

Anti Terror Law No. 3713

The definition of "Terrorism" in Article 1 of the Anti-Terror Law¹ is as follows; "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."

As it is understood from the definition, terrorism in Turkish Law is confined to the acts committed against Turkish Republic and the acts committed against a foreign state or an international organization are not considered within the definition of terrorism.

In the Law No.3713, Article 3 establishes the terrorist offences and Article 4 set forth the offences committed for the purpose of terrorism.

Terrorist offences specified in Article 3 of the Law are listed below;

- Disrupting the Unity and Integrity of the State (TCC– Art.302),
- Destruction of Military Facilities and Conspiracy which Benefits Enemy Military Movements (TCC – Art.307),
- Violation of the Constitution (TCC – Art.309),
- Offence against a Legislative Body (TCC- Art.311),
- Offences against the Government (TCC – Art 312),
- Armed Revolt against the Government of Turkish republic (TCC – Art.312),
- Armed Organization (TCC – Art.314),
- Supplying Arms (TCC – Art.315),
- Enlistment of Soldiers in Foreign Service (TCC – Art.320),
- Assassination of the President (TCC – Art.310/1).

The offences committed for the purpose of terrorism specified in Article 4 may be listed as follows; "Migrant smuggling; human trafficking; intentional killing; directing suicide; intentional injury; aggravated injury on account of its consequences; torment; threat; blackmail; force; deprivation of liberty; prevention of education and training; prevention of the activities of a public institution or professional institution considered to be a public institution; prevention of the exercise of political rights; prevention of the exercise of freedom of belief, thought and conviction; violation of the immunity of residence; violation of the freedom to work and labour; preventing the exercise of trade unions rights; qualified theft; robbery; qualified robbery; damage to property; qualified damage to property; intentionally endangering public safety; disseminating radiation; causing an atomic explosion; possession or exchange of hazardous substances without permission; adding toxic substances; production and trade of narcotics and psychotropic substances; counterfeiting valuable stamps, instruments for the production of money and valuable stamps; counterfeiting a seal; counterfeiting official documents; documents presumed to be official documents; threat with the intention of causing fear and panic among the public; provocation to commit an offence; praising an offence and offender; hijacking or seizure of transport vehicles; occupation of a stationary platform on territorial land and industrial zone; accessing a data processing system; preventing the functioning of a system and deletion, alteration or corrupting of data; prevention of public duty; providing the opportunity to escape; degrading the symbols of state sovereignty; agreement to commit an offence; usurping military command; discouraging people from performing military service; encouraging soldiers to disobey; physical attack to the president; the offences specified in the Law No.6136 on

¹ It was amended with the Law No. 5532 on 18.07.2006.

Fire Arms and Knives (like smuggling fire arms); causing a fire in a forest stated in the Law No.6831 on Forests; the offences (like organized smuggling) requiring imprisonment specified in the Law No. 4926² on Prevention of Smuggling; the offences causing state of emergency (disruption of public order due to violence actions etc.); transmitting cultural and natural values abroad stated in the Law No.2863 on Protection of Cultural and Natural Values.

Terrorist financing offence was first established in Article 8 of Law No. 3713 To Fight Against Terrorism which was amended with the Law No. 5532 Regarding Amendment in the Anti-Terror Law came into force on 18.07.2006. The offence has been redefined in Article 4 of Law No. 6415 on the Prevention of the Financing of Terrorism came into force on 16.02.2013. Above mentioned terrorist offences against Turkey have been included into this new terrorist financing offence in Article 3 of the Law No. 6415.

² Law No. 4926 on Fight Against Smuggling was abolished in accordance with Article 25 of Law No. 5607 on Fight Against Smuggling. In the provisional article 1 of the Law No. 5607 it was set forth that all references made in other Laws to the Law No. 4926 shall be deemed to be made to Law No. 5607.