

STATE OF EMERGENCY DECLARED IN TURKEY FOLLOWING THE COUP ATTEMPT ON 15 JULY 2016

Fethullah Terrorist Organisation (FETÖ) has staged a *coup* attempt in Turkey on 15 July 2016. This bloody attempt against the democratically-elected Government as well as against the constitutional order was defeated by the Turkish State, through its resolve, 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 Turkish Parliament, the Grand National Assembly of Turkey. 246 Turkish citizens lost their lives and 2,185 were wounded.

In order to fight against the FETÖ terrorist organisation in a comprehensive and effective manner which poses a grave threat to survival and security of the nation 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 21 July 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 organisation in order to save the nation from this ferocious terror network and return to normalcy as soon as possible. Meanwhile, utmost care will be maintained with a view to upholding democracy standards as well as respecting the fundamental rights of citizens.

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 the European Convention on Human Rights.

During the period prior to 15 July 2016 when Turkey faced the *coup* attempt, the Turkish Government carried out its counter-terrorism operations against PKK and DAESH terrorist organisations in severe conditions without declaring a state of emergency. The Government spared no effort to carry out the measures in compliance with standards of the European Human Rights regime. Yet, in the face of grave and violent attacks against the national security and FETÖ terrorist organisation's widespread infiltration, as closely manifested during its *coup* attempt on 15 July 2016, the declaration of the state of emergency was deemed necessary.

In this context, 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, a derogation is not a suspension of rights. It brings certain limitations to the exercise of certain rights to the extent strictly required by the exigencies of the situation.

The Republic of Turkey is fully aware of its obligations pertaining to democracy, human rights and the rule of law under international law. The Government will remain committed to respecting fundamental rights and freedoms while observing the principle of the supremacy of law.

The purpose of the declaration of the state of emergency is not to restrict fundamental freedoms but to eliminate FETÖ terrorist organisation in a more speedy and effective manner.

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 organisation will be successfully attained.