

TURKEY

Last updated: 10 November 2016

RULES/GENERAL LAWS

General	<p>1. Turkish Penal Code; 2. Turkish Military Penal Code; 3. Disciplinary Penal Code.</p> <p>Turkish penal law does not have different rules for the units abroad. Turkish law is applicable for all deployed Turkish military personnel at all times. Deployment does not create an extra status or immunity for the military personnel in terms of the application of the law. Military personnel might not always be on duty when deployed, however, the Military Penal Code is applied if a military personnel commits a military crime, commits a crime against another military personnel, or if the committed crime is a result of a military personnel's mission or duty.</p>
SEA: military offence?	Sexual exploitation and sexual abuse is defined in the Turkish Penal Code and Turkish Penal Code is applicable to all military personnel.
Powers of the Commanding Officer (CO)	<p>The Commanding Officer has to apply predefined rules in accordance with the Turkish Penal Code, the Turkish Military Penal Code, and the Disciplinary Penal Code for Turkish Armed Forces.</p> <p>The Commanding Officer has administrative, disciplinary and investigative powers.</p>

INVESTIGATION

Who can investigate?	The Commanding Officer is responsible for preparing a case file, when he/she become aware that one of his/her military personnel has committed a crime. At that time, the commander must collect all the evidence, take proper measures and apply certain procedures. If the situation is urgent the commander must call the prosecutor. The prosecutor is also called when a crime entitles a heavy imprisonment.
National Investigation Officer (NIOs)	National Investigation Officers are not deployed with the units.

PROSECUTION

Referral	The case file has to be sent to the Commanding Officer. After consulting his/her legal advisor, the Commanding Officer authorizes an investigation order and sends the case file to the prosecutor.
Who can charge?	It depends on the type of victim and type of perpetrator (military or civilian). If the victim/perpetrator is a civilian, then the civilian prosecutor is authorized to bring the charges, if not, the military prosecutor brings charges of exploitation and abuse against a military person.

JUSTICE

Military justice	Turkey has a military justice system. The Ministry of Defense is the sole authority to decide whether or not to establish a military court in a specific unit.
Deployable Court Martial?	It is possible to deploy Court Martials at peace time, when approved by the Ministry of Defense.

DISCLAIMER

While the information contained in the Member State (MS) fact sheet is periodically updated, the United Nations does not guarantee that the information provided is correct, complete or up to date. The fact sheet reproduces content received from the Member State, and therefore, the United Nations is not responsible for the content nor can it guarantee its accuracy.