



Strasbourg, 15 February 2016

CDL-REF(2016)011

Opinion No. 831 / 2015

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

PENAL CODE
OF TURKEY

VOLUME I

GENERAL PROVISIONS

CHAPTER I

Basic Principles, Definitions and Jurisdiction

Part 1

Basic Principle and Definitions

The Objective of the Criminal Code

Article 1

- (1) The objective of the Criminal Code is to protect individual rights and freedoms, public order and security, the rule of law, peace in the community, public health and the environment and to prevent the commission of offences. In order to achieve this objective criminal responsibility, specific criminal offences, penalties and security measures are regulated under this statute.

The Principle of No Punishment without Law

Article 2

- (1) Nobody shall be subject to penalty or security measure for an act which is not clearly prescribed by law as a criminal offence. A penalty or security measure shall not be imposed unless it is prescribed by law.
- (2) No criminal offence or penalty shall be created by any Regulatory Provisions adopted by the Administration.
- (3) When applying the law which governs criminal offences and penalties the use of analogy shall not be permitted. Provisions relating to criminal offences and penalties shall not be interpreted widely so as to lead to the use of analogy.

The Principle of Equal Treatment before the Law

Article 3

- (1) Any penalty and security measure imposed upon an offender should be proportionate to the gravity of the crime.
- (2) In the implementation of the Criminal Code no one shall receive any privilege and there shall be no discrimination against any individual on the basis of their race, language, religion, sect, nationality, colour, gender, political (or other) ideas and thought, philosophical beliefs, ethnic and social background, birth, economic and other social positions.

Binding Nature of the Law

Article 4

- (1) Ignorance of the criminal law shall not amount to a defence
- (2) (Abolished on 29 June 2005 – By Article 1 of the Law no. 5377)

Relationship with Specialised Statutes

Article 5

- (1) The general provisions of this Statute shall apply both to special criminal statutes and other statutes which include criminal penalties.

Definitions

Article 6

- (1) In the implementation of the criminal law the terms used herein shall have the following meaning:

Citizen: any person who is a Turkish citizen at the time an offence is committed.

- a) Minor: any person who has not reached the age of 18.
- b) Public Officer: any person who is elected, appointed or chosen in any other way to carry out a public duty for a temporary, permanent or specifically defined time period.
- c) Jurists: Public Prosecutors and Judges of the Supreme Courts, Judicial, Administrative and Military Courts and Practising Lawyers.
- d) At Night: the period starting one hour after sunset and ending one hour before the subsequent sunrise.
- e) Weapon:
 - i) A firearm;
 - ii) An explosive;
 - iii) All instruments produced for the purpose of defence or attack which are capable of cutting, piercing or injuring;
 - iv) Any instrument, not having been specifically manufactured for the purpose of attack or defence, which may be used for such purpose;
 - v) A nuclear, radioactive, chemical or biological substance which has burning, corrosive, harmful, suffocating or toxic properties or is capable of causing permanent illness.
- f) Through the Press or Broadcasting: any public dissemination of information through written, visual, audio or electronic means.
- g) Habitual Offender: any person who, within a one year period, at more than two different times, commits the same basic, aggravated or lesser version of the crime with intention.
- h) Career Offender: any person who habitually earns a partial or complete living from the commission of crime.
- i) Member of a Criminal Organisation: any person who establishes, controls or joins a criminal organisation; or any person who commits an offence in the name of a criminal organisation, either by himself or with other persons.

Part 2 Jurisdiction

Time

Article 7

- (1) No person shall be subject to a penalty or security measure for any act which did not constitute a criminal offence under the law in force at the time it was committed. No one shall be subject to a penalty or security measure for an act which does not constitute an offence according to the law which came into force after the commission of the offence. Where such a penalty or security measure has been imposed its enforcement and the legal consequences of such shall be automatically set aside.
- (2) If there is a difference between the law in force at the time a criminal offence was committed and a provision subsequently brought into force, then the law which is more favourable to the offender is applied and enforced.
- (3) (Amended on 29 June 2005 – By Article 2 of the Law no. 5377) The Enforcement Code provisions shall be applied immediately, except insofar as those provisions relate to suspended prison sentences, conditional release, and repeat offending.
- (4) Temporary and Provisional laws are to continue to apply to criminal offences which were committed during the period those laws were in force.

Territorial Jurisdiction

Article 8

- (1) Turkish law shall apply to all criminal offences committed in Turkey. Where a criminal act is partially, or fully, committed in Turkey, or the result of a criminal act occurs in Turkey the offence shall be presumed to have been committed in Turkey.
- (2) If the criminal offence is committed:
 - a) within Turkish territory, airspace or in Turkish territorial waters;
 - b) on the open sea or in the space extending directly above these waters and in, or by using, Turkish sea and air vessels;
 - c) in, or by using, Turkish military sea or air vehicles;
 - d) on or against a fixed platforms erected on the continental shelf or in the economic zone of Turkey

then this offence is presumed to have been committed in Turkey.

Conviction in a Foreign Country

Article 9

- (1) Any person who is convicted in a foreign country for an offence committed in Turkey shall be subject to retrial in Turkey.

Offences Committed During the Performance of a Duty

Article 10

- (1) Any person who is employed as a public officer or is charged with a particular duty by the Turkish State and who, in the course of that employment or duty, commits a criminal offence shall be tried in Turkey, despite having been convicted in a foreign country in respect of his acts.

Offences Committed by Citizens

Article 11

- (1) If a Turkish citizen commits an offence in a foreign country that would amount to an offence under Turkish law and that offence is subject to a penalty of imprisonment where the minimum limit is greater than one year, and he is present in Turkey, and upon satisfying the conditions that he has not been convicted for the same offence in a foreign country and a prosecution is possible in Turkey, he shall be subject to a penalty under Turkish law, except in regard as to the offences defined in Article 13.
- (2) Where the aforementioned offence is subject to a penalty of imprisonment, the minimum limit of which is less than one year, then criminal proceedings shall only be initiated upon the making of a complaint by a victim or a foreign government. In such a case the complaint must be made within six months of the date the citizen entered Turkey.

Offences Committed by Non-Citizens

Article 12

- (1) Where a non-citizen commits an offence (other than one defined in Article 13), to the detriment of Turkey, in a foreign country, that would amount to an offence under Turkish law and that offence is subject to a penalty of imprisonment where the minimum limit is greater than 1 year, and he is present in Turkey, he shall be subject to penalty under Turkish law. Criminal proceedings shall only be brought upon request by the Minister of Justice.

- (2) Where the aforementioned offence is committed to the detriment of a Turkish citizen or to the detriment of a legal personality established under Turkish civil law and the offender is present in Turkey and there has been no conviction in a foreign country for the same offence then, upon the making of a complaint by the victim, he shall be subject to penalty under Turkish law.
- (3) If the victim is a non-citizen the offender shall be subject to criminal proceedings, upon the request of the Minister of Justice, provided the following conditions are fulfilled:
 - a) the offence is subject to a penalty of imprisonment under Turkish law where the minimum limit of imprisonment is not less than 3 years; and
 - b) there is no extradition agreement; or the government of the country in which the crime has been committed, or the State of which the offender is a national, has refused to grant extradition.
- (4) In relation to offences to which paragraph one is applicable, if a non-citizen is convicted or acquitted in a foreign Court or has any criminal proceedings or penalty against him stayed or set aside respectively by such Court or the offence becomes one which cannot be the subject of a prosecution in a foreign Court then, upon the request of the Minister of Justice, criminal proceedings shall be brought in Turkey.
- (5) (Added on 18 June 2014 – By Article 56 of the Law no. 6545). Under the conditions in the scope of the first provision, criminal proceedings for bribery and trading in influence are not bound to the request of the Ministry of Justice.

Miscellaneous Offences

Article 13

- (1) Turkish law shall apply to the following offences committed in a foreign country whether or not committed by a citizen or non-citizen of Turkey:
 - a) Offences defined in Chapter I, Volume II;
 - b) Offences defined in Parts 3-8, Chapter IV, Volume II; Torture (Articles 94-95);
 - c) Intentional Pollution of the Environment (Article 181);
 - d) Production and Trade of Narcotics or Psychotropic Substances (Article 188); Facilitating the use of Narcotics or Psychotropic Substances (Article 190);
 - e) Counterfeiting Money (Article 197), Manufacturing and Trading of Instruments used in the Production of Money and valuable Seals (Article 200); Counterfeiting a Seal (Article 202);
 - f) Prostitution (Article 227);
 - g) (Abolished on 26 June 2009 – By Article 1 of the Law no. 5918)
 - h) Seizing control or hijacking of air, sea or rail transport vehicles (Article 223, paragraphs 2 and 3) and offences relating to the damaging of such vehicles (Article 152).
- (2) (Paragraph 2 Added on 29 June 2005 – By Article 2 of the Law no. 5377). Except for offences defined in parts 3, 5, 6 and 7 of Chapter IV, Volume II, conducting criminal proceedings in Turkey for crimes within the scope of paragraph one shall be subject to a request of the Ministry of Justice.
- (3) Even where a conviction or acquittal pursuant to the offences listed in paragraph one subparagraphs (a) and (b) have occurred in a foreign country, criminal proceedings in Turkey shall be conducted upon the request of the Ministry of Justice.¹

¹ The number of this paragraph was previously (2). By Article 3 of the Law no. 5377 dated 29 June 2005 paragraph 2 was added after the paragraph 1. Thus, this paragraph is now numbered as (3).

Criminal Investigation: Alternative Penalty

Article 14

- (1) Where regulated under Articles 11 and 12, criminal proceedings shall not be conducted if the statutory provision defining a criminal offence provides for an alternative penalty of imprisonment or a judicial fine.

Calculation of Penalty in Cases Where this is a Condition of Investigation

Article 15

- (1) Where the commencement of an investigation is conditional upon the severity of the penalty, the penalty shall be calculated by taking into account the minimum limit of the aggravated version of the offence and the maximum limit of the lesser version of the offence which arises during the investigation stage.

Deduction from the Penalty

Article 16

- (1) Any time spent in custody, detention, under arrest or serving a prison sentence in a foreign country in respect of an offence, irrespective of where the offence was committed, shall be deducted from the penalty to be given for the same criminal offence in Turkey.

Deprivation of Rights

Article 17

- (1) Where, in cases defined in the preceding articles, a judgement (that is not contrary to the Turkish Legal System) is given by a foreign Court, which requires the deprivation of a right in Turkish law the Court shall, upon the request of the public prosecutor, require the enforcement of the consequences under Turkish law.

Extradition²

Article 18

- (1) A non-citizen, against whom a criminal investigation or prosecution has been initiated or against whom there is conviction because of a crime committed, or alleged to have been committed in a foreign country, may be extradited, upon request, for the purpose of an investigation or prosecution or enforcement of a penalty. However, the extradition request shall not be accepted, if the act for which extradition is requested:
- a) does not constitute a criminal offence in Turkish Law;
 - b) is a criminal offence of a political or military nature, or is a crime of thought;
 - c) is an offence against the security of the Turkish state or causes damage to the Turkish state, a Turkish citizen or legal entity established under Turkish law,
 - d) is a criminal offence which falls under the jurisdiction of Turkey,
 - e) has benefited from an amnesty or statute of limitation.
- (2) Citizens shall not be extradited in respect of an offence he has committed, save in regard to the obligations arising from being a party to the International Criminal Court.
- (3) The extradition request shall not be accepted if there are strong suspicious reasons that – upon extradition - the person will be subjected to investigation or prosecution or punishment on account of his race, religion, nationality, membership of a particular social group or political opinion or be exposed to torture or ill-treatment.

² By Article 57 of the Law no. 6545 dated 18 June 2014, in the first paragraph of this article the expression of "investigation or" after the expression of "criminal"; the expression of "investigation or" after the expression of "upon request"; in the third paragraph the expression of "investigation or" after the expression of "subjected to" were added, and the expression of "Criminal Procedures Code" (former) was amended as "Code of Criminal Procedure"

- (4) The Serious Criminal Court responsible for the region of the concerned person shall decide on the extradition request on the basis of this article as well as the provisions of the related international conventions that Turkey is a party to. This decision may be appealed.
- (5) If the extradition request is deemed to be acceptable by the Court, then the execution of such decision shall be at the discretion of the Council of Ministers.
- (6) Security measures may be applied in respect of an individual who is requested for extradition in accordance with the provisions of international conventions which Turkey is a party to.
- (7) If the extradition request is deemed to be acceptable, an arrest warrant may be issued according to the provisions of the Code of Criminal Procedure or other security measure may be applied.
- (8) In the event of extradition, the person is only to be prosecuted for the particular offence for which extradition has taken place and no penalty other than that related to such offence may be enforced.

Consideration of Foreign Law

Article 19

- (1) During criminal proceedings in Turkey, the penalty given under Turkish law to a person who is convicted of an offence committed outside the sovereign territory of Turkey, may not be more than the maximum limit of the penalty stipulated in the laws of the country where the offence was committed.
- (2) However, the provisions in the aforementioned paragraph shall not be applied if the offence is committed;
 - a) against the security of, or is damaging to, Turkey;
 - b) against a Turkish citizen, or damaging to a private legal entity established under Turkish law.

CHAPTER II

Principles of Criminal Responsibility

Part 1

Individuality of Criminal Responsibility, Intent and Recklessness

Individuality of Criminal Responsibility

Article 20

- (1) Criminal responsibility is personal. No one shall be deemed culpable for the conduct of another.
- (2) Penalties shall not be imposed on legal entities. However, security measures prescribed by law to be applied to such in respect of a criminal offence shall be reserved.

Intent

Article 21

- (1) The existence of a criminal offence depends upon the presence of intent. Intent is defined as knowingly and willingly conducting the elements in the legal definition of an offence.
- (2) There is probable intent when the individual conducts an act while foreseeing that the elements in the legal definition of an offence may occur. Accordingly, for offences that require a penalty of aggravated life imprisonment, life imprisonment shall be imposed; for those offences that require a penalty of life imprisonment, a term of twenty to twenty-five years of imprisonment shall be imposed; otherwise the penalty shall be reduced by one-third to one-half.

Recklessness

Article 22

- (1) Acts conducted with recklessness shall be subject to a penalty only where explicitly prescribed by law.
- (2) Unconscious recklessness is defined as conducting an act without foreseeing the results as stated in the legal definition of the offence, due to a failure to discharge a duty of care and attention.
- (3) An act is conducted with conscious recklessness when the result is foreseen but is not desired; in this case the penalty for the reckless offence shall be increased by one-third to one-half.
- (4) The penalty to be imposed for an offence committed with recklessness shall be determined according to the offender's fault.
- (5) In offences committed with recklessness, if there is more than one offender, each individual shall be culpable for his own fault. The penalty for each of the offenders shall be determined separately, according to their own fault.
- (6) A penalty shall not be imposed if, as the result of a reckless act, the offender becomes a victim to such a degree (by reference to his personal and family circumstances only) that imposing a penalty becomes unnecessary. Where the offence is committed with conscious recklessness then penalty to be imposed may be reduced by one-sixth to one-half.

The Aggravation of an Offence Due to its Consequences

Article 23

- (1) Where an act causes a more serious result, or result other than intended, a person will not be culpable unless he has acted, at least, with recklessness in regard to such act.

Part 2

Reasons for Setting Aside or Reducing Criminal Liability

Provisions of a Statute and Orders from a Superior

Article 24

- (1) A person who carries out the provisions of a statute shall not be subject to a penalty.
- (2) A person who carries out an order given by an authorized body as part of his duty, and the execution of this duty is compulsory he shall not be held culpable for such act.
- (3) An order constituting an offence should never be executed in any circumstances. Otherwise, the person who carried out the order and the person who gave the order shall be culpable.
- (4) Where the examination of the lawfulness of the order is prohibited by law, the person giving the order shall be culpable for its execution.

Legitimate Defence and Necessity

Article 25

- (1) No penalty shall be imposed upon an offender in respect of acts which were necessary to repel an unjust assault which is directed, carried out, certain to be carried out or to be repeated against a right to which he, or another, was entitled, provided such acts were proportionate to the assault, taking into account the situation and circumstances prevailing at the time.
- (2) No penalty shall be imposed upon an offender in respect of acts which were committed out of necessity, in order to protect against a serious and certain danger (which he has not knowingly caused) which was directed at a right to which he, or another, was entitled and where there was no other means of protection, provided that the means used were proportionate to the gravity and subject of the danger.

Use of a Right and Consent

Article 26

- (1) A person who exercises his right shall not be subject to a penalty.
- (2) No penalty shall be imposed in respect of any act committed as a result of the declared consent of another person and provided that such person has the full authority to give consent.

Exceeding of Limits

Article 27

- (1) Where the limits of criminal culpability are unintentionally exceeded and the act was committed by recklessness and is subject to a penalty, the penalty imposed, in respect of offences of recklessness, shall be reduced by one-sixth to one-third.
- (2) If the limits were exceeded in the course of legitimate defence as a result of excitement, fear or agitation and can be regarded as excusable, the offender shall not be subject to a penalty.

Force and Violence, Menace and Threat

Article 28

- (1) No penalty shall be imposed upon a person who commits a criminal offence as a result of intolerable or inevitable violence, or serious menace or gross threat. In such cases, the person involved in the use of force, violence, menace or threat shall be deemed to be the offender.

Unjust provocation

Article 29

- (1) Any person who commits an offence in a state of anger or severe distress caused by an unjust act shall be sentenced to a penalty of imprisonment for a term of eighteen to twenty four years where the offence committed requires a penalty of aggravated life imprisonment and to a penalty of imprisonment for a term of twelve to eighteen years where the offence committed requires a penalty of life imprisonment. Otherwise the penalty to be imposed shall be reduced by one-quarter to three-quarters.

Mistake

Article 30

- (1) Any person who, while conducting an act, is unaware of matters which constitute the actus reus of an offence, is not considered to have acted intentionally. Culpability with respect to recklessness shall be preserved in relation to such mistake.
- (2) Any person who is mistaken about matters which constitute an element of a qualified version of an offence, which requires an aggravated or mitigated sentence, shall benefit from such mistake.
- (3) Any person who is inevitably mistaken about the conditions which, when satisfied, reduce or negate culpability shall benefit from such mistake.
- (4) (Paragraph Added on 29 June 2005 - By Article 4 of the Law no. 5377). Any person who makes an inevitable mistake about whether his act was unjust or not shall not be subject to penalty.

Minors

Article 31

- (1) Minors under the age of twelve are exempt from criminal liability. While such minors cannot be prosecuted, security measures in respect of minors may be imposed.
- (2) (Amended on 29 June 2005 – By Article 5 of the Law no. 5377). Where a minor is older than twelve, but younger than fifteen, at the time of an offence, and he is either incapable of appreciating the legal meaning and consequences of his act or his capability to control his behavior is underdeveloped then he is shall be exempt from criminal liability. However, such minors may be subject to security measures specific to children. Where the minor has the capability to comprehend the legal meaning and result of the act and to control his behaviors in respective of his act, for offences requiring a penalty of aggravated life imprisonment, a term of twelve to fifteen years of imprisonment shall be imposed and for offences that require a penalty of life imprisonment, a term of nine to eleven years imprisonment shall be imposed. Otherwise the penalty to be imposed shall be reduced by half, save for the fact that for each act such penalty shall not exceed seven years.
- (3) (Amended on 29 June 2005 – By Article 5 of the Law no. 5377). Where a minor is older than fifteen but younger than eighteen years at the time of the offence then for crimes that require a penalty of aggravated life imprisonment a term of eighteen to twenty four years of imprisonment shall be imposed and for offences that require a penalty of life imprisonment twelve to fifteen years of imprisonment shall be imposed. Otherwise the

penalty to be imposed shall be reduced by one-third, save for the fact that the penalty for each act shall not exceed twelve years.

Mental Disorder

Article 32

- (1) A penalty shall not be imposed on a person who, due to mental disorder, cannot comprehend the legal meaning and consequences of the act he has committed, or if, in respect of such act, his ability to control his own behaviour was significantly diminished. However, security measures shall be imposed for such persons.
- (2) Notwithstanding that it does not reach the extent defined in paragraph one, where a person's ability to control his behaviour in respect of an act he has committed is diminished then a term of imprisonment for a term of twenty-five years where the offence committed requires a penalty of aggravated life imprisonment shall be imposed. Otherwise the penalty to be imposed may be reduced by no more than one-sixth. The penalty to be imposed may be enforced partially or completely as a security measure specific to mentally disordered persons, provided the length of the penalty remains the same.

Deafness and Muteness

Article 33

- (1) The provisions of this law which relate to minors under twelve years of age at the date of the offence shall also be applicable to deaf and mute persons under the age of fifteen. The provisions of this law which relate to minors who are over twelve years of age but under fifteen shall also be applicable to deaf and mute persons who are over fifteen years of age but under eighteen years of age. The provisions of this law which relate to minors over fifteen years of age but under eighteen of age shall be applied to deaf and mute persons who are over eighteen years of age but under twenty years of age.

Transitory Reasons and Being under Influence of Alcohol or Drugs

Article 34

- (1) Any person who is, because of a transitory reason or the effect of alcohol or drugs taken involuntarily, unable to comprehend the legal meaning and consequences of an act he has committed, or whose ability to control his behaviour regarding such act was significantly diminished, shall not be subject to a penalty.
- (2) The provisions of the paragraph one shall not apply to a person who commits an offence under the effects of alcohol or drugs which have been taken voluntarily.

Part 3 Criminal Attempt

Article 35

- (1) Any person who begins to directly act, with the appropriate means and with the intention of committing an offence, but has been unable to complete such offence due to circumstances beyond his control, shall be culpable for the attempt.
- (2) In a case of criminal attempt, depending upon the seriousness of the damage and danger that accrued, an offender shall be sentenced to a penalty of imprisonment for a term of thirteen to twenty years where the offence committed requires a penalty of aggravated life imprisonment, or to a penalty of imprisonment for a term of nine years to fifteen years where the offence committed requires a penalty of life imprisonment. Otherwise the penalty shall be reduced by one-quarter to three-quarters.

Voluntary Abandonment

Article 36

- (1) An offender who voluntarily abandons the performance of the acts of committing an offence, or who prevents the completion of an offence or its consequence, shall not be subject to a penalty for the criminal attempt. However, where the completed part of an action constitutes an offence, he shall be subject to a penalty for the completed part of the act.

Part 4 Jointly Committed Offences

Principal Involvement

Article 37

- (1) Any person who jointly performs an act prescribed by law as an offence shall be culpable as the offender of that act.
- (2) Any person who uses another as an instrument for the commission of an offence shall remain culpable as an offender. The penalty of a person who uses another as an instrument who lacks the capacity of acting with fault shall be increased by one-third to one-half.

Incitement

Article 38

- (1) A person who incites another to commit an offence shall be subject to the penalty appropriate to the offence that is committed.
- (2) Where there is incitement to offend by using influence arising from a direct-descendent or direct-antecedent relationship, the penalty of the instigator shall be increased by one-third to one half. Where there is incitement of a minor, a direct-descendant or direct-antecedent relationship is not necessary for the application of this paragraph.
- (3) Where the identity of the instigator is not known and if the offender plays a role in the identification of the instigator, or other accomplice, he shall be sentenced to a penalty of imprisonment for a term of twenty to twenty-five years if the offence committed requires aggravated life imprisonment and to a term of imprisonment of fifteen years to twenty years if the offence committed requires life imprisonment. Otherwise the penalty to be imposed may be reduced of one-third.

Assistance

Article 39

- (1) A person who assists another with the commission of an offence shall be sentenced to a penalty of imprisonment for a term of fifteen years to twenty years if the offence committed requires aggravated life imprisonment, and to a term of ten to fifteen years imprisonment if the offence committed requires life imprisonment. Otherwise the penalty to be imposed shall be reduced by one-half. However, in this case, the penalty to be imposed shall not exceed eight years.
- (2) A person remains culpable as an assistant if he:
- a) encourages the commission of an offence, or reinforces the decision to commit an offence, or promises that he will assist after the commission of an act.
 - b) provides counsel as to how an offence is to be committed, or provides the means used for the commission of the offence.
 - c) facilitate the execution of an offence by providing assistance before or after the commission of the offence.

The Dependency Rule

Article 40

- (1) In order to constitute a jointly committed offence it is sufficient that the act is unlawful and committed intentionally. Each person participating in the commission of an offence shall be sentenced according to his unlawful act, irrespective of the individual circumstances of another which may prevent the imposition of a penalty.
- (2) For specific offences, only the person possessing the proscribed qualifications required for such offence may be defined as the offender. Other persons who are involved in the commission of these offences shall remain culpable for incitement or assistance.
- (3) In order to be culpable for a jointly committed offence, there must have been, at least, an attempt to commit the offence.

Voluntary Abandonment in Jointly Committed Offences

Article 41

- (1) In jointly-committed offences, only the person who voluntarily abandons the attempt to commit an offence may benefit from the voluntary abandonment provisions.
- (2) The voluntary abandonment provisions shall apply if:
 - a) the offence was not committed because of the efforts of the person voluntarily abandoning the commission of the offence, and not for any other reason;
 - b) the offence was committed and the person who voluntarily abandoned the commission of the offence employed his best efforts to prevent the commission of such offence.

Part 5

Aggregation of Offences

Compound Offence

Article 42

- (1) A compound offence is defined as an offence which is deemed to be a single act because either one act constitutes an element of another act or one act constitutes an aggravation of another act. The aggregation provisions shall not apply to offences of this category.

Successive Offences

Article 43

- (1) Where a person commits the same act, more than once, against a person, at different times in the course of carrying out a decision to commit an offence, a single penalty shall be given. However, the penalty to be imposed in respect of that offence shall be increased by one quarter to three quarters. The basic version and qualified versions, which require higher or lesser penalties, of an offence shall be deemed to be one offence. (Sentence Added on 29 June 2005 – By Article 6 of the Law no. 5377) The provisions of this paragraph shall also apply to offences where the victim is not a specifically identifiable person.
- (2) The provisions of the paragraph one shall apply where an offence has been committed against more than one person through a single act.
- (3) The provisions of this article shall not apply to intentional homicide, intentional wounding, torture and robbery.³

³ By Article 6 of the Law no. 5377 dated 29 June 2005, the expression of "sexual assault, sexual abuse of children" was removed from this paragraph.

Conceptual Aggregation

Article 44

- (1) A person who commits more than one offence through a single act shall only be sentenced for the offence with the heaviest penalty.

CHAPTER III Sanctions

Part 1 Penalties

Article 45

- (1) The penalties to be imposed for criminal offences are imprisonment and judicial fines.

Imprisonment

Article 46

- (1) The types of imprisonment are as follows:
- a) Aggravated life imprisonment;
 - b) Life imprisonment;
 - c) A specific term of imprisonment.

Aggravated Life Imprisonment

Article 47

- (1) Aggravated life imprisonment lasts until the death of the convict and is enforced under the strict security regime measures as defined in law and legislation.

Life Imprisonment

Article 48

- (1) Life imprisonment lasts until the death of the convict.

A Specific Term of Imprisonment

Article 49

- (1) A specific term of imprisonment shall not be less than one month or more than twenty years unless otherwise prescribed by law.
- (2) A term of imprisonment of one year or less shall be defined as a short-term penalty of imprisonment.

Alternative Sanctions for Short-Term Imprisonment

Article 50

- (1) The Court, after taking into account the characteristics of the offence and personality, social and economic situation of the offender and any remorse he expresses during the trial process, may substitute a short-term imprisonment for the following:
- a) A judicial fine;
 - b) Compensation to the victim or public which returns or restores matters to their previous condition or which indemnifies such in respect of all damage caused;
 - c) Admittance to an educational institution, which provides accommodation when necessary, for at least two years in order to acquire a profession or trade,
 - d) Restriction on freedom of movement in respect of certain places and restrictions in conducting certain activities for a period of between one-half and twice the term of imprisonment.
 - e) Confiscation of a driving licence or any other certificate granting permission to perform specific acts; deprivation of the right to carry out a profession or to operate in a certain area of activity for a minimum term of between one-half and

- twice the term of imprisonment, where an offence has been committed failing to discharge a duty of care and attention or by abusing authority or a right.
- f) Publicly beneficial work for a minimum term of between half and two times the term of imprisonment, though only with the consent of the offender.
- (2) Whenever a term of imprisonment and a judicial fine are prescribed in law as alternative penalties for a particular offence, once it has been determined that the penalty is to be imprisonment, this shall not be converted into a judicial fine.
- (3) Where any offender has not previously received a penalty of imprisonment and the penalty of imprisonment imposed is thirty days or less; or where an offender was under eighteen or over sixty five years of age at the time of the offence and the term of imprisonment imposed is one year or less, such term of imprisonment shall be substituted by one of the alternative sentences described in the paragraph one.
- (4) Even if a sentence of imprisonment for a reckless offence is long-term, this penalty may be transformed into a judicial fine, subject to the fulfillment of other conditions, in accordance with paragraph one subparagraph (a). However, this provision shall not be applied in case of conscious recklessness.
- (5) In practice, the sentence therefore becomes the judicial fine or measures substituted in according with provisions of this article.
- (6) After a judgment becomes final, if any requirements imposed by the alternative measures have not been commenced, or continued with, within thirty days of the notification conveyed by the Public Prosecutor's Office, the Court which imposed the sentence shall decide whether to enforce the sentence of short-term imprisonment in full, or in part, and, if so, this sentence shall be enforced immediately. In this case, paragraph five shall not apply.⁴
- (7) When the alternative measure has not been complied with due to reasons beyond the offender's control, the court which imposed the measure shall amend the alternative measure.

Suspending Sentences of Imprisonment

Article 51

- (1) A sentence of imprisonment for a term of two years or less may be suspended. The upper limit of this term is three years for those under eighteen of age or above sixty five years old at the time of the commission of the offence. However, in order to decide to suspend the sentence,
- a) the person should not have been sentenced to a penalty for a term of more than three-month imprisonment for an intentional offence,
 - b) the Court should be convinced, as a result of hearing the remorse he expressed during trial, that the offender will not commit further offences in the future.
- (2) The suspension of the penalty may depend upon the condition that compensation is provided to the victim or public, which returns or restores matters to their previous condition or which indemnifies such in respect of all damage caused. In such case, the enforcement of the penalty shall continue at the institution of enforcement until this condition is met. Once the condition is met, the offender shall be released immediately, upon a decision of a judge.

⁴ By Article 4 of the Law no. 5739 dated 26 February 2008, the expression of "sanction" was amended as "measure" in this paragraph.

- (3) A probation period which is not less than one year and not more than three years shall be imposed for an offender whose sentence has been suspended. The lower limit of this period shall not be less than the term of sentence.
- (4) Within the probation period, the court may decide that:
 - a) an offender, who does not have a profession or trade, shall attend an educational program for educational purposes,
 - b) an offender, who possesses a profession or trade, shall work in a public or private institution under the supervision of another person who has the same profession or trade in return for remuneration,
 - c) an offender, who is under the age of eighteen years of age, shall attend an educational institution, which provides accommodation when necessary, in order to acquire a profession or trade.
- (5) The court may assign an expert to counsel the offender within the probation period. This expert shall: give guidance to the offender designed to aid the person to act responsibly and refrain from negative behaviour; meet and discuss with the authorities of the educational institution or work place of the offender; prepare a report, every three months, on the development, behaviour, social adaptation and sense of responsibility of the offender and convey these reports to the judge.
- (6) The court, by considering the personality and social status of the offender, may decide not to impose any obligation or authorize an expert for the probation period.
- (7) If the convict commits an intentional offence or does not follow his obligations within the probation period, despite the warning of the judge, the Court shall decide to fully or partly enforce the suspended sentence in an enforcement institution.
- (8) If a period of probation has been spent in compliance with the requirements and in a good manner, the sentence shall be regarded as served.

Judicial Fine

Article 52

- (1) A Judicial fine is an amount payable to the State Treasury by the offender, which is calculated, unless otherwise stated in the law, by multiplying the identified number of days, which shall be more than five but not more than seven hundred and thirty, with a daily amount.
- (2) The daily amount of the judicial fine shall be, at least, twenty Turkish lira or, at most, one hundred Turkish Lira and shall be determined having regard to the personal and economic conditions of the person.
- (3) The number of full days and the daily amount shall be stated separately in the judgment.
- (4) By taking into account the personal and economic conditions of the person, the judge may decide that a judicial fine can be paid by installments or may grant a respite period, not exceeding one year as of the finalization date of judgment, for payment of the judicial fine. However, the installment period may not exceed two years and the number of installments shall not be less than four. The decision should also contain a statement that, if any installment has not been paid on time, the remaining portion of the judicial fine will be due and any unpaid judicial fine will be converted into a term of imprisonment.

Part 2

Security Measures

Depriving of exercising certain rights

Article 53

- (1) Where a person is sentenced to a penalty of imprisonment for an intentional offence the legal consequence of such shall be his prohibition from:
 - a) becoming a member of the Turkish Grand National Assembly or undertaking employment as, or in the service of, an appointed or elected public officer permanently, temporarily or for a fixed period of time within the administration of the state, a province, municipality or village, or institution or entity under their control or supervision;
 - b) voting or being elected and exercising other political rights;
 - c) acting as a guardian or being appointed in the role of guardianship and trustee;
 - d) being the administrator or inspector of a legal entity namely, foundation, association, labor union, company, cooperative or political party;
 - e) conducting any profession or trade, which is subject to the permission of a professional organization (which is in the nature of a public institution or organization), under his own responsibility as a professional or a tradesman.
- (2) A person shall not exercise these rights until the completion of the term of his penalty of imprisonment.
- (3) The provisions in the above paragraph shall not be applicable to an offender whose sentence of imprisonment has been suspended, or who has been conditionally released, in respect of acting as a guardian or being appointed in the role of guardianship and trustee. Where an offender has been subject to a suspended prison sentence the prohibition defined in paragraph 1(e) may not apply.
- (4) The provision of paragraph one shall not be applicable to persons whose short term sentence of imprisonment have been suspended or to persons who were under eighteen years old at the time when they committed the offence.
- (5) Where a sentence of imprisonment has been imposed for an offence related to the abuse one of the rights or authority defined in paragraph one, the offender shall be prohibited from exercising such right for a period of one half to two times the length of imprisonment imposed, such to come into effect after the prison term is served. Where only a judicial fine has been imposed for an offence related to the abuse of one of these rights or authority the exercise of this right shall be prohibited for a period of one half to double the number of days stated in the judgment. The relevant time relating to the start of the prohibition (once the judgment is finalised) is that when the judicial fine has been completely executed.
- (6) Where an offender is convicted of a reckless offence on the grounds of failing to discharge a duty of care and attention while performing a certain profession or trade, or while observing the necessities of traffic safety, it may be determined that the offender shall be prohibited from performing such profession, or trade, or that his driver's license be suspended for a period of not less than three months and not more three years. The prohibition or the suspension shall be enforced once the judgment is finalized and such period starts once any sentence is completely served.

Confiscation of Property

Article 54

- (1) On the condition that the property does not belong to any third party acting in good faith, property that is used for committing an intentional offence or is allocated for the purpose of committing an offence, or property that has emerged as a result of an offence shall be confiscated. Property that is prepared for the purpose of committing a crime shall be confiscated, if it presents a danger to public security, public health or public morality.
- (2) Where the property defined in paragraph one cannot be confiscated because it has been destroyed, given to another, consumed, or, for any other reason, an amount of money equal to the value of this particular property shall be confiscated.
- (3) Where the confiscation of property used in an offence would lead to more serious consequences than the offence itself, and would be unfair, confiscation may not be ordered.
- (4) Any property where, the production, possession, usage, transportation, buying and selling of which has constituted an offence, shall be confiscated.
- (5) When only a certain part of a property needs to be confiscated, then only that part shall be confiscated, if it is possible to do so without harming the whole, or if it is possible to separate that part of it.
- (6) Where property is shared by more than one person, only the share of the person who has taken part in the crime, shall be confiscated.

Confiscation of Gains

Article 55

- (1) Material gain obtained through the commission of an offence, or forming the subject of an offence or obtained for the commission of an offence and the economic earnings obtained as a result of its investment or conversion, shall be confiscated. Confiscation under this paragraph should only be ordered where it is impossible to return the material gain to the victim of the offence.
- (2) Where property and material gain which is subject to confiscation cannot be seized or provided to the authorities then value corresponding to such property and gains shall be confiscated.
- (3) (Paragraph Added on 26 June 2009 – By Article 2 of the Law no. 5918) For the property within the scope of the article to be confiscated, the person who has subsequently obtained it must not benefit from the provisions concerning the protection of the goodwill of the Turkish Civil Code no. 4721 dated 22 November 2001.

Security Measures Specific to Minors

Article 56

- (1) The types of security measures, and their enforcement procedures, particular to minors are defined in the relevant statute.

Article 57

Security Measures Specific to the Mentally Disordered

- (1) In respect of a person who was suffering from a mental disorder at the time of the offence, a security measure for the purposes of protection and treatment shall be imposed. A mentally

disordered person subject to security measures shall be accommodated and treated in a high security health institution.

- (2) A mentally disordered person subject to security measures may be released, by a judge or a court decision, provided that a report prepared by the health commission of the institution in which he is accommodated, states that the danger to society no longer exists or is considerably diminished.
- (3) In the report of the health commission, information shall be provided on the nature of the mental disorder and the act committed and whether it is necessary, for the purposes of security, that the person be kept under medical control and supervision, and, if so, what the duration should be and at what intervals he should be assessed.
- (4) Medical control and supervision shall be provided for a period, and at the intervals, indicated in the report, which is to be effected by the Public Prosecutor's Office by transferring such people to the health institutions equipped with the necessary technical instruments and which have authorized specialists.
- (5) Where a risk created by the mentally disordered person is found to have increased during the medical control and supervision process, the imposition of security measures for protection and treatment made on the basis of the report shall be re-assessed. In such a case, the procedures identified in paragraph one and the following paragraphs are repeated.
- (6) On the basis of a commission report, issued by a high security health institution where the mentally disordered person is accommodated pursuant to the provisions of paragraphs one and two, which states that in relation to the act he committed his ability to control his behaviour was diminished, the penalty of imprisonment may be applied, partially or entirely, as a security measures specific to persons suffering from a mental disorder, subject to a decision of the Court and that the duration of the measure remains the same.
- (7) In relation to an offender who is addicted to alcohol, narcotics or psychotropic substances it shall be determined whether he requires treatment at a health institution which has expertise on alcohol, narcotic and psychotropic substance addicts. The treatment shall continue until such persons are cured from using alcohol, narcotics or psychotropic substance. They may be released from the health institution by a decision of a court or a judge on the basis of a report to be prepared by the commission of the health institution in which the person was placed.

Repeat Offending and Especially Dangerous Offenders

Article 58

- (1) The repeat offending provisions shall be applied where there has been a commission of an offence subsequent to a previous finalised conviction. For this provision to apply it is not necessary that any penalty has been enforced.
- (2) The repeat offending provisions shall not apply to offences committed:
 - a) five years after the completion date of the sentence for the previous conviction, where such a sentence was for a period greater than five years,
 - b) three years after the completion date of the sentence for the previous conviction, where such sentence was for a period of imprisonment of 5 years or less or was a judicial fine
- (3) In cases of repeat offending, if a penalty of imprisonment or a judicial fine is prescribed as alternatives in the law in respect of the most recent offence committed, a penalty of imprisonment shall be given.
- (4) The repeat offending provisions shall not be applied where an offence of recklessness follows an offence of intent or vice versa and where a strict military offence follows any other offence or vice versa. The judgments of foreign courts shall not be subject to

recidivism, excluding the offences of Intentional Killing, Intentional Injury, Robbery, Deception, Production and Trade of Narcotics or Psychotropic Substances, Counterfeiting Money or Valuable Stamps.

- (5) The repeat offending provisions shall not be applicable to offences committed by any person who was under eighteen years old at the time of the commission of the act.
- (6) The sentence, in cases of repeat offending, shall be enforced in accordance with The Enforcement Code. Further, for the repeat offender a probationary measure shall be applied following the completion of the term of imprisonment.
- (7) The judgment of the Court should clearly state what the applicable enforcement regime for repeat offenders is and should state that the repeat offender probationary measure is applicable following the completion of the term of imprisonment.
- (8) The Enforcement Code pertaining to repeat offenders and the application of the probationary measure shall be imposed pursuant to the law.
- (9) The Enforcement Code pertaining to repeat offenders and the probationary measure following the completion of the sentence of imprisonment shall also apply to: an habitual offender, a career offender or a member of a criminal organization.

Deportation

Article 59 – (Amended on 31 March 2005 – By Article 1 of the Law no. 5328)

- (1) The circumstances of a non-citizen who has been sentenced to a period of imprisonment, after benefiting from conditional release and, in any event, after completing his sentence, must be immediately communicated to the Ministry of Interior so the circumstances can be evaluated with respect to possible deportation.

Security Measures Specific to Legal Entities

Article 60

- (1) Where there has been a conviction in relation to an intentional offence committed for the benefit of a legal entity, which is subject to civil law and operating under the license granted by a public institution, by misusing the permission conferred by such license and through the participation of the organs or representatives of the legal entity it shall cancel this license.
- (2) The provisions relating to confiscation shall also be applicable to civil legal entities in relation to offences committed for the benefit of such entities.
- (3) Where the application of the provisions in the above paragraphs would lead to more serious consequences than the offence itself, the judge may not impose of such measures.
- (4) The provisions of this article shall only apply where specifically stated in the law.

Part 3

Determination and Individualisation of Penalties

Determination of the Penalty

Article 61

- (1) In a particular case, the judge shall determine the basic penalty, between the minimum and maximum limits of the offence as defined by law, by considering the following factors:
 - a) the manner in which the offence was committed;
 - b) the means used to commit it;
 - c) the time and place where the offence was committed;
 - d) the importance and value of the subject of the offence;
 - e) the gravity of the damage or danger;
 - f) the degree of fault relating to the intent or recklessness;
 - g) The object and motives of the offender.
- (2) Deductions or increases in the penalty for offences committed with probable intent or conscious recklessness, shall be calculated after the penalty has been determined according to the provisions of paragraph one.
- (3) Where any of the factors listed in paragraph one constitute an element of the offence, the same factor may not be additionally considered in determining of the basic penalty.
- (4) Where a qualified version of an offence creates more than one legal consequence which requires a penalty higher or lower than the basic version of that offence, the basic penalty is first increased then reduced.
- (5) The penalty according to the above paragraphs will be finally determined by taking the following into consideration and in this order: attempt; jointly-committed offences; successive offences; unjust provocation; minor status; mental disorder, personal circumstances requiring a reduction of the penalty and discretionary mitigation.
- (6) The period of imprisonment shall be determined in terms of days, months and years. One day is twenty-four hours, and one month is thirty days. A year is calculated according to the official calendar. Remaining fractions (i.e. fractions of a day in the case of a fixed-term penalty, and fractions of one Turkish lira in the case of a judicial fine) shall not be taken into consideration and shall not be enforced.
- (7) (Added on 29 June 2005 – By Article 7 of the Law no. 5377) The final penalty determined under this article for an offence that requires a specific of imprisonment, shall not exceed thirty years.
- (8) (Added on 29 June 2005 – By Article 7 of the Law no. 5377) When calculating a judicial fine any increase or decrease in relation to the identification or the individualization of the penalty in accordance with the provisions of this article shall be determined on the basis of days. The fine is calculated by multiplying the designated final number of days by the amount established that the individual can pay per day.
- (9) (Added on 6 December 2006 – By Article 1 of the Law no. 5560) In respect of an offence where a judicial fine may be imposed as an alternative penalty, the minimum days related to such penalty shall not be less than the minimum penalty of imprisonment for such offences and the maximum limit of such shall not exceed the maximum penalty of imprisonment for such an offence.
- (10) Unless explicitly written in the law, penalties cannot be increased, decreased or converted.⁵⁶

⁵ The number of this paragraph was previously (7). By Article 1 of the Law no. 5377 dated 29 June 2005 paragraphs 7 and 8 were added after the paragraph 6. Thus, this paragraph is now numbered as (9).

Grounds for Discretionary Mitigation

Article 62

- (1) Where there are grounds for discretionary mitigation, a penalty of life imprisonment shall be imposed where the offence committed requires a penalty of aggravated life imprisonment; or twenty-five years imprisonment where the offence committed requires a penalty of life imprisonment. Otherwise the penalty to be imposed shall be reduced by up to one-sixth.⁷
- (2) In the evaluation of discretionary mitigation the following matters shall be taken into account: background, social relations, the behaviour of the offender after the commission of the offence and during the trial period, and the potential effects of the penalty on the future of the offender. The reasons for any discretionary mitigation are to be stated in the judgement.

Deductions

Article 63

- (1) Any period of custody served in any of the circumstances occurring prior to final judgement shall be deducted from the sentence. Where a judicial fine is to be imposed, a reduction shall be made with the assumption that one day corresponds to one hundred Turkish Liras.

Part 4

Discontinuance of Proceedings and Setting Aside the Sentence

Death of the Suspect or Offender

Article 64

- (1) In the event of the death of a suspect, the criminal proceedings shall be discontinued. However, the proceedings relating to material gain and property subject to confiscation may be continued and a judgement of confiscation may be given.
- (2) The death of an offender shall have the effect of setting aside his sentence of imprisonment and judicial fines which has not yet been enforced. However, any judgments pertaining to the transfer of property to the State and the costs of proceedings which have been finalised before the death of the convicted offender shall be enforced.

Amnesty

Article 65

- (1) A general amnesty shall have the effect of discontinuing the criminal proceedings and setting aside any penalty imposed and its consequences.
- (2) Where there is a special amnesty, the offender may be released from the enforcement institution where he is serving his sentence of imprisonment or the term of imprisonment may be reduced or converted to a judicial fine.
- (3) The sentence relating to the revocation of certain rights which is, either, identified in a judgement or consequent upon a penalty, shall continue to be effective despite any special amnesty.

Limitation Periods Pertaining to Criminal Proceedings

Article 66

⁶ The number of this paragraph was previously (9). By Article 1 of the Law no. 5560 dated 6 December 2006 paragraph 9 was added after the paragraph 8. Thus, this paragraph is now numbered as (10).

⁷ By Article 2 of the Law no. 5328 dated 31 March 2005, the expression of "fifth" was amended as "sixth".

- (1) Unless otherwise provided for by law, criminal proceedings shall be discontinued upon the lapse of :
 - a) Thirty years for offences requiring a penalty of aggravated life imprisonment,
 - b) Twenty-five years for offences requiring a penalty of life imprisonment,
 - c) Twenty years for offences requiring a penalty of imprisonment of not less than twenty years,
 - d) Fifteen years for offences requiring a penalty of imprisonment of more than five years and less than twenty years,
 - e) Eight years for offences requiring a penalty of imprisonment of not more than five years or a judicial fine.
- (2) Criminal proceedings shall be discontinued against those who were between the ages of twelve and fifteen at the time when the crime was committed if half of the above periods are exceeded; and they shall be discontinued for those who were between the ages of fifteen and eighteen at the time when the crime was committed if two-thirds of these periods are exceeded.
- (3) In determining the period of limitation, the highest penalty for the qualified version of the offence on the basis of the existing evidence in the file, shall be taken into account.
- (4) In determining the periods in the above paragraphs, the maximum penalty available for a particular offence, as stated in the law, shall be taken into account. In offences where there is an alternative penalty, the penalty of imprisonment is taken as the basis with regard to the limitation period.
- (5) (Amended on 29 June 2005 – By Article 8 of the Law no. 5377) In the case of a retrial for the same act, the limitation period for that particular act starts again from the date the court accepts the application for the retrial.
- (6) For complete offences, the limitation period shall begin on the day the offence was committed; for attempted offences, on the day when the last act was conducted; for continuous offences, on the day when the continuing act ended; for successive offences, on the commission date of the last offence and for crimes committed against children by their direct-ascendant or persons who have influence upon them, the limitation period shall begin on the day when the child turns eighteen years of age.
- (7) There shall be no limitation period for offences regulated under chapter IV, volume II of this statute, which are committed abroad and require penalties of aggravated life imprisonment, life imprisonment or imprisonment of more than ten years.

Article 67

- (1) Where, in order to conduct an investigation or prosecution, the permission, or decision, of another authority is required or an issue needs to be resolved by another authority, the time for the purposes of calculating the limitation period shall be suspended until the permission, or decision, is obtained, or until such issue is resolved. Where a Court decides that a person is a fugitive then the limitation period shall be suspended until the Court revokes such decision.
- (2) The running of time of the limitation period as regards criminal proceedings is severed in connection with a crime:
 - a) if one of the suspects or accused provides testimony before a judge or is interrogated by the public prosecutor;
 - b) if a decision of arrest regarding one of the suspects or accused is taken;
 - c) if an indictment is issued in connection with the an offence; or
 - d) if at least one of the accused is convicted
- (3) After a severance of limitation period the limitation period restarts. Where there are more than one events which severe the the limitation period, the limitation period restarts from the date of the final severing event.

- (4) In the case of severance of a limitation period, the limit as stated in the law corresponding to a specific offence, may be extended by, at most, one half of such period

Limitation Periods Pertaining to Penalties

Article 68

- (1) The penalties defined in this article shall not be enforced, upon expiry of the following periods of time:
- a) Forty years, for aggravated life imprisonment,
 - b) Thirty years, for life imprisonment;
 - c) Twenty four years, for a term of imprisonment of twenty years or more;
 - d) Twenty years, for a term of imprisonment of five years or more;
 - e) Ten years, for a term of imprisonment for up to five years and a judicial fine.
- (2) The penalty shall not be enforced for those who were between the ages of twelve and fifteen years at the time when the crime was committed if one half of these periods are exceeded; and for those who were between the ages of fifteen and eighteen at the time when the crime was committed if two thirds of these periods are exceeded.
- (3) There shall be no limitation period for the enforcement of penalties imposed for an offence committed abroad and regulated under chapter four, volume two of this law and which require penalties of aggravated life imprisonment, life imprisonment or imprisonment for a term of more than ten years.
- (4) Judgements, which include different types of penalties, shall not be enforced once the limitation period for the most severe penalty has expired.
- (5) The limitation period for a penalty shall begin on the date when the penalty is finalized or on the date when the enforcement was interrupted for one reason or another and the period shall be calculated on the basis of the remaining penalty.

Limitation Periods Pertaining to Penalties and Deprivation of Rights

Article 69

- (1) The period of limitation for the deprivation of rights as a result of a penalty or as stated in a judgement shall continue until the expiration of the limitation periods pertaining to the penalty.

Limitation Period in Confiscation

Article 70

- (1) The judgement on confiscation shall not be enforced after a period of twenty years from the date of the final judgement.

Severance of the Limitation Period Pertaining to Penalties

Article 71

- (1) The limitation period pertaining to penalties shall be severed when an offender is informed of such by the competent authority for enforcement purposes, according to the law, or is arrested for this purpose
- (2) If a person, who has been convicted of an offence, commits an intentional offence requiring a sentence of imprisonment for which the upper limit is over two years, then the limitation period pertaining to the enforcement of the penalty is severed.

Calculation and Implementation of Limitation Periods

Article 72

- (1) Limitation periods pertaining to criminal proceedings and to the enforcement of penalties shall be calculated on the basis of days, months and years. One day is defined as twenty-four hours, one month is defined as thirty days and one year is calculated according to the official calendar.
- (2) Limitation periods pertaining to criminal proceedings and to the enforcement of penalties shall be applied by the court of its own motion and a suspect, accused or convicted person may not waive these periods.

Offences where Investigation and Prosecution are Subject to a Complaint⁸

Article 73

- (1) Where a person, being competent to do so, has not filed a complaint within six months of in respect of an offence where the investigation and prosecution of such is subject to a complaint, no investigation or prosecution shall be instituted.
- (2) Provided that the limitation period has not expired, such period shall commence on the date on which the person entitled to file a complaint has knowledge of, or is informed of, the act or knows, or is informed of, the identity of the offender.
- (3) If one person, of several, entitled to file a complaint, allows the six month period to expire, the rights of the other persons remain intact.
- (4) Unless otherwise provided by law, in the case of offences where an investigation or prosecution is subject to a complaint, the waiver of the victim shall have the effect of discontinuing proceedings, but a waiver given after a judgement becomes final shall not prevent the enforcement of a penalty.
- (5) Where several persons are party to an offence, the waiver of the right to complain about one of the accused persons shall also include the others.
- (6) Unless otherwise provided by law, a waiver shall not affect an accused person who does not accept it.
- (7) If the discontinuation of criminal proceedings has resulted from the victim's waiver of the right to bring a complaint and the victim has also declared expressly at the time of waiver that he also waived his civil rights, no further proceedings shall be instituted before a civil court.
- (8) (Abolished on 6 December 2006 – By Article 45 of the Law no. 5560)

Effect of Discontinuance of Proceedings or Penalty

Article 74

- (1) A general amnesty, special amnesty and waiver of a complaint shall not require the return of confiscated property or reimbursement of any judicial fine collected.
- (2) The discontinuation of criminal proceedings shall have no effect on any personal civil matter which is brought in regard to the returning of confiscated property or compensation in damages.
- (3) Setting aside of a penalty shall not effect the provisions relating to personal civil rights, compensation and Court costs. However, court costs shall not be requested in the case of a general amnesty.

Advance Payment

Article 75

⁸ By Article 2 of the Law no. 5560 dated 19 December 2006, the expression of "conciliation" was removed from the title.

- (1) Except for offences falling within the scope of reconciliation, no prosecution shall be instigated against an offender where the penalty for the offence is only a judicial fine or is an offence where the statutory upper limit of imprisonment does not exceed three months, if he pays the investigation costs and:
 - a) where the judicial fine is a fixed amount, such amount or, where it is not fixed, the minimum limit of such,
 - b) the amount calculated by multiplying twenty Turkish Lira per day with the number of days of the minimum limit of the penalty of imprisonment, or
 - c) where a judicial fine and a period of imprisonment are both imposed, the amount corresponding to the period of imprisonment (which is to be assessed according to subparagraph (b) of this paragraph) and the minimum limit of judicial fine,within ten days of any notification by the Public Prosecutor's Office.
- (2) Where the matter is transferred directly to the court pursuant to special statutory provisions, the criminal proceedings shall be discontinued when the offender pays the amount determined in accordance with the paragraph one along with the costs of proceedings after being notified by the judge.
- (3) The aforementioned paragraph shall also apply where the public prosecutor's office initiates proceedings for an offence within the scope of this article without carrying out an advance payment procedure or where the subject matter of the proceedings changes to an offence falling within the scope of this article because the nature of the act has changed.
- (4) Where the law relating to an offence requires a judicial fine or a period of imprisonment for a term not exceeding three months, the amount to be paid shall be determined on the basis of the judicial fine, pursuant to the above paragraphs.
- (5) The fact that criminal proceedings are not initiated or are discontinued pursuant to the present article shall not affect the provisions relating to the claim of a civil right, the recovery of property or confiscation.

VOLUME II**Special Provisions****CHAPTER I
International Offences****Part 1****Genocide and Offences against Humanity****Genocide****Article 76**

- (1) The commission of any of the following acts against any member of any national, ethnic, racial, or religious group with the intent to destroy such group, in whole or in part, through the execution of a plan shall constitute Genocide:
 - a) Intentional killing;
 - b) Causing serious physical, or mental, harm to persons;
 - c) Deliberately inflicting on the group living conditions calculated to bring about its physical destruction in whole or in part;
 - d) Imposing measures intended to prevent births within the group;
 - e) Forcibly transporting children of the group to another group.
- (2) Any person who commits genocide shall be sentenced to a penalty of aggravated life imprisonment. However, where the offences of intentional killing and intentional injury are committed in the course of genocide, there shall be an actual aggregation of such offences, in accordance with the number of victims identified.
- (3) Legal entities shall be subject to security measures for these offences.
- (4) There shall be no limitation period in respect of these offences.

Offences Against Humanity**Article 77**

- (1) The systematic performance an act, described below, against a part of society and in accordance with a plan with a political, philosophical, racial or religious motive shall constitute a crime against humanity:
 - a) Intentional killing;
 - b) Intentional injury;
 - c) Torture or inhuman treatment or slavery;
 - d) Depriving one from his/her liberty;
 - e) The subjecting of persons to biological experiments;
 - f) Sexual assault; sexual abuse of children;
 - g) Impregnation by force;
 - h) Forced prostitution.
- (2) Where the act described in paragraph one subparagraph (a) is committed the offender shall be sentenced to a penalty of aggravated life imprisonment. Where an act described in any other paragraph is committed then a penalty of imprisonment for a term of not less than eight years shall be imposed. However, for the acts of intentional killing and intentional injury defined in paragraph one, subparagraph (a) and (b) respectively there shall be an actual aggregation of the offences, in accordance with the number of victims identified.
- (3) Legal entities shall be subject to security measures in respect of these offences.

- (4) There shall be no limitation period in respect of these offences.

Organisation

Article 78

- (1) Any person who establishes or directs an organization which is established for the purpose of committing the offences referred to in the aforementioned articles shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years. Any person who becomes members of such organization shall be sentenced to a penalty of imprisonment for a term of five to ten years.
- (2) Legal entities shall be subject to security measures in respect of these offences.
- (3) There shall be no limitation period in respect of these offences.

Part 2

Migrant Smuggling and Human Trafficking

Migrant Smuggling⁹

Article 79

- (1) Any person who, by illegal means and with the purpose of obtaining, directly or indirectly, a material gain:
- a) enables a non citizen to enter, or remain in, the country, or
 - b) enables a Turkish citizen or a non citizen to go abroad,
- shall be sentenced to a penalty of imprisonment for a term of three to eight years and a judicial fine of up to ten thousand days. (Sentence Added on 22 July 2010 – By Article 6 of the Law no. 6008) where the offence remains as an incomplete attempt, the penalty shall be imposed as if completed.
- (2) (Paragraph Added on 22 July 2010 – By Article 6 of the Law no. 6008) The penalty to be imposed shall be increased by a half to two-third where it:
- a) constitutes a danger to the lives of the victims,
 - b) subjects the victims to degrading treatment.
- (3) Where the offence is committed in the course of the activities of a criminal organization, the penalty to be imposed shall be increased by one half.
- (4) Where the offence is committed by a legal entity, the relevant security measures shall be imposed upon that legal entity.

Human Trafficking

Article 80

- (1) (Amended on 6 December 2006 – By Article 3 of the Law no. 5560) Any person who procures, kidnaps, harbours or transports a person from one place to another or brings a person into the country or takes a person out of the country, by (1) the use of threat, pressure, force or violence, (2) employing deceit, (3) abusing his influence, or (4) obtaining a consent by exploiting control over another or the desperation of such other, for the purpose of forcing them into prostitution or to work, provide a service, harvest their organs or to subject them to slavery or any similar practice shall be sentenced to a penalty of imprisonment for a term of eight to twelve years and to a judicial fine of up to ten thousand days.

⁹ By Article 6 of the Law no. 6008 dated 22 July 2010, a new paragraph was added to this provision after the paragraph 1 and the other paragraphs were accordingly re-numbered.

- (2) Where an act is undertaken for the purposes referred to in paragraph one and such act constitutes an offence, the consent of the victim shall be presumed to be invalid.
- (3) Where a person under eighteen years of age is procured, kidnapped, harboured or transported from one place to another for the purposes described in paragraph one, the offender shall be sentenced to a penalty described paragraph one, notwithstanding the fact that no act instrumental to the offence has been resorted to.
- (4) Security measures shall be imposed upon legal entities in respect of the aforementioned offences.

CHAPTER II
Offences Against the Person

Part 1
Offences against Life

Intentional Killing

Article 81

- (1) Any person who intentionally kills another shall be sentenced to life imprisonment.

Qualified cases

Article 82

- (1) If the act of intentional killing is committed:

- a) With premeditation,
- b) Brutally or through torment;
- c) By causing fire, flood, destruction, sinking, bombing or by using nuclear, biological or chemical weapons;
- d) Against a direct ascendant, direct descendant, spouse or sibling;
- e) Against a child or against somebody who cannot protect himself physically or mentally;
- f) Against a pregnant woman, in knowledge of such pregnancy;
- g) Against a person because of the public service he performs ;
- h) In order to conceal an offence, destroy evidence, facilitate the commission of another offence or prevent apprehension;¹⁰
- i) (Added on 29 June 2005 – By Article 9 of the Law no. 5377) Out of frustration for not being able to commit another offence;¹¹
- j) With the motive of a blood feud;
- k) With the motive of tradition

the offender shall be sentenced to aggravated life imprisonment.

Intentional Killing by Act of Omission

Article 83

- (1) In order to hold a person culpable for a death caused by his failure to perform a positive act, which he has a duty to perform, the omission which caused the death should be tantamount to a positive act.
- (2) An omission will be tantamount to a positive act where the person:
- a) should have discharged his duty, deriving from law or a contract, to perform certain positive acts, and
 - b) has previously endangered the life of another person due to his behaviour.
- (3) Where a person causes the death of a person, by omission, with respect to a particular duty, where the offence committed requires a penalty of aggravated life imprisonment he may be sentenced to a penalty of imprisonment for a term of twenty to twenty five years; where the offence committed requires a penalty of life imprisonment he may be sentenced to a penalty of imprisonment for a term of fifteen to twenty years; in any other case, the sentence shall be a penalty of imprisonment for a term of ten to fifteen years.

¹⁰ By Article 9 of the Law no. 5377 dated 29 June 2005, the expression of “or prevent apprehension” was added after the expression of “facilitate the commission of another offence”.

¹¹ By Article 9 of the Law no. 5377 dated 29 June 2005, sub-paragraph (i) was added after the sub-paragraph (h) and the other sub-paragraphs were accordingly re-numbered

Directing Suicide¹²**Article 84**

- (1) Any person who incites, or encourages, another person to commit suicide, or who strengthens an existing decision to commit suicide or who, in any way, assists a person in committing the act of suicide, shall be sentenced to a penalty of imprisonment for a term of two to five years.
- (2) Where death occurs, the person shall be sentenced to a penalty of imprisonment for a term of four to ten years.
- (3) Any person who publicly encourages others to commit suicide shall be sentenced to a penalty of imprisonment for a term of three to eight years. (Second Sentence Abolished on 29 June 2005 – By the Article 10 of the Law no. 5377)
- (4) Any person who directs another to commit suicide, where the capacity of that person to understand the meaning and consequences of the act is compromised or lacking, or if a person compels another person to commit suicide by using threat or force, they shall be culpable of the offence of intentional killing.

Reckless Killing**Article 85**

- (1) Any person who causes the death of another by reckless conduct shall be sentenced to a penalty of imprisonment for a term of two to six years.
- (2) If the act results in the death of more than one person, or the injury of more than one person together with death of one or more persons, the offender shall be sentenced to a penalty of imprisonment for a term of two to fifteen years.¹³

Part 2**Offences Against Physical Integrity****Intentional Injury****Article 86¹⁴**

- (1) Any person who intentionally causes another person physical pain or who impairs another person's health, or ability to perceive, shall be sentenced to a penalty of imprisonment for a term of one to three years.
- (2) (Paragraph Added on 31 March 2005 – By Article 4 of the Law no. 5328) Where the effect of an intentional injury upon a person is minor and can be cured by a simple medical treatment then, upon the complaint of the victim, a penalty of imprisonment for a term of four months to one year, or a judicial fine shall be imposed.
- (3) Where an intentional injury is committed:
 - a) against a direct antecedent, direct descendent, spouse or sibling;
 - b) against a person who cannot defend himself physically or mentally

¹² By Article 10 of the Law no. 5377 dated 29 June 2005, the title of "Suicide" was amended as "Directing suicide".

¹³ By Article 3 of the Law no. 5328 dated 31 March 2005, the expression of "a term of three" was amended as "a term of two".

¹⁴ By Article 4 of the Law no. 5328 dated 31 March 2005, the paragraph 2 was added; the expression of "subjected to imprisonment for a term of two to five years" was amended as "the penalty to be given shall be increased by one half and shall not require a complaint", and the paragraphs were accordingly re-numbered.

- c) against a person because of his duties as a public officer;
- d) on account of a public officer misusing his influence; or
- e) by using a weapon, the penalty to be given shall be increased by one half and shall not require a complaint.

Aggravated Injury on Account of its Consequences

Article 87

(1) If the act of intentional injury results in:

- a) the permanent impairment of the functioning of any one of the senses or organs of the victim;
- b) a bone fracture
- c) a permanent speech defect;
- d) a distinct and permanent scar on the face;
- e) a situation which endangers a person's life; or
- f) the premature birth of a child, where the victim is a pregnant women,

then the penalty to be determined according to the above article shall be doubled. However, the penalty of imprisonment to be imposed shall not be for a term of less than three years for offences defined in paragraph one and the penalty to be imposed shall not be for a term of less than five years imprisonment for offences defined in paragraph three,

(2) If the act of intentional injury results in:

- a) An incurable illness or causes a vegetative state in the victim;
- b) The complete loss of functioning of one of the senses or organs;
- c) The loss of the ability to speak or the loss of fertility;
- d) A permanent disfigurement to the face;
- e) The loss of an unborn child, where the victim is a pregnant woman,

then the penalty to be determined according to the aforementioned article shall be doubled. However, the penalty of imprisonment to be imposed shall not be for a term of less than five years imprisonment for offences defined in paragraph one or not be for a term of less than eight years for offences defined in paragraph three.¹⁵

(3) (Amended on 6 December 2006 – By Article 4 of the Law no. 5560) Where the intentional injury results in the fracture or dislocation of a bone, the penalty to be imposed according the aforementioned article shall be increased by one half according to the effect of the fractured or dislocated bone on his ability to function in life.

(4) Where the intentional injury results in the death of a person, the offender shall be sentenced to a penalty of imprisonment for a term of eight to twelve years for offences defined in paragraph one and twelve to sixteen years for offences defined in paragraph three.¹⁶

Intentional Injury by Omission¹⁷

Article 88

(1) Where there is an intentional injury due to recklessness, the penalty to be imposed shall be reduced by up to two thirds. In the implementation of this provision, the conditions which relate to the offence of intentional killing by omission are to be taken into consideration.

¹⁵ By Article 11 of the Law no. 5377 dated 29 June 2005, the expression of “section two” was amended as “section three”.

¹⁶ By Article 5 of the Law no. 5328 dated 31 March 2005, the expression of “section two” was amended as “section three”

¹⁷ By Article 6 of the Law no. 5328 dated 31 March 2005, the title of “minor criminal offences” was amended as “intentional injury by omission; the paragraph 1 was removed and the paragraph 2 was re-numbered as paragraph 1.

Reckless Injury

Article 89

- (1) A person who recklessly causes another physical pain or who impairs another's health, or ability to perceive, shall be sentenced to a penalty of imprisonment for a term of three months to one year, or a judicial fine.
- (2) If the reckless injury causes (of the victim):
 - a) a permanent impairment of the functioning of any one of the senses or organs of the victim;
 - b) a permanent speech defect;
 - c) a distinct and permanent scar on the face; a situation which endangers a person's life;
 - d) the premature birth of a child, where the victim is a pregnant woman,then the penalty to be imposed, according to paragraph one shall be increased by up to one half.
- (3) If the reckless injury act causes (of the victim):
 - a) an incurable illness or if it has caused the victim to enter a vegetative state,
 - b) the complete loss of functioning of one of the senses or organs,
 - c) the loss of the ability to speak or loss of fertility;
 - d) a permanent disfigurement of the face; or
 - e) the loss of an unborn child, where the victim is a pregnant woman,then the penalty to be imposed according to paragraph one shall be doubled.
- (4) Where the act results in the injury of more than one person then a penalty of imprisonment for a term of six months to three years shall be imposed.
- (5) (Amended on 6 December 2006 – By Article 5 of the Law no. 5560) An investigation and prosecution for the offence of reckless injury shall be subject to a complaint. However, apart from where an injury falls within the scope of paragraph one, no complaint is required where an offence is committed with conscious recklessness.

Experimentation on Human Beings

Article 90

- (1) Any person who carries out a scientific experiment on a human being shall be sentenced to a penalty of imprisonment for a term of one to three years.
- (2) The following conditions must be satisfied to avoid criminal culpability in respect of consensual experimentation on a human being:
 - a) authorisation from the relevant council or body shall be received;
 - b) the experiment shall first be conducted in an experimental environment (other than the human body) or on a sufficient number of animals,
 - c) the scientific data obtained through an experiment conducted in an experimental environment (other than the human body), or on animals, should necessitate the experiment then being performed on human beings in order to attain its objectives,
 - d) the experiment should not foreseeably damage, or have a permanent effect upon, human health;
 - e) no method should be employed that might result in the test subject suffering to a degree unacceptable to human dignity;
 - f) The objective of the experiment should outweigh any danger to the person's health or burden placed upon him; and
 - g) The consent of the test subject should be in writing and based on sufficient information about the content and consequences of the experiment, and should not be dependent upon securing any gain.

- (3) (Amended on 31 March 2005 – By Article 7 of the Law no. 5328) In addition to the conditions specified in paragraph two, the following conditions must be satisfied to avoid criminal liability for the experimentation on children:
- a) the scientific data obtained through an experiment that has been conducted in an experimental environment should necessitate the experiment then being performed on a child, in order to attain its objectives;
 - b) written consent of the mother and father, or legal guardian, and the consent of the child, where he has the capacity to give consent; and
 - c) the presence of a child health and illness expert from an authorised body (which has the capacity to give permission for the experiment).
- (4) Any person who conducts a test upon a patient, for the purposes of medical treatment (without receiving the patient's consent), shall be sentenced to a penalty of imprisonment for a term of up to one year. However, where it is understood that existing methods of known treatment shall not yield any positive results, conducting an experiment, while using known scientific methods, upon a person who has consented to such, with the aim of treating such person, shall not incur criminal responsibility. The consent should be in writing and be based on sufficient information about the content and consequences of the experiment, and the medical treatment should be conducted by an expert physician in a hospital.
- (5) The provisions pertaining to intentional injury or intentional killing shall be applicable if the victim is injured or dies due to the offence described in paragraph one.
- (6) Any offence contained within this article that is carried out within the activities of a legal entity shall result in security measure being imposed upon that legal entity.

Trading of Organs and Tissues

Article 91

- (1) Any person who removes an organ from another person without his lawful consent shall be sentenced to a penalty of imprisonment for a term of five to nine years. If the subject of the offence is tissue, then the offender shall be sentenced to a penalty of imprisonment for a term of two to five years.
- (2) Any person who unlawfully removes an organ or tissue from a deceased person shall be sentenced to a penalty of imprisonment for a term of up to one year.
- (3) Any person who purchases, or sells, an organ or tissue, or acts as an intermediary in such activities, shall be sentenced to the penalty in paragraph one.
- (4) Where an offence, contained in paragraph one or three, is committed within the framework of an organization the penalty to be imposed shall be imprisonment for a term of eight to fifteen years and a judicial fine of up to ten thousand days.
- (5) Any person who conceals, transports or engages in the transplantation of an unlawfully obtained organ or tissue shall be sentenced to a penalty of imprisonment for a term of two to five years.
- (6) Any person who broadcasts, makes an announcement, or engages in commercial advertising in order to secure organs or tissue in order to obtain any gain shall be sentenced to a penalty of imprisonment for a term of up to one year.
- (7) Any offence contained within this article that is carried out within the activities of a legal entity shall result in security measure being imposed upon that legal entity.
- (8) The provisions relating to intentional killing shall be applicable where an offence contained in paragraph one results in the death of the victim.

Necessity

Article 92

- (1) A penalty may be reduced (or not imposed at all), after considering the social and economic conditions of the person selling his own organs or tissue.

Effective Remorse

Article 93

- (1) Where a person, who sells his own organ or tissue, informs the relevant authority of such before such activity is identified by the relevant authority and assists in the arrest of the offender, no penalty shall be imposed.
- (2) If, after the relevant authorities are informed of any offence, the person selling his organ and tissue voluntarily assists and serves the authorities by disclosing the offence and assists in the arrest of other offenders, then the penalty to be imposed shall be reduced by one quarter to one half.

Part 3 Torture and Torment

Torture

Article 94

- (1) A public officer who performs any act towards a person that is incompatible with human dignity, and which causes that person to suffer physically or mentally, or affects the person's capacity to perceive or his ability to act of his own will or insults them shall be sentenced to a penalty of imprisonment for a term of three to twelve years.
- (2) If the offence is committed against:
 - a) a child, a person who is physically or mentally incapable of defending himself or a pregnant woman; or
 - b) a public officer or an advocate on account of the performance of his duty, a penalty of imprisonment for a term of eight to fifteen years shall be imposed.
- (3) If the act is conducted in the manner of sexual harassment, the offender shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years,
- (4) Any other person who participates in the commission of this offence shall be sentenced in a manner equivalent to the public officer.
- (5) If the offence is committed by way of omission there shall be no reduction in the sentence.
- (6) (Added on 11 April 2013 – By Article 9 of the Law no. 6459) No statute of limitation shall apply to this offence.

Aggravated Torture on Account of its Consequences

Article 95

- (1) Where the act of torture causes (of the victim);
 - a) a permanent impairment of the functioning of any one of the senses or an organ,
 - b) a permanent speech defect;
 - c) a distinct and permanent scar on the face,
 - d) a situation which endangers a person's life, or
 - e) the premature birth of a child, where the victim is a pregnant woman

the penalty determined in accordance with the above article shall be increased by one half.

- (2) Where the act of torture causes (of the victim):
- a) an incurable illness or if it has caused the victim to enter a vegetative state,
 - b) the complete loss of functioning of one of the senses or organs,
 - c) The loss of the ability to speak or loss of fertility,
 - d) a permanent disfigurement of the face, or
 - e) the loss of an unborn child, where the victim is a pregnant woman

The penalty determined in accordance with the article above shall be doubled.

- (3) Where an act of torture results in the breaking of a bone, the offender shall be sentenced to a penalty of imprisonment for a term one to six years according to the effect of the broken bone on his ability to function in life.
- (4) Where an act of torture causes the death of the victim, the penalty to be imposed shall be aggravated life imprisonment.

Torment

Article 96

- (1) Any person who performs any act which results in the torment of another person shall be sentenced to a penalty of imprisonment for a term of two to five years
- (2) Where the acts falling under the above paragraph are committed against:
- a) a child, a person who is physically or mentally incapable of defending himself or a pregnant women; or
 - b) a direct ascendant, direct descendant, adoptive parent or spouse, a penalty of imprisonment for a term of three to eight years shall be imposed.

Part 4

Breach of the Duties of Protection, Observation, Assistance and Notification

Abandonment

Article 97

- (1) Any person, holding the duty of protection or observation of an individual who cannot care for himself (on account of age or illness), who abandons that individual so that they are alone, shall be sentenced to a penalty of imprisonment for a term of three months to two years.
- (2) If the victim suffers an illness, injury or death due to the abandonment, the penalty shall be imposed according to the provisions relating to an aggravated injury on account of its consequences.

Failure in the Duty of Assistance or Notification

Article 98

- (1) Any person who fails to assist, taking into account his position and circumstances, an individual who is incapable of caring for themselves (on account of age, illness, injury or any other reason), or immediately notify the relevant authority of the circumstances of

such individual, shall be sentenced to a penalty of imprisonment for a term of up to one year, or a judicial fine.

- (2) Where an individual dies due to the failure of a person to perform in his duty to assist or to notify, a penalty of imprisonment for a term of one to three years shall be imposed.

Part 5

Illegal Abortion, Miscarriage and Sterilization

Illegal abortion

Article 99

- (1) Any person who performs an abortion of a child upon a woman without her consent shall be sentenced to a penalty of imprisonment for a term of five to ten years.
- (2) A person who, in the absence of medical necessity, performs an abortion of a child, upon a woman, who is more than ten weeks pregnant and with her consent, shall be sentenced to imprisonment for a term of two to four years. The woman who consents to the abortion in these circumstances shall be sentenced to a penalty of imprisonment for a term of up to one year and a judicial fine.
- (3) Where the act referred to in the paragraph one causes damage to the physical or mental health of the woman, the person shall be sentenced to a penalty of imprisonment for a term of six to twelve years. Where the act results in the death of the woman, a penalty of imprisonment for a term of fifteen to twenty years shall be imposed.
- (4) Where the act referred to in paragraph two causes damage to the physical or mental health of the woman, the person shall be sentenced to a penalty of imprisonment for a term of three to six years. Where the act results in the death of the woman, a penalty of imprisonment for a term of four to eight years shall be imposed.
- (5) Irrespective of the consent of the woman; if an unauthorized person performs the abortion of a child, upon a woman, who is less than ten weeks pregnant; a penalty of imprisonment for a term of two to four years shall be imposed. If any of the offences listed in the above paragraphs are committed by an unauthorized person the penalties shall be increased by one half.
- (6) Where a woman is pregnant due to an offence that she was a victim of, no penalty shall be imposed upon any person who terminates such pregnancy, where the term of pregnancy is not more than 20 weeks and there is consent from the woman. However this requires the termination of a pregnancy by expert doctors in a hospital environment.

Miscarriage

Article 100

- (1) A woman who willingly aborts a child where the term of pregnancy is more than ten weeks shall be sentenced to a penalty of imprisonment for a term up to one year and a judicial fine.

Sterilization

Article 101

- (1) Any person who sterilises a man or woman, without their consent, shall be sentenced to a penalty of imprisonment for a term of three to six years. If the act is performed by a person who is unauthorized to sterilise, then the penalty shall be increased by one third.
- (2) Where the sterilisation is performed by an unauthorized person, even with the person's consent, a penalty of imprisonment for a term of one to three years shall be imposed.

Part 6
Offences against Sexual Integrity

Sexual Assault

Article 102 – (Amended on 18 June 2014 – By Article 58 of the Law no. 6545)

- (1) Any person who violates the physical integrity of another person, by means of sexual conduct, shall be sentenced to a penalty of imprisonment for a term of two to ten years, upon the complaint of the victim. If the said sexual behaviour ceases at the level of sexual importunity, the term of imprisonment shall be from two years to five years.
- (2) Where the act is committed by means of inserting an organ, or other object, into the body, the offender shall be punished with a term of imprisonment no less than twelve years. If the act is committed against the offender's spouse, conducting an investigation and prosecution shall be subject to a complaint by the victim.
- (3) Where the offence is committed:
 - a) against a person who is physically or mentally incapable of defending themselves;
 - b) by misusing the influence derived from a position in public office or a private working relationship;
 - c) against a person with whom he has third degree blood relation or kinship, or by stepfather, stepmother, half-sibling, adopter or adopted child,
 - d) by using weapons or together with the cooperation of more than one person,
 - e) by using the advantage of environment where people have to live together collectively, the punishments imposed according to above paragraphs are increased by one half.the penalties imposed in accordance with paragraphs above shall be increased by half.
- (4) Where greater force than is necessary to suppress the resistance of the victim is used during the commission of the offence the offender shall also be sentenced to a penalty for intentional injury in addition.
- (5) Where, as a result of the offence, the victim enters a vegetative state, or dies, a penalty of aggravated life imprisonment shall be imposed.

Child molestation

Article 103 – (Amended on 18 June 2014 – By Article 59 of the Law no. 6545)

- (1) Any person who abuses a child sexually is sentenced to an imprisonment from eight years to fifteen years. If the said sexual abuse ceases at the level of sexual importunity, the term of imprisonment shall be from three years to eight years. If offender of the offence ceased at the level of importunity is a child, commencement of an investigation and prosecution depends on the complaint of the victim' parents or guardian.

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 the ability to understand the legal consequences of such act,
 - b) Sexual behaviours committed against other children by force, threat, fraud or another reason affecting the willpower.
- (2) In case of performance of sexual abuse by inserting an organ or instrument into a body, the offender is sentenced to a term of imprisonment no less than sixteen years.
 - (3) If the offense is committed;
 - a) by participation of more than one person in the offense,

b) by using the advantage of the environment where people have to live together collectively,

c) against a person with whom he or she has third degree blood relation or kinship, or by stepfather, stepmother, half-sibling or adopter,

d) by his/her guardian, tutor, instructor, caregiver, custodial parents or by those who provide him/her with health care or are under an obligation to protect, look after or supervise him/her,

e) by undue influence based on public office or employment relationship, the punishment to be imposed according to the above subparagraphs is increased by one half.

(4) In cases where the sexual abuse is conducted against the children identified under subparagraph (a) of the first paragraph by use of force or threat, or against the children identified under subparagraph (b) therein by use of arms, the punishment to be imposed according to the above paragraphs is increased by one half.

(5) In case of use of force and violence during sexual assault in such a way to result in serious consequences of intentional injury, the offender is additionally punished for intentional injury.

6) In case of vegetative state or death of a person as a result of the offense, the offender is sentenced to aggravated life imprisonment.

Sexual intercourse between/with persons not attained the lawful age

Article 104

(1) Any person who had a sexual intercourse with a child who completed the age of fifteen, without using force, threat and fraud, is sentenced to a term of imprisonment from two years to five years upon filing of a complaint.¹⁸

(2) (Abolished by the Constitutional Court's decision of 23 November 2005 with docket no. 2005/103 and decision no. 2005/89; New Amendment: Article 60 of Law no. 6545 of 18 June 2014) If the offence is committed by a person who is under a restraint of marriage with the victim, the offender is sentenced to a term of imprisonment from ten years to fifteen years without a complaint being filed.

(3) (Added on 18 June 2014 – By Article 60 of Law no. 6545) If the offence is committed by a person providing care for a child prior to adopting the child or by a person who is under an obligation to protect, look after or supervise the child under custodial relationship, the offender is sentenced to a punishment under the second paragraph without a complaint being filed.

Sexual Harassment

Article 105

(1) If a person is subject to sexual harassment by another person, the person performing such act is sentenced to a term of imprisonment from three months to two years or to a judicial fine; and if the act of sexual harassment is committed against a child, the offender is sentenced to imprisonment from six months to three years upon complaint of the victim.

(2) (Amended on 18 June 2014 – By Article 61 of the Law no. 6545) If the act of offence is committed:

a) by undue influence based on public office or employment relationship or by using the advantage of intrafamilial relationships,

b) by his/her guardian, tutor, instructor, caregiver, custodial parents or by those who provide him/her with health care or are under an obligation to protect, look after or supervise him/her,

c) by using the advantage of working in the same workplace with the victim,

d) by using the advantage provided by mail or electronic communication instruments

¹⁸ By Article 60 of the Law no.6545 of 18 June 2014, the expression of "six months to two years" was replaced with the expression of "two years to five years" in this paragraph.

e) by the act of exposing, the punishment to be imposed according to the above paragraph is increased by one half. If the victim was obliged to quit his/her job or leave his/her school or family for this reason, the punishment to be imposed cannot be less than one year.

Part 7

Offences Against Liberty

Threat

Article 106

- (1) Any person who threatens another individual by stating that he will attack the individual's, or his relative's, life or physical or sexual immunity shall be subject to a penalty of imprisonment for a term of six months to two years. Where the threat relates to causing extensive loss of economic assets or other related harms, there shall be a penalty of imprisonment for a term of up to six months or a judicial fine, upon the complaint of the victim.
- (2) Where the threat is carried out:
 - a) with the use of a weapon;
 - b) while concealing his identity or with an unsigned letter or by using a particular symbol;
 - c) jointly with more than one person;
 - d) by taking advantage of the power to invoke fear derived from a criminal organisation which exists, or is assumed to existthe offender shall be sentenced to a penalty of imprisonment for a term of two to five years.
- (3) Where the offences of intentional killing, intentional injury or damaging property are committed with the aim to threaten, the penalties for such offences shall be imposed in addition.

Blackmail

Article 107

- (1) Any person who forces an individual to obtain an illegal interest or forces someone to act, or fail to act (such not being within the scope of his duty), or to perform an act contrary to law; by stating that he will, or will not, do something which would be within his duty or rights, shall be sentenced to a penalty of imprisonment for a term of one to three years and a judicial fine of up to five thousand days.
- (2) (Added on 29 June 2005 – By Article 14 of the Law no. 5377) Where a person threatens to disclose, or make an accusation as to, a matter that would damage a person's honor or reputation for the purposes of obtaining a benefit for himself or others, he shall be sentenced according to the provisions of paragraph one.

Force

Article 108

- (1) Any person who uses force against an individual in order to compel such individual to carry out, or fail to carry out, an act, or to enable himself to carry out a particular act, the penalty that would be imposed under the offence of intentional injury shall be increased by one third to one half.

Deprivation of Liberty

Article 109

- (1) Any person who unlawfully restricts the freedom of a person to move, or to remain, in a particular place shall be sentenced to a penalty of imprisonment for a term of one to five years.
- (2) Where a person, uses force, threats or deception in order to commit an offence (or during the commission of the offence) then a penalty of imprisonment for a term of two to seven years shall be imposed.
- (3) Where this offence is committed:
 - a) with use of a weapon,
 - b) together with more than one person,
 - c) against a public officer as a result of the performance of his public duty,
 - d) by misusing the influence derived from public office,
 - e) against a direct antecedent, direct descendents or spouse,
 - f) against a child or a person who cannot defend himself physically or mentally,the penalty to be imposed according to the above paragraphs shall be doubled.
- (4) Where this offence results in the significant economic loss to the victim, an additional penalty of a judicial fine up to one thousand days shall be imposed.
- (5) Where the offence is committed with a sexual purpose, the penalty to be imposed in accordance with the above paragraphs shall be increased by one half.
- (6) Where an aggravated injury on account of its consequences is committed in order to commit this offence (or during the commission of this offence), then the provisions relating to intentional injury shall be additionally applied.

Effective Remorse

Article 110

- (1) Where a person, who has committed the offence defined in the above article, frees the victim voluntarily, in a safe place, prior to the commencement of an investigation and without having caused any harm to the victim, then the penalty to be imposed shall be reduced by two thirds.

Implementation of Security Measures for Legal Entities

Article 111

- (1) Security measures specific the legal entities shall be imposed upon those entities which secure unjust benefit from the commission of the offences of threat, blackmail, force, or deprivation of liberty.

Prevention of the Right to Education and Training¹⁹

Article 112 – (Amended on 2 March 2014 – By Article 12 of the Law no. 6529)

- (1) Any person who prevents any of the following acts, by the use of force or threat or any other unlawful act, shall be sentenced to a penalty of imprisonment for a term of two to five years:
 - a) all forms of educational and training activities which have been

¹⁹ By Article 12 of the Law no. 6529 dated 2 March 2014, the title of "Prevention of Education and Training" was amended as "Prevention of the Right to Education and Training".

- established by a public authority or carried out under a license issued by a public authority;
- b) exercising the right to education and training; or
- c) entering or remaining in buildings or premises where students are living communally.

Prevention of the Right to Enjoy Public Services²⁰

Article 113 – (Amended on 2 March 2014 – By Article 13 of the Law no. 6529)

- (1) Where the following acts are prevented by the use of violence or threat or any other unlawful act, a penalty of imprisonment for term of two to five years shall be imposed:
- a) the activities of a public institution;
 - b) exercising the right to enjoy services provided by the permission of public services or by the professional institutions considered to be public institutions.

Prevention of the Exercise of Political Rights

Article 114

- (1) Any person who uses force against, or threatens, another person in order to compel such person
- a) to be, or not to be, a member of a political party, to attend, or not to attend, activities of a political party, to leave a political party or to leave the position of management of a political party, or
 - b) to fail to stand as a candidate for an elected public post or to leave a position which he has been elected to
- shall be sentenced to a penalty of imprisonment for a term of one to three years.
- (2) Where the activities of a political party are prevented by the use of force or threat, or by any other unlawful act, a penalty of imprisonment for a term of two to five years shall be imposed.

Prevention of the Exercise of Freedom of Belief, Thought and Conviction

Article 115

- (1) Any person who uses force against, or threatens, another person in order to compel him to alter or declare, or in order to prevent him from declaring or disseminating, his religious, political, social, or philosophical beliefs, thoughts or convictions shall be sentenced to a penalty of imprisonment for a term of one to three years.
- (2) (Amended on 2 March 2014 – By Article 14 of the Law no. 6529) Where communal religious worship or ceremony is prevented by the use of force, threats or by any other unlawful act a penalty in accordance with paragraph 1 shall be imposed.
- (3) (Added on 2 March 2014 – By Article 14 of the Law no. 6529) Where life styles originating from beliefs, thoughts or convictions are interfered with or altered involuntarily by using force, threats or by any other unlawful act, a penalty in accordance with paragraph 1 shall be imposed.

Violation of the Immunity of Residence

Article 116

- (1) A person who enters an individual's residence or its associated buildings without consent, or a person who refuses to leave such after having entered with consent, shall be sentenced to a penalty of imprisonment for a term of six months to two years, upon the complaint of the victim.

²⁰ By Article 13 of the Law no. 6529 dated 2 March 2014, the title of "Prevention of the Activities of a Public Institution or Professional Institution Considered to be a Public Institution" was amended as "Prevention of the Right to Enjoy Public Services".

- (2) (Amended on 31 March 2005 – By Article 8 of the Law no. 5328) Where the acts defined in paragraph one are committed in a work-place or its associated buildings (excluding places where it is habitual to enter without consent), then a penalty of imprisonment for a term of six months to one year or a judicial fine shall be imposed.
- (3) (Amended on 31 March 2005 – By Article 8 of the Law no. 5328) The provisions of the above paragraph are not to be applied where a family member of a household or, where a residence or workplace is shared, one of the sharers, gives his consent. The giving of consent should be for a legitimate purpose.
- (4) Where the act is carried out by using force, threats or is committed at night, then a penalty of imprisonment for a term of one to three years shall be imposed.

Violation of the Freedom to Work and Labour

Article 117

- (1) Any person who violates the freedom to work or labour by using force, threats or by any other unlawful act shall be sentenced to a penalty of imprisonment for a term of six months to two years or a judicial fine, upon the complaint of the victim.
- (2) Any person who employs another person, or persons, without payment or on a very low salary, which is clearly disproportionate to the service provided, or subjects such person, or persons, to conditions of work and residence which are incompatible with human dignity by exploiting his helplessness, isolation, or dependence shall be sentenced to a penalty of imprisonment for a term of six months to three years, or a judicial fine which will not be less than hundred days.
- (3) Where a person provides an individual, or sends or transports an individual from one place to another, with the aim of placing such person in the situation described in the above paragraph the same penalty shall be imposed.
- (4) A person who forces, or threatens, a worker or employer to increase or decrease earnings, or to accept an agreement with conditions that are different from those previously agreed upon, in order to cause the cessation, suspension or continuation of a suspension of work shall be sentenced to a penalty of imprisonment for a term of six months to three years.

Preventing the Exercise of Trade Unions Rights

Article 118

- (1) A person who uses force or threats in order to compel another person to be, or not to be, a member of a trade union, to attend or not to attend activities of a trade union, to leave a trade union or to leave a position of management of a trade union shall be sentenced to a penalty of imprisonment for a term of six months to two years.
- (2) In the event that the activities of a trade union are prevented by the use of force, threats, or by means of any other unlawful act, a penalty of imprisonment for a term of one to three years shall be imposed.

Common Provision

Article 119

- (1) Where the offences of preventing education and training; preventing activities of a public institution or professional institution considered to be a public institution; preventing exercise of political rights; preventing exercise of the freedom of belief, thought and conviction; violation of the residence immunity; violation of the freedom to work and labour are committed:

- a) by using a weapon;
 - b) while concealing an identity or with an unsigned letter or by using a particular symbol;
 - c) together by more than one person;
 - d) by taking advantage of the power to invoke fear derived from a criminal organisation which exists, or is assumed to exist;
 - e) By misusing the influence derived from public office, the penalty to be imposed shall be doubled.
- (2) During the commission of these offences, if Aggravated Injury on Account of its Consequences occurs, then the provisions relating to intentional injury shall be additionally applied.

Unlawful Search

Article 120

- (1) A public official who performs an unlawful search on a person, or of his personal belongings, shall be sentenced to a penalty of imprisonment for a term of three months to one year.

Preventing the Exercise of the Right to Petition

Article 121

- (1) Where the lodging of a petition to a relevant public authority, by an individual, in order to exercise a certain right is not accepted (without legal basis), the offender shall be sentenced to a penalty of imprisonment for a term of up to six months.

Hatred and Discrimination²¹

Article 122 – (Amended on 2 March 2014 – By Article 15 of the Law no. 6529)

- (1) Any person who
- (a) Prevents the sale, transfer or rental of a movable or immovable property offered to the public,
 - (b) Prevents a person from enjoying services offered to the public,
 - (c) Prevents a person from being recruited for a job,
 - (d) Prevents a person from undertaking an ordinary economic activity

on the ground of hatred based on differences of language, race, nationality, colour, gender, disability, political view, philosophical belief, religion or sect shall be sentenced to a penalty of imprisonment for a term of one year to three years.

Disturbing an Individuals' Peace and Harmony

Article 123

- (1) Where a person persistently makes phone calls, creates noise, or otherwise acts in an unlawful manner, with the aim of disturbing a person's peace and harmony the offender shall be sentenced to a penalty of imprisonment for a term of three months to one year, upon the complaint of the victim.

Prevention of Communication

Article 124

- (1) Where the communication between people is illegally prevented a penalty of imprisonment of a term of six months to two years, or a judicial fine, shall be imposed.

²¹ By Article 15 of the Law no. 6529 dated 2 March 2014, the title of "Discrimination" was amended as "Hatred and Discrimination".

- (2) Any person who illegally prevents the communication between public institutions shall be sentenced to a penalty of imprisonment for a term of one to five years.
- (3) Where any kind of media broadcast or publication is illegally prevented, a penalty in accordance with the provision of paragraph two shall be imposed.

Part 8

Offences against Dignity

Insult

Article 125

- (1) Any person who attributes an act, or fact, to a person in a manner that may impugn that person's honour, dignity or prestige, or attacks someone's honour, dignity or prestige by swearing shall be sentenced to a penalty of imprisonment for a term of three months to two years or a judicial fine. To be culpable for an insult made in the absence of the victim, the act should be committed in the presence of at least three further people.
- (2) Where the act is committed by means of an oral, written or visual medium message, addressing the victim, the penalty stated in the above paragraph shall be imposed.
- (3) Where the insult is committed:
 - a) against a public officer due to the performance of his public duty;
 - b) because of declaring, altering or disseminating, his religious, political, social or philosophical beliefs, thoughts, or convictions, or practising in accordance with the requirements and prohibitions of a religion he belongs to; or
 - c) where the subject matter is deemed sacred to the religion the person belongs to the penalty to be imposed shall not be less than one year.
- (4) (Amended on 29 June 2005 – By Article 15 of the Law no. 5377) Where the insult is committed in public, the penalty to be imposed shall be increased by one sixth.
- (5) (Amended on 29 June 2005 – By Article 15 of the Law no. 5377) Where an insult is made which arises from the duties of public officials who are working as a committee, the offence shall be deemed to have been committed against the all members of that committee. In these circumstances the provisions of the article concerning successive offences shall be applied.

Identification of the Victim

Article 126

- (1) Where, during the commission of the offence of insult, the name of the victim is not explicitly mentioned but there is no doubt that the insult was aimed at the victim or where the accusation is unclear but there is no doubt as to its character, then it shall be assumed that both his name was mentioned and the insult was expressed.

Proof of the Accusation

Article 127

- (1) Where an accusation, the subject matter of which constitutes a criminal offence, is proven, the person shall receive no penalty. The accusation shall be assumed to be proven upon the finalisation of a guilty verdict against the insulted person concerning such accusation. Otherwise, where there is an application to prove the accusation is true the acceptance of such will depend upon whether there is a public interest to determine whether the accusation is true or whether the complainant consents to the process of proving the accusation.

- (2) Where a person is insulted by referring to an act which has been proven, there shall be a penalty.

Immunity of Accusation and Defence

Article 128

- (1) Where an accusation, or negative remark, is made against a person within the context of written or verbal allegations, or defences, before a judicial or administrative authority, no penalty shall be imposed. However, it is a requirement that the accusation or remark is based upon actual and real facts and should be material to the dispute.

Insulting on Account of an Unjust Act or Reciprocal Insult

Article 129

- (1) Where the insult is committed as a response to a civil tort, a penalty may be reduced by up to one third (or not imposed at all).
- (2) Where the offence is committed in response to an intentional injury, no penalty shall be imposed.
- (3) Where an insult is committed reciprocally, depending upon the nature of the case, the penalty to be imposed on both of them, or one of them, may be reduced by up to one third (or not imposed at all).

Insulting the Memory of a Person

Article 130

- (1) Any person who, in the presence of at least three persons, commits the offence of insult to the memory of a dead person shall be sentenced to a penalty of imprisonment for a term of three months to two years, or a judicial fine. If the offence of insult is committed publicly the penalty shall be increased by one sixth.
- (2) Any person who removes, fully or partially, or makes insulting statements about, the body or bones of a person, shall be sentenced to a penalty of imprisonment for a term of three months to two years.

Conditions for Investigation and Prosecution

Article 131

- (1) Excluding those offences committed against a public officer on account of his duty, the investigation and prosecution of an offence of insult shall be subject to the filing of a complaint by the victim.
- (2) If the victim dies before filing the complaint, or if the offence is committed against the memory of a deceased person, a complaint may be filed by the ascendants or descendants of the deceased (up to the second degree) or by his spouse or siblings.

Part 9**Offences Against Privacy and Confidentiality****Violation of Confidentiality of Communication²²****Article 132**

- (1) Any person who violates the confidentiality of communication between persons shall be sentenced to a penalty of imprisonment of a term of one to three years. If the violation of confidentiality occurs through the recording of the content of the communication, the penalty to be imposed shall be increased by one fold.
- (2) Any person who unlawfully publicizes the contents of a communication between persons shall be sentenced to a penalty of imprisonment for a term of two to five years.
- (3) Any person who unlawfully discloses the content of a communication between himself and others without obtaining their consent, shall be sentenced to a penalty of imprisonment for a term of one to three years. (Sentence Added on 2 July 2012 – By Article 79 of the Law no. 6352) Where such conversation is published in the press or broadcasted, the penalty to be imposed shall be the same.
- (4) (Abolished on 2 July 2012 – By Article 79 of the Law no. 6352)

Eavesdropping and Recording of Conversations between Persons²³**Article 133**

- (1) Any person who follows the private conversations between persons, without the consent of any of such persons, by means of a tapping device or who records such conversations by means of a sound recording device shall be sentenced to a penalty of imprisonment for a term of two to five years.
- (2) Any person who records a private conference, without the consent of the other speakers, by means of a sound recording device shall be sentenced to imprisonment for a term of six months to two years or a judicial fine.
- (3) (Amended on 2 July 2012 – By Article 80 of the Law no. 6352) Any person who unlawfully publicizes the information obtained through recording private conversations between persons shall be sentenced to imprisonment for a term of two to five years or a judicial fine up to four thousand days. Where such conversation is published in the press or broadcasted, the penalty to be imposed shall be the same.

²² By Article 79 of the Law no. 6352 dated 2 July 2012, the expression of “a penalty of imprisonment of a term of six months of two years or judicial fine was amended as “a penalty of imprisonment of a term of one to three years” in paragraph 1; the expression of “a penalty of imprisonment for a term of one to three years” was amended as “the penalty to be imposed shall be increased by one fold” in paragraph 1; the expression of “a penalty of imprisonment for a term of one to three years” was amended as “a penalty of imprisonment for a term of two to five years” in paragraph 2; the expression of “a penalty of imprisonment for a term of six months to two or a judicial fine” was amended as “a penalty of imprisonment for a term of one to three years” in paragraph 3; the term of “unlawfully” was added to the same paragraph.

²³ By Article 80 of the Law no. 6352 dated 2 July 2012, the expression of “a penalty of imprisonment for a term of two to six months” was amended as “a penalty of imprisonment for a term of two to five years in paragraph 1; the expression of “a penalty of imprisonment for a term of six months” was amended as “a penalty of imprisonment for a term of six months to two years”.

Violation of Privacy

Article 134

- (1) Any person who violates the privacy of another person's personal life shall be sentenced to a penalty of imprisonment for a term of one month to three years. Where the violation of privacy occurs as a result of recording images or sound, the penalty to be imposed shall be increased by one fold.²⁴
- (2) (Amended on 2 July 2012 – Article 81 of the Law no. 6352) Any person who unlawfully discloses the images or sounds of another person's private life shall be sentenced to a penalty of imprisonment for a term of two to five years. Where the offence is committed through the press or broadcasting, the penalty shall be the same.

Recording of Personal Data

Article 135

- (1) Any person who illegally records personal data shall be sentenced to a penalty of imprisonment for a term of one to three years.²⁵
- (2) Any person who illegally records personal data on another person's political, philosophical or religious opinions, their racial origins; their illegal moral tendencies, sex lives, health or relations to trade unions shall be sentenced to a penalty of imprisonment in accordance with the above paragraph.

Illegally Obtaining or Giving Data

Article 136

- (1) Any person who illegally obtains, disseminates or gives to another person someone's personal data shall be sentenced to a penalty of imprisonment for a term of two to four years.²⁶

Qualified Versions

Article 137

- (1) Where the offences defined in the above articles are committed;
 - a) by a public official misusing his power derived from his public post, or
 - b) by benefiting from the privileges derived from a profession or trade.the penalty to be imposed shall be increased by one half.

Destruction of Data

Article 138

- (1) Any person who fails to destroy data in accordance with the prescribed procedures, before the expiry of the legally prescribed period for destruction, shall be sentenced to a penalty of imprisonment for a term of one to two years.²⁷

²⁴ By Article 81 of the Law no. 6352 dated 2 July 2012, the expression of "a penalty of imprisonment for a term of six months to two years or a judicial fine" was amended as "a penalty of imprisonment for a term of one year to three years"; the expression of "the penalty of imprisonment to be imposed shall not be less than one year" was amended as "the penalty to be imposed shall be increased by one fold".

²⁵ By Article 3 of the Law no. 6526 dated 21 February 2014, the expression of "six months" was amended as "one year".

²⁶ By Article 4 of the Law no. 6526 dated 21 February 2014, the expression of "one year" was amended as "two years".

²⁷ By Article 5 of the Law no. 6526 dated 21 February 2014, the expression of "a penalty of imprisonment for a term of six months to one year" was amended as "a penalty of imprisonment for a term of one to two years".

- (2) (Added on 21 February 2014 – By Article 5 of the Law no. 6526) Where the subject of the offence remains within the scope of the information to be removed or eliminated under the provisions of the Code of Criminal Procedure, the penalty to be imposed shall be increased by one fold.

Complaint

Article 139

- (1) Excluding the offences of Recording of Personal Data, Illegally Obtaining or Giving Data and Destruction of Data, the commencement of an investigation and prosecution for the offences listed in this Part are subject to complaint.

Imposition of Security Measures on Legal Entities

Article 140

- (1) Security measures specific to legal entities shall be imposed where offences defined in the above articles are committed by legal entities.

Part 10

Offences Against Property

Theft

Article 141

- (1) Any person who appropriates removable property, from its place, which belongs to another, without the consent of the individual in whose possession it is, in order to derive benefit for himself, or a third party, shall be sentenced to a penalty of imprisonment for a term of one year to three years.
- (2) (Abolished on 2 July 2012 – By Article 105 of the Law no. 6352)

Qualified Theft²⁸

Article 142

- (1) Where a theft is committed:
- against property which is in a public institution and corporation
(irrespective of who owns the property), or in a place of worship or where the property is designated for public benefit or service;
- b) (Abolished on 18 June 2014 – By Article 62 of the Law no. 6545)
- c) against property which is on a public transport vehicle, or at a departure or arrival terminal;
- d) against property designated for preventing or mitigating the damage which may be caused by a natural large scale disaster,
- e) against property which has been left unattended out in the open because of its usage, designation or on account of common practice
- f) (Abolished on 2 July 2014 – By Article 82 of the Law no. 6352),

²⁸ By Article 62 of the Law no. 6545 dated 18 June 2014, the expression of “two to five years” was amended as “three to seven years” in paragraph 1; in sub-paragraph (d) of paragraph 2 the expression of “or preventing locking” was added; in sub-paragraph (g) the expression of “from their shelters, herds or from out in the open” was removed; in the same paragraph the expression of “three to seven years” was amended as “five to ten years”.

the offender shall be sentenced to a penalty of imprisonment for a term of three to seven years.

- (2) Where this offence is committed:
- a) by taking advantage of the death of a person or a person who is incapable of protecting his property,
 - b) by removing the property from a person by taking it or using a specialized trade,
 - c) by taking advantage of fear or disorder resulting from a natural disaster or civic event,
 - d) by undoing a lock with a counterfeit key or a key which is unlawfully possessed or by the use of any other instrument or by preventing locking;
 - e) by using electronic information systems
 - f) by taking a precaution to conceal a personal identity or, without authority, holding oneself out to be a public officer;
 - g) with regard to domesticated animals,
 - (h) (Added on 18 June 2014 – By Article 62 of the Law no. 6545) with regard to possessions kept under lock in parts of buildings where anyone can enter;
- the offender shall be sentenced to a penalty of imprisonment for a term of five to ten years. Where the offence under sub-paragraph (b) is committed against a person who cannot physically or mentally defend himself then the penalty to be imposed shall be increased by up to one third.
- (3) Where the object of this offence is a gaseous or liquid form of energy, or is committed in a factory which stores, refines or transfers such forms of energy the offender shall be sentenced to a penalty of imprisonment for a term of five to twelve years. Where these acts are committed within the framework of the activities of an organisation, the offender shall be sentenced to a penalty increased by a half and a judicial fine of up to ten thousand days.²⁹
- (4) (Added on 6 December 2006 – By Article 6 of the Law no. 5560) Where the offences of Violation of the Immunity of Residence, Damage to Property are committed in order to commit the offence of Theft, criminal proceedings for such offences shall not be subject to complaint.
- (5) (Added on 18 June 2014 – By Article 62 of the Law no. 6545) Where public services in communication, energy or railway or airway access temporarily come to a halt as a result of the offence of theft, the penalty to be imposed in accordance with the paragraphs above shall be increased by up to two folds.

Nocturnal Theft

Article 143

- (1) Where the offence of theft is committed during the night, the penalty shall be increased by a half.³⁰

Mitigating Circumstances

Article 144

- (1) Where any person commits the crime of theft (and he has joint or co- ownership of the property) with the aim of collecting a debt owed (through a legal relationship) he shall be sentenced to a penalty of imprisonment for a term of two months to one year, or a judicial fine, upon complaint.

²⁹ By Article 82 of the Law no. 6352 dated 2 July 2012, the expression of “in accordance with the section two” was amended as “a penalty of imprisonment for a term of five to twelve years”; the expression of “a penalty of imprisonment for a term of up to fifteen years” was amended as “penalty increased by up to two folds”.

³⁰ By Article 63 of the Law no 6545 dated 18 June 2014, the expression of “up to one third” was amended as “a half”.

Property with Minimal Value

Article 145

- (1) (Amended on 29 June 2005 – By Article 16 of the Law no. 5377) The penalty to be imposed for the offence of theft may be reduced if the value of property concerned is minimal and, in such circumstances, may be waived altogether after having taken into account the type and characteristics of the offence.

Theft for Use

Article 146

- (1) Where the offence of theft is committed with the intention of returning the property to the owner, after having used the property temporarily, the penalty to be imposed shall be reduced by one half, upon complaint. Where such property is used to commit a crime then this provision shall not be applicable.

Necessity

Article 147

- (1) Where the offence of theft is committed as a result of an urgent and serious need, the penalty to be imposed may be either reduced or waived altogether, having taken into account the circumstances of the situation.

Robbery

Article 148

- (1) Any person who compels an individual to provide property or acquiesce in the taking of any property, by using force or threatening the life, physical or sexual integrity of the individual (or his acquaintances) or threatening to seriously damage the financial position of such individual (or his acquaintances), shall be sentenced to a penalty of imprisonment for a term of six to ten years.
- (2) The same penalty is to be imposed if a victim is compelled, by the use of force or threats, to give a bond which will place him, or another, under an obligation to issue a document declaring the invalidity of a bond, to acquiesce in the taking of a bond, to sign a document which has the capacity of being transformed into a bond in the future, to destroy an existing bond or to acquiesce during the destruction of a bond.
- (3) If the victim is rendered unconscious and unable to defend himself as a result of any means employed, this is to be considered as a use of force in relation to the offence of robbery.

Qualified Robbery

Article 149

- (1) Where the offence of robbery is committed:
- a) with the use of a weapon;
 - b) by concealing one's identity;
 - c) jointly, by more than one person;
 - d) (Amended on 18 June 2014 – By Article 64 of the Law no. 6545) in a residence, workplace and their extensions or by interception;
 - e) against a person who cannot protect himself physically or mentally;
 - f) by taking advantage of the power to invoke fear derived from a criminal organization which exists, or is assumed to exist,
 - g) in order to secure a benefit for a criminal organization;
 - h) at night,
- the offender shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years.

- (2) If, during the commission of the offence of robbery, there is an Aggravated Injury on Account of its Consequences then the provisions relating to intentional injury shall be applied in addition.

Mitigating Circumstances

Article 150

- (1) Where a person uses force, or threats, in order to collect a debt, which derives from a lawful relationship, the provisions relating to Intentional Injury and Threat shall apply.
- (2) Where the value of the property in the offence of robbery is minimal then the penalty can be reduced by one third to one half.³¹

Damage to Property

Article 151

- (1) Any person who, partially or completely, destroys, demolishes, eliminates, damages, renders unusable or soils another person's movable or immovable property shall be sentenced to a penalty of imprisonment for a term of four months to three years, or a judicial fine, upon complaint.
- (2) Any person who, without reasonable excuse, kills or harms an animal in such a way as to render it unusable or as to lower its value, the provisions of the above paragraph shall be applied.

Qualified Damage to Property³²

Article 152

- (1) Where this offence is committed:
- a) in relation to buildings, places, premises or other moveable property which belongs to a public institution or corporation, or which is designated for use for public service or in a place reserved for the benefit of the public;
 - b) in relation to moveable property or premises designated to prevent fire, flood, accidents or other disasters;
 - c) in relation to planted trees, shrubs or vineyards wherever they may be situated, excluding places which have the status of "State forest",
 - d) in relation to premises used for irrigation, the provision of drinking water or to protect from disasters,
 - e) in relation to buildings, premises or moveable property owned or used by an employer or employee or a trade union or confederation of employers or employees during a strike or lock-out,
 - f) in relation to buildings, premises or moveable property owned or used by a political party, a professional organization having the status of a public institution or a higher federation of such,
 - g) with the aim of enacting retribution for an act carried out in the course of a public duty by a public officer, even if his office has ended.
- the offender shall be sentenced to a penalty of imprisonment for a term of one to four years.
- (2) Where the offence is committed:
- a) by setting fire, or by using flammable or explosive material;
 - b) by causing a landslide, avalanche, flooding or breaching of aquatic boundaries, or
 - c) by exposure to radiation or by using nuclear, biological or chemical weapons;

³¹ By Article 17 of the Law no. 5377 dated 29 June 2005, the expression of "may be reduced" was amended as "can be reduced".

³² By Article 65 of the Law no. 6545 dated 18 June 2014, the expression of "six" was amended as "four" in paragraph 1; the expression of "two" was amended as "one" in paragraph 2.

then the penalty shall be increased by up to one fold.

(3) (Added on 18 June 2014, By Article 65 of the Law no. 6545) Where public services in communication, energy or railway or airway access temporarily come to a halt as a result of the offence of giving damage to property, the penalty to be imposed in accordance with the paragraphs above shall be increased by a half to up to two folds.

Damaging Places of Worship and Cemeteries

Article 153

- (1) Any person who damages the buildings, associated buildings (or structures upon such) of a place of worship or the removable property therein, or a structure with the purpose of protecting a cemetery by destroying, damaging or breaking such, shall be sentenced to a penalty of imprisonment for a term of one to four years.
- (2) Any person who soils the places or structures listed in the first paragraph shall be sentenced to a penalty of imprisonment for a term of three months to one year, or a judicial fine.
- (3) Where the offences in paragraphs one and two are committed with the aim of defaming a related religious group then the penalty shall be increased by one third.

Trespass

Article 154

- (1) (Amended on 25 February 2009 – By Article 1 of the Law no. 5841) Any person who partially, or completely, occupies (as if he were the owner) immovable property, or its associated property, belonging to a public institution or real person, or alters or destroys the boundaries of such places, or prevents, even partially, the owner from using such, shall be sentenced to a penalty of imprisonment for a term of six months to three years and a judicial fine up to one thousand days.
- (2) The penalty under the aforementioned paragraph shall apply to a person who knowingly takes controls of, exclusively enjoys the use of or harvests part or all of, the land, such as pastures, places for ripening harvest, roads or natural springs etc.. which belong to the legal personality of the village or has been part of the common use of the villagers for a substantial period of time.
- (3) The penalty under paragraph one shall apply to a person who alters the direction of any water flow belonging to either a public or real person.

Abuse of Trust

Article 155

- (1) Any person who denies the transfer to himself of moveable property belonging to another, or who enjoys the use of such property for a purpose not specified at the time of the transfer for the benefit of himself or another, where such property had been transferred for the purpose of protection or for a specified usage, shall be sentenced to a penalty of imprisonment from six months to two years and a judicial fine, upon complaint.³³
- (2) Where the offence is committed in relation to property, which was submitted and delivered as a requirement to confer authority to administer such property, and this authority is derived from a professional, trade, commercial, or service relationship or any other reason the offender shall be sentenced to a penalty of imprisonment for a term of one to seven years and a judicial fine of up to three thousand days.

³³ By Article 18 of the Law no. 5277 dated 29 June 2005, the expression of “protection or” was added before the expression of “for a specific usage”.

Using a Bond Without Value

Article 156

- (1) Any person who uses a bond without value shall be sentenced to a penalty of imprisonment for a term of six months to two years and a judicial fine, upon complaint.

Theft by Deception

Article 157

- (1) Any person who deceives another, through fraudulent behaviour, and secures a gain for himself, or others, and causes loss to the victim, or another person, shall be sentenced to penalty of imprisonment for a term of one to five years and a judicial fine up to five thousand days.

Qualified Theft by Deception

Article 158

- (1) Where the offence of theft by deception is committed:
- a) by exploiting the religious beliefs and emotions of a person;
 - b) by taking advantage of a person being in a dangerous or difficult circumstance;
 - c) by taking advantage of a weakness in the capacity to perceive;
 - d) by using, as an instrument, the legal personalities of: a public institution or corporation; public professional institution; political party; foundation or association;
 - e) by causing loss to a public institution or corporation;
 - f) by using as an instrument electronic data processing systems, a bank or lending institution;
 - g) by taking advantage of the facilitative capacity of the press and publication organs;
 - h) by executing acts during the commercial activities of a merchant or company manager or representative of a company or within the framework of activities of a co-operative by an administrator,
 - i) by a freelancer, who takes advantage of the trust generated by his profession;
 - j) by obtaining a loan which would not otherwise be obtainable from a bank or other finance institution, or
 - k) With the intention of collecting an insurance payment,

the offender shall be sentenced to a penalty of imprisonment for a term of two to seven years and a judicial fine of up to five thousand days. (Sentence Added on 29 June 2005 – By Article 19 of the Law no. 5377; Amended on 3 April 2013 – By Article 40 of the Law no. 6456) However, in paragraph one (e), (f) and (j) the penalty of imprisonment shall not be less than three years and the judicial fine shall not be less than double the benefit obtained from the offence.

- (2) Any person who receives gain from another by representing that he has a relationship with the public authorities and is respected by them, and deceiving such person by promising that his difficulty will be resolved, shall be sentenced according to the provisions of the above paragraph.

Mitigating Factors

Article 159

- (1) Where a person commits Theft by Deception in order to collect a debt, which derives from a lawful relationship, he shall be sentenced to a penalty of imprisonment for a term of six months to one year, or a judicial fine, upon complaint.

Enjoyment of Lost Property or Property Obtained by Mistake

Article 160

- (1) Any person who enjoys the use of property, which has been lost by its owner or obtained by mistake, as if he were the owner of such property, without informing the relevant authorities or returning such property, shall be sentenced to a penalty of imprisonment for a term of up to one year, or a judicial fine, upon complaint.

Bankruptcy by Deception

Article 161

- (1) Any person who conducts acts of deception in order to reduce his assets and makes a decision to become bankrupt before, or after, such deception shall be sentenced to a penalty of imprisonment for a term of three to eight years. For the existence of bankruptcy by deception one of the following is required:
- a) A reduction in the value, hiding or concealing of any property, which is held as security by a creditor to guarantee his debt;
 - b) The hiding or destruction of commercial books, records or documents in order to prevent the discovery by others of the activities with aim of concealing property;
 - c) The issuing of false documents which increases the debt as if there is such a relationship between the parties, yet, in fact there is no such debt; or
 - d) The declaration of assets which are lower than reality, by issuing false accountancy figures or false balance sheet information.

Reckless Bankruptcy

Article 162

- (1) Any person who goes bankrupt as a result of his failure to discharge proper care and attention to be expected from a merchant, shall be sentenced to a penalty of imprisonment for a term of two months to one year.

Benefiting Without Payment

Article 163

- (1) Any person who obtains a benefit from a service, which requires payment, provided by an automatic machine, without making payment, shall be sentenced to a penalty of imprisonment for a term of two months to six months, or a judicial fine.
- (2) Any person who obtains a benefit, without the consent of the possessor or owner, from an electromagnetic wave broadcast (coded or uncoded) or telephone line, or telephone frequency, shall be sentenced to a penalty of imprisonment for a term of six months to two years or a judicial fine.
- (3) (Added on 2 July 2012 – By Article 83 of the Law no. 6352) Any person who obtain a benefit, without the consent of the possessor or in a way to prevent the consumption amount from being determined, from electrical energy, water or natural gas to be consumed in line with the principles of subscription, shall be sentenced to a penalty of imprisonment for a term of one year to three years.

False Information about Companies or Co-operatives

Article 164

- (1) Where a founder, partner, manager, director, representative, member of the Board of Directors, member of the Internal Audit Board or a liquidator either by themselves, or through another, make a public statement or report or make recommendations to the General Assembly and provide false and important information with the capacity to cause loss to those concerned shall be sentenced to a penalty of imprisonment for a term of six months to three years, or a judicial fine.

Purchasing or Accepting Property Acquired through the Commission of an Offence

Article 165 – (Amended on 26 June 2009 – By Article 3 of the Law no. 5918)

- (1) Any person who purchases, or accepts, property which was acquired through the commission of an offence, shall be sentenced to a penalty of imprisonment for a term of six months to three years and a judicial fine of up to one thousand days.

Failure to Provide Information

Article 166

- (1) Any person, having obtained property through a legal transaction, who fails to notify, without delay, the relevant authorities responsible for upholding law and order, upon becoming aware that such property has been acquired through the commission of an offence, or as a result of an offence, shall be sentenced to a penalty of imprisonment for a term of up to six months, or a judicial fine.

Personal Circumstances Which Reduce or Abolish the Penalty

Article 167

- (1) Excluding Robbery and its qualified forms, where offences regulated in this Part have been committed which cause loss to the offender's:
- a) spouse of a marriage where such spouse has not been subject to a court decree of separation,
 - b) direct antecedent or descendent, direct in-law, adoptive parent or adopted child; or
 - c) sibling residing in the same dwelling.
- no penalty shall be imposed.
- (2) Where these offences are committed against a spouse subject to a separation by court decree, or a sibling who is not living in the same dwelling, or uncle, aunt, cousin, or a second degree in-law, the penalty to be imposed shall be reduced by one half, upon complaint.

Effective Remorse

Article 168 – (Amended on 29 June 2005 – By Article 20 of the Law no. 5377)

- (1) Where the offences of Theft, Damage to Property, Abuse of Trust, Theft by Deception, Bankruptcy by Deception and Reckless Bankruptcy have been committed and the offender, incitor or assistor shows remorse and either compensates the victim for the loss suffered or returns the material property prior to the commencement of an investigation, the penalty to be imposed shall be reduced by up to two thirds.³⁴
- (2) Where active remorse is shown after the investigation has been initiated, but prior to the giving of judgment, then the penalty to be imposed shall be reduced by up to one half.
- (3) Any person who shows effective remorse for the offence of robbery, if the circumstances described in paragraph 1 are present then there shall be a reduction of up to one half and if the circumstances in paragraph 2 are present there shall be a reduction of up to one third.
- (4) in cases where the property is partially returned or compensation is paid the implementation of the provision of active remorse shall be subject to the victim's consent.
- (5) (Added on 2 June 2012 – By Article 84 of the Law no. 6352) With regard to the offence of Benefiting Without Payment, where the offender, incitor or assistor shows remorse or

³⁴ By Article 84 of the Law no. 6352 dated 2 July 2012, the expression of "benefiting without payment" was removed from the provision.

wholly compensate the public or private law legal persons for the loss suffered prior to the end of the investigation, no criminal action shall be filed; where the loss is wholly compensated until a decision is rendered, the penalty to be imposed shall be reduced by up to one third. However, the person cannot benefit from the provision more than twice.

Imposition of Security Measures on Legal Entities

Article 169

- (1) Where the offences of Theft, Abuse of Trust or Theft by Deception are committed and, as a result, a legal entity derives unjust benefit from such then security measures specific to legal entities shall be imposed upon that legal entity.

CHAPTER III
Offences Against the Public

Part 1
Offences Creating General Danger

Intentionally Endangering Public Safety

Article 170

- (1) Any person who acts in such a way which is capable of creating panic, fear or anxiety in the public or endangering the life, health, property of the public by:
 - a) causing fire;
 - b) causing the collapse of a building, landslide, avalanche, flood or breaching of an aquatic boundary; or
 - c) using weapons fire or explosives,shall be sentenced to a penalty of imprisonment for a term of six months to three years.
- (2) Any person who creates a danger of causing a fire, the collapse of a building, a landslide, an avalanche, a flood or a breaching of an aquatic boundary, shall be sentenced to a penalty of imprisonment for a term of three months to one year, or a judicial fine.

Endangering Public Safety through Recklessness

Article 171

- (1) Where, by recklessness, a person causes:
 - a) a fire,
 - b) the collapse of a building, a landslide, avalanche, flood or a breach of aquatic boundary,which creates a risk to the life, health or property of others he shall be sentenced to a penalty of imprisonment for a term of three months to one year.

Disseminating Radiation

Article 172

- (1) Where a person exposes another person to radiation with the aim of damaging his health and such actions are capable of causing harm, the offender shall be sentenced to a penalty of imprisonment for a term of three to fifteen years.
- (2) Where the offence in paragraph one is committed against an indeterminate number of people, the sentence to be imposed shall not be less than five years.
- (3) Any person who disseminates radiation or engages in the process of atomic fission in such a way which is capable of creating a risk of severe injury to life, health or damage to property, shall be sentenced to a penalty of imprisonment for a term of two to five years.
- (4) Any person who, during the operation of a laboratory or plant, causes the dissemination of radiation or the process of atomic fission in such a way that it is capable of creating severe injury to life, health or property, by failing to exercise due care and attention, shall be sentenced to a penalty of imprisonment for a term of six months to three years.

Causing an Atomic Explosion

Article 173

- (1) Any person who causes an explosion by releasing atomic energy and by doing such causes severe danger to the life, health or property of others shall be sentenced to a penalty of imprisonment for a term not less than five years.

- (2) If the offence in paragraph one is committed due to recklessness than a penalty of imprisonment for a term of two years to five years shall be imposed.

Possession or Exchange of Hazardous Substances Without Permission

Article 174

- (1) Any person who stores, sells, purchases, produces, processes, exports, imports or transports (within a country) nuclear, radioactive, chemical or biological substances which have explosive, burning, corrosive, harmful, suffocating or toxic properties, or are capable of causing permanent illness, without the permission of the competent authorities, shall be sentenced to a penalty of imprisonment for a term of three years to eight years, and a judicial fine of up to five thousand days. Any person who exports items or equipment which are necessary for the production, or processing, of these substances, without the permission of the competent authorities, shall be subject to the same penalty.
- (2) Where this offences is committed within the framework of activities of an organization established for the purposes of committing an offence the penalty to be imposed shall be increased by one half.
- (3) Any person who purchases, accepts or possesses, explosive substances which are insignificant in quantity and type and taking into account the purpose of its use shall be sentenced to a penalty of imprisonment for a term of up to one year.

Breach of Duty to Take Care or Look After a Person Suffering Mental Disorder

Article 175

- (1) Any person who fails to discharge his duty to care or look after a person suffering from a mental disorder in such a way as to create a danger to the life, health or property of others shall be sentenced to a penalty of imprisonment for a term of up to six months, or a judicial fine.

Disobedience of the Rules Relating to Construction or Demolition

Article 176

- (1) Any person who fails to take precautions during construction or demolition activities that are necessary for safeguarding human life or physical integrity shall be sentenced to a penalty of imprisonment for a term of three months to one year, or a judicial fine.

Releasing Animals Causing Risk

Article 177

- (1) Any person who releases an animal, or who fails to discharge his duty to maintain control of an animal, in his custody, such as to risk the life or health of others, shall be sentenced to a penalty of imprisonment for a term of up to six months, or judicial fine.

Failing to Place Signs or Barricades

Article 178

- (1) Any person who removes, alters or fails to place a sign or barricade which are necessary to prevent the dangers derived from works conducted in a public place, or from items left in association with such work, shall be sentenced to a penalty of imprisonment for a term of two to six months, or a judicial fine.

Endangering Traffic Safety

Article 179

- (1) Any person who alters, destroys or moves a traffic sign designed to ensure the safe movement of land, sea, air and railway traffic or who misdirects by initiating incorrect

signs, or who places an item on a traffic route specified for departure, arrival, travel or landing or intervenes in the technical operating systems of such traffic or traffic route, and thereby endangering the life, health or property of others, shall be sentenced to a penalty of imprisonment for a term of one to six years.

- (2) Any person who directs and controls a land, sea, air or railway transportation vehicle such as to risk the life, health or property of others shall be sentenced to a penalty of imprisonment for a term of up to two years.
- (3) Any person who uses a vehicle who is unable to direct or control such safely due to the influence of alcohol or narcotics, shall be sentenced in accordance with the provisions of the above paragraph.

Endangering Traffic Safety by Recklessness

Article 180

- (1) Any person who endangers the life, health or property of another by recklessness during sea, air or railway transportation shall be sentenced to a penalty to imprisonment for a term of three months to three years.

Part 2

Offences Against the Environment

Intentional Pollution of the Environment

Article 181

- (1) Any person who intentionally discharges waste or refuse material into the earth, water or air, contrary to the technical procedures as defined in the relevant laws and in such a way as to cause damage to the environment, shall be sentenced to a penalty of imprisonment for a term of six months to two years.
- (2) Any person who brings waste or refuse material into the country without permission shall be sentenced to a penalty of imprisonment for a term of one to three years.
- (3) Where the waste, or refuse material, has the propensity to remain in the earth, water or air then the penalty to be imposed shall be double that of the penalty according to the above paragraphs.
- (4) Where an offence is committed as defined under paragraphs one and two in relation to waste or refuse material which has a characteristic which may cause the alteration of the natural characteristics of plants or animals, enhance or create infertility or cause an incurable illness in humans and animals, the offender shall be sentenced to a penalty of imprisonment for a term of not less than five years and a judicial fine of up to thousand days.
- (5) Where the offences regulated under Paragraphs one, three, and four of this article are committed by a legal entity then security measure specific to legal entities shall be imposed.

Pollution of the Environment due to Recklessness

Article 182

- (1) Any person who discharges waste or refuse material into the earth, water or air through his recklessness such as to cause environmental damage shall be sentenced to a penalty of a judicial fine. Where the waste or refuse material has the propensity to remain in the earth, water or air then the penalty to be imposed shall be imprisonment for a term of two months to one year.

- (2) Any person who causes, by his recklessness, the discharge of waste or refuse material which has a characteristic which may cause the alteration of the natural characteristics of plants or animals, enhance or create infertility or cause an incurable illness in humans and animals, the offender shall be sentenced to a penalty of imprisonment for a term of one to five years.

Causing Noise

Article 183

- (1) Any person who causes noise in a way which is capable of harming the health of another and is contrary to the obligations identified in the relevant laws shall be sentenced to a penalty of imprisonment for a term of two months to one year, or a judicial fine.

Pollution Caused by Construction

Article 184

- (1) Any person who himself constructs, or through an agent, a building without planning permission, shall be sentenced to a penalty of imprisonment for a term of one to five years.
- (2) Any person who gives permission for the connection of a telephone, water or electrical supply to a construction site, upon which a construction is underway for which planning permission has not been granted, shall be sentenced according to the provisions of above paragraph.
- (3) Any person who allows any industrial activity in a building which does not have the appropriate licence for usage shall be sentenced to a penalty of imprisonment for a term of two to five years.
- (4) Excluding paragraph 3, the provisions of this article shall apply only within the municipal boundaries or the areas subject to a special construction regime.
- (5) Where a person himself, or through an agent, constructs a building without planning permission, or contrary to planning permission and if he takes the necessary steps to comply with planning or construction permission thereafter there shall be no criminal proceedings initiated. Any such proceedings shall be dropped and any conviction arising from such shall be set aside along with all of its consequences.
- (6) (Added on 29 June 2005 – By Article 21 of the Law no. 5377) The provisions in the Paragraphs 2 and 3 shall not be applied in respect of the buildings constructed before 12 October 2004.

Part 3

Offences Against Public Health

Adding Toxic Substances

Article 185

- (1) Any person who endangers the life or health of others by introducing toxic substances to drinking water, food or any other consumable (by eating, drinking or any other method) items or by spoiling such by any means, shall be sentenced to a penalty of imprisonment for a term of two to fifteen years.
- (2) Where an offence in the aforementioned paragraph is committed by failing to exercise due care and attention, the offender shall be sentenced to a penalty of imprisonment for a term of three months to one year.

Trading of Medicine or Food which has Decomposed or Been Altered

Article 186

- (1) Any person who sells, supplies or possesses consumable items, beverages or medicines which have decayed or have been altered such as to cause a risk to the life or health of another shall be sentenced to a penalty of imprisonment for a term of one year to five years and a judicial fine up to one thousand five hundred days.
- (2) The penalty to be imposed shall be increased by one third where the offence is committed in the course of a profession or a trade which is subject to official permission.

Production or Sale of Medicine such as to Risk the Life and Health of Others

Article 187

- (1) Any person who produces, or sells medicine in such a way as to risk the life and health of others shall be sentenced to a penalty of imprisonment for a term of one to five years and a judicial fine.
- (2) The penalty to be imposed shall be increased by one third where the offence is committed by a physician or pharmacist or in the course of a profession or trade which is subject to official permission.

Production and Trade of Narcotics and Psychotropic Substances

Article 188

- (1) Any person who produces, imports or exports narcotics or psychotropic substances without a license or contrary to an existing license shall be sentenced to a penalty of imprisonment for a term of twenty to thirty years and a judicial fine of up to twenty thousand days.
- (2) Where, as result of the exportation of narcotics or psychotropic substances, a penalty is imposed, after a trial, in a foreign country for the importation of such substances, such penalty shall be deducted from any penalty imposed in Turkish criminal proceedings for the said exportation.
- (3) Any person who offers for sale, sells, supplies, administers the movement of, transports, stores, purchases, receives or possesses narcotics or psychotropic substances, without a license or contrary to an existing license, inside the country, shall be sentenced to a penalty of imprisonment for a term of not less than ten years and a judicial fine of up to twenty thousand days.³⁵³⁶ **(Additional sentence: 18/6/2014 – By Article 66 of the Law no. 6545)** However, in the event that the person to whom narcotics or psychotropic substances are delivered or sold is a juvenile, the imprisonment sentence to be imposed on the person delivering or selling the substance cannot be less than fifteen years.
- (4) **(Amended on 27/3/2015- By Article 11 of the Law no. 6638)** a) Where the offence concerns heroin, cocaine, morphine or basemorphine,
b) Where the acts specified in the third paragraph are performed in collective buildings and facilities used for treatment, educational, military and social purposes such as school, dormitory, hospital, barrack or place of worship and in public places or places open to public at a distance of less than two hundred meters from their boundaries established by the surrounding wall, wire fence or similar barriers or signs ,
the penalty to be imposed according to aforementioned subparagraphs shall be increased by one half.

³⁵ By Article 22 of the Law dated 29/6/2005 and no. 5377, expression of “administers the movement of” was added before the term of “transports”.

³⁶ By Article 66 of the Law dated 18/6/2014 and no. 6545, expression of “not less than ten years” set out in the first paragraph of this article was changed as “twenty to thirty years” and expression of “five to fifteen years” set out in the third paragraph of this article was changed as “not less than ten years”.

- (5) **(Amended on 18/6/2014 - By Article 66 of the Law no. 6545)** Where the offences in the aforementioned paragraphs are committed together by three or more persons, the penalty to be imposed shall be increased by one half or where committed in the course of the activities of an organization established for the purpose of committing an offence, the penalty to be imposed shall be increased by one fold.
- (6) The aforementioned paragraphs shall also apply to any substance which has the effect of a narcotic or psychotropic substance and of which the production is subject to the permission of the authorities or the sale of such subject to the issuing of a prescription issued by a competent physician. **(Additional Sentence: 29/6/2005 - By Article 22 of the Law no. 5377)** However, the penalty to be imposed may be reduced by one half.
- (7) Any person who imports, produces, sells, purchases, administers the movement of, transports, stores or exports any substance, requiring the permission of the authorities for importation, which, although not having a narcotic or psychotropic effect, is used in the production of narcotics or psychotropic substances, shall be sentenced to a penalty of imprisonment for a term of not less than eight years and a judicial fine of up to twenty thousand days.^{37 38}
- (8) Where an offence under this article is committed by a physician, dentist, pharmacist, chemist, veterinarian, health officer, laboratory technician, midwife, nurse, dentistry technician, patient-care nurse, person providing health services or person engaged in the chemical or pharmaceutical industry, the penalty to be imposed shall be increased by one half.

Imposition of Security Measures upon Legal Entities

Article 189

- (1) Security measures specific to legal entities shall be imposed where an offence relating to the production **and** trading of narcotics and psychotropic substances is committed in the course of the activities of a legal entity.

Facilitating the Use of Narcotics or Psychotropic Substances³⁹

Article 190

- (1) Any person facilitating the use of narcotics or psychotropic substances by:
- a) Providing a particular environment, equipment or material;
 - b) Taking precautions in order to ensure the avoidance of the arrest of any users,
or
 - c) Providing information to others about the method of usage
- shall be sentenced to a penalty of imprisonment for a term of five to ten years.
- (2) Any person who publicly, or through broadcast media, encourages another to use narcotics or psychotropic substances, shall be sentenced to a penalty of imprisonment for a term of five to ten years.^{40 41}

³⁷ By Article 22 of the Law dated 29/6/2005 and no. 5377, expression of "administers the movement of" was added before the term of "transports".

³⁸ By Article 66 of the Law dated 18/6/2014 and no. 6545, expression of "not less than ten years" set out in the first paragraph of this article was changed as "twenty to thirty years" and expression of "five to fifteen years" set out in the third paragraph of this article was changed as "not less than ten years" and expression of "four" set out in the seventh paragraph of this article was changed as "eight".

³⁹ By Article 67 of the Law dated 18/6/2014 and no. 6545, expressions of "two to five" set out in the first and second paragraphs of this article was changed as "five to ten"

⁴⁰ By Article 67 of the Law dated 18/6/2014 and no. 6545, expressions of "two to five" set out in paragraphs one and two of this article was changed as "five to ten"

⁴¹ By Article 23 of the Law dated 29/6/2005 and no. 5377, paragraph two of this article was changed as paragraph three, and paragraph three was changed vice versa.

- (3) Where an offence under this Article is committed by a physician, dentist, pharmacist, chemist, veterinarian, health personnel, laboratory technician, midwife, nurse, dentistry technician, patient care nurse, person providing health services or a person engaged in the chemical or pharmaceutical industry, the penalty to be imposed shall be increased by one half.

Purchase, Receipt or Possession of Narcotics or Psychotropic Substances for Personal Use or Use of Narcotics or Psychotropic Substances⁴²

Article 191 (Amended on 18/6/2014 - By Article 68 of the Law no. 6545)

- (1) Any person who purchases, receives or possesses narcotics or psychotropic substances for personal use or uses narcotics or psychotropic substances shall be sentenced to a penalty of imprisonment for a term of two to five years.
- (2) In respect of any suspect subject to investigation initiated as a result of this offence, the court decides suspension of opening of the criminal case for five years irrespective of the conditions set out in Article 171 of the Code of Criminal Procedure dated 4/12/2004 and no. 5271. The public prosecutor, in such case, warns the suspect of the consequences to occur if he does not act in accordance with the obligations imposed on him in the course of the suspension period or contravenes prohibitions.
- (3) In the course of suspension period, a probationary measure shall be applied for at least one year in respect of the suspect. This period may be extended by the public prosecutor's decision for, at most, one year in periods of three months. The person in respect of whom a probationary measure is applied shall also be subject to treatment within this period if found necessary.
- (4) A criminal action shall be brought against the person in the event that he, in the course of the suspension period,
a) insists on not complying with the obligations imposed on him or requirements of the treatment applied,
b) purchases, receives or possesses narcotics or psychotropic substances with the intention of re-using the same,
c) uses narcotics or psychotropic substances.
- (5) Purchase, receipt and possession or use of narcotics or psychotropic substances by the offender in the course of the suspension period shall be considered as a ground for breach pursuant to paragraph four and shall not be subject to any separate investigation and prosecution.
- (6) In respect of investigations initiated, with the allegation of re-commission of the offence defined in paragraph one, after initiation of a criminal action pursuant to paragraph four, the court shall not decide to suspend initiation of a criminal action pursuant to paragraph two.
- (7) A decision to discontinue the criminal proceedings shall be taken where an offender complies with the requirements specified in paragraph four and does not contravene the prohibitions during the suspension period.
- (8) At the stage of prosecution carried out in respect of the offences
(a) production and trade of narcotics or psychotropic substances specified in Article 188 of this Law,
(b) facilitating use of narcotics or psychotropic substances specified in Article 190 of this Law, if it is established that this offence exclusively falls into the scope of this Article, the court shall, within the scope of this article, decide to suspend the pronouncement of the decision in respect of the offender.

⁴² Heading of this article "Purchase, Receipt or Possession of Narcotics or Psychotropic Substances for Personal Use" was changed as specified above by Article 68 of the Law dated 18/6/2014 and no. 6545.

- (9) Unless otherwise provided herein, provisions of Article 171 and Article 231 which are respectively concerning suspension of initiation of criminal actions and suspension of pronouncement of judgment shall be applied.
- (10) (Addition on 27/3/2015 – By Article 12 of the Law no. 6638) Where the acts specified in the third paragraph are performed in collective buildings and facilities used for treatment, educational, military and social purposes such as school, dormitory, hospital, barrack or place of worship and in public places or places open to public at a distance of less than two hundred meters from their boundaries established by the surrounding wall, wire fence or similar barriers or signs, the penalty to be imposed shall be increased by one half.

Effective Remorse

Article 192

- (1) If a person, who participated in an offence concerning the production or sale of narcotics or psychotropic substances, provides the authorities with the names of any other parties to the offence, or the place where the narcotics or psychotropic substances are hidden or produced, before the authorities themselves receive such information, and the information given by him leads to either the seizure of the narcotics or psychotropic substances or the arrest of other parties to the offence, no penalty shall be imposed.
- (2) If a person, who purchases, receives or possesses narcotics or psychotropic substances for his own personal use, provides the authorities with the name of the supplier and the date and place of supply and the information given by him leads to either the seizure of narcotics or psychotropic substances or the arrest of offenders, before the authorities themselves obtain such information, no penalty shall be imposed.
- (3) Where a person voluntarily serves and assists (in the investigation of an offence which leads to) the arrest of the offender, or other parties to the offence, or to the illumination of the offence, after such offence has been communicated to the authorities, the penalty shall be reduced from one fourth to one half according to nature of the assistance.
- (4) Where a person who uses narcotics or psychotropic substances makes an application to the authorities with a request to receive treatment before the commencement of any investigation arising from his purchase, receipt or possession of said narcotics or psychotropic substances, no penalty shall be imposed.

Production and Trading of Poisonous Substances

Article 193

- (1) Any person who, without permission, produces, possesses, sells or transports substances which are poisonous, which may only be produced, possessed or sold with permission, shall be sentenced to a penalty of imprisonment for a term of two months to one year.

Supply of Substances Dangerous to Health

Article 194

- (1) Any person who supplies, or provides, substances, which are capable of endangering health, to children, persons suffering from mental disorder or who uses inhalants, shall be sentenced to a penalty of imprisonment for a term of six months to one year.

Acting Contrary to Measures to Contain Contagious Disease

Article 195

- (1) Any person who fails to comply with quarantine measures, imposed by the authorities on account of there being a person infected with a contagious disease or having died

from such, shall be sentenced to a penalty of imprisonment for a term of two months to one year.

Improper Burial

Article 196

- (1) Any person who buries or allows another to bury a dead body in a place other than those designated by the authorities for such purpose shall be sentenced to a penalty of imprisonment for a term of up to six months.

Part 4

Offences Against Public Confidence

Counterfeiting Money

Article 197

- (1) Any person who produces, transports, stores, circulates or conveys into the country counterfeit money in a currency which is presently in circulation in the country or abroad shall be sentenced to a penalty of imprisonment for a term of two to twelve years and a judicial fine of up to ten thousand days.
- (2) Any person who knowingly receives counterfeit money shall be sentenced to a penalty of imprisonment for a term of one to three years and a judicial fine.
- (3) Any person who unknowingly receives counterfeit money who then circulates such, knowing it is counterfeit, shall be sentenced to a penalty of imprisonment for a term of three months to one year.

Assets Equivalent to Money

Article 198

- (1) The following assets shall be considered to be money: debentures issued by the State and registered in the name of the bearer; share certificates; bonds and coupons; bills issued and put into circulation by authorized institutions; securities and documents, and gold belonging to the state treasury.

Counterfeiting Valuable Stamps

Article 199

- (1) Any person who produces, transports, stores, circulates or conveys into the country counterfeit valuable stamps shall be sentenced to a penalty of imprisonment for a term of imprisonment for a term of one to five years and a judicial fine.
- (2) Any person who knowingly receives a counterfeit valuable stamp shall be sentenced to a penalty of imprisonment for a term of three months to one year and a judicial fine.
- (3) Any person who unknowingly receives a counterfeit valuable stamp who then circulates such, knowing it to be counterfeit, shall be sentenced to a penalty of imprisonment for a term of one month to six months.
- (4) Documents that have been stamped, postage stamps, non-postage stamps and any other stamps used to certify payment of a tax or charge are to be considered valuable stamps.

Instruments for the Production of Money and Valuable Stamps

Article 200

- (1) Any person who, without permission, produces, stores, sells, purchases, receives, transfers or conveys into the country an instrument used in the production of money or valuable stamps shall be sentenced to a penalty of imprisonment for a term of one to four years and a judicial fine.

Effective Remorse

Article 201

- (1) If a person, who produces, transports, stores, receives or conveys into the country counterfeit money or valuable stamps, provides the authorities with the names of other parties to the offence, or the place where the counterfeit money or valuable stamps are hidden or produced, before the authorities themselves receive such information and before the circulation of such, and the information given by him leads to either the seizure of the counterfeit money or valuable stamps or the arrest of other parties to the offence, no penalty shall be imposed.
- (2) If a person who, without permission, produces, stores, sells, purchases, receives, transfers or conveys into the country instruments used in production of money or valuable stamps, provides the authorities with the names of other parties to the offence, or the place where such items are hidden or produced, before the authorities themselves receive such information, and the information given by him leads to the seizure of such items or the arrest of other parties to the offence, no penalty shall be imposed.

Counterfeiting a Seal

Article 202

- (1) Any person who produces or uses a counterfeit seal used by the Presidency of the Turkish Republic, or Presidency of the Turkish Grand National Assembly, or Prime Ministry shall be sentenced to a penalty of imprisonment for a term of two to eight years.
- (2) Any person who produces or uses a counterfeit seal, used for the approval or certification by a public institution, public corporation or professional institution (presumed in law to be a public institution) shall be sentenced to a penalty of imprisonment for a term of one to six years.

Destruction of a Seal

Article 203

- (1) Any person who removes, or acts contrary to the aim of, a seal designed to secure the protection of an object in its original form or to maintain its secrecy, as required by Law or order of the authorities, shall be sentenced to a penalty of imprisonment for a term of six months to three years or a judicial fine.

Counterfeiting Official Documents

Article 204

- (1) Any person who issues, or uses, a counterfeit official document, or who alters a genuine official document in order to deceive others shall be sentenced to a penalty of imprisonment for a period of two to five years.
- (2) Any public officer, authorized to issue official documents, who issues or uses counterfeit official document, or alters a genuine official document in such a way which is capable of deceiving others, or prepares a document unreflective of the truth, shall be sentenced to a penalty of imprisonment for a term of three to eight years.

- (3) If the official document is of a type which is presumed, by law, to be valid until proven otherwise, the penalty to be imposed shall be increased by one half.

Damage, Destruction or Concealment of an Official Document

Article 205

- (1) Any person who damages, destroys or conceals a genuine official document shall be sentenced to a penalty of imprisonment for a term of two to five years. Where such an offence is committed by a public officer, the penalty to be imposed shall be increased by one half.

Providing False Information in the Course of Issuing an Official Document

Article 206

- (1) Any person who provides false information to a public officer who has the authority to issue an official document shall be sentenced to a penalty of imprisonment for a term of three months to two years or a judicial fine.

Counterfeiting Private Documents

Article 207

- (1) Any person who issues, or uses, a counterfeit private document, or who alters a genuine private document in order to deceive others, shall be sentenced to a penalty of imprisonment for a term of one to three years.
- (2) Any person who knowingly uses a counterfeit private document shall be sentenced according to the provision of aforementioned paragraph.

Damage, Destruction or Concealment of a Private Document

Article 208

- (1) Any person who damages, destroys or conceals a genuine private document shall be sentenced to a penalty of imprisonment for a term of one to three years.

Misuse of an Open Signature

Article 209

- (1) Any person who fills in a partially, or totally, blank and signed paper in a manner other than that which was specified to him, shall be sentenced to a penalty of imprisonment for a period of three months to one year, upon complaint.
- (2) Any person who unlawfully acquires a signed and totally, or partially, blank document and fills in the same in such a way as to create legal consequences, shall be sentenced according to the provisions relating to counterfeiting of documents.

Documents Presumed to be Official Documents

Article 210

- (1) The provisions relating to Counterfeiting Official Documents shall be applied where the subject of the offence of Counterfeiting Private Documents is a commercial bill made out to the holder (or to a specific person therein or a person to be nominated by such person), document representing merchandise, share certificate, bond or will.
- (2) Any physician, dentist, pharmacist, mid-wife, nurse or person providing health services who issues a counterfeit document shall be sentenced to a penalty of imprisonment for a term of three months to one year. If such document is issued to secure unjust benefit for the issuer, or causes damage to persons or to the public, the penalty shall be imposed according to the provisions relating to the Counterfeiting of Official Documents.

Mitigating Circumstances

Article 211

- (1) Where the offence of counterfeiting a document is committed with the aim of proving a debt (derived from a legal relationship) or to certify a truth, the penalty to be imposed shall be reduced by one half.

Aggregation

Article 212

- (1) Where counterfeit, official or private, documents are used in the commission of another offence, the offender shall be sentenced to a penalty for both the counterfeit forgery and the related offence.

Part 5 Offences against Public Peace

Threat with the Intention of Causing Fear and Panic Among the Public

Article 213

- (1) Any person who publicly threatens life, health, physical or sexual immunity or property with the aim of causing fear, distress and panic among the public shall be sentenced to a penalty of imprisonment for a term of two to four years.
- (2) If the offence is committed by using a weapon, the penalty may be increased by one half according to the type of the weapon used.

Provocation to Commit an Offence

Article 214

- (1) Any person who publicly provokes the commission of an offence shall be sentenced to a penalty of imprisonment for a term of six months to five years.
- (2) Any person who provokes a section of the public to kill the other section by arming one of those sections shall be sentenced to a penalty of imprisonment for a term of fifteen to twenty four years.
- (3) Where offences which have been provoked are committed, the person who provoked such offences shall be punished as if he had incited those offences.

Praising an Offence and Offender⁴³

Article 215

- (1) Any person who publicly praises an offence or a person on account of an offence he has committed shall be sentenced to a penalty of imprisonment for a term of up to two years if any explicit and imminent danger to the public order occurs therefore

Provoking the Public to Hatred, Hostility or Degrading

Article 216

- (1) A person who publicly provokes hatred or hostility in one section of the public against another section which has a different characteristic based on social class, race, religion, sect or regional difference, which creates an explicit and imminent danger to public

⁴³ By Article 10 of the Law dated 11/4/2013 and no. 6459, the phrase of "if any explicit and imminent danger to the public occurs therefore" was added at the end of the sentence.

security shall be sentenced to a penalty of imprisonment for a term of one to three years.

- (2) A person who publicly degrades a section of the public on grounds of social class, race, religion, sect, gender or regional differences shall be sentenced to a penalty of imprisonment for a term of six months to one year.
- (3) A person who publicly degrades the religious values of a section of the public shall be sentenced to a penalty of imprisonment for a term of six months to one year, where the act is capable of disturbing public peace.

Provocation to Disobey the Law

Article 217

- (1) A person who publicly provokes the public to disobey the law and such provocation is capable of disturbing public peace, shall be sentenced to a penalty of imprisonment for a term of six months to two years or a judicial fine.

Common Provision

Article 218

- (1) **(Amended on 29/6/2005 - By Article 25 of the Law no. 5377)** Where the offences defined in the aforementioned articles are committed through the press or broadcasting, the penalty to be imposed shall be increased by one half. However, the expression of thought in the form of criticism and the expression of thoughts which do not go beyond news reporting do not constitute an offence.

Abusing Religious Services in the Course of Duty

Article 219

- (1) Where a religious leader, such as an imam, orator, preacher, priest or rabbi, while performing his duty, publicly degrades or ridicules the government administration or activities or the laws of the State, shall be sentenced to a penalty of imprisonment for a term of one month to one year and a judicial fine or either of these penalties may be imposed.
- (2) Any persons described in the aforementioned paragraph who, by misusing his title, provokes or encourages either the disobedience of State law (or government order) or public servants to forgo their public responsibilities, or who ridicules or degrades the power and responsibility of government office, order, law and government administration shall be sentenced to a penalty of imprisonment for a term of three months to two years and a judicial fine and shall be disqualified, temporarily or for life, from holding his title and from receiving any entitlements or benefits arising from such.
- (3) Any religious leader or religious official who, by misusing his title, compels and convinces a person to act, or speak, against lawfully acquired rights, shall be sentenced to a penalty according to the aforementioned paragraph.
- (4) If one of these persons commits an offence, other than the offence described in paragraph one, by misusing his religious title, the penalty for that offence shall be increased by one sixth.
- (5) Nevertheless, the penalty shall not be increased if the law has already taken into consideration the aforementioned title.

Establishing Organisations for the Purpose of Committing Crimes

Article 220

- (1) Any person who establishes or manages an organisation for the purposes of committing offences proscribed by law shall be sentenced to imprisonment for a term of two to six years provided the structure of the organisation, number of members and equipment and supplies are sufficient to commit the offences intended. However, a minimum number of three persons is required for the existence of an organisation.
- (2) Any person who becomes a member of an organisation established to commit offences shall be sentenced to a penalty of imprisonment for a term of one to three years.
- (3) If the organisation is armed, the penalty stated in aforementioned paragraphs will be increased from one fourth to one half.
- (4) If an offence is committed in the course of the organisation's activities, then an additional penalty shall be imposed for such offences.
- (5) Any leaders of such organisations shall also be sentenced as if they were the offenders in respect of any offence committed in the course of the organisation's activities.
- (6) **(Amended on 2/7/2012 - By Article 85 of the Law no. 6352)** Any person who commits an offence on behalf of an organisation, although he is not a member of that organisation, shall also be sentenced for the offence of being a member of that organisation. The sentence to be imposed for being a member of that organization may be decreased by half. **(Additional Sentence: 11/4/2013 - By Article 11 of the Law no. 6459)** This provision shall only be applied in respect of armed organizations.
- (7) **(Amended on 2/7/2012 - By Article 85 of the Law no. 6352)** Any person who aids and abets an organisation knowingly and willingly, although he does not belong to the structure of that organisation, shall also be sentenced for the offence of being a member of that organisation. The sentence to be imposed for being a member of that organization may be decreased by one-third according to the assistance provided.
- (8) A person who makes propaganda for an organization in a manner which would legitimize or praise the terror organization's methods including force, violence or threats or in a manner which would incite use of these methods shall be sentenced to a penalty of imprisonment for a term of one to three years. If the said crime is committed through the press or broadcasting the penalty to be given shall be increased by half.⁴⁴

Effective remorse

Article 221

- (1) No penalty shall be imposed on the founders or administrators of a criminal organisation who dissolves or provides information which secures the dissolution of such an organisation through the information he provides, before an investigation is launched concerning the forming of such a criminal organisation or before an offence is committed in line with the aims of the organisation.

⁴⁴ By Article 11 of the Law dated 11/4/2013 and no. 6459, the phrase included in this article "or aim of" was amended as "in a manner which would legitimize or praise the terror organization's methods including force, violence or threats or in a manner which would incite use of these methods".

- (2) No penalty shall be imposed on a member of the organisation who notifies the authorities of his voluntary departure from the organisation and who has not participated in the commission of any crime by the organisation.
- (3) No penalty shall be imposed on a member of the organisation who is apprehended before participating in the commission of any offence by the organisation, and who is remorseful and provides information that is likely to lead to the dissolution of the organisation or the apprehension of its members.
- (4) No penalty shall be imposed on any founder, administrator or member of a criminal organisation, nor upon a person who (while not being a member of such an organisation) commits an offence on behalf of that organisation or knowingly aids and abets the organization, who surrenders voluntarily and provides information concerning the structure of the organisation and of the offences committed in the course of the organisation's activities. Where a person provides such information after being apprehended, the penalty to be imposed on account of this offence shall be reduced by one third to three quarters.⁴⁵
- (5) Persons who benefit from effective remorse shall also be subject to probation for a period of one year. The period of probation may be extended to three years.
- (6) **(Addition on 6/12/2006 - By Article 8 of the Law no. 5560)** The provisions of effective remorse in this article shall not apply more than once in respect of an offender.

Hats and Turkish characters

Article 222 – (Abolished on 2/3/2014 - By Article 16 of the Law no. 6529)

Part 6

Offences Against Transport Vehicles or Stationary Platforms

Hijacking or Seizure of Transport Vehicles

Article 223

- (1) Any person who, by use of threat or violence or any other illegal means, prevents the movement of a road transport vehicle, stops it while it is moving, or who takes it to a place other than its destination, shall be sentenced to a penalty of imprisonment for a term of one to three years.
- (2) Where the subject of offence is a sea or rail vehicle, a penalty of imprisonment for a term of two to five years shall be imposed.
- (3) Any person who, by use of threat or violence or any other illegal means, prevents the movement of an air transport vehicle, or who takes it to a place other than its destination shall be sentenced to a penalty of imprisonment for a term of five to ten years.
- (4) An additional penalty shall be imposed as persons are deprived of their liberty in the course of commission of these offences.

⁴⁵ The phrase of a person who (while not being a member of such an organisation) commits an offence on behalf of that organisation or knowingly aids and abets the organization was added before the phrase of "member of a criminal organisation" by Article 26 of the Law dated 29/6/2005 and no. 5377.

- (5) Where an aggravated injury on account of its consequences occurs during the commission of these offences, the provisions relating to intentional injury shall be applied in addition.

Occupation of a Stationary Platform on Territorial Land or Industrial Zone

Article 224

- (1) Any person who occupies, seizes or takes control of a stationary platform in territorial waters or an industrial zone by use of threat or violence or by using any other illegal means, shall be sentenced to a penalty of imprisonment for a term of five to fifteen years.
- (2) An additional penalty shall be imposed as persons are deprived of their liberty in the course of commission of these offences.
- (3) Where an aggravated injury on account of its consequences occurs during the commission of these offences, the provisions related to intentional injury shall be applied.

Part 7

Offences Against Public Morals

Indecent Acts

Article 225

- (1) A person who engages in sexual intercourse in public or who exposes himself in public shall be sentenced to a penalty of imprisonment for a term of six months to one year.

Obscenity

Article 226

- (1) Any person who:
- a) gives to a child obscene written or audio-visual material; or who reads or induces another to read such material to a child or makes a child watch or listen to such material;
 - b) makes public the content of such material in a place accessible or visible to a child, or who exhibits such material in a visible manner or who reads or talks about such material, or who induces another to read or talk about such material to a child;
 - c) offers such materials for sale or rent in such a manner as to reveal the content of that material;
 - d) offers for sale, sells or rents such materials, in any place other than a specified points of sale;
 - e) gives or distributes such materials along with the sale of other products or services as a free supplement; or
 - f) advertises such products
- shall be sentenced to a penalty of imprisonment for a term of six months to two years and a judicial fine.
- (2) Any person who broadcasts or publishes obscene written or audio-visual material or who acts as an intermediary for this purpose shall be sentenced to a penalty of imprisonment for a term of six months to three years and a judicial fine of up to five thousand days.

- (3) A person who uses children in the production of obscene written or audio-visual materials shall be sentenced to a penalty of imprisonment for a term of five to ten years and a judicial fine of up to five thousand days. Any person who conveys such material into the country, who copies or offers for sale such material or who sells, transports, stores, exports, retains possession of such material or offers such material for the use of others shall be sentenced to a penalty of imprisonment for a term of two to five years and a judicial fine of up to five thousand days.
- (4) Any person who produces, conveys into the country, offers for sale, sells, transports, stores or offers for the use of others written or audio-visual materials of sexual acts performed with the use of force, animals, a human corpse, or in any other unnatural manner shall be sentenced to a penalty of imprisonment for a term of one to four years and a judicial fine of up to five thousand days.
- (5) Any person who broadcasts or publishes the materials described in paragraphs three and four or who acts as an intermediary for this purpose or who ensures children see, hear or read such materials shall be sentenced to a penalty of imprisonment for a term of six to ten years and a judicial fine of up to five thousand days.
- (6) Legal entities shall be subject to specific security measures for involvement in these offences.
- (7) The provisions of this article shall not apply to academic works. The provisions of this article shall not apply, except for paragraph 3, to artistic or literary works where children are prevented from accessing such.

Prostitution

Article 227

- (1) Any person who encourages a child to become a prostitute, facilitates a child becoming such or supplies or accommodates a child for such purpose, or acts as an intermediary for the prostitution of a child, shall be sentenced to a penalty of imprisonment for a term of four to ten years and judicial fine up to five thousand days. Preparatory acts and activities for commission of this offence shall be punished as a completed offence.
- (2) Any person who encourages another to become a prostitute or who facilitates or acts as an intermediary for such or who provides an environment for such purpose shall be sentenced to a penalty of imprisonment for a term of two to four years and a judicial fine up to three thousand days. Earning a living, totally or partially, from the proceeds of prostitution shall be presumed to be an encouragement to prostitution.
- (3) **(Abolished on 6/12/2006 - By Article 45 of the Law no. 5560)**
- (4) The penalty to be imposed according to the aforementioned paragraphs shall be increased by one half to two folds where a person is encouraged to engage in acts of prostitution or secures an individual to engage in prostitution through the use of threat, violence, deceit, or by taking advantage of another's desperation.
- (5) The penalty to be imposed according to aforementioned paragraphs shall be increased by one half where the offence is committed by a spouse, direct-antecedents, direct antecedents-in-law, sibling, adopting parent, guardian, trainer, educator, nurse or any other person responsible for the protection and supervision of a person; or by a public officer or employee who misuses the influence derived from their positions.
- (6) The penalty to be imposed according to aforementioned paragraphs shall be increased by one half where the offence is committed within the framework of the activities of a criminal organisation.

- (7) Legal entities shall be subject to security measures for involvement in these offences.
- (8) Any person who has been forced into prostitution may be given treatment or psychological therapy.⁴⁶

Providing an Environment or the Means for Gambling

Article 228

- (1) Any person who provides an environment or the means for gambling shall be sentenced to a penalty of imprisonment for a term of up to one year and a judicial fine.
- (2) The penalty to be imposed shall be increased by one fold where an environment or means is provided for children in order to gamble.
- (3) Legal entities shall be subject to security measures for involvement in these offences.
- (4) In the implementation of the Criminal Code, gambling shall be defined as a game undertaken with the aim of earning money, where the profit and loss depends upon chance.

Begging

Article 229

- (1) Any person who uses a child or person with physical or mental impairments as a means for begging shall be sentenced to a penalty of imprisonment for a term of one to three years.
- (2) The penalty to be imposed shall be increased by one half, where the offence is committed by blood relatives or in-laws including third degree or a spouse.
- (3) The penalty to be imposed shall be increased by one fold where the offence is committed within the framework of the activities of a criminal organisation.

Part 8

Offences Against the Family Order

Polygamy, Marriage by Deception and Religious Ceremonies

Article 230

- (1) Any person who, while already married, marries someone else, by completing the official procedure, shall be sentenced to a penalty of imprisonment for a term of six months to two years.
- (2) Any person who, while unmarried, marries someone else, by completing the official procedure, knowing him to be already married to someone else, shall be sentenced in accordance with the aforementioned paragraph.
- (3) Any person who marries someone else, by completing the official procedure, while concealing his real identity shall be sentenced to a penalty of imprisonment for a term of three months to one year.
- (4) The limitation period in respect of the offences defined in the aforementioned paragraphs shall take effect as of the date on which the decision on annulment of marriage becomes final.

⁴⁶ The phrase included in this paragraph "shall be given treatment or psychological therapy" was amended as "may be given treatment or psychological therapy" by Article 9 of the Law dated 6/12/2006 and no. 5560.

- 5) Persons who hold a religious marriage ceremony without an official marriage shall be sentenced to a penalty of imprisonment for a term of two to six months. However, if an official marriage takes place, the criminal case shall be stayed or the sentence, and all its consequences, shall be set aside.
- 6) Any person who administers a religious marriage ceremony without observing a document verifying an official marriage has been concluded in accordance with the law shall be sentenced to a penalty of imprisonment for a period of two to six months.

Altering the Lineage of a Child

Article 231

- (1) Any person who alters or conceals the lineage of a child shall be sentenced to a penalty of imprisonment for a term of one to three years.
- (2) Any person who causes the mix-up of children, at a health institution, by failing to exercise due care shall be sentenced to a penalty of imprisonment for a term of up to one year.

III-Treatment

Article 232

- (1) Any person who ill-treats a person that they are living together with in the same dwelling, shall be sentenced to a penalty of imprisonment for a term of two months to one year.
- (2) Any person who improperly uses the right to enforce discipline, deriving from his right to educate a person who is under his control or for whom he is responsible for this person's growth, education, care, protection or training of a profession or trade, shall be sentenced to a penalty of imprisonment for a term of up to one year.

Breach of Obligations Derived from Family Law

Article 233

- (1) Any person who fails to fulfil the obligations conferred upon them by family law, which provides for the care, education or support of family members, shall be sentenced to a penalty of imprisonment for a term of up to one year, upon complaint.
- (2) Any person who abandons his pregnant wife, or a pregnant single woman with whom he lives where he is aware of such pregnancy and he is the biological father, shall be sentenced to a penalty of imprisonment for a term of three months to one year.
- (3) Where a mother or father seriously endangers the health, safety or morality of their children as a result of a lack of moral or material care derived from degrading behaviour and actions, alcoholism or the use of narcotics or psychotropic substances, notwithstanding any loss of parental responsibility, shall be sentenced to a penalty of imprisonment for a term of three months to one year.

Kidnapping and Detention of a Child

Article 234

- (1) Where a child, who has not completed his sixteenth year, is kidnapped, without the use of violence or threat, by a mother or father who have lost their parental rights, or by (up to and including) a third degree blood relative while the child is legally under the care or

custody of a natural parent or guardian, the offender shall be sentenced to a penalty of imprisonment for a term of three months to one year.

- (2) The penalty to be imposed shall be increased by one fold where this offence is committed by using violence or threat, or involves a child not having yet completed his twelfth year.
- (3) **(Addition: 6/12/2006 - By Article 10 of the Law no. 5560)** Any person who keeps a child (who has run away from home without informing, or obtaining the consent of, his legal guardian) without notifying the parents or competent authorities, notwithstanding the consent of the child, shall be sentenced to a penalty of imprisonment for a term of three months to one year, upon complaint.

Part 9

Offences Against the Economy, Industry and Trade

Fraud During a Tender

Article 235

- (1) **(Amended on 11/4/2013 - By Article 12 of the Law no. 6459)** Any person who acts fraudulently on behalf of a public institution or corporation, in the course of a tender that relates to construction, rent, purchase or sale of goods or services, shall be sentenced to a penalty of imprisonment for a term of three to seven years.
- (2) The following acts are presumed to constitute a fraudulent tender:
 - a) By engaging in deception and:-
 - 1. Preventing a person from participating in the process of the tender or the tender itself, who is capable of participation in such or who has met the criteria for such;
 - 2. Securing the participation of a person in the tender who lacks the capability to participate in such or who fails to meet the criteria required for such;
 - 3. Eliminating from consideration such offered goods which conform to the tender specifications by stating that such goods do not so conform;
 - 4. Placing, in the evaluation, goods which do not conform to the tender specifications by stating that such goods do so conform;
 - b) Enabling the access of another to information which relates to any offers, which is to be kept confidential according to Tender Law or the tender specifications.
 - c) Prevention of a person, who is capable of participating in a tender or having met the criteria for such, from participating in the process of tender or the tender itself, by the use of force, threats, or any other acts contrary to law.
 - d) Concluding an open, or secret, agreement with others, in order to influence the conditions of a tender, particularly the price, for those who are willing to participate in the tender or those who have already participated in the tender.
- (3) **(Amended on 11/4/2013 - By Article 12 of the Law no. 6459)** Where the offence of fraud during a tender is committed
 - a) by use of force and threat, minimum limit of the main punishment cannot be less than five years. However, if there occurs aggravated circumstances of the offence of intentional wounding or threat which require more severe punishment, an additional punishment shall be imposed on account of these offences.
 - b) does not lead to any damage to the relevant public institution or organization, the offender shall be sentenced to imprisonment for a term of one year to three years except for situations set out in subparagraph (a) of this paragraph.

- (4) Any person under an official duty who gains a benefit through his involvement in fraud during a tender shall be additionally sentenced according to the relevant offences.
- (5) The provisions of the aforementioned paragraphs shall also be applicable where a public institution, or corporation, acts as an intermediary during a competitive tender or where a person acts fraudulently during the process of tender in respect of rent, purchase or sale of goods or services while acting on behalf of: a professional institution (presumed in law to be public institution); a company (incorporated by the aforementioned professional institution, or a public institution or a public corporation or a foundation operating within the framework of such institutions or corporation); or an association acting in the public interest; or a co-operative.

Fraud during the discharge of Contractual Obligations

Article 236

- (1) Any person who acts fraudulently during the discharge of contractual obligations with a public institution, public corporation, professional institution (presumed in law, to be public institution), a company (incorporated by the aforementioned professional institution, or a public institution or a public corporations or a foundation operating within the framework of such institutions or corporation), an association acting in the public interest; or a co-operative shall be sentenced to a penalty of imprisonment for a term of three to seven years.
- (2) The following acts are presumed to constitute fraud during the discharge of a contractual obligation:
 - a) Delivery, or accepting delivery, of goods other than those described within the contract;
 - b) Delivery, or accepting delivery, of fewer goods than described within the contract;
 - c) Accepting goods outside the time limit specified in the contract, or the conclusion of the tender, for their delivery.
 - d) In construction tenders, accepting the completed construction, or material used in such, which does not comply with the conditions, quantity or quality as described within the contract or in the detailed specification of tender;
 - e) Accepting an obligation of service as having been completely discharged although the service rendered was deficient or contrary to the terms described within the contract or in the detailed specification of tender.
- (3) Any person who is under an official duty and gains a benefit through his involvement in fraud during the discharge of contractual obligations shall be additionally sentenced pursuant to the relevant provisions.

Manipulation of the Price

Article 237

- (1) Any person who disseminates false information or news or is involved in fraudulent acts in such a way as to cause an increase or decrease in wages or in the price of consumables or goods shall be subject to a penalty of imprisonment for a term of three months to two years and a judicial fine.
- (2) Where, as a consequence of this act, there is an actual increase or decrease of wages or in the prices of consumables or goods then the penalty to be imposed shall be increased by one third.
- (3) Where the offender is a licensed intermediary or stock exchange broker then the penalty shall be additionally increased by one eighth.

Causing Shortage of Items Required by the Public

Article 238

- (1) Any person who, by failing to discharge his contractual obligations, causes an absence of food or goods, or a shortage of such by a significant amount, which are required for use by public institutions or corporations, public services or for disaster relief activities, shall be subject to a penalty of imprisonment for a term one to three years, and a judicial fine of up to one thousand days.

Disclosure of Confidential Documents or Information Relating to Commerce, Banking or Private Customers

Article 239

- (1) Any person who discloses confidential information, or documents, relating to commerce, banking or private customers, which he holds by virtue of his title, duty, profession or trade, to an unauthorized person shall be subject to a penalty of imprisonment for a term of one to three years and a judicial fine up to five thousand days, upon complaint. Where such information or documents are disclosed to an unauthorized individual by a person who unlawfully acquired such information or documents, such person shall be subject to a penalty in accordance with this paragraph.
- (2) Paragraph 1 shall apply to information relating to scientific invention and discovery, and the industrial implementation of such.
- (3) Where such confidential information is disclosed to a non-citizen (who is not resident in Turkey) or his staff, the penalty shall be increased by one third. In such case, no complaint is required.
- (4) Any person who, by using force or threats, compels another to disclose the information or documents within the scope of this article shall be subject to a penalty of imprisonment for a term of three to seven years.

Restriction of Supply of Goods and Services

Article 240

- (1) Any person who causes an urgent public need by restricting the supply of certain goods or services shall be subject to a penalty of imprisonment for a term of six months to two years.

Unlawful Money Lending

Article 241

- (1) Any person who lends money to another person with the aim of receiving financial gain from such shall be sentenced to a term imprisonment from two years to five years and a judicial fine up to five thousand days.

Implementation of Security Measures on Legal Entities

Article 242

- (1) Where a legal entity obtains a benefit arising from the commission of an offence falling into the scope of this Part, it shall be subject to specific security measures.

Part 10
Offences Related to Data Processing Systems

Accessing a Data Processing System

Article 243

- (1) Any person who unlawfully accesses, partially or fully, a data processing system, or remains within such system, shall be subject to a penalty of imprisonment for a term of up to one year or a judicial fine.
- (2) Where the act defined in the aforementioned paragraph is committed in relation to a system which is only accessible upon the payment of a fee, then the penalty to be imposed shall be decreased by up to one half.
- (3) Where any data within any such system is deleted or altered as a result of this act, then the penalty to be imposed shall be a term of imprisonment of six months to two years.

Preventing the Functioning of a System and Deletion, Alteration or Corrupting of Data

Article 244

- (1) Any person who prevents the functioning of a data processing system or renders such useless shall be subject to a penalty of imprisonment for a term of one to five years.
- (2) Any person who deletes, alters, corrupts or bars access to data, or introduces data into a system or sends existing data to another place shall be subject to a penalty of imprisonment for a term of six months to three years.
- (3) Where this offence is committed in relation to a data processing system of a public institution or establishment, bank or institution of credit, then the penalty to be imposed shall be increased by one half.
- (4) Where a person obtains an unjust benefit for himself or another by committing the acts defined in the aforementioned paragraphs, and such acts do not constitute a separate offence, he shall be subject to a penalty of imprisonment from two years to six years and a judicial fine of up to five thousand days.

Misuse of Bank or Credit cards

Article 245 (Amended on 29/6/2005 - By Article 27 of the Law no. 5377)

- (1) Any person who secures a benefit for himself, or another, by acquiring or retaining (by any means), a bank or credit card of another person; or using, or allowing to be used, such a card without the consent of the card holder or the residual owner shall be sentenced to a penalty of imprisonment for a term of three to six years and a judicial fine of up to five thousand days.
- (2) Any person who produces, sells, transfers, purchases or receives a counterfeit bank or credit card which relates to the bank account of another shall be sentenced to a penalty of imprisonment for a term of three to seven years and judicial fine of up to ten thousand days.
- (3) Any person who secures a benefit for himself or another by using a counterfeit or falsified bank or credit card shall be sentenced to a penalty of imprisonment for a term of four to eight years and judicial a fine of up to five thousand days, provided such act does not constitute a separate offence.
- (4) Where an offence described in paragraph one concerns a loss to:
 - a) a spouse of a marriage where such spouse has not been subject to a court decree of separation,

- b) a direct-antecedent or direct-descendent, direct in-law, adoptive parent or adopted child; or
 - c) a sibling residing in the same dwelling.
- no penalty shall be imposed on the person who is related in such a way.

- (5) **(Added on 6/12/2006 - By Article 11 of the Law no. 5560)** The provisions of effective remorse in respect of offences against property in this code shall be applicable to acts which falls within the scope of paragraph one.

Implementation of Security Measures on Legal Entities

Article 246

- (1) Where a legal entity obtains an unjust benefit arising from the commission of an offence in this Part, it shall be subject to specific security measures.

CHAPTER IV
Offences against Nation and State and Final Provisions

Part 1
Offences Against the Reliability and Functioning of the Public Administration

Embezzlement

Article 247

- (1) Any public officer who embezzles property, for the benefit of himself or another, which is under his custody or control or which is held by him as a consequence of his duty shall be subject to a penalty of imprisonment for a term of between five to twelve years.
- (2) Where this offence is committed by deception for the purpose of concealing the embezzlement, the penalty to be imposed shall be increased by one half.
- (3) Where the offence is committed with the aim of returning the property after temporary usage, the penalty may be reduced by up to one half.

Effective Remorse

Article 248

- (1) If, prior to the commencement of any investigation, the property is returned in its original state, or any damage to such is fully compensated, then the penalty to be imposed shall be reduced by two thirds.
- (2) If, prior to the commencement of any prosecution, the property is voluntarily returned in its original state, or any damage to such is fully compensated, then the penalty to be imposed shall be reduced by one half. If effective remorse is demonstrated prior to the giving of judgment by the Court the penalty to be imposed shall be reduced by one third.

Mitigating Factors

Article 249

- (1) Where the value of the subject of the offence is minimal, then the penalty to be imposed shall be reduced by one third to one half.

Extortion

Article 250

- (1) **(Amended on 2/7/2012 - By Article 86 of the Law no. 6352)** Any public officer who compels another to make a promise or provide a benefit for himself or another by misusing the influence derived from his office shall be subject to a penalty of a term of imprisonment from five years to ten years. Where the person affords a benefit for the public officer or another to be designated by the public officer, by feeling himself obliged, on account of the unjust conducts and behaviours of the public officer and upon the concern that his request (act requested to be performed by the public officer) will not be duly fulfilled or not be fulfilled in due course, the person shall be deemed to be compelled to do so.
- (2) Any public officer who convinces another, by deception, to make a promise or provide a benefit for himself or another by misusing the influence derived from his office shall be subject to a penalty of a term of imprisonment from three to five.
- (3) Where the offence defined in paragraph two is committed by taking advantage of a person's mistake, the sentence to be imposed shall be a penalty of imprisonment for a term of one to three years.

- (4) **(Added on 2/7/2012 - By Article 86 of the Law no. 6352)** By taking into account the value of the benefit extorted and economic condition of the victim, the sentence to be imposed pursuant to the above-mentioned paragraphs may be decreased by one half.

Failure to Supervise

Article 251

- (1) Where a public officer, in a supervisory role, intentionally ignores the commission of an offence involving embezzlement and extortion, he shall be culpable as a joint offender.
- (2) Any public officer who provides the opportunity for the commission of the offences of embezzlement or exploitation by failing to fulfil his supervisory duty shall be sentenced to a penalty of imprisonment for a term of three months to three years.

Bribery

Article 252 - (Amended on 2/7/2012 - By Article 87 of the Law no. 6352)

- (1) Any person who secures, directly or through other persons, an undue advantage to a public official or another person indicated by the public official to perform or not to perform a task with regard to his duty shall be sentenced to a penalty of imprisonment for a term of four years to twelve years.
- (2) Any public official who secures, directly or through other persons, an undue advantage to himself or another person indicated by the public official to perform or not to perform a task with regard to his duty shall be sentenced to the same penalty stipulated by the paragraph 1.
- (3) Where the parties agree upon a bribe, they shall be sentenced as if the offence were completed.
- (4) In the case where the public official requests a bribe but it is not accepted by the person, or the person offers or promises an undue advantage to the public official but it is not accepted by the public official, the penalty to be imposed on the offender according to the provisions of paragraphs 1 and 2 shall be reduced by half.
- (5) Any person who mediates the offer or conveys the request to the other party, closing the bribery agreement or providing the bribe shall be punished as accomplice, irrespective of being a public official.
- (6) Any third person who is provided with the benefit or authorised person of a legal person who accepts the benefit shall be punished as accomplice, irrespective of being a public official.
- (7) Where a person who receives or requests a bribe or agrees to such is a person in a judicial capacity, an arbitrator, an expert witness, a public notary or a professional financial auditor, the penalty to be imposed shall be increased by one-third to one-half.
- (8) The provisions of the present article shall also apply where, irrespective of being a public official, an undue advantage is obtained by, offered or promised directly or through intermediaries to the persons acting on behalf of:
- Occupational organisation in the character of public entity,
 - Corporations established in association of public institutions or organisations or occupational organisations in the character of public entity,
 - Foundations acting within the body of public institutions or organisations or occupational organisations in the character of public entity,
 - Public benefit associations,
 - Cooperatives,
 - Open joint stock companies,

to perform or not to perform a task with regard to their duties; an undue advantage is requested or accepted by these persons; these acts are mediated; an undue advantage is provided for another through this relation.

- (9) The provisions of the present article shall also apply where an undue advantage is obtained by, offered or promised directly or through intermediaries to;
- a) Public officials elected or appointed in a foreign country,
 - b) Judges, jury members or other officials acting in international or supranational or foreign state courts,
 - c) Members of international or supranational parliament,
 - d) Persons performing public activities for a foreign country, including public institutions or public corporations,
 - e) Citizens or foreign arbitrators appointed within the framework of arbitration procedure applied for solution of a legal dispute,
 - f) Officials or representatives of international or supranational organisations established based on an international agreement,
- to perform or not to perform a task with regard to their duties or to obtain or preserve a work or an unjust benefit due to international commercial transactions, or where an undue advantage requested or accepted by these persons.

- (10) Where the offence of bribery that falls within the scope of paragraph 9 is committed, although by an alien abroad, with regard to a dispute to which;
- a) Turkey,
 - b) a public institution in Turkey,
 - c) a private law legal person established according to Turkish laws,
 - d) a Turkish citizen,
- is a party, or to perform or not to perform a transaction concerning these institutions or persons, ex officio investigation and prosecution are initiated against the persons who receive, request, accept the offer or promise of a bribe, mediate these, obtain an undue advantage for himself in connection with bribery relationship, if they are present in Turkey.

Implementation of Security Measure on Legal Entities

Article 253

- (1) Where a legal entity secures an unjust benefit through the offence of bribery security measures specific to legal entities shall apply.

Effective Remorse

Article 254

- (1) **(Amended on 2/7/2012 - By Article 88 of the Law no. 6352)** Where, prior to the commencement of an investigation, the person in receipt of the bribe presents the consideration of such, in its original state, to the authorities responsible for investigation of such, no penalty shall be imposed for the offence of bribery. Where, prior to the commencement of an investigation, a public officer who, after having agreed to receive a bribe, informs the authorities of such, no penalty shall be imposed.
- (2) **(Amended on 2/7/2012 - By Article 88 of the Law no. 6352)** Where, prior to the commencement of an investigation, a person who offered and gave a bribe to a public officer informs, by displaying remorse, the authorities responsible for investigation of such, no penalty shall be imposed in this respect.
- (3) **(Amended on 2/7/2012 - By Article 88 of the Law no. 6352)** Where, prior to any investigation, any other person who participates in the offence of bribery displays remorse by informing the authorities responsible for investigation of such, no penalty shall be imposed upon such person.

- (4) **(Added on 26/06/2009- By Article 4 of the Law No. 5918)** Provisions of this article shall not be applied to persons who bribes foreign public officials.

Securing a Benefit for a Task outside the Scope of Authority

Article 255 (Amended on 2/7/2012 - By Article 89 of the Law no. 6352)

- (1) Any public officer who secures a benefit by giving the impression that he is able to perform a task, either by himself or through another, which is outside the scope of his duty and is unauthorized shall be sentenced to a penalty of imprisonment for a term of two years to five years and a judicial fine of up to five thousand days. If this person is a public officer, then the imprisonment sentence to be imposed shall be increased by one half. The person who secures a benefit in return for his work he has made fulfilled or with the expectation that it would be fulfilled shall be sentenced to imprisonment for a term of one year to three years.
- (2) Even if only an agreement has been reached for securing a benefit, a sentence shall be imposed as if the offence was committed.
- (3) If any request is made for securing a benefit for the purpose specified in paragraph one but this is not accepted or any offer or promise is made for securing such a benefit but this is not accepted, the sentence to be imposed pursuant to the provisions of paragraph one shall be reduced by one half.
- (4) Any person who mediates the offence of securing a benefit for a task outside the scope of authority shall be sentenced according to paragraph one as an accomplice.
- (5) Any third party of official of legal entities who has secured a benefit indirectly as a result of the relation of securing a benefit shall be sentenced according to paragraph one as an accomplice.
- (6) Where making any attempt to have his work performed constitutes a separate offence, persons shall be additionally sentenced on account of these offences.
- (7) Provisions of this Article shall also apply when a benefit for a task outside the scope of authority is secured through the persons listed in Article 252. These persons, if in Turkey, shall be investigation and prosecuted *ex officio* irrespective of their being citizens or non-citizens.

Excessive Use of Force

Article 256

- (1) Any public officer, having the authority to use force, who uses an amount of force in the course of his duty which exceeds that required by such duty, shall be subject to the provisions relating to intentional injury.

Misuse of Public Duty⁴⁷

Article 257

- (1) Excluding any situation defined elsewhere as a separate offence in law, any public officer who secures an unjust financial benefit for another or causes any loss to the public or an individual by acting contrary to his duty shall be sentenced to a penalty of imprisonment for a term of six months to two years.

⁴⁷ By Article 1 of the Law dated 8/12/2010 and no. 6086, expression of "gain" in paragraphs 2 and 3 of this article was amended as "benefit"; and expression of "one year to three years" was amended as "six months to two years"; expression of "six months to two years" in second paragraph was amended as "three months to one year".

- (2) Excluding any situation defined elsewhere as a separate offence in law, any public officer who secures unjust financial benefit for another or causes any loss to the public or an individual by failing to discharge his duty, by omission or delay, shall be sentenced to a penalty of imprisonment for a term of three months to one year.
- (3) **(Abolished on 2/7/2012 – By Article 105 of the Law no. 6352)**

Disclosure of Confidential Information in Respect of a Duty

Article 258

- (1) Any public officer who publishes or discloses any confidential document, decision, order or other official notification under his control, or within his knowledge, by virtue of his office, or who facilitates, by any means, the access to such information by another shall be sentenced to a penalty of imprisonment for a term of one to four years.
- (2) The same penalty shall be applicable where a public officer commits such an offence after the expiry of his status as a public officer.

Trading by a Public Officer

Article 259

- (1) Any public officer who attempts to sell goods or services to another by using the influence derived from his duty shall be sentenced to a penalty of imprisonment for a term of up to six months or a judicial fine.

Abandonment or Non-performance of a Public Duty

Article 260

- (1) Where a number of public officers who, acting together contrary to law, fail to conduct their activities, partially or fully or for a temporary period, slow their activities, fail to attend the workplace or abandon their duties, then each of them shall be sentenced to a penalty of imprisonment for a term of three months to one year. No penalty shall be imposed where the number of public officers is three or less.
- (2) Where public officers, in the assertion of their professional and social rights, slow their activities or abandon their duties temporarily and for a short period which does not disrupt the service they provide, the penalty may be reduced or not imposed.

Improper Disposal of Another's Property

Article 261

- (1) Any public officer who, by using force, disposes of moveable or immovable property belonging to another, knowing that such disposal is contrary to law and regardless of whether or not consideration is given for such disposal, shall be sentenced to a penalty of imprisonment for a term of six months to two years, unless this act constitutes an offence requiring a greater penalty.

Improperly Undertaking Public Duty

Article 262

- (1) A person who attempts to undertake a public duty contrary to law or regulation or a person who continues his public duty although he has been removed from office (and he has been notified of such) shall be sentenced to a penalty of imprisonment of three months to two years.

Illegal Education Institution

Article 263 - (Abolished on 17/4/2013 – By Article 13 of the Law no. 6460)

Improper Use of Special Symbols and Uniforms

Article 264

- (1) Any person who publicly wears the official uniform of a public officer which infers rank, public duty or occupation, without the authority to do so, with the purpose of deceiving another or who uses a medal or official decoration without the right to do so shall be sentenced to a penalty of imprisonment for a term of three months to one year.
- (2) If any offence is committed by taking advantage of the opportunity and ease provided for by the use of a uniform then the penalty to be imposed identified in the aforementioned paragraph, and only this penalty, shall be increased by one third.

Prevention of Public Duty

Article 265

- (1) Any person who uses force or threats against a public officer in order to prevent him from performing his duty shall be sentenced to a penalty of imprisonment for a term of six months to three years.
- (2) Where this offence is committed against a person conducting a judicial function, a penalty of imprisonment for a term of two years to four years shall be imposed.
- (3) Where this offence is committed jointly, with more than one person, or by a person concealing his identity, then the penalty to be imposed shall be increased by one third.
- (4) Where this offence is committed with a weapon or by taking advantage of the power to invoke fear derived from a criminal organization which exists, or is assumed to exist, then the penalty to be imposed shall be increased by one half.
- (5) Where, during the commission of this offence, the offence of Aggravated Injury on Account of its Consequences is committed then the provisions relating to intentional injury shall be applied in addition.

Use of Public Vehicles or Materials in Public Service During the Commission of an Offence

Article 266

- (1) Provided that a constituent element of an offence does not include a reference to a public officer, then where a public officer uses a vehicle, or material, which he holds as a result of his duty, during the commission of an offence, the penalty to be imposed shall be increased by one third.

Part 2

Offences Against The Judicial Bodies or Court

Calumny

Article 267

- (1) Any person who accuses another person of committing an act contrary to law in order to secure the implementation of an administrative sanction or the commencement of an investigation and prosecution by submitting a complaint or notification to the relevant authorities or through the press or broadcasting, despite the fact the person knows the other person did not commit such act shall be sentenced to a penalty of imprisonment for a term of one to four years.

- (2) Where the malicious act is committed by manufacturing evidence in respect of an offence then the penalty shall be increased by one half.
- (3) Where security measures, other than detention or arrest, have been imposed upon the victim as a result of the accusation and an acquittal is declared by the court on account of innocence or a decision not to prosecute has been taken, the penalty to be imposed by the aforementioned paragraphs shall be increased by one half.
- (4) Where security measures of detention or arrest have been imposed upon the victim as a result of the accusation, and an acquittal is declared by the court on account of innocence or a decision not to prosecute has been taken, the offender shall be additionally subject to the offence of deprivation of liberty as an indirect offender.
- (5) Where the victim has been sentenced to aggravated life imprisonment or life imprisonment, the offender shall be sentenced to a penalty of imprisonment for a term of twelve to thirty years (...) ⁴⁸
- (6) Where the execution of the victim's sentence of imprisonment has started, the penalty to be imposed according to paragraph five shall be increased by one half.
- (7) **(Annulled by the decision of the Constitutional Court dated 17/11/2011 and docket no. 2010/115 and decision no. 2011/154) ⁴⁹**
- (8) The statute of limitation for the offence of calumny starts from the date on which the victim is declared innocent.
- (9) Where the offence of calumny is committed through the press or broadcasting, then the conviction of the offender shall be announced through the same or equivalent press or broadcasting organs. The cost of such announcement shall be met by such convicted person.

Using Another's Identity Card or Information

Article 268

- (1) Any person who uses another's identity card or information relating to the identity of another for the purpose of preventing the conduct of an investigation and prosecution against himself for an offence he has committed shall be sentenced according to the provisions relating to the offence of calumny.

Effective Remorse

Article 269

- (1) Where the offender of calumny withdraws his statements before the commencement of an administrative or judicial investigation against the victim, the penalty to be imposed shall be reduced by four fifths;
- (2) Where the offender of calumny withdraws his statement before the commencement of a prosecution of the victim, then the penalty for calumny shall be reduced by three quarters.
- (3) If the offender shows effective remorse:
 - a) before the verdict upon the victim is declared the penalty to be imposed

⁴⁸ The part of "where the victim is sentenced to a penalty of imprisonment for a specific term, then the offender shall be sentenced to a term of imprisonment for a term of two thirds of the sentence given" was annulled by the decision of the Constitutional Court dated 10/4/2013 and docket no. 2013/14 and decision no. 2013/56.

⁴⁹ This decision entered into force after one year as from 17/3/2012 when it was published on the Official Gazette.

- may be reduced by two thirds;
 - b) after the conviction of the victim the penalty to be given may be decreased by one half;
 - c) after the start of the execution of the sentence imposed upon the victim the penalty to be given may be decreased by one third
- (4) Where the offence of calumny leads to the possibility of the imposition of an administrative sanction then:
- a) where the offender shows effective remorse before a decision has been reached in respect of an administrative sanction, the penalty imposed may be reduced by one half;
 - b) where the offender shows effective remorse after the implementation of an administrative sanction, the penalty to be imposed may be reduced by one third.
- (5) **(Amended on 29/6/2005 – By Article 31 of the Law no. 5377)** Where the offence of calumny is committed through the press or broadcasting, in order to benefit from the provisions of effective remorse, the remorse must be published in the same medium as was done so for the offence.

Admission of an Offence

Article 270

- (1) Any person who falsely states to the relevant authority that he has committed, or participated in, an offence shall be sentenced to a penalty of imprisonment for a term of up to two years. Where this offence is committed in order to protect a direct-antecedent, direct-descendent, spouse or sibling from receiving a penalty, the penalty may be reduced by three quarters or not imposed.

Fabricating an Offence

Article 271

- (1) Any person who fabricates evidence in relation to an offence that has not been committed in order to cause the commencement of an investigation, or states to the relevant authorities that an offence has been committed, knowing that it has not, shall be sentenced to a penalty of imprisonment for a term of up to three years.

Perjury

Article 272

- (1) Any witness who makes a false statement before a relevant authority or committee authorised to hear a witness during an investigation initiated as a result of an unlawful act shall be sentenced to a penalty of imprisonment for a term of between four months to one year.
- (2) Any witness who makes a false statement before a Court or a relevant authority or committee legally authorised to hear the witness under oath shall be sentenced to a penalty of imprisonment for a term of between one year to three years.
- (3) Any witness who makes a false statement during an investigation or prosecution carried out in relation to an offence carrying a penalty of imprisonment more than three years shall be sentenced to a penalty of imprisonment for a term of two to four years.
- (4) Where a security measure, other than detention or arrest, has been imposed on the victim and he is acquitted on account of innocence or there is a decision not to prosecute him, then the penalty to be imposed in accordance with the aforementioned paragraphs shall be increased by one half;

- (5) Where the victim is detained or arrested and he is acquitted on account of innocence or there is a decision not to prosecute him, then the person who made the false statement shall be additionally subject to a penalty for the offence of deprivation of liberty as an indirect offender.
- (6) Where the victim in respect of whom false statement is made has been sentenced to aggravated life imprisonment or life imprisonment, the offender shall be sentenced to a penalty of imprisonment for a term of twelve to thirty years; where the penalty of imprisonment is for a specific term, then the offender shall be sentenced to a penalty of imprisonment for a term of two thirds of such penalty.⁵⁰
- (7) Where the execution of the victim's sentence of imprisonment has begun, the penalty to be imposed according to paragraph five shall be increased by one half.
- (8) Where any judicial or administrative penalty, other than imprisonment, has been imposed on the victim, the person who made the false statement shall be sentenced to a penalty of imprisonment for a term of between three to seven years.

Reasons for Lifting or Reducing Criminal Responsibility

Article 273

- (1) Where a person;
 - a) makes a false statement that may cause the commencement of an investigation or prosecution against himself, a direct-antecedents, a direct-descendents, spouse or sibling, or
 - b) makes a false statement despite the fact that he has the right to abstain from testifying as a witness, but where he has not been informed of such,the penalty may be reduced or not imposed.
- (2) Paragraph one shall not be applicable to false statements made within the context of civil legal disputes.

Effective Remorse

Article 274

- (1) No penalty shall be imposed if the truth is declared before the verdict is reached in respect of the victim, or before any decision is reached which may cause the deprivation or limitation of his rights.
- (2) Where the truth is declared after any decision which causes the deprivation or limitation of the rights of the victim is rendered, but before any verdict is reached against him, the penalty to be imposed shall be reduced by between two thirds to one half.
- (3) Where the truth is declared before a verdict on conviction rendered in respect of the victim becomes final, the penalty to be imposed shall be reduced by between one half to one third.

False Statements on Oath

Article 275

- (1) A plaintiff or defendant who makes a false statement in the course of a civil legal dispute shall be sentenced to a penalty of imprisonment for a term of one to five years.

⁵⁰ By the decision of the Constitutional Court dated 14/1/2015 and docket no. 2014/116 and decision no. 2015/4, the phrase of "...where the penalty of imprisonment is for a specific term, then the offender shall be sentenced to a penalty of imprisonment for a term of two thirds of such penalty" was annulled. It was decided that this decision shall enter into force after six months starting from 29/4/2015 when it is published on the Official Gazette.

- (2) Where the truth is declared before judgment, no punishment shall be imposed.
- (3) Where the truth is declared before the finalisation of the judgment or before the judgment is delivered to the Enforcement Office, the penalty to be imposed shall be reduced by one half.

False Statements by Expert Witness or Translator

Article 276

- (1) Where an expert witness who is appointed by a Court, relevant authority or committee which is legally authorised to hear a witness under oath or to conduct a criminal investigation into an alleged offence makes a false statement of opinion, a penalty of imprisonment for a term of one to three years shall be imposed.
- (2) Paragraph one shall apply to a translator, appointed by a person or committee as defined in paragraph 1, who falsely translates any document or statement.

Attempting to Influence Persons Charged with a Judicial Duty, An Expert Witness or Witness⁵¹

Article 277 - (Amended on 2/7/2012 – By Article 90 of the Law no. 6352)

- (1) In order to prevent reveal of any truth or to take advantage of any unfairness during a case being held (...)⁵², any person who unlawfully attempts to influence a person charged with a judicial duty, expert witness or witness to cause these persons to render a decision or conduct an action or make a statement in favour of or against one or more of the parties in a trial, (...) defendants, intervening parties or victims shall be sentenced to a penalty of imprisonment for a term of two to four years. **(Additional sentence: 2/7/2012 – By Article 69 of the Law no. 6545)** If the attempt does not go beyond an attempt to engender favouritism the penalty of imprisonment to be imposed shall be for a term of six months to two years.
- (2) Where the act constituting an offence defined in paragraph one constitutes any other offence, then the sentence to be imposed shall be increased by one half according to the provisions relating to conceptual aggregation.

Failure to Report an Offence

Article 278 (Annulled by the Decision of the Constitutional Court dated 30/6/2011 and Docket No. 2010/52 and Decision No. 2011/113; Amended on 2/7/2012 by Article 91 of the Law no. 6352)

- (1) Any person who fails to report, to the relevant authority, an offence which is in progress shall be sentenced to a penalty of imprisonment for a term of up to one year.
- (2) Any person who fails to notify the relevant authority of any offence, which has been committed but where it is still possible to limit its consequences, shall be sentenced according to the provisions of the aforementioned paragraph.
- (3) Where the victim is a child (not having yet attained his fifteenth year) a person physically or mentally handicapped or a pregnant woman who cannot defend herself as a result of her pregnancy, the penalty to be imposed according to aforementioned paragraphs shall be increased by one half.⁵³

⁵¹ Heading of this article "Influencing Persons Charged with a Judicial Duty" was amended as currently noted in the text pursuant to Article 90 of the Law dated 2/7/2012 and no. 6352.

⁵² By Article 69 of the Law dated 18/6/2014 and no. 6545, phrases of "or in an investigation being carried out" and "suspect or" was excluded from the text.

⁵³ The term of "impaired" used in this paragraph was amended as "handicapped" by Article 1 of the Law dated 25/4/2013 and no. 6462.

Failure by a Public Officer to Report an Offence

Article 279

- (1) Any public officer who fails to report of an offence (which requires a public investigation and prosecution), or delays in reporting such offence, to the relevant authority, after becoming aware of such offence in the course of his duty, shall be sentenced to a penalty of imprisonment for a term of six months to two years.
- (2) Where the offence is committed by a judicial law enforcement officer, the penalty to be imposed according to aforementioned paragraph shall be increased by one half.

Failure by a Member of the Medical Profession to Report an Offence

Article 280

- (1) Any member of the medical profession who fails to report of an offence, or delays in reporting such offence, to the relevant authority after becoming aware, in the course of his duty, of any evidence demonstrating that a crime may have been committed shall be sentenced to a penalty of imprisonment for a term up to one year.
- (2) A member of the medical profession shall include physicians, dentists, pharmacists, midwives, nurses and other persons who provide health services.

Destruction, Concealing or Altering Evidence

Article 281

- (1) Any person who destroys, erases, alters, conceals, or damages evidence of an offence in order to prevent the emergence of the truth shall be sentenced to a penalty of imprisonment from six months to five years. No penalty shall be imposed where a person conducts such an act in relation to an offence he has committed or participated in.
- (2) Where this offence is committed by a public officer in the course of his duty the penalty to be imposed shall be increased by one half.
- (3) Where a person submits evidence of an offence, which had been concealed by him, before judgment is passed regarding such offence, the penalty to be imposed according to this article shall be reduced by four fifths.

Laundering of Assets Acquired from an Offence⁵⁴

Article 282

- (1) (Amended on 26/6/2009 - By Article 5 of the Law no. 5918) Where a person conducts any act in relation to an asset, which has been acquired as a result of an offence which carries a minimum penalty of one year imprisonment, in order to transfer such asset abroad or to give the impression that such asset has been legitimately acquired and conceal the illegitimate source of such, shall be subject to a penalty of imprisonment for a term of three to seven years and a judicial fine of up to twenty thousand days.
- (2) (Added on 26/6/2009 - By Article 5 of the Law no. 5918) Any person who, without participation in commission of the offence set out in the above-mentioned paragraph, purchases, accepts, keeps or uses this asset by being aware of its value and such nature shall be subject to a penalty of imprisonment for a term of two to five years.
- (3) Where this offence is committed by a public officer or professional person in the course of his duty then the penalty to be imposed shall be increased one half.

⁵⁴ As per Article 5 of the Law dated 26/6/2009 and no. 5918, paragraph two was added after paragraph one, and other paragraphs were enumerated in this order.

- (4) Where this offence is conducted in the course of the activities of an organisation established for the purpose of committing an offence, the penalty to be imposed shall be doubled.
- (5) Where a legal entity is involved in the commission of this offence it shall be subject to security measures specific to the legal entities
- (6) In relation to the offences defined in this article, no penalty shall be imposed upon a person who directly enables the securing of financial assets, or who facilitates the securing of such assets, by informing the relevant authorities of the location of such before the commencement of a prosecution.

Protecting an Offender

Article 283

- (1) Any person who provides an offender with the opportunity to avoid a search, his detention or arrest, or the enforcement of a judgment against him shall be subject to a penalty of imprisonment for a term of six months to five years.
- (2) Where this offence is committed by a public officer in connection with his duty, the sentence to be imposed shall be increased by one half.
- (3) Where the offence is committed by a direct-antecedent, direct- descendant, spouse, sibling or an accomplice to the offence, no penalty shall be imposed.

Failure to Inform Regarding an Arrested or Convicted Person or Evidence of an Offence

Article 284

- (1) Any person who fails to inform the relevant authority of the whereabouts of a person, while knowing his whereabouts, who is subject to an arrest warrant, or who has been convicted, shall be subject to a penalty of imprisonment for a term of imprisonment of up to one year.
- (2) Any person who fails to inform the relevant authorities of the whereabouts, while knowing its whereabouts, of evidence, related to an offence which has been concealed by others, shall be subject to a penalty in accordance with the provisions of the aforementioned paragraph.
- (3) Where this offence is committed by a public officer in connection with his duty, the sentence to be imposed shall be increased by one half.
- (4) Where the offence is committed by a direct-antecedent, direct-descendent, spouse, sibling or an accomplice to the offence, no penalty shall be imposed.

Breach of Confidentiality

Article 285 (Amended on 2/7/2012 – By Article 92 of the Law no. 6352)

- (1) Any person who publicly breaches the confidentiality of an investigation shall be sentenced to a penalty of imprisonment for a term of one to three years and judicial fine. This offence shall be committed when
 - (a) there is a breach of the right to presumption of innocence or breach of confidentiality of communication or the right to privacy by means of disclosing the content of the action carried out at the investigation stage;
 - (b) the disclosure made concerning the content to the action taken at the investigation stage is such as to hinder the reveal of the material fact.
- (2) Any person who breaches the confidentiality of decisions and subsequent actions carried out pursuant to this decisions which are taken at the investigation stage or required to be kept confidential in respect of those who are party to the investigation

shall be sentenced to a penalty of imprisonment for a term of one to three years and judicial fine.

- (3) Any person who publicly breaches the confidentiality of explanations or images at the hearings required to be held closed by laws or decided to be held closed shall be subject to a penalty in accordance with the paragraph one. However, for breaches of confidentiality in relation to a decision which was taken to protect a witness the breach need not be public.
- (4) Where the offences specified in the above paragraphs are committed by a public officer by availing himself of the facility provided thanks to his profession, the sentence to be imposed shall be increased by one half.
- (5) Where, at the stage of investigation or prosecution, any persons' image is broadcast in a way which could give the impression that they are guilty of an offence, a penalty of imprisonment for a term of six months to two years shall be imposed.
- (6) Reporting the actions carried out during the investigation and prosecution phases as news without exceeding limits set out for reporting shall not constitute an offence.

Recording of Sound or Image

Article 286

- (1) Any person who, without authorization, records, or transfers, audio or visuals arising from the process of investigation or prosecution shall be sentenced to a penalty of imprisonment up to six months.

Genital Examination

Article 287

- (1) Where a person conducts a genital examination or dispatches a person for such, without a decision of an authorized judge or prosecutor, shall be sentenced to a penalty of imprisonment for a term of three months to one year.
- (2) The provision of the aforementioned paragraph shall not apply for examinations which have been carried out in compliance with the provisions of law or decree which are designed to protect the public from contagious disease.

Attempt to Influence a Fair trial

Article 288 (Amended on 2/7/2012 – By Article 93 of the Law no. 6352)

- (1) Any person who, prior to a final verdict which arises as a result of an investigation or prosecution of a particular event, makes a public statement, oral or written, with the aim of unlawfully influencing a public prosecutor, judge, court, expert witness or witness to cause them to render an unlawful decision or perform an unlawful action or give false statement, shall be subject to judicial fine corresponding to at least fifty days

Misuse of Duty to Protect

Article 289

- (1) Any person who conducts a legal transaction in relation to property, which is held as a security, attachment or for any other reason and has been officially placed under his protection, for a purpose other than that for which it has been placed under his protection shall be subject to a penalty of imprisonment for a term of three months to two years, and a judicial fine of up to three thousand days. Where such person is the owner of such property, the penalty to be imposed shall be reduced by one half.
- (2) Where a person returns the property which has been the subject of an offence as defined in paragraph one or reimburses the value of such where return of such is

impossible prior to the commencement of a prosecution, the penalty to be imposed shall be reduced by four fifths.

- (3) Where a person who causes the damage or loss of property, which is held as a security, attachment or for any other reason and has been officially placed under his protection, by failing to exercise due care and attention shall be subject to a judicial fine.
- (4) Any person who uses property, which has been seized as a result of an investigation or prosecution of an offence, for a purpose other than that for which it has been seized, shall be subject to a penalty of imprisonment for a term of up to one year.

Damage or Seizure of Officially Conferred Property

Article 290

- (1) Any person who, once again seizes an immovable property which has been returned to the rightful owner by virtue of a judgment, shall be subject to a penalty of imprisonment for a term of three months to one year.
- (2) Where an immovable property, which is held as a security, attachment or for any other reason and such property has been officially placed under the protection of another person, is taken from such person without his consent, the provisions relating to the offence of theft shall apply. If such property is taken by using force or deception then the provisions relating to the offences of robbery and theft by deception shall apply respectively. Where the offender is the owner of such property, the penalty to be imposed shall be reduced by three quarters.

Entering a Prison or Detention Centre Impersonating Another

Article 291

- (1) Any person who enters a prison or detention centre by impersonating a convicted person, or a person who is subject to a warrant of arrest, shall be subject to a penalty of imprisonment for a term of six months to two years.

Escape of a Convict or Detainee

Article 292

- (1) Any convict or detainee who escapes from a prison, detention centre or custody shall be sentenced to a penalty of imprisonment for a term of six months to one year.
- (2) Where this offence is committed by using force or threat, a penalty of imprisonment for a term of one to three years shall be imposed.
- (3) Where this offence is committed by using a weapon, or with more than one convicts or detainees, the penalty to be imposed according to the aforementioned paragraph shall be doubled.
- (4) Where, during the commission of this offence, the offences of intentional injury on account of its consequences, intentional killing or damaging property are committed, then an additional penalty shall be imposed in accordance with the relevant provisions.
- (5) The provisions stated in this article shall apply to convicts who are working outside a prison or to those whose penalty of imprisonment has been commuted to a judicial fine.
- (6) (Abolished on 29/6/2005 – By Article 33 of the Law no. 5377)

Effective Remorse

Article 293

- (1) If a (...) ⁵⁵ detainee or convict shows effective remorse after his escape and gives himself up, the penalty to be imposed shall be reduced by one sixth to five sixths, depending upon the time between the date of escape and the date of return.

Providing the Opportunity to Escape

Article 294

- (1) Any person who enables a detainee or person under arrest to escape shall be sentenced to a penalty of imprisonment for a term of one to three years.
- (2) Any person who enables a convict to escape from prison shall be sentenced to a penalty of imprisonment for a term of two to five years, depending upon the remainder of the prisoner's sentence to be served. However, if the convict has been sentenced to:
- a) Life imprisonment, he shall be sentenced to a penalty of imprisonment for a term of five to eight years,
 - b) Aggravated life imprisonment, he shall be sentenced to a penalty of imprisonment for a term of eight to twelve years.
- (3) Where this offence is committed with the use of force or threat, then the penalty shall be increased by one third.
- (4) Where a person enables the escape of more than one person, then the penalty to be imposed shall be increased by one third to one fold , depending upon the numbers of escaped persons.
- (5) Where this offence is committed by public officers who have the duty to transfer or secure a detainee, person under arrest or convict, the penalty to be imposed shall be increased by one third.
- (6) Where this offence is committed by a direct antecedents, direct descendent, spouse or sibling the penalty to be imposed shall be reduced by one third.
- (7) Where during the commission of an offence the offence of aggravated intentional injury on account of its consequences, intentional killing or damaging property is committed, then the penalty relating to those offences shall be additionally applied in accordance with the relevant provisions.
- (8) Where a person escapes due to a failure to exercise due care and attention by a public officer assigned to transfer or secure a detainee, person under arrest or convict, a penalty of imprisonment for a term of six months to three years shall be imposed.

Misuse of Duty by a Guard

Article 295

- (1) Where a public officer who is responsible for the transfer and security of a detainee, person under arrest or convict acts contrary to his duty, the provisions related to the offence of misuse of public duty shall be applied.
- (2) Where a person who is responsible for the transfer or security of a detainee, person under arrest or convict gives permission to such a person to leave temporarily from the location they are residing, contrary to his duty, a penalty of imprisonment for a term of six months to two years shall be imposed.

⁵⁵ The term of "those who are under custody" is excluded from the provision by Article 34 of the Law dated 29/6/2005 and no. 34.

- (3) Where a detainee, person under arrest or convict escapes by exploiting this opportunity, the provisions relating to providing the opportunity to escape shall apply.

Rebellion of Convicts or Detainees

Article 296

- (1) Where a convict and detainee rebels with another, then each shall be sentenced to a penalty of imprisonment for a term of six months to three years. This provision shall not be applied if the number of convicts or detainees is not more than three.
- (2) Where other offences are committed during a rebellion, the provisions related to such offences shall be applied in addition.

Conveying Prohibited Items to a Prison or Place of Arrest

Article 297

- (1) Any person who possesses, or conveys a weapon, narcotic drug, psychotropic substance, electronic communication device into a prison or place of arrest shall be sentenced to a penalty of imprisonment for a term of two to five years. If the possession or conveyance of such items constitutes another offence, the penalty to be determined according to the provisions relating to conceptual aggregation shall be increased by one half.
- (2) **(Annulled by the Decision of the Constitutional Court dated 7/7/2011 and Docket no. 2010/69 and Decision no. 2011/116)**
- (3) Where an offence defined in paragraph one or two is committed by a public officer who has the duty to secure a convict or detainee the penalty to be imposed shall be doubled.
- (4) Where a convict or detainee, who uses or possesses an item which is the subject of an offence defined in paragraph one or two, provides information as to how and from whom he obtained such item, the penalty to be imposed shall be reduced by one half

Preventing the Use of Rights and Feeding

Article 298

- (1) Any person who prevents a convict or detainee who is held in a prison or in a place of arrest from communicating, meeting with a visitor, participating in educational or recreational activities conducted in the course of a rehabilitation or educational programme, participating in a cultural, social or skill-based activity or vocational workshop activities, being examined or cured by a physician, appointing or meeting with a lawyer, going to Court or to the office of the public prosecutor; meeting with a public officer, leaving the prison (by any means) although they are free, shall be sentenced to a penalty of imprisonment for a term of one to three years. Any person who encourages, or gives direction to, a convict or detainee to commit such an act or who prevents the use of a right conferred by law upon a convict or detainee in relation to communication and visitation, shall be sentenced to a penalty of imprisonment for a term of one to three years.
- (2) Any person who prevents the feeding of a convict or detainee shall be sentenced to a penalty of imprisonment for a term of two to four years. The following is presumed to constitute the prevention of feeding: encouraging, convincing or directing a convict or detainee to conduct a hunger strike or death fast.
- (3) Where, during the prevention of feeding, any aggravated intentional injury on account of its consequences or death occurs, a penalty according to the provisions relating to intentional injury or intentional killing shall be imposed in addition.

Part 3
Offences against the Symbols of State Sovereignty and the Reputation of its Organs

Insulting the President of the Republic

Article 299

- (1) Any person who insults the President of the Republic shall be sentenced to a penalty of imprisonment for a term of one to four years.
- (2) **(Amended on 29/6/2005 – By Article 35 of the Law no. 5377)** Where the offence is committed in public, the sentence to be imposed shall be increased by one sixth.
- (3) The initiation of a prosecution for such offence shall be subject to the permission of the Minister of Justice.

Degrading the Symbols of State sovereignty

Article 300

- (1) Any person who publicly degrades the Turkish flag by tearing, burning it or similar action shall be sentenced to a penalty of imprisonment for a term of one to three years. This provision is applicable to any insignia which bears the white crescent and star on a red background, as defined in the Constitution, which is used as a symbol of the sovereignty of the State of the Republic of Turkey.
- (2) Any person who publicly degrades the National Anthem shall be sentenced to a penalty of imprisonment for a term of six months to two years.
- (3) Where the offence defined in this article is committed by a Turkish citizen in a foreign country, the penalty shall be increased by one-third.

Degrading Turkish Nation, State of Turkish Republic, the Organs and Institutions of the State⁵⁶

Article 301 (Amended on 30/4/2008 – By Article 1 of the Law no. 5759)

- (1) A person who publicly degrades Turkish Nation, State of the Turkish Republic, Turkish Grand National Assembly, the Government of the Republic of Turkey and the judicial bodies of the State shall be sentenced a penalty of imprisonment for a term of six months to two years.
- (2) A person who publicly degrades the military or security organisations shall be sentenced according to the provision set out in paragraph one.
- (3) The expression of an opinion for the purpose of criticism does not constitute an offence.
- (4) The conduct of an investigation into such an offence shall be subject to the permission of the Minister of Justice.

⁵⁶ The heading of this article "Degrading being a Turk, the Republic, the Organs and Institutions of the State was replaced as noted above by Article 1 of the Law dated 30/4/2008 and no. 5759.

Part 4**Offences against State Security****Disrupting the Unity and Integrity of the State****Article 302**

- (1) **(Amended on 29/6/2005- By Article 36 of the Law no. 5377)** Any person who commits an act to place all, or part, of the territory of the State under the sovereignty of a foreign state or to disrupt the unity of the State or to weaken the independence of the State or to separate part of the territory under the sovereignty of the State from the State administration shall be sentenced to a penalty of aggravated life imprisonment.
- (2) Where any other offences are committed during the commission of this offence, then the relevant provisions relating to the penalties of such offences shall apply additionally.
- (3) Legal entities shall be subject to security measures specific to them for the commission of the offences defined in this article.

Alliance with the Enemy**Article 303**

- (1) Any citizen who accepts serving in the army of a state which is at war with the State of the Republic of Turkey or who participates in an armed struggle for an enemy state against the State of the Republic of Turkey shall be sentenced to a penalty of life imprisonment.
- (2) Any citizen who undertakes a high-ranking office in the army of an enemy State shall be sentenced to a penalty of aggravated life imprisonment.
- (3) Where any other offence is committed during the commission of the offences specified in paragraphs one and two, the relevant provisions for the penalties of such offences shall also apply in addition.
- (4) Citizens who are on the territory of an enemy State in wartime and where an obligation is imposed upon them to serve in the army of that State shall not be subject to a penalty in this regard.

Incitement to War against the State**Article 304**

- (1) Any person who incites the authorities of a foreign state to wage war or conduct hostile movements against the State of the Republic of Turkey or who cooperates with the authorities of a foreign state to that end shall be sentenced to a penalty of imprisonment for a term of ten to twenty years. (Second sentence was abolished on 29/6/2005 – By Article 37 of the Law no. 5377).
- (2) In respect of this article, direct or indirect support to be provided for the organizations established to commit offences against the security of the Turkish State shall be deemed as hostility
- (3) Legal entities shall be subject to security measures specific to them in respect of offences defined in this article.

Benefitting for Performing Activities Against the Fundamental National Interests⁵⁷

Article 305

- (1) **(Amended on 29/6/2005 – By Article 38 of the Law no. 5377)**Any citizen, or non citizen who is present in Turkey, who either directly or indirectly obtains from a non citizen or foreign organization pecuniary benefit for himself, or for another, in return for engaging in activities against the fundamental national interest shall be sentenced to a penalty of imprisonment for a term of three to ten years and to a judicial fine of up to ten thousand days. The same penalty shall be imposed upon any person who provides, or makes a promise of, such benefit.
- (2) **(Amended on 29/6/2005 – By Article 38 of the Law no. 5377)** If the act is committed during wartime, the penalty shall be increased by one half.
- (3) Where the act is not committed in wartime, the prosecution of the offence shall be subject to the permission of the Minister of Justice.
- (4) The phrase of fundamental national interest shall mean independence, territorial integrity, national security and the fundamental principles of the Republic as defined in the Constitution.

Recruitment of Soldiers Against a Foreign State

Article 306

- (1) Any person who, without authorisation, recruits soldiers or engages in other hostile activities against a foreign state in a manner which exposes the Turkish State to the risk of war, shall be sentenced to a penalty of imprisonment for a term of five to twelve years.
- (2) If war occurs as a result of this act, the offender shall be sentenced to life imprisonment.
- (3) If the act is such as to merely impair political relations with the foreign state or to expose the Turkish State or Turkish citizens to the risk of retaliation, the offender shall be sentenced to a penalty of imprisonment for a term of two to eight years.
- (4) If political relations are severed or retaliation takes place, a penalty of imprisonment for a term of three to ten years shall be sentenced.
- (5) The prosecution of the offence referred to in this article shall be subject to the permission of the Minister of Justice.
- (6) The provisions of this article shall not apply to those who establish resistance movements whose objective is self defence against the forces of a foreign country which invades any part or all of the territory of the Turkish State during war time.

Destruction of Military Facilities and Conspiracy which Benefits Enemy Military Movements

Article 307

- (1) Any person who, partially or completely, destroys or temporarily renders unusable land transport vehicles, maritime transport vessels or aircraft, roads, institutions, depots or other military facilities belonging to, or supplied for the services of, the armed forces of the State, notwithstanding that their construction has not yet been completed, shall be sentenced to a penalty of imprisonment for a term of six to twelve years.

⁵⁷ Heading of this article "Performing Activities Against the Fundamental National Interests" was replaced as "Benefitting For Performing Activities Against the Fundamental National Interests" by Article 38 of the Law dated 29/6/2005 and no. 5377.

- (2) The penalty of aggravated life imprisonment shall be imposed:
 - a) where the offence has been committed for the benefit of a state with which Turkey is at war,
 - b) where the offence has jeopardised the Turkish State's preparations for war or its ability and capacity to wage war or its military movements.
- (3) Where a person, who is responsible for the protection and supervision, or is in charge, of buildings, institutions or property as described in paragraph one, causes or facilitates a situation in which items are destroyed or rendered unusable due to his recklessness, he shall be sentenced to a penalty of imprisonment for a term of one to five years.
- (4) Any person who conspires with a non citizen in wartime for the purpose of facilitating the movements of enemy armed forces to the detriment of the Turkish State or of harming the military movements of the Turkish State or who, notwithstanding the absence of conspiracy, commits acts aimed at achieving the same result, shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years.
- (5) If enemy military movements have actually been facilitated or the military movements of the Turkish State have been harmed as a result of the acts described in paragraph four, the offender shall be sentenced to a penalty of aggravated life imprisonment.
- (6) The same penalty shall be imposed on any non citizen with whom the offender of the offences referred to in the fourth and fifth paragraphs conspires.
- (7) The provisions of this article shall also be applicable if the actions stated in the aforementioned paragraphs are committed in Turkey to the detriment of a state with which the Turkish State is jointly participating, or has an alliance, for the purposes of waging war.

Material and Financial Aid to Enemy States

Article 308

- (1) Any citizen who, in wartime, confers, directly or indirectly, to an enemy State any item which could be used to the detriment of the Turkish State in return for benefit, or without benefit, shall be sentenced to a penalty of imprisonment for a term of five to fifteen years. This provision shall also be applicable to a non citizen residing in Turkey.
- (2) The same penalty shall be imposed on a citizen, or a non citizen residing in Turkey, who, in wartime, participates in, or facilitates, a financial transaction of borrowing or making payment, for any reason, which is for the benefit of an enemy state.
- (3) With the exception of the situation described in paragraph one, a citizen or non citizen residing in Turkey who directly, or indirectly, engages in trade with a citizen of an enemy State, irrespective of his whereabouts, or with other persons residing in the territory of an enemy State, to the detriment of the Turkish State or is such as to favourably influence the ability of the enemy State to wage war, notwithstanding that such trade was initiated prior to the war, shall be sentenced to a penalty of imprisonment for a term of two to five years and to a judicial fine of up to ten thousand days.
- (4) The provisions of this article shall also be applied if the actions stated in the aforementioned paragraphs are committed for the benefit of a state which is jointly participating, or has an alliance with, the enemy state for the purpose of waging war.

Part 5
Offences against the Constitutional Order and its Functioning

Violation of the Constitution

Article 309

- (1) Any person who attempts to abolish, replace or prevent the implementation of, through force and violence, the constitutional order of the republic of Turkey shall be sentenced to a penalty of aggravated life imprisonment.
- (2) Where any other offences are committed during the commission of this offence, an additional penalty for such offences shall be imposed according to the relevant provisions.
- (3) Legal entities shall be subject to security measures specific to them for the commission of offences defined in this article.

Assassination of and Physical Attack towards the President

Article 310

- (1) Any person who assassinates the President shall be sentenced to a penalty of aggravated life imprisonment. An attempt of this act shall be subject to the same penalty as if the offence had been completed.
- (2) Any person who otherwise physically attacks the President shall be sentenced to the penalty for the relevant offence which will be increased by one half. However, the penalty to be imposed shall not be less than five years.

Offence Against a Legislative Body

Article 311

- (1) Any person who attempts, by use of force and violence, to abolish the Turkish Grand National Assembly or to prevent, in part or in full, the fulfilment of the duties of the Turkish Grand National Assembly, shall be sentenced to a penalty of aggravated life imprisonment.
- (2) Where any other offence is committed during the commission of this offence, an additional penalty shall be imposed according to the relevant provisions.

Offences against the Government

Article 312

- (1) Any person attempting, by the use of force and violence, to abolish the government of the Republic of Turkey or to prevent it, in part or in full, from fulfilling its duties, shall be sentenced to a penalty of aggravated life imprisonment.
- (2) Where any other offence is committed during the commission of this offence, an additional penalty shall be imposed according to the relevant provisions.

Armed Revolt against the Government of Turkish Republic

Article 313

- (1) Any person who provokes the citizens to engage in armed revolt against the Government of the Turkish Republic shall be sentenced to a penalty of imprisonment for a term of fifteen to twenty years. If such revolt occurs, then the person who provoked

the revolt shall be sentenced to a penalty of imprisonment for a term of twenty to twenty-five years.

- (2) Any person who commands an armed revolt against the Government of the Turkish republic shall be sentenced to a penalty of aggravated life imprisonment. Any other person who participates in the revolt shall be sentenced to a penalty of imprisonment for a term of six to ten years.
- (3) Where the offences in paragraphs one and two are committed by taking advantage of the fact that the Turkish State is at war, a penalty of aggravated life imprisonment shall be imposed.
- (4) Where any other offence is committed alongside the offences described in paragraphs one and two, an additional penalty shall be imposed according to the relevant provisions.

Armed Organisation

Article 314

- (1) Any person who establishes or commands an armed organisation with the purpose of committing the offences listed in parts four and five of this chapter, shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years.
- (2) Any person who becomes a member of the organisation defined in paragraph one shall be sentenced to a penalty of imprisonment for a term of five to ten years.
- (3) Other provisions relating to the forming of an organisation in order to commit offences shall also be applicable to this offence.

Supplying Arms

Article 315

- (1) Any person who manufactures, purchases, transports, stores, or imports arms knowing that they are to be used in the activities of the organisations, defined in the aforementioned article, in the course of their activities, shall be sentenced to a penalty of imprisonment for a term of ten to fifteen-years.

Agreement to Commit an Offence

Article 316

- (1) Where two or more persons make an agreement to commit any one of the offences listed in parts four and five of this chapter by using appropriate means, a penalty of imprisonment for a term of three to twelve years shall be imposed, depending upon the gravity of the offence.
- (2) No penalty shall be imposed upon any person who severs any alliance before the commission of an offence or commencement of an investigation.

Part 6

Offences against National defence

Usurping Military Command

Article 317

- (1) Any person who undertakes the command of a military institution, naval fleet, war ship, air fighter fleet, fortress, fortified zone, military base, military plant, port or city, where he is not legally authorized, or assigned, to carry out such duty by the State, shall be sentenced to a penalty of life imprisonment.

- (2) The same penalty shall be imposed upon any officer who has been assigned to undertake duties of command by the State, or are legally authorized to hold such office, but do not obey the orders given by the authorized to leave such command.

Discouraging People from Performing Military Service

Article 318

- (1) **(Amended on 11/4/2013 – By Article 13 of the Law no. 6459)** Any person who encourages, or uses repetition which would cause the persons to desert or have the effect of discouraging people from performing military service, shall be sentenced to a penalty of imprisonment for a term of six months to two years.
- (2) Where the act is committed through the press or broadcasting, the penalty shall be increased by one half.

Encouraging Soldiers to Disobey

Article 319

- (1) Any person who directs or provokes military personnel, or other persons holding office under the authority of the military administration, to disobey the law or to break their oath or to fail to observe military discipline or to neglect their duties relating to military service and persons who, in front of military personnel, praise, or state that they approve of, actions which violate the law or oaths or discipline or other duties shall be sentenced to a penalty of imprisonment for a term of one to three years.
- (2) Where the act is committed in public, a penalty of two to five years imprisonment shall be imposed.
- (3) Where the act is committed in wartime, the penalty shall be doubled.

Enlistment of Soldiers in Foreign Service

Article 320

- (1) Any person who recruits a citizen resident in Turkey, or who arms a citizen in order to serve or work in favour of a foreign country, or a non citizen, without the permission of the government shall be sentenced to a penalty of imprisonment for a term of three to six years.
- (2) The penalty to be imposed shall be increased by one third if there are soldiers or persons who have already attained military age among those recruited or armed in said manner.
- (3) Any person who accepts the service described in paragraph one shall be sentenced to a penalty of imprisonment for a term of one to three years.

Disobeying Orders in a Time of War

Article 321

- (1) Any person who knowingly disobeys a decision or order given by an authorized body or authorised offices of the State during wartime shall be sentenced to a penalty of imprisonment for a term of one to six years.

Obligations during Wartime

Article 322

- (1) Any person who fails, during wartime, partly or fully, to discharge his contractual obligations with the State or a public institution or any institution that satisfies the needs of the public or provides a public service, where such obligations require him to supply an item or carry out work, with the aim of satisfying the needs of the public or military forces of the State, shall be sentenced to a penalty of imprisonment for a term of three to ten years and judicial fine of up to ten thousand days.
- (2) Where the breach of obligations, partly or fully, is due to recklessness, there may be a reduction in penalty up to three quarters.
- (3) Where the failure to discharge obligations, partly or fully, is caused by an intermediary agent, which has a contractual relationship with the principal supplier, or their representatives, then the same penalty shall apply to them.
- (4) The aforementioned persons who commit fraudulent acts during the discharge of their obligations during war-time, shall be sentenced to a penalty of imprisonment of up to fifteen years and a judicial fine of up to ten thousand days.

Dissemination of false Information in Wartime

Article 323

- (1) A person who, in wartime, disseminates or broadcasts, false, exaggerated, or specifically focused news or information which is intended to cause public concern and alarm or to shake the morale of the people or diminish the country's resistance to the enemy or who carries out any activity which could damage the fundamental national interest shall be sentenced to a penalty of imprisonment for a term of five to ten years.
- (2) If the act:
 1. has been committed through propaganda;
 2. has been aimed at military personnel; or
 3. has been the result of an agreement with a non citizen;the penalty shall be imprisonment for a term of ten to twenty years.
- (3) If the act has been committed as the result of an agreement with the enemy, a penalty of life imprisonment shall be imposed.
- (4) A person who, in wartime, carries out actions aimed at causing the depreciation of foreign currency or to influence the value of public bonds in a manner which would jeopardize national resistance to the enemy, shall be sentenced to a penalty of imprisonment for a term of five to ten years and to a judicial fine of up to three thousand days.
- (5) If the act referred to in paragraph four has been committed as a result of an agreement with a non citizen, the penalty shall be increased by one half, and if it is the result of a conspiracy with the enemy, the penalty shall be doubled.

Failure in the Performance of a Duty During Mobilization

Article 324

- (1) Any public officer who fails to perform, or delays such performance of his duty in relation to mobilization during peace time shall be sentenced to a penalty of imprisonment for a period of six months to three years.

Acceptance of Title and Similar Awards from the Enemy

Article 325

- (1) A citizen who accepts an academic degree or honour, title, medal or other honorary rank from a country at war with Turkey, or receives a salary or any other benefit in connection with such titles shall be sentenced to a penalty of imprisonment for a term of one to three years.

Part 7

Offences Against State Confidentiality and Espionage

Documents Relating to State Security

Article 326

- (1) Any person who, partially or completely, destroys or damages documents or certificates relating to the security, or domestic or foreign political interests of the State, or who falsifies, steals or, by deception, removes them or makes use of them, even temporarily, outside their assigned place, shall be sentenced to a penalty of imprisonment for a term of eight to twelve years.
- (2) If the aforementioned acts are committed during wartime or jeopardise the State's preparations for war or its effectiveness in war or its military movements, the penalty of life imprisonment shall be imposed.

Securing Information relating to State Security

Article 327

- (1) Any person who secures information that, due to its nature, is to be kept confidential for reasons relating to the security, or domestic or foreign political interests of the State shall be sentenced to a penalty of imprisonment for a term of three to eight years.
- (2) If the act has been committed in wartime or has jeopardised the State's preparations for war or effectiveness in war or military movements, a penalty of life imprisonment shall be imposed.

Political or Military Espionage

Article 328

- (1) A person who secures information that, due to its nature, must be kept confidential for reasons relating to the security or domestic or foreign political interests of the State, for the purpose of political or military espionage, shall be sentenced to a penalty of imprisonment for a term of fifteen to twenty years.
- (2) In the offence is committed:
 - a) to serve the interest of a country at war with Turkey, or
 - b) During wartime or such that it jeopardises the State's preparations for war or effectiveness in war or its military movements,the offender shall be sentenced to a penalty of aggravated life imprisonment.

Disclosure of Information Relating to the Security and Political Interests of the State

Article 329

- (1) Any person who discloses information that, due to its nature, must be kept confidential for reasons relating to the security, or domestic or foreign political interests of the State shall be sentenced to a penalty of imprisonment for a term of five to ten years.

- (2) If the act has been committed during wartime or has jeopardised the State's preparations for war, effectiveness in war or its military movements, the offender shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years.
- (3) If the act has been the result of recklessness on the part of the offender, the offender shall be sentenced to a penalty of imprisonment for a term of six months to two years in circumstances described in paragraph one and for a term of three to eight years in any of the circumstances described in paragraph two.

Disclosure of Information Which Must be Kept Confidential

Article 330

- (1) Any person who, for the purpose of political or military espionage, discloses information that, due to its nature, must be kept confidential for reasons relating to the security or domestic or foreign political interests of the State shall be sentenced to a penalty of life imprisonment.
- (2) If the act has been committed in wartime or has jeopardized the State's preparations for war or effectiveness in war or its military movements, the offender shall be sentenced to a penalty of aggravated life imprisonment.

International Espionage

Article 331

- (1) Any Turkish citizen, who, for the purposes of political or military espionage designed for the benefit of a foreign State, secures information that, due to its nature, must be kept confidential for reasons relating to the security, or domestic or foreign political interests of another foreign State; or a non citizen who secures such information while in Turkey shall be sentenced to a penalty of imprisonment for a term of one to four years.

Entering Military Zones

Article 332

- (1) Any person who secretly, or by deception, trespasses upon land which is restricted by virtue of the State's military interest, shall be sentenced to a penalty of imprisonment for a term of two to five years.
- (2) Where this offence is committed during war time, the offender shall be sentenced to a penalty of imprisonment for a term of three to eight years.

Exploitation of State Secrets and Disloyalty in Government Services

Article 333

- (1) Any person who uses any knowledge, which has been obtained by virtue of holding a public office, of scientific explorations, new discoveries or industrial innovations, either for his or another's benefit, and such information is to be kept confidential for State security, shall be sentenced to a penalty of imprisonment from five years to ten years and judicial fine up to three thousand days.
- (2) Where the act is committed to serve the interest of a country at war with Turkey, or places the State's preparations for war, effectiveness in war or its military movements in jeopardy, the offender shall be sentenced to a penalty of life imprisonment.
- (3) Where a person who is assigned to an official duty in a foreign country by the Turkish State performs disloyally and potentially causes damage by such actions shall be sentenced to a penalty of imprisonment for a term of five to ten years.

- (4) Any person who, becoming aware of an offence defined in this article before it is committed, fails to notify the authorities in time, shall be sentenced to a penalty of imprisonment for a term of six months to two years, even if the offence is at the stage of attempt.

Securing Prohibited Information

Article 334

- (1) Any person who secures information that, due to its nature, must be kept confidential and the disclosure of such has been prohibited by a regulatory act of a competent authority in accordance with the law shall be sentenced to a penalty of imprisonment for a term of one to three years.
- (2) Where this act jeopardizes the State's preparations for war, its effectiveness in war or its military movements, the offender shall be sentenced to a penalty of imprisonment for a term of five to ten years.

Securing Prohibited Information for Espionage

Article 335

- (1) Any person who secures information, for the purpose of military or political espionage, which, due to its nature, must be kept confidential and the disclosure of which is also prohibited by a regulatory act of a competent authority in accordance with the law, shall be sentenced to a penalty of imprisonment for a term of eight to twelve years.
- (2) Where the offence is committed to serve the interest of a country at war with Turkey, or the act jeopardizes the State's preparations for war, its effectiveness in war or its military movements then the offender shall be sentenced to a penalty of aggravated life imprisonment.

Disclosure of Prohibited Information

Article 336

- (1) Any person who discloses information which, due to its nature, must be kept confidential and the disclosure of which is also prohibited by a regulatory act of a competent authority in accordance with the law shall be sentenced to a penalty of imprisonment for a term of three to five years.
- (2) Where the act has been committed during wartime or has jeopardized the State's preparations for war, its effectiveness in war or its military movements, the offender shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years.
- (3) Where the act has been the result of recklessness on the part of the offender, the offender shall be sentenced to a penalty of imprisonment for a term of six months to two years in circumstances described in paragraph one and for a term of three to eight years in the circumstances described in paragraph two.

Disclosure of Prohibited Information for Political or Military Espionage

Article 337

- (1) Any person who discloses information, for the purpose of military or political espionage, which due to its nature, must be kept confidential and the disclosure of which is also prohibited by a regulatory act of a competent authority in accordance with the law, shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years.
- (2) Where the act is committed during wartime or jeopardizes the State's preparations for war, its effectiveness in war or its military movements, the offender shall be sentenced to a penalty of aggravated life imprisonment.

Espionage through Recklessness

Article 338

- (1) Where the offences defined in this part are committed, or facilitated, due to a failure of exercising due care and attention, the offender who acted recklessly shall be sentenced to a penalty of imprisonment for a term of six months to three years.
- (2) If the act is committed during wartime, or jeopardizes the State's preparations for war or effectiveness in war or military movements, the offender who acted recklessly shall be sentenced to a penalty of imprisonment for a term of three to eight years.

Possession of Documents Concerning State Security

Article 339

- (1) Any person who has been found in possession of documents, or other items similar in nature, or items specifically designed to assist in securing such material, without reasonable excuse, and where such information, due to its nature, must be kept confidential and where disclosure of such has been prohibited by a competent authority or where such information, due to its nature, needs to be kept confidential on account of the security or domestic or foreign interests of the State, shall be sentenced to a penalty of imprisonment for a term of one to five years.
- (2) Where an offence is committed during war time, the offender shall be sentenced to a penalty of imprisonment for a term of three to eight years.

Part 8

Offences Against Relations With Foreign Countries

Offences Against the Head of a Foreign State

Article 340

- (1) The penalty to be imposed on a person who commits any offence against the head of any foreign state shall be increased by one eighth. Where the offence requires a penalty of life imprisonment, the penalty of aggravated life imprisonment shall be imposed.
- (2) If the investigation and prosecution of the act committed is subject to an official complaint, then the commencement of an investigation and prosecution shall be subject to the making of a complaint by a foreign state.

Offences Against the Flag of a Foreign State

Article 341

- (1) Any person who publicly defames an officially flying flag of a foreign state or other symbol of its sovereignty shall be sentenced to a penalty of imprisonment for a term of three months to one year.
- (2) The commencement of an investigation and prosecution for this offence shall be subject to a complaint by the relevant state.

Offences Against the Representative of a Foreign State

Article 342

- (1) Any person who is a temporary or permanent representative of a foreign state in Turkey, or is part of such person's diplomatic staff or a person representing an international institution (and their staff) who has diplomatic privileges and immunity shall be considered as if they were public officers in relation to any offence committed against them as a result of their duty, and any person who commits such an offence shall be subject to a penalty according to the relevant provisions of this Code.

- (2) Where the offence committed is insult, the commencement of investigation and prosecution shall be subject to victim's complaint.

Reciprocal Conditions

Article 343

- (1) The application of the provisions in this part depends on a reciprocal application in the related country.

Part 9

Final Provisions

Temporary Article 1 – (Added on 11/4/2013 – By Article 14 of the Law no. 6459)

- (1) Decision of non-jurisdiction cannot be rendered in respect of cases being heard on account of the amendment made to Article 235 of this Code by the Law setting out this Article.

Entering into Force

Article 344

- (1) a) Article 184 of this Law under the heading "Pollution Caused by Construction" shall enter into force on the date of publication;
b) Paragraph one of Article 181 under the heading "Intentional Pollution of the Environment" and paragraph one of Article 182 under the heading "Pollution of the Environment due to Recklessness" shall enter into force two years after the date of publication,
c) All other provisions shall enter into force on 1 June 2005.⁵⁸

Execution

Article 345

- (1) Provisions of this Law shall be executed by the Council of Ministers.

⁵⁸ The date "1 April 2005" specified in this Article was replaced as "1 June 2005" by Temporary Article 1 of the Law dated 31/3/2005 and no. 5328.