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The functioning of democratic institutions in Turkey

Amendment[1] No. 9

In the draft resolution, replace paragraph 11 with the following paragraph:

"As explicitly stated in the Venice Commission's opinion in response to the request by the Chair of the Monitoring Committee of the Assembly, "the curfews imposed since August 2015 have not been based on the constitutional and legislative framework which specifically governs the use of exceptional measures in Turkey, including curfew. To comply with this framework, any curfew measure should be associated with emergency rule, as provided for in Articles 119 to 122 of the Constitution." According to those articles of the Constitution, curfews can be declared only within the context of martial law or emergency state rule, the implementation of both of which requires a parliamentary decision – which was never taken. The Assembly expects Turkey to abide by its own laws and amend its legal framework in line with the Venice Commission opinion on this issue, dated 13 June 2016."

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