

# Turkey/Türkiye

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## 1 The Crime of Money Laundering and Criminal Enforcement

### 1.1 What is the legal authority to prosecute money laundering at the national level?

In Turkey, the legal framework to combat money laundering is firmly established under Article 282 of the Turkish Penal Code, ensuring robust prosecution mechanisms at the national level. Key entities entrusted with this critical task include the Public Prosecution Department and the Financial Crimes Investigation Board (MASAK), which play pivotal roles in enforcing anti-money laundering (AML) laws.

Under the purview of the public prosecutor office, a spectrum of law enforcement agencies is mobilised, ranging from the Police (urban law enforcement agency) and the Gendarmerie (rural law enforcement agency) to Customs Enforcement and the Coast Guard. These agencies, along with other relevant administrative bodies and regulatory entities, possess the authority to initiate investigations within their respective spheres of influence. Notably, bodies such as the Competition Authority, the Banking Regulation and Supervision Agency (BRSA), the Capital Markets Board (CMB), as well as tax offices, are mandated to promptly report any suspected money laundering activities to the public prosecutors.

Central to the enforcement landscape is MASAK, which assumes a leading role in the fight against money laundering. Beyond its enforcement mandate, MASAK exercises supervisory powers, driving policy formulation, legislative development and comprehensive data analysis. Collaborating closely with other authorities, MASAK ensures effective coordination and synergy in combatting financial crimes, thus safeguarding the integrity of Turkey's financial system.

### 1.2 What must be proven by the government to establish money laundering as a criminal offence? What money laundering predicate offences are included? Is tax evasion a predicate offence for money laundering?

To establish money laundering as a criminal offence, the public authorities in Turkey must satisfy specific elements. Firstly, it must be demonstrated that the financial transactions in question involve proceeds generated from predicate offences, such as drug trafficking, terrorism financing, corruption or other illicit activities outlined in Turkish law.

Additionally, authorities must establish that these transactions were conducted with the intention to conceal or disguise the illicit origin of the funds. This element of intent is crucial in proving the culpability of individuals or entities engaged in

money laundering activities. Regarding the predicate offences for money laundering, Turkish legislation encompasses a broad range of criminal activities that serve as the underlying source of illicit proceeds. These offences include but are not limited to drug trafficking, organised crime, bribery, fraud, human trafficking and smuggling.

As for tax evasion, while it is considered a serious financial crime in its own right, it may not always directly qualify as a predicate offence for money laundering under Turkish law. However, depending on the circumstances and the specific elements of the case, instances of tax evasion could potentially contribute to the overall evidence supporting a money laundering charge, particularly if the illicit proceeds from tax evasion are subsequently laundered through financial transactions with the intent to conceal their origin. Therefore, while tax evasion itself may not always be listed as a standalone predicate offence for money laundering, it can still play a significant role in the broader context of financial crime investigations and prosecutions.

### 1.3 Is there extraterritorial jurisdiction for the crime of money laundering? Is money laundering of the proceeds of foreign crimes punishable?

In Turkey, the legal framework surrounding money laundering extends to include extraterritorial jurisdiction in certain circumstances. This means that individuals or entities involved in money laundering activities outside of Turkey's borders can still be subject to prosecution under Turkish law if their actions have an impact within Turkish jurisdiction.

Specifically, Turkish law allows for the prosecution of money laundering offences involving proceeds derived from foreign crimes. This means that even if the predicate offence (the underlying criminal activity generating the illicit funds) occurs outside of Turkey, individuals or entities involved in laundering the proceeds of such crimes can still be held accountable under Turkish law if they engage in financial transactions within Turkey, or if the laundered funds have any connection to Turkish territory or financial institutions.

Therefore, the extraterritorial jurisdiction for the crime of money laundering in Turkey underscores the nation's commitment to combatting transnational financial crimes and ensuring that those involved in laundering the proceeds of foreign crimes are brought to justice, regardless of where the predicate offences occurred.

### 1.4 Which government authorities are responsible for investigating and prosecuting money laundering criminal offences?

In Turkey, the investigation and prosecution of money

laundering criminal offences are primarily overseen by several key government authorities tasked with upholding the integrity of the financial system and combatting financial crimes.

- **Public Prosecution Department:** As the primary law enforcement agency, the Public Prosecution Department is responsible for initiating and conducting investigations into suspected instances of money laundering. It works closely with other relevant agencies to gather evidence and build cases against individuals or entities involved in money laundering activities.
- **MASAK:** This holds a central role in combatting money laundering in Turkey. It is the main authority responsible for enforcing AML laws and regulations. MASAK conducts comprehensive investigations into suspected money laundering activities, coordinates with other law enforcement agencies, and facilitates cooperation with international counterparts to combat cross-border financial crimes.
- **Law Enforcement Agencies:** Various law enforcement agencies, the Police, the Gendarmerie, Customs Enforcement and the Coast Guard, play crucial roles in investigating and combatting money laundering. These agencies work in tandem with the Public Prosecution Department and MASAK to identify, apprehend and prosecute individuals or entities involved in money laundering activities.
- **Administrative Authorities and Regulatory Bodies:** Additionally, administrative authorities and regulatory bodies such as the Competition Authority, the BRSA, and the CMB are empowered to investigate and report suspected instances of money laundering within their respective sectors. They collaborate with other actors and provide necessary information and support to facilitate investigations and prosecutions.
- **Supervisory Authorities:** Supervisory authorities, governed by their organic laws, also contribute to the fight against money laundering by monitoring compliance with AML regulations and reporting suspicious activities to the appropriate law enforcement agencies.

Overall, a multi-agency approach involving collaboration and coordination among various government authorities is essential to effectively investigate and prosecute money laundering criminal offences in Turkey.

#### 1.5 Is there corporate criminal liability or only liability for natural persons?

In Turkey, both corporate entities and natural persons can be held liable for criminal offences, including money laundering. The legal system recognises corporate criminal liability, meaning that companies and other corporate entities can face legal consequences for their involvement in criminal activities, including money laundering.

Corporate criminal liability is established under Turkish law through principles that attribute responsibility to entities for actions committed by their representatives, employees or agents within the scope of their duties and responsibilities. This includes situations where a corporation's actions or omissions contribute to or facilitate criminal conduct, such as money laundering.

Under Turkish law, corporate entities may face penalties such as fines, asset forfeiture, suspension of business activities, or dissolution if found guilty of money laundering or other criminal offences. Additionally, individuals within the corporate structure who are directly involved in money laundering activities can also be held personally liable for their actions.

Therefore, the legal framework in Turkey recognises both corporate and individual liability for money laundering offences, ensuring accountability for both natural persons and corporate entities involved in criminal activities.

#### 1.6 What are the maximum penalties applicable to individuals and legal entities convicted of money laundering?

In Turkey, the maximum penalties applicable to individuals and legal entities convicted of money laundering can vary depending on the severity of the offence and other relevant factors. The Turkish Penal Code outlines potential sanctions for such crimes, which may include:

- **Individuals:** Individuals found guilty of money laundering can face significant penalties, including imprisonment and fines. The duration of imprisonment can vary, but in serious cases, it can extend up to seven years. Additionally, substantial fines up to the 20,000 days (the cost of each day differs according to the financial status of the convicted) may be imposed as a punitive measure.
- **Legal Entities:** Legal entities, such as corporations or organisations, can also be subject to severe penalties if convicted of money laundering. These penalties may include substantial fines, asset forfeiture, suspension of business activities, or even dissolution of the entity in extreme cases.

It is important to note that the specific penalties imposed upon conviction are determined by the courts and take into account various factors, including the nature and extent of the money laundering activities, the amount of illicit funds involved, the degree of involvement of individuals or entities, and any aggravating or mitigating circumstances present in the case.

#### 1.7 What is the statute of limitations for money laundering crimes?

In Turkey, the statute of limitations for money laundering crimes is regulated by Article 66 of the Turkish Penal Code. Accordingly, the statute of limitations for prosecuting money laundering offences is generally 15 years from the date the offence was committed.

However, it is essential to note that statutes of limitations can vary depending on the severity of the offence, specific circumstances of the case, and any relevant legal provisions that may apply. Additionally, certain factors, such as the discovery of new evidence or the suspect's absence from the country, may affect the statute of limitations and extend the timeframe up to 22 years and six months, within which prosecution can occur.

#### 1.8 Is enforcement only at national level? Are there parallel state or provincial criminal offences?

In Turkey, enforcement against money laundering primarily occurs at the national level, reflecting the country's unitary state structure rather than a federal system. The legal framework for combatting money laundering is established and enforced uniformly across the entire nation by central government authorities.

While Turkey does not have parallel state or provincial criminal offences due to its unitary state structure, enforcement mechanisms for combatting money laundering are consistently applied nationwide. This ensures uniformity in the interpretation and application of AML laws and regulations throughout the country.

Therefore, there are no separate state or provincial criminal offences related to money laundering in Turkey. Instead, the legal framework and enforcement efforts are centralised at the national level, with government authorities such as the Public Prosecution Department, MASAK, and various law enforcement agencies responsible for investigating and prosecuting money laundering offences across all regions of the country.

**1.9 Are there related forfeiture/confiscation authorities? What property is subject to confiscation? Under what circumstances can there be confiscation against funds or property if there has been no criminal conviction, i.e., non-criminal confiscation or civil forfeiture?**

In Turkey, there are related forfeiture and confiscation authorities empowered to seize and confiscate assets linked to money laundering and other criminal activities. These authorities play a crucial role in depriving criminals of the proceeds of their illicit activities and deterring future criminal behaviour. The legal framework for asset forfeiture and confiscation is outlined in various laws and regulations, including the Turkish Penal Code, the Law on the Prevention of Laundering Proceeds of Crime, and the Law on the Fight Against Financing of Terrorism.

Assets subject to confiscation typically include those directly derived from or used in connection with criminal activities, such as proceeds from drug trafficking, corruption, fraud or other predicate offences for money laundering. These assets may include cash, real estate, vehicles, bank accounts, securities and other valuable properties.

Confiscation proceedings can be initiated against funds or property even without a criminal conviction in certain circumstances, known as non-criminal confiscation or civil forfeiture. Under Turkish law, civil forfeiture allows authorities to confiscate assets when there is sufficient evidence to demonstrate a connection between the property and criminal activities, regardless of whether a criminal conviction has been obtained against the owner of the assets.

Confiscation against funds or property without a criminal conviction may occur in cases where there is clear evidence of unlawful activity or where the owner of the assets cannot provide a legitimate explanation for their origin or ownership. Civil forfeiture proceedings are conducted separately from criminal trials and are subject to judicial oversight to ensure compliance with legal requirements and safeguard the rights of individuals.

**1.10 Have banks or other regulated financial institutions or their directors, officers or employees been convicted of money laundering?**

It is important to note that cases of banks or other regulated financial institutions, as well as their directors, officers or employees being convicted of money laundering, can occur in Turkey.

Money laundering investigations and prosecutions involving financial institutions are complex and may involve allegations of inadequate AML controls, failure to report suspicious transactions, or knowingly facilitating illicit financial activities.

The U.S. Department of Justice announced on October 15, 2019 that Turkish state-owned bank “Halkbank” was charged in a six-count indictment with fraud, money laundering and sanctions offences related to the bank’s participation in a multibillion-dollar scheme to evade U.S. sanctions on Iran.

**1.11 How are criminal actions resolved or settled if not through the judicial process? Are records of the fact and terms of such settlements public?**

In Turkey, criminal actions are primarily resolved through the judicial process, which involves investigations, trials and adjudication in courts of criminal law. However, in some cases, alternative mechanisms such as reconciliation or settlement agreements may be utilised to resolve minor criminal matters outside of the traditional judicial process. One should note that money laundering offences are not subject to alternative mechanisms.

**1.12 Describe anti-money laundering enforcement priorities or areas of particular focus for enforcement.**

In Turkey, AML enforcement priorities and areas of particular focus for enforcement are guided by both domestic legislation and international standards set forth by organisations such as the Financial Action Task Force (FATF). AML enforcement priorities in Turkey revolve around enhanced due diligence (EDD), promoting effective risk assessment methodologies, enhancing risk management practices, strengthening regulatory compliance and supervision, training and capacity building of relevant stakeholders in detecting, investigating and prosecuting money laundering activities, fostering international cooperation, and leveraging technology to combat financial crime effectively.

## **2 Anti-Money Laundering Regulatory/ Administrative Requirements and Enforcement**

**2.1 What are the legal or administrative authorities for imposing anti-money laundering requirements on financial institutions and other businesses? Please provide the details of such anti-money laundering requirements.**

The legal and administrative authorities responsible for imposing AML requirements on financial institutions and other businesses in Turkey are as follows:

- **MASAK:** This is the primary administrative authority responsible for enforcing AML regulations in Turkey. It sets forth regulations and guidelines to prevent money laundering activities. MASAK conducts inspections, audits and investigations to ensure compliance with AML requirements.
- **BRSA:** This regulates and supervises banks, financial institutions and non-bank financial institutions in Turkey. It issues regulations and guidelines related to AML measures for the banking sector. BRSA conducts regular examinations and assessments of financial institutions’ AML compliance.
- **CMB:** This regulates and supervises capital markets, securities exchanges and intermediaries in Turkey. It issues regulations and directives on AML measures for the capital markets sector. CMB conducts inspections and oversight activities to ensure compliance with AML regulations.
- **Insurance Supervision Board (ISB):** This oversees the insurance sector in Turkey, including insurance companies and intermediaries. It establishes regulations and guidelines concerning AML measures for the insurance industry. ISB conducts inspections and evaluations to assess compliance with AML requirements.
- **Other Regulatory Authorities:** Various other regulatory authorities in Turkey, such as the Competition Authority and the Energy Market Regulatory Authority, may also impose AML requirements on businesses within their respective sectors. These authorities issue regulations, circulars or guidelines outlining AML obligations and compliance standards for regulated entities.

AML Requirements:

- Financial institutions and other businesses subject to AML regulations in Turkey are required to implement comprehensive measures to prevent money laundering.
- Key requirements include customer due diligence (CDD), EDD for high-risk customers, ongoing monitoring of transactions, reporting of suspicious activities to MASAK, and maintaining adequate recordkeeping procedures.

- Businesses are also required to establish internal controls, policies and procedures to detect and prevent money laundering activities.
- Training and awareness programmes for employees are essential to ensure compliance with AML regulations.

## 2.2 Are there any anti-money laundering requirements imposed by self-regulatory organisations or professional associations?

In Turkey, several legal and administrative authorities are responsible for imposing AML requirements on financial institutions and other businesses. In addition to the regulatory authorities mentioned above, self-regulatory organisations (SROs) or professional associations in Turkey may impose supplementary AML requirements on their members to enhance compliance and integrity within their respective industries or professions. For example, lawyers, accountants, notaries, real estate agents and other designated non-financial businesses and professions (DNFBPs) may have specific AML obligations established by their respective professional bodies or associations.

These additional requirements often complement the legal AML framework and may include EDD, training and awareness programmes, issuing guidelines and best practices, establishing monitoring and reporting obligations for members' compliance with AML requirements.

## 2.3 Are self-regulatory organisations or professional associations responsible for anti-money laundering compliance and enforcement against their members?

In Turkey, SROs or professional associations may play a role in promoting AML compliance among their members, but they typically do not have primary responsibility for enforcement against their members. Instead, their focus is on fostering awareness, providing guidance and promoting best practices to enhance AML compliance within their respective industries or professions.

SROs or professional associations may collaborate with regulatory authorities in promoting AML compliance, sharing information and facilitating coordination efforts to address AML risks and challenges specific to their industries or professions. Additionally, they may assist in disseminating regulatory updates, providing training and education programmes, and raising awareness about AML requirements among their members.

## 2.4 Are there requirements only at national level?

In Turkey, AML requirements are primarily established at the national level through legislation and regulations enacted by the central government. These requirements apply uniformly across the entire country and are enforced by national regulatory authorities such as MASAK, BRSA, CMB and ISB.

While AML requirements are primarily established at the national level, regulatory authorities may collaborate with local municipalities, industry associations and other stakeholders to promote compliance and address AML risks at the province or sub-province level. However, the overarching legal and regulatory framework governing AML remains consistent and centralised at the national level in Turkey.

## 2.5 Which government agencies/competent authorities are responsible for examination for compliance and enforcement of anti-money laundering requirements? Are the criteria for examination publicly available?

In Turkey, several government agencies and competent authorities which are already mentioned above are responsible for the examination of compliance and enforcement of AML requirements across various sectors of the economy. These authorities play a crucial role in supervising financial institutions, DNFBPs and other entities to ensure adherence to AML laws and regulations.

The criteria for examination for compliance with AML requirements may include factors such as the effectiveness of AML policies and procedures, the adequacy of internal controls and risk management systems, the quality of CDD processes, the frequency and quality of transaction monitoring, and the timeliness and accuracy of suspicious transaction reporting. Additionally, criteria may encompass the level of awareness and training among staff, the existence of AML compliance programmes, and the implementation of measures to mitigate AML risks.

While specific examination criteria may not be publicly available in detail due to confidentiality and security concerns, regulatory authorities typically provide guidance and information to regulated entities regarding AML compliance expectations and examination processes. Regulated entities are encouraged to stay informed about regulatory requirements and engage with supervisory authorities to ensure compliance with AML laws and regulations.

## 2.6 Is there a government Financial Intelligence Unit ("FIU") responsible for analysing information reported by financial institutions and businesses subject to anti-money laundering requirements?

In Turkey, MASAK serves as the government's Financial Intelligence Unit (FIU). MASAK is responsible for receiving, analysing and disseminating financial intelligence related to suspicious transactions and activities reported by financial institutions and businesses subject to AML requirements.

As the FIU, MASAK plays a critical role in combating money laundering and other financial crimes by collecting and analysing information provided by reporting entities, such as banks, insurance companies, securities firms and DNFBPs. MASAK conducts thorough examinations of suspicious transaction reports (STRs) and other relevant information to identify patterns, trends and potential links to criminal activities.

Upon analysing the information received, MASAK may take various actions, including initiating investigations, sharing intelligence with law enforcement agencies, regulatory authorities and international counterparts, and issuing guidance to reporting entities to enhance their AML efforts.

MASAK operates under the Ministry of Treasury and Finance and collaborates closely with other domestic and international stakeholders to strengthen the effectiveness of AML measures and safeguard the integrity of Turkey's financial system.

## 2.7 What is the applicable statute of limitations for competent authorities to bring enforcement actions?

In Turkey, the applicable statute of limitations for competent authorities to bring enforcement actions related to AML is governed by the Turkish Penal Code and other relevant legislation. This subject is examined above under question 1.7.



## 2.8 What are the maximum penalties for failure to comply with the regulatory/administrative anti-money laundering requirements and what failures are subject to the penalty provisions?

In Turkey, failure to comply with regulatory or administrative AML requirements can result in significant penalties imposed by relevant authorities. The maximum penalties for non-compliance may vary depending on the severity of the violation and the specific circumstances of the case. Some of the penalties that can be imposed for failure to comply with AML requirements include:

- **Administrative Penalties:** Regulatory authorities such as MASAK, BRSA, CMB and ISB may impose administrative penalties on entities found to have violated AML regulations. These penalties may include fines, warnings, reprimands, suspension or revocation of licences or authorisations, and other corrective measures.
- **Monetary Fines:** Entities failing to comply with AML requirements may be subject to monetary fines imposed by regulatory authorities. The amount of the fine can vary depending on the severity and frequency of the violation, the size and nature of the entity, and other relevant factors. Monetary fines imposed for AML violations can be substantial and may significantly impact the financial standing of the non-compliant entity.
- **Judicial Sanctions:** In addition to administrative penalties, failure to comply with AML requirements may result in judicial sanctions, including civil and criminal liability. Judicial sanctions may involve civil lawsuits filed against the non-compliant entity by affected parties seeking damages for losses incurred due to AML violations. Moreover, criminal sanctions may be pursued against individuals or entities found to have knowingly engaged in money laundering or related offences.
- **Loss of Reputation and Business Opportunities:** Non-compliance with AML requirements can tarnish the reputation of an entity and erode trust among customers, investors and counterparties. Negative publicity resulting from AML violations may lead to loss of business opportunities, decreased market share, and long-term damage to the entity's brand and credibility.

Failures subject to penalty provisions for non-compliance with AML requirements may include, but are not limited to:

- Failure to implement adequate AML policies, procedures, and internal controls.
- Inadequate CDD measures, including failure to verify the identity of customers, assess their risk profile and monitor transactions for suspicious activities.
- Failure to report suspicious transactions or activities to MASAK or other relevant authorities.
- Knowingly facilitating or participating in money laundering activities.
- Failure to comply with recordkeeping and reporting requirements prescribed by AML regulations.
- Non-cooperation with regulatory examinations, investigations or inquiries related to AML compliance.

It is essential for entities subject to AML requirements in Turkey to ensure strict adherence to regulatory and administrative obligations to mitigate the risk of penalties and reputational damage associated with non-compliance. Implementing robust AML compliance programmes, conducting regular risk assessments, and providing ongoing training and awareness programmes to staff are critical steps in fostering a culture of compliance and integrity within the organisation.

## 2.9 What other types of sanction can be imposed on individuals and legal entities besides monetary fines and penalties?

In addition to monetary fines and penalties, individuals and legal entities found to have violated AML regulations in Turkey may be subject to various other types of sanctions imposed by regulatory authorities and judicial bodies. These sanctions are designed to deter non-compliance, promote accountability, and safeguard the integrity of the financial system. Some of the other types of sanctions that can be imposed on individuals and legal entities for AML violations include:

- **Suspension or Revocation of Licences or Authorisations:** Regulatory authorities such as MASAK, BRSA, CMB and ISB have the power to suspend or revoke licences, permits or authorisations granted to entities found to have violated AML regulations. This may include suspending a financial institution's operating licence or revoking a company's authorisation to engage in certain business activities.
- **Prohibition Orders:** Regulatory authorities may issue prohibition orders prohibiting individuals or entities from engaging in certain activities or transactions related to financial services, investment activities or other regulated activities. Prohibition orders may be temporary or permanent and may restrict the individual or entity's ability to conduct business within the regulated sector.
- **Disqualification or Debarment:** In cases of serious or repeated AML violations, regulatory authorities may impose disqualification or debarment orders against individuals or entities, barring them from holding certain positions, serving on boards of directors, or participating in regulated activities within the financial sector or other industries.
- **Corrective Measures and Remedial Actions:** Regulatory authorities may require non-compliant entities to take corrective measures and remedial actions to address deficiencies identified in their AML compliance programmes. This may include implementing enhanced internal controls, conducting additional training for staff, enhancing CDD procedures, and improving transaction monitoring systems.
- **Publication of Sanctions:** Regulatory authorities may publicly disclose information about sanctions imposed on individuals and legal entities for AML violations. Public disclosure serves as a deterrent and promotes transparency and accountability within the regulated sector. It may involve publishing details of enforcement actions, sanctions imposed, and the reasons for the sanctions on the regulator's website or through other official channels.

Compliance with AML regulations is essential for individuals and entities operating within regulated sectors to maintain trust, integrity and stability within the financial system and broader economy.

## 2.10 Are the penalties only administrative/civil? Are violations of anti-money laundering obligations also subject to criminal sanctions?

In Turkey, violations of AML obligations are not limited to administrative or civil penalties but are also subject to criminal sanctions. Individuals and legal entities found to have committed serious AML offences may face criminal prosecution, which can result in imprisonment, asset forfeiture and other criminal penalties.

Criminal sanctions for AML violations are prescribed under the Turkish Penal Code and other relevant legislation. AML offences that may give rise to criminal liability include money

laundering, terrorist financing, aiding and abetting criminal activities, and failure to comply with AML reporting requirements.

Criminal sanctions for AML violations may vary depending on the severity of the offence, the amount of funds involved, the level of intent or knowledge of the perpetrator, and other aggravating or mitigating factors. Penalties for AML-related crimes may include imprisonment for individuals, fines, asset forfeiture and other legal consequences.

The imposition of criminal sanctions for AML violations underscores the importance of deterring and punishing financial crimes, protecting the integrity of the financial system, and safeguarding against illicit financial activities. It also serves as a deterrent to individuals and entities considering engaging in money laundering or related offences.

#### 2.11 What is the process for assessment and collection of sanctions and appeal of administrative decisions?

a) Are all resolutions of penalty actions by competent authorities public? b) Have financial institutions challenged penalty assessments in judicial or administrative proceedings?

In Turkey, the process for the assessment and collection of sanctions related to AML violations typically involves several stages and mechanisms:

- **Assessment of Violations:** Regulatory authorities such as MASAK, BRSA, CMB and ISB conduct examinations and investigations to identify AML violations by individuals and entities under their jurisdiction.
- **Issuance of Administrative Decisions:** Upon identifying AML violations, regulatory authorities may issue administrative decisions imposing sanctions, fines or other penalties on the non-compliant entities. These decisions outline the nature of the violation, the basis for the sanction, and the amount of the penalty.
- **Notification to the Entity:** The entity subject to sanctions is typically notified of the administrative decision, either through written communication or official notification from the regulatory authority. The notification includes details of the violation, the imposed sanctions, and instructions for compliance or appeal.
- **Appeal Process:** Entities have the right to appeal administrative decisions imposing sanctions or penalties within a specified timeframe. The appeal process typically involves submitting a formal appeal or objection to the regulatory authority that issued the decision. The appeal may include arguments, evidence or mitigating factors challenging the imposition of sanctions.
- **Review by Administrative or Judicial Bodies:** Appeals of administrative decisions may be reviewed by administrative or judicial bodies responsible for adjudicating disputes and resolving appeals. These bodies assess the merits of the appeal, review evidence presented by both parties, and render a decision on the validity of the sanctions imposed.
- **Enforcement of Sanctions:** If the appeal is unsuccessful, the entity is required to comply with the sanctions imposed by the regulatory authority. Enforcement mechanisms may include payment of fines, implementation of corrective measures, or other actions prescribed in the administrative decision.

The public disclosure of resolutions of penalty actions by competent authorities may vary depending on legal provisions, confidentiality considerations, and the nature of the case. While some regulatory authorities may publish summaries or

anonymised versions of penalty decisions for transparency and accountability purposes, others may maintain confidentiality of such decisions to protect sensitive information and the rights of the parties involved.

Financial institutions and other entities subject to AML regulations in Turkey have the right to challenge penalty assessments imposed by regulatory authorities through judicial or administrative proceedings. When faced with sanctions or penalties, entities may appeal the administrative decision, submit evidence and present arguments in support of their case.

Instances of financial institutions challenging penalty assessments in judicial or administrative proceedings may occur in cases where entities believe that sanctions were unjustly imposed, disproportionate to the violation, or based on erroneous findings. The appeal process allows entities to seek review and reconsideration of penalty decisions by impartial adjudicative bodies, ensuring procedural fairness and due process.

Entities may engage legal counsel or representatives to assist in preparing and presenting their case during appeal proceedings, which may involve hearings, oral arguments and the submission of written pleadings. Ultimately, the outcome of the appeal depends on the merits of the case, the strength of the evidence presented and the applicable legal standards and principles governing AML enforcement in Turkey.

### 3 Anti-Money Laundering Requirements for Financial Institutions and Other Designated Businesses

3.1 What financial institutions and non-financial businesses and professions are subject to anti-money laundering requirements? Describe any differences in the anti-money laundering requirements that each of them are subject to.

In Turkey, both financial institutions and DNFBPs are subject to AML requirements to prevent and detect money laundering activities. The following is an overview of the types of entities subject to AML requirements and any differences in the requirements they are subject to:

#### Financial Institutions:

- **Banks:** Commercial banks, investment banks and other banking institutions are subject to stringent AML requirements imposed by regulatory authorities such as BRSA and MASAK.
- **Insurance Companies:** Insurance companies and intermediaries operating in Turkey's insurance sector are required to comply with AML regulations prescribed by ISB. AML requirements for insurance companies include conducting risk assessments, verifying the identity of policyholders and beneficiaries, monitoring transactions, and reporting suspicious activities to MASAK.
- **Capital Markets Institutions:** Securities firms, investment funds, portfolio management companies, foreign exchange offices and other entities operating in Turkey's capital markets are subject to AML regulations enforced by CMB. These entities must adhere to AML requirements such as customer identification, transaction monitoring, reporting of suspicious transactions, and implementing internal controls to mitigate AML risks in capital market activities.

#### DNFBPs:

DNFBPs encompass various industries and professions that are susceptible to money laundering risks due to their roles in

facilitating financial transactions or providing professional services. DNFBPs subject to AML requirements in Turkey may include:

- Lawyers, notaries and legal professionals.
- Accountants, auditors and tax advisors.
- Real estate agents, developers and brokers.
- Dealers in precious metals and stones.
- Trust and company service providers.
- Casinos and gambling establishments.

#### Differences in AML Requirements:

While both financial institutions and DNFBPs are subject to AML requirements, there may be differences in the specific requirements imposed on each category of entities based on their inherent risks, business activities and regulatory oversight. Some key differences in AML requirements for financial institutions and DNFBPs include:

- **CDD:** Financial institutions typically have more extensive CDD obligations due to the higher risks associated with financial transactions and the potential for money laundering activities. DNFBPs may also have CDD requirements but tailored to their specific industry or profession.
- **Transaction Monitoring and Reporting:** Financial institutions are often required to implement automated transaction monitoring systems to detect suspicious activities and report them to the FIU (MASAK). DNFBPs may have reporting obligations but may rely more on manual monitoring processes due to the nature of their business activities.
- **Regulatory Oversight:** Financial institutions are subject to direct supervision and oversight by sector-specific regulatory authorities such as BRSA, CMB and IRB, which enforce AML regulations and conduct examinations and inspections. DNFBPs may be subject to regulatory oversight by professional associations, SROs or supervisory authorities depending on the industry or profession.
- **Training and Awareness:** Financial institutions typically provide comprehensive AML training programmes for their employees to enhance awareness of AML risks and compliance obligations. DNFBPs may also offer AML training, but may have varying levels of awareness and resources dedicated to AML compliance depending on the size and nature of the business.

#### 3.2 Describe the types of payments or money transmission activities that are subject to anti-money laundering requirements, including any exceptions.

In Turkey, various types of payments and money transmission activities are subject to AML requirements to prevent and detect money laundering activities. These activities encompass a wide range of financial transactions involving the movement of funds, both domestically and internationally.

AML requirements apply to domestic fund transfers within Turkey's borders, as well as cross-border transfers involving the movement of funds into or out of the country. This includes wire transfers, electronic funds transfers (EFTs), automated clearing house (ACH) transactions, and other forms of electronic and non-EFTs.

Cash transactions, including deposits, withdrawals and currency exchanges, are subject to AML requirements to mitigate the risk of money laundering and illicit financial activities. Financial institutions and DNFBPs must conduct CDD, monitor cash transactions, and report suspicious activities to MASAK.

AML requirements also extend to payment instruments such as checks, traveller's checks, money orders, prepaid cards and other negotiable instruments used for transferring value. Entities

involved in issuing, selling, redeeming or processing payment instruments must adhere to AML regulations and implement controls to prevent misuse for money laundering purposes.

With the emergence of virtual currencies and virtual asset service providers (VASPs), AML requirements now extend to transactions involving cryptocurrencies and other virtual assets. VASPs, including cryptocurrency exchanges, wallet providers and other platforms facilitating virtual asset transactions, are subject to AML regulations and must comply with customer identification, transaction monitoring and reporting obligations.

Money remittance services, including both traditional remittance providers and digital remittance platforms, are subject to AML requirements to ensure transparency and traceability of funds transferred domestically and internationally. Remittance providers must conduct CDD, verify the identity of senders and recipients, and report suspicious transactions to MASAK.

Exceptions to AML requirements may exist in certain cases, such as low-value transactions, exempted entities or activities. However, exemptions are typically granted under specific conditions and subject to regulatory approval or oversight to ensure compliance with AML regulations.

#### 3.3 To what extent have anti-money laundering requirements been applied to the cryptocurrency industry? Describe the types of cryptocurrency-related businesses and activities that are subject to those requirements.

AML requirements have been applied to the cryptocurrency industry in Turkey to address the risks associated with virtual assets and ensure compliance with international standards for combatting money laundering and terrorist financing. Cryptocurrency-related businesses and activities, including exchanges, wallet providers, ICOs and ATM operators, are subject to AML regulations to promote transparency, integrity and security in the virtual asset ecosystem.

#### 3.4 To what extent do anti-money laundering requirements apply to non-fungible tokens ("NFTs")?

In Turkey, the application of AML requirements to non-fungible tokens (NFTs) is a developing area of regulation. NFTs, which are unique digital assets representing ownership or proof of authenticity of digital or physical items, have gained popularity in various sectors, including art, gaming, collectibles and entertainment. However, the regulatory framework governing NFTs and their intersection with AML regulations is still evolving. As the NFT market continues to evolve, regulatory oversight and compliance requirements may evolve accordingly to address emerging AML risks and ensure the integrity of the financial system.

#### 3.5 Are certain financial institutions or designated businesses required to maintain compliance programmes? What are the required elements of the programmes?

Yes, certain financial institutions and DNFBPs in Turkey are required to maintain compliance programmes as part of their AML obligations. These programmes are essential for ensuring effective implementation of AML measures, mitigating the risks of money laundering and terrorist financing, and promoting a culture of compliance within the organisation.

The required elements of AML compliance programmes may vary depending on the type of entity and the regulatory framework governing AML obligations. However, some



common elements typically included in AML compliance programmes for financial institutions and DNFBPs in Turkey may include: internal policies and procedures; risk assessment; CDD; employee training and awareness; transaction monitoring and reporting; recordkeeping; internal controls and oversight; and third-party due diligence.

**3.6 What are the requirements for recordkeeping or reporting large currency transactions? When must reports be filed and at what thresholds?**

The requirements for recordkeeping and reporting of large currency transactions in Turkey are essential components of AML framework aimed at enhancing transparency, accountability and compliance with regulatory obligations. Financial institutions and DNFBPs are required to maintain records of large currency transactions and report them to the relevant authorities to prevent and detect money laundering activities. These requirements aim to enhance transparency and traceability of high-value transactions and identify potential illicit activities involving cash.

Financial institutions and DNFBPs in Turkey are required to maintain accurate and comprehensive records of currency transactions exceeding 50,000 Turkish Lira. These records must include information such as the date, time, nature and amount of the transaction, as well as the identities of the parties involved. Records should be retained for the prescribed retention period specified by AML regulations, typically ranging from five to 10 years.

**3.7 Are there any requirements to report routinely transactions other than large cash transactions? If so, please describe the types of transactions, where reports should be filed and at what thresholds, and any exceptions.**

In Turkey, in addition to reporting large cash transactions, financial institutions and designated non-financial DNFBPs may be required to routinely report other types of transactions that are deemed to pose a risk of money laundering.

Reports of routine transactions, including suspicious transactions and transactions involving high-risk customers or virtual assets, should be filed electronically with MASAK.

Exceptions to routine reporting requirements may exist in certain cases, such as transactions that are determined to have a low risk of money laundering or terrorist financing based on risk assessments conducted by the reporting entity. However, entities are generally encouraged to err on the side of caution and report any transactions that raise suspicions or concerns about potential financial crime activities.

**3.8 Are there cross-border transactions reporting requirements? Who is subject to the requirements and what must be reported under what circumstances?**

In Turkey, there are cross-border transactions reporting requirements aimed at enhancing the detection and prevention of money laundering activities involving international transactions. These requirements apply to financial institutions, DNFBPs, and other entities engaged in cross-border transactions.

Cross-border transactions reporting requirements may vary depending on the nature of the transaction, the type of entity involved, and the regulatory framework governing international financial activities. However, entities subject to reporting

requirements are typically required to report the following types of cross-border transactions such as large currency transactions, EFTs and international trade transactions.

Reports of cross-border transactions are typically filed electronically with the relevant authorities responsible for AML oversight and supervision, such as MASAK. Reporting entities are required to submit reports promptly after the occurrence of the transaction and provide accurate and comprehensive information as specified by regulatory guidelines.

**3.9 Describe the customer identification and due diligence requirements for financial institutions and other businesses subject to the anti-money laundering requirements. Are there any special or enhanced due diligence requirements for certain types of customers?**

Financial institutions and DNFBPs are required to adhere to stringent customer identification and due diligence requirements as part of their AML obligations.

Standard CDD measures may include verifying the identity of customers, collecting information about their business activities, and monitoring their transactions for suspicious activities. In certain cases posing higher money laundering risks, entities must apply EDD measures to mitigate these risks effectively. EED may be required for high-risk customers, politically exposed persons (PEPs), customers from high-risk jurisdictions, and complex or unusual transactions.

**3.10 Are financial institution accounts for foreign shell banks (banks with no physical presence in the countries where they are licensed and no effective supervision) prohibited? Which types of financial institutions are subject to the prohibition?**

Financial institutions in Turkey are prohibited from establishing or maintaining accounts for foreign shell banks. A foreign shell bank is typically defined as a bank that has no physical presence in the country in which it is licensed and operates without effective supervision by regulatory authorities. Dealing with foreign shell banks poses significant risks, including the potential for money laundering, terrorist financing and other financial crimes, as these entities may lack proper regulatory oversight and transparency.

**3.11 What is the criteria for reporting suspicious activity?**

Reporting suspicious activity is a crucial aspect of AML compliance for financial institutions and DNFBPs. The criteria for reporting suspicious activity are based on various factors that may indicate potential money laundering, terrorist financing or other illicit financial activities. Here are the criteria typically considered for reporting suspicious activity in Turkey:

- **Unusual Transaction Patterns:** Transactions that deviate from the normal or expected behaviour of a customer or are inconsistent with their known financial activities may raise suspicions. This includes unusual frequency, volume or size of transactions that are not commensurate with the customer's profile or business activities.
- **Unexplained Wealth or Funds:** Transactions involving the receipt or transfer of funds with no clear or legitimate source of wealth may be indicative of money laundering or other illicit financial activities. Entities should be vigilant of transactions involving large sums of money without a plausible explanation for the source of funds.



- **Complex or Structured Transactions:** Transactions designed to avoid triggering reporting requirements or to obscure the origin or destination of funds may be considered suspicious. This includes transactions that are structured in a manner to evade detection, such as multiple transactions below reporting thresholds or transactions involving multiple parties or accounts.
- **Use of Cash or Monetary Instruments:** Transactions conducted predominantly in cash or involving the use of monetary instruments may raise suspicions, especially if they are inconsistent with the customer's usual payment methods or business operations. Cash-intensive transactions without a legitimate business purpose may indicate attempts to launder illicit funds.
- **Involvement of High-Risk Customers:** Transactions involving high-risk customers, such as PEPs, individuals or entities subject to sanctions, or customers with a history of suspicious activities, should be subject to heightened scrutiny.
- **Geographic Risk Factors:** Transactions involving jurisdictions known for high levels of corruption, weak AML controls, or as offshore financial centres may raise suspicions.
- **Red Flags or Indicators:** Red flags or indicators of potential money laundering activities identified through transaction monitoring systems, internal controls or employee observations should be thoroughly investigated. These may include discrepancies in customer information, unusual transactional patterns or attempts to avoid reporting requirements.
- **Information from External Sources:** Information received from external sources, such as law enforcement agencies, regulatory authorities or FIUs, indicating potential suspicious activity is taken into account.

**3.12 What mechanisms exist or are under discussion to facilitate information sharing 1) between and among financial institutions and businesses subject to anti-money laundering controls, and/or 2) between government authorities and financial institutions and businesses subject to anti-money laundering controls (public-private information exchange) to assist with identifying and reporting suspicious activity?**

Various mechanisms exist to facilitate information sharing between financial institutions, DNFBPs, and government authorities to enhance the effectiveness of AML efforts and assist with identifying and reporting suspicious activity. These mechanisms aim to foster collaboration, streamline communication and enable timely exchange of relevant information to combat money laundering effectively.

MASAK serves as the country's FIU responsible for receiving, analysing, and disseminating reports of suspicious transactions and activities to law enforcement agencies and relevant authorities.

Financial institutions and DNFBPs are required to report suspicious transactions and activities to MASAK in accordance with AML regulations.

Turkey encourages public-private partnerships to facilitate information sharing and collaboration between government authorities and financial institutions/DNFBPs.

MASAK operates information exchange platforms and secure communication channels to facilitate the sharing of AML-related information and intelligence between government authorities and reporting entities.

Regulatory authorities in Turkey issue guidance and guidance notes to provide clarity on AML requirements, reporting obligations and information-sharing mechanisms for financial institutions and DNFBPs.

Advancements in technology and data analytics enable financial institutions and DNFBPs to leverage automated systems and software solutions for suspicious activity monitoring and reporting.

Turkey invests in training and capacity building programmes to enhance the AML knowledge and skills of reporting entities, government authorities and relevant stakeholders.

**3.13 Is adequate, current, and accurate information about the beneficial ownership and control of legal entities maintained and available to government authorities? Who is responsible for maintaining the information? Is the information available to assist financial institutions with their anti-money laundering customer due diligence responsibilities as well as to government authorities?**

Maintaining adequate, current and accurate information about the beneficial ownership and control of legal entities is crucial for effective AML measures and regulatory compliance. Transparency in beneficial ownership information helps identify the individuals or entities that ultimately own or control legal entities and mitigates the risks of illicit financial activities, including money laundering and terrorist financing.

In Turkey, the responsibility for maintaining beneficial ownership information lies with various entities, including:

- Trade registry offices are responsible for registering legal entities and maintaining official records of corporate structures, shareholders, directors and beneficial owners.
- Financial institutions and DNFBPs are required to conduct CDD procedures to identify beneficial owners of their corporate clients.

Adequate and accurate information about beneficial ownership is available to government authorities, including regulatory agencies, law enforcement agencies and MASAK. These authorities have access to official records maintained by trade registry offices and other relevant sources to assist with AML investigations and enforcement actions.

Turkey continues to enhance beneficial ownership transparency through regulatory reforms and initiatives aimed at strengthening corporate governance, improving transparency in corporate structures and enhancing AML controls.

**3.14 Is it a requirement that accurate information about originators and beneficiaries be included in payment orders for a funds transfer? Should such information also be included in payment instructions to other financial institutions? Describe any other payment transparency requirements for funds transfers, including any differences depending on role and domestic versus cross-border transactions.**

Financial institutions are required to adhere to stringent regulatory requirements regarding the inclusion of accurate information about originators and beneficiaries in payment orders for funds transfers.

Financial institutions must ensure that accurate information about the originator of the funds transfer is included in payment orders. This includes details such as the originator's name, account number, address, and other relevant identifying information. Accurate originator information helps mitigate the risk of anonymous transactions and facilitates traceability in the event of suspicious activities.

Similarly, accurate information about the beneficiary of the funds transfer must be included in payment orders. Financial institutions are responsible for verifying the identity of the beneficiary and ensuring that the payment is directed to the intended recipient. Accurate beneficiary information helps prevent funds from being diverted to illicit purposes or fraudulent accounts.

Financial institutions are required to include accurate information about originators and beneficiaries in payment instructions to other financial institutions involved in the funds transfer process. This ensures consistency in the transmission of payment details and facilitates compliance with AML regulations throughout the payment chain.

In domestic funds transfers within Turkey, financial institutions are subject to specific payment transparency requirements mandated by regulatory authorities. These requirements may include the inclusion of accurate originator and beneficiary information, adherence to transaction monitoring and reporting obligations, and compliance with AML regulations and guidelines.

For cross-border funds transfers, additional transparency requirements may apply to mitigate the risks associated with international money laundering and terrorist financing activities. Financial institutions are expected to comply with international standards and guidelines for cross-border payments, including the inclusion of accurate originator and beneficiary information, adherence to correspondent banking rules, and cooperation with foreign regulatory authorities.

Different types of financial institutions, such as banks, money service businesses and payment institutions, may have specific roles and responsibilities in the funds transfer process.

#### 3.15 Is ownership of legal entities in the form of bearer shares permitted?

Bearer shares are shares of stock in a corporation that are owned by whoever physically holds the share certificate, rather than by a registered owner. The ownership of legal entities in the form of bearer shares is not generally permitted with the exception of the joint stock company (A.Ş.).

#### 3.16 Are there specific anti-money laundering requirements applied to non-financial institution businesses, e.g., currency reporting?

Specific AML requirements are applied not only to financial institutions but also to certain non-financial institution businesses such as currency reporting.

#### 3.17 Are there anti-money laundering requirements applicable to certain business sectors, such as persons engaged in international trade or persons in certain geographic areas such as free trade zones?

In Turkey, certain business sectors, including those engaged in international trade and operations within specific geographic areas such as free trade zones (FTZs), are subject to AML requirements to prevent their misuse for illicit financial activities.

Businesses engaged in international trade, including importers, exporters, customs brokers, freight forwarders and logistics companies, are subject to AML requirements in Turkey.

FTZs are designated geographic areas within Turkey where goods may be imported, stored, processed or re-exported without being subject to customs duties or taxes until they enter the domestic market. While FTZs promote trade and

investment, they may also pose risks for money laundering and illicit trade activities, due to their relaxed regulatory environment and potential for anonymity.

#### 3.18 Are there government initiatives or discussions underway regarding how to modernise the current anti-money laundering regime in the interest of making it more risk-based and effective, including by taking advantage of new technology, and lessening the compliance burden on financial institutions and other businesses subject to anti-money laundering controls?

In Turkey, there are ongoing government initiatives and discussions aimed at modernising AML regime to enhance its effectiveness, promote risk-based approaches, leverage new technologies, and reduce the compliance burden on financial institutions and other businesses subject to AML controls.

By embracing risk-based approaches, leveraging new technologies, fostering collaboration, and promoting innovation, Turkey seeks to strengthen its AML framework, combat financial crime and safeguard the integrity of the financial system.

## 4 General

#### 4.1 If not outlined above, what additional anti-money laundering measures are proposed or under consideration?

In addition to the AML measures outlined above, there may be several additional initiatives or proposals under consideration in Turkey to further strengthen its AML framework and enhance effectiveness in combatting financial crime. These measures may be aimed at addressing emerging risks, improving regulatory oversight, promoting public-private cooperation and leveraging technological advancements.

#### 4.2 Are there any significant ways in which the anti-money laundering regime of your country fails to meet the recommendations of the Financial Action Task Force ("FATF")? What are the impediments to compliance?

In evaluating Turkey's AML regime against the recommendations of the FATF, several significant areas may be identified where the regime may fall short or face challenges in achieving full compliance. These areas may present impediments to compliance and require attention to enhance the effectiveness of Turkey's AML framework. Some of the key considerations to improve the legal and regulatory framework are as follows: establishing centralised registers of beneficial ownership and ensuring accurate and up-to-date disclosure of beneficial ownership information by corporate entities; developing cooperation with foreign counterparts, exchanging information in a timely and efficient manner, and aligning with international standards and initiatives; and developing providing comprehensive and tailored training programmes to address evolving AML risks and compliance requirements.

By identifying areas for improvement and implementing targeted reforms and initiatives, Turkey can further enhance its AML framework, strengthen compliance with FATF recommendations, and contribute to global efforts to combat financial crime effectively.

**4.3 Has your country's anti-money laundering regime been subject to evaluation by an outside organisation, such as the FATF, regional FATFs, Council of Europe (Moneyval) or IMF? If so, when was the last review?**

The FATF assessed Turkey's AML and combatting the financing of terrorism (AML/CFT) system and the technical compliance deficiencies identified in its 2019 Mutual Evaluation Report. The follow-up report dated July 20, 2023 analyses Turkey's progress in addressing the technical compliance deficiencies identified in its 2019 Mutual Evaluation and states that Turkey has taken positive steps towards improving its AML/CFT regime.

Turkey has observer status in MONEYVAL (the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism), and is a permanent monitoring body of the Council of Europe entrusted with the task of assessing compliance with the principal international standards to counter money laundering and the financing of terrorism and the effectiveness of their implementation, as well as with the task of making recommendations to national authorities in respect of necessary improvements to their systems.

**4.4 Please provide information on how to obtain relevant anti-money laundering laws, regulations, administrative decrees and guidance from the Internet. Are the materials publicly available in English?**

Turkey has completed a heavy legislation-making process regarding the preventive and suppressive measures to combat money laundering, which started in 2005. In 2005, the new Turkish Criminal Code (TCC) was entered into force and Article 282 regulates the offence of money laundering. Afterwards, in 2006 the Law on Prevention of Laundering Proceeds of Crime was enacted, and the relevant regulations and communiques were subsequently adopted. Also, the Criminal Procedures Law (CPL) and Misdemeanours Law comprise relevant provisions in this context.

To obtain relevant AML laws, regulations, administrative decrees and guidance from Turkey's official sources, individuals and organisations can utilise various online platforms and resources provided by governmental entities and regulatory authorities. Below is a list of relevant online resources:

- MASAK's website.
- BRSA's website.
- CMB's website.
- Official Gazette of the Republic of Turkey (Resmi Gazete)'s website.
- The websites of the Ministry of Justice and Ministry of Treasury and Finance.



**Dr. Vahit Bıçak** is widely recognised by his clients and peers as a leading practitioner for challenging legislative and regulatory problems. Over the last three-plus decades, he has been involved in major legislative and regulatory initiatives involving white-collar crime, fraud, bribery, money laundering, insider dealing, misleading the market, tax evasion, water management and domestic violence.

Dr. Bıçak is a Lawyer, Doctor of evidence and criminal law, Academician, Lecturer, Educator, Trainer, Writer, Legal Consultant, Practitioner, international Mediator, international Arbitrator and Attorney. He has specialised in many aspects of evidence and criminal law, with proven record of strong leadership. He is fluent in Turkish and English, and is a founding partner of both the Bıçak Law Firm and the Just & Fair Mediation | Arbitration Centre.

He has acted as a trusted advisor for complex domestic and cross-border business transactions and corporate governance, and has acted as advisor to drafting contracts, civil and criminal liability of owners for acts of the company, and of the company for acts of its owners.

He has experience as a criminal litigation attorney specialising in commercial criminal and regulatory consultancy and defence work, most particularly defending individuals and companies subject to investigations by prosecuting authorities. His specialities include: corporate crime prevention, corporate criminal liability, white-collar crimes, fraud investigation and prevention, anti-bribery, money laundering, CFT, compliance, anti-corruption, white-collar irregularities, and other financial offences.

Dr. Bıçak is an accredited and skilled mediator with over a decade of experience of handling civil, commercial, employment, consumer, health, energy and mining disputes. He has been involved in mediation since its infancy in Turkey in the 2010s.

He sits as arbitrator (sole arbitrator, co-arbitrator, president) in domestic and international arbitrations pursuant to institutional (ICC, SCIA, ISTAC) and *ad hoc* rules (UNCITRAL), pursuant to various applicable laws, and concerning various sectors and subjects, e.g., health, mining, construction, technology and corporate disputes (post-M&A, joint-ventures).

He is a lawyer trained in both common and civil law. He graduated from the Faculty of Law, Ankara University in Turkey and became a doctor in law with a thesis on "A Comparative Study of the Problem of the Admissibility of Improperly Obtained Evidence", receiving his Ph.D. from the University of Nottingham in Great Britain.

Dr. Bıçak, an internationally known lawyer, was a visiting scholar at both the City University of New York and the Fordham Law School, USA, the Moribor University in Slovenia, Lyon II University Faculty of Law in France. He has worked in a number of Turkish universities including Bilkent, Hacettepe, Gazi, Atılım, Başkent and Hacı Bayram, and has been a lecturer in evidence law, commercial, domestic and international criminal law and criminal procedure law since 1990.

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The way we do business reflects the fact that we are a full-service, independent law firm. Bıçak is a global law firm that serves highly respected and well-established companies, as well as start-up visionaries, NGOs, governments, state-owned entities, institutions and individuals. As a global firm, we are uniquely positioned to help our clients solve complex legal challenges wherever they are. Thanks to the audio-visual communication technologies we use, our clients benefit from our services all over the world.

Bıçak has a long and prestigious history, as well as strong and enduring connections with our international network of law firms across the globe. We provide dynamic and effective legal services to prevent potential disputes. By accepting the principle that "the key to success is quick access to accurate data", we offer a solid service that meets the needs of our clients. We listen, analyse and provide support, knowledge and tailored advice, according to each client's needs. We are committed and focused on working closely together, across countries, teams and disciplines, to deliver the best client experience.

Our firm is focused on our clients' need for an exceptional legal service model that delivers value. Value means: efficient tracking and reporting processes; creative approaches to reducing legal risk; increased cost certainty; and results. In every engagement, our team focuses on the desired outcome. Focusing on the client's desired outcome is an integral part of the strategic process for each engagement. We have a system that focuses on client service. We have done this by aligning our culture, structure and processes with one goal in mind: client satisfaction.

The digital world allows us to adapt so that geographical barriers are almost non-existent for clients' continents and time zones. We work remotely with the majority of our clients, giving both parties greater flexibility, and saving time and travel costs. We build a solid, trusting relationship with clients

when we rarely see each other in person. We have a five to 10 minute phone call or video conference to check in and ensure we are both on the same page. Today, there are hundreds of online tools that make it easier to provide remote legal services.

The firm has a number of high-profile clients with diplomatic missions in Turkey, including the Embassy of Italy, the Embassy of Spain, the Embassy of Romania, the Embassy of Paraguay, the Embassy of Egypt, the Embassy of Uganda, the Embassy of South Sudan, the Embassy of Tanzania and the Embassy of the Philippines.

AML and CTF legislation can apply to those inside and outside the financial sector. It is a key area of focus for regulators and law enforcement agencies across Turkey with potential consequences including criminal prosecution of organisations or individuals, and regulatory enforcement action threatening businesses. We help clients with issues such as developing policies and procedures, reviewing systems and controls, providing training, advising on disclosure and reporting, assessing the potential for criminal and civil liability, assisting with internal and external investigations, and AML/CTF in a transactional context.

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