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Turkey

Declaration contained in a letter from the Permanent Representative of Turkey, dated 21 July 2016, registered at the Secretariat General on 21 July 2016 - Or. Engl.

I communicate the following notice of the Government of the Republic of Turkey.

On 15 July 2016, a large-scale coup attempt was staged in the Republic of Turkey to overthrow the democratically-elected government and the constitutional order. This despicable attempt was foiled by the Turkish state and people acting in unity and solidarity. The coup attempt and its aftermath together with other terrorist acts have posed severe dangers to public security and order, amounting to a threat to the life of the nation in the meaning of Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

The Republic of Turkey is taking the required measures as prescribed by law, in line with the national legislation and its international obligations. In this context, on 20 July 2016, the Government of the Republic of Turkey declared a State of Emergency for a duration of three months, in accordance with the Constitution (Article 120) and the Law No. 2935 on State of Emergency (Article 3/1b). The English translation of relevant articles of the Turkish Constitution and the Law No. 2935 on State of Emergency, as well as the decision No. 2016-9064 of the Council of Ministers, are attached to this letter.

The decision was published in the Official Gazette and approved by the Turkish Grand National Assembly on 21 July 2016. Thus, the State of Emergency takes effect as from this date. In this process, measures taken may involve derogation from the obligations under the Convention for the Protection of Human Rights and Fundamental Freedoms, permissible in Article 15 of the Convention.

I would therefore underline that this letter constitutes information for the purposes of Article 15 of the Convention. The Government of the Republic of Turkey shall keep you, Secretary General, fully informed of the measures taken to this effect. The Government shall inform you when the measures have ceased to operate.

CONSTITUTION OF THE REPUBLIC OF TURKEY (EXTRACTS)

Articles 15, 119, 120 and 121 of the Constitution of the Republic of Turkey

IV. Suspension of the exercise of fundamental rights and freedoms

ARTICLE 15- In times of war, mobilization, martial law, or a state of emergency, the exercise of fundamental rights and freedoms may be partially or entirely suspended, or measures derogating the guarantees embodied in the Constitution may be taken to the extent required by the exigencies of the situation, as long as obligations under international law are not violated.

(As amended on May 7, 2004; Act No. 5170) Even under the circumstances indicated in the first paragraph, the individual's right to life, the integrity of his/her corporeal and spiritual existence shall be inviolable except where death occurs through acts in conformity with law of war; no one shall be compelled to reveal his/her religion, conscience, thought or opinion, nor be accused on account of them; offences and penalties shall not be made retroactive; nor shall anyone be held guilty until so proven by a court ruling.

III. Extraordinary administration procedures

A. States of emergency

1. Declaration of state of emergency because of natural disaster or serious economic crisis

ARTICLE 119- In the event of natural disaster, dangerous epidemic diseases or a serious economic crisis, the Council of Ministers meeting under the chairpersonship of the President of the Republic may declare a state of emergency in one or more regions or throughout the country for a period not exceeding six months.

2. Declaration of state of emergency because of widespread acts of violence and serious deterioration of public order

ARTICLE 120- In the event of serious indications of widespread acts of violence aimed at the destruction of the free democratic order established by the Constitution or of fundamental rights and freedoms, or serious deterioration of public order because of acts of violence, the Council of Ministers, meeting under the chairpersonship of the President of the Republic, after consultation with the National Security Council, may declare a state of emergency in one or more regions or throughout the country for a period not exceeding six months.

3. Rules regarding the states of emergency

ARTICLE 121- In the event of a declaration of a state of emergency under the provisions of Articles 119 and 120 of the Constitution, this decision shall be published in the Official Gazette and shall be immediately submitted to the Grand National Assembly of Turkey for approval. If the Grand National Assembly of Turkey is in recess, it shall be immediately assembled. The Assembly may alter the duration of the state of emergency, may extend the period for a maximum of four months each time at the request of the Council of Ministers, or may lift the state of emergency.

The financial, material and labour obligations which are to be imposed on citizens in the event of the declaration of state of emergency under Article 119 and the manner how fundamental rights and freedoms shall be restricted or suspended in line with the principles of Article 15, how and by what means the measures necessitated by the situation shall be taken, what sorts of powers shall be conferred on public servants, what kinds of changes shall be made in the status of officials as long as they are applicable to each kinds of states of emergency separately, and the extraordinary administration procedures, shall be regulated by the Act on State of Emergency.

During the state of emergency, the Council of Ministers, meeting under the chairpersonship of the President of the Republic, may issue decrees having the force of law on matters necessitated by the state of emergency. These decrees shall be published in the Official Gazette, and shall

be submitted to the Grand National Assembly of Turkey on the same day for approval; the time limit and procedure for their approval by the Assembly shall be indicated in the Rules of Procedure.

LAW No. 2935 OF 25 OCTOBER 1983 ON STATE OF EMERGENCY

Article 3 – Declaration of State of Emergency

The Council of Ministers assembled under the chairmanship of the President shall declare a state of emergency;

(a) Whenever there is in existence one or more natural disasters, dangerous epidemic diseases or serious economic crisis;

(b) whenever there appear serious indications resulting from widespread acts of violent which are aimed at destroying the free democratic order or fundamental rights and freedoms, or violent acts causing serious deterioration to public order, after consultation with the National Security Council,

in one or more regions or throughout the country for a period not exceeding six months.

The state of emergency decision shall be published in the Official Gazette and immediately be submitted for approval of the Turkish Grand National Assembly. If the Turkish Grand National Assembly is in recess, it shall be summoned to meet immediately. The Assembly may amend the duration of the state of emergency. On a request from the Council of Ministers, the Assembly may prolong the duration each time for a period not exceeding four months, or it may terminate the state of emergency.

The Council of Ministers after declaring a state of emergency in accordance with provision (b) above, shall also consult the National Security Council before making a decision on questions related to the prolongation of the duration, alternation of the scope, or the termination of the state of emergency.

The reasons for the decision to declare a state of emergency, its duration and scope shall be broadcasted on Turkish radio and television and, if the Council of Ministers deems it necessary, also disseminated through other media.

COUNCIL OF MINISTERS' DECISION No. 2016-9064

Decision no: 2016/9064

It has been decided on 20 July 2016 by the Council of Ministers that; pursuant to Article 120 of the Constitution and Article 3 § 1 (b) of the Law on the State of Emergency (Law no. 2935), a nationwide state of emergency be declared from Thursday, July 21, 2016 01:00 for a period of ninety days, taking into account the recommendation dated 20 July 2016, no. 498 of the National Security Council.

Recep Tayyip ERDOĞAN
President

Period covered: 21/07/2016 -
Articles concerned : 15

Communication from the Permanent Representation of Turkey, registered at the Secretariat General on 24 July 2016 - Or. Engl.

With reference to the Declaration made on 21 July 2016 by the Republic of Turkey pursuant to Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, the Permanent Representation of Turkey to the Council of Europe transmits the following Joint Declaration by the Grand National Assembly of Turkey as well as two information notes, for consideration and circulation by the Secretary General to the member States.

- [Joint Declaration by the Grand National Assembly of Turkey.](#)
- [State of Emergency declared in Turkey following the coup attempt on 15 July 2016.](#)
- [Information on the terrorist attempt on 15 July 2016 and the investigations conducted against the judges and public prosecutors.](#)

Period covered: 24/07/2016 -

Articles concerned : 15

Communication transmitted by the Permanent Representative of Turkey and registered by the Secretariat General on 28 July 2016 - Or. Engl.

Pursuant to my letter dated 21 July 2016 whereby I communicated the notice of derogation of the Government of the Republic of Turkey in respect of Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, I am transmitting in annex the English translation of the Decree with Force of Law No. 667, dated 22 July 2016, on the measures to be taken under the state of emergency.

I reiterate the commitment of my Government to its obligations as prescribed in Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The measures taken under the state of emergency are subject to judicial review as well as monitoring by the Parliament.

- [Decree With Force of Law No. 667 \(PDF version\).](#)

Period covered: 28/07/2016 -

Articles concerned : 15

Communication transmitted by the Permanent Representative of Turkey and registered by the Secretariat General on 2 August 2016 - Or. Engl.

I wish to refer to my letters dated 21 July 2016 and 28 July 2016 and attach herewith the English translation of the Decree with Force of Law No. 668, dated 27 July 2016, on the measures to be taken under the state of emergency.

I would like to underline that this letter constitutes information for the purposes of Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

I reiterate the commitment of my Government to its obligations as prescribed in Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The measures

taken under the state of emergency are subject to judicial review as well as monitoring by the Parliament.

- [Decree With Force of Law No. 668](#) (PDF version).

Period covered: 02/08/2016 -

Articles concerned : 15

Communication transmitted by the Permanent Representative of Turkey and registered by the Secretariat General on 5 August 2016 - Or. Engl.

In reference to my previous letters dated 21 July 2016, 28 July 2016 and 2 August 2016, and pursuant to Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, I am transmitting at annex the English translation of the relevant parts of the Decree with Force of Law No. 669, dated 31 July 2016, on the measures to be taken under the state of emergency. I am also attaching a brief information note on the Decree.

I reiterate the commitment of my Government to its obligations as prescribed in Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The measures taken under the state of emergency are subject to judicial review as well as monitoring by the Parliament.

- [Decree With Force of Law No. 669](#) (PDF version)
- [Information note on Decree No. 669](#) (PDF version)

Period covered: 05/06/2016 -

Articles concerned : 15

Communication transmitted by the Permanent Representative of Turkey and registered by the Secretariat General on 29 August 2016 - Or. Engl.

In reference to my previous letters dated 21 July 2016, 28 July 2016, 2 August 2016 and 5 August 2016, and pursuant to Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, I am transmitting at annex the English translation of the relevant parts of the Decrees with Force of Law Nos. 670 and 671, dated 17 August 2016, on measures to be taken under the state of emergency. I am also attaching brief information notes on the Decrees.

- . [Decree With Force of Law No. 670](#) (PDF version) - [Information notes on Decree No. 670](#) (PDF version),
- . [Decree With Force of Law No. 671](#) (PDF version) - [Information notes on Decree No. 671](#) (PDF version).

Period covered: 29/08/2016 -

Articles concerned : 15

Communication transmitted by the Permanent Representative of Turkey and registered by the Secretariat General on 12 September 2016 - Or. Engl.

In reference to my previous letters dated 21 July 2016, 28 July 2016, 2 August 2016, 5 August 2016 and 29 August 2016, and pursuant to Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, I am transmitting at annex the English translation of the relevant parts of the Decrees with Force of Law Nos. 672, 673 and 674, dated 1 September 2016, on the measures to be taken under the state of emergency. I am also attaching brief information notes on the Decrees.

. [Decree With Force of Law No. 672](#) (PDF version) - [Information notes on Decree No. 672](#) (PDF version),

. [Decree With Force of Law No. 673](#) (PDF version) - [Information notes on Decree No. 673](#) (PDF version),

. [Decree With Force of Law No. 674](#) (PDF version) - [Information notes on Decree No. 674](#) (PDF version).

Period covered: 12/09/2016 -

Articles concerned : 15

Declaration transmitted by the Permanent Representative of Turkey and registered by the Secretariat General on 17 October 2016 - Or. Engl.

In reference to my letter dated 21 July 2016, communicating the notice of derogation by the Government of the Republic of Turkey under Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, I am now transmitting at annex the English translation of the Decision No. 1130, dated 11 October 2016, approved by the Turkish Grand National Assembly on the same date. The Decision extends the State of Emergency for a period of three months, starting from Wednesday, 19 October 2016 01:00 hours.

DECISION RELATING TO THE EXTENSION OF THE STATE OF EMERGENCY

Decision No. 1130

Date of Decision: 11 October 2016

The decision taken on 5 October 2016 by the Council of Ministers that the state of emergency currently in force nationwide pursuant to Article 120 of the Constitution and Article 3 § 1 (b) of the Law on the State of Emergency (Law no. 2935) shall be extended for a period of three months, starting from Wednesday, October 19, 2016, 01:00, has been approved at the plenary session of the Turkish Grand National Assembly, session 5 on 11 October 2016.

Period covered: 17/10/2016 -

Articles concerned : 15

Communication transmitted by the Permanent Representative of Turkey and registered by the Secretariat General on 16 November 2016 - Or. Engl.

In reference to my previous letters dated 21 July 2016, 28 July 2016, 2 August 2016, 5 August 2016, 29 August 2016, 12 September 2016 as well as 17 October 2016, and pursuant to Article

15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, I am transmitting at annex the French translation of the relevant parts of the Decrees with Force of Law Nos. 675 and 676, dated 29 October 2016, on the measures to be taken under the state of emergency. I am also attaching brief information notes on the Decrees.

- [Décret ayant force de Loi n° 675](#) (PDF version, French only)
- [Note d'information sur le Décret n° 675](#) (PDF version, French only)
- [Décret ayant force de Loi n° 676](#) (PDF version, French only)
- [Note d'information sur le Décret n° 676](#) (PDF version, French only)

Period covered: 16/11/2016 -

Articles concerned : 15

Communication transmitted by the Permanent Representative of Turkey and registered by the Secretariat General on 16 December 2016 - Or. Engl.

In reference to my previous letters dated 21 July 2016, 28 July 2016, 2 August 2016, 5 August 2016, 29 August 2016, 12 September 2016, 17 October 2016 and 16 November 2016, and pursuant to Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, I am transmitting at annex the English translation of the relevant parts of the Decrees with Force of Law Nos. 677 and 678, dated 22 November 2016, on the measures to be taken under the state of emergency. I am also attaching brief information notes on the Decrees.

- [Decree with Force of Law n° 677](#) (PDF version)
- [Information note on Decree n° 677](#) (PDF version)
- [Decree with Force of Law n° 678](#) (PDF version)
- [Information note on Decree n° 678](#) (PDF version)

Period covered: 16/12/2016 -

Articles concerned : 15

Déclaration transmitted by the Permanent Representative of Turkey and registered by the Secretariat General on 5 January 2017 - Or. Engl.

In reference to my letter dated 21 July 2016, communicating the notice of derogation by the Government of the Republic of Turkey under Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, I am now transmitting at annex the English translation of the Decision No. 1134, dated 3 January 2017, approved by the Turkish Grand National Assembly on the same date. The Decision extends the State of Emergency for a period of three months, starting from Thursday, 19 January 2017 01:00 hours.

DECISION RELATING TO THE EXTENSION OF THE STATE OF EMERGENCY

Date of Decision: 3 January 2017

The decision taken on 3 January 2017 by the Council of Ministers that; the state of emergency currently in force nationwide pursuant to Article 120 of the Constitution and Article 3 § 1 (b) of the Law on the State of Emergency (Law no. 2935) shall be extended for a period of three

months, starting from Thursday, January 19, 2017, 01:00, has been approved at the plenary session of the Turkish Grand National Assembly, Session No. 49 on 3 January 2017.

Period covered: 05/01/2017 -

Articles concerned : 15

Communication transmitted by the Permanent Representative of Turkey and registered by the Secretariat General on 31 January 2017 - Or. Engl.

Pursuant to my first letter dated 21 July 2016 and the last letter dated 5 January 2017 for the purposes of Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, I am transmitting at annex the English translation of the Decrees with Force of Law Nos. 679 and 680 dated 6 January 2017 on the measures to be taken under the state of emergency as well as Decree No. 685 dated 23 January 2017 on the establishment of a commission. I am also attaching information notes on Decrees 679 and 680 as well as a brief information note with regard to the Decree No. 681 dated 6 January 2017.

- [Decree with Force of Law n° 679](#) (PDF version),
- [Information note on Decree n° 679](#) (PDF version),
- [Decree with Force of Law n° 680](#) (PDF version),
- [Information note on Decree n° 680](#) (PDF version),
- [Information note on Decree n° 681](#) (PDF version),
- [Decree-Law n° 685](#) (PDF version).

Period covered: 31/01/2017 -

Articles concerned : 15

Communication transmitted by the Permanent Representative of Turkey and registered by the Secretariat General on 6 March 2017 - Or. Engl.

Pursuant to my first letter dated 21 July 2016 and the last letter dated 31 January 2017 for the purposes of Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, I am transmitting at annex translation of the Decrees with Force of Law Nos. 682, 683, 684, 686 and 687 on the measures to be taken under the state of emergency. I am also attaching information notes on the above mentioned Decrees.

- [Decree with Force of Law No.682](#) (PDF version)
- [Information note on Decree No.682](#) (PDF version)
- [Decree with Force of Law No.683](#) (PDF version)
- [Information note on Decree No.683](#) (PDF version)
- [Decree with Force of Law No.684](#) (PDF version)
- [Information note on Decree No.684](#) (PDF version)
- [Décrets ayant force de Loi nos 686 et 687](#) (PDF version - French only)
- [Notes d'information sur Décrets nos 686 and 687](#) (PDF version - French only)

Period covered: 06/03/2017 -

Articles concerned : 15

Declaration transmitted by the Permanent Representative of Turkey and registered by the Secretariat General on 20 April 2017 - Or. Engl.

In reference to my letter dated 21 July 2016, communicating the notice of derogation by the Government of the Republic of Turkey under Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, I am now transmitting at annex the English translation of the Decision No. 1139, approved by the Turkish Grand National Assembly on 18 April 2017. The Decision extends the State of Emergency for a period of three months, starting from Wednesday, 19 April 2017, 01:00 hours.

DECISION RELATING TO THE EXTENSION OF THE STATE OF EMERGENCY

Decision No. 1139

Date of Decision: 18 April 2017

The decision taken on 17 April 2017 by the Council of Ministers that the state of emergency currently in force nationwide pursuant to Article 120 of the Constitution and Article 3 § 1 (b) of the Law on the State of Emergency (Law no. 2935) shall be extended for a period of three months, starting from Wednesday, 19 April 2017, 01:00, has been approved at the plenary session of the Turkish Grand National Assembly, session No. 84 on 18 April 2017.

Period covered: 20/04/2017 -

Articles concerned : 15

Communication contained in a letter from the Permanent Representative of Turkey, dated 24 May 2017, registered at the Secretariat General on 24 May 2017 - Or. Engl.

Pursuant to my letter dated 31 January 2017 whereby I conveyed information with regard to Decree Law No. 685 dated 23 January 2017 on the establishment of the Inquiry Commission on the State of Emergency Measures (the Commission), I would like to provide an update as the members of the Commission were appointed on 16 May 2017 and the Commission commenced functioning on 22 May 2017. I am transmitting at annex an information note on the Commission.

I would underline that this letter constitutes information for the purposes of Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

[Information note concerning the Inquiry Commission on the State of Emergency Measures established by the Decree Law No. 685 dated 23 January 2017 and amended by the Decree Law No. 690 dated 29 April 2017.](#)

Period covered: 24/05/2017 -

Articles concerned : 15

Communication transmitted by the Permanent Representative of Turkey and registered by the Secretariat General on 23 June 2017 - Or. Engl.

Pursuant to my first letter dated 21 July 2016 for the purposes of Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, I am transmitting at annex the

translation of the Decree with Force of Law No. 690 dated 29 April 2017 on the measures under the state of emergency. I am also attaching an information note on the above-mentioned Decree.

- [Decree with Force of Law No.690](#) (*anglais uniquement*)
- [Information note on Decree No.690](#) (*anglais uniquement*)

Period covered: 23/06/2017 -

Articles concerned : 15

Declaration transmitted by the Permanent Representative of Turkey and registered at the Secretariat General on 19 July 2017 - Or. ENgl.

In reference to my letter dated 21 July 2016, communicating the notice of derogation by the Government of the Republic of Turkey under Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, I am now transmitting at annex the English translation of the Decision No. 1154, approved by the Turkish Grand National Assembly on 17 July 2017. The Decision extends the state of emergency for a period of three months, starting from Wednesday, 19 July 2017, 01:00 hours.

DECISION RELATING TO THE EXTENSION OF THE STATE OF EMERGENCY

Decision No. 1154

Date of Decision: 17 July 2017

The decision taken on 17 July 2017 by the Council of Ministers that the state of emergency currently in force nationwide pursuant to Article 120 of the Constitution and Article 3 § 1 (b) of the Law on the State of Emergency (Law no. 2935) shall be extended for a period of three months, starting from Wednesday, 19 July 2017, 01:00, has been approved at the plenary session of the Turkish Grand National Assembly, Session No. 112 on 17 July 2017.

Period covered: 19/07/2017 -

Articles concerned : 15