

**INFORMATION NOTE ON THE DECREE-LAW NO. 677 OF 22 NOVEMBER 2016
ON THE MEASURES TAKEN UNDER THE STATE OF EMERGENCY**

Aim:

The Decree-Law was enacted with a view to taking certain measures and making certain regulations under the state of emergency.

Measures taken with respect to public officers:

Certain military and civilian personnel who are members of, having membership, affiliation or connection to the terrorist organizations have been dismissed from public office.

Public officers who are reinstated:

The objections raised by 155 public officers who were previously dismissed from their public office pursuant to the Decree-Laws no. 672 and 675 were examined, and accordingly these public officers have been reinstated to their former positions. Accordingly, all actions taken in respect of such persons together with all effects and consequences thereof would be deemed to revoke as from the date when the relevant decree-law is issued. In this respect, with a view to precluding unjust treatment, the requests of the public officers having no connection with the terrorist organizations for re-examination of their status are being examined in detail, and those whose objections are found appropriate are being reinstated.

Institutions and organizations that have been closed:

375 associations, 7 newspapers and 1 journal and 1 radio station, which have membership, affiliation or connection to the terrorist organizations or structures, formations or groups determined by the National Security Council to carry out activities against the national security and which are specified in the list enclosed with the Decree-Law, have been closed. The movable and immovable property owned by these institutions and organizations, and credits and rights have been transferred to the Treasury.

Institutions and organizations re-starting to operate:

It has been decided that out of the institutions and organizations which were closed in pursuance of the Law no. 6749, 1 private health institution, 18 foundations and 175 associations shall re-start to operate, and it has been thereby ensured that they are prevented from suffering unjust treatment.

Measures with respect to examinations:

By virtue of the requirements of the state of emergency, number of detainees and for ensuring security, it has been set out that the detainees and convicts who are placed in the penitentiary institutions for being a member of a terrorist organization or offences committed within the scope of the acts of these organizations may not take any examinations during the

period when the state of emergency prevails and when they are placed in the penitentiary institutions.

Restriction with respect to the claim for compensation:

It has been governed by the Decree-Laws that the institutions and organizations which have membership, affiliation or connection to the terrorist organizations or structures, formations or groups determined by the National Security Council to carry out activities against the national security shall, under no circumstances, claim any compensation for being closed.

Tenders to be rendered invalid:

It is governed in the Decree-Law that in case where the Security General Directorate reports that the contractors, which are parties to any kinds of goods or service procurement contracts and the contracts pertaining to construction works signed in pursuance of the Public Procurement Contract Laws by the municipalities where a mayor or acting mayor has been appointed and by their affiliated or relevant institutions, have affiliation and connection with the terrorist organizations or in case where it is determined that there has been an infringement of the municipal interest to a great extent due to these contracts, they shall be unilaterally terminated *ex-officio* by the mayor or the acting mayor.

Assessment and Conclusion:

As inferred from the measures which are briefly explained above, measures required by legal order have been taken for dismissal of the public officers having affiliation or connection or being in contact with terrorist organizations from public office; reinstatement of certain public officers who have been subject to re-examination in order to preclude unjust treatments and for enabling certain institutions and organizations to maintain their activities. The aim of declaration of the state of emergency and the Decree-Law enacted in this period is to protect the rule of law, democracy and human rights. The Decree-Law has not imposed any restriction on rights and freedoms of those who have not involved in offences which would impair the national security.