

****Unofficial Translation****

8965

TURKISH PENAL CODE

Law No: 5237

Date of Approval: 09/26/2004

Official Gazette Date: 12/10/2004 Issue: 25 611

Published in the Law Series: Volume: 5 Page: 43

PART FOUR

Crimes against the nation and the state and Final Provisions

PART ONE

Crimes against the Public Administration

Debit

Article 247 - (1) possession of a task delegated to him or her or someone else's property is liable for the protection and oversight of public officials who had embezzled, shall be punished with imprisonment from five to twelve years.

(2) the crime, embezzlement, fraudulent behavior, is committed to ensure I prevent disclosure, the penalty shall be increased by half.

(3) the crime of embezzlement, the processing of the goods to be returned after use in a temporary period of time, the penalty shall be reduced to half rate.

Effective repentance

Article 248 - (1) Before starting the investigation, or embezzled goods to be refunded in case of fully compensated for the damages suffered, the sentence reduced by two thirds.

(2) Prosecution before starting on a voluntary basis or embezzled goods to be refunded in case of fully compensated for the damages suffered, the punishment reduced by half. In the event of effective regret provision ago, will be reduced to one-third of the sentence.

Become less punishable

Article 249 - (1) Due to the lack of value of the goods forming the subject of the crime of embezzlement, halfway down to one-third of the sentence.

Extortion

Article 250 - (1) (Amended: 2/7/2012-6352/86 art.) (1) provides mission is to provide a benefit for oneself or others through the use of undue influence or public officer who compels another to promise in this way, five to ten years shall be punished with imprisonment. Attitudes and behavior of public officials in the face of unfair, justified by the need of a job at all, as It had been on time, or at least fear,

feeling obliged to, in case of a public official or direct the person to have obtained a benefit, compelling presence will be accepted.

(2) provides mission is carried out through the use of fraudulent breach of trust behaviors, provide a benefit for himself or another, or another to convince anyone that promises the way public official shall be punishable by a prison sentence of three to five years.

(3) The second case described in paragraph offense is committed by people taking advantage of error, shall be punished by imprisonment of one to three years.

(4) (Appendix: 2/7/2012-6352/86 art.) The interests of the value of extortion and taking into account the economic situation of the victim, the penalty stated above will be reduced to half.

Audit neglect of duty

Article 251 - (1) the processing of the crime of embezzlement or corruption of public officials responsible for auditing condone intentional, as the perpetrator of the offense shall be responsible for the joint.

(2) Control by negligence, which allows the processing of the crime of embezzlement or corruption of public officials, shall be punished with imprisonment of three months to three years.

Bribery

Article 252 - (Amended: 2/7/2012-6352/87 art.)

(1) to do or not to do a job on the execution of your mission, either directly or through intermediaries, to a government official or another person nominated by the person providing the benefit, shall be punished with a prison sentence of four to twelve years.

(2) the execution of your mission to do or not to do a job, either directly or through intermediaries, that benefits himself or another person nominated by the public officer shall be punished with the penalty specified in the first paragraph.

(3) If the parties agree upon a bribe, shall be punished as a crime was completed.

(4) bribery of public officials and make a request, but it is not accepted by the person or person of interest in the supply of public officials, and there is an offer or promise, but it is not accepted by the public officer or during the offender, in accordance with the provisions of the first and second paragraphs, the penalty is reduced by half .

(5) offer or demand a bribe delivered to the other party, corruption, bribery provision or supply agreement, the person shall be subjected intermediary, whether public officials not carry the title, regardless of whether the perpetrator shall be punished as a joint.

(6) Bribery in relation to him as an indirect benefit from receiving the benefit of a third person or legal entity authority, whether public officials not carry the title, regardless of whether the perpetrator shall be punished as a joint.

(7) who receives a bribe or agrees to such person or requesting the judiciary, acting as an arbitrator, expert witness, the case of a notary public or certified public accountant, the penalty shall be increased by one third to half.

(8) The provisions of this Article;

- a) Public professional organizations,
 - b) public bodies or organizations established with the participation of professional organizations qualifying as public institutions or companies,
 - c) Public agencies or organizations operating within the executive or professional organizations that qualify as public institutions foundations,
 - d) the public interest associations,
 - e) Co-operatives,
 - f) a public joint stock companies,
- acting on behalf of persons, whether public officers taşımadıklarına the title, regardless of the execution of their duties related directly or through intermediaries in order to get the job done or made, provided interest, offer or promise of, or acceptance of it by people who demand; them to an intermediary, so this relationship is a apply in the case of interest to someone else to provide.

(9) The provisions of this Article;

- a) a foreign state with an elected or appointed public officials,
 - b) International or supranational courts or judges who work in the courts of foreign states, members of the jury, or other officials,
 - c) International or supranational parliamentary members,
 - d) of a public agency or a public Bs including a foreign country, for operating in a public entities,
 - e) The arbitration procedure referred to in order to solve the conflict within the framework of a legal citizen or foreign referees appointed,
 - f) International was founded on the basis of an agreement or the representatives of officials of international or uluslarüstüörgütlerin,
- execution of tasks related to a job or a job because of international business transactions made or to obtain a benefit or unfair, or for the purpose of storage, directly or through intermediaries, stakeholders, supply, offer or promise of, or acceptance of, or in case they are requested by the.

(10) The ninth paragraph within the scope of the offense of bribery abroad, with foreign-işlenmekle;

- a) Turkey
 - b) a public institution in Turkey,
 - c) established in accordance with Turkish law, a legal entity of private law,
 - d) a Turkish national,
- side of the dispute is about the people or institutions or for performing or processing of a transaction if the briber, offer, or promise, bribe-taking, demanding, accepting an offer or promise; these intermediary; bribery affair thus ensure its benefits the persons, if they are found in Turkey, is an ex officio investigation and prosecution.

Implementation of security measures on legal persons

Article 253 - (1) the offense of bribery by treating the unfair advantage for the benefit of specific security measures shall be provided to legal persons.

Effective repentance

Article 254 - (1) (Amended: 2/7/2012-6352/88 art.) The person who receives a bribe, the situation before it gets out by official authorities, bribery, everything comes to deliver the same to the competent authorities in the investigation, about the penalty shall be imposed for the offense of bribery. Having agreed to receive a bribe public officials informs the authorities of the situation before it gets out by official authorities in the event that the penalty shall be imposed for this offense on.

(2) (Amended: 2/7/2012-6352/88 art.) Or giving a bribe by a public officer up to the agreement, the situation before it gets out by official authorities, regretting to inform the competent authorities of the situation if the penalty shall be imposed for the offense of bribery of .

(3) (Amended: 2/7/2012-6352/88 art.) Any other person who participated in the offense of bribery, the situation before it gets out by official authorities, in case of regretting to inform the competent authorities of the situation, about the penalty shall be imposed for this offense.

(4) (Appendix: 26/06/2009 - 5918/4 md.) Provisions of this article apply to those persons who bribe foreign public officials.

Trading in influence

Article 255 - (Amended: 2/7/2012-6352/89 art.)

(1) is a civil servant bet on the influence of unfair made by the hand of a job in order to make an attempt, directly or through intermediaries, which provide benefit to himself or another person, as much as two to five years in prison and be punished with a judicial fine up to five thousand days. If the person to be public servants, given a prison sentence increased by half. Made by the hand of the person providing the benefit in exchange for or in anticipation of job gördürüleceği, shall be punished with imprisonment of one to three years.

(2) Even if the stakeholders in the supply agreement, shall be punished as a crime was completed.

(3) the first paragraph is requested for the purpose of interest and benefit, but it is not accepted or the offer or promise Providing and cases but it is not accepted, according to the provisions of the first paragraph, the penalty is reduced by half.

(4) A person who intermediary offense of trading in influence, as a joint offender, shall be punished with the penalty specified in the first paragraph.

(5) Penetration trade relations benefit indirectly from its third natural person or legal entity that accepts the benefit of the authorities, as a joint offender, shall be punished with the penalty specified in the first paragraph.

(6) The order made by the hand being in an independent initiative constitutes a criminal act because of these criminal cases, people also will be punished.

(7) The provisions of this Article, the ninth paragraph of Article 252 apply in the case considered to trading in influence on people. This is about people, if they are in Turkey, regardless of whether they are citizens or foreigners, are ex-officio investigation and prosecution.

Difficult to overcome the limit of the power

Article 256 - (1) the public official having the power to difficult, as during his time, in case of the use of force against persons except in the measure required by the task, provisions shall apply concerning the offense of intentional injury.

Abuse of power

Article 257 - (1) Except as law also defined as a crime, the task of acting contrary to the requirements of individuals or entities that cause victimization or unfair detriment of the public interest, which is a public servant, shall be punished by imprisonment of between six months and two years.

(2) Except as law also defined as a crime, negligence, or delay in making the task of showing the requirements of individuals or entities that cause victimization or unfair detriment of the public interest, which is a public servant, shall be punished with imprisonment of three months to one year.

(3) (Repealed: 2/7/2012-6352/105 art.)

Explanation of the mystery of the tasks

Article 258 - (1) On a mission given to him for the same reason, or get information and confidential documents, and other notification explaining the decisions and orders issued, or in any manner whatsoever or others to obtain information that facilitates public official, shall be punished with imprisonment from one to four years .

(2) After the end of the capacity of a public servant, commits the same criminal acts are written in the first paragraph.

Public official trade

Article 259 - (1) nüfuzdan provide Performed by the task, taking advantage of public officials trying to sell goods or services to another person, shall be punished with up to six months imprisonment or fined. Abandonment or made public duty

Article 260 - (1) In contravention of law and public manner, leaving the tasks, tasks that are not, even if temporary, partial or complete tasks that do not slow down and public officials about each one is given a prison sentence of three months to one year. More than three penalty shall be imposed in the absence of public servants.

(2) professional and social rights in connection with public officials, the service does not disrupt their way, temporary and short-term work stoppages or slow down if the penalty deduction will be made, the penalty could be omitted.

Save money on the goods of persons unlawfully

Article 261 - (1) The violation of the conditions established in the laws, knowing that people on the movable or immovable property, to be paid by you for, after all, the public servants forced to dispose of,

if the verb does not constitute a criminal offense heavier than the six months to two years imprisonment shall be punished with.

Public service as illegal adoption

Article 262 - (1) a public office, in violation of the laws and regulations that attempt to fulfill the task continues, although it is reported to him or ordered to leave anyone shall be punished with imprisonment from three months to two years.