**LAW ON INTERNATIONAL JUDICIAL COOPERATION IN CRIMINAL MATTERS**

**Law no. 6706 Adopted on: 23/4/2016**

**PART ONE**

**General Provisions**

**Purpose and Scope**

**ARTICLE 1-** (1) The purpose of this Law shall be to regulate the procedures and principles of international judicial cooperation in criminal matters.

(2) This Law shall cover the judicial cooperation to be conducted with foreign States in criminal matters.

(3) The international agreements on judicial cooperation to which Turkey is a party and the provisions of the other Laws shall be reserved.

**Definitions**

**ARTICLE 2-** (1) In the implementation of this Law;

a) Judicial authority shall mean court, offices of judges and prosecutor's offices and the other authorities which are granted, statutorily and exceptionally, the competence of conducting criminal investigation, as well as the authorities defined under the declarations of the States to the international agreements,

b) Central Authority shall mean the Ministry of Justice,

c) International judicial cooperation shall mean the proceedings in criminal matters carried out by the judicial authorities of one State on behalf of the judicial authorities of another State.

**Duties and powers of the Central Authority**

**ARTICLE 3-** (1) The duties and powers of the Central Authority shall be as follows:

a) To decide on accepting the requests for cooperation of foreign States and on the suitability of the requests for cooperation of Turkish judicial authorities within the framework of international agreements to which Turkey is a party or the principle of reciprocity,

b) To decide on the form of the judicial cooperation and method to be followed,

c) To give consent to the use of the information and documents requested by the States within the scope of judicial cooperation, to limit and to subject the use of the mentioned information and documents to guarantee or condition,

(2) In the event that statutory and actual reciprocity is not available between the foreign State and Turkey, execution of the request for judicial cooperation may be subjected to the guarantee of the Requesting State that the requests for judicial cooperation of Turkey on the same issue shall be executed.

(3) The execution of request for judicial cooperation of a foreign State may be subjected to a condition or guarantee by the Central Authority.

(4) The Central Authority may, except the issues within the competence of the jurisdiction, accept the conditions stipulated by the States or grant the guarantee requested. The judicial authorities shall be bound by the conditions accepted or guarantees granted by the Central Authority.

(5) In the event that compensation is to be paid due to the execution of the requests for judicial cooperation, the Central Authority may request that compensation from the related State.

(6) The Central Authority may reject the request where an explicit disproportion is available between the gravity of the offence subject to the request for judicial cooperation and the effort, work and cost required for the execution of the request or where the request concerns the proceedings avoided habitually by the State.

(7) The Central Authority may, when required, receive the opinions of the related public institutions and organizations concerning the proceedings to be carried out with foreign States.

**Rejection of the requests for judicial cooperation**

**ARTICLE 4-** (1) The requests for judicial cooperation received from a foreign State may be rejected if:

a) The sovereignty rights, national security, public order or other fundamental interests of Turkey are violated,

b) The offence subject to the request is a pure military offence, thought crime, political offence or an offence connected with a political offence,

c) Convincing grounds are available that the person subject to the request would be exposed to an investigation or prosecution or be punished or be exposed to torture or ill-treatment because of his/her race, ethnic origin, religion, nationality, his/her connection to a certain social group or political opinions,

ç) Fundamental guarantees in relation to the right to defence are not granted in the requesting State.

**Application of procedural provisions**

**ARTICLE 5-** (1) While executing the request for judicial cooperation, the provisions of the Criminal Procedure Code dated 04/12/2004 and numbered 5271 shall be applied in the cases which are not provided for by this Law and the other Laws.

**Using information and documents**

**ARTICLE 6-** (1) The information and documents received within the scope of judicial cooperation shall not be used for the investigation or prosecution or proceedings other than the ones subject to the request, unless the sending State allows.

(2) The requirement of permission shall not be required in the following circumstances:

a) Change in the legal nature of the offence subject to the request,

b) Inclusion of new suspects or accused persons, who have emerged after the proceedings concerning the judicial cooperation, into the investigation or prosecution,

c) Requirement of information and documents subject to the request in a civil lawsuit connected to this offence.

**PART TWO**

**Legal Assistance**

**Requests of Turkish judicial authorities**

**ARTICLE 7-** (1) Judicial authorities may request legal assistance in the necessary issues in order to conclude an investigation or prosecution or to execute a conviction judgment. In this case, the following provisions shall apply:

a) Provisional measures may be requested to be taken prior to the request for legal assistance in order to protect the evidence in the cases where delay is prejudicial.

b) Notifications indicating that restrictive or mandatory measures may be applied shall not be included in the requests for legal assistance concerning the service of documents.

c) To be present during the execution of the proceeding subject to the request for legal assistance may be requested.

ç) The proceedings carried out within the scope of the request for legal assistance in compliance with the domestic law of the related State shall be deemed valid with regard to Turkish law.

(2) In the event that judicial authorities are informed within a conducted investigation or prosecution of information which may result in initiation of a investigation by another State, this information shall be provided to the Central Authority in order to be submitted to the related State without any request.

**Requests received from foreign judicial authorities**

**ARTICLE 8-** (1) The following provisions shall apply to the requests for legal assistance:

a) Requests shall be executed in accordance with Turkish law. In the case of carrying out a special procedure, the request may be executed according to this procedure unless it is contrary to Turkish law.

b) Turkish judicial authorities may reject the requests partially or completely or may request supplementary information or documents when required.

c) Provisional measures may be taken in the cases when delay is prejudicial in order to protect the evidence before the request for legal assistance is submitted. If the request for legal assistance is not received by the Central Authority within forty days following the date of provisional measure, the measure shall be abolished forthwith by the competent authorities or the competent bodies.

ç) In the event that search or seizure is requested, the offence subject to the request must be an extraditable offence. Turkish judicial authorities shall request, at least once a year, information from the requesting State on whether the measure concerning the seized assets and immovables, rights and receivables is to be continued.

d) The request shall be rejected where a notification indicating that restrictive or mandatory measure would be implemented is included in the request for legal assistance.

e) Foreign judicial authorities may request to be present during the execution of the proceeding within the scope of the request for legal assistance. The request shall be fulfilled if considered appropriate.

f) In the event that the person has been convicted or acquitted by the Turkish courts or the offence has been paroled or lapsed, requests for legal assistance concerning the same act may not be executed.

**Legal assistance through audiovisual communication technique**

**ARTICLE 9-** (1)Using audiovisual communication technique may be requested to be used during the execution of the request for legal assistance. These activities shall be conducted under the supervision of the competent authorities of the executing State and in accordance with the law of this State.

(2) In the event that Turkish judicial authorities request that the request for legal assistance is executed through audiovisual communication techniques, the request shall be executed, as long as it is provided for by the international agreements, under the supervision of competent Turkish authorities and in accordance with Turkish law.

(3) In the event that judicial authorities of a foreign State request that the request for legal assistance is executed through audiovisual communication techniques, the request shall be executed, as long as it is provided for by the international agreements, under the supervision of the competent authorities of the requesting State and in accordance with the law of that State. During the execution of this request, Turkish judicial authorities shall be present and it shall be observed that the fundamental principles of Turkish law are not violated.

**PART THREE**

**Extradition**

**Extradition from Turkey to a foreign State**

**ARTICLE 10-** (1) A foreigner against whom the judicial authorities have initiated criminal investigation or prosecution or rendered conviction for an offence committed in a foreign country may be extradited to the requesting State, upon request, in order to conclude the investigation or prosecution or to serve the imposed sentence.

(2) Request for extradition may be accepted during the investigation or prosecution phase for offences which require the upper limit of the sentence of deprivation of liberty to be at least one year according to both the law of the requesting State and Turkish law. With regard to finalized convictions, the request for extradition may be accepted if the imposed sentence is deprivation of liberty for at least four months. In the event that the person whose extradition is requested has committed more than one offence, these offences may be included in the request for extradition even if the stipulated sentence for some of them is less than the specified period.

(3) Where more than one State request the extradition of the same person, the Central Authority shall determine the request to be primarily processed by taking into account factors such as the gravity of the offences, places where the offences have been committed, sequence of the receipt of the requests, the nationality of the person and probability of re-extradition.

(4) In the case of extradition, the person may only be tried for offences forming the basis for the decision of extradition or only the sentence imposed on that person for that offence may be enforced.

**The cases requiring the rejection of extradition**

**ARTICLE 11-** (1) The request for extradition shall not be accepted if:

a) The person who is requested to be extradited is a Turkish national, except the obligations required for being a party to the International Criminal Court,

b) There is strong suspicion that the person who is requested to be extradited would be subject to an investigation or prosecution or be punished or be subject to torture or ill-treatment because of his/her race, ethnic origin, religion, nationality, his/her connection to a certain social group or political opinions,

c) The offence forming the basis for the request for extradition is;

1) a thought crime, political offence or an offence connected with a political offence,

2) solely in the nature of a military offence,

3) committed against the security of the Republic of Turkey, committed to the detriment of the Republic of Turkey or a Turkish national or a legal entity established in accordance with Turkish laws,

4) an offence within the jurisdiction of Turkey,

5) lapsed or paroled.

ç) The person who is requested to be extradited has previously been acquitted or convicted in Turkey for the act subject to the request.

d) The request for extradition is related to offences which require capital punishment or a sentence incompatible with human dignity.

(2) The act may not be considered a political offence when all of the elements of the offence which forms the basis for the request for extradition within the scope of paragraph 1 sub-paragraph (c) item (1), especially when the manner in which the offence was committed, the means used to commit the offence or the consequences of the offence are taken into account. Genocide and crimes against humanity shall not be considered political offences.

(3) In the event of grounds for rejection concerning the nature of the sentence as stated under paragraph 1 sub-paragraph (d), provided that the requesting State provides sufficient guarantee not to execute the stipulated sentence, the request for extradition may be accepted.

(4) The request for extradition may not be accepted in the event that the person, who is requested to be extradited, and his/her family would suffer disproportionally compared to the gravity of the offence, due to personal reasons such as the fact that the person has not attained the age of 18, that he/she has been present in Turkey for a long time or that he/she is married.

**Relation between extradition and deportation**

**ARTICLE 12-** (1) The foreigner may not be deported without taking the opinion of the Central Authority during the process of extradition.

(2) The foreigner may not be deported, without taking the opinion of the Central Authority, to the State whose request for extradition was rejected.

**Examination conducted by the Central Authority**

**ARTICLE 13-** (1) The Central Authority may request supplementary information and documents when needed after examining the requests for extradition and shall reject the requests which do not fulfil the requirements.

(2) The requests fulfilling the requirements shall be sent to the Chief Public Prosecutor's Office before the competent high criminal court.

**Provisional arrest**

**ARTICLE 14-** (1) In the event of strong suspicion for accepting that an offence, which may be subject to the request for extradition, was committed, and upon the request of the related State and the approval of the Central Authority, the person may be arrested provisionally before the request is received by the Central Authority, within the framework of the provisions of international agreements or the principle of reciprocity.

(2) The person concerning whom there is strong suspicion that he/she has committed an offence which may be subject to the request for extradition and is within the scope of Article 12 Paragraph 3 Sub-paragraph (a) of Turkish Criminal Code dated 26/09/2004 and numbered 5237 may be arrested provisionally without the requirement of the request of the related State.

(3) The request for provisional arrest of the related State shall be submitted by the Central Authority to the Ministry of Interior in order to arrest the person for the purpose of extradition and referral to the Chief Public Prosecutor's Office. The arrested person shall be brought before the judge of the criminal court of peace within 24 hours at the latest for the order concerning provisional arrest. The judge of the criminal court of peace shall give information to the person who is requested to be arrested provisionally concerning the possibility of extradition based on consent and its legal consequences and shall then give the order.

(4) The duration for provisional arrest shall be defined according to the provision of the related international agreement. The person may be arrested provisionally for maximum forty days within the framework of the principle of reciprocity.

(5) The order of judicial control may be given instead of provisional arrest in a manner to prevent escape in accordance with Article 109 of Criminal Procedure Code.

(6) In the event that the related State does not submit the extradition documents within the specified time period under Paragraph 4, the order for provisional arrest or judicial control shall be abolished. This situation shall not be an obstacle to the implementation of protective measures for the purpose of extradition after the receipt of the request for extradition.

**Duty and competence**

**ARTICLE 15-** (1) The high criminal court, which is located in the place where the person is present, shall be competent to decide on the request of extradition. If the place where the person is present is unknown, Ankara High Criminal Court shall be competent.

(2)Chief Public Prosecutor's Office shall request the High Criminal Court to render a decision concerning the request for extradition.

**Implementation of protective measure for the purpose of extradition**

**ARTICLE 16-** (1) High Criminal Court may order protective measures concerning the person who is requested to be extradited during any phase of the extradition in accordance with the Criminal Procedure Code.

(2) In the case of arrest of the person during the extradition process, his/her situation shall be examined by the High Criminal Court once every thirty days at the latest until the surrender is executed.

(3) In the event that decision for extradition is not rendered in accordance with Article 19 within a year following the finalization of the decision of High Criminal Court concerning the acceptance of the request for extradition, the protective measures imposed on the person shall be abolished.

(4) Total period of arrest shall not exceed the period of execution of the sentence which may be imposed or have been imposed on the person for the offence subject to the request for extradition.

**Extradition based on consent**

**ARTICLE 17-** (1) Where the person consents to the extradition, he/she may be extradited to the requesting State without following the normal extradition procedure.

(2) The person shall be explained by the High Criminal Court his/her rights under Criminal Procedure Code and the nature and legal consequences of extradition based on consent. The person shall be asked whether he/she consents to the procedure for extradition based on consent.

(3) Upon the person's acceptance of the procedure for extradition based on consent, it shall be considered and decided whether the request for extradition is acceptable according to the provisions of this Law and the international agreements to which Turkey is a party. This decision may be objected. If the decision is finalized, the documents of extradition shall be sent to the Central Authority.

(4) The execution of the decision of extradition, rendered according to the procedure for extradition based on consent, shall be subjected to the confirmation of the Central Authority.

**Extradition proceedings**

**ARTICLE 18-** (1) In the event that the person does not accept the procedure for extradition based on consent, the court shall examine the circumstances of the extradition according to this Law and the international agreements to which Turkey is a party and shall decide whether the request for extradition is acceptable.

(2) Where the documents submitted by the requesting State are not considered sufficient, the court may request supplementary information and documents to be submitted in a reasonable time period.

(3) The request for intervention may not be submitted for the extradition proceedings.

(4) The decision of the court may be appealed. The Court of Cassation shall conclude these appellate cases within three months. When the judgment is finalized, it shall be sent to the Central Authority accompanied by the extradition documents.

**Extradition decision**

**ARTICLE 19-** (1) Where the High Criminal Court decides that the request for extradition is acceptable, the execution of this judgment shall be subjected to the offer of the Ministry of Justice taking the opinion of the Ministries of Foreign Affairs and Interior and the approval of the Prime Ministry.

(2) The Central Authority shall inform the requesting State and the person who is requested to be extradited whether the request for extradition has been accepted or rejected.

**Surrender**

**ARTICLE 20-** (1) The proceedings of the surrender of the person concerning whom a decision of extradition was rendered shall be carried out in cooperation with the related Ministries.

(2) In the event that the person concerning whom a decision of extradition was rendered is not surrendered on the date agreed with the authorities of the requesting State without a justification, protective measures concerning this person ordered by the court shall be abolished 30 days after this date.

(3) Where an investigation or prosecution is conducted in Turkey for another offence against the person concerning whom a decision of extradition was rendered or an imprisonment sentence is required to be executed or the person is unable to travel, the Central Authority may decide to postpone the surrender. The person and the requesting State shall be notified of this decision.

(4) The property which is considered helpful as proof with regard to the offence subject to the request for extradition or has been obtained upon the commission of the offence and was seized when the person was arrested or was obtained afterwards may be delivered to the requesting State. Where a decision on extradition cannot be made due to reasons such as death or escape of the person or similar reasons, the delivery of the property may still be executed.

(5) If it is mandatory with regard to an investigation or prosecution conducted in Turkey, the delivery of the property may be postponed.

(6) The requests for delivery of the property belonging to bona fide third parties shall not be executed.

**Decision for transit**

**ARTICLE 21-** (1) Where the requirements for extradition are fulfilled in accordance with Turkish law, the person concerning whom a decision of extradition to another State was rendered may be allowed transit through Turkey.

(2) Request for transit shall be considered by the Central Authority and the competent authority of the requesting State shall be notified of the decision.

(3) Where the transit lasts more than 24 hours and where it is necessary to deprive the liberty of the person because of this duration, order for provisional arrest not exceeding seven days may be rendered by the judge of the criminal court of peace in order to ensure the transit.

(4) In the event that reasons requiring the rejection of the request for transit arise or that the person commits an offence during transit which requires investigation *ex officio*, the transit may be aborted.

(5) The provisions of this article shall also apply to the transit of sentenced persons from one State to another State through Turkey.

**Turkey’s requests for extradition and their conditions**

**ARTICLE 22** – (1) The judicial authorities of Turkey may request extradition of a person located in a foreign State, for whom an arrest warrant have been issued, in order to finalise an investigation or prosecution or to execute a conviction decision.

(2) The extradition of a person may be requested for an offence which is punishable by imprisonment for a maximum period of at least one year. In order to make an extradition request concerning a finalized conviction, the duration of the imposed imprisonment sentence shall be at least four months. Where the person whose extradition is requested has committed more than one offence, these offences may also be included in the request, although the foreseen penalty some of them may be below the limit of the minimum period for imprisonment.

(3) The request shall be sent to the foreign State after being approved by the Central Authority. The Central Authority, however, may reject a request for extradition without sending it to the foreign State if:

a) The request does not fulfil the conditions required for extradition,

b) Applying extradition procedures, taking into account the time to be served in prison, would cause an explicit disproportion between personal and public interests,

c) The extradition may prejudice the national security or international relations of Turkey.

(4) In the event of transit and surrender of a person, concerning whom a decision of extradition to Turkey was rendered, through the territories of third countries to Turkey, where applicable, provisions of Articles 20 and 21 shall apply.

**PART FOUR**

**Transfer of Investigation or Prosecution**

**Transfer of Investigation or Prosecution**

**ARTICLE 23 –** (1) Pursuant to this Law and to the international agreements to which Turkey is a party, investigations or prosecutions conducted in Turkey may be transferred to foreign States, as well as investigations or prosecutions conducted for offences committed in foreign States may be taken over by Turkey.

(2) In the absence of any international agreement, investigations or prosecutions may be transferred or taken over under this Law by virtue of the principle of reciprocity.

**Transfer of investigation or prosecution to a foreign State**

**ARTICLE 24 –** (1) Transfer of investigations or prosecutions conducted for offences punishable by a minimum of one year imprisonment shall be allowed if,

1. the suspect or the accused is a national of a foreign state and therefore he/she cannot be present in Turkey or his/her defence cannot be obtained through legal assistance,
2. the transfer shall allow the revealing the truth as the suspect or the accused person, who is a national of Turkey, habitually resides in a foreign State or as the evidence are located in this State.

(2) Transfer of investigation or prosecution shall be requested by judicial authorities. Upon the approval of the Central Authority, the request shall be submitted to the related State. This procedure does not constitute an obstacle for conducting the investigation or prosecution. The request for transfer of proceedings shall be accompanied with a copy of the investigation or prosecution file and if necessary, with its translation. After the consent of the foreign State for transfer is obtained and upon request, property in the nature of evidence shall be submitted.

(3) In the event that the request for transfer of investigation is granted, irrespective of the conditions laid down in Article 171 of the Criminal Procedure Code and the consequences thereof, the initiation of the public lawsuit shall be postponed. If a lawsuit is initiated against the suspect by foreign judicial authorities, a decision of non-prosecution shall be rendered. If a lawsuit is not initiated, the investigation may continue provided that the grounds for the decision are assessed.

(4) Where the transfer of prosecution request is granted, the courts shall render a suspension decision. In the event that the accused is convicted by the foreign judicial authorities, the lawsuit shall be dismissed. Where a decision other than conviction is rendered, the prosecution may be continued provided that the grounds for the decision are assessed.

(5) Where the foreign State informs that has waived its decision on granting the transfer of the investigation or prosecution or where the Central Authority informs the relevant judicial authority that the transferred investigation or prosecution is not conducted properly, it shall be decided to resume the investigation or prosecution.

(6) Where delay of the investigation or proceedings could prejudice its outcome, prior to or along with the request for transfer of proceedings, the authorities of the requested State may be asked to apply any kind of provisional measures, including confiscation and detention.

**Taking over a investigation or prosecution**

**ARTICLE 25** – (1) Investigations or prosecutions conducted in a foreign State for offences committed abroad and requiring a sentence of imprisonment for a minimum of at least one year, which have not lapsed or pardoned under the Turkish law, may be taken over. However, the request for transfer shall not be granted if;

a) The person is not habitually resident in Turkey,

b) The person is not a Turkish national,

c) The offence has been committed outside the territory of the requesting State,

ç) The person has previously been tried in Turkey for the offence for which extradition is requested.

(2) Upon the approval of the Central Authority, the request for the transfer of the investigation or the prosecution shall be sent to the competent Public Prosecutor’s Office, which shall initiate an investigation on the offence subject to the transfer of the investigation or prosecution and conduct proceedings according to the results of this investigation.

(3) Investigation or prosecution proceedings conducted under the legislation of the requesting foreign State and the evidence obtained in the process shall be valid under the Turkish law.

**PART FIVE**

**Transfer of Execution of Sentences**

**Taking over execution of sentences**

**ARTICLE 26 -** (1) Convictions rendered by courts of foreign State may be executed in Turkey, provided that the following conditions are met:

a) The sentenced person is located in Turkey.

b) The conviction has become final.

c) The act for which the conviction has been imposed constitutes a crime under Turkish law and the statute of limitations has not lapsed.

ç) For punishments in the form of deprivation of liberty, unless otherwise decided by the Central Authorities, the convict's imprisonment sentence which remains to be served on the day of receipt of the request is not less than six months.

d) No criminal investigation or prosecution has been conducted in Turkey for the same offence.

(2) Upon its request for transfer of execution of a sentence, the authorities of the requesting foreign State shall be requested to submit the following documents:

a) a certified copy of the conviction decision,

b) the text of the relevant legal provisions serving as legal ground for conviction,

c) a document specifying the remaining sentence to be served,

ç) other information and documents necessary for the assessment of the request,

d) translation of the documents listed in this paragraph, if deemed necessary.

(3) Where it is found that the conditions for transfer are not met or the transfer threatens the national security or contradicts with the fundamental interests of Turkey, the Central Authority shall reject the request for transfer.

(4) Prior to receiving the request for transfer of execution, taking into account the offence for which the imprisonment sentence has been rendered, the amount of the punishment and the possibility of the person to abscond, upon the request of the foreign State and the approval of the Central Authority, the protective measures under Article 14 hereof shall be applied.

(5) The request for transfer of execution shall be forwarded to Ankara High Criminal Court for an adaptation decision to be rendered according to Turkish law. The Court shall designate within fifteen days the corresponding punishment under Turkish law for the act concerning which a conviction decision was rendered by the court of the foreign State. The term of the punishment calculated in this way may not exceed the duration of the punishment specified in the decision of the court of the foreign State. The adaptation decision may be appealed. The High Criminal Court shall also have the competence to order protective measures.

(6) The adaptation decision shall be submitted to the Central Authority to be forwarded to the competent authorities of the requesting State.

**Execution in Turkey**

**ARTICLE 27 -** (1) The Court which has rendered the adaptation decision shall be informed when the foreign State transfers the execution. The Court shall forward the decision to the Chief Public Prosecutor's Office in order to initiate the execution. The Court shall also forward a copy of the decision to the Ministry of Justice, Directorate General for Criminal Records and Statistics.

(2) The conviction imposed by the High Criminal Court shall be executed according to Turkish laws.

(3) Requests concerning the merits of the conviction shall be submitted to the state courts which have rendered decisions on the merits of the case. The decisions rendered shall be re-adapted by the High Criminal Court.

(4) If during the execution of the sentence, general amnesty or pardon is granted in the sentencing State or in Turkey, or if revoking or mitigating circumstances arise concerning the offense committed or the sentence, the High Criminal Court, which rendered the adaptation decision, shall render a decision on the legal status of the sentenced person.

**Transfer of execution**

**ARTICLE 28 -** (1) The Chief Public Prosecutor's Office may request the execution of convictions rendered by Turkish courts in foreign States, provided that the following conditions are met:

a) The sentenced person, who is located in the State to which the execution shall be transferred, is a national of or has strong social ties with this State.

b) The imprisonment sentence is finalized.

c) The act for which the conviction has been rendered is a criminal offence punishable under the laws of the foreign State.

ç) For imprisonment sentences, unless otherwise decided by the Central Authorities, the convict's imprisonment sentence which remains to be served on the day of receipt of the request is not less than six months.

d) The Central Authority has granted its approval.

(2) Sentences of sentenced persons which have been executed by imposing probation measures may be transferred.

(3) The request for transfer of execution does not constitute a hindrance for continuing the execution of the imposed sentence.

(4) Where it is considered that the transfer shall not serve the purposes of criminal justice or that it threatens the national security or contradicts with the fundamental interests of Turkey, the Central Authority shall reject the request for transfer.

(5) The request to be forwarded to the foreign State authorities shall be accompanied by:

a) a certified copy of the conviction decision,

b) the text of the relevant legal provisions serving as legal ground for conviction,

c) a document specifying the remaining sentence to be served,

ç) other information and documents necessary for the assessment of the request,

d) translation of the documents listed in this paragraph, if deemed necessary.

(6) In order for the execution to be transferred, the State to which the execution is to be transferred shall be requested to inform how the execution is going to be conducted. In accordance with the information received, the request for transfer may be revoked by the Chief Public Prosecutor's Office upon approval by the Central Authority.

**Consequences of the execution in a foreign State**

**ARTICLE 29 -** (1) The Central Authority shall request the foreign State to provide important information such as the circumstances that may arise during the execution process and completion of the execution or absconding of the sentenced person. Information received by the Central Authority shall be forwarded to the Public Prosecutor's Office.

(2) Complete execution or revoking the execution in whole or in part shall bear the same consequences under Turkish law.

(3) Where the foreign State does not or is no longer able to execute the sentence, the execution proceedings shall be continued in Turkey.

**PART SIX**

**Transfer of Sentenced Persons**

**Transfer of sentenced persons to Turkey**

**ARTICLE 30 -** (1) The sentenced person who has been sentenced by a foreign court and who is currently serving his imprisonment sentence may be transferred to Turkey for the execution of the sentence only if all of the following conditions are met:

a) The sentenced person is a Turkish national or has strong social ties with Turkey.

b) The sentenced person or his legal representative has consented to the transfer.

c) The imprisonment sentence is finalized.

ç) The act for which the sentence has been imposed constitutes an offence under Turkish law.

d) Unless otherwise decided by the Central Authorities, the sentenced person's imprisonment sentence, which remains to be served on the day of receipt of the request, is not less than six months.

(2) If the sentenced person, his/her legal representative or his/her relative requests his/her transfer to Turkey, the authorities of the foreign State shall be required to provide the following documents:

a) a certified copy of the conviction decision,

b) the text of the relevant legal provisions serving as legal ground for conviction,

c) a declaration of consent for transfer by the sentenced person or his legal representative,

ç) a document specifying the sentence to be served,

d) medical reports on the health of the sentenced person, diagnosis and prescriptions for his/her treatment, wherever appropriate,

e) translation of the documents listed in this paragraph, if deemed necessary.

(3) The request for transfer may be rejected by the Central Authority, if it is considered that the conditions for transfer are not fulfilled, or that the transfer will not contribute to the social rehabilitation of the sentenced person, that it does not serve the purposes of criminal justice or that it contradicts with the national security or the fundamental interests of Turkey.

(4) The Minister of Justice shall decide on the transfer of sentenced persons.

**Execution in Turkey**

**ARTICLE 31 -** (1) When the request for transferring the sentenced person is granted, the sentenced person and the foreign authorities shall be informed about the period of time he/she will serve in prison. When the foreign State and the sentenced person consent to the transfer, the sentenced person shall be brought to Turkey. The sentenced person shall be surrendered to the Public Prosecutor's Office along with his/her transfer file. The Public Prosecutor's Office shall communicate the information concerning decision whose execution has been initiated to the Ministry of Justice, Directorate General of Criminal Records and Statistics.

(2) The execution of the sentence shall be executed in accordance with Turkish laws.

(3) Requests concerning the merits of the conviction shall be submitted to the state courts which have rendered decisions on the merits of the case; the decisions rendered shall be executed in accordance with Paragraph 2.

(4) If during the execution of the sentence, general amnesty or pardon is granted in the sentencing State or in Turkey, or if revoking or mitigating circumstances arise concerning the offense committed or the sentence, the High Criminal Court of the jurisdiction where the sentenced person is located shall render a decision on the legal status of the sentenced person.

**Transfer of sentenced persons from Turkey**

**ARTICLE 32 -** (1) The sentenced person who has been sentenced by a Turkish court and who is currently serving his imprisonment sentence may be transferred to a foreign State for the execution of the sentence only if all of the following conditions are met::

a) The sentenced person is a national of the State of transfer or has strong social ties with that State.

b) The sentenced person or his legal representative has consented to the transfer.

c) The imprisonment sentence is finalized.

ç) The act for which the sentence has been imposed constitutes a crime under the laws of the State of transfer.

d) Unless otherwise decided by the Central Authorities, the sentenced person's imprisonment sentence, which remains to be served on the day of receipt of the request, is not less than six months.

(2) If the sentenced person, his/her legal representative or his/her relative requests his/her transfer from Turkey to another State, the following documents shall be provided the authorities of that state:

a) a certified copy of the conviction,

b) the text of the relevant legal provisions serving as legal ground for conviction,

c) a declaration of consent for transfer by the sentenced person or his legal representative,

ç) a document specifying the remaining sentence to be served,

d) medical reports on the health of the sentenced person, diagnosis and prescriptions for his/her treatment, wherever appropriate,

e) translation of the documents listed in this paragraph, if deemed necessary.

(3) The request for transfer may be rejected by the Central Authority, if it is considered that the conditions for transfer are not fulfilled, or that the transfer will not contribute to the social rehabilitation of the sentenced person, that it does not serve the purposes of criminal justice or that it contradicts with the national security or the fundamental interests of Turkey.

(4) If the sentenced person has a fine imposed on him in addition to his imprisonment sentence, the fine should be paid off in order for the transfer to be granted. If the fine remains outstanding, the remaining amount shall be converted into days in prison. The part of the imprisonment sentence that the sentenced person served in Turkey shall be added to the days in prison, converted from the fine. If the duration which the sentenced person has spent in prison fails to correspond the imprisonment duration converted from the fine, it shall be added to the imprisonment term. The duration of the imprisonment thus calculated shall be communicated to the foreign State and if approved by that State, transfer shall be granted.

(5) For the request for transfer to be granted, the court costs must have been paid off. However, if it is considered that the sentenced person is unable to pay the court costs, transfer may be granted without paying the court costs.

(6) The State of transfer shall be asked to provide information about the duration and the manner of execution of the imprisonment of the sentenced person. This information shall be communicated to the sentenced person.

(7) The Minister of Justice shall decide on the transfer of sentenced person upon the consent of the foreign State.

**Consequences of execution in a foreign State**

**ARTICLE 33 -** (1) The Central Authority shall request the foreign State to provide important information such as the circumstances that may arise during the execution process and completion of the execution or absconding of the sentenced person. Information received by the Central Authority shall be forwarded to the court which has rendered the decision.

(2) Complete execution or revoking the sentence in whole or in part by the foreign State shall bear the same consequences in the Turkish law.

(3) Where the foreign State cannot execute the sentence, the execution proceedings shall be continued in Turkey.

**PART SEVEN**

**Miscellaneous and Final Provisions**

**Expenses**

**ARTICLE 34 -** (1) Expenses incurred during the execution of requests for judicial cooperation under this Law shall be borne by the executing State, unless otherwise agreed by the Central Authorities.

(2) In the case that request for extradition is submitted for concluding an investigation or prosecution, the expenses incurred for the execution of the request shall be considered as proceeding costs. In cases where requests for extradition are submitted for the purposes of execution of conviction, the expenses incurred for the execution of the request shall be paid within one month along with the default interest rate, calculated according to the Procedural Law on Collection of Public Receivables no. 6183, dated 21/07/1953, for the time elapsed from the day of its payment until the day of its collection. This information shall be conveyed to the sentenced person by the Public Prosecutor’s Office. If no payment is effected during this period, the Public Prosecutor’s Office shall inform the related tax office of these receivables for follow up and collection according to the provisions of the Procedural Law on Collection of Public Receivables.

(3) Expenses for the transfer of the sentenced person from the State of location to Turkey shall be borne by the sentenced person. These expenses shall be deposited by the sentenced person or by another person in his name to an account opened for this purpose by the Ministry of Justice. If it is determined that the sentenced person is unable to afford the expenses, the transfer expenses may be paid from the allowance in budget of the Ministry of Justice, taking into account the nature of the offence, its benefits to the public, the prison conditions in the State of location of the sentenced person and the remaining time to be served in prison. The calculation of transfer expenses with regard to the appointed officers shall be made according to the provisions of the Law on Travel Expenses dated 10.02.1954 and numbered 6245.

**Bylaws**

**ARTICLE 35 -** (1) Bylaws concerning the application of this Law shall be enacted by the Ministry of Justice.

**Abolished legislation**

**ARTICLE 36 -** (1) As of the day of entry into force of this Law, the following laws shall be abolished:

1. Article 3 of Law No.2080, dated 01.03.1977, on Ratification and Adoption of the European Convention on the Transfer of Proceedings in Criminal Matters,
2. Article 4, paragraph 1 and 3, and Article 5 of Law No.2081, dated 01.03.1977, on Ratification and Adoption of the European Convention on the International Validity of Criminal Judgments,
3. Law No.3002, dated 08.05.1984, on Execution of Sentences of Foreign State Courts on Turkish Nationals and of *Turkish Courts* on Foreign Nationals
4. Article 18 of the Criminal Code of Turkey No.5237, dated 26.09.2004.

**Entry into Force**

**ARTICLE 37 -** (1) This Law shall enter into force on the day of its publishing.

**Execution**

**ARTICLE 38 -** (1) This Law shall be executed by the Council of Ministers.

04/05/2016