

CXXI. TURKEY¹⁹⁹

SUMMARY OF LEGISLATION OF TURKEY RELATED TO TERRORISM

(a) Penal Code

According to article 5 of the Turkish Penal Code, sentences pronounced for those who commit the crimes mentioned in various articles of the Turkish Penal Code are aggravated by one-half for both the freedom-restricting and monetary sanctions, when those crimes are committed for terrorist purposes.

Article 314 provides for prison sentences up to one year for supplying food and shelter, weapons or ammunition to organizations established with the purpose of committing crimes.

Article 168: "Whoever establishes armed societies and bands or undertakes the duty of chieftain or command or any particular duty in such societies or bands, with the purpose of committing the crimes defined in articles 125, 131, 146, 147, 149 and 156, shall be punished by heavy imprisonment for not less than fifteen years. Other members of such society or band shall be punished by heavy imprisonment for ten to fifteen years."

Article 169: "Whoever, in circumstances other than prescribed in Articles 64 and 65, knowingly gives shelter, assistance, provisions, arms or ammunition to such a society or a band, or facilitates their actions, shall be punished by heavy imprisonment for three to five years."

(b) Law on the Prevention of Money Laundering No: 4208

According to the definition in article 2 of the Law on the Prevention of Money Laundering, dirty money means money and legal instruments, property and proceeds derived from any activity in:

- The Law No. 1918 on the Prevention and Follow-up of Smuggling
- The Law No. 6136 on Firearms and Knives

¹⁹⁹ Transmitted to the Secretariat by that Government on 27 December 2001 (S/2001/1304, enclosure), on 16 August 2002 (S/2002/948, enclosure) and on 25 August 2003 (S/2003/856, enclosure). Information was also provided in respect of the following: Regulation on the Implementation of Law on the Prevention of Money Laundering No:4208; the Code of Criminal Procedure; Law Nr. 6136 on the Firearms, Knives and other Similar Tools; Law Nr. 2860 on the Collection of Charitable Donations; Law Nr. 3763 on the Control of Private Industrial Enterprises Producing War Weapons, Vehicles, Equipment and Ammunition; the Law Nr. 2845 on the Establishment and Trial Procedures of State Security Courts; the Law Nr. 2935 on State Emergency.

- The Law No. 2238 on the Removal, Preservation and Transplantation of Organs and Tissues
- The Law No. 2863 on the Protection of Cultural and National Values
- Subparagraph (b) of Article 359 of the Law No. 213 on Taxation
- Procedures**
- Turkish Penal Code (TPC) Articles 125-173 – Felonies Against the State
- TPC – Article 179 – Felonies Against Personal Liberty
- TPC – Article 192 – Blackmail and Extortion
- TPC – Article 264 – Illegal Production of Arms and Explosives
- TPC – Article 316 – Counterfeiting of Currency, Public Bonds and Valuable Seals
- Valuable Seals**
- TPC – Article 317 – Undermining the Value of Money
- TPC – Article 318 – Importation, Purchase, Acceptance or Possession Forged Currency
- Forged Currency**
- TPC – Article 319 – Causing the Depreciation of Turkish or Foreign Currency or Endangering the Credibility of Turkey or another country by Counterfeiting
- TPC – Article 322 – Counterfeiting or Damaging Valuable Seals
- TPC – Article 325 – Counterfeiting Public Transportation Tickets
- TPC – Article 332 – Forging, Altering or Importing Valuable Seals
- TPC – Article 333 – Misuse of Counterfeiting of Official Seals and Other Instruments Used in Validation
- Other Instruments Used in Validation**
- TPC – Article 335 – Sale, Purchase or Acquisition of Forged Articles
- TPC – Article 339 – Forgery on Official Documents by Public Officials
- TPC – Article 341 – Forgery on Copies of Official Documents by Public Officials
- Officials**
- TPC – Article 342 – Forgery by Other People on Official Documents
- TPC – Article 345 – Forgery on Private Documents
- TPC – Article 350 – Forgery on Identification Cards, Identity Papers, Passports and Permits
- Passports and Permits**
- TPC – Article 403 – Manufacturing, Importing, Exporting, Sale, Purchase, Acquisition and Transportation of Drugs: Organizing a Group or Using Children or Persons Who Do Not Carry Criminal Liability for These Purposes
- Purposes**
- TPC – Article 404 – Consuming Drugs or Facilitating the Consumption of Drugs
- of Drugs**
- TPC – Article 406 – Commission of These Offences by Doctors, Veterinarians, Pharmacists, Dentists, Midwives or Nurses
- TPC – Article 435 – Instigating Minors Under the Age of 15 to Prostitution
- Prostitution**
- TPC – Article 436 – Forcing to Prostitution
- TPC – Article 495 – Pillage
- TPC – Article 496 – Compelling a Person to Deliver, Sign or Destroy a Valid Document by the Use of Force, Violence or Threat
- Valid Document by the Use of Force, Violence or Threat**
- TPC – Article 497 – Commission of the Offence Mentioned in Article 496 by Using Arms
- 496 by Using Arms**
- TPC – Article 498 – Forcing a Person to Give or Send Money or Other Valuables by Threatening or by Presenting a Forged Government Order

- TPC – Article 499 – Kidnapping
- TPC – Article 500 – Conveying Correspondence with regard to the Offence in Article 499
- TPC – Article 504 – Fraud
- TPC – Article 506 – Fraudulent Bankruptcy

Article 7: "... If dirty money is derived from offences of terrorism or from smuggling of substances or materials whose export or import is prohibited or if the offence is committed in order to obtain financial sources for the commission of terrorist offences, the term of imprisonment referred to in the paragraph above shall not be less than four years".

(c) Law on the Prevention of Benefit-Oriented Criminal Organizations, No: 4422

Article I: Those who set up or manage or act on behalf of or wittingly serve such organizations in order to directly or indirectly take control of the management and administration of an institution, establishment or enterprise; in order to take control of or influence public services, media, proceedings of bids, concessions and licenses; in order to cause scarcity or to increase or decrease prices; in order to ensure unfair gains; in order to gain votes in elections or to prevent elections by using or threatening to use force; in order to compel persons to be dependent on themselves; in order to commit crimes by implicitly or explicitly intimidating and cowing people in collaboration with the other members of the organization shall be sentenced to heavy imprisonment for three to six years.

As distinct from the crimes listed above, being a member of such an organization constitutes a crime subject to heavy imprisonment for two to four years.

If this organization is armed, the sentence shall be increased from one third to half. If arms and explosives have been prepared or possessed to achieve the organization's aims, the organization shall be deemed to be armed, no matter whether an armed activity has taken place or not.

If the offender is a government official or a civil servant, then the sentence shall be increased from half to double.

The article shall also apply to the open or clandestine organizations the purposes of which are the same as those of organizations described above and that use methods of intimidation, frightening or menacing.

Making the propaganda of such organizations through all written, audio or virtual media means is also a punishable crime under this article.

Article 6: Without prejudice to the provisions of the Law 4208 (Law on the Prevention of Money Laundering), a decision may be taken during investigations to confiscate all movable or immovable assets of persons who are

strongly suspected of having committed crimes mentioned under article I of the present law and to prohibit totally or partially their exercise over rights and claims, including rented vaults, in banks or non-banking institutions and other real or corporate bodies; to invest such assets a depository location; and to take additional measures for the administration of property, commercial papers, cash or other values.

Investigations and examinations concerning the case and proceedings to determine or appraise the amount or value of the property stated in the paragraph above shall be carried out by the Financial Crimes Investigation Board of the Ministry of Finance both domestically and abroad upon the request of the Public Prosecutor.

When it is apparent that the property mentioned in the first paragraph is legitimate, then the decision of seizure shall not be taken and if a decision of seizure has already been taken, it shall be nullified.

In case that the accused be found guilty, the property pertaining to this case shall be confiscated

According to article 16 of the above-mentioned law, this measure is also applied for offences falling within the scope of the Law on Fight Against Terrorism.²⁰⁰

²⁰⁰ The text of the Law on Fight Against Terrorism is reproduced in Part I of National Laws and Regulations on the Prevention and Suppression of International Terrorism, United Nations Legislative Series (ST/LEG/SER.B/22).