foundation Law			X	X						
5580: Private Education Institutions Law				X	X		X			
2914: Higher Education Personnel Law	X									
2547: Higher Education Law								X	X	
5661: Law on Higher Education Student Dormitories									X	

Table 66. Amendments in relation to the field of Justice

Laws/decrees subject to the amendment	Emergency Decrees				
	676	680	690	694	696
2992: Amendment Law of Law Decree on Measures under the State of Emergency regarding Organization and Duties of the Ministry of Justice	X			X	X
2659: Law on Forensic Medicine Institute				X	
2576: Law on the Establishment and Duties of Regional Administrative Courts, Administrative Courts and Tax Courts			X		
5235: Law on the Establishment, Duties and Authorities of First Degree Courts of Justice and District Courts of Justice			X	X	X
2797: Court of Appeals Act		X	X		X
2802: Law of Judges and Prosecutors		X		X	X
6087 Law on Higher Council of Judges & Prosecutors		X	X	X	
6216: Law on the Establishment and Procedures of the Constitutional Court		X			
6100: Law of Civil Court		X			
5271: Criminal Procedure Code		X		X	X
5237: Turkish Penal Code				X	
5320: Law on the Enforcement and Implementation of the Criminal Procedure Code				X	
5275: Execution of punishment and security measures				X	X
2575: Law on Council of State					X
4769 Law on Training Centers For Personnel of Penitentiary and Detention Institutions					X

Table 67. Amendments in the field of Economy, Finance and Trade

Laws/decrees subject to the amendment	Emergency Decrees						
	676	678	680	684	687	694	696
3065: Value Added Tax Law	X					X	
5018: Public Finance Management Law	X	X				X	
659: Decree on the Execution of Legal Services in Public Administrations and Special Budget Administrations within the scope of General Budget	X						
4456: Law on the Establishment of Development Bank Corporation of Turkey		X					
4706: Law on Evaluation of Immovable Properties belonging to Treasury and Amendment of Value Added Tax Law		X					
4734: Public procurement law		X	X	X			
5411: Banking Law		X		X	X		
3670: Law on the Setting of the National Lottery	X						
320: Decree on the Establishment and Duties of the General Directorate of the National Lottery Administration			X				
210: Law on Precious Papers			X				
399: Regulation of Personnel Regime of State Owned Enterprises			X				
6362: Capital Markets Law				X			
6502: Law on the Protection of Consumers				X			
6741 Law on Establishing Revaluation Fund Corporation				X			X
6219: Law on Turkish Foundations Bank Joint Cooperation							X
2004: Enforcement and Bankruptcy Law						X	
4760: Law on Private Consumption Tax						X	
5174: Law on Union of Chambers and Commodity Exchanges of Turkey						X	
6102: Trade Law						X	X
4734: Public procurement law							X
4749 Law on Public Financement and Regulation of Debt Management							X
5084 Law on Investement & Employment Incentive							X
4733 Organisation and Duties of Tobacco and Alcohol Markets Administration							X

Table 68. Amendments in relation to the Health

Laws/decrees subject to the amendment	Emergency Decrees					
	676	678	680	687	694	696
663: Decree on the Organization and Duties of the Ministry of Health and its Affiliates	X				X	
3359: Fundamental Law on Health Services		X	X		X	
1219: Law on the Practice Style of Natural Medicine and Branches			X		X	X

Table 69. Amendments in relation to the Working Conditions

Laws/decrees subject to the amendment	Emergency Decrees									
	668	674	676	678	680	681	687	690	694	696
657: Civil Servants Law	X		X		X				X	X
190: Decree on the Law on General Staff and Procedure			X							
6245: Law on Subsistence		X			X					
5434: Republic of Turkey Pension Fund Law					X			X		
5510: Law on Social Insurance and General Health Insurance					X	X		X	X	X
4447: Unemployment Law							X			
1700: Internal Officials Law									X	
5620: Law on the transfer of temporary work positions to the permanent work positions or contracted personnel status, employment of temporary workers										X
6356: Trade Unions and Collective Bargaining Law				X						X
Decree Law No. 375			X	X	X				X	X

Table 70. Amendments in Other Laws

Laws/decrees subject to the amendment	Emergency Decrees									
	671	674	676	678	680	681	687	690	694	696
Transfer of the Power of Trustee		X								
3533: Law on the solution of conflicts through arbitration among municipalities and the private administrations of which capital wholly belong to the State or Municipalities									X	
5809: Electronic Communications Law	X									
3621: Coastal Law				X						
5335: Law on Amendments of Some Decrees				X		X		X		
233: Decree Law on the Abolishing Certain Articles of the Decree on the Law					X					
2893 : Turkish Flag Law					X					
5490: Population Services Law					X			X		
5901: Turkish Citizenship Law					X					
1774: Identity Reporting Act				X						
6132: Law on Horse Races					X					
298: Law on Fundamental Provisions of Elections and Voter Registers							X			
1322: Law on the Publication, Announcement and Validation Date of Laws and Regulations								X		
2108: Mukhtar's Allowance and Social Security Act								X		

5996: Veterinary Services, Plant Health, Food and Feed Law					X			X		
Regulation on the Implementation of the Law No 2313 on the Supervision of Drugs									X	
6754: Law of Expertise									X	
6831: Forest Law									X	
7258: Law on Regulation of Betting and Chance Games in Football and Other Sports Competitions									X	
2918: Road Traffic Law			X		X		X			
4925: Road Transportation			X							
237: Law on Vehicles						X				
4634: Sugar Law										X
4848 Law on the Organization and Duties of the Ministry of Culture and Tourism										X
6475: Law on Postal Services										X
633: Decree on the Organization and Duties of the Ministry of Family and Social Policies										X
639: Decree on the Organization and Duties of the Ministry of Food, Agriculture and Animal Husbandary										X
633 : Law on the Religious Affairs										X