

(2) PSI

Ministerie van

Buitenlandse Zaken

Aan de Voorzitter van de
Tweede Kamer der Staten-Generaal
Binnenhof 4
Den Haag

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Datum 1 september 2003
Kenmerk DVB/NN-250/03
Blad 1/3
Bijlage(n)
Betreft Proliferation Security Initiative (PSI)

Behandeld
Telefoon
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Zu Genachte Voorzitter,

In aanvulling op mijn eerdere beantwoording van kamervragen van de afgevaardigde Van Bommel (TK vergaderjaar 2002-2003, nr. 1595), hecht ik eraan u hierbij, mede namens de Ministers van Defensie, Verkeer en Waterstaat en Justitie, op de hoogte te brengen van het zogenaamde Proliferation Security Initiative (PSI) en de Nederlandse betrokkenheid daarbij.

Het Proliferation Security Initiative (PSI) werd op 31 mei 2003 in de aanloop naar de G-8 bijeenkomst te Evian door de Amerikaanse President Bush aangekondigd als nieuw instrument in de strijd tegen de proliferatie van massavernietigingswapens (MVW) en tegen terrorisme met inzet van MVW. Achtergrond was de constatering dat de reeds bestaande non-proliferatieverdragen en anderszins relevante verdragen en instrumenten zoals de exportcontrole regimes aanvulling behoeven om de proliferatie van MVW effectief tegen te kunnen gaan. Met name het probleem van de zogenaamde secundaire proliferatie, waarbij prolifererende landen elkaar behulpzaam zijn bij de ontwikkeling van MVW en hun overbrengingsmiddelen, onttrekt zich aan het huidige instrumentarium. De regering deelt de Amerikaanse zorgen op dit gebied. Daarnaast sluit het Amerikaanse initiatief goed aan bij de recent in Thessaloniki aangenomen EU-strategie tegen MVW-proliferatie. Het PSI dient te worden gezien als versterking van het bestaande non-proliferatie instrumentarium, en niet als alternatief voor de bestaande verdragen.

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Het PSI voorziet in actief optreden tegen de illegale handel in massavernietigingswapens (nucleair, chemisch, biologisch en radiologisch) en hun overbrengingsmiddelen (zoals raketten), alsmede daarvoor bestemde materialen en technologieën. Een en ander moet mogelijk worden gemaakt door middel van een betere benutting van bestaande non-proliferatie instrumenten (internationale verdragen, nationale wetgeving, exportcontrole) en door de verbetering van internationale samenwerking bij het opsporen van proliferatiegevoelige transporten. Het PSI richt zich met name op onderschepping te land, ter zee of in de lucht om te voorkomen dat MVW-goederen die zijn bestemd voor risicolanden of voor niet-statelijke actoren hun eindafnemers bereiken.

Voor de uitwerking van het PSI heeft de VS in eerste aanleg vlag-, kust- en doorvoerstaten benaderd die daadwerkelijk medewerking kunnen verlenen bij het aanhouden en/of doorzoeken van schepen. Dit zijn, naast Nederland, Australië, Duitsland, Frankrijk, Italië, Japan, Polen, Portugal, Spanje en het Verenigd Koninkrijk. Tot nu toe zijn in het kader van het PSI op hoog ambtelijk niveau twee bijeenkomsten gehouden. De eerste bijeenkomst was op 12 juni jl. in Madrid en de tweede op 9 en 10 juli jl. in Brisbane. Bij die gelegenheden bleek de zorg die aan de basis van dit initiatief ligt, breed te worden gedeeld en werd het initiatief als tijdig en nuttig gekenschetst. Tegelijkertijd was de breed gedeelde overtuiging dat de kaders van de bestaande nationale bevoegdheden en internationaal-rechtelijke instrumenten (w.o. het VN Handvest en het Zeerechtverdrag) leidraad dienen te blijven. De discussies staan dan ook in belangrijke mate in het teken van de bestudering van de haalbaarheid van eventuele maatregelen binnen de bestaande nationale en internationale juridische kaders.

De Amerikaanse gedachte achter het benaderen van een beperkte groep landen is dat het gemakkelijker en effectiever is eerst in kleinere kring overeenstemming te bereiken over de beste aanpak. Hierna kan de groep worden vergroot zodat op termijn een effectief contra-proliferatie pakket wordt ondersteund door een brede coalitie. De regering heeft begrip voor deze benadering, met dien verstande dat tijdige verbreding van het initiatief met relevante landen, met name alle EU-partners, wenselijk is voor het welslagen. Nederland heeft dit bilateraal bij de VS, alsmede in de plenaire bijeenkomsten in Madrid en Brisbane, als belangrijk aandachtspunt naar voren gebracht. Mede in het licht van de EU veiligheidsstrategie ligt het voor de hand dat ook de EU zich zal moeten bezighouden met dit soort vraagstukken.

Langs twee lijnen wordt verder gewerkt aan concrete invulling van het PSI.

Voor het einde van dit jaar zal een aantal gemeenschappelijke interdictieoefeningen worden gehouden waaraan landen op basis van vrijwilligheid kunnen deelnemen.

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Australië, Spanje en Frankrijk hebben aangeboden de eerste drie maritieme interdictieoefeningen te leiden. De oefeningen betreffen scenario's die worden uitgevoerd binnen de bestaande juridische kaders (zowel nationaal als internationaal), en zullen inzicht verschaffen in de operationele en juridische aspecten van gezamenlijke interdictie-activiteiten. De regering is voornemens waarnemers af te vaardigen naar deze oefeningen.

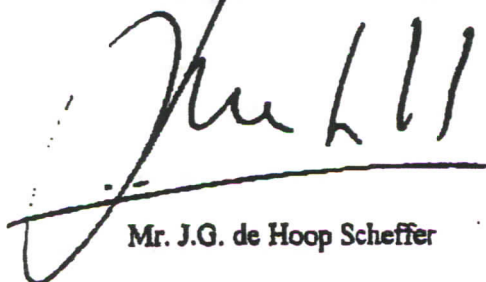
Daarnaast vindt binnen PSI een inventarisatie plaats van de rechtskaders waarbinnen PSI-activiteiten zullen moeten plaatshebben. Indien zou blijken dat voor bepaalde noodzakelijk geachte interventies nog geen of onvoldoende juridische basis zou bestaan, zal bezien moeten worden of aanpassing van nationale en internationale regelgeving wenselijk en noodzakelijk is. In dat geval zullen, wat de regering betreft, voorstellen gebaseerd moeten zijn op de bestaande juridische instrumenten en worden voorgelegd aan de daartoe getuigende (internationale) fora. Voorts is van belang dat eventuele Nederlandse bijdragen mede moeten worden bezien in het licht van de feitelijke mogelijkheden van de betrokken Nederlandse instanties.

PSI is een instrument in ontwikkeling. De regering ondersteunt het Amerikaanse initiatief als aanvulling op het bestaande instrumentarium in de strijd tegen proliferatie van MIVW en het internationale terrorisme. De regering ziet het initiatief ook als waarschuwing aan niet-statelijke actoren en staten die vanuit het oogpunt van proliferatie een risico vormen.

Begin september 2003 vindt in Parijs een volgende bijeenkomst van PSI landen plaats, waarbij een gezamenlijke verklaring ter behandeling en aannahme voorligt met algemene uitgangspunten die door de PSI-partners worden onderschreven.

Van de voortgang die wordt geboekt binnen het PSI zal ik uw Kamer op de hoogte houden.

De Minister van Buitenlandse Zaken,



Mr. J.G. de Hoop Scheffer

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PSI

STATEMENT OF INTERDICTION PRINCIPLES

The Proliferation Security Initiative (PSI) is a response to the growing challenge posed by the proliferation of weapons of mass destruction (WMD), their delivery systems, and related materials worldwide. The PSI builds on efforts by the international community to prevent proliferation of such items, including existing treaties and regimes. It is consistent with and a step in the implementation of the UN Security Council Presidential statement of January 1992, which states that the proliferation of all WMD constitutes a threat to international peace and security, and underlines the need for member states of the UN to prevent proliferation. The PSI is also consistent with recent statements of the G8 and the European Union, establishing that more coherent and concerted efforts are needed to prevent the proliferation of WMD, their delivery systems, and related materials. PSI participants are deeply concerned about this threat and of the danger that these items could fall into the hands of terrorists, and are committed to working together to stop the flow of these items to and from states and non-state actors of proliferation concern.

The PSI seeks to involve in some capacity all states that have a stake in nonproliferation and the ability and willingness to take steps to stop the flow of such items at sea, in the air, or on land. The PSI also seeks cooperation from any state whose vessels, flags, ports, territorial waters, airspace, or land might be used for proliferation purposes by states and non-state actors of proliferation concern. The increasingly aggressive efforts by proliferators to stand outside or to circumvent existing nonproliferation norms, and to profit from such trade, requires new and stronger actions by the international community. We look forward to working with all concerned states on measures they are able and willing to take in support of the PSI, as outlined in the following set of "Interdiction Principles."

Interdiction Principles for the Proliferation Security Initiative:

PSI participants are committed to the following interdiction principles to establish a more coordinated and effective basis through which to impede and stop shipments of WMD, delivery

systems, and related materials flowing to and from states and non-state actors of proliferation concern, consistent with national legal authorities and relevant international law and frameworks, including the UN Security Council. They call on all states concerned with this threat to international peace and security to join in similarly committing to:

1. Undertake effective measures, either alone or in concert with other states, for interdicting the transfer or transport of WMD, their delivery systems, and related materials to and from states and non-state actors of proliferation concern. "States or non-state actors of proliferation concern" generally refers to those countries or entities that the PSI participants involved establish should be subject to interdiction activities because they are engaged in proliferation through :
(a) efforts to develop or acquire chemical, biological, or nuclear weapons and associated delivery systems; or (b) transfers (either selling, receiving, or facilitating) of WMD, their delivery systems, or related materials.
2. Adopt streamlined procedures for rapid exchange of relevant information concerning suspected proliferation activity, protecting the confidential character of classified information provided by other states as part of this initiative, dedicate appropriate resources and efforts to interdiction operations and capabilities, and maximize coordination among participants in interdiction efforts.
3. Review and work to strengthen their relevant national legal authorities where necessary to accomplish these objectives, and work to strengthen when necessary relevant international laws and frameworks in appropriate ways to support these commitments.
4. Take specific actions in support of interdiction efforts regarding cargoes of WMD, their delivery systems, or related materials, to the extent their national legal authorities permit and consistent with their obligations under international law and frameworks, to include:
 - a. Not to transport or assist in the transport of any such cargoes to or from states or non-state actors of proliferation concern, and not to allow any persons subject to their jurisdiction to do so.
 - b. At their own initiative, or at the request and good cause shown by another state, to take action to board and search any

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vessel flying their flag in their internal waters or territorial seas or areas beyond the territorial seas of any other state, that is reasonably suspected of transporting such cargoes to or from states or non-state actors of proliferation concerns, and to seize such cargoes that are identified.

c. To seriously consider providing consent under the appropriate circumstances to the boarding and searching of its own flag vessels by other states, and to the seizure of such WMD-related cargoes in such vessels that may be identified by such states.

d. To take appropriate actions to (1) stop and/or search in their internal waters, territorial seas, or contiguous zones (when declared) vessels that are reasonably suspected of carrying such cargoes to or from states or non-state actors of proliferation concern and to seize such cargoes that are identified; and (2) to enforce conditions on vessels entering or leaving their ports, internal waters or territorial seas that are reasonably suspected of carrying such cargoes, such as requiring that such vessels be subject to boarding, search, and seizure of such cargoes prior to entry.

e. At their own initiative or upon the request and good cause shown by another state, to (1) require aircraft that are reasonably suspected of carrying such cargoes to or from states or non-state actors of proliferation concern and that are transiting their airspace to land for inspection and seize any such cargoes that are identified; and/or (2) deny aircraft reasonably suspected of carrying such cargoes transit rights through their airspace in advance of such flights.

f. If their ports, airfields, or other facilities are used as transshipment points for shipment of such cargoes to or from states or non-state actors of proliferation concern, to inspect vessels, aircraft, or other modes of transport reasonably suspected of carrying such cargoes, and to seize such cargoes that are identified.

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[REDACTED]

[REDACTED] - Releasable to PSI Partners (AUS, FR, GE, IT, JPN, NL, PL, PO, SP, UK)

DRAFT STATEMENT OF INTERDICTION PRINCIPLES

The Proliferation Security Initiative (PSI) is a response to the growing challenge posed by the proliferation of weapons of mass destruction (WMD), their delivery systems, and related materials worldwide. The PSI builds on efforts by the international community to prevent proliferation of such items, including existing treaties and regimes. It is consistent with and a step in the implementation of the UN Security Council Presidential Statement of January 1992, which states that the proliferation of all WMD constitutes a threat to international peace and security, and underlines the need for member states of the UN to prevent proliferation. The PSI is also consistent with recent statements of the G8 and the European Union, establishing that more coherent and concerted efforts are needed to prevent the proliferation of WMD, their delivery systems, and related materials. PSI participants are deeply concerned about this threat and of the danger that these items could fall into the hands of terrorists, and are committed to working together to stop the flow of these items to and from states and non-state actors of proliferation concern.

The PSI seeks to involve in some capacity all states that have a stake in nonproliferation and the ability and willingness to take steps to stop the flow of such items at sea, in the air, or on land. The PSI also seeks cooperation from any state whose ships, flags, ports, territorial waters, airspace, or land might be used for proliferation purposes by states and non-state actors of proliferation concern. The increasingly aggressive efforts by proliferators to stand outside or to circumvent existing nonproliferation norms, and to profit from such trade, requires new and stronger actions by the international community. We look forward to working with all concerned states on measures they are able and willing to take in support of the PSI, as outlined in the following set of "Interdiction Principles."

Interdiction Principles for the Proliferation Security Initiative:

PSI participants are committed to the following interdiction principles to establish a more coordinated and effective basis ~~through which to impede and stop shipments of WMD, delivery systems, and related materials flowing to and from states and non-state actors of proliferation concern, consistent with national authorities and relevant international law and frameworks.~~ They call on all states concerned with this threat to international peace and security to join in similarly committing to:

- 1.) Undertake effective measures, either alone or in concert with other states, for interdicting the transfer or transport of WMD, their delivery systems, and related materials to and from
- [REDACTED]
- [REDACTED]

states and non-state actors of proliferation concern. "States or non-state actors of proliferation concern" generally refers to those countries or entities that the PSI participants involved decide should be subject to interdiction activities because they are engaged in: (1) efforts to develop or acquire chemical, biological, or nuclear weapons and associated delivery systems; or (2) transfers (either selling, receiving, or facilitating) of WMD, their delivery systems, or related materials.

2.) Adopt streamlined procedures for rapid exchange of relevant information concerning suspected proliferation activity, protecting the confidential character of classified information provided by other states as part of this initiative, dedicate appropriate resources and efforts to interdiction operations and capabilities, and maximize coordination among participants in interdiction efforts.

3.) Review and work to strengthen their relevant domestic legal authorities where necessary to accomplish these objectives, and work to strengthen relevant international laws and frameworks in appropriate ways to support these commitments.

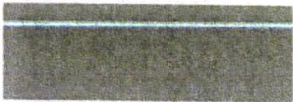
4.) Take specific actions in support of interdiction efforts regarding cargoes of WMD, their delivery systems, or related materials, to the extent their domestic legal authorities permit and consistent with their obligations under international law and frameworks, to include:

a.) To not transport or assist in the transport of any such cargoes to or from states or non-state actors of proliferation concern, and to not allow any persons subject to their jurisdiction to do so.

b.) At their own initiative, or at the request and good cause shown by another state, to take action to board and search any vessel flying their flag in their internal waters, territorial seas, contiguous zones (when declared), or on the high seas that is reasonably suspected of transporting such cargoes to or from states or non-state actors of proliferation concerns, and to seize such cargoes that are identified.

c.) To strongly consider providing consent to the boarding and ~~searching of its own flag vessels by other states when~~ appropriate, and to the seizure of such WMD-related cargoes in such vessels that may be identified by such states.



d.) To take appropriate actions to (a) stop and/or search for in their internal waters, territorial seas, or contiguous zones (when declared) shipments that are reasonably suspected of carrying such cargoes to or from states or non-state actors of proliferation concern and to seize such cargoes that are identified; and (b) to enforce conditions on ships entering their ports, internal waters or territorial seas that are


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reasonably suspected of carrying such cargoes, such as requiring that such ships be subject to boarding, search, and seizure of such cargoes prior to entry.

e.) At their own initiative or upon the request and good cause shown by another state, to (a) require aircraft that are reasonably suspected of carrying such cargoes to or from states or non-state actors of proliferation concern and that are transiting their airspace to land for inspection and seize any such cargoes that are identified; and/or (b) deny aircraft reasonably suspected of carrying such cargoes transit rights through their airspace in advance of such flights.

f.) If their ports, airfields, or other locations are used as transshipment points for shipment of such cargoes to or from states or non-state actors of proliferation concern, to inspect ships, aircraft, or other modes of transport reasonably suspected of carrying such cargoes, and to seize such cargoes that are identified.

11.08.2003

NON – PAPER

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- The Law on the reintegration into society of the members of terrorist organizations has entered into force in Turkey on 6 August 2003.
 - The aim of the law is the reintegration into society of members of terrorist organizations established to commit acts of violence for ideological purposes and to maintain social peace and solidarity.
 - The law covers members of terrorist organizations who have participated and those who have not participated in crimes committed by these organizations.
 - The law envisages an amnesty on certain conditions for members of terrorist organizations during a period of six months after its promulgation.
 - Although the law does not specifically refer to a particular terrorist organization, it is expected that the majority of the people who will benefit from the law will be the members of the PKK/KADEK terrorist organization.
 - Together with the recent EU harmonization packages enacted by the Turkish Parliament and various improvements achieved in the political and social life, this law is seen as a threat to the existence of terrorist organization by its leaders and therefore, the PKK/KADEK leadership has adopted a negative approach towards the law.
 - In fact, only the top 10-15 leading members of the PKK/KADEK terrorist organization who have taken part in the highest administrative units of the organization will not be able to benefit from the law. This leading cadre is trying to maintain its control over the militants of the organization in order to prevent the disintegration of the organization.
 - It is the aim of the Turkish government to use every means and opportunity to fully inform the militants of the terrorist organization about the new law so as to enable them to benefit from it. Therefore, it is the expectation of the Turkish government to establish fruitful cooperation with the Dutch authorities to inform the militants of the organization who may be present in The Netherlands.

- The Turkish government will also appreciate it if the relevant Dutch authorities such as the Ministry of Interior and the Immigration and Naturalization Service are informed about this new law, so that they can take it into consideration while evaluating asylum or residency permit applications of Turkish citizens who are affiliated with terrorist organizations.

- It is a fact that the PKK/KADEK has moved its armed militants into northern Iraq after its decision to withdraw from Turkish territory. As is known, the US authorities are planning to remove all terrorist groups from Iraq, including the PKK/KADEK, in order to establish a democratic and stable regime in the country. Therefore, there is a serious risk that the PKK/KADEK terrorists might seek refuge in Western European countries.

- In view of the excellent cooperation between Turkey and The Netherlands in fighting terrorism, the Turkish government kindly requests the Dutch authorities to prevent any Turkish national who is known to come from northern Iraq from entering The Netherlands and refuse them transit passage. The Turkish government also requests the extradition to Turkey of any Turkish nationals coming from northern Iraq who enter The Netherlands through illegal means.

LAW ON THE REINTEGRATION INTO SOCIETY

Law No.4959

Aim

ARTICLE 1.- The aim of this Law is the reintegration into society of the members of terrorist organizations established to commit acts of crime for political and ideological purposes, and to reinvigorate and maintain social peace and solidarity.

Scope and Definition

ARTICLE 2.- This Law applies to those:

a) members of terror organizations who surrender by themselves without armed resistance or through intermediaries, or those who are found to have left the organization of their own will or those apprehended who

1) have not participated,

2) have participated

in crimes committed by terrorist organizations;

b) who, aware of their situation and identity, have abetted members of the terrorist organization by providing shelter, food, weapons or ammunition, or who have assisted them by other means.

The term terrorist organization referred to in this Law comprises the organization, association, armed association, mob, armed band or secret alliance established with the aim of committing crimes for political and ideological purposes, as referred to in the Turkish Penal Code No.765 dated 1.3.1926 and specific laws involving penal provisions.

Those who cannot benefit from this Law

ARTICLE 3.- This Law does not apply to those:

a) who have taken part in the highest administrative unit, under whatever title, and directed and commanded the terrorist organization with an authority extending over the whole organization,

b) who, despite being within the scope of this Law, reject their previous statements before a judge, prior to the finalization of their verdict or who state that they do not wish to benefit from the provisions of this Law,

c) to whom the provisions of the laws no.3216 dated 5.6.1985, no.3419 dated 21.3.1990, no.3853 dated 26.11.1992, no.4085 dated 28.2.1995, no.4450 dated 26.8.1999 and no.4537 dated 24.2.2000 were applied and have re-committed the crimes referred to in the aforementioned laws.

Punishment reduction, ill-intentioned statement and re-commission

ARTICLE 4.- Those members of a terrorist organization,

a) who have not been involved in crimes committed by the terrorist organization and who, after this Law has entered into force, surrendered by themselves, without putting up an armed resistance, or through intermediaries, or who are found to have left the organization of their own will, and who declare their intention to benefit from this Law shall not be handed a punishment,

b) who, prior to the entry into force of this Law, were involved in crimes committed by the terrorist organization but surrender after the entry into force of this Law, by themselves, without putting up an armed resistance, or through intermediaries, or who are

found to have left the organization of their own will, shall be sentenced, in accordance with the nature and elements of the crime they have committed, to twelve years instead of life imprisonment commuted from the death penalty; to nine years of imprisonment instead of life imprisonment, and other verdicts shall be handed with a reduction to a fifth, should they declare that they wish to benefit from this Law, if they are found to have provided accurate information, consistent with their position and activities within the organization, on the structure and activities of, and on the other suspects within and the crimes committed by the terrorist organization.

c) who, with no respect to their participation or non-participation in crimes committed by the terrorist organization prior to the entry into force of this Law, are apprehended after the entry into force of this law, if they declare that they wish to benefit from this Law, and should they provide information, consistent with their position and activities within the organization, that will help lead to the dissolution or unearthing of the terrorist organization or they help prevention of a crime planned to be committed by the terrorist organization by providing information and documents or with their personal involvement; shall be,

1) sentenced, in accordance with the nature and elements of the crime they have committed, to sixteen years instead of life imprisonment commuted from the death penalty; to fourteen years of imprisonment instead of life imprisonment; and other verdicts shall be handed with a reduction to a third, if they provide such information prior to the finalization of their verdict.

2) sentenced, in accordance with the nature and elements of the crime they have committed, to twenty two years instead of life imprisonment commuted from the death penalty; to nineteen years of imprisonment instead of life imprisonment; and other verdicts shall be handed with a reduction by half, if they provide such information after the finalization of their verdict.

If any statements made by those who want to benefit from this law are found to be ill-intentioned or their evidence fabricated, the suspects shall be sentenced to a minimum of an additional five years of imprisonment even if the act constitutes another crime, and they will not benefit from the provisions of this law.

The sentences shall be increased by half for those who, after having benefited from this Law, re-commit the crimes under the scope of this Law within the periods prescribed in Article 81 of the Turkish Penal Code.

The provisions prescribed herein also apply to those who, although not members of the terrorist organization themselves, have provided the members of the terrorist organization with weapons and ammunition. However, those who have provided only shelter or food, or aided in other ways the members of the terrorist organization, shall not be punished.

Protection measures

ARTICLE 5.- Without awaiting the finalization of the court verdict, the Ministry of Interior shall take, upon the request of those concerned, the necessary protection measures and all measures for the re-integration of the persons to whom the Article 170 and the last paragraph of the Article 171 of the Turkish Penal Code as well as the provisions of this Law apply as they are found to have provided information consistent with their position and activities within the organization.

The Ministry of Interior and all other relevant authorities have to comply with rules of confidentiality in the implementation of the measures taken. Those acting in breach of the provisions of this paragraph shall be punished from two to three years.

The persons liable for protection, and the types, forms as well as relevant expenditures as regards these measures shall be prescribed by a regulation issued by the Ministry of Interior. The relevant authorities and institutions shall carry out without delay the requests of the Ministry of Interior regarding protection measures.

The expenditures for the implementation of the protection measures shall derive from the funds made available to the relevant line of budget of the Ministry of Interior. The expenditures from this fund shall be approved by the Minister of Interior and in accordance with the principles outlined in Article 77 as amended of the Code of General Accounts No.1050 dated 26.5.1927. The provisions of the Law on the Public Tenders No.4734 dated 4.1.2002 does not apply to such expenditures.

~~The new identities of persons, whose identities have been changed in accordance with~~ this article, shall be registered on their criminal records, which will be kept only in the central criminal records at the Directorate General of Criminal Records and Statistics of the Ministry of Justice.

The implementation of the protection measures shall be continued for those who benefited from the provisions of the Law No.3216 dated 5.6.1985 and the Law No.3419 dated 25.3.1988.

Investigation of the information provided

ARTICLE 6.- In cases where information is given to the authorized bodies and courts in accordance with this Law, these authorized bodies and courts shall immediately and in confidentiality relay such information to the Ministry of Interior.

As to the implementation of this Law, the relevant court shall investigate separately the accuracy of the information given and the statements made through the Ministry of Interior. In order that the information given and the statements made can be investigated, the court shall send a file, enclosing all statements by the suspect taken at all stages, to the Ministry of Interior. The Ministry of Interior shall, upon receipt of the court's written request, review the file as soon as possible and submit a report back to the court with its justifications.

When deemed necessary for the investigation of the accuracy of the provided information, the convicts or the detainees, subject to their own consent, can be taken, upon an application by the investigating authority and a request by the prosecutor, from their institutions of detention or prison by the decision of a local court. The period of remaining under custody shall be determined by the court in accordance with the nature of the work. In each case, a judge shall hear the convict or the detainee. However, this period may not exceed four days in each individual case and may not exceed an overall of fifteen days. This period is counted as passed in service of conviction or detention. The physical conditions of the convicts or the detainees shall be verified by a medical report when they leave and return to the prison or house of detention. A copy of all documents relating the actions taken during the custody shall be furnished to the Ministry of Interior to be kept in the file of the relevant person.

In cases where this Law applies, the court may decide, if it deems necessary, to postpone the execution of the sentence.

A copy of the verdict on those who benefit from this Law shall, upon its finalization, be sent by the court to the Ministry of Interior.

During the procedures regarding persons who fall within the scope of the Article 7 of the Law on Combating Pro fit-Seeking Crime Organizations No.4422 dated 30.7.1999 and to whom protection measures are applied, the relevant witness protection units shall investigate whether these persons are within the scope of this Law.

Annulled articles

ARTICLE 7.- The Law on the Provisions to be Applied to Certain Perpetrators of Crimes No.3419 dated 25.3.1988 has been annulled, together with its additions and amendments. References in other laws to the annulled Law No.4319 dated 25.3.1988 shall be considered to have been made to this Law.

PROVISIONAL ARTICLE 1.- The provisions of this Law also apply to those members of the terrorist organization who are found to have left the organization of their own

will or surrendered or apprehended prior to the entry into force of this Law, or who applied, within six months from the date of entry into force of this Law, to the authorities and courts stating that they wish to benefit from the provisions of this Law, if they have complied or comply with the conditions.

Entry into force

ARTICLE 8.- This Law enters into force on the date of its promulgation and the first ~~and the last paragraphs of the Article 4 ceases to have effect six months after the date of~~ promulgation.

Execution

ARTICLE 9.- The Council of Ministers executes the provisions of this Law.

5/8/2003