

(2) If the offence mentioned in the afore-mentioned paragraph is committed with the intention of causing damage to a Turkish citizen or a private law legal entity incorporated according to the Turkish laws, and if the perpetrator is found in Türkiye, then the perpetrator is punished according to the Turkish Laws upon the complaint of the injured party provided that that he is not convicted in the foreign country for the same offence.

(3) If the aggrieved party is a foreigner, the perpetrator is tried upon request of the Minister of Justice in case of the existence of the following conditions:

- a) Where the offence requires punishment with a minimum limit of no less than three years imprisonment according to the Turkish Laws;
- b) Where there is no extradition agreement or the demand of extradition is rejected by the country where the crime is committed or by the government of the State wherein the perpetrator holds citizenship.

(4) A foreigner who is convicted of an offence by a foreign court within the scope of first paragraph, or the proceedings or conviction against him are abated for any reason or he is acquitted, or the offence committed is not qualified for the prosecution, then a new trial can be initiated in Türkiye upon the request of the Minister of Justice.

(5) (Added on 18 June 2014 – By Article 56 of the Law no. 6545) Under the conditions in the scope of the first paragraph, criminal proceedings for bribery and trading in influence are not conditional to the request of the Minister of Justice.”

6- In Article 13 titled “Other offences”:

“(1) Turkish laws are applied in case of commitment of following offences by the citizens or foreigners in a foreign country:

- a) Offences listed under First Chapter of Second Volume,
- b) Offences listed under Third, Fourth, Fifth, Sixth, Seventh and Eighth Sections in the Fourth Chapter of Second Volume,
- c) Torture (Articles 94, 95),
- d) Intentional environmental pollution (Article 181),
- e) Production and trading of narcotic drugs or psychotropic substances (Article 188),
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(3) Even where a conviction or acquittal pursuant to the offences listed in paragraph 1 subparagraphs (a) and (b) have been ruled in a foreign country, criminal proceedings in Türkiye shall be conducted upon the request of the Minister of Justice.”

In order for a trial to be held in Türkiye regarding the crimes stated restrictively in the said article, it is not consequential where and by whom these crimes were committed. The commitment of these crimes is in itself a sufficient condition for the existence of the jurisdiction of the State. All types of crimes regulated concern all humanity except for the crimes stated in subparagraph (b) of paragraph 1, which concern the sovereignty and reputation of the state. Therefore, the subparagraph (b) of paragraph 1 of Article 13 of TCC is evaluated not within the scope of the principle of universality, but within the scope of the principle of protecting the State.

In terms of the scope of application for Article 13, the nationalities of both the perpetrator and the victim are of no importance. Whether the perpetrator or the victim is a Turkish citizen or a foreigner, the commitment of these crimes results in Türkiye's jurisdiction over the perpetrator. It is also not necessary for the perpetrator to be present in Türkiye in order to prosecute the perpetrator in Türkiye.

Paragraph 1 of Article 160 of Turkish Code of Criminal Procedure states the duty of public prosecutor who is informed of an offence: “As soon as the public prosecutor is informed of a fact that

(2) If there is no domicile of the suspect or the accused in Türkiye, the court of the location where he last resided in Türkiye has the jurisdiction.

(3) If even according to this procedure it is not possible to establish which court has jurisdiction, then the court where the first process of criminal proceedings occurred shall have the jurisdiction.”

2- In Article 14 titled “Jurisdiction for offences committed in a foreign country”:

(1) “The jurisdiction for the offences committed in a foreign country, which, according to the statutes are to be investigated and prosecuted in Türkiye, shall be designated according to paragraphs 1 and 2 of Article 13.

(2) However, upon motion of the public prosecutor, the suspect, or the accused, the Court of Cassation is entitled to designate a court that is closer to the location where the offence was committed.

(3) In such offences, if the suspect or the accused has not been arrested without a warrant, did not reside or had no address in Türkiye, then upon the motion of the Minister of Justice, and upon the petition of the Chief Public Prosecutor of the Court of Cassation, the competent court shall be determined by the Court of Cassation.

(4)