

INTERNAL REGULATION OF THE CONSTITUTIONAL COURT

Based on the Code Dated : 7/11/1982, No : 2709
30/3/2011 6216

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SECTION ONE

General Provisions

CHAPTER ONE

Purpose, Scope and Definitions

Purpose and scope

ARTICLE 1- (1) The purpose and scope of this internal regulation shall be to regulate the internal order of the Constitutional Court, its functioning, its organization, the composition of the Sections and Commissions, its procedures and principles of working and trial, the books and records to be kept, the flow order and archiving of the documents including electronic media, the library of the Court, the Secretariat General and the administrative organization, the duties and responsibilities of administrative staff, the keeping of the personal files of the President, Deputy Presidents, members and rapporteurs and deputy rapporteurs, their disciplinary affairs, leaves, the garments they shall wear and the times and places where these shall be worn, the principles of management and registry of deliberations and hearings.

Legal grounds

ARTICLE 2- (1) This internal regulation has been prepared based on article 149 of the Constitution of the Republic of Turkey dated 7/11/1982 and numbered 2709, and article 5 of the Code on the Establishment and Trial Procedures of the Constitutional Court dated 30/3/2011 and numbered 6216.

Definitions

ARTICLE 3- (1) In the implementation of this Internal Regulation;

a) Research and Case Law Unit (Re-CL): shall refer to the unit assigned to carry out activities to develop and promote the case law by monitoring the decisions of the Court, make

recommendations to prevent discrepancies in the case law and prepare statistics and research reports to this end,

b) President: shall refer to the President of the Constitutional Court,

c) Presidency: shall refer to the Presidency of the Constitutional Court,

ç) Deputy President: shall refer to the members elected by the General Assembly for a four-year term to carry out the presidency of the Sections and to substitute the President,

d) Rapporteur in Chief: shall refer to rapporteurs assigned by the President to ensure the orderly and efficient functioning of the activities of the rapporteurs and deputy rapporteurs within the individual application units and Ar-İç and the working groups established within the Court, to assist the President and the Presidents of the Sections in matters related to the functioning of the General Assembly and the Sections,

e) Applicant: shall refer to the real or legal person who is stipulated in article 46 of the Code and who carries out an individual application to the Court with the claim that one of the fundamental rights and liberties referred to by the relevant article of the Constitution has been violated by the public power,

f) Individual application rapporteur: shall refer to the rapporteurs of the Sections and Commissions,

g) President of Section: shall refer to each of the Deputy Presidents who chair the Sections,

ğ) Section: Shall refer to the boards which are composed of seven members under the chairmanship of the president of Section and have the authority to make decisions regarding the merits of applications, the admissibility of which has been ruled on by the Commissions which convene with the participation of the relevant President of Section and four members, the admissibility and merits of applications which have been referred to rule on the matter of their admissibility,

h) Sections rapporteur: shall refer to rapporteurs who are assigned to prepare draft decisions regarding the merits of the applications, the admissibility of which has been ruled on by the Commissions and their admissibility, when necessary, under the oversight of the rapporteur in chief and make the required correspondence and presentations,

ı) Working group: shall refer to a group which has been established to carry out activities and formulate opinions in order to ensure coherence in implementation and labor productivity in the solution of problems which emerge in legal, administrative or technical matters,

i) General Assembly rapporteur: shall refer to rapporteurs assigned by the President to carry out judicial and administrative activities in matters which fall under the jurisdiction of the General Assembly,

- j) General assembly shall refer to the assembly composed of seventeen members,
- k) Secretary General: shall refer to the Secretary General of the Constitutional Court,
- l) Deputy Secretary General: shall refer to the Deputy Secretary Generals of the Constitutional Court,
- m) Grouping: shall refer to assembling individual applications of similar quality under certain headings in order to carry out the examinations regarding their admissibility and merits in a more expedient and consistent fashion,
- n) Internal Regulation: shall refer to the Internal Regulation of the Constitutional Court,
- o) Code: shall refer to the Law on the Establishment and Trial Procedures of the Constitutional Court dated 30/3/2011 and numbered 6216,
- ö) Seniority: shall refer to the time which has elapsed since the date of selection as a member of the Constitutional Court or being older than those selected on the same date; seniority in Deputy Presidency shall refer to the time which has elapsed in the capacity of Deputy President or the time which has elapsed since the date of selection as a member if they were selected on the same date, to the total time spent in the capacity of Deputy President in the event of reelection,
- p) Commission: shall refer to boards composed of two members in order to carry out the admissibility examination of individual applications,
- r) Commissions rapporteur: shall refer to rapporteurs who are assigned to prepare draft decisions regarding the admissibility of applications registered by the Individual Application Bureau under the oversight of the rapporteur in chief and make the required correspondence and presentations,
- s) Court: shall refer to the General Assembly, Sections and Commissions and the Constitutional Court composed thereof,
- ş) Rapporteur: shall refer to rapporteurs appointed or assigned by the President to assist the judicial and administrative activities of the Court as per articles 24 and 25 of the Code,
- t) Deputy rapporteur: shall refer to deputy rapporteurs appointed by the President to assist the judicial and administrative activities of the Court as per article 27 of the Code,
- u) Convention: shall refer to the Convention for the Protection of Human Rights and Fundamental Freedoms dated 4 November 1950 and the additional protocols thereof to which Turkey is a party,
- ü) National Judiciary Informatics System (UYAP): shall refer to the informatics system established with the aim of carrying out judicial services on electronic media,

v) Member: shall refer to all members including the President and deputy presidents,

y) Supreme Court: shall refer to the General Assembly assigned to carry out the trial of individuals stipulated in subparagraph (ç) of paragraph one of article 3 of the Code in relation to their crimes related to their duties.

CHAPTER TWO

Membership to the Constitutional Court

Notification to those selected as members

ARTICLE 4-(1) Upon notification of the circumstance of being elected to the membership of the Court in writing to the Court by the Presidency of the Grand National Assembly of Turkey for members elected by the Grand National Assembly of Turkey; upon written notification to the Court by the Presidency of the Republic for members selected by the President of the Republic, the President shall notify the situation in writing to those selected, stating that they must take office within a month starting from the date of notification.

Refusal of the selected to accept the duty

ARTICLE 5- (1) In the event that a selected member fails to take office within a month without a valid excuse or states in writing that s/he does not accept the duty, this matter shall be notified in writing by the President to the Presidency of the Grand National Assembly of Turkey in the event that the concerned has been elected by the Grand National Assembly of Turkey, to the Presidency of the Republic in the event that s/he has been selected by the President of the Republic and to the relevant institution or board in the event of a nomination.

Oath taking

ARTICLE 6- (1) The members cannot take part in the activities of the Court unless they take the oath.

(2) The President shall invite to the oath taking ceremony the President of the Republic, the Speaker of the Grand National Assembly of Turkey, the Prime Minister, the presidents and chief public prosecutors of supreme judiciary bodies, the Minister of Justice and other high-ranking officials who are part of the State protocol and retired members and a limited number of individuals to be stated by the member who will take the oath.

(3) After the speech by the President, the curriculum vitae of the selected member shall be read in the presence of the Assembly and the guests.

(4) The selected member shall take the oath as stipulated in article 9 of the Code in the presence of the guests and in front of the President, Deputy Presidents and members.

(5) The members, rapporteurs and deputy rapporteurs shall participate in the oath taking ceremony in their garments.

(6) After the oath taking ceremony, the curriculum vitae of the newly selected member shall be made public via TRT and news agencies.

Disease impeding duty

ARTICLE 7- (1) In the event that it is conclusively understood through a medical board report of an official general hospital that a member will not be able to assume office due to health reasons, paragraph three of article 11 of the Code shall be applied.

(2) These individuals shall be referred to the medical board of a hospital whose qualities are stipulated in paragraph one upon their own request or upon the decision to be made by the General Assembly. The report of the medical board shall be taken as the basis for the action to be carried out.

(3) However, upon the request of these individuals or in the event that it is deemed to be necessary by the General Assembly, the concerned shall be reexamined by the medical board of another official general hospital. In the event that a discrepancy emerges between the reports, this discrepancy shall be resolved by another official general hospital and the relevant action shall be carried out accordingly.

CHAPTER THREE

Election, Duties and Authority of the President and Deputy Presidents and the Liabilities of the Members

Elections and the preparation of ballots

ARTICLE 8- (1) The President and the Deputy Presidents, the President and Deputy President of the Court of Jurisdictional Disputes shall be elected for a period of four years by the General Assembly from amongst the members by secret vote and with simple majority of the total number of members. Those the term of whom expires can be re-elected. No candidates shall be nominated in these elections.

(2) The elections shall be included in the agenda by the President within the two months preceding the date on which these duties will expire. The venue, date and time of the election shall be notified to the members in writing at least seven days in advance. The President shall be authorized to carry out election affairs.

(3) When there is a vacancy in the Presidency, Deputy Presidencies, the Presidency of the Court of Jurisdictional Disputes or the Deputy Presidency of the Court of Jurisdictional Disputes, new elections shall be held for a period of four years within the framework of the provisions contained in this article.

(4) In the elections to be held, ballots of the same size, which separately bear the names and surnames of the members, are printed in the same manner on the same color of

paper and stamped with the seal of the Court shall be distributed to the members in an envelope. The elections shall be held separately and these ballots distributed to the members shall be used in the voting.

Counting of the votes

ARTICLE 9- (1) A Counting Board shall be constituted of the three members with the lowest seniority to be assigned in the counting of the votes. The counting of the votes shall be done by this Board, the result shall be determined via minutes.

(2) The Counting Board shall first determine whether the number of ballots is equal to the number of members participating in the voting. In the event that the number of ballots is higher than the number of voting members, the voting shall be renewed. The ballots which are not in compliance with the due method shall be considered null and void.

(3) If the results of the counting demonstrate that the election will not be concluded on that day, the voting can be postponed to another date to be determined by the President. This period cannot be more than seven days.

(4) The result of the election shall be notified in writing to those elected and be published in the Official Gazette.

Duties and authority of the President

ARTICLE 10- (1) The duties and authority of the President shall be as follows:

- a) To represent the Court.
- b) To ensure the efficient and orderly functioning of the Court and to take the measures s/he will consider appropriate to this end.
- c) To determine the agenda of the General Assembly and, when necessary, of the Sections.
- ç) To preside over the General Assembly and the Supreme Court; to assign one of the Deputy Presidents, when s/he shall deem necessary, to execute these duties in his/her place.
- d) To assign and dismiss the Secretary General, the Deputy Secretary Generals and rapporteurs in chief.
- e) To approve the regulations of the Court.
- f) To inspect the conformity of expenditures with the budget of the Court.
- g) To assign members from another Section in the event that one of the Sections shall fail to convene due to actual or legal impossibility.
- ğ) To take necessary precautions in order to ensure the balanced distribution of the work load among the Sections in line with the leading decision of the General Assembly.

h) In the event that it is determined that the work load of one of the Sections has increased to such a degree as not to be fulfilled with normal working and that a work load imbalance has occurred between the Sections, to convene the General Assembly to discuss this matter.

i) In cases where it is considered that a case law discrepancy has occurred or will occur between the decisions of the Sections, to convene the General Assembly to discuss this matter.

i) To make arrangements regarding the functioning and organization of individual application by taking into account the opinions of the Presidents of the Sections.

j) To appoint the Court staff.

k) To provide information and interviews regarding the Court to the press and the public opinion or to assign Deputy Presidents, members or rapporteurs to this end in circumstances to be deemed necessary.

l) To take or make others take security measures regarding the Court.

m) To fulfill other duties prescribed in the Code and in the Internal Regulation.

(2) The duties and authority pertaining to the President shall be fulfilled by the senior Deputy President in the event that the Presidency is vacant; these shall be fulfilled by the Deputy President to be determined by the President in the event that the President is on excused absence or leave. In the event that the Deputy Presidents are not present either, the most senior member shall preside over the Court.

Duties and authorities of Deputy Presidents

ARTICLE 11- (1) The duties and authorities of Deputy Presidents shall be as follows:

a) To preside over the General Assembly or the Supreme Court in circumstances deemed to be necessary by the President.

b) To preside over the sessions of the Section of which s/he is a member and to manage the affairs of the Section.

c) To determine the agenda of the Section of which s/he is the President in such a way as not to disrupt the working of the General Assembly.

ç) To preside over the hearings of the Section.

d) To determine the Commissions in which the members of the Section will serve.

e) To make sure that the members of the Section take turns in serving in Commissions and to prepare lists to this end.

f) To ensure the efficient and orderly functioning of the Commissions and to take the measures s/he will consider appropriate to this end.

g) In cases where it is considered that a case law discrepancy has occurred or will occur between the decisions of the Commissions, to convene the Section to discuss this matter.

ğ) To take necessary precautions for the balanced distribution of work load among the Commissions.

h) To fulfill the duties assigned with the Code and the Internal Regulation and other affairs entrusted by the President.

(2) In cases where the Deputy Presidency is vacant, the Deputy President is on excused absence or leave, the duties and authority pertaining to the Deputy President shall be fulfilled by the most senior member.

Liabilities of Members

ARTICLE 12- (1) The members;

a) Shall be obliged to act according to the solemnity and honor of the profession of judgeship; they cannot engage in any activity that does not comply with their duties,

b) Shall participate in sessions unless they have a valid excuse,

c) Cannot declare their thoughts and opinions regarding current matters which are being deliberated at the Court or which may be carried to the attention of the Court,

ç) Shall preserve the secrecy of sessions and voting,

d) Cannot cast an abstention vote in votes,

e) Cannot assume any official or private duty apart from their duties; can participate in national or international congresses, conferences and similar scientific meetings with the permission of the President.

(2) They can become members of associations with sports, social and cultural purposes on the condition that they do not assume duties in executive and inspection boards.

CHAPTER FOUR

Provisions Regarding Crimes and Punishments and Disciplinary Actions

Judicial investigation and protection measures

ARTICLE 13- (1) Initiating an investigation into crimes alleged to be arising from the duties of the members or to be committed during their duties and their individual crimes shall be conditional of the decision of the General Assembly. However, in circumstances of

in flagrante delicto, which fall under the jurisdiction of the assize court, the conduct of the investigation shall be subject to general provisions.

(2) Protection measures regarding the members due to crimes alleged to be arising from the duties of the members or to be committed during their duties and their individual crimes can only be decided upon as per the provisions of article 17 of the Code. In circumstances of in flagrante delicto, which fall under the jurisdiction of the assize court, the application for protection measures shall be subject to general provisions.

(3) If the Investigation Board, during investigation, places a request to the effect that the protection measures contained within the Code of Criminal Procedure dated 4/12/2004 and numbered 5271 and other codes be taken in crimes arising from duties or alleged to be committed during duties and individual crimes apart from cases of in flagrante delicto, which fall under the jurisdiction of the assize court, a decision shall be made by the General Assembly regarding this matter.

Judicial investigation procedure

ARTICLE 14- (1) If a notification or complaint is brought forward as a result of crimes arising from the duties of the members or committed by the members during their duties and their individual crimes apart from cases of in flagrante delicto, which fall under the jurisdiction of the assize court, or if such a circumstance is learned about, an action shall be carried out according to the following provisions.

a) The President shall not put into effect notifications or complaints brought forward or understood to be brought forward under a pseudonym, devoid of signature and address, or not containing a specific incident, or reason and the evidence and justification of which are not demonstrated. However, in the event that these notifications and complaints are based on concrete evidence, the necessary examination and investigation shall be carried out regarding the matter.

b) When necessary, the President can have a member carry out a preliminary examination before taking the matter to the General Assembly. The assigned member must be more senior than the Deputy President or member regarding whom the investigation is carried out. In the event that an investigation is carried out regarding the most senior member, this duty shall be assigned to one of the Deputy Presidents.

c) The assigned member can request all kinds of information and documents regarding the examination from the concerned through the Presidency as per article 62 of the Code.

ç) After completing his/her examination, the assigned member shall prepare a preliminary examination report containing the facts, claims and evidence and submit it to the President without declaring his/her own opinion.

d) The preliminary examination report shall be incorporated into the agenda by the President and discussed at the General Assembly. The member regarding whom the action is

carried out cannot participate in the deliberations at the General Assembly regarding this matter.

e) In the event that it is decided by the General Assembly that there are no grounds for initiating an investigation, the reasoned decision shall be notified to the concerned member and to those who have brought forward the notification and complaint.

f) In the event that it is decided to initiate an investigation, the General Assembly shall elect three individuals from amongst the members via secret vote to make up the Investigation Board.

g) At the end of the vote at the General Assembly, the votes that each of the members has received shall be written next to their names and the three candidates with the highest number of votes shall be considered to be elected as members of the Board. In the event of equality of votes, the more senior member shall be considered to be elected. The senior member shall preside over the Investigation Board.

ğ) The Investigation Board shall carry all of the authority bestowed upon the Public prosecutor by the Code numbered 5271. The actions requested by the Board to be carried out in relation to the investigation shall be immediately fulfilled by the judicial authorities with local authority.

(2) In the event that the above prescribed situation and behaviors of the President are observed or learned about, the actions required to be carried out by the President shall be executed by the senior Deputy President.

Decisions of the Investigation Board

ARTICLE 15- (1) If the Investigation Board does not deem it necessary to file a public action after having completed the investigation, it shall decide that there are no grounds for initiating prosecution.

(2) If the Investigation Board deems it necessary to file a public action, it shall send the indictment and the file it will prepare to the Court to carry out the trial in its capacity as the Supreme Court in crimes related to their duties, to the Presidency in order to be entrusted to the Assembly of Criminal Chambers of the Supreme Court of Appeals in other crimes.

(3) The actions and decisions of the Investigation Board shall be final; the decisions shall be notified to the suspect and the complainant, if any.

(4) The members who have taken part in the Investigation Board cannot assume duties in the trial to be conducted by the Court in its capacity as the Supreme Court.

(5) The provisions of the Code and other codes which suit the nature of the trial shall be applied in the trial to be conducted by the Court in its capacity as the Supreme Court.

Decision to initiate a disciplinary investigation

ARTICLE 16- (1) Initiating an investigation regarding the members on grounds of their disciplinary actions shall be conditional of the decision of the General Assembly.

Procedure for disciplinary investigation

ARTICLE 17- (1) If a notification or complaint is brought forward as a result of actions of the members which require disciplinary sanction, or if such a circumstance is learned about, an action shall be carried out according to the following provisions.

a) The President shall not put into effect notifications or complaints brought forward or understood to be brought forward under a pseudonym, devoid of signature and address, or not containing a specific incident or reason, and the evidence and justification of which are not demonstrated. However, in the event that these notifications and complaints are based on concrete evidence, the necessary examination and investigation shall be carried out regarding the matter.

b) When necessary, the President can have a member carry out a preliminary examination before taking the matter to the General Assembly. The assigned member must be more senior than the Deputy President or the member regarding whom the investigation is carried out. In the event that the investigation is carried out regarding the most senior member, this duty shall be assigned to the senior Deputy President.

c) The assigned member can request all kinds of information and documents regarding the examination from the concerned through the Presidency as per article 62 of the Code.

ç) After completing his/her examination, the assigned member shall prepare a preliminary examination report containing the facts, claims and the evidence and shall submit it to the President without declaring his/her own opinion.

d) The preliminary examination report shall be incorporated into the agenda by the President and be discussed at the General Assembly. The member regarding whom the action is carried out cannot participate in the deliberations at the General Assembly regarding this matter.

e) In the event that it is decided by the General Assembly that there are no grounds for initiating an investigation, the reasoned decision shall be notified to the concerned member and to those who have brought forward the notification and complaint.

f) In the event that it is decided to initiate an investigation, the General Assembly shall elect three individuals from amongst the members via secret vote to make up the Investigation Board.

g) At the end of the vote at the General Assembly, the votes that each of the members has received shall be written next to their names and the three candidates receiving the highest number of votes shall be considered to be elected as members of the Board. In the event of equality of votes, the more senior member shall be considered to be elected. The most senior member shall preside over the Investigation Board.

ğ) The Investigation Board shall gather the information regarding the matter and determine the evidentiary proof, hear under oath the individuals considered necessary to be heard.

h) As per paragraph (4) of article 18 of the Code, the Investigation Board can make requests regarding the investigation from public administrations, public officials, other real and legal persons.

ı) The Investigation Board shall invite the concerned to deliver his/her defense within the period to be provided on the condition that it will not be fewer than fifteen days after having notified him/her of the alleged situation and behavior. The concerned shall be authorized to examine the investigation documents starting from the moment when his/her defense has been requested.

i) At the end of the examination, the Investigation Board shall prepare a report demonstrating the information and evidence it has gathered and containing its opinion as to whether there are grounds for imposing a disciplinary sanction or not and shall submit the report and its annexes to the Presidency in order to be communicated to the General Assembly.

j) The President shall notify in writing the outcome of the investigation to the concerned and shall invite the concerned to provide his/her written defense in front of the General Assembly within the period s/he will determine, on the condition that it will not be fewer than five days.

k) The General Assembly shall rule on the expansion of the investigation, if necessary, according to the outcome of the disciplinary investigation that has been conducted, on the removal of the file from proceedings if it does not consider proven the alleged situation and behavior, on the disciplinary sanction befitting the action in the event that it considers it proven.

(2) In the event that the above prescribed situation and behaviors of the President are observed or learned about, the actions required to be carried out by the President shall be executed by the senior Deputy President.

Joint conduct of criminal and disciplinary investigations

ARTICLE 18- (1) Criminal investigations and prosecutions shall not thwart the separate conduct and imposition of disciplinary actions.

Statute of limitations in disciplinary investigations

ARTICLE 19- (1) If a year has elapsed since the date on which actions requiring a disciplinary investigation became known, a disciplinary investigation cannot be initiated. No disciplinary penalty can be imposed if five years have elapsed as of the date of committal of the action which requires a disciplinary sanction.

(2) If the action which requires a disciplinary sanction also constitutes a crime, if a longer period of statute of limitations is prescribed in the code regarding this crime and if a criminal investigation or prosecution is initiated, the periods of statute of limitations pertaining to the case shall be applied instead of the period stipulated in paragraph one.

(3) For those regarding whom it has been decided by the General Assembly to wait for the outcome of the criminal prosecution, the authority to impose sanctions shall become subject to statute of limitations after one year has elapsed since the finalization of the decision of the court which conducted the prosecution.

Actions requiring disciplinary sanction and the disciplinary sanctions

ARTICLE 20- (1) In the event that the President, Deputy Presidents and members assume an official or private duty apart from their primary duties or that their situations and behavior which do not befit the solemnity and honor of membership and disrupt the service have been considered to be proven, one of the sanctions of warning, condemnation or summoning to withdraw from membership shall be decided upon according to the nature of the action.

(2) The decisions regarding the imposition of the disciplinary sanctions of warning and condemnation shall be made with the vote of the absolute majority of the General Assembly.

Summon to withdraw from membership

ARTICLE 21- (1) The two thirds majority vote of the General Assembly shall be sought in order to decide upon the sanction of summoning to withdraw from membership.

(2) The member regarding whom the sanction of summoning to withdraw from membership has been decided upon shall be considered to have resigned if s/he does not abide by this within a month starting from the date of notification and s/he shall be considered to be on leave during this period.

Objection to disciplinary sanctions

ARTICLE 22- (1) The concerned can make an application for reexamination to the General Assembly within ten days starting from the date of notification of the decision to him/her against the decision of the General Assembly regarding a disciplinary sanction.

(2) The decision made as a result of the reexamination to be carried out by the General Assembly shall be final. The decision of the General Assembly shall be notified to the concerned and be executed by the President.

SECTION TWO

Organizational Structure

CHAPTER ONE

General Assembly, Sections and Commissions and Their Functioning Organization

ARTICLE 23- (1) The organization of the Court shall be composed of the Presidency, the General Assembly, Sections, Commissions, the Secretariat General and the administrative service units.

General Assembly

ARTICLE 24- (1) The General Assembly shall convene with a minimum of twelve members, except for the President, under the chairmanship of the President or the Deputy President to be determined by the President.

Duties and liabilities of the General Assembly

ARTICLE 25-(1) The duties and authority of the General Assembly shall be as follows:

a) To take charge of actions for annulment and actions of objection as well as the trials to be carried out in the capacity of Supreme Court.

b) To rule on the cases and applications regarding political parties, to carry out financial auditing.

c) To accept or amend the Internal Regulation.

ç) To elect the President and Deputy Presidents as well as the President and Deputy Presidents of the Court of Jurisdictional Disputes.

d) To rule on case law discrepancies between the decisions made by the Sections regarding individual applications.

e) To ensure the division of labor between the Sections.

f) To definitively rule on division of labor discrepancies which occur between the Sections upon the call of the President.

g) To assign another Section in the event that the work load of one of the Sections increases to such a degree as not to be fulfilled with normal working and that a work load imbalance occurs between the Sections or that a Section fails to take charge of an action which falls under its duty due to actual or legal impossibility.

ğ) To decide on the initiation of disciplinary or criminal investigations regarding the members, investigation and prosecution measures, and the imposition of disciplinary sanctions or the termination of membership when necessary.

h) To examine objections.

ı) To fulfill the duties attributed to the General Assembly in the Code and the Internal Regulation.

Research and Case Law Unit (Re-CL)

ARTICLE 26- (1) The Research and Case Law Unit shall be composed of a sufficient number of rapporteurs, deputy rapporteurs and personnel under the supervision of a rapporteur in chief.

(2) The duties of the Research and Case Law Unit shall be as follows:

a) To examine reports and draft decisions prior to them being discussed at the General Assembly or in the Sections with a view to the coherence and development of case law as well as the legal language and drafting rules and, when deemed necessary, to prepare opinions within a week after these have been communicated to the Section in order to be presented to the General Assembly or the Section along with the report or draft decision.

b) To notify the relevant President of Section or the President with a report in the event that it has observed a case law discrepancy between decisions made by the Commissions or Sections.

c) To prepare research and examination reports on the preparation of reports and decisions upon the request of the President or the Deputy Presidents and to make these available to all members, rapporteurs and deputy rapporteurs.

ç) To follow the decisions which have been made by the General Assembly, the Sections and Commissions and are of significance with a view to the case law, and to prepare documents and carry out the necessary work in order to inform those serving at the various units of the Court regarding this matter.

d) To follow the case law of the European Court of Human Rights as well as other international jurisdictional bodies and other Supreme Courts, to prepare information notes regarding matters deemed to be of significance for the case law of the Court.

e) To determine the decisions of principal nature and significance made by the General Assembly, the Sections and Commissions to be published annually.

Composition of the Sections

ARTICLE 27- (1) Two Sections shall be established at the Court that are composed of the members except for the President in order to examine individual applications. Each Section shall be composed of a Deputy President and seven members. The Sections shall be entitled the First Section and the Second Section.

(2) The members who will serve in the Sections except for the Deputy Presidents shall be determined by the President according to the path through which they have been elected and the principle of balanced distribution between the Sections.

(3) It can be decided by the President to change the Section of members upon the request of the concerned member or the recommendation of one of the Deputy Presidents.

Duties and authorities of the Sections

ARTICLE 28- (1) The duties of the Sections shall be as follows:

a) To carry out the examination on merits of the applications deemed to be admissible by the Commissions.

b) To jointly carry out the examination of admissibility and on merits of the applications the admissibility of which could not be ruled upon by the Commissions when deemed necessary.

(2) The Sections can make a decision of inadmissibility regarding an application at any stage of the examination in the event that they determine an obstacle to admissibility or that this situation emerges later on.

(3) If the decision to be made by one of the Sections regarding an ongoing application will clash with a decision previously made by the Court, the relevant Section can bring this matter to the attention of the General Assembly before ruling on the application.

Convening and agenda of the Sections

ARTICLE 29- (1) The Sections shall convene under the chairmanship of the Deputy President and with the participation of four members. In circumstances where the Deputy President is absent, the most senior member shall preside over the Section.

(2) The members of Sections, except for the Deputy President, shall be listed according to seniority with the purpose of forming the committees within the Sections. The meetings during the first month shall be held by the committee that is composed of the first four members according to the ranking in the list, and the Deputy President. In the following months, it shall be ensured that each member who has not participated in the meetings serves in rotation according to the seniority ranking starting with the most senior member. The President of the Section shall prepare the list demonstrating the schedule for this rotation at the beginning of each year. In the event that a new member joins the Section, the President of the Section shall make the necessary arrangement accordingly. The lists shall be announced to the members.

(3) In the event that the meeting quorum of the Section cannot be obtained, the President of the Section shall assign the members from within the Section who do not participate in the meetings to participate in the meeting according to seniority ranking, in the event that this is not possible, the President shall assign members from the other Section upon the recommendation of the President of Section.

(4) The meeting schedule of the Section shall be determined and announced by the President of the relevant Section in such a way as not to disrupt the workings of the General Assembly and by obtaining the opinion of the President.

(5) The President of the Section shall determine the meeting agenda of the Section. When necessary, the Section can decide to incorporate certain actions into the agenda as well.

The draft decisions shall be included in the agenda after fifteen days have elapsed since the date on which they were submitted to the Section.

Working procedure of the Sections

ARTICLE 30- (1) During the Section meetings, the case file shall be explained in detail by the Section rapporteur according to the list of agenda items.

(2) The President of the Section shall give the floor to the members who request the floor regarding the matter to explain their opinions in the order in which they have made their request. After the completion of the deliberations, the decision shall be made by means of voting starting with the junior member. This situation shall be determined by the President via minutes.

(3) According to the outcome of the voting, the examination of the prepared draft decision shall be proceeded to. The President of the Section shall ask the members to convey their amendment proposals that they wish to see enacted by stating page and paragraph number, if any. These recommendations shall be voted by the committee. The text which has been adopted in line with the decision made by the committee shall be sent to the rapporteur in chief in order for the correction actions to be taken. After the corrections have been made, the decision shall be submitted to the signature of the committee.

Office of the Sections rapporteur

ARTICLE 31- (1) An office of the Sections rapporteur composed of a sufficient number of rapporteurs, deputy rapporteurs and personnel shall be established under the supervision of the rapporteur in chief with the purpose of concluding individual applications in a more expedient manner.

(2) The Sections rapporteurs can be divided into working groups under the coordination of a rapporteur according to their fields of expertise.

(3) The duties of the office of the Sections rapporteur shall be as follows:

a) To group or examine one by one the applications the admissibility of which has been ruled upon by the Commissions and to prepare and submit to the Sections the draft decisions on their merits.

b) To prepare and submit to the Commissions the draft decisions regarding admissibility in the event that this is deemed to be appropriate by the Commissions Rapporteur in Chief.

(4) In the event that admissibility depends on the merits or that the nature of the application so require, the draft decisions regarding admissibility and the merits can be jointly prepared. The draft decisions thus prepared by the Sections rapporteurs shall be submitted to the Sections to be discussed.

(5) The distribution of the applications pending at the Sections amongst the rapporteurs and deputy rapporteurs shall be ensured by the Rapporteur in Chief. The nature of the matter, the experience and expertise of the rapporteur shall be taken into consideration when assigning a rapporteur. Attention shall be paid to order and the balanced execution of actions amongst the rapporteurs and deputy rapporteurs in the distribution of assignments.

Composition of Commissions

ARTICLE 32- (1) Three Commissions per Section which serve under the Sections shall be established in order to carry out the admissibility examinations of individual applications. These shall be named by way of being enumerated along with the Section to which they are answerable. The President of Section shall not assume duties in the Commissions. The senior member shall preside over the Commissions.

(2) The members of Sections, except for the Deputy President, shall be listed according to seniority with the purpose of forming the Commissions. The least senior member according to the ranking in the list cannot participate in the meetings during the first month. In the following months, it shall be ensured that each member who has not participated in the meetings serves in rotation according to the seniority ranking starting with the most senior member. The President of the Section shall prepare the list demonstrating the schedule for this rotation at the beginning of each year. In the event that a new member joins the Section, the President of the Section shall make the necessary arrangement accordingly. The lists shall be announced to the members.

(3) In the event that there are vacancies in the membership of the Commissions, the member who does not participate in the meeting shall replace the missing member in the relevant Commission pertaining to the Section.

(4) The General Assembly can decide to change the Commissions which are answerable to the Sections and the number of members composing the Commissions. In this case, the Commissions shall be re-established in line with the procedure stipulated in the above paragraphs.

Duties and working procedure of the Commissions

ARTICLE 33- (1) The draft decisions on admissibility and the draft decisions or lists of inadmissibility prepared by the rapporteurs of the Commissions shall be ruled upon by the Commissions.

(2) The Commissions shall decide unanimously. When unanimity cannot be ensured, the matter shall be transferred to the Section by stating that unanimity could not be ensured.

(3) The Commissions shall send an application to the relevant Section without ruling on the matter of admissibility upon determining whether the pending application bears significance in terms of the implementation and interpretation of the Constitution or determining the scope and limitations of the fundamental rights or whether the applicant has suffered considerable damage and in the event that the solution of the application requires a

principal decision or that the decision to be made is of the quality to potentially contradict with a decision previously made by the Court.

Office of the Commissions rapporteur

ARTICLE 34- (1) An office of the Commissions rapporteur composed of a sufficient number of rapporteurs, deputy rapporteurs and personnel shall be established under the supervision of the rapporteur in chief with the purpose of concluding individual applications in a more expedient manner.

(2) The duties of the office of the Commissions rapporteur shall be as follows:

a) To determine the files which require more detailed examination by the Commissions, to examine files by grouping or one by one and to determine the applications which are of an inadmissible nature.

b) To prepare and submit to the Commissions the admissibility draft decisions regarding the applications which meet the admissibility criteria, and the inadmissibility draft decisions or lists regarding the applications which do not meet these criteria.

(3) The admissibility draft decisions pertaining to applications whose admissibility cannot be concluded by the Commissions and the applications covered under groupings shall be prepared by the office of the Commissions rapporteur on the condition that this be deemed appropriate by the Commissions Rapporteur in Chief.

(4) In circumstances where the work load allows or labor productivity requires, on the condition that the Commissions Rapporteur in Chief deems appropriate, all kinds of draft decisions can be prepared by the office of the Commissions rapporteur in order to be submitted to the Sections.

(5) The distribution of the applications pending at the Commissions amongst the rapporteurs and deputy rapporteurs shall be ensured by the Rapporteur in Chief. The nature of the matter as well as the experience and expertise of rapporteurs shall be taken into consideration when assigning a rapporteur. Attention shall be paid to order and the balanced execution of actions amongst the rapporteurs and deputy rapporteurs in the distribution of assignments.

CHAPTER TWO

Secretariat General, Rapporteurs and Deputy Rapporteurs

Secretariat General, its establishment and duties

ARTICLE 35- (1) The duty of the Secretariat General shall be fulfilled by a rapporteur to be deemed appropriate by the President. In the event that the Secretary General is not on duty, the Deputy Secretary General to be determined by the Secretary General shall substitute him/her.

(2) The Secretary General can leave the duty of the Secretariat General upon his/her own request, s/he can also be replaced without providing justification when deemed necessary by the President.

(3) Under the supervision and inspection of the President, the Secretary General shall be assigned and authorized;

a) To register and transfer applications,

b) To manage the administrative affairs regarding the meetings of the General Assembly and the Sections,

c) To ensure the automation and archiving of the decisions and reports,

ç) To handle the correspondence of the Court,

d) To follow up on the implementation of the decisions of the Court and to inform the General Assembly regarding the matter,

e) To spend the budget and to provide information to the President regarding the matter,

f) To manage the institutional, scientific, administrative, financial and technical affairs of the Court,

g) To manage protocol affairs,

ğ) To command and control the personnel,

h) To carry out other actions assigned by the President within the framework of the provisions of the Code, the Internal Regulation and regulations.

(4) The Secretariat General shall be composed of the Secretary General, the Deputy Secretary General and a sufficient number of personnel to be assigned by the Presidency. The duties of the civil servants and attendants working in the organization of the Secretariat General and how these duties are to be conducted shall be regulated with the regulation to be issued by the Presidency.

(5) The Secretary General shall prepare draft regulations with a view to executing the duties assigned to him/her by the Code and the Internal Regulation. These drafts shall enter into force with the approval of the President.

(6) The Secretary General shall represent the Constitutional Court at the committees and the General Assembly of the Grand National Assembly of Turkey.

Deputy Secretary Generals

ARTICLE 36-(1) The Deputy Secretary Generals shall be assigned by the President from amongst rapporteurs.

(2) The Deputy Secretary Generals can leave their duties upon their own requests, they can also be replaced without providing justification when deemed necessary by the President.

(3) The Deputy Secretary Generals shall execute the duties assigned by the President and the Secretary General within the framework of the provisions of the Code, the Internal Regulation and regulations. They shall be answerable to the President and the Secretary General regarding the orderly execution of these tasks.

(4) The division of labor between the Deputy Secretary Generals shall be determined with the proposal of the Secretary General and the approval of the President.

(5) Each of the Deputy Secretary Generals shall be responsible for the following fields of activity:

a) Managing in an orderly and harmonious manner the tasks regarding the functioning of the General Assembly and of individual applications and overseeing the work of rapporteurs.

b) Managing international relations.

c) Managing administrative, financial and other affairs.

Rapporteurs in Chief and their duties

ARTICLE 37- (1) The Rapporteurs in Chief shall be assigned by the President from amongst rapporteurs. (2) The Rapporteurs in Chief can leave their duties upon their own request, they can also be replaced without providing justification when deemed necessary by the President.

(2) There shall be four rapporteurs in chief at the Court to serve at the General Assembly, the Sections, the Commissions and at Re-CL. The rapporteurs in chief shall be assigned to ensure the orderly and efficient functioning of the activities of the rapporteurs and deputy rapporteurs in their respective sections and the working groups established within the Court.

(3) At times when the rapporteur in chief is not present, the most senior rapporteur of the unit in question shall fulfill the duties of the rapporteur in chief.

(4) The Sections Rapporteur in Chief shall make notifications to the Ministry of Justice on behalf of the President of Section in order to obtain its opinion regarding the applications concerning which a decision of admissibility has been made.

Rapporteurs and their duties

ARTICLE 38- (1) The rapporteurs shall execute the tasks assigned by the President within the framework of the Code and the Internal Regulation.

(2) Where in the General Assembly, the Sections, the Commissions or other rapporteur units the rapporteurs will serve shall be decided by the President by taking into account their

seniority and experience. It shall be ensured that the rapporteurs rotate between different units at intervals to be deemed appropriate in order to enhance the experience of rapporteurs and achieve efficiency in their work.

(3) The rapporteurs of the General Assembly shall be assigned tasks which fall under the authority of the General Assembly. They shall prepare the reports of preliminary examination and examination on merits, draft decisions and other procedures regarding the files assigned to them by the President, and participate in meetings.

(4) The individual application rapporteurs shall be divided into two as Commissions rapporteurs and Sections rapporteurs and shall carry out the duties regarding individual application prescribed in the Code and in the Internal Regulation. A sufficient number of individual application rapporteurs shall be assigned to serve at the Sections and Commissions.

(5) The individual application rapporteurs shall prepare the draft decisions regarding the admissibility or the inadmissibility of individual applications and shall participate in meetings.

(6) The individual application rapporteurs shall serve under the supervision of the rapporteurs in chief. In order to ensure efficiency in the preparation of draft decisions, the President shall decide upon the recommendation of the rapporteur in chief and also by taking into account the opinion of the Deputy Presidents either that the Sections rapporteurs be divided into specialty groups or that working groups be formed from rapporteurs.

(7) The individual application rapporteurs shall oversee the correspondence for requesting the information and documents deemed to be necessary to be included in the files regarding applications. They shall oversee and follow up the necessary notifications.

(8) Duties such as hearing witnesses or experts or similar other duties can be assigned to the individual application rapporteurs when necessary by the Presidents of Sections with the approval of the President on the condition that the scope and nature of the requested task are demonstrated.

Deputy rapporteurs

ARTICLE 39- (1) A sufficient number of deputy rapporteurs shall serve at the Court in order to assist the judicial and administrative tasks.

(2) Deputy rapporteurs shall be assigned by the President to relevant units in order to fulfill the duties regarding individual applications stipulated in the Code and the Internal Regulation and to assist the rapporteurs.

(3) Deputy rapporteurs shall carry out their duties under the supervision of the rapporteur, if determined, to whom they are answerable and under the supervision of the Rapporteur in Chief in other circumstances.

Promotion and grade advancement of assigned rapporteurs and deputy rapporteurs

ARTICLE 40-(1) As per subparagraph (c) of paragraph two of article 24 and paragraph eight of article 25 of the Code, the decisions regarding the grade and level advancement of the assigned rapporteurs, their designation to first class and their promotion to first class shall be made by the President according to the principles outlined in the Code on Judges and Prosecutors dated 24/2/1983 and numbered 2802 by taking into account their occupational circumstances and other information and documents regarding their activities in professional and academic matters.

(2) As per subparagraph (c) of paragraph two of article 24 and paragraph eight of article 25 of the Code, the matters regarding which there are no provisions in the Code numbered 2802 concerning the assigned rapporteurs shall be regulated via a regulation.

(3) The promotion and grade and level advancement of deputy rapporteurs shall be carried out within the framework of the provisions of article 27 of the Code.

Supreme Disciplinary Board

ARTICLE 41- (1) With the exception of members and the rapporteurs assigned as per subparagraphs (a) and (b) of paragraph two of article 24 of the Code, the disciplinary affairs of the personnel employed at the Court shall be carried out by the Supreme Disciplinary Board. However, actions regarding the rapporteurs assigned as per subparagraphs (a) and (b) of paragraph two of article 24 of the Code due to their disciplinary acts shall be carried out upon the notification of the President by the institutions to which they are answerable and as per the provisions of the relevant applicable legislation.

(2) The Supreme Disciplinary Board shall be composed of three individuals, one from amongst the deputy Secretary Generals to be recommended by the Secretary General and approved by the President and two others to be determined from amongst rapporteurs who have served at least three years at the Court. The deputy Secretary General shall preside over the Board. The members of the Board shall be appointed for a period of two years.

(3) At the end of the examination and investigation carried out by the Supreme Disciplinary Board, whether there are grounds for the imposition of a disciplinary sanction or not and the disciplinary sanction in line with the nature and severity of the act in the event that a disciplinary sanction is deemed to be necessary shall be determined.

(4) The provisions of the Code on Civil Servants dated 14/7/1965 and numbered 657 which are not contrary to the Code shall be applied regarding the circumstances which require disciplinary sanctions and the sanctions to be imposed.

(5) The working procedure and principles of the Board and other matters are regulated via a regulation.

Judicial investigation and prosecution regarding rapporteurs

ARTICLE 42- (1) Actions regarding the rapporteurs assigned as per subparagraphs (a) and (b) of paragraph two of article 24 of the Code due to crimes arising from their duties

or committed during their duties and their individual crimes shall be carried out upon the notification of the President by the institutions to which they are answerable and as per the provisions of the relevant applicable legislation.

(2) The conduct of examination and investigation regarding rapporteurs who have been appointed due to crimes arising from their duties or committed during their duties shall depend on the authorization of the President. The President can have the examination and investigation conducted via the Secretary General or a rapporteur who is more senior than the one regarding whom the examination and investigation will be carried out. Upon the report to be prepared by the Secretary General or the rapporteur who has conducted the examination and investigation, whether or not the conduct of prosecution is necessary shall be appraised by the Presidency and the relevant documentation shall either be sent to relevant authorities or be removed from proceeding. In the event that the conduct of prosecution is deemed to be necessary, the documentation shall be sent to the Office of the Chief Public Prosecutor of Ankara in order to be acted upon as per article 89 of the Code numbered 2802.

(3) The investigation regarding the individual crimes of the appointed rapporteurs shall be conducted by the Office of the Chief Public Prosecutor of Ankara.

(4) In cases of in flagrante delicto, which fall under the jurisdiction of the assize court, the investigation shall be conducted as per general provisions. The investigation shall be conducted in person by the authorized Public prosecutors.

Judicial investigation and prosecution regarding deputy rapporteurs and civil servants

ARTICLE 43- (1) The criminal prosecution regarding crimes arising from the duties of deputy rapporteurs and civil servants assigned at the Court shall be conducted as per the provisions of the Code on the Trial of Civil Servants and other Public Officials dated 2/12/1999 and numbered 4483.

(2) The authority to grant permission for investigation within the framework of the Code numbered 4483 shall belong to the President. The President can assign one or more rapporteurs in order to conduct a preliminary examination regarding the concerned when s/he deems necessary.

(3) The President shall decide to grant or not to grant permission for investigation depending on the preliminary examination report.

SECTION THREE

Examination and Trial Procedures

CHAPTER ONE

Procedural Provisions Regarding Actions for Annulment and Actions of Objection

Reception of applications

ARTICLE 44- (1) The actions for annulment shall be conducted with the submission of the petition to the Secretariat General in person by at least one of the members of the Grand National Assembly of Turkey who have been authorized to file the case. In actions for annulment to be filed by the President of the Republic, the application petition shall be submitted by the individual authorized in this matter by the President of the Republic. A document attesting to the fact that the application has been made shall be provided to the individual who submits the application petition.

(2) The objection applications shall be made by the relevant Court either through the postal channel or via UYAP.

(3) The case shall be considered to be filed on the date when the petitions regarding applications for annulment and objection are transferred by the Secretariat General to the Registrar's Office.

Petition of action for annulment and its annexes

ARTICLE 45- (1) The application petition for an action for annulment shall contain the following matters:

a) The rules the annulment of which is requested and the articles of the Constitution to which each of these is contrary,

b) Regarding the provisions the contrariety of which to the Constitution is alleged, the separate and clear demonstration with justification of which articles of the Constitution these are contrary to and for what reason,

c) If there is a request for stay of execution, the explanation of the irrevocable damages which will occur in the event that the execution is not stayed,

ç) A registration sample of the petition on electronic media,

d) A list of contents where the documents submitted in the case file are listed under headings according to their dates.

(2) If the case is filed by at least one fifth of the full number of members of the Grand National Assembly of Turkey, the following documents shall be annexed to the petition:

a) The rules the annulment of which is requested and the articles of the Constitution to which each of these is contrary,

b) An approval document signed and sealed by the Speaker of the Grand National Assembly of Turkey or an official to be determined by him/her attesting to the fact that the signatures on the petition belong to the concerned,

c) A list containing the names and surnames as well as the constituencies and signatures of the individuals who file the case,

ç) A document demonstrating the names of the deputy or deputies to whom notifications regarding the case will be made.

(3) If the case is filed by political party groups, the following documents shall be annexed to the petition:

a) Approved copies of the decision of the group general assembly,

b) Copies of the approved document attesting to the fact that the individuals with signatures on the petition are group chairpersons or deputy chairpersons.

Decision on application for objection and its annexes

ARTICLE 46- (1) The application for objection shall be filed by the courts with a reasoned decision. The reasoned decision must contain;

a) Regarding the provisions the contrariety of which to the Constitution is alleged, the separate and clear demonstration with justification of which articles of the Constitution these are contrary to and for what reason,

b) If there is a request for stay of execution, the explanation of the irrevocable damages which will occur in the event that the execution is not stayed.

(2) In the application for objection, the original of the reasoned decision of application shall be submitted to the Court along with the following documents:

a) An approved copy of the minutes regarding the application decision,

b) The approved copies of the petition, the indictment or the documents filing the case and the relevant parts of the file,

c) A list of contents where the documents submitted in the case file are listed under headings according to their dates.

Assigning rapporteurs to files

ARTICLE 47- (1) The case files shall be distributed to rapporteurs by the President by taking into account their fields of specialty, the number of assignments they have and the features of the file.

(2) If deemed necessary, multiple rapporteurs can be assigned for a single case file. In this case, the reports to be prepared shall be signed jointly by the relevant rapporteurs.

Preparation of preliminary examination reports

ARTICLE 48- (1) The rapporteur to be assigned by the President shall prepare the preliminary examination report within five days.

(2) Whether or not the petition or the application for objection fulfill the conditions stipulated in the Code shall be indicated and the type of decision which is deemed necessary to be made and its justifications shall be explained in the report.

(3) An opinion shall be expressed in the report as to making one of the decisions of proceeding to the merits, rejecting the application, granting a period for the correction of deficiencies, considering the case not filed or deciding that there are no grounds for a decision.

(4) When deemed necessary, an additional period can be granted by the President for the preparation of the report.

Deficiencies in application

ARTICLE 49- (1) If it is determined in the preliminary examination conducted by the Court that the application contains deficiencies;

a) A period no less than fifteen days shall be granted to the concerned for the correction of the deficiency in the action for annulment. It shall be decided by the General Assembly to consider the case not filed if the deficiency has not been corrected despite the fact that a warning regarding the matter that the case would be considered not filed unless the deficiencies are corrected within the provided period was made in the notification to the concerned,

b) In actions regarding the objection remedy, it shall be decided that the application be rejected without proceeding to the examination on merits.

(2) The decision issued as per subparagraph (b) of the above paragraph shall not prevent the court from filing an application again after having remedied the deficiencies.

Preparation of examination reports on merits

ARTICLE 50- (1) The applications regarding which the preliminary examination has been completed and it has been decided by the General Assembly to proceed to the merits shall be submitted to their rapporteurs for the preparation of the report on the merits of the file. The rapporteurs shall notify the results of their examination on merits to the Presidency along with a report containing their own opinions.

(2) The period in which the report on the merits will be prepared starting from the date when it was decided to examine the merits shall be determined by the President by taking into account the opinion of the rapporteur. The rapporteur who fails to prepare the report on the merits within this period shall notify in writing to the Presidency the reasons for the delay and the period in which the examination can be completed. If necessary, this period can be extended by the President to a sufficient degree.

(3) The following matters must be included in the examination report on the merits:

a) The period pertaining to the preliminary examination,

b) The meaning and scope of the rule,

c) The evaluation of the claims of contrariety to the Constitution.

(4) The rapporteur shall abide by the rules of scientific reference in his/her report.

(5) The rapporteur shall also prepare the draft decision along with the report in circumstances where the nature of the task allow for the preparation of the draft decision.

(6) The rapporteur shall be present during the discussion on the merits of the task s/he has examined and shall make the necessary explanations.

CHAPTER TWO

Financial Inspection of Political Parties

Preliminary examination in financial inspection

ARTICLE 51- (1) As per article 74 of the Code on Political Parties dated 22/4/1983 and numbered 2820, political parties shall submit to the Court until the end of June the document signed by their chairpersons and the following documents in its annex,

a) An approved copy of the decision made by the central decision making and administrative boards (competent bodies which are authorized in the party by-law to approve final accounts) attesting to the fact that the final accounts of the party headquarters and provincial organizations have been inspected, approved and consolidated,

b) An approved copy of the annual final account which has been agreed upon and consolidated,

c) An approved copy of the final account of the party headquarters,

ç) Approved copies of the final accounts of provincial organizations which also cover the respective sub-provinces and have been signed by provincial officers and the compendium list of the final accounts of provincial organizations to be prepared by the headquarters,

d) Lists demonstrating the values, dates and manner of acquisition of the immovable properties, movable properties with a value exceeding one hundred liras, real estate and all sorts of rights acquired by the party headquarters and provincial organizations within the same accounting period,

e) The inventory record on cash balance on hand demonstrating the end-of-year existing cash balance which bears the signatures of the secretary general and the general accountant of the party and the reconciliation documents regarding the bank accounts approved by bank officials.

(2) The above mentioned documents shall be sent by the Court to the Presidency of the Court of Accounts in order to be inspected.

(3) The inspectors to be assigned by the Presidency of the Court of Accounts shall inspect the final accounts handed over to them with a view to whether these have been prepared as per articles 73 and 74 of the Political Parties Code numbered 2820, whether the carry over amounts are accurate and whether the final accounts tables contain a material mistake or inconsistency which has an impact on the result. When necessary, they can request information from the officials at all levels of the relevant political parties regarding these matters. It shall be compulsory to provide without delay the requested information and the documents and papers which form the basis of these.

(4) The assigned inspectors shall benefit from the political party registration file kept by the Chief Prosecution Service of the Supreme Court of Appeals in order to be able to determine whether the political parties have sent all the final accounts pertaining to the provinces where they are organized.

(5) The inspectors shall submit to the Presidency the reports they will prepare within two months at the latest starting from the date when the final accounts have been handed over to them; they shall demonstrate deficiencies, mistakes or inconsistencies, if any, and how these can be remedied.

(6) The rapporteurs to be assigned by the Presidency shall be present during the preliminary examination meetings regarding the reports and make the necessary explanations.

(7) An appropriate period not exceeding one month shall be given by the Court to the political party for the completion of deficiencies and the correction of mistakes and inconsistencies.

(8) In the event that it is understood that there are no deficiencies, mistakes or inconsistencies in the final accounts or that these are remedied according to the due procedure, it shall be decided to examine the merits of the affair. In this decision, an appropriate period not exceeding one month shall be given to the concerned party for sending the revenue and expenditure documents of the party headquarters and provincial organizations and the book entries where these are kept. This decision shall be notified to the concerned party.

Examination on merits in financial inspection

ARTICLE 52- (1) The revenue and expenditure documents and book entries shall be sent by the party to the Presidency of the Court of Accounts for the conduct of the examination on merits. The revenue and expenditure documents and book entries of the headquarters and provincial organizations of parties shall be examined. The principles and procedures of the inspection to be carried out and the matter regarding which provincial organizations will be examined shall be determined by the Presidency of the Court of Accounts unless otherwise decided by the Court.

(2) The examination regarding the merits of the affair shall be conducted with a view to whether the revenues and expenditures of political parties are accurate and in compliance with the Code. The examination of accuracy shall comprise the examination conducted on

the books and documents which form the basis for the final accounts. The examination of compliance with the Code shall be geared towards determining whether or not the revenues and expenditures have been made in compliance with the Political Parties Code.

(3) The assigned inspectors shall examine the party books, revenue and expenditure entries and related documents pertaining to the headquarters of parties and the provincial organizations foreseen to be examined and compare these with the final accounts. When necessary, they can request information from the officials at all levels of the relevant political parties regarding these matters. It shall be compulsory to provide without delay the requested information and the documents and papers which form the basis of these.

(4) The examination reports containing the matters and findings spotted during the examinations shall be sent by the inspectors to the concerned political parties and the parties shall be requested to provide their opinions regarding these matters by taking into consideration the scope of the report within two months at the latest.

(5) The inspectors shall submit their reports on the merits which contain the opinions of the concerned political parties and their own thoughts to the Court. A copy of the documents related to the matters included in the report, the examination report sent to the party and the response of the party shall be included in the annex of the report. The provincial organizations the revenue and expense documents and book entries of which have been examined shall be demonstrated in the report.

(6) The rapporteurs to be assigned by the Presidency shall be present during the discussion of these reports prepared by the inspectors of the Court of Accounts and make the necessary explanations.

(7) A copy of the decisions regarding the financial inspection by the Court shall be sent to the headquarters of the concerned political party, a copy shall be sent to the Presidency of the Court of Accounts and a copy shall be sent to the Office of the Chief Public Prosecutor of the Supreme Court of Appeals in order to be included in the registration file of the party in question.

(8) The revenue and expenditure documents and book entries pertaining to the accounts of the party regarding which a decision has been sent shall be returned to the concerned party by the Presidency of the Court of Accounts.

(9) The financial inspection decisions shall be published in the Official Gazette.

CHAPTER THREE

Provisions Regarding the Functioning of the General Assembly

Agenda of the General Assembly

ARTICLE 53-(1) It shall be incumbent on the Presidency to set the date of General Assembly meetings and to arrange the agenda. When necessary, the General Assembly can also decide to incorporate certain actions into the agenda as well.

(2) A copy of each of the reports and decisions prepared by rapporteurs and submitted to the Presidency and the agenda prepared by the Presidency shall be distributed to the members at least a week prior to the date of the meeting.

(3) The President can set the date and agenda of the meeting without being bound by the procedure and period stipulated in this article in circumstances which are urgent and which are expected to be damaging if delayed. The General Assembly shall separately determine the day of deliberation in the event that it does not agree with this opinion and does not accept the actions carried out by the Presidency.

(4) The agenda shall be sent to the members and rapporteurs in print or on electronic media and be published on the website of the Court.

(5) The members can examine the files at all times if they request to do so.

Meetings and deliberations

ARTICLE 54- (1) The members shall be present in deliberations, hearings and sessions where oral explanations are made, according to their seniority.

(2) If one of the members claims prior to the beginning of a deliberation that s/he has not been able to sufficiently examine the affair at hand, the deliberation of the affair in question shall be postponed to another day. A member who has joined the board later can also request the postponement of the deliberation for the same reason. This postponement can be done only once.

(3) The deliberation shall be initiated and managed by the President. Those requesting the floor shall be given the floor in the order in which they have requested it. Those who wish to speak regarding the procedure shall be given the floor with priority. The speech of the member who is talking shall not be interrupted. However, speeches outside the subject can be interrupted by the President.

(4) Voting shall be proceeded to upon the completion of the deliberation.

(5) The deliberations of the Court shall be secret and recorded via the technical equipment to be deemed appropriate by the President. The principles regarding the preservation and utilization of these records shall be regulated via a regulation.

(6) The Court can defer to another day or postpone in order to be discussed on a date to be determined by the Presidency the deliberation of an affair which is included in the agenda, the completion of an already initiated deliberation or an affair the deliberation of which has not yet been initiated.

(7) A member who has been present during the initiation of the deliberations cannot leave the Board until the affair in question has been concluded unless s/he has a very important excuse. The member who has not been able to participate in the deliberations due to his/her excuse cannot be present during the deliberation of the same affair by stating that his/her excuse has ended unless the meeting quorum obliges. A member who has newly

taken office by taking the oath cannot participate in already initiated deliberations except for those in the Supreme Court unless the numbers oblige.

(8) Members who have not yet taken the oath can follow the meetings and deliberations on the condition that they do not declare their opinions and participate in the voting.

Failure to participate in meetings

ARTICLE 55- (1) Members who will not be able to participate in meetings due to their excuses shall notify this to the Presidency as soon as possible. Disease, circumstances such as being on leave or on duty as well as force majeure and other sudden and important incidents shall be considered as excuses.

(2) The President shall appraise the validity of an excuse.

Voting

ARTICLE 56-(1) It shall be possible to resort to electronic voting in the event that the President deems appropriate and the nature of the affair allows. In circumstances where an open vote is carried out, the voting shall start from the least senior member. Abstention votes shall not be cast.

(2) Those who remain in minority regarding matters of duty and procedure shall be obliged to participate in the deliberation and voting on the merits.

Decision

ARTICLE 57-(1) In circumstances where there are no additional provisions in the Constitution and the Code, the decisions shall be made with a simple majority. In the event of equality of votes, the decision shall be made in line with the side which the President has opted for.

(2) Those who agree with the decision, those who remain in minority and the summary of the decision shall be demonstrated via minutes. These minutes shall be signed by the President before the meeting is adjourned.

(3) After the merits of the affair have been concluded, the draft decision shall also be deliberated if one has been submitted by the rapporteur. When necessary, the President can assign one of the members who agree with the decision to the drafting of the decision with the rapporteur.

(4) The names and surnames of the rapporteurs shall appear in the decision.

(5) In the event that disagreement arises over the text of the decision, the President shall determine the final version of the decision.

(6) On the condition that the members who have participated in the committee submit jointly or separately their dissenting vote texts or different or additional justifications, if any,

to the Presidency within ten days after the General Assembly has determined the final version of the decision, these shall be incorporated into the decision. In the event that dissenting votes and different or additional justifications are not submitted to the Presidency within this period, the decision shall be published without these being added to it.

Printing and publishing of decisions

ARTICLE 58- (1) The decisions shall be printed on one side of papers bearing the emblem of the Court and each page shall be stamped with the seal of the Court.

(2) The reasoned decisions made regarding the merits in applications for annulment and objection shall be published in the Official Gazette. Which of the other decisions will be published in the Official Gazette shall be determined by the Presidency. The copies of the decisions to be published in the Official Gazette shall bear the signatures of the President and the deputy Secretary General responsible for judicial affairs.

(3) The copies of decisions thus prepared shall be submitted to the relevant unit of the Office of the Prime Minister in exchange for signature and published without being split into parts in the first issue of the Official Gazette to be printed.

(4) Errors in printing and material mistakes shall be corrected in the first issue of the Official Gazette to be printed upon the correspondence of the Presidency.

CHAPTER FOUR

Individual Application

Individual application form and its annexes

ARTICLE 59-(1) The applications shall be made in the official language using the application form which is published on the website of the Court and the copy of which is available in the annex (Annex-1) of the Internal Regulation.

(2) The application form shall contain the following matters:

a) The name, surname, the Republic of Turkey identification number, date and place of birth, nationality, gender, occupation and address, telephone numbers and electronic mail address, if any.

b) If the applicant is a legal person, its title, address and the identification information pertaining to the individual who is authorized to represent the legal person, telephone numbers and electronic mail address, if any.

c) If the applicant has a legal representative or an attorney, the name, occupation and address, telephone number and electronic mail address, if any, of the legal representative or the attorney.

ç) A chronologically ordered summary of the incidents pertaining to the act, action or neglect of the public power alleged to have caused the violation.

d) Which of the rights within the framework of individual application is violated for what reason and concise explanations pertaining to relevant justifications and evidences.

e) The grounds pertaining to the claim of direct damage to a current and individual fundamental right of the applicant.

f) The stages pertaining to the exhaustion of legal remedies.

g) The date on which legal remedies were exhausted or the date on which the violation became known if no legal remedies were set forth.

ğ) If the application was not made in its due period due to an excuse, the relevant explanations.

h) The demands of the applicant.

ı) If the applicant has another application pending at the Court, its number.

i) The demand for keeping the identity secret in documents which are open to the public and its justifications, if any.

j) Whether the applicant wishes to be notified via text message (SMS) or electronic mail.

k) The signatures of the attorney or the legal representative of the applicant, if any.

(3) The following documents or their approved copies shall be annexed to the application form:

a) The document attesting to the authority to represent the applicant in applications which are pursued via a legal representative or attorney.

b) The document attesting to the fact that the fee has been paid.

c) A copy of the national identification card, a valid identity document if the applicant is a foreign national.

ç) In legal persons, the document authorizing representation of the legal person.

d) The notification document if the final decision or the action has been notified.

e) The originals or approved copies of the documents which are brought forward.

f) The documents pertaining to the incurred damage and related documents if there is a claim for compensation.

g) The documents proving the excuse if the application could not be made in its due period.

(4) In the event that the applicant cannot have access to the documents listed under paragraph three which s/he brings forward as the grounds for the allegation of violation, s/he

shall explain the reasons thereof. The Court collects ex officio such information and documents in the event that it deems this to be necessary.

(5) It shall be compulsory for the applicants to notify the Court if there has been a change in their addresses or conditions pertaining to the application.

Principles regarding the preparation of the form and its annexes

ARTICLE 60-(1) The application form shall be prepared as per article 59 of the Internal Regulation and the documents or their approved copies stipulated under the same article shall be annexed to the application form.

(2) The application form shall be prepared legibly and in a manner so as to contain the concise information pertaining to the merits of the application. In the event that the application form exceeds ten pages except for the annexes, the applicant shall be required to separately add a summary of the incidents to the application form.

(3) The applicant shall enumerate the documents s/he submits in the annexes of the application form according to their dates and shall relate each of the documents to a list of contents under descriptive headings.

Representation of the applicant

ARTICLE 61- (1) The individual application can be made by the applicant in person, his/her legal representative or attorney. In applications made via an attorney or legal representative, the document of authority pertaining to the representation must be submitted.

(2) If the applicant has an attorney or a legal representative, the correspondence conducted or the notifications made to them shall be considered to have been made to him/her.

Individual application fee and legal aid

ARTICLE 62- (1) The individual application fee stipulated in the first sentence of heading entitled A) "Court Fees" of the tariff numbered (I) related to the Code on Fees dated 2/7/1964 and numbered 492 shall be paid to the cashier's offices of the Ministry of Finance .

(2) The requests for legal aid shall be concluded by the Section or the Commissions which will rule on the admissibility of the applications as per the general provisions.

Places where the application can be made

ARTICLE 63- (1) Individual applications can be made in person to the Court in compliance with the application form found in the annex of the Internal Regulation and published on the website of the Court as per the conditions stipulated in the Code and the Internal Regulation, they can also be made via other courts or representations abroad.

(2) When the duly prepared application form is submitted to the places stipulated above along with the fee collection voucher, a document of receipt shall be issued to the

applicant or to his/her representative and this date shall be accepted as the date on which the application is made.

(3) The application form and its annexes submitted to courts or representations abroad shall be sent to the Court on physical and electronic media after having carried out the required registration actions. In circumstances where the case and other trial actions are undertaken on electronic media, data shall be saved and stored via UYAP.

(4) The General Assembly can take decisions pertaining to the matter of making applications on electronic media by using secure electronic signature.

Application period and excuse

ARTICLE 64- (1) The individual application must be made within thirty days starting from the exhaustion of legal remedies and the finalization of the decision pertaining to this, from the date when the violation is known if no remedies are set forth.

(2) In the event that the applicant cannot make his/her application within its due period as a result of a valid excuse such as force majeure or severe disease, s/he can apply with the evidence documenting his/her excuse within fifteen days of the date when his/her excuse no longer applies. A draft decision as to whether the excuse should be accepted or not shall be prepared by the office of the Commissions rapporteur. The Commission shall accept or reject the excuse by first examining whether or not the excuse of the applicant has been considered valid.

(3) A single draft pertaining to the excuse and admissibility can be prepared and these two matters can be concluded jointly in the event that this suits the nature of the application.

Individual Application Bureau

ARTICLE 65- (1) The Individual Application Bureau shall consist of a rapporteur and a sufficient number of deputy rapporteurs and personnel under the supervision of the Commissions rapporteur in chief.

(2) The duties of the Individual Application Bureau shall be as follows:

a) To register, assign numbers to and file the individual applications which reach the Court.

b) To determine the deficiencies in applications which need to be completed from an administrative point of view and to carry out the necessary correspondence in order for these to be remedied.

c) To carry out the registration, follow up, transfer to relevant units of the correspondence pertaining to individual applications and other actions.

Preliminary examination of the form and its annexes and deficiencies

ARTICLE 66- (1) The Individual Application Bureau shall examine the incoming applications in order to determine whether or not they contain formal deficiencies. In the event that a deficiency is determined in the application form or its annexes, a period not exceeding fifteen days shall be provided to the applicant, to his/her attorney or legal representative, if any, in order for these to be remedied.

(2) In the paper pertaining to the completion of the deficiencies, it shall be notified to the applicant that a decision to reject his/her application will be made in the event that s/he does not remedy the deficiencies within the provided period without a valid excuse.

(3) In circumstances where the application has not been made in its due period, it is not in compliance with the formal conditions under articles 59 and 60 and the determined deficiencies have not been completed within the provided final periods, it shall be decided by the Commissions Rapporteur in Chief to reject the application and this shall be notified to the applicant. An objection against this decision can be filed to the Commission within seven days of the date of notification. The decisions made by the Commissions in this matter shall be final.

Distribution of individual applications to Sections and Commissions

ARTICLE 67- (1) The allocation of the applications which have been registered and enumerated by the Individual Application Bureau shall be done automatically between the Sections and the Commissions.

(2) The files which need to be examined after having been combined as per their nature shall be combined under the file of the application which was registered the first.

Order of examination of applications

ARTICLE 68- (1) The individual applications shall be examined and concluded in the order in which they have been submitted. However, the Court can impose a separate examination order within the framework of the criteria it determines by taking into account the topical importance and emergency of the applications.

Correspondence

ARTICLE 69- (1) The applicants shall be obliged to carry out their correspondence with the Court by following the procedure for individual applications determined in the Internal Regulation.

(2) The periods which are provided in relation to the consummation of the individual application files by the Secretariat General, the Commissions or the Sections according to the circumstances and which are of a minimum duration of fifteen days shall be final; the information and documents which are not submitted as per the due procedure within these periods shall not be taken into consideration in the examination of the application and not be included in the file.

(3) The information, documents and all kinds of other requests in relation to the applications must be made in writing. The requests which are made without abiding by this procedure shall not be taken into consideration with the exception of those made during hearings, hearing of witnesses or viewings.

Request for information, documents and notification

ARTICLE 70- (1) During the fulfillment of the duties assigned to itself, the Court shall correspond directly with the legislative, executive and judicial organs, public administrations, public officials, banks and other real and legal persons, request information and documents, examine all kinds of documents, entries and actions it deems necessary, can summon public officials of all degrees and classes in order to obtain information, can ask for representatives from the administration and other legal persons.

(2) The information and documents which reach the Court within the framework of the paragraph above shall be notified to the applicant, the Ministry of Justice and other concerned parties, if any, in order for them to be able to submit their opinions within the fifteen-day period.

(3) If the Court comes to hold the opinion that the applicant or the public authority refrains from submitting the requested information or document or conceals evidence or fails to actively participate in the trial for whatever reason despite having been summoned, it shall derive the relevant conclusions from this situation and make its decision.

Notification to the Ministry of Justice

ARTICLE 71- (1) In the event that a decision of admissibility is made pertaining to the individual application, a copy of the application shall be sent to the Ministry of Justice for information purposes. In circumstances where it deems necessary, the Ministry of Justice shall notify its opinion to the Court in writing.

(2) The Ministry of Justice shall provide its opinion pertaining to the application within a period of thirty days. In case of a request, this period can be extended by an additional thirty days by the Court. In the event that an answer is not provided within the indicated periods starting from the notification of the application to the Ministry of Justice, the Court shall make its decision according to the information and documents within the file.

(3) The answer of the Ministry of Justice shall be notified to the applicant. The applicant shall be required to submit his/her counter statements, if any, to the Court within fifteen days.

Voting and decision in Sections and Commissions

ARTICLE 72- (1) The Sections shall make their decisions with a simple majority.

(2) The decisions of admissibility or inadmissibility of an application shall be made unanimously by the Commissions. In cases where unanimity cannot be obtained, the application shall be transferred to the Section in order for a decision to be made.

(3) In matters deemed to be appropriate by the President of Section, the Commissions can also make decisions without them having to hold a meeting by means of having the draft decisions that are prepared by the rapporteurs signed by the members starting with the least senior member. In the event that one of the Commission members requests the matter to be discussed in a meeting, the mentioned procedure shall not be applied.

(4) It shall be possible to resort to electronic voting in the event that it is deemed to be appropriate by the Section or Commissions and the nature of the affair allows. In circumstances where an open vote is carried out, the voting shall start from the junior member.

Cautionary judgment

ARTICLE 73-(1) Upon learning that there is a serious danger towards the life or material or moral integrity of the applicant, the necessary measures can be ruled upon ex officio by the Sections during the examination on merits or upon the request of the applicant.

(2) In relation to the applications which have been examined; upon learning that there is a serious danger towards the life or material or moral integrity of the applicant unless a decision of cautionary judgment is made ex officio or upon the request of the applicant prior to the decision regarding the merits of the file, the admissibility examination of the application shall be carried out immediately by the Commissions, the application shall be sent to the relevant Section in order for the matter of cautionary judgment to be concluded as well.

(3) In the event that the Section makes a decision of cautionary judgment, it shall notify this to the relevant individuals and institutions for the necessary action to be taken.

(4) The decision in relation to the merits of the application regarding which a cautionary judgment decision is made must be made within six months at the latest. Unless a new decision is made for the continuation of the cautionary judgment, in circumstances where it is decided that the right of the applicant was not violated or it is decided to dismiss the application, the decision of cautionary judgment shall be automatically lifted.

Hearing

ARTICLE 74- (1) The Sections shall examine the applications based on the file. However, it can be decided to conduct a hearing in the event that this is deemed to be necessary ex officio or upon the request of the applicant or the Ministry of Justice.

(2) In the event that it is decided to conduct a hearing, the location, date and time of the hearing shall be notified to the concerned.

(3) Hearing minutes shall be drafted during the hearing. Copies of the minutes shall be provided to the applicant, the Ministry of Justice and the other concerned, if any, in the event that they so request.

Pilot decision procedure

ARTICLE 75- (1) In the event that the Sections determine that an application stems from a structural problem and that this problem has led to other applications or that they envisage that this situation will lead to new applications, they can implement the pilot decision procedure. In this procedure, a pilot decision shall be made by the Section in relation to the matter. Applications of similar nature shall be resolved by administrative offices within the framework of these principles; in the event that they are not resolved, they shall be reviewed and concluded collectively by the Court.

(2) The Section can initiate the pilot decision procedure ex officio or upon the request of the Ministry of Justice or the applicant.

(3) The application which has been selected for the pilot decision practice shall be considered as part of the prioritized affairs on the agenda.

(4) In its pilot decision, the Section shall demonstrate the structural problem it has identified and the measures which need to be taken for its solution.

(5) With the pilot decision, the Section can postpone the examination of similar applications which are related to the structural problem that is the subject of this decision. The concerned shall be informed regarding the decision of postponement. In the event that it deems this to be necessary, the Section can put on the agenda and conclude the applications it has postponed.

Preparation of draft decisions

ARTICLE 76-(1) Draft decisions which are in compliance with the drafting procedure indicated within the Internal Regulation and also contain the summary opinion of the rapporteur shall be prepared by individual application rapporteurs or deputy rapporteurs in order to be submitted to the Commissions or the Sections.

(2) The draft decisions which have been prepared in this manner shall be submitted to the relevant Commission or Section with the signature of the rapporteur in chief of the relevant unit. The draft decisions which have been prepared in order to be submitted to the Section shall also be sent to Ar-İç.

Format of decisions of Commissions

ARTICLE 77-(1) The decisions made by the Commissions shall contain the following matters:

a) As the header information of the page;

1) The emblem of the Court,

2) The expression "the Constitutional Court",

3) The relevant Commission of the Section which has made the decision,

b) In the text of the decision;

- 1) The application number,
- 2) The date of the decision,
- 3) The names of the President of the Commission, members and the rapporteur,
- 4) The names of the parties and their representatives, if any,
- 5) The description of the procedure followed before the Court,
- 6) The cases which are the subject of the case,
- 7) The summary of the claims and defenses of the parties,
- 8) The justification of the decision,
- 9) The text of judgment,
- 10) The trial expenses.

(2) Page and paragraph numbers shall be added to decisions.

Format of decisions of Sections

ARTICLE 78- (1) The decisions made by the Sections shall contain the following matters:

a) On the first page of the decision;

- 1) The emblem of the Court,
- 2) The expression "the Constitutional Court",
- 3) The Section which has made the decision,
- 4) The application number,
- 5) The date of the decision.

b) On the other pages, on the condition that the paragraphs are enumerated;

- 1) The names of the President of the Section, members and the rapporteur,
- 2) The names of the parties and their representatives, if any,
- 3) The description of the procedure followed before the Court,
- 4) The facts which are the subject of the case,
- 5) The summary of the claims and defenses of the parties,
- 6) The justification of the decision,

7) The text of the judgment,

8) The decision regarding the trial expenses.

(2) The members which take part in the committee shall have the right to add jointly or separately their dissenting vote texts or different or additional justifications to the decision.

Decision of violation and removal of violation

ARTICLE 79-(1) If the Section determines that the violation has stemmed from a court decision;

a) It shall send the file to the relevant court in order for a retrial to be conducted to resolve the violation and its consequences. The relevant court shall carry out a retrial in such a way as to resolve the violation and its consequences as explained by the Section in its decision of violation and urgently make a decision based on the file if possible.

b) In the event that it is decided at the end of the examination carried out by the Sections that a right of the applicant has been violated, a suitable compensation in favor of the applicant can be ruled upon if there is no legal benefit in carrying out a retrial.

c) In the event that the determination of the compensation amount requires a more detailed examination, the Section can offer the remedy of filing a case at general courts without concluding the matter itself.

(2) In circumstances where this is deemed to be necessary, what needs to be done regarding the matter of the way in which the violation and its consequences can be resolved as per paragraph one of article 50 of the Code shall be indicated in the decision of the Section.

Decision of dismissal

ARTICLE 80-(1) A decision of dismissal can be made by the Sections or the Commissions at all stages of the trial in the following circumstances:

a) The explicit withdrawal of the applicant from the case.

b) That it is understood that the applicant has left his/her case without pursuit .

c) That the violation and its consequences have been resolved.

ç) That no reason justifying the continuation of the examination of the application is found due to another justification identified by the Sections or the Commissions.

(2) The Sections or the Commissions can continue to examine an application which bears the quality indicated in the paragraph above in circumstances required by the implementation and interpretation of the Constitution or the determination of the scope and limitations of fundamental rights or the respect for human rights.

Signing, notification and publication of the decision

ARTICLE 81-(1) The decisions which have been made by the Sections and Commissions shall be signed by the President and all of the members who make up the committee in order of seniority and appended with the seal of the Court.

(2) Dissenting vote texts or different or additional justifications shall be submitted to the Presidency of the Section within fifteen days starting from the date when the decision was made. The dissenting vote texts or different or additional justifications which are not submitted within this period shall not be taken into consideration.

(3) The decisions which have been made by the Sections and Commissions shall be final. The signed original copies of the decision shall be preserved at the archives of the Court. A copy of the decision shall be notified to each of the applicant, the Ministry of Justice and the other concerned.

(4) All of the decisions of the Sections and those which bear principal significance from an admissibility point of view from amongst the decisions of the Commissions shall be published on the website of the Court.

(5) The decisions which are determined by the President of Section, which bear the quality of being pilot decisions made by the Section or bear principal significance in terms of displaying case law shall be published in the Official Gazette.

Clarification and correction of material mistakes

ARTICLE 82- (1) Regarding the decisions which have been made by the Sections, the concerned can request the clarification of the judgment or the correction of material mistakes as per the provisions of the Code of Civil Procedure dated 12/1/2011 and numbered 6100.

Misuse of the right to application

ARTICLE 83- (1) In the event that it is determined that the applicant has clearly misused the right to individual application through his/her behavior which is abusive, misleading or of a similar nature, the application shall be rejected and it shall be decided to sentence the concerned to a disciplinary fine not exceeding two thousand Turkish liras apart from the trial expenses.

Application of general provisions

ARTICLE 84- (1) In the examination of individual applications, in circumstances where there are no provisions in the Code and the Internal Regulation regarding the execution of the decisions, the provisions of relevant procedural codes which are suitable to the nature of the individual application shall be applied.

SECTION FOUR

Final Provisions

CHAPTER ONE

Miscellaneous Provisions

Books and registries to be kept and archive

ARTICLE 85- (1) The books and registries which need to be kept according to the requirements of the units at the Court shall be demonstrated in a regulation.

(2) The personal files of the President and members and the assigned rapporteurs and other personnel shall be kept by the Directorate of Personnel.

(3) The archive services shall be conducted as per the general provisions.

Daily working duration

ARTICLE 86- (1) The daily working hours of the Court shall be 8.30-12.00 / 13.00-17.30. These hours can be changed by the Presidency in line with the requirements of the service. The change shall be announced on the website of the Court.

Annual and excused leaves of members and rapporteurs

ARTICLE 87- (1) The annual and excused leaves of the members shall be granted by the President. Sick leaves and excused leaves shall be subject to the general provisions.

(2) The President, Deputy Presidents and members shall have the right to forty days of annual leave. In utilizing the leaves, attention shall be paid to ensuring that the affairs which are handled in the capacity of the Supreme Court or which are subject to periods are not disrupted and that the members are allowed to rest. The members shall be allowed to utilize their leaves on dates of their own choosing as much as this is possible.

(3) The leaves of the rapporteurs who are assigned and appointed at the Court shall be allowed by the President to be utilized by taking their requests into account and on the condition that the work is not disrupted.

Security measures to be taken at the Court premises

ARTICLE 88- (1) The requests of the Presidency pertaining to the security of the Court shall be immediately fulfilled by administrative authorities and security services. Unless requested by the Presidency, no authority or office can take security measures at the Court premises.

Library and Publication Affairs

ARTICLE 89- (1) The printed and electronic books and publications to be purchased for the Library of the Court, the databases to be subscribed to and the publications to be made by the Court shall be determined by the Library and Publication Commission consisting of a member, a deputy Secretary General and a rapporteur determined by the President.

(2) Other affairs of the library and other matters pertaining to publications shall be fulfilled by the Directorate of Publication and Public Relations in line with a regulation to be issued.

(3) The decisions deemed to be appropriate by the Library and Publication Commission shall be published in the Journal of the Constitutional Court Decisions.

Assignments abroad

ARTICLE 90- (1) It shall be decided by the Presidency to send the President, Deputy Presidents, members, rapporteurs and deputy rapporteurs to foreign countries in order to conduct professional examinations, share knowledge and experience, participate in congresses, conferences, seminars and other scientific meetings by providing them with their salaries and allowances, real travel expenses and per diem payments and on the condition that the work is not disrupted.

(2) Rapporteurs and deputy rapporteurs can be assigned abroad for up to two years by the Presidency in order to conduct graduate level education, to work or to train at courts of foreign countries, universities or international organizations within the framework of scientific research or mutual cooperation. In the event that this is deemed necessary by the Presidency, these periods can be increased up to two folds. The provisions regarding civil servants shall be applied regarding the matter of the financial rights, responsibilities, compulsory service, payment of expenses and the transfer of the salaries and allowances of those who are assigned abroad within this framework.

(3) The increase in level, advancement in grade, retirement, salary, allowance and all other personal rights and liabilities of those who have been sent to foreign countries as per the provisions of paragraph two shall continue.

(4) The principles and procedures and the criteria applicable in assignment abroad shall be determined in a regulation.

Garments

ARTICLE 91- (1) The garments to be worn by the President, Deputy Presidents and members on foundation anniversaries, in affairs with hearing, oath taking ceremonies and during hearing in political party closure cases shall be black women's suit, white blouse and black shoes for female members; black suit, white shirt, tie and black shoes for male members. The robe shall be made out of black fabric and the collars shall be ornamented in Maraş style (Annex-2).

(2) The robe to be worn by rapporteurs on foundation anniversaries and while hearings during their duties at the Supreme Court and in political party closure cases shall be made out of black fabric, the sleeves and collars shall be made out of violet satin and ornamented in Maraş style (Annex-3).

(3) The garments to be worn by deputy rapporteurs on foundation anniversaries, in affairs with hearing, oath taking ceremonies and during hearing in political party closure cases shall be black women's suit, white blouse and black shoes for women; black suit, white shirt, tie and black shoes for men.

(4) Wearing robes in other ceremonies shall be subject to the decision of the Court.

(5) The robes shall be tailored out of the allowance included in the budget and provided to the President, members and rapporteurs as inventory stock. It shall be renewed at suitable intervals.

Emblem and badge of the Court

ARTICLE 92- (1) The emblem which is adopted with a decision of the Court and can only be changed in this manner shall be used in the publications of the Court, in its printed papers and in the identity cards and badges of its members and retirees (Annex-4). The badge shall not have a frame.

(2) The badge which has been determined can be used by the President, Deputy Presidents, members and retirees.

Certificate of honor

ARTICLE 93-(1) The "Certificate of Honor" the text of which is demonstrated in (Annex-5) shall be given to Presidents, Deputy Presidents and members who retire.

(2) The retired presidents and members of the Court and the individuals deemed to be appropriate shall be invited to the ceremony during which the certificates of honor and the gifts symbolizing the honor of past services will be given.

(3) The certificates of honor of Presidents and members who pass away prior to retiring shall be given to their spouses, to their children if these are absent, to other legal heirs if these are absent as well.

Funeral ceremonies

ARTICLE 94-(1) The funeral ceremonies of the President and members and retired presidents and members shall be commenced at the Court in the event that this is so requested by their families. The passing away shall be announced via newspapers, TRT and news agencies.

CHAPTER TWO

Amendment, Entry into Force and Enforcement of the Internal Regulation

Amendment of the Internal Regulation

ARTICLE 95- (1) The amendment of the Internal Regulation can be requested by the President or at least three members. It shall be compulsory to bring forward the requests regarding this matter in writing and to indicate the justifications.

(2) The request for amendment shall be taken onto the agenda by the Presidency within fifteen days. If it is decided by the General Assembly that there is need for an amendment, a commission consisting of three individuals selected from amongst the members shall be established in order to carry out an examination regarding the matter and prepare a report containing the draft amendment text.

(3) The report of the commission shall be taken onto the agenda and concluded within thirty days.

Abolished legislation

ARTICLE 96- (1) The Internal Regulation of the Constitutional Court published in the Official Gazette dated 3/12/1986 and numbered 19300 has been abolished.

Entry into force

ARTICLE 97- (1) This Internal Regulation shall enter into force on the date of its publication in the Official Gazette.

Enforcement

ARTICLE 98- (1) The President shall enforce the provisions of this Internal Regulation.



**THE REPUBLIC OF TURKEY
CONSTITUTIONAL COURT**

**INDIVIDUAL APPLICATION
FORM**

Prepared as per article 59 of the Internal Regulation of the Constitutional Court

INDIVIDUAL APPLICATION FORM

I- PERSONAL INFORMATION

A- FOR REAL PERSONS

THE APPLICANT'S

1- THE REPUBLIC OF TURKEY ID NUMBER :

2- NAME: **3 - SURNAME :**

4- GENDER: MALE : **FEMALE :**

5- NATIONALITY:

6- OCCUPATION:

7- PLACE AND DATE OF BIRTH : (DD/MM/YY) / /

8- CORRESPONDENCE ADDRESS:

9- TELEPHONE NUMBER AND ELECTRONIC MAIL ADDRESS

a- HOME :

b- WORK :

c- MOBILE :

ç- ELECTRONIC MAIL ADDRESS :

THE ATTORNEY'S

1- NAME : **2 - SURNAME :**

3 - CORRESPONDENCE ADDRESS :

4- TELEPHONE NUMBER AND ELECTRONIC MAIL ADDRESS

a- HOME :

b- WORK :

c- MOBILE :

ç- ELECTRONIC MAIL ADDRESS :

II- EXPLANATIONS

A- The chronologically ordered summary of the incidents pertaining to the act, action or neglect of the public power:

B- Which of the rights within the framework of individual application is violated for what reason and concise explanations pertaining to relevant justifications and evidences:

C- The explanation pertaining to the claim of direct damage to a current and individual fundamental right of the applicant:

III- INFORMATION PERTAINING TO THE EXHAUSTION OF LEGAL REMEDIES

A- The stages pertaining to the exhaustion of legal remedies:

B- The date on which legal remedies were exhausted or the date on which the violation became known if no legal remedies were set forth:

1- THE COURT/OFFICE/AUTHORITY WHICH HAS MADE THE DECISION:

2- THE DATE AND NUMBER OF THE DECISION:

3- THE DATE OF NOTIFICATION OR THE DATE WHEN IT BECAME KNOWN:

V- REQUESTED OUTCOMES

I hereby declare that the information I have provided in this application form is correct; that I will notify the Court when a change occurs in the information indicated in the form, in my addresses or in circumstances pertaining to the application.

Applicant :

Representative/Attorney :

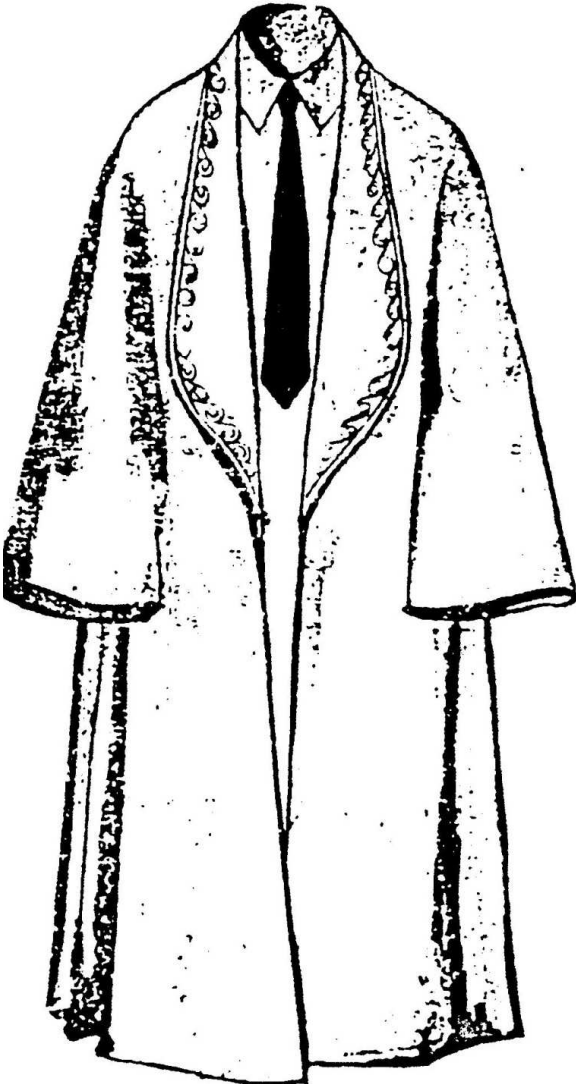
Date : /

Signature :

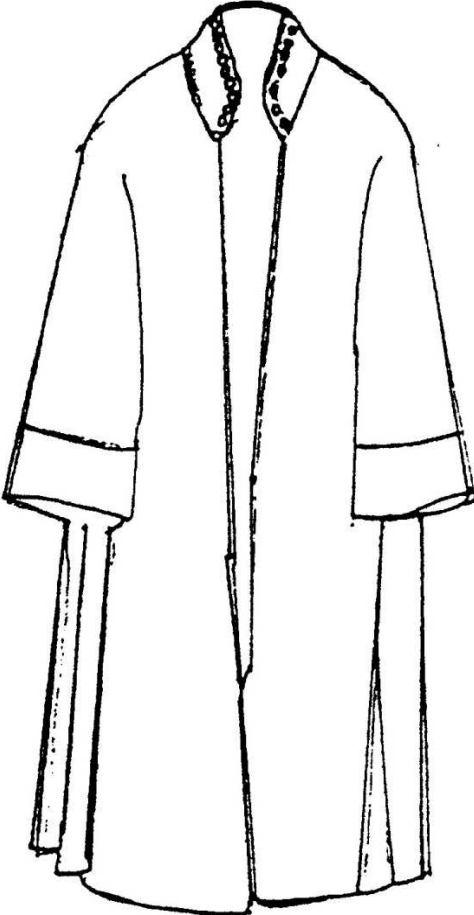
ANNEXES

- 1- Certificate of authorization or power of attorney
- 2- The document attesting to the fact that the application fee has been paid
- 3- Copy of the national identification card, a valid identity document if the applicant is a foreign national
- 4- Document authorizing representation of the legal person in legal persons
- 5- Notification document pertaining to the final decision or action
- 6- Originals or approved copies of the documents which are brought forward
- 7- Documents pertaining to the incurred damage and related documents if there is a claim for compensation
- 8- Documents proving the excuse if the application could not be made in its due period
- 9- If the applicant could not have access to the documents brought forward as the basis for the violation claim, the reasons and justifications thereof

MEMBERS' ROBE

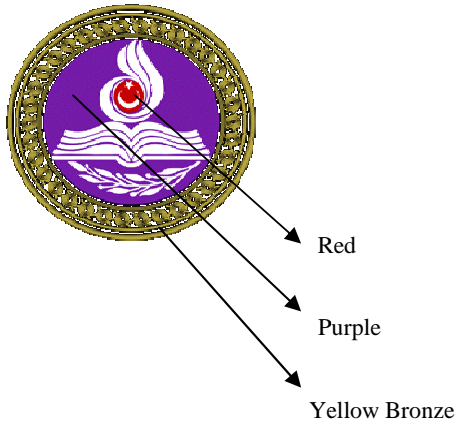


RAPORTEURS' ROBE



ANNEX-4

THE BADGE OF THE COURT



ANNEX-5

**THE TEXT OF THE CERTIFICATE OF HONOR
CERTIFICATE OF HONOR OF THE CONSTITUTIONAL COURT**

The Constitutional Court;

Presents, with feelings of gratitude and respect, this Certificate of Honor representing the efforts and contributions, which will always be appreciated, of Mr./Ms..... who has retired after having honorably completed his/her services in justice with complete faith in the rule of law and the Constitution.

25 April

LIST INDICATING THE DATE OF ENTRY INTO FORCE OF THE LEGISLATION PROVISIONS THAT MAKES ADDITIONS AND AMENDMENTS TO THE INTERNAL REGULATION OF THE CONSTITUTIONAL COURT

Number of the Amending Internal Regulation	Amended or Abolished Articles of the Internal Regulation of the Constitutional Court	Date of Entry into Force
Internal Regulation of the Constitutional Court published in the Official Gazette dated 5/3/2014 and numbered 28932	10, 12, 25, 28, 33, 50, 64, 66, 70, 71	-