

**PRESIDENTIAL DECREE****PRESIDENTIAL DECREE ON MEASURES TAKEN IN THE  
JUDICIARY UNDER THE STATE OF EMERGENCY****Decree Number: 120****Purpose:**

**ARTICLE 1-** (1) The purpose of this Presidential Decree is to take certain measures in the field of judiciary within the scope of the state of emergency declared by the Presidential Decree dated 8 February 2023 and numbered 6785.

**Measures taken in the judiciary**

**ARTICLE 2-** (1) In order to prevent loss of rights in the judicial field in the provinces where a state of emergency has been declared by the Presidential Decree dated 8 February 2023 and numbered 6785; the following periods and proceedings will be suspended from 6 February 2023 (including this date) until 6 April 2023 (including this date):

a) All periods related to the entitlement, exercise or termination of a right, including the periods for filing a lawsuit, initiating enforcement proceedings, application, complaint, objection, warning, notification, submission and statute of limitations, period of prescription and mandatory administrative application periods; the periods determined for the parties or interested parties in the Code of Administrative Procedure dated 6 January 1982 and numbered 2577, the Code of Criminal Procedure dated 4 December 2004 and numbered 5271, the Code of Civil Procedure dated 12 January 2011 and numbered 6100 and other laws containing procedural provisions and the periods determined by the judge within this scope and the periods determined in mediation and conciliation institutions;

b) The periods specified in the Execution and Bankruptcy Law dated 9 June 1932 and numbered 2004 and other laws on enforcement and bankruptcy law and the periods determined by the judge or the enforcement and bankruptcy offices within this scope,

c) All enforcement and bankruptcy proceedings, except for enforcement proceedings related to alimony receivables, party and follow-up transactions, receipt of new enforcement and bankruptcy proceeding requests, transactions regarding the execution and implementation of temporary lien (*ihtiyati haciz*) decisions,

These periods shall start to run from the day following the day on which the suspension period ends.

(2) The following periods are excluded from the scope of this article:

a) Statute of limitations for crimes and punishments, misdemeanours and administrative sanctions, disciplinary imprisonment, and preventive detention (*tazyik hapsi*).

b) Periods regarding the protective measures regulated in the Law No. 5271.

c) The periods regarding the proceedings supplementing interim measure regulated in the Law no. 6100.

ç) The periods regulated in the relevant laws for the elections to the Grand National Assembly of Turkey and the President of the Republic.

(3) Law No. 2004 and other laws related to the law of enforcement.

a) In the event that the sale day announced by the enforcement and bankruptcy offices regarding the goods or rights falls within the suspension period, the enforcement and bankruptcy offices shall on their own assign day for the sale of these goods or rights after the suspension period without requiring a new request. In this case, the sale day announcement shall be made only in the online platforms and no fee shall be charged for the announcement,

b) Payments made voluntarily during the suspension period shall be accepted, and either party may request that proceedings in favour of the other party be taken,

c) The consequences of the concordat period for the creditor and debtor shall continue during the suspension period,

ç) During the suspension period, other necessary measures shall be taken to ensure that enforcement and bankruptcy services are not disrupted.

(4) The provisions of this Article shall apply nationwide for natural and legal persons whose domicile is in the provinces where the state of emergency has been declared as of 6 February 2023 and for persons who were in these provinces on the same date.

(5) The provisions of this Article shall apply nationwide in respect of lawyers registered to the bar associations of the provinces in which the state of emergency has been declared as of 6 February 2023, and lawyers registered to other bar associations but who were present in these provinces on the same date, in relation to the cases and matters pursued by these lawyers.

(6) If the lawyers registered in the bar association of the provinces where the state of emergency has not been declared and the persons serving at these offices have relatives by blood or marriage in the provinces where the state of emergency has been declared, or if they go to these provinces to rescue those who have suffered disaster, to compensate the damage and loss incurred or to meet the needs in the provinces where the state of emergency has been declared, the provision of this Article shall be applied throughout the country until 6 March 2023 (including this date) in respect of the relevant lawyers with regard to the cases and transactions pursued by them.

(7) If the persons whose place of residence is in provinces, where the state of emergency has not been declared, have relatives by blood or marriage in provinces where the state of emergency has been declared, or if they go to these provinces to rescue those who have suffered disaster, to compensate the damage and loss incurred or to meet the needs in the provinces where the state of emergency has been declared, the provision of this Article shall be applied throughout the country until 6 March 2023 (including this date) in respect of the relevant persons.

(8) The natural and legal persons mentioned in the fourth, fifth, sixth and seventh paragraphs as well as lawyers may perform execution and bankruptcy proceedings, the party and follow-up procedures as well as the enforcement and execution of decisions on precautionary attachment against natural and legal persons whose residence is outside the provinces where the state of emergency has been declared. The natural and legal persons who avail themselves of this opportunity as well as lawyers shall not benefit from the provision of the first paragraph as of the

beginning date of the procedure and within the scope of the procedure.

(9) All other measures to be taken including the adjournment of hearings and negotiations as well as the procedures and principles in this regard during suspension shall be determined by;

- a) The relevant Board of Presidents in respect of Court of Cassation and Supreme Administrative Court
- b) The Council of Judges and Prosecutors in respect of the first instance judicial and administrative courts as well as the regional courts of appeal and regional administrative courts
- c) The Ministry of Justice in respect of the judicial services.

### **Enforcement of arrest order**

**ARTICLE 3-** (1) If the person arrested upon an arrest warrant issued by the magistrate judgeships or courts in the regions where the state of emergency has been declared cannot be brought before the competent judge or court within twenty-four hours at the latest and the audio-visual communication system cannot be used, the relevant person shall be questioned or his/her statement shall be taken by the magistrate judge or court where s/hhe has been arrested.

### **Custody period and examination of detention and requests for release**

**ARTICLE 4-** (1) The following provisions shall be applied during state of emergency in the regions where state of emergency has been declared:

- a) "The duration of custody shall not exceed four days as from the moment of the arrest, excluding the necessary time for bringing the suspect before the judge or court nearest to the place of arrest for offences of theft (Article 141,142) and robbery (Article 148,149) set out in the Turkish Criminal Code dated 26 September 2004 and no. 5237. By the Public Prosecutor's written order, the custody period may be extended by three days due to difficulty in collecting evidence or high number of suspects.
- b) Decisions may be rendered on the basis of file as regards the objections against the detention, the requests for release and the review of detention.
- c) Decisions on requests for release may be rendered together with the review of detention.
- ç) The review of detention performed pursuant to Article 108 of the Law no. 5271 shall be carried out *ex officio* for a period of sixty-days only once.

### **Entry into force**

**ARTICLE 5-** (1) This Presidential Decree shall enter into force on the date of its publication.

### **Execution**

**ARTICLE 6-** (1) The provisions of the hereby Presidential Decree shall be executed by the President.

11 February 2023

**Recep Tayyip ERDOĞAN**  
PRESIDENT