

F3 Judicial Aspects of Suicide Inducement in the Turkish Judicial System and a Review of the Erol Cetin Case

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Learning Overview: After attending this presentation, attendees will have a tool for comparative analysis of judicial aspects of suicide inducement and its application in Turkey.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by providing an insight about the judicial aspects, code of conduct, and case report of suicide inducement in the Turkish judicial system.

Suicide has been interpreted in different forms throughout history. In general, it is considered as a violation of social order and rules and as a threat thereto. One who commits suicide is considered to be an offender both from religious and social points of view and thus, they are ostracized. All suicidal attempts are associated with multiple reasons, and social and individual influences are thought to play a role in such attempts. Since suicide, described as an individual's will to end his/her own life, is no longer considered as a crime, any involvement in a suicide attempt of such an individual is also excluded from punishment. To close this gap, suicide inducement is regulated as a crime in its own right. As a matter of fact, Article 84 of the Turkish Penal Code, Article 115 of the Swiss Penal Code, Article 78 of the Austrian Penal Code, and Articles 223-13 and 223-14 of the French Penal Code stipulate sanctions thereof. However, it is interesting that in contrast to other countries, in German Criminal Law, suicide inducement is not regulated as a crime and therefore, just like suicide itself, suicide inducement or providing the means therefor are also not punished. In Germany, the issue is handled within the framework of the causal agency. No one can be punished due to attempting to commit suicide. Because in such a case, a suicidal person will be put under pressure through punishment norms, and thus will be induced to commit suicide. If it is opted to punish an individual with suicidal tendencies, this will incite a person to commit suicide and achieve a result thereof. As it is not possible to recognize such sanction, such an approach will not be welcome by the function of Criminal Law. Suicide inducement is regulated by Article 84 of the Turkish Penal Code; it can be committed as an immoral offense.

If an individual commits suicide, the suicide inducer will be punished more severely. For a milder form of suicide inducement, the punishment is imprisonment for two to five years if a suicide attempt does not result in death, whereas if it results in death, it is stipulated that imprisonment will be four years to ten years. The instigator (involved in stimulation intention and decision-making by a suicidal person), inducer (involved in decision-making by a suicidal person), or the ones who intensify such a decision or help the suicide be committed will be punished. Suicide inducement is a crime in the nature of a willful act, and the offender may have committed a concrete part of such a crime by being involved in acts set forth in Article 84/1 of Turkish Penal Code. In the case that a causality relation cannot be established between suicide and suicide inducement, it will not be possible to talk about such a crime as suicide inducement. Suicide inducement is committed with a general wrongful intention. The causality relationship should be established between suicide inducement, a suicide attempt, and a suicide, and, secondarily, the inducer of suicide should have a wrongful intention thereof. For determining qualification of a suicide inducement act, the person influenced by such an act should have at least attempted to commit suicide. In such a case, suicide inducement is not eligible for an attempt, for such a crime to be called, the existence of attempter of suicide influenced by the inducer of suicide is a must, and such an outline is set forth in Article 84/1 of Turkish Penal Code, which regulates milder forms of suicide inducement. If an offender induces more than one person to commit suicide through the instrument of the same concrete act, the degree of punishment will be increased since the same crime is committed against multiple individuals.

Two offenders, who induced Erol Çetin to jump from the Bosphorus Bridge in İstanbul, Turkey, on August 3, 2016, are currently being tried in court and are expected to be convicted.

Suicide, Suicide Inducement, Sanctions of Suicide Inducement