

Turkey's Terror Problem

Turkish counterterrorism and its degrading state of democracy



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Abstract

Turkey has gone through turbulent times in the past years. Repression and crackdowns, terrorist attacks caused hundreds of deaths each year, and instability experienced its culmination in the failed military coup in July 2016. Subsequently, authorities subjected to the AKP-led government have ordered massive purges of all parts of state and society, leading to more than 250,000 people dismissed, suspended, detained and arrested on alleged terror allegations. Violent clashes between state and non-state actors in the Kurdish Conflict have further made the state's most significant intra-state conflict to re-escalate. Fault lines in Turkey's pluralistic society seem to be as deep as they have rarely been before. The AKP government seemingly sees confrontation and delegitimizing of critics and opponents as legitimate tool.

On the basis of these conspicuous observations, this MA thesis claims that Ankara's anti-terror policies since 2015 were largely politically motivated too and therefore, contributed to the erosion of Turkish democracy. In concrete, this thesis dealt with the question how the government's counterterrorist agenda correlates with the recent development of the country's democracy. Scholars and international watchdog organizations consider elections and pluralism meaningful indicators for assessing a country's state of democracy as well as basic civil rights, such as the right to express, associate and assemble. In cases where these features are largely disregarded, the quality of a democracy is evidently declining. In the particular Turkish case, these de-democratization processes can be observed and they are more and more linked to what the AKP government has repeatedly called a determined anti-terror struggle.

However, Ankara's counterterrorist approach does not only seem vague when having in mind how diverse terrorist threats from the Kurdish PKK, the radical Islamists from ISIS or sympathizers from Hizmet actually are. Also, it seems to have great effects on Turkey's democratic framework, since the government's anti-terror measures interfere into the separation of powers and the rule of law. As a consequence, basic civil rights have been violated within the past years, using Turkey's obvious terrorist problem in order to implement a system which is bound to the will of an increasingly authoritarian leadership. This leader, President Recep Tayyip Erdoğan, managed to centralize power into his office and through this, consolidate his personalistic power. Turkey's path went into the direction of an illiberal regime type, more and more designing a state that is abandoning characteristics of a democracy. The executive presidential system indicates strongly to an authoritarian model of governance for the future.

Introduction

This Master's thesis (MA thesis) seeks to answer the question of how – based on Turkey's obvious terror problem – the government's counterterrorist responses are linked to its state of democracy. Domestic developments, such as growing terror threats, a shifting political mood away from President Recep Tayyip Erdoğan's ruling Justice and Development Party (AKP), and aggravating conflicts in the region, have prompted the government to take determined anti-terror measures. However, these have confirmed the general impression of an increasingly authoritarian state alienating from liberal democratic practices. On the basis of this complex political, economic, and social turmoil, the country's stability and democracy appears to be suffering¹.

The referendum on April 16, 2017 about the introduction of an executive presidential system effectively deepened the fault lines between the socio-political factions and reinforced the firm dichotomy between Erdoğan supporters and opponents. After President Erdoğan's electoral victory, the country's political discourse is still shaped by a polarized rhetoric, where the term "terrorism" plays a crucial part to address the political competitors. This choice of words seems to work particularly well in times of strong confrontation between various blocks that by now seem to split in pro- and anti-Erdoğan camps. Main frontlines run vaguely between Islamists, Conservatives and (Ultra-) Nationalists and the secular, liberal, left-wing and Kurdish parts of the Turkish society². Despite an increase of terrorist attacks throughout the last two years, the government's counterterrorist policies have still given the impression that fighting terrorism have been used as pretext to expand repression, particularly since the state of emergency had been imposed in July 2016³.

According to many observers, Ankara's strategies to counter potential political threats have contributed to Turkey's degrading democratic framework. This regression affects three prominent pillars of liberal democracies which best describe a country's democratic quality: civil rights, the rule of law, and the separation of powers⁴. This MA thesis analyses the

¹ Karaveli, Halil. "Turkey's Fractured State" in *The New York Times*, 16 August (2016) http://www.nytimes.com/2016/08/02/opinion/turkeys-fractured-state.html?_r=2 [28 May 2017].

² Küpeli, Ismail. "Drohende Alleinherrschaft in der Türkei – per Verfassungsreferendum soll die Bevölkerung die Demokratie abschaffen" in *Standpunkte 5/2017 der Rosa-Luxemburg-Stiftung*, <https://www.rosalux.de/publikation/id/14650/drohende-alleinherrschaft-in-der-tuerkei/> [28 May 2017].

³ ESRI/PeaceTech Lab "*Terrorist Attacks 2016* <https://storymaps.esri.com/stories/terrorist-attacks/?year=2016> [28 May 2017].

⁴ Freedom House "*Freedom in the World, Turkey, Country Report*". (2017) <https://freedomhouse.org/report/freedom-world/2017/turkey> [28 May 2017].

development of these characteristics and hence, intends to answer the following research question:

How has the government's counter-terrorist approach contributed to Turkey's recent democratic development?

This work assumes that a considerable number of the counterterrorist measures are harmful and rather politically motivated. Also, the expression “terrorism” has been largely used as an instrument to delegitimize political opponents ⁵. In the light of the purge after the failed coup attempt, one could claim that Turkish democracy has been experiencing a de-democratization process. As the domestic situation has most intensified after the bombing of Suruç, the renewed outbreak of violent clashes between the Turkish central state and Kurdish periphery in summer 2015 will be the starting point for the analysis of the democratic development ⁶. The eventful year 2016 around the thwarted coup attempt will make another crucial part of the analysis, completing the image of how Turkish democracy has developed. In order to keep up to the topical dynamics, the disputed referendum of April 2017 will be included as well as the large-scale post-coup purges against different societal groups ⁷.

Concepts about *terrorism and counterterrorism* by Andrew Kydd, Barbara Walter and James D. Kiras, Fareed Zakaria about the rise of *illiberal democracies*, Juan Linz' concept of *authoritarian regimes* and Benjamin Most and Harvey Starr's *decision-making model* will provide the theoretical basis. They will shed light on Turkey's current major political issues, namely terrorism and counterterrorism on the one hand, and its state of democracy on the other hand. The country's future depends on the development of these deeply intertwined variables and its political destiny is of greater interest for a whole range of actors. As regional power between Europe and the Middle East, Turkey's holds a geopolitical key position that cannot be overstated, in particular when it comes to essential questions of world politics, such as peace, security and democracy.

⁵ Özpek, Burak Bilgehan. “Turkey today: A Democracy without Opposition” in *The Turkey Analyst*, 28 February (2017) <https://www.turkeyanalyst.org/publications/turkey-analyst-articles/item/577-turkey-today-a-democracy-without-opposition.html> [28 May 2017].

⁶ Jenkins, Gareth. “Turkey's Proposed Constitutional Changes and Erdoğan's Forever War“ in *The Turkey Analyst*. 14 December (2016) <https://www.turkeyanalyst.org/publications/turkey-analyst-articles/item/570-turkeys-proposed-constitutional-changes-and-erdogans-forever-war.html> [28 May 2017].

⁷ Turkeypurge “*Monitoring human rights abuses in Turkey's post-coup crackdown*” (2017). <http://turkeypurg.com> [28 May 2017].

1. Historical context

Terrorist attacks, the failed coup attempt, and the government's counter-terrorist policies have reinforced Turkey's political instability in the past two years. With regard to casualty rates, 2016 was one of the bloodiest years in the history of modern Turkey: 500 people died in classic terror attacks⁸, at least 265 on July 15, 2016 when parts of the Armed Forces (TSK) allegedly tried to topple the AKP government and President Erdoğan. While during the so-called "dark 1990s" it was mostly the Kurdistan Workers Party (PKK) challenging the power of the state violently, the country is nowadays facing terrorist threats by various non-state actors. The government has officially classified three major groups "terrorists", namely the Kurdish PKK and its affiliated militias [1], the ultra-conservative religious network Hizmet [2], and radical Islamists around the Islamic State (ISIS) [3].

By declaring the Gülenist network Hizmet a terror organization, the government has opened an anti-terror war on several fronts. Despite a relatively small amount of evidence and controversial hints on the events of the coup night, the Turkish government still suspects the exiled cleric Fethullah Gülen to be the mastermind behind the thwarted coup attempt. Foreign authorities, such as the British Parliament or the German secret service, have yet entertained their doubts about a full Gülenist authorship^{9,10}. Following the official governmental line of hardly distinguishing between the groups, Turkish authorities treat all these organizations equally. Nevertheless, Kurdish PKK militants, the Islamist Hizmet network, and radical Islamists effectively all derive from different backgrounds, and hence, follow different strategies and goals.

Lately, representatives from the opposition and the media, state servants, civil society groups, the military, or members of the judiciary have experienced massive repression. Ankara's measures have targeted diffuse groups and individuals allegedly sympathising or collaborating with either the PKK or Hizmet. For its wide scale, critics have repeatedly called the state's anti-terror legislation sweeping¹¹. In contrast to that, a rather careless handling against Islamist

⁸ ESRI/PeaceTech Lab "*Terrorist Attacks 2016*".

⁹ House of Commons "The UK's Relationship with Turkey" Publication Foreign Affairs Committee, 23 March (2017), <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmfaff/615/61502.htm> [28 May 2017].

¹⁰ Knobbe, Martin, Schmid, Fidelius, and Weinzierl, Alfred. "BND zweifelt an Gülen's Verantwortung für Putschversuch" in *Spiegel Online*. 18 March (2017) <http://www.spiegel.de/politik/ausland/tuerkei-putschversuch-laut-bnd-chef-wohl-nur-vorwand-fuer-radikalen-kurs-erdogans-a-1139271.html>. [28 May 2017].

¹¹ Özpek, Burak Bilgehan. "Turkey today: A Democracy without Opposition".

extremists, for example the ISIS-linked *Dokumacılar* cell, has been observed¹². Due to its outstanding location between Europe and the Middle East, Turkey has been used as central transit route, and an area of retreat and recruitment for ISIS and al-Nusra. This circumstance is believed to fall back on the government's strategy to ally with Islamist extremists also sharing an anti-Kurdish view¹³. Various media reports dealt with possible connections between the government, the Turkish intelligence service (MiT), and militant Jihadists in Syria¹⁴. Islamist terror attacks struck the country hard nonetheless within the last two years¹⁵.

Since 2015, Turkey's security situation has provably exacerbated. Terrorist attacks by ISIS and the PKK or affiliated splinter cells, such as the Kurdistan Freedom Falcons (TAK), have become a regular phenomenon. ISIS has claimed responsibility for two of Turkey's most devastating terror attacks in recent history: Suruç in July and Ankara in October 2015. Whereas the first one in Suruç contributed decisively to make violent clashes between Ankara and the Kurds resurge, the second one in Ankara influenced the General Elections of November 2015. The Ankara bombing alone caused 102 deaths, most of them young Kurdish left-wing activists.

Turkish-Kurdish tensions have risen drastically, deepening old fault lines between centre and periphery that have existed for decades, bringing up heavy clashes and by this, flaring up this conflict until today¹⁶. Meanwhile, the war actions in the Kurdish Conflict caused large-scale military operations which resulted in about 2,500 new deaths and an extremely damaged civil infrastructure in the Kurdish-dominated Southeast¹⁷. Shortly after the constitutional referendum, Prime Minister (PM) Binali Yıldırım announced the state of emergency to be extended another time¹⁸. Especially after the failed coup attempt, counterterrorism and the re-establishment of the state order were made top priorities in the political agenda. In the course

¹² Fitzherbert, Yvo. "Coming to terms with the Ankara massacre" in *openDemocracy*. 17 October (2015) <https://www.opendemocracy.net/yvo-fitzherbert/coming-to-terms-with-ankara-massacre>. [28 May 2017].

¹³ Marks, Monica. "ISIS and Nusra in Turkey. Jihadist recruitment and Ankara's response". *Strategic Dialogue* (2016) http://www.strategicdialogue.org/wp-content/uploads/2016/07/ISDJ4677_Turkey_RI_WEB.pdf. [28 May 2017].

¹⁴ Pamuk, Humeyra and Tattersall, Nick. "Exclusive: Turkish intelligence service helped ship arms to Syrian Islamist rebel areas" in *Reuters*. 21 May (2015) <http://www.reuters.com/article/us-mideast-crisis-turkey-arms-idUSKBN0O61L220150521>. [28 May 2017].

¹⁵ Marks, Monica. "ISIS and Nusra in Turkey. Jihadist recruitment and Ankara's response".

¹⁶ Jenkins, Gareth. "The Kurdish issue and Turkey's narrowing tunnel" in *The Turkey Analyst*. 19 September <http://isdj.eu/publication/kurdish-issue-turkeys-narrowing-tunnel/> [28 May 2017].

¹⁷ International Crisis Group (ICG) "*Turkey's PKK Conflict: The Rising Toll*" (2017) <http://www.crisisgroup.be/interactives/turkey/>. [28 May 2017].

¹⁸ Human Rights Watch "*Turkey: End State of Emergency after Referendum Support Equal Rights, Reject Death Penalty*" (2017) <https://www.hrw.org/news/2017/04/17/turkey-end-state-emergency-after-referendum>. [28 May 2017].

of the state of emergency, an excessive purge under the cloak of a determined anti-terror fight has eliminated a vast number of state servants, political representatives, and military staff. Civil society organizations and media outlets have been persecuted massively and shut down. By May 2017, the number of suspended, dismissed, detained, and arrested persons has exceeded 250,000¹⁹. Particularly during the state of emergency, democratic standards have obviously been overwhelmingly disrespected²⁰.

The country has furthermore also intensified its commitment to fight terrorists abroad. In Syria and Iraq, the TSK is involved in heavy fighting against PKK-linked Kurdish militias and ISIS-affiliated Islamists, openly threatening Turkey's national security interests²¹. The Syrian war has spilled over to Turkey. A number of experts see the country's stability suffering and they also attribute this to more ISIS-related activities. Several terror attacks on Turkish soil, such as in Istanbul, Ankara and Diyarbakır, are major signs for growing Islamist terrorism²². While terrorism evidently affects a state's stability, the quality of democracy does not necessarily need to suffer from terrorist attacks²³.

Yet, in Turkey the state of democracy seems to have deteriorated perceptibly. This circumstance is increasingly attributed to the AKP's implemented counterterrorist strategies. Hence, more and more people would rather call many of those anti-terror strategies plans to fully monopolize political power and eliminate political competitors²⁴. Lately, features of liberal democracies, for example the separation of powers, the rule of law, and basic civil rights have been systematically disregarded²⁵. As it has been shown by plenty of NGOs, today's Turkey is listed as a country with a clear downward trend regarding these democratic characteristics. This de-democratization process is at least visible since the rigid crackdown of anti-Erdoğan protests

¹⁹ Turkeypurge “*Monitoring human rights abuses in Turkey's post-coup crackdown*”.

²⁰ Karaveli. “Turkey's Fractured State”.

²¹ Çağaptay, Soner and Yolbulan, Cem. “The Kurds in Turkey: A Gloomy Future” in *The Washington Institute*. August (2016).
<http://www.washingtoninstitute.org/uploads/Documents/opeds/Cagaptay20160810-ISPI.pdf>. [28 May 2017].

²² Tahiroğlu, Merve and Schanzer, Jonathan. “Islamic State Networks in Turkey” in *Foundation for Defense of Democracy*. March 2017.
http://www.defenddemocracy.org/content/uploads/documents/Islamic_State_Networks_Turkey.pdf. [28 May 2017].

²³ Eyerman, Joe. “Terrorism and Democratic States: Soft Targets or Accessible Systems?” *International Interactions* 24, no. 2 (1998): 151–170.

²⁴ Kınıklıoğlu, Suat. “Turkey and Russia: Aggrieved Nativism par excellence” in *The Turkey Analyst*. 10 May (2017) <http://turkeyanalyst.org/publications/turkey-analyst-articles/item/582-turkey-and-russia-aggrieved-nativism-par-excellence.html>. [28 May 2017].

²⁵ Freedom House “*Freedom in the World, Turkey, Country Report*”, (2017).

during the Gezi revolt in Istanbul in summer 2013²⁶. Violations of democratic rights and a fervid rhetoric branding thousands of protesters as terrorists, raised questions about the government's understanding of liberal-democratic processes²⁷.

While in the AKP's first two legislative periods Turkey's democratizing progress was high, it has lost its momentum. A couple of political achievements Turkey had made in early 2000 raised the country's chances to enter the European Union (EU). It moreover enhanced PM Erdoğan's national and international status as trustworthy democratic reformer of a country serving as role model for Islamic-dominated democracies²⁸. This opening has even led to peace negotiations between the governing AKP and the outlawed PKK²⁹. Nevertheless, both internal and external factors accelerated Ankara's alienation from complying to the Copenhagen Criteria and through this, a deeper European integration. Mutual interest and trust decreased, the EU's lack of a unitary approach towards Turkey and the AKP's shrinking commitment to democratic principles paved the way for the illiberal turn of the Erdoğan administration. A few years later, conflicts between state and non-state actors have become the most significant issue, driving out questions of how to veritably improve the quality of Turkish democracy³⁰.

Today, a great number of political decisions simply refer to what is largely labelled as counterterrorist measures. The current instability encouraged the AKP government to launch ideas for a system in which one single leader enjoys extraordinary competences, where power and state control is centralized, obviously on the costs of a Pluralist democratic Turkey. President Erdoğan's victory in the constitutional referendum of April 2017 means a fundamental change of Turkey's entire political system, and for this reason, the country's further democratic performance³¹.

²⁶ Freedom House "Freedom in the World, Turkey, Country Report". (2014) <https://freedomhouse.org/report/freedom-world/2014/turkey>. [28 May 2017].

²⁷ Reuters "Turkish Court sentences 244 to jail over 2013 protests: newspaper" in *Reuters*. 23 October (2015) <http://www.reuters.com/article/us-turkey-protests-court-idUSKCN0SH2FU20151023>. [28 May 2017].

²⁸ Kirişçi, Kemal. "The Rise and Fall of Turkey as a Model for the Arab World" in *Brookings*. 15 August (2013) <https://www.brookings.edu/opinions/the-rise-and-fall-of-turkey-as-a-model-for-the-arab-world/>. [28 May 2017].

²⁹ Karaveli, Halil. "Reconciling Statism with Freedom: Turkey's Kurdish opening". *Central Asia-Caucasus Institute*, Silk Road Paper October 2010 (2011) <http://isdpc.eu/publication/reconciling-statism-freedom-turkeys-kurdish-opening/>. [28 May 2017].

³⁰ Jenkins, Gareth. "Turkey's Proposed Constitutional Changes and Erdoğan's Forever War" in *The Turkey Analyst*. 14 December (2016) <https://www.turkeyanalyst.org/publications/turkey-analyst-articles/item/570-turkeys-proposed-constitutional-changes-and-erdogans-forever-war.html>. [28 May 2017].

³¹ Jenkins, Gareth. "Ticking Clocks: Erdoğan and Turkey's Constitutional Referendum" in *The Turkey Analyst*. 31 March (2017) <https://www.turkeyanalyst.org/publications/turkey-analyst-articles/item/578-ticking-clocks-erdogan-and-turkeys-constitutional-referendum.html>. [28 May 2017].

2. Methodology

The *timeframe* for the analysis of Turkey’s democratic development within this thesis will range from summer 2015 to 2017. Chronologically, it starts from the resurgence of violent clashes between Turkish and Kurdish forces in July 2015 and covers major terrorist attacks by ISIS and Kurdish organizations in both years. Afterwards, the failed coup attempt of July 2016 will be object of the analysis. The latest trigger for the government to seek for full confrontation was the coup night of July 15, 2016. In the aftermath, hardly any other topic dominated the headlines of Turkish politics more than the alleged fight against terror groups. Until May 2017, this has resulted in a drastic rights encroachment, by the authorities justified as acts to protect the state from terrorist insurgency and infiltration. Another last milestone in the chronology is the electoral victory of President Erdoğan’s “yes-campaign” for introducing an executive presidential system in April 2017. The timeframe practically ends with this event, the focus will be on 2015 and 2016 though to make the development visible.

The *research approach* used in this thesis will be inductive, starting from a specific observation, in this case the possible correlation between Turkish counterterrorist strategies and its state of democracy. After assigning suitable theories to cover this complex issue, data providing the substantial ground for the question will be presented. The research question will be discussed in further depth in the discussion part, just before the conclusions ends up this thesis. In order to analyse Turkey’s counterterrorist programme, official *sources*, such as anti-terror laws and government strategies, will be introduced. This data will provide the foundation on which Turkey’s counterterrorist approaches will be discussed later. In addition, academic sources on terrorism will make up a part of the analysis. *Table 1* illustrates the basic research approach.

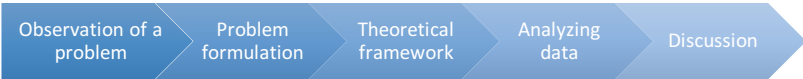


Table 1: Inductive research approach, own graphic

International and national media have reported about Turkey’s handling with its terrorist problem. Media has also covered Turkey’s obvious democratic decline, and since this is an ongoing process, their role is eminent for dealing with the topic. The very latest findings on these developments will therefore be included. Reports by national and international non-governmental organizations (NGOs) will give a solid foundation on the development within the

past two years. NGOs have collected data on the issue terrorism but also the state of democracy in Turkey. On the nexus between NGOs and academia, this thesis will make use of the work research institutes have made on Turkey.

Considering the research question, the approach will be mostly conducted through *qualitative methods*, however some empirical data to statistically support the claim of a declining democratic development will be integrated into the analysis. *Quantitative elements* will deal with numbers about the state's counterterrorist engagement, mostly appearing as purges, as critics would call it. Figures about Turkey's democratic process are included in annual reports by international organization, such as Freedom House and the European Commission's progress report for each year. All in all, the *problem formulation* of this thesis is formulated as follows:

How has the government's counter-terrorist approach contributed to Turkey's recent democratic development?

This question is based on the observation that Turkish democracy has experienced a clear fall for a few years already. After the AKP-led government reinforced its measures against any critics from the political or civil society sphere, Turkey's position in international democracy indices has dropped. Both individual civil rights and its overall democratic design, including its state of the rule of law seem to become worse year by year. The state's authoritarian tendencies are openly justified as a fight against political threats it officially calls terrorism. Terrorism is a vague term, in academia and the actual political discourse. Yet, no other concept is linked as much to the country's degrading democracy than counterterrorism as response to the mentioned terrorist problem.

Therefore, both variables, the Turkish anti-terror policies (independent variable) and the country's democratic development (dependent variable) appear to be connected. This MA thesis thus aims to find out how the state of democracy is influenced by the counter-terror legislation and the government's latest strategies. It will investigate the links between state responses towards so-called terror groups and upholding liberal-democratic standards. Eventually, this thesis will show the correlation between the two main variables and how this can be explained in the specific context of Turkey, a country on a geopolitical key position.

3. Theories

In order to answer how Turkey's counterterrorist measures have affected the state of democracy, approaches from basically three different theoretical perspectives will be introduced in this chapter. The problem formulation includes the two main variables, *counterterrorist policies* as consequences on Turkey's obvious *terrorism problem* on the one hand, and the *state of democracy* and its *actual development* on the other hand. These theories provide a conceptual foundation for the discussion to build on, connecting theoretical approaches of terrorism and counterterrorism (1) to Ankara's policies. By using various democracy theories, Turkey's actual position on a spectrum that traditionally ranges from liberal, illiberal democracies to authoritarian systems (2), shall be determined. Countering terrorism can both proceed within a liberal-democratic and authoritarian surrounding, in the former framework it is delicate though. Thirdly, a decision-making model about state actions on perceived strength and threats (3) will illustrate Ankara's decisions against forces classified as terrorists.

Grasping the multi-layered phenomenon of *terrorism and counterterrorism* (1) requires approaching from different angles. One major academic contribution is Andrew Kydd's and Barbara Walter's "Strategies of Terrorism". Kydd and Walter argue terrorist groups are not alike, just because they pursue tactics of terrorism. Instead, they differ substantially in their roots, their strategies, and their goals³². Other researchers in the field of terrorism and counterterrorism, such as James D. Kiras, developed basic ideas about these political means. His works will help to particularly understand the roots and the functioning of non-state actor violence on a broader global level³³.

One of the key focal points of political science has been the research on *regime types*, above all models of *democracy* (2), the different types of democracies and what features need to be fulfilled in order to be called a democracy. At this point, Juan Linz and Alfred Stepan have expanded the research on authoritarian, totalitarian, or hybrid systems³⁴. Democracies occur in various forms and through Alexis de Tocqueville as classic and Fareed Zakaria as recent author,

³² Kydd, Andrew and Walter, Barbara. "Strategies of Terrorism". *International Security* Vol. 31, No. 1 (Summer, 2006), pp. 49-80.

³³ Kiras, James D. "Terrorism and Globalization" in Baylis, John, Smith, Steve, and Owens, Patricia. *The Globalization of World Politics. An Introduction to International Relations*. 4th ed. Oxford: Oxford University Press, 2008.

³⁴ Linz, Juan J. and Stepan, Alfred C. *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, pp. 38-39. Baltimore, MD: Johns Hopkins University Press, 1996.

these shades of grey have been discussed from different perspectives. Many more scholars have focused on democracy theories.

The conceptual model dealing with a state's motives for making certain political decisions is Benjamin Most and Harvey Starr's *decision-making model* (3). Both scholars developed a framework to explain a state's decision-making, including repression. States have perceptions on their own strength, but they also assess the political opponents' degree of threat. In the light of anti-terror policies, this model can be an useful tool to theoretically back up Ankara's counterterrorist campaigning³⁵.

3.1. Terrorism and Counterterrorism

3.1.1. Terrorism

Even though the term "terrorism" is overwhelmingly used in public debate nowadays, there is no universally accepted and acknowledged definition for a phenomenon which actually can be traced back to the French Revolution 1789. At that time, the radical so-called *Jacobins* took revenge on former elites and supporters of the absolutist king Louis XVI. Kiras emphasized that terrorism started as a form of violence conducted by the state, not by non-state actors as it is being understood nowadays. Two definitions of terrorism shall be provided first. Kiras describes it as a "complex phenomenon open to subjective interpretation"³⁶, adding the definition that terrorism is "the sustained use of violence against symbolic and civilian targets by small groups for political purposes, such as inspiring fears, drawing widespread attention to a political grievance, and/or provoking a draconian or unsustainable response"³⁷. Kydd and Walter chose a more general explanatory definition saying that terrorism is "the use of violence against civilians of non-state actors to attain political goals"³⁸.

What at least those two sources have in common, is that terrorism is seen as acts of violence against civilians, perpetrated by non-state actors. Therefore, it alienates from what the term had stood for. "[T]errorist" is a pejorative term, an instrument frequently used by governments "to

³⁵ Most, Benjamin and Starr, Harvey. *Inquiry, Logic and International Politics*. Columbia, SC: University of South Carolina Press, 1989.

³⁶ Kiras. "Terrorism and Globalization": 372.

³⁷ Kiras, James D. "Irregular Warfare: Terrorism and Insurgency" in John Baylis, James Wirtz, and Colin Gray. *Strategy in the Contemporary World*, 3rd ed., p.187. Oxford: Oxford University Press, 2014.

³⁸ Kydd and Walter. "Strategies of Terrorism": 52.

delegitimize and generalize those who commit such as acts”³⁹, Kiras said. Political scientist Peter Neumann described this undefined political appearance as it follows: ”Terrorism is not considered to be value neutral [...] [It] becomes an object for contention among conflicting parties in a conflict”⁴⁰. Basically, “political conflicts are struggles for power and influence, and part of that struggle is about who labels whom”⁴¹. Due to the fact that power is still centralized into the hands of the state as decisive political actor, it relies upon this state to define who is a terrorist. For this reason, Neumann argues state-induced terrorism is rarely examined in political discussions, also because violent resistance could then gain legitimacy⁴².

Whether a terrorist group has legitimate motives for raising its arms, depends on one’s political perspective. One important aspect of terrorism constantly discussed is the question of *legitimacy* and *morality*, as Martha Crenshaw was quoted by Kiras: “Legitimacy of terrorist means and methods are [therefore] the foremost point of disagreement” among policy makers and many other observers⁴³. For instance, the Realist school of International Relations would argue that terrorism is an illegitimate form of political campaigning because only a state holds the monopoly of force. In addition, the goal of such terrorists need to fulfil certain standards. Legitimacy, public acceptance and sympathies tend to rise if their causes are considered “just”⁴⁴. Crenshaw points out that morality can be judged in two different ways: the morality of the ends and the morality of the means. At the end, the goals insurgents have can be both democratic and non-democratic. While the former potentially aims at reaching “a state of justice, freedom, and equality”, the latter incorporates intentions of “establishing a regime of privilege and inequality”, in order to deny liberty to others⁴⁵. It is certain that in the first place, terrorism is a political means, a product of certain socio-political upheavals that built on complex reasons⁴⁶.

Terrorism as a political means has been going through a transformation. Remarkably, this concept started as a local phenomenon which grew to a transnational one. A whole range of factors accelerated this change from micro to a macro level problem. Kiras presents cultural

³⁹ Kiras. “Terrorism and Globalization”: 372.

⁴⁰ Neumann, Peter and Smith, Mike. “Strategic terrorism: The framework and its fallacies” *Journal of Strategic Studies*, (2005) 28: 4: 574.

⁴¹ Neumann and Smith. “Strategic terrorism: The framework and its fallacies”: 574.

⁴² Neumann and Smith. “Strategic terrorism: The framework and its fallacies”: 574.

⁴³ Kiras. “Terrorism and Globalization”: 372.

⁴⁴ Kiras. “Terrorism and Globalization”: 373.

⁴⁵ Kiras. “Terrorism and Globalization”: 373.

⁴⁶ Aksoy, Deniz and Carter, David “Electoral Institutions and the Emergence of Terrorist Groups” *British Journal of Political Science*, 44, no. 1 (2014): 181–204.

and economic explanations, referring to formerly stable, but today increasingly uprooted identities through the triumph of global capitalism. Moreover, he mentions political causes that have created socio-economic upheavals all around the world, fostering unrelenting fights for power, and through this, opening up deep fault lines. In addition to solid financial means at their disposal, terrorist groups have managed to make use of technological progress, air travel expansion to benefit from fast mobility, mass media and the rapid development of the internet. The latter in particular contributed to reach out a greater audience, brought more publicity, and provided efficient ways to communicate ⁴⁷.

A distinctive approach to terrorists is fundamental to obtain an effective and sustainable anti-terror programme. Kydd and Walter presented five principal strategies as well as five different goals terrorist groups may pursue in order to advocate their political goals ⁴⁸. One intrinsic factor of terrorism is the violence induced by non-state actors against state and civilians. Naturally, violent acts against the civil population do not only cause enormous physical and psychological harm for civilians, it also weakens a government's claim to be the guarantor of security and integrity. Often, despite having the force of monopoly governments end up being torn between conducting harsh suppression and making political concessions. Two scenarios are possible then: A determined anti-terror fight with a more or less successful crushing of terrorist threats on the one hand or - by drastically reinforcing the measures - serving the terrorists' interests on the other hand ⁴⁹.

Without understanding each possible terrorist logic, no solution-oriented counterterrorist strategy could be developed ⁵⁰. Kydd and Walter argue that there are "five strategic logics of costly signalling at work in terrorist campaigns": attrition (a), intimidation (b), provocation (c), spoiling (d), and outbidding (e). By conducting costly terror attacks with a high number of casualties, the government's costs to engage more actively rise as well and the heavier the inflicted costs are, the greater the terrorist threat eventually will be ⁵¹. As they claim, this diverse set of strategies is comprehensive, it covers the most important strategies throughout time, collected into five broader categories ⁵². Correspondingly, state-led counterterrorist mechanism effectively would have to react on those complex threats with more than just a single approach.

⁴⁷ Kiras. "Terrorism and Globalization": 374-379.

⁴⁸ Kydd and Walter. "Strategies of Terrorism".

⁴⁹ Kydd and Walter. "Strategies of Terrorism".

⁵⁰ Kydd and Walter. "Strategies of Terrorism": 51-52.

⁵¹ Kydd and Walter. "Strategies of Terrorism": 59-60.

⁵² Kydd and Walter. "Strategies of Terrorism": 58

3.1.2. Counterterrorism

Based on the favourable conditions for all these strategies Kydd and Walter identified, states can work out possible responses to terrorist threats. Since states are sovereign subjects within the international system, counterterrorist strategies vary considerably from state to state, ranging from individual attempts to resolve this issue to collective means⁵³. After cold war times, technology has developed rapidly, a circumstance that both states and terrorist can benefit from. For state authorities, Kiras suggested pooling resources together, establishing a global anti-terrorism network to detect and fight threats jointly. Kiras urges the existence of an effective intelligence-gathering and non-military actions must refer to the social roots of terrorism. There are controversies on how to combat terrorism, whether standards of rule of law shall play a decisive role and to which extent military operations can actually lead to more terrorist reprisals. Particularly NGOs continuously criticize governments for their “war against terrorism” and emphasize the possible dangers for states to violate law”⁵⁴.

There is a list of anti-terror measures which however also portray risks to infringe principles of rule of law. This refers to curfews, media control or spying, acts that basically violate civil rights and personal privacy. Nonetheless, they have been used as tools to detect potential terrorist threats repeatedly, especially in liberal democracies. Policymakers rather need to outbalance their “justified” actions. Isolating terrorists from their financial and material resources and further, their means of support is certainly indispensable. Furthermore, it is necessary to “identify safe houses, group members and sources of supply”⁵⁵. Additionally, terrorists must be isolated “from their bases of support” as one major step of combat. Kiras specifies the concept “isolation” by breaking it down to “physical separation” and “political alienation”⁵⁶.

Liberal democracies traditionally hesitate to take harshest measurements, for example physically destroying insurgents and regaining territories that serve as terrorist harbours. Both a liberal-democratic state’s institutional design and its dependence on the people’s content are restrictions, terrorist groups usually figure in as well. It is of utmost importance for the state to defuse the irregularly acting opponent’s most valuable asset: its cause and message. Therefore, Kiras advocates a comprehensive approach of involving the causes of the socio-political

⁵³ Kiras. “Terrorism and Globalization”: 383.

⁵⁴ Kiras. “Terrorism and Globalization”: 383.

⁵⁵ Kiras. “Irregular Warfare: Terrorism and Insurgency”: 198.

⁵⁶ Kiras. “Irregular Warfare: Terrorism and Insurgency”: 198-199.

grievances. Further recruitment and the terrorists' popular support must be mitigated, leniency and amnesties after final peace settlement would be effective tactics as well ⁵⁷. Eventually, the effects of terrorism can be kept low "through a combination of offensive and defensive measures" ⁵⁸.

Kydd and Walter based their anti-terror solutions on each strategy. In order to take adequate and sustainable measures against terrorist threats, state authorities should take into account which exact strategy has been used by terrorists and act accordingly. For instance, to combat attrition (a) as first terrorist strategy, governments could concede to less essential issues, to target retaliation, harden likely targets to minimize the costs, prevent access to most destructive weapons and minimize the psychological costs of terrorist violence for the society. Intimidation (b) is best responded to by retaking territories that had been taken and controlled by the terrorists, if the terrorist goals do not aim at a regime change but social control, Kydd and Walter proposed strengthening the law enforcement capacities on a national level to prevent potential sympathizers from obstructing justice.

With regard to the strategy "provocation" (c), a state is supposedly best served if it limits the collateral damages inflicted on the terrorists. Targeting the terrorists' power centre means isolating these particular targets from the general population. One possible way to achieve a state's comparatively strong military and law enforcement capabilities. A fundamental approach to spoiling (d) before the establishment of peace agreements is building up mutual trust. Kydd and Walter describe trust as the key element for reaching peace settlements and reducing each side's vulnerability. Lastly, the terrorist method of outbidding (e) can be opposed by stabilizing competing political factions from the terrorist side into one unified opposition group. Also, strengthening the nonviolent forces within this insurgent resistance could alleviate the efforts for a peace-making process ⁵⁹.

⁵⁷ Kiras. "Irregular Warfare: Terrorism and Insurgency": 198-199.

⁵⁸ Kiras. "Irregular Warfare: Terrorism and Insurgency": 201.

⁵⁹ Kydd and Walter. "Strategies of Terrorism": 64-78.

3.2. Regime Types: Democracy Theories and Authoritarianism

3.2.1. Liberal vs. Illiberal Democracy

Democracy has been analysed through various eyes and it stayed a political concept open to interpretation. Classical writers, among them Jean-Jacques Rousseau and Alexis de Tocqueville dealt with questions of this – at that time – just emerging regime type. De Tocqueville examined the advantages and disadvantages of this systems. In concrete, he appreciates the equality democracy stands for, yet the fact that a majority can rule over a possibly disadvantaged minority involves a certain risk. If this socio-political majority rules over a much less influential minority, there are tendencies to disrespect the latter’s interests and rights. In democracies, a government is built upon a simple majority-based legitimacy, it should be given institutional boundaries though, as de Tocqueville advocated. Otherwise, he fears a political circumstance named “the tyranny of the majority”⁶⁰.

Minority groups would not only be deprived their basic rights; they could effectively experience a lasting exclusion from the political decision-making process. Indispensable consequences will be political, economic and social grievances. Since states with these exclusive features tend to centralize power more easily into the hands of one specific group or groups, their performance does not comply with the term “democracy” in a normative sense. Instead, they only fulfil certain characteristics of such an ideal form of liberal democracy⁶¹. In contrast to de Tocqueville’s suggestion to distribute power horizontally and promote collective participation and integration, illiberal states are characterized by a lack of a comprehensive and unconditioned protection of all citizens⁶².

Zakaria’s illiberal system is described with governing leaderships that are not seldom democratically elected and re-elected. In many cases, regimes of this type systematically disregard constitutional limits on power and deprive basic freedoms. He speaks in favour of free, open, and fair elections and a guarantee for the most prominent civil rights, including freedom of speech, press, assembly and association. Zakaria emphasizes the importance of civic participation which eventually makes a wider public part of the state’s political processes⁶³. On pivotal difference between the two types of democracy is that illiberal states lack genuine

⁶⁰ Tocqueville, Alexis de, Mansfield, Harvey and Winthrop, Delba. *Democracy in America*. Chicago, IL: University of Chicago Press, 2000.

⁶¹ Zakaria, Fareed. “The Rise of Illiberal Democracy” *Foreign Affairs*, (1997) Vol. 76, No. 6, pp. 22-43.

⁶² Zakaria. “The Rise of Illiberal Democracy”.

⁶³ Zakaria. “The Rise of Illiberal Democracy”: 23.

systems of checks and balances in order to prevent an accumulation of power. Separation of powers, in which decision-makers have to deal with constant accountability, rarely exist. In many cases, this results in state leaders bypassing the legislative and ruling through presidential decrees. Institutional constraints have already been eliminated or they have never existed, Zakaria explains. What actually differentiates these types of governments is not democracy but constitutional liberalism. The latter is shaped by political practices based on the rule of law, private property rights, the separation of powers and democratic institutions as well as basic civil rights ⁶⁴.

As Zakaria highlights, a liberal democracy is not constituted through mass plebiscite, similar to the majority ruling over a socio-political minority, but through the model of an impartial judge ⁶⁵. This sort of democracy seeks to protect an individual's autonomy against a forceful coercion from the state, it further protects the individuals' rights to life, property and further freedoms. Another major contrast is that governments in these democracies must accept fundamental laws to restrict their own powers, something that illiberal democracies practically refuse to have ⁶⁶. Elections are seldom fair and free, political competition as key element of pluralism is heavily restricted, also because institutional mechanism to control one another are absent. Rulers hence often mix features of democracies with those from authoritarianism, for example by curtailing civil rights that are considered to be vital for democracies ⁶⁷.

Zakaria furthermore points to the observation of a rising number of illiberal democracies around the world. While in 1997 – when Zakaria's article was published – 50 percent of all states were assigned the label “illiberal”, it has grown to more than 60 percent in 2015 ⁶⁸. Yascha Mounk, political scientist from Harvard University, stated that 2016 serves as a watershed for the rise of illiberal states and that “[m]ajor democracies have seen movements that challenge democratic norms and institutions score victories at the ballot box amid rising economic anxieties and mass migration” ⁶⁹. Mounk expects this trend to continue since the most urgent grievances the world suffers from have not been mitigated significantly. This applies to what

⁶⁴ Zakaria. “The Rise of Illiberal Democracy”: 23.

⁶⁵ Zakaria. “The Rise of Illiberal Democracy”: 26.

⁶⁶ Zakaria. “The Rise of Illiberal Democracy”: 24 – 25.

⁶⁷ Zakaria. “The Rise of Illiberal Democracy”.

⁶⁸ Mukand, Sharun. and Rodrik, Dani. ”Why Illiberal Democracies Are on the Rise” in *The Huffington Post*, 18 May (2015) www.huffingtonpost.com. [28 May 2017].

⁶⁹ Laub, Zachary. “End-Times for Liberal Democracy?” in an interview with Yascha Mounk for *Council on Foreign Relations*, 28 December (2016) <http://www.cfr.org/global/end-times-liberal-democracy/p38618>. [28 May 2017].

Zakaria's said on democratic states increasingly "moving towards heightened illiberalism"⁷⁰.

71.

One common characteristic of illiberalism is the erosion of liberal-democratic guidelines. This proceeds by "steadily encroach[ing] on the powers and rights of other elements in society". Zakaria calls this "usurpation of powers" which can occur both horizontally "from other branches of the national government", and vertical, "from regional and local authorities as well as private businesses and other nongovernmental groups such as the press"⁷². Usurpation could arise both in parliamentary and presidential systems if a government and/or an executive head of state does not face "well-developed alternate centre of power such as strong legislatures, courts, political parties, and regional governments, as well as independent universities and news"⁷³. Presidential systems create particularly favourable conditions for this because in executive presidential systems power sharing elements are constitutionally weaker. Parliamentary systems are seemingly less prone to this circumstance since a government "would have had to share power in coalition government" and parliamentary representative systems are founded upon consensus⁷⁴.

Zakaria consequently speaks in favour of a decentralized form of governance because "decentralized government helps produce limited governments" and liberal democracies are built on checks and balances⁷⁵. A system in which the most important power centres are not mutually checked and limited is characteristic for illiberal democracies. In order to differentiate liberal and illiberal democracies, Zakaria concludes that liberal democracy is "a political system marked not only by free and fair elections but also by the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion, and property"⁷⁶.

In addition to that, Andrew Heywood refines the concept by naming three central features that a liberal-democratic state distinguishes from more autocratic leaderships. It is firstly representative and indirect. Secondly, it is grounded upon competition and electoral choice in the sense of political pluralism. Thirdly, it has a clear distinction between civil society and the state. Governments are under internal and external checks and an open market makes up

⁷⁰ Zakaria. "The Rise of Illiberal Democracy": 24.

⁷¹ Laub. "End-Times for Liberal Democracy?".

⁷² Zakaria. "The Rise of Illiberal Democracy": 102.

⁷³ Zakaria. "The Rise of Illiberal Democracy": 103.

⁷⁴ Zakaria. "The Rise of Illiberal Democracy": 103.

⁷⁵ Zakaria. "The Rise of Illiberal Democracy": 105.

⁷⁶ Zakaria. "The Rise of Illiberal Democracy": 17.

economic life ⁷⁷. Political scientist Sylvia Chan gives another crucial element separating liberalism from illiberalism. By decomposing the term “liberal democracy”, it becomes clear that they are interrelated but “democracy” does not necessarily imply “liberal”. Chan states that “liberal” limits the power of the state through the constitution and creates mechanisms for the civil society to prosper and to be protected from arbitrary and forceful state interference. In contrast, “democratic” sets the guidelines for political competition through elections and multiparty systems on the one hand, and power-sharing through separation of powers and decentralization on the other hand ⁷⁸. *Table 2* shows the two ends of the “democratic scale” and how their respective characteristics differ in detail.

⁷⁷ Heywood, Andrew. *Political Ideologies*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2012.

⁷⁸ Chan, Sylvia. *Liberalism, Democracy and Development*. Cambridge: Cambridge University Press, 2012.

Democracy	Civil Rights	Freedom of the Press and Expression	Liberal	Access to information, free and critical media and possibility to express unfavourable opinions
			Illiberal	Restrictions and pressures on opposing opinions, both in media and in society
		Minorities	Liberal	Rights protected under the rule of law
			Illiberal	Lack most civil rights
		Human Rights	Liberal	Universal protection of basic human and civil rights
			Illiberal	Disrespect for some universal human and civil rights
	Rule of Law	Separation of Powers	Liberal	Legal limitations on power. Separation of powers through institutions
			Illiberal	Remove limitations on power. Legal changes on the benefit of the political elite Accumulation of power through usurpation
		Judiciary Power	Liberal	Independent and functional judiciary system
			Illiberal	Regular interference of the political power
		Accountability	Liberal	Governments are under internal and external checks
			Illiberal	Governments lack of checks and balances
	Political Rights	Elections	Liberal	Free and fair elections
			Illiberal	Irregularities in the electoral process, and limitations on the competing parties Arbitrary practices undermining basic civil rights such as freedom of speech and assembly during the campaign
		Pluralism	Liberal	Representative and indirect form of democracy grounded upon competition and electoral choice. Clear distinction between civil society and state. Political solutions are to be found by majoritarian decision
			Illiberal	Constraints on the representation of different parts of society. Power only in hands of one part of the society
		Freedom of Assembly	Liberal	The right of the civil society to gather is protected. The respect for the Freedom of Assembly is a condition for elections being considered as free and fair
			Illiberal	Constraints on the right of citizens to gather in demonstrations, e.g.

Table 2: Characteristics of liberal and illiberal democracies, own graphic, semester project AAU 7th semester 2015

3.2.2. Authoritarianism

From the ideal of a liberal democracy to a transformed illiberal form of democracy, the next step is an authoritarian system. History has shown that countries both take the ways to more democracy but also opt for the nondemocratic possibility by moving towards authoritarianism. With regard to the first case, Juan J. Linz examined the transition Spain has gone through in the end of the 1970s. However, about the second example, a distinction of authoritarianism is required in order to describe a country's authoritarian turn adequately. Linz defined authoritarianism as follows: "Political systems with limited, not responsible, political pluralism, without elaborate and guiding ideology, but with mentalities, [and] without extensive nor intensive political mobilization (...)" ⁷⁹.

Linz facilitated the discussion by determining the four explanatory variables pluralism (I), ideology (II), mobilization (III) and leadership (IV) as defining characteristics. Unlike in democracies, authoritarianism does not allow political pluralism (I) to make political competition among parties and socio-political factions possible. Yet, there is a relatively high degree of social pluralism that has existed before the authoritarian concentration of power. There is often "some space for semiopposition", but only in a limited framework. Regarding a broader, comprehensive ideology (II), authoritarian systems go without "elaborate and guiding ideology". Nonetheless, there are distinctive mentalities which are supposed to create a more homogenous identity for the citizens. This should serve as glue to bring societal goals into line with the state leader's interests. ⁸⁰.

As mentioned before, mobilization (III) usually does not occur in an extensive or intensive manner, also due to the lack of an all-encompassing totalitarian-like ideology. Leadership (IV) is described as exercised by a state leader or occasionally a small group of people loyal to the leader within formally ill-defined structures, not as clearly following consistent norms as in totalitarian systems ⁸¹. Linz and Margaret Crahan elaborated on the specific features of authoritarian rule. According to them, authoritarianism is conducted by an "arbitrary illegitimate authority" and similar to other nondemocratic regimes, leaders are mostly self-

⁷⁹ Linz and Stepan. *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*: 38-39.

⁸⁰ Linz and Stepan. *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*: 45.

⁸¹ Linz and Stepan. *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*: 45.

appointed and not displaceable by citizens⁸². Those governing can be even elected, voters typically do not possess true choice among political competitors since “there is no freedom to create a broad range of groups, organizations, and political parties to compete for power or question the decisions of the rulers”⁸³. For that reason, it is practically out of question that there is socio-political pluralism, in the sense that party competition proceeds fairly and civil society organizations develop unconstrained from autocratic interference.

One reason for taking reinforced measures of repression, is the fact that they cannot rely on the same basis of legitimacy as totalitarian rulers. Instead, authoritarian systems need to “imitate, incorporate, and manipulate dominant ideological styles”, such as nationalism, a strict state order or a pragmatic incorporation of ideological elements⁸⁴. Without such pervasive mobilization capacities, authoritarian rulers are dependent on alternate strategies to nurture the masses emotionally, for instance by excluding, neutralizing and de-legitimizing socio-political opposition forces. Authoritarian regimes can be designed differently, some entail strong bureaucratic-militaristic traits, some are rather described as personalistic rulerships with patrons from society and economy, associates from various societal spheres, and popular supporters⁸⁵.

3.3. Decision-making model by Most and Starr

Repression is a common tool among decision-makers when taking political measures. For government leaders, nothing is considered more important than defending or enhancing their power position. Benjamin Most and Harvey Starr’s conceptual decision-making model from 1989 aims at explaining state decisions towards opponents, especially by introducing two essential variables. Most and Starr assume that in the decision-making process, government policies are based on pragmatic motives, including the variable *strength* on the one hand and *threats* on the other hand. While strength refers to the regime’s domestic strength (S), a group of opponents can pose a threat (T) to those governing⁸⁶. As a matter of fact, the decision-makers are described as “unified and value-maximizing actors who possess perfect information

⁸² Linz, Juan J. and Crahan, Margaret. “Authoritarianism” in Joel Krieger (ed.) *The Oxford Companion to Politics of the World*, 2nd edition (2001), Oxford: Oxford University Press: 57.

⁸³ Linz and Crahan. “Authoritarianism”: 57.

⁸⁴ Linz and Crahan. “Authoritarianism”: 57.

⁸⁵ Linz and Crahan. “Authoritarianism”.

⁸⁶ Most and Starr. *Inquiry, Logic and International Politics*.

regarding all options and their options”⁸⁷.

The S-T-ratio, the relation between perceived strength and perceived threat, determines whether the regime takes actions against the opponent. The higher the T rises in the regime’s perception, the more likely is its willingness to choose repressive strategies. It is important to note that the regime mainly acts upon its perception on both strength and threat and their respective value to one another. The decision whether to act or not, is eventually based upon the perception and the existence of opportunities. Most and Starr formulated this central ratio of how to understand a regime’s political decision as follows:

*“Regime leaders are motivated (or willing) to take an action to increase their Strength, or decrease the Threat to their regime, posed by their political opponents in times of alarm, when they perceive the regime’s strength is less than the threat or if they perceive Threat is increasing relative to Strength”*⁸⁸

In order to illustrate the mind-set of a regime before applying repressive policies, no less a person than the Adolf Hitler was quoted, probably the worst violator of human rights in modern history. In this very statement, the German Reichskanzler emphasized his willingness to terrorize his political opponents, essentially, to prevent them from protesting against the regime’s atrocities. By spreading fears of death, he facilitates a more complex fight he would have to put up against possibly each individual. Furthermore, the ones still considering to oppose would have received a clear warning for the costs they will have to pay for their resistance⁸⁹.

All in all, persecution and mass murders reflect the plan to increase the perceived strength and decrease the perceived threat. According to Poe, repression is only one of the possible actions a government can take to keep control over opposition groups. If the goal is reducing a threat or increasing its strength, less or no repressive actions could be considered as well. Nevertheless, the outcome might be making concessions to political adversaries which in turn could weaken the regime’s total power position. Due to the fact that the decision-makers are considered value-maximizing actors, harsh measures to suppress critical voices of openly opposing political forces seem pragmatic⁹⁰.

⁸⁷ Most and Starr. *Inquiry, Logic and International Politics*: 126.

⁸⁸ Most and Starr. *Inquiry, Logic and International Politics*: 126-128.

⁸⁹ Poe, Steven and Carey, Sabine. “The Decision to Repress: An Integrative Theoretical Approach to the Research on Human Rights and Repression” in *Understanding Human Rights Violations: New Systematic Studies*, Aldershot: Ashgate Publisher, 2004.

⁹⁰ Most and Starr. *Inquiry, Logic and International Politics*.

4. Analysis

4.1. Turkish anti-terror legislation and government strategies

How has the government's counter-terrorist approach contributed to Turkey's recent democratic development?

Non-state actor violence against state and civilians is an eminent problem in domestic politics. 33 years ago, the Kurdish PKK started its violent campaign against the central state which was under direct military rule. From 1980 on, growing repression by the authoritarian government affected left-wing groups the most, among them the PKK. Kurdish separatism meant a clear violation of fundamental Turkish national interests: its territorial integrity⁹¹. Anti-terror legislation is based on the legislation texts from 1991, when terrorist activities by the PKK gradually increased. Since then, the so-called *Act 3713* "Law to Fight Terrorism" has been into force. Its basic structure has remained intact and by 2017, it was applied to a growing number of forces, the last prominent example was the National Security Council's decision in December 2015 to designate Hizmet a terror organization⁹². In general, *Act 3713* specifies the governments' understanding of terrorism is defined as it follows in Article 1 (1)⁹³:

*"Terrorism is any kind of act done by one or more persons belonging to an organization with the aim of changing the characteristics of the Republic [...], its political, legal, social, secular and economic system, damaging the indivisible unity of the State with its territory and nation, endangering the existence of the Turkish State and Republic, [...], eliminating fundamental rights and freedoms, or damaging the internal and external security of the State, [...] by means of pressure, force and violence, terror, intimidation, oppression or threat."*⁹⁴

Turkish law formally makes a distinction between terrorist offences and criminal offences committed with terrorist aims. While the former are considered as terrorist acts per se, the latter refers to activities harming the state's territorial integrity. In addition to this first article, the subsequent Article 1 (2) and (3) discusses the definition of the term "organization". It is stated

⁹¹ Cornell, Svante. "The Kurdish Question in Turkish Politics", *Orbis*, Winter 2001, vol. 45 (1), 31-47.

⁹² Marks. "ISIS and Nusra in Turkey. Jihadist recruitment and Ankara's response".

⁹³ Zeldin, Wendy. "Turkey; United Nations: Criticism of Anti-Terrorism Laws" in *The Library of Congress* 8 December (2012) <http://www.loc.gov/law/foreign-news/article/turkey-united-nations-criticism-of-anti-terrorism-laws/>. [28 May 2017].

⁹⁴ Republic of Turkey, Ministry of Justice. "Law 3713 on the Fight against Terrorism" in *Official Gazette*, [April 12, 1991] http://www.opbw.org/nat_imp/leg_reg/turkey/anti-terror.pdf. [28 May 2017].

quite generically that at least two people forming a group for a common purpose is sufficient for calling it “organized”. Hereby, Turkish Penal Code defines organizations as mere associations of all kinds, pursuing one or several of the goals mentioned above⁹⁵. Law on Terrorism includes separate, more aggravated punishable offences, such as announcing and publishing declarations of a terrorist organization⁹⁶. In Turkish anti-terror law, being a member of an outlawed “terrorist organization” is by itself a highly punishable offence, even without having conducted any act that corresponds to its goals. In other words: membership is a standalone criterion for being treated as a terrorist even though there has never been an actual terrorist offence. Concretely, Article 2 (1) and (2) provide for the following:

Article 2. (1) Any member of an organization, founded to attain the aims defined in Article 1, who commits a crime in furtherance of these aims, individually or in concert with others, or any member of such an organization, even if he does not commit such a crime, shall be deemed to be a terrorist offender.

(2) Persons who are not members of a terrorist organization, but commit a crime in the name of the organization, are also deemed to be terrorist offenders and shall be subject to the same punishment as members of such organizations⁹⁷.

Persons who are not members but are considered to be affiliated or have already committed a crime according to the assigned organization’s goals, are deemed to be terrorists as well. Besides, each offence additional to the terrorist membership is to be punished separately according to Criminal Code. Art. 314, Turkish Penal Code, furthermore indicates that this is an aggravated form of criminal offence. Any activity related to the cause of an outlawed terrorist organization, such as making propaganda, making publications through articles or leaflets, for instance, in the spirit of the organization’s goals, or shouting slogans as to imply membership to such organisations during demonstrations, can be punished with imprisonment⁹⁸.

At this point, Article 7 (2), (3), (4) of Act 3713 is more comprehensive. Assisting such organisations “in the form of buildings, premises, offices or extensions of associations, foundations, political parties, [...] or their affiliates [...]” shall be punished on the foundation of terror laws⁹⁹. These lines therefore cover major parts of the political and civil society sphere in which political opponents or terrorists could possibly operate against the state. Article 8 (1)

⁹⁵ Republic of Turkey, Ministry of Justice “Law 3713 on the Fight against Terrorism”.

⁹⁶ Legislationonline “Turkey – Counter-Terrorism”. [January 2011]
<http://www.legislationline.org/topics/country/50/topic/5>. [28 May 2017].

⁹⁷ Republic of Turkey, Ministry of Justice “Law 3713 on the Fight against Terrorism”.

⁹⁸ Legislationonline “Turkey – Counter-Terrorism”.

⁹⁹ Republic of Turkey, Ministry of Justice “Law 3713 on the Fight against Terrorism”.

deals with alleged indivisibility of the Turkish national state. Any attempts to challenge this cornerstone of the Turkish Republic is a terrorist offence. More precisely, it says that “[w]ritten and oral propaganda and assemblies, meetings and demonstrations aimed at damaging the indivisible unity of the Turkish Republic with its territory and nation are forbidden, regardless of the methods, intentions and ideas behind such activities”¹⁰⁰. Since terrorism is a criminal offence with heightened severity and a subcategory of organised crime, law justifies special aggravated forms of investigation and procedural measures¹⁰¹.

Regarding prosecution, terrorism falls under the jurisdiction of special courts. They have special competencies on all aspects of investigations as well as potential incarcerations of suspected persons and the final provisions on suspected. Court verdicts on alleged terrorist cases turn out to be more severe than in usual criminal cases, suspects have to expect long-standing sentences in prison with less opportunities for conditional releases¹⁰². This also affects suspected in custody before trials, where periods of several years of investigation are not seldom¹⁰³. From 2003 on, amnesties and re-socialization programmes were enacted to combat terrorist threats more sustainably, especially the one deriving from the PKK. In this period, terrorists with special expertise on the structure and activities were encouraged to provide such information in order to either be free of criminal charges, or receive a diminution of their sentence¹⁰⁴.

Following the official stance of the Turkish Ministry of Foreign Affairs (MFA), the fight against terrorism has become a pillar of Turkish politics. Today’s Turkey is fighting against four major terror groups: Ethnic separatists from the PKK, leftists from the DHKP-C, radical Islamists from mainly Al-Qaida, ISIS and al-Nusra, and religious conservatives from Hizmet. As terrorist organizations, such as the PKK, ISIS and the Gülenist network operate beyond borders, some anti-terror policies are coordinated with international partners, on a European and UN level. The MFA’s stance on who to be assigned a terrorist label is yet disputed in the international community, in particular among EU member states. Due to the transnational character of terrorism, Turkey has called for international cooperation on this phenomenon¹⁰⁵.

¹⁰⁰ Republic of Turkey, Ministry of Justice “Law 3713 on the Fight against Terrorism”.

¹⁰¹ Republic of Turkey, Ministry of Justice “Law 3713 on the Fight against Terrorism”.

¹⁰² Republic of Turkey, Ministry of Justice “Law 3713 on the Fight against Terrorism”.

¹⁰³ Legislationonline “Turkey – Counter-Terrorism”.

¹⁰⁴ Legislationonline “Turkey – Counter-Terrorism”.

¹⁰⁵ Republic of Turkey, Ministry of Foreign Affairs (MFA). “Turkey’s Contributions to International Community’s Efforts to Fight Terrorism”. (2017) http://www.mfa.gov.tr/turkey_s-contributions-to-international-community_s-efforts-to-fight-terrorism.en.mfa. [28 May 2017].

The country considers all acts of terrorism “unjustified”, regardless their original motivation and causes. It calls for more international cooperation in prosecuting and extraditing corresponding individuals and collectives. Its international partners shall provide assistance on the one hand, and refrain from discriminating between terrorist groups on the other hand. Any attempt to affiliate with is wrong and plays in their hands, the MFA argues ¹⁰⁶. In this context, Foreign Minister (FM) Mevlüt Çavuşoğlu underlined that “there is no difference between PKK and *Daesh*” ¹⁰⁷. Likewise, President Erdoğan repeatedly emphasized the importance of combatting terrorism relentlessly and demonstrated his and the state’s wide interpretation of terrorism. Whether terrorists “are holding a gun or a bomb” or whether they “use their position and pens to serve the aims of terrorists” does not matter ¹⁰⁸.

Turkey lists a proliferation of terrorist activities all around the world. These terrorists have managed to inflict “serious physical harm, disseminate their ‘narratives’ and to lure disillusioned young people to commit heinous forms of violence” ¹⁰⁹. In order to act efficiently against this global threat, global responses in an atmosphere of international solidarity need to be found. The MFA highlights the United Nations’ (UN) efforts on the fight against terrorism, especially the broader legal framework through their resolutions 1267 and 1373. Basically, Turkey is party of all UN counter-terrorist instruments, such as the UN Counter-Terrorism Centre (UNCCT) ¹¹⁰.

In the European scope, Turkey signed the “Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism” in October 2015. It “criminalize[s] the movement of those who transit through the country in order to join the Islamic State in Iraq and the Levant [...]”. Training for terrorism as well as funding or organizing travel for terrorism are being punished too ¹¹¹. Subjected to the Ministry of Interior, the National Police (TNP) is engaged in preventive actions to reach out to risk communities. Its outreach programme seeks to address

¹⁰⁶ Republic of Turkey, Ministry of Foreign Affairs (MFA). “Turkey’s Contributions to International Community’s Efforts to Fight Terrorism”.

¹⁰⁷ Candrowitz, Leo and Weise, Zia. “Turkey-Kurdish Conflict: President Erdoğan’s double-edged war against the PKK and Isis brings accusations of electioneering” in *The Independent*. 28 July (2015) <http://www.independent.co.uk/news/world/middle-east/turkey-kurdish-conflict-president-erdogans-double-edged-war-against-the-pkk-and-isis-brings-10422726.html>. [28 May 2017].

¹⁰⁸ BBC News. “Ankara Bombing: Erdoğan seeks to widen terrorism definition” in *BBC News*. 14 March (2016) <http://www.bbc.com/news/world-europe-35807987>. [28 May 2017].

¹⁰⁹ Republic of Turkey, Ministry of Foreign Affairs (MFA). “Turkey’s Contributions to International Community’s Efforts to Fight Terrorism”.

¹¹⁰ United Nations (UN) Counter-Terrorism Implementation Task Force. “Membership and Structures” (2017) <https://www.un.org/counterterrorism/ctitf/en/membership-and-structure>. [28 May 2017].

¹¹¹ Counter-Extremism Project. “Turkey: Extremism & Counter-Extremism”. (2017) https://www.counterextremism.com/sites/default/files/country_pdf/TR-04282017.pdf. [28 May 2017].

young people in rural and economically disadvantaged provinces, supposedly more prone to terrorist narratives. Within the TNP, another unit is dealing with counterterrorism: The Counter-Terrorism Academy (TEMAK). Further specialised units tackling terrorism are the Intelligence Department and the specific Counter-Terrorism Department of the TNP. With the Special Operations Department there is another specialised police department responsible for providing special raid teams in counter-terrorism operations ¹¹².

In summer 2015, the government has implemented a programme to reward citizens who report suspected terrorist threats. Rewards for information which lead to the arrest of possible terrorists can reach up to 1 million US-Dollar ¹¹³. The state has furthermore engaged in also addressing young men, specifically devout Muslims in the areas above where ISIS-related networks and particularly radical Islamist prayers may succeed in recruiting. Measures coordinated with the Directorate of Religious Affairs (Diyanet) concentrate on counterterrorism (CT) and counter violence extremism (CVE), whereas the latter is created to prevent Turkish nationals from being recruited by so-called Salafists. Diyanet is under the direct monitoring of the government, it operates mostly domestically but also in the Turkish diaspora abroad ¹¹⁴. With regard to the the Gülen network, Diyanet has apparently been charged with keeping under surveillance and reporting alleged Gülenists abroad. These disputed methods – supposedly carried out by the Turkish Intelligence Service (MiT) - applied to cases in Germany where Turkey’s top religious authority is influential ¹¹⁵.

The government has reinforced its firm hand in the anti-terror fight. As a result, the interrelated political conflicts intensified, including the Kurdish Conflict. Despite a long-standing hardline approach against Kurdish organizations [see 1], Ankara’s campaign against its largest minority has considerably escalated in recent times. Counterterrorism acts have affected both PKK terrorists and militant insurgents, and representatives from the political opposition and the civil society ¹¹⁶. Since the bombing attack of Suroç in July 2015, a heavy war between Turkish security forces and Kurdish militias broke out. The NGO International Crisis Group (ICG) continuously updates casualties on Turkey’s PKK conflict that has long since spilled over to

¹¹² Counter-Extremism Project. “Turkey: Extremism & Counter-Extremism”.

¹¹³ Counter-Extremism Project. “Turkey: Extremism & Counter-Extremism”.

¹¹⁴ Marks. “ISIS and Nusra in Turkey. Jihadist recruitment and Ankara’s response”.

¹¹⁵ Stockholm Center for Freedom. “Germany Informs Gülen Sympathizers about MiT Surveillance”. 28 March (2017) <http://stockholmcf.org/germany-informs-gulen-sympathizers-about-mit-surveillance/>. [28 May 2017].

¹¹⁶ Institute for Security and Development Policy (ISDP) “Turkey’s Kurdish Conflict: 2015 – Present”. (2016) <http://isdpu.eu/publication/turkeys-kurdish-conflict-2015-present/>. [28 May 2017].

the civilian sphere. In May 2017, the total number of casualties were at 2,748. ICG further separated the casualty groups in civilians, PKK-militants, youth of unknown affiliation and security forces, visible in *Table 3*¹¹⁷.

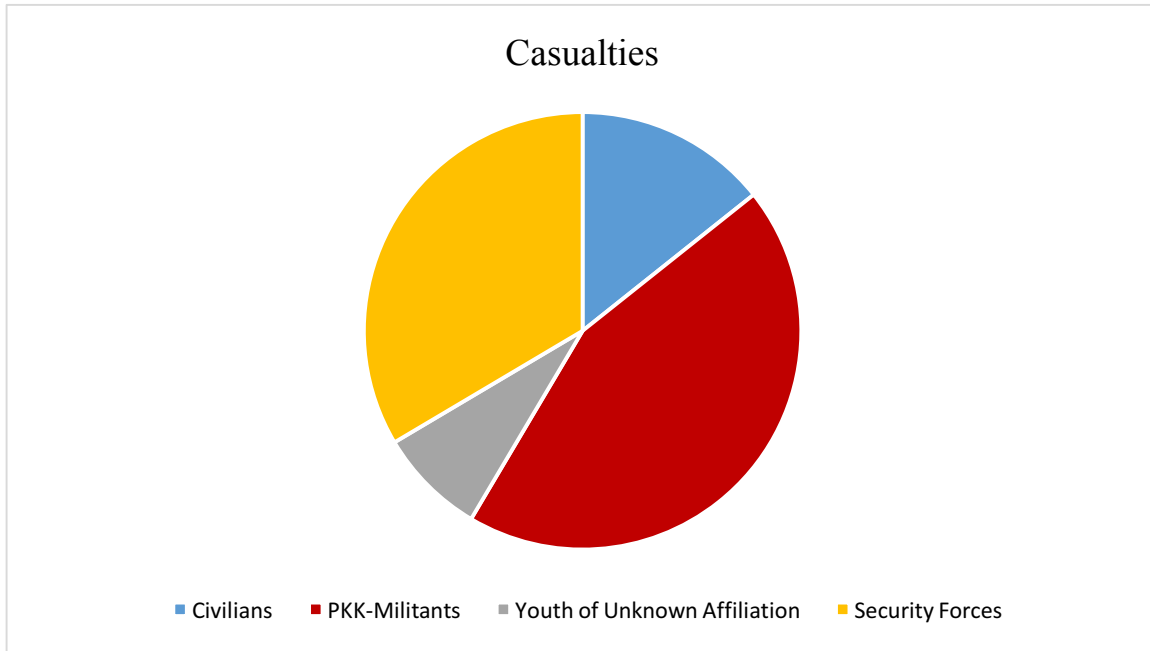


Table 3: Total Casualty rates in the Turkish-Kurdish Conflict, July 2015 – May 2017, own graphic¹¹⁸

Table 3 shows the military character the conflict has absorbed. Through large-scale military operations, the impacts on the civil population and its infrastructure have turned out to be immense. While up to 3,000 people have been killed, about 500,000 civilians have been displaced¹¹⁹. Moreover, the use of heavy artillery and airstrikes has caused a huge infrastructural damage on cities. The most affected regions were the Turkish-Syrian bordering provinces of Diyarbakır, Mardin, Şırnak and Hakkâri where a range of towns and villages were entirely destroyed¹²⁰. Officially, these measures were justified as necessary anti-terror policies after repeated PKK-inflicted terrorist violence against state security and civilians. The plan has evidently been targeting PKK strongholds in the Southeast militarily, but also the non-military law enforcement capacities were strengthened. Yet, units connecting military, police law

¹¹⁷ International Crisis Group (ICG). “*Turkey’s PKK Conflict: The Rising Toll*”.

¹¹⁸ International Crisis Group (ICG). “*Turkey’s PKK Conflict: The Rising Toll*”.

¹¹⁹ Institute for Security and Development Policy (ISDP) “*Turkey’s Kurdish Conflict: 2015 – Present*”.

¹²⁰ International Crisis Group (ICG). “*Managing Turkey’s PKK Conflict: The Case of Nusaybin*” (2017) <https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/243-managing-turkeys-pkk-conflict-case-nusaybin>. [28 May 2017].

enforcement and intelligence tasks, such as the TNP and the Gendarmerie, were assigned special roles to fight terrorism ¹²¹.

In addition to the military aspect, the central state's approach to address the terrorist threat against the PKK also included political and administrative steps. A massive crackdown on Kurdish or at least pro-Kurdish lawmakers from the leftist Democratic Peoples' Party (HDP) has been seen. As a result, around 9,000 members of the HDP were detained, 3,000 of them have remained behind bars. Eleven members of parliament from the HDP, among them both co-chairs are still imprisoned. The HDP's sister party Democratic Regions Party, the democratically elected political representative in more than 103 Kurdish-dominated municipalities has been affected too. While 84 districts have been stripped of and handed over to AKP-trustees, 89 local politicians of the party are arrested ¹²². On the administrative level, the authorities imposed curfews on a large number of inhabited zones in the Kurdish-dominated Southeast. Despite its impact on the humanitarian situation, the government insisted on the curfews, eventually leading to a worsening of water, food and medical care supplies. Especially after the coup attempt, curfews, martial law and above all the state of emergency allowed the government to target adversaries widely ¹²³.

In the course of the ongoing post-coup purge, dozens of Kurdish-based and pro-Kurdish media outlets have been shut down on terror propaganda allegations, all on executive decree within the state of emergency. It resulted in the closure of print and online media, TV and radio stations, magazines and news agencies. Additionally, dozens of journalists with Kurdish origin or a supposedly pro-Kurdish attitude have been arrested ¹²⁴. This has also affected civil society organizations and ten thousands of individuals working in political, cultural, or educational fields who experienced detentions, arrests and dismissals, for example 11,000 teachers were detained for purported PKK links ¹²⁵. Authorities have made anti-terror charges also on academics who had signed critical declarations on the government's heavy-handed approach on the Kurds after the resurgence of violent clashes ¹²⁶.

¹²¹ Institute for Security and Development Policy (ISDP) "Turkey's Kurdish Conflict: 2015 – Present".

¹²² Bayramoğlu, Ali. "No end in sight for Erdoğan's purges after referendum" in *Al-Monitor*. 4 May (2017) <http://www.al-monitor.com/pulse/originals/2017/05/turkey-referendum-emboldened-new-purges-bans.html#ixzz4gDK4RiVt>. [28 May 2017].

¹²³ Institute for Security and Development Policy (ISDP) "Turkey's Kurdish Conflict: 2015 – Present".

¹²⁴ P24 – Platform for Independent Journalism "Journalists in State of Emergency 56". 13 April (2017) <http://platform24.org/en/media-monitoring/467/journalists-in-state-of-emergency---56>. [28 May 2017].

¹²⁵ Freedom House. "Freedom in The World 2017".

¹²⁶ Bayramoğlu. "No end in sight for Erdoğan's purges after referendum".

One of the most targeted socio-political faction is the diffuse group of so-called Gülenist sympathizers [see 2]. Before 2013, the Gülen movement was a close and powerful ally for then PM Erdoğan's AKP in order to garner conservative religious voters and to fill posts in the state, especially authorities, judiciary and the armed forces old Kemalists have held for decades. Due to internal power struggles between the two camps of Sunni-Islamist roots and a growing personal alienation between Erdoğan and Gülen, the alliance broke down ¹²⁷. Meanwhile, Hizmet as an organization has been outlawed, members and alleged sympathizers of the Islamist network have been facing extensive purges. According to official statements, Hizmet's spiritual leader Fethullah Gülen orchestrated the July 2016 coup attempt against the AKP ¹²⁸.

As a consequence, about 130,000 civil servants have been eliminated, around 120,000 have been detained, 50,000 remain arrested and another 40,000 were released under judicial control. As it was reported, 40,000 people were remanded in pre-trial custody on the same allegations ¹²⁹. According to Interior Minister Süleyman Soylu, approximately 11,000 police officers are arrested, also 7,500 soldiers, 2,500 judges and prosecutors, 26,000 civilians and 200 administrative staff. These measures are perpetual, only recently, authorities ordered the suspensions and detentions of more than 10,000 citizens from police, military and state services, in these cases charging the affected people for sympathising with the Gülenist movement ¹³⁰.

The state of emergency was first imposed on July 20, 2016 as a direct reaction on the coup events. It was extended for another three months in April 2017 to re-establish state order ¹³¹. Measures included innumerable police raids, pre-trial detentions and warrants, but also the aforementioned mass dismissals. Moreover, deepening intelligence activities, such as spying and technical surveillance of suspected persons and the order to denounce people with supposed Hizmet links were taken. Since Hizmet is classified as terror organization, all these actions were justified under counterterrorist aspects ¹³². A vast majority of anti-terror policies against the Gülen movement have been concentrated on Turkey itself, attempts to diminish Mr. Gülen's influence abroad have taken place as well. Ankara's recent efforts to fight FETÖ have caused diplomatic tensions with other countries, among them Germany and Greece on the one hand

¹²⁷ Karaveli. "Turkey's Fractured State".

¹²⁸ Republic of Turkey, Ministry of Foreign Affairs (MFA). "July 15th 2016 – People's Victory". (2017) <http://15.07.gov.tr/#perpetrators>. [28 May 2017].

¹²⁹ Turkeypurge "Monitoring human rights abuses in Turkey's post-coup crackdown".

¹³⁰ Bayramoğlu. "No end in sight for Erdoğan's purges after referendum".

¹³¹ Human Rights Watch (HRW) "Turkey: End State of Emergency after Referendum Support Equal Rights, Reject Death Penalty".

¹³² Counter-Extremism Project "Turkey: Extremism & Counter-Extremism".

and the United States on the other hand ¹³³. While in the former cases soldiers and officers seek for political asylum, the latter country has constantly rejected to extradite Gülen to Turkey ¹³⁴.

A third terrorist threat the country has seen throughout the last years, was the radical Islamist one [see 3]. Latest effort to counter this growing phenomenon have centred on the structures of the most powerful Jihadist organization: ISIS. Strengthened by the territorial and strategic victories in the Middle East, ISIS furthermore succeeded in using Turkey as a haven to retreat, recruit, transit, operate and even cooperate. Despite the rise of Salafist militancy in Turkey, the government's decision to take serious steps against radical Islamists came relatively late. After a couple of further terror attacks, the authorities obviously reinforced their counterterrorist efforts ¹³⁵. ISIS is Turkey's most prominent Jihadist terror threat, the range of terrorists from the same political ideology varies though. Experts count at least Al-Qaeda, the Turkish-Kurdish Hezbollah, the Turkish Islamic Jihad, the Muslim Brotherhood, Hamas, Jabhat al-Nusra, Ahrar al-Sham and Jaysh al-Islam into this risk group of militant Islamists ¹³⁶.

In addition to preventing radicalization and participating in the anti-ISIS coalition, the government has improved the capacities in specialised counterterrorist departments within police, military, judiciary and intelligence services. While these programmes are particularly focused on the traditionally ultra-conservative provinces of Adiyaman, Gaziantep, Konya and Bingol, Turkey also engages militarily in parts of Syria and Iraq ¹³⁷. Currently, the Turkish-Syrian border is closed and a security wall is being erected in order to control the movements of refugees, potential terrorists, and foreign fighters. Also, it aims at terminating interactions between Turkish and Syrian Kurds. For this reason, the state's activities to fight terrorism from the radical Islamist sector affects both domestic and foreign policies.

¹³³ Dearden, Lizzie. "Germany set to ban Turkish Citizens from Voting in Death Penalty Referendum - Hundreds of Turkish Officials, Soldiers and Judges seeking Asylum in Germany after Coup" in *The Independent*. 6 May (2017) <http://www.independent.co.uk/news/world/europe/germany-turkey-death-penalty-referendum-voting-ban-merkel-erdogan-gulen-coup-eu-refugees-asylum-a7721301.html>. [28 May 2017].

¹³⁴ Tee, Caroline. "The Gülen Movement in Turkey: The Politics of Islam and Modernity". London: I.B. Tauris, 2016.

¹³⁵ Bulman, May. "Hundreds of Isis suspects arrested during anti-terror crackdown in Turkey" in *The Independent*. 5 February (2017). <http://www.independent.co.uk/news/world/middle-east/turkey-isis-arrested-detained-suspects-ankara-istanbul-nightclub-terrorist-terror-islamic-state-a7563701.html>. [28 May 2017].

¹³⁶ Marks. "ISIS and Nusra in Turkey. Jihadist recruitment and Ankara's response".

¹³⁷ Counter-Extremism "Turkey: Extremism & Counter-Extremism".

4.2. Democratic Development in 2015 and 2016

Turkish democracy is experiencing hard times, at least since the violent crackdown of anti-government protests in Istanbul's central Gezi park in June 2013. Additional to the events of Gezi, 2013 was also a turning point because for two other reasons. One is the corruption scandal of then PM Erdoğan. However, Mr. Erdoğan managed to escape from any juridical responsibility, instead he ordered the dismissal and relocation of judges and prosecutors. The second crucial incident in this year was the showdown for power between Erdoğan's AKP and Gülen's Hizmet movement which led to the eventual split of the two conservative Islamic-conservative camps¹³⁸. Later, in 2015, further developments have turned Turkey into a focal point of international politics. Developments, such as the resurgence of the Turkish-Kurdish Conflict in 2015, the 2016 coup attempt and the post-coup purge are directly correlating with its democratic development.

After the referendum on April 16, 2017, the Turkish representative democracy will soon be remodelled into an executive presidential system. Checks and balances, the exertion of influence within the political decision-making process will be suppressed. Instead, power will be concentrated into the office of an executive president who is entitled to dissolve the parliament at any time, ruling on executive decrees and electing the judges, among other key positions in government, state bureaucracy, and educational system¹³⁹. Many observers agree that Turkey has chosen an authoritarian path, alienating from democratic principles, in particular after the coup night of July 15, 2016¹⁴⁰. The country's eventual development in terms of democracy shall be described in the following section, supported by empirical data from NGOs, academics and topical media reports. Hereby, the concrete timeframe will be built on the years 2015 and 2016, also because in this very period, the government's counterterrorist approaches solidified the most.

¹³⁸ Cornell, Svante and Kaya M.K. "The Naqshbandi-Khalidi Order and Political Islam in Turkey". 3 September. (2015) <https://hudson.org/research/11601-the-naqshbandi-khalidi-order-and-political-islam-in-turkey>. [28 May 2017].

¹³⁹ Australian Institute of International Affairs "Turkey: On the Road to a Presidential System". 14 February (2017) <http://www.internationalaffairs.org.au/global-wire/turkey-on-the-road-to-a-presidential-system/>. [28 May 2017].

¹⁴⁰ Cornell, Svante. "Is Turkey Becoming a Banana Republic?" in *The Turkey Analyst*. 20 July (2016). <https://www.turkeyanalyst.org/publications/turkey-analyst-articles/item/561-is-turkey-becoming-a-banana-republic?.html>. [28 May 2017].

4.2.1. Democratic development in 2015

To give a detailed picture of the state of Turkish democracy, political criteria will be object of the analysis. These effectively comprise political rights, civil rights and the rule of law, economic rights and the compliance to economic standards shall not be part of the analysis of Turkey's democratic quality. In **2015**, Turkey was given a political assessment with clear downward trend, meaning that international observers have seen its democratic performance declining. Freedom House concluded that “due to renewed violence between the government and Kurdish militants, terrorist attacks by [ISIS], and intense harassment of opposition members and media outlets by the government and its supporters ahead of November parliamentary elections”, the democratic arrow went down ¹⁴¹. Harassments referred to the election campaigns of opposition parties, namely the Republican People's Party (CHP) and the HDP ¹⁴².

One decisive aspect of political rights is **pluralism**. Pluralism in Turkey is traditionally a question of how well integrated socio-political groups are in the political system and its decision-making processes. Here, the Turkish-Kurdish relations are of major importance. As a result on the Suruç attack and the subsequent retaliation acts of PKK, the conflict between the Turkish centre and the Kurdish periphery flared up again. Since the AKP and the National Movement Party (MHP) accuse the HDP to be the PKK's political arm, the HDP's standing as legitimate party suffered considerably. When on October 10, 2015 left-wing activists gathered outside Ankara's Central Station to have a peace rally, a bombing killed 102 people, most of them of Kurdish origin. Until today, this act is listed as the deadliest terror attack in modern Turkish history ¹⁴³.

The political debate afterwards is remarkable. While the HDP received more than 13% in June 2015, the November elections ended with only slightly above the 10% threshold. The EU commission's annual progress report reckons the threshold a “shortcoming of the legal framework” ¹⁴⁴. In fact, compared to other parliamentary democracies, Turkey's institutional mark of 10% is high and it proved to be an actual obstacle for minority groups, such as the

¹⁴¹ Freedom House “Freedom in the World 2016: Turkey”. (2016) <https://freedomhouse.org/report/freedom-world/2016/turkey>. [28 May 2017].

¹⁴² Freedom House “Freedom in the World 2016: Turkey”.

¹⁴³ Jenkins. “The Kurdish issue and Turkey's narrowing tunnel”.

¹⁴⁴ European Commission (EC) “Commission Staff Working Document, Turkey 2015 report”: 7 (2016). https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2015/20151110_report_turkey.pdf [28 May 2017].

Kurds¹⁴⁵. The campaigning phase, can be therefore considered unfair and harmful for Turkey’s pluralistic democracy. All in all, socio-political pluralism was depicted relatively well through the variety of parties entering the parliament. On the political spectrum, the representation ranged from the right-wing Nationalist MHP, the Islamic-conservative AKP, the centrist secular CHP to the left-wing pro-Kurdish HDP.

For a country’s **democratic design**, the functioning of electoral processes plays a significant role. Turkish citizens were asked to vote for general elections twice, in June and November. The EC noticed a deeper political divide between government and opposition factions, both before and after the elections¹⁴⁶. The overall atmosphere of Turkish politics was tense, leading to controversial results on the November re-election which the AKP clearly won. *Table 4* illustrates the election results from June, in which – highlighted positively by observers – diverse forces succeeded in challenging the consolidated absolute majority of the AK party. For the first time in the history, a pro-Kurdish party from the political left cleared the 10% threshold. Also, the turnout of 84 % was a record for general elections in Turkey. The EC rated it as an indicator of a more politicised society and proof for a vivid and responsive democratic system.

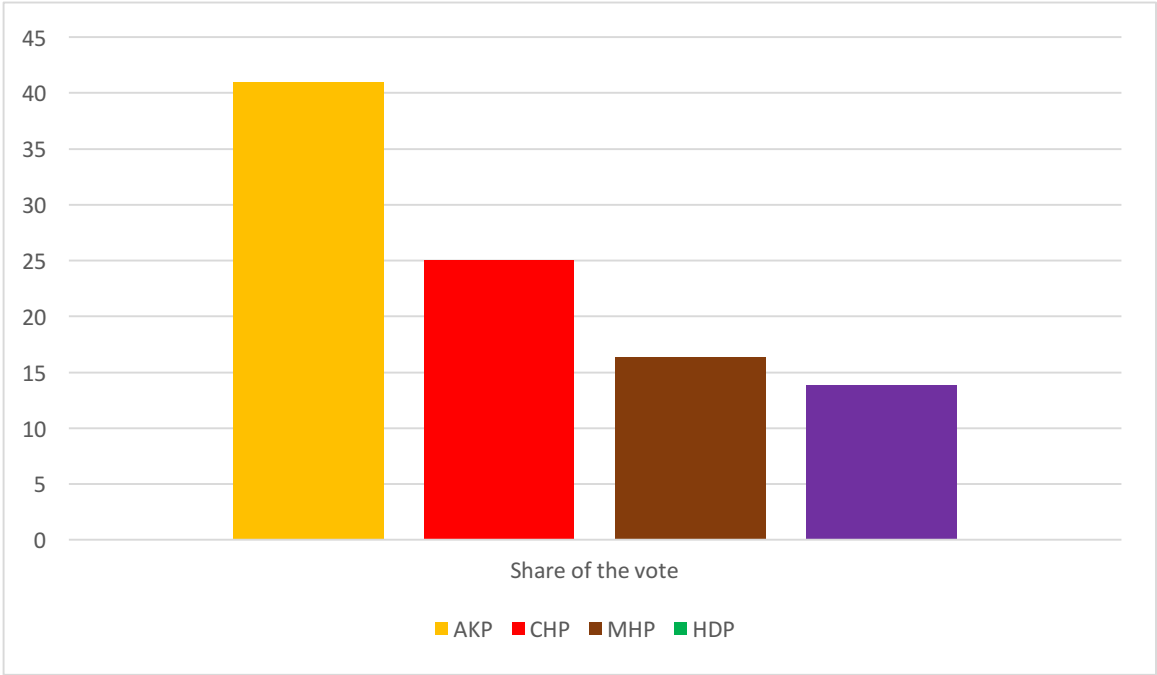


Table 4: Electoral results, June 2015, own graphic¹⁴⁷

¹⁴⁵ Karaveli. “Reconciling Statism with Freedom: Turkey’s Kurdish opening”.
¹⁴⁶ European Commission (EC) “Commission Staff Working Document, Turkey 2015 report”.
¹⁴⁷ Letsch, Constanze and Traynor, Ian. “Turkey election: ruling party loses majority as pro-Kurdish HDP gains seats” in *The Guardian*. 7 June (2015) <https://www.theguardian.com/world/2015/jun/07/turkey-election-preliminary-results-erdogan-akp-party>. [28 May 2017].

Table 5 refers to the results of the November 2015 elections. The AKP won back the absolute majority. For the MHP and the HDP, the re-election meant a loss of votes. The turnout rose up to 85%, yet the atmosphere of the election campaigns was tense and unequal, as the EC concluded. Campaigning equally and freely was hardly possible, also due to the devastating Ankara terror attack which reinforced the fault lines. In general, the EC welcomed the diversity of parties represented in the parliament, it however raised doubts about the functioning of the parliamentary work in Turkey’s polarized environment. The EC faulted several aspects that proved not be in line with EU guidelines, such as the system of parliamentary immunity, the threshold for minor parties to enter and the parliaments capacities to oversight the executive ¹⁴⁸.

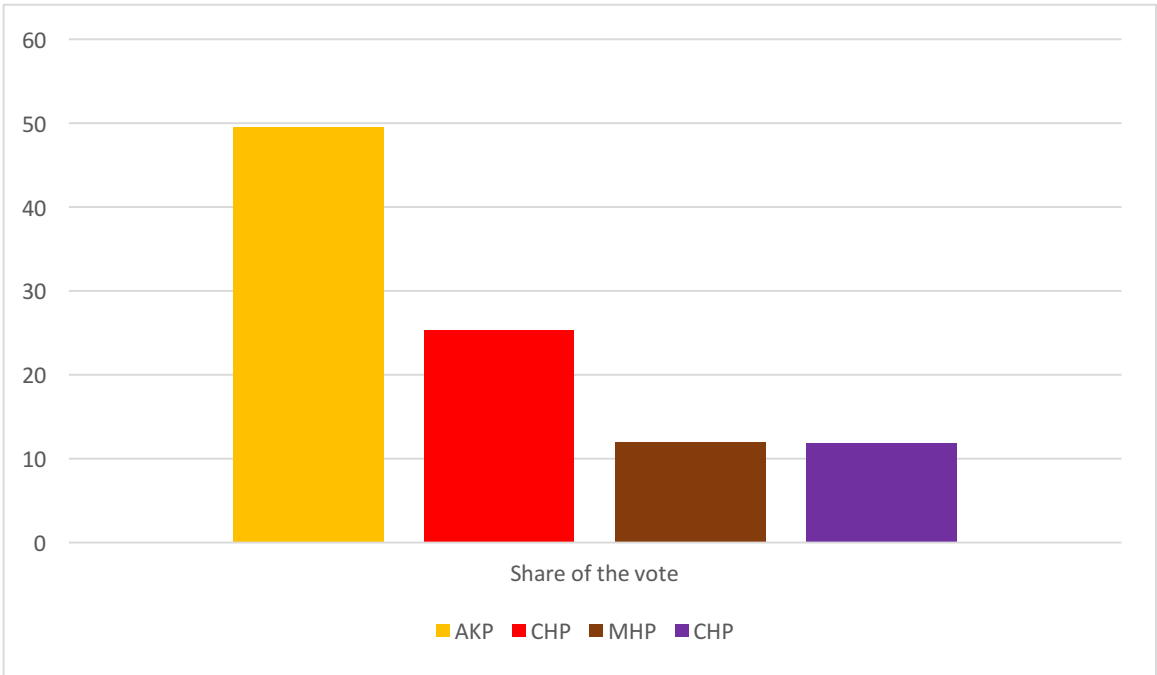


Table 5: Electoral results, November 2015, own graphic ¹⁴⁹

The development of the civil society seemed to have experienced a worsening. Even though **freedom of expression** is constitutionally guaranteed, cases of classic repression were observed. Journalists and media outlets, critical to the AKP-led government and the president in particular, were affected by these repressive acts. Freedom House said that “dozens of intellectuals and journalists have been jailed, particularly on terrorism charges”. Government harassment of journalists is common, especially if they report about the state’s acting in the Kurdish issue, including the Ankara bombing and potential state involvement. By raiding

¹⁴⁸ European Commission (EC) “Commission Staff Working Document, Turkey 2015 report”.

¹⁴⁹ Weaver, Matthew. “Turkey election: Erdoğan’s AKP wins outright majority – as it happened” in *The Guardian*. 1 November (2015) <https://www.theguardian.com/world/live/2015/nov/01/turkey-election-2015-live-updates>. [28 May 2017].

offices of opposition-aligned media and stricter judicial prosecution of critics, the government intensified its “anti-terror” measures in autumn 2015 ¹⁵⁰.

Media generally considered to be close to opposition groups, such as the Kurds or conservative circles of Gülen were shut down, put under government trusteeship, and restricted in covering stories accusing the government of unlawful practices. Among them, the well-known newspapers *Hürriyet* and *Cumhuriyet* and the TV stations *Kanaltürk* and *Bugün TV* were accused of terror propaganda in favour of the PKK and Hizmet ¹⁵¹. It emphasized the progress seen in regarding the people’s freedom of expression before 2013, in 2015 there was a clear “backsliding” though. Politically delicate and controversial issues were increasingly hard to discuss in public through media, academia and the ordinary parliamentary processes. The authorities demonstrated their determination to open up criminal cases, mostly on terrorism charges, against citizens discussing these sensitive topics and therefore, opposing to the government line ¹⁵². This atmosphere of suppressing, threatening and even physically attacking critics harmed the development of this particular right. In 2015, the EC counted 20 journalists imprisoned in Turkey. Much of the repression and intimidation of journalists referred to events in the Kurdish-dominated Southeast, where the Turkish state has committed various human rights violations since the 1990s ¹⁵³.

Extreme forms of violence were carried out both by the state and non-stat actors in 2015. The state’s response “Operation Martyr Yalçın” to a deadly PKK retaliation act in July 2015 against a Turkish soldier were immense. As already mentioned, Ankara willingness to wage a new war against PKK forces had devastating impacts on the rights of physical integrity, in this context mostly called **right to life**. The statistics about killed and wounded civilians in the predominantly Kurdish-inhabited Southeast of Turkey where this has taken place for the most part, speak a clear language. While towns and villages as a whole were reduced to rubble, the state’s violence often exceeded boundaries of appropriateness, the ICG showed in its open-source graphics. Only in 2015, the ICG counted a total number of casualties of 655, whereas 123 civilians, 80 youth of unknown affiliation, 244 PKK militants and 215 Turkish security personnel were killed. *Table 6* demonstrates the development of casualties in the conflict for the year 2015, giving evidence on the massive violations on the right to life ¹⁵⁴.

¹⁵⁰ Freedom House “Freedom in the World 2016: Turkey”.

¹⁵¹ Freedom House “Freedom in the World 2016: Turkey”.

¹⁵² European Commission (EC) “Commission Staff Working Document, Turkey 2015 report”: 22-23.

¹⁵³ European Commission (EC) “Commission Staff Working Document, Turkey 2015 report”: 22-23.

¹⁵⁴ International Crisis Group (ICG) “*Turkey’s PKK Conflict: The Rising Toll*”.

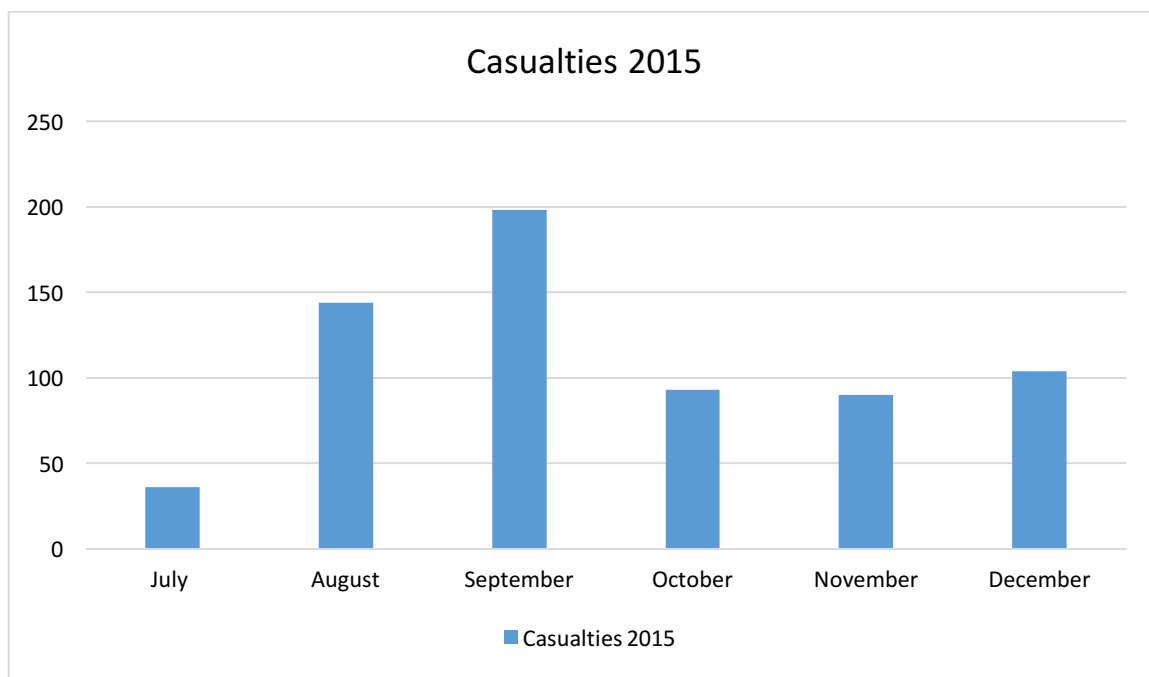


Table 6: Casualties July to December 2015, own graphic ¹⁵⁵

A broad range of terrorist groups perpetrated terror attacks in the whole country, the most conspicuous ones derived from the Kurdish separatist and the radical Islamist branches. In addition to the war-torn Southeast around Diyarbakır and the four main Kurdish provinces across the Turkish-Syrian border, Western Turkish metropolises where the costs - physical, psychological and symbolic ones - are particularly high were not spared either from terrorism. According to the Global Terrorism Database (GTI), 452 people died in terror attacks within the year 2015. Among them, 286 were allegedly killed by the PKK and smaller militant groups linked to it. 152 deaths were subscribed to ISIS and individuals ideologically close to the currently most significant Jihadist terror group ¹⁵⁶. In the GTI, was ranked number 15 in a global context, with a drastic increase of terror-related deaths from 20 in 2014 to more than 400 a year later. Consequently, in the list of the OECD countries, the Organization for European Cooperation and Development, Turkey took the absolute top position with regard to terrorist casualties in 2015 ¹⁵⁷.

Other basic rights giving information about a democratic civil society's free development are the **freedoms of association and assembly**. Despite being enshrined in the constitution, both

¹⁵⁵ International Crisis Group (ICG) "Turkey's PKK Conflict: The Rising Toll".

¹⁵⁶ Institute for Economics and Peace (IEP) "Global Terrorism Index 2016". (2017) <http://economicsandpeace.org/wp-content/uploads/2016/11/Global-Terrorism-Index-2016.2.pdf>. [28 May 2017].

¹⁵⁷ Institute for Economics and Peace (IEP) "Global Terrorism Index 2016".

civil rights were disrespected repeatedly. A number of demonstration and public protests were held without larger incidents in 2015, others were prevented though. Among them, public gatherings in the Southeast in the light of the war actions, the anniversary of the Gezi protests, May Day or traditional the LGBT demonstration in Istanbul. In many cases, demonstrators were dispersed violently by security forces. Terrorism portrayed another risk for citizens to make use of their right to assemble on the street, for example with the Ankara bombing. Also legally, this right was curtailed as Freedom House explains: “In April 2015, Erdoğan signed legislation that increased criminal penalties for various actions during protests and empowered police to fire on demonstrators who use incendiaries”¹⁵⁸.

Yet, Turkey’s civil society landscape is rich and diverse and comprises NGOs covering a whole range of societal issues. The authorities’ attempts to restrict their work caused complaints and criticism. Ankara started to focus much more on activities of organizations supposedly affiliated with Hizmet¹⁵⁹. Seven civil society associations particularly working on issues related to the human rights situation and the Kurdish question faced legal proceedings for allegedly supporting terrorist organizations¹⁶⁰. The EC progress report pointed out that one the one hand civil society has shown to be robust and active, restrictions, on the other hand, grew as well and causes serious concerns. Visible restrictions on the right to assemble were seen in the demonstrations mentioned above, the EC faulted the lack of legal accountability for law enforcement staff. Also, demonstrations were repeatedly prevented “without compelling reasons” and on many occasions, the violence used by security forces was excessive¹⁶¹.

With reference to the Kurdish issue, mostly discussed as a sole problem of terrorism, the EC criticised the government directly. Issues, such as the situation in the Kurdish city of Kobanê, Syria or the corruption allegations against Erdoğan, his family and confidants, have been treated on the basis of the anti-terror law. This is important to note since this gradually turned out to be regularly applied method. The authorities were moreover entitled to implement stricter legislations in order to re-establish the internal security and order in the Southeast. Reports about the surge of violence in these provinces were hindered though. At the same time, Turkish state authorities failed to contain and punish aggressions against a number of media outlets and HDP party offices¹⁶².

¹⁵⁸ Freedom House “Freedom in the World 2016: Turkey”.

¹⁵⁹ Freedom House “Freedom in the World 2016: Turkey”.

¹⁶⁰ European Commission (EC) “Commission Staff Working Document, Turkey 2015 report”: 65.

¹⁶¹ European Commission (EC) “Commission Staff Working Document, Turkey 2015 report”: 65.

¹⁶² European Commission (EC) “Commission Staff Working Document, Turkey 2015 report”: 65.

Compliance to the state based on the **rule of law** is essential for a democracy. Freedom House mentions the developments of 2014 when corruption allegations against President Erdoğan arose and caused the president to take rigid measures against a formerly more independent judiciary. As it is known, these allegations against him and his family were thrown out by relocating and dismissing judges and prosecutors investigating against the president's interests. The government passed laws to better control the judiciary, for instance by reassigning the positions in the Higher Council of Judges and Prosecutors (HYSK). On the basis of this interference into the judiciary, 2015 resumed the previous year. Whole packages of anti-terror laws - justified to protect the national security were – were passed by the AKP-dominated parliament to enhance police powers, surveillance, searches, and detentions without court order.¹⁶³

All in all, law enforcement capacities to identify potential threats were strengthened, police, judiciary and intelligence service's competencies were widened and backed up from the state of emergency. In the course of the peace talks between Ankara and the PKK leadership in 2013, progress has been made that was entirely reversed by the renewed clashes from July 2015 on. The war naturally also affected the assessment of Turkey's rule of law. While the PKK and affiliated militant groups inflicted violence, the central state used a considerable degree of violence to counter the Kurdish threat, causing hundreds of civilians left dead. The murder of the prominent Kurdish-rooted human rights lawyer Tahir Elçi aroused great consternation. Until today, the national judiciary system has not found the assassin of Elçi. Suspicions about the state's knowledge of the murder sparked protests, not only in the Kurdish community¹⁶⁴.

Turkey's overall situation with its rule of law has suffered much in 2015. According to the EC, main features of a functioning state of rule of law, such as independence of the judiciary, impartiality and accountability of decision-makers before the law was not given. In this context, the EC report stresses the following shortcomings in 2015: "The independence of the judiciary and the principle of separation of powers have been undermined and judges and prosecutors have been under strong political pressure"¹⁶⁵. Under the leadership of PMs Davutoğlu and Yıldırım, the government increasingly campaigned against alleged "parallel structures" it had identified on various state levels. A growing number of government decisions were taken under

¹⁶³ Freedom House "Freedom in the World 2016: Turkey".

¹⁶⁴ Freedom House "Freedom in the World 2016: Turkey".

¹⁶⁵ European Commission (EC) "Commission Staff Working Document, Turkey 2016 report": 5.

the cloak of anti-terrorism. Yet, many observers called these measures manipulations and interferences which resulted in “encroaching on the independence of the judiciary”¹⁶⁶.

4.2.2. Democratic development in 2016

Turkish democracy experienced a galloping regression in **2016**, mostly deriving from its dramatic instability through the coup attempt and the erosion of its democratic institutions. The latter is deeply connected to the mass purges the state has initiated and violent conflicts Turkey is involved in, such as in the Kurdish issue, the Syrian war and the problem of terrorism. Freedom House observed how liberal-democratic standards were disregarded and they consequently summarized the country’s democratic development as it follows:

“Turkey’s political rights rating declined [...], its civil liberties rating declined [...], and it received a downward trend arrow due to the security and political repercussions of an attempted coup in July, which led the government to declare a state of emergency and carry out mass arrests and firings of civil servants, academics, journalists, opposition figures, and other perceived enemies.”¹⁶⁷

After internal disagreements between former PM Davutoğlu and President Erdoğan, Davutoğlu resigned and was followed by Binali Yıldırım, a close confidant of the president. It could serve as proof for the power shift from the presidency over the parliament and the PM as actual head of the executive. At that time, preparations for President Erdoğan’s ambitions to make Turkey a presidential republic seemed to have begun already. While replacing Mr. Davutoğlu was one step, the AKP’s decision to replace judges of the Supreme Electoral Council (YSK) with AKP-linked jurists can be seen as another hint on the president’s strategy. Furthermore, the government had purges running before the failed coup attempt in July. On the one hand, this has increased civil control over the formerly strong military, on the other hand it can be seen as politically motivated acts, Freedom House argues¹⁶⁸.

Despite a constant deterioration, political **pluralism** was in a slightly better condition before May 2016. A crushing blow for Turkish pluralism was the exclusion and the lifting of the immunity of HDP deputies. With the help of its parliamentary majority and diffuse alliances with the oppositional MHP and CHP, 50 of 59 HDP lawmakers were pushed out the parliament and confronted with legal charges for supporting terrorism. A long list of HDP members, among them mayors in various Kurdish-dominated cities, were detained and arrested on terror allegations. In November 2016, dozens of HDP lawmakers were arrested, including prominent

¹⁶⁶ European Commission (EC) “Commission Staff Working Document, Turkey 2016 report”: 5.

¹⁶⁷ Freedom House “Freedom in the World 2017: Turkey”.

¹⁶⁸ Freedom House “Freedom in the World 2017: Turkey”.

party members, such as the co-chairs Demirtaş and Yüksekdağ as well as Sırrı Süreyya Önder, a leading figure in the Kurdish opening ¹⁶⁹. By the end of 2016, almost 3,000 HDP party members and affiliates were imprisoned though ¹⁷⁰.

According to the EU, the lifting of the HDP deputies' immunity was an act of "grave concern" and it tremendously harmed Turkey's legislative well-functioning. The EC connected the government's anti-terror measures with the overall situation of the people in the Southeast, where especially after the state of emergency, democratic processes were largely violated. "Many elected representatives and municipal executives [...] were suspended, removed from their duties, or arrested under terrorism-related charges", it stated in its report. Respectively, in order not to inflict greater damage on Turkey's democratic pluralistic outlook, the EC urges Turkey that "anti-terror measures need to be proportionate and [that Turkey] must respect human rights" ¹⁷¹. The shift of state control from the government heading Turkey's legislative towards the presidency has been increasingly visible. While the Erdoğan administration has stressed the importance of stability and anti-terror fight, critics fear an unusual centralization of power ¹⁷². It is evident that executive decrees have annulled the primacy of the parliament on decision-making processes ¹⁷³.

Due to the events of the coup night, Turkey's democratic framework was provably shaken. EU member states commonly condemned the obvious attempt to overthrow the civilian and democratically legitimized government. However, state responses and their appropriateness have stirred up a fierce controversy. By the end of 2016, more than 120,000 people were dismissed or suspended for purported links to Gülen and about 40,000 of them, at least, on mere political purposes. According to Freedom House, the state of emergency "effectively derogated the constitution and the European Convention on Human Rights, allowing the president to suspend civil liberties and rule by decree, without oversight from the Constitutional Court". In addition to that, "the Council of Europe has criticized [Turkey] for bestowing 'almost unlimited discretionary powers' on the government" ¹⁷⁴.

The development of civil rights was influenced enormously by the anti-terror policies. The government apparently sees society as being completely shaped by terrorist infiltration. Its

¹⁶⁹ Karaveli. "Reconciling Statism with Freedom: Turkey's Kurdish opening".

¹⁷⁰ Freedom House "Freedom in the World 2017: Turkey".

¹⁷¹ European Commission (EC) "Commission Staff Working Document, Turkey 2016 report": 5-6.

¹⁷² Bayramoğlu. "No end in sight for Erdoğan's purges after referendum".

¹⁷³ European Commission (EC) "Commission Staff Working Document, Turkey 2016 report": 10.

¹⁷⁴ Freedom House "Freedom in the World 2017: Turkey".

approaches thus also affected to which extent Turkish citizens could make use of their basic liberties. Traditionally, **freedom of expression** has had a hard time in Turkey. However, in 2016 its decline proceeded rapidly. Critical minds were under serious pressure, whether they have committed offences or not, the EC stated in its report. This refers to journalists as well as civilians working in state services or academia, for example. As a result, “a high number of arrests, hearings, detentions, prosecutions, censorship cases and layoffs occurred, as the Government kept the media under heavy pressure”¹⁷⁵. Also, “[t]he closure of media outlets and the appointment of trustees to control media groups” has restricted pluralism and the right of citizens to be informed as well as the right to trust on the rule of law¹⁷⁶.

On behalf of fighting alleged terrorism related to the PKK and Hizmet, press freedom and the particular freedom of expression was heavily curtailed. 36 journalists were in prison before the coup attempt. In the framework of the post-coup purges, this number increased to more than 130 in 2016. Meanwhile, the number of imprisoned journalists has risen up to 231 and more than 700 journalists were stripped off their credentials¹⁷⁷. Turkey falls in the barometer for press freedom to place 155, four positions lower than in 2015. *Reporters without Borders* further highlights the situation of journalists who are still free but find themselves in existential troubles. In concrete, they are “exposed to other forms of arbitrary treatment including waves of trials, withdrawal of press cards, cancellation of passports, and seizure of assets”¹⁷⁸.

Popular media outlets, such as *Cumhuriyet*, the conservative *Zaman*, and the pro-Kurdish *Özgür Gündem* experienced severe crackdowns by the authorities. On the basis of the executive presidential Decree Order 688, large-scale detentions, arrests and convictions of prominent journalists, including *Cumhuriyet*'s former editor-in-chief Can Dündar were observable. Both in the internet and academia, thousands of people were confronted with harsh repression. A law in 2016 permitted the government to block internet access when national emergency is prevailing. Turkish courts were requested thousands of times to remove contents the authorities claimed to be pro-terrorist material. Turkey's role in internet restriction for popular websites is unique in a global context¹⁷⁹.

¹⁷⁵ European Commission (EC) “Commission Staff Working Document, Turkey 2016 report”: 26.

¹⁷⁶ European Commission (EC) “Commission Staff Working Document, Turkey 2016 report”: 26.

¹⁷⁷ Freedom House “Freedom in the World 2017: Turkey”.

¹⁷⁸ Reporters without Borders “Turkey – Journalists engulfed by the purge”. (2017) <https://rsf.org/en/turkey>. [28 May 2017].

¹⁷⁹ Freedom House “Freedom in the World 2017: Turkey”.

With regard to Turkey's academic sphere, government suppression has had considerable effects. 4,000 academics were suspended, and 15 universities were closed. Already in January 2016, a list of researchers signed a petition to end war activities in the Southeast, ending with mass detentions and dismissals for those researchers on charges of state treason and terrorist propaganda. After the imposition of the state of emergency, "the government also ordered the closure of over 1,000 private schools allegedly affiliated with Gülen [...]"¹⁸⁰. Turkeypurge reports of more than 2,000 closed educational institutions, including schools and universities and more than 8,000 academics¹⁸¹. By introducing the executive presidential system, Turkey's president will also have the legal ability to appoint university deans, a competency that he has already carried out during the prevailing state of emergency¹⁸².

A paramount right is the **right to life** which matters even more in times of violent conflicts. This particular right naturally has suffered a lot in South-eastern Turkey, the right not to be physically harmed by extreme state violence has been breached. A UN report on the military operations and counterterrorist policies towards Turkey's Kurdish population revealed gravest human rights violations, including "massive destruction, killings and numerous other serious human rights violations committed between July 2015 and December 2016"¹⁸³. It specifically refers to Turkish security operations against civilians and civilian infrastructure in the provinces mentioned above. Diyarbakır's Sur district and Nusaybin were destroyed to more than 70%¹⁸⁴. The 2016 balance sheet (*Table 7*) depict the casualties resulting from the violence between state forces and militants. The toll rose to some 2,000 deaths for 2016. Whereas 260 were categorised as civilians, 139 was "youth of unknown affiliation", 873 assigned as PKK-militants, and 516 classified as Turkish state security forces¹⁸⁵.

¹⁸⁰ Freedom House "Freedom in the World 2017: Turkey".

¹⁸¹ Turkeypurge "Monitoring human rights abuses in Turkey's post-coup crackdown".

¹⁸² Jenkins. "Ticking Clocks: Erdoğan and Turkey's Constitutional Referendum".

¹⁸³ United Nations Human Rights Office of the High Commissioner (OHCHR). "UN report details massive destruction and serious rights violations since July 2015 in southeast Turkey". 10 March (2017) <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21342&LangID=E>. [28 May 2017].

¹⁸⁴ United Nations Human Rights Office of the High Commissioner (OHCHR) "UN report details massive destruction and serious rights violations since July 2015 in southeast Turkey".

¹⁸⁵ International Crisis Group (ICG) "*Turkey's PKK Conflict: The Rising Toll*".

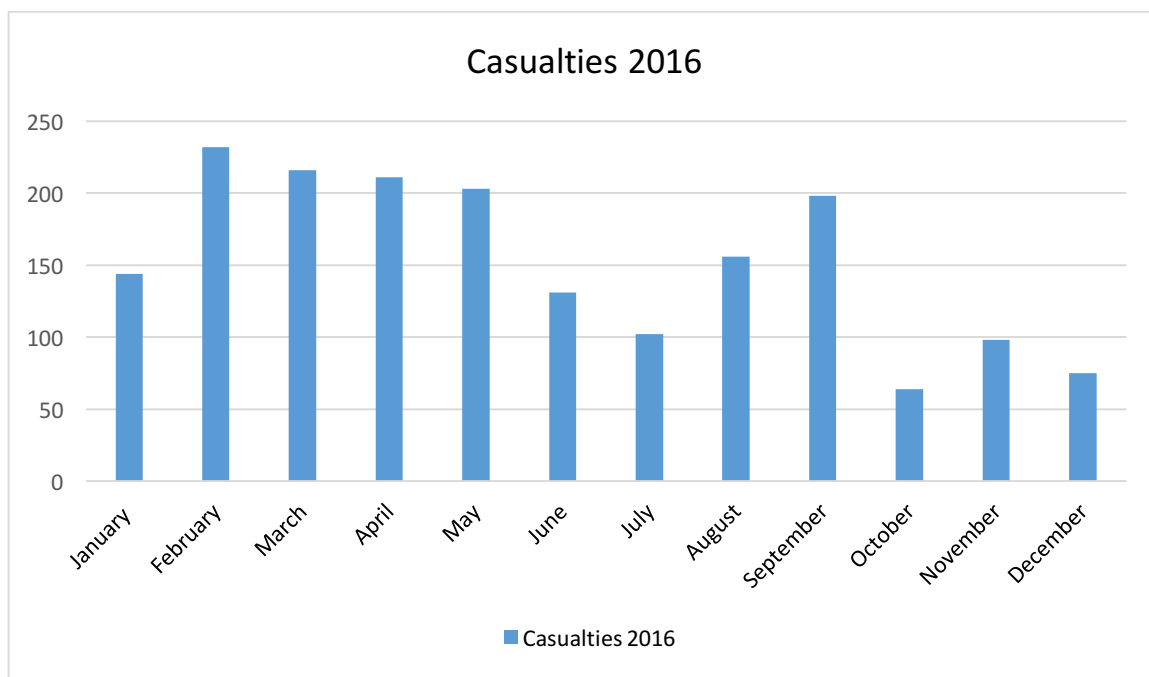


Table 7: Casualties 2017 in the Kurdish Conflict, own graphic ¹⁸⁶

In Cizre, a case of heaviest violence against civilians has been told to UN observers. Witnesses and family members of victims “‘painted an apocalyptic picture of the wholesale destruction of neighbourhoods’ where in [...] 2016 [up to 200 civilians] were trapped for weeks in basements without water, food, medical attention and power before being killed by fire, induced by shelling” ¹⁸⁷. The use of heavy weapons on civil neighbourhoods resulted in innumerable deaths. Instead, local authorities as well as the government in Ankara accused civilians to have participated in terrorist activities for the PKK. Also, “the report documents torture, enforced disappearances, incitement to hatred, prevention of access to emergency medical care, food, water and livelihoods”. There were no investigations on cases of excessive force against civilians. It eventually adds, “[t]he Government of Turkey has failed to grant us access, but has contested the veracity of the very serious allegations made in this report” ¹⁸⁸.

2016 was one of Turkey’s bloodiest years, thus a year in which the right to life was disregarded to extraordinary proportions. For the most part, acts of more organised violence carried out on Turkish ground referred to terrorist violence by Kurdish militant combatants and terrorists, ISIS terrorists, military operations by Turkish state security forces to respective threats, and lastly,

¹⁸⁶ International Crisis Group (ICG) “*Turkey’s PKK Conflict: The Rising Toll*”.

¹⁸⁷ United Nations Human Rights Office of the High Commissioner (OHCHR) “UN report details massive destruction and serious rights violations since July 2015 in southeast Turkey”.

¹⁸⁸ United Nations Human Rights Office of the High Commissioner (OHCHR) “UN report details massive destruction and serious rights violations since July 2015 in southeast Turkey”.

in the course of the coup attempt on July 15, 2016. *Table 8* illustrates the number of people killed throughout the year. While the clashes between Ankara and the Kurdish periphery has caused approximately 1930 new deaths¹⁸⁹, 484 people died through terrorist attacks¹⁹⁰. Aside from these regular terrorist victims, the outstanding event of the coup night left another 265 people dead. Altogether, between 2,500 and 3,000 people were killed in Turkey through irregular types of violence.

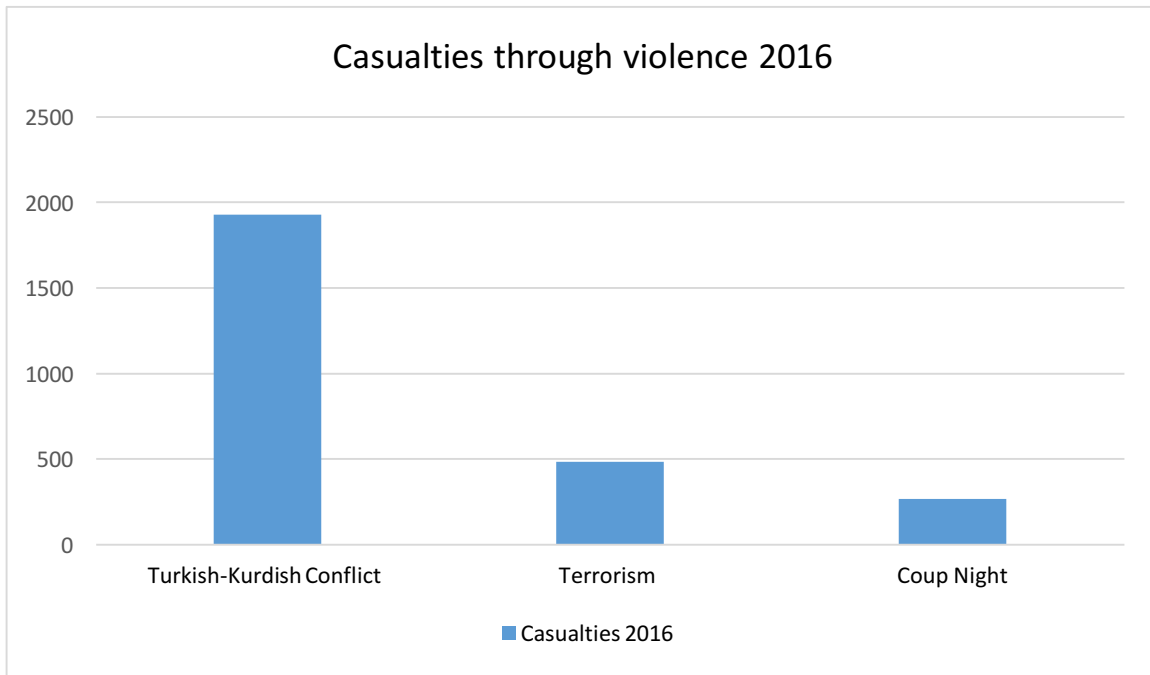


Table 8: Casualties through specific state or non-state actor violence in 2016, own graphic^{191, 192, 193}

Since fundamental rights are always interconnected, a worsening situation of the freedom of expression also affects the **rights to associate and assemble**. Compared to 2015, these liberties were violated again, due to the state of emergency even more than before. In 2016, demonstrations, public gatherings, and classic anti-government protests were cracked down violently or already prevented beforehand, as Freedom House reported. Demonstrations, such as May Day, Women’s Day and election rallies by opposition parties were forcefully dispersed or restricted. The imposition of the state emergency provided the legal ground for curfews and general bans to demonstrate and rally without approval by authorities. In the light of the

¹⁸⁹ International Crisis Group (ICG) “*Turkey’s PKK Conflict: The Rising Toll*”.

¹⁹⁰ Kuang Kuek Ser. “These three charts will help you understand Turkey’s recent terrorist attacks” in *Public Radio International (PRI)*. 30 June (2017) <https://www.pri.org/stories/2016-06-30/these-three-charts-will-help-you-understand-turkeys-recent-terrorist-attacks>. [28 May 2017].

¹⁹¹ International Crisis Group (ICG) “*Turkey’s PKK Conflict: The Rising Toll*”.

¹⁹² Kuang Kuek Ser. “These three charts will help you understand Turkey’s recent terrorist attacks”.

¹⁹³ Cornell. “Is Turkey Becoming a Banana Republic?”.

campaigning phase for or against the April referendum on the presidential system, the circumstances for the right to assembly were extraordinarily worrying.

Despite its vivid civil society landscape, 2016 was problematic for NGOs and organizations of any kind. As it is reported, “1,229 foundations and associations and 19 trade unions were shut down without judicial proceedings” for alleged links to Gülen ¹⁹⁴. Furthermore, “[i]n November, 375 more associations and NGOs were closed for alleged links to terrorists”, among them organizations for lawyers, doctors, and human rights ¹⁹⁵. All in all, the legal framework the state of emergency caused harassment, repression and closure of innumerable civil society organizations which were purportedly all connected to the two main terrorist organizations, the PKK and Hizmet ¹⁹⁶.

All organizations monitoring Turkey’s 2016 democratic development concluded a drastic downward trend regarding the state of its **rule of law**. It has been presented above how the rule of law’s functioning suffered from the rapid authoritarian turn. A couple of laws, mostly in the context of the state of emergency, helped the government to gain major control over formerly more independent judiciary bodies, even the Constitutional Court. Dismissals and reassignments, detentions and arrests in vast numbers meant a huge setback for further democratizing its institutions. Thousands of judges and prosecutors, favourable to the government, were installed in order to secure the government’s political line. Anti-terror measures have affected all democratic institutions, eventually leading to a dismantling of the separations of powers. Legislative and judicial institutions were consequently not spared when Ankara intensified its rigid measures against a broad variety of people. Officially, these mass purges have been defended as counterterrorist acts, cleaning the state from terrorist infiltration. In concrete, Freedom House faulted the legal processes in 2016, adding that “[h]uman rights watchdogs have decried the conditions under which those accused of organizing or supporting the coup have been held, citing little or no access to lawyers as well as evidence of beatings, torture, and forced confessions” ¹⁹⁷.

Closely in line with the NGOs, the EC’s progress report 2016 states that “[i]n the wake of the post-coup measures, the EU called on the authorities to observe the highest standards in the rule of law and fundamental rights” ¹⁹⁸. Despite the coup attempt’s shaking impacts on Turkey’s

¹⁹⁴ Freedom House “Freedom in the World 2017: Turkey”.

¹⁹⁵ Freedom House “Freedom in the World 2017: Turkey”.

¹⁹⁶ Freedom House “Freedom in the World 2017: Turkey”.

¹⁹⁷ Freedom House “Freedom in the World 2017: Turkey”.

¹⁹⁸ European Commission (EC) “Commission Staff Working Document, Turkey 2016 report”: 9.

democracy, the government's "swift" response to this threat "raise[d] questions as to the proportionality of the measures taken"¹⁹⁹. The EU criticised the vagueness of Ankara's judicial reactions on the coup as they also "affect key rights under the ECHR, in particular the right to a fair trial, the right to an effective remedy and the right to protection of property"²⁰⁰. The extent and the lack of final evidence for direct involvement of the Gülen movement, makes doubts arise about the legitimacy of the state measures taken. The criteria on which authorities have identified alleged collaborators of Hizmet as well as the massive scale have not applied to a transparent, proportionate and discriminate handling of Turkey's rule of law. Instead, a collective "guilt by association" shapes the perception of current anti-terror policies.

According to the report, Turkey's 2016 judicial procedures violated international standards of an independent judiciary, respecting for the separation of powers and the individual right of every citizen "to a fair trial, including through effective access to a lawyer"²⁰¹. Central features of the rule of law, "including the full respect of the presumption of innocence, the individual criminal responsibility, legal certainty [and] the right to defence and equality of arms", were largely set aside²⁰². Beside the coup attempt and its controversial handling afterwards, Turkey's 2016 democratic performance was criticisable through another crucial event: The preparation for the referendum.

As it was stated in previous parts, a larger number of government decisions can be traced back on the AKP leadership's aspirations to rebuild Turkey's political system. In order to do so, it needed to overcome certain obstacles of a parliamentary democracy. The path to April 16, 2017 was shaped by considerable breaches of democratic practices. While the pre-referendum period already contained unlawful measures, such as the exclusion of the HDP from the General Assembly, the referendum itself did not fulfil democratic principles either²⁰³. Nevertheless, the

¹⁹⁹ European Commission (EC) "Commission Staff Working Document, Turkey 2016 report": 9.

²⁰⁰ European Commission (EC) "Commission Staff Working Document, Turkey 2016 report": 9.

²⁰¹ European Commission (EC) "Commission Staff Working Document, Turkey 2016 report": 9.

²⁰² European Commission (EC) "Commission Staff Working Document, Turkey 2016 report": 9.

²⁰³ Gürhanlı, Halil. "The Turkish Referendum that was not" in *Al-Monitor*. 28 April (2017).

<http://www.turkeyanalyst.org/publications/turkey-analyst-articles/item/581-the-turkish-referendum-that-was-not.html>. [28 May 2017].

Supreme Electoral Board (YSK), the authority responsible for all referendum-related processes, refused to investigate, re-count or even annul the results of the referendum²⁰⁴.

As international observing organization, the OSCE was entitled to assess the referendum's proceeding and both its preliminary and post-referendum findings confirmed concerns various critics from politics, media and civil society had expressed before. The OSCE voiced criticism about the unequal opportunities of camps, from which the "yes-campaign" only benefitted. Fundamental rights and a balanced, information-based media coverage was prevented through the strict handling of the state of emergency, the OSCE said²⁰⁵. According to Gareth Jenkins, Turkey-experienced senior research fellow, irregularities in the aftermath of the counting indicate into the direction of systematic election fraud, therefore, questioning the referendum's legitimate character²⁰⁶. Critics from various sides report about 2,5 million unstamped ballot papers that were counted though and which most likely made the difference²⁰⁷. Basically, Turkish law prohibits unstamped ballot papers and according to several sources, these papers supplied with a "yes". Tana de Zulueta from the OSCE claimed "the [electoral board's] decision [to accept this number of ballots] significantly changed the ballot's validity"²⁰⁸. In conclusion, the outcome of the 2017 constitutional referendum corresponds with the democratic development of the two previous years.

²⁰⁴ Zaman, Amberin. "Calls for referendum annulment rise in Turkey" in *Al-Monitor*. 18 April (2017) <http://www.al-monitor.com/pulse/en/originals/2017/04/turkey-referendum-fraud.html>. [28 May 2017].

²⁰⁵ Organization for Security and Cooperation in Europe (OSCE). "International Referendum Observation Mission – Republic of Turkey, Constitutional Referendum April 16, 2017" <http://www.osce.org/odihr/elections/turkey/311721?download=true>. [28 May 2017].

²⁰⁶ Institute for Security and Development Policy (ISDP) "Summary of the ISDP Forum: Perspectives on Post-referendum Turkey".

²⁰⁷ Institute for Security and Development Policy (ISDP) "Summary of the ISDP Forum: Perspectives on Post-referendum Turkey".

²⁰⁸ Starr, Stephen. "Turkish opposition wants referendum result annulled" in *The Irish Times*. [online]. 17 April (2017) <http://www.irishtimes.com/news/world/europe/turkish-opposition-wants-referendum-result-annulled-1.3052113>. [28 May 2017].

5. Discussion

How has the government's counter-terrorist approach contributed to Turkey's recent democratic development?

The look on Turkey's past two years has offered a picture of how tensions and instability has risen and at the same time, President Erdoğan and his ruling AKP's strive for a new form of governance crystallised. The state model the AKP leadership favours for the Turkish Republic seems to be a product of internal and external threats and as a matter of fact, the party opted for the path to a more authoritarian rule to secure its power. While in 2015, the decline took up final speed, it appears to have fallen much more dramatically in 2016 with all the familiar impacts. Among them state and non-state actor violence, a failed coup and a consequent dismantling of democratic institutions. Despite a deeply troubling socio-political fragmentation, increasing international isolation and severe economic problems, the government's programme has still sought confrontation. The latest event connected to this is the implementation of the presidential system which seems to stabilize the country more forcibly than through consensus or reconciliation of interests²⁰⁹.

Turkey's recent development in decisive political matters, such as security and democracy were obviously shaped by terrorism and counterterrorism. The chronological analysis of both years showed how the two superimposed concepts are correlated with the state's democratic outlook. For instance, Turkey's wide anti-terror legislation has been a repeated named one major obstacle for the country to make progress in the EU accession talks. EU-Negotiators as well as plenty of NGOs consistently criticised Turkey's sweeping terror law and stated that it fundamentally undermines the state of rule of law²¹⁰. However, several ministers echoed statements by President Erdoğan and emphasized that Turkey will not change its anti-terror laws in order to comply with the Copenhagen Criteria. One striking passage within the anti-terror law Act 3713 is classifying alleged offences as terrorist acts even without a criminal offence to be committed beforehand. Another one focuses on the alleged support buildings, associations, foundations or parties provide and on which ground terror charges have been made on.

Current purges can be justified on the basis of these controversial points, in particular when one considers the extremely vague understanding of Turkish decision-makers on whom to apply the

²⁰⁹ Çağaptay, Soner. *The New Sultan: Erdoğan and the Crisis of Modern Turkey*. London: I.B. Tauris, 2017.

²¹⁰ European Commission (EU) "Commission Staff Working Document, Turkey 2016 report": 9.

terrorist label. Additionally, it is remarkable how non-violent demands are treated as terrorism because they practically question the territorial integrity of the Turkish Republic²¹¹. Any sign of slightest sympathy for the Kurdish cause has therefore led to this massive amount of repression against lawmakers, journalists, intellectuals, academics and civilians as it was presented in the analysis above. Criticism from liberals, leftists and Kurds in Turkey and Europe have been thrown out as terrorist support²¹². The minister for relations to the EU, Ömer Çelik accused policymakers of various EU member states of “anti-Turkish sentiments”²¹³. This rhetoric stands symbolically for a confrontational approach towards any criticism that it addressed to the AKP government, nourishing illiberal tendencies among the population that has always alienating from liberal-democratic practices, especially after the General Elections of June 2015 when the AKP’s absolute majority ended. Even in these days, the tremendous impacts of Turkey’s longstanding polarization have not been mitigated²¹⁴. Instead, fault lines seem to be deeper than every before²¹⁵.

Pluralism as it appears both in liberal and illiberal democracies and authoritarian states do not only exist in social terms but also politically. In Turkey, yet, political pluralism has always portrayed a tremendous threat for the ruling elite, regardless if it was a militaristic authoritarian leadership inspired by Kemalism or the “new” Islamic-conservative authoritarian regime under the AKP. As it was stated in the theoretical section with authoritarianism, social pluralism is existent in these regime types, very restricted yet. Since Turkey still counts innumerable civil society organizations – a clear sign of a social pluralism – the country seems to be on the verge of turning into an authoritarian system, where political pluralism is practically prevented. Constraints to stop Turkey’s civil society from developing and operating have had effects on political pluralism, pluralism in society has not been suppressed entirely yet.

According to Halil Karaveli, there has never been a break in the line of authoritarian rulerships. The glue which has held the ruling system of the country together is called “authoritarianism” and this is a legacy that has not changed with Recep Tayyip Erdoğan taking office in 2003. Karaveli argues that Erdoğan’s elite is the continuation of a right-wing authoritarianism, only

²¹¹ Çağaptay and Yolbulan. “The Kurds in Turkey: A Gloomy Future”.

²¹² Connolly, Kate. “Recep Tayyip Erdoğan: 'Germany is aiding and abetting terrorism'” in *The Guardian*. 3 March (2017) <https://www.theguardian.com/world/2017/mar/03/bomb-threat-german-gaggenau-town-hall-cancellation-turkish-rally>. [28 May 2017].

²¹³ Republic of Turkey, Ministry for EU Affairs “EU Minister Ömer Çelik’s call for common policy against rising racism in Europe”. 6 March (2017) http://www.ab.gov.tr/50580_en.html. [28 May 2017].

²¹⁴ Çağaptay. *The New Sultan: Erdoğan and the Crisis of Modern Turkey*.

²¹⁵ Bayramoğlu. “No end in sight for Erdoğan’s purges after referendum”.

with a different socio-economic and ideological background. In this context, securing the autocratic state order - which by now has been controlled by Islamic-conservative confidants around the powerful president – became the AKP’s top priority, in particular after the drastic loss of votes in June 2015²¹⁶. At that time, power in Turkey’s quite pluralistic political landscape shifted from the governing AKP to newly emerging forces, such as the HDP that has managed to garner support from the country’s largest minority group, the Kurds²¹⁷. Karaveli commented on this unusual connection between the Turkish-dominated right-wing AKP and the Kurdish-shaped conservative electorate in the country’s Southeast as it follows: “Erdoğan believed that he could achieve peace without making any significant political concessions simply by appealing to the Sunni Muslim identity that Kurds and Turks shared”²¹⁸. For Erdoğan’s AKP, embracing the Kurds was thus important, after all they are part of the AKP’s main electorate, conservative Sunnis that lack an own political representation.

In June 2015, hope was sparked among liberals, leftists, and the Kurds of course. The HDP’s electoral success of almost 14% of the voters’ share meant a historic event in Turkish history. For the first time, a Kurdish party cleared the 10% threshold for the parliament. Also, the HDP is a left-wing, progressive party that has succeeded in attracting the conservative Kurdish electorate as well. It should not come as a surprise that the AKP leadership of PM Davutoğlu and President Erdoğan feared the new Turkish pluralism in electoral politics and for this reason, aimed at influencing the political climate to its favours. The bombing attack on Kurdish leftists in Suruç in July 2015 are commonly seen as turning point within this development since both sides, the Nationalist AKP and the Separatist PKK had incentives to make the conflict escalate again²¹⁹.

Summer 2015 was therefore dominated by a spiral of violence the two belligerent parties have triggered, resulting in an extremely tense campaigning phase after which the HDP’s reputation as mediator between Kurds and the Turkish centre was demolished. The November re-elections reversed what was formerly praised as victory for a pluralistic democracy. While the HDP only narrowly cleared the 10% threshold, the AKP’s polarized campaign brought back its absolute

²¹⁶ Karaveli, Halil. “Turkey’s Authoritarian Legacy” in *The Cairo Review*. (2017)

<https://www.thecairereview.com/essays/turkeys-authoritarian-legacy/>. [28 May 2017].

²¹⁷ Karaveli, Halil. “The ‘Logic’ of Turkey’s Repression” in *The Turkey Analyst*. 10 November (2016)

<https://www.turkeyanalyst.org/publications/turkey-analyst-articles/item/568-the-logic-of-turkeys-repression.html>. [28 May 2017].

²¹⁸ Karaveli, Halil. “Erdoğan’s Journey” in *Foreign Affairs*. November/December 2016 Issue

<https://www.foreignaffairs.com/articles/turkey/2016-10-17/erdogan-s-journey> [28 May 2017].

²¹⁹ Institute for Security and Development Policy (ISDP) “Turkey’s Kurdish Conflict: 2015 – Present”.

majority, eventually also paving the way for the ambitions to introduce the presidential system²²⁰. The HDP complained about verbal and physical attacks on party members, sympathizers and offices, the party was increasingly portrayed as an agent of Kurdish terrorism. In gradual steps, the HDP's evolved from a party sparking hopes of a federal and progressive Turkey to a practically outlawed representative of pro-Kurdish stances. In the end, this resulted in the exclusion from the parliament, the arrest of its major politicians, and a further massive crackdown of affiliated persons all over the country²²¹.

The Kurdish issue remains one of the key questions of Turkish politics, whether this is framed as mere terrorist problem – as the government has been trying to do for two years – or as socio-political conflict between a Nationalist centre and a marginalised ethnically diverse periphery. There can be no doubts that clashes between both poles have also taken in a terrorist context, however the core problem stays untouched after the failed peace settlement. A long list of terror attacks shows the terror strategy the PKK and affiliated groups, such as the TAK, have pursued to address supposed Kurdish interests. Only in December 2016, a series of bombing attacks – allegedly perpetrated by the TAK - hit the highly frequented central Beşiktaş district of Istanbul through which 48 people, police staff and involved civilians, were killed.

The PKK evidently displays a threat for the Turkish state, on the one hand by conducting terrorist violence and on the other hand, by representing Kurdish national interests that have always crossed red lines for Turkish governments. Kurdish terrorism has pursued strategies of attrition, intimidation, provocation and spoiling. It clearly included forms of extreme violence which in turn provoked typical counterterrorist responses by the Turkish state centre: crackdown of Kurdish particular interests²²². Interesting questions regarding the Kurdish Conflict that the state refuses to deal with are: To which extent can the state's disproportionate violence against civilians legitimized and not seen as terrorist acts as well. Neumann's ideas about the question on why it is always upon the state to define terrorism could be discussed in this context.

Furthermore, in order to react sustainably and efficiently to PKK and TAK terrorism, the social roots of this problem need to be tackled, for example through integration of Kurdish interests and the recognition of their identity. In the Kurdish-rooted terrorism, state responses hardly match with what researchers, such as Kydd, Walter and Kiras have elaborated. As it was shown

²²⁰ Karaveli. "Erdoğan's Journey".

²²¹ Karaveli, Halil. "The 'Logic' of Turkey's Repression".

²²² Jenkins. "The Kurdish issue and Turkey's narrowing tunnel".

earlier, the specific Kurdish-shaped parts of the society, mostly represented through parties, media and civil society experienced harshest repression within the last two years. Counterterrorist approaches of the AKP-led government focused on crushing and criminalising Kurdish voices instead of aiming at only targeting the PKK leadership as head of a largely violently acting organization. The massive detention and arrests of people with Kurdish origin or a pro-Kurdish orientation provably violates basic civil rights ²²³, even fundamental human rights, such as the right to life ²²⁴. The HDP, the most prominent Kurdish political representative was excluded and repressed, thousands of party members and sympathizers have been detained, arrested, dismissed, and even killed by authorities, law enforcement and further security forces ²²⁵. Here, a political group advocating minority interests, the ones from left-wing, pro-Kurdish and Kurdish camps was forcibly excluded from decision-making processes. Zakaria would consider these acts typical for illiberal democracies.

The numbers of persons affected by Ankara's counterterrorism strategies has risen continuously, 2016 even more than 2015 and due to the currently prevailing state of emergency, it is an ongoing process. In the light of an overwhelming amount of suspected terrorist allegations and a wide interpretation of terrorism, doubts about the rightfulness of the government's anti-terror fight have increasingly turned into certainty: The purge, heavily intensified after the coup attempt, is much rather a politically motivated instrument to "consolidate[e] personal power, purg[e] rivals, and suppress[] dissent", on the costs of Turkish democracy ²²⁶. By monitoring what independent observers from NGOs, supranational organizations, civil society organizations and media have reported, it is out of question that the AKP's illiberal, authoritarian turn has also arrived visibly in the Kurdish question. The state's counterterrorist approach is not only a breach of liberal-democratic principles and Turkey's rule of law; it is also unsustainable if it aimed at fighting the root of Kurdish terrorism, as Kydd and Walter would propose.

In contrast to a strict and highly determined anti-Kurdish attitude, countering the Islamist terrorist threat did not proceed the same way. A number of media reports have revealed connections between heads of the Turkish state, more precisely the government and intelligence services and radical Islamists. To a certain extent, the AKP leadership and militants Islamists

²²³ Freedom House "Freedom in the World 2017: Turkey".

²²⁴ United Nations Human Rights Office of the High Commissioner (OHCHR) "UN report details massive destruction and serious rights violations since July 2015 in southeast Turkey".

²²⁵ Bayramoğlu. "No end in sight for Erdoğan's purges after referendum".

²²⁶ Karaveli. "Erdoğan's Journey".

do not only share a common ideological ground but above all geostrategic interests regarding territorial and political gains of Kurdish organizations in Syria and Iraq. Many of them, Ankara categorizes as terrorist groups, among them the Syrian PYD and its militant arm YPG who has enjoyed Western support in order to repulse attacks by ISIS and the Assad troops. It seems that the government's strategy towards Islamist militants suspected to be active as terrorist groups in Europe, Turkey and the whole Middle East is both contradicting and harmful²²⁷.

A possible alliance would firstly promote the rise of Islamist terrorism contrary to common international agreements Turkey is pledged to. Secondly, it would benefit various Extremists from the radical Islamist sphere, whether they serve ISIS, al-Nusra or one of the other minor groups in their terrorist activities. Eventually, Jihadist terrorist violence has done great harm to the Turkish society, its constantly growing threat led to another bloody attack in a nightclub in Istanbul on January 1, 2017 which also weakened the government's claim to be a guarantor of the nation's security. The Turkish government has effectively neither prevented terrorist from using the country as operational field, especially in the infamous Dokumacılar case in the Southern Adiyaman province where the Suruç perpetrator presumably came from. Nor it managed to stop thousands of Turkish citizens to join Jihadist forces as terrorists or foreign fighters²²⁸.

It remains controversial how far-reaching the cooperation between the Turkish government and radical Islamists has been, it can be stated though that a lax policy towards Islamists in general could be observed. A rather neglecting attitude towards ISIS-linked terrorists contributed to spectacular terrorist attacks of radical Islamists in Turkey. In the beginning of 2017, the authorities reported a number up to one thousand people from the Jihadist spectrum detained on terrorist charges²²⁹. Also, the allegations of arms supply to Syrian Jihadists investigative journalists have revealed in 2015 have never been cleared. Speaking in the words of Kydd, Walter and Kiras, this would undermine Turkey's assertion to credibly and efficiently be on the forefront of fighting ISIS in and outside Turkey.

Various members of the government have repeatedly stressed their determination of wiping out Kurdish terrorism, refusing to differentiate who actually commits to PKK violence and who appeared to be critical to the regime and shares diverging political opinions. In a parliamentary

²²⁷ Marks. "ISIS and Nusra in Turkey. Jihadist recruitment and Ankara's response".

²²⁸ Marks. "ISIS and Nusra in Turkey. Jihadist recruitment and Ankara's response".

²²⁹ Al Jazeera. "Turkey says over 800 detained in anti-ISIL operations" in Al Jazeera. 6 February (2017). <http://www.aljazeera.com/news/2017/02/turkey-detains-hundreds-major-anti-isil-operation-170205124649016.html>. [28 May 2017].

system where socio-political pluralism can be depicted through elections, the state leadership with President and AKP party leader Recep Tayyip Erdoğan as Turkey's absolute strongman had to push the executive presidential system²³⁰. As it is common in authoritarian systems with monopolised power structures, Turkey's path in 2015, 2016 and also 2017 has shown clear traits of a state abandoning liberal-democratic standards. Characteristics of liberal democracies, such as promoting political rights, protecting individual civil rights and respecting the rule of law, have been vastly disregarded.

On behalf of fighting terrorism and re-establishing a state order, features Zakaria's concept of an illiberal democracy and Linz' authoritarian regimes could be observed, for example when civil society was repressed, the separation of powers was deconstructed and pluralistic competition is prevented through restriction and forged elections. Matching with Linz' ideas of authoritarian leaders, Turkey's leadership seemed to be eager in neutralizing and delegitimizing opposing actors from politics and civil society. In the Turkish case, this was carried out by labelling individuals and collectives, such as parties, organizations or media outlets as terrorists, traitors, and state enemies²³¹. On the way to design a more autocratic state, Linz and Crahan highlighted the need for legitimacy a ruler strives for. In contrast to totalitarian leaders, the Turkish president cannot rely on such a high degree of mobilization, not even President Erdoğan.

Nevertheless, after years of consolidated power he, his party, and his confidants have established in the higher state levels, the power basis seems to be stronger than anybody has ever had in modern Turkish history. While his popularity was mainly fed by the AKP's political and economic successes, legitimacy later concentrated on eliminating critics from all parts of the country. Nowadays, President Erdoğan's legitimacy is based on this exact strategy of criminalising and de-legitimizing opponents, competitors and critics²³². His rhetoric comprised populist terms, such as terrorism, treason and conspiracy, for instance when talking about the HDP-lawmakers, the critical journalist Can Dündar or the 2013 Gezi protesters who managed to seriously challenge the state leadership.

Basically, Erdoğan's AKP successfully connected to the two most crucial political ideologies in Turkey - Political Islam and Nationalism – and by this, setting the tone for today's

²³⁰ Institute for Security and Development Policy (ISDP). "Summary of the ISDP Forum: Perspectives on Post-referendum Turkey".

²³¹ Çağaptay. *The New Sultan: Erdoğan and the Crisis of Modern Turkey*.

²³² Karaveli. "Erdoğan's Journey".

confrontational discourse that eventually has served his own legitimacy²³³. In relation to that, the primary goal of the Turkish president is establishing a model of governance that is based on three pillars. Ideally, it would be built upon a fully obedient society, a docile press and a concentration of power into one hand. In order to achieve this system, he had to make deep changes in Turkish politics and society, the author Metin Gürcan argued. At least throughout the last two years they have been justified as counterterrorist policies necessary to clear the nation from terrorist threats that have infiltrated the society. Gürcan called this the “Erdoğan doctrine”²³⁴.

The creation of a fierce dichotomy separating Turkey’s diverse political society has subverted its democratic fundament and turned the country into a “hegemonic democracy”, a concept that Karaveli mentioned²³⁵. Authoritarian tendencies with obvious illiberal traits nonetheless have increased so much that the few democratic elements subscribed to this sort of countries are hardly be found in Erdoğan’s political vision for Turkey. Despite the excessive repression against a broad variety of people, his popular basis still has not suffered significantly. Admittedly, checks and balances and criticism from media and opposition are eliminated and crushed, the AKP’s strength yet still relies on the claim to represent the majority’s will, the researcher and former AKP-MP Suat Kınıklıoğlu emphasized²³⁶. Many of his policies have met with the majority’s approval, in particular harsh measures against Kurds. Since the Kurdish Question is mostly framed as an issue of terrorism, the government’s policies are often seen as legitimate. Similar to the Turkish state perspective, Kurdish insurgency - or terrorism – enjoys some legitimacy among the Kurds since their fight is largely considered national resistance against a Nationalist suppressor. Both standpoints are in line with what Crenshaw has said about the legitimate causes of terrorist groups.

Following de Tocqueville’s idea of “tyranny of the majority”, Turkey’s institutional outlook very much resembles that. Government policies – often framed as counterterrorist efforts - have largely disregarded minority interests, whether they are political opponents, such as liberals, ethnic minorities, such as the Kurds or conservative competitors, such as Hizmet. Two successive parliamentary elections and the 2014 presidential election approved the AK party’s

²³³ Kınıklıoğlu. “Turkey and Russia: Aggrieved Nativism par excellence”.

²³⁴ Gürcan, Metin. “Turkey’s new ‘Erdoğan Doctrine’” in *Al-Monitor*. 4 November (2016) <http://www.al-monitor.com/pulse/originals/2016/11/turkey-wants-use-its-hard-power-solve-regional-problems.html>. [28 May 2017].

²³⁵ Karaveli. “Turkey’s Authoritarian Legacy”.

²³⁶ Kınıklıoğlu. “Turkey and Russia: Aggrieved Nativism par excellence”.

and Erdoğan's strict course in this context²³⁷. By also defeating possible opponents and critics in the course of the April 2017 constitutional referendum, President Erdoğan seems to have reached the peak of his power, trying to create a similar legacy Turkey's republican founding father Kemal Atatürk stands for. The introduction of the executive presidential system can be seen as a way to monopolize power or as it was stated by Zakaria, an act of "usurpation of power". Presidential systems with a weakened separation of powers and a high degree of centralization favours illiberal or even authoritarian regimes. Already its path to the presidential system was shaped by practices contradicting a liberal-democratic framework, including election fraud²³⁸.

The past two years were constantly overshadowed by terrorist incidents that have killed around 1,000 and the military conflict between Ankara and Kurdish insurgents that has killed another 3,000 people since 2015. However, it also tells the story of a country that has seen a spectacular demolition of its democratic structure. Tens of thousands of citizens are under arrest, more than 130,000 were suspended for terror allegations and a whole range of media outlets and civil organizations had been shut down on the same accusations. Ankara's anti-terror fight appears as an unprecedented act of repressive crackdown, yet it follows a certain strategy that is not only conditioned on a wider popular basis or an already monopolized system in favour of President Erdoğan. In a more pragmatic perspective, the AKP's counterterrorist agenda might have revealed itself as a deeply undemocratic approach but it could be explained rationally by what Most's and Star's decision-making model argued. The ones taking decisions in Ankara have always been actors seeking to secure and maximize their power, from Atatürk to former president Kenan Evren in the 1980s or Erdoğan now²³⁹.

In the eyes of the late AKP, a number of socio-political actors could be seen as threats, for example Kurds representing a progressive stance on Kurdish nationalism or an Islamic-conservative network openly disagreeing with a supposedly corrupt and power-obsessed President. Likewise, liberal-secular civil society groups opposing to a strict authoritarian Islamist course could fall into this spectrum of threats. In a scenario where decision-makers have identified these diverse groups as threats to the state and their power, actions had to be taken. As Most and Star explained, repressive and violent actions are rational options which

²³⁷ Karaveli. "Turkey's Authoritarian Legacy".

²³⁸ Institute for Security and Development Policy (ISDP) "Summary of the ISDP Forum: Perspectives on Post-referendum Turkey".

²³⁹ Institute for Security and Development Policy (ISDP) "Summary of the ISDP Forum: Perspectives on Post-referendum Turkey".

help a ruler to either increase the state's strength or decrease threats. It applies to the "Erdoğan doctrine" of confronting problems directly, proactively and preventively²⁴⁰. In today's Turkey, primary issues are diminishing the Kurdish peril coming from the PKK and associated militias in Syria. Socio-political adversaries from the secular, liberal and left-wing parts of the society and competing forces from the Islamic-conservative and Nationalist factions were assigned this status of a national threat, similar to what Most and Starr created²⁴¹.

Altogether, it can be stated that the legal foundation Turkey's counterterrorist efforts are based on appears to be overly vague to address the high diversity of terrorist groups. However, anti-terror laws consider Turkey's specific historical and political background, especially with regard to Kurdish national emancipation. Lately, the ruling AKP added more actors on this list since those started to portray serious risks to paramount state interests. Recent time has shown how President Erdoğan's party has become *the* state party that despite its rapid decline into repression basically just continued an already existing authoritarian ruling system²⁴². Only this time, it seems particularly clear how closely connected counterterrorism and democracy are, on the costs of Turkey's liberal-democratic framework.

In a historical retrospective, although Turkey's ruling elite has always worked on consolidating an authoritarian state order, the current ruler has proved to be extraordinarily determined and persistent. Authors, such as Soner Çağaptay and Çiğdem Akyol, shed a light on Turkey's personalistic leader whose charisma is described as outstanding in the recent history of modern Turkey^{243, 244}. His personal background certainly plays a major role in which direction the country's development has gone, yet Turkey's basic structure has rarely been favourable for running a liberal-democratic state in the sense as it was presented before. What appears to be notable in the Turkish situation of a degrading democracy, is the fact that President Erdoğan started as a newcomer defending democratic principles when he came into office in 2003. Compared to the first years of gradual liberal-democratic harmonization, Turkey's development from 2015 is a spectacular process of democratic regression, almost entirely under the cloak of a resolute anti-terror fight.

²⁴⁰ Gürcan. "Turkey's new 'Erdoğan Doctrine'".

²⁴¹ Çağaptay. *The New Sultan: Erdoğan and the Crisis of Modern Turkey*.

²⁴² Karaveli. "Turkey's Authoritarian Legacy".

²⁴³ Akyol, Çiğdem. *Erdoğan – die Biografie*. Freiburg: Herder, 2015.

²⁴⁴ Çağaptay. *The New Sultan: Erdoğan and the Crisis of Modern Turkey*.

Conclusion

This thesis dealt with the question how Turkey's anti-terror policies have affected the democratic development of the country. It is based on the observation that counterterrorism has become a focal point of the Turkish government, on the one hand as a comprehensive response on obvious terror threats, on the other hand as a tool to accelerate its ambition to fully control the country's institutions. The years 2015 and 2016 were particularly influenced by the fight against terrorism, also because within this time period deadly terrorist violence grew significantly. The effects that terrorism brings to societies are enormous anyway, in the Turkish case some terror attacks contributed even more to political instability and division. As a consequence, the governments actions to counter possible terrorist threats intensified.

Nevertheless, in the face of massive purges and repression against large parts of the Turkish society, the quality of the Turkish democracy has suffered visibly. As it was presented here, when political pluralism is suppressed, electoral processes are interfered, civil rights are curtailed and the rule of law is disregarded, a state's democracy erodes. Under the cloak of cleansing Turkey from supposedly encompassing threats of terrorism, the most important civil rights have been appealed, among them the right to express, assemble and associate freely. In times of war and violence, another very basic right has been systematically disrespected: the right to life. While this particular right was already under attack in 2015 after the Kurdish Conflict flared up again, it grew even worse in the time after. In 2016, the thwarted coup of July could be seen as a turning point in terms of counterterrorism and democracy. In the aftermath of July 16, a rigid state of emergency came into force, providing the legal framework for the AKP government to take large-scale actions against individuals and groups, officially considered as terrorists or terror supporters.

Within these categories broader parts of society were included, on the allegation to be either linked to the PKK or Hizmet, the two main adversaries. As a result, hundreds of thousands of people have been affected by this exceptional counterterrorist strategy. Figures presented here strengthened the claim of an anti-terror approach that rather destroys Turkey's weakened democracy than tackling the roots of its existent terrorist problem. In concrete, 130,000 people were dismissed, some 100,000 detained and 50,000 arrested, all on terror allegations and on the basis of the state of emergency. Furthermore, critical academics and journalists have proved to be a special target for the government to concentrate on and the government has also considerably widened purges against civil society organizations. The scale of repression confirms the impression that Turkey's pluralistic society is a thorn in the AKP's side, that civil

rights have been extensively violated and that citizens cannot trust in Turkey's rule of law anymore.

A closer look on both Turkish anti-terror legislation and the actual government strategies to fight this phenomenon made clear the huge discrepancies between countering terrorism and complying to universal liberal-democratic principles. As part of the analysis, key features of a liberal democracy, such as political rights, civil rights and the rule of law, were examined throughout the two years. Turkey's anti-terror legislation has repeatedly received vast criticism for its vagueness and sweeping character. International organizations clearly shared what a number of national actors have complained about: Anti-terror law is much politically motivated in order to delegitimize non-state actors with diverging political interests. Criticism was also reaffirmed by a variety of civil society organizations and media outlets that connect counterterrorism to a democratic regression. In the case of Hizmet, experts almost commonly agree that Hizmet is a competing socio-political force for the AKP, attracting a similar basis of voters due to its shared Sunni conservative understanding of Islam. The fact it has controlled significant parts of the military and state bureaucracy, potentially operating against the AKP government's interest rather makes it a deep state organization than a classic terrorist group²⁴⁵.

In Turkey, terrorist attacks of the PKK and its linked sub-groups as well as radical Islamists have certainly inflicted great harm on the state and the society. Even though Turkey's republican structure has always been shaped by authoritarian rulerships, the country's democratic quality experienced an extremely rapid downfall since 2015 at least. President Erdoğan, Turkey's current strongman, continues the line of authoritarian leaders, yet his legacy has entirely changed, from a populist democratic reformer to an extraordinarily rigid autocratic ruler. By winning the highly disputed constitutional referendum, the country's guidelines will be presumably more and more adapted to the AKP's particular interests. While the impacts of terrorism, political fragmentation and instability could be theoretically reduced in the upcoming years, Turkey's dramatic de-democratization process will most probably endure. Many experts expect the system to consolidate President Erdoğan's power basis, but they also name challenges the regime will have to face. Kınıklıoğlu raised the questions of the Kurds' future integration, the economy's development, the impacts of the wars and turmoil in Middle East, and the development of Turkish-European relations²⁴⁶.

²⁴⁵ Tee. "The Gülen Movement in Turkey: The Politics of Islam and Modernity".

²⁴⁶ Institute for Security and Development Policy (ISDP) "Summary of the ISDP Forum: Perspectives on Post-referendum Turkey".

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