

LAW ON FIGHT AGAINST TERRORISM OF TURKEY

Act Nr. 3713

(1991, as amended: 1995, 1999, 2003, 2006, 2010)

CHAPTER ONE: DEFINITION AND TERRORIST OFFENCES

Definition of terrorism

Article 1 – Any criminal action conducted by one or more persons belonging to an organisation with the aim of changing the attributes of the Republic as specified in the Constitution, the political, legal, social, secular or economic system, damaging the indivisible unity of the State with its territory and nation, jeopardizing the existence of the Turkish State and the Republic, enfeebling, destroying or seizing the State authority, eliminating basic rights and freedoms, damaging the internal and external security of the State, the public order or general health, is defined as terrorism.

Terrorist offender

Article 2 – Any person, who, being a member of organisations formed to achieve the aims specified under Article 1, in concert with others or individually, commits a crime in furtherance of these aims, or who, even though does not commit the targeted crime, is a member of the organisations, is defined as a terrorist offender.

Persons who, not being a member of a terrorist organisation, commit a crime in the name of the organisation, are also considered as terrorist offenders and shall be punished as members of such organisations.

Terrorist offences

Article 3 – Offences defined under articles 302, 307, 309, 311, 312, 313, 314, 315, 320, and paragraph 1 of art. 310 of the Turkish Penal Code dated 26 September 2004, Act Nr. 5237, are terrorist offences.

Offences committed with terrorist aims

Article 4 – Offences specified below are considered as terrorist offences if they are committed within the framework of activities of a terrorist organisation:

- a) Offences defined under 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 paragraph 2 of article 310 of the Turkish Penal Code
- b) Offences defined under the Law on Firearms, Knives and Other Instruments, dated 10 July 1953, Act Nr. 6136
- c) Offences of intentional forest arson, as defined under paragraphs 4 and 5 of article 110 of the Law on Forests, dated 31 August 1956, Act Nr. 6831
- ç) Offences punishable by imprisonment defined under the Law on Fight Against Contraband, dated 10 July 2003, Act Nr. 4926
- d) When committed within regions, in which a state of emergency has been declared according to article 120 of the Constitution, offences relating to events that have lead to the declaration of the state of emergency
- e) The offence defined under article 68 of the Law on the Protection of Cultural and Natural Assets, dated 21 July 1983, Act Nr. 2863

Aggravation of sentences

Article 5 – Penalties of imprisonment and judicial fines to be imposed on perpetrators of offences specified under articles 3 and 4 shall be aggravated by one half. Penalties to be determined accordingly may thereby exceed the regular upper limit of the penalty prescribed for that offence for any type of punishment. However, in case of life imprisonment, the sentence shall be transformed to aggravated life imprisonment.

If the article defining the offence prescribes that the sentence shall be aggravated when the offence is committed within the framework of activities of a criminal organisation, the sentence will solely be aggravated according to that article. However, the aggravation may not amount to less than two thirds

of the penalty.

The provisions of this article are not applicable to children.

Announcement and publication

Article 6 – Those who announce or publish that a crime will be committed by terrorist organisations against persons, in a way that makes possible that these persons can be identified, whether or not by specifying their names and identities, or those who disclose or publish the identities of state officials that were assigned in fight against terrorism, or those who mark persons as targets in the same manner shall be punished with imprisonment from one to three years.

Those who print or publish declarations or announcements of terrorist organisations shall be punished with imprisonment from one to three years.

Those who, in violation of article 14 of this Law, disclose or publish the identities of informants shall be punished with imprisonment from one to three years.

If any of the offences indicated in the paragraphs above are committed by means of mass media, editors-in-chief (...) ¹ who have not participated in the perpetration of the crime shall be punished with a judicial fine from one thousand to fifteen thousand days' rates. However, the upper limit of this sentence for editors-in-chief is five thousand days' rates.

Publication of periodicals involving public incitement of crimes within the framework of activities of a terrorist organisation, praise of committed crimes or of criminals or the propaganda of a terrorist organisation may be suspended from fifteen days to one month, by the decision of the judge, or, if harm is to be expected due to a delay, by the order of the prosecutor. The prosecutor shall inform the judge of his or her decision within max. 24 hours. In this case, the decision of suspension shall be rendered null and void if it is not approved by the judge within 48 hours.

Terrorist organisations

Article 7 – Those who establish, lead, or are a member of a terrorist organisation in order to commit crimes in furtherance of aims specified under article 1 through use of force and violence, by means of coercion, intimidation, suppression or threat, shall be punished according to the provisions of article 314 of the Turkish Penal Code. Persons who organise the activities of the organisation shall be punished as leaders of the organisation.

Any person making propaganda for a terrorist organisation shall be punished with imprisonment from one to five years. If this crime is committed through means of mass media, the penalty shall be aggravated by one half. In addition, editors-in-chief (...) ² who have not participated in the perpetration of the crime shall be punished with a judicial fine from one thousand to fifteen thousand days' rates. However, the upper limit of this sentence for editors-in-chief is five thousand days' rates. The following actions and behaviours shall also be punished according to the provisions of this paragraph:

- a) Covering the face in part or in whole, with the intention of concealing identities, during public meetings and demonstrations that have been turned into a propaganda for a terrorist organisation
- b) As to imply being a member or follower of a terrorist organisation, carrying insignia and signs belonging to the organization, shouting slogans or making announcements using audio equipment or wearing a uniform of the terrorist organization imprinted with its insignia

If the crimes indicated under paragraph 2 were committed within the buildings, locales, offices or their annexes belonging to associations, foundations, political parties, trade unions or professional organisations or their subsidiaries, within educational institutions, students' dormitories or their annexes, the penalty under this paragraph shall be doubled.

Financing of terrorism

Article 8 - Whoever provides or raises funds with knowledge and intent that these will entirely or partially be used in the commission of terrorist offences shall be punished as a member of the organisation. The perpetrator shall be punished accordingly, even if the funds have not been used.

The term "funds" as mentioned under paragraph 1 of this article signifies any goods, rights, claims, revenues, benefits, or benefits and values derived from the conversion of those.

¹ The reference regarding "media owners" was annulled by the Constitutional Court, Decision of 18 June 2009, decision nr. E.:2006/121, K.:2009/90.

² The reference regarding "media owners" was annulled by the Constitutional Court, Decision of 18 June 2009, decision nr. E.:2006/121, K.:2009/90.

Aggravating circumstance

Article 8/A – If the crimes under this Law were committed by abuse of the influence originating from a public function, the sentence shall be aggravated by one half.

Liability of legal entities

Article 8/B

If the crimes that fall under the scope of this Law are committed within the framework of activities of a legal entity, special preventive measures applicable to those shall be ruled upon, according to article 60 of the Turkish Penal Code.

PART TWO

Criminal Procedure

Designation of competence and jurisdiction

Article 9 – Cases about crimes within the scope of this Law shall be tried before aggravated felony courts as specified under article 250 paragraph 1 of the Code of Criminal Procedure, dated 4 December 2004, Act Nr. 5271.

Procedure of investigation and trial

Article 10 – For crimes within the scope of this Law, the provisions of the Code of Criminal Procedure are applicable, unless provided otherwise by articles 250 to 252 of the Code of Criminal Procedure. However;

- a) In cases where the aim of the investigation may be endangered, only one relative of the detainee or the apprehended person shall be notified about his or her situation by order of the Prosecutor.
- b) The suspect may only receive the assistance of one defence lawyer during the detention period. The right of a suspect in detention to consult a lawyer may be limited for twenty-four hours upon a request of the Prosecutor and by the decision of a Judge; however, he or she cannot be interrogated during this period.
- c) Only one defence lawyer may be present during the interrogation of the suspect by the security forces.
- ç) Records to be prepared by the security forces contain only the registration numbers of the involved officers instead of their identities.
- d) The authorisation of the defence lawyer to investigate the contents of the file and make copies of them may be limited upon the request of the Prosecutor and by the decision of a Judge, if this could endanger the aim of the investigation.
- e) Documents related to the defence and files belonging to a defence lawyer as well as the records of his or her interviews with the suspect under arrest cannot be subject to examination during an investigation of crimes within the scope of this Law. However, if findings or documents showing that the defence lawyer functions as an intermediary for organisational communication of members of a terrorist organisation, an official may be ordered to be present at meetings with the suspect upon the request of the Prosecutor and by the decision of a Judge, and in addition, documents that are presented to the suspect by his or her defence lawyer may be examined by the Judge. The judge shall decide on whether or not to deliver the document to the suspect, in whole or in part. Involved persons may lodge an objection against this decision.
- f) Exceptions specified under article 135, paragraph 6, subparagraph a, number 8; article 139, paragraph 7, subparagraph a, number 2 and article 140, paragraph 1, subparagraph a, number 5 of the Code of Criminal Procedure are not applicable.
- g) Article 92, paragraph 2 of the Law on the Execution of Punishments and Special Preventive Measures, dated 13 December 2004, Act Nr. 5275, is applicable to crimes within the scope of this Law.

Period of detention

Article 11 – (Annulled: 18 November 1992, Act Nr. 3842, Art. 31)

Testimonies of persons keeping records

Article 12 – (Annulled: 29 June 2006, Act Nr. 5532, Art. 17)

Non-applicability of the decision to suspend the pronouncement of the judgment, ban of commutation of sentences to alternative sanctions or suspension of sentences

Article 13 – The pronouncement of the judgment cannot be suspended according to article 231 of the Code of Criminal Procedure for crimes within the scope of this Law; neither can sentences of imprisonment be commuted to alternative sanctions or be suspended. However, these provisions are not applicable to children (...)³.

Non-disclosure of the identities of informants

Article 14 – Identities of persons providing information about offences or offenders within the scope of this Law shall not be disclosed, unless they have given their consent or the character of the provided information itself constitutes a crime by the informant.

Appointment of a defence lawyer

Article 15 – During the investigation and trial of offences purportedly committed during the execution of duties of officials of intelligence and security and other personnel that are in charge of fight against terror, fees of a maximum of three defence lawyers specified by the defender shall be paid, and the payments shall be made from the appropriation account to be established within the budgets of relevant institutions.

Rules and procedure regarding the payment of attorneys' fees shall be regulated in a Regulation to be issued jointly by the Ministries of Defence and Internal Affairs.

PART THREE

Execution of Sentences

Execution of sentences and keeping of arrested persons

Article 16 – (Annulled: 29 June 2006, Act Nr. 5532, Art. 17)

Conditional release

Article 17 – Article 107, paragraph 4 and article 108 of the Law on the Execution of Punishments and Special Preventive Measures, dated 13 December 2004, Act Nr. 5275, are applicable to the conditional release and probation of persons convicted of offences within the scope of this Law.

Persons that are convicted of the crimes of breakout or insurrection and those that have received three times a disciplinary sentence of solitary confinement cannot benefit from a conditional release, even if they have been relieved of the disciplinary sentence.

Persons that are convicted of crimes within the scope of this Law cannot benefit from a conditional release if they commit another crime within the scope of this Law after their judgment becomes final.

Terrorist offenders, whose death sentences have been commuted to life sentences according to the Act Nr. 4771 on the Amendment of Miscellaneous Laws, dated 3 August 2002, as amended by article 1 of the Act Nr. 5218, dated 14 July 2004, terrorist offenders, whose death sentences have been commuted to aggravated life sentences and terrorist offenders, who have been sentenced to an aggravated life sentence cannot benefit from a conditional release. For these persons, the aggravated life sentence continues until death.

Construction of Prisons and Detention Centres

Article 18 – (Annulled: 29 June 2006, Act Nr. 5532, Art. 17)

PART FOUR

Miscellaneous Provisions

Rewarding

Article 19 – Those who have aided in the apprehension of offenders of crimes within the scope of this

³ The last part of the sentence ("under fifteen years") has been erased following an amendment by article 10 the Act Nr. 6008, dated 22 July 2010.

Law or those who have provided information on their whereabouts or identities shall be entitled to a monetary reward, on the condition that they have not acted in complicity in the perpetration of the same offence. The amount of the reward and the rules and procedure of rewarding shall be specified in a Regulation to be issued by the Ministry of Internal Affairs.

Protective measures

Article 20 – The State shall take necessary protective measures for officials of the judiciary, intelligence, administration, military and security forces charged with or executing duties involving fight against terrorism, for General Directors and Deputy General Directors of Prisons and Detention Centres, prosecutors and directors of prisons and detention centres in which terrorist offenders are kept, judges and prosecutors performing their duties in aggravated felony courts with a special authority under article 250 of the Code of Criminal Procedure, and such judges and prosecutors that have been discharged of their duties, and that have become or have been designated as open targets for terrorist organisations as well as for those who have aided in the solving of crimes.

Requests for protection and security of presiding judges and members of aggravated felony courts appointed by the High Council of Judges and Prosecutors under article 250 of the Code of Criminal Procedure and of Prosecutors under the duty of investigating and prosecuting crimes within the scope of these courts shall be carried out with priority and urgently. Means and instruments needed for protection shall be provided by the Ministries of Justice and Internal Affairs.

Such protective measures shall include the alteration of physiologic appearance through plastic surgery, changing the records regarding identification, driver's licence, certificate of marriage, diploma and other documents, arrangement of procedures regarding the military service, protection of rights regarding moveable assets, real property, social security and other rights. Among retired personnel, those who are in a definite need of protection in their homes, shall benefit from the lodgings belonging to the Ministry or public institution in which they had been fulfilling their duties, in exchange of a rent, the amount of which shall be determined by the Ministry of Finance according to the market value of the lodging.

In the application of these measures, the Ministry of Internal Affairs and other bodies and institutions must comply with all rules of secrecy.

Rules and procedures regarding protective measures shall be specified in a Regulation to be issued by the Prime Minister's Office

Among those specified above, public officials are entitled to use a gun in order to defend themselves or their spouses or children, even if they have been discharged of their duties.

Aid – Aid for invalids and widowed spouses and orphans entitled for a pension

Article 21 – Public officials that have been injured, have become disabled, have died or have been killed as a result of exposure to terrorist activities during their duties at home or abroad, or as a consequence of such duties, even after being discharged, shall be subject to the provisions of the Law on Monetary Compensation and Pension, Act Nr. 2330. In addition:

a) The amount of pension for invalids, or spouses and children of those killed cannot be lower than the salaries of comparable persons on duty; the amount of pension for widowed spouses and orphans of retired officials that have been killed cannot be lower than the total amount of pensions to be paid to themselves and the pension that could be paid to the official according to Law. Those who are unable to make the necessary motions to survive and those whose who have become dependant of others' help and support due to their injuries shall be entitled to a post-retirement gratuity as if they had served for 30 years. Payments made in excess according to this subparagraph shall be reimbursed from the Treasury by social security institutions in exchange for their respective invoices.

b) Those left invalid while benefitting from public residences at home or abroad, as well as widowed spouses and orphans of those killed, who are entitled to pension, shall continue to benefit from public residences for one year, except those living in specially reserved residences as specified under the Law of Public Residences. Rental expenses of those who are to leave the public residence after the expiration of that period, those who did not benefit from public residences, as well as those living in specially reserved residences shall, upon their request, be reimbursed by the State for a residence within the country that they will use as their legal domicile for a duration of 10 years. Rental expenses of those living in specially reserved residences abroad shall, upon their request, be reimbursed by the State for a residence abroad, for a duration of 1 year.

c) As regards benefitting from housing loans, the provision of the additional article 9, paragraph 3 of

the Law on the Duties and Authorities of the Police, Act Nr. 2559, shall be applicable to invalids, their widowed spouses, and, where their spouses have died or re-married, to their children.

d) Invalids, widowed spouses of the deceased, their female children not working in occupations subject to institutions of social security other than the Pension Fund, their male children that are injured or underprivileged to the degree that they cannot work to earn their livelihood, their minor children as well as their parents shall travel free-of-charge on State Railroads, City Maritime Lines, public transportation operated by the City or by enterprises or private corporations founded by the City.

e) Invalids, widowed spouses and orphans of the deceased shall be examined and treated free-of-charge in all hospitals belonging to public institutions, upon presentation of their identification cards provided by the Turkish Pension Fund. All treatment expenses shall be reimbursed by the institution they work in, if the relevant person is working for a public institution; by the institution of social security they benefit from if they are receiving pension for retirement, seniority, invalidity, or for being a widowed spouse or an orphan; by the Ministry of Internal Affairs or by the Ministry of Defence, if they do not receive any pension for retirement, seniority, invalidity, nor for being a widowed spouse or an orphan, except for those receiving pension under the provisions of the Law on the Payments of Pension for the Underprivileged, Feeble and Destitute Turkish Citizens of an Age of 65 or More, dated 1 July 1976, Act Nr. 2022. Missing organs of the invalid shall be replaced with prostheses that can be built using the most up-to-date techniques at home or abroad, these shall be repaired or rebuilt if needed.

f) Those who cannot be treated within the country shall, based on reports by authorised health institutions, (...) ⁴ abroad.

g) Those who are unable to make the necessary motions to survive and the destitute shall be accommodated, attended to, (...) ⁵ free-of-charge, or subject to reimbursement by the State, at centres of rehabilitation and care operated by public institutions, or, in case their unavailability, by private institutions.

h) NCOs and private soldiers, for whom the provisions of the Law on Monetary Compensation and Pension, dated 3 November 1980, Act Nr. 2330, have been applied for being injured or disabled while performing duties related to the fight against terrorism, shall benefit from the rights cited under paragraphs (d), (e), (f) and (g) above; widowed spouses of deceased NCOs and private soldiers, their female children not working in occupations subject to institutions of social security other than the Pension Fund, their male children that are injured or underprivileged to the degree that they cannot work to earn their livelihood, their minor children as well as their parents shall benefit from the rights cited under paragraph (d) above, accordingly.

i) Students of college-age, whose villages have been vacated due to the fight against terrorism, as well as children of the deceased shall receive a non-reciprocal scholarship from the State.

Widowed spouses and orphans receiving pension, in case of losing their entitlement for pension due to the relevant provisions regarding institutions of social security, cannot benefit from the remaining rights granted by this article.

Aid for other persons suffering losses from terrorism

Article 22 – Persons who are injured due to terrorist activities shall be treated by the State. Citizens who suffered, or were harmed regarding their lives or property shall receive prioritized aid from the Social Welfare and Solidarity Fund. Educational expenses of the children of martyrs shall be reimbursed from this Fund. The scope and scale of the aid shall be determined by the Fund Board, under the condition that the Fund shall not surpass the amount to be specified by local authorities.

Additional Article 1 –

A) General, annexed and special budget administrations, local administrations and all kinds of enterprises or subsidiaries, of which more than one half of the capital belongs to the public, shall reserve 1% of their cadres for public servants, contract personnel and permanent employees for the employment of;

a) Spouses of public officials, private soldiers, NCOs, temporary village wardens and voluntary village

⁴ The last part of the sentence (“shall be treated abroad”) has been erased following an amendment by article 106 of the Act Nr. 5510, as amended by the article 64 of the Act Nr. 5754, dated 17 April 2008.

⁵ The reference to “and be treated” has been erased following an amendment by article 106 of the Act Nr. 5510, as amended by the article 64 of the Act Nr. 5754, dated 17 April 2008.

wardens, who have fallen a martyr or have become invalids to a degree that they are unable to work, or, if they did not have a spouse, of one of their children, or, if they did not have children, of one of their siblings,

b) Those who, have become an invalid, but are able to work,

due to, and as a consequence of terrorist activities as specified under article 1 of this Law; these bodies must employ or commission persons to be determined under this paragraph.

It is the duty of the Ministry of Internal Affairs to determine persons, who fall under the scope of the above paragraph, and to notify the public institutions that have available cadres according to their situation, in order to provide for their employment or commission, considering the qualifications of those that are willing to be employed and the necessities of the position. A special permission to authorise the commissioning of these persons without passing an examination is not needed. However, the concerned persons need to comply with the qualifications, attributes and conditions of the cadre or position, with the exception of passing an examination.

Rules and procedure about the employment of relatives of martyrs and of invalids that are able to work, shall be specified through a Regulations to be issued by the Ministry of Internal Affairs within three months, by consulting the Ministry of Finance, the Ministry of Defence, the Ministry of Labour and Social Security, State Personnel Board and the Labour Exchange.

B) (Annulled: 15 May 2008, Act Nr. 5763, Art. 37)

Additional Article 2 – During operations carried out against terrorist organisations, in case of disobedience to a call to surrender or an attempt to use firearms, security forces are entitled to the use of firearms towards the target directly and without hesitation, to the degree and proportion as to neutralise the threat.

PART FIVE

Temporary Provisions

Temporary Article 1 – In relation with crimes committed until 8 April 1991;

a) Pronounced death sentences shall not be executed. Those that are affected by this provision shall, after having served 10 years of the sentences they would have to serve under article 19 of the Law on the Execution of Sentences, Act Nr. 647,

b) Those that have been convicted to life imprisonment shall, after having served 8 years of their sentences,

c) Those that have been convicted to other penalties of imprisonment shall, after having served one fifth of their sentences,

be conditionally released regardless of good conduct and without need for applying for such release.

Time spent in pre-trial detention and arrest shall be included in the calculation of the abovementioned periods.

Attenuating circumstances under the additional article 2 of the Law on the Execution of Sentences, Act Nr. 647 shall not be applied to such convicts.

Temporary Article 2 – Among persons accused with the perpetration of crimes committed until 8 April 1991; those that are found to have spent the periods specified under the temporary article 1 under arrest by taking into consideration,

a) the legal minimum limits provided by law for the offence upon which the indictment has been based, if the case is at the stage of preliminary investigations,

b) the legal minimum limits provided by law for the offence mentioned in the indictment or, if applicable, to the offence as modified by a later motion,

shall be released within 30 days of the entry into force of this Law,

1. by Prosecutor's Offices for arrested suspects against whom no public case exists at the time,

2. by relevant courts for arrested defendants against whom a public case exists,

3. by relevant chambers or by the Chief Prosecutor's Office of the relevant bodies for cases pending before the Court of Appeals or the Military Court of Appeals.

Suspects against whom a public case shall be started, and defendants against whom a public case was started earlier shall be tried. (...) ⁶. Following a final verdict to their conviction at the end of the trial, the provisions on their conditional release according to the temporary article 1 of this Law shall be applied to them.

Temporary Article 3 – Among the persons to benefit from the provisions under the Temporary Article 1 of this Law, those who have received disciplinary sanctions after the entry into force of this Law due to their deeds disturbing the discipline of the prison, cannot benefit from the provisions under the Temporary Article 1 of this Law, unless they have been relieved of their disciplinary sanctions according to the Statute on the Administration of Correctional Facilities and Jails and on the Execution of Sentences.

Temporary Article 4 – Those who, until 8 April 1991:

a) (Annulled: Constitutional Court's Decision of 19 July 1991, decision nr. E.:1991/15, K.:1991/22)

b) (Annulled: Constitutional Court's Decisions of 19 July 1991, decision nr. E.:1991/15, K.:1991/22, and of 31 March 1992, decision nr. E.: 1991/18, K.:1992/20)

c) violated the provisions under the Turkish Penal Code, Book 2, Section 3 titled "Offences Against the State Administration", those who received money from banks unlawfully and unduly, in contravention of the Law of Banks, those who obtained benefits by violating the provisions under the Law on the Prevention and Prosecution of Smuggling, Act nr. 1918; those who obtained unjust benefits regarding tax deduction, premiums, loans, spreads or similar advantages from public sources through undue, fraudulent or fictitious transactions of export, import or investment incentives, unless any of the above have repaid the unlawful, undue or fraudulent benefits they have gained through the abovementioned means, as well as the interests gained through those benefits regardless of the statute of limitations,

d) committed crimes under articles 55, 56, 57, 58 and 59 of the Military Penal Code,

are exempt from the provisions of the temporary article 1 of this Law. However, death penalties imposed for crimes under this article shall not be executed. Such convicts shall be conditionally released regardless of good conduct without need for applying for such release, after having served:

20 years in prison, if they have been convicted to death penalty; 15 years in prison, if they have been convicted to a life sentence; one third of their sentences, if they have been convicted to other prison sentences.

Time spent in pre-trial detention and arrest shall be included in the calculation of the abovementioned periods.

Attenuating circumstances under the additional article 2 of the Law on the Execution of Sentences, Act Nr. 647 shall not be applied to such convicts.

Provisions of the temporary article 2 (...) ⁷ and the temporary article 3 shall be applied to such convicts.

Temporary Article 5 – In order that those who have been denaturalized of their Turkish citizenship according to Article 25, paragraph (g) of the Law on Turkish Citizenship, Act nr. 403, may benefit from the provisions of this Law, there shall not be any condition imposed upon their entries to the country, nor shall their entry from the border be prevented for two years beginning with the date of entry into force of this Law.

Temporary Article 6 – Until special correctional facilities have been built, persons arrested or convicted for terrorist offences shall be kept in other correctional facilities.

Temporary Article 7 – The provisions of Article 17 of this Law shall be applied to those committing crimes under the scope of this Law after its date of entry into force.

Temporary Article 8 – Article 21 of this Law shall be applied from the beginning of the month following its publication as to encompass those who fall under the scope of this article since 1 January 1968.

⁶ The reference regarding "the defendants not appearing before the court", allowing for their testimonies taken earlier by the Prosecutor or by the Judge to be sufficient, has been annulled by the Constitutional Court's decision of 31 March 1992, decision nr. E.: 1991/18, K.: 1992/20.

⁷ The part of the sentence making an exception for the reference to the temporary article 1 has been annulled by the Constitutional Court's Decision of 31 March 1992, decision nr. E.: 1991/18, K.: 1992/20.

Temporary Article 9 – (Annulled: Constitutional Court’s Decision of 31 March 1992, decision nr. E.: 1991/18, K.:1992/20).

Temporary Article 10 – In relation with crimes committed before the date of entry into force of this Law that fall under the scope of the Article 8 of the Act nr. 3713, which has been annulled by this Law;

1. In ongoing preliminary investigations, the Prosecutor’s offices shall decide not to prosecute
2. a) Arrested suspects, against whom no public case has been started shall be released by Prosecutor’s offices,
b) Arrested defendants, against whom a public case has been started shall be released by relevant courts.
3. a) Files that haven’t yet been sent to the Court of Appeals or that are at the Prosecutor’s office shall be decided upon by the court that had ruled over the matter,
b) Files at the Court of Appeals shall be decided upon by the relevant Penal Chamber,
c) Files about convicts that are serving their sentences shall be decided upon by the court that had ruled over the matter,
as a matter of urgency and under consideration of article 2 of the Turkish Penal Code.

Repealed provisions

Article 23 –

- a) Law on High Treason, Act Nr. 2,
 - b) Law on the Prevention of Freedoms of Conscience and Assembly, Act Nr. 6187,
 - c) Articles 140, 141, 142 and 163 of the Turkish Penal Code, Act Nr. 765,
 - d) Article 5, Chapters 7 and 8, and Article 6, Chapter 2 of the Law of Associations, Act Nr. 2908,
 - e) Law on Publications in Languages Other Than Turkish, Act Nr. 2932
- have been repealed.

Entry into force

Article 24 – This Law shall enter into force on the date of its publication

Implementation

Article 25 – This Law shall be implemented by the Council of Ministers.

