

## Law

### Law Amending the Law on Compensation of Losses Resulting from Terrorist Acts and Measures Taken against Terrorism

**Act No. 5442**

**Adoption Date: 28.12.2005**

**ARTICLE 1.** —The following paragraph is inserted after the second paragraph of Article 4 of the Law No.: 5233 on Compensation of Losses Resulting from Terrorist Acts and Measures Taken against Terrorism of 17.07.2004:

Chairman and members of the Commission shall be entitled to receive honorarium per meeting up to six times a month, to be calculated by multiplication of (500) index number by civil servant salary coefficient. Such payments shall not be subject to any tax or deductions, except stamp duty.

**ARTICLE 2.** —The term “one” used in subparagraphs (c) and (d) of Article 5 of the Law No. 5233 is replaced with the term of “a” and wording “and submitting to the Ministry” is deleted from text of the Article.

**ARTICLE 3.** —Article 6 of the Law No. 5233 is amended as follows:

“ARTICLE 6. —Required actions shall be initiated in case the victim, or heir (s) or authorised representative (s) thereof files an application with the Governorship of the province where loss has occurred or the incident giving rise to the loss has taken place, in sixty days following the date on which they became aware of the incident giving rise to the loss, or in any case in one year following occurrence of the incident. No application after such deadlines shall be accepted. In the case of personal injury and disabilities covered by this Law period between date of admission of the injured person to a hospital and discharge thereof from the hospital shall not be taken into account when calculating the application period.

Applications filed with other Governorships, Deputy Governorships, representations of the Republic of Turkey in abroad, other ministries, and other public agencies and institutions than the related Governorship shall be referred to the related Governorship.

The Commission is obliged to finalise its review related with every application filed by victims in six months following application date. In contingencies, such period may be extended by the Governor for a period of three months.

The Commission may request from related public agencies and institutions any information and assistance related with the application and charge staff of public agencies and institutions as expert. The Commission may second any expert as it deem necessary or ask for their opinion.

Chairman and members of the Commission may not attend Commission’s meetings related with losses of them, their spouses, or blood relation or others related by marriage up to third degree (including the third degree) thereof , and any person whom they are acting as proxy, custodian, or administrator of the same.

Secretarial services of the Commission shall be performed by special provincial administrations.

Public officers to be seconded by the Commission as expert shall be entitled to a maximum remuneration calculated by multiplying (500) index number by civil servant salary coefficient per application file and other officers to be seconded by the Commission as expert shall be entitled to a maximum remuneration calculated by multiplying (1000) index number by civil servant salary coefficient per application file upon decision of the Commission. Such payments shall not be subject to any tax or deductions, except stamp duty.

Members of the Commission and experts attending inspection visits to determine losses outside their official posts shall be entitled to per diem as per the Per Diem Law No. 6245. When determining amount of per diem to be paid to the member of the Commission, who is a lawyer, amount of the per diem paid to a civil servant who is entitled to a first level salary shall be taken as basis. Such payments shall not be subject to any tax or deductions, except stamp duty.

Members of the Commission may not be seconded as expert.

Expenses of the Commission shall be met from budget of the Ministry and/or of special provincial administration.

An application filed in specified period for filing an action shall halt tender periods for filing an action in accordance with general provisions until receipt of the final result of the action by related person.

**ARTICLE 4.** — Wording “twenty days” in second paragraph of Article 12 of the Law No.: 5233 is amended as “thirty days” and wording “copies thereof shall be submitted to related person and the Ministry” in the fourth paragraph is amended as “a copy thereof shall be submitted to related person.”

**ARTICLE 5.** —Expression “in three months” is inserted right after the expression “from the allowance” in the first paragraph of Article 13 of the Law No. 5233 and wording “twenty billion Turkish Liras” in the second paragraph thereof is amended as “fifty thousand New Turkish Liras”.

**ARTICLE 6.** —The first paragraph of Article 14 of the Law No. 5233 is amended as follows:

Commissions shall be supervised by the Ministry and Governorships.

**PROVISIONAL ARTICLE 1.** —Provisions of this Law shall apply in relation with material losses of real persons and private legal persons, who suffer from acts stipulated in Article 1, 3, and 4 of the Law No. 3713 on Fight Against Terrorism committed between 19.07.1987 and date of enforcement of this Law, or from measures taken against terrorism executed between the said dates if they have filed an application with related Governorship or deputy Governorship in one year following promulgation of this Law.

**PROVISIONAL ARTICLE 2.** —Of any public officer or his/her heir (s), who suffered from terrorism or any measure taken against terrorism at the time when s/he was in duty between 19.07.1987 and date of enforcement of this Law, those, who received a compensation under related legislation and whose compensation calculation criteria were different than those specified in this Law, filing an application with related Governorship or deputy Governorship in one year following promulgation of this Law, shall be entitled to underpaid compensation together with any legal interest if it is determined upon calculation that there is a difference between amount of compensation that they are entitled to as per this Law and that of compensation paid to them. If amount of the compensation already paid is more than that of compensation that they are entitled to as per this Law no refund shall be demanded.

**ARTICLE 7.** —This Law shall become effective on the date of promulgation of the same.

**ARTICLE 8.** —Council of Ministers shall execute provisions of this Law.

January 2, 2006