

Turkish Penal Code with reference to Art. 416 bis ITALIAN ANTIMAFIA LEGISLATION CRIMINAL CODE

Establishing Organizations for the Purpose of Committing Crimes Art. 220 (TCK) Any person who establishes or manages an organization for the purposes of committing offences proscribed by law shall be sentenced to imprisonment for a term of two to six years provided the structure of the organization, number of members and equipment and supplies are sufficient to commit the offences intended. However, a minimum number of three persons is required for the existence of an organization. Any person who becomes a member of an organization established to commit offences shall be sentenced to a penalty of imprisonment for a term of one to three years. If the organization is armed, the penalty stated in aforementioned paragraphs will be increased from one fourth to one half. If an offence is committed in the course of the organization's activities, then an additional penalty shall be imposed for such offences. Any leaders of such organizations shall also be sentenced as if they were the offenders in respect of any offence committed in the course of the organization's activities. (Amended on 2/7/2012 - By Art. 85 of the Law no. 6352) Any person who commits an offence on behalf of an organization, although he is not a member of that organization, shall also be sentenced for the offence of being a member of that organization. The sentence to be imposed for being a member of that organization may be decreased by half. (Additional Sentence: 11/4/2013 - By Art. 11 of the Law no. 6459) This provision shall only be applied in respect of armed organizations. (Amended on 2/7/2012 - By Art. 85 of the Law no. 6352) Any person who aids and abets an organization knowingly and willingly, although he does not belong to the structure of that organization, shall also be sentenced for the offence of being a member of that organization. The sentence to be imposed for being a member of that organization may be decreased by one-third according to the assistance provided. A person who makes propaganda for an organization in a manner which would legitimize or praise the terror organization's methods including force, violence or threats or in a manner which would incite use of these methods shall be sentenced to a penalty of imprisonment for a term of one to three years. If the said crime is committed through the press or broadcasting the penalty to be given shall be increased by half.

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Effective remorse Art. 221 No penalty shall be imposed on the founders or administrators of a criminal organization who dissolves or provides information which secures the dissolution of such an organization through the information he provides, before an investigation is launched concerning the forming of such a criminal organization or before an offence is committed in line with the aims of the organization. No penalty shall be imposed on a member of the organization who notifies the authorities of his voluntary departure from the organization and who has not participated in the commission of any crime by the organization. No penalty shall be imposed on a member of the organization who is apprehended before participating in the commission of any offence by the organization, and who is remorseful and provides information that is likely to lead to the dissolution of the organization or the apprehension of its members. No penalty shall be imposed on any founder, administrator or member of a criminal organization, nor upon a person who (while not being a member of such an organization) commits an offence on behalf of that organization or knowingly aids and abets the organization, who surrenders voluntarily and provides information concerning the structure of the organization and of the offences committed in the course of the organization's activities. Where a person provides such information after being apprehended, the penalty to be imposed on account of this offence shall be reduced by one third to three quarters. Persons who benefit from effective remorse shall also be subject to probation for a period of one year. The period of probation may be extended to three years. (Addition on 6/12/2006 - By Art. 8 of the Law no. 5560) The provisions of effective remorse in this Art. shall not apply more then once in respect of an offender.

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USEFUL INFORMATION According to the laws of our country, in case of detection of coercive-violent crimes committed with the aim of creating fear within the organization, the organizational structure in question is followed by specially authorized courts and prosecutor's offices in accordance with the provisions of Art. 10 of the TMK. Organizations that commit crimes involving force and violence are also referred to as "mafia". Another type of organizational structure that is processed by specially authorized prosecutors and courts within the scope of Art. 10 of the TMK is criminal organizations engaged in drug trafficking. Some of the crimes committed by organized crime groups in Turkey are drug smuggling, arms and ammunition smuggling, customs smuggling (automobile smuggling, alcohol and cigarette smuggling, commodity smuggling), human smuggling, organ and tissue smuggling, nuclear and radioactive material smuggling, money laundering, counterfeiting, document forgery (passport, identity card and visa forgery), copyright, trademark and patent smuggling, cultural and natural property smuggling, fraud, usury, prostitution, organized theft, gambling, check and bill collection, extortion, ransom kidnapping in exchange for money, forced signing of promissory notes, shooting at homes and workplaces, injuring people, assault and violence, murder, occupation and plunder of public lands, rigging tenders, murder in return for money and crime for hire, bribery, gold smuggling, credit corruption, garbage disposal. It can be listed as illegal destruction and sending to other countries, illegal technology transfer, begging, piracy, animal trade, jewelery smuggling, tax crimes, arson, black marketeering, false testimony, and disclosure of insider information in capital markets.

Turkish Penal Code with reference to Art. 416 ter ITALIAN ANTIMAFIA LEGISLATION CRIMINAL CODE No relative Turkish legislation.

With reference to Law 175/2010 BAN ON CARRYING OUT ELECTORAL PROPAGANDA FOR PERSONS SUBJECT TO PREVENTIVE MEASURES

No relative Turkish legislation.

With reference to Law 575/1965 ANTI-MAFIA LEGISLATION PERSONAL PREVENTION MEASURES
No relative Turkish legislation.

With reference to Art. 6 of Legisl. Decree 159/2011 SPECIAL PUBLIC SECURITY SURVEILLANCE No relative Turkish legislation.

With reference to Art. 6, par. 2 of Legisl. Decree 159/2011 SPECIAL PS SURVEILLANCE WITH PROHIBITION OF RESIDENCE No relative Turkish legislation.

With reference to Art. 6 par. 3 of Legisl. Decree 159/2011 SPECIAL PS SURVEILLANCE WITH OBLIGATION TO STAY No relative Turkish legislation.

With reference to Art. 16 Legisl. Decree 159/2011 ANTI-MAFIA LEGISLATION ASSET-RELATED PREVENTIVE MEASURES ENTITIES SUBJECT TO THE LAW

No relative Turkish legislation.

With reference to Art. 18 Legisl. Decree 159/2011 DECEASED PERSON No relative Turkish legislation.

With reference to Art. 20, Legisl. Decree 159/2011 SEIZURE No relative Turkish legislation.

With reference to Legisl. Decree 159/2011 CONFISCATION No relative Turkish legislation.

With reference to Art. 25, Legisl. Decree 159/2011 SEIZURE AND CONFISCATION OF AN EQUIVALENT VALUE No relative Turkish legislation.

With reference to Article 110, Legislative Decree 159/2011 AGENCY FOR ASSETS SEIZED AND CONFISCATED ANTIMAFIA LAWS

No relative Turkish legislation.

With reference to Decree-Law 8/1991 converted into Law 82/1991 KIDNAPPINGS FOR THE PURPOSE OF EXTORTION AND PROTECTION OF WITNESSES OF JUSTICE

No relative Turkish legislation.

With reference to Art. 143 TUEL Consolidated Law for Local Authorities DISSOLUTION OF MUNICIPAL COUNCILS FOR MAFIA INFILTRATION

No relative Turkish legislation.

With reference to Art. 84, Legisl. Decree 159/2011 COMMUNICATION AND INFORMATION OF THE ANTI-MAFIA DOCUMENTATION

No relative Turkish legislation.

PROVISIONS OF THE CRIMINAL CODE NOT INCLUDED IN THE ITALIAN CRIMINAL CODE