

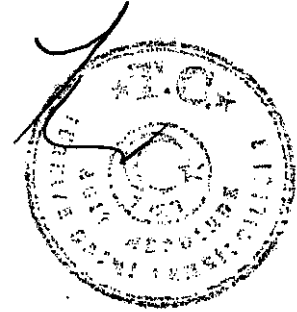


No: 39-29

The Permanent Mission of Turkey to the Organization for Security and Cooperation in Europe (OSCE) presents its compliments to the Missions/Delegations of the participating States to the OSCE and to the Conflict Prevention Centre (CPC) and, with reference to Forum for Security Cooperation Decision no: 4/03 and its Note no: 27-18 dated 30 April 2008 (FSC.EMI/156/08), has the honor to submit Turkey's response to the "Questionnaire on the OSCE Code of Conduct on Politico-Military Aspects of Security" for 2008.

The Permanent Mission of Turkey to the OSCE avails itself of this opportunity to renew to the Missions/Delegations of the participating States to the OSCE and to the CPC the assurances of its highest consideration.

Vienna, 24 March 2009



-Missions/Delegations of the participating States to the OSCE
-Conflict Prevention Center

**INFORMATION EXCHANGE ON THE CODE OF CONDUCT
ON POLITICO-MILITARY ASPECTS OF SECURITY
(2008)**

REPUBLIC OF TURKEY

1. Appropriate measures to prevent and combat terrorism, in particular participation in international agreements to that end:

(a) List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party;

Turkey believes that full compliance with the provisions of the UN Security Council resolutions and international conventions is vitally important for the struggle against terrorism to succeed. With this understanding, Turkey became one of the first countries which have ratified and become party to 12 United Nations Conventions and Protocols concerning terrorism listed below. Turkey has also signed Convention for the Suppression of Acts of Nuclear Terrorism on 14 September 2005 and the ratification process is ongoing.

1. International Convention for the Suppression of the Financing of Terrorism,
2. International Convention for the Suppression of Terrorist Bombings,
3. Convention on the Marking of Plastic Explosives for the Purpose of Detection,
4. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation,
5. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf,
6. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation,
7. International Convention against the Taking of Hostages,
8. Convention on the Physical Protection of Nuclear Material,
9. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents,
10. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation,
11. Convention for the Suppression of Unlawful Seizure of Aircraft,
12. Convention on Offences and Certain Other Acts Committed on Board Aircraft.

Turkey is party to European Convention for the Suppression of Terrorism (Strasbourg, 27 January 1977) and the Protocol amending the European Convention on the Suppression of Terrorism of the Council of Europe (Strasbourg, 15 May 2003). Turkey has also signed Council of Europe Convention on the Prevention of Terrorism (CETS 196) on 19 January 2006 and Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and the Financing of Terrorism (CETS 198) on 28 March 2007.

Under Article 90 of the 1982 Constitution of the Republic of Turkey, "international agreements which come into effect under lawful procedure shall have the force of law".

(b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities;

Turkey has also concluded bilateral agreements with 70 countries on combating terrorism, as well as a number of bilateral and multilateral agreements on cooperation in the prevention of organized crime and drugs trafficking which are closely related to terrorism.

In this framework, Turkey has signed and ratified the UN Transnational Organized Crime Convention and its three Protocols relating to Trafficking in Human Beings, Smuggling of Migrants and the Firearms. Turkey ratified the United Nations Convention against Corruption and became a Party to the Convention as of 9 December 2006.

On the other hand, Turkey participates actively in the discussions at the 6th Committee of the UN General Assembly on the comprehensive convention on terrorism and welcomes the adoption of "Global Strategy for Fighting Terrorism" by the UN General Assembly on 8 September 2006.

In accordance with the European Convention on Extradition, to which Turkey is a party, utmost attention is paid on not to vest refugee status to terrorists. Turkey calls upon all countries that are party to this Convention to pursue a similar approach and to avoid providing safe haven for terrorist and criminal persons and groups.

(c) National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above;

Turkey, who has suffered from terrorism for many years, unequivocally supports full cooperation in the fight against terrorism and the adoption of measures which would enhance international efforts in this regard. Since 1984, Turkey has been confronted by a cruel, deadly, separatist form of terrorism, which has caused the injury and deaths of over 30,000 people. In parallel with its efforts and policy to combat terrorism, Turkey has welcomed the adoption of UN Security Council resolutions 1373, 1566 and 1624 which constitute a solid and a comprehensive instrument for combating terrorism on a universal scale.

Fight against terrorism is a priority for Turkey, who considers terrorism not only a threat to security but, above all, a human rights violation. Therefore, Turkey has always acted decisively to eliminate this threat on its own territory and elsewhere. Having had to cope with terrorism for more than two decades, Turkey is well equipped domestically with necessary legal instruments required to combat this threat.

In this context, Turkey has for a long time been calling upon other countries for solidarity. While such calls have in some instances led to increased cooperation with certain states, others have remained indifferent. However, the way terrorism is viewed has undergone a dramatic change following the 9/11 terrorist attacks and it is increasingly understood that terrorism cuts across political, geographic and religious boundaries. This has shown the importance of cooperation and solidarity at international level.

Turkey has so far participated in international and regional anti-terrorism initiatives as much as possible and expressed its determination on this subject in every opportunity and platform. In this

context, Turkey's expectation from its friendly and allied countries is sincerity, determination, co-operation and taking measures based on concrete steps.

Turkey believes that, given its nature, terrorism should be treated as a crime against humanity. Above all, terrorism infringes the most fundamental human right, the right to life. By creating a climate of terror, terrorism also infringes the right of every individual to live in peace. Governments have an obligation to protect their citizens from terrorism. They must therefore strike a balance between this obligation and their duty to safeguard human rights and fundamental freedoms, as well as democracy and the rule of law.

The main legal provisions concerning terrorism are set out in the anti-terrorism law (no. 3713) of 12 April 1991, amended with the Law no. 5532, and the Turkish Criminal Code (no.765) of 1 March 1926. The New Turkish Criminal Code (no. 5237), which was adopted on 26 September 2004 and entered into force on 1 June 2005, contains similar provisions.

Law no. 5233 on Compensation for Damages Resulting from Terrorism or Efforts to Counter Terrorism was enacted on 17 July 2004. According to Article 1, the main aim of this law is to establish the rules and procedures governing compensation for physical injury and material damage, and losses arising from the impossibility of returning to villages destroyed by terrorist activities or in the course of efforts to combat terrorism.

Other relevant laws also contain provisions to combat terrorism.

(d) Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond United Nations conventions and protocols (e.g., pertaining to financing of terrorist groups);

Turkey attaches great importance to the full implementation of the UN Conventions on terrorism as well as the relevant UNSC Resolutions. In this context, since 2001 five reports have been submitted by Turkey on measures taken against terrorism, to the UN Security Council Counter Terrorism Committee established pursuant to resolution 1373.

Turkey supports the work of 1267 Sanctions Committee, established to monitor the compliance of the member states in implementing measures imposed to Taliban, Osama bin Laden and Al Qaeda associates that appear on the lists and closely cooperate in order to prevent flow of funds and assets to terrorist groups and individuals linked with Al-Qaeda and Taliban.

In this vein, Turkish Council of Ministers, by taking into consideration lists issued by the said Committee promulgates decrees to freeze all funds and financial assets of these terrorist organizations, persons and entities. The Council of Ministers Decrees also subject all the transactions related to these assets to the permission of the Ministry of Finance.

Turkey, as part of her efforts to fight against terrorism, was one of the two countries which provided voluntary contribution to the Terrorism Branch of the United Nations Office on Drugs and Crime (UNODC) even before 9/11. Turkey, in cooperation with UNODC, also hosted a Regional Workshop for Central Asia and the Caucasus on International Cooperation against

Terrorism and Transnational Organized Crime. The Final Document of the Workshop which was held on 23-25 February 2004 in Antalya, has been circulated in the UN (A/58/766).

In line with the new NATO command structure, Turkey has instituted the Centre of Excellence Defense against Terrorism (COE-DAT). The mission of the centre is to provide subject matter expertise on the full spectrum of terrorism, to provide DAT training and education at the strategic and operational levels, to assist ACT in testing and validating terrorism-related NATO concepts through experimentation, to assist in doctrine development, to contribute to NATO Standardization and improve capabilities and interoperability. Having been inaugurated on 28 June 2005, COE-DAT is certified as a NATO Accredited COE and gained the status of "International Military Organization" with the endorsement of NATO Council dated 14 August 2006. Since then, COE-DAT is actively taking part in NATO concept and doctrine development works.

In order to contribute to the international peace and security, Turkey also provides education and training programmes to NATO, PfP and Med Dialogue (MD), Istanbul Co-operation Initiative (ICI), Contact Countries (CC) and other countries. The Turkish PfP Training Centre conducts courses related to security matters such as "Border Security Control, Arms Control Orientation, Combating Trafficking in Human Beings, Combating Organized Crimes and the Law of Armed Conflict Courses". In addition to these, the Centre initiated the Mobile Education and Training Team (METT) programme in 2002 to provide the Balkans, the Caucasus and the Central Asian countries with the courses on similar subjects.

Between 2004 and 2006, General Directorate for Security of the Ministry of Interior, the Counter-Terrorism and Operations Department organized a total of 10 training courses on combating terrorism. 394 trainees from Afghanistan, Romania, Pakistan, Jordan, China and Sudan, participated in the courses in accordance with the bilateral security co-operation agreements with these countries.

(e) Roles and missions of armed and security forces in preventing and combating terrorism;

The main governmental bodies involved in combating terrorism are the Ministry of Interior, Ministry of Justice, Ministry of Foreign Affairs, the General Staff of the Turkish Armed Forces, Ministry of Finance and the intelligence services. The General Directorate of Security of the Ministry of Interior, who co-ordinates the operational aspects of counter terrorist measures, has one General Director, 5 Deputy General Directors and 31 specialized departments. 3 of these departments directly deal with anti-terrorism: Counter-Terrorism and Operations Department, Police Intelligence Department and Department of Special Operations.

2. The national planning - and decision-making process - including the role of the Parliament and Ministries - for the determination/approval of

a) military posture

The position, representation and usage of Turkish Armed Forces (TAF) are regulated by Constitution. According to the Constitution; the Office of Commander in Chief is inseparably vested in the Turkish Grand National Assembly (TGNA). Chief of the General Staff is appointed

by the President as the Commander of TAF and is responsible to the Prime Minister for his duties. The Council of Ministers is responsible to the Turkish Grand National Assembly for National Security and preparation of TAF for defense of the country. However, authority to declare state of war and dispatch TAF to foreign countries or allow foreign armed forces to be deployed to Turkey belongs to the Turkish Grand National Assembly.

The Ministry of National Defense is in charge of budgeting, procurement, defense industry, health, technological research, military justice, social services, construction, mapping, conscription and mobilization.

The Ministry of Internal Affairs is responsible for reducing the life and property loss of the public against enemy aggression, natural disaster and massive fires, protection of governmental and private facility and organizations of vital importance and making damage repairs to let them continue their activities, and organize "Civil Defense" which is defined as all unarmed protective and saving precautions and activities for defense efforts to be supported by civil people and keeping moral well in rear front, and perform education, administration and general control activities of Civil Defense and to call draftees to military service. The Ministry of the Internal Affairs coordinates with the Chief of the General Staff the implementation of Civil Defense.

TAF consist of three services: The Land Forces, The Naval Forces and The Air Force Commands. In peacetime, as law enforcement agencies, The Gendarmerie Forces and The Coast Guard operate under the Ministry of Internal Affairs. However in the wartime they operate under the Land Forces and Naval Forces respectively.

The Chief of the Turkish General Staff is in charge of the overall command and control of TAF.

He is also responsible for the effective conduct of military operations and readiness of TAF.

Principles and priorities for personnel, intelligence, operation, organization, training, education and logistic services of the Armed Forces are determined by the Chief of the General Staff.

1. The Turkish Land Forces

The Turkish Land Forces (TLFC) consists of 4 Armies, 8 Army Corps, 1 Armored Division, 2 Infantry Divisions, 1 Training Division.

Turkish Land Forces Command:

Is strong in active ability and fire power,

Has the ability of long-range surveillance, targeting and identification,

Has more survivability,

Is flexible for using in multi-functioned tasks. Provides deterrence,

At a short notice can employ 40.000 to 50.000 men strength army corps to conduct joint operations,

Can conduct air assault operations with a lift capability of 3 battalions at a time day and night.

Number of personnel in Land Forces is as follows:

358.300 Military personnel

24,400 Civilian personnel

2. *The Turkish Naval Forces*

Turkey, geographically being composed of two peninsulas ANATOLIA and THRACE and surrounded by the Black Sea, the Sea of Marmara, the Aegean and the Mediterranean, has a coastline which amounts to 8272 Km. Turkey owns an exceptional geo-strategic location at the gateway of the three continents namely Europe, Asia and Africa. These properties and the features of inherent mobility and flexibility of naval forces, lead to extend very important national and regional roles to the Turkish Navy.

Broadly, the mission of the Turkish Navy is to defend the country against all maritime threats and to protect its maritime interests while contributing to the maintenance of peace and stability in the region. Major tasks of that mission, in peacetime include;

To maintain presence over the seas directed by national interests,

To secure the sea lanes lines of communication,

To maintain deterrence through developing a sufficient force structure, training and exercise,

When necessary, to participate in peace support, humanitarian assistance, disaster relief, search and rescue, non-combatant evacuation and constabulary operations.

To participate in joint operations with other national or allied security forces against terrorism, drug trafficking and smuggling,

To cooperate with coast guard for protection of national interests and environmental protection over the economic zone.

In time of crises and war, these tasks expand to cover strategic deterrence, crises response, sea control and participation in Allied Operations, or when necessary Coalition Operations.

The main force structure of the Turkish Naval Forces will consists of frigates/corvettes, modern patrol boats, submarines and other naval units such as mine countermeasures (including mine hunter) vehicles, logistic ships, maritime patrol aircraft, helicopters etc.

The number of personnel in Naval Forces is as follows;

43.900 Naval personnel
12.100 Civilian personnel

No major changes are planned in personnel numbers for forthcoming years.

3. *The Turkish Air Force*

The mission of the Turkish Air Force (TUAF) is;

With the objective of protecting Turkish national interests and rights, either alone or jointly with the Turkish Land and Naval Forces and/or with her allies,

During peace time;

To deter possible enemies by maintaining a force structure capable of detecting, identifying, controlling and eliminating any threat/risk directed towards Turkey from air, space, sea, land and cyberspace.

To contribute the preservation of regional and international stability and peace through this deterrence and if needed, by use of force as necessary during crises complying with the international law

Should the deterrence fails,

To defend Turkey against the threat/threats by using full spectrum of forces and capabilities,

To break down the enemy's determination and the will of war fighting,

To support the Turkish Land and Naval Forces in accomplishing their missions.

The Turkish Air Force Command structure consists of four major subordinate commands.

The two main combat commands, 1st and 2nd Air Forces, constitute the strike power of the Turkish Air Force.

The Air Training Command is organized and equipped to provide recruitment and the training of the personnel from basic to the highest level at every echelon of the Turkish Air Force.

The Air Logistics Command is responsible for providing all kinds of logistic support for the Air Force. The three Air Supply and Maintenance Centres under this Command perform technical management and factory level maintenance of the aircraft and other major weapon systems in the inventory.

There are two Air Transportation Bases consisting of C-130s, C-160s and CN-235s subordinated directly to the Air Force Command. 10th Air Force Base was subordinated to the Air Force Command until December 2005 and since then, being subordinated to the 2nd Air Force Command, it has been meeting air-to-air refueling needs of the combat aircraft. The operational force supported by number of SAR/CSAR helicopters distributed in different bases throughout the country.

The Turkish Air Force will also improve its operational effectiveness with the provision of airborne early warning capability in short term.

The number of personnel in Turkish Air Force is as follows:

63.500	Military personnel
9.800	Civilian personnel

No major changes are planned in personnel numbers for the forthcoming years.

(b) defence expenditures:

Defence expenditures of the Turkish Armed Forces, mainly comprised of Ministry of National Defence Budget, are subject to the approval of the Turkish Grand National Assembly and Government. While approving the defence expenditures, the Turkish Grand National Assembly has the authority to reduce the budget figures proposed by the Government.

Within this framework, beginning from the year 2004 Ministry of National Defence Budget is determined through Analytical Budgeting System (ABS) based on the Planning, Programming and Budgeting System (PPBS). While evaluating the necessary resources, in a certain period, factors such as laws, needs, general economic indicators, probable changes on government budget and increase in prices and costs, policy of wages and salaries, development plans, programme of the government, liability and programmes that are in effect, are all taken into consideration. With 2006 budget, the practice of three-year-budgeting has been put into effect. The new MY 369-1 'TAF Planning, Programming and Budgeting System PPBS Directive' has been issued as of March 2007.

The new PPBS process had been planned as three years, as the first year is to designate the requirement and to publish TAF Operational Requirements Plan (ORP), the second year is to form Strategical Objectives Plan (SOP), and the third year is to form ten-year procurement programme. SOP has been extended from ten years to twelve years. The feasibility studies, are also included to the new PPBS process.

The preparation of the Ministry of National Defence budget for the following year starts in the first half of the current fiscal year. In this framework, the estimated cost in unit price of requirements, both in terms of personnel and equipment are determined by the Price Determining Committee and the Staff Committee.

Council of Ministers publishes the Mid-term Programme (MTRP) which includes the macro-economic goals and budget proposal limits. Directives determining the principals of the preparation of budget proposal are published by Ministry of National Defence and General Staff. The unit budget proposals based on these programmes, directives and Mid-term Financial Plan (MTRFP) and guides published by Ministry of Finance are evaluated by the Ministry of National Defence and General Staff, then sent to the Ministry of Finance by the end of July. Through the Governmental budget plan, set by the High Planning Committee, budget of the Ministry of National Defence is determined. According to the Constitution, with the approval of the Cabinet, budget of the Ministry of National Defence is placed in the Governmental budget and presented to the Turkish Grand National Assembly as of 17 October each year.

As in other Ministries' and public institutions budgets, the defence budget is also under control and supervision both in the planning and expenditure phases. Having been approved by Turkish Grand National Assembly and being published in the official gazette, draft law of budget including the budgets of the public institutions takes effect as of 1st of January. The Ministry of Finance, responsible for the applications of budget, directs budgeting activities in all aspects.

It is mandatory that all public institutions act within the authorized funding limits allocated by the Budget Law. Fund allocations are controlled by the Ministry of Finance through freezing and releasing the allocation in accordance with the monetary policy of the Government.

Apart from the government budget, another important resource for Turkish Armed Forces is Defence Industry Support Fund. Resources and the principals for usage and audit of this fund are determined by a separate law.

Furthermore, on behalf of the Turkish Grand National Assembly, the audit department of the Court of Accounts controls the spending of funds allocated to Turkish Armed Forces. At the end of every fiscal year the results of the implementation of budget is audited by Turkish Grand National Assembly. Parallel to this auditing Ministry of National Defence and main branches of armed forces have standard self-audit systems. All phases of this process are conducted publicly with due regard to national security.

3. Description of

(a) constitutionally established procedures ensuring effective democratic control of the military, paramilitary, and internal security forces, as well as intelligence services, and the police;

(b) constitutionally established authorities/institutions responsible for the democratic control of military, paramilitary and security forces;

In performing its duties within this framework drawn by the laws, the *Turkish Armed Forces* operate under the democratic control of the President of the Republic, Turkish Grand National Assembly, the Prime Minister and the Council of Ministers. According to the Constitution, the Office of Commander-in-Chief is represented by the President of the Republic. Moreover, the Chief of General Staff is appointed by the President, among generals and admirals serving as major force commanders, on the proposal of the Council of Ministers. Respective laws regulate

the duties and authorities of the Chief of General Staff. The Chief of General Staff is responsible to the Prime Minister in the exercise of his duties.

All these phases of executive or legislative process are under strict judicial examination and control of judicial branch, either administratively or constitutionally. In this context, the organization of the Turkish Armed Forces should meet the military requirements for the fulfillment of their operational tasks. Therefore, the competences of military organs are extensively regulated in the Internal Service Act. Utmost attention is given to the political neutrality and impartiality of the Turkish Armed Forces. All necessary legal and administrative measures to ensure its political neutrality and impartiality are stipulated in the Constitution, Internal Service Act and other related laws. Within this legal framework, the Turkish Armed Forces operate under a strict chain of command encompassing all military units.

Paramilitary forces comprise the Gendarmerie General Command and the Coast Guard Command.

The Gendarmerie is an armed force which enforces law and public order. It also carries out military tasks. The Gendarmerie General Command is subordinate to the General Staff with respect to its military tasks and training, whereas it is subordinate to the Ministry of Interior with regard to its civil and judicial tasks. The General Commander of Gendarmerie is responsible to the Minister of Interior. During martial law, mobilization and war or when deemed necessary by the Chief of General Staff, Gendarmerie units function under the command of Force Commands with their required divisions and carry out their regular duties under the command of the Gendarmerie General Command with the remaining divisions. The Gendarmerie performs its duties in accordance with its Founding Act as well as other relevant laws and regulations. Under the authority of the Ministry of Interior, the Gendarmerie General Command units serve as internal security forces in areas outside the jurisdiction of the Police Force or reinforce the latter when required by local administrators representing the Ministry of Interior.

The Coast Guard Command which is a part of the Turkish Armed Forces, is subordinate to the Ministry of Interior during peacetime. In times of emergency, it can be partially or entirely put under the operational command of the Naval Forces Command when required by the General Staff. In times of war, the Coast Guard Command is entirely under the command of the Naval Forces Command. The Coast Guard Command performs its duties in accordance with its Founding Act as well as other laws and regulations concerning relevant civilian and military authorities.

The duties and powers of the Undersecretariat of the *Turkish National Intelligence Organization* (MIT) have been determined under Law no. 2937 on "Law on the State Intelligence Services and the National Intelligence Organization" that became effective on January 1, 1984. The Law no. 2937 regulates the principles and procedures regarding the collection and dissemination of state intelligence and the establishment, functions and activities of MIT. According to this act, the Undersecretary of the Organization is responsible only to the Prime Minister. Upon the proposal of the Prime Minister, the Undersecretary is appointed by the President of the Republic, following consultations at the National Security Council. The Undersecretariat of MIT, is open to legislative, executive and judicial supervision within the framework of the regulations in the Constitution, and there is no exceptional regulation for MIT

other than the supervision mechanisms which take place within the administrative system. With the Law no. 4982 on the "Act on Freedom of Obtaining Information" adopted on 20 April 2004, the principles and procedures regarding individuals' right to access information are regulated in line with the principles of equality, neutrality and openness which constitute the requirements of a democratic and transparent administration. All natural and legal persons can make application also to the Undersecretariat of MİT within the framework of the procedures and principles provided by the above mentioned Law. The lines of communication with the society are kept open through the Office of Media Relations Counselor and the official website of MİT, thus the accessibility of the Organization is ensured. All detailed information on the establishment, structure and activities of MİT, which is responsible for collecting internal and external intelligence throughout the country, can be found on the website www.mit.gov.tr.

The Turkish National Police is organized under the General Directorate of Security which operates within the Ministry of Interior. In the provinces, Directorates of Security function under the directives of the Governors who represent the Government. The Minister of Interior is responsible to the Prime Minister as well as to the Turkish Grand National Assembly for the performance of the Turkish National Police.

(c) roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework;

The duties of *the Turkish Armed Forces* and its limits are specified clearly and thoroughly in the Constitution and in respective laws. Accordingly, its primary task is the military defence of the country. In this context, the main missions of the Turkish Armed Forces are the defence and protection of the nation and the fulfillment of duties assigned by international treaties, including the North Atlantic Treaty.

Another important task laid down in the Constitution is the protection of the Republic, characteristics of which are defined by the Constitution, as democratic, secular and social State governed by the rule of law. The timely and correct identification of internal or external threats against the unity of the country and the nation or against the basic principles of the Constitution, the establishment of adequate forces to counter these threats, the maintenance of the state of readiness and the elimination of actual threats within the framework of the responsibilities defined by the Constitution and the laws, form the basic elements of this task.

On the other hand, Internal Service Act of the Turkish Armed Forces also stipulates the missions of the Turkish Armed Forces. Accordingly, the Turkish Armed Forces is tasked to defend and safeguard the country and the Turkish Republic defined in the Constitution.

Additional tasks are prescribed by other laws. These are the maintenance of law and order and security inside the country in general and providing assistance in case of natural catastrophes and disasters of exceptional magnitude.

On the other hand, *the Gendarmerie* General Command, according to its Founding Act, in peacetime under the authority of the Ministry of Interior, performs civil and judicial tasks such as law enforcement, maintenance of public order, search and investigation, collection of evidence and prevention of smuggling in areas outside the jurisdiction of the police authorities. During

martial law, mobilization and war, under the command of Force Commands it carries out tasks that are deemed necessary by the General Staff. The Gendarmerie General Command is responsible to the Minister of Interior with respect to its internal security tasks and to the General Staff with regard to its military tasks.

As explained above, the Gendarmerie General Command units perform internal security tasks under the authority of the Minister of Interior. Such activities of the Gendarmerie are regulated by its Founding Act as well as by the Act on the Organization and Duties of the Ministry of Interior and other relevant laws and regulations.

The Coast Guard Command, as stipulated by its Founding Act, in peacetime, operates under the authority of the Ministry of Interior in order to perform missions such as maintaining security along Turkish coasts, in territorial waters, inland waters, harbours and bays, preventing smuggling by way of sea, protecting naval security areas and forbidden zones and conducting search and rescue operations. For such missions the Coast Guard Command is responsible to the Minister of Interior. In times of emergency and war, the Coast Guard Command participates in the defence of the country under the command of Naval Forces and therefore acts in accordance with the chain of command of the Turkish Armed Forces.

(d) public access to information related to armed forces;

The Turkish Armed Forces attaches great importance to informing the public about the military and its activities. It is open and transparent as required in a democratic country. In this vein, the Turkish Armed Forces pursue an active information policy towards the press and the public through various instruments such as publications or periodicals, press releases, television programmes, briefings, conferences and a regularly updated internet site which provides links to other associated sites, including those belonging to each of the force commands. On the other hand, individual information requests on the armed forces and its activities can be addressed either directly to the Turkish Armed Force or to the Turkish Grand National Assembly.

The Act on Freedom of Obtaining Information is approved by the Turkish Grand National Assembly in October 2003 and has come into effect in May 2004. The Act established statutory rights of public access to governmental information. The Act covers all governmental departments including the Turkish Armed Forces.

4. Stationing of armed forces on the territory of another participating State in accordance with their freely negotiated agreements as well as in accordance with international law;

No Turkish troop is permanently stationed on the territory of another participating State. Temporary stationing in the context of peacekeeping are based on relevant UN mandates.

Turkey is a party to the NATO Status of Forces Agreement (SOFA) signed in London in 1951 as well as to the Partnership for Peace SOFA concluded in Brussels in 1995.

5. Description of

(a) procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces, if applicable;

Article 72 of the Constitution reads that national military service is a right and an obligation of every Turkish citizen. The ways in which the military service will be fulfilled in the Armed Forces or in the public sector is regulated by law. On the other hand, the Military Service Act requires that every Turkish male citizen of 20 years of age and who is suitable for military service as determined by a health inspection carries out his military service in one of the following forms commensurate to his level of education.

- Those subject to a military service as an enlisted man following a higher education period of 3 years or less:

- a) 15 months military service (this is the most common form of military service),
- b) Military service against cost (it is applied in case of over manning in the Turkish Armed Forces),
- c) Military service of 21 (twenty-one) days in exchange for a foreign currency (it is applied to those residing or working abroad for 3 years or more. The main objective of military service in exchange for a foreign currency is to prevent personnel from losing their jobs abroad, due to long term military service.)
- d) In case of over manning, military service may be carried out in one of various forms of service such as in public institutions and agencies.

- Those subject to military service as possible candidates for reserve officer position with a higher education of 4 years or more:

- a) Reserve officer (Third Lieutenant) for a period of 12 months,
- b) In case of an over manning, as an officer candidate in the Turkish Armed Forces, they fulfill their military service, as a teacher with the Ministry of Education or as enlisted men and corporals for 6 months (short term).

The professional personnel of the Turkish Armed Forces, including the Gendarmerie and the Coast Guard, consist of officers, non-commissioned officers, contracted specialist leaders, civilian public servants and the civilian workers. The recruitment, promotion and retirement procedures for officers and non-commissioned officers are regulated by the Turkish Armed Forces Personnel Act. Civilian personnel are subject to the provisions of the Public Servants Act.

Recall of reservists for training, exercise and duty is regulated by the Military Service Act and the Mobilization and State of War Act.

Under relevant law, persons liable to military service on which a prison sentence has been imposed and who have been granted a postponement or interruption of serving their sentence, are excluded during the period of postponement or interruption. Those who are imprisoned or legally detained are excluded too.

Moreover, persons who have done their military service in another country, may be excluded from service, under some conditions.

In some circumstances, such as being a student, compulsory military service may also be postponed.

(b) Exemptions or alternatives to compulsory military service, if applicable;

The Constitution stipulates that the military service is a right and a duty for every Turkish citizen. Apart from circumstances justified by reasons such as personal safety or other emergencies, persons are liable to military service. Citizens, on grounds of conscience, cannot refuse to fulfill compulsory military service.

However, those candidates whose conditions of health are below the minimum requirements defined in detail in the Turkish Armed Forces Health Capability Directive are exempt from military service upon the examination of the decision of relevant authorities.

On the other hand, in case of over manning in the Turkish Armed Forces, following the basic training of one month, surplus conscripts may complete their military duty by serving as civil servants (teacher etc.) in public offices. The candidates residing and working abroad for 3 years or more may also be considered as having completed their compulsory service, in exchange of a payment in foreign currency determined by relevant regulations.

(c) legal and administrative procedures protecting the rights of all force personnel;

All members of the Turkish Armed Forces are holders of civic rights as any other Turkish citizen. The rights of personnel of the Turkish Armed Forces are prescribed and protected by laws, governmental decrees having force of law and related internal procedures.

On the other hand, Turkish military personnel cannot be involved in any political activity. In the field of basic rights, there are legal restrictions on the right to freedom of expression regarding the duty to preserve official confidentiality and military secrets. All these restrictions are imposed by such duties, as provided by laws and ordinances and specifically required by military service and discipline.

All disciplinary actions or measures under relevant provisions must be issued in the form of administrative decisions. In case of any violation of rights, military personnel may appeal against the decision.

According to the Internal Service Act of the Turkish Armed Forces and Internal Service Directives, all personnel are entitled to pursue their rights through administrative and judicial procedures based on the principle of the rule of law. In this context, the Turkish Armed Forces personnel have the right to lodge administrative complaints or to file a case at the High Military Administrative Court, which is established by the Constitution.

Under the Internal Service Act, every military personnel has the right to complain orally or in writing about any defects or flows, in particular any injustice or interference by his superiors.

6. Instruction on international humanitarian law and other international rules, conventions and commitments governing armed conflict included in military training programs and regulations:

The Turkish Armed Forces attach importance to the instruction on international humanitarian law and other international rules governing armed conflict. In this context, disseminating, instructing and ensuring the implementation of these rules has become one of the priority objectives of training and exercise activities. To this end, the Law of Armed Conflict and the Law of Operation have been included in the curricula of War Academies and War Colleges as separate courses. The General Staff with a view to guiding education institutions and headquarters has prepared various military publications in this regard.