

International Convention for the Suppression of Acts of Nuclear Terrorism, article 2	Turkish law
<p>1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:</p> <p>(a) Possesses radioactive material or makes or possesses a device:</p> <p>(i) With the intent to cause death or serious bodily injury; or</p> <p>(ii) With the intent to cause damage to property or to the environment;</p>	<p>Legislative Decree No. 702 amending The Law on the organization and functions of the Nuclear Regulatory Authority and other Laws</p> <p>Penal provisions and administrative penalties</p> <p>Article 4/A (introduced through Act No. 7164 of 14 February 2019, art. 46)</p> <p>(1) The following penalties shall apply to any person who commits an act referred to in this paragraph:</p> <p>(ğ) Any person who manufactures a nuclear weapon or a nuclear or radioactive explosive device or who stockpiles, trades in, uses or facilitates the use of radioactive materials for that purpose shall be punished by imprisonment for a term of 25 to 30 years.</p> <p>(i) If any of the acts referred to in this paragraph seriously damage the health of, or cause the death of, a person, or cause substantial damage to property or the environment, the penalty shall, depending on the gravity of the act, be increased the penalty may be increased by one half or doubled.</p>
<p>(b) Uses in any way radioactive material or a device, or uses or damages a nuclear facility in a manner which releases or risks the release of radioactive material:</p> <p>(i) With the intent to cause death or serious bodily injury; or</p> <p>(ii) With the intent to cause material damage to property or to the environment; or</p> <p>(iii) With the intent to compel a natural or legal person, an international organization or a State to do or refrain from doing an act.</p>	<p>Legislative Decree No. 702 amending The Law on the organization and functions of the Nuclear Regulatory Authority and other Laws</p> <p>Penal provisions and administrative penalties</p> <p>Article 4/A (introduced through Act No. 7164 of 14 February 2019, art. 46)</p> <p>(1) The following penalties shall apply to any person who commits an act referred to in this paragraph:</p> <p>(e) Any person who damages, attacks or sabotages, or takes unauthorized action in respect of, a nuclear or radiation facility, a radioactive waste facility, nuclear material, a source of radiation or radioactive waste shall be punished by imprisonment for a term of 5 to 15 years and a judicial fine for 10,000 days.</p> <p>(ğ) Any person who manufactures a nuclear weapon or a nuclear or radioactive explosive device or who stockpiles, trades in, uses or facilitates the use of</p>

	<p>radioactive materials for that purpose shall be punished by imprisonment for a term of 25 to 30 years.</p> <p>(h) If one of the acts referred to in this paragraph is committed with the intention of forcing a natural or legal person, an international organization or a State to take action or refrain from taking an action, the penalty applied shall be increased, by one half or tripled, depending on the gravity of the act committed.</p> <p>(i) If any of the acts referred to in this paragraph seriously damage the health of, or cause the death of, a person, or cause substantial damage to property or the environment, the penalty shall, depending on the gravity of the act, be increased by one half or doubled.</p>
<p>2. Any person also commits an offence if that person:</p> <p>(a) Threatens, under circumstances which indicate the credibility of the threat, to commit an offence as set forth in paragraph 1 (b) of the present article; or</p> <p>(b) Demands unlawfully and intentionally radioactive material, a device or a nuclear facility by threat, under circumstances which indicate the credibility of the threat, or by use of force.</p>	<p>Legislative Decree No. 702 amending The Law on the organization and functions of the Nuclear Regulatory Authority and other Laws</p> <p>Penal provisions and administrative penalties</p> <p>Article 4/A (introduced through Act No. 7164 of 14 February 2019, art. 46)</p> <p>(1) The following penalties shall apply to any person who commits an act referred to in this paragraph:</p> <p>(c) Any person who obtains nuclear material, a source of radiation or radioactive wastes through embezzlement, robbery, theft, fraud or any other illegal conduct, where that act constitutes a separate offence to which a heavier penalty applies, shall be punished by imprisonment for a term of 5 to 15 years and a judicial fine for 10,000 days.</p> <p>(g) Any person who, by means of the use of force or threat or through any other illegal conduct, captures, seizes or takes control of a nuclear facility, radiation facility or radioactive waste facility shall be punished by imprisonment for a term of 12 to 20 years.</p> <p>(h) If one of the acts referred to in this paragraph is committed with the intention of forcing a natural or legal person, an international organization or a State to take action or refrain from taking an action, the penalty applied shall be increased, by one half or tripled, depending on the gravity of the act committed.</p> <p>(i) If any of the acts referred to in this paragraph seriously damage the health of, or cause the death of, a person, or cause substantial damage to property or the environment, the penalty shall, depending on the gravity of the act, be increased by one half or doubled.</p>

	<p style="text-align: center;">Criminal Code of Turkey (Act No. 5237)</p> <p><i>Definitions</i></p> <p>Article 6. (1) In the application of criminal laws:</p> <p>(f) “Weapon” shall be understood to mean;</p> <ol style="list-style-type: none"><li>1. Firearms</li><li>2. Explosives</li><li>3. Any cutting or piercing instrument, or any instrument capable of causing injury, that is made for use in attacking or defending</li><li>4. Any other instrument that can be used to attack or defend, even if not made for such purpose</li><li>5. Any nuclear, radioactive, chemical or biological substance that is burning, corrosive, harmful, asphyxiant or toxic, and causes permanent illness.</li></ol> <p><i>Threat</i></p> <p>Article 106.</p> <p>(1) Any person who threatens to kill, injure or sexually assault another person or an individual with whom that other person has a close family or other relationship shall be punished by imprisonment for a term of six months to two years. Where the threat relates to the causing of substantial damage to the property of the other person or other harm, upon the complaint of the victim, the applicable penalty shall be imprisonment for a term of up to six months or a judicial fine.</p> <p>(2) Where the threat is carried out:</p> <p>(a) Using a weapon</p> <p>[...] the perpetrator shall be punished by imprisonment for a term of two to five years.</p> <p><i>Use of force</i></p> <p>Article 108.</p> <p>(1) If a person uses force in order to compel another person to, commit an act or refrain from committing an act or to compel this person to let himself to commit an act, the penalty applicable to malicious injury, increased by one third to one half, shall be imposed.</p>
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<p>3. Any person commits an offence if that person attempts to commit an offence as set forth in paragraph 1 of the present article.</p>	<p style="text-align: center;">Criminal Code of Turkey (Act No. 5237)</p> <p style="text-align: center;"><b>SECTION THREE</b> <i>Criminal attempt</i></p> <p><i>Criminal attempt</i></p> <p>Article 35.</p> <p>(1) Any person who, with the intention of committing an offence, takes the steps necessary to do so but, owing to circumstances beyond his or her control, fails to carry out that offence shall be liable for criminal attempt.</p> <p>(2) Persons found guilty of attempt shall, depending on the gravity of the damage or danger caused, be punished by imprisonment for a term of 13 to 20 years where the offence attempted carries a penalty of aggravated life imprisonment or for a term of 9 to 15 years where the applicable penalty is life imprisonment. In all other cases, the penalty shall be reduced by one quarter to three quarters.</p>
<p>4. Any person also commits an offence if that person:</p> <p>(a) Participates as an accomplice in an offence as set forth in paragraph 1, 2 or 3 of the present article; or</p> <p>(b) Organizes or directs others to commit an offence as set forth in paragraph 1, 2 or 3 of the present article; or</p> <p>(c) In any other way contributes to the commission of one or more offences as set forth in paragraph 1, 2 or 3 of the present article by a group of persons acting with a common purpose; such contribution shall be intentional and either be made with the aim of furthering the general criminal activity or purpose of the group or be made in the knowledge of the intention of the group to commit the offence or offences concerned.</p>	<p style="text-align: center;"><b>SECTION FOUR</b> Participation in an offence</p> <p><i>Participation as principal</i></p> <p>Article 37.</p> <p>(1) Each one of the persons who jointly carry out an act established by law as an offence shall be liable for that offence as principal.</p> <p>(2) A person who uses another person as a means of committing an offence shall also be liable for that offence as principal. Where the person thus used lacks culpability, the penalty shall be increased by one third to one half.</p> <p><i>Incitement to commit an offence</i></p> <p>Article 38.</p> <p>(1) Any person who incites another person to commit an offence shall be subject to the penalty applicable to the offence committed.</p> <p>(2) Where a person uses influence over an ascendant or descendant to incite that family member to commit an offence, the penalty applicable to incitement shall be increased by one third to one half. If a minor is incited to commit an offence, the increased penalty provided for in this paragraph shall apply regardless of whether such a relationship exists.</p>

(3) Where the unknown identity of the instigator of the offence is revealed by the perpetrator or any other accomplice, the person who discloses that information may be sentenced to imprisonment for a term of 20 to 25 years where the offence carries a penalty of aggravated life imprisonment and to imprisonment for a term of 15 to 20 years where the offence carries a penalty of life imprisonment. In all other cases, the applicable penalty may be reduced by one third.

*Participation as accessory*

Article 39.

(1) Any person who assists another in the commission of an offence shall be punished by imprisonment for a term of 15 to 20 years if the penalty applicable to the offence is aggravated life imprisonment and by imprisonment for a term of 10 to 15 years if the penalty applicable to the offence is life imprisonment. In all other cases, the applicable penalty shall be reduced by half but shall not exceed eight years.

(2) A person shall be liable for participation as an accessory in the following cases:

(a) Where the person encourages the commission of an offence or supports another person's decision to commit an offence or promises to provide assistance after the commission of the offence.

(b) Where the person offers guidance as to how the offence is to be committed or supplies the means to be used in the commission of the offence.

(c) Where the person facilitates the commission of the offence by providing assistance before and during the commission of the offence.

*Complicity rule*

Article 40.

(1) In order for complicity to be established, it is sufficient that an act be committed intentionally and in violation of the law. Each person participating in the commission of an offence shall be punished according to the acts that that person has committed, irrespective of any personal circumstances that may prevent the imposition of a penalty on another participant.

(2) In the case of specific offences, only the person having the specific capacity enabling that person to carry out the offence may be identified as principal. Other persons who participate in the commission of those offences shall be liable for incitement or participation as accessory.

	(3) In order for a person to be liable for an act of complicity, it must be established that the offence was at least attempted.
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