

# Law on National Security Courts

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Country Turkey

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*Law no. 2845*

*on the creation and rules of procedure of the National Security Courts*

*excerpts*

## *Section 1*

*"In the capitals of the provinces of ... National Security Courts shall be established to try persons accused of offences against the Republic – whose constituent qualities are enunciated in the Constitution – against the indivisible unity of the State – meaning both the national territory and its people – or against the free, democratic system of government and offences directly affecting the State's internal or external security."*

## *Section 3*

*"The National Security Courts shall be composed of a president and two other regular members. In addition, there shall sit at each National Security Court two substitute members."*

## *Section 5*

*"The president of a National Security Court, one of the other regular members and one of the substitutes shall be civilian ... judges, the other members, whether full or substitute, military judges of the first rank..."*

## *Section 6(2), (3) and (6)*

*"The appointment of military judges to sit as regular members and substitutes shall be carried out according to the procedure laid down for that purpose in the special legislation [concerning those posts].*

*Except as provided in the present Law or other legislation, the president and the regular or substitute members of the National Security Courts ... may not be appointed to another post or place, without their consent, within four years...*

...

*If, after an investigation concerning the presidents and regular or substitute members of the National Security Courts conducted according to the legislation concerning them, competent committees or authorities decide to change the duty station of a military judge, the duty station of that judge or his duties [themselves] ... may be changed in accordance with the procedure laid down in that legislation."*

*Section 9(1)(a)*

*"The National Security Courts shall try persons accused of the offences defined in*

*(a) [Article] 312 § 2 ... of the Turkish Criminal Code..."*

*Section 27(1)*

*"The Court of Cassation shall hear appeals from the judgments of the National Security Courts."*

*Section 34(1) and (2)*

*"The rules governing the rights and obligations of ... military judges appointed to the National Security Courts and their supervision ..., the institution of disciplinary proceedings against them, the imposition of disciplinary penalties on them and the investigation and prosecution of any offences ... they may commit in the performance of their duties shall be as laid down in the relevant provisions of the laws governing their professions..."*

*The observations of the Court of Cassation and the assessment reports drawn up by Ministry of Justice assessors on judges of the Military Legal Service ... and the files on any investigations conducted against them ... shall be transmitted to the Ministry of Justice."*

*Section 38*

*"A National Security Court may be transformed into a Martial-Law Court, under the conditions set forth below, where a state of emergency has been declared in all or part of the territory in respect of which the National Security Court concerned has jurisdiction, provided that within that territory there is more than one National Security Court..."*