Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. Is there any known Kurdish mafia that operates in Ankara, Turkey?
2. If there is a Kurdish mafia, what sort of crimes are the Kurdish mafia accused of carrying out?
3. If there is a Kurdish mafia, do the police in Ankara limit their activities?
4. Is there a Kurdish mafia figure named “Kurdish Ahmed” in Ankara?
5. Question deleted.
6. How are the police organised, controlled in Ankara, Turkey?
7. Is there any information about how the police operate in Turkey?
8. Is there corruption in the police force?
9. Can the police be bribed?

RESPONSE

1. Is there any known Kurdish mafia that operates in Ankara, Turkey?
2. If there is a Kurdish mafia, what sort of crimes are the Kurdish mafia accused of carrying out?
3. If there is a Kurdish mafia, do the police in Ankara limit their activities?

A search of the sources consulted found no specific information regarding whether there is any known Kurdish mafia that operates in Ankara, Turkey and whether if there is a Kurdish mafia, the police in Ankara limit their activities.

There was information found regarding a Kurdish mafia operating in Turkey. An article in the Turkish Daily News dated 14 October 2004 refers to comments by Adil Serdar Sacan, the former head of Istanbul’s Organised Crimes Bureau, regarding the Kurdish mafia. According to the article, “He said ‘In the past six or seven months, two Black Sea origin mafia organizations have been smashed with their leaders, Allatin Cakici and Sedat Peker, behind bars. The Kurdish mafia, with the political support it has been receiving, is gradually taking
An article dated 1 August 2004 indicates that “the Kurdish mafia in Turkey was working on importing scrap” left over from the United State’s military operations in Iraq (‘Dealers in Turkey process explosive from Iraq war scrap – paper’ 2004, BBC Monitoring European, source: Milliyet website, Istanbul, 1 August – Attachment 2).

An earlier article dated 19 November 1998 indicates that “Turkish foreign minister Ismael Cem” had “warned Western Europe of destabilisation if Kurdish guerrilla chief Abdullah Ocalan would be granted asylum in Italy” and had “said Italy risked the increase of Kurdish “mafia” activities. The Kurdish Workers Party (PKK) had earned 40 million dollars in drug-trafficking over the last years” (‘Cem warns Western Europe of PKK-”Mafia” 1998, APA News Service English, 19 November – Attachment 3).

There was other information found regarding a mafia operating in Turkey, although it is not clear whether this is a separate group from the Kurdish mafia. A BBC News article dated 6 October 2005 refers to a “Turkish mafia”. The article indicates that “Turkey sits at the centre of a drug-smuggling crossroads” and refers to the comments of “Enis Berberoglu, who has written several books on the subject”, who said that:

“Turkey was deeply involved in drug smuggling in the mid 1990s. There was a very strong mafia here at that time and the PKK (the Kurdish rebel group the Kurdistan Workers Party) used to take protection money in return for letting them operate in the east,” he said.

His view reflects a widespread belief in Turkey that the PKK uses drug trafficking to finance terror.

“Now the Turkish mafia has lost power to Ukraine and a lot of the smuggling goes that way. Turkey has not been seriously criticised on that front for a while” (Rainsford, Sarah 2005, ‘Turkey at the drugs crossroads’, BBC News, 6 October http://news.bbc.co.uk/2/hi/europe/4305692.stm – Accessed 20 October 2006 – Attachment 4).

An earlier article dated 23 August 1998 provides the views on Turkey of “Michael Lake, the first European Union representative to Turkey”. The article notes that “The development of mafiosi, mainly linked to the construction industry and drugs, and its links with some state operators, is a destabilizing factor which the government must eventually suppress.” The article refers to a car accident in the village of Susurluk on 3 November 1996, in which “a police chief, a mafia assassin wanted by Interpol” and the girlfriend of the gangster were killed. Another person in the car, “a Kurdish warlord who was also a parliamentary deputy”, survived. According to the article:

Arms and ammunition, personally registered by the former chief of police and at the time of the accident, minister of the interior, were found in the wreckage. The resultant scandal has finally produced a government report in which the state unrepentantly admits that, during the recent war against the PKK terrorists, officially sanctioned death squads were killing Kurdish personalities, while expanding their links with drug traffickers, extortion and botched secret operations abroad – notably in Azerbaijan. The Mafiosi, meanwhile, are now reported to have been extensively creaming off millions of dollars from state banks…
The article also refers to “the relentless public calls for a cleanup in the wake of Susurluk, and an end to widespread political/mafioso corruption” (‘An account by an EU representative’ 1998, *Turkish Probe*, 23 August – Attachment 5).

An article by Frank Bovenkerk and Yucel Yesilgoz about the Turkish mafia in a 2004 publication on organised crime in Europe provides a detailed analysis of the relationship between representatives of the state and organised crime in Turkey. The article includes information on the car accident in Susurluk in November 1996 and notes that the survivor of the accident “was Sedat Bucak, a member of Parliament” and “the commander of an army of village guards” in the southeast of Turkey. The article also refers to a newspaper report in September 1996 about a Turkish Secret Service report regarding a criminal organisation “set up within the police force”. Mehmet Agar, “the General Chief of Police” commanded the group. In December 1996, Turkey’s president invited the leaders of the political parties in parliament to a meeting to discuss the Susurluk incident. Turkey’s new Prime Minister Necmettin Erbakan noted that the situation was more serious than thought and there were “military men, police officers, politicians and mafia people involved.” He named Mehmet Agar and Sedat Bucak as being amongst the persons “involved in these shady matters”. According to the article:

The problem of organised crime in Turkey is linked to the national state in a unique way. Susurluk is generally known in Turkey as proof of the existence of cooperation ties linking the state and the underworld. It is hard for Europeans or Americans to understand how a state gang like the one exposed after Susurluk is still essentially tolerated. Eight years later, we can now conclude that all the parties involved have been acquitted and cleared of criminal charges. Agar has been elected to Parliament again and Bucak was released because, as the court stated in June 2003, ‘his clan has a long history and in the revolts of the Kurds, for example in 1925, his clan chose the side of the state.’

The article provides a history of the Turkish state system, the relationship between the state and organised crime and the state’s links to the classic mafia. The article also notes that:

In the late 1990s, the international heroin trade became a less important source of revenue for the Turkish underworld, as other drugs, in particular cocaine and ecstasy, became popular among European youth… Nowadays sizeable amounts of ecstasy are being smuggled into Turkey from abroad and then supplied to consumers in countries in the Arab world. The new business is smuggling people. Turkey is a big transit country for illegal migrants (Bovenkerk, Frank and Yesilgoz, Yucel ‘The Turkish Mafia and the State’ in Fijnaut, Cyrille and Paoli, Letizia (eds) 2004, ‘Organised Crime in Europe: Concepts, Patterns and Control Policies in the European Union and Beyond’, Springer, The Netherlands, pp 585 – 602 http://igitur-archive.library.uu.nl/law/2006-0803-203021/Bovenkerk_04_OC_Turkey.pdf – Accessed 19 October 2006 – Attachment 6).

A RRT research response dated 3 April 2000 includes information on links between the mafia and “the state security apparatus” in Turkey and links between the mafia and PKK during the 1990s (RRT Country Research 2000, *Research Response TUR14084*, 3 April – Attachment 7).

4. Is there a Kurdish mafia figure named “Kurdish Ahmed” in Ankara?

A search of the sources consulted found no information regarding a Kurdish mafia figure named “Kurdish Ahmed” in Ankara.
5. Question deleted.

6. How are the police organised, controlled in Ankara, Turkey?

A search of the sources consulted found little information in relation to how the police are organised and controlled in Ankara, Turkey.

An article dated 20 February 2006 indicates that the Ankara Police have a Smuggling and Organised Crime Office (‘Turkish former deputy police chief arrested on organized crime charges’ 2006, BBC Monitoring European, source: Anatolia news agency, Ankara, 20 February – Attachment 8).


A paper dated June 2000 provides information on how the Turkish police force was structured at that time and “the degree of political involvement in the Turkish police organisation with a special reference to promotion and transfer applications of the police officers.” The paper indicates that in accordance with the “centralised organisational structure” of the Turkish police, “policies and decisions are made at the center, namely the General Directorate of Security”, which was located in Ankara. According to the article, Ankara had a “disproportionate concentration of officers” due to a “lack of any objective criteria in distributing officers to the provinces, such as population size and number of crime incidents” and “the desire of the officers to work in Ankara to receive additional benefits such as meeting politicians and high ranking police officers, both of which could be instrumental in getting promoted” (Ozcan, Yusuf Ziya and Gultekin, Recep, ‘Police and Politics in Turkey’, in Mair, George & Tarling, Roger (eds) 2000, ‘The British Criminology Conference: Selected Proceedings, Volume 3, Papers from the British Society of Criminology Conference, Liverpool, July 1999’, British Society of Criminology website, June http://www.britsocerim.org/volume3/011.pdf – Accessed 19 October 2006 – Attachment 10).

The English version of the website of the Ankara police department www.ankara.pol.tr/enu/index.php does not provide information on how the police in Ankara are organised and controlled.

7. Is there any information about how the police operate in Turkey?

The UK Home Office report on Turkey dated April 2006 includes information on how the police are organised in Turkey and human rights issues involving the police (UK Home Office 2006, Country of Origin Information Report – Turkey, April, – Attachment 11).

The US Department of State report on human rights practices in Turkey for 2005 includes the following information regarding the structure and the operations of the police and security forces in Turkey:

Role of the Police and Security Apparatus
The Turkish National Police (TNP), under interior ministry control, is responsible for security in large urban areas. The Jandarma, paramilitary forces under joint interior ministry and military control, is responsible for policing rural areas. The Jandarma is also responsible for specific border sectors where smuggling is common; however the military has overall responsibility for border control.

In December 2004 parliament adopted legislation calling for the establishment of judicial police, who were to take direction from prosecutors during investigations. The judicial police had not been established at year’s end.

A civil defense force known as the village guards was less professional and disciplined than other security forces and was concentrated in the southeast.

The report indicates that “security forces killed a number of persons, particularly in the southeast and east, for allegedly failing to obey stop warnings” and that “The courts investigated most alleged unlawful killings by security forces; however, the number of arrests and prosecutions in such cases remained low compared with the number of incidents, and convictions remained rare”.

It is also stated in the report that “members of the security forces continued to torture, beat, and otherwise abuse persons regularly” and that “Incidents of torture and abuse declined during the year but remained widespread.” According to the report:

Courts investigated many allegations of abuse and torture by security forces during the year; however, they rarely convicted or punished offenders (see section 1.e.). When courts did convict offenders, punishment generally was minimal and sentences were sometimes suspended. Authorities typically allowed officers accused of abuse to remain on duty and, in some cases, promoted them during their trial, which often took years.

The TNP and Jandarma received specialized training in a number of areas, including human rights and counterterrorism. The armed forces emphasized human rights in training for officers and non-commissioned officers.

During the first 6 months of the year, prosecutors opened trials against 1,337 security personnel and other public officials on torture or abuse charges. During that period courts reached final verdicts in 531 torture and abuse cases begun in previous years, convicting 232 defendants and acquitting 1,005. Of the convicted officials, 30 were given jail terms, 32 were fined, 7 were jailed and fined, and 163 were subject to other punishments.

Authorities issued administrative punishments, including suspensions and salary cuts, to three police for abuse during the year through November.

(US Department of State 2006, Country Reports on Human Rights Practices for 2005 – Turkey, March, Sections 1(a), (c) & (d) & 2(b) – Attachment 12).

The report also indicates that:

During the year police routinely detained demonstrators (see section 2.b.). Police detained dozens of members of the DEHAP [Democratic People’s Party] on several occasions (see section 3). Police continued to detain and harass members of human rights organizations and monitors (see section 4). The government continued to detain persons, particularly in the southeastern province of Batman, on suspicion of links to Hizballah.
It is stated in the report that “Police killed demonstrators during the year” and that “Police beat, abused, detained, or harassed some demonstrators.” According to the report:

In March police repeatedly kicked and beat protestors participating in International Women’s Day demonstrations in Istanbul. Following an investigation, the Interior Ministry reprimanded three senior-level law enforcement officials and fined six officers, although the ministry in December reportedly promoted one of the senior-level officers. In December prosecutors charged 54 police officers with using excessive force during the incident.

Amnesty International’s 2006 report on Turkey indicates that “Torture and ill-treatment continued to be reported, with those detained for ordinary crimes particularly at risk. Law enforcement officers continued to use excessive force in the policing of demonstrations; four demonstrators were shot dead in November. Investigations of such incidents were inadequate and law enforcement officers responsible for violations were rarely brought to justice” (Amnesty International 2006, Report 2006 – Turkey – Attachment 13).

According to the Human Rights Watch report on Turkey dated January 2006:

Human rights developments in Turkey were mixed during 2005. The government shows some commitment to reform, but is clearly inhibited by anti-reform elements within the judiciary, police, and army. The main achievement of the year was sustained progress in combating torture, with the number of reports of ill-treatment in police stations continuing to fall… In an alarming development, there were episodes of police using unwarranted lethal violence during street disturbances (Human Rights Watch 2006, World Report 2006 – Turkey, January http://hrw.org/english/docs/2006/01/18/turkey12220.htm – Accessed 20 October 2006 – Attachment 14).

The European Commission’s 2005 progress report on Turkey notes that:

Most of the legislative and administrative framework prohibiting torture and inhuman or degrading treatment or punishment has been put in place and reports of torture and ill-treatment in Turkey are diminishing in most parts of the country. The new Penal Code and the Code on Criminal Procedure introduce additional provisions which strengthen the fight against torture. In particular, the new Penal Code increases the term of imprisonment for those convicted for crimes of torture and ill-treatment. The provincial Human Rights Boards began to conduct announced visits to places of detention in 2005. Such monitoring should be continuously improved and expanded.

Notwithstanding the achievements to date, the full eradication of torture and ill-treatment requires further work. NGOs and the authorities continue to receive reports of torture and ill-treatment, including some alleged extra-judicial killings in the context of violence in the East and Southeast. The Human Rights Association received 331 complaints related to torture in the first three months of 2005, a slight decrease as compared to the same period in 2004. In particular, the fight against impunity for those committing such crimes needs to be significantly reinforced. In 2004, of the 1 831 cases concluded, 99 led to imprisonment, 85 to fines and 1 631 to acquittals.

The report also indicates that “As regards the fight against impunity, a number of cases have been brought against the security forces and trials are ongoing.” However, “Convictions are rare and the courts appear to be unable or unwilling to impose appropriate sanctions on those committing these crimes.”
The report also notes that:

Regarding freedom of assembly, which is guaranteed by Article 34 of the Constitution, there have been a number of reports of excessive use of force by the police in the context of demonstrations and marches in Turkey. The authorities again issued a circular in 2005 calling on governors to respond to such practice with appropriate sanctions. There continue to be reports of the police recording NGO meetings and press conferences.

The US Department of State report on human rights practices in Turkey for 2004 notes that “The Government generally respected the human rights of its citizens; although there were significant improvements in a number of areas, serious problems remained.” The report indicates that “Security forces reportedly killed 18 persons during the year; torture, beatings, and other abuses by security forces remained widespread… Security forces continued to use arbitrary arrest and detention, although the number of such incidents declined… Convictions of security officials accused of torture remained rare, and courts generally issued light sentences when they did convict. In politically sensitive cases, the judiciary continued to reflect a legal structure that favors State interests over individual rights… Police beat, abused, detained, and harassed some demonstrators.” The report also notes that “The Government carried out extensive legal reforms during the year aimed at meeting the requirements for European Union (EU) membership. In September, Parliament adopted a new Penal Code and, in May, approved a package of constitutional amendments.” The new Penal Code included increases in the sentences for torture convictions (US Department of State 2005, Country Reports on Human Rights Practices for 2004 – Turkey, February, Introduction – Attachment 16).

8. Is there corruption in the police force?

The US Department of State report on human rights practices in Turkey for 2005 indicates that “village guards were accused repeatedly of drug trafficking, rape, corruption, theft, and other human rights abuses.” The report also notes that “Although the security forces were generally considered effective, the village guards, Jandarma, and police special teams were viewed as those most responsible for abuses. Corruption and impunity were serious problems.” It is stated in the report that:

The village guards were accuses repeatedly of drug trafficking, rape, corruption, theft, and other human rights abuses. Inadequate oversight and compensation contributed to this problem, and in some cases Jandarma allegedly protected village guards from prosecution. Although the security forces were generally considered effective, the village guards, Jandarma, and police special teams were viewed as those most responsible for abuses. Corruption and impunity were serious problems.

The report also refers to “allegations that police corruption at all levels contributed to the problem of trafficking in persons in Turkey (US Department of State 2006, Country Reports on Human Rights Practices for 2005 – Turkey, March, Sections 1(d) and 5 – Attachment 12).

An article dated 20 February 2006 indicates that “Former Deputy Chief of Police Ertugrul Cakir and seven other people have been arrested in Operation Globe on charges of setting up a criminal organization and acting on behalf of that organization” (‘Turkish former deputy police chief arrested on organized crime charges’ 2006, BBC Monitoring European, source: Anatolia news agency, Ankara, 20 February – Attachment 8).
The US Department of State report on human rights practices in Turkey for 2004 also indicates that police corruption contributed to people trafficking in Turkey. It is stated in the report that:

There were allegations that police corruption at all levels contributed to the trafficking problem and may have been responsible for the delays in implementation of certain cooperative agreements, antitrafficking operations, and other law enforcement measures.

During the year, the Ministry of Justice continued to investigate allegations of further police misconduct in Erzurum following the 2003 conviction of police officers for trafficking.

In Istanbul, police confiscated a notebook in which traffickers required victims to record customers’ names and personal information. News media reported that the notebook included the names of police officers and government officials (US Department of State 2005, Country Reports on Human Rights Practices for 2004 – Turkey, February, Section 5 – Attachment 16).

The European Commission’s 2005 progress report on Turkey notes that “The Turkish authorities arrested several members of organised human trafficking gangs in the first nine months of 2005.” The report also notes that “The efficiency and effectiveness of various governmental, parliamentary and other bodies established to combat corruption remain a matter of concern.” Turkey was “encouraged to strengthen the independence and effectiveness of anti-corruption bodies” (European Commission 2005, Turkey 2005 Progress Report, 9 November, pp 107 & 112 – Attachment 15).

9. Can the police be bribed?

An article dated 21 April 2006 refers to a report by the Anatolia news agency that 11 people, including two police officers, had been arrested in relation to a prostitution ring in Antalya, Turkey. “The officers were accused of accepting bribes in exchange for giving tips to suspected members of a prostitution ring, Anatolia said” (‘Report: 2 police officers, court clerk arrested in Turkish prostitution ring bust’ 2006, Associated Press Newswires, 21 April – Attachment 17).

An article dated 24 December 2005 indicates that 19 police officers in Turkey had been jailed “for taking bribes at a border crossing.” Nine other police officers had been released pending trial. According to the article:

Turkish police have scrambled to defend its anti-corruption efforts as a court formally charged and jailed 19 police officers for taking bribes at a border crossing.

It a scandal that is likely to increase pressure on Turkey to reduce rampant corruption as a condition for acceptance into the European Union.

Corruption has long been woven into Turkish life. But this week’s scandal highlighted a deep-rooted problem in the political and economic system in Turkey, which recently opened membership talks in the EU.

The scandal, documented by cameras hidden inside heaters at the Kapikule Customs Gate on the Bulgarian border, is an embarrassment to the three-year-old government of Prime Minister Recep Tayyip Erdogan, who has sworn to wage a war on corruption.

A subsequent article dated 9 May 2006 indicates that a Turkish court had “sentenced five police officers to nearly eight years in prison each Monday for demanding bribes at a border gate, the state-owned Anatolia news agency reported.” The police officers had been “arrested after police hid cameras inside heaters to film officials taking bribes hundreds of times at the Kapikule Border Gate with Bulgaria, Anatolia said.” According to the article, “Another 22 officers were acquitted of their charges Monday, Anatolia said. In all, more than 40 customs officers had been arrested for corruption in the Kapikule bust” (‘Turkish Crt Sentences 5 Police For Demanding Bribes’ 2006, Dow Jones International News, 9 May – Attachment 19).


An Immigration and Refugee Board of Canada Response to Information Request dated 27 September 2004 provides information on the incidence of crime and corruption by state agents in Turkey. In relation to the police, it is stated in the response that:

In a November 2002 article on bribery in Turkey, the Associated Press (AP) quoted a peddler who sells items behind Istanbul’s spice bazaar:

“We collect money among us and pay off the police and city officials. If we don’t pay, they [the authorities] won’t let us work here,” complains 46-year-old Osman Tatar. He says he hands the authorities 25 million Turkish lira (US$15) a week – 20 percent of his weekly earnings (13 Nov. 2002).

A study that was conducted by the Turkish Industrialists’ and Businessmen’s Association (TUSIAD) in late 2002 found that the perception among the Turkish public was that bribery was “most widespread in the traffic police, ...followed by the customs service, the taxation offices, land registry offices, the police, and municipal governments” (Anatolia 13 Dec. 2002).

Country Reports on Human Rights Practices for 2003 indicated that in 2003 there were allegations of corruption by the village guards (25 Feb. 2004, Sec. 1.c) and by the police (Country Reports 2003 25 Feb. 2004, Sec. 1.e., Sec. 6.f.). The report explained that “[t]here were allegations that police allowed operation of informal brothels in Istanbul and could also be bribed by traffickers at ports of entry” (ibid., Sec. 6.f).

In September 2003, a police officer killed two of his colleagues because they had refused to share money from a bribe with him (Turkish Daily News 13 Sept. 2003). According to the Turkish Press Scanner, published by Turkish Daily News, a police department report stated that bribery was “the most common crime among policemen,” and that between September 2000 and September 2003, “more than 39,000 policemen have been involved in bribery...[and] [t]hose living in big cities with a limited police wage form the majority of those who took bribes” (ibid.).
References to *harac or baksheesh* [bribes], or to police bribery of shop owners in sources dated September 2002 to September 2004 could not be found among the sources consulted by the Research Directorate (Immigration and Refugee Board of Canada 2004, *TUR42993.E – Turkey: Incidence of crime and corruption by state agents, including the prevalence of the police practice of demanding harac (bribes) from shop owners; whether small businesses are targeted; whether the government has been involved with illegal/criminal elements (i.e. mafia) in carrying out crimes and/or corruption; the state reaction to crime and corruption, including whether individuals who engage in such behaviour are punished* (September 2002 – September 2004), 27 September – Attachment 20).

**List of Sources Consulted**

**Internet Sources:**

**Government Information & Reports**
UK Home Office [http://www.homeoffice.gov.uk/](http://www.homeoffice.gov.uk/)
US Department of State [http://www.state.gov/](http://www.state.gov/)

**United Nations (UN)**
*Non-Government Organisations*
Amnesty International [http://www.amnesty.org](http://www.amnesty.org)

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*BBC News* [http://news.bbc.co.uk](http://news.bbc.co.uk)

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REFINFO (IRBDC (Canada) Country Information database)
ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)
RRT Library Catalogue

**List of Attachments**

1. ‘Aspect of reforms we ignored’ 2004, *Turkish Daily News*, 14 October. (FACTIVA)


5. ‘An account by an EU representative’ 1998, *Turkish Probe*, 23 August. (FACTIVA)


20. Immigration and Refugee Board of Canada 2004, *TUR42993.E – Turkey: Incidence of crime and corruption by state agents, including the prevalence of the police practice of demanding harac (bribes) from shop owners; whether small businesses are targeted; whether the government has been involved with illegal/criminal elements (i.e. mafia) in carrying out*
crimes and/or corruption; the state reaction to crime and corruption, including whether individuals who engage in such behaviour are punished (September 2002 – September 2004), 27 September. (REFINFO)