

International Cooperation in Combating Transnational Crime

The statement of Seref Onal from Turkish Delegation

The valuable document, A/CONF. 187/6 examines in detail various aspects of transnational organized crime. My Delegation appreciates the great efforts made by U.N. to prepare an international convention in this field. This convention will enable the international community to make a common response to this kind of sophisticated crimes. It is expected that once in Arce, this convention should develop methods for revealing and dismantling international criminal organizations in which more than one country are involved.

Turkey is already contracting party to the existing international conventions in the field of mutual assistance in criminal matters. Furthen-nore, it has concluded some 40 bilateral agreements with other countries on terrorism, crime and drug-related issues. In accordance with its criminal policy Turkey took actively part in the deliberations of the future U.N. Convention.

As rightly pointed out in the report contracting parties have to adapt their existing legislation and improve the operation of criminal justice systems in order to comply with their obligations under the new convention.

As far as Turkey is concerned, we already did our work in regard to the compliance with the convention. Namely, new Turkish Law on the Prevention of Profit-Oriented Criminal Organizations has been enacted on 30 July 1999. This Law is jointly elaborated by the Ministries of Justice and Interior. In this connection the draft U.N. Convention on Organized Crime has been taken into consideration particularly. For instance, the new law applies to any person who establishes, directs or acts on behalf of a criminal organization which has certain tasks or purposes, such as controlling or influencing institutions, enterprises, public administration or services, media, obtaining illegitimate profits or applying certain special methods, like use of violence. The law provides not only criminal punishment for such activities but also variety of procedural measures to investigate them. Also the law provides other provisions such as clandestine surveillance, confiscation, protection of witnesses and officers which are fully comply with those contained in the U.N. draft.

Furthermore, in 1996, the Turkish Parliament passed a Law, on Money Laundering and Narcotic Drugs. This law introduced controlled deliveries

and allowed the Ministry of Finance to establish a specialized department responsible for investigation of financial crime. The Law provides among others effective legal provisions in respect of confiscation and seizure which enables the authorities to deprive criminals of the fruits of their illicit activities.

In short, Turkish legislation in this field fully complies with international standards, and the government is continuously trying to harmonize domestic legislation to that of international standards.

In this connection, my Delegation would like to draw your attention to a particular problem. As you know, criminals often flee the country where the act is committed and find safe heavens in other states. Therefore, their extradition is particularly effective measure for international cooperation in combating transnational crime.

However, under the existing extradition and mutual assistance conventions and in factual practice in the criminal field extradition is not granted if the offence underlying the request considered as a political one. If we look at the practice of states there is an increasing tendency for considering the criminal acts as political offence, which hinder their extradition.

The principle of the vicarious administration of justice, which provides that if a state refuses to extradite an individual, that state shall prosecute him as long as the conduct involved serious and punishable offence according to its law.

The solidarity among nations attempting to combat international and transnational crime requires that states be ready for the application of the principle *aut dedere aut punire*, namely extradite or prosecute.

The Turkish Criminal Code adopts the principle of territoriality as a general rule, with few exceptions. In order not to let criminals go unpunished, a crime committed outside Turkish territory, by foreigners or against them, will be prosecuted and punished in accordance with the Turkish Criminal Code. Thus, the Turkish law recognizes the principle of *cc aut dedere aut iudicare*".

Furthermore, in most cases it is observed that requested states easily grant the refugee status to criminals. This is an other obstacle for the implementation of Extradition and other relevant conventions. In such cases, the extradition procedure should prevail to asylum procedure and in any event, asylum should not be granted before the extradition procedure is concluded.

We hope and expect that the new U.N. Convention will be implemented in the spirit of cooperation and in good faith and remove these kinds of obstacles.

Another point which my Delegation would like to underline, is the illicit drug trafficking which is closely linked with terrorism, trafficking in arms and transnational organized crime.

It is well known that the Turkish Police and Gendarmerie have struggled for years successfully with illicit drug trafficking. They have a big experience in this field and seize each time quantities of drugs originating other countries that otherwise would have reached distant countries.

My Delegation is pleased to announce that in cooperation with the UNDCP, an International Law Enforcement Academy will soon be set up in Turkey. Thus, Turkey will be in a position to share its knowledge and expertise with other countries of the region. The Academy will provide training to the agencies of the countries of the region on combating drug trade. The Academy should inter alia:

- focus on real problems, such as communications, intelligence and cooperation between States,

- develop strategies in combating drugs trade, transnational organized crime and money laundering.

The Academy will also serve to facilitate, establish and improve regional and international cooperation.

We would like to invite the States, in particular those of the region, to cooperate and to take part in the training programmes of the Academy.