

2016/14136816-TURKUNO DT/11030137

The Permanent Mission of Turkey to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations and, with reference to the Latter's Note No. LA/COD/2 dated 14 March 2016, has the honour to enclose herewith its contribution to report of the Secretary-General to be prepared in pursuant of the General Assembly Resolution 69/120 of 10 December 2014 entitled "Status of the Protocols Additional to the Geneva Conventions and relating to the protection of victims of armed conflicts".

The Permanent Mission of Turkey to the United Nations avails itself of this opportunity to renew to the Office for Legal Affairs of the United Nations the assurances of its highest consideration.

New York, 10 June 2016

Encl: As stated.

Office for Legal Affairs
United Nations
New York

Annex

Turkey's Contribution to Secretary-General's Report to the General Assembly 71st Session to be prepared in pursuant to the General Assembly Resolution 69/120 of 10 December 2014 entitled "Status of the Protocols Additional to the Geneva Conventions and relating to the protection of victims of armed conflicts"

The following information has been compiled through contributions from Turkish Chief of Staff, Ministry of Defense and Ministry of Justice

Applicable International Humanitarian Law (IHL) for Turkey

Turkey is a state party to the Geneva Conventions of 1949.

Turkey is not a state party to the:

- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977,
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977

Turkey's views on strengthening the existing body of international law

In view of the status of applicable IHL for Turkey, in order to strengthen IHL and disseminate information on IHL, Turkey deems carrying out the following efforts and measures as important.

- Translation of relevant agreements and rules on IHL, with a view to use them in education, especially education of members of armed forces in all ranks
- Training of members of armed forces in all ranks.
- Training of legal counsels in armed forces
- Ensuring that commanders possess knowledge over the content of the international agreements
- Determining the level of compliance of warfare methods and tools with the IHL and providing training in this regard.
- Taking necessary measures for the use of designated emblems.
- Taking necessary measures (ex: training of staff, labeling) with regards to medical military vessels, aircraft and other vehicles.
- Taking necessary measures for identification of military staff that is competent to carry out combat and may become a prisoner of war.

In view of this, for compliance to international agreements, beginning from peace time, it is important to train adequate number of trainers and benefit from trained personnel in planning and execution of combat operations while examining these operations' legal aspects in addition to their technical/tactical ones

Turkey's efforts in strengthening the existing body of international law

Turkish Armed Forces (TAF) and Ministry of Defense (MoD) carry out the following efforts in disseminating knowledge on IHL and training of members of armed forces in all ranks

- a) A two volume reference publication entitled "Law of Armed Conflict and Relevant International Legal Texts" has been prepared through translation of IHL texts in 2010. The publication has been distributed to TAF units, relevant public institutions, research institutions including universities, libraries.
- b) Office of the Legal Counsel of Chief of Staff personnel who are trained to become trainers on IHL, offer regular annual conferences, seminars and courses in the Turkish War Colleges and TAF training institutions
- c) Under the coordination of MoD, IHL related subjects have been included in the trainings of military judge interns and mid-career trainings of military judges.
- d) Enrollment opportunities in international trainings and courses on IHL, peace operations and military justice are included in the plans for staff education abroad. Significant number of staff in military judge category are annually participating to such courses abroad
- e) Turkish Partnership for Peace Training Center's bi-annual courses on IHL are organized for personnel, especially from Partnership for Peace and NATO member states.
- f) Following the introduction of "Smart ID System", the relevant provisions of Geneva Conventions of 1949 have been taken into account in the identification cards of TAF personnel (ex On personnel IDs, on the left side of photos, an explanation on provisions of Geneva Conventions related to Prisoners of War is provided).

Other legal arrangements

Other than Geneva Conventions which envisage special protection for children and women, Turkey is also a state party to the Convention on the Rights of the Child dated 20 November 1989 and to the Convention on the Status of Refugees dated 28 July 1951, which include regulations to this end.

Meanwhile, according to our domestic legislation, "Law of Foreigners and International Protection" (Law No: 6458) entails legal regulations for victims of armed conflict. The law regulates the entry, stay and exit of foreigners in Turkey as well as the scope and application of the protection granted to foreigners. In its Section 4 entitled "Other Provisions on Temporary Protection and International Protection", the law entails regulations for foreigners who have been forced to leave their country, cannot return to the country that they have left, and have arrived at or crossed the borders of Turkey in a mass influx situation seeking immediate and temporary protection

Also, in Turkish Penal Law (Law No: 5237), Articles 86, 87, 88, 89, 94, 95, 96, 109, 148, 151 and 152 include regulations on protection of victims of armed conflicts