

(Job 21-04786 – fair copy)

Translated from Turkish

Table for the comparison of national legislation with the International Convention for the Suppression of Acts of Nuclear Terrorism	
Act No. 6277 of 15 February 2012 approving the International Convention for the Suppression of Acts of Nuclear Terrorism	Legislative Decree No. 702 amending certain acts relating to the organization and functions of the Nuclear Regulatory Authority, article 4/A (as introduced through Act No. 7164, article 46), and the Criminal Code of Turkey (Act No. 5237)
Article 2 1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally: (a) Possesses radioactive material or makes or possesses a device: (i) With the intent to cause death or serious bodily injury; or (ii) With the intent to cause damage to property or to the environment; (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: (i) With the intent to cause death or serious bodily injury; or (ii) With the intent to cause substantial damage to property or to the environment; or (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.	Legislative Decree No. 702 Penal provisions and administrative penalties Article 4/A (introduced through Act No. 7164 of 14 February 2019, art. 46) (1)... (j) If radioactive materials are used to commit intentional killing, intentional wounding or intentional pollution of the environment as established in the Criminal Code of Turkey (Act No. 5237 of 26 September 2004), the penalty shall, depending on the gravity of the act, be increased by one half to two times.

<p>2. Any person also commits an offence if that person: (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 (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>Criminal Code of Turkey (Act No. 5237) Threat Article 106. (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 a judicial fine or imprisonment for up to six months. (2) Where the threat is made: (a) Using a weapon (b) In an unsigned letter or by means of special signs so as to conceal the identity of the person making the threat (c) By two or more persons acting jointly, or (d) By taking advantage of the power of a criminal organization that exists or is believed to exist to instil fear, the perpetrator shall be punished by imprisonment for a term of two to five years. (3) Where the offences of intentional killing, intentional wounding or causing damage to property are committed with the aim of making a threat, the penalties for such offences shall also be imposed.</p>
<p>4. Any person also commits an offence if that person: (a) Participates as an accomplice in an offence as set forth in paragraph 1, 2 or 3 of the present article; or (b) Organizes or directs others to commit an offence as set forth in paragraph 1, 2 or 3 of the present article; or (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>Legislative Decree No. 702 Penal provisions and administrative penalties Article 4/A (1)... (i) If an act referred to in this paragraph is carried out as part of the activities of a criminal organization, the penalty shall, depending on the gravity of the act, be increased by one half to one.</p>
<p>Where article 4/A (as introduced through article 46 of Act No. 7164) of Legislative Decree No. 702 (amending certain acts relating to the organization and functions of the Nuclear Regulatory Authority) cannot be implemented, article 174 of the Criminal Code of Turkey (Act No. 5237), under the heading “Unauthorized possession or exchange of hazardous materials”, is considered to be applicable: “(1) Any person who, without the permission of the competent authorities, produces, imports or exports, transports within the country, stores, sells, purchases or processes a nuclear, radioactive, chemical or biological substance that is explosive, burning, corrosive, harmful, asphyxiant or toxic, or that causes permanent illness, shall be punished by imprisonment for a term of four to eight years and a judicial fine for up to 5,000 days. The same penalty shall be imposed on any person who, without the permission of</p>	

the competent authorities, imports, exports, offers for sale, gives to another person, transports, stockpiles, purchases, accepts or stores materials or equipment necessary for the production, processing or use of the substances referred to in this paragraph.

(2) Where these acts are committed as part of the activities of an organization established for the purpose of committing an offence, the penalty shall be doubled.

(3) Any person who purchases, accepts or stores an explosive substance of an insignificant type and in a small quantity, depending on the purpose for which the substance is intended, shall be punished by imprisonment for a term of up to one year.”