

TURKISH CRIMINAL CODE 1

Law No. : 5237 Date of Adoption : 26/9/2004 Official Gazette in which Published : Date : 12/10/2004 Issue : 25611 Düstur in which Published : Tertip : 5 Volume : 43

FIRST BOOK General Provisions

FIRST PART Basic Principles, Definitions and Scope of Application

FIRST CHAPTER Basic Principles and Definitions Purpose of the Criminal Code

Article 1- (1) The purpose of the Criminal Code is to protect the rights and freedoms of individuals, public order and security, the rule of law, public health and the environment, and social peace, and to prevent the commission of offences. The fundamental principles of criminal liability and the types of offences, penalties and security measures are regulated in the Code for the realisation of this purpose.

Principle of legality in offences and penalties

Article 2- (1) No penalty may be imposed on any person, nor may a security measure be applied, for an act not expressly defined as an offence by law. No penalty or security measure other than those written in the law may be imposed. (2) Offences and penalties may not be established by regulatory acts of the administration. (3) In the application of provisions of laws containing offences and penalties, analogy may not be applied. Provisions containing offences and penalties may not be interpreted extensively in a manner that would lead to analogy.

Principle of justice and equality before the law

Article 3- (1) A penalty and security measure proportionate to the gravity of the offence committed shall be imposed on the person who has committed the offence. (2) In the application of the Criminal Code, no distinction shall be made between persons on grounds of race, language, religion, sect, nationality, colour, sex, political or other opinion or thought, philosophical belief, national or social origin, birth, economic or any other social status, and no privilege shall be granted to any person.

1 For the entry into force and the manner of application of this Code, and for references to the Turkish Criminal Code No. 765 made in various legislation, see Law No. 5252 dated 4/11/2004.

Binding force of the law

Article 4- (1) Ignorance of the criminal laws is not accepted as an excuse. (2) (Repealed : 29/6/2005 – Article 1 of Law No. 5377)

Relationship with special laws

Article 5- (1) The general provisions of this Code shall also apply to offences defined in special criminal laws and in laws containing penalties.

Definitions

Article 6- (1) In the application of the criminal laws; a) The term "citizen" shall mean a person who is a Turkish citizen at the time of commission of the act, b) The term "child" shall mean a person who has not yet completed the age of eighteen, c) The term "public official" shall mean a person who participates in the conduct of public activity by way of appointment or election, or in any manner whatsoever, on a permanent, fixed-term or temporary basis, d) The term "person performing judicial duties" shall mean the members and judges of the high courts, the judicial and administrative courts, as well as public prosecutors and attorneys, 2

e) The term "night-time" shall mean the period of time beginning one hour after sunset and continuing until one hour before sunrise, f) The term "weapon" shall mean; 1. Firearms, 2. Explosive substances, 3. Any cutting, piercing or bludgeoning instrument made for use in attack and defence, 4. Other objects that are suitable for actual use in attack and defence, even if not made for the purpose of attack and defence, 5. Nuclear, radioactive, chemical and biological

substances that are combustible, corrosive, injurious, suffocating, poisonous or cause permanent illness, g) The term "by means of press and publication" shall mean publications made through all kinds of written, visual, audio and electronic mass communication tools, h) The term "habitual offender" shall mean a person who commits, more than twice and at different times within one year, the basic form of an intentional offence or its aggravated or mitigated forms requiring a heavier or lighter penalty, i) The term "person who makes offending his profession" shall mean a person who has become accustomed to providing his livelihood, in part or in whole, from the proceeds derived from offences, j) The term "offender who is a member of an organisation" shall mean a person who establishes or manages a criminal organisation, or who becomes a member of the organisation, or who commits offences in the name of the organisation, together with others or alone, shall be understood.

2 By Article 156 of Decree-Law No. 700 dated 2/7/2018, the phrase "and judicial, administrative and military" in this paragraph has been amended to read ", judicial and administrative".

SECOND CHAPTER Scope of Application of the Law Application in respect of time

Article 7- (1) No penalty may be imposed on any person, nor may a security measure be applied, for an act which is not considered an offence under the law in force at the time of its commission. Nor may any person be penalised, nor may a security measure be applied, for an act which is not considered an offence under a law entering into force after its commission. If such a penalty or security measure has been imposed, its execution and its legal consequences lapse ipso facto. (2) Where the provisions of the law in force at the time of the commission of the offence and the laws subsequently entering into force differ, the law in favour of the perpetrator shall apply and be executed. (3) (Amended : 29/6/2005 – Article 2 of Law No. 5377) Provisions relating to the execution regime shall apply immediately, except those concerning the deferment of imprisonment, conditional release and recidivism. (4) Temporary or fixed-term laws shall continue to be applied to offences committed during the period of their validity.

Application in respect of place

Article 8- (1) Turkish laws shall apply to offences committed in Turkey. An offence shall be deemed to have been committed in Turkey where the act is committed in part or in whole in Turkey, or where the result occurs in Turkey. (2) Where the offence; a) is committed within Turkish land and air territories and in Turkish territorial waters, b) is committed on the high seas and in the airspace above, on or by means of Turkish sea and air vessels, c) is committed on or by means of Turkish naval and air warships, d) is committed on or against fixed platforms established on the continental shelf or in the exclusive economic zone of Turkey, it shall be deemed to have been committed in Turkey.

Rendering of judgment in a foreign country

Article 9- (1) A person against whom a judgment has been rendered in a foreign country for an offence committed in Turkey shall be retried in Turkey.

Offences relating to office

Article 10- (1) A person who has assumed an office or duty on behalf of Turkey in a foreign country and who commits an offence in connection therewith shall be retried in Turkey, even if a judgment of conviction has been rendered against him in the foreign country in relation to this act.

Offence committed by a citizen

Article 11- (1) Where a Turkish citizen commits, in a foreign country, an offence other than those specified in Article 13, which requires under Turkish law a penalty of imprisonment with a lower limit of not less than one year, and where he is present in Turkey, he shall be penalised in accordance with Turkish laws, provided that no judgment has been rendered against him in the foreign country for this offence and that prosecution is possible in Turkey.

(2) Where the offence requires a penalty of imprisonment with a lower limit of less than one year, the conduct of a trial shall depend on the complaint of the injured party or of the foreign government. In such a case, the complaint must be filed within six months from the date on which the citizen entered Turkey.

Offence committed by a foreigner

Article 12- (1) A foreigner who, abroad, commits an offence to the detriment of Turkey, other than the offences set forth in Article 13, which requires a penalty of imprisonment with a lower limit of at least one year under Turkish law, shall be punished according to Turkish law, provided that he is present in Turkey. The conduct of a prosecution depends upon the request of the Minister of Justice. (2) Where the offence defined in the paragraph above is committed to the detriment of a Turkish citizen or a private legal entity established under Turkish law, and the perpetrator is present in Turkey, the perpetrator shall be punished according to Turkish law upon the complaint of the injured party, provided that no judgment has been rendered for that offence in a foreign country. (3) Where the victim is a foreigner, the perpetrator shall be tried upon the request of the Minister of Justice, provided that the following conditions exist: a) The offence requires a penalty of imprisonment with a lower limit of not less than three years under Turkish law. b) There exists no extradition agreement, or the request for extradition has not been accepted by the government of the country where the offence was committed or of the State of which the perpetrator is a national. (4) A retrial shall be conducted in Turkey, upon the request of the Minister of Justice, against a foreigner who has been convicted by a foreign court for an offence falling within the scope of the first paragraph, or whose case or penalty has been dismissed for any reason, or who has been acquitted, or whose offence has ceased to be subject to prosecution. (5) (Added: 18/6/2014-By Article 56 of Law No. 6545) In cases falling within the scope of the first paragraph, the conduct of a prosecution for the offences of bribery and trading in influence shall not depend upon the request of the Minister of Justice.

Other offences

Article 13- (1) Where the following offences are committed abroad by a citizen or a foreigner, Turkish law shall apply: a) Offences set forth under the Second Book, First Part. b) Offences set forth in the Third, Fourth, Fifth, Sixth, Seventh and Eighth Chapters under the Second Book, Fourth Part. c) Torture (Article 94, 95). d) Deliberate pollution of the environment (Article 181). e) Production of and trade in narcotic or stimulant substances (Article 188), facilitation of the use of narcotic or stimulant substances (Article 190). f) Counterfeiting money (Article 197), production of and trade in instruments used for the counterfeiting of money and valuable stamps (Article 200), counterfeiting seals (Article 202). g) Prostitution (Article 227). h) (Repealed: 26/6/2009 – By Article 1 of Law No. 5918) i) The offences of hijacking or detaining means of maritime, railway or air transport (Article 223, paragraphs 2, 3) or damage inflicted against such means of transport (Article 152). (2) (Added second paragraph: 29/6/2005 – By Article 3 of Law No. 5377) Except for those set forth in the Third, Fourth, Fifth, Sixth and Seventh Chapters under the Second Book, Fourth Part; the conduct of a prosecution in Turkey for offences falling within the scope of the first paragraph shall depend upon the request of the Minister of Justice. (3) Even if a judgment of conviction or acquittal has been rendered in a foreign country for the offences set forth in subparagraphs (a) and (b) of the first paragraph, a prosecution shall be conducted in Turkey upon the request of the Minister of Justice.

Prosecution in cases of alternative penalties

Article 14- (1) In the cases specified in Articles 11 and 12, where the application of either imprisonment or a judicial fine is prescribed as an alternative in the provision of the law under which the offence subject to investigation is set forth, no investigation or prosecution shall be initiated.

Calculation of the penalty as a condition for prosecution

Article 15- (1) In cases where its amount constitutes a condition for prosecution, the penalty shall be calculated during the investigation phase by taking into consideration the lower limit of the statutory aggravating circumstances and the upper limit of the statutory mitigating circumstances advanced during the investigation phase.

Credit for penalty served

Article 16- (1) Regardless of where the offence was committed, the periods spent in custody, under observation, in detention or under a sentence in a foreign country for an offence shall be credited against the penalty to be imposed in Turkey for the same offence.

Disqualifications

Article 17- (1) In the cases described in the above articles, where a judgment rendered by a foreign court, which is not contrary to the Turkish legal order, entails deprivation of a right under Turkish law, the court shall, upon the request of the public prosecutor, rule that the consequences under Turkish laws shall become valid.

Extradition

Article 18- (Repealed: 23/4/2016-By Article 36 of Law No. 6706)

3 By Article 3 of Law No. 5377 dated 29/6/2005, since a second paragraph was added after the first paragraph, this paragraph, whose number was (2), has been renumbered as (3) accordingly.

Consideration of foreign law

Article 19- (1) While a prosecution is conducted in Turkey for offences committed outside the jurisdictional boundaries of Turkey, the penalty to be imposed under Turkish law may not exceed the upper limit of the penalty prescribed in the law of the country where the offence was committed. (2) However, where the offence is committed; a) Against or to the detriment of the security of Turkey, b) Against a Turkish citizen or to the detriment of a private legal entity established under Turkish law, The provision of the above paragraph shall not apply.

SECOND PART The Principles of Criminal Liability

FIRST CHAPTER The Personal Nature of Criminal Liability, Intent and Negligence

Personal nature of criminal liability

Article 20- (1) Criminal liability is personal. No one shall be held liable for the act of another. (2) Criminal sanctions may not be imposed on legal entities. However, sanctions in the nature of preventive measures prescribed by law for the offence are reserved.

Intent

Article 21- (1) The formation of an offence depends upon the existence of intent. Intent is the deliberate and willed realisation of the elements in the statutory definition of the offence. (2) Where a person commits an act despite foreseeing the possibility that the elements in the statutory definition of the offence may materialise, there is possible intent. In such a case, a penalty of life imprisonment shall be imposed for offences requiring a penalty of aggravated life imprisonment, and a penalty of imprisonment of from twenty to twenty-five years shall be imposed for offences requiring a penalty of life imprisonment; in other offences, the basic penalty shall be reduced by from one third to one half.

Negligence

Article 22- (1) Acts committed through negligence shall be punished only in the cases expressly specified by law. (2) Negligence is the realisation of an act without foreseeing the consequence specified in the statutory definition of the offence, as a result of a breach of the duty of care and attention. (3) Where the consequence occurs despite the person not having willed the foreseen consequence, there is conscious negligence; in such a case, the penalty for the negligent offence shall be increased by from one third to one half. (4) The penalty to be imposed for an offence committed through negligence shall be determined according to the culpability of the perpetrator. (5) In offences committed through negligence by more than one person, each person shall be liable for his own culpability. The penalty of each perpetrator shall be determined separately according to his culpability. (6) Where the consequence caused by the negligent act results in the victim being harmed, exclusively with regard to the personal and family situation of the perpetrator, to such a degree that the imposition of a penalty is no longer necessary, no penalty shall be imposed; in cases of conscious negligence, the penalty to be imposed may be reduced by from one half to one sixth.

Aggravated offence on account of its consequences

Article 23- (1) Where an act gives rise to a consequence graver than, or different from, that which was intended, for a person to be held liable therefor, he must have acted with at least negligence with respect to that consequence.

SECOND CHAPTER Grounds Removing or Mitigating Criminal Liability

Provision of law and order of a superior

Article 24- (1) No penalty shall be imposed on a person who fulfils the provision of a law. (2) A person who executes an order given by an authorized authority, the execution of which is obligatory by virtue of his duty, shall not be liable. (3) An order the subject-matter of which constitutes an offence may under no circumstances be executed. Otherwise, both the person who executes it and the person who gives the order shall be liable. (4) In cases where the examination of the lawfulness of the order is precluded by law, the person who gives the order shall be liable for its execution.

Legitimate defence and state of necessity

Article 25- (1) No penalty shall be imposed on the perpetrator for acts committed out of necessity to repel, in a manner proportionate to the attack and in accordance with the prevailing circumstances at the time, an unlawful attack that has been directed against a right belonging to himself/herself or another, which has occurred, or which is certain to occur or recur. (2) No penalty shall be imposed on the perpetrator for acts committed out of necessity to save himself/herself or another from a grave and imminent danger, directed against a right belonging to himself/herself or another, which he/she did not knowingly cause and from which protection by other means was not possible, provided that there is proportionality between the gravity of the danger and the subject matter and the means used.

Exercise of a right and consent of the concerned party

Article 26- (1) No penalty shall be imposed on a person exercising his/her right. (2) No penalty shall be imposed on any person for an act committed within the framework of the expressed consent of a person, in relation to a right over which that person has absolute disposal.

Exceeding the limits

Article 27- (1) Where the limits of grounds removing criminal liability are exceeded without intent, and the act is also punishable if committed with negligence, a penalty of one-sixth to one-third of the penalty prescribed by law for the negligent offence shall be imposed.

(2) No penalty shall be imposed on the perpetrator where the exceeding of the limits in legitimate defence results from excusable excitement, fear or panic.

Force and violence, intimidation and threats

Article 28- (1) No penalty shall be imposed on a person who commits an offence as a result of force and violence to which he/she cannot resist or from which he/she cannot escape, or of an imminent and grave intimidation or threat. In such cases, the person who employs the force and violence, intimidation or threat shall be deemed the perpetrator of the offence.

Unjust provocation

Article 29- (1) A penalty of imprisonment from eighteen to twenty-four years shall be imposed instead of aggravated life imprisonment, and a penalty of imprisonment from twelve to eighteen years shall be imposed instead of life imprisonment, on a person who commits an offence under the influence of wrath or severe grief caused by an unjust act. In other cases, one-fourth to three-fourths of the penalty to be imposed shall be reduced.

Mistake

Article 30- (1) A person who is unaware of the material elements in the legal definition of the offence at the time of commission of the act does not act intentionally. Liability for negligence arising from this mistake is reserved. (2) A person who is mistaken as to whether the aggravated or mitigated circumstances of an offence requiring a heavier or lighter penalty have occurred benefits from this mistake. (3) A person who falls into an unavoidable mistake as to whether the conditions of grounds removing or mitigating criminal liability have occurred benefits from this mistake. (4) (Added paragraph: 29/6/2005 – Article 4 of Law No. 5377) A person who falls into an unavoidable mistake as to the unlawfulness of the act he/she commits shall not be punished.

Minority

Article 31- (1) Children who have not completed the age of twelve at the time of commission of the act have no criminal liability. No criminal prosecution may be brought against such persons; however, security measures specific to children may be applied. (2) (Amended: 29/6/2005 – Article 5 of Law No. 5377) Persons who have completed the age of twelve but not the age of fifteen at the time of commission of the act have no criminal liability where they lack the capacity to perceive the legal meaning and consequences of the act committed, or where their capacity to control their conduct is not sufficiently developed. However, security measures specific to children shall be imposed on such persons. Where they possess the capacity to perceive the legal meaning and consequences of the act committed and to control their conduct in relation to that act, where the offence requires aggravated life imprisonment, a penalty of imprisonment from twelve to fifteen years shall be imposed on such persons; where the offence requires life imprisonment, a penalty of imprisonment from nine to eleven years shall be imposed. Other penalties shall be reduced by half, and in this case, the penalty of imprisonment to be imposed for each act may not exceed seven years.

(3) (Amended: 29/6/2005 – Article 5 of Law No. 5377) With respect to persons who have completed the age of fifteen but not the age of eighteen at the time of commission of the act, where the offence requires aggravated life imprisonment, a penalty of imprisonment from eighteen to twenty-four years shall be imposed; where the offence requires life imprisonment, a penalty of imprisonment from twelve to fifteen years shall be imposed. Other penalties shall be reduced by one-third, and in this case, the penalty of imprisonment to be imposed for each act may not exceed twelve years.

Mental disorder

Article 32- (1) No penalty shall be imposed on a person who, due to a mental disorder, lacks the capacity to perceive the legal meaning and consequences of the act committed, or whose capacity to control his/her conduct in relation to that act is significantly diminished. However, a security measure shall be imposed on such persons. (2) A penalty of twenty-five years' imprisonment shall be imposed instead of aggravated life imprisonment, and a penalty of twenty years' imprisonment shall be imposed instead of life imprisonment, on a person whose capacity to control his/her conduct in relation to the act committed is diminished, though not to the degree set forth in the first paragraph. In other cases, the penalty to be imposed may be reduced by not more than one-sixth. The penalty imposed may, under the condition that its duration remains the same, be applied partially or entirely as a security measure specific to persons with mental disorders.

Deafness and muteness

Article 33- (1) The provisions of this Law concerning children who have not completed the age of twelve shall also apply to deaf-mute persons who have not completed the age of fifteen; the provisions concerning persons who have completed the age of twelve but not the age of fifteen shall also apply to deaf-mute persons who have completed the age of fifteen but not the age of eighteen; and the provisions concerning persons who have completed the age of fifteen but not the age of eighteen shall also apply to deaf-mute persons who have completed the age of eighteen but not the age of twenty-one.

Temporary causes, being under the influence of alcohol or narcotic substances

Article 34- (1) No penalty shall be imposed on a person who, due to a temporary cause or under the influence of alcohol or narcotic substances taken involuntarily, lacks the capacity to perceive the legal meaning and consequences of the act committed, or whose capacity to control his/her conduct in relation to that act is significantly diminished. (2) The provision of the first paragraph shall not apply to a person who commits an offence under the influence of alcohol or narcotic substances taken voluntarily.

CHAPTER THREE Attempt Attempt

Article 35- (1) A person who, having commenced the direct commission of an offence he/she intended to commit by suitable acts, fails to complete it due to circumstances beyond his/her control shall be held liable for attempt.

(2) In the case of attempt, the perpetrator shall be punished, according to the gravity of the harm or danger that has occurred, with a penalty of imprisonment from thirteen to twenty years instead of aggravated life imprisonment, or with a penalty of imprisonment from nine to fifteen years instead of life imprisonment. In other cases, one-fourth to three-fourths of the penalty to be imposed shall be reduced.

Voluntary abandonment

Article 36- (1) If the perpetrator voluntarily abandons the acts of commission of the offence or prevents, through his/her own efforts, the completion of the offence or the occurrence of the consequence, he/she shall not be punished for attempt; however, if the completed part in itself constitutes an offence, he/she shall be punished only with the penalty for that offence.

CHAPTER FOUR Participation in an Offence Perpetration

Article 37- (1) Each of the persons who jointly commit the act set forth in the legal definition of the offence shall be liable as a perpetrator. (2) A person who uses another as an instrument in the commission of an offence shall also be held liable as a perpetrator. The penalty of a person who uses persons lacking criminal capacity as an instrument in the commission of an offence shall be increased by one-third to one-half.

Instigation

Article 38- (1) A person who instigates another to commit an offence shall be punished with the penalty of the offence committed. (2) In the case of instigation to commit an offence through the exercise of influence arising from an ancestral or descendant relationship, the penalty of the instigator shall be increased by one-third to one-half. In the case of instigation of children to commit an offence, the existence of an ancestral or descendant relationship shall not be required for the penalty to be increased under this paragraph. (3) Where the instigator cannot be identified, a penalty of imprisonment from twenty to twenty-five years may be imposed instead of aggravated life imprisonment, or a penalty of imprisonment from fifteen to twenty years may be imposed instead of life imprisonment, on the perpetrator or other accomplice who enables the identification of the instigator. In other cases, the penalty to be imposed may be reduced by one-third.

Aiding

Article 39- (1) A person who assists in the commission of an offence shall be sentenced to imprisonment from fifteen to twenty years if the offence committed requires an aggravated life imprisonment sentence; and to imprisonment from ten to fifteen years if it requires a life imprisonment sentence. In other cases, the penalty shall be reduced by half. However, the penalty to be imposed in this case may not exceed eight years. (2) In the following cases, a person shall be held liable as an accessory (assistant) for the offence committed: a) Inciting the commission of an offence or strengthening the resolution to commit an offence, or promising to provide assistance after the commission of the act.

b) Providing guidance as to how the offence is to be committed or providing the means used in the commission of the act. c) Facilitating its commission by providing assistance before or during the commission of the offence.

The principle of accession

Article 40- (1) For complicity in an offence, the existence of an act committed intentionally and unlawfully is sufficient. Each person who participates in the commission of an offence shall be punished according to his own culpable act, without regard to personal grounds that prevent the punishment of the other. (2) In offences requiring special qualities, only a person bearing the quality of a special perpetrator may be the perpetrator. Other persons who participate in the commission of such offences shall be held liable as instigators or accessories. (3) In order to be held liable for complicity in an offence, the offence in question must have at least reached the stage of attempt.

Voluntary abandonment in offences committed in complicity

Article 41- (1) In offences committed in complicity, only the accomplice who voluntarily abandons shall benefit from the provisions on voluntary abandonment. (2) Where the offence: a) Is not committed for a reason other than the efforts shown by the person who voluntarily abandons, b) Is committed despite all the efforts of the person who voluntarily abandons, The provisions on voluntary abandonment shall also apply.

CHAPTER FIVE Aggregation of Offences Composite offence

Article 42- (1) An offence that is deemed a single act because one of them constitutes an element or an aggravating circumstance of the other is called a composite offence. The provisions on aggregation shall not apply to such offences.

Chain offence

Article 43- (1) Where the same offence is committed more than once against one person at different times within the scope of the execution of a single resolution to commit an offence, one penalty shall be imposed. However, this penalty shall be increased by one-quarter to three-quarters. The basic form of an offence and its aggravated or mitigated forms requiring a heavier or lighter penalty, respectively, shall be deemed the same offence. (Additional sentence: 29/6/2005 – Article 6 of Law No. 5377) This paragraph shall also apply to offences where the victim is not a specific person. (2) Where the same offence is committed against more than one person by a single act, the provision of the first paragraph shall also apply. (3) The provisions of this Article shall not apply to the offences of intentional killing, intentional injury, torture and plunder. 4

4 By Article 6 of Law No. 5377 dated 29/6/2005, the phrase "sexual assault, sexual abuse of children" in this paragraph has been removed from the text of the Article.

Ideational aggregation (concursum idealis)

Article 44- (1) A person who, by an act committed, causes the occurrence of more than one different offence shall be punished for the offence requiring the heaviest penalty among them.

PART THREE Sanctions

CHAPTER ONE Penalties Penalties

Article 45- (1) Penalties, as sanctions applied in response to offences, are imprisonment and judicial fines.

Imprisonment sentences

Article 46- (1) Imprisonment sentences are as follows: a) Aggravated life imprisonment. b) Life imprisonment. c) Imprisonment for a term.

Aggravated life imprisonment 5

Article 47- (1) Aggravated life imprisonment shall continue for the lifetime of the convict and shall be served under the strict security regime specified in the law and in the regulation issued by the President of the Republic.

Life imprisonment

Article 48- (1) Life imprisonment shall continue for the lifetime of the convict.

Imprisonment for a term

Article 49- (1) Unless otherwise provided by law, imprisonment for a term may not be less than one month nor more than twenty years. (2) A sentence of imprisonment of one year or less that is imposed is a short-term imprisonment sentence.

Alternative sanctions to short-term imprisonment

Article 50- (1) A short-term imprisonment sentence may be converted, taking into account the personality of the offender, his social and economic situation, the remorse he shows during the proceedings, and the particular circumstances of the commission of the offence, into: a) A judicial fine, b) The complete remedying of the damage suffered by the victim or the public, through restitution in kind, restoration to the state prior to the offence, or compensation, 5 By Article 156 of Decree-Law No. 700 dated 2/7/2018, the phrase "in the statute" in this Article has been amended to read "in the regulation issued by the President of the Republic". c) Attendance at an educational institution, for a period of at least two years, for the purpose of acquiring a profession or craft, where necessary with accommodation facilities, d) A prohibition from going to certain places or engaging in certain activities, for a period from one-half up to one-fold of the sentence imposed, e) Where the offence was committed by abusing rights and powers granted, or by acting contrary to the duty of care and diligence required; withdrawal of the relevant licence and permit documents, and a prohibition from engaging in a certain profession or craft, for a period from one-half up to one-fold of the sentence imposed, f) Employment in work of public benefit, on a voluntary basis, for a period from one-half up to one-fold of the sentence imposed, (2) Where imprisonment and a judicial fine are envisaged as alternatives in the definition of the offence, if a sentence of imprisonment has been imposed, this sentence may no longer be converted into a judicial fine. (3) Provided that the person has not previously been sentenced to imprisonment, a sentence of imprisonment of thirty days or less, and a sentence of imprisonment of one year or less imposed on persons who had not completed the age of eighteen or who had passed the age of sixty-five at the time of the commission of the act, shall be converted into one of the alternative sanctions set forth in the first paragraph. (4) Even if a sentence of imprisonment imposed for negligent offences is long-term, this sentence may be converted into a judicial fine pursuant to paragraph (a) of the first paragraph, provided that the other conditions are met. However, this provision shall not apply in cases of conscious negligence. (5) The principal conviction in practice shall be the judicial fine or measure converted pursuant to the provisions of this Article. (6) Where, despite notification made by the public prosecutor's office after the judgment becomes final, the requirements of the alternative measure are not commenced within thirty days, or are commenced but not continued, the enforcement judge shall order the complete or partial enforcement of the short-term imprisonment sentence, and this decision shall be enforced immediately. In this case, the provision of the fifth paragraph shall not apply. 67 (7) Where the alternative measure imposed cannot be fulfilled for reasons beyond the control of the convict, the measure shall be changed by the enforcement judge. 7

Deferral of the sentence of imprisonment

Article 51- (1) The sentence of a person sentenced to imprisonment for a term of two years or less may be suspended. The upper limit of this term is three years for persons who had not completed the age of eighteen or who had passed the age of sixty-five at the time of the commission of the offence. However, for a decision of suspension to be rendered, the person must:

6 The phrase "the sanction" in this paragraph was amended to "the measure" by Article 4 of Law No. 5739 dated 26/2/2008. 7 By Article 8 of Law No. 7242 dated 14/4/2020, the phrase "the court that rendered the judgment" in the sixth paragraph was amended to "the enforcement judgeship" and the phrase "by the court that rendered the judgment" in the seventh paragraph was amended to "by the enforcement judgeship".

a) Not have been previously sentenced to more than three months of imprisonment for an intentional offence, b) Have given rise, in the opinion of the court, to a conviction that he/she will not commit a further offence due to the remorse shown by him/her during the trial process following the commission of the offence, is required. (2) The suspension of the sentence may be made conditional upon the full redress of the damage suffered by the victim or the public through

restitution in kind, restoration to the state prior to the offence, or compensation. In such case, the serving of the sentence in a penal institution continues until the condition is fulfilled. If the condition is fulfilled, the convict is released immediately from the penal institution by decision of the enforcement judge. 8

(3) A probation period of not less than one year and not more than three years is determined for a convict whose sentence has been suspended. The lower limit of this period may not be less than the term of the sentence imposed. (4) During the probation period; a) For a convict who does not possess a profession or craft, his/her attendance at an educational programme for this purpose, b) For a convict who possesses a profession or craft, his/her employment for remuneration in a public institution or, privately, under the supervision of another person practising the same profession or craft, c) For convicts under the age of eighteen, their attendance, for the purpose of enabling them to acquire a profession or craft, at an educational institution which, where necessary, also provides accommodation facilities, may be decided by the court. (5) The court may appoint an expert person to provide guidance to the convict during the probation period. This person advises the convict on abandoning bad habits and leading a good life with a sense of responsibility; holds consultations by meeting with the officials of the institution where the convict receives education or with the persons under whom he/she works; and submits reports to the enforcement judge at three-month intervals regarding the conduct, social adaptation and the development of the sense of responsibility of the convict. 8

(6) The court may also decide, taking into consideration the personality and social status of the convict, that the probation period be spent without any obligations being imposed or without an expert person being appointed. (7) In the event that the convict commits an intentional offence during the probation period or persists in failing to comply with the obligations imposed upon him/her despite the warning of the enforcement judge, it is decided by the enforcement judgeship that the suspended sentence be served partly or wholly in a penal institution. 9

(8) If the probation period is spent in compliance with the obligations or with good conduct, the sentence shall be deemed to have been enforced.

Judicial fine

Article 52- (1) A judicial fine consists of the payment, by the convict to the State Treasury, of the amount calculated by multiplying the number of full days determined as not less than five days and, in cases where no contrary provision exists in the law, not more than seven hundred and thirty days, by the amount assessed as the value of one day. (2) The amount of the value of one day of a judicial fine, which is not less than twenty and not more than one hundred Turkish Liras, is assessed taking into consideration the economic and other personal circumstances of the person. 10

(3) The judgment shall separately indicate the number of full days taken as the basis for determining the judicial fine and the amount assessed as the value of one day. (4) The judge, taking into consideration the economic and personal circumstances of the person, may grant a period of not more than one year from the date of finality of the judgment for the payment of the judicial fine, or may also decide that this fine be paid in certain instalments. The instalment period may not exceed two years and the number of instalments may not be less than four. The judgment shall indicate that, in the event of failure to pay one instalment on time, the entire remaining portion shall be collected and that the unpaid judicial fine shall be converted into imprisonment.

SECOND CHAPTER Preventive Measures Deprivation of the exercise of certain rights 11

Article 53- (1) As a legal consequence of a sentence of imprisonment imposed for an intentional offence committed by a person, that person shall be deprived of:

a) the right to hold a permanent, fixed-term or temporary public office; in this context, membership of the Grand National Assembly of Turkey, and employment in all civil service positions and duties that are subject to appointment or election, granted by the State, provinces, municipalities, villages or institutions and organizations under their supervision and control;

- b) the capacity to exercise the right to vote and stand for election (...) 11 ,
- c) parental authority; the right to serve in guardianship or curatorship;
- d) the right to be a manager or auditor of the legal entities of foundations, associations, trade unions, companies, cooperatives and political parties;
- e) the right to practise, as a self-employed professional or merchant under his own responsibility, a profession or trade subject to the permission of a public institution or a public professional institution,

10 Article 9 of Law No. 7499 amended this paragraph to enter into force on 1/6/2024. The said provision will be entered into the Legislation Information System on the date of its entry into force; see the Official Gazette No. 32487 dated 12/3/2024 to view the said provision. 11 By the Decision of the Constitutional Court dated 8/10/2015 and numbered E.: 2014/140, K.: 2015/85; the phrase "...and the exercise of other political rights" in the first paragraph of this Article, and the second paragraph of the same Article, were annulled in respect of the phrase "the capacity to exercise the right to vote and stand for election..." in sub-paragraph (b) of the first paragraph. 12 By the Decision of the Constitutional Court dated 8/10/2015 and numbered E.: 2014/140, K.: 2015/85; the section "As a legal consequence of a sentence of imprisonment imposed for an intentional offence committed by a person;..." in the first paragraph of this Article was annulled in respect of the phrase "...the right to stand for election..." in sub-paragraph (b) of the same paragraph, and the phrase "...sentence of imprisonment..." in the same paragraph was annulled in respect of the phrase "the right to vote and..." in sub-paragraph (b).

(2) A person shall not be entitled to exercise these rights until the sentence of imprisonment imposed upon him for the offence he has committed has been fully executed. (3) The provisions of the above paragraphs shall not apply to the parental authority, guardianship and curatorship powers of a convicted person whose sentence of imprisonment has been deferred, or whose sentence has been executed under a measure of supervised release, or who has been released on parole, with respect to his own descendants. The court may decide not to apply the deprivation of the right referred to in sub-paragraph (e) of the first paragraph to a convicted person whose sentence of imprisonment has been deferred, or whose sentence has been executed under a measure of supervised release, or who has been released on parole. 13

(4) The provision of the first paragraph shall not apply to persons whose short-term sentence of imprisonment has been deferred or who had not completed eighteen years of age at the time of the commission of the offence. 14

(5) In the case of a sentence of imprisonment imposed for offences committed through the misuse of one of the rights and powers enumerated in the first paragraph, the court shall additionally decide on the prohibition of the exercise of such right and power for a term of from one half to one times the sentence imposed, to be applied after the execution of the sentence. In the case of a conviction solely to a judicial fine for offences committed through the misuse of one of these rights and powers, the court shall decide on the prohibition of the exercise of such right and power for a term of from one half to one times the number of days specified in the judgment. The term of the prohibition enforced upon the finalization of the judgment shall commence from the complete execution of the judicial fine. (6) In the case of a conviction for a negligent offence committed in violation of the duty of care and diligence required by a specific profession or trade or by traffic order, the court may decide on the prohibition of the practice of that profession or trade, or the withdrawal of the driving licence, for a term of not less than three months and not more than three years. The prohibition and withdrawal shall enter into force upon the finalization of the judgment, and the term shall commence from the complete execution of the sentence.

Confiscation of property

Article 54- (1) Confiscation shall be ordered for property used in the commission of an intentional offence or allocated to the commission of the offence or derived from the offence, provided that it does not belong to bona fide third parties. Property prepared for use in the commission of an offence shall be confiscated where it is dangerous in terms of public security, public health or public morality. (Additional sentence: 24/11/2016-6763/Article 11) Where a limited right in rem has been established over the property in favour of bona fide third parties, the decision of confiscation shall be rendered subject to the reservation of that right. (2) Where property falling within the scope of the first paragraph is destroyed, disposed of, consumed, or its confiscation is otherwise rendered impossible, a sum of money equal to the value of such property shall be ordered to be confiscated. (3) Where it is understood that the confiscation of the property used in the offence would lead to consequences more severe than the offence committed and would therefore be contrary to equity, confiscation may not be ordered. (4) Property the production, possession, use, transportation, purchase and sale of which constitutes an offence shall be confiscated. (5) Where the confiscation of only certain parts of an item is required, and it is possible to separate those parts without damaging the whole, only those parts shall be ordered to be confiscated. (6) Where property is co-owned by more than one person, only the share of the person who participated in the offence shall be ordered to be confiscated.

Confiscation of proceeds

Article 55- (1) Confiscation shall be ordered of material benefits derived from the commission of an offence, constituting the subject matter of the offence, or provided for the commission of the offence, as well as of the economic gains arising from their exploitation or conversion. In order for a decision of confiscation to be rendered pursuant to this paragraph, the material benefit must not be returnable to the victim of the offence. (2) Where the property or material benefits subject to confiscation cannot be seized or delivered to the competent authority, confiscation shall be ordered of the values constituting their equivalent. (3) (Additional paragraph: 26/6/2009 – 5918/Article 2) In order for the confiscation of property falling within the scope of this Article, a person who subsequently acquires the property must not be able to benefit from the provisions of Civil Code No. 4721 dated 22/11/2001 concerning the protection of good faith.

Security measures specific to children

Article 56- (1) What the security measures specific to children are and how they are to be applied shall be set out in the relevant law.

Security measures specific to persons of unsound mind 15

Article 57- (1) A security measure for the purpose of protection and treatment shall be imposed on a person who was mentally disordered at the time of the commission of the act. Mentally disordered persons for whom a security measure is imposed shall be placed under protection and treatment in high-security health institutions. (2) A mentally disordered person for whom a security measure has been imposed may be released by decision of the enforcement judge upon a report issued by the health board of the institution where the person is placed stating that the danger posed to society has ceased or significantly diminished.

15 Pursuant to Article 4 of Law No. 7328 dated 17/6/2021, the phrases "court or judge" in the second and seventh paragraphs have been amended to read "enforcement judge", the phrase "court" in the sixth paragraph has been amended to read "enforcement judge", and the phrase "by the enforcement judge" has been inserted after the phrase "based upon" in the fifth paragraph of the Article.

(3) The health board report shall state, according to the nature of the mental disorder and the offence committed, whether medical control and follow-up of the person is required for security purposes and, if required, the duration and intervals thereof. (4) Medical control and

follow-up shall be ensured by the public prosecutor's office sending such persons, at the durations and intervals specified in the report, to a health institution equipped with the technical facilities and authorized specialists. (5) Where it is understood, during medical control and follow-up, that the danger posed by the person's mental disorder to society has increased, a security measure for the purpose of protection and treatment shall again be imposed by the enforcement judge, based upon the report prepared. In such case, the procedures set forth in paragraph one and the following paragraphs shall be repeated. (6) With respect to a person whose capacity to control his conduct was diminished due to his disorder in relation to the act committed, upon the report of the board issued at the high-security health institution where he is placed pursuant to the provisions of the first and second paragraphs, the imprisonment penalty to which he is sentenced may also be applied, partially or wholly, by decision of the enforcement judge, provided that its duration remains the same, as a security measure specific to mentally disordered persons. (7) It shall be decided, as a security measure, that persons dependent on alcohol or narcotic or stimulant substances who commit an offence shall be placed under treatment in a health institution specific to persons dependent on alcohol or narcotic or stimulant substances. The treatment of such persons shall continue until they are freed from alcohol or narcotic or stimulant substance dependence. Such persons may be released by decision of the enforcement judge upon a report to be issued to that effect by the health board of the institution where they are placed.

Recidivism and habitual, occupational and organised offenders

Article 58- (1) In the event of the commission of a new offence after the judgment rendered for a previously committed offence has become final, the provisions on recidivism shall apply. For this, it is not required that the penalty have been enforced. (2) The provisions on recidivism shall not apply to offences committed after; a) five years have elapsed from the date of enforcement of the penalty, in the case of a sentence to imprisonment for more than five years for the previously committed offence, b) three years have elapsed from the date of enforcement of the penalty, in the case of a sentence to imprisonment for five years or less or to a judicial fine, for the previously committed offence. (3) In the case of recidivism, where the provision of law relating to the subsequent offence prescribes alternatively a penalty of imprisonment and a judicial fine, a penalty of imprisonment shall be imposed. (4) The provisions on recidivism shall not apply as between intentional offences and negligent offences, or as between purely military offences and other offences. Judgments rendered by courts of foreign countries shall not serve as the basis for recidivism, except for the offences of intentional killing, intentional injury, robbery, fraud, manufacture of and trade in narcotic or stimulant substances, and counterfeiting of money or valuable stamps.

(5) The provisions on recidivism shall not apply to offences committed by persons who have not completed the age of eighteen at the time of the commission of the act. (6) In the case of recidivism, the penalty imposed shall be served according to the enforcement regime specific to recidivists. Furthermore, a supervised liberty measure shall be applied to the recidivist after the enforcement of the penalty. (7) The judgment of conviction shall state that the enforcement regime specific to recidivists and, after the enforcement of the penalty, the supervised liberty measure shall be applied to the convicted person. (8) The enforcement of the penalty to which recidivists are sentenced and the application of the supervised liberty measure shall be carried out in the manner shown in the law. (9) It shall be ordered that the enforcement regime specific to recidivists and the supervised liberty measure to be applied after the enforcement of the penalty shall also be applied to the habitual offender, the person who makes offending his profession, or the member of a criminal organisation.

Deportation

Article 59- (Amended: 31/3/2005 – Article 1 of Law No. 5328) (1) A foreigner sentenced to a penalty of imprisonment for the offence committed shall, immediately after a decision has been taken for the enforcement of the penalty with application of a supervised liberty measure or for his conditional release, and in any case after completion of the enforcement of the penalty, be reported to the Ministry of Interior to be assessed with respect to deportation procedures. 16

Security measures applicable to legal entities

Article 60- (1) In the case of a conviction for intentional offences committed in favour of a legal entity governed by private law, with the participation of the organs or representatives of that legal entity operating on the basis of a permit granted by a public institution, and by way of abuse of the authority conferred by that permit, it shall be decided to revoke the permit. (2) The provisions on confiscation shall also apply to legal entities governed by private law in whose favour the offence was committed. (3) In cases where the application of the provisions of the above paragraphs may produce more severe consequences than the offence committed, the judge may refrain from imposing these measures. (4) The provisions of this Article shall apply in the cases specifically indicated in the law.

THIRD CHAPTER Determination and Individualisation of Penalties Determination of penalty

ARTICLE 61.- (1) The judge, taking into account in the concrete case: a) the manner of commission of the offence, b) the means used in the commission of the offence,

16 By Article 5 of Law No. 7328 dated 17/6/2021, the phrase "after benefiting from conditional release" in this paragraph has been amended to read "after a decision has been rendered for the execution of the sentence by means of the supervised liberty measure or for conditional release."

c) the time and place of the commission of the offence, d) the significance and value of the subject matter of the offence, e) the gravity of the damage or danger that has occurred, f) the degree of the offender's fault based on intent or negligence, g) the motive and purpose pursued by the offender, shall determine the basic penalty between the lower and upper limits of the penalty prescribed in the statutory definition of the offence committed. (2) Where the offence is committed with possible intent or conscious negligence, any reduction or increase shall be made on the penalty determined in accordance with paragraph one. (3) Where the matters specified in paragraph one constitute an element of the offence, they shall not be further taken into account in determining the basic penalty. (4) Where multiple aggravated circumstances occur that require a heavier or lighter penalty compared to the basic form of the offence; the basic penalty shall first be increased and then reduced. (5) The final penalty shall be determined by applying, in sequence, to the penalty determined in accordance with the above paragraphs, the provisions relating to attempted offences, complicity, consecutive offences, unjust provocation, minority, mental disorder, and personal grounds requiring a reduction of the penalty, as well as discretionary mitigating grounds. (6) The duration of an imprisonment sentence shall be determined by calculation in days, months, and years. One day is twenty-four hours; one month is thirty days. A year shall be calculated according to the official calendar. In the case of imprisonment, the remainder of a day, and in the case of a judicial fine, the remainder of one Turkish Lira shall not be taken into account, and such penalties shall not be executed. (7) (Added: 29/6/2005 – Article 7 of Law No. 5377) The final penalty determined in accordance with the provisions of this Article for an offence requiring a fixed-term imprisonment sentence may not exceed thirty years. (8) (Added: 29/6/2005 – Article 7 of Law No. 5377) In calculating a judicial fine, the increases and reductions for the determination and individualisation of the penalty in accordance with the provision of this Article shall be made on a daily basis. The judicial fine shall be determined by multiplying the determined final number of days by the amount the person is able to pay for one day. (9) (Added: 6/12/2006 – Article 1 of Law No. 5560) In offences where a judicial fine is prescribed as an alternative penalty, the lower limit of the daily unit for such penalty may not be less than the lower

limit of the imprisonment sentence in the definition of that offence; nor may the upper limit exceed the upper limit of the imprisonment sentence. (10) Unless expressly provided otherwise in the law, penalties may not be increased, reduced, or altered. 1718

Discretionary mitigating grounds

Article 62- (1) In the event of the existence of discretionary grounds mitigating the penalty in favour of the offender, a penalty of life imprisonment shall be imposed instead of aggravated life imprisonment; a penalty of imprisonment of twenty-five years shall be imposed instead of life imprisonment.

17 As the seventh and eighth paragraphs were added after the sixth paragraph by Article 1 of Law No. 5377 dated 29/6/2005, the number of this paragraph, which was (7), has been renumbered consecutively as (9). 18 As paragraph (9) was added after the eighth paragraph by Article 1 of Law No. 5560 dated 6/12/2006, the number of this paragraph, which was (9), has been renumbered consecutively as (10).

Up to one sixth of other penalties shall be reduced. 19 (2) As discretionary mitigating grounds, the offender's past history, social relations, conduct demonstrating remorse subsequent to the act and during the trial proceedings, or the possible effects of the penalty on the offender's future (...) 20 may be taken into account. (Additional sentence: 12/5/2022 – Article 1 of Law No. 7406) However, the offender's formal attitude and conduct at the hearing intended to influence the court shall not be taken into account as a discretionary mitigating ground. Discretionary mitigating grounds shall be indicated in the judgment together with their justifications. 20

Credit for detention

Article 63- (1) The periods spent in custody on account of all circumstances that restrict personal liberty and that occurred before the judgment becomes final shall be deducted from the sentence of imprisonment imposed. In the event that a judicial fine is imposed, one day shall be counted as five hundred Turkish Liras and a deduction shall be made from such penalty. 21

FOURTH CHAPTER Dismissal of the Case and the Penalty Death of the accused or the convicted person

Article 64- (1) In the event of the death of the accused, a decision shall be rendered for the dismissal of the public prosecution. However, the prosecution may continue with respect to property and material benefits subject to confiscation by their nature, and their confiscation may be ordered. (2) The death of the convicted person extinguishes imprisonment penalties and judicial fines that have not yet been executed. However, the judgment concerning confiscation and trial costs, which has become final prior to the death, shall be executed.

Amnesty

Article 65- (1) In the event of a general amnesty, the public prosecution shall be dismissed, and the penalties imposed shall be extinguished together with all their consequences. (2) By means of an individual amnesty, the execution of an imprisonment sentence in a penal institution may be terminated, or the period to be served in a penal institution may be shortened, or the sentence may be commuted to a judicial fine. (3) Deprivations of rights attached to the penalty or specified in the judgment shall continue to have effect notwithstanding an individual amnesty.

Statute of limitations for the prosecution

19 By Article 2 of Law No. 5328 dated 31/3/2005, the phrase "one fifth" in this paragraph has been amended to read "one sixth." 20 By Article 1 of Law No. 7406 dated 12/5/2022, the phrase "conduct during the proceedings" in this paragraph was amended to read "conduct demonstrating remorse during the proceedings or," the phrase "matters such as" was removed from the text of the Article, and the phrase "with their justifications" was added to the paragraph after the phrase "in the judgment." 21 By Article 37 of Law No. 7499 dated 2/3/2024, the phrase "one hundred" in this paragraph was amended to read "five hundred."

Article 66- (1) Unless otherwise provided in the law, the public prosecution shall be dismissed: a) upon the lapse of thirty years for offences requiring a penalty of aggravated life imprisonment, b) upon the lapse of twenty-five years for offences requiring a penalty of life imprisonment, c) upon the lapse of twenty years for offences requiring a penalty of imprisonment of not less than twenty years, d) upon the lapse of fifteen years for offences requiring a penalty of imprisonment of more than five years and less than twenty years, e) upon the lapse of eight years for offences requiring a penalty of imprisonment or a judicial fine of not more than five years. (2) With respect to persons who have completed the age of twelve but not the age of fifteen at the time of the commission of the act, the public prosecution shall be dismissed upon the lapse of half of these periods; with respect to persons who have completed the age of fifteen but not the age of eighteen, upon the lapse of two thirds thereof. (3) In determining the period of the statute of limitations for the prosecution, the aggravated circumstances of the offence requiring a heavier penalty shall also be taken into account in light of the evidence available in the case file. (4) In determining the periods set forth in the above paragraphs, the upper limit of the penalty prescribed for the offence in the law shall be taken into account; in offences requiring alternative penalties, the imprisonment sentence shall be taken as the basis for the purposes of the statute of limitations. (5) (Amended: 29/6/2005 – Article 8 of Law No. 5377) In cases requiring retrial for the same act, the statute of limitations period relating to the act shall commence anew from the date on which the request in this respect is accepted by the court. (6) The statute of limitations shall commence to run, in completed offences, from the day on which the offence was committed; in cases of attempted offences, from the day on which the last act was performed; in continuous offences, from the date on which the continuity ceased; in consecutive offences, from the day on which the last offence was committed; and in offences committed against minors by ascendants or by persons exercising authority or influence over them, from the day on which the minor completes the age of eighteen. (7) In the event that offences requiring a penalty of aggravated life imprisonment, life imprisonment, or imprisonment of more than ten years, set forth in the Fourth Part of the Second Book of this Law, are committed abroad, the statute of limitations for the prosecution shall not apply.

Suspension or interruption of the statute of limitations period for the prosecution

Article 67- (1) In cases where the conduct of an investigation and prosecution is dependent upon the granting of permission or a decision, or upon the outcome of a matter that must be resolved by another authority; the statute of limitations for the prosecution shall be suspended until such permission or decision is granted, or the matter is resolved, or, in the case of a perpetrator for whom a decision has been rendered pursuant to law that he is a fugitive from justice, until such decision is quashed. (2) In respect of an offence, the statute of limitations for the prosecution shall be interrupted: a) by the taking of a statement or the interrogation of one of the suspects or defendants before the public prosecutor; b) by the ordering of the arrest of one of the suspects or defendants; c) by the drafting of an indictment in respect of the offence; d) by the rendering of a judgment of conviction, even if only in respect of some of the defendants. (3) Upon the interruption of the statute of limitations for the prosecution, the limitation period shall commence to run anew. Where there are multiple grounds for the interruption of the statute of limitations, the limitation period shall commence to run anew from the date on which the last ground for interruption occurred. (4) In the event of interruption, the limitation period may be extended by up to half of the period determined in the Law for the relevant offence.

Statute of limitations for the enforcement of penalties

Article 68- (1) The penalties set forth in this Article shall not be enforced upon the expiry of the following periods: a) Forty years in the case of aggravated life imprisonment. b) Thirty years in the case of life imprisonment. c) Twenty-four years in the case of imprisonment of twenty years or more. d) Twenty years in the case of imprisonment of more than five years. e) Ten years in the case of imprisonment of up to five years and judicial fines. (2) In the case of persons who have completed the age of twelve but not the age of fifteen at the time of the commission of the act, the penalty shall not be enforced upon the expiry of half of these periods; in the case of persons who have completed the age of fifteen but not the age of eighteen, the penalty shall not be enforced upon the expiry of two-thirds of these periods. (3) The statute of limitations shall not apply to sentences of aggravated life imprisonment, life imprisonment, or imprisonment of more than ten years imposed for offences committed abroad that are set forth in the Fourth Part of the Second Book of this Law. (4) Provisions containing penalties of different types shall not be enforced upon the expiry of the period established for the most severe penalty. (5) The statute of limitations for the enforcement of penalties shall commence to run from the day on which the judgment becomes final or the enforcement is interrupted in any manner whatsoever, and the period shall be calculated on the basis of the remaining amount of the penalty.

Statute of limitations for penalties and disqualification from rights

Article 69- (1) The period of the disqualifications from rights attached to the penalty or specified in the judgment shall continue until the statute of limitations for the penalty has expired.

Statute of limitations for confiscation

Article 70- (1) A provision concerning confiscation shall not be enforced after the lapse of twenty years from the date on which it becomes final.

Interruption of the statute of limitations for penalties

Article 71- (1) The statute of limitations for the penalty shall be interrupted by the notification made to the convicted person in accordance with law by the competent authority for the enforcement of the judgment of conviction, or by the apprehension of the convicted person for this purpose. (2) The statute of limitations for the penalty shall be interrupted where a person convicted of an offence commits an intentional offence punishable by imprisonment with an upper limit of more than two years.

Calculation and application of the statute of limitations

Article 72- (1) The periods of the statute of limitations for prosecution and penalties shall be determined by the calculation of days, months, and years. One day is twenty-four hours; one month is thirty days. A year shall be calculated according to the official calendar. (2) The statute of limitations for prosecution and penalties shall be applied ex officio, and the suspect, the defendant, and the convicted person may not waive it.

Offences subject to complaint for investigation and prosecution 22

Article 73- (1) Where an offence subject to complaint for investigation and prosecution is concerned, if the person entitled thereto does not file a complaint within six months, no investigation or prosecution may be conducted. (2) Provided that the statute of limitations period is not exceeded, this period shall commence from the day on which the person entitled to file a complaint learns or becomes aware of the act and the identity of the perpetrator. (3) If one of the several persons entitled to file a complaint allows the six-month period to lapse, the rights of the others shall not be forfeited thereby. (4) In offences subject to complaint for prosecution, unless otherwise provided by law, the waiver of the injured party shall terminate the case, and a waiver made after the judgment has become final shall not prevent the enforcement of the penalty. (5) The waiver of the complaint concerning one of the defendants who committed the offence jointly shall also cover the others. (6) Unless otherwise provided by law, a waiver shall not affect a defendant who does not accept it. (7) Where the dismissal of the public case results from the injured party's waiver of the complaint, and the injured party has expressly declared, at the time of waiver, that he also waives his personal rights, he may no longer bring an action before the civil court. (8) (Repealed: 6/12/2006 – Article 45 of Law No. 5560.)

Effect of the dismissal of a case or penalty

Article 74- (1) A general amnesty, a special amnesty, and the waiver of a complaint shall not entail the restitution of confiscated items or of judicial fines paid. (2) The dismissal of the public case shall not affect a personal rights action brought for the restitution of property and the compensation of damages incurred. (3) The dismissal of the penalty shall not affect the provisions concerning personal rights, compensation, and trial costs. However, in the case of a general amnesty, trial costs may not be claimed either.

Payment in lieu of prosecution

Article 75- (1) Except for the offences subject to reconciliation, the perpetrator of an offence that requires only a judicial fine or for which the upper limit of the imprisonment provided for in the law does not exceed six months;

22 By Article 2 of Law No. 5560 dated 19/12/2006, the phrase ", reconciliation" in this heading has been removed from the text.

a) If the judicial fine is a fixed amount, shall pay this amount, otherwise its lower limit; b) Shall pay the amount calculated on the basis of thirty Turkish Lira for each day as the equivalent of the lower limit of the imprisonment; 23

c) If a judicial fine is also provided for in addition to imprisonment, the amount to be determined for the imprisonment in accordance with subparagraph (b) of this paragraph, together with the lower limit of the judicial fine, shall not be subject to a public prosecution if he pays, together with the investigation costs, within ten days upon the notification to be made by the public prosecutor's office. (Added sentences: 17/10/2019-7188/Article 16) Provided that the perpetrator requests within ten days, the public prosecutor shall decide that this amount be paid in three equal instalments, one month apart. If the instalments are not paid on time, the partial payment becomes null and void and the investigation continues. (Added sentence: 24/11/2016-6763/Article 12) Except for negligent offences, where the perpetrator commits an offence subject to partial payment within five years from the date of the decision of non-prosecution or dismissal of the public prosecution based on the partial payment, the partial payment amount to be offered to the perpetrator pursuant to this paragraph shall be increased by half. (2) Where the case is directly brought before the court pursuant to the provisions of special laws, the public prosecution shall likewise be dismissed if the perpetrator, upon the notification to be made by the judge, pays the amount to be determined in accordance with the provisions of the first paragraph, together with the trial costs. (3) The above paragraph shall also apply where a public prosecution is initiated by the public prosecutor's office without carrying out the partial

payment procedure for an offence falling within the scope of this Article, or where the nature of the act that is the subject of the prosecution changes, thereby becoming an offence falling within the scope of this Article. (4) Where only one of the penalties of imprisonment not exceeding six months as to its upper limit or a judicial fine may be applied under the provision of the law concerning the offence, the amount to be paid shall be determined on the basis of the judicial fine in accordance with the above paragraphs. 25

(5) The non-initiation or elimination of public prosecution pursuant to this Article shall not affect the provisions concerning the demand of personal rights, the restitution of property, and confiscation. (6) (Added: 24/11/2016-6763/Article 12) The provisions of this Article shall also apply to: a) The offences set out in this Code, namely: 1. Failure to fulfil the obligation of assistance or notification (first paragraph of Article 98), 2. Reckless endangerment of general security (Article 171), 3. Reckless pollution of the environment (first paragraph of Article 182),

23 By Article 12 of Law No. 6763 dated 24/11/2016, the phrase "three" in the first paragraph of this Article has been amended to "six", and the phrase "twenty" has been amended to "thirty". 24 This subparagraph has been amended by Article 37 of Law No. 7499, to enter into force on 1/6/2024. The said provision will be entered into the Legislation Information System on its date of entry into force; to view the said provision, refer to the Official Gazette No. 32487 dated 12/3/2024. 25 By Article 12 of Law No. 6763 dated 24/11/2016, the phrase "three" in this paragraph has been amended to "six".

4. Improper use of special signs and garments (first paragraph of Article 264), 5. Failure to report an offence (first and second paragraphs of Article 278), b) The offence set out in the first paragraph of Article 108 of the Forest Law No. 6831 dated 31/8/1956, c) (Added: 17/10/2019-7188/Article 16) The offence set out in the first sentence of the second paragraph of Article 74 of the Law on the Protection of Cultural and Natural Assets No. 2863 dated 21/7/1983, d) (Added: 17/10/2019-7188/Article 16) The offence set out in subparagraph (d) of the first paragraph of Article 32 of the Associations Law No. 5253 dated 4/11/2004. Where the offences within the scope of this paragraph are repeated within five years, the partial payment provisions shall not apply to the perpetrator for the same offence. (7) (Added: 24/11/2016-6763/Article 12) Decisions of non-prosecution and decisions of dismissal issued following a partial payment shall be recorded in a system specifically dedicated to them. These records may be used only for the purpose specified in this Article, upon request by the public prosecutor, judge, or court in connection with an investigation or prosecution.

BOOK TWO Special Provisions

PART ONE International Crimes

CHAPTER ONE Genocide and Crimes Against Humanity Genocide

Article 76- (1) The commission of any of the following acts against members of national, ethnic, racial, or religious groups, with the intent to destroy, in whole or in part, such groups, through the execution of a plan, constitutes the offence of genocide: a) Intentional killing. b) Causing grave harm to the physical or mental integrity of persons. c) Forcing the group to live under conditions designed to result in its destruction, in whole or in part. d) Taking measures intended to prevent births within the group. e) Forcibly transferring children belonging to the group to another group. (2) The perpetrator of the offence of genocide shall be sentenced to aggravated life imprisonment. However, with respect to the offences of intentional killing and intentional injury committed within the scope of genocide, the provisions on actual aggregation shall be applied according to the number of victims determined. (3) Legal entities shall also be sentenced to security measures for these offences.

(4) The statute of limitations shall not apply to these offences.

Crimes against humanity

Article 77- (1) The systematic commission of the following acts against a segment of society, in furtherance of a plan, on political, philosophical, racial, or religious grounds, constitutes a crime against humanity: a) Intentional killing. b) Intentional injury. c) Torture, torment, or enslavement. d) Deprivation of liberty. e) Subjecting persons to scientific experiments. f) Sexual assault, sexual abuse of children. g) Forcible impregnation. h) Forcibly inducing prostitution. (2) Where the act set out in subparagraph (a) of the first paragraph is committed, the perpetrator shall be sentenced to aggravated life imprisonment; where the acts defined in the other subparagraphs are committed, the perpetrator shall be sentenced to imprisonment of not less than eight years. However, with respect to the offences of intentional killing and intentional injury committed within the scope of subparagraphs (a) and (b) of the first paragraph, the provisions on actual aggregation shall be applied according to the number of victims determined. (3) Legal entities shall also be sentenced to security measures for these offences. (4) The statute of limitations shall not apply to these offences.

Organisation

Article 78- (1) A person who establishes or manages an organisation for the purpose of committing the offences set out in the above Articles shall be sentenced to imprisonment of ten to fifteen years. Members of such organisations shall be sentenced to imprisonment of five to ten years. (2) Legal entities shall also be sentenced to security measures for these offences. (3) The statute of limitations shall not apply to these offences.

CHAPTER TWO Migrant Smuggling and Human Trafficking Migrant smuggling 26

Article 79- (1) A person who, for the purpose of obtaining a material benefit directly or indirectly, by unlawful means: a) brings a foreigner into the country or enables that foreigner to remain in the country, b) enables a Turkish citizen or a foreigner to leave the country for abroad, shall be sentenced to imprisonment from five years to eight years and to a judicial fine from one thousand days up to ten thousand days. (Additional sentence: 22/7/2010 – Article 6 of Law No. 6008) Even if the offense remains at the stage of attempt,

26 By Article 6 of Law No. 6008 dated 22/7/2010, a new paragraph was added to this Article to follow the first paragraph, and the other paragraphs were renumbered accordingly.

the sentence shall be imposed as if the offense had been completed. 2728

(2) (Additional paragraph: 22/7/2010 – Article 6 of Law No. 6008) Where the offense: a) creates a danger to the lives of the victims, b) is committed by subjecting them to degrading treatment, the sentence to be imposed shall be increased by half up to two-thirds. (3) (Amended: 6/12/2019 – Article 56 of Law No. 7196) Where this offense is committed jointly by more than one person, the sentence to be imposed shall be increased by up to half; where it is committed within the framework of the activities of an organization, the sentence to be imposed shall be increased by half up to twofold. (4) Where this offense is committed within the framework of the activities of a legal entity, security measures specific to such entities shall be imposed on the legal entity.

Human trafficking

Article 80- (1) (Amended: 6/12/2006 – Article 3 of Law No. 5560) A person who, for the purpose of forcing another person to work, rendering that person to provide services, compelling that person into prostitution or subjecting that person to slavery or servitude, or enabling the donation of body organs, applies threats, pressure, force or violence, abuses authority, engages in deception, or obtains the consent of persons by exploiting their control opportunities over them or their desperation in order to bring persons into, remove them from, supply, abduct, transport or transfer them from one place to another within or harbor them in the country, shall be sentenced to imprisonment from eight years to twelve years and to a judicial fine up to ten thousand days. (2) Where the acts constituting the offense undertaken for the purposes specified in the first paragraph exist, the consent of the victim shall be invalid. (3) In cases where persons under the age of eighteen are supplied, abducted, transported or transferred from one place to another, or harbored for the purposes specified in the first paragraph, the penalties specified in the first paragraph shall be imposed on the perpetrator even if none of the instrumental acts of the offense has been resorted to. (4) Security measures shall also be imposed on legal entities on account of these offenses.

PART TWO Offenses Against Persons

CHAPTER ONE Offenses Against the Right to Life Intentional homicide

Article 81- (1) A person who intentionally kills another person shall be sentenced to life imprisonment.

Aggravated circumstances

Article 82- (1) Where intentional homicide is committed: 29

a) by premeditation, b) with bestial motive or by torture, c) by means of fire, flooding, destruction, sinking or bombing, or by use of nuclear, biological or chemical weapons, d) against a direct ascendant or descendant, or against a spouse, a divorced spouse, or a sibling, 30

e) against a child or a person who is unable to defend himself/herself physically or mentally, f) (Amended: 12/5/2022 – Article 2 of Law No. 7406) against a woman, g) on account of the public duty performed by the person, h) for the purpose of concealing an offense, destroying its evidence, facilitating its commission or avoiding apprehension, 31

i) (Additional: 29/6/2005 – Article 9 of Law No. 5377) out of resentment at being unable to commit an offense, j) with the motive of blood feuding, k) with the motive of custom, the person shall be sentenced to aggravated life imprisonment.

Commission of intentional homicide by omission

Article 83- (1) For a person to be held responsible for the consequence of death that occurs due to his/her failure to perform a specific act of commission that he/she was obligated to perform, the breach of obligation giving rise to this consequence must be equivalent to an act of commission. (2) For omission and an act of commission to be considered equivalent, the person must: a) have an obligation arising from legal provisions or from a contract to perform a specific act of commission, b) have previously engaged in conduct that created a dangerous situation concerning the lives of others. (3) A person who causes the death of another by breaching a specific obligation may be sentenced, as the basic sentence, to imprisonment from twenty years to twenty-five years instead of aggravated life imprisonment, to imprisonment from fifteen years to twenty years instead of life imprisonment, and in other cases to imprisonment from ten years to fifteen years; alternatively, no reduction in the sentence may be made.

Incitement to suicide 32

Article 84- (1) A person who instigates another to commit suicide, encourages another to commit suicide, strengthens another's decision to commit suicide, or in any manner assists another's suicide shall be sentenced to imprisonment from two years to five years. (2) If the suicide is committed, the person shall be sentenced to imprisonment from four years to ten years. (3) A person who publicly encourages others to commit suicide shall be sentenced to imprisonment from three years to eight years. (Repealed second sentence: 29/6/2005 – Article 10 of Law No. 5377) (4) Persons who drive to suicide persons whose capacity to perceive the meaning and consequences of their act is undeveloped or has been eliminated, and persons who compel others to commit suicide by use of force or threats, shall be held responsible as for the offense of intentional homicide.

Reckless homicide

Article 85- (1) A person who causes the death of another through recklessness shall be sentenced to imprisonment from two years to six years. (2) If the act causes the death of more than one person, or the death of one or more persons together with the injury of one or more persons, the person shall be sentenced to imprisonment from two years up to fifteen years. 33

CHAPTER TWO Offenses Against Bodily Integrity Intentional injury 34

Article 86- (1) Any person who intentionally causes pain to the body of another, or impairs their health or faculty of perception, shall be sentenced to imprisonment for a term of one to three years. (2) (Additional paragraph: 31/3/2005 – Law No. 5328/Article 4) Where the effect of the act of intentional injury upon the person is so slight that it can be remedied by simple medical intervention, 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. (Additional sentence: 12/5/2022 – Law No. 7406/Article 3) Where the offence is committed against a woman, the lower limit of the penalty shall not be less than six months. (3) Where the offence of intentional injury is committed; a) Against an ancestor, descendant, spouse, divorced spouse, or sibling, 35

b) Against a person who is incapable of defending himself/herself physically or mentally, c) On account of the public duty performed by the person, d) By misusing the influence possessed by a public official,

33 The phrases "from three years" in this Article have been amended as "from two years" by Article 3 of Law No. 5328 dated 31/3/2005. 34 A second paragraph has been added to this Article by Article 4 of Law No. 5328 dated 31/3/2005, the other paragraphs have been renumbered accordingly, and the phrase in the existing second paragraph "shall be sentenced to imprisonment for a term of two to five years" has been amended as "shall be increased by half, without requiring a complaint" 35 By Article 7 of Law No. 7331 dated 8/7/2021, the phrase "spouse" in this subparagraph has been amended as "spouse, divorced spouse".

e) With a weapon, f) (Additional: 14/4/2020 – Law No. 7242/Article 11) With bestial feeling, the penalty to be imposed shall be increased by half, without requiring a complaint, and by one-fold with respect to subparagraph (f). 36

Aggravated injury on account of its consequences

Article 87- (1) Where the act of intentional injury causes the victim; a) The permanent weakening of the function of one of their senses or organs, b) A permanent difficulty in speaking, c) A permanent scar on the face, d) A condition endangering their life, e) The premature birth of the child, having been committed against a pregnant woman, the penalty determined in accordance with the above Article shall be increased by one-fold. However, the penalty to be imposed shall not be less than three years in cases falling within the first paragraph, and not less than five years in cases falling within the third paragraph. 37

(2) Where the act of intentional injury causes the victim; a) An incurable disease or entry into a vegetative state, b) The loss of the function of one of their senses or organs, c) The loss of their ability to speak or to bear children, d) A permanent change in the face, e) The miscarriage of the child, having been committed against a pregnant woman, the penalty determined in accordance with the above Article shall be increased by two-fold. However, the penalty to be imposed shall not be less than five years in cases falling within the first paragraph, and not less than eight years in cases falling within the third paragraph. 37

(3) (Amended: 6/12/2006 – Law No. 5560/Article 4) Where intentional injury causes a bone fracture or dislocation in the body, the penalty determined in accordance with the above Article shall be increased by up to half, according to the effect of the fracture or dislocation on the vital functions. (4) Where death occurs as a result of intentional injury, a penalty of imprisonment for a term of eight to twelve years shall be imposed in cases falling within the first paragraph of the above Article, and a penalty of imprisonment for a term of twelve to eighteen years in cases falling within its third paragraph. 3839

36 By Article 11 of Law No. 7242 dated 14/4/2020, the phrase ", and by one-fold with respect to subparagraph (f)" has been added to this paragraph after the phrase "by half". 37 The phrase "second" in these paragraphs has been amended as "third" by Article 11 of Law No. 5377 dated 29/6/2005. 38 The phrase "second" in this paragraph has been amended as "third" by Article 5 of Law No. 5328 dated 31/3/2005. 39 By Article 12 of Law No. 7242 dated 14/4/2020, the phrase "sixteen" in this paragraph has been amended as "eighteen".

Commission of intentional injury by negligent conduct 40

Article 88- (1) Where intentional injury is committed by negligent conduct, the penalty to be imposed may be reduced by up to two-thirds. In the application of this provision, the conditions concerning the commission of intentional killing by negligent conduct shall be taken into consideration.

Injury by recklessness

Article 89- (1) Any person who recklessly causes pain to the body of another, or impairs their health or faculty of perception, shall be sentenced to imprisonment for a term of three months to one year or to a judicial fine. (2) Where the act of injury by recklessness causes the victim; a) The permanent weakening of the function of one of their senses or organs, b) A bone fracture in the body, c) A permanent difficulty in speaking, d) A permanent scar on the face, e) A condition endangering their life, f) The premature birth of a pregnant woman's child, the penalty determined in accordance with the first paragraph shall be increased by half. (3) Where the act of injury by recklessness causes the victim; a) An incurable disease or entry into a vegetative state, b) The loss of the function of one of their senses or organs, c) The loss of their ability to speak or to bear children, d) A permanent change in the face, e) The miscarriage of a pregnant woman's child, the penalty determined in accordance with the first paragraph shall be increased by one-fold. (4) Where the act causes injury to more than one person, a penalty of imprisonment for a term of six months to three years shall be imposed. (5) (Amended: 6/12/2006 – Law No. 5560/Article 5) The investigation and prosecution of the offence of injury by recklessness shall be subject to a complaint. However, except for injury falling within the scope of the first paragraph, where the offence is committed with conscious recklessness, no complaint shall be required.

Experimentation on humans

Article 90- (1) Any person who conducts a scientific experiment on human beings shall be sentenced to imprisonment from one year to three years. (2) For a consent-based scientific experiment conducted on human beings not to entail criminal liability: a) the necessary permission must have been obtained from the competent board or authorities concerning the experiment, b) the experiment must first have been conducted in a non-human experimental setting or on a sufficient number of animals,

40 By Article 6 of Law No. 5328 dated 31/3/2005, the heading of this Article, which previously read "Circumstances requiring a lesser penalty," was amended as incorporated into the text; the first paragraph of the said Article was removed from the text of the Article, and its second paragraph was carried forward as the first paragraph.

c) the scientific data obtained as a result of experiments conducted in a non-human experimental setting or on animals must necessitate that they also be conducted on human beings in order to attain the intended objective, d) the experiment must not have a foreseeable harmful and permanent effect on human health, e) during the experiment, methods causing pain incompatible with human dignity must not be applied to the person, f) the intended purpose of the experiment must outweigh the burden it imposes on the person and the danger to the person's health, g) the consent, declared on the basis of adequate information as to the nature and consequences of the experiment, must be in writing and must not be conditional upon any provision of benefit, is required. (3) (Amended: 31/3/2005 – Article 7 of Law No. 5328.) In addition to the conditions stipulated in the second paragraph, for a scientific experiment conducted on children not to entail criminal liability: a) the scientific data obtained as a result of the experiments conducted must necessitate that they also be conducted on children in order to attain the intended objective, b) where the child has the capacity to express consent, the written consent of the mother and father or of the guardian must also be obtained in addition to the child's own consent, c) a specialist in child health and diseases must be present on the competent boards authorized to grant permission for the experiment, is required. (4) Any person who conducts therapeutic trials on a sick human being without consent shall be sentenced to imprisonment for up to one year. However, where it is understood that the application of known medical intervention methods will not produce results, a consent-based therapeutic trial conducted on the person in accordance with scientific methods shall not entail criminal liability. The declared consent must be in writing, based on adequate information as to the nature and consequences of the trial, and the treatment must be carried out by a specialist physician in a hospital setting. (5) Where, as a result of the commission of the offence defined in the first paragraph, the victim is injured or dies, the provisions relating to the offences of intentional injury or intentional killing shall apply. (6) Where the offences defined in this Article are committed within the framework of the activities of a legal entity, security measures specific to such offences shall be imposed on the legal entity.

Trade in Organs or Tissues

Article 91- (1) Any person who removes an organ from another person without legally valid consent shall be sentenced to imprisonment from five years to nine years. Where the subject matter of the offence is a tissue, a penalty of imprisonment from two years to five years shall be imposed. (2) Any person who unlawfully removes an organ or tissue from a deceased person shall be sentenced to imprisonment for up to one year. (3) Any person who purchases, sells, or acts as an intermediary in the sale of organs or tissues shall be sentenced to the penalties specified in the first

paragraph. (4) Where the offences defined in the first and third paragraphs are committed within the framework of the activities of an organization, a penalty of imprisonment from eight years to fifteen years and a judicial fine of up to ten thousand days shall be imposed. (5) Any person who stores, transplants, or grafts an organ or tissue obtained through unlawful means shall

be sentenced to imprisonment from two years to five years. (6) Any person who issues or publishes announcements or advertisements for the purpose of procuring organs or tissues in exchange for a certain benefit shall be sentenced to imprisonment for up to one year. (7) Where the offences defined in this Article are committed within the framework of the activities of a legal entity, security measures specific to such offences shall be imposed on the legal entity. (8) Where, as a result of the commission of the offence defined in the first paragraph, the victim dies, the provisions relating to the offence of intentional killing shall apply.

State of Necessity

Article 92- (1) Taking into consideration the social and economic conditions of the person who sells his or her organs or tissues, the penalty to be imposed may be reduced, or the imposition of a penalty may be waived altogether.

Effective Remorse

Article 93- (1) If the person who sells his or her organs or tissues notifies the authorities of the situation before the offence becomes known to the official authorities, thereby facilitating the apprehension of the offenders, no penalty shall be imposed on him or her. (2) Where, after the offence becomes known, the person who sells his or her organs or tissues voluntarily provides service and assistance leading to the discovery of the offence and the apprehension of the other offenders, the penalty to be imposed shall be reduced by one quarter to one half, depending on the nature of the assistance.

THIRD CHAPTER Torture and Torment Torture

Article 94- (1) A public official who carries out conduct against a person that is incompatible with human dignity and that causes physical or mental suffering, impairs perception or the exercise of will, or degrades the person shall be sentenced to imprisonment from three years to twelve years. (Additional sentence: 12/5/2022 – Article 4 of Law No. 7406.) Where the offence is committed against a woman, the lower limit of the penalty shall not be less than five years. (2) Where the offence is committed: a) against a child, a person who is unable to defend himself or herself physically or mentally, or a pregnant woman, b) against a lawyer or another public official on account of his or her duty, the penalty shall be imprisonment from eight years to fifteen years.

(3) Where the act takes the form of sexual harassment, a penalty of imprisonment from ten years to fifteen years shall be imposed. (4) Other persons who participate in the commission of this offence shall also be punished as public officials. (5) Where this offence is committed by negligent conduct, no reduction of the penalty shall be made on this ground. (6) (Additional: 11/4/2013 – Article 9 of Law No. 6459.) The statute of limitations shall not apply to this offence.

Aggravated Torture Due to Its Consequences

Article 95- (1) Where the acts of torture cause the victim: a) the permanent weakening of the function of one of the senses or organs, b) permanent difficulty in speaking, c) a permanent mark on the face, d) a condition endangering his or her life, e) the premature birth of the child, where committed against a pregnant woman, the penalty determined in accordance with the above Article shall be increased by half. (2) Where the acts of torture cause the victim: a) an incurable disease or a persistent vegetative state, b) the loss of the function of one of the senses or organs, c) the loss of the ability to speak or to reproduce, d) a permanent change in the face, e) the loss of the child, where committed against a pregnant woman, the penalty determined in accordance with the above Article shall be increased twofold. (3) Where the acts of torture cause a bone fracture in the body, a penalty of imprisonment from eight years to fifteen years shall be imposed, depending on the effect of the fracture on vital functions. (4) Where death occurs as a consequence of torture, a penalty of aggravated life imprisonment shall be imposed.

Torment

Article 96- (1) A person who commits acts that cause torment to another person shall be sentenced to imprisonment from two years to five years. (Additional sentence: Article 12/5/2022-7406/5) Where the offence is committed against a woman, the lower limit of the penalty shall not be less than two years and six months. (2) Where the acts falling within the scope of the above paragraph are committed; a) against a child, a person who is unable to defend himself/herself physically or mentally, or a pregnant woman, b) against an ancestor, descendant, father-in-law or mother-in-law, spouse, or divorced spouse, 41

the person shall be sentenced to imprisonment from three years to eight years.

41 By Article 8 of Law No. 7331 dated 8/7/2021, the phrase "or divorced spouse" was added to this paragraph after the phrase "spouse".

FOURTH CHAPTER Violation of the Duty of Protection, Supervision, Assistance, or Notification Abandonment

Article 97- (1) A person who abandons to his/her own fate a person who, due to age or illness, is unable to look after himself/herself and is therefore under a duty of protection and supervision, shall be sentenced to imprisonment from three months to two years. (2) Where, as a result of the abandonment, the victim contracts an illness, is injured, or dies, the penalty shall be imposed in accordance with the provisions on aggravated offences by reason of their consequences.

Failure to Fulfil the Duty of Assistance or Notification

Article 98- (1) A person who fails to assist, to the extent permitted by the circumstances and conditions, a person who is unable to look after himself/herself due to age, illness, or injury, or for any other reason, or fails to immediately notify the relevant authorities of the situation, shall be sentenced to imprisonment of up to one year or to a judicial fine. (2) Where the death of the person occurs due to the failure to fulfil the duty of assistance or notification, the person shall be sentenced to imprisonment from one year to three years.

FIFTH CHAPTER Procuring or Effecting Miscarriage, and Sterilisation Procuring miscarriage

Article 99- (1) A person who causes a woman to miscarry without her consent shall be sentenced to imprisonment from five years to ten years. (2) A person who, in the absence of medical necessity, causes the miscarriage of a woman whose pregnancy has exceeded ten weeks, even with her consent, shall be sentenced to imprisonment from two years to four years. In such case, the woman who has consented to the procuring of her miscarriage shall be sentenced to imprisonment of up to one year or to a judicial fine. (3) Where the act written in the first paragraph causes harm to the woman's physical or mental health, the person shall be sentenced to imprisonment from six years to twelve years; where the act causes the death of the woman, the person shall be sentenced to imprisonment from fifteen years to twenty years. (4) Where the act written in the second paragraph causes harm to the woman's physical or mental health, the person shall be sentenced to imprisonment from three years to six years; where the act causes the death of the woman, the person shall be sentenced to imprisonment from four years to eight years. (5) Where the miscarriage of a woman whose pregnancy has not exceeded ten weeks is procured, even with her consent, by an unauthorised person, the person shall be sentenced to imprisonment from two years to four years. Where the other acts defined in the above paragraphs are committed by an unauthorised person, the penalty to be imposed in accordance with those paragraphs shall be increased by half. (6) Where the pregnancy results from an offence of which the woman is the victim, no penalty shall be imposed on the person who terminates the pregnancy, provided that the duration of the pregnancy does not exceed twenty weeks and the woman consents. However, for this purpose, the pregnancy must be terminated by specialist physicians in a hospital environment.

Effecting miscarriage

Article 100- (1) A woman who voluntarily causes the miscarriage of her own pregnancy exceeding ten weeks shall be sentenced to imprisonment of up to one year or to a judicial fine.

Sterilisation

Article 101- (1) A person who sterilises a man or a woman without his/her consent shall be sentenced to imprisonment from three years to six years. Where the act is committed by a person who is not authorised to perform sterilisation procedures, the penalty shall be increased by one third. (2) Where the act of sterilisation is committed, even with consent, by an unauthorised person, the person shall be sentenced to imprisonment from one year to three years.

SIXTH CHAPTER Offences Against Sexual Immunity Sexual assault

Article 102- (Amended: 18/6/2014-6545/Article 58) (1) A person who violates the bodily immunity of another person by means of sexual conduct shall be sentenced, upon the complaint of the victim, to imprisonment from five years to ten years. Where the sexual conduct remains at the level of harassment, the person shall be sentenced to imprisonment from two years to five years. (2) Where the act is committed by inserting an organ or other object into the body, the person shall be sentenced to imprisonment of not less than twelve years. Where this act is committed against the spouse, the conduct of the investigation and prosecution shall be subject to the complaint of the victim. (3) Where the offence is committed; a) against a person who is unable to defend himself/herself physically or mentally, b) by misusing the influence provided by public office, guardianship, or a service relationship, c) against a person related by blood or affinity to the third degree inclusive, or by a stepfather, stepmother, step-sibling, adopter, or adopted person, d) with a weapon or collectively by more than one person, e) by taking advantage of the opportunities provided by environments where people are required to live together in groups, the penalties imposed in accordance with the above paragraphs shall be increased by half. (4) Where the force and violence resorted to for the purpose of sexual assault causes the severe consequences of the offence of intentional injury, the provisions relating to the offence of intentional injury shall additionally apply. (5) Where, as a consequence of the offence, the victim enters a persistent vegetative state or dies, the person shall be sentenced to aggravated life imprisonment.

Sexual abuse of children

Article 103- (Amended: 18/6/2014-6545/Article 59)

(1) (First and second sentences rearranged: 24/11/2016-6763/Article 13) A person who sexually abuses a child shall be sentenced to imprisonment from eight years to fifteen years. Where the sexual abuse remains at the level of harassment, imprisonment from three years to eight years shall be imposed. (Additional sentence: 24/11/2016-6763/Article 13) Where the victim has not completed the age of twelve, the penalty to be imposed shall not be less than ten years in cases of abuse and not less than five years in cases of harassment. Where the perpetrator of an offence that remains at the level of harassment is a child, the conduct of an investigation and prosecution shall be subject to a complaint by the victim, their guardian, or their custodian. The term sexual abuse shall be understood to mean: 42

a) Any sexual behaviour committed against children who have not completed the age of fifteen, or who have completed the age of fifteen but whose capacity to perceive the legal meaning and consequences of the act has not developed; b) Sexual behaviours committed against other children only on the basis of force, threat, deception, or any other cause that affects the will. (2) (Rearranged: 24/11/2016-6763/Article 13) Where the sexual abuse is committed by inserting an organ or another object into the body, a penalty of imprisonment of not less than sixteen years shall be imposed. Where the victim has not completed the age of twelve, the penalty to be imposed shall not be less than eighteen years. (3) Where the offence is committed; a) Jointly by

more than one person, b) By taking advantage of the facilities provided by environments where people are obliged to live together in a community, c) Against a person related by blood or affinity up to and including the third degree, or by a stepfather, stepmother, step-sibling, or an adopter, d) By a guardian, trainer, teacher, caregiver, foster family, or a person providing healthcare services, or a person having an obligation of protection, care, or supervision, e) By misusing the influence afforded by public office or a service relationship, the penalty to be imposed according to the above paragraphs shall be increased by half. (4) Where the sexual abuse is committed against the children referred to in subparagraph (a) of the first paragraph by means of force or threat, or against the children referred to in subparagraph (b) by using a weapon, the penalty to be imposed according to the above paragraphs shall be increased by half. (5) Where the force and violence resorted to for the purpose of sexual abuse results in the aggravated consequences of the offence of intentional injury, the provisions relating to the offence of intentional injury shall also be applied. (6) Where the offence results in the victim entering a persistent vegetative state or their death, a penalty of aggravated life imprisonment shall be imposed.

42 By the Decision of the Constitutional Court dated 26/5/2016 and numbered E.: 2015/108, K.: 2016/46, the first and second sentences of paragraph (1) of this Article have been annulled with respect to the word "...not completed..." contained in subparagraph (a) of paragraph (1).

Sexual intercourse with a minor

Article 104- (1) A person who has sexual intercourse with a child who has completed the age of fifteen, without force, threat, and deception, shall, upon complaint, be sentenced to imprisonment from two years to five years. 43

(2) (Annulled: by the Decision of the Constitutional Court dated 23/11/2005 and numbered E: 2005/103, K: 2005/89; Rearranged: 18/6/2014-6545/Article 60) Where the offence is committed by a person who is prohibited from marrying the victim, a penalty of imprisonment from ten years to fifteen years shall be imposed without requiring a complaint. (3) (Additional: 18/6/2014-6545/Article 60) Where the offence is committed by a person who has undertaken the pre-adoption care of the child to be adopted, or who has an obligation of protection, care, and supervision within the framework of a foster family relationship, a penalty shall be imposed according to the second paragraph without requiring a complaint.

Sexual harassment

Article 105- (1) A person who harasses another person for sexual purposes shall, upon complaint by the victim, be sentenced to imprisonment from three months to two years or to a judicial fine; where the act is committed against a child, a penalty of imprisonment from six months to three years shall be imposed. 44

(2) (Amended: 18/6/2014-6545/Article 61) Where the offence is committed; a) By taking advantage of the facilities provided by public office, a service relationship, or a family relationship, b) By a guardian, trainer, teacher, caregiver, foster family, or a person providing healthcare services, or a person having an obligation of protection, care, or supervision, c) By taking advantage of the facilities provided by working at the same workplace, d) By taking advantage of the facilities provided by postal or electronic communication tools, e) By means of exposure, the penalty to be imposed according to the above paragraph shall be increased by half. Where, on account of this act, the victim has been compelled to leave their job, school, or family, the penalty to be imposed shall not be less than one year.

SECTION SEVEN Offences Against Liberty Threat

Article 106- (1) A person who threatens another with the statement that they will carry out an attack directed against the life, bodily or sexual integrity of that person or of their relative shall be sentenced to imprisonment from six months to two years. (Additional sentence: 12/5/2022-7406/Article 6) Where this offence is committed against a woman, the lower limit of the penalty shall not be less than nine months. Where the threat consists of the statement that the victim will suffer great damage to their assets or that some other evil will be inflicted, a penalty of imprisonment of up to six months or a judicial fine shall be imposed upon complaint of the victim.

43 By Article 60 of Law No. 6545 dated 18/6/2014, the phrase "from six months to two" contained in this paragraph has been amended to read "from two years to five". 44 By Article 61 of Law No. 6545 dated 18/6/2014, the phrase "shall be imposed" contained in this paragraph has been amended to read ", a penalty of imprisonment from six months to three years shall be imposed where the act is committed against a child".

(2) Where the threat is committed; a) With a weapon, b) By the person concealing their identity, by an unsigned letter, or by special signs, c) Jointly by more than one person, d) By utilising the intimidating power generated by existing or presumed criminal organisations, a penalty of imprisonment from two years to five years shall be imposed on the perpetrator. (3) Where the offence of intentional killing, intentional injury, or damage to property is committed for the purpose of threat, a penalty shall also be imposed for these offences.

Blackmail

Article 107- (1) A person who compels another, by threatening to do or not to do a thing they have the right or obligation to do, to do or not to do a thing contrary to law or not incumbent upon them, or to provide an unjust benefit, shall be sentenced to imprisonment from one year to three years and to a judicial fine of up to five thousand days. (2) (Additional: 29/6/2005 – 5377/Article 14) Where a threat is made to disclose or impute matters of a nature that would harm the honour or reputation of a person, for the purpose of providing a benefit to oneself or another, a penalty shall also be imposed according to the first paragraph.

Use of force

Article 108- (1) Where force is used against a person in order to make them do or not do a thing, or to allow the perpetrator to do it, the penalty to be imposed for the offence of intentional injury shall be imposed with an increase from one-third to one-half.

Deprivation of liberty

Article 109- (1) Any person who unlawfully deprives another of his or her liberty to go to a place or to remain in a place shall be sentenced to imprisonment for a term of one to five years. (2) If the offence is committed by using force, threat or deception in order to commit the offence or during its commission, the offender shall be sentenced to imprisonment for a term of two to seven years. (3) Where this offence is committed; a) with a weapon, b) by more than one person jointly, c) on account of the public duty performed by the victim, d) by misusing the influence provided by public office, e) against an ascendant, descendant or spouse, or a divorced spouse, 45

f) against a child or a person who is incapable of defending himself or herself physically or mentally, the penalty to be imposed according to the above paragraphs shall be increased by one half. (4) Where this offence causes the victim to suffer a significant economic loss, a judicial fine of up to one thousand days shall also be imposed. (5) Where the offence is committed for sexual purposes, the penalties to be imposed according to the above paragraphs shall be increased by one half. (6) Where the aggravated circumstances of the offence of intentional injury occur as a result of that offence committed with the intent to commit this offence or during its commission, the provisions relating to the offence of intentional injury shall also apply.

Effective remorse

Article 110- (1) Where the person who commits the offence defined in the above article voluntarily releases the victim unharmed, in a safe place, before an investigation is initiated regarding this offence, the penalty shall be reduced by up to two thirds.

Imposition of security measures on legal entities

Article 111- (1) Security measures specific to legal entities shall be imposed upon legal entities that obtain unjust benefits as a result of the commission of the offences of threat, blackmail, force or deprivation of liberty.

Obstruction of the right to education and instruction 46

Article 112- (Amended: 2/3/2014-Decree Law 6529/12 art.) (1) Where, through the use of force or threat, or by any other unlawful act; a) any kind of educational and instructional activities conducted by the State or based on a permit granted by public authorities, b) the exercise of a person's right to education and instruction, c) entry into or remaining in buildings where students collectively reside, or their annexes, are obstructed, the perpetrator shall be sentenced to imprisonment for a term of two to five years.

Obstruction of the right to benefit from public services 47

Article 113- (Amended: 2/3/2014-Decree Law 6529/13 art.)

(1) Where, through the use of force or threat, or by any other unlawful act; a) the conduct of a public activity, b) the benefitting from services provided at public institutions or professional organizations having the status of public institutions, or based on a permit granted by public authorities, is obstructed, the perpetrator shall be sentenced to imprisonment for a term of two to five years. (2) (Added: 12/5/2022-Decree Law 7406/7 art.) Where the subject matter of the offence is a healthcare service, the penalty to be imposed shall be increased by up to one sixth.

Obstruction of the exercise of political rights

Article 114- (1) Any person who uses force or threat against another person with the aim of compelling him or her; a) to become or not become a member of a political party, to participate or not participate in the activities of a political party, to leave the political party or a position in its administration, b) not to become a candidate for a public office attained through election, or to resign from the office to which he or she has been elected, shall be sentenced to imprisonment for a term of one to three years. (2) Where the activities of a political party are obstructed through the use of force or threat, or by any other unlawful act, the offender shall be sentenced to imprisonment for a term of two to five years.

Obstruction of the exercise of the freedom of belief, thought and opinion

Article 115- (1) Any person who, by using force or threat, compels another person to disclose or change his or her religious, political, social or philosophical beliefs, thoughts and opinions, or prevents him or her from disclosing or disseminating them, shall be sentenced to imprisonment for a term of one to three years. (2) (Amended: 2/3/2014-Decree Law 6529/14 art.) Where the fulfilment of the requirements of a religious belief, or the performance of religious worship or ceremonies individually or collectively, is obstructed through the use of force or threat, or by any other unlawful act, the perpetrator shall be sentenced to a penalty in accordance with the first paragraph. (3) (Added: 2/3/2014-Decree Law 6529/14 art.) Any person who, by using force or threat or by any other unlawful act, interferes with the preferences of another person relating to his or her way of life arising from his or her beliefs, thoughts or opinions, or compels him or her to change them, shall be sentenced to a penalty in accordance with the provisions of the first paragraph.

Breach of the inviolability of the domicile

Article 116- (1) Any person who enters the dwelling or its annexes of another person contrary to that person's consent, or who, having entered with consent, fails to leave, shall, upon the complaint of the victim, be sentenced to imprisonment for a term of six months to two years. (2) (Amended: 31/3/2005 – Decree Law 5328/8 art.) Where the acts falling within the scope of the first paragraph are committed against workplaces, other than places where entry is customary without the need for explicit consent, and their annexes, upon the complaint of the victim, the offender shall be sentenced to imprisonment for a term of six months to one year or to a judicial fine. (3) (Amended: 31/3/2005 – Decree Law 5328/8 art.) In cases where family members jointly use a dwelling within the marriage union, or where a dwelling or workplace is jointly used by more than one person, the provisions of the above paragraphs shall not apply if one of these persons consents. However, for this purpose, the declaration of consent must be directed towards a legitimate aim. (4) Where the act is committed by using force or threat, or at nighttime, the offender shall be sentenced to imprisonment for a term of one to three years.

Breach of the freedom of work and labour

Article 117- (1) Any person who, by using force or threat, or by any other unlawful act, breaches the freedom of work and labour shall, upon the complaint of the victim, be sentenced to imprisonment for a term of six months to two years or to a judicial fine. (2) Any person who exploits the desperation, lack of protection or dependence of another person in order to force that person or persons to work without payment or for a wage that is clearly disproportionately low compared to the service rendered, or who subjects a person in such a situation to working and accommodation conditions incompatible with human dignity, shall be sentenced to imprisonment for a term of six months to three years or to a judicial fine of not less than one hundred days. (3) The same penalty shall be imposed on any person who procures, dispatches or transports a person from one place to another for the purpose of bringing that person into the situations specified in the above paragraph. (4) Any person who, by using force or threat, compels workers or employers to accept a reduction or increase in wages, or to agree to conditions other than those previously accepted, or who causes the cessation or termination of work or the continuation of such cessation, shall be sentenced to imprisonment for a term of six months to three years.

Obstruction of the exercise of trade union rights

Article 118- (1) Any person who uses force or threat against another person with the aim of compelling him or her to become or not become a member of a trade union, to participate or not participate in the activities of the trade union, or to leave the trade union or a position in its administration, shall be sentenced to imprisonment for a term of six months to two years. (2) Where the activities of a trade union are obstructed through the use of force or threat, or by any other unlawful act, the offender shall be sentenced to imprisonment for a term of one to three years.

Common provision

Article 119- (1) Where the offences of preventing education and instruction, preventing the activities of public legal entities or professional organisations qualified as public institutions, preventing the exercise of political rights, preventing the exercise of freedom of belief, thought and opinion, violation of the inviolability of the home, and violation of freedom of work and labour are committed;

a) With a weapon, b) By a person concealing his identity so as not to be recognised, by an unsigned letter, or by special marks, c) Jointly by more than one person, d) By making use of the intimidating power formed by existing or presumed criminal organisations, e) By misuse of the influence afforded by public office,

the penalty to be imposed shall be increased by one half.

(2) Where, during the commission of these offences, the aggravated circumstances of the offence of intentional injury occur as a consequence, the provisions relating to the offence of intentional injury shall also apply.

Unlawful search

Article 120- (1) A public officer who unlawfully searches the person or belongings of a person shall be sentenced to imprisonment for a term of three months to one year.

Prevention of the exercise of the right to petition

Article 121- (1) Where a petition submitted by a person to the competent public authorities for the exercise of a specific right is refused without any legal grounds, the perpetrator shall be sentenced to imprisonment for a term of up to six months.

Hate and discrimination 48

Article 122- (Amended: 2/3/2014-By Article 15 of Law No. 6529) (1) A person who prevents;
a) The sale, transfer or lease to a person of a movable or immovable property offered to the public,
b) The benefit by a person of a specific service offered to the public, c) The employment of a person, d) The engagement by a person in an ordinary economic activity, on account of hatred arising from differences of language, race, nationality, colour, sex, disability, political opinion, philosophical belief, religion or sect, shall be sentenced to imprisonment for a term of one to three years.

Disturbing the tranquillity and peace of persons

Article 123- (1) Where a person is persistently telephoned, subjected to noise, or where any other unlawful conduct is engaged in for the same purpose, solely with the intent to disturb the tranquillity and peace of that person, upon the complaint of the victim, the perpetrator shall be sentenced to imprisonment for a term of three months to one year.

Persistent stalking

48 The heading of this Article, which was previously "Discrimination", was amended as incorporated into the text by Article 15 of Law No. 6529 dated 2/3/2014.

ARTICLE 123/A- (Added: 12/5/2022-By Article 8 of Law No. 7406) (1) A perpetrator who, by persistently following a person physically or by attempting to make contact through means of communication, information systems or third parties, causes that person serious distress or causes that person or one of his/her relatives to fear for their safety, shall be sentenced to imprisonment for a term of six months to two years. (2) Where the offence is committed; a) Against a child or against a spouse from whom a decision of separation has been given or who has been divorced, b) Causing the victim to change his/her school, workplace or residence, or to leave school or work, c) By a perpetrator against whom a restraining order or a measure prohibiting approaching the residence, school or workplace has been decided, the perpetrator shall be sentenced to imprisonment for a term of one to three years. (3) The investigation and prosecution of the offence regulated under this Article shall be subject to a complaint.

Prevention of communication

Article 124- (1) Where communication between persons is unlawfully prevented, the penalty shall be imprisonment for a term of six months to two years or a judicial fine. (2) A person who unlawfully prevents communication between public institutions shall be sentenced to imprisonment for a term of one to five years. (3) Where the broadcasting of any press or publication organ is unlawfully prevented, the penalty shall be imposed in accordance with the provisions of the second paragraph.

EIGHTH CHAPTER Offences Against Honour

Insult

Article 125- (1) A person who attributes a concrete act or fact to another person in a manner capable of impugning that person's honour, dignity or esteem, (...) 49 or who assaults another person's honour, dignity or esteem by swearing at that person, shall be sentenced to imprisonment for a term of three months to two years or to a judicial fine. For an insult committed in the absence of the victim to be punishable, the act must be committed in the presence of at least three persons. (2) Where the act is committed by means of an oral, written or visual message addressed to the victim, the penalty specified in the above paragraph shall be imposed. (3) Where the offence of insult is committed; a) Against a public officer on account of his/her duty, b) On account of the disclosure, modification or attempted dissemination of a person's religious, political, social or philosophical beliefs, thoughts and opinions, or on account of his/her conduct in compliance with the commands and prohibitions of the religion to which he/she belongs, c) By reference to values deemed sacred according to the religion to which the person belongs, the lower limit of the penalty shall not be less than one year. (4) (Amended: 29/6/2005 – By Article 15 of Law No. 5377) Where the insult is committed publicly, the penalty shall be increased by one sixth. (5) (Amended: 29/6/2005 – By Article 15 of Law No. 5377) Where public officers working in the form of a collegial body are insulted on account of their duties, the offence shall be deemed to have been committed against the members constituting the body. However, in such case, the provisions of the Article relating to consecutive offences shall apply.

Determination of the victim

Article 126- (1) In the commission of the offence of insult, even where the name of the victim is not expressly stated or the imputation is made in an implicit or passing manner, if the circumstances leave no doubt as to the nature of the imputation and that it is directed at the person of the victim, the name shall be deemed to have been stated and the insult shall be deemed to have been made explicit.

Proof of the imputation

Article 127- (1) Where the act imputed, which constitutes the offence, has been proven, no penalty shall be imposed on the person. Where a final judgment of conviction has been given against the person insulted on account of this offence, the imputation shall be deemed to have been proven. In cases other than this, the acceptance of the request to prove the imputation shall depend on the existence of a public interest in determining whether the imputed act is true, or on the consent of the complainant to the proof. (2) Where a person is insulted by reference to an act that has been proven, a penalty shall be imposed.

Immunity for allegations and defence

Article 128- (1) No penalty shall be imposed where concrete imputations or negative assessments are made concerning persons within the scope of written or oral applications, allegations and defences before judicial authorities or administrative authorities. However, for this, the imputations and assessments must be based on real and concrete facts and must be connected with the dispute.

Insult due to an unlawful act or reciprocal insult

Article 129- (1) Where the offence of insult is committed in reaction to an unlawful act, the penalty to be imposed may be reduced by up to one third, or the imposition of a penalty may be waived altogether. (2) Where this offence is committed in reaction to the offence of intentional injury, no penalty shall be imposed on the person. (3) Where the offence of insult is committed reciprocally, depending on the nature of the incident, the penalty to be imposed on both or one of the parties may be reduced by up to one third, or the imposition of a penalty may be waived altogether.

Insult to the memory of a person

Article 130- (1) A person who insults the memory of a deceased person by committing the act in the presence of at least three persons shall be sentenced to imprisonment for a term of three months to two years or to a judicial fine. The penalty shall be increased by one sixth where the insult is committed publicly. (2) A person who takes, in part or in whole, the corpse or bones of a deceased person, or who commits degrading acts against the corpse or bones, shall be sentenced to imprisonment for a term of three months to two years.

Condition for investigation and prosecution

Article 131- (1) Except for offences committed against a public official on account of his/her duty, the investigation and prosecution of the offence of insult shall be subject to a complaint by the victim. (2) If the victim dies before filing a complaint, or if the offence is committed against the memory of a deceased person, a complaint may be filed by the deceased's ascendants and descendants up to the second degree, spouse, or siblings.

NINTH CHAPTER Offences Against Privacy and the Confidentiality of Private Life Violation of the confidentiality of communications 50

Article 132- (1) A person who violates the confidentiality of communications between individuals shall be sentenced to a penalty of imprisonment from one year to three years. If this violation of confidentiality is committed by recording the contents of communications, the penalty to be imposed shall be increased by one half. (2) A person who unlawfully discloses the contents of communications between individuals shall be sentenced to a penalty of imprisonment from two years to five years. (3) A person who unlawfully publicly discloses the contents of communications conducted with him/herself without the consent of the other party shall be sentenced to a penalty of imprisonment from one year to three years. (Additional sentence: 2/7/2012-6352/Article 79) Where such disclosed data are published by means of press and broadcasting, the same penalty shall be imposed. (4) (Repealed: 2/7/2012-6352/Article 79)

Interception and recording of conversations between individuals 51

Article 133- (1) A person who, without the consent of either party, listens by means of a device to non-public conversations between individuals, or records them with a sound recording device, shall be sentenced to a penalty of imprisonment from two years to five years. (2) A person who records a non-public conversation in which he/she participates with a sound recording device, without the consent of the other speakers, shall be sentenced to a penalty of imprisonment from six months to two years or a judicial fine.

50 By Article 79 of Law No. 6352 dated 2/7/2012, the phrase "imprisonment from six months to two years or a judicial fine" in the first paragraph of this Article was replaced with "imprisonment from one year to three years", and the phrase "shall be sentenced to a penalty of imprisonment from one year to three years" was replaced with "the penalty to be imposed shall be increased by one half"; the phrase "imprisonment from one year to three years" in the second paragraph was replaced with "imprisonment from two years to five years"; the phrase "imprisonment from six months to two years or a judicial fine" in the third paragraph was replaced with "imprisonment from one year to three years", and the phrase "without his/her consent" in the paragraph was followed by the addition of the phrase "unlawfully". 51 By Article 80 of Law No. 6352 dated 2/7/2012, the phrase "imprisonment from two months to six months" in the first paragraph of this Article was replaced with "imprisonment from two years to five years"; the phrase "imprisonment of up to six months" in the second paragraph was replaced with "imprisonment from six months to two years".

(3) (Amended: 2/7/2012-6352/Article 80) A person who unlawfully discloses data obtained by recording non-public conversations between individuals shall be sentenced to a penalty of imprisonment from two years to five years and a judicial fine of up to four thousand days. Where such disclosed data are published by means of press and broadcasting, the same penalty shall be

imposed.

Violation of the confidentiality of private life

Article 134- (1) A person who violates the confidentiality of the private life of individuals shall be sentenced to a penalty of imprisonment from one year to three years. Where the confidentiality is violated by recording images or sounds, the penalty to be imposed shall be increased by one half. 52

(2) (Amended: 2/7/2012-6352/Article 81) A person who unlawfully discloses images or sounds pertaining to the private life of individuals shall be sentenced to a penalty of imprisonment from two years to five years. Where such disclosed data are published by means of press and broadcasting, the same penalty shall be imposed.

Recording of personal data

Article 135- (1) A person who records personal data unlawfully shall be sentenced to a penalty of imprisonment from one year to three years. 53

(2) Where the personal data pertains to the political, philosophical, or religious opinions of individuals, their racial origins; their moral tendencies, sexual lives, health conditions, or trade union memberships, the penalty to be imposed pursuant to the first paragraph shall be increased by half. 54

Unlawful giving or obtaining of data

Article 136- (1) A person who unlawfully gives, disseminates, or obtains personal data belonging to another person shall be sentenced to a penalty of imprisonment from two years to four years. 55

(2) (Additional: 17/10/2019-7188/Article 17) Where the subject matter of the offence consists of statements and images recorded pursuant to the fifth and sixth paragraphs of Article 236 of the Code of Criminal Procedure, the penalty to be imposed shall be doubled.

Aggravated circumstances

Article 137- (1) Where the offences defined in the above Articles are committed;

52 By Article 81 of Law No. 6352 dated 2/7/2012, the phrase "imprisonment from six months to two years or a judicial fine" in the first paragraph of this Article was replaced with "imprisonment from one year to three years", and the phrase "the lower limit of the penalty shall not be less than one year" was replaced with "the penalty to be imposed shall be increased by one half". 53 By Article 3 of Law No. 6526 dated 21/2/2014, the phrase "from six months" in this paragraph was replaced with "from one year". 54 By Article 30 of Law No. 6698 dated 24/3/2016, the phrase "The" in this paragraph was replaced with "Where the personal data pertains to the"; and the phrase "a person who records the data as personal data shall be sentenced in accordance with the provision of the above paragraph" was replaced with "the penalty to be imposed pursuant to the first paragraph shall be increased by half". 55 By Article 4 of Law No. 6526 dated 21/2/2014, the phrase "from one year" in this paragraph was replaced with "from two years".

a) By a public official through the abuse of the authority vested in him/her by his/her duty,
b) Through utilising the advantages provided by a particular profession or art, the penalty to be imposed shall be increased by half.

Failure to destroy data

Article 138- (1) Persons who are obligated to destroy data within the system, upon the expiry of the periods determined by laws, and who fail to fulfil this obligation shall be sentenced to a penalty of imprisonment from one year to two years. 56

(2) (Additional: 21/2/2014-6526/Article 5) Where the subject matter of the offence consists of data that are required to be removed or destroyed pursuant to the provisions of the Code of

Criminal Procedure, the penalty to be imposed shall be doubled.

Complaint

Article 139- (1) Except for the recording of personal data, the unlawful giving or obtaining of data, and the failure to destroy data, the investigation and prosecution of the offences covered in this Chapter shall be subject to a complaint.

Application of security measures to legal entities

Article 140- (1) Upon the commission of the offences defined in the above Articles, security measures specific to legal entities shall be imposed on legal entities.

TENTH CHAPTER Offences Against Property Theft

Article 141- (1) A person who takes a movable property belonging to another from its place, without the consent of its possessor, with the purpose of benefiting him/herself or another, shall be sentenced to a penalty of imprisonment from one year to three years. (2) (Repealed: 2/7/2012-6352/Article 105)

Aggravated theft 57

Article 142- (1) Where the offence of theft is committed; a) against property located in public institutions and organisations or in places dedicated to religious worship, regardless of ownership, or property allocated for public benefit or public service, b) (Repealed: 18/6/2014-6545/Article 62) c) against property located in a means of public transportation or at designated arrival or departure points thereof,

56 By Article 5 of Law No. 6526 dated 21/2/2014, the phrase "imprisonment from six months to one year" in this paragraph has been amended to read "imprisonment from one year to two years". 57 By Article 62 of Law No. 6545 dated 18/6/2014, the phrase "from two years to five" in the first paragraph of this Article has been amended to read "from three years to seven", the phrase "or to prevent it from being locked" has been inserted after the phrase "to unlock a lock" in subparagraph (d) of the second paragraph, and the phrase "At shelters, in herds or in open areas" in subparagraph (g) has been removed from the text of the Article.

d) against property prepared for the purpose of preventing or mitigating damage that may be caused by a disaster or a general calamity, e) against property left in the open on account of custom, allocation or use, f) (Repealed: 2/7/2012-6352/Article 82) the offender shall be sentenced to imprisonment from three years to seven years. (2) Where the offence is committed; a) by taking advantage of the fact that a person is unable to protect his property or of his death, b) by snatching property carried on or about the person, or by special skill, c) by taking advantage of the fear or chaos caused by a natural disaster or social events, d) by unlocking a lock with a wrongfully held or counterfeit key or another tool, or by preventing a lock from being locked, e) through the use of information systems, f) by taking measures to avoid being recognised or by wrongfully assuming a public title, g) 57 against large or small livestock, h) (Added: 18/6/2014-6545/Article 62) against property which, although left in a place accessible to everyone, has been secured by locking or by being kept under protection inside a building or its appurtenances, the offender shall be sentenced to imprisonment from five years to ten years. Where the offence is committed in the manner specified in subparagraph (b) of this paragraph against a person who is unable to defend himself physically or mentally, the penalty to be imposed shall be increased by up to one third. 58

(3) Where the offence is committed against energy in liquid or gaseous form or in facilities for its transmission, processing or storage, the offender shall be sentenced to imprisonment from five years to twelve years. Where this act is committed within the framework of the activities of an organisation, the penalty shall be increased by half and a judicial fine of up to ten thousand days shall be imposed. 59 (4) (Added: 6/12/2006 – 5560/Article 6) Where the offence of violation of the inviolability of the domicile or the offence of damage to property is committed for the purpose of

committing the offence of theft, no complaint shall be required for an investigation and prosecution to be carried out in respect of these offences. (5) (Added: 18/6/2014-6545/Article 62) Where, as a result of the commission of the offence of theft, a public service in the field of communications, energy or railway or airway transportation is disrupted, even temporarily, the penalty to be imposed under the provisions of the above paragraphs shall be increased by up to two times.

Commission of the Offence at Night

Article 143- (1) Where the offence of theft is committed at night, the penalty to be imposed shall be increased by

58 By Article 62 of Law No. 6545 dated 18/6/2014, the phrase "from three years to seven" in this paragraph has been amended to read "from five years to ten". 59 By Article 82 of Law No. 6352 dated 2/7/2012, the phrase "the penalty according to the second paragraph" in this paragraph has been amended to read "imprisonment from five years to twelve years", and the phrase "imprisonment of up to fifteen years" has been amended to read "the penalty shall be increased by half".

half. 60

Circumstances Requiring a Lesser Penalty

Article 144- (1) Where the offence of theft is committed; a) against property co-owned in shares or jointly, b) for the purpose of collecting a claim based on a legal relationship, upon complaint, the perpetrator shall be sentenced to imprisonment from two months to one year or to a judicial fine.

Low Value of the Property

Article 145- (1) (Amended: 29/6/2005 – 5377/Article 16) On account of the low value of the property constituting the subject of the offence of theft, a reduction may be made in the penalty to be imposed, or, taking into consideration also the manner of commission and the characteristics of the offence, the imposition of a penalty may be waived altogether.

Theft for Use

Article 146- (1) Where the offence of theft is committed for the purpose of using the property temporarily and returning it to its possessor, upon complaint, the penalty to be imposed shall be reduced by up to half. However, this provision shall not apply where the property has been used to commit an offence.

State of Necessity

Article 147- (1) Where the offence of theft is committed to meet a grave and urgent need, taking into account the nature of the incident, a reduction may be made in the penalty to be imposed, or the imposition of a penalty may be waived altogether.

Extortion

Article 148- (1) Any person who, by threatening another with an attack on his or his relative's life or bodily or sexual inviolability, or with causing significant damage to his assets, or by using force, compels that person to deliver property or not to resist the taking of property, shall be sentenced to imprisonment from six years to ten years. (2) The same penalty shall be imposed where the victim is compelled, through the use of force or threat, to hand over a document by which he or another person may be placed under a debt obligation, or a document declaring an existing such document null and void, not to resist the taking of such a document, to sign a paper that may later be turned into such a document, or to destroy an existing such document or not to resist its destruction. (3) Rendering the victim, by any means, unable to comprehend or defend himself shall also be deemed force for the purposes of the offence of extortion.

60 By Article 63 of Law No. 6545 dated 18/6/2014, the phrase "by up to one third" in this paragraph has been amended to read "by half".

Aggravated Extortion

Article 149- (1) Where the offence of extortion is committed; a) with a weapon, b) by the person placing himself in a state of unrecognisability, c) by more than one person acting together, d) (Amended: 18/6/2014-6545/Article 64) by way of highway robbery, or in a dwelling, workplace or their appurtenances, e) against a person who is unable to defend himself physically or mentally, f) by exploiting the intimidating power of existing or presumed criminal organisations, g) for the purpose of providing benefit to a criminal organisation, h) at night, the perpetrator shall be sentenced to imprisonment from ten years to fifteen years. (2) Where, during the commission of the offence of extortion, the aggravated circumstances of the offence of intentional injury occur due to their consequences, the provisions relating to the offence of intentional injury shall also apply.

Circumstance Requiring a Lesser Penalty

Article 150- (1) Where a person uses threat or force for the purpose of collecting a claim based on a legal relationship, only the provisions relating to the offence of threat or intentional injury shall apply. (2) On account of the low value of the property constituting the subject of the offence of extortion, the penalty to be imposed may be reduced by one third to one half. 61

Damage to Property

Article 151- (1) Any person who partially or entirely demolishes, destroys, eliminates, damages, renders unusable or contaminates the movable or immovable property of another shall, upon complaint of the victim, be sentenced to imprisonment from four months to three years or to a judicial fine. (2) (Repealed: 9/7/2021-7332/Article 17)

Aggravated Circumstances of Damage to Property 62

Article 152- (1) Where the offence of damage to property is committed: a) against places, buildings, facilities or other property belonging to public institutions and organisations, allocated to public service or set aside for public use; b) against any property or facility allocated for protection against fire, floods, accidents and other disasters; c) except for areas under the status of state forest, wherever located, against any planted tree, sapling or vine cutting; d) against facilities serving irrigation, the provision of drinking water or protection against disasters; e) during strikes or lockouts, against buildings, facilities or property owned or used by employers or workers or by employer or worker unions or confederations; f) against buildings, facilities or property owned or used by political parties, public professional organisations and their higher bodies; g) against a public officer, for the purpose of revenge on account of his/her duty, even if the duty has ended, the perpetrator shall be sentenced to imprisonment from one year to four years. (2) Where the offence of damage to property is committed: a) by burning, by using inflammable or explosive substances; b) by causing landslides, avalanches, floods or inundation; c) by exposing to radiation, by using nuclear, biological or chemical weapons, the penalty to be imposed shall be increased by up to one half. (3) (Added: 18/6/2014-Act No. 6545/Article 65) Where the commission of the offence of damage to property results in the disruption, even if temporary, of a public service in the field of communications, energy or railway or airway transport, the penalty to be imposed in accordance with the provisions of the above paragraphs shall be increased from one half to two-fold.

Damage to places of worship and cemeteries

Article 153- (1) Any person who damages places of worship, their annexes, the property therein, graves, the structures thereon, the facilities in cemeteries, or the structures built for the protection of cemeteries, by demolishing, destroying or breaking them, shall be sentenced to imprisonment from one year to four years. (2) Any person who pollutes the places and structures specified in the first paragraph shall be sentenced to imprisonment from three months to one year or to a judicial fine. (3) Where the acts described in the first and second paragraphs are committed with the intent to insult the segment of society adhering to the relevant religious belief, the penalty to be imposed shall be increased by one third.

Trespass on property without entitlement

Article 154- (1) (Amended: 25/2/2009-Act No. 5841/Article 1) Any person who, without entitlement, occupies in whole or in part the immovable property or its appurtenances belonging to another as if he/she were the owner, or alters or damages its boundaries, or prevents the entitled person from benefiting from them even in part, shall, upon complaint of the victim of the offence, be sentenced to imprisonment from six months to three years and to a judicial fine up to one thousand days. (2) Any person who, knowing that an immovable property such as pasture, threshing floor, road or wetland belongs to a village legal entity or has been left since long ago for the common use of the villagers, seizes such property in part or in full, disposes of it, or ploughs and cultivates it, shall be subject to the penalties set forth in the first paragraph. (3) Any person who changes the course of waters belonging to the public or to private persons shall be subject to the penalties set forth in the first paragraph.

Abuse of trust

Article 155- (1) Any person who, on property belonging to another, the possession of which has been transferred to him/her for safekeeping or for use in a specified manner, disposes of the property for the benefit of himself/herself or another, beyond the purpose of the transfer of possession, or denies such transfer, shall, upon complaint, be sentenced to imprisonment from six months to two years and to a judicial fine. (2) Where the offence is committed concerning property entrusted and delivered by virtue of a professional and artistic activity, a commercial or service relationship, or the authority to manage the property of another, regardless of the cause of such authority, the offender shall be sentenced to imprisonment from one year to seven years and to a judicial fine up to three thousand days.

Use of a worthless instrument

Article 156- (1) Any person who uses an instrument that has become worthless shall, upon complaint, be sentenced to imprisonment from six months to two years and to a judicial fine.

Fraud

Article 157- (1) Any person who deceives another by fraudulent acts and thereby obtains a benefit for himself/herself or another to the detriment of that person or another shall be sentenced to imprisonment from one year to five years and to a judicial fine up to five thousand days.

Aggravated fraud

Article 158- (1) Where the offence of fraud is committed: a) by exploiting religious beliefs and sentiments; b) by taking advantage of the dangerous situation or dire circumstances in which a person finds himself/herself; c) by taking advantage of a person's weakened perception capacity; d) by using as a tool public institutions and organisations, public professional organisations, or the legal entities of political parties, foundations or associations; e) to the detriment of public institutions and organisations; f) by using as a tool information systems, banks or credit institutions; g) by taking advantage of the facilities provided by the press and media; h) by merchants or company managers, or by persons acting on behalf of a company, in the course of commercial activities; by the managers of cooperatives within the scope of the cooperative's activities; i) by persons engaged in a liberal profession, by abusing the trust placed in them on account of their profession; j) for the purpose of securing the opening of a loan that should not have been granted by banks or other credit institutions; k) for the purpose of obtaining an insurance payment; l) (Added: 24/11/2016-Act No. 6763/Article 14) by a person presenting himself/herself as a public officer or an employee of banks, insurance or credit institutions, or claiming to be affiliated with such institutions and organisations, the offender shall be sentenced to imprisonment from three years to ten years and to a judicial fine up to five thousand days. (Additional sentence: 29/6/2005 – Act No. 5377/Article 19; Amended: 3/4/2013-Act No. 6456/Article 40) However, in the cases listed in sub-paragraphs (e), (f), (j), (k) and (l), the lower limit of the penalty of imprisonment shall not be less than four years, and the amount of the judicial fine shall not be less than twice the benefit derived from the offence. (2) Any person who obtains a benefit from another by deceiving them by claiming to have relations with public officers, to be held in esteem by them, and by promising that a certain task will be accomplished, shall be punished in accordance with the provision of the above paragraph. (3) (Additional paragraph: 24/11/2016-Act No. 6763/Article 14) Where the offences set forth in this Article and in Article 157 are committed jointly by three or more persons, the penalty to be imposed shall be increased by one half; where they are committed within the framework of the activities of an organisation formed for the purpose of committing offences, the penalty to be imposed shall be increased by one fold.

Circumstance requiring a lesser penalty

Article 159- (1) Where fraud is committed for the purpose of collecting a receivable based on a legal relationship, the offender shall, upon complaint, be sentenced to imprisonment from six months to one year or to a judicial fine.

Disposal of property lost or obtained by mistake

Article 160- (1) Any person who, on property that has ceased to be in the possession of its owner due to having been lost, or that has been obtained by mistake, disposes of it as if the owner, without returning it or informing the competent authorities of the situation, shall, upon complaint, be sentenced to imprisonment of up to one year or to a judicial fine.

Fraudulent bankruptcy

Article 161- (1) Any person who carries out fraudulent transactions intended to diminish assets shall be sentenced to imprisonment from three years to eight years, where a decision of bankruptcy has been rendered before or after such fraudulent transactions. For the existence of fraudulent bankruptcy: a) The smuggling away or concealment of assets that serve as security for creditors' claims, or causing their value to be diminished, b) The concealment or destruction of commercial books, records or documents in order to prevent the disclosure of transactions intended to smuggle away assets, c) The execution of documents in a manner that would cause debts to increase, as if such a relationship existed, despite the absence of an actual claim and debt relationship, d) Showing the assets as less than they actually are through false accounting records or the preparation of fake balance sheets, is required.

Bankruptcy by negligence

Article 162- (1) Any person who causes bankruptcy due to failure to exercise the care and attention required of a merchant shall, where a decision of bankruptcy has been rendered, be sentenced to imprisonment from two months to one year.

Unlawful benefiting without payment

Article 163- (1) Any person who benefits from a service offered through vending machines and usable upon payment of the fee, without making such payment, shall be sentenced to imprisonment from two months to six months or to a judicial fine. (2) Any person who benefits from broadcasts, whether encrypted or unencrypted, made via telephone lines and their frequencies or by electromagnetic waves, without the consent of the owner or possessor, shall be sentenced to imprisonment from six months to two years or to a judicial fine. (3) (Added: 2/7/2012-Article 83 of Law No. 6352) Where electricity, water or natural gas, which may be used on a subscription basis, is consumed without the consent of its owner and in a manner that prevents the determination of the amount of consumption, the person shall be sentenced to imprisonment from one year to three years.

False information concerning companies or cooperatives

Article 164- (1) Any persons bearing the title of founder, partner, administrator, manager or representative of a company or cooperative, or members of the board of directors or supervisory board, or liquidation officer, who provide or cause to be provided false material information of a nature capable of causing loss to the persons concerned, in their declarations to the public or in the reports or proposals submitted to the general assembly, shall be sentenced to imprisonment from six months to three years or to a judicial fine up to one thousand days.

Purchase or acceptance of criminal proceeds

Article 165 - (Amended: 26/6/2009 – Article 3 of Law No. 5918) (1) Any person who sells, transfers, purchases or accepts property or other asset values obtained through the commission of an offence, without participating in the commission of that offence, shall be sentenced to imprisonment from six months to three years and to a judicial fine up to ten thousand days.

Failure to report information

Article 166- (1) Any person who, despite learning that property obtained on the basis of a legal relationship was in fact obtained through or by way of committing an offence, fails to notify without delay the authorities competent to pursue the offence, shall be sentenced to imprisonment up to six months or to a judicial fine.

Personal grounds for exemption from punishment or grounds requiring reduction of penalty

Article 167- (1) Where the offences set forth in this Section, except plunder and aggravated plunder, are committed to the detriment of: a) One of the spouses for whom a decree of separation has not been rendered, b) A direct ascendant or descendant, or a relative by marriage of the same degree, or an adopter or adopted person, c) One of the siblings living together in the same residence, no penalty shall be imposed on the relative concerned. (2) Where these offences are committed to the detriment of one of the spouses for whom a decree of separation has been rendered, one of the siblings not living together in the same residence, or an uncle, maternal uncle, aunt, maternal aunt, nephew or niece living together in the same residence, or a relative by marriage of the second degree; the penalty to be imposed upon the relative concerned upon complaint shall be reduced by half.

Effective remorse

Article 168 – (Amended: 29/6/2005 – Article 20 of Law No. 5377) (1) Where, after the commission of the offences of theft, damage to property, abuse of trust, fraud, fraudulent bankruptcy, bankruptcy by negligence (...) but before the commencement of prosecution on that account, the perpetrator, instigator or accessory personally shows remorse and completely remedies the loss suffered by the victim by restitution in kind or compensation, the penalty to be imposed shall be reduced by up to two-thirds. (2) Where effective remorse is shown after the commencement of prosecution but before the rendering of judgment, the penalty to be imposed shall be reduced by up to half. (3) The penalty to be imposed on a person who shows effective remorse for the offence of plunder shall be reduced by up to half in the cases falling within the first paragraph, and by up to one-third in the cases falling within the second paragraph. (4) In the case of partial restitution or compensation, the consent of the victim shall additionally be required for the application of the provisions on effective remorse. (5) (Added: 2/7/2012 – Article 84 of Law No. 6352) In the offence of unlawful benefiting without payment, where the perpetrator, instigator or accessory shows remorse and completely compensates the loss suffered by the victim, the public or the private legal entity before the completion of the investigation, no public prosecution shall be initiated; where the loss is completely compensated before the rendering of judgment, the penalty to be imposed shall be reduced by up to one-third. However, a person may not benefit from the provision of this paragraph more than twice.

Imposition of security measures on legal entities

Article 169- (1) Security measures specific to legal entities shall be imposed on those legal entities in whose favour unjust benefits have been obtained through the commission of the offences of theft, abuse of trust and fraud.

THIRD PART Offences Against Society

CHAPTER ONE Offences Creating General Danger Intentional endangerment of general security

Article 170- (1) Any person who: a) Starts a fire, b) Causes the collapse of a building, landslide, avalanche, flood or inundation, c) Fires a weapon or uses explosive substances, in a manner dangerous to the life, health or property of persons, or in a manner capable of creating fear, anxiety or panic among persons, shall be sentenced to imprisonment from six months to three years. (2) Any person who causes the danger of fire, collapse of a building, landslide, avalanche, flood or inundation shall be sentenced to imprisonment from three months to one year or to a judicial fine.

Endangerment of general security by negligence

Article 171- (1) Any person who by negligence: a) Causes a fire, b) Causes the collapse of a building, landslide, avalanche, flood or inundation, shall, where the act is dangerous to the life, health or property of others, be sentenced to imprisonment from three months to one year.

Release of radiation

Article 172- (1) Any person who exposes another to radiation, with the intent of impairing that person's health and in a manner suitable for achieving this purpose, shall be sentenced to imprisonment from three years to fifteen years. (2) Where the act defined in the first paragraph is committed against an indeterminate number of persons, a penalty of imprisonment of not less than five years shall be imposed. (3) Any person who emits radiation in a manner capable of causing significant harm to the life, health or property of another, or who interferes with the process of nuclear fission, shall be sentenced to imprisonment from two years to five years. (4) Any person who causes the emission of radiation or the process of nuclear fission, in breach of the duty of necessary care and diligence during the operation of a laboratory or facility, where the act is capable of causing significant harm to the life, health or property of another, shall be sentenced to imprisonment from six months to three years.

Causing an explosion by means of atomic energy

Article 173- (1) Any person who causes an explosion by releasing atomic energy, thereby creating a significant danger to the life, health or property of another, shall be sentenced to imprisonment of not less than five years. (2) Where the act defined in the above paragraph is committed by negligence, a penalty of imprisonment from two years to five years shall be imposed.

Unauthorised possession or transfer of dangerous substances 66

Article 174- (1) Any person who, without obtaining the necessary permission from the competent authorities, manufactures, imports or exports, transports from one place to another within the country, stores, sells, purchases or processes nuclear, radioactive, chemical or biological substances that are explosive, inflammable, corrosive, injurious, asphyxiating, poisonous or capable of causing chronic disease, shall be sentenced to imprisonment from four years to eight years and a judicial fine up to five thousand days. Any person who, without the permission of the competent authorities, imports, exports, offers for sale, gives to others, transports, stores, purchases, accepts or possesses the materials and equipment necessary for the manufacture, processing or use of the substances falling within the scope of this paragraph, shall be sentenced to the same penalty. (2) Where these acts are committed within the framework of the activities of an organisation formed for the purpose of committing offences, the penalty to be imposed shall be increased by one half. (3) Any person who purchases, accepts or possesses an insignificant type and quantity of explosive substance shall be sentenced to imprisonment of up to one year, taking into account the purpose of use.

Breach of the duty of care and supervision over a mentally disordered person

Article 175- (1) Any person who neglects the duty of care and supervision over a mentally disordered person in a manner that may pose a danger to the life, health or property of others

shall be sentenced to imprisonment of up to six months or a judicial fine.

Non-compliance with safety rules concerning construction or demolition

Article 176- (1) Any person who fails to take the measures necessary for human life or physical integrity during construction or demolition activities shall be sentenced to imprisonment from three months to one year or a judicial fine.

Releasing an animal in a manner that may create danger

Article 177- (1) Any person who releases an animal under his supervision in a manner that may pose a danger to the life or health of others, or who neglects to bring such animals under control, shall be sentenced to imprisonment of up to six months or a judicial fine.

Failure to place signs or barriers

Article 178- (1) Any person who fails to place the necessary signs or barriers to prevent the danger arising from works being carried out or objects left in places open to public passage, or who removes signs or barriers that have been placed or changes their location, shall be sentenced to imprisonment from two months to six months or a judicial fine.

Endangering traffic safety

Article 179- (1) Any person who endangers the life, health or property of others by altering, rendering unusable or removing from their place any kind of signs placed to ensure the safe flow of land, sea, air or railway transport, by giving false signals, by placing objects on passage, arrival, departure or landing routes, or by interfering with the technical operating system, shall be sentenced to imprisonment from one year to six years. (2) Any person who operates land, sea, air or railway transport vehicles in a manner that may pose a danger to the life, health or property of persons shall be sentenced to imprisonment from three months to two years. 67

(3) Any person who operates a vehicle despite being in a condition that renders him incapable of operating a vehicle safely due to the influence of alcohol or narcotic substances or for any other reason shall be sentenced in accordance with the provision of the above paragraph.

Reckless endangerment of traffic safety

Article 180- (1) Any person who recklessly causes a danger to the life, health or property of persons in sea, air or railway transport shall be sentenced to imprisonment from three months to three years.

CHAPTER TWO Offences Against the Environment

Deliberate pollution of the environment

Article 181- (1) Any person who deliberately discharges waste or residues into the soil, water or air in a manner contrary to the technical procedures laid down in the relevant laws and in a manner harmful to the environment shall be sentenced to imprisonment from six months to two years. (2) Any person who unlawfully imports waste or residues into the country shall be sentenced to imprisonment from one year to three years. (3) Where the waste or residues have persistent properties in the soil, water or air, the penalty to be imposed in accordance with the above paragraphs shall be doubled. (4) Where the acts defined in the first and second paragraphs are committed in relation to waste or residues possessing properties capable of causing difficult-to-treat diseases in humans or animals, the degeneration of reproductive capacity, or altering the natural characteristics of animals or plants, a penalty of imprisonment of not less than five years and a judicial fine up to one thousand days shall be imposed. (5) For the acts defined in the second, third and fourth paragraphs of this Article, security measures specific to legal entities shall be imposed.

Reckless pollution of the environment

Article 182- (1) Any person who recklessly causes waste or residues to be discharged into the soil, water or air in a manner harmful to the environment shall be sentenced to a judicial fine. Where such waste or residues leave a persistent effect in the soil, water or air, a penalty of imprisonment from two months to one year shall be imposed. (2) Any person who recklessly causes waste or residues possessing properties capable of causing difficult-to-treat diseases in humans or animals, the degeneration of reproductive capacity, or altering the natural characteristics of animals or plants to be discharged into the soil, water or air shall be sentenced to imprisonment from one year to five years.

Causing noise

Article 183- (1) Any person who, contrary to the obligations laid down in the relevant laws, causes noise in a manner capable of harming the health of another person shall be sentenced to imprisonment from two months to two years or a judicial fine.

Causing pollution of development plan (zoning)

Article 184- (1) Any person who constructs a building without obtaining a construction permit or in violation of the permit shall be sentenced to imprisonment from one year to five years. (2) Any person who permits electricity, water or telephone connections to be made to construction sites established for constructions commenced without a construction permit shall be sentenced in accordance with the provision of the preceding paragraph. (3) Any person who permits the carrying out of any industrial activity in buildings for which a building occupancy permit has not been obtained shall be sentenced to imprisonment from two years to five years. (4) Except for the third paragraph, the provisions of this Article shall apply only within municipal boundaries or in areas subject to a special development regime. (5) Where the person renders the building he constructed or had constructed without a permit or in violation of the permit compliant with the development plan and the permit, no public prosecution shall be initiated pursuant to the provisions of the first and second paragraphs, any public prosecution already initiated shall lapse, and any penalty imposed shall be extinguished together with all its consequences. (6) (Added: 29/6/2005 – Article 21 of Law No. 5377) The provisions of the second and third paragraphs shall not apply in respect of structures built before 12 October 2004.

THIRD CHAPTER Offences Against the Public Health Adulteration with poisonous substances

Article 185- (1) Any person who endangers the life and health of others by poisoning water intended for drinking or foodstuffs or items of any kind intended to be eaten, drunk, used or consumed, or by otherwise rendering them harmful, shall be sentenced to imprisonment from two years to fifteen years. (2) Where the acts specified in the preceding paragraph are committed in violation of the duty of care and attention, the offender shall be sentenced to imprisonment from three months to one year.

Trafficking in spoiled or altered foodstuffs or medicinal products

Article 186- (1) Any person who sells, supplies or possesses for sale any kind of edible or potable items or medicinal products that are spoiled or altered in a manner endangering the life and health of others shall be sentenced to imprisonment from one year to five years and a judicial fine up to one thousand five hundred days. (2) Where this offence is committed within the scope of the practice of a profession or art carried out on the basis of an official authorization, the penalty to be imposed shall be increased by one third.

Manufacturing or selling medicinal products in a manner endangering the life and health of others

Article 187- (1) Any person who manufactures or sells medicinal products in a manner endangering the life and health of others shall be sentenced to imprisonment from one year to five years and a judicial fine. (2) Where this offence is committed by a physician or pharmacist, or

within the scope of the practice of a profession or art carried out on the basis of an official authorization, the penalty to be imposed shall be increased by one third.

Manufacturing of and trafficking in narcotic or stimulant substances 6869

Article 188- (1) Any person who manufactures, imports or exports narcotic or stimulant substances without a permit or in violation of a permit shall be sentenced to imprisonment from twenty years to thirty years and a judicial fine from two thousand days up to twenty thousand days. (2) Where, due to the fact that the act of exporting narcotic or stimulant substances is characterized as an import from the perspective of the other country, a penalty is imposed as a result of proceedings conducted in that country, the portion of such penalty that has been executed shall be deducted from the penalty imposed as a result of proceedings to be conducted in Türkiye for the export of narcotic or stimulant substances. (3) Any person who, without a permit or in violation of a permit, sells, offers for sale, gives to others, dispatches, transports, stores, purchases, accepts or possesses narcotic or stimulant substances within the country shall be sentenced to imprisonment of not less than ten years and a judicial fine from one thousand days up to twenty thousand days. (Added sentence: 18/6/2014 – Article 66 of Law No. 6545) However, where the person to whom the narcotic or stimulant substance is given or sold is a child, the penalty of imprisonment to be imposed on the person who gives or sells it shall not be less than fifteen years. 70 (4) (Amended: 27/3/2015 – Article 11 of Law No. 6638) a) Where the narcotic or stimulant substances specified in the preceding paragraphs are heroin, cocaine, morphine, base morphine, synthetic cannabinoids and their derivatives, synthetic cathinones and their derivatives, synthetic opioids and their derivatives or amphetamines and their derivatives, 71

b) where the acts described in the third paragraph are committed in public or publicly accessible places located within a distance of less than two hundred meters from buildings and facilities where persons congregate for therapeutic, educational, military and social purposes, such as schools, dormitories, hospitals, barracks or places of worship, and from the boundaries thereof, where such are determined by surrounding walls, wire fences or similar barriers or signs, the penalty to be imposed shall be increased by half. (5) (Amended: 18/6/2014 – Article 66 of Law No. 6545) Where the offences set forth in the preceding paragraphs are committed jointly by three or more persons, the penalty to be imposed shall be increased by half; where they are committed within the framework of the activities of an organization formed for the purpose of committing offences, the penalty to be imposed shall be doubled. (6) The provisions of the preceding paragraphs shall also apply to any substance of any kind that produces a narcotic or stimulant effect and the production of which is subject to the permission of the official authorities or the sale of which is dependent upon a prescription issued by an authorized physician. (Added sentence: 29/6/2005 – Article 22 of Law No. 5377) However, the penalty to be imposed may be reduced by up to half. (7) Any person who imports into the country, manufactures, sells, purchases, dispatches, transports, stores or exports a substance which, while not producing a narcotic or stimulant effect, is used in the production of narcotic or stimulant substances and the import or manufacture of which is subject to the permission of the official authorities shall be sentenced to imprisonment of not less than eight years and a judicial fine from one thousand days up to twenty thousand days. 7273

(8) Where the offences defined in this Article are committed by a physician, dentist, pharmacist, chemist, veterinarian, health officer, laboratory technician, midwife, nurse, dental technician, caregiver, a person providing health services, or a person engaged in the chemical trade or the trade in medicinal products, the penalty to be imposed shall be increased by half.

Application of security measures to legal entities

Article 189- (1) Where the offences of manufacturing of and trafficking in narcotic or stimulant substances are committed within the framework of the activities of a legal entity, security measures specific to such entities shall be imposed on that legal entity.

Facilitating the use of narcotic or stimulant substances 74

Article 190- (1) A person who, for the purpose of facilitating the use of narcotic or stimulant substances: a) provides a special place, equipment or materials, b) takes measures to make it more difficult for users to be caught, c) provides others with information on methods of use, shall be sentenced to imprisonment from five years to ten years and a judicial fine from one thousand days to ten thousand days. 75

(2) A person who publicly encourages the use of narcotic or stimulant substances or makes publications of such nature shall be sentenced to imprisonment from five years to ten years and a judicial fine from one thousand days to ten thousand days. 75

(3) Where the offences defined in this Article are committed by a physician, dentist, pharmacist, chemist, veterinarian, health officer, laboratory technician, midwife, nurse, dental technician, caregiver, healthcare provider, or a person engaged in the trade of chemicals or pharmaceuticals, the penalty to be imposed shall be increased by half. 76

Purchasing, accepting or possessing narcotic or stimulant substances for use, or using narcotic or stimulant substances 77

Article 191- (Amended: 18/6/2014 – Article 68 of Law No. 6545) (1) A person who purchases, accepts or possesses narcotic or stimulant substances for use, or who uses narcotic or stimulant substances, shall be sentenced to imprisonment from two years to five years. (2) In an investigation initiated for this offence, a decision shall be made to defer the filing of the public indictment for a period of five years, without seeking the conditions set forth in Article 171 of the Code of Criminal Procedure No. 5271 dated 4/12/2004, with respect to the suspect. In such case, the public prosecutor shall warn the suspect about the consequences that may arise for him if he fails to comply with the obligations imposed upon him during the deferral period or violates the prohibitions. (Additional sentence: 28/3/2023 – Article 18 of Law No. 7445) The decision on deferral shall also be notified to law enforcement units. (3) (Amended: 28/3/2023 – Article 18 of Law No. 7445) During the deferral period, a supervised liberty measure shall be applied to the suspect for a minimum period of one year. This period may be extended for further periods of six months each, up to a maximum of two additional years, upon the proposal of the directorate of supervised liberty or ex officio by decision of the public prosecutor. A person who is subject to a supervised liberty measure may, where deemed necessary, be placed under treatment during the supervised liberty period. In order to determine whether the suspect has used narcotic or stimulant substances during the deferral period, the public prosecutor shall decide, at least twice a year, for the referral of the suspect to the relevant institution.

74 By Article 67 of Law No. 6545 dated 18/6/2014, the phrases "from two years to five" in the first and second paragraphs of this Article were amended to read "from five years to ten". 75 By Article 138 of Decree-Law No. 694 dated 15/8/2017, the phrase "and a judicial fine from one thousand days to ten thousand days" was added after the phrase "imprisonment of up to ten years" in this paragraph; this provision was subsequently enacted without change by Article 133 of Law No. 7078 dated 1/2/2018. 76 By Article 23 of Law No. 5377 dated 29/6/2005, the second paragraph of this Article was renumbered as the third paragraph and the third paragraph as the second paragraph. 77 By Article 68 of Law No. 6545 dated 18/6/2014, the heading of this Article, which read "Purchasing, accepting or possessing narcotic or stimulant substances for use", was amended as incorporated into the text.

(4) Where, during the deferral period, the person: a) persists in failing to act in compliance with the obligations imposed upon him or the requirements of the treatment applied, b) purchases, accepts or possesses narcotic or stimulant substances for use again, c) uses narcotic or stimulant substances, a public indictment shall be filed against him. (5) Where, during the deferral period, the person purchases, accepts or possesses narcotic or stimulant substances for use again, or uses narcotic or stimulant substances, this shall be deemed a ground for violation under the fourth paragraph and shall not be made the subject of a separate investigation and prosecution. (6) After the public indictment has been filed pursuant to the fourth paragraph, a decision to defer

the filing of the public indictment pursuant to the second paragraph may not be given in investigations initiated on the allegation that the offence defined in the first paragraph has been committed again. (7) If the suspect does not act contrary to the obligations specified in the fourth paragraph during the deferral period and does not violate the prohibitions, a decision of non-prosecution shall be rendered regarding him. (8) During the prosecution stage conducted for the offence of: a) manufacturing of and trade in narcotic or stimulant substances, as defined in Article 188 of this Law, b) facilitating the use of narcotic or stimulant substances, as defined in Article 190 of this Law, where it is understood that the offence falls exclusively within the scope of this Article, a decision to defer the pronouncement of the judgment shall be rendered against the defendant within the framework of the provisions of this Article. (9) In cases where this Article contains no provision to the contrary, the provisions of Article 171 of the Code of Criminal Procedure concerning the deferral of the filing of the public indictment, or of Article 231 concerning the deferral of the pronouncement of the judgment, shall apply. (10) (Additional: 27/3/2015 – Article 12 of Law No. 6638) Where the acts described in the first paragraph are committed in public or publicly accessible places located within a distance of less than two hundred meters from buildings and facilities where people are collectively present for treatment, educational, military and social purposes, such as schools, dormitories, hospitals, barracks or places of worship, or from the boundaries of such buildings and facilities, where such are marked by perimeter walls, wire fences or similar barriers or signs, the penalty to be imposed shall be increased by half.

Effective remorse

Article 192- (1) A person who has participated in the offences of manufacturing of and trade in narcotic or stimulant substances who, before being informed of by the official authorities, notifies the competent authority of the other accomplices and the places where the narcotic or stimulant substances are stored or manufactured shall not be sentenced to a penalty if the information provided ensures the apprehension of the accomplices or the seizure of the narcotic or stimulant substances. (2) A person who purchases, accepts or possesses narcotic or stimulant substances for use, who, before being informed of by the official authorities, notifies the competent authority of from whom, where and when he obtained the substance, thereby facilitating the apprehension of the offenders or the seizure of the narcotic or stimulant substances, shall not be sentenced to a penalty. (3) Where, after the offence has been informed of, a person voluntarily provides services and assistance contributing to the uncovering of the offence and the apprehension of the perpetrator or other accomplices, the penalty to be imposed on such person shall be reduced from one quarter to one half, depending on the nature of the assistance. (4) A person who uses narcotic or stimulant substances who, before an investigation is initiated against him for purchasing, accepting or possessing narcotic or stimulant substances for use, applies to the official authorities or healthcare institutions requesting to be treated shall not be sentenced to a penalty. (Additional sentence: 24/11/2016 – Article 16 of Law No. 6763) In such case, no obligation to report the offence arises for public officials and members of the health professions under Articles 279 and 280. 78

Manufacturing of and trade in toxic substances

Article 193- (1) A person who, without authorization, manufactures, possesses, sells or transports a substance containing poison in its composition, the manufacture, possession or sale of which is subject to authorization, shall be sentenced to imprisonment from two months to one year.

Providing substances dangerous to health

Article 194- (1) A person who gives or offers for consumption to children, persons with mental disorders or persons who use volatile substances substances that may pose a danger to health shall be sentenced to imprisonment from six months to one year.

Non-compliance with measures concerning contagious diseases

Article 195- (1) A person who fails to comply with the measures taken by the competent authorities regarding the placing under quarantine of a place where a person is present who has contracted one of the contagious diseases or who has died from one of such diseases shall be sentenced to imprisonment from two months to one year.

Improper burial of the dead

Article 196- (1) Any person who buries, or has a dead person buried, in a place other than that designated for burial shall be sentenced to a penalty of imprisonment for a term of up to six months.

78 By Article 17 of Law No. 6763 dated 24/11/2016, the phrase "or to health institutions" was added to this paragraph after the phrase "to the authorities".

SECTION FOUR Offences Against Public Confidence Counterfeiting money

Article 197- (1) Any person who produces, imports into the country, transports, keeps or puts into circulation as counterfeit any money that is legally in circulation in the country or in foreign countries 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 accepts 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 puts into circulation money accepted without knowledge of its counterfeit nature, knowing of such nature, shall be sentenced to a penalty of imprisonment for a term of three months to one year.

Values deemed equal to money

Article 198- (1) Bonds payable to bearer, share certificates, debentures and coupons issued by the State; bills, debentures and documents issued by authorized institutions and legally in circulation; and national gold coins used as ornaments shall be deemed to be money.

Counterfeiting valuable stamps

Article 199- (1) Any person who produces, imports into the country, transports, keeps or puts into circulation as counterfeit a valuable stamp shall be sentenced to a penalty of imprisonment for a term of one to five years and a judicial fine. (2) Any person who knowingly accepts 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 puts into circulation a valuable stamp accepted without knowledge of its counterfeit nature, knowing of such nature, shall be sentenced to a penalty of imprisonment for a term of one month to six months. (4) Stamped papers, stamps and postage stamps, and stamps used for the purpose of evidencing the payment of a specific amount of tax or duty shall be deemed valuable stamps.

Instruments used for making money and valuable stamps

Article 200- (1) Any person who produces without authorization, imports into the country, sells, transfers, purchases, accepts or keeps any tool or material 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) Where a person who produces, imports into the country, transports, keeps or accepts counterfeit money or valuable stamps notifies, before such money or valuable stamps are put into circulation and before the matter is learned by the official authorities, the other accomplices of the offence and the places where the counterfeit money or valuable stamps are produced or kept to the competent authority, and where the information provided ensures the apprehension of the accomplices of the offence and the seizure of the counterfeit money or valuable stamps, no penalty shall be imposed on that person.

(2) Where a person who produces without authorization, imports into the country, sells, transfers, purchases, accepts or keeps any tool or material used in the production of counterfeit money or valuable stamps notifies, before the matter is learned by the official authorities, the other accomplices of the offence and the places where such material is produced or kept to the relevant authority, and where the information provided ensures the apprehension of the accomplices of the offence and the seizure of such material, no penalty shall be imposed on that person.

Counterfeiting seals

Article 202- (1) Any person who produces or uses as counterfeit a seal used by the Presidency of the Republic, the Speakership of the Grand National Assembly of Türkiye or the Office of the Prime Minister shall be sentenced to a penalty of imprisonment for a term of two to eight years. (2) Any person who produces or uses as counterfeit a certifying or attesting seal used by public institutions and organizations or by professional organizations having the status of a public institution shall be sentenced to a penalty of imprisonment for a term of one to six years.

Breaking a seal

Article 203- (1) Any person who removes a seal affixed in accordance with the law or the order of the competent authorities in order to ensure the safekeeping of an item or the preservation of its condition as it stands, or who acts contrary to the purpose for which it was affixed, 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 draws up a counterfeit official document, alters a genuine official document in a manner likely to deceive others, or uses a counterfeit official document shall be sentenced to a penalty of imprisonment for a term of two to five years. (2) A public officer who draws up as counterfeit an official document he is authorized to draw up by virtue of his duty, alters a genuine document in a manner likely to deceive others, draws up a document contrary to the truth, or uses a counterfeit official document shall be sentenced to a penalty of imprisonment for a term of three to eight years. (3) Where the official document is of a nature such that it remains valid until its counterfeit nature is established pursuant to the provisions of the law, the penalty to be imposed shall be increased by half.

Damaging, destroying or concealing 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 the offence is committed by a public officer, the penalty to be imposed shall be increased by half.

False statements in the drawing up of an official document

Article 206- (1) Any person who makes false statements to a public officer authorized to draw up 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 draws up a counterfeit private document, or alters and uses a genuine private document in a manner likely 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 also be sentenced in accordance with the provisions of the preceding paragraph.

Damaging, destroying or concealing 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.

Abuse of a blank signed document

Article 209- (1) Any person who fills in a signed and partially or entirely blank piece of paper delivered to him to be filled in and used in a specific manner, in a manner different from the reason for which it was given, shall be sentenced, upon complaint, to a penalty of imprisonment for a term of three months to one year. (2) Any person who unlawfully obtains or possesses a signed and partially or entirely blank piece of paper and fills it in so as to produce legal consequences shall be sentenced in accordance with the provisions concerning counterfeiting of documents.

Documents deemed to be official documents

Article 210- (1) Where the object of the offence of counterfeiting a private document is a bill of exchange payable to order or bearer, a document representing goods, a share certificate, a debenture or a will, the provisions concerning the offence of counterfeiting official documents shall apply. (2) A physician, dentist, pharmacist, midwife, nurse or other member of the health professions who draws up a document contrary to the truth shall be sentenced to a penalty of imprisonment for a term of three months to one year. Where the document drawn up provides an unjust benefit to a person or is of a nature to produce a consequence detrimental to the public or individuals, a penalty shall be imposed in accordance with the provisions concerning counterfeiting of official documents.

Circumstance requiring a lesser penalty

Article 211- (1) Where the offence of counterfeiting a document is committed for the purpose of proving a claim arising from a legal relationship or documenting a genuine situation, the penalty to be imposed shall be reduced by half.

Concurrency

Article 212- (1) Where a counterfeit official or private document is used during the commission of another offence, separate penalties shall be imposed both for the counterfeiting and for the relevant offence.

SECTION FIVE Offences Against Public Peace

Threat for the purpose of creating fear and panic among the public

Article 213- (1) Any person who openly threatens the life, health, bodily or sexual integrity, or assets of another for the purpose of creating anxiety, fear and panic among the public shall be sentenced to a penalty of imprisonment for a term of two to four years. (2) Where the offence is committed with a weapon, the penalty to be imposed may be increased by up to half, depending on the nature of the weapon used.

Incitement to commit an offence

Article 214- (1) Any person who publicly incites the commission of an offence shall be sentenced to a penalty of imprisonment from six months to five years. (2) Any person who, by arming one section of the public against another, incites them to kill one another shall be sentenced to a penalty of imprisonment from fifteen years to twenty-four years. (3) Where the offences subject to incitement are committed, the person who committed the incitement shall be sentenced as an instigator of those offences.

Glorification of an offence and an offender 79

Article 215- (1) Any person who publicly praises an offence that has been committed, or a person on account of an offence he has committed, shall, where this gives rise to a clear and imminent danger in terms of public order, be sentenced to a penalty of imprisonment up to two years.

Inciting hatred and hostility or denigrating a section of the public

Article 216- (1) Any person who publicly incites one section of the public, which is distinguishable by social class, race, religion, denomination or region, to hatred and hostility against another section of the public, shall, where this gives rise to a clear and imminent danger in terms of public security, be sentenced to a penalty of imprisonment from one year to three years. (2) Any person who publicly denigrates a section of the public on the basis of social class, race, religion, denomination, gender or regional differences shall be sentenced to a penalty of imprisonment from six months to one year. (3) Any person who publicly denigrates the religious values adopted by a section of the public shall be sentenced to a penalty of imprisonment from six months to one year, where the act is capable of disturbing public peace.

Inciting disobedience to laws

Article 217- (1) Any person who publicly incites the public to disobedience to laws shall be sentenced to a penalty of imprisonment from six months to two years or a judicial fine, where such incitement is capable of disturbing public peace.

Publicly disseminating misleading information

Article 217/A- (Added: 13/10/2022 – Article 29 of Law No. 7418) (1) Any person who, solely with the motive of creating anxiety, fear or panic among the public, publicly disseminates false information concerning the internal and external security of the country, public order or general health, in a manner capable of disturbing public peace, shall be sentenced to a penalty of imprisonment from one year to three years. (2) Where the offender commits the offence by concealing his true identity or within the framework of the activities of an organisation, the penalty to be imposed pursuant to paragraph one shall be increased by half.

Common provision

Article 218- (1) (Amended: 29/6/2005 – Article 25 of Law No. 5377) Where the offences defined in the above Articles are committed through the press or broadcast media, the penalty to be imposed shall be increased by up to half. However, statements of opinion made for the purpose of criticism that do not exceed the limits of reporting shall not constitute an offence.

Abuse of religious service during the performance of duty

Article 219- (1) If one of the religious leaders, such as an imam, preacher, preacher of sermons, priest or rabbi, during the performance of his duty, publicly vilifies or defames the government administration, the laws of the State, or the acts of the government, he shall be sentenced to a penalty of imprisonment from one month to one year and a judicial fine, or one of these penalties may be imposed. (2) If one of the persons specified in the above paragraph, taking advantage of this title, vilifies or defames the administration of the government, the laws, regulations and orders, or the duties and authorities of any of the public offices, or incites or encourages the public to disobey the laws or the orders of the government or an official in the performance of the duties of his office, he shall be sentenced to imprisonment from three months to two years, a judicial fine, and permanent or temporary deprivation of actually performing that duty and of receiving its benefits and dues. (3) The penalty set forth in the above paragraph shall also be imposed on religious leaders and officials who, taking advantage of their titles, compel or persuade a person to engage in acts and statements contrary to rights acquired by law. (4) If one of them commits, by taking advantage of his religious title, an offence other than the acts specified in paragraph one, he shall be sentenced to the penalty prescribed in the law for that offence, provided that it is increased by one sixth. (5) However, if the law has already taken this title into consideration, there shall be no ground for increasing the penalty.

Establishing an organisation for the purpose of committing offences 80

Article 220- (1) Persons who establish or manage an organisation for the purpose of committing offences that the law defines as such shall be sentenced to a penalty of imprisonment from four years to eight years, where the organisation is, by its structure, the number of its members, and its tools and equipment, capable of committing the intended offences. However, the number of members must be at least three for the existence of an organisation. 80 By Article 13 of Law No. 7242 dated 14/4/2020, the phrase "from two years to six years" in paragraph one was amended to "from four years to eight years", and the phrase "from one year to three years" in paragraph two was amended to "from two years to four years". (2) Persons who become members of an organisation established for the purpose of committing offences shall be sentenced to a penalty of imprisonment from two years to four years. (3) Where the organisation is armed, the penalty to be imposed pursuant to the above paragraphs shall be increased from one quarter to one half. (4) Where offences are committed within the framework of the activities of the organisation, a penalty shall also be imposed for those offences. (5) The managers of the organisation shall, in addition, be sentenced as perpetrators for all offences committed within the framework of the activities of the organisation. (6) (Amended: 2/3/2024 – Article 10 of Law No. 7499) A person who is not a member of the organisation but commits offences on behalf of the organisation shall, in addition, be sentenced to a penalty of imprisonment from two years and six months to six years. The penalty to be imposed may be reduced by up to half depending on the nature of the offence committed. The provision of this paragraph shall apply only to armed organisations. (7) (Amended: 2/7/2012 – Article 85 of Law No. 6352) A person who, without being included in the hierarchical structure of the organisation, knowingly and willingly assists the organisation shall be punished as a member of the organisation. The penalty to be imposed for membership of the organisation may be reduced by up to one third depending on the nature of the assistance provided. (8) Any person who conducts propaganda in a manner that legitimises or glorifies the methods of the organisation involving coercion, violence or threats, or that encourages recourse to such methods, shall be sentenced to a penalty of imprisonment from one year to three years. Where this offence is committed through the press or broadcast media, the penalty to be imposed shall be increased by half. 81

Effective remorse

Article 221- (1) No penalty shall be imposed on the founders or managers who dissolve an organization, established for the purpose of committing an offense, or who enable the dissolution of the organization through the information they provide, before an investigation is initiated for the offense of establishing an organization for the purpose of committing offenses and before any offense is committed in line with the purpose of the organization.

(2) No penalty shall be imposed on a member of the organization who, without participating in the commission of any offense within the framework of the organization's activities, reports to the relevant authorities that he/she has voluntarily left the organization.

(3) No penalty shall be imposed on a member of the organization who, captured without having participated in the commission of any offense within the framework of the organization's activities, shows remorse and provides information capable of ensuring the dissolution of the organization or the capture of its members.

(4) Where a person who establishes or manages an organization for the purpose of committing offenses, or who is a member of the organization, or who, without being a member, commits offenses on behalf of the organization or knowingly and willingly assists the organization, voluntarily surrenders and provides information regarding the offenses committed within the framework of the structure and activities of the organization, no penalty shall be imposed on such person for the offense of establishing, managing, or becoming a member of the organization. Where the person provides this information after being captured, the penalty to be imposed for this offense shall be reduced by one third to three quarters.

(5) A supervised liberty measure shall be imposed for a period of one year on persons benefiting from effective remorse. The duration of the supervised liberty measure may be extended up to three years.

(6) (Added: 6/12/2006 – Article 8 of Law No. 5560) The provisions on effective remorse in this Article shall not be applied more than once against a person.

The Hat and Turkish Letters

Article 222- (Repealed: 2/3/2014 – Article 16 of Law No. 6529)

SIXTH CHAPTER Offenses Committed Against Means of Transportation or Fixed Platforms
Hijacking or Detention of Means of Transportation

Article 223- (1) A person who, by using force or threat or by any other unlawful act, prevents a land transportation vehicle from moving, stops such vehicle while it is in motion, or takes it to a place other than its destination, shall be sentenced to imprisonment from one year to three years.

(2) Where the subject of the offense is a sea or railway transportation vehicle, imprisonment from two years to five years shall be imposed.

(3) A person who, by using force or threat or by any other unlawful act, prevents an air transportation vehicle from moving or takes such vehicle to a place other than its destination, shall be sentenced to imprisonment from five years to ten years.

(4) In the commission of these offenses, a separate penalty shall also be imposed on account of the restriction of the liberty of persons.

(5) Where, during the commission of these offenses, the aggravated circumstances of the offense of intentional injury occur due to its consequences, the provisions relating to the offense of intentional injury shall also be applied.

Occupation of Fixed Platforms on the Continental Shelf or in the Exclusive Economic Zone

Article 224- (1) A person who, by using force or threat or by any other unlawful act, seizes, captures, or takes under his/her control a fixed platform established on the continental shelf or in the exclusive economic zone, shall be sentenced to imprisonment from five years to fifteen years.

(2) In the commission of this offense, a separate penalty shall also be imposed on account of the restriction of the liberty of persons.

(3) Where, during the commission of this offense, the aggravated circumstances of the offense of intentional injury occur due to its consequences, the provisions relating to the offense of intentional injury shall also be applied.

82 By Article 26 of Law No. 5377 dated 29/6/2005, the phrase "or who, without being a member, commits offenses on behalf of the organization or knowingly and willingly assists the organization" was added to this paragraph after the phrase "who is a member of the organization".

SEVENTH CHAPTER Offenses Committed Against General Morality Indecent Acts

Article 225- (1) A person who engages in sexual intercourse publicly or commits indecent exposure shall be sentenced to imprisonment from six months to one year.

Obscenity

Article 226- (1) A person who: a) Gives to a child products containing obscene images, writings, or phrases, or shows, reads, has them read, or has them listen to their content, b) Publicly shows the contents thereof in places where children may enter or see them, or displays them in a manner visible, reads, has them read, utters, or has them uttered, c) Offers these products for sale or rent in such a way that their content can be ascertained, d) Offers these products for sale, sells, or rents them out outside of trading places exclusively designated for their sale, e) Gives or distributes these products free of charge alongside or in connection with the sale of other goods or services, f) Advertises these products, shall be sentenced to imprisonment from six months to two years and to a judicial fine.

(2) A person who publishes or mediates the publication of obscene images, writings, or phrases through the press or broadcast media shall be sentenced to imprisonment from six months to three years and to a judicial fine up to five thousand days.

(3) A person who uses children, depictions of representative children, or persons who appear to be children in the production of products containing obscene images, writings, or phrases shall be sentenced to imprisonment from five years to ten years and to a judicial fine up to five thousand days. A person who imports such products into the country, reproduces, offers for sale, sells, transports, stores, exports, keeps, or makes them available to others shall be sentenced to imprisonment from two years to five years and to a judicial fine up to five thousand days.

(4) A person who produces, imports into the country, offers for sale, sells, transports, stores, makes available to others, or keeps products containing writings, sounds, or images relating to sexual conduct performed by use of violence, with animals, on a dead human body, or by unnatural means, shall be sentenced to imprisonment from one year to four years and to a judicial fine up to five thousand days.

(5) A person who publishes through the press or broadcast media, or mediates the publication of, the contents of the products specified in the third and fourth paragraphs, or enables children to see, listen to, or read them, shall be sentenced to imprisonment from six years to ten years and to a judicial fine up to five thousand days.

(6) For these offenses, security measures specific to legal entities shall be imposed on legal entities.

83 By Article 30 of Law No. 6698 dated 24/3/2016, the phrase "children" in this paragraph was amended to "children, depictions of representative children, or persons who appear to be children".

(7) The provisions of this Article shall not apply to scientific works and, provided that the third paragraph is excepted and access by children is prevented, to works of artistic and literary value.

Prostitution

Article 227- (1) Any person who encourages a child to engage in prostitution, facilitates its means, procures or shelters the child for this purpose, or acts as an intermediary for the prostitution of a child shall be sentenced to imprisonment from four years to ten years and a judicial fine up to five thousand days. Preparatory acts directed at the commission of this offence shall also be punished as a completed offence.

(2) Any person who encourages another person to engage in prostitution, facilitates its means, or acts as an intermediary for prostitution or provides a place for it shall be sentenced to imprisonment from two years to four years and a judicial fine up to three thousand days. Deriving a livelihood, in whole or in part, from the earnings of a person drawn into prostitution shall be considered as encouragement to prostitution.

(3) (Repealed: 6/12/2006 – Article 45 of Law No. 5560; Re-enacted: 24/11/2016 – Article 18 of Law No. 6763) Any person who supplies, distributes or disseminates products containing images, writings and statements prepared for the purpose of facilitating prostitution or acting as an intermediary for prostitution shall be sentenced to imprisonment from one year to three years and a judicial fine from two hundred days to two thousand days.

(4) Where a person is driven into prostitution or made to engage in prostitution through the use of coercion or threat, deception, or by exploiting their desperation, the penalty to be imposed pursuant to the above paragraphs shall be increased by one half to twofold.

(5) Where the offences defined in the above paragraphs are committed by the spouse, an ascendant, an ascendant by marriage, a sibling, an adopter, a guardian, a trainer, an educator, a caretaker, other persons under an obligation of care and supervision, or by misuse of the influence afforded by a public office or service relationship, the penalty to be imposed shall be increased by one half.

(6) Where these offences are committed within the framework of the activities of an organisation established for the purpose of committing offences, the penalty to be imposed pursuant to the above paragraphs shall be increased by one half.

(7) With respect to these offences, security measures specific to legal entities shall be ordered.

(8) A person drawn into prostitution may be subjected to treatment or psychological therapy. 84

Providing a Place and Means for Gambling 85

Article 228- (1) Any person who provides a place and means for gambling shall be sentenced to imprisonment from one year to three years and a judicial fine of not less than two hundred days. 86

(2) Where a place and means are provided for children to gamble, the penalty to be imposed shall be increased twofold.

(3) (Added: 15/8/2017 – Article 139 of Decree-Law No. 694; Enacted verbatim: 1/2/2018 – Article 134 of Law No. 7078) Where the offence is committed through the use of information systems, the offender shall be sentenced to imprisonment from three years to five years and a judicial fine from one thousand days to ten thousand days.

(4) (Added: 15/8/2017 – Article 139 of Decree-Law No. 694; Enacted verbatim: 1/2/2018 – Article 134 of Law No. 7078) Where the offence is committed within the framework of the activities of an organisation, the penalty to be imposed shall be increased by one half.

(5) With respect to this offence, security measures specific to legal entities shall be ordered.

(6) For the purposes of the application of the Criminal Code, gambling refers to games operated for the purpose of profit in which gain and loss depend on chance.

Begging

Article 229- (1) Any person who uses children or persons who are incapable of caring for themselves physically or mentally as instruments for begging shall be sentenced to imprisonment from one year to three years.

(2) Where this offence is committed by relatives by blood or by marriage up to and including the third degree, or by the spouse, the penalty to be imposed shall be increased by one half.

(3) Where this offence is committed within the framework of the activities of an organisation, the penalty to be imposed shall be increased twofold.

EIGHTH CHAPTER Offences Against the Family Order Multiple Marriage, Deceitful Marriage, Religious Ceremony

Article 230- (1) Any person who, despite being married, enters into a marriage ceremony with another person shall be sentenced to imprisonment from six months to two years.

(2) Any person who, although not married themselves, enters into a marriage ceremony with a person whom they know to be married shall also be sentenced in accordance with the provision of the above paragraph.

(3) Any person who enters into a marriage ceremony with another person by concealing their true identity shall be sentenced to imprisonment from three months to one year.

(4) The statute of limitations for the offences defined in the above paragraphs shall commence from the date on which the judgment annulling the marriage becomes final.

(5) (Annulled: by the Decision of the Constitutional Court dated 27/5/2015 and numbered E.: 2014/36, K.: 2015/51.)

(6) (Annulled: by the Decision of the Constitutional Court dated 27/5/2015 and numbered E.: 2014/36, K.: 2015/51.)

Changing the Lineage of a Child

Article 231- (1) Any person who changes or conceals the lineage of a child shall be sentenced to imprisonment from one year to three years.

(2) Any person who, by acting contrary to the duty of care, causes a child in a health institution to be mixed up with another child shall be sentenced to imprisonment of up to one year.

Ill-Treatment

Article 232- (1) Any person who ill-treats a person with whom they live in the same dwelling shall be sentenced to imprisonment from two months to one year.

(2) A person who abuses the disciplinary authority arising from the right of correction they hold over a person under their management or whom they are obliged to raise, educate, care for, protect, or teach a profession or craft shall be sentenced to imprisonment of up to one year.

Breach of an Obligation Arising from Family Law

Article 233- (1) Any person who fails to fulfil an obligation of care, education or support arising from family law shall, upon complaint, be sentenced to imprisonment of up to one year.

(2) Any person who abandons in a state of desperation their spouse whom they know to be pregnant, or an unmarried woman with whom they continuously live together and whom they know to have become pregnant by them, shall be sentenced to imprisonment from three months to one year.

(3) A mother or father who, even if their custody rights have been removed, seriously endangers the morality, security and health of their children due to material and moral neglect resulting from habitual drunkenness, use of narcotic or stimulant substances, or dishonourable conduct and behaviour, shall be sentenced to imprisonment from three months to one year.

Abduction and Detention of a Child

Article 234- (1) Where a mother or father whose custody rights have been revoked, or a blood relative up to and including the third degree, abducts or detains a child who has not completed the age of sixteen from the side of the guardian, custodian, or the person responsible for their care and supervision, without using coercion or threat, they shall be sentenced to imprisonment from three months to one year.

(2) Where the act is committed by means of coercion or threat, or where the child has not yet completed the age of twelve, the penalty shall be increased twofold.

(3) (Added: 6/12/2006 – Article 10 of Law No. 5560) Any person who keeps with them a child who has left home without the knowledge or consent of their legal representative, even with the child's consent, without informing the child's family or the competent authorities of the situation, shall, upon complaint, be sentenced to imprisonment from three months to one year.

NINTH CHAPTER Offences Relating to the Economy, Industry and Commerce Bid Rigging

Article 235- (1) (Amended: 11/4/2013-Decree Law 6459/12 Article) A person who rigs a tender for the purchase or sale of goods or services, or for leases, carried out on behalf of a public institution or organization, or a construction tender, shall be sentenced to a penalty of imprisonment from three years to seven years.

(2) In the following cases, the tender shall be deemed to have been rigged: a) By fraudulent acts: 1. Preventing persons who possess the eligibility or qualifications to participate in the tender from participating in the tender or in the procedures during the tender process, 2. Enabling persons who do not possess the eligibility or qualifications to participate in the tender to participate in the tender, 3. Excluding from evaluation the goods offered, on the grounds that they do not possess the qualities specified in the specifications, despite the fact that they do, 4. Including in the evaluation the goods offered, on the grounds that they possess the qualities specified in the specifications, despite the fact that they do not. b) Enabling others to access information relating to the bids which, according to the tender legislation or the specifications, must be kept confidential. c) Preventing, by means of force or threats, or by other unlawful conduct, persons who possess the eligibility or qualifications to participate in the tender from participating in the tender or in the procedures during the tender process. d) Persons wishing to participate in, or participating in, a tender making open or secret agreements among themselves in order to influence the tender conditions and, in particular, the price. (3) (Amended: 11/4/2013-Decree Law 6459/12 Article) Where the offense of rigging a tender is committed: a) By means of force or threats, the lower limit of the basic penalty shall not be less than five years. However, where the aggravated circumstances of the offense of intentional injury or threat, which require a heavier penalty, occur, a sentence shall also be imposed for these offenses. b) Where no damage arises for the relevant public institution or organization as a result of its commission, the perpetrator shall be sentenced to a penalty of imprisonment from one year to three years, except in the cases specified in paragraph (a) of this Article. (4) Officials who secure a benefit as a result of the rigging of a tender shall also be punished according to the relevant penal provision for this reason. (5) The provisions of the above paragraphs shall also apply where fraud is committed in auctions or sales conducted through public institutions or organizations, or in the purchase or sale of goods or services, or leases, carried out on behalf of professional organizations with the status of public institutions, companies established with the participation of public institutions or organizations or professional organizations with the status of public institutions, foundations operating within their structure, associations working for the public benefit, or cooperatives.

Rigging the Performance of an Obligation

Article 236- (1) A person who rigs the performance of an obligation undertaken towards public institutions or organizations, professional organizations with the status of public institutions, companies established with their participation, foundations operating within their structure, associations working for the public benefit, or cooperatives shall be sentenced to a penalty of imprisonment from three years to seven years.

(2) In the event that the following acts are carried out fraudulently, the performance of the obligation shall be deemed to have been rigged: a) Delivering or accepting goods other than those whose specifications are described in the tender decision or the contract. b) Delivering or accepting a quantity of goods less than that specified in the tender decision or the contract. c) Accepting the obligation as having been performed within the period specified in the tender decision or the contract, despite the fact that it was not performed within that period. d) Accepting, in construction tenders, the work or the materials used, despite the fact that they do not conform to the conditions, quantities, or qualities determined in the specifications or the contract. e) Accepting an obligation of a service nature as having been rendered, despite the fact that it was not rendered, or was rendered incompletely, in accordance with the conditions specified in the tender decision or the contract. (3) Officials who secure a benefit as a result of the rigging of the performance of an obligation shall also be punished according to the relevant penal provision for this reason.

Influencing Prices 87

Article 237- (1) A person who, in a manner capable of resulting in an increase or decrease in workers' wages or in the value of foodstuffs or goods, and with that intent, spreads false news or rumors, or resorts to other fraudulent means, shall be sentenced to a penalty of imprisonment from one year to three years and a judicial fine. (2) Where, as a result of the act, the values of foodstuffs or goods or workers' wages increase or decrease, the penalty shall be increased by half. (3) Where the perpetrator is a licensed broker or a stock exchange broker, the penalty shall additionally be increased by half.

Causing the Unavailability of Items Necessary for the Public

Article 238- (1) A person who, by failing to fulfill the work he has undertaken, causes the disappearance of, or a significant reduction in, items or foodstuffs that are indispensable for public institutions and organizations, or for a public service, or for the prevention of a general disaster, shall be sentenced to a penalty of imprisonment from one year to three years and a judicial fine of up to one thousand days.

Disclosure of Information or Documents Qualifying as Trade Secrets, Banking Secrets, or Client Secrets

Article 239- (1) A person who, by virtue of his status or office, or by reason of the profession or craft he practices, has learned of information or documents qualifying as trade secrets, banking secrets, or client secrets, and who gives or discloses such information or documents to unauthorized persons, shall, upon complaint, be sentenced to a penalty of imprisonment from one year to three years and a judicial fine of up to five thousand days. Where such information or documents are given or disclosed to unauthorized persons by persons who have obtained them through unlawful means, a penalty shall also be imposed pursuant to this paragraph. 87 By Article 19 of Law No. 7413 dated 23/6/2022, the phrase "from three months to two years" in the first paragraph of this Article was amended to read "from one year to three years," the phrase "one third" in the second paragraph was amended to read "half," and the phrase "one eighth" in the third paragraph was amended to read "half."

(2) The provisions of the first paragraph shall also apply to technical discoveries and inventions, or information relating to industrial applications. (3) Where these secrets are disclosed to a foreigner not residing in Turkey, or to his officials, the penalty to be imposed on the

perpetrator shall be increased by one third. In such case, the condition of complaint shall not be sought. (4) A person who, by using force or threats, compels another person to disclose information or documents falling within the scope of this Article shall be sentenced to a penalty of imprisonment from three years to seven years.

Refusal to Sell Goods or Services 88

Article 240- (1) A person who, by refusing to sell a certain good or service, causes an urgent need for the public to arise, shall be sentenced to a penalty of imprisonment from one year to three years.

Usury

Article 241- (1) A person who lends money to another with the purpose of obtaining a gain shall be sentenced to a penalty of imprisonment from two years to six years and a judicial fine from five hundred days to five thousand days. 89 (2) (Added: 14/4/2020-Law No. 7242/14 Article) Where the offense is committed within the framework of the activities of an organization, the penalty to be imposed shall be doubled.

Application of Security Measures to Legal Entities

Article 242- (1) Security measures specific to legal entities shall be imposed on legal entities that are unjustly benefited by way of the commission of the offenses set forth in this Chapter.

CHAPTER TEN Offenses in the Field of Information Technology Entering an Information System

Article 243- (1) A person who unlawfully enters into all or part of an information system or continues to remain there shall be sentenced to imprisonment for up to one year or to a judicial fine. 90

(2) Where the acts defined in the paragraph above are committed against systems that can be used for a fee, the penalty to be imposed shall be reduced by up to half. (3) If, as a result of this act, the data contained in the system is destroyed or altered, the offender shall be sentenced to imprisonment from six months to two years. (4) (Added: 24/3/2016 – Article 30 of Law No. 6698) A person who, without entering the system, unlawfully monitors, by means of technical devices, data transfers occurring within an information system or between information systems shall be sentenced to imprisonment from one year to three years.

88 By Article 20 of Law No. 7413 dated 23/6/2022, the phrase "from six months to two years" in this Article has been amended to read "from one year to three years". 89 By Article 14 of Law No. 7242 dated 14/4/2020, the phrase "imprisonment for up to five years and" in this paragraph has been amended to read "imprisonment for up to six years and from five hundred days". 90 By Article 30 of Law No. 6698 dated 24/3/2016, the word "and" in this paragraph has been amended to read "or".

Blocking, disrupting, destroying or altering data of a system

Article 244- (1) A person who blocks or disrupts the operation of an information system shall be sentenced to imprisonment from one year to five years. (2) A person who corrupts, destroys, alters or renders inaccessible data in an information system, inserts data into the system, or sends existing data to another location shall be sentenced to imprisonment from six months to three years. (3) Where these acts are committed on an information system belonging to a bank or credit institution or to a public institution or organization, the penalty to be imposed shall be increased by half. (4) Where obtaining an unlawful benefit for oneself or another by committing the acts defined in the above paragraphs does not constitute another offence, the offender shall be sentenced to imprisonment from two years to six years and to a judicial fine up to five thousand days.

Misuse of bank or credit cards

Article 245 – (Amended: 29/6/2005 – Article 27 of Law No. 5377) (1) A person who obtains or holds a bank or credit card belonging to another, by whatever means, and who, without the consent of the cardholder or the person to whom the card was to be given, uses it or has it used, thereby obtaining a benefit for himself or another, shall be sentenced to imprisonment from three years to six years and to a judicial fine up to five thousand days. (2) A person who produces, sells, transfers, purchases or accepts a counterfeit bank or credit card associated with the bank accounts of others shall be sentenced to imprisonment from three years to seven years and to a judicial fine up to ten thousand days. (3) A person who obtains a benefit for himself or another by using a bank or credit card that has been counterfeited or on which forgery has been committed shall, provided that the act does not constitute another offence requiring a heavier penalty, be sentenced to imprisonment from four years to eight years and to a judicial fine up to five thousand days. (4) Where the offence set forth in the first paragraph is committed to the detriment of: a) one of the spouses for whom a decree of separation has not been rendered, b) a direct ascendant or descendant, a relative by marriage of the same degree, an adopter or an adoptee, c) one of the siblings living together in the same residence, no penalty shall be imposed on the relative concerned. (5) (Added: 6/12/2006 – Article 11 of Law No. 5560) The provisions of this Law concerning effective remorse for offences against property shall apply to the acts falling within the scope of the first paragraph.

Prohibited devices or programs

Article 245/A- (Added: 24/3/2016 – Article 30 of Law No. 6698) (1) Where a device, computer program, password or other security code is made or produced exclusively for the purpose of committing the offences set forth in this Chapter or other offences that can be committed by using information systems as a tool, a person who manufactures, imports, dispatches, transports, stores, accepts, sells, offers for sale, purchases, gives to others or holds such items shall be sentenced to imprisonment from one year to three years and to a judicial fine up to five thousand days.

Imposition of security measures on legal entities

Article 246- (1) Security measures specific to legal entities shall be imposed on legal entities in whose favour an unlawful benefit is obtained through the commission of the offences set forth in this Chapter.

PART FOUR Offences Against the Nation and the State and Final Provisions

CHAPTER ONE Offences Against the Reliability and Functioning of the Public Administration

Embezzlement (Zimmet)

Article 247- (1) A public official who misappropriates for his own benefit or that of another property that has been entrusted to his possession by virtue of his duty or whose protection and supervision he is obliged to carry out shall be sentenced to imprisonment from five years to twelve years. (2) Where the offence is committed by means of fraudulent conduct aimed at preventing the discovery of the misappropriation, the penalty to be imposed shall be increased by half. (3) Where the offence of embezzlement is committed with a view to returning the property after using it for a temporary period, the penalty to be imposed may be reduced by up to half.

Effective remorse

Article 248- (1) Where, before the commencement of the investigation, the misappropriated property is returned in kind or the damage suffered is fully compensated, the penalty to be imposed shall be reduced by two-thirds. (2) Where, before the commencement of the prosecution, the misappropriated property is voluntarily returned in kind or the damage suffered is fully compensated, the penalty to be imposed shall be reduced by half. Where the effective remorse occurs before the judgment, the penalty to be imposed shall be reduced by one-third.

Circumstances requiring a lesser penalty

Article 249- (1) Where the value of the property constituting the subject matter of the offence of embezzlement is of little significance, the penalty to be imposed shall be reduced by one-third to one-half.

Extortion (irtikap)

Article 250- (1) (Amended: 2/7/2012 – Article 86 of Law No. 6352) A public official who, by abusing the influence afforded by his office, compels a person to provide a benefit to himself or another or to promise a benefit by such means shall be sentenced to imprisonment from five years to ten years. Where, in the face of the unlawful attitude and conduct of the public official, a person, feeling compelled by the concern that a legitimate matter of his will not be dealt with properly, at all, or at least in due time, provides a benefit to the public official or to a person he directs, the existence of compulsion shall be deemed established. (2) A public official who, by fraudulent conduct carried out through abusing the trust afforded by his office, persuades a person to provide a benefit to himself or another or to promise a benefit by such means shall be sentenced to imprisonment from three years to five years. (3) Where the offence defined in the second paragraph is committed by taking advantage of a person's mistake, the offender shall be sentenced to imprisonment from one year to three years. (4) (Added: 2/7/2012 – Article 86 of Law No. 6352) Taking into consideration the value of the extorted benefit and the economic situation of the victim, the penalty to be imposed in accordance with the above paragraphs may be reduced by up to half.

Negligence of supervisory duty

Article 251- (1) A public official charged with supervision who intentionally disregards the commission of the offence of embezzlement or extortion shall be held responsible as a joint perpetrator of the offence committed. (2) A public official who, by neglecting his duty of supervision, enables the commission of the offence of embezzlement or extortion shall be sentenced to imprisonment from three months to three years.

Bribery

Article 252- (Amended: 2/7/2012-Act No. 6352/Article 87) (1) Any person who, directly or through intermediaries, provides a benefit to a public official or to another person indicated by him/her for the purpose of having an act performed or not performed in connection with the performance of his/her duty shall be sentenced to a penalty of imprisonment from four years to twelve years. (2) A public official who, directly or through intermediaries, obtains a benefit for himself/herself or for another person indicated by him/her for the purpose of having an act performed or not performed in connection with the performance of his/her duty shall also be sentenced to the penalty specified in the first paragraph. (3) Where an agreement is reached concerning bribery, a penalty shall be imposed as if the offense had been completed. (4) Where a public official demands a bribe but it is not accepted by the person, or where the person offers or promises to provide a benefit to the public official but it is not accepted by the public official, the penalty to be imposed pursuant to the provisions of the first and second paragraphs shall be reduced by half. (5) Any person who acts as an intermediary in conveying a bribe offer or demand to the other party, in securing a bribery agreement, or in the provision of the bribe shall be punished as a joint perpetrator, regardless of whether or not he/she holds the title of public official. (6) A third person to whom a benefit is provided indirectly within the bribery relationship, or the authorized representative of a legal entity who accepts the benefit, shall be punished as a joint perpetrator, regardless of whether or not he/she holds the title of public official. (7) Where the person who accepts or demands a bribe, or reaches an agreement in this regard, is: a person performing judicial functions, an arbitrator, an expert witness, a notary public, or a sworn financial advisor, the penalty to be imposed shall be increased from one third up to one half. (8) The provisions of this Article shall also apply where: a) Professional organizations qualified as public institutions, b) Companies established with the participation of public institutions or organizations, or professional organizations qualified as public institutions, c) Foundations operating within the structure of public institutions or organizations, or professional organizations qualified as public institutions, d) Associations working for the public benefit, e) Cooperatives, f) Publicly held joint-stock companies, a benefit is provided, offered, or promised, directly or through intermediaries, to persons acting on behalf of the foregoing, regardless of whether or not they hold the title of public official, for the purpose of having an act performed or not performed in connection with the performance of their duties; where such benefit is demanded or accepted by such persons; where intermediation is provided for such benefit; or where a benefit is provided to another person by virtue of such relationship. (9) The provisions of this Article shall also apply where: a) Public officials elected or appointed in a foreign state, b) Judges, jury members, or other officials serving in international or supranational courts, or in the courts of foreign states, c) Members of international or supranational parliaments, d) Persons conducting a public activity for a foreign country, including public institutions or public enterprises, e) Citizens or foreign arbitrators appointed within the framework of arbitration proceedings resorted to for the purpose of resolving a legal dispute, f) Officials or representatives of international or supranational organizations established on the basis of an international agreement, a benefit is provided, offered, or promised, directly or through intermediaries, for the purpose of having an act performed or not performed in connection with the performance of their duties, or for the purpose of obtaining or retaining an act or an unlawful advantage due to international commercial transactions; or where such benefit is demanded or accepted by them. (10) Where the offense of bribery falling within the scope of the ninth paragraph is committed abroad by a foreigner; a) Turkey, b) A public institution in Turkey, c) A private legal entity established under Turkish law, d) A Turkish citizen, being a party to a dispute, or where the offense is committed for the purpose of having an act performed or not performed concerning such institutions or persons; investigation and prosecution shall be carried out ex officio against the persons who give, offer, or promise a bribe; who accept a bribe, demand it, or accept its offer or promise; who act as intermediaries thereto; or to whom a benefit is provided by virtue of the bribery relationship, provided that they

are present in Turkey.

Application of security measures to legal entities

Article 253- (1) Security measures specific to legal entities shall be imposed on legal entities that obtain an unlawful benefit by virtue of the commission of the offense of bribery.

Effective remorse

Article 254- (1) (Amended: 2/7/2012-Act No. 6352/Article 88) Where the person who accepts a bribe delivers the subject matter of the bribe, in kind, to the authorities authorized to conduct the investigation before the situation is learned by the official authorities, no penalty shall be imposed on him/her for the offense of bribery. Where a public official who has reached an agreement with another person concerning the acceptance of a bribe notifies the competent authorities of the situation before the situation is learned by the official authorities, no penalty shall likewise be imposed on him/her for this offense. (2) (Amended: 2/7/2012-Act No. 6352/Article 88) Where the person who gives a bribe or reaches an agreement with a public official in this regard, feeling remorse, notifies the competent authorities of the situation before the situation is learned by the official authorities, no penalty shall be imposed on him/her for the offense of bribery. (3) (Amended: 2/7/2012-Act No. 6352/Article 88) Where the other persons who participate in the offense of bribery, feeling remorse, notify the competent authorities of the situation before the situation is learned by the official authorities, no penalty shall be imposed on them for this offense. (4) (Additional: 26/6/2009 – Act No. 5918/Article 4) The provisions of this Article shall not apply to persons who give bribes to foreign public officials.

Trading in influence 91

Article 255- (Amended: 2/7/2012-Act No. 6352/Article 89) (1) Any person who, by claiming to have influence over a public official, directly or through intermediaries, secures a benefit for himself/herself or for another person for the purpose of having an unlawful act performed shall be sentenced to a penalty of imprisonment from two years to five years and a judicial fine up to five thousand days. Where the person is a public official, the penalty of imprisonment to be imposed shall be increased by half. A person who secures a benefit in return for having an act performed, or in the expectation that it will be performed, shall be sentenced to a penalty of imprisonment from one year to three years. (2) Even where an agreement is reached concerning the provision of a benefit, a penalty shall be imposed as if the offense had been completed. (3) Where a benefit is demanded for the purpose specified in the first paragraph but it is not accepted, or where a benefit is offered or promised but it is not accepted, the penalty to be imposed pursuant to the provision of the first paragraph shall be reduced by half. (4) Any person who acts as an intermediary in the offense of trading in influence shall be punished as a joint perpetrator with the penalty specified in the first

91 By Article 89 of Act No. 6352 dated 2/7/2012, the heading of this Article, which previously read "Securing an unlawful benefit for an act for which one is not authorized", has been amended as incorporated into the text.

paragraph. (5) A third natural person to whom a benefit is provided indirectly within a trading in influence relationship, or the authorized representatives of a legal entity who accept the benefit, shall be punished as joint perpetrators with the penalty specified in the first paragraph. (6) Where the act of intervening for the purpose of having an act performed constitutes a separate offense, the persons shall also be punished for that offense. (7) The provisions of this Article shall also apply where trading in influence is exercised over the persons enumerated in the ninth paragraph of Article 252. Investigation and prosecution shall be carried out ex officio against such persons, regardless of whether they are citizens or foreigners, provided that they are present in Turkey.

Exceeding the limits of the authority to use force

Article 256- (1) Where a public official vested with the authority to use force uses force against persons beyond the extent required by his/her duty during the performance of his/her duty, the provisions relating to the offense of intentional injury shall apply.

Misuse of duty 92

Article 257- (1) A public officer who, save for cases defined as offences in the law, by acting contrary to the requirements of his/her duty, causes victimization of persons or damage to the public, or provides unjust benefit to persons, shall be sentenced to imprisonment from six months to two years. (2) A public officer who, save for cases defined as offences in the law, by neglecting or delaying the performance of the requirements of his/her duty, causes victimization of persons or damage to the public, or provides unjust benefit to persons, shall be sentenced to imprisonment from three months to one year. (3) (Repealed: Article 105 of Law No. 6352 of 2/7/2012)

Disclosure of Secret Relating to Duty

Article 258- (1) A public officer who discloses or publishes documents, decisions, orders and other notifications which have been given to him/her or of which he/she has obtained knowledge due to his/her duty and which are required to be kept confidential, or who, in any manner whatsoever, facilitates the acquisition of such information by others, shall be sentenced to imprisonment from one year to four years. (2) The same penalty shall be imposed on a person who commits the acts described in the first paragraph after the termination of his/her status as a public officer.

92 By Article 1 of Law No. 6086 dated 8/12/2010, the term "gain" in the first and second paragraphs of this Article was replaced by "benefit", the phrase "from one year to three years" in the first paragraph was replaced by "from six months to two years", the phrase "from six months to two years" in the second paragraph was replaced by "from three months to one year", and the phrase "in accordance with the provision of the first paragraph" in the third paragraph was replaced by "with imprisonment from one year to three years and a judicial fine up to five thousand days".

Trade by a Public Officer

Article 259- (1) A public officer who, by taking advantage of the influence afforded by his/her office, attempts to sell goods or services to another person shall be sentenced to imprisonment up to six months or to a judicial fine.

Abandonment or Non-performance of Public Duty

Article 260- (1) Each public officer who, unlawfully and collectively, abandons his/her duties, fails to assume his/her duties, wholly or partially fails to perform his/her duties, even if temporarily, or slows down their performance, shall be sentenced to imprisonment from three months to one year. If the number of public officers does not exceed three, no penalty shall be imposed. (2) Where public officers temporarily and for a short period leave work or slow it down in relation to their professional and social rights, without disrupting the service, the penalty to be imposed may be reduced, or no penalty may be imposed at all.

Improper Disposition over the Property of Persons

Article 261- (1) A public officer who, knowing that it is contrary to the conditions determined in the relevant laws, disposes of the movable or immovable property of persons by force, even if a consideration is paid, shall, unless the act constitutes an offence requiring a heavier penalty, be sentenced to imprisonment from six months to two years.

Improper Assumption of Public Duty

Article 262- (1) A person who attempts to perform a public duty contrary to laws and regulations, or who continues the duty despite having been notified of an order to abandon it, shall be sentenced to imprisonment from three months to two years.

Educational Institution Contrary to Law

Article 263 – (Repealed – Article 13 of Law No. 6460 of 17/4/2013)

Improper Use of Special Signs and Uniforms

Article 264- (1) A person who publicly wears the official uniform of a rank, public office, or profession, without authorization and in a manner likely to deceive others, or who wears decorations or medals to which he/she is not entitled, shall be sentenced to imprisonment from three months to one year. (2) If an offence is committed by taking advantage of the facilities and opportunities provided by the uniform, the penalties specified in the above paragraph shall be increased by one third, solely on account of this act.

Resistance in Order to Prevent the Performance of Duty

Article 265- (1) A person who uses force or threat against a public officer in order to prevent the performance of his/her duty shall be sentenced to imprisonment from six months to three years.

(2) If the offence is committed against persons performing judicial duties, the offender shall be sentenced to imprisonment from two years to four years. (3) If the offence is committed by a person rendering himself/herself unrecognizable or by more than one person jointly, the penalty to be imposed shall be increased by one third. (4) If the offence is committed by using a weapon or by taking advantage of the intimidating power of existing or presumed criminal organizations, the penalty to be imposed in accordance with the above paragraphs shall be increased by one half. (5) Where, during the commission of this offence, aggravated circumstances of the offence of intentional injury occur due to its consequences, the provisions relating to the offence of intentional injury shall also apply.

Use of Tools and Equipment Pertaining to Public Duty in the Commission of an Offence

Article 266- (1) Where a public officer uses the tools and equipment in his/her possession by reason of his/her duty during the commission of an offence, if the status of public officer has not essentially been taken into consideration in the definition of the relevant offence, the penalty to be imposed shall be increased by one third.

SECOND CHAPTER Offences Against the Judiciary Slander (Calumny)

Article 267- (1) A person who, by filing a report or complaint with the competent authorities or through the press and publication, unlawfully imputes an act to another person, despite knowing that the person did not commit it, in order to have an investigation or prosecution initiated against that person or an administrative sanction applied, shall be sentenced to imprisonment from one year to four years. (2) Where slander is committed by fabricating the material evidence and proofs of the act, the penalty shall be increased by one half. (3) If, to the detriment of the victim who has been acquitted or for whom a decision of non-prosecution has been rendered due to not having committed the imputed act, a protective measure other than detention and arrest has been applied on account of this act, the penalty to be imposed in accordance with the above paragraphs shall be increased by one half. (4) Where the victim who has been acquitted or for whom a decision of non-prosecution has been rendered due to not having committed the imputed act has been placed under detention or arrested on account of this act; the slanderer shall also be held liable as an indirect perpetrator in accordance with the provisions relating to the offence of deprivation of liberty. (5) Where the victim is sentenced to aggravated life imprisonment or life imprisonment, the offender shall be sentenced to imprisonment from twenty years to thirty years; (...) 93 be sentenced. (6) If the execution of the imprisonment sentence imposed on the victim has commenced, the penalty to be imposed in accordance with the fifth paragraph shall be increased by one half.

93 By the Decision of the Constitutional Court dated 10/4/2013, No. E.: 2013/14, K.: 2013/56, the phrase "...is sentenced to a term of imprisonment, with imprisonment for two thirds of the sentence imposed..." of this paragraph has been annulled.

(7) (Annulled: By the Decision of the Constitutional Court dated 17/11/2011, No. E.: 2010/115, K.: 2011/154.) (8) The statute of limitations for prosecution of the offence of slander shall commence from the date on which it is established that the victim did not commit the act. (9) A judgment of conviction rendered for the offence of slander committed through the press and publication shall be announced by means of the same or an equivalent press and publication organ. The costs of the announcement shall be collected from the convict.

Use of Another Person's Identity or Identity Information

Article 268- (1) A person who uses the identity or identity information of another person in order to prevent an investigation or prosecution being conducted against himself/herself for an offence he/she has committed shall be punished in accordance with the provisions relating to the offence of slander. 94

Effective Remorse

Article 269- (1) Where the perpetrator of calumny recants before a judicial or administrative investigation has been initiated against the victim, four fifths of the penalty to be imposed for the offence of calumny shall be mitigated.

(2) Where the perpetrator recants before prosecution has been initiated against the victim, three quarters of the penalty to be imposed for the offence of calumny shall be mitigated.

(3) Where voluntary renunciation (effective remorse): a) occurs before judgment is rendered against the victim, two thirds of the penalty to be imposed; b) occurs after the conviction of the victim, half of the penalty to be imposed; c) where the enforcement of the imposed penalty has commenced, one third of the penalty to be imposed; may be mitigated.

(4) Where the act constituting the subject matter of the calumny exclusively requires the application of an administrative sanction: a) if voluntary renunciation occurs before a decision on the administrative sanction is taken, half of the penalty to be imposed; b) if voluntary renunciation occurs after the administrative sanction has been applied, one third of the penalty to be imposed; may be mitigated.

(5) (Amended: 29/6/2005 – Article 31 of Law No. 5377) In order to benefit from the provisions of voluntary renunciation for calumny committed through the press or broadcast media, such renunciation must be published through the same medium.

Self-incrimination on behalf of another

Article 270- (1) A person who falsely reports to the competent authorities that he himself has committed or participated in an offence shall be sentenced to imprisonment for a term of up to two years. Where this offence is committed for the purpose of saving an ascendant, descendant, spouse or sibling from punishment; the penalty to be imposed may be mitigated by three quarters, or may be entirely waived.

Fabrication of an offence

Article 271- (1) A person who reports to the competent authorities an offence which he knows has not been committed, as if it had been committed, or who fabricates evidence or indications of an offence that has not been committed in such a manner as to give rise to an investigation, shall be sentenced to imprisonment for a term of up to three years.

False testimony

Article 272- (1) A person who gives false testimony before a person or body authorized to hear witnesses within the scope of an investigation initiated on account of an unlawful act shall be sentenced to imprisonment for a term of four months to one year.

(2) A person who gives false testimony before a court, or before a person or body legally authorized to hear witnesses under oath, shall be sentenced to imprisonment for a term of one to three years.

(3) A person who gives false testimony within the scope of an investigation or prosecution of an offence requiring a penalty of imprisonment exceeding three years shall be sentenced to imprisonment for a term of two to four years.

(4) Where a protective measure other than apprehension or arrest has been applied in respect of the person against whom the testimony was given, provided that an acquittal or a decision of non-prosecution has been rendered on the grounds that he did not commit the imputed act, the penalty to be imposed in accordance with the above paragraphs shall be increased by half.

(5) Where the person against whom the testimony was given has been apprehended or arrested; provided that an acquittal or a decision of non-prosecution has been rendered on the grounds that he did not commit the imputed act; the person who gave false testimony shall, in addition, be held liable as an indirect perpetrator in accordance with the provisions relating to the offence of deprivation of liberty.

(6) Where the person against whom the testimony was given has been sentenced to aggravated life imprisonment or life imprisonment, the person shall be sentenced to imprisonment for a term of twenty to thirty years; (...) 95 (7) Where the enforcement of the penalty of imprisonment to which the person against whom the testimony was given has been sentenced has commenced, the penalty to be imposed in accordance with the sixth paragraph shall be increased by half.

(8) Where a judicial or administrative sanction other than a penalty of imprisonment has been applied in respect of the person against whom the testimony was given; the person who gave false testimony shall be sentenced to imprisonment for a term of three to seven years.

Personal grounds for impunity or mitigation of penalty

Article 273- (1) Where a person: a) gives false testimony in respect of a matter that may give rise to an investigation or prosecution against himself, his ascendant, descendant, spouse or sibling; b) gives false testimony without having been reminded of his right to refrain from testifying, despite possessing such right; the penalty to be imposed may be mitigated, or the imposition of a penalty may be waived altogether.

(2) The provision of the first paragraph shall not apply in cases of false testimony given within the scope of private law disputes.

Voluntary renunciation (effective remorse)

Article 274- (1) Where the truth is told before a decision of a nature resulting in a restriction or deprivation of a right is rendered in respect of the person against whom the testimony was given, or before judgment, no penalty shall be imposed.

(2) Where the truth is told after a decision of a nature resulting in a restriction or deprivation of a right has been rendered in respect of the person against whom the testimony was given, but before judgment, the penalty to be imposed may be mitigated from two thirds to one half.

(3) Where the truth is told before the conviction rendered in respect of the person against whom the testimony was given becomes final, the penalty to be imposed may be mitigated from one half to one third.

False oath

Article 275- (1) A plaintiff or defendant who falsely swears an oath in civil proceedings shall be sentenced to imprisonment for a term of one to five years.

(2) Where the truth is told before a judgment is rendered on the case, no penalty shall be imposed.

(3) Where the truth is told before the judgment is enforced or becomes final, half of the penalty to be imposed shall be mitigated.

False expert opinion or false interpretation

Article 276- (1) Where an expert appointed by judicial authorities, or by a person or body legally empowered to conduct investigations into offences or to hear witnesses under oath, submits an opinion contrary to the truth, he shall be sentenced to imprisonment for a term of three to seven years. 96 (2) Where an interpreter appointed by the persons or bodies specified in the first paragraph interprets statements or documents contrary to the truth, the provision of the first paragraph shall apply.

Attempting to influence a person exercising judicial functions, an expert or a witness 97

Article 277- (Amended: 2/7/2012 – Article 90 of Law No. 6352)

(1) A person who, in a pending case (...) 98 , with the intent to prevent the emergence of the truth or to create an injustice, unlawfully attempts to influence a person exercising judicial functions, an expert or a witness in order to obtain a decision, transaction or statement that would produce a result in favour of or against one of the parties to the case, (...) 98 the suspect, the intervening party (partie civile) or the victim, shall be sentenced to imprisonment for a term of two to four years. (Additional sentence: 18/6/2014 – Article 69 of Law No. 6545) Where the attempt does not exceed the degree of favouritism, the penalty to be imposed shall be imprisonment for a term of six months to two years.

(2) Where the act constituting the offence defined in the first paragraph also constitutes another offence, the penalty to be imposed in accordance with the provisions on concurrence of offences shall be increased by up to half.

Failure to report an offence

Article 278- (Repealed: by the Constitutional Court Decision No. E.:2010/52, K.:2011/113 dated 30/6/2011; Amended: 2/7/2012-6352/91rd Article) (1) A person who fails to report an ongoing offence to the competent authorities shall be sentenced to a penalty of imprisonment for up to one year. (2) A person who fails to report an offence that has been committed but the consequences of which can still be limited, shall be sentenced in accordance with the provision of the above paragraph. (3) Where the victim is a child under fifteen years of age, a person who is physically or mentally disabled, or a person who is unable to defend herself due to pregnancy, the penalty to be imposed pursuant to the above paragraphs shall be increased by half. 99

(4) No penalty shall be imposed on persons who may refrain from giving testimony. However, the provisions concerning criminal liability arising from the existence of the obligation to prevent an offence are reserved.

Failure of a public officer to report an offence

Article 279- (1) A public officer who, in connection with his duty, learns that an offence requiring investigation and prosecution on behalf of the public has been committed, and who neglects to report it to the competent authorities or delays in doing so, shall be sentenced to a penalty of imprisonment from six months to two years. (2) Where the offence is committed by a person performing judicial law enforcement duties, the penalty to be imposed pursuant to the above paragraph shall be increased by half.

Failure of members of the medical profession to report an offence

Article 280- (1) A member of the medical profession who, despite encountering an indication that an offence has been committed during the performance of his duty, fails to report the situation to the competent authorities or delays in doing so, shall be sentenced to a penalty of imprisonment for up to one year. (2) The term member of the medical profession shall be understood to include physicians, dentists, pharmacists, midwives, nurses and other persons providing healthcare services. 98 By Article 69 of Law No. 6545 dated 18/6/2014, the phrases "or in an ongoing investigation," and "the suspect or" have been removed from the text of this paragraph. 99 By Article 1 of Law No. 6462 dated 25/4/2013, the phrase "disabled (özürlü)" in this paragraph has been amended to read "engelli (disabled)".

Destruction, concealment or alteration of evidence of an offence

Article 281- (1) A person who, for the purpose of preventing the emergence of the truth, destroys, erases, conceals, alters or tampers with evidence of an offence shall be sentenced to a penalty of imprisonment from six months to five years. No penalty shall be imposed on a person under this paragraph in respect of an offence committed by that person or to the commission of which he was a party. (2) Where this offence is committed by a public officer in connection with his duty, the penalty to be imposed shall be increased by half. (3) The penalty to be imposed for the offence defined in this Article shall be reduced by four fifths for a person who, before a judgment is rendered for the offence to which they relate, submits the concealed evidence to the court.

Laundering of assets derived from an offence 100

Article 282- (1) (Amended: 26/6/2009 – 5918/5rd Article) A person who, for the purpose of concealing the illegitimate source of assets derived from an offence requiring a penalty of imprisonment with a lower limit of six months or more, or of creating the impression that they were acquired through legitimate means, subjects such assets to various transactions, or transfers them abroad, shall be sentenced to a penalty of imprisonment from three to seven years and a judicial fine up to twenty thousand days. (2) (Added: 26/6/2009 – 5918/5rd Article) A person who, without participating in the commission of the offence set forth in the first paragraph, purchases, accepts, possesses or uses assets constituting the subject matter of that offence, knowing of their nature, shall be sentenced to a penalty of imprisonment from two to five years. (3) Where this offence is committed by a public officer or by a member of a certain profession in the course of practicing that profession, the penalty of imprisonment to be imposed shall be increased by half. (4) Where this offence is committed within the framework of the activities of an organisation established for the purpose of committing offences, the penalty to be imposed shall be doubled. (5) Where this offence is committed, security measures specific to legal entities shall be imposed on them. (6) No penalty shall be imposed on a person who, before a prosecution is initiated for this offence, enables the seizure of the assets constituting the subject matter of the offence, or facilitates their seizure by informing the competent authorities of their location.

Harbouring an offender

Article 283- (1) A person who enables an offender to evade investigation, apprehension, arrest or execution of the sentence shall be sentenced to a penalty of imprisonment from six months to five years. (2) Where this offence is committed by a public officer in connection with his duty, the penalty to be imposed shall be increased by half. (3) Where this offence is committed by an ancestor, descendant, spouse, sibling or other accomplice of the offender, no penalty shall be imposed.

Failure to report a detainee, convict or evidence of an offence

Article 284- (1) A person who, despite knowing the location of a person against whom an arrest warrant has been issued or of a convict, fails to report it to the competent authorities shall be sentenced to a penalty of imprisonment for up to one year. (2) A person who, despite knowing the place where evidence and traces of a committed offence are kept by others, fails to report it to the competent authorities shall be sentenced in accordance with the provision of the above paragraph. (3) Where these offences are committed by a public officer in connection with his duty, the penalty to be imposed shall be increased by half. (4) Where these offences are committed by an ancestor, descendant, spouse or sibling, no penalty shall be imposed.

Breach of confidentiality

Article 285- (1) (Amended: 2/7/2012-6352/92rd Article) (1) A person who openly breaches the confidentiality of an investigation shall be sentenced to a penalty of imprisonment from one to three years or a judicial fine. For this offence to arise: a) the presumption of innocence, the confidentiality of communications, or the confidentiality of private life must be breached by disclosing the content of a procedural act carried out at the investigation stage; b) the disclosure relating to the content of a procedural act carried out at the investigation stage must be capable of preventing the emergence of the material truth; is required. (2) A person who breaches the confidentiality of decisions taken at the investigation stage that must be kept confidential from the parties to the investigation, and of the procedural acts performed in consequence thereof, shall be sentenced to a penalty of imprisonment from one to three years or a judicial fine. (3) A person who openly breaches the confidentiality of statements or images in a hearing that is required by law to be held in closed session or regarding which a decision has been taken to hold it in closed session shall be sentenced in accordance with the provision of the first paragraph. However, for the commission of this offence, publicity is not required in respect of a breach of a confidentiality decision taken for the protection of a witness. (4) Where the offences defined in the above paragraphs are committed by a public officer by taking advantage of the facilities provided by his duty, the penalty shall be increased by up to half. (5) Where images of persons are published in a manner leading to their perception as offenders during the investigation and prosecution stages, a penalty of imprisonment from six months to two years shall be imposed. (6) Reporting on investigation and prosecution procedures without exceeding the limits of news reporting does not constitute an offence.

Recording of audio or images

Article 286- (1) A person who, without authorisation, records or transmits audio or images during investigation and prosecution procedures shall be sentenced to a penalty of imprisonment for up to six months.

Genital examination

Article 287- (1) Any person who sends another person for a genital examination or conducts such examination without an authorization of a judge or public prosecutor shall be sentenced to a penalty of imprisonment for a term of three months to one year. (2) The provision of the above paragraph shall not apply to examinations carried out in accordance with the provisions stipulated in laws and regulations for the purpose of protecting public health due to infectious diseases. 101

Attempting to influence fair trial

Article 288- (Amended: 2/7/2012-6352/93 art.) (1) Any person who makes public oral or written statements for the purpose of unlawfully influencing a judge, an expert witness or a witness in order to obtain an unlawful decision, the execution of an act, or a statement contrary to the truth in an ongoing case or an ongoing investigation, shall be sentenced to a judicial fine of not less than fifty days.

Misuse of the duty of safekeeping

Article 289- (1) Any person who disposes of a pledged, seized or confiscated property for any reason, which has been officially delivered to him for safekeeping, for purposes other than delivery, shall be sentenced to a penalty of imprisonment for a term of three months to two years and a judicial fine up to three thousand days. If the person is the owner of such property, the penalty to be imposed shall be reduced by half. (2) The penalty to be imposed upon a person who returns the property constituting the subject matter of the offence defined in the first paragraph before the commencement of the prosecution, or who pays its value if this is not possible, shall be reduced by four fifths. (3) Any person who causes the loss or spoilage of a pledged, seized or confiscated property for any reason, which has been officially delivered to him for safekeeping, due to acting contrary to the obligation of care and diligence, shall be sentenced to a judicial fine. (4) Any person who uses an item seized within the scope of an investigation or prosecution related to an offence for purposes other than its intended purpose shall be sentenced to a penalty of imprisonment for a term of up to one year.

101 The phrase "in statutes" ("tüzüklerde") in this paragraph has been amended to "in regulations" ("yönetmeliklerde") by Article 156 of Decree-Law No. 700 dated 2/7/2018.

Seizure and spoilage of property officially delivered

Article 290- (1) Any person who re-seizes an immovable property delivered by court order to those entitled thereto shall be sentenced to a penalty of imprisonment for a term of three months to one year. (2) Where a movable property, which has been pledged, seized or confiscated for any reason and officially delivered to another person for safekeeping, is taken from that person's possession without his consent, the provisions relating to the offence of theft shall apply; where taken by force, the provisions relating to the offence of robbery; where taken by deception, the provisions relating to the offence of fraud; and where destroyed, the provisions relating to the offence of damage to property shall apply. If the person is the owner of such property, from one half to three quarters of the penalty to be imposed shall be reduced.

Entering a penal institution or remand centre in place of another person

Article 291- (1) Any person who enters a penal institution or remand centre by passing himself off as a convict or a detainee shall be sentenced to a penalty of imprisonment for a term of six months to two years.

Escape of a convict or detainee

Article 292- (1) A detainee or convict who escapes from a remand centre, a penal institution, or from the custody of the officials under whose supervision he is kept, 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 year to three years shall be imposed. (3) Where this offence is committed while armed or jointly by more than one detainee or convict, the penalty to be imposed according to the above paragraphs shall be increased by up to one fold. (4) Where, during the commission of this offence, the aggravated circumstances of the offence of intentional injury due to its consequences occur, or the offence of intentional killing is committed, or damage to property occurs, a penalty shall also be imposed in accordance with the provisions relating to those offences. (5) The provisions written in this Article shall also apply to convicts who are employed outside penal institutions and to those whose penalty of imprisonment has been converted into a judicial fine. (6) (Repealed: 29/6/2005 – 5377/33 art.)

Effective remorse

Article 293- (1) (...) 102 In the case where a detainee or convict, after escaping, voluntarily surrenders himself by showing effective remorse, from one sixth to five sixths of the penalty to be imposed shall be reduced, taking into account the period elapsed from the day of escape to the day of surrender. However, where the period of escape exceeds six months, no reduction shall be made to the penalty.

Enabling an escape

Article 294- (1) Any person who enables the escape of a person under custody or a detainee shall be sentenced to a penalty of imprisonment for a term of one year to three years. (2) Any person who enables the escape of a convict shall be sentenced to a penalty of imprisonment for a term of two years to five years, depending on the duration of the penalty of imprisonment to be served. However, where the penalty of the convict is: a) Life imprisonment, a penalty of imprisonment of five years to eight years, b) Aggravated life imprisonment, a penalty of imprisonment of eight years to twelve years, shall be imposed. (3) Where these offences are committed by using force or threat, the penalty to be imposed shall be increased by one third. (4) Where the number of persons enabled to escape is more than one, the penalty to be imposed shall be increased by one third to one fold, taking this number into consideration. (5) Where these offences are committed by persons charged with the safekeeping or transfer of the person under custody, the detainee or the convict, the penalty to be imposed shall be increased by one third. (6) Where these offences are committed by an ancestor, descendant, spouse or sibling, the penalty to be imposed shall be reduced by one third. (7) Where, during the commission of these offences, the aggravated circumstances of the offence of intentional injury due to its consequences occur, or the offence of intentional killing is committed, or damage to property occurs, a penalty shall also be imposed in accordance with the provisions relating to those offences. (8) Where a person under custody, a detainee or a convict escapes by taking advantage of the conduct of the person charged with his safekeeping or transfer contrary to the obligation of care and diligence, a penalty of imprisonment for a term of six months to three years shall be imposed.

Abuse of duty by a guard

Article 295- (1) Where persons charged with the safekeeping or transfer of a person under custody, a detainee or a convict act contrary to the requirements of their duty, the provisions relating to the offence of abuse of duty shall apply. (2) Where a person charged with safekeeping or transfer permits the person under custody, the detainee or the convict to temporarily leave the place where he is held, contrary to the requirements of his duty, he shall be sentenced to a penalty of imprisonment for a term of six months to two years. (3) Where the person under custody, the detainee or the convict escapes by taking advantage of this opportunity, the provisions relating to the offence of intentionally enabling an escape shall apply.

Revolt of convicts or detainees

Article 296- (1) In the case of a collective revolt of convicts or detainees, each of them shall be sentenced to a penalty of imprisonment for a term of six months to three years. Where the number of convicts or detainees does not exceed three, no penalty shall be imposed for this offence. (2) Where other offences are committed during the revolt, a penalty shall also be imposed in accordance with the provisions relating to those offences.

Introducing prohibited items into a penal institution or remand centre

Article 297- (1) Any person who introduces or possesses weapons, narcotic or stimulant substances, or electronic communication devices in a penal institution or remand centre shall be sentenced to imprisonment from two years to five years. Where the acquisition or possession of the items constituting the subject matter of this offence constitutes a separate offence, the penalty to be imposed according to the provisions on concurrence of offences shall be increased by half.

(2) (Annulled: by the Constitutional Court Decision No. E.:2010/69, K.:2011/116 dated 7/7/2011.; Re-enacted: 24/11/2016-6763/20 art.) Regarding items outside the scope of the first paragraph: a) all tools and materials facilitating escape, b) all instruments of attack and defence, as well as materials capable of causing fire, c) all beverages containing alcohol, d) items and materials enabling gambling, e) medicines subject to green prescription, without prejudice to the offences defined in Article 188, f) publications, posters, banners, pictures, symbols, signs, documents and similar materials prohibited by court order or representing criminal organisations, as well as organisational communication tools, excluding those taken for examination by the administration of the institution, g) devices capable of recording sound or image, except those permitted by the competent authorities,

any person who introduces, possesses or uses such items in a penal institution or remand centre shall be sentenced to imprisonment from one year to three years.

(3) Where the offences defined in the first and second paragraphs are committed by persons charged with the custody of convicts or detainees, the penalty to be imposed shall be increased by one fold.

(4) Where a convict or detainee in possession of or using items constituting the subject matter of the offences defined in the first and second paragraphs provides information as to from whom and by what means he obtained them, the penalty to be imposed shall be reduced by half.

Obstruction of the exercise of rights and of nutrition

Article 298- (1) Any person who, by any means whatsoever, obstructs convicts and detainees in penal institutions and remand centres from communicating, meeting with their visitors, participating in education and sports activities, vocational training and prison workshop activities, and other social and cultural activities within the framework of rehabilitation and education programmes, from being examined and treated by the institution physician, from appointing a defence counsel or lawyer, from meeting with them, from going to courts or Republic prosecutors' offices, from meeting with institution officials, or who obstructs released persons from leaving the institution; any person who incites convicts and detainees to commit such acts, who gives instructions to that end, or who obstructs any other means of meeting and contact granted to convicts and detainees under the legislation, shall be sentenced to imprisonment from one year to three years.

(2) Any person who obstructs the nutrition of convicts and detainees shall be sentenced to imprisonment from two years to four years. The incitement or persuasion of convicts and detainees to go on hunger strike or death fast, or the giving of instructions to that end, shall also be deemed obstruction of nutrition.

(3) Where, as a consequence of the obstruction of nutrition, one of the aggravated circumstances of the offence of intentional injury due to its result occurs, or death ensues, a penalty shall also be imposed in accordance with the provisions relating to the offences of intentional injury or intentional killing.

THIRD CHAPTER Offences Against the Symbols of the Sovereignty of the State and the Reputation of Its Organs

Insulting the President

Article 299- (1) Any person who insults the President shall be sentenced to imprisonment from one year to four years.

(2) (Amended: 29/6/2005 – 5377/35 art.) Where the offence is committed publicly, the penalty to be imposed shall be increased by one sixth.

(3) The prosecution of this offence is subject to the permission of the Minister of Justice.

Degrading the symbols of the sovereignty of the State

Article 300- (1) Any person who publicly degrades the Turkish Flag by tearing or burning it or by any other means shall be sentenced to imprisonment from one year to three years. This provision shall apply to any sign bearing the characteristics of the red flag with white star and crescent specified in the Constitution and used as the symbol of the sovereignty of the Republic of Turkey.

(2) Any person who publicly degrades the National Anthem shall be sentenced to imprisonment from six months to two years.

(3) Where the offences defined in this article are committed abroad by a Turkish citizen, the penalty to be imposed shall be increased by one third.

Degrading the Turkish Nation, the Republic of Turkey, and the Institutions and Organs of the State 103

Article 301- (Amended: 30/4/2008-5759/1 art.) (1) Any person who publicly degrades the Turkish Nation, the Republic of Turkey, the Grand National Assembly of Turkey, the Government of the Republic of Turkey, and the judicial organs of the State shall be sentenced to imprisonment from six months to two years.

(2) Any person who publicly degrades the military or security organisations of the State shall be sentenced in accordance with the provision of the first paragraph.

(3) Expressions of thought made for the purpose of criticism do not constitute an offence.

(4) The investigation of this offence is subject to the permission of the Minister of Justice.

FOURTH CHAPTER Offences Against the Security of the State

Undermining the unity of the State and the integrity of the country

Article 302- (1) (Amended: 29/6/2005 – 5377/36 art.) Any person who commits an act aimed at placing the whole or a part of the territory of the State under the sovereignty of a foreign state, or at weakening the independence of the State, or at undermining its unity, or at detaching a part of the territories under the sovereignty of the State from the administration of the State shall be sentenced to aggravated life imprisonment.

(2) Where other offences are committed during the commission of this offence, a penalty shall also be imposed in accordance with the relevant provisions for those offences.

(3) Security measures specific to legal entities shall be imposed on legal entities by reason of the commission of the offences defined in this article.

Collaborating with the enemy

Article 303- (1) A citizen who accepts service in the army of a state at war with the Republic of Turkey, or who enters armed struggle against the Republic of Turkey on the side of the enemy state, shall be sentenced to life imprisonment.

(2) A citizen who assumes any command duty in the army of the enemy state shall be sentenced to aggravated life imprisonment.

(3) Where other offences are committed during the commission of the offences defined in the first and second paragraphs, a penalty shall also be imposed in accordance with the relevant provisions for those offences.

(4) No penalty shall be imposed on a citizen who, being in the territory of the enemy state in time of war, was compelled to be taken into service in the army of that state.

Inciting war against the State

Article 304- (1) Any person who incites officials of a foreign state to declare war on or to engage in hostile acts against the Republic of Turkey, or who collaborates with officials of a foreign state for that purpose, shall be sentenced to imprisonment from ten years to twenty years. (Second sentence repealed: 29/6/2005 – 5377/37 art.)

(2) In the application of this article, the direct or indirect support of organisations formed for the purpose of committing offences against the security of the Republic of Turkey shall be deemed a hostile act.

(3) Security measures specific to legal entities shall be imposed on legal entities by reason of the commission of the offence defined in this article.

Providing benefits for acting against fundamental national interests 104

Article 305- (1) (Amended paragraph: 29/6/2005 – Article 38 of Law No. 5377) A citizen who, for the purpose of committing acts against fundamental national interests, or for that reason, obtains, directly or indirectly, for himself or for another, a material benefit from foreign persons or organisations, or a foreigner present in Turkey, shall be sentenced to imprisonment from three years to ten years and to a judicial fine up to ten thousand days. The same penalty shall be imposed on the person who provides or promises the benefit.

104 The heading of this Article, which was "Acts against fundamental national interests", was amended by Article 38 of Law No. 5377 dated 29/6/2005, as incorporated into the text.

(2) (Amended paragraph: 29/6/2005 – Article 38 of Law No. 5377) If the offence is committed during wartime, the penalty to be imposed shall be increased by half. (3) If the offence is committed outside a state of war, the initiation of prosecution on that ground is subject to the permission of the Minister of Justice. (4) By the term fundamental national interests, independence, territorial integrity, national security and the fundamental characteristics of the Republic set forth in the Constitution shall be understood.

Recruiting soldiers against a foreign state

Article 306- (1) A person who, in such a manner as to expose the State of Turkey to the danger of war, recruits soldiers without authorisation against a foreign state or engages in other hostile acts shall be sentenced to imprisonment from five years to twelve years. (2) If war occurs as a consequence of the act, the perpetrator shall be sentenced to life imprisonment. (3) If the act is of a nature merely to disrupt political relations with the foreign state or to expose the State of Turkey or Turkish citizens to the danger of retaliation, the perpetrator shall be sentenced to imprisonment from two years to eight years. (4) If political relations are severed or retaliation occurs, imprisonment from three years to ten years shall be imposed. (5) The prosecution of the offence set forth in this Article is subject to the permission of the Minister of Justice. (6) The provisions of this Article shall not apply to legitimate resistance movements aimed at self-defence against the forces of a foreign state occupying all or part of the territory of the country in a de facto state of war.

Destruction of military facilities and agreements in favour of enemy military movements

Article 307- (1) A person who partially or completely destroys land, sea and air transport vehicles, roads, installations, depots and other military facilities belonging to the armed forces of the State or placed at their disposal, even if not yet completed, or renders them unusable even for a temporary period, shall be sentenced to imprisonment from six years to twelve years. (2) If the offence is committed: a) in the interest of a state at war with Turkey, b) in a manner that endangers the State's war preparations or its war power and capability or its military operations, an aggravated life imprisonment penalty shall be imposed. (3) If the destruction or the unusability has occurred as a result of the negligence of a person who possesses, or is obliged to protect and supervise, the building, facility or property specified in the first paragraph, or if the commission of the offence has thereby been facilitated, that person shall be sentenced to imprisonment from one year to five years. (4) A person who, during wartime, to the detriment of the State of Turkey,

enters into an agreement with a foreigner for the purpose of facilitating enemy military operations or harming the military operations of the State of Turkey, or who, even without an agreement, commits acts aimed at producing the same consequences, shall be sentenced to imprisonment from ten years to fifteen years. (5) If, as a consequence of the act defined in the fourth paragraph, enemy military operations have been de facto facilitated or the military operations of the Turkish State have been harmed, the perpetrator shall be sentenced to aggravated life imprisonment. (6) The same penalty shall also be imposed on the foreigner who enters into an agreement with the person committing the offences set forth in the fourth and fifth paragraphs. (7) The provisions of this Article shall also apply where the acts set forth in the preceding paragraphs are committed in Turkey to the detriment of a state allied with or participating in war alongside the State of Turkey.

Material and financial assistance to an enemy state

Article 308- (1) A citizen who, for or without consideration, directly or indirectly, provides to the state with which the Republic of Turkey is at war any kind of goods that could be used against the Republic of Turkey in war, shall be sentenced to imprisonment from five years to fifteen years. This provision shall also apply to a foreigner residing in Turkey. (2) The same penalty shall be imposed on a citizen or a foreigner residing in Turkey who, during wartime, participates in loans made in favour of the enemy state or in payments made for whatever reason, or facilitates transactions relating thereto. (3) Even if it began before the war, a citizen or a foreigner residing in Turkey who, in cases other than those set forth in the first paragraph, engages in trade, wherever it may take place, directly or indirectly with a citizen of the enemy state or other persons residing in the territory of the enemy state, of a nature to the detriment of the State of Turkey or to positively affect the war power of the enemy state, shall be sentenced to imprisonment from two years to five years and to a judicial fine up to ten thousand days. (4) The provisions of this Article shall also apply where the acts set forth in the preceding paragraphs are committed in favour of a state allied with or participating in war alongside the enemy state.

CHAPTER FIVE Offences Against the Constitutional Order and the Functioning of This Order

Violation of the Constitution

Article 309- (1) Those who attempt, by using force and violence, to abolish the order provided for by the Constitution of the Republic of Turkey, or to replace that order with another order, or to prevent the de facto implementation of that order, shall be sentenced to aggravated life imprisonment. (2) Where other offences are committed during the commission of this offence, a penalty shall additionally be imposed pursuant to the relevant provisions for those offences. (3) Security measures specific to legal entities shall be imposed on legal entities by reason of the commission of the offences defined in this Article.

Assassination of and de facto assault on the President

Article 310- (1) A person who assassinates the President shall be sentenced to aggravated life imprisonment. In the event of an attempt to commit this act, a penalty shall be imposed as if the offence had been completed. (2) A person who commits other de facto assaults against the President shall have the penalty relating to the relevant offence imposed with an increase by half. However, the penalty to be imposed in this manner shall not be less than five years.

Offences against the legislative body

Article 311- (1) Those who attempt, by using force and violence, to abolish the Grand National Assembly of Turkey or to partially or completely prevent the performance of its duties shall be sentenced to aggravated life imprisonment. (2) Where other offences are committed during the commission of this offence, a penalty shall additionally be imposed pursuant to the relevant provisions for those offences.

Offences against the Government

Article 312- (1) A person who attempts, by using force and violence, to abolish the Government of the Republic of Turkey or to partially or completely prevent the performance of its duties shall be sentenced to aggravated life imprisonment. (2) Where other offences are committed during the commission of this offence, a penalty shall additionally be imposed pursuant to the relevant provisions for those offences.

Armed insurrection against the Government of the Republic of Turkey

Article 313- (1) A person who incites the people to armed insurrection against the Government of the Republic of Turkey shall be sentenced to imprisonment from fifteen years to twenty years. Where the insurrection takes place, the person who incited it shall be sentenced to imprisonment from twenty years to twenty-five years. (2) A person who directs an armed insurrection against the Government of the Republic of Turkey shall be sentenced to aggravated life imprisonment. Other persons who take part in the insurrection shall be sentenced to imprisonment from six years to ten years. (3) Where the offences defined in the first and second paragraphs are committed by taking advantage of the facilities afforded by the state of war of the State, an aggravated life imprisonment penalty shall be imposed. (4) Where other offences are committed during the commission of the offences defined in the first and second paragraphs, a penalty shall additionally be imposed pursuant to the relevant provisions for those offences.

Armed organisation

Article 314- (1) Any person who establishes or administers an armed organization for the purpose of committing the offenses set forth in the fourth and fifth chapters of this part 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 organization defined in the first paragraph shall be sentenced to a penalty of imprisonment for a term of five to ten years.

(3) (Added: 2/3/2024-Act No. 7499/Article 11) 105 Any person who, without being a member of the organization, commits offenses on behalf of the organization shall furthermore be sentenced to a penalty of imprisonment for a term of five to ten years. The penalty to be imposed may be reduced by up to one half, depending on the nature of the offense committed.

(4) The other provisions relating to the offense of establishing an organization for the purpose of committing offenses shall apply mutatis mutandis to this offense.

Procuring weapons

Article 315- (1) Any person who, knowing the purposes of the organizations defined in the above article, and with the intent that they be used in the activities of such organizations, procures, transports or stores weapons for such organizations by producing, purchasing or importing them into the country, shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years.

Agreement to commit an offense

Article 316- (1) Where two or more persons agree, in a manner established by material facts, to commit any of the offenses set forth in the fourth and fifth chapters of this part by suitable means, a penalty of imprisonment for a term of three to twelve years shall be imposed, according to the gravity of the offenses.

(2) No penalty shall be imposed on persons who withdraw from such agreement before the intended offense is committed or before an investigation is initiated on account of the agreement.

SIXTH CHAPTER Offenses Against National Defense

Usurpation of military commands

Article 317- (1) Any person who, without legal authorization or without being appointed by the State, assumes the command of a military unit or fleet, or of a warship or war air fleet, or of a fortress or fortified position, or of a military base or facility, or of a port or city, shall be sentenced to life imprisonment.

(2) The same penalty shall be imposed on those who are commanders of the places indicated above by virtue of legal authorization or appointment by the State, and who fail to comply with the orders issued by the authorized authorities to abandon their command.

Discouraging the people from military service

Article 318- (1) (Amended: 11/4/2013-Act No. 6459/Article 13) Any person who incites or encourages persons performing military service to desert, or persons who are to perform military service to abstain from such service, shall be sentenced to a penalty of imprisonment for a term of six months to two years.

105 A paragraph was added to this article, to follow the second paragraph, by Article 11 of the Act dated 2/3/2024 and numbered 7499, and the subsequent paragraph was renumbered accordingly.

(2) Where the offense is committed through the press or broadcast media, the penalty shall be increased by one half.

Inciting soldiers to disobedience

Article 319- (1) Any person who directs and provokes soldiers or other persons serving under military administration to disobey the laws, to violate their oaths, or to breach military discipline or their duties relating to military service, and any person who, in the presence of soldiers, praises or declares as commendable acts contrary to the laws, oaths, discipline or other duties, shall be sentenced to a penalty of imprisonment for a term of one to three years.

(2) Where the offense is committed publicly, a penalty of imprisonment for a term of two to five years shall be imposed.

(3) Where the offense is committed in time of war, the penalty shall be increased by one fold.

Enlisting or being enlisted in the service of a foreign state

Article 320- (1) Any person who, without the permission of the Government, enlists citizens as soldiers within the Country or arms citizens for the purpose of serving or working in favor of a foreigner or a foreign State, shall be sentenced to a penalty of imprisonment for a term of three to six years.

(2) Where any of those enlisted as soldiers or armed are soldiers or persons of military age, the penalty shall be increased by one third.

(3) Any person who accepts the service described in the first paragraph shall be sentenced to a penalty of imprisonment for a term of one to three years.

Non-compliance with orders in time of war

Article 321- (1) Any person who, in time of war, knowingly acts contrary to the orders or decisions of the authorized authorities and bodies of the State shall be sentenced to a penalty of imprisonment for a term of one to six years.

Obligations in time of war

Article 322- (1) Any person who, in time of war, partially or entirely fails to fulfill the obligations under a contract concluded with the State, a public institution, or an organization performing public services or supplying public needs, for the purpose of providing work or goods for the needs of the armed forces of the State or of the people, shall be sentenced to a penalty of imprisonment for a term of three to ten years and a judicial fine of up to ten thousand days.

(2) Where the partial or entire failure to fulfill the obligations results from negligence, the penalty may be reduced by up to three quarters.

(3) Where the partial or entire failure to fulfill the obligation is caused by the principal obligors, or by intermediaries who have concluded contracts with them, or by their representatives, the same penalties shall be imposed on such persons as well.

(4) Any of the persons referred to in the above paragraphs who commits fraud in the fulfillment of obligations in time of war shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years and a judicial fine of up to ten thousand days.

Spreading false news in wartime

Article 323- (1) Any person who, during wartime, disseminates or conveys unfounded, exaggerated or purpose-driven rumors or news of a nature to cause public anxiety or agitation, to undermine the morale of the people, or to diminish the country's resistance in the face of the enemy, or who engages in any activity capable of harming fundamental national interests, shall be sentenced to a penalty of imprisonment for a term of five to ten years.

(2) Where the offense is committed: a) by means of propaganda, b) against soldiers, c) as a result of an agreement with a foreigner, the penalty to be imposed shall be imprisonment for a term of ten to twenty years.

(3) Where the offense is committed as a result of an agreement with the enemy, a penalty of life imprisonment shall be imposed.

(4) Any person who, in time of war, engages in acts aimed at reducing the value of foreign currencies or affecting the value of public securities in a manner that endangers the nation's resistance in the face of the enemy shall be sentenced to a penalty of imprisonment for a term of five to ten years and a judicial fine of up to three thousand days.

(5) Where the act described in the fourth paragraph is committed as a result of an agreement with a foreigner, the penalty shall be increased by one half; where it is committed as a result of an agreement with the enemy, the penalty shall be increased by one fold.

Neglect of duty relating to mobilization

Article 324- (1) Any public officer who neglects or delays the performance of duties relating to mobilization in time of peace shall be sentenced to a penalty of imprisonment for a term of six months to three years.

Acceptance of titles and similar honors from the enemy

Article 325- (1) Any citizen who accepts an academic degree or honors, titles, decorations and other honorary ranks, or salaries or other benefits pertaining thereto, from a state at war with Türkiye shall be sentenced to a penalty of imprisonment for a term of one to three years.

SEVENTH CHAPTER Offenses Against State Secrets and Espionage

Documents relating to the security of the State

Article 326- (1) Any person who partially or entirely destroys or damages documents or records relating to the security of the State or its internal or external political interests, or who forges them, or who uses them, even temporarily, at a place other than that to which they are allocated, or who obtains them by fraud or steals them, shall be sentenced to a penalty of imprisonment for a term of eight to twelve years.

(2) Where the acts written above are committed during wartime or endanger the State's war preparations or war activities or military movements, a penalty of life imprisonment shall be imposed.

Obtaining information relating to the security of the State

Article 327- (1) Any person who obtains information which, by its nature, is required to remain secret for reasons of the security of the State or its internal or external political interests shall be sentenced to a penalty of imprisonment for a term of three to eight years.

(2) Where the offense is committed during wartime or endangers the State's war preparations or war activities or military movements, a penalty of life imprisonment shall be imposed.

Political or military espionage

Article 328. - (1) Any person who obtains, for the purpose of political or military espionage, information which, due to its nature, must remain confidential for the security of the State or its internal or external political interests shall be sentenced to a penalty of imprisonment for a term of fifteen to twenty years. (2) If the act is committed; a) in favor of a State that is at war with Türkiye, b) during wartime or has endangered the State's war preparations or war activities or military movements, the perpetrator 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 which, due to its nature, must remain confidential for the security of the State or its internal or external political interests shall be sentenced to a penalty of imprisonment for a term of five to ten years. (2) If the act is committed during wartime or has endangered the State's war preparations or war activities or military movements, the perpetrator shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years. (3) If the act occurs as a result of the perpetrator's negligence, the perpetrator shall be sentenced to a penalty of imprisonment for a term of six months to two years in the case set forth in paragraph one, and for a term of three to eight years in the case of the existence of one of the circumstances set forth in paragraph two.

Disclosure of information that must remain confidential

Article 330- (1) Any person who discloses, for the purpose of political or military espionage, information which, due to its nature, must remain confidential for the security of the State or its internal or external political interests shall be sentenced to a penalty of life imprisonment. (2) If the act is committed during wartime or has endangered the State's war preparations or war activities or military movements, the perpetrator shall be sentenced to a penalty of aggravated life imprisonment.

International espionage

Article 331- (1) A citizen who obtains, for the purpose of political or military espionage, information which, due to its nature, must remain confidential for the security of a foreign State or its internal or external political interests, in favor of another foreign State, or a foreigner who has obtained such information in Türkiye, shall be sentenced to a penalty of imprisonment for a term of one to four years.

Entering military forbidden zones

Article 332- (1) Any person who secretly or by fraud enters places where entry is prohibited for the military interests of the State shall be sentenced to a penalty of imprisonment for a term of two to five years. (2) If the act is committed during wartime, the perpetrator shall be sentenced to a penalty of imprisonment for a term of three to eight years.

Exploiting State secrets, disloyalty in State services

Article 333- (1) Any person who, on account of his duty, learns of technical discoveries or new inventions or industrial innovations which must remain confidential for the security of the State, and who uses them for the benefit of himself or another, or ensures that they are so used, shall be sentenced to a penalty of imprisonment for a term of five to ten years and a judicial fine of up to three thousand days. (2) If the act is committed in favor of a State that is at war with Türkiye or endangers the State's war preparations or war activities or military movements, the perpetrator shall be sentenced to a penalty of life imprisonment. (3) Where a person appointed by the State of Türkiye to carry out a specific State task in a foreign country fails to perform this task faithfully and damage may occur as a result of such act, the perpetrator shall be sentenced to a penalty of imprisonment for a term of five to ten years. (4) Any person who learns that the offenses defined in this Article are to be committed and fails to report them to the authorities in due time shall be sentenced to a penalty of imprisonment for a term of six months to two years, even if the offense remains at the stage of attempt.

Obtaining prohibited information

Article 334- (1) Any person who obtains information the disclosure of which has been prohibited by authorized authorities pursuant to laws and regulatory transactions and which, due to its nature, must remain confidential shall be sentenced to a penalty of imprisonment for a term of one to three years. (2) If the act has endangered the State's war preparations or war activities or military movements, the perpetrator shall be sentenced to a penalty of imprisonment for a term of five to ten years.

Obtaining prohibited information for the purpose of espionage

Article 335- (1) Any person who obtains, for the purpose of political or military espionage, information the disclosure of which has been prohibited by authorized authorities pursuant to laws and regulatory transactions and which, due to its nature, must remain confidential shall be sentenced to a penalty of imprisonment for a term of eight to twelve years. (2) If the act is committed in favor of a State that is at war with Türkiye or has endangered the State's war preparations or war activities or military movements, the perpetrator shall be sentenced to a penalty of aggravated life imprisonment.

Disclosure of prohibited information

Article 336- (1) Any person who discloses information the disclosure of which has been prohibited by authorized authorities pursuant to laws and regulatory transactions and which, due to its nature, must remain confidential shall be sentenced to a penalty of imprisonment for a term of three to five years. (2) If the act is committed during wartime or has endangered the State's war preparations or war activities or military movements, the perpetrator shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years. (3) If the act occurs as a result of the perpetrator's negligence, the perpetrator shall be sentenced to a penalty of imprisonment for a term of six months to two years in the case set forth in paragraph one, and for a term of three to eight years in the case set forth in paragraph two.

Disclosure of prohibited information for the purpose of political or military espionage

Article 337- (1) Any person who discloses, for the purpose of political or military espionage, information the disclosure of which has been prohibited by authorized authorities pursuant to laws and regulatory transactions and which, due to its nature, must remain confidential shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years. (2) If the act is committed during wartime or has endangered the State's war preparations or war activities or military movements, a penalty of aggravated life imprisonment shall be imposed.

Commission of acts of espionage through negligence

Article 338- (1) Where the commission of the offenses defined in this Chapter has been made possible or facilitated as a result of the relevant persons acting contrary to their duty of care and attention, the perpetrator acting with negligence 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 has endangered the State's war preparations or war activities or military movements, the perpetrator acting with negligence shall be sentenced to a penalty of imprisonment for a term of three to eight years.

Possession of documents relating to the security of the State

Article 339- (1) Any person who is found in possession of documents which serve to obtain information that must remain confidential for the security of the State or its internal or external political interests, or matters the disclosure of which has been prohibited by authorized authorities and which, due to their nature, must remain confidential, and for the possession of which no acceptable reason can be shown, or any object of this nature, shall be sentenced to a penalty of imprisonment for a term of one to five years. (2) If the act is committed during wartime, the perpetrator shall be sentenced to a penalty of imprisonment for a term of three to eight years.

CHAPTER EIGHT Offenses Committed Against Relations with Foreign States Offenses against the head of a foreign State

Article 340- (1) The penalty to be imposed on a person who commits an offense against the head of one of the foreign States shall be increased by one-eighth. Where the offense requires a penalty of life imprisonment, a penalty of aggravated life imprisonment shall be imposed. (2) Where the act is among offenses the investigation and prosecution of which are subject to a complaint, the investigation and prosecution shall be subject to the complaint of the foreign State.

Insulting the flag of a foreign State

Article 341- (1) Any person who publicly disparages the officially hoisted flag of a foreign State or its other symbols of sovereignty shall be sentenced to a penalty of imprisonment for a term of three months to one year. (2) The investigation and prosecution of this offense shall be subject to the complaint of the relevant State.

Offenses against representatives of foreign States

Article 342- (1) Representatives of foreign states permanently or temporarily assigned to the Republic of Türkiye, their diplomatic officers, representatives of international organizations and their officials granted diplomatic privileges and immunities shall be regarded as public officials with respect to offences committed against them on account of their duties; and the perpetrators of such offences shall be sentenced in accordance with the relevant provisions of this Law. (2) If the offence committed is defamation, the conduct of investigation and prosecution shall be subject to the complaint of the victim.

Condition of reciprocity

Article 343- (1) The application of the provisions set forth in this Chapter shall be subject to the condition of reciprocity.

NINTH CHAPTER Final Provisions Provisional Article 1 – (Added: 11/4/2013-Act No. 6459/Article 14) (1) By virtue of the Act introducing this article, no decision of lack of jurisdiction may be rendered in pending cases due to the amendment made to Article 235 of this Law.

Entry into force

Article 344- (1) This Law; a) Article 184, titled "Causing constructional pollution," shall enter into force on the date of its publication, b) The first paragraph of Article 181, titled "Deliberate pollution of the environment," and the first paragraph of Article 182, titled "Pollution of the environment through negligence," shall enter into force two years after the date of their publication, c) The other provisions shall enter into force on 1 June 2005, 106 shall enter into force.

Enforcement

Article 345- (1) The Council of Ministers shall enforce the provisions of this Law.

106 By virtue of Provisional Article 1 of Act No. 5328 dated 31/3/2005, the expression "1 April 2005" in this paragraph has been amended as "1 June 2005".

PROVISIONS THAT COULD NOT BE INSERTED INTO ACT NO. 5237 1- Provisional Article 1 of Act No. 5560 dated 6/12/2006: PROVISIONAL ARTICLE 1 – Notwithstanding the fact that judgments have been rendered in files that are not yet final as of the date of entry into force of this Act, no judgment of quashing may be rendered on the ground that the scope of settlement has been expanded.

LIST INDICATING THE DATES OF ENTRY INTO FORCE OF THE LEGISLATION INTRODUCING AMENDMENTS AND ADDITIONS TO ACT NO. 5237 OR OF THE PROVISIONS ANNULLED BY THE CONSTITUTIONAL COURT

Number of the Amending Act / Decision of the Constitutional Court Ordering the Annulment Articles of Act No. 5237 Amended or Annulled Date of Entry into Force 5328 59, 62, 85, 86, 87, 88, 90, 116, 235, 344 31/3/2005 5378 122 7/7/2005 5377 4, 7, 13, 30, 31, 43, 61, 66, 82, 84, 87, 103, 105, 107, 125, 145, 150, 155, 158, 168, 184, 188, 190, 191, 218, 221, 245, 252, 263, 268, 269, 288, 292, 293, 299, 302, 304, 305 8/7/2005 Constitutional Court Decision dated 23/11/2005 and No. E.: 2005/103, K.: 2005/89 104 25/2/2006 5560 61, 73, 80, 87, 89, 142, 191, 221, 227, 234, 245 and the Provision That Could Not Be Inserted 19/12/2006 5739 50 1/3/2008 5759 301 8/5/2008 5841 154 14/3/2009 5918 13, 55, 165, 254, 282 9/7/2009 6008 79 25/7/2010 6086 257 19/12/2010

Number of the Amending Act / Decision of the Constitutional Court Ordering the Annulment Articles of Act No. 5237 Amended or Annulled Date of Entry into Force 6217 191 14/4/2011 Constitutional Court Decision dated 7/7/2011 and No. E.: 2010/69, K.: 2011/116 297 21/4/2011 Constitutional Court Decision dated 30/6/2011 and No. E.: 2010/52, K.: 2011/113 278 15/10/2011 6352 132, 133, 134, 141, 142, 163, 168, 220, 250, 252, 254, 255, 257, 277, 278, 285, 288 5/7/2012 Constitutional Court Decision dated 17/11/2011 and No. E.: 2010/115, K.: 2011/154 267 One year after the date of its publication (17/3/2012) 17/3/2013 6456 158 18/4/2013 6459 94, 215, 220, 235, 318, Provisional Article 1 30/4/2013 6460 263 30/4/2013 6462 122, 278 3/5/2013 Constitutional Court Decision dated 10/4/2013 and No. E.: 2013/14, K.: 2013/56 267 Six months after 10/12/2013 (10/6/2014) 6526 135, 136, 138 6/3/2014

Number of the Amending Act / Decision of the Constitutional Court Ordering the Annulment Articles of Act No. 5237 Amended or Annulled Date of Entry into Force 6529 112, 113, 115, 122, 222 13/3/2014 6545 12, 18, 102, 103, 104, 105, 142, 143, 149, 152, 188, 190, 191, 277 28/6/2014 6638 188, 191 4/4/2015 Constitutional Court Decision dated 14/1/2015 and No. E.: 2014/116, K.: 2015/4 272 Six months after 29/4/2015 (29/10/2015) Constitutional Court Decision dated 27/5/2015 and No. E.: 2014/36, K.: 2015/51 230 10/6/2015 Constitutional Court Decision dated 8/10/2015 and No. E.: 2014/140, K.: 2015/85 53 24/11/2015 Constitutional Court Decision dated 12/11/2015 and No. E.: 2015/26, K.: 2015/100 103 One year after 11/12/2015 (11/12/2016) 6698 135, 226, 243, 245/A 7/4/2016 6706 18 5/5/2016 Constitutional Court Decision dated 26/5/2016 and No. E.: 2015/108, K.: 103 Six months after 13/7/2016 (13/1/2017)

Number of the Amending Act / Decision of the Constitutional Court Ordering the Annulment Articles of Act No. 5237 Amended or Annulled Date of Entry into Force No. 2016/46 6754 276 24/11/2016 6763 54, 75, 103, 158, 174, 179, 192, 227, 228, 297 2/12/2016 Decree-Law No. 694 188, 190, 228 25/8/2017 7078 188, 190, 228 8/3/2018 Decree-Law No. 700 6, 47, 287 On the date

on which the President assumed office upon taking the oath following the joint elections of the Grand National Assembly of Türkiye and the Presidency held on 24/6/2018 (9/7/2018) 7188 75, 136 24/10/2019 7196 79 24/12/2019 7242 50, 51, 53, 86, 87, 220, 241, 15/4/2020 7328 57, 59 25/6/2021 7331 82, 86, 96, 109 14/7/2021 7332 151 14/7/2021 7406 62, 82, 86, 94, 96, 106, 113, 123/A 27/5/2022 7413 237, 240 28/6/2022 7418 217/A 18/10/2022 7445 79, 188, 191 5/4/2023 7499 63, 220, 314 12/3/2024 52, 75 1/6/2024