



UNITED NATIONS

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## 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

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# TURKEY

COMMUNICATED BY THE GOVERNMENT OF  
TURKEY

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.

*New York, 1951*

Original: Turkish

Republic of Turkey  
Office of the Prime Minister  
Directorate-General of Publications and Compilations

THE ACT AMENDING CERTAIN ARTICLES OF THE AGRICULTURAL PRODUCTS OFFICE ACT  
(NO.5621), REPEALING ARTICLE 28 AND ADDING TWO TEMPORARY ARTICLES

Act No. 5759

Date of passage: 18 April 1951

Date of publication: 25 April 1951

*Article 1.* Article 6 of Act No. 3491 as amended by article 1 of Act No. 5621 shall be amended as follows:

*Article 6.* The domestic trade, subject to the conditions hereinafter laid down in respect of raw opium, the manufacture of, importation into and exportation from Turkey, of the substances set forth hereinafter, shall be placed under State monopoly: that is to say, raw opium, medicinal opium and preparations thereof; morphine and all its salts; all esters produced by the combination of organic acids or alcohol and morphine, and their salts; coca leaves, crude cocaine, cocaine; ecgonine, tropocaine and all their salts; all preparations containing more than 0.2 per cent of morphine or its salts, or more than 0.1 per cent of cocaine or its salts; eucodal (dihydrooxycodone); dicodide (dihydrocodeinone), dilaudide (dihydromorphinone), acedicone (acetylodemethylodihydrothebaine or acetyldihydrocodeinone); substances of the same chemical composition and preparations of such substances designated by the Ministries of National Economy, Trade, and Health and Social Welfare.

Other natural and synthetic substances similar to the substances set forth in the foregoing paragraph, the use of which has been scientifically shown to be harmful and habit-forming, may also be placed under monopoly by order of the Council of Ministers

Producers and persons buying from producers shall deliver the raw opium in their possession to a reception point of the Agricultural Products Office or of an agency authorized to act on behalf of that Office, in the vilayet in which the opium was produced, not later than the end of September of the year of production. The producer may, however, make their deliveries to the nearest organization, according to their geographical situation and economic relations without regard to vilayet boundaries.

Any person desiring to buy opium from producers for resale to the Office must first, by applying to the local Agricultural Products Office or agency organization authorized to act on behalf thereof and submitting a declaration that he has never been convicted of smuggling, obtain a certificate authorizing him to carry on such activity, which he must produce on the request of the competent authorities. The said document shall be valid only until the end of September in the year of issue within the vilayet in which it is issued. The holders of such documents shall sell or otherwise transfer the opium that they have purchased from producers only to the Agricultural Products Office or an agency competent to receive opium on its behalf.

The documents issued to persons who have been convicted under the provisions of Act. No. 1918 or other legislation concerning contraband or proved to have engaged in contraband activity contrary to the declaration submitted in accordance with the foregoing paragraph, shall be withdrawn and shall not be re-issued.

The adulteration of raw opium with water or any other substance shall be prohibi

For the exportation of dried or crushed poppy capsules, an export authorization must be obtained from the Ministry of Health and Social Welfare, against presentation of an import authorization issued by the importing country.

*Article 2.* Article 7 of Act No. 3491 as amended by article 2 of Act No. 5621 shall be amended as follows:

*Article 7.* The functions of the office relating to narcotic drugs shall be as follows:

- A. to operate the monopoly described in article 6;
- B. to carry out commercial transactions for its opium purchases, conclude sales and enter into any negotiations or commitments for this purpose which it may see fit;
- C. in co-operation with the Ministry of Agriculture, to endeavour to improve poppy cultivation and opium production; to analyse opium for purchase; to process and reclassify repurchased opium; to ensure the standardization of opium and where necessary to establish agencies and institutions with the approval of the Ministry of National Economy and Trade;
- D. to submit proposals to the Council of Ministers through the Ministry of National Economy and Trade for establishing domestic purchase prices for raw opium in accordance with morphine content, and for determining the qualities most advantageous for producers, having regard to the requirements and prices in foreign markets, the general price level of agricultural products in the country, the state of consumption and stocks, all expenses incurred by the Office for the purchase and sale of opium, and the probable risks arising from such transactions, but without attempting to make a profit.

Such prices shall be fixed by the Council of Ministers and published during the month of May.

Opium purchases shall be based on analysis or an expert's report. Where purchases are based on an expert's report, recourse may be had to analysis if the producer so requests.

*Article 3.* Article 18 of Act No. 3491 as amended by article 3 of Act No. 5621 shall be amended as follows:

*Article 18.* A. Poppy growing zones and areas within such zones in which the collection of poppy juice is authorized, shall be determined jointly each year by the Ministry of National Economy and Trade and the Ministry of Agriculture, having regard to the agricultural and economic needs and the export possibilities and, after approval by the Council of Ministers, shall be published not later than 1 July.

It shall be prohibited to cultivate opium outside these zones and to cut capsules and collect poppy juice in places where poppy growing is authorized solely for poppy seed.

If no publication is made by the date aforesaid, the provisions published in the previous year shall remain in force. In places thus designated and published, however, there shall be no restriction until a period of two years has elapsed. Double-flowered poppies grown in gardens for ornamental purposes shall be exempt from these provisions.

The senior civil local official in each area shall control the cultivation of poppy and the gathering of poppy juice and enforce the decision of the Council of Ministers referred to in the first paragraph hereof.

The procedure to be followed in the designation and publishing of the zones in which poppy cultivation is authorized, and the supervisory functions and powers of

local administrative officials, shall be laid down according to the principles drawn up jointly by the Ministries of the Interior, National Economy and Trade, and Agriculture.

B. Opium producers shall be required to complete a declaration in duplicate not later than three days after the opium has been completely harvested, which, after having their signature or seal certified by the local authorities of the village or settlement, they shall keep in their possession.

The aforementioned declaration must contain the following information:

1. Name of the vilayet, kaza, commune, village or settlement.
2. Name and surname of the producer and his parents.
3. The area planted in opium (expressed in number of dönüm; fractions not exceeding a half dönüm shall be disregarded; fractions exceeding half a dönüm shall be counted as one dönüm; one dönüm equals 1,000 square metres of land).
4. The amount of opium obtained (in kilogrammes).
5. Where the opium obtained is less than normal for the region, the reasons therefor.

The producer, in selling his opium to a reception point of the Office or agency competent to act on its behalf or to another person, shall at the same time hand over the original copy of the above-mentioned declaration and require the purchaser to affix this signature and write his address intelligibly at the foot of the duplicate copy, which he is required to hold in his possession for two years and produce on the request of the competent authorities.

Intermediaries shall be required, when purchasing opium, to request the declaration therefor and to hand it over at the time of sale and delivery to the Office or organization competent to act on its behalf. The receipt issued to the person selling and delivering opium by the Office or organization authorized to act on its behalf relieves him of the responsibility for the quantity of opium involved. The said receipt must be retained for two years and shown to the competent authorities on request.

The Office shall have the declarations printed and send them before the production season through the administrative authorities to the Councils of Elders of all villages and settlements in which the planting of poppy and the production of opium is authorized. Opium producers shall obtain such declarations free of charge from their Councils of Elders.

The declarations shall be exempt from all taxes and fees.

*Article 4.* Article 27 of Act No. 3491 as modified by article 4 of Act No. 5621 shall be amended as follows:

*Article 27.A.* If any person plants poppy outside authorized zones he shall be subject to a heavy fine of 30 Turkish pounds per dönüm or fraction thereof. If the poppy has been cut the penalty shall be doubled.

Poppy planted but not matured should be ploughed in and destroyed. Matured heads shall be gathered and confiscated. If the administration cannot use these, their destruction may be ordered. If the poppy seed and opium have been gathered, an order may be issued for the confiscation or, where necessary, the destruction of the portion found and seized and for the collection of the value of the quantity shown by an expert's estimate to be missing.

Notwithstanding this provision, the offender may be sentenced to the penalty provided in paragraph B for opium smuggling.

B. 1. If any person sells, buys, transfers, receives, conceals, transports or possesses raw opium on his own premises or elsewhere, without a declaration, or is an accessory to such an act he shall be subject to a term of imprisonment of not less than three months nor more than one year and to a heavy fine of not less than 50 nor more than 500 Turkish pounds. In addition, the raw opium seized shall be confiscated.

2. If any person removes raw opium from Turkey or is an accessory to such an act he shall be subject to imprisonment for a term of not less than one nor more than three years and to a heavy fine equal to three times the value of the smuggled opium but not in any case less than 500 Turkish pounds.

If any person fails to deliver raw opium that he has produced or collected from producers to the Agricultural Products Office or agency authorized to act on its behalf not later than the end of September, in accordance with the provisions of article 6, the raw opium produced or collected shall be confiscated and he shall be subject to a heavy fine equal to the value of the opium if he is a producer, and equal to twice the value of the opium if he is a collector.

The penalties provided for in paragraph 1 shall apply in respect of concealed or smuggled raw opium produced or collected from producers irrespective of whether such opium is seized.

C. Raw opium in respect of which a confiscation order is issued in accordance with paragraphs A and B shall be delivered to the Office without payment.

D. Payment for opium delivered to the Office and shown by expert examination to be adulterated shall not be made to the owners, and such opium shall be retained by the Office or by an agency authorized to act on its behalf. Samples of such opium shall be taken jointly by the Office and the owner, sealed, and delivered to the owner. The remaining opium shall be analyzed in the Office laboratories. If the analysis confirms that the opium was adulterated, it shall be seized by a committee composed of the senior official of the organization of the Office attached to the laboratory, a chemist and a warehouse official, and the owner shall be notified accordingly. The owner may within one month from the date of notification make an application to the police court of the place in which the goods were seized. The court shall either reject the application and order the delivery of the samples to the Office, or order payment of the value of the goods. The court's order shall be final. If the owner does not make an application, the seized opium shall become the property of the Office.

E. Opium values serving as a basis for fines shall be ascertained according to the purchase price fixed by the Government for the particular year.

F. Final sentences imposing fines for the smuggling of raw opium shall be formally notified to the Agricultural Products Office by the Office of the Public Prosecutor. The part of such a sentence relating to a fine shall, in accordance with the provisions of article 56 of Act No. 1918, be executed by the Office.

G. A reward in accordance with Article 60 of Act No. 1918 shall be proportionate to the value of the raw opium, the confiscation of which has been ordered in accordance with paragraphs A and B, and to the fine imposed.

H. A person who knowingly assists in any way in the commission or occurrence of

an offence set forth in this article shall be liable to half the penalty provided in this article for the principal offence.

Any accomplice in such an act who is a public official shall be liable to the penalty provided for a principal offender.

**Temporary Article.** Persons who have not delivered their opium to the Agricultural Products Office or an agency authorized to act on its behalf within the period stipulated in Article 6 of Act No. 3491 as amended by Article 1 of Act No. 5621 shall be required to submit, within one month from the date of publication of this Act, an application indicating their address and the quantity of opium to the local authorities and to retain in their possession the number which they will obtain from the said authorities. The administrative authorities shall within 15 days from the expiry of the time-limit forward the applications to the nearest Agricultural Products Office attached to the original copy of the voucher which is to be made out in duplicate, the duplicate copy of which they shall hold in their files.

Such opium shall be bought at 1950 prices in accordance with the procedure laid down by the Office.

Where raw opium has been seized because of the failure of the producer to deliver it to the Agricultural Products Office or an agency authorized to act on its behalf within the time-limit laid down in Article 6 of Act No. 3491 as amended by Article 1 of Act No. 5621, it shall be paid for by the Agricultural Products Office in accordance with the prices set forth in Paragraph 2.

*Article 5.* This Act shall enter into force on the date of its publication.

*Article 6.* This Act shall be executed by the Council of Ministers. 21 April 1951