

Non-exhaustive list of issues and questions to facilitate preparations for the bilateral meeting with Turkey in the area of Chapter 24 – Justice, freedom and security

Migration/ Asylum

- Which are currently the precise geographic limitations that Turkey follows in accepting and refusing asylum applications (for instance asylum seekers from Caucasus region, including the regions of the Russian Federation)? Will the geographic limitation be completely lifted only in 2012 or may this at certain conditions (which ones?) take place earlier?
- What happens to people in need of international protection having their asylum application rejected due to the geographic limitation? Do you assess the reasons of his/her request? Do you treat the person as any other apprehended illegal migrant? What are the acts regulating this kind of situations?
- Before returning an apprehended illegal migrant or a rejected asylum seeker to a country of readmission, how do you manage to assess that the person is not at risk of ill treatment, persecution and death penalty etc. in the return country (European Convention of Human Rights). Please describe the system in place to notify the person that he/she will be deported; whether he/she has the possibility to lodge an appeal; whether his/her freedom of movement is restricted following the decision of expulsion or if there are cases where the return can be voluntary. What is the maximum length of detention for an apprehended illegal migrant under the law and what happens if the deadline has past.
- Please specify the current institutional setting in your asylum system (who does what in receiving an asylum application, taking care of collecting any valuable information on the request, deciding on it, managing the appeals, administering the asylum seekers pending the examination of his/her request). Please explain what is and will be the autonomy of those having to take the decisions both in the current and in the future institutional setting.
- Please specify when and how the institutional organisation (the distribution of tasks and roles among the various State bodies involved) will change. What are the problems identified with the current organisation? Is the decision-making process is transparent? Does UNHCR or specialised NGOs or lawyers at the request of the asylum applicant have access to the file and know about the reasons of a possible asylum request rejection?

Co-operation in the field of drugs

- Does your country have a National Drugs Strategy/Action Plan that is in line with the EU Drugs Strategy (2005-2012) and EU Action Plan on Drugs (2005-2008)? Is there a budget foreseen for the implementation of the Strategy/Action Plan? Does the Strategy/Action Plan include an element of evaluation?

- Are there formal arrangements to ensure the cooperation between authorities in the drugs field (e.g. an inter-ministerial drugs group)? Are there arrangements regulating the practical cooperation between law enforcement bodies (e.g. police, border guard, customs) and which format do they take (e.g. Memorandum of Understanding)? Any information on the functioning and outcome of such cooperation would be appreciated.
- Is there a system for the collection of drug related data according to the standards of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)? Is there a functional Focal Point for the Reitox network of the EMCDDA and what is the legal status for the focal point?
- Is there a system for detecting and analysing new psychoactive substances? What is the procedure for placing new substances under control?
- What types of programmes are there for the prevention and reduction of health related harm associated with drug dependence (e.g. methadone programmes, needle exchange etc) and how are these programmes regulated?

Customs co-operation

What is the organisation of the customs bodies responsible for the prevention, detection and investigation of criminal offences? Please describe:

- Legal status and operational structure
- Specific control procedures
- Co-ordination and co-operation with other involved services (police, border guard, other services / agencies)
- Please describe the training of law enforcement customs officers.
- Is there an integrated computer system in place?
- Which databases and registers are in place (e.g. stolen vehicles, missing persons etc.)?
- Which measures are taken to ensure the integrity of customs officers?

Police co-operation and fight against organised crime (incl. trafficking in human beings)

- How does the coordination between different law enforcement bodies as well as between law enforcement bodies and the judiciary work? Describe your national rules on information exchange between police, customs and other law enforcement bodies.
- Please describe standards for police ethics and oversight structures (including auditing and evaluation)? Does the police have independent control and budget powers?

- Which bi- or multilateral agreements on police cooperation are you a party to? Outline the content of these agreements?
- Does your legislation include specific rules on cross-border surveillance and cross-border hot pursuit? If yes, which kind of limits must law enforcement authorities from another country respect when acting within their territory? Are there space/temporal limits? Have the foreign authorities the right to challenge, apprehend and arrest? Are they allowed to carry their weapons?
- How does information exchange with law enforcement authorities of other countries work? Are new technologies used in these exchanges? Do they already have a centralised information exchange through a national contact point? Are there any initiatives to allow for wireless communication with police and similar bodies at the other side of the border?
- Does any police or judicial database exist that contains data on issued and blank passports that are stolen, lost or misappropriated? Do the competent law enforcement authorities of your country exchange such data with the Interpol Stolen Travel Document database? Do the competent law enforcement authorities of your country query the Interpol Stolen Travel Document database?
- What kind of steps have already been or will be taken in your country, in accordance with national law, to enhance mutual cooperation between national competent authorities in order to combat cross-border vehicle crime? Do your national competent authorities involve, where appropriate and in accordance with national law, the private sector with a view to coordination of information and mutual alignment of activities in this area? What measures have been taken by the national competent authorities in order to prevent abuse and theft of vehicle registration documents?
- Which national provisions have been taken in the framework of the cooperation agreement to ensure the dissemination of Europol products or information to the relevant operational units and law enforcement forces of Turkey, and to ensure that Europol receives all the relevant information from the field?
- Do you intend to detach a liaison officer to Europol?
- How do you foresee to raise awareness of the possibilities and products of Europol among the Turkish law enforcement agencies?
- Can you please provide statistics regarding the implementation of the cooperation agreement signed in May 2004 (Volume of information sent to Europol? In which fields of crime? Information or products received? Use made of them?).
- What are the main elements of your policy dealing with organised crime? Have you adopted a strategy?
- Is there a system allowing for confiscation/seizure of proceeds from crime?

- What are the existing procedures for combating financing of terrorism and its link with organised crime (proceeds of crime) especially financial crime? Have you adopted a strategy in this area?
- Describe the specific institutions/bodies/departments/court chambers set up to fight organised crime (including data on staff, budgetary allocations and equipment in this area). How do you ensure special training of law enforcement officers including prosecutors and judges in this area?
- How do you co-operate internationally in fighting organised crime and how do you ensure national coordination in this combat?
- As concerns data retention, how long are communications stored in your country?

What is the punishment for leading an organised crime group? How do you define organised crime?

Trafficking in human beings

- Is trafficking in human beings for sexual or labour exploitation a punishable act according to your national law? What penalties are possible for such offences? What are the rules for instigation, aiding, abetting and attempt? In which circumstances are the offences concerned punishable by terms of imprisonment with a maximum penalty not less than eight years? Please describe the provisions on liability of and sanctions on legal persons for the offences concerned?
- Do you establish jurisdiction for offences committed outside the national territory?
- Are investigations into or prosecution of the offences concerned dependent on the report or accusation made by the victim?
- Are there any specific provisions regarding particularly vulnerable groups, notably children?
- What are the rules concerning assistance to victims?
- Please describe the provisions concerning the sexual exploitation of children and child pornography. How are the offences concerned defined? What penalties are possible? What are the rules concerning liability of and sanctions on legal persons? What are the rules concerning jurisdiction and prosecution?

Judicial co-operation in criminal matters

- The principle of mutual recognition is a cornerstone of judicial co-operation and it is essential that you recognise and accept this principle. Could you please explain if this poses any problems in your country? If yes, what kind of problems, and how you plan to overcome these obstacles?
- What types of measures are foreseen to implement the European Arrest Warrant (e.g. are amendments to the Constitution necessary)?

- What type of measures do you intend to take in preparation of participation in Eurojust (specific new law, revised existing legislation, regulation or soft law)?
- Do you foresee any difficulties in your implementation of the agreement between the EU and Iceland and Norway on the application of certain provisions of the Convention of 2000 on Mutual Assistance in Criminal Matters between the Member States of the EU and the 2001 Protocol thereto concerning the signature of the agreements between the EU and the US on extradition and mutual assistance in criminal matters? Do you have any bilateral treaties in force with Iceland, Norway or the United States of America on extradition and mutual assistance in criminal matters?

Fight against terrorism

- How do you address the threat of terrorism? Do you have a comprehensive approach or is there a preference for specific measures?
- How does political co-ordination of counter terrorism efforts take place?
- What national arrangements are in place to ensure strong inter-agency co-operation in the fight against terrorism?
- How is information/intelligence in relation to terrorism exchanged with international partners?
- Are the law enforcement agencies and security/intelligence services able to make use of special investigative techniques to prevent and combat terrorism ? If so, please briefly describe the legal basis etc.
- What national crisis management arrangements are in place?
- How does your country comply with the strategic commitment of the EU Counter-Terrorism Strategy – “To combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in freedom, security and justice”?
- Please describe existing or planned legislative alignment with the Framework Decision on combating terrorism? How is the legislation implemented in practice?
- What is the status of the ratification process of international conventions and instruments in respect to terrorism? What are the practical implications of the ratification?

The Schengen acquis and implementation mechanism

- At this stage of the accession process it can be considered premature to install SIS II compatible systems as these systems will not have to be operational by the day of accession, but only at the time when internal border controls are lifted. However, we would like to have information about

your strategy for putting in place national large-scale IT systems and information networks (that can be upgraded to be compatible with SIS II at a later stage) for police and immigration purposes in particular at the border, including what is already in place, what is planned and the financial resources allocated for this purpose.

Visa policy

- Do you have a strategy/timing for harmonisation with the EU visa lists?
- What is the current number of visa issuing diplomatic posts or consular missions of your country?
- What types of visas are issued and where (consular structure/at the border)? In which cases are visas issued at the border?
- Are different fees requested for different types of visas - or is a "flat" rate applied? What are the fees applied currently?
- What is the average time for processing visa applications? Do you have a maximum processing time provided for by legislation?
- Are refusal of visa applications notified (if so, how?) to the applicant, and is the refusal motivated (if so, how detailed are the grounds given?). Is there a possibility of appeal against refusals (if so, what type of procedure is foreseen: administrative or before a jurisdiction?)
- Are statistics compiled on visas applied for, issued and refused (including at the border)? If so, please submit statistics for 2004 and 2005.

External Borders

- Which authorities (at Ministerial level) are involved in border management? Which are the services responsible?
- Which is the authority/service having the main responsibility for border management?
- How is cooperation between the various authorities/services ensured? Are there specific structures/agreements in place to organise such cooperation?
- Do you motivate refusals of entry? Is there any appeal procedure foreseen (if so, what type: administrative, jurisdictional?)
- Do you dispose of reliable statistics on border traffic, as well as on refusals of entry? If so, please submit statistics for 2004 and 2005.

Counterfeiting of the euro

N.B. All article references are to Framework Decision of 29 May 2000 except where noted.

- Accession to the 1929 International Convention on Counterfeiting (Art. 2)?
- Offences (Art. 3-5). Are the following criminalised: Making or handling counterfeit currency? (see Art. 3(1) for specific requirements) Instigation of, participation in and attempt of such conduct? Fraudulent manufacture using legal means? (see Art. 4) including legal currency that is not yet issued, but is designed for circulation? (Art. 5b)
- Penalties (Art. 6 of Framework Decision 6 December 2001). Is it ensured that such offences are punishable by effective, proportionate and dissuasive criminal penalties? Extradition is possible as a result? Imprisonment for a maximum term of at least 8 years is a penalty for offences under Art. 3(1)(a)?
- Jurisdiction (Art. 7). Is it ensured that there is jurisdiction over: all of the above offences, whether committed in whole or part within that country's territory? In relation to the euro: all offences irrespective of the offender's nationality or the country in which the offence was committed?
- Liability and sanctions of legal persons (Arts. 8 and 9). Is liability and sanctions of legal persons provided, covering also all of the above offences?
- Recognition of previous convictions (Art. 1). Do sentencing procedures take into account previous convictions and sentences handed down in other states for the offences set out above?
- Implementation (Art. 11). Has the text of the national provisions transposing the above obligations been sent to the General Secretariat of the Council, the Commission and the European Central Bank?