



1986

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Annex: List of Referred Articles in National Legislation of Turkey

Turkish Penal Code

Article 125: Insulting public officer

Article 216: Inciting people hatred and enmity based on social class, race, religion, sect or regional difference, which creates an explicit and imminent danger to public

Article 220/6-7: “committing crime on behalf of an organisation, without being member of that organisation” and “aiding and abetting an organisation knowingly and willingly without belonging to the structure of that organisation” [last report of the Venice Commission on freedom of media in Turkey has references to the problem]

Article 265: Using force or threats against a public officer in order to prevent from performing duty

Article 299: Insulting State President

Article 301: Degrading Turkish Nation, State of the Turkish Republic, Turkish Grand National Assembly, the Government of the Republic of Turkey and the judicial bodies

Article 314: Being member or leading member of an armed organisation

Anti-Terror Law [for details see “IHD Report and Recommendations for the Elimination of Injustice in Penal Legislation”]

Article 6: Making state officials assigned in fight against terrorism target of illegal organisations by disclosing or publishing their identities

Article 7/1: Establishing and/or leading or being member of a terrorist organisation in order to commit crimes by using force and violence, by means of coercion, intimidation, suppression or threat

Article 7/2: Making propaganda of a terrorist organisation

Article 17: Persons who have received 3 times disciplinary sentence of solitary confinement cannot benefit from a conditional release, even if they have been relieved of the disciplinary sentence.

Law on Meetings and Demonstrations

Several Articles [22, 23, 24, and following articles]

Staging / Participating illegal / unauthorised meetings and demonstrations

Resisting security forces

Damaging public property

Not following the orders of security forces

Encouraging or inciting the public to participate in an unlawful meeting or demonstration



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Law on Execution of Sentences

Article 16/4: The execution of sentences of pregnant women and women with babies younger than 6 months will be suspended.

Article 16/6: Execution of sentences of prisoners who cannot continue their regular lives in prisons by themselves due to heavy illnesses or disability can be suspended until recovery if and only if they are not a threat to public security.

Article 25-1: The execution of his sentence may not be suspended in any manner. All health measures to be implemented for the convict shall be implemented in the penal execution institution except for medical tests and requirements or, if this is not possible, in the single-person and high-security convict room of a fully-equipped State or university hospital.

Article 115: Detainees who present a danger, who could attempt to destroy evidence, who endanger the purpose of the investigation or the security of the detention house, or who perform acts which would enable the crime to be repeated, may be subjected to the following measures by the public prosecutor during the stage of investigation or by the judge or court during the stage of prosecution:

- a) Keeping the detainee by himself in custody under a tight regime and monitoring his room by camera;
- b) Restricting his contact with the outside, his reception of visitors and his telephone calls for a certain period of time;
- c) If necessary, keeping him in a special room which is so designed as to prevent him from causing damage to himself or to others and monitoring his room by camera;
- d) If he displays aggressive behaviour, handcuffing him or restricting his movements for a certain period of time; or
- e) Transferring him to a high-security institution.