

**An Advocates of
Silenced Turkey
Special Report
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Collapse of Rule of Law in TURKEY and Politically Motivated Extradition Requests for the Dissidents of Erdogan Regime

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About Advocates of Silenced Turkey

AST is a 501(c)(3) Not for Profit charitable and educational organization based in NJ exclusively for defending human and civil rights.

To address all human rights violations in Turkey regarding civil, political, economic, social and cultural as contained in the basic human rights documents.

To prevent genocide, crime against humanity, arbitrary detention, torture and ill treatment, discrimination and to defend right to life, rule of law, right to privacy, freedom of expression, freedom of thought, conscience and religion, freedom of associations.

To utilize all human rights advocacy tools, mechanisms, and systems that can possibly be used to protect and promote the human rights of those whose voices are being silenced in Turkey and beyond.

To hold accountable the perpetrators of Human Rights in Turkey and beyond together with the opportunity for victims to obtain justice and reparation, in order to do so, it uses the power of the law to fight the impunity of perpetrators, accomplices and instigators of crimes, defends the interests of victims before national and international courts and brings cases before the appropriate international human rights bodies, in close collaboration with its local partners and the victims to get authorities to take firm action against violations.

Collapse of Rule of Law in Turkey and Politically Motivated Extradition Requests for the Dissidents of Erdogan Regime

INTRODUCTION

Turkey's relentless efforts to have dissidents extradited from where they live frequently pits Ankara against host countries. The issue has become an enduring source of diplomatic friction between Turkey and its Western allies when Ankara sought to persuade them to extradite the critics of the government. But, neither the U.S. nor Germany (or other Western countries) responded positively to Ankara's bids on the grounds that the prospect of politically motivated claims and nonexistence of fair trial in Turkey, especially in the aftermath of the coup. As will be analyzed in detailed fashion in later chapters, the collapse of rule of law removes any legal rationale for accepting Turkey's extradition demands.

The 2016 coup represents a watershed from many points of view. But it made an accelerating impact on Turkey's already fraying democratic mechanisms and allowed President Recep Tayyip Erdogan's administration to launch a sweeping purge to cleanse public service and security bureaucracy of his political opponents and critics. The numbers indicate a purge of great proportions. More than 150,000 public workers, including generals, admirals, judges, prosecutors, doctors, teachers, police officers and etc., have been summarily sacked by emergency decrees without due process. The Gulen Movement has been singled out as the primary target of the post-coup clampdown and repression. The crackdown, as this report asserts, is not limited to the domestic realm of Turkey.

The government pursues its opponents all around the globe. In this respect, the Turkish authorities aggressively go after Gulen Movement members in all around the world. Formal extradition channels aside, the Turkish intelligence steers operations to snatch Gulen-affiliated people from Balkans, some African and Asian countries, in cooperation and collaboration with local agencies in most of the cases.

This report mostly focuses on flawed reasoning and legal controversies that taint Turkey's extradition attempts for dissidents abroad. Ankara's efforts are politically motivated, lack necessary legal grounds and violate international norms and agreements that regulate the legal structure of extradition procedures.

There are numerous reports illuminating the collapse of rule of law and the judicial independence in Turkey. The lack of fair trial, the denial of the right to defense, and political interference in ongoing cases summoned close-up scrutiny from international organizations to the nature of post-coup trials, causing debilitating damage to the credibility of trials at all. Despite for all the coverage of post-coup affairs in Turkey, how trials proceed on bogus and trumped-up charges, how the Turkish political and judicial authorities fabricated evidence to implicate certain figures and how arbitrariness contagiously pervaded all layers of judicial mechanism remain mostly under-sketched until a recent report by the Human Rights Watch (HRW).¹ The HRW report aside, previous studies mostly left certain aspects regarding trials beyond full grasp of outsiders. For this reason, except experts and legal observers, the outside world remains uninformed about how things veered off the script and how the very word of law has become a dead letter following the purge and politically-tinged trials. This report, in addition to the HRW-like studies, seeks to fill the gap by offering a detailed analysis of the political efforts aimed at subverting the legal system and manipulating post-coup trials. Additionally, this study tries to provide a panoramic view of central contours of the political course of post-

¹Lawyers on Trial: Abusive Prosecutions and Erosion of Fair Trials in Turkey, *HRW*, April 10, 2019. <https://www.hrw.org/report/2019/04/10/lawyers-trial/abusive-prosecutions-and-erosion-fair-trial-rights-turkey>

coup Turkey in an effort to illustrate the correspondence between the government's not-so-subtle interference in legal processes and dynamics of advancing political interests of the ruling party.

To have a proper sense of what this report is about, a historical perspective is essential to capture how the Turkish government defied both national and international law. This requires revisiting recent course of political events that sealed the country's tilt toward authoritarianism. In this regard, an adequate understanding of the political context would be a good start to untangle the link between political factors and judicial affairs.

HISTORICAL AND POLITICAL CONTEXT



Gezi Park Protests (2013)

Turkey's slow-motion drift into the grip of authoritarianism took place in much a longer time, a process that began before the failed 2016 coup. The government's heavy-handed response to nationwide Gezi Park protests in 2013 and the first waves of purge after the corruption investigation in December 2013 paved the way for the emergence of an illiberal government. Then-Prime Minister Recep

Tayyip Erdogan did his best in his capacity to blunt the sprawling graft scandal, which implicated his cabinet ministers and his family members. The prime minister responded with a swift purge of prosecutors and police officers overseeing the graft case.² Many observers and experts pinpoint this year, 2013,

² Tim Arango, Corruption Scandal Is Edging Near Turkish Premier, *The New York Times*, December 25, 2013, <https://www.nytimes.com/2013/12/26/world/europe/turkish-cabinet-members-resign.html>

as the major turning point for Turkey's drift away from a liberal democracy, which it never gained in a full-fledged, ideal fashion in the republican history. It would be safe to say that the contours of autocratic turn began to appear with the purge in judiciary and police department in late 2013. What followed after was a steady descent into an autocratic system.

If the post-2013 era signaled the harbinger of Turkey's break with the democratic norms, the post-coup period after the botched putsch in mid-2016 served as a testament to the full breakdown of the rule of law, judicial independence and corrosion of the integrity of Turkey's bureaucratic institutions following the sweeping purge. The failed coup attempt was a watershed moment in Turkey's modern history. The government immediately declared a state of emergency and ruled the country with decrees, which had the full force of law, for two years. Although the emergency regime officially ended last summer, the measures taken by the government during the emergency rule remain in place after authorities enacted a new set of laws that made decrees permanent.

The abortive coup provided President Erdogan and his party the much-needed pretext and unlimited latitude to embark on a massive purge to dismiss their real and perceived political opponents from public service. The profusion of numbers is mind-numbing. More than 150,000 public workers have been fired without due process.³

A detailed report by Amnesty International in October last year meticulously documented how that process played out. Authorities did not feel any compunction over the lack of any legal basis or evidence of wrongdoing to justify dismissals.

"Their dismissals did not include specific evidence or details of their alleged wrongdoing. Instead, the decrees offered a generalized justification that they '...had links to, were part

³ See the report by Amnesty International late last year. Turkey: Purged Beyond Return? No Remedy For Turkey's Dismissed Public Sector Workers, *Amnesty International*, October 25, 2018. <https://www.amnesty.org/en/documents/eur44/9210/2018/en/>

of, were connected to, or in communication with...' proscribed groups,"⁴ the Amnesty report stated.

Administrative decisions, not court rulings, were definitive and determining elements in the course of dismissals, a minister admitted during the emergency rule.⁵ Former Justice Minister Bekir Bozdag's off-script remarks were an acknowledgment of the political nature of the purge process, which took place in line with political whims of the government rather than due legal process.

As the subject matter of this report, the collapse of judicial independence and lack of fair trials appear as the major source of lamentation and complaints from purge victims. More than 4000 judges and prosecutors have been dismissed en masse. The majority of them wound up in jail after lengthy pretrial detention. What further blighted Turkey's shredded judicial landscape was a systematic blow to defendants' right to fair defense and legal counsel. A recent HRW report, which was published this April, lucidly elaborated on the crackdown on lawyers, among other things. The political persecution of the members of Turkey's judiciary was (is) not restricted to mass imprisonment of judges and prosecutors. The Turkish authorities also went after lawyers and legal organizations, denying defendants, who had been arrested as part of the post-coup crackdown, not only the fair trial but also access to the most basic legal counsel and defense. It would be professional suicide for any lawyer to represent someone, who stand trial on the charge of affiliation with the Gulen Movement. As the HRW report dwells upon the legal perils and professional challenges of defending a Gulen-affiliated person, lawyers face the high risk of similar treatment and accusations by the authorities.

⁴ Amnesty Report, <https://www.amnesty.org/en/documents/eur44/9210/2018/en/>

⁵ Adalet Bakanı Bekir Bozdag'dan Sok İtiraf, *KHKli Platformu*, <http://www.khikliplatformu.com/bekir-bozdagin-skandal-aciklamalari-ingilizce.html>

"The judiciary faced a number of challenges that limited judicial independence, including the suspension, detention, or firing of judicial staff accused of affiliation with the Gulen movement,"⁶ the U.S. State Department report noted.

Separately, the authorities also "ordered the arrest of other defense attorneys representing a number of high-profile clients."

- More than **150,000** public workers have been fired without due process.
- More than **4000** judges and prosecutors have been dismissed en masse.

The U.S. report added:

For example, a judge ordered the arrest of defense attorney Omer Kavili, who was representing the band Grup Yorum, at an October 5 hearing of the case at Istanbul's Silivri Criminal Court. At his trial, the judge argued that Kavili was not performing the profession of defense, but was instead portraying his client and himself as victims and seeking vindication through "reverse psychology." Kavili was released on October 6 following public outcry by opposition parties and bar associations."⁷



Ömer Kavilli

While the HRW's scrupulous and well-documented study limits its focus to the ordeal of lawyers, this report aims to take a larger look from a broader perspective to situate the breakdown of Turkey's judicial system in a historical and political context. To that aim,

⁶ Turkey 2018 Human Rights Report, *U.S. State Department*.
<https://www.state.gov/documents/organization/289435.pdf>

⁷ Turkey 2018 Human Rights Report, *U.S. State Department*.
<https://www.state.gov/documents/organization/289435.pdf>

how the entire legal drama was deeply tainted and steered by political meddling and considerations in Turkey's post-coup political landscape will be the major theme of this study. In this respect, apart from providing a mere analysis or a narrative record of the recent course of events in Turkey from an analytical angle, this report also contains some normative judgments and policy prescriptions for outside experts, especially in the legal profession, in the face of Turkey's relentless legal diplomacy to haunt dissidents abroad.

It would be tempting for the host countries to treat Ankara's extradition requests of some critics within the narrow scope of technical aspects of legal criteria. But it need not much prudence to see the political motivations of Ankara lurking behind the mere judicial moves. This report casts Turkey's tireless efforts to capture the government's opponents abroad in this light, offering a close-up look at some cases that expose political machinations inherent in some extradition requests. Therefore, this study warns foreign governments and courts against Ankara's disregard of central tenets of its own national law and international law when it pursued certain critical figures living in different countries either in Europe or elsewhere.

THE NATURE OF POLITICAL REGIME IN TURKEY

A. Turkey's Drift Away From Democracy: A Background

There is an emerging widespread consensus among scholars and journalists over the nature of the political regime in Turkey. One chief assumption rests at the center of countless diverse studies -- Turkey is no longer a democracy and there is little space for free speech. Whether Turkey could be identified as a dictatorship still remains a matter of an ensuing academic controversy. The scholarly position oscillates between divergent viewpoints from "smart authoritarianism" to emerging fascism. The debate is not just

about semantics or the epistemological dimension, it is about the essence and soul of the living system in Turkey.



“IN TURKEY under President Recep Tayyip Erdogan, the tweet has been turned into a crime, and a troubled democracy is being turned into a dictatorship. Gradually but inexorably, a nation that once aspired to be an exemplar of enlightened moderation is being transformed by Mr. Erdogan into a dreary totalitarian prison,”

The Washington Post wrote in an editorial last year.⁸

The Post editorial reached its conclusion after a long take on how Erdogan’s government rolled back democratic gains of the recent decades. Certainly, the Post is not alone in its assessment.

The numbers are telling. The U.S. report underlines the statistics released by the Turkish Interior Ministry. The authorities, the report stated, “investigated **631,233** digital materials, monitored **110,000** social media publications, and detained **7,000** individual for social media posts.”

The Turkish president’s gradual power grab did not happen within one year. It rather took place stage by stage in a piecemeal fashion over the past several years. His political machinations chipped away at core elements of Turkey’s fragile democracy.

Not long before its descent into authoritarianism, Turkey aspired to be a model country for the rest of the region. A mixed combination of Islam and democracy, a rising economy

⁸Erdogan is transforming Turkey into a totalitarian prison, *The Washington Post*, March 11, 2018.
https://www.washingtonpost.com/opinions/erdogan-is-transforming-turkey-into-a-totalitarian-prison/2018/03/11/19a4cde8-23c9-11e8-94da-ebf9d112159c_story.html?utm_term=.cff04026fa34

with groundbreaking, novel E.U. reforms as part of the negotiations with Brussels for full membership were the hallmarks of Turkey's inspiring success story.

"... Turkey is viewed as having played the "most constructive" role in the past year's events and its prime minister, Recep Tayyip Erdogan, emerged as the most admired leader by far in the region, according to the 2011 edition of the annual "Arab Public Opinion Survey" conducted by Shibley Telhami of the Brookings Institution," Jim Lobe wrote for Institute for Policy Studies in 2011.⁹

"Turkey is the biggest winner of the Arab Spring,"¹⁰ wrote Telhami who led the survey in 2011 to measure the public reaction and expectations across the region swept by a wave of demonstrations toppling long-running autocrats. The scholar noted further:

"In the five countries polled, Turkey is seen to have played the "most constructive" role in the Arab events. Its prime minister, Recep Erdoğan, is the most admired among world leaders, and those who envision a new president for Egypt want the new president to look most like Erdoğan. Egyptians want their country to look more like Turkey than any of the other Muslim, Arab and other choices provided."

During the first decade of its spell in power, the Islamist-rooted AKP's displayed commitment to democracy and its reform-driven agenda to acquire E.U. membership for Turkey upended the long-held belief that political Islam and democracy would not co-exist peacefully in a properly functioning fashion. Until an illiberal and undemocratic turn in the early 2010s, President Erdogan's rule proved otherwise, boosting confidence in the belief that conservative and Islamist-oriented parties would reconcile their worldview with the demands and necessities of democratic politics.

⁹ Jim Lobe, Erdogan Most Popular Leader By Far Among Arabs, *Institute For Policy Studies*, November 29, 2011. https://ips-dc.org/erdogan_most_popular_leader_by_far_among_arabs/

¹⁰ Shibley Telhami, The 2011 Arab Public Opinion Poll, *Brookings Institute*, November 21, 2011. <https://www.brookings.edu/research/the-2011-arab-public-opinion-poll/>

But as scholars increasingly came to believe that the Arab Spring¹¹ was a lost opportunity for the Erdogan administration's loyalty to democracy. Lured by the emerging geopolitical opportunities during the Arab Spring in the Middle East, Turkey sought to project its power across the region. Ankara employed elements of hard power at the expense of its hard-won soft power, chipping away at the prestige it earned after arduous efforts, and making Turkey susceptible and open to the spillover of the regional conflicts. The Syrian civil war and Turkey's policies have been the most known contours of this embroilment and over-stretch of Ankara's diplomatic as well as military clout, mostly to the detriment of the country's interests.

While the Syrian conflict dragged Turkey into uncharted territory with profound diplomatic and military ramifications for Ankara's regional foreign and security policies, the Turkish domestic politics would not escape unscathed and unaffected from the conflict. The refugee flow, the challenging incorporation of more than 3,5 million Syrians into Turkey's social fabric, and the emergence of security threats after open border policy created additional pitfalls for the government in Ankara. The social and economic cost of accommodating Syrians also became a politically divisive issue.

B. Contours of Authoritarianism

These course of events in the internal and external realm appears to have inexorably anchored Turkey in an illiberal political setting. The scale and pace of Turkey's drift into the grip of full-blown authoritarianism after the failed coup in 2016 is completely a different story. The post-2016 Turkey resembles a different country as it underwent a seismic change in all facets and layers of the body politic.

¹¹ Jonathan Schanzer and Merve Tahiroglu, Ankara's Failure: How Turkey Lost the Arab Spring, *Foreign Affairs*, January 25, 2016. <https://www.foreignaffairs.com/articles/turkey/2016-01-25/ankaras-failure>

After praising Turkey's democratic reforms during the 2000s, Peter S. Goodman, London-based European economics correspondent for The New York Times, detected a similar collapse over the course of past years. He wrote for The Times last year:

“But that was before Mr. Erdogan began amassing supreme powers, and before his brutal crackdown on dissent following an attempted coup two years ago. It was before Turkey descended into a financial crisis delivered in no small measure by his authoritarian proclivities and unorthodox stewardship of the economy. Whatever was left of the notion that Mr. Erdogan was a liberalizing force has been wholly extinguished.”¹²

“For the West,” he added, “Mr. Erdogan has devolved from a righteous hope — would-be proof that Islam and democracy can peacefully coexist — into another autocrat whose populism, bombast and contempt for the ledger books have yielded calamity.”

The failed coup ushered in a new era and prompted a new form of commentary that increasingly began to use the concept of dictatorship and dictator when they analyzed the transformation of both the political landscape and President Erdogan himself.

David L. Phillips, Director of the Program on Peace-building and Rights, Columbia University's Institute for the Study of Human Rights, likened Erdogan to Stalin. **“Erdogan's ‘inner Stalin’ is unleashed,”** he wrote five days after the coup.¹³

Turkey's authorities launched a massive purge within the public sector and security bureaucracy, with little regard for the purge's calamitous and pernicious implications for the integrity and functional health of the institutions. The Columbia scholar, who also

¹² Peter S. Goodman, The West Hoped for Democracy in Turkey. Erdogan Had Other Ideas, *The New York Times*, April 18, 2018. <https://www.nytimes.com/2018/08/18/business/west-democracy-turkey-erdogan-financial-crisis.html>

¹³ David L. Phillips, Erdogan's “Inner Stalin,” *The Huffington Post*, July 20, 2018. https://www.huffpost.com/entry/erdogans-inner-stalin_b_11101118

served at the State Department in the past administrations of Clinton, Bush and Obama, argued that Erdogan was turning Turkey into a giant Gulag.

C. Emergence of One-Man Rule

The failed coup against Erdogan, Bloomberg columnist Noah Feldman wrote, “turned out be a godsend, because it allowed him to end the separation of powers.”

Feldman opined that “the only institutions capable of counterbalancing Erdogan were the military and the courts.”

“The failed coup gave Erdogan the opening to purge the judiciary and military of opponents and skeptics, indeed anyone who wasn’t a reliable loyalist. That left no one to balance Erdogan -- and no reason for him to stick with democratic rule,” he wrote in a column in May 2017.¹⁴

The post-coup purge and crackdown have left no doubt about the political trajectory of the government. The declaration of emergency rule, which was extended seven more times after expiration of its three-month period, allowed the Turkish government to bypass and circumvent constitutional safeguards protecting individual rights and defendants’ rights to a fair trial, legal counsel and etc. The story of the post-coup clampdown was well documented by countless reports by international organizations, therefore there would only be a passing mention here.

As scholars are divided over how to identify the character of the regime in Ankara, there is no doubt about its authoritarian nature.

¹⁴ Noah Feldman, Lessons From Turkey’s Slide Toward Dictatorship, Bloomberg, May 23, 2017.
<https://www.bloomberg.com/opinion/articles/2017-05-23/lessons-from-turkey-s-slide-toward-dictatorship>

“Erdoğan's relentless political chicanery offers a roadmap to today's populist dictators on how to engineer apparently democratic triumphs on their way to disabling democracy,” the Forbes columnist Melik Kaylan wrote in an article for Politico after a controversial referendum in April 2017.¹⁵ The vote was marred by widespread allegations of voter fraud after the Supreme Election Council (YSK), under political pressure, decided to accept more than 1.5 million unstamped ballot papers at last minute. The ruling swayed the vote in favor of ‘Yes’ camp of President Erdogan whose lifelong push for an executive presidential system materialized with the controversial win the constitutional referendum.

He summarized the authoritarian playbook of the Turkish strongman as follows:

“Erdoğan deliberately provoked chaos then offered himself up as a solution. He allowed ISIS to operate openly in Turkey; he ignited a civil war against the Kurdish population to punish them for voting against him in a crucial national election; he kept the Syrian border porous so the instability there would migrate into Turkey. He persecuted the military until they revolted, accusing outside forces of fomenting the trouble, most recently the Gülenists. With rolling Robespierre-like prosecutions, he warned half the country that opposing him will wreck their lives. He destroyed the economy but subsidized his supporters.”

His analysis reveals the government's consistent attempts to hollow out Turkey's once-functioning institutions in a brazen manner. Whatever has the government done since the Gezi protests served to consolidate Erdogan's position by making the entire political system dependent on one personality with little regard for the institutional degeneration engendered by the whole course of political events.

¹⁵ Melik Kaylan, Erdoğan's power grab follows authoritarian script, *Politico*, April 19, 2017.
<https://www.politico.eu/article/turkey-referendum-erdogan-power-grab-follows-authoritarian-script/>

“The only way Erdoğan has achieved any political success is by using the body politic against itself,” Kaylan wrote. “In essence,” the columnist argued, the Turkish president “has delegitimized governance in order to present himself as the only way to restore it.”

The post-referendum commentary was almost united in their assessment of what the April vote in 2017 meant for the future of Turkey’s political system. The constitutional amendment bestowed enormous powers at the president’s office, undoing the central tenets of the almost century-old parliamentary system of the Republic.

Writing a day after the referendum, Roy Gutman from *The Daily Beast* contended that “the result will be a system under which there’s no prime minister, where the parliament will be weakened to the point of being a rubber stamp, and the judiciary will become still more subservient than it is already.”¹⁶

He went on to say: “The path to one-man rule—opponents talk of a “dictatorship”—is the story of a politician with a gut instinct for gaining power who’s seized on every political setback that’s come his way in the past two years and turned it into an opportunity to advance his ambitions.”

Following the presidential election in 2018, the president assumed vast powers normally accrued to a new breed of global strongmen around the world.¹⁷

A New York Times article summarized the changes introduced as follows:

“The prime minister’s office has been abolished; The military has been brought under firmer civilian control; The president will draft the budget and choose judges and many top officials; The

¹⁶ Roy Gutman, Here’s How Turkey Lurched From Democracy Toward Dictatorship, *The Daily Beast*, April 17, 2017. <https://www.thedailybeast.com/heres-how-turkey-lurched-from-democracy-toward-dictatorship>

¹⁷ Carlotta Gall, Erdogan, Flush With Victory, Seizes New Powers in Turkey, *The New York Times*, July 19, 2018. <https://www.nytimes.com/2018/07/19/world/asia/turkey-erdogan.html?module=inline>

president can dismiss Parliament and call new elections at will; The president appoints the head of the National Intelligence Agency, the Religious Affairs Directorate and the Central Bank, as well as ambassadors, governors and university rectors, among other top bureaucrats; Virtually none of the president's appointments require a confirmation process.”¹⁸

One year since the election has confirmed the existence of the one-man rule in Turkey. President Erdogan's style of governance, however, backfired on March 31 local elections. He lost major cities, including Ankara and Istanbul, as of this report's publication.

But in between, the president began to dismantle some core institutions of the Republic, while establishing a direct rule over the entire apparatus of the executive branch. Once unthinkable and inconceivable, outside observers and experts no longer shy away from depicting Erdogan's Turkey as an emerging dictatorship. However contested the academic label it may be, the country moves between authoritarianism and dictatorship with more and more articles calling the Turkish leader as a “dictator.”

In this context and against this backdrop, Turkey's legal and diplomatic actions on a global scale must be understood and reviewed. Needless to say, the political nature of the regime has direct implications for the ongoing trials in Turkey. Trials against actual coup plotters aside, the majority of the trials against opponents in the post-coup era are politically motivated.

This point is not lost on international community as well. The U.S. report underlined that “security forces have detained tens of thousands of individuals, including U.S. citizens, for alleged affiliations with terrorist organizations based on scant or secret evidence and grounds that appear to be politically motivated.” The U.S. State Department warned the U.S. citizens over traveling to Turkey, citing the prospect of arbitrary arrests.¹⁹

¹⁸ The Times, Ibid. <https://www.nytimes.com/2018/07/19/world/asia/turkey-erdogan.html?module=inline>

¹⁹ Turkey Travel Advisory, U.S. State Department, <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/turkey-travel-advisory.html>

THE CASE AGAINST EXTRADITION

There is a preponderance of factual data and evidence that strongly prove the central charge against the Turkish government that the post-coup trials are not fair and politically motivated in form and essence. After providing a historical and political context about the evolution of an increasingly authoritarian regime in Turkey, this part of the report will take the issue of post-coup trials and analyze them from the angle of universally accepted legal norms and criteria. It also will try to build up a compelling case to show why foreign courts and judges should think twice before ruling in favor Ankara's extradition requests for wanted dissidents.

To begin with, a growing body of pieces appeared on the international media and reports by respected rights organizations have coalesced around a shared conviction about the nature of the post-coup trials: they are not fair. They are driven by political motivations of the government and lack the basic parameters of due process.

- The post-coup trials are political in nature;
- There is no judicial independence;
- Turkey's authorities show contempt for the ECHR rulings;
- Mass prosecution of Lawyers
- Turkey's abuse of Interpol System;
- British Court Rejects Ankara's Extradition Requests
- Turkey's Long Arms to Capture Dissidents Abroad
- Perils of Extradition

The second part of the study will elaborate on each theme outlined above in its quest to build up a case against extradition.

A. Post-Coup Trials Are Politically Motivated

Foreign judges and courts must consider the fact that the major consensus among human rights organizations and Turkey observers is that the majority of the trials appear to be politically motivated. There are a number of cases that indisputably show how Turkey's authorities simply elbowed aside the central tenets of rule of law and fair trial when they imprisoned rights activists, journalists, politicians and all types of dissidents.

"The Ministry of Justice also reported that, between July 2016 and July 2018, "investigations have been opened into **612,347** persons alleged to be founders, executives, or members of armed organizations." A majority of these were reportedly detained for alleged ties to the Gulen movement or the PKK, often with little due process or access to the evidence underlying the accusations against them,"²⁰ the U.S. State Department noted in its report about human rights in Turkey.

"Vice President Fuat Oktay stated that **47,778** individuals remained detained as "FETO" suspects. Some observers considered many of these individuals political prisoners....," the report added.

The government's treatment of Gulen-affiliated people as criminals regardless of whether they actually involved in any wrongdoing also bears on the trials and the purge in the post-coup era. The universal notion of "presumption of innocence" is abandoned in Turkey.

²⁰ Turkey 2018 Human Rights Report, *U.S. State Department*.
<https://www.state.gov/documents/organization/289435.pdf>

A new kind of mindset began to shape the course of post-coup trials. The Globe Post ran a headline “In Turkey, You Are Guilty Until Proven Innocent,” wading into a debate regarding the reversal of the most basic structure of legal proceedings in the world.

The Globe Post reported:

In early September [2016], the Istanbul’s 5th Civil Court of Peace rejected to release leftist author Asli Erdogan on the ground that her innocence has not been proven yet. Another court also refused to release Professor Mehmet Altan and his novelist brother Ahmet Altan on the same ground.

The logic behind the court decisions reflects an understanding of law only seen in authoritarian regimes where the universally accepted norm of “presumption of innocence” replaced with “presumption of guilt.”²¹

This was also true for how the authorities prepared purge lists to dismiss public workers over the suspicion of affiliation with the Gulen Movement. Normally, the burden of proof falls on the accuser. But in Turkey, it was the accused and the victim who was invited to prove his/her innocence against claims.

Thousands of people flocked to centers set up by authorities to submit their complaints, applications and other documents to prove their innocence.²²

The Case of Amnesty International Activists: On July 5, 2017, the Turkish police detained 10 members of Amnesty International over terrorism charges and landed them in pretrial detention. The police raid took place when the activists were attending a cyber-

²¹ In Turkey, You Are Guilty Until Proven Innocent, *The Globe Post*.

<https://theglobepost.com/2016/11/07/in-turkey-you-are-guilty-until-proven-innocent/>

²² Victims Of Turkey's Post-Coup Purge Invited To Prove Their Innocence, *NPR*, October 3, 2016.

<https://www.npr.org/sections/parallels/2016/10/03/495639482/victims-of-turkeys-post-coup-purge-invited-to-prove-their-innocence>

security workshop on an island in the Marmara Sea. Taner Kilic, the chairman of Amnesty's Turkey branch, had already been detained in Izmir on similar charges, over membership to a terrorist organization.

The arrest rattled the entire world and was regarded as an assault on human rights itself. The London-based Amnesty International dismissed the charges as politically motivated.

"The use of criminal proceedings against human-rights defenders... is unfortunately an increasingly frequent phenomenon" in Turkey, said Nils Muiznieks, the Council of Europe's Commissioner for Human Rights, according to *Economist*.²³

The Amnesty launched a worldwide campaign to secure the release of Kilic and Idil Eser, the director of Amnesty International's Turkey branch, and others. While other members were released after months of detention, Kilic remained in prison until August 2018. This episode is only one element of a larger picture that points to the fact that different segments of society and public workers, including diplomats, journalists, judges, prosecutors, teachers, police chiefs and generals faced similar criminal legal proceedings although the majority of them had no record of any wrongdoing and official misconduct.

" Authorities used antiterror laws broadly against many human rights activists, media outlets, suspected PKK sympathizers, and alleged Gulen movement members, among others. Human rights groups alleged that many detainees had no substantial link to terrorism and were detained to silence critical voices or weaken political opposition to the ruling AKP, particularly the HDP or its partner party, the DBP," the U.S. report said, pointing to the fact that the Turkish authorities broadly used anti-terror laws to crack down on opponents.

²³ Turkey has arrested Amnesty International's local director, *Economist*, July 14, 2017.
<https://www.economist.com/europe/2017/07/14/turkey-has-arrested-amnesty-internationals-local-director>

The U.S. report also added:

“Authorities used both antiterror laws and state of emergency powers to detain individuals and seize assets, including those of media companies, charities, businesses, pro-Kurdish groups accused of supporting the PKK, and individuals alleged to be associated with the Gulen movement.”

The deployment of terrorist label and invocation of counter-terrorism laws against members of public service and journalists indeed reveal the political approach deeply rooted in how the government perceives the post-coup trials. The only thing that unites the so many diverse people with different social affiliation and political conviction is that they are opponents or discontents of the Erdogan government. If a public worker is deemed a non-loyalist, this factor is seen enough to categorize him as a terrorist, as tens of thousands of cases before and after the coup have so far confirmed.

To further hazard the course of legal proceedings, the authorities introduced sweeping changes into the procedure of detention.

" Under antiterror legislation adopted by parliament on July 26, the government may detain without charge (or appearance before a judge) a suspect for 48 hours for “individual” offenses and 96 hours for “collective” offenses. These periods may be extended twice with the approval of a judge, amounting to six days for “individual” and 12 days for collective” offenses. Under the previous state of emergency law, authorities could detain persons without charge for up to 14 days,” the U.S. report stated, offering a detailed picture of the new detention processes.



The Case of Politician Selahattin Demirtas: The trial of Selahattin Demirtas, the former co-chair of pro-Kurdish People's Democracy Party (HDP), is another case in point. Prosecutors accuse him of leading the political branch of the outlawed Kurdistan Workers' Party (PKK) and involving in terrorist propaganda.

Demirtas who was detained in late October 2016, appeared at the court on Feb. 14, 2018, for the first time. The HDP politician noted that "terrorism charges against him were politically motivated and he did not think he would get a fair trial."²⁴

In his defense at the court, Demirtas lamented the obstacles he faced during the lengthy pretrial detention.

"The President is calling me a terrorist every day, and openly instructing the courts and the parliament against us. It wasn't the judiciary who brought me here, but the President himself,"²⁵ Reuters quoted him as saying.

The treatment of politicians, journalists, members of the judiciary and other public sector departments in the same way along with actual criminals and terrorists taint the credibility and integrity of trials, cast serious doubts over the claims of the Turkish authorities.

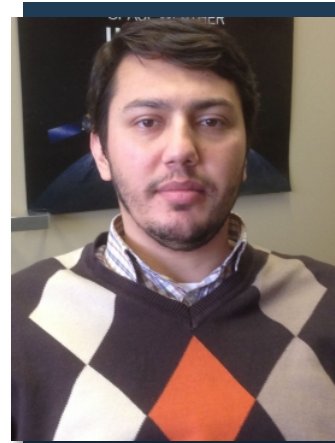
According to the government, anyone criticizing the president faces terrorism charges. This is true for NBA star Enes Kanter, for former national soccer star Hakan Sukur, who

²⁴ Ece Toksabay, Jailed former head of Turkey's pro-Kurdish opposition says his trial political, *Reuters*, February 14, 2018. <https://www.reuters.com/article/us-turkey-kurds-court/jailed-former-head-of-turkeys-pro-kurdish-opposition-says-his-trial-political-idUSKCN1FY2X7>

²⁵ Reuters, Ibid.

lives in the U.S. in self-exile, for Ahmet Altan, a novelist and journalist serving life in prison in Istanbul, for Asli Erdogan, who briefly stayed in jail and now lives in Germany in self-imposed exile. Former Cumhuriyet Editor-in-Chief Can Dunder, lawmakers, diplomats and countless exiled journalists and writers face the noxious charge of terrorist for their criticism of the government and the president.

The Case of NASA Scientist Serkan Golge: The conviction of NASA scientist Serkan Golge²⁶ on terrorism charge encapsulates the gist of the matter about the political nature of trials. Golge, after one and a half year of pretrial detention, was sentenced to 7.5 years in prison over membership to a terrorist organization. The U.S. authorities long tried to secure his release, but to no avail. After the prison sentence, “a spokesperson for the U.S. Department of State said the United States is “deeply concerned” by Golge’s conviction, which came “without credible evidence.”²⁷



Golge was on a vacation along with his family in the southern province of Hatay when the coup attempt took place. The police arrested him over the coup-related and terrorism charges after a tip from a distant relative. The observers, the U.S. government and legal experts dismissed the accusations as groundless. The scientist remained in solitary confinement one and a half year before the announcement of the prison sentence.

The War Against Academia: The members of Turkey’s academia have also found themselves in the crosshairs of the authorities. Thousands of academics were either suspended or dismissed over alleged terrorism ties or Gulen affiliation. More than 1,000 academics faced probes and some of them were convicted over signing a peace petition

²⁶ Kirsten McTighe, Turkish-American NASA scientist sentenced to 7.5 years in prison, Science, Feb. 9, 2018, <https://www.sciencemag.org/news/2018/02/turkish-american-nasa-scientist-sentenced-75-years-prison>

²⁷ Science, Ibid.

calling for the cessation of the army operations in urban areas in southeastern Turkey in early 2016.

In a riveting report, the HRW stated that the Turkish government is “investigating and prosecuting academics on trumped-up terrorism charges.”

“The authorities,” the report noted, “are interfering with student protests on campus, and prosecuting student activists. And officials are interfering with academic research on controversial topics.”

It added: “Together these actions are creating a climate of fear and self-censorship on campus, and breaching Turkey’s obligations under human rights law to respect and protect academic freedom and freedom of expression.”²⁸

The universities have also faced accusations of collaborating with the government to muzzle critical academics.²⁹

The numbers reveal the true scope of the post-coup clampdown. As of September 2017, “a total of 5,717 academics in 117 universities have been sacked from their jobs in Turkey, according to Bianet.org; 15 universities have been shut down altogether; and, according to the Ministry of Justice, 69,301 students have been incarcerated as of the end of 2016, which accounts for one-third of the total number of prisoners in the whole country.”³⁰

²⁸ Turkey: Government Targeting Academics, *Human Rights Watch*, May 14, 2018. <https://www.hrw.org/news/2018/05/14/turkey-government-targeting-academics>

²⁹ Asli Vatansever, Hitman of State: Role of Universities in AKP’s War on Dissident Scholars, *Globe Post Turkey*, June 26, 2018. <https://turkey.theglobepost.com/turkey-academia-collaboration-government/>

³⁰ Umut Ozkirimli and Pinar Dinc, Resisting Turkey’s War on Academe, *University World News*, September 26, 2017. <https://www.universityworldnews.com/post.php?story=20170926100431956>

The war on academy³¹ not only occurred through mass dismissals but also took the form of legal proceedings.

B. There Is No Judicial Independence in Turkey

According to international organizations, media and experts, there is no longer judicial independence in Turkey, something that has become a political reality after years of fraying at the heart of judicial affairs. The rot of the judiciary also took place in a larger time frame, but devolved into a full-blown fracturing in the aftermath of the coup attempt in 2016. The mass imprisonment of more than 4000 judges and prosecutors dealt a heavy blow to Turkey's judiciary, installing a fear regime that frightened whatever left of the independent-minded and norm-respecting judges and prosecutors. This constitutes more than one third of the entire judges and prosecutors. The crackdown created a vast vacuum in the judiciary, allowing the government to fill the empty spaces with its party loyalists.³²

According to the World Index that measures judicial independence, Turkey ranked at 111th place out of 140 countries.³³ The standing reveals where Turkey belongs to. Certainly, not to the league of advanced democracies.

Apart from this, there are countless reports by other organizations cling to a similar conviction about the lack of judicial independence in Turkey.

The Council of Europe's 49-member Group of States against Corruption (GRECO) published a number of reports in a bid to evaluate the state of the judiciary in Turkey.

³¹ Muzaffer Kaya, Turkey's Purge of Critical Media, *MERIP*, Fall 2018, <https://merip.org/2018/12/turkeys-purge-of-critical-academia/>

³² In Turkey, Road to Judicial Posts Passes Through Party Membership. *Globe Post Turkey*.

<https://theglobepost.com/2017/04/28/road-to-judicial-posts-in-turkey-passes-through-party-membership/>

³³ https://twitter.com/theworldindex/status/1120712803512401926?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1120712803512401926&ref_url=https%3A%2F%2Fwww.gazeteduvar.com.tr%2Fgundem%2F2019%2F04%2F24%2Fyargi-bagimsizliginda-turkiye-111inci%2F

While its reports in 2018 chiefly focused on the prevalence of corruption in Turkey, it also analyzed how the recent legislative measures “putting the independence of the judiciary from the executive and political powers at stake.”³⁴

A report by GRECO, which solely focused on the independence of courts, notes: “the fact that the newly-established Council of Judges and Prosecutors is appointed by the President of the Republic and Parliament, and none of its members are elected by the judiciary itself, runs counter to the fundamental principle of an independent judiciary.”

It further adds that:

“In summary, GRECO notes that only 2 out of 22 of its recommendations on these issues have been implemented satisfactorily by Turkey, leading GRECO to describe the current level of compliance as “globally unsatisfactory”.”³⁵

The lack of judicial independence particularly matters when it comes to extradition requests by Ankara. Other countries and courts must keep in mind the fact that if a certain person is sent back to Turkey, the prospect of standing a fair trial remains scantily dim.



The Case of Murat Arslan: Last year, a joint letter by four leading judicial organizations in Europe were firm in their conviction about this subject.

“On the occasion of the Human Rights Day 2018, the Platform for an Independent Judiciary in Turkey strongly emphasizes that basic human rights standards are neglected and violated in

³⁴ Newsroom, Council of Europe, March 15, 2018. <https://www.coe.int/en/web/greco/-/turkey-greco-is-concerned-about-lack-of-judicial-independence-as-well-as-transparency-of-the-legislative-process-and-political-financing>

³⁵ Ibid. Newsroom, Council of Europe, March 15, 2018.

Turkey, inter alia through the abolishment of an independent judiciary and in so far arbitrary detention of thousands of Turkish judges,”³⁶ a letter by the four organizations said.

Presidents of Association of European Administrative Judges (AEAJ), European Association of Judges (EAJ), Judges for Judges and Magistrats Européens pour la Démocratie et les Libertés (MEDEL) expressed their concern over the ongoing trials against judiciary members. As an example of the collapse of judicial independence, the case of Murat Arslan, a judge and president of the Turkish Association of Judges and Prosecutors (YARSAV), was cited in the letter. Arslan was imprisoned in October 2016 and remains in prison ever since.

Arslan’s case struck a particular chord around the world.

“The conviction of Judge Arslan constitutes a severe and gross attack on the independence of the judiciary in Turkey, and in a democratic state under the rule of law an independent and impartial judiciary is a fundamental guarantee for society as a whole,”³⁷ Diego Garcia-Sayán, the U.N. Special Rapporteur for the independence of judges and lawyers, said on Feb. 6 this year.

He said: “I remain gravely concerned at the adverse effects that the measures implemented by the Government of Turkey have had, and continue to have, on the equal and effective enjoyment of human rights and fundamental freedoms of targeted individuals as well as on the independence of the judiciary and the free exercise of the legal profession.”

³⁶ Human Rights Day 2018: letter of the “Platform for an Independent Judiciary in Turkey,” International Association of Judges, December 11, 2018. <https://www.iaj-uim.org/news/human-rights-day-2018-letter-of-the-platform-for-an-independent-judiciary-in-turkey/>

³⁷ Turkey must ensure fair appeal for Judge Murat Arslan after gross attack on judicial independence, says UN expert, *United Nations Human Rights Office of High Commissioner*, February 6, 2019. <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24140&LangID=E>

Arslan was sentenced to 10 years in prison over alleged ties to the Gulen Movement, which is labeled as “FETO” by the Turkish authorities. So far now, as observers and the U.N. expert note, Arslan has been denied a fair trial, while authorities did not offer convincing evidence to substantiate their terrorism charges against the former YARSAV president.

“We have received information suggesting that the legal process against Mr. Arslan was not transparent and did not satisfy the criteria for judicial proceedings designed to safeguard the legal rights of the individual,” Garcia-Sayán said in his statement.

“The proceedings against Judge Arslan could have an adverse effect on the independence of the judiciary in Turkey, since other judges may be deterred from exercising their judicial independence and freedom of expression for fear of being subject to disciplinary or criminal proceedings,” the expert added in the statement appeared on the website of the U.N. Human Rights Office of the High Commissioner.

The previous year, the Council of Bars and Law Societies of Europe (CCBE), the European Federation of Journalists (EFJ), and the European Association of Judges (EAJ) firmly condemned the ongoing widespread persecution of lawyers, journalists, judges and prosecutors in Turkey. A joint statement underlined the importance of judicial independence to safeguard fair trials, the maintenance of the rule of law and separation of powers.³⁸

European-based Platform for Peace and Justice (PPJ) and New York-based Advocates for Silenced Turkey (AST) well documented how political authorities brought the judiciary into full-scale political control and deeply influenced the course of post-coup trials.

³⁸ Joint statement by lawyers, judges and journalists on the ongoing crackdown on the rule of law in Turkey, *European Federation of Journalists*, April 5, 2017.
<https://europeanjournalists.org/blog/2017/04/05/joint-statement-by-lawyers-judges-and-journalists-on-the-ongoing-crackdown-on-the-rule-of-law-in-turkey/>

C. Turkey Shows of Contempt for ECHR Rulings



Mehmet Altan / Sahin Alpay

The relations came to a head between Ankara and the European Court of Human Rights (ECHR) when the court urged the release of Mehmet Altan and Sahin Alpay, two journalists who, after exhaustion of domestic legal channels, applied to the Strasbourg-based court in a quest for legal remedy. The lawyers of the two journalists submitted their application on the ground that they had no

chance to get justice within the domestic realm of Turkey after a local court refused to recognize a ruling by Constitutional Court in Ankara. The court ruled³⁹ that the two journalists' right to a fair trial was violated.

Both journalists were finally released, but it happened months after the ECHR's involvement in the legal process.

A second clash took place when the ECHR urged Turkey to release Selahattin Demirtas, former co-chair of pro-Kurdish People's Democracy Party (HDP), late last year. The Kurdish politician has remained behind bars since October 2016 and he faces up to 140 years in prison if he is convicted.

"The Court found that the judicial authorities had extended Mr Demirtas' detention on grounds that could not be regarded as 'sufficient' to justify its duration,"⁴⁰ the Strasbourg-based ECHR said in a statement.

³⁹ AİHM'den Şahin Alpay ve Mehmet Altan İçin İhlal Kararı, *Bianet*, Mart 20, 2018.

<https://m.bianet.org/bianet/insan-haklari/195323-aihm-den-sahin-alpay-ve-mehmet-altan-icin-ihlal-karari>

⁴⁰ European court says Turkey holding Kurdish politician too long without trial, *Reuters*, November 20, 2018. <https://www.reuters.com/article/us-turkey-security-demirtas/european-court-says-turkey-holding-kurdish-politician-too-long-without-trial-idUSKCN1NP0WQ>

The court's call, however, fell on deaf ears in Turkey. President Erdogan sharply criticized ECHR and said it's ruling was not binding for Turkey.

Kati Piri, the European Union's Rapporteur on Turkey, noted that "His detention is of a political, not a criminal nature."⁴¹

On Nov. 30, the Turkish court ruled to keep the Kurdish politician, in disregard of the ECHR ruling.⁴²

The diplomatic tussle has not ceased since then. EU officials called on Turkey to implement ECHR ruling without delay. Timo Soini, the foreign minister of Finland which holds the presidency of the Committee of Ministers of the Council of Europe (CoE), urged Turkey to respect the court's decision.

"As the Committee of Ministers we are aware of this decision and have noted that ruling regarding violations. This is not the final decision; however, we expect that member countries note ECHR decisions and respect them. Again, we expect that member countries act in accordance with the European Convention on Human Rights,'⁴³ Euronews quoted Soini as saying on Jan. 22 this year.

Ankara's blatant disregard of ECHR rulings, which are binding for Turkey's domestic legal system, should reveal the state of the judiciary in Turkey. This must be a reference point for outside legal authorities when they face Ankara's legal requests either regarding the extradition of dissidents or on other topics.

⁴¹ Ibid, Reuters.

⁴² Turkish court keeps Kurdish politician Demirtas in jail despite ECHR, *Reuters*, November 30, 2018. <https://www.reuters.com/article/us-turkey-security-demirtas/turkish-court-keeps-kurdish-politician-demirtas-in-jail-despite-echr-idUSKCN1NZ1IR>

⁴³ Turkey must respect ECHR ruling on jailed lawmaker Demirtaş, says CoE committee head, *Ahval*, January 22, 2019. <https://ahvalnews.com/selahattin-demirtas/turkey-must-respect-echr-ruling-jailed-lawmaker-demirtas-says-coe-committee>

D. Prosecution of Lawyers

In a country where the members of the judiciary were haunted like dangerous criminals, it would be difficult to assume the existence of judicial independence or the proper functioning of judicial affairs without political intervention. The HRW came up with a timely report that offers riveting details about how lawyers, who represent the cornerstone of any law system on earth, have been systematically targeted.

The government, the HRW noted, brings charges against lawyers who expose rights abuses with little or no evidence of their membership of terrorist organizations. It says:

“Courts have complied with the attack on the legal profession by sentencing lawyers to lengthy prison terms for terrorism on flimsy evidence and in trials that ignore fair procedure. The abusive prosecutions of lawyers have been accompanied by legal amendments that undermine the right to legal counsel for those arbitrarily detained on terrorism charges.”⁴⁴

The practice has sent a chilling echo among scholars and legal experts monitoring the breakdown of the legal system in Turkey.

“Putting hundreds of lawyers in jail and on trial, and restricting their ability to act for people in police custody and in court, shows the dire state of Turkey’s criminal justice system and should be of grave concern to everyone in Turkey and internationally,” Hugh Williamson, Europe and Central Asia director at Human Rights Watch, said after the release of the report. “Lawyers are central guarantors of the right to a fair trial and Turkey’s willingness to flout it over the past three years is deeply alarming,” the HRW website quoted the director as saying.

⁴⁴ Turkey: Mass Prosecution of Lawyers, Misuse of Terrorism Charge Undermines Fair Trial Rights, *Human Rights Watch*, April 10, 2019. <https://www.hrw.org/news/2019/04/10/turkey-mass-prosecution-lawyers>

The problem is deeper than it is thought. According to a report by Arrested Lawyers Initiative, “**1546** Turkish lawyers have been prosecuted and **598** lawyers have been arrested since 2016 July. And so far, **274** Turkish lawyers have been sentenced to **1762** years in prison by the first instance courts under article **314** of the Turkish Penal Code.”⁴⁵ Numbers reveal the depth and scale of the crackdown on Turkey’s lawyers.

The HRW report demonstrates that the equality between the prosecution and the defense has disappeared. The central targets of the post-coup crackdown were lawyers, who represent the members of the Gulen Movement, which was designated as a terrorist outfit by the Turkish authorities, and the outlawed Kurdistan Workers’ Party (PKK), and some small far-left groups. In addition, authorities also target lawyers whom they believe to have any form of affiliation or link to the Movement, which bore the brunt of the clampdown following the putsch.

A lawyer in Ankara told the HRW how lawyers are being prosecuted relentlessly:

“For courts to see no distance between a lawyer and their client is a new development. If a lawyer defends a Kurd these days that makes him a Kurdish nationalist. If he defends a FETÖ suspect he is a FETÖ member. As a lawyer you meet your client in prison and you have no possibility of confidential communication since there’s a prison guard present, a microphone, and a camera. In court, the judges accept none of your requests, such as hearing independent expert witnesses. We are seeing eight-hour trial hearings which are purely symbolic and in which nothing is taken seriously. The courts are completely unresponsive to lawyers. There is no equality of arms left, no possibility of being able to look the judge in the eye.”⁴⁶

⁴⁵ New Report: Incarceration of Turkish Lawyers | Unjust Arrests and Convictions (2016-2019), *The Arrested Lawyers Initiative*, April 1, 2019. <https://arrestedlawyers.org/2019/04/01/new-report-incarceration-of-turkish-lawyers-unjust-arrests-and-convictions-2016-2019/>

⁴⁶ HRW report, *Ibid.* <https://www.hrw.org/report/2019/04/10/lawyers-trial/abusive-prosecutions-and-erosion-fair-trial-rights-turkey>

Judges refuse lawyers' requests for hearing witnesses or expert views that would help the defense at trials. The emergency rule declared in the aftermath of the coup also severely limited people's right to legal defense and counsel. The emergency decrees removed the safeguards protecting the privacy of lawyer-client relationship.

The HRW report also exhibits the fact that how courts dismiss lawyers as unnecessary elements during trials:

"Lawyers have reported to Human Rights Watch that, in terrorism trials, courts have also become increasingly unresponsive to their petitions to have evidence critically examined or tested and to hear witnesses for the defense. They often see themselves as little more than "extras" in court hearings. Equality of arms between the prosecution and the defendant is severely undermined when the role of the defendant's lawyer is unduly restricted and the adversarial aspects of trial proceedings are little more than a formality."⁴⁷

There are more reports regarding this matter. Some of them were cited in previous sections, therefore this section will remain limited to these two leading reports demonstrating the mass prosecution of lawyers.

E. Turkey's Abuse of INTERPOL System

When Turkey's domestic crackdown on opponents of all political affiliation and social conviction took global dimensions, Ankara's requests for Interpol Red Notices inundated the system of the international police body. Turkey's unrelenting demands, along with Venezuela, China, Iran and other authoritarian countries, began to overwhelm Interpol.

⁴⁷HRW report, Ibid. <https://www.hrw.org/report/2019/04/10/lawyers-trial/abusive-prosecutions-and-erosion-fair-trial-rights-turkey>

As a result, Lyon-based Interpol struggles to cope with the staggering numbers of requests.

Turkey's unceasing demands have created pitfalls and challenges for the international police body. A spat occurred when Interpol reportedly refused Ankara's pursuit of Red Notices two years ago.

According to a report appeared on the *Hurriyet Daily News* in July 2017,⁴⁸ Ankara tried to upload the names of **60,000** people, most of whom were perceived affiliated with Gulen Movement abroad, to Interpol's system. The Turkish media reported that Interpol removed Turkey from its database after Ankara uploaded those 60,000 names. The media report subsequently elicited a denial from Interpol.

"Interpol supports each and every one of its 190 members as part of security cooperation benefits. No access block has been implemented in Interpol's databases, including for those who have international warrants in Turkey," the statement, issued by Interpol and quoted by *Hurriyet Daily*, said.

In the end, Interpol only blocked **60,000** entries from Turkey, but did not shut down Ankara's full-scale access to the system. Yet, Interpol's understandable attempt to soothe the nerves of Turkey did not clear the fog of controversy over the major conflict -- the claim over the abuse of the system.

⁴⁸ Interpol denies reports of Turkey's removal from database after listing 60,000 'wanted' Gülenist names, *Hurriyet Daily News*, July 5, 2017.
<http://www.hurriyetdailynews.com/interpol-denies-reports-of-turkeys-removal-from-database-after-listing-60000-wanted-gulenist-names-115135>

“This database works as an international criminal alert, notifying all 192 countries in the database that a person is wanted by police,” Jago Russell, the chief executive of London-based Fair Trials International, wrote in an op-ed commentary for Foreign Policy.⁴⁹

Russell contended that “entering **60,000** people into a database designed to help locate the most dangerous criminals on the planet is clearly an abuse of the system.” This becomes crystal clear when viewed together with the fact that “there were just under **13,000** new Red Notices across the globe” during the entire year of 2016.

The issue, however, as Russell noted, is not limited to Turkey. China and other countries face international criticism over credible allegations of abusing the system. But none of the countries come closer to Turkey in terms of pushing Interpol to the point of breakdown by demanding so many notices. Ankara’s opaque and vaguely-defined anti-terrorism laws create a constant clash with international organizations when Turkey treats its journalists, writer and dissidents in the same way it treats real criminals and terrorist suspects.

Ankara’s alleged abuse of Interpol first came to surface during 2017 summer when the Turkish authorities aggressively pursued a German-Turkish writer. Turkish-born author Dogan Akhanli was briefly detained in Madrid on Turkey’s warrant.⁵⁰ His detention sparked a diplomatic spat between Germany and Turkey, while Spain was caught in the midst of a diplomatic tug of war over Ankara’s use of Interpol.⁵¹



Dogan Akhanli

⁴⁹ Jago Russell, *Turkey’s War on Dissent Goes Global*, Foreign Policy, May 1, 2018. https://foreignpolicy.com/2018/05/01/turkeys-war-on-dissent-goes-global/amp/?_twitter_impression=true

⁵⁰ German writer held in Spain on Turkish warrant granted conditional release, *Guardian*, August 20, 2017. <https://www.theguardian.com/world/2017/aug/20/german-writer-held-in-spain-on-turkish-warrant-granted-conditional-release-dogan-akhanli>

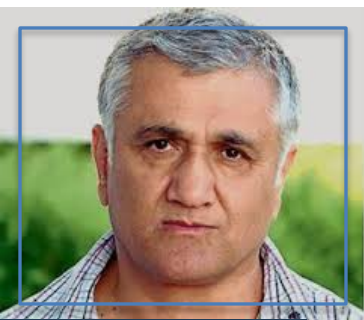
⁵¹ Turkey’s Latest Red Notice Highlights Abuse of Interpol System, *The Globe Post*, August 24, 2017. <https://theglobepost.com/2017/08/24/turkey-red-notice-interpol-abuse/>

The only reason Akhanli wound up in a Spanish jail, many observers asserted, was his criticism of the Turkish government and his critical stance over sensitive historical matters such as the Armenian Genocide in 1915. After Germany's intervention, the Spanish authorities released him but did not allow him to leave Madrid until a thorough review of Turkey's extradition request.

West Warns Turkey Over Blocking INTERPOL Mechanism

The detention of Akhanli, however brief it might be, aroused widespread criticism and rekindled the debate over Ankara's arbitrary use of Interpol's Red Notice system. Parliamentary Assembly of the Council of Europe (PACE) Rapporteur Bernd Fabritius criticized Turkey for abusing Interpol. When asked by the press members in August 2017 about Akhanli's arrest, German Chancellor Angela Merkel was equally open in her criticism. "We must not misuse international organizations like Interpol for such purposes," Merkel told reporters.

Regarding Merkel's remarks, Russell, speaking to The Globe Post after Akhanli's arrest, noted that there were an emerging consensus and awareness over Turkey's intentions in its use of Interpol notice system.



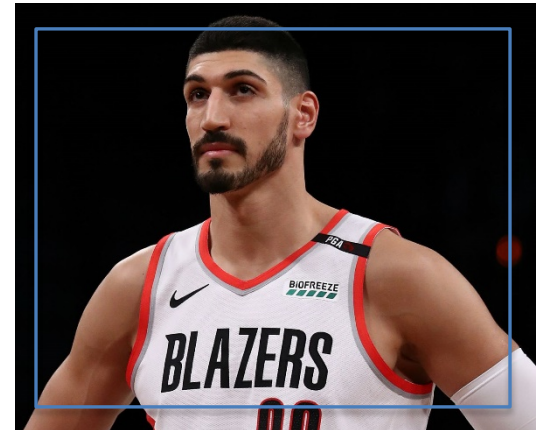
Hamza Yalcin

Earlier in August, Hamza Yalcin, a Swedish-Turkish reporter, also was detained in Spain after Ankara tried to secure his imprisonment through Interpol.⁵² Several other prominent Turkey's dissident journalists experienced a similar ordeal when they were briefly detained in different parts of Europe over the same reason.

⁵² Turkey is trying to extradite its political opponents from Europe, *Economist*, August 22, 2017. <https://www.economist.com/europe/2017/08/22/turkey-is-trying-to-extradite-its-political-opponents-from-europe>

Interpol once again came under media spotlight when Ankara issued a Red Notice against Enes Kanter, an NBA star living in the U.S.

“Another flagrant abuse of the Interpol Red Notice system. Turkey seeks to arrest NBA player Enes Kanter for making disparaging remarks about Turkish President Erdogan. Interpol should firmly and publicly rebuke this politically motivated abuse ASAP,”⁵³ Bill Browder, CEO Hermitage Capital, Head of Global Magnitsky Justice campaign and Author of Red Notice, tweeted on Jan. 16 this year. The Turkish attempt made Kanter cancel his participation in his team’s London tour over the fear of arrest in the U.K.



Enes Kanter

Interpol faces calls for reforming its internal review mechanism. The international police body is accused by critics of cozying up to the authoritarian governments, acquiescing to their legally controversial demands.

Fair Trials International, the London-based organization which assists victims of unjust criminal charges all over the world, tracks records of Interpol Red Notices. “A comprehensive 2013 study by Fair Trials details how Interpol’s internal review mechanism fails to differentiate between criminal cases and politically-motivated arrest warrants for dissidents,” The Globe Post reported in August 2017.⁵⁴

In his Foreign Policy article, Russell urges Interpol to be careful against countries’ attempts to abuse Red Notice system for political purposes to muzzle dissent and silence critical voices abroad. “If Interpol wishes to remain a trusted tool in the fight against

⁵³ Bill Browder, Twitter, <https://twitter.com/Billbrowder/status/1085616716422529025?s=19>

⁵⁴ Turkey’s Latest Red Notice Highlights Abuse of Interpol System, *The Globe Post*, August 24, 2017. <https://theglobepost.com/2017/08/24/turkey-red-notice-interpol-abuse/>

crime,” Russell warned, “it must ensure that it is not abused by governments seeking to enforce political vendettas.”

Although Interpol took some important steps to fight against abuse attempts, countries, especially Turkey, cultivates new methods to circumvent Interpol’s mechanism. Ankara periodically releases “Terrorist Wanted” lists and pledges bounties to those who help the Turkish authorities to spot and locate the wanted suspects living in Europe. This new strategy pits Turkey against the European countries, which drag their feet in investigating and pursuing people, mostly dissident people, demanded by Ankara.

Turkey also manipulates Interpol to snatch opponents from some countries, which are more congenial to Ankara’s terms. Interpol’s communication system that allows members countries to contact with each other directly through the police body’s network was abused by the Turkish authorities in its abduction attempts.

After Turkey convinces a given country’s police officials, those officials refer Interpol communication system as the legal ground for justification when they acquiesced to Ankara’s demands for the extradition of critical opponents. When challenged by human rights activists and press members, the officials of the local country show Ankara’s request as the legal basis for justification. This allows Turkey to deflect international criticism.

European countries coalesced around a new idea in the 1920s to bolster and coordinate their policing efforts on an international scale. The creation of the body allowed them to increase international police cooperation in order to overcome challenges produced by mutually exclusive national sovereignty and jurisprudence. The headquarters of Interpol was moved to Lyon, France, following the Second World War. It now has more than 190 member countries.

F. British Court Rejects Turkey's Extradition Requests For Gulen-Related People



Hamdi Akin Ipek is the Chairman of Koza Ipek Holdings

A British court ruling in London last year threw credibility of the Turkish government's extradition requests against dissident figures living abroad into serious jeopardy. Businessman Hamdi Akin Ipek, who found himself in the crosshairs of President Erdogan's government for his past affiliation with Gulen Movement, is waging a legal battle in the U.K. to avoid extradition. His case and a recent court decision demonstrate the flawed nature of the bid by the Turkish authorities to have government critics extradited to Turkey. Ipek sought refuge in London before the attempted coup in 2016. He fled Turkey after the government seized Koza Ipek Media Group outlets in late 2015 and suspended all his assets. The takeover of multibillion-dollar companies played a key role in Ipek's departure. Yet, his

presence in London did not spare him from Ankara's relentless efforts to get him extradited.

But the Turkish government's efforts hit snags last year. Judge John Zani, who oversaw his case after the Turkish authorities brought the issue to a court, rejected extradition request of Ipek and three other Turkish nationals on the grounds that the request was politically motivated and there was no prospect for fair trial while the risk of torture in prison was very high.⁵⁵

⁵⁵UK court rejects Turkish extradition request for media boss, *The Guardian*, November 28, 2018. https://www.theguardian.com/law/2018/nov/28/uk-court-rejects-turkish-extradition-request-for-media-boss?CMP=Share_AndroidApp_WhatsApp

“I am persuaded... that there is substantial evidence that this request is politically motivated,” the judge said in his ruling.⁵⁶

“I am entirely satisfied that, by reason of their actual or perceived political views, coupled with the assertion by the Turkish authorities that they are part of the hierarchy of the Gulenist movement, each defendant before this court runs a real risk of Article 3 (of the Human Rights Act) breaches.”

The British court ruling would set a precedent. It also sets an example for other countries, which found themselves in a similar legal imbroglio after Ankara’s diplomatic push over the extradition of dissidents.

Another point merits closer attention is that Turkey’s designation of Gulen’s movement as a terrorist outfit does not find a receptive audience among its Western allies.

Gilles de Kerchove, the E.U.’s counter-terrorism coordinator, noted in November 2017 that the E.U. does not share Turkey’s view of the Gulen group as a terrorist organization. “As for FETO, we don’t see it as a terrorist organisation, and I don’t believe the EU is likely to change its position soon,”⁵⁷ Kerchove told Reuters. He used the Turkish government’s acronym for Gulen’s network.

“You need not only circumstantial evidence - like just downloading an app - but concrete substantive data which shows that they were involved...,” he said.

⁵⁶ UK court rejects ‘politically motivated’ Turkish extradition request of businessman, *The Arab Weekly*, December 2, 2018
<https://thearabweekly.com/uk-court-rejects-politically-motivated-turkish-extradition-request-businessman>

⁵⁷ EU says needs concrete evidence from Turkey to deem Gulen network as terrorist, *Reuters*, November 29, 2017. https://uk.reuters.com/article/uk-eu-turkey-security/eu-says-needs-concrete-evidence-from-turkey-to-deem-gulen-network-as-terrorist-idUKKBN1DU0DV?utm_campaign=trueAnthem:+Trending+Content&utm_content=5a1fa1e804d3010bb6caef30&utm_medium=trueAnthem&utm_source=twitter

His remarks do not just reflect the E.U.'s views. There is a strong consensus on the Western world that Ankara's description of the Gulen Movement as a terrorist organization do not sit well with the universal legal standards.

German Intelligence BND Chief Bruno Kahl, in reflection of Berlin's official view, exhibited skepticism over Ankara's relentless efforts to convince the German authorities about the Gulen Movement's role in the failed 2016 coup.

"Turkey has tried to convince us of that at every level but so far it has not succeeded," Kahl told *Der Spiegel* in 2017.⁵⁸

When asked by the German magazine whether the Gulen Movement was a terrorist group, Kohl's answer was negative.

"The Gülen movement is a civilian association for religious and secular education. For years, it was a collection of tutoring centers and training facilities that worked together with Erdogan."

G. Turkey's Long Arm to Capture Dissidents Abroad

There is an abundance of cases that clearly illustrates the perils and risks rooted in compliance with Ankara's requests for extradition of government opponents. The ongoing mass arrests of people on a daily basis shows no signs of winding down. Hundreds of people are imprisoned every week. The purge, even nine months after the end of emergency rule is an ever-present threat for public workers and members of the military.

⁵⁸ 'Coups in Turkey Was Just a Welcome Pretext'. *Der Spiegel*, March 20, 2017.
<https://www.spiegel.de/international/germany/german-intelligence-chief-bruno-kahl-interview-a-1139602.html>

So far now, as former Justice Minister and Deputy Prime Minister Bekir Bozdag boastfully noted, Turkey has snatched more than 80 people affiliated with Gulen Movement around the world.⁵⁹ The number swelled more than 100 by the end of 2018.⁶⁰

“We’ll continue our battle against Gülen supporters who have seriously harmed our country socially, politically and economically, until we completely eradicate them,” President Erdogan said in July, according to Ahval.

Majority of these cases took place in dubious legal and diplomatic grounds. The Turkish intelligence agency, National Intelligence Organization (MIT), directly steered the process of illegal abductions and kidnappings of Gulen-related people from a number of countries, including Pakistan, Malaysia, Gabon, Kosovo, Moldova and Ukraine.



KACMAZ Family

The case of Kacmaz family in Pakistan is one of the leading examples of the norm-defying and rule-bending approach of the Turkish authorities when it comes to targeting the perceived members of the Movement across the world.

“Mesut Kacmaz, his wife and two daughters were restrained, blindfolded and hustled into unmarked pickup trucks in Lahore last month by more than a dozen plainclothes

⁵⁹ In Global Manhunt, Ankara Says Brings 80 Gulenists Back to Turkey. *Globe Post Turkey*, April 5, 2018. <https://turkey.theglobepost.com/mit-gulen-movement-turkey/>

⁶⁰ Turkey’s Secret Abduction Planes, *Ahval*, December 12, 2018. <https://ahvalnews.com/gulen-movement/turkeys-secret-abduction-planes>

security agents,”⁶¹ according to a witness, The Washington Post reported in October 2017. Kacmaz and his family members were sent back to Turkey over Ankara’s extradition request. But how the entire drama played out aroused international criticism and opprobrium. Given the fact that Kacmaz and his family were under the U.N. refugee protection, Pakistan’s willingness to collaborate with the Turkish officials came under media scrutiny.

Another attempt by the MIT to capture a number of teachers from Mongolia was foiled after media reported it and the plane carrying the abductees was grounded at the airport last summer.⁶²

“Turkey has maintained that it extradites suspected Gulenists only with the permission of the foreign governments concerned,” the New York Times reported then. But the case of education representative Veysel Akcay, who has lived in Mongolia for nearly 25 years, appears to cast doubt on that claim, the Times noted.



(Veysel Akcay) Turkish teacher kidnapped in Mongolia freed after authorities ground flight.(Reuters)

The extradition of teachers in Moldova plunged the tiny country into a political maelstrom. A detailed report by the AST last September documented how the Turkish intelligence played a key role in the incident. Ankara and the local collaborators from

⁶¹ A Turkish family has disappeared in Pakistan, and suspicion turns to intelligence agencies, *The Washington Post*, October 11, 2017.
https://www.washingtonpost.com/world/asia_pacific/a-turkish-family-has-disappeared-in-pakistan-and-suspicion-turns-to-intelligence-agencies/2017/10/11/aa8c0d80-a480-11e7-b573-8ec86cdf1ed_story.html?utm_term=.8e56542a1f49

⁶² Turkish School Leader Abducted, and Released, in Mongolia, *The New York Times*, July 28, 2018.
<https://www.nytimes.com/2018/07/28/world/europe/turkish-school-leader-abducted-and-released-in-mongolia.html>

Moldovan security apparatus trampled on national and international laws to steer the process of snatching teachers.⁶³

The abduction of teachers linked with the Gulen Movement from Kosovo was another case point.⁶⁴ The kidnappings in a Balkan country, which aspires to join the E.U., reveals the depth and reach of Turkey's long arm to capture its dissidents from wherever they are.



6 Turkish citizens arrested in Kosovo and deported to Turkey.

H. Perils of Extradition

The brazenness and recklessness of Turkey's global purge do know no bounds and limits.

“Since before the coup attempt, but with frantic intensity since then, the Turkish state has been hunting its opponents abroad, especially those who belong to the Gulen movement. In at least 46 countries across four continents, Turkey has pursued an aggressive policy to silence its perceived enemies and has allegedly used Interpol as a political tool to target its opponents,”⁶⁵ Nate Schenkkan from Washington-based Freedom House, wrote in an article for *Foreign Affairs* on Jan. 29, 2018.

⁶³ Expulsion of Turkish Teachers From Moldova: The Whole Story. *Advocates of Silenced Turkey*, September 2018. https://silencedturkey.org/wp-content/uploads/2018/09/Report_-Expulsion-of-Turkish-Teachers-From-Moldova_-The-Whole-Story.pdf

⁶⁴ Capture of Turkish Teachers Stirs Political Chaos in Kosovo, *Globe Post Turkey*, March 29, 2018. <https://turkey.theglobepost.com/kosovo-gulen-movement-teachers/>

⁶⁵ Nate Schenkkan, The Remarkable Scale of Turkey's "Global Purge." *Foreign Affairs*, January 29, 2018.

At least 15 countries, including Angola, Azerbaijan, Bahrain, Bulgaria, Georgia, Indonesia, Kazakhstan, Malaysia, Morocco, Myanmar, Pakistan, Qatar, Saudi Arabia, Sudan, and Turkmenistan, as of January 2018 have either arrested or deported members of the movement, according to Schenkan. After that date, Kosovo, Moldova and many other places joined those countries.

But as more and more reports by international media outlets emerged, the true depth of the Turkish government's global operations has been laid bare. A group of 13 journalists from nine media organizations from eight countries banded together to investigate Turkey's secret torture sites after the Turkish authorities kidnapped opponents from all around the world.

"In a near-repeat of the CIA's 'extraordinary renditions', the regime of Turkish president Erdoğan is kidnapping dozens of members of the Gülen movement from around the world. Victims are now raising a serious accusation: secret torture sites are part of the repression,"⁶⁶ CORRECTIV reported on December 11, in 2018.

But unlike the CIA and its 'extraordinary rendition' programme set up after the 11 September terror attacks, Turkey makes no secret of its abductions, the joint study noted. "We will return to the country one by one those Gülenists who have fled and now think they're safe, and we will hand them over to our justice system," the report quoted Erdogan as saying.

It need not require a great deal of knowledge to realize that majority of the illegal kidnappings and controversial extraditions took place in countries where rule of law and

<https://www.foreignaffairs.com/articles/turkey/2018-01-29/remarkable-scale-turkeys-global-purge>

⁶⁶ Black Sites Turkey, CORRECTIV, December 11, 2018. <https://correctiv.org/en/top-stories-en/2018/12/06/black-sites/>

judicial independence are not firmly entrenched, but open to political machinations and influence. The threat has not receded since then.

“The global purge is a threat not just to the Turkish diaspora but to the rule of law everywhere,” Schenkkan concluded his article, expounding on the ramifications of Turkey’s relentless global haunt for the international order.

Turkey’s long arms contagiously corrupts the legal structure and normal course of politics in local countries where Gulen-affiliated people were either extradited or illegally sent back to Turkey. The most recent report came on the Turkish-Greek border. A group of Turkish refugees crossed the Evros (Meritsa, or Meric in Turkish) River that demarcates the border between Turkey and Greece in a bid to seek asylum in Turkey’s Western neighbor.

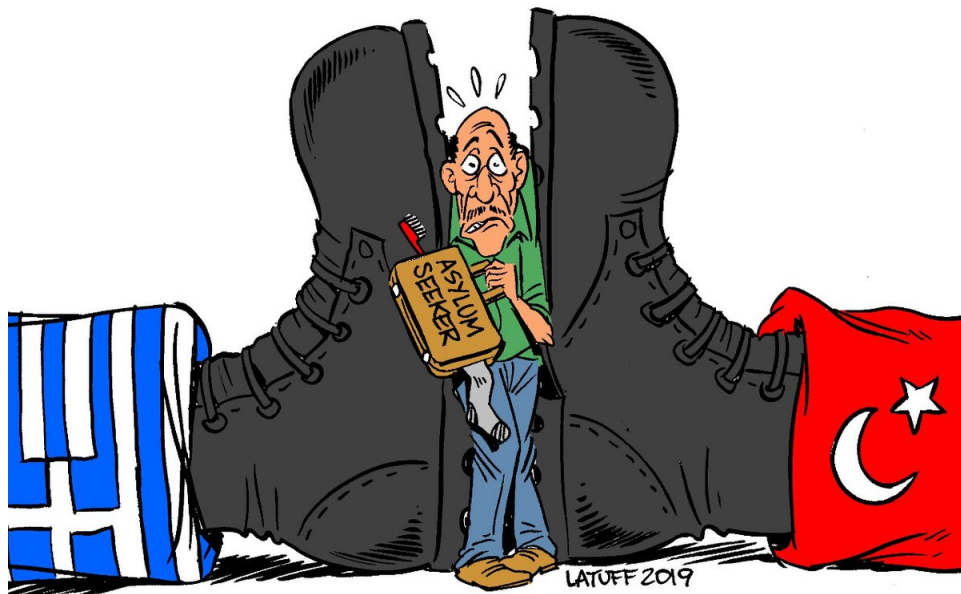
But the Greek police detained them in a police station, a usual procedure that awaits any asylum seeker after crossing the border. But what happened to the Gul family was unprecedented given the Greek authorities’ resistance to compliance with Turkey’s requests.

IPA News had more to say regarding this incident that took place on April 28 this year. The family was told by the Greek police that they would be taken into another police station. They were taken to a truck along with around 50 refugees from other countries. A group of armed men then forcefully pushed the refugees, including the Turkish asylum seekers, back to the Turkish side after the truck brought them to the border. The Gul couple were arrested by Turkish gendarmerie forces.⁶⁷

⁶⁷ Another group of Turkish asylum seekers who arrived in Greece pushed back to Turkey, *IPA News*, Turkey, April 30, 2018.
<https://ipa.news/2019/04/29/another-group-of-turkish-asylum-seekers-who-arrived-in-greece-pushed-back-to-turkey/>

European lawmaker Rebecca Harms called on the Greek authorities to respect rights of refugees, especially the Turkish asylum seekers who flee the persecution in their home country.

“In the last three days,” IPA News noted, reports from the border region “indicate a surge in the push-back incidents at the Greek-Turkish border.” Athens normally treated the Turkish asylum seekers differently and did not send them back to Turkey. But the push-back incidents against refugees now began to include the Turkish nationals.



IPA News reported:

“A group of 11 Turkish asylum seekers who were beaten and pushed back to Turkey by masked and armed men on Friday, had crossed over to Greece again on the next day.

With the help of refugee organizations, the Greek police took the group and their asylum processes were started. That group is now being held in the border station of Soufli. A journalist, Tugba

Ozkan, is reportedly among the group who were assaulted and pushed back. She is 28 weeks pregnant.”⁶⁸

In addition to this direct and bold attempts, Ankara seeks alternative ways to do its bidding regarding extradition cases.

After the foreign countries dismissed Ankara’s extradition requests for dissidents on terrorism charges, finding such legal rationale as baseless and groundless in the face of political motivations, the Turkish government has employed a subtle set of measures to circumvent the potential legal obstacles for its extradition bids.

One of the tactics adopted by the Turkish government is this: If Ankara knows that its bid would falter to have someone extradited to Turkey, then the Turkish government comes up with a set of forged charges of petty crimes against a certain name.

For instance, F. Z. lives in New York and is wanted by Turkey. Instead of a direct extradition request, the Turkish prosecutors then launch a legal probe over allegations of a less serious crime back in Turkey. Even if that did not happen in Turkey, it would take time for the authorities in the U.S. to ascertain facts. The Turkish Justice Ministry sends dossiers to the U.S. counterparts. This protracted process would ruin F.Z.’s life in the U.S. as his asylum case faces suspension and a criminal investigation against him is launched by the U.S. prosecutors to confirm or reject the allegations laid against him. This would take time. In the meantime, the subject would fail to proceed in his life, would not launch a business or even get a driver license. The aim by Turkey is to give as much problem as possible to a government opponent and make his life in the U.S. an ordeal.

⁶⁸ Ibid, IPA News.

The details about Turkey's efforts to capture dissidents abroad and what kind of machinations it deployed during its quest to haunt Gulen people should indicate that Turkey indeed has no regards for rule of law or normal legal procedures in its dealings with allies and foes in the international politics.

CONCLUSION

The crux of the matter is, as all of the arguments put forward above clearly demonstrate, that any extradition request from Ankara must be immediately rejected. This should be done so on the grounds elaborated in detail above. Credible reports by respected international organizations about the collapse of rule of law in Turkey, the assertion of political control over the judiciary, the arbitrary nature of post-coup trials, the lack of fair trial, the death of judicial independence, the mass prosecution of lawyers, the political nature of extradition requests offer ample evidence with regard to political machinations and intrigues that deeply rooted in Turkey's global extradition efforts.

To put it succinctly,

- Post-coup trials are political;
- There is no judicial independence left;
- There is a mass prosecution of lawyers, which means that defendants are unable to get adequate legal counsel and defense;
- There is a high risk of mistreatment and torture
- Turkey systematically abuses Interpol's Red Notice system to get dissidents abroad;
- Extradition is a highly risky endeavor and foreign countries must beware of political machinations embedded in Turkey's bids;

- There are ample evidence that show someone, if extradited to Turkey, would not get a fair trial, even would face torture

U.S. report has details about the mistreatment in police detention and jails in Turkey. Both Human Rights Watch and Amnesty International released extensive reports about the existence of torture in the aftermath of the coup in 2016.⁶⁹

The U.S. report stated:

"The government asserted that it followed a "zero tolerance" policy for torture. HRW maintained, however, that it was "not aware of any serious measures that have been taken to investigate credible allegations of torture." In its World Report 2018, HRW stated: "Cases of torture and ill-treatment in police custody were widely reported through 2017, especially by individuals detained under the antiterror law, marking a reverse in long-standing progress, despite the government's stated zero tolerance for torture policy. There were widespread reports of police beating detainees, subjecting them to prolonged stress positions and threats of rape, threats to lawyers, and interference with medical examinations."⁷⁰

By all indications, the situation in Turkey's domestic realm seems to be getting worse for dissidents, especially for those with perceived ties to the Gulen Movement. The constant threat of purge or kidnapping has become part and parcel of a new normal in many people's daily life.

⁶⁹The aftermath of the failed Turkey coup: Torture, beatings and rape, *Amnesty International*. January 12, 2018. <https://www.amnesty.org.uk/aftermath-failed-turkey-coup-torture-beatings-and-rape>

⁷⁰ Turkey 2018 Human Rights Report, *U.S. State Department*.
<https://www.state.gov/documents/organization/289435.pdf>

The threat against Gulen-affiliated people is much more profound and immediate. A new surge in enforced disappearances and abductions against the movement members is telling in this regard.⁷¹

The government's enmity toward this group indicates no signs of abating. What would await the members of the movement? Speaking days after the failed coup in July 2016, Turkey's then-Economy Minister Nihat Zeybekci, if indiscreetly, disclosed what the government had in mind.

"We will punish them in a way that they will beg us to slaughter them to stop their suffering. We will let them beg for death."⁷²



His words were (are) no idle threats. Although two years passed after the minister's remarks, Turkey never lets up on its operations or persecution. The commitment to eradicate the movement at home and abroad remains a lasting element of Erdogan's legacy and Turkey's persistent diplomacy in the world. Another senior government official came up with a fresh threat against Gulen-related people, who live in the U.S.

Regardless of whether Turkey would follow them with deeds, Presidential Spokesperson Ibrahim Kalin's threats of targeting Gulen sympathizers on the U.S. territory only comes as a re-assertion of the fact that Ankara would never abandon such thinking.

⁷¹ Turkish man abducted by gunmen at toll station in Edirne: wife. *Turkey Purge*, Feb. 26, 2019. <https://turkeypurge.com/edirne-man-abducted-by-gunmen-at-toll-station-in-edirne-wife>

⁷² Ibid. CORRECTIV



“Relevant units and institutions will continue their operations in countries where FETO operates, whether in the U.S. or another country,” NBC News quoted Kalin as saying. “The Turkish Republic will not let them rest.”⁷³

His disregard for potential spillover of any such attempt into the century-old Turkish-American relations reveals a prevalent mindset that guides Ankara’s foreign policy. His remarks matter because they illustrate the point about why foreign countries should be extra vigilant and attentive when they come to deal with Turkey’s legal extradition efforts.

There is another disturbing element in relation to the evolution of the course of political events in Turkey. To shield both security personnel and its supporters from prosecution, the government passed a decree in December 2017.⁷⁴ The decree granted immunity from prosecution to people who might have committed crimes on behalf of the government to ward off the threat against the political order. Its content also included acts perpetrated during the coup attempt.

According to critics, the government took the step to protect its supporters who embroiled in violent acts on July 15 and July 16.

⁷³ Turkey will conduct 'operations' against Erdogan's enemies in U.S., *NBC News*, September 27, 2018. <https://www.nbcnews.com/news/world/turkey-will-conduct-operations-against-erdogan-s-enemies-u-s-n912996>

⁷⁴ Amberin Zaman, Turkey expands impunity for Erdogan loyalists, *Al-Monitor*, December 27, 2017. <https://www.al-monitor.com/pulse/originals/2017/12/turkey-new-emergency-laws.html>

The Bloomberg report summarized noted that the “emergency decree risks inciting political violence by giving legal cover to pro-government vigilantes, opposition parties and legal authorities warned.”⁷⁵

Bloomberg defined the decree as follows:

“The order, declared in the Official Gazette on Sunday, grants sweeping immunity for acting against terrorism or attempts to overthrow the government. Civilians won’t face legal consequences for actions against last year’s coup attempt -- or more importantly -- anything that could be considered its “continuation,” the decree said.”

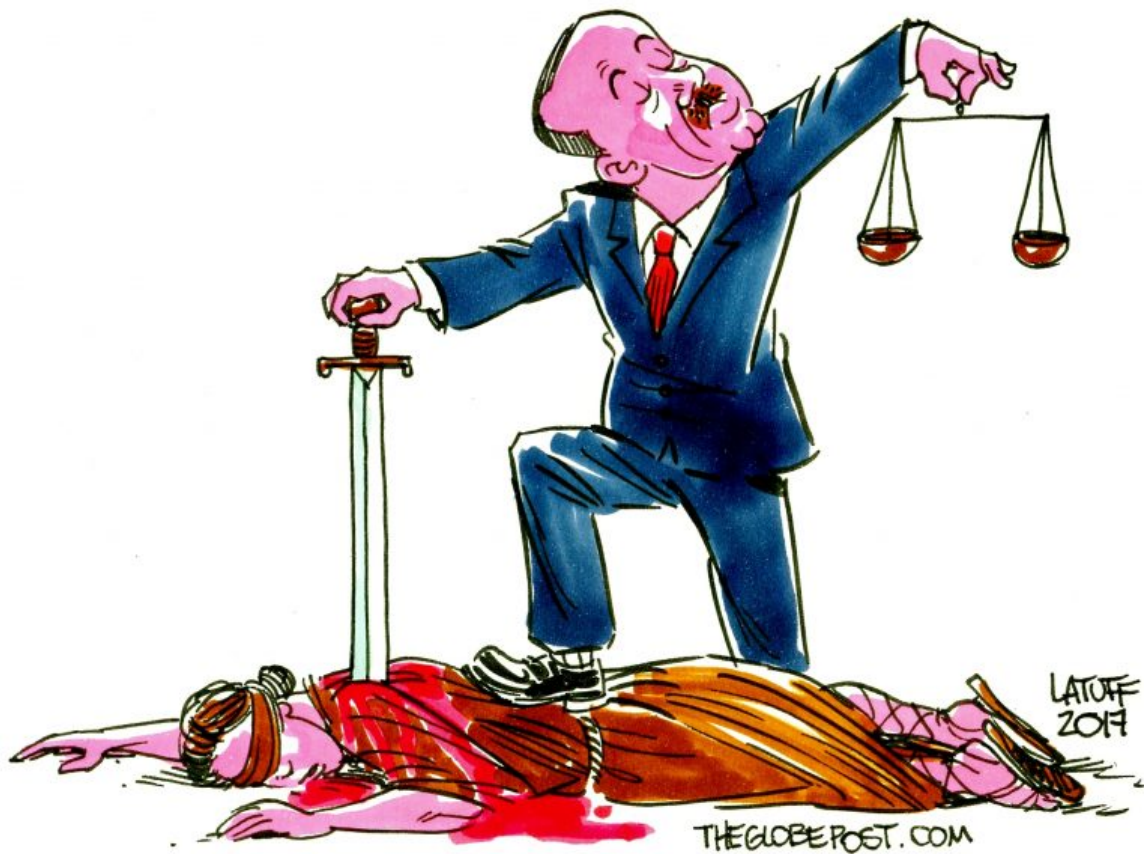
That aside, the government’s embrace of mafia bosses like Sedat Peker, who keeps threatening Erdogan’s critics, reveals another troubling aspect of the new pervasive culture in Turkey. While academics get lengthy sentences and journalists rot in prison, convicted gang leaders are treated with respect by authorities. In his latest call this February, Peker called on Turkish citizens to purchase guns before the local elections.⁷⁶

After brief questioning, he was released by prosecutors without a need to refer him to court. The discrepancy between the treatment of law-abiding citizens and criminal figures is not lost on many people and stirs up resentment on social media.

⁷⁵ Erdogan Law Stirs Fears of Legalized Extra-Judicial Violence, *Bloomberg*, December 25, 2017. <https://www.bloomberg.com/news/articles/2017-12-25/erdogan-decree-stokes-fears-of-legalized-extra-judicial-violence>

⁷⁶ Convicted crime boss calls on Turks to acquire weapons before elections, *Ahval*, February 4, 2019. <https://ahvalnews.com/sedat-peker/convicted-crime-boss-calls-turks-acquire-weapons-elections>

In conclusion, before reviewing Ankara's extradition requests, every country must keep in mind the prevailing political realities and conditions in Turkey. The E.U. candidate and NATO ally is no longer a country where rule of law exists. It is a country where the terror of purge and brutal political persecution reign while opponents and dissidents immensely suffer.





ADVOCATES OF SILENCED TURKEY
P.O. BOX 2399 WAYNE, NJ
07474-2399



help@silencedturkey.org



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