

IDRL Emergency Fact Sheet, Türkiye



Disaster Law

With the support of
GKC PARTNERS
WHITE & CASE

6 February 2023 Earthquake Response

Update No. 2 , 23 February 2023 *Updates highlighted in yellow.

*Link to Update No. 1 can be found at <https://disasterlaw.ifrc.org/media/4149>

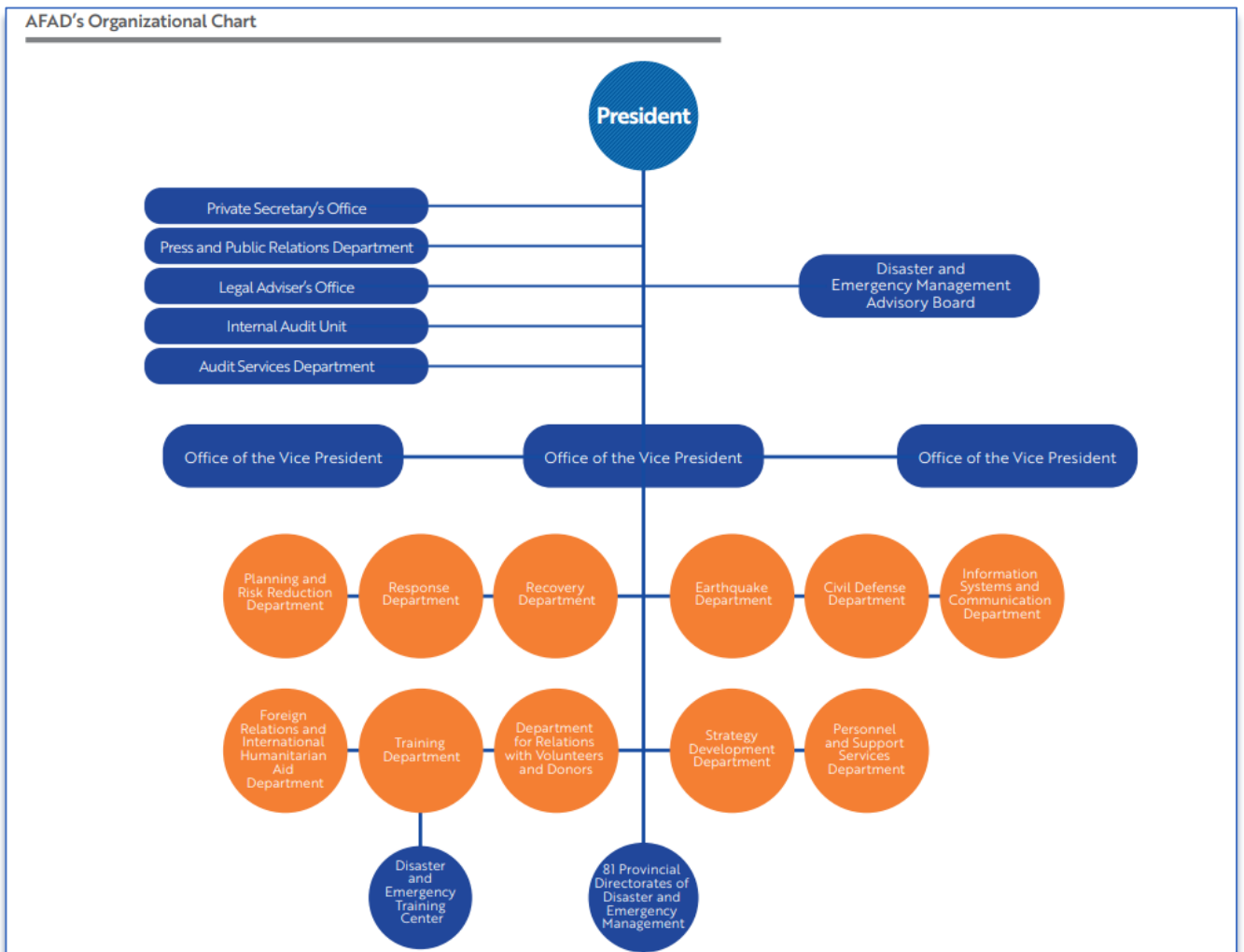
This International Disaster Response Law (IDRL) Emergency Fact Sheet is intended to provide key information to international humanitarian actors, including the Red Cross and Red Crescent Movement operations and network, relating to the regulatory and policy environment applying to the entry of incoming disaster relief in Türkiye to respond to one of the strongest earthquakes in a century (7.8 in Türkiye and 7.5 in Syria magnitude) on 5 February 2023. This massive disaster that devastated portions of Southern Türkiye and Northern Syria, exacerbates a context marked by a decade of humanitarian and migration crisis in the region where millions of vulnerable and displaced people are already relying on humanitarian aid and assistance.

Visit the [IFRC Disaster Law website](#) to know more about our work on IDRL.

Institutional and Policy Framework

- The governmental authority responsible for DRM in Türkiye is the **Disaster and Emergency Management Authority (AFAD)** which falls under the Ministry of Interior ([Law No. 5902 of 2009 establishing AFAD](#)).
 - It is governed by its [Strategic Plan 2019-2023](#). The Plan provides for a specific section on International Relations and Humanitarian Aid (p. 57) but the focus is placed on the country as aid provider rather than recipient.
 - Government's response regular updates can be found on the AFAD website: <https://en.afad.gov.tr/announcements>.
 - As of 20 February 2023, GoT issued a [Press Bulletin](#) requesting the citizens not to enter into the areas where debris removal works are continuing unless there is a matter of urgency. It is important to note that after this advisory, an earthquake measuring 6.4 on the Richter scale took place in Defne, Hatay at 20:04. A total of 32 aftershocks were recorded, the largest measuring 5.8 occurred. <https://en.afad.gov.tr/press-bulletin-1-about-the-earthquake-in-hatay-measuring-64>.
 - GoT issued a Press Bulletin on 11 February to refute the allegations circulating in some social media accounts and WhatsApp groups according to which "disaster victims are demanded to obtain an AFAD card that indicates their status": <https://en.afad.gov.tr/regarding-the-allegation-that-disaster-victims-need-to-obtain-documents-showing-their-situation---press-bulletin>.
 - **Useful contacts within AFAD: Department of Earthquake:** 0 312 258 23 23 Extension: 1202; 0 312 287 93 70; deprem@afad.gov.tr; **Legal Consultancy:** 0 312 258 23 23 Extension: 1402; 0 312 287 36 41; hukuk@afad.gov.tr; *Foreign Relations & International Humanitarian Aid Department – TBC (<https://en.afad.gov.tr/afad-contact-list>)

- Türkiye is a party to the [Revised Kyoto Convention](#) on customs procedures ([Annex J, Ch. 5 on Relief Consignments](#)). It contains both standards and recommended practices requiring parties to simplify and expedite the processing of relief consignments.
- Türkiye is a participating state of the [EU Civil Protection Mechanism \(UCPM\)](#) and has requested the activation of the UCPM for this emergency. Activation implies speedy entry of humanitarian goods, equipment and personnel coming from EU member states and non-EU UCPM participating states to another member / participating state such as Türkiye.
- AFAD is Türkiye's focal point for [INSARAG](#). [The INSARAG External Certification \(IEC\) for urban search and rescue teams can be found at INSARAG IEC Handbook.](#)
- The [Turkish Red Crescent Society \(TRCS\)](#) is recognized as an autonomous, independent and impartial organization, auxiliary to the public authorities in the humanitarian field, under its [2022 TRCS Charter](#) and international law.
- The [International Federation of Red Cross and Red Crescent Societies \(IFRC\)](#) supporting TRCS has a legal status agreement (LSA) in Türkiye.



AFAD Organizational Chart (Source: [AFAD Strategic Plan 2019-2023](#))

State of Emergency and Request for Humanitarian Aid and Assistance

- **State of Emergency** declared by President Tayyip Erdoğan on **Tuesday 7 February 2023**, as per art. 119 of the Turkish Constitution: [Presidency Of The Republic Of Türkiye : Home \(tccb.gov.tr\)](#); [Presidency Of The Republic Of Türkiye : “We have decided to declare state of emergency in order for search and rescue operations to be carried out rapidly” \(tccb.gov.tr\)](#)
 - The State of Emergency applies for a **three-month period** and covers Türkiye’s **10 southern provinces hit by devastating earthquakes** (i.e. Kahramanmaraş, Hatay, Osmaniye, Adıyaman, Gaziantep, Şanlıurfa, Diyarbakır, Malatya, Kilis and Adana).
- The **official declaration of the State of Emergency** is based on [Article 119 of the Constitution](#) and Article 3, para 1 of the [State of Emergency Law No. 2935](#). Some of the extraordinary powers granted to the administration under the State of Emergency Law are as follows:
 - Institutions and individuals in the area where the state of emergency is declared must provide land, land plots, buildings, facilities, tools, equipment, food, medicine and medical supplies, clothing and other items to be requested.
 - A Coordination Board may be established to organize aid and search and rescue operations in different regions.
 - Any required measures can be adopted for facilitating, accelerating the production, sale, distribution, storage and trade of foodstuffs and goods and all kinds of fuel necessary for the feeding, heating, cleaning and lighting of the public, medicines, chemicals, tools and other things used in health protection, treatment and medicine, goods and materials used in construction, industry, transportation and agriculture, other goods, goods, tools, equipment and all kinds of materials necessary for the public, and to seize these products or the facilities where these products are produced or stored when necessary.
 - The State of Emergency also enables the administration to take measures regarding land, sea and air traffic order, and to permit or prohibit the entry and exit of transportation vehicles to and from the region.
- The Government of Türkiye (GoT) Ministry of Interior - AFAD issued a **level four disaster alert for Türkiye, the country’s highest disaster alert level, which included a request for international assistance on 6 February** ([OCHA Flash Update No. 4, 9 February 2023](#)).
 - As of this update, international search and rescue teams are leaving the 10 provinces hit by earthquakes. However, the announcements on which teams have left the region have not yet been made by the official authorities. According to [local media](#), search and rescue teams of USA, Ukraine, Israel, etc. have left the region.
 - Since 07 February 2023, AFAD has coordinated international assessment and response efforts, with approximately 70 countries offering support for search and-rescue operations in Türkiye. Approximately 25,000 national and international emergency responders, including search-and-rescue personnel ([Türkiye – Earthquakes Fact Sheet #1, Fiscal Year \(FY\) 2023 \(February 7, 2023\) - Türkiye | ReliefWeb](#)). USAID has provided on Wednesday 8 February search and rescue teams of 160 people, 12 dogs and 170,000 pounds of specialised tools and equipment.
- Pursuant to the announcement [“Notice Regarding The Customs Procedures For Relief Items Sent By Foreign Nations”](#) made by General Directorate of Customs on February 7, 2023;
 - Basic relief items and other goods sent by foreign nations to be distributed to the victims in affected disaster/earthquake areas can be imported with exemption from customs duties and commercial policy measures, provided that they are sent to:

- Government institutions
- Public interest organizations
- Tax exempt organizations as listed by the Presidential Office
- To facilitate the coordination efforts by the relevant Ministries, such goods should be donated and sent to one of the following institutions/organizations:
 - AFAD (Disaster and Emergency Management Presidency)
 - Ankara Social Assistance and Solidarity Foundation
 - Şanlıurfa Social Assistance and Solidarity Foundation
 - Kahramanmaraş Social Assistance and Solidarity Foundation
 - Adıyaman Social Assistance and Solidarity Foundation
 - Adana Social Assistance and Solidarity Foundation
 - Hatay Social Assistance and Solidarity Foundation
 - Diyarbakır Social Assistance and Solidarity Foundation
- For customs procedures of such goods, it would be sufficient to submit the following documents to the customs office of entry:
 - Shipping document, if any
 - A list of goods (issued in accordance with the following table):

LIST FOR DISASTER RELIEF GOODS

VEHICLE INFORMATION	GOODS INFO		
For Trucks, Country of Registration and Licence Plate; [●]	[●]		
For Vessels, Vessel Name and Agent Name; [●]			
For Airplanes, Flight Number: [●]			
	Description	Amount	Weight
[●]	[●]	[●]	[●]

List of Needs

- As of 21 February 2023, GoT through MFA has publicly shared online the “[Urgent Health Needs to Respond to and Recovery from Kahramanmaraş-centered Earthquakes in Türkiye](#)”
- The president of the Turkish Red Crescent Society / Türk Kızılay stressed the need for **blood donations** (www.kizilay.org.tr).
- A **specific list of needs** has earlier been provided by Türkiye bilaterally to UCPM EERC, UN Geneva and international organizations based in Switzerland (e.g. [IFRC](#)), and to other foreign states directly. The communications are internal as of the moment. We recommend international / foreign donors which have not received official requests for assistance from

the GoT to coordinate with the GoT through its Ministry of Foreign Affairs, AFAD, or Türkiye foreign missions, and with organizations and states which have received official requests for assistance from GoT.

- **Needed medical supplies and equipment list** has also been provided by the GoT to the PM to the UN on 9 February 2023.
- **A list of prohibited items** relating to the preservation of public interests has been circulated ([IMPACCT Bulletin No.2 – Annex Turkey EQ](#)).

Cash Donations

- As of the earthquake, some foreign governments stated press releases with regards to SMS donation campaigns, within their official government websites (e.g. [The Government of the Republic of Serbia](#)).
- As of 7 February 2023, AFAD stated on its website that citizens who want to support the donation campaign can send an SMS to 1866 by typing “DEPREM” or can make **donations through the bank account numbers indicated on their webpage**: <https://en.afad.gov.tr/earthquake-humanitarian-aid-campaign>; <https://en.afad.gov.tr/earthquake-donation-accounts>.
- President Erdoğan said in a media report ([tccb.gov.tr](https://www.tccb.gov.tr)) that transfers to the Turkish Lira and foreign currency accounts of the AFAD at the prominent banks and participation banks in Türkiye will be **free of cost**.

Entry of Foreign Humanitarian Personnel

- Migration and immigration is governed by **Law no. 6458 on “Foreigners and International Protection”** (Ministry of Interior) of 2013: [ingilizce-2.pdf \(goc.gov.tr\)](#). The complete list of foreign visa regime can be found [here](#).
- Türkiye does not categorically provide for humanitarian visas on the basis of a disaster. However, Law No. 6458 provides for **three provisions that can be invoked to support requests for an expedited visa issuance** for this emergency:
 - Art. 11 (6) which provides that in view of the national interests of Türkiye, **a visa may exceptionally be issued ex officio by the ambassadors of the Republic of Türkiye**. Visas issued for such purposes **shall immediately be reported to the Foreign Ministry** in accordance with the general visa procedures. These visas are **not subject to fee**.
 - Art 18 which provides that the **Council of Ministers** related to visa and passport procedures is **authorised to unilaterally waive the visa requirement** for citizens of certain states; facilitate visa procedures, including exemption from visa fee; and, determine the duration of visas. It can also **introduce terms and conditions** for [the use of] passports belonging to foreigners [with regard to entry into or stay in or exit from Türkiye], in case of war **or other extraordinary circumstances to cover a region of or the entire country**.
 - Art 46 which grants a **humanitarian residence permit** with a **maximum duration of one year at a time** may be granted and renewed by the governorates (x x x e) **in cases when foreigners should be allowed to enter into and stay in Türkiye, due to emergency or in view of the protection of the national interests as well as reasons of public order and security**, in the absence of the possibility to obtain one of the other types of residence permits due to their situation that precludes granting a residence permit; (x x x f) **in extraordinary circumstances**.

- Note: If these provisions could not be usefully invoked, and until special visa facilities be announced by the Government (e.g. through adoption of an IDRL Emergency Decree), then **common visa requirements should apply**:
 - Humanitarians may enter the country **with a tourist visa valid for up to 90 days within a maximum period of 180 days, provided that their passport or travel document do not expire sixty days prior to the expiry date of the visa** (Art. 7).
 - The visa **should indicate the purpose of their visit** and be required at the consulate of the Republic of Türkiye in their country of citizenship or legal stay.
 - The applicant must show that he has **sufficient resources** and that he is covered by a **valid medical insurance** for the duration of his stay.

Recognition of Foreign Professional Qualifications

- See info below on EMTs.
- No information on legal framework available at the moment.

Customs

- As of 21 February 2023, the Logistics Cluster has shared the official GoT [Customs List of Restricted Items](#).
- As of 11 February 2023, relief consignments have been reported to receive expedited customs clearance at points of entry and are duty free. (Source: [IMPACCT Bulletin No. 3 Turkey EQ](#)). Please note however that the consignee should be specifically named, preferably AFAD or a recognized public benefit organization in Türkiye (e.g. [Turkish Red Crescent Society](#) / Türk Kızılay) .
- All **relief exports from EU and non-EU UCPM participating States** to Türkiye are also exempted from duties since Türkiye is a participating state in the UCPM.
- All **relief importations by Türkiye public benefit organizations** (e.g. [Turkish Red Crescent Society](#) / Türk Kızılay) are exempted from duties. (Source: [IMPACCT Bulletin No.1 Turkey EQ](#)).
- **Most importation from the EU** should be exempted from duties based on the Türkiye-EU Customs Union, subject to presentation of ATR.1 or other certificates by consignee. (Source: [IMPACCT Bulletin No.1 Turkey EQ](#))
- In the case of non-Union goods entering the EU with final destination Türkiye, the goods can be declared orally for temporary admission when entering the customs territory of the Union (therefore without payment of duties or VAT). In that case, only a supporting document should be filled (Source: [IMPACCT Bulletin No.3 Turkey EQ](#))
- Official website: [Republic of Türkiye - Ministry of Trade](#) (See: [Türkiye - Import Requirements and Documentation \(trade.gov\)](#))

Importation of Medical Supplies and Entry of Foreign Emergency Medical Teams (EMT)

- As of 22 February 2023, the [updated process for the importation and delivery of pharmaceuticals](#) has been compiled and shared by the Logistics Cluster.
- As of 17 February 2023, the Emergency Medical Team Coordination Cell in Türkiye is now overseeing the work of 29 approved EMTs from 22 countries, with the priority being to support the hospitals that have been damaged in the earthquakes, as well as those dealing with large numbers of trauma patients (Source: [WHO EMTs supporting the health response to the Türkiye earthquakes](#))
- As of 11 February 2023, **pre-approved special permits are not required for food, medical devices and medical consumable imports** when these are certified by customs officers at ports of entry as dedicated for humanitarian purposes for this earthquake. Usual customs documents like the

airway bill or bill of lading and packing lists are required. (Source: [IMPACCT Bulletin No. 3 Turkey EQ](#)).

- GoT has made **specific bilateral requests to other states for EMTs and specialized field hospitals** (e.g. [Belgium](#)). Please note that some offers of EMTs from foreign states have been accepted while others have not been accepted by GoT. Prior coordination is needed. A **national EMT Coordination Cell** has been established in Adana, according to updates from EU Civil Protection as of 10 February 2023.
- As of 9 February 2023, a specific **list of needed medical relief goods** has been shared by the Permanent Mission of Türkiye to the United Nations Office in Geneva and to international organizations based in Switzerland. Other donors may wish to coordinate directly with these organizations for this information (please see section above on List of needs).

Entry of search and rescue dogs

- AFAD [website](#) states that it has a process for certifying search and rescue dogs domestically. Certified SAR dogs usually acts as a team with the AFAD Search and Rescue Specialist, who is also a trainer. The expert and the dog together form an AFAD Dog Search and Rescue Team.
- Various international assisting states have exported search and rescue dogs to Türkiye. See news on [EU](#), [UK](#), [Mexico](#).
- No information on legal framework available at the moment.

Importation and use of telecommunication

- A WFP-led Emergency Telecommunications Sector (ETS) response is established for Türkiye to support government-led relief efforts to the affected areas (www.etcluster.org).
- Turkcell and Türk Telekom have kickstarted support to provide domestic mobile calls within Türkiye free-of-charge, as well as access to Wi-Fi hotspots in the affected areas. (www.etcluster.org). As of 13 February 2023, Türk Telekom provides free communication from payphones to all directions in the country for citizens in the earthquake zone, and has an emergency communication tool. Additional lines to emergency service lines such as 112 and 155 have been activated (expatguideturkey.com).
- As of 10 February 2023, Vodafone sent a team of eight European experts, to improve communication services and build mobile phone and Wi-Fi networks for earthquake victims. ([Türkiye Earthquake Daily Highlights \(10/02/2023\)](#) (DEEP, Data Friendly Space, IFRC, iMMAP))
- No information on legal framework available at the moment.

Flights

- As of this update, [Turkish Airlines](#) (including AnadoluJet) and [Pegasus Airlines](#) have defined additional rights for their passengers who, due to the earthquake in Kahramanmaraş and surrounding cities, will not be able to make their flights from/to earthquake zone for their flights originally scheduled between 06/02/2023 and 31/03/2023.
- As of 10 February 2023, an **air bridge** has been established to **transport medical and rescue personnel and materials** to the affected region with **aircraft affiliated to the Turkish army** (Air Force, Land Forces, Coast Guard and Gendarmerie General Command). (Source: [AFAD Press Bulletin No. 23, 10 February 2023](#) ; [Reuters](#))
- As of 9 February 2023, GoT has opened Hatay airport for **ambulance airplanes**. Airports in Kahramanmaraş, Gaziantep and Şanlıurfa are open to both commercial and humanitarian flights. ([Türkiye Earthquake Daily Highlights \(10/02/2023\)](#) (DEEP, Data Friendly Space, IFRC, iMMAP))
- **Turkish Airlines and Pegasus Airlines domestic flights** from the affected regions are **free of charge between 7 February to 01 March 2023** ([Türkiye Earthquake Daily Highlights \(10/02/2023\)](#) (DEEP, Data Friendly Space, IFRC, iMMAP; [Railynews](#) ; flypgs.com) Flagship carrier Turkish

Airlines has been [reported](#) to organize **flights for transportation of relief goods and rescue personnel** and the **evacuation of affected citizens**.

- In his Statement, the President announced that **some of the airports in the region had been earmarked only for flights of aid supplies** (tccb.gov.tr).
- **General Aviation Regulation SHY-6B** (“SHY-6B”) fundamentally sets the framework on licensing procedures and standard requirements for air operators. Within the scope of the General Aviation Regulation, specialised operations (SPO) is defined as any operation other than commercial air transportation, where the aircraft is used for special activities including search and rescue disaster relief operations. Please note however that there has been no written statement by the authorities regarding the search and rescue operations that can be affiliated with the SPOs under this provision.
- In accordance with **Article 20/2** of the **Regulation on Disaster and Emergency Response Services**, air, sea and land vehicles and other auxiliary tools and equipment of all institutions and organizations, including military cargo planes and helicopters, shall be deployed without any delay upon the request of the Presidency for effective and timely response. Please note however that no written statement has yet been issued by the authorities in relation to this provision.

Disclaimers:

- Some legislation cited here is publicly available only in Turkish and has been translated to English unofficially.
- Some sources are unofficial or secondary (e.g. media, information/bulletins shared by humanitarian organizations or groups).
- Some sources are internal with limited information that can be disclosed to the public.

For further information on the IDRL Emergency Fact Sheet, please contact:

Pauline Caspellan

IFRC Disaster Law Delegate for Central Asia

pauline.caspellanarce@ifrc.org; +996700558821