

Turkey's national legislation with regard to offences related to piracy and armed robbery at sea:

1. Turkish Penal Code (TPC) contains both jurisdictional and substantive clauses which address acts of piracy and armed robbery at sea. Article 8 on Territorial Jurisdiction, paragraph 2 extends the criminal jurisdiction of Turkish courts to offences committed within Turkish territorial sea, as well as on the open sea when Turkish flagged vessels are subjected to criminal activity. Likewise, Article 13(1)(i) states that Turkish law shall apply in cases of seizing control or hijacking of air or sea transport vehicles. The crime of hijacking a vessel prompts a penalty of imprisonment for a term of two to five years (Article 223(2)).
2. Another criminal offence that may be relevant to piracy-related activities is the seizure of a fixed platform on the continental shelf or exclusive economic zone of Turkey which is also punishable with a penalty of imprisonment for a term of five to fifteen years (Article 224)
3. In case of attempt to commit piracy/armed robbery at sea, TPC contains two articles on attempt and voluntary abandonment, Article 35 and Article 36 respectively. In case of attempt, the penalty is reduced by one-quarter to three-quarters of the penalty for the completed crime.
4. As to conspiracy, the general clauses are contained in Articles 37 to 41 of TPC. The degree of responsibility of a conspirer depends on the type of conspiracy. Various cases covered in these articles are: principal involvement, incitement, assistance, and the case of voluntary abandonment in jointly committed offences. This is also valid for aiding and abetting.
5. In order to address the establishment of an organization for the purpose of committing a crime, TPC contains a general clause, that is, Article 220, There is a requirement of at least three persons to form a criminal organization. Possession of arms is an aggravating factor. If the intended crime is committed, it is punished separately.
6. As to the prosecution of persons having committed/suspected of committing acts of piracy/armed robbery, TPC Article 12 states that crimes of certain gravity shall prompt the prosecution of the accused (regardless of his nationality) by Turkish courts. In particular, paragraph 2 reads as follows:
"Where the aforementioned offence is committed to the detriment of a Turkish citizen or to the detriment of a legal personality established under Turkish civil law and the offender is present in Turkey and there has been no conviction in a foreign country for the same offence then, upon the making of a complaint by the victim, he shall be subject to penalty under Turkish law."
7. For the purposes of prosecution, nationality of pirates is immaterial, since Article 13(1) states:
"Turkish law shall apply to the following offences committed in a foreign country whether or not committed by a citizen or non-citizen of Turkey:
(...)
(i) Seizing control or hijacking of air, sea or rail transport vehicles ..."
8. However, the nationality plays a basic role as far as extradition questions are concerned.
9. Flag of the ship attacked: As indicated in above, TPC Article 8 on Territorial Jurisdiction, paragraph 2 extends the criminal jurisdiction of Turkish courts to offences committed within

Turkish territorial sea, as well as on the high seas when Turkish flagged vessels are subjected to criminal activity. Also, Article 13(1)(i) states that Turkish law shall apply in cases of seizing control or hijacking or air or sea transport vehicles. Thus, Turkish courts always have jurisdiction over crimes committed against Turkish vessels, while they may have jurisdiction on foreign vessels subject to a set of conditions (particularly Article 12).

10. Detention and investigation of persons who have committed piracy-related offences, are subject to the discretion of the commander of the Turkish naval ship in the area, who will use his powers in accordance with the Turkish legislation, in particular with the decision of the Turkish Grand National Assembly, n. 934 of February 10, 2009, which authorizes the Government of Turkey to send naval forces to the area in question. The effective period of this decision was later extended for one year by decision n. 956 of 2 February 2010 of TGNA. Issues related to detention and investigations are basically regulated by the Criminal Procedure Code.

11. However, the position of Turkey is that the responsibility for the prosecution of piracy-related offences should remain within the countries of the region.

12. Turkey is also party to the following Conventions: 1988 UN Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), UN Convention on Transnational Organized Crime (UNTOC), 1979 Hostages Convention.