

EXTRADITION REQUEST
(KAMIL DEMİRKAYA)

THE REPUBLIC OF TURKEY
GENERAL PROSECUTOR'S OFFICE OF ANTALYA

27/12/2017
ANTALYA

TO THE COMPETENT ROMANIAN JUDICIAL AUTHORITIES

THE SUSPECT WHOSE EXTRADITION IS REQUESTED:

First name/Last name: Kamil Demirkaya

PIN assigned in Turkey: 20848411356

Mother's/Father's first name: [REDACTED]

Date/Place of birth: 23/04/1960-Aydin

Citizenship: The Republic of Turkey

Gender: Male

Last known residence: Cikcilli Mahallesi Belediye Caddesi Ütopla III Sitesi Elit
Apartmani Blok No:3 İç Kapi No:13 Alanya/Antalya

Information on the crime

Crime: Member of the Armed Terrorist Organization

Date of the crime: 20/10/2016

Place of committing the crime: Antalya Merkez District

Relevant criminal provisions: Articles 314/2 of the Turkish Criminal Code

Type/ duration of the punishment:

The punishment for the crime committed by the suspect is imprisonment for five to ten years.

CASES RELATING TO THE CRIME:

It is claimed that the crime was committed in the following way:

Example event:

In the coordination of our Bureau for the investigation of Crimes Committed against Constitutional Order, within the General Prosecutor's Office of Antalya, it was completely deciphered Fethullah Terrorist Organization / Parallel State Organization (FETÖ / PDY) and in order to end the activity of this organization, in the investigation No. 2016/70798 opened against the people who organized, supported the coup d'état in question or have had contact, membership, have joined this organization or have been in contact with this organization, on 20/10/2016 steps were taken to catch the suspect Kamil Demirkaya.

Regarding the suspect: he is registered with the civil status registry of Aydin District, Efeler/Karahayit area, he is the son of [REDACTED] born on 23/04/1960 in Aydin, residing in Cikcilli Mahalle Belediye Caddesi Ütopla III Sitesi Elit Apartmani Blok No:3 İç Kapi No:13 Alanya/Antalya

On 12/07/2016, the suspect made an exit abroad, but no records were found with his entry into the country; after December 17/25, there were found accounts opened with Bank Asya, the supporting bank of Fethullah Terrorist Organization / Parallel State Organization (FETÖ / PDY), belonging to his wife, Kader Füsüm Demirkaya, with PIN assigned in Turkey:20827441208; There were found transactions made in the account opened with Bank Asya by suspect Kamil DEMİRKAYA; when examining the account statements received from the Savings Insurance Fund, the following were found:

1 - The total transaction made by suspect Kamil DEMİRKAYA during the period 2013-2016 was of TL 898,701.35,

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- 2 - The total transaction made by his wife, Kader Füsüm DEMİRKAYA, during the period 2014-2016 was of TL 224,687.6,
- 3 - The total transaction made by his daughter, Gülşen Zehra TÜRKER, during the years 2014-2016 was of TL 49,439.47,
- 4 - The total transaction made by his daughter, Zeynep DEMİRKAYA, during the years 2014-2015 was of TL 12,027.45,
- 5 - The total transaction made by his son, Nusret DEMİRKAYA, during the years 2014-2016 was of TL 11,877,

It was detected that the GSM number, 0543 940 [REDACTED], belonging to suspect Kamil DEMİRKAYA, with IMEI no.: 3590410555 [REDACTED] was used as a means of communication at Fethullah Terrorist Organization / Parallel State Organization (FETÖ / PDY), the first detection being performed on 15/05/2015, he was found recorded in the BYLOCK program and it was also established that the suspect was in contact with the said Naci Tosun, Barbaros Kocakurt, Hamdullah Bayram Öztürk, high-ranking leaders of the Fethullah Terrorist Organization / Parallel State Organization. In this regard, our General Prosecutor's Office of Antalya, in the investigation file based on the crime of being a "Member of the Armed Terrorist Organization", against the suspect Kamil Demirkay, who is currently a fugitive, issued the arrest warrant *in absentia* by Various Cases Decision no. 2017/7158 delivered by the Criminal Court of Peace No. 2 of Antalya. Since the suspect Kamil Demirkaya was not caught, the commenced investigation was not completed.

EVIDENCE AGAINST THE SUSPECT

Upon examining the account statements of suspect Kamil Demirkaya, found at Bank Asya, supporting bank of Fethullah Terrorist Organization / Parallel State Organization (FETÖ / PDY), received from the Savings Insurance Fund, the following were found:

- 1 - The total transaction made by suspect Kamil DEMİRKAYA during the period 2013-2016 was of TL 898,701.35,
- 2 - The total transaction made by his wife, Kader Füsüm DEMİRKAYA, during the period 2014-2016 was of TL 224,687.6,
- 3 - The total transaction made by his daughter, Gülşen Zehra TÜRKER, during the years 2014-2016 was of TL 49,439.47,
- 4 - The total transaction made by his daughter, Zeynep DEMİRKAYA, during the years 2014-2015 was of TL 12,027.45,
- 5 - The total transaction made by his son, Nusret DEMİRKAYA, during the years 2014-2016 was of TL 11,877.

It was detected that the GSM number, 0543 940 [REDACTED] of suspect Kamil DEMİRKAYA, with IMEI no.: 3590 [REDACTED] was used as a means of communication at Fethullah Terrorist Organization / Parallel State Organization (FETÖ / PDY), the first detection being performed on 15/05/2015, he was found recorded in the BYLOCK program and it was also established that the suspect was in contact with the said Naci Tosun, Barbaros Kocakurt, Hamdullah Bayram Öztürk, high-ranking leaders of the Fethullah Terrorist Organization / Parallel State Organization.

It is found that there is a record of exit abroad on 12/07/2016, and that he is currently a fugitive from the country.

THE STEPS TAKEN DURING THE INVESTIGATION PERIOD.

*The General Prosecutor's Office of Antalya, regarding suspect Kamil Demirkaya, requested the arrest order *in absentia*. In this regard, the Criminal Court of Peace No. 2 of Antalya, by Various Cases Decision no. 2017/7158 issued against the suspect an arrest warrant *in absentia*.*

LIMITATION PERIOD

In accordance with the provisions of Article 66 (1) (d) of the Turkish Criminal Code no. 5237, for prison sentences of more than five years and less than twenty years, the limitation period is 15 years.

THE CONVENTION UNDERLYING THE REQUEST FOR LEGAL ASSISTANCE

European Convention on Extradition

GUARANTEES:

The crime with which the suspect is charged has no political, military or economic character.

The suspect has all the legal rights provided for in the international agreements to which the Republic of Turkey is a party and in our domestic law.

Turkey is part of the European Convention on Human Rights. Also, Turkey, in accordance with the provisions of Article 34 of the Convention, has accepted that individual claims be applied against it. In this context, the suspect has the right to refer any final decisions against him to the European Court of Human Rights.

Once the extradition procedure has been completed, if another crime under the influence of Turkish criminal law has been brought to light and was committed prior to the extradition date, in this situation, according to the "Particularity (Specificity) Rule" in order for the defendant to be prosecuted for this crime, consent from the competent authorities of your country will be required.

If your competent authority does not give its consent in this regard, the defendant can be prosecuted only for the crimes for which he was returned to Turkey.

CONCLUSION:

Based on the charge of committing the crime of being "Member of the Armed Terrorist Organization", against suspect Kamil DEMİRKAYA, an investigation is carried out by our General Prosecutor's Office. It was found that the suspect is in your country, which is why, in order to complete the investigation, we ask for the extradition of the suspect to Turkey.

If you need additional information or documents for the extradition decision, please allow us an appropriate period to submit them.

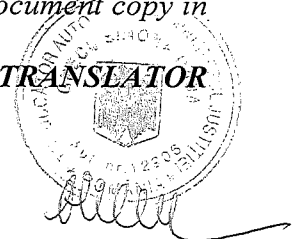
On this occasion, I send you my deep respect and thank you in advance for your cooperation.

Prosecutor
ERKAN GÖZKAYA
35286
(stamp, signature)

I, the undersigned, GRECU SIMONA-OANA, a Sworn Translator, authorized by the Ministry of Justice by License no. 12906, certify this is a true and accurate translation of the document copy in Romanian that was translated by me.

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