**LAW ON THE ESTABLISHMENT OF LAW ENFORCEMENT MONITORING COMMISSION**

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**CHAPTER ONE**
Purpose, Scope and **Definitions**

**Purpose and Scope**

**ARTICLE 1**

(1) This Law aims to identify procedures and principles with regard to the establishment of a Law Enforcement Monitoring Commission so as to record and monitor within a central system the procedures and actions which are or need to be carried out by administrative authorities due to the crimes alleged to be committed by law enforcement officers or due to their actions, attitudes or behaviors that require a disciplinary penalty in order to ensure a more effective and rapid functioning of the law enforcement complaint system and to improve its transparency and reliability and with regard to the duties, authorities and *modus operandi* of the Commission and other administrative measures in relation to the law enforcement complaint system.

1. This Law covers the procedures and actions which are or need to be carried out by administrative authorities with regard to the crimes alleged to be committed by the law enforcement personnel assigned to the Turkish National Police, the General Command of Gendarmerie and the Coast Guard Command or their actions, attitudes or behaviors that require a disciplinary penalty.
2. Duty-related crimes committed by the law enforcement personnel assigned to the organization of the General Command of Gendarmerie and the Coast Guard Command resulting from their military duties shall not be covered by this Law.
3. As regards the implementation of this Law; the provisions of
4. The Law on the Establishment and Trial Procedure of Military Courts No. 353 of 25/10/1963,
5. The Law on the Establishment, Trial Procedure of Disciplinary Courts and Disciplinary Offenses and Penalties No. 477 of 16/6/1964

shall remain reserved.

Definitions

**ARTICLE 2**

(1) For the purposes of this Law, the following definitions shall apply:

1. Affiliated institutions: Turkish National Police, the General Command of Gendarmerie and the Coast Guard Command,
2. Minister: Minister of Interior,
3. Ministry: Ministry of Interior,
4. Chairman: Chairman of the Law Enforcement Monitoring Commission,
5. Notification: Reporting of the illegal actions, attitudes or behaviors of law enforcement officers to competent authorities by any person,
6. Law Enforcement Officers: Officers that fulfill the duties assigned to them by laws and by competent authorities based on laws in order to ensure the protection of security, public security and public order at the organization of the Turkish National Police, the General Command of Gendarmerie and the Coast Guard Command,
7. Law enforcement complaint system: All procedures, actions and practices which are carried out by administrative authorities due to the crimes alleged to be committed by law enforcement officers or their actions, attitudes or behaviors that require a disciplinary penalty,
8. Commission: Law Enforcement Monitoring Commission,

i) Board: Civil Inspection Board of the Ministry of Interior,

j)Head of the Board: Head of the Civil Inspection Board of the Ministry of Interior,

k) Central registration system: Database created among the Law Enforcement Monitoring Commission and affiliated institutions, governorates and district governorates in order to record the information required with regard to the penalty and disciplinary procedures which are carried out by administrative authorities on law enforcement officers and to monitor the activities that are performed,

l)Undersecretary: Undersecretary of the Ministry of Interior,

m) Complaint: Reporting of the illegal actions, attitudes or behaviors of law enforcement officers to competent authorities by those who are damaged or aggrieved by them or their legal representatives or their blood and in-law relatives up to the second degree including the second degree.

**CHAPTER TWO**

 Establishment, Duties and Authorities

**Establishment**

**ARTICLE 3**

(1) Law Enforcement Monitoring Commission has been established in order to independently fulfill the duties assigned by this Law, under its own authority and responsibility. The Commission shall act as a permanent board under the Ministry of Interior.

1. The Commission shall be composed of the Head of the Human Rights and Equality Institution of Türkiye, the Head of the Board, the 1st Legal Advisor of the Ministry, the Director Generalof Penal Affairs of Ministry of Justice, faculty members at the departments of criminal and criminal procedure law (…..)[[1]](#footnote-1) as well as one member to be elected by the President among the freelance attorneys at-law that have the qualification of being elected as the head of the bar association.
2. It is obligatory that the members to be elected among faculty members and freelance attorneys-at-law do not have any membership or other type of relation with any political party within the last five years prior to their election.
3. The term of office of the members to be elected as the members of the commission among faculty members and freelance attorneys-at-law shall be four years. Members whose term of office has expired may be reelected with the same procedure. These members may not be relieved of their duties at the Commission during their membership. However, in the event that members become incapacitated due to a serious disease or injury or fail to meet the conditions of assignment or it is subsequently found out that they did not meet these conditions during their election, they shall be relieved of their duties according to their procedure of assignment before their term of office expires. Provisions in the special laws shall apply due to the crimes of these members resulting from their duties at the Commission. In the event that these members of the Commission fail to attend three subsequent meetings or a total of four meetings within a year without an excuse, their membership shall terminate upon the decision of the Commission. A new assignment shall be made within one month at the latest according to the procedure stipulated in paragraph two depending on its relevance, for the memberships that become vacant due to the reasons stipulated in this paragraph or for any other reason. Members who are assigned in this way shall complete the term of office of the member instead of whom they are assigned.
4. The Commission shall independently fulfill the duties and authorities assigned by this Law under its own responsibility. No body, authority, office or individual may give any order and instruction or make any recommendation or suggestion in order to affect the decisions of the Commission.

Duties and authorities

**ARTICLE 4**

(1) Duties and authorities of the Commission are specified below:

1. To identify principles in relation to the functioning of the law enforcement complaint system, to make recommendations to the Ministry with regard to them, to monitor practices as regards this subject and to ensure coordination among public institutions and organizations for the functioning of the system.
2. To request the initiation of a disciplinary investigation on law enforcement officers by competent authorities due to the crimes alleged to be committed by them or their actions, attitudes or behaviors that require a disciplinary penalty.
3. To make recommendations to the Ministry for the performance of audits and supervisions on subjects related to the functioning of the law enforcement complaint system, to evaluate the reports drawn up as a result of these audits and supervisions, to identify the administrative measures that need to be taken in terms of the detected deficiencies, to recommend them to the Ministry and to publicize the reports deemed appropriate.

d) To make recommendations to the Ministry for the effective functioning and improvement of the central registration system and to monitor the functioning of this system.

e) To prepare statistics in relation to the data and information to be obtained from the central registration system, to create a database, to analyze the obtained data and information or to get them analyzed, to make recommendations on the identification and implementation of a strategy and, where deemed necessary, to publicize the results of these analyses.

f) To prepare annual reports that cover determinations, comments and recommendations on the subject that fall within its scope of duty and to send these reports to the Committee on Human Rights Inquiry of the Grand National Assembly of Türkiye and the Presidency and to publicize them every March.[[2]](#footnote-2)

g) To conduct researches aimed at improving the working conditions of law enforcement officers or to get them conducted, to monitor and evaluate the activities performed for the improvement and amelioration of law enforcement services and to make recommendations to the Ministry hereof.

h) To monitor the implementation of the ethical principles of law enforcement; to make recommendations to competent authorities on the effective implementation of these principles and to cooperate with the organization of law enforcement and other relevant institutions hereof.

i)To perform public opinion polls or to make them performed at least every two years in order to measure the confidence that the public has in the law enforcement complaint system and to evaluate the opinions and thoughts of the public with regard to the system.

j)To establish contact and cooperate with universities, public professional organizations and the relevant non-governmental organizations as regards the subject that fall within its scope of duty.

k) To deliver opinions and make recommendations to authorized units with regard to the in-service training programs of law enforcement officers.

l)To deliver opinions on legislation regulations that are related to the subjects which fall within its scope of duty.

1. Upon the receipt by the Commission of the notifications and complaints as regards the actions, attitudes or behaviors of law enforcement officers that require a disciplinary penalty or the fact that the Commission finds them out *ex officio*, the Commission may request from the Board to initiate a disciplinary investigation within thirty days following the date on which the notifications or complaints in question are found out. Upon this request, an action shall be carried out by the Board according to general disciplinary provisions.
2. The provisions of paragraph two shall also apply to the notifications or complaints for which it was not deemed necessary by disciplinary chiefs to initiate a disciplinary investigation previously.
3. As for the public announcements to be made in accordance with subparagraphs (d) and (e) of paragraph one, the restrictions stipulated in the Law on Right to Information No. 4982 of 9/10/2003 are taken into account.

Working procedures and principles

**ARTICLE 5**

(1) The Commission shall convene at least once a month when required. The Chairman shall preside meetings. The Commission shall be summoned to an extraordinary meeting by the Chairman upon the request of the Chairman or in cases where jointly requested by at least three members other than the Chairman. In cases where the Chairman fails to hold office due to leave, illness or any other reason, the Head of the Board shall substitute for the Chairman.

1. The Commission shall convene with the presence of at least five members and make decisions with the votes of at least four members which shall be in the same direction. No abstaining vote may be cast in decisions.
2. Agenda of the meeting shall be determined by the Chairman and notified to the members at least three days before the meeting. Addition of a new item on the agenda shall require the proposal of one of the members in the meeting and the acceptance of the proposed item by the Commission.
3. Where needed, public officials, representatives of private institutions or experts may be invited by the Chairman to the meetings of the Commission in order to benefit from their opinions with regard to the items on the agenda. However, decisions of the Commission may not be made in the presence of those participating externally.
4. Decisions of the Commission shall be incorporated in the minutes and the minutes of the decision shall be signed by all the participating members during the meeting or within five working days following the meeting at the latest.
5. The Chairman and the members may not negotiate and participate in the voting on matters which relate to themselves, their spouses, their adopted children and blood and in-law relatives up to the third and the second degrees respectively, including the third and second degrees; or on those where they have a relation of personal interest. This circumstance shall be separately indicated in the text of the decision.
6. Negotiations in the meetings of the Commission shall be confidential unless decided otherwise.
7. In cases where it deems necessary, the Commission may publicize its decisions through appropriate means. The Law on the Protection of Personal Data No: 6698 of 24/3/2016 shall remain reserved.
8. On the conditions that special provisions in laws remain reserved, ministries and other public institutions and organizations have to provide the Commission the information and documents requested by the latter.
9. Necessary allocation shall be included in the budget of the Ministry of Interior every year for the activities and other needs and travel allowance expenses of the Commission.
10. The Chairman and the members and the personnel who carry out the duties assigned by this Law may not reveal to others apart from the authorities entitled by laws the confidential information, personal data, trade secrets that they have obtained during the fulfillment of their duties and the relevant documents and use to benefit themselves or third parties. This liability shall also be valid even after they leave office.

CHAPTER THREE

Secretariat, Registration Procedures and Other Administrative Actions

Secretariat

**ARTICLE 6**

(1) Secretariat services of the Commission shall be performed by the Board. In order to ensure the effective functioning of the secretariat services of the Commission, branch offices shall be formed under the Board and a chief civil inspector with a professional experience of at least five years shall be assigned with the approval of the Minister upon the suggestion of Head of the Board and proposal of Head of the Board in order to help Head of the Board in the management and administration of these services.

1. Procedures and principles with regard to the execution of secretariat services shall be regulated by a regulation which will be entered into force by the President [[3]](#footnote-3)

Central registration system

**ARTICLE 7**

(1) A central registration system shall be established by the Ministry among the Commission and affiliated institutions, governorates and district governorates in order to record the information stipulated in paragraph four with regard to the penalty and disciplinary procedures which are carried out by administrative authorities against law enforcement officers and to monitor the activities that are performed. Any and all notifications and complaints which are made to the Commission and/or other administrative authorities against law enforcement officers shall be recorded by assigning a number from the central registration system and this number shall be notified to the individuals who have made the notification or complaint. A number shall also be assigned from the central registration system for the acts and cases which are detected by administrative authorities *ex officio* and require the initiation of an action.

1. It is obligatory that notifications and complaints do not have an abstract and general quality, that the relevant individual or incidents are specified, that claims are based on serious findings and documents, which name, surname and signature of the petitioner and his/her work or residential address and identity number of the Republic of Türkiye are accurately notified. As regards the notifications and complaints which are understood not to meet these conditions directly or as a result of the examination that is performed, no action shall be initiated by the authorities entitled to give permission to investigate or by disciplinary chiefs according to the Law on the Trial of Public Servants and Other Public Officials No. 4483 of 2/12/1999 or the disciplinary legislation and this circumstance shall be notified to the persons who have made the notification or complaint. However, in the event that the soundness of claims has been put forth through documents that would not give rise to any doubt, the condition of the accuracy of name, surname, signature and his/her work or residential address and identity number of the Republic of Türkiye shall not be sought and the information related to the notifications and complaints that are not put into process shall also be recorded in the central registration system. Identity information of the individuals who have made a notification or complaint shall be kept confidential.
2. The data processed into the central registration system shall be considered as personal data in the implementation of the Turkish Criminal Code No. 5237 of 26/9/2004.
3. Summary of the incident which is the subject matter of a notification or complaint and the actions that are performed as well as the name and surname, his/her work or residential address and Republic of Türkiye identity number of the petitioner, if available, shall be processed into the central registration system. In addition to this information, the personal information to be processed into the central registration system depending on the request of the informer or complainant and procedures and principles with regard to the functioning of this system shall be regulated by a regulation which will be entered into force by the President. [[4]](#footnote-4)

Actions of preliminary examination and disciplinary investigation

**ARTICLE 8**

(1) Actions of preliminary examination and disciplinary investigation shall be performed according to the following procedure:

1. When a notification or complaint is received in accordance with the conditions in paragraph two of Article 7 as to the effect that law enforcement officers have committed an crime or such circumstance is directly found out, necessary actions shall be performed by the authorities entitled to give permission to investigate and/or by disciplinary chiefs in accordance with the Law No. 4483 and/or the disciplinary legislation to which law enforcement officers are subject to.
2. It shall prevail that preliminary investigations and/or disciplinary investigations in relation to the crimes of murder, willful and malicious injury, torture, exceeding the limits of the authority to use force and establishing an organization to commit crimes and the crimes committed within the activities of an organization, which are alleged to be committed by law enforcement officers or are directly found out be conducted by civil inspectors. In cases where the characteristic of an incident requires, the inspectors of affiliated institutions may also be assigned to work with the civil inspectors who conduct the preliminary examination and/or disciplinary investigation. In the event that preliminary examinations and/or disciplinary investigations with regard to the aforementioned crimes are conducted by governorates or district governorates, these actions shall be performed by the officials ranked as local authority within the bounds of possibility..
3. In the event that a civil inspector is assigned in order to conduct a preliminary examination and/or disciplinary investigation, the preliminary examinations and/or disciplinary investigations which have been initiated by other administrative authorities shall be transferred to the civil inspector.

d) Special provisions as regards the ability of Public Prosecutors to directly initiate an investigation shall remain reserved.

1. A sufficient number of civil inspectors shall be assigned by the Board in order to fulfill the duties assigned within the framework of the provisions of this Article and Article 4 (a different sentence: 6/12/2019-7196/89 article). No duty other than these duties shall be assigned to these inspectors unless it is necessary, and they shall be subjected to regular in-service training on the subjects that are related to their area of duty. Principles on the determination of these inspectors, the method of assignment and in-service trainings and similar matters shall be regulated in a regulation which will be entered into force by the President. [[5]](#footnote-5)
2. In the event that Public Prosecutors initiate an investigation against law enforcement officers due to the crimes resulting from their duties or the crimes which they have committed during the execution of their duties and their personal crimes, they shall notify the Ministry, governorates or district governorates of it depending on the relevance of the personnel within seven working days at the latest. The Ministry, governorates and district governorates and the officials who conduct the administrative investigation shall take all necessary measures in order not to harm the confidentiality of investigation.
3. The complainant and the law enforcement officers about whom a notification or complaint has been made shall be informed about the phase of the ongoing disciplinary investigation by the Ministry, governorates or district governorates depending on its relevance at least twice a month.

CHAPTER FOUR
Amended, Provisional and Final Provisions

**ARTICLE 9**

(It is related to the Law on the Organization and Duties of the Ministry of Interior No. 3152 of 14/2/1985 and is replaced)

**ARTICLE 10**

 (It is related to the Code of Criminal Procedure No. 5271 of 4/12/2004 and is replaced).

**ARTICLE 11**

(1) The staff stated in the attached list (1) has been created and added into the section of the Ministry of Interior of the schedule (I) attached to the Decree having the Force of Law on General Staff and Procedure No. 190 of 13/12/1983.[[6]](#footnote-6)

**Transitional provisions**

**PROVISIONAL ARTICLE 1**

(1) The regulations that are prescribed to be enacted in this Law shall be enacted within six months following the publication of this Law.

1. The provision of subparagraph (b) of paragraph one of Article 8 shall not apply to the preliminary examinations and/or disciplinary investigations which are initiated before the date on which the paragraph in question enters into force.
2. The acts and actions aimed at the creation of the infrastructure for the central registration system shall be initiated following the date of publication of this Law.
3. The candidates to be proposed among faculty members and freelance attorneys-at-law shall be notified by the Ministers of Justice and Interior to the Prime Ministry within one month following the publication of this Law. The Commission shall hold its first meeting on a date to be determined by the Chairman within one month following the notification of the election of members by the Council of Ministers to the Ministry.

Execution

**ARTICLE 12**

(1)

1. Article 7 of this Law shall enter into force within one year following the date of its publication.
2. and other provisions shall enter into force on the date of its publication.

**Enforcement**

**ARTICLE 13**

(1) The provisions of this Law shall be enforced by the Council of Ministers.

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THE TABLE SHOWING THE ENTRY INTO FORCE OF THE LEGISLATION OR CONSTITUTIONAL COURT DECISIONS THAT ADD AND AMEND LAW NO. 6713

|  |  |  |
| --- | --- | --- |
| Amending law/decree having the forceof law or annulling constitutional court decision’s number | Amended or annulled articles of the Law no.6713 | Date of entry into force |
| Decree having the forceof law/700 | 3,4,6,7,8 | On the date the President took office by taking the oath as a result of the Grand National Assembly of Türkiye and Presidential elections held together on 24/6/2018. |
| 7196 | 8 | 24/12/2019 |

1. *Pursuant to 204th article of Decree Having the Force of Law dated 2/7/2018 and numbered 700, the phrase in this paragraph “………three candidates to be proposed by the Minister among………….” was removed from the text and the phrase “……….by the council of ministers from three candidates to be proposed by the Minister of Justice…………..” was amended by the phrase“…….by the President……………”.*  [↑](#footnote-ref-1)
2. *Pursuant to 204th article of Decree Having the Force of Law dated 2/7/2018 and numbered 700, the phrase in this sub-paragraph “……….the Prime Ministry………” was amended by the phrase “……..the Presidency………..”.*  [↑](#footnote-ref-2)
3. *Pursuant to 204th article of Decree Having the Force of Law dated 2/7/2018 and numbered 700, the phrase in this paragraph “………..will be prepared by the Ministry and ………….. with the resolution of the Council of Ministers………” was amended by the phrase “……….by the President…………..”.*  [↑](#footnote-ref-3)
4. *Pursuant to 204th article of Decree Having the Force of Law dated 2/7/2018 and numbered 700, the phrase in this paragraph “………..will be prepared by the Ministry and …………. with the resolution of the Council of Ministers………” was amended by the phrase “……….by the President…………..”.*  [↑](#footnote-ref-4)
5. *Pursuant to 204th article of Decree Having the Force of Law dated 2/7/2018 and numbered 700, the phrase in this paragraph “………..will be prepared by the Ministry and …………. with the resolution of the Council of Ministers………” was amended by the phrase “……….by the President…………..”.*  [↑](#footnote-ref-5)
6. *Regarding the positions listed in this article, please see the Official Gazette dated 20/5/2016 and numbered 29717.* [↑](#footnote-ref-6)