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Executive summary

Note by the Secretariat

Addendum

Contents

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II. Executive summary

Turkey

1. Introduction: Overview of the legal and institutional framework of Turkey in the context of implementation of the United Nations Convention against Corruption

Turkey signed the United Nations Convention against Corruption on 10 December 2003 and ratified it on 9 November 2006. The Convention entered into force for Turkey on 18 May 2006.

According to article 90 of the Constitution of Turkey, international agreements duly put into effect have the force of law. In the case of a conflict between international agreements duly put into effect concerning fundamental rights and freedoms and domestic laws, the provisions of international agreements shall prevail. Turkey's legal system is civil law based. Judicial decisions, although not legally binding, are strongly adhered to by the courts.

Turkey has been assessed on its implementation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, as well as by the Group of States against Corruption (GRECO) and the Financial Action Task Force (FATF).

2. Chapter III: Criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

The concept of "public official" is defined in article 6(1(c)) of the Turkish Criminal Code (CC) as "any person who is elected, appointed or chosen in any other way to carry out public duty" which is construed very broadly and is in line with article 2 of the Convention against Corruption.

Bribery and trading in influence (arts. 15, 16, 18 and 21)

Turkey has criminalized the active and passive bribery of public officials in article 252 (1-8) of CC. The element of the giving of an undue advantage directly or indirectly to a public official for his or her benefit or the benefit of another person or entity is addressed in article 252 (1). Acceptance of a bribe by a public official is covered in article 252 (2). Offer of an undue advantage to a public official where he does not accept such advantage, or a request of a bribe by a public official, when such was not fulfilled is criminalized in article 252(4) of CC. In such cases the applicable penalty is decreased by half. Promise of an undue advantage in the meaning of the Convention, i.e. where an agreement between the bribe giver and the bribe taker has been reached is viewed as a completed offence and would result in the application of the full applicable penalty. Notably, any third person who obtains any undue advantage as a result of bribery of the principal offender is also punished (art. 254(6) CC).

The bribery of foreign public officials and officials of public international organizations is criminalized in article 252(9) CC. It stipulates that generic provisions of article 252 on domestic bribery shall also apply to bribery of foreign officials as well. However, the wording of article 252(9) additionally explicitly contains most of the elements, as required by article 16 of the Convention, including

"offering", "undue advantage", etc., except the element "for another person or entity"; while in the provisions of article 252 CC relevant to domestic bribery (art. 252 CC (1-8)) those elements are dispersed in different paragraphs. The investigation and prosecution of foreign public officials and officials of public international organizations who request or receive undue advantages can be conducted if they are present in Turkey (art. 252(10) CC). Additionally, notably, as explained by Turkish authorities, the decreased punishment applicable to the cases where the offering or solicitation of bribes were not accepted (art. 252(4) CC) would not apply to the cases of bribery of foreign public officials. Turkish authorities also explained that offering and solicitation of bribery of foreign public officials are viewed as completed offences, although that does not clearly appear from the reading of the language of article 252(9) CC.

Article 252 of CC also partially criminalizes bribery in the private sector. The subjects of the offence do not include all the private sector entities (art. 252(8) CC).

Trading in influence is criminalized in article 255 CC. The main elements of the offence as required by article 18 are contained in article 255(1) CC. An offer or a solicitation of an undue advantage is criminalized in article 255(3) CC; however, the applicable penalty is reduced by one half in such cases. Additionally, the penalties applicable to passive trading in influence are higher than those applicable to active trading in influence. Notably, mediators in trading in influence and third parties accepting the undue advantage in the course of trading in influence are punished as accomplices (art. 255(4), (5) of CC).

Money-laundering, concealment (arts. 23 and 24)

Money-laundering is criminalized in article 282 of CC. Article 282(1) specifically criminalizes the act of "the transfer abroad" of the proceeds of crime. Turkish authorities noted that the transfer of the proceeds of crime domestically is covered by the prohibition "of processing such proceeds in various ways" that is also contained in article 282(1). In case of the purchase, acquisition, possession or usage of criminal proceeds (art. 282(2)), the subjects of the offence are limited to those who did not participate in the commission of the predicate offences. The requirements of article 23 (b) (ii) of the Convention against Corruption are implemented by the generic provisions of CC (art. 37 (1, 2), art. 40 (1, 2, 3), art. 38 (1, 2), art. 39 (1, 2) and art. 40 (1, 2, 3) CC). The attempt to commit an offence is covered in article 35 CC.

The threshold for a predicate offence is six months of imprisonment, which covers all the offences in CC relevant to the implementation of the Convention.

Dual criminality is required with regard to jurisdiction over predicate offences outside of Turkey.

Self-laundering can be prosecuted.

Concealment is criminalized in article 282(2) of CC.

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

Embezzlement is criminalized in article 247 CC.

Embezzlement of property in the private sector is covered by article 155 of CC "Abuse of Trust". Turkey also has a separate offence of embezzlement in the banking and financial sector (art. 160 of Banking Law).

Abuse of functions is partially criminalized in article 257 CC. The offence in article 257 CC lacks the element "for the purpose of obtaining an undue advantage for the official himself" and can be committed only for the benefits of another person, but not entity; although in practice such conduct also may be punished via other existing corruption offences such as bribery and embezzlement.

Turkey criminalized illicit enrichment in its Law on Declaration of Assets and Combat against Bribery No. 3628 (Law No. 3628) (arts. 4, 13, 14). Court practice has established the principle that requires the prosecution to demonstrate the reasons why the means of income of the accused were not adequate to acquire the assets in question before the accused is required to explain the discrepancy (Court of Cassation Decision 2011/129).

Obstruction of justice (art. 25)

Turkey criminalized any acts to influence judicial proceedings as required by article 25(a) of the Convention in article 277(1) CC that generally prohibits any "unlawful attempts" to influence the participants of the proceedings including where such are made via "the promise, offering or giving of an undue advantage" as explained by the Turkish authorities. Article 265 CC punishes the use of force or threats against a public officer in line with article 25(b) of the Convention.

Liability of legal persons (art. 26)

Turkey can apply administrative liability measures to legal persons implicated in corruption offences based on article 60 of CC and article 43/A of the Code of Misdemeanours (CM). Sanctions against legal persons can be applied only "where specifically stated in the law" (art. 60(4) CC). Such application in the context of offences covered under the Convention against Corruption is limited only to bribery (art. 253 CC), money-laundering (art. 282(5)) and bank embezzlement (art. 160 of Banking Law). Liability is limited to "civil legal persons" (art. 60(1) CC, art. 43/A (1) CM); which do not include entities with over 50 per cent of state ownership, unless such entities are engaged in commercial activities in which case they will be considered "civil legal persons" as confirmed in practice by the decision of the Court of Cassation Assembly of Civil Chambers 2006/412-2016/96.

The imposition of liability on legal persons does not preclude the punishment of natural persons who committed corruption offences.

Applicable sanctions may include fines (art. 43/A CM), cancellation of licences (art. 60 CC) and prohibition of participation in government procurement (art. 11(a) of Public Procurement Law).

Participation and attempt (art. 27)

Articles 37 and 40 CC criminalize the participation in criminal offences as an accomplice and assistant.

Articles 38 and 39 CC criminalize the instigation of criminal offences. Attempt is criminalized in article 35 CC.

Turkey did not criminalize the preparation for criminal offences.

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)

According to article 61 CC, sentencing judges must take into account the gravity of offences and other relevant circumstances when issuing decisions on sanctions applicable to offenders.

The President (art. 105 Constitution) and the members of Parliament (art. 83 of the Constitution) who include the Prime Minister and Ministers enjoy immunity from prosecution. The prosecution of other types of public officials is subject to administrative permissions of their supervisory authorities, as described below.

The President can be impeached for high treason by a motion submitted by no less than one third of the membership in the Grand National Assembly of Turkey (the Parliament) and by a decision of a vote of no less than three quarters of the membership (art. 105 Constitution).

A request for the lifting of immunity of parliamentarians is submitted by a prosecutor to the Minister of Justice who refers it to the Office of the Prime Minister, who then submits it to the Parliament. The Office of the Speaker of the Parliament submits the request to the consideration of the Joint Committee that shall take its decision on the case within two months. The Joint Committee can decide to lift the immunity or defer the prosecution. Further, if the decision to lift the immunity is taken, it has to be debated in the plenary and only after that it becomes final (art. 131-134 of the Rules of Procedure of the Grand National Assembly of Turkey). Additionally, to ensure the accountability of the parliamentarians article 67(1) of CC stipulates that the statute of limitations is suspended during the time of their service. Since the establishment of the Republic of Turkey, there have been only a few actual cases where the immunity of parliamentarians was lifted.

The investigation of judges and prosecutors requires a permission of the Ministry of Justice (art. 83 of the Law on Judges and Prosecutor No. 2802).

The prosecution of public officials is subject to the permission of and preliminary investigation by relevant administrative authorities (art. 3 and 5 of the Law on Trial of Civil Servants and Other Public Officials No. 4483). The permission is not required (with the exception of a number of high-ranking officials) in cases of the prosecution of offences under Law No. 3628 which do not include all the Convention offences. However, under article 9 of Law. No. 4483 where the permission to investigate is not granted, the public prosecutor has the right to resort to the judiciary and initiate a public case. The relevant authority has to comply with the decision of the court if it rules in favour of the investigation.

Turkey follows the principle of mandatory prosecution. The prosecutors have very limited discretion in initiation and prosecution of cases (art. 160, 170 CPC).

Turkish law allows for the application of the measures of judicial control (art. 109 CPC) aimed at ensuring the presence of the defendant released on bail at subsequent criminal proceedings.

Turkish law indirectly takes into account the gravity of the offences based on the length of the applicable prison terms while considering the eventuality of early

release of convicts (art. 107 of the Law on the Execution of Penalties and Security Measures).

Civil servants subject to criminal prosecution may be dismissed, based on article 140 of the Civil Servants Act No. 657 (act No. 657).

Persons convicted of imprisonment for the commission of criminal offences cannot assume any positions in the civil service, including in state-owned enterprises (art. 48 of Act No. 657).

Disciplinary measures can be applied to civil servants regardless of criminal procedures against them (art. 131 of Act No. 657).

Detailed measures for the reintegration into society of persons convicted of criminal offences are contained in the Law on the Execution of Penalties and Security Measures No. 5275.

Mitigated punishment is possible in cases of abuse of trust (arts. 155, 168 CC) and embezzlement (art. 248 CC), provided the offender has provided compensation of the damages of the aggrieved party, returned the unlawfully acquired property before commencement of prosecution and engaged in sincere repentance.

Article 254 CC provides for a defence of effective regret, where the penalty is automatically remitted when a bribe giver or a bribe taker informs the authorities of the commission of the offence of bribery before the official authorities learn of the act.

The principles of the Turkish criminal law do not allow the possibility of granting immunity from criminal prosecution including to cooperating persons.

Protection of witnesses and reporting persons (arts. 32 and 33)

The Witness Protection Act contains a number of protection measures generally in line with the requirements of the Convention. However, it applies only to the crimes punishable with "particularly heavy punishment" (art. 3(1(a)) of the Act) or committed by organized crime groups (art. 3(1(a)), which makes the Act inapplicable to corruption cases, except when those also involve organized crime.

Measures protecting reporting persons are contained in Labour Law No. 4857 (art. 18) and specifically with regard to the protection of reporting persons in the public sector in By-Law on Complaints and Applications of Public Officials (arts. 11 and 14).

Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)

Confiscation of proceeds of crime is covered by article 55 CC. Confiscation of property, equipment and instrumentalities used or destined to be used in corruption offences is covered by article 54 CC. Value-based confiscation is possible. Protection of bona fide third parties is addressed in article 54(1) CC and article 55(3). Article 55 does not specify the details of the confiscation of intermingled proceeds in the same depth as article 54 CC; however, Turkish authorities have explained that in both cases similar procedures would apply.

There are no specific provisions on identification and tracing of proceeds of crime. More generic provisions on search and seizure (art. 121 CPC) and request of

information by public prosecutors and judges (arts. 161 and 332 CPC) may be used for that purpose. Prosecutors can also obtain information based on article 20 of Law No. 3628.

Freezing and seizure can be conducted based on articles 123-134 CPC. Article 128 specifically lists the CC articles to which seizure can be applicable, which exclude a number of corruption offences. Seizure is also applicable in money-laundering cases per article 17 of the Prevention of Laundering of Proceeds of Crime Law No. 5549. Law No. 3628 also has a provision allowing seizure and freezing of proceeds (art. 19). Separate provisions in the CPC address seizure at post offices (art. 129), in attorneys' offices (art. 130) and search of computers (art. 131).

Articles 4, 9, 12-18 of Regulation on Property of Crime contain rules on the administration of seized property. Article 133 provides for an appointment of a trustee for the administration of a seized firm, which is applicable to most of the corruption offences. There are also specific rules in place for the administration of the confiscated proceeds of crime.

Turkey has specific legislation addressing cases when the requests from law enforcement authorities are received for information protected by bank secrecy in the context of investigation and prosecution under Law No. 3628 or the investigation by the FIU under Law No. 5549. Generic provisions of articles 161 and 332 of CPC allow for the conduct of investigation (art. 161) and demand information (art. 332) by the public prosecutors. Although these provisions do not specify that the disclosure of information protected by bank secrecy pursuant to the requests of public prosecutors would not be illegal, Turkish authorities indicated that bank secrecy information is, in fact, obtained by the prosecutors using these provisions without problems. Additionally, article 239 CC prohibits the disclosure of information protected by bank secrecy to "unauthorized persons", who, according to the explanation provided by Turkey, do not include law enforcement authorities when such submit requests for information under the provisions of CPC listed above.

Statute of limitations; criminal record (arts. 29 and 41)

Statute of limitations periods are determined depending on the imprisonment term applied to a particular crime (art. 66 CPC). Statute of limitations periods are suspended where the court declares alleged offenders fugitives (art. 67(1) CPC).

Turkish judges may take into account foreign criminal records during sentencing based on article 61 CC.

Jurisdiction (art. 42)

Turkey established territorial jurisdiction in article 8 CC. Turkey also has jurisdiction over offences committed against Turkey and Turkish nationals where the offenders are found in Turkey (art. 12(1), (2) CC) and over Turkish nationals who commit offences abroad (art. 11 CC). In relation to money-laundering Turkey has jurisdiction as long as the offence has a connection to its territory (art. 8 CC).

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

According to article 27 of Law No. 6098 on Obligations, a contract is null and void if its terms are unlawful. Additionally, article 21 and 25(a) of Public Procurement Contracts Law No. 4735 stipulate that if a public procurement contract was concluded as a result of corruption, such as bribery or malversation, etc., it shall be terminated.

Victims of corruption crimes can request compensation from the perpetrators of relevant crimes based on article 49 of Law No. 6098 in civil courts.

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

Turkey does not have a single anti-corruption law enforcement agency. Public prosecutors have the power to initiate corruption cases with regard to most corruption offences per article 17 of Law No. 3628. The National Police can also investigate corruption cases based on the requests of public prosecutors and also *ex officio* in limited cases.

Turkish authorities noted that the independence of the judiciary and prosecutors is protected by the Constitution (e.g. arts. 68, 139, 140 and 159).

Turkish authorities systematically conduct training of law enforcement authorities and judiciary. In particular, the Ministry of Justice designed the Training Module for Corruption Offences for judges and prosecutors that also, inter alia, touches upon the requirements of the Convention.

Arts. 277 and 278 CC establish a duty of Turkish citizens and public officials to report suspected offences to law enforcement authorities.

Under arts. 161 and 332 of CPC, prosecutors and judges can request any information from public authorities relevant to investigations.

Under article 4 of Law No. 5549 on Prevention of Laundering of Proceeds of Crime, private sector entities in the financial sector are obliged to report to the Turkish FIU suspicious transactions.

The authorities regularly organize activities aimed at fostering and improving cooperation between public and private sector entities in combating corruption.

2.2. Successes and good practices

Overall, the following successes and good practices in implementing chapter III of the Convention are highlighted:

- Punishment of any third person who has obtained any undue advantage as a result of bribery of the principal offender stipulated in article 254(6) of CC as a useful tool in the punishment of bribery.
- Punishment of mediators in trading in influence and third parties accepting the undue advantage in the course of trading in influence as accomplices (art. 255(4), (5) of CC) as a useful tool in the prosecution of trading in influence.
- The comprehensive Training Module for Corruption Offences for judges and prosecutors developed by the Ministry of Justice can be regarded as a good

practice conducive to the effective capacity-building of law enforcement authorities tasked with countering corruption.

2.3. Challenges in implementation

The following steps could further strengthen existing anti-corruption measures:

- To consider criminalizing abuse of functions in line with the requirements of article 19 of the Convention against Corruption.
- To consider expanding the coverage of the legislation criminalizing bribery in the private sector to all private sector entities (art. 21).
- To ensure that all types of legal persons participating in corruption offences are subject to effective, proportionate and dissuasive sanctions in line with article 26 of the Convention.
- To extend the protection afforded by the Witness Protection Act to witnesses, experts and victims in corruption crimes (art. 32).
- To ensure that the procedures in article 128 CPC on seizure can be applied to all offences covered under the Convention (art. 31(2)).

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

Turkey does not have a general extradition act or mutual legal assistance (MLA) act. Instead, the country relies on multilateral and bilateral treaties, most importantly the 1957 Council of Europe (CoE) Convention on Extradition and the 1959 CoE Convention on Mutual Assistance in Criminal Matters.

Turkey can directly apply self-executing provisions of the Convention. So far, however, no requests have been received that were based on the Convention alone. In the absence of international treaties, Turkey can still provide assistance on the basis of reciprocity.

Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)

Turkey does not make any exceptions to the principle of dual criminality. Pursuant to article 18(1) CC, the crime that is the subject matter of the extradition must equally constitute a crime under Turkish law. However, in conformity with article 43(2) of the Convention, the underlying conduct is decisive for the assessment of dual criminality.

Turkey allows “accessory” extradition, i.e. extradition for connected offences as laid down in article 44(3) of the Convention. Convention offences are not considered political offences.

Turkey normally makes extradition conditional on the existence of a treaty. However, reciprocity is also sufficient as a basis for extradition. Concerning extradition requests to and from States parties to the Convention, the Convention can be applied as a basis for extradition.

The conditions and grounds for refusal of extradition are set out in article 18(1) and (3) CC. While these provisions are silent on minimum penalty requirements, these are contained in multilateral and bilateral agreements and vary. Since the Convention against Corruption does not contain any minimum penalty requirement, for a request based solely on the Convention, there would be no such requirement. However, the principle of reciprocity would apply.

Extradition decisions are taken by the full college of the Council of Ministers. This proves to be burdensome in practice. Simplified extradition procedures are possible in case of consent of the person. In this case, the Minister of Justice decides alone. Provisional custody and detention pending extradition is also possible.

Pursuant to article 38 of the Constitution and article 18 CC, citizens may not be extradited. In this case, the principle "*aut dedere, aut judicare*" and jurisdiction to prosecute offences committed by nationals abroad is provided for in articles 11 and 13 CC. If extradition is denied not because of nationality but for other reasons, Turkey may — if all conditions are met — also prosecute the alleged offender. The CoE Convention on the International Validity of Criminal Judgments (ETS No. 070) provides the basis for the enforcement of foreign court decisions.

During interim detention and trial, the person sought for extradition is informed of their rights provided in article 36 of the Constitution and article 147 CPC.

According to article 18(3) CC, extradition is not permissible if the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin or political opinions. Turkey will not refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters.

Opportunity to communicate before refusing extradition is used frequently by the authorities responsible for extradition in Turkey.

Turkey has concluded 26 bilateral treaties on extradition. Turkey has ratified the Convention of the Council of Europe on the transfer of sentenced persons (ETS No. 112) and signed its Additional Protocol (ETS No. 167).

Transfer of proceedings is possible according to the European Convention on the Transfer of Proceedings in Criminal Matters (ETS No. 73).

Mutual legal assistance (art. 46)

Like extradition, mutual legal assistance (MLA) is regulated in bilateral and multilateral treaties, notably the 1959 CoE Convention on Mutual Assistance in Criminal Matters. Turkey has concluded 29 bilateral treaties on MLA. In case no bilateral or multilateral agreement exists between Turkey and a foreign country, requests of judicial assistance in criminal matters are fulfilled under the principle of reciprocity and international customary law. MLA can be afforded in relation to offences committed by legal persons.

Turkey does not apply the principle of dual criminality when fulfilling judicial assistance requests for non-coercive measures. Moreover, the Convention is self-executing regarding requests for such measures. Coercive measures (such as detection, interception and recording of communications or surveillance via technical equipment) can only be implemented under the conditions stipulated in the

CPC. Since the Turkish CPC allows these measures only for the investigation of serious offences, in practice, dual criminality is required.

Turkey can afford all the forms of legal assistance listed in article 46(3) of the Convention. Police cooperation is limited because as soon as a prosecutor is in charge of the investigation, the police are no longer able to communicate information autonomously to counterparts abroad.

The confidentiality of the information provided does not prevent Turkey from disclosing it when such information is exculpatory for an accused person. Bank secrecy is not a ground for refusing to render MLA. Requests are not refused on the sole ground that they involve matters of a *de minimis* nature.

The transfer of a person being detained or serving a sentence for the purpose of testimony is possible pursuant to bilateral agreements, the CoE MLA Convention and the Convention against Corruption. Safe conduct is granted on the same basis. The CPC also permits hearings to take place by videoconference.

The International Law and Foreign Relations Directorate-General of the Ministry of Justice serves as the central authority with respect to all international mutual legal assistance in criminal matters. MLA requests and any related communications can be directly transmitted to the central authority. Requests and the related documents have to be submitted in Turkish or English. The form and content of requests for MLA are governed by the bilateral and multilateral agreements to which Turkey is a party. Turkey fulfils requests in accordance with the procedure specified in the request unless such procedure conflicts with national law. The rule of specialty is observed. According to the CPC, requests can be treated confidentially.

MLA may be refused if the request violates the *ordre public* or other essential interests of Turkey. Turkish law does not foresee any provisions allowing the partial or deferred execution of foreign MLA requests. MLA will not be refused on the sole ground that the offence is also considered to involve fiscal matters.

According to Turkey's bilateral and multilateral treaties, if MLA is not granted, the requesting State will be informed and grounds for refusal will be indicated. Prior to that, consultations will be held. While assistance may be postponed by Turkey on the ground that it interferes with an ongoing investigation, it is possible to fraction the execution of requests or the transmission of evidence in such a way that there is no interference with any pending domestic case.

Ordinary costs related to rendering MLA are borne by Turkey. Documents in the public domain can be provided upon request. Confidential documents or information can be provided to requesting States where they provide guarantees that confidentiality will be respected.

Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)

Turkey confirmed that it considers the Convention as the basis for mutual law enforcement cooperation in respect of the offences covered by the Convention.

The Turkish Central Authority each year designates six judges as contact persons for the European Judicial Network (EJN). Turkey has a network of liaison officers and assistance requests may be received from and submitted to France, Germany, the

Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America through Judicial Advisors of the Turkish Ministry of Justice in those countries. Despite not being a member of Eurojust, Turkish judges and prosecutors attend certain tactical and operational meetings relating to corruption, narcotics and terrorism held by it.

Turkey's FIU, MASAK, has been a member of the Egmont Group of Financial Intelligence Units since 1998 and exchanges information with its foreign counterparts through the Egmont Secure Web. Turkey is also a member of CARIN, the Camden Asset Recovery Interagency Network.

Evidence can be made available for investigation and evaluation purposes. INTERPOL purple notices are used to exchange information on modi operandi, objects, devices and concealment methods used by criminals.

Turkey could establish joint investigations in the framework of the Convention against Corruption, the United Nations Conventions on Transnational Organized Crime, as well as on a case-by-case basis.

Special investigation methods are governed by article 135 et seq. CPC (surveillance of communication, observation, covert investigation, controlled delivery). So far, these techniques have been used primarily in cases of drug trafficking or human trafficking.

3.2. Successes and good practices

- In the absence of international treaties, Turkey can still provide assistance on the basis of reciprocity.
- While assistance may be postponed by Turkey on the ground that it interferes with an ongoing investigation, it is possible to fraction the execution of requests or the transmission of evidence in such a way that there is no interference with any pending domestic case.

3.3. Challenges in implementation

With regard to international cooperation, it is recommended that Turkey:

- Consider if the requirement that extradition decisions be approved by the full college of Ministers could be abolished in the draft MLA Law in order to expedite the proceedings.