

BLACKMARKETING IN TURKEY



prepared by

39 ABW/JA
THE LEGAL OFFICE



Military members and civilians assigned to overseas bases and their dependents who are entitled to BX and commissary privileges need to be especially cautious of engaging in activities that could be considered blackmarketing. A "better safe than sorry" motto is the best one to follow. Here is a simple definition you can use: *Any time you give, sell or transfer, any item to a Turkish national (or anyone else not entitled to duty free goods) that was not purchased on the Turkish economy, you are blackmarketing.* That said, there is a customary de-minimus exception for consumable items only, that are given gratuitously, such as having your Turkish friends over to your house for dinner or the offer of a cigarette or drink to a Turkish friend.

AAFES and the Commissary import items for which Turkish customs duties have not been paid. The use and consumption of these items is permissible to the extent it is limited to those entitled to receive duty-free items, e.g., servicemembers and their dependents. The duty-free status of these items creates a great disparity in price between what AAFES and the Commissary charge versus what the item would cost on the Turkish economy, where some items sell for several times the price paid at the BX, the Shoppette and the Commissary. This disparity in price creates an incentive for Turkish locals to try and persuade base personnel to transfer these items onto the Turkish economy -- to "blackmarket" duty-free items to individuals not entitled to duty-free goods.

Although airmen may be tempted to take advantage of this price disparity and try to sell duty-free items for a promised profit on the Turkish economy, the practice is illegal. USAFEI 51-707, 11 Mar 04, paragraph 2.1, makes blackmarketing an offense punishable under Article 92 of the UCMJ. In addition to being illegal, airmen who begin to provide duty-free items to Turkish individuals not eligible to purchase them from the BX and

Commissary are susceptible to being exploited for further wrongdoing, as there is some indication that elements of Turkish organized crime exploit unwary servicemembers to provide duty-free items to them. Airmen who are convinced to purchase items for Turkish nationals may later find themselves threatened with prosecution under Turkish law, reporting to his chain of command or threats of bodily injury. Rarely do the airmen ever see any of the promised profit.

Beyond being illegal and creating the very real possibility of interacting with unsavory local characters, airmen who blackmarket also endanger our ability to make purchases of items not subject to the customs duties. Our ability to bring items into Turkey without paying customs duties on them may be hindered if there is evidence that we are not ensuring that only the eligible personnel are consuming the duty-free items.

There are times during your assignment to Incirlik when you may be tempted to offer gifts to please your local friends or not know how to refuse when asked for goods by your landlord who has always been helpful and nice to you. The easiest, smartest and only lawful thing to do is to say "no." The ration card system plays a role in limiting the likelihood of blackmarketing. In fact, under Air Force regulation, even buying goods in quantities more than your personal needs can be a punishable offense.

The punishment by Turkish and American authorities for blackmarketing is severe. For simple smuggling (the term used in Turkish law), there is a jail term of up to 5 years. For those who conspire to smuggle (cooperate with another in smuggling) the punishment is 7-15 years imprisonment. Punishments also include payment of customs tax and confiscation of the items. Air Force members face punitive or administrative action by their

commanders. Dependents and civilians face revocation of shopping privileges and ultimately the loss of command sponsorship and barment from the installation.

Help us get the word out that not only is it illegal to “blackmarket” items from the BX, Shoppette or Commissary (whether here at Incirlik AB, at Izmir AS or Ankara) – it’s also a scam that rarely leads to the promised “payoff.” Instead, the willingness of the member to blackmarket once or twice is used to extort the member to pay off the locals for “quiet” money and to continue to illegally

blackmarket items. Encourage members to come forward to their first sergeant, the area defense counsel or the chaplain if they have fallen prey to this scam. There is a real concern for the member’s safety and the threats and coercions on the member are sure to increase. Considering the consequences, blackmarketing is not worth the risk. Help educate others by explaining what blackmarketing is, and its consequences. It is best to be smart now, rather than sorry later. If you have further questions regarding blackmarketing, contact the legal office at 676-6800.