

No. 52252. Greece and Turkey

AGREEMENT BETWEEN THE HELLENIC REPUBLIC AND THE REPUBLIC OF TURKEY ON COOPERATION OF THE MINISTRY OF PUBLIC ORDER OF THE HELLENIC REPUBLIC AND THE MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF TURKEY ON COMBATING CRIME, ESPECIALLY TERRORISM, ORGANIZED CRIME, ILLICIT DRUG TRAFFICKING AND ILLEGAL IMMIGRATION. ANKARA, 20 JANUARY 2000

PROTOCOL FOR THE IMPLEMENTATION OF ARTICLE 8 OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE HELLENIC REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF TURKEY ON COMBATING CRIME, ESPECIALLY TERRORISM, ORGANIZED CRIME, ILLICIT DRUG TRAFFICKING AND ILLEGAL IMMIGRATION (WITH ANNEXES). ATHENS, 8 NOVEMBER 2001*

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N° 52252. Grèce et Turquie

ACCORD ENTRE LA RÉPUBLIQUE HELLÉNIQUE ET LA RÉPUBLIQUE TURQUE RELATIF À LA COOPÉRATION DU MINISTÈRE DE L'ORDRE PUBLIC DE LA RÉPUBLIQUE HELLÉNIQUE ET DU MINISTÈRE DES AFFAIRES INTÉRIEURES DE LA RÉPUBLIQUE TURQUE DANS LA LUTTE CONTRE LA CRIMINALITÉ, NOTAMMENT LE TERRORISME, LE CRIME ORGANISÉ, LE TRAFIC ILLICITE DE STUPÉFIANTS ET L'IMMIGRATION ILLÉGALE. ANKARA, 20 JANVIER 2000

PROTOCOLE D'APPLICATION DE L'ARTICLE 8 DE L'ACCORD ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE HELLÉNIQUE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE TURQUE DANS LA LUTTE CONTRE LA CRIMINALITÉ, NOTAMMENT LE TERRORISME, LE CRIME ORGANISÉ, LE TRAFIC ILLICITE DE STUPÉFIANTS ET L'IMMIGRATION ILLÉGALE (AVEC ANNEXES). ATHÈNES, 8 NOVEMBRE 2001*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**PROTOCOL
FOR THE IMPLEMENTATION OF ARTICLE 8 OF THE
AGREEMENT
BETWEEN
THE GOVERNMENT OF THE HELLENIC REPUBLIC
AND
THE GOVERNMENT OF THE REPUBLIC OF TURKEY
ON
COMBATTING CRIME, ESPECIALLY TERRORISM, ORGANIZED
CRIME, ILLICIT DRUG TRAFFICKING AND ILLEGAL MIGRATION**

Pursuant to Article 8 of the "Agreement Between the Government of the Hellenic Republic and the Government of the Republic of Turkey on Combating Crime, especially Terrorism, Organized Crime, Illicit Drug Trafficking and Illegal Migration", hereinafter referred to as "Agreement", the Government of the Hellenic Republic and the Government of the Republic of Turkey hereinafter referred to as "Parties",

Desiring to promote their cooperation in order to ensure a better application of the provisions relevant to the transfer of persons who do not or who no longer fulfill the conditions in force for entry or residence, within the framework of respect of the rights and guarantees provided by the laws and regulations in force as well as within the framework of international conventions and agreements and taking care of the fighting against illegal migration,

have agreed as follows:

**ARTICLE 1
STATUS OF THE PROTOCOL**

The present Protocol implements the third paragraph of Article 8 of the Agreement between the Hellenic Republic and the Republic of Turkey on cooperation of the Ministry of Public Order of the Hellenic Republic and the Ministry of Internal Affairs of the Republic of Turkey on combating crime, especially terrorism, organized crime, illicit drug trafficking and illegal migration and does not prejudice the obligation assumed in the second paragraph of the same article to conclude an agreement on Readmission.

ARTICLE 2

PROOF OF CITIZENSHIP OF THE NATIONALS OF THE PARTIES

1. The citizenship of the persons to be readmitted of the Parties mentioned in Article 8 of the Agreement, is proved by the following documents:

- a. National identity card (even of temporary validity or special nature).**
- b. Any type of valid passport (ordinary, diplomatic, special, service) and documents with picture issued by the authorities in replacement of the passport.**
- c. Certification of identity issued by competent administrative or consular authorities.**

2. The actual proof of citizenship in the above cases shall be effective for the Parties and shall require no further investigation, unless the opposite is proven by the requested Party.

ARTICLE 3

PRESUMPTION OF CITIZENSHIP OF THE NATIONALS OF THE PARTIES

1. The citizenship of the persons to be readmitted of the Parties mentioned in Article 8 of the Agreement may be presumed in particular on the basis of any of the following:

- a. Possession of one of the set forth, in Article 2, documents, the validity of which has expired.**
- b. Document granted by the competent authorities of the requested Party which certifies the identity of the persons to be readmitted (driving license, extract of the national registry office, seamen's book).**
- c. A photocopy of one of the above mentioned documents.**
- d. Official personnel Identity cards and passes of Government institutions.**
- e. Statements of the person in question, legally taken by the requesting Party.**
- f. Statements of the witnesses, legally taken by the requesting Party.**

- g. Accurate information provided by official authorities. (This information has to be confirmed by the other Party).
2. The above evidences for presumption of the citizenship shall be deemed to constitute a justification for the conclusive investigation to ascertain the citizenship of the persons concerned.
3. In case that there are no doubts regarding the citizenship, the consular authorities of the requested Party shall grant to the person to be readmitted a document permitting his/her departure, pursuant to the national legislation of the requested Party.
4. In case of doubt regarding the citizenship of the person to be readmitted, the requesting Party may request the consular authorities of the requested Party to proceed to the examination of the person concerned. The examination will be organized at a location proposed by the requesting Party, in agreement with the relevant consular authorities. The Parties shall organise the examination of the person concerned, as soon as possible.
5. When, after the examination or during the period of verification of the evidences obtained at the investigation process, it is proven that the person to be readmitted has the citizenship of the requested Party, the consular authorities of the Party in question will grant him/her the document mentioned in paragraph 3 of this Article.

ARTICLE 4

PROOF OF ENTRY OF CITIZENS OF THIRD COUNTRIES

1. The entry into the territory of the Parties of citizens of third countries mentioned in Article 8 of the Agreement, is proven on the basis of any of the following documents:
 - a. An entry stamp of the requested Party in any type of passport or any kind of travel document.
 - b. An exit stamp of a state which has a common frontier to one of the Parties, taking into account the itinerary and the date of the border crossing.
 - c. An entry stamp of the requested Party on a false or falsified passport or travel document.

d. The travel documents which can formally establish entry across the borders of the requested Party.

e. The fingerprints which, eventually, have been taken by the authorities during the crossing of the borders.

2. The evidences for proof of entry, as listed in paragraph 1 (a), (b), (c), (d), (e) of this Article, of the citizens of third countries shall be recognized by the Parties, unless the opposite is proven by the requested Party.

ARTICLE 5

PRESUMPTION OF ENTRY OF CITIZENS OF THIRD COUNTRIES

1. The entry of third countries' nationals into the territories of the Parties, mentioned in Article 8 of the Agreement, may be presumed on the basis of:

- a. Permit of residence, the validity of which has expired.
- b. Statements by officials of governmental authorities.
- c. Fingerprints in addition to those eventually taken by the authorities during the crossing of the borders.
- d. Legally taken statements by either Party of the person to be transferred and, if possible, together with the statement of the transporter involved.
- e. Receipts of such supplied services as hotels, hospitals, visits to doctors, passes permitting public and private amenities.

2. The evidences of presumption of entry, as listed in paragraph 1 (a), (b), (c), (d), (e) of this Article, of the citizens of third countries shall constitute a justification for the conclusive investigation to ascertain the entry from the territory of the requested Party to the requesting Party of the person concerned. The investigation shall be carried out within the time limit stipulated in Article 6, paragraph 5 of this Protocol.

ARTICLE 6

READMISSION PROCEDURE

1. For the readmission of persons mentioned in Article 8 of the Agreement, one of the following procedures shall be followed, using one of the forms set forth for each one of them.