

Turkey: Counterterrorism and Justice

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SUMMARY Although from the mid-1980s until recently, the Kurdistan Workers' Party (known as the PKK) was the major insurgent opponent of the Turkish government, in past couple of years the Islamic State of Iraq and the Levant (ISIL) and small Marxist-Leninist groups have come to play a role in terrorist attacks in the country. Foreign fighters engaged in the Syrian civil war have also posed problems for national security in the last several years. Turkey has responded to terrorism not only by adopting more stringent laws, but also, among other measures, by creating a terrorist blacklist, enhancing antiterrorist international cooperation, using an outreach program to communities to prevent terrorist recruitment, and relying on Turkey's chief religious affairs body to counter violent extremist messaging.

I. Introduction

This report contains information on the response to terrorism being carried out in Turkey, with a focus on the terrorist threat emanating from the country, the current response of the government to that threat by various sectors (military, law enforcement, justice, intelligence), and the role of the justice sector in responding to the threat.

In 1984, long before the eruption of conflict this year with radical Islamic groups, Turkey became engaged in combatting the Partiya Karkaren Kurdistan (PKK, Kurdistan Workers' Party), a domestic insurgent movement led by Abdullah Ocalan to establish an independent Kurdish state in southeastern Turkey.¹ Both the United States and Turkey have branded the PKK a terrorist movement. Since the PKK's military defeat at the hands of the Turkish security forces in the 1990s and the capture of Ocalan in 1999, "the PKK has somewhat changed its rhetoric from pursuit of independence to recognition of the Kurdish identity and limited autonomy."² Therefore, the period from 1984 to 1999 has been characterized as the period of "terrorist" activity, while the period from Ocalan's capture in 1999 until recently may be dubbed the period of "political" activity.³ The delicate cease-fire agreement achieved between the PKK and the Turkish government beginning in 2013 was undone on July 20, 2015, when a suicide bomber killed a group of young Kurdish activists in the border town of Suruc, an act the PKK blamed not only on Islamic State of Iraq and the Levant (ISIL)⁴ but on the Turkish government.⁵

¹ Sait Yilmaz, *Question of Strategy in Counter-Terrorism: "Turkish Case:"* 2:1 INT'L J. BUS. & SOC. SCI. 140, 141 (Jan. 2011), <http://ijbssnet.com/journals/Vol. 2 No. 1; January 2011/13.pdf>.

² *Id.*

³ *Id.*

⁴ Also referred to as the Islamic State of Iraq and al-Sham (ISIS), the Islamic State (IS), and Daesh, the acronym of the group's name in Arabic.

⁵ Mustafa Akyol, *Who Killed Turkey-PKK Peace Process?*, AL-MONITOR (Aug. 4, 2015), <http://www.al-monitor.com/pulse/originals/2015/08/turkey-syria-iraq-pkk-peace-process-who-killed-kurds.html#ixzz3ioXAZ1Vz>; Noah

II. Turkey as a Source of Terrorism

Some have raised concerns that Turkey has engaged in exporting terrorism, at least indirectly, in that foreign fighters involved in the Syrian civil war have used Turkish territory for transit, refuge, and smuggling persons and goods.⁶ According to one journalist, “Turkey’s Syria policy has played a major role in fomenting the conditions that allowed ISIS to capture Mosul” and that, by ignoring its own border security, [Turkey] had allowed its Syria border to become a two-way “jihadist highway.”⁷ Nicholas J. Rasmussen, Director of the National Counterterrorism Center (NCC), makes a similar point, but uses less colorful rhetoric:

There is no single pipeline for foreign fighter travel into and out of Syria. Violent extremists take different routes, including land, air, and sea. Most routes involve transit through Turkey because of its geographic proximity to the Syrian border areas where violent extremist groups operate. Turkey has signed visa-free travel agreements with more than 69 governments, which limit the requirement for traveler screening. No visas are required for most EU citizens, some of whom are also able to travel on identity cards. Many would-be fighters simply take direct or indirect commercial flights to Turkish airports. Some European fighters also travel overland via the Balkans. Violent extremists from the Caucasus transit Iran, Russia, or Georgia en route to Turkey. Other extremists, including those from Europe or North Africa, use maritime routes by boarding cruise ships or ferries to Turkey before crossing into Syria.⁸

At the same time, Turkey faces domestic terrorist threats from groups such as ISIL and al-Qaeda, and the government’s uneasy relationship with the PKK has recently worsened, as noted above. Concerns about Kurdish unrest are said to have contributed to the Turkish government’s reluctance to supply men and weapons to Syrian Kurds fighting against the Syrian government.⁹ On March 31 and April 1, 2015, members of the outlawed Revolutionary People’s Liberation Party-Front (DHKP/C) (listed as a terrorist group by Turkey, the United States, and the European Union) carried out attacks in Istanbul in the Caglayan Justice Palace and against a district police

Blaser, *Cizre Back on the Front-Lines of Turkey-PKK Conflict*, AL JAZEERA (Aug. 7, 2015), <http://www.aljazeera.com/news/2015/08/cizre-front-lines-turkey-pkk-conflict-150806064900572.html>.

⁶ *Jihadists on the Way*, ECONOMIST (Aug. 4, 2012), <http://www.economist.com/node/21559968>; Daniel Byman & Jeremy Shapiro, *Be Afraid. Be A Little Afraid: The Threat of Terrorism from Western Foreign Fighters in Syria and Iraq*, Brookings Policy Paper, No. 34 (Nov. 2014), at 10, <http://www.brookings.edu/~media/research/files/papers/2014/11/western-foreign-fighters-in-syria-and-iraq-byman-shapiro/be-afraid--web.pdf>; Tim Arango & Eric Schmittmarch, *A Path to ISIS, Through a Porous Turkish Border*, NY TIMES (Mar. 9, 2015), http://www.nytimes.com/2015/03/10/world/europe/despise-crackdown-path-to-join-isis-often-winds-through-porous-turkish-border.html?_r=0.

⁷ Kadri Gursel, *Turkey Paying Price for Jihadist Highway on Border*, AL-MONITOR (June 13, 2014), <http://www.al-monitor.com/pulse/originals/2014/06/gursel-al-qaeda-isis-turkey-mosul-iraq-syria-consulate.html>.

⁸ *Countering Violent Islamist Extremism: The Urgent Threat of Foreign Fighters and Homegrown Terror*, Hearing Before the House Committee on Homeland Security, 114th Cong. 2–3 (Feb. 11, 2015), <http://docs.house.gov/meetings/HM/HM00/20150211/102901/HHRG-114-HM00-Wstate-RasmussenN-20150211.pdf>.

⁹ Mark Lowen, *Islamic State: Turkey to Let Iraq Kurds Join Kobane Fight*, BBC NEWS (Oct. 20, 2014), <http://www.bbc.com/news/world-middle-east-29685830>; Henri J. Barkey, *Turkey’s Syria Predicament*, 56:6 SURVIVAL: GLOBAL POLITICS AND STRATEGY 113–134 (2014), <http://dx.doi.org/10.1080/00396338.2014.985440>.

headquarters.¹⁰ The Marxist-Leninist DHKP/C also claimed responsibility for a gunfire attack against the US Consulate on August 10, 2015.¹¹ The DHKP/C is said to have been behind terrorist attacks against government and Western targets in Turkey since 1994, including the suicide attack against the US Embassy in Ankara in February 2013.¹² Another group that has emerged as a terrorist threat is the Urgent Ones (Acilciler), formed in 1975, “a splinter group from the Turkish People’s Liberation Party/Front (THKP/C)” led by Mihrac Ural, who became a primary suspect in the May 11, 2013, twin car bombings in the town of Reyhanli, Hatay Province (near the Syrian border) in which fifty-two people were killed. That attack was said to be “the deadliest terrorist attack in [Turkey’s] modern history,” and Ural is reportedly “now infamous for his alleged involvement in massacres in the Syrian towns of Bayda and Baniyas in May 2013,” carried out in support of the Syrian Assad regime.¹³ Another small leftist group, the People’s Defense Union (Halkların Savunması Birliği), claimed responsibility for bombings and gunfire attacks carried out in Istanbul against a police station and in Sirnak Province on August 10, 2015.

III. Aspects of Turkey’s Recent Response to Terrorism

According to the 2013 Committee on Experts on Terrorism profile of Turkey, “while maintaining its determined stance against terrorism, Turkey has taken important steps with a view to enhancing democratic standards and expanding freedoms,”¹⁴ including the adoption of new legal codes and other legislation and administrative measures, such as “comprehensive training courses for law enforcement/judicial authorities on the protection of human rights.”¹⁵ The country granted individuals the right to petition the Constitutional Court, established the

¹⁰ Can Erimtan, *Terror in Turkey: What Lies Behind It?*, RT (Apr. 2, 2015), <http://rt.com/op-edge/246237-turkey-terrorism-erdogan-elections/>. Erimtan points out that the Caglayan Justice Palace is “Europe’s largest courthouse covering an area of more than 300,000 square meters that was opened in 2011.”

¹¹ *6 More Security Personnel Martyred in Terrorist Attacks in İstanbul, Şırnak*, TODAY’S ZAMAN (Aug. 10, 2015), http://www.todayszaman.com/anasayfa_6-more-security-personnel-martyred-in-terrorist-attacks-in-istanbul-sirnak_396111.html; *Turkey Attacks: Deadly Violence in Istanbul and Sirnak*, BBC NEWS (Aug. 10, 2015), <http://www.bbc.com/news/world-europe-33844246>. On the same day, in Sirnak Province in southeastern Turkey, a roadside bomb killed four police officers; gunman fired on a military helicopter, killing a soldier; and a car bombing near a police station in Istanbul resulted in the death of one officer. *Id.* (both items). The PKK claimed responsibility for the police station bombing, but another group, the small, leftist People’s Defense Union (Halkların Savunması Birliği) said over social media that it was responsible for that bombing and for the Sirnak attack. *PKK Claims Responsibility for İstanbul Police Station Blast*, TODAY’S ZAMAN (Aug. 11, 2015), http://www.todayszaman.com/national_pkk-claims-responsibility-for-istanbul-police-station-blast_396209.html.

¹² The United States designated the DHKP/C a terrorist organization in 2005. Stephen Starr, *The Renewed Threat of Terrorism to Turkey*, CTC SENTINEL (June 25, 2013), <https://www.ctc.usma.edu/posts/the-renewed-threat-of-terrorism-to-turkey> (citing NATIONAL CONSORTIUM FOR THE STUDY OF TERRORISM AND RESPONSES TO TERRORISM (START), TERRORIST ORGANIZATION PROFILE: DHKP/C (undated). See also Jonathan Schanzer & Merve Tahiroglu, *A Resurgent Terrorist Threat in Turkey*, WALL ST. J. (Feb. 4, 2015), <http://www.wsj.com/articles/jonathan-schanzer-and-merve-tahiroglu-a-resurgent-terrorist-threat-in-turkey-1423078127>.

¹³ Starr, *supra* note 12.

¹⁴ Committee of Experts on Terrorism (CODEXTER), *Profiles on Counter-Terrorist Capacity: Turkey* (May 2013), at 1, http://www.coe.int/t/dlapil/codexter/Country%20Profiles/Profiles-2013-Turkey_EN.pdf.

¹⁵ *Id.*

institution of Ombudsman, and set up the Turkish National Human Rights Institution.¹⁶ In addition to enhancing respect for human rights and the rule of law and adopting a multidimensional approach “compris[ing] political, cultural, social and economical dimensions, as well as a focused attention on international cooperation,”¹⁷ Turkey has reportedly also made capacity development, which is defined by the United Nations Development Programme as “the process through which individuals, organizations and societies obtain, strengthen and maintain the capabilities to set and achieve their own development objectives over time,” another pillar of its counterterrorism strategy.¹⁸

Because of amendments made in 2013, Turkey’s counterterrorism legislation was said in 2014 to better conform with the European Union’s freedom of expression standards in that it “has a narrower definition of terrorist propaganda, and criminalizes propagation of the declarations of an illegal organization only if the content legitimizes or encourages acts of violence, threats or force.”¹⁹ At the same time, however, the legislation’s broad reach has enabled Turkish authorities to “use it to detain and prosecute thousands of politicians, reporters, and activists.”²⁰ Furthermore, with the development of new terrorist threats, Turkey seems to be adopting some harsher methods of dealing with terrorism. These include revising national security provisions to enhance police powers to conduct searches, use their weapons against persons who attack the police or others, and detain suspects in custody without a warrant.²¹ The authorities are also offering a reward of up to four million Turkish lira (about US\$1.37 million) to informants who assist in the government crackdown on terrorism.²²

A. Blacklisting and Other Identification/Information-Sharing Methods

The US State Department’s *Country Reports on Terrorism 2014* states that “[t]hroughout 2014, Turkey served as a source and transit country for foreign terrorist fighters wishing to join [ISIL, al-Nusrah Front and other al-Qa’ida-affiliated organizations,] and other groups in Syria.”²³ As

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*; CAPACITY DEVELOPMENT: A UNDP PRIMER 5 (2009), http://www.undp.org/content/dam/aplaws/publication/en/publications/capacity-development/capacity-development-a-undp-primer/CDG_PrimerReport_final_web.pdf. For another perspective on the Turkish approach to terrorism as of 2009, see, for example, COMBATING INTERNATIONAL TERRORISM: TURKEY’S ADDED VALUE (James Ker-Lindsay & Alastair Cameron eds., Royal United Services Institute Oct. 2009), https://www.rusi.org/downloads/assets/Turkey_terrorism.pdf.

¹⁹ *Turkey*, in COUNTRY REPORTS ON TERRORISM 2014, BUREAU OF COUNTERTERRORISM 149–50 (US Department of State June 2015), <http://www.state.gov/documents/organization/239631.pdf> (paste URL in browser if necessary).

²⁰ *Id.* at 150.

²¹ Polis Vazife ve Salâhiyet Kanunu, Jandarma Teşkilat, Görev ve Yetkileri Kanunu ile Bazı Kanunlarda Değişiklik Yapılmasına dair Kanun [Law on Amending the Police Powers and Duties Law, the Law on the Gendarmerie’s Organization, Duties and Authorities, and Some [Other] Laws], Law No. 6638, available on the Grand National Assembly website, at <https://www.tbmm.gov.tr/kanunlar/k6638.html>; *Explained: Turkey’s Controversial Security Bill*, HÜRRIYET DAILY NEWS (Feb. 21, 2015), <http://www.hurriyetdailynews.com/explained-turkeys-controversial-security-bill.aspx?pageID=238&nID=78658&NewsCatID=339>.

²² *Turkey to Offer Rewards for Those Who Help a Crackdown on ‘Terrorists,’* EKURD DAILY (Aug. 31, 2015), <http://ekurd.net/turkey-to-offer-rewards-for-denouncing-terrorists-2015-08-31>.

²³ BUREAU OF COUNTERTERRORISM, *supra* note 19, at 148.

part of an attempt to handle the influx of foreign fighters, according to NCC Director Rasmussen, “Turkey has stepped up its efforts to deny entry to potential foreign fighters based on information provided by the fighters’ countries of origin,” and created a Banned from Entry List.”²⁴ On January 30, 2015, Interior Minister Efkan Ala stated that Turkey had banned the entry of about ten thousand people from ninety-one countries suspected of seeking to join extremist groups in Syria via Turkey, noting that the ban had been instituted “because of intelligence cooperation with other countries.”²⁵ He also reported that 1,085 people had been captured in Turkey and deported.²⁶ According to Ala, seven hundred Turks had become members of extremist groups in Syria, and the government was working on measures for handling such persons and would “take action against them if it emerges that they have ‘committed crimes’ in Syria.”²⁷

Other efforts to combat the terrorists include “the deployment of ‘Risk Analysis Units’ to detect suspected foreign terrorist fighters at airports, land border crossings, and border cities.”²⁸ At least as of 2014, Turkey did not have an Advanced Passenger Information/Passenger Name Record system, although it had reportedly sought technical assistance from the US Department of Homeland Security for developing one.²⁹

B. International Cooperation

The US State Department has reported that Turkey’s cooperation with other source countries of foreign terrorist fighters increased during 2014, particularly the effort to improve information sharing, and that Turkey is an active member of the Global Coalition to Counter ISIL.³⁰ It also cochairs with the United States the Global Counterterrorism Forum,³¹ and serves as a member of the Financial Action Task Force (FATF) and an observer of the Eurasian Group on Combating Money Laundering and Financing of Terrorism.³² Turkey also plays an active role in the Committee of Experts on Terrorism and has participated in the Organization for Security and Cooperation in Europe’s (OSCE’s) expert meetings on the Prevention of Violent Extremism and Radicalization That Lead to Terrorism.³³

²⁴ *Countering Violent Islamist Extremism*, *supra* note 8, at 3.

²⁵ *Minister: Turkey Banned Entry of 10,000 Suspected Extremists*, TODAY’S ZAMAN (Feb. 1, 2015), http://www.todayszaman.com/diplomacy_minister-turkey-banned-entry-of-10000-suspected-extremists_371433.html.

²⁶ *Id.*

²⁷ *Id.*

²⁸ BUREAU OF COUNTERTERRORISM, *supra* note 19, at 150.

²⁹ *Id.*

³⁰ *Id.* at 148.

³¹ *Id.* at 149; *About the GCTF: Structure*, GLOBAL COUNTERTERRORISM FORUM (GCTF), <https://www.thegctf.org/web/guest/structure> (last visited Sept. 3, 2015).

³² BUREAU OF COUNTERTERRORISM, *supra* note 19, at 150.

³³ *Id.*

In the wake of a suicide bomb attack this year on July 20 at the Amara Cultural Centre in the city of Suruc, near the Syrian border (which killed thirty-two young activists—members of the Federation of Socialist Youth Associations—who were planning to help rebuild the neighboring Syrian town of Kobane, recently recaptured by Kurdish forces),³⁴ and subsequent attacks against Turkish security forces, the Turkish government launched a crackdown on terrorism. President Tayyip Erdogan stressed on July 29 that Turkey was exercising its rights to combat the attacks as defined by article 51 of the United Nations Charter, “which allows countries to engage in self-defense against an armed attack.”³⁵ The government has reportedly detained over 1,300 suspected ISIL or PKK supporters, has launched airstrikes against ISIL in Syria and the PKK in Turkey and northern Iraq, and has given increased support to the US-led Global Coalition to Counter ISIL.³⁶ In response to the attack, Deputy Prime Minister Numan Kurtulmus, of the Justice and Development Party (AKP), urged the three other parties represented in the Grand National Assembly—the Republican People’s Party (CHP), the Nationalist Movement Party (MHP), and the Peoples’ Democratic Party (HDP)—to make a joint declaration as a stand against terrorism.³⁷

In June, Mehmet Şimşek, Turkey’s Finance Minister, called upon the European Union to strengthen joint efforts to combat the financing of terrorist groups, and noted that Turkey’s Financial Crimes Investigation Board (Mali Suçları Araştırma Kurulu, MASAK) had agreements with forty-eight countries and ongoing negotiations with several countries.³⁸

C. Government Programs to Counter Extremism

As of 2014, Turkey had two key programs to counter violent extremism and radicalization to violence, according to the US State Department. One is “a broad-based outreach program to affected communities, similar to anti-gang activities in the United States,” administered by the Turkish National Police, in which the “police work to reach vulnerable populations (before terrorists do) to alter the prevailing group dynamics and to prevent recruitment.”³⁹ The methods used include the application of social science research for “social projects, activities with parents, and in-service training for officers and teachers” and preparatory programs on interventions for “psychologists, coaches, and religious leaders . . . to undermine violent extremist messages and to prevent recruitment.”⁴⁰

³⁴ *Suruc Massacre: At Least 30 Killed in Turkey Border Blast*, BBC NEWS (July 20, 2015), <http://www.bbc.com/news/world-europe-33593615>.

³⁵ *Erdogan Discusses Anti-Terror Effort with Rouhani*, ANADOLU AGENCY (Aug. 5, 2015), <http://www.aa.com.tr/en/news/569127--erdogan-discusses-anti-terror-effort-with-rouhani>.

³⁶ *Id.*

³⁷ *Turkey: Deputy PM Calls for Joint Declaration Against Terror*, APA (July 24, 2015), <http://en.apa.az/news/230078>.

³⁸ *Şimşek: Turkey Needs EU in Fighting Terror Financing*, TODAY’S ZAMAN (June 29, 2015), http://www.todayszaman.com/business_simsek-turkey-needs-eu-in-fighting-terror-financing_392334.html.

³⁹ BUREAU OF COUNTERTERRORISM, *supra* note 19, at 151.

⁴⁰ *Id.*

The second program, run by the Turkish government's Religious Affairs Office (Diyanet İşleri Başkanlığı, or Diyanet), seeks to counter violent extremist messaging. All Sunni imams in Turkey are Diyanet employees, and to further the Diyanet's message of support for traditional religious values, more than 140,000 of these religious officials throughout the country are engaged in outreach to their respective congregations, according to the State Department's 2014 terrorism report.⁴¹ In addition, "[t]he Diyanet worked with religious associations among the Turkish diaspora to provide them with access to instruction and to assist them in establishing umbrella organizations" and "supported in-service training for religious officials and lay-workers via a network of 20 centers throughout Turkey."⁴² The Turkish *Hurriyet Daily News* reported on August 9, 2015, that the Diyanet had released a report critical of ISIL that for the first time defined it as a terrorist group.⁴³ The Diyanet report condemned ISIL's actions and its "'twisted' portrayal of Islam and the Quran," and quoted the head of the Diyanet, Mehmet Görmez, as saying on August 8 that "the new research was aimed at informing the public about ISIL's tactics, slogans, operations and interpretation of Islam."⁴⁴

D. Tightening of Law Related to Exercise of Civil Liberties

In April 2014, the Grand National Assembly, Turkey's Parliament, adopted the Law Amending the Law on State Intelligence Services and the National Intelligence Organization.⁴⁵ This Law expanded the powers of the National Intelligence Agency (Millî İstihbarat Teşkilatı, MİT) by allowing MİT to access personal data without a court order and by granting MİT agents immunity from prosecution for violations of the Law they might commit in the course of their work. The Law also made it a crime to report on or acquire information about MİT and provided for a prison term of up to nine years for media workers convicted of publishing information leaked from intelligence sources.⁴⁶ Although the opposition Republican People's Party (CHP) had indicated it would petition the Constitutional Court to seek Law No. 6532's annulment, thus far it seems the Court has not addressed the matter.⁴⁷

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Turkey's Top Religious Body Releases Report on ISIL, Names It 'Terrorist Organization,'* HÜRRİYET DAILY NEWS (Aug. 9, 2015), <http://www.hurriyetdailynews.com/turkeys-top-religious-body-releases-report-on-isil-names-it-terrorist-organization-.aspx?pageID=238&nid=86675&NewsCatID=393>.

⁴⁴ *Id.*

⁴⁵ Devlet İstihbarat Hizmetleri ve Millî İstihbarat Teşkilatı Kanununda Değişiklik Yapılmasına dair Kanun [Law Amending the Law on State Intelligence Services and the National Intelligence Organization], Law No. 6532, Apr. 17, 2014, in force on Apr. 26, 2014, RESMİ GAZETE, No. 28983, June 26, 2014, <http://www.resmigazete.gov.tr/eskiler/2014/04/20140426-1.htm>.

⁴⁶ *Turkey*, in FREEDOM HOUSE, FREEDOM OF THE PRESS 2015, https://freedomhouse.org/report/freedom-press/freedom-press-2015#.VdlzC_7bLct (scroll down to "Country Reports" and choose country in drop-down menu on right); *Turkey: Spy Agency Law Opens Door to Abuse*, HUMAN RIGHTS WATCH (Apr. 29, 2014), <https://www.hrw.org/news/2014/04/29/turkey-spy-agency-law-opens-door-abuse>.

⁴⁷ *Turkey: Spy Agency Law Opens Door to Abuse*, *supra* note 46.

Other measures strengthened the government's control of the Internet. In February 2014, the Grand National Assembly adopted amendments to the country's Internet law, Law No. 5651, that expanded the power of the Telecommunications Directorate (Telekomünikasyon İletişim Başkanlığı, TİB) "to order the blocking of websites, allowing it to do so on vaguely defined grounds related to the right to privacy, without prior court approval, though a court had to uphold the order within 48 hours for a block to remain in place."⁴⁸

On March 27, 2015, the Grand National Assembly passed two major "package" laws that have a major impact on national security and maintenance of public order in the country. One of the package laws is Law No. 6638, the Law on Amending the Police Powers and Duties Law, the Law on the Gendarmerie's Organization, Duties and Authorities, and Some [Other] Laws.⁴⁹ Called for short the Domestic (or Homeland) Security Package (İç Güvenlik paketi) and also referred to as the "Legal Package to Protect Freedoms," the sixty-eight-article Law had first been introduced by the ruling Justice and Development Party (AKP) in February 2015 and had originally contained 132 articles.⁵⁰ The Law amends more than a dozen laws, with the longest sections being amendments to articles 21–33 of the Police Organization Law and articles 34–46 of the Police Higher Education Law. Among the most controversial provisions of Law No. 6638 are those contained in the first twenty articles. These amendments affect the Police Powers and Duties Law; the Law on the Gendarmerie's Organization, Duties, and Powers; the Law on Meetings and Demonstrations; the Terrorism Law; the Criminal Code; the Code of Criminal Procedure; the Provincial Administration Law; the Compensation for Terrorism Law; and the Identification Notification Law.⁵¹

These amendments, for example, enhance the power of the police to conduct searches; expand the situations in which the police may use weapons; give the police the authority to detain persons for twenty-four hours, without a warrant, for crimes involving force and violence committed during public events (involving some ten types of offenses listed in the Criminal Code, crimes listed in the Anti-Terrorism Act, and certain offenses listed in the Meetings and Demonstration Act, among others); permit security personnel to carry out intelligence wiretapping in urgent situations for a forty-eight-hour period (formerly, a twenty-four-hour period) without a judge's order; and allow police officers to "take under protection" or remove—not just apprehend—and take the necessary legal procedures for handling persons who violate the law in certain ways; and add to the list of those types of violators the new broad category of those who "endanger the safety of others."⁵² The new measures also provide for closer

⁴⁸ FREEDOM HOUSE, *supra* note 46; Heini Järvinen, *Internet Censorship and Surveillance in Turkey*, EDRi (Mar. 12, 2014), <https://edri.org/internet-censorship-surveillance-turkey>; Turkey: *Internet Freedom, Rights in Sharp Decline*, HUMAN RIGHTS WATCH (Sept. 2, 2014), <https://www.hrw.org/news/2014/09/02/turkey-internet-freedom-rights-sharp-decline>.

⁴⁹ Polis Vazife ve Salâhiyet Kanunu, Jandarma Teşkilat, Görev ve Yetkileri Kanunu ile Bazı Kanunlarda Değişiklik Yapılmasına dair Kanun [Law on Amending the Police Powers and Duties Law, the Law on the Gendarmerie's Organization, Duties and Authorities, and Some [Other] Laws], Law No. 6638, <https://www.tbmm.gov.tr/kanunlar/k6638.html>.

⁵⁰ Jessica Michek, *New Law Threatens Fundamental Freedoms in Turkey*, BIPARTISAN POLICY (Apr. 1, 2015), <http://bipartisanpolicy.org/blog/new-law-threatens-fundamental-freedoms-in-turkey/>.

⁵¹ Law No. 6638.

⁵² *Id.* arts. 1, 4, 13, 5, 2, respectively.

monitoring of car rentals and empower governors and district powers to assume some of the authority of prosecutors, for example, to authorize the police to find the perpetrators of crimes.⁵³

The other package law adopted on March 27 by the Grand National Assembly deals with, among other matters, the power to remove online content and to issue Internet-blocking decisions and the extension of access by the President, not just the Prime Minister as had been previously stipulated, to a discretionary fund used to finance covert operations.⁵⁴

The government has also cracked down on journalists in recent months. It was reported on August 5, 2015, that prosecutors would seek sentences of up to seven and a half years' imprisonment for eighteen journalists from nine newspapers charged with "spreading terrorist propaganda," but as yet the indictment has not been accepted by a court.⁵⁵ The journalists allegedly published photographs of a militant member of a banned leftist group "pointing a gun at a prosecutor who was killed in a failed hostage rescue operation in March."⁵⁶ Under the Anti-Terrorism Law, engaging in terrorist propaganda is punishable with a prison term of one to five years upon conviction, but the penalty is increased by half if the offense is committed by means of the press or media.⁵⁷ To prevent dissemination of the photo, the government briefly shut down Twitter, YouTube, and Facebook, and threatened it would ban access to Google.⁵⁸ As an article in *Today's Zaman* pointed out,

Freedom House's 2015 report referred to Turkey as a country where the press is "not free." According to the report, Turkey performed worse in this area last year than at any time in the past 10 years. It stressed that many journalists were targeted, threatened and arrested. In addition, Reporters Without Borders ranked Turkey 149th out of 180 countries in its latest press freedom index.⁵⁹

⁵³ *Id.* arts. 19 & 15, respectively.

⁵⁴ Bazi Kanun Ve Kanun Hükümünde Kararnamelerde Değişiklik Yapilmasi Hakkinda Kanun [Law on Amendments to Some Laws and Decree Laws], Law No. 6639, arts. 29 & 39, Mar. 27, 2015, RESMI GAZETE, No. 29327, Apr. 15, 2015, <http://www.resmigazete.gov.tr/eskiler/2015/04/20150415-1.htm>.

⁵⁵ *Turkey: Prosecutors Seek Jail Term for 18 Journalists Accused of Terror Propaganda*, FOX NEWS (Aug. 5, 2015), <http://www.foxnews.com/world/2015/08/05/turkey-prosecutors-seek-jail-term-for-18-journalists-accused-terror-propaganda>; Fatma Dişli Zibak, *Media Outraged over Lengthy Jail Terms Journalists Face for Publishing Photo*, TODAY'S ZAMAN (Aug. 5, 2015), http://www.todayszaman.com/anasayfa_media-outraged-over-lengthy-jail-terms-journalists-face-for-publishing-photo_395638.html.

⁵⁶ *Turkey: Prosecutors Seek Jail Term for 18 Journalists Accused of Terror Propaganda*, *supra* note 55.

⁵⁷ Terörle Mücadele Kanunu [Anti-Terrorism Law], Law No. 3713, art. 7 ¶ 2, Apr. 12, 1991, as last amended Apr. 4, 2015, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.3713.pdf>.

⁵⁸ Zibak, *supra* note 55.

⁵⁹ *Id.*; FREEDOM HOUSE, *supra* note 46; Reporters Without Borders, *2015 World Press Freedom Index*, <https://index.rsf.org/#/> (last visited Aug. 17, 2015).