

Turkey Updates Legislative Framework for Extradition and Cooperation with Foreign Countries on Criminal Matters

7 Jun 2016

Turkey has enacted a range of legislation regarding cooperation with foreign states on criminal matters, including criteria and procedures for making and executing requests. The updated legislative framework outlines criteria for extradition from Turkey, including circumstances Turkey can refuse extradition requests. Turkey also recently ratified the European Convention On Mutual Assistance In Criminal Matters, along with related protocols. These steps plays a vital role in Turkey's European Union harmonization process.

The Law Regarding International Legal Cooperation on Criminal Matters dated 23 April 2016 ("**Law**") was published in Official Gazette number 29703 on 5 May 2016, entering into effect on the same date.

- The Law appoints the Ministry of Justice to :
- Accept legal cooperation requests from foreign states.
- Determine the conformity of legal cooperation requests made by Turkish legal authorities.
- Regulate the procedures for legal cooperation (within the scope of ratified international conventions and rule of reciprocity).
- Approve or restrict use of documents and information requested by foreign states.
- Impose conditions for using documents.

Turkish Legal Authorities can request legal cooperation from foreign states in any necessary circumstances, including:

- Finalizing the investigation or prosecution process.
- Fulfilling imprisonment sentences.

Turkey's cooperation with foreign authorities on criminal matters will be fulfilled according to Turkish law. However, special procedure requests by foreign states can also be implemented, provided these do not contradict Turkish law.

The Law allows use of visual and audio communication techniques to be used to fulfil cooperation requests. These operations will be carried out according to the laws of the state fulfilling the request.

Extradition from Turkey

The Law addresses extradition of foreign criminals who face criminal investigation and prosecution in Turkey, as well as Turkish criminals imprisoned in a foreign state.

At the investigation and prosecution stage, extradition from Turkey is only available for offences which are subject to maximum imprisonment of more than one year. If the maximum sentence available for an offence is less than one year, extradition is not possible.

If a requests relates to circumstances where a sentence has already been given, the sentence imposed must be at least four months' of liberty binding punishment.

Turkey can refuse extradition requests from foreign countries if:

- The request concerns a Turkish citizen, except for obligations arising from affiliation to the International Criminal Court.
- A strong presumption exists that the person subject to the request will face torture, cruel treatment or will be subject to investigation based on their race, ethnic background, religion, nationality, affiliation to a certain social group, or political views.
- The person subject to the request has already been imprisoned or acquitted in Turkey.
- The request concerns a crime subject to the death penalty, or a sentence could be imposed which is incompatible with human dignity.
- The action subject to the extradition request is:
 - A crime of thought, political crime, or crime linked to a political crime.
 - Only a military offence.
 - Contrary to national security, to the detriment of the Turkish State or Citizens, or a Turkish legal entity which is established accordingly to Turkish laws.
 - A crime subject to Turkish jurisdiction.
 - The offense is barred by the statute of limitations or has been pardoned.

Ratification of European Convention

On 22 March 2016, Turkey also ratified the European Convention On Mutual Assistance In Criminal Matters ("**Convention**"), along with related protocols. The Convention and protocols were ratified into local legislation on 25 April 2016.

Collectively, the Convention and protocols outline procedures and principles for international legal cooperation on criminal matters. They aim to create harmony and maximum unity between European Council members' legal systems on this issue. Therefore, Turkey's ratification of the protocols plays a vital role in the country's European Union harmonization process.

Please see the links below for the full text of the related laws (only available in Turkish) :

- [Law regarding International Legal Cooperation on Criminal Matters](#)
- [Law regarding Approval of Ratification of the Additional Protocol to the European Convention On Extradition](#)
- [Law Regarding Approval of Ratification of the Additional Second Protocol to the European Convention On Mutual Assistance In Criminal Matters](#)
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