

Turkey's Erdo?an Deploys Sweden and Finland's NATO Membership Bids to Further His Repression

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Ben Keith writes for Just Security, read his article in full here:

Turkish President Recep Tayyip Erdo?an is seeking to use the carrot of NATO membership for Sweden and Finland to manipulate international law. Erdo?an has told the two NATO aspirants, who are seeking to join the alliance after having seen the shocking Russian invasion of Ukraine, that Turkey will ratify their membership only if they agree to extradite Turkish dissidents to face trial, adjust their definitions of terrorism, and allow arms exports to Turkey. Current NATO members must unanimously ratify any agreement to admit new members, and **Turkey and Hungary are the lone holdouts**, the latter having become more

repressive itself and now following Turkey's lead on alliance accession.

Erdoğan had issued a list of demands for both Sweden and Finland, and on June 28, the three countries signed a **memorandum of understanding** that provided Turkey the assurances it sought in exchange for initial approval on the two countries' accession to NATO, pending ratification by each member's legislative branch. Those demands included that Sweden and Finland lift an arms embargo against Turkey, and that they take action on Turkish extradition requests for what the Turkish government describes as terrorists.

Specifically, Turkey wants the two countries to extradite or deport members or affiliates of the Kurdistan Workers Party (PKK) and members associated with the **Gülen Movement**, a Turkish nationalist movement that advocates for education and interfaith dialogue, and which the Turkish state condemns with the label "Fethullah Terror Organization (Fethullah Terör Örgütü or FETÖ)." Its leader, Turkish Islamic scholar Fethullah Gülen, was a one-time ally of Erdoğan and his pro-Islamist Justice and Development Party (AKP), but moved to the United States in 1999. He now stands accused in Turkey of orchestrating a **failed coup** against Erdoğan in 2016. The United States has **refused** Turkey's requests to extradite Gülen.

Turkey's push for extradition of perceived adversaries is part of a pattern. In the case of Sweden and Finland's NATO accession, Turkey is seeking to have them extradite individuals not on the basis of international law but on the basis of a political agreement. It is important to understand who the people are who Erdoğan wants extradited to show that this is political maneuvering. Turkish Justice Minister Bekir Bozdağ reportedly told a state news agency in June that authorities would again **seek the extradition** from Finland of six alleged PKK members and six individuals it says are members of the Gülen Movement, and request the same from Sweden of 11 alleged PKK members and 10 people it says are Gülenists.

In the case of alleged members of the PKK, which the United States, the European Union, and Turkey have designated a terrorist organization, Reuters on Oct. 21 cited an **Oct. 6 letter from Sweden to Turkey** outlining steps it has taken toward the June 28 memorandum, including on the PKK. "Sweden's security and counter-terrorism police, Sapo, 'has intensified its work against the PKK,' and it made 'a high-level visit' to Turkey in September for meetings with

Turkey's MIT intelligence agency," Reuters reported, quoting the letter. The correspondence said Sweden would "address" pending extradition requests based on the Turkish intelligence, Swedish law, and the European Convention on Extradition, Reuters reported.

As for members and associates of the Gülen Movement, they are not considered terrorists in the West and often obtain political asylum. One of the individuals in Sweden whom Erdoğan is targeting is **Bülent Kene?**, a journalist who was convicted in Turkey of "insulting the President" and has now become a bargaining chip for Sweden and Finland's membership of NATO, even as all but two of the alliance's 30 members have ratified their accession.

Decision-Making on Extradition

The negotiations between Turkey and the two NATO aspirants have progressed haltingly. An additional wrinkle is that Sweden and Finland's system of extradition is a judicial process, with decisions made by their court system, based on the rule of law, rather than political calculations. While extradition in democratic States generally is a combination of judicial and political decision-making, the political process cannot override judicial findings where there is likely to be a breach of human rights. Although all three parties are signatories to the European Convention on Human Rights, which prohibits torture and therefore would bar extradition to countries where defendants are at risk of such abuse, Turkey frequently **ignores** international human rights law and rulings from the European Court of Human Rights in Strasbourg. In this case, however, the politicians wanting to gain entry to NATO have made promises in relation to extradition that will be almost impossible to fulfill. Erdoğan is not letting go of what he saw on June 28 as pledges to extradite, not just "address" the cases, as the agreement read. On Oct. 1, **he said**, "Until the promises made to our country are upheld, we will maintain our principled position."

In response, Sweden said in an Oct. 7 **letter to Erdoğan** that it "is committed to address pending extradition requests of terror suspects expeditiously and thoroughly." Finland has not gone that far, and has **refused to overturn** or re-evaluate six extradition requests and the decision of their domestic courts on extradition.

Negotiations are taking place at the highest level. On Oct. 21, Erdoğan agreed to meet with

new center-right Swedish Prime Minister Ulf Kristersson to **discuss progress**, and on Oct. 24, Swedish Foreign Minister Tobias Billström **declared** that Sweden would not tolerate the PKK. He said, "There will be no nonsense from the Swedish government when it comes to the PKK...We are fully behind a policy which means that terrorist organizations don't have a right to function on Swedish territory." However, there is no mention of the Gülen Movement or overturning previous findings on extradition or political asylum.

The current Turkish government has become known for rejecting criticism and cracking down on any and all opposition. This increased significantly after the failed coup of 2016, when there were **huge purges** of civil society. Long lists comprising of thousands of people: judges, lawyers, academics, teachers, and civil servants were drawn up, and more than 9,000 people were put in prison as a result of the post-coup crackdown, and thousands more lost their jobs. Charges against them have been spurious, meaning that essentially these people were "guilty" not of committing a crime but of reading the wrong literature, speaking to the wrong people, and expressing skepticism of the Erdoğan government. These purges are regularly **highlighted** by human rights groups.

Freedom of speech also is a persistent target for the Erdoğan regime, which recently introduced a new media bill imposing stricter censorship that Erdoğan immediately ratified. More than 200 Turkish authors, including Nobel Prize winner Orhan Pamuk, issued a **statement in opposition** to the new law, which international freedom of expression organization, Article 19 called "**dangerous**" and "**dystopian**."

Manipulating Interpol

NATO is not the only international organization that the Turkish government has become adept at using for its own political motives. In fact, its regular **manipulation of Interpol** shows the level of disdain that the government feels for international systems and the rule of law. Erdoğan's regime tried to influence U.S. President Donald Trump to extradite Gülen by **enlisting the aid of Rudy Giuliani**; fortunately in that case, Trump did not try to override the rule of law. But Turkey has been widely criticized for issuing thousands of Interpol "Diffusion" notices, which network members can upload directly to more easily circumvent the stricter

rules that govern the better-known “Red Notice” system.

The Turkish government’s newest assault on Interpol rules is to **abuse** its Stolen and Lost Travel Documents (SLTD) system. Rather than issuing a Red Notice that requires a full extradition request to follow, they put a targeted individual’s passport into the SLTD database. For example, one of my Turkish clients was stopped in the Balkans and told that his passport was on the SLTD list, which normally would mean that, because he is a Turkish national, he would be deported to Turkey. As he is accused (falsely) by Erdoğan’s government of being associated with Gülen, he would be immediately arrested in Turkey and likely subjected to a flagrantly unfair trial and **tortured**. This would all be done without using any extradition treaty or legal protection. Fortunately in this case, we were able to use the airline rules of that particular airline to turn him back to the U.K.

In fact, the West often has had to rebuff Turkey’s illegal demands. The U.K., for instance, will extradite in ordinary criminal cases but **not in cases** linked to the PKK or the Gülen Movement. However, that does not stop Turkey from trying alternative means. I have seen recent cases in which the U.K. has refused extradition on political grounds, only for Turkey to issue a new fabricated fraud charge so they can try again. The intention is transparently political.

The fact that Turkey, in the hands of Erdoğan, remains such a key international player is a significant problem. It remains an important geopolitical ally of the United States and NATO member, mainly as a buffer between Syria and the European Union but also in significant part as a conduit for diplomacy with Russia, as in the July **agreement to resume vital grain shipments from Ukraine** that were halted after Russia’s full-scale February invasion.

The use of NATO membership as a bargaining chip in extradition is a high-stakes political move that shows how the Turkish government targets opponents and critics and just how far they will go to silence dissent. But the very real threat of Russian aggression has changed the political landscape, and Erdoğan has seized on the fear of Russia to try and leverage his position to secure extradition of critics.

Of course, in diplomacy, pacts sometimes are made with unsavory allies in the interests of

security. Any future deal for Sweden and Finland, however, must ensure that NATO's potential newest members don't flout the rule of law in the process of being allowed to join. Their desire for NATO membership should not come at the expense of the protection of human rights and fundamental freedoms that underpin the real power, influence, and example of the alliance.

Ben Keith is a leading barrister specialising in cross-border and international cases. He deals with all aspects of Extradition, Human Rights, Mutual Legal Assistance, Interpol, Financial crime and International Law including sanctions. He represents governments, political and military leaders, High Net Worth individuals, human rights defenders and business leaders in the most sensitive cases.

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