

## **STATE OF EMERGENCY DECLARED IN TURKEY IN THE AFTERMATH OF COUP ATTEMPT ON 15TH JULY 2016**

- Fethullah Terrorist Organization (FETÖ) has staged a coup attempt in Turkey on 15th July 2016. This bloody attempt against our democratic and legitimate Government as well as against our Constitutional order was defeated by the Turkish State, through its resolve and fight, acting together with its people and security forces. Despicable murderers attacked civilian people, crushed the democracy defenders on the streets under tank palettes, and even bombed the Grand National Assembly of Turkey (GNAT). In this turmoil, 246 Turkish citizens lost their lives and 2185 were wounded.

- In order to fight against the FETÖ terrorist organization in a comprehensive and effective manner which poses a grave threat to survival and security of our state through its clandestine infiltration to state mechanisms, the Council of Ministers of Turkey decided on 20 July 2016 that a nationwide state of emergency be declared as from July 21, 2016 for a period of ninety days, pursuant to Article 120 of the Constitution and Article 3 § 1 (b) of the Law on the State of Emergency (Law no. 2935).

- The Council of Ministers took this decision in its meeting under the chairmanship of President Recep Tayyip Erdoğan, in view of the recommendation dated 20 July 2016, no. 498 of the National Security Council. The decision was endorsed by the Turkish Parliament on 21 July 2016.

- The purpose of the state of emergency is to take required measures in the most speedy and effective manner in the fight against FETÖ terrorist organization in order to save our nation from this ferocious terror network and return to normalcy as soon as possible. In this process, utmost care will continue to be shown to uphold our democracy and the fundamental rights of our citizens with the rule of law, as always.

- State of Emergency is a measure regulated by the Turkish Constitution and relevant national legislation and also a practice permissible under international human rights law, including European Convention of Human Rights.

- It is not only Turkey who resorted to State of Emergency in such circumstances. Many developed countries did the same when facing similar security threats. France, a member of the EU and the CoE, also declared State of Emergency on 14th November 2015 and implemented this measure since then. This week it has been extended for another 6 months. In this context, France declared that it may derogate from its obligations under European Convention on Human Rights in accordance with Article 15.

- During the period until 15th July 2016 when Turkey faced the coup attempt, the Turkish government carried out its counter-terror operations against PKK and DAESH terrorist organizations in severe conditions without declaring a State of Emergency. The Government spared no effort to carry out the measures within the context of the regular norms and standards of the European Human Rights regime. Yet, in the face of grave and violent attacks against the national security and FETÖ terrorist organization's infiltration everywhere, as closely manifested during its coup attempt on 15 July 2016, the declaration of the State of Emergency was deemed necessary. In this context, like France, Turkey resorted to the right of derogation from the obligations in the Convention as prescribed in the European Convention on Human Rights, permissible under Article 15 of the Convention. As stated in the Convention explicitly, a derogation is not a suspension of rights. It brings certain limitations to the exercise of certain rights under required conditions.

- The Republic of Turkey is fully aware of its obligations related to democracy, human rights, the principle of rule of law and international conventions in this process and as in the past, due respect will be shown to fundamental rights and freedoms and the principle of supremacy of law will be strictly observed.

- The purpose of the declaration of the State of Emergency, is not to restrict fundamental freedoms of our citizens, but to eliminate FETÖ terrorist organization in a more speedy and effective way.

- Although the State of Emergency has been declared for a period of 90 days, all extraordinary measures will be terminated once the result in the fight against the FETÖ terrorist organization will be successfully attained.