

INFORMATION NOTE
ON THE DECREE-LAW NO. 682 OF 23 JANUARY 2017
ON GENERAL DISCIPLINARY PROVISIONS OF LAW ENFORCEMENT

Aim

The aim of this decree-law is to regulate the lack of discipline and penalties regarding the law enforcement officers, disciplinary supervisors and boards, procedures of disciplinary proceeding and other relevant issues.

Scope

The decree-law regulates the common disciplinary provisions regarding the personnel employed in the Directorate General of Security, General Command of Gendarmerie and Coast Guard Command.

General provisions

The decree-law allows the disciplinary supervisors to use discretion regarding the implementation of the disciplinary penalties; however, it regulates that they will use the discretion in a prudent, fair and equitable manner. Moreover, a dual sanction law, which regulates the dismissal resulting in no more working in the relevant organization and also the dismissal resulting in no more serving as civil servant, has entered into force. On the other hand, the decree law regulates in which circumstances a heavier disciplinary penalty may be imposed for the issues defined as the act requiring disciplinary penalty.

Dismissal from the Civil Service

It is regulated that particularly the personnel committing acts of torture or involving in or helping the formations which act against the national security shall be dismissed from the civil service.

Disciplinary Boards

The formation and authorities of the separate disciplinary boards of Directorate General of Security, General Command of Gendarmerie and Command of Coast Guard are defined, and consistency is provided for the operation of boards, the principles on determining disciplinary supervisors and their authorities.

Investigation Procedure

It has been set out that disciplinary penalty cannot be inflicted unless statements are taken by disciplinary supervisors or boards.

Assessment and Conclusion

As inferred from the measures which are briefly explained above, disciplinary provisions are re-addressed with a view to ensuring consistency and transparency of disciplinary provisions on law enforcement officers. Especially, penalty for dismissal from civil service has been brought on the condition that crime of torture is committed. In addition, disciplinary boards are formed as consisting of more inclusive and higher supervisors, and two members of the board are chosen among civilians.