

**Turkish Republic
Prime Ministry**

General Directorate of Laws and Decisions

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Subject: Draft Law**

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To the Presidency of the Grand National Assembly of Turkey

"The Draft Law on the Termination of Terror and Strengthening of Social Integration", agreed to be presented to your Presidency by the Council of Ministers on 18 July 2014 is attached along with its preamble.

Kindly submitted for necessary action,

Recep Tayyip Erdoğan

Attached:

- 1- Draft Law
- 2- Preamble (General-Articles)

General Preamble

Since 2002, Turkey has been undergoing the most expansive democratic change, transformation and normalization processes of its history. In these processes, progress that qualifies as a "silent revolution", that embraces the entire society, expands the field of fundamental rights and liberties, and fortifies the citizens' belonging to the country and trust to the State was made, and radical reforms were put into practice. These reforms were done in accordance with the demands and expectations of our nation, and were adopted widely by different segments of the society.

The favorable psychological atmosphere that these steps enabled paved the way for a paradigm change and the adoption of the perspective of solution in the struggle against terror, the most important threat in Turkey against peace and fraternity in the society for decades. Thus the problem of terror and the legitimate and democratic demands of the citizens were separated, and a more sensitive approach was adopted towards the problems of all segments of the society.

Within this context, the National Unity and Fraternity Project was initiated in July 2009 to end terror and strengthen social peace and fraternity. During this process, a free and dynamic space for debate was shaped in our nation, one that enabled the different segments of the society to confront their problems and formulate solutions.

At the end of 2012, the solution process was commenced for a stronger, democratic, free, safe and peaceful Turkey as a state policy. The ultimate goal of the solution process is to end terror once and for all and to consolidate national unity and integrity through strengthening social integration. The solution process is the process of excluding the violence and arms and including the statements, thought and politics instead.

It has been observed that the society is strongly backing the solution process, and there is an affirming expectation with regards to the process in the public opinion. The sincere efforts of the Wise People Committee, comprised of respected names from different segments of society such as writers, academics and artists, also contributed to the wide prominence of the solution process. The increasing public backing of the process is the most important guarantee for its success.

In the meantime, on 9 April 2013, the Parliamentary Investigation Committee was established within the Grand National Assembly of Turkey with the aim to seek means for achieving societal peace and evaluate the solution process.. The final report of the Committee, prepared after eight months of work, contains findings and suggestions that will shed light on the solution of the problem.

In addition, important regulations were put into place in the context of the solution process through the Law No. 6529, Amendment on Certain Laws to Enhance Fundamental Rights and Liberties, dated 2 March 2013, also known as

the "Fourth Democratization Package", which holds an important place in the history of democratization in our country.

The first positive effect of the process is that bloodshed has stopped for the last nineteen months, thus our citizens are living in a country that is more secure and peaceful. Thanks to the solution process, especially the Eastern and Southeastern Anatolian Regions of our country are witnessing signs of normalization long awaited, for decades. Economy and tourism are booming; the favorable repercussions of the atmosphere of normalization are being felt more in all spheres of life.

The success of the solution process will ensure Turkey's thrust for rapid economic growth and development. When this fundamental problem is solved, our nation will be able to channel all its power and dynamism into economic development.

The solution process is a dynamic process that involves different, multidimensional stages. Therefore different steps might have to be taken in different stages of the process. This requires regulations that would ensure active cooperation among State institutions, as well as the active participation of the people and the civil society.

The solution process is conducted under the legal regulations of the relevant bodies. At its current state, legal regulations exclusive to the solution process are necessary to further its progress and consolidate it as State policy.

As long as terrorist acts are ongoing, it is the legal duty of the security forces and judicial authorities to counter these acts within the boundaries of the law. On the other hand, it would not be acceptable under the rule of law for anyone to be held under the threat of legal, criminal and administrative responsibilities due to their activities pursued as a duty within the framework of the solution process. When similar processes around the world are examined, it can be seen that there are de facto and legal practices arising from the character of the problem and the unique conditions of relevant countries.

The Draft, prepared by taking into account the national character of the solution process and the national and international experiences to this day, seeks to provide a strong legal basis to the solution process in our country.

Article Justifications

ARTICLE 1- With this article, the Law's aim is designated as organizing the principles and procedures of the solution process, which was started to end terror and strengthen social unity.

ARTICLE 2- With this article, the Law regulates government's duties as relate to the implementation, monitoring, and coordination of the measures it will take within the scope of the solution process.

ARTICLE 3- This article authorizes the Council of Ministers to make necessary decisions related to the solution process. In this context, public institutions and organizations will continue with their duties and authorities derived from their respective statutes, along with the decisions coming from the Council of Ministers.

Also with this article, it is regulated that all the secretarial services and coordination work related to solution process will be led by the Public Order and Safety Undersecretary.

ARTICLE 4- With this article, it is regulated that all the tasks assigned under law to public organizations and institutions will be fulfilled urgently. On the other hand, with the aim to protect the functionaries and the participants from being faced with future sanction threats related to their activities under the solution process, the Article also ensures that they will bear no civil, administrative and criminal responsibilities for these activities.

ARTICLE 5- Enforcement article.

ARTICLE 6- Executive article.

THE DRAFT LAW ON THE TERMINATION OF TERROR AND STRENGTHENING OF SOCIAL INTEGRATION

Aim and Scope

ARTICLE 1- (1) The aim of this law is to regulate the principles and procedures of the solution process, conducted to end terror and reinforce social integration.

Implementation, Monitoring, Coordination

ARTICLE 2- (1) Government leads the necessary activities as relate to the following points related to the solution process.

(a) It determines the political, legal, socio-economical, psychological, cultural, human rights, security areas, disarmament steps and steps which are related to these subjects that can be taken to terminate terror and strengthen social unity.

(b) If deemed necessary, it takes the decision to establish dialogue, to have contact, to organize meetings and make similar efforts with national and international actors, organizations and institutions, and it also designates people, institutions and organizations to perform these duties.

(c) It takes necessary measures for homecoming of the organization members, who laid down arm and their participation in social life and their adaptation.

(d) It ensures to inform the public accurately and on time about the activities and the measures taken related to the solution process within the scope of this law.

(e) It surveys the outcome of the taken measures and it regulates the coordination between relevant institutions and organizations.

(f) It conducts necessary legislation work.

Powers and Secretariat

ARTICLE 3- (1) Council of Ministers is authorized to take the necessary decisions related to the solution process.

(2) The Public Order and Safety Undersecretary conducts secretarial services and coordination of all activities within the scope of the solution process.

Decisions and Fulfillment

ARTICLE 4-

(1) The tasks assigned within the scope of this law will be fulfilled urgently by the related institutions and organizations.

(2) Those who conduct activities within the scope of this law will not have any civil, criminal, and public responsibility.

Enforcement

ARTICLE 5- (1) This law takes effect on the date it is published.

Execution

Article 6- (1) The provisions of this law shall be enforced by the Council of Ministers.