ABUSE OF COUNTER-TERRORISM LEGISLATIVE FRAMEWORK TO RESTRICT CIVIC SPACE

TURKEY

In Turkey, where "state of emergency" and arbitrariness are functioning as dominating practices, **human rights abuses** in the name of counter-terrorism and national security have become the norm for over ten years, supported by anti-democratic clauses in the counter-terrorism legal framework which serves to curb rights and freedoms, and to consolidate the climate of fear and intimidation.

HISTORY

The last decade has been marked by three main pillar events for the repression of dissent in Turkey, under the argument of State's security:

2013

Gezi Park protests, resulting in the government passing several bills to restrict freedom of association, increase control on the Internet, an extend police power in the name of national security.

2015

General elections, which took place in a climate of great security concerns following violent clashes between the Turkish government and PKK that paved the way for growing censorship of media outlets and dissident voices.

2016

15 July 2016 attempted military Coup against state institutions. In its aftermath, the government declared a state of emergency and started a series of purges, first with the Turkish Armed Forces personnel, but subsequently targeting media, civil servants, professors and human rights defenders (HRDs) in the name of counter-terrorism and security.

Although declared to have officially ended in July 2018, the State of Emergency has been de facto integrated into the legal system.

TURKEY COUNTER-TERRORISM LEGISLATIVE FRAMEWORK

Law on the "Prevention of Financing of the Proliferation of Weapons of Mass Destruction (7262/2020)

Gives governors the authority to appoint trustees to NGOs; to intensifies inspections of civil society organisations (CSOs) and to dismiss CSO's executives, based on an ambiguous definition of terrorism and unclear sanctions.

Provisions in the Turkish Penal Code

Criminalisation of terrorism-related offences (including "assisting a terrorist organisation without being a member") are routinely used by the Turkish authorities to detain individuals without evidence.

Law on the Amendment of Some Laws and Emergency Decrees (7145/2018)

Allows arbitrary restriction and violation of rights/freedoms by the administration and rendered the State of Emergency permanent.

Law on the Prevention of the Financing of Terrorism (6415/2013)

Establishes the offence of financing of terrorism that triggers actions like asset freeze and five to ten years in prison, based on the loose definition of terrorism defined in Law 3713/1991.

Law on the Amendment of the Press Law and Certain Laws (7418/2022)

Called "Censorship Law" by citizens, stems from counter-terrorism provisions and foresees for up to 3 years in prison for spreading "fake news" to disrupt public peace and national security.

Anti-Terrorism Law (3713/1991)

Provides an ambiguous definition of terrorism and terrorist offences punishable under relevant articles of the Turkish Penal Code. This law regularly justifies aggressive harassment and oppression of political and social opposition, CSOs, and HRDs.
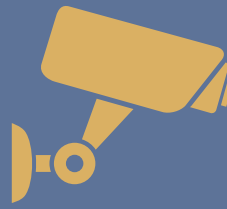
COMMON PRACTICES

Arbitrary purges and police harassment

Police violence during meetings and demonstrations, impunity of police violence and lack of control mechanisms, administrative pressure and intimidation against CSOs are common praxes.

Closure of civil society organisations

Closure decisions for 1607 associations were taken with Emergency Decrees under the State of Emergency on the basis of counter-terrorism allegations, including tens of local human rights, women's rights, child rights, cultural heritage protection, poverty alleviation and legal rights organisations. Shutdown of media platforms and news websites is also frequent.

Permanent surveillance

Besides the widespread requirement for CSOs to present confidential documents and regular on-site inspections and audits, the Ministry of Interior has faculty to appoint trusted officers to CSOs' board, to have closer monitoring of activities and shut down organisations for counter-terrorism reasons, including precaution.

Judicial harassment and violation of fair trial principles

In 2020 only, 6551 people were prosecuted under the anti-terrorism law, while a staggering 211,056 were investigated for "membership in an armed organisation" under the Turkish Penal Code, including hundreds of HRDs.