

Turkish Civil Society in Peril

THE BILL FOR THE PREVENTION OF THE FINANCING OF THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

- “*Bill for the Prevention of the Financing of the Proliferation of Weapons of Mass Destruction*” is the first item in the agenda of the **24 December 2020** Plenary Session of The Grand National Assembly of Turkey [GNAT].
- The bill was deliberated at the Justice Committee of GNAT on **16 December 2020**.
- According to the Justice Committee reasoning, the bill aims to *catch up with the international standards in the fight against the financing of terrorism and laundering offences considering the 2019 report of the Financial Action Task Force-FATF and the UN Security Council (UNSC) resolutions*.
- Despite the reasoning, only the first six articles focus on this issue. The remaining 35 articles have no direct relation with the general reasoning and many of them amend significant articles of the Law of Association.

How the bill affects civil society in Turkey?

Administrative

- The bill brings several additions and amendments to 5253 “Law On Associations”. Law no. 5253 concerns civil society institutions structured as non-profit associations and foundations.
- With the new formulation, the regulation will be applicable to the representatives and branches of associations, federations, confederations, as well as Turkey offices of foreign-based organizations.
- The proposed bill makes an addition to Article 3 of Law No: 5253 and defines new limitations concerning the duties of the members of association.
- If a person is under investigation for crimes within the scope of the Law on the Prevention of Financing of Terrorism as well as other crimes related to the drug or human trafficking within the Turkish Penal Code **s/he will not be able to be actively engaged in activities of the association besides participating in the general assembly.**
- The bill **disallows** individuals who have been **previously sentenced** for any of the above-mentioned crimes to engaged in activities of **any association** besides participating in the general assembly. situation, **It removes the period of limitation and the benefits of a remission of a punishment.**

- The bill allows The Minister of Interior to start a process to **suspend all activities of an association** on grounds that a court case was filed against an individual.
- **The bill allows an appointee to be appointed the administration of the organization.**

Financial

- Article 13 of the bill increases the regularity and authority of audit and inspection processes. The extended authority includes Turkey offices of associations based abroad. Audits currently carried out upon a complaint will become regular.
- In cases where acts defined by the Law on the Prevention of Financing of Terrorism are detected, **assets of associations may be frozen with a Presidential decree.**

Practical Consequences

In Turkey it is difficult to estimate the number of human rights defenders, journalist, academics etc. who are accused to be a member of a terrorist organization or making terrorism propaganda or any offences under the scope of the Anti-Terror Law.

The constitutional court and ECtHR have thousand of applications related to this article. There is no doubt that the use of this law exceeds its main purpose, and the law is used to create pressure on civil society and journalists.

The upcoming bill will greatly increase the extent of this misuse, allowing the executive branch to literally shut organizations down and freeze their funds at will.

While the bill has not passed yet, there is little hope that it will be rejected given previous experiences. The next step would naturally be a Constitutional Court application. We would hope that the Constitutional Court would act in accordance with fundamental human rights.

Please See:

[Joint Statement](#) by *Human Rights Association (İHD), Human Rights Foundation of Turkey (TİHV), Human Rights Agenda Association (İHGD), Rights Initiative Association (HİD), Citizens Assembly (YD), Association for Monitoring Equal Rights (ESHİD), Amnesty International Turkey*

[Statement](#) signed by 442 (and rising) organizations [[Turkish link](#) for the list of signatories]

This statement was prepared in collaboration with [Civic Space Studies Association](#)