

ABUSE OF THE INTERPOL SYSTEM BY TURKEY



**HOW ERDOĞAN
WEAPONIZED
INTERPOL FOR
PERSECUTION
ABROAD**



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About Stockholm Center for Freedom

Stockholm Center for Freedom (SCF) is an advocacy organization that promotes the rule of law, democracy and fundamental rights and freedoms with a special focus on Turkey, a nation of 80 million that is facing significant backsliding in its parliamentary democracy under its autocratic leaders.

SCF, a non-profit organization, was set up by a group of journalists who have been forced to live in self-exile in Sweden against the backdrop of a massive crackdown on press freedom in Turkey.

SCF is committed to serving as a reference source by providing a broader picture of rights violations in Turkey, monitoring daily developments on fact-based investigative journalism and documenting individual cases of the infringement of fundamental rights. The founders of SCF are top-notch journalists who had managed national dailies in Turkey and worked for leading media outlets before they were forced to leave. They have the expertise, human resources and network on the ground to track events in Turkey despite serious challenges.

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ABUSE OF THE INTERPOL SYSTEM BY TURKEY

How Erdoğan weaponized Interpol for persecution abroad

INTRODUCTION

The Turkish government's blatant abuse of the criminal justice system to persecute, harass and intimidate its opponents and critics has recently escalated to include manipulation of the International Criminal Police Organization (Interpol). The dubious and false charges filed en masse with Interpol to hunt down political enemies of Turkey's strongman President Recep Tayyip Erdoğan sparked an international crisis when Turkish nationals and foreign nationals of Turkish origin were caught in a quagmire, especially during their travel from one country to another.

Interpol, set up for cooperation among member states' law enforcement agencies to arrest and extradite criminals and terrorists, is being undermined by the Turkish government, which is abusing the system, especially the International Notice System such as Red Notices and diffusions,¹ to go after political opponents who have committed no crime other than being critical of Islamist government policies in Turkey. The Turkish government has flooded Interpol with various filings including Red Notices, reportedly creating resentment in the Interpol Secretariat, which is concerned about the integrity and credibility of the system.

Lyudmyla Kozlovska, president of The Open Dialog Foundation (ODF), a leading NGO pushing Interpol for effective reforms, said that “[t]he crackdown by Turkish authorities on followers of [the] Gulen movement abroad through Interpol's mechanism is unprecedented because of the enormous scale of political prosecution.” She added that “[w]e don't know the exact numbers of the victims of abused Red Notice of Interpol based on the request from Erdoğan's regime, but it is definitively one of the biggest challenges for Interpol itself to prove if the CCF is able to prevent or stop such scale of abuses.”²

“The sharp increase of such notices over the last decade, and their alleged abuse by some member states in the pursuit of political objectives, repressing the freedom of expression or persecuting members of the political opposition

1] Similar to the Notice, a diffusion is issued for the same purposes as notices but is sent directly by a member country or an international entity to the countries of their choice. Diffusions are also recorded in Interpol's databases.

2] “Monday talk with lyudmyla kozlovska on the misuse of Interpol by autocratic regimes”, 11 September 2017, <http://www.voca-leurope.eu/monday-talk-with-lyudmyla-kozlovska-on-the-misuse-of-interpol/>



Interpol has recently come under increased scrutiny with Turkey blatantly abusing its mechanism for political witch-hunt.

beyond their borders, represent a serious challenge for the system,” said rapporteur Bernd Fabritiuson on March 7, 2017 when the Legal Affairs Committee of the Parliamentary Assembly of the Council of Europe (PACE) approved recommendations to end the abuse of Interpol Red Notices.³

The European Parliament condemned the targeting of exiled opposition figures by the abuse of extradition procedures through Interpol and urged member states “to provide better protection and to avoid deporting them in line with the principle of non-refoulement, which forbids the rendering of genuine victims of persecution to their persecutor.”⁴

The Turkish government is acting against recommendations made in the 2013 Istanbul declaration by the Organization for Security and Co-operation in Europe (OSCE) Parliamentary Assembly, which highlighted the abuse of the system by member states. During the event hosted by Turkey June 29-July 3, 2013, OSCE-PA called on “Interpol to continue reforms to improve its oversight mechanisms for detecting attempts to misuse its systems by OSCE participating States whose judicial systems do not meet international standards, and to enable individuals unjustly targeted by politically motivated charges to speedily expose and end this abuse of Interpol.”⁵

Cases of abuse by Turkey of Interpol for political purposes, including the persecution of civil society members, social groups, human rights activists, political opponents, and journalists, were documented by the Stockholm Center

3] “Legal Committee recommends steps to end abuse of Interpol’s Red Notices”, 7 March 2017, <http://www.assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6534&lang=2&cat=5>

4] “European Parliament resolution on implementation and review of the EU-Central Asia Strategy”, 13 April 2016, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0121+0+DOC+XML+V0//EN&language=EN>

5] “2013 Istanbul Final Declaration: Democracy, human rights and humanitarian questions”, 29 June- 3 July 2013, <https://www.oscepa.org/meetings/annual-sessions/2013-istanbul-annual-session/2013-istanbul-final-declaration/1643-06>

for Freedom (SCF) on its tracking website. The Turkish government's issuance of Red Notices for two Swedish and German nationals of Turkish origin resulted in detention by Spanish authorities, triggering an international crisis, with the Erdoğan government accused of abusing Interpol.

The Erdoğan government also filed hundreds of information requests on foreign companies through Interpol, alleging the involvement of well-known foreign brands in funding terrorism against Turkey without reasonable grounds that warranted such requests. This led to diplomatic tension between Turkey and Germany when Ankara accused some 600 German firms of involvement in crimes of terrorism. After the revelation, the Erdoğan government took a step back and withdrew the list from Interpol.

Another abuse by Turkey is the revocation of travel documents and passports of government critics who moved abroad to avoid persecution. By preventing or restricting Turkish citizens' freedom of movement, the Turkish government is also violating their right to freely seek employment, damaging their reputation and smearing their names. In several cases, some of these people were stranded at international airports or put in detention before they were released or, in the worst cases, were handed over to Turkish operatives and ended up languishing in Turkish prisons without being tried or convicted.

Not only the Turkish government, which abuses the procedures in order to target critics, but also the Interpol Secretariat, which allows such abuse to take a place in the first place, must be held accountable for aiding and abetting the perpetration of human rights violations. Although it is encouraging to see that Interpol has taken some steps in safeguarding the rights of innocent people, it has nevertheless looked the other way when the Turkish government went after some critics without credible evidence or solid standing in the case. In at least several cases, the Interpol system helped the Turkish government whisk away critics from other countries, landing them in jail, where they were subjected to torture and ill-treatment.

Since the rule of law has been effectively suspended in Turkey and there is no longer an independent and impartial judiciary, Interpol must exercise extreme caution in processing requests from Turkey. The Erdoğan government is not only in violation of the Turkish Constitution in failing to respect fair trial and due process protections but is also violating a number of commitments it has under international conventions. Interpol must ensure that Turkey complies with safeguards in place to protect the system and must discourage Turkey from abusing procedures to harass legitimate critics on fabricated charges.

1. Interpol notices

Interpol, the world's largest international police organization with 190 member states, must act according to its own constitution, which was adopted in 1956. Article 2 of the constitution states that the organization must “ensure and promote the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the 'Universal Declaration of Human Rights'.”⁶ As such, Interpol is obligated to operate under international human rights laws.

Moreover, Article 3 forbids Interpol from undertaking any intervention or activity of a political, military, religious or racial character.⁷ The primary objectives of Article 3 can be defined as follows: (a) to ensure the independence and neutrality of Interpol as an international organization; (b) to reflect international extradition laws; and (c) to protect individuals from persecution.⁸

Therefore, Turkey's abuse of the Interpol system in politically motivated cases that target specific social groups like the Gülen movement or ethnic groups such as the Kurds means first and foremost the violation of the core principles of the Interpol constitution. The Erdogan government is not only using Interpol as an instrument of persecution but is also manipulating Interpol procedures to perpetrate human rights violations. As a result, the independence and neutrality of the organization is very much at risk with the actions of the Turkish government.

Interpol's International Notice System allows police in member states to share critical crime-related information. Police can use notices to alert law enforcement bodies in other countries of potential threats, or to ask for assistance in solving crimes.⁹ There are eight types of notices issued by Interpol: “Red, Yellow, Blue, Purple, Black, Green, Orange and Interpol-UN Security Council Special Notice.”¹⁰

Red is the most important and effective notice, a request to locate and provisionally arrest an individual pending extradition. It is issued by the

6] The Constitution of ICPO-Interpol, <https://www.interpol.int/Media/Files/Legal-material/Reference-Documents/Constitution>

7] Ibid.

8] “REPOSITORY OF PRACTICE: Application of Article 3 of Interpol's Constitution in the context of the processing of information via Interpol's channels” <https://www.interpol.int/content/download/34480/452435/version/6/file/article%203-english-february%202013vb%20CD.pdf>

9] “Abusive Use Of The Interpol System: The Need For More Stringent Legal Safeguards”, report by the Parliamentary Assembly of the Council of Europe, 27 February 2017, <http://website-pace.net/documents/19838/3254453/20170227-+PRESSaj-doc-EN.pdf/d5a0698e-c954-4906-b282-9832e87c01bd>

10] “Notices”, Interpol website, <https://www.interpol.int/INTERPOL-expertise/Notices>

General Secretariat of Interpol at the request of a member country or an international tribunal based on a valid national arrest warrant. Red Notices are issued for individuals sought for prosecution or to serve a sentence.¹¹ Interpol cannot compel any member country to arrest an individual who is the subject of a Red Notice. Each member country decides for itself what legal value to give a Red Notice within their borders.

The Red Notice gives high, international visibility to cases when targeted people are flagged to border officials, making the travel and movement of suspects very difficult. At the same time, however, if not used properly or if used in politically motivated cases, Red Notices may have negative ramifications as far as fundamental rights are concerned, such as the right to liberty, the right to freedom of movement and the right to a fair trial.

A Blue Notice is used to collect additional information about a person, such as identity, location or activities, in relation to a crime. In addition to notices, Interpol also maintains a database of Stolen and Lost Travel Documents (SLTD)¹² which enables Interpol National Central Bureaus (NCBs) and other authorized law enforcement entities and personnel - such as immigration and border control officers - to ascertain the validity of a travel document (passport, identity document, visa). Details of stolen and lost passports are submitted directly to the STLD database by Interpol NCBs and law enforcement agencies via Interpol's secure communication system. Only the country that issued a document can add it to the database.¹³

In addition to notices, member states also make use of diffusions, which are similar to notices but sent directly by a member country or an international entity to the countries of their choice. In 2016 the General Secretariat published some 20,000 notices (of which 12,878 were Red Notices) and recorded more than 26,000 diffusions.¹⁴

The proper functioning of this system relies on mutual trust between the various actors and the belief that member states would only use Interpol in good faith, solely for the purposes for which the organization was established. Those who abuse Interpol's infrastructure for the persecution of their adversaries undermine the very foundations of international police cooperation.¹⁵

11] Ibid.

12] "Border management", Interpol, <https://www.interpol.int/Interpol-expertise/Border-management/SLTD-Database>

13] Ibid.

14] Interpol Fact Sheet: International Notices system, February 2017, https://www.interpol.int/content/download/786/6291/version/32/file/02_GI02_02_2017_EN_web.pdf

15] "Abusive Use Of The Interpol System: The Need For More Stringent Legal Safeguards", the Report by Parliamentary Assembly of the Council of Europe, 27 February 2017, <http://website-pace.net/documents/19838/3254453/20170227-+PRESSajdoc-EN.pdf/d5a0698e-c954-4906-b282-9832e87c01bd>



Turkey has revoked passports of critics and opponents in an arbitrary manner and started filing Interpol notices as 'missing and lost' without the knowledge of victims.

2. The Interpol National Central Bureau (NCB) For Turkey

Turkey, a member of Interpol since 1930, has become a topic of discussion in recent years with a spike in politically motivated cases that have been mounting as a result of multiple filings by the Turkish government. The Security General Directorate of Turkey (Emniyet Genel Müdürlüğü in Turkish, or EGM) is the national contact point for Interpol. The EGM has an Interpol and Europol Department¹⁶ that works as the Interpol National Central Bureau (NCB) for Turkey. It is responsible for conducting relations with Interpol in coordination with Turkey's Ministry of Justice.

In Turkey, criminal investigations are carried out by public prosecutors. When a public prosecutor seeks a Red Notice for a wanted person, pursuant to Regulation No. 69/4¹⁷ of the Ministry of Justice, the prosecutor has to request an arrest warrant in absentia from a penal court of peace. If this request is approved by the court, the arrest warrant and the Red Notice request form are sent to the Justice Ministry. The court can issue a Red Notice request during the trial phase as well. In either case, the Red Notice request, once approved by the court, is referred to the NCB in Turkey by the General

16] <http://www.interpol.pol.tr/Sayfalar/default.aspx>

17] "Suçluların iadesi ve Hükümlü Naki Konularında Dikkat Edilmesi Gereken Husular", Justice Ministry of Turkey, 16 November 2011, <http://www.uhdigm.adalet.gov.tr/genelgeler/69-4%20Nolu%20Genelge.pdf>

Directorate for International Law and Foreign Affairs¹⁸ within the Ministry of Justice. The NCB then sends the notice to the General Secretariat of Interpol.

Penal courts of peace are called special project courts that were introduced by Erdoğan on June 22, 2014 to persecute his critics. Exclusively authorized to carry out all investigatory processes including detention, arrest, property seizure and search warrants, penal judges of peace were handpicked by the government from among loyalists and partisans who pursued a witch-hunt primarily against members of the Gülen movement and the Kurdish political movement, who are treated as enemies by the government. As appeals against decisions by a penal judge of peace can be filed only with another penal judge of peace, this creates a “closed circuit” system that has drawn harsh criticism from PACE and the Venice Commission.

The Venice Commission dealt with these courts when Cesar Florin Preda, chair of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe (PACE), requested an opinion on the duties, competences and functioning of the penal judges of peace on May 25, 2016. The Venice Commission issued its opinion on March 13, 2017 and said their jurisdiction and practices give rise to numerous concerns.¹⁹

Since the role of the penal courts of peace is critical in issuing a Red Notice request for Interpol, any international warrant issued by these courts must be questioned for procedural flaws as well as on substance.

3. Abuse of the Interpol Notice System by Turkey

Turkey has never been on the best of terms with Interpol over the years, with some criticism of abuse leveled against the government in Ankara from time to time, but it was never as bad as it is today, with multiple cases of abuse recently being reported and widely covered in the international media. According to a report published by the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE) that was subsequently approved in the plenary, Turkey was cited among notorious countries abusing Interpol.

18] “Uluslararası Hukuk ve Dış İlişkiler Genel Müdürlüğü”, Ministry of Justice, <http://www.uhdigm.adalet.gov.tr/index.html>

19] CDL-AD(2017)004-e Turkey - Opinion on the duties, competences and functioning of the criminal peace judgeships, adopted by the Venice Commission at its 110th Plenary Session (Venice, 10-11 March 2017) [http://www.venice.coe.int/webforms/documents/?pdf=C-DL-AD\(2017\)004-e](http://www.venice.coe.int/webforms/documents/?pdf=C-DL-AD(2017)004-e)

“Article 2 of its Constitution requires INTERPOL to act in the spirit of the Universal Declaration of Human Rights and Article 3 strictly prohibits any intervention or activities of a political, military, religious or racist character. But in a number of cases in recent years, INTERPOL and its Red Notice system has been abused by some member States in the pursuit of political objectives, repressing the freedom of expression or persecuting members of the political opposition beyond their borders,” the report said.²⁰

PACE made note of the dramatic fivefold increase in the number of Red Notices between 2005 and 2015, reaching 11,492 from 2,343. In 2016 a total of 12,787 Red Notices were issued.²¹ The data compiled by Fair Trials International,²² a UK-based nongovernmental organization that works for fair trials in line with the international standards of justice, lists oppressive states such as Russia, Belarus, Turkey, Venezuela, Sri Lanka, Indonesia, Uzbekistan, Azerbaijan and Iran as abusers of Interpol’s notice system to persecute dissidents.

3.1. The case of Murat Acar



**MURAT
ACAR**

This Harvard-educated Turkish professor was extradited to Turkey on an arrest warrant issued by Turkey through Interpol despite the fact that he was under UN protection in Bahrain.

Murat Acar, a 46-year-old medical doctor who was working as a professor and consultant in King Hamad University’s radiology department in Bahrain, was whisked away to Turkey on trumped-up coup plotting charges filed by the Turkish government. Acar, who suspected the government might target him, sought UN help and was granted humanitarian protection. However, the Bahraini police disregarded his status and raided his house in order to detain him. He was turned over to Turkey by the Interpol section of the Bahraini police.²³

Bahrain’s Interpol has become an accomplice of Turkey

20] “Abusive Use Of The Interpol System: The Need For More Stringent Legal Safeguards”, the Report by Parliamentary Assembly of the Council of Europe, 27 February 2017, <http://website-pace.net/documents/19838/3254453/20170227-+PRESSajdoc-EN.pdf/d5a0698e-c954-4906-b282-9832e87c01bd>

21] Ibid.

22] <https://www.fairtrials.org/?s=Interpol>

23] “Interpol Helped Harvard Educated Professor Get Tortured In Turkish Prison”, 30 August 2017, <https://stockholmcf.org/interpol-helped-harvard-educated-professor-get-tortured-in-turkish-prison/>

3.2. The case of Doğan Akhanlı



**DOĞAN
AKHANLI**

Turkish-born writer Doğan Akhanlı, 60, who had been jailed in Turkey between 1985 and 1987, fled to Germany in 1991 and applied for asylum. Turkey stripped him of citizenship in 1998, and he became a German citizen in 2001.²⁴ On August 10, 2010 he was arrested at an airport in Istanbul when he came to see his dying father. He was placed in pretrial detention for alleged involvement in a 1989 robbery. He was released on December 8, 2010²⁵ and then acquitted on October 12, 2011. In April 2013 the acquittal was reversed and a Red Notice was issued for him.²⁶

Based on the Interpol notice, Spanish authorities detained Akhanli in his hotel room on August 19, 2017, while he was vacationing in Granada in southern Spain. He was conditionally released after a court hearing on August 20 but was ordered to remain in Madrid while Turkey’s extradition request was reviewed.²⁷

Akhanlı said after he was released that “it is terrible because I thought I was safe in Europe. I thought the Turkish arbitrariness and arrogance couldn’t reach Europe. ... They simply abuse international law, whatever it is good for. It has nothing to do with the rule of law.”²⁸

German Chancellor Angela Merkel called the incident “unacceptable” and said: “We cannot allow international organizations such as Interpol to be misused in this way.”²⁹ Merkel subsequently said that “we must not misuse international organizations like Interpol for such purposes.”³⁰

German Foreign Minister Sigmar Gabriel commented on Akhanlı’s detention, saying “It would be terrible that Turkey could also reach the other end of Europe to put people who raise their voices against President Erdoğan under arrest.”³¹ Germany’s

24] Biography, Dogan Akhanli blog, http://dogan-akhanli.de/wordpress/?page_id=2339

25] “Yazar Doğan Akhanlı tahliye edildi”, Evrensel, 10 December 2010, <https://www.evrensel.net/haber/177869/yazar-dogan-akhanli-tahliye-edildi>

26] Dogan Akhanli, Wikipedia, https://en.wikipedia.org/wiki/Do%C4%9Fan_Akhanli%C4%B1

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

28] “Germany Condemns Detention of Turkish-Born Writer in Spain”, New York Times, 21 August 2017 <https://www.nytimes.com/2017/08/21/world/europe/turkey-germany-spain-writer-detained-erdogan.html?mcubz=1>

29] Ibid.

30] “Merkel Attacks Turkey’s ‘Misuse’ Of Interpol Warrants”, Reuters, 20 August 2017, <https://www.reuters.com/article/us-eu-turkey-election-idUSKCN1B00IP>

31] A warning to Turkish dissidents: Don’t go to Spain, Politico, 29th August 2017, <http://www.politico.eu/article/dogan-akhanli-spain-arrest-warning-to-turkish-dissidents/>
“Außenminister Gabriel zum Fall Dogan Akhanli”, 20th August 2017, http://www.auswaertiges-amt.de/DE/Infoservice/Presse/Meldungen/2017/170820_BM_Akhanli.html?nn=382590

Green Party deputy Volker Beck said the arrest warrant was a clear attempt by Turkish President Erdoğan “to extend his power beyond the borders of his country to intimidate his critics and to pursue them all over the world.”³² Left Party Co-chairwoman Katja Kipping urged the release of the writer in her message on Twitter. “Unbelievable! I call for the immediate release of Dogan Akhanli! How much further do we want to let Erdoğan go in Europe?” she stated.³³

Lawyer Ilias Uyar, who represents Akhanli, said, “This arrest demonstrates an attempt by Erdogan to extend his power beyond the borders of his country ... and to act against those he doesn’t like and who criticize him wherever they are in the world.”³⁴ He also added that “Turkey wants to flex its muscles and show people that they are not safe anywhere. Unfortunately, this is being done through the abuse of the laws of the state, so what we have now is Interpol being used as an extended arm of the Turkish regime.”³⁵



**HAMZA
YALÇIN**

3.3. The case of Hamza Yalçın

Hamza Yalçın is a 59-year-old Swedish author and journalist of Turkish origin. He was arrested in 1979 on terror charges and escaped from prison after six months under arrest, fleeing to Sweden and seeking asylum there. He then returned to Turkey but was indicted on terror charges again in 1990 and 1994 and spent three years in prison. He left Turkey in 1994 and has been living in Sweden ever since.³⁶ Yalçın is the former editor-in-chief and a regular writer for the *Odak* magazine, a Turkish socialist monthly. In April 2017 he was indicted on

charges of insulting President Erdoğan in an article published in *Odak*.

Yalçın was detained at Barcelona’s El Prat airport on August 3, 2017 pursuant to a Red Notice issued through Interpol by Turkey. On August 4 he was arrested

32] “Spain Detains German Author Dogan Akhanli On Turkish Warrant”, Deutsche Welle, 19 August 2017, <http://www.dw.com/en/spain-detains-german-author-dogan-akhanli-on-turkish-warrant/a-40159684>

33] Ibid.

34] “Germany: Turkey may be using Interpol to hunt down political opponents”, CNN, 21 August 2017, <http://edition.cnn.com/2017/08/21/europe/germany-turkey-interpol/index.html>

35] “Turkish Born German Writer Dogan Akhanli Released by Spanish Court” Euronews, 20 August 2017, <http://www.euronews.com/2017/08/20/turkish-born-german-writer-dogan-akhanli-released-by-spanish-court>

36] “Yazar Hamza Yalçın İspanya’da Tutuklandı”, Evrensel, 7 August 2017, <https://www.evrensel.net/haber/328690/yazar-hamza-yalcin-istryada-tutuklandi>

on charges of “terrorist propaganda”³⁷ and “insulting the Turkish president.”³⁸ The Spanish authorities have 40 days³⁹ to decide whether to extradite him to Turkey.⁴⁰

Sweden summoned Turkey’s ambassador over the detention of Swedish citizens Hamza Yalçın and Ali Gharavi⁴¹ on August 24, 2017 to express government concerns over the arrests. Swedish Foreign Minister Margot Wallström said that “I and the rest of the [Swedish] government have since a long time made it clear to Turkish leaders about how we see these cases and the worrying developments in Turkey. We have underlined that the latest events have a direct impact on our and the EU’s relationship with Turkey.”⁴²

Swedish member of the European Parliament Cecilia Wikström of the Liberal Party has demanded that the EU Commission step in to help in the release of Yalçın. She added that “[w]hat happened to Hamza Yalcin in Spain - the fact that he was arrested on the order of Erdoğan’s Turkey - is terrible. Each day that a writer or journalist is deprived of their liberty simply for having used the pen as a weapon in their defence of citizens’ freedoms and rights constitutes a major political failure for Sweden and the EU. It is our responsibility to ensure that Yalcin is immediately released and freed.”⁴³

Spanish Member of Parliament Marina Albiol strongly criticized her country’s government over these arrests. “If the EU lets the Spanish state extradite Yalçın and Akhanlı to Turkey then it will once again be the accomplice to Erdoğan’s witch hunt, repression and authoritarianism,” she said.⁴⁴ Carles Torner, the executive director of PEN International, said “It is highly alarming that Spain arrested Hamza Yalçın pursuant to a request emanating from Turkey, which through Interpol appears to be attempting to extend internationally its persecution of journalists for exercising their right to freedom of expression.”⁴⁵

37] “Spain: Release Turkish-Swedish Journalist”, PEN International, 21 August 2017, <http://www.pen-international.org/newsitems/spain-release-turkish-swedish-journalist/>

38] According to the Spanish national newspaper “El País”, one of the reasons for the arrest was that Hamza Yalçın had “insulted” Turkey’s President Erdoğan in an article in “Focus” magazine-. See “España encarcela a un periodista crítico con Erdogan a petición de Turquía”, 9 August 2017, https://politica.elpais.com/politica/2017/08/08/actualidad/1502219433_730103.html?id_externo_rsoc=TW_CC

39] As of September 1, 2017, he is still under arrest in Martorell prison in Barcelona

40] “Swedish writer Hamza Yalcin arrested in Spain under Erdogan crackdown”, The Times, 9th August 2017, <https://www.thetimes.co.uk/article/swedish-writer-hamza-yalcin-arrested-in-spain-under-erdogan-crackdown-hc7zjcdjv>

41] Ali Gharavi, an information security consultant of Swedish national of Iranian origin, was jailed in Turkey on July 5, 2017, along with prominent human rights defenders as he attended to a seminar in Istanbul.

42] “Sweden Summons Turkish Ambassador Over Writer and Activist Arrests”, The Local, 25th August, 2017, <https://www.thelocal.se/20170825/sweden-summons-turkish-ambassador-over-writer-and-activist-arrests>

43] EU parliamentarians demand release of Hamza Yalcin, Sveriges Radio, 30th August 2017, <http://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=6766667>

44] “EU’s Leftists Condemns Erdogan’s Abuse of Interpol, Political Interference in Germany”, Stockholm Center For Freedom, 23rd August 2017, <https://stockholmcf.org/eus-leftists-condemns-erdogans-abuse-of-interpol-political-interference-in-germany/>

45] “English PEN joins PEN International in condemning the arrest of Hamza Yalçın”, English PEN, 22 August 2017, <https://www.english-pen.org/campaigns/spain-release-turkish-swedish-journalist-hamza-yalcin/>

Carme Arenas, the president of Catalan PEN, said: “We are alarmed by the detention of Hamza Yalçın under charges that hide that he is persecuted for his writings and his analysis critical of the Turkish government. We ask for his immediate release.”⁴⁶ PEN Sweden’s chairwoman, Elisabeth Åsbrink, said: “It is obvious that Turkey and President Erdoğan show a complete lack of respect for the EU’s citizens. Sweden must of course do everything to ensure the release of these two and it is urgent. Sweden has to act now and make the EU react.”⁴⁷

The European Center for Press and Media Freedom (ECPMF) issued a statement in support of Yalçın and urged the Spanish government not to comply with the extradition.⁴⁸ The ECPMF’s Spanish branch, the Platform for the Defence of Freedom of Information (PDLI), denounced the arrest of Yalçın and urged the Spanish government not to comply with the extradition request. Yolanda Quintana, general secretary of the PDLI, said: “We consider it very disturbing that critical journalists can be detained outside Turkey and deported to this country, taking into account the situation of repression of freedoms and the massive purge that has been going on since last year. For the PDLI ... facts show that Turkey systematically violates human rights and this is incompatible with democracy, and therefore does not allow international security agreements to be applied as if nothing happened. Therefore, the PDLI has called on the Spanish government not to deport the Swedish-Turkish journalist and to urgently clarify his legal situation.”⁴⁹



**FURKAN
SÖKMEN**

3.4. The case of Muhammet Furkan Sökmen

Muhammet Furkan Sökmen, a professional Turkish educator who was the administrator of Horizon International Schools and a partner in Mediterranean International Education Services Co., Ltd., which were established by Gülen movement followers in Myanmar, was detained on May 24, 2017 at Yangon Airport in Myanmar along with his wife Ayşe and their 2-year-old daughter Sibel. The detention took place after authorities in Turkey’s Interpol section notified Myanmar authorities that his passport had been invalidated. He was deported

46] Ibid.

47] “Swedish writer wanted by Turkey arrested in Spain”, The Local, 7 August 2017, <https://www.thelocal.es/20170807/swedish-writer-wanted-by-turkey-arrested-in-spain>

48] “Germany Condemns Detention of Turkish-Born Writer in Spain”, New York Times, 21 August 2017 <https://www.nytimes.com/2017/08/21/world/europe/turkey-germany-spain-writer-detained-erdogan.html?mcubz=1>

49] “Repression without borders: Turks order arrest of exiled writer on holiday in Spain”, European Center for Press and Media Freedom, 9 August 2017, <https://ecpmf.eu/news/threats/turkish-swedish-journalist-held-in-spain-on-turkey-warrant>

to Thailand, where he was picked up by Turkish officials from the Interpol National Central Bureau (NCB) for Turkey.⁵⁰ The Myanmar government said he and his family would be deported as their passports were invalid.⁵¹

He shared a passionate video message of himself asking for help while he was detained in Bangkok before authorities confiscated his phone. “I am innocent and working in Myanmar legally since 2012. I do not want to go to Turkey where I will be imprisoned and most likely be tortured.”⁵²

The UN Human Rights Office for South-East Asia expressed grave concern over the deportation by Myanmar -- via Thailand -- of Sökmen and strongly urged authorities not to deport those deemed at risk upon their return to Turkey.⁵³ Amnesty International also issued an urgent action notice for Sökmen and said: “Amnesty International and other organizations have collected credible evidence of the arbitrary detention and torture of detainees suspected of belonging to the Gülen movement. If M. Furkan Sökmen is returned to Turkey, Amnesty International fears that he would be at risk of similar ill-treatment.”⁵⁴

However, Thailand returned Sökmen to Turkey despite pleas by human rights organizations and notices of concern by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other UN agencies that had informed the Burmese and Thai governments that there were substantial grounds to believe that he would face an imminent risk of human rights abuse upon his return to Turkey. Brad Adams, executive director of Human Rights Watch’s (HRW) Asia Division, said, “Burma and Thailand flagrantly violated Furkan Sökmen’s human rights by caving in to pressure from Ankara and deporting him despite his claim for asylum and the real risk of ill-treatment and an unfair trial in Turkey.”⁵⁵ HRW accused Thailand of violating the principle of non-refoulement, which is included in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Thailand is a party.

Sökmen was detained on arrival in Istanbul, questioned by the police and sent to the border province of Hatay where he faces an investigation by the prosecutor’s office. He was put in prison there.

50] “FETÖ’nün ‘Myanmar imami’ Türkiye’ye getirildi”, 27 May 2017, <http://www.milliyet.com.tr/feto-nun-myanmar-imami--gundem-2458074/>

51] “Myanmar to deport Turkish family amid crackdown fears”, 25 May 2017, <https://frontiermyanmar.net/en/myanmar-to-deport-turkish-family-amid-crackdown-fears>

52] “Furkan: a law-abiding Turkish citizen, teacher in Myanmar; detained at Bangkok airport”, 26 May 2017, <https://www.youtube.com/watch?v=nT3FdqCVbHM>

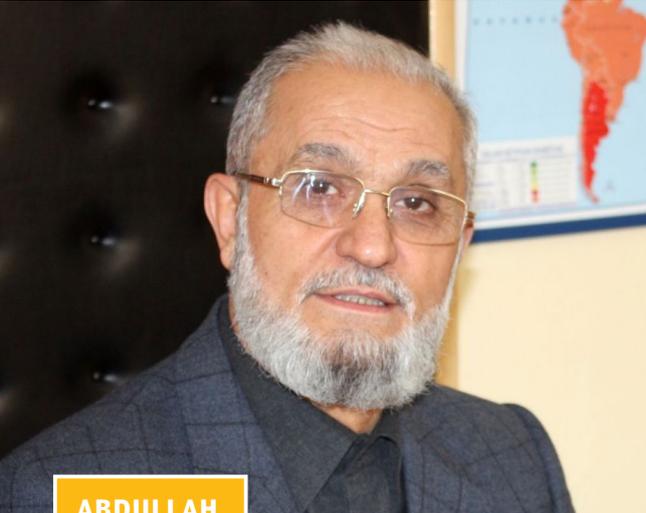
53] “U.N. expresses grave concern over Myanmar, Thai deportation of Turkish national”, Reuters, 27 May 2017, <http://www.reuters.com/article/us-myanmar-turkey-politics-idUSKBN18NOGX>

54] “Thailand: Turkish man detained and at risk of extradition”, 26 May 2017, <https://www.amnesty.org/download/Documents/ASA3963742017ENGLISH.pdf>

55] “Burma/Thailand: Deported Turkish Man at Risk”, 1 June 2017, <https://www.hrw.org/news/2017/06/01/burma/thailand-deported-turkish-man-risk>

3.5. The case of Abdullah Büyük

Abdullah Büyük, a Turkish businessman who fled Turkey to avoid the government witch-hunt targeting the Gülen movement, was arrested in Sofia on August 10, 2016 on an Interpol warrant issued at the request of the Turkish government and immediately handed over to Turkish authorities in what was described as a secret scheme.⁵⁶ The extradition reportedly occurred as part of a political bargain between the Turkish and Bulgarian governments despite the fact that both the Sofia City Court and the Bulgarian Court of Appeals in Sofia ruled against Büyük's extradition in March 2016, saying that Turkey had failed to present any evidence related to the charges brought against him, that they were likely politically motivated and that Büyük was unlikely to have any chance of a fair trial in Turkey.



**ABDULLAH
BÜYÜK**

In its report titled “Dangerously Disproportionate - The Ever-Expanding National Security State in Europe,” which was released on January 17, 2017, Amnesty International criticized the extradition and highlighted his case as having “all the hallmarks of an unlawful rendition to risk of torture.”⁵⁷ The immediate removal of the Turkish businessman in violation of Bulgaria's own laws confirms the political bargaining. Turkish Foreign Minister Mevlüt Çavuşoğlu hailed the extradition of the businessman and announced that “Bulgarian authorities decided to turn him over and we are now bringing him to Turkey.”⁵⁸

On July 29, 2016 the Office of the Vice President of Bulgaria rejected Büyük's request for political asylum, declining to disclose the grounds for the refusal. The Bulgarian Migration Directorate issued an order on August 9 for Büyük's forcible removal from the country. According to the Ministry of Interior and media reports, Büyük was stopped in a “random check” in Sofia on August 10 and apprehended after it was determined that he did not possess a valid residence permit. That same day, he was handed over to Turkish authorities at the border.

“According to the Bulgarian Foreigners' Law, the Ministry of Interior should have been notified of the transfer and the Bulgarian National Ombudsman or an independent NGO should have been present during the transfer to guarantee that it was carried out in accordance with the rule of law. No such protocol was followed with

56] “Outrage in Bulgaria over secretive transfer of Turkish citizen to Ankara,” Fair Trials International, 19 August 2016, <https://www.fairtrials.org/guest-post-outrage-in-bulgaria-over-secretive-transfer-of-turkish-citizen-to-ankara/>.

57] “Dangerously Disproportionate – The Ever-Expanding National Security State in Europe”, Amnesty International, 17 January 2017, <https://www.amnesty.org/en/latest/campaigns/2017/01/dangerously-disproportionate/>

58] “Çavuşoğlu'ndan ‘Bulgaristan'a siyasi sığınma talebinde bulunduğuunan ‘FETÖ'cü’ açıklaması”, 10 August 2016, <http://www.abc-gazetesi.com/cavusoglundan-bulgaristana-siyasi-siginma-talebinde-bulundugunan-fetocu-aciklamasi-24741h.htm>

respect to Büyük's secret transfer," Amnesty said.⁵⁹

Büyük has been jailed in Turkey since then, and a public prosecutor filed an indictment only nine months later, on May 17, 2017. His assets were seized and his companies, including Isim Tescil İnternet Teknolojileri A.Ş., one of the leading hosting, domain registration and service provider companies in Turkey, were taken over by the government. The indictment cites his social media messages that shared articles from the critical Zaman newspaper as evidence of a crime. In a bizarre twist, the company's registration of some 600,000 domain sites as of 2016 was also found to be suspicious according to the indictment, without explaining why normal business activity was deemed suspicious.⁶⁰ Büyük owned firms in Cyprus and the US and funds transfers among his companies were alleged to be financing the Gülen movement.

3.6. The case of Alaettin Duman

Alaettin Duman, a 49-year-old Turkish national, was reported missing in Kuala Lumpur, Malaysia, after he left his house in the Jalan Sentul Indah district on October 13, 2016. His family filed a missing persons report, but the police could not locate him. A clue in the abduction came from an unexpected source, Turkish Foreign Minister Mevlüt Çavuşoğlu, a statement by whom appeared in the Turkish media, which reported that the Malaysian government had handed over three Turkish nationals at the request of Turkey.



As an educator Duman had been involved in the education sector for more than 20 years and had spent almost his entire career outside Turkey. He moved to Malaysia and received his first work visa in 2011 and had maintained his legal status since then. When he was abducted in October 2016, he had a work visa valid until 2018. Duman was not in Turkey before, during or after the coup attempt, yet he faces farcical coup-related charges

back in Turkey.

Alaettin Duman was kept in police detention for 21 days in Ankara after he was handed over to Turkey. His ailing mother, Sündüz Duman, was denied access to him

59] "Dangerously Disproportionate – The Ever-Expanding National Security State in Europe", Amnesty International, 17 January 2017, <https://www.amnesty.org/en/latest/campaigns/2017/01/dangerously-disproportionate/>

60] "Abdullah Büyük ile ilgili çok çarpıcı bilgiler fezlekedede", 17 Mayıs 2017, <http://www.hurriyet.com.tr/abdullah-buyuk-orgutun-bilgi-ar-sivinin-onemli-elemanlarindan-40461241>

during his detention. On November 3, 2016 a lawyer appointed by the state called Sündüz and informed her that her son would appear in court the next day for an arraignment hearing. Alaettin Duman was first seen on November 4 by his mother and brother in court after his abduction from Malaysian soil. They hugged each other for barely a few minutes in the courtroom. Alaettin had difficulty walking. When asked by his brother Sebahattin Duman what had happened to his legs, Alaettin said he had been tortured and was unable to walk because of the terrible pain he was feeling in them. The judge rescheduled the hearing to November 7 due to missing documents.

On November 7 Alaettin appeared before the judge again. After giving his testimony, he waited a few hours for a decision, handcuffed in the corridor outside the courtroom. Meanwhile, his brother Sebahattin Duman had the opportunity to talk to him for a while. Alaettin told his brother what had happened to him. Later, on December 5, 2016, when his mother visited him in prison, Alaettin also told her what had happened to him.

According to SCF's compilation of both accounts provided by Alaettin, the kidnapping took place as follows:

I was heading home. As I passed some traffic lights, a minibus stopped and a Malaysian dressed in civilian clothes got out. He picked me up by the arm and tried to put me in the minibus. I resisted, I pushed him. There were two more people inside. They were also in civilian clothes and Malaysian. I thought they were human traffickers. A fourth person pointed a gun at me. I tried to get away from them, but they drugged me. When I woke up I found myself in an abandoned building in a forest. My hands and feet were restrained. I had a gag over my mouth. I had tape over my eyes. It was like I had been abducted by the mafia. I was tortured by four people in that building in the forest. At one point I thought I was being held there for ransom and would be killed. They threatened me with a gun and they said they would throw me from the second floor. They did not give me food or water. They bound me with a chain. They did not give any information about who they were and why they kidnapped me. They tortured me almost the entire day. I was taken to the airport 29 hours after being abducted. Then the situation was clear. Turkish officials were involved in the game there. The Malaysians who kidnapped me delivered me to Turkish officials. I was flown on Turkish Airlines and brought to Turkey. I have been subjected to heavy torture for 21 days in Turkey while in custody.

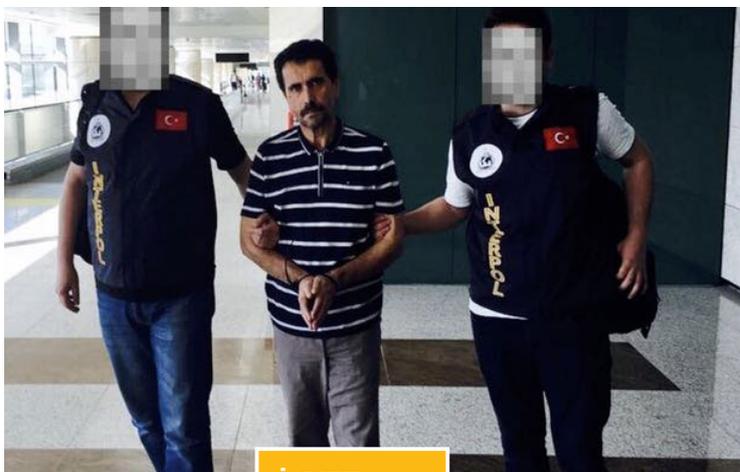
Alaettin Duman also mentioned to his brother Sebahattin that he had been tortured, especially during the night, while he was in police custody in the Turkish capital. Some nights they took him out of the police station to an empty spot in a remote area, threatening him with a gun to his head and saying, "Confess everything." Although Duman said, "I have nothing to confess," these threats continued non-stop. In that corridor as they waited for the court decision, Duman did not want to recount

to his brother all the torture he had undergone. But his brother Sebahattin personally witnessed two policemen at that time threatening him by saying, “Your wife and daughters are in danger if you do not confess.”

Duman said that the police and prosecutors accused him of using ByLock, a smart-phone messaging application that is publicly available. However, he said that he had never used this application, that ByLock could not be uploaded to iPhones and that he was an iPhone user. Nevertheless, the court decided to arrest him until it was clear whether he had used the app or not. So Duman had to prove he did not use ByLock. He would remain detained until further clarification.

Duman was traumatized as a result of torture, arbitrary detention and arrest in both countries, despite the fact that he has never committed any crime in Malaysia or in Turkey and there is no evidence against him. He said he does not know the charges against him, has not been informed of any evidence and that the authorities have not told him anything about his case. He told his mother that even a month after his arrest, he still bore the marks of chains on his body. Prison conditions were very bad: 30 people were in a cell designed to hold 15, and some people were sleeping on the floor.

A second Turkish national was handed over to Turkey under similar circumstances at the same time as Duman’s forcible return to Turkey. Tamer Tıbık, the general secretary of the Malaysian-Turkish Chamber of Commerce and Industry, was handed over to Turkey and is currently jailed in Ankara’s Sincan T Type Prison without having been tried or convicted.



**İSMET
ÖZÇELİK**

3.7. The case of İsmet Özçelik

On December 13, 2016 İsmet Özçelik (58), an academic, experienced an abduction attempt from his son’s home in Kuala Lumpur, where he was living on a visa that was valid for a year. He was forcibly taken away and thrown in jail, where he spent 50 days before he was released on bail. Özçelik was registered with the UNHCR as a refugee and placed in a resettlement program.

According to information received by SCF from Özçelik and his family members, İsmet Özçelik served as the vice chairman of the Gevher Sultan Education Research and Health Foundation attached to Mevlana University, located in the Turkish province of Konya. However, on June 7, 2016 he was dismissed from his post after the appointment of a trustee,⁶¹ and an investigation was launched into him. Thirty-eight days later, on July 15, when a military coup was attempted and his friends were arrested, İsmet Özçelik decided to go abroad for reasons of safety.

On August 8, 2016 he left Turkey and moved to Bosnia and Herzegovina and later went to Malaysia, where his elder son, Süheyl Özçelik, was working as a teacher. Due to the requirements of obtaining a visa in Malaysia, he entered and exited through Indonesia on November 13, 2016. He did not encounter any trouble at passport control. He received a one-year visa on November 15, 2016.



On December 13, 2016 at 16.00, four people in civilian clothes came to the house of Süheyl Çelik, İsmet Özçelik's son. They wanted to handcuff İsmet Özçelik and take him into custody without presenting any ID or legal paperwork. When the family insisted, they presented a document from the Turkish Embassy in which İsmet Özçelik was identified as a "member of the Terrorist Organization of the FETÖ/PDY and therefore his passport was canceled on 22 August 2016." İsmet was taken to Jinjang lockup and later transferred to Sungai Buloh prison.



On January 26, 2016 the UN granted him a refugee card, paving the way for his release on bail. He was released pending trial on January 31, 2016. İsmet Özçelik, while waiting for resettlement by the United Nations High Commissioner for Refugees (UNHCR), was detained by the police, on May 4, 2017,

Two other Turkish nationals, Turgay Karaman, the principal of Time International School, and İhsan Arslan, a businessman who had been living in Malaysia for 13 years, were also detained around the same time as Özçelik and returned to Turkey. Police from Turkey's Interpol units were dispatched to Malaysia to pick them up and bring them back to Turkey.⁶²

⁶¹] The Turkish government has unlawfully seized thousands of media outlets, schools, foundations, universities, hospitals, unions and companies and appointed their supporters to manage these institutions on its behalf.

⁶²] "Malezya'daki FETÖ'cülere yönelik 'Diriliş' operasyonu", 18 May 2017, <http://aa.com.tr/tr/turkiye/malezadaki-fetoculere-yonelik-dirilis-operasyonu/820859>

Amnesty International's deputy director for Southeast Asia and the Pacific, Josef Benedict, criticized the extraditions, saying that “[by] sending these three men suspected of links to Fethullah Gülen back to Turkey, the Malaysian authorities have put their liberty and well-being at risk. They have already suffered a harrowing ordeal, being arbitrarily detained and held incommunicado. Now, they have been extradited to Turkey, where they could face arbitrary detention, unfair trial and a real risk of torture.”⁶³

Phil Robertson, deputy Asia director of Human Rights Watch, also reacted to Malaysia's deportation of the three Turks: “The Malaysian government's duplicity and crass abuse of the rights of these three men really sets this case apart. It's like Malaysia just hung a signboard around its neck that reads ‘handmaiden of Turkey's repression’.”⁶⁴

3.8. Other cases

Aysen Furhoff, a Turkish citizen who also holds Swedish nationality, was arrested in Georgia on the basis of a Red Notice requested by Turkey on June 20, 2015. She was released under a travel ban on September 12, 2015 pending a decision in extradition proceedings. In December 2016 she left Georgia and made her way back to Sweden before any ruling could be made on her extradition, but her Red Notice remains.⁶⁵

Ali Caglayan, a German national of Turkish descent, was arrested in Poland in 2012 as a result of an international alert. He fled Turkey after he was accused of public order offenses following a May Day demonstration. He spent two weeks in a detention facility in Poland before Turkey declined to seek his extradition.⁶⁶

Bahar Kimyongür, a writer and a Belgian national of Turkish origin, and his wife Deniz Demirkapı protested Turkish Foreign Minister Ismail Cem during a European Parliament foreign affairs committee meeting in 2000. Turkey issued an arrest warrant for Kimyongür, alleging that this action was evidence of membership in a “terrorist organization.” As a result Kimyongür was arrested three times in three different countries at various times, spending over 100 days in detention. Three courts, in

63] “Malaysia: Extradition puts three Turkish men at risk of torture”, 12 May 2017, <https://www.amnesty.org/en/latest/news/2017/05/malaysia-extradition-puts-three-turkish-men-at-risk-of-torture/>

64] “Malaysia deports Turkish nationals accused of coup link”, 12 May 2017, <http://www.aljazeera.com/news/2017/05/malaysia-deports-turkish-nationals-accused-coup-link-170512074751253.html>

65] “Abusive Use Of The Interpol System: The Need For More Stringent Legal Safeguards”, the Report by Parliamentary Assembly of the Council of Europe, 27 February 2017, <http://website-pace.net/documents/19838/3254453/20170227-+PRESSajdoc-EN.pdf/d5a0698e-c954-4906-b282-9832e87c01bd>

66] “Strengthening respect for human rights, strengthening Interpol”, Fair Trials International, November 2013 <https://www.fairtrials.org/wp-content/uploads/Strengthening-respect-for-human-rights-strengthening-Interpol4.pdf>

the Netherlands (2006), Spain (2014) and Italy (2014), refused to extradite him to Turkey on the grounds that the Turkish authorities did not provide any proof of his participation in a terrorist organization. Following an intervention by Fair Trials International on his behalf, Interpol duly deleted the alert.⁶⁷ Yet his wife Deniz was stopped on April 5, 2015 at the Zurich airport after she was declared wanted through “Interpol Turkey,” despite confirmation from Interpol in August 2014 that Bahar was no longer registered as a wanted person in Interpol files.⁶⁸

4. Abuse of Interpol’s Stolen and Lost Travel Documents (SLTD) database

Another abuse of the Interpol system by the Turkish government is to file cases claiming missing, lost or revoked passports and travel documents for critics and opponents who, in many instances, are not even aware of that their passports and travel documents have been invalidated. This practice started in 2014 and gained pace in 2015 and 2016. This arbitrariness was especially intensified in a wholesale approach by the government in the aftermath of the failed coup bid on July 15, 2016, when the government summarily voided the passports of tens of thousands of people without any justification based on evidence.

The fact that the government moved to cancel the passports of 74,562 people⁶⁹ within two weeks of the failed coup suggests these people were unlawfully profiled as government critics long before the attempted coup and based on their opinions that differed from the ruling party’s Islamist ideology. Otherwise, it would be impossible to compile such a long list based on the examination of each and every person and the review of any evidence, if any, that pointed to illegal activity. According to a report⁷⁰ published by the main opposition Republican People’s Party (CHP) in May 2017, at least 140,000 passports had been cancelled under the state of emergency.

A government-issued decree-law states that purged public employees such as teachers, judges, prosecutors, academics and others shall also lose their government-issued passports. The revocation also includes first-degree relatives of those dismissed. Considering that 146,674 people have been unlawfully dismissed from their government jobs in the last year alone, this means at least 300,000 passports

67] *op.cit.*, “Abusive Use of The INTERPOL System: The Need for More Stringent Legal Safeguards”

68] “Bahar Kimyongür – Turkey”, Fair Trials International, 13 October 2016, <https://www.fairtrials.org/bahar-kimyongur/>

69] “74562 Pasaport İptal Edildi”, *Yenişafak*, 3 August 2016, <http://www.yenisafak.com/gundem/74-bin-562-pasaport-iptal-edildi-2505053>

70] “OHAL Bilançosu – Hak İhlalleri Raporu”, Turkey’s main opposition party CHP, May 2017, <http://www.chp.org.tr/Public/0/Folder//33743.pdf>

were cancelled by the government. What is more, the people who were imprisoned or sought for arrest by the government, such as journalists and lawyers who did not work for the government at all, have also had their passports revoked, along with those of their spouses and first-degree relatives. There is no data available on how many people from this category lost their passports, but it is estimated to be in the tens of thousands.

In the 2016 Report on Turkey that was approved on June 26, 2017, the European Parliament (EP) found passport revocations by the Turkish government troubling. It said the EP is “concerned at the revocation of a large number of passports, leaving people stateless in violation of the 1954 UN Convention relating to the status of stateless persons and the 1961 UN Convention on the reduction of statelessness, and at the reported refusal of service by Turkish consulates to a number of its citizens.”⁷¹

The Interpol National Central Bureau (NCB) for Turkey has allegedly reported passports that were cancelled as stolen or lost on Interpol’s SLTD. Because details of stolen and lost passports are submitted directly to the STLD database by the Interpol NCB of the country that issued the documents, the system is vulnerable to abuse. There were some claims that Turkey’s access to the SLTD Database was suspended for a while because of the Erdoğan government’s attempt to report 60,000 passports as stolen or lost.⁷²

According to data compiled by the Institute on Statelessness and Inclusion (ISI), 76 cases of denial of passport or nationality ID for newborns, 695 cases of denial of consular services and 19 cases of confiscation of passports by Turkish embassies and consulates were recorded in various countries. Stressing that “[b]eing denied consular assistance and services results in individuals being denied access to other rights, including the right to birth registration, to obtain documents and to enter your own country,” ISI said that “[t]hose denied consular services do not have access to legal recourse due to a lack of due process standards.” “In addition to this, there have been 10 reported cases of Turkish nationals living in Cambodia, China, the Philippines and Nigeria, who were not allowed to leave their countries of residence, restricting their freedom of movement. There have also been 78 reported cases of deportation of Turkish citizens to Turkey since the attempted coup. There is a risk of such deportations being in violation of the principle of non-refoulement, in light of reports of torture and other gross human rights abuses inflicted on Turkish citizens who have been extradited to Turkey,” the ISI report underlined.⁷³

71] “REPORT on the 2016 Commission Report on Turkey (2016/2308(INI))”, European Parliament, 26th June 2017, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A8-2017-0234+0+DOC+PDF+V0//EN>

72] “Is Turkey Trying to Harass US Service Members Through Interpol?”, Forbes, 13 July 2017, <https://www.forbes.com/sites/tebro-mund/2017/07/13/is-turkey-trying-to-harass-u-s-service-members-through-interpol/#206e2b946ba3>

73] “Arbitrary deprivation of nationality and denial of consular services to Turkish citizen”, July 2017, http://www.institutesi.org/policy-brief-Turkey-arbitrary-deprivation-of-nationality_2017.pdf

4.1. The case of Soner Cesur

SONER
CESUR

Soner Cesur, a Turkish businessman who has investments in Romania, was stopped at Henri Coanda Airport as he was attempting to fly to Warsaw on a business trip on March 25, 2017. Police said his passport was seized upon a demand by the Turkish government. Police cited in a written document that the passport was seized upon an order from the Romanian Foreign Ministry,⁷⁴ which stated that it was transmitting a notification from the Turkish Embassy to the border police under its international obligations.⁷⁵ After coverage in the Romanian media and protests by civil society organizations, Romanian police returned his passport on April 10, 2017.



In June 2017 the Turkish government listed him among 130 people⁷⁶ who would lose their Turkish citizenship in three months unless they returned to Turkey to face prosecution and trial. Cesur was accused of affiliation with the Gülen movement.

ENES
KANTER



4.2. The case of Enes Kanter

Enes Kanter, an NBA player of Turkish origin for the Oklahoma City Thunder, faced the wrath of President Erdoğan when he criticized his government over rights violations, mass arrests and a crackdown on the opposition, including Gülen movement participants. He was prevented from playing on the national basketball team.⁷⁷ He was smeared for his views in a relentless defamation campaign launched against him by the pro-Erdoğan media.

74] "Romanian police seize passport upon Turkey's demand", Stockholm Center for Freedom, 27th March 2017, <https://stockholmcf.org/romanian-police-seize-passport-upon-turkeys-demand/>

75] "How Turkey's war on Gülenists was exported to Romania", 1 April 2017, The Black Sea <https://m.theblacksea.eu/index.php?idT=88&idC=88&idRec=1302&recType=story>

76] "Vatandaşlıktan çıkarılacak 130 kişinin tam listesi", NTV, 5 June 2017, <http://www.ntv.com.tr/galeri/turkiye/vatandasliktan-cikarilacak-130-kisinin-tam-listesi-listede-fethullah-gulen-tugb,0bJUFp4hKEW9XOYgmM3H9Q>

77] "Enes Kanter says he was left off Turkey's national team for his politics", Yahoo Sports, 27 June 2015, <https://sports.yahoo.com/blogs/nba-ball-dont-lie/enes-kanter-says-he-was-left-off-turkey-s-national-team-for-his-politics-012559007.html>

On May 19, 2017 he barely escaped arrest while in Jakarta, where he stopped as part of a global goodwill tour. The Indonesian army and secret service raided a school where an event was planned in order to detain him at Turkey's request. He hastily left Indonesia hours later in what he described as an "escape."⁷⁸ But on his return trip to the US, Kanter was detained on May 20 at Bucharest Airport in Romania because his passport was reported to have been cancelled by the Turkish government. He blamed President Erdoğan for the arbitrary revocation of his passport and said that "the reason behind it is, of course, my political views."⁷⁹ The NBA star was subsequently released after the US government and NBA officials intervened on his behalf. On May 26, 2017 Turkish prosecutors sought an international Red Notice from Interpol for Kanter on trumped-up charges of being a member of a terrorist organization.⁸⁰ No comment made by Interpol on his case.

4.3. The case of Sevgi Akarçesme

Sevgi Akarçesme, a journalist with the critical Zaman newspaper, which was seized by the government in March 2016, was forced to leave an airplane on July 27, 2017 at Brussels airport by a United Airlines staff member, minutes before her flight to Newark in the United States. The reason for her removal was revealed to have originated from a fake notification on the Interpol database by Turkey showing her passport as stolen or lost.



SEVGI
AKARÇESME

Akarçesme described what she felt about the treatment she faced in an op-ed she wrote for The New York Times: "I felt humiliated by the unspoken assumptions of nearby passengers, but I was not shocked: I knew that Turkey was canceling people's passports to punish those it regarded as critics of its increasingly authoritarian government."⁸¹

78] "Enes Kanter Says Turkey Has Been Pursuing Him Around the World", Vice Sports, 23rd May 2017, https://sports.vice.com/en_ca/article/3k8yxb/enes-kanter-turkey-tracked-me-to-indonesia-prompting-escape-to-romania; "Enes Kanter Shares Wild Story About How Turkish Government Sent Police After Him", CBS, 23rd May 2017 <https://www.cbssports.com/nba/news/enes-kanter-shares-a-wild-story-about-how-the-turkish-government-sent-police-after-him/>

79] "N.B.A. Player Enes Kanter Released After Being Held in Romania", New York Times, 20th May 2017, <https://www.nytimes.com/2017/05/20/sports/enes-kanter-detained-romania-erdogan-turkey.html?mcubz=1>

"OKC's Enes Kanter detained in Romania", ESPN, 20th May 2017, http://www.espn.com/nba/story/_/id/19424531/enes-kanter-oklahoma-city-thunder-says-being-detained-romania

80] "Report: Enes Kanter of Oklahoma City Thunder faces arrest warrant issued in Turkey", USA Today, 26th May 2017, <https://www.usatoday.com/story/sports/nba/2017/05/26/enes-kanter-arrest-warrant-turkey-government/102213518/>

81] "Turkey's Intelligentsia Kneels to Erdogan", The New York Times, 14 September 2016, <https://www.nytimes.com/2016/09/15/opinion/turkeys-intelligentsia-kneels-to-erdogan.html>

**NEVIN İPEK**

4.4. The case Of Nevin İpek

Nevin İpek, a Turkish citizen who lives in the UK, submitted her passport to British authorities for a residence permit on May 2016. Yet her passport was turned over to the Turkish Embassy in London by British officials, who were notified that İpek's passport was reported by the Turkish government to be lost or stolen.⁸² İpek is the wife of Akin İpek, a wealthy businessman who owned media outlets in Turkey, among other interests. He was targeted by the Erdoğan government over the critical editorial line İpek media outlets adopted on corruption in the government. The government orchestrated a judicial case against him, seizing his companies and freezing the personal assets of Akin and his family members. The family relocated to the UK to avoid persecution.

5. Other abuses

In addition to the abuse of Red Notices and the SLTD system, the Turkish government has also started exploiting Interpol's Blue Notices and diffusion systems to harass people abroad and target foreign companies. The most scandalous revelation came when Germany announced that Turkey had filed information requests for 681 German companies with Turkish operations, including corporate giants such as Daimler and BASF, under terror accusations.⁸³ The requests filed in May 2017 showed that the Turkish government claimed the businesses might be financing groups linked to terrorist organizations.⁸⁴

German officials described the request as “absurd” and “ridiculous.” Germany's Federal Criminal Police (BKA) have requested additional information from their Turkish colleagues, but have received no reply.⁸⁵ The Turkish government initially claimed the request was standard procedure and that similar requests were sent to many countries via Interpol. Later it denied investigating German companies. Turkish

82] “İpek Ailesine Şimdi de Pasaport Zulmü”, Yeni Hayat, 2nd June 2016, <https://arsiv.yenihayatgazetesi.com/ipek-ailesine-simdi-de-pasaport-zulmu-18025>

83] “Turkey withdraws blacklist of German firms accused of financing terrorism”, Politico, 24th July 2017, <http://www.politico.eu/article/germany-turkey-erdogan-withdraws-blacklist-of-german-firms-accused-of-financing-terrorism/>

84] “Turkey withdraws blacklist of German firms accused of financing terrorism”, Politico, 24th July 2017, <http://www.politico.eu/article/germany-turkey-erdogan-withdraws-blacklist-of-german-firms-accused-of-financing-terrorism/>

85] “Turkey claims Daimler, BASF, and other German companies support terror”, 20 July 2017, <http://www.dw.com/en/turkey-claims-daimler-basf-and-other-german-companies-support-terror/a-39763199>

President Erdoğan condemned statements made by the German economy minister, saying that there is no investigation into or prosecution of German firms. “All of this is a lie,” he claimed, adding that it was a smear campaign against Turkey and that no power can intimidate Turkey.⁸⁶



The government later backtracked, with Interior Minister Süleyman Soylu apologizing for the blunder to his German counterpart, Thomas de Maiziere. Government spokesperson and Deputy Prime Minister Bekir Bozdağ blamed the scandal on a communication problem within Interpol while 140 Gülen-linked Turkish companies were being investigated. He said Turkey had requested information on all foreign companies that had business with these Turkish firms. “It has been discovered that a communication problem occurred when [Turkey’s] demand was dispatched to Germany via Interpol,” the Interior Ministry said in a statement, saying that Turkey had requested standard information from all countries to which the 140 Gülen-related companies had been exporting their products.⁸⁷ After Germany’s strong reaction, Turkey formally withdrew the list.

Despite Turkish government denials, it is not possible for the Interpol National Central Bureau (NCB) for Turkey to request information through Interpol without the order of Turkish judicial authorities. Therefore, Turkey’s request concerning 681 German companies submitted through Interpol is most probably within the scope of a criminal investigation. This sounds alarm bells for any company given how the Turkish government has abused terrorism laws to seize firms in the last couple of years.

Pursuant to Article 133 of the Turkish Code on Criminal Procedure, if one of its shareholders or the company itself is being investigated for offenses related to terrorism, the company may be seized by appointing trustees under the decision of a penal court of peace. The Turkish government had seized 974 companies as of August 29, 2017 using these investigations as pretexts in what The New York Times described as “a systematic taking with few precedents in modern economic history.”⁸⁸ Most of these firms are owned and operated by businesspeople who are alleged to be affiliated with the Gülen movement.⁸⁹ The total value of these companies’ assets is estimated to be at least \$11.32 billion.⁹⁰

86] “Cumhurbaşkanı Erdoğan’dan Alman şirketleri açıklaması”, 21 July 2017, <http://www.hurriyet.com.tr/cumhurbaskani-erdogan-dan-alman-sirketleri-aciklamasi-40527289>

87] “Ankara ‘terör destekçisi Alman şirketler’ listesini çekti”, 24 July 2017, <https://www.evrensel.net/haber/327284/ankara-teror-des-tekcisi-alman-sirketler-listesini-cekti>

88] “Turkey Sees Foes at Work in Gold Mines, Cafes and ‘Smurf Village’”, 22 July 2017, <https://www.nytimes.com/2017/07/22/business/turkey-akin-ipek-fethullah-gulen-recep-tayyip-erdogan.html>

89] Savings Deposit Insurance Fund (TMSF), <http://www.tmsf.org.tr/sirket>

90] “Turkey seized 879 companies since failed coup, worth 40.3 bln lira -state fund”, Reuters, 24 May 2017 <http://www.reuters.com/article/turkey-security-companies/turkey-seized-879-companies-since-failed-coup-worth-40-3-blm-lira-state-fund-idUS17N11100J>

The seized companies were later transferred to the Savings Deposit Insurance Fund (TMSF) by government decree-law no. 687 on February 9, 2017. The decree authorized the TMSF to liquidate or sell these companies without even bothering to wait for the conclusion of the prosecution and trial. The issue has presented complications for foreign investors and businesses. For example, ECE Türkiye, the Turkey branch of Hamburg-based ECE, is one of the many victims of the unlawful seizures. ECE Türkiye, which was managing the Modern East Shopping Center (like 199 others in 14 countries), was forced to terminate the management contract because of the trustees appointed by the government to the company that owned the shopping center.⁹¹

Another problem that has emerged from such takeovers is the creation of international legal disputes on the right to property and ownership, the right to free enterprise, and legal certainty and foreseeability. For instance, trustees appointed to the Koza Holding group of companies in October 2015 had tried to take control of Koza, Ltd., which is a London-based UK firm.⁹² A judge in the Chancery Division of the High Court of Justice found Turkish trustees had no authority over British-based assets.⁹³

6. World reacts to Turkey's abuse

The abuse of the Interpol system by Turkey drew world reaction when the persecution of critics and opponents spilled over into other countries. In some cases, foreign nationals of Turkish origin were swept up in this crackdown as well. When their citizens were detained in Spain over arrest warrants issued by Turkey and transmitted by Interpol, the German and Swedish governments reacted strongly.

In a letter addressed to Federica Mogherini, the European Union's high representative for foreign affairs and security policy, vice president of the European Commission German Foreign Minister Sigmar Gabriel and Swedish Foreign Minister Margot Wallström highlighted the arrest of their citizens on warrants issued by Turkey. They wrote that “[w]e are seriously concerned that INTERPOL arrest warrants may be used in violation of Article 3 of the Constitution of the ICPO-INTERPOL which forbids any intervention or activities of a political, military, religious or racial character.”⁹⁴

91] “Feto Soruşturmasında Alman Şirketine Kayyum Atandı İddiası”, CNN Türk, 2nd December 2016, <https://www.cnnturk.com/ekonomi/genel/feto-sorusturmasinda-alman-sirketine-kayyum-atandi>

92] “Erdogan’s Koza Group Power Grab Spills Into U.K. Courts”, Bloomberg, 15th December 2016, <https://www.bloomberg.com/news/articles/2016-12-15/erdogan-s-koza-group-power-grab-spills-over-into-u-k-courts>

93] “London’s high court rules Turkey has no rights over UK’s assets at Koza Holding”, Birgun English, 23 December 2016, <https://www.birgun.net/haber-detay/london-s-high-court-rules-turkey-has-no-rights-over-uk-s-assets-at-koza-holding-140638.html>

94] Letter to H. E. High Representative of the Union for Foreign Affairs and Security Policy Vice-President of the European Commission Ms. Federica Mogherini, 6 September 2017, <http://www.regeringen.se/4a559d/contentassets/9ffb8c5926cb43469a136a0fb3e99bf6/letter-to-mogherini.pdf>

H. E.
High Representative of the Union
for Foreign Affairs and Security Policy
Vice-President of the European Commission
Ms. Federica Mogherini

BRUSSELS

Berlin/Stockholm, 6th September 2017

Dear Madam Vice President, dear Federica,

We are writing to you in relation to two European Union citizens who were recently arrested in Spain on Turkish arrest warrants: the Turkish-born German writer Doğan Akhanlı and the Swedish-Turkish writer Hatice Yalçın. Turkey had sought their arrest and subsequent extradition to Turkey through INTERPOL. We are seriously concerned that INTERPOL arrest warrants may be used in violation of Article 3 of the Constitution of the ICPO-INTERPOL which forbids any intervention or activities of a political, military, religious or racial character.

We fear that Mr. Akhanlı and Mr. Yalçın could be sought by the Turkish Government on political grounds. We are concerned about the mere suspicion that a trusted and respected international organisation like INTERPOL is being abused for politically motivated arrest warrants by the Turkish Government. In this regard we welcome the security measures applied by INTERPOL with the aim of preventing such abuse.

We believe that this matter affects the European Union as a whole, as it represents an area of freedom, security and justice. We therefore have a responsibility not to allow national justice systems of European Union Member States to fall prey to politically motivated abuses. While each Member State of the European Union is independent in its decision to honour and implement Turkish arrest warrants, we believe that a discussion among all

Member States is needed on appropriate mechanisms to prevent similar cases from recurring in the future.

Against this background, we would be most grateful if you could kindly initiate a discussion with the Member States of the European Union on this important issue. We believe that the discussion should be held – as a first step – among ambassadors of the Political and Security Committee followed by a joint meeting of the Political and Security Committee and the Standing Committee on Operational Cooperation on Internal Security. We suggest that the European Union also follow up with INTERPOL with a view to discussing possible further improvements of the existing methods to prevent such abuse of its procedures.

Thank you very much for your consideration of this pressing matter.

Yours sincerely,



Sigmar Gabriel
Federal Minister for Foreign Affairs
Germany



Margot Wallström
Minister for Foreign Affairs
Sweden

German Foreign Minister Sigmar Gabriel and Swedish Foreign Minister Margot Wallström wrote that Turkey may be violating Interpol's own constitution for issuing arrest warrants for their own citizens.

“We are concerned about the mere suspicion that a trusted and respected international organisation like INTERPOL is being abused for politically motivated arrest warrants by the Turkish Government. In this regard we welcome the security measures applied by INTERPOL with the aim of preventing such abuse,” the foreign ministers added. They also noted that “[w]e believe that this matter affects the European Union as a whole, as it represents an area of freedom, security and justice. We therefore have a responsibility not to allow national justice systems of European Union Member States to fall prey to politically motivated abuses. While each Member State of the European Union is independent in its decision to honour and implement Turkish arrest warrants, we believe that a discussion among all Member States is needed on appropriate mechanisms to prevent similar cases from recurring in the future.”

On August 23, 2017 the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media Harlem Désir urged Secretary-General of Interpol Jürgen Stock that the international police organization carefully review recent international arrest warrants requested by Turkey.⁹⁵ Désir welcomed Interpol’s decision to suspend the Red Notice issued for Akhanlı and said, “I am relieved to see that Interpol has decided to lift the red notice, applying the rules of its own Constitution, including Article 3, which aims to protect individuals against persecution.” He expressed hope that the arrest warrant for Yalçın would also be suspended and said he trusts the Spanish court would reach a conclusion soon.

The OSCE representative underlined the need for Interpol “to carefully consider each case involving individuals, and in particular journalists, actively engaged in the public debate on Turkey, before deciding about any further action.” “Interpol must not be misused by any State to stifle freedom of expression,” he warned.⁹⁶

German Chancellor Angela Merkel criticized Turkey’s use of an Interpol arrest warrant to detain a German writer in Spain “We must not misuse international organizations like Interpol for such purposes.”⁹⁷

Swedish Member of Parliament Malin Björk described the arrest of Yalçın as “a politically-motivated measure taken by the anti-democratic Turkish leader.” “The only crime Yalçın is guilty of is practicing his democratic right in criticising the Turkish

95] “OSCE Representative on Freedom of the Media urges Interpol to carefully consider arrest warrant requests from Turkey”, OSCE, 23 August 2017, <http://www.osce.org/fom/336406>

96] Ibid.

97] “Merkel Attacks Turkey’s ‘Misuse’ Of Interpol Warrants”, Reuters, 20 August 2017, <https://www.reuters.com/article/us-eu-turkey-election-idUSKCN1B001P>

regime. Interpol should not be taking orders from Turkey as it is clear that the rule of law is not respected there,” said Björk.⁹⁸

Gabi Zimmer, president of the Confederal Group of the European United Left/Nordic Green Left, said: “GUE/NGL strongly criticizes the latest actions by President Erdoğan in order to silence his critics. His abuse of Interpol in order to have independent, critical Turkish voices arrested overseas in an EU member state is utterly deplorable. We also strongly condemn the continuous, arbitrary arrests and detention of 50,000 people inside Turkey since July 2016 including critical voices, journalists, judges, opposition politicians and other ordinary citizens. Such blatant violations of human rights move Turkey further and further away from the European Union.”⁹⁹

Bernd Fabritius, rapporteur of the Council of Europe Parliamentary Assembly on the abusive use of the Interpol Red Notice system to persecute human rights defenders and opposition politicians, said on the arrest of Akhanlı that “I condemn the Red Notice against Dogan Akhanli requested by Turkey and invite Interpol to re-examine it in light of the rules outlawing politically-motivated interventions and to delete the Notice as appropriate. If an abuse is indeed found, Interpol should apply to Turkey the sanctions suggested in my report.”¹⁰⁰

Theodore R. Bromund, senior research fellow at the Margaret Thatcher Center for Freedom, wrote in his column published in Forbes magazine: “This is not the first time that Turkish opponents of the Erdoğan regime have alleged that it is abusing mechanisms for international cooperation to harass dissidents.” He referred to the article by Turkish journalist Aydoğan Vatandaş, who wrote in the Huffington Post¹⁰¹ that the Turkish government cancels the passports of critical journalists, businessmen and NGO representatives so they cannot leave Turkey, or to leave them stranded overseas if they have left the country.

According to Bromund, this form of harassment also makes use of Interpol, as Interpol administers the lost and stolen travel documents database. “Interpol has recently become more aware of the ways that autocratic regimes can use its Nominal Database and Red Notices to harass political opponents, but it has not evinced any public interest in abuse conducted through its travel documents database. It is time it did.”

Bromund also urged Interpol “to take seriously Article 131 of its Rules, and

98] “MEPs Fuming Over Interpol Arrests of Erdogan Critics” The Parliament Magazine, 24 August 2017, <https://www.theparliamentmagazine.eu/articles/news/meps-fuming-over-Interpol-arrests-erdo%C4%9F-critics>

99] “GUE/NGL condemns Erdoğan’s abuse of Interpol and political interference in Germany”, Website of GUE/NGL, 22 August 2017, <http://www.guengl.eu/news/article/gue-n-gl-news/gue-n-gl-condemns-erdoans-abuse-of-Interpol-and-political-interference-in-ge>

100] “Rapporteur on Interpol Abuses, condemns Red Notice against Dogan Akhanli”, COE, 21 August 2017, <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6748&lang=2&cat=5>

101] “How the Turkish Government Cancels The Passports of Critics”, 20 May 2017, http://www.huffingtonpost.com/aydoae-an-vatanda/how-the-turkish-government-_b_10336952.html

to exercise its authority to suspend nations that persistently and willfully abuse its mechanisms from accessing Interpol's systems." He added that "[i]f Turkey did indeed seek Interpol's involvement against 60,000 individuals accused of political crimes, that sanction should be applied. If it is not, it is hard to believe that any nation will take the threat of losing its access seriously."¹⁰²

7. Troubled rule of law in Turkey

In a detailed study on the rule of law in Turkey in April 2017, the Stockholm Center for Freedom concluded that a growing consensus has emerged among jurists and analysts who have observed the rapid democratic backsliding in Turkey, a member of the Council of Europe (CoE), suggesting that the rule of law has been effectively suspended under the renewed emergency rule and that the courts are practically controlled by the authoritarian regime of President Erdoğan, who does not hesitate to abuse the criminal justice system to persecute his critics and opponents.¹⁰³

Turkey has witnessed a massive wave of arrests of judges and prosecutors that has reached 5,218 according to the Platform for the Arrested Lawyers' Initiative.¹⁰⁴ There has been a relentless campaign of arrests that has targeted lawyers across the country. In total, 524 lawyers have been arrested and 1,318 lawyers are being prosecuted. The Turkish government has also targeted Turkish lawyers' right to association. A total of 34 lawyers associations have been unlawfully shut down by the government in the last year alone. All their assets have also been confiscated without compensation.¹⁰⁵

Christophe Regnard, president of the International Association of Judges (IAJ), has characterized the situation in Turkey as "the end of the rule of law" and has stated that "IAJ is concerned that the already oppressed judiciary will be turned into a totally depended instrument of power."¹⁰⁶

102] "Is Turkey Trying to Harass US Service Members Through Interpol?", Forbes, 13 July 2017, <https://www.forbes.com/sites/tedbro-mund/2017/07/13/is-turkey-trying-to-harass-u-s-service-members-through-interpol/#206e2b946ba3>

103] Turkey's Descent Into Arbitrariness: The End Of Rule Of Law , Stockhol Center for Freedom, April 2017, <http://stockholmcf.org/wp-content/uploads/2017/04/Turkey%E2%80%99s-Descent-Into-Arbitrariness-The-End-Of-Rule-Of-Law.pdf>

104] "Turkey's Humanitarian Crisis Brought The ECtHR Into Disrepute" , The Arrested Lawyers Initiative, 16t August 2017, <https://arrestedlawyers.org/2017/08/16/turkeys-humanitarian-crisis-brought-the-ecthr-into-disrepute/>

105] "Situation in Turkey", The Arrested Lawyers Initiative, 23rd July 2017, <https://arrestedlawyers.org/2017/07/23/situation-in-turkey/>

106] "IAJ President Regnard Says The Rule Of Law Ends In Turkey" , Stockholm Center for Freedom, 27th March 2017, <https://stockholmcf.org/iaj-president-regnard-says-the-rule-of-law-ends-in-turkey/> Mr. Regnard also said "The International Association of Judges, which followed the deterioration of the situation of the judiciary in Turkey since 2014 had to observe that since this date the High Council of Judges and Prosecutors (HSYK), which is totally dominated by the government unlawfully used its power to transfer and discipline judges and prosecutors. After the attempted coup d'etat it dismissed judges, which had been put on a list long before the coup without giving reasons for the individual case and without proper procedure." "In such a way," said Regnard and added "24,4 percent of all judges (2538 out of 10382) and 24,3 percent of all prosecutors (1121 out of 4622) were dismissed, the majority of them are in detention since July 15, 2016. The example of this destiny threatens those judges and prosecutors, who remained in office or were recently appointed without sufficient experience. It is more than doubtful that a judiciary in this situation can be addressed as independent."

SCF's research identified 283 journalists as being behind bars as of August 28, 2017, with an additional 135 journalists who remain at large in Turkey or who have fled the country facing arrest warrants.¹⁰⁷ Turkey has suspended or dismissed more than 150,000 judges, teachers, police officers and civil servants since July 15, 2016. Turkey's Justice Ministry announced on July 13 that 50,510 people have been arrested and 169,013 have been the subject of legal proceedings (mostly in the form of detentions) on coup charges since the failed coup.¹⁰⁸

Since there is no longer an impartial and independent judiciary in Turkey, it would be impossible for the accused to exercise their rights to a fair trial and a defense. Red Notices were issued at the whim of the political leadership, which abuses the criminal justice system and law enforcement agencies to harass and intimidate political opponents and critics from all walks of life. Torture and ill-treatment have returned, with reputable international organizations reporting many cases in detention and prisons, suggesting a deliberate and systematic pattern approved and encouraged by the Erdoğan government.

8. Torture and ill-treatment In Turkey

The Turkish government has resumed the practice of widespread and systematic torture and ill-treatment in detention and prisons in the last couple of years after a significant decrease in abuse cases thanks to a reform process that was part of accession talks with the European Union and the government's political will to graduate from the monitoring process of the Parliamentary Assembly of the Council of Europe.

The European Court of Human Rights (ECtHR) has found that Turkey violated the prohibition on torture and inhuman and degrading treatment under the European Convention on Human Rights in hundreds of judgments mainly, but far from exclusively, relating to the period leading up to 2004.¹⁰⁹ Despite the fact that reports of torture and ill-treatment in police custody decreased significantly between 2003 and 2013, they made a comeback starting with the brutal crackdown on peaceful protestors during the Gezi Park anti-government

107] "Jailed and wanted journalists in Turkey", Updated List as of August 28, 2017, SCF, <http://stockholmcf.org/updated-list/>

108] "Undersecretary Of Justice Ministry: Turkish Gov't To Build More Than 50 Prisons For Gülen Followers", 5 September 2017, <https://stockholmcf.org/undersecretary-of-justice-ministry-turkish-govt-to-build-more-than-50-prisons-for-gulen-followers/>

109] "A Blank Check - Turkey's Post-Coup Suspension of Safeguards Against Torture", 25 October 2016, <https://www.hrw.org/report/2016/10/25/blank-check/turkeys-post-coup-suspension-safeguards-against-torture>



rallies of May-June 2013. After the failed coup last year, abuse, torture and ill-treatment cases skyrocketed under emergency rule and have almost become part of routine law enforcement practices and judicial processes.

Emergency decree-law no. 667 dated July 23, 2016 provided impunity for public servants in terms of criminal and civil liability for any crime they may commit in the performance of their duties, including torture. Article 9 of this decree-law states that “individuals who make decisions and perform their duty in the context of this decree bear no legal, administrative, financial or criminal responsibility for those duties performed.”¹¹⁰ Citing this decree-law provision, a public prosecutor in Turkey’s northeastern province of Trabzon declined to pursue a torture complaint filed by a victim.¹¹¹

Several domestic civil society organizations have expressed concern about cases of torture and ill-treatment. At a joint press conference on August 9, 2016, the Turkish Doctors Union (TTB), the Forensic Medicine Specialists’ Association (ATUD) and the Human Rights Foundation of Turkey (TIHV) all expressed concern over inadequate

medical examinations and pressure on forensic doctors in cases of torture, abuse and ill-treatment.¹¹² The Human Rights Association (IHD) and the TIHV have also voiced concern over photographs of detainees with visible bruises and other injuries that revealed torture during detention. In a joint statement the Helsinki Citizens Assembly, the IHD, the Human Rights Research Association, the Human Rights Agenda Association and Amnesty International Turkey raised their shared concerns about the suspension of key safeguards against torture and ill-treatment.¹¹³



Amnesty International announced on July 24, 2016 that they had gathered credible evidence that detainees in Turkey were being subjected to “beatings and torture, including rape, in official and unofficial detention centres in the country.”¹¹⁴ On October 27, 2016, in a 43-page report titled “A Blank Check: Turkey’s Post-Coup Suspension of Safeguards Against Torture,” Human Rights Watch documented 13 specific abuse incidents concerning Turkey’s post-coup detainees. The alleged abuse

Erdogan regime has started to use sporting halls and other facilities as unofficial detention centres where victims were subjected torture and ill-treatment.

110] Karar Sayısı: KHK/667, Resmi Gazete, 23 Temmuz 2016, <http://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8.htm>

111] “Prosecutor drops torture complaint due to impunity under state of emergency”, Turkish Minute, 15 January 2017, <https://www.turkishminute.com/2017/01/15/prosecutor-drops-torture-complaint-due-impunity-state-emergency/>

112] “İşkence Yasağı, İşkenceyi Önlemeyi de İçerir”, Bianet, 9th August 2016, <http://bianet.org/bianet/insan-haklari/177654-iskence-yasagi-iskenceyi-onlemeyi-de-icerir>

113] “Ortak Açıklama” 26 July 2016, web site of the Rights Agenda, http://www.rightsagenda.org/index.php?option=com_content&view=article&id=801:ortak-acklama&catid=128:takma-2008basacak&Itemid=257

114] “ Turkey: Independent monitors must be allowed to access detainees amid torture allegations”, Amnesty International, 24 July 2016, <https://www.amnesty.org/en/latest/news/2016/07/turkey-independent-monitors-must-be-allowed-to-access-detainees-amid-torture-allegations/>

cases ranged from the use of stress positions and sleep deprivation to severe beatings, sexual abuse and the threat of rape.¹¹⁵

In a memorandum¹¹⁶ dated October 7, 2016, Nils Muiznieks, the Council of Europe commissioner for human rights, mentioned the torture allegations as the most immediate human rights concern and urged the Turkish government to revert to the situation before the state of emergency as a matter of urgency and to authorize publication of the forthcoming report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) as soon as it is adopted and communicated by the latter. As of September 2017, Turkey was still blocking publication of the CPT report, which reportedly documents torture cases.

After his official visit to Turkey November 27-December 2, 2016, Nils Melzer, the United Nations special rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, shared his concerns during his visit to Turkey. “Torture and other forms of ill-treatment seem to have been widespread in the days and weeks following the failed coup, particularly at the time of the apprehension and during initial detention in police or gendarmerie lock-ups as well as in unofficial detention locations,”¹¹⁷ he said, referring to numerous testimonies from inmates, their lawyers and civil society organizations.

The Stockholm Center for Freedom has documented numerous cases of torture and ill-treatment in Turkey based on witness accounts, victim testimony and court documents in its report titled “Mass Torture and Ill-Treatment In Turkey”¹¹⁸ dated June 2017. Şebnem Korur Fincancı, founding president of the TİHV, said on September 2, 2017 that some Turkish prison guards who refused to follow orders from their supervisors to torture inmates were threatened with imprisonment over links to the Gülen movement.¹¹⁹

The Erdoğan government’s abuse of Interpol mechanisms and extradition requests must be assessed under these terrible conditions of torture, ill-treatment and inhuman treatment of detainees, suspects and prisoners. Interpol should consider these facts when evaluating filings from Turkey.

115] “A Blank Check - Turkey’s Post-Coup Suspension of Safeguards Against Torture”, 25 October 2016, <https://www.hrw.org/report/2016/10/25/blank-check/turkeys-post-coup-suspension-safeguards-against-torture>

116] “Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey”, web site of the COE, 7 October 2016, [https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?coeReference=CommDH\(2016\)35](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?coeReference=CommDH(2016)35)

117] “Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Nils Melzer on the Official visit to Turkey – 27 November to 2 December 2016”, web site of the OHCHR, 2 December 2016 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E>

118] “Mass Torture And Ill-Treatment In Turkey”, website of Stockholm Center for Freedom, June 2017, http://stockholmcf.org/wp-content/uploads/2017/06/Mass-Torture-And-Ill-Treatment-In-Turkey_06.06.2017.pdf

119] “İşkence yapmayana FETÖ’cü suçlaması”, 2 September 2017, http://www.cumhuriyet.com.tr/haber/siyaset/816012/iskence_yapmayana_FETO_cu_suclamasi.html

CONCLUSION AND RECOMMENDATIONS

It is clear that Turkey has been using Interpol mechanisms, in particular Red Notices, to persecute regime critics and opponents on terrorism, coup, espionage and defamation charges. There is simply no justification for the Erdoğan government's exploitation of a mechanism that was set up to further cooperation among law enforcement agencies. The Turkish government should be put on notice for trying to undermine the integrity and credibility of the Interpol system and must face sanctions for doing so.

Interpol is a useful and crucial tool in combatting terrorism and crime and must be provided with fresh resources and mandates to help crack down on criminal networks that go beyond the borders of nation-states. At the same time, however, it must not be politicized and manipulated by regimes that have no intention of prosecuting criminals but rather seek to persecute legitimate critics, opponents and dissidents.

As Germany's former Federal Minister of Justice Herta Däubler-Gmelin described in her op-ed piece published in *The Wall Street Journal* titled "How Rogue Regimes Have Weaponized Interpol,"¹²⁰ Interpol's democratic partners must stand up to this abuse. "Autocratic regimes and governments that sneer at the rule of law have found a new tool for harassing their critics and exporting repression. Astonishingly, their willing partner is Interpol, the International Criminal Police Organization," she wrote.

Although the Interpol General Assembly approved a new set of reforms on November 9, 2016 that introduced revised rules and new bodies to monitor violations, it should adopt further measures to check notices, especially arrest warrants, to ascertain whether they comply with its own constitution before circulating them to member states. It should pay attention to the information provided by human rights organizations and advocacy groups on alleged abuse cases. Moreover, SCF has learned that the Turkish government has been lobbying Interpol to continue abusing notices. If that is the case, Interpol should resist caving in to the pressure and stop cozying up to the authoritarian regime of Turkey given Ankara's terrible track record.

Interpol should review Turkey's actions to determine whether they comply with the rules and regulations set forth in the Interpol constitution. This is especially true in Articles 2 and 3 and in Interpol's policy on refugee and asylum cases because in most cases Turkey has been going after political asylum seekers who fled the country to escape wrongful imprisonment. The repeated attempts to abuse the system despite initial rejections or cancellations must be noted and not allowed.

120] "How Rogue Regimes Have Weaponized Interpol", *WSJ*, 28 June 2016, <https://www.wsj.com/articles/how-rogue-regimes-have-weaponized-interpol-1467151465>

Interpol's Commission for the Control of Files (CCF) must be bolstered by new resources and manpower to check for signs of abuse by the Turkish government. People targeted by such notices are allowed to challenge the warrants so that they can tell their side of the story. For that, the people targeted should be notified in advance. Interpol must publish statistics and detailed information about abuse cases so that Turkey can be named and shamed for trying to manipulate the system for political purposes.

SCF welcomes Interpol's new refugee policy, which paves the way for the withdrawal of a notice or diffusion when the targeted person is a refugee or asylum seeker who fears persecution in the country that issued the notice or diffusion. If the country of asylum makes an assessment to that end, Interpol takes that into account. Interpol should make it clear to the abuser of the system that the new policy will not allow manipulation. This new position must be explained in detail to the public and the cases of abuse should be publicized, provided the victim is willing to share the details with the general public.

SCF calls on democratic states that respect the rule of law to refrain from enforcing arrest warrants issued by Turkey via Interpol if they suspect the notice was generated for political purposes rather than a legitimate cause such as tackling a genuine crime. Turkey under autocratic leader Erdoğan's rule must be recognized as a country that uses Interpol in bad faith in order to advance political persecution and hunt down government critics and opponents.

ABUSE OF THE INTERPOL SYSTEM BY TURKEY



**HOW ERDOĞAN
WEAPONIZED
INTERPOL FOR
PERSECUTION
ABROAD**

Passport control
Baggage reclaim



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