

Testimony by:

DAVID L. PHILLIPS

Director of the Program on Peace-building and Rights
Columbia University's Institute for the Study of Human Rights

**TURKEY'S DEMOCRACY UNDER
CHALLENGE**

U.S. House of Representatives
Committee on Foreign Affairs
Subcommittee on Europe, Eurasia, and Emerging Threats
Rayburn 2172

April 5, 2017

Introduction

Thank you, Mr. Chairman. I am pleased to participate in this Committee's hearing on challenges to democracy in Turkey.

There were early warning signs. In 1998, Tayyip Erdogan made a public speech:

The mosques are our barracks, the domes our helmets, the minarets our bayonets, and the faithful our soldiers.

A court sentenced Erdogan to a ten-month prison term for “inciting hatred based on religious differences.”

After the 2002 elections, Erdogan said: “Democracy is like a street car. You get off when you reach your destination.”

When this committee held similar hearings last May, it was apparent that democracy was backsliding in Turkey. As I will report today, this trend has intensified. My analysis will address:

- Islamism;
- Corruption;
- Freedom of Expression and Assembly;
- Freedom of the Press;
- Terror Ties;
- Relations with the EU and NATO; and,
- Minority rights (Kurds, Armenians, and Greeks)

Turkey is called as a secular democracy. Turkey is neither secular nor a democracy. If the referendum passes on April 16, formalizing anti-democratic governance, the date will mark the death of Turkey’s nascent democracy.

Turkey is heralded for its NATO membership. But NATO is more than a security alliance. It is a coalition of countries with shared values. Turkey under Tayyip Erdogan is an uncertain ally. Turkey is Islamist, anti-democratic, and a serial abuser of human rights. Turkey would not qualify as a member if NATO was established today.

Islamism

Mustafa Kemal Ataturk established the Republic of Turkey in 1923. He redefined the role of religion, strictly separating religion and government. Ataturk defined Turkey’s republican identity through cultural values shared with Europe. Secularism gave primacy to reason over faith. It placed individualism over the divine.

After Ataturk, pious politicians increasingly challenged the country’s secular elite. In response, the Constitutional Court banned Islamist parties. The military intervened in 1960, 1971, 1980,

and 1997 to restore Kemalist order against leftist, conservative, and Islamist parties. In 1994, Erdogan was elected mayor of Istanbul. The Refah Party, with Erdogan in its leadership, was banned in 1997. Erdogan became prime minister when the AKP won national elections in 2002.

For Erdogan, human rights are Islamic rights. After emerging from prison in 1998, Erdogan found it expedient to espouse human rights in Western terms. Not because he believed in them, but because it advanced his political agenda to subordinate the security establishment under the guide of advancing Turkey's EU candidacy. Erdogan disassociated himself from political Islam, while embracing Islamic identity politics. For Erdogan, democracy and human rights were vehicles to advance Islamic expression.

Tensions between the AKP and the military escalated when Erdogan nominated Abdullah Gul to become president in 2007. Security officials were appalled that Gul, a devout Muslim, would occupy the office once held by Ataturk. To counter threats of a coup, Erdogan called early elections. On July 22, 2007, the AKP won 46.6 percent of the vote, which equated to 341 of the 550 seats in parliament. Erdogan used his political capital to push legislation allowing women to wear the hijab at universities and public institutions.

When the Turkish Supreme Court deemed the law unconstitutional, Erdogan threatened: "We are going to shut down the Constitutional Court." In 2008, the AKP sponsored a referendum on constitutional reform, giving the AKP-controlled parliament greater influence over the appointment of senior judges and prosecutors. Erdogan also intensified pressure on the military. Hundreds of retired military officers were arrested. Arrests were justified, citing a fantastic plot that included bombing mosques in Istanbul, staging the assault of a military museum by people disguised as religious extremists, and raising tensions with Greece by downing a Turkish plane over Greek air space. Turkey's army, navy and air force heads resigned to protest the arrests. Last month, a measure was adopted allowing females in the armed forces to wear the hijab while on duty.

Corruption

Single-party rule fostered a culture of corruption that touched the highest levels of government, as well as the Erdogan family. On December 17, 2013, police officers raided several homes, seized \$17.5 million in cash, and detained fifty-two people with ties to the AKP. Prosecutors charged fourteen people with bribery, corruption, fraud, and money laundering. Four ministers resigned.

As the crackdown unfolded, Erdogan called Bilal, his son, instructing him to dispose of cash at several family homes. Wiretaps recorded the calls. At eight in the morning on December 17, 2013, Erdogan called Bilal: "Now I'm telling you, whatever you have in the house, get rid of it, OK?" Father and son spoke four times during the day. In their last conversation, Bilal indicated: [I still have] "30 million euros (\$39 million) that we could not yet get rid of." Erdogan assured Bilal, "Whatever, we will deal with it." Bilal indicated "Berat Albayrak, (Erdogan's son-in-law and current minister of energy), "has an idea to buy villas from Sehrizar Apartments. What did you think?" The case was white washed. Prosecutors and police were fired and incriminating tapes destroyed to get rid of the evidence.

The case of Reza Zarrab warrants special mention. Zarrab, a dual Iranian-Turkish national was arrested by Turkish police in December 2013. Zarrab was charged with gold smuggling and bribing cabinet ministers. Erdogan made special efforts to shield Zarrab. He vouched for Zarrab's character, calling him a "philanthropist" whose work had "contributed to the country." Charges against Zarrab were dismissed, as a result of Erdogan's intervention.

When Iran was denied access to the SWIFT international money transfer system as a result of US sanctions, the Iranian government developed a strategy for by-passing SWIFT using Turkey's Halkbank. Zarrab sent money to front companies in China, identifying the transfers as export reimbursements. Funds were moved from the Chinese companies to companies in Turkey. The money was used to buy gold, which was transported to Iran via middlemen in Dubai. Selling Iranian gold and laundering the proceeds through Turkish banks violated US sanctions. On March 19, 2016, Zarrab was arrested at Miami International Airport.

Zarrab's indictment was unsealed in the Southern District of New York. Charges included defrauding the United States, money laundering, and violating the International Emergency Economic Powers Act, which regulates Iran sanctions. Kemal Kilicdaroglu, head of the People's Republican Party (CHP), predicted: "All the dirty laundry will come out. Many people won't sleep a wink tonight."

The probe is ongoing. Mehmet Hakan Atilla, Halkbank's vice president for international banking, was arrested in New York on March 27, accused of "a years-long scheme to violate American sanctions laws by helping Zarrab to use U.S. financial institutions to engage in prohibited financial transactions that illegally funneled millions of dollars to Iran."

The 2013 EU progress report highlighted corruption, expressing "concern" 39 times. According to the report, "The government's response to allegations of corruption targeting high-level personalities, including members of the government and their families, raised serious concerns over the independence of judiciary and the rule of law."

Freedom of Expression and Assembly

Turkey systematically denies freedom of expression and freedom of assembly. It uses the 1991 Law on the Fight against Terrorism to silence critics, alleging breaches of national security. Article 8 of the Anti-Terror Act is applied selectively to restrict freedom of expression. Article 301 of the Penal Code makes it a crime to denigrate "the Turkish Nation, the State of the Turkish Republic or the organs and institutions of the State." Article 216 of the Penal Code, which carries a mandatory prison term of up to three years, bans "incitement of hatred or violence based on ethnicity, class, or religion," targeting Kurds.

Turks resent Erdogan's authoritarianism and intrusion into their private lives. For example, Erdogan publicly called on women to bear at least three children. He made comments about their make-up, lipstick color, and what clothes women should wear. He recently called on Turks living in Europe to have five children in order to affect Europe's demography.

In May 2013, Turks protested plans for a shopping center in Gezi Park, camping in Gezi for 17 days. Though Article 34 of the constitution permits freedom of assembly, riot police attacked with tear gas and water cannons on May 30, 2013. While Gezi was the epicenter of protests, antigovernment demonstrations occurred in sixty cities across Turkey. Police brutality fueled civic unrest. There was scant media coverage of the Gezi protests. As the crackdown was unfolding, state media aired a documentary about penguins.

Gezi initiated a new phase in Turkey's crackdown on social media. Though Article 26 of Turkey's constitution guarantees freedom of expression and dissemination of thought, the government launched an investigation to track down tweets during the protest and expose "provocateurs." After Gezi, the government exercised increased powers to shut down websites. The Internet Law No. 5651 of February 2015 empowered Turkey's Telecommunication Directorate to block websites without court approval.

Adopted in April 2015, the Law Amending the Law on State Intelligence Services and the National Intelligence Organization allowed the National Intelligence Agency (MIT) to access personal data without a court order. It provided immunity to MIT personnel from legal violations committed in the course of their work. It also criminalized reporting on MIT's activities. A new law allowed sentences of up to nine years for publishing information from leaked intelligence material. Article 299 of the Penal Code established criminal liability for insulting the President. Between August 2014 and March 2016, the prosecutor opened 1,845 cases based on Article 299.

Press Freedom

By November 2016, Turkey had more journalists in jail than any country in the world. As many as 150 journalists, one-third of the total jailed worldwide, were imprisoned. More than 160 media outlets were closed by the end of 2016. The European Parliament (EP) issued its bi-yearly progress report on April 14, 2016. "Turkey still has one of the highest number of imprisoned journalists in the world." According to Freedom House, "Turkey does not have a free press." "Turkey remains top of Twitter's global censorship list," according to the latest Twitter Transparency report published on March 21." Erdogan called imprisoned journalists "terrorists, child molesters, and murderers (*Cumhuriyet*, 22 March 2017)."

Turkey uses a variety of techniques to suppress criticism. Journalists are prosecuted for terrorism, insulting public officials, or crimes against the state. Threats and physical attacks occur. Officials interfere with editorial independence and pressure media organizations to fire critical journalists. The government also exerts financial pressure. For example, the Dogan Group, which owns *Hurriyet* and *CNN Turk*, was penalized \$3.2 billion in tax arrears.

Turkish courts and regulators issue gag orders on specific topics. A ban on allegations of MIT involvement in weapons shipments to Syria was imposed in February 2014. Another was issued in March 2014, restricting dissemination of leaked audio recordings of national security meetings. Can Dundar, editor in chief of *Cumhuriyet* was sentenced to five years for reporting on MIT's weapons transfers to ISIS in Syria.

Terror Ties

Turkey stepped up its supply of weapons to Islamist insurgents in Syria when the US failed to intervene after Syria used chemical weapons in August 2013. MIT established an infrastructure for supporting jihadists, ranging from weapons transfers to logistical support, financial assistance and medical services. Vice President Joe Biden confirmed Turkey's involvement (Harvard University, 2 October 2014). "Our allies in the region were our largest problem in Syria. The Turks...poured hundreds of millions of dollars and ten thousand tons of weapons into anyone who would fight against Assad." Biden continued, "President Erdogan told me, he's an old friend, 'You were right. We let too many people through.'"

Erdogan refuted Biden's claim. "My request from our friends in the United States is to make your assessment about Turkey by basing your information on objective sources." In response, Columbia University created an international research team based in the U.S. Europe, and Turkey. Columbia documented scores of credible reports on Turkey's cooperation with jihadi groups, including ISIS. (Copy attached)

Fethullah Gulen

Gulen and Erdogan were friends and partners. Hizmet ("Service"), a moderate Muslim network founded by Gulen, propelled the AKP's rise. Gulen provided resources and infrastructure to support the AKP and erode the secular bureaucracy. Gulen instructed his followers to infiltrate mainstream structures: "You must move within the arteries of the system, without noticing your existence, until you reach all the power centers." In 1999, Gulen was charged with undermining secularism and fled to Pennsylvania.

Erdogan blamed Gulen of running a "parallel state," with Gulenists permeating the judiciary, police, and the media. Erdogan accused Gulen of orchestrating the corruption crackdown in December 2013. Turkey is seeking his extradition for allegedly masterminding the failed coup of July 15, 2016.

Post-Coup Conditions

Erdogan warned his opponents, "They will pay a heavy price for this." He launched purges against oppositionists. *The New York Times* described the purges as a "counter-coup." Erdogan would "become more vengeful and obsessed with control than ever, exploiting the crisis not just to punish mutinous soldiers but to further quash whatever dissent is left in Turkey." A three-month state of emergency was declared, giving the government extraordinary powers, bypassing parliament and ruling by decree. The state of emergency was extended for a second three-month period, as the crackdown intensified. As of November 2016, more than 40,000 people had been arrested since the coup. More than 100,000 people were dismissed from state institutions including the judiciary, military, and security forces.

Roughly one-third of the 220 brigadier generals and 10 major generals were detained. One third of all admirals were arrested. Many majors and lieutenant colonels were taken into custody. About six thousand soldiers of various ranks, mostly conscript privates, were imprisoned and

about nine thousand police officers dismissed. 262 Turkish diplomatic, military personnel have requested asylum in Germany

The education sector was decimated. About 21,000 teachers were suspended or fired. An additional 11,000 Kurdish educators were suspended for suspected links to the PKK. Every university dean in the country was forced to resign. Erdogan was given authority to appoint university heads.

The rule of law was undermined. 2,754 judges were dismissed, including members of the High Council of Judges and Prosecutors. A member of the Constitutional Court was arrested and charged with collusion. Ten members of Turkey's highest administrative court were detained. Under new state of emergency provisions, prosecutors were given permission to record lawyer-client conversations, and judges were empowered to deny the accused access to a lawyer for up to 3 months.

At least thirty governors were fired. The Ministry of Interior revoked the passports of 49,211 Turkish citizens. Private property was confiscated and retirement benefits canceled. The World Justice Index placed Turkey 99th out of 113 countries in its rule of law ranking, behind Iran and Myanmar.

Outlier in Europe

Turkey became a European Union (EU) candidate country at the EU Helsinki Summit in December 1999. EU candidate countries must meet economic and institutional requirements. They must also have "stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities." Actual negotiations would start when Turkey met the "Copenhagen criteria," which enshrine human rights.

The EP voted to suspend talks with Turkey on EU membership (24 November 2016), citing Erdogan's crackdown on political opponents after the failed coup. The resolution warned, "The government's actions are further diverting Turkey from its European path." The resolution passed overwhelmingly with 479 votes in favor, 37 against and 107 abstentions.

Erdogan doubled down by threatening to cancel the EU-Turkey deal on migrants. Tensions between Ankara and the EU worsened. When Germany refused to allow a campaign rally with Turkish ministers, citing security concerns, Erdogan accused the German government of "Nazi measures." When the Dutch government refused landing rights to Turkey's foreign minister for similar reasons, Erdogan described it as "Nazi remnants and fascists." On March 15, Turkey's Foreign Minister Mevlut Cavusoglu warned: "Holy wars will soon begin in Europe." That same day the interior minister threatened: "We could open the way for 15,000 refugees that we don't send each month."

Efforts to undermine democracy extend to countries in Europe as well as the United States. Revelations in Wikilinks document a systematic effort to camouflage Turkey's illicit lobbying efforts in the US. Payments to General William T. Flynn also represent influence peddling, including representation that violated the Foreign Agents Registration Act.

Minority Rights

EU Membership requires the protection and promotion of minority rights in accordance with international standards. Turkey is not in compliance when it comes to Kurdish, Armenian and Greek issues.

Kurdish Issues

The AKP's sweeping victory in 2007 resulted from inroads with Kurdish voters. The AKP appealed to Kurds through its conservatism and by expanding social services, building roads, schools and hospitals in predominantly Kurdish areas of the Southeast. Erdogan publicly acknowledged the Kurdish issue, promising an end to civil war. Kurds were tired of conflict. They hoped that the AKP would pursue a peace process with the PKK, resulting in disarmament and demobilization. Kurds also hoped that the AKP would amend the constitution, recognizing Kurdish identity. These hopes were misplaced.

In January 2016, more than 1,400 Turkish academics signed a "peace petition" calling for an end to Turkey's "deliberate massacre and deportation of Kurdish people." The petition, entitled "We will not be party to this crime", also called for peace talks with the PKK. The government responded with a broadside on academic freedom and freedom of expression. Erdogan said, "We are not in the position to seek permission from the so-called academics. These [people] should know their place." Erdogan referred to the peace petition as a "betrayal." He called its signatories "darkest of the dark" and "a fifth column" for terrorists. According to Erdogan. "They commit the same crime as those who carry out massacres."

The 2016 EP report deplored "the increasingly authoritarian tendencies of the Turkish leadership." It expressed concern about "rapidly deteriorating" security situation in the country, especially in the Southeast. The report insisted that, "All operations by security forces must be proportional and not take the form of collective punishment." According to the EP, "The Turkish government has a responsibility to protect all people living on its territory, irrespective of their cultural or religious origins."

The AKP received 40.9 percent of the vote on June 7, 2016. The tally was less than Erdogan expected. The vote was the first time in four general elections that support for Erdogan decreased. The progressive and pro-Kurdish Democratic People's Party (HDP) crossed the 10 percent barrier with 13.1 percent, which equated to 80 seats in the parliament. Erdogan blocked the formation of a coalition government, resulting in early elections. In July, Erdogan cynically re-started Turkey's civil war with the PKK in a play for nationalist voters. He promised stability and the return of economic growth. Fear mongering worked. On November 1, Erdogan tightened his grip on power, establishing single party government with nearly 50 percent of the vote. The tally was a big step towards realizing Erdogan's goal of constitutional reform and an executive presidency, pending parliamentary approval and a popular referendum, which is scheduled for April 16, 2017.

Eliminating the HDP as an effective opposition, the Turkish government jailed 13 HDP members of parliament on terrorism charges and took direct control of 82 municipalities in the Southeast, incarcerating elected mayors. Thousands of other members of the Kurdistan Communities Union

(KCK) were arrested. According to the HDP, 5,471 HDP party officials, including heads of provincial and district branches, were detained since the coup. The arrests undermined the HDP's ability to conduct a campaign over the upcoming referendum.

A report of the Office of the United Nations High Commissioner for Human Rights (March 2017) documented security operations in a number of Southeast provinces affecting civilians. Between July 2015 and December 2016, about 2,000 people were killed. The report documented numerous cases of excessive use of force; killings; enforced disappearances; torture; destruction of housing and cultural heritage; incitement to hatred; prevention of access to emergency medical care, food, water and livelihoods; violence against women; and severe curtailment of the right to freedom of opinion and expression as well as political participation. The most serious human rights violations reportedly occurred during periods of curfew, when entire residential areas were cut off. Movement was restricted around-the-clock for several days at a time. Half a dozen cities were attacked. Cizre's destruction rivals the destruction of Aleppo in Syria.

Armenian Issues

From 2001 to 2004, I chaired the Turkish Armenian Reconciliation Commission (TARC), whose work represented enormous progress addressing the Armenian Genocide. TARC facilitated participation of both sides in a legal opinion recognizing that the UN definition of genocide fit the Armenian experience. TARC also facilitated the agreement of joint recommendations to concerned governments on how to establish and improve relations. Contact between Turkish and Armenian civil society developed rapidly and continues to show progress. As President Reagan recognized in 1981, Armenians suffered the first genocide of the 20th Century with over 1.5 million victims; Armenian Genocide Remembrance Day is April 24.

In 2009, the Armenian and Turkish governments signed protocols on how to advance their relationship by establishing diplomatic relations, lifting the Turkish blockade of Armenia, and dealing openly with unresolved problems. Armenian President Serge Sarkisian stood by those agreements. However, Erdogan reneged refusing to submit the protocols to parliament for ratification. His anti-Christian and anti-Armenian rhetoric appeals to the Turkish nationalist base and exacerbates racism.

The Erdogan government is currently seeking to control the election of a new Armenian Church Patriarch in Istanbul. It has reversed prior trends toward objective education on the millennia old Armenian history in Turkey. Where the Armenian Church used to own over 5,000 churches and religious institutions, today it is allowed less than fifty. During more positive times and with assistance from the courageous mayor of Diyarbakir, Armenians were allowed to renovate and reopen the historic Saint Giragos Church. Under the pretext of the war on terror, however, the Turkish government expropriated the Church falsely claiming it wanted to repair damage. Local residents believe the government plans to replace destroyed minority neighborhoods with high-end condominiums. Better-off Syrian refugees could be resettled there. Turkey has also played an unhelpful role in US and international efforts to resolve peacefully the Nagorno-Karabakh conflict.

Greek Issues

Ecumenical Patriarch Bartholomew, the spiritual leader of the second largest Christian Church in the world with 300 million followers, resides in Istanbul. The Ecumenical Patriarch's religious freedom is severely curtailed in Turkey. By refusing to recognize his "legal identity" as the Ecumenical Patriarch, the government of Turkey justifies the confiscation of thousands of Ecumenical Patriarchal properties including monasteries, church buildings, an orphanage, private homes, apartment buildings, schools and land. Turkey began returning some of those properties a few years ago, but then stopped.

The Ecumenical Patriarch's seminary at Halki, which had operated since 1844, was forced to close in 1971. The Government of Turkey has inserted itself into the Church's selection of future Ecumenical Patriarchs, suggesting it may again insist on the right to veto Ecumenical Patriarchs elected by the Church's Holy Synod.

Turkey's recent treatment of Hagia Sophia in Istanbul is cause for concern. Hagia Sophia is a UNESCO World Heritage Site, built in 537 and maintained as the world's largest Christian cathedral for nearly 1,000 years. Muslims then utilized the structure as a mosque for almost 500 years. In 1935, it was opened as a museum for all faiths. Just last year, for the first time in 85 years the Qur'an was recited at Hagia Sophia. Other steps are anticipated, converting Hagia Sophia into a mosque.

The Constitutional Referendum

Parliament authorized constitutional amendments on January 20, 2017. A referendum to approve 18 amendments to the constitution will be held on April 16, 2017. If approved, the referendum will establish an executive presidency. It will eliminate checks and balances. The current parliamentary system will be canceled, and the Office of the Prime Minister abolished. The president would appoint and dismiss ministers. The number of seats in parliament will be increased to 600 from 550. Changes brought about by adoption of the referendum will limit the power of parliament to impeach the president. Changes will also be made to the Supreme Board of Judges and Prosecutors, undermining judicial independence. The referendum will destroy Turkey's prospect of gaining membership in the EU. By abandoning its Western orientation, the referendum will change the way Turkey is governed, establishing one-man rule and transforming Turkey into a dictatorship.

Free and Fair?

Erdogan has tried for years to consolidate his power by establishing an executive presidency. He has used his current executive powers to enhance the "yes" vote. The AKP's control of media has hampered the "no" campaign. The state of emergency declared after the coup created an environment hindering efforts of the "no" campaign. Erdogan intimidated opponents by accusing them of supporting the coup plotters. Opponents of the referendum have suffered coercion, harassment, and arrest. The American pastor Andrew Brunson was jailed. Incarcerating HDP deputies and lifting their parliamentary immunity undermined the coalition of opponents. The HDP has filed an application at the European Court of Human Rights regarding continued arrest of its co-leaders, Selahattin Demirtas and Figen Yuksekdog. The police limited the activities of

“no” campaigners. Local government officials denied “no” campaigners permission to hold rallies and limited their access to public facilities. The CHP released a report identifying 78 measures Erdogan used to suppress support for the “no” campaign (1 March 2017). The CHP intends to challenge the parliamentary vote at the Constitutional Court, citing irregularities and intimidation of deputies. For example, a CHP member with an artificial arm and leg was attacked on the floor of the parliament and her prosthetics ripped from her body.

Turkey’s descent to dictatorship is occurring in plain sight. US officials must not turn a blind eye. They should see Turkey as it is, not how it used to be, or how they wish it were.

Recommendations

- Review Turkey’s NATO membership. There are extensive political criteria for joining NATO. But no one ever thought a NATO member would go rogue, requiring expulsion. The North Atlantic Council could establish a “Compliance Review Committee,” using a scorecard to grade the democracy and human rights performance of Member States. If a country, such as Turkey or Hungary, receives a failing score for consecutive years, its NATO membership would be temporarily suspended.
- Diversify air combat operations, mitigating threats by Turkey to block US access to Incirlik Air Force. Alternatives include British bases in Cyprus – Akrotiri and Dhekelia, as well as bases in Jordan, Kuwait, and Iraqi Kurdistan.
- Develop a dossier of war crimes committed by Turkish security against the Kurds, and support a commission of inquiry. The risk of Interpol red bulletins freezing the assets and restricting travel of Erdogan, members of his inner circle, and family members could have a positive influence on Turkey’s behavior.
- Have additional hearings of the House Committee on Foreign Affairs. Consider the referendum, including whether votes were accurately counted, as well as the conditions in which the referendum was conducted. Members of Congress should support initiatives to directly assist democratic forces and civil society in Turkey.
- Continue to prosecute with appropriate zeal the case of Reza Zarrab. In 2016, federal prosecutors successfully defeated Zarrab motions for bail and dismissal. Trial is now set for August. It should proceed apace.
- Resist politicization of Gulen’s extradition review. The US Justice Department must decide if Turkish evidence is strong enough to merit extradition, and if Gulen could receive a fair trial in Turkey in the context of post-coup conditions. The State Department has an important role to play in extraditions. But extradition is fundamentally a legal, rather than a political, determination, as established in the US-Turkey Extradition Treaty.