

Descriptive Summary of Presidential Decrees nos. 127, 128, 129, 130 and 131 issued under the State of Emergency

As indicated in the notice of Derogation dated 10 February 2023, additional measures may be taken on issues required in scope of the State of Emergency declared on the ground of the natural disaster by virtue of Article 119 of the Constitution.

In this context, a need has emerged to take additional measures in certain fields, notably public procurement, judiciary and migration, with a view to eliminating the negative consequences caused by the *force majeure* as a result of the earthquakes and preventing potential grievances that might arise. Presidential Decrees nos. 127, 128, 129, 130 and 131 were prepared in this framework and they have entered into force upon promulgation in the Official Gazette no. 32121 of 3 March 2023.

Article 3 of Presidential Decree no. 127 (see Annex for a translated copy), titled “Measures taken with respect to the process of contract of public procurement”, stipulates that the contract may be terminated if it becomes impossible to perform the work or the work is no longer deemed necessary as a result of the *force majeure* arising from the earthquake and that the contractor may not raise any claim due to such termination other than for the production they have fulfilled until the termination date.

According to Article 4 of Presidential Decree no. 128 (see Annexes for a translated copy), titled “Measures concerning migration area”, the assessment and decision period under Article 57 of Law on Foreigners and International Protection (Law no. 6458) on account of the acts committed by foreigners in the provinces that are in a state of emergency has been changed as 72 hours (instead of 48 hours ordinarily) and the time-limit for bringing to removal centres the foreigners who have been issued with an administrative detention order has been changed as 96 hours (instead of 48 hours ordinarily). The same Article also prescribes that, in cases where it is not possible to make an administrative decision due to technical reasons in the provinces where the state of emergency has been declared, the foreigners in this situation may be transferred to other provinces so that necessary administrative decisions can be taken.

Furthermore, Article 6 of Presidential Decree no. 128, titled “Amended provisions”, added the offences of intentional killing by a negligent act (Art. 83 of the Turkish Criminal Code), reckless killing (*ibid.* Art. 85), and aggravated fraud (*ibid.* Art. 158) to those that were previously listed under Article 4 of Presidential Decree no. 120, for which additional custody period may be imposed where it is absolutely necessary.

Article 3 of Presidential Decree no. 130 (see Annex for a translated copy), titled “Temporary assignment”, provides that those employed as permanent workers in the organisations of the Ministry of Family and Social Services in the provinces where the state of emergency has been declared may, irrespective of the requirements and restrictions set out in the relevant legislation, be temporarily assigned to serve in the units or to perform the services needed due to the exigencies of the state of emergency.

Also, translations of Presidential Decrees 129 and 131, which contain various provisions for earthquake survivors in the fields of education and healthcare, are presented in the annex.