

SUBMISSION BY THE REPUBLIC OF TÜRKİYE ON “PREVENTION AND REPRESSION OF PIRACY AND ARMED ROBBERY AT SEA”

1. Türkiye is not a party to the United Nations Convention on the Law of the Sea (UNCLOS) and ensures that its legal position in the context of UNCLOS is not prejudiced by making a national statement/ explanation of position at the relevant multilateral meetings.

2. Türkiye has signed the “Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation” of 1988 (hereinafter the “SUA Convention”) and “the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf” of 1988, with the following reservation:

“the Government of the Republic of Türkiye, under the Article 16(2) of the Convention has declared that it does not consider itself bound by the provisions of paragraph (1) of the Article 16 of the Convention.”

Both of these international instruments entered into force on 4 June 1998, for Türkiye.

3. Türkiye also has signed the following instruments:

- “2005 Protocol to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation” (hereinafter the “2005 Additional Protocol to SUA Convention”), which entered into effect on 17 October 2010;

- “2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf”, which entered into effect on 19 September 2019.

4. Moreover, Türkiye became a party to the following additional conventions and protocols, provided in the list annexed to the SUA Convention by the 2005 Additional Protocol to SUA Convention, which have become effective for Türkiye on the dates indicated below:

- Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970 (on 17 May 1973);

- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971 (on 23 December 1975);

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973 (on 11 June 1981);

- International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979 (on 15 August 1989);

- Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979 (on 27 February 1985);

- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988 (on 7 July 1989);

- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988 (as mentioned above, 4 June 1998);

- International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997 (on 30 May 2002);

- International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999 (on 28 June 2002).

5. Provisions of the Turkish Penal Code No. 5237 on relevant categories of offences and jurisdiction thereon, are provided below.

- Paragraph (3) or Article 152 titled “Qualified form of damage to property” reads:

(3) Where public services in communication, energy or railway or airway access temporarily come to a halt as a result of the offence of 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.

- Article 223 titled “Stealing and confiscation of transportation vehicles” embodies a qualified offence category in paragraph (2):

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

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

...”

- Paragraph 2 of Article 8 titled “Application in respect of location” provides:

“(2) If the offence is committed;

a) in the Turkish territory, or airspace or Turkish territorial waters,

b) in open seas and the space extending above these waters, and in/with the Turkish maritime and air vehicles,

c) in/with Turkish war ships and combat aircrafts,

d) in or against the stationary platforms constructed in the continental shelf or exclusive economic zone of Türkiye, then this offence is assumed to have been committed in Türkiye.”

- Sub-paragraph (i) of Paragraph 1 of Article 13 titled “Other offences” reads:

“(1) Turkish laws are applied in case of commitment of following offences by the citizens or foreigners in a foreign country:

...

i) Confiscation or hijacking of maritime, air or railway vehicles (Article 223, paragraphs 2 and 3), or offences committed with the intention to damage these vehicles (Article 152).

...”

6. Türkiye’s relationship with other states in terms of general judicial assistance, including extradition and transfer of sentenced persons and transfer of criminal investigation and prosecution, are embodied in the Law No. 6706 on “International Legal Cooperation in Criminal Matters” as well as bilateral and multilateral agreements prepared within international organizations.

7. Türkiye supported the UN Security Council resolutions adopted between 2008 and 2021, regarding measures for countering piracy and armed robbery off the coasts of Somalia, in Gulf of Aden, Arabian Sea and adjacent seas. In this regard, Türkiye has participated in the work of the “Contact Group on Piracy off the Coast of Somalia” (CGPCS), established by Security Council Resolution 1851 (2008) as a “founding member”.

- In accordance with the Security Council resolutions, Turkish Grand National Assembly has commissioned the Turkish Navy in the said region with its Decision dated 10 February 2009 and no. 934 (and further extended such mission by one-year terms under Decision dated 2 February 2010 and no. 956, Decision dated 7 February 2011 and no. 984, Decision dated 25 January 2012 and no.1008, Decision dated 5 February 2013 and no. 1031, Decision dated 16 January 2014 and no. 1054, Decision dated 3 February 2015 and no. 1082, Decision dated 9 February 2016 and no. 1107, Decision dated 8 February 2017 and no. 1136, Decision dated 7 February 2018 and no. 1179, Decision dated 5 February 2019 and no. 1207, Decision dated 5 February 2020 and no. 1241, Decision dated 26 January 2021 and no. 1276, Decision dated 2 February 2022 and no. 1315) in order to effectively maintain the security of Turkish-flagged or Turkish-affiliated commercial vessels, to actively participate in the international community’s joint efforts related to the countering of piracy, armed robbery and terrorism at sea, to contribute to the humanitarian aid activities in the region as well as to enhance its operation capacity and experience in the region. This also ensured support for national policies on cooperation with relevant countries.

- Turkish Navy has contributed to NATO’s Operation Ocean Shield (CTF-508), which took place between 17 August 2009 and 24 November 2016, periodically contributed to the Combined Maritime Forces’ (CMF) Combined Task Force (CTF)- 151 since 17 February 2009 by deploying navy frigates/ships, and appointed personnel at CMF headquarters in Bahrein/Manama. Türkiye assumed the command of CTF-151 for six times, namely; between 03 May - 13 August 2009, 1 September - 1 December 2010, 19 September - 13 December 2012, 27 August - 21 December 2015, 29 June – 2 November 2017 and 25 June -10 December 2020.

-Most recently, the Turkish Grand National Assembly has adopted a decision regarding the deployment of the Turkish Navy forces to assist efforts as to countering piracy and armed robbery off the coasts of Somalia, in Gulf of Aden, Arabian Sea and adjacent seas, outside the territorial waters of the countries in the Region, for a period of one year since 10 February 2023.