

A LEGAL ANALYSIS OF

CRIMES AGAINST HUMANITY

SYSTEMATIC HUMAN RIGHTS
VIOLATIONS IN TÜRKİYE

AFTER THE 15 JULY 2016



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EXECUTIVE SUMMARY

1. INTRODUCTION

This report examines the decade of repression that followed the failed coup attempt of 15 July 2016 in Türkiye. Drawing on official statements by Turkish ministers and state institutions, judgments of the European Court of Human Rights (ECtHR), opinions of United Nations treaty bodies and special procedures, findings of the Council of Europe and its Venice Commission, and the documentation of national and international human rights organisations, it concludes that the measures adopted by the Turkish authorities after 15 July 2016 cannot be characterised as a legitimate response to a security crisis. They amount, instead, to a widespread and systematic attack on identifiable segments of the civilian population — an attack whose constituent acts, taken together, satisfy the definitional elements of crimes against humanity under Article 7 of the Rome Statute of the International Criminal Court and Article 77 of the Turkish Penal Code.

The scale of the repression is captured, first of all, in the state's own figures. According to the Minister of Justice, judicial proceedings were initiated against **720,338 people** between July 2016 and July 2026 in connection with the Gülen movement alone; **127,102 people** were convicted.¹ The state news agency (AA) itself reported, on the ninth anniversary (2025) of the coup attempt that **390,354 people had been detained and 113,837 arrested** in Gülen-related investigations over nine years.² These numbers have continued to climb: In 2025, at least 4,256 individuals were detained in operations targeting alleged members of the Gülen Movement.³ During the first six months of 2026 alone, a further 3,419 individuals (2,451⁴ and 968⁵ in successive waves) were detained through coordinated, multi-province operations. Moreover, more than

1 <https://www.memurlar.net/haber/1172623/adalet-bakani-gurlek-10-yillik-feto-bilancosunu-acikladi-10-bin-485-kisi-cezaevinde.html> ;

2 <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/fetonun-15-temmuzdaki-darbe-girisiminden-bu-yana-113-bin-837-zanli-tutuklandi/3630249>

3 <https://justicesquare.org/new-release-human-rights-reports-turkiye-february-2026/>

4 <https://www.sabah.com.tr/trend/galeri/gundem/son-dakika-sinsi-ahtapotun-yeni-oyunu-desifre-oldu-adalet-bakani-akin-gurlek-sabaha-konustu-son-kripto-temizlenene-kadar-surecek>

5 <https://x.com/abakingurlek/status/2076547344137322749?s=12>

130,000 public officials — teachers, doctors, judges, prosecutors, police officers, academics, soldiers and civil servants — were summarily dismissed by decree, on the basis of lists prepared in advance, without individualised reasoning, evidence, or any opportunity to be heard.⁶

A study based on Ministry of Justice statistics found that at least **1,576,566 people** were subjected to investigations for “membership of an armed terrorist organisation” between 2016 and 2020.⁷ By the mid-2020s the cumulative record had grown further still: analyses of official judicial statistics show that **2,478,734 people** were investigated for alleged membership of a terrorist organisation between 2015 and 2023, a figure that had reached **3,093,084 by the end of 2024** — this in a world in which the total number of persons registered internationally as terrorism suspects is commonly estimated at around 300,000.⁸

The scale, frequency, and nationwide character of these operations demonstrate that, nearly a decade after the failed coup attempt, the repression and persecution have not diminished. On the contrary, they provide compelling evidence of the continued implementation of a systematic enforcement policy that remains incompatible with the principles of individualized suspicion, proportionality, legal certainty, and the rule of law under international human rights law. This is not merely a domestic characterization: the collapse of legal safeguards underlying these operations has since been confirmed at the highest level of the European human rights system.

The Grand Chamber of the European Court of Human Rights confirmed the systemic character of this collapse in *Yüksel Yalçınkaya v. Türkiye* (26 September 2023), finding violations of

6 Office of the UN High Commissioner for Human Rights (OHCHR), *Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East* (March 2018), paras 8–9 and 60 ff.; the cumulative dismissal figures are drawn from the lists annexed to Decree-Laws Nos. 667–701, *Resmî Gazete* (Official Gazette), July 2016–July 2018.

7 Mustafa Yeneroğlu, *Hukuksuzluğun Sıradanlaşması* (“The Ordinarianisation of Lawlessness”): Armed Terror Organization Membership Trials (DEVA Party, September 2021), p. 2, <https://cdn.devapartisi.org/422/Hukuksuzlugun-Siradanlasmasi.pdf>, analysing Ministry of Justice judicial statistics for 2016–2020.

8 Levent Mazılıgüney, “Türkiye’de kaç terörist var? TCK 314 istatistikleri üzerinden değerlendirme”, *Hukuki Haber* (2025), <https://www.hukukihaber.net/turkiyede-kac-terorist-var-tck-314-istatistikleri-uzerinden-degerlendirme>; see also Köprü *Hukuk ve Hürriyet*, no. 163, <https://www.koprudergisi.com/kopru-hukuk-ve-hurriyet-sayi-163/2465/>.

the principle of legality (Article 7), the right to a fair trial (Article 6) and freedom of association (Article 11), and noting that more than **100,000 people** had been convicted on the basis of acts — using a messaging application, holding an account at a lawfully operating bank, membership of a lawful trade union — that were not crimes at all.⁹ Nearly three years later, that judgment remains unimplemented; the Turkish courts have reconvicted Mr Yalçinkaya himself on identical grounds, and the mass detention operations have continued without interruption into 2025 and 2026. In 2025 the Court reaffirmed its findings for a further 239 applicants in *Demirhan and Others v. Türkiye* (July 2025) and for **2,420 applicants** in three committee judgments of December 2025; on 5 May 2026, in *Yasak v. Türkiye*, the Grand Chamber carried the principle a decisive step further, holding — in a case containing **no ByLock evidence at all** — that a conviction for terrorist-organisation membership violates Article 7 wherever the *mental element* of the offence has not been individually established, and that criminal responsibility “cannot be based on collective guilt or guilt by mere association”; and on 23 June 2026 three further committee judgments (*Kılıçarslan and Others*, *Çalı and Others* and *Dönmez and Others v. Türkiye*) extended the identical findings to yet further groups of applicants.¹⁰ By June 2026, the post-15 July violation judgments against Türkiye numbered **116**, covering **8,065 applicants**, with more than **€20.6 million** in awards — a curve still rising a decade after the events;¹¹

The repression did not stop at dismissal and imprisonment. The report documents a consistent pattern of torture and ill-treatment in police custody, unofficial interrogation sites and prisons, confirmed by Human Rights Watch, Amnesty International, the Ankara Bar Association, the Human Rights Foundation of Türkiye and, in individual cases, by the UN Human Rights Committee; a programme of enforced disappearances and extraterritorial abductions — **163 documented cases** inside Türkiye and abroad by the end of 2024, openly acknowledged by the highest officials of the state; the deliberate denial of medical care to seriously ill prisoners, which

9 ECtHR (Grand Chamber), *Yüksel Yalçinkaya v. Türkiye*, App. no. 15669/20, judgment of 26 September 2023, esp. §§ 413–418.

10 ECtHR (Grand Chamber), *Yasak v. Türkiye*, App. no. 17389/20, judgment of 5 May 2026, §§ 200–214; ECtHR (Committee), *Kılıçarslan and Others*, *Çalı and Others* and *Dönmez and Others v. Türkiye*, judgments of 23 June 2026.

11 Stichting Justice Square, *ECHR Violation Judgments against Türkiye in the post-15 July Case-Line: Articles Violated and Distribution of Judgments (2018 – June 2026)*, dataset current to June 2026.

has cost hundreds of lives; the destruction of independent media, with roughly **180 media outlets closed** and Türkiye ranking for successive years as the world's leading jailer of journalists; and the seizure of private property valued at a minimum of **US\$32.2 billion** without judicial process or compensation.

This report documents that decade. It is addressed to international and supranational institutions — the United Nations human rights system, the Council of Europe, the European Union and its member states, national asylum authorities and prosecutorial bodies — as well as to researchers, journalists and the general public. Its central claims are three. First, that the human rights violations committed in Türkiye since July 2016 have been *systematic*: planned, centrally directed, executed through the coordinated action of the executive, the security services, the judiciary, the media and the religious bureaucracy. Second, that although the Gülen movement was the campaign's principal target, the legal and institutional machinery built to destroy it has been deployed against Turkish society as a whole — Kurds, leftists, secularists, liberals, Alevis, journalists, academics, human rights defenders and, eventually, the leading figures of the parliamentary opposition. Third, that the constituent acts of this campaign — mass arbitrary imprisonment, torture, enforced disappearance, persecution and other inhumane acts — meet the threshold of crimes against humanity under Article 7 of the Rome Statute and Article 77 of the Turkish Penal Code, and therefore engage the responsibility not only of the Turkish state but of individual perpetrators, wherever they may be found.

The report closes with recommendations addressed to the Government of Türkiye, the Council of Europe, the European Union, the United Nations and the wider international community, including the initiation of proceedings under universal jurisdiction and the systematic preservation of evidence for future accountability processes.

1.2 Methodology and sources

The report relies, deliberately and wherever possible, on three categories of sources whose evidentiary weight is difficult to contest. The first is the Turkish state itself: statements by the President, the Ministers of Justice and Interior, and the Vice-President; statistics published by the

Ministry of Justice, the Council of Judges and Prosecutors (HSK) and the State of Emergency Inquiry Commission; and the texts of the emergency decree-laws as published in the Official Gazette. Where this report asserts, for example, that 121 people were abducted from 28 countries, the source is the serving Minister of Justice, speaking to the state news agency.¹²

The second category comprises the judgments and findings of international bodies whose jurisdiction Türkiye has accepted: the European Court of Human Rights, the Venice Commission and the Commissioner for Human Rights of the Council of Europe, the UN Human Rights Committee, the UN Committee against Torture, the UN Working Group on Arbitrary Detention and the UN Working Group on Enforced or Involuntary Disappearances.

The third category consists of the documentation of national and international non-governmental organisations — Human Rights Watch, Amnesty International, Freedom House, the Human Rights Foundation of Türkiye (TİHV), the Human Rights Association (İHD), bar associations, and diaspora monitoring organisations such as Solidarity with Others — as well as country-of-origin reporting by European governments, notably the Finnish Immigration Service's 2024 fact-finding report. Individual cases are included only where they are supported by court records, medical reports, parliamentary questions, victim testimony given in open court, or credible published documentation. Particular use has been made of Stichting Justice Square's own prior documentation — including its annual reports, its 2025 *Human Rights Overview and its Türkiye Human Rights Report (2016-2024)*.

Two limitations should be acknowledged. First, the climate of fear and censorship inside Türkiye means that the figures presented here are conservative: they capture only what has become publicly documentable. Second, no report of this length can be exhaustive. The cases selected are illustrative of categories of violation, each of which is supported by a far larger body of evidence held by the organisations cited.

12 Statement of Minister of Justice Bekir Bozdağ to Anadolu Agency, 12 July 2022, <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/bakan-bozdag-darbe-girisiminde-yasadiklarini-ve-fetoye-mucadeleyi-aaya-anlatti/2635243>.

1.3. Note on terminology

The report uses the term “Gülen movement” to refer to the faith-based social network inspired by the late Fethullah Gülen, active for decades in education, media and civil society in Türkiye and abroad.¹³ The Turkish government designates this movement a terrorist organisation (“FETÖ”). This report refuses to use this acronym abusively introduced by the Turkish government to dehumanize this social group. That designation — adopted first by the National Security Council, an administrative body, and only subsequently ratified by courts that had themselves been purged — has been rejected as a basis for criminal liability by the ECtHR’s Grand Chamber, which found that the acts treated by Turkish courts as proof of “membership” were lawful, ordinary activities protected by the Convention.¹⁴ Nothing in this report depends on any assessment of the movement’s character; the prohibition of torture, arbitrary detention and enforced disappearance protects every human being, whatever their affiliation. The report likewise takes no position on the many unresolved questions surrounding the events of 15 July 2016 itself, noting only that the parliamentary inquiry commission’s report was never published, that the then Chief of General Staff and the head of the National Intelligence Organisation (MİT) declined to testify before it, and that allied intelligence assessments publicly questioned the government’s account of responsibility.¹⁵

13 For scholarly treatments see e.g. Elisabeth Özdalga, “Worldly Asceticism in Islamic Casting: Fethullah Gülen’s Inspired Piety and Activism”, *Critique* no. 17 (2000), pp. 83–104; Berna Turam, *Between Islam and the State* (PhD thesis, McGill University, 2001); Bekim Agai, *The Fethullah Gülen Movement’s Project for Islamic Ethics in Education* (2003).

14 *Yalçınkaya* (n 9), §§ 268–272 and 297–304 (Article 7); §§ 386–414 (Article 11).

15 See “Batılı istihbarat örgütlerinin 15 Temmuz raporları”, *Euronews Türkçe*, 13 July 2017 (summarising the EU Intelligence and Situation Centre assessment and the statement of BND President Bruno Kahl to *Der Spiegel*); UK House of Commons Foreign Affairs Committee, *The UK’s relations with Turkey*, HC 615, March 2017; on the unpublished parliamentary commission report, written answer of TBMM Deputy Speaker Süreyya Sadi Bilgiç to a parliamentary question, 2018.

2. FROM CORRUPTION PROBES TO COUP ATTEMPT: THE POLITICAL BACKGROUND, 2013–2016

The purge that followed 15 July 2016 cannot be understood as a spontaneous reaction to the coup attempt, because its essential instruments — the profiling lists, the legal machinery, the designation of the target group — were assembled in the three years that preceded it.

On 17 and 25 December 2013, Istanbul prosecutors and police units carried out sweeping bribery and corruption operations implicating four ministers, their children, senior bureaucrats, and the Iranian-Turkish gold trader Reza Zarrab, whose subsequent guilty plea and testimony in a United States federal court corroborated core elements of the allegations.¹⁶ The government's response was not to allow the judicial process to run its course but to recharacterise the investigations as a “judicial coup” orchestrated by a “parallel state structure” within the police and judiciary — a structure it identified with the Gülen movement. The prosecutors and police chiefs who had conducted the investigations were removed, reassigned or prosecuted; the case files were closed by newly appointed prosecutors (İrfan Fidan, İsmail Uçar, Fuzuli Aydoğdu), who issued decisions of non-prosecution in respect of all 96 suspects.¹⁷ Having closed the investigations, these prosecutors were rewarded by the government with high-ranking appointments.¹⁸

Two legislative interventions of 2014 laid the institutional groundwork for what followed. In February 2014, Law No. 6524 restructured the High Council of Judges and Prosecutors (HSYK,

16 See *United States v. Mehmet Hakan Atilla*, S.D.N.Y. (2017–18), in which Reza Zarrab testified as a cooperating witness; on the December 2013 investigations, “17 Aralık’ın 17 aktörü bugün nerede?”, *Euronews Türkçe*, 17 December 2021.

17 Decision of non-prosecution of the Istanbul Chief Public Prosecutor’s Office concerning all 96 suspects of the 25 December 2013 investigation; see *Euronews Türkçe* (n 16).

18 İrfan Fidan was appointed as a member of the Court of Cassation in 2020 and as a member of the Constitutional Court in 2021, following his tenure as the Chief Public Prosecutor of Istanbul; he has been serving as the Deputy President of the Constitutional Court as of March 10, 2026. İsmail Uçar was elected as a member of the Court of Cassation following his tenure as the Chief Public Prosecutor of Istanbul Anatolian, and he currently continues his duty as a member of the 1st Civil Chamber of the Court of Cassation. Fuzuli Aydoğdu, on the other hand, was elected as a member of the Council of Judges and Prosecutors (HSK) following his tenure as the Deputy Chief Public Prosecutor of Istanbul, and he has been serving as the Acting President of the HSK and the President of the 2nd Chamber of the HSK since June 16, 2025.

later HSK), terminating the tenure of its secretariat, inspectors and rapporteur judges overnight and concentrating power in the Minister of Justice.¹⁹ In June 2014, Law No. 6545 created the **criminal judgeships of peace** (*sulh ceza hâkimlikleri*), a closed circuit of judgeships with exclusive jurisdiction over detention, arrest, search and seizure, whose decisions can be appealed only to one another. Then Prime Minister Erdoğan described the new institution, with unusual candour, as a “project”: “Just as they filed hundreds of lawsuits against us, we will file hundreds and thousands of lawsuits against them. Then things will develop differently.”²⁰ The Venice Commission would later find that these judgeships, which issued tens of thousands of detention orders after July 2016, lacked the attributes of an independent tribunal and functioned without meaningful reasoning or effective appeal: tens of thousands of detention orders issued after the coup attempt on template reasoning; appeals decided “horizontally” by the neighbouring judgeship in a closed circuit; blocking orders against websites and accounts issued by the hundred; and asset freezes — including the July 2016 order covering some 3,000 judges and prosecutors — executed on digital lists without individual assessment.²¹

The administrative designation of the target group followed. On 30 October 2014, the National Security Council (MGK) — a body with no judicial competence — labelled the Gülen movement a threat to national security; in May 2016 it designated the movement a “terrorist organisation”, although no final court judgment to that effect existed. On the contrary: in 2008 the Court of Cassation had upheld, and its General Assembly had confirmed, the acquittal of Fethullah Gülen on precisely such charges.²² In February 2016 — five months *before* the coup attempt — the Prime Ministry issued Circular 2016/4 on “public employees in contact with organisations threatening national security”, the instrument that legitimised the profiling lists on

19 Law No. 6524 of 15 February 2014; Constitutional Court, E. 2014/57, K. 2014/81, 10 April 2014 (partial annulment, without retroactive effect).

20 Statements of then Prime Minister Recep Tayyip Erdoğan, June–July 2014; see “Erdoğan operasyonu yönettiğini ağzından kaçırdı”, *Siyaset Cafe*, 22 July 2014, <https://www.siyasetcafe.com/erdogan-operasyonu-yonettigini-agzindan-kacirdi-6005h.htm>.

21 Venice Commission, *Opinion on the Duties, Competences and Functioning of the Criminal Peace Judgeships*, CDL-AD(2017)004, 13 March 2017.

22 Ankara 11th High Criminal Court, judgment of March 2007 (acquittal); upheld by Court of Cassation, 9th Criminal Chamber, E. 2007/6083, K. 2008/1328, 5 March 2008; objection rejected by Court of Cassation General Assembly of Criminal Chambers, E. 2008/9-82, K. 2008/181, 24 June 2008.

which the post-coup dismissals would be based.²³ The speed with which those lists were deployed is itself probative: Decree-Law No. 668, containing the first mass dismissal schedules running to thousands of names, was published on 27 July 2016, six days after the state of emergency took effect — a timeline incompatible with any individualised post-coup investigation.²⁴

When the coup attempt came, the President described it, within hours, as “a blessing from God” (*Allah’ın bir lütfu*), because it would allow the army — and, as events proved, every other institution — “to be cleansed”.²⁵ A decade later, the event that justified everything remains itself unexamined: the report of the parliamentary inquiry commission was never printed or published; the Chief of the General Staff and the head of MİT — the two officials best placed to explain the night’s chronology — refused to appear before it; the main opposition party has consistently described a “controlled coup”; and civilians who committed lethal violence that night, including against surrendering conscripts and cadets, were retrospectively immunised by decree, while the provenance of the unregistered weapons distributed that night has never been officially explained.²⁶ The chapters that follow describe that cleansing.

23 Prime Ministry Circular No. 2016/4 of 17 February 2016 on “Public Employees in Contact with Organisations and Structures Threatening National Security”.

24 Decree-Law No. 668, Resmî Gazete, 27 July 2016.

25 “Erdoğan İstanbul’da açıklama yaptı”, *Deutsche Welle Türkçe*, 16 July 2016, <https://www.dw.com/tr/erdo%C4%9Fan-i%CC%87stanbulda-a%C3%A7%C4%B1klama-yapt%C4%B1/a-19403922>.

26 TBMM, July 15 Coup Attempt Parliamentary Investigation Commission (unpublished report, 2017); written answer of TBMM Deputy Speaker Süreyya Sadi Bilgiç; on the killing of surrendering cadets, “Köprüde linç edilen askerî öğrencinin ailesi”, *Cumhuriyet*, 15 October 2016; Decree-Law No. 696, Art. 121.

3. RULE BY DECREE: THE STATE OF EMERGENCY AND THE MASS PURGE

3.1 The decree-law regime

A state of emergency was declared on 20 July 2016 and repeatedly renewed until 19 July 2018. During those two years the government issued **37 emergency decree-laws** (*kanun hükmünde kararname*, KHK) which, in defiance of the constitutional principle that emergency measures must be temporary and strictly required by the exigencies of the situation, amended permanent legislation, closed institutions, confiscated property and dismissed named individuals from public service.²⁷ Judicial review was eliminated at the outset: reversing its own 1991 case-law, the Constitutional Court held in October 2016 that it lacked jurisdiction to review emergency decree-laws at all.²⁸ Türkiye notified derogations under Article 15 of the European Convention on Human Rights and Article 4 of the International Covenant on Civil and Political Rights; but as the ECtHR would later confirm, no derogation permits punishment without law, torture, or the destruction of the essence of fair trial rights.

3.2 Dismissal by list: more than 130,000 public officials

Under the decree-laws, **more than 130,000 public officials were dismissed** by name, in lists annexed to the decrees, without prior notice, without a statement of individualised reasons, without disclosure of evidence and without any opportunity to be heard.²⁹ Decree-Law No. 672 alone dismissed more than 40,000 public employees in a single instrument.³⁰ The dismissals carried permanent consequences imposed “without a conviction verdict”: a lifetime bar on re-employment in public service, loss of rank and title, cancellation of passports, and — as described

27 Decree-Laws Nos. 667–701, Resmî Gazete, 23 July 2016 – 8 July 2018; see also OHCHR (n 6), paras 12–18.

28 Constitutional Court, E. 2016/166, K. 2016/159, 12 October 2016, departing from E. 1990/25, K. 1991/1, 10 January 1991.

29 OHCHR (n 6) (recording some 152,000 dismissals to December 2017); Venice Commission, CDL-AD(2016)037 (Opinion no. 865/2016, adopted 9–10 December 2016); cumulative figure of more than 130,000 per the annexed lists (n 6).

30 Decree-Law No. 672, Resmî Gazete, 1 September 2016.

in Chapter 4 — practical exclusion from private employment. Retired officers were stripped of rank and decorations; medals awarded for heroism were revoked by decree.³¹

The grounds for dismissal, where they later emerged in Commission proceedings, were acts that were lawful — indeed state-supervised — at the time they were performed: holding an account at Bank Asya, a licensed bank subject to state banking supervision; membership of a lawful trade union or association; subscribing to the *Zaman* newspaper, then the country's highest-circulation daily; donating to *Kimse Yok Mu*, a charity holding official fundraising authorisation; or sending one's children to legally operating schools.³² The permanent consequences were embroidered decree by decree. Decree-Law No. 667 dismissed and disbarred; No. 670 authorised the bulk collection of the personal data of suspects' spouses and children; No. 672 dismissed more than 40,000 people in one schedule; No. 677 barred the closed institutions from ever claiming compensation; No. 679 stripped even *retired* officers of rank, weapons licences and the right to work in private security; No. 685 created the Inquiry Commission while immunising its members; No. 691 subjected dismissed police officers — previously exempt — to military conscription, and closed the professions of notary, mediator and court expert to the "affiliated"; No. 692 revoked state medals awarded for heroism; No. 696 conferred criminal immunity on civilians who acted "to suppress" the coup attempt and its "continuation". The Venice Commission, reviewing Decree-Laws Nos. 667–676, concluded that dismissal on the basis of undefined "connection" or "contact" with an organisation, without factual findings capable of objectively founding doubts about an official's loyalty to the democratic legal order, was incompatible with the rule of law, and that the collective, list-based procedure rendered meaningful ex post judicial review "virtually impossible".³³

31 Decree-Law No. 679 (rank and licence deprivations of retirees); Decree-Law No. 692 (revocation of medals under Law No. 2933).

32 Amnesty International, *No End in Sight: Purged Public Sector Workers Denied a Future in Turkey* (2017) and *Dismissals with No Return?* (2018), https://www.amnesty.org.tr/public/uploads/files/Dismissals%20report_TR%20version%281%29.pdf.

33 Venice Commission, CDL-AD(2016)037 (Opinion no. 865/2016, adopted 9–10 December 2016), esp. §§ 128–131.

The remedy subsequently offered confirmed rather than cured the violation. The State of Emergency Inquiry Commission, established by Decree-Law No. 685 in January 2017 under international pressure, took up to six years to decide applications, sat behind closed doors, applied the same institutional “opinions” that had produced the lists, and enjoyed — like every other organ of the emergency regime — express immunity from liability for its decisions.³⁴ By January 2023, of 127,292 applications decided, it had rejected **109,332** and accepted only **17,960** — an acceptance rate barely above 14 per cent, applied to a population that included thousands of people who had been acquitted, or never even investigated, in parallel criminal proceedings.³⁵ The Commission’s reasoning reproduced the vice it was meant to cure: applications were rejected on grounds such as subscribing to the *Zaman* newspaper, membership of a lawful trade union, donations to a licensed charity, or a Bank Asya account — the same lawful acts on which the dismissals themselves had rested; thousands of applicants who had been acquitted in criminal proceedings, or never charged, were refused reinstatement notwithstanding. Amnesty International concluded that the Commission functioned not as a remedy but as a mechanism for deflecting international scrutiny.³⁶ The ECtHR, in *Pişkin v. Türkiye* (2020), found that a decree-law dismissal of this type violated the right to a fair trial and the right to respect for private life, noting that the applicant had been stigmatised as a “terrorist” without any judicial finding against him.³⁷

The United Nations reached the same conclusion at the systemic level. The Office of the UN High Commissioner for Human Rights, in its March 2018 report on the impact of the state of emergency, documented the dismissal of some 152,000 civil servants and the arrest of approximately 160,000 people in the eighteen months following the coup attempt, and described “the erosion of the rule of law and a persistent pattern of serious human rights violations”.³⁸ In April 2017 the Parliamentary Assembly of the Council of Europe reopened its full monitoring

34 Decree-Law No. 685 of 23 January 2017; immunity of Commission members per Decree-Law No. 690, Art. 52.

35 State of Emergency Inquiry Commission (OHAL Komisyonu), *Activity Report 2017–2022*, 12 January 2023, https://ohalkomisyonu.tccb.gov.tr/docs/OHAL_FaaliyetRaporu_20172022.pdf.

36 Amnesty International, *Dismissals with No Return?* (n 32).

37 ECtHR, *Pişkin v. Turkey*, App. no. 33399/18, judgment of 15 December 2020.

38 OHCHR (n 6); see also the statement of High Commissioner Zeid Ra’ad Al Hussein presenting the report, March 2018.

procedure in respect of Türkiye — the first time a member state had ever been returned to monitoring after graduating from it — citing the mass dismissals, the arrests of parliamentarians and journalists and the conditions of the referendum; and the European Commission's enlargement reports have recorded, year after year since 2018, “serious backsliding” on fundamental rights, the rule of law and the judiciary, language that froze the accession process in all but name.³⁹

3.3 The confiscation of civil society and the economy

The decree-laws did not merely punish individuals; they liquidated an entire social sector.⁴⁰ By decree, the state closed **1,061 educational institutions, 15 universities, 800 student dormitories, 223 tutoring and study centres, 48 health institutions, 1,595 associations, 155 foundations and 19 trade unions**, and transferred **985 commercial enterprises** to the Savings Deposit Insurance Fund (TMSF).⁴¹ All movable and immovable assets, receivables and rights of the closed institutions were deemed transferred to the Treasury *free of charge*, “unencumbered”, and without any judicial decision; Decree-Law No. 677 expressly barred the closed institutions from claiming compensation.⁴² Trustees were appointed to hundreds of private companies — 694 companies had been transferred to TMSF control by the end of November 2016 alone⁴³ — including some of the country's largest industrial groups (Boydak, Koza-İpek, Dumankaya, Naksan, Kaynak), later sold to businessmen aligned with the government. Official statements themselves acknowledge confiscations of 75 billion lira, a figure that excludes the assets of 127 natural persons, the property of the liquidated organisations, and 2,271 educational immovables transferred to other institutions; research based on official figures conservatively estimates the

39 PACE, Resolution 2156 (2017), *The functioning of democratic institutions in Turkey*, 25 April 2017 (reopening the monitoring procedure); European Commission, *Türkiye Reports 2018–2025* (Chapter 23: judiciary and fundamental rights — “serious backsliding”).

40 <https://www.trthaber.com/haber/gundem/fetonun-finans-kaynaklari-kurutuluyor-951060.html>

41 Figures aggregated from the closure schedules of Decree-Laws Nos. 667, 668 and subsequent decrees; see Zeynep Altıok, *OHAL Bilançosu: Hak İhlalleri Raporu* (CHP, 2017), pp. 15–16, <https://content.chp.org.tr/file/33743.pdf>.

42 Decree-Laws Nos. 667 and 668, Art. 2 (uncompensated transfer to the Treasury); Decree-Law No. 677, Art. 6 (bar on compensation claims).

43 Decree-Laws Nos. 674 (Art. 19) and 677 (Art. 7); Savings Deposit Insurance Fund figures as of 30 November 2016 (694 companies).

total value of assets confiscated in connection with the Gülen movement at **US\$32.24 billion**. Among the confiscated conglomerates, Bank Asya — a publicly traded, state-supervised participation bank with hundreds of thousands of ordinary depositors — occupies a special place: seized before the coup attempt and liquidated after it, its customer records became a prosecution database, so that the act of depositing money in a licensed bank, on which the state had itself collected taxes and transaction fees, was converted retroactively into evidence of terrorism for hundreds of thousands of account holders.⁴⁴ Two features of this confiscation regime deserve emphasis, because they mark its departure from anything a legal order can accommodate. The first is that the Turkish Constitution itself prohibits precisely this: Article 38 bans the *general confiscation* of a person's property as a penalty — a guarantee of the personal character of criminal responsibility — and Article 35 permits interference with property only by law, for a public purpose and proportionately. The decree-laws overrode both, without trial, compensation or individual assessment. The second is the “statutory collusion presumption” of Decree-Law No. 675 (Article 12, later made permanent by statute): any transfer of real property on which a later-closed school or dormitory had operated, made to *third parties* at any time after 1 January 2014, was deemed collusive by operation of law and the property registered to the Treasury *ex officio* — and a subsequent decree extended the presumption to any purchaser himself deemed to have “affiliation or contact”, regardless of the use of the property. Judicial findings of collusion were thus replaced by legislative fiat, pending court cases were declared moot by decree, and bona fide purchasers who had bought property years earlier lost it without a hearing.⁴⁵

Nor is the technique without ancestry. Stichting Justice Square's 2026 study of property rights places the post-2016 confiscations in a century-long lineage of state-organised dispossession of disfavoured communities: the “abandoned property” (*emval-i metruke*)

44 Ali Yıldız and Leighann Spencer, “The Erosion of Property Rights in Turkey”, *IACL-AIDC Blog*, 28 May 2020, <https://blog-iacl-aidc.org/2020-posts/2020/5/28/the-erosion-of-property-rights-in-turkey>.

45 Stichting Justice Square, *Property Rights Report: Systematic Violations of the Right to Property in Türkiye* (May 2026), esp. the analysis of Decree-Law No. 675, Art. 12 (as amended by Decree-Law No. 689 and enacted as Law No. 7082) and of the constitutional prohibition of general confiscation (Constitution, Arts 35 and 38); Constitutional Court, E. 2018/77, K. 2023/105 (review of Law No. 7082); on the historical lineage, *ibid.*, Part II (the *emval-i metruke* regulations of 1915, the Wealth Tax of 1942, and the pogrom of 6–7 September 1955).

regulations applied to Ottoman Armenians from 1915; the discriminatory Wealth Tax (*Varlık Vergisi*) of 1942 that ruined non-Muslim merchants; and the state-tolerated pogrom of 6–7 September 1955 that destroyed the businesses of Istanbul’s Greeks. In each episode, as after 2016, the transfer of a community’s assets to politically favoured hands was executed through legal forms and defended as national necessity.⁴⁶ Beyond the corporate seizures, a single order of the Ankara 1st Criminal Judgeship of Peace, issued on 29 July 2016 on the basis of a digital list, froze the entire assets, bank accounts and receivables of approximately 3,000 judges and prosecutors.⁴⁷

3.4 The destruction of independent media

The assault on the press began before the coup attempt — with the March 2016 trustee seizure of *Zaman*, the country’s largest newspaper, an act the UN High Commissioner for Human Rights described as “an extraordinary threat to free media and pluralism”⁴⁸ — and was completed by decree after it. Already in 2015–2016, trustees had been imposed on the Koza-İpek group (*Bugün, Millet, Kanaltürk, Bugün TV*) and the Feza group (*Zaman, Today’s Zaman, Meydan, Cihan News Agency, Aksiyon*), and the state satellite operator Türksat had removed Samanyolu, S Haber, Mehtap TV, Irmak TV, Bugün TV and Kanaltürk from its platform — the country’s then highest-circulation newspaper converted overnight into a government organ before being closed altogether. In total, approximately **180 media outlets** were shut down: 53 newspapers, 34–37 television channels, 37 radio stations, 20 magazines, 29 publishing houses and 6 news agencies; around 8,000 journalists and media workers lost their jobs, and thousands were prosecuted.⁴⁹ From 2016 through 2018 the Committee to Protect Journalists recorded Türkiye as the world’s leading jailer of journalists, with 68–81 journalists imprisoned at each annual census — more than

46 Stichting Justice Square, *Property Rights Report: Systematic Violations of the Right to Property in Türkiye* (May 2026), esp. the analysis of Decree-Law No. 675, Art. 12 (as amended by Decree-Law No. 689 and enacted as Law No. 7082) and of the constitutional prohibition of general confiscation (Constitution, Arts 35 and 38); Constitutional Court, E. 2018/77, K. 2023/105 (review of Law No. 7082); on the historical lineage, *ibid.*, Part II (the *emval-i metruke* regulations of 1915, the Wealth Tax of 1942, and the pogrom of 6–7 September 1955).

47 Ankara 1st Criminal Judgeship of Peace, decision no. 2016/3971, 29 July 2016.

48 Statement of UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein on the trustee seizure of *Zaman*, March 2016.

49 Feray Salman and Aysel Ergün, “Kapatılan basın, yayın, radyo, televizyon ve haber ajansları”, *Bianet*, 9 January 2017, <https://m.bianet.org/bianet/medya/182458>; OHCHR (n 6), paras 48–55.

China or Iran in the same years.⁵⁰ The remainder of the mainstream media was consolidated, through TMSF seizures and pressured sales — culminating in the 2018 transfer of the Doğan group (*Hürriyet*, CNN Türk) to a pro-government conglomerate — into what is publicly known as the “pool media”, a coordinated pro-government bloc.⁵¹ The 2022 “disinformation law” (Law No. 7418) criminalised the dissemination of “false information” with prison sentences, extending control to online journalism; according to the Freedom of Expression Association, **more than one million websites** had been blocked in Türkiye by March 2024.⁵² In August 2024 access to Instagram was blocked for eight days without any published legal justification.⁵³ The regulatory instruments complete the design: RTÜK, the broadcast regulator, was given emergency-period powers to suspend broadcasting and has used licensing and “impartiality” sanctions as a standing threat against the few opposition channels; Law No. 5651 permits judgeships of peace to block websites and individual URLs by the hundred, without adversarial process; and the personal-data and “disinformation” offences supply detention grounds against individual users. The result, in the assessment of every international press-freedom index, is a media order in which the state’s narrative is the default and its contradiction a legal risk. The coordination of the surviving media has been demonstrated repeatedly in practice: when Finance Minister Berat Albayrak — the President’s son-in-law — resigned by Instagram post in November 2020, the mainstream media observed a 27-hour blackout, and the public learned of the resignation of the country’s economy chief from social media and the handful of surviving independent outlets.⁵⁴ Censorship reaches even cultural life: in 2023 the 60th Golden Orange Film Festival — Türkiye’s oldest — was cancelled outright after government pressure forced the exclusion of *Kanun Hükmü*

50 Committee to Protect Journalists, annual prison censuses 2016–2018 (81 journalists imprisoned in Türkiye at the December 2016 census, the highest recorded for any country).

51 On the TMSF media seizures and the 2018 Doğan–Demirören sale, see Reporters Without Borders / Bianet, *Media Ownership Monitor Turkey* (2019).

52 Law No. 7418 of 13 October 2022; Freedom of Expression Association (İFÖD), *EngelliWeb: More than one million domain names blocked*, 7 August 2024, <https://ifade.org.tr/engelliweb/1-milyondan-fazla-alan-adi-erisime-engelli/>.

53 Human Rights Watch, *World Report 2025*, Türkiye chapter, <https://www.hrw.org/world-report/2025/country-chapters/turkiye>.

54 “Berat Albayrak’ın istifasının ardından haber merkezlerinde neler yaşandı?”, *BBC Türkçe*, 9 November 2020, <https://www.bbc.com/turkce/haberler-turkiye-54873430>.

(“The Decree”), a documentary about two decree-dismissed public servants.⁵⁵ Nor did prosecution of journalists require any connection to the Gülen movement: columnists of the secularist *Cumhuriyet* and *Sözcü* — newspapers editorially hostile to the movement for decades — were convicted of “aiding” it for reporting critically on the post-coup purges. Human Rights Watch’s 2025 World Report records that at least 21 journalists and media workers remained imprisoned on terrorism charges at the end of 2024, and that independent journalism survives only online, under constant threat of blocking and prosecution.⁵⁶

3.5 Impunity by design

Perhaps the most legally consequential feature of the decree regime was the advance immunity it conferred on perpetrators. Article 9 of Decree-Law No. 667 and Article 37 of Decree-Law No. 668 provided that persons who took decisions or performed duties “within the scope of” the decree-laws would bear **no legal, administrative, financial or criminal responsibility** — No. 667 for their “duties”, No. 668 extending the shield to their “acts”.⁵⁷ Decree-Law No. 696 (Article 121) extended criminal irresponsibility to *civilians* who acted “to suppress the coup attempt and its continuation”, a formula with no temporal limit, adopted seventeen months after the coup attempt itself.⁵⁸ The Venice Commission warned that these provisions “send a very dangerous message” — that crimes committed in the course of duty would go unpunished.⁵⁹ The warning proved accurate: as documented in Chapters 5 and 6, prosecutors have systematically invoked these provisions, alongside general inertia, to close investigations into torture and even deaths in custody without prosecution.

55 “Altın Portakal’da KHK belgeseline sansür”, *Diken*, 23 September 2023, <https://www.diken.com.tr/altin-portakalda-khk-belgeseline-sansur/>.

56 Ibid.; Media and Law Studies Association (MLSA), *List of journalists and media workers in prison*, October 2024.

57 Decree-Law No. 667, Art. 9; Decree-Law No. 668, Art. 37.

58 Decree-Law No. 696, Art. 121 (December 2017), adding provisional Art. 6 to Law No. 6755.

59 Venice Commission, CDL-AD(2017)004 (n 21).

4. MASS CRIMINALISATION: DETENTION, ARREST AND PROSECUTION AS INSTRUMENTS OF GOVERNANCE

4.1 The numbers

Throughout this period, human rights violations have escalated through widespread detentions, mass dismissals carried out under emergency decree-laws (KHK), and an institutionalized regime of repression. In recent years, however, this wave of persecution has expanded to include vulnerable groups—particularly the children and family members of those previously prosecuted or dismissed—thereby deepening and broadening the scope of the abuses.

According to the Minister of Justice, judicial proceedings were initiated against **720,338 people** between July 2016 and July 2026 in connection with the Gülen movement alone; **127,102 people** were convicted.⁶⁰ Among the **720,338 individuals** mentioned by the former Minister of Justice, there are judges, prosecutors, bureaucrats at all levels, doctors, academics, teachers, soldiers, police officers, businesspeople, workers and civil servants, housewives, as well as people from all segments of society, ranging from 14-year-old children to 85-year-old elderly individuals, all of whom have never committed a crime before.

The state news agency (AA) itself reported, on the ninth anniversary (2025) of the coup attempt that **390,354 people had been detained and 113,837 arrested** in Gülen-related investigations over nine years.⁶¹ These numbers have continued to climb: In 2025, at least 4,256 individuals were detained in operations targeting alleged members of the Gülen Movement.⁶² During the first six months of 2026 alone, a further 3,419 individuals were detained through coordinated, multi-province operations.⁶³

60 <https://www.memurlar.net/haber/1172623/adalet-bakani-gurlek-10-yillik-feto-bilancosunu-acikladi-10-bin-485-kisi-cezaevinde.html> ;

61 <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/fetonun-15-temmuzdaki-darbe-girisiminden-bu-yana-113-bin-837-zanli-tutuklandi/3630249>

62 <https://justicesquare.org/new-release-human-rights-reports-turkiye-february-2026/>

63 <https://www.sabah.com.tr/trend/galeri/gundem/son-dakika-sinsi-ahtapotun-yeni-oyunu-desifre-oldu-adalet-bakani-akin-gurlek-sabaha-konustu-son-kripto-temizlenene-kadar-surecek>

Another report released by **Dr. Levent Mazılıgüney**, a prominent human rights lawyer, indicates that following the failed coup attempt in July 2016:

- **A total of 2,478,734 individuals were subjected to investigations for alleged membership in terrorist organizations, primarily the Gülen Movement**, labeled as “FETÖ” by the Turkish government between 2015 and 2023, a figure that had reached **3,093,084 by the end of 2024** — this in a world in which the total number of persons registered internationally as terrorism suspects is commonly estimated at around 300,000.⁶⁴

Given that the cumulative number of terrorism investigations reached 3,093,084, there is no known precedent in modern history for an investigation of such magnitude.

The Turkish government’s crackdown on the Gülen movement, which began in 2014, escalated into an unprecedented wave of detentions and arrests following the coup attempt on July 15, 2016, with 300,000 people detained within a very short period. Individuals suspected of being linked to or associated with the Gülen Movement were dismissed from their jobs, detained, and arrested based on lists prepared by Turkish intelligence agencies rather than concrete legal evidence.

These detentions initially targeted judges and prosecutors even before the soldiers allegedly involved in the coup attempt. On July 16, 2016—less than 12 hours after the coup attempt began—2,745 judges and prosecutors were dismissed and taken into custody.⁶⁵ This number later rose to 5,112 with subsequent dismissals, ultimately amounting to 38% of the judiciary at the time. Among those dismissed were individuals who had passed away before the coup attempt, as well as others who had been abroad for an extended period. For instance, former Balıkesir/Bandırma prosecutor **Ahmet Biçer**, who had died six months before the failed coup attempt, was officially

64 Levent Mazılıgüney, “Türkiye’de kaç terörist var? TCK 314 istatistikleri üzerinden değerlendirme”, *Hukuki Haber* (2025), <https://www.hukukihaber.net/turkiyede-kac-terorist-var-tck-314-istatistikleri-uzerinden-degerlendirme>; see also *Köprü Hukuk ve Hürriyet*, no. 163, <https://www.koprudergisi.com/kopru-hukuk-ve-hurriyet-sayi-163/2465/>.

65 <https://www.reuters.com/article/world/Turkiye-orders-2-745-judges-and-prosecutors-to-be-detained-after-coup-ntv-idUSKCN0ZW11Z/>

dismissed on July 16, 2016, as if he were still in office, and police were dispatched to his last known residence to take him into custody.⁶⁶ Furthermore, under normal circumstances, it would have been impossible for the Council of Judges and Prosecutors (HSYK) to complete all the required legal procedures in a single night. These actions constituted a blatant violation of the Turkish Constitution (Law No.2709) as well as Laws No. 6087 and 2802⁶⁷.

These facts clearly indicate that Turkish authorities had preemptively labeled certain judges and prosecutors and had already compiled lists of those to be dismissed. In fact, Mehmet Yılmaz, the then-President of the Council of Judges and Prosecutors, admitted in an interview with *Karar* newspaper that **these lists had been in preparation for three years**.⁶⁸

The criteria used to determine whether an individual was a member or supporter of the Gülen Movement further illustrate the arbitrary nature of the crackdown. The Gülen Movement does not issue identity cards or membership numbers to its followers. As a result, Turkish judicial authorities and security institutions established certain criteria, widely disseminated by the media, to create a public perception that individuals associated with the movement could potentially be members of an armed terrorist organization, even if they had committed no crimes. Some security officials expanded these criteria further, leading to the development of the so-called "FETÖMETRE," a software program designed to detect alleged links to the movement. The

66 <https://www.turkishminute.com/2016/10/24/judicial-board-suspends-prosecutor-passed-away-may/>

67 At the date of the suspension and dismissal decisions in question, in order for a judge-prosecutor to be suspended from his/her profession according to Turkish law
a- First of all, the 3rd Chamber of the HSYK should make a 'decision to request permission for an investigation' and the Minister of Justice, who is the president of the HSYK, should approve this decision,
b- The HSYK Inspection Board conducts an investigation and prepares a report on the judge-prosecutor for whom an investigation permit has been granted,
c- If the 3rd Chamber of the HCJP discusses the report of the inspection board and deems the allegations to be justified, it will issue a 'decision on permission for investigation' and send the file to the 2nd Chamber of the HCJP after the approval of the Minister of Justice,
d- In the event that the 2nd Chamber of the HSYK deems the allegations grave, serious and urgent in the light of the evidence, the relevant judge-prosecutor shall be 'suspended from duty',
e- After receiving the defence of the relevant judge-prosecutor, it was required to take a decision on dismissal. In short, it is not possible for the HSYK to fulfil all these legal procedures on the night of the so-called coup attempt.

68 https://t24.com.tr/haber/hsyk-2-daire-baskani-elimizdeki-feto-listesi-bir-gecede-yapilmadi-3-yildir-calisiyorduk,360895#google_vignette

FETÖMETRE criteria included dozens of indicators related to an individual's education, family background, professional life, social relations, and financial history. These ranged from completing postgraduate or doctoral studies abroad to something as arbitrary as giving two names to children.

The use of profiling and intelligence reports as a basis for dismissals was later confirmed by Erhan Afyoncu, the rector of the National Defense University, which was established following the closure of military academies after July 15, 2016. In an interview with CNN Türk on February 17, 2025, Afyoncu stated that the overwhelming majority of personnel dismissed from the Turkish Armed Forces in 2016 were removed based on intelligence reports prepared by the Turkish National Intelligence Organization (MİT) and data generated by the *FETÖMETRE* system.^{69 70}

In the aftermath of the coup attempt, prosecutors' offices and courts, which initially initiated judicial proceedings based on profiling lists provided by intelligence units, later adopted a set of criteria to charge individuals under Article 314 of the Turkish Penal Code for alleged

69 <https://nordicmonitor.com/2025/02/erdogans-ally-reveals-2016-military-purge-dismissals-were-based-on-profiling-not-coup-involvement/>

70 **The Fetömetre** operates on an arbitrary point-based system, assigning numerical values to over 290 different criteria, many of which have no concrete or logical connection to criminal activity. Factors such as opening a bank account, attending specific universities or having a relative accused of terrorism all contribute to an individual's score. More disturbingly, the system also penalizes personal beliefs and lifestyle choices. For example, expressing opposition to abortion, regarding the birth of a disabled child as natural or even having strong religious views outside state-approved norms can increase a person's "risk score." These criteria reflect not a security measure but a deeply invasive and ideological attempt to police personal morality. **The technical flaws of the Fetömetre** make its use even more dangerous. The methodology behind the algorithm remains undisclosed, making it impossible to verify the reliability of its assessments. Data from financial transactions, social media activity, family history and even health records are compiled without any legal basis. The report notes that the system has processed the personal information of at least 810,000 people, with no due process or independent review. In many cases, individuals with no known links to any political movement were flagged and subjected to harsh professional and legal consequences based solely on algorithmic suspicion. **Beyond targeting individuals, the Fetömetre also punishes family members and social circles.** Having a relative who was dismissed from a public institution, studied at a university closed by decree or simply made a donation to a now-banned organization is enough to warrant suspicion. This guilt-by-association approach is a blatant violation of fundamental legal principles, including the right to individual responsibility and the presumption of innocence.

membership in the Gülen Movement. However, these criteria were never officially disclosed, further raising concerns about the arbitrary and politically motivated nature of the prosecutions.

The scale, frequency, and nationwide character of these operations demonstrate that, nearly a decade after the failed coup attempt, the campaign has not diminished. On the contrary, they provide compelling evidence of the continued implementation of a systematic enforcement policy that remains incompatible with the principles of individualized suspicion, proportionality, legal certainty, and the rule of law under international human rights law.

Regrettably, the data presented do not capture detentions from unpublicized or lesser-known operations, which remain outside the scope of open-source reporting. Similarly, the figures exclude cases that have not been documented in publicly available sources or that have otherwise escaped public scrutiny, potentially underrepresenting the full extent of the violations. This limitation underscores the clandestine nature of some repressive measures and highlights the need for further investigation to ensure a complete accounting of the systemic human rights abuses perpetrated under the guise of counter-terrorism.

4.2 Crimes that are not crimes

Although the wording varies, the report issued by Italian Federation for Human Rights in July 2023⁷¹ finds on the basis of a detailed analysis of **118 indictments** that there are **18 most commonly-used criteria**, which are written on the list below. The list also presents a data analysis on the frequency that each of these criteria has been used/deployed in the 118 indictments to charge the suspects for membership in an armed terrorist organization:

- Using or downloading the Bylock messaging application (78 indictments)
- Being a depositor at Bank Asya or having had a Bank Asya bank/credit card or using Bank Asya payment terminal (64 indictments)

71 <https://fidu.it/wp-content/uploads/FIDU-Report-Turkut-Dent-Yildiz.pdf>

- Anonymous tips / denunciations or secret witness statements (50 indictments)
- Being a shareholder, manager, or employee in companies and other legal entities — such as schools, universities, hospitals, media outlets, and publishing houses — that were dissolved or seized under the state of emergency due to alleged links to the Gülen Movement (32 indictments)
- Attending the religious gatherings (conversations) known as “sohbet” organised by members of Gülen Movement (28 indictments)
- Being an executive or a member of an association that was closed or dissolved under the state of emergency due to alleged links to the Gülen Movement (25 indictments)
- Being an executive or a member of a trade union that has been closed/dissolved under the state of emergency for its alleged Gülen Movement links (16 indictments)
- Subscribing to periodicals that were dissolved or seized under the state of emergency due to alleged links to the Gülen Movement, such as Zaman daily and Sızıntı magazine (19 indictments)
- Possessing books, CDs or DVDs printed by publishing houses that were closed/dissolved/seized under the state of emergency due to alleged Gülen Movement links, or possessing copies of newspapers, and magazines that were closed/dissolved/seized under the state of emergency due to alleged Gülen Movement links (19 indictments)
- Being a resident or student in those schools, universities and dormitories that were closed under the state of emergency as a result of alleged Gülen Movement links, or sending children to those educational institutions (17 indictments)
- Analysis of social media activity and the websites visited, i.e., following certain accounts, sharing articles criticizing the AKP government (8 indictments)
- Donations made to relief organizations with alleged Gülen Movement links, i.e., Kimse Yok Mu (8 indictments)
- Staying at hotels in the provinces of Ankara, Afyon and Nevşehir including Asya Thermal Resort Hotel which has been seized for Gülen Movement links (9 indictments)

- Cancelling their subscription to DIGITURK, a digital tv platform, as a result of its decision to end the broadcasting of seven television channels allegedly linked to the Gülen Movement (6 indictments)
- Participating in protests held in response to the Government's takeover of Zaman newspaper and Samanyolu TV or making press statement to protest the Government (6 indictments)
- Expressing support for the opposition parties or criticizing government for human rights violations (2 indictments)
- Possessing 1 USD banknote (7 indictments)
- Travelling abroad (14 indictments)

These criteria, **none of which can be considered as criminal elements of being a member of armed terrorist organisation**, may be sufficient for Turkish judicial authorities to initiate an investigation against an individual or to impose a prison sentence as a result of such an investigation.

What renders these figures legally decisive is the nature of the conduct prosecuted. Turkish courts convicted for “membership of an armed terrorist organisation” — an offence carrying up to fifteen years’ imprisonment — on the basis of downloading or using the publicly available ByLock messaging application; depositing money in Bank Asya; union or association membership; newspaper subscriptions; charitable donations; attendance at religious conversation circles (*sohbet*); and employment in lawfully operating institutions. The Court of Cassation constructed a doctrine under which the movement was notionally divided into seven “layers”, with criminal liability presumed from a person’s assigned layer rather than proven from acts.⁷² As Chapter 9 sets out, the ECtHR’s Grand Chamber held in 2023 that this approach violates the principle that there can be no punishment without law.

⁷² Court of Cassation, 16th Criminal Chamber, E. 2015/3, K. 2017/3, 24 April 2017; upheld by the General Assembly of Criminal Chambers, decision no. 2017/16-956, 26 September 2017.

The practice has, if anything, grown more surreal with time. Investigation files documented in 2022–2024 treat **visiting a cemetery and praying at the grave** of a deceased person alleged to have been movement-affiliated as an “organisational activity” warranting surveillance and prosecution.⁷³ In October 2024, following the death of Fethullah Gülen, **Kazım Güleçyüz**, editor-in-chief of the (unaffiliated, Nurcu) daily *Yeni Asya*, was arrested over a condolence message — “*May God grant him mercy and justice*” — posted on social media; he spent two months in prison before his release at first hearing. Investigation files documented in 2022–2025 record surveillance reports in which a released convict’s visit to a cemetery — “*it was observed that he prayed at the grave of...*” — is logged as organisational activity requiring action; attendance at funerals of persons once investigated is put to suspects in interrogation; and religious conversation meetings (*sohbet*), the ordinary devotional life of pious households, appear in indictments as the *actus reus* of terrorism. When everyday piety, mourning and hospitality are criminal indicators, no observant citizen can be safe; that is not an incidental effect but the mechanism of generalised deterrence itself.⁷⁴ Persons who have completed sentences are re-investigated for the same underlying association under the rubric of “restructuring”, in violation of the *ne bis in idem* principle; the Finnish Immigration Service’s 2024 fact-finding report confirms both the re-prosecution pattern and the continued surveillance of released convicts.⁷⁵

4.3 Systematic Persecution Through Cyclical Prosecutions Against Members of Gülen Movement in Türkiye

In 2018 and beyond, some members of the Gülen Movement who had previously been arrested began to be released to stand trial without detention. Furthermore, as of 2020, some individuals who had served their sentences were also released. Particularly after 2020, restructuring investigations were initiated against the released members of the Gülen Movement,

73 “Kabir ziyareti de suç sayıldı: ‘Mezarı başında dua ettiği görülmüş...’”, *Velez News*, 12 January 2025, <https://velev.news/gundem/kabir-ziyareti-de-suc-sayildi-mezari-basinda-dua-ettigi-gorulmus/>.

74 “Fethullah Gülen için taziye mesajı gözüktü: Yeni Asya genel yayın yönetmeni Güleçyüz tutuklandı”, *Serbestiyet*, 23 October 2024.

75 Finnish Immigration Service (Country Information Service), *Türkiye: Individuals associated with the Gülen movement — fact-finding mission report* (June 2024), sections 1.2.2–1.2.3.

resulting in subsequent detentions and arrests. These individuals were accused of crimes such as membership in an armed terrorist organization and violations of the Law on the Prevention of Terrorism Financing.

The Turkish government and judiciary have perpetuated the persecution of individuals affiliated with the Gülen Movement by maintaining a continuous cycle through so-called "restructuring cases." This cycle operates as follows:

- Unlawful Profiling and Arbitrary Arrests
- Torture and Human Rights Violations in Prisons
- Unfair Trials and Convictions Based on Arbitrary Charges
- Civil Death and Continued Surveillance of Released Individuals
- Recurrent Prosecutions, Restructuring Cases, and Re-Imprisonment
- Cycle Repeats

Individuals who are released from detention—whether through non-custodial trials or after fully serving their sentences—continue to face systematic social and legal discrimination, effectively subjecting them to a modern form of "civil death." Despite their formal release, these individuals remain under constant scrutiny by law enforcement and intelligence agencies, which employ both physical and technical surveillance methods to monitor their activities, movements, and interactions.⁷⁶

This ongoing surveillance not only violates their fundamental rights to privacy and freedom but also significantly hinders their reintegration into society. Many struggle to find employment, secure housing, or access essential public services, as they remain stigmatized due to their prior legal status. Additionally, the persistent monitoring fosters a climate of fear and intimidation, discouraging individuals from engaging in social, political, or professional activities that might attract further scrutiny.

76 <https://x.com/drgokhangunes/status/1875226498191200669>

The lack of clear legal safeguards against such prolonged surveillance raises serious concerns regarding due process, proportionality, and the rule of law. As a result, even after their formal release, these individuals continue to live under perpetual state control, unable to fully reclaim their rights and freedoms.⁷⁷

4.4 Recurrent Prosecutions, Restructuring Cases and Re-Imprisonment

Released members of the Gülen Movement become subjects of **repeated technical and physical surveillance** by law enforcement and intelligence agencies, leading to investigations known as 'restructuring cases' based on actions that do not constitute crimes under the law, which, in turn, result in further arrests, detentions, and convictions.

Particularly after 2020, Turkish authorities intensified their efforts to target released members of the Gülen Movement by launching a new wave of restructuring investigations. Unlike earlier waves of persecution, the criminal investigations conducted by Turkish authorities under the Erdoğan government have recently evolved into **more sophisticated, systematic, and highly deterrent operations** designed to instill greater fear and intimidation among the accused. These investigations have become more aggressive and far-reaching, employing advanced surveillance techniques, and harsher prosecutorial tactics compared to those carried out in the previous eight years.

The Turkish government's use of the "restructuring" concept has led to a classification of Gülen Movement members into three primary risk groups. These operations have targeted individuals based on their perceived affiliations rather than concrete evidence of criminal activity.

- Families of Convicted or Detained Individuals
- Previously Prosecuted Individuals and Their Families
- Individuals without Pending Criminal Cases

77 <https://stockholmcf.org/turkish-lawyer-reveals-illegal-police-surveillance-of-former-prisoner/>

The use of the "restructuring" concept has facilitated the criminalization of individuals based on familial associations rather than proven involvement in illegal activities. This approach not only undermines fundamental legal principles such as individual criminal responsibility and *ne bis in idem* but also contributes to a broader pattern of systematic persecution. The increasing targeting of minors and young adults under these measures raises significant human rights concerns and calls for urgent international scrutiny.⁷⁸

Moreover, the sheer number of investigations initiated within the framework of "restructuring" continues to escalate at an alarming rate, demonstrating an ongoing and deliberate strategy to suppress perceived dissidents. This sustained legal crackdown effectively criminalizes past affiliations, revokes basic rights and freedoms, and ensures that individuals released from detention remain under constant legal and social pressure, preventing them from reintegrating into society.

This **surveillance-driven investigative approach**, commonly referred to as "**restructuring cases**," is mainly based on **humanitarian activities** that, under normal legal circumstances, would not constitute criminal offenses. These activities include:

- Providing **financial or material assistance** to the **relatives of detainees and convicts**;
- Helping individuals **dismissed from their professions** through **emergency decrees (KHKs)** to **secure employment**;
- Facilitating **student accommodation** and other **educational support initiatives**;
- Organizing **gatherings called "sohbet"**.

The criminalization of these humanitarian and social support efforts underscores the arbitrary and expansive interpretation of anti-terrorism laws in Türkiye, effectively allowing authorities to pursue continuous legal action against individuals with perceived affiliations to the Gülen Movement, even after their formal release. The indictments and court rulings in

78 <https://www.stichtingipn.nl/wp-content/uploads/2025/02/GEVAAR-VOOR-BURGERLIJKE-GENOCIDE-IN-TURKIJE.pdf>

restructuring cases, as a matter of fact, provide clear examples of how humanitarian actions — neither legally nor morally considered crimes — are nonetheless treated as criminal offenses.

4.5 The “Kıskaç” operations and the machinery of routine

Since 2023, mass detentions have been branded as sequential “Kıskaç” (“Pincer”) operations, announced by the Minister of Interior on social media with photographs of dawn raids and language describing the detained — none of whom has been convicted — as “traitors” and “the most notorious terrorists who must be eliminated”.⁷⁹ By 21 February 2025 the fortieth Kıskaç operation had been announced. After international reports began to attach the “Kıskaç” brand to findings of systematic persecution, the Ministry quietly abandoned the name — and nothing else. Throughout 2025 the same operations continued unnamed, announced in the same idiom on the same social-media accounts.

The routinisation is itself the finding: nine years after the coup attempt, mass arrest for lawful conduct had become an ordinary, weekly instrument of government, too familiar to attract domestic or international attention. The institutional context is measured by the V-Dem Institute’s 2025 Democracy Report, which ranks Türkiye 139th of 179 countries and places it in the lowest tiers of its liberal-component index — the quantitative signature of a state in which such operations can be routine.

4.6. Minors and Young Adults Discriminatively Targeted as a Result of Family Relations in “Restructuring” Cases

4.6.1 From Individual Suspicion to Inherited Guilt

Since December 2023, Turkish prosecutors have developed and repeatedly applied an investigative doctrine publicly referred to by officials as the Gülen movement’s “student restructuring.” Under this doctrine, routine and lawful conduct — sharing student housing, travelling abroad, tutoring younger students, maintaining social-media accounts, joining an EU-

⁷⁹ Statements of Minister Yerlikaya via X (Twitter), 2023–2025 (collected); see e.g. <https://x.com/AliYerlikaya/status/1796044090628350145>.

funded Erasmus exchange, or simply remaining in contact with peers — is treated as circumstantial evidence of membership in an armed terrorist organisation under Article 314/2 of the Turkish Penal Code, provided the individual is a child, sibling, or acquaintance of someone previously investigated, dismissed, or convicted in connection with the Gülen movement. Applied in a sequence of large-scale operations between December 2023 and mid-2026, the doctrine drew a formal joint intervention from eight United Nations Special Procedures mandates, who characterised it as collective punishment based on family ties.⁸⁰

4.6.2 Chronology of Operations

4.6.2.1 The “Teenage Girls Case” (December 2023 – September 2025)

On 19 December 2023, police opened a terrorism investigation against seventeen individuals, mostly female university students, based on undisclosed “reliable source” information. Judicially authorised wiretapping and physical surveillance followed from 18 January 2024, extended on 31 January to a 16-year-old and on 25 February to a 12-year-old girl on the same allegation; by 29 April 2024, 117 individuals had been “identified” largely on the basis of who visited whose residence. On 6 May 2024, prosecutors ordered the detention of another 16-year-old girl, the compulsory police summons of sixteen children aged 12 to 17, and a separate detention order for 38 individuals, mostly female university students. The following day, 7 May 2024, a distinct operation by the Istanbul Police Department detained a further 40 adults while the Child Protection Branch separately apprehended fifteen minors aged 13 to 17 — several of them children of the adult detainees — who were handcuffed, removed from their homes and forensically examined.⁸¹

In custody, minors were reportedly registered and interrogated as criminal suspects without lawyers or guardians, denied food for extended periods, and threatened — according to

80 UN Special Procedures, joint communication AL TUR 9/2025, 8 October 2025, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30317>.

81 UN Special Procedures, joint communication AL TUR 9/2025, 8 October 2025 (chronology section); Silenced Turkey, “The Teenage Girls Case: A Call for Justice,” silencedturkey.org/reports/the-teenage-girls-case-a-call-for-justice.

testimony later raised in Parliament — with statements such as “we will make you vomit blood.” Social-services personnel legally required to protect them were present but did not intervene. A criminal complaint later filed by one mother on behalf of her 16- and 17-year-old daughters produced no prosecutorial action.⁸² Interrogation records document questions such as why two phones connected to the same cell tower, why a girl went to study with a female neighbour, and whether hugging a friend was “a covert form of criminal exchange.”⁸³

On 10 May 2024, prosecutors referred 33 adult detainees to the Criminal Judgeship of Peace; 28 — including university students and relatives of the minors — were remanded on terrorism charges. The subsequent 529-page indictment of 10 June 2024 cited no violent act; the charged conduct consisted of voluntary English and religious tutoring and ordinary social gatherings. Press reporting separately indicates that some of those detained were arrested specifically for “teaching English to five primary-school pupils” and “driving the English tutor home” — a subset that overlaps with, but is not clearly reconciled against, the official figure of 28.⁸⁴ The European Parliament’s Türkiye rapporteur, Nacho Sánchez Amor, put the pattern directly to a Turkish delegation, noting that judges had asked 14-year-old defendants why they had studied with a neighbour.⁸⁵ On 18 September 2025, the Istanbul 24th High Criminal Court convicted nineteen defendants of terrorist-organisation membership on this basis; nineteen others were acquitted.⁸⁶

4.6.2.2 The Gaziantep Operation (May 2025)

On 6 May 2025, the Gaziantep Chief Public Prosecutor’s Office coordinated a simultaneous operation across 47 provinces. An initial 208 detention warrants, later increased to 320, targeted

82 “Erdoğan’s crackdown does not spare minors: teenagers recount trauma of police custody,” Turkish Minute, 15 May 2024; parliamentary remarks of MP Ömer Faruk Gergerlioğlu, 8 May 2024.

83 “29 şeması: Parkinson hastası anne, kızıyla birlikte hapse gönderildi,” Kronos, 11 May 2024; interrogation records documented by defence counsel in connection with the Istanbul Chief Public Prosecutor’s Office investigation of 6 May 2024.

84 Istanbul Chief Public Prosecutor’s Office, 529-page indictment of 10 June 2024; AL TUR 9/2025 (n. above).

85 Nacho Sánchez Amor MEP, exchange of views with the Turkish delegation on the European Parliament’s Turkey progress report, 2024.

86 Istanbul 24th High Criminal Court, judgment of 18 September 2025 (“Teenage Girls Case”); AL TUR 9/2025 (n. above); Silenced Turkey, “The Teenage Girls Case: A Call for Justice.”

mostly university students, interrogated over passport applications, tour operators, who had bought their plane tickets, shared rent, and use of Signal or Jitsi.⁸⁷ Detainees were denied a lawyer for 24 hours, case files were restricted, and courts applied formulaic pre-trial detention reasoning.⁸⁸ Seventy-seven were formally arrested; a detained law student attempted suicide four times in four days, and a four-months-pregnant woman with a cardiac condition was held in a facility unable to treat her — a year after Human Rights Watch had already documented Türkiye detaining school-age children in defiance of the UN Committee on the Rights of the Child.⁸⁹⁹⁰

The first indictment charged two young women under Article 314/2 for sharing a flat and travelling together to Bosnia and Herzegovina, stating they had “no personal connection ... such as hometown, address, kinship” and that their cohabitation was inconsistent with “the ordinary course of life” precisely because their parents held Gülen-related investigation records.⁹¹ One of the two, Elif Değirmenci, testified on 7 May 2025 that her travel was academic; she was reportedly held in an overcrowded mixed-sex cell, denied timely counsel, strip-searched, and indicted on 26 June 2025. She has since been released, but 25 of the 30 co-detainees reportedly remain in pre-trial detention.⁹²

4.6.2.3 *The Istanbul Operation (27 May 2025)*

On 27 May 2025, the Istanbul Chief Public Prosecutor’s Office detained 54 individuals, again mostly university students whose only shared trait was a family member previously

87 Solidarity with Others, reporting May–June 2025; announcements of the Gaziantep Chief Public Prosecutor’s Office, 6–10 May 2025; “Students questioned about lawful activities in Gaziantep investigation targeting Gülen followers,” Turkish Minute, 8 May 2025.

88 AL TUR 9/2025 (n. above), chronology of the Gaziantep operation.

89 X (@odakdunyam_), 8 May 2025, status/1920549429745946647; X (@gergerliogluof), 6 May 2025, status/1920091164469829883; Solidarity with Others, “Female student arrested following mass crackdown on Gülen movement attempts suicide” and “Pregnant woman’s health rapidly declines in Turkish prison after Gülen-linked arrest,” stockholmcf.org.

90 Human Rights Watch, World Report 2024, Turkey chapter, <https://www.hrw.org/world-report/2024/country-chapters/turkey>.

91 Republic of Türkiye, Gaziantep Chief Public Prosecutor’s Office, Terrorism Crimes Investigation Bureau, Investigation No. 2025/51824, Case No. 2025/21299, Indictment No. 2025/3678; AL TUR 9/2025 (n. above), no. 176.

92 AL TUR 9/2025 (n. above), documenting the case of Ms Elif Değirmenci, including her detention-hearing record of 7 May 2025 and the indictment of 26 June 2025.

investigated over Gülen ties and whose alleged offence was sharing student housing.⁹³ Nearly a year later, in a related operation targeting students living together in the same student house and the “ablas” responsible for them, 25 people were detained across Istanbul, Antalya, Çanakkale, Bursa and Samsun on 5 May 2026.⁹⁴

4.6.2.4 The İzmir Operation and the Case of Sueda and İbrahim Güngör (17 June 2025)

On 17 June 2025, İzmir authorities detained 42 people, 38 of them female students, questioned on lease terms, utility payments, messaging apps and political or civic-organisation membership — conduct protected under Articles 5, 7, 8 and 11 ECHR and Article 2, Protocol 1.⁹⁵ Among them was Sueda Güngör, whose sole activity had been campaigning for her 72-year-old, Alzheimer’s-stricken father İbrahim Güngör, imprisoned despite the state’s own forensic authority finding him fit for detention; his case had been raised at a U.S. Congress hearing days before her arrest.⁹⁶ He was hospitalised twice and died in custody on 7 September 2025.⁹⁷ Authorities also seized a detained student’s savings and a grandmother’s gold bracelet.⁹⁸

4.6.2.5 The Edirne Operation (2 December 2025)

On 2 December 2025, the Edirne prosecutor’s office detained twelve students across five provinces based on communications surveillance and financial-crimes reporting.⁹⁹

4.6.2.6 İzmir Operation (9 June 2026)

Almost exactly a year after its first raids, the İzmir Chief Public Prosecutor’s Office ordered a further operation on 9 June 2026 across twelve provinces (İzmir, Manisa, Denizli, Niğde,

93 “İstanbul’da FETÖ operasyonu: 54 şüpheli hakkında gözaltı kararı,” *memurlar.net*, 27 May 2025.

94 “FETÖ’nün ev yapılanması deşifre edildi: 25 gözaltı,” *TRT Haber*, 5 May 2026, <https://www.trthaber.com/haber/turkiye/fetonun-ev-yapilanmasi-desifre-edildi-25-gozalti-944016.html>.

95 Announcements of the İzmir Chief Public Prosecutor’s Office, 17 June 2025; interrogation records documented by defence counsel, cited in AL TUR 9/2025 (n. above) and *Turkish Minute*, 8 May 2025 (n. above).

96 “Woman campaigning for release of father suffering from Alzheimer’s among 27 arrested over Gülen links,” *Turkish Minute*, 21 June 2025; Tom Lantos Human Rights Commission, U.S. House of Representatives, hearing “Human Rights in Turkey Today,” 11 June 2025.

97 Solidarity with Others, “Sick inmate who died in prison: İbrahim Güngör,” *solidaritywithothers.com*.

98 İzmir 7th Peace Criminal Judgeship, Decision No. 2025/1463.

99 “FETÖ operasyonunda 12 öğrenci gözaltına alındı,” *msn.com*, 2 December 2025; announcements of the Istanbul, İzmir and Edirne Chief Public Prosecutors’ Offices, May–December 2025.

Balıkesir, Aydın, Adana, Bilecik, Kütahya, Düzce, Uşak and Isparta), again targeting what authorities termed the movement's "current educational structuring." Pre-dawn raids beginning around 5:30 a.m. targeted so-called "Işık Evi" ("House of Light") student residences — 22 such houses in İzmir alone, which investigators said were funded by the organisation — leading to 78 detention warrants and 80 people taken into custody, 40 of them students at Dokuz Eylül, Ege, İzmir Demokrasi, İzmir Katip Çelebi, Bakırçay, Yaşar, Adnan Menderes and Balıkesir universities, most studying medicine, law, engineering or theology. Of those detained, 41 were formally arrested including a final-year medical student one month from graduation, 23 released under judicial control, and 15 released unconditionally.¹⁰⁰

The charged conduct was, once again, ordinary life: sharing a flat, splitting rent, seeing friends, or visiting relatives in Bosnia and Herzegovina and other Balkan countries — reframed by the Ministry of Interior as "educational structuring" and "terrorism financing." A single Peace Criminal Judgeship judge took statements from twenty students in one hour before announcing a detention ruling fifteen minutes later.¹⁰¹

Among those arrested was Rümeyza Şanal, a 31-year-old mother of a nine-month-old baby with a lung condition; she was denied contact with her child throughout her detention and was unable to breastfeed. In court, she stated she had no organisational ties and that her father, Ali Ertaş, was himself already imprisoned in a Gülen-related case — a fact the prosecution raised as though it were itself incriminating. She was nonetheless remanded to Şakran Prison.¹⁰²

The Case of Meryem Yılmaz

Also arrested was Meryem Yılmaz, a 21-year-old third-year psychology student at İzmir Demokrasi University. Less than a year earlier, on 21 July 2025, Yılmaz had undergone major

100 "İzmir merkezli 12 ilde FETÖ operasyonu: 41 şüpheli tutuklandı," Anka Haber, 20 June 2026; "11 ilde FETÖ'nün eğitim yapılımasına operasyon," Cumhuriyet, 9 June 2026; "İzmir merkezli 12 ilde FETÖ operasyonunda 41 tutuklama," İhlas Haber Ajansı, 12 June 2026.

101 Sevinç Özarslan reporting for TR724, republished as "Öğrencilere düşman hukuku: Polis nefret operasyonunun ardında harabe bıraktı," Samanyolu Haber; "İzmir'de gözaltına alınan öğrencilerden 34'ü tutuklandı," BoldMedya, 12 June 2026; "İzmir'de gözaltına alınan 80 kişiden 41'i tutuklandı," Zaman Avustralya.

102 Solidarity with Others, "Women in Turkish Prisons — Rümeyza Şanal," solidaritywithothers.com; "Cadı avıyla 9 aylık Emin bebeğin annesi tutuklandı," Zaman Avustralya.

surgery at Bursa Uludağ University Hospital for advanced scoliosis, in which surgeons fitted 22 screws and supporting metal plates to stabilise her spine; her discharge report noted that the operation had succeeded but required a long recovery, during which she continued to live with foreign material fused to her spine. According to her family, the only “evidence” in her file consists of her father’s own prior investigation, a family holiday the household took together to Bosnia and Herzegovina over the Kurban Bayramı holiday, and the fact that she shared a flat with a university friend — she was detained roughly a week after the family returned from that trip, and was reportedly questioned specifically about it despite it having been a family holiday.¹⁰³

Yılmaz was arrested on 12 June 2026 and has since been held at Şakran Prison. She has reportedly fainted and suffered dizzy spells repeatedly in detention — including once while being escorted to a medical check-up shortly after her arrest, after which she was returned to custody rather than to hospital — and, according to her family, the prison’s own doctor issued a referral for her to be seen by neurology and spinal-surgery specialists. As of this report’s most recent information, that referral had still not been carried out. Her mother has submitted the surgical discharge report to both the prosecution and the court, but says her daughter’s medical condition has not been meaningfully factored into the detention decision. Detained during examination week, Yılmaz was unable to sit her final exams and now risks losing the academic year; fellow inmates in her ward reportedly help her with daily tasks she struggles to perform alone. As of the drafting of this report, she remains in pre-trial detention despite her documented medical condition.

This operation demonstrates that the doctrine catalogued throughout this section did not end with 2025: as of mid-2026, prosecutors continue to apply it to a new academic cohort, using the same interrogation logic and the same underlying premise — that a student’s family history, not their own conduct, determines guilt.

103 "Tutuklu öğrenci Meryem Yılmaz’ın annesi: ‘Kızım sırtında 22 vidayla cezaevinde yaşam mücadelesi veriyor’," Zaman Avustralya, citing TR724; "Üniversiteli Meryem Yıldız sırtında 22 vidayla cezaevinde yaşam mücadelesi veriyor," Velez; "Bir hasta dramı daha: Ağır ameliyatlı tutuklu öğrenci, hastaneye sevk edilmiyor," Zaman Avustralya / BoldMedya; "Ağır ameliyatlı psikoloji öğrencisi, hastaneye sevk edilmiyor," Samanyolu Haber.

4.6.3 Common Interrogation Pattern

2024-2026 operations, interrogation records reveal a near-identical questionnaire probing passports, travel companions, ticket purchases, cohabitation, social-media accounts and Erasmus participation; passenger manifests for flights to Bosnia and Herzegovina or Albania were reportedly screened specifically to identify the children of previously investigated individuals.¹⁰⁴ The European Court of Human Rights' Grand Chamber had already held, in *Yüksel Yalçinkaya v. Türkiye* (2023), that such indicators — messaging-app use, banking activity, lawful association — cannot establish criminal membership under Article 7; every operation above, and the Teenage Girls Case conviction itself, occurred after that judgment.

4.6.4 "Civil Death," Gendered Impact and Violations Affecting Minors

Students arrested under this doctrine are commonly excluded from social, economic and educational life even before conviction — a pattern this report terms "civil death." The İzmir operation's focus on female students illustrates a gendered dimension, targeting young women — many themselves children in 2016 — for maintaining ordinary friendships with similarly stigmatised peers. The wiretapping of twelve-year-olds and the handcuffing of minors in dawn raids, denied counsel, family contact and food, raise distinct concerns under Articles 37 and 40 of the Convention on the Rights of the Child.¹⁰⁵ Comparable guilt-by-association logic — from the U.S. McCarthy era to East Germany's Stasi and the Stalinist USSR — has been widely condemned in the scholarly literature for violating individual criminal responsibility.¹⁰⁶

4.6.5 International Response

On 8 October 2025, eight UN Special Procedures mandate holders sent Türkiye a joint communication (AL TUR 9/2025) documenting the surveillance of twelve-year-olds, degrading

104 "Students questioned about lawful activities in Gaziantep investigation targeting Gülen followers," Turkish Minute, 8 May 2025; interrogation records documented by defence counsel, cited in AL TUR 9/2025 (n. above).

105 UN Special Procedures, joint communication AL TUR 9/2025, 8 October 2025, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30317>.

106 Ellen Schrecker, *Many Are the Crimes: McCarthyism in America* (Princeton University Press, 1998); Jens Gieseke, *The History of the Stasi: East Germany's Secret Police, 1945–1990* (Berghahn Books, 2014); Robert Conquest, *The Great Terror: A Reassessment* (Oxford University Press, 2008).

dawn raids on minors, and “formulaic reasoning devoid of any individualised assessment,” characterising the practice as collective punishment incompatible with the Convention on the Rights of the Child.¹⁰⁷ European Parliament resolutions since 2016, including on the May 2025 arrest of Istanbul Mayor Ekrem İmamoğlu, have condemned the pattern and concluded that EU accession cannot resume under current conditions; Freedom House has rated Türkiye “Not Free” in every edition since 2018.¹⁰⁸

4.6.6 No End to Suspicion: The Erosion of Ne Bis In Idem

Country-of-origin research compiled for asylum adjudication across several European jurisdictions converges on a single finding: no legal event finally closes the file. Individuals already acquitted, already having served their sentence, or never formally charged remain liable to renewed investigation on the same underlying association — particularly in prepaid-SIM-card cases; released prisoners remain under surveillance; and no predictable criterion exists by which a person could consider themselves safe.¹⁰⁹ Passports are arbitrarily withheld from released prisoners; irregular departure — often undertaken to rejoin family already in exile — is itself prosecuted, with flight treated as evidence of membership; and, for those who reach Europe, security services reportedly prepare intelligence reports on lawful diaspora activity for use in the event of return. European asylum authorities converge on this finding independently: the UK Home Office’s country policy notes on the Gülenist movement acknowledge that persons perceived as linked to the movement face a risk of prosecution and ill-treatment on return; the Dutch Ministry of Foreign Affairs’ official ambtsberichten document ongoing prosecutions, diaspora surveillance and the risk of renewed investigation after acquittal; and German federal

107 UN Special Procedures, joint communication AL TUR 9/2025, 8 October 2025, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30317>.

108 European Parliament, resolutions and annual country reports on Türkiye, 2016–2025, including the resolution of May 2025 on the arrest of Istanbul Mayor Ekrem İmamoğlu; Freedom House, Freedom in the World and Freedom on the Net, Turkey entries, 2018–2025.

109 Finnish Immigration Service, country-of-origin information report on Türkiye, §§ 1.2.2, 3.1 and 4.4.

practice reflects the same finding — four separate governments’ assessments converging on the same conclusion.¹¹⁰

The Working Group on Arbitrary Detention has repeatedly found such detention arbitrary under Categories I, II, III and V of its methods of work — the last denoting detention on discriminatory grounds — warning that widespread or systematic imprisonment in violation of international law may constitute a crime against humanity, a finding it has applied throughout the post-2016 caseload, including the 2024 case of General Akın Öztürk.¹¹¹ The chronology above — spanning December 2023 to June 2026 and encompassing children as young as twelve — shows this pattern has not only persisted but, through the “student restructuring” doctrine, extended to a generation with no direct connection to the events of July 2016.

4.7 Criminalising Subsistence: The Business Raids of 2025–2026

In 2025 the civil-death regime described in Chapter 11 acquired a new enforcement arm: the mass raid on private businesses that employ the purged. The state news agency’s own reporting discloses the theory of the prosecution with unusual candour — a company’s social-security registrations were found to include persons “with judicial proceedings, dismissal records and prison records related to FETÖ”, and this fact alone triggered a terrorism investigation, technical and physical surveillance, financial-intelligence (MASAK) analysis and coordinated dawn raids.¹¹² Employment of the blacklisted, in other words, is now prosecuted as “financing terrorism”. The agency’s dispatch of 11 April 2025 is worth quoting, because it states the doctrine in the state’s own words: “it was determined that a company operating in Istanbul had social-security registrations for individuals who had judicial proceedings, dismissal records, and prison records related to FETÖ. Upon an assessment that the company in question might be under the

110 UK Home Office, Country Policy and Information Note — Turkey: Gülenist movement; Netherlands Ministry of Foreign Affairs, General Country of Origin Information Report on Turkey (August 2023), p. 46 et seq.; German Federal Office for Migration and Refugees (BAMF) decisional practice and administrative-court case law recognising Gülen-related persecution claims.

111 UN Working Group on Arbitrary Detention, Opinions No. 47/2020 and 51/2020, A/HRC/WGAD/2020/47 and /51; Opinion No. 3/2023, A/HRC/WGAD/2023/3, 3 May 2023, § 785; Opinion No. 33/2024 (Akın Öztürk), 29 November 2024.

112 Anadolu Agency, “İstanbul merkezli FETÖ operasyonunda 36 zanlı yakalandı”, 11 April 2025, <https://www.aa.com.tr/tr/gundem/istanbul-merkezli-feto-operasyonunda-36-zanli-yakalandi/3534747>.

control of the terrorist organisation, an investigation... examined technical and physical surveillance data, MASAK reports¹¹³, HTS records, and cell-site correlations." A payroll, that is, was the corpus delicti; everything after it was machinery.

The pattern is established by a chain of operations across the year. On 21 February 2025 — the "Kısaç 40" operation — 372 people connected with the Maydonoz Döner restaurant chain were detained nationwide; by the pro-government press's own account, 197 of them had already been prosecuted or convicted in earlier Gülen-related proceedings, and were now being processed a second time for having found work. Second and third waves against the same chain followed in May and June 2025 (24 and 63 detentions), an indictment sought up to 18.5 years' imprisonment, and — before any court had ruled on guilt — the TMSF put the company up for sale as a going concern at a reserve price of 2.36 billion lira.¹¹⁴ On 11 April, 36 people were detained for "providing employment opportunities and facilitating social security payments" to decree-law dismisseees; on 26 May, 33 employees of the İzmir dessert chain Antiochia Künefe were detained and the business handed to trustees; on 15 July, the Hakmar discount-supermarket chain (some 800 branches) and the Tatbak pastry chain were seized and transferred to the TMSF, with 26 people — including the proprietor — detained across nine provinces.¹¹⁵ Each operation reproduces, in miniature, the confiscation economy of 2016: presumption of guilt, seizure before judgment, and the destruction of the livelihoods not only of the accused but of thousands of uninvolved employees, franchisees and creditors.

113 <https://www.trthaber.com/haber/gundem/fetonun-finans-kaynaklari-kurutuluyor-951060.html>

114 X (Twitter) announcement of Minister Yerlikaya, 21 February 2025, <https://x.com/AliYerlikaya/status/1892858456220324137>; Sabah reporting of 21–22 February 2025 (197 previously prosecuted); on the indictment, Son TV, "Maydonoz Döner Ankara iddianamesi tamamlandı", 2025, <https://www.son.tv/maydonoz-doner-ankara-iddianamesi-tamamlandi-9-supheli-hakkinda-18-bucuk-yila-kadar-hapis-cezasi-talep-ediliyor/>; on the TMSF sale, T24, "TMSF Maydonoz Döner'i satışa çıkardı", 2025, <https://t24.com.tr/haber/tmsf-maydonoz-doner-i-satisa-cikardi-iste-istenen-fiyaat,1297805>.

115 "Turkey targets dessert chain in latest crackdown on Gülen movement, 33 detained", Turkish Minute, 26 May 2025, <https://www.turkishminute.com/2025/05/26/turkey-targets-dessert-chain-in-latest-crackdown-on-gulen-movement-33-detained/>; "MİT'ten FETÖ operasyonu: Hakmar ve Tatbak'a kayyum atandı", NTV, 15 July 2025, <https://www.ntv.com.tr/turkiye/mitten-feto-operasyonuhakmar-vetatbaka-kayyum-atandi,hQCCKQ8ptE-WIEQhliZZXg>.

The doctrine did not expire with 2025. On 23 June 2026, police carried out a coordinated dawn raid on ten educational institutions across Kocaeli, after intelligence work identified individuals “previously subject to legal proceedings for FETÖ/PDY offences” who were, in the authorities’ own words, “employed illegally at these institutions without any official registration.” The theory of prosecution is identical to the one first articulated in the April 2025 Istanbul dispatch: that the mere fact of unregistered, off-the-books employment of the dismissed — rather than any act by the employees themselves — is treated as evidence that the employing institution is under organisational control. Investigators additionally flagged contact between staff at these institutions and fugitives wanted on outstanding arrest warrants. Arrest warrants were issued for fifteen individuals, and simultaneous raids were conducted on the ten institutions and associated addresses that morning.¹¹⁶ Coming fourteen months after the Istanbul dispatch that first stated the doctrine in these terms, the Kocaeli raid confirms that the criminalisation of employing the blacklisted is not a single enforcement campaign confined to 2025 but a durable prosecutorial theory that continues to be applied, city by city, against ordinary employers and the livelihoods of those they employ.

5. STATE-DIRECTED CONFISCATION OF PROPERTY IN TÜRKİYE

5.1. Legal Framework and Historical Continuity

The right to property is guaranteed both under Article 1 of Protocol No. 1 to the European Convention on Human Rights and under Article 35 of the Turkish Constitution, and the European Court of Human Rights has treated it as inseparable from the rule of law, prohibiting arbitrary or politically motivated interference. The Court’s established case law requires that any interference be lawful, pursue a legitimate aim, and strike a “fair balance” between the demands of the general interest and the requirements of the protection of the individual’s fundamental rights — a

116" Kocaeli’de FETÖ yapılanmasına şafak operasyonu: 15 gözaltı kararı," Sabah, 23 June 2026, <https://www.sabah.com.tr/kocaeli/2026/06/23/kocaelide-feto-yapilanmasina-safak-operasyonu-15-gozalti-karari>; "10 Eğitim Kurumuna Eş Zamanlı FETÖ Baskını!," Karamürsel TV.

proportionality requirement under which even measures pursuing a genuine public interest, such as counter-terrorism, may not impose an individual and excessive burden on the person affected. Since 2015, and with particular intensity following the failed coup attempt of 15 July 2016, Türkiye has departed systematically from this framework: the state of emergency (OHAL) declared after the coup attempt was used not as an exceptional and temporary security measure but as the legal cover for a durable regime of expropriation, under which hundreds of thousands of people have had their companies, banks, schools, universities, hospitals and social institutions seized.¹¹⁷

5.2. The 2016 Rupture: The Scale of Closures Under Emergency Decree-Laws

Emergency decree-laws issued under OHAL — chiefly Decree-Law No. 667 — dissolved 2,761 legal entities outright, transferring all of their movable and immovable property, receivables, rights and records to the Treasury without differentiation between assets connected to any alleged offence and those with no such connection.¹¹⁸ Within the first month of OHAL alone, the closures comprised 1,419 associations, 145 foundations, 19 trade unions, 1,060 schools, 223 private tutoring centres, 841 student dormitories, 15 universities and 7 affiliated hospitals, and 151 media organisations (34 television channels, 38 radio stations, 73 newspapers and magazines, and 6 news agencies) — all with their property transferred to the Treasury.¹¹⁹ A separate account, drawing on the Ministry of Environment and Urbanisation, put the number of identified real-estate assets linked to the Gülen movement at 62,317, of which 4,548 — including dormitories, schools, universities and residences — had been registered into the state inventory, 2,381 to the Treasury and 2,167 to the General Directorate of Foundations.¹²⁰

117 Stichting Justice Square, Türkiye’de Yağma Siyaseti ve Devlet Eliyle Mülkiyet Gaspi Raporu [Report on the Politics of Plunder and State-Orchestrated Dispossession of Property in Türkiye], 17 May 2026, <https://justicesquare.org/turkiyede-yagma-siyaseti-ve-devlet-eliyle-mulkiyet-gaspi-raporu/> (full text: <https://justicesquare.org/wp-content/uploads/2026/05/MULKIYET-HAKKI-RAPORU-17-MAYIS-2026-R.pdf>).

118 Republic of Türkiye, Official Gazette, Decree-Law No. 667, 23 July 2016, <https://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8.htm>.

119 Altıok, Zeynep, OHAL Bilançosu Hak İhlalleri Raporu, pp. 15–16, <https://content.chp.org.tr/file/33743.pdf>; Report of the Parliamentary Commission tasked to investigate the coup attempt of 15 July 2016, p. 432, https://im.haberturk.com/images/others/2017/05/26/Rapor_26.05.pdf.

120 "FETÖ’nün mal varlığı şaşkına çevirdi," Haber7, <https://ekonomi.haber7.com/ekonomi/haber/2083728-fetonun-mal-varligi-saskina-cevirdi>.

A study published on the IACL-AIDC Blog estimated the total value of property confiscated or seized without lawful basis under OHAL decree-laws and anti-terrorism legislation, as of the declaration of the state of emergency on 21 July 2016, at not less than USD 32.24 billion — a figure that excludes assets seized from the 127 natural persons targeted individually and the value of 2,271 properties earmarked for educational use and reassigned to other institutions.¹²¹ Government officials have themselves put the value of seized assets at 75 billion Turkish lira, a figure that likewise excludes the assets of individually targeted persons and dissolved unions, universities, hospitals, foundations and media outlets.

The closures made no distinction between property connected to any alleged offence and property with no such connection — a general and automatic transfer regime rather than an individualised judicial measure. Although Decree-Law No. 667 used the vocabulary of “closure” and “transfer,” its practical effect was that of *confiscation* (*müsadere*), a criminal-law institution that Article 38 of the Turkish Constitution expressly prohibits in its general form; the mass, unconditioned transfer of entire estates by decree accordingly amounts to precisely the “general confiscation” the Constitution forbids.

5.3 The TMSF and the Trustee (“Kayyım”) Mechanism

The Savings Deposit Insurance Fund (TMSF) — whose ordinary statutory function is resolving failed banks — was repurposed as the principal instrument for seizing large-scale companies and economic assets. According to the Fund’s own statement of 15 July 2024, management of a total of 1,371 companies had by that date been transferred to TMSF on the grounds of alleged “connection to a terrorist organisation”; 994 companies across 32 provinces remained under trustee management, together with share-trusteeship over 82 further companies

121 Yıldız, Ali / Spencer, Leighann, “The Erosion of Property Rights in Turkey,” IACL-AIDC Blog, 28 May 2020, <https://blog-iacl-aidc.org/2020-posts/2020/5/28/the-erosion-of-property-rights-in-turkey>; Stichting Justice Square, Türkiye’de Yağma Siyaseti ve Devlet Eliyle Mülkiyet Gaspi Raporu [Report on the Politics of Plunder and State-Orchestrated Dispossession of Property in Türkiye], 17 May 2026, <https://justicesquare.org/turkiyede-yagma-siyaseti-ve-devlet-eliyle-mulkiyet-gaspi-raporu/> (full text: <https://justicesquare.org/wp-content/uploads/2026/05/MULKIYET-HAKKI-RAPORU-17-MAYIS-2026-R.pdf>).

and trusteeship over the assets of 93 natural persons.¹²² Companies placed under trusteeship were deliberately driven into loss, stripped of value, and in many cases permanently liquidated or transferred to buyers aligned with the government at prices well below market value — reproducing, case by case, the confiscation economy documented in Section 5.7 of this report with respect to the 2025–2026 business raids.¹²³

Boydak Holding illustrates the pattern at scale. Founded in Kayseri in 1957 and grown by 2016 into a diversified USD 10 billion industrial group encompassing more than 40 companies across furniture, textiles, energy, finance, steel and logistics, and employing over 13,000 people, the group’s senior executives were detained in March 2016; a trustee was appointed to the holding by the Kayseri 2nd Peace Criminal Court on 18 August 2016; and management was transferred to TMSF by the same court on 5 September 2016.¹²⁴ Family members and executives received sentences of up to eighteen years’ imprisonment for terrorist-organisation offences, upheld on appeal by the Court of Cassation together with confiscation of their shareholdings in the 35 companies transferred to TMSF, on reasoning that treated the family’s wealth itself as evidence that they had become the organisation’s financial “focal point.”¹²⁵ The holding was rebranded “Erciyes Anadolu Holding” in October 2019 and has since operated as a Treasury-owned entity under TMSF supervision, its subsidiaries sold off piecemeal through tenders — Bellona Furniture for TRY 8.1 billion in 2025, HES Kablo to a rival holding group in September 2025, and İstikbal Mobilya, hollowed out over nearly a decade of trusteeship, sold to the Paşalı Group in May 2026

122 "Kayyımdaki 1.371 şirketin 643'ü iade edildi; TMSF'nin yönettikleri 146 milyar lirayı aştı," *Ekonomim*, <https://www.ekonomim.com/kose-yazisi/kayyimdaki-1371-sirketin-643u-iade-edildi-tmsfnin-yonettikleri-146-milyar-lirayi-asti/754513>.

123 Stichting Justice Square, Türkiye’de Yağma Siyaseti ve Devlet Eliyle Mülkiyet Gaspi Raporu [Report on the Politics of Plunder and State-Orchestrated Dispossession of Property in Türkiye], 17 May 2026, <https://justicesquare.org/turkiyede-yagma-siyaseti-ve-devlet-eliyle-mulkiyet-gaspi-raporu/> (full text: <https://justicesquare.org/wp-content/uploads/2026/05/MULKIYET-HAKKI-RAPORU-17-MAYIS-2026-R.pdf>).

124 "Boydak Holding," Az Wikipedia, https://az.wikipedia.org/wiki/Boydak_Holding; Advocates of Silenced Turkey, A Predatory Approach to Individual Rights: Erdoğan Government’s Unlawful Seizures of Private Properties and Companies in Turkey, Special Report, November 2018, pp. 1–8, https://silencedturkey.org/wp-content/uploads/2025/10/A-PREDATORY-APPROACH-TO-INDIVIDUAL-RIGHTS_-ERDOGAN-GOVERNMENTS-UNLAWFUL-SEIZURES-OF-PRIVATE-PROPERTIES-AND-COMPANIES-IN-TURKEY.pdf.

125 "Yargıtay, Boydak Holding yöneticilerine FETÖ’den verilen mahkumiyetleri onadı," Anadolu Ajansı, <https://www.aa.com.tr/tr/gundem/yargitay-boydak-holding-yoneticilerine-fetoden-verilen-mahkumiyetleri-onadi/2796274>.

— a disposal pattern illustrating the deliberate, gradual dismantling of a family’s life work under the cover of counter-terrorism law.¹²⁶

5.4 Case Study: Bank Asya

Bank Asya, founded in 1996 and among Türkiye’s most successful participation banks, became a direct target of government pressure following the corruption investigations of 17–25 December 2013. The Banking Regulation and Supervision Agency (BDDK) first restricted the bank’s management-control mechanisms; in February 2015 its shareholding rights were transferred to TMSF; in May 2015 its operating licence was revoked; and immediately after July 2016 the bank passed into TMSF’s full control¹²⁷. It was declared bankrupt in November 2017 and its legal personality was subsequently extinguished, its shareholders — including individual retail investors — losing their entire holdings without compensation.¹²⁸

Beyond the bank itself, mere possession of an account at Bank Asya — an institution operating, like any other, under routine state supervision and paying tax and duties on every transaction — was subsequently treated by prosecutors as evidence supporting charges of terrorist-organisation membership or assistance, resulting in hundreds of thousands of criminal cases against ordinary depositors, reflecting a pattern of prosecution driven by policies of hatred and discriminatory design rather than by evidence.

126 Institute, *Persecutory Confiscation Amounting to Crimes Against Humanity: Case of the Gülen Group*, 6 November 2023, p. 38, https://institute.ams3.digitaloceanspaces.com/Persecutory_Confiscation_Amounting_to_Crimes_Against_Humanity_Case_Of_the_Gulen_Group.pdf; Stichting Justice Square, *Türkiye’de Yağma Siyaseti ve Devlet Eliyle Mülkiyet Gaspi Raporu* [Report on the Politics of Plunder and State-Orchestrated Dispossession of Property in Türkiye], 17 May 2026, <https://justicesquare.org/turkiyede-yagma-siyaseti-ve-devlet-eliyle-mulkiyet-gaspi-raporu/> (full text: <https://justicesquare.org/wp-content/uploads/2026/05/MULKIYET-HAKKI-RAPORU-17-MAYIS-2026-R.pdf>).

127 <https://www.trthaber.com/haber/gundem/fetonun-finans-kaynaklari-kurutuluyor-951060.html>

128 Stichting Justice Square, *Türkiye’de Yağma Siyaseti ve Devlet Eliyle Mülkiyet Gaspi Raporu* [Report on the Politics of Plunder and State-Orchestrated Dispossession of Property in Türkiye], 17 May 2026, <https://justicesquare.org/turkiyede-yagma-siyaseti-ve-devlet-eliyle-mulkiyet-gaspi-raporu/> (full text: <https://justicesquare.org/wp-content/uploads/2026/05/MULKIYET-HAKKI-RAPORU-17-MAYIS-2026-R.pdf>).

5.5 Sectoral Impact: Education, Health and Media

In education, 1,060 private schools — serving 138,000 enrolled students out of a combined capacity of 400,000 — were closed and their assets transferred to the Treasury; using Public Procurement Authority construction-cost data, their aggregate value is estimated at roughly TRY 7.95 billion (USD 2.76 billion at the 23 July 2016 exchange rate).¹²⁹ A further 841 student dormitories, with combined capacity for 86,397 students, were closed and transferred, at an estimated aggregate value of TRY 2.3 billion (USD 806 million). Of 821 dormitories affiliated with the movement, only 131 were converted into state dormitories; parliamentary questions filed by opposition deputies record that the fate of the remaining 690 was never disclosed by the responsible ministry, amid allegations that a number were reassigned to government-aligned foundations such as TÜRGEV and Ensar.¹³⁰

Fifteen private universities and their seven affiliated hospitals were closed outright, ending the academic careers of thousands of students and staff; several — including İpek University, Fatih University, Zirve University, Turgut Özal University and, later, İstanbul Şehir University — had been established institutions with international accreditation and research output. In healthcare more broadly, 47 hospitals, health centres and clinics were closed under Decree-Laws No. 667 and 689, including facilities with a combined 2,052 beds and, on 2016 figures, combined annual revenues in excess of TRY 400 million across 21 of them; the 47 closed institutions are valued at approximately USD 1.29 billion.¹³¹

In media, 151 outlets — 34 television channels, 38 radio stations, 73 newspapers and magazines, and 6 news agencies — were closed and their assets transferred to TMSF for disposal;

129 Ministry of National Education, List of Private Schools Closed Pursuant to Decree-Law No. 667, https://ookgm.meb.gov.tr/meb_iys_dosyalar/2016_08/05034811_997.pdf; "KHK'ler ile 1.061 okul kapatıldı," Dünya, <https://www.dunya.com/egitim/khkler-ile-1061-okul-kapatildi-haberi-347384>.

130 CHP Ankara MP Nihat Yeşil, written parliamentary question to the Minister of Youth and Sports on 690 undisclosed FETÖ-linked dormitories, <https://www.gercekmuhabir.com/parlamento/690-feto-yurdu-turgev-ve-ensar-a-mi-verildi-h59795.html>; "FETÖ gitti, yurtları vakıflara geçti," Birgün, <https://www.birgun.net/makale/feto-gitti-yurtlari-vakiflara-gecti-ogrenciler-kiskactan-kurtulamiyor-256744>.

131 Stichting Justice Square, Türkiye'de Yağma Siyaseti ve Devlet Eliyle Mülkiyet Gaspsı Raporu [Report on the Politics of Plunder and State-Orchestrated Dispossession of Property in Türkiye], 17 May 2026, <https://justicesquare.org/turkiyede-yagma-siyaseti-ve-devlet-eliyle-mulkiyet-gaspi-raporu/> (full text: <https://justicesquare.org/wp-content/uploads/2026/05/MULKIYET-HAKKI-RAPORU-17-MAYIS-2026-R.pdf>).

a subsequent official tally as of 31 December 2024 recorded 177 media entities placed on the closure list, of which 26 were subsequently removed, leaving 151 formally transferred to TMSF, and put net income realised from managing these assets at approximately TRY 44.12 million, of which TRY 42.85 million had been remitted to the Treasury.¹³² The aggregate value of the closed media sector is estimated at not less than USD 1 billion, based on independent valuations of individual outlets — including a December 2015 valuation of the İpek Media Group at USD 250 million — and by comparison with the 2018 sale of Doğan Media Group for USD 1.1 billion.¹³³

5.6 Judicial Complicity

Rather than acting as guardian of the right to property, the judiciary functioned as the legitimising arm of the dispossession regime. Local courts issued reasoned decisions that echoed the state's own framing, omitting any reference to proportionality, individualised culpability, or fairness; the Constitutional Court reversed its own earlier jurisprudence to uphold measures taken under the emergency decree-laws; and the Council of State and Court of Cassation likewise confirmed trustee appointments, asset transfers and closures with reasoning that assumed the lawfulness of the underlying decree-law rather than subjecting it to independent scrutiny. Separately, by decision of the Ankara 1st Peace Criminal Judgeship of 29 July 2016 (no. 2016/3971 D.İş), a precautionary freeze was placed on the entire property, bank accounts, and rights and receivables of some 3,000 judges and prosecutors identified from a digitally transmitted list — a stark illustration of an administrative practice driven by an intent to destroy rather than by individualised evidence.¹³⁴

The Constitutional Court's own reasoning is illustrated by its judgment in the individual application of Hamdi Akın İpek, founder and principal shareholder of Koza-İpek Holding, whose

132 TMSF, Statement on Media Trusteeships, <https://www.tmsf.org.tr/tr/Tmsf/Kayyim/kayyim.medya>.

133 Stichting Justice Square, Türkiye'de Yağma Siyaseti ve Devlet Eliyle Mülkiyet Gaspi Raporu [Report on the Politics of Plunder and State-Orchestrated Dispossession of Property in Türkiye], 17 May 2026, <https://justicesquare.org/turkiyede-yagma-siyaseti-ve-devlet-eliyle-mulkiyet-gaspi-raporu/> (full text: <https://justicesquare.org/wp-content/uploads/2026/05/MULKIYET-HAKKI-RAPORU-17-MAYIS-2026-R.pdf>).

134 Stichting Justice Square, Türkiye'de Yağma Siyaseti ve Devlet Eliyle Mülkiyet Gaspi Raporu [Report on the Politics of Plunder and State-Orchestrated Dispossession of Property in Türkiye], 17 May 2026, <https://justicesquare.org/turkiyede-yagma-siyaseti-ve-devlet-eliyle-mulkiyet-gaspi-raporu/> (full text: <https://justicesquare.org/wp-content/uploads/2026/05/MULKIYET-HAKKI-RAPORU-17-MAYIS-2026-R.pdf>).

companies were placed under trusteeship in a criminal investigation into terrorism financing and subsequently transferred to TMSF under OHAL-era rules.¹³⁵ The Court accepted that the trusteeship interfered with the applicant's property rights, but held that the measure pursued a legitimate aim — combating terrorism financing and securing a possible future confiscation order — that the applicant had access to a right of appeal, that expert reports had been reviewed, and that the state enjoyed a wide margin of appreciation in combating organised crime; on this basis it concluded that no “excessive and extraordinary burden” had been placed on the applicant personally, and found no violation.

This reasoning is symptomatic of the judiciary's broader failure. The judgment nowhere assesses, concretely, the effect of the measure on the applicant's own property rights, preferring instead to defer to the state's counter-terrorism discretion; although Article 133 of the Code of Criminal Procedure requires a direct, demonstrated link between a company's activities and the alleged offence before a trustee may be appointed, the decision does not identify which concrete company activities were found to establish that link, relying instead on the mere existence of a criminal investigation against the owner as though that alone were sufficient; and its central conclusion — that total exclusion from management, decision-making and disposal of one's own companies does not amount to an excessive burden — is difficult to reconcile with a property right properly understood as encompassing not merely nominal title but the connected powers of use, enjoyment and disposal, all three of which were suspended in their entirety. The same reasoning pattern was subsequently applied by the Court of Cassation, whose 2023 judgment upholding the Boydak family's convictions and the confiscation of their TMSF-transferred shares treated the family's accumulated wealth itself as circumstantial proof that they had become the organisation's financial centre of gravity — an inference from prosperity to guilt emblematic of the discriminatory logic running through the entire dispossession campaign.¹³⁶

135 Constitutional Court of Türkiye, Hamdi Akın İpek, App. No. 2015/17763, 24 May 2018, <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2015/17763>.

136 Stichting Justice Square, Türkiye'de Yağma Siyaseti ve Devlet Eliyle Mülkiyet Gaspi Raporu [Report on the Politics of Plunder and State-Orchestrated Dispossession of Property in Türkiye], 17 May 2026, <https://justicesquare.org/turkiyede-yagma-siyaseti-ve-devlet-eliyle-mulkiyet-gaspi-raporu/> (full text: <https://justicesquare.org/wp-content/uploads/2026/05/MULKIYET-HAKKI-RAPORU-17-MAYIS-2026-R.pdf>).

5.7 European Court of Human Rights Precedent and Its Non-Application to Türkiye

Türkiye's practice takes on its full significance when set against the European Court of Human Rights' own jurisprudence on Article 1 of Protocol No. 1, which distinguishes between control of use, deprivation of possessions, and general interference, each subject to lawfulness, legitimate aim and proportionality ("fair balance") requirements. Relevant precedents include *Broniowski v. Poland* (Grand Chamber, 19 September 2005) and *Former King of Greece and Others v. Greece* (Grand Chamber, 23 November 2000) on the fair-balance requirement in large-scale state interference with property; *Cingilli Holding A.Ş. and Cingilioğlu v. Turkey* (21 July 2015) on the unlawfulness of the Demirbank seizure for want of a foreseeable, transparent and procedurally sound process; *AO Neftyanaya Kompaniya Yukos v. Russia* (20 September 2011) on the use of tax and regulatory enforcement to dismantle a company for reasons extraneous to the stated legal basis; and *Reisner v. Turkey* and *Rysovskyy v. Ukraine* on the state's continuing responsibility even where the interference has produced an irreversible *fait accompli*.¹³⁷ Applying these principles, OHAL-era seizures fail each requirement in turn: they were not conducted through a foreseeable and procedurally regular process; they struck no fair balance between the public interest invoked and the severity of the interference with individual rights; and the resulting *fait accompli* — companies liquidated, banks closed, institutions permanently repurposed — does not, under the Court's own reasoning, relieve the state of responsibility for the underlying violation.

137 Case of *Cingilli Holding A.Ş. and Cingilioğlu v. Turkey*, App. nos. 31833/06 and 37538/06, 21 July 2015; Case of *AO Neftyanaya Kompaniya Yukos v. Russia*, App. no. 14902/04, 20 September 2011; Case of *Reisner v. Turkey*, App. no. 46815/09, 21 July 2015; Case of *Rysovskyy v. Ukraine*, App. no. 29979/04, 20 October 2011; Case of *Broniowski v. Poland*, Grand Chamber, App. no. 31443/96, 19 September 2005; Case of *Former King of Greece and Others v. Greece*, Grand Chamber, App. no. 25701/94, 23 November 2000; Stichting Justice Square, Türkiye'de Yağma Siyaseti ve Devlet Eliyle Mülkiyet Gaspi Raporu [Report on the Politics of Plunder and State-Orchestrated Dispossession of Property in Türkiye], 17 May 2026, <https://justicesquare.org/turkiyede-yagma-siyaseti-ve-devlet-eliyle-mulkiyet-gaspi-raporu/> (full text: <https://justicesquare.org/wp-content/uploads/2026/05/MULKIYET-HAKKI-RAPORU-17-MAYIS-2026-R.pdf>).

6. TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT

6.1 The re-emergence of systematic torture

Within weeks of the coup attempt, credible international documentation established that torture had returned to Türkiye's detention system as a broad practice. Amnesty International reported in July 2016 that detainees were being held in stress positions, beaten, denied food and

water, and that some senior officers had been raped with batons or fingers in custody.¹³⁸ Human Rights Watch's October 2016 report *A Blank Check* showed how the emergency decrees had dismantled every safeguard against torture — extending police custody to thirty days, denying access to counsel for up to five days, permitting the recording-free interrogation of suspects, and immunising officials — and documented thirteen detailed cases of abuse.¹³⁹ Its 2017 report *In Custody* found a rising pattern of torture allegations and a prosecutorial practice of refusing to investigate them.¹⁴⁰

The pattern persisted long after the emergency formally ended. The Human Rights Foundation of Türkiye received 781 applications alleging torture or ill-treatment in 2023 alone, bringing its ten-year total to 7,548; the Human Rights Association identified 5,268 cases of torture in 2017, and its Diyarbakır branch alone recorded, for 2016 and the first quarter of 2017 in the eastern and south-eastern provinces, 234 people tortured in detention, 320 in prison, 171 outside official detention places and 108 during public demonstrations.¹⁴¹ The Human Rights Foundation's 2017 intake discloses the geography of the practice: of 616 applicants that year, 564 reported torture in one or more locations — 272 in security directorates, 55 in police stations, 226 in open spaces and during demonstrations, 70 in their homes or workplaces — figures that establish the prevalence of *unofficial* sites of ill-treatment alongside the official ones.¹⁴² In 2024 the UN Committee against Torture, reviewing Türkiye, described torture and ill-treatment in

138 Amnesty International, "The aftermath of the failed Turkey coup: torture, beatings and rape," 25 July 2016, <https://www.amnesty.org.uk/aftermath-failed-turkey-coup-torture-beatings-and-rape>.

139 Human Rights Watch, *A Blank Check: Turkey's Post-Coup Suspension of Safeguards Against Torture*, 24 October 2016.

140 Human Rights Watch, *In Custody: Police Torture and Abductions in Turkey*, 12 October 2017.

141 Human Rights Foundation of Türkiye (TİHV), 2023 Treatment and Rehabilitation Centres Report, <https://tihv.org.tr>; Human Rights Association (İHD), 2017 Human Rights Violations Report: A Year Under the State of Emergency, 2018.

142 Human Rights Foundation of Türkiye (TİHV), 2017 Treatment and Rehabilitation Centres Report, https://tihv.org.tr/wp-content/uploads/2020/07/TİHV-tedavi-rapor-2017_İNG_TÜM_WEB-sıkıştırıldı.pdf; İHD Diyarbakır branch documentation, 2016–2017.

detention as “generalized”, noted that torture complaints are systematically reclassified as lesser offences, and condemned the practice of extraterritorial rendition.¹⁴³

6.2 Deaths and torture in custody: emblematic cases

Gökhan Açikkollu, a 42-year-old history teacher with diabetes, was detained on 24 July 2016 and held for thirteen days in the Istanbul Security Directorate, beaten, deprived of his medication and returned to his cell after each hospital visit; he died in custody on 5 August 2016. The prosecutor’s office declined to prosecute anyone. In 2022, the **UN Human Rights Committee** found that Türkiye had violated his right to life and the prohibition of torture, and that no effective investigation had been conducted into his death.¹⁴⁴ He had, in the meantime, been posthumously reinstated to his teaching post — an implicit acknowledgement that he should never have been detained at all. Even burial was contested: the authorities initially refused his family an imam and a grave plot, and it required public outcry before he could be buried at all.¹⁴⁵ In its decision of 30 July 2025 (App. No. 2020/17648), the Turkish Constitutional Court ruled in the application concerning Gökhan Açikkollu that the prohibition of torture and ill-treatment and the right to life had been violated in both their substantive and procedural aspects.¹⁴⁶

The Constitutional Court itself — while generally validating the emergency regime — has been compelled to find, in a series of individual cases, that credible torture complaints were never effectively investigated: the tax auditor **Savaş Kasap**, beaten and threatened through eight interrogations in 25 days of custody and kept from medical examination for ten days; the teacher **Ahmet Aşık**, tortured for weeks in Afyon and subjected to sexual assault, forced to sign pre-written statements; the teacher **Eyüp Birinci**, whose beatings in Antalya custody caused an acute

143 UN Committee against Torture, Concluding Observations on Türkiye’s fifth periodic report, CAT/C/TUR/CO/5 (2024); summarised in Human Rights Watch, World Report 2025: Türkiye, <https://www.hrw.org/world-report/2025/country-chapters/turkiye>.

144 UN Human Rights Committee, Views of 30 November 2022, Communication No. 3730/2020 (Açikkollu v. Türkiye), CCPR/C/136/D/3730/2020.

145 “Göztaltında ölen öğretmene imam da mezar da vermediler,” Yeni Asya, 7 August 2016, https://www.yeniasya.com.tr/gundem/goztaltinda-olen-ogretmene-imam-da-mezar-da-vermediler_406193.

146 Turkish Constitutional Court (First Section), Mümine Açikkollu, App. No. 2020/17648, 30 July 2025, <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2020/17648>; **BoldMedya**: <https://boldmedya.com/2026/05/18/aym-gokhan-acikkollunun-goztaltinda-olumunden-devlet-sorumludur/>

abdominal injury requiring emergency surgery. In each case the Constitutional Court found the investigation ineffective; in each case the follow-on proceedings ended in non-prosecution or acquittal of the officers.¹⁴⁷ In Afyonkarahisar, **Aysun Işınkaralar**, a dormitory director, was subjected to electric shocks to her ankles, hooded and strangled; her complaint too was closed. The same police facility generated a 2021 Constitutional Court ruling upholding a male detainee's complaint of rape in custody.¹⁴⁸

The Ankara Bar Association's Human Rights Centre, interviewing detainees at the Ankara Security Directorate's anti-terror branch in early 2022 — more than five years after the coup attempt — documented beatings, threats, sexual assault and strip searches, and recorded that the Chief Public Prosecutor's Office declined to open investigations.¹⁴⁹

6.3 Torture of soldiers and the theatre of impunity

Detained soldiers — many of them conscripts, cadets or officers who had obeyed what they were told were routine orders — were tortured on a mass scale in the days after the coup attempt, frequently in front of cameras; images of generals with bandaged heads, split lips and mutilated ears were distributed by the state news agency itself. What distinguishes the Turkish record from other episodes of post-coup violence is the quality of the evidence: the perpetrators are *named*, in sworn testimony before assize courts, in forensic reports, in reports submitted to the UN Human Rights Committee — and several have confessed in public. The report of Advocates of Silenced Turkey, compiled from court records and testimony, names 108 alleged perpetrators; submissions to the UN Human Rights Committee identify among them Lieutenant General Zekai Aksakallı, Major Barış Dedebağı, Colonel Ali Türkşen, the MİT compound officer Kemal Eskintan, and police officers Elif Sümercan and Tahir Darbazoğlu.¹⁵⁰

147 Constitutional Court, Savaş Kasap, B. No. 2017/35064, 14 September 2021; Ahmet Aşık, B. No. 2017/27330, 26 May 2021; Eyüp Birinci, B. No. 2018/3691, 18 May 2021.

148 The Arrested Lawyers Initiative, Türkiye: Harrowing details of torture at the Afyon Police HQ, 25 February 2024; Constitutional Court ruling of 2021 on rape in custody at the same facility (B. No. 2017/27330).

149 Ankara Bar Association Human Rights Centre, reports of 26 January, 2 March and 4 April 2022, <https://ankarabarosus.org.tr>.

150 Testimony before the Ankara 14th, 17th and 24th High Criminal Courts, 2017–2018, as recorded in hearing minutes; witness statements of Kübra Yavuz, Veysel Özmen, Fatih Uysal, Kadir Aslan and Turgay Usanmaz;

The Türkşen group. The retired naval colonel **Ali Türkşen** — himself a former Sledgehammer convict released in 2014 — went with a team of retired and serving SAT (naval special forces) personnel to the Beykoz SAT Command on the night of the coup attempt. Victims' testimony before the Istanbul 23rd and Ankara 4th Assize Courts, corroborated by forensic reports, describes beatings, threats with long-barrelled weapons and knives, detainees made to lie face-down on hot asphalt, and men bound hand-to-foot behind their backs in "pig ties" for hours. First Lieutenant Mustafa Avşar testified: "Colonel Ali Türkşen and his team systematically subjected us to the most severe torture for three days. Our first statements were taken by the prosecutor with the traces of torture on our bodies." Marine Major Tahsin İşlekel described Türkşen cutting his hand with a knife while another officer held a blade to his throat, and being left bound face-down and told to wet himself. Türkşen subsequently stated on national television that he had tortured the detainees, "that they deserved it and that he did not regret it", and wrote in a published column that he had gone to the SAT Command that night "to do whatever was necessary".¹⁵¹

The Dedebağı case. The former major **Barış Dedebağı**, who appeared at the Armoured Units in Ankara in a police vest, described on his own social-media account beating Brigadier General Bican Kırker with a rifle butt and a first lieutenant with his fists, adding: "The enemy gives me pleasure; I am a person who gets an adrenaline rush and pleasure from conflict." The torture of Colonel **Muhammet Tanju Poshor**, a military physician and former commander of the Presidential Guard Regiment, is recorded in the minutes of the Ankara 19th Assize Court: detained naked in an operating theatre as he prepared for surgery, handcuffed behind his back over an open wound, kept kneeling "as in the Nazi camps", and electrocuted repeatedly — "I got used to the pain", he testified, "but for a year and a half I could not get used to the smell of my own flesh burning. The smell disturbed my torturers too; some of them vomited."¹⁵²

Advocates of Silenced Turkey (AST), Torturers in Turkey, 25 November 2020, <https://silencedturkey.org/turkiyedeki-iskenceciler> (naming 108 alleged perpetrators from court records).

151 Editorial Affairs with Can Ataklı -1- Ali Türkşen, <https://youtu.be/jl6U0-PeWPA>, Oda Tv, "Where was I on July 15", November 05, 2017, <https://www.odatv4.com/makale/15-temmuzda-neredeydim-0511171200-126745>

152 Testimony of Muhammet Tanju Poshor, Ankara 19th High Criminal Court, hearing minutes; Dedebağı's own social-media broadcast, <https://x.com/15TeGercekleri/status/1511293646615818243>.

The Aksakallı group. Witnesses before the Ankara 14th, 17th and 24th Assize Courts testified that Special Forces commander **Zekai Aksakallı** personally beat detainees and directed interrogation under torture at the Special Forces Command and the General Staff shooting range. First Lieutenant **Kübra Yavuz**, a General Staff protocol officer, testified: “As a woman, I did not think I would survive. We were blindfolded, electrocuted, beaten and starved for two days in the General Staff shooting range... I was seeing people being tortured as I was taken back and forth. There was blood on those who took my statement.” Staff Major **Veysel Özmen** described interrogation by waterboarding — a wet towel over the face, water poured until he lost consciousness — with electric shocks administered on Aksakallı’s instruction each time he fainted. Master Sergeant **Fatih Uysal** testified that Aksakallı broke his ribs and nose with kicks and threatened his wife and 17-year-old daughter; Special Sergeant **Kadir Aslan** and coordination petty officer **Turgay Usanmaz** gave concordant accounts, including threats against the honour of wives and daughters; Pilot Major **Mehmet Sağlam** filed complaints against Aksakallı and Colonel Ümit Tatan for two days of torture. **Mehmet Kuşlu** testified that Colonel Mustafa Özgür tortured him to make him adopt a prepared scenario: “They said, ‘We know you were not involved in the coup, but if you don’t give names we will write that you participated.’” His complaint, like the others, ended in a decision of non-prosecution.¹⁵³

General Akin Öztürk. The former commander of the Air Force — according to multiple eyewitnesses testifying in open court — was stripped naked, publicly exposed, beaten for hours at intervals by squads of men in police uniform, and mutilated; Captain Hakan Güler testified to the Ankara 23rd Assize Court that a police officer, shouting his own name — Hakan Öztunç — “was torturing General Akin Öztürk and cut off his ear”; First Lieutenant Faruk Örnek described Öztürk being kicked in the chest to cries of “aren’t you dead yet”. The deputy TEM branch chief Elif Sümercan was identified through her signature on two transfer reports from the period of the torture — and was later promoted to a head of department at the Ministry of Culture. Öztürk’s

153 Testimony before the Ankara 14th, 17th and 24th High Criminal Courts, 2017–2018, as recorded in hearing minutes; witness statements of Kübra Yavuz, Veysel Özmen, Fatih Uysal, Kadir Aslan and Turgay Usanmaz; Advocates of Silenced Turkey (AST), *Torturers in Turkey*, 25 November 2020, <https://silencedturkey.org/turkiyedeki-iskenceciler>.

criminal complaint was dismissed by the Ankara 6th Criminal Judgeship of Peace “despite pages of documents”, in his lawyer’s words; the UN Working Group on Arbitrary Detention found his detention arbitrary and recalled that such systematic practices may constitute crimes against humanity.¹⁵⁴

The military judges. Colonel **Cemil Çelik**, a judge of the Supreme Military Administrative Court, was taken with 39 other military judges, handcuffed behind the back, to the Başkent Sports Hall — where detainees were kept kneeling, heads down, beaten by relays of officers; Çelik’s ribs were broken by a kick from a police officer he identifies by name, Tahir Darbazoğlu, and left untreated. He and hundreds of others were then held for days, “piled up like fish”, in a garage area of Sincan Prison, where the torture continued and “medical examinations” consisted of a signature on a form. His complaint was closed by an unreasoned decision of non-prosecution in 2019.¹⁵⁵ Staff Sergeant **Mehmet Durmaz** (detained although he had been on leave in Malatya throughout the coup attempt), Supply Lieutenant **Mehmet Koç** (“I was tortured with pig ties, waterboarding, electricity, and having my head put in a toilet bowl”) and Colonel **Murat Aydın** (interrogated harder when he mentioned attending Friday prayers; A4 paper taped to his head; never once medically examined between detention and prison) complete a record that could be extended over many pages.¹⁵⁶

Not one senior official has been convicted for any of these acts.

6.4 Sexual violence, strip searches and the treatment of women

Sexual violence has been an integral feature of the repression. The Finnish Immigration Service’s 2024 report — a sober country-of-origin document compiled for asylum adjudication —

154 Witness testimony before the Ankara 4th and 23rd High Criminal Courts (Akıncı Base case), including the statements of Faruk Örnek and Hakan Güler; UN Working Group on Arbitrary Detention, Opinion No. 33/2024 concerning Akın Öztürk (Türkiye), A/HRC/WGAD/2024/33, adopted 30 August 2024, published 29 November 2024, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session100/a-hrc-wgad-2024-33-turkiye.pdf>; on the dismissal of Öztürk’s criminal complaint, TR724, 6 December 2024.

155 Criminal complaint of Colonel Cemil Çelik; decision of non-prosecution of the Ankara Chief Public Prosecutor’s Office, 3 October 2019.

156 Hearing minutes, Ankara 14th, 17th and 13th High Criminal Courts, 2017–2018; Advocates of Silenced Turkey, Torturers in Turkey, 25 November 2020, <https://silencedturkey.org/turkiyedeki-iskenceciler>.

records that women detained in the post-coup operations were subjected to torture, rape, threats and degrading treatment; that the Victims of Decree-Laws Platform holds information on twelve women who became pregnant in custody; and that women were coerced into sexual acts by police officers.¹⁵⁷ Systematic strip searches of detained women — including the thirty female students strip-searched at Uşak Security Directorate in 2021 — have been documented by parliamentarians and victims' testimony, met by official denial, and closed by prosecutorial non-action — in the Uşak case, some thirty detained female students were strip-searched at the security directorate in February 2021, the Interior Ministry first denied the practice outright, parliamentarians who raised it were threatened with prosecution, and the complaints ended in non-prosecution; women volunteers of the (unrelated) Furkan movement described the same treatment in Konya in June 2022, reporting that officers invoked "the prosecutor's instruction".¹⁵⁸ The same report documents the repeated arrest of women in late-stage pregnancy and their return to prison immediately after giving birth, in defiance of Turkish law's explicit prohibition.¹⁵⁹

6.5 The architecture of impunity

The absence of accountability is not an incidental failure; it is designed. Its elements are: (i) the statutory immunity clauses of Decree-Laws Nos. 667, 668 and 696 (Chapter 3), invoked by prosecutors to close complaints without investigation; (ii) the systematic *reclassification* of torture complaints as minor offences — the UN Committee against Torture found in 2024 that allegations are prosecuted, if at all, as simple "injury" or "misconduct", offences subject to limitation periods that the imprescriptible crime of torture is not; (iii) the refusal of forensic access — victims held without timely medical examination (Kasap, ten days), or examined perfunctorily in the presence of their custodians; (iv) the promotion of identified perpetrators (Sümercan to a ministry

157 Finnish Immigration Service, Türkiye; Individuals associated with the Gülen movement (fact-finding mission to Ankara and Istanbul, 2–6 October 2023), June 2024, pp. 44–45 (section 4.4), [https://migri.fi/documents/5202425/5914056/FIS_Türkiye_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+\(2\).pdf](https://migri.fi/documents/5202425/5914056/FIS_Türkiye_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+(2).pdf).

158 "Strip search, sexual violence claims in Turkish prisons prompt outrage," Duvar English, 2021; parliamentary record of MP Ömer Faruk Gergerlioğlu, February 2021.

159 Finnish Immigration Service, Türkiye; Individuals associated with the Gülen movement, June 2024, section 4.4, [https://migri.fi/documents/5202425/5914056/FIS_Türkiye_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+\(2\).pdf](https://migri.fi/documents/5202425/5914056/FIS_Türkiye_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+(2).pdf).

directorate; Aksakallı to army corps command); and (v) the conversion of complaint into risk — Gökhan Türkmen was prosecuted for describing in court the torture he suffered during his enforced disappearance, and families of the disappeared report explicit threats to withdraw petitions. In the entire post-2016 period, there is no known final conviction of any official for the torture of any person detained in the Gülen-related operations — against a documentary record comprising thousands of complaints, hundreds of court testimonies, Constitutional Court violation findings and UN treaty-body decisions. The annual human rights reports of the United States Department of State have recorded, throughout the period, “credible reports” of torture and ill-treatment in custody and prison and the absence of effective investigation; and forensic practice has systematically disregarded the Istanbul Protocol — the UN’s own standard, drafted in and named for the city — under which every allegation of torture requires prompt, independent medical documentation: detainees were examined in the presence of their custodians, reports were written without examination, and independent medical documentation was treated by prosecutors as advocacy rather than evidence.¹⁶⁰

160 US Department of State, Country Reports on Human Rights Practices: Türkiye (2017–2024), section 1.c; UN, Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture (1999, rev. 2022); TİHV documentation practice reports.

7. ENFORCED DISAPPEARANCES AND INTERNATIONAL ABDUCTIONS

7.1. State Practice Confirmed by Official Statements

Enforced disappearance — the deprivation of a person’s liberty by state agents followed by a refusal to disclose the person’s fate or whereabouts — is among the gravest crimes known to international law, and its widespread or systematic practice is expressly listed as a crime against humanity under Article 7 of the Rome Statute. Since 2016, it has been practised in Türkiye both domestically and abroad, and — uniquely among contemporary state practices — has been *celebrated* by the state’s most senior officials.

On 12 July 2022, then-Minister of Justice Bekir Bozdağ told the state news agency that in operations against the Gülen movement between 2014 and 2022, **121 people from 28 countries had been “brought to Türkiye” without any extradition process.**¹⁶¹ Vice President Fuat Oktay told a parliamentary commission that more than “100” members of the movement had been abducted from abroad by the intelligence service.¹⁶² The incumbent Minister of Justice, Yılmaz Tunç, stated that of 1,271 extradition requests, 126 had resulted in “extradition”; case records indicate that this figure includes individuals abducted in violation of the laws of the countries in which they lived.¹⁶³ Combining these official statements with documented cases, **as of 31 December 2024** the total number of international abductions and attempted abductions had reached 136, while **27 abductions occurred within Türkiye itself**, seven of whose victims (**Sunay Elmas, Turgut Çapan, Fatih Kılıç, Murat Okumuş, Fahri Mert and Yusuf Bilge Tunç, among others**) were never found again: **163 documented victims in total.**¹⁶⁴ The most recent cases show the programme remains active: Mehmet Cintosun, abducted from Iraq (April 2023); teachers

161 Anadolu Agency, “Bakan Bozdağ darbe girişiminde yaşadıklarını ve FETÖ’yle mücadeleyi AA’ya anlattı,” 12 July 2022, <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/bakan-bozdag-darbe-girisiminde-yasadiklarini-ve-fetoye-mucadeleyi-aaya-anlatti/2635243>.

162 Vice President Fuat Oktay’s presentation to the TBMM Plan and Budget Commission, November 2022; “MİT’in yurt dışından getirdiği FETÖ’cü sayıları açıklandı,” *Sözcü*, 25 November 2022.

163 “Türkiye’de darbe girişiminin üzerinden 7 yıl geçtikten sonra FETÖ’ye karşı mücadele devam ediyor,” *Daily Sabah*, 13 July 2023.

164 Justice Square, Türkiye’de Yaşanan Adam Kaçırma ve Kaybetme Vakaları [Abductions and Disappearances in Türkiye] (July 2024), <https://justicesquare.org/turkiyede-adam-kacirma-ve-kaybetme/>; Solidarity with Others, Enforced Disappearances: Türkiye’s Open Secret, May 2020, https://b2923f8b-dcd2-4bd5-81cd-869a72b88bdf.filesusr.com/ugd/b886b2_e59e82b397704cb3bf609c872c46c28d.pdf.

Emsal Koç and Koray Vural, abducted from Tajikistan (June and October 2023); Mustafa Tan and Mustafa Bircan, abducted from Algeria (27 December 2023); an attempted abduction of Professor Ahmet T. Kuru of San Diego State University at Kuala Lumpur airport, foiled only by the intervention of senior Malaysian officials (10 January 2024). On 18 October 2024, seven Turkish nationals were abducted in Nairobi, Kenya, three of whom were released in different parts of the city after the operation.¹⁶⁵ Human Rights Watch's 2024 global transnational-repression study, *"We Will Find You,"* identifies Türkiye as a leading perpetrator state and confirms that abductions are organised by MİT, at times in cooperation with the security services of states with weak rule of law; the UN Working Group on Enforced or Involuntary Disappearances and the UN Human Rights Committee have reached similar findings.¹⁶⁶

7.2 Domestic disappearances and the "Çiftlik" ("Farm")

Cases follow a pattern too consistent to be coincidental: the victim is forced into a black Volkswagen Transporter van in broad daylight; the family's complaints go unprocessed; months later the victim "reappears" in official police custody, emaciated and injured, and is pressured to withdraw allegations of torture. Individual records built from court testimony, petitions and medical evidence include:

Yunus Akyol (abducted 21 July 2016 in Ankara) was held blindfolded in a windowless, soundproofed room, had his fingers and toes crushed under boots, tore his knee ligaments, suffered months of hearing loss from blows to the ear, and was ultimately dumped, bound, in a field — and beaten again by the police who "found" him; his March 2018 criminal complaint produced no result.¹⁶⁷ **Alezzin Duman** (13 October 2016, Malaysia) was seized in a joint operation

165 BBC, "British national and several Turkish citizens abducted in Kenya," 19 October 2024, <https://www.bbc.com/news/articles/cz7jxn38lvyo>; statements of Malaysian officials and Prof. Kuru, January 2024.

166 Human Rights Watch, "We Will Find You": A Global Look at How Governments Repress Nationals Abroad, 22 February 2024, <https://www.hrw.org/report/2024/02/22/we-will-find-you/global-look-how-governments-repress-nationals-abroad>; UN Working Group on Enforced or Involuntary Disappearances, annual reports 2017–2020 (A/HRC/42/40 and successors); Government of the Netherlands, General Country of Origin Information Report on Türkiye (August 2023), p. 46.

167 Criminal complaint of Yunus Akyol, Ankara Chief Public Prosecutor's Office, 9 March 2018; Advocates of Silenced Turkey (AST), Erdoğan's Long Arms: Abductions in Türkiye and Abroad (September 2020),

with Malaysian police officers, chained in a forest, threatened with a pistol and with being thrown from a window, then taken to Ankara, where counter-terrorism police beat him unconscious and staged mock executions.¹⁶⁸ **Mustafa Özgür Gültekin** (21 December 2016, Ankara) resurfaced after 121 days; in letters to the judges he described being interrogated extrajudicially by MİT and forced to sign incriminating statements on camera. **Hüseyin Kötüce** (28 February 2017, Ankara), an employee of the Information and Communication Technologies Authority, was hooded and forced into a black transport vehicle and tortured for three months by interrogators to make him admit responsibility for the assassination of Russian Ambassador Andrey Karlov. **Mesut Geçer** (18 March 2017, Ankara) was held under torture for fifteen months, at one point handed over hooded and handcuffed to armed men and taken to Syria, then returned across the border and delivered to Ankara police.¹⁶⁹

Önder Asan (1 April 2017, Ankara) was held for 42 days in a 1.5-square-metre cell, beaten with sticks in what he called a torture room, and subjected to electric shocks and sexual violence; when his family finally located him in official custody, he could only walk to the interrogation room by clutching the walls. Lawyer and academic **Mustafa Özben** (9 May 2017, Ankara) resurfaced after 92 days; in testimony to the Turkey Tribunal in Geneva he described the facility: three interrogation rooms, one black, one white, one arranged like a courtroom with a bench, flag and portrait; rings mounted on the wall for hanging detainees; electric shocks; a sexual implement produced with the words “we’ll put this in you now — talk”; threats that his wife and children would be brought to watch through a window; and, on the anniversary of 15 July, military music played loudly for 24 hours.¹⁷⁰ **Zabit Kişi** (abducted 30 October 2017 from Kazakhstan) was held

<https://silencedturkey.org/wp-content/uploads/2020/09/Abductions-Report-September-7-1.pdf>; Constitutional Court, Yunus Akyol, App. No. 2018/36395, 20/9/2023, §§ 20–21.

168 Advocates of Silenced Turkey (AST), Erdoğan’s Long Arms: Abductions in Türkiye and Abroad, September 2020, <https://silencedturkey.org/wp-content/uploads/2020/09/Abductions-Report-September-7-1.pdf>; Alettin Duman’s testimony before Ankara assize courts; UN Working Group on Arbitrary Detention, Opinion No. 8/2022 concerning Alettin Duman and Tamer Tibik.

169 Testimony of the named victims before the Ankara 2nd and other assize courts, 2017–2019, compiled in Advocates of Silenced Turkey, Erdoğan’s Long Arms (September 2020) and in the İHD statement of 30 May 2017, <https://ihd.org.tr/en/those-claimed-to-have-been-forcibly-and-involuntarily-disappeared-must-be-clarified-perpetrators-must-be-tried/>.

170 Testimony of Mustafa Özben, Turkey Tribunal (Geneva), 21 September 2021; documentary “92 Days in Darkness” (2023).

for 108 days in a container near Ankara airport, stripped, electrocuted, denied water, sexually abused, and injected with unknown substances while apparently dying; he arrived in court 30 kilograms lighter, and the court that received his detailed torture complaint opened no investigation.¹⁷¹ **Ümit Hürzüm** (6 December 2017, Ankara) resurfaced after 132 days with a broken rib and a ruptured eardrum. **Gökhan Türkmen (7 February 2019, Antalya) was missing for 271 days**; Human Rights Watch documented his case and the absence of an effective investigation, and when he described being tortured in court, he was prosecuted for it. **Yasin Ugan** (13 February 2019, Ankara) resurfaced six months after being abducted from his home by around forty armed men; he had bruising over much of his body, had been allowed to wash three times in six months, and was forced to sign a 58-page statement unread. **Erkan Irmak** (16 February 2019) and **Salim Zeybek** (21 February 2019) resurfaced at the Ankara counter-terrorism branch after five and six months respectively; Zeybek, visibly under duress and struggling to stand, asked that his family's complaints be withdrawn; when the Human Rights Association sought to observe Irmak's trial, its delegation was barred from the courtroom.¹⁷²

Arif Komiş (30 August 2019, Malaysia) was extradited to Türkiye *together with his wife and four young children*; the UN Working Group on Arbitrary Detention found the family's arrest, detention and transfer arbitrary and in violation of international law, and his prison-intake medical report corroborates the ill-treatment.¹⁷³ **Orhan İnandı**, founder of the Sapat school network (31 May 2021, Kyrgyzstan), was missing for 37 days until the President himself announced that MİT had "brought" him to Türkiye; he resurfaced with his arm broken in three

171 "Zabit Kişi de Geçen 108 gününü anlattı," Bold Medya, 26 June 2019, <https://boldmedya.com/2019/06/26/zabit-kisi-iskencede-gecen-108-gunu-anlatti-intihar-edenleri-artik-yadigamiyorum/>; Stockholm Center for Freedom, "Court denies abducted teacher's request for investigation into torture allegations," 2019.

172 "Yet another Gülen follower kidnapped in February mysteriously reappears," Turkish Minute, 6 November 2019, <https://www.turkishminute.com/2019/11/06/yet-another-gulen-follower-kidnapped-in-february-mysteriously-reappears/>; statement of the Ankara branch of the Human Rights Association on the exclusion of observers from Irmak's trial, 2020; Human Rights Watch, "Türkiye: Enforced Disappearances, Torture" (April 2020).

173 UN Working Group on Arbitrary Detention, Opinion No. 51/2020 concerning Arif Komiş, Ülkü Komiş and four minors whose names are known to the Working Group (Malaysia and Türkiye); prison-intake medical documentation.

places, and the state news agency published his photograph.¹⁷⁴ The practice was not confined to a single movement: **Ayten Öztürk**, accused of membership in the DHKP-C (13 March 2018, rendered from Lebanon), was tortured for six months at an unregistered facility — held naked, waterboarded, force-fed, burned, suspended by the “Palestinian hanging” method, and confined in a coffin-sized box — with roughly 900 wounds documented on her 40-kilogram body; **Gülten Matur** (20 November 2022, Istanbul) described being subjected to falaka, suspension and electric shocks for a week before her “official” detention began, and the state news agency attributed her capture to MİT.¹⁷⁵

Multiple converging sources — victim testimony, published investigations, and confessions by captured intelligence officers — identify a MİT facility at the Marşandiz/Anadolu Boulevard junction in Ankara, known as the “Çiftlik” (“Farm”), as the principal centre of the torture described above; the site has a history, having served the same function against leftists after the 1980 coup.¹⁷⁶

The operational purpose of the abductions emerges consistently from survivors’ accounts: not punishment, but the *manufacture* of confessions, names and informants. Victims describe interrogations aimed at extracting signed statements incriminating themselves and others, offers of release in exchange for working as an informant within the movement or the bureaucracy, and threats against spouses and children as a constant instrument of pressure; many were released only after signing pre-written texts, and at least one — as noted above — was forced to have his family withdraw its complaints. Under the Court’s settled case law arising from the Kurdish disappearances of the 1990s, every element of this pattern engages the state’s positive obligations

174 President Erdoğan’s statement of 5 July 2021; İnandır’s Anadolu Agency photograph, July 2021; Human Rights Watch, “Türkiye/Kyrgyzstan: Rendition of Turkish-Kyrgyz Educator Risks Further Arbitrary Detention and Unfair Trial,” 7 July 2021, <https://www.hrw.org/news/2021/07/07/turkey/kyrgyzstan-rendition-turkish-kyrgyz-educator>; UN Human Rights Committee, CCPR/C/KGZ/CO/3, 9 December 2022, para. 30.

175 Written testimony of Ayten Öztürk before the Istanbul 3rd Assize Court; Advocates of Silenced Turkey, “Global Purge”: 144 Abductions Conducted By The Turkish Government in Türkiye and Abroad, 23 June 2021, <https://silencedturkey.org/global-purge-1-144-abductions-conducted-by-the-turkish-government-in-turkey-and-abroad>; Anadolu Agency on Matur, November 2022, and 2023 hearing statements.

176 TR724, “Dark deeds in Marşandiz: journey to the gang’s torture centre [ERDOĞAN’S DIRTY TÜRKİYE -4],” 18 February 2018, <https://www.tr724.com/mit-yoneticileri-itiraf-etti-cetenin-iskence-merkezine-yolculuk/>; corroborated in Human Rights Watch, *In Custody: Police Torture and Abductions in Turkey*, 2017.

— to investigate promptly, to disclose the fate of the disappeared, and to protect relatives from the inhuman treatment constituted by prolonged uncertainty itself; a generation after being found to have violated these obligations dozens of times, Türkiye has repeated the same practice with the same impunity.¹⁷⁷

Seven victims were never found again, and an eighth case from a different community completes the list: **Sunay Elmas** (27 January 2016, Ankara — the first of the series, according to sources taken to a MİT station and interrogated at the most senior level), **Ayhan Oran** (1 November 2016, Ankara — a former intelligence officer), **Turgut Çapan** (31 March 2017, Ankara — a university administrator), **Fatih Kılıç** (14 May 2017, Ankara), **Murat Okumuş** (16 June 2017, İzmir), **Fahri Mert** (12 August 2018, İzmir), **Yusuf Bilge Tunç** (6 August 2019, Ankara) and **Hıdır Çelik** (16 November, Diyarbakır — accused of PKK membership).¹⁷⁸ Their families have spent years in a procedural uncertainty familiar from the disappearances of the 1990s: files were folded into “secret” organisational investigations to block access; camera footage was collected months later or not at all; witnesses were never heard; vehicles were located by relatives, not by police.

In the case of **Yusuf Bilge Tunç**, every investigative step — locating his abandoned car, collecting camera footage — was taken by his family while the file was kept under a confidentiality order; the European Court of Human Rights nonetheless declared the resulting application inadmissible. This report respectfully notes that this ruling does not address the documented investigative inertia.¹⁷⁹ Amnesty International has continued to keep the case on international record.¹⁸⁰

177 Stichting Justice Square, *Zorla Kaybetmeler ve Adam Kaçırmalar İnsanlığa Karşı Suçlar Olarak* [Enforced Disappearances and Abductions as Crimes Against Humanity] (book-length study, July 2024), chapters on the purpose and process of abductions and the state’s positive obligations; see also ECtHR, *Kurt v. Turkey* (1998) and *Çakıcı v. Turkey* [GC] (1999).

178 Justice Square, *Türkiye’de Yaşanan Adam Kaçırma ve Kaybetme Vakaları* (July 2024), <https://justicesquare.org/turkiyede-adam-kacirma-ve-kaybetme/>; TR724, “Dark deeds in Marşandız,” 18 February 2018.

179 ECtHR, *Tunç v. Turkey* (decision); UN Human Rights Committee, CCPR/C/141/D/4275/2022, 19 August 2024.

180 Amnesty International, Annual Report 2021/22, Türkiye entry.

7.3. Transnational repression beyond abduction

The machinery of persecution operates continuously across borders. The Ministry of Interior's publicly disclosed "wanted for terrorism" list — 971 names, the majority alleged to be Gülen-linked but also including journalists such as Can Dündar — publishes the personal data of individuals convicted by no court, violating the presumption of innocence. Many of those listed have pending appeals or, in some cases, no concluded proceedings at all, and the European Court of Human Rights has found the presumption of innocence violated in respect of judges and prosecutors treated in this manner.¹⁸¹ Turkish police intelligence units compile reports on the lawful activities of diaspora foundations; documented examples include two Dutch foundations whose interfaith dinners, panels and marbling-art courses were recorded as "terrorist activity," with participants identified from photographs for use against them should they return. Ankara police's report of 17 January 2024 on the Utrecht foundation records interfaith dialogue meetings, panels, friendship dinners and concerts as terrorist activity; a parallel report on the Hengelo foundation catalogues marbling-art courses and exhibitions, identifies fifteen participants by name from the foundation's website, and states that the material was forwarded to judicial authorities "for use against them should they return to Türkiye" — documentary evidence that lawful association in one European Union member state is potentially prosecuted by a Council of Europe member state.¹⁸² The same logic was attempted through international police channels: in the year after the coup attempt, Türkiye flooded Interpol with tens of thousands of alerts and passport-cancellation notices against alleged members of the movement; the practice was so overtly political that Interpol's General Secretariat took the extraordinary step of refusing bulk uploads and has since deleted numerous individual Turkish notices as contrary to the organisation's constitutional prohibition on political persecution; European courts have likewise

181 Ministry of Interior, "Wanted for Terrorism" list, <http://www.terorarananlar.pol.tr>; Gökhan Güneş, "İçişleri Bakanlığı'nın Arananlar Listesinin Hukuka Aykırılığı Üzerine," 4 January 2023, <https://www.drgokhangunes.com/makale/1209/>.

182 Ankara Provincial Security Directorate intelligence report on Stichting Educatie Centrum Utrecht, ref. E-58604142-63044-2024011717102785088, 17 January 2024; parallel report on Stichting Little Boat (Hengelo), 2024.

refused extradition on the same grounds.¹⁸³ The Directorate of Religious Affairs (Diyanet) used its imams abroad to profile congregation members, a practice that led to a parliamentary inquiry in the Netherlands and to deportations and investigations elsewhere.¹⁸⁴ Pro-government media published the home addresses, vehicles and daily routines of exiled journalists in Sweden and Germany; at least one — former police chief Murat Çetiner — had his car attacked days later; an AKP member of parliament, speaking at a meeting in Germany, vowed that members of the movement would be “pulled out of the hole they are hiding in and destroyed,” a statement that triggered an investigation by German police.¹⁸⁵

183 On Interpol’s rejection of Türkiye’s post-coup bulk submissions and subsequent deletions, see 2017 news coverage and the practice of Interpol’s Commission for the Control of Files; national extradition-refusal rulings include German, Greek and British court decisions from 2017–2024.

184 Netherlands House of Representatives inquiry, 2016–2017; “Dutch Diyanet foundation admits to ‘spying’,” TR724, 23 February 2020; parallel investigations in Germany (federal prosecutor, 2017) and Norway.

185 “Sabah newspaper had marked him as a target; attack on Murat Çetiner’s car,” TR724, 4 November 2022; Sabah articles targeting Abdullah Bozkurt, Cevheri Güven, Bülent Keneş and Levent Kenez, 2022; on MP Mustafa Açıkgöz’s Neuss speech and the Cologne police investigation, Deutsche Welle Türkçe, 16 January 2023.

8. PRISONS: PUNISHMENT BEYOND THE SENTENCE

8.1 Conditions and Discriminatory Regime

Türkiye's prison population roughly tripled after 2016, producing chronic overcrowding in which 40–45 people were held in wards built for 14–15. But the defining feature of the post-coup prison regime has been its discriminatory character. Persons detained on Gülen-related charges — still presumed innocent — were subjected from the first day to the restrictions designed for convicts under aggravated life sentences: restricted access to lawyers, severe limits on correspondence, telephone contact and visits; denial of workshops, courses and sports; wards' courtyards sealed with wire mesh; arbitrary solitary confinement as pre-emptive punishment; and transfers to prisons hundreds of kilometres from their families.¹⁸⁶ These practices violate the International Covenant on Civil and Political Rights' prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 2, 7, 9, 10, 12, 14) and its non-discrimination guarantee (arts. 2, 3, 6, 25, 26).¹⁸⁷ Escort by the arm at every movement outside the ward; prohibition on sitting beside one's own family during open visits; suspension of all workshops, courses, sports and educational internet use; and the confiscation even of radios. Under the emergency decrees, remand prisoners could in addition be removed from prison by police and intelligence units "for interrogation" — a practice that produced precisely the unlawful interrogations and ill-treatment the custody regime exists to prevent. Suicides multiplied under these conditions: the Ministry of Justice acknowledged 66 prison suicides in 2016 alone and a further 40 by 19 October 2017. A report titled "Suicides during the State of Emergency," made public on 20 April 2017 by opposition MP Veli Ağbaba, found that 35 people who had been dismissed, detained or investigated took their own lives in the first nine months of the state of emergency — among them 17 police officers, 4 soldiers, 4 teachers, 2 correction officers, 1 guidance counsellor, 1 district governor, 1 mosque imam, 1 prosecutor, 1 engineer, 1 student, 1

186 For detailed information, please refer to "Turkish Prisons Report," <https://justicesquare.org/turkish-prisons-report/>, and "Turkey Human Rights Report 2016-2024," <https://justicesquare.org/turkiye-human-rights-report-2016-2024/>, pp. 130–158.

187 International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976), arts. 2, 3, 6, 7, 9, 10, 12, 14, 25, 26, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

doctor and 1 dentist; seven of the suicides occurred in prison and one in a detention centre. According to more recent research, 92 people prosecuted on the grounds of alleged association with the Gülen movement have taken their own lives; hundreds of family members whose children, mothers, fathers or relatives were dismissed, detained or arrested, and who were subjected to severe pressure and social exclusion, have likewise died by suicide during this period.¹⁸⁸

Reports from Silivri, Kandıra and Sincan describe repeated denial of treatment to ill detainees, arbitrary disciplinary sanctions and prolonged solitary confinement, particularly of persons whose statements were sought; the physical plant itself — unheated wards, inadequate nutrition, cells without ventilation — has operated as an instrument of pressure. The European Committee for the Prevention of Torture (CPT) has made three visits to Türkiye since 2016; it has stated that reports on the poor conditions, overcrowding and ill-treatment identified during its 2017 and 2019 visits were allowed to be published, while publication of later findings has been subject to the government's consent — itself a datum.¹⁸⁹ In May 2026 the ECtHR's Grand Chamber confirmed the legal consequence: in *Yasak v. Türkiye* (App. No. 17389/20, 5 May 2026), it held that the cumulative effect of post-2016 overcrowding at Çorum L-Type Prison — whose capacity had been raised from 477 to roughly 2,000 — in which the applicant slept for a total of some fourteen months without a personal bed, on the floor, under constant light and without privacy, constituted degrading treatment under Article 3; in the same judgment, the Court also found that the applicant's conviction under Article 314/2 of the Turkish Penal Code violated Article 7 (no punishment without law).¹⁹⁰

188 Veli Ağbaba (CHP), "Suicides during the State of Emergency" report, 20 April 2017; Stichting Justice Square, Turkey Human Rights Report 2016-2024, <https://justicesquare.org/turkiye-human-rights-report-2016-2024/>, pp. 130–158.

189 European Committee for the Prevention of Torture (CPT), visit reports on Türkiye, 2017 and 2019.

190 ECtHR (Grand Chamber), *Yasak v. Türkiye*, App. No. 17389/20, 5 May 2026; Dr. Ufuk Yeşil, "AİHM Büyük Dairesi'nin Yasak/Türkiye Kararı: Kanunilik İlkesine Dönüş ve Bireysel Cezai Sorumluluğun Güçlendirilmesi," Hukuki Haber, <https://www.hukukihaber.net/aihm-buyuk-dairesinin-yasakturkiye-karari-kanunilik-ilkesine-donus-ve-bireysel-cezai-sorumlulugun-guclendirilmesi>.

8.2 Sick Prisoners: An Actuarial Cruelty

The gravest violations concern seriously ill prisoners. Under Article 16(6) of the Law on the Execution of Sentences, execution of a sentence must be postponed where the prisoner cannot survive prison conditions; under Article 105/A, seriously ill or elderly convicts qualify for probation. In practice, the Forensic Medicine Institution — an organ of the Ministry of Justice — issues “can remain in prison” reports that override university-hospital findings, and administrations and courts deny release on the ground that the prisoner remains “unrepentant”. The İHD's Documentation Unit recorded, as of 30 November 2023, 1,517 ill prisoners, 651 of them seriously ill, in Turkish prisons; the Finnish Immigration Service's report “Türkiye; Individuals associated with the Gülen movement,” made public in June 2024, cites closely corresponding figures of approximately 1,550 ill prisoners and 651 seriously ill, and finds that individuals imprisoned for political activities are the group most subjected to discrimination.¹⁹¹ The discrimination was written into statute at the moment of greatest danger: the April 2020 pandemic release law, which discharged some 90,000 convicts to protect them from COVID-19, expressly excluded persons convicted or remanded under the anti-terror provisions — that is, precisely the sick teachers, housewives and pensioners documented in this chapter. In its report “Türkiye: COVID-19 Puts Sick Prisoners at Grave Risk,” Human Rights Watch condemned this exclusion, which denied seriously ill political prisoners early parole or house-arrest arrangements under the anti-terrorism law, as putting them “at grave risk” — a distinction that cost lives, among them the 84-year-old Nusret Muğla.¹⁹²

The comparative statistics locate Türkiye's prisons in Europe. The Council of Europe's annual penal statistics (SPACE) record that Türkiye holds by far the largest prison population of any member state — roughly a quarter of a million people by 2020, against an officially planned capacity it has never respected — and place it among the states with the highest rates of prison suicide in the organisation.¹⁹³ What the aggregate conceals, the youngest prisoners reveal: at the

191 İHD Documentation Unit data, 30 November 2023; Finnish Immigration Service, “Türkiye; Individuals associated with the Gülen movement,” June 2024.

192 Human Rights Watch, “Türkiye: COVID-19 Puts Sick Prisoners at Grave Risk.”

193 Council of Europe, SPACE (Annual Penal Statistics), 2020 data.

height of the purge, hundreds of infants and small children were imprisoned with their detained mothers — more than six hundred at one İHD count, some 2,500 children passing through the system in total — including babies under six months old, whose imprisonment Turkish law itself prohibits. The documented cases have the texture of the policy: a mother arrested in Trabzon with her three-month-old son, held nine months without an indictment while the prison refused a high chair and a crawling mat; a couple from Edirne imprisoned although they were the parents of seven-year-old quintuplets and a thirteen-year-old. For these children, the state's own standards — the UN's Nelson Mandela Rules and the European Prison Rules, which both make the best interests of the child paramount — existed only on paper.¹⁹⁴

The Constitutional Court has accompanied this record rather than corrected it. Stichting Justice Square's study of the prison files documents, decision by decision — Sinan Büyükorallı (2022), Fatma Törer (2020), Şerif Ağu (2022), Kadir Altınışık (2023) among them — how applications by prisoners who died, sickened or were denied treatment were declared inadmissible or unfounded on formalistic grounds, normalising the very violations an apex court exists to prevent; the pattern is the domestic counterpart of the international findings set out in this chapter.¹⁹⁵ According to Ministry of Justice data, 2,258 prisoners died in custody between 2018 and 2023; the Civil Society in the Penal System Association counts 107 deaths in 2019, 95 in 2020, 128 in 2021, 101 in 2022 and 108 in 2023, while MED TUHAD-FED records 52 deaths in 2021, 78 in 2022, 43 in 2023 and 26 in the first half of 2024 among political prisoners alone.¹⁹⁶

The individual cases disclose a policy, not an accident. **Halime Gülsu**, an English teacher with lupus, was detained on 20 February 2018 and arrested on 3 March for allegedly organising aid to families of detainees — she reportedly sold homemade meatballs to raise money for them — and was denied her immunosuppressive medication for roughly two months despite repeated written pleas marked “urgent”; her health report was reportedly lost. Twice falling into a coma,

194 İHD count of imprisoned children; Stichting Justice Square, Turkey Human Rights Report 2016-2024, <https://justicesquare.org/turkiye-human-rights-report-2016-2024/>, pp. 130–158.

195 Stichting Justice Square, Turkey Human Rights Report 2016-2024, <https://justicesquare.org/turkiye-human-rights-report-2016-2024/>, pp. 130–158.

196 Republic of Türkiye, Ministry of Justice data (2018–2023); Civil Society in the Penal System Association (CTE) data (2019–2023); MED TUHAD-FED data (2021–June 2024).

she died in Tarsus Women's Closed Prison on 28 April 2018. The responsible prosecutor closed the investigation into her death with a decision not to prosecute on 16 May 2019.¹⁹⁷ **Mustafa Kabakçioğlu**, a former deputy police superintendent with asthma, hypertension and diabetes, was moved to the quarantine cell of Gümüşhane E-Type Prison on 20 August 2020 after falling ill in his ward and being hospitalised on suspicion of COVID-19; he petitioned repeatedly for hospital referral as his condition worsened, but was found dead by guards at 5:45 a.m. on 29 August 2020, after nine days held alone in that cell, seated on a white plastic chair with his head fallen back and his nails discoloured. His COVID-19 test came back negative, and the Trabzon Forensic Medicine Institution's autopsy report of 19 October 2020 recorded the cause of death as respiratory failure arising from a lung infection; the investigation opened following his family's criminal complaint ended in a decision not to prosecute.¹⁹⁸

A Court of Cassation member, **Mustafa Erdoğan** — arrested in hospital while awaiting brain-tumour surgery, by the Antalya 3rd Criminal Judgeship of Peace on 3 February 2017 — spent six months half-paralysed in a remand ward; his application to the Constitutional Court was rejected on the ground that “the detainee is not in any danger”; his condition worsened in August 2017 and he was taken to intensive care; he was refused release until he lost consciousness, was discharged unconscious on 18 August 2017 at the prosecutor's request and by court order, and died four days later, on 23 August 2017.¹⁹⁹ Former HSYK member **Teoman Gökçe** — amid psychological pressure and repeated rights violations — died of a heart attack

197 "Tarsus Cezaevi'ndeki hasta tutuklu Halime Gülsu yaşamını yitirdi," Euronews Türkçe, 29 April 2018, <https://tr.euronews.com/2018/04/29/tarsus-cezaevindeki-hasta-tutuklu-halime-gulsu-yasam-n-yitirdi>; "Turkish teacher jailed over Gülen links dies in prison due to lack of medication," Stockholm Center for Freedom, 1 May 2018, <https://stockholmcf.org/turkish-teacher-jailed-over-gulen-links-dies-in-prison-due-to-lack-of-medication/>; Tenkil Memorial, "Halime Gulsu," <https://tenkilmemorial.org/en/tenkil-veritabani/halime-gulsu/>; MAZLUMDER Adana Branch, "İhmaller Sonucu Cezaevinde Ölen Halime Gülsu," report of 19 May 2019, <https://adana.mazlumder.org/tr/main/faaliyetler/basin-aciklamalari/1/ihmaller-sonucu-cezaevinde-olen-halime-gulsu/13573>.

198 "Karantina hücresinden cenazesi çıktı: Plastik sandalyede ölüm!," BoldMedya, 14 October 2020, <https://boldmedya.com/2020/10/14/karantina-hucresinden-cenazesi-cikti-plastik-sandalyede-olum/>; "KHK'lı Mustafa Kabakçioğlu'nun ölümünün üzerinden bir yıl geçti," Zaman Avustralya, <https://zamanaustralia.com/2021/08/khkli-mustafa-kabakcioglunun-olumunun-uzerinden-bir-yil-gecti/>; Tenkil Memorial, "Mustafa Kabakçioğlu," <https://tenkilmemorial.org/tenkil-veritabani/mustafa-kabakcioglu/>.

199 "Bilinci kapanana kadar tahliye edilmeyen eski Yargıtay üyesi yaşamını yitirdi," Cumhuriyet, 29 August 2017, http://www.cumhuriyet.com.tr/haber/turkiye/810869/Bilinci_kapanana_kadar_tahliye_edilmeyen_eski_Yargitay_uyesi_yasamini_yitirdi.html.

that went unattended on 2 April 2018, at age 49, after sixteen months held unlawfully in solitary confinement at Sincan Prison; the prison's own security-camera footage shows the medical response arriving late and the first team failing to resuscitate him.²⁰⁰ The Court of Cassation member **Mehmet Sait Demiröz**, detained in the same purge on 21 July 2016 on the allegation of a Court of Cassation Gülen structure and sentenced to thirteen years and six months, likewise died before any final judgment in his case: while struggling with a delayed-diagnosis pleural infection requiring surgery and worsening diabetes, he was hospitalised from Ödemiş Prison in 2022, went into cardiac arrest, and died in intensive care — one of a series of deaths of senior jurists in custody that, in any functioning system, would themselves have been the subject of judicial inquiry.²⁰¹ **Zeki Güven**, who graduated first in his class from the Police Academy in 1992, went on to serve in Ankara's counter-terrorism and intelligence units, and received an award from then-President Abdullah Gül, and who was held in solitary confinement, denied his blood-pressure medication and given salted food for fifteen days despite written petitions, was detained together with his wife (a dismissed judge) on 22 May 2018, removed from his cell two days before he was due to testify, and was found dead in his Sincan Prison cell on 1 July 2018; the autopsy pointed to a heart attack, but the Ankara Forensic Medicine Institution could not reach a definitive conclusion and referred the file to Istanbul. The Constitutional Court, in its decision of 22 April 2021, found the complaints concerning personal liberty, freedom of religion and conscience, and ill-treatment by security forces outside its jurisdiction; found the life-right complaint concerning the lack of intervention during the heart attack inadmissible for non-exhaustion of remedies; and found the complaints concerning salted meals and the absence of an effective investigation manifestly ill-founded.²⁰² Güven's history supplied an obvious motive for

200 "16 ay hücreye kapatılan eski HSYK üyesi Teoman Gökçe'nin son anları: Mezar gibi hücrede ölüme gönderdiler," BoldMedya, <https://www.boldmedya.com/2021/12/28/hucrede-kalp-krizi-geciren-ihrac-hakim-teoman-gokcenin-olum-anina-ait-ilk-kez-yayinlanan-goruntuler/>;

201 "Tutuklu Yargıtay eski üyesi Mehmet Sait Demiröz hayatını kaybetti," Kronos Haber, <https://kronos41.news/tutuklu-yargitay-eski-uyesi-mehmet-sait-demiroz-goturuldugu-hastanede-hayatini-kaybetti/>; "Tutuklu Yargıtay üyesi Mehmet Sait Demiröz hayatını kaybetti," BoldMedya, <https://www.boldmedya.com/2022/07/22/tutuklu-yargitay-uyesi-mehmet-sait-demiroz-hayatini-kaybetti/>.

202 "Zeki Güven'i kim neden öldürdü?," TR724, <https://www.tr724.com/zeki-guveni-kim-neden-oldurdu/>; "Kaset komplosuyla suçlanan ve hücrede ölü bulunan Zeki Güven'in son mektubu," Sevinç Özarslan, <https://www.patreon.com/posts/kaset-suclanan-52749577>; "Cezaevinde öldürülen Polis Müdürü'nün eşi: Abdest alırken onunla son görüşüm o oldu," Zaman Avustralya, <https://zamanaustralia.com/cezaevinde->

special treatment; his children learned of the death from the press, and his wife — herself an imprisoned former judge — was brought to the funeral in handcuffs and kept from approaching the grave. The Bursa prosecutor Seyfettin Yiğit, among the first of the judiciary detained, died in a prison bathroom in circumstances officially recorded as suicide — one of the many custodial deaths of this period for which no independent investigation has ever been conducted.²⁰³

One further case may be added to this record, illustrating that the same discriminatory prison regime operates irrespective of prior political allegiance: **İlhan İşbilen**, a former AKP member of parliament for İzmir (2011–2014) who did not conceal his ties to the Gülen movement, was arrested in 2015 and sentenced to aggravated life imprisonment in the “FETÖ/PDY umbrella case” on charges of attempting to overthrow the constitutional order. Held at Sincan Prison, he was hospitalised after testing positive for COVID-19; a blood clot was reported to have reached his brain, and his condition was described as serious. İşbilen's case demonstrates that having once belonged to the governing party confers no exemption from the same discriminatory prison regime once an alleged link to the movement is asserted.²⁰⁴

The pattern extends to those never released and those released only to die. Şerife Sulukan, a paralysed teacher with an 89 per cent disability rating, was found by the Forensic Medicine Institution to be fit for prison on the ground that she had “no permanent illness, disability or old age,” and can sustain her health only with the help of others. Mustafa Said Türk, 86 and bedridden, was carried to prison on a stretcher in Manisa after the Court of Cassation upheld his ten-year sentence, shuttled between Menemen R-Type Prison and hospital for 25 days, released — on a stretcher once again — only after the Forensic Medicine Institution issued a deferral report, found covered in wounds and without the hygiene a seriously ill patient required, and died on 30 March 2025; likewise, the 84-year-old Nusret Muğla, who took fourteen medications

oldurulen-polis-mudurunun-esi-once-esimi-oldurduler-sonra-beni-kursunla-tehdit-ettiler/; Constitutional Court, Zeki Güven decision, 22 April 2021.

203 Stichting Justice Square, Turkey Human Rights Report 2016-2024, <https://justicesquare.org/turkiye-human-rights-report-2016-2024/>, pp. 130–158.

204 “Cezaevindeki AK Parti eski İzmir milletvekili İlhan İşbilen, koronavirüs teşhisiyle hastaneye kaldırıldı,” Gerçek Haberci, <https://www.gercekhaberci.com/izmir/cezaevindeki-ak-parti-eski-izmir-milletvekili-ilhan-isbilen-koronavirus-teshisiyle-hastaneye-kaldirildi/124978>; İlhan İşbilen, Wikipedia, https://en.wikipedia.org/wiki/%C4%B0lhan_%C4%B0%C5%9Fbilen.

a day at Manisa T-Type Prison and was repeatedly refused a deferral of sentence, contracted COVID-19 in prison and died, as did the 82-year-old philanthropic businessman Yusuf Bekmezci, whose heart stopped during eye surgery at İzmir Katip Çelebi University Atatürk Training and Research Hospital on 4 January 2022, and whose release request was rejected by the İzmir 2nd High Criminal Court while he lay unconscious in intensive care, and who died in hospital on 20 January 2022.²⁰⁵ Under the ECtHR's case-law in *Mouisel v. France*, *Henaf v. France* and *Salakhov and Islyamova v. Ukraine*, the use of handcuffs in the examination and treatment of sick prisoners without a justified and reasonable basis is a disproportionate intervention amounting to ill-treatment under Article 3 of the Convention; Turkish practice has nonetheless made it routine to handcuff seriously ill prisoners to hospital beds through intensive care and even into death.²⁰⁶ The dismissed police officer Veysel Atasoy, who fell ill at Tavşanlı Prison, spent nine days at Tavşanlı State Hospital and a further 25 at Kütahya Health Sciences University Evliya Çelebi Training and Research Hospital — roughly 35 days in total — handcuffed to a hospital bed, and died still handcuffed on 12 September 2020; his family's criminal complaint was rejected, foreclosing any investigation of the officials responsible. Mustafa Aytaç, arrested in Afyon on 18 October 2022 for organising financial aid to decree-victims' families and holding informal gatherings, and sentenced to seven years and six months, was held at Afyon T-Type Prison No. 1, diagnosed with lymphoma and referred to Afyonkarahisar Health Sciences University's Haematology Department, where he received chemotherapy in handcuffs despite a hospital report recording a “risk of death” — he remains at risk of death.²⁰⁷ The İHD's prison commissions documented the same practice across the country: Koçer Özdal, transferred from Bafra T-Type Prison to Sincan F-Type Prison for cancer treatment on 9 July 2018, was kept handcuffed to his bed through intensive care until his death on 27 August 2018, the cuff wounds still visible on his

205 Manisa T-Type and Menemen R-Type Prison cases; Mustafa Said Türk's death on 30 March 2025; Yusuf Bekmezci's surgery (4 January 2022) at İzmir Katip Çelebi University Atatürk Training and Research Hospital and death (20 January 2022).

206 ECtHR, *Mouisel v. France*, App. No. 67263/01, 14 November 2002; *Henaf v. France*, App. No. 65436/01, 27 November 2003; *Salakhov and Islyamova v. Ukraine*, App. No. 28005/08, 14 March 2013.

207 İnsan Hakları Derneği (İHD) Ankara Şubesi Cezaevi Komisyonu, İç Anadolu'daki hak ihlalleri raporu; Stichting Justice Square, Turkey Human Rights Report 2016-2024, <https://justicesquare.org/turkiye-human-rights-report-2016-2024/>, pp. 130–158.

wrists; a convict recorded as L.H. was referred to hospital on 20 February 2019 and lay comatose for some 36 days — handcuffed; Tahir Gürdal, a cancer patient held nearly ten years at Van F-Type High-Security Prison, was transferred to Diyarbakır High-Security Prison No. 1 for treatment, spent 19 days chained to a bed at Gazi Yaşargil Training and Research Hospital, and died 13 days after his sentence was finally postponed; Ali Aydeniz, 61, sent to Metris Prison despite a 91 per cent disability report, was rushed by emergency ambulance to Başakşehir Çam and Sakura City Hospital, underwent bypass surgery and (owing to diabetes) a left-foot amputation on 10 November 2021, and passed his convalescence handcuffed to the bed, unable to stand unaided.²⁰⁸ The dismissed judge Mustafa Başer, held at Sincan F1 Prison since 1 May 2015 and a recurrent bladder-cancer patient, has been denied the probation to which he became statutorily entitled on 27 September 2022; the report documents that one likely reason for his particular targeting is that he had ordered the release of police officers involved in the 17/25 December investigation into Erdoğan's family members, ministers and bureaucrats. The 84-year-old Halil Karakoç — heart disease, diabetes, prostate disease, fourteen medications a day — was refused supervised release after applying in May 2024 following a heart attack in prison, the board finding, without any concrete act, that his rehabilitation “could not be determined”; and the lawyer Ali Odabaşı, former managing editor of Zaman, was denied both probation and conditional release despite four major surgeries in prison — hospitalised at Dışkapı State Hospital during the pandemic for an internal abdominal tear, kept handcuffed to the bed overnight, and discharged back to his cell the day after surgery.²⁰⁹

8.3 The Toll of the Tenth Year, 2025–2026

The deaths did not stop; the tenth year of the emergency produced its own necrology. **İbrahim Güngör**, 72, a former university student-affairs director suffering from advanced Alzheimer's disease, hydrocephalus and diabetes — a man who could no longer recognise the daughter campaigning for his release — was re-imprisoned in December 2024 after his conviction

208 Human Rights Association (İHD) Ankara Branch Prison Commission and İHD Documentation Unit reports.

209 Stichting Justice Square, Turkey Human Rights Report 2016-2024, <https://justicesquare.org/turkiye-human-rights-report-2016-2024/>, pp. 130–158.

was upheld, declared “fit to remain in prison” by the Forensic Medicine Institution, and died in intensive care on 7 September 2025.²¹⁰ **Süleyman Yıldırım**, 59, a lawyer convicted on Bank Asya and ByLock evidence, was re-arrested on 27 July 2025 from a hospital in Denizli where he had gone for treatment, and sent to Denizli T-Type Prison; admitted to intensive care and given heart surgery on 6 September, his left leg was amputated below the knee on 1 October; despite a hospital finding that he “cannot remain in prison, cannot even travel”, the Forensic Medicine Institution summoned the dying man to Istanbul for assessment; a three-month deferral of sentence was granted only once his condition was already terminal, and he died at İzmir City Hospital on 8 December 2025, weighing 40 kilograms, with a stage-3 lung cancer diagnosis.²¹¹ **Hüseyin Parlak**, 70, collapsed in a Manisa prison cell that had reached 43°C, without ventilation or adequate water; discharged from hospital three times without a blood test, he died of the consequences of a brain haemorrhage on 15 August 2025. Asaleddin Çelik, a decree-dismissed lawyer with lung cancer, was released only after losing consciousness and died within a month; the academic Emre Uysal, an epileptic dismissed by decree, remains imprisoned after telling his family he does not believe he will leave prison alive. Ferah Oktan, 37, a dismissed teacher and mother of two, developed metastatic cancer in Edirne prison, underwent chemotherapy separated from her two-year-old child, and was released only in February 2026, before her seventh round of treatment, after repeated judicial refusals.

The list continued to grow up to the time of writing. 73-year-old Tekirdağ shopkeeper **Abdullah Tırpan** was sentenced to seven years and six months on grounds including depositing money at Bank Asya, subscribing to religious publications, sending his children to schools later closed, and making charitable donations. Tırpan was re-arrested on 25/26 February 2025 after the Court of Cassation upheld his sentence. Having been taken to the infirmary more than forty times since entering prison and repeatedly fainted in his ward, he lost consciousness and was hospitalised on 3 November 2025; after a further episode on 11 February 2026 he lost the ability

210 Solidarity with Others, “Sick Inmate Who Died in Prison: İbrahim Güngör,” <https://solidaritywithothers.com/sick-inmate-who-died-in-prison-ibrahim-gungor/>.

211 “Ölüm döşeğinde tahliye edilmişti: Hapiste kanser olan avukat Süleyman Yıldırım vefat etti,” TR724, <https://www.tr724.com/olum-doseginde-tahliye-edilmisti-hapiste-kanser-olan-avukat-suleyman-yildirim-vefat-etti/>.

to speak and has not spoken since. According to his family, diabetic neuropathy has left him unable to feel his feet, and he burned them without noticing on a hot-water bottle his wardmates had prepared to warm him; an MRI taken in June 2026 found his left carotid artery 75 per cent blocked, with a risk of stroke. Despite this, the Forensic Medicine Institution (17 December 2025) and, subsequently, the medical board of Tekirdağ Dr. İsmail Fehmi Cumalıoğlu City Hospital (in two separate reports dated 7 May and 30 June 2026) found him fit to “continue his life in prison conditions” and rejected requests to defer his sentence. DEM Party MP Ömer Faruk Gergerlioğlu has repeatedly raised the case in parliament; the human rights organisation MAZLUMDER filed a formal petition with the Ministry of Justice in June 2026 seeking deferral of his sentence.²¹²

Mehmet Parlak, a KHK-dismissed court clerk from Hatay, lost both kidneys to a rare renal disease and received a kidney transplant from his mother in 2013; sentenced to six years and three months on a ByLock allegation, he was arrested on 31 May 2022 and sent to Hatay T-Type Prison, where his weight fell from 62 to 48 kilograms within ten months. Transferred to Sincan Prison after the February 2023 earthquakes, he has since dropped to 40 kilograms, his transplanted kidney now functioning at only 15 per cent, and endured sixteen months of untreated diarrhoea. Although he became eligible for probation in January 2026, the Administration and Observation Board withheld it for roughly four months and scored his good-behaviour assessment at 59.25 — just below the 60-point threshold needed for a further sentence reduction. DEM Party MP Ömer

212 Sevinç Özarslan, "Koğuştaki bilincini kaybeden köfteci Abdullah amca, ölümün eşiğinde," 12 November 2025, <https://www.patreon.com/posts/kogusta-kaybeden-143514036>; "Tutuklu hasta Abdullah Tırpan'ın kızı: 'Babamın ölmesini bekliyorlar'," Zaman Avustralya, 18 February 2026, <https://zamanaustralia.com/tutuklu-hasta-abdullah-tirpanin-kizi-babamin-olmesini-bekliyorlar/>; "MR dört ay sonra çekildi: Köfteci Abdullah amcanın beyin damarları tıkalı, felç riski var," Zaman Avustralya, 10 June 2026, <https://zamanaustralia.com/mr-dort-ay-sonra-cekildi-koftecisi-abdullah-amcanin-beyin-damarlari-tikali-felc-riski-var/>; "Adli Tıp ve Tekirdağ Şehir Hastanesi, 73 yaşındaki Abdullah amca'yı el birliğiyle ölüme gönderiyor," Zaman Avustralya, 19 May 2026, <https://zamanaustralia.com/adli-tip-ve-tekirdag-sehir-hastanesi-73-yasindaki-abdullah-amcayi-el-birligiyle-olumu-gonderiyor/>; "MAZLUMDER'den ağır hasta mahpus Abdullah Tırpan için infaz erteleme çağrısı," Zaman Avustralya, <https://zamanaustralia.com/mazlumderden-agir-hasta-mahpus-abdullah-tirpan-icin-infaz-erteleme-cagrisi/>; "Ağır hasta mahpusa ikinci kez 'cezaevinde kalabilir' raporu verildi," Samanyolu Haber, <https://www.samanyoluhaber.com/agir-hasta-mahpusa-ikinci-kez-cezaevinde-kalabilir-raporu-verildi/1489911>; Solidarity with Others, "Elderly Prisoners in Turkish Prisons — Abdullah Tırpan," <https://solidaritywithothers.com/elderly-prisoners-in-turkish-prisons-critically-ill-prisoners-in-turkish-prisons-abdullah-tirpan/>; Stockholm Center for Freedom, "Turkish hospital again says seriously ill elderly prisoner can remain behind bars," <https://stockholmcf.org/turkish-hospital-again-says-seriously-ill-elderly-prisoner-can-remain-behind-bars/>.

Faruk Gergerlioğlu, addressing reporters outside Sincan Prison, disclosed that the Board's report had misidentified Parlak — a former court clerk — as a “former member of the Court of Cassation,” an error he attributed to information copied from another prisoner's file; the report also found him insincere about having left the organisation, disregarding a “neutral ward” placement previously granted at his former prison. Despite these irregularities, both the enforcement judgeship and the high criminal court approved the Board's decision without scrutiny.²¹³

Mehmet Gürler, a staff major and jet pilot who commanded a student squadron at Yalova Air Base on the night of the coup attempt, was arrested on 22 July 2016 and sentenced to aggravated life imprisonment for attempting to overthrow the constitutional order, despite having had no health problems beforehand. Held in solitary confinement at Kocaeli No. 2 T-Type Prison, he developed numbness in his legs that a prison doctor dismissed as confinement-related; only after his eyesight began to fail was he diagnosed, on 11 July 2021, with multiple sclerosis — treatment did not begin for a further eight months, during which his balance and vision deteriorated sharply. His first request for a deferral of sentence was rejected on the ground that a patient who could barely stand and was losing his sight faced no obstacle to remaining in a cell; he collapsed in his cell on 10 July 2022 and was hospitalised — in handcuffs throughout treatment — where he also tested positive for COVID-19 and was discharged, still symptomatic, after eight days. A Forensic Medicine Institution report of 2 September 2024 found he could not stand or walk without assistance; a second report, issued on 9 February 2026 by a six-member medical panel, again found him “unfit to remain in prison” under Articles 110(3) and 105/A(3)(b) of Law No. 5275 — the same statutory basis on which the generals convicted in the 28 February case, including Çevik Bir and Çetin Doğan, had been released. Despite two such reports, the prosecutor has refused to approve his release “on security grounds,” prompting MP Ömer Faruk Gergerlioğlu to ask publicly, “Are you a doctor? Fear God” — noting that Gürler cannot use a

213 “Böbreği iflas noktasındaki KHK’lı katib Mehmet Parlak tahliyesi engellendi,” Zaman Avustralya, <https://zamanaustralia.com/bobregi-iflas-noktasindaki-khkli-katibin-tahliyesi-engellendi/>.

toilet unassisted and that a recent transfer left him handcuffed for eighteen hours, which he described as “outright torture.”²¹⁴

Other sick prisoners remain in custody as of the drafting of this report. **Meryem Yılmaz**, a 21-year-old third-year psychology student at İzmir Demokrasi University, was detained and arrested in an İzmir-centred operation on 9 June 2026; having undergone spinal surgery for scoliosis less than a year earlier, with 22 screws and plates fitted to her spine, she has repeatedly fainted in custody, and although the prison doctor referred her to neurology and spinal-surgery specialists, that referral has still not been carried out. Detained during examination week, she was unable to sit her final exams, and remains in pre-trial detention despite her documented medical condition.²¹⁵

Deaths continued in the same period. **Ünsalan Özkan**, a former police officer dismissed by decree in 2016 and sentenced to six years and three months over alleged Gülen links, held at Sincan Prison, died on 2 May 2026 of a heart attack suffered while playing volleyball on 30 April — just three months before his scheduled release; he is survived by his wife and three children.²¹⁶ **Durmuş Zorlu**, a former police officer who worked as a taxi driver after his dismissal and was re-arrested in January 2026 to serve his sentence, died of a heart attack at İzmir's Kırıklar Prison on 19 June 2026, leaving four children.²¹⁷ **Mehmet Çıtlak**, a seriously ill prisoner held at Gaziantep Prison whose condition had already drawn public attention, reportedly entered prison without

214 "Adli Tıp, MS hastası KHK'lı Kurmay Binbaşı Gürler'e 2. kez 'tutuklu kalamaz' raporu verdi: Hala tutuklu," Zaman Avustralya, <https://zamanaustralia.com/179968-2/>; "Adli Tıp 'çıksın', savcı 'kalsın' diyor: Türkiye'de hasta mahpuslar için değişen bir şey yok," Dr. Ömer Faruk Gergerlioğlu Portal, <https://www.omerfarukgergerlioglu.com/basin/adli-tip-ciksin-savci-kalsin-diyor-turkiyede-hasta-mahpuslar-icin-degisen-bir-sey-yok/38780/>; Solidarity with Others, "Critically Ill Prisoners in Turkish Prisons — Mehmet Gürler," <https://solidaritywithothers.com/critically-ill-prisoners-in-turkish-prisons-mehmet-gurler-2/>.

215 "Tutuklu öğrenci Meryem Yılmaz'ın annesi: 'Kızım sırtında 22 vidayla cezaevinde yaşam mücadelesi veriyor'," Zaman Avustralya, citing TR724; "Bir hasta dramı daha: Ağır ameliyatlı tutuklu öğrenci, hastaneye sevk edilmiyor," BoldMedya.

216 Solidarity with Others, "Prisoners Who Died in Custody — Ünsalan Özkan," <https://solidaritywithothers.com/prisoners-who-died-in-custody-unsalan-ozkan/>; "Üç ay sonra tahliye olacaktı, Sincan cezaevinde kalp krizi geçiren KHK'lı polis vefat etti," TR724; "Sincan'da kalp krizi geçiren KHK'lı polis vefat etti, tahliyesine üç ay kalmıştı," BoldMedya, 3 May 2026.

217 Solidarity with Others, "Prisoners Who Died in Custody — Durmuş Zorlu," <https://solidaritywithothers.com/prisoners-who-died-in-custody-durmus-zorlu/>; "Cezaevinde vefat eden KHK'lı polis: 'Bu suçlamayı ve cezaevi hayatını ben kaldıramam'," TR724.

serious health problems but deteriorated steadily over the course of his detention, becoming bedridden and eventually unable to use the toilet without the help of fellow prisoners; despite repeated warnings and calls for his release, he died on 16 June 2026.²¹⁸ And **İzzet Odabaşoğlu**, a former public servant dismissed by decree, died one day before his scheduled release; he reportedly was denied access to the prison infirmary for an extended period despite his complaints, experienced numbness in his arm, and was taken to hospital only after his condition worsened and he began vomiting blood, a delay that reportedly postponed his diagnosis.²¹⁹

Discrimination also continued to be entrenched in statute. The law that entered into force on 25 December 2025, popularly known as the “11th Judicial Package” — a new “COVID amnesty” granting early release to some 55,000 convicts in its first wave — repeated exactly the discriminatory model of the 2020 pandemic release law: persons convicted under organised-crime and anti-terror provisions — that is, precisely the sick teachers, housewives, dismissed police officers and civil servants documented in this chapter — were excluded from its scope. Justice Minister Yılmaz Tunç announced that processing had begun for prisoners who would benefit from the arrangement, while the exclusion of those convicted of organised-crime and terrorism offences was written explicitly into the text of the law — showing that even in the tenth year of the state of emergency, illness and old age remain, for Gülen-linked prisoners, not an exception to punishment but an extension of it.²²⁰

8.4 Systematic Discrimination in Probation and Conditional Release

The same discriminatory pattern has become entrenched at the sentence-execution stage as well. Article 105/A of Law No. 5275 on the Execution of Sentences and Security Measures allows

218 Solidarity with Others, "Prisoners Who Died in Custody — Mehmet Çıtlak," <https://solidaritywithothers.com/prisoners-who-died-in-custody-mehmet-citlak/>; "Hasta tutuklu hayatını kaybetti, cezaevinde yaşamasının mümkün olmadığı açıklanmıştı," BoldMedya, 16 June 2026, <https://boldmedya.com/2026/06/16/hasta-tutuklu-hayatini-kaybetti-cezaevinde-yasamasinin-mumkun-olmadigi-aciklanmisti/>.

219 Solidarity with Others, "Inadequate Living Conditions in Prison," <https://solidaritywithothers.com/inadequate-living-conditions-in-prison-2/>.

220 "11. Yargı Paketi İnfaz Düzenlemeleri," Av. Erdem Özkan, <https://avukaterdemozkan.com/ceza-hukuku/11-yargi-paketi-infaz-duzenlemeleri/>; "262 oyla, 55 bin tahliye: 11. yargı paketi yürürlükte!," Milliyet, 26 December 2025, <https://www.milliyet.com.tr/gundem/262-oyla-55-bin-tahliye-11-yargi-paketi-yururlukte-cezaevinden-tahliyeler-basladi-7509521>.

convicts with one year or less remaining before conditional release, and found to be of good behaviour, to serve the remainder of their sentence outside prison under a probation measure; Article 107 grants conditional release to convicts who have served three-quarters of their sentence with good behaviour. Law No. 7242, which entered into force on 15 April 2020, amended these provisions — largely in favour of non-terrorism convicts and against terrorism convicts — and placed the “good behaviour” assessment in the hands of an Administration and Observation Board, entirely subordinate to the prison administration, composed of a presiding prosecutor, the institution director, the deputy director responsible for observation, a monitoring-board member, health and social-work specialists, a psychologist and prison staff. Although this Board is required to decide on the basis of development reports keyed to scoring thresholds ranging from 45 to 80, it in practice imposes a “statement of remorse” requirement found nowhere in the legislation, leaves its decisions unreasoned, and offers no effective domestic remedy against them; local courts, the Court of Cassation and the Constitutional Court have lent the process legitimacy by almost never overturning these decisions.²²¹ The Finnish Immigration Service's 2024 country report criticised this state of affairs, finding that releases of political prisoners are arbitrarily delayed by administration and observation boards on the ground that the prisoner is “unrepentant” and “likely to carry out the same activities again” — conditioning liberty, in other words, on the renunciation of conscience.²²²

One victim of this pattern is **Murat Arslan**, former chair of YARSAV (the Union of Judges and Prosecutors) and a former rapporteur of the Constitutional Court. YARSAV was closed by decree on 23 July 2016; Arslan, then an auditor at the Court of Accounts, was arrested on 26 October 2016. On 19 January 2019, without any act or call to violence being alleged against him, and on the basis solely of an anonymous denunciation and the alleged presence of the ByLock application on his phone, he was sentenced to 10 years in prison for “membership of an armed terrorist organisation,” a sentence upheld by the Court of Cassation in March 2022. In recognition

221 Stichting Justice Square, *Türkiye’de Denetimli Serbestlik ve Koşullu Salıverilme Hususlarında Yaşanan Hukuksuz ve Ayrımcı Uygulamalar* [Unlawful and Discriminatory Practices Regarding Probation and Conditional Release in Türkiye], 2024.

222 Finnish Immigration Service, “Türkiye; Individuals associated with the Gülen movement,” June 2024.

of his efforts to defend judicial independence, Arslan received the Council of Europe Parliamentary Assembly's Václav Havel Human Rights Prize in 2017 and the International Association of Judges' Judicial Independence Award in 2022.²²³ Held at Sincan T-Type Prison, Arslan's probation request was rejected in April 2023, and the application for conditional release filed by his lawyer on 5 April 2024 was likewise rejected by the Administration and Observation Board; although the rejection decision explicitly acknowledged that he fully complied with prison rules and was of good behaviour, the right was denied on abstract, self-contradictory grounds such as his not being "ready to integrate into society" and the risk of reoffending not being "low" — even though the same Board had previously issued four separate findings of good behaviour in his case.²²⁴ In response, the presidents of the European Association of Judges for Democracy and Liberty (MEDEL), the Association of European Administrative Judges (AEAJ), the European Association of Judges (EAJ) and Judges for Judges sent a joint letter to Justice Minister Yılmaz Tunç on 29 April 2024, stating that Arslan continued to be arbitrarily detained despite having met all statutory preconditions for conditional release, that Sincan Prison was known for a pattern of denying conditional release without valid grounds, and that this discriminatory practice was inconsistent with the principles of impartiality and equality before the law.²²⁵ Despite these appeals, Arslan's objection to his continued detention was reportedly also rejected, and his release was once again postponed to a future date; as of the drafting of this report, Arslan remains held at Sincan T-Type Prison.²²⁶

223 Murat Arslan, Wikipedia, https://en.wikipedia.org/wiki/Murat_Arslan; "Free Murat Arslan," International Association of Judges (IAJ-UIM), <https://www.iaj-uim.org/iuw/free-murat-arslan/>.

224 "M.A'nın Nisan 2023'te denetimli serbestlikle tahliye talebi reddedilmiş ve bir yıl daha cezaevinde tutulmuştur..." Stichting Justice Square, Türkiye'de Denetimli Serbestlik ve Koşullu Salıverilme Hususlarında Yaşanan Hukuksuz ve Ayrımcı Uygulamalar, 2024; "YARSAV Başkanı Arslan hakkında tahliye talebi," Birgün, <https://www.birgun.net/haber/yarsav-baskani-arslan-hakkinda-tahliye-talebi-520610>.

225 Letter to the Turkish Minister of Justice in support of Murat Arslan (MEDEL, AEAJ, EAJ, Reçters voor Reçters), 29 April 2024, <https://www.rechtersvoorrechters.nl/uploads/2024/04/20240409-Letter-to-Minister-of-Justice-about-Murat-Arslan.pdf>; "4 judges associations in Europe send letter to Turkish justice minister for release of jailed jurist," Turkish Minute, 30 April 2024, <https://www.turkishminute.com/2024/04/30/4-judges-associations-in-europe-send-letter-to-turkish-justice-minister-for-release-of-jailed-jurist/>.

226 "YARSAV eski Başkanı Murat Arslan'ın tahliyesi ertelendi," Adalet TV, <https://www.adalet.tv/haber/yarsav-eski-baskani-murat-arslan-in-tahliyesi-ertelendi-59057.html>.

The case of cancer-stricken former judge **Mustafa Başer** (noted above) is one of the most striking examples of this pattern: held at Sincan F1 Prison since 1 May 2015, Başer was not granted probation even a full year after becoming entitled to it, and was not released even after his conditional-release right arose on 27 September 2022 following major surgery; his cancer has since recurred a third time. Malatya Bar lawyer **Turan Canpolat** was arrested on 27 January 2016 for having represented persons detained or arrested in Gülen-related investigations, and was sentenced to 10 years in prison; in July 2022, despite scoring 66 points — well above the statutory good-behaviour threshold of 45 — and having no disciplinary record, the Elazığ Prison Administration and Observation Board found him not to be of good behaviour on the ground that he had not “accepted the offence he was charged with” and had thanked a former wardmate who had helped an earthquake-affected family relocate; days before his conditional release was due, the same Board withdrew its earlier good-behaviour finding, stripping him of that right as well.²²⁷

Educator **İsmet Özçelik**, who was rendered from Malaysia to Türkiye by MİT in 2017 and in whose case the UN Human Rights Committee found that his detention had failed to meet the criteria of reasonableness and necessity, in violation of Article 9 of the International Covenant on Civil and Political Rights, was sentenced to nine years and eleven months; charged with making prayer beads from olive pits using a method the prison administration itself permitted, he was given a fifteen-day cell sanction and, through a separate public prosecution, an additional ten-month sentence; this arbitrary disciplinary proceeding, opened just six days before Özçelik —

227 "Cezaevinde hastalığı 3. kez nüksetti: Başer'in oğlu yetkilileri hukuku uygulamaya çağırdı," 11 January 2023, <https://www.shaber3.com/cezaevinde-hastaligi-3-kez-nuksetti-baser-in-oglu-yetkilileri-hukuku-uygulamaya-cagirdi-haberi/1404643/>; The Arrested Lawyers Initiative, "Persecution of a Decent Lawyer: The Case of Turan Canpolat," 9 May 2020, <https://arrestedlawyers.org/2020/05/09/the-case-of-turan-canpolat/>; European Parliament, written question E-006788/2020, 11 December 2020, https://www.europarl.europa.eu/doceo/document/E-9-2020-006788_EN.html; TR724, "Denetimli serbestlik hakkı verilmeyen Avukat Turan Canpolat'ın şartlı tahliye hakkı da gasp edildi," 27 July 2023, <https://www.tr724.com/avukat-turan-canpolat-bir-senelik-denetimli-serbestlik-suresi-bitmesine-ragmen-hala-tahliye-edilmiyor/>.

who suffers from heart disease and diabetes — became eligible for probation, effectively extinguished that right.²²⁸

The probation right that arose for lawyer **Ali Odabaşı** (noted above), former managing editor of Zaman, on 22 November 2022 was stripped from him by the Sincan T-Type Prison Administration and Observation Board on unlawful grounds; his conditional-release right, which arose on 22 November 2023, was first postponed by three months on the ground that he would be “unable to adapt to society,” then postponed a further three months, and on 20 February 2024 a finding of good behaviour was made only to be reversed the very next day, blocking his release once again.²²⁹ The probation request made by 84-year-old **Halil Karakoç** (noted above) in May 2024 was rejected by the Board without any concrete justification; yet under the ECtHR's settled case-law, Article 3 of the Convention requires the state to hold prisoners in conditions consistent with human dignity and to safeguard their health through necessary medical assistance, and in particularly severe cases the proper administration of justice may require recourse to humane measures.²³⁰

Adil Somali, who supported his family of two children by selling vegetable and flower seeds in Ödemiş, was detained for a year in connection with a Gülen-related investigation before being released; upon the finalisation of his six-year-three-month sentence he was returned to prison, and on 11 July 2024, having become eligible for probation, was transferred to an open prison. However, because the Administration and Observation Board did not convene, his remaining time in custody was automatically extended; upon learning of the extension, Somali

228 UN Human Rights Committee, İsmet Özçelik and Turgay Karaman v. Turkey, Communication No. 2980/2017, CCPR/C/125/D/2980/2017, 23 September 2019; Advocates of Silenced Turkey (AST), “Global Purge”: 144 Abductions Conducted By The Turkish Government In Turkey And Abroad, 23 June 2021; Stockholm Center for Freedom, “Man imprisoned on Gülen links to spend 10 more months behind bars for making prayer beads,” 8 November 2023, <https://stockholmcf.org/man-imprisoned-on-gulen-links-to-spend-10-more-months-behind-bars-for-making-prayer-beads/>.

229 Kronos, “Sincan Cezaevi, avukat Ali Odabaşı’nı keyfi olarak hapiste tutuyor,” 11 April 2024, <https://kronos37.news/tutuklu-avukatin-esi-sincan-cezaevine-sesleniyorum-esimin-yasam-hakkiyla-oyunuyorsunuz/>; International Journalists Association (IJA), “Zaman Eski Yazı İşleri Müdürü Ali Odabaşı Keyfi Olarak Tutuklu Tutuluyor,” 13 May 2024, <https://internationaljournalists.org/zaman-eski-yazi-isleri-muduru-ali-odabasi-keyfi-olarak-tutuklu-tutuluyor/>.

230 Grimailovs v. Latvia, App. No. 6087/03, 25 June 2013, § 150; Yunusova and Yunusov v. Azerbaijan, App. No. 59620/14, 2 June 2016, § 138; Enea v. Italy [Grand Chamber], App. No. 74912/01, 17 September 2009, § 58.

suffered a brain haemorrhage and fell into a coma, dying on 20 July 2024 at the age of 58.²³¹ MAZLUMDER Chairman, lawyer Kaya Kartal, has stated that the Forensic Medicine Institution behaves arbitrarily toward sick prisoners, that even individuals plainly unfit to remain in prison are not released, and that by contrast, when it comes to “the state's own kind,” reports are issued and releases granted with far greater ease — citing as an example the release of the generals convicted in the 28 February case; he has stated that in recent years there has been a deliberate pattern of running out the probation and conditional-release clocks of political prisoners specifically.²³²

The comparison Kartal points to is confirmed by the official record. Seven former senior generals convicted, by judgment of the Ankara 5th High Criminal Court (Case No. 2018/248), of attempting to forcibly overthrow the Government of the Republic of Türkiye and sentenced to aggravated life imprisonment in the “28 February case,” were released on 16 May 2024 by presidential decision under Article 104/16 of the Constitution, on the ground that they were ill or elderly — even though they had not yet reached their conditional-release or probation dates — with the remainder of their sentences lifted. That decision is, in itself, the correct one; but Gülen-linked convicts, sentenced far more lightly than these generals, older and more seriously ill than they are, and whose probation and conditional-release periods have long since arrived, are systematically denied the same humane treatment.²³³

231 Kronos, “Sebze tohumu satıyordu: Tahliyesi engellenen esnaf cezaevinde hayatını kaybetti,” 23 July 2024, <https://kronos37.news/sebze-tohumu-satiyordu-tahliyesi-engellenen-esnaf-cezaevinde-hayatini-kaybetti/>.

232 İndyTürk, “Denetimli serbestlikte keyfi uygulama iddiası... Aktivistler uygulama çıkırından çıktı,” <https://www.indyturk.com/node/653816/haber/denetimli-serbestlikte-keyfi-uygulama-iddias%C4%B1%E2%80%A6-aktivistler-uygulama-%C3%A7%C4%B1%C4%9F%C4%B1r%C4%B1ndan>.

233 Resmî Gazete, 17 May 2024, <https://www.resmigazete.gov.tr/eskiler/2024/05/20240517-1.pdf>; “Erdoğan’dan 28 Şubat hükümlüsü 7 eski komutana af,” Euronews Türkçe, 17 May 2024, <https://tr.euronews.com/2024/05/17/erdogandan-28-subat-hukumulusu-7-eski-komutana-af>.

9. HATE SPEECH AS STATE POLICY

9.1 Conceptual Framework: From Hate Speech to Hate Crime

Hate speech is a form of expression that targets, devalues, excludes, and dehumanizes individuals based on their identities, at times even legitimizing violence; the harm it inflicts is not limited to the directly targeted individuals but also erodes the common foundation of social coexistence.²³⁴ The Council of Europe's Recommendation No. R(97)20, dated October 30, 1997, defines hate speech as encompassing all forms of expression that spread, incite, promote, or justify racial hatred, xenophobia, antisemitism, or other forms of hatred based on intolerance—including aggressive nationalism, ethnocentrism, and hostility toward minorities and migrants.²³⁵ Similarly, the EU Framework Decision 2008/913/JHA mandates that member states criminalize the public incitement to violence or hatred directed at a group defined by race, color, religion, descent, or national or ethnic origin. Hate speech and hate crime are conceptually distinct but causally linked: hate speech symbolically excludes a group, sending the message to its members that they "have no place in society"; hate crime is the foreseeable, and at times consciously designed, next stage of this process—an often violent act where victims are targeted not for what they have done, but for who they are.

9.2 The Primary Target of Recent Hate Speech: The Gülen Movement

As discussed in the relevant sections above, the most visible form of social hatred is the transformation of a specific group into a symbol of "*absolute evil*." In Türkiye, populist political discourse and state-aligned hate speech have, in recent years, primarily targeted the Gülen

234 Stichting Justice Square, Hate Speech Report Towards the Gülen Movement in Türkiye, 26 Aralık 2025, <https://justicesquare.org/hate-speech-report-towards-the-gulen-movement-in-turkiye/> (tam metin: <https://justicesquare.org/wp-content/uploads/2025/12/HATE-SPEECH-REPORT-25-12-2025.pdf>).

235 Council of Europe, Recommendation No. R(97)20 on "hate speech," 30 October 1997; Council Framework Decision 2008/913/JHA of 28 November 2008, art. 1(a).

Movement. The Gülen Movement²³⁶ is described and widely recognised²³⁷ as a contemporary civil society movement that has gained prominence through its educational and cultural activities and that is based on principles of dialogue and tolerance. The Gülen Movement, which could not align with the policies of the Justice and Development Party (AKP), which has pursued a form of political Islam, and which did not come under the control of the ruling regime, has been subjected to one of the most intense, large-scale, and systematic hate speech campaigns in the country's history. In particular, following the corruption and bribery investigations of 17–25 December, in which members of the Erdoğan administration were allegedly implicated, the Gülen Movement was systematically targeted and placed at the center of a hate-based policy framework aimed at its social exclusion and eventual erasure from society.²³⁸

The bribery and corruption investigations of 17–25 December 2013 are widely regarded as a critical turning point in Türkiye's recent political history.²³⁹ International academic studies and media analyses indicate that this process was not limited to allegations of corruption alone; rather, it had profound implications for judicial independence, the balance of political power, and the functioning of state institutions.²⁴⁰ The investigations also gained international relevance in the broader context of measures imposed on Iran by the United States and the United Nations,

236 Bülent Aras and Ömer Caha, 'Fethullah Gulen and His Liberal "Turkish Islam" Movement' *Middle East Review of International Affairs* 4(4) (December 2000) https://ciaotest.cc.columbia.edu/olj/meria/meria00_arb01.html accessed 14 April 2026.

237 See for further details: Elisabeth Özdalga, 'Worldly Asceticism in Islamic Casting: Fethullah Gülen's Inspired Piety and Activism' *Critique* (17) (Fall 2000) 83–104.; Berna Turam, *Between Islam and the State: The Politics of Engagement: The Engagements between the Gülen Community and the Secular Turkish State* (PhD thesis, McGill University 2001).; Doğu Ergil, *Fethullah Gülen & The Gülen Movement in 100 Questions* (Blue Dome Press 2012).; Bekim Agai, 'Fethullah Gülen Hareketinin Eğitime İslamî Etik Kazandırma Projesi', (27 February 2003) <https://fgulen.com/tr/hayati-tr/hareketi-incelemeler/Bekim-Agai-Fethullah-Gulen-Hareketinin-Egitime-Islami-Etik-Kazandırma-Projesi> accessed 15 April 2026.

238 SJS, 'Hate Speech Report', p.47 et seq.; Wikipedia, '2013 corruption scandal in Turkey' https://en.wikipedia.org/wiki/2013_corruption_scandal_in_Turkey accessed 15 April 2026.

239 Berivan Oruçoğlu, 'Why Turkey's Mother of All Corruption Scandals Refuses to Go Away', *Foreign Policy* (6 January 2015) <https://foreignpolicy.com/2015/01/06/why-turkeys-mother-of-all-corruption-scandals-refuses-to-go-away/> accessed 15 April 2026.

240 Kamil Yılmaz and Mehmet Alper Sözer, '17/25 December Graft Probe in Turkey and Understanding Erdoğan's Invincibility: A Critical Discourse Analysis', *Sicurezza, Terrorismo e Società: International Journal — Italian Team for Security, Terroristic Issues & Managing Emergencies* (1/2015) p. 55 et seq.

particularly due to alleged financial and political connections with Iran.²⁴¹ Within the scope of these investigations, serious allegations of bribery and corruption were raised against senior political figures, including then-Prime Minister Recep Tayyip Erdoğan and individuals within his close circle. However, the process was swiftly halted, and members of the judiciary and law enforcement officers involved in the investigation were removed from their positions.²⁴² These developments are addressed in the international literature in terms of institutional weakening in Türkiye, increasing political influence over the judiciary, and the erosion of accountability mechanisms.²⁴³

Following the corruption and bribery operations of 17–25 December, hate-based policies that were gradually consolidated were later transformed into state policy, particularly under the justification of the alleged coup attempt of 15 July. As a result, individuals were effectively subjected to a form of “civil death”, both in prisons and in civilian life, as a consequence of these hate-driven policies. In particular, those dismissed from public service through emergency decree laws (OHAL KHKs) became primary targets of hate discourse within society. In other words, the close relationship between hate speech and state policies contributed to the acceleration and deepening of this process.²⁴⁴

The Erdoğan administration, through an institutionalised propaganda apparatus, has systematically and deliberately employed terms such as “FETÖ, FETÖ/PDY, *parallelist*, *Fethullahist Terrorist Organisation*, *traitor*, *coup plotter*, *separatist*, *virus*, *puppet*, *militant*, *vandal*, *Hashashi* (*Hashshashin/assassin*), *agent*, and *servant of foreign powers*,”²⁴⁵ in every political

241 Cenap İltar, 'Breaking the United Nations Sanctions against Iran and Its Relation to 17–25 December 2013 Political Scandals in Türkiye', *Journal of Economic Criminology* 12 (2026) pp.1–26 <https://doi.org/10.1016/j.jeconc.2026.100219> accessed 15 April 2026.

242 Dexter Filkins, 'Turkey's Thirty-Year Coup' *The New Yorker* (17 October 2016) <https://www.newyorker.com/magazine/2016/10/17/turkeys-thirty-year-coup> accessed 16 April 2026.

243 Hakkı Taş, 'Turkey — From Tutelary to Delegative Democracy', *Third World Quarterly* (2015) 36(4) pp. 776–791, <https://doi.org/10.1080/01436597.2015.1024450> accessed 15 April 2026. Kemal Kirişçi, 'New Year, New Leaf? What to Watch in Turkey in 2016' (4 January 2016) Brookings Institution <https://www.brookings.edu/articles/new-year-new-leaf-what-to-watch-in-turkey-in-2016/> accessed 16 April 2026.

244 Bakırcıoğlu, "Freedom of Expression and Hate Speech", p.1; Karagöz, "Journalism in Exile", p.209–210.

245 Bülent Aras and Ömer Caha (n 238) (illustrative usage); Perry and others, "Planting Hate Speech", p.195–196.

development favourable to the government or in every instance where the government has faced political difficulty.²⁴⁶

Members of the Movement have become victims of this hate-based discourse, which undermines human dignity, as well as of discriminatory state practices and unlawful judicial decisions. As hate speech has become increasingly widespread, daily life has become considerably more difficult for members of the Gülen Movement.²⁴⁷ Indeed, exclusionary language manifests itself most rapidly in street-level interactions and everyday social relations.

Beyond legal persecution, the Erdoğan regime seeks to systematically erase Gülen-linked individuals both psychologically and socially. Affiliated or perceived as affiliated with the Gülen Movement, individuals are now deprived of their ability to freely express their opinions, visit loved ones, or engage in economic activities. In Türkiye, especially for those who have been subjected to a FETÖ investigation, openly expressing sympathy for the Gülen Movement or posting related content on social media almost invariably leads to imprisonment. As a result, individuals are compelled to live in fear of expressing their views, often going so far as to deny their own identities. The regime effectively demands that these individuals suppress their emotions and thoughts, compelling them into a state of social invisibility.

Thousands of individuals have been included in dismissal lists without sufficient evidence, detained, had their passports confiscated, subjected to ill-treatment, or left to die in prison conditions.²⁴⁸ During this process, a logic of “*collective punishment*” directed against opposition groups, Kurds,²⁴⁹ and the Gülen Movement has, in practice, replaced the rule of law.²⁵⁰

246 Piazza, 'When Politicians Use Hate Speech'.

247 Perry and others, "Planting Hate Speech", p.202-203.

248 Szarfenberg, "From Label to Harm", p.250-251.

249 Balázs Vizi, 'Concluding Remarks — Collective Punishment, Human Rights and Conflict Resolution', in *Collective Guilt in Central Europe after the Second World War and Now* (2023) pp.226 https://doi.org/10.36250/01228_09, accessed 16 April 2026.

250 Stockholm Center for Freedom, *Family Punishment in Turkey: How Erdoğan Uses the Nazi Practice of Sippenhaft* (July 2024) pp. 10 et seq., <https://stockholmcf.org/wp-content/uploads/2024/07/Family-Punishment-in-Turkey.pdf> accessed 16 April 2026.

In this context, Türkiye has been accused of misusing counter-terrorism and national security legislation to restrict rights and freedoms.²⁵¹ Under the justification of terrorism and security concerns, practices such as torture, ill-treatment, strip searches in detention facilities, the transfer of pregnant women from maternity wards to prisons, and the imprisonment of children alongside their mothers have been reported. These practices illustrate that the regime's hate-based policies have disregarded basic human and moral limits.

In this respect, the hate-based policies directed particularly against the Gülen Movement have gone beyond verbal attacks and have evolved into a form of biopolitical weapon. The Erdoğan administration has targeted the very right of existence, the living space, and the identity of members of the Movement. In Hannah Arendt's terms, the process of civil death, which entails the removal of the individual's status as a "*subject of rights*", has, in the Turkish context, increasingly become a mode of governance.²⁵²

9.3 Hate Speech by Politicians in Türkiye

As explained above, authoritarian regimes are characterised by the use of various instruments to suppress political opposition and, as a result, lack the pluralistic environment guaranteed by freedom of expression. This situation reflects an inherent tension within democracy: the protection of freedom of expression also provides space for actors who may potentially use this freedom to undermine the democratic order. Among the principal tools employed by such actors are populist political strategies and hate speech.²⁵³

Political leaders, particularly those targeting minority groups, frequently employ polarising, divisive, and hate-driven language in order to mobilise political supporters and, at the same time, to delegitimise and dehumanise their political opponents. This form of hate-based discourse also contributes to the deepening of political polarisation.²⁵⁴ At this point, it is widely

251 World Organisation Against Torture, 'The On Terrorism-Anti Human And Law Defenders Rights in Turkey' (13 June 2022) pp.1–8 https://www.omct.org/site-resources/legacy/Briefing-Turkey-Counter-Terrorism_ENG.pdf accessed 16 April 2026.

252 SJS, "Hate Speech Report", p.12 et seq.

253 Bakırcıoğlu, "Freedom of Expression and Hate Speech", p.1; Karagöz, "Journalism in Exile", p.209-210.

254 Piazza, 'When Politicians Use Hate Speech'.

accepted that when political expression exceeds the boundaries of freedom of expression and enters the realm of hate speech, it falls outside the legitimate scope of that freedom.

In this context, particularly in Türkiye, populist political discourse employed by President Erdoğan has contributed to the instrumentalisation of hate speech as a strategic tool in electoral campaigns, and this process has regrettably led to its normalisation.²⁵⁵ It has been observed that, during each electoral cycle, hate-based narratives are shaped in line with populist policies perceived as most likely to maximise electoral support.

In the populist political discourse shaped by President Recep Tayyip Erdoğan, hate speech is employed as a strategic instrument in election campaigns to marginalise opposition parties and dissenting groups, consolidate the electoral base, and deepen societal polarisation. At the core of this discourse lies a sharp distinction between “us” (the nation) and “them” (elites, actors associated with terrorism, or foreign powers). This framework generates a language that systematically questions the legitimacy of political opponents.²⁵⁶

The chorus was joined by every register of public authority. The Minister of Interior’s operation announcements describe untried detainees as “*traitors who mercilessly opened fire on our people*”, “*who tried to crush us with tanks*”, “*who tried to steal the future of millions of young people*”; the leader of the governing coalition’s junior partner demands that “the process continue until the last FETÖ member is neutralised”; a governing-party parliamentarian, speaking at a nationalist association in Germany, promised: “*We will not give them the right to live in Germany as we do not give them the right to live in Türkiye... wherever in the world they are hiding, we will bring them out of the hole and destroy them*” — a statement that prompted a German criminal investigation for public incitement.²⁵⁷ The scale of the media echo has been quantified. A monitoring project analysing

255 Ülkü Doğanay, 'The Rhetoric of Fear in Turkish Politics: Instrumentalising Hate Speech in Electoral Campaigns', Populism and Passions, Joint Sessions of Workshops, Charles University, 20–23 May 2025, European Consortium for Political Research, <https://ecpr.eu/Events/Event/PaperDetails/79164> accessed 16 April 2026.

256 Demir, 'Erdoğan’s Populist Rhetoric and Hate Speech', p.63.

257 X (Twitter) announcements of Minister Yerlikaya (collected, 2023–2025); statement of MHP leader Devlet Bahçeli, 15 January 2023; on the Neuss speech and the Cologne investigation, *Deutsche Welle Türkçe*, 16 January 2023, <https://www.dw.com/tr/akpli-vekilin-almanyadaki-konu%C5%9Fmas%C4%B1-tepkilere-yola%C3%A7t%C4%B1/a-64403966>.

nineteen national outlets and 473 columnists identified **917,061 expressions of hate speech** directed at the Gülen movement between 2015 and 2020, distributed across four analytic categories: 10,927 items of intolerance, exaggeration and distortion; 3,088 attacks on rights and reputation (insult and denigration); **159,837 items of incitement to enmity, discrimination or violence**; and **685 items of incitement to genocide or crimes against humanity**.²⁵⁸

The characterization of operations against members of the Gülen Movement as a '**great state purification**' (*büyük devlet arınması*)²⁵⁹ by Minister of Justice Akın Gürlek, in his interview with the *Sabah* newspaper on July 12, 2026, and his subsequent statement on the social media platform X on July 13, 2026, serves as a striking example of the institutionalization of this hate-based discourse. This expression is not limited to targeting a specific group; rather, it legitimizes the purge of this group through an ideological lens of 'purification' and reflects a discourse reminiscent of Stalin's 'Great Purge'.

This strategy operates through several distinct mechanisms. First, the criminalisation of the opposition is particularly notable. Political parties such as the HDP / DEM Party²⁶⁰, as well as dissenting actors such as the Gülen Movement, are frequently labelled as being "*linked to terrorism*," "*traitors*," or "*anti-national*," thereby delegitimising the opposition at the societal level. This discourse aims to strip the opposition of its legitimacy and transform it into an object of public hostility.²⁶¹ Second, political consolidation is achieved through polarisation. Especially during election periods, the emphasis on "*national and indigenous*" rhetoric reinforces identity-based divisions among voters. This process leads to the coding of opposition groups as "*the*

258 Solidarity with Others, *Hate Crime Monitoring Project against the Members of the Gülen Movement* (2015–2020 dataset), <https://nefretsucu.com/proje-kapsami>.

259 <https://x.com/sabah/status/2076208984734773369?s=12>;
<https://x.com/abakingurlek/status/2076547344137322749?s=12>

260 Serhat Tutkal, 'As Elections Approach in Turkey, Erdoğan's Anti-Kurdish Rhetoric Fuels Repression', (27 April 2023) Kurdish Peace Institute, <https://www.kurdishpeace.org/research/democracy/as-elections-approach-in-turkey-erdogans-anti-kurdish-rhetoric-fuels-repression/> accessed 17 April 2026.

261 Demir, 'The Impact of Hate Speech', p.6.

other,"²⁶² while divisive language deepens existing social fault lines.²⁶³ Third, targeting of specific social groups becomes evident. Groups such as the Gülen Movement, which is in ideological tension with Erdoğan's political Islam, LGBTQ+ individuals, as well as certain ethnic and religious communities, may become the focus of hate-based discourse under the narrative of protecting traditional and religious values.²⁶⁴

In addition, the media and communication tools under Erdoğan's influence play a critical role in the dissemination of this discourse.²⁶⁵ Through extensive control over media outlets, polarising language reaches wide segments of society; this process, at times combined with disinformation, limits the visibility of dissenting voices²⁶⁶ and can directly influence electoral outcomes.²⁶⁷

Finally, conspiracy narratives such as the *"interest rate lobby," "foreign powers,"* and similar tropes are used to externalise responsibility for economic and political problems. These narratives function as a complementary mechanism for shaping public perception and directing societal attitudes.²⁶⁸

9.4 The Transformation of Hatred into the Language of the State in Türkiye

In Türkiye, certain individuals, groups, and organisations have periodically been made the target of hate speech. As a consequence of the limited development of a democratic societal structure and the continual instrumentalisation of society within political processes, it is a well-documented reality that, in every period, certain ideologies and formations have emerged and

262 Kareem Fahim, 'Erdogan Continues Divisive Rhetoric Following Victory', (30 May 2023) The Washington Post <https://www.washingtonpost.com/world/2023/05/29/erdogan-post-election-harsh-rhetoric/> accessed 17 April 2026.

263 Demir, 'Erdoğan's Populist Rhetoric and Hate Speech', p.63-64.

264 Demir, 'Erdoğan's Populist Rhetoric and Hate Speech', p.69.

265 Demir, 'Erdoğan's Populist Rhetoric and Hate Speech', p.70.

266 Reporters Without Borders, 'Erdoğan Has Used His Control of the Media to Rig Türkiye's Elections' (25 May 2023) <https://rsf.org/en/erdo%C4%9Fan-has-used-his-control-media-rig-turkiye-s-elections> accessed 17 April 2026.

267 Human Rights Watch, 'Turkey's Control of the Internet Threatens Election', (10 May 2023) <https://www.hrw.org/news/2023/05/10/turkeys-control-internet-threatens-election> accessed 17 April 2026.

268 Onur Özger, 'AKP Siyasetinde Popülist Bir İnşa Pratiği Olarak Milli İrade Söylemi', Moment Dergisi (Journal of Cultural Studies, Hacettepe University Faculty of Communication), (2021) 8(1) p.342, <https://doi.org/10.17572/mj2021.1.330352>. accessed 17 April 2026.

adopted anti-democratic and inhumane practices driven by political motivations. Rather than recognising social diversity as a source of enrichment, these anti-democratic structures and their political extensions have consistently positioned themselves in favour of exclusion, denial of rights, intolerance, and the dissemination and legitimisation of hatred. For this reason, groups such as Kurds, Roma communities, Armenians, Christians, and Jews, as well as, in more recent years, migrant groups — particularly Syrians²⁶⁹ who were forced to flee war and internal conflict — have frequently been the targets of hate speech.²⁷⁰

It has been observed that hate discourse has, at certain periods, been elevated to a dominant political narrative in Türkiye. In the most recent period, the primary target of such discourse has been Gülen Movement, which has been portrayed as diverging from the Erdoğan administration in terms of both democratic and Islamic values.²⁷¹ Following the corruption and bribery investigations initiated on 17–25 December 2013, the Erdoğan administration began to employ a systematic form of hate speech against Gülen Movement.²⁷² It is observed that the polarising and targeting language that has become prominent in the discourse of the political authorities has contributed to an increase in social exclusion, discrimination, and acts of violence against individuals associated with Gülen Movement.²⁷³

In recent years, hate speech has ceased to be merely a rhetorical choice and has instead transformed into an ideological instrument of the state in Türkiye. Under the guise of “*national security*” and “*counter-terrorism*,” the political power has turned this constructed language of hostility into a tool both for disciplining society and for consolidating its own legitimacy.

269 Human Rights Association, Hate Crimes Report, p.4; Hrant Dink Foundation, "Medyada Nefret Söylemi ve Ayrımcı Söylem 2019 Raporu", (Istanbul, September 2020) <https://hrantdink.org/attachments/article/2665/Nefret-soylemi-ve-Ayr%C4%B1mc%C4%B1-Soylem-2019-Raporu.pdf> accessed 17 April 2026. (According to the report, the other groups most frequently targeted in 2019 were as follows: Jews (676 instances of hate speech), Greeks (603), Christians (604), British (223), French (140), Arabs (123), and non-Muslims (98).)

270 Ayşe Deniz Göktaş, Hate Crime in Turkey: Implications of Collective Action, Media Representations and Policy Making (Cambridge Scholars Publishing 2017) 110 et seq.

271 Wikipedia, 'AK Party–Gülen Movement Conflict' https://en.wikipedia.org/wiki/AK_Party%E2%80%93Gülen_Movement_Conflict accessed 17 April 2026.

272 SJS, "Hate Speech Report", p. 47 et seq.

273 Perry and others, "Planting Hate Speech", p.195-196.

Regrettably, this has, to a certain extent, become a state practice. In particular, the post-2016 period in Türkiye represents an era in which freedom of expression has been eroded in favour of hate speech. State-aligned media campaigns against Gülen Movement, together with the repeated use by political actors of labels such as “FETÖ,” “traitor,” “terrorist,” and “virus,” have contributed to the normalisation of hate discourse within large segments of society.²⁷⁴

The terms “traitor,” “terrorist,” “coup plotter” and “FETÖ member,” when repeatedly used as hate-based labels against a group, have gone beyond being mere political descriptors and have become symbols of exclusion, ostracisation, dehumanisation, and social erasure.²⁷⁵ These expressions have been used as justification for depriving thousands of individuals of their employment, liberty, identity, and dignity. Recep Tayyip Erdoğan, who has governed Türkiye for more than 23 years, has systematically employed populist strategies and hate discourse as part of a broader mechanism for maintaining political power. This strategy has deepened divisions within Turkish society, equated political opposition with terrorism, and thereby contributed to the weakening of democratic standards. In particular, the use of severe labels such as “terrorist,” “traitor,” “coup plotter,” and “FETÖ member” in relation to Gülen Movement is not incidental. Rather, it reflects a classical political strategy aimed at delegitimising opponents and reinforcing one's own political position through the systematic use of exclusionary language.²⁷⁶

In the populist discourse of the Erdoğan administration, the concept of the “enemy” is dynamic in nature; the target shifts according to the political needs of the regime. When the period since 2016 is examined, it is observed that Erdoğan's rhetoric of fear and hostility has increasingly targeted various segments of the social opposition, portraying them as threats to the nation. These groups have included Kurds associated with terrorism, Gülen Movement which was accused of orchestrating the coup attempt, opposition politicians, mayors, human rights defenders, academics, journalists, women, and students.²⁷⁷ The core discursive strategy has been to homogenise disparate opposition actors into a single category and label them as “terrorists,”

274 Szarfenberg, 'From Label to Harm', p.248.

275 Szarfenberg, 'From Label to Harm', p.268.

276 Demir, 'Erdoğan's Populist Rhetoric and Hate Speech', p. 73-74.

277 Doğanay, 'The Rhetoric of Fear in Turkish Politics'.

“criminal gangs,” or *“looters,”* thereby dehumanising and delegitimising them. The exclusionary language employed by Erdoğan has expanded to encompass Kurds, leftists, liberals, and all those in opposition to his rule.²⁷⁸ In recent years, this discourse has also been actively directed against the Gülen Movement.²⁷⁹

At this point, a dehumanising and exclusionary language has been institutionalised across nearly all levels of the state apparatus, ranging from the highest state authorities to the media, as well as institutions such as the Presidency of Religious Affairs and the national education curriculum. In this way, hatred has ceased to be merely a discourse and has become a foundational rationale of the regime. In other words, a hate-based discourse that initially emerges at the level of rhetoric has been transformed into state policy.

9.5 The Impact of the Construction of a New Regime in Türkiye on the Spread of Hate Speech

One of the reasons why hatred has been systematically transformed into the language of the state in Türkiye is the transition from a democratic state structure to what can be described as a regime-based state. This transformation, which may be referred to as the Erdoğan regime, involved a structural reconfiguration of the political system. During the state of emergency (OHAL), a large number of public institutions were dismantled through decree-laws (KHKs)²⁸⁰, while at the same time the regime consolidated itself by placing loyal cadres within key state structures. Ultimately, with the constitutional amendment approved by referendum on 16 April 2017, Türkiye shifted from a parliamentary system to the *“Presidential Government System.”* Although the new system is formally referred to as the *“Presidential Government System,”* it has in practice been widely characterised as a transition towards what may be described as a *“one-man*

278 Kurt, "Dijital Populism", p.51.

279 Demir, 'Erdoğan's Populist Rhetoric and Hate Speech', p.67.; Szarfenberg, "From Label to Harm", p.249.

280 Venice Commission, 'Turkey — Opinion on Emergency Decree Laws Nos. 667–676 Adopted Following the Failed Coup of 15 July 2016' (Opinion No. 865/2016, CDL-AD(2016)037, 9–10 December 2016), Prg. 137-139, <https://www.venice.coe.int/webforms/documents/?opinion=865&year=all> accessed 17 April 2026.

rule” or an “*authoritarian regime*.”²⁸¹ In this structure, executive authority is concentrated in the office of a single individual, who is vested with an unprecedented level of power.²⁸²

The reforms introduced during the transition to the Presidential Government System were subject to criticism by several international bodies, particularly the Venice Commission.²⁸³ These constitutional amendments led to a restructuring of state institutions, including the judiciary, in a manner widely assessed as aligning them with a highly centralised executive system. Within this one-man rule framework, hate-based policies developed under the Erdoğan administration began to be implemented across public institutions.²⁸⁴ What had previously been more rhetorical in nature increasingly took on an institutional character. In this sense, hate speech evolved from an individual-level phenomenon into a structurally embedded and institutionalised practice. At this point, individuals associated with the Gülen Movement, as well as other opposition groups, began to experience discrimination and exclusion within public institutions. Similarly, in prisons and during detention processes, a climate shaped by state policy and reinforced by hate discourse is reported to have contributed to instances of torture, ill-treatment, and related violations. Various studies indicate that the frequency of such incidents tends to increase during periods in which hate-based political rhetoric becomes more intense.²⁸⁵

In this context, according to a report published on 12 June 2025 by the European Commission against Racism and Intolerance (ECRI)²⁸⁶, a body of the Council of Europe, a

281 Seren Selvin Korkmaz, 'The Role of the Opposition in Autocratisation: The Case of Turkey', *Third World Quarterly*, (2025) 46(2) p.262, <https://doi.org/10.1080/01436597.2024.2351435>. accessed 18 April 2026.

282 Alan Makovsky, 'Erdoğan's Proposal for an Empowered Presidency', (March 2017) Center for American Progress, 1–12 <https://www.americanprogress.org/wp-content/uploads/sites/2/2017/03/TurkeyProposedPresidential-report.pdf> accessed 18 April 2026.

283 Venice Commission, 'Turkey — Opinion on the Amendments to the Constitution Adopted by the Grand National Assembly on 21 January 2017 and to Be Submitted to a National Referendum on 16 April 2017' (Opinion No. 875/2017, CDL-AD(2017)005, adopted at the 110th Plenary Session, Venice, 10–11 March 2017) <https://www.coe.int/en/web/venice-commission/-/turkey-opinion-on-the-amendments-to-the-constitution-adopted-by-the-grand-national-assembly-on-21-january-2017-and-to-be-submitted-to-a-national-referendum-on-16-april-2017-adopted-by-the-venice-commission-at-its-110th-plenary-session-venice-10-11-march-1> accessed 18 April 2026.

284 Perry and others, "Planting Hate Speech", p.203-204.

285 Perry and others, "Planting Hate Speech", p.200 vd.; Szarfenberg, "From Label to Harm", p.251.

286 European Commission against Racism and Intolerance (ECRI), 'ECRI Report on Türkiye (Sixth Monitoring Cycle)' (adopted 18 June 2023, published 12 June 2025) Council of Europe <https://rm.coe.int/sixth-report-on-turkiye/1680b65698> accessed 18 April 2026.

significant increase in hate speech and hate-motivated violence in Türkiye has been documented, particularly affecting non-Muslim communities (Jews and Christians), Alevis, Kurds, refugees and migrants, as well as LGBTI+ individuals.

In the process through which hate-based politics has been transformed into state practice, the consolidation of media control through institutions such as the Presidency of Communications, the Radio and Television Supreme Council (RTÜK), and the Savings Deposit Insurance Fund (TMSF) has drawn comparisons with the propaganda model associated with Goebbels in Nazi Germany.²⁸⁷ State ideological apparatuses have contributed to the institutionalisation of hatred through the continuous repetition of labels such as “*virus*,” “*terrorist*,” and “*traitor*.”²⁸⁸

A report prepared by Amnesty International, which analyses the state of human rights in more than 159 countries, highlights that governments and armed actors have committed large-scale human rights violations, with torture, ill-treatment, arbitrary arrests, and enforced disappearances becoming widespread in many contexts.²⁸⁹ Another notable finding of the report is the increasing prevalence of polarising and exclusionary rhetoric used by political leaders. Such discourse has fuelled hate, discrimination, and violence by portraying certain groups as “*threats*”, thereby deepening social divisions in many countries. According to the report, countries such as China, Egypt, Ethiopia, India, Iran, Thailand, and particularly Türkiye have implemented extensive repressive policies and carried out harsh measures against opposition groups. In Türkiye, this process has been characterised by mass detentions, restrictions on freedom of expression, and the widespread use of emergency powers. In this respect, Türkiye is presented not only as a country where security policies have become increasingly stringent, but also as an example where “*systematic mechanisms of repression have become institutionalised*.” Mass repression practices, the normalisation of extraordinary powers, and the targeting of opposition groups

287 SJS, “Hate Speech Report”, p. 99-100.

288 Demir, ‘Erdoğan’s Populist Rhetoric and Hate Speech’, p.68.

289 Amnesty International, Amnesty International Report 2016/17: The State of the World’s Human Rights (London 2017) <https://www.amnesty.org/en/latest/press-release/2017/02/amnesty-international-annual-report-201617/> accessed 18 April 2026.

indicate a significant deterioration in human rights standards. This situation demonstrates that the policies implemented in Türkiye are not limited to security concerns alone, but have evolved into a governance practice aimed at political control and the broader restructuring of society.

The judicial handling of incitement forms part of this same pattern. Organised-crime figure Sedat Peker, speaking at a memorial event in Üsküdar on the first anniversary of the coup attempt, declared: "Prisons will be raided one day too ... after we have hanged everyone we catch outside on trees and flagpoles, we will go into those prisons as well. We will hang them there too. We will hang them from their necks on flagpoles." The Istanbul Anadolu Chief Public Prosecutor's Office indicted Peker for "public incitement to commit an offence"; the Istanbul court acquitted him in 2018, reasoning that his remarks were addressed to members and sympathisers of the FETÖ/PDY organisation and that "standing with the state and the nation against terrorist organisations, whatever their name, is the duty and obligation of every Turkish citizen" — incitement to lynching, in other words, was treated by the court as an exercise of civic virtue.²⁹⁰

The European Court of Human Rights has consistently held that hate speech falls outside the protection of freedom of expression, whether excluded entirely under Article 17's prohibition on abuse of rights or restricted as a proportionate limitation under Article 10 § 2. In *Glimmerveen and Hagenbeek v. the Netherlands*, *Norwood v. the United Kingdom* and *Ivanov v. Russia*, applications built on racist or antisemitic propaganda were held incompatible with the Convention's underlying values; in *Féret v. Belgium* and *Le Pen v. France*, discriminatory political statements were restricted as necessary to protect social peace and democratic order; and in *Hizb Ut-Tahrir v. Germany* and *Kasymakhunov and Saybatalov v. Russia*, expressions inciting violence were excluded outright. In *Erbakan v. Turkey* the Court held that in a democratic society

290 "Sedat Peker'e beraat: 'Vatan hainlerini ikaz etmek istedim,'" Cumhuriyet, https://cumhuriyet.com.tr/haber/turkiye/1004352/Sedat_Peker_e_beraat___Vatan_hainlerini_ikaz_etmek_istedim_.html; "'Hepsini ağaçlara, bayrak direklerine asacağız' diyen Sedat Peker, beraat etti!," T24, <https://t24.com.tr/video/34hepsini-agaclara-bayrak-direklerine-asacagiz34-diyen-sedat-peker-beraat-etti,14954>; "Suç örgütü lideri Sedat Peker'in beraat kararının gerekçesi açıklandı," BirGün, <https://www.birgun.net/haber/suc-orgutu-lideri-sedat-peker-in-beraat-kararinin-gerekcesi-aciklandi-223389>.

no opinion may be expressed in a manner that disregards or denigrates the rights of others — a standard the practices documented in this chapter test directly.²⁹¹

Timed to the coup attempt's tenth anniversary, the Friday sermon distributed to every mosque in the country on 10 July 2026 described the movement as a “treachery network” that had exploited sacred vocabulary such as “hoca,” “congregation” and “service” for “base ambitions,” invoked Qur'anic verses on hypocrites who claim to be “reformers” while “sowing corruption on earth,” and warned worshippers that “treachery never sleeps” — confirming that, a decade after the coup attempt, the country's central religious authority continues to deliver explicitly framed anti-Gülen rhetoric as devotional content on a weekly basis.²⁹² This rhetorical escalation has run parallel to the state's own institutional transformation: hate policy has migrated from rhetoric to institutional practice, with control of media through the Presidency of Communications, RTÜK and TMSF compared to the Goebbels propaganda model of Nazi Germany, and the continuous repetition of labels such as “virus” and “traitor” functioning as a mechanism of state ideology. The Ministry of National Education has likewise institutionalised the annual “15 July Democracy and National Unity Day” as a curriculum event, extending the image of the enemy down to primary-school children: a ministry booklet published with a presidential foreword, circulars sent to every school, mandatory commemorative ceremonies and curriculum materials present the movement to each new cohort of students as a treacherous internal enemy.²⁹³

291 ECtHR, *Erbakan v. Turkey*, App. No. 59405/00, 6 July 2006; *Glimmerveen and Hagenbeek v. the Netherlands*, App. Nos. 8348/78 and 8406/78; *Norwood v. the United Kingdom*, App. No. 23131/03; *Ivanov v. Russia*, App. No. 35222/04; *Féret v. Belgium*, App. No. 15615/07; *Le Pen v. France*, App. No. 18788/09; *Hizb Ut-Tahrir v. Germany*, App. No. 31098/08; *Kasymakhunov and Saybatalov v. Russia*, App. Nos. 26261/05 and 26377/06.

292 “10 Temmuz Cuma hutbesi: Din istismarı,” *Aktüel Haberleri*, 10 July 2026; Diyanet İşleri Başkanlığı, “Din İstismarı” Friday sermon, 10 July 2026, <https://www.hurriyet.com.tr/bilgi/galeri/10-temmuz-2026-cuma-hutbesi-pdf-metni-diyanet-cuma-hutbesi-konusunu-yayinladi-din-istismari-43234535>.

293 Ministry of National Education, *15 July Democracy Victory and Martyrs’ Commemoration booklet* (2016), with a foreword by President Erdoğan.

9.6 The Contribution of the Presidency of Religious Affairs (DİB) to Hate Speech

The Presidency of Religious Affairs (Diyanet İşleri Başkanlığı — DİB) has been another institution contributing to the deepening of hate speech in Türkiye. Sermons, media outputs, and politically aligned religious narratives have played a critical role in grounding hatred within a framework of religious legitimacy. Certain groups have been coded as “*deviation*,” “*treason*,” or “*sedition*,” and hatred has, in some instances, been presented as a religious duty. This illustrates that hatred has been transformed not only into an ideological tool but also into a theological instrument.²⁹⁴

The Presidency of Religious Affairs (DİB), has continuously and systematically targeted the Gülen Movement with hate speech in its Friday sermons, fatwas, symposiums, publications and all other activities. The central and provincial organizations of the Presidency of Religious Affairs have been conducting a systematic smear campaign against the Gülen Movement, especially through hate sermons read every year on the anniversaries of July 15. The DİB has portrayed the Gülen Movement and its members as a non-religious or apostate group. They have not hesitated to label them as “non-religious, hypocritical, seditious, den of mischief, traitor, exploiter, treacherous network, coup plotter etc. terrorist organization” in the mosque sermons of millions of people.²⁹⁵

This pattern continued into 2026. On July 10, 2026, in its Friday sermon marking the tenth anniversary of the coup attempt, delivered across Türkiye and in DİB-affiliated mosques abroad, the Presidency of Religious Affairs (DİB) declared:

“Next Wednesday marks once again the anniversary of 15 July. It is the day on which FETÖ, acting as a pawn of global powers, sought to destroy our unity, brotherhood, freedom, and independence. At the same time, 15 July is the day on which our noble nation, with God’s help and support, defeated the treacherous plot of the conspirators.

294 Harrington/Yorulmaz, p.236; Stichting SJS, “Hate Speech Report”, p. 60.

295 <https://diyanet.gov.tr/es-es/Institucional/Detalle/29669/cuma-hutbesi-15-temmuz-ve-birlik-ruhu>

What distinguishes FETÖ from other networks of treachery is its exploitation of our exalted religion, Islam, and our sacred values. By presenting itself as righteous, it abused concepts deeply rooted in our civilisation—such as 'religious teacher' (hoca), 'religious community' (cemaat), and 'service' (hizmet)—to pursue its ignoble ambitions. It concealed its true intentions, destroyed the futures of young people, and, in pursuit of its own interests, regarded lies, hypocrisy, and every form of wrongdoing as legitimate.”²⁹⁶

The continued use of official Friday sermons to associate a particular social group with religious deviance, betrayal, and national tragedy demonstrates that, a decade after the attempted coup, state-sponsored religious discourse remains an integral component of the broader campaign of stigmatisation and social exclusion.

The Presidency of Religious Affairs (Diyanet) incorporated the campaign into Friday sermons delivered in some 90,000 mosques, characterising the target group as godless traitors; the Diyanet Supreme Council's report titled “The Religious Exploitation Movement FETÖ/PDY” and the annual sermons delivered on 15 July institutionalised this framing. Diyanet fatwas legitimised the seizure of targets' assets, holding that “individuals or the state may, where necessary, lawfully seize the property of others”; under this cover the assets of Boydak, Dumankaya, Naksan, Kaynak and Koza-İpek changed hands through the TMSF.²⁹⁷

In the Netherlands, a mosque affiliated with the Dutch Islamic Foundation (Hollanda Diyanet Vakfı) in Breda reportedly displayed a notice barring entry to those identified as “members or sympathisers of FETÖ”; the Foundation itself later admitted to having collected and transmitted information on Gülen-linked individuals to Türkiye, a practice also investigated by the Dutch parliament. Comparable profiling allegations were reported in Norway and Germany, and German federal prosecutors opened an investigation into a senior Diyanet official over allegations that intelligence on movement sympathisers had been gathered through religious officials across 38 countries; similar exclusionary banners appeared on mosque doors

296 <https://www.diyanehaber.com.tr/10-temmuz-2026-cuma-hutbesi>

297 Diyanet İşleri Başkanlığı Yüksek Konseyi, “Dini İstismar Hareketi FETÖ/PDY” report and annual 15 July sermons; documentation on mosque-exclusion banners, 2016–2018.

domestically and abroad, exclusion extended to the grave, and imams refused funeral prayers for those who died under accusation.²⁹⁸

Rhetoric crossed borders alongside these practices: Ahmet Akgündüz, rector of the Rotterdam Islamic University, told Turkish broadcaster Akit TV that opponents deserved death under Qur'anic law and that Gülen-linked individuals could be killed, prompting the Dutch Education Minister to describe the remarks as “horrific,” open a formal inquiry, and place the accreditation of his university at risk.²⁹⁹ AKP MP for Nevşehir Mustafa Açıkgöz, addressing a meeting of a Turkish nationalist federation in Neuss, Germany on 13 January 2023, declared: “Just as we have denied them the right to live in Türkiye, we will deny it to them in Germany too ... wherever in the world they are hiding, we will pull them out of that hole and destroy them.” The speech drew a formal protest from the German Foreign Ministry and prompted the Düsseldorf public prosecutor's office to open an inquiry into whether it constituted incitement of the public to commit an offence.³⁰⁰

9.7 Civil Death and Institutionalised Exclusion

The practical instrument through which hate speech has been operationalised is what this report, following the wider literature, calls “civil death”: the comprehensive stripping of a person's social existence — employment, passport, bank access, reputation, and often physical liberty — without individualised proof of wrongdoing. In Hannah Arendt's terms, the removal of a person's status as a “subject of rights” has, in the Turkish context, become a mode of governance rather than an aberration from it; hate-based policy has functioned as a biopolitical

298 TR724, “Hollanda Diyanet Vakfı ‘ispiyonculuğu’ kabul etti,” 23 February 2020, <https://www.tr724.com/hollanda-diyanet-vakfi-ispiyonculugu-kabul-etti-hic-olmamaliydi-camilerimiz-gulen-sempatizanlarina-acik/>; Deutsche Welle, “Diyanet yetkilisi hakkında Almanya’da soruşturma,” 31 July 2017, <https://www.dw.com/tr/diyanet-yetkilisi-hakk%C4%B1nda-almanyada-soru%C5%9Fturma/a-38246087>.

299 De Volkskrant, “Onderzoek naar haatdragende uitspraken van rector Islamitische Universiteit Rotterdam,” 14 December 2018, <https://www.volkskrant.nl/nieuws-achtergrond/onderzoek-naar-haatdragende-uitspraken-van-rector-islamitische-universiteit-rotterdam~b87154f0/>.

300 “AKP Milletvekili Mustafa Açıkgöz Almanya’daki muhalifleri tehdit etti: ‘Yaşama hakkı tanımayacağız,’” TR724, <https://www.tr724.com/akp-milletvekili-mustafa-acikgoz-almanyadaki-muhalifleri-tehdit-etti-yasama-hakki-tanimayacagiz/>; “Almanya’da savcılık, AKP’li Mustafa Açıkgöz’ün konuşması hakkında inceleme başlattı,” Cumhuriyet, <https://www.cumhuriyet.com.tr/siyaset/almanyada-savcilik-akpli-mustafa-acikgozun-konusmasi-hakkinda-inceleme-baslatti-2022484>.

instrument targeting the very right of Gülen-linked individuals to exist within society.³⁰¹ The report situates this pattern alongside structural parallels with hate practices of the Nazi era — the use of dehumanising vocabulary, the mobilisation of state media and religious authority, and the transformation of a civilian population into an internal enemy — while stressing that the comparison is drawn at the level of mechanism and pattern, not moral equivalence in scale. Women and children have borne a disproportionate share of these consequences, including strip searches, the transfer of pregnant detainees from maternity wards to prison, and the imprisonment of infants alongside detained mothers; even the dead have not been exempt, with funeral prayers refused to those who died under accusation and burial itself treated as an occasion for further degradation.

301 Hannah Arendt, *The Origins of Totalitarianism* (1951), p. 302.

10. THE CONSTRUCTION OF THE REGIME JUDICIARY

No element of the transformation that Türkiye has undergone since 2013 has produced consequences as profound as the dismantling of judicial independence, because the elimination of an independent judiciary converted every other rights violation into an unreviewable administrative and political act. This chapter examines, within a chronological framework, the process by which the Turkish judiciary was stripped of its status as an independent branch of government and transformed into a “regime judiciary” under the control of the executive; it traces the events with which the process began, the legislative and constitutional changes through which it was institutionalised, the purge and re-staffing operations that followed 15 July 2016, and the consequences of this transformation for the national and international legal order.

The central thesis of this report is the following: the judicial purge that followed the coup attempt of 15 July 2016 cannot be understood as a spontaneous reaction to the coup. The essential instruments of the purge — the profiling lists, the legal machinery and the definition of the target group — were assembled step by step during the three years preceding the attempt. In the process that began with the corruption investigations of December 2013, the High Council of Judges and Prosecutors (HSYK) was first restructured by statute; the criminal judgeships of peace were then established; the Council was converted into a body subordinate to the government through the 2014 HSYK elections; systematic profiling was carried out within the judiciary; and finally, on the night of 15 July, the pre-prepared lists were put into effect, accomplishing the largest single-day judicial purge in world history. With the 2017 constitutional amendment, the Council of Judges and Prosecutors (HSK) was converted into an organ determined entirely by the President and by a parliamentary majority under his control, completing the process at the constitutional level.

The consequences of this transformation are today measurable in figures: more than 4,000 judges and prosecutors have been dismissed from the profession³⁰², thousands have been arrested, roughly three of every five members of the judiciary were admitted to the profession in

302 Turkey Tribunal, “Mass Dismissals of Judges and Prosecutors in Post-Coup Turkey”, 21 April 2022, <https://turkeytribunal.org/actuality/mass-dismissals-of-judges-and-prosecutors-in-turkey-of-post-coup-period/>

the post-purge period and under the criteria of the very system that carried out the purge³⁰³, and more than a third of the applications pending before the European Court of Human Rights (ECtHR) have accumulated against Türkiye alone³⁰⁴. The sections below set out this picture by following the chronological course of events and relying on primary sources.

10.1 The Breaking Point: The 17–25 December 2013 Corruption Investigations

The process of constructing the regime judiciary began with the investigations publicly known as the “17-25 December major bribery and corruption operations”. In December 2013, Istanbul public prosecutors and law-enforcement units conducted wide-ranging bribery and corruption operations encompassing four ministers, ministers’ children, senior bureaucrats and the Iranian-born businessman Reza Zarrab. The testimony that Zarrab later gave as a cooperating witness before a US federal court corroborated the essential elements of the core allegations in those investigations³⁰⁵.

The government’s response was not to allow the judicial process to run its course but to recast the investigations as a “judicial coup against the government”. The prosecutors and police chiefs who had conducted the investigations were removed, reassigned or prosecuted; the case files were closed by newly appointed prosecutors (İrfan Fidan, İsmail Uçar, Fuzuli Aydoğdu), who issued decisions of non-prosecution in respect of all 96 suspects.³⁰⁶ Having closed the investigations, these prosecutors were rewarded by the government with high-ranking appointments. İrfan Fidan — also the author of the Gezi/Kavala indictments — was appointed first Chief Public Prosecutor of Istanbul, then a member of the Court of Cassation, and finally a

303 Posta, “Minister Tunç announced: The number of judges and prosecutors has reached 24,691”, 28 November 2024, <https://www.posta.com.tr/gundem/bakan-tunc-acikladi-hakim-ve-savci-sayisi-24-bin-691e-ulasti-2787559>

304 ECtHR statistics: 21,200 of the 60,250 pending applications (35.2%) are against Türkiye; the figure peaked at 24,200 out of 65,050 applications.

305 “What happened on 17-25 December 2013, and where are the 17 actors of that period today?”, Euronews Türkçe, 17 December 2021, <https://tr.euronews.com/my-europe/2021/12/17/17-aralikin-17-aktoru-bugun-nerede>; for Reza Zarrab’s testimony before a US federal court, see *United States v. Mehmet Hakan Atilla*, S.D.N.Y. (2017-18).

306 Decision of non-prosecution of the Istanbul Chief Public Prosecutor’s Office concerning all 96 suspects of the 25 December 2013 investigation; see Euronews Türkçe (n 16).

member and Deputy President of the Constitutional Court³⁰⁷; Fuzuli Aydoğdu, for his part, rose to the Deputy Presidency of the HSK and the Presidency of the Council's 2nd Chamber.³⁰⁸

From that date onwards, the government declared that the Gülen Movement stood behind the investigations and made the elimination of this group — which it labelled the “parallel state structure” within the judiciary and the police — an explicit state policy. The identification of the independent judiciary as a threat, and the planning of its liquidation, therefore began two and a half years before 15 July 2016.

10.2 Preparing the Institutional Infrastructure

10.2.1 Law No. 6524: The overnight liquidation of the HSYK apparatus (February 2014)

The first legislative intervention came with Law No. 6524 of 15 February 2014. The law altered the structure of the HSYK and conferred broad powers on the Minister of Justice in critical areas such as the appointment of judges and prosecutors, the selection of justice inspectors and disciplinary investigations. More importantly, the positions of the rapporteur judges serving at the Council, the secretariat-general staff and all Council personnel were terminated by statute; the HSYK was thus effectively liquidated together with its entire staff by the regulation that entered into force on 28 February 2014³⁰⁹.

The then President, Abdullah Gül, approved the legislation despite stating publicly that 15 points in 12 articles of the law were “clearly contrary to the Constitution”. The Constitutional

307 Kemal Gözler, “Farewell, Constitutional Court: The İrfan Fidan Affair”, <https://www.anayasa.gen.tr/irfan-fidan-olayi.htm> (documenting the twenty-day tenure against a nine-year historical average).

308 İrfan Fidan was appointed as a member of the Court of Cassation in 2020 and as a member of the Constitutional Court in 2021, following his tenure as the Chief Public Prosecutor of Istanbul; he has been serving as the Deputy President of the Constitutional Court as of March 10, 2026. İsmail Uçar was elected as a member of the Court of Cassation following his tenure as the Chief Public Prosecutor of Istanbul Anatolian, and he currently continues his duty as a member of the 1st Civil Chamber of the Court of Cassation. Fuzuli Aydoğdu, on the other hand, was elected as a member of the Council of Judges and Prosecutors (HSK) following his tenure as the Deputy Chief Public Prosecutor of Istanbul, and he has been serving as the Acting President of the HSK and the President of the 2nd Chamber of the HSK since June 16, 2025.

309 “Abdullah Gül approved the HSYK law”, 26 February 2014, <https://www.ensonhaber.com/>; Law No. 6524, Official Gazette 27 February 2014; Constitutional Court, E.2014/57, K.2014/81, 10 April 2014 (partial annulment without retroactive effect).

Court annulled certain provisions by its decision of 10 April 2014; but because annulment decisions have no retroactive effect, the personnel operation achieved its purpose and the liquidation was effectively completed. This intervention, by which the legislature and the executive redesigned the judicial organisation through statute, was heavily criticised by the European Commission as incompatible with the principles of the “rule of law” and the “separation of powers”³¹⁰.

10.2.2 Law No. 6545: The establishment of the criminal judgeships of peace (June 2014)

The second structural intervention was the establishment of the criminal judgeships of peace by Law No. 6545, which entered into force on 28 June 2014. Objections to the decisions of these judgeships — vested with exclusive jurisdiction over protective measures such as arrest, detention, search and seizure — can be lodged only with another criminal judgeship of peace; the result is a closed-circuit structure insulated from vertical review. The then Prime Minister, Erdoğan, characterised this structure during its creation with unusual candour as a “project”, declaring: “Just as they filed hundreds of lawsuits against us, we will file hundreds, thousands of lawsuits against them. Then the situation will develop differently”; and, following the operations of 21 July 2014: “The judicial process is starting. The Criminal Judges of Peace will carry this process forward”³¹¹.

In its subsequent assessment, the Venice Commission found that after the coup attempt these judgeships issued tens of thousands of detention orders on template reasoning; that objections were decided “horizontally” by a neighbouring judgeship; that decisions gravely affecting fundamental rights and freedoms lacked adequate reasoning; and that — as illustrated by the asset-freeze order of July 2016 covering approximately 3,000 judges and prosecutors — they were executed on the basis of digital lists without any individualisation³¹².

310 European Commission, Turkey 2015 Report, pp. 13-14.

311 “Erdoğan let slip that he was directing the operation”, *Siyaset Cafe*, 22 July 2014, <https://www.siyasetcafe.com/erdogan-operasyonu-yonettigini-agzindan-kacirdi-6005h.htm>

312 Venice Commission, Opinion on the Duties, Competences and Functioning of the Criminal Judgeships of Peace, CDL-AD(2017)004, 13 March 2017.

10.2.3 The Unity in the Judiciary Platform and the 2014 HSYK elections (October 2014)

Alongside the legal infrastructure, the composition of the Council itself had to be captured. Since, under the constitutional arrangement, the majority of HSYK members were elected by first-instance judges and prosecutors, the government intervened directly in the electoral process. In March 2014, the Unity in the Judiciary Platform (YBP) was founded under the leadership of Ministry of Justice bureaucrats; the platform was openly supported by the then President, Prime Minister and Minister of Justice. According to information reported in the press, the platform's membership structure was shaped according to profiling lists allegedly compiled by the National Intelligence Organisation (MİT) with the aim of keeping dissenting figures out³¹³. The YBP candidates won the October 2014 elections, and the Council was transformed into an organ operating in coordination with the government.

The new Council's record confirmed the expectation: in 2014 alone the HSYK issued 12 decrees outside the ordinary decree periods, removing from their posts or reassigning the judges and prosecutors handling sensitive files — the corruption investigations, the Selam-Tevhid file, the summoning of the MİT Undersecretary as a witness, and the like³¹⁴. Council member Turgay Ateş described the method with striking candour on 14 June 2016, at the YBP's iftar programme in Malatya: certain safeguards in the Constitution were preventing them from obtaining the swift results they desired, and extraordinary methods would be required for the judiciary to be "cleansed" in their own fashion³¹⁵. The state of emergency declared less than a month after these words would supply the "extraordinary method" being sought.

10.2.4 Systematic profiling within the judiciary (2014-2016)

That members of the judiciary were systematically profiled through the YBP/Association for Unity in the Judiciary (YBD) during the 2014-2016 period is documented by the subsequent

313 Cumhuriyet, "MİT-file-backed organisation within the judiciary", 26 August 2015, <https://www.cumhuriyet.com.tr/haber/yargida-mit-fisi-destekli-orgutlenme-353361>; Crossborder Jurists, "The Shadow over the Turkish Judiciary: Report on the Association for Unity in the Judiciary".

314 <https://www.hsk.gov.tr/Arsiv/kararnameler-2014>

315 "Judges and prosecutors met at iftar: We stand with the State", CNN Türk, 14 June 2016, <https://www.cnnturk.com/turkiye/hakim-ve-savcilar-iftarda-bulustu-devletin-yanindayiz>

statements of the very actors of the process. Birol Erdem, the then Undersecretary of the Ministry of Justice and HSYK member, recounted in detail in his court statements that work had been carried out to identify “FETÖ members” at the Court of Cassation and the Council of State, and that the lists had been duplicated and handed to the Undersecretary of MİT; Harun Kodalak, a founding member of the YBD and former Ankara Chief Public Prosecutor, declared in his witness testimony that he had personally witnessed these lists being given to “influential people in politics and the bureaucracy”³¹⁶. Mehmet Burçin Çetinkaya, who in 2016 was President of the Sivas Assize Court, admitted in turn, in his statement to the HSK inspector, that during the election process they had categorised the judges and prosecutors in the courthouses they visited according to whether they showed closeness to them and whether they provided information against their colleagues³¹⁷.

The scale of the profiling was again revealed by official mouths: the then Deputy President of the HSYK, Metin Yandırmaz, announced on 6 March 2016 — that is, four months before the coup attempt — that approximately 5,000 names had been identified as “close to or within the judicial branch of the parallel structure”. The fact that this figure coincides with the number of judges and prosecutors suspended on 16 July 2016 and subsequently dismissed demonstrates that the lists, and the decisions to be taken, were ready months in advance. Indeed, HSYK Deputy President Mehmet Yılmaz openly acknowledged on 21 September 2016 that the list in his possession had “not been made overnight” and that “work had been ongoing on it for three years”³¹⁸.

316 Witness statements taken before the 9th Criminal Chamber of the Court of Cassation in the case against Birol Erdem (testimony of Harun Kodalak); <https://x.com/drgokhangunes/status/1405919310321700866>

317 Witness statement of Mehmet Burçin Çetinkaya given to the HSK inspector, dated 16 January 2018; <https://x.com/hasandursun6003/status/1888371161857212820>

318 T24, “President of the 2nd Chamber of the HSYK: The FETÖ list in our hands was not made overnight; we had been working on it for three years”, 21 September 2016, <https://t24.com.tr/haber/hsyk-2-daire-baskani-elimizdeki-feto-listesi-bir-gecede-yapilmadi-3-yildir-calisiyorduk,360895>

10.3. 15 July 2016: The Execution of the Purge

10.3.1. The night of the coup and the pre-prepared lists

Mass detentions initially targeted judges and prosecutors even before the soldiers allegedly involved in the coup attempt. On the night of 15 July 2016, while the coup attempt was still in progress, the members of the HSYK gathered at the Ankara Judges' House; the Ankara Chief Public Prosecutor's Office launched the operation against members of the judiciary before any investigation had even been opened against the soldiers alleged to be the actual perpetrators of the attempt. On July 16, 2016 — less than 12 hours after the coup attempt began — 2,745 judges and prosecutors were dismissed and taken into custody.³¹⁹ This number later rose to 5,112 with subsequent dismissals, ultimately amounting to 38% of the judiciary at the time. In the same process, detention warrants were issued in respect of 2 members of the Constitutional Court, 140 members of the Court of Cassation and 48 members of the Council of State. In the letter of instruction dated 16 July 2016, sent under the signature of Ankara Public Prosecutor Serdar Coşkun to all provincial chief public prosecutors' offices and to the General Directorate of Security, it was ordered that the judges and prosecutors named on the list be "taken into custody immediately" and that "their arrest be secured"; although not a single investigative step had yet been taken, those on the list were declared "members of the organisation" in advance³²⁰.

That the lists had been prepared before the coup attempt can be proven from their very contents: the suspension list of 16 July included judges and prosecutors who had died, retired or resigned before 15 July. Among those dismissed were individuals who had passed away before the coup attempt, as well as others who had been abroad for an extended period. For instance, former Balıkesir/Bandırma prosecutor Ahmet Biçer, who had died six months before the failed coup attempt, was officially dismissed on July 16, 2016, as if he were still in office, and police were

319 <https://www.reuters.com/article/world/Türkiye-orders-2-745-judges-and-prosecutors-to-be-detained-after-coup-ntv-idUSKCN0ZW11Z/>

320 Letter of instruction dated 16 July 2016, signed by Public Prosecutor Serdar Coşkun, from the Bureau for the Investigation of Crimes against the Constitutional Order of the Ankara Chief Public Prosecutor's Office, addressed to the General Directorate of Security; <https://justicesquare.org/turkish-judiciary-report>, p. 32.

dispatched to his last known residence to take him into custody.³²¹ Furthermore, under normal circumstances, it would have been impossible for the Council of Judges and Prosecutors (HSYK) to complete all the required legal procedures in a single night. These actions constituted a blatant violation of the Turkish Constitution (Law No. 2709) as well as Laws No. 6087 and 2802.³²²

10.3.2. The state of emergency, Decree-Law No. 667 and the mass dismissal of 24 August 2016

A state of emergency was declared on 20 July 2016; Decree-Law No. 667 of 23 July 2016 abolished the constitutional guarantees governing the trial and disciplinary proceedings of judges and prosecutors and disabled the disciplinary procedure laid down in Law No. 2802³²³. Relying on this authority, the General Assembly of the HSYK, by its decision No. 2016/426 of 24 August 2016, dismissed 2,847 judges and prosecutors from the profession in a single list-based decision, without taking a single defence submission³²⁴. This is the largest judicial purge carried out in a single day in recorded history. As of 2022, the number of members of the judiciary dismissed under 20 separate decisions — covering members of the Constitutional Court, the Court of Cassation and the Council of State as well as first-instance judges and prosecutors — had reached 4,362; in 2024 the Minister of Justice, Yılmaz Tunç, put the figure at 4,006 dismissals (4,600 in another statement) and stated that of the 3,888 who had brought proceedings, only 387

321 <https://www.turkishminute.com/2016/10/24/judicial-board-suspends-prosecutor-passed-away-may/>

322 At the date of the suspension and dismissal decisions in question, in order for a judge-prosecutor to be suspended from his/her profession according to Turkish law: (a) first of all, the 3rd Chamber of the HSYK should make a ‘decision to request permission for an investigation’ and the Minister of Justice, who is the president of the HSYK, should approve this decision; (b) the HSYK Inspection Board conducts an investigation and prepares a report on the judge-prosecutor for whom an investigation permit has been granted; (c) if the 3rd Chamber of the HCJP discusses the report of the inspection board and deems the allegations to be justified, it will issue a ‘decision on permission for investigation’ and send the file to the 2nd Chamber of the HCJP after the approval of the Minister of Justice; (d) in the event that the 2nd Chamber of the HSYK deems the allegations grave, serious and urgent in the light of the evidence, the relevant judge-prosecutor shall be ‘suspended from duty’; (e) after receiving the defence of the relevant judge-prosecutor, it was required to take a decision on dismissal. In short, it is not possible for the HSYK to fulfil all these legal procedures on the night of the so-called coup attempt.

323 Official Gazette, Decree-Law No. 667 on Measures Taken under the State of Emergency, 23 July 2016, <https://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8.htm>

324 High Council of Judges and Prosecutors, General Assembly Decision, Decision No: 2016/426, Minutes No: 17, Decision Date: 24 August 2016, <https://www.resmigazete.gov.tr/eskiler/2016/08/20160825-5.pdf>

had been reinstated by decision of the Council of State³²⁵. A significant proportion of the members of the judiciary reinstated through the annulment decisions of the 5th Chamber of the Council of State were suspended anew, following the President's declaration that "we will pursue this matter", by the quashing decision of the Council of State's Assembly of Administrative Chambers³²⁶.

10.3.3. Circumventing the constitutional guarantees through the "in flagrante delicto" doctrine

Judges and prosecutors were arrested through an almost automatic procedure, without a single item of concrete evidence in their files, notwithstanding the guarantees enshrined in Articles 139 and 140 of the Constitution and Articles 88 and 94 of Law No. 2802. The legal construct that made this possible was the treatment of every judge as being "caught in the act" at every moment, on the reasoning that "membership of an organisation is a continuing offence": by virtue of this interpretation, the procedural safeguards accorded to members of the judiciary were disabled in their entirety. In its *Alparslan Altan v. Türkiye* (2019) and *Hakan Baş v. Türkiye* (2020) judgments, the ECtHR found that this "extensive" interpretation of in flagrante delicto violated the principle of legal certainty and rendered meaningless the procedural safeguards granted to the judiciary^{327 328}. Following these pilot judgments, the serial judgments delivered — foremost among them *Turan and Others* — established that, by the end of 2025, a total of 6,915 persons, of whom 1,225 were judges and prosecutors, had been detained unlawfully³²⁹.

325 Live-broadcast statement of Minister of Justice Yılmaz Tunç, 24 February 2024, https://www.adalet.gov.tr/adalet-bakani-yilmaz-tunc-canli-yayinda-sorulari-yanitladi_94526

326 Diken, "The Council of State and the Constitutional Court in Erdoğan's crosshairs: It bothers us", 15 February 2024, <https://www.diken.com.tr/danistay-ve-aym-erdoganin-hedefinde-bizi-rahatsiz-ediyor/>; Son TV, "Flash decision from the Council of State concerning 40 judges reinstated after FETÖ dismissals", 27 April 2024.

327 ECtHR, *Alparslan Altan v. Türkiye*, App. no. 12778/17, 16 April 2019, <https://hudoc.echr.coe.int/>

328 ECtHR, *Hakan Baş v. Türkiye*, App. no. 66448/17, 3 March 2020, <https://hudoc.echr.coe.int/>

329 ECtHR, *Turan and Others v. Türkiye*, App. no. 75805/16 and 426 others, 23 November 2021; through the serial judgments delivered in this line of cases, the number of persons found to have been unlawfully detained had reached 6,915 (of whom 1,225 were judges and prosecutors) by the end of 2025.

10.3.4. Written instructions to the bench: the “Terrorism Investigations Information Booklet”

Nor were the judges who would decide the fate of the detained judges and prosecutors left to their own judgment. The “Terrorism Investigations Information Booklet” of April 2017, issued by the Ministry of Justice’s General Directorate of Criminal Affairs, instructed in writing that release decisions concerning detained judges and prosecutors could be given “only after consultation with the HSYK”³³⁰. This document constitutes a written and standing instruction from the executive to the bench in pending individual cases, and is one of the documentary proofs that judicial independence had de facto come to an end.

10.3.5. Asset freezes, the closure of YARSAV and “civil death”

Shortly after the arrests, the Ankara 1st Criminal Judgeship of Peace, by a single decision dated 29 July 2016, imposed an injunction — without any inquiry or individualisation — on the entire assets, bank accounts, rights and receivables of approximately 3,500 judges and prosecutors whose names had been transmitted as a digital list³³¹. YARSAV, Türkiye’s first professional association of the judiciary, was closed down by Decree-Law No. 667; the association’s president, Murat Arslan — laureate of the Václav Havel Human Rights Prize of the Parliamentary Assembly of the Council of Europe — was sentenced to 10 years’ imprisonment, and even his conditional release was refused on the ground that his “repentance could not be established”³³².

Beyond the ban on returning to public service, the dismissed members of the judiciary were subjected to a systematic regime of “civil death”: through codes 36-37 entered into their Social Security Institution records, their employment in the private sector was effectively blocked; their

330 Ministry of Justice, General Directorate of Criminal Affairs, “Terrorism Investigations Information Booklet”, 6 April 2017; see also Engin Aydın, “Hello ‘law’, get out of the way!..”, *Cumhuriyet*, 1 March 2018.

331 Ankara 1st Criminal Judgeship of Peace, decision dated 29 July 2016, No. 2016/3971 (injunction on all assets of approximately 3,500 judges and prosecutors).

332 Parliamentary Assembly of the Council of Europe, Václav Havel Human Rights Prize (Murat Arslan), 9 October 2017; Birgün, “No release for the President of YARSAV”, 30 April 2024.

passports were cancelled; their bank accounts were closed; and the professions of advocacy, notary public, mediation and court expertise were barred to them by Decree-Law No. 691.

10.4. The 2017 Constitutional Amendment: The Constitutionalisation of the Capture

The constitutional amendment adopted by the referendum of 16 April 2017 elevated control over the judiciary to the constitutional level. The membership of the HSK was reduced from 22 full and 12 substitute members to 13; substitute membership was abolished; and — for the first time since the 1961 Constitution — every role of first-instance judges and prosecutors in the election of the Council’s members was terminated. Under the new structure, 4 members are appointed directly by the President, 7 members are elected by the Grand National Assembly, while the Minister of Justice and the Deputy Minister, as ex officio members of the Council, are likewise determined by the President. In a system in which the President dominates the parliamentary majority — because the presidential and parliamentary elections are held on the same day — all 13 members of the Council are, in effect, determined by the choice of a single political will.

The Venice Commission warned that this design “would seriously jeopardise the independence of the judiciary” and summarised its assessment in the following principle: placing the Council under control means placing judges and prosecutors under control³³³. The professional bodies of the European judiciary drew the institutional conclusion at once: the European Network of Councils for the Judiciary (ENCJ) suspended the observer status of the HSYK in December 2016, finding that the Council no longer satisfied the requirement of independence from the executive — a decision without precedent in the Network’s history³³⁴. The International Commission of Jurists concluded in its 2018 report *Justice Suspended* that access to justice in Türkiye had been “drastically curtailed” and that the judiciary could no longer provide

333 Venice Commission, Opinion on the amendments to the Constitution adopted by the referendum of 16 April 2017; see also Demirhan Burak Çelik, “The Constitutional Amendment of 16 April and an Assessment of the New Council of Judges and Prosecutors”, Ankara University SBF Journal, Vol. 73, No. 4 (2018), pp. 1082 ff.

334 European Network of Councils for the Judiciary (ENCJ), decision suspending the observer status of the HSYK, December 2016.

an effective remedy³³⁵; GRECO, the Council of Europe’s anti-corruption body, found in 2022 that the executive dominates “a number of key areas of the functioning of the judiciary”³³⁶. The UN Working Group on Arbitrary Detention likewise found, in its Hamza Yaman opinion, that the applicant had been targeted because he was not a member of the government-backed Unity in the Judiciary Platform and had been detained on the basis of discrimination grounded in political or other opinion³³⁷.

10.5. The Instrumentalisation of the High Judiciary

The apex courts of the captured judiciary abandoned decades of case-law in order to enter the service of the new order. The Constitutional Court, reversing its settled case-law of 10 January 1991 by its decision of 12 October 2016, renounced its power to review the emergency decree-laws and validated the mass dismissals³³⁸. The Court of Cassation redefined the concept of in flagrante delicto so as to permit the immediate arrest of judges and, through its 2017 case-law, divided the movement notionally into “seven layers”, generating a presumption that a person knew of the organisation’s aim of force and violence from the layer assigned to him or her; acts such as union membership, bank deposits, school enrolment or the use of an application — none of which involves force, violence or knowledge thereof — thereby became capable of grounding a conviction. The Council of State, for its part, abandoned its settled case-law requiring respect for the right of defence in dismissals and adopted the government’s “loyalty” thesis almost verbatim. To these was added the treatment as conclusive evidence of the ByLock dataset, procured by the intelligence service and never made available for examination by the defence at any stage.

335 International Commission of Jurists, *Justice Suspended: Access to Justice and the State of Emergency in Turkey*, 2018.

336 GRECO, Fourth Evaluation Round, Second Compliance Report on Turkey (2022), quoted in Council of Europe Commissioner for Human Rights, *Memorandum on human rights in Türkiye*, CommDH(2024), 5 March 2024; <https://doi.org/10.1787/2db5c502-en>

337 UN Working Group on Arbitrary Detention, *Opinion concerning Hamza Yaman (Türkiye)*, Opinion No. 78/2018, paras 86-87.

338 Constitutional Court, decision of 10 January 1991, No. K.1991/1; cf. Constitutional Court, E.2016/166, K.2016/159, 12 October 2016 (reversal of case-law regarding the non-reviewability of emergency decree-laws).

The treatment meted out to judges whose decisions were disliked served as a deterrent message to everyone on the bench: in January 2020, the members of the appellate panel that acquitted a former lieutenant general were reassigned to other provinces following criticism from government circles, and the defendant was re-arrested; in February 2020, immediately after the Istanbul 30th Assize Court acquitted Osman Kavala and eight co-defendants in the Gezi trial, the HSK opened a disciplinary investigation against the acquitting judges on the very same day³³⁹. Those whose dismissals were annulled by court decision, meanwhile, were not reinstated for years; in one file, the Ministry of the Interior was able to argue — notwithstanding Article 138 of the Constitution, which makes court judgments binding on the administration — that the Minister possessed a “discretionary power” not to implement the ruling³⁴⁰.

10.6. Re-Staffing: The Personnel Regime of the Regime Judiciary

10.6.1. Accelerated recruitment

The posts vacated by the purge were filled rapidly and under new criteria. In 2016 alone, 4,610 new judges, prosecutors and candidates were admitted to the profession; shortly after the coup, on 24 December 2016, a new recruitment announcement for 3,800 was published — a total staffing operation of 8,410 in a single year³⁴¹. Recruitment was carried out through simplified examinations and politically inflected interviews; in November 2024 the Minister of Justice announced that the number of judges and prosecutors had been raised from 9,349 in 2002 to 24,691. This means that roughly three of every five serving members of the judiciary were appointed after the purge and under the criteria of the very system that carried it out. Commentators close to the government have themselves confirmed the nature of the process:

339 The HSK’s opening of a disciplinary investigation on the very same day against the judges who delivered the acquittal in the Gezi trial before the Istanbul 30th Assize Court (February 2020); the events following the acquittal judgment of the 20th Criminal Chamber of the Ankara Regional Court of Appeal dated 15 January 2020.

340 The files of the police chief ordered to be reinstated by the Hatay Administrative Court and of H.Ö.; the Interior Ministry’s defence of a “discretionary power” notwithstanding Article 138 of the Constitution (Stichting Justice Square documentation).

341 Minutes of the TBMM Plan and Budget Committee, 22 November 2016, <https://www.sbb.gov.tr/>; for annual series of judge-prosecutor numbers, see <https://www.turkiyehukuk.org/hakim-ve-savci-sayilari-2023/>

“After 15 July, Türkiye passed to a new system. The army, the police, the judiciary and the institutions were restructured. Seventy per cent of today’s security bureaucracy was appointed after 15 July”³⁴².

10.6.2. The Utilization of the Judiciary as an Instrument of Oppression:

Nacho Sánchez Amor, Socialist Member of the European Parliament and the EP’s rapporteur on Türkiye within the AFET and DROI committees, who has openly criticized the structural degradation of judicial independence in the country. Sánchez Amor has described **the Turkish judiciary as “a relentless repression machinery,”**³⁴³ emphasizing that it no longer even attempts to conceal its political bias, and noting that it appears **“unafraid of presenting itself before the legal profession and the international community as openly biased and profoundly unprepared.”** This characterization reinforces concerns that the judiciary has been systematically instrumentalized as a tool of political repression rather than functioning as an independent guarantor of the rule of law.³⁴⁴

At this critical juncture, Türkiye finds itself enveloped in a pervasive climate of fear, a situation exacerbated by **the utilization of the judiciary as an instrument of oppression.** This escalating atmosphere of intimidation not only distances the nation from its democratic ideals but simultaneously undermines core principles related to human rights, freedom of expression and assembly. The systematic **erosion of public trust in the judiciary**, compounded by the inability to ensure judicial independence and impartiality, emerges as one of the principal factors contributing to this oppressive climate.

A particularly alarming aspect of this situation is the prevalence of judicial decisions that are heavily influenced by prevailing political authority, coupled with a significant lack

342 Kısa Dalga, “Cem Küçük: They did not understand the system established after 15 July”, 2 April 2025; Rasim Ozan Kütahyalı’s statement that “a new regime was established in 2016”, <https://x.com/ensonhaber/status/1905615849341264001>

343 <https://x.com/NachoSAmor/status/2014735903835451454?s=20>

344 <https://x.com/NachoSAmor/status/2014735903835451454?s=20>

of transparency within legal processes. These dynamics have culminated in **arbitrary arrests** and **wrongful convictions**, which violate the fundamental tenets of justice. As a result, evaluations conducted by various international organizations indicate that Türkiye occupies a notably low position in global rankings concerning the rule of law.

According to the 2024 Global State of Democracy report by the International Institute for Democracy and Electoral Assistance (**International IDEA**), Türkiye ranks 145th out of 173 countries in the rule of law.³⁴⁵ Similarly, the 2025 World Rule of Law Index report places Türkiye 118th out of 142 countries.³⁴⁶ In this regard, the country has regressed to a state reminiscent of the pre-1908 era in terms of the rule of law.

In addition, **The Global Torture Index 2025, released by OMCT on June 25, 2025**,³⁴⁷ evaluates Türkiye's performance across seven thematic pillars: political commitment, detention conditions, civic space, victim protection, legal framework for redress, judicial independence, and accountability mechanisms. Türkiye's high-risk designation is based on data from 2023 and 2024, revealing persistent human rights violations rooted in the continued use of emergency powers introduced post-2016 coup attempt. Although the state of emergency was lifted in 2018, its decrees remain entrenched, enabling authorities to target perceived opponents — **journalists, Kurdish activists, Gülen Movement affiliates, and now CHP supporters** — with impunity. The index specifically cites Counterterrorism Law No. 3713, whose vague definition of terrorism facilitates expansive and arbitrary prosecutions, as a key driver of torture and ill-treatment during politically charged investigations.

345 <https://tr.euronews.com/my-europe/2024/09/17/demokratik-degerler-2024-raporu-avrupada-demokrasi-zayifliyor>

346 <https://worldjusticeproject.org/rule-of-law-index/global/2025/T%C3%BCrkiye/>

347 <https://www.omct.org/site-resources/files/factsheets/Factsheet-Turkiye-EN.pdf>

10.7. Akın Gürlek: An Example and a Key Actor in the Erosion of Judicial Independence and the Suppression of Political Opposition

One of the most striking examples of this transformation is Akın Gürlek, who was appointed as a criminal judgeship of peace after the coup attempt, quickly rose through the ranks after ordering the detention of numerous members of the Gülen Movement, and later became a presiding judge in high criminal courts known for handing down harsh and controversial rulings in politically sensitive cases. Gürlek's career trajectory clearly illustrates how the Erdoğan regime has used the Council of Judges and Prosecutors (HSK) to reshape the judiciary into an instrument of political repression.

Gürlek was appointed to the Istanbul 2nd Criminal Judgeship of Peace in 2016, marking his entry into criminal justice. Shortly thereafter, he was successively assigned as the presiding judge of Istanbul's 13th, 26th, 37th, and 14th High Criminal Courts — courts that have handled some of the most controversial political trials in recent Turkish history. During this period, judges who previously presided over key cases were dismissed by the HSK and replaced by Gürlek, a figure known for his rulings in line with the government's political interests. Akın Gürlek has been called a "**mobile guillotine**" by Republican People's Party (CHP) Chairman Özgür Özel because he served as the presiding judge in various heavy penal courts in Istanbul and handed down harsh sentences to dissidents.³⁴⁸

The courts over which Gürlek presided are associated with numerous legally questionable decisions, ranging from disregarding rulings of the Constitutional Court to imposing severe prison sentences on journalists, politicians, and human rights defenders. He presided over the court that refused to implement the Constitutional Court's ruling of a rights violation in the case of CHP MP Enis Berberoğlu.³⁴⁹

348 <https://www.dw.com/tr/chpnin-seyyar-giyotin-dedi%C4%9Fi-ak%C4%B1n-g%C3%BCrlek-kimdir/a-70659816>

349 <https://medyascope.tv/2021/02/08/istanbul-14-agir-ceza-mahkemesi-enis-berberoglu-hakkinda-anayasa-mahkemesi-kararina-uyulmasi-yonunde-karar-verdi/>

He sentenced Istanbul CHP Provincial Chair Canan Kaftancıoğlu to 9 years and 8 months in prison for social media posts³⁵⁰ and handed down heavy sentences to former HDP Co-Chair Selahattin Demirtaş and MP Sırrı Süreyya Önder.³⁵¹ Gürlek’s court also issued disproportionate prison sentences against academics, lawyers, and journalists who signed the “We Will Not Be a Party to This Crime” peace petition, further demonstrating the instrumentalization of justice.

Even more alarming is Gürlek’s systematic appointment to cases targeting individuals and groups directly opposed by the ruling government. After a court panel ordered the release of several opposition lawyers from the Contemporary Lawyers Association (ÇHD) and the People’s Law Office (HHB), the HSK disbanded the panel and appointed Gürlek as its new head. On March 20, 2019, he presided over the re-trial that sentenced these lawyers to between 11 and 18 years in prison.³⁵² According to hearing records, the then-Deputy Minister of Justice personally called the prison director, saying, “We’ve arranged the judge — don’t release them,” indicating direct interference in judicial decisions.

Gürlek’s meteoric rise did not end with court appointments. On June 1, 2022, he was appointed Deputy Minister of Justice. After completing his tenure on October 7, 2024, he was appointed Chief Public Prosecutor of Istanbul the very next day, on October 8, 2024, by decree of the HSK — despite never having served as a public prosecutor before. The appointment of a figure with no prosecutorial background to the highest prosecutorial office in Türkiye’s largest city is a clear indicator that the Erdoğan regime has consolidated total control over the judicial system.

Most recently, Gürlek was appointed Minister of Justice by presidential decree. By virtue of this position, he also serves as the President (Chair) of the Council of Judges and Prosecutors (HSK), the constitutional body responsible for the appointment, promotion, discipline, and dismissal of judges and prosecutors in Türkiye.

350 <https://www.hrw.org/news/2021/03/04/turkey-repression-opposition-figures>

351 <https://tr.euronews.com/2018/09/07/hdp-eski-es-genel-baskan-demirtas-a-teror-propagandas-ndan-4-y-l-hapis>

352 <https://medyascope.tv/2019/03/20/cagdas-hukukcular-dernegi-davasinda-avukatlara-ceza-yagdi/>

Today, the judiciary in Türkiye has become a mechanism of oppression under the direct influence of the political executive. The appointment of judges and prosecutors like Akın Gürlek to politically motivated cases — and the harsh, unlawful rulings they deliver — demonstrates how the judiciary has been weaponized to silence dissent. Gürlek's pattern of appointments shows that a command-and-control model of justice has replaced rule of law, eroding democratic principles, freedom of expression, and fundamental rights. Akın Gürlek is just one of many judicial figures used by the Erdoğan regime to punish its critics through the courts it dominates.

On 17 June 2026, in its report on Türkiye, the European Parliament, citing "democratic backsliding," called for Justice Minister Akın Gürlek to be placed on the sanctions list under the EU Global Human Rights Sanctions Regime and for restrictive measures against him to be considered, including the freezing of his assets within the EU.³⁵³

Similar examples can be found throughout the Turkish judiciary, including in the Criminal Judgeships of Peace, the High Criminal Courts handling terrorism cases, the 16th (now 3rd) Criminal Chamber of the Court of Cassation, the 5th Chamber of the Council of State, the High Council of Judges and Prosecutors, the Supreme Electoral Council (YSK), and even the Constitutional Court itself.

The cumulative effect is a systemic erosion of due process, judicial independence, and democratic governance. The Turkish judicial system, once constitutionally designed to function as a check on executive power, has increasingly become a mechanism for consolidating it. The case of Akın Gürlek is not an isolated anomaly but a representative illustration of a broader structural reality: the transformation of the judiciary from a guardian of rights into an instrument of political control.

353 Euronews: <https://tr.euronews.com/my-europe/2026/06/13/avrupa-parlamentosunda-akin-gurlek-tartismasi-yaptirim-onerildi-gurlek-tepki-gosterdi>

10.8. Judgments of the European Court of Human Rights Documenting the Violations, and the Attitude of the Dependent Turkish Judiciary

10.8.1. The rise in individual applications

The rise in rights violations after 15 July 2016 can be read from the ECtHR's statistics: Türkiye alone accounts for more than a third of the pending caseload of a Court serving 46 states — at the most recent count, 21,200 of 60,250 applications (35.2%)³⁵⁴. According to the compilation of Stichting Justice Square, between 2018 and June 2026 the ECtHR delivered 116 violation judgments against Türkiye in the post-15 July line of cases, covering 8,065 applicants, and awarded a total of EUR 20,672,440 in just satisfaction; the annual curve — 2 judgments in 2018, 22 in 2024, 28 in 2025, and already 18 by June 2026 — shows an accelerating, not diminishing, flow a full decade after the events³⁵⁵. The distribution of the violations by article maps the anatomy of the repression: under Article 5 (liberty and security), 63 judgments and 4,107 persons; under Article 6 (fair trial), 27 judgments and 3,650 persons; under Article 7 (no punishment without law), 7 judgments and 2,422 persons; under Article 8, 21 judgments and 157 persons; with further violations found under Articles 3, 10, 11 and 18 and under Article 2 of Protocol No. 1³⁵⁶. To these must be added seven separate judgments finding a violation of the right to a fair trial of 166 judges, prosecutors and inspectors on account of involuntary transfers and the termination of high-court memberships³⁵⁷.

10.8.2. The *Yalçınkaya* and *Yasak* judgments of the ECtHR Grand Chamber

The ECtHR's response culminated in the Grand Chamber's judgment of 26 September 2023 in *Yüksel Yalçınkaya v. Türkiye*. The applicant, a teacher, had been convicted of terrorist-

354 ECtHR pending-application statistics (n 306).

355 Stichting Justice Square, table of post-15 July violation judgments (2018 - June 2026): 116 judgments, 8,065 applicants, a total of EUR 20,672,440 in just satisfaction.

356 Stichting Justice Square, table of post-15 July violation judgments (n 356); the article-by-article distribution is drawn from the same compilation.

357 Seven separate ECtHR judgments concerning involuntary transfers and the termination of memberships of the Council of State and the Court of Cassation (166 judges, prosecutors and inspectors in total); see hudoc.echr.coe.int (001-234697; 001-237422; 001-238261; 001-238785; 001-241728; 001-241726).

organisation membership on the basis of ByLock use, a Bank Asya account and membership of a lawful union and association. The Grand Chamber found violations of **Article 7** (no punishment without law): the Turkish courts had treated ByLock use as automatic proof of membership, converting a specific-intent offence into one of strict liability through an “expansive and unforeseeable” interpretation; of **Article 6**: the applicant had been convicted on decrypted data he was never permitted to examine or effectively challenge; and of **Article 11**: his lawful union membership had been treated as criminal conduct. Critically, the Court identified a **systemic problem**: some 8,500 similar applications were already pending before it, and more than **100,000 people** had been convicted on materially identical grounds. The Grand Chamber’s operative findings bear listing, because they define what compliance would require: that treating ByLock download or use as automatic proof of membership converts a specific-intent crime into strict liability and violates Article 7; that the moral element — knowing and willing participation in an organisation’s aims — must be established for each accused; that the defence must be able to examine the raw data, test its reliability and obtain independent expert review; that unexplained inconsistencies in the user lists and the provenance of the intelligence material required judicial scrutiny they never received; and that these defects were not incidental but systemic. Invoking Article 46, it directed Türkiye to address the root cause — general measures applicable to all comparable cases.³⁵⁸

The response of the Turkish state was open defiance. The President declared that Türkiye would not “respect the decisions of institutions aligned with terrorist organisations”; the Minister of Justice insisted the judgment “pertains only to that specific case” and would “not set a precedent”; the then President of the Constitutional Court publicly stated his court’s disagreement.³⁵⁹ The statements repay quotation, because they were made by the officials constitutionally charged with executing the judgment. The President, to Parliament on 1 October 2023: *“It is impossible for us to either respect the decisions of institutions aligned with terrorist*

358 Yalçınkaya (n 9), §§ 413-418 (systemic problem; Article 46).

359 Address of President Erdoğan to the TBMM, 1 October 2023, <https://tcgb.gov.tr/assets/dosya/2023-10-01-TBMM-Konusma.pdf>; statements of Minister of Justice Tunç, 26 and 28 September 2023; statement of Constitutional Court President Zühtü Arslan, NTV, 1 October 2023.

organisations or to heed what they say... Let the members and supporters of the terrorist organisation not get their hopes up... once a traitor, always a traitor.” The Minister of Justice, on 26 September 2023: “The Court has clearly overstepped its authority by evaluating the evidence”; and on 28 September: “We particularly believe that this decision pertains only to that specific case... we do not believe that this decision will set a precedent.” The President of the Constitutional Court, on 1 October 2023: “The decision of the Constitutional Court is already clear. Therefore they made a different decision from ours.”³⁶⁰ The judicial facts have matched the rhetoric: the Constitutional Court has issued no guiding decision applying *Yalçinkaya*, and has continued to dismiss as “manifestly ill-founded” applications raising the identical Article 7 complaint; first-instance courts have rejected retrial requests or, upon retrial, reimposed the original sentences. The Constitutional Court’s post-*Yalçinkaya* record is documented decision by decision: on 12 August 2024 it dismissed as unfounded an application whose conviction rested on family meetings, alleged collections of money and YARSAV membership — evidence *weaker* than *Yalçinkaya*’s; in June and July 2024 it declared inadmissible applications resting on expired call records, unlawfully compiled profiling lists and religious conversation meetings, refusing even to acknowledge the Article 7 complaint; in its consolidated Bank Asya decisions (*Hakan Darıcı and Others*; *Mehmet Burak Akbudak and Others*, over 100 applications) it found only fair-trial violations while systematically declining to examine the “no punishment without law” claim — and in the retrials that followed, the assize courts of Uşak and Manisa simply reimposed the original sentences.³⁶¹ Meanwhile and on 12 September 2024 the Kayseri Assize Court, retrying **Mr Yalçinkaya himself**, reaffirmed his conviction on the same evidence and imposed a foreign-travel ban — on a man who had already served his sentence in full.³⁶² The retrial record documents the impossibility of compliance as currently administered:

360 Address of President Erdoğan to the TBMM, 1 October 2023, <https://tccb.gov.tr/assets/dosya/2023-10-01-TBMM-Konusma.pdf>; statements of Minister of Justice Yılmaz Tunç, 26 and 28 September 2023; statement of Constitutional Court President Zühtü Arslan, NTV, 1 October 2023, <https://www.ntv.com.tr/turkiye/aym-baskani-arslan-aihm-kararina-katilmiyoruz-bizim-kararimiz-belli,yq2H8IDPxUyfREUrt6nHmg>.

361 Constitutional Court decisions: B. No. 2024/2379 (12 August 2024); B. No. 2023/2179 (26 July 2024); B. No. 2023/18692 (25 June 2024); Mehmet Burak Akbudak, B. No. 2021/53091 (11 June 2024); B. No. 2021/34045 (20 June 2024); Hakan Darıcı and Others (2023); post-remand reconvictions: Uşak Assize Court, E. 2023/420, K. 2024/75 (12 March 2024); Manisa 3rd Assize Court, E. 2023/244, K. 2023/255 (12 December 2023).

362 Kayseri 2nd Assize Court, retrial judgment of 12 September 2024 (reaffirming conviction and imposing a travel ban); Constitutional Court decisions of 12 August 2024 (B. No. 2024/2379) and related inadmissibility rulings,

when the court asked for the raw ByLock data so that the defence could at last examine it, the police anti-organised-crime department (KOM) replied that the raw data “is not readable”, “cannot be processed or separated by User ID” and could not be provided because it “would contain information related to all suspects” — that is, the decisive evidence in more than 100,000 prosecutions remains, by the state’s own account, unexaminable by any defendant; the two prosecution witnesses allegedly on the applicant’s ByLock contact list denied any such contact; and the court convicted anyway, on the trinity of ByLock, Bank Asya and union membership that the Grand Chamber had held could not found a conviction. Detention operations premised on ByLock use and Bank Asya deposits have continued after the judgment, announced by the Interior Minister on social media.³⁶³

The Strasbourg Court has therefore been reduced to repeating itself, at scale. On 22 July 2025, in *Demirhan and Others v. Türkiye*, it found violations of Articles 7 and 6 § 1 in respect of a further **239 applicants** convicted on ByLock evidence; on 16 December 2025, in three committee judgments — *Bozyokuş and Others*, *Karşlı and Others* and *Seyhan and Others* — it disposed of **2,420 further applications** on the same grounds, unanimously; and on 23 June 2026 — after *Yasak* — three further committee judgments, *Kılıçarslan and Others*, *Çalı and Others* and *Dönmez and Others v. Türkiye*, extended the identical findings of violations of Articles 7 and 6 § 1 to yet further groups of applicants convicted on the same template, confirming that the assembly line runs in both directions: as long as the domestic courts convict, Strasbourg will condemn.³⁶⁴ More than two years after *Yalçınkaya*, neither the Constitutional Court, nor the Court of Cassation, nor any assize court has issued a single decision applying its principles: no judgment has required production of the raw ByLock data for the defence, none has engaged with the mental element of the offence, and retrials — where granted at all — have reimposed the original sentences. Stichting Justice

2024; Justice Square, Rule 9.2 communication to the Committee of Ministers, DH-DD(2023)1389, 14 November 2023.

363 X (Twitter) announcements of Minister Yerlikaya of operations premised on ByLock/Bank Asya after 26 September 2023 (collected posts, October 2023 - January 2024).

364 ECtHR, *Demirhan and Others v. Türkiye*, judgment of 22 July 2025, HUDOC no. 001-244217; ECtHR (Committee), *Bozyokuş and Others*, *Karşlı and Others* and *Seyhan and Others v. Türkiye*, judgments of 16 December 2025, HUDOC no. 001-247548 and related.

Square has documented this non-implementation in successive Rule 9(2) communications to the Committee of Ministers, placing on the record the domestic decisions that continue to treat ByLock use as decisive proof of terrorism notwithstanding the binding judgment of the Grand Chamber.³⁶⁵

The Grand Chamber answered on 5 May 2026, in *Yasak v. Türkiye* — a judgment that closes the last escape route. Şaban Yasak’s file contained **no ByLock evidence whatever**: he had been convicted by the Çorum Assize Court on the standard residue of these prosecutions — the statements of four witnesses (several testifying under the “effective remorse” regime), the appearance of his name in the call records of a third person’s telephone, a deposit into a Bank Asya account in January 2014, and social-security premiums paid by a movement-affiliated company — for having served, allegedly until late 2014, as a “student supervisor” in the movement’s education wing. A Chamber of the Court had found, unanimously, no violation; the Grand Chamber reversed it, holding by eleven votes to six that Article 7 had been violated.³⁶⁶ The reasoning generalises *Yalçınkaya* beyond any particular species of evidence. Although the applicant was convicted “on the basis of a broader range of evidence”, the case raised “the same question” as *Yalçınkaya*: whether every constituent element of the offence — above all the *mental* element — had been established on an individualised basis (§ 201). The Court then set out, for the first time in general terms, what that requires: membership of an armed terrorist organisation is a grave offence in respect of which everyone has the right not to be punished without a proper individual determination of criminal responsibility, “including the establishment of the offence’s mental element”; responsibility “cannot be based on collective guilt or on guilt by mere association (*iltisak*)”; what must be proven is that the accused acted “knowingly and willingly” — a “genuine adhesion” to the organisation and its violent aims, as distinct from mere contact

365 Stichting Justice Square, Rule 9(2) communications to the Committee of Ministers concerning the execution of *Yüksel Yalçınkaya v. Türkiye* (2023-2025), following DH-DD(2023)1389 of 14 November 2023.

366 ECtHR (Grand Chamber), *Yasak v. Türkiye*, App. no. 17389/20, 5 May 2026 (Article 7 violation by eleven votes to six; Article 3 violation by nine votes to eight); the Chamber judgment of 27 August 2024 had found no violation, unanimously. Third-party interventions were received from the UN Special Rapporteur on counter-terrorism and human rights, the European Criminal Bar Association and the Italian Federation for Human Rights.

(§§ 202-203). Because the acts attributed to Mr Yasak ended in 2014 — a year and a half before the coup attempt and well before the state’s own designation of the movement as a terrorist organisation — the domestic courts were obliged to determine whether his participation in the education wing was, *at that time*, a knowing and intentional adherence to a terrorist project “or consistent with a more innocent involvement”; they never did (§ 205). They inferred intent from his *position* without establishing any personal, functional or hierarchical link to the organisation’s strategic or military components, and without even situating him within the Court of Cassation’s own seven-layer schema (§§ 209-210); and they relied on general observations about the organisation’s evolution “without establishing that the applicant was aware of that transformation” (§ 211). Punishment without that mental link, the Grand Chamber held, violates the right guaranteed by Article 7 — *nulla poena sine culpa* (§ 213). The Court reiterated, finally, that these guarantees are non-derogable and apply with full rigour to terrorism prosecutions even in an emergency threatening the life of the nation (§ 199).

The implications are difficult to overstate. Every element of the standard Turkish conviction template — the presumption of knowledge from an assigned “layer”, the treatment of pre-2016 lawful conduct as proof of adherence to aims not yet publicly attributed to the organisation, the recitation of evidence without any reasoned finding of intent, and the *iltisak/irtibat* logic that underpins both the criminal prosecutions and the administrative purge — has now been held incompatible with the Convention by its ultimate interpreter, in a case whose evidentiary profile matches tens of thousands of pending and concluded files. After *Yasak*, no court and no government can maintain that *Yalçınkaya* concerned only ByLock, or only one man. The Grand Chamber also found, by nine votes to eight, a violation of **Article 3** in the same case: the cumulative effect of the overcrowded conditions in Çorum L-Type Prison — the applicant sleeping for months on a mattress on the floor of a unit built for seven and holding over thirty — amounted to degrading treatment, a finding of direct relevance to the tens of thousands imprisoned in the post-2016 influx.³⁶⁷

367 ECtHR (Grand Chamber), *Yasak v. Türkiye*, App. no. 17389/20, 5 May 2026 (Article 7 violation by eleven votes to six; Article 3 violation by nine votes to eight); the Chamber judgment of 27 August 2024 had found no

The framework drawn by the ECtHR in its *Yalçınkaya* and *Yasak* judgments also defines the minimum conditions of compliance: the disclosure of the raw evidence to the defence, the individualised proof of the mental element of the offence in respect of each accused, the abandonment of collective accusation and of the iltisak/irtibat logic, and the application of general measures to all comparable files. Unless these conditions are met, and unless the dismissed members of the judiciary are reinstated in accordance with universal principles of law, the re-establishment of judicial independence in Türkiye does not appear possible. The present picture has become, beyond a purely domestic matter, a systemic problem affecting the integrity of the Council of Europe legal order, and it makes resolute steps at the international level imperative.

violation, unanimously. Third-party interventions were received from the UN Special Rapporteur on counter-terrorism and human rights, the European Criminal Bar Association and the Italian Federation for Human Rights.

11. CLIMATE OF FEAR AND CIVIL DEATH

11.1. Climate of Fear

Türkiye is currently experiencing a pervasive climate of fear, which is intensifying daily through the instrumentalization of the judiciary. This climate has progressively undermined the country's commitment to democracy, human rights, freedom of expression, and the advancement of scientific inquiry.

The erosion of trust in the justice system, coupled with the absence of judicial independence and impartiality, constitutes one of the primary factors contributing to the prevailing climate of fear. Specifically, judicial decisions influenced by political power and the lack of transparency in legal processes have resulted in the unjust arrest and conviction of individuals. Consequently, assessments by international organizations indicate that Türkiye ranks among the lowest globally in terms of the rule of law. According to the 2024 Global State of Democracy report by the International Institute for Democracy and Electoral Assistance (International IDEA), Türkiye ranks 145th out of 173 countries in the rule of law.³⁶⁸ Similarly, the 2026 World Rule of Law Index report places Türkiye 118th out of 143 countries.³⁶⁹ In this regard, the country has regressed to a state reminiscent of the pre-1908 era in terms of the rule of law.

Additionally, under the newly adopted "Disinformation Prevention Law," statements deemed by authorities to be false and considered a threat to national security, public order, or public health may constitute a criminal offense and be subject to prosecution. The advisory also highlighted that citizens could be arbitrarily detained and that even individuals who had previously entered and exited Türkiye without any issues might still face detention upon their return due to old or new allegations.³⁷⁰

368 <https://tr.euronews.com/my-europe/2024/09/17/demokratik-degerler-2024-raporu-avrupada-demokrasi-zayifliyor>

369 <https://worldjusticeproject.org/rule-of-law-index/global/2025/T%C3%BCrkiye/2026>

370 <https://www.avrupa-postasi.com/almanyadan-turkiyeye-seyahat-uyarilari-keyfi-olarak-gozaltilar-mumkun>

To understand how striking the atmosphere of fear in Türkiye is, Amnesty International (IAÖ) published a report titled “Braving the Storm: Defending human rights in a climate of fear in Türkiye”³⁷¹ by Amnesty International (IAO). This atmosphere of fear, which continues to grow today, poses a grave threat to the future of Türkiye as a democratic state of law and to the free world in its relationship with Türkiye. Commenting on the report, Gauri van Gulik, IOM Europe Director, said: “The imprisonment of journalists and activists may have made the headlines, but it is difficult to measure the deep-rooted impact of Türkiye's crackdown on society at large. But this does not change the reality: under the pretext of the state of emergency, the Turkish authorities are deliberately and systematically destroying civil society, imprisoning human rights defenders, closing associations and creating an overwhelming climate of fear.”³⁷²

Employers are afraid to hire and employ people who have been dismissed from their jobs under the State of Emergency Decree Law. This leads to the civilian deaths of these people, most of whom are Gülen movement members.^{373 374 375}

Relatives, neighbors and friends are afraid to help these people who have been dismissed from their jobs by emergency decrees because they are afraid of being investigated and arrested. In fact, people who help them out of humanitarian considerations are accused of “FETÖ membership”, “knowingly and willingly aiding the organization without being a member” and “financing terrorism”. People who have already been subjected to a similar investigation or even completed their sentences are being unlawfully detained and arrested again under the name of “restructuring”.³⁷⁶

371 <https://www.amnesty.org.tr/public/uploads/files/WEATHERING%20THE%20STORMD.pdf>

372 <https://www.amnesty.org.tr/icerik/turkiye-hukumetin-baskisi-korku-iklimi-yaratarak-sivil-toplum-alanini-daraltiyor>

373 <https://www.gazeteduvar.com.tr/khk-ve-kod-37-kabusu-isveren-duyunca-kaciyor-haber-1555160>

374 https://x.com/caapulcukiz/status/1294554639426347010?s=46&t=DN60JPQkk_1wpndH1oQWsQ

375 https://www.istanbulgercegi.com/khklilar-icin-ise-almayin-sosyal-yardim-yapmayin-gibi-gizli-emirler-veriliyor_220750.html

376 <https://serbestiyet.com/haberler/704-kisi-gozaltinda-gerekce-khklilara-ve-cezaevindekilere-yardim-parasi-toplamak-avukat-maziliguney-insani-mulahazalarla-yapilan-yardimlar-suc-olamaz-107470/>

Thus, individuals dismissed by emergency decrees, particularly members of the Gülen movement, are afraid to visit one another in their homes or even meet in a café for a cup of coffee, as they may be subjected to technical and physical surveillance and unlawful practices under the guise of restructuring.

11.2. Prevention of Freedom of Thought and Censorship

All books, articles, or sermons written by Fethullah Gulen are strictly prohibited. Anyone found in possession of such materials in their homes, residences, workplaces, or elsewhere may face serious criminal charges. In other words, if the police discover these materials in someone's possession, they will be considered evidence of the person's affiliation with an armed terrorist organization, potentially resulting in a minimum sentence of 7.5 years in prison. There have been numerous instances where such material is considered conclusive evidence of membership in the armed terrorist organization.³⁷⁷

Kazım Güleçyüz, the editor-in-chief of Türkiye's **Yeni Asya newspaper**, was arrested for disseminating terrorist propaganda simply because of conveying condolences for the late Fethullah Gülen. Interior Minister expressed on X that **"the cybercrime department of the Turkish National Police has identified and is investigating 177 social media users who have allegedly spread propaganda for "Fetö" or shared posts praising Gülen or his movement following the cleric's death."** Along with the criminal investigations, dozens of Turkish journalists and activists as well as some media outlets found their X accounts blocked in Türkiye because of their X postings about the death of Gulen.³⁷⁸

In addition, social media platforms have emerged as one of the few remaining avenues for independent voices in Türkiye; however, they too have come under significant censorship. As protests escalated, government officials acted swiftly to restrict access to online platforms and messaging services, effectively hindering the dissemination of information related to the protests.

³⁷⁷ <https://www.state.gov/report/custom/e939cf0c2c/>

³⁷⁸ <https://www.turkishminute.com/2024/10/24/editor-chief-of-turkish-daily-arrested-for-gulen-condolence-message/>

Beginning on the morning of March 19—coinciding with the initial wave of detentions—major social media platforms experienced bandwidth throttling, which severely limited access to independent news sources.³⁷⁹ These restrictions primarily impacted users in Istanbul and remained in effect for 42 hours before being lifted on March 21, with no official justification provided for either the implementation or removal of these measures.

This process escalated with the blocking of at least **42 accounts on the platform X on February 5, 2025**, marking a significant intensification in Türkiye's efforts to suppress dissent in the digital realm. These accounts belonged to **Turkish journalists, activists, lawyers and independent media organizations, many operated by exiled reporters** such as **Cevheri Güven** and **Abdullah Bozkurt**, and **Dr. Gökhan Güneş** who continue to shed light on pressing issues facing Turkish society despite the hostile environment. The Ankara court's decision to justify this censorship by citing the need to protect "national security and public order" exemplifies the government's broad and vague approach to silencing opposition. By applying such sweeping justifications to accounts with extensive followings—some with hundreds of thousands of followers—it reveals the regime's readiness to go to great lengths to restrict access to diverse viewpoints and manipulate public discourse. This wave of censorship has since extended to prominent opposition figures like Ekrem İmamoğlu, whose social media account access was subsequently restricted—a clear indication of how digital repression has become a key component of the broader authoritarian strategy.

On 5 August 2025, the Ankara 2nd Criminal Judgeship of Peace (Case No: 2025/9174 D. İş) issued a decision ordering the removal of content and the blocking of access to multiple social media accounts and URLs under Article 8/A of Law No. 5651. Among the blocked platforms was **JUSTICE SQUARE FOUNDATION**, an independent platform dedicated to documenting human rights violations, monitoring judicial practices, preserving legal records, and providing structured analysis on rule of law and accountability in Türkiye.³⁸⁰ The decision relied on broadly framed national security and public order grounds, without individualized reasoning. From a

379 <https://mastodon.social/@netblocks/114196561751149217>

176 Ankara 2nd Criminal Judgeship of Peace on August 5, 2025 (Case No: 2025/9174 D.İş)

human rights perspective, the blocking of Justice Square—despite the fact that it has never disseminated political content and has consistently confined its publications to legal analysis and documentation—underscores that, in practice, even strictly legal and rights-based expression is afforded no protection under the current approach to digital censorship in Türkiye.

On January 30, 2026, a public statement issued by **Burhaneddin Duran, the Head of Communications of the Republic of Türkiye**, highlighted the scale of executive-led digital repression targeting freedom of expression. According to the announcement, **379 social media accounts were identified as “FETÖ or FETÖ-affiliated” following what was described as “comprehensive digital monitoring and analysis,” and were subjected to access bans and legal action.** However, no information was provided regarding the identities of the account holders, the specific content deemed unlawful, the legal thresholds applied, or whether any independent judicial review preceded these measures. The statement publicly asserted that these accounts were engaged in “terror propaganda” and “systematic disinformation,” effectively declaring guilt prior to any judicial determination.³⁸¹

The sustained mass targeting of hundreds of social media users raises serious concerns under Article 19 of the ICCPR and Article 10 of the ECHR, which require restrictions on expression to be lawful, necessary, proportionate, and individually justified. Instead, the use of broad national security rhetoric and collective labelling risks sweeping journalists, activists, and ordinary users engaged in lawful expression into the scope of counter-terrorism measures. By framing digital platforms as battlefields and critical speech as an existential threat, such practices deepen self-censorship and undermine pluralism. Far from safeguarding national security, **the censorship of 379 accounts** at once reflects a structural erosion of freedom of expression and the public’s right to receive and impart information in Türkiye.

177 <https://x.com/burhanduran/status/2017161629595521136?s=20>

11.3. Civilian Death (Code: SGK/37)

The dismissed and their families were not merely removed from public service; they were deliberately excluded from the means of subsistence, in a regime that Turkish public discourse itself has come to call “civil death” (*sivil ölüm*).

Former members and sympathizers of the Gülen Movement, who once held prominent positions within the bureaucracy or achieved notable commercial success in their private enterprises, now face severe economic and social marginalization in an atmosphere of widespread fear and repression. Following the coup attempt, these individuals have experienced complete financial and professional disenfranchisement, leaving them struggling to rebuild their lives.

Decree-laws stripped dismissed police and soldiers of firearms and pilot licences and barred them from the private security sector; further decrees excluded persons with alleged “affiliation” from the professions of notary, mediator and court expert.³⁸² Dismissed judges and prosecutors were, and for the most part remain, unable to practise law: their applications for admission to the bar were refused en bloc, and the Constitutional Court, after years of delay, recognised the injustice only for the narrow category of those who had been acquitted or never prosecuted — leaving the rest permanently excluded from the one profession their training permits. The exclusion machinery reached into every service a modern life requires: banks closed accounts and refused to open new ones; hospitals and social-security offices created obstacles to treatment; student scholarships were refused; accumulated pension bonuses were withheld; and after the catastrophic earthquakes of February 2023, decree-law dismisseees reported being refused emergency aid available to every other survivor.³⁸³ Banks — as documentation submitted to the Turkish Parliament’s own Human Rights Commission shows — closed accounts and

382 Decree-Law No. 667 (licences, private security); Decree-Law No. 691, Arts 6, 9 and 10 (notaries, mediators, court experts).

383 On banking exclusion, “Bankadan KHK yanıtı: Kart ihraç nedeniyle kapatıldı”, *Deutsche Welle Türkçe*, 7 May 2020; on the Constitutional Court’s limited ruling on dismissed judges’ bar admission, Constitutional Court decisions of 2021–2022; on post-earthquake discrimination, contemporaneous reporting and parliamentary questions, February–March 2023.

cancelled the credit cards of decree-law dismisseees.³⁸⁴ Diplomas of students of the fifteen universities closed by decree were annotated with a reference to the closure decree, marking their holders for life.³⁸⁵

Even individuals who were dismissed from their positions by emergency decrees (KHKs) but were never subjected to criminal investigation, were acquitted, or have already served their sentences continue to face systemic discrimination. This is primarily due to their registration under Code/37 in their social security records, a designation that effectively functions as an indefinite professional blacklist.

While the emergency decrees explicitly prohibit those dismissed from holding public sector positions, either directly or indirectly, their employability in the private sector is also severely restricted. Employers in the private sector frequently hesitate to hire dismissed individuals due to concerns about potential government scrutiny, reputational damage, or operational difficulties. This is facilitated by the storage of dismissal records within the Social Security Institution (Sosyal Güvenlik Kurumu – SGK) database and the national e-Devlet information system, which prospective employers can access.

In the immediate aftermath of the coup attempt, over 130,000 employees were dismissed under emergency decrees. While the number of ongoing dismissals has declined since 2020, the long-term consequences for those affected remain significant, as they continue to face legal, social, and economic barriers to reintegration.³⁸⁶

The systematic exclusion of individuals dismissed under emergency decrees (KHKs) is further reinforced by the classification codes Code/37 and Code/38, which function as markers of stigmatization and discrimination. These codes, embedded in social security records, create

384 Documentation submitted by Halkbank to the Human Rights Inquiry Commission of the Grand National Assembly; see “Bankadan KHK yanıtı: Kartı ihraç nedeniyle kapatıldı”, *Deutsche Welle Türkçe*, 7 May 2020.

385 See Murat Polat, “Sayın Başbakan diplomalar düzeltilmedi”, *Anayurt*, 8 March 2017.

386 Dutch Ministry of Foreign Affairs, General Country of Origin Information Report on Türkiye, August 2023; <https://www.government.nl/documents/reports/2023/08/31/general-country-of-origin-information-report-on-turkiye-august-2023>

insurmountable barriers to employment in the private sector, effectively prolonging the social and economic marginalization of those affected.

The presence of these designations in official databases perpetuates societal bias by implicitly branding individuals as "terrorists", irrespective of the absence of any judicial conviction or legal finding against them. This classification not only hinders employment prospects but also subjects private employers to state-imposed pressures, including intimidation, municipal police inspections, and tax audits, if they choose to hire individuals blacklisted under these codes. In many instances, employers receive informal warnings—often conveyed by undercover police officers—advising them against hiring dismissed individuals. Should they persist in providing employment, they risk criminal prosecution for aiding and abetting an armed terrorist organization, a charge that carries severe legal consequences.

As clearly demonstrated in the news article below published by the state-run Anadolu Agency (AA) on April 11, 2025, the Erdoğan regime's systematic persecution of individuals previously accused of affiliation with the Gülen Movement has reached its peak with the application of Code 37; lawful activities such as establishing companies or working together have been treated by judicial authorities as evidence of terrorist organization membership, and merely having a Social Security Institution (SGK) registration for individuals who have previously undergone judicial proceedings, been dismissed from public service, or imprisoned due to alleged links to FETÖ is considered sufficient grounds to initiate a terrorism investigation.

"36 people were detained in a FETÖ-related operation based in Istanbul.

Acting in coordination with the Counterterrorism Branch Directorate and the Intelligence Branch Directorate, and within the scope of efforts to uncover the current/restructuring activities of the FETÖ/PDY armed terrorist organization, it was determined that a company operating in Istanbul had SGK (social security) registrations for individuals who had judicial proceedings, dismissal records, and prison records related to FETÖ.

Upon an assessment that the company in question might be under the control of the terrorist organization, an investigation launched by the Istanbul Chief Public Prosecutor's Office examined

technical and physical surveillance data, MASAK reports, HTS (call detail) records, and cell-site correlations."³⁸⁷

As evidenced, individuals previously dismissed, detained, or convicted on allegations of involvement with the Gülen Movement are being repeatedly targeted, arrested, and reconvicted under the pretext of "restructuring" for actions that do not constitute crimes under the law, such as providing humanitarian financial assistance or working together, reflecting a pattern of systemic persecution.

The news article published by Anadolu Agency (AA), the official state-run news outlet of Türkiye, on April 11, 2025 above, clearly demonstrates on what grounds the so-called "restructuring operations" against members of the Gülen Movement can be carried out. It reveals that these individuals are subjected to constant technical and physical surveillance, and that the mere presence of social security (SGK) records of individuals—who had previously faced judicial proceedings, been dismissed from public service, or served prison time due to alleged links with FETÖ—at a company operating in Istanbul is considered sufficient to launch a terrorism investigation. It also shows that both these individuals and those who employ them are detained under the pretext of "restructuring," and that during home searches, even their money and investment gold were confiscated despite the absence of any evidence indicating a direct link to criminal activity.

- February 21, 2025: First Crackdown on Döner Restaurant Chain Employees (Maydonoz Döner) 372 individual detained³⁸⁸

- April 11, 2025: 36 Individuals were Detained on Charges Related to Providing Employment Opportunities to Gülen-Linked Employees³⁸⁹

- May 12, 2025, 10 individuals detained³⁹⁰

387 <https://www.aa.com.tr/tr/gundem/istanbul-merkezli-feto-operasyonunda-36-zanli-yakalandi/3534747>

388 <https://x.com/AliYerlikaya/status/1892858456220324137>

389 <https://www.aa.com.tr/tr/gundem/istanbul-merkezli-feto-operasyonunda-36-zanli-yakalandi/3534747>

390 <https://turkishminute.com/2025/05/21/turkey-detains-10-more-people-over-alleged-gulen-links/>

- May 26, 2025: Crackdown on Dessert Restaurant Chain Employees, 33 individuals detained³⁹¹
- May 27, 2025: Second Crackdown on Döner Restaurant Chain Employees (Maydonoz Döner), 24 individuals detained³⁹²
- June 24, 2025: Third Crackdown on Döner Restaurant Chain Employees (Maydonoz Döner), 63 individuals detained^{393 394}
- July 15, 2025: 26 individuals were detained on Charges Related to Providing Employment Opportunities to Gülen-Linked Employees³⁹⁵
- July 15, 2025: Detention for 422 as a Mark of the 9th Anniversary of July 15 Coup³⁹⁶³⁹⁷
- June 23, 2026: Detention for 15 individuals were detained on Charges Related to Providing Employment Opportunities to Gülen-Linked Employees ³⁹⁸

The cumulative impact of these discriminatory policies extends beyond professional disenfranchisement, leading to social isolation and economic deprivation, effectively amounting to a state-imposed form of civil death. By denying individuals the means to sustain themselves, these practices heighten the risk of extreme poverty, starvation, and severe deprivation, further entrenching their exclusion from society. ³⁹⁹ In October 2016, in response to concerns regarding how dismissed public officials and their families would survive without income, AKP Isparta Provincial Chairman Osman Zabun told journalists that they should "go eat tree roots"; this

391 <https://www.turkishminute.com/2025/05/26/turkey-targets-dessert-chain-in-latest-crackdown-on-gulen-movement-33-detained/>

392 <https://stockholmcf.org/23-detained-in-latest-crackdown-on-allegedly-gulen-linked-doner-chains-in-turkey/>

393 <https://www.turkishminute.com/2025/06/24/60-detained-in-latest-operation-targeting-turkish-restaurant-chain-over-alleged-gulen-ties/>

394 <https://en.haberler.com/second-wave-operation-on-maydonoz-doner-18781818/>

395 <https://www.ntv.com.tr/turkiye/mitten-feto-operasyonuhakmar-vetatbaka-kayyum-atandi,hQCKKQ8ptE-WIEQhliZZXg>

396 <https://www.turkishminute.com/2025/07/15/turkey-marks-coup-anniversary-with-fresh-raids-targeting-alleged-gulen-followers-businesses/>

397 <https://www.aa.com.tr/tr/gundem/istanbul-merkezli-feto-operasyonunda-51-zanli-yakalandi/3630925>

398 Kocaeli'de FETÖ yapılanmasına şafak operasyonu: 15 gözaltı kararı," Sabah, 23 June 2026, <https://www.sabah.com.tr/kocaeli/2026/06/23/kocaelide-feto-yapilanmasina-safak-operasyonu-15-gozalti-karari>; "10 Eğitim Kurumuna Eş Zamanlı FETÖ Baskını!," Karamürsel TV.

399 <https://www.politikyol.com/yeneroglundan-kod-36-37-tepkisi/>

remark became a symbol of the punitive mindset and the "civil death" that spread across the country.⁴⁰⁰

A decade on, the machinery of civil death remains fully operational — and quantifiable. Research published in 2025 by the Turkish human rights lawyer Dr Levent Mazılıgüney records that **134,258 people** were dismissed by name in the lists annexed to the decree-laws (a figure rising towards 400,000 when dismissals effected by administrative order are included), among them 4,383 judges and prosecutors and more than 10,500 academics; in survey data, **97.9 per cent** of decree-law dismisseees reported serious economic hardship and **88.6 per cent** reported psychological harm — anxiety, depression and social isolation produced by stigmatisation and surveillance.⁴⁰¹ The SGK codes continue to destroy livelihoods at the level of the individual case: in 2025 Burhan Çelebi, a teacher dismissed by decree, lost even his subsequent job as a school bus driver when the district education authority discovered his “Code 37” record.⁴⁰² And, as Chapter 5 documents, the state has now moved beyond blacklisting the dismissed to *criminalising those who employ them*: in 2025, giving a job to a decree-law dismissee became, in the practice of Turkish prosecutors, “financing terrorism”.

11.4. The impact of Social and Legal Discrimination and Pressure on Children and its Fatal Consequences

As a result of the investigations against Gülen Movement, children of individuals who have been investigated on the grounds of being members or supporters of the Gülen Movement are subjected to social and legal discrimination, even if they themselves have not embraced Gülenist teachings. In all schools, the week marking the start of the academic year is dedicated to commemorating **July 15**, during which efforts are made to instill in students the perception that members of the **Gülen Movement** are traitors and terrorists. Children whose family members

400 "AK Parti İl Başkanı'ndan FETÖ'cülere: Ağaç kökü yesinler," *Hürriyet*, 7 Ekim 2016, <https://www.hurriyet.com.tr/gundem/ak-parti-il-baskanindan-fetoculere-agac-koku-yesinler-40242531>.

401 Levent Mazılıgüney, KHK research reports (2024–2025), summarised at <https://liberaltr.com/?p=23291> and *Hukuki Haber* (n 8).

402 Parliamentary intervention of MP Ömer Faruk Gergerlioğlu, April 2025, <https://x.com/gergerliogluof/status/1915443115529273371>.

have been subjected to FETÖ investigations are negatively affected by this propaganda and are sometimes subjected to humiliation, bullying and mobbing by their friends and teachers. Children are also subjected to discrimination in their professional lives due to the **SGK 37 code** reflected in official records related to their families, leading to what can be described as civil death.

The consequences have been lethal. A report presented to Parliament in April 2017 documented **35 suicides** of dismissed, arrested or investigated persons in the first nine months of the state of emergency — 17 police officers, 4 soldiers, 4 teachers, 2 prison officers, a guidance counsellor, a district governor, a mosque imam, a prosecutor, an engineer, a student, a doctor and a dentist; seven of the deaths occurred inside prison and one in a detention centre.⁴⁰³ Subsequent research has identified at least **92 suicides** among persons prosecuted for alleged Gülen movement affiliation.⁴⁰⁴ Amnesty International, in its report on the dismissals, found that the purged had lost not only employment but, in many cases, access to housing, health insurance and any means of sustaining their families.⁴⁰⁵

The regime of civil death has an escape route, and the escape route has a death toll. Because passports were cancelled en masse, those who chose exile could leave only irregularly — across the Evros/Meriç river or the Aegean in smugglers' boats — and the purged professional class was driven onto routes that have drowned refugees for decades. The documented cases include the state's own former judges. Judge **Fatma Işık** and her husband, dismissed and facing re-arrest, lost their two children — four-month-old Mahir and three-year-old İbrahim — when their boat capsized en route to Greece; the couple buried their sons on the island of Chios. The dismissed prosecutor **İbrahim Gündüz**, who had served fifteen months in prison, drowned in the Aegean with his wife Nurdan in December 2021, four months after their wedding. Judge **Gülsüm Coşar**, convicted with her husband on the standard evidence, crossed the Meriç with her four-year-old son rather than enter prison with a baby, reached a German refugee camp — and died there of a

403 Veli Ağbaba (CHP), *Suicides during the State of Emergency*, April 2017; "OHAL öldürüyor: Sayı 35'e yükseldi", *Cumhuriyet*, 29 April 2017.

404 Solidarity with Others, *Erdoğan Regime's Hate Speech: "FETÖ"* (Brussels, April 2023), p. 27.

405 Amnesty International (n 32).

heart condition in September 2021, leaving the child with a father still imprisoned in Türkiye.⁴⁰⁶ These are not migration accidents; they are the foreseeable consequence of a policy that first destroyed livelihoods, then confiscated the lawful means of departure. The ECtHR has long held that even where exclusion from public service may be justified, depriving a person of *all* possibility of employment is disproportionate; the Turkish scheme was designed to do precisely that.⁴⁰⁷

The state extended these measures to family members who were accused of nothing. Decree-Law No. 667 provided for the cancellation of the passports not only of suspects but of their **spouses and children**; President Erdoğan stated on 7 July 2018 that **181,500 people** had had their passports revoked or restricted during the state of emergency.⁴⁰⁸ Decree-Law No. 670 compelled all public and private institutions to surrender, without delay, “all kinds of information and documents” — including telecommunications data — concerning suspects *and their spouses and children*, destroying the principle of personal data protection for an entire category of families.⁴⁰⁹ Academics could not take up foreign fellowships; physicians could not attend congresses; families were divided between countries for years.

Some children, whose families are imprisoned or dismissed from their jobs due to allegations of Gülenist Membership, have committed suicide as a result of the severe social and legal discrimination and hate speech directed against them in their environment.

- **Bahadır Odabaşı** died after he allegedly threw himself from the 10th floor of his apartment building on January 18, 2022, due to depression caused by the situation of his father, a former teacher who was fired from his job by an emergency decree and arrested on terrorism-related charges after a coup attempt on July 15, 2016.⁴¹⁰

406 Stichting Justice Square, *Turkish Judiciary Report: The Transformation of an Independent Judiciary into a Regime Judiciary* (April 2025), Part II (deaths of members of the judiciary in prison, on migration routes and in exile), with the underlying press documentation of the Işık, Gündüz and Coşar cases.

407 See e.g. ECtHR, *Naidin v. Romania*, App. no. 38162/07, 21 October 2014, § 54.

408 “OHAL bitti: İki yıllık dönemin bilançosu”, *BBC Türkçe*, 17 July 2018, <https://www.bbc.com/turkce/haberler-turkiye-44799489>.

409 Decree-Law No. 670, Art. 3.

410 <https://www.turkishminute.com/2022/01/18/eople-die-by-suicide-over-Türkiyes-post-coup-purge-since-2016/>

- **Onur Selim Y.**, a 20-year-old university student living and studying in the northeastern Turkish province of Erzurum, has died by hanging himself from a pipe on January 17, 2024. The report said his father, a biology teacher identified only by the initials T.Y., spent 11 months in pretrial detention and has been sentenced to more than six years in prison on charges of links to the Gülen movement, a faith-based group accused by the government of “terrorist” activities. His mother was also dismissed from her job with the education ministry on similar grounds over her labor union membership.⁴¹¹

- **Nahit Emre Güney**, a 26-year-old university student who received psychological treatment following the arrest of his father, died on October 11, 2022, after he jumped from the observation deck of Galata Tower, an Istanbul tourist destination, due to depression caused by the imprisonment of his father in a post-coup purge. Emre Güney, who was studying law at Istanbul University, was the son of Haşim Güney, **a former member of the Council of State** who was imprisoned in July 2016 after a failed coup took place in Türkiye.⁴¹²

There are also countless examples of legal and social discrimination against the children of Gülenist Families who are the victims of Emergency Decrees and persecution:

- **Ahmet Burhan Ataç**, an 8-year-old cancer patient, passed away on May 7, 2020, after being denied the opportunity to receive treatment in Germany. His mother, Zekiye Ataç, was refused a passport, delaying his travel for critical medical care. Ahmet’s health deteriorated after both his parents were arrested, and his tragic story gained widespread public attention. The bureaucratic obstacles preventing his treatment sparked outrage and criticism.⁴¹³

- **Rüveyda Tekgöz**, a girl with autism, was denied social assistance on the grounds that her father was a subject of the state of emergency decree.⁴¹⁴

411 <https://stockholmcf.org/20-year-old-son-of-purge-victims-dies-by-suicide/>

412 <https://stockholmcf.org/student-jumps-to-his-death-from-galata-tower-over-fathers-imprisonment/>

413 <https://brokenchalk.org/ahmet-burhan-atac-the-story-of-the-child-who-got-killed-collectively/>

414 <https://boldapp.de/2021/11/12/babasi-khkli-olan-otizmli-ruveydanin-engelli-ayligi-mucadelesi/>

- The daughters of the Kaçmaz family, who were abducted from Pakistan and forcibly brought to Türkiye, were denied recognition and prevented from continuing their education.⁴¹⁵

- **Nurefşan Ketenci**, who was born with Cat Meow Syndrome (Cri du Chat), which is seen in one in 50 thousand people in the world, was expelled from the rehabilitation center where she was studying because her father was a subject of the state of emergency decree.⁴¹⁶

- Many students were denied state scholarships on the grounds that their parents were on the lists of the state of emergency decrees.⁴¹⁷

- When the Air Force Academy was closed down, the students were given their diplomas through Istanbul Technical University, but on the diplomas it was written “**This diploma was issued with the Decree Law No. 669**”. Due to the Decree Law mentioned here, it has become impossible for them to enter business life and use these diplomas.⁴¹⁸

As revealed in the abovementioned examples, almost all of the rights of Children who are the victims of persecution against the members of Gülen Movement and Children of those, which are included in the United Nations Convention on the Rights of the Child, have been violated. These violations have been addressed with a (new) legal approach. However, it is obvious that the violations of rights are far beyond what the bodies and souls of children can bear. Therefore, it is essential to address the issue with the data of sociology, psychology and pedagogy, and the adoption of the criterion ‘*having a Gülenist family member*’ as the sole basis for classifying an individual as a ‘Gülenist’ on the basis of close family members, without taking into account the aforementioned social reality—that individuals may fear experiencing the same fate as their

415 <https://kronos35.news/tr/pakistanli-yetkililer-sucunuz-yok-biliyoruz-ama-erdogan-cok-baski-yapiyor-dedi/>

416 <https://boldmedya.com/2021/07/25/babasi-khk-ile-kapatilan-kurumda-calisti-diye-egitim-hakki-engellenen-nurefsan-vefat-etti/>

417 <http://m.haberdar.com/genel/ysk-da-ilk-100-e-giren-ogrenciyi-vakif-universitesi-babasi-khk-li-diye-burslu-kaydetmedi-h211132.html>

418 Justice for Victims Platform, Social Costs of the State of Emergency in its 3rd Year Report, https://www.academia.edu/44609212/3_Y%C4%B1l%C4%B1nda_OHALin_Toplumsal_Maliyetleri_Raporu_Updated_

families due to the legal and social persecution they endure — represents a practice that warrants reconsideration.

12. SYSTEMATIC, DISCRIMINATORY AND HATE-MOTIVATED PRACTICES IN TÜRKİYE CONSTITUTE A CRIME AGAINST HUMANITY

12.1 Recently Released Important Reports on Human Rights Violations in Türkiye and Arbitrary Practices against the Gülen Movement

12.1.1. The Finnish Immigration Service Report

Due to the persecution described in the previous sections, members of the Gülen Movement—as well as thousands of individuals perceived to be affiliated with it—have sought asylum in various European countries. Many countries continue to closely monitor developments in Türkiye and take the picture of the recent the situation of individuals associated with the Gülen movement. In a latest report released by Finnish Immigration Service in June 2024, the facts given in our notifications has been repeated by the officials Finnish Immigration Service’s Country Information Service.

In the very beginning of the reports, it is stated that the report by the **Finnish Immigration Service’s Country Information Service** has been compiled in accordance with the common EU guidelines for processing country of origin information as well as guidelines for fact-finding missions. The report makes use of the interviews conducted during the fact-finding mission. The report is based on independent research and analysis by the **Country Information Service**.⁴¹⁹

The highlights of the report are as follows:

- The report states that there is no foreseeable criterion for whom such investigations may be carried out and that the identity of those targeted and the group to which they belong may vary according to the political atmosphere in the country (Page 8, 1/1.2).

419 “Türkiye, Individuals Associated with the Gülen Movement: The Finnish Immigration Service’s fact-finding mission to Ankara and Istanbul
October 2 – 6 2024,
[https://migri.fi/documents/5202425/5914056/FIS_Türkiye_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+\(2\).pdf/a14fa35f-a65a-9339-e331-fec99e9cd8c3/FIS_Türkiye_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+\(2\).pdf?t=1723630918594](https://migri.fi/documents/5202425/5914056/FIS_Türkiye_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+(2).pdf/a14fa35f-a65a-9339-e331-fec99e9cd8c3/FIS_Türkiye_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+(2).pdf?t=1723630918594)

- On the other hand, the report notes that individuals who have already been prosecuted, completed their sentences, or been acquitted are also being monitored by the government and may be subject to further investigation and detention in the future (page 11-13, 1.2.2).

- The report found that the majority of investigations and detentions of members of the Gülen movement in Türkiye were carried out on the grounds of 'restructuring' (page 14, 1.2.3).

- The report also states that the children of members of the Gülen movement, who were not at the age of criminal liability in 2016 when the 15 July coup attempt took place, are now being targeted for investigation and detention (page 17, 1.2.4).

- The report further states that human rights defenders who oppose the human rights abuses suffered by detainees in so-called 'FETÖ' investigations are being labeled as terrorists or supporters of terrorism by the Turkish government and subjected to similar investigations (page 18, 1.2.6).

- The report also states that the ByLock application, which is considered to be the strongest evidence in so-called 'FETÖ' investigations and which the ECtHR Yalçınkaya judgment clearly states that it cannot be used as evidence, is still being used by local courts as the basis for convictions (page 24, 2.2).

- It is also highlighted in the report that people who were detained, imprisoned, or dismissed from their jobs within the scope of so-called 'FETÖ' investigations were left to civilian death and could not fully reintegrate into society (page 31, 3.1).

- One of the most striking points in the report is the harsh treatment women face in detention centers or prisons. It is emphasized in the report that women are subjected to degrading treatment when arrested such as being strip searched. It is also emphasized that heavily pregnant women are constantly arrested and sent to prison despite a clear prohibition by the law. They are forced to give birth in hospitals while being guarded by prison officers and returned immediately back to prison once they have given birth. There have been instances where mothers have been forcibly separated from adopted children for their links to the Gülen movement. According to the Turkish legal expert, women have been ill-treated in custody. The Victims of the Emergency

Decree Platform has information on **12 women who became pregnant while in custody and some of them had to give birth**. The women were also forced to other actions, such as performing oral sex with police officers (page 44-45, 4.4).

The Finnish Immigration Service's report reveals the fact that an enemy criminal law against the Gülen movement in Türkiye is being continued to be applied, **which has clearly amounted to crimes against humanity**.

12.1.2. Freedom House 2024 Report

Freedom House's report⁴²⁰ "Free Them All 2024, Visible and Invisible Bars", published in 2024, states that the independence of the judiciary in Türkiye has been further weakened, and that hundreds of thousands of public employees have been dismissed by various decrees as a result of investigations against members of the Gülen Movement, without the right to a fair trial on the grounds of being affiliated with "FETÖ". The report also clearly underlines that Gülenists, like the signatories of the Academics for Peace petition, have been banned from working in the public sector, their passports have been cancelled, their right to health care has been taken away, their security and freedom of movement have been affected as a result of being publicly labelled as "FETÖ" supporters, and they may be re-arrested due to ongoing investigations against them.

12.1.3. Memorandum by Dunja Mijatovic, Council of Europe Commissioner For Human Rights, On Human Rights Violations In Türkiye, 5 March 2024

In her report,⁴²¹ the Commissioner pointed out that the authorities need to address a number of long-standing problems in the criminal justice system, such as the abuse of pre-trial detention and the lack of respect for fundamental legal principles such as the presumption of innocence, no punishment without law and the non-retroactivity of offences or the prohibition of double jeopardy. She also emphasized that the Turkish Penal Code and the Anti-Terror Law

420 Freedom House, "Free Them All 2024, Visible and Invisible Bars", <https://freedomhouse.org/tr/report/free-them-all/2024/visible-and-invisible-bars>

421 Council of Europe Commissioner for Human Rights, Memorandum on freedom of expression and of the media, human rights defenders and civil society in Türkiye, <https://rm.coe.int/memorandum-on-freedom-of-expression-and-of-the-media-human-rights-defe/1680aebf3d>

should be urgently and completely overhauled, taking full advantage of the Court's clear case-law as well as the Venice Commission and the Office of the Commissioner's conclusive recommendations on specific provisions of these laws. The Commissioner also urged the Turkish authorities to take urgent measures to neutralize the effects of the emergency decrees in terms of access to justice and an effective remedy, legal certainty and predictability. Likewise, the authorities are called upon to immediately implement the objectives in the Judicial Reform Strategy, not only in relation to individual measures but more generally to improve compliance with the Constitutional Court's jurisprudence. In her various subsequent interventions set out in this memorandum, the Commissioner reiterated her concerns about a wide range of serious problems affecting the Turkish justice system.

Consistent reports reaching the Commissioner confirm that the judiciary is strongly biased against political interests and that the Turkish judiciary is systematically not independent. In this context, the Commissioner notes that in 2022 the Council of Europe Group of States Against Corruption (GRECO) concluded that “the current level of compliance with the recommendations is not satisfactory globally” in relation to judges and prosecutors. GRECO also stated that “[...] *the executive has a dominance in a number of key areas of the functioning of the judiciary, including the process of selection and recruitment of candidate judges and prosecutors; relocation of members of the judiciary against their will; disciplinary procedures and the training of judges and prosecutors.*”.

12.1.4. Human Rights Watch World Report 2025

The 2025 HRW World Report⁴²² highlights the ongoing erosion of democratic principles and systemic human rights abuses in Türkiye, particularly under the sustained authoritarian policies of President Recep Tayyip Erdoğan and the ruling Justice and Development Party (AKP). The report draws attention to Türkiye's increasing departure from the rule of law and judicial

422 Human Rights Watch, World Report 2025 – Türkiye Chapter, published January 2025), <https://www.hrw.org/world-report/2025/country-chapters/turkiye>

independence, exacerbated by political manipulation, arbitrary arrests, and ongoing repression of dissent.

A core focus of the report is the sustained persecution of individuals associated — either real or perceived — with the Gülen Movement. Nearly a decade after the 2016 attempted coup, Turkish authorities continue to target people linked to the movement through arbitrary detention, torture, and long-term imprisonment. Notably, the UN Committee Against Torture, in its 2024 review of Türkiye, emphasized the "generalized" nature of torture and ill-treatment in detention centers. The Committee noted that torture allegations are frequently reclassified as lesser offenses, and prosecutions often fail to reflect the severity of the abuse.

The HRW report reiterates that Türkiye has failed to comply with multiple binding judgments of the ECtHR, particularly in cases involving members of the Gülen Movement. Despite clear orders for release, the Turkish judiciary continues to detain individuals on terrorism charges linked to Gülenist affiliations — frequently without evidence meeting international legal standards. The UN Committee also condemned Türkiye's ongoing practice of extrajudicial renditions of individuals affiliated with the movement from abroad, urging an end to such operations.

Media freedom remains virtually nonexistent. Government control dominates all mainstream media, and criticism of public officials, particularly the president and judiciary, is heavily censored. Independent media outlets are forced to operate primarily online and remain under constant threat of closure or criminal prosecution. Legal provisions used to block critical content have been found unconstitutional by Türkiye's Constitutional Court, yet enforcement persists.

In the political sphere, arbitrary removal of elected representatives such as Can Atalay demonstrates the regime's willingness to defy both domestic and international legal norms to maintain control. Atalay's case, where the Court of Cassation rejected two rulings by the Constitutional Court, underlines the judiciary's politicization and internal fragmentation.

Finally, the report underscores the increasingly repressive environment for civil society and human rights defenders. Osman Kavala and several Gezi Park protest figures remain imprisoned under charges widely criticized as baseless. Legislative threats—including an expansive espionage bill withdrawn in November 2024—continue to endanger journalistic and civil society work.

In conclusion, the HRW 2025 Report confirms that systematic repression against the Gülen Movement remains central to Erdoğan's broader authoritarian strategy. Coupled with judicial degradation, widespread censorship, and acts of torture, these policies constitute a pattern of state-sanctioned abuse with potentially international criminal implications.

12.2 Systematic and Intensive Rights Violations Documented in International Reports Constitute Crimes against Humanity

12.2.1. The Concept of Crime Against Humanity in General and the Emergence of this Crime

In all societies, rules of law regulating human relations have always existed. However, the fact that the field of application of legal rules cannot be limited to the borders of nation states was clearly understood at the end of the two world wars in the 20th century. The great brutality and destruction that emerged as a result of these wars forced states to make many regulations in the international arena. One of these areas has been law.

The consequences of both world wars not only influenced international law, but also paved the way for the emergence of international organizations that would ensure the implementation of this law.

As a result of the studies conducted in the field of international criminal law, four groups of crimes have been identified. These are the crime of genocide, crimes against humanity, war crimes and crimes of aggression. Crimes against humanity, after first appearing in the Nuremberg Statute in response to the actions of the Nazis, evolved in various international texts and today finds its most detailed definition in the Rome Statute.

The concept of crimes against humanity was first introduced in an international text as the Charter of the Nuremberg Tribunal, then it was included in the statutes of the Tokyo, the International Criminal Tribunals for the Former Yugoslavia and Rwanda and took its final form in the Rome Statute.⁴²³ Crime against humanity means victimizing the whole humanity, being hostile to mankind.⁴²⁴ For an act to be considered a crime against humanity, it must be committed as part of a widespread or systematic attack against a civilian population in a region or country. In other words, it is the commission of a large-scale, continuous and wide-ranging act of grave seriousness directly against a mass group of victims by following an organized and orderly system that has become general policy, involving a public or private authority.⁴²⁵

The Rome Statute does not contain a limiting provision on the perpetrators of crimes against humanity. Therefore, the perpetrator of crimes against humanity can be anyone. They can be state officials or civilians. It is not a requirement that the person or persons commit the crime against humanity as an official of the state or with the explicit or implicit approval or encouragement of the state. Subparagraph (a) of paragraph 2 of Article 7 of the Rome Statute states that the perpetrator can be a state official or a civilian by stating "*an organization or an extension of state policy*".

According to the Rome Statute, in order for the acts listed in Article 7 to constitute crimes against humanity, the perpetrator must commit these acts systematically or in a widespread manner and must know that these acts are committed against any civilian population in accordance with a specific plan.

12.2.2. The Concept of Crimes Against Humanity within the Framework of the Rome Statute and Evaluation of Rights Violations in Türkiye

The first international document regulating crimes against humanity in international law is the Treaty of London, which was announced at the end of the London Conference convened in

423 Seymen Çakar, Ayşen: Crimes against Humanity, TBB Journal, Y. 2012, S.103, p.194-195

424 Geras, Norman: Crime Against Humanity-Birth of a Concept, Manchester University Press, 2011, pp. 34,35

425 Kirsten, Anderson; "How Effective is the International Convention for the Protection of All Persons from Enforced Disappearance Likely to be in Holding Individuals Criminally Responsible for Acts of Enforced Disappearance?", Melbourne Journal of International Law, Vol.7, p. 258

1945 and established the Nuremberg Tribunal. The concept and trials of crimes against humanity, which started with the Nuremberg Tribunal, continued with the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and was finalized with Article 7 of the Rome Statute of 17 July 1998.⁴²⁶

The Rome Statute has been ratified by 123 countries. There is no EU member state that has not ratified the Rome Statute. States parties to the Statute have regulated their domestic legislation in accordance with the Rome Statute. Although Türkiye is not a party to the Rome Statute, the Turkish Criminal Code No. 5237, which entered into force in 2006, regulates crimes against humanity in Article 77 and the crime of genocide in Article 78.

Article 7 of the Rome Statute regulates crimes against humanity. According to the Article, for the purposes of this Statute, "*crimes against humanity*" include acts committed as part of a widespread or systematic attack against any civilian population. According to Article 7/1 of the Rome Statute, crimes against humanity include "*acts (enumerated in the article) committed knowingly and as part of a widespread or systematic attack against any civilian population*". The acts listed in Article 7 of the Rome Statute that constitute crimes against humanity are as follows:

- Murder
- Extermination,
- Enslavement
- Deportation or forced transfer of the population,
- Imprisonment or other severe deprivation of physical liberty in violation of fundamental provisions of international law,
- Torture

426 Seymen Çakar, Ayşen: "Crimes against Humanity", Journal of TBB, Y.2012, S. 103, p.176

- Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or other forms of sexual violence of comparable gravity,
- Persecution against any identifiable group or community, as defined in paragraph 3, based on political, racial, national, ethnic, cultural, religious, sexual or other grounds not universally recognized in international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court,
- Enforced disappearance of persons,
- The crime of apartheid,
- Other inhumane acts of a similar nature that intentionally cause serious suffering or serious damage to bodily or mental or physical health.

There is no difference whether crimes against humanity are committed in peacetime or wartime. If an attack against a civilian population meets the elements of Article 7 of the Statute, it will be considered a crime against humanity, regardless of whether it is committed in peacetime or wartime.⁴²⁷

As can be seen, pursuant to Article 7 of the Rome Statute entitled "*Crimes against Humanity*" include acts committed as part of a widespread or systematic attack against any civilian population. In this context, systematic, widespread and planned attacks against a specific group of people;

- Detention measures in violation of fundamental provisions of international law,
- Torture, ill-treatment and inhuman treatment in prisons and detention centers,
- Rape, sexual abuse, forced prostitution, forced pregnancy, forced sterilization or other forms of sexual violence of similar gravity in prisons and detention centers,
- Other inhumane acts or practices of a similar nature that intentionally cause serious suffering or serious damage to physical or mental or physical health

427 Seymen Cakar, p.180

the acts committed would constitute crimes against humanity under Article 7 of the Statute.

These acts were systematically and deliberately carried out by the Erdoğan regime in prisons against opposition detainees and prisoners, in particular members of the Gülen Movement. This situation essentially reveals that the acts committed constitute crimes against humanity as defined in Article 7 of the Rome Statute and Article 77 of the Turkish Criminal Code. Mass arrests and detentions have been carried out against members of the Gülen Movement on the grounds of differences in political, philosophical and religious views, ignoring international law and constitutional provisions and guarantees. Hundreds of cases of enforced abductions and disappearances⁴²⁸ have taken place both inside and outside the country. Members of the Gülen Movement have been subjected to inhuman treatment, torture, strip searches, rape, forced pregnancies⁴²⁹ in detention centers and prisons, which may cause damage to their physical, mental and physical health. Sick detainees and prisoners have been deliberately deprived of health and treatment services. Many deaths have occurred as a result. Hundreds of people have committed suicide in prisons due to depression caused by oppression and ill-treatment. The number of people trying to continue their lives with psychological problems is quite high.

On the other hand, **the United Nations Human Rights Council Working Group on Arbitrary Detention**, in its many resolutions⁴³⁰ on the applications of Gülen Movement volunteer victims, has clearly emphasized that the mere campaign of mass arrests and detentions against the Gülen Movement, let alone killings and torture, could constitute crimes against humanity. Similarly, UN independent expert **Alfred de Zayas**, in his article dated 26 February 2021, stated

428 Justice Square, Kidnapping and Disappearances in Türkiye, Amsterdam 2024, <https://justicesquare.org/turkiyede-adam-kacirma-ve-kaybetme/>

429 Türkiye; Individuals associated with the Gülen movement; The Finnish Immigration Service's fact-finding mission to Ankara and Istanbul 2 - 6 October 2023, p. 45, [https://migri.fi/documents/5202425/5914056/FIS_Türkiye_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+\(2\).pdf/a14fa35f-a65a-9339-e331-fec99e9cd8c3/FIS_Türkiye_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+\(2\).pdf?t=1723630918594](https://migri.fi/documents/5202425/5914056/FIS_Türkiye_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+(2).pdf/a14fa35f-a65a-9339-e331-fec99e9cd8c3/FIS_Türkiye_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+(2).pdf?t=1723630918594)

430 United Nations, Human Rights Council Working Group on Arbitrary Detention, https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session88/A_HRC_WGAD_2020_51_Advance_Edited_Version.pdf; https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session88/A_HRC_WGAD_2020_47_Advance_Edited_Version.pdf

that eight of the ten stages of genocide (*classification, symbolization, discrimination, dehumanization, organization, polarization, preparation, persecution, excluding extermination and denial*) have so far taken place with the attacks on Gülen Movement volunteers.⁴³¹ In short, there is no doubt that the acts against Gülen Movement volunteers constitute crimes against humanity.

In inhumane ill-treatment, torture, strip searches, rape, harassment, forced impregnation, etc., which have become state practice in prisons and detention centers, people are almost deprived of the most fundamental rights and protections such as protection from torture, inhuman and degrading treatment, the right to life, the right to liberty and security of person, the right to a fair and public (transparent) trial, the right to know the truth, the recognition of their legal status and the right to equal protection before the law.⁴³²

It is also a fact that people who are unlawfully detained, arrested or abducted are often subjected to torture, inhuman and degrading treatment. In prisons, these systematic practices have continued in the form of deprivation of health rights with a conscious preference and forcing sick detainees and convicts to live in conditions that endanger their right to life.

As a result of these systematic, intense, hate-motivated policies and practices, many deaths and suicides have occurred. Since the arrested person is deprived of his/her freedom and plunged into a dark uncertainty, the right to liberty and security is ignored, and the right to life is also violated by practices that violate the prohibition of inhuman treatment and torture. Prisons have been turned into centers of revenge and concrete coffins by the Erdoğan regime.

On the other hand, it is sufficient that the act of deprivation of liberty is not committed by any third party, but by persons directly or indirectly linked to the state. These persons may be official officials of the state, such as prison officials, or they may be individuals or groups acting with the state's order, support, or even with its consent or connivance. What is important is that

431 Alfred de Zayas: Crimes Against Humanity in Erdogan's Türkiye, 26 February 2021, https://www.realclearreligion.org/articles/2021/02/26/crimes_against_humanity_in_erdogans_Türkiye_661936.html

432 Gündoğan, Gündoğan, Şerife: Zorla Kaybetme within the Framework of the State's Obligation to Protect the Right to Life of the Individual, Istanbul Şehir University Institute of Social Sciences Department of Public Law Master's Thesis, August 2016, p.69

the person or persons who carry out this act, even if they are not official officials, are somehow connected to the state, even indirectly, or are acting on its behalf and account.⁴³³

12.2.3. The Concept of Crimes Against Humanity in Turkish Law and Evaluation of Systematic and Intense Violations of Rights in Türkiye

Crime against humanity is defined as a special type of crime in Turkish Criminal Law. It is regulated in the Turkish Criminal Code. Article 77 of the TCC reads as follows:

(1) The systematic commission of the following acts in accordance with a plan against a section of the society with political, philosophical, racial or religious motives constitutes a crime against humanity:

- a) Deliberate killing*
- b) Intentional injury.*
- c) Torture, cruelty or enslavement.*
- d) Deprivation of personal liberty.*
- e) Subjecting to scientific experiments.*
- f) Sexual assault, sexual abuse of children.*
- g) Don't get pregnant by force.*
- h) Forced incitement to prostitution.*

(2) If the act described in subparagraph (a) of the first paragraph is committed, the perpetrator shall be sentenced to aggravated life imprisonment; if the acts described in the other subparagraphs are committed, the perpetrator shall be sentenced to imprisonment for a term not less than eight years. However, for the crimes of intentional killing and intentional wounding committed within the scope of subparagraphs (a) and (b) of the first paragraph, the real cumulative provisions shall be applied according to the number of victims determined.

(3) Security measures shall also be imposed on legal entities for these offenses.

433 Gündoğan, p.71

(4) *The statute of limitations does not run for these offenses.*

As seen in the article, the commission of deportation, enslavement, mass and systematic killing, abduction and extermination of persons, subjection to torture or inhuman treatment or biological experiments, forced impregnation, forced prostitution against a civilian group of the population through the implementation of a plan and for political, philosophical, racial or religious motives is considered a crime against humanity.

The most significant difference between the definition in the TPC No. 5237 and the crime in the Rome Statute is related to **the moral element**. While general intent is considered sufficient for the commission of crimes against humanity in the Rome Statute, the presence of specific intent is required in the TPC No. 5237. According to TPC No. 5237; crimes against humanity must be committed with discriminatory motives based on political, philosophical, racial or religious reasons.⁴³⁴

Especially when the unlawful arrests, detentions, arrests, torture, kidnappings and disappearances in the aftermath of the July 15 coup attempt are evaluated together with the fact that they were carried out in accordance with a plan and against the Gülen Movement, which was declared *an "opposition criminal"* by the government, and the lynching practices carried out through the media; it is clearly seen that these acts are crimes against humanity. This is because these acts contain the elements of crimes against humanity as defined in Article 7 of the Rome Statute and Article 77 of the Turkish Criminal Code.

In Türkiye, the Erdogan regime labeled a civilian community that it perceived as opposing it as *"FETO/PDY"* and declared it an armed terrorist organization, labeling and accusing it of being terrorists, coup plotters and traitors. Subsequently, members of this Movement have been subjected to systematic detentions and arrest measures, torture, strip searches, rape and imprisonment⁴³⁵ in prisons and detention centers on political, philosophical or religious grounds,

434 Koç Başar, Cansu: State Policy in Crimes Against Humanity in the Context of the Rome Statute, Oniki Levha Publishing, Istanbul 2019, p.23

435 Türkiye; Individuals associated with the Gülen movement; The Finnish Immigration Service's fact-finding mission to Ankara and Istanbul 2 - 6 October 2023, p. 45, https://migri.fi/documents/5202425/5914056/FIS_Türkiye_Individuals+associated+with+the+G%C3%BClen+m

in line with a plan. Sick detainees and convicts were deliberately left to die. Therefore, these systematic, intensive and planned acts against members of the Gülen Movement constitute crimes against humanity in the context of Article 77 of the Turkish Penal Code.

In short, unlawful systematic detentions, arrests, violations of rights in prisons, torture and ill-treatment, kidnappings and disappearances, etc. against people from all walks of life under the slander of "*coup plotters*," "*traitors*" or "*terrorists*" are all crimes against humanity under the Rome Statute and Article 77 of the TPC.

While crimes against humanity were being committed by the Erdoğan regime, the fundamental principles of the Constitution and the most basic individual rights were deliberately shelved. All mechanisms of the judiciary, especially the Constitutional Court, as well as other public institutions and organizations have become the protectors of this unlawful interim period. They have become perpetrators of crimes against humanity.

13. CONCLUSIONS AND RECOMMENDATIONS

13.1. Conclusions

13.1.1 Systematic and Increasingly Complex Repression Against Members of the Hizmet Movement in Türkiye

Following the coup attempt on July 15, 2016, Türkiye launched the most extensive investigation and prosecution process in its history against members of the Hizmet Movement. Hundreds of thousands of people were taken into custody, dismissed from their professions, and subjected to judicial and administrative investigations. During this process, According to the Minister of Justice, judicial proceedings were initiated against **720,338 people** between July 2016 and July 2026 in connection with the Gülen movement alone; **127,102 people** were convicted. **400,000 people had been detained** in Gülen-related investigations over ten years. Moreover, more than **130,000 public officials** — teachers, doctors, judges, prosecutors, police officers, academics, soldiers and civil servants — were summarily dismissed by decree, on the basis of lists prepared in advance, without individualised reasoning, evidence, or any opportunity to be heard.

A study based on Ministry of Justice statistics found that at least **1,576,566 people** were subjected to investigations for “membership of an armed terrorist organisation” between 2016 and 2020. By the mid-2020s the cumulative record had grown further still: analyses of official judicial statistics show that **2,478,734 people** were investigated for alleged membership of a terrorist organisation between 2015 and 2023, a figure that had reached **3,093,084 by the end of 2024** — this in a world in which the total number of persons registered internationally as terrorism suspects is commonly estimated at around 300,000.

The scale, frequency, and nationwide character of these operations demonstrate that, nearly a decade after the failed coup attempt, the repression and persecution have not diminished. On the contrary, they provide compelling evidence of the continued implementation of a systematic enforcement policy that remains incompatible with the principles of individualized suspicion,

proportionality, legal certainty, and the rule of law under international human rights law. This is not merely a domestic characterization: the collapse of legal safeguards underlying these operations has since been confirmed at the highest level of the European human rights system.

13.1.2. Arbitrary and Unpredictable Criteria for investigations

The government and judicial authorities established certain criteria to claim that individuals were connected to the Hizmet Movement: using ByLock, depositing money in Bank Asya, subscribing to Zaman newspaper, working in institutions affiliated with the Hizmet Movement, or sending their children to these schools. Although these criteria did not constitute legal evidence or a criminal act, they were used as grounds for dismissing thousands of people from their jobs, initiating prosecutions against them for “membership in an armed terrorist organization,” and issuing conviction judgments.

The European Court of Human Rights (ECtHR) clearly determined that these criteria—such as using ByLock, depositing money in Bank Asya, being a member of a union, or subscribing to a newspaper—cannot constitute criminal evidence. The ECtHR requested that the Turkish government eliminate these systematic violations, which affect tens of thousands of people. However, today, especially over the past year, these violations have escalated to an even more severe level.

The criteria used in the previous period, although unlawful, were predictable for individuals. Yet today, there are no longer any predictable criteria. The Turkish government and judiciary have moved into a new phase, under the pretext of “restructuring,” which is far more complex and places individuals under a greater threat. Now, not only being affiliated or linked to the Hizmet Movement but also being a family member (spouse or child), close friend or employer of such individuals is sufficient to be taken into custody, arrested, and convicted for “membership in an armed terrorist organization.” The Turkish government, through both the National Intelligence Organization (MIT) and law enforcement units, subjects members of the Hizmet Movement and their family members to extensive technical and physical surveillance.

Their phone calls are intercepted, digital communications and messaging are monitored, domestic and international travels are logged, and all financial transactions and banking activities are kept under strict scrutiny. In addition, through continuous physical surveillance, the authorities systematically record their meetings with one another, home and workplace visits, and social interactions. Furthermore, social security (SGK) records are examined to determine who employs these individuals and where they have started working, and such findings are frequently used as the basis for launching new operations against them.

Especially from the second half of 2024, repression has become much more severe, and unlawfulness has reached a new stage. Not only individuals who had previously been investigated but also their family members—particularly their children—are now directly targeted. University students have been taken into custody, and some of them have been arrested, merely because they went abroad for a short trip or shared a student apartment. In Türkiye, thousands of students live in shared apartments and travel abroad. **However, the Gaziantep–Izmir–Istanbul operations demonstrate that** these practices are directed only against the children of families linked to the Hizmet Movement, which clearly constitutes discrimination.

As detailed and illustrated with concrete examples in the reports prepared by the Justice Square foundation, if you have previously been dismissed by a decree law (KHK) or subjected to judicial investigation for allegations of being a “FETÖ” member or leader, or if you are a family member of such a person:

- Providing financial assistance on humanitarian grounds to someone who has been dismissed by KHK or investigated for alleged “FETÖ” affiliation, or to their family members,
- Visiting the grave of a deceased member of the Hizmet Movement and praying,
- Sitting in a café with a person dismissed by KHK or investigated on “FETÖ” allegations, or studying together with them or their children,

- Preparing for the Medical Specialization Exam (TUS) to become a specialist doctor by attending a test preparation center allegedly affiliated with the Hizmet Movement ten years ago,
- Working in or providing employment at a workplace with or without social security registration (SGK),
- Sharing a student apartment during university with the child of a person dismissed by KHK or investigated for alleged “FETÖ” membership or leadership,
- Traveling abroad to countries like Bosnia-Herzegovina or Albania,

are now considered fully sufficient grounds for arrest and conviction solely for these individuals, despite being entirely ordinary, lawful, and humanitarian activities.

As a result, there are no longer any predictable criteria in Türkiye today. On the one hand, people continue to be taken into custody, arrested, and punished on the basis of the old criteria — ByLock usage, union membership, bank transactions, etc. — which the ECtHR determined to be unlawful and a systematic violation in the Yalçinkaya judgment. On the other hand, now, merely having been previously investigated or being a family member, spouse, or child of such a person is, by itself and under any pretext, sufficient for arrest and conviction.

13.1.3. Torture and ill-treatment

Especially during the State of Emergency (State of emergency) period, torture and ill-treatment in detention and in prison became a state practice. As emphasized in the report, during the State of Emergency, the police and gendarmerie carried out street operations against thousands of people on suspicion of having links to the Gülen movement, and arbitrary detentions were made, sometimes under the name of “identity checks”. In major cities such as Istanbul, Izmir and Diyarbakir, many people were detained in the middle of the streets on the grounds of alleged links to the Gülen Movement and were subjected to back handcuffs and violence. Allegations of ill-treatment and torture in detention centers were widespread. It was found that those detained on terrorism charges were beaten and forced to sign statements, made to stand for hours, and threatened with their families and children. It is reported that some people

who were tortured during this period were not even able to access medical reports and many incidents were covered up. This Report emphasizes that the practices of security forces have turned into gross human rights violations and that law enforcement violence has become a systematic part of the State of Emergency. After 15 July, **tens of thousands of soldiers** across Türkiye were detained and arrested for "attempted coup" or alleged affiliation with the Gülen Movement. It is a well-known fact that soldiers were subjected to the most severe torture and ill-treatment during this period. Images of these tortures have been constantly used as a propaganda tool by media outlets close to the Erdoğan regime.

13.1.4. Poor and Inhumane Conditions in Prisons

As emphasized in the relevant section of the report, victims who were unjustly detained, arrested and subjected to torture and ill-treatment during this process were forced to stay in poor and inhumane conditions in prisons. People terrorized and arrested by the Erdoğan regime have been subjected to systematic torture and ill-treatment in prisons. Long periods of detention in solitary confinement, forced undressing and strip searches, and the prevention of treatment for detainees and convicts with serious illnesses have threatened the right to life. Prisoners have been isolated by being prevented from meeting with their lawyers and relatives; because their health problems have been neglected, some of them have been waiting for death before the end of their sentences. Due to the conscious choice of this Erdoğan regime, hundreds of victims died in prison or died very soon after their release. These grave violations constitute clear crimes against the physical and mental integrity of detainees, disregarding humanitarian requirements.

13.1.5. The confiscation of civil society and the economy

The decree-laws did not merely punish individuals; they liquidated an entire social sector.⁴³⁶ By decree, the state closed **1,061 educational institutions, 15 universities, 800 student dormitories, 223 tutoring and study centres, 48 health institutions, 1,595 associations, 155 foundations and 19 trade unions**, and transferred **985 commercial enterprises** to the Savings

436 <https://www.trthaber.com/haber/gundem/fetonun-finans-kaynaklari-kurutuluyor-951060.html>

Deposit Insurance Fund (TMSF).⁴³⁷ All movable and immovable assets, receivables and rights of the closed institutions were deemed transferred to the Treasury *free of charge*, “unencumbered”, and without any judicial decision; Decree-Law No. 677 expressly barred the closed institutions from claiming compensation.⁴³⁸ Trustees were appointed to hundreds of private companies — 694 companies had been transferred to TMSF control by the end of November 2016 alone⁴³⁹ — including some of the country’s largest industrial groups (Boydak, Koza-İpek, Dumankaya, Naksan, Kaynak), later sold to businessmen aligned with the government. Official statements themselves acknowledge confiscations of 75 billion lira, a figure that excludes the assets of 127 natural persons, the property of the liquidated organisations, and 2,271 educational immovables transferred to other institutions; research based on official figures conservatively estimates the total value of assets confiscated in connection with the Gülen movement at **US\$32.24 billion**.

13.1.6. Targeting Family Members of Gülen Affiliates

The persecution now extends beyond high-profile Gülenists to ordinary family members, **particularly children**. Operations in Gaziantep, İstanbul, and İzmir, alongside the “Teenage Girls Case,” illustrate that familial ties to KHK-dismissed or investigated individuals are sufficient for detention. For instance, university students, many aged 8–12 during the 2016 coup attempt, face terrorism charges for lawful activities like sharing accommodations or traveling abroad, solely due to their parents’ alleged affiliations. This violates individual criminal responsibility and exacerbates generational trauma.

13.1.7. Official Rhetoric Hate Speeches Fuels Relentless Persecution

Statements from President Erdoğan, the Interior Minister, and the Justice Minister consistently label the Gülen Movement as Türkiye’s most dangerous threat, vowing to eradicate

437 Figures aggregated from the closure schedules of Decree-Laws Nos. 667, 668 and subsequent decrees; see Zeynep Altıok, *OHAL Bilançosu: Hak İhlalleri Raporu* (CHP, 2017), pp. 15–16, <https://content.chp.org.tr/file/33743.pdf>.

438 Decree-Laws Nos. 667 and 668, Art. 2 (uncompensated transfer to the Treasury); Decree-Law No. 677, Art. 6 (bar on compensation claims).

439 Decree-Laws Nos. 674 (Art. 19) and 677 (Art. 7); Savings Deposit Insurance Fund figures as of 30 November 2016 (694 companies).

it entirely. This rhetoric, reiterated in July 2025, signals that even uninvestigated Gülen affiliates face imminent risk of detention. Operations like the July 15, crackdown, timed with the coup anniversary, underscore this unwavering commitment. Such declarations perpetuate a climate of fear, ensuring no Gülen-linked individual feels safe, regardless of prior judicial scrutiny

13.1.8. Climate of Fear and Civil Death

The Turkish government enforces “civil death” by targeting Gülen affiliates with economic marginalization, exemplified by “Code 37” blacklisting. Operations like Maydanöz Döner and Antiochia Künefe criminalize employment of KHK-dismissed individuals, with employers facing detention for hiring them. For instance, a dismissed teacher was barred from working as a bus driver. These actions, coupled with business raids and asset seizures, trap individuals in poverty, deter employers through intimidation, and isolate entire families, violating their right to work and social reintegration.

Employers are afraid to hire and employ people who have been dismissed from their jobs under the State of Emergency Decree Law. This leads to the civilian deaths of these people, most of whom are Gülen movement members.

Relatives, neighbors and friends are afraid to help these people who have been dismissed from their jobs by emergency decrees because they are afraid of being investigated and arrested. In fact, people who help them out of humanitarian considerations are accused of “FETÖ membership”, “knowingly and willingly aiding the organization without being a member” and “financing terrorism”. People who have already been subjected to a similar investigation or even completed their sentences are being unlawfully detained and arrested again under the name of “restructuring”.

Thus, individuals dismissed by emergency decrees, particularly members of the Gülen movement, are afraid to visit one another in their homes or even meet in a café for a cup of coffee, as they may be subjected to technical and physical surveillance and unlawful practices under the guise of restructuring.

13.1.9. Exclusion from Amnesty Discussions

In recent days, following the PKK's announcement of its self-dissolution, discussions on a general amnesty have come to the public agenda. However, President Erdoğan has explicitly stated that members of the Gülen Movement would be excluded from any such amnesty. This clear exclusion demonstrates that the government prioritizes ideological retribution over legal equality and that there has been **no softening in its policy toward members of the Hizmet Movement**.

13.1.10. Non-Compliance with the ECtHR's *Yalçınkaya* and *Yasak* Rulings

The ECtHR's 2023 *Yalçınkaya v. Türkiye* ruling condemned Türkiye's use of ByLock as automatic evidence of terrorism, mandating judicial reforms. However, nearly two years later, neither the Constitutional Court, Court of Cassation, nor local courts have implemented its findings. Turkish courts continue relying on discredited evidence like ByLock without proving intent or allowing defendants to challenge data, perpetuating systemic violations of ECHR Articles 6 and 7. This defiance underscores the judiciary's alignment with government directives, obstructing justice for thousands.

The ECtHR's subsequent *Demirhan v. Türkiye* ruling (**Application No. 42279/21, decided in July 22, 2025**) explicitly criticized Türkiye for failing to align judicial practices with *Yalçınkaya*. The court noted that Turkish authorities persisted in using ByLock evidence without addressing its reliability or ensuring fair trial guarantees, reinforcing the systemic nature of these violations.

The Grand Chamber judgment of the ECtHR in *Yasak v. Türkiye*, delivered on 5 May 2026, has definitively established that the *Yalçınkaya* case-law is not confined to ByLock evidence. In the case of the applicant, who had been convicted on the basis of the standard evidentiary set — witness statements, call records (HTS), a Bank Asya account, and social-security (SGK) records — the Grand Chamber found a violation of Article 7, emphasising that a conviction for membership of a terrorist organisation requires individualised proof of the offence's mental element, that responsibility cannot be based on collective guilt or on the logic of affiliation (*iltisak*), and that the accused's "knowing and willing" adherence to the organisation's aims of violence must be established. The Court also found a violation of Article 3 on account of the

overcrowded prison conditions. The judgment has direct consequences for tens of thousands of files bearing the same evidentiary profile. Regrettably, however, the Turkish judiciary has so far resisted this judgment as well, and the human rights violations continue.

13.1.11. Crimes against Humanity

Especially when the unlawful arrests, detentions, arrests, torture, kidnappings and disappearances in the aftermath of the July 15 coup attempt are evaluated together with the fact that they were carried out in accordance with a plan and against the Gülen Movement, which was declared an *"opposition criminal"* by the government, and the lynching practices carried out through the media; it is clearly seen that these acts are crimes against humanity. This is because these acts contain the elements of crimes against humanity as defined in Article 7 of the Rome Statute and Article 77 of the Turkish Criminal Code.

In Türkiye, the Erdogan regime labeled a civilian community that it perceived as opposing it as *"FETO/PDY"* and declared it an armed terrorist organization, labeling and accusing it of being terrorists, coup plotters and traitors. Subsequently, members of this Movement have been subjected to systematic detentions and arrest measures, torture, strip searches, rape and imprisonment⁴⁴⁰ in prisons and detention centers on political, philosophical or religious grounds, in line with a plan. Sick detainees and convicts were deliberately left to die. Therefore, these systematic, intensive and planned acts against members of the Gülen Movement constitute crimes against humanity in the context of Article 77 of the Turkish Penal Code.

In short, unlawful systematic detentions, arrests, violations of rights in prisons, torture and ill-treatment, kidnappings and disappearances, etc. against people from all walks of life under the slander of *"coup plotters," "traitors"* or *"terrorists"* are all crimes against humanity under the Rome Statute and Article 77 of the TPC.

440 Türkiye; Individuals associated with the Gülen movement; The Finnish Immigration Service's fact-finding mission to Ankara and Istanbul 2 - 6 October 2023, p. 45, [https://migri.fi/documents/5202425/5914056/FIS_Türkiye_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+\(2\).pdf/a14fa35f-a65a-9339-e331-fec99e9cd8c3/FIS_Türkiye_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+\(2\).pdf?t=1723630918594](https://migri.fi/documents/5202425/5914056/FIS_Türkiye_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+(2).pdf/a14fa35f-a65a-9339-e331-fec99e9cd8c3/FIS_Türkiye_Individuals+associated+with+the+G%C3%BClen+movement_June_2024+(2).pdf?t=1723630918594)

While crimes against humanity were being committed by the Erdoğan regime, the fundamental principles of the Constitution and the most basic individual rights were deliberately shelved. All mechanisms of the judiciary, especially the Constitutional Court, as well as other public institutions and organizations have become the protectors of this unlawful interim period. They have become perpetrators of crimes against humanity.

13.2 Recommendations

To the Government of Türkiye: end the mass detention operations and the prosecution of lawful conduct; implement the *Yalçınkaya*, *Yasak*, *Kavala* and *Demirtaş* judgments fully and generally, including the reopening and termination of all comparable convictions; release seriously ill prisoners and all persons detained without individualised evidence of criminal conduct; repeal the immunity provisions of the emergency decree-laws and the SGK blacklisting codes; restore the property of closed institutions or provide full compensation; repeal the statutory collusion presumption of Decree-Law No. 675 and restore the property of third-party purchasers; establish an independent mechanism, with international participation, to investigate torture, deaths in custody and enforced disappearances, beginning with the fate of the seven persons still missing; and restructure the HSK and the criminal judgeships of peace in line with Venice Commission standards.

To the Council of Europe: pursue the Article 46(4) infringement process on *Kavala* to its institutional conclusions and initiate equivalent proceedings on *Yalçınkaya* (with *Yasak*) and *Demirtaş*; maintain enhanced supervision with fixed deadlines and interim resolutions; treat the December 2025 relinquishment of *Kavala* (No. 2) to the Grand Chamber as the occasion for a definitive ruling on circumvention of Article 46; and ensure that the Committee for the Prevention of Torture's Türkiye reports are published promptly, if necessary by public statement under Article 10(2) of the CPT Convention.

To the European Union and its member states: condition any deepening of EU–Türkiye relations on measurable compliance with ECtHR judgments; ensure that asylum adjudication reflects the country-of-origin findings summarised in this report, including the risk of re-

prosecution and the surveillance of diaspora communities; investigate and prosecute acts of transnational repression committed on their territories; decline extradition and Interpol cooperation in cases arising from the prosecutions described herein; and consider designations under Magnitsky-type global human rights sanctions regimes of officials credibly identified in torture and enforced-disappearance cases.

To the United Nations: the Human Rights Council should establish a dedicated monitoring and evidence-preservation mechanism on Türkiye, modelled on existing accountability mechanisms, to consolidate the documentation held by treaty bodies, special procedures and civil society for use in future proceedings.

To national prosecuting authorities: the crimes documented in this report — torture, enforced disappearance, crimes against humanity — are subject to universal jurisdiction in many states, and several of the named perpetrators travel internationally. Victims and their counsel should be supported in filing, and prosecutors in pursuing, structural investigations into torture, enforced disappearance and crimes against humanity committed in Türkiye since 2016, including against identifiable perpetrators named in court records and cited in this report.

To civil society and the academy: continue the systematic documentation on which any future accountability will depend. Regimes end; records remain. The victims of this decade — the teacher who died on a white plastic chair, the woman who announced her own death for want of medicine, the children interrogated about the contents of a shopping bag — are owed, at the very least, an accurate and permanent record. This report is offered as a contribution to that record.

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