

ANTI-TERROR LAW

Act No. 3713:

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PART ONE

Definition of Terrorism and Terrorist Offences

Definition of Terrorism:

Article 1.

(1) Terrorism is any kind of act done by one or more persons belonging to an organization with the aim of changing the characteristics of the Republic as specified in the Constitution, its political, legal, social, secular and economic system, damaging the indivisible unity of the State with its territory and nation, endangering the existence of the Turkish State and Republic, weakening or destroying or seizing the authority of the State, eliminating fundamental rights and freedoms, or damaging the internal and external security of the State, public order or general health by means of pressure, force and violence, terror, intimidation, oppression or threat.

Terrorist Offenders:

Article 2.

(1) Any member of an organization, founded to attain the aims defined in Article 1, who commits a crime in furtherance of these aims, individually or in concert with others, or any member of such an organization, even if he does not commit such a crime, shall be deemed to be a terrorist offender.

(2) Persons who are not members of a terrorist organization, but commit a crime in the name of the organization, are also deemed to be terrorist offenders.

Terrorist Offences:

Article 3. Offences defined in Articles 302, 307, 309, 311, 312, 313, 314, 315, 320 and first paragraph of Article 310 of the Turkish Criminal Law No 5237 and dated 26/9/2004 are terrorist offences.

Offences committed for terrorist purposes:

Article 4. If the following offences are conducted within the activities of a terrorist organization founded to commit offences in accordance with the aims defined in the first Article they are deemed as terrorist offences:

- a) Articles 79, 80, 81, 82, 84, 86, 87, 96, 106, 107, 108, 109, 112, 113, 114, 115, 116, 117, 118, 142, 148, 149, 151, 152, 170, 172, 173, 174, 185, 188, 199, 200, 202, 204, 210, 213, 214, 215, 223, 224, 243, 244, 265, 294, 300, 316, 317, 318, 319 and the second paragraph of Article 310 of the Turkish Criminal Law and
- b) Offences defined in Law on Firearms, Knives and Other Instruments No 6136 dated 10/7/1953
- c) Intentional offences of setting of fire forest defined in the fourth and fifth paragraphs of Article 110 of the Forest Law No 6831 dated 31/8/1956
- ç) Offences defined in Law on Fight Against Smuggling No 4926 dated 10/7/2003 requiring an imprisonment.
- d) In regions where state of emergency has been declared in accordance with Article 120 of the Constitution, offences in relation with the events that lead to the declaration of the state of emergency.
- e) The offence defined in article 68 of the Law on the Protection of the Cultural and National Properties No 4926 dated 21/7/1983

Increase of sentences:

Article 5. Penalties of imprisonment and fines imposed according to the respective laws for those committing crimes as described in Articles 3 and 4 above shall be increased by one half. In doing so the penalties may exceed the maximum penalty for that or any other crime. However, instead of a life imprisonment an aggravated life imprisonment shall be judged.

In case the penalty is provided to be aggravated hence the offence is committed within the margins of a terrorist organization, the penalty is to be aggravated only in accordance with this Article.

However the aggravation cannot be less than two thirds.

The provisions of this Article are not applicable to minors.

Terrorist Organizations:

Article 7 - (Amended article: 29/06/2006 - Decision Numbered 5532 Article 6) Those who found, manage and is a member of terrorist organizations to commit offences for the purposes specified in Article 1 by using force and violence and by applying pressure, intimidation, oppression or threat methods shall be punished in accordance with provisions in Article 314 of Turkish Criminal Law. Those who organize activities of organization shall be punished as manager of organization. Any person who makes propaganda of an organized criminal group by legitimizing or praising its methods involving force, violence and threat or by encouraging the adoption of such methods shall be punished with imprisonment from one year to five years. The punishment to be imposed shall be increased by one half if the offence is committed through media organs. Moreover, broadcast executives of the media organs who have not participated in the commission of this offence shall be punished by imposition of judicial fines from one thousand days to five thousand days.

The following actions and behaviours shall be punished in accordance with provisions of this paragraph:

a) (Abolished 27/3/2015-6638/Article 10)

b) Even if those acts are not conducted during the meeting and demonstration in a manner that indicates being member or supporter of terrorist organization:

1. Carrying out or hanging emblems, pictures and signs,
2. Shouting slogans,
3. Broadcasting via sound equipment
4. Wearing uniforms designed with emblem, picture or signs of terrorist organization

(Additional Paragraph - 27/3/2015-6638/10 Art.10)

Those who cover their face completely or partially in order to hide their identity in meetings and demonstrations which become propaganda of terrorist organization shall be punished with imprisonment from three years to five years. The minimum penalty to be imposed shall not be less than four years in cases where the perpetrators of this offence use force and violence, or carry or use any kind of weapon, petrol bomb, or similar explosive, caustic or injurious materials.

If offences defined in the second paragraph are committed in the building, clubhouse, office or additional buildings that belong to an association, foundation, political party, labour or professional association or subsidiaries of these organizations, or in educational institutions or dormitories or additional buildings that belong to these institutions; the sentence in this paragraph shall be ruled as double.

(Additional Paragraph: 11/4/2013- Art. 6459/8)

No additional punishment due to the offense defined in the paragraph 6 of the Article 220 of the Law No. 5237 shall be imposed on the person who is not actually a member of the terrorist organization but committed the following offenses in the name of the organization;

- a) the offence defined in the second paragraph,
- b) the offence defined in the second paragraph of Article 6,
- c) the offence of participating in the illegal meetings and demonstrations which are defined in the

first paragraph of Article 28 of the Law on Demonstrations and Public Meetings (Law number is 2911 and date is 6/10/1983).

Terrorist financing

Article 8- (Abolished 7/2/2013-6415 Article 18)