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UKIAT00038

HO (National Records) Turkey CG [2004]

IMMIGRATION APPEAL TRIBUNAL

Date of Hearing : 4 February 2004

Date Determination notified:

5 March 2004

Before:

Mr P R Lane (Chairman)
Mr F T Jamieson

APPELLANT

and

Secretary of State for the Home Department

RESPONDENT

Representation

For the appellant : Mr S. Harding, counsel, instructed by Trott & Gentry

For the respondent : Mr G. Saunders, Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant, a citizen of Turkey, appeals with permission against the determination of an Adjudicator, Miss F.E. Barrie, sitting at Hatton Cross, in which she dismissed on asylum and human rights grounds the appellant's appeal against the decision of the respondent on 22 October 2001 to refuse the appellant leave to enter the United Kingdom.
2. The appellant's claim was summarised by the Adjudicator at paragraphs 11 to 14 of her determination. The appellant came from Antep province in South East Turkey, where his family owned a farm. During his childhood, the appellant remembered PKK guerrillas staying at the family home and

being given food and clothing. In November 1997, when the appellant was eighteen, he was herding sheep, when he was approached by eight armed guerrillas who threatened him and stole one of the sheep. The following month, the same guerrillas approached him and asked him to buy them cigarettes and other items. The appellant, under duress, went to the village to buy these goods and returned to the mountains to give them to the guerrillas.

3. The appellant thought that someone in the village must have seen them do this and told the army. The Adjudicator then notes the claim that the two brothers of the appellant, Osman and Ibrahim, had been involved in assisting the PKK and had left Turkey in, respectively, 1998 and 1999.
4. The appellant was arrested during the summer of 1998 on suspicion of assisting the PKK. He was questioned about this and about the whereabouts of Osman. During that detention he was ill-treated but released without charge on the following day.
5. In November or December 1998 the appellant was again arrested and interrogated about his brother's whereabouts and his own support for the PKK. Once again, he was ill-treated but released without charge on the following day.
6. In May 1999 the appellant commenced his military service, which he completed in November 2000. He said that he had 'experienced difficulties during his service on account of his Kurdish ethnicity' (determination, paragraph 13).
7. On 1 April 2001, the appellant was not at home. Three gendarmes parked their jeep in fields belonging to the appellant's family. On returning to the vehicle, it exploded, killing two of the officers and injuring the third. The authorities were aware that the land was owned by the appellant's family, who had previously shown support for the PKK.
8. The appellant was visiting his sister in Antep City. His aunt informed him about the explosion. She said his father had been arrested, the family home raided and that the army were searching for the appellant. The appellant's father was released after three days, without charge.
9. The appellant travelled to Istanbul where he stayed for 1½ months before travelling to the United Kingdom with the assistance of an agent. Whilst expressing willingness to assist the authorities with their enquiries regarding the explosion, the appellant considered that because of his family's

background, he would be subjected to persecutory treatment on return.

10. At paragraph 2 of her determination, the Adjudicator set out at length her consideration of the evidence and findings of fact.
11. The Adjudicator did not believe the appellant's account of how he and his family had assisted the PKK and how he himself had been arrested on two occasions (paragraph 22(iii)). The reason she so found was because the appellant's evidence in this respect was significantly inconsistent. At interview the appellant made no mention of his family's support for the PKK, nor did he indicate that he himself had in any way been threatened by the PKK. In his statement, however, he referred to the PKK having come and stayed at the family home on 'many occasions' and that the PKK had threatened to kill him if he did not do what they asked, during his encounters with him in 1997.
12. The appellant was asked in cross-examination why he had failed to mention in interview that the PKK had regularly stayed at his home. He replied to the effect that he had not been asked about this matter. The Adjudicator 'did not find the appellant's explanation to be satisfactory and I do not believe that he would have failed to have mentioned a fact as significant as his family's connection with the PKK and a threat to his life if indeed this were true' (paragraph 22(iii)).
13. The Adjudicator also noted that, although the appellant claimed to have been seen by villagers helping the PKK in 1997, he was not arrested until the summer of 1998. Furthermore, despite the claim that the family had been accommodating the PKK for 'many years,' the appellant had not experienced any difficulties with the authorities prior to 1998.
14. At paragraph 22(iv), the Adjudicator repeated that she 'did not find the appellant's account to be credible and I do not believe that he was involved in assisting the PKK'. Although the grounds of appeal contend that it is unclear whether the Adjudicator has made a finding that the appellant was arrested on two occasions in 1998, the Tribunal finds that the only proper reading of the determination is that she did not believe the appellant had been so arrested. This is reinforced by the remaining passage in paragraph 22(iv), where the Adjudicator 'irrespective of my findings' goes on to note that the appellant had only bought cigarettes and food for the PKK on two isolated occasions, that he was not a member of any political party, had never taken part in political activities, had

not previously come to the attention of the authorities and was released on both occasions within twenty-four hours, without charge and without any reporting conditions. Thus, as an alternative finding, the Adjudicator concluded that the appellant, even on his own evidence 'was of no continuing interest to the authorities'.

15. At paragraph 22(v) the Adjudicator turned to the incident involving the jeep on 1 April 2001. The Adjudicator observed that the appellant was not even in the area at the time of the explosion and that he could therefore have provided evidence to eliminate him from the enquiries of the authorities. The Adjudicator further noted that the appellant's father, whom he claimed had actively supported and sheltered the PKK on many occasions, was himself released after three days of detention, following the explosion. 'Although during [the father's detention] he was apparently kicked and slapped it was not at any point suggested that he was subjected to torture from the authorities. I further found it significant that the appellant's father continues to live in the village without apparent difficulty and I note that there was no evidence that the appellant continues to be "wanted" by the authorities or indeed that there is any arrest warrant outstanding in his name.'
16. The grounds of appeal contend that the Adjudicator failed to have regard to the appellant's claim that his father is 'old' and that 'his father told him that the authorities were looking for him'.
17. The Tribunal does not consider that these criticisms have any merit. Whether or not the appellant regards his father as old, it appears he was born in 1946 and was thus 55 at the time of the explosion. In any event, there is an inherent contradiction here in the evidence put forward by the appellant. On the one hand, he contends that even slight suspicion that a person is involved with the PKK is enough to bring upon a person the persecutory attention of the Turkish authorities. On the other, he would have had the Adjudicator believe that, faced with a family headed by the appellant's father, who was known to the authorities to have supported the PKK, and upon whose land several gendarmes had been murdered, the authorities would merely take the father in for questioning for a brief period and then release him without charge. By contrast, however, the Adjudicator was asked to believe that those same authorities not only had an interest in the immediate aftermath of the explosion in questioning the appellant, but would still have an interest in doing so, were he to be returned today. Accordingly, as the Adjudicator herself found at paragraph

22(vi), there must be significant doubt as to whether the authorities would wish to question the appellant about the jeep incident, assuming he was today returned to Turkey.

18. At paragraph 22(viii), the Adjudicator reiterated that she did not believe the centrepiece of the appellant's evidence but, rather 'that he has substantially exaggerated and embellished his account on matters which go to the core of his claim.'
19. At paragraph 22(ix) the Adjudicator began her analysis of whether 'irrespective of my findings on credibility' the appellant's position on return to Turkey would be such as to place him at real risk. In particular, she observed the constitutional reforms approved by the Turkish Parliament on 3 August 2002 and the General Election of 3 November 2002, together with the reported inactivity of the PKK during 2000 and its reconstitution as KADEK in April 2002.
20. At paragraph 22(xiii), having again set out the salient evidence, the Adjudicator concluded 'that the appellant is not someone who is of interest to the authorities on suspicion of terrorist activities', notwithstanding the jeep incident. She did not 'accept that he is suspected of involvement in the explosion because of his perceived PKK sympathies'. At the most, if the authorities did still want to question him about the jeep, given that the family owned the land on which the incident occurred, 'his father's release after three days and the absence of any ongoing difficulties are, in my opinion, indicative of the fact that the authorities would have no adverse interest in the appellant once he had given them his account of his whereabouts'.
21. Mr Harding submitted that the Adjudicator's adverse credibility finding in relation to the family's PKK involvement was flawed because, at page A11 of the interview record, the appellant had indicated that his brothers came to the United Kingdom because of 'pressure', having been repeatedly detained and beaten. This, he contended, was an allusion to their political involvement. He further contended that it was an obligation on the interviewing officer to pursue the matter, so as to elicit a full and fair account.
22. The Tribunal does not accept that the appellant's assertion that pressure was put on his brothers necessarily implies that the appellant was contending that those brothers were involved with the PKK. The appellant was attended by his own representative at the interview. As the record makes plain, the appellant had the opportunity of saying anything further which he considered to be relevant.

23. Mr Harding's second submission was that there was no clear finding by the Adjudicator as to whether she believed that the 1998 detentions had occurred. As we have already stated, however, it appears to the Tribunal to be axiomatic that the Adjudicator's primary finding was that the Adjudicator did not believe the account of the detentions in 1998.
24. As for the 2001 incident involving the jeep, the treatment of the appellant's father, in the immediate aftermath of the terrorist incident, is plainly relevant in assessing what would be reasonably likely to happen to the appellant today, were he to return to his home area. If the authorities had had any significant ongoing interest in the appellant, it is reasonable to suppose that they would have initiated some form of formal investigative procedures. Notwithstanding that the appellant was in touch with his father after leaving home, there is no evidence that the authorities have taken out an arrest warrant or served any summons on the appellant at his last known address, namely, the family home.
25. Against this background, and having regard to the findings of the Tribunal in **ACDOG** [2003] UKIAT 00034, there would plainly be no risk today, were the appellant to be returned to Turkey. He has never been detained by the authorities. Those authorities are not looking for him in connection with the jeep incident. Although he is of Kurdish ethnicity and is likely to be identified by the immigration officials at Istanbul Airport as a returning failed asylum seeker from the United Kingdom (assuming that he is not in possession of a Turkish passport, on return) a reading of the CIPU Assessment, in the form in which it was before the Tribunal in **ACDOG**, and as analysed by the Tribunal at paragraphs 42 to 46 of their determination, makes it plain that the likelihood of the appellant's finding himself in the hands of the Anti-Terror Branch of the police (where persecutory treatment is likely) falls well short of anything that can be categorised as a real risk.
26. By the same token, the appellant's return to his home is today highly unlikely to result in his being detained and subjected to treatment of such a serious kind as to constitute persecution or treatment contrary to Article 3 of the ECHR.
27. Let us, however, assume that we are wrong, both in our findings in relation to the appellant's detentions in 1998 and the relative lack of interest that would be shown by the authorities in the appellant regarding the jeep incident of 2001, were the authorities in his home area to discover that he had returned there today.

28. In recent years, the focus of enquiry in relation to risk on return has, in Turkish cases, focused on what is reasonably likely to happen to a Turkish citizen removed from the United Kingdom, upon his or her arrival at Istanbul Airport. In paragraph 23 of the Tribunal's determination in **ACDOG**, Mr Grieves, counsel for certain of the claimants in that case

'argued that this was the essential point at which if problems were going to occur they would occur. He based this upon the existence of the Central Information System, usually abbreviated as GBTS, which is available to the Turkish state. This is described at paragraph 5.62 of the CIPU report [April 2003]. It is said that the system stores various personal data, including information on outstanding arrest warrants, previous arrests, restrictions on travel abroad, possible draft evasion or refusal to perform military service and tax arrears. Sentences which have been served are in principle removed from the system and entered into the national accessible Judicial Records'.

29. At paragraph 42 of **ACDOG** the Tribunal stated that 'it will be clear from our assessment of the general issues above that we agree that there is a real risk of any history a person has of previous arrests, outstanding arrest warrants, criminal records or judicial preliminary enquiries or investigations by the police or gendarme will be contained on the GBTS computer system'.
30. Paragraph 5.39 of the October 2003 CIPU tells us about the GBTS:

'5.39 Turkey has a **central information system**, known as the Genel Bilgi Toplama Sistemi (**General Information Gathering System**), usually abbreviated as GBTS. The system stores various personal data. For instance, it contains information on outstanding arrest warrants, previous arrests, restrictions on travel abroad, possible draft evasion or refusal to perform military service and tax arrears. Sentences which have been served are in principle removed from the system and entered into the national accessible Judicial Records (Adli Sicil)'.

31. The source for this information is stated to be the Netherlands Ministry of Foreign Affairs Report of July 2001 on 'Turkey/Military Service'.
32. The last sentence of paragraph 5.39 states that the GBTS is operated by 'the Smuggling Intelligence and Data Collection Department' within the Ministry of Interior'.
33. The source for that sentence, and for paragraphs 5.40 to 5.43 is recorded in Annex I to the CIPU Report as 'Message 23 December 2003'.
34. Mr Saunders, for the respondent, placed before the Tribunal copy documents which explain what the 'message' in question actually is. The first document is a copy of a letter of 21 August 2003 from the Home Office Country Information and Policy Unit to the British Embassy in Ankara. The writer of the letter states that he or she is currently in the process of writing the Country Report on Turkey and requires further information on the GBTS computer system. The specific questions put to the Embassy were these:
 - (i) What exactly is recorded on the GBTS system?
 - (ii) How long does this information stay on the system?
 - (iii) If a person has served their sentence are their details still recorded on the system?
 - (iv) Does it list previous arrests/convictions or any outstanding arrest warrants?
 - (v) In Turkey there is a distinction between arrest and detain, which of these is recorded on the GBTS system?'
35. The reply from the Embassy on 3 September 2003 reads as follows:

'In Turkey the GBT (Genel Bilgi Toplama - General Data or Info Collection) is operated by the 'Smuggling Intelligence and Data Collection Department' within the Ministry of Interior.

 1. Cases registered in the GBT are as follows:

- Persons who have committed a crime and are being sought but who remain at large;
 - Persons who have committed a serious crime such as organised crime, smuggling, narcotics related crime, terrorism, murder, fraud
 - Persons who are sought and in respect of whom an 'in absentia' warrant for their arrest or detention is held;
 - Persons of responsibility within political parties who have been convicted of crimes defined in the Political Parties Law No. 2908, article 4/4;
 - Stolen, lost, appropriated motor vehicles, firearms, identification documents
2. Data are erased from the system under the following circumstances :
- Upon the death of a person convicted of a crime by a court;
 - As soon as a court decision of non-pursuit, acquittal or expiry of time limitation reaches the TNP regarding a person who was previously registered with the GBT;
 - In case of a crime other than those listed above, when the person is caught;
 - In case of stolen/lost/appropriated property, when the property in question is found.
3. The data of persons who have committed the above-mentioned serious crimes are retained even if they have already served their sentences.
4. Only the latest warrant of arrest is held on file. The others are cancelled.
5. In Turkey, information about convicted persons is stored at the Judicial Registry Office (Adli Sicil Mudurlukleri) rather than the GBT.

6. In Turkey, law enforcement agents can **detain**, but a court decision is needed to **arrest** somebody. In some cases law enforcement agencies can, ex officio, take somebody into custody but in these cases they are under an obligation to inform the Prosecutor within 24 hours.
 7. In cases where there is an ongoing investigation by the judicial authorities or a court case, the data about the persons involved are also kept. Records are not kept of persons who are taken into custody but who are subsequently released by the law enforcement agency.'
36. The remaining documents supplied by Mr Saunders concern the source of the Reply from the Embassy. That source is a letter dated 3 September 2003 from Omer Dayan a '2 Class Commissioner' writing on behalf of the 'Head of the Department Deputy for Anti-Smuggling and Organised Crimes Department'. The heading at the top of the letter is 'REPUBLIC OF TURKEY, MINISTRY OF INTERIOR TURKISH NATIONAL POLICE, KCM, DEPARTMENT OF ANTI-SMUGGLING AND ORGANISED CRIME'.
37. The quotations in the preceding paragraph, taken from the letter, are drawn from the English translation thereof, supplied by Mr Saunders, along with the Turkish original. As translated, the substance of the letter is as follows:

'In our country, the GBT (GIG-General Information Gathering) system has been operated by the Anti-Smuggling Intelligence and Information Department under the Ministry of Interior.'

Regarding your questions:

1. In the GBT system records of following are being kept as a general Record of people who committed crime but has not been caught; those who committed crimes like organised crimes, smuggling crimes, drug related crimes, terror related crimes, unlawful seizure, murder, fraudulent trade, people who have search warrants about or arrest warrants in their default; people

who are barred from public services, missing persons; association management committee members who are found guilty according to the Article 4/4 of Association Law, 2908; records of motor vehicles which are stolen or missed or unlawfully seized; records related to fire arms and records of documents which prove identity.

2. Records of people who are found guilty and sentenced of above crimes are kept until their death. Likewise, records of people who are acquitted or places against them are being abated as a result of decision made not to prosecute or time limitations, are erased as soon as a decision reaches to the security forces. In other crimes in which the records of criminals being kept are erased, the person's capture and the records of stolen or missed goods are deleted after the items are being found.
3. Records of people who committed crimes mentioned in clause 1 are kept even if they spend their time.
4. In the GBT system, only the most recent arrest warrants are taken into board and the rest are avoided.
5. Information about people who are convicted is kept by Judicial Record Directorate which is different than GBT system.
6. In our country detention is being carried out by the security forces whereas arrest is a court decision. Nonetheless the police can detain a person on their initiative but has to inform Public Prosecutor's Office within 24 hours.
7. Only records of people who are under judicial proceedings are judicial examination by the judiciary are being kept in the GBT system. No records of people are being kept in the system who are detained and released by the security forces.'

38. As will be apparent, the key feature of this new information is that the GBTS, contrary to what had previously been generally supposed, does not in fact contain records of persons who are detained by the security forces but subsequently released without charge and without any warrant being involved.
39. Paragraphs 6.95 and 6.96 of the October 2003 CIPU Assessment reads as follows:

'6.95 The criminal records of Turkish-Kurdish asylum seekers who are returned to Turkey are checked on entry just like those of other Turkish nationals. The records may concern criminal convictions by a Turkish court, but can also be related to official judicial preliminary enquiries or investigations by the police or gendarme. Draft evaders and deserters are also on record at the border posts.

6.96 If a person is found to have a criminal record or incorrect border-crossing documents, to have left Turkey illegally in the past or been expelled from another country, the Turkish border authorities often interrogate the person concerned. Questioning is often intended to establish or check personal particulars, reasons for and time of departure from Turkey, grounds for seeking asylum, reasons why the application was rejected, any criminal records at home and abroad, including (drug-related) offences and possible contacts with illegal organisations abroad. If, however, there is no definite suspicion, as a rule a person is released after an average of six to nine hours' detention.'

40. Paragraph 6.97 of the assessment then tells us that 'anyone suspected of having committed criminal offences is transferred to the relevant investigatory authority. In Istanbul this is generally the Police Headquarters, which is located in Pkikoy, not far from airport. Persons suspected of membership of the PKK, left-wing radical organisations such as the DHKP-C or TKP-ML, militant Islamic groups, or anyone suspected of giving support or shelter to one of those organisation is handed over to the Anti-Terror Branch, which

is housed in the police HQ mentioned above. Torture or ill treatment of suspects at the Police Anti-Terror Branch cannot be ruled out’.

41. The source for paragraphs 6.95 to 6.97 of the CIPU is the January 2002 Report of the Netherlands Ministry of Foreign Affairs. Plainly, what is said in these paragraphs needs to be read in the light of the more detailed information which has now been obtained regarding the GBTS computer system.
42. In the light of the latest information, what is reasonably likely to happen to this appellant upon return to Istanbul Airport? It is common ground that he will return with some form of Turkish travel document. If he does not already possess a valid Turkish passport, he could apply for one from the Embassy in London. Failing that, paragraph 6.103 of the CIPU Assessment indicates that the appellant would be returned on one-way emergency travel documentation issued by the Turkish Consul General in London.
43. Whether or not it emerges from the fact that he is returning from the United Kingdom with such documentation, we accept that it is reasonably likely that the Turkish authorities will infer that the appellant is a returning failed asylum seeker from the United Kingdom, who has been expelled from this country. Accordingly, he is likely to find himself in the position described at paragraph 6.96 of the CIPU assessment, that is to say, being questioned about his reasons for leaving Turkey, criminal records at home and abroad, possible contacts with illegal organisations abroad, and so forth.
44. When the authorities examine the GBTS records, however, they will discover nothing on the appellant. Even if he was briefly detained on two occasions in 1998 and released without charge, this will not be recorded on the system. Furthermore, whether or not the authorities in his home area would be interested in asking him questions, were he to reappear there, there is no evidence that those authorities have instituted any formal (and, thus, recorded) procedure for his apprehension.
45. It is no part of the appellant's case that he has, since being in the United Kingdom, involved himself in the activities of exile organisations (or, indeed, any organisations) that would be perceived as hostile to the Turkish state.
46. In **ACDOG**, the Tribunal considered whether, during the period of detention described in (what is now) paragraph 6.96 of CIPU, there was a real risk of persecution or other serious

ill-treatment. At paragraph 34 of their determination, the Tribunal concluded that there was no such real risk. This was to be contrasted with the position in the case of those persons suspected of membership or support of terrorist or radical organisations, who find themselves handed over to the Anti-Terror Branch (paragraph 45).

47. In the case of this appellant, there is, given the circumstances set out above, no real risk whatsoever that he will find himself handed over to the Anti-Terror Branch. Everything points to his being released after 'an average 6 to 9 hours detention' (paragraph 6.96).
48. For the appellant, Mr Harding candidly acknowledged that the new information on the GBTS, set out at paragraphs 5.40 to 5.43 of the October 2003 CIPU, was damaging to his client's case to be in need of international protection, were that information to be accepted. Mr Harding submitted, however, that the information should not be relied upon.
49. Mr Harding based that submission upon various matters. First, he submitted that the 'message' referred to in CIPU had not been properly translated. This is, however, met by the fact that Mr Saunders supplied Mr Harding and the Tribunal with the English translation, which we have set out above.
50. Mr Harding submitted that, given that the latest information on the GBTS appeared to run counter to what had been obtained in the course of compiling the Netherlands Report, it was possible that the GBTS system was not, in fact, the one to which immigration officials in Istanbul Airport have access. Alternatively, he suggested that the Smuggling Intelligence and Data Collection Department under the Ministry of Interior may have only limited access to the information stored on the GBTS system and that the immigration officials at the airport may have greater access, in particular, to records of 'mere' detention.
51. The Tribunal does not accept either of these submissions. Although the appellant in this case was not, of course, a party to the proceedings in **ACDOG**, it is not without significance that counsel who appeared for certain of the claimants in that case accepted that the GBTS system was the one used at Istanbul Airport. Indeed, the Tribunal is unaware of any case arising that before publication of the latest CIPU Assessment in which it has been seriously contended that some computerised system other than the GBTS is employed by the immigration officials. In the absence of cogent evidence to the contrary, the Tribunal concludes that it must proceed on

the basis that the computer system in question is that known as the GBTS.

52. Likewise, the Tribunal can see no merit in the submission that the very body which operates the GBTS system has less extensive access to its contents than those responsible for controlling immigration. On the contrary, it would frankly make no sense for officials engaged in combating smuggling and organised crime to have anything other than the fullest access to the GBTS.
53. Mr Harding submitted that, because the information gained in the latest CIPU comes from the Turkish authorities, it should be viewed with considerable circumspection.
54. As a general rule, statements as to the attitudes or intentions of a particular state towards those who claim to be in fear of it will plainly need to be approached with caution, when the statements are made directly on behalf of the state in question. That said, however, the information at issue here is of a purely factual nature. It is, furthermore, difficult to see why the fact that a particular piece of information is, or is not, held on a central computer system would cause the government of the United Kingdom or, for that matter, anyone else, to view the Turkish government in a more sympathetic light. It is, in our view, going too far to suggest that the information recorded in paragraphs 5.39 to 5.43 of the October 2003 CIPU has been placed there as a result of the machinations of the Turkish authorities in an effort to secure the return of Kurdish asylum seekers
55. There is, it must be said, a somewhat curious relationship between paragraphs 6.95 and 6.96 of the CIPU Assessment, on the one hand (see paragraph 39 above), and paragraph 6.104, on the other. Paragraph 6.104 states that 'a returnee without a valid Turkish travel document is likely to be given an in-depth questioning by the Turkish border police, and this is to be distinguished from the routine identity check on arrival'. The source for paragraph 6.104 is a letter of July 1999 from the German Federal Office of the Recognition of Foreign Refugees. The paragraph goes on to state that 'as a rule, the questions refer to personal data, date of and reasons for departing Turkey, possible criminal record in Germany and contacts with illegal Turkish organisations. In some cases further enquiries will be made by other offices (e.g. prosecutor's office, registrar's office at the last Turkish residence of the returnee) in order to find out if the returnee is liable to prosecution for a criminal offence. These enquiries can take several hours to several days, during which time the

returnee will be kept in custody. The German authorities observed that available information as of July 1999 indicated that undocumented returnees were generally not being maltreated while being kept in custody. However, ill treatment could not be ruled out in cases where returnees were suspected separatists'.

56. It is, in the Tribunal's view, very probable that paragraph 6.96 is, in essence, describing the same sort of procedure as is set out in paragraph 6.104: namely, the investigation of persons who are not 'run of the mill' returning Turkish citizens. The matter is not clear, however, particularly since paragraph 6.104 expressly applies only to returnees without valid Turkish travel documents. As we have already noted, those Turkish citizens who are repatriated by the British government will arrive at Istanbul in possession of travel documents issued by the Turkish government.
57. In any event, however, paragraph 6.104 does not, in the Tribunal's view, assist the appellant in the present case. The 'further enquiries' referred to in that paragraph, whilst involving checks at a local level, are expressly said to be carried out only 'in some cases'. The inescapable implication is that such checks are far from routine and will only be instigated if there is something in the returnee's background that suggests to the immigration authorities a further investigation is necessary. In the case of this appellant, it is difficult to see what that might be. In most cases, it is probable that such local investigations would be made only if something relevant is held on the returnee in the GBTS computer system. But, since paragraph 6.104 makes it plain that the purpose of any local enquiries is 'to find out if the returnee is liable to prosecution for a criminal offence,' that information is, as we have seen, going to be found on the GBTS system.
58. In short, paragraph 6.104 would appear to be of little relevance, in the light of paragraphs 5.39 to 5.43 and 6.94 to 6.96 of the CIPU Assessment.
59. The position then, so far as this appellant is concerned, is that there is no real risk of his being persecuted or subjected to either inhuman or degrading treatment, on return to Istanbul.
60. Despite the emphasis laid by counsel for the claimant and the Tribunal in **ACDOG** upon the situation at the point of return to Turkey, it is necessary to consider whether there is a real risk of relevant harm to the appellant, after he has made his way out of the airport at Istanbul.

61. At paragraphs 26 and 27 of **ACDOG**, the Tribunal records certain anecdotal evidence concerning particular individuals who were said to have got through immigration control without serious incident, only to be ill-used by the Turkish authorities, once the individuals had made their way to their respective homes. As the Tribunal noted at paragraph 27 'these examples also sit somewhat inconveniently with the argument set before us that in the light of the extensive and effective computer system operating in Turkey that a person's history would be obtained either from the central computer or by information being obtained from their own local area, to enable the authorities to come to a view concerning them.'
62. In the light of what we now know about the nature and scope of the GBTS system, the experiences of the individuals referred to in **ACDOG** is easier to understand. A person may be detained at the local police station, for example, following a demonstration, beaten up as a warning and/or as what the police regard as a form of summary justice, and then released without charge. Given that, according to the latest information, the police need to inform the Public Prosecutor's office within twenty-four hours of a person's being detained, such a practice upon the part of the police would most likely be seen by them as having the advantage of avoiding the formal machinery that would be set in motion by involving the Public Prosecutor.
63. Accordingly, a person of whom the local police in his home area may have a recollection of having detained, is likely to be able to pass safely through Istanbul Airport but might, nevertheless, run into problems if he once again encounters the police in his home area and they realise who he is.
64. In the present case, the Adjudicator believed that, even if the appellant went home and the police wished to question him about the jeep explosion in 2001, he would have a ready alibi.
65. Mr Harding, however, submitted that, given what we know about the methods of the Turkish police, the appellant could well experience Article 3 ill treatment, whilst he was seeking to establish his alibi.
66. We do not find that the Adjudicator was precluded on the evidence before her from making the finding she did. The situation is, in fact, closely analogous to the distinction drawn by the Tribunal in **ACDOG** at paragraphs 44 and 45 between, on the one hand, being detained for several hours to

investigate a person's background upon return and, on the other hand, being held by the Anti-Terror Branch, where there is real reason to suspect involvement with radical organisations. We accept, of course, that the precise line of enquiry which the local police would wish to pursue in the case of the appellant, were he to return home, is about alleged complicity with the PKK in the bombing of the jeep. The point is, however, that the jeep incident was some three years ago and the appellant has a complete and provable defence to any accusation of involvement.

67. Even if the Adjudicator was wrong in her finding, however, the issue of internal relocation arises.
68. Because of the emphasis laid upon risk on return in Turkish cases, the issue of internal relocation has not usually tended to arise. If any detention by the police anywhere in Turkey, unaccompanied by any further prosecutory action, would be known to the immigration officials at Istanbul Airport, what might happen to the person in question upon return to his locality has often been regarded as irrelevant; by the time that person got home he may well have suffered treatment that violates the Refugee Convention.
69. As the facts of the present case demonstrate, however, internal relocation is now likely to assume importance in cases involving Turkish citizens.
70. Even if both the Adjudicator and the Tribunal are wrong to find that the appellant in the present case could return to his home, it has not been shown that it would be unreasonable for him to relocate elsewhere in Turkey, rather than seeking to invoke the United Kingdom's obligation's under the Refugee Convention. According to his own evidence, the appellant lived in Istanbul for some 1½ months, prior to travelling to the United Kingdom. He is a young man of twenty-four who does not appear to suffer from any ill health. Whilst he would plainly not be able to carry on his former occupation as a shepherd in Istanbul, other forms of livelihood are open to him.
71. A final word needs to be said about the appellant's relatives in the United Kingdom. In the bundle of papers submitted on behalf of the appellant in connection with the appeal to the Tribunal, there are letters from the Home Office to certain individuals. At page 28 we find a letter of 7 February 2001 to Mr Ibrahim Ozsayan, granting him indefinite leave to remain as a refugee. This is said to be the appellant's brother. At page 30 we find a letter which is undated but stamped 13

February 2002. This is addressed to 'Yusuf Recber'. It states that he has been granted indefinite leave to enter as a refugee. At page 32 there is a photocopy page of what purports to be a British passport belonging to Mehmet Ozsayan, who is said to be the appellant's cousin. Finally, at page 33, there is a letter dated 22 June 2002 to Elif Konas, granting her indefinite leave to enter the United Kingdom as a refugee. Elif Konas is said to be the appellant's sister-in-law.

72. Before the Tribunal, Mr Harding did not seek to advance any argument regarding risk on return, by reference to these persons. Mr Harding was, in the Tribunal's view, right not to do so. Apart from what is stated in the index to the bundle, we are unaware of any evidence going to show that these persons are related, as claimed. We also note that at paragraph 22(xiv) of her determination, the Adjudicator noted that 'none of [the appellant's] five brothers now living in the United Kingdom gave evidence in his appeal, including Ibrahim, who has apparently been granted exceptional leave to remain. Whether or not Ibrahim has exceptional or indefinite leave is beside the point. The Adjudicator was not presented with evidence as to the precise circumstances in which Ibrahim and the other family members (if they be such) received recognition as refugees.
73. Nor has any evidence been advanced before the Tribunal to show that the GBTS computer system (a) is likely to show something of an adverse nature relating to Ibrahim or the other family members, and (b) is likely to enable the immigration authorities at Istanbul to make a connection with the appellant, even if it did.
74. This appeal is dismissed.

P.R. LANE
E PRESIDENT

VIC