

THE CONSTITUTION OF THE TURKISH REPUBLIC OF NORTHERN CYPRUS

PREAMBLE

Whereas the Turkish Cypriot People is an inseparable part of the great Turkish Nation which has lived independent and fought for its rights and liberties all through its history; and

Whereas the Turkish Cypriot People has, in the face of events directed against its national existence and right to life, and since 1878 when it was broken away from its motherland, which were intensified especially after 1955 and took the form of armed terrorism, aggression and suppression, organised its resistance as a mature community in unity and integrity; and

Whereas the Turkish Cypriot People has established through the bitter experiences it had undergone until the year 1974 when the Peace Operation, which was carried out by the Heroic Turkish Armed Forces by virtue of the Motherland's natural, historical and legal right of guarantorship emanating from the Agreements, provided to the Turkish Cypriots the means of living in peace, security and liberty; that there cannot be individual rights and liberties without the acquisition of communal rights and liberties; and

Whereas, in the face of attempts made to deprive it of all its rights emanating from history, international agreements and from human rights declarations and covenants and to destroy completely its existence in Cyprus; and in view of the fact that the Republic of Cyprus having, since 21 December 1963, come under the monopoly of the Greek Cypriots through unlawful means, has been transformed into a Greek Cypriot State not only from the point of view of its composition but also from the point of view of the policy it followed, and has, as a result of its racist and discriminatory policy and actions been serving Pan-Hellenist expansionism, departed from the Agreements and the principles embodied in the Constitution and thus lost its legitimacy, the Turkish Cypriot People has, in the exercise of its right of self-determination, proclaimed before the world and history the establishment of the Turkish Republic of Northern Cyprus; Now, therefore,

For the purposes of

Giving life to the Proclamation of Independence which was accepted unanimously and with great enthusiasm on 15th November 1983;

Continuing its existence in its own homeland in full security and humane order;

Establishing a democratic and secular State with a plural party system based on social justice aiming to protect human rights and liberties, the rule of law and the peace and welfare of the individual and the community; and

Being faithful to the principles of Atatürk and in particular with the purpose of spreading His principle of " peace in the homeland, peace in the world ";

THE TURKISH CYPRIOT PEOPLE, with whom the absolute right to sovereignty rests;

Approves and proclaims this Constitution, passed by the Constituent Assembly of the Turkish Republic of Northern Cyprus, as the Constitution of the Turkish Republic of Northern Cyprus which has been established on 15th November 1983; and

Entrusts it to the vigilant protection of its people who are devoted to freedom, justice and virtue, with the belief that the real guarantee lies in the hearts and the will of the citizens.

PART I. - GENERAL PROVISIONS

The Form and Characteristics of the State

Article 1

The Turkish Republic of Northern Cyprus is a secular republic based on the principles of democracy, social justice and the supremacy of law.

The Integrity, Official Language, Flag, National Anthem and Capital of the State

Article 2

- (1) The State of the Turkish Republic of Northern Cyprus is an indivisible whole with its territory and people.
- (2) The official language is Turkish.
- (3) The Flag and the National Anthem of the Turkish Republic of Northern Cyprus shall be prescribed by law.
- (4) The capital of the Republic is Lefkoşa.

Sovereignty

Article 3

- (1) Sovereignty shall vest in the people comprising the citizens of the Turkish Republic of Northern Cyprus, without condition or reservation.
- (2) The people shall exercise its sovereignty, within the framework of the principles laid down by the Constitution, through its competent organs.
- (3) No group, class or person can claim sovereignty to itself.
- (4) No organ office or authority can exercise any power which does not emanate from this Constitution.

The Legislative Power

Article 4

Legislative power shall vest in the Assembly of the Republic on behalf of the people of the Turkish Republic of Northern Cyprus.

The Duties and Powers of the Executive

Article 5

The executive duties and powers shall be carried out and exercised by the President of the Republic and the Council of Ministers in accordance with the Constitution and laws.

Judicial Power

Article 6

The judicial power shall be exercised on behalf of the people of the Turkish Republic of Northern Cyprus by independent courts.

Supremacy and Binding Force of the Constitution

Article 7

- (1) Laws shall not be contrary to or inconsistent with the Constitution.
- (2) The provisions of the Constitution shall be the fundamental legal principles binding the legislative, executive and judicial organs, the administrative authorities of the State and individuals.

Equality

Article 8

- (1) Every person shall be equal before the Constitution and the law without any discrimination. No privileges shall be granted to any individual, family, group or class.
- (2) The organs and the administrative authorities of the State are under an obligation to act in conformity with the principle of equality before the law and not to make any discrimination in their actions.
- (3) The benefits acquired or to be acquired by persons who are economically weak, by virtue of the Constitution and the laws, cannot be eliminated by putting forward this Article.

Provisions that cannot be changed

Article 9

The provisions embodied in Article 1, in paragraphs (1) and (2) of Article 2 and in Article 3 of this Constitution cannot be changed and no proposal can be made for changing them.

PART II. - FUNDAMENTAL RIGHTS, LIBERTIES AND DUTIES

Chapter I

GENERAL PROVISIONS

The Nature of Fundamental Rights and their Protection

Article 10

- (1) Every person has, by virtue of his existence as an individual, personal fundamental rights and liberties which cannot be alienated, transferred or renounced.
- (2) The State shall remove all political, economic and social obstacles which restrict the fundamental rights and liberties of the individual in a manner incompatible with the individual's security, social justice and the principles of the State being subject to the rule of law; it shall prepare the necessary conditions for the development of the individual's material and moral existence.
- (3) The legislative, executive and judicial organs of the State, within the spheres of their authority, shall be responsible for ensuring that the provisions of this Part are implemented in full.

The Essence and Restriction of Fundamental Rights and Liberties

Article 11

Fundamental rights and liberties can only be restricted by law, without affecting their essence, for reasons such as public interest, public order, public morals, social justice, national security, public health and for ensuring the security of life and property of persons.

Fundamental Rights and Liberties and Powers not to be Misused

Article 12

No provision of this Constitution shall be construed or interpreted as to give any physical or legal person, group or class of persons the right and authority to commit acts or to engage in activities aimed at changing the rights and status of the Turkish Republic of Northern Cyprus and of the Turkish Cypriot people guaranteed by this Constitution or at destroying the order established by this Constitution or at removing the fundamental rights and liberties recognised by this Constitution.

The Status of Aliens

Article 13

The rights and liberties referred to in this Constitution may be restricted by law in respect of aliens, in accordance with international law.

Chapter II

RIGHTS, LIBERTIES AND DUTIES OF PERSONS

Personal Immunity

Article 14

- (1) Every person shall have the right to live in peace, security and tranquillity and to develop and protect his material and moral existence.
- (2) No person shall be subjected to ill-treatment or torture.
- (3) No person shall be subjected to any punishment or treatment which is incompatible with human honour and dignity.
- (4) A person's honour and dignity are inviolable. Every person shall be under the obligation to respect and protect this.

Right to Life and Corporal Integrity

Article 15

- (1) Every person has the right to life and corporal integrity.
- (2) No person shall be deprived of his life except in the due execution of a sentence of a competent court upon his conviction of an offence for which the death penalty is provided by law.

A law may provide for such penalty only in cases of high treason in times of war, piracy and terrorism *jure gentium* or repeated conviction of an offence punishable with life imprisonment.

- (3) Deprivation of life shall not be deemed to be inflicted in contravention of the provisions of paragraphs (1) and (2) when it results from the use of force which is no more than absolutely necessary
 - (a) in defending one's self or property against the infliction of a proportionate and otherwise unavoidable and irreparable evil; or
 - (b) in effecting an arrest or in preventing the escape of a person lawfully detained; or
 - (c) in action taken for the purpose of quelling a riot or insurrection, when and as provided by law.

Liberty and Security of Person

Article 16

- (1) Every person has the right to personal liberty and security.
- (2) No person shall be deprived of his liberty save in the following cases when and as provided by law:
 - (a) the detention of a person after conviction by a competent court;
 - (b) the arrest or detention of a person for non-compliance with the lawful order of a court;
 - (c) the arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
 - (d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

- (e) the detention of persons who are likely to spread an infectious disease, of persons of unsound mind, alcoholics or drug addicts or vagrants;
 - (f) the arrest or detention of a person to prevent him from making an unauthorised entry into the territory of the State or of an alien against whom action is being taken with a view to deportation or extradition;
 - (g) the arrest or detention of an alien for the purpose of preventing him from leaving the Republic in order to evade a financial responsibility;
 - (h) the detention of those citizens of the Turkish Republic of Northern Cyprus who are nationals of more than one country, for the execution of court decisions given against them for offences committed under the laws of the other country of which they are the nationals; provided that there is in force between the Turkish Republic of Northern Cyprus and that other country an agreement for extradition and for reciprocal enforcement of judgments.
- (3) Save when and as provided by law in case of a flagrant offence punishable with death or imprisonment, no person shall be arrested save under the authority of a reasoned judicial warrant issued according to the formalities prescribed by law.
- (4) The position of the person arrested or detained shall be brought to the knowledge of his close relatives at the earliest possible time and quickly, except in cases where there are grave objections to the disclosure of the extent and substance of the investigation.
- (5) Every person arrested or detained shall be informed, at the time of his arrest, in a language which he understands of the reasons of his arrest or detention and shall be allowed immediately to have the services of a lawyer to be chosen by him or by his relatives.
- (6) The person arrested shall, as soon as practicable and in any event not later than twenty-four hours after his arrest, be brought before a judge, if he is not in the meantime released.
- (7) The judge shall promptly proceed to inquire into the grounds of the arrest in a language understandable by the person arrested and shall, as soon as possible and in any event not later than three days from such appearance, either release the person arrested on such terms as he may deem fit or where the investigation into the commission of the offence for which he has been arrested has not been completed remand him in custody. The judge may remand him in custody for a period not exceeding eight days at any one time
- Provided that the total period of such remand or detention in custody shall not exceed three months from the date of the arrest; on the expiration of the said period every person or authority having the custody of the person arrested or detained shall forthwith set him free.
- (8) The exercise of the right of appeal against the decisions of the judge under paragraph (7) cannot be denied.
- (9) Every person who is deprived of his liberty by reason of his arrest or detention shall be entitled to take legal proceedings so that the lawfulness of

his detention may be decided speedily by a court. If his detention is found to be illegal, the Court shall order his release.

- (10) Every person who has been the victim of arrest or detention in contravention of the provisions of this Article shall be entitled to claim compensation by filing an action.

Rights Relating to Judicial Trials

Article 17

- (1) No person shall be denied access to the court assigned to him by or under this Constitution. The establishment of judicial committees or special courts under any name whatsoever is prohibited.
- (2) Every person shall, in the determination of his civil rights and obligations or of any criminal charge against him, be entitled to a fair and public hearing within a reasonable time by an independent, impartial and competent court established by law. Judgment shall be reasoned and pronounced in public session.
- (3) The press and the public may be excluded from all or any part of the trial upon a decision of the court in cases where it is in the interest of national security or constitutional order or public order or public safety or public morals or where the interest of juveniles or the protection of the private life of the parties so require or, in special circumstances where, in the opinion of the court, publicity would prejudice the interests of justice.
- (4) Every person has the right
- (a) to be informed of the reasons why he is required to appear before the court ;
 - (b) to present his case before the court and to have sufficient time necessary for its preparation;
 - (c) to adduce or cause to be adduced his evidence and to demand that witnesses are directly examined according to law
 - (d) to have the services of a lawyer chosen either by him or by his relatives and where the interests of justice so require to have free legal assistance as provided by law ;
 - (e) to have free assistance of an interpreter if he cannot understand or speak the language used in court.

Rights of Accused Persons

Article 18

- (1) No person shall be considered guilty on account of any act or omission which did not constitute an offence under the law at the time when it was committed; and no person shall have a heavier punishment imposed on him for an offence other than that expressly provided for it by law at the time when it was committed.

- (2) A person who has been acquitted or convicted of an offence shall not be tried again for the same offence. No person shall be punished twice for the same act or omission except where death ensues from such act or omission.
- (3) No law shall provide for a punishment which is disproportionate to the gravity of the offence.
- (4) Every person charged with an offence shall be presumed innocent until proved guilty according to law.
- (5) Every person charged with an offence has the following minimum rights
 - (a) to be informed promptly and in a language which he understands and in detail of the nature and grounds of the charge preferred against him ;
 - (b) to have adequate time and facilities for the preparation of his defence ;
 - (c) to defend himself in person or through a lawyer of his own choice or, if he has no sufficient means, and the interests of justice so require, through a lawyer to be appointed for him free of charge ;
 - (d) to examine personally or through his lawyer, the witnesses against him or to cause them to be examined and to secure the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him ;
 - (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Privacy of Individual's Life

Article 19

- (1) Every person shall have the right to demand that his private and family life is respected. There shall be no violation of the individual's private and family life. The exceptions necessitated by legal proceedings shall be reserved.
- (2) There shall be no bodily search of a person or his private papers and belongings and these shall not be confiscated, except in cases expressly defined by law and on the basis of a court or judge's decision made in accordance with usual procedure; and in cases where delay is considered undesirable on grounds of national security and public order, without an order of the competent authority duly authorised by law.

Inviolability of Dwelling House

Article 20

- (1) Every person's dwelling house is inviolable.
- (2) There shall be no entry into any dwelling house, no search shall be made therein and the property found therein shall not be confiscated, except in cases expressly defined by law and on the basis of a court or judge's decision made in accordance with usual procedure; and in cases where delay is considered undesirable on grounds of national security or public order, without an order of the competent authority duly authorised by law.

Freedom of Communication

Article 21

- (1) Every person has the right to freedom of communication.
- (2) The secrecy of communication is a fundamental principle. In cases required by law unless there is a decision given by a court or a judge in accordance with the law, this secrecy shall not be interfered with.

Freedom of Movement and Residence

Article 22

- (1) Every citizen has the right to freedom of movement; this freedom can only be restricted by law for the purposes of providing national security and the prevention of epidemics.
- (2) Every citizen has the right to reside in any place of his choice; this freedom can only be restricted by law when considered necessary in the interest of national security, the prevention of epidemics, the protection of public property and of achieving social, economic and agricultural development and proper town planning.
- (3) Every citizen has the right to freedom of entry to, and exit from the country. The freedom of exit from the country shall be regulated by law.
- (4) No citizen shall be banished or excluded from the territory of the State against his will and he shall not likewise be prevented from returning thereto.

Freedom of Conscience and Religion

Article 23

- (1) Every individual has freedom of conscience, religious faith and opinion.
- (2) Forms of worship and religious ceremonies and rites are free provided they do not contravene public order or public morals or the laws enacted for these purposes.
- (3) No person shall be compelled to worship, to participate in religious ceremonies and rites or to disclose his religious faith or belief; and no person shall be reproached for his religious faith or belief.
- (4) Religious education and teaching shall be carried out under the supervision and control of the State.
- (5) No person shall exploit or abuse, in any manner whatsoever, religion or religious feelings or things considered sacred by religion for the purpose of basing, even though partially, the basic social, economic, political or legal order of the State on religious precepts, or for the purpose of securing political or personal advantage or influence. In the case of physical or legal persons violating this prohibition or inducing others to do so, relevant legal provisions shall be applied and political parties in contravention of such provisions shall be permanently closed down by the Supreme Court sitting as the Constitutional Court.

Freedom of Thought, Speech and Expression

Article 24

- (1) Every person has the right to freedom of thought or opinion. No person shall be compelled to disclose his thoughts and opinion. There can be no crime in view of the thoughts of a person.
- (2) Every person has the right to express and publish his thoughts and opinion, by himself or collectively, by word of mouth, in writing, through pictures or other media.

This right includes freedom to express opinion and to receive and impart information and ideas without interference by any public authority and regardless of the boundaries of the State.

- (3) The exercise of the freedom of speech and of the freedom of expression may be subject to such formalities, conditions, restrictions, or penalties as are necessary and as prescribed by law, only in the interest of national security or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the reputation or rights of others or for preventing the disclosure of information received in confidence or for maintaining the authority and impartiality of the judiciary.

Freedom of Science and Art

Article 25

Every person has the right to freedom of learning and teaching and expressing and disseminating fully science and art and of making all kinds of research in these fields.

Freedom of the Press

Article 26

- (1) The freedom of the press and publications is guaranteed for all citizens and shall not be subjected to censorship.
- (2) The State shall take the necessary measures to ensure the freedom of the press, publication and of receiving information.
- (3) The freedom of the press and of receiving information may be restricted by law for the purpose of safeguarding public order or national security or public morals or for preventing attacks on the honour, dignity or rights of persons and for preventing incitement to commit an offence or for the purpose of assuring the proper functioning of the judiciary in accordance with its aims.
- (4) Save when it is imposed by a decision to be given by any court or judge, within the limits to be prescribed by law, for the purpose of ensuring the proper functioning of the judiciary in accordance with its aims, no ban shall be imposed on the publication of news about events.

The Right to Publish Newspapers, Magazines and Pamphlets

Article 27

- (1) The publication of newspapers, magazines and pamphlets by citizens shall not be subject to obtaining prior permission or to furnishing of financial security.

- (2) The publication, distribution and financial resources of newspapers, magazines and pamphlets and the conditions pertaining to the profession of journalism shall be regulated by law. Such law shall not impose political, economic, financial and technical conditions preventing or making difficult the free dissemination of news, thoughts and opinion.
- (3) Newspapers and periodicals shall benefit, in accordance with the principle of equality, from the media and facilities provided by the State and other public corporate bodies or by institutions attached to them.
- (4) Newspapers, magazines and pamphlets published within the boundaries of the State may be seized by an order of a judge in cases where any of the offences specified by the relevant law has been committed; and by an order of the authority expressly empowered by law in cases where a delay is considered undesirable from the point of view of safeguarding national security, public order or public morals. The competent authority giving the order for the seizure, shall inform the court of its decision on the same day. If the court does not confirm the decision within two days, at the latest, the order for the seizure shall be considered null and void.

The Right to Publish Books

Article 28

- (1) The publication of books by citizens shall not be subject to prior permission or to censorship.
- (2) Books published within the boundaries of the State may be seized by an order of a judge in cases where any of the offences specified in the relevant law has been committed; and by an order of the authority expressly empowered by law in cases where a delay is considered undesirable from the point of view of safeguarding national security, public order or public morals. The competent authority giving the order for the seizure shall inform the court of its decision within twenty-four hours, at the latest. If the court does not confirm the decision within seven days, at the latest, the order for the seizure shall be considered null and void.

The Protection of Printing Equipment

Article 29

Printing works and their auxiliary buildings and printing presses and equipment belonging to the citizens shall not be confiscated or seized or prevented from operating, even on the ground of having been used in the commission of an offence.

The Right to Make Use of Means of Communication other than the Press

Article 30

Citizens and political parties have the right to benefit from means of communication and publication, other than the press, which are owned by

public corporate bodies. The conditions and the procedures for benefiting from such means of communication and publication shall be regulated by law in accordance with democratic and equitable principles. The law shall not impose conditions preventing the public from receiving news and from having access to thoughts and opinion through such means or the free formulation of public opinion through such means on grounds other than the protection of the secular State based on human rights and the principles of the supremacy of democracy, social justice and rule of law, or the protection of national security and of public morals.

The Right to Correction and Reply

Article 31

- (1) The right to correction and reply shall be recognized only in cases where the honour and dignity of persons are hurt or incorrect statements are published concerning them and it shall be regulated by law.
- (2) In cases where a correction or reply is not published, the judge shall decide whether its publication is essential or not within seven days, at the latest, of the receipt of the application made by the person concerned.

The Right of Assembly and Demonstration

Article 32

Citizens have the right to organize unarmed and non-violent assembly or public demonstration without obtaining prior permission. This right may be restricted by law for safeguarding public order.

The Right to Form Associations

Article 33

- (1) Citizens have the right to form associations without prior permission. The manner and procedures for exercising this right shall be provided by law. The law may impose restrictions in the interests of national security, public order and public morals.
- (2) No citizen shall be compelled to become a member of any association or to remain as a member of any association.
- (3) Associations may, where provided by law, be closed down by an order of a judge; and in cases where a delay is considered objectionable from the point of view of safeguarding national security, public order and public morals, an association's functions may be suspended until a decision is given by a judge, by an order of the authority expressly so empowered by law.

Right to Adduce Evidence

Article 34

In libel and slander actions relating to imputations made against public servants in connection with the discharge of their duties and functions, the accused shall have the right to adduce evidence to prove the truth of the imputation. In cases other than the above, the granting of the request to adduce

evidence shall depend upon whether it would be considered in the public interest to ascertain the truth or falsity of the imputation or upon whether the complainant consents to such evidence.

Chapter III

SOCIAL AND ECONOMIC RIGHTS AND LIBERTIES AND DUTIES

Protection of the Family

Article 35

- (1) The family is the foundation of the community. The State and other public bodies shall adopt the necessary measures and set up the necessary establishments for the protection of the family, the mother and the child.
- (2) The rights and obligations of any male or female person reaching marriageable age to marry and to set up a matrimonial home shall be regulated by law.

General Provisions Relating to Property Rights

Article 36

- (1) Every citizen has the right to ownership and inheritance. These rights may only be restricted by law in the interest of the public.
- (2) Restrictions or limitations which are absolutely necessary in the interests of public safety or public health or public morals or town and country planning or the development and utilization of any property for public benefit or for the protection of the rights of others may be imposed by law on the exercise of the right to ownership.
- (3) Just compensation shall be promptly paid for any such restrictions or limitations which materially decrease the economic value of property; in case of disagreement such compensation shall be determined by a civil law court.
- (4) The provisions of paragraphs (2) and (3) above shall not affect the provisions imposed by law for the purpose of recovering any tax or penalty, executing any judgment, enforcing any contractual obligation or protecting life or property from danger.
- (5) The right of the State to the immovable properties mentioned in Article 159 is reserved.

Protection of Land

Article 37

The State shall take the necessary measures for the purpose of achieving the efficient utilization of land and for providing farmers who have no land or who have insufficient land, with enough land. The law may specify the extent of land to be utilized for these purposes having regard to the requirements of different agricultural regions and types of farming.

Protection of Foreshores

Article 38

- (1) The foreshores are under the exclusive control and possession of the State and may be used only in the public interest.
- (2) Outside municipal boundaries, only structures belonging to the State which are very essential and in the public interest, may be erected within the area of the coastal strip of one hundred metres width. Provided that such structures shall not be of a nature spoiling the natural beauty of the shores. Matters relating to the existing buildings and structures shall be regulated by law.
- (3) The protection of foreshores within municipal boundaries and the position of the buildings and structures to be erected in future and of the existing ones within the area of the coastal strip of one hundred metres width, shall be regulated by law in accordance with the requirements of public interest and town planning.
- (4) The access by citizens into the area of the coastal strip of one hundred metres width cannot be hindered by any one or be subjected to any entrance fee unless restrictions have been imposed by law for the purpose of safeguarding national security, public order, public interest, general health and the protection of the environment

Provided that this provision shall not be interpreted as rendering possible infringement upon property rights.

Protection of Historical, Cultural and Natural Wealth

Article 39

The State shall ensure the protection of works and monuments of historical and cultural value as well as the natural wealth; and for this purpose it shall take regulating, supporting and incentive measures. The limitations to be imposed on such property that is privately owned, and the assistance to be rendered and privileges to be granted to their rightful owners in view of the imposition of such limitations shall be regulated by law. No other buildings shall be erected in the place of buildings of historical value which have been demolished, or which have in any way ceased to exist or suffered destruction. If the necessity to build arises, the historical building which was demolished or in any way suffered destruction may be re-built or repaired in such a way as to conform to the original building. The State shall take the necessary measures and shall make the necessary legal regulations for this purpose.

Protection of the Environment

Article 40

- (1) Every person has the right to live in a healthy and balanced environment.
- (2) No physical or legal person shall drain or dump into the sea or into any dam, lake or river, for any purpose whatsoever, any liquid, gas or solid matter which is of such a nature as to cause harm to human health or to endanger marine life and resources.

- (3) It shall be the duty of the State, and of physical and legal persons to develop the environment, to protect environmental health and to prevent pollution of the environment.
- (4) The State shall take the necessary measures for the establishment of national parks.

Acquisition and Requisition

Article 41

- (1) The State, municipal corporations and such public corporate bodies or institutions of public utility as are empowered by law to make compulsory acquisitions, shall be entitled to acquire compulsorily any movable or immovable property or any right over or interest in any such property:
 - (a) for a purpose of public utility specifically provided by a general law for compulsory acquisition; and
 - (b) when such purpose is contained in a decision of the acquiring authority and is made under the provisions of such law stating clearly the reasons for such acquisition ; and
 - (c) upon payment in cash, immediately or by instalments to be prescribed by law and spread over a period not exceeding five years, of a just and equitable compensation which shall be determined, in case of disagreement, by a civil law court.
- (2) The manner and the procedure whereby the value of the property compulsorily acquired shall be assessed shall be regulated by law.
- (3) Any immovable property or any right over, or interest in, such property which has been compulsorily acquired, shall be used only for the purpose for which it has been acquired. If within three years of the acquisition such purpose has not been attained, the acquiring authority shall, immediately after the expiration of the said period of three years, offer the property at the price it was acquired to the person from whom it was so acquired. The person receiving this offer shall signify his acceptance or rejection of the offer within three months of the receipt thereof; if he signifies acceptance, and returns the price at which it was acquired within a period of three months from such acceptance, the property shall be returned to him immediately.
- (4) The provisions of the above paragraph shall not affect any provisions of law for the purpose of recovering any taxes or penalty, executing any judgment, enforcing any contractual obligation or protecting life or property against danger.
- (5) The State may requisition any movable or immovable property :
 - (a) for a purpose of public utility specifically provided by a general law for requisition; and
 - (b) when such purpose is established by a decision of the requisitioning authority and made under the provisions of such law stating clearly the reasons for such requisition; and

- (c) for a period not exceeding three years ; and
 - (d) upon payment in cash, immediately or by installments to be prescribed by law and spread over a period not exceeding five years, of a just and equitable compensation which shall be determined, in case of disagreement, by a court exercising civil law jurisdiction.
- (6) Any interested person shall have the right of recourse to the court in respect of any of the provisions of this Article and such recourse shall have the effect of a stay of proceedings of the compulsory acquisition.

Any decision of the court under this paragraph shall be subject to appeal.

Acquisitions, Requisitions and Restrictions connected with Vakf Properties

Article 42

- (1) Matters relating to the acquisition and requisition of Vakf properties shall be regulated by law in accordance with the Basic Principles of Evkaf (Ahkâmul Evkaf). Provisions relating to the restrictions and limitations which shall be imposed on Vakf properties for purposes of town and country planning, shall also be specified in such law.
- (2) In cases where any act of limitation or restriction is involved, the court may order stay of proceedings in respect thereof.

Nationalization

Article 43

Private enterprises which possess the characteristics of a public service and the movable and immovable properties belonging to aliens may, where necessitated in the public interest be nationalized provided that their actual value is paid in the manner indicated by law. Where the law provides that payment be made by installments, such payment shall be effected by equal installments spread over a period not exceeding ten years. Any amount not paid in advance shall be subject to the highest rate of interest prescribed for State loans.

Right to a Dwelling House

Article 44

The State shall regulate by law the measures necessary for meeting the housing requirements of families who do not own a dwelling house or who do not have a home conforming to sanitary conditions suitable for human habitation.

Right to Health

Article 45

It shall be the duty of the State to ensure that every person enjoys sound physical and mental health and receives medical care.

Right to Enter into Contract

Article 46

- (1) Subject to compliance with such conditions, limitations or restrictions as are laid down by the general principles of the law of contract and the provisions of the laws in force, every person has the right to enter freely into any contract. The exploitation by persons who are economically strong of other persons, shall be prevented by law.
- (2) The rights and obligations arising from contracts may be regulated or restricted by law for such reasons as public interest, social justice and national security.
- (3) The State, having regard to the social and economic requirements and to the characteristics of specific areas may, by law, take the necessary measures, impose restrictions and make adjustments regarding house rents.

Order of Economic and Social Life

Article 47

- (1) Economic and social life shall be regulated in accordance with the principles of justice and full employment and with the aim of ensuring for every citizen a standard of living befitting human dignity.
- (2) It shall be the duty of the State to materialize economic, social and cultural development through democratic means and for this purpose to increase national savings, to direct investments to priorities necessitated by public interest and to prepare development projects.

Freedom to Work

Article 48

- (1) Every citizen shall be free to work in any field of his choice. The establishment of private enterprise is free. This freedom may be restricted by law in the public interest.
- (2) The State shall take the steps necessary to ensure that private enterprise shall progress in accordance with the requirements of the national economy and in conformity with social aims and shall function in security and stability.

Right and Duty to Work

Article 49

- (1) It is the right and duty of every citizen to work.
- (2) The State shall protect the workers and support employment by taking social, economic and financial measures for securing a decent life to workers and for ensuring that working conditions shall improve in a stable manner; the State shall take measures aimed at preventing unemployment.

- (3) No person shall be compelled to work. Forced labour is prohibited. However, any labour required to be performed by convicts during their detention for rehabilitation purposes shall not be deemed to be forced labour.
- (4) The forms and conditions of physical or intellectual work which is in the nature of civil duty, in fields necessitated by the country's requirements, shall be regulated by law in accordance with democratic principles.

Conditions of Employment

Article 50

- (1) No person shall be employed in any work which is incompatible with that person's age, capability and sex.
- (2) Children, young persons, women and persons who are physically and mentally handicapped shall be accorded special protection in respect of conditions of work.

Right to Rest

Article 51

- (1) Every worker has the right to rest.
- (2) The right to weekend and to national and religious holidays with pay and to annual leave with pay, shall be regulated by law.

Equity in Pay

Article 52

The State shall adopt the necessary measures enabling workers to receive just and equitable wages commensurate with the work they perform and sufficient to secure a standard of living befitting human dignity.

The Right to Establish Trade Unions

Article 53

- (1) Employers and employees have the right to establish, without prior permission, trade unions and federations of trade unions, to become members and to resign from membership thereof freely. The manner and procedures whereby these rights shall be exercised shall be prescribed by law. The law may impose restrictions for the purpose of safeguarding national security, public order and public morals.
- (2) The rules and the administration and functioning of trade unions and trade union federations shall not be contrary to democratic principles.

The Right to Collective Agreement and to Strike

Article 54

- (1) Workers shall have the right to collective agreement and to strike involving their relations with employers for the purpose of protecting and improving their economic and social positions.

- (2) The exercise of the right to strike may be regulated by law only for the purpose of safeguarding national security, constitutional order, public order, or the rights and liberties guaranteed by this Constitution to any person.
- (3) Judges, law officers, members of the armed forces, members of the police and civil defence personnel holding key positions, have no right to strike.
- (4) The rights of the employers shall be regulated by law.

Right to Social Security

Article 55

Every person has the right to social security. It shall be one of the duties of the State to establish, and to help establish social insurance and similar social security schemes and social assistance organizations, for the purpose of ensuring this right.

The Right to Protection Against Hunger

Article 56

The State shall protect the right of everyone to be free from hunger and with this in view it shall take individually and through international co-operation the measures necessary to improve the methods of production, conservation and balanced distribution of food and to create the means for effective nutrition. For this purpose it shall follow, disseminate and apply scientific developments. These duties of the State shall be regulated by law.

The Right to Special Protection

Article 57

- (1) The State shall protect the widows and orphans of martyrs and of those who die in action or whilst on active duty and the disabled war veterans and shall secure for them within the society a standard of living befitting them.
- (2) The State shall secure the establishment of the institutions and organisations necessary for the education, rehabilitation, employment and social assistance of the mentally and physically handicapped persons in order to enable their adaptation to society.
- (3) The State shall take all kinds of measures to protect the disabled, the war veterans, the elderly people and those unable to work, and to render children in need of care and protection useful to the society.
- (4) These rights and facilities shall be regulated by law.

Rehabilitation of the Poor

Article 58

The State shall take social, economic, financial and other measures necessary for the purpose of rehabilitating socially and economically weak persons and rendering them useful to their families and to society.

Right to Education and Training

Article 59

- (1) No person shall be deprived of the right to education and training.
- (2) Every kind of educational and training activity under the supervision and control of the State shall be free.
- (3) No educational and training centres which are contrary to the principles of contemporary science and education shall be opened.
- (4) It shall be one of the primary duties of the State to provide for the educational and training needs of the people. The state shall carry out this duty in accordance with the principles and reforms of Atatürk, within a framework embellished with national culture and moral values, and in such a planned manner, as to meet the demands of the age and of technological progress as well as the demands and the needs of the individual and the community.
- (5) Every child, irrespective of sex, shall have the right to compulsory education until the age of fifteen and to free education until the age of eighteen.
- (6) The State shall take the necessary measures for bringing up children, who, owing to their circumstances, are in need of special training or education within or outside a school, in such a way as to render them useful to society.
- (7) The State shall give the necessary assistance, through scholarships or otherwise, for the purpose of enabling successful pupils who lack financial means to receive the highest level of education.

Protection of Youth

Article 60

The State shall ensure that the youth shall grow up and mature as intelligent, healthy, good charactered and useful citizens.

Promotion of Sports

Article 61

The State shall take measures for the improvement of the physical and mental health of citizens of all ages and for bringing sports within the reach of the masses; it shall provide the necessary facilities for sports and shall support successful athletes.

Protection of Arts, Artists and Cultural Rights

Article 62

- (1) The State shall create the conditions necessary to enable the free development of art; it shall take measures for the protection, support and encouragement of the artists and for rewarding them.
- (2) The State shall protect the right of every person to take part in cultural life, to enjoy the benefits of scientific progress and its applications, to benefit from the material and moral interests resulting from the protection of any scientific, literary or artistic production and shall ensure due respect for freedoms necessary for the promotion of scientific research and creative activity.

Promotion of Co-operative Activities

Article 63

The State shall take the measures necessary for the promotion of co-operative activities and shall regulate by law the functioning of co-operatives in accordance with democratic principles.

Protection of Agriculture and Farmers

Article 64

- (1) The State shall take the necessary measures for the adequate nourishment of the citizens and for the increase of agricultural production in conformity with the interest of the community, for the prevention of soil erosion and for the evaluation of agricultural products and appreciation of the labour of those engaged in agriculture.
- (2) The State shall facilitate the acquisition by farmers of agricultural equipment.
- (3) The protection of persons engaged in agriculture against natural disasters shall be regulated by law.

Protection of Consumers

Article 65

The State shall take protective and enlightening measures for consumers. It shall encourage consumers to take steps to protect themselves.

The Limit of the Economic and Social Duties of the State

Article 66

The State shall carry out its duties for attaining the economic and social aims specified in this Constitution in so far as economic development and financial resources permit.

Chapter IV

POLITICAL RIGHTS AND DUTIES

Citizenship

Article 67

- (1) All persons who –

- (a) acquired citizenship of the Republic of Cyprus under Annex D of the Treaty of Establishment of the 1960 Republic of Cyprus and were ordinarily resident in the Turkish Republic of Northern Cyprus on the 15th November, 1983 ; and
- (b) were admitted to citizenship of the Turkish Federated State of Cyprus before the 15th November, 1983;
- shall be citizens of the Turkish Republic of Northern Cyprus.
- (2) The rights to acquire citizenship of the Turkish Republic of Northern Cyprus of Cypriots of Turkish origin, who possessed the right to acquire citizenship of the Republic of Cyprus under Annex D of the 1960 Treaty of Establishment of the Republic of Cyprus, but were not on the 15th November 1983 ordinarily resident in the Turkish Republic of Northern Cyprus, shall be reserved.
- (3) (a) The children of a father or mother who acquired the right to become citizens but died before exercising such right and the surviving spouses of such persons, may acquire citizenship of the Turkish Republic of Northern Cyprus by application.
- (b) A child born in the Turkish Republic of Northern Cyprus after the 15th November 1983, whose father or mother is a citizen of the Turkish Republic of Northern Cyprus, shall be a citizen of the Turkish Republic of Northern Cyprus.
- (c) The grant of citizenship to children born in the Turkish Republic of Northern Cyprus after the 15th November 1983 of a father or mother who is not a citizen of the Turkish Republic of Northern Cyprus, shall be regulated by law in accordance with the provisions of international law.
- (4) No one shall be deprived of citizenship acquired by birth from a father or a mother who is a citizen of the Turkish Republic of Northern Cyprus or a Cypriot Turk.
- (5) Citizenship shall, subject to the above provisions of this Article, be acquired under the conditions provided by law and shall be lost only in the circumstances provided by law.

The right of citizenship acquired under legal conditions before the coming into operation of this Constitution shall be reserved.

The Right to Elect, to be Elected and to Participate in a Public Referendum

Article 68

- (1) It shall be the right and duty of every citizen who has completed the age of eighteen years to vote at elections and referenda.
- (2) Every citizen who has completed the age of 25 years shall have the right to be elected.

As a condition to be elected such a person must have ordinarily resided in North Cyprus for at least three years and completed his national service.

- (3) Other qualifications for the right to vote and to be elected shall, subject to the provisions of this Constitution, be regulated by law.
- (4) Elections and referenda shall be held in accordance with the principles of free, equal, secret, direct ballot and universal suffrage, open counting and tabulation and shall continue without interruption until the counting and tabulation are completed.
- (5) To become a candidate shall not be subject to the condition of resigning from the public service. The public officers and the conditions under which they can become candidates in view of the security of elections and of the public service, shall be regulated by law.

Judges, law officers, members of the armed forces and members of the police force shall not become candidates and shall not be elected unless they first resign from their posts.

- (6) In any referendum and in the presidential and general elections, national servicemen may vote at the nearest polling station to their units.
- (7) The other provisions connected with elections and referenda and the exercise of the rights under this Article shall be regulated by law.

The General Administration and Control of Elections

Article 69

- (1) Elections and referenda shall be held under the general direction and control of the judicial organs.
- (2) It shall be the duty of the High Electoral Council composed of judges, to take and cause to be taken all necessary action for the orderly administration and fairness of the elections and referenda from beginning to the end, to examine and give a final decision, during and after the election or referendum, on all irregularities, complaints and objections on matters concerning the elections and the referenda and to accept the election records of the President of the Republic and of deputies.
- (3) The establishment, functions, duties and powers of the High Electoral Council and other election councils shall be regulated by law.
- (4) Subject to the provisions of paragraph (1), special provisions may be made by law for the general administration and control of local authority elections for villages or quarters.

The Right to Form Political Parties and the Place of the Parties in Political Life

Article 70

- (1) Citizens have the right to form political parties and in accordance with normal procedure to become members, or to resign from membership, of parties.
- (2) Political parties are formed without prior permission and they function freely.
- (3) Political parties, whether in power or in opposition, shall be the indispensable elements of democratic political life.

- (4) Political parties shall not be entitled to take part in an election unless they are formed and acquire legal personality at least ninety days before such election.
- (5) Judges, law officers, members of armed forces, members of police force, public servants and persons under the age of eighteen years cannot form political parties or become members of political parties.
- (6) The assistance to be given by the State to political parties shall be regulated by law.

The Principles with which Political Parties Must Comply

Article 71

- (1) The rules, programmes and activities of political parties shall not violate the indivisibility or the integrity of the State together with its territory and people, human rights, the sovereignty of the people and the principles of a democratic and secular Republic, and the principles of Atatürk.
- (2) Political parties shall not carry out any activities outside their rules and programmes; and shall not exceed the limitations imposed by Article 12 of the Constitution.
- (3) The activities and decisions of political parties concerning their internal affairs shall not violate democratic principles.
- (4) The financial control of political parties shall be carried out by the Supreme Court, sitting as the Constitutional Court.
- (5) The Attorney-General of the Republic shall, after the formation of political parties, control whether their rules and programmes and the legal position of their founders are in conformity with the provisions of the Constitution and laws and shall follow up their activities.
- (6) Political parties shall not receive pecuniary assistance from foreign States and shall not participate in the decisions taken by such States against the independence and territorial integrity of the Turkish Republic of Northern Cyprus.
- (7) Political parties acting in contravention of the provisions of this Article may be permanently closed by the Supreme Court sitting as the Constitutional Court, upon the institution of an action by the Attorney-General of the Republic.
- (8) The control of the formation and activities of political parties and their closing down shall, subject to the above provisions, be regulated by law.
- (9) The provisions of this Article shall not be interpreted or applied as preventing political parties from engaging in activities for the amendment of this Constitution in accordance with Article 162 thereof.

Right to Enter the Public Service

Article 72

- (1) Every citizen has the right to enter the public service.
- (2) No discrimination, other than the qualifications required for the post, shall be made in appointments to the public service.

Declaration of Property Wealth

Article 73

The declaration of property wealth by public personnel upon entry into, and during their service in, the public service shall be regulated by law. Those performing duties in the legislative and executive organs shall not be exempted from this requirement.

National Service

Article 74

- (1) National service in the armed forces shall be the right and the sacred duty of every citizen.
- (2) Conditions relating to national service shall be regulated by law.

Duty to Pay Tax

Article 75

- (1) Every person is liable to pay taxes according to his financial means towards meeting public expenditure.
- (2) No tax, duty or charges or similar financial burdens shall be imposed save by or under the authority of law.
- (3) The Council of Ministers may be authorised to make amendments in the provisions relating to deductions and exemptions from taxes, duties and charges and in the rates and limits of such taxes, duties and charges, provided that such amendments shall be within the minimum and maximum limits, and in conformity with the standards and principles, specified in the law.
- (4) No financial obligations shall be imposed with retrospective effect.

Right to petition

Article 76

- (1) Every person shall have the right to make written applications, either individually or jointly with others, to the competent authorities concerning requests and complaints relating to themselves or to the public in general, and to expect that such applications are considered and decided upon expeditiously.

Such decision, duly reasoned, shall be communicated to the person making the request or complaint within thirty days at the latest. Any person who is aggrieved by such decision, or when no such decision is communicated to the interested person within thirty days, the person concerned may have recourse to a competent court concerning his request or complaint.

- (2) Citizens shall have the right to make applications in writing, either individually or jointly with others, to the Assembly of the Republic. The manner in which this right shall be exercised shall be regulated by law.

PART III
THE ASSEMBLY OF THE REPUBLIC
Chapter I

The Composition of the Assembly of the Republic

Article 77

The Assembly of the Republic shall be composed of fifty deputies.

The Duties and Powers of the Assembly of the Republic

Article 78

The duties and powers of the Assembly of the Republic shall be to enact, amend and repeal laws; to exercise control over the Council of Ministers and Ministers; to debate and approve bills concerning the budget and final accounts; to decide on the issue of currency and on the declaration of war; to approve the ratification of international agreements; to approve development plans; to decide on the grant of general and special amnesty and on the carrying out of death sentences pronounced by Courts which have become final; and to exercise the powers and perform the duties envisaged in the other Articles of the Constitution.

Elections for the Assembly of the Republic

Article 79

- (1) The elections for the Assembly of the Republic shall be held every five years.
- (2) The electoral system and principles governing it shall be regulated by law.
- (3) The powers of the Assembly which has been dissolved shall continue until a new Assembly is elected in its place.
- (4) By-elections shall be held every year on a specified date. No by-elections shall be held within the period of one year preceding the general elections.
- (5) If the holding of elections shall become impossible due to emergency reasons, the elections may be postponed for a period of one year by the Assembly of the Republic. The decision to postpone the elections shall be taken by a two third majority of the total number of members.

The Inviolability of the Assembly of the Republic and the Internal Security and Administrative Service

Article 80

- (1) The Assembly of the Republic is inviolable. No one can restrict the freedom of the Assembly, act in a manner disturbing its peace and insult its formal personality.
- (2) The internal security and administrative services within the premises, installations, annexes and courtyard of the Assembly of the Republic shall be provided for and administered by the President of the Assembly

of the Republic. For police and other internal security services, a sufficient force shall be allocated to the President of the Assembly of the Republic by the authorities concerned.

The Meetings and Procedure of the Assembly of the Republic

Article 81

- (1) The meetings of the Assembly of the Republic shall be held in the Assembly's own premises.
- (2) The Assembly of the Republic shall meet without summons at 10.00 hours on the tenth day following the publication of the results of the general elections in the Official Gazette. The eldest deputy present at the meeting shall act as the President of the Assembly and the two youngest deputies present at the meeting shall perform the duties of Clerks to the Assembly. At this meeting the deputies shall take the oath and then the Assembly shall proceed with the election of its Presidential Council. The election of the Presidential Council of the Assembly shall commence as from this date and shall be completed within ten days.
- (3) The Assembly of the Republic shall meet without summons on the first working day of the month of October every year and shall continue its ordinary functions until the end of the month of June.
- (4) The Assembly of the Republic shall carry out its functions in accordance with Rules made by it.

The Rules shall be so made as to enable the participation of the political party groups in all the activities of the Assembly of the Republic in proportion to the number of members in the group. The political party groups shall consist of at least five members.

- (5) The quorum for meetings of the Assembly of the Republic shall consist of the absolute majority of the total number of its members and decisions shall, unless there is provision to the contrary in the Constitution, be taken by the absolute majority votes of the members present at the meeting. In case of equality of the positive and negative votes, the issue submitted to the vote shall be considered as rejected Provided that abstentions from voting shall be deemed to denote the acceptance in advance of a decision in favour of the positive or negative votes whichever is the greater.
- (6) The Assembly of the Republic may be summoned to an extraordinary meeting on the request of the President of the Republic, the President of the Assembly of the Republic, the Council of Ministers or on the request of at least ten deputies.
- (7) The debates in the General Meetings of the Assembly of the Republic shall be public and minutes thereof shall be published in full in the bulletin of minutes of the Assembly.
- (8) The Assembly of the Republic may hold closed sessions by a decision of the General Meeting of the Assembly. The publication of the verbatim

reports of such debates shall be subject to the decision of the General Meeting of the Assembly of the Republic.

- (9) The publication by any means whatsoever of the public debates held in the Assembly of the Republic shall be free of any restrictions unless a decision to the contrary is taken upon the proposal of the Presidential Council of the Assembly at the same session.

Taking the Oath

Article 82

The deputies shall take the following oath before assuming their duties:

“ I do swear upon my honour and dignity that I shall preserve the existence and independence of the State, the indivisibility of the homeland and its people and the unconditional sovereignty of the people; that I shall be bound by the principle of the supremacy of law and by the principles of a democratic secular and social State under the rule of law and the principles of Atatürk; that I shall work for the welfare and happiness of my people; that I shall not depart from the ideal that every citizen must benefit from human rights and fundamental rights and liberties, and that I shall remain loyal to the Constitution.”

Presidential Council of the Assembly of the Republic

Article 83

- (1) The Presidential Council of the Assembly of the Republic shall be composed of the President of the Assembly of the Republic, Deputy-President of the Assembly of the Republic and of a sufficient number of Clerks and Administrative Officers elected from amongst the deputies.
- (2) The Presidential Council of the Assembly of the Republic shall function as a Council and shall be constituted proportionately with the number of members of the groups in the Assembly.
- (3) The election of the President and Vice-President of the Assembly shall be held twice during the term of office of the Assembly. Those elected for the first period shall hold office for three years and those elected for the second period shall hold office for two years.

The elections for the President and Vice-President of the Assembly for the second period shall commence on the first day of the fourth year of the term of office of the Assembly and shall be completed in ten days, at the latest. The duties of the former President and Vice-President of the Assembly shall continue until the new President and Vice President for the second period shall be elected.

- (4) The election of the President and Vice-President of the Assembly shall be by secret ballot. At the first four rounds of voting an absolute majority of the total number of members shall be required. If an absolute majority of the total number of members cannot be had at the fourth round, a fifth round of voting shall be held between the two candidates who have

received the greater number of votes at the fourth round of voting and the one who receives most of the votes at the fifth round shall be elected.

- (5) The provisions relating to the number, term of office and election of the Clerks and Administrative Officers shall be prescribed by the Rules of the Assembly of the Republic.

Immunity of Deputies

Article 84

- (1) Deputies shall not be held liable for their votes or statements at the meetings of the Assembly of the Republic and for repeating or disclosing these outside the Assembly.
- (2) Where it is alleged that a deputy committed an offence before or after the elections, he cannot be arrested or prosecuted without the leave of the Assembly. Such leave shall not be necessary in the case of a flagrant offence, punishable with death or imprisonment for five years or more. Provided that the competent person shall notify forthwith the Assembly.
- (3) A sentence imposed on a deputy before or after the elections, shall not be carried out until after the end of his term of office. The period during which a deputy remains in office shall not be reckoned for purposes of limitation of time.

The Termination of a Deputy's Term of Office

Article 85

- (1) The term of office of a deputy shall come to an end on his death, on his final conviction of an offence that constitutes disqualification for election, on his withdrawal, disqualification, acceptance of a duty not compatible with the office of a deputy, and on his failure to attend the meetings of the Assembly for a period of one month without any excuse or leave.
- (2) The termination of the term of office of a deputy shall be decided upon by the General Meeting of the Assembly of the Republic.

Duties not Compatible with the Office of a Deputy

Article 86

- (1) Deputies shall not accept employment in the State or public establishments as public personnel or other public official and shall not, directly or indirectly, undertake any business engagements of the State or of public establishments.
- (2) Other duties and functions not compatible with the office of a deputy shall be regulated by law.

Rumuneration of Deputies

Article 87

- (1) The salaries, representation and cost of living allowances and travelling expenses of the deputies shall be regulated by law. The monthly amount of the salary shall be equal to the monthly amount of salary drawn by the

highest ranking public officer. The total sum of travelling expenses and representation allowances shall not exceed one-half of the total annual salary.

- (2) An additional allowance, as shall be prescribed by law, shall be paid to the President and members of the Presidential Council of the Assembly of the Republic.

Holding of New Elections for the Assembly of the Republic

Article 88

- (1) The Assembly of the Republic may, by an absolute majority vote of the total number of its members decide to hold new elections. Abstentions and invalid votes shall be taken into account only for purposes of the quorum of such meeting; they shall not be taken into consideration for the purpose of the minimum number of votes required for the taking of a decision.
- (2) If it is not possible to appoint a Council of Ministers having the support of the majority of the Assembly of the Republic in conformity with paragraph (2) of Article 106 of this Constitution within a period of sixty days, the President of the Republic may decide to dissolve the Assembly and to hold new elections for the Assembly of the Republic.
- (3) If the Council of Ministers falls, or is defeated three times within a year for inability to receive a vote of confidence or as a result of a vote of no confidence, under Article 109 of this Constitution, the President of the Republic may decide to hold early elections for the Assembly of the Republic.
- (4) The President of the Republic may, if he considers it necessary, have recourse to a referendum before deciding to hold new elections for the Assembly of the Republic under paragraphs (2) and (3) of this Article.
- (5) The President of the Republic, when deciding to hold new elections or to have recourse to a referendum, shall obtain the views of the President of the Assembly of the Republic, the Council of Ministers and of the Chairmen of political parties having a group in the Assembly of the Republic.

Chapter II

ENACTMENT OF LAWS

General Provisions Relating to Enactment of Laws and Taking of Decisions

Article 89

- (1) The Council of Ministers and the deputies shall be entitled to introduce bills and resolutions.

The method and principles governing the debate in the Assembly of the Republic of bills and draft resolutions shall be regulated by the Rules of the Assembly.

- (2) The manner in which bills and draft resolutions shall be brought to the notice of the public shall be regulated by the Rules of the Assembly.

The Ratification of International Agreements

Article 90

- (1) The ratification of agreements to be entered into on behalf of the Turkish Republic of Northern Cyprus with foreign States or international organisations shall be subject to the approval of the Assembly of the Republic by enactment of a law.
- (2) Treaties regulating economic, commercial and technical relations, the duration of which do not exceed one year, may be put into effect through publication, provided that such treaties do not impose any burden on the State finances and do not affect the status of persons and the right of ownership of citizens in foreign countries. In such cases, the treaties shall be brought to the knowledge of the Assembly of the Republic within one month of their publication.
- (3) It shall not be necessary for treaties relating to enforcement of an international treaty and for economic, commercial, technical or administrative treaties made pursuant to powers given by law, to be ratified by the Assembly of the Republic; but such economic and commercial treaties so made and treaties affecting rights of the individual shall not come into force before publication.
- (4) The provisions of paragraph (1) of this Article shall be applied in the case of all treaties which result in a change in the laws of the Turkish Republic of Northern Cyprus.
- (5) International treaties which have been duly put into operation shall have the force of law. Recourse cannot be made to the Supreme Court sitting as the Constitutional Court in respect of such treaties on the grounds of unconstitutionality.

Declaration of State of War and Authorisation of the Use of the Armed Forces

Article 91

- (1) The power to authorise declaration of a state of war in circumstances considered legitimate under international law and the sending of the armed forces to foreign countries or the presence of the armed forces of foreign countries in the Turkish Republic of Northern Cyprus in circumstances other than those necessitated by international treaties to which the Turkish Republic of Northern Cyprus is a party or by the rules of etiquette is vested in the Assembly of the Republic.
- (2) In the event of the country facing a sudden armed attack and due to the impossibility of summoning a meeting of the Assembly of the Republic it is imperative that an immediate decision should be taken on the use of armed force at the time of the attack, the President of the Republic shall also have the power to decide on the use of armed force. The President of

the Republic shall immediately bring such decision to the knowledge of the Assembly of the Republic. The Assembly of the Republic shall convene at the first opportunity and take the necessary decisions on the matter.

The Preparation, Application, Debating and Acceptance of the Budget

Article 92

- (1) The expenditure of the State and of Public Corporate Bodies, other than the Public Utility Enterprises, shall be provided for by annual budgets.
- (2) The provisions governing the preparation and the application of the budget shall be regulated by law.
- (3) No provisions other than those relating to the budget shall be included in the Budget Law.
- (4) The draft budget shall be submitted by the Council of Ministers to the Assembly of the Republic at least two months before the beginning of the financial year.
- (5) The Budget Committee shall complete its work on the budget within one month, at the latest.
- (6) During the debate of the draft budget at the general meeting of the Assembly of the Republic, the deputies cannot propose any increase of expenditure or any decrease in revenue.
- (7) The President of the Republic shall promulgate the Budget Law enacted by the Assembly of the Republic by publishing it in the Official Gazette of the Republic within ten days.

Final Accounts

Article 93

The bills for final accounts shall, unless a shorter period has been provided in the law, be submitted by the Council of Ministers to the Assembly of the Republic within one year from the end of the financial year to which they relate, at the latest. The Office of Audit shall submit its notification of general approval to the Assembly of the Republic within a period of six months, at the latest, from the date of the submission of the bill of final accounts to which it relates.

Promulgation of Laws by the President of the Republic

Article 94

- (1) The President of the Republic shall promulgate the laws enacted by the Assembly of the Republic by publishing them in the Official Gazette of the Republic within fifteen days. He shall return any law which he does not consider appropriate to promulgate, together with the reasons therefor, to the Assembly for reconsideration within the said period of fifteen days.
- (2) If the Assembly of the Republic approves the law returned, either after amending it or as it is, by an absolute majority of the total number of its members, the law shall be promulgated by the President of the Republic.

Abstentions shall not be taken into account for the purposes of computing the votes required for the taking of a decision.

- (3) The President of the Republic shall, at the request of the Council of Ministers, refer any law enacted by the Assembly of the Republic to a referendum within the period prescribed for promulgation. The laws approved by referendum shall be promulgated by publication in the Official Gazette within ten days of their approval.
- (4) The President of the Republic may exercise the authority vested in him under Article 146 within the period of fifteen days. In such a case the provisions of Article 146 shall be applied.

The Publication of Decisions

Article 95

- (1) The decisions taken by the Assembly of the Republic on the following matters shall, unless there is provision to the contrary in the decision, come into force immediately and shall be published by the President of the Assembly in the Official Gazette within ten days
 - (a) Decisions relating to the declaration of war;
 - (b) Decisions relating to the supervision of the Council of Ministers and Ministers and to votes of confidence and to votes of no confidence;
 - (c) Decisions relating to the holding of new elections and to the postponement of elections;
 - (d) Decisions relating to the termination of the Office of a deputy;
 - (e) Decisions relating to the removal of the immunity of a deputy;
 - (f) Results of elections held for internal matters of the Assembly;
 - (g) Decisions to prefer charges against the President of the Republic, the Prime Minister and the Ministers before the Supreme Council ;
 - (h) Decisions relating to the supervision of public utility enterprises;
 - (i) Decisions relating to a state of emergency and martial law;
 - (j) Decisions relating to the approval of development plans.
- (2) Decisions of the Assembly of the Republic which are of a general nature and which do not come under paragraph (1) of this Article shall be dealt with in accordance with the provisions governing the promulgation of laws.
- (3) Decisions relating to the application of the Rules of the Assembly of the Republic and decisions which relate to the Assembly' s internal organization and activities which the Assembly decides should be published, shall be published by the President of the Assembly in accordance with paragraph (1) above.
- (4) No recourse shall be had to the courts and no annulment proceedings shall be instituted in the Constitutional Court in respect of decisions other than those referred to under sub-paragraphs (d), (e) and (i) of paragraph (1) above.

METHODS OF OBTAINING INFORMATION AND SUPERVISION BY THE ASSEMBLY OF THE REPUBLIC

Power of Obtaining Information and Exercising Supervision in General

Article 96

The Assembly of the Republic shall have power to table questions, to hold a general debate, an enquiry, an investigation and to take a vote of confidence.

Tabling of Questions and Holding of a General Debate

Article 97

- (1) Tabling of a question consists in asking information on a specific subject from the Prime Minister or Ministers which shall be furnished orally or in writing on behalf of the Council of Ministers. The Prime Minister and Ministers shall furnish a reply to the question tabled within thirty days, at the latest.
- (2) General debate means a debate held on a specific subject upon the proposal of a deputy and its acceptance by the Assembly of the Republic. No voting is taken at the end of a general debate.

Enquiry or Investigation

Article 98

- (1) An Assembly enquiry is an examination carried out for the purpose of obtaining information on a specific subject.
- (2)
 - (a) Requests for an investigation concerning the Prime Minister or Ministers shall be signed by at least nine deputies.
 - (b) Requests for an investigation shall be debated and decided upon by the Assembly of the Republic.
 - (c) Investigations shall be conducted by a special committee made up of deputies.
 - (d) The Assembly of the Republic may, after debating the report of the Committee of Investigation, accuse the Prime Minister or the Ministers by a decision to be taken by at least two-thirds of the total number of members.
 - (e) The Prime Minister and Ministers shall be tried before the Supreme Council.
 - (f) No discussions shall be held or decisions taken at political party groups in the Assembly of the Republic in connection with Assembly investigations.
- (3) The Committees of Enquiry and Investigation of the Assembly of the Republic shall have authority to examine any document relating to the enquiry or investigation, to obtain information and to summon and examine witnesses.

The sanctions to be applied against persons who shall refuse to furnish the information and documents required by the Committees of Enquiry and

Investigation or persons who disobey summons issued by these Committees and other relevant principles shall be regulated by law.

PART IV

THE EXECUTIVE

Chapter I

THE PRESIDENT OF THE REPUBLIC

The President of the Republic

Article 99

- (1) The President of the Republic shall be elected for a period of five year. The candidates for the office of the President of the Republic must possess the following qualifications:
 - (a) they must be qualified for election as a deputy ;
 - (b) they must have had higher education ;
 - (c) they must have completed the age of thirty five years ;
 - (d) they must have been born of a Turkish father and mother and must be a citizen of the Turkish Republic of North Cyprus; and
 - (e) they must have been ordinarily resident in Cyprus for a minimum period of five years immediately preceding the election.
- (2) In order to be elected as President of the Republic a candidate must obtain the absolute majority of the total number of valid votes cast. If no candidate obtains such absolute majority, the election shall be repeated after seven days between the two candidates who obtained the greater number of valid votes cast and the candidate who obtains the highest number of valid votes cast at such repeated election shall be elected as the President of the Republic.
- (3) The President of the Republic cannot do any work other than his official duties. He cannot , directly or indirectly, undertake any business engagements of the State or of public bodies.
- (4) The salary, representation and cost of living allowances and travelling expenses of the President of the Republic shall be regulated by law.

The Taking of Oath by the President of the Republic

Article 100

The President of the Republic shall take the following oath on his investiture

“ I do swear upon my honour and dignity that I shall preserve the existence and independence of the State, the indivisibility of the homeland and its people and the unconditional sovereignty of the people; that I shall be bound by the principle of the supremacy of law and by the principles of a democratic, secular and social State under the rule of law and the principles of Atatürk; that I shall work for the welfare and happiness of my people; that I shall not depart from the ideal that every citizen must benefit from human rights and fundamental rights and liberties and that I shall remain loyal to the Constitution and the

laws ; and that I shall do all in my power to exalt the Turkish Republic of Northern Cyprus and to perform impartially the duties I have undertaken.”

The Relations of the President of the Republic with his Political Party

Article 101

In the event of the President of the Republic being a member of a political party, he shall not be bound by the decisions of his party and he shall act independently. A person cannot at the same time be the President of the Republic and the chairman of a political party.

The Duties and Powers of the President of the Republic

Article 102

- (1) The President of the Republic shall be the Head of the State. In this capacity he shall represent the unity and integrity of the State and the community.
- (2) The President of the Republic shall ensure respect for the Constitution of the Republic, the carrying out of public affairs in an uninterrupted and orderly manner and the continuity of the State.
- (3) The President of the Republic shall represent, on behalf of the Assembly of the Republic, the office of the Commander-in-Chief of the Armed Forces of the Republic.
- (4) The President of the Republic shall exercise any other powers and shall perform impartially any other duties entrusted to him by this Constitution and the laws.

Immunity and Liability of the President of the Republic

Article 103

- (1) The President of the Republic shall not be responsible for acts relating to the execution of his duties. The Prime Minister and the Minister concerned, whose signatures appear thereon, shall be responsible for decrees jointly signed with the President of the Republic.
- (2) The Assembly of the Republic may accuse the President of the Republic of high treason by a decision taken by at least a two-thirds majority of the total number of its members.
- (3) The President of the Republic shall be tried before the Supreme Council. If the Supreme Council considers the accusation justified, the term of office of the President shall be terminated. If he is not found guilty he shall resume his duties as the President of the Republic.
- (4) Upon the decision of the Assembly of the Republic to level such an accusation, the President of the Republic cannot continue his duties. In this event, the provisions of Article 105 of this Constitution shall be applied.
- (5) The formal personality of the Office of the President cannot be insulted.

Vacancy in the Office of the President of the Republic

Article 104

- (1) The Office of the President of the Republic shall become vacant upon his death, upon his absence from work, other than temporary absence, and upon his written resignation sent to the President of the Supreme Court.
- (2) If due to health reasons the President of the Republic shall become permanently incapable of performing his duties, the Council of Ministers shall inform the President of the Supreme Court of the situation. If the Supreme Court sitting as the Constitutional Court decides that the President of the Republic is permanently incapable of performing his duties, the Office of the President of the Republic shall be deemed to have become vacant.
- (3) In the event of the Office of the President of the Republic becoming vacant, the vacancy shall be filled by an election to be held within a period not exceeding forty five days from the occurrence of such vacancy.

Deputising for the President of the Republic

Article 105

- (1) In the event of the President of the Republic being temporarily absent from his office for reasons such as sickness or travel abroad, or in the event of the Office of the President of the Republic becoming vacant, for any reason, the President of the Assembly shall act as President of the Republic until the President of the Republic resumes his duties or until a new President of the Republic is elected, as the case may be.
- (2) The President of the Assembly of the Republic cannot exercise the powers enumerated in Article 88 of this Constitution, while acting as President of the Republic.

Chapter II

COUNCIL OF MINISTERS

The Formation of the Council of Ministers

Article 106

- (1) The Council of Ministers of the Turkish Republic of Northern Cyprus shall be composed of the Prime Minister and the Ministers. The Prime Minister shall be appointed by the President of the Republic from amongst the deputies in accordance with the provisions of this Article.
- (2) The President of the Republic shall entrust the duty of the formation of the Council of Ministers to the leader of a group or to a deputy who is likely to obtain a vote of confidence.

Every deputy who is given a mandate to form the Council of Ministers shall be bound to complete the mandate or return it within fifteen days, at the latest.

- (3) The President of the Republic shall appoint the Prime Minister and on the proposal of the Prime Minister, the Ministers in accordance with the provisions of paragraph (2) above. The President of the Republic shall terminate the appointment of any Minister at the request of the Prime Minister.
- (4) The Ministers may be appointed from amongst persons who are not deputies; provided that such persons shall possess the qualifications required of a person to be elected as a deputy.
- (5) The Prime Minister and the deputies who have been appointed as Ministers shall not lose their membership of the Assembly of the Republic. The Ministers appointed to the Council of Ministers from outside the Assembly shall benefit from immunity in the same way as deputies but shall not vote in the Assembly of the Republic.
- (6) The existing Council of Ministers shall continue in office until the new Council of Ministers is appointed by the President of the Republic.

The Duties, Powers and Responsibilities of the Prime Minister

Article 107

- (1) The Prime Minister shall ensure interministerial co-operation, the carrying out of the general policy of the Council of Ministers and the application of the laws.
- (2) The Prime Minister shall be responsible for ensuring that the Ministers perform their duties in accordance with the Constitution and the laws, for securing the orderly functioning and discipline of the Council of Ministers and for taking the necessary corrective measures.
- (3) The Prime Minister shall be responsible to the Assembly of the Republic for the programme of the Council of Ministers and for its application or for any important political initiative.
- (4) The Prime Minister shall preside over the Council of Ministers. The President of the Republic may preside over the Council of Ministers in circumstances which he considers it necessary, or at the request of the Prime Minister. The President of the Republic shall not have the right to vote.
- (5) The Prime Minister cannot do any work other than his official duties. He cannot undertake, directly or indirectly, any business engagement of the State and of public bodies.

The salary, representation and cost of living allowances and the travelling expenses of the Prime Minister shall be regulated by law.
- (6) The Prime Minister shall exercise any other powers and perform any other duties conferred on him by this Constitution and the laws.

The Establishment of the Ministries

Article 108

- (1) The Ministries shall be established and abolished according to the number and principles provided by the Constitution, on the proposal of the Prime Minister and upon approval of the President of the Republic, by a decree published in the Official Gazette.

Provided that such a decree shall come into operation only if the Prime Minister concerned receives a vote of confidence.

- (2) The number of ministries shall under no circumstances exceed ten. The central organisation of each Ministry and the departments and services that shall be attached to each ministry, shall be regulated by rules to be made in accordance with the principles laid down by law.
- (3) In Ministries where the office of the Minister is vacant or where a Minister is on leave or is incapacitated from performing the duties of his office, another Minister may deputise for him temporarily. Provided that a Minister shall not act for more than one Minister.
- (4) A Minister, against whom a charge is preferred before the Supreme Council by a decision of the Assembly of the Republic, shall cease to be a Minister. In the event of the Prime Minister being so charged before the Supreme Council, the Council of Ministers shall be deemed to have resigned.
- (5) In the event of a vacancy occurring in the office of any Minister for any reason, such vacancy shall be filled within ten days, at the latest.

The Assumption of Duty by the Council of Ministers and its Responsibilities

Article 109

- (1) The complete list of the Council of Ministers appointed by the President of the Republic shall be submitted to the Assembly of the Republic. If the Assembly of the Republic is in recess, it shall be convened immediately. The programme of the Council of Ministers shall be read by the Prime Minister or by a Minister within a week from the date of its appointment at the latest.
- (2) After the programme is read before the Assembly of the Republic, recourse shall be had to a vote of confidence. The debate on the vote of confidence shall begin after the lapse of two full days from the reading of the programme and the vote of confidence shall be held after the lapse of one full day from the end of such debate. No motion for a vote of no confidence shall be tabled against a Council of Ministers, which has obtained a vote of confidence, before the lapse of three months from the date of the vote of confidence.
- (3) A motion for a vote of no confidence against the Prime Minister may be tabled by at least nine deputies. No further motion of no confidence shall be tabled before the lapse of three months from the date of the refusal of the previous motion of no confidence.

The decision whether a motion of no confidence shall be included on the agenda or not, shall be taken at the second meeting following its submission. A vote of no confidence cannot be taken before the lapse of

one full day after the close of the general debate on the motion of no confidence.

- (4) After having discussed the matter at the Council of Ministers, the Prime Minister may, if he considers it necessary, ask for a vote of confidence from the Assembly of the Republic at any time. The request for a vote of confidence cannot be debated until after the lapse of one full day from the making of the request to the Assembly of the Republic and the requests cannot be put to a vote until after the lapse of one full day from the end of the debate. The vote of confidence sought in this manner can be rejected only by an absolute majority of the total number of the members of the Assembly of the Republic.
- (5) In the event of the majority of the members of the Council of Ministers being replaced within a period of thirty days, the Prime Minister shall ask for a vote of confidence.
- (6) The Prime Minister, who fails to obtain a vote of confidence, or whose request for a vote of confidence is rejected or a motion for a vote of no confidence against him is carried by an absolute majority of the total number of members of the Assembly of the Republic, shall submit his resignation to the President of the Republic.

The Duties, Powers and Responsibilities of the Ministers

Article 110

- (1) Each Minister is responsible to the Prime Minister and shall also be responsible for matters coming under his authority and for the actions of those working under him.
- (2) Each Minister shall be the person responsible at the top of the hierarchy of his Ministry's central organisation and of the Departments and administrative units attached to his Ministry.
- (3) The executive duties of each Minister shall include the following:
 - (a) to apply the laws concerning his Ministry and to administer all matters and affairs which normally come within the authority of his Ministry ;
 - (b) to prepare the orders, rules and regulations concerning his Ministry for submission to the Prime Minister and the Council of Ministers;
 - (c) to publish directions, circulars and similar texts for the application of any law concerning his Ministry and of any rules and regulations issued thereunder ;
 - (d) to prepare that part of the Budget of the Republic which concerns his Ministry for submission to the Council of Ministers and to apply such Budget.
- (4) The Ministers cannot engage in any work other than their official duties. They cannot undertake, directly or indirectly, any business engagement of the State and of public bodies.

The salaries, the representation and cost of living allowances and the travelling expenses of the Ministers shall be regulated by law.

- (5) The Ministers shall exercise any other powers and shall perform any other duties conferred on them by the legislation in force, by the Prime Minister and by the Council of Ministers.

The Security Council of the Republic

Article 111

- (1) The Security Council of the Republic shall be composed of the President of the Assembly, the Prime Minister, the Ministers of Interior, Foreign Affairs and Defence, the Commander of the Armed Forces and the Commander of Police, under the Chairmanship of the President of the Republic.

Depending on the nature of the agenda, other interested Ministers and persons may be invited and their views obtained. At the request of the Prime Minister, Secretarial work of the Security Council shall be carried out by the Office of the Prime Minister.

- (2) The Security Council of the Republic shall inform the Council of Ministers of its views on the taking of decisions relating to the determination and implementation of the security policy of the State and of the country and on securing the necessary co-ordination. Decisions relating to measures considered necessary by the Security Council for the protection of the existence and independence of the State, of territorial integrity and indivisibility of the country and of the peace and security of the community shall be considered with priority by the Council of Ministers.

Decrees Having the Force of Law

Article 112

- (1) The Council of Ministers may, in cases of urgency, issue decrees having the force of law in economic matters. A decree having the force of law shall come into force on its publication in the Official Gazette and it shall be submitted to the Assembly of the Republic, together with its objects and reasons, on the same day.
- (2) Decrees having the force of law submitted to the Assembly of the Republic shall be debated and decided upon in the Committees and the General Assembly with priority and urgency before any other matter, in accordance with the provisions of the Rules relating to the debate of laws.
- (3) The Assembly shall give its decision on these matters within ninety days.
- (4) New financial burdens cannot be imposed and personal and political rights and liberties cannot be restricted by means of decrees envisaged by this Article.

Chapter III

ADMINISTRATIVE PROVISIONS

The State Administration

Article 113

- (1) The State administration is a whole with its structure and duties and shall be regulated by law.
- (2) The structure and duties of the State administration shall be based upon the principles of central and local government.
- (3) A public corporate body can only be established by law or on the authority expressly given by law.

High Supervisor of the Administration (Ombudsman)

Article 114

- (1) An Ombudsman shall be appointed by the President of the Republic with the approval of the Assembly to control whether any service or act of the administration has been carried out in accordance with the legislation in force and court decisions or to control any service or act done by or on behalf of any executive or administrative unit or officer and to carry out enquiries and submit reports on such services and acts and to perform any other duties specified by law.
- (2) The qualifications, powers and duties of the Ombudsman shall be regulated by law.

The conditions for the dismissal of the Ombudsman shall be the same as those applied to a member of the Supreme Court.
- (3) Matters connected with the judiciary, foreign policy and the defence of the country are not within the duties of the Ombudsman.

Establishment of Government Departments and Service Units

Article 115

The establishment, duties and powers of the Government departments and service units shall be regulated by law.

Central Administration

Article 116

The Turkish Republic of Northern Cyprus shall, from the point of view of the organisation of central administration, be divided into divisions prescribed by law according to geographical situation, economic conditions and exigencies of the public services.

Defence of the Realm and Establishment of the Armed Forces

Article 117

- (1) Defence of the country shall be undertaken by the Armed Forces of the Turkish Republic of Northern Cyprus.
- (2) The Council of Ministers shall be responsible to the Assembly of the Republic for ensuring the security of the country and for preparing the armed forces for the defence of the country.

- (3) In time of war, the Commander of the Armed Forces shall perform the duties of the Commander-in-Chief on behalf of the President of the Republic.
- (4) The Commander of the Armed Forces shall be appointed by the President of the Republic upon the proposal of the Minister of Defence and the approval of the Council of Ministers.
- (5) The establishment, duties, powers and responsibilities of the armed forces under the Minister of Defence and the commands attached to the armed forces shall be regulated by law.

Police Organisation

Article 118

- (1) The establishment, duties, powers and responsibilities of the Police Organisation shall be regulated by law.
- (2) The police are charged with performing their duties within the framework of the Constitution and the laws with due respect to the principles of a democratic State under the rule of law and to the fundamental rights of citizens.

Local Authorities

Article 119

- (1) Local authorities are public legal bodies established for meeting the local common requirements of the people of a district, municipality, village or quarter, the principles governing the establishment of which are specified by law and the decision-making organs of which are constituted by elections.
- (2) The establishment, duties and powers of local authorities shall be regulated by law in accordance with the principle of local administration.
- (3) Elections for the organs of local authorities shall be held once in every four years in accordance with the provisions of Article 68.

The Carrying Out of the Basic and Continuous Duties Connected with the Public Services

Article 120

- (1) The substantive and continuous duties necessitated by the public services which the State is obliged to provide in accordance with the principles of general administration, shall be carried out by public servants.
- (2) The substantive and continuous duties necessitated by the public services which the public utility enterprises and other public corporate bodies are obliged to provide in accordance with the principles of general administration, shall be carried out by other public personnel.

Provisions in Connection with Public Personnel and Other Public Officers

Article 121

- (1) The qualifications, appointments, duties and powers, rights and responsibilities, salaries and allowances and other personal matters of public personnel shall be regulated by law.
- (2) Impartial and independent organ or organs shall be established to exercise power with regard to the appointment, confirmation, emplacement on the permanent and pensionable establishment, promotion, transfer, retirement of public personnel and any disciplinary proceedings against them including dismissal and removal from office, but excluding disciplinary proceedings necessitating the punishment of warning or reprimand. The establishment and functions of such organ or organs shall be regulated by law so as to render possible the making of separate arrangements in respect of a particular section of public personnel having regard to the particular nature of the services rendered by them.

Provisions relating to judges, law officers, members of the armed forces and the police and the other provisions of the Constitution on this matter shall be reserved.

- (3) The qualifications, appointments, duties and powers, rights and responsibilities, salaries and allowances and other personal matters of the public personnel shall be regulated by law in accordance with the particular nature of the services carried out by the bodies employing such personnel.
- (4) Where it is intended to take disciplinary action against public personnel and other public officers, the person concerned shall be notified expressly and in writing of the accusation against him, he shall be asked to make his written defence and he shall be given a certain period for putting forward his defence. No disciplinary action shall be taken unless the above provisions are complied with and disciplinary decisions shall be subject to review by courts of justice.

The provisions of this Constitution relating to judges and law officers shall be reserved.

- (5) Public personnel carrying out duties as a high ranking administrator shall be appointed by a decree signed by the Minister concerned, the Prime Minister and the President of the Republic. Provisions in this respect shall be regulated by law.
- (6) With the exception of the employment of labourers, no appointments shall be made to the public service, public bodies and public utility enterprises from the date of the publication in the Official Gazette of the election date for the Assembly of the Republic until the date when the new Council of Ministers shall assume duties after the election; promotions, transfers and revision of salary scales shall be suspended completely during the said period.

The manner and the circumstances under which these provisions shall be applied, shall be regulated by law.

Rules and Regulations

Article 122

Unless the Constitution or a law gives express power, no organ of the State shall make rules and put them into force. Regulations shall be made and put into force only in accordance with rules.

Illegal Orders

Article 123

- (1) Any person employed in the public service under any capacity whatsoever, shall not obey an order given by his superior, if he considers such order to be contrary to the provisions of any regulations, rules, law or of the Constitution and shall notify the person giving the order of such contravention. But if the superior insists on his order and repeats it in writing, the order shall be obeyed and in such a case the person obeying the order shall not be held responsible.
- (2) Any order, the subject matter of which constitutes an offence, shall not be obeyed under any circumstances; any person obeying such an order cannot escape responsibility.
- (3) Exceptions relating to the execution of military services, and to the safeguarding in emergency situations of public order and public security, as provided by law, shall be reserved.

Chapter IV

STATE OF EMERGENCY

Declaration of State of Emergency due to Natural Disasters and Serious Economic Crisis

Article 124

The Council of Ministers meeting under the chairmanship of the President of the Republic may, in the event of natural disasters, dangerous infectious diseases or serious economic crisis, declare a state of emergency, in one or more areas or in the whole of the country for a period not exceeding three months.

Declaration of a State of Emergency due to the Spread of Violence and Serious Deterioration of Public Order

Article 125

The Council of Ministers meeting under the chairmanship of the President of the Republic, may, after consulting the Security Council of the Republic, in the event of strong signs of widespread acts of violence aimed at the elimination of the liberal and democratic order set up by the Constitution or the fundamental rights and liberties, or in the event of serious deterioration of public order, declare a state of emergency in one or more areas or in the whole of the country, for a period not exceeding three months.

Arrangements Regarding State of Emergency

Article 126

- (1) Where it is decided to declare a state of emergency in accordance with Articles 124 and 125 of the Constitution, the declaration shall be published in the official Gazette and shall immediately be submitted to the approval of the Assembly of the Republic. If the Assembly of the Republic is in recess it shall immediately be convened for the purpose. The Assembly of the Republic may, by a majority of the total number of its members, amend the declaration or the period of the state of emergency, abolish the state of emergency or, at the request of the Council of Ministers, extend it for periods not exceeding two months at a time.
- (2) On the declaration of a state of emergency, the Articles of the Constitution, the operation of which have been partly or wholly suspended during the continuation of the state of emergency, shall be expressly stated; the Articles of the Constitution to be so suspended shall be limited to those Articles of the Constitution which are necessary for the elimination of the causes which necessitated the declaration of the state of emergency.

Provided that, on the declaration of such a state of emergency, the operation of only the following articles of the constitution can be suspended:

Articles 16, 20, 21, 22, 24, 32, 33, 41 paragraph 5 (d), 42, 48, 49 paragraph 3, 53 and 54.

Martial Law, Mobilization and State of War

Article 127

- (1) The Council of Ministers meeting under the chairmanship of the President of the Republic may, after consulting the Security Council of the Republic, proclaim martial law in one or more areas or in the whole of the country, for a period not exceeding three months for reasons such as the spread of violence more serious than that necessitating the declaration of a state of emergency or activities aimed at the elimination of the liberal and democratic order recognised by the Constitution or of the fundamental rights and liberties ; the existence of a state of war or circumstances necessitating war ; the starting of an insurrection or the spread of a strong and active uprising against the country or the Republic or of acts of violence endangering internally or externally the indivisibility of the country and of the people. Such proclamation shall immediately be published in the Official Gazette and shall be tabled forthwith before the Assembly of the Republic, for approval. If the Assembly of the Republic is not in session, it shall immediately be convened for the purpose. The Assembly of the Republic may, by an absolute majority of the total number of its members amend the proclamation or martial law, extend or shorten the period of martial law or abolish martial law if it considers this necessary.
- (2) The extension of martial law for a period not exceeding two months at a time is subject to the decision of the Assembly of the Republic. This period may be dispensed with in times of war.

- (3) Matters such as the provisions which shall be applied and the manner as to how proceedings will be conducted, relations with the Administration, and matters as to how liberties will be restricted or suspended and the obligations to be imposed on citizens in the event of war or of a situation necessitating war, shall be regulated by law.

Provided that in the proclamation of martial law in circumstances other than a state of war, the Articles of the Constitution, the operation of which have been suspended, partly or wholly, during the continuation of martial law, shall be expressly stated. The Articles of the Constitution to be so suspended shall be limited to those Articles of the Constitution the suspension of which are necessary for the elimination of the causes which necessitated the proclamation of martial law. In such cases of martial law, only the Articles of the Constitution which are listed under Article 126 (2) of the Constitution can be suspended.

Issue of Decrees having the Force of Law during State of Emergency and Martial Law

Article 128

- (1) The Council of Ministers meeting under the chairmanship of the President of the Republic may, while a state of emergency or martial law is in force, issue decrees having the force of law on matters necessitated by the state of emergency or martial law. Such decrees shall be published in the Official Gazette and submitted forthwith to the Assembly of the Republic for approval. Such decrees, unless rejected by the absolute majority of the total number of the members of the Assembly of the Republic, shall remain in force for the duration of the state of emergency or martial law.
- (2) The provisions of paragraphs (2) and (3) of Article 112 shall also apply to decrees having the force of law so submitted.

PART V

ORGANIZATIONS

Professional Bodies of Public Nature

Article 129

- (1) Professional bodies of a public nature shall be established by law and their organs shall be elected by them and from amongst their members.
- (2) The elected organs of these bodies shall not be removed, either permanently or temporarily, from office without a court order.
- (3) The rules and the administration and functions of professional bodies shall not be contrary to democratic principles.

Radio and Television Broadcasting and News Agencies

Article 130

- (1) The establishment and administration of radio and television broadcasting stations shall be regulated by law.

- (2) All radio and television broadcasts shall be made in accordance with the principles of impartiality.
- (3) The principles of compliance with the requirements of a democratic, secular and social State under the rule of law based on human rights and on the exigencies of national security and public morals, the selection and transmission of news and programmes and the carrying out of the duty for the furtherance of culture and education and the securing of the correctness of news; and the election of the executive organs, their powers, duties and responsibilities shall be regulated by law.
- (4) News agencies established by the State or receiving financial assistance from the State shall comply with the above provisions.
- (5) The right of political parties to benefit from radio, television, news, agencies and other similar State establishments shall be regulated by law.
- (6) Facilities for propaganda and election speeches over the radio and television by political parties taking part in the elections or in a referendum, shall be regulated by law.

Vakfs Organization and the Office of Religious Affairs

Article 131

- (1) The institution of Vakf and the Fundamental Evkaf Rules (Ahkâmül Evkaf) are recognised by this Constitution.
- (2) All matters relating to or in any way affecting the institution or foundation of Vakf or any Vakf properties, including properties belonging to mosques and any other Moslem Religious institutions, shall be subject exclusively to the Fundamental Evcaf Rules (Ahkâmül Evkaf) and the legislation in force and the laws to be enacted by the Assembly of the Republic after the coming into force of this Constitution.
- (3) Vakfs, the income of which belong to the Evkaf Administration, shall be exempted from any form of taxation.
- (4) The establishment and functioning of the Vakfs Organisation and the Religious Affairs Office shall be regulated by law and they shall carry out the duties prescribed by law.
- (5) The State shall help the Vakfs Organization in the execution of religious services and in meeting the expenses of such services.

Chapter VI

ECONOMIC AND FINANCIAL PROVISIONS

Financial Control

Article 132

- (1) The Office of Audit, which is an organ of financial control, shall audit public revenue and expenditure and shall inform the Assembly and the Council of Ministers of the Republic of the result by the submission of a report. It shall assist the Assembly and the Council of Ministers on financial matters.

- (2) The appointment of the President and members of the Office of Audit and its establishment and functions shall be regulated by law.

The Control of Public Utility Enterprises

Article 133

The control of the income and expenditure of public utility enterprises shall be regulated by law.

Development and Planning

Article 134

- (1) Economic, social and cultural development shall be based on a plan and shall be carried out according to such plan.
- (2) The establishment and duties of the organisation concerned with planning, the principles to be observed in the preparation, execution, application and change of the plan, and measures to guard against amendments tending to impair the unity of the plan, shall be regulated by legislation.

Putting the State Under Financial Obligation and the Establishment of Funds

Article 135

Unless express power is given by law, the State shall not, directly or indirectly, be put under any financial obligation and no fund shall be constituted unless established by law.

PART V. - THE JUDICIARY

Chapter I

GENERAL PROVISIONS

Independence of Courts

Article 136

- (1) Judges shall be independent in their duties. They shall give judgments in accordance with the Constitution, the laws, legal principles and the opinion dictated by their conscience.
- (2) No organ, office, authority or person can give orders or instructions, send circulars or make recommendations or suggestions to courts and judges in the exercise of their judicial powers.
- (3) No questions can be asked, no debate can be held and no statement can be made in the Assembly of the Republic relating to the exercise of judicial power in an action which is pending. The Legislative and Executive organs and the administrative authorities of the State shall comply with Court decisions. Such organs and authorities cannot in any way change court decisions or delay their execution.

The Security of Tenure of Judges

Article 137

- (1) Judges cannot be dismissed; they cannot be retired before the age provided by the Constitution, unless they so desire, and they cannot be deprived of their acquired rights even in the event of the abolition of a court or a post.
- (2) The exceptions provided by law concerning judges who are convicted of an offence entailing dismissal from office; concerning judges whose incapability to discharge their duties for reasons of ill health has been definitely established; concerning judges who do work incompatible with their profession; and concerning judges who have been pronounced unsuitable to remain in their profession, shall be reserved.
- (3) No action shall be brought against judges in respect of words spoken or any act done in the execution of their judicial duties.

The Profession of Judges

Article 138

- (1) The qualifications, appointments, rights and duties, salaries and allowances and promotions of judges, the temporary or permanent change of their duties or of their places of duty, the commencement of disciplinary proceedings against them and the imposition of disciplinary penalties, decision to hold an enquiry and to institute legal proceedings against them for offences connected with their duties, instances of incapacity and conviction of an offence which entails dismissal from the profession and other personnel matters shall be regulated by law in accordance with the principle of the independence of courts.
- (2) The President and members of the Supreme Court shall hold office until they attain the age of sixty-five and other judges until they attain the age of sixty.
- (3) Judges shall not undertake any general or special duty other than the duties specified by law. They shall not do any work other than their official duties and they shall not undertake, directly or indirectly, any business engagement of the State or public bodies.

Hearings to be Public and Judgments to Contain Reasons

Article 139

- (1) Subject to the provisions of Article 17 (3) of this Constitution, sittings of the courts shall be public.
- (2) All kinds of judgments given by all courts shall be reasoned judgments in writing.

Trial of Juveniles

Article 140

Special provisions may be made by law on matters relating to the trial of juveniles and to the execution of judgments concerning juveniles.

Supreme Council of Judicature

Article 141

- (1) The Supreme Council of Judicature shall consist of the following members :
 - (a) President and judges of the Supreme Court ;
 - (b) One member to be appointed by the President of the Republic ;
 - (c) One member to be appointed by the Assembly of the Republic ;
 - (d) The Attorney-General of the Republic ; and
 - (e) One member to be elected by the Bar Association.

The term of office of the members mentioned in paragraph (b), (c) and (e) above shall be for three years; any member whose term of office ends may be re-elected as a member.
- (2) The President of the Supreme Court shall be the chairman of the Supreme Council of Judicature; he shall ensure the implementation of the decisions of the Council.
- (3) The Supreme Council of Judicature shall:
 - (a) take the necessary measures for the general functioning and orderly working of the judiciary, for the regular attendance to their duties of the judges and of the public personnel working in the courts, for the running of the affairs in a proficient manner and for the training of the judges and the safeguarding by them of the dignity and the honour of the profession ; and
 - (b) at the end of each financial year submit a report to the President of the Republic, the Assembly of the Republic and the Council of Ministers on the state of judicial affairs and the defects in running them and the reasons, if any, of such defects and advise on measures which it considers necessary to remedy them.
- (4) Subject to the provisions of Article 138 of this Constitution, the Supreme Council of Judicature shall be competent to determine all matters relating to the appointment, the promotion, the temporary or permanent change of the duties or place of appointment, the termination of appointment and the discipline of judges.
- (5) The duties, powers and working procedure of the Supreme Council of Judicature shall be regulated by law.
- (6) The appointment of the President and judges of the Supreme Court shall be approved by the President of the Republic.

Punishment of Persons not Complying with Court Decisions or Orders

Article 142

The Supreme Court or any other court shall have power to punish a person who does not obey any of its decisions or orders with imprisonment until he complies with such decision or order, provided that the period of such imprisonment shall not in any case exceed the period of one year.

Chapter II
SUPREME COURT

The Constitution of the Supreme Court and Allocation of Functions

Article 143

- (1) The Supreme Court of the Turkish Republic of Northern Cyprus shall be composed of a President and seven judges. In the absence of the President the most senior judge shall act in his place.
- (2) The Supreme Court shall carry out the functions of the Constitutional Court, the Supreme Council the Court of Appeal and the High Administrative Court.
- (3) The Supreme Court, sitting with the President and four Judges, shall have jurisdiction to act as the Constitutional Court. The two last appointed judges of the Supreme Court shall act as the alternate judges. In the event that the President is not present at the sitting, the most senior judge shall preside.

Where a case is referred to the Constitutional Court under Article 148 of this Constitution, a judge or judges who took part in the decision to refer, shall not sit at the hearing of the matters referred or take part in the judgment to be given.

- (4) The Supreme Court sitting with the President and two judges, or just three judges, shall have jurisdiction to act as the Court of Appeal or as the High Administrative Court. The judgments given within the framework of such jurisdiction shall be final. In the event that the President is not present at the sitting the most senior judge shall preside.

Provided that recourses made directly to the Supreme Court, acting as the High Administrative Court, other than those recourses specified by law, shall be examined and determined by a single judge nominated for such duty in the High Administrative Court.

Judgments given by a single judge are subject to appeal to the High Administrative Court sitting with three judges.

- (5) Judges of the Supreme Court who shall perform duties in the Court of Appeal or in the High Administrative Court, shall, before the beginning of each judicial year, be nominated for that judicial year by the Supreme Court and that judge shall perform his duty in the Court of Appeal or in the High Administrative Court for one judicial year.

Provided that where any one of the judges nominated for duty for a year in the Court of Appeal or in the High Administrative Court becomes temporarily incapacitated from performing his duties, another judge to be nominated by the President of the Supreme Court may perform such duties.

PART III. - DUTIES AND POWERS OF THE CONSTITUTIONAL COURT

Powers of the Constitutional Court

Article 144

- (1) The Supreme Court shall have exclusive jurisdiction to adjudicate finally on all matters prescribed by the provisions of this Constitution, the laws and the Rules of Court.
- (2) The Constitutional Court, sitting as the Supreme Council, shall within the framework of legislation in force, have jurisdiction to try the President of the Republic, the Prime Minister and the Ministers, for any offence committed by them. The duties of the Prosecuting Officer at the Supreme Council shall be performed by the Attorney-General or the Deputy Attorney-General. The judgments of the Supreme Council shall be final.

Conflict of Power Between Organs

Article 145

- (1) The Constitutional Court shall have jurisdiction to adjudicate finally on a recourse made in connection with any matter relating to any conflict or contest of power or competence arising between State organs.
- (2) Where in any matter a question arises which falls within the jurisdiction of the Constitutional Court, such question shall be determined finally by the Constitutional Court.
- (3) In accordance with paragraph (1) of this Article:
 - (a) the President of the Republic ; or
 - (b) the Assembly of the Republic ; or
 - (c) any other organ of the State,may have recourse to the Constitutional Court, if involved in such conflict or contest of power.
- (4) Such recourse shall be made within thirty days of the date when such power or competence is contested.
- (5) Upon such a recourse, the Constitutional Court may declare that the law or the decision or the act which is the subject matter of the recourse is void, either from the time when the conflict or contest arose or ab initio and without any legal effect whatsoever, either in whole or in part, on the ground that such law or decision or act was made or taken or done without power or competence and in either case the Constitutional Court may give directions as to the effect of anything done or left undone under such law, decision or act.
- (6) Any decision of the Constitutional Court upon such recourse, shall forthwith be notified in writing to the parties concerned and to the President of the Republic who shall cause its publication in the Official Gazette.
- (7) Upon a recourse under this Article, the Constitutional Court may order that the operation of the law or decision or act, which is the subject matter of such recourse, shall be suspended until the determination of the recourse; such order shall be published forthwith in the Official Gazette.

Unconstitutionality of Laws

Article 146

- (1) The President of the Republic may, at any time prior to the promulgation of any law or of any specified provision thereof or of any decision of the Assembly of the Republic, refer it to the Constitutional Court for its opinion as to whether such law or any specified provision thereof or decision is repugnant to or inconsistent with any provision of the Constitution.
- (2) The Constitutional Court shall consider every question referred to it under paragraph (1) of this Article and having heard the arguments made on behalf of the President of the Republic and of the Assembly of the Republic shall give its opinion on such question within forty five days at the latest and notify the President of the Republic in writing accordingly.
- (3) In the event that the Constitutional Court is of the opinion that such law or decision or any provision thereof is repugnant to or inconsistent with any provision of this Constitution, such law or decision or provision shall not be promulgated by the President of the Republic but it shall be returned to the Assembly of the Republic together with reasons therefor.
- (4) The provisions of Article 94 relating to the return of laws or decisions or provisions thereof to the Assembly shall not apply to any law, decision or provision so returned.

Annulment Suits

Article 147

- (1) The President of the Republic, political parties represented in the Assembly of the Republic, political groups and at least nine deputies or other associations, institutions or trade unions on matters concerning their existence and functions, may directly initiate an annulment suit in the Constitutional Court on the ground that a law, decree, rules, Rules of the Assembly of the Republic, decision of the Assembly of the Republic, regulations, or any of the provision thereof, is repugnant to or inconsistent with any provision of the Constitution.
- (2) The right to institute an annulment suit directly in the Constitutional Court, shall lapse after ninety days from the date of the publication in the Official Gazette of the law, decree, rules, Rules of the Assembly of the Republic, decision of the Assembly of the Republic, regulations, or any of the provision thereof, the annulment of which is desired.

Reference of Questions of Unconstitutionality by Courts to the Supreme Court

Article 148

- (1) A party to any judicial proceedings, including proceedings on appeal, may, at any stage thereof, raise the question of the unconstitutionality of any law or decision or any provision thereof which is material for the determination of any matter at issue in such proceedings and thereupon the Court shall reserve the question for the decision of the Constitutional Court, and stay further proceedings until such question is determined by the Constitutional Court.

Provided that where a decision has been previously given by the Constitutional Court on the same or similar question regarding the unconstitutionality of any law or decision or any provision thereof the Court may refuse to reserve the question for the decision of the Constitutional Court.

- (2) The Constitutional Court shall, after hearing the parties, consider and determine the question so reserved for its decision and transmit its decision thereon to the court by which such question has been reserved.
- (3) Any decision of the Constitutional Court under paragraph (2) of this Article shall be binding on the Court by which the question has been reserved and on the parties to the proceedings. In the event that such decision is to the effect that the law or decision or any provision thereof is unconstitutional, such decision shall, unless the Constitutional Court decides to the contrary, so operate as to make such law or decision or any provision thereof inapplicable to such proceedings only.

The Interpretation of the Constitution

Article 149

The Constitutional Court shall have exclusive jurisdiction to interpret any provision of this Constitution. In the exercise of this jurisdiction it may avail itself of the committee reports concerning the Constitution and of the minutes of the Assembly.

Decisions of the Constitutional Court

Article 150

- (1) The decisions of the Constitutional Court shall be final. Such decisions shall not be pronounced unless the reasons therefor are expressed in writing.
- (2) Any law, decree, rules, Rules of the Assembly of the Republic, decision of the Assembly of the Republic, regulations or any provisions thereof, the annulment of which has been decided upon by the Constitutional Court, for being inconsistent with the Constitution, shall be null and void as from the date of publication in the Official Gazette of the reasoned judgment.
- (3) Where necessary, the Constitutional Court may also decide on the date when the annulment decision shall come into force. This date shall be a date within the period of one year from the date of publication of the judgment in the Official Gazette.
- (4) The annulment decision shall not be retrospective.

PART IV. - DUTIES AND POWERS OF THE SUPREME COURT
SITTING AS THE COURT OF APPEAL

The Powers of the Court of Appeal

Article 151

- (1) The Court of Appeal shall be the highest appellate court in the State; it shall have jurisdiction to hear and determine, subject to the provisions of this Constitution and of any laws and Rules of Court made thereunder, all appeals from a decision of any court.
- (2) Subject to paragraph (3) of this Article, the Court of Appeal, shall have such original and revisional jurisdiction as is provided by this Constitution or any law.

Provided that where original jurisdiction is so conferred, such jurisdiction shall be exercised by such judge or judges as the Supreme Court shall determine. There shall be a right of appeal to the Court of Appeal against decisions so given.

- (3) The Supreme Court, sitting as the Court of Appeal shall have exclusive jurisdiction to issue orders in the nature of *habaes corpus*, to effect release from unlawful detention; *mandamus*, to secure the exercise of powers; *prohibition*, to prohibit the effects of a wrong decision of any court or of any authority exercising power of a judicial nature; *quo warranto*, to inquire as to upon what authority an office is being held; and *certiorari*, to quash a decision of any court or an authority exercising quasi-judicial powers.

Chapter V

DUTIES AND POWERS OF THE SUPREME COURT SITTING AS THE
HIGH ADMINISTRATIVE COURT

The Powers of the High Administrative Court

Article 152

- (1) The High Administrative Court, shall have exclusive jurisdiction to adjudicate finally on a recourse made to it on a complaint that a decision, an act or omission of any organ, authority or person exercising any executive or administrative authority is contrary to any of the provisions of this Constitution, or of any law or of any subsidiary legislation made thereunder, or is made in excess or in abuse of powers vested in such organ or authority or person.
- (2) Such a recourse may be made by a person whose legitimate interest is adversely and directly affected by such decision or act or omission.
- (3) Such a recourse shall be made within seventy-five days from the date when the decision or act was published or, if not published or in the case

of an omission, within seventy-five days from the date it came to the knowledge of the person making the recourse.

- (4) Upon such a recourse the High Administrative Court may, by its decision:
 - (a) confirm either in whole or in part, such decision or act or omission ; or
 - (b) declare, either in whole or in part, such decision or act to be null and void and of no effect whatsoever ; or
 - (c) declare that such omission, either in whole or in part, ought not to have been made and that whatever act has been omitted should have been performed.
- (5) Any decision given under paragraph (4) of this Article shall be binding on all courts and all organs or authorities of the State and shall be given effect to and acted upon by the organ or authority or persons concerned.
- (6) Any person aggrieved by any decision or act declared to be void under paragraph (4) of this Article or by any omission declared thereunder that it ought not to have been made, shall be entitled, if his claim is not met to his satisfaction by the organ, authority or person concerned, to institute legal proceedings for damages or for being granted any other remedy and to recover just and equitable compensation to be determined by the court or to be granted such other just and equitable compensation as such court is empowered to grant.

Chapter VI

OTHER DUTIES AND POWERS OF THE SUPREME COURT

Other Duties and Powers of the Supreme Court

Article 153

Subject to the provisions of this Constitution, the establishment, composition, functions, duties and powers of the Supreme Court shall be regulated by law.

Power to make Rules of Court

Article 154

- (1) The Supreme Court shall make Rules of Court under the provisions of this Constitution and of the laws, for regulating the practice and procedure of itself and of any other court.
- (2) Without prejudice to the generality of paragraph (1) of this Article the Supreme Court may make Rules of Court for the following purposes:
 - (a) for regulating the court sittings and allocating duties to judges for any purpose ;
 - (b) for the determination by summary proceedings of any appeal or other proceedings which appear to the Supreme Court or such other court before which such proceedings are pending to be frivolous or

vexatious or to have been instituted for the purpose of delaying the course of justice ;

- (c) for prescribing forms and fees in respect of proceedings in the courts and regulating the cost of, and expenses incidental to, any such proceedings ;
- (d) for prescribing and regulating the composition of the registries of the courts and the powers and duties of the public personnel working in the courts ;
- (e) for prescribing the time within which any requirement of the Rules of Court is to be complied with.

Chapter VII

SUBORDINATE COURTS

Establishment, Duties and Powers of Subordinate Courts

Article 155

- (1) Judicial power, other than that exercised by the Supreme Court under this Constitution and the laws, shall be exercised by such subordinate courts and specialised courts as may, subject to the provisions of this Constitution, be provided by a law made thereunder.
- (2) The establishment, duties and powers, functions and rules of procedure of subordinate courts and specialised courts exercising judicial power shall be regulated by law.

Chapter VIII

MILITARY JUDICIAL POWER AND MILITARY COURT OF APPEAL

Military Judicial Power

Article 156

- (1) Judicial power relating to military matters shall be exercised by military courts and disciplinary courts.
- (2) Military courts shall have jurisdiction to try such military offences, as may be specified by a special law, committed by persons who are not members of the Armed Forces. Such courts shall also have jurisdiction to try offences committed by persons who are not members of the Armed Forces in the execution of the duties specified in such special law or offences committed by such persons against members of the Armed Forces in places belonging to the Armed Forces as may be specified in such law.
- (3) The specific offences and persons over which military courts shall have jurisdiction in cases of war, martial law or state of emergency, shall be regulated by law.
- (4) The establishment, functions, procedure to be followed in trials, personnel matters of judges of military judicial courts and the provisions relating to those performing the duties of prosecuting officer in military courts shall

be regulated by law in accordance with the principle of the independence of the courts, the security of tenure of judges and the exigencies of the services of the Armed Forces.

Military Court of Appeal

Article 157

- (1) The Military Court of Appeal is the Court of last instance to review decisions and judgments given by military courts.
- (2) The establishment, functions, procedure to be followed in trials, disciplinary and personnel matters of its members, shall be regulated by law in accordance with the principle of the independence of Courts, the security of tenure of judges and the exigencies of the services of the Armed Forces.

PART IX. - THE ATTORNEY - GENERAL'S OFFICE

The Attorney - General and Counsels of the State

Article 158

- (1) The Law Office of the Turkish Republic of Northern Cyprus shall be an independent office and its Head shall be the Attorney-General. The Deputy Attorney-General shall act for the Attorney-General in the event of his absence.
- (2) The Attorney-General shall be appointed from amongst persons qualified for appointment as a judge of the Supreme Court and he shall be a permanent member of the judicial service of the Turkish Republic of Northern Cyprus. The Attorney-General shall hold office under the same terms and conditions as a judge of the Supreme Court and shall not be removed from office except on the like grounds and in the like manner as a judge of the Supreme Court.
- (3) The Attorney-General of the Turkish Republic of Northern Cyprus shall be the legal adviser of the State, of the President of the Republic, of the Prime Minister, of the Council of Ministers, of the Ministers and of other State organs. He shall exercise all such other powers and shall perform all such other functions and duties as are conferred or imposed on him by this Constitution or by law.
- (4) (a) The Attorney-General shall have power, in the public interest, to institute, conduct, take over and continue or discontinue any proceedings for an offence, in the courts of the Turkish Republic of Northern Cyprus. In Criminal courts the conduct of prosecutions and responsibility therefor shall vest in the Attorney-General. Such power shall be exercised by him in person or by the Deputy Attorney-General or by the counsels of the State acting in accordance with his instructions.
(b) The Attorney-General may, where he considers it necessary, by an order to be published in the Official Gazette, authorise a member of the police organisation, whom he considers suitable, to prosecute in

courts, under his direction and responsibility, road traffic offences which can be settled without a trial under the law.

- (c) The Attorney-General may, where he considers it necessary, by an order to be published in the Official Gazette, authorise a lawyer appointed to a Ministry or other public institution and qualified to practise as an advocate, to conduct proceedings in Courts in which the Ministry or other public institution concerned is a party.
- (5) The Attorney-General shall have power to represent the State or its organs in civil and constitutional proceedings in which the State is a party.
- (6) The Attorney-General, the Deputy Attorney-General and the counsels of the State shall have the right of audience before any court, and in the exercise of this right shall take precedence over any other person appearing before the court.
- (7) The Attorney-General shall, at the end of each calendar year, submit a report to the President of the Republic, the Assembly of the Republic and the Council of Ministers on the defects seen in the general functioning and in the execution of the duties of the Law Office and the reasons, if any, for such defects and submit his recommendations on the measures which he considers necessary to remedy them.
- (8) Subject to the provisions of this Constitution, the establishment and functions of the Law Office of the Turkish Republic of Northern Cyprus, the qualifications and appointment of the Attorney-General, Deputy Attorney-General and Counsels of the State, their rights and duties, salaries and allowances, the promotion, the taking of disciplinary action against, and the imposition of disciplinary penalties on them and their other personnel matters shall be regulated by law in accordance with the principles governing the independence of the courts and the security of tenure of judges.

PART VI. - MISCELLANEOUS PROVISIONS

Right of the State to Ownership

Article 159

- (1) (a) All immovable properties registered in the name of the Government of Cyprus before the 16th of August 1960 and all immovable properties transferred to the Government of Cyprus after the 16th of August 1960 ; roads, waters, water resources, ports, harbours and shores, docks and piers, lakes, riverbeds, and lakebeds, historical cities, buildings, ruins and castles and the sites thereof, natural resources and underground resources, forests, defence buildings and installations, green areas and parks belonging to the public ; village roads and rural pathways open to the public; and buildings used for public services ;
- (b) All immovable properties, buildings and installations which were found abandoned on 13th February, 1975 when the Turkish Federated State of Cyprus was proclaimed or which were considered by law as

abandoned or not being owned after the abovementioned date, or which should have been in the possession or control of the public even though their ownership had not yet been determined ; and

(c) all immovable properties found within the area of military installations, docks, camps and other training grounds specified in the 1960 Treaty of Establishment and its Annexes,

situated within the boundaries of the Turkish Republic of Northern Cyprus on 15th November 1983, shall be the property of the Turkish Republic of Northern Cyprus notwithstanding the fact that they are not so registered in the records of the Land Registry Office ; and the Land Registry Office records shall be amended accordingly.

(2) Notwithstanding any other provisions of this Constitution, the ownership of the immovable properties specified in sub-paragraphs (a) and (c) of paragraph (1) above shall not be transferred to physical and legal persons.

Provided that the making of the necessary adjustment by the State to public roads and to public village roads and field pathways is exempted from the above provision.

Easements and other similar rights for specified periods and long term leases over such immovable properties may be established and registered in the manner and under the conditions prescribed by law for purposes of public interest.

The establishment and registration of such rights, the period of which exceeds fifty years, shall be subject to the approval of the Assembly of the Republic.

(3) Out of the properties specified in subparagraph (b) of paragraph (1) above, the transfer of the right of ownership to physical and legal persons of immovable properties other than forests, green areas, monuments and parking places, waters, underground waters, natural resources and buildings, installations and sites required for defence, public administration and military purposes and those required for purposes of town and country planning and soil conservation, shall be regulated by law.

(4) In the event of any person coming forward and claiming legal rights in connection with the immovable properties included in subparagraphs (b) and (c) of paragraph (1) above, the necessary procedure and conditions to be complied with by such persons for proving their rights and the basis on which compensation shall be paid to them, shall be regulated by law.

(5) Places of religious worship and the immovable properties in which they are situated shall not be transferred to physical and legal persons. The State shall take the necessary measures for the safeguarding, maintenance and preservation of such places and properties.

Reserving the Rights of Public Personnel

Article 160

(1) Any person who, immediately before the date of the coming, into operation of this Constitution, holds an office in the public service shall, after that

date, be entitled to the same terms and conditions of service as were applicable to him before that date. Those terms and conditions shall not be altered to his disadvantage on the date of the coming into operation of this Constitution or thereafter during the period he shall be in the public service of the Turkish Republic of Northern Cyprus.

Public personnel referred to in this Article shall continue in office without new appointments being necessary.

- (2) For the purposes of this Article "public personnel" includes any person who immediately before the coming into operation of this Constitution held any office in the public service of the Turkish Republic of Northern Cyprus and any person described as other public officer by this Constitution.
- (3) For the purposes of this Article " terms and conditions of service " includes remuneration, leave, dismissal, termination of service, pension, gratuity and similar rights prescribed under legislation in force on the date of the coming into operation of this Constitution.

The Official Gazette of the Republic

Article 161

- (1) The laws, rules, regulations and other subsidiary legislation and notices, notifications and similar public instruments prescribed by law, shall be published in the Official Gazette printed at the State Printing Office under the supervision of the Prime Minister's Office.
- (2) The administration of the Official Gazette, its form and conditions and the manner in which it shall be published and distributed and other matters, shall be regulated by law.
- (3) The legislation and other public instruments specified in paragraph (1) above shall not come into force unless published in the Official Gazette.

PART VII. - TRANSITIONAL PROVISIONS

Safeguarding of the Rights

Transitional Article 1

- (1) The necessary social, economic, financial and other measures, including compensation, for the protection of the citizens who have emigrated or sustained, directly or indirectly, any loss because of the national resistance of the Turkish Community or during such resistance, shall be regulated by law.
- (2) The right of the citizens of the Turkish Republic of Northern Cyprus to claim immovable property of equal value, from the State, in return for their immovable properties left in Cyprus outside the boundaries of the State, shall be reserved; such right shall be regulated by law and the transfer of ownership of the immovable properties included in paragraph (2) of Article 159 of this Constitution to the persons entitled shall be effected with priority. Property shall also be granted to the martyrs and to disabled

veterans and to those other persons entitled to the grant of property for other reasons specified in the law.

- (3) The State shall take the necessary social, economic, financial and other measures for the rehabilitation of the refugees under equal status and for rendering them useful to themselves, to their families and to the community; the State shall give the necessary assistance until such rehabilitation is realized.
- (4) The rights of the Turkish citizens of the Turkish Republic of Northern Cyprus to claim compensation for loss of income or damage sustained by them as a result of being obliged to abandon their movable and immovable properties, shall be reserved. Such rights shall be regulated by law.
- (5) Subject to compliance with the requirement of giving priority to the grant of immovable property of equal value, the transactions concerning the transfer of property rights relating to immovable properties to entitled persons shall be completed within a period of five years, at the latest, as from the date of the coming into operation of this Constitution.

Evaluation of Rights and Obligations

Transitional Article 2

The income or the annual rents of the movable and immovable properties held by citizens who have become entitled persons under the provisions of Transitional Article 1, shall be realistically calculated as from the date when they came into possession of such properties and deducted from their entitlements as specified, or to be specified by law should the latter be more. On completion of this transaction, the State shall pay any balance that may be due to the persons entitled; and if any entitled persons are found to owe any amount to the State, they shall pay their debts to the State within a reasonable period.

Forest Lands

Transitional Article 3

- (1) Notwithstanding the provisions of paragraph (2) of Article 159 of this Constitution, the property rights on State lands known as " forest land " situated in areas of Minor State Forests and used as agricultural land since 1st January, 1955, may be transferred to the actual possessors of such lands.

For the purposes of this paragraph, "actual possessor " means the person who turned the immovable property into an agricultural land and who has continued to utilize it as from 1st January, 1955 and includes the legal heirs of such persons and the person who has taken over from such heirs. The application of this paragraph shall be regulated by law.

- (2) The future of the State lands included in the category specified in paragraph (1) which were until 20th July 1974, in the actual possession of

persons who were not members of the Turkish Cypriot Community, shall be regulated by law.

Validity of the Existing Legislation and Allegation of Inconsistency of such Legislation with the Constitution

Transitional Article 4

- (1) The legislation in force on the date of the coming into operation of this Constitution shall continue to be in force, in so far as such legislation is not contrary to or inconsistent with the provisions of this Constitution.
- (2) Resolution No. 50 of the Assembly of the Turkish Federated State of Cyprus dated the 15th November 1983 which approved the establishment of the Turkish Republic of Northern Cyprus and the text of the Declaration of Independence shall also continue to be in force in so far as it is not contrary to or inconsistent with the provisions of this Constitution.
- (3) The persons, associations and institutions specified in Article 147 of this Constitution may initiate an annulment suit in the Constitutional Court in respect of the legislation in force on the allegation that such legislation is contrary to or inconsistent with this Constitution. The right to initiate such annulment suit shall lapse at the end of a period of sixty days commencing as from the date of assumption of duty by the Assembly of the Republic. The provisions of Article 148 are reserved.
- (4) Legislation deemed to have remained in force under this Article shall not be treated as legislation having the force of or possessing the quality of the Constitution and may, according to its nature, be annulled, amended or repealed by any law or by the decision of any organ authorised by this Constitution.

Elections for the Assembly of the Republic

Transitional Article 5

Elections for the Assembly of the Republic shall be held on a date to be decided upon by the Constituent Assembly of the Turkish Republic of Northern Cyprus after this Constitution is accepted at a referendum and put into operation by publication in the Official Gazette. Such date shall be the polling day from the point of view of electoral proceedings. The dates of other electoral proceedings shall be fixed by the High Electoral Council.

Election of the President of the Republic and the Termination of Office of the Former President of the Republic

Transitional Article 6

The first elections for the Presidency of the Republic under this Constitution shall be held on the same day and together with the elections for the Assembly of the Republic and the elected President of the Republic shall take office after taking the oath before the Assembly on the next day following

the day on which the Assembly of the Republic meets and takes over its duties. The office of the former President of the Republic shall come to an end at the same time as the elected President of the Republic takes office.

Provided that, the Constituent Assembly may, where the circumstances so require, decide on the holding of the elections for the Presidency of the Republic on a different day.

Termination of the Legal Existence of the Constituent Assembly

Transitional Article 7

Upon the meeting of the Assembly of the Republic established in accordance with this Constitution, the legal existence of the Constituent Assembly constituted under Decision No. 3 of the Assembly dated 2nd December 1983 shall come to an end and the Constituent Assembly shall be automatically dissolved.

Temporary Rules of the Assembly

Transitional Article 8

The provisions of the Rules of the Assembly of the Turkish Federated State of Cyprus which are not contrary to or inconsistent with this Constitution, shall continue to apply until new Rules regulating the meetings and functions of the Assembly of the Republic set up under this Constitution, are made.

The Position of the Council of Ministers

Transitional Article 9

Upon the formation, by the President of the Republic of the new Council of Ministers in accordance with Article 106 of this Constitution, the term of office of the present Council of Ministers shall automatically come to an end.

Defence and Cooperation

Transitional Article 10

The provisions of Article 117 of this Constitution shall not come into force as long as the defence and internal security of the Turkish people of Cyprus and the international situation so necessitate. All forces used in providing the external and internal security on the date of the coming into operation of the Constitution, shall continue to be so used, and the procedure and provisions being implemented regarding such forces and the bases of cooperation accepted and to be accepted in respect of these matters shall continue to be implemented.

Position of the Organs, Institutions and Establishments Envisaged by the Constitution

Transitional Article 11

Until the laws relating to the establishment and functions of the new organs, institutions and establishments envisaged by this Constitution are enacted by the Assembly of the Republic and put into force, the provisions of

the existing legislation on these matters shall continue to be applied and the existing organs, institutions and establishments shall continue with their duties.

Publication of the Text of the Constitution

Transitional Article 12

The text of this Constitution shall be published in the Official Gazette within ten days from the date of its approval by the Constituent Assembly.

Commutation of Death Sentences to Life Imprisonment

Transitional Article 13

Death sentences provided for offences necessitating the death sentence under the legislation in force, excluding the death sentences provided in paragraph (2) of Article 15 of this Constitution, shall be commuted to life imprisonment as from the date of the coming into operation of this Constitution.

PART VIII. - FINAL PROVISIONS

Amendment of the Constitution

Article 162

(1) The provisions of this Constitution may be amended, partially or wholly, only by a proposal made by at least ten members of the Assembly of the Republic and by the approval of the proposal by a two thirds majority of the total number of the members of the Assembly.

The provisions of Article 9 of this Constitution are reserved.

(2) The debating of the proposals made in connection with the amendment of the Constitution and the acceptance of such proposals shall, without prejudice to the conditions set out in paragraph (1), be subject to the provisions relating to the debate and acceptance of laws.

Provided that amendment proposals shall not be debated before the lapse of thirty days as from the date of the submission of the proposal.

(3) The amendments to the Constitution, if accepted by a referendum, shall come into force upon publication in the Official Gazette by the President of the Republic within ten days of such referendum.

The Preamble

Article 163

The preamble which specifies the communal struggle and the basic views and principles on which this Constitution is based, shall be considered as part of the text of this Constitution.

Coming into Operation of the Constitution

Article 164

This Constitution shall come into operation and become the Constitution of the Turkish Republic of Northern Cyprus after its submission to a referendum and acceptance thereby and upon its publication in the Official Gazette, within ten days of such acceptance, at the latest, together with the results of the referendum.