



**SCREENING CHAPTER 24
JUSTICE FREEDOM AND SECURITY**

AGENDA ITEM 6B: POLICE COOPERATION

**Country Session: Republic of TURKEY
13 – 15 February 2006**



INSTRUMENTS FOR OPERATIONAL POLICE COOPERATION

- Turkish Criminal Code, No. 5237
- Code on Criminal Procedure, No. 5271
- Law on Prevention of Violence and Disorder In Sport Events, No. 5149
- Regulation on Prevention of Violence and Disorder In Sport Events, Official Gazette No. 2005 – 25705
- Regulation on Prevention of Violence and Disorder In Sport Events, Number: 2004 / 7755
- Regulation on Body Examination, Genetic Investigation and the Identification, Official Gazette No. 25832
- Regulation on the procedures and essentials concerning monitoring Counterfeit Banknotes, No. 2005 – 25901



The Law on Prevention of Violence and Disorder In Sport Events

- The relevant federations are authorized as responsible units in coordinating with the Local Sport Security Boards to ensure the safety and security of the sportsmen and spectators and to implement the requirements of the relevant international federation.
- A databank was established for the prevention of hooliganism, identification of suspects, determination of proofs and follow up the fines.
- These data shall be submitted to the relevant federations every three months.



The Law on Prevention of Violence and Disorder In Sport Events

- Sport clubs, Supporter Associations and Federations have to provide all information requested by the security bodies.
- The law defined the acts which constitute crime in the sport events.
- Foreigners, violated the bans set out in the law, shall be deported by informing their diplomatic missions.



Tackling Vehicle Crime with Cross-Border Implications

- Turkish Criminal Code foresees different punishments for motor vehicle thefts committed in open or closed areas. The central database of stolen motor vehicles consists of stolen Turkish motor vehicles and stolen foreign plated vehicles which entered Turkey.
- Turkey is one of the member states of the SECI and has conducted various Road Show Operations with the participation of Albania, Macedonia, Bulgaria, Hungary, Romania, Serbia, Greece and Moldova since 2004.



DNA

- DNA profiles obtained during crime scene investigation are being kept in accordance with article 14 of Regulation on Body Examination, Genetic Investigation and the Identification.
- DNA profiles only obtained during crime scene investigation have been digitally kept since 2003. DNA profiles obtained from suspects and accused have to be destroyed in the presence of public prosecutors at the end of the DNA analysis.
- Molecular genetic analysis on the samples taken from persons (suspects-victims etc.) can only be done with a court/judge decision. Samples for DNA analysis can only be taken from the suspects whose crimes have to require imprisonment of 2 years and more. Results of analysis are considered personal data and therefore can not be used for any other purpose.
- National Programme envisages to establish a DNA data bank.



WITNESS PROTECTION

- Article 58 of the Turkish Code on Criminal Procedure (CCP) foresees the measures to be taken with respect to the confidentiality of identity and safety provisions for witnesses to be arranged in a separate law.
- In accordance with this provision of CCP, a preliminary draft law on witness protection is being considered by the Office of the Prime Minister.



INFORMATION SYSTEM CRIMES

The related articles of TCC concerning Information System Crimes are as follows;

- Articles 135, 136, 138. 243 and 244.
- Article 243 “accessing in part or in whole an information system illegally or continuing to remain there” crime .
- In addition acts damaging to information systems and data are defined as crimes.
- Finally gains obtained illegally through information systems are considered as crimes by article 244 / 4.



CYBER CRIMES (RACIST AND XENOPHOBIAN CRIMES)

There is no corresponding Turkish Legislation dealing with racism, xenophobia etc. committed through Internet. As mentioned before, a preliminary draft Law named “Cyber Crimes” is in process.

- However, TCC/216 addresses such crimes generally. According to it, “Acts degrading anyone on the ground of race, class, sect, gender or regional differences are accepted as crimes. The sentence for such crimes is from six months up to one year imprisonment.