



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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| The Board                            |   | 27 September 2004 |
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| About the Board                      | <b>TUR42993.E</b>   |                   |
| Biographies                          |   |                   |
| Organization Chart                   | Turkey: Incidence of crime and corruption by state agents, including the prevalence of the police practice of demanding <i>harac</i> (bribes) from shop owners; whether small businesses are targeted; whether the government has been involved with  |                   |
| Employment                           | 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)  |                   |
| Legal and Policy                     | Research Directorate, Immigration and Refugee Board, Ottawa   |                   |
| References                           |   |                   |
| Publications                         |   |                   |
| Tribunal                             |   |                   |
| Refugee Protection Division          | <b>Incidence of Crime and Corruption</b>  |                   |
| Immigration Division                 | In September 2002, Agence France Presse (AFP) reported that corruption in Turkey was "chronic" (26 Sept. 2002a). This was echoed by two other sources in late 2002, which indicated that corruption in Turkey was not only a big problem, but was thought to exist at all levels (AP 13 Nov. 2002; <i>World Markets Analysis</i> 11 Dec. 2002), especially among politicians and government employees (ibid.).  |                   |
| Immigration Appeal Division          |   |                   |
| Decisions                            |   |                   |
| Forms                                |   |                   |
| Statistics                           | On 3 November 2002, the Justice and Development Party (Adalet va Kalkinma Partisi, in Turkish) (AKP) won 34 per cent of the votes in the general elections, representing a total of 363 seats in the Turkish Parliament ( <i>Turkish Probe</i> 12 Jan. 2003). There appears to be a general consensus that the electorate voted for the AKP because it was fed up with the high level of corruption in the government and among its agents, particularly politicians (ibid.; <i>Gulf News</i> 7 Nov. 2002). Accordingly, following the elections, Recep Tayyip Erodogan, leader of the AKP, promised to work to rid Turkey of corruption (The Center for Public Integrity n.d.a). Under the AKP government, several measures, such as the establishment of the Parliamentary Graft Inquiry Commission (a committee established at the Parliamentary level to investigate corruption), were implemented ( <i>Turkish Probe</i> 12 Jan. 2003; <i>Turkish Daily News</i> 9 June 2003) and several sources noted some progress in the country's fight against corruption (Freedom House 2003; <i>Turkish Daily News</i> 11 Dec. 2003; ibid. 14 Nov. 2003; ibid. 14 Aug. 2003; European Commission 5 Nov. 2003, 22). However, overall, corruption has remained a serious problem in Turkey (ibid.; <i>Turkish Daily News</i> 14 Aug. 2003; ibid. 9 June 2003; ibid. 24 June 2003; AFP 11 July 2003; The Center for Public Integrity n.d.a; ibid. n.d.b). |                   |
| Research                             |   |                   |
| Research Program                     |   |                   |
| National Documentation Packages      |   |                   |
| Issue Papers and Country Fact Sheets |   |                   |
| Responses to Information Requests    |   |                   |
| Recent Research                      |   |                   |
| Media Centre                         |   |                   |
| News                                 |   |                   |
| Information Sheets                   |   |                   |
| Media Relations                      |   |                   |
| Proactive Disclosure                 | The Center for Public Integrity, "a nonprofit and nonpartisan organization that conducts investigative research and reporting on public police issues in the United States and the world" (ibid. n.d.c), indicated that in Turkey, "[b]anking, utilities, and public tenders are the most important areas of corruption" and quoted Atilay Erguven, chairman of the State Auditors Association, as saying that "[t]here is no institution into which corruption has not entered" (ibid. n.d.a). In its <i>2003 Regular Report on Turkey's Progress Towards Accession</i> , the European Commission  |                   |

identified the media, government, construction and health to be the "sectors more prone to corruption" (5 Nov. 2003, 22). Information on whether small businesses are targeted by corrupt state agents could not be found among the sources consulted by the Research Directorate.

### Politicians

The Turkish Constitution grants all legislators and cabinet ministers immunity from prosecution for corruption and any other "ordinary crimes" (The Center for Public Integrity n.d.b). This immunity can be lifted for a specific politician through a Parliamentary vote, but doing so "extremely rare" (ibid.; see also BBC 14 July 2004). The rationale for the provision is to protect politicians from "politically motivated charges," but in practice, it has become "a get-out-of-jail-free card" (AP 13 Nov. 2002).

During AKP's election campaign for the November 2002 general elections, Erdogan pledged to eliminate parliamentary immunities so as to enable the prosecution of politicians found to be corrupt (*Turkish Daily News* 24 June 2003). In late July 2003, members of the AKP and the opposition Republican People's Party (CHP) decided to work together on an initiative to restrict the immunity prescribed for politicians (*Turkish Daily News* 24 July 2003). Information indicating that the government has eliminated or restricted the immunity could not be found among the sources consulted by the Research Directorate.

The Center for Public Integrity indicated that

[a]ll legislators and ministers are required to file asset-disclosure forms. However, these ... usually do not have any function beyond fulfilling a legal requirement. ... The system works-if at all-not as intended: When a person is faced with serious accusations of corruption, only then may his asset disclosures be examined. But again, legislators are immune from prosecution (n.d.b).

The following is a summarized account of politicians who have been formally linked to or investigated for their possible involvement in corruption during the period covered by this Response (September 2002 to September 2004):

**26 September 2002:** AKP party leader, Erdogan was indicted for the fourth time since May 2002 for his involvement in fraudulent procedures surrounding procurements and a construction tender that was completed by the municipality of Istanbul in 1996 and 1997, when Erdogan was its mayor (AFP 26 Sept. 2002b). The prosecution was also seeking between one- and twelve-year jail terms for eighteen other suspects connected with these procedural irregularities (ibid.). On 1 December 2003, Erdogan was acquitted of all charges against him (TRT2 Television 2 Dec. 2003; AFP 22 Jan. 2003).

**10 December 2002:** Fadil Akgunduz, former member of parliament (MP) was arrested and detained on charges of fraud (*World Markets Analysis* 11 Dec. 2002; *Turkish Daily News* 5 Mar. 2004). In March 2004, the Bakirkoy Eighth Criminal Court agreed to release Akgunduz on bail, provided that he pay a large sum of money and that he not leave the country (ibid.). Information on whether he paid the money and was in fact released could not be found among the sources consulted by the Research Directorate.

**11 July 2003:** The Graft Inquiry Commission was prepared to file charges of fraud against former Prime Minister Tansu Ciller and ten former ministers in connection with a dam project (AFP 11 July 2003). Information on whether any charges were laid against Ciller could not be found among the sources consulted by the Research Directorate.

**23 July 2003:** The Graft Inquiry Commission declared that Bulent Ecevit, former Prime Minister, was responsible for financial losses connected to privatization

contracts that he approved (AFP 23 July 2003; *Turkish Daily News* 15 July 2003). *Turkish Daily News* reported that in so doing, the commission "ridiculed itself" since Ecevit was "possibly Turkey's only former prime minister with a perfectly clean past" (ibid.). Information on whether any charges were laid against Ecevit could not be found among the sources consulted by the Research Directorate.

**11 November 2003:** The Graft Inquiry Commission initiated an investigation against four Cabinet members who were led by Deputy Prime Minister Husamettin Ozkan (*Turkish Daily News* 14 Nov. 2003).

**11 December 2003:** A committee was set up by the Turkish parliament to investigate charges of corruption against former Prime Minister Mesut Yilmaz, and five other former ministers, in connection with the auction of Turk Bank (Xinhua 11 Dec. 2003). In mid-July 2004, the Turkish Parliament voted to send Yilmaz along with the former state minister Gunes Taner to court to face these charges (BBC 13 July 2004; *Anatolia* 13 July 2004; AFP 15 July 2004). According to BBC, the individual who purchased Turk Bank, Korkmaz Yigit, "was accused of getting a suspected mafia don to intimidate competitors during the tender process" (BBC 13 July 2004; see also AFP 15 July 2004). Other reports of corruption by state agents involving illegal agents, including the mafia, could not be found among the sources consulted by the Research Directorate.

**25 December 2003:** The two-year and four month prison term meted out to former Prime Minister, Necmettin Erbakan for "falsifying party records to hide millions of dollars of cash reserves that were ordered to be seized after the party was closed in 1998" was deferred for one year (*Turkish Daily News* 25 Dec. 2003; AP 30 Jan. 2004). In late January 2004, Erbakan resigned from his Saadet Party (SP) (ibid.).

**14 July 2004:** The Turkish Parliament voted to send two former ministers, Zeki Cakan and Cumhur Ersumer, to court to face charges of corruption in tenders for allegedly illegally directing valuable government contracts to favoured companies (BBC 14 July 2004; *Anatolia* 14 July 2004).

**15 July 2004:** The Graft Inquiry Commission made a decision to send Koray Aydin, the former minister of Public Works and Settlement to court to face charges of "corruption in tenders opened by his ministry" (*Anatolia* 16 July 2004).

Persons who have been found guilty of fraud are prohibited, by law, from joining a political party or from running for the Turkish Parliament (AP 30 Jan. 2004; *Turkish Daily News* 25 Dec. 2003).

### Government Employees

Although all forms of corruption and bribery are prohibited by the Turkish Penal Code, it is widely accepted that "gifts and small bribes facilitate and accelerate business considerably in many [Turkish] government offices" (The Center for Public Integrity n.d.b). One senior public auditor who asked to remain anonymous was quoted by The Center for Public Integrity as saying:

"It has become a way of life.... We have turned into a country where no civil servant will do anything without a *baksheesh* [bribe]. There is no sector that is immune from *baksheesh*, corruption, illicit gain, or kickback. In the public administration there is a bribe connection everywhere. When I was young, civil servants who took bribes were disgraced. Now if you don't take a bribe people think you are a fool. It's so widespread that people don't even try to hide it" (n.d.a).

As in the case of politicians, the disclosure of assets by civil servants, which is required every five years, is "essentially a legal and bureaucratic requirement" only (The Center for Public Integrity n.d.b).

In June 2003, *Turkish Daily News* reported that Zeki Egezen, Public Works and Housing minister, admitted that "there was corruption in the Mass Housing Administration, Iller Bank and State Highways Directorate" (6 June 2003).

According to information on the Website of The Center for Public Integrity,

[a]t customs, where corruption has become institutionalized, it is almost impossible to move anything in or out of the country without paying a bribe. "Bribes are indexed to import or export duties and are posted," said a customs broker. "You go from one desk to the other with a wad of notes and pay. In the old days you would hide the cash. Now it is done openly. You even get a receipt" (n.d.a).

### **The Police**

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.

### **Judiciary**

Two sources indicated that there have been complaints and allegations of corruption within the Turkish judicial system (*Turkish Daily News* 9 Sept. 2003; *Country Reports* 25 Feb. 2004, Sec. 1.e; The Center for Public Integrity n.d.b). *Turkish Daily News* reported in June 2003 that the judiciary is "notoriously complex, slow and, sometimes, corrupt" (24 June 2003). Similarly, the Center for Public Integrity described the Turkish judiciary as slow, inefficient and corrupt (n.d.a).

A report published in January 2004 by *Turkish Daily News* stated that Turkey was facing a scandal that involved businessmen who were accused of having bribed Supreme Court of Appeals judges and other court judges, and that also involved "many" lawyers and judicial officials (*Turkish Daily News* 16 Jan. 2004). Information

on the outcome of this scandal and on whether any charges were laid could not be found among the sources consulted by the Research Directorate.

Additional information on corruption within the judiciary could not be found among the sources consulted by the Research Directorate.

### **State Reaction to Crime and Corruption**

In its November 2003 report, the European Commission described the various anti-corruption measures that have been adopted by Turkey since January 2003: the ratification of the Council of Europe Civil Law Convention on Corruption, legislative amendments aimed at fighting bribery of foreign public officials in international business transactions, an amendment of the judicial registration system in respect of the record keeping period, the establishment of the Parliamentary Graft Inquiry Commission, and the adoption of an action plan "aimed at strengthening the fight against corruption" (5 Nov. 2003, 22-23). Despite these initiatives, a report posted on the Website of The Center for Public Integrity indicates that government institutions established to fight corruption have, over time, been "emasculated and allowed to decay" (n.d.a). Further, laws have become "outdated or purposefully written in such a way as to make life for crooks easier [and] virtually no one is ever sentenced" (The Center for Public Integrity n.d.a). The Center explained that "[p]unishment is rarely meted out to corruption offenders and can be ludicrously lenient" (ibid.).

However, another report posted on The Center's Website notes that the problem in Turkey is not in the legal framework per se, but in its "ineffective enforcement" within a culture that is "favourable" to corruption (The Center for Public Integrity (n.d.b). Similarly, an editorial by Burak Bekdil published by *Turkish Daily News* in June 2003, stated that:

[i]t will...be extremely difficult to fight corruption in a country where the establishment [government] benefits from it; many ordinary people, although they often complain of corruption, are potential conspirators; and there is little legal deterrence. More worrying, perhaps, there is also little social deterrence (24 June 2003).

Information on the Website of The Center for Public Integrity also indicates that in Turkey there is no independent body that receives and investigates public complaints of corruption (n.d.b).

For additional information on corruption in Turkey, please refer to the attached reports obtained from the Website of The Center for Public Integrity.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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**Internet sites, including:** Amnesty International (AI), European Country of Origin Information Network (ECOI), Human Rights Watch (HRW), International Helsinki

Federation for Human Rights (IHF), Integrated Regional Information Networks (IRIN), Radio Free Europe/Radio Liberty (RFE/RL), Transparency International.

Attachments

The Center for Public Integrity [Washington]. n.d.a. Metin Munir. "Turkey: Corruption Notebook." <<http://www.publicintegrity.org/ga/country.aspx?cc=tr&act=notebook>> [Accessed 20 Sept. 2004]

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