**3/29/2018**

**Dear \_\_\_\_\_\_\_\_\_\_,**

RE: **Detention of Turkish nationals in KOSOVO and their extradition to TURKEY**

We write to request urgent action from you. Today (29 March 2018) in the early morning in KOSOVO of Turkish nationals Mr. Mustafa ERDEM, Mr. Yusuf KARABINA, Mr. Kahraman DEMIREZ, Mr. Cihan ÖZKAN, Mr. Hasan Hüseyin GÜNAKAN, employees of Turkish Educational Institutions in Kosovo and Prof. Osman Karakaya.

Kosovan online media has been reporting that six Turkish nationals who have legal residence and / or working permit in the country have been detained by Kosovan police on demands of the Turkish regime and that the operations are continuing on against other Turkish nationals alleged to be affiliated with the Gulen Movement. According to progovenment media 6 people arrested by the intelligence service of Turkey and brought to Turkey by a private jet. Sources from the UN apparatus in the country suggested that the list of to-be-detained Turkish nationals living in Kosovo includes 200 names. Lawyers of the teachers have complained to the local media that they are not being informed about the whereabouts of their clients.

The six Turkish nationals detained up until now are, Mr. Mustafa Erdem, general director of Mehmet Akif College run by Turkish businesspeople in Kosovo, Mr. Yusuf Karabina, deputy director of the same school, Mr. Kahraman Demirez, director of the Djakovica branch of the school, Mr. Cihan Ozkan, a biology teacher, Mr. Hasan Huseyin Gunakan a chemistry teacher from the same school and Prof. Osman Karakaya, a Turkish medical doctor apparently staying in the country as a tourist. The detention came a month after a February visit by Deputy Minister of Justice of Turkey Mr. Bilal Ucar complaining about the schools run in this country by the alleged Gulenists. Kosova had previously detained another Turkish national Mr. Ugur Toksoy on alleged grounds of involvement with Gulen Movement but a Kosovan court suspended the extradition process due to lack of material evidence. The fact that the detentions came on the day of Turkish Prime Minister Binali Yildirim’s visit to the Balkans is also troubling. Turkish nationals with alleged links to the Gulen Movement had occasionally been detained and subjected to lengthy interrogations in order to ease the pressure of the Turkish politicians during their trips to friendly countries.

We are very concerned that;

1. The number and extend of detentions may increase during the day as already hinted by Kosovan police and UN sources in the country;
2. The detained may be subjected to unnecessary interrogation and extradition to Turkey where their chances of receiving neutral and just treatment is very dim, there is no rule of law in Turkey and Turkey has ranked 101st among 113 countries according to the most comprehensive rule of law index published by ABA, World Justice Project 2017-2018.
3. The fact that the Kosovan authorities are not collaborating with the lawyers of the detained hints to a possible bypassing of the legal processes within the country;
4. The family members of the detained may also be detained and extradited to Turkey.

Turkey is not a safe country under Authoritarian ERDOGAN regime for alleged and real affiliates of the Gulen Movement and his opponents. Turkey was ranked 155 in Reporters Without Border’s 2017 World Press Freedom Index and 171 journalists still in jail in 2018 according to free journalist initiative. Several international organizations have reported on torture and mistreatment in Turkish prisons of the alleged members of the Gulen Movement including a most recent condemnatory report by UN High Commissioner for Human Rights. Under such conditions, it is of utmost urgency that you express your concerns about these detentions and prospective extraditions of Turkish nationals to Turkey.

Any effort to forcibly deport these individuals to Turkey, or any other place where they may face torture, ill-treatment and a real risk to his life, violate both, the Constitution of Kosovo and its obligations under international law deriving from Article 22 of the Constitution [Direct Applicability of International Agreements and Instruments], notably the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In line with these concerns, only in the last 18 months, three separate United Kingdom courts, the German Federal Constitutional Court and a Czech court have dismissed extradition requests filed by Turkey. See: <http://www.bailii.org/ew/cases/EWHC/Admin/2017/952.html> and <https://www.matrixlaw.co.uk/judgments/court-considers-human-rights-risks-extradition-case/> and <http://www.todayonline.com/world/german-court-halts-deportation-turk-convicted-islamist-support>. Also see the Arrested Lawyers Initiative’s report on extradition to Turkey here: <https://arrestedlawyers.org/2018/02/09/report-extradition-to-turkey-one-way-ticket-to-torture-and-unfair-trial/>

UN REPORT on Human Rights Violations in Turkey,

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22853&LangID=E>

<http://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf>

FOREIGN AFFAIRS, Turkey turning to mafia state

<https://www.google.com/amp/s/www.foreignaffairs.com/articles/turkey/2017-11-30/turkey-turning-mafia-state%3famp>

AST Report on threats to Gulen Movement abroad.

<http://silencedturkey.org/wp-content/uploads/2017/12/AST_Report_Threats_Gulen-Movement.pdf>

As the detentions are still continuing on and as from tomorrow onwards it will be very hard to reach to Kosovan authorities, we are calling all relevant parties to act swiftly and write to their Kosovan counterparts and ask for immediate halt to these detentions and to any prospective extradition to Turkey.

Yours Sincerely,