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**Political Extraditions and Their Impact on Bilateral Security
Relations: The Extradition of Fethullah Gülen**

政治引渡及其對雙邊安全關係的影響：
Fethullah Gülen 的引渡

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Abstract

This thesis aims at augmenting and contributing to the study of political extraditions and Turkey-US bilateral security relations through the lenses of Cooperation Theory proposed by Robert Axelrod. Regarding extradition, most researches have focused on the legal implications. Contrarily, this thesis focuses on the implications on bilateral security relations. Moreover, the domestic political pressures of Turkey are also included to depict the real motives behind the extradition request of Fethullah Gülen, which is the case subject of study. This thesis investigates the bilateral security relations since the Justice and Development Party (AKP) in Turkey came into power from 2002 to September of 2017.

The analysis of the security relations shows that negative impact the possible denial of this extradition is caused due to the instability and fragility of what was once called a strategic partnership. Despite the negative impact of a possible denial of Turkey's request to extradite Fethullah Gülen from the United States and the perception by different interlocutors of Turkey-US security relations that it can lead to a break of diplomatic relations, this thesis argues that their security relationship will continue based on the expectations of future interactions. Both, the iterated characteristic of extraditions and the still existence of interdependence in security matters provide for incentives to continue their cooperation. In addition, the extradition requests of the Iranian Shah and that of the members of the Irish Insurgency are also examined to provide a comparison of conflict of interests between the requesting and requested states, one that led to the break of diplomatic relations and one that did not. Moreover, in regards to the analysis of the domestic pressures that motivated Recep Tayyip Erdoğan and his government to aggressively seek the extradition of Fethullah Gülen in the aftermath of July 15, 2016 coup d'état, it shows why he can be protected under the political offense exception. Furthermore, it shows that the threats to the United States have been used to manipulate the extradition process and for political expediency. In order to avoid impunity and the continuance of animosity, the application of the principle *Aut Dedere Aut Judicare* is recommended if Gülen is found guilty of crimes also punishable in the United States. The author is aware that this is a tentative analysis since a decision on the matter has yet to be made.

Key Words: Extradition, Security, Cooperation, Fethullah Gülen, Turkey, United States.

摘要

本論文旨在通過運用羅伯特·阿克塞爾德（Robert Axelrod）提出的合作理論，對政治引渡和土耳其與美國的雙邊安全關係的研究做深入探討。至今，關於引渡的學術研究大部分都聚焦在其法律影響上。與此相反，本論文則側重於引渡對雙邊安全關係的影響。除此之外，本論文也將土耳其的國內政治壓力納入研究，用以解釋本論文研究案例之法圖拉·葛蘭（Fethullah Gülen）引渡請求背後隱藏的真正動機。本論文對土耳其正義發展黨（AKP）於 2002 年上臺後至 2017 年 9 月期間的雙邊安全關係進行詳細研究。

對安全關係的分析表明，美國可能拒絕土耳其對法圖拉·葛蘭這一引渡請求的負面影響是由所謂的戰略夥伴關係的不穩定和脆弱性造成的。然而，儘管該負面影響以及土美安全關係的對話雙方對該事件的不同感知有導致外交關係斷絕的可能，本論文的觀點是土美安全關係會因為對兩國未來相互作用的期待而繼續保持。引渡的後果反覆運算特性和兩國在安全事項中依然存在相互依存關係也激勵兩國繼續合作。另外，本文也通過分析對伊朗國王以及愛爾蘭叛亂成員的引渡請求——前者導致外交關係斷絕而後者沒有——來比較請求國與被請求國間的利益衝突。此外，對土耳其總理雷傑普·塔伊普·埃爾多安（Recep Tayyip Erdoğan）及其政府在 2016 年 7 月 15 日政變之後咄咄逼人地尋求引渡法圖拉·葛蘭所倚仗的國內壓力的分析也展現了法圖拉·葛蘭能夠獲得政治罪犯庇護的原因。同時，這也表明了對美國的威脅被用於操控引渡程式，並被用作政治權宜之計。為了避免有罪不罰現象以及仇恨的延續，本文作者建議應用 *Aut Dedere Aut Judicare* 原則來避免當葛蘭根據美國法律被判有罪而逃避懲罰的情況發生。作者知道，這只是一個嘗試性的分析，因為關於這個事件的決定還沒有出臺。

關鍵詞：引渡，安全，合作，法圖拉·葛蘭（Fethullah Gülen），土耳其，美國。

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List of Abbreviations

African Union	AU
Court of Justice of the Economic Community of West African States	ECOWAS
Democratic Union of Syria	PYD
European Union	EU
Fethullah Gülen Terrorist Organization	FETÖ
Foreign Military Sales	FMS
Free-Trade Agreement	FTA
International Court of Justice	ICJ
Irish Republican Army	IRA
Islamic State	IS
Justice and Development Party (Turkish: Adalet ve Kalkınma Partisi)	AKP
Kurdish Regional Government	KRG
Kurdistan Workers' Party (Kurdish: Partiya Karkerên Kurdistan)	PKK
North Atlantic Treaty Organization	NATO
Operation Northern Watch	ONW
People's Protection Units	YPG
Provisional Irish Republican Army	PIRA
United Kingdom	UK
United Nations	UN
United States of America	US
Syrian Democratic Forces	SDF
Soviet Union	USSR

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Chapter 1 Introduction

1.1 Research Background

Bilateral security relations, in the form of alliances, have the purpose of bringing stability and peace when used as deterrence in the presence of a common threat. It is then understood that common security concerns will bring these countries together in order to achieve the balance of power they seek through their cooperation, despite the existence of disagreements. When maintaining these security alliances alive is vital and still relevant for the interests of the countries involved, it is expected from them to make rational choices to maintain the alliance even if there is a clash of interests over other minor issues.

In the immediate aftermath of World War II, the world witnessed the formation of security alliances, mainly siding with one of the great powers that emerged from the conflict. The United States (US) and the Soviet Union (USSR) embarked on a race to expand their sphere of influence in order to achieve global supremacy. Consequently, the United States formed the North Atlantic Treaty Organization (NATO), while the Soviet Union formed the Warsaw Pact. First, NATO was created under the perception of a possible Soviet invasion and then of a Warsaw Pact attack. After the collapse of the Soviet Union in 1991, NATO members reassessed the importance for the continuity of the alliance. The breakup of Yugoslavia, the Iraq invasion of Kuwait, the 9-11 attacks with the subsequent US invasion of Afghanistan and Iraq, and finally the Arab Spring that exacerbated the political and security instability in the Arab world with the presence of terrorist groups such as Al- Qaeda and the Islamic State (IS), further reinforced the

relevance for the continuity of NATO as those conflicts posed a threat to the interests and security of one or more of its members.

Turkey, in particular, represents an important point of security discourse within the organization and more specifically with its strategic partnership with the US. During the Cold War, the Cuban Missile Crisis directly affected Turkey who even questioned how reliable was the United States as an ally.¹ Furthermore, the Cyprus conflict brought Turkey into the spotlight within the organization and represented many strains on its relationship with the United States. The famous “Johnson letter”² undermined NATO and the United States’ security commitments to Turkey shall it invade Cyprus.³ After Turkey invaded Cyprus in 1974 to protect the Turkish minority, the United States imposed an arm embargo without expecting retaliation with the closure of American operations in the country.⁴ Both situations affected the stability of the organization and the countries’ military readiness.

Moreover, during the Cold War, NATO threats came from the Soviet Union, but after its collapse, most of the threats were on Turkey’s borders.⁵ Turkey became a liability for the organization, but the US, still relying on Turkey for its own interests, considered Turkey

¹ William Hale, “Turkey,” in *The Cold War and the Middle East*, eds. Yezid Sayigh and Avi Shlaim (Oxford: Clarendon Press, 1997), 259; Richard H. Solomon and Nigel Quinney, *American Negotiating Behavior: Wheeler-dealers, Legal Eagles, Bullies, and Preachers* (Washington, D.C.: United States Institute of Peace, 2010), 215.

² During the escalation of conflicts between Greeks and Turkish Cypriots in 1964, Mustafa İsmet İnönü, then Prime Minister of Turkey, threatened to invade Cyprus militarily to protect the Turkish minority. US President Lyndon B. Johnson sent a letter to İnönü on June 5, 1964 warning Turkey that they could not use American weapons to invade Cypriots. Furthermore, Johnson informed İnönü that in a possible confrontation with the Soviet Union, NATO and the United States would not intervene to protect Turkey without first obtaining approval from the allies. See the complete letter at: U.S Department of State, Office of The Historian. Telegram from the Department of State to the Embassy in Turkey, June 5, 1964, [Telegram]. For access to the full letter visit : <https://history.state.gov/historicaldocuments/frus1964-68v16/d54>

³ Michael Szaz, “NATO, Turkey and U.S. Strategy,” in *NATO, Turkey and the United States Interests* (Washington D.C.: American Foreign Policy Institute- Studies on NATO Defense Policies, 1978), 5.

⁴ Murat Karagöz, “US Arms Embargo against Turkey - after 30 Years: An Institutional Approach towards US Policy Making”, *Center for Strategic Research (SAM)*, (Winter 2004 – 2005):113- 114; Hale, “Turkey,”264; Tareq Ismael, and Mustafa Aydin, eds., *Turkey’s Foreign Policy in the 21st Century: A Changing Role in World Politic* (Burlington: ASHGATE, 2003),30; Lyman L. Lemnitzer, “The Defense of NATO’s Southeastern Flank and the Turkish Arm Embargo,” in *NATO, Turkey and the United States Interests* (Washington D.C.: American Foreign Policy Institute- Studies on NATO Defense Policies, 1978), 29-31.

⁵ Zalmay Khalilzad, Ian O. Lesser, F, and Stephen Larrabee, *The Future of Turkish-Western Relations- Toward a Strategic Plan* (Santa Monica: Center of Middle East Public Policy, 2000), 3-22.

important while praising its secular and democratic values as an example for the region. For instance, the United States dragged Turkey into the first Gulf War due to its geostrategic location, military capabilities, and perhaps its Muslim identity, proving to be invaluable tools for the victory. However, the war against Iraq affected Turkey's economy greatly, becoming the second economic victim of the war,⁶ while at the same time it threatened its territorial integrity as the war aggravated the Kurdish problem.⁷ This situation led to Turkey's rejection to support the United States during the second invasion of Iraq in 2003.

At the bilateral level, United States relationship with Turkey has been very problematic. The conflicts with the Kurdish rebellion has continued and now constitutes the major contentious issue between them, precluding any meaningful cooperation over how to handle the crisis in Syria and the spread of terrorism in the region. Both countries have been able to cooperate successfully in Korea,⁸ Afghanistan, and to some extent in Iraq, but as they have now sided with different non- state actors in Syria, their priorities and preferences are in a clear divergence.

More recently, the problem over the extradition of Fethullah Gülen is threatening their security alliance further. Gülen, who Turkey blames as the mastermind of an attempted coup d'état in July of 2016, has been living for more than a decade in a self-imposed exile in Pennsylvania. Disagreements related to the legal extradition process against him and the lack of a clear stance from Washington to whether they support Turkey's claims of his participation in the coup are the main drivers of the existing animosity between them over this issue. This thesis

⁶Sina Aksin, *Turkey from Empire to Revolutionary Republic: The emergence of the Turkish Nation from 1789 to present* (New York: New York University Press, 2007), 294-295.

⁷Gengiz Candar, "Some Turkish Perspectives on the United States and American Policy toward Turkey" in *Turkey's Transformation and American Policy*, ed. Morton Abramowitz (New York: Century Foundation Book, 2000),140,

⁸Normal Haley, "The Role of Turkey as a NATO Partner" in *NATO, Turkey and the United States Interests* (Washington D.C.: American Foreign Policy Institute- Studies on NATO Defense Policies. 1978) 10; Szaz, "NATO," 3.

will focus on this extradition case, which is the latest strain in the relationship between Turkey and the United States. In order to provide a comprehensive study of the situation, the extradition process, the security alliance and the domestic political problems of Turkey during the current Justice and Development Party (AKP) government will be covered in the following chapters.

Why is it important to look at security relations and domestic issues when trying to explain cooperation in the presence of an extradition conflict? According to Christine Van Den Wijngaert (1983), the ultimate decision to extradite a fugitive might be plagued by domestic pressures, international pressure, political considerations, but also the security ties with the requesting state.⁹ Even though the legal procedure is extremely important during an extradition process, when they threaten the bilateral relationship, the security ties can help us find the motives how the countries can move forward, continue the exiting cooperation among them, and put this difference aside. This is of course relevant in countries where security ties are the main driver of their relationship and outweigh the interests resulting from domestic pressures.

1.2 Research Motivation and Purpose

Perhaps, completing the requirements of a master's program is in itself motivational enough for any student. For the author, it is also an opportunity to explore new areas of knowledge and put in practice what has been learned. Furthermore, it is challenging, exciting, and more importantly, has an impact on our desires to succeed in new academic endeavors.

⁹ Christine Van Den Wijngaert, "The Political Offense Exception to Extradition: Defining the Issues and Searching a Feasible Alternative," Report presented at the International Seminar on Extradition, International Institute of Higher Studies in Criminal Sciences, (June, 1983):749-750.

The purpose of this thesis is to examine the controversial political extradition of Fethullah Gülen and its implications on the bilateral security relationship between Turkey and the United States through the lenses of Cooperation Theory proposed by Robert Axelrod. This thesis concentrates on three aspects: (1) extradition as a component of international cooperation, (2) Turkey-US security relations, and (3) the domestic aspects of the current political situation in Turkey that led to the extradition request.

Security cooperation has been the cornerstone of the bilateral relationship between Turkey and the United States for more than 6 decades. Cooperation has become extremely complicated in recent years due to many security strategy divergences, and right now Turkey's request of Gülen to be extradited from the United States poses a threat to the already shaky relationship. In that vein, this thesis seeks to verify whether this extradition case will actually have a negative impact in their security alliance or a possible break of diplomatic relations as suggested by different interlocutors of Turkey-US relationship after considering different factors of cooperation. The author argues that extradition requires a high degree of cooperation, but when it is possible that high-profile extradition requests could be denied, common security concerns, in countries where this has been the main reason for collaboration, will bring these countries together. Likewise, cooperation will be taken into consideration when the requested state sees that its acceptance to extradite a criminal to the requesting state will be reciprocated if it finds itself in the position of the requesting state.

Political extraditions frequently create controversies in both domestic and international levels. When a political extradition request is denied, it can both draw protesters to the streets and create hostilities between the states involved. With the increase of international crime,

crimes with political aims, the involvement of political figures in crime, and the ease on travel restrictions in some regions of the world, the means to repress crime and assure justice become an important aspect of international relations that deserves to be studied.

Extraditions can cause an impact on bilateral relations, but the reasons for continuing cooperating and maintaining their diplomatic relations, be these security or economic relations, are sometimes undermined or used to manipulate the other party to comply with the request. By studying the conditions under which extradition can and cannot be pursued, this thesis also seeks to bring attention about why conflict arises out of denying extradition requests. Extraditions related to political offenses seem to be a major obstacle to international cooperation in criminal matters as it creates a platform that fuels nationalist sentiments, a great deal of government's involvement, and impunity to the offender. The problem of political extraditions and their impact on security relations have not been covered yet. This work could perhaps augment the research of political extraditions and also take into consideration when trying to analyze similar high-profile cases other factors such as the security dimensions and domestic pressures.

1.3 Theoretical Framework

This thesis analyses the extradition of Fethullah Gülen through the lenses of Cooperation Theory developed by Robert Axelrod in his famous book “The Evolution of Cooperation.” Axelrod first question to his theory was “under what conditions will cooperation emerge in a world of egoists without a central authority?”¹⁰ He observes that a basic problem of cooperation

¹⁰ Robert Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1984), 3.

occurs when the pursuit of self-interest individuals (states) lead to poor outcomes for all.¹¹ His theory is based upon an investigation of individuals who pursue their own self-interest without a central authority (anarchy) that will force them to cooperate with each other.¹² Furthermore, he believes that when in a conflict, mutually rewarding actions and advantages will ultimately lead to cooperation.¹³ He also stress that iteration is a reason for cooperation.

His main argument was that in order for cooperation to emerge under such conditions, it is important that individuals (states) expect future interactions among them, or in his own words, “the shadow of the future.” As a long as the interaction is not iterated, cooperation is very difficult. In order to promote cooperation, therefore, it is important to arrange that the same individuals (states) will meet each other again, or in other words, enlarging the shadow of the future.¹⁴ In addition, for cooperation to be stable it must be relevant and important in the present.¹⁵ The interactions must be durable and frequent.¹⁶ Finally, cooperation theory believes that knowing the reputation of the other party is important, as it will allow you to know something about what strategy they use even before you have to make your first choice.¹⁷

Robert Koahane (1984) defines cooperation as “when actors adjust their behavior to the actual or anticipated preferences of others, through a process of policy coordination.”¹⁸ In extradition, the anticipated preference is no other than the return of the alleged criminal. Cooperation theory is compatible with extradition due to the iterated characteristic of this process that by itself enlarges the expectations of future interaction and the promotion of

¹¹ Ibid.7.

¹² Ibid. 6.

¹³ Ibid. 5

¹⁴ Ibid. 124-125.

¹⁵ Ibid. 126.

¹⁶ Ibid.129.

¹⁷ Ibid. 151.

¹⁸ Robert Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton: Princeton University Press, 1984) 51.

cooperation. Depending on the influx of criminals among the states, the necessity for cooperation can take place anytime. The probability of repetition is extremely high, but most importantly is not control by the states. They never know how frequent extradition can be.

However, the anarchical nature that characterizes the international legal system today affects the extradition process. Extradition falls into the view of anarchy as the central condition of international politics. As described by Kenneth Oye (1985) “nations dwell in perpetual anarchy, for not central authority imposes limits on the pursuit of sovereign interests.”¹⁹ This is view in the absence of a central authority (international court) who decides on extradition cases to avoid conflict among them. Sovereignty is a sensitive issue each state takes seriously in the pursuit of their individual interests and the supremacy of their domestic laws. States from heavily on pressures by foreign states to take actions in their favor. The nation who makes the extradition requests has a clear interest in punishing the alleged criminal, but when the requested state has an interest in protecting the fugitive, the recognition of their laws, and its reputation, this leads to a conflict of interests. Conflict is defined by Helen Miler (1992) as “goal-seeking behavior that strives to reduce the gains available to others or to impede their want-satisfaction.”²⁰

As extradition can easily lead to conflict, countries have agreed to sign extradition treaties in order to reduce the negative consequences of a possible denial, and guarantee the return of the alleged criminal. Extradition treaties, as a form of cooperation, have become extremely important. When countries enter into extradition treaties or agreements, they understand that such action is mutually rewarding. The requested state is expected to be more cooperative as it

¹⁹ Kenneth Oye, *Cooperation Under Anarchy*, Vol. 38 (*World Politics*, 1985), 1.

²⁰ Helen Milner, “International Theories of Cooperation: Strengths and Weaknesses,” Vol. 44 (*World Politics – Cambridge University Press*, 1992) 468.

might find itself in the position of the requesting state in the future. Treaties are definitely the best option as it makes cooperation in criminal matters more stable. In most cases, the reasons to grant or refuse an extradition requests have been agreed by the states and are stipulated in the treaties. However, it seems that this has not been enough as conflicts continue to occur. With the definition of conflict by Milner, it is possible to determine that conflict will occur in extradition matters when the decision to deny the extradition will reduce the gains of the requesting state and impede its want-satisfaction: punish the criminal, apply its own criminal law, and use the punishment as retribution to the victims and deterrence for possible similar actions.

Finally, cooperation theory not only provides for a good foundation to extradition, but also to security relations as a whole. In security matters, the existence of well-established security alliances is extremely important as it makes cooperation among the states durable, stable, and frequent. A history previous conflict and current ones in which the allies are involved make the alliance relevant and important, while at the same time, enlarge the expectations of future interactions. The existence of common threats that are not resolved yet provides for the incentives for future cooperation. Other factor, such as dependency and sales of military equipment from one ally to another also makes their interactions more frequent.

1.4 Research Questions

The author's main concern is the possible outcome of the current situation in the relationship between the US and Turkey over the extradition request of Mr. Gülen. Gülen is confident that the United States will not extradite him because it will tarnish America's

reputation,²¹ as all the indications that the extradition request will be used for political oppression are present. Due to this fact, the United States has tried to limit the scale of problem to the legal foundations of extradition, which should be resolved in a court of law. Turkey, however, disregards the legal process and expects the United States to extradite him regardless.

If the extradition request is denied, Turkey might consider such action as a tacit support to an enemy of the state, thus leading to conflict with the United States and damaging the existing cooperation among them. Neither the United States nor will Turkey benefit if they decide not to cooperate. On one hand, the United States can damage its security alliance with Turkey by denying the extradition request and risk its ability to exercise power in the greater Middle East and the possibility of getting important criminals (terrorists) captured in Turkey. On the other hand, Turkey could expel US forces from Turkish territory and cooperate even more with opposing forces against the United States in Syria. Likewise, Turkey might put itself at risk by losing US support and protection in the fight against terrorism if it decides to make an irrational choice to damage, downgrade, or break its diplomatic relations and security cooperation with Washington.

This thesis aims at answering the following main research questions:

- 1. Why extradition causes conflict?**
- 2. Will cooperation between Turkey and the United States in security matters continue if Gülen's extradition is denied?**

Other important questions to answer are:

- 1. How Turkey and the United States perceive the situation?**

²¹ Exclusive – “Interview with exiled cleric Fethullah Gülen,” Interview conducted by Philip Crowther and Leela Jacinto. France 24 English [Youtube-Online], July 18, 2017.

2. **Will Turkey grant any important extradition request to the United States in the near future?**
3. **Will Turkey's quest for extradition be satisfied if the United States at least prosecutes Gülen?**
4. **If Washington does not extradite Gülen, will Turkey risk its security alliance with the United States?**

1.5 Research Approach and Methods

While many scholars have addressed the issues involving extradition and its implications on diplomatic relations from a legal perspective, this thesis does not intend as its primary objective to question the legal procedure of extradition. Bassiouni (1995) pointed out in his book "Aut Dedere Aut Judicare: The Duty to Extradite or Prosecute in International Law" one difficulty has been that extradition is subject to whatever restrictions the law of the requested state imposes. These may include the political offense exception, the requirement of a treaty, and the rule against non-extradition of nationals.²² Therefore, it is difficult to put aside completely the legal elements of extradition, so the author will focus on the interests of states to agree on those legal provisions that allow extradition and prosecution of criminals to happen.

The study of extradition by Wijngaert (1983) points out different variables that are necessary to understand the problems of politically motivated extraditions. This thesis has selected two of these variables, namely security relations and domestic pressures, to understand what are the real incentives and preferences behind the extradition request of Fethullah Gülen. That being said, the incentives for both the requesting and requested state for cooperation need to be addressed. In this matter, the security relationship between Turkey and the United States serve to provide for these incentives.

²² M. Cherif Bassiouni and Edward Martin Wise, *Aut Dedere Aut Judicare: The Duty to Extradite or Prosecute in International Law* (Dordrecht and Boston: Martinus Nijhoff, 1995) 44.

The organization of the thesis variables is the following:

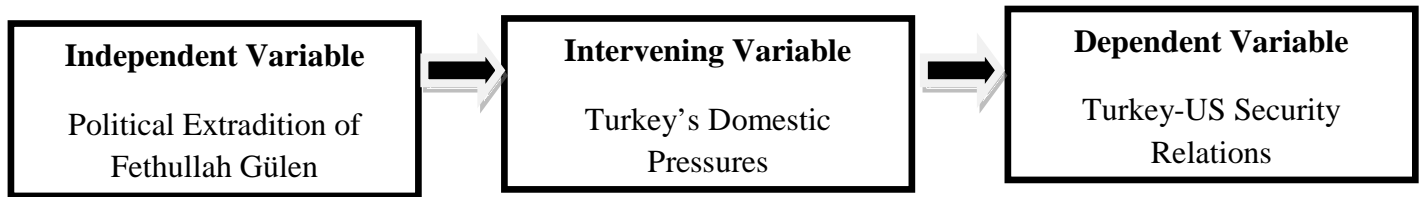


Figure 1 Thesis'Variables

Regarding the method employed, this thesis is developed on a single empirical case study of the extradition of Mr. Gülen. In the second chapter, several extradition cases are cautiously selected to show the problems of political extraditions and the considerations taken by countries to extradite, refuse to extradite, or engage in the process. Since this extradition represents a problem to the current political party, which governs Turkey today, and its implications threaten the bilateral security relations with the United States, a coherent period of study will cover the period of the security relations from the time the AKP came to power in 2002 to September of 2017. In order to gather relevant information on the topic and to answer the research questions, this study uses qualitative information. The information obtained comes mostly from secondary literature. It also uses doctrinal legal research, jurisprudence analysis, news articles, speeches, and some official publications. In this high-profile case, primary information, for example the extradition request made by Turkey to the United States, is not available. The United States has a policy of not disclosing such information during the course of an ongoing extradition process. For this case study, the author conducted a research in different libraries of Istanbul and Ankara in the spring semester of 2017 for the purpose of collecting insightful information. Traveling Turkey was extremely helpful as it helped to arrive at a closer conclusion of the real implications while experiencing *in loco* the domestic political developments.

Chapter 2 Literature Review - Extradition and the Political Offense

Exception

Extradition law was born with the need to prosecute fugitives who have escaped to a country other than their own. To the common public, extradition may seem simple and straightforward; once a fugitive is found, (s) he is then apprehended and sent back to be put on trial. However, without first understanding its due process, one cannot fully comprehend the complexity involved in extradition cases.

Without cooperation between states, crime detection and prosecution would not be attainable as the foreign state would hold legal authority over those residing or found within its territory. When a criminal cross over into foreign ground, jurisdiction authority is handed over to the state where the fugitive has fled to. Mutual legal assistance in criminal matters and extradition has become invaluable tools in international cooperation for the repression of crime.

Cooperation comes in various forms such as international treaties, bilateral treaties, or simply through reciprocity that help overcome the barriers many criminals and fugitives use in their advantage to avoid justice, some of which may include: sovereignty, trust, lack of bilateral relations, the differences in the countries' legal systems, and or the definition of which crimes should be extraditable.

Bassiouni (1995) explains the practice of extradition is readily explicable in terms of the self-interest of states. Each state has an interest in getting back fugitives from its own law who flee to a foreign country. However, to secure their return on a regular basis, a state is likely to have to agree to extradite in its own turn. This is the main motive for concluding extradition

treaties.²³ The existence of many extradition treaties implies the willingness for cooperation, but the many challenges in the process create the dilemma that extradition requests will not always be granted regardless the seriousness of crime committed or how interested the country that makes request is in getting the alleged criminal back. When states enter into extradition treaties, they are aware of the gains they can get from committing to such treaties. States also agree to extradite as a matter of comity, trust, and to increase their image as reliable signatories.

Today, many defects deprive extradition of much of its potential effectiveness. Prosecutors and law enforcement officers find themselves unable to act due to the excessive procedural requirements, the rigidity of the treaties' clauses, and in some cases, the absence of extradition treaties.²⁴ Extradition is also limited due to a wide range of principles. One of them, and perhaps the more problematic, is the principle of neutrality, which has taken form as an exception to extradite political offenders. The problem appears when states have different definitions of what constitutes a political crime. These shortcomings have slowed down and impeded many extraditions around the world, causing tensions between the states involved.

Notwithstanding the above-mentioned problems, the lack of a universal authority leaves the community of states with limited legal ways to prosecute criminals and obtain justice as extradition treaties become partially unenforceable in comparison to domestic laws. This reality, in contrast to other means and alternatives to get rid of unwanted people or get them to be punished such as abduction, deportation, expulsions, luring, or simply by denying visas and passports,²⁵ place extradition as the most comprehensive and legal available procedure with the

²³ Ibid, 37.

²⁴ Ivan Anthony Shearer, *Extradition in International Law* (Manchester: Manchester University Press, 1971), 2.

²⁵ David P. Warner, "Challenges to International Law Enforcement Cooperation for the United States in the Middle East and North Africa: Extradition and Its Alternatives," *Villalona Law Review*, Vol. 50, no. 3 (2005): 479-508.

capacity to enhance international cooperation against transnational crime and criminals found in other jurisdictions.

Regarding the aims of extradition, it is easy to identify the interests and preferences of the requesting state. Bassiouni correctly addresses the interests of the requesting state when he wrote that “the ends to be served by the return of fugitives are precisely the same as those that are supposed to be served by its criminal law generally: retribution, deterrence, and so forth.”²⁶ But the interests of the requested state are not necessarily the same. Why will another state engage in extradition? It becomes justifiable that a state wants to cooperate with another state as it might in the future request to that same state the return of a fugitive and therefore expects that state to reciprocate. It might also do it to rid itself from criminals or unwanted people.

When conflict arises out of a denial of an extradition request, states should look at the possibility of future interactions. Robert Axelrod (1984) developed this idea and he attributes the reason of emergence of cooperation between self-interested states to the “shadow of the future.”²⁷ Extradition, for example, is a repeated process. Extradition requests can happen at any time and on multiple occasions, creating the incentives for building up a reputation of being trustworthy partners. Extraditing a fugitive now, and thus establishing a history of collaboration, will be necessary for future requests. In the same vein, extradition is a repeated process because no request is necessary the last one. How many times a country can make an extradition request is not controlled by them; it will depend on the influx of criminals between the two countries and their ability to escape to them. Therefore, extradition has an infinite probability of repetition. The requested country should always consider that its decision today might have an effect in future

²⁶ Bassiouni, *Aut Dedere Aut Judicare*, 26.

²⁷ Axelrod, *The Evolution of Cooperation*, 124.

interactions. In that sense, countries will tend to be more cooperative in extradition matters. If the requested state expects no future interaction with the requesting state, it then can decide to deny the request. No expecting future interactions mean that there are no reasons for building a long-term relationship. A response from that state that expects no future interactions and considers the other state as a purported friend could translate into the refusal of the extradition requests as form of punishment. On the contrary, if there are expectations of future interactions, the requested state should do everything it could to assist the requesting state.

Extradition then becomes a game of cooperation where states agree to participate based on their own interests. This process is limited to whatever the law of each state imposes on it. Furthermore, when the limitations and defects of the current legal regime of extradition leads to the refusal of the request, the affected state may consider that the other state does not want to cooperate with it, does not trust it, or that it supports and is harboring one of its enemies.

Moreover, extradition has evolved and continues to evolve until today. It is considered the oldest method of international cooperation in the repression of crime. Nevertheless, as a component of international cooperation it has been unable to create a platform where states can be neutral to whatever the decision might be. This can be attributed to the lack of an independent or supra-national- international- court that decides which cases should be extraditable, replacing the state-centric system of extradition and interpretation of the law. As a result, the denial of an extradition request can lead to the deterioration or break of bilateral relations.²⁸

²⁸ For example, the case between Iran and the United States for the extradition of the Shah. In addition, the US requested the Taliban government in Afghanistan to extradite Osama Bin Laden, but the request was denied. This led to the US invasion in 2001.

Most of the problems are present when the crimes or offenses can be deemed as politically motivated. Political offenses were the main factor for the development of extradition law, but today they constitute an exception to the rule. Claimed by Christine Van Den Wijngaert (1983), the controversies around the political offense exception “mainly result from its paradoxical character, which lies in it being both the most universally accepted and one of the most universally contested rules of international law.”²⁹ This reality is very unlikely to change in the near future in a state-centric Westphalian system as we have today.

In this chapter, the problems of extraditions will be delineated, starting with its origins, the political offense exception, and a list of political extradition cases that will show how the problem manifests. It is important to point out that this chapter is not a strict legal analysis or interpretation of extradition law. It is meant to be guidance for the readers and a liaison between the topic and the extradition case of Fethullah Gülen that will be subject of analysis in chapter four.

2.1 Definition and Origins of Extradition

John Basset More (1911) defines extradition as “an act by which one nation delivers up an individual, accused or convicted of an offense outside its own territory to another nation which demands him, and which is competent to try and punish him.”³⁰ The state requesting extradition may claim its competence and jurisdiction for several reasons including territoriality, nationality, national security, and/ or universal jurisdiction for crimes against humanity.³¹ In

²⁹ Van Den Wijngaert, “The Political Offense Exception,” 741.

³⁰ John Bassett Moore, “The Difficulties of Extradition,” *The Academy of Political Science* Vol. 1, No. 4, (July, 1911): 627.

³¹ Arvinder Sambei, and John R.W.D. Jones, *Extradition Law Handbook*, (Oxford: Oxford University Press, 2005), 1-2.

other words, extradition is an agreement designed exclusively for the purpose of preventing putative wrongdoers from escaping justice by simply fleeing to another country.

No civilized community, which has agreed on the rules of coexistence, wants to live in a world of chaos where crime goes unpunished. Therefore, it is in their highest interest to bring criminals to justice wherever they are found. Consequently, states shall provide each other with the necessary assistance by facilitating the return of fugitives. In doing so, they are not only promoting friendly relations with other states but also protecting their own citizens, vulnerable to the presence of dangerous individuals in their territory.³²

The first examples of extradition arrangements were concerned on the delivery of political enemies rather than ordinary criminals.³³ In early times, it was the normal practice, within the discretion of an individual ruler, for a state to give asylum to refugees from another state. The granting of asylum to a foreign national was an expression of state sovereignty: his surrender (extradition) therefore required a degree of formality, usually a treaty, making the exception to the rule³⁴ by giving up jurisdiction authority to the requesting state.

In the peace treaty between Rameses II of Egypt and the Hittite prince Hattusili III (c. between 1284 and 1269 BC), a provision was made for the return of the criminals of one party who fled and were found in the territory of the other.³⁵ It is considered the first international treaty dealing with extradition, and was intended to establish eternal peace and good brotherhood between them. Besides, there are allegations that a much older extradition treaty existed between

³² Henry Chartres Biron and Kenneth E. Chalmers, *The Law and Practice of Extradition* (Littleton, CO: F.B. Rothman.1981), 2.

³³ Biron, *The Law and Practice of Extradition*, 11.

³⁴ Ivor Standbrook and Clive Standbrook, *Extradition Law and Practice*, 2nd edition, (Oxford: Oxford University Press, 2000), 3.

³⁵ Shearer, *Extradition in International Law*, 5.

Ancient Rome and Syria, which provided for the enforced return of Hannibal.³⁶ Extradition was intended for political offenders who wanted to change the regime or government, in contrast with common crimes who did not pose a direct threat to the state.

It was not until the early stages of the eighteenth century that what it is considered today of extradition was developed. Most extradition treaties were based on the principle of reciprocity, mutual assistance, and in the interest of the state to further their foreign relations. A willingness to deliver up the criminals of the other party was just one of a number of gestures of friendship and cooperation.³⁷

Continuing on, the 18th century was a turning point in the development of extradition agreements. The constant wars and political struggle, taking place in Europe, paved the ground for much of the extradition treaties. Many monarchies feared political dissidents, but the spirit of neutrality prevailed. It is in that sense what at the beginning was the reason for signing extradition treaties, in the following treaties will become an exception. Political offenses, as a result, were excluded from the majority of extradition treaties at the time.

Belgium was the first country to enact a general extradition law after gaining independence from the Netherlands in 1833. It was the first general extradition treaty where the political offense (*délit politique*) was excluded from the crimes for which under the treaty there was an obligation to extradite.³⁸ Another example was the extradition treaty concluded between France and the US in 1843, which included a provision exempting from extradition persons accused of any crime or offense of a purely political character. This provision appeared again in

³⁶ Sir Edward Clarke. *The Treatise on the Law of Extradition and the Practice Thereunder* (4th edition, London, 1903) Quoted in Standbrook, *Extradition Law and Practice*, 3.

³⁷ Shearer, *Extradition in International Law*, 6.

³⁸ Standbrook, *Extradition Law and Practice*, 5.

the treaty with Switzerland of 1850 and with the two Sicilies in 1855, but omitted from the treaty with Prussia in 1852.³⁹ All these major treaties gave France the leading role in extradition of the eighteenth and the end of the nineteenth centuries; the political offense exception finds its beginnings in treaties negotiated by France.⁴⁰

Today, the growth of international crime and interdependence between nations has created the appropriate environment for strengthening international cooperation in legal and criminal matters. Almost all nations, if not all, are part of a bilateral or multilateral treaty concerning extradition. Despite the many regional treaties such as the Inter-American Convention on Extradition, the European Convention on Extradition and the Arab League agreements of 1952 and 1983 with the aim of standardizing and simplifying the process of extradition, the final decision is left to the interpretations of each national judicial system where the accused is found. In other words, extradition is prerogative of the state. Extradition in general has a complex approach to the solution of crime as it concerns not only the acts of the fugitive, but also the possible conduct of the states.

2.2 The Political Offense Exception

The surrender of political offenders can be traced to the origins of extradition itself (Biron and Chalmers, 1981). The exception of the political offenders as an express limitation on extradition first appeared in international practice in the treaty between France and Belgium in 1833.⁴¹ While these two countries were limiting the scope of extradition, in 1843 a treaty

³⁹ Shearer, *Extradition in International Law*, 15-16.

⁴⁰ *Ibid.*, 17.

⁴¹ *Ibid.*, 1-8.

between Austria, Prussia and Russia engaged the parties to deliver up persons guilty of high treason, lèse-majesté, armed rebellion or acts against the security of the throne or government.⁴²

Shearer (1971) considered that policy towards the prohibition of the surrender of political offenders was due to the recognition of the interdependence of nations and the motives of international cooperation, which inspired extradition and necessarily precluded the idea of surrendering political offenders.⁴³ It was also a tool to ensure extradition was not used for political oppression.⁴⁴ The idea behind is that states should take a neutral stance in regards to the internal and political conflicts other states are facing, because in some cases, extraditing political offenders was seen as a way to favor the actions and claims of the requesting state.

Generally speaking, the political offender is against the government and through his act wants to change the current regime or the situation he is fighting for. For the offender, the legal system is incapable of resolving the issue and therefore does not consider his actions blameworthy.⁴⁵ In 1891, a court ruling known as *Castioni* in the United States, Justice Mill suggested the following definition: “any offense committed in the course of or furthering of civil war, insurrection, or political commotion.”⁴⁶ The political offense is an act against the security of the state.⁴⁷

According to the type of offense, they can be considered either as “pure political offenses” or as “relative political offenses.” The “pure” political offense is customarily directed

⁴² Ibid, 166.

⁴³ Ibid.

⁴⁴ Clive Nicholls, Clare Montgomery, and Julian Knowles, *The Law of Extradition and Mutual Assistance* (Oxford: Oxford University Press, 2007), 75.

⁴⁵ M. Cherif Bassiouni, “Ideologically Motivated Offenses and the Political Offense Exception in Extradition - A Proposed Juridical Standard for an Unruly Problem” *DePaul Law Review*, Vol. 19, No. 2 (1969):228.

⁴⁶ Divisional Court. In *Re Castioni*. [1891] 1 Q.B. 149. <http://uniset.ca/other/cs4/18911QB149.html>

⁴⁷ Manuel Garcia-Mora, “The Nature of Political Offenses: A Knotty Problem of Extradition Law,” *Virginia Law Review*, Vol. 48, No. 7 (1962): 1226.

against the government. It has been described by one authority as constituting “a subjective threat to a political ideology or its supporting structures without any of the elements of a common crime.” It is labeled a crime because the interest sought to be protected is the sovereign.⁴⁸ Offenses like treason, espionage, sedition, sabotage and subversion are known as pure political offenses, and have rarely been made extraditable in the past.⁴⁹

Regarding the “relative” political offense, it is characterized by the presence of one or more common crimes which are related to a political goal of the offender.⁵⁰ This type of political crime has traditionally caused the most problems for the courts in their attempt to define the act as a political one. The degree of closeness between the common crime and political objective is subject to the interpretation of the domestic courts of each nation.⁵¹

The interpretations of the crimes, whether political or not, depend on which approach is used, subjective or objective. The subjective approach focuses on the intentions, in contrast to the objective approach that focuses on the act. Focusing on the act, the United States applies the “*incident test theory*” which explains that any crime should be incidental to a political struggle. If not connection to the political struggle is established, the crime will be considered non-political.⁵²

⁴⁸ Bassiouni, “Ideologically Motivated Offenses,”4-5.

⁴⁹ Standbrook, Extradition Law and Practice, 69.

⁵⁰ Bassiouni, “Ideologically Motivated Offenses,”4-5.

⁵¹ Charles L. Cantrell, “The Political Offense Exemption in International Extradition: A Comparison of the United States, Great Britain and the Republic of Ireland,” *Marquette Law Review*, Vol. 60, No.3 (1977): 780.

⁵² Van Den Wijngaert, “The Political Offense Exception,”746.

2.2.1 The Problems of the Political Offense Exception

The political offense exception is perhaps one of the least used exceptions in extradition, but undoubtedly a very problematic one. It is problematic because the level of state's involvement, lack of a universal consensus of what exactly a political offense is, and which offenses will enter into that category (Garcia-Mora, 1956; Biron and Chalmers, 1981). The suspected conduct of the requesting state, the lack of a concrete definition, the wide-ranging area of applicability, and the judicial interpretation, represent the major challenges of this international norm.

The first problem of the political offense exception is circumscribed in the fact that this exception is more concerned with the possible actions taken by the state rather than the crimes or the criminals. It is concerned more with the state because it seeks the protection of political opponents from unfair or unjust trials, inhuman treatment, or the inability of the requesting state to provide security to the accused. Likewise, it is more concerned on the side of the state because the crime was directed at the government and it might want to seek revenge by punishing the fugitive. Human rights concerns, therefore, justify the existence of this exception when a possible violation or breach of international laws is considered. As a result, it is unlikely that a state will extradite a fugitive when the indications of an illegitimate prosecution are present, but nonetheless this exception does not deny the existence of crime.

On the other hand, extradition of political offenders does not serve the mutual interests of the interested states. Common criminals are extradited because they are a threat to all nations and extradition thus serves the interests of both the requesting and the requested state. In contrast, the authentic political offender is a threat only to his own government, whose existence or form he

opposes. Because the political offender threatens only his home government, the requested state is seen to have no interest in his extradition.⁵³

The political offense exception has been claimed in numerous cases for different types of crimes and political situations. Revolutionists, war criminals, separatists, drug offenders, economic criminals, religious offenders, political ideologists (communists, fascists, etc.), terrorists, murders, and/or people escaping oppression and totalitarianism have claimed it.⁵⁴ Due to the wide-ranging areas of applicability where this exception can be invoked, it has been impossible to arrive at a universal conclusion or interpretation of this exception.

Political offenses are indefinable for two reasons. First, extradition law and treaties never define the term political offense; and second, each state decides unilaterally which offense merits be considered a political one.⁵⁵ Defining what constitutes a political offense is a state's prerogative, which will lead to each country to have its own different definition. The situation is the following: a common crime in one country, correspondingly, can be considered a political crime in another.

As an exception, it is not completely exempt from other exceptions such as the one known as *clause d'attentat*. The *clause d'attentat* has been adopted in several extradition treaties, bilateral and multilateral. It appears in the extradition treaty between Turkey and the United States as "any offense committed or attempted against a Head of State or a Head of Government

⁵³ Kenneth S. Sternberg and David L. Skelding, "State Department Determinations of Political Offenses: Death Knell for the Political Offense Exception in Extradition Law," *Case Western Reserve Journal of International Law*, Vol. 15, No. 1 (1983): 138-139.

⁵⁴ Van Den Wijngaert, "The Political Offense Exception," 743;

⁵⁵ *Ibid.* 744.

or against a member of their families shall not be deemed to be an offense of a political character.”⁵⁶

On the other extreme, some scholars consider that the political offense exception goes too far in accommodating that certain criminals and crimes go unpunished. They consider it to be an unjust exception when particular atrocious crime of a political character, including terrorism, could qualify for the exception (Ivor and Clive Standbrook, 2000; Van Den Wijngaert, 1983). The widespread occurrence of terrorism in modern times has revealed differing attitudes towards politically motivated- violence. Those using it may be regarded as freedom fighters waging an armed struggle for worthy objectives by one state, but other might be regarded as violent terrorists. The present state of international law accommodates both views. The political offense exception is a mechanism which sits uneasily between the two.⁵⁷

Moreover, despite being universally accepted, the political offense exception provokes tensions and discussion, not only from the legal perspective but also in its practice. All political problems in the world have a winner and a loser. The ones that lose, either by not being able to hold power or failing to achieve the political change they wished to with their actions normally escape to other countries seeking protection. The problems arise when knowledgeable political dissidents claim protection under the political offense exception (Van Den Wijngaert, 1983) and when the extradition request is intended for political oppression, but not when the requesting state’s motive is not other than enforcing its own criminal law.

⁵⁶ Extradition Treaty Between the United States and the Republic of Turkey, TIAS 9891, 32 U.S.T. 3111, June 7, 1979, Date-Signed; January 1, 1981, Date-In-Force. Art. 3; Art. 3 of the 1957 European Convention on Extradition.

⁵⁷ Standbrook, Extradition Law and Practice, .67.

Finally, whatever the complication might be, by either definition, interpretation, or the applicability, some political offenders are getting away with their crime. The impunity of political offenders under the political offense exception, regardless the seriousness of their crime, constitutes the major drawback of the existence of the rule. Abarca's case could be a good example of the ambiguities surrounding the political offense exception. Abarca was a Spanish national who placed a bomb on an Iberia aircraft in Geneva, Switzerland. He was an adversary of Francisco Franco and claimed that his crime was political. He escaped to Belgium where the Court of Appeal did not accept his claim and granted the extradition request of Switzerland. Due to political pressure from the Socialist Party, the Minister of Justice, who happened to be a socialist and who has the last decision on the extradition in Belgium, refused Abarca's extradition on the ground of the political offense exception and compared his actions to other similar attacks committed in Europe by the anti-Franco organization. The refusal of his extradition request finds no justification as it was requested by a neutral state, and with no risk of an unfair trial.⁵⁸ Switzerland was neutral to the conflict as the crime was committed on its soil and not in Spain where he could face an unfair trial. On the other hand, Switzerland motives were not others than enforcing its own criminal law. Christine Van Den Wijngaert (1983) denotes that domestic pressures as happened in this case might plague the ultimate decision.

A good example of a similar case but with a different outcome was the extradition of Tzu-Tsai Cheng from Sweden and United Kingdom to the United States. Cheng was one of the participants of the 1970 assassination attempt of Taiwan vice-Premier Chiang Ching-kuo in New York City. As a political opponent of the regime that ruled Formosa at the time, his assassination attempt was a clear act of political opposition. The political offense exception was raised while

⁵⁸ Case not published. Van Den Wijngaert, "The Political Offense Exception," 749-750.

in the United Kingdom, but since the requesting country was the United States and not Taiwan, the court refused his claim because the offense was not directed against the requesting country. It was claimed on behalf of Cheng, unavailingly, that his offense was directed against the US for its support to the Taiwanese regime. The request of a third party within whose jurisdiction a crime has been committed had no motive but the enforcement of its own law and did not involve the question of political asylum. There was no evidence in Cheng's case to show that the US's motive was anything but the desire to enforce its own criminal law.⁵⁹ He was then extradited to the US.

2.3 Obligation to Extradite or Prosecute

To this point, it is understood that the current extradition procedure presents many ambiguities and challenges. However, **why extradition causes conflict?** Extradition causes conflict because it is limited by whatever the domestic laws of the states impose on it, the areas of applicability, and the exceptions or limitations to the rule. Likewise, the requested state is not as interested as the requesting state in prosecuting the criminal since the crimes did not affect it directly. The anarchical system of international law with the lack of a supranational authority that decides the merits of the extradition request and the enforcement of the treaties also constitutes a major problem as the requested country will have to take a decision that might not be the one expected by the requesting state and, as a result, creates animosity between them. Notwithstanding the limitations and challenges, the major concern is focused on the fact that even when the crime does not constitute an extraditable offense, criminals should not get away by taking advantage of the loopholes and differences in the judicial system of the countries

⁵⁹ Tzu-Tsai Cheng v Governor of Pentonville Prison [1973] 2 All ER 204, [1973] Quoted in Standbrook, Extradition Law and Practice, 74.

involved. In an effort to cope with this issue, countries can still cooperate by prosecuting criminals in their own territory when extradition is denied. When it does constitute an extraditable offense, most extraditions occur in the presence of a treaty and in its absence by reciprocity.

First, whether an extradition request is honored by a treaty or by statute, the domestic legal framework of that given country has to allow it. Extradition by treaty implies an existing and ongoing relation between the signatory countries and willingness for cooperation. For those who favor one over the other, or only support extradition in the presence of a treaty, a fundamental question will be “is extradition a legal or merely a moral obligation to surrender criminals?” Most countries will not extradite in the absence of a treaty, making it impossible to get a fugitive back.

In the same vein, extradition treaties, bilateral or multilateral, not only supply the broad principles and the detailed rules of extradition but also dictate the very existence of the obligation to surrender fugitive criminals. When extradition takes place in the absence of a treaty, it is considered an act of grace rather than of obligation. Significantly, in many such countries ‘extradition by statute’ is dependent upon an *ad hoc* guarantee of reciprocity, which is a tantamount to a treaty.⁶⁰

The existence of a treaty implies that the party states have agreed to cooperate in this matter. Petersen (1992) considers that extradition treaties are based on the principle of mutuality as with every offender extradited to a requesting state, the requested state's chances grow that when the roles are reversed one hand will wash the other. She continues arguing that the

⁶⁰Shearer, Extradition in International Law, 22.

contracting states accept each other's sovereign right to prosecute offenders when the crimes they are accused of have injured the state, but warn the readers that such treaties should not be overestimated as effective measures for cooperation. Cooperation, therefore, means that the loyalty and willingness to cooperate stipulated in these treaties will manifest only in the refusal from that state to grant refuge to an alleged offender of that country⁶¹ and support his cause.

Extradition treaties normally enumerate which offenses are extraditable. They also mention the exceptions - e.g. the non-extradition of nationals, the political offense exception, the principle of speciality, double criminality, humanitarian considerations, etc. These exceptions are more focused on the conduct of the state rather than the crime committed. Extradition treaties also include the extensive procedural requirements and the information that needs to be provided by the requesting state to the requested state. Likewise, they mention the costs of extradition and the obligation to inform the other party the reasons for refusal.⁶²

Moreover, it is up to each individual state to decide how it wants to be bound to accept an extradition request. Most states opt to have a formal legal treaty with another state where the circumstances under which an extradition request can be granted are clearly stipulated. However, is extradition still possible in the absence of a treaty? Yes. Other states have not been able to sign as many treaties as the major powers have, but have accommodated their domestic legislations to allow extraditions to countries it has not an extradition treaty with yet. Much of the extradition requests that are granted outside a treaty happen through reciprocity or comity.

⁶¹Antje C. Petersen, "Extradition and the Political Offense Exception in the Suppression of Terrorism," *Indiana Law Journal*, Vol.67, no. 3 (1992): 771.

⁶²Extradition Treaty between the United States and the Republic of Turkey.

Some countries like the US have taken a strong stance on extradition, only allowing it to happen under a treaty. The Supreme Court of the United States firmly lay down as early as 1840 that no obligation to extradite existed apart from that imposed by a treaty.⁶³ This policy helped the United States maintain a position of neutrality with countries it has not started formal diplomatic relations and did not want to be involved with yet in regards to political dissidents that went to the US. In fact, “*Common Law*” countries overall do not extradite in the absence of a treaty. The law in the United States requires the existence of a treaty for extradition.⁶⁴ Argentina, by contrast, allows extradition to happen either by a treaty or through reciprocity.⁶⁵

To avoid impunity of the offender in the absence of a treaty or another limitation such as the non-extradition of nationals and the political offense exception, which could impede the extradition, the requested state could still prosecute the criminal. Hugo Grotius deemed extradition as an act with two possible actions from the state, “to either extradite or themselves to punish fugitive criminals” –*aut dedere aut punire*.⁶⁶ In modern extradition law, Grotius’s phrase has been adapted to prosecution instead of punishment. Today is it known as “*aut dedere aut judicare*.” Grotius considered that asylums were open to those who had killed anyone by a weapon escaping from their lands, but deliberate murderers, or those, who had disturbed the peaceful order of the state, found no protection even from the altar of God.⁶⁷ In his view, heinous and unjustifiable crimes should never go unpunished even if the requested state refuses to grant the extradition request.

⁶³ Holmes v. Jennison, 39 U.S. 540 (1840), <https://supreme.justia.com/cases/federal/us/39/540/case.html>

⁶⁴ Valentine v. United States ex rel. Neidecker, 299 US. 5,9 (1936), <https://supreme.justia.com/cases/federal/us/299/5/>

⁶⁵ Código Procesal Penal de la Nación. Ley N° 23.984. Promulgada: 4 de setiembre de 1991. Argentina. Article 53.

⁶⁶ Standbrook, Extradition Law and Practice, 4.

⁶⁷ Hugo Grotius, On the Law of War and Peace (Kitchener: Batoche Books, 2001), 219.

A series of existing international treaties require to either taking steps towards prosecution or a trial in lieu of extradition. For example, the 1970 Hague Convention for the Suppression of Unlawful Seizure of Aircraft in article 7⁶⁸ request states to at least refer the case to the competent local authorities. Other treaties include an obligation to prosecute the offenders when the offenses are not extraditable regardless the nationality of the offender such as the 1929 Convention for the Suppression of Counterfeiting Currency,⁶⁹ and when the person has not already been prosecuted as in the 1961 Single Convention on Narcotic Drugs.⁷⁰ The Geneva Conventions, like the Convention for the Amelioration of the Condition of the Wounded and Sick of Armed Forces in the Field,⁷¹ in relation to prisoners of war, also stipulates the obligation to prosecute grave breaches regardless of the nationality or extradite the accused to the country that has made prima facie case.

Former Irish Attorney General, Mr. Costello, remarked as early as 1975 the alternative obligation to extradite or prosecute, as a method for bringing international offenders to trial, seemed to be “the one which the international community favors.”⁷² In some cases, different factors such as the nationality, the absence of a treaty or formal diplomatic relations between the parties involved make it more difficult for extradition to happen. Nevertheless, when extradition is refused for such reasons, it does not constitute an excuse for states to not comply with their international duties and obligations and let the alleged criminal go unpunished.

⁶⁸Hague Convention for the suppression of Unlawful Seizure of Aircraft. No. 12325. (United Nations treaty. 1970) See Art. 7.

⁶⁹International Convention for the Suppression of Counterfeiting Currency, (Geneva: League of Nations, April 20, 1929). Articles 8, 9, and 10.

⁷⁰Single Convention on Narcotic Drugs, (United Nations, 1961), Article 36.

⁷¹Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. (Geneva: United Nations, 12 August 1949) Article 49.

⁷²Bassiouni, *Aut Dedere Aut Judicare*, 19.

2.4 Political Extradition Cases

2.4.1 Mohammad Reza Pahlavi, Shah of Iran

A great example of international relations issues related to extradition was the Iranian revolution and the downfall of Iran-US diplomatic relations. Although United States never granted political asylum to the Iranian Shah and that he was requested to leave the country, the admittance of the Shah to the country and refusal to extradite him were enough to trigger the break of diplomatic relations and later animosity between them.

Looking at the disturbing history between Iran and US, one can easily notice the controversies that can arise out of denying an extradition request regardless of the legality and formality an actual request should have. The implications that were seen in the aftermath of the Iranian revolution in regards to security and diplomatic relations represent an important study for the development of this work.

When the Iranian revolution broke, the Shah escaped to Egypt on January 16, 1979. Just two days after his escape on January 18, President Carter, in a press conference, acknowledged the situation in Iran and openly said that his administration supports the new government. He also added that the Shah will go to the US, but stressed the hope of the US government to maintain good relationships with Iran.⁷³

As defiance to Carter's statement of support for the new regime, the Shah moved to Morocco on January 22 instead of the US, where he the King hosted him in a palace near Rabat.

⁷³ "A Transcript of President's News Conference on Foreign and Domestic Matters; Opening Statement," *The New York Times*, January 18, 1979.

On February 18, 1979, Ayatollah Ruhollah Khomeini informally notified Morocco that he will demand the extradition of Shah Mohammed Reza Pahlavi to face trial before a revolutionary tribunal for “crimes against the Iranian people.”⁷⁴ Sources said the King will refuse to hand over the Shah and will ask him to find asylum elsewhere.⁷⁵

The Shah then traveled to the Bahamas and Mexico before being granted permission to enter the United States to seek medical treatment. Iran threatened Mexico with deteriorating diplomatic relations, but since there were any special economic or security relations between the two countries, or diplomatic representation in Tehran, Iran had little leverage on Mexico. All of this time, ongoing pressure from high political figures in Washington had pushed to allow the Shah into the United States, a man who had been a staunch ally to that country for more than 30 years. However, Washington resisted, thinking about the possible implications such a move would entail for the United States. The US embassy in Tehran had been attacked in several occasions that year, compromising the security of diplomatic personnel. However, due to the critical health condition of the Shah, he was allowed in for humanitarian reasons on October 22, 1979. In less than two weeks, on November 4, the embassy was seized by a group of revolutionary students with no opposition from the government. Sixty-one embassy personnel were taken as hostages.⁷⁶ Khomeini used the opportunity to request the extradition of the Shah in return for the release of the hostages.⁷⁷

⁷⁴ “Iran Likely to Demand Extradition of the Shah”, *The New York Times*, February 17, 1979.

⁷⁵ “Iran Seeks to Extradite Shah,” *The Washington Post*, February 18, 1979.

⁷⁶ Lyn Boyd, “A King’s Exile: The Shah of Iran and Moral Considerations in U.S. Foreign Policy,” *Institute for the Study of Diplomacy of Georgetown University*, (2000): 1-12

⁷⁷ Peter L. Hahn, *Crisis and Crossfire: The United States and the Middle East since 1945* (Washington, DC: Potomac Books, 2005), 74.

In the months following the revolution, the new Iranian regime had made it clear their intentions to prosecute the Shah, to get revenge for what they considered a brutal dictator. They had already notified Morocco and severed relations with Egypt for their support to the Shah. In such situation, the United Kingdom felt uneasy with the presence of the deposed Shah in The Bahamas for a possible retaliation. Mexico, for example, received threats from Iran. It was a risky move for the United States to make. Washington had already contemplated the implications and foreseen the possible seizure of the embassy. The New York Times reported that prior accepting the Shah into the United States, President Carter had consulted with Iranian officials in Tehran and thought they had secured protection for the embassy.⁷⁸

Prior demonstrations against the embassy were fueled by the perception that the United States might plan and support another similar coup as it has in 1953 to restore the Shah back to power. At “The Great Aban 13th Exhibition,” in what used to be the US Embassy in Tehran, walls are full-covered with posters naming the embassy a spying nest. Privileges given to American citizen during the Shah regime were another reason for the demonstrations. The acceptance of the Shah into the United States was not the only reason for the crisis, but it was the one that exacerbated the problem. The United States lost all chances to build confidence with and gain trust from the Islamic government in order to establish fresh diplomatic relations. It is not possible to say that if the United States had not accepted the Shah’s request to seek medical treatment in New York, both countries would have normalized diplomatic and security relations. Suffice is to say that it could have at least prevented the hostage crisis.

⁷⁸ “Why Carter Admitted the Shah,” *The New York Times*, May 17, 1981.

Regarding the extradition as a legal process, several factors would have made it impossible for the United States to extradite the Shah to Iran. The United States did not have an extradition treaty with Iran,⁷⁹ and therefore was not obliged to proceed with the request. The United States has a long policy of not extraditing in the absence of a treaty. In addition, there was never a formal written extradition request in which the Iranian government provided documents supporting the crimes he was accused of. At “The Great Aban 13th Exhibition,” the personnel explain to the public that Ayatollah Khomeini sent a letter to the United States requesting the extradition of the Shah before the hostage crisis took place.⁸⁰ However, no record of the existence of such letter is available nor has the author been able to find it. The only statement came on from the Oil Workers Union October 28, threatening to impose an oil embargo to exports to the United States unless the Shah is extradited to Iran.⁸¹

The extradition of the Shah represented many challenges to the United States. One of the challenges was the domestic laws of the United States, and another one its reputation. Even in the presence of a treaty, a request for the extradition of Shah would have been undeniably denied by any court in the United States for humanitarian reasons and the political offense exception. It was clear that if the Shah was extradited to Iran, he was going to be executed as many members of his monarchy were, without a fair trial and as a form of political oppression.

Exactly a month after the seizure of the embassy, Mardom, the newspaper of the Communist Tudeh Party in Iran, reported that the Khomeini-led Revolutionary council was divided, that it had no foreign policy, and that it was not giving the country any direction. The

⁷⁹List of Extradition Treaties of the United States up to 2002. US Department of State. <https://www.state.gov/s/treaty/faqs/70138.htm>.

⁸⁰ Author’s personal visit to the museum in April of 2017.

⁸¹ “The Iran Hostage Crisis a Chronology of Daily Developments,” *Committee on Foreign Affairs U.S. House of Representatives*, (March, 1981), 35.

Tudeh party had supported Khomeini on most issues in the past, raising the possibility that Tudeh, and perhaps other leftist elements, might be drawing away from Khomeini.⁸² The new government did not only lose its credibility with the international community, but also with elements within Iran. More than using the legal channels available, the Iranian radicals thought they could use the hostages in a kind of swap similar to those of prisoners of war. Requesting the extradition of the Shah was also a tactical political move from Khomeini to deflect the problems of the government he was trying to establish in Iran without having any prior experience in the state.

Perhaps, the new regime in Iran could have been more successful in trying to punish the Shah with a different approach and through different channels, for example the principle *aut dedere aut judicare*. This could have been possible if the UN Commission of Inquiry had been successful in the investigation they conducted about the crimes allegedly committed by the Shah, following the hostage crisis. However, the Shah was forced to leave the United States in December bound to Panama and then to Egypt. In order to prosecute the Shah, since he was no longer in the United States, Iran would have had to make such request to Panama or Egypt. In fact, the Iranian government demanded the arrest of the Shah in Panama with an extradition request, but did not provided documents supporting the charges of torture, murder, and embezzlement on time.⁸³

Khomeini had no experience running a country, and his religious-base type of government had little to do with governing outside of aspects confined within Islam. The way Iran tried to get the Shah extradited and then how it handled the hostage crisis reflects the lack of

⁸² "The Iran Hostage Crisis a Chronology of Daily Developments," 64.

⁸³ Boyd, A King's Exile, 12-14.

experience. As a result, Khomeini severely damaged his image in the world and Iran's reputation into a country of hostilities. Even in the case of the extradition request to Panama, the Iranian government had more than a year to prepare a thorough case against the Shah, reflecting again the inefficiencies of the government.

The whole mess of the Shah's extradition led to the final break of diplomatic relations between the United States and Iran. In the eyes of Mr. Khomeini, the US's reluctance to extradite the Shah, when it had the chance, sent a clear message to the Iranian people it did not have the intentions to amend its support for what they considered a ruthless dictator. Regarding the security relations, it also made clear that the US and Iran were willing to sacrifice the alliance between the two over the Shah.

Domestic pressures in both the United States and Iran plagued the extradition request of the Shah. The international community also played a role in trying to secure the release of the hostages, but did not interfere in the name of Iran. Even the taken of the hostages did not give enough leverage to Tehran to persuade the United States to extradite, or in other words swap the Shah for them. Collaboration failed and the Shah was never prosecuted.

Finally, the Shah's extradition case mirrors other problems between the relationship of Iran and the United States. The lack of interdependence in other areas such as the economy and security at the time blinded the Iranian leaders. For them, Iran did not need the United States for its survival, while the animosity with the United States boosted the Ayatollah's image in the country. The pursuit of self-interest in the case of Iran with its revolution led to very poor outcomes after the release of the hostages. This was reflected in the support from the United

States to Iraq during the Iran-Iraq war 1980-1988, Iran isolation afterwards, and the economic sanctions that followed.

2.4.2 The Irish Insurgency

The United States became a destination for members of the Irish insurgency that sought the independence of Northern Ireland from the United Kingdom. Both countries do not engage in extradition in the absence of a treaty, therefore, any request should happen under the confines of the existing treaty between them. The UK, in particular, was keen in getting the offenders back as the insurgency had affected the country's order. Applying the incident test, which ironically was originated in Britain, the United States' courts decided on several extradition requests, most of which were denied. The incident test is used to determine whether the political offense exception bars extradition. Continuing on, the incident test establishes that political offenses must be incidental to and formed a part of a political disturbance.⁸⁴ Incidental means that the crime must be consider a normal offense, but when committed in the middle of a political uprising it then constitutes a political offense and, therefore, the offender is protected from extradition. Besides the first two elements, the courts also require that the person who committed the crimes be engaged in acts of political violence and that these acts are committed within the territory where the uprising is taking place.⁸⁵ This last requirement is tantamount to achieve the political change the accused is seeking; crimes committed in other territories will not produce the change the accused is looking for.

⁸⁴Divisional Court. In Re Castioni. [1891] 1 Q.B. 149

⁸⁵Rabia Anne Cebeci, "International Extradition Law and the Political Offense Exception: The Traditional Incidence Test as a Workable Reality," *Loyola International and Comparative Law Review*, Vol. 10, No. 3 (1988):641.

In two separate cases, *In re McMullen* and *In re Mackin*, the United States denied the extradition requests made by Britain because the defendants were able to prove their affiliation to insurgency groups, the Provisional Irish Republican Army (PIRA) and the Irish Republican Army (IRA); the requests were based on crimes that took place during the uprising in Ireland. McMullen was accused of bombing military barracks while Mackin was accused of murder. In spite of being horrendous crimes, their offenses satisfied the court's requirement that they were incidental to a political contest concerning the control of the state.⁸⁶ The political offense exception provided with impunity the offenders.

By contrast, in another case, *Quinn v. Robinson*⁸⁷, British officials sought the extradition of William Joseph Quinn, an alleged PIRA member, also on charges of murder and conspiracy to cause bomb explosions. Allegedly, Quinn had been involved in a conspiracy with PIRA members who planned a number of bombing incidents. Quinn's murder charges centered on the incident of shooting and killing an off duty police officer in England. While applying the incident test, the court concluded that Quinn was subject to extradition because the murder he was accused of occurred in England and not in Ireland where the uprising was taking place.⁸⁸ For the purpose of extradition, crime did not go unpunished.

Even though both countries are important security and economic allies, and the fact that the Irish insurgency represented a threat to the stability and peace of the United Kingdom, extradition requests have become a non-issue between these two states, even when a request could be denied, showing that the courts can rule against a friendly state. The political offense

⁸⁶Ibid. cases quoted in 641.

⁸⁷Ibid. Case quoted in 650-653.

⁸⁸ Ibid, 650-653.

exception had become a standard procedure normally left to the judiciary to act independently from governmental or external pressures. The interests of the UK to get the accused back were clear (application of its own criminal law- retribution and deterrence), but the denial of the extradition requests of the first two cases were seen as act of sovereignty and a state prerogative. The decision to deny the extradition did not imply that the United States was protecting or supporting the insurgency in Ireland. Perhaps, this was possible due to the extensive experience both countries have in extradition and international law. The domestic laws of the United States and the political offense exception were the reason of the denial of the request, but it did not cause a problem among them.

In the same vein, for not antagonizing an important security ally such as the United Kingdom, also a member of NATO, the executive level took other measures to prevent more dissidents from claiming protection under the political offense exception. As a matter of political and diplomatic expediency, the US State Department started denying visas for member of the IRA or PIRA or any political party whose aims were to secede from the union. Nonetheless, Kenneth S. Sternberg and David L. Skeldingt (1983) concluded that if the United States was intentionally denying visas for alleged members of the IRA or PIRA, although the action is different, the diplomatic and political impact is similar. Such action constitutes a clear discrimination, and to some extent, a violation of the purposes of the political offense exception. The US actions constituted a tacit support to the interests of the United Kingdom.⁸⁹ With this move, the United States was able to avoid more involvement in the conflict. However, it was not expected that the United Kingdom would pressure the United States as Iran did. In regards to the

⁸⁹ Sternberg, State Department, 156-158.

reputation, denying visas did not tarnish US's reputation because they are not bound by any treaty or international obligation to grant them.

2.4.3 Hissène Habré, Former President of the Republic of Chad

The application of the principle “*aut dedere aut judicare*,” or the obligation to extradite or prosecute, is seen in the recent trial of former Chadian dictator Hissène Habré. Habré was president of Chad for 8 years from 1982 to 1990, year he was ousted during a rebellion led by current president Idriss Déby. During his presidency, tens of thousands of people were brutally killed and tortured. A 1992 Chadian Truth Commission accused Habré's government of systematic torture, saying 40,000 people died during his rule.⁹⁰ However, Chad never requested, formally or informally, pursuant to a treaty or by comity, his extradition or prosecution to Senegal.

Following several lawsuits, criminal complaints, and failed prosecution to either him or his accomplices in Senegal and Chad,⁹¹ Belgium conducted an investigation and requested his extradition in two occasions, in 2005 and 2011, invoking it had authority to prosecute Habré for crimes against humanity under international jurisdiction. Despite the lack a mutual extradition treaty, Belgium also invoked the international obligation to prosecute or extradite him present in the UN Torture Convention of which Senegal is a signatory member, deflecting from complications of the domestic laws. In the face of international pressure from the United Nations (UN), the International Court of Justice (ICJ), several human rights organizations, the African Union (AU), and the Court of Justice of the Economic Community of West African States

⁹⁰ Jenna Belhumeur “Court upholds life sentence of Chad's Hissene Habre,” *Aljazeera*, 28 April 2017.

⁹¹Reed Brody “Chad: The Victims of Hissène Habré Still Awaiting Justice”, *Human Rights Watch*, (July 12, 2005).

(ECOWAS), Senegal's President Abdoulaye Wade accepted a proposal by the AU to try Habré in Senegal in the name of Africa, but not in Belgium.⁹² Habré was finally sentenced to life in prison to be served in Senegal on May 30, 2016, becoming the first verdict of its kind where a former president is sentenced in another country for human rights violations.⁹³

From this last case, it can be noted that international pressure can persuade countries to prosecute political criminals, regardless how influential or powerful they were, when they have refused to extradite them. The position of Christine Van Den Wijngaert that the ultimate decision of extradition may be plagued by international pressures in this case is extended to the principle “*aut dedere aut judicare*” where there was also an obligation to prosecute the offender. This case did not lead to any break of diplomatic relations because there was not a real interest or the means to prosecute Habré in Chad. Despite the efforts of the True Commission, the government itself did not make any pressure to bring Habré back to face justice in Chadian soil. Notwithstanding the lack of interest and direct involvement from the Chadian government, it was only possible to finally sentence Habré through international pressure and cooperation from the different organizations and governments, especially the AU.

⁹² Ibid; “Senegal: Habré Trial an ‘Illusion’,” *Human Rights Watch*, June 9, 2011.

⁹³ Angela Dewan and Brent Swails, “Ex-Chad dictator sentenced to life for war crimes”, *CNN*, May 30, 2016.

Chapter 3 Turkey–United States Security Relations

Cooperation theory, by Robert Axelrod, explains that well-established alliances make cooperation stable, durable, and frequent. Although Turkey-US security relations have been everything but stable during the past decade and a half, this chapter intends to show that their alliance has maintained its importance throughout the years despite the existence of major disagreements and clashes. Likewise, it intends to demonstrate that the security alliance is still relevant and important for the interests of both states. Because Turkey and the United States have established a strong alliance, interdependence has remained and cooperation has continued. The existence of common threats that are not resolved yet provides for the incentives for future cooperation. Other factor, such as Turkey's dependency on the US for military equipment and training of its military personnel in Turkey's own military bases make their interactions more frequent. Continuing on, this chapter only focuses on the security matters that are related to both countries. It outlines the security cooperation during the Justice and Development Party (AKP)'s government.

US-Turkey security relationship has been described as a strategic alliance. Turkey's geostrategic location in the crossroad of Europe and Asia, especially between the Balkans and the Caucasus regions, bordering the most troubled and volatile nations in the Middle East (Syria, Iraq, and Iran), reminds Washington how important, and possibly, irreplaceable an ally Turkey is. However, due to the importance and interdependence of their security relations, both countries have tended to take each other's cooperation for granted without accommodating their policies to the other's interests or compromising where a convergence of interests can be found.



Figure 2 US and NATO Military Bases in Turkey

Source: Zanotti, Congressional Research Service, December 20, 2013.

It is important to stress that the primary motivation for alliances is to enhance state security in the face of some immediate or future external threats. States seek alliances primarily to enhance their capabilities through combination with others, which helps to deter a potential aggressor and avoid an unwanted war, to prepare for a successful war in the event that deterrence fails, or more generally to increase one’s influence in a high- threat environment or maintain a balance of power in the system.⁹⁴ The constant wars and conflicts in the region, where both the United States and Turkey have directly or indirectly been involved, or to some extent threatened by their existence, make the alliance relevant and meaningful. Then, it will be expected to see a strong unity and cooperation when common security concerns are greatest. Contrarily and logically, when security threats are low, it is expected to see the level of cooperation goes down. The key for the continuity of the alliance lies in maintaining a balance in between.

⁹⁴ Michael N. Barnett, “Identity and Alliances in the Middle East,” in *The Culture of National Security: Norms, and Identity in World Politics*, ed. Peter J. Katzenstein (New York: Columbia University Press, 1996), 400.

3.1 Turkey and the United States in the 21st Century–AKP Government

Turkey post-Cold War problems emerged again in the new century. Despite Ankara's more dialogue-oriented policy,⁹⁵ and the later application of the "Strategic Depth Doctrine," the US 2003 invasion of Iraq, Iran's nuclear ambitions, the Arab Spring with the subsequent civil wars in Libya and Syria, and now the increase of terrorism in the region put Turkey in an ambiguous situation as it try to raise as a regional power by balancing its own security threats, economic interests, and its relationship with the United States. In more than 50 years of bilateral relations, Turkey's interests have shown a clear tendency to often overlap with those of Americans.

In the 21st century, most problems and security concerns of the United States came from the greater Middle East. This reality added importance to its strategic alliance with Turkey as since the early years, the United States clearly showed it wants to make use of Turkey's geographic location to forward its interests in the region. Turkey's territory and military personnel became even more important for the United States and NATO than during the Cold War, but its influence with the United States is strictly attached to its competence to bring about changes in the region that are in line with US interests.

Turkey's ambitions to become a regional power have been linked to its Islamic identity and legacy as the predecessor of the Ottoman Empire. The development of the Strategic Depth Doctrine under the AKP, an Islamic oriented party, increased supporters of the theory that the new government has a hidden agenda to establish Turkey as a regional Islamic leader even at the

⁹⁵ "Rebuilding a Partnership: Turkish-American Relations for a New Era- A Turkish Perspective", *Turkish Industrialists' and Businessmen's Association (TÜSIAD)*, No-T/2009-04/490 (April, 2009): 23.

cost of its security and foreign policy ties with the US and the West.⁹⁶ For Emiliano Alessandri (2011), US-Turkish relations have become tense not because Turkey ‘has gone Islamist’, but because the alliance has not fully adjusted to the new reality of Turkey as a regional power with its own legacies and interests in its neighborhood.⁹⁷ The emphasis on security issues concerning the two countries have provided for considerable continuity despite the apparent mistrust and misunderstanding over policies in the region, and at the same time explains that Turkey cannot improve relations with all of its neighbors and the US simultaneously.

Ahmet Davutoğlu, who will later become Minister of Foreign Affairs and Prime Minister under the Justice and Development Party (AKP), developed the Strategic Depth Doctrine. This doctrine is based on the idea that Turkey should be in the center of politics in its immediate neighborhood, rather than being peripheral, giving it better relations and economic interactions. This strategy symbolizes an independent Turkish Middle East policy. The main principle of this doctrine is the “zero problems with neighbors.”⁹⁸ This doctrine has characterized Turkish foreign policy as multifaceted, because it tries to build friendly relations with countries its traditional allies (US, EU) are at odds with- namely Iran, Russia, and Syria- all at the same time.

3.2 Turkey’s Foreign Policy in the Middle East–Israel, Syria and Iran

Turkey’s rapprochement to its Middle Eastern neighbors bore fruits mostly with Syria and Iran. Both countries had extended their support to Turkey in the fight against the Kurdish insurgency while improving exponentially bilateral trade. These events highlight the early

⁹⁶ Ariel Cohen, “Obama’s Best Friend? The Alarming Evolution of Us-Turkish Relations,” *The Begin-Sadat Center for Strategic Studies*, No. 100 (May, 2013):12

⁹⁷ Emiliano Alessandri, “Turkey and the United States,” In *Turkey’s Global Strategy*, ed. Nicholas Kitchen, *London School of Economics- IDEAS* (May, 2011): 47.

⁹⁸ B. Senem Cevik and Philip Seib, *Turkey’s Public Diplomacy* (New York: Palgrave MacMillan, 2015), 60.

successes of the implementation of the Strategic Depth Doctrine. Other areas of integration and peace dealing process have not been so successful as in the Palestinian-Syria-Israel peace process, or with Armenia.

In the case of Syria, since the al-Assad regime expelled PKK leader Abdullah Öcalan from Damascus in 1998 and halted its support for the Kurdish separatists,⁹⁹ the bilateral relations flourished. After the AKP victory in 2002, cooperation between Damascus and Ankara showed a sharp increase in three areas: in the economy, politics, and the military. Trade was benefited by a free-trade agreement (FTA) that came into force in 2007 and the tourist sector with the lifting of visa restrictions in 2009. Turkey became Syria's largest single investor, and by 2007 Turkish foreign direct investment doubled to 146 million in comparison to 2006.¹⁰⁰ In the areas of security, Turkey and Syria started collaborating on a very long water dispute over the Euphrates, and the PKK. For example, Assad provided Turkish invasion of Iraqi territory to destroy newly built PKK bases with international support in 2007.¹⁰¹

Moreover, in the case of Iran, common security concerns brought the two countries closer than ever. In 2004, Prime Minister Recep Tayyip Erdoğan visited Iran to sign a security agreement branding the PKK a terrorist organization. Cooperation deepened in 2007, when the secretary of the Iranian Supreme National Security Council, Ali Larijani, suggested that Turkey join Iran and Syria in a security platform to tackle Kurdish transnational terrorist organizations, a proposal that Turkey accepted. In April 2008, the two countries signed a memorandum of understanding foreseeing intelligence sharing in ongoing operations. By June of the same year,

⁹⁹ Khalilzad, *The Future of Turkish-Western Relations*, 33.

¹⁰⁰ Cevik, *Turkey's Public Diplomacy*, 70.

¹⁰¹ Christopher Phillips, "Turkey and Syria," In *Turkey's Global Strategy*, ed. Nicholas Kitchen, *London School of Economics-IDEAS* (May, 2011):36

Turkey and Iran undertook a coordinated air strike in the Qandil Mountains against the PKK and its affiliates.¹⁰² Cooperation paid off for Iran who was removed from the list of threats on Turkey's Red Book in 2010.¹⁰³

Bilateral economic cooperation between Iran and Turkey also improved, especially in the energy sector. In 2007, Turkey and Iran signed several agreements to develop Iran oil and gas industry. These plans drew criticism from the United States, which opposed any third-country investment in Iran.¹⁰⁴ As a result, Turkey found itself in a dilemma to either continue obviating sanctions imposed on Iran or risk its relationship with Washington. As a way to comply with the sanctions, Turkey abandoned a US\$ 7 billion oil project with Iran in 2008.¹⁰⁵

On the other hand, Turkey's increasing role as a regional power permitted Ankara to become one of the negotiators in 2009-2010, along with Brazil, of a deal over Iran's nuclear program. Turkey's participation was ideally since the country has an exemplary nuclear nonproliferation record.¹⁰⁶ Although Iran accepted the deal, Washington disapproved. Instead of taking advantage of Turkish's mediation with Iran, the United States opted to use its position in the Security Council to impose more sanctions. At the time, Turkey, was a non-permanent member and voted against Resolution No. 1929 on June 9, 2010, resulting in a diplomatic fall-out with the US. The new sanctions sought to cut off Iran from the international payment system

¹⁰²Nathalie Tocci and Joshua W. Walker, "From Confrontation to Engagement: Turkey and the Middle East," in *Turkey & Its Neighbors: Foreign Relations in Transition*, ed. Ronald H. Linden et. al. (Boulder Lynne Rienner Publishers, 2012), 37.

¹⁰³ Ercan Yavuz, "Israeli-caused instability makes its way to Turkey's security document," *Today's Zaman*, October 29, 2010, 1.

¹⁰⁴F. Stephen Larrabee, *Turkey as a U.S. Security Partner*, (Santa Monica and Arlington: RAND Corporation -Project Air Force, 2008) 11-12.

¹⁰⁵Mortiz Pieper, "Turkey's Iran Policy: A case of Dual Strategic Hedging," in *Politics and Foreign Policy in Turkey- Historical and Contemporary Perspectives*, eds. Kilic Bugra Kanat, Ahmet Selim Tekelioglu, and Kadir Ustun (Ankara: Young Scholars on Turkey- SETA, 2015), 119.

¹⁰⁶Richard Weitz, "Turkey's New Regional Security Role: Implications for the United States," *Strategic Studies Institute and U.S. Army War College Press*, (September, 2014): 11.

in US dollars, but Turkey bypassed the sanctions by paying Iran in gold and Turkish Liras, making Washington angry. Two actions of Turkey in the following years pursuant the sanctions, one in 2011 with the seizure of an Iranian plane bound to Syria with illegal weapons, and the second one in 2012 with the reduction of 20 percent from its oil imports from Iran, reflected positively on its relations with the United States.¹⁰⁷

Economic cooperation between Ankara and Tehran, as well as the removal of the Islamic Republic as a threat, highlighted the divergence of the United States and Turkey foreign policies towards Iran. Furthermore, Ankara's engagement policy with Iran has made it clear it does not agree with the isolation policy Washington has for Tehran. Trade and dependency on Iranian energy resources are the main drivers of this engagement policy, but in order to maintain a balance between the two, Turkey has cautiously taken actions against Iran. The presence of conflict in the region and a possible nuclear arm race in its own backyard explain these actions. Ankara has been able to establish harmonious relations with Tehran at the expense of its membership in NATO and commitments from the United States. In a possible conflict with Iran, defense countermeasures will include cooperation with the United States. As a result, it becomes imperative for Ankara to strike a balance between the two adversaries as it interacts with both but still needs the United States for more serious security concerns such as an unwanted war.

Contrarily to its policy of engagement, Turkish- Israeli relations have deteriorated. At the beginning of their relationship, both countries considered Iran and Syria as a threat, so bilateral military ties made strategic sense. This engagement sought to break Israel isolation in the Middle East, while in the case of Turkey increase support from the West and a better lobby platform in

¹⁰⁷ Pieper, "Turkey's Iran Policy," 113-119.

Washington. For Turkey, the strategy was successful as the strong Jewish lobby has prevented in many occasions US congressional recognition of the killing of thousands of Armenians in the hands of Ottoman Empire as genocide. In the case of Israel, Turkey has served as interlocutor in the peace process with Syria, Palestine and Hamas. The United States endorsed such cooperation because it kept common foes like Iran on the defensive and established Ankara as another potential trusted interlocutor between Israelis and Arab- Muslims. Unfortunately, the war in Gaza and the Mavi Marmara incident of May 2010 in which 9 Turkish citizens died trying to break an Israeli blockade on the Gaza strip precipitated the deterioration of the bilateral relations.¹⁰⁸ As a result, Israel was included as a threat to Turkey in his red book in 2010, whereas Iran and Syria were removed.¹⁰⁹

Washington frowned heavily Turkey's pursuance for a more independent policy in the Middle East, particularly with Iran and Syria. The Bush administration, since its start, labeled them along with Iraq as the "axis of evil," for their support to terrorism and their pursuit of weapons of mass destruction.¹¹⁰ Some efforts were made to offset some of the policies of the AKP government that were moving away from his plans in the Middle East such as a mutual agreement between US Secretary of State Condoleezza Rice and Turkish Foreign Minister Abdullah Gül in July 2006 to establish a mechanism to communicate views and positions of each side on issues such as Iraq, Syria, Iran, the PKK, the Israel-Palestine conflict, and energy¹¹¹ without much success. All of these events suggest that Turkish foreign policy under the AKP

¹⁰⁸ Madeleine K. Albright and Stephen J. Hadley, "U.S.-Turkey Relations: A New Partnership", *Council on Foreign Policy-Independent Task Force Report No. 69*, (2012): 45.

¹⁰⁹ Yavuz, "Israeli-caused instability makes its way to Turkey's security document,"1.

¹¹⁰ "Transcript of President Bush's first State of the Union address, delivered to Congress," *CNN*, January 29 2002.

¹¹¹ Ali Aslan, "Performing Turkey: Continuity and Change in Turkish Statecraft, 1990-2012," *University of Delaware*, (Summer 2012): 381.

favors its relations with its neighbors and that Washington was not willing to adjust to this new reality of realpolitik in the region.

The US invasion in Iraq posed the major conflict between the two allies in the past decade. US policies contradicted much of Turkey's initial economic and security interests in Iraq. In the presence of no other alternatives, and focusing on interest convergence in maintaining Iraq united, tensions reduced when Ankara decided to engage with Iraqi Kurds, move that was endorsed by United States.

3.3 The 2003 American Invasion of Iraq

The successes of Turkish Strategic Depth Doctrine in regards to its neighbors did not have the same fate with Iraq. Bilateral relations were curtailed by the US invasion of Iraq in 2003. The war brought new economic and security issues for Turkey the US did not take into account due to its remoteness to the region. The US government had normally taken for granted Turkey's support in its incursions in the Middle East. This support that was expected again in the aftermath of the 9-11 attacks, but the negative experience the first Gulf War left to the Turks hindered such plans.

In its first military incursion post 9-11, Turkey was one of the first NATO members to declare its full support to the US in its war on terrorism after article 5 (collective defense clause) was invoked. Ankara gave permission to all American and coalition member's planes to use the Turkish air space in frame of the "Operation Enduring Freedom" against the Taliban forces in

Afghanistan and Al-Qaeda.¹¹² Turkey was pivotal for the success of the first stages of the invasion, as well as for the stabilizing forces and the peacekeeping missions under NATO supervision that will remain in the country until 2019.¹¹³ It was easier for Turkish soldiers to carry certain missions, as their shared Muslim identity was more appealing within the Afghan population. As a member of NATO, the Muslim identity of the Turkish soldiers became an invaluable tool, also shown during the Balkan wars,¹¹⁴ for future missions.

Pertaining to Iraq, Turkey did not extend the same support to the United States. In the beginning of the conflict, the Turkish Armed Forces foresaw Turkey's involvement in a possible invasion in Iraq but did not give Washington signs of support. For them, Turkey could not escape to be involved for two valid reasons: first, the protection of its alliance with Washington; and second, the opportunity to crackdown on any Kurdish insurgency in Northern Iraq.¹¹⁵ However, the decision was in the hands of the Parliament, which reminded of the negative security, political and economic consequences of the first Gulf War, refused on March 1 of 2003 by only three votes,¹¹⁶ to participate in the war. The concerns were the same: Turkey's territorial integrity, the economic losses, and a possible retaliation from Saddam Hussein. The March parliament refusal seriously injured the bilateral relations. Washington counted on Turkey to form a strong front in Iraq's north from where it could strike easily the Saddam forces. As the invasion became imminent, Ankara had no choice but to find a way to support Washington as it has during the invasion of Afghanistan. As a result, the government passed two resolutions on

¹¹² Ismael, *Turkey's Foreign Policy*, 37; Giray Sadik, *American Image in Turkey: U.S. Foreign Policy Dimensions* (Lanham: Lexington Books, 2009), 11.

¹¹³ "Turkey extends its NATO mission in Afghanistan" *Anadolu Agency*, January 3, 2017.

¹¹⁴ Amikam Nachmani, *Turkey: facing a new millennium- Coping with intertwined conflicts* (Manchester: Manchester University Press, 2003) 144.

¹¹⁵ Gareth Jenkins, "Symbols and Shadow Play: Military-JDP Relations, 2002-2004" in *The Emergence of a New Turkey: Democracy and the AK Party*, ed. M. Hakan Yavuz, (Salt Lake City: The University of Utah Press, 2006), 195-196.

¹¹⁶ Christiane Amanpour, "Turkey rejects U.S. troop proposal", *CNN*, March 2, 2003

March 20 and June 24 that allowed the US led coalition to use Turkish air space and the use of Incirlik Air Base and the nearby port of Mersin for logistical support.¹¹⁷

In the same vein, Prime Minister Erdoğan unsuccessfully tried to put troops in Iraq as peacekeeping forces. The deployment never happened because the Bush administration acquiesced with the Kurds and the Iraqi Ruling Council objection of their presence as the troops were meant to be stationed in sensitive areas for the Kurds (Dohuk, Kirkuk, and Tikirt).¹¹⁸ The acceptance by the Bush administration came as a response to the absence of Turkey during the invasion, situation that allowed for the establishment of relations with the Kurdish Regional Government (KRG). Shortly after, Washington relations with Ankara experienced a bitter moment when on July 4, US intercepted and arrested 11 Turkish Special Forces in Northern Iraq with bags over their heads, claiming that they were an assassination squad targeting a local Kurdish governor.¹¹⁹

In fact, Turkey's fears of a Kurdish rebellion materialized over the years. Just in 2006, over 600 people, many of them Turkish security forces were killed in PKK-related violence. The PKK had been able to gain strengths from its stronghold in US protected northern Iraq from where they engineered their attacks. Despite Turkey's calls to the United States to help them eliminate the PKK threat, the Bush administration was reluctant to push too hard the Iraqi Kurds or the KRG, as they were essential for Washington's plans to keep Iraq as a unified state.¹²⁰ This is the same attitude the US had just a decade ago over Turkey's call for support in Syria against

¹¹⁷ Aslan, "Performing Turkey," 377.

¹¹⁸ Nur Bilge Criss, "Turkish Perceptions of the United States," in *What they think of US: International Perceptions of the United States since 9/11*, ed. David Farber (Princeton: Princeton University Press, 2007) 65.

¹¹⁹ Andrew Finkel, *Turkey: What Everyone Needs to Know* (New York: Oxford University Press, 2012), 82.

¹²⁰ Larrabee, *Turkey as a U.S. Security Partner*, 8.

PKK leader Abdullah Öcalan.¹²¹ The protection of Northern Iraq by the United States prevented Turkey from taking any unilateral action to protect itself.

Just before the November 2007 Bush-Erdoğan summit, 13 Turkish soldiers were killed in the border. Consequently, during the summit, Erdoğan sought permission to attack PKK bases in Iraq. The United States provided Turkey with intelligence and permission to attack PKK targets on the Qandil Mountains.¹²² Washington more effective cooperation with Ankara also tried to avoid antagonizing the KRG. “The more precise Turkish attacks, minimized Kurdish civilian casualties and therefore KRG complaints.”¹²³

Without a doubt, the Kurdish issue accentuated the strains in their bilateral relationship. Since Washington was in an ambivalent position and decided not to engage with the fight against the PKK, Ankara had no choice but to change its approach and play along with the actors in Iraq. In the years after the invasion, the Kurdish issue and the PKK attacks have increased. Initially focused on a largely unilateral military effort to stop the trans-border activities of Kurdish violent groups, Ankara pursued engagement with the KRG as a more promising way to confront the PKK threat and to prevent the rise of a hostile neighboring Kurdish state more broadly.¹²⁴

Turkish rapprochement with the Iraqi Kurds was in line with its zero problems with neighbor’s policy. Ankara wanted to ensure that leaders that would consider Turkey’s economic and especial security interests govern Iraqi Kurdistan.¹²⁵ Since the United States was in control of Iraq, it did not oppose bilateral trade with Iraq as it has with Iran. In contrast, it encouraged

¹²¹Ibid, 147.

¹²²Rebuilding a Partnership, TÜSIAD, 54.

¹²³Weitz, “Turkey’s New Regional Security Role, 50;

¹²⁴Alessandri, “Turkey and the United States,” 47.

¹²⁵Weitz, “Turkey’s New Regional Security Role, 48.

Turkey to expand its presence in Iraq. For Americans, Turkish business activities generate economic growth and jobs in Iraq, helping the country recover from decades of war and civil strife. By 2011, bilateral trade peaked US\$ 12 billion, making Iraq Turkey's second largest trading partner with much of this trade involving the KRG.¹²⁶ Furthermore, many American leaders still see Turkey's Islamic-influenced, but essentially secular political system as a model for Iraq, with its large Sunni minority and secular tradition, or at least as offering a superior alternative to that of an Iranian-style Shiite autocracy.¹²⁷

Immediate economic gains as well as cooperation for its own security concerns in regards to the PKK motivated Turkey to change its approach. US policy towards Iraq was in convergence with Ankara in that both wanted to maintain Iraq united. Establishing relations with the KRG helped reconcile some differences with Washington and to obtain its endorsement for building closer economic agreements over the energy sector, extremely important for Turkey. For Washington, it also meant an opportunity to reduce Ankara's dependence on energy resources from Tehran as it happened in 2012 with the reduction of 20 percent on Turkish imports from that country.

3.5 Relations under the Obama Administration

The inauguration of President Barak Obama in 2009 came with new expectations from Turkey. Obama planned for a new era with its key allies given the disastrous foreign policy of the previous administration in the Middle East and the discredit that came with it. Turkey was chosen as the first country he traveled to as president of the United States for a bilateral visit,

¹²⁶ Jon Hemming, "Turkey does not want return to Iraq chaos: Minister," *Reuters*, January 18, 2012.

¹²⁷ Weitz, "Turkey's New Regional Security Role.,49.

signaling how important the country was for the new administration. In his address to the Turkish parliament, he spoke of Turkey as true, responsible and critical ally and recognized that the two countries must work together and build on their mutual interests in order to strengthen their alliances and overcome their differences.¹²⁸

Obama, however, received a more independent and stronger Turkey, skeptical of Washington's plans. Its foreign policy was bearing fruits within its neighborhood, but Washington's interests represented a threat for its continuity. The new administration, since its early years, faced many challenges and disagreements with Ankara over Armenia (House statement in 2010 for considerations of the Armenian genocide), Iran (UN sanctions and the nuclear deal), and Israel (the Mavi Marmara incident and harsh criticism in support of Hamas and the Palestinians). For example, the House statements over Armenia led Turkey to recall its Ambassador from the United States for one month.¹²⁹

Some speculate that the problems with Iran and Israel were opening doors for Turkey in the Middle East, but were the reason for Obama to warn Erdoğan of congressional concerns over Turkey's behavior that will make it difficult to secure foreign military sales (FMS) such as drone aircrafts and missiles Turkey desperately needed to fight the PKK.¹³⁰ The case of Israel was of particular interest for the United States as it weakened Israel, already vulnerable position, in the Middle East. In order to ameliorate the conflict between Washington most important allies in the region, Obama, during his visit to Israel in 2013, facilitated a conversation between Erdoğan and

¹²⁸“Obama Addressing the Turkish Parliament,” *The Obama White House YouTube Channel*. The speech was given on April 6, 2009 and the video was uploaded the next day.

¹²⁹Jim Zanotti, “Turkey-U.S. Defense Cooperation: Prospects and Challenges,” *Congressional Research Service*, (April 8, 2011): 12.

¹³⁰ Daniel Dombey, “US issues arms-deal ultimatum to Turkey,” *Financial Times*, August 16, 2010.

Netanyahu in which the latter apologized for the Mavi Marmara incident, agreed to complete the agreement for compensation and to restore diplomatic relations.¹³¹

In the following years, the Arab Spring and the subsequent civil wars in Libya and Syria, along with the increase of terrorism in the region will constitute the major areas of strains. The final test for the Obama administration came from within Turkey. A fail coup in the summer of 2016 in Turkey brought fears of a possible break of security and diplomatic relations. Turkey blames the attempted coup on Fethullah Gülen, an Islamic cleric who has been living in the US, but the Obama administration failed to show signs of support for his extradition before leaving office.

3.6 The Arab Spring and the Kurdish Issue

Turkish foreign policy since the establishment of the republic is characterized for been mostly West-oriented. The European Union (EU)'s reluctance to accept Turkey's bid to join the union, coupled with the victory of the AKP government and its Islamic orientation, practically forced Turkey to look east. The zero- problems with neighbors' policy provided Turkey with the opportunity to get closer with the countries of the region. Diplomatic exchanges and trade boomed, but the momentum of this policy ended with the Arab Spring.

The entire region was affected by a wave of democratic protests, largely supported by the West. Violence broke in Tunisia, Libya, Syria, Egypt, Iraq, and new actors such as the United States and some members of NATO joined the pro-democratic forces that ousted most of the dictatorial regimes. Turkey's closeness to the region made it impossible for Ankara to stay

¹³¹ Herb Keinon, "Netanyahu Apologizes to Turkey over Gaza Flotilla," *The Jerusalem Post*, March 2013.

neutral. Its involvement, as Esra Tur (2016) stated, changed Turkey's position to a 'zero neighbors' situation.¹³² Turkey's ties with these countries created many conflicts with the new players, primarily the United States, as their policies towards the region did not coincide.

In the case of Libya, the economic impact, namely about 30,000 Turkish workers and more than USD\$ 10 billion investments in that country,¹³³ explain why Erdoğan opposed any intervention that did not include a peaceful political transition. Ankara initially opposed Security Council Resolution No. 1973 that mandated the protection of Libya civilians and opened the door for the United States and some European members of NATO (UK and France) to start a military intervention. After some negotiations, Turkey decided to implement the resolution partly to avoid exclusion from a prominent role in brokering a solution to the crisis.¹³⁴

Dealing with Syria has been perhaps the most problematic of all the conflicts that resulted from the Arab Spring. For a very long time the United States regarded Syria as a terrorist state and has sought to get Turkey to join its campaign to isolate Damascus. However, Turkey needed cooperative relations with Syria to manage the Kurdish problem, and therefore opposed US efforts to promote regime change, which Ankara believes would be highly destabilizing and exacerbate the Kurdish issue.¹³⁵ As the problem escalated in Syria, Ankara found itself in an ambiguous position given that its rapprochement with Damascus was yielding positive results.

When the situation was out of control, Ankara called for a regime change and a forceful response by the international community, even a possible attack by the United States after the

¹³² Esra Tur, "Collapse of Turkey's Egypt and Syria policies under Davutoğlu," *Turkish Review*, 2016, 26-33.

¹³³ Meliha Benli Altunisik, "Turkish Foreign Policy in the 21st Century," *CIDOB International Yearbook- Barcelona Center for International Affairs*, (2011): 198.

¹³⁴ Zanotti, "Turkey-U.S. Defense Cooperation," 14.

¹³⁵ Larrabee, *Turkey as a U.S. Security Partner*, 18.

2013 Ghouta chemical attack that killed more than 1,500 Syrians. In the midst of the refugee crisis, Turkey also advocated for a buffer zone to protect refugees inside Syria, but the United States rejected this as unworkable,¹³⁶ and decided not to use military force after the chemical attack.¹³⁷ Washington wanted first to allow diplomacy to take its course. It brokered a deal with Syria, along with Russia, for the elimination of the chemical weapons. Then Turkish President Abdullah Gül, in an interview with the *Washington Post*, stated his opposition to the deal because it involved dealing with a government that has committed atrocious crimes against its own people.¹³⁸

In the offset of the conflict, NATO allies did not support a military intervention but acknowledged Turkey's security concerns by sending six Patriot missile batteries at the end of 2012 for defense purposes.¹³⁹ Until this point, the only aspect where Turkey and the United States agreed was on imposing sanctions against the Assad regime.¹⁴⁰ Turkey's call for US intervention in Syria appears to show its inability to act unilaterally and its reliance on Washington and NATO for the security threats that were mounting on its southern border.

In the course of the fight, several other players joined the conflict. The Syrian regime is backed by Russia and Iran, while the opposition groups (some of which also enemies of Turkey) started receiving support from the United States, Qatar, and Saudi Arabia. In addition, terrorist groups were also able to infiltrate rapidly in the country and get in control of large portions of Syria. The main non-state actors involved in the conflict are: the PKK's Syrian sister

¹³⁶Dan Arbell, "The U.S.-Turkey-Israel Triangle," *Center for Middle East Policy at Brookings*, no. 34, (October, 2014):27-28

¹³⁷ *Ibid.* P. 28

¹³⁸ Lally Weymouth, "Turkish President Abdullah Gül: Assad Must Go," *The Washington Post*, September 23, 2013.

¹³⁹ Zanotti, "Turkey: Background and U.S. Relations," 34-35.

¹⁴⁰ See list of Sanctions, "Syria Sanctions," U.S. Department of State <https://www.state.gov/e/eb/tfs/spi/syria/>; "Turkey imposes economic sanctions on Syria," *BBC News*, November 30, 2011.

organization, the Democratic Union of Syria (PYD) and its arm wing the People's Protection Units (YPG); the Islamic State (IS); and the Al Qaeda-linked Jabhat al-Nusra. All of the non-state actors have something in common: they want Assad out. Although they agree with Turkey and the United States on their first stance, their second interest is at odds with one of them or with both. Both consider IS as threat, but in regards to the other groups, each country is supporting the enemy of the other; Turkey have extended its support to al-Nusra while Washington to the PYD.

Priorities and threat perceptions differ regarding how to deal with Syria. Ankara's priorities in Syria are more related to its proximity and its own Kurdish problem. Ankara sees the al-Assad regime and the PYD as the main threats, while IS is just another of many of its problems. The Obama administration, by contrast, saw IS as the main threat since it has also expanded into Iraq. Officially, the administration wanted President Bashar al-Assad to leave, but the dangers of confronting the Russians, and the administration's diplomatic ambitions with another nuclear deal with Iran, severely limited interest in confronting Assad. Furthermore, Washington needed the PYD in the fight against the Islamic State.¹⁴¹

Asli Aydintaşbaş and Kemal Kirişçi (2017) claim that since the breakdown of peace negotiations between Turkey and the PKK in the summer of 2015, Turkey's priority now is to prevent the rise of Kurdish militants in Syria.¹⁴² The Kurdish issue, since the end of the ceasefire, has entered one of its deadliest chapters in almost three decades of existence. Entire cities in southeastern Turkey, near the Syrian border, have been destroyed, imposed long curfews, or seen

¹⁴¹James F. Jeffrey and Soner Cagaptay, "U.S. Policy on Turkey," *The Washington Institute for Near East Policy*, No. 27, (January 2017): 4.

¹⁴²Asli Aydintaşbaş and Kemal Kirişçi, "The United States and Turkey- Friends, Enemies, or Only Interests." *Center on the United States and Europe (CUSE) at Brookings*, No. 12, (April, 2017): 9-11.

most of its population displaced. The death toll has risen to the staggering number of almost 3,000 people between 2015 to present.¹⁴³

While the Kurdish problem for Turkey is existential, as it exists within its own territory, it is not worthless to say that the repercussions extend beyond its border. Because the Kurdish-ethnic population spreads over Iran, Iraq, and Syria, Kurdish people have tended to support each other on their aspirations to create an independent state. Therefore, any support for this cause represents a threat to Turkey's territorial integrity and stability. This has been the reason of many strains since the end of the Cold War between the United States and Turkey, and now Washington's support for the Syrian Kurdish has turned to be the most contentious and persistent issue with Ankara. It is then normal to understand Turkey's frustration with the US as it seems it does not understand the scale of the problem.

The United States sought to improve its ties with Turkey when it tried to disguise its supports to the PYD by setting up an umbrella organization called "the Syrian Democratic Forces (SDF)," which includes both Arabs and Kurds fighters. The Kurdish forces have been Washington's most successful and efficient ally in the fight against IS in Syria. A report by the Washington Post, in January of this year, disclosed information that Kurdish forces using Abdullah Öcalan's ideology are training the Arabs of the SDF. This angered Ankara and prompted Erdoğan to contact Trump, before taking office, to halt supplying the SDF with weapons and other means of support.¹⁴⁴

¹⁴³ The International Crisis Group has monitored the conflict over the years and has calculated the death toll to 2,844 until the end of May, 2017. Of this staggering numbers, 395 casualties have been civilians; 219 youth of unknown affiliation; 944 security forces; and 1,286 PKK militants. "Turkey's PKK Conflict: The Rising Toll." *The International Crisis Group*. Available at: <http://www.crisisgroup.be/interactives/turkey/>

¹⁴⁴ Liz Sly, "U.S. military aid is fueling big ambitions for Syria's leftist Kurdish militia," *The Washington Post*, January 7, 2017.

Turkey have showed it is willing to cooperate with the US against IS, as long as the forces of the PYD are not involved. Turkey has presented several proposals to the United States, one in 2016¹⁴⁵ and two proposals in February of this year. The proposals stress that a joint operation in Syria should only include Arab fighters.¹⁴⁶ Washington has not agreed in this matter, but it has sought Turkey's involvement fighting IS in other areas such as in Mosul, Iraq.¹⁴⁷

If the US does not see the problem with clarity and stand side by side with Turkey, complications and disagreements with Ankara will certainly slow down any progress in the fight against IS. The Kurdish issue already damaged the bilateral relations and injured America's ability of action during the invasion of Iraq in 2003. Additionally, it has been the reason for cooperation of Turkey with Russia and Iran. Arming the Kurdish in Syria is a sign in Turkey that the US is nonchalant of Turkey's own internal political and security problems. Washington, more than antagonizing Turkey, should find a way in which it can coordinate any actions in Syria with Ankara's support. This will be the best way forward in the bilateral relations with a key NATO ally. A joint campaign in Syria and Iraq against IS by the United States and Turkey will certainly yield the expected results faster and more efficiently.

Likewise, if Washington, under the new administration of Trump, continues to mishandle the Syrian civil war *vis-à-vis* Turkey's problems with the Kurdish insurgency, Ankara could get even closer to Russia for protection and support. Turkey and Russia have steadily improved ties since Turkey's downing of a Russian jet in 2015. Right now, the two are in the process of brokering a peace deal in Syria in the capital city of Kazakhstan, Astana, of which the United

¹⁴⁵ Anne Barnard and Ceylan Yeginsu, "Erdoğan says Turkey Would Join U.S. to fight ISIS in Raqqa, an ISIS Bastion in Syria," *The New York Times*, Sept 7, 2016.

¹⁴⁶ Humeyra Pamuk, "Turkey sets out Raqqa operation plans to U.S.: report," *Reuters*, February 18, 2017.

¹⁴⁷ "Pentagon sees role for Turkey in Mosul battle," *Al Arabiya News*, 21 October 2016.

States is not a part of.¹⁴⁸ Erdogan also visited Putin in Moscow on March 10, 2017 signaling strong unity and improvement in their bilateral relations.¹⁴⁹

The emergence of Russia is already challenging the US interests and its capacity to deliver balance of power in the Middle East. It also challenges its regional policies, especially those with Turkey. The US has been ambivalent with the NATO card on Turkey because if the relations with Russia are going well, it creates concerns in the organization of Turkey's commitments. Contrarily, when the relations are sour, as happened during the Russian jet incident, there are worries that Turkey risks dragging NATO into an unwanted confrontation with Russia.¹⁵⁰ A possible confrontation between Russia and Turkey is not impossible, but very unlikely in the near future. Russia is still not a trustworthy partner for Turkey, but the relations have been steadily improved. Recent developments of the coalition in the fight against IS and the stabilization of Syria shows just how Russia challenges US's influence in the region vis-à-vis Turkey. Just this September alone, Turkey confirmed the acquisition of the S-400 surface-to-air missile defense equipment from Russia;¹⁵¹ agreed as part of the Astana talks, along with Iran, the borders of a "de-escalation zone" in Syria's northern Idlib province;¹⁵² and Erdoğan met with Vladimir Putin in a private meeting in Ankara.¹⁵³ However, none of these recent events provide Ankara with the level of support and security its relationship with Washington and NATO do.

¹⁴⁸ "Russia, Turkey, Iran Discuss Syria Ceasefire in Astana," *Aljazeera News*, February 6, 2017.

¹⁴⁹ Angela Dewan, Frederik Pleitgen and Faith Karimi, "Presidents of Turkey, Russia huddle against backdrop of Syrian war," *CNN*, March 10, 2017.

¹⁵⁰ Aydintaşbaş, "The United States and Turkey," 14.

¹⁵¹ "Turkey set to buy Russian missile defence system," *Aljazeera*, September 12, 2017.

¹⁵² "Russia, Turkey, Iran agree borders of de-escalation zone in Syria's Idlib – Anadolu," *Reuters*, September 15, 2017.

¹⁵³ Dorian Jones, "Putin Heads to Turkey as Ties Rapidly Thaw," *VOA*, September 27, 2017.

3.7 The Expectations of Future Interactions

Turkey and the United States have long standing security ties, but the United States have failed to accommodate in the 21st century Turkey's own interests in its political agenda. The United States have obviated Turkey's more important, powerful, and assertive role in the greater Middle East. Although Turkey still relies on the US for military and security assistance, Washington should reassess and reformulate its strategic interests with Turkey. Otherwise, we will continue to see Turkey taking more unilateral measures to meet its own security demands.

Turkey has proven to be an invaluable ally for the United States in the past, and two still have interest convergence over several issues, for example: maintaining regional stability, the Middle East Peace Process, Iraq's territorial integrity, terrorism in Afghanistan and Syria, among others. Turkey's failed approach to intervene in the Arab Spring successfully and the subsequent rise of security threats should pave a path for it to seek to minimize the damage resulting from disagreements if it wants to stay under the US's protectionist umbrella. Moreover, since the United States pulled out its troops from Iraq but continues to get involved in the region, the use of Turkish bases and military personnel, as well as the stability of NATO, should also pave a path for Washington to do the same.

The Kurdish issue is still present in Turkey and presses the biggest strain in their bilateral security relationship. Negative memories over Turkey's participation in previous US' military incursions, which have only exacerbated the problem, linger from the past (US invasion of Iraq in 2003). Undoubtedly, cooperation in Syria in which both views are taken into account can only enhance the bilateral relation, no diminish it.

So far, it is still not possible to make a comprehensive assessment of which policy the new Trump administration will have in regards to Turkey. The bilateral relationship survived a rollercoaster of negative events during two consecutive administrations, Bush and Obama. However, the same party continues to govern in Turkey under the leadership of President Erdoğan who just won a referendum, projecting that he will remain in power until 2029.¹⁵⁴ The Trump administration should be wise and take into account the mistakes of the previous governments. New expectations came with his inauguration, especially over the two main issues—namely Fethullah Gülen’s extradition and the Syrian Kurds. To date, cooperation has continued but neither of Turkey’s requests has found a permanent solution. Washington continues to arm the Syrian Kurds and Fethullah Gülen is still in the United States. Perhaps, the recent Iraq Kurdistan’s referendum for independence on September 25, 2017, indicates some much needed optimism. The United States condemned the results, as well as Turkey,¹⁵⁵ showing that their interest convergence in maintaining Iraq united remains intact.

As long as these two countries still believe they can work together and that their security strategies depend on the support for each other, we can expect more collaboration and cooperation between Turkey and the United States. Helen Milner (1991), for example, considers that interdependence does not mean that the actors’ interests are in harmony but they know they can better achieve their goals by cooperating rather than by breaking up their relationship.¹⁵⁶ These expectations have been the cause why these two countries still maintain their security alliance despite major disagreements and security strategies divergences.

¹⁵⁴ Kara Fox, Elliott C. McLaughlin and James Masters, “Turkey referendum: Erdoğan declares victory,” *CNN*, April 17, 2017.

¹⁵⁵ Jonathan Landay, “Kurdish independence vote damages U.S. efforts to preserve unified Iraq,” *Reuters*, September 27, 2017.

¹⁵⁶ Helen Milner, “The Assumption of Anarchy in International Relations Theory: A Critique,” (*Review of International Studies*, 1991) 67-85.

Chapter 4 Fethullah Gülen's Extradition from the United States

The extradition of Fethullah Gülen constitutes the latest strain in the bilateral relations between Turkey and the United States. In order to analyze in-depth the situation, the background information of Fethullah Gülen, his movement, and their interests are provided. The domestic political situation leading to coup is also addressed. These two parts are of extreme importance in order to understand why the extradition can be denied and for what. Likewise, it will also explain the behavior of Erdoğan and his government, the alternatives for Turkey and the United States, and how they perceive the situation.

4.1 Fethullah Gülen and his Movement

Fethullah Gülen started his career as an Islamic preacher in the late 50s as part of the Directorate of Religious Affairs (DİB). He served as an imam in several cities of Anatolia being his most important post in the city of Izmir, in west Turkey.¹⁵⁷ It was in this city where he was able to expand his sphere of influence within the Turkish society, obtaining the necessary instruments, experience, and contacts to establish his movement.

The Fethullah Gülen movement, or as the group prefers to call itself *Hizmet-* or service, is considered a religious and educational movement with more than 1000 schools and universities. It has approximately two (2) million students around the world, especially in countries with Turkish origins in Central Asia, but also throughout Europe, the United States, and some

¹⁵⁷ Berrin Koyuncu, "Globalization, Modernization, and Democratization in Turkey: The Fethullah Gülen Movement," in *Remaking Turkey: Globalization, Alternative Modernities, and Democracy*, edited by E. Fuat Keyman (Lanham, MD: Lexington Books, 2007), 154-155.

countries of Africa and Latin America.¹⁵⁸ This movement is particularly characterized for interfaith dialogue, science, culture, but with an Islamic preponderance. It has become the most powerful and influential Islamic movement in the world, becoming a representative of cultural Islam.¹⁵⁹

The network of his movement claims to have no direct affiliation with the government and most people involved work as volunteers. Furthermore, in its recruitment process, it focuses on young and talented students with the profile of becoming politicians or interested in other areas of power such as the military, police, and the judiciary. These are the areas Gülen considers are of great importance to make a change in the society. He calls them the “Golden Generation” and the movement provides them with the necessary assistance to finish their studies.¹⁶⁰

The movement has grown and extended his activities to areas of economy, media, NGOs, etc. Companies of the movement comprise the Zaman newspaper, TV channel Samanyolu, radio channel Burç FM,¹⁶¹ and other financial institutions such as the Bank Asya- the biggest Islamic bank in Turkey as part of the Gülen-inspired Confederation of Businessmen and Industrialist of Turkey (TUKSON).¹⁶² The expansion of the scope of activities has made the group financially self-sustainable, powerful, and influential.

The Islamic preponderant characteristic of the group, as well as the economic power, secrecy of operation, lack of transparency and unidentifiable hierarchy, have led some believe

¹⁵⁸ Kerem Oktem, Ayse Kadioglu, Mehmet Karli, eds., *Another Empire? A Decade of Turkey's Foreign Policy under the Justice and Development Party* (Istanbul: Bilgi University Press, 2012) 93.

¹⁵⁹ Graham E. Fuller, *Turkey and the Arab Spring – Leadership in the Middle East*. (Istanbul: Bozorg Press, 2014) 154.

¹⁶⁰ Koyuncu, “Globalization,”154-157.

¹⁶¹ *Ibid*, 156.

¹⁶² Fuller, *Turkey and the Arab Spring*, 165.

the movement has a secret agenda especially one that involves the indoctrination of the students they sponsor into the Islamic views of Gülen.¹⁶³

4.1.2 Fethullah Gülen in Turkey's Politics

Fethullah Gülen has been involved in politics since the beginning of his time as a Muslim imam. Most of his involvement has caused him many confrontations with the state, particularly the military who is the protector of the secular Turkish state. According to him, his political views are not in divergence with the state and the military. He is against the politicization of Islam, but considers that religion is compatible with democracy. He has tried to portray himself as a moderate Muslim, but his actions say otherwise. His long participation in Turkey's public platform has the intention to provide an alternative for political Islam in a country that has long neglected and put aside its religious identity.

Gülen's first conflict with the state occurred in 1971 because of a military coup. He was arrested on charges of article 3 of the Turkish Criminal Code for "carrying propaganda that undermine the secular Turkish state to replace it with a religious one." After spending six months in prison, Gülen was released and went back to his job. A year later in 1972, he was convicted by the Izmir Military Court, but the excessive and inequitable harsh punishment of 3 years in prison and a ban from civil service for the same time set him free of charges by the Military Court of Appeals in October of 1973.¹⁶⁴

¹⁶³ Ibid. 160.

¹⁶⁴ James C. Harrington, *Wrestling with Free Speech, Religious Freedom, and Democracy in Turkey: The political trials and times of Fethullah Gülen*. (Lanham, MD: United Press of America, 2011) 97-98.

Because of the previous encounters with the military and judiciary's determination to crackdown on Islamic movements, Gülen supported the military coup in 1980. He was again detained and questioned for his movement's activities.¹⁶⁵ His support translated into a favorable view from the military as they considered that his ideas now excluded religion from the state structure. During this period, he developed close ties with Deputy Prime Minister Turgut Özal who started a political liberalization benefiting religious groups.¹⁶⁶ The support provided him with legitimacy to expand his movement. Likewise, his close ties with Özal helped him get away from another judicial prosecution in 1986. Prime Minister Özal saw a strategic opportunity with Gülen in order to combat the extremist ideas of other Islamic groups in Turkey.¹⁶⁷

The immediate consequences of the military coup in Turkey were the ban of political parties related to Islam. In that matter, Prime Minister Süleyman Demirel was banned from politics and his party the Justice Party was suppressed. Similarly, previous Prime Minister Necmettin Erbakan was also banned from politics and his party, the National Salvation Party, was closed down. Other politics, such as Mustafa Bülent Ecevit was incarcerated. At the time, Bülent Ecevit was the leader of Republican People's Party that was in coalition with the National Salvation Party to form a government.¹⁶⁸

They all came back to politics. Erbakan formed another party known as the Welfare Party. It was in this party that Erdoğan became famous in Turkey. In 1994, he won the metropolitan elections in Istanbul. During his time as mayor of Istanbul, both panic and euphoria were felt in

¹⁶⁵Joshua D. Hendrick, *Gülen: The Ambiguous Politics of Market Islam in Turkey and the World*. (New York: New York University Press, 2013) 5.

¹⁶⁶Koyuncu, "Globalization," 156.

¹⁶⁷M. Hakan Yavuz, "The Gülen Movement: The Turkish Puritans" in *Turkish Islam and the Secular State: The Gülen Movement*, ed. M. Hakan Yavuz and John L. Esposito, (Syracuse, NY: Syracuse University Press, 2003) 37-38.

¹⁶⁸Scott W. Hibbard and David Little, *Islamic Activism and U.S. Foreign Policy*, (Washington D.C.: United States Institute of Peace, 1997), 82.

the city as explained by Cihan Tugal (2016). He introduced several reforms seeking to tighten alcohol consumption and to bring Islam back to the inhabitants of the metropolis. He reintroduced Islamic symbols in public places and prayer rooms in municipal buildings.¹⁶⁹

The Welfare Party also won parliamentary elections in December of 1995. This was the first time in Turkish history that a party so far from secularist views gained the largest number of votes.¹⁷⁰ He was not able to form a government until his alliance with Tansu Çiller of the True Path Party in July of 1996. This was considered Turkey's first-ever Islamist-led government but only lasted till 1997.¹⁷¹ Erbakan received opposition from President Süleyman Demirel and the National Security Council for his anti-secular activities and anti-West stance, especially due to his rhetoric against the United States and his relationship with legally banned religious groups.¹⁷² In February 1997, the National Security Council issued a call for Islam to be kept out of public life and made clear that the government must work harder to contain such activities and to prosecute those who violate the laws protecting secularism.¹⁷³ The military intervention did not need the use of force to oust Erbakan, as he resigned himself. His resignation was known as a soft coup. The military in Turkey has always played the role of protecting the secularism and considers it fundamental for the future of the Turkish Republic. Any renunciation to this policy of the military will have long consequences in Turkey as the West considers Turkey's secular government a model for the region.

¹⁶⁹Cihan Tugal, *The Fall of the Turkish Model: How Arab Uprising Brought Down Islamic Liberalism* (London: VERSO, 2016)71.

¹⁷⁰Hibbard, *Islamic Activism*, 82.

¹⁷¹Ibid. 83

¹⁷²Building for Security & Peace in the Middle East: An American Agenda, Report of the Presidential Study Group. The Washington Institute for Near East Policy. 1997. 72.

¹⁷³Hibbard, *Islamic Activism*, 84.

In regards to Gülen, he tried to intervene but in order to avoid conflicts for his own movement, he supported the military intervention.¹⁷⁴ The support provided did not help much as his image as a moderate Islamic figure was damaged by the release in the Turkish media, supposedly orchestrated by the military, of a conversation he had with his followers. In the conversation, he said:

“You must move in the arteries of the system, without anyone noticing your existence, until you reach all the power centers...You must wait until such time as you have gotten all the state power, until you have brought to your side all the power of the constitutional institutions in Turkey...Until that time, any step taken would be too early – like breaking an egg without waiting the full forty days for it to hatch. It would be like killing the chick inside. The world to be done is [in] confronting the world. Now, I have expressed my feeling and thought to your all- in confidence... trusting your loyalty and sensitivity to secrecy. I know that when you leave here-[just] as you discard your empty juice boxes you must discard the thoughts and feelings expressed here.”¹⁷⁵

The military had already considered him a threat to secularism and the state. For them and the Kemalist elite, Gülen’s followers have penetrated state institutions to change the secular and democratic order into an Islamic one. Military officials associated with his movement were forced to resign and the business network was brought under great scrutiny.¹⁷⁶

Following the release of the video, several accusations were made against Gülen. He did not face any of the charges as he moved to the United States, allegedly seeking medical treatment. Graham E. Fuller (2014) considers that it was in fact to escape the prosecutions.¹⁷⁷ The State Security Court Prosecutor Nuh Mete Yüksel led the accusations. His accusations were made on the assumption that Gülen had tried to change the nature of the secular state by infiltrating member of his movement in the police and the military. Yüksel sought an arrest

¹⁷⁴Koyuncu, “Globalization,” 158.

¹⁷⁵Hendrick, Gülen, 5-6.

¹⁷⁶Koyuncu, “Globalization,” 159.

¹⁷⁷Fuller, Turkey and the Arab Spring, 157.

warrant against Gülen for charges under Turkish Criminal Code Law No. 765, Articles 312 and 313, and the Anti-Terror Law No. 3713, claiming that Gülen was part of an organization that provoked hatred and enmity between people on the basis of religious, ethnic, and regional differences. The first arrest warrants were rejected, prompting General Hüseyin Kıvrıkoğlu, the Chief of the General Staff, to point out that it was because Gülen had supporters in the civil service.¹⁷⁸ In 2006, Gülen was acquitted due to lack of evidence supporting the original claims. Several other appeals and prosecutions followed. All of them were declined.¹⁷⁹

The investigations against Gülen illustrate the difficult environment in Turkey for religious affairs and the role of the military in protecting the secular nature of the state. It also shows the decline of the Kemalist elite who have long governed Turkey, while the Islamic leadership is on the rise. The military considers that their survival is at risk with the conservative Islamic leaders who are engaging more and more in politics with the formation of several political parties.

4.2 Fethullah Gülen and his relationship with Recep Tayyip Erdoğan

As a result of the soft coup in 1997, the crackdown on the conservative Islamic political leaders continued. The Constitutional Court dissolved the Welfare Party of Erbakan in January of 1998 for anti-secular activities. Two other parties emerged from the Welfare Party, the Virtue Party- banned in 2001 and the Justice and Development Party (AKP) led by Recep Tayyip Erdoğan.¹⁸⁰ Erdoğan himself experienced attacks from the military and was sentenced to ten months imprisonment for a speech he gave in the city of Siirt, and later disqualified to continue

¹⁷⁸Hakan Yavuz, *Islamic Political Identity in Turkey* (New York: Oxford University Press, 2003) 202.

¹⁷⁹Harrington, *Wrestling with Free Speech*, 87-117.

¹⁸⁰Aksin, *Turkey*, 308.

his position as mayor of Istanbul in 1998. Four years later in 2002, the High Electoral Council declared him as not able to lead the AKP or run for office in the following elections.¹⁸¹

The attacks by the military and the Kemalist elite, as well as the common views on Islam, brought Erdoğan and Gülen together. Gülen tried to avoid close participation in politics, but during the elections of 2002, his business network, including the powerful media network, supported the AKP, which captured 365 seats out of 550 in Parliament.¹⁸² The victory in the elections made the AKP the most powerful political party in Turkey. Gülen's support for the AKP paid off as members of his movement rose through the lines of the judiciary and police, positions that were previously denied to them by the Kemalist.¹⁸³ The AKP victory reflected dissatisfaction with the secular Kemalist establishment. However, knowing the negative repercussions this might cause to the AKP, Erdoğan first attitude was to establish a party that fits Turkish politics- not trying to make any radical religious change and working together with the other political actors, primarily the military. The party was seen as having a secret agenda to undo the secularist nature of the state and undermine the Kemalist establishment;¹⁸⁴ The AKP portrayed itself as a supporter of democracy, secularism, and Turkey's membership in the EU.¹⁸⁵

One of the major forms of support that demonstrated the strong alliance was during the Ergenekon cases. The Gülen movement was linked to the investigations since early 2003. This case brought to light plans to overthrow the AKP government and Erdoğan by members of the military and the judiciary. It was said that the investigations were allegedly started for the

¹⁸¹Ibid. 308-309

¹⁸²Harrington, *Wrestling with Free Speech*, 175.

¹⁸³Fuller, *Turkey and the Arab Spring*, 177.

¹⁸⁴Yalcin Akdogan, "The Meaning of Conservative Democratic Political Identity" in *The Emergence of a new Turkey*, ed. Yavuz, 53.

¹⁸⁵Ahmet T. Kuru, "Reinterpretation of Secularism in Turkey: The Case of the Justice and Development Party" in *The Emergence of a New Turkey*, ed. Yavuz, 141.

purpose of cracking down on political dissidents of Erdoğan. The media network affiliated to Gülen first reported on the cases, while his supporters in the police and the judiciary led the investigations.¹⁸⁶ The investigations led to the resignation in July 2011 of the Chief of Staff and the commanders of the army, navy, and air force.¹⁸⁷ The AKP, and most importantly Erdoğan, have faced strong opposition from the military and the other actors in the Turkey, forcing them to be alert and use any support they can get from other actors in order to consolidate their power.

The Gülen movement became a strategic ally of Erdoğan as part of the Islamic conservative bloc against the forces of the military and the powerful Kemalist establishment present in the other opposition parties of which the AKP was still vulnerable to.¹⁸⁸ During the 2007 presidential elections, the AKP presented as candidate Abdullah Gül. The pro-Islamic identity of the party and that of the candidate triggered a boycott of the first round of elections by the secularist camp because its selection was against the constitutional mandate that the president must be a secular person. Likewise, the army also issued a memorandum on its website warning that it won't tolerate any actions against secularism in Turkey.¹⁸⁹ He was still elected as president in the third round and received support from the Gülen movement. As a move of defiance, the AKP introduced a referendum to amend the constitution. The constitutional referendum of 2007 changed the original provision in which the president of Turkey has to be elected by the Parliament to a direct vote system elected by the people. This constitutional amendment was to be put in practice for the next presidential election.

¹⁸⁶Günter Seufert, "Is the Fethullah Gülen Movement Overstretching Itself? A Turkish Religious Community as a National and International Player," *German Institute for International and Security Affairs*, No. 2 (January 2014): 17-18.

¹⁸⁷Finkel, Turkey, 130-134.

¹⁸⁸Tugal, The Fall of the Turkish Model, 88.

¹⁸⁹Pelin Ayan Musil, *Authoritarian Party Structures and Democratic Political Setting in Turkey* (New York: Palgrave Macmillan, 2011) 93-94.

As early as 2008, some scholars were already discussing the Islamic roots of the AKP and their secret agenda to change the constitution and eliminate the challenges posed by the military and the Kemalist elite as seen in both the Ergenekon investigations and the opposition to elect Abdullah Gül.¹⁹⁰ The same year, the AKP was almost closed by the Constitutional Court for allegedly seeking to undermine the secular nature of the Turkish State.¹⁹¹ Consequently, Erdoğan, faced with many challenges, reformed the constitution again in 2010, this time to get more power to make appointments to the judiciary. The changes included increasing the numbers of judges in the Constitutional Court and thus reducing the risk of being closed by the same court. Gülen supported this constitutional reform.¹⁹²

Ariel Cohen (2013) pointed out another major constitutional change in which Erdoğan brought under his control the military. The referendum gave the government the power to bring to trial members of the armed forces to civilian courts, which previously had exclusive jurisdiction. All these major changes “weakened the separation of powers, diluted checks and balances, further defanged the army, and undermined Turkey’s pillars of secularism.” According to Cohen, Erdoğan wanted to establish a solid base for this plan of changing the whole constitution to make an executive presidential system rather than a parliamentarian one, but his plans were halted, as the AKP did not obtain the majority it needed in parliament in the following elections.¹⁹³

Notwithstanding the strong connection between the two groups, several conflicts in the following years will destroy the solid friendship they have built in the first decade of the AKP in

¹⁹⁰Larrabee, Turkey as a US Security Partner, 16.

¹⁹¹Albright, “US-Turkey Relations,” 21.

¹⁹²Fuller, Turkey and the Arab Spring, 175.

¹⁹³Cohen, Obama’s Best Friend? 14-15.

power. The first conflict between Erdoğan and Gülen arose during the Mavi Marmara incident. Gülen considered Erdoğan's actions unnecessary and provocative. Similarly, the Ergenekon investigations were also another point of conflict. While AKP officials sought to work with the elements of the military power and Kemalist alike, the Hizmet members sought with more determination the identification of their involvement.¹⁹⁴ These two incidents brought the two sides against each other, but not as much as the Gezi Park riots and the corruption scandal of members of the AKP, both in 2013.

The Gezi Park riots of 2013 were the breaking point in the relationship between Erdoğan and Gülen. The riots were caused by a construction plan in Taksim Square, the main square in Istanbul. The protests continued and were exacerbated by dissatisfactions with the AKP and Erdoğan over issues of freedom of expression, religion, and secularism. Thousands of people protested, some of which were killed or injured. At the time, Prime Minister Erdoğan downplayed the protests and did not pay attention to their claims, leading opposition groups to call for his resignation. Strains with Gülen occurred when he criticized Erdoğan's rhetorical and authoritarian behavior.¹⁹⁵ The Gezi protests were the first main national challenge to the AKP and Erdoğan. For him, all of those involved, including those from which his actions drew criticizing, were against him.

At the end of 2013, a major corruption scandal, targeting members of his family and party, hoarded all public attention on him. A tape in which Erdoğan and his son could be heard planning to hide millions of dollars started circulating in the media. The police detained high-level politicians, including four government ministers, their families, and other important

¹⁹⁴ Fuller, Turkey and the Arab Spring, 182-183.

¹⁹⁵ Ibid. 171-174

business people in Turkey. Millions of dollars were confiscated from bribery, fraud, and money laundering. Erdoğan responses to the scandal were the immediate change of most of his cabinet, as well as a purge in the police and judiciary of those that could be involved in the investigations. Because of the scandal, Erdoğan accused the Gülen movement of trying to destroy the AKP. He also expressed that the investigations were politically motivated because his followers carried out the investigations.¹⁹⁶ He also accused the United States and Israel of trying to mount a coup against him.¹⁹⁷

Since the corruption scandal, the Hizmet movement, including TUKSON, suffered major losses. Followers of the movement in the military, police, and judiciary were transferred or fired. The majority of the schools and universities were close, the government took the Bank of Asya, and the media network including the most successful newspaper in Turkey, the Zaman, was harassed and eventually close after the failed coup on July 15 of 2016. Rumors of a possible extradition request from the United States started circulating in the media since 2014.¹⁹⁸

4.3 July 15 Military Coup and Gülen's Extradition Request

On July 15, 2016, a faction of Turkey's military took the streets of some major cities including Ankara and Istanbul, resulting in the death of nearly 300 people with the purpose of overthrowing the democratically elected AKP government. The failed coup was immediately blamed on Fethullah Gülen¹⁹⁹ who has been previously accused of infiltrating members of his

¹⁹⁶ James C. Harrington, "Turkey Democracy in Peril- A Human Rights Report", (May 2015):17-25.

¹⁹⁷ Fuller, Turkey and the Arab Spring, 187.

¹⁹⁸ Gulsen Solaker, Turkey's Erdoğan calls on US to extradite rival Gülen, *Reuters* April 29, 2014.

¹⁹⁹ Danny Cevallos, "After failed Turkey coup, must US extradite cleric?," *CNN*, July 18, 2016.

movement in the military. The failed coup started a crisis between the United States and Turkey because Gülen lives there and the suspicions that Washington was behind the coup.

After the night of the coup, Turkey's suspicions of Washington's involvement were spurred by the lack of a strong condemnation from the Obama administration. That night, then Secretary of State, John Kerry, when asked about the situation in Turkey only stated that he hopes "Turkey remains in peace" while refraining from commenting on the coup.²⁰⁰ The suspicions were also based on the relationship between US personnel in Turkish military bases with members of the Turkish Armed Forces, some of whom were detained. James Clapper, the US Director of National Intelligence, expressed that "many of our interlocutors have been purged or arrested... there's no question this is going to set back and make more difficult cooperation with the Turks."²⁰¹ This increased Ankara's suspicions that Washington either supported or had knowledge of the coup since its personnel were present at the bases from where the military took the plans that flew over Turkey that night.

Turkey spared no time to start the extradition request of Gülen. However, in a press release by the US Department of State on July 19, deputy spokesperson Mark Toner admitted that they have received documents from Turkey, but did not articulate as to whether they constituted a formal extradition request.²⁰² It was later confirmed that Turkey formally requested his extradition. Toner, nonetheless, told reports that he would not characterize the request as

²⁰⁰"Kerry hopes for continuity in Turkey amid coup reports," *Associated Press*, July 15, 2016.

²⁰¹"Turkey military purge harming fight against Islamic State: Clapper," *Reuters*, July 28, 2016.

²⁰² US Department of State. Bureau of Public Affairs. Daily Press Briefing, July 19, 2016 [Press release]. <http://www.state.gov/r/pa/prs/dpb/2016/07/260261.htm>

relating to the coup attempt.²⁰³ Unfortunately, the US has a policy of not commenting or releasing documents or information regarding ongoing extradition requests.

In such tense relations, the Obama administration was in a difficult situation to try to convince Turkey it was not involved in the coup as a way to keep Turkey as an ally. Former vice-President Biden visited Ankara shortly after and addressed the Turkish parliament asking for patience for the legal process, reaffirming Washington's commitment to Turkey, and at the same time stressed the importance of meeting the necessary legal standards of the extradition request. Biden commented that the US "has no interest whatsoever in protecting anyone who has done harm to an ally."²⁰⁴

Biden's comments were music to the ears of the AKP government. The failed coup was directed against the Turkish government and President Recep Tayyip Erdoğan. It was an attempt at destabilizing Turkey's constitutional order for which the international community paid close attention. Support from the international community poured after the world realized what happened on that night. Undeniably, Turkey has become a major player in the world of politics and security. If the coup had been successful, the ramifications could have posed a major threat to the stability of the region, and perhaps of NATO itself, taking for example the Arab Spring.

Despite the existing extradition treaty between the two countries, the only way the United States engages in extradition, the odds of extraditing Mr. Gülen are very high. In the past, Gülen was a supporter of Erdoğan, but the two are now rivals. His movement has been designated as a terrorist organization (Fethullah Gülen Terrorist Organization -FETÖ) and accused of operating

²⁰³ US Department of State, Bureau of Public Affairs. Daily Press Briefing, August 23, 2016, [Press release]. <http://www.state.gov/r/pa/prs/dpb/2016/08/261220.htm#TURKEY3>

²⁰⁴"Biden calls on Turkey to be patient in Gülen case" *US News*, August 24, 2016.

a parallel state within the Turkish bureaucracy. As a well-known political opponent of the current regime, the United States can deny the extradition request based on the political offense exception (Article 3) which is an integral part of the existing extradition treaty between the two countries.

The AKP government under Erdoğan is trying to do everything it can to get Fethullah Gülen extradited from his home in Pennsylvania. President Erdoğan authoritarian government and his animosity with Gülen shown in his actions against him and his movement after the corruption scandals and the coup provide Gülen with his strongest arguments to get protection against the current extradition process. His protection can be found in the extradition treaty between Turkey and the United States under the provision of Article 3 (1) (a) which clearly specify that extradition shall not be granted “ if the offense for which extradition is requested is regarded by the Requested Party to be of a political character or an offense connected with such an offense; or if the Requested Party concludes that the request for extradition has, in fact, been made to prosecute or punish the person sought for an offense of a political character or on account of his political opinions.”²⁰⁵

By not relating Gülen’s extradition request to the attempted coup, Turkey is well aware of the reasons for refusal and wants to avoid it at all cost. The problem occurs because if the United States deems the request as a way to punish a political dissent it has legal grounds to deny it, as it is in this case. The crimes he has been charged with have not been made public, but if accused of treason or sedition, for example, such charges have never been extraditable in the past. If charged with murder, it can be claimed that they were incidental to the political struggle and

²⁰⁵Treaty on Extradition and Mutual Assistance in Criminal Matters between the United States of America and the Republic of Turkey, January 1, 1981, 32 U.S.T. 311.

the change they want in government. For this, Gülen will have to recognize its participation or his movement will have to claim responsibility for the coup.

Turkey's actions are not only based on the whim of a country that is seeking vengeance but also on the reputation of the requested state, the United States of America, in refusing extradition requests and granting asylum to foreign political leaders it has supported and influential political dissents of regimes it despises. The political offense exception has been used to protect political dissidents in the past. As shown in the cases of the Irish insurgency, the United States has refused to extradite even people who have committed violent crimes against an important ally such as the United Kingdom. Likewise, the case of Iranian Shah is an important precedent that shows that even in the presence of threats and coercion with the hostage crisis, the United States did not extradite, apprehend, or prosecute a political dissident as a way to favor the claims of the requesting state, Iran.

Most concerns have been centered on the US-Turkey security relations. According to NATO report on July 4, 2016, Turkey is the second most important member of the organization in terms of military personnel, which totals more than that of Germany and the United Kingdom combined.²⁰⁶ Its border with Syria has also made Turkey a key ally in the fight against ISIS from where the United States launches some of its airstrikes missions. Both situations make Turkey an important partner for the US fight against terrorism and the stability of NATO.

²⁰⁶Defense Expenditures of NATO Countries (2009-2016), July 4, 2016, NATO.
http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2016_07/20160704_160704-pr2016-116.pdf

Country	2010	2011	2012	2013	2014	2015	2016
France	234	227	219	213	207	207	-
Germany	235	205	192	184	179	180	180
Italy	193	192	189	189	183	182	182
Spain	131	127	125	122	122	121	121
Turkey	495	495	495	427	423	426	411
United Kingdom	198	191	184	179	169	163	161
United States	1,427	1,425	1,400	1,382	1,338	1,311	1,305

Figure 3 NATO Members' Military Personnel in Thousands

Source: Defense Expenditures of NATO Countries (2009-2016), July 4, 2016, NATO.

Erdoğan knows the importance of Turkey for the US in security matters. He is using the state's influence and bargaining power to persuade Washington into accepting Gülen's extradition request. Speaking in Ankara during a high-level meeting with international investors, "What kind of partners are we if you request documents when we ask for a terrorist?" Erdoğan asked the US administration who has been asking for evidence to extradite Gülen.²⁰⁷ Erdoğan was probably making a case here since Turkey was an important ally for the United States in Afghanistan when it intervened after the reluctance of the Taliban government to hand over Osama Bin Laden in 2001.

²⁰⁷"How is U.S. a partner if it continues to harbor Gülen? Erdoğan asks," *Daily Sabah*, August 2, 2016,

In the aftermath of the coup, Turkey started a purge not only in the military but also in the judiciary, government ministries, schools, and universities. Anyone suspected of being involved in the Gülen movement was subject to interrogations. Former US government officials – one-time ambassador to Ankara, W. Robert Pearson, and Larry Korb, former Assistant Secretary of Defense – said that Turkey’s military purge is straining a key military relationship.²⁰⁸ These comments also resonated in Clapper’s remarks.

A report from the Institute for the Study of War argues that the anti-American sentiments Erdoğan is creating during his purge may indicate that he was setting conditions for a pivot in Turkish foreign policy away from the US due to its reluctance to extradite Gülen and its lack of genuine support. Consequently, Turkey started pursuing closer ties with Russia, raising the question of whether it is considering leaving NATO to strengthen its relationship with Vladimir Putin, the report said.²⁰⁹ They are now cooperating closer in finding a solution to the crisis in Syria as part of the Astana talks of which the United States is not a part of.

Since the Obama administration is out of power, the burden of the extradition of Gülen is now in the hands of the Trump administration. The Trump administration has yet to take a clear position on the matter, but his close relation with Erdoğan and the comments of General Michael Flynn, who was one of the closest advisors to the new administration, could perhaps be against Gülen. There were concerns about Flynn lobbying in the name of Turkey in order for the Trump administration to bypass or expedite some of the long extradition proceedings.²¹⁰ However, in favor of Gülen, the executive cannot by itself decide whether to grant the request. It has to

²⁰⁸ James Reinl, “US-Turkey military fissures could damage anti-Islamic State efforts,” *Middle East Eye*, August 1, 2016,

²⁰⁹Jennifer Cafarella, Elizabeth Sercombe, and Charles Vallee, “Partial Assessment of Turkey’s Post-Coup Attempt Military Purge,” *Institute for the Study of War*, (July30, 2016).

²¹⁰Jeremy Diamond, Jessica Schneider, and Joe Johns, “Trump transition knew of Flynn’s pro-Turkey lobbying before White House appointment”, *CNN*, March 11, 2017.

submit the request for an extradition hearing.²¹¹ This was the position of the Obama administration to let the process take place in the judiciary and it will certainly continue under the new administration. At this moment in the process, Gülen would most likely move forward his defense based on the political offense exception, claiming that the Turkish government is, in fact, trying to prosecute him for his political opinions and that the government will not afford him a fair trial. His previous trials, all of which he has been acquitted of, are good evidence he can use in his favor.

As extradition is the only available way for the AKP government to secure the return of Gülen, the Turkish government seems to be trying to manipulate the judicial process using the security relations. His extradition in the US is certainly a matter of law and not a political one as the Turkish government considers it. Turkish Justice Minister Bekir Bozdağ, for example, said on August 29, 2016 “We all have to respect the process. But the key to this process is political will...the political will determines the outcome of the legal process.” The Trump administration cannot bypass the judicial process, but in the parts assigned to the executive and not the judiciary, it can certainly help to move forward the extradition. It can only do it in the first phase of the process when it is received by the Department of State to confirm that the request is in compliance with the extradition treaty, and the last phase when after being granted by the judiciary (which has to confirm the existence of probable cause) then it can decide whether or not it will render to the foreign state the alleged fugitive.²¹²

²¹¹ 619. Extradition Hearing, United State Department of Justice- Offices of the United States Attorneys, <https://www.justice.gov/usam/criminal-resource-manual-619-extradition-hearing>

²¹²Michael Werz and Max Hoffman , “The Process Behind Turkey’s Proposed Extradition of Fethullah Gülen,” *Center for American Progress*,(September 7, 2016).

Moreover, despite the difficulties and challenges of the extradition request of Fethullah Gülen, the United States can still prosecute Gülen if he is found guilty of crimes that are punishable in both countries, but still considers him not extraditable based on the political offense exception. This is based on the obligation to extradite or prosecute *-aut dedere aut judicare*. This action can perhaps show to the Turkish government that the US takes the issue seriously. Likewise, such action will be in line with the objective of extradition to prevent putative wrongdoers from escaping justice by taking advantage of the limitations and challenges of this process. In that sense, the United States will also have to bring under more scrutiny the Hizmet movement's network and activities in the country. These actions make sense if the United States expects future interactions with Turkey in security and extradition matters. In the case of the Irish insurgency, the United States denied visas for members of the violent groups in Northern Ireland. Scrutiny to the movement and support for Turkey can also take form by not allowing members of the movement to enter the United States and thus, avoiding more conflicts with Turkey. The prosecution of Hissène Habré, former President of the Republic of Chad, provides a good example in which there is a conflict of interests in extradition, but through cooperation, bringing political criminals to justice, in one way or another, is possible. The main difference here is that the Chadian government did not pressure Senegal and that the international community is not supporting Turkey. The Turkish government seems to have a real interest in punishing Gülen and they stand firm in their belief that he was, in fact, the mastermind of the attempted coup. However, the international community is unlikely to pressure the United States as it pressured Senegal in the case of Hissène Habré. Germany, for example, believes that

the Gülen was not behind the coup and that the coup is just a welcome pretext for Erdoğan to crackdown on dissidents of his movement.²¹³

4.4 Analysis

The extradition case of Fethullah Gülen represents undoubtedly a very difficult problem for Turkey and the United States in aspects that go beyond the legal complications of the whole extradition process. In this case, we can observe that mutual assistance in legal matters and cooperation in the repression of crime is extremely difficult when it involves political figures and its ramifications spread into other areas of the diplomatic relations. This extradition case poses a threat to the bilateral security relations between Turkey and the United States.

Gülen's extradition has created tensions and raised anti-American sentiments, mostly in the Turkish's government. On the other hand, Turkey is being seen as an irrational and authoritarian country because of the actions it has pursued following the coup and the means it is using to get Gülen extradited. An important question to answer here is **how Turkey and the United States perceive the situation?** For Turkey, the extradition of Fethullah Gülen is a simple matter that the United States should act upon in its favor. Turkey expects the return of Gülen so he could face "justice" and be punished for his crimes. They consider that political will from the United State is the key to secure the extradition. The United States, on the other hand, perceives the extradition as very problematic, affecting its security relations and interests with Turkey. Acting in favor of Turkey is in conflict with its domestic laws, its international commitments as a reliable signatory, and its ability to remain neutral to the domestic conflicts of Turkey that has

²¹³ Interview with the German Intelligence Chief Bruno Kahl. Interview Conducted by Martin Knobbe, Fidelius Schmid, and Alfred Weinzierl, "Coup in Turkey was just a welcome pretext," *Spiegel Online*, March 20, 2017.

been tantamount to extradition treaties with the political offense exception. Both countries differ in their perception; Turkey sees the problem as political, while the United States sees it as legal.

Furthermore, Turkey considers that it is competent to try Gülen and that it has provided enough evidence to the US to secure his return in a timely manner in order to deter any other possible political uprising. However, the Turkish government considers that the United States does not want to cooperate or trust Turkish's judicial system. Similarly, Turkey considers that such actions are reflective of a tacit support to an enemy of the Turkish state. In the same vein, with such an attitude, the extradition treaty and the purpose for the existence of this tool have failed to accomplish two things: 1) further foreign relations, and 2) provide a platform for the peaceful resolution of conflicts with the ability to remain neutral by not extraditing political offenders.

Although it is true that the interdependence of nations has stimulated the increase of international cooperation in legal and criminal matters, protecting political criminals who have caused great injuries to the state has a clear diverse effect to the actual purpose of cooperation in extradition matters. This is because the political offense exception provides political criminals with impunity and thus the purpose of serving the requesting state's criminal law is not attainable.

Will Turkey grant any important extradition request to the United States in the near future? The most understandable negative implication the denial of the Gülen's extradition has is the denial of extradition of high-profile figures wanted by the United States from Turkey. This action will come as a form of punishment to the United States. Ankara has already warned Washington and the West that this will be their position if members of the Gülen terrorist

organization sought by Turkey are not extradited.²¹⁴ In general, the denial of any extradition from Turkey to the United States will be in line with the following norms of reciprocity explained by Ostrom and Walker:²¹⁵

1. Always cooperate first; stop cooperating if others do not reciprocate; and punish non-cooperators if feasible;
2. Cooperate immediately only if you judge others to be trustworthy; stop cooperating if others do not reciprocate; and punish non-cooperators if feasible;
3. Once cooperation has been established by others, cooperate yourself; stop cooperating if others do not reciprocate; and punish non-cooperators if feasible.

Such action could definitely damage future cooperation. For example, Turkey's location and proximity to war zones is prone to terrorists wanted by other countries that can be captured either in Turkish soil or by Turkish soldiers currently engaged in war. If the United States requests their extradition because they have conducted a terrorist attack in American soil or plan to, and Turkey denies their extradition, the cycle of mistrust and the belief that the other party is supporting an enemy of the state repeats.

A way forward to this conflict and the promotion of cooperation is to see the other alternative proposed by Grotius with prosecution in lieu of extradition when it is not possible, and the "shadow of the future" by Robert Axelrod (1984) with the expectation of future interactions as extradition has an infinitive possibility of repetition. As Petersen (1992) explains cooperation is not necessarily the act of extraditing the fugitive but the refusal to grant refuge²¹⁶ and/ or support the fugitive's cause. With the extradition of Gülen, the AKP government wants

²¹⁴"Turkey will not extradite suspects wanted by the West unless they extradite Gülenists: Erdoğan," *Hurriyet Daily News*, May 30, 2017.

²¹⁵Elinor Ostrom and James Walker, eds., *Trust and Reciprocity: Interdisciplinary Lessons from Experimental Research*. (New York: Russell Foundation, 2003) Vol. VI, 46.

²¹⁶Petersen, "Extradition and the Political Offense Exception in the Suppression of Terrorism," 771.

to eliminate any political opposition, discredit the Hizmet movement, and remain in power. Prosecution of Gülen and the halt of support and operations for his movement within the United States could perhaps ameliorate and **satisfy Turkey's quest for extradition** as explained above in this chapter. Recently, on July 17, 2017, Turkish Deputy Prime Minister Numan Kurtulmuş informed that this action is necessary given the nature of their strategic relationship if the United States is not considering extraditing Gülen.²¹⁷

So far, the United States seems to be engaged in the process and cooperating with Turkey by providing it with the opportunity to present the case as required by the existing extradition treaty. When denied, cooperation in extradition can continue if the United States at least takes actions against Gülen and his movement if he is found guilty of crimes also punishable in both countries. This will not make the United States breach any of its international commitments. It will be in its best interest that, as for the purpose of extradition, crimes do not go unpunished.

Besides the implications in mutual legal assistance, it has been suggested that this extradition case will have a negative impact on their security relations if denied. Previous cases involving the United States also mirror this concern but it has not always been the case. The most famous political figure was the Iranian Shah that led to the hostage crisis, break of diplomatic relations, and a possible military confrontation between the now rivals. However, in the case of the Irish Insurgency, the US and the UK diplomatic relations were not affected. Arguing Van Den Wijngaert (1983) reasoning that the ultimate decision to extradite a fugitive might be plagued the security ties with the requesting state, in the cases mentioned above extradition was not granted but the security concerns still played an important role seen in the actions taken

²¹⁷“US must at least give Gülen house arrest: Turkish Deputy PM,” *Hurriyet Daily News*, July 18, 2017.

afterwards. In the case of Iran, the US had no choice but to ask the Shah and his family to leave and seek refuge somewhere else, a move they expected will lead to the release of the hostages and prevent a military confrontation. In the case of the UK, it can be argued, the US prevented the entry of members of the insurgency by denying them visas in order to not antagonize an important ally and to sympathize with UK's internal security threats.

Looking at their bilateral security relations during the AKP government and the raise of anti-American sentiments in Turkey, the complications of the extradition and a possible denial, coupled with the levels of mistrust and negative opinions in both countries, could become the catalyst to stop any security cooperation of Turkey with the United States as it clearly does not take Turkey's threats seriously. This is because their security alliance is not serving the purpose for what it was created, making it dysfunctional without producing any satisfactory results for them. The divergence in security strategies is present in the following situations:

For Turkey:

- The bilateral security alliance does not protect Turkey of its most important and existential problem with the Kurdish population, especially in Syria. Priorities and threat perceptions differ regarding how to deal with Syria;
- Syria (in the past) and Iran have shown more support in the fight against the Kurds as they share the same concern;
- The United States support for the Syrian Kurds threatens Turkey territorial integrity;
- The United States is supporting Gülen who is an enemy of the Turkish State;
- United States security strategy in the Middle East affects Turkey's economy.

For the United States:

- Turkey's increasing role in the region with its rapprochement with Syria and Iran are not in line with US interests in the region;
- Priorities and threat perceptions differ regarding how to deal with Syria;
- Turkey's support to different non-state actors in Syria- Al-Nusra;
- Closer cooperation with Russia and Iran.

On the other hand, from the point of a security alliance, the continuity of Turkey-US bilateral security relations do not make much sense. It is the author's perception that Turkey has actually given up more than the United States in order to maintain the relationship alive. Complying with the sanctions against Iran has not benefited Turkey in economic terms, but establishing relations with the KRG in Northern Iraq has produced positive outcomes in the areas of security and the economy. The relationship is still alive because there are still reasons, perhaps more important for Turkey, to stay united rather than breaking up their relationship. The security alliance is important for them for the following reasons:

For Ankara:

- Remain a member of the Western Alliance under NATO;
- Support in the fight against terrorism and against the Assad regime;
- Maintain Iraq united;
- In the presence of a conflict with Iran or Russia, Turkey will be more protected as part of NATO and under the protectionist umbrella of the United States;
- Turkey is unable to control by itself the problems its neighbors are facing. It can only do it with the United States and NATO;
- Foreign military sales.

For Washington:

- Turkey's location;
- Turkey's ground and air bases and its military personnel;
- The stability of NATO;
- In the presence of a conflict with Iran or Russia, Turkey's participation will be necessary for the United States and NATO. The reemergence of Russia is challenging US leadership in the Middle East and posing a threat to Europe. Turkey's membership is essential for the stability of the organization and it is in Washington's interest that NATO remains united;
- Maintain Iraq united;
- Turkey's participation in the coalition forces against IS and the Assad regime.

If Washington does not extradite Gülen, will Turkey risk its security alliance with the United States?

Although Turkey's increasing collaboration with Russia and Iran, as security partners they are still not reliable for Turkey. Turkey is more protected as part of NATO and with its alliance with the United States. The alliance also serves as a big deterrence in the advent of a serious conflict in the region. Both Russia and Iran support Assad in Syria, but Turkey and the United States want a regime change. On the other hand, Turkey is still dependent on the United States for military equipment, necessary to defend its southern border and against the Kurdish insurgency. These situations provide Ankara with incentives to remain an ally of the United States for now. Moreover, Turkey's failed approach to intervene in the Arab Spring successfully and the rise of terrorism in the region are indicators that as long as Turkey cannot manage by itself the threats in its own neighborhood, protection and support from NATO and the United States are necessary for its survival and stability.

Finally, the domestic political situation in Turkey explains why Erdoğan's government has pursued and will continue to pursue Gülen's extradition from the United States. If Erdoğan decides not to continue seeking Gülen's return, it will rest legitimacy to his claims that he was involved in the coup. On the other hand, as a matter of political expediency, the coup was like a miracle for Erdoğan to push for a national referendum that gave him sweeping new presidential powers, plans he had since 2010. The coup allowed the government to declare a "state of emergency" until April 19, restricting the right of freedom of expression, and therefore eliminating any opposition to the referendum. As the referendum was successful, but only with 51.4 percent of the votes,²¹⁸ backing down at this moment will be too risky.

Having an enemy outside Turkey, who still poses a threat to the state, provides the AKP government with political expedience. By having portrayed Gülen as an enemy of the state, including the links of the movement to military and police officers, as well as other civil servants in the judiciary, Erdoğan was able to get rid of most of his political opponents within the state bureaucracy. Thus, continue pursuing the extradition of Gülen aggressively, even at the risk of denial, is essential for Erdoğan to remain in power. This last situation provides us with the perception that the security implications have been used by Erdoğan to keep the United States in his game of political struggle. This has been possible due to the fragility of their security alliance at the moment.

²¹⁸"Turkey to extend state of emergency by three months," *Aljazeera*, April 18, 2017.

4.4.1 Comparative Analysis

Throughout content of this work, several extradition cases have been included. The two most important ones are the extradition of the Mohammad Reza Pahlavi and that of members of the Irish Insurgency. These two cases are of great importance for the study of political extraditions and the implications in security relations. The underlying perception or hypothesis is that the possible denial of Turkey's request to extradite Fethullah Gulen from the United States will lead to a break of diplomatic relations. The following table compares two cases that are already solved with the case subject of study in this thesis. In all of the cases, the requested country was the United States.

Political Extraditions	Mohammad Reza Pahlavi	Irish Insurgency	Fethullah Gülen
Extradition Treaty	No	Yes	Yes
Political Offense Exception	No	Yes	Yes
Aut Dedere Aut Judicare	No	Not Used	?
Experienced Government	No	Yes	Yes
Impunity	Yes	Yes/No	?
Political Expedience	Yes	No	Yes
Political Oppression	Yes	No	Yes
Decision to Extradite is Political	Yes	No	Yes
Security Alliance	No	Yes	Yes
Security Interdependence	No	Yes	Yes
Security Leverage	Yes	Yes	Yes
Stable Security relations	No	Yes	No
Anti-American Sentiments/views	Yes	No	Yes
Expectation of Future Interactions	No	Yes	Yes
Break of Diplomatic Relations	Yes	No	?

Figure 4 Political Extraditions Comparative Table

Source: Self- compilation

The political extradition of the Shah, which led to the break of diplomatic relations with the United States, has in common so far with the current extradition request of Fethullah Gülen the following:

1. In both Iran and Turkey, the request provided the government with political expedience;
2. The request was obviously for political oppression;
3. Both countries disregarded the legal process and considered that the decision to extradite in Washington was political.
4. Both countries have unstable security relations with the United States. Tehran distanced itself during the revolution, but did not break diplomatic relations immediately due to interest convergence against the spread of Soviet communism. Turkey, on the other hand, continuously cooperating with Washington in some aspects, but in regards to the most important- Syria and the Kurdish population in the Middle East- both countries 'interests are in clear divergence.
5. Levels of anti-Americans are very high.

Contrarily, the political extradition of the members of the Irish Insurgency, did not lead to a break of diplomatic relations. Turkey has in common with the United Kingdom the following:

1. Both countries have signed extradition treaties, agreeing for the most part, which crimes can be extraditable and which cannot;
2. Both, the United Kingdom and Turkey are considered to have experienced and knowledgeable central governments;
3. Turkey, the United Kingdom, and the United States are part of the most important security alliance, NATO. They also cooperate extensively with one another outside of NATO;
6. Under not only NATO, the United Kingdom and Turkey also cooperate extensively in a variety of security areas with the United States. Military personnel training, military

equipment, US military bases, etc. Iran also benefited from US training and military equipment, but during the Iranian revolution and extradition of Shah such aspects of security interdependence were also none. Contrarily, US military personnel and Bases are still in Turkey, even a year later after the coup and extradition request was made. Interdependence between Turkey and the United Kingdom with the United States is well established.

Although, in Iran and the United Kingdom the offenders were never prosecuted (impunity), the outcome in regards to their relationship with the United States was completely different. Iran did not have any expectations of future interactions with the United States, so it went ahead with its irrational ideas to take the US diplomatic personnel to force the United States to extradite the Shah having consequently the break of diplomatic relations. Conversely, London had future expectations with Washington, so does Ankara, and diplomatic relations were not affected.

An important finding here is that the principle *Aut Dedere Aut Judicare*, part of customary international law, was not invoked or considered by the parties. Perhaps, this could be a way out of the conflict between Turkey and the United States over the extradition of Fethullah Gülen.

Chapter 5 Conclusion

This thesis has tried to make an attempt to examine the controversial political extradition of Fethullah Gülen and its impact on the bilateral security relationship between Turkey and the United States through the lenses of Cooperation Theory. It is important to point out that any analysis or assessment of an ongoing political extradition is only a tentative one because as the situation unfolds, new circumstances can change the course of the implications, especially in the case subject of study.

A year has passed since the request was made to the United States, but Gulen continues in his self-imposed exile in Pennsylvania. Despite providing evidence of crimes that are not clear yet to the public, no extradition hearing has taken place. Turkey just accuses him as the mastermind of the failed coup of 2016, but US authorities will not relate the extradition request to it. The same perception remained. Gulen is confident that he will not be rendered to the hands of an authoritarian government, as it will tarnish America's reputation. Continuing on, Erdogan disregards the legal process and believes that political-will is going to determine the outcome. On the latest update on the issue, Erdogan suggested a swap between Gulen and US evangelical pastor Andrew Brunson. "We have given you all the documents necessary [for the extradition of Gülen]. But they say, 'give us the pastor.' You have another pastor in your hands. Give us that pastor and we will do what we can in the judiciary to give you this one," Erdoğan said on Sept. 28.²¹⁹ A swap, the same Iranians wanted to do with the hostages, is very unlikely. Gulen understands US's reputation better than Erdogan. For maintaining a reputation of a law-abiding

²¹⁹ "Give us Gülen if you want arrested pastor Andrew Brunson to be freed: Erdoğan tells US," *Hurriyet Daily News*, September 28, 2017.

country that protects human rights and promote freedom of expression, the United States must commit to its principles. Axelrod says, “One purpose of having a reputation is to enable you to achieve deterrence by means of credible threat.”²²⁰ If the Trump administration decides to enter into such a negotiation, other countries that are in the same situation as Turkey will also imprison US citizens as political scapegoats.

From an analytical perspective, Gülen’s extradition is very complicated. All the aspects analyzed, the legality of extradition, the domestic political pressures of Turkey, and the security relations, have something different to explain about this case and the possible repercussions of the final decision to whether extradite or not extradite Fethullah Gülen.

This thesis shows that the political offense exception does not further foreign relations, and that it is very difficult for countries to remain neutral to the domestic issues of states seeking the extradition of political offenders. It also shows that political criminals can get away with their crimes as the political offense exception provides them with impunity. Therefore, as a component of international cooperation, extradition has been unable to provide a platform for the peaceful resolution of conflicts as shown in this case where the denial of other possible extradition requests to the affected state from the same country who denied the previous extradition request will come as a form of punishment.

Regarding the security relations between Turkey and the United States and the domestic political pressures of Turkey, the results are contradictory in regards to the actual negative implications the denial of Gülen’s extradition can have. In the strict sense of their security relations, this problem can be the tip of the iceberg for Turkey to stop its alliance with the United

²²⁰ Axelrod, *The Evolution of Cooperation*, 153.

States. This is because the alliance is at a very sensitive and fragile moment and can be affected by a minor issue such as this. This thesis starts with the assumption that common security concerns will bring countries, in which the main reason for collaboration has been security, together in the presence of other minor issues. However, security threats to Turkey and the United States regarding IS and Syria, the Kurdish problem, Iran or Russia, are doing everything but making them cooperate to find a solution that is satisfactory for both. If the security relationship between the United States and Turkey was strong and free of controversies, the extradition of Fethullah Gülen could not be used to manipulate the process or pose a threat to its continuity.

Moreover, the domestic political situation of Turkey explains that for the AKP government, more specifically for Erdoğan, the extradition of Gülen and the problems with his movement have helped him pass a referendum that will allow him to stay in power. Looking at the issue from this perspective, the denial of the extradition will not pose a threat to the relationship because the government's primary objective is to gain full control of the political life of Turkey. The AKP faces country-wise opposition and dissatisfaction as the referendum only passed with 51.4 percent of the votes, while still, the majority of the Turks demand the government to take actions. Giving up the request for Gülen or losing its grip on the movement is not an option for them now. Although the political offense exception is causing problems among them, they can both be benefited from it. For Turkey, the political offense exception will be the justification for failing to extradite Gülen. On the other hand, for the United States, the political offense exception gives Washington a legal excuse to be neutral to the domestic political issues of Turkey, remain within the obligations of the treaty, and maneuver the situation in its favor.

The extradition request is still ongoing and it might take years before a decision is made. Perhaps, if there is a change of government in Turkey at the time of the final decision, the possible repercussions of a denial of the extradition request could be irrelevant as this is a fight between Erdoğan and the AKP with Fethullah Gülen and his movement. This extradition is best explained by domestic politics, but it also shows the implications in security matters and the complexity of cooperation in extradition when it involves political figures. Turkey's bad reputation acquired this time just provides Erdoğan and his government with short-term benefits they can only reap now, but a new government will easily retract this situation by distancing themselves from them or change their attitude towards this request.

Finally, **will cooperation between Turkey and the United States in security matters continue if Gülen's extradition is denied?** Focusing on the areas of security convergence, regardless the final decision of Gülen's extradition, Turkey expects future interactions with the United States in Syria to fight the Islamic State, and vice-versa. They can still achieve major changes together and work towards the stabilization of the region. It is expected that they will continue cooperating until the Islamic State is finally defeated and later in the stabilization of Syria. On the other hand, Turkey is still dependable on the US for military sales. As a result, it is expected that even if Gülen's extradition is denied, cooperation will continue.

For this scenario to take place, a basic recommendation for the United States is essential at this point. With a new administration in Washington, a new strategy is necessary. Washington should advocate for a peace deal first between Turkey and the PKK, the same that was stopped in 2015. Once they have struck a deal with Turkish Kurds, negotiations with Syrian Kurds could take place. For Washington, it is almost impossible not to consult with the Turks and a key

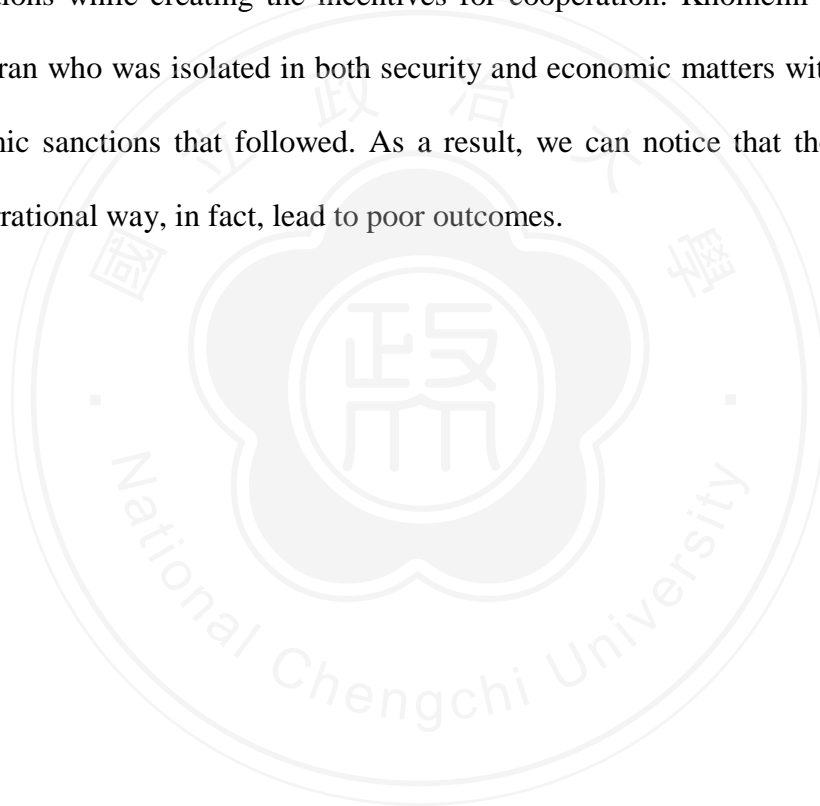
NATO ally in incursions in its own neighborhood. Turkey is already engaged in the fight and the United States uses Turkish bases to launch much of its operations in Syria. As explained above, cooperation between Ankara and Washington can yield better results and enhance the bilateral relations.

Regarding Gülen's extradition, if the evidence provided by Turkey indicates that Gülen is guilty of one or more crimes for which the request has been made, the United States should prosecute Gülen for these crimes (*Aut Dedere Aut Judicare*). This action will have two purposes: 1) improve relations with Turkey; and 2) meet the expectations that crime wherever committed should never go unpunished. However, in the meantime, Washington should be careful not raise the expectations of Turkey too high of his possible extradition, but the Trump administration will have to analyze the situation if they want cooperation with Ankara to flow.

High-profile political extraditions such as this one make it very difficult for anyone to assess correctly the scenario in which is taking place. However, in this one both the security relations and the domestic pressures are the two factors that best explains the possible implications. Normally, the bilateral relations between countries with important security ties, the interests for maintaining the alliance should outweigh the interests for obtaining a fugitive criminal.

At this moment, the interdependence in security matters between the United States and Turkey is in a very thin line, but the two countries still rely on each other to meet some of their security demands and strategies. In contrast with other similar cases, as the extradition of the Shah, the lack of interdependence and expectations of future interactions, responsible and experienced government, and intensive social and political domestic pressure, allowed a political

extradition case to become the trigger for the break of diplomatic relations. The request for the extradition of the Shah was more beneficial for the regime Khomeini was trying to establish (short-term benefits), reason why they ignored any possible future interactions with the United States. The absence of a treaty prevented since the beginning the extradition of the Shah, but it was not the reason for the break of diplomatic relations. Turkey, in contrast, is not ignoring the United States. In that sense, the expectation of future interactions precludes the idea of breaking diplomatic relations while creating the incentives for cooperation. Khomeini's miscalculations turned against Iran who was isolated in both security and economic matters with the war in Iraq and the economic sanctions that followed. As a result, we can notice that the pursuit of self-interests in an irrational way, in fact, lead to poor outcomes.



Bibliography

Books

Akdogan, Yalcin. 2006. "The Meaning of Conservative Democratic Political Identity." In *The Emergence of a New Turkey: Democracy and the AK Party*, edited by M. Hakan Yavuz, 49-65. Salt Lake City: The University of Utah Press.

Aksin, Sina. 2007. *Turkey from Empire to Revolutionary Republic: The emergence of the Turkish Nation from 1789 to present*. New York: New York University Press.

Axelrod, Robert. 1984. *The Evolution of Cooperation*. New York: Basic Books.

Ayan Musil, Pelin. 2011. *Authoritarian Party Structures and Democratic Political Setting in Turkey*. New York: Palgrave Macmillan.

Barnett, Michael N. 1996. "Identity and Alliances in the Middle East." In *The Culture of National Security: Norms and Identity in World Politics*, edited by Peter J. Katzenstein. New York: Columbia University Press.

Bassiouni, M. Cherif, and Wise, Edward Martin. 1995. *Aut Dedere Aut Judicare: The Duty to Extradite or Prosecute in International Law*. Dordrecht and Boston: Martinus Nijhoff.

Bilge Criss, Nur. 2007. "Turkish Perceptions of the United States." In *What they think of US: International Perceptions of the United States since 9/11*, edited by David Farber. Princeton: Princeton University Press.

Bilge Criss, Nur. 2011. "The American Cold War Military Presence in Turkey." In *American Turkish Encounters: Politics and Culture, 1830-1989*, edited by Selcuk Esenbel, Nur Bilge Criss, Tony Greenwood, Louis Mazzari, 281-299. Newcastle: Cambridge Scholars Publishing.

Biron, Henry Chartres, and Chalmers, Kenneth E. 1981. *The Law and Practice of Extradition*. Littleton, CO: F.B. Rothman.

Candar, Gengiz. 2000. "Some Turkish Perspectives on the United States and American Policy toward Turkey." In *Turkey's Transformation and American Policy*, edited by Morton Abramowitz. New York: Century Foundation Book.

Cevik, B. Sene, and Seib, Philip, eds. 2015. *Turkey's Public Diplomacy*. New York: Palgrave MacMillan.

Finkel, Andrew. 2012. *Turkey: What Everyone Needs to Know*. New York: Oxford University Press.

Fuller, Graham E. 2014. *Turkey and the Arab Spring – Leadership in the Middle East*. Istanbul: Bozorg Press.

Grotius, Hugo. 2001. *On the Law of War and Peace*. Edited by A.C. Campbell. Kitchener: Batoche Books.

Hahn, Peter L. 2005. *Crisis and Crossfire: The United States and the Middle East since 1945*. Washington, DC: Potomac Books.

Hale, William. 1997. "Turkey," in *The Cold War and the Middle East*, edited by Yezid Sayigh and Avi Shlaim. Oxford: Clarendon Press.

Hall, William Edward, and Higgins, Pearce. 1924. *A Treatise on International Law*, 8th edition. Oxford: Clarendon Press.

Harrington, James C. 2011. *Wrestling with Free Speech, Religious Freedom, and Democracy in Turkey: The political trials and times of Fethullah Gülen*. Lanham, Maryland: United Press of America.

Hendrick, Joshua D. 2013. *Gülen: The Ambiguous Politics of Market Islam in Turkey and the World*. New York: New York University Press.

Hibbard, Scott W., and Little, David. 1997. *Islamic Activism and U.S. Foreign Policy*. Washington D.C.: United States Institute of Peace.

Ismael, Tareq, and Aydin, Mustafa, eds. 2003. *Turkey's Foreign Policy in the 21st Century: A Changing Role in World Politics*. Burlington: ASHGATE.

Jenkins, Gareth. 2006. "Symbols and Shadow Play: Military-JDP Relations, 2002-2004." In *The Emergence of a New Turkey: Democracy and the AK Party*, edited by M. Hakan Yavuz, 185-206. Salt Lake City: The University of Utah Press.

Keohane, Robert. 1984. *After Hegemony: Cooperation and Discord in the World Political Economy*. Princeton: Princeton University Press.

Khalilzad, Zalmay, Lesser, Ian O., and Larrabee, Stephen. 2000. *The Future of Turkish-Western Relations- Toward a Strategic Plan*. Santa Monica: Center of Middle East Public Policy.

Koyuncu, Berrin. 2007. "Globalization, Modernization, and Democratization in Turkey: The Fethullah Gülen Movement." In *Remaking Turkey: Globalization, Alternative Modernities, and Democracy*, edited by E. Fuat Keyman, 153-168. Lanham, MD: Lexington Books.

Kuru, Ahmet T. 2006. "Reinterpretation of Secularism in Turkey: The Case of the Justice and Development Party." In *The Emergence of a New Turkey: Democracy and the AK Party*, edited by M. Hakan Yavuz, 136-159. Salt Lake City: The University of Utah Press.

Larrabee, F. Stephen. 2008. *Turkey as a U.S. Security Partner*. Santa Monica and Arlington: RAND Corporation -Project Air Force.

Nachmani, Amikam. 2003. *Turkey: facing a new millennium- Coping with intertwined conflicts*. Manchester: Manchester University Press.

Nicholls, Clive, Montgomery, Clare, and Knowles, Julian. 2007. *The Law of Extradition and Mutual Assistance*. Oxford: Oxford University Press.

Oktem, Ketem, Kadioglu, Ayse, and Karli, Mehmet, eds. 2012. *Another Empire? A Decade of Turkey's Foreign Policy under the Justice and Development Party*. Istanbul: Bilgi University Press.

Ostrom, Elinor, and Walker, James, eds. 2003. *Trust and Reciprocity: Interdisciplinary Lessons from Experimental Research*. New York: Russell Foundation. Volume IV.

Ozcan, Mesut. 2008. *Harmonizing Foreign Policy: Turkey, the EU and the Middle East*. Padstow: Ashgate.

Pieper, Mortiz. 2015. "Turkey's Iran Policy: A case of Dual Strategic Hedging." In *Politics and Foreign Policy in Turkey- Historical and Contemporary Perspectives*, edited by Kilic Bugra Kanat, Ahmet Selim Tekelioglu, and Kadir Ustun, 107-130. Ankara: Young Scholars on Turkey-SETA.

Sadik, Giray. 2009. *American Image in Turkey: U.S. Foreign Policy Dimensions*. Lahnham: Lexington Books.

Sambei, Arvinder, and Jones, John R. W.D 2005. *Extradition Law Handbook*. Oxford: Oxford University Press.

Shearer, Ivan Anthony. 1971. *Extradition in International Law*. Manchester: Manchester University Press.

Solomon Richard H., and Quinney, Nigel. 2010. *American Negotiating Behavior: Wheeler-dealers, Legal Eagles, Bullies, and Preachers*. Washington, D.C.: United States Institute of Peace.

Standbrook, Ivor, and Standbrook, Clive. 2000. *Extradition Law and Practice*, 2nd edition. Oxford: Oxford University Press.

Szaz, Michael. 1978. "NATO, Turkey and U.S. Strategy;" Haley, Normal R. "The Role of Turkey as a NATO Partner;" Lemnitzer, Lyman L. "The Defense of NATO's Southeastern Flank and the Turkish Arm Embargo;" in *NATO, Turkey and the United States Interests*. Washington D.C.: American Foreign Policy Institute- Studies on NATO Defense Policies.

Tocci, Nathalie, and Walker, Joshua W. 2012. "From Confrontation to Engagement: Turkey and the Middle East." In *Turkey & Its Neighbors: Foreign Relations in Transition*, edited by Ronald H. Linden et. al., 35-60. Boulder Lynne Rienner Publishers.

Tugal, Cihan. 2016. *The Fall of the Turkish Model: How Arab Uprising Brought Down Islamic Liberalism*. London: VERSO.

Yavuz, M. Hakan. 2003. "The Gülen Movement: The Turkish Puritans." in *Turkish Islam and the Secular State: The Gülen Movement*, edited by M. Hakan Yavuz and John L. Esposito. Syracuse, NY: Syracuse University Press.

Articles/ Reports/ Theses

1981. *The Iran Hostage Crisis a Chronology of Daily Developments*, *Committee on Foreign Affairs U.S. House of Representatives*, (March).

2009. "Rebuilding a Partnership: Turkish-American Relations for a New Era- A Turkish Perspective", *Turkish Industrialists' and Businessmen's Association (TÜSİAD)*, No-T/2009-04/490 (April): 11-90.

Albright, Madeleine K., and Hadley, Stephen J. 2012. "U.S.-Turkey Relations: A New Partnership", *Council on Foreign Policy- Independent Task Force*, Report No. 69.

Alessandri, Emiliano. 2011. "Turkey and the United States," In *Turkey's Global Strategy*, ed. Nicholas Kitchen, *London School of Economics- IDEAS* (May): 45-49.

Altunisik, Meliha Benli. 2011. "Turkish Foreign Policy in the 21st Century," *CIDOB International Yearbook- Barcelona Center for International Affairs*, 195-199.

Arbell, Dan. 2014. "The U.S.-Turkey-Israel Triangle," *Center for Middle East Policy at Brookings*, no. 34, (October):1-48.

Aslan, Ali. 2012. "Performing Turkey: Continuity and Change in Turkish Statecraft, 1990-2012," *University of Delaware*, (summer).

Aydintaşbaş, Asli, and Kirişçi, Kemal. 2017. "The United States and Turkey- Friends, Enemies, or Only Interests." *Center on the United States and Europe (CUSE) at Brookings*, No. 12, (April): 1-21.

Bassiouni, M. Cherif. 1969. "Ideologically Motivated Offenses and the Political Offense Exception in Extradition - A Proposed Juridical Standard for an Unruly Problem." *DePaul Law Review*, Vol. 19, No. 2, 217-259.

Boyd, Lyn. 2000. "A King's Exile: The Shah of Iran and Moral Considerations in U.S. Foreign Policy," *Institute for the Study of Diplomacy of Georgetown University*.

Brody, Reed. "Chad: The Victims of Hissène Habré Still Awaiting Justice", *Human Rights Watch*, (July 12).

Cantrell, Charles L. 1977. "The Political Offense Exemption in International Extradition: A Comparison of the United States, Great Britain and the Republic of Ireland," *Marquette Law Review*, Vol. 60, No.3, 777-818.

Cafarella, Jennifer, Sercombe, Elizabeth and Charles Vallee. 2016. "Partial Assessment of Turkey's Post-Coup Attempt Military Purge," *Institute for the Study of War*, (July30).

Cebeci, Rabia Anne.1988. "International Extradition Law and the Political Offense Exception: The Traditional Incidence Test as a Workable Reality," *Loyola International and Comparative Law Review*, Vol. 10, No. 3.

Cohen, Ariel. 2013. "Obama's Best Friend? The Alarming Evolution of Us-Turkish Relations." *The Begin-Sadat Center for Strategic Studies*, No. 100 (May).

Garcia-Mora, Manuel. 1962. "The Nature of Political Offenses: A Knotty Problem of Extradition Law," *Virginia Law Review*, Vol. 48, No. 7, 1226-1257.

Harrington, James C. 2015. "Turkey Democracy in Peril- A Human Rights Report," (May).

Isa, Afacan. 2001. "Turkish-American Relations in the Post-Cold War Era, 1990-2005," *FIU Electronic Theses and Dissertations*.

Jeffrey, James F., and Cagaptay, Soner. 2017. "U.S. Policy on Turkey," *The Washington Institute for Near East Policy*, No. 27, (January): 1-8.

Karagöz, Murat. 2004 – 2005. "US Arms Embargo against Turkey - after 30 Years: An Institutional Approach towards US Policy Making", *Center for Strategic Research (SAM)*, (winter):107-130.

Oye, Kenneth. 1985. "Cooperation Under Anarchy," *World Politics*, Vol. 38 (October)

Lauterpacht, E. 1962. "The Contemporary Practice of the United Kingdom in the field of International Law," *The International and Comparative Law Quarterly - Cambridge University Press*, Vol. 7, No. 3 (July).

Milner, Helen. 1991. "The Assumption of Anarchy in International Relations Theory: A Critique." *Review of International Studies*.

Milner, Milner. 1992. "International Theories of Cooperation: Strengths and Weaknesses," *World Politics - Cambridge University Press*, Vol. 44.

Moore, John Bassett. 1911. "The Difficulties of Extradition." *The Academy of Political Science* Vol. 1, No. 4, (July): 625-634.

Petersen, Antje C. 1992. "Extradition and the Political Offense Exception in the Suppression of Terrorism." *Indiana Law Journal*, Vol.67, no. 3, 767-796.

Phillips, Christopher. 2011. "Turkey and Syria," In *Turkey's Global Strategy*, ed. Nicholas Kitchen, *London School of Economics- IDEAS* (May): 34-39.

Posner, Eric, and Goldsmith, Jack L. 1999. "A Theory of Customary International Law." *University of Chicago Law Review* 1113, No. 66.

Seufert, Günter. 2014. "Is the Fethullah Gülen Movement Overstretching Itself? A Turkish Religious Community as a National and International Player," *German Institute for International and Security Affairs*, No. 2 (January): 5-31.

Sternberg, Kenneth S., and Skelding, David L. 1983. "State Department Determinations of Political Offenses: Death Knell for the Political Offense Exception in Extradition Law," *Case Western Reserve Journal of International Law*, Vol. 15, No. 1, 131-171.

Van Den Wijngaert, Christine. 1983. "The Political Offense Exception to Extradition: Defining the Issues and Searching a Feasible Alternative." Report presented at the International Seminar on Extradition, International Institute of Higher Studies in Criminal Sciences, (June).

Warner, David P. 2005. "Challenges to International Law Enforcement Cooperation for the United States in the Middle East and North Africa: Extradition and Its Alternatives." *Villalona Law Review*, Vol. 50, no. 3, 479-508.

Weitz, Richard. 2014. "Turkey's New Regional Security Role: Implications for the United States," *Strategic Studies Institute and U.S. Army War College Press*, (September): 1-151.

Werz, Michael, and Hoffman, Max. 2016. "The Process behind Turkey's Proposed Extradition of Fethullah Gülen." *Center for American Progress*, (September 7).

Zanotti, Jim. 2011. "Turkey-U.S. Defense Cooperation: Prospects and Challenges," *Congressional Research Service*, (April, 8)

Zanotti, Jim. 2013. "Turkey: Background and U.S. Relations," *Congressional Research Service* 32, (December, 20).

Legal Documents

619. Extradition Hearing, United State Department of Justice- Offices of the United States Attorneys, <https://www.justice.gov/usam/criminal-resource-manual-619-extradition-hearing>

Código Procesal Penal de la Nación. Ley N° 23.984. Promulgada: 4 de setiembre de 1991. Argentina.

Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. (Geneva, 12 August 1949).

Divisional Court. In Re Castioni. [1891] 1 Q.B. 149.
<http://uniset.ca/other/cs4/18911QB149.html>

European Convention on Extradition, 1957.

European Union Convention on simplified Extradition within the European Union, 1995.

European Union Convention on the substantive requirements for Extradition within the European Union, 1996.

Hague Convention for the suppression of Unlawful Seizure of Aircraft. No. 12325. (United Nations treaty. 1970).

International Convention for the Suppression of Counterfeiting Currency (Geneva: League of Nations, April 20, 1929).

Holmes v. Jennison, 39 U.S. 540 (1840),
<https://supreme.justia.com/cases/federal/us/39/540/case.html>

List of Extradition Treaties of the United States up to 2002. U.S. Department of State.
<https://www.state.gov/s/l/treaty/faqs/70138.htm>

Organization of American States Convention on Extradition, 1933.

Single Convention on Narcotic Drugs, (United Nations, 1961).

Treaty on Extradition and Mutual Assistance in Criminal Matters between The United States of America and the Republic of Turkey, January 1, 1981, 32 U.S.T. 311.

Valentine v. United States ex rel. Neidecker, 299 US. 5,9 (1936),
<https://supreme.justia.com/cases/federal/us/299/5/>

News Articles

1979. "A Transcript of President's News Conference on Foreign and Domestic Matters; Opening Statement." *The New York Times*, January 18.

1979. "Iran Likely to Demand Extradition of the Shah." *The New York Times*, February 17.

1979. "Iran Seeks to Extradite Shah." *The Washington Post*, February 18.

1981. "Why Carter Admitted the Shah." *The New York Times*, May 17.

2002. "Transcript of President Bush's first State of the Union address, delivered to Congress." *CNN*, January 29.

2011. "Senegal: Habré Trial an 'Illusion.'" *Human Rights Watch*, June 9.
2011. "Turkey imposes economic sanctions on Syria." *BBC News*, November 30.
2016. "Biden calls on Turkey to be patient in Gülen case." *U.S. News*, August 24.
2016. "How is U.S. a partner if it continues to harbor Gülen? Erdoğan asks." *Daily Sabah*, August 2.
2016. "Kerry hopes for continuity in Turkey amid coup reports." *Associated Press*, July 15.
2016. "Pentagon sees role for Turkey in Mosul battle." *Al Arabiya News*, October 21.
2016. "Turkey military purge harming fight against Islamic State: Clapper." *Reuters*, July 28.
2017. "Turkey extends its NATO mission in Afghanistan" *Anadolu Agency*, January 3.
2017. Russia, Turkey, Iran Discuss Syria Ceasefire in Astana." *Aljazeera News*, February 6.
2017. "Turkey to extend state of emergency by three months," *Aljazeera*, April 18.
2017. "Turkey will not extradite suspects wanted by the West unless they extradite Gülenists: Erdoğan," *Hurriyet Daily News*, May 30.
2017. "US must at least give Gülen house arrest: Turkish Deputy PM," *Hurriyet Daily News*, July 18.
2017. "Turkey set to buy Russian missile defence system," *Aljazeera*, September 12.
2017. "Russia, Turkey, Iran agree borders of de-escalation zone in Syria's Idlib – Anadolu," *Reuters*, September 15.
2017. "Give us Gülen if you want arrested pastor Andrew Brunson to be freed: Erdoğan tells US," *Hurriyet Daily News*, September 28.
- Amanpour, Christiane. 2003. "Turkey rejects U.S. troop proposal," *CNN*, March 2.
- Barnard, Anne, and Yeginsu, Ceylan. 2016. "Erdoğan says Turkey Would Join U.S. to fight ISIS in Raqqa, an ISIS Bastion in Syria." *The New York Times*, Sept 7.
- Belhumeur, Jenna. 2017. "Court upholds life sentence of Chad's Hissene Habre." *Aljazeera*, April 28.
- Cevallos, Danny. 2016. "After failed Turkey coup, must U.S. extradite cleric?" *CNN*, July 18.

Dewan, Angela, Frederik Pleitgen and Faith Karimi. 2017. "Presidents of Turkey, Russia huddle against backdrop of Syrian war," *CNN*, March 10.

Dewan, Angela, and Swails, Brent. 2016. "Ex-Chad dictator sentenced to life for war crimes." *CNN*, May 30.

Diamond, Jeremy, Schneider, Jessica, and Johns, Joe. 2017. "Trump transition knew of Flynn's pro-Turkey lobbying before White House appointment", *CNN*, March 11.

Dombey, Daniel. 2010. "US issues arms-deal ultimatum to Turkey," *Financial Times*, August 16.

Esra Tur, "Collapse of Turkey's Egypt and Syria policies under Davutoğlu." *Turkish Review*, 2016, 26-33.

Fox, Kara, McLaughlin, Elliott C., and Masters, James. 2017. "Turkey referendum: Erdoğan declares victory," *CNN*, April 17.

Hemming, Jon. 2012. "Turkey Does Not Want Return to Iraq Chaos: Minister." *Reuters*, January 18.

Jones, Dorian. 2017. "Putin Heads to Turkey as Ties Rapidly Thaw," VOA, September 27.

Keinon, Herb. 2013. "Netanyahu Apologizes to Turkey over Gaza Flotilla." *The Jerusalem Post*, March.

Landay, Jonathan. 2017. "Kurdish independence vote damages U.S. efforts to preserve unified Iraq," *Reuters*, September 27.

Pamuk, Humeyra. 2017. "Turkey sets out Raqqa operation plans to U.S.: report." *Reuters*, February 18.

Reinl, James. 2016. "US-Turkey military fissures could damage anti-Islamic State efforts." *Middle East Eye*, August 1.

Sly, Liz. 2017. "U.S. military aid is fueling big ambitions for Syria's leftist Kurdish militia." *The Washington Post*, January 7.

Solaker, Gulsen. 2014. Turkey's Erdoğan calls on U.S. to extradite rival Gülen, *Reuters* April 29.

U.S Department of State. Bureau of Public Affairs. Daily Press Briefing, July 19, 2016 [Press release]. <http://www.state.gov/r/pa/prs/dpb/2016/07/260261.htm>

U.S Department of State, Bureau of Public Affairs. Daily Press Briefing, August 23, 2016, [Press release]. <http://www.state.gov/r/pa/prs/dpb/2016/08/261220.htm#TURKEY3>

Weymouth, Lally. 2013. "Turkish President Abdullah Gül: Assad Must Go." *The Washington Post*, September 23.

Yavuz, Ercan. 2010. "Israeli-caused instability makes its way to Turkey's security document." *Today's Zaman*, October 29.

Others

Defense Expenditures of NATO Countries (2009-2016), July 4, 2016, NATO. http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2016_07/20160704_160704-pr2016-116.pdf

Exclusive – "Interview with exiled cleric Fethullah Gülen," Interview conducted by Philip Crowther and Leela Jacinto. France 24 English [Youtube-Online], July 18, 2017.

Interview with the German Intelligence Chief Bruno Kahl. Interview conducted by Martin Knobbe, Fidelius Schmid and Alfred Weinzierl, "Coup in Turkey was just a welcome pretext," *Spiegel Online*, March 20, 2017.

See list of Sanctions, "Syria Sanctions," U.S. Department of State <https://www.state.gov/e/eb/tfs/spi/syria/>

"Turkey's PKK Conflict: The Rising Toll." *The International Crisis Group*. <http://www.crisisgroup.be/interactives/turkey/>

U.S Department of State, Office of The Historian. Telegram from the Department of State to the Embassy in Turkey, June 5, 1964, [Telegram]. <https://history.state.gov/historicaldocuments/frus1964-68v16/d54>