



LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE CONVENTION OF 13 JULY 1931
FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS,
AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

NOTE BY THE SECRETARY-GENERAL -- In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to communicate the following legislative text.

TURKEY

Communicated by the Government of Turkey

Act No. 6123 to [redacted] in articles of the [redacted]
(Approved 9 July 1953. Published 15 July 1953.)

Article 403.

1. Any person who manufactures, imports or exports or attempts to [redacted] ex-
[redacted] without a licence or in
contravention of the terms of a licence shall be
liable to rigorous imprisonment for [redacted] an
[redacted] and to compulsory residence for three
to five years under the supervision of the public
security authorities in a district centre where there
is a local police headquarters and which is not situ-
ated in an area producing narcotic substances, and
to a heavy fine equivalent to [redacted] or
every gramme of the narcotic substance or fraction
thereof but not less in all than 1,000 pounds Turkish.

2. If the narcotic substance referred to in the
preceding paragraph is [redacted] morphine
or [redacted] the offender shall be liable to rigorous
imprisonment for life.

3. Any person who sells or exposes for sale or
buys, or keeps on his person or elsewhere, or trans-
fers or receives gratis, or despatches or trans-
ports, or acts as an intermediary in the purchase,
sale or transfer or in the procurement in any other
way of a [redacted] in Turkey, shall be
liable to rigorous imprisonment for not less than
five years and to compulsory residence for two to
five years under the supervision of the public
security authorities in a district centre where there
is a local police headquarters and which is not
situated in an area producing narcotic substances,
and to a heavy fine equivalent to 10 pounds Turkish
for every gramme of the narcotic substance or

fraction thereof but not less in all than 500 pounds
Turkish.

4. If the narcotic substance referred to in the
preceding paragraph is heroin, cocaine, morphine
or [redacted] the offender shall be liable to rigorous
imprisonment for not less than 10 years and to a
heavy fine of not less than 1,000 pounds Turkish
and to compulsory residence for not less than three
years.

5. Any person who originates or directs or takes
part in a conspiracy for the purpose of committing
an offence as aforesaid shall be liable to rigorous
imprisonment for not less than five years.

[redacted] means an association between two or
more persons for the purpose of committing an of-
fence as aforesaid.

If a person who has originated or directed or
participated in a conspiracy commits any of the of-
fences specified in the first, third or fourth para-
graph of this article, he shall be liable to penalties
double those therein prescribed. If he commits an
offence specified in the second paragraph, he shall
be liable to suffer death.

6. Where an offence specified in the first, third
or fourth paragraph is committed by way of pro-
fession, trade, or means of livelihood, or by two or
more persons acting together but without any mutual
understanding or complicity, the penalty prescribed
therefor in those paragraphs shall be increased by
one-half. If the offence is one specified in the second
paragraph, the penalty shall be death.

7. Where an offender procures a young person

below the age of 18 years or a person not responsible before the criminal law to commit any of the offences specified in the first, third or fourth paragraphs, the penalties therein prescribed for the principal offender shall be increased by one-sixth and, if the offence is one specified in the second paragraph, the penalty shall be death.

Where the death penalty or another penalty instead thereof is awarded for an offence specified in the first, second, fifth, sixth or seventh paragraph, all the movable and immovable property of the offender shall be confiscated in addition to that penalty.

Article 404.

1. Where a person facilitates the consumption of narcotic substances by attracting one or more persons through the provision of special premises or in any other way, or supplies narcotic substances to a [REDACTED] or to a person who is obviously of unsound mind or to a drug addict, the penalties prescribed in the third and fourth paragraphs of article 403 shall be increased by one-sixth.

2. Any person consuming a narcotic substance or keeping the same on his person for the purpose of consumption shall be liable to imprisonment for [REDACTED] and to a heavy fine of 100 to 1,000 pounds Turkish.

For a second or subsequent offence the offender shall be liable, in addition to fine and imprisonment, to compulsory residence for not less than one year under the supervision of the public security authorities in a district centre where there is a local police headquarters and which is not situated in an area producing narcotic substances.

A person who has become addicted to a narcotic substance shall be committed to a hospital for care and treatment until he is medically certified to be cured. If there is no hospital in the place, he shall be transferred to a place where there is a hospital.

A competent court may at any stage of the proceedings make an order committing to a hospital for care and treatment a person medically certified to have so habituated himself to the use of narcotic substances as to have reached the stage of addiction thereto.

A person who has so habituated himself to the use of narcotic substances as to have reached the stage of addiction thereto shall also be liable to supervision by the public security authorities for six months to one year.

3. If a person who has participated in any of the offences mentioned in this article or in article 403

facilitates the finding and apprehension of the offenders by disclosing to the competent authorities concerned, before they have received such information, the circumstances, the names of his accomplices and the place where narcotic substances have been concealed or prepared, he shall be exempt from the penalties prescribed for the offence.

If after information of an offence has been received a person aids and assists in the apprehension of his accomplices and the detection of an offence, the death penalty shall be reduced to 15 years' rigorous imprisonment, and 15 years' rigorous imprisonment to not less than 10 years' rigorous imprisonment, and, the other penalties by one-half.

Article 406.

1. Where any of the offences specified in article 403 is committed by a medical practitioner, veterinary surgeon, chemist, druggist, dentist or dental surgeon, or the owner or responsible manager of a pharmacy, or a civil or military public health officer, or a midwife, sister or hospital nurse, the penalty of death shall replace that of imprisonment for life prescribed in that article, and the penalties of imprisonment for a term of heavy fine and compulsory residence shall be increased by one-third to one-half. The offender shall also be liable to perpetual disqualification for public office or the practice of his profession.

2. Where any of the offences specified in article 403 or in the first paragraph of article 404 is committed in a public conveyance of any kind or in premises open to the public, by the owner thereof or his employee, or is committed by a public officer or employee in abuse of his position and influence, the penalty of death shall replace that of imprisonment for life prescribed in the article, and the penalties of rigorous imprisonment for a term and of heavy fine and compulsory residence shall be doubled, and the offender shall also be liable to perpetual disqualification for public office or the practice of his profession or occupation.

Article 407.

Where any of the offences specified in the foregoing articles results in sickness, wound, injury or other detriment to health, the penalty, except necessarily that of death or of imprisonment for life, shall be increased by one-third to one-half. If the offence causes the sickness of more than one person, the said penalty shall be at least doubled.

If the offence results in the death of a person, the offender shall be liable to suffer death.