

In the City of Westminster Magistrates Court

The Government of Turkey

V

Deniz Akgul

This is a request by the Government of Turkey for the extradition of Deniz Akgul.

Turkey is a Category 2 territory within the meaning of the Extradition Act 2003 ("the Act") and accordingly Part 2 of the Act applies.

Deniz Akgul ("DA") is sought by the Turkish authorities in respect of an offence of "assisting armed PKK/KONGRA - GEL terrorist organisation" on 28/4/10.

The Request is dated 2/4/12 and it was certified by the Secretary of State pursuant to section 70(8) of the Act on 31/5/12.

DA does not consent to his extradition.

At the full Hearing which took place on 10/2/14 and 11/2/14 Turkey was represented by Mr Ben Isaacs and DA was represented by Mr Ben Cooper.

BACKGROUND

DA came to the UK in 1994 and he applied for political asylum. He was granted refugee status in 1998. He is now a British citizen and he travels on a British passport.

He returned to Turkey on regular basis between 2007 and 2010 because his brother became ill and he was required to be tested for bone marrow compatibility. His sister was also involved in a car accident and he returned to visit her specifically in 2009.

DA was arrested in Turkey on 28/4/10 and accused of providing food, sheep and books to members of the PKK. He is further alleged to have provided money to the PKK (5000 euros in the form of a "fine") and to have provided digital cameras. He was held in custody pending trial.

On 24/6/10, together with others, he appeared before Malatya 3rd Heavy Penal Court and pleaded Not Guilty. The Court heard evidence and DA was granted bail pending the decision of the Court. Attached to bail was a condition not to leave Turkey.

On 27/1/11 DA was convicted and he was sentenced to 6 years 3 months imprisonment. He lodged an appeal but decided to leave Turkey in the meantime.

A warrant for his arrest was issued on 8/12/11 and the Request for extradition was issued on 2/4/12.

The Turkish Government passed new legislation amending the provisions of the Turkish Penal Code, including Article 220/7 which is the provision under which DA was convicted.

On 11/2/13 the 9th Chamber of the Court of Cassation (the Turkish Supreme Court) overturned the original conviction and remitted the matter to the Malatya 3rd Heavy Penal Court to rehear and reconsider the case within the framework of Article 307 of the Turkish Penal Procedural Code.

The matter was listed before the court of first instance on 5/6/13 and a review date was set for 28/6/13. On that date DA's case was adjourned pending his return from the United Kingdom pursuant to the Request for Extradition.

The matter was listed again on 27/9/13 when it was further adjourned until 21/11/13.

On 21/11/13 Malatya 3rd Heavy Penal Court made the decision to try DA 'in absentia' and he was convicted once again and sentenced to 4 years 2 months imprisonment.

LEGAL PRINCIPLES

I consider this matter on the face of the request made by Turkey on 2/4/12.

Section 78(2) of the Act places a duty on the Judge dealing with the Extradition Request to decide a number of matters. The Court must decide whether the documents sent by the Secretary of State include the following:-

- (a) the documents referred to in s.70(9) of the Act, that is the Extradition Request and the accompanying Certificate issued by the Secretary of State
- (b) particulars of the Requested Person ("the RP")
- (c) particulars of the offence specified in the Request
- (d) in the case of a person alleged to be unlawfully at large after conviction a certificate issued in the Category 2 territory of the conviction and, if appropriate, the sentence imposed.

Having reviewed the documents received I am satisfied to the necessary standard that the provisions of s.78(2) of the Act have been fully complied with.

Section 78(4) of the Act requires me to be satisfied that:-

- (a) the person appearing before me is the RP
- (b) each offence specified in the Request is an Extradition offence
- (c) copies of the documents received from the Secretary of State have been served on the RP

No issue is raised under this section and I am satisfied that the provisions of s.78(4) have been fully complied with.

I am next to proceed under section 79 of the Act and I have to consider whether DA's extradition is barred by reason of

- (a) the rule against double jeopardy (as defined by s.80 of the Act)
- (b) extraneous considerations (as per s.81 of the Act)
- (c) the passage of time (as per s.82 of the Act)
- (d) hostage taking considerations (as per s.83 of the Act)

I shall return to the challenges raised by DA in due course.

If I am satisfied that there are no bars to extradition within the meaning of s.79 then, as this is a Request based on the assertion that DA is unlawfully at large after conviction, then I must proceed under s.85 of the Act.

Section 85 requires me to decide whether DA was convicted in his presence. If he was not then I must be satisfied that he is entitled to a retrial.

If I am not so satisfied then I must discharge DA.

If I am satisfied that he was convicted in his presence then I am to proceed under s.87 of the Act which requires me to decide whether DA's extradition is compatible with his Human Rights.

CHALLENGES TO EXTRADITION

DA raises a number of challenges to his proposed extradition.

At the outset he argues that it would be an abuse of process to return him to Turkey as a result of the fact that he was granted asylum in the UK due to his ill treatment by the Turkish authorities.

It is my understanding that it is now conceded that this earlier grant of asylum no longer affords him assistance in relation to this Request because of his successful application to become a British Citizen. *DISTRICT COURT OF OSTROLEKA, POLAND V DYTLOW & Anor 2009 All ER(D)* does not apply.

DA maintains however that evidence of previous persecution and torture on the grounds of his Kurdish ethnicity forms the basis of a challenge under s.81 of the Act.

Under this section a person's extradition to a category 2 territory is barred by reason of extraneous considerations if, and only if, it appears that either the request for his extradition is in fact made for the purpose of prosecuting him or punishing him on account of his race, religion or political opinion or if extradited he might be prejudiced at trial or punished for the same reasons.

He also maintains that there is compelling evidence to show that to extradite him would be incompatible with his Human Rights, namely those under Articles 2, 3, 6 and 8 of the European Convention on Human Rights ("ECHR") and that his Extradition should be barred under section 87 of the Act.

Finally, and this is something that I will consider in the light of all the evidence, it is asserted that to extradite him would amount to an abuse of process given the conduct of the Turkish authorities during the course of these proceedings.

Mr Cooper, in his skeleton argument dated 7/2/14, sets out the particulars of the conduct alleged to constitute the abuse at paragraphs 8, 9 and 10.

EVIDENCE

The Turkish Government relies upon:-

(a) the full Extradition Request dated 2/4/12

(b) a letter dated 18/6/13 from Judge Altintas

(c) a letter dated 24/7/13 from Judge Altintas which incorporates a submission dated 9/7/13 from Judge Basaran on behalf of the Turkish Ministry of Justice

(d) a response dated 14/1/14 from a Judge of Malatya 3rd Heavy Penal Court to a Request for Further Information

On behalf of DA I heard live evidence from Professor Bowring who adopted the contents of two Reports dated 13/4/13 and 21/10/13 respectively.

Professor Bowring is, inter alia, a member of the Bar who specialises in Human Rights cases many of which have been before the European Court of Human Rights. He has some first hand knowledge of the situation in Turkey and in 1992 was a founding member of the Kurdish Human Rights Project ("KHRP").

In his evidence he drew to the Court's attention recent Open Source material specifically the U S State Department Report on Human Rights Practices in Turkey ("USSD Report") in 2012, the 2012 Amnesty International Report on Turkey and the 2013 Progress Report on Turkey published in October 2013 by the European Commission.

He was thoroughly cross-examined by Mr Isaacs who put to him that his first hand knowledge is not up to date.

Professor Bowring confirmed that he maintains ongoing and close contact with reliable sources and that very few people have the in depth knowledge of Turkish affairs that he has. He remained unshaken in his opinion that if returned to Turkey DA will face a real, significant and substantial risk of ill treatment amounting to a violation of Article 3 ECHR (paragraph 110 of his Report dated 13/4/13).

This is likely because of his Kurdish ethnicity and his perceived PKK affiliation and, in his opinion, the risk in DA's case is aggravated because he has sought and been granted asylum in the UK.

Furthermore it is his opinion that DA's trial at first instance and his purported retrial manifested a flagrant denial of justice which would meet the threshold for violation of Article 6 ECHR (paragraph 20 of his Report dated 21/10/13).

His analysis of the records of Court hearings in Turkey and the evidence of those who observed these hearings leads him to the conclusion that DA faces discrimination as a result of his Kurdish ethnicity and his perceived political beliefs.

Professor Bowring's expert opinion was supported by Saniye Karakas, a graduate of Dicle University Law Faculty in Turkey, and formerly a Legal Associate with the KHRP.

Ms Karakas practised as a Defence lawyer between 2000 and 2006 and she specialised in criminal and human rights cases with particular reference to Kurdish defendants. She appeared regularly before the State Security Courts which were abolished and replaced by Heavy Penal Courts.

She adopted the contents of her Report dated 15/11/13.

In cases dealt with in the Heavy Penal Courts it is presumed that there is political and/or terrorist involvement and, in her experience, these Courts give scant regard to the evidence. There is no equality of arms and Prosecutors and Judges invariably sit together in the courtroom giving an impression of bias.

There is real prejudice against Kurdish defendants.

In her opinion the risk to DA of treatment likely to infringe his rights under Article 3 and Article 6 ECHR is higher because of his previous record in Turkey and the fact that he claimed and was granted refugee status. Coming abroad and making allegations against the Turkish state is seen as discrediting the country. DA could be targeted as a result.

Ms Karakas commented on several shortcomings in DA's trial at first instance on 24/6/10. These included a failure to hold proper identification procedures in accordance with the Turkish penal code, the reliance that the Court placed on the evidence of only one witness (something which is frowned upon by the Court of Cassation) and the lack of scrutiny given to the reliability of the evidence of that one witness, especially in view of the fact that he said in open court that DA was not the man he had earlier purported to identify.

Whilst she conceded that 2 of DA's co defendants had been acquitted she stated that, in her opinion, there could have been any number of reasons for this but fairness is unlikely to have been one of them.

I declined to admit in evidence a purported Expert Report from a witness named Ali Kaya as it was not accepted by Mr Isaacs on behalf of Turkey and it did not comply with Rule 33.3 of the Criminal Procedure Rules ("CPR").

It was anticipated that Hasan Dogan, a Turkish lawyer who represented the main prosecution witness at DA's trial on 24/6/10, would give evidence by live link from Turkey.

I did not hear from him as he claimed, through DA, to be in fear.

I declined to admit in evidence his statement dated 27/9/13 as it was not agreed and it consisted largely of comment and opinion.

I did consider the evidence of Pinar Erbil by way of statements dated 18/10/13 and 14/11/13, and also the evidence of Niyazi Kalay which was contained in an appropriately edited statement dated 30/10/13.

DA himself adopted the contents of his Proof of Evidence dated 10/5/13 and confirmed that he relies upon the account of torture and ill treatment he gave during the course of his asylum appeal.

He maintained that the account of events in 2009 and 2010 that he has given throughout these proceedings is accurate.

He stated that during a visit he made to his home village in 2009 when he went to visit his sister he was approached by 2 unknown males in civilian clothing who threatened him about his involvement in a water dispute. They demanded money from him, which he did not pay. He believes that these men may have been trying to set him up.

He reported this approach to the local Government official, Erdil Polat, and the mukhtar of the neighbouring village, Saban Oztoprak. He was advised to report it to the head of the Army, Eftal Yildirim, something he duly did.

When he went again to Turkey in 2010 to visit his brother he and his son were accosted by Turkish soldiers who had stopped the bus they were travelling on. They were questioned about their origins and why they had British passports. They were questioned about where they were going and abused about their Kurdish ethnicity.

The following day, 28/4/10, DA was arrested at his uncle's house and all the adult males in the village were taken into custody.

He was initially held in custody where he was ill treated. He was charged with assisting the PKK and taken to Court on 24/6/10.

He was present at the hearing when Huseyin Toronoglu, a known terrorist and the main prosecution witness, retracted his evidence and told the court that he was not the person who had assisted them.

The court in Turkey heard from Polat and Oztoprak who confirmed DA's account about the encounter in 2009. Yildirim also confirmed that DA had informed him about an approach.

At the conclusion of this hearing he was released on bail with a condition not to leave Turkey. He made several unsuccessful attempts to have this condition lifted so he could return to the UK to continue his business.

He was present in court on 27/1/11 when he was convicted on the basis that, although there was no direct evidence, his village was known to have assisted the PKK in the past and it was possible that he could have done what was alleged.

He decided to leave Turkey because he had no faith in the justice system.

I considered Reports from Dr Peel and Dr Joyce dated 26/9/97 and 13/5/13 respectively which substantiate DA's account of the ill treatment he was subjected to in Turkey and the effects of the same.

I also considered the contents of the Judgement of Mr P.B.Rose, the Special Adjudicator who upheld DA's appeal against the Secretary of State's decision not to grant asylum.

FINDINGS OF FACT

DA was granted asylum by the UK in 1998 on the basis that he had established a well founded fear of persecution in Turkey as a result of his Kurdish ethnicity and his perceived affiliation to the PKK, a terrorist organisation.

There is extensive evidence to support the assertion that those of Kurdish ethnicity have been oppressed and persecuted by the Turkish authorities for many years.

There have been some changes but many of these are considered by the experts I heard from to be cosmetic. I will deal with this in more detail later in this judgement.

Despite the real shortcomings that have been highlighted and which I accept there were both at trial at first instance and retrial I am not persuaded that the request for extradition is made for the purpose of prosecuting him on account of his ethnicity or perceived political opinions.

Whilst by definition these form part of the case against him in Turkey it is clear that he is alleged to have committed a criminal offence contrary to the Terrorism legislation properly passed by the Turkish Government. He has been convicted, acquitted and then reconvicted under the Turkish Penal Code which has been set out in the Request.

Furthermore, with regard to the second limb of s.81, I am not persuaded that he might be prejudiced at trial simply because of his ethnicity and perceived political opinions. There is evidence that persons of his ethnicity and perceived political opinions were acquitted at first instance so, on the face of it, the court in Turkey is capable of exercising its discretion even when dealing with those of Kurdish ethnicity.

His challenge under s.81 fails.

This does not mean that his personal circumstances cease to be something that I take account of in considering his other challenges.

I have directed myself to the case of KONUKSEVER v THE GOVT OF TURKEY (2012)EWHC 2166(Admin) which I do consider to be relevant to DA's case.

In K's case the Divisional Court allowed the RP's appeal in relation to Article 3 submissions as his proposed extradition was considered not to be compatible with his human rights. He had made an unsuccessful application for asylum and was not considered credible by District Judge Evans at first instance.

In this case DA was considered a credible witness by the Special Adjudicator and I have no reason to find that he is not credible.

Unlike the RP in KONUKSEVER DA has remained consistent about past ill treatment. The Turkish Government has not sought to cast doubt on his claims in any way other than asserting in cross examination that he is not telling the truth.

Like my colleague in KONUKSEVER I remind myself of paragraph 339K of the Immigration Rules which provides that evidence that the individual has already been the subject of persecution or serious harm should be regarded as a serious indication of future risk unless there are good reasons to consider that such persecution will not be repeated.

I find that much the same approach is required of me in the Extradition court when considering the possible violation of Article 3 rights.

DA must satisfy me that there are strong grounds for believing that if returned to Turkey he will face a "real risk" of being subjected to torture or to inhuman or degrading treatment as per R v Special Adjudicator ex parte ULLAH (2004)AC.

A real risk does not mean proof on the balance of probabilities but there needs to be a risk that is substantial and not merely fanciful.

In SAADI v Govt of ITALY(Application 37201/06) the European Court of Human Rights stated that to determine whether there is a real risk of ill treatment it is necessary to examine the foreseeable consequences of sending the person to the receiving country bearing in mind the general situation and his personal circumstances.

In MIKLIS v Govt of LITHUANIA 2009 EWHC it was held that "the fact that human rights violations take place is not of itself evidence that a particular individual would be at risk...That depends upon the extent to which the particular individual could be said to be specifically vulnerable by reason of a characteristic which would expose him to human rights abuse".

On the evidence DA is in an even more vulnerable position than the RP in KONUKSEVER. He has clearly been convicted as a person who has affiliations with a Terrorist organisation.

I find that the evidence of previous ill treatment, which I accept in its entirety, combined with the fact that DA has been granted asylum status in the UK as a result of the allegations he has made about the conduct of the Turkish authorities results in an enhanced risk that he will face ill treatment were he to be returned.

Whilst the ill treatment that founded his application for asylum dates back a long time there is ample evidence in the Open Source material to which I have been referred to show that the Turkish authorities have made no significant improvements in recent years.

Furthermore I accept DA's evidence of how he and his son were treated by the police when, as people of Kurdish ethnicity, they produced British passports and I accept his evidence of what I find to be significant ill treatment when he was held in custody in 2010.

Professor Bowring and Ms Karakas gave powerful and convincing evidence of the inadequacies of the judicial system in Turkey and its failure to afford adequate protection to especially to those of Kurdish ethnicity in the Heavy Penal Courts.

Their opinion evidence is supported by the concerns raised in all the authoritative Reports to which I was referred. These reports were all compiled by reputable international organisations.

These were published in 2013 and confirm that, whilst there have been some improvements in Turkey, concerns remain about, inter alia :-

- (a) "Deficiencies in effective access to justice; Broad laws against terrorism and other threats to the state and a lack of transparency in the prosecution of such cases..."(USSD Country Report 2012)
- (b) "Denial of a Fair Public Trial " because "the judiciary was occasionally subject to outside influence" (ibid)
- (c) "convictions under anti terror laws were often based on unsubstantiated or unreliable evidence" (2012 Amnesty International Report on Turkey)
- (d) "While the law prohibits the use in court of evidence obtained by torture prosecutors in some instances failed to pursue torture allegations forcing defendants to initiate a separate legal case to determine whether the inclusion of the evidence was lawful"

In its 2013 Human Rights Report on Turkey Amnesty International found that "Unfair trials persisted particularly in respect of prosecutions under anti Terrorism legislation before Heavy Penal Courts"

In the 2013 Progress Report prepared by the European Commission in respect of Turkey's application to accede to the European Union it was stated that "Concerns about legislation and judicial practice in the criminal justice system remained...even liberty judges established under the regional serious crimes courts to deal with protective measures hardly refer to specific facts, evidence and grounds justifying the deprivation of liberty in..cases..regarding the security of the state..and terrorism..."

It is notable that the Turkish government has chosen not to adduce any evidence to counter these concerns other a general recitation of existing legislation and apparent assurances.

I give weight to the evidence of both Professor Bowring and Ms Karakas and I take particular account of the records that have been produced of Court hearings in Turkey. These show that there were indeed significant shortcomings in both the trial at first instance and the subsequent re trial. The Open Source material I have already referred to appears to support the assertion that the problem remains a systemic one and I have heard no evidence from the Turkish Government to contradict this evidence.

Furthermore, in this particular case, the likelihood that DA will face a flagrant denial of a fair trial is confirmed by the decision of the Malatya 3rd Heavy Penal Court to continue with a retrial in November 2013 when the Turkish authorities knew full well that he could not be present.

Having considered all the evidence, both oral and documentary I am led to the conclusion that, in the particular circumstances of DA, there is a real risk, that is a risk that is more than just fanciful, that his rights under both Article 3 ECHR and Article 6 ECHR will be violated.

I am not satisfied that having the right to visits from the British Consulate or the right to legal representation is sufficient to mitigate that risk.

BASIS OF FINDINGS

On the face of the Request for Extradition dated 2/4/12 DA's return to Turkey is required because he is unlawfully at large pursuant to a conviction on 27/1/11.

It is accepted by both parties that he was present at Trial on 24/6/10 and when he was sentenced in the Malatya 3rd Heavy Penal Court.

As a result I make the findings above pursuant to s.85(2) and s.87 of the Act.

However, since the Request was made and certified DA's conviction has been overturned and the matter remitted to the court of first instance for retrial.

In their responses to RFFI's the Turkish authorities appear to be asserting that the Request issued on 2/4/12 is valid because, even though the conviction was subsequently set aside, DA was unlawfully at large at the time, as per letters dated 18/6/13 and 9/7/13.

Since the Court of Cassation overturned the original conviction the Turkish authorities have maintained that the return of DA is required so that he can face a retrial in respect of the original allegation.

It was repeatedly stated that the retrial of DA would not take place until his return to Turkey. I have had sight of the record of the court hearing on 28/6/13 and it is set out in the letters dated 18/6/13 and 9/7/13.

There has been no explanation as to why the court decided to proceed to trial on 27/11/13 but it remains the case that DA was convicted and sentenced anew, albeit to a lesser term of imprisonment.

During the course of these extradition proceedings DA has moved from being a person convicted in the Category 2 territory, to being unconvicted and liable to a retrial and then, finally, to being convicted 'in absentia'.

I take the view that, given his status in the Category 2 territory at the time of the full Hearing, that is 10/2/14, I must now consider his case under s.85(3) of the Act because there is no doubt that he was not present when he was tried on 27/11/13.

On the evidence I am satisfied that he did not deliberately absent himself from the retrial. At the relevant date the Turkish authorities were well aware of the fact that DA is subject to Extradition proceedings which he is contesting and well aware of the fact that he is not allowed to leave this jurisdiction as he is subject to bail conditions.

I now have to consider whether, under s.85(5) of the Act, DA would be entitled to a retrial or (on appeal) to a review amounting to a retrial.

Under s85(5) I must be satisfied that DA would be given

(a) the right to defend himself in person or through legal assistance of his own choosing...and

(b) the right to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.

I am in the unusual and fortunate position of knowing what constitutes a rehearing in Turkey because I have been provided with a record of the proceedings on 27/11/13.

DA was legally represented and his lawyer was given permission to make representations but there was clearly no fresh analysis of the evidence and no opportunity given to the defence to examine witnesses or call evidence in support of his case.

I have been provided with no information as to the basis upon which a fresh appeal can be made and I am not satisfied in all the circumstances that DA has sufficient redress open to him following such a conviction 'in absentia'.

I decide the question raised in s.85(5) in the negative and, in accordance with s.85(7) I must therefore order DA's discharge.

ABUSE OF PROCESS

For the sake of completeness and in the event that I am wrong to find as above I go on to consider the issue of Abuse of Process in the context of these proceedings.

A Judge dealing with an Extradition request under the provisions of the 2003 Act retains a residual Abuse of Process jurisdiction.

In R(Govt of USA) v Bow Street Magistrates Court and TOLLMAN(2006)EWHC(Admin) Lord Phillips CJ identified the steps that are to be followed in relation to an Abuse of Process challenge.

The Judge should require that the conduct alleged to constitute Abuse is identified with particularity.

He or she must then consider whether the conduct if established is capable of amounting to an Abuse of Process.

If it is he or she must then consider whether there are reasonable grounds for believing such conduct may have occurred.

If there are then the Judge should not accede to the request for extradition unless satisfied that such Abuse has not occurred.

The issue was further visited in SYMEOU v GREECE(2009)EWHC. At paragraph 33 it was held "The focus of this implied jurisdiction is the abuse of process of the requested state's duty to extradite those who are properly requested and who are unable to raise any of the statutory bars to extradition. The residual abuse jurisdiction identified in BERMINGHAM & Ors and in TOLLMAN concerns abuse of the extradition process by the prosecuting authority. We emphasise those latter 2 words. That is the language of those two cases. It is the good faith of the requesting authorities which is at issue because it is their request coupled with their perverted intent and purpose which constitutes the abuse. If the authorities of the requesting state seek the extradition of someone for a collateral purpose or where they know that a trial cannot succeed they abuse the extradition processes of the requested state".

I have considered this issue in the light of the evidence as a whole.

Mr Cooper has set out the conduct that he asserts amounts to an Abuse of the extradition process as is required pursuant to TOLLMAN.

The initial request was made by the Turkish authorities to secure DA's return to serve a sentence following his conviction for terrorist activities.

During the course of these proceedings DA's status changed when the Court of Cassation overturned his conviction and remitted the case to the Malatya 3rd Heavy Penal Court for rehearing.

At this stage he was no longer a convicted person and the Turkish authorities purported to pursue the Request on the basis that DA would be retried upon his return.

Both DA and, by definition, this Court were given this assurance both at the initial hearings in Turkey and in letters dated 18/6/13 and 9/7/13.

On 27/11/13, without any explanation, the Malatya 3rd Heavy Penal Court proceeded to deal with DA 'in absentia' contrary to the assurances that had been repeatedly provided.

In my view this conduct on the part of the Turkish Authorities is capable of amounting to an abuse of the extradition process as it completely alters the basis upon which the Extradition court is being asked to consider whether or not to return the RP.

DA did not absent himself deliberately from the proceedings in November 2013 and he was entitled to expect that the retrial would await the decision of this Court in respect of extradition.

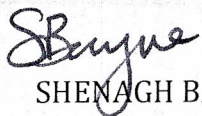
Having considered all the evidence there are reasonable grounds to believe that the Turkish Authorities have acted in bad faith in respect of these proceedings and have gone to the extent of misleading this Court.

In all the circumstances I am satisfied that conduct amounting to an abuse of the extradition process has occurred and I would not accede to the Request to extradite as a result.

CONCLUSION

I order the discharge of Deniz Akgul in accordance with the provisions of s85(5) and s87(2) of the Extradition Act 2003.

In addition I find that the conduct of the Turkish Authorities in the context of these Extradition proceedings amounts to an abuse of process.



SHENAGH BAYNE

Appropriate Judge

27th March 2014