

STATEMENT BY H.E. MR. CEM L Ç ÇEK , MINISTER OF
JUSTICE OF THE REPUBLIC OF TURKEY

Mr. President,

I have the honor to address at the Plenary of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice. I congratulate you on your election as President of the Congress. I also would like to extend my thanks to the Government of Thailand for hosting the Congress and for their hospitality extended to our delegation.

Due to the time limitation, I will deliver a short version of my statement, original text of which will be distributed to the esteemed delegations.

My delegation associates itself with the Statement made by the Minister of Justice of Luxembourg on behalf of the European Union.

Mr. President,

United Nations Congresses on Crime Prevention and Criminal Justice constitute a dynamic forum for the exchange of information and experiences, sharing of expertise, and identification of emerging trends in crime prevention and criminal justice, and as such reflect the priorities of international community in combating crime.

The theme of the Eleventh United Nations Congress is "Synergies and responses: strategic alliances in crime prevention and criminal justice". This theme is meaningful particularly in view of changes in the nature of crime in the global world. Indeed, while globalization, on the one hand, makes possible the free movement of capital and labor over borders, and offers access to qualified service and goods at competitive prices, on the other hand, it renders the control over borders, money and criminal groups more difficult due to the integrity of world markets and speedy conclusion of electronic and banking transactions thanks to technological advances. Moreover, given the lack of appropriate normative and regulatory framework for crime prevention and criminal justice and the fact that no State can combat with crime alone since crime has already acquired transnational nature, we are today more in need of ensuring synergy in order to take effective measures.

Mr. President,

Definition of "offence in transnational nature" as agreed in the United Nations Convention against Transnational Organized Crime (TOC Convention) has provided international community with sufficient flexibility required to counter crime. Accordingly, establishing "the participation in an organized criminal group" as a criminal offence has removed the greatest deficiency in this endeavor.

Turkey has ratified the TOC Convention and its Protocols and signed the United Nations Convention against Corruption. Domestic procedures for its ratification are underway. The Convention has made it mandatory to render mutual legal assistance in the absence of "dual criminality" when it does not involve "coercive action". This is a positive step forward to enhancing international cooperation. Both Conventions constitute a milestone in the fight against organized crime and we invite all States that have not done so to become party to these instruments.

Mr. President,

Terrorism continues to make a devastating impact on all the regions of the world and jeopardizes fundamental principles of democratic society such as tolerance for others, respect for human rights and rule of law. Terrorism is a crime against humanity. There can be no cause or claim to justify terrorism. Determination and international cooperation are of the utmost importance in the fight against this scourge. Extradition is an important tool in this fight and political motivation should not be a ground for refusing extradition requests as stipulated in Security Council Resolution 1373.

Turkey is party to all the twelve universal instruments against terrorism. Turkey stands resolute in developing her domestic legislation and making effective use of law enforcement forces against terrorism as well as contributing to international cooperation.

As we are all aware, failure in adopting the Comprehensive Convention on International Terrorism due to differences in defining terrorism constitutes the biggest obstacle in countering this evil. We encourage all States to show more flexibility so that negotiations on this last instrument can be concluded.

Since September 11, we have been observing a growing tendency to associate terrorism with Islamic faith as a result of terrorist attacks conducted by radical groups that claim affiliation to Islam.

Terrorism has no religion, race, nationality, nor is it confined to a particular culture or geographic region. We can in no way share the tendency to couple terrorism with a religion.

Mr. President,

Unfortunately, the transnational offence of trafficking in persons, which is a human tragedy, continues to threaten international community.

The biggest difficulty encountered in combating the offence of trafficking in persons was the lack of a definition based on international standards and covering modern manifestations of this crime. A comprehensive definition of the offence of "trafficking in persons" introduced by the Protocol on Trafficking in Persons followed the definition of "offence in transnational nature" introduced in the Transnational Organized Crime Convention is an important step forward to conduct more efficiently the national and international fight against this human tragedy.

Turkey ratified the Protocol on Trafficking in Persons. Before that, Turkey had become party to the Convention on the Rights of the Child as well as its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

Turkey made necessary amendments in her domestic law and established "trafficking in persons" as a criminal offence in Penal Code in accordance with the definition introduced by the Protocol

Mr. President,

I would like to conclude my statement by briefly referring to some of the elements newly introduced into Turkish criminal justice system. Turkey is continuing her efforts to harmonize her basic legislation with today's needs and her obligations arising from international instruments. A new Penal Code, a new Code of Criminal Procedures and a new Code of Execution of Punishments and Security Measures which have been prepared and enacted in the course of this process will enter into force on 1st of June, 2005.

The most outstanding innovation in Turkish criminal justice system is the abolition of the death penalty.

A number of sanctions have been established as alternative to short-term imprisonment. Moreover, conciliation has been introduced in accordance with "Basic Principles on the Use of Restorative Justice Programs in Criminal Matters".

Mr. President,

I believe that the Congress has created a platform for a productive brain storming on crime prevention and criminal justice, and will produce recommendations from which international community will surely benefit. Turkey is determined to play her role in following the results of the Congress and implementing its recommendations.

I thank you.