

## **Criminal Code**

Law Nr. 5237

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### **FIRST VOLUME**

#### **General Provisions**

#### **FIRST CHAPTER**

#### **Basic Principles, Definitions and Field Of Application**

#### **FIRST SECTION**

#### **Basic Principles and Definitions**

##### **Object of Criminal Code**

**ARTICLE 1-** (1) The object of Criminal Code is to protect the individual rights and freedom , public order and security, state of justice, public health and environment, and communal peace, as well as to discourage commitment of offences. This Law defines the basic principles for criminal responsibility and types of crimes, punishments and security precautions to be taken in this respect.

##### **Legality rule in offences and punishments**

**ARTICLE 2-** (1) A person may neither be punished nor be imposed cautionary judgment for an act which does not explicitly constitute an offence within the definition of the Law. Furthermore, application of punishments and security precautions besides those stipulated in this Law is not allowed.

(2) No criminal punishment may be imposed based on regulatory transactions of the Administration.

(3) Application of provisions of the Laws relating to crimes and punishments by analogy is prohibited. The provisions relating to crimes and punishments may not be interpreted in way to lead to analogy.

##### **Equitable principle**

**ARTICLE 3-** (1) Offender may be subject to a punishment and imposition of security measures in proportion with the grossness of the illegal acts executed by him.

(2) Neither discrimination can be made between the persons in respect of races, language, religion, sects, nationality, color, sex, political tendencies etc. nor a person can be subject to special and different treatment before the laws and courts.

##### **Binding nature of the Law**

**ARTICLE 4-** (1) Ignorance of the criminal laws may not be an excuse.

(2) However, a person who commits an offence through an inevitable mistake due to his ignorance of the law may not be kept criminally responsible from such offence.

##### **Relation with the Special Laws**

**ARTICLE 5-**(1) The general provisions of this Law are applicable also for the offences under the cover of special criminal laws and other legislation relating to criminal punishment.

## **Definitions**

**ARTICLE 6-** (1) In practice of criminal laws, the terms used herein, shall have the following meanings;

- a) Citizen ; Any person who is a Turkish citizen during the commission of an offence;
- b) Minor ; Any person not attained the age of eighteen
- c) Public Officer; Any person selected or appointed to carry out public duty for a temporary or permanent period.
- d) The Judicial Authorities; Members and judges of the Supreme Courts and administrative, and military courts as well as Public Prosecutor and attorneys at law;
- e) Night Time; period starting one hour after the sunset and ending one hour before the sunrise;
- f) Arms;
  - 1) Fire guns
  - 2) Explosives
  - 3) All kinds of cutting, piercing or injuring instrument used for to attack or defense oneself;
  - 4) Other instruments which are suitable to use in attack or defense although actually not manufactured for this purpose;
  - 5) Burning, corrosive, harmful, suffocating, toxic nuclear, radioactive, chemical and biological substances which cause unrecoverable disease;
- g) Press and Broadcast; all kinds of written, visual, audio and electronic means used for public announcements,;
- h) Inveterate offender; Any person who commits the same kind of offence within one year or at different times after having been convicted of a heavy offense or any other similar criminal offense which requires imposition of less punishment;
- i) Professional Perpetrator; Any person who use to earn money by committing offense in the past;
- j) Offender who is a member of a criminal group; Any person who forms or manages a criminal group, or becomes a member of the same, or establishes cooperation with other criminal groups for committing offense.

## **SECOND SECTION**

### **Field Of Application**

#### **In Respect of Time**

**ARTICLE 7-** (1) A person may neither be punishment nor subject to a security measure for an act which does not constitute an offense according to the law in force at the time of commission of the offense. Also, one may neither be punished nor subject to a security measure for an act which does not constitute an offense according to the law which put into force after the commission of the offense. Where a punishment or security precautions of that sort is imposed, its execution and legal consequences are spontaneously abrogated.

(2) Where there are differences between provisions of the law in force at the time of commission of the offense and the provisions of the law subsequently put into force, the law which is in favor of the perpetrator is applied and enforced.

(3) The law in force at the time of conviction is applied in respect of execution of security precautions.

(4) The provisional or permanent laws are continued to be applied for the offenses which are committed during the period when they are in force.

## **In respect of Location**

**ARTICLE 8-** (1) Turkish laws are applied for the offenses which are committed in Turkey. Where the act constituting an offense is partially or entirely committed in Turkey, or the result is obtained in Turkey, the offense is assumed to have been committed in Turkey.

(2) If the offense is committed;

- a) in the Turkish territory, or airspace and Turkish territorial waters,
- b) in open seas and the space extending above these waters, and in/by the Turkish vessels and airplanes,
- c) in/by Turkish war ships and aircrafts,
- d) in the stationary platforms exclusively constructed in the territorial boundaries of Turkey or in industrial zones,

then this offense is assumed to have been committed in Turkey.

## **Conviction in a Foreign Country**

**ARTICLE 9-**(1) A person who is convicted in a foreign country for an offense committed in Turkey is subject to retrial in Turkey.

## **Offences Committed During Performance of A Duty**

**ARTICLE 10-** (1) A new trial can be filed in Turkey for a person who commits an offense in a foreign country while performing an official duty in the name of Turkey even if he is convicted in a foreign country due to execution of such act.

## **Offences Committed By the Citizens**

**ARTICLE 11-** (1) If a Turkish citizen, excluding the offences listed in Article 13, commits an offence in a foreign country which requires punishment with a minimum limit of less than one year imprisonment according to the Turkish laws, and if the offender is found in Turkey, then he is punished according to the Turkish laws provided that he is not convicted in the said foreign country for the same offense and there is possibility to proceed a trial in Turkey.

(2) Where the offence requires a punishment with a minimum limit of less than one year imprisonment, the trial is filed only upon rise of complaint by the injured party or the foreign country. In such case, the complaint has to be brought within six months as of the date of entry of the citizen into Turkey.

## **Offences Committed By the Foreigners**

**ARTICLE 12-**(1) If a foreigner, excluding the offences listed in Article 13, commits an offence in a foreign country causing injury to Turkey, which requires a punishment with a minimum limit of less than one year imprisonment, and if the offender is found in Turkey, then he is punished according to the Turkish laws. However, the trial is filed upon request of the Ministry of Justice.

(2) If the offence mentioned in the afore subsection is committed with the intension of causing injury to a Turkish citizen or a legal entity incorporated according to the Turkish laws and subject to special law, and if the offender is found in Turkey, then the perpetrator is punished according to the Turkish Laws upon complained of the injured party provided that that he is not convicted in the said foreign country for the same offense.

(3) If the aggrieved party is a foreigner, he is tried upon request of the Ministry of Justice in case of existence of the following conditions;

- a) Where the offence requires punishment with a minimum limit of less than three years imprisonment according to the Turkish Laws;
- b) Where there is no extradition agreement or the demand of extradition is rejected by the nation where the crime is committed or the person accused of a crime holds citizenship.

(4) A foreigner who is convicted of an offence in a foreign country within the scope of first subsection, or the action filed against him is extinguished or the punishment is abated, or the offence committed is not qualified for the prosecution, then a new trial can be filed in Turkey upon request of the Ministry of Justice.

### **Other Offences**

**ARTICLE 13-** (1) The Turkish laws are applied in case of commitment of following offences by the citizens or foreigners in a foreign country;

- a) Offences listed under Second Chapter of Second Volume.
  - b) Offences listed under Third, Fourth, Fifth, Sixth, Seventh and Eighth Sections in the Fourth Chapter of Second Volume.
  - c) Torture (Clauses 94,95)
  - d) Intentional environmental pollution (Clause 181)
  - e) Production and trading of habit-forming drugs or excitant substances (Clause 188), encouragement of use of habit-forming drugs or excitant substances (Clause 190).
  - f) Counterfeiting money (Clause 197), manufacturing and trading of instruments used in production of money and valuable seals/stamps.
  - g) Whoredom (Clause 227)
  - h) Bribery (Clause 252)
  - i) Confiscation or hijacking of aircraft, vehicles or vessels (Clause 223, subsections 2 and 3), or offences committed with the intention to give damage to these properties (Clause 152).
- (2) A trial can be filed in Turkey upon request of the Ministry of Justice even if the offender is convicted or acquitted of an offense defined in paragraphs (a) and (b) of the first subsection.

### **Investigation in Alternative Punishments**

**ARTICLE 14** -(1) No investigation or prosecution is started if it is allowed to choose either punishment of imprisonment or administrative fine as noted in articles 11 and 12.

### **Quantification Of Punishment Subject To Investigation**

**ARTICLE 15** - (1) In cases where it is deemed necessary to carry out investigation to quantify the punishment, the minimum limit of legitimate aggravation and maximum limit of legitimate extenuation should be considered during the calculations.

### **Deduction of Punishment**

**ARTICLE 16** -(1) No matter where the offence is committed, the period lapsed under observation, detention or conviction is deducted from the punishment to be given for the same offense in Turkey.

### **Disqualification from Certain Rights**

**ARTICLE 17**-(1) Under the above-mentioned circumstances, if a judgment given by a foreign court seeks disqualification of a certain right according to Turkish Laws, then the court, upon demand of the Public Prosecutor, may decide recognition of legal consequences of this judgment in Turkey as long as it is not contrary to the Turkish judicial system.

### **Extradition**

**ARTICLE 18-**(1) A foreigner accused or convicted of a crime committed in a country may be returned to his country upon demand for prosecution or execution of the punishment. However, the demand for extradition is rejected;

- a) If the act does not constitute an offense according to the Turkish laws,
- b) If the act is not in the nature of a political or military offense,
- c) If the offense is committed against the security of Turkish State, or with the intention of damaging the Turkish State or a Turkish citizen or a legal entity incorporated according to the Turkish laws,
- d) If the offense is within the competence of the Turkish courts,
- e) If the action is subject to statute of limitation or amnesty.

(2) Excluding the provisions seeking participation in the International Criminal Court, a citizen may not be returned to a foreign country due to committed offense.

(3) The demand for extradition is rejected if there is deep concern or uncertainty about the future of a person after being extradited, whether he will be subject to prosecution or punishment due to racial, religious preference, or nationality, or membership to a social or political group, or to a cruel treatment or torture.

(4) The high criminal court at the domicile of the concerned person is entitled to give decision on the demand for extradition according to the provisions of this article and relevant international agreements of which Turkey is one of the parties.

(5) If the court adjudicates acceptability of the demand for extradition, the enforcement of this decision is within discretion of the Ministers' Council.

(6) Decision may be taken for application of protective measures for the person subject to extradition according to the relevant international agreements of which Turkey is one of the parties.

(7) In case the demand for extradition is adjudicated acceptable, a decision may be given for arrest of the accused or may apply to other protective measures according to the according to the Code of Criminal Procedure.

(8) A person subject to extradition may be tried or convicted of an offense which constitutes the basis of this decision, or sentenced to punishment.

### **Consideration of Foreign laws**

**ARTICLE 19-** (1) The punishment given in Turkey to a person who is convicted of an offense committed beyond the political authority of Turkey, may not be more than the maximum limit of the punishment stipulated in the laws of the country where the offense is committed.

(2) However, the provisions of the above subsection may not be applied if the offense is committed;

- a) Against the security of the Turkish State, or with the intention of giving injury to the State, or
- b) Against Turkish citizens, or with the intention of giving injury to the legal entities incorporated according to Turkish legislation and subject to special law.

## **SECONED CHAPTER**

### **Essence of Criminal Responsibility**

#### **FIRST SECTION**

#### **Individuality of Criminal Responsibility, Malice and Negligence**

#### **Individuality of Criminal Responsibility**

**ARTICLE 20-** (1) Criminal responsibility arises from a private wrong. No one can be kept responsible from another person's act.

(2) No punitive sanctions may be imposed for the legal entities. However, the sanctions in the form of security precautions stipulated in the law for the offenses are reserved.

### **Malice**

**ARTICLE 21-** (1) In order to consider an act as an offense, a crime has to be intended by the offender. Malice is an intention to cause harm being aware of the legal consequences of the crime defined in the laws.

(2) Execution of an act by a person being aware of its legal consequences defined in the law is considered as malice. In that case, the offender is sentenced to life imprisonment in offences which require heavy imprisonment and to imprisonment between twenty years and twenty-five years in the offenses which require life imprisonment; in other offenses the basic punishment is abated from one third to one half.

### **Negligence**

**ARTICLE 22-** (1) Offenses occasioned by negligent act are punished as expressly defined in the laws.

(2) Negligence is failure to take proper care or precaution during performance of an act without being aware of legal consequences of the crime defined in the laws.

(3) Where an act of person creates the legal consequence defined in the laws beyond his will, this is considered as intentional negligence; in such case the punishment imposed for negligent act is increased from one third to one half.

(4) The punishment to be given due to negligent offense is determined according to the fault of the offender.

(5) In negligent offenses committed by more than one person, each one is blamed of his own fault. The punishment is assessed individually according to the fault of each offender.

(6) No punishment is given if the legal consequence of the negligent offense exclusively results with injury of the offender either in person, rights or reputation in such a way not to require imposition of punishment; in case of intentional negligence, the punishment to be imposed may be abated from one half to one sixth.

### **Offences Aggravated As A Result Of Injurious Consequences**

**ARTICLE 23-**(1) In order to keep a person responsible from an act which can be considered as matter of aggravation, or injurious consequence beyond the intended purpose, this person at least should have acted with negligence.

## **SECOND SECTION**

### **Excusatory and Mitigating Causes**

#### **Mandatory Provision and Order of the Supervisor**

**ARTICLE 24-**(1) No punishment is imposed for a person who complies with the mandatory provisions.

(2) Also, a person who meets an order given by an authorized body as a part of his duty may not be kept responsible from such act.

(3) An order constituting an offense should never be fulfilled. Otherwise, the person fulfilling the order and the person giving the order is kept responsible at the same time.

(4) In cases where inspection of the order in respect of compliance with the laws is avoided, the person giving the order is responsible from fulfillment of the order.

#### **Self Defense and State of Necessity**

**ARTICLE 25-** (1) No punishment is given to an offender who acts with immediate necessity, according to the prevailing conditions, to repulse or eliminate an unjust assault against his or another person's rights, of which the recurrence is highly expected.

(2) No punishment is given to the offender for an act executed to protect himself from a severe and definite danger or an assault against his or another person's rights, where he has no other choice to eliminate this danger. However, there should be proportional relation between the imminent necessity to protect oneself and the seriousness of danger, and the means used to eliminate this danger.

#### **Use of a right and consent of the concerned body**

**ARTICLE 26-** (1) No punishment is given to a person using his rights.

(2) No punishment is given to a person acting under the consent of a person relating to a right disposable by that person.

#### **Exceeding of limit**

**ARTICLE 27-** (1) Where the limit is unintentionally exceeded due to excusatory causes, the punishment is imposed by reducing the punishment stipulated in the law for negligent offenses (from one sixth up to one third), if the act is subject to punishment even executed in negligence.

(2) No punishment is given to the offender if the limit during self-defense is exceeded as a result of excusable excitement, fear or anxiety.

#### **Force and Violence, Menace and Threat**

**ARTICLE 28-** (1) No punishment is imposed to a person who commits an offense as a result of intolerable or inevitable violence, or serious menace or gross threat. In such cases, the person involved in violence, menace and threat is considered as the offender.

#### **Unjust Provocation**

**ARTICLE 29-** (1) A person committing an offense with affect of anger or asperity caused by the unjust act is sentenced to imprisonment from eighteen years to twenty-four years instead of heavy life imprisonment, and to imprisonment from twelve years to eighteen years instead of life imprisonment. In other cases, the punishment is abated from one-fourth up to three thirds.

#### **Mistake**

**ARTICLE 30-**(1) A person executing an act without knowing factual means of offense defined in the law is not considered to have acted intentionally. The state of negligent responsibility is reserved due to such mistake.

(2) A person who is mistaken about the factual qualifications of an offense which require heavier or less punishment may take advantage of this mistake.

(3) A person who inevitably makes mistake about existence of conditions eliminating or diminishing criminal responsibility may take advantage of this mistake.

#### **Minority**

**ARTICLE 31-**(1) The children having not attained the full age of twelve on the commission date of the offense, may not have criminal responsibility. Besides, no criminal prosecution may be commenced against such persons; but, it may be deemed necessary to take certain security precautions specific to children.

(2) In case a person who attained the age of twelve but not yet completed the age of fifteen on the commission date of the offense does not have the ability to perceive the legal meaning and consequences of the offense, or to control his actions, he may not have criminal responsibility for such behavior. However, security precautions specific to children may be adopted for such individuals. If a person has the ability to apprehend the offense he has committed or to control his actions relating to this offense, then such person may be sentenced to imprisonment from nine years to twelve years if the offense requires heavy life imprisonment; from seven years to nine years if the offense requires life imprisonment.

Two thirds of other punishments is abated and in this case, the imprisonment to be imposed for each offense may not be more than six years.

(3) A person who attained the full age of fifteen but not yet completed the age of eighteen on the commission date of the offense is sentenced to imprisonment from fourteen years to twenty years if the offense requires heavy life imprisonment; and from nine years to twelve years if the offense requires life imprisonment. One half of the other punishments is abated and in this case, the imprisonment to be imposed for each offense may not be more than eight years.

### **Insanity**

**ARTICLE 32-**(1) A person lacking ability to perceive the legal meaning and consequences of the offense, or having considerably lost the capacity to control his actions due to insanity may not be subject to any punishment. However, security precautions are imposed for such individuals.

(2) Even if not to such an extent stated in the first subsection, a person lacking ability to control or direct his actions in respect of offense committed by him is sentenced to twenty five years imprisonment instead of heavy life imprisonment and to twenty years imprisonment instead of life imprisonment. In other cases, one sixth of the punishment to be imposed may be abated. The entire or part of penalty inflicted may be applied as security precaution specific to insane persons, provided that the sentence period remains the same.

### **Deafness and Dumbness**

**ARTICLE 33-** (1) The provisions of this Law relating to minors not attained the full age of twelve on the commission date of offense is also applicable for the deaf and dumb persons not attained the full age of fifteen; the provisions relating to those attained the full age of twelve but not yet completed the age of fifteen are applicable for the deaf and dumb persons who attained the full age of fifteen but not yet completed the age of eighteen; the provisions relating to those attained the full the age of fifteen but not yet completed the age of eighteen are applicable for the deaf and dumb persons who attained the full age of eighteen but not yet completed the age of twenty.

### **Ephemeral Reasons, Addiction To Alcohol and Drugs**

**ARTICLE 34-** (1) No punishment is imposed to a person lacking ability to perceive the legal meaning and consequences of the offense or having considerably lost the capacity to control his actions due to ephemeral reasons or use of alcohol or drugs beyond his own will.

(2) The provisions of first subsection may not be applicable for the persons committing an offense with the affect of alcohol and drugs used consciously.

## **THIRD SECTION**

### **Attempt To Commit An Offence**

#### **Attempt To Commit an Offence**

**ARTICLE 35-** (1) A person who acts with the intention of committing crime but fails to perform the acts necessary to commit the crime due to a cause beyond his control, is considered to have attempted to commit crime.

(2) In case of attempt to commit crime, the offender is sentenced to imprisonment from thirteen years to twenty years instead of heavy life imprisonment according to the seriousness of the damage or danger; and imprisonment from nine years to fifteen years instead of life imprisonment. In other cases, the punishment is abated from one-fourth up to three-fourth.

### **Voluntary Abandonment**

**ARTICLE 36 -** If a person voluntarily abandons performance of the acts necessary to commit the crime, or avoids accomplishment of the crime with his own efforts, then he may not be punished for this crime; however, where the accomplished part constitutes an offense, punishment is given only for this specific offense.

## **FOURTH SECTION**



## **Participation In Commission of A Crime**

### **Perpetration**

**ARTICLE 37-**(1) Each one of the persons who jointly execute the act defined as crime in the law is responsible from its legal consequences as the offender.

(2) Also, a person who uses another person in commission of a crime is also kept responsible as the offender. The punishment of the persons who uses a person(s) lacking culpability is increased from one-third up to one half.

### **Solicitation**

**ARTICLE 38-** (1) A person soliciting another person to commit offense is punished according to the degree of crime committed.

(2) In case of solicitation to commit offense by using the power originating from lineage (antecedent/descendent) relation, the punishment of the soliciting person is increased from one-third to one half. The lineage relation is not sought for increase of punishment pursuant to the provisions of this subsection in case of solicitation of minors to commit offense.

(3) Where the soliciting person is not known, the offender who plays role in identification of the soliciting person, or other accomplice is sentenced to imprisonment from twenty years to twenty-five years instead of heavy life imprisonment and to imprisonment from fifteen years to twenty years the offense requires life imprisonment. In other cases, one-third of the punishment can be abated.

### **Encouragement of A person To Commit Offence**

**ARTICLE 39-** (1) A person encouraging another person to commit offense is sentenced to life imprisonment from fifteen years to twenty years if subject to heavy life imprisonment; and from ten years to fifteen years imprisonment if the offense requires life imprisonment.

2) A person is kept responsible under the following conditions from commission of offense as the party encouraging the offender;

a) To solicit a person for commission of an offense or to support his decision to commit offense or to guarantee help after commission of offense.

b) To give idea about how the offense shall be committed or to supply the necessary tools to be used during commission of offense.

c) To render support before and during the commission of offense in order to simplify the intended act.

### **Connected offenses**

**ARTICLE 40-** (1) If an act is executed intentionally and contrary to the laws, then this is considered as participation in commission of offense. Each person participating in commission of an offense is punished according to his involvement in the offense, irrespective of the personal reasons avoiding the punishment of the other.

(2) In particular offenses the person possessing the characteristics of a perpetrator is defined as offender. The others who participate in commission of offense are kept responsible from commission of offense as soliciting or supporting parties.

(3) In order to keep a person responsible from participation in commission of an offense, at least there must be an attempt to commit offense.

### **Voluntary Abandonment in Jointly Committed Offenses**

**ARTICLE 41-**(1) In jointly committed offenses, only the accomplice who voluntarily abandons the attempt to commit offense may benefit from the provisions of the law relating to voluntary abandonment.

(2) The provisions relating to voluntary abandonment is applied;

a) If the commission of offense is not bound to any other reason than the efforts shown by the person who voluntarily abandons the attempt.

b) If the offense is committed despite all the efforts of the person who voluntarily abandons the attempt.

## **FIFTH SECTION**

### **Joinder of Offenses**

#### **Joint Offenses**

**ARTICLE 42-**(1) Any offense which is considered to have been committed by a single act, where each act constitutes the moral elements or aggravating reasons of the other, is called joint offense. The provisions relating to joinder may not be applicable for such offenses.

#### **Successive Offenses**

**ARTICLE 43-** (1) In case of commission of the same offense against a person more than once at successive intervals, the offender is imposed a punishment. However, this punishment may be increased from one-fourth to three-fourth. The basic elements or characteristics of an offense determining the degree of punishment (heavy or light punishment) are considered to define whether the intended act is the same offense or not.

(2) The provisions of first subsection are applied in case of commission of the same offence against more than one person with a single attempt.

(3) The offences such as voluntary manslaughter (felonious homicide), felonious injury, torture, sexual abuse and plunder are not subject to the provisions of this article.

#### **Joinder of ideas**

**ARTICLE 44-** (1) A person, who is considered to have committed more than one offense through performance of an act, is punished from the offense which requires imposition of heavier punishment.

## **THIRD CHAPTER**

### **Sanctions**

## **FIRST SECTION**

### **Punishments**

#### **Punishments**

**ARTICLE 45-**(1) The punishments to be imposed as sanction against the offenses are imprisonment and administrative fines.

#### **Punishment of Imprisonment**

**ARTICLE 46-** (1) Following are the punishments of imprisonment;

a) Heavy life imprisonment

b) Life imprisonment

c) Imprisonment for definite period

#### **Heavy Life Imprisonment**

**ARTICLE 47-(1)** Heavy life imprisonment continues until death of the convict and is enforced under the strict security measures as defined in the law and statute.

### **Life Imprisonment**

**ARTICLE 48-(1)** Life imprisonment continues until the death of the convict.

### **Imprisonment for definite period**

**ARTICLE 49-(1)** Unless otherwise is provided by the law, imprisonment for definite period may not be less than one month, more than twenty years.

(2) The imprisonment for one year or less than a year is considered as short-term imprisonment.

### **Sanctions precedent for sentence to short-term imprisonment**

**ARTICLE 50 - (1)** Short-term imprisonment may be converted to following punishments according to the personality, social and economical status of the convict, repentance shown by him during the trial period and qualifications of the offense;

a) Administrative fine,

b) Reimbursement of overall loss encountered by the aggrieved party or public, reinstatement or compensation of damages,

c) Admittance to an education institution for a period of at least two years to improve professional skills or to learn art by providing shelter,

d) Prohibition from traveling to certain places and to conduct certain activities for a period up to half of the imposed punishment.

e) In case of commission of an offense by misuse of rights and powers or by failing to take proper care and necessary precautions; seizure of driving license and other license certificates and prohibition from performance of certain profession or art for a period from one half up to one folds of the imposed punishment.

f) Voluntary employment in a job performed for public interest for a period from one half up to one folds of the imposed punishment.

(2) If a person is sentenced to imprisonment in cases where punishment of imprisonment or imposition of administrative fine is foreseen as alternative in definition of offense, then this punishment may no longer be converted to administrative fine.

(3) The punishment of imprisonment for thirty days and more, as well as for a period one year or less, imposed to a person under the age of eighteen and those not completed the full age of sixty five on the commission date of the offense, is converted to one of the alternative sanctions listed in first subsection provided that he has no previous conviction.

(4) Even if punishment of imprisonment is imposed for a longer period due to negligent offenses, this punishment may be converted to administrative fine according to paragraph (a) of first subsection in case of existence of other conditions.

(5) In practice, the principal conviction is the administrative fine or precaution converted to according to the provisions of this article.

(6) In case of failure to meet the requirements of the alternative sanctions within thirty days despite the notification of the Public Prosecutor after finalization of the sentence, or discontinued performance after being started, the court giving decision for conviction may adjudicate immediate execution of all or part of the short-term punishment of imprisonment. In this case, the provisions of the fifth subsection may not be applicable.

(7) If the convict fails to meet the requirements of the preferred precaution due to reasons beyond his control, the precaution is altered by the court giving the decision.

## **Suspension of Sentence**

**ARTICLE 51-** (1) Execution of the punishment imposed to a person who is sentenced to two years or more imprisonment due to committed offense may be suspended for a definite or indefinite time. The maximum limit of this period is three years for the persons not completed the full age of eighteen or the age of sixty-five on the commission date of offense. However, in order for the court to give decision for suspension of the sentence;

a) One should not be previously sentenced to imprisonment more than three months due to a felonious intent,

b) The court should reach to a conclusion that recurrence of the offense is out of question due to repentance shown by the offender during the trial period.

(2) Suspension of sentence may be bound to reimbursement of the losses encountered by the aggrieved party or public, or reinstatement of the deteriorated conditions or compensation of damages. In such case, the sentence is enforced in the execution institution under the judge's decision until fulfillment of all the conditions. Upon recovery, the convict is immediately released from the execution institution under the decision of the judge.

(3) An inspection period not less than one year, more than three years, is determined for the convict whose sentence is suspended. The minimum limit of this period may not be less than the imposed punishment.

(4) During the inspection period, the court may adjudicate;

a) Admittance of the offender to a training program if he has no profession or skills,

b) Employment of the convict in a public institution or another job under supervision against payment of wage if he has profession or required skills,

c) Admittance of convicts below the age of eighteen to a training institution in order to enable them to gain a profession or art.

(5) The court may assign an expert to guide the convict during the inspection period. This person gives advice to the convict to persuade him to give up bad habits and to act with the conscious of his responsibilities for a good life; by establishing contact with the authorities or staff of the training institution, exchanged views about the progress of the convict; prepares quarterly reports about the behavior, social adaptation and progress of the convict to be submitted to the judge.

(6) The court may also adjudicate proceed of inspection against no obligation or without assigning an expert (sponsor) in consideration of private and social conditions of the convict.

(7) In case the convict acts with felonious intent or insists not to fulfill the obligations conferred upon by the judge during the inspection period despite the warning of the judge, the court may decide enforcement of the suspended sentence, partially or entirely, in the execution institution.

(8) The sentence is considered to have executed if the convict acts in compliance with the rules or shows good manners during the inspection period.

## **Administrative Fine**

**ARTICLE 52-** (1) Administrative fine is an amount payable to the State Treasury and is calculated by multiplying the full number of days subject to penalty with the amount fixed for per day. The quantified days may not be less than five and more than seven hundred thirty days unless otherwise is provided in the law.

(2) The amount of administrative fine which is determined as at least twenty, at most hundred Turkish Lira per day is assessed in consideration of the private and economic conditions of the person.

(3) It is a basic rule to indicate the quantified full days and the amount fixed for one day separately in the decision.

(4) The Judge may grant respite period not exceeding one year as of the finalization date of judgment seeking payment of administrative fine in consideration of private and economic conditions of the person subject to penalty. Payment of this fine in installments may also be adjudicated in the decision. However, the installment period may not exceed two years and the amount is payable at most in four installments. The decision should also contain a statement requesting

collection of the remaining portion of the fine if failed to pay any one of the installments, and also a warning notifying conversion of administrative fine to punishment of imprisonment in case of such failure.

## **SECOND SECTION**

### **Security Precautions**

#### **Disqualification from use of certain rights**

**ARTICLE 53-** (1) As legal consequences of sentence to imprisonment due to a felonious intent, a person may be disqualified from;

a) Undertaking of a permanent or temporary public service; within this scope, such person is suspended from membership in Turkish Grand National Assembly, or office in any department of the State, province, municipality or employment in an institution and corporation controlled by these administrations,

b) Use of right of voting or right to be elected,

c) Use parental right; assignment in the status of guardian or curator,

d) Employment as manager or auditor in the foundations, associations, unions, companies, cooperatives and political parties in the status of legal entity,

e) To perform a profession or art as free-lancer or tradesman subject to consent of a professional organization in the status of public institution or public corporation.

(2) A person may not use these rights until the punishment of imprisonment is fully executed.

(3) The provisions of the above subsections may not be applied in cases where the sentence of the offender acting as guardian or curator is suspended or he is conditionally released.

(4) The provisions of the first subsection may not be applicable for the persons whose short-term sentence is suspended or not attained the full age of eighteen on the commission date of the offense.

(5) Where a person is sentenced to imprisonment due to misuse of any one of the rights and powers listed in the first subsection, the court may further prohibit use of these rights and powers even after the execution of the sentence by increasing the punishment from one half up to one folds. In case of imposition of administrative fine as punishment due to offenses committed by misuse of such rights and powers, the court may prohibit use of these rights and powers as much as from one half of quantified days up to one folds. The period of prohibition executed upon finalization of the decision starts to run as of the date on which the administrative fine is fully executed.

(6) In case of conviction from a negligent offense due to breach of obligations in professional field, or violation of traffic rules by acting carelessly and without taking the necessary precautions, the court may decide disqualification from performance of this profession or art, or seizure of the driving license for a period not less than three months and more than three years.

The sentence is executed upon finalization of prohibition and seizure decision.

#### **Seizure of Property**

**ARTICLE 54-**(1) The court may adjudicate seizure of the property/tools used in or reserved for commission of felonious offense, provided that such property does not belong to third parties. The property/tools prepared for use in commission of offense is seized if it is determined to be dangerous for public safety, public health or oral principles.

(2) In case of concealment, disposal, consumption of the property defined in the first subsection, or avoidance of seizure in any other manner, the court may adjudicate confiscation of a sum corresponding to the value of this property.

(3) If it is understood that seizure of the property used in commission of offense will involve consequences heavier than the offense, then the court may refrain from adjudicating seizure of property.

(4) The property of which the production, storage, use, transportation, purchase or sale constitutes an offense is subject seizure.

(5) Where partial seizure is in question, the court may decide seizure of only that portion without giving damage to other parts of the property.

(6) With regard to the property owned by more than one person, the court may adjudicate seizure of the part corresponding to the share of the person participating the offense.

### **Confiscation of Income**

**ARTICLE 55-**(1) The court may adjudicate confiscation of pecuniary benefits provided through commission of offense, or constituting the object of the offense, or secured for commission of offense, as well as the economic gains recorded as a result of assessment or conversion of these benefits. In order to take decision for confiscation pursuant to the provisions of this subsection, reimbursement of pecuniary benefits to the aggrieved part should be out of question.

(2) In cases where the seizure of the property or pecuniary benefits subject to confiscation is not likely, or it is not possible to deliver the same to the concerned authorities, the court may adjudicate confiscation of the values considered as the counterpart of this property.

### **Security Precautions Specific To Minors**

**ARTICLE 56-**(1) Types and implementation procedures of the security precautions specific to minors are defined in the relevant law.

### **Security Precautions Specific To Insane People**

**ARTICLE 57-**(1) Decision for imposition of security precautions is given by the court about a person suffering from mental illness at the time of commission of the offense. The insane people subject to security precautions under the court's decision are sheltered and taken under protection for treatment purposes in the fully organized health institutions.

(2) An insane person against whom security precautions are imposed, may be discharged from the health institution where he receives treatment under the court's or judge's decision if the report prepared by the health commission of the institution contains a statement that there is no risk to the community, or the risk is considerably diminished.

(3) In the report of the health commission, information is provided according to the degree of mental illness and the quality of the offense whether the person is to be kept under the medical control or not and if so, how long this should be continued and at what intervals.

(4) The medical control and observation is provided for a period and at intervals indicated in the report through transfer of these people by the Public Prosecutor's Office to the health organizations equipped with necessary technical instruments and specialist.

(5) Where the risk created by the mental deficiency of the person is determined to be increased during the medical control and observation, the court may re-adjudicate imposition of security precautions for protection and treatment purposes on the basis of the report.

(6) On the basis of the commission's report issued by the fully organized health institution where the insane person is sheltered pursuant to the provisions of first and second subsections, the punishment of imprisonment may be applied, partially or entirely, as security precaution specific to persons suffering from mental illness subject to decision of the court: However, the convictions period remains the same.

(7) The court may adjudicate transfer of the persons who commits an offense or addicted to drugs or alcohol to the health institutions rendering therapy in this field. The therapy continues until these persons are saved from using alcohol or drugs. Upon completion of therapy, they are discharged from the health institution on the basis of the report to be prepared by the health commission under the court's or judge's decision.

### **Recidivism and Offenses Of Special Risk**

**ARTICLE 58-**(1) Provisions relating to recidivism are applied in case of commission of an offense after finalization of the decision for conviction. Execution of the sentence is not sought for adoption of this provision.

(2) The provisions relating to recidivism may not be applicable for the offenses committed;

a) After lapse of five years as of the execution date of the sentence to imprisonment more than five years due to previous conviction,

b) After lapse of three years as of the execution date of sentence to imprisonment for five years or less due to previous conviction.

(3) In case of recidivism, the offender is punished with imprisonment if an alternative between imprisonment and administrative fine is provided in the relevant article of the law for the current offense.

(4) The provisions relating to recidivism may not be applicable in the felonious or negligent offenses and exclusive military offenses. Excluding offenses such as felonious homicide, felonious injury, plunder, swindling, production and trading of narcotic and harmful drugs or counterfeiting of valuable stamps, the decisions taken by the foreign courts may not be taken as basis in recidivism.

(5) The provisions relating to recidivism may not be applicable for the offenders not attained the full age eighteen on the commission date of the offense.

(6) The punishment to be imposed in case of recidivism is executed according to the regime exclusive to the recidivists and the convict is released following the execution of the sentence but kept under control and observation as precaution.

(7) The decision for conviction should contain a statement notifying adoption of special execution regime and imposition of precaution seeking control and observation of the recidivist after release.

(8) The sentence and precaution seeking control and observation of the recidivist after release is executed according to the procedure setout in the law.

(9) The court may decide adoption of special execution regime and precaution seeking control and observation of the recidivist after execution of the sentence also for the inveterate offenders, and the persons who commits offense in a professional manner or the offenders belonging to an organized group.

## **Deportation**

**ARTICLE 59-**(19) After execution of the sentence, the court may adjudicate immediate deportation of a foreigner who is sentenced to imprisonment for a period of two years or more due to committed offense.

## **Security Precaution For The Legal Entities**

**ARTICLE 60-**(1) In case of conviction of a crime through participation of the organs or representatives of a legal entity subject to special law and operating under the license granted by a public institution or misuse of authorization conferred upon by this license, the court may decide cancellation of this license.

(2) The provisions relating to confiscation are applied also for the legal entities involved in commission of offense.

(3) In cases where application of the provisions of the afore subsections is likely to create heavier consequences, the judge may refrain from imposition of such precautions.

(4) The provisions of this article are applicable for the cases specifically defined by the law.

## **THIRD SECTION**

### **Determination and Individualization of Punishment**

#### **Determination of Punishment**

**ARTICLE 61-**(1) In a concrete event, the judge determines the principal punishment between the minimum and maximum limits of the punishment defined in the law for the committed offense in consideration of the following facts;

- a) How the offense is committed;
- b) The tools used during commission of offense;
- c) Commission time and place of offense;
- d) The seriousness and consequences of the offense;
- e) The grossness of the danger or risk;
- f) The grossness of the fault of the offender based on felony or negligence;
- g) The object and intension of the offender.

(2) Increase or reduction of punishment in case of felonious intent or conscious negligence is realized over the punishment to be determined according to the first subsection.

(3) In cases where the facts listed in the first subsection constitute the elements of offense, these facts may not be additionally considered in determination of the principal punishment.

(4) In case an offense creates more than one legal consequence which requires heavier or slighter punishment in regard to basis of the offense, the principal offense is first increased then reduced.

(5) The final punishment is assessed at the discretion of the court or judge over the punishment determined according to the afore subsections in consideration of the qualifications of offense such as attempt to commit an offense, participation in commission of an offense, unjust provocation, minority, insanity and other personal reasons.

(6) The period of punishment of imprisonment is determined on the basis of day, month and year. One day is considered as twenty-four hours; one month is thirty days. The year is calculated according to the official calendar. In punishment of imprisonment, the remainder of one day; in assessment of administrative fine, the remainder of one Turkish Lira may neither be considered in the calculations nor be executed as punishment.

### **Matters of Discretionary Mitigation**

**ARTICLE 62-** (1) In case of existence of the discretionary matters of mitigation extenuating the punishment in favor of the offender, the offender is sentenced to life imprisonment instead of heavy life imprisonment; or twenty-five years imprisonment instead of life imprisonment. The matters of discretionary mitigation are indicated in the court's decision.

(2) While evaluating the matters of mitigation, background, social relations and behavior of the offender after the commission of offense and during the trial period, and potential affects of the punishment on the future of the offender is considered.

### **Set-off**

**ARTICLE 63-** (1) The conviction periods realized prior to final decision and created by reasons resulting with a punishment limiting personal liberty are deducted from the adjudicated punishment of imprisonment. In case of adjudication of punitive fine, this is deducted from the punishment with the assumption that one day corresponds to one hundred Turkish Lira.

## **FOURTH SECTION**

### **DISMISSAL OF AN ACTION AND VACATION OF PUNISHMENT**

#### **Death of Accused or Convict**

**ARTICLE 64-** (1) In case of death of the convict, the court may adjudicate dismissal of public action. However, the proceedings relating to property and tangible benefits subject to confiscation is continued and decision is taken in this direction.



(2) The punishment of imprisonment and the punitive fines not yet executed is abrogated upon death of the convict. But, execution of judgments finalized before the death of the convict relating to confiscation or court expenses are carried on.

### **Amnesty**

**ARTICLE 65-** (1) Public action is dismissed in case of amnesty. The imposed punishments are abated together with all consequences.

(2) In case of pardon, the convict may be released from penitentiary where he is sentenced to imprisonment or the period of imprisonment is shortened or the imprisonment can be transformed to punitive fine.

(3) The punishment of disqualification from certain rights under judgment is executed despite of pardon.

### **Statute of Limitation**

**ARTICLE 66-** (1) Unless otherwise is provided in the law, public action is dismissed upon lapse of ;

- a) Thirty years in offenses requiring punishment of heavy life imprisonment,
- b) Twenty-five years in offenses requiring punishment of life imprisonment,
- c) Twenty years in offenses requiring punishment of imprisonment not less than twenty years,
- d) Fifteen years in offenses requiring punishment of imprisonment more than five years and less than twenty years,
- e) Eight years in offenses requiring punishment of imprisonment or punitive fine not more than five years

(2) Public action is dismissed upon lapse of half of the a/m periods if the convict completed the age of ten but not yet attained the age of fifteen at the commission date of the offense; as for the convicts who completed the age of fifteen but not attained the age of eighteen, public action is dismissed upon lapse of one third of the a/m periods.

(3) In determination of statute of limitation, the qualified form of offense which requires imposition of heavy punishment is considered on the basis of the evidences presented to the file.

(4) The maximum limit of the punishment assessed in the law for the offense is taken into account during determination of the periods mentioned in afore subsection. In offenses, where imposition of alternative punishment is in question, the punishment of imprisonment is taken as basis with regard to statute of limitation.

(5) For the offender who is re-tried due to execution of same act no matter what the reason is, the statute of limitation to be determined according to the principle stipulated in third subsection for the subsequently tried offense is considered.

(6) In succeeded offenses, the statute of limitation starts to run as of the commission date of offense; in attempt to accomplish offense, as of the execution date of last act; in continuing offenses, as of the date on which the offense is discontinued; and in successive offenses, as of the commission date of last offense. In offenses committed against the minors by the antecedents or the persons who hold control or power on these persons, the statute of limitation starts to run as of the date on which the minor attains the full age of eighteen.

(7) Statute of limitation may not be applicable in case of commission of offenses in abroad, which require heavy imprisonment, or imprisonment or imprisonment more than ten years.

### **Suspension and Vacation of Statute of Limitation**

**ARTICLE 67-** (1) In cases where the proceeding of investigation and prosecution is bound to a permission or decision, result of a matter to be solved by another authority; the statute of limitation is suspended until such permission or decision is obtained or the matter is resolved, or the court decision declaring the offender fugitive is abated pursuant to the law.

(2) The statute of limitation is vacated;

a) If any one of the suspects or offenders is brought before the court

to take his statement or interrogation purposes.

b) If a decision is taken for arrest of any one of the suspects or offenders,

c) If an indictment is prepared relating to the committed offense,

d) If a decision for conviction is given even though related with some of the offenders.

(3) After vacation of the running of the statute of limitation, an entirely new statute of limitation starts to run. Where there are more than one reasons leading to vacation of statute of limitation, the statute of limitation starts to run again as of the date, which coincides to the occurrence date of the last disruption event.

(4) In case of vacation, the statute of limitation is extended at most up to one half of the period stipulated in the Law for the committed offense.

### **Statutory Period for Execution of Punishments**

**ARTICLE 68-(1)** The punishments listed in this article may not be executed upon lapse of following periods;

a) Forty years in punishment of heavy life imprisonment,

b) Thirty years in punishment of life imprisonment,

c) Twenty-four years in punishment of imprisonment for twenty years or more,

d) Twenty years in punishment of imprisonment more than five years,

e) Ten years in punishment of imprisonment and punitive fines imposed up to five years.

(2) Punishment may not be executed upon lapse of half of the a/m periods if the convict completed the age of twelve but not yet attained the age of fifteen at the commission date of the offense; as for the convicts who completed the age of fifteen but not attained the age of eighteen, the statutory period is determined as two thirds of the a/m periods.

(3) Statutory period may not be applicable in the punishments of heavy life imprisonment of life imprisonment or imprisonment more than ten years imposed due to offenses committed abroad as detailed in Fourth Chapter, Second Volume of this Law.

(4) The convictions subject to different punishments may not be considered as executed upon lapse of the period prescribed for the heaviest punishment.

(5) Statutory period, during which a penalty is imposed, starts to run as of the finalization date of the conviction or the date on which the execution of punishment is vacated for any reason whatsoever; and remaining portion of the punishment is considered in assessment of this period.

### **Statutory Period and Disqualification of certain rights**

**ARTICLE 69-(1)** The period during which the convict is disqualified from certain rights bound to a punishment or conviction, continues until expiry of statutory period.

### **Statutory Period for Confiscation**

**ARTICLE 70-** The decision for conviction may not be executed after lapse of twenty years as of the date of final decision.

### **Vacation of Statutory Period for Execution of Punishment**

**ARTICLE 71-**(1) Any notice served by the competent authority according to the procedure set out in the law informing the decision of conviction and subsequent arrest of the convict, results with vacation of statutory period.

(2) If a person is convicted of a malicious offense which requires imposition of imprisonment with maximum limit more than two years, this may lead to vacation of statutory period.

#### **Quantification and Application of Statute of Limitation and Statutory Period**

**ARTICLE 72-** (1) Statute of Limitation and Statutory Period is determined on the basis of day, month and year. One day is considered as twenty-four hours; one month is thirty days; and one year is calculated according to officially accepted calendar.

(2) Statute of Limitation and Statutory period is applied ex officio and neither of the suspects, accused and convict may withdraw from exercising these periods.

#### **Offences of which the investigation and prosecution is bound to a complaint, conciliation**

**ARTICLE 73-** (1) No investigation or prosecution is proceeded unless a complaint is brought by the victim of an offense against the offense of which the investigation and prosecution is bound to a complaint.

(2) Provided that the statutory period is not expired, this period starts to run as of the date on which the complainant becomes aware of the malicious act and the offender.

(3) If one of the victims of the offense fails to bring a complaint within six months period, this may not mean the vacation of the rights of the others.

(4) Unless otherwise is provided by the law, in the offenses of which the prosecution is bound to a complaint, withdrawal of the victim from the complaint results with dismissal of the action; withdrawal upon obtaining of final decision may not suppress execution of punishment.

(5) Withdrawal from complaint about one of the accomplice who is some in some way associated in commission of offense (collective offense), also covers the others.

(6) Unless otherwise is provided by the law, withdrawal may not affect the convict refusing to accept this intent.

(7) If the dismissal of public action results from withdrawal of complaint by the victim and at the same time, the convict declares waiver from all personal rights, then it becomes impossible to file an action in a civil court.

(8) In the offenses of which the investigation and prosecution is bound to a complaint and where the victim is a real person or legal entity subject to special law; in case the victim and offender reaches conciliation by free will upon admission of the offense by the offender, or acceptance of compensation or recovery of entire or majority of damage, no public action is proceeded after determination of this fact by the Public Prosecutor or the Judge. Besides, the court may decide dismissal of the public prosecution.

#### **Affects of dismissal of action or vacation of punishment**

**ARTICLE 74-** (1) General Amnesty, pardon and withdrawal from complaint may not require return of confiscated property or reimbursement of the punitive fine collected against the committed offense.

(2) Dismissal of public prosecution may not affect the action filed to bring a personal claim for return of confiscated property and compensation of damages.

(3) Dismissal of action may not affect the provisions relating to personal rights, compensation of damages and court expenses. However, court expenses may not be claimed in case of declaration of general amnesty.

#### **Pre-payment**

**ARTICLE 75** (1)-Excluding the offenses within the scope of conciliation, no public prosecution is proceeded if the offender of the offenses which require imposition of only punitive fine or imprisonment not exceeding maximum limit of three months, agrees to pay within ten days as of the date of notice to be served by the Public prosecutor the following amounts together with the investigation charges;

- a) the fixed penalty amount, if the amount is not fixed, then the minimum limit of punitive fine,
  - b) the amount to be calculated by considering twenty Turkish Lira per day, corresponding to minimum limit of punishment of imprisonment,
  - c) Where the punishment of imprisonment and punitive fine is imposed at the same time, the amount to be assessed for imprisonment according to paragraph (b) of this subsection plus the minimum limit of punitive fine.
- (2) In case the matter is spontaneously brought to the court pursuant to the provisions of the special law, dismissal of public prosecution again may be considered if the offender agrees to pay, upon notification of the judge, the penalty amount to be assessed according to first subsection, as well as the court expenses incurred thereof.
- (3) The provisions of afore subsection are applied in case of start of public prosecution by the Public Prosecutor without executing pre-payment transaction or transformation of the act subject to prosecution to an offense within the scope of this clause.
- (4) The amount payable in cases where deemed necessary to impose one of the alternatives, either imprisonment with maximum limit less than three months or punitive fine, the penalty is determined on the basis of the punitive fines according to the afore subsections.
- (5) Withdrawal from commencement of a public prosecution or dismissal of action pursuant to this clause, may not affect the provisions relating to claim of personal rights, re-possession of property and confiscation.

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## **SECOND VOLUME**

### **Special Provisions**

#### **FIRST CHAPTER**

##### **International Offenses**

##### **FIRST SECTION**

##### **Genocide and Offenses against Humanity**

###### **Genocide**

**ARTICLE 76-** (1) Execution of any one of the following acts under a plan against members of national, racial or religious groups with the intention of destroying the complete or part of the group, creates the legal consequence of an offense defined as genocide.

- a) Voluntary manslaughter
  - b) To act with the intension of giving severe corporal or spiritual injury,
  - c) To impose conditions that make survival of complete or part of the group members impossible,
  - d) To impose that prevent births in the group,
  - e) To transfer minors of a group to another group,
- (2) A person who commits the offense of genocide is sentenced to heavy imprisonment.
- (3) The court may adjudicate imposition of security precautions upon the legal entities due to such offenses,
- (4) These offenses are not subject to statute of limitation.

## **Offenses against Humanity**

**ARTICLE 77-** (1) Execution of any one of the following acts systematically under a plan against a sector of a community for political, philosophical, racial or religious reasons, creates the legal consequence of an offenses against humanity.

- a) Voluntary manslaughter,
- b) To act with the intension of giving injury to another person,
- c) Torturing, infliction of severe suffering, or forcing a person to live as a slave,
- d) To restrict freedom,
- e) To make a person to be subject to scientific researches/tests
- f) Sexual harassment, child molestation,
- g) Forced pregnancy
- h) Forced prostitution

(2) In case of execution of the act mentioned in paragraph (a) of first subsection, the convict is sentenced to heavy imprisonment; in case of commission of offenses listed in other paragraphs, the convict is sentenced to imprisonment not less than eight years. However, if the offense is caused by voluntary manslaughter or intentional injury of a person, then the provisions relating to physical joinder are applied in consideration of number of victims.

(3) The court may adjudicate imposition of security precautions upon the legal entities due to such offenses,

(4) These offenses are not subject to statute of limitation.

## **Organized groups**

**ARTICLE 78-**(1) Those forming organized groups or engage in management of such groups are punished with imprisonment from ten years to fifteen years. Any person who becomes a member of such group is sentenced to imprisonment from five years to ten years.

(2) The court may adjudicate imposition of security precautions upon the legal entities due to such offenses.

(3) These offenses are not subject to statute of limitation.

## **SECOND SECTION**

### **Unlawful Transfer of Immigrants to a Country and Human Trade**

#### **Unlawful Transfer of Immigrants to a country**

**ARTICLE 79-** (1) Persons who directly or indirectly involve in;

- a) Unlawful entry of a foreigner in the country or facilitate his stay in the country, and
- b) Unlawful transfer of Turkish citizens or foreigners to abroad,

are sentenced to imprisonment from three years to eight years and punished with a punitive fine up to ten thousand days.

(2) In case of commission of this offense by an organized group, the punishment to be imposed is increased by one half.

(3) In case of commission of this offense within the frame of activities of a legal entity, the court may decide on imposition of security measures specific to the legal entities.

## **Human Trade**

**ARTICLE 80-**(1) Persons who provide, kidnap or shelter or transfer a person (s) from one place to another unlawfully and by force, threat or violence or misconduct of power or by executing acts of enticement or taking advantage of control power on helpless persons in order to force them to work or serve for others or to send them away where he is treated almost like a slave, are sentenced to imprisonment from eight years to twelve years and punished with punitive fine up to ten thousand days.

(2) In case of execution of acts which constitute offense in the definition of first subsection, the consent of the victim is considered void.

(3) In case of kidnapping, providing, sheltering or transfer of a person(s) who is under the age of eighteen, the offender is subject to the punishments indicated in the first subsection even if he did not execute the acts causing offense.

(4) Security precautions are applied for the legal entities committing such offenses.

## **SECOND CHAPTER**

### **Offenses Against Individuals**

#### **FIRST SECTION**

#### **Offenses against Life**

#### **Voluntary manslaughter (Felonious Homicide)**

**ARTICLE 81-**(1) Any person who unlawfully kills a person is sentenced to life imprisonment.

#### **Qualified form of felonious homicide**

**ARTICLE 82-** (1) In case of commission of this offense;

- a) Willfully,
- b) Ferociously or brutality,
- c) By use of nuclear, biological or chemical weapons which cause explosion or result with fire, flood, destruction, sinking etc.
- d) Against any one of the antecedents or descendants, or spouse or brother/sister, or
- e) Against a child or a person who cannot protect himself due to corporal or spiritual disability, or
- f) Against a pregnant woman, or
- g) By virtue of public office, or
- h) With the intention of concealing or facilitating commission of an offense, or destroying the evidences, or
- i) Blood feud,
- j) Ethical reasons,

the offender is sentenced to heavy life imprisonment.

#### **Felonious homicide due to failure or negligence**

**ARTICLE 83-** (1) In order to keep a person responsible from a death due to failure to perform an obligation, the failure or negligence creating such consequence should be equal to commissive act in degree.

(2) In order to accept negligence and commissive act as equal elements, a person;

a) Should have undertaken liabilities arising out of a legal adaptations or contract to execute a commissive act, and

b) His previous performance should constitute a risk against the other's life.

(3) Any person causing death of a person due to failure in performing of a legal obligation or requirement, as a basic punishment, is sentenced to imprisonment from twenty years to twenty years instead of heavy life imprisonment and from fifteen years to twenty years imprisonment instead of life imprisonment. As for the other cases, the court may decide for imprisonment from ten years to fifteen years, or reduction of punishment.

### **Suicide**

**ARTICLE 84-**(1) Any person who solicits, encourages a person to commit suicide, or supports the decision of a person for suicide or helps the suicide action in any manner whatsoever, is punished with imprisonment from two years to five years.

(2) In case of commission of suicide, the person who is involved in such act is sentenced to imprisonment from four years to ten years.

(3) Any person who openly encourages others to commit suicide is punished with imprisonment from three years to eight years.

(5) Persons who encourage others, lack of ability to understand the meaning and consequences of the executed act, to commit suicide, or force a person to commit suicide under threat, are convicted of felonious homicide.

### **Negligent homicide**

**ARTICLE 85-**(1) Any person who causes death of a person by negligent conduct is punished with imprisonment from three years to six years.

(2) If the act executed results with death or injury of more than one person, the offender is punished with imprisonment from three years to fifteen years.

## **SECOND SECTION**

### **Offenses of Bodily Harm**

#### **Felonious injury**

**ARTICLE 86-** (1) Person intentionally giving harm or pain to another person or executes an act which may lead to deterioration of health or mental power of others, is sentenced to imprisonment from one year to three years.

(2) In case of commission of offense of felonious injury;

a) Against antecedents or descendents, or spouse or brother/sister,

b) Against a person who cannot protect himself due to corporal or spiritual disability,

c) By virtue of public office,

d) By undue influence based on public office,

e) By use of a weapon,

the offender is sentenced to imprisonment from two years to five years.

## **Consequential Heavy Injury**

**ARTICLE 87-** (1) If the act of felonious injury results with;

- a) Loss of any one of the senses or organs of the victim,
- b) Continuous difficulty in speaking,
- c) Distinct mark on the face,
- d) Risk of life,
- e) Premature birth of a child,

then the punishment determined according to the above article is increased on fold. However, the punishment to be imposed may not be less than three years in offences within the scope of first subsection; as for the offenses within the scope of second subsection, the punishment to be imposed may not be less than five years.

(2) If the act of felonious injury results with;

- a) Incurable illness or causes vegetative existence of the victim,
- b) Loss of sensual or bodily functions,
- c) Loss of ability to speak and to give birth to a child,
- d) Distinct facial change,
- e) Abortion, if the offense is committed against a pregnant woman,

then the punishment determined according to the above article is increased by one fold. However, the punishment to be imposed may not be less than three years in offences within the scope of first subsection; as for the offenses within the scope of second subsection, the punishment to be imposed may not be less than five years.

(3) Where the felonious injury results with break of corporal bones, the offender is sentenced to imprisonment from one year to six years according to the extent of injury in vital functions of the broken bones.

(4) Where the felonious injury results with death of a person, the offender is sentenced to imprisonment from eight years to twelve years in offenses within the scope of first subsection; as for the offenses within the scope of second subsection, the punishment of imprisonment is imposed from twelve years to sixteen years.

## **Offenses subject to less punishment**

**ARTICLE 88-** (1) In cases where it is possible to diminish the affect of felonious injury by a simple medical surgery, the offender is sentenced to imprisonment from four months to one year or punitive fine upon complaint of the victim.

(2) In case of commission of felonious injury by negligence, the punishment to be imposed may be reduced up to two thirds. In practice of this provision, the conditions relating to negligent homicide are taken into consideration in practice of this provision.

## **Negligent injury**

**ARTICLE 89-**(1) Any person who gives corporal or spiritual injury to a person or cause deterioration of ones health or consciousness by negligence, is sentenced to imprisonment from three months to one year or punitive fine.

(2) If the negligent injury results with;

- a) Weakening of sensual or bodily functions of the victim,



- b) Break of bones,
- c) Continuous difficulty in speaking,
- d) Distinct facial mark,
- e) Risk of life,
- f) Premature birth of a child,

then the punishment imposed according to first subsection is increased as much as one half.

(3) If the negligent injury results with;

- a) Incurable illness or causes vegetative existence of the victim,
- b) Loss of sensual or bodily functions,
- c) Loss of ability to speak and to give birth to a child,
- d) Distinct facial change,
- e) Abortion, if the offense is committed against a pregnant woman,

then the punishment imposed according to first subsection is increased by one fold.

(4) If the offense results with injury of more than one person, the offender is sentenced to imprisonment from six months to three years.

(5) Excluding the negligent act done with knowledge of essential facts and its legal consequences, commencement of investigation and prosecution for such offenses is bound to filing of a complaint.

#### **Use of human for experimental purposes**

**ARTICLE 90-** (1) Any person who uses a person for experimental purposes is sentenced to imprisonment from one year to three years.

(2) In order for an experiment carried out upon human under consent not to be subject to a criminal punishment;

- a) Necessary approval should be received from the competent board or authority,
- b) The experiment should be initially carried out upon sufficient number of animals without existence of human,
- c) There should be a need to try human for verification of scientific data obtained as a result of experiments carried out upon animals without existence of human,
- d) No harmful and steady affects of the experiment should be foreseen on human,
- e) The method adopted in the experiments should not give pain in such a way to dishonor the person used in the experiment,
- f) The object tried to be achieved by experiment should be much more important than the risk or burden undertaken by the person,
- g) The consent of the person should be obtained in writing by furnishing information about the nature and consequences of the experiment not allowing him to expect any benefit from this experiment.

(3) The children may not be used in experimental purposes.

(4) Any person who carries out an experiment upon a sick person for treatment purposes without obtaining his consent is punished with imprisonment up to one year. However, where there is no hope to treat a person with ordinary medical means, an experiment based on new scientific methods can be carried out upon a person by obtaining his consent. In such case, no punishment is imposed. This consent should be obtained in writing by furnishing information about the nature and consequences of the experiment and the treatment should be undertaken by a specialist physician in a hospital.

(5) The provisions of the Law relating to felonious homicide and felonious injury are applied in case of injury or death of the victim following the commission of the offense defined in first subsection.

(6) The security precautions specific to legal entities are applied in case of commission of offenses listed in this section within the frame of the activities of a legal entity.

### **Trading of organs and tissues**

**ARTICLE 91-**(1) Any person who takes an organ from another person without his lawful consent is punished with imprisonment from five years to nine years. If the case is unlawful delivery of a tissue, then the offender is sentenced to imprisonment from two years to five years.

(2) Any person who unlawfully takes an organ or tissue from a deceased person is punished with imprisonment up to one year.

(3) Any person who engages in purchase, sale of an organ or tissue, or acts as intermediary in such activities is sentenced to punishments listed in first subsection.

(4) In case of commission of offenses listed in first and third subsection within the activities of a legal entity, the offender is sentenced to imprisonment from eight years to fifteen years and punitive fine is imposed up to ten thousand days.

(5) Any person who hides and delivers or engages in implantation of an unlawfully obtained organ or tissue is sentenced to imprisonment from two years to five years.

(6) Any person who gives advertisement or publishes articles relating to donation of organs or tissues against certain benefit is sentenced to imprisonment up to one year.

(7) The security precautions specific to legal entities are applied in case of commission of offenses listed in this section within the frame of the activities of a legal entity.

(8) The provisions relating to felonious homicide are applied in case of death of the victim due to commission of an offense defined in first subsection.

### **State of destitute**

**ARTICLE 92-**(1) The punishment to be imposed may be reduced or entirely lifted in consideration of the social and economic conditions of the person selling his organs or tissues.

### **Contrition**

**ARTICLE 93-**(1) If the person selling his organs and tissues notifies the official authorities before they notice such activity and helps arrest of the offenders, he is no longer imposed punishment.

(2) If the person selling his organs and tissues helps disclosure of offense and renders service or assistance in catching of other offenders after notification of the official authorities, then the punishment to be imposed is reduced from one fourth to one half.

## **THIRD SECTION**

### **Torture and Torment**

#### **Torture**

**ARTICLE 94-**(1) Any public officer who causes severe bodily or mental pain, or loss of conscious or ability to act, or dishonors a person, is sentenced to imprisonment from three years to twelve years.

(2) The punishment may not be reduced in case of commission of offense;

a) Against a child who cannot protect himself due to corporal or spiritual disability,

b) Against an attorney or another public officer by virtue of office,

the offender is sentenced to imprisonment from eight years to fifteen years.

(3) In case of engagement in any act defined as sexual harassment, the offender is punished with imprisonment from ten years to fifteen years.

(4) Other persons who participate in commission of an offense are punished likewise the public officer.

(5) The punishment to be imposed may not be reduced even if the offense is committed by negligence.

### **Consequential severe torture**

**ARTICLE 95-**(1) Punishment determined according to the above article is increased by one half if the offense results with;

a) Weakening of sensual or bodily functions of the victim,

b) Continuous difficulty in speaking,

c) Distinct facial mark,

d) Risk of life,

e) Premature birth of a child.

(2) Punishment determined according to the above article is increased by one fold if the offense results with;

a) Incurable illness or causes vegetative existence of the victim,

b) Loss of sensual or bodily functions,

c) Loss of ability to speak and to give birth to a child,

d) Distinct facial change,

e) Abortion, if the offense is committed against a pregnant woman.

(3) In cases where the torture causes break of bones in the body, the offender is sentenced to imprisonment from eight years to fifteen years according to affects of broken bone on vital functions.

(4) In case of death of a person from torture, the offender is sentenced to heavy life imprisonment.

### **Torment**

**ARTICLE 96-**(1) Any person who causes suffering of another person by his acts is sentenced to imprisonment from two years to five years.

(2) In case of commission of offenses within the scope of above subsection;

a) Against a child who cannot protect himself due to corporal or spiritual disability, or against a pregnant woman,

b) Against antecedents or descendents or father/mother or spouse,

then the offender is sentenced to imprisonment from three years to eight years.

## **FOURTH SECTION**

### **Breach of Protection, Observation, Assistance and Notification Liability**

#### **Abandonment**

**ARTICLE 97-**(1) Any person who abandons another person who is under protection and observation due to state of disability bound to old age or sickness, is sentenced to imprisonment from three months to two years.

(2) If the victim suffers an illness or subject to injury or death due to abandonment, the offender is punished according to the provisions relating to aggravated offense.

#### **Failure in fulfillment of liability to render assistance or to serve notice**

**ARTICLE 98-**(1) Any person who fails to render assistance to an old, disabled or injured person at the extent of his ability, or fails to notify the concerned authorities in time, is punished with imprisonment up to one year or punitive fine.

(2) In case of death of a person due to failure in rendering assistance or notification of concerned authorities, the person responsible is sentenced to imprisonment from one year to three years.

## **FIFTH SECTION**

### **Causing Abortion, Abortion and Sterilization**

#### **Causing Abortion**

**ARTICLE 99-**(1) Any person, who causes abortion and loss of a child without consent of the woman, is punished with imprisonment from five years to ten years.

(2) Any person, who involves in expulsion of foetus older than ten weeks although medically not necessitated, is sentenced to imprisonment from two years to four years even if the consent of the woman is obtained for abortion. In such case, the woman who gives consent to abortion is also punished with imprisonment up to one year, or punitive fine.

(3) If a person is subject to corporal or spiritual injury due to execution of the act mentioned in first subsection, then the offender is sentenced to imprisonment from six years to twelve years. In case of death of a woman because of illegal abortion, the person responsible from this consequence is sentenced to imprisonment from fifteen years to twenty years.

(4) If the act mentioned in the second subsection results with corporal and spiritual injury of a woman, the person responsible from this consequence is sentenced to imprisonment from three years to six years; in case of death of woman, punishment of imprisonment from four years to eight years is imposed for the offender.

(5) Even if the abortion is based on consent of the woman, expulsion of fetus, which is less than ten weeks (incl.), by an unauthorized person, is subject to punishment of imprisonment from two years to four years. If the above-mentioned acts are executed by an unauthorized person, the punishments assessed pursuant to above subsections are increased by one half.

(6) In case a woman gets pregnant as a result of an offense, no punishment is imposed on the person due to expulsion of fetus provided that the pregnancy period does not exceed twenty weeks and the consent of the woman is obtained for abortion. In such case, the abortion should be made by the specialist physicians in the hospital.

#### **Abortion**

**ARTICLE 100-**(1) In case a woman agrees on abortion during the pregnancy period exceeding ten weeks, then she is punished with imprisonment up to one year or punitive fine.

## **Sterilization**

**ARTICLE 101-**(1) Any person, who involves in sterilization without the consent of man or woman, is sentenced to imprisonment from three years to six years. If the sterilization process is performed by an unauthorized person, then the punishment is increased by one third.

(2) Even if the abortion is based on the consent of parties, performance of this act by unauthorized persons is still subject to punishment from one year to three years.

## **SIXTH SECTION**

### **Offenses against Sexual Immunity**

#### **Sexual abuse**

**ARTICLE 102-** (1) Any person who attempts to violate sexual immunity of a person, is sentenced to imprisonment from two years to seven years upon complaint of the victim.

(2) In case of commission of offense by inserting an organ or instrument into a body, the offender is punished with imprisonment from seven years to twelve years. In case of commission of this offense against a spouse, commencement of investigation or prosecution is bound to complaint of the victim.

(3) If the offense is committed;

- a) Against a person who cannot protect himself because of corporal or spiritual disability,
- b) By undue influence based on public office,
- c) Against a person with whom he has third degree blood relation or kinship,
- d) By using arms or participation of more than one person in the offense,

the punishments imposed according to above subsections are increased by one half.

(4) In case of use of force during the commission of offense in such a way to break down victim's resistance, the offender is additionally punished for felonious injury.

(5) In case of deterioration of corporal and spiritual health of the victim as a result of the offense, the offender is sentenced to imprisonment not less than ten years.

(6) In case of death of vegetal existence of a person as result of the offense, the offender is sentenced to heavy life imprisonment.

#### **Child molestation**

**ARTICLE 103-**(1) Any person who abuses a child sexually is sentenced to imprisonment from three years to eight years.

Sexual molestation covers the following acts;

- a) All kinds of sexual attempt against children who are under the age of fifteen or against those attained the age of fifteen but lack of ability to understand the legal consequences of such act,
- b) Abuse of other children sexually by force, threat or fraud.

(2) In case of performance of sexual abuse by inserting an organ or instrument into a body, the offender is sentenced to imprisonment from eight years to fifteen years.

(3) In case of performance of sexual abuse by antecedents, second or third degree blood relations, step father, guardian, educator, trainer, nurse and other persons rendering health services and responsible from protection and observation of the child, or by undue influence based on public office, the punishment to be imposed according to the above subsections is increased by one half.

(4) In case of execution of sexual abuse against the children listed in paragraph (a) of first subsection by use of force or threat, the punishment to be imposed is increased by one half.

(5) The provisions relating to felonious injury are additionally applied in case the acts of force and violence cause severe injury to the person subject to sexual abuse.

(6) In case of deterioration of corporal and spiritual health of the victim as a result of offense, the offender is sentenced to imprisonment not less than fifteen years.

(7) In case the offense results with death or vegetal existence of the victim, the offender is punished with heavy life imprisonment.

#### **Sexual intercourse between/with persons not attained the lawful age**

**ARTICLE 104** – (1) Any person who is in sexual intercourse with a child who completed the age of fifteen without using force, threat and fraud, is sentenced to imprisonment from six months to two years upon filing of a complaint.

(2) If the offender is older than the victim more than five years, the punishment to be imposed is doubled without seeking raise of a complaint.

#### **Sexual harassment**

**ARTICLE 105**-(1) If a person is subject to sexual harassment by another person, the person performing such act is sentenced to punishment from three years to two years upon complaint of the victim.

(2) In case of commission of these offenses by undue influence based on hierarchy or public office or by using the advantage of working in the same place with the victim, the punishment to be imposed according to the above subsection is increased by one half. If the victim is obliged to leave the business place for this reason, the punishment to be imposed may not be less than one year.

### **SEVENTH SECTION**

#### **Offenses against Freedom**

##### **Threat**

**ARTICLE 106**- (1) Any person who threatens another person by saying that he intends to kill himself or one of his relatives, or to violate corporal or sexual immunity of others, is punished with imprisonment from six months to two years.

(2) In case of performance of threat;

a) By use of a weapon,

b) By unsigned letter or use of special signs concealing ones identity,

c) By more than one person,

d) By taking advantage of the terror actions of existing or potential organized groups,

the offender is sentenced to imprisonment from two years to five years.

(3) In case of commission of offense by threat resulting with felonious homicide, felonious injury or damage to property, the offender is additional punished from these offenses.

## **Blackmail**

**ARTICLE 107-** (1) Any person who forces a person to perform an act contrary to the law; or to execute or not to execute a duty beyond his responsibility; or to derive unjust benefit from a thing by declaring his will to perform or not to perform an obligation which he is entitled to do so, is sentenced to imprisonment from one year to three years and punished with punitive fine up to five thousand days.

## **Violence**

**ARTICLE 108-**(1) In case of use of physical power against a person to force him to do or not to do a thing, or to allow him to perform an act, the punishment determined for felonious injury is imposed with an increase from one third to one half.

**ARTICLE 109-**(1) Any person who unlawfully restricts the freedom of a person by preventing him from traveling or living in a place is sentenced to imprisonment from one year to five years.

(2) If a person uses physical power or threat or deception to perform an act or during commission of offense, then he is sentenced to imprisonment from two years to seven years.

(3) In case of commission of this offense;

- a) By use of a weapon,
- b) Jointly by a group of persons,
- c) By virtue of a public office,
- d) By undue influence based on public office,
- e) Against antecedents, descendants or spouse,
- f) Against a child or a person who cannot protect himself due to corporal or spiritual disability,

the punishment to imposed according to above subsections is increased by one fold.

(4) If this offense results with gross economical loss of the victim, the offender additionally is imposed punitive fine up to one thousand days.

(5) In case of commission of offense with sexual intent, the punishments to be imposed according to above subsections are increased by one half.

(6) The provisions relating to felonious injury are additionally applied in case of commission of aggravated form of this offense which creates the consequences of felonious injury.

## **Sincere repentance**

**ARTICLE 110-**(1) If a person committing the offense defied in the above article frees the victim by his own will before the commencement of investigation at a secure place and without giving any harm, then two thirds of the punishment is reduced in consideration of his repentance.

## **Imposition of security precautions on legal entities**

**ARTICLE 111-**(1) Security precautions specific to the legal entities are applied for those who secure unjust benefit from commission of the offenses such as threat, blackmail, violence or restriction of freedom of a person.

## **Prevention of Education and Training**

**ARTICLE 112-**(1) Punishment of imprisonment from one year to three years is imposed in case of execution of following acts contrary to the law by use of force or threat;

- a) Prevention of all kinds of educational and training activities carried out under license issued by the public authorities,
- b) Prevention of entry into buildings and premises where the students are sheltered in groups, or destruction of these buildings and premises.

#### **Prevention of activities of the public institutions or the professional organizations in the nature of public institution**

**ARTICLE 113-**(1) In case of prevention of activities of public institutions by use violence or threat or any other act contrary to the law, punishment of imprisonment is imposed from one year to three years.

#### **Prevention of use of political rights**

**ARTICLE 114-**(1) Any person who uses violence or threat against another person in order to force him;

a) To become or not to become a member of a political party, to participate or not to participate in the activities of a political party, to leave the political party or not to serve in the management of the political party,

b) Not to be nominated in an election for a public office, or to resign from the position he has been elected,

is subject to punishment of imprisonment from one year to three years.

(2) In case of prevention of activities carried out by a political party by use of violence, threat or performance of any act contrary to the law, the punishment to be imposed is determined according to the above subsection.

#### **Restriction of freedom of belief, conception, conviction**

**ARTICLE 115-**(1) Any person who forces another person by using violence or treat to disclose or change his religious, political, philosophical beliefs, conceptions and convictions, or prevents disclosure and publication of the same, is punished with imprisonment from one year to three years.

(2) In case of prevention of mass religious service or worship by use of violence or threat or performance of any act contrary to the law, the punishment to be imposed is determined according to the above subsection.

#### **Violation of Dwelling Immunity**

**ARTICLE 116-**(1) Any person who illegally enters the residence of another person or its attachments and occupies the place without the consent of the owner is punished with imprisonment from six months to two years upon complaint of the victim.

(2) The provisions of above subsection may not be applied if the residence is jointly used under consent by the spouses or more than one person forming the conjugal community.

(3) In case of commission of the offenses within the scope of first subsection in business places and their attachments, other than ordinary places of which the entrance is not subject to permission, punishment of imprisonment from six months to one year, or punitive fine is imposed whichever the case is.

(4) In case of commission of offense by use of violence or threat or during the night, the offender is sentenced to imprisonment from one year to three years.

#### **Violation of freedom of Work and Labor**

**ARTICLE 117-**(1) Any person who violates freedom of work and labor by using violence or threat or performing an act contrary to the law, is sentenced to imprisonment from six months to two years and imposition of punitive fine upon complaint of the victim.

(2) Any person who employs helpless, homeless and dependent person (s) without payment or with a low wage incomparable with the standards or forces him to work and live inhumanly conditions, is sentenced to imprisonment from six months to three years or imposed punitive fine not less than hundred days.



(3) The same punishment is imposed also to a person who provides or transfers a person from one place to another to have him live and work under the above mentioned conditions.

(4) Any person who unlawfully increases or decreases the wages, or forces employees to work under the conditions different than that of agreed in the contract, or causes suspension, termination or re-start of the works, is sentenced to imprisonment from six months to three years.

#### **Prevention of use of syndical rights**

**ARTICVLE 118-** (1) Any person who uses violence or threat against a person in order to force him to become or not to become a member of a trade union, or to participate or not to participate in the activities of the union, or to cancel his membership from the union or to declare his resignation from the management of the union, is sentenced to imprisonment from six months to two years.

(2) In case of prevention of activities of the trade union/syndicate by using violence or threat or performing any other act contrary to the law, the offender is subject to punishment of imprisonment from one year to three years.

#### **Joint conviction**

**ARTICLE 119-**(1) In case of commission of offenses such as prevention of education and training, prevention of activities of public institutions and professional organizations in the nature of public institution, prevention of use of political rights, restriction of freedom of belief, conception and conviction, violation of dwelling immunity or restriction of freedom of work and labor ;

- a) By use of a weapon,
- b) By unsigned letter or use of special signs concealing ones identity,
- c) By more than one person,
- d) By taking advantage of the terror actions of the existing or potential organized groups,
- e) By undue influence based on public office,

the punishment to be imposed is increased by one fold.

(2) The provisions relating to felonious injury are additionally applied in case of commission of aggravated form of this offense which creates the consequences of felonious injury.

#### **Unjust Search**

**ARTICLE 120-**(1) Any public officer who unlawfully searches a person or his belongings is sentenced to imprisonment from three months to one year.

#### **Prevention of right of application**

**ARTICLE 121-**(1) In case of rejection of an application made to a competent public authority by a person using his legal rights without having legitimate reason, the offender is sentenced to imprisonment up to six months.

#### **Discriminatory Behavior**

**ARTICLE 122-**(1) Any person who makes discrimination between individuals because of their racial, lingual, religious, sexual, political, philosophical belief or opinion, or for being supporters of different sects and therefore;

- a) Prevents sale, transfer of movable or immovable property, or performance of a service, or benefiting from a service, or bounds employment or unemployment of a person to above listed reasons,
- b) Refuses to deliver nutriments or to render a public service,
- c) Prevents a person to perform an ordinary economical activity,

is sentenced to imprisonment from six months to one year or imposed punitive fine.

#### **Deterioration of peace and order**

**ARTICLE 123-**(1) If a person insistently calls another person, or makes noise with the intention of deteriorating peace and order or executes any other unlawful act for this purpose, is sentenced to imprisonment from three months to one year upon complaint of the victim.

#### **Prevention of communication**

**ARTICLE 124-**(1) In case of unlawful prevention of communication among the persons, the offender is sentenced to imprisonment from six years to two years or imposed punitive fine.

(2) Any person who unlawfully prevents communication among the public institutions is punished with imprisonment from one year to five years.

(3) Punishment is imposed according to the provisions of second subsection in case of unlawful prevention of broadcasts or announcements of all kinds of press and publication organs.

### **EIGHTH SECTION**

#### **Offenses Against Honor**

##### **Defamation**

**ARTICLE 125-** (1) Any person who acts with the intention to harm the honor, reputation or dignity of another person through concrete performance or giving impression of intent, is sentenced to imprisonment from three months to two years or imposed punitive fine. In order to punish the offense committed in absentia of the victim, the act should be committed in presence of least three persons.

(2) The offender is subject to above stipulated punishment in case of commission of offense in writing or by use of audio or visual means directed to the aggrieved party.

(3) In case of commission of offense with defamatory intent;

a) Against a public officer,

b) Due to disclosure, change or attempt to spread religious, social, philosophical belief, opinion and convictions and to obey the orders and restriction of the one's religion,

c) By mentioning sacred values in view of the religion with which a person is connected,

the minimum limit of punishment may not be less than one year.

(4) The punishment is increased by one sixth in case of performance of defamation act openly; if the offense is committed through press and use of any one of publication organs, then the punishment is increased up to one third.

(5) In case of defamation of public officers working as a committee to perform a duty, the offense is considered to have committed against the members forming the committee.

##### **Determination of the aggrieved party**

**ARTICLE 126-**(1) Even if the name of the aggrieved party is not clearly indicated during commission of offense or the accusation is implicitly expressed, both the name of the aggrieved party and the act of defamation is assumed to have been declared provided that there is clear indication of defamation of a person's character based on the quality of the offense.

##### **Proof of Accusation**

**ARTICLE 127-**(1) In case the accusation or act constituting offense is proved, the person responsible of such act may not be subject to punishment. In case the person subject to defamation is convicted due to such offense, the imputation is regarded as proved. Besides this, acceptance of demand for proof of accusation depends on justness of the imputed act, or whether or not it involves public interest, or consent of the complainant is received on this subject.

(2) Punishment is imposed in case of defamation of a person by attributing to his act which is already proved.

#### **Plea/Defense Immunity**

**ARTICLE 128-**(1) No punishment is imposed if the written or verbal declarations before the courts or administrative authorities contain concrete accusations or negative evaluations about the persons within the scope of plea/defenses. However, in order to achieve such consequence, the accusations and evaluations should be based on real and concrete facts and also be related with the dispute between the parties.

#### **Mutual defamation due to unjust act**

**ARTICLE 129-**(1) In case of commission of defamatory offense as a reaction to an unjust act, the punishment may be reduced up to one third, or is totally lifted.

(2) A person may not be subject to punishment in case of commission of this offense as a reaction to felonious injury.

(3) In case of commission of defamatory offense mutually by the parties, the punishment to be imposed on both or any one of the parties may be either reduced up to one third, or is totally lifted.

#### **Defamation of a person's memory**

**ARTICLE 130-**(1) Any person who defames memory of a person after his death in the presence of at least three persons, is sentenced to imprisonment from three months to two years, or imposed punitive fine. The punishment is increased by one sixth in case of commission of the said offense openly.

(2) Any person who receives entire or part of the body or bones of the deceased person, or performs humiliating acts against his body or bones, is punished with imprisonment from three months to two years.

#### **Investigation and prosecution condition**

**ARTICLE 131-**(1) Excluding offenses committed against a public officer due to performance of duty, proceeding of investigation and prosecution for defamatory offense is bound to complaint of the victim.

(2) If the victim dies before filing a complaint, or the offense is committed against the memory of the deceased person, then complaint may be raised by second degree antecedents and descendents, or spouses or brothers/sisters of the deceased.

### **NINTH SECTION**

#### **Offenses Against Privacy and Secrecy of Life**

##### **Violation of Communicational Secrecy**

**ARTICLE 132-**(1) Any person who violates secrecy of communication between the parties is punished with imprisonment from six months to two years, or imposed punitive fine. If violation of secrecy is realized by recording of contents of communication, the party involved in such act is sentenced to imprisonment from one year to three years.

(2) Any person who unlawfully publicizes the contents of communication between the persons is punished with imprisonment from one year to three years.

(3) Any person who openly discloses the content of the communication between himself and others without obtaining their consent, is punished with imprisonment from six months to two years,

(4) The punishment determined for this offense is increased by one half in case of disclosure of contents of communication between the individuals through press and broadcast.

### **Tapping and recording of conversations between the individuals**

**ARTICLE 133-**(1) Any person who listens non general conversations between the individuals without the consent of any one of the parties or records these conversations by use of a recorder, is punished with imprisonment from two months to six months.

(2) Any person who records a conversation in a meeting not open to public without the consent of the participants by use of recorder, is punished with imprisonment up to six months, or imposed punitive fine.

(3) Any person who derives benefit from disclosure of information obtained unlawfully as declared above, or allowing others to obtain information in this manner, is punished with imprisonment from six months to two years, or imposed punitive fine up to thousand days.

### **Violation of Privacy**

**ARTICLE 134-** (1) Any person who violates secrecy of private life, is punished with imprisonment from six months to two years, or imposed punitive fine. In case of violation of privacy by use of audio-visual recording devices, the minimum limit of punishment to be imposed may not be less than one year.

(2) Any person who discloses audio-visual recordings relating to private life of individuals are sentenced to imprisonment from one year to three years. In case of commission of this offense through press and broadcast, the punishment is increased by one half.

### **Recording of personal data**

**ARTICLE 135-**(1) Any person who unlawfully records the personal data is punished with imprisonment from six months to three years.

(2) Any person who records the political, philosophical or religious concepts of individuals, or personal information relating to their racial origins, ethical tendencies, health conditions or connections with syndicates is punished according to the provisions of the above subsection.

### **Unlawful delivery or acquisition of data**

**ARTICLE 136-**(1) Any person who unlawfully delivers data to another person, or publishes or acquires the same through illegal means is punished with imprisonment from one year to four years.

### **Qualified forms of offense**

**ARTICLE 137-** (1) In case of commission of the offenses defined in above articles;

a) By a public officer or due influence based on public office,

b) By exploiting the advantages of a performed profession and art,

the punishment is increased by one half.

### **Destruction of Data**

**ARTICLE 138-**(1) In case of failure to destroy the data within a defined system despite expiry of legally prescribed period, the persons responsible from this failure is sentenced to imprisonment from six months to one year.

### **Compliant**

**ARTICLE 139-**(1) Excluding recording of personal data, unlawful delivery or acquisition of data and destruction of data, commencement of investigation and prosecution for the offenses listed in this section is bound to complaint.

### **Imposition of security precautions on legal entities**

**ARTICLE 140-**(1) Security precautions specific to legal entities are imposed in case of commission of offenses defined in the above articles by legal entities.

## **TENTH SECTION**

### **Offenses Against Property**

#### **Larceny**

**ARTICLE 141-**(1) Any person who takes other's movable property from its place without the consent of the owner to derive benefit for himself or third parties is punished with imprisonment from one year to three years.

(2) All kinds of energy with economic value is also considered movable property.

#### **Qualified Larceny**

**ARTICLE 142-**(1) In case of commission of offense of larceny;

a) In public institutions and corporations no matter who is the owner, or in places reserved for worship or by stealing the property used for in public interest or services,

a) By stealing the property under custody in public places or buildings or their attachments,

b) By stealing the property in the transportation vehicles provided for public use, or in arrival/departure terminals,

c) By stealing the property reserved for prevention of damages likely to be caused by a disaster or mitigation of its affects,

d) By stealing the property left in a certain place for use upon requirement,

e)By unlawful use of energy,

the offender is sentenced to imprisonment from two years to five years.

(2) In case of commission of this offense;

a) Against a person who is incapable to protect his belongings, or by taking advantage of a death,

b) By taking away the property carried on with a special skill,

c) By taking advantage of the fear or panic resulting from a natural disaster or social events,

d) By unlocking a door or safe with a counterfeited key kept unlawfully,

e) By use of data processing systems without consent,

f) By trying to conceal his identity or showing himself as a public officer although he is not authorized to do so,

g) By lifting cattle kept in shelters, herds or open places,

the offender is sentenced to imprisonment from three years to seven years. In case of commission of offense against a person who cannot defend himself due to corporal or spiritual disability by executing the acts mentioned in paragraph (b) of this subsection, the punishment to be imposed is increased up to one thirds.

(3) In case of commission of this offense by breach of rules relating to liquefied energy or any kind of energy in the form of gas, the punishment is determined in consideration of provisions of the second subsection. In case of commission of this offense within the frame of activities of an organized group, the offenders are sentenced to imprisonment up to fifteen years and also imposed punitive fine up to ten thousand days.

### **In case of commission of offense during the night**

**ARTICLE 143-**(1) In case of commission of offense of larceny during the night, the punishment is increased up to one third.

### **Conditions subject to less punishment**

**ARTICLE 144-**(1) In case of commission of offense of larceny;

- a) For a property under joint or co-ownership,
- b) To collect a debt receivable based on a legal relation,

the offender is punished with imprisonment from two months to one years, or imposed punitive fine upon complaint.

### **Property with less value**

**ARTICLE 145-**(1) Punishment to be imposed against the offense of larceny may be reduced or totally lifted if the value of the property stolen is determined to be less.

### **Larceny by temporary use of a property**

**ARTICLE 146-**(1) In case of commission of offense of larceny with the intention of returning the property to the owner after using it for a certain period, the punishment to be imposed is reduced by one half upon complaint.

### **State of necessity**

**ARTICLE 147-**(1) In case of commission of offense of larceny to meet a gross and urgent need, the punishment to be imposed may be either reduced or lifted according to the characteristics of the event.

### **Plunder**

**ARTICLE 148-**(1) Any person who avoids delivery of a property or forces a person to resist taking over the delivery by use of threat or violence and mentioning that he intends to hurt himself or one of his acquaintances, or to execute an act aimed to violation of one's corporal and sexual immunity, or to give severe damage to his property, is punished with imprisonment from six years to ten years.

(2) The same punishment is imposed if a person is forced to sign a bill which will put him under burden, or to issue a document declaring the bill in hand as void, or to resist delivery of such bill, or to sign a document which may be transformed to a bill in future, or to destroy a bill or to resist destruction of the same.

(3) Injury of the victim by any means in such a way to cause loss of conscious and strength to defend oneself is also considered violence in offense of plunder.

### **Qualified plunder**

**ARTICLE 149-**(1) In case of commission of offense of plunder;

- a) By use of a weapon,
- b) By concealing one's identity,
- c) Jointly by more than one person,
- d) By intercepting a person in a residence or business place,
- e) Against a person who cannot protect himself due to corporal and spiritual disability,
- f) By taking advantage of terror action carried out by the existing and potential organized criminal groups,

g) By securing benefit for criminal groups,

h) During the night,

the offender is sentenced to imprisonment from ten years to fifteen years.

(2) The provisions relating to felonious injury are additionally applied in case of realization of aggravated form of felonious injury during commission of offense of plunder.

#### **Conditions subject to less punishment**

**ARTICLE 150-**(1) However, only the provisions relating to threat and felonious injury are applied for a person using threat or violence with the intention of collecting debts receivable based on a legal relation.

#### **Damage to property**

**ARTICLE 151-**(1) Any person who entirely or partially destroys, demolishes, corrupts, breaks or dirties other's movable or immovable property in such a way not to be used any more, is punished with imprisonment from four months to three years, or imposed punitive fine.

(2) Any person who kills or harms an animal with an owner, without a justified reason, in such a way not to be used any more or to lower its value, is punished with imprisonment from four months to three years, or imposed punitive fine upon complaint of the aggrieved party.

#### **Qualified form of damage to property**

**ARTICLE 152-**(1) In case of commission of this offense by damaging;

a) Buildings, premises or other property belonging to public institutions and corporations, or allocated to public service or in places used for public interest,

b) All kinds of property or facilities reserved to prevent fire, flood, accidents or other disasters,

c) Trees, shrubs or vine yards wherever they are being planted, excluding places in the status of State forest,

d) Plants used for supply of irrigation, utility water or useful for prevention of disasters,

e) Buildings, premises or property owned by employers or workers, or trade unions/syndicates or confederations during lock-out or strikes,

f) Buildings, premises or property owned or used by political parties, professional organizations in the status of public institution and their supreme committees,

g) Commission of offense with the intention of injuring a public officer to take revenge even if his office period is terminated,

the offender is punished with imprisonment from one year to six years.

(2) The punishment to be imposed is doubled in case of commission of an offense by giving damage to property;

a) Through fire, use of flammable or explosive material,

b) Causing landslide, avalanche, flood or flow of water, or

c) Through exposure to radiation or use of nuclear, biological or chemical weapons.

#### **Damage to worship places and cemeteries**

**ARTICLE 153-**(1) Any person who damages worship places (churches, mosques etc.), property used in such places, cemeteries and buildings and premises over these areas by destroying, demolishing running the same, is sentenced to imprisonment from one year to four years.

(2) Any person who dirties the places and buildings listed in first subsection is punished with imprisonment from three months to one year, or imposed punitive fine.

(3) The punishment to be imposed is increased by one third in case of commission of offenses mentioned in first and second subsection with the intention of insulting religious group.

#### **Invasion of a place**

**ARTICLE 154-**(1) Any person who entirely or partially occupies immovable property or its attachments belonging to public institutions or real persons, or broadens, changes or destructs the boundaries of such places, or avoids, at a certain extent, exploitation of these immovable by the rightful parties, is punished with imprisonment from six months to three years and punitive fine up to thousand days.

(2) The punishments set-forth in first subsection are applied for any person who entirely or partially confiscates immovable property belonging to village administration and allocated for common use of villagers such as pasturages, harvest place, roads and fountains, and uses this immovable for agricultural purposes.

(3) Any person who changes the direction of water canals belonging to public or real persons is subject to punishments stipulated in first subsection.

#### **Misuse of trust**

**ARTICLE 155-**(1) Any person who illegally holds possession on a property entrusted to him to be used for certain purpose, or converts this property to his own or others' use beyond the object seeking transfer of possession, or denies this transfer event, is punished to imprisonment from six months to two years and imposed fine upon complaint.

(2) In case of commission of offense through embezzlement of property entrusted to a person or being under his control, or responsibility by virtue of his office based on a professional, artisanship, trading or service relation, the person involved in such act is punished with imprisonment from one year to seven years and imposed punitive fine up to three thousand days.

#### **Use of blank bill**

**ARTICLE 156-**(1) Any person who uses blank bill is sentenced to imprisonment from six months to two years and imposed punitive fine upon complaint.

#### **Fraud**

**ARTICLE 157-**(1) Any person who deceives another person through fraud or secures benefit both for himself and others by giving injury to the victim is punished with imprisonment from one year to five years and imposed punitive fine up to five thousand days.

#### **Qualified form of Fraud**

**ARTICLE 158-**(1) In case of commission of offense of fraud;

- a) By exploiting religious belief and perception of a person,
- b) By taking advantage of his being in a risky or difficult condition,
- c) By taking advantage of gradual deterioration of consciousness of a person,
- d) By using public institutions and corporations, public professional organizations, political parties, foundations or associations as a tool,
- e) By executing acts to the disadvantage of public institutions and corporations,



- f) By using data processing systems, banks and financial institutions as an tool,
- g) By benefiting from the facilities of press and publication organs,
- h) By executing fraudulent acts within the frame of trading activities of the persons being a merchant or executive of a company, or of those acting on behalf of the company,
- i) Through breach of trust by the free-lancers,
- j) By extending loan which is not allowed by the bank or any other finance institution,
- k) With the intention of collecting insurance amount,

the offender is punished with imprisonment from two years to seven years and imposed punitive fine up to five thousand days.

(2) Any person who secures benefit for others through fraud by mentioning that he has good relations with public authorities and also influence upon them, and deceives a person by promising to perform a certain work, is punished according to the provisions of above subsection.

#### **Conditions subject to less punishment**

**ARTICLE 159-(1)** In case of execution of act of swindling with the intention to collect a debt receivable based on a legal relation, the offender is punished with imprisonment from six months to one year, or imposed punitive fine.

#### **Possession on a lost or inadvertently found property**

**ARTICLE 160-(1)** Any person who holds possession on a lost or inadvertently found property without notifying the concerned authorities or returning the property to the owner, is punished with imprisonment up to one year, or imposed punitive fine upon complaint.

#### **Fraudulent bankrupt**

**ARTICLE 161-(1)** Any person who executes fraudulent act with the intention of minimizing his assets, is punished with imprisonment from three years to eight years provided that bankrupt is adjudicated before or after this fraudulent disposal of assets. In order to consider fraudulent bankrupt, one should have involved in;

- a) Fraudulent conveyance or concealed the property extended as guarantee against the claims of the creditor, or caused lessening of value of the property,
- b) Concealment of commercial books, records or documents in order to prevent others to notice the fraudulent conveyance of property,
- c) Issuance of false documents in such a way to increase the indebtedness as if there has been credit-debt relation between the parties,
- d) Declaration of assets less than what it is, by issuing false accounting records and balance sheet far from reflecting the actual figures.

#### **Negligent bankrupt**

**ARTICLE 162-(1)** Any person who goes to bankrupt as a result of his failure to take proper care and precautions as expected from a prudent merchant, is punished with imprisonment from two months to one year.

#### **Benefiting from a service without compensation**

**ARTICLE 163-(1)** Any person who benefits from a service rendered against payment through automatic machines, is sentenced to imprisonment from two months to six months, or imposed punitive fine.

(2) Any person who benefits from telephone lines and frequencies or coded/non-coded decoded electromagnetic waves without the consent of the owner or appropriator, is punished with imprisonment from six months to two years, or imposed punitive fine.

#### **Declaration of incorrect information about the company or cooperatives**

**ARTICLE 164-** (1) In case of furnishing of incorrect information by the founders, partners, directors, managers or representatives or members of Board of Directors, or persons carrying the title of liquidator in the declarations made to public authorities, or in the reports or recommendations submitted to the general assembly in such a way to mislead the concerned parties, those who are responsible from such act are punished with imprisonment from six years to three years, or imposed punitive fine.

#### **Purchase or acceptance of property acquired through committing an offense**

**ARTICLE 165-**(1) Any person who purchases or accepts the property acquired through committing an offense, is punished with imprisonment from six months to three years and punitive fine up to thousand days.

#### **Failure in notification**

**ARTICLE 166-**(1) Any person who fails to notify, as soon as possible, the competent authorities responsible for prosecution of the offense about the property transferred on the basis of a legal relation but known to have been acquired through commission of an offense, is punished with imprisonment up to six months, or imposed punitive fine.

#### **Excusatory causes or personal reasons which seek mitigation of punishment**

**ARTICLE 167-**(1) Excluding plunder and qualified form of plunder, no punishment is imposed on the subject relative in case of commission of offenses listed in this section with the intention of giving injury to;

- a) Any one of the spouses not subject to separation under court decree,
- b) Any one of antecedents or descendents, or blood relations, or adopter or adoptee,
- c) Any one of the brothers/sisters living in the same dwelling.

(2) In case of commission of these offenses with the intention of giving injury to any one of the spouses subject to separation under court decree, or any one of the brothers/sisters not living in the same dwelling, or uncle, aunt, niece or second degree blood relations living together in the same dwelling; the punishment to be imposed upon the subject relative is reduced by one half upon complaint.

#### **Sincere Repentance**

**ARTICLE 168-** (1) In case of compensation of the damages of the aggrieved party or return of the unlawfully acquired property to the owner before commencement of prosecution upon sincere repentance of the offender, accomplice or the person soliciting commission of offense, following the execution of acts of larceny, damage to property, breach of trust, swindling and benefiting from a service without compensation; the punishment to be imposed is reduced from one third up to two thirds. In the offense of plunder, the punishment may be reduced from one sixth up to one third.

(2) The consent of the aggrieved party is sought in order to adopt the provisions relating to sincere repentance in partial return of property or compensation of damages.

#### **Imposition of security precautions on legal entities**

**ARTICLE 169-**(1) Security precautions specific to legal entities are imposed in case of commission of offenses of larceny, breach of trust and swindling by the legal entities to secure unjust benefit.

### **THIRD CHAPTER**

#### **Offenses Against Community**

##### **FIRST SECTION**

## **Offenses Causing General Risk**

### **Endangering public safety intentionally**

**ARTICLE 170-**(1) Any person who causes;

- a) Fire
- b) Collapse of a building, landscape, avalanche, flood or overflow of water,
- c) Destruction by using gun or explosives,

in such a way to risk people's life, health or property, is sentenced to imprisonment from six months to three years.

(2) Any person who involves risk of fire, collapse of a building, landscape, avalanche, flood or overflow of water, is punished with imprisonment from three months to one year, or imposed punitive fine.

### **Endangering public safety by negligence**

**ARTICLE 171-**(1) In case a person by negligence causes;

- a) Fire,
- b) Collapse of a building, landscape, avalanche, flood or overflow of water,

he is punished with imprisonment from three months to one year in case the offense creates risk for other's life, health or property.

### **Spread out of radiation**

**ARTICLE 172-**(1) If a person is exposed to radiation by another person with the intention of giving harm to his health, the offender is punished with imprisonment from three years to fifteen years.

(2) In case of commission of the offense mentioned in first subsection against numerous persons, the punishment to be imposed may not be less than five years.

(3) Any person who spreads out radiation or involves in atom smashing process in such a way to result with severe injury of one's life and health or damage of property, is punished with imprisonment from two years to five years.

(4) Any person who causes spread of radiation or involves in atom smashing process during laboratory tests risking other's life, health or property as result of his failure in showing proper care and attention, is punished with imprisonment from six months to three years.

### **Causing explosion by atomic energy**

**ARTICLE 173-**(1) Any person who risks others' life, health or property by causing explosion by release of atomic energy, is punished with imprisonment not less than five years.

(2) In case of commission of a/m offense by negligence, the offender is sentenced to imprisonment from two years to five years.

### **Storage or delivery of hazardous substances without permission**

**ARTICLE 174-** (1) Any person or legal entity who engages in production, export and import of nuclear, radioactive, chemical, biological substances which may have explosive, burning, abrasive, harming, toxic and life-threatening affect without permission of the competent authorities, or transports the same from one place to another within the country, or a person who purchases, stores, sells or processes such substances, is punished with imprisonment from three years to eight years, and is also imposed punitive fine up to five thousand days. The person who exports the material or equipment required in production, processing or use of these substances is also subject to same punishment.

(2) In case of commission of these offenses within the frame of activities of an organized criminal group, the punishment is imposed by half.

(3) Any person who purchases, delivers or stores inconsiderable quantity of explosives of that sort is punished with imprisonment up to one year according to purpose of utilization.

#### **Breach of obligation to take care and look after a person suffering mental illness**

**ARTICLE 175-**(1) Any person who neglects his obligation to take care and look after a person suffering mental illness in such a way as to risk others' life, health or property, is punished with imprisonment up to six months, or imposed punitive fine.

#### **Disobedience to rules relating to construction or demolition**

**ARTICLE 176-**(1) Any person who fails to take necessary precautions during the construction or demolition activities that are required for safeguarding of human life or health, is punished with imprisonment from three months to one year, or imposed punitive fine.

#### **Freeing of animals risking others' lives**

**ARTICLE 177-**(1) Any person who frees an animal under his custody in such a way as to risk others' life and health, or fails to take the necessary precautions while the animal is under his control, is punished with imprisonment up to six months, or imposed punitive fine.

#### **Omitting to put signs and blocks**

**ARTICLE 178-**(1) Any person who omits to put signs or blocks during performance of certain works in public roads, or to mark the equipment/tools used in such activities, or property, or removes the existing signs or blocks, or changes their places is punished with imprisonment from two months to six months, or imposed punitive fine.

#### **Endangering traffic safety**

**ARTICLE 179-**(1) Any person who changes, destroys, removes all kinds of signs put to ensure flow of land, sea, air and railway traffic in safety, or interferes with technical operation system by giving wrong signals or putting different signs or marks on passages, departure, arrival, taking off or landing terminals risking others' life, health or property, is punished with imprisonment from one year to six years.

(2) Any person who drives and controls land, sea, air or railway transportation vehicles in such a way as to risk others' life, health or property is punished with imprisonment up to two years.

(3) Any person who drives and controls a vehicle unsafely due to effects of alcoholic drinks or drugs, is punished according to the provisions of the above subsection.

#### **Endangering traffic safety by negligence**

**ARTICLE 180-**(1) Any person who risks others' life, health or property by negligence in sea, air or railway transportation is punished with imprisonment from three months to three years.

### **SECOND SECTION**

#### **Offenses Against Environment**

##### **Intentional pollution of environment**

**ARTICLE 181-**(1) Any person who intentionally drains refuse or wastes to the ground, water or air contrary to the technical procedure defined in the relevant laws and in such a way as to cause environmental pollution, is punished with imprisonment from six months to two years.

(2) Any person who engages in transfer of refuse or wastes into the country without permission is punished with imprisonment from one year to three years.

(3) The punishment to be imposed according to the above subsections is doubled if the wastes or refuses are observed to have remaining affect in the ground, water or atmosphere.

(5) In case of commission of offenses defined in first and second subsections by processing of refuses or wastes in such a way to result with incurable disease both in human and animals, or deterioration of fertility and change natural characteristics of animals and plants; the offenders are punished with imprisonment not less than five years and also imposed punitive fine up to thousand days.

#### **Pollution of environment by negligence**

**ARTICLE 182-** (1) Any person who drains refuses or wastes to the ground, water or atmosphere by negligence in such a way to cause environmental pollution, is imposed punitive fine. Where the refuses or wastes are observed to have remaining affect in the ground, water or atmosphere, punishment of imprisonment is imposed from two months to one year.

(2) Any person who involves in draining of refuses or wastes to the ground , water or atmosphere by negligence in such a way to cause incurable disease both in human and animals, deterioration of fertility and change of natural characteristics of animals and plants, is punished with imprisonment from one year to five years.

#### **Causing Noise**

**ARTICLE 183-**(1) Any person who causes noise contrary to the obligations set-forth in the relevant laws, in such a way to result with deterioration of one's health, is sentenced to imprisonment from two months to two years, or imposed punitive fine.

#### **Pollution caused by constructions**

**ARTICLE 184-**(1) Any person who constructs or allows construction of a building without obtaining license or performs construction works contrary to the license, is punished with imprisonment from one year to five years.

(2) Any person who allows expansion of electricity, water or phone lines to the construction site which is built without obtaining license, is imposed punishment according to the provisions of above subsection.

(3) Any person who allows performance of an industrial activity in a building constructed without obtaining settlement license is punished with imprisonment from two years to five years.

(4) Excluding third subsection, the provisions of this article are applied only within the municipal boundaries or the regions subject to special construction regime.

(6) No public action is filed, or the public action already proceeded is extinguished in case a person restores the building constructed without license or contrary to the license in conformity with the construction plan and the license.

### **THIRD SECTION**

#### **Offenses Against Public Health**

##### **Mixing toxic substances**

**ARTICLE 185-**(1) Any person who risks the lives or health of others by mixing toxic substances to drinking water or food or causes decaying of any other consumption goods used as beverage and foodstuff, is punished with imprisonment from two years to fifteen years.

(2) In case of commission of offenses mentioned in above subsection by failing to take proper care or precaution, the offender is sentenced to imprisonment from three months to one year.

##### **Trading of decayed or transformed food or drugs**

**ARTICLE 186-**(1) Any person who sells, procures, stores decayed, transformed foodstuff, beverages or drugs causing risk for other's life and health , is punished with imprisonment from one year to five years , and also imposed punitive fine up to one thousand five hundred days.

(2) The punishment to be imposed is increased by one third in case of commission of this offense within the scope of a proficiency or craftship activity.

#### **Production and selling of drugs in such a way to risk others' life and health**

**ARTICLE 187-**(1) Any person who produces or sells drugs in such a way to risk others' life and health is punished with imprisonment from one year to five years.

(2) The punishment to be imposed is increased by one third in case of commission of this offense by a physician or pharmacist or within the scope of a proficiency or craftship activity.

#### **Production and trading of addictive or relieving/exciting drugs**

**ARTICLE 188-**(1) Any person who produces imports or exports addictive or relieving/exciting drugs without license or contrary to the license is punished with imprisonment not less than ten years and also imposes punitive fine up to twenty thousand days.

(2) The executed portion of the punishment imposed at the end of the trial proceeded in a country where the exportation of addictive or relieving drugs is considered as importation of the same in view of other country, is set-off from the punishment to be imposed upon finalization of the trial held in Turkey due to exportation of addictive and relieving drugs.

(3) Any person who sells, supplies, delivers, transports, stores, purchases, accepts or carries addictive or relieving/exciting drugs without license or contrary to the license, is punished with imprisonment from five years to fifteen years and also imposed punitive fine up to twenty days.

(4) In case the offense involves heroin, cocaine, morphine or base-morphine, the punishment to be imposed according to above subsections is increased by one half.

(5) In case of commission of offenses listed in above subsections within the frame of activities of an organized group, the punishment to be imposed according to above subsections is increased by one half.

(6) The provisions of above subsections are applied in every aspect for all kinds of drugs with relieving or exciting affect, of which the production is subject to permission of the competent authorities and the sale is realized under prescription issued by a physician.

(7) Any person who engages in import, sale, purchase, transport, storage or export of any product of which the import and production is subject to permission of the official authorities with the purpose of using this in production of addictive or relieving/exciting drugs is punished with imprisonment not less than four years and also imposed punitive fine up to twenty thousand days.

(8) In case of commission of the offenses mentioned in this article by a physician, dentist, pharmacist, chemist, veterinary, health personnel, laboratory technician, midwife, nurse, dentistry technician, nurse, health personnel or any other person dealing in chemistry or pharmacy; the punishment to be imposed is increased by one half.

#### **Imposition of security precautions on legal entities**

**ARTICLE 189-**(1) Security precautions specific to legal entities are imposed in case of commission of offenses involving production and trading of addictive or relieving/exciting drugs within the frame of activities of a legal entity.

#### **Facilitating use of addictive or relieving/exciting drugs**

**ARTICLE 190-**(1) Any person facilitating use of addictive or relieving/exciting drugs by;

- a) Providing special place, equipment or material,
- b) Taking precautions to avoid arrest of users,
- c) Furnishing information to others about the method of use,

is punished with imprisonment from two years to five years.

(2) In case of commission of the offenses defined in this article by a physician, dentist, pharmacist, chemist, veterinary, health personnel, laboratory technician, midwife, nurse dentistry technician, or any other person rendering health service or dealing in production and trading of chemicals or in pharmacy, the punishment to be imposed is increased by one half.

(3) Those who openly encourage use of addictive or exciting drugs, or makes publication with this purpose, is punished with imprisonment from two years to five years.

#### **Purchasing, accepting or carrying addictive or exciting drugs for use**

**ARTICLE 191-**(1) Any person who purchases, accepts or carries addictive or relieving/ exciting drugs for use is punished with imprisonment from one year to two years. Any person who grows plants with relieving or exciting affect for his own use is punished according to the provisions of this subsection.

(2) Precautions are imposed for those who use addictive or exciting drugs by forcing them to receive treatment in an institution where all his actions are kept under control (controlled liberty).

(3) A person under treatment or control in a defined institution is obliged to comply with the requirements of the precautions imposed in this institution. A specialist is assigned to guide the person under control in an institution. This specialist explains the harmful affects of the addictive and exciting drugs to the subject person during the implementation period of said precautions.

(4) Precaution seeking control of actions of the addict continues another year as of the termination date of the treatment. The court may adjudicate prolongation of control or observation period. However, this period may not be more than three years.

(5) The punishment imposed on the addict due to purchase, acceptance or carrying of addictive or exciting drugs is executed if failed to act in conformity with the requirements of precautions seeking treatment and control of actions of the addict. If the subject person is allowed to benefit from the provisions relating to sincere repentance, the action filed against him is proceeded and punishment is imposed according to the final judgment.

#### **Sincere repentance**

**ARTICLE 192-**(1) If a person commits an offense by involving in production and trading of addictive or relieving/exciting drugs and notifies the official authorities the names of the others who associated in commission of this offense, or the place where the drugs are hidden or produced before they receive such information, then he is no longer punished provided that the information furnished by him enables arrest of the accomplices or seizure of the addictive or exciting drugs.

(2) Furthermore, no punishment is imposed if the person who purchases, accepts or carries addictive or exciting drugs for his own use facilitates arrest of offenders or seizure of addictive or exciting drugs by notifying the official authorities the names of the supplier, date and place of delivery before they receive such information..

(3) The punishment to be imposed on the person who voluntarily serves and helps in discovery of offense and arrest of the offender, or his accomplices, is reduced from one fourth up to one half according to nature of service.

(4) No punishment is imposed if the addict applies to the official authorities with a request to receive treatment before commencement of investigation due to purchase, acceptance or carrying of addictive or exciting drugs.

#### **Production and trading of toxic substances**

**ARTICLE 193-**(1) Any person who produces, stores, sales or transports products containing toxic substances without obtaining permission although such activities are subject to license, is punished with imprisonment from two months to one year.

#### **Supply of harmful substances**

**ARTICLE 194-**(1) Any person who supplies or delivers substances to children, persons suffering from mental illness or others using evaporative substances, or presents such products to consumption risking others' life, is punished to imprisonment from six months to one year.

### **Contrariness to the precautions relating to epidemics**

**ARTICLE 195-**(1) Any person who refuses to comply with the precautions imposed by the authorized bodies at places under quarantine to avoid spread of disease from an ill or death person , is punished with imprisonment from two months to one year.

### **Improper burring of a death body**

**ARTICLE 196-**(1) Any person who buries or allows others to bury a death body in places other than those specified by authorities, is punished with imprisonment up to six months.

## **FORTH SECTION**

### **Offenses Against Public Confidence**

#### **Counterfeiting money**

**ARTICLE 197-**(1) Any person who counterfeits the currency presently under circulation in the country or abroad, and engages in preservation or use or transfer of the same from abroad into the country is punished with imprisonment from two years to twelve years, and also imposed punitive fine up to ten thousand days.

(2) Any person who accepts counterfeit money knowingly is punished with imprisonment from one year to three years and also imposed punitive fine,

(3) Any person who accepts counterfeit money unknowingly but puts this money in circulation being aware of this fact is punished with imprisonment from three years to one year.

#### **Values equal to money**

**ARTICLE 198-**(1) The debentures issued by the State and registered in the name of the bearer, share certificates, bonds and coupons, bills issued and put in circulation by the authorized institutions, as well as other securities and documents, and gold which is considered within national treasury are regarded as values in the nature of money.

#### **Counterfeiting valuable stamps**

**ARTICLE 199-**(1) Any person who counterfeits valuable stamps and engages in preservation or use or transfer of the same from abroad into the country is punished with imprisonment from one year to five years, and also imposed punitive fine.

(2) Any person who accepts counterfeit valuable stamp knowingly is punished with imprisonment from three months to one year, and also imposed punitive fine.

(3) Any person who accepts counterfeit valuable stamp unknowingly but puts this stamp in circulation being aware of this fact is punished with imprisonment from one month to six months.

(4) Papers containing stamp, revenue and post stamps and others used to certify payment of a certain amount of tax or charge are considered valuable stamps.

#### **Instruments used in production of money and valuable stamps**

**ARTICLE 200-**(1) Any person who produces, imports, sells, transfers, purchases , accepts or stores tools and instruments used in production of money or valuable stamps without permission is punished with imprisonment from one year to four years , and also imposed punitive fine.

#### **Sincere repentance**

**ARTICLE 201-**(1) If a person, who counterfeits money or valuable stamps, or engages in sale, transport, preservation or transfer of the same from abroad into the country, shows repentance before this money or valuable stamps are put in circulation and prior to the notification of the official authorities by disclosing the names of his accomplices and the place where the counterfeit money or valuable stamps are produced, concealed or stored, then he is no longer punished



provided that the information furnished by him enables arrest of the accomplices or seizure of the counterfeit money or valuable stamps.

(2) If a person who manufactures instruments and tools to be used in production of counterfeit money or valuable stamps, or engages in sale, transport, preservation or transfer of the same from abroad into the country, shows repentance prior to notification of the official authorities by disclosing the names of his accomplices and the place where the instruments and tools are produced or concealed, then he is no longer punished provided that the information furnished by him enables arrest of the accomplices or seizure of the said equipment and material.

#### **Counterfeiting seal**

**ARTICLE 202-**(1) Any person (s) who counterfeits the seal used by the Presidency of T.R., or Presidency of Turkish Grand National Assembly and also by Prime Ministry, is punished with imprisonment from two years to eight years.

#### **Destruction of seal**

**ARTICLE 203-**(1) Any person who removes or uses the seal contrary to object specified in the Law or disobeys the instructions of the authorized bodies for preservation or maintenance of this seal, is punished with imprisonment from six months to three years.

#### **Counterfeiting official documents**

**ARTICLE 204-**(1) Any person who issues or uses a false document, or changes an original document to deceive others is punished with imprisonment from two years to five years.

(2) If a public officer who is authorized to issue documents counterfeits a document, or changes the original document to deceive others, or prepares false documents or uses false official documents, then he is punished with imprisonment from three years to eight years.

(3) In case of consideration of an official document as valid until it is proved to be false, the punishment to be imposed is increased by one half.

#### **Cancellation, destruction or concealment of an official document**

**ARTICLE 205-**(1) Any person who cancels, destructs or conceals an original official document unlawfully is punished with imprisonment from two years to five years. In case of commission of this offense by a public officer, the punishment to be imposed is increased by one half.

#### **Untrue declaration during issuance of an official document**

**ARTICLE 206-**(1) Any person who conveys untrue declaration to a public officer being authorized to issue official document is punished with imprisonment from three months to two years, or imposed punitive fine.

#### **Counterfeiting personal certificate**

**ARTICLE 207-**(1) Any person who counterfeits a personal certificate or uses or changes the original to deceive others is punished with imprisonment from one year to three years.

(2) Any person who uses a counterfeit personal certificate being aware of this fact, is punished according to the provisions relating to forgery.

#### **Cancellation, destruction or concealment of a personal certificate**

**ARTICLE 208-**(1) Any person who cancels, destroys or conceals an original personal certificate is punished with imprisonment from one year to three years.

#### **Misuse of open signature**

**ARTICLE 209-**(1) Any person who fills in totally or partially blank document delivered to him with open signature different than what is agreed, is punished with imprisonment from three years to one year upon complaint.

(2) Any person who unlawfully acquires a signed and totally or partially blank document, or fills in the same in such a way to create legal consequence, is punished according to the provisions relating to forgery in document.

#### **Certificates in the nature of official document**

**ARTICLE 210-**(1) The provisions relating to forgery in official documents are applied in case the offense committed through counterfeiting document involves bill of exchange registered in the name of the bearer or to the order, or any document representing the goods, share certificate, bond or a written declaration of will.

(2) Any physician, dentist, pharmacist, mid-wife, nurse or other health personnel who issues false document is punished with imprisonment from three months to one year. If the document is issued to secure unjust benefit for the issuer, or the fraudulent act results with injury of law or other persons, the offender is punished according to the provisions relating to forgery in official documents.

#### **Conditions subject to less punishment**

**ARTICLE 211-**(1) In case of commission of offense through counterfeiting a document with the intention of proving a claim resulting from a legal relation or to certify the real situation, the punishment to be imposed is reduced by one half.

#### **Joinder**

**ARTICLE 212-** (1) In case of use of false official or personal document in commission of another offense, the offender is punished separately both from forgery and the subsequent offense.

### **FIFTH SECTION**

#### **Offenses Against Public Peace**

##### **Threat with the intention of causing fear and panic among people**

**ARTICLE 213-**(1) Any person who unreasonable causes fear and panic among people by use of threat risking life, health, corporal and sexual immunity or property of people, is punished with imprisonment from two years to four years.

(2) If the offense is committed by use of a weapon, the punishment is increased by one half according to quality of the weapon used.

##### **Provoking commission of offense**

**ARTICLE 214-**(1) Any person who openly provokes commission of an offense is punished with imprisonment from six months to five year.

(2) Any person who arms a group against another group, or provokes to kill a person is punished with imprisonment from fifteen years to twenty-four years.

(3) In case of commission of offenses which involves provocation, the offender is punished from solicitation.

##### **Praising the offense or the offender**

**ARTICLE 215-**(1) Any person who openly praises an offense or the person committing the offenses is punished with imprisonment up to two years.

##### **Provoking people to be rancorous and hostile**

**ARTICLE 216-**(1) Any person who openly provokes a group of people belonging to different social class, religion, race, sect, or coming from another origin, to be rancorous or hostile against another group, is punished with imprisonment from one year to three years in case of such act causes risk from the aspect of public safety.

(2) Any person who openly humiliates another person just because he belongs to different social class, religion, race, sect, or comes from another origin, is punished with imprisonment from six months to one year.

(3) Any person who openly disrespects the religious belief of group is punished with imprisonment from six months to one year if such act causes potential risk for public peace.

#### **Provoking people not to obey the laws**

**ARTICLE 217-**(1) Any person who openly provokes people not to obey the laws is punished with imprisonment from six months to two years, or imposed punitive fine, if such act causes potential for public peace.

#### **Joint provision**

**ARTICLE 218-**(1) Punishment to be imposed is increased by one half in case of commission of above listed offenses through press and broadcast.

#### **Misconduct in office through exploitation of religious services**

**ARTICLE 219-**(1) In case the performance of the Government, or State Laws, or services of any one of the public institutions are reproached and disrespected by imam, preacher, priest or a rabbi during execution of a service, this person is punished with imprisonment from one month to one year and also imposed punitive punishment or sentenced to any one of these punishments.

(2) If any one of the persons mentioned in above subsection reproaches and disrespects the conducts of government and the laws, regulations and directives and authorizations conferred upon any one of public institutions, or solicits or provokes people to disobey the directives of the government or public officers by virtue of office, the offender is punished to imprisonment from three months to two years, and also imposed punitive fine and is permanently or temporarily disqualified from this service and receiving its benefits.

(3) The punishment mentioned in the above subsection is imposed for the religious chiefs and officials who execute transactions or gives promises contrary to the rights acquired by virtue of office according to the law, or forces and convinces others to act in such manner.

(4) If any one of these people commits a crime, by virtue of office, other than the offenses mentioned in first subsection, then he is convicted from this crime by imposing the punishment specified in the law for that crime with an increase by one sixth.

(5) However, it is not required to impose an aggravated punishment if the title/position of the offender is already considered in the law while determining the punishment.

#### **Forming organized groups with the intention of committing crime**

**ARTICLE 220-**(1) Those who form or manage organized groups to executes acts which are defined as offense by the laws, is punished with imprisonment from two years to six years unless this organized group is observed to be qualified to commit offense in view of its structure, quantity of members, tools and equipment hold for this purpose. However, at least three members are required for existence of an organized group.

(2) Those become a member of an organized group with the intention of committing crime, is punished with imprisonment from one year to three years.

(3) In case the organized criminal group is equipped with arms, the punishment to be imposed according to the above subsections is increased from one fourth to one half.

(4) In case of commission of a crime within the frame of activities of a organized group, the offender is additionally punished for this crime.

(5) The directors of the organized criminal group are additionally punished for all the offenses committed within the frame of activities of the organized group.

(6) Any person who commits an offense on behalf of an organized criminal group without being a member of that group is additionally punished for being a member of the organized group.

(7) Any person who knowingly and willingly helps an organized criminal group although not takes place within the hierarchic structure of the group, is punished as if he is a member of the organized group.

(8) Any person who makes propaganda by praising the organized criminal group and its object is punished with imprisonment from one year to three years. The punishment to be imposed is increased by one half in case of commission of this offense through press and broadcast organs.

#### **Sincere repentance**

**ARTICLE 221-**(1) No punishment is imposed for the founders or directors who dissolves the organized criminal group, or assists in dissolution of this group by furnishing information before commencement of prosecution against a person who committed offense by forming an organized criminal group, or prior to commission of the said offense.

(2) No punishment is imposed if one of the members notifies the authorities that he voluntarily abandons the organized criminal group without having committed an offense.

(3) No punishment is imposed on the members of the organized criminal group who are arrested before committing any offense within the activities of the group, provided that he serves in dissolution of the group and furnishes information of great importance for arrest of the offenders by showing sincere repentance.

(4) No punishment is imposed on the founder, director or any one of the members who furnish information, after giving up one's self voluntarily, about the structure of the organized criminal group, and the offenses committed within the activities. In case of delivery of such information after being arrested, the punishment to be imposed for this offense is reduced from one third to three fourths.

(5) The actions of the persons benefiting from the provisions relating to sincere repentance are kept under control for one year as precaution.

#### **Hat and Turkish alphabet**

**ARTICLE 222-**(1) Persons who act contrary to the restrictions and obligations set forth in the Law Nr. 671 and dated 25.11.1925 stipulating Wearing of Hat, and the Law Nr. 1353 dated 1.11.1928 relating to Recognition and Application of Turkish Alphabet, is punished with imprisonment from two months to six months.

### **SIXTH SECTION**

#### **Offenses Against Transportation Vehicles or Stationary Platforms**

##### **Stealing and confiscation of transportation vehicles**

**ARTICLE 223-** (1) Any person who illegally prevents movement of a land transportation vehicle by using threat or violence, or stops a vehicle on the way, or takes it from one place to another, is punished with imprisonment from one year to three years.

(2) In case the subject of offense happens to be a sea or railway carrier, the offender is sentenced to imprisonment from two years to five years.

(3) Any person who illegally prevents movement of an air carrier or takes it from one place to another by using threat and force is punished with imprisonment from five years to ten years.

(4) Additional punishment is imposed if the offenses committed result with restriction of other's freedom.

(5) In case aggravated form of felonious injury is created during commission of these offenses, the offender is additional subject to provisions relating to offense committed through felonious injury.

##### **Occupation of Territorial land or stationary platform in specific industrial zones**

**ARTICLE 224-**(1) Any person who occupies, confiscates or takes under control a territorial land or stationary platforms in industrial zones by using threat or force or any other act contrary to the law, is punished with imprisonment from five years to fifteen years.

(2) Additional punishment is imposed if the offenses committed result with restriction of other's freedom.

(3) In case aggravated form of felonious injury is created during commission of these offenses, the offender is additionally subject to provisions relating to offense committed through felonious injury.

## **SEVENTH SECTION**

### **Offenses Against general Ethics**

#### **Impudent acts**

**ARTICLE 225-**(1) Any person who openly enters in sexual intercourse or exposes one's self is punished with imprisonment from six months to one year.

#### **Indecency**

**ARTICLE 226-**(1) Any person who involves in an unlawful act;

- a) By allowing a child to watch indecent scene or a product, or to or hear shameful words,
- b) By displaying these products at places easy to reach by children, or reading the contents of these products, or letting other to speak about them,
- c) By selling or leasing these product in such a way open for public review,
- d) By selling, offering or leasing these products at places other than the markets nominated for sale of these product,
- e) By gratuitously supplying or distributing these products along with other goods or services,
- f) By making advertisement of these products,

is punished with imprisonment from six months to two years.

(2) The persons who publicize indecent scenes, words or articles through press and broadcast organs or act as intermediary in publication of the same is punished with imprisonment from six months to three years.

(3) Any person who uses children in production of indecent scenes, words or articles is punished with imprisonment from five years to ten years, and also imposed punitive fine up to five thousand days. Any person who engage in import, duplication, transportation, storage , export of these products, or presents the same to other's use, is punished with imprisonment from two years to five years, and also imposed punitive fine up to five thousand days.

(4) Any person who produces products containing audio-visual or written material demonstrating abnormal sexual intercourse by using sex, or with animals, or body of a death person , and engages in import sale, transportation storage of the same and presents such material to other's use, is punished with imprisonment from one year to four years.

(5) Any person who publicizes the contents of the products mentioned in third and fourth subsections through press and broadcast organs, or acts as intermediary in publication of the same, or lets children to read, hear or see this material is punished with imprisonment from six months to ten years, and also imposed punitive fine up to five thousand days.

(6) Security precautions specific to legal entities are imposed due to such offenses.

(7) Excluding third subsection, the provisions of this article may not be applicable for the works of art which are produced for scientific, artistic or literary purposes in order to avoid children to reach such material.

#### **Prostitution**

**ARTICLE 227-**(1) Any person who encourages a child to become a prostitute, or facilitates prostitution, or shelters a person for this purpose, or acts as go-between during prostitution of the child, is punished with imprisonment from four years to ten years, and also imposed punitive fine up to ten thousand days.

(2) Any person who encourages another person to become a prostitute, or facilitates prostitution, or acts as go-between or provides place for such purpose is punished with imprisonment from two years up to four years, and also imposed punitive fine up to three thousand days. Any act aimed to benefit from the income of a person engaged in prostitution to earn one's living, totally or partially, is considered encouragement of prostitution.

(3) Any person who brings people into the country, or sends groups to abroad for prostitution purposes is punished according to the provisions of above subsection.

(4) The punishment to be imposed according to above subsections is doubled in case a person is encouraged to become a prostitute by use of threat or force, or malice, or taking advantage of one's helplessness.

(5) The punishment to be imposed by one half in case of commission of offenses listed in the above subsections by any one of the spouses, antecedents, descendants, brother/sister, adopter, guardian, trainer, educator, nurse or any other person responsible for protection and control of a person, or by a public officer or employee by due influence.

(6) The punishment to be imposed according to above subsections is increased by one half in case of commission of these offenses within the frame of activities of an organized criminal group.

(7) Security precautions specific to legal entities are imposed in case of commission of these offenses by organizations in the statute of legal entity.

(8) Any person who involves in prostitution is subject to treatment or therapy.

#### **Arranging a place or facility for gambling**

**ARTICLE 228-** (1) Any person who arranges a place or facility for gambling is sentenced to imprisonment up to one year, and also imposed punitive fine.

(2) The punishment to be imposed is increased by one fold in case arrangement of a place or facility for gambling by children.

(3) Security precautions specific to legal entities are imposed in case of commission of these offenses by organizations in the statute of legal entity.

(4) In practice of Criminal Code, gambling is regarded as a play done with the aim of earning money where the profit and loss is a matter of chance.

#### **Beggary**

**ARTICLE 229-**(1) Any person who uses children or persons lack of corporal or spiritual ability in beggary is punished with imprisonment from one year to three years.

(2) The punishment to be imposed is increased by one half, in case of commission of this offense by third degree blood relations, or affinity relatives, or any one of the spouses.

(3) The punishment to be imposed is increased by one fold in case of commission of this offense within the frame of activities of an organized criminal group.

### **EIGHTH SECTION**

#### **Offenses Against Family Order**

##### **Multiple or fraudulent marriage, religious marriage ceremony**

**ARTICLE 230-**(1) A person who marries to another person although he/she is legally married at that time is punished with imprisonment from six months to two years.

(2) Any person who officially gets married to a person known as married to another person although he is bachelor, is punished according to the provisions of above subsection.

(3) Any person who attempts to get married by concealing his/her identity is sentenced to imprisonment from three months to one year.

(4) The statute of limitation for the offenses defined in above subsections start to run as of the date of decision stipulating cancellation of marriage.

(5) The couples who marry by arranging religious ceremony without executing official marriage transactions are sentenced to imprisonment from two months to six months. Both the public action and the punishment imposed thereof, is abated with all its consequences when the civil marriage ceremony is accomplished.

(6) Any person who conducts a religious marriage ceremony without seeing the certificate of marriage is punished with imprisonment from two months to six months.

#### **Changing lineage of a child**

**ARTICLE 231-**(1) Any person who changes or conceals the lineage of a child is punished with imprisonment from one year to three years.

(2) Any person who causes exchange of children in a health institution by breaching obligation to take proper care or precautions is sentenced to imprisonment up to one year.

#### **Cruelty**

**ARTICLE 232-**(1) Any person who is cruel to the person sharing the same dwelling, is punished to imprisonment from two months to one year.

(2) Any person who improperly uses disciplinary power against a person whom he is responsible for his growth, education, care protection or training in professional field, is punished with imprisonment up to one year.

#### **Breach of obligations conferred upon by family law**

**ARTICLE 233-**(1) Any person who fails to fulfill the obligations conferred upon by the family law, which stipulate care, education or support of family members, is punished with imprisonment up to one year upon compliant.

(2) Any person who abandons his pregnant wife, or another woman whom he knows that she is waiting child from him, is sentenced to imprisonment from three months to one year.

(3) Mother or father who is determined to be risking the health, good morals and safety of their children due to addiction to alcohol or drugs, or by bringing dishonor on their children, is sentenced with imprisonment from three years up to one year.

#### **Kidnapping and retention of a child**

**ARTICLE 234-** (1) In case a child under the age of sixteen is kidnapped without using force or threat by mother or father who lost his/her parental rights, or by third degree blood relations while he/she is legally under the care or custody of a natural parent or guardian, the offender is punished with imprisonment from three months up to one year.

(2) Punishment to be imposed is increased by one fold if this offense is committed without using force or threat or involves a child not yet attained the age of twelve.

### **NINTH SECTION**

#### **Offenses In The Fields of Economy, Industry and Trading**

##### **Corruption in tenders**

**ARTICLE 235-**(1) Any person who involves in mischief during the tenders relating to purchase or sale of goods and services on behalf of public institutions or corporations, is punished with imprisonment from five years to twelve years.

(2) Following acts are regarded as involvement in mischief during a tender;

a) By executing fraudulent acts;

1. Prevention of persons possessing the required qualifications and credentials from participating in the tender,
2. Facilitating participation of the persons lacking required qualifications and conditions in the tender,
3. Arranging disqualification of the offered goods from the evaluation although they are in conformity with the bid specifications,
4. Arranging consideration of the goods which do not comply with the bid specifications in the evaluations,

b) Facilitating access of third parties to the information which is to be kept confidential according to tender law or bid specifications during submission of bids.

c) Prevention of persons possessing required qualifications and credentials from participating in the tender by using force or threat, or acts contrary to the law.

d) Conclusion of open or secret agreements among the bidders or those willing to participate in the tender with the intention of affecting the bid contract conditions and especially the contract price.

(3) In case a damage or loss is suffered by a public institution or corporation due to involvement in mischief during a tender, the punishment to be imposed is increased by one half. Non-quantification of the accrued loss may not suppress application of the provisions of this subsection.

(4) Any authorized person who gains unjust benefit by involving in mischief during a tender is additionally convicted from this offense.

(5) The provisions of the above subsections are applied also for the auctions or bids realized through the intermediary of public institutions or corporations, and purchase/sale of goods or services performed on behalf of professional organizations in the statute of public institution, companies incorporated with the participation of public institutions or corporations, or professional organizations in the statute of public institution, or foundations operating within this frame, associations or cooperatives serving for public interest.

### **Involvement in fraudulent act during fulfillment of obligations**

**ARTICLE 236-**(1) Any person who involves in fraudulent act during fulfillment of obligations undertaken against a public institution or corporation, or professional organization in the statute of public institution, companies incorporated with the participation of public institutions or corporations, or foundation operating within this frame, associations or cooperatives serving for public interest, is sentenced with imprisonment from three years to seven years.

(2) Following performances are regarded as involvement in fraudulent act during fulfillment of obligations;

a) Delivery or acceptance of goods different than those of which the description is given in the tender decision and contract,

b) Delivery or acceptance of goods at a quantity less than that of defined in the tender decision or contract,

c) Consideration of fulfillment of obligations within the period specified in the tender decision or contract, although it is not.

d) In construction tenders, acceptance of works or material which do not comply with the conditions, quantity or quality set-forth in the specifications or contract,

e) Consideration of an obligation in the nature of a service as to have been completely fulfilled although it is not fully rendered or supplied partially according to the tender decision or contract.

(3) Any authorized person who gains unjust benefit by involving in fraudulent act during fulfillment of obligations is additionally convicted from this offense.

### **Affecting prices**



**ARTICLE 237-**(1) Any person who spreads deceitful information or news or involves in fraudulent acts in such a way to cause decrease or increase of wages or prices of foodstuff or goods, is punished with imprisonment from three months to two years and also imposed punitive fine.

(2) Punishment to be imposed is increased by one third if the prices of foodstuff or goods, or wages are decreased or increased as a consequence of this act.

(3) Punishment is additionally increased by one eighth if the offender happens to be a licensed agent or stock exchange broker.

#### **Causing shortage of things needed by public**

**ARTICLE 238-**(1) Any person who causes shortage of food or goods, or decrease of the same in considerable quantities although they are needed for public institutions or corporations, or used in public services in general relief activities upon a disaster by failing in performance of a work under his responsibility, is sentenced to imprisonment from one year to three years, and also imposed punitive fine up to one thousand days.

#### **Disclosure of business secrets, banking secrets or information relating to customers**

**ARTICLE 239-**(1) Any person who delivers information or documents which he holds by virtue of office about the customers, or discloses business secrets, banking secrets loc is sentenced to imprisonment from one year to three years, and also imposed punitive fine up to five thousand days upon complaint. In case of delivery or disclosure of this information or documents to unauthorized individuals by the persons who unlawfully acquired such information/documents, the offender is punished according to the provision of this subsection.

(2) Provisions of first subsection are applicable also for the information relating to scientific researches or discoveries or industrial practices.

(3) Punishment to be imposed is increased by one third in case of disclosure of these secrets to the foreigners or their personnel domiciled outside of Turkey. In that case, no complaint is sought.

(4) Any person who leads another person to disclose the information or documents within the scope of this article by using force or threat is punished with imprisonment from three years to seven years.

#### **Abstention from sale of goods and services**

**ARTICLE 240-**(1) Any person who causes rise of urgent need for a thing supplied fro public use by abstaining from sale of certain goods or service, is punished with imprisonment from six months to two years.

#### **Usury**

**ARTICLE 241-**(1) Any person who lends money to another person with the intension of earning money is sentenced to imprisonment from two years to five years, and also imposed punitive fine from six months to two years.

#### **Imposition of Security Precautions on legal Entities**

**ARTICLE 242-**(1) Security precautions specific to legal entities are imposed in case of commission of the offenses defined in this section by the same with the intention of securing unjust benefit.

### **TENTH SECTION**

#### **Offenses in the field of Data Processing Systems**

##### **Access to data processing system**

**ARTICLE 243-**(1) Any person who unlawfully enters a part or whole of data processing system or remains there is punished with imprisonment up to one year, or imposed punitive fine.

(2) In case the offenses defined in above subsection involve systems which are benefited against charge, the punishment to be imposed is increased up to one half.

(3) If such act results with deletion or alteration of data within the content of the system, the person responsible from such failure is sentenced to imprisonment from six months up to two years.

#### **Hindrance or destruction of the system, deletion or alteration of data**

**ARTICLE 244-**(1) Any person who hinders or destroys operation of a data processing system is punished with imprisonment from one year to five years.

(2) Any person who garbles, deletes, changes or prevents access to data, or installs data in the system or sends the available data to other places is punished with imprisonment from six months to three years.

(3) The punishment to be imposed is increased by one half in case of commission of these offenses on the data processing systems belonging to a bank or credit institution, or public institutions or corporations.

(4) Where the execution of above mentioned acts does not constitute any other offense apart from unjust benefit secured by a person for himself or in favor of third parties, the offender is sentenced to imprisonment from two years to six years, and also imposed punitive fine up to five thousand days.

#### **Improper use of bank or credit cards**

**ARTICLE 245-**(1) Any person who acquires or holds bank or credit cards of another person(s) whatever the reason is, or uses these cards without consent of the card holder or the receiver of the card, or secures benefit for himself or third parties by allowing use of the same by others, is punished with imprisonment from three years to six years, and also imposed punitive fine.

(2) Any person who secures benefit for himself or third parties by using a counterfeit bank or credit card is punished with imprisonment from four years to seven years if the act executed does not constitute any offense other than forgery.

#### **Imposition of Security Precautions on Legal Entities**

**ARTICLE 246-**(1) Security precautions specific to legal entities are imposed in case of commission of the offenses listed in this section within the frame of activities of legal entities.

### **ELEVENTH SECTION**

#### **Offenses Against Nation and State and Final Provisions**

##### **Embezzlement**

**ARTICLE 247-**(1) Any public officer who embezzles or converts property entrusted to him, or under his custody or control to his own or other's use by virtue of his office is punished with imprisonment from five years to twelve years.

(2) In case of involvement in fraudulent acts with the intention of concealing the offense of embezzlement, the punishment to be imposed is increased by one half.

(3) In case of commission of offense of embezzlement with the intention to return the property after being used, the punishment to be imposed may be reduced up to one half of the principal punishment.

##### **Sincere repentance**

**ARTICLE 248-**(1) Two thirds of the punishment to be imposed for this offense is reduced if the embezzled property is returned exactly as it is, or the damage is fully compensated before commencement of investigation.

(2) The punishment to be imposed for this offense is reduced by one third if the embezzled property is returned exactly as it is, or the damage is fully compensated before commencement of prosecution. Also, one third of the punishment is cancelled if the offender shows sincere repentance before the declaration of final judgment.

##### **Matters of Mitigation**

**ARTICLE 249-**(1) The punishment to be imposed may be reduced from one third up to one half due to worthlessness of the property subject to embezzlement.

### **Malversation**

**ARTICLE 250-**(1) Any public officer who secures benefit for himself or others by exercising undue influence, or convinces a person to make promise in this manner by virtue of office is punished with imprisonment from five years to ten years.

(2) Any public officer who secures benefit for himself or others by exercising undue influence , or convinces a person to make a promise by virtue of office is considered as breach of trust and offender is punished with imprisonment from three years to five years.

(3) In case of commission of the offense defined in second subsection by taking advantage of a person's negligence, the person involved in such act is punished with imprisonment from one year to three years.

### **Failure to perform control duty**

**ARTICLE 251-**(1) In case public officer who is responsible from control of performance intentionally ignores the commission of offense involving embezzlement and malversation, he is punished as the joint offender.

(2) Any public officer who facilitates commission of offenses of embezzlement and malversation by failing to perform control duty, is punished with imprisonment from three months to three years.

### **Bribery**

**ARTICLE 252-** (1) Any public officers who take bribe is punished with imprisonment from four years to twelve years. The person offering bribe is punished likewise the public officer. In case the parties negotiate on a bribe, they are punished as if the offense is completed.

(2) In case the person who takes bribe or negotiates on a bribe happens to be judge, arbitrator, expert, notary public or sworn financial adviser, the punishment to be imposed according to first subsection is increased up to one third.

(3) Bribe is defined as a benefit illegally secured by a public officer in negotiation with a person to perform or not to perform a task beyond his responsibility.

(4) The provisions of first subsection are applicable also for the person who involve in bribery while establishing legal relation, or progressing the existing legal relation with the professional organizations in the statute of public institution, public institutions and corporations, or companies incorporated with the participation of professional organizations in the statute of public institution, foundations operating within their body, or associations and cooperatives serving for public interest, or joint stock companies open to public.

(5) Directly or indirectly offering of benefits or giving promise to the officers or personnel of the public institutions or corporations appointed in a foreign company to perform a legislative or administrative duty, or to those engaged in international duties in the same country, in order to enable execution of an international trading transaction, or to perform or not to perform a task, or to secure and to retain unjust benefit, is considered bribery.

### **Imposition of Security Precautions on Legal Entities**

**ARTICLE 253-**(1) Security precautions specific to legal entities are applicable for those who secure unjust benefit by committing offense of bribery.

### **Sincere repentance**

**ARTICLE 254-** (1) No punishment is imposed in case the person taking bribe delivers the thing subject to bribery to the authorized bodies before the commencement of investigation exactly as it is. Again, no punishment is imposed if the public officer who agrees to take bribe upon negotiating with a person notifies the authorized bodies about this fact before the commencement of investigation.

(2) No punishment is imposed due to offense of bribery if the person offering and giving bribe to the public officer upon negotiation notifies the authorities responsible from investigation about this fact before commencement of investigation; also the bribe is taken from the public officer and returned to the deliverer.

(3) No punishment is imposed due to this offense if the other persons involving in bribery notify the authorized bodies by showing sincere repentance about this fact before commencement of investigation.

#### **Securing benefit in a work of which the performance is beyond authorization**

**ARTICLE 255-**(1) Any public officer who gives the impression that he is capable to perform a work which is beyond the scope of his duty, or has the power to convince others to perform the same although they are not entitled to do so, is punished with imprisonment from one year to five years.

#### **Exceeding the limits of authorization for use of force**

**Article 256-**(1)The provision relating to felonious injury are applied in case of use of force or power by a public officer against a person(s), exceeding the limits of authority.

#### **Misconduct in office**

**ARTICLE 257-**(1) Excluding the acts defined as offense in the law, any public officer who causes suffering of people or injury by acting contrary to the requirements of his office, or secures unjust benefit to third parties, is punished with imprisonment from one year to three years.

(2) Excluding the acts defined as offense in the law, any public officer who causes suffering of people or public injury, or secures unjust benefit for others by showing negligence or delay in performance of his duties, is punished with imprisonment from six months to two years.

(3) Any public officer who secures benefit for himself or others in order to fulfill his obligations or for similar other reason, is punished with imprisonment according to provisions of the first subsection if such act does not constitute the offense of malversation.

#### **Disclosure of office secrets**

**ARTICLE 258-**(1) Any public officer who discloses or publicize the confidential documents, decisions and orders and other notifications delivered to him by virtue of office , or facilitates access to such information and documents by third parties, is punished with imprisonment from one year to four years.

(2) The same punishment is applicable also for the person who performs the acts mentioned in first subsection upon expiry of office period.

#### **Trading during public service**

**ARTICLE 259-**(1) Any person who tries to sell goods or service to another person by using power due to service in a public office, is punished with imprisonment up to six months, or imposed punitive fine.

#### **Abandonment or non-performance of public office**

**ARTICLE 260-**(1) Public officers who abandon work, or do not come to office, or suspend their activities temporarily or permanently or slow-down work contrary to the law by forming masses, is punished with imprisonment from three years to one year. No punishment is imposed unless the number of public officers is more than three.

(2) In case of suspension or slow down of works temporarily or for a short period by public officers in such a way not to disrupt the service due to acquired professional and social rights, the punishment to be imposed may be reduced or totally vacated.

#### **Improper disposition on other's property**

**ARTICLE 261-**(1) Unless the exercised act does not require heavier punishment, public officer who voluntary involves in illegal dispositive transaction with regard to other's immovable or movable property by using power is punished with

imprisonment from six months to two years even if this disposition is based on a transaction realized against payment of price.

#### **Improperly undertaken public service**

**ARTICLE 262-** (1) Those who open or operate education institutions contrary to the laws, or voluntarily undertake teaching duty in such institution is punished with imprisonment from six months to three years.

(2) Also, decision may be given for closing of the above-mentioned institutions.

#### **Improper use of special signs and uniforms**

**ARTICLE 263-**(1) Any person who uses the rank or wears the uniform of a public officer, or carries his signs or medals although he is not entitled to do so, with the purpose of deceiving others, is punished with imprisonment from three months to one year.

(2) In case of commission of an offense taking advantage of the facilities provided by use of uniform, the punishment to be imposed according to above subsection only for this offense, is increased by one third.

#### **Prevention of performance**

**ARTICLE 264-**(1) Any person who uses force or threat against a public officer to prevent him from performing a duty is punished with imprisonment from six months to three years.

(2) In case of commission of this offense against judicial authorities, the offender is punished with imprisonment from two years to four years.

(3) In case of commission of this offense by concealing one's identity, or jointly by more than one person, the punishment to be imposed is increased by one third.

(4) In case of commission of offense by use of a weapon or taking advantage of a terror activities of organized criminal groups, the punishment to be imposed according to the above subsections is increased by one half.

(5) In case aggravated form of felonious injury is created during performance of the acts defined herein above, offender is additionally subject to provisions relating to offense committed through felonious injury.

#### **Use of vehicles in public service during commission of offense**

**ARTICLE 265-**(1) Where the term "public officer" is not considered in the definition of offense, the punishment to be imposed is increased by one third in case a public officer uses the vehicles or equipment entrusted to him by virtue of office during commission of an offense.

### **TWELFTH SECTION**

#### **Offenses Against The Judicial Bodies or Court**

##### **Aspersions**

**ARTICLE 266-**(1) Any person who cast aspersions on another person by raising complaint or notifying authorized bodies, or by using media in order to enable commencement of investigation and prosecution against this person, or imposition of administrative sanctions despite of his innocence, is punished with imprisonment from one year to four years.

(2) The punishment is increased by one half in case of commission of this offense by slander based on produced evidences.

(3) If an acquittal is declared by the court or decision is taken by stating that there is no need to start investigation for the person subject to aspersion due to his innocence, the punishment to be imposed is increased according to above subsections unless a precautionary judgment other than custody or arrest is imposed against the aggrieved party.

(4) In case of custody or arrest of the aggrieved party who received acquittal or decision declaring his innocence and uselessness of an investigation; the person casting aspersion is indirectly kept liable due to this offense restricting one's liberty.

(5) In case the aggrieved party is sentenced to heavy life imprisonment or life imprisonment, he is punished with imprisonment from twenty years to thirty years; if sentenced to imprisonment for a definite period, then he is imposed a punishment as much as two thirds of the principal punishment.

(6) Where start is given to execution of punishment seeking imprisonment of the aggrieved party, the punishment to be imposed according to fifth subsection is increased by one half.

(7) In case of imposition of punitive or administrative sanctions on the aggrieved party other than punishment of imprisonment due to offense of aspersion; the person casting aspersion is punished with imprisonment from three years to seven years.

(8) The statute of limitation in offense of aspersion starts to run as of the date on which the aggrieved party is declared innocent.

(9) The decision of conviction due to offense of aspersion committed through press and publication ( or broadcast) organs, is announced through the same or equal press and publication organs. The cost of announcement is charged to the convict.

### **Using other's identity card or ID information**

**ARTICLE 267-**(1) Any person who uses other's identity card or ID information of another person to avoid commencement of investigation or prosecution against him due to commission of an offense, is punished according to the provisions relating to offense of aspersion.

### **Sincere repentance**

**ARTICLE 268-**(1) In case the person casting aspersion withdraws from such slander before commencement of investigation and prosecution against the aggrieved party, four fifths of the punishment to be imposed for this offense is abated..

(2) In case of withdrawal from aspiration before commencement of investigation against the aggrieved party, three fourth of the punishment to be imposed for this offense is abated.

(3) If the offender shows sincere repentance;

a) Before final judgment is declared about the aggrieved party, two thirds of the punishment,

b) After conviction of the aggrieved party, one half of the punishment,

c) After execution of the punishment imposed on the convict, one third of the punishment,

May be abated.

(5) The provisions of this article may not be applicable in case the offense of aspersion is committed through press and publication (or broadcast) organs.

### **Undertaking an offense**

**ARTICLE 269-**(1) Any person who deceives authorized bodies by stating that he is the one who committed the offense, or one of the accomplices, which is actually is not the truth, is punished with imprisonment up to two years. In case of commission of this offense with the intention to avoid conviction of one of the antecedents, descendants, spouse or brother/sister, reduction of the punishment by three fourths may be considered, or the punishment is fully abated.

### **Producing an offense**

**ARTICLE 270-**(1) Any person who notifies an uncommitted offense to the authorized bodies as if it is being committed, or produces evidences or signs of an uncommitted offense just to provide commencement of investigation, is punished with imprisonment up to three years.

### **Perjury**

**ARTICLE 271-**(1) Any person who willfully makes a false statement before a person or a committee authorized to hear witness during an investigation started to determine an unlawful act, is punished with imprisonment from four months to one year.

(2) Any person who willfully makes a false statement before the court, or a person, or a committee authorized to hear witness by administering oath, is punished with imprisonment from one year to three years.

(3) Any person who willingly makes false statement during investigation or prosecution carried out for an offense which requires punishment with imprisonment more than three years, is sentenced to imprisonment from two years to four years.

(4) If the person subject to testimony of a witness against him is imposed protective measures other than custody and arrest, the punishment to be imposed according to above subsections is increased by one half provided that a decision declaring his acquittal or unworthiness of an investigation due to absence of guilt, is received.

(5) In case the person subject to testimony of a witness against him is taken under observation or arrested by the security units, the person who makes false statement is kept responsible as indirect offender according to the provisions relating to the offense caused through restriction of one's liberty, provided that a decision declaring his acquittal or unworthiness of an investigation due to absence of guilt, is received.

(6) If the person subject to testimony of a witness against him is sentenced to heavy life imprisonment or life imprisonment, then he is punished with imprisonment from twenty years to thirty years; in case he is sentenced to imprisonment for a definite time, he is punished with imprisonment as much as two thirds of the principal punishment.

(7) If it is started to execute the punishment imposed on a person subject to testimony of witness against him, the punishment to be given according to sixth subsection is increased by one half.

(8) If the person subject to testimony of a witness against him is imposed punitive or administrative sanctions other than imprisonment, then the person making false statement is punished with imprisonment from three years to seven years.

### **Excusatory causes or matters of mitigation**

**ARTICLE 272-**(1) If a person;

a) makes false statement that may cause commencement of investigation or prosecution against himself, any one of antecedents, descendents, spouse or brother/sister, or

b) testifies contrary to the truth although he has the right to abstain from testifying as witness, before he is being acknowledged about this right,

Either reduction is considered in the punishment, or the punishment is fully abated.

(2) Provisions of first subsection may not be applicable for false statements made within the scope of disputes subject to special law.

### **Sincere repentance**

**ARTICLE 273-**(1) No punishment is imposed in case of declaration of truth before conviction of the person subject to testimony of a witness against him, or the decision limiting or restricting any personal right.

(2) In case of disclosure of truth after declaration of a decision limiting or restricting a personal right, but prior to conviction of the person subject to testimony of a witness against him, the punishment to be imposed for this offense may be reduced from two thirds up to one half.

(3) In case of disclosure of truth before the decision stipulation conviction of the person subject to testimony of the witness against him, the punishment to be imposed for this offense may be reduced from one half to one thirds.

#### **False swearing**

**ARTICLE 274-**(1) Plaintiff or defendant who swears falsely during the course of a legal action is punished with imprisonment from one year to five years.

(2) No punishment is imposed inn case the truth is told before the court declares its decision on the case.

(3) Half of the punishment is abated in case the truth is told before finalization or execution of the conviction.

#### **Expertise or interpretation contrary to truth**

**ARTICLE 275-**(1) In case of declaration of opinion contrary to the truth by the expert(s) who is appointed by the judicial bodies or person (s) or a committee authorized to carry out legal investigation or hear witnesses under oath, the offender is punished with imprisonment from one year to three years.

(2) The provisions of first subsection are applied in case of false interpretation of statements or documents by a interpreter who is appointed by the person (s) or committee mentioned in the first subsection,

#### **Influencing judicial bodies**

**ARTICLE 276-**(1) Any person who unlawfully attempts to influence judicial bodies, or forces them to give instructions in favor or against any one of or all the parties present in the trial before the court, or the offenders, or those participating in the action, or the victim, is punished with imprisonment from two years to four years. The punishment to be imposed shall be from six months to two years if the attempt is no more than favoritism.

#### **Failure in notification of an offense**

**ARTICLE 277-**(1) Any person who fails to notify the authorized bodies about an offense at the very instant is punished with imprisonment up to one year.

(2) Any person who fails to notify the authorized bodies about commission of an offense where it is still possible to limit its consequences, is punished with imprisonment according to the provisions of above subsection.

(3) In case the victim happens to be a child not yet attained the age of fifteen, or a person lack of capacity to protect himself/herself due to corporal or spiritual disability or pregnancy, the punishment to be imposed according to above subsections are increased by one half.

#### **Failure of public officer in notification of an offense**

**ARTICLE 278-**(1) Any public officer who neglects or delays in notification of an offense to the authorized bodies being aware of commission of an offense which requires investigation or prosecution, is punished with imprisonment from six months to two years.

(2) In case of commission of this offense by an officer undertaking duty in judicial department, the punishment to be imposed according to above subsection is increases by one half.

#### **Failure of the health personnel in notification of an offense**

**ARTICLE 279-**(1) Any health personnel who notices commission of an offense while performing his/her duty, but neglects to notify this to the authorized bodies, is punished with imprisonment up to one year.

(2) The term “health personnel” covers the medical doctors, pharmacists, midwives, nurses and other persons rendering health services.

#### **Destruction, concealing or changing of evidences**



**ARTICLE 280-**(1) Any person who destroys, deletes, conceals, changes or corrupts the evidences produced to prove commission of offense in order to hide the truth is punished with imprisonment from six months to five years. A person may not be punished according to the provisions of this article due to an offense personally committed or involved in its commission.

(2) In case of commission of this offense by a public officer in connection with his duty, the punishment to be imposed is increased by one half.

(3) Four fifth of the punishments to be imposed for the offenses defined in this section is abated if the person involved in the offense delivers the concealed evidences to the court before declaration of conviction decision.

#### **Laundering of assets acquired as a result of offense**

**ARTICLE 281-**(1) Any person who takes away the assets acquired as a result of an offense which requires minimum one year or more punishment of imprisonment, or carries the same to a foreign country to be subject to various transactions in order to hide illegal source of these assets and to give the impression that they are acquired in the lawful manner, is punished with imprisonment from two years to five years, and also imposed punitive fine up to twenty thousand days.

(2) In case of commission of this offense by a public officer while performing his duty or a person with profession, the punishment to be imposed is increased by one half.

(3) In case of commission of this offense within the frame of activities of an organized criminal group, the punishment to be imposed is increased by one fold.

(4) Legal entities involving in commission of this offense are subject to special security precautions.

(5) No punishment is imposed for the offense defined in this section on a person who renders assistance or facilitates finding of assets acquired illegally as a result of offense by notifying the authorized bodies.

#### **Supporting offender**

**ARTICLE 282-** (1) Any person who provides facility for an offender in order to avoid his search, arrest or conviction is punished with imprisonment from six years to five years.

(2) The punishment to be imposed is increased by one half in case of commission of this offense by a public officer while performing duty.

(3) No punishment if imposed in case of commission of this offense by any one of the antecedents, descendents, spouse or other accomplices.

#### **Failure to notify the accused, arrested or convicted person or the evidences of offense**

**ARTICLE 283-**(1) Any person who fails to notify the authorized bodies about the known place of a person, against whom decision is obtained for his arrest or conviction, is sentenced to imprisonment up to one year.

(2) Any person who knowingly fails to notify the place where all the evidences or indications of offense are concealed by others is punished according to the provisions of above subsection.

(3) The punishment to be imposed is increased by one half in case of commission of this offense by a public officer while performing duty.

(4) If the accused are publicized during the investigation or prosecution stages in order to give the impression that he is the offender prior to the judgment, the persons who involve in such act is punished with imprisonment from six months to two years.

#### **Recording of sound or vision**

**ARTICLE 284-**(1) Any person who records or transfers sound or vision during the investigation or prosecution without obtaining permission is sentenced to imprisonment up to six months.

## **Genital controls**

**ARTICLE 285-**(1) The offender who sends a person to a genital control or personally undertakes such control without obtaining the decision of the judge and prosecutor, is punished with imprisonment from three months to one years.

(2) The provisions of above subsection may not be applicable with regard to controls to be accomplished pursuant to the laws and by-laws for protection of public health against infectious disease.

## **Attempt to influence a just trial**

**ARTICLE 286-**(1) Any person who makes oral or written declaration until finalization of the investigation or prosecution proceeded on an event in order to influence the prosecutor, judge, court, experts and witnesses, is punished with imprisonment from six months to three years.

(2) In case of commission of this offense through press and publication organs, the punishment to be imposed is increased by one half.

## **Misconduct in custody of a property**

**ARTICLE 287-**(1) Any person who exercises power on an attached or mortgaged or seized property entrusted to him for custody other than the prescribed purpose, is sentenced to imprisonment from three months to two years, and also, imposed punitive fine up to three thousand days. The punishment to be imposed is reduced by one half in case the person happens to be the owner of the property.

(2) Four fifth of the punishment is abated in case the offender returns the property subject to offense defined in the first subsection before commencement of prosecution, or pays its value, if otherwise is not possible.

(3) Any person who cause loss or destruction of an attached or mortgaged or seized property officially entrusted to him for custody due to failure to take proper care and precautions is imposed punitive fine.

(4) Any person who uses the property confiscated during the investigation and prosecution proceeded relating to an offense beyond its purpose, is punished with imprisonment up to one year.

## **Confiscation and destruction of an officially delivered property**

**ARTICLE 288-** (1) Any person who re-confiscates an immovable property which is already delivered to the owner under court's decision, is punished with imprisonment from three months to one year.

(2) The provisions relating to offense of larceny in case of retention of an attached, or pledged, or seized movable property officially entrusted to a person for custody without obtaining the consent of that person; the provisions relating to offense of plunder is applied in case the immovable property is acquired by using force; where there is fraud during execution of such act, the offense is considered as swindling; in case of destruction of property, the provisions relating to damage of property are applied.

The punishment to be imposed is reduced from one half to three fourths in case the person happens to be the owner of the said property.

## **Entry into a prison or penitentiary in place of another person**

**ARTICLE 289-**(1) Any person who enters a criminal execution institution or a prison putting himself in place of convict is sentenced with imprisonment from six months to one year.

## **Breach of prison**

**ARTICLE 290-**(1) The detainee or convict who escapes from the criminal execution institution, or prison or the place where he is kept under observation is punished with imprisonment from six months to one year.

(2) In case of commission of this offense by using force or threat, the offender is subject to imprisonment from one year to three years.

(3) In case of commission of this offense jointly by an armed group formed by detainees or convicts, the punishment to be imposed according to above subsection is increased by one fold.

(4) Where the consequences of aggravated form of offense of felonious injury or felonious homicide are created during commission of this offense, or damage is given to the property, the offender is additionally punished according to the provisions relating to the said offenses.

(5) The provisions prescribed in this article are applied also for the convicts working outside the criminal execution institution and those whose punishment of imprisonment is commuted to punitive fine.

(6) The convict who does not comply with special execution requirements of short-term imprisonment is punished with imprisonment from one month to two months; the remaining portion of the punishment is additionally executed.

### **Sincere repentance**

**ARTICLE 291-**(1) In case the detainee or convict gives himself up after escaping from the prison by showing sincere repentance, the punishment to be imposed is reduced from five sixth to one sixth imposed in consideration of the time lapsed between the date of escape and re-admittance to the institution. However, no reduction is made in the punishment if the escape period exceeds six months.

### **Facilitating escape**

**ARTICLE 292-**(1) Any person who facilitates escape of a person under observation or arrest is punished with imprisonment from one year to three years.

(2) Any person who helps a convict to escape from prison is sentenced to imprisonment from two years up to five years according to period of imprisonment which is executed. However, if the convict is sentenced to:

a) Life imprisonment, he is punished with imprisonment from five years to eight years,

b) Heavy life imprisonment, he is punished with imprisonment from eight years to twelve years.

(3) In case of commission of these offenses by using force or threat, the punishment to be imposed is increased by one third.

(4) In case a person(s) helps escape of more than one person, the punishment to be imposed is increased from one third up to one fold in consideration of the number of fugitives.

(5) In case of commission of these offenses by the persons assigned to guard or transport of the detainees or convict under arrest or observation, the punishment to be imposed is increased by one third.

(6) In case of commission of these offenses by any one of the antecedents, descendants, spouses and brother/sister, one third of the punishment to be imposed is abated.

(7) Where the consequences of aggravated form of offense of felonious injury or felonious homicide are created during commission of these offenses, or damage is given to the property, the offender is additionally punished according to the provisions relating to the said offenses.

(8) In case the detainee or convict under arrest or observation escapes due to failure of the person assigned to guard or transport prisoners to take proper care and precautions, the person responsible is punished with imprisonment from six months to three years.

### **Misconduct in office by the Guardian**

**ARTICLE 293-**(1) The provisions relating to misconduct in office are applied in case the persons assigned to guard or transport detainees or convicts under arrest or observation act contrary to the requirements of their duties.

(2) If the person undertaking the duty of guardian or assigned to transport detainees or convicts under arrest or observation allows them to leave the place where they are kept for a temporary period, then he is punished with imprisonment from six months to two years.

(3) The provisions relating to voluntary occasioning of escape are applied in case the detainees or convict under arrest or observation escapes on this occasion.

#### **Revolt of Offenders or Convicts**

**ARTICLE 294-**(1) In case the detainees or convicts rise in rebellion, each one is punished with imprisonment from six months to three years. No punishment is imposed unless the number of revolting detainees or convicts is more than three.

(2) In case of commission of other offenses during revolt, the offenders are additionally punished according to the provisions relating to these offenses.

#### **Illegal transfer of property to the Execution Institution or Detention House**

**Article 295-**(1) Any person who illegally transfers arms, drugs or exciting substances or electronic communication devices to the execution institution or detention house, or carries such material with him, is punished with imprisonment from two years to five years. In case the supply or preservation of such property constitutes another offense, the punishment to be determined according to provisions relating to joinder of ideas is increased by one half.

(2) Any person who transfers a property to the execution institution or detention house, other than those listed in the first subsection, being fully aware of restrictions, or keeps or uses such property, is punished with imprisonment from six months to two years.

(3) In case of commission of the offenses mentioned in first and second subsections by the persons assigned to guard and transport the detainees or convicts, the punishment to be imposed is increased by one fold.

(4) If detainee or convict who carries or uses the property subject to offenses defined in the first and second subsections furnishes information about its supplier or the means of delivery, one half of the punishment to be imposed is abated.

#### **Restricting use of rights and supply of food**

**ARTICLE 296-**(1) Those who restrict communication of the detainees and convicts in the execution institutions or detention houses, or their meetings with the visitors, participation in education, sporting, professional, social or cultural activities within the frame of rehabilitation or education programs, or avoids their control or treatment by the physician of the institution, or appointment of a defender or attorney, or restrict their contact with these persons or the officers of the institution, or transport to the courts or Public Prosecution Offices, or prevent release of the persons who are set free from confinement, and the persons who encourage execution of such acts by the detainees or convicts by giving instructions, and finally, who restrict the rights conferred upon the detainees or convicts by the laws, are punished with imprisonment from one year to three years.

(2) Restriction of supply of food to the detainees or convicts is subject to punishment of imprisonment from two years to four years. Encouragement or conviction of the detainees or convicts to hunger strike or fasting to death by giving instructions is considered as restriction of supply of food.

(3) Where the consequences of aggravated form of offense of felonious injury or felonious homicide are created by restricting supply of food, the offender is additionally punished according to the provisions relating to the said offenses.

### **THIRTEENTH SECTION**

#### **Offenses against Signs Of Sovereignty**

#### **and Supreme Political Organs of the State**

#### **Aspersions against the President**

**ARTICLE 297-**(1) Any person who casts aspersion upon President is punished with imprisonment from one year to four years.

(2) The punishment to be imposed is increased by one sixth in case of commission of this offense publicly; if it is committed through press or broadcast organs, the punishment is increased by one third.

(3) Commencement of prosecution for this offense is subject to consent of the Ministry of Justice.

### **Humiliating Signs of Sovereignty of State**

**ARTICLE 298** - (1) Any person who publicly humiliates Turkish Flag by destroying, burning it, or in any other manner, is punished with imprisonment from one year to three years.

(2) Any person who publicly humiliates Turkish National Hymn is punished with imprisonment from six months to two years.

(3) In case of commission of an offense in a foreign country by a Turkish citizen through humiliation of Turkish citizenship, punishment to be imposed is increased by one third.

(4) Declaration of opinion with the aim of criticism may not constitute an offense.

### **Insulting Turkishness, the Republic, the organs and institutions of the State**

#### **Article 299**

1. Any person who publicly denigrates Turkishness, the Republic or the Grand National Assembly of Turkey shall be sentenced to 6 months to 3 years of imprisonment.

2. Any person who publicly denigrates the Government of Republic of Turkey, the judicial institutions of the State, the military or security organizations shall be sentenced to 6 months to 2 years imprisonment.

3. Where denigration of Turkishness is committed by a Turkish citizen in another country, the sentence shall be increased by one third.

4. Expression of thoughts intended to criticize shall not constitute a crime.

## **FOURTEENTH SECTION**

### **Offenses Against National Security**

#### **Breach of National Unity and Territorial Integrity**

**ARTICLE 300**-(1) Any person who causes partition of the country by allowing another country to rule part or whole of Territorial land, or breaches National Unity, or shows consent to separation of certain portion of the territory under the sovereignty and administration of the State and executes acts aimed to weaken the independence of the State, is punished with heavy life imprisonment.

(2) In case of commission of another offense along with this offense, the offender is additionally punished according to the provisions relating to this offense.

(3) Security precautions specific to legal entities are imposed in case of commission of the offenses defined in this article by corporation.

#### **Cooperation with the Enemy**

**ARTICLE 301**-(1) Any person who agrees to serve in the army of a country which is at war with Turkish Republic, or Turkish citizen who participates in an armed attack against Turkish Republic, is punished with life imprisonment.

(2) Any citizen who undertakes commanding duty in the army of a foreign country is punished with heavy life imprisonment.

(3) In case of commission of another offense along with the offenses defined in first and second subsection, the offender is additionally punished according to the provisions relating to this offense.

(4) No punishment is imposed for the citizen who is obliged to serve in the army of a foreign country due to his presence in the territory of the enemy at the time of the war.

## **Provocation of war against the State**

**ARTICLE 302-**(1) Any person who provokes authorities of a foreign country to start war or to take hostile action against Turkish Republic, or cooperates with the authorities of a foreign country to serve this purpose, is punished with imprisonment from ten years to twenty years. The punishment to be imposed is increased by one third in case of execution of provocation act through press or broadcast organs.

(2) In practice of this article, direct and indirect encouragement or support of the organizations that are formed to commit crime against the security of Turkish Republic, is considered as a hostile action.

(3) Precautions specific to legal entities are imposed in case of commission of the offenses defined in this article by corporation.

## **Movements against basic national interests**

**ARTICLE 303-**(1) Any citizen who directly or indirectly secures tangible benefit for himself or others from foreigners or foreign institutions with the aim of taking action against the basic national interests, or any other similar reason, is punished with imprisonment from three years to ten years, and also imposed punitive fine up to ten thousand days.

(2) If such act is executed during war, or through press or broadcast for propaganda purposes, or based on a promise, the punishment to be imposed is increased by one half.

(3) If the offense is committed when the country is not in the state of war, commencement of prosecution for this reason is subject to consent of the Minister of Justice.

(4) The term basic national interests means; independence, territorial integrity, national security and other essential requirements of State, being a Republic, as defined in the Constitution.

## **Recruitment of soldiers against a foreign country**

**ARTICLE 304-**(1) Any person who recruits soldiers against a foreign country or involves in hostile actions where Turkish State will eventually appear on the break of a war, is punished with imprisonment from five years to ten years.

(2) If war is caused as result of this action, the offender is punished with life imprisonment.

(3) If deterioration of political relations with the foreign country is in question, or there is risk of reprisal against the Turkish Republic or Turkish citizens, the offender is punished with imprisonment from two years to eight years.

(4) If the political relations are ceased or attempt is made for reprisal, the offender is punished with imprisonment from three years to ten years.

(5) Commencement of prosecution for the offense mentioned in this article is subject to the consent of the Minister of Justice.

(6) Provisions of this article may not be applicable to the actions in the nature of self-defense where the part or whole of territorial land is occupied by a foreign country in physical war.

## **Destruction of military plants and treaties in favor of enemy's military actions**

**ARTICLE 305-**(1) Any persons who partially or entirely destroys land, sea and air transport vehicles, roads, facilities, warehouses and or other military plants belonging to or under the service of State armed forces, or damages the same as to be out of use even for a definite period, is punished with imprisonment from six months to twelve years.

(2) In case of commission of this offense;

a) To serve the interests of a country at the state of war with Turkey, or

b) To hinder war preparations of the State by risking power of the country to enter a fight,

The offender is punished with heavy life imprisonment.

(3) If the destruction or damage of the buildings, facilities or property listed in the first subsection is due to negligence of the person responsible from custody, protection or observation of the same or commission of the offense is occasioned for this reason, the negligent person is punished with imprisonment from one year to five years.

(4) Any person who reaches agreement with the foreigners in order to support the military actions of the enemy during war in such a way to give injury to Turkish State, or military actions of Turkish State, or executes acts creating same consequence, is punished with imprisonment from ten years to fifteen years.

(5) If the military actions of the enemy are physically facilitated, or Turkish State suffers injury during military action as a result of the offense defined in fourth subsection, the person executing such act is punished with heavy life imprisonment.

(6) Same punishment is imposed on the foreigner who makes deal with the person committing the offenses defined in fourth and fifth subsections.

(7) Similarly, the provisions of this article are applied in case of commission of the offenses mentioned in the above subsections in Turkey to give injury to the states in alliance with Turkish State by a treaty for war.

#### **Physical and financial assistance to hostile country**

**ARTICLE 306-**(1) Any citizen who gratuitously or non-gratuitously, directly or indirectly delivers property to a country in the state of war with Turkish Republic, which can be used against Turkish Republic, is punished with imprisonment from five years to fifteen years. This provision is applicable also to the foreigners residing in Turkey.

(2) The same punishment is imposed to a foreigner residing in Turkey or citizen who contributes to payments or shares the expenses madder in favor of the hostile company during war, or facilitates the transactions relating to these payments.

(3) Even if started before the war, any foreigner residing in Turkey or citizen of Turkish Republic who engages, directly or indirectly, in trading activity with the citizens of the hostile country or other persons living on the territory of the hostile country in such a way to give injury to the Turkish Republic or to have positive affect on war power of hostile country, is punished with imprisonment from two years to five years and also imposed punitive fine up to ten thousand days.

(4) Similarly, the provisions of this article are applied in case of commission of the offenses listed in the above subsections in favor of a country in alliance with the hostile country by a treaty for war.

### **FIFTEENTH SECTION**

#### **Offenses against Constitutional Order And Operation of Constitutional Rules**

**ARTICLE 307-**(1) Those who attempt to abandon the rules stipulated by the Constitution of Turkish Republic, or try to bring constitutional order different than the one in force, or avoid implementation of the rules physically by use of force or threat, is punished with heavy life imprisonment.

(2) In case of commission of other offenses along with this offense, the offender is additionally punished according to the provisions relating to these offenses.

(3) Precautions specific to legal entities are imposed in case of commission of the offenses defined in this article by corporation.

#### **Assault or physical attack upon the President**

**ARTICLE 38-**(1) Any person who attempts to assault the President is punished with heavy life imprisonment. Even the attempt is considered as completion of the offense and the offender is punished accordingly.

(2) The punishment determined for this offense is applied with an increase by one half if a person involves in other physical attacks upon the President.

#### **Offenses against Legislative Organs**

**ARTICLE 309-**(1) Any person who attempts to dissolve Turkish Grand National Assembly, or partially or entirely avoids performance of the legislative organs by using force or threat, is punished with heavy life imprisonment.

(2) Precautions specific to legal entities are imposed in case of commission of the offenses defined in this article by corporation.

#### **Offenses against Government**

**ARTICLE 310-**(1) Any person who attempts to dissolve Government of Turkish Republic, or partially or entirely avoids its performance by using force or threat, is punished with heavy life imprisonment.

(2) Precautions specific to legal entities are imposed in case of commission of the offenses defined in this article by corporation.

#### **Armed revolt against the Government of Turkish Republic**

**ARTICLE 311-**(1) Any person who provokes the citizens to rise an armed revolt against Government of Turkish Republic, is punished with imprisonment from fifteen years to twenty years. If succeeded in rising of a revolt, the provoker is punished with imprisonment from twenty years to twenty-five years.

(2) Any person who commands an armed revolt against the Government of Turkish Republic is punished with heavy life imprisonment. Other persons who participate in the revolt are sentenced to imprisonment from six years to ten years.

(3) In case of commission of these offenses mentioned in the first and second subsection at the time of the war by taking advantage of the its negative affects on the State, the offender is punished with heavy life imprisonment.

(4) In case of commission of other offenses along with this offenses mentioned in the first and seconds subsection, the offender is additionally punished according to the provisions relating to these offenses.

#### **Armed organized criminal groups**

**ARTICLE 312-**(1) Any person(s) who forms organized criminal groups to commit the offenses listed in fourth and fifth sections of this chapter, and commands these groups, is punished with imprisonment from ten years to fifteen years.

(2) Those who enlist to the organized criminal group defined in the firs subsection is sentenced to imprisonment from five years to ten years.

(3) Other provisions relating to the offense committed by forming organized criminal groups are applied exactly the same for this offense.

#### **Supply of arms**

**ARTICLE 313-**(1) Any person who knowingly manufactures, purchases, transports, stores, or illegally transfers arms to the country for use in the activities of the organizations defined in the above articles, is punished with imprisonment from ten years to fifteen-years.

#### **Alliance for offense**

**ARTICLE 314-**(1) If two or more persons make a deal to commit any one of the offenses listed in fourth and fifth sections of this chapter by using suitable means, the offenders are sentenced to imprisonment from three years up to twelve years, depending on the quality of offense.

(2) No punishment is imposed on the persons who break up the alliance b before commission of the offense or commencement of investigation.

#### **Confiscation of Army Commanding Quarters**

**ARTICLE 315-**(1) Any person who undertakes the command of a army quarter or fleet or a war ship, or air fighter-fleet or a fortress, or a fortified zone, or a military base or plant, or a port or city, although he is not legally authorized or assigned to carry out such duty by the State, is sentenced to life imprisonment.



(2) The same punishment is imposed on the officers who are assigned to undertake commanding duty by the State, or legally authorized to hold such office, but do not obey the orders given by the authorized to leave the quarters.

#### **Discouraging people from enlisting in armed forces**

**Article 316-** (1) Those who try to persuade or instigate people not to enlist armed forces or making propaganda with this intention , are punished with imprisonment from six months to two years.

(2) The punishment to be imposed is increased by one half in case of commission of this offense through press and broadcast organs.

#### **Instigating soldiers to disobey orders**

**ARTICLE 317-**(1) Those who persuade or provoke others serving in the army or undertaking duty for armed forces to act contrary to the laws or to break their oath or breach of military discipline or obligations arising out of this service, or praising or supporting such behavior before the soldiers breaching rules, discipline and breaking oath are punished with imprisonment from one year to three years.

(2) If this offense is committed before the public, the offender is sentenced to imprisonment from two years to five years.

(3) If this offense is committed at the time of the war, the punishment to be imposed is increased by one fold.

#### **Enlistment in foreigner's service**

**ARTICLE 318 -** (1) Any person who recruits citizens to serve for a foreigner or foreign country or encourages them to enlist in a military service in a foreign country or attempts to arm these persons with weapons without permission of the Government is sentenced to imprisonment from three years to six years.

(2) The punishment to be imposed is increased by one third if there are soldiers or persons attained the military stage among those enlisted or armed in this manner.

(3) Any person who accepts the service mentioned in first subsection is punished with imprisonment from one year to three years.

#### **Disobeying orders at the time of war**

**ARTICLE 319-**(1) Any person who intentionally disobeys the orders or acts contrary to the decisions of the authorized bodies of the Government during war, is punished with imprisonment from one year to six years.

#### **Obligations at the time of war**

**ARTICLE 320-** (1) Any person who fails to fulfill his obligations while undertaking public service to meet the requirements of the public or armed forces of the Government during war, or partially or entirely breaches obligations arising out of contracts concluded with an institution to meet public demand by performing a work or supply of needs, is punished with imprisonment from three years to ten years and also imposed punitive fine up to ten thousand days.

(2) If the breach of obligations, partially or entirely, is bound to negligence of that person, three fourths of the punishment may be abated.

(3) If the failure in fulfillment of obligations, partially or entirely, results from the negligence of the intermediary agents having contract relation with the principal obligator or their representative, then the same punishment is applied to these real persons or legal entities

(4) The above mentioned persons who execute fraudulent acts during fulfillment of obligations at the time of war, is sentenced to imprisonment from then years to fifteen years and also imposed punitive fine up to ten thousand days.

#### **Spread of untrue rumors during war**

**ARTICLE 321-**(1) Any person who makes untrue and exaggerated statements or spreads news for personal reasons in such a way to demoralize public causing anxiety and excitement during war time, also breaking resistance of the country against enemy, or executes acts that will cause injury of basic national interests, is sentenced to imprisonment from five years to ten years.

(2) If this offense is committed;

- a) By propaganda
- b) Against the armed forces
- c) Based on a treaty with a foreign country

The punishment to be imposed is imprisonment from ten years to twenty years.

(3) If the offense is committed based on a treaty with the enemy, the offender is punished with life imprisonment.

(4) Any person who tries to devalue the foreign currency during war by risking the resistance of the nation against the enemy, or adopts acts with the intention to have influence on valuable public papers, is punished with imprisonment from five years to ten years and also imposed punitive fine up to three thousand days.

(5) The punishment is increased by one half if the offenses mentioned in forth subsection is committed as a result of a treaty with the foreigner; if it is bound to a treaty with the enemy, then the punishment is increased by one fold.

#### **Negligence in performance of a duty during Mobilization**

**ARTICLE 322-** (1) Any public officer who neglects or delays performance of undertaken duty during mobilization is sentenced to imprisonment from six months to three years.

#### **Acceptance of title and similar awards from enemy**

**ARTICLE 323-**(1) A citizen who accepts an academic degree or honor, title, medal and other honorary ranks from a country at war with Turkey, or secures other benefits including any sort of pay, is punished with imprisonment from one year to three years.

#### **Documents relating to Public Security**

**ARTICLE 324-**(1) Any person who partially or entirely destroys documents and certificates relating to Public security or domestic and foreign political relations, or counterfeits the same, or illegally acquires or steals or uses these documents beyond its purpose, is punished with imprisonment from eight years to ten years.

(2) If the offense is committed during war, or puts the war preparations, or fighting power, or military movements of the Government in jeopardy, the offender is punished with life imprisonment.

#### **Political or military spying**

**ARTICLE 325-** (1) Any person who tries to get secret information, especially about the Public security or domestic and foreign political interest of the State with the intention of spying on political and military affairs, is sentenced to imprisonment from fifteen years to twenty years.

(2) In the offense is committed:

- a) To serve the interest of a country at war with Turkey, or
- b) During war by putting the war preparations of the Government, or fighting power, or military movements in jeopardy,

The offender is sentenced to heavy life imprisonment.

#### **Disclosure of information relating to Public Security and political interests of the State**

**ARTICLE 326-**(1) Any person who discloses secret information, especially about the Public security or domestic and foreign political interest of the State, is sentenced to imprisonment from five years to ten years.

(2) If the offense is committed during war time, or puts the war preparations, or fighting power, or military movements of the Government in jeopardy, the offender is punished with imprisonment from ten years to fifteen years.

(3) If the commission of offense is bound to negligence of the offender, offense by risking the war preparations, or fighting power, or military movements of Government, the offender is sentenced to heavy life imprisonment.

#### **Disclosure of confidential information**

**ARTICLE 327-**(1) Any person who discloses confidential, especially about the Public security or domestic and foreign political interest of the State with the intention of spying on political and military affairs, is sentenced to life imprisonment.

(2) If this offense is committed during war time, or puts the war preparations, or fighting power, or military movements of the Government in jeopardy, the offender is punished with heavy life imprisonment.

#### **International spying**

**Article 328-**(1) Any citizen who gets information which is to be kept secret from the view point of national security, or domestic or foreign political relations of a foreign country to serve the interests of another foreign country with the intention of spying on political and military affairs, is punished with imprisonment from one years to three years. Any foreigner who illegally gets confidential information in Turkey is subject to same punishment.

#### **Trespass upon Military Zones**

**ARTICLE 329-** (1) Any person who secretly or by deceptions trespasses upon a land of which entry is restricted by the Government for military purposes, is punished with imprisonment from two years to five years.

(2) In case of commission of this offense during war time, the offender is sentenced to imprisonment from three years to eight years.

#### **Exploitation of Governmental secrets and Disloyalty in Government services**

**ARTICLE 330-**(1) Any person who uses scientific explorations, new discoveries or industrial innovations that are known to him by virtue of office, for his or other's benefit although such information is required to be kept confidential for Public security, is punished with imprisonment from five years to ten years and also imposed punitive fine up to three thousand days.

(2) If the offense is committed to serve the interest of a country at war with Turkey, or puts the war preparations, or fighting power, or military movements of the Government in jeopardy, the offender is sentenced to life imprisonment

(3) If a person who is assigned to an official duty in a foreign country by the Turkish State fails to perform this duty faithfully, or causes injury to the country by such disloyalty, is punished with imprisonment from five years to ten years.

(4) Those who become aware of the offenses defined in this article before they are being committed, but fail to notify the authorities in time, are punished with imprisonment from six months to two years even if the offense is not completed.

#### **Access to restricted information**

**ARTICLE 331-** (1) Any person who gets secret information of which the disclosure is restricted pursuant to the laws and regulations of the competent authorities, is punished with imprisonment from one year to three years.

(2) If this offense puts the war preparations, or fighting power, or military movements of the Government in jeopardy, the offender is sentenced to imprisonment from five years to ten years.

#### **Access to restricted information for spying purposes**

**Article 332-**(1) Any person who gets secret information of which disclosure is restricted pursuant to the laws and regulations of the legislative authorities due to confidentiality, with the purpose of spying on political and military affairs, is punished with imprisonment from eight years to ten years.

(2) If the offense is committed to serve the interest of a country at war with Turkey, or puts the war activities, or fighting power or military movements of the Government in jeopardy, the offender is sentenced to heavy life imprisonment.

#### **Disclosure of restricted information**

**ARTICLE 333-** (1) Any person who publicizes information of which disclosure is restricted pursuant to the laws and regulations of the legislative authorities due to confidentiality, is punished with imprisonment from three years to five years.

(2) If the offense is bound to negligence of the offender, the offender is punished with imprisonment from six month to two years in the event mentioned in first subsection: As for the case mentioned in the second subsection, punishment of imprisonment from three years to eight years is to be imposed on the offender.

#### **Disclosure of restricted information for political or military spying purposes**

**Article 334-**(1) Any person who publicizes information of which disclosure is restricted pursuant to the laws and regulations of the legislative authorities due to confidentiality, with the purpose of spying on political and military affairs, is punished with imprisonment from ten years to fifteen years.

(2) If the offense is committed during war time, or puts the war activities, or fighting power or military movements of the Government in jeopardy, the offender is sentenced to heavy life imprisonment.

#### **Offense of Spying committed by negligence**

**ARTICLE 335-** (1) If the commission of the offenses defined in this section is occasioned from failure of the concerned persons to take proper care and precautions, or results from acts facilitating commission of the offense, the negligent is punished with imprisonment from six months to three years.

(2) If the offense is committed during war time, or puts the war activities, or fighting power or military movements of the Government in jeopardy, the offender acting in negligence is sentenced to imprisonment from three years to eight years.

#### **Holding documents relating to Public security**

**ARTICLE 336-**(1) Any person who keeps information of which disclosure is restricted pursuant to the laws and regulations of the legislative authorities due to confidentiality, or is caught with documents containing such information where no acceptable reason could be shown for such hold, is punished with imprisonment from one year to five years.

(2) If the offense is committed during war time, the offender is punished with imprisonment from three years to eight years.

### **SIXTEENTH SECTION**

#### **Offenses Against the Relations With Foreign Countries**

##### **Offenses against the President of a foreign country**

**ARTICLE 337-**(1) Punishment to be imposed on a person committing an offense against President of a foreign country is increased by one eighth. In case the offense requires punishment of life imprisonment, the offender is sentenced to heavy life imprisonment.

(2) If the felony creates the consequences of an offense of which investigation or prosecution is bound to complaint, the complaint of the foreign country is sought for commencement of investigation and prosecution.

##### **Aspersions against the flag of a foreign country**

**ARTICLE 338-**(1) Any person who publicly humiliates the officially flown flag of a foreign country or other signs of sovereignty, is punished with imprisonment from three months to one year.

(2) Commencement of investigation and prosecution for this offense is bound to complaint of that country.

#### **Offences against the representative of foreign countries**

**ARTICLE 339-**(1) The persons committing offense against the temporary or permanent representatives of foreign countries in Turkey, or the foreign personnel with diplomatic immunity, or agencies of international institutions subject to certain exceptions, are punished according to the provisions of this Law relating to the offenses committed against the public officers.

(2) If the offense committed is in the nature aspiration or insult, commencement of investigation and prosecution is bound to complaint of the aggrieved party.

#### **Reciprocity condition**

**ARTICLE 340-** (1) Application of the provisions stated in this section is based on reciprocity condition.

### **SEVENTEENTH SECTION**

#### **Final Provisions**

##### **Effectiveness**

**ARTICLE 341-** (1) a) Article 184 of this Law under the heading "Pollution caused by the construction" comes into force on the date of publication,

b) First subsection of Article 181 under the heading "Intentional pollution of environment" and first subsection of Article 182 under the heading "Pollution of environment by negligence" comes into force after two years as of the date of publications,

c) Other provisions come into force on 1 April 2005.

##### **Enforcement**

**ARTICLE 342-**(1) Provisions of this Law are enforced by the Ministers' Council.