Stichting Justice Square

THE POLITICS OF PLUNDER AND STATE-SPONSORED EXPROPRIATION OF PROPERTY IN TÜRKİYE

REPORT



JUSTICE SQUARE

2026

REPORT ON THE POLITICS OF PLUNDER AND STATE-SPONSORED EXPROPRIATION OF PROPERTY IN TÜRKİYE

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ABOUT US

Stichting Justice Square, a non-profit, non-governmental organization headquartered in Amsterdam, aims to make a lasting and meaningful difference in the lives of persecuted individuals, refugees, war victims, and displaced communities around the world. Promoting democratic values, the Foundation advocates for the protection of human rights and works to strengthen international cooperation. In particular, human rights violations in Türkiye are meticulously monitored by the Foundation. These violations are also regularly presented to international institutions and organizations through reports and information letters. Stichting Justice Square bases its work on cooperation with academic circles and global stakeholders for a world in which justice and human dignity are protected.

Stichting Justice Square

FOREWORD

The right to property is a fundamental right guaranteed both under Article 1 of Protocol No. 1 to the European Convention on Human Rights and under Article 35 of the Constitution of the Republic of Türkiye. This right guarantees not only the protection of individual economic assets, but also legal certainty, predictability, and the continuity of a democratic social order. The case law of the European Court of Human Rights (ECtHR) has defined the right to property as an inseparable element of the rule of law and has explicitly prohibited arbitrary, disproportionate, and politically motivated interferences.

Nevertheless, in Türkiye, particularly after 2015 and with the state of emergency that followed the coup attempt of 15 July 2016, the right to property has been violated in a systematic and organized manner, and these violations have, over time, been transformed into a state policy. The Erdoğan regime has used the state of emergency not as an exceptional regime, but as a legal cloak for a permanent regime of plunder, seizing the assets, companies, banks, schools, universities, hospitals, and social institutions of hundreds of thousands of people.

In this process, violations of the right to property have not been isolated practices, but have been implemented as a centrally planned regime of expropriation, supported by administrative and judicial mechanisms. Seizures, trustee (*kayyım*) appointments, closures, and liquidations have been carried out disproportionately to the criminal charges involved, often without a conviction, and in a manner producing irreversible consequences. These practices, described in ECtHR case law as "de facto confiscation," have become an ordinary administrative procedure in Türkiye.

The judicial organs, rather than acting as protectors of the right to property in this process, have functioned as the legitimizing element of the regime of plunder. Through decisions that render the provisions of the Constitution and the ECHR ineffective, the courts have approved trustee appointments, sales, liquidations, and closures, giving a legal appearance to practices that eliminate the very essence of the right to property.

The Savings Deposit Insurance Fund (*Tassaruf Mevduatı Sigorta Fonu, TMSF*) was, during this period, pushed beyond its essential duties and limits and turned into the principal instrument for seizing large-scale companies and economic assets. Many companies placed under trusteeship or seized were deliberately driven into losses and permanently liquidated through economic collapse. As in the example of Bank Asya, the operating licence of a huge participation bank was revoked, the bank was effectively driven into bankruptcy, and the violation of the right to property reached an irreversible scale.

The seized universities, schools, dormitories, and hospitals were restructured not for the purpose of public benefit, but to be allocated to personnel loyal to the regime. Some were converted, in a token manner, into İmam Hatip high schools and turned into instruments of propaganda; numerous educational and health institutions were used outside their original purposes and distributed among elements of the regime in the manner of war spoils.

This report, prepared by Stichting Justice Square, aims to demonstrate how the Erdoğan regime has systematically violated the right to property, how these violations became institutionalized through the state-of-emergency process, and how they were legitimized through judicial mechanisms. The study aims to document, within the framework of the ECHR, ECtHR case law, and the Constitution, all the dimensions reached by the politics of plunder built in Türkiye, and to bring it to the attention of the international public.

This report has been prepared not merely to keep a record of the past, but to establish legal accountability and ensure that responsibility is determined.

Stichting Justice Square
September 2026

ABBREVIATIONS

ECtHR: European Court of Human Rights
ECHR: European Convention on Human Rights
AKP: Justice and Development Party
AML/CFT: Anti-Money Laundering / Combating the Financing of Terrorism
ATK: Council of Forensic Medicine
AYM: Constitutional Court
BDDK: Banking Regulation and Supervision Agency
BİST: Borsa Istanbul (Istanbul Stock Exchange)
UN: United Nations
CAT: Committee against Torture
CGK: Grand Chamber on Criminal Matters (Court of Cassation)
CGTHK: Law on the Execution of Sentences and Security Measures
CISST: Civil Society in the Penal System Association
CMK: Code of Criminal Procedure
CPT: European Convention/Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
FATF: Financial Action Task Force
FETÖ/PDY: "Fethullahist Terrorist Organization / Parallel State Structure" (the designation used by the Turkish state)
HRFT: Human Rights Foundation of Türkiye
HRW: Human Rights Watch
ICSID: International Centre for Settlement of Investment Disputes
İGAM: Asylum and Migration Research Centre
İHD: Human Rights Association
İSO: Istanbul Chamber of Industry
KHK: Decree Law (Kanun Hükmünde Kararname)
MASAK: Financial Crimes Investigation Board
MEB: Ministry of National Education
MEBBİS: Ministry of National Education Information Systems
MLAT: Mutual Legal Assistance Mechanisms
MOM: Media Ownership Monitor
NPO: Non-Profit Organization
OHAL: State of Emergency
RSF: Reporters Without Borders
RTÜK: Radio and Television Supreme Council
SGK: Social Security Institution

SPK: Capital Markets Board
TCK: Turkish Penal Code
TİB: Commercial and Economic Integrity
TİHEK: Turkish Human Rights and Equality Institution
TİHV: Human Rights Foundation of Türkiye
TMSF: Savings Deposit Insurance Fund
TMV: Türkiye Maarif (Education) Foundation
ULFED: International Federation of Non-Governmental Organizations
VGM: Directorate General of Foundations
YÖK: Council of Higher Education

INTRODUCTION

The right to property, a dynamic right shaped throughout historical and legal processes, refers to a person's authority to exercise dominion over, use, benefit from, and dispose of material and immaterial assets. The right to property is not merely an economic power of disposition. The right to property is the litmus test of the rule of law. The right to property is the material guarantee of legal certainty, predictability, and human dignity. If the right to property is not secure in a country, then in reality no fundamental right is secure.

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 Constitution of the Republic of Türkiye. These guarantees make clear that interference with the right to property may only take place by law, for a purpose of public interest, and in observance of the principle of proportionality. The case law of the European Court of Human Rights has, for its part, treated the right to property as an inseparable element of the rule of law, and has explicitly prohibited arbitrary and politically motivated interferences.

Nevertheless, in Türkiye, particularly in the period after 2015 and during the state of emergency that followed the coup attempt of 15 July 2016, the right to property has been violated in a systematic and organized manner. The state of emergency was used not as a temporary security measure, but as the legal cloak for a permanent regime of liquidation and seizure. The companies, banks, educational institutions, health institutions, associations, and foundations of hundreds of thousands of people were seized.

In this process, violations of the right to property were implemented not as isolated acts, but as a “state practice” based on central planning. Seizures, trustee appointments, liquidations, and closures were in most cases carried out without any conviction, disproportionately to the criminal accusation, and in a manner producing irreversible consequences. Practices described in ECtHR case law as “de facto confiscation” have become an ordinary administrative practice in Türkiye.

The judicial organs, rather than being the guardians of the right to property in this process, became the legitimizing element of the liquidation mechanism. Through decisions that rendered the provisions of the Constitution and the ECHR ineffective, the courts approved trustee appointments, company transfers, and closures, thereby lending a legal appearance to practices that eliminated the very essence of the right to property.

This report, prepared within Stichting Justice Square, examines in all its dimensions the politics of plunder and state-sponsored expropriation of property that has, particularly over the last decade, turned into a systematic state practice in Türkiye.

This study sets out not isolated administrative acts, but a planned, organized, and institutionalized regime of property liquidation.

The central thesis of this report is clear: violations of the right to property in Türkiye are not exceptional practices. These violations are the ordinary consequence of the politics of plunder and property-seizure practices developed by the Erdoğan regime. Violations of the right to property became institutionalized during the state-of-emergency period; were thereafter made permanent; were legitimized through judicial decisions; and were disseminated through administrative practices. The resulting picture reflects a regime of arbitrariness in which the principle of the rule of law has been suspended.

This report addresses the politics of plunder built in Türkiye within its historical continuity. State-sponsored expropriation of property is not solely a phenomenon of the recent period. The regulations concerning "abandoned property" (*emval-i metruke*) relating to the property of Armenians in the Ottoman period, the 1942 Wealth Tax (*Varlık Vergisi*) practice, and the events of 6–7 September are historical examples of property being used as a political instrument. This historical background shows that current practices are not a rupture, but a continuity.

However, the post-2016 period differs from previous periods in terms of its scope and intensity, because in this period the Gülen Movement became the direct and sole target. In essence, the Gülen Movement is a movement that has come to the fore through its educational and cultural activities in Türkiye, that bases its work on dialogue and tolerance, and that, most importantly, adopts a contemporary and moderate understanding of Islam.[1] The Gülen Movement, which could not reconcile with the Justice and Development Party (AKP) regime pursuing a policy based on "political Islam" in Türkiye at this point, and which did not submit to the will of the regime, was placed at the target of the most intense, wide-ranging, and systematic violations of rights in the country's history. In particular, following the investigations of 17/25 December 2013, in which the Erdoğan regime was implicated in corruption and bribery, the Gülen Movement was made the target of state practices aimed at systematically, deliberately,

[1]See Özdalga, Elisabeth: 'Worldly Asceticism in Islamic Casting: Fethullah Gülen's Inspired Piety and Activism', Critique, no. 17 (Fall 2000): 83-104; Turam, Berna: 'Between Islam and the State: The Politics of Engagement: The Engagements between the Gülen Community and the Secular Turkish State', PhD Thesis, McGill University, Montreal, 2001; Ergil, Doğu: Fethullah Gülen & The Gülen Movement in 100 Questions, Blue Dome Press (17 Dec. 2012); Agai, Bekim: Fethullah Gülen Hareketi'nin Eğitime İslamî Etik Kazandırma Projesi [The Gülen Movement's Project of Bringing Islamic Ethics into Education], 27.02.2003, https://fgulen.com/tr/hayati-tr/hareketi-incelemeler/Bekim-Agai-Fethullah-Gulen-Hareketinin -Egitime-Islami-Etik-Kazandirma-Projesi, accessed: 25/03/2026.

and ultimately excluding and erasing it from economic, social, and public life.[2] The 17/25 December 2013 bribery and corruption investigations — initiated by the police and the judiciary against illegal networks that included numerous bureaucrats, ministers, ministers' children, and Iranian-origin individuals such as Rıza Zarrab, who corroborated the process through confessions made in the United States — caused a new process to begin in Türkiye.

The targeting of, and systematic violations of rights against, the Gülen Movement, which began with the 17/25 December process, were transformed into state policy after the 15 July coup attempt. Following the 15 July coup attempt, unlawful, systematic, and mass decisions on detention and arrest were issued in investigations opened against the opposition, primarily members of the Gülen Movement, and these people were sentenced to heavy penalties by judicial bodies that had virtually turned into regime courts. In this unlawful process, people's most fundamental rights — the rights to liberty and security and to a fair trial — were taken from them as a matter of state policy. People, both in prisons and in civilian life, were abandoned to civil death under the effect of this politics of hatred. The right to property, like the other most basic rights of people who had been stripped of liberty and security, was likewise subjected to the unlawful state practices of the Erdoğan regime.

The Erdoğan regime applied the practices directly relating to the politics of plunder and property seizure most heavily against the Movement. During the state-of-emergency process, thousands of schools, dormitories, private tutoring centres, hospitals, universities, magazines, newspapers, televisions, and similar institutions alleged to be linked with the Gülen Movement were closed; hundreds of thousands of immovables were transferred to the Treasury; and trustees were appointed to hundreds of companies. In this context, under the OHAL decree laws, a total of;

- **187 media organizations - comprising 1,595 associations,**
- **155 foundations,**
- **1,061 schools,**
- **841 dormitories,**
- **223 course/tutoring centres,**
- **48 hospitals, health centres and clinics,**
- **15 universities and 7 affiliated hospitals,**
- **19 trade unions,**
- **70 newspapers,**

[2]For detailed information, see: '17-25 December Corruption and Bribery Operation', https://tr.wikipedia.org/wiki/17-25_Aral%C4%B1k_Yolsuzluk_ve_R%C3%BC%C5%9Fvet_Operasyonu, accessed: 25/03/2026.

- 20 magazines,

- 33 television channels,

- 34 radio stations, and

- 30 publishing/distribution companies — were permanently closed and their assets transferred to the Treasury.

In addition to the closed institutions, hundreds of private companies were likewise seized and placed under trusteeship during the state-of-emergency process. The list of companies seized and placed under TMSF trusteeship can be found on TMSF's website. According to TMSF's most recent update of 19.12.2025, the number of companies under trusteeship is 1,105.[3]

The politics of plunder — which began with the 17/25 December process pursued by the Erdoğan regime and which became a state practice during the OHAL period — is not merely an economic liquidation. This is collective punishment. This is the erasure of a community from economic, social, and public life. In other words, it is the excommunication, by the state as a whole, of a movement simply because it was in opposition.

The seizure of property was not limited to the transfer of companies. The salaries and personal rights of hundreds of thousands of people dismissed from public office were cut; their passports were confiscated; precautionary measures were placed on their bank accounts; and their ability to work in the private sector was effectively obstructed. Persons dismissed, or whose institutions were closed by decree law, were assigned "codes 36/37" by the Social Security Institution. Individuals profiled with these State-of-Emergency Decree Law (*OHAL KHK*) codes were subjected to long-term economic exclusion. These practices amount to the direct and indirect elimination of the right to property.

This report, prepared by Stichting Justice Square, analyses the politics of plunder and property seizure not only through legal norms, but within the framework of quantitative data, institutional examples, and international law. The purpose is not merely to record the violations. The purpose is to demonstrate their systematic nature. The purpose is to make institutionalized unlawfulness visible. The purpose is to build a memory against the culture of impunity.

This report documents that the politics of plunder and property-seizure practices developed by the Erdoğan regime against the opposition, primarily the Gülen Movement, have been institutionalized by the state. The cases discussed in the report are not isolated violations; they are indicators that the Erdoğan regime has pursued a planned and systematic politics of plunder and economic liquidation. Ultimately, the

[3] https://www.tmsf.org.tr/tr/Sirket/Kayyim?page=23, accessed: 10/04/2026.

victims of these policies are not only the Gülen Movement, but democracy, the rule of law, and all sections of society.

The sample cases included in this study are only those, among the thousands that have occurred, that have remained memorable and whose details we have been able to access from open sources. In the current situation, because democratic institutions are not functioning, because the judiciary and the media are not independent, and because fundamental rights and freedoms such as the right to liberty and security, the right to a fair trial, the right to hold meetings and demonstrations, freedom of association, and freedom of expression have been eliminated, the country has turned into a closed-circuit despotic regime. For this reason, it becomes difficult to reach the persons and institutions victimized by the unlawfulness arising from the ongoing politics of plunder and property seizure in Türkiye, and to gather the necessary information. At this point, the true scale of the human rights violations occurring in Türkiye will emerge more clearly, in all its detail, once the Erdoğan regime has collapsed and the damage has been assessed. Under these conditions, the politics of plunder and property-seizure practices in Türkiye have been described in this report primarily on the basis of statements from victims reaching our Foundation, together with examples obtained through internet news platforms and social media. The information obtained and the cases presented under these limited conditions demonstrate that what occurred were not individual violations of rights, but "the systematic product of regime policy."

One of the most striking problems relating to what occurred during and after the 17/25 December process and 15 July is that independent and qualified academic studies addressing this period are virtually non-existent. In an environment in which academic autonomy has effectively been eliminated, universities and research circles consciously avoid reflecting the grave human rights violations that have occurred in scholarly studies and reports. This is particularly evident in the approach taken to critical judicial decisions that fundamentally undermine the lawfulness of the trials and that reveal the systematic violation of the principle of legality in crimes and punishments. Indeed, although the European Court of Human Rights' judgments in *Yalçınkaya*[4] and *Yasak*[5] set out the structural nature of these violations and constitute precedent for thousands of similar applications, it is observed that academic circles refrain from directly citing these judgments, preferring instead to conduct discussion by reference to more indirect and

[4]Stichting Justice Square: AİHM Yalçınkaya Kararı ve Güncel Yargılamalara Etkisi [The ECtHR Yalçınkaya Judgment and Its Effect on Current Trials], October 2023, https://justicesquare.org/aihm-yalcinkaya-karari-ozeti-ve-guncel-yargilamalara-etkisi/, accessed: 25/03/2026.

[5]Case of Yasak v. Türkiye, Grand Chamber, (Application no. 17389/20), 5 May 2026, https://hudoc.echr.coe.int/eng#{"itemid":["001-250157"]}, accessed: 05/05/2026.

less consequential decisions. This tendency shows that the deep climate of fear that has formed in Türkiye encompasses not only individuals but also the mechanisms of knowledge production, and seriously narrows the scope of findings and analyses in the field of human rights. For this reason, in preparing the present report, maximum use has been made of the limited number of academic sources available; however, owing to this gap in the literature, data from open sources in the written, visual, and social media have been used after being meticulously verified and their reliability confirmed.

A significant portion of the cases concerning violations of the right to property included in the report have been obtained from official documents, open sources, national and international media archives, and reports published by human rights organizations. The reported cases have been passed through verification processes; some have been included in the report in anonymized form, in observance of the principles concerning the protection of personal data. This approach has made it possible to present a holistic and human-centred analysis that encompasses not only the documented violations, but also the victimizations that have not been reflected in the public record.

It has frequently been stated that the Erdoğan regime turned the 15 July coup attempt into an opportunity to destroy the democratic parliamentary system and to build a "one-man" regime.[6] It is for this very reason that the opposition, too, has described this process as a "controlled coup" aimed at eliminating the democratic order.

Through the constitutional and legal amendments carried out in this process, the state was transformed, rather than remaining a "rule-of-law state," into a "regime state." Türkiye has evolved into an anti-democratic "one-man" regime characterized by the concentration and control of powers in a single hand, rather than by the independence of powers and institutions. In other words, the institutional structure called 'the State' has been transformed into the Erdoğan regime. As the natural consequence of the transformation of the state order into the Erdoğan regime, all elements of the power mechanism have adopted this policy. Likewise, the judiciary, brought under control after the 17/25 December process, has been transformed into a "regime judiciary" and has become one of the most important instruments of pressure of the Erdoğan regime in this process. In this transformation, the decree laws issued during the OHAL process, the enactment of these decree laws into law, and, ultimately, Law No. 6771, adopted by referendum on 16 April 2017, whereby Türkiye passed from the parliamentary system

[6]Freedom House: Freedom in the World Reports (2017–2024), Türkiye sections, https://freedomhouse.org/country/turkey; BBC, 'Kılıçdaroğlu: 15 Temmuz kontrollü darbe girişimidir' [Kılıçdaroğlu: 15 July is a controlled coup attempt], 3 April 2017, https://www.bbc.com/turkce/haberler-turkiye-39478777, accessed: 25/03/2026.

to the Presidential Government System (the presidential system), play a fundamental role.[7]

For this reason, in this study, describing the violations of rights and developments occurring in Türkiye by using the concepts of the "Turkish State" or the "Erdoğan Government" would not correctly express the current transformation in Türkiye; the concept of the "Erdoğan regime" has therefore been used in particular.

On the other hand, it is observed that, following the corruption and bribery investigations that emerged on 17/25 December 2013, political power in Türkiye turned this process into a ground for reckoning, and that, in this context, the Erdoğan regime moved to systematically criminalize the Gülen Movement, which did not accept the ideology of political Islam. This process was initially carried out through discourses such as "parallel structure" and "legal-looking illegal structure"; it ultimately opened the way, through the decisions of the National Security Council of May 2016, to the designation of the movement as a "terrorist organization." After 15 July 2016, this approach went beyond an exceptional security reflex and became a permanent state policy; accompanied by serious international criticism that the judicial organs had lost their independence and were acting subordinate to the executive, this characterization was institutionalized through thousands of judicial decisions. In this framework, the collective identification and criminalization of the Gülen Movement with the concept of "terror" under the designation "Fethullahist Terror Organization (*FETÖ*)" is directly related not only to the principles of criminal law, but also to the prohibition of hate speech and discrimination. Indeed, European human rights standards take as their basis the principle of the personal nature of criminal responsibility, and regard the criminalization of any group on the basis of membership as a clear violation of rights. In other words, the terminology was fabricated by the Erdoğan regime not only to try and convict persons alleged to be connected with the Gülen Movement for the offence of terrorism, but also to justify the countless inhumane acts and violations that are the subject of this report. For this reason, the study maintains a critical distance from the terminology used by the political power with respect to the structure in question; when reference is made to judicial decisions, it is specifically emphasized that this reflects an allegation of the Erdoğan regime. By contrast, the term "Gülen Movement," widely used in international literature and academic studies, is preferred; in this way, both analytical consistency and the principle of human-rights-based impartiality are observed.

On the other hand, although this report focuses at its centre on the systematic violations of the right to property and state practices directed predominantly against the

[7]See generally the sources cited above regarding the 2017 constitutional amendment and the transition to the Presidential Government System.

Gülen Movement during and after the OHAL process, the scope of the study is not limited to this community alone. Historically, Armenians, non-Muslims, and many other opposition groups holding different beliefs or ideological affiliations have been subjected to violations of the right to property in Türkiye. Accordingly, this study aims to demonstrate that the seizure of property rights and the politics of plunder in Türkiye have, at different periods, turned into a structural state practice directed not only against a particular group, but against all forms of difference. As detailed in the earlier sections of the report, the state apparatus in Türkiye, through all its institutions, primarily the judiciary, has resorted to practices that damage the essence of the right to property and that strip it, for individuals, of its character as an inviolable right.

Finally, the reason the report focuses primarily on violations of the right to property against the Gülen Movement and the grave consequences to which they have given rise is that the scale of the violations to which this movement has been subjected is far greater than that suffered by other groups. Indeed, the intensity of the violations encountered by the Gülen Movement over the last decade far exceeds what other political and social groups in Türkiye have experienced over 40–50 years. This reality is also confirmed by international human rights organizations; the violations directed against the Gülen Movement are regarded as among the most systematic and severe human rights violations of the recent period. In the process that began with the 17/25 December bribery and corruption investigations and continued with the 15 July coup attempt, the Gülen Movement was positioned by the Erdoğan regime as a group targeted for mass "destruction" and "erasure from society." In this process, the Movement was systematically demonized and portrayed as the source of all evils. The Gülen Movement, effectively "excommunicated" by the state, was erased from economic, social, and cultural life through the decree laws issued together with the OHAL process. While people close to the Movement were subjected to systematic and intensive arrests, their assets were nationalized through a politics of plunder and property seizure. According to preliminary reports prepared, thousands of institutions have been closed and transferred to the State Treasury. Trustees were appointed to thousands of companies, thereby stripping people of their property rights. It is stated in some reports that the value of the assets thus violated is USD 30–40 billion.[8]

[8]Advocates of Silenced Turkey (AST), A Predatory Approach to Individual Rights: Erdogan Government's Unlawful Seizures of Private Properties and Companies In Turkey, Special Report, November 2018, pp.1-36, 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, accessed: 25/03/2026.

The grave violations of rights suffered by the Movement could not be adequately voiced by other opposition individuals and groups; those who did voice them were subjected to similar pressure and sanctions. For this reason, it became necessary to make the injustices and human rights violations suffered by the Gülen Movement the subject of a separate report.

As can be seen, together with the political and social polarization experienced in Türkiye, especially after the 15 July 2016 coup attempt, the politics of plunder and property seizure has turned into a state practice. All institutions of the state, including the judiciary, have taken part in these unlawful practices. Members and supporters of the Gülen Movement have been among the most visible of the targeted groups. For this reason, they have been subjected to discrimination and othering not only individually, but also at the institutional level.

At the same time, as will be understood from the content of the report, property-seizure practices in Türkiye have not been limited to the Gülen Movement and have continued through current operations directed against other opposition groups as well. During the OHAL process, trustee appointments — made one of the principal instruments of the politics of plunder and property seizure — have been applied particularly intensively to opposition municipalities. Likewise, the practice of appointing TMSF as trustee over the assets of opposition businesspeople, another instrument of this policy, has continued to be applied widely.

This report, prepared within Stichting Justice Square, essentially consists of eight chapters. The first chapter of the study examines the scope of the right to property and its constitutional and international guarantees. The legal limits of the right to property are set out within the framework of Article 35 of the Constitution, Protocol No. 1 to the ECHR, and the Charter of Fundamental Rights of the European Union. The conditions for interference are assessed within the framework of the principles of proportionality, legality, and public interest.

The second chapter addresses the historical background of systematic violations of the right to property in Türkiye. The regulations on abandoned property, the Wealth Tax practice, and the events of 6-7 September are examined together with the ideological foundations of state-sponsored transfer of property. This chapter demonstrates the historical continuity of the seizure of property.

In the third chapter, judicial problems arising from the State-of-Emergency Decree Laws (*KHKs*) and the trials conducted during and after the OHAL process are examined. In particular, in the context of violations relating to the right to property, the judicial approach and attitude developed by the Constitutional Court, the Court of Cassation, and the Council of State are assessed.

The fourth chapter analyses in detail the state-sponsored seizure of property carried out during the OHAL process. The closures, transfers to the Treasury, and collective liquidations carried out through decree laws are assessed in light of the constitutional prohibition of general confiscation and ECtHR case law.

The fifth chapter examines operations directed against private companies, the seizure of these companies' assets, trusteeship practices, and, in particular, the role of TMSF. The permanent entrenchment of the OHAL measure, the transformation of trusteeship into de facto confiscation, and the violation of the principles of proportionality and legal predictability are addressed in this chapter.

The sixth chapter analyses interference with the right to property in the financial sphere through the example of Asya Katılım Bankası A.Ş. (*Bank Asya*). The bank's transfer to TMSF, the revocation of its operating licence, and the bankruptcy process are assessed within the context of international standards.

The seventh chapter examines the measures placed on individuals' salary accounts and other rights and claims. Pension payments, judges' and prosecutors' accounts, and long-term measures that turned into de facto confiscation are analysed within the framework of ECtHR case law.

In the eighth and final chapter, the freezing and blocking initiatives directed against the foreign bank accounts, immovables, and corporate assets of persons and institutions alleged to be connected or affiliated with the Gülen Movement are addressed.

The conclusion this report reaches is clear: in Türkiye, the right to property has, despite its normative guarantee, been eroded in practice. The process that began with OHAL has turned into a permanent regime of property liquidation. This is the result of the Erdoğan regime's politics of plunder and property-seizure practices. Through these findings, the report places a period on record. This report is a document of systematic property seizure and a legal memory against the politics of plunder.

Stichting Justice Square has prepared this study not merely as an academic analysis, but for the purpose of establishing responsibility and ensuring accountability within the framework of international law. This report is thus a call — addressed both to decision-makers and to the international human rights community — to make visible the deepening culture of the politics of plunder and property seizure in Türkiye, and to open the search for solutions to discussion.

CHAPTER I:

THE RIGHT TO PROPERTY AND FUNDAMENTAL GUARANTEES

A. THE RIGHT TO PROPERTY AND SCOPE

Fundamental rights and freedoms are defined as human rights recognized and guaranteed by the positive legal order, which the state is obliged to protect and develop. Assessed within this framework, the right to property is one of the important fundamental rights.[9]

The right to property, a dynamic right shaped throughout historical and legal processes, refers to a person's authority to exercise dominion over, use, benefit from, and dispose of material and immaterial assets. At the same time, property also includes, alongside the positive rights of ownership, certain social and legal obligations. Assessed within this framework, the right to property is not a purely individual economic interest, but is also a guarantee of the legal order and of freedoms.

Property is not limited to immovable goods or physical assets alone. It also includes economically valuable rights and assets such as commercial enterprises, patents, and shares. ECtHR case law interprets the definition of property broadly, accepting that assets with economic value must also be assessed within the scope of the right to property. This approach plays a key role, in particular, in expropriation, tax obligations, and regulatory interference. On the other hand, the right to property protected under Article 1 of Protocol No. 1 to the ECHR encompasses the protection of private property and the rights of acquisition, use, and disposition of property. The Guide prepared on this subject[10] emphasizes these three main principles in determining the scope of this right.

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[9] Doğan, İlyas: İnsan Hakları Hukuku [Human Rights Law], Astana Yayınları, Ankara 2013, p. 40; Eren, Abdurrahman: Türkiye'de İnsan Haklarının Korunması [The Protection of Human Rights in Türkiye], Turhan Kitabevi, January 2007, p. 31; Erdoğan, Mustafa: Anayasal Demokrasi [Constitutional Democracy], Siyasal Kitabevi, 10th ed., Ankara 2013, p. 166; Akça, Kürşat: Anayasa Mahkemesi Kararlarında Mülkiyet Hakkı [The Right to Property in the Decisions of the Constitutional Court], İnönü University Faculty of Law Journal, Special Issue Vol. 1, 2015, p. 552.

[10] European Court of Human Rights, Guide on Article 1 of Protocol No. 1 to the European Convention on Human Rights — Protection of Property, 28.02.2025, https://ks.echr.coe.int/documents/d/echr-ks/guide_art_1_protocol_1_tur, accessed: 02/04/2026.

B. THE RIGHT TO PROPERTY AND FUNDAMENTAL GUARANTEES IN TURKISH LAW

The right to property has continually appeared, and been strengthened, in constitutional texts throughout the history of Turkish constitutional law. In this context, the 1876 Kanun-u Esasi (*Basic Law*) provided that property could only be restricted by law and upon payment of compensation. The 1924 Constitution, through Articles 70 and 71, indirectly guaranteed the right to property. By contrast, the 1961 Constitution, which regulated the right to property among social and economic rights and duties, provided in Article 36 for the direct recognition of the rights to property and inheritance, stipulating that this right could only be restricted for reasons of public interest and by law. Unlike the 1961 Constitution, Article 35 of the 1982 Constitution, which regulates the right to property under the heading "Fundamental Rights and Duties," established the current protection regime for the right to property. These regulations show that the right to property has been accepted in constitutional law as an individual right.[11]

The right to property guaranteed under Article 35 of the Constitution covers all kinds of property rights that carry economic value and are capable of being valued in money. Article 35 of the Constitution does not regulate the right to property as an unlimited right; it provides that this right may be restricted for the purpose of public interest and by law. When interference is made with the right to property, Article 13 of the Constitution, which regulates the general principles concerning the restriction of fundamental rights and freedoms, must also be taken into account. Accordingly, in order for interference with the right to property to be compatible with the Constitution, the interference must be based on law, must pursue a purpose of public interest, and must also be carried out in observance of the principle of proportionality.[12]

On the other hand, the prohibition of general confiscation regulated under Article 38 of the Constitution means that the entire property, inheritance, or earnings of a person who has committed an offence may not be transferred to the state as a whole. This prohibition is a fundamental constitutional guarantee protecting the right to property and the principle of the personal nature of criminal responsibility.[13]

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[11] Akça, p. 544 et seq.

[12] AYM (Constitutional Court), Recep Tarhan ve Afife Tarhan [1st Section], Appl. No: 2014/1546, 2/2/2017, § 62, https://kararlarbilgibankasi.anayasa.gov.tr/BB/2014/1546, accessed: 27/03/2026.

[13] InstituDE, Persecutory Confiscation Amounting to Crimes Against Humanity: Case of the Gülen Group, 6 November 2023, p. 11, https://institude.ams3.digitaloceanspaces.com/Persecutory_Confiscation_Amounting_to_Crimes_Against_Humanity_Case_Of_the_Gulen_Group.pdf, accessed: 27/03/2026.

C. INTERNATIONAL GUARANTEES CONCERNING THE RIGHT TO PROPERTY

Article 17 of the 1948 Universal Declaration of Human Rights of the United Nations — one of the first documents to concretely regulate the right to property — provides that "Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property," thereby establishing that everyone may acquire property and may not be arbitrarily deprived of it. This framework constitutes one of the universal principles of human rights protection and obliges states to respect these principles.

Article 1 of Protocol No. 1 to the European Convention on Human Rights, which contains important guarantees relating to the right to property, provides: "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties." This provision guarantees the inviolability of the right to property, stating that interference with the right to property may only take place within the framework of public interest and the conditions provided for by law. This regulation not only defines the right to property, but also sets out the applicable legal criteria for a state's interference with the right to property.[14]

Similarly, the Charter of Fundamental Rights of the European Union also provides for the protection of the right to property. Article 17 of the Charter provides: *"(1) Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property may be regulated by law in so far as is necessary for the general interest. (2) Intellectual property shall be protected."*[15]

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[14] Carss-Frisk, Monica: Mülkiyet Hakkı Avrupa İnsan Hakları Sözleşmesinin 1 No'lu Protokolünün 1. Maddesinin Uygulanmasına İlişkin Kılavuz [The Right to Property: A Guide to the Implementation of Article 1 of Protocol No. 1 to the European Convention on Human Rights], https://inhak.adalet.gov.tr/Resimler/Dokuman/10122019114221mulkiyet_hakki.pdf, accessed: 27/03/2026.

[15] InstituDE, Persecutory Confiscation Amounting to Crimes Against Humanity: Case of the Gülen Group, 6 November 2023, p. 9, https://institude.ams3.digitaloceanspaces.com/Persecutory_Confiscation_Amounting_to_Crimes_Against_Humanity_Case_Of_the_Gulen_Group.pdf, accessed: 27/03/2026.

These international instruments clearly establish that the right to property is a fundamental human right and that restrictions upon it must be lawful, foreseeable, and proportionate.

D. THE REVIEW OF PROPORTIONALITY AND LAWFULNESS IN THE PROTECTION OF THE RIGHT TO PROPERTY

The national and international regulations set out above make the principle of public interest and the existence of the conditions prescribed by law mandatory for the restriction of the right to property. The use of property may not run contrary to the interest of society; interference may only be made within legal limits, on a concrete basis, and proportionately. These principles have been established, both under the Constitution and under the European Convention on Human Rights, through settled case law.[16]

How an interference with the right to property is to be assessed under constitutional and international law begins, first of all, with determining which normative category the interference falls under. Following this classification — made within the scope of Article 35 of the Constitution or Article 1 of Protocol No. 1 to the ECHR — whether the interference constitutes a violation of rights is determined through a three-stage review consisting of the review of lawfulness (legality), the review of public interest (legitimate aim), and the review of proportionality and fair balance.[17]

E. FUNDAMENTAL PROBLEMS CONCERNING THE RIGHT TO PROPERTY IN TÜRKİYE

Despite technically robust normative protections, serious signs of erosion are observed in the application of the right to property in Türkiye. In particular, in the recent period, state interferences such as seizure, trustee appointments, and confiscation measures have emerged as systematic interferences with the right to property. Although the formal procedures are legally recognized, in practice the lack of transparency and oversight creates legal uncertainty for persons and companies. This situation shows that

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[16] Carss-Frisk, Monica: Mülkiyet Hakkı Avrupa İnsan Hakları Sözleşmesinin 1 No'lu Protokolünün 1. Maddesinin Uygulanmasına İlişkin Kılavuz, https://inhak.adalet.gov.tr/Resimler/Dokuman/10122019114221mulkiyet_hakki.pdf, accessed: 27/03/2026.

[17] Carss-Frisk, Monica: Mülkiyet hakkı Avrupa İnsan Hakları Sözleşmesinin 1 No'lu Protokolünün 1. Maddesinin Uygulanmasına İlişkin Kılavuz, https://inhak.adalet.gov.tr/Resimler/Dokuman/10122019114221mulkiyet_hakki.pdf, accessed: 27/03/2026.

the right to property must not remain merely a textual guarantee, but must also be effectively protected in practice.

The right to property must, in modern rule-of-law states, be a right determined by law, proportionate, and subject to review. Türkiye's constitutional and international obligations position the protection of the right to property not merely as a norm, but as an inseparable part of the rule of law. However, current practical tendencies call into question the actual performance of these fundamental principles. In this context, the protection of the right to property can only be achieved not merely through written law, but through independent and effective judicial review.

One of the fundamental problems concerning the right to property during the OHAL process is that the judiciary did not play an effective role against the unlawful interferences that occurred. On the contrary, decisions constituting violations of the right to property have emanated primarily from judicial bodies, above all the magistrates' courts (*sulh ceza hâkimlikleri*). At this point, the judiciary followed a path that legitimized the executive's unlawful practices. This situation also shows that, in interferences with the right to property in Türkiye, judicial review has become ineffective and the constitutional guarantee has, in practice, been narrowed. It is observed that the seizure and trustee-appointment measures carried out during the OHAL process went beyond the nature of a temporary measure and turned into a permanent transfer of property; nevertheless, the higher judiciary did not subject this process to effective constitutional review. In particular, the fact that the Constitutional Court did not annul the provisions on direct transfer of property introduced by the OHAL decree laws, rejected applications for norm review, and, in individual applications, generally failed to make findings of violation, basing itself instead on grounds of public interest and national security, has in practice eliminated the scope of constitutional protection for the right to property. Likewise, with respect to the trusteeship practices during this process, it is observed that seizure measures constituting grave interference became not an exception, but a routine state practice. Despite this, the Constitutional Court displayed an approach that prioritized security policies. Thus, rather than acting as a supervisory organ protecting the right to property, the judiciary gave the appearance of a mechanism confirming the choices of the executive. In this way, the failure of the judicial organs to carry out an effective, in-depth, and rights-based review of the practices that began during the OHAL process and were subsequently made permanent has led to the right to property being removed from the status of a constitutional fundamental right and reduced to a matter subject to the discretion of the administration.

The right to property is not merely an economic right; it is also a fundamental human right protecting individuals' liberty, human dignity, and the rule of law. International instruments, the ECHR, and ECtHR case law have set out detailed criteria

for the protection of this right and have limited states' margin of discretion. Legal, administrative, and judicial reforms are needed for the effective protection of the right to property in Türkiye. Harmonizing domestic legislation with European standards, strengthening compensation mechanisms, and ensuring the effective operation of domestic remedies will be the key to preventing violations of the right to property.

CHAPTER II:

SYSTEMATIC VIOLATIONS OF RIGHTS AGAINST THE RIGHT TO PROPERTY IN TÜRKIYE

A. THE CENTURY-LONG JOURNEY OF THE POLITICS OF PLUNDER AND THE SEIZURE OF PROPERTY IN TÜRKİYE

State-sponsored seizure of property and the politics of plunder in Türkiye do not appear before us as exceptional practices confined to particular periods, but as a structural state practice showing historical continuity, reproduced together with political crises and regime transformations. From the late Ottoman period to the Republic, and from military interventions to OHAL processes, social segments that the state has, at different historical thresholds, defined as a "threat," "undesirable," or "inconvenient" have been systematically targeted. Armenians, Greeks, Jews, Kurds, Alevis, non-Muslim capital circles, and, most recently, the Gülen Movement have, in different periods, been subjected to similar methods of economic liquidation, transfer of property, and social exclusion.

In these processes, interference with the right to property has most often been legitimized through discourses of security, nationalism, public order, or economic crisis; yet the result has been a large-scale transfer of wealth and social engineering organized by the state. Through seizures, forced migrations, trusteeship practices, extraordinary legal mechanisms, and economic pressures, not only individuals' assets were targeted, but the economic, cultural, and public existence of particular social groups was also liquidated. In this respect, the practice of property seizure in Türkiye constitutes a structural state policy aimed not merely at economic gain, but at producing political loyalty, weakening the opposition, and creating new power centres loyal to the regime.

1. The Decision of the Council of Ministers (Meclis-i Vükela) Concerning the Property of Armenians

State-sponsored seizure of property and the politics of plunder in Türkiye appear before us as a systematic and ideological state practice whose roots extend from the Ottoman period to the present day. The first great example of this tradition occurred in the aftermath of the 1915 Armenian deportation. In wartime conditions, the İttihat ve Terakki (Committee of Union and Progress) administration regarded the Armenian population as a "threat" and adopted a decision for mass exile. A law on "abandoned property" (*emval-i metruke*) was enacted for the property left behind by those deported.

Immovables, houses, shops, and land were distributed first to the local population, then to merchants, the army, and the state. The Decision of the Council of Ministers (*Meclis-i Vükela*) of 30 May 1915 set out many fundamental principles concerning the administration of the property left behind by Armenians and contained several explanations. Subsequent regulations were shaped around the principles outlined in that decision. Under the regulations adopted, special "abandoned property commissions" were established with respect to the property left behind by Armenians, and all transactions relating to abandoned property were carried out by commissions specialized in this field.[18]

In this process, the economic and capital structure of Anatolia changed fundamentally; the wealth of the Armenian bourgeoisie was transferred to the newly forming Turkish bourgeoisie. Following the deportation, the plunder of Armenian property became the first great example of the seizure of property directed against groups the state regarded as a "threat."[19] Allegations that the abandoned-property decisions and laws were unconstitutional came onto the agenda in particular after the 27 May 1960 coup. These allegations were first brought before the judiciary in a case before the 8th Chamber of the Council of State, and the Council of State referred the matter to the Constitutional Court. The Constitutional Court, in its decision of 22 April 1963, held that these laws were not contrary to the Constitution. The decision stated that the Treaty of Lausanne contained special provisions for Turkish subjects other than Orthodox Greeks, and that the relevant laws could therefore not be applied to those persons.[20]

2. The Wealth Tax Imposed on Non-Muslim Merchants and Tradesmen

After the collapse of the Ottoman Empire and with the founding of the Republic, the politics of plunder directed at the right to property was placed within a new ideological framework. With the aim of "Turkifying" the population and the economy, the economic existence of non-Muslims was systematically targeted. The most striking

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[18] Şimşek, Suat: Ermeni Malları (Emval-İ Metruke) Hakkında Yapılan İlk Düzenlemelerin Hukuki Açıdan Tahlili [Legal Analysis of the First Regulations Adopted Concerning Armenian Abandoned Property], Adalet Dergisi, 2020/2, no. 65, pp. 301-333.

[19] Fahrettinoğlu, Eren: Bir Devlet Geleneği Olarak Mülke El Koyma -1- [Seizure of Property as a State Tradition -1-], https://mulkiyetihlali.wordpress.com/2020/04/30/bir-devlet-gelenegi-olarak-mulke-el-koyma-1/, accessed: 27/03/2026.

[20] Aslan, Zehra / Kurt Güveloğlu, Gülşah: Ermeni Emval-i Metrukelerine Dair Alınan Kararlar Ve Ermeni Cemaati İle İlişkiler (1923-1938) [Decisions Taken Concerning Armenian Abandoned Property and Relations with the Armenian Community (1923-1938)], Journal of Modern Turkish History Studies XVI/33 (2016-Autumn), pp. 163-182.

example of this is the Wealth Tax (*Varlık Vergisi*) enacted in 1942. Law No. 4305 on the "Wealth Tax," discussed and adopted by the Grand National Assembly on 11 November 1942,[21] was a state practice with heavy consequences not only economically, but also politically and culturally.[22]

The Prime Minister of the period, Şükrü Saraçoğlu, explained the Wealth Tax Law to the CHP parliamentary group as follows: "This law is at the same time a law of revolution. We are facing an opportunity that will win us our economic independence. By thus eliminating the foreigners who dominate our market, we will hand the Turkish market over to the Turks." This statement shows that the government of the period used this tax to force non-Muslims to emigrate, and that the fact that certain minority groups were assessed at ten times the tax imposed on Muslims also shows that the tax directly targeted non-Muslims.[23] Indeed, approximately 87% of Wealth Tax taxpayers consisted of non-Muslim minorities.

Using the economic crisis brought about by the World War as a pretext, these astronomical taxes imposed particularly on non-Muslim merchants and tradesmen in Istanbul constituted complete ruin for non-Muslim businessmen. It was not possible to object to the assessed tax bases. Under Article 12 of the Wealth Tax Law, the assessed tax had to be paid within 15 days. It was further provided that interest of 1% would accrue for the first week and 2% for the second week for taxpayers who failed to pay within this period. With extensions and holiday periods, the deadline expired on the evening of 20 January 1943. Thus, taxpayers who could not pay their tax either had their workplaces and other assets seized, or were sent to work camps to pay off their tax through labour. Being sent to "labour camps" for failing to pay the Wealth Tax produced a genuine human tragedy, and the district of Aşkale is the most notorious of these labour

[21] Law on the Wealth Tax (published in the Official Gazette: 12.XI.1942 – No. 5255), No. 4305, adopted 11.XI.1942, https://www5.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc024/kanuntbmmc024/kanuntbmmc02404305.pdf, accessed: 27/03/2026.

[22] Aktar, Ayhan: Varlık Vergisi ve Türkleştirme Politikaları [The Wealth Tax and Turkification Policies], İletişim Yayınları, İstanbul 2001, p. 135.

[23] Özyürek, Mustafa: "Varlık Vergisi (III)", Finansal Forum, 17.08.2000, p. 1; Karabulut, Kerem: 11 Teşrinisani 1942 Tarihli Varlık Vergisi'ne Bir Bakış [A Look at the Wealth Tax of 11 November 1942], A.Ü. Journal of the Institute of Turkish Studies, No. 27, Erzurum 2005, p. 327 (Prof. Dr. Şinasi Tekin Special Issue).

camps.[24] In total, 1,229 people were sent to Aşkale for failing to pay the Wealth Tax, and 21 people died there "while still in debt."[25]

After the Wealth Tax practice was reflected in the world press, the state, by a law of 15 March 1944, waived all tax claims that had not been collected up to that date. The law has been etched into memory as a dark economic and social turning point in Turkish history. Even though the tax claims were waived, in the course of the implementation process the economic power of non-Muslims changed hands to a large extent. While Turkish capital was strengthened, minorities were forced to emigrate on account of these economic measures. This practice is another example of the state legitimizing the seizure of property under the name of "economic nationalization."[26]

3. The Events of 6–7 September

Another turning point at which the state's property-seizure policy directed at minorities combined with mass violence was the "events of 6–7 September" in 1955. On the pretext of the Cyprus issue and a bomb thrown at Atatürk's house in Thessaloniki, thousands of houses, workplaces, churches, and schools belonging to Greeks and other minorities in Istanbul were plundered and destroyed. The events were carried out in an organized manner. The addresses of the targeted persons had been determined in advance, and the media played an inciting role. As a result of the events, thousands of Greeks were forced to leave the country and to sell their property for a pittance. This event became a milestone in the liquidation of minorities from Türkiye and in the changing of hands of their property.

Although there are very different accounts of the background and development of the events, certain confessions later emerged. Retired General Sabri Yirmibeşoğlu, who at the time of the events served in the Tactical Mobilization Group (*Seferberlik Tetkik Kurulu*) and who later served as Secretary General of the National Security Council between 1988 and 1990, stated in an interview given to journalist Fatih Güllapoğlu for Tempo magazine dated 15 June 1991 regarding the events of 6–7 September: "… 6–7 September is also a matter of special warfare. It was a magnificent organization; it achieved its goal." However, Yirmibeşoğlu denied these words, attributed to him in the

[24]Karabulut, p. 329.

[25]Bianet, Varlık Vergisi Kanunu ve Babam Aşkale'ye Gitmedi [The Wealth Tax Law and My Father Did Not Go to Aşkale], 11 November 2025, https://bianet.org/haber/varlik-vergisi-kanunu-ve-babam-askaleye-gitmedi-313441, accessed: 27/03/2026.

[26]Fahrettinoğlu, Eren: Bir Devlet Geleneği Olarak Mülke El Koyma -2-, Varlık Vergisi ve Sonuçları [Seizure of Property as a State Tradition -2-, the Wealth Tax and its Consequences], https://mulkiyetihlali.wordpress.com/2020/05/06/bir-devlet-gelenegi-olarak-mulke-el-koyma-ii/, accessed: 27/03/2026.

interview, on a television programme he attended in 2010.[27] Given the gravity of the matter, the denial of an interview given 20 years later is not very convincing.

During the events of 6–7 September, according to the records, 37 people were killed, and although the official records show 60 rapes, it has been stated that there were in fact approximately 400 rape cases. Some women were killed after being raped, the 90-year-old priest Hrisantos Mantas was burned alive, and at least a few priests were forcibly circumcised at knifepoint. Dozens of people were lynched; the events were not limited to Istanbul, and attacks on Assyrians also occurred in İzmir, Ankara, Urfa, Mardin, and Midyat.[28] In total, 5,317 premises — 4,214 houses, 73 churches, 26 schools, 1 synagogue, and numerous workplaces — were burned, destroyed, or plundered. These figures are those reported by Speros Vryonis, who produced the most comprehensive study of the 6–7 September events in the international literature.[29]

On the other hand, the events — which appear to have been set in motion with the involvement of certain associations and organizations understood to have been supported or encouraged by the Democrat Party (DP) government — evidently escaped the control of the DP's leading cadres and the government, and Türkiye's position in foreign policy was also considerably damaged. As can likewise be understood from sources touching on the events, the passing of capital predominantly held by non-Muslims into the hands of Turkish businesspeople and traders is also regarded, alongside certain other developments, as a consequence of the events of 6/7 September. It can be said that the plunder and looting that occurred during the events were also connected, in the case of those who took part, to their poor socio-economic circumstances, and that this was in some sense a struggle over survival.[30] Nevertheless, this demonstrates that what occurred was, in the true sense, "plunder" carried out by the hand of the state.

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[27]Fahrettinoğlu, Eren: Bir Devlet Geleneği Olarak Mülke El Koyma -3-, 6-7 Eylül Olayları [Seizure of Property as a State Tradition -3-, the Events of 6–7 September], https://mulkiyetihlali.wordpress.com/2020/05/17/bir-devlet-gelenegi-olarak-mulke-el-koyma-iii/, accessed: 27/03/2026.

[28]İnsan Hakları Derneği (Human Rights Association), 6-7 Eylül 1955: Yalnızca Bir Devlet Operasyonu mu [6–7 September 1955: Just a State Operation?], 5 September 2023, https://www.ihd.org.tr/6-7-eylul-1955-yalnizca-bir-devlet-operasyonu-mu/, accessed: 27/03/2026.

[29]Vryonis, Speros. The Mechanism of Catastrophe: The Turkish Pogrom of September 6-7, 1955, and the Destruction of the Greek Community of Istanbul. New York: Greekworks.com, 2005.

[30]Zorbay, Taner: '6/7 Eylül Olaylarına TBMM ve Kamuoyu Tartışmaları Çerçevesinde Yeni Bir Bakış' [A New Look at the Events of 6/7 September within the Framework of Parliamentary and Public Debates], Journal of the Atatürk Research Centre, no. 99, pp. 253-296.

4. Recent Applications of the Politics of Plunder

This historical practice was not confined to minorities alone. State-sponsored seizure of property continues to be used today as well, to intimidate opponents, rival families, and undesirable groups. At different times, many persons, groups, or formations regarded by those in power as a "rival," or by the state as a "threat," have been targeted through similar methods. This method appears to have become, in effect, a state practice.

The most recent and mass example of this state practice occurred after the 15 July 2016 coup attempt. The Gülen Movement, as a social group declared by the state to be the "absolute enemy," has been subjected to mass seizure of property and "collective excommunication." Under the OHAL decree laws, thousands of associations, foundations, schools, universities, media organizations, hospitals, and companies were seized. The assets of these seized institutions were transferred to the Treasury or to the Directorate General of Foundations. Hundreds of thousands of immovables and companies and cash assets worth billions of dollars passed into the hands of the state. In this process, judicial remedies were closed off and victims were deprived of the possibility of seeking their rights.

In conclusion, the seizure of property and the politics of plunder in Türkiye have, at different periods and for different reasons, targeted groups regarded by the state as a "threat" — Armenians, Greeks, Jews, Kurds, Alevis, the Gülen Movement, and other opponents. Whether on the pretext of nationalism, economic crisis, or security, the right to property has been systematically violated. These practices have fundamentally changed both the social structure and the balance of economic power. The practices directed against the Gülen Movement after 2016 show that this historical tradition continues today as well, and that the state continues to use the seizure of property as an instrument of "punishment" and "elimination."

B. STATE-SPONSORED SEIZURE OF PROPERTY AND THE OHAL PROCESS

The OHAL (*state-of-emergency*) process, declared by the Erdoğan regime on the pretext of the dubious 15 July coup attempt, subjected persons assessed as connected with, or placed in the same category as, the Gülen Movement to incitement to hatred, atrocious crimes, mass human rights violations, arbitrary persecution, and collective punishment. Members of the Gülen Movement were subjected to unceasing, demonizing hate speech, and as a result Türkiye experienced a mass purge and witch-hunt unprecedented in its history. Just as people's rights to liberty and security were

taken from them, so too were their careers ended by a single OHAL decree law, and their assets were seized.

The OHAL process declared, and the decree laws issued, on the pretext of the coup were used by the Erdoğan regime as an operation to erase a group from public, social, economic, and cultural life. The Erdoğan regime thereby condemned everyone in opposition to fear and silence; thousands of associations and foundations — including YARSAV, the association of judges and prosecutors — were closed, hundreds of thousands of people were taken into custody and arrested, and their assets were either seized or frozen in an irrecoverable manner. Countless cases of torture and ill-treatment occurred in detention centres and prisons.

Examination of the decree laws adopted during the state of emergency declared following the 15 July 2016 coup attempt —[31] insofar as they contain measures to be taken — shows that these measures can essentially be classified into measures taken against institutions and measures taken against individuals. Measures against institutions[32] included closure, ex officio deletion from commercial registry records, transfer of rights and obligations, and transfer of movable and immovable property, assets, receivables,

[31]The sixteen decree laws (KHKs) identified are Nos. 667, 668, 669, 670, 672, 673, 675, 677, 679, 683, 686, 689, 692, 693, 695, and 697.

[32]Private and foundation health institutions and organizations, private educational institutions and organizations, private student dormitories and boarding houses, foundations and associations and their economic enterprises, foundation institutions of higher education, trade unions, federations and confederations, foundations, associations (KHK 667, 679, 689); private radio and television organizations, newspapers and magazines, and publishing houses and distribution channels (KHK 668, 675, 683, 689); war academies, military high schools, and non-commissioned officer preparatory schools (KHK 669); and various other institutions and organizations (KHK 693, 670, 695, 697).

and rights. Measures against individuals[33] were, on the other hand, subject to various restrictive measures.[34]

Between 2016 and 2018, **a total of 129,411 public officials** were dismissed under 15 different decree laws. Of those dismissed under the OHAL decree laws, 107,138 were men and 22,273 were women. Even after OHAL came to an end in 2018, thousands more people continued to be dismissed by administrative decisions of the ministries, and by 2021 this figure exceeded 200,000. In addition, under 10 different decisions of the HSYK and HSK (*The Council of Judges and Prosecutors*) issued on the basis of Decree Law No. 667, **a total of 4,296 judges and prosecutors** were dismissed from the profession (when military judges, rapporteurs of the Constitutional Court, judges of the Court of

[33]Members of the Constitutional Court, presidents and members of chambers of the Court of Cassation and the Council of State, judges and prosecutors, members of the Court of Accounts (KHK 667); the president and members of the Supreme Military Administrative Court, the president and members of the Military Court of Cassation, military judges (KHK 667, 668); personnel subject to the Turkish Armed Forces Personnel Law (KHK 667, 668, 669, 670, 677, 692, 693, 695, 697); personnel subject to the Law on the Organization, Duties and Powers of the Gendarmerie (KHK 667, 669, 672, 677); personnel subject to the Coast Guard Command Law (KHK 667, 670, 672); personnel subject to the Minister of National Defence, personnel subject to the Higher Education Personnel Law, personnel subject to Law No. 657 within higher-education umbrella organizations, personnel of local administrations, personnel employed in any cadre, position, or status (including workers) subject to Law No. 657 or other legislation, personnel employed in any cadre, position or status (including workers) in other institutions not affiliated, related, or connected with the Ministry, personnel subject to the Law on Specialist Sergeants, personnel subject to the Law on Contracted Officers and Non-Commissioned Officers to be Employed in the Turkish Armed Forces (KHK 667, 668); public officials generally (KHK 670, 672, 675, 677, 679, 683, 686, 689, 692, 693, 695, 697); personnel of the General Directorate of Security (KHK 670, 672, 675, 677, 679, 686); students subject to the Law on Students to be Sent to Foreign Countries (KHK 675, 689, 692, 695); persons subject to administrative proceedings and persons under criminal investigation or prosecution on the same grounds (KHK 667); and the spouses of such persons (KHK 673). The cancellation of associate-professorship applications was also provided under Article 4 of KHK 683.

[34]The measures listed reflect the situation prior to the Constitutional Court's annulment decisions. It has since been observed that the measure cancelling spouses' passports was annulled (AYM, 24 July 2019, E. 2016/205, K. 2019/63, Official Gazette 31.10.2019, No. 30934); the passport-cancellation measure was annulled (AYM, 24 June 2021, E. 2018/81, K. 2021/45, Official Gazette 26.01.2022, No. 31731, §§266–276); the measure allowing the closure of private radio and television organizations outside the published lists by the relevant minister was annulled (AYM, 24 December 2020, E. 2017/21, K. 2020/77, Official Gazette 08.04.2021, No. 31448, §52); and the measure disregarding the prior positions of persons dismissed while serving as deputy director or above, or in equivalent managerial posts, when making future appointments, was annulled (AYM, 24 December 2019, E. 2018/159, K. 2019/93, Official Gazette 24.03.2020, No. 31078). These annulments concern the measures in question; there are numerous other decisions relating to further provisions set out in the decree laws.

Accounts, and ongoing dismissals are included in these figures, the number exceeds 5,000). Of those dismissed, 3,392 were men and 904 were women.[35]

Under the OHAL decree laws, 187 media organizations — comprising 1,595 associations, 155 foundations, 1,061 schools, 841 dormitories, 223 course/tutoring centres, 48 hospitals, health centres and clinics, 15 universities and 7 affiliated hospitals, 19 trade unions, 70 newspapers, 20 magazines, 33 television channels, 34 radio stations, and 30 publishing/distribution companies — were permanently closed and their assets transferred to the Treasury. When it is considered that all persons employed at these closed institutions became unemployed, it can be seen that the number of persons dismissed from the private sector is far greater than the number dismissed from the public sector.

As an extension of the elimination campaign and systematic persecution launched against the Gülen Movement after 15 July, the assets of companies, foundations, associations, trade unions, confederations, and organizations thought to be connected with the Movement were seized under the OHAL decree laws by the insertion of a single-line provision into the decree laws, without any legal justification being provided and without any procedure prescribed by law being followed.[36] Not content with this, the Erdoğan regime went on to seize the private assets of businesspeople thought to be connected with the Gülen Movement, and to appoint trustees to their companies.

As part of the politics of hatred, the OHAL decree laws constituted an unlawful campaign of elimination and erasure aimed at removing everyone connected with the Gülen Movement from state institutions, seizing their property, and, thereafter, abandoning them to civil death in economic and social life, even though these persons had committed no unlawful act whatsoever.

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[35] Öndül, Hüsnü: OHAL KHK'LARI ve İnsan Hakları Mücadelesine Etkileri [The OHAL Decree Laws and Their Effects on the Human Rights Struggle], Human Rights Association Publications, December 2021, p. 20 et seq.

[36] Article 2(2) of OHAL Decree Law No. 667 provides: "(2) All movable and immovable property, and all assets, receivables and rights, documents and papers of closed foundations shall be deemed transferred without charge to the Directorate General of Foundations. The movable property, and all assets, receivables and rights, documents and papers, of the health application and research centres of closed foundation institutions of higher education and of other closed institutions and organizations, shall be deemed transferred without charge to the Treasury; the immovable property belonging to them shall be registered ex officio in the name of the Treasury in the land registry, free of any restriction and encumbrance. No right or claim may be asserted against the Treasury in any way on account of the debts of the entities listed in the first paragraph. The transactions relating to the transfer shall be carried out, as relevant, by the Ministry of Finance or the Directorate General of Foundations, obtaining the necessary assistance from all relevant institutions."

Indeed, the remarks made by Numan Kurtulmuş — one of the important actors of the Erdoğan regime — in an interview on a YouTube channel, that "… If we had tried to remove these people through normal procedures after 15 July, we would not have been able to remove them from public service until 2020, or even 2030. The state took such an urgent, extraordinary measure to protect itself…", clearly demonstrate that the decree laws were used as an instrument of elimination.[37]

The politics of plunder shaped by the hate policies of the Erdoğan regime resulted in the state-sponsored seizure of all institutions connected with the Gülen Movement. The clearest admission of this systematic and comprehensive seizure of property and politics of plunder came from Erdoğan himself. When a member of the press, following the raising of judicial reform, asked President Erdoğan for his views on statements concerning the restoration of the right to property and the return of assets to members of the Gülen Movement, as well as on statements concerning the release of former HDP Co-Chair Selahattin Demirtaş, Erdoğan stated: "… The situation is the same regarding property rights too. That is, these people have no such thing as a property right, because they owe a very great debt to this nation, to these poor, wretched people. So many people were killed — what will become of their property rights? FETÖ likewise — so many people were killed; how will that person, who has now fled to England, who is in England, pay the price for this? Why is he a fugitive? Then let him come and stay in his own country. We are waging this struggle, and we will continue to wage it in the same way,"[38] thereby openly admitting the politics of plunder in Türkiye. Erdoğan carried out the politics of plunder and state-sponsored seizure of property that he thus admitted through the decree laws he issued during the OHAL process.

C. THE EFFECTS ON THE RIGHT TO PROPERTY OF THE TRANSITION FROM A DEMOCRATIC STATE TO A REGIME STATE

Assessments to the effect that the Erdoğan administration, making use of the political environment that emerged after the 15 July coup attempt in Türkiye, transformed the democratic parliamentary system and built a centralized structure of

[37]https://www.tr724.com/numan-kurtulmusun-khk-itirafi-hukuk-uygulansaydi-2030a-kadar-bu-insanlari-atamazdik/, accessed: 24/03/2026.

[38]https://www.aa.com.tr/tr/turkiye/cumhurbaskani-erdogan-hamdolsun-bugun-yildiz-ve-hilal-karabag-semalarinda-gururla-dalgalaniyor/2070702, accessed: 24/03/2026.

governance, are frequently voiced in the academic literature and in international human rights reports.[39]

It is for precisely this reason that the opposition, too, has described this process as a "controlled coup" aimed at eliminating the democratic order.

The constitutional and legal amendments carried out in this process led to a fundamental transformation in the institutional structure of the state; Türkiye's model of governance moved away from being a classical "rule-of-law state" and evolved into a structure defined as a more authoritarian "regime state."

This transformation in Türkiye is characterized by the weakening of the principle of separation of powers and the marked centralization of executive power. As a result of the erosion of the mechanisms of balance and oversight among the legislative, executive, and judicial organs, a practice of governance emerged in which state power was, in effect, concentrated in a single hand.[40] In this context, the distinction between the state's institutional structure and political power gradually became blurred, and the state apparatus was transformed to a large extent into a structure functioning in line with the political priorities of the executive. In this transformation, the decree laws issued during the OHAL process, their enactment into law, and, ultimately, Law No. 6771, adopted by referendum on 16 April 2017, whereby Türkiye passed from the parliamentary system to the Presidential Government System, played a fundamental role.[41] Indeed, the fundamental features of the 2017 constitutional amendment are as follows:

- The President is positioned as the sole and final decision-making authority of the executive. In this framework, ministers, vice-presidents, and senior public administrators are appointed and removed by the President. In addition, the President has also been granted the power to issue decrees on certain matters.
- The office of Prime Minister and the Council of Ministers were abolished; a system was adopted in which the executive is formed by the President, without the requirement of obtaining a vote of confidence from the legislature.

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[39]Freedom House: Freedom in the World Reports (2017–2024), Türkiye sections, https://freedomhouse.org/country/turkey; BBC, 'Kılıçdaroğlu: 15 Temmuz kontrollü darbe girişimidir', 3 April 2017, https://www.bbc.com/turkce/haberler-turkiye-39478777, accessed: 24/03/2026.

[40]Çelik, Demirhan Burak: '16 Nisan Anayasa Değişikliği ve Yeni Hâkimler ve Savcılar Kurulu Üzerine Bir Değerlendirme' [An Assessment of the 16 April Constitutional Amendment and the New Council of Judges and Prosecutors], Ankara University SBF Journal, 2018, Vol. 73, No. 4, p. 1082.

[41]Venice Commission of the Council of Europe: 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 at its 110th Plenary Session (Venice, 10-11 March 2017), https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)005-e, accessed: 25/03/2026.

• The institutional structure of the Council of Judges and Prosecutors (HSK) was reorganized: the number of members was reduced to 13, and the method of determining members was changed. The new regulation is such as to increase the determinative role of political actors in the composition of the Council. In other words, the control centre of the regime judiciary was established through this constitutional amendment. Specifically, while 7 members of the HSK are elected by the Grand National Assembly, 4 members are appointed by the President; in addition, the Minister of Justice and the Deputy Minister, who are among the ex officio members of the Council, are also determined by the President. In this arrangement, although 6 seats are left to the President and 7 to the TBMM (*Grand National Assembly of Turkey*), and although the majority may thus appear, even if only symbolically, to lie with the TBMM, when the influence of the executive over the legislature under the Presidential Government System — in which the President dominates the parliamentary majority — is taken into account, it is clear that the President's de facto influence over the Council becomes far more pronounced. Indeed, when the procedure for the Assembly's election of members is also taken into account, since elections are based on a majority principle, a situation arises in which the political formations holding the majority in Parliament will be determinative in the candidate-selection process and will therefore be able readily to shape the HSK.[42] In this way, the Erdoğan regime became the dominant element of the Turkish judiciary.

• The requirement that the President sever ties with his party was abolished, and a party-affiliated presidency was introduced.

As can be seen, the judicial system restructured after the 17/25 December process was not left untouched by this transformation either. The institutional independence of the judicial organs was weakened; this structure gradually assumed a function that could be described as a "regime judiciary." In this framework, the judiciary ceased to be merely a mechanism for resolving disputes and became a critical instrument in the implementation of the political power's policies.

These practices led not only to individual violations of rights, but also to the right to property becoming, in effect, unusable. For example, the owners and investors of closed media and educational institutions lost their economic assets and their capacity to generate income; dismissed public officials effectively lost economic rights such as their salary and pension entitlements. Thousands of companies were transferred to trustees and, through TMSF as a regime apparatus, handed over to businesspeople close to the Erdoğan regime. In this process, the Erdoğan regime operated a mechanism that

[42]Çelik, Demirhan Burak: '16 Nisan Anayasa Değişikliği ve Yeni Hâkimler ve Savcılar Kurulu Üzerine Bir Değerlendirme', Ankara University SBF Journal, 2018, Vol. 73, No. 4.

can be described as a "politics of plunder": the closure or seizure of institutions belonging to opposition circles; the transfer of state-owned or public-sourced assets to persons and institutions close to the regime; the economic liquidation of opposition, critical, or independent media and educational institutions; and the elimination of institutional independence and market-competing assets.

This mechanism operates through "de facto seizure of property" and "economic deterrence," and can be characterized, within the context of ECtHR case law, as "de facto expropriation."[43] Thus, although the right to property appears to be formally protected, the economic rights of the owners of independent media, foundations, and universities have, in practice, been substantially eliminated. Accordingly, this regime-driven transformation, which has moved away from democratic norms, has rendered protection of the right to property practically impossible; decree laws, dismissals, institutional closures, and restructurings have turned into instruments of the Erdoğan regime's economic and political domination. In this context, a direct and systematic relationship is observed between the protection of the right to property in Türkiye and the transformation of the state's institutional structure into a regime state.

D. THE ELIMINATION, THROUGH THE OHAL DECREE LAWS, OF THE CONSTITUTIONAL GUARANTEES CONCERNING THE RIGHT TO PROPERTY

Although the unlawful practices described above, together with certain activities directed against the Gülen Movement, were carried out by the Erdoğan regime in the period leading up to the dubious 15 July coup attempt, the practices that can truly be called the great purge occurred after the coup attempt. The OHAL process, declared in Türkiye on 21 July 2016 on the pretext of the coup attempt, became the ground for "systematic" violations of fundamental human rights guaranteed under the Constitution and international law.

Three decisions essentially determined the scope of the state of emergency in this process. The first was the advisory decision of the National Security Council of 20.07.2016; the second was the decision to declare a state of emergency taken by the Council of Ministers, chaired by the President, on 20.07.2016; and the last was the decision of the Grand National Assembly of Türkiye approving that decision on 21.07.2016.

[43]Case of Centro Europa 7 S.r.l. and Di Stefano v. Italy, Application no. 38433/09, 7 June 2012, https://hudoc.echr.coe.int/eng#{"fulltext":["Centro Europa 7 S.r.l. and Di Stefano"],"itemid":["001-111399"]}, accessed: 28/03/2026.

In addition, the derogation declarations submitted by the Republic of Türkiye to the Council of Europe under Article 15 of the ECHR determine the subject-matter limits of the reasons for declaring a state of emergency and the measures that may be taken against it.[44] Yet all of these decisions were used, beyond what was required by the state of emergency in Türkiye, for wholesale liquidation, detention, arrest, seizure, and similar acts and decisions. In this context, extensive suspensions, dismissals, and arrests took place, targeting persons alleged to be connected with the Gülen Movement and to have taken part in the coup attempt, by means of the OHAL decree laws thus issued.

In fact, under Article 122 of the Constitution, an "uprising" is, rather than a ground for a state of emergency, a ground for declaring martial law. Under Article 120 of the Constitution, the ground for a state of emergency is "serious disturbance of public order due to acts of violence." The 15 July coup attempt, rather than being an event of "serious disturbance of public order due to acts of violence," was in fact an "uprising"; nevertheless, a state of emergency was declared instead of martial law.[45] The essential reason for this is that, within the framework of the rules of martial law, the political establishment would not have had the opportunity to act by means of OHAL decree laws, and a state of emergency was therefore declared following the dubious coup attempt. In addition, although it is established that, after the first three months, the reasons for declaring a state of emergency in Türkiye no longer existed and that public order had been restored, the OHAL process was unlawfully extended in order to continue discriminatory regime practices through the OHAL decree laws and to complete the project of eliminating, othering, and targeting the Gülen Movement with hate speech.

The decree laws that were prepared were drafted at a centre without the knowledge of the ministers concerned, and were placed before the ministers only for signature. Thousands of names contained in the annexes of the decree laws were listed and brought before the ministers for signature without the will, approval, or knowledge of the members of the Council of Ministers. In this context, the remarks of Ali Babacan — formerly a minister of the AK Party and currently the leader of the DEVA Party — that "… During the period when I left the government, blank papers were being signed at the Council of Ministers; they were filled in afterwards. They were published in the Official Gazette with Mr. Erdoğan's signature. In fact, these decisions, too, were actually

[44]Ardıçoğlu, Artuk: Olağanüstü Hal İşlemleri İnceleme Komisyonu İşlemlerinin Hukuki Niteliği [The Legal Nature of the Acts of the State-of-Emergency Inquiry Commission], Ankara Bar Review, 2017/2, https://dergipark.org.tr/en/download/article-file/541847, accessed: 28/03/2026.

[45]Gözler, Kemal: 15 Temmuz Kararnameleri [The 15 July Decree Laws], 17.02.2017, https://www.anayasa.gen.tr/15-temmuz-kararnameleri.pdf, accessed: 28/03/2026.

taken with a single signature. You would have to ask the ministers of that period. These are things that happened after we left. All these decree laws are like that. You would have to ask the ministers of that period about this in private conversations. No one will come out and admit this…" clearly demonstrate how the process operated.[46]

The OHAL decree laws issued by the Erdoğan regime were taken beyond their true purpose and function, and became, rather than "law-equivalent" instruments, in effect "constitution-equivalent" decrees. In other words, the OHAL decree laws turned into an unlawful practice used by the government for its every act and transaction, one that eliminated constitutional guarantees and rights. As in the 1980 coup, every kind of regulation that a founding power could make following a completed coup attempt was made through decree laws during the post-15 July OHAL process. Although the 15 July coup attempt failed, the Erdoğan regime used it as a pretext to carry out its own coup. The Erdoğan regime acted like the founding power following a completed coup, and rendered the Constitution and constitutional institutions inoperative. What is observed here is not the taking of measures to prevent a coup, but rather the activity of a founding power following a coup that has, in effect, been completed thanks to the dubious coup attempt.

The state-of-emergency regime declared after 15 July 2016, although initially presented as a temporary and exceptional security measure, in practice turned into a permanent and structural model of governance that suspended the constitutional order. During the OHAL process, in order to systematically and deliberately eliminate members of the Gülen Movement entirely from public life and the private sector, to seize their assets, and to facilitate their arrest, the OHAL process was extended seven times, and a total of 37 decree laws were issued.

Article 35 of the Constitution of the Republic of Türkiye explicitly guarantees the right to property, providing that this right may only be restricted for the purpose of public interest and by law. Likewise, in accordance with ECtHR case law, Article 1 of Protocol No. 1 to the European Convention on Human Rights protects the right to property. Nevertheless, the mass closures and seizures carried out through the OHAL decree laws were implemented without any determination of individual fault and without any court decision; the principles of proportionality, legality, and judicial review were set aside. As a result, the picture that emerged points to a process of "de-constitutionalization," not only in terms of the intensity of the fundamental rights violations, but also in terms of the rendering ineffective of constitutional guarantees.

[46]https://www.birgun.net/haber/babacan-dan-itiraf-bakanlar-kurulu-nda-bos-kagitlar-imzalaniyordu-ustu-dolduruluyordu-khk-lar-da-oyle-361625, accessed: 28/03/2026.

In the end, the OHAL decree laws went beyond being merely "law-equivalent" and were, in effect, applied as though "constitution-equivalent"; they became an instrument that suspended fundamental rights, eliminated property guarantees, and rendered the separation of powers ineffective. At the end of this process of de-constitutionalization, the principle of the rule of law was weakened; alongside the liquidation of fundamental guarantees, above all the right to property, a practice of seizure and liquidation based on the unsupervised exercise of public authority became institutionalized.

E. THE PRESUMPTION OF STATUTORY SHAM TRANSACTIONS AND "TRANSFER OF PROPERTY WITHOUT TRIAL" INTRODUCED BY OHAL DECREE LAW NO. 675

Under OHAL Decree Law No. 675, issued within the scope of the state of emergency declared after 15 July 2016, the closure of certain institutions and organizations, and the transactions relating to their assets, were regulated. Article 12 of this decree law was later supplemented by second and third paragraphs added by Article 5 of Decree Law No. 689, dated 17/4/2017.[47] With these additions, it was provided that, where immovables in which closed private educational institutions and student dormitories had operated were transferred to third parties between certain dates, such transfers would be deemed to be sham transactions, and that the immovables in question would be registered ex officio directly in the name of the Treasury or the Directorate General of Foundations in the land registry.

This regulation was later adopted by the Grand National Assembly of Türkiye and preserved unchanged under Decree Law No. 675 as incorporated into Law No. 7082 on the Acceptance of the Decree Law on Certain Measures Taken within the Scope of the State of Emergency, dated 6/2/2018.[48] Accordingly, although the provision in question was a decree-law regulation issued during the OHAL period, it was subsequently enacted into law by the legislature and became part of the legislation in force. For this reason, the normative status of the provision now carries the character of a statutory provision.

Through this provision of Law No. 7082, a "state of sham transaction" — which could otherwise only be established through litigation — was made to exist as a presumption under a decree law that was issued. This regulation, however, harbours significant violations of rights, particularly with respect to the right to property, legal certainty, and the principle of non-retroactivity. The provision categorically deems, by

[47] https://www.mevzuat.gov.tr/MevzuatMetin/4.5.675.pdf, accessed: 28/03/2026.

[48] https://mevzuat.gov.tr/MevzuatMetin/1.5.7082.pdf, accessed: 28/03/2026.

way of a statutory presumption, transfers of immovables made within a certain period to be "sham," and allows for such immovables to be registered ex officio in the name of the state without any individualized judicial assessment. This situation conflicts with the classical approach according to which, in private law, the determination of a sham transaction requires, as a rule, judicial assessment of the specific case. Sham transactions constitute a legal situation requiring inquiry into the true intentions of the parties, and their categorical presumption by way of statute is legally questionable from the standpoint of legal technique.

In addition, because the provision in question constitutes retroactive interference with respect to transactions carried out in the past, it is also unlawful from the standpoint of the constitutional and international standards concerning protection of the right to property. Indeed, the fundamental criterion for interferences with the right to property is that the interference has a statutory basis, pursue a legitimate aim, and comply with the principle of proportionality. However, the categorical deeming of all transfer transactions carried out within a certain period to be sham, and the registration of immovables in the name of the state without judicial examination, is assessed as a regulation liable to undermine the fair balance that must be struck between the right to property and the public interest.

Although Article 12 of Decree Law No. 675 subsequently remained in force as a matter of law, it has been assessed in doctrine and in practice as a controversial regulation from the standpoint of general legal principles, the protection of the right to property, and the principle of legal certainty. Ultimately, an application for annulment was made to the Constitutional Court seeking the annulment of Law No. 7082, containing this provision of Decree Law No. 675, on the ground that it was manifestly contrary to the Constitution and to universal legal principles concerning the right to property. The Constitutional Court, examining the application, decided to annul the provision by its decision dated 31/5/2023, E.: 2018/77; K.: 2023/105.[49]

Until the statutory presumption of sham transactions, brought into force through a decree-law regulation, was found to be unlawful and annulled by the decision of the Constitutional Court, thousands of property rights were seized by the Erdoğan regime through the use of this presumption.

[49]AYM, Case No.: 2018/77, Decision No.: 2023/105, Decision Date: 31/5/2023, Official Gazette Date-No.: 22/11/2023 – 32377, https://normkararlarbilgibankasi.anayasa.gov.tr/Dosyalar/Kararlar/KararPDF/2023-105-nrm.pdf, accessed: 28/03/2026.

F. THE GÜLEN MOVEMENT AS THE TARGET OF THE SEIZURE OF PROPERTY THROUGH THE OHAL DECREE LAWS

1. The Gülen Movement in General

The Gülen Movement, spiritually led by Fethullah Gülen, is known as a movement that has come to the fore through its educational and cultural activities, that bases its work on dialogue and tolerance, and that, most importantly, adopts a contemporary and moderate understanding of Islam. Also known in Türkiye by the names "Hizmet" (*Service*) and "Cemaat" (*Community*), the Movement is a civil-society movement composed of volunteers who carry out activities around the principle of coexistence within the framework of universal human values. Known for its charitable, educational, cultural, and dialogue activities both domestically and abroad, the Gülen Movement has, by the present day, evolved into an international social movement. Volunteers of the Movement make a significant contribution to social life through associations and foundations established by businesspeople, professionals, and intellectuals, alongside educational, cultural, dialogue, media, health, and humanitarian-aid institutions. In addition to these activities, the Movement has also become known worldwide through its interfaith and intercultural dialogue activities, its work promoting mutual understanding, appreciating diversity in society, and contributing to a culture of coexistence free from violence.

The Gülen Movement has always regarded education as being at the centre of social, economic, and political modernization, progress, and prosperity. According to the Movement's leader, Gülen, the absence, or lack, of comprehensive, quality education not only prevents the realization of equality and genuine justice, but also prevents the establishment of an attitude of acceptance and tolerance based on the respect owed to others, and respect for law, justice, and rights; respect for law, justice, and rights can only be secured through sound education. Gülen therefore draws attention to the importance of an open society, knowledge, and education even for the establishment of social justice in society.[50]

The Gülen Movement, which began its educational activities in Türkiye by opening university-preparation courses, has today, across more than 140 countries

[50] Michel, Thomas: Eğitimci Olarak Fethullah Gülen [Fethullah Gülen as an Educator], 24.02.2002, TIME, Leaders, https://fgulen.com/tr/hayati-tr/hareketi-incelemeler/Dr-Thomas-Michel-Egitimci-Olarak-Fethullah-Gulen, accessed: 28/03/2026.

worldwide, provided education to hundreds of thousands of students through more than 2,000 schools that are legally and nominally independent of one another.[51]

The Gülen Movement is a movement structured, and behaving, in accordance with the requirements of a contemporary social movement. For this reason, it is possible to see in this movement, too, the functions of civil-society movements frequently seen in examples across democratic, secular, rule-of-law states.[52] Analysing the dominant conditions and ideologies underlying social violence, terrorism, and conflict, Gülen holds that violence, terrorism, death, ignorance, moral decay, and corruption can be overcome through tolerance, compassion, communication, education, and cooperation. For this reason, the collective quest and commitment within the Movement concerning worldly and other-worldly well-being has never turned into a character of violence, militancy, or divisive sectarianism.[53]

Since the mid-1990s, the Gülen Movement has also found a place for itself, both nationally and internationally, through interfaith/intercultural dialogue activities. Within the scope of its dialogue activities, it has carried out joint work with other civil-society actors in various countries. In this context, in 1998 Fethullah Gülen met, in the Vatican, with Pope John Paul II, the leader of the Catholic world.[54] Through its schools and services, the Movement has assumed the role of building bridges across ethnic and religious lines in divided, conflict-prone developing countries. In this way, its peace-building role, its role in organizing civil society, and its dialogue activities have secured the Movement's international acceptance.[55]

2. The Conflict Between the Gülen Movement and Political-Islamist Movements

Although the Gülen Movement, which by virtue of its basic philosophy of belief and its human resources adopts a modern understanding of Islam, has been widely accepted around the world, it has, precisely because of this quality, not been accepted in Türkiye, particularly by "political Islamist" currents and political parties.[56] Although, at

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[51] Kinzer, Stephen: 'Fethullah Gulen: Turkish educator and Islamic scholar', April 18, 2013, https://time100.time.com/2013/04/18/time-100/slide/fethullah-gulen/, accessed: 28/03/2026.

[52] Etga, Uğur: Religious Frames: The Gülen Movement, 26.04.2019, https://oxfordre.com/politics/display/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-1345, accessed: 28/03/2026.

[53] Gülen, Fethullah: Ruhumuzun Heykelini Dikerken [Building the Statue of Our Souls], Istanbul 1998, p. 8 et seq.

[54] https://www.hurriyet.com.tr/gundem/fethullah-hoca-papayla-gorustu-39005791, accessed: 30/03/2026.

[55] Çelik, Gürkan: The Gülen Movement, Nieuwegein 2008, p. 46.

[56] See Özdalga, Elisabeth: 'Worldly Asceticism in Islamic Casting: Fethullah Gülen's Inspired Piety and Activism', Critique, no. 17 (Fall 2000): 83-104; Turam, Berna: 'Between Islam and the State: The Politics

certain periods, they appeared to be in harmony with the Gülen Movement in order to make use of the sympathy it enjoyed among the public for their own benefit and to benefit from the Movement's educated human resources, they never actually embraced this movement or its philosophy. In this context, the Justice and Development Party (AKP), founded under the leadership of Recep Tayyip Erdoğan, also appeared, in its early period, to be in harmony with the Movement for the sake of coming to power and creating a good image among the public. Over time, however, following the strengthening of the party's cadres within state institutions and the achievement of sufficient social support, the Erdoğan regime began to target the Gülen Movement. Underlying this targeting is the fact that, while the Gülen Movement adopted a modern understanding of Islam that eschews violence, is based on dialogue, and attaches importance to education, the AKP, under Erdoğan's leadership, pursued a policy based on political Islam.

The Gülen Movement is a movement that has come to the fore through its educational and cultural activities in Türkiye, that bases its work on dialogue and tolerance, and that, most importantly, adopts a contemporary and moderate understanding of Islam.[57] The Gülen Movement, which could not reconcile with the AKP regime pursuing a policy based on political Islam in Türkiye at this point, and which did not submit to the will of the regime, was placed at the target of the most intense, wide-ranging, and systematic hate-speech campaign in the country's history. In particular, following the 17/25 December investigations, in which the Erdoğan regime was implicated in corruption and bribery, the Gülen Movement was made the target of a policy of hatred aimed at systematically, deliberately, and ultimately excluding and erasing it from society. The 17/25 December bribery and corruption investigations — initiated by the police and the judiciary against illegal networks that included numerous bureaucrats, ministers, ministers' children, and Iranian-origin individuals such as Rıza Zarrab, who corroborated the process through confessions made in the United States — caused a new process to begin in Türkiye.

Following the 17/25 December bribery and corruption investigations, the hate policies put into effect were, on this occasion, transformed into state policy on the pretext of the 15 July coup attempt. After the 15 July coup attempt, systematic and mass decisions on detention and arrest were issued in investigations opened against the opposition, primarily against members of the Gülen Movement. Opponents were

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of Engagement: The Engagements between the Gülen Community and the Secular Turkish State', PhD Thesis, McGill University, Montreal, 2001; Ergil, Doğu: Fethullah Gülen & The Gülen Movement in 100 Questions, Blue Dome Press (17 Dec. 2012); Agai, Bekim: op. cit.

[57] See sources cited above at note 1 concerning the general characterization of the Gülen Movement.

sentenced to heavy penalties by judicial bodies that had, in effect, turned into regime courts. In this unlawful process, people's most fundamental rights — the rights to liberty and security and to a fair trial — were taken from them as a matter of state policy. People, both in prisons and in civilian life, were abandoned to civil death under the effect of this politics of hatred. In particular, those dismissed from public office through the OHAL decree laws became the primary targets of hate speech in society. These people became the victims of hate-filled discourse damaging human dignity, discriminatory regime practices, and unlawful judicial decisions.

Following the 17/25 December bribery and corruption investigations, strict measures began to be taken, and unlawful practices began to be developed, against the Gülen Movement, which did not accept becoming a party to the Erdoğan regime's practices, administrative methods, and policies that departed from democratic norms and were contrary to the universal legal order, and which, on the contrary, was integrated with the contemporary world, based its work on peace and tolerance, and opposed radical Islamist discourse. These efforts were ultimately transformed into a government-controlled politics of hatred. The government pursued this policy by involving all organs of the state.

In this new process, begun within the framework of a policy, the process was carried out together with other components as part of a plan, taking into account the consequences that a direct intervention would produce. The other components referred to here are formations that have, since the past, existed within the state and engaged in illegal activities. In other words, these are the "deep state" organizations engaged in illegal activities in Türkiye, which the Gülen Movement opposed. Documents that emerged in the Ergenekon and Balyoz (*Sledgehammer*) trials revealed that these structures were behind many dark acts in Türkiye. In this context, in applications made by persons tried in the Ergenekon and Balyoz cases, the ECtHR did not, referring to the documents that emerged during those trials, make a finding of violation.[58]

Although aware of this reality, the Erdoğan regime decided to pursue the process concerning the Gülen Movement by acting together with the "deep-state elements" referred to as the other components. As part of this decision-making process, the regime had the final convictions in the Balyoz coup-plan case overturned through the Constitutional Court (AYM), which they had brought under their control,[59] and embarked on a process of steering society into believing that the Ergenekon case — for

[58] See: Case of Özkan v. Türkiye, App. No: 15869/09, 13/12/2011; Case of Göktaş v. Türkiye, App. No: 59374/10, 13/12/2011; Case of Saçan v. Türkiye, App. No: 65387/09, 13/12/2011; Case of Çakmak v. Türkiye, App. No: 58223/10, 19/02/2013.

[59] https://www.bbc.com/turkce/haberler/2014/06/140618_balyoz_hanefi_avci, accessed: 30/03/2026.

which he had openly declared himself to have been the prosecutor[60] — was in fact a frame-up, and that the frame-up had been set up by the Gülen Movement.[61]

Characterizing the 17/25 December investigations as a "political operation," the Erdoğan regime and its representatives in the legislature directed heavy criticism and accusations, in a hateful and stigmatizing manner, against the law-enforcement officers and members of the judiciary who had carried out the operation. Departing from the evidence at the core of the case files, the notion that the operations had been carried out by the Gülen Movement against the government was turned into a common narrative and flagged in the written, visual, and social media. The mainstream media, which fell under the monopoly of the executive during this process, played an important role in disseminating this narrative.

In this process, aimed at eliminating and destroying the Gülen Movement within the framework of a politics of hatred, the government, using legislation, regulations, administrative acts, and its influence over the judiciary, adopted many decisions and measures against the Gülen Movement. In this context:

- the closure of tutoring/preparatory courses (*dershaneler*) alleged to be connected with the Gülen Movement;
- the subjection of schools alleged to be connected with the Gülen Movement, outside the ordinary process, to extraordinary and discriminatory inspections and pressure to close;
- the imposition of sanctions on, and the ultimate seizure of, Bank Asya, among whose founders were certain businesspeople sympathetic to the Gülen Movement;
- the seizure of the assets of, and the appointment of trustees to, businesspeople sympathetic to the Movement;
- pressure on newspapers, magazines, television channels, news agencies, and radio stations connected with the Movement, ultimately culminating in the appointment of trustees to Zaman, Türkiye's highest-circulation newspaper, and to Samanyolu TV;
- the subjection of judicial and law-enforcement personnel involved in the 17/25 December investigations and the Ergenekon and Balyoz cases to disciplinary investigations, and the dismissal of some of them;
- the issuance, in May 2016, of a decision of the National Security Council characterizing the Movement as a terrorist organization,

can be regarded as the Erdoğan regime's first acts against the Gülen Movement.

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[60] https://www.gazetevatan.com/siyaset/evet-ergenekonun-savcisiyim-189246, accessed: 30/03/2026.

[61] https://www.evrensel.net/haber/108319/erdogan-tum-ulke-yanlis-yonlendirildi-aldatildik, accessed: 30/03/2026.

These interventions by the Erdoğan regime failed to achieve the expected results, since they were not accepted by a large part of society, particularly the conservative segment, and there was a widespread perception that what the government was doing was wrong. Indeed, the expected outcome did not materialize on account of the numerous bribery and corruption allegations concerning the government and the anti-democratic practices witnessed by society. Moreover, because the Gülen Movement's image among the public was in a far better condition than the image of the Erdoğan government, the public did not believe these unjust allegations. In addition, because the Movement had become a target precisely by refusing to become a party to the government's unlawful practices, the fact that it was supported by many segments — above all social democrats — complicated the government's plans. For this reason, it became necessary for certain events to occur that would destroy the Gülen Movement's legitimate image in the eyes of the public.

It was precisely at a point when the policies of the Erdoğan regime and the deep-state components against the Gülen Movement had become blocked, owing to the democratic process and social support, and had become stuck and strained in the international arena — above all with the EU — that the 15 July Coup Attempt occurred, the perpetrators and instigators of which have still not been fully brought to light. Indeed, even while the coup attempt was still under way, President Erdoğan's statement that he regarded the coup attempt as "a gift from God" was rooted in the fact that the opportunity he had been seeking to destroy the Gülen Movement had emerged. The Erdoğan regime, whose hands had been tied by the existing legal procedures and by the Gülen Movement's legitimate and widely accepted image, seized, through the dubious coup attempt, the opportunity both to shelve the country's legal order and democratic institutions, and to destroy the Gülen Movement's image in society through the hate speech of "the putschist community" and the "Fethullahist Terror Organization / Parallel State Structure (FETÖ/PDY)."

From this point on, the systematic and planned policy of hatred and elimination directed against the Gülen Movement was turned into state policy, and the State of Emergency (*OHAL*), whose preparations and texts had already been drawn up beforehand, was declared. With the declared OHAL, the legal system and democratic institutional practices that had operated in the country for approximately 100 years were shelved. The country was turned into an open-air prison, and a witch-hunt process began. In this process, many practices drew their basis not from the Constitution and laws, but from the OHAL decree laws that abrogated the Constitution and the laws. Given the manner in which these decree laws were applied and the destructive consequences they produced, it is clear that this was a discriminatory regime practice

carried out within the framework of a project directly targeting, and aimed at eliminating, the Gülen Movement.

In this context, when asked, in an interview given to the AA (*Anadolu Agency*) Editors' Desk during a farewell visit on the occasion of his stepping down following the transition to the presidential system, whether there had been "a project that was very difficult for you," the then Prime Minister Binali Yıldırım — one of the important actors of the OHAL process — replied: "Well, the project I did not like was 15 July. I wish it hadn't happened." This response constitutes an admission that the coup process in Türkiye, and the elimination of the Gülen Movement, were carried out systematically and deliberately as part of a project.[62]

3. The Dissemination of "FETÖ" Hate Speech

After the 15 July coup attempt, the Erdoğan regime began to use the term "FETÖ" to describe the Gülen Movement. In the post-15 July process, the political power institutionalized this hatred not only at the level of discourse, but also through legislation, judicial decisions, and administrative practices. The "FETÖ" label, rather than being a legal definition, was turned into a political stigma used to silence, other, label, and destroy the social legitimacy of a movement that was in opposition to it.

However, there is no internationally recognized, independent judicial decision holding that the Movement is a terrorist organization. Decisions rendered to this effect by courts under the control of the Erdoğan regime have been assessed by the ECtHR as decisions rendered in violation of the requirements of universal law, above all the principle of legality of crimes and punishments and the right to a fair trial.[63]

The effects of the wide-ranging liquidation policies launched in Türkiye following the coup attempt were also reflected in the Turkish diaspora in Europe; in some countries, defamation campaigns, social pressure, and even physical attacks have been reported against institutions linked with the Hizmet movement. For example, in the Netherlands, investigations have been conducted against certain pro-Erdoğan individuals on charges of hate speech, threats, and vandalism against individuals sympathetic to the Hizmet movement;[64] similarly, in France, a court sentenced a person who had carried out an attack on institutions connected with the Hizmet movement to

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62 https://www.cumhuriyet.com.tr/haber/binali-yildirim-hosuma-gitmeyen-proje-15-temmuz-1017813, accessed: 30/03/2026.

63 Case of Yüksel Yalçınkaya v. Türkiye [GC] – 15669/20, Judgment, 26.9.2023, https://hudoc.echr.coe.int/eng#{"fulltext":["yal%C3%A7%C4%B1nkaya"],"itemid":["002-14187"]}, accessed: 30/03/2026.

64 https://www.turkishminute.com/2016/09/17/dutch-court-imposes-fines-calling-gulen-schools-feto/, accessed: 30/03/2026.

imprisonment and a fine. These developments show that the political discourse that began in Türkiye after the coup attempt also gave rise to social and legal tensions among communities in Europe.[65]

4. The Subjection of the Gülen Movement to a Systematically Discriminatory Regime

In the process that began with the 17/25 December process and reached its peak with the OHAL declared on account of the 15 July Coup Attempt, discriminatory regime practices — systematic, all-encompassing, directly targeting the Gülen Movement, and motivated by hatred — were put into effect as part of the policy of hatred pursued against the Movement in the country, in open contravention of international conventions prohibiting all forms of discrimination and of the ECtHR case law applying those conventions.

After the Erdoğan regime, together with other components of power, moved into action following 17/25 December to systematically and deliberately eliminate the Gülen Movement, a systematically discriminatory regime was put into practice, as part of the policy of hatred, in all institutions and organizations of the state directed against the Gülen Movement in Türkiye. What occurred in this process — in which the provisions of the Constitution and the law were in force for everyone but were disregarded as far as members of the Gülen Movement were concerned — cannot be explained by a simple violation of the prohibition of discrimination. The Gülen Movement was subjected, in Türkiye, to a systematically discriminatory legal and administrative regime that went beyond the prohibition of discrimination. In this system, which can be called a systematically discriminatory regime, when the laws, decree laws, regulations, and other legislative provisions issued together with the 17/25 December process, and the principles governing their application, are taken as a whole, it is seen that the aim was the elimination of the Gülen Movement, the unjust punishment of its members and sympathizers, their liquidation from the public and private sectors, their isolation from society, their devaluation, their othering, their being made to appear guilty, and, ultimately, the inducing of society to feel hatred toward these persons.

In this process, the Anti-Terror Law, applied through an interpretation removed from the legislature's intent and from the Court of Cassation's past case law, became one of the fundamental grounds both for the terrorization of members of the Gülen Movement and for policies based on discrimination and hatred. Within the scope of this Law, universal legal criteria concerning terrorist organizations and membership therein,

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[65] https://hizmetnews.com/19617/man-gets-prison-sentence-fine-attack-gulen-linked-institutions-france/, accessed: 30/03/2026.

and the Court of Cassation's past practice, were disregarded, and the Law was applied against members of the Gülen Movement through a discriminatory and broad interpretation serving the purpose of elimination. This matter has also been established by the ECtHR's judgment in *Yalçınkaya v. Türkiye*.[66]

The extraordinary measures and permanent regulations put into effect after 15 July produced a specific regime practice targeting, not merely within the framework of a general security policy, but specifically within the state apparatus, persons and structures linked to the Gülen Movement. Administrative and criminal mechanisms developed through vaguely bounded concepts such as "affiliation" (*iltisak*) and "connection" (*irtibat*) created a classification based on attribution of belonging rather than on individual act and fault. In this framework, the application of normative regulations and judicial interpretations in a manner systematically excluding a particular community gave rise to serious problems from the standpoint of the principle of equality and rule-of-law guarantees. This approach, institutionalized within the state, in effect turned into a discriminatory regime of application; dismissal from public office, the restriction of civil rights, and social stigmatization became mutually reinforcing processes.

One of the gravest consequences of this discriminatory regime emerged in the field of the right to property. In particular, the appointment of trustees to companies alleged to be connected with the Gülen Movement, the seizure of assets, the freezing of bank accounts, and mass transfer transactions carried out through the Savings Deposit Insurance Fund occurred on a scale unprecedented in the history of Turkish judicial practice. Given the scope and pervasiveness of these interferences, it is clearly apparent that the principal victims of these measures directed at the right to property were the Gülen Movement and its members. These transactions, applied in most cases without a final conviction, are incompatible with the presumption of innocence, the principle of proportionality, and the principle of individual responsibility. The picture that has ultimately emerged points not merely to the loss of economic assets, but to a structural human rights problem deepened by the erosion of legal certainty, social exclusion, and intergenerational loss of rights. In other words, the Erdoğan regime instrumentalized criminal and counter-terrorism legislation in order further to increase and intensify its pressure on the Gülen Movement, and treated all the economic activities of persons

[66] Stichting Justice Square, AİHM Yalçınkaya Kararı ve Güncel Yargılamalara Etkisi, October 2023, https://justicesquare.org/aihm-yalcinkaya-karari-ozeti-ve-guncel-yargilamalara-etkisi/, accessed: 30/03/2026.

perceived as connected with the Gülen Movement as support for a terrorist organization, without it being proven that they had participated in any criminal activity whatsoever.[67]

[67] InstituDE, Persecutory Confiscation Amounting to Crimes Against Humanity: Case of the Gülen Group, 6 November 2023, pp. 4-5, https://institude.ams3.digitaloceanspaces.com/Persecutory_Confiscation_Amounting_to_Crimes_Against_Humanity_Case_Of_the_Gulen_Group.pdf, accessed: 30/03/2026.

G. THE LEGAL NATURE OF THE TRANSFER TO THE TREASURY OF THE ASSETS OF CLOSED LEGAL ENTITIES

1. The Constitutional and International Legal Framework

As explained in the relevant section above, the right to property is a fundamental right guaranteed under Article 1 of Protocol No. 1 to the European Convention on Human Rights and under Article 35 of the Constitution of the Republic of Türkiye. Article 1 of Protocol No. 1 guarantees the peaceful enjoyment of possessions and prohibits arbitrary and disproportionate interferences. Under Article 35 of the Constitution, this right may only be restricted for the purpose of public interest, by law, and in accordance with the principle of proportionality. Article 38 of the Constitution explicitly prohibits the penalty of general confiscation.

Despite these national and international guarantees, thousands of legal entities were closed in Türkiye through the Decree Laws (*KHKs*) issued during the State of Emergency (*OHAL*) declared between 2016 and 2018, and all their assets were transferred to the Treasury without compensation.[68] According to official figures, under the decree laws issued — primarily Decree Law No. 667 — 2,761 legal entities were closed; the movable and immovable property, receivables, rights, documents, and records belonging to these legal entities were, without any distinction whatsoever, transferred to the Treasury. The immovables in question were registered ex officio in the land registry in the name of the Treasury, free of any restriction or encumbrance.

All movable and immovable property and all assets, receivables, and rights, documents, and records of closed foundations were deemed to have been transferred without charge to the Directorate General of Foundations. The movable property and all assets, receivables and rights, documents and records of the health application and research centres of closed foundation institutions of higher education, and of other closed institutions and organizations, were, on the other hand, deemed to have been transferred without charge to the Treasury.

According to the public statement of the Ministry of Environment and Urbanization dated 7 October 2016, following the closures and transfers effected through the OHAL decree laws, 3,333 immovables were transferred to the Treasury and 2,086 immovables to the Directorate General of Foundations during this process; it was stated that the total market value of the seized immovables was approximately TRY 15 billion. These figures clearly demonstrate that the interference was not exceptional in nature,

[68] OHAL Decree Law No. 667, https://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8.htm, accessed: 30/03/2026.

but mass and systematic. Calculated at the exchange rate as of 7 October 2016, according to the Ministry's figures, the market value amounts to approximately USD 4.92 billion.

A striking feature of the provisions of the decree laws that closed institutions in this manner is that no distinction whatsoever was made, with respect to assets, between property used in the commission of an offence, property obtained from an offence, and property having no connection with any offence. In other words, the OHAL decree laws established a general and automatic regime for the transfer of assets, without being based on any individualized assessment.

2. The Violation, Through the OHAL Decree Laws, of the Constitutional Prohibition of General Confiscation

Although Decree Law No. 667 used the concepts of "closure" and "transfer" with respect to the institutions whose assets were seized, when the consequences produced by the provisions of the decree law are taken into account, it is apparent that the practice is in fact "confiscation," a direct institution of criminal law.

Confiscation, in its simplest form, is the sanction whereby the ownership of property used in, or dedicated to, the commission of an offence, or property whose very existence constitutes an offence, or the proceeds or the value of assets obtained as a result of the commission of an offence, is transferred to the public.[69] Confiscation is defined in Article 54 of the Turkish Penal Code (TCK) No. 5237, in the second section ("security measures") of the third part ("sanctions"), as follows: "Provided that they do not belong to third parties acting in good faith, property used in, or dedicated to, the commission of an intentional offence, or property arising from the offence, shall be confiscated. Property prepared for use in the commission of an offence shall be confiscated if it is dangerous from the standpoint of public security, public health, or public morals."

On the other hand, "general confiscation" — the sanction whereby the ownership of the entirety of an offender's assets, whether movable or immovable, is transferred to the state — is prohibited under Article 38/9 of the Constitution, which provides that "the penalty of general confiscation shall not be imposed." General confiscation means the seizure of the entirety of a person's assets in a manner having no connection whatsoever with the offence committed, damaging the property rights of heirs, and causing the economic and social ruin of the person.[70]

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[69] Özden, Nurten Kübra: 'Türk Ceza Hukukunda Müsadere' [Confiscation in Turkish Criminal Law], ASBÜ Faculty of Law Journal 5, no. 2 (2023), pp. 1058-1086.

[70] Yerdelen, Erdal: Müsadere ve Mülkiyetin Kamuya Geçirilmesi [Confiscation and the Transfer of Property to the Public], Adalet Yayınevi, Ankara 2010, p. 30.

It is clear that the mass closures and uncompensated asset transfers carried out through the OHAL decree laws bear the character of "general confiscation" within the meaning of criminal law. Moreover, since the transfer concerns the entirety of the assets, these practices directly conflict with the "general confiscation" prohibition explicitly set out in the Constitution.

On the other hand, the prohibition of general confiscation set out in Article 38 of the Constitution is not explicitly included among the core rights listed in the second paragraph of Article 15, which regulates the state-of-emergency regime. For this reason, it might at first sight be argued that different regulations concerning this prohibition could be made during states of emergency. However, the second paragraph of the same article explicitly guarantees that offences and penalties may not be applied retroactively, even under conditions of a state of emergency. This regulation shows that the principle of legality with respect to offences and penalties is among the core guarantees that must be preserved even during extraordinary periods.

In this framework, although the sanction of transfer of property to the state provided for in the regulation examined here may be characterized as an administrative measure, it bears a punitive character by virtue of its consequences. Accordingly, it is not possible for this sanction to be applied in a manner contrary to the principle of legality guaranteed under the second paragraph of Article 15 of the Constitution, and it therefore falls outside constitutional limits.

On the other hand, the restriction placed on the right to property must also be "to the extent required by the situation," as required by Article 15 of the Constitution. At this point, it is observed that the decree laws in question did not provide an effective mechanism for objection or judicial review against the transfer of property. No guarantee was provided allowing recourse, whether by administrative application or by judicial remedy, to assert and prove that the act of transferring the property was unlawful. In this respect, too, the unconstitutionality of the provisions in question is clear.

3. Legal Characterization in Light of ECtHR Judgments

The European Court of Human Rights' general approach to interferences with the right to property made by way of a confiscation order is that such interferences are applied as a penalty. According to the Court, although confiscation produces the result of deprivation of the right to property, because it is applied as a "penalty" within the meaning of the second paragraph of Article 1 of Protocol No. 1 to the Convention, it must, having regard to this purpose, be assessed as a control of the use of property. In this context, the ECtHR has, in a number of settled decisions, clearly set out the legal

nature of confiscation. The Court held, in particular in *Sud Fondi S.r.l. and Others v. Italy*,[71] *Varvara v. Italy*,[72] and *G.I.E.M. S.R.L. and Others v. Italy*,[73] that confiscation — whether or not attached to a conviction — constitutes a "penalty" within the meaning of Article 7 of the European Convention on Human Rights.

In *Markus v. Latvia*,[74] in which the European Court of Human Rights emphasized that interferences amounting to general confiscation are incompatible with the European Convention on Human Rights, the Court found a violation of the right to property on the grounds that the legal regulation, which allowed for the confiscation of the applicant's entire assets without regard to how they had been acquired or to any connection with an offence, was neither certain nor foreseeable, did not contain the necessary guarantees against arbitrariness, and did not secure a "fair balance."

According to this case law, the description of a sanction as an "administrative measure" does not remove its punitive character. What is decisive is the severity, duration, and effect of the interference on the person.

In light of this case law, when the closure and asset-seizure transactions carried out through the decree laws issued during the OHAL period are assessed, it is not possible to characterize them merely as "administrative dispositions" or "protective measures." For:

- The interference is permanent; the legal personality of the closed institutions has been terminated, and their assets have been liquidated.
- The interference is severe; assets, together with all their assets and liabilities, have been transferred to the Treasury.
- The interference is not individualized; it has been applied without any court decision, determination of fault, or criminal trial.
- The interference is explicitly aimed at deterrence and liquidation.

In light of these characteristics, the mass closures and seizures carried out through the OHAL decree laws exceed the limits of "control of the use of property"

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[71] Case of Sud Fondi Srl and Others v. Italy (dec.) – 75909/01, Decision 30.8.2007 [Section II], https://hudoc.echr.coe.int/eng#{"fulltext":["Sud Fondi"],"itemid":["002-2529"]}, accessed: 30/03/2026.

[72] Case of Varvara v. Italy, App. no. 17475/09, https://hudoc.echr.coe.int/eng#{"fulltext":["Varvara"],"itemid":["001-237610"]}, accessed: 30/03/2026.

[73] Case of G.I.E.M. S.R.L. v. Italy, Application no. 1828/06, 21 December 2005, https://hudoc.echr.coe.int/eng#{ "fulltext":["G.I.E.M. S.R.L"],"itemid":["001-156745"]}, accessed: 30/03/2026.

[74] Case of Markus v. Latvia, App. No: 17483/10, 11/6/2020, §§ 70-75, https://hudoc.echr.coe.int/eng#{"fulltext":["Markus"],"documentcollectionid2":["GRANDCHAMBER","CHAMBER"],"itemid":["001-202748"]}, accessed: 30/03/2026.

within the framework of the criteria developed by the ECtHR. What exists is a collective and permanent deprivation of property that is not based on any judicial guarantee.

The fundamental principle underscored in the above-mentioned ECtHR judgments is as follows: a sanction of a punitive nature cannot be applied without the guarantees of legality of offences and penalties (Article 7 ECHR), fair trial (Article 6), and the right to property (Article 1 of Protocol No. 1) being observed together. Yet, with respect to institutions closed and stripped of their assets through the OHAL decree laws, these acts — which produce results of a punitive nature — were carried out without any court decision, without any right of defence being granted, and without any determination of individual responsibility.

For this reason, from the standpoint of the ECtHR, the transactions in question are not a temporary and preventive measure, but a collective and permanent punitive practice bearing the character of extrajudicial execution. These acts, applied under the guise of an "administrative measure," are in essence punitive in character, yet have been entirely deprived of the fundamental guarantees of criminal law.

In conclusion, when the closure and confiscation transactions carried out through the OHAL decree laws are assessed in light of ECtHR case law, their legal nature is not that of a security measure, but rather that of a penal regime applied without a court decision and excluding the guarantees of legality and fair trial.

On the other hand, the Constitutional Court has, in one of its decisions, defined general confiscation as "a penalty which extinguishes the offender's ownership of the whole of his movable or immovable property and transfers it to the state," and has stated that this is not accepted in the contemporary understanding of criminal law.[75] With this approach, the Court annulled the provisional Article 9 of Anti-Terror Law No. 3713 as unconstitutional. Among other matters, this provision provided for the transfer to the Treasury of the movable and immovable property of associations and foundations placed under trusteeship. The Constitutional Court held that the regulation, going beyond merely restricting the right to property, "entirely extinguished these organizations' right to property," and that, in terms of its consequences, it amounted to "general confiscation"; it accordingly ruled that the provision was contrary, among other constitutional articles, to Articles 35 and 38 of the Constitution.[76]

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[75] AYM, E. 1987/28, K. 1988/16, 3/6/1988, https://normkararlarbilgibankasi.anayasa.gov.tr/Dosyalar/Kararlar/KararPDF/1988-16-nrm.pdf, accessed: 30/03/2026.

[76] AYM, E. 1991/18, K. 1992/20, 31/03/1992, https://normkararlarbilgibankasi.anayasa.gov.tr/Dosyalar/Kararlar/KararPDF/1992-20-nrm.pdf, accessed: 30/03/2026.

H. CLOSED INSTITUTIONS AND ORGANIZATIONS WHOSE ASSETS WERE SEIZED

As set out in detail in Chapter IV below, under the OHAL decree laws a total of 187 media organizations — comprising 1,595 associations, 155 foundations, 1,061 schools, 841 dormitories, 223 course/tutoring centres, 48 hospitals, health centres and clinics, 15 universities and 7 affiliated hospitals, 19 trade unions, 70 newspapers, 20 magazines, 33 television channels, 34 radio stations, and 30 publishing/distribution companies — were permanently closed, and their assets, without exception, were transferred to the Treasury or to the Directorate General of Foundations. In addition, trustees were appointed to hundreds of private companies, and control over these companies was transferred to TMSF. The institutional and sectoral breakdown of these closures and seizures, together with the relevant statistics, is examined in detail in Chapter IV of this report.

İ. ASSETS SEIZED THROUGH THE OHAL DECREE LAWS IN LIGHT OF QUANTITATIVE AND ECONOMIC DATA

1. In General

When the quantitative data concerning the OHAL process are examined as a whole, the scale of the seizure of property emerges clearly: thousands of associations, foundations, schools, dormitories, hospitals, universities, media organizations, and companies were closed or placed under trusteeship, and the total value of the assets thereby transferred is estimated, according to various sources, at between USD 30 and 40 billion, and, according to some broader assessments, considerably higher still. A detailed breakdown of this data, sector by sector, is presented in Chapter IV of this report.

2. The Quantitative and Sectoral Map of the Seizure of Property

The seizure of property carried out through the OHAL decree laws spans virtually every sector of civil society and the economy — education, health, media, finance, and civil society organizations alike — and forms a single, integrated map of liquidation when its associations, foundations, schools, universities, hospitals, media organizations, and companies are considered together. This sectoral map, together with the underlying figures for each sector, is set out in detail in Chapter IV of this report.

J. THE SYSTEMATIC VIOLATIONS OF THE RIGHT TO PROPERTY IN TÜRKİYE IN THE RECENT PERIOD AS CONSTITUTING A CRIME AGAINST HUMANITY

1. The Concept of Crimes Against Humanity in General

Legal rules governing relations among people have always existed in every society. However, the fact that the field of application of legal rules could not remain confined to nation-states alone became clearly understood at the end of the two world wars of the 20th century. The great atrocities and destruction that resulted from these wars compelled states to adopt numerous regulations in the international sphere. Law was one of these fields. The consequences produced by the two world wars affected international law, and also laid the groundwork for the emergence of international organizations to ensure the application of that law.

As a result of work carried out in the field of international criminal law, four categories of crime have been identified. These are: the crime of genocide, crimes against humanity, war crimes, and the crime of aggression. Crimes against humanity, having first appeared in the Nuremberg Charter in response to the acts of the Nazis, evolved through various international instruments and today find their most detailed definition in the Rome Statute.

The concept of crimes against humanity first entered an international instrument as the Charter of the Nuremberg Tribunal, subsequently found a place in the statutes of the Tokyo, former Yugoslavia, and Rwanda International Criminal Tribunals, and took its final form in the Rome Statute.[77] A crime against humanity means, among other things, victimizing the whole of humanity and being an enemy to mankind.[78] For an act to be regarded as a crime against humanity, it must be carried out, in a region or country, as part of a widespread or systematic attack directed against any civilian population. In other words, it is the direct realization, in a manner of grave severity, on a large scale, continuously, and extensively, of an act — following an organized and regular system that has become general policy, involving a public or private authority — against a mass group of victims.[79]

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[77] Seymen Çakar, Ayşen: İnsanlığa Karşı Suçlar [Crimes Against Humanity], TBB Journal, 2012, No. 103, pp. 194-195.

[78] Geras, Norman: Crime Against Humanity – Birth of a Concept, Manchester University Press, 2011, pp. 34-35.

[79] 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.

The Rome Statute contains no restrictive regulation as to the perpetrators of crimes against humanity. Accordingly, the perpetrator of a crime against humanity may be anyone — a state official or a private individual. It is not a requirement that the person or persons commit a crime against humanity as an official bound to the state, or with the state's express or tacit approval and encouragement. Article 7(2)(a) of the Rome Statute, by referring to "in furtherance of a State or organizational policy," indicates that the perpetrator may be a state official or a private individual.

According to the Rome Statute, in order for the acts listed in Article 7 to constitute a crime against humanity, the perpetrator must commit these acts systematically or on a widespread basis, and must know that these acts are being carried out pursuant to a certain plan directed against any civilian population.

2. The Concept of Crimes Against Humanity Within the Framework of the Rome Statute, and the Assessment of the Systematic State-Sponsored Seizures of Property in Türkiye

The first international instrument in which crimes against humanity were regulated in international law is the London Agreement establishing the Nuremberg Tribunal, announced at the conclusion of the London Conference convened in 1945. The concept and prosecution of crimes against humanity, which began with the Nuremberg Tribunal, continued with the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, and took its final form with Article 7 of the Rome Statute of 17 July 1998.[80]

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 brought their domestic legislation into line with the Rome Statute.[81] Although Türkiye is not a party to the Rome Statute, it regulated crimes against humanity in Article 77, and the crime of genocide in Article 78, of Turkish Penal Code No. 5237, which entered into force in 2005.

Article 7 of the Rome Statute regulates crimes against humanity. According to the regulation set out in that article, for the purposes of the Statute, "crimes against humanity" cover acts committed as part of a widespread or systematic attack directed against any civilian population. Under Article 7(1) of the Rome Statute, crimes against humanity cover the acts (listed in the article) "committed as part of a widespread or

[80] Seymen Çakar, Ayşen: 'İnsanlığa Karşı Suçlar', TBB Journal, 2012, No. 103, p. 176.

[81] International Criminal Law & Practice Training Materials, Crimes Against Humanity, part of the OSCE-ODIHR/ICTY/UNICRI project 'Supporting the Transfer of Knowledge and Materials of War Crimes Cases from the ICTY to National Jurisdictions', https://iici.global/wpd/wp-content/uploads/2024/02/icls-training-materials-sec-7-cah1.pdf, accessed: 01/04/2026.

systematic attack directed against any civilian population, with knowledge of the attack." The acts listed in Article 7 of the Rome Statute that constitute crimes against humanity are as follows:

- Murder,
- Extermination,
- Enslavement,
- Deportation or forcible transfer of population,
- Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law,
- Torture,
- Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity,
- Persecution against any identifiable group or collectivity, as defined in paragraph 3, on political, racial, national, ethnic, cultural, religious, gender, or other grounds universally recognized as impermissible under 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 (racial discrimination),
- Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

There is no difference between the commission of crimes against humanity in time of peace or of war. If an attack directed against any civilian population meets the elements of Article 7 of the Statute, it will be assessed within the scope of a crime against humanity irrespective of whether it occurs in time of peace or of war.[82]

As can be seen, under Article 7 of the Rome Statute, titled 'Crimes Against Humanity,' crimes against humanity cover acts committed as part of a widespread or systematic attack directed against any civilian population. In other words, crimes against humanity are a special category of crime that deeply shakes the international community and is distinguished from 'ordinary' human rights violations by being committed pursuant to a certain plan and on a mass scale.[83] Pursuant to Article 7(1) of the Rome Statute, the International Criminal Court requires the following elements to be present together for an act to constitute a crime against humanity:

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[82] Seymen Çakar, p. 180.

[83] InstituDE, Persecutory Confiscation Amounting to Crimes Against Humanity: Case of the Gülen Group, 6 November 2023, p. 12, https://institude.ams3.digitaloceanspaces.com/Persecutory_Confiscation_Amounting_to_Crimes_Against_Humanity_Case_Of_the_Gulen_Group.pdf, accessed: 01/04/2026.

- The existence of an attack directed against a civilian population,
- The attack bearing a widespread and/or systematic character,
- The attack being committed knowingly by the perpetrator,
- The victims of the attack being a civilian population.

In particular, Article 7(1)(h) of the Statute treats within this scope the act of "persecution" against an identifiable group or collectivity on political, racial, national, ethnic, cultural, or religious grounds, connected with other fundamental rights.[84]

3. Assessment of the Systematic, Planned, and Intensive Seizures of Property Carried Out as a Result of the Erdoğan Regime's Politics of Plunder

The systematic, intensive, and planned interferences with property rights that occurred in Türkiye as a result of the Erdoğan regime's politics of plunder constitute a crime against humanity. Indeed, the general practices relating to the seizure of property, which have turned into a state practice, are seen to satisfy the "systematic or widespread" criteria required for a crime against humanity. The systematicity criterion means that the violations are committed not by chance, but in an organized manner, pursuant to a predetermined state policy or plan. In such cases, the state mechanism and public resources are mobilized for the purpose of weakening or destroying a particular community. The widespreadness criterion, in turn, means that the violations are carried out on a mass, frequent, and large scale, and are directed against a large number of victims. The breadth of geographic scope, and the targeting of victims on the basis of their belonging to the group rather than their individual characteristics, are indicators of widespreadness.

The violations of property rights carried out by the Erdoğan regime against the Gülen Movement, being both systematic and widespread in character, correspond to the crime of "persecution" under the Rome Statute. This is so for the following reasons:

- Systematic Structure: The violations are part of a plan designed to financially cripple and destroy the group. The establishment of the magistrates' courts (*Sulh Ceza Hâkimlikleri*), the liquidation of Bank Asya, the closure of tutoring courses, the seizure of huge holding companies such as Boydak, Kaynak Holding, and Koza-İpek, and the use of the trusteeship mechanism as a weapon, are concrete instruments of this planned policy. Statements by government officials to the effect of "finishing off" the group, and the decisions of the National Security Council, prove this systematicity.

[84] InstituDE, Persecutory Confiscation Amounting to Crimes Against Humanity: Case of the Gülen Group, 6 November 2023, pp. 13-15, https://institude.ams3.digitaloceanspaces.com/Persecutory_Confiscation_Amounting_to_Crimes_Against_Humanity_Case_Of_the_Gulen_Group.pdf, accessed: 01/04/2026.

• Widespreadness and Scale: The interferences have spread across the whole of Türkiye and have reached a mass scale. The total value of the seized assets is estimated at around USD 32 billion. More than 230,000 people have been affected by administrative measures, and more than 1.5 million by criminal proceedings. These figures show that the attack was directed not at particular individuals, but at an entire "civilian population."

• Violation of Legal Criteria: These seizure transactions satisfy none of the four fundamental conditions required by international law — legality, proportionality, public interest, and compensation.

• Legality: Legal activities carried out prior to the designation of the organization as a terrorist organization were retroactively deemed criminal and punished.

• Proportionality: A heavy burden was placed on victims by resorting to the wholesale confiscation of entire holding companies and personal assets, rather than targeting personal or limited assets.

• Public Interest: It is seen that the seizures served the purpose not of the public interest, but of transferring assets to persons close to Erdoğan and to his political allies.

• Compensation: No compensation or payment whatsoever has been made to victims whose property rights have been entirely stripped from them.[85]

On the other hand, the fact that the systematic, planned, and intensive seizures of property, a product of the Erdoğan regime's politics of plunder, constitute a crime against humanity is also consistent with the precedent decisions of the International Criminal Court in this field. At this point, the leading case law of the international tribunals that have set out criteria and principles around the "systematic" criterion is instructive. A systematic character is indicated not only by the commission of unlawful acts pursuant to a predetermined plan or policy, but also by the repeated or continuous nature of the acts constituting the violations, showing that they were committed pursuant to a plan. That is, the existence of a plan or policy, or that the acts were committed pursuant to a policy, need not necessarily be proven by submission to a tribunal; its existence may also be proven by reference to other matters. The International Criminal Tribunal for the former Yugoslavia (ICTY), which previously dealt with systematic criteria for crimes against humanity, held as follows in the Kunarac Appeals

[85]InstituDE, Persecutory Confiscation Amounting to Crimes Against Humanity: Case of the Gülen Group, 6 November 2023, p. 32 et seq., https://institude.ams3.digitaloceanspaces.com/Persecutory_Confiscation_Amounting_to_Crimes_Against_Humanity_Case_Of_the_Gulen_Group.pdf, accessed: 01/04/2026.

Judgment:[86] the Blaškić Trial Chamber clarified the meaning of the "systematic" requirement, holding that it comprises the following four elements:

(1) the existence of a political objective, that is, to destroy, persecute, or weaken a community;

(2) the perpetration of a criminal act on a very large scale against a civilian group, or the repeated and continuous commission of interconnected inhumane acts;

(3) the preparation and use of significant military or other public or private resources;

(4) the involvement of high-level political and/or military authorities in the definition and establishment of the methodical plan.[87]

Moreover, a crime may be committed in a widespread or large-scale manner either through the cumulative effect of a series of inhumane acts, or through the effect of a single inhumane act of extraordinary magnitude.[88]

The International Criminal Tribunal for Rwanda (ICTR), in the Akayesu Judgment, defined the concept of "systematic" as situations that are comprehensively organized on the basis of a common policy involving significant public or private resources and that conform to a regular pattern. There is no requirement that this policy formally be adopted as the policy of a state; however, it must be a pre-conceived plan or policy. Similarly, the ICTY reiterates that the systematic nature of acts of violence can be inferred from the repeated pattern in which the acts were committed: the adjective "systematic" signifies the organized nature of the acts of violence and the improbability of their random occurrence. Patterns of crime — that is, the regular, non-accidental repetition of similar criminal conduct — are a common expression of such systematic occurrences.

In light of the case law referred to above concerning the definition of "systematic," and taking into account the politics of plunder pursued by the Erdoğan regime against the Gülen Movement and the systematic, planned, and intensive violations of the right to property that resulted from that policy, it can reasonably be seen that the grave violations of property rights were committed against the Gülen Movement as part of a predetermined plan and policy. This policy aims to weaken, neutralize, and possibly eliminate the Gülen Movement, whether physically or as a

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[86] International Criminal Tribunal for the former Yugoslavia, https://www.icty.org/x/cases/karadzic/tjug/en/160324_judgement.pdf, para. 477; InstituDE, op. cit., p. 15.

[87] ICTY, Prosecutor v. Kordić and Čerkez, 'Judgement', IT-95-14/2-T, 26 February 2001, para. 179, https://www.icty.org/x/cases/kordic_cerkez/tjug/en/, accessed: 01/04/2026.

[88] ICTY, Prosecutor v. Kunarac, Kovač and Vuković, 'Judgement', IT-96-23-T and IT-96-23/1-T, 22 February 2001, para. 429; ICTY, Prosecutor v. Kunarac, Kovač and Vuković, 'Appeals Judgement', IT-96-23-T and IT-96-23/1-A, 12 June 2001, para. 94; InstituDE, op. cit., pp. 1-45.

community of ideas and ideals, through every means, including financial ones. Depriving the Movement of its financial and budgetary resources is an available and effective instrument for achieving this aim.

The manner in which this policy of deprivation was implemented shows that the Erdoğan regime first targeted the property of institutions that ensured the group's social and economic development, and then, once those institutions no longer had assets left to plunder, turned its attention to persons connected with the Gülen Movement and to their property.[89]

On the other hand, another requirement set out in various decisions of the International Criminal Court (ICC) for crimes against humanity is **the widespread nature of the attack**.. Accordingly, the Court has defined the widespread element as "massive, frequent, large-scale action, carried out collectively with considerable seriousness and directed against a multiplicity of victims."[90] Moreover, in the Ruto, Kosgey and Sang case, which shows how the widespreadness nature of violations can be inferred from this definition, the Court refers to the breadth of the geographical scope of the violations and to how the victims were profiled during the preparation and implementation stages of the violations. According to the ICC, the fact that the perpetrators approached the targeted persons simultaneously, in large numbers, and from different directions plays a determinative role in assessing whether the violations satisfy the widespreadness requirement.[91]

In light of the precedent decisions in the context of the widespreadness requirement in the Ruto, Kosgey and Sang cases, it can fairly be assessed that the mass and frequent violations — carried out collectively and with great seriousness, within the framework of the Erdoğan regime's policy of depriving people of property and fundamental freedoms, against a large and diverse number of persons alleged to be connected with the Gülen Movement — satisfy this requirement. The fact that the targeted persons were victimized on the basis of an allegation of connection with the Gülen Movement, rather than on the basis of their individual characteristics, notwithstanding their large numbers, gives rise to the conclusion that these persons were targeted on the strength of a single accusation based on the association made by public authorities between them and the Gülen Movement.[92]

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[89]InstituDE, op. cit., p. 22.

[90]International Criminal Court, Prosecutor v. Ruto et al., 'Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute', ICC-01/09-01/11, 23 January 2012, para. 185; ICTR, Prosecutor v. Musema, 'Judgment', ICTR-96-13-T, 27 January 2000, para. 204.

[91]International Criminal Court, Prosecutor v. Ruto, Kosgey and Sang, 'Pre-Trial Decision', ICC-01/09-01/11, 23 January 2012, para. 179.

[92]InstituDE, op. cit., p. 28.

The involvement in, or even the perpetration of, these violations by the public institutions the Erdoğan regime used as a regime apparatus, using the authority and public resources at their disposal, is another factor further aggravating the consequences of violations affecting a large number of persons connected with the Gülen Movement.

The indicative factors used by the International Criminal Court in the Ruto, Kosgey and Sang decisions are useful in determining the widespreadness of the violations committed against the Gülen Group. Indeed, the statistical data and sample cases presented in this report demonstrate the systematicity, gravity, mass character, and broad scope of the human rights violations suffered by members of the Gülen Movement. In conclusion, the policy of condemning the group to "eat tree roots"[93] by depriving the group of its financial assets is a process of persecution that wounds the conscience of humanity and constitutes a crime against humanity within the meaning of international criminal law.[94]

[93]'Ağaç kökü yesinler' ('Let them eat tree roots') is an expression systematically used by Erdoğan and figures close to the regime with respect to persons dismissed under the OHAL decree laws and persons connected with the Gülen Movement. In this context, the then AK Party Isparta Provincial Chairman Osman Zabun, referring to debates about dismissed public officials 'having nothing to eat or drink', said 'let them eat tree roots.' Likewise, being 'condemned to hunger' is an expression describing the economic collapse experienced by dismissed people after losing their jobs. https://www.hurriyet.com.tr/gundem/ak-parti-il-baskanindan-fetoculere-agac-koku-yesinler-40242531, accessed: 01/04/2026.

[94]InstituDE, op. cit., pp. 1-45.

CHAPTER III:

THE JUDICIARY'S APPROACH TO THE PRACTICES CONCERNING THE SEIZURE OF PROPERTY

A. THE GENERAL ATTITUDE OF THE JUDICIARY DURING THE OHAL PROCESS

Through the OHAL decree laws issued during the state of emergency declared on the pretext of the dubious 15 July coup attempt, Türkiye was rendered entirely lawless, and a regime in which discriminatory practices dominated every sphere of life emerged. Rather than fulfilling their function of dispensing justice against this unlawful order — created both by the OHAL decree laws and by the practices of judicial bodies in Türkiye — the Constitutional Court, the Court of Cassation, and the Council of State instead rendered decisions lending wholesale legitimacy to these unlawful practices of the Erdoğan regime, and made public statements amounting to a declaration of opinion in that direction.

As an important consequence of the process by which the Turkish judiciary was reshaped, beginning with the 17/25 December process, the higher courts — which ought to have guided lower courts through their case law — instead acted within the framework of the principles dictated by the Erdoğan regime, and rendered decisions in the manner desired by the political establishment. At this point, they abandoned approximately 100 years of past practice and case law, and rendered decisions within the framework set out by the executive as its road-map. What occurred here was a process of legitimization carried out by the hand of the higher judiciary.

Applications for annulment brought against statutory provisions manifestly contrary to universal legal rules, and individual applications brought on the ground of violation of constitutional rights, were rejected by the Constitutional Court either without reasoning or on the basis of ostensible grounds that were not lawful. In particular, although the Constitutional Court, on account of pressure arising from domestic and international public opinion, occasionally issued findings of violation, it has, in essence, at a certain point, become a protector and guardian of the anti-democratic, oppressive, and totalitarian policies, and of the discriminatory regime practices, systematically and deliberately pursued by the Erdoğan regime. For example, the Constitutional Court had previously held, by its decision of 10 January 1991, No. K.1991/1, that OHAL decree laws could only be applied for the duration of the state of emergency. An action for annulment was likewise brought before the Constitutional

Court against the state-of-emergency decree laws issued after the 15 July coup attempt; however, the Constitutional Court, by its decision of 12 October 2016, E.2016/166, K.2016/159, departed from its 1991 case law and held that it did not have jurisdiction to review OHAL decree laws. Thus, the Constitutional Court — the highest court in Türkiye — declared that OHAL decisions could not be brought before the judiciary, and that no application could be made to the Constitutional Court for their annulment. In other words, the 1991 case law — to the effect that laws could not be amended, and provisions on discipline could not be amended or newly regulated, by an OHAL decree law, that OHAL decree laws could only be valid for the duration of the state of emergency, and that any violation of these rules could always be reviewed by the Constitutional Court — was abandoned.

On the other hand, during the darkest period of the Turkish judiciary, the Court of Cassation and the Council of State likewise performed functions similar to those of the Constitutional Court. Both higher courts, by departing from their past, settled decisions, turned a blind eye to the unlawfulness that occurred in disciplinary and criminal investigations carried out against people through the application of the heaviest protective measures against them, whereby their constitutional guarantees were set aside. Rather than preventing or eliminating the unlawfulness in the criminal and disciplinary processes, both courts sought instead to legitimize it.

The most glaring example of this is the Court of Cassation's abandonment of its past practice concerning the determination of the existence of an armed terrorist organization and of membership therein, and its issuance of new decisions that set aside constitutional guarantees. As a result, thousands of judges and prosecutors were punished for the offence of membership of an armed terrorist organization even though they had not committed a single act.

Rather than reviewing the practices — which set aside universal legal principles by applying the investigation provisions introduced by the OHAL decree laws in place of the provisions of the Code of Criminal Procedure (*CMK*) governing investigation and prosecution — the Court of Cassation regarded these practices as legitimate, and, through the new definitions it introduced during this process concerning the concept of a terrorist organization, lent legitimacy to the most destructive practices of the discriminatory regime.

The Council of State, abandoning its past, settled case law concerning administrative disputes in this process, particularly with respect to dismissals, adopted a statist approach toward the unlawful practices of the OHAL process and openly took the side of the state with respect to individuals' fundamental rights. Most simply, in applications concerning the dismissal of hundreds of thousands of public officials, the Council of State assessed these dismissals within the scope of OHAL measures, and

found the decisions dismissing officials from the profession — on the ground that the public official had violated the duty of loyalty to the state — to be lawful. At this point, it regarded the unlawful dismissal of thousands of judges and prosecutors and other public officials as legitimate.

The decisions rendered by the Council of State, without regard to the manifest unlawfulness that occurred during the OHAL process, in line with the expectations of the executive, must be assessed as an activity that was, in essence, not judicial in nature, but rather one that used law to cover up and legitimize unlawful practices. Indeed, these new types of decisions and conjunctural changes in case law, which are wholly incompatible with the settled annulment decisions previously rendered by the Council of State on account of the failure to observe constitutional guarantees, cannot legally be accepted.

The higher courts abandoned the case law and practices they had previously shaped within the framework of ECtHR judgments, and, taking particular advantage of the chaotic opportunities afforded by the OHAL period, began to produce case law geared toward the expectations and wishes of the Erdoğan regime.

This lawless attitude on the part of the HSK and the higher courts opened the way for lower courts to engage in arbitrary practice, and turned into an instrument of pressure and intimidation against individuals. The ECtHR's findings of violation in this process — above all in the cases concerning Osman Kavala and Selahattin Demirtaş — were not applied by domestic courts, and were disregarded. The greatest loss in this process has been the loss of the gains that the Turkish judiciary had achieved through the EU accession process, and the fact that unlawfulness and arbitrariness have come to dominate the Turkish judiciary.

B. THE ROLE OF THE MAGISTRATES' COURTS (SULH CEZA HAKİMLİKLERİ) AS A "PROJECT" IN THE SEIZURE OF PROPERTY

The Magistrates' Courts (*Sulh Ceza Hakimlikleri, SCH*), which became the fundamental instrument of interferences with the right to property in Türkiye, were described by then Prime Minister Erdoğan himself as a "project" designed to liquidate the Gülen Movement. The magistrates' courts became the initial launching point through which the politics of plunder and property-seizure practices directed at the right to property were put into effect. Thus, the SCH — which Erdoğan referred to as ***"we are developing a project"*** — actively took on this mission in the process.

For this reason, many international institutional reports — primarily from the Venice Commission[95] and the UN — have emphasized that these magistrates' courts do not guarantee the right to a fair trial and judicial independence. According to the Venice Commission's findings, the concentration of nearly all investigations in the hands of political power eliminates the presumption that individuals' right to a fair trial is guaranteed.[96]

Using Article 314 of the Turkish Penal Code, which regulates the offence of membership of an armed terrorist organization, the SCHs rendered decisions seizing the assets of, and appointing trustees over, opponents, most often without concrete evidence and while rendering judicial review ineffective. During the OHAL process, the practices of property seizure carried out by the SCHs against the Gülen Movement continued to be applied in the same manner, in the subsequent period, against the CHP and similar opposition circles.

The SCHs have the power, at the investigation stage, to issue "trustee appointment" orders — one of the gravest interferences with the right to property. Using Article 133 of the Code of Criminal Procedure (*CMK*), they determined trustee boards to take over the management of companies belonging to opposition figures. In this context, as in the example of Koza-İpek Holding,[97] the process whereby hundreds of companies were seized, even before the coup attempt, was set in motion by the decisions of these magistracies. During the OHAL period, this power was expanded still further, and SCH decisions opened the way for the transfer of company management to the Savings Deposit Insurance Fund (*TMSF*).

In the process of seizure of property, the SCHs disregarded the statutory criterion of "strong suspicion based on concrete evidence" and issued mass, standardized decisions. For example, the 1st Magistrates' Court of Ankara, on 29 July 2016, placed measures on the entire assets, bank accounts, and salaries of approximately 3,000 judges and prosecutors, on the basis of a digital list containing their names, without carrying out any individualized examination whatsoever. In none of these or similar decisions was a reasonable causal link established between the act of the property owner and the alleged offence.

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[95]Venice Commission of the Council of Europe: CDL-AD(2017)004-e, Turkey – Opinion on the duties, competences and functioning of the criminal peace judgeships, adopted at its 110th Plenary Session (Venice, 10-11 March 2017), https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)004-e, accessed: 03/04/2026.

[96]https://romanyahaber.com/2016/07/04/erdoganin-proje-mahkemeleri-aihme-tasindi-kapali-devre-adalet-olmaz/, accessed: 03/04/2026.

[97]https://www.hurriyet.com.tr/ekonomi/koza-ipek-holdinge-kayyum-atandi-40006320, accessed: 03/04/2026.

Rather than being the guardians of the right to property, the judicial organs played the role of legitimizing the "regime of plunder" through which the executive redistributed property on the basis of political loyalty. The SCHs constituted the legal basis for the administrative processes that made it possible for companies to be sold or liquidated without any conviction whatsoever. In conclusion, the Magistrates' Courts became a fundamental instrument of pressure used to strip the right to property of its status as a constitutional guarantee and to reduce it to an area subject to the discretion of the Erdoğan regime, liable at any moment to be seized on the pretext of national security.

C. THE CONSTITUTIONAL COURT'S ROLE IN WHITEWASHING THE VIOLATIONS OF PROPERTY RIGHTS DURING THE PROCESS

1. The Change in Case Law Concerning the OHAL Decree Laws

The Constitutional Court, in its decision of 10 January 1991 (K.1991/1), had clearly established that OHAL decree laws could only be applied for the duration of the state of emergency and were subject to constitutional review. This case law was the expression of a fundamental constitutional guarantee confirming that the executive's extraordinary powers were not unlimited. However, in the actions for annulment brought against the OHAL decree laws issued after 15 July, the Court, by its decision of 12 October 2016 (E.2016/166, K.2016/159), departed from this settled case law and held that it did not have jurisdiction to review OHAL decree laws. This decision meant that constitutional review was, in effect, suspended. Thus:

- The way was opened for permanent amendments to laws to be made through OHAL decree laws,
- Fundamental guarantees relating to disciplinary and criminal law were eliminated,
- Regulations directly eliminating the right to property were placed outside the scope of judicial review.

This approach of the Constitutional Court, by carrying the state-of-emergency regime into a supra-constitutional sphere, granted the executive an unlimited margin of discretion. In this way, the OHAL decree laws — which charted the Erdoğan regime's road-map and rendered the Constitution inoperative — were placed under the Constitutional Court's protection.

2. Assessment of the Decisions Rendered by the Constitutional Court

During the OHAL process, the Constitutional Court, like other violations of rights, disregarded the right to property protected under the Constitution and rejected

applications alleging violation of rights, relying on formulaic grounds that sanctified the state and disregarded the sanctity of the individual's right to property. It adopted an attitude that prioritized the state's security policies and regarded violations of the right to property as legitimate.

a. The Hamdi Akın İpek Application

One of the clearest examples of this is the Hamdi Akın İpek application.[98] In this case, concerning the appointment of a trustee to a company within the framework of a criminal investigation into the financing of terrorism, the Constitutional Court held that, having regard to the fact that an effective right of objection had been afforded, that an assessment had been made of the connection between the applicant's act and the conduct in question, that the state has a wide margin of appreciation in the fight against crime, that the measure was aimed at securing a possible future confiscation order, and that guarantees had been provided against the trusteeship measure, no excessive and extraordinary individual burden had been imposed on the applicant.

In the individual application made in the context of the Hamdi Akın İpek Application, the applicant, the founder and partner of Koza İpek Holding, alleged that the right to property had been violated by the appointment of trustees to the companies within that holding.

In the course of the investigation, a criminal investigation was opened against the applicant, on the basis of a report prepared by the police, for the offences of managing a terrorist organization, financing terrorism, embezzlement, and propaganda for a terrorist organization. The Public Prosecutor's Office, alleging that these offences had been committed within the framework of the companies' activities, requested the appointment of a trustee to the companies under Article 133 of the Code of Criminal Procedure.

The magistrates' court, finding that the investigation fell within the scope of the offences enumerated in that provision, and that there was a strong suspicion that the companies had been used in the activities of a terrorist organization, decided to appoint a trustee. The applicant's objection to this decision was also rejected, and the trustee appointment was assessed as a temporary protective measure. Subsequently, under regulations issued during the OHAL period, the management of the companies in question was transferred to the Savings Deposit Insurance Fund (*TMSF*).

Examining the individual application made by the applicant, the Constitutional Court, while accepting that the appointment of trustees to the companies constituted an

[98]AYM, Hamdi Akın İpek Judgment, Appl. No: 2015/17763, 24/5/2018, https://kararlarbilgibankasi.anayasa.gov.tr/BB/2015/17763, accessed: 03/04/2026.

interference with the right to property, stated that this interference pursued the aim of combating the financing of terrorism and of ensuring the effectiveness of a possible confiscation order. The Court further emphasized that the applicant had the opportunity to object to the trusteeship decision, that expert reports had been examined, and that public authorities enjoy a wide margin of appreciation in the field of combating organized crime. On these grounds, the Court concluded that the applicant had not been made to bear an "excessive and extraordinary burden," and held that the right to property had not been violated.

This decision is one of the decisions reflecting the Constitutional Court's fundamental approach to the trustee appointments during the OHAL process, from the standpoint of their effects on the right to property. The decision interprets broadly the state's margin of appreciation in the field of combating terrorism, and treats the trusteeship measure as a temporary protective measure securing a possible future confiscation order. Nevertheless, the fact that the effects of the interference on the companies' economic activities and on the partners' property rights were not sufficiently individualized, and that the relationship between the companies' activities and the criminal accusation was not examined in detail, are aspects of the decision open to criticism. In a situation in which the applicant's de facto power of disposition over the entirety of his assets and companies was completely eliminated, the assessment that the interference did not "constitute an excessive and extraordinary burden" is incompatible with the content and protective purpose of the right to property. It is clear that such a comprehensive and severe interference produces serious economic and legal consequences for the individual. For this reason, this finding does not rest on an adequate legal justification from the standpoint of proportionality and the essence of the right to property.

b. The Ö.K Application

Among the decisions rendered by the Court concerning the seizure of, and appointment of trustees to, companies during the OHAL process is also the Ö.K decision of 14/09/2023.[99] The application concerns the seizure, within the scope of a criminal investigation, of the shares of a company assessed to be connected with FETÖ/PDY, and the appointment of a trustee to the company's management. In the Ö.K file, the applicant claims that, together with his brother, he learned that the immovable they wished to purchase belonged to a company, and that they acquired ownership of the company by purchasing the registered shares by endorsement on 7/4/2016. C.Y. and M.K., the

[99]AYM, Ö.K. [GC], Appl. No: 2018/27526, 14/9/2023, https://kararlarbilgibankasi.anayasa.gov.tr/BB/2018/27526, accessed: 03/04/2026.

founders of the company, who, on the ground that they were involved with the Gülen Movement, had an arrest warrant issued against them on 29/7/2016 within the scope of FETÖ/PDY investigations, resigned from their positions on the board of directors by a decision published in the Turkish Trade Registry Gazette of 10/10/2016; the applicant and his brother took their place on the board. By the same decision, the company's name was also changed.

Upon the request of the Public Prosecutor's Office, a decision was rendered placing a precautionary measure on all the company's rights and receivables, valuable documents, ownership shares, safe-deposit box contents, and all other securities. The applicant and his brother, stating that they had acquired the company's registered shares by endorsement and entry in the share ledger on 7/4/2016, and that M.K. and C.Y. no longer had any connection with the company as of that date, objected to the decision; the magistrates' court rejected the objection. Upon the Public Prosecutor's Office's request, the Savings Deposit Insurance Fund (*TMSF*) was appointed trustee to the company, and the applicant and his brother's objection to this decision was likewise rejected. The seizure and trustee appointment were applied, in the post-OHAL period, on the ground of preventing the financing of terrorism and preserving proceeds of crime.

The applicants claimed that these measures violated the right to property guaranteed under Article 35 of the Constitution. As a result of its assessment, the Court found, in summary:

- that the interference had a statutory basis,
- that the interference pursued legitimate aims such as the protection of national security and public order,
- that the seizure and appointment of a trustee were of a temporary-measure nature,
- that the interference was proportionate.

The Court stated that the measures applied within the scope of the criminal investigation were aimed at protecting the public interest in the context of combating terrorism, and held that the applicants' right to property had not been violated. In the decision, the investigating authorities were, in particular, granted a wide margin of appreciation, and no detailed discussion of the evidence relating to the merits of the interference was undertaken.

The most striking aspect of this decision is that, in its reasoning, the Court appears to proceed not from an analysis of “evidence and proof,” but rather from an “opinion.” Rather than carrying out a detailed analysis of the concrete evidence relating to the company's connection with the organization, the Constitutional Court instead took as its basis the opinion reached by the investigating authorities, and accepted the

interference as legitimate on the assumption that this opinion was sufficient. This approach stands out as a recurring tendency.

In other words, through this decision, the Court sought, rather than reviewing the state's politics of plunder and property-seizure practices with respect to assets seized during the OHAL process, to portray this process as falling within constitutional limits. For this reason, there is a marked disproportion and gulf between the severity of the interference with the right to property and the inadequacy of the reasoning.

Moreover, although the Court stated in its reasoning that the trustee-appointment measure, which entirely terminates the management authority over companies, is an extremely severe interference, and that the application of a measure of this severity can be justified only in very exceptional cases, it disregarded the fact that this measure had, during the OHAL period, become not exceptional but, in effect, a routine state practice with respect to the assets of persons, institutions, and companies connected with the Gülen Movement. The fact that the investigation fell within the scope of FETÖ was accepted as sufficient justification for the trusteeship.

The Constitutional Court's decision in Application No. 2018/27526 is important in that it shows the approach adopted in constitutional review of severe interferences with the right to property in the post-OHAL period. This case law provides a strong example demonstrating that, in the field of the right to property during the OHAL process, the role of the higher judiciary was shaped not as a rights-protective position, but toward keeping the acts of the executive within a constitutional footing.

In conclusion,

- The right to property was removed from the status of an individual fundamental right and reduced to a secondary interest subordinate to the state's security policies.
- During the OHAL process, rather than performing its function of constitutional review, the Constitutional Court was drawn into a position of legitimizing the acts of the executive under the cloak of law.
- Fundamental guarantees such as the right to property, the right to a fair trial, and the right of defence were systematically narrowed under the discourse of national security.
- The changes in the higher court's case law were not merely a conjunctural orientation, but a rupture amounting to the de facto transformation of the constitutional order.
- With the Constitutional Court's contribution as well, the principle of the rule of law gave way, within the practice of the state of emergency, to the supremacy of the executive.

D. THE COUNCIL OF STATE'S ROLE IN THE PROCESS AND ITS APPROACH TO VIOLATIONS OF THE RIGHT TO PROPERTY

1. In General

The decree laws issued during the State of Emergency were not limited to dismissals from public office alone. They had direct effects on the salaries, savings, companies, assets, and even the passports of thousands of people. The role and approach of the Council of State during this process, in which grave violations of rights occurred, has been one of the most discussed topics.

In the first stage, in cases brought against dismissals carried out directly by decree law, the Council of State adopted the position that these dispositions were not "administrative acts" but "legislative acts," and that it therefore could not exercise direct annulment review over them. This approach effectively restricted the comprehensive examination, before the administrative judiciary, of allegations of violation of fundamental rights — including the right to property — raised by dismissed persons. Avenues for seeking one's rights were confined within a technical debate over classification.

With the establishment of the State-of-Emergency Procedures Inquiry Commission, the process moved into a second stage. In actions brought against the Commission's rejection decisions, differing approaches were, at times, observed among the chambers of the Council of State. While some decisions placed strong emphasis on full reinstatement with respect to the payment of salary and social-security entitlements to persons reinstated for the period during which they had been suspended, in other files it was held that compensation claims had to be pursued in separate actions, in particular before the Ankara administrative courts. This situation led to a lengthy and gruelling judicial process for persons who had suffered loss of rights.

On the other hand, with respect to judges and prosecutors dismissed directly by the HSK, according to a statement of February 2024, of the 5,112 actions brought before the 5th Chamber of the Council of State, 3,799 were rejected and, in 435, the act was annulled.[100] However, as a result of the political reaction of the Erdoğan regime to these annulment decisions,[101] these annulment decisions were subsequently withdrawn as well. In all these rejection decisions, using a formulaic justification, the Council reflected, in its decisions on the dismissal of judges' and prosecutors' profession, the same

[100] https://www.aa.com.tr/tr/gundem/danistaydan-ihrac-edilen-hakim-ve-savcilarin-davalariyla-ilgili-aciklama/3136997, accessed: 03/04/2026.

[101] https://t24.com.tr/gundem/erdogan-in-tepsinin-ardindan-hsk-dan-goreve-iade-edilen-387-hakim-ve-savci-hakkinda-inceleme-karari,1152218, accessed: 03/04/2026.

language dominant in politics that the state had used in the seizure of property, and rendered rejection decisions on the pretext of the duty of loyalty to the state.

As regards the right to property, the point most heavily criticized is that OHAL decree-law practices were, in most cases, assessed within the framework of "public interest" and "combating terrorism," and that the review of proportionality was carried out on this basis. This approach has given rise to assessments that the structural dimension of the interference with the right to property was not adequately questioned. In particular, whether effective redress has been secured with respect to the consequences for seized companies, trusteeship practices, and financial measures continues to be a matter of debate.

2. Assessment of the Council of State's Decisions Concerning Violations of the Right to Property

Looking at the overall picture, it is seen that the Council of State handled the interferences with property during the OHAL period not directly from the perspective of a "violation of rights," but through a "review of conformity with law" framed within the norms then in force. This approach keeps alive the question of whether the right to property was fully protected within the administrative-judicial process, particularly in the context of dismissals and interferences with assets. It is further observed that the Council of State adopted a statist attitude legitimizing the seizure, closure, or trusteeship practices carried out through the OHAL decree laws. This has rendered the judicial mechanism against violations of rights ineffective.

Within the scope of the state-of-emergency regulations put into effect after 15 July 2016, trustees were appointed to numerous companies, foundations, and institutions, or their assets were taken over by public authorities. The actions brought in this process were examined by the Council of State, and the higher court developed various case law.

In some of its decisions assessing the lawfulness of the acts relating to the management and liquidation of companies placed under trusteeship, the Council of State accepted that the Savings Deposit Insurance Fund (*TMSF*) had the authority to manage these companies and, where necessary, to put them up for sale.

For example, in the decision of the 13th Chamber of the Council of State, E. 2022/3139, K. 2023/6384,[102] an action for annulment was examined against the transaction whereby the shares of a group of companies under trusteeship had been put up for sale by TMSF after being constituted as an "economic integrity." The Court, stating that

[102]https://avevrak.com/danistay/29134172/kanunuun-fonu-mahcuzlarin-planlanan-fon-onucuncu-iktisadi-gaz-grubu-butunluk, accessed: 03/04/2026.

TMSF had the authority to manage the companies as trustee and to carry out sales for the purpose of economic sustainability, found the transaction at issue to be lawful.

This approach shows that the management and sale processes of companies placed under trusteeship in the post-OHAL period were, to a large extent, accepted by the administrative judiciary as legitimate on grounds of public interest and economic management. At this point, however, it is seen that no assessment was made concerning the constitutional right to property, and that the trustee appointments made during the OHAL process were accepted as legitimate.

E. THE COURT OF CASSATION'S ROLE IN THE PROCESS AND ITS APPROACH TO VIOLATIONS OF THE RIGHT TO PROPERTY

1. In General

Under the decree laws issued during the State of Emergency, thousands of institutions were closed, and, together with the closure of these institutions, the commercial registry records of the companies to which they were affiliated were also deleted, and the assets taken over were liquidated by public authorities and transferred to the Treasury. Thus, the movable and immovable assets and other economic values of the closed institutions were transferred into public ownership.

On the other hand, within the scope of criminal investigations, some companies were not made the subject of a direct closure decision; instead, a trustee was appointed to the company's management pursuant to Article 133 of the Code of Criminal Procedure. This provision allows for the management of a company to be temporarily transferred to a trustee by court order where there is strong suspicion that an offence has been committed within the framework of the company's activities. This mechanism was applied extensively during the OHAL period, and the management of a large number of companies was left, by judicial decision, to trustees.

An important regulation in this process was also made through Decree Law No. 674, published in the Official Gazette on 1 September 2016. Articles 19 and 20 of this regulation, subsequently enacted into law as Law No. 6758, introduced a new system regarding the management of companies under trusteeship. Accordingly, the duties and powers of the trusteeship in companies that had been, or were to be, placed under trusteeship pursuant to Article 133 of the Code of Criminal Procedure and were assessed as connected with FETÖ/PDY were transferred to TMSF. The same regulation also determined the procedures and principles concerning the sale, liquidation, and management of these companies and their assets.

In subsequent periods, this framework was expanded still further through various decree laws. Under these regulations, additional powers were granted

concerning the management, sale, or liquidation of companies for which TMSF had been appointed trustee; in addition, in certain circumstances, partial trusteeship practices with respect to companies' ownership structure were also made possible. Accordingly, even where the ownership shares of a natural or legal person assessed as connected with FETÖ/PDY in a company was below fifty percent, it was provided that TMSF could be appointed as "share trustee" for the purpose of managing and representing those shares.

In addition, regulations were made in some cases allowing TMSF to be appointed as trustee not only for companies, but also for the management of the personal assets of natural persons within the scope of an investigation.

These practices constituted the economic and institutional dimension of the security policies pursued during the OHAL period, and produced significant and long-term consequences on the management of companies, on assets, and on civil economic activities.

At this point of grave interference with the right to property, given that the decisions of the magistrates' courts had become, in effect, automated, and that local courts assessed matters from the same standpoint, the Court of Cassation remained the sole judicial remedy available with respect to these violations of rights. However, as explained above, the Court of Cassation, too, continued precisely the same statist attitude displayed by the higher judicial organs. Rather than assessing the elements required under the Constitution and the Turkish Penal Code with respect to interferences with the right to property, the Court of Cassation instead rendered formulaic decisions, devoid of individualization, that failed to examine the existence of the elements set out in Article 133 of the Code of Criminal Procedure. The Court of Cassation likewise lent legitimacy to the existing violations through decisions based on the state's security policies.

In its decisions rendered during this process, the Court of Cassation generally assessed the trustee-appointment measure as a protective measure within the scope of criminal procedure. The higher court emphasized that the purpose of this measure was not the complete cessation of the company's activities, but rather the bringing under control of economic structures alleged to have been obtained through crime, and the preservation of evidence.

2. Examination of the Court of Cassation's Decisions Reflecting Its Approach

It is observed that, in its decisions concerning the status of assets and companies seized and later ordered confiscated in connection with criminal investigations during and after the OHAL process, the Court of Cassation adopted an approach far removed from universal legal principles and the fundamental guarantees relating to the right to property. The approach adopted in cases concerning economic structures alleged to be

connected with FETÖ/PDY is particularly striking. It is seen that the Court of Cassation, rather than confining itself to assessing the commercial activities, corporate structures, and various economic relations of defendants solely within the scope of individual criminal responsibility, tends to interpret these activities as part of the organization's economic structure. In this framework, the Court of Cassation adopts an extremely broad interpretation, accepting that economic activities assessed as connected with the organization may form the basis for severe interferences such as the seizure of companies, the appointment of trustees, and, ultimately, confiscation.

However, it is clear that this approach carries with it certain controversies from the standpoint of the fundamental principles of criminal law, and in particular the protection of the right to property. In the reasoning of the decisions, commercial activities, financial transactions, or economic relations established with various institutions are, in most cases, assessed as part of organizational activities; this assessment, in turn, becomes the ground for measures such as the seizure of assets and confiscation. This situation is such as to blur the line between lawful economic activities and transactions alleged to constitute an offence. In particular, the retroactive interpretation of certain economic or social activities — which could be carried out within the ordinary course of commercial life — as falling within the scope of organizational activity gives rise to significant questions from the standpoint of both legal foreseeability and the proportionality of the interference.

In this context, the decision of the 3rd Criminal Chamber of the Court of Cassation, E. 2021/1841, K. 2024/9382, is important in showing the limits of the Court of Cassation's approach to economic activities in the context of organizational offences. In the decision in question, the right to property, the fundamental principles of the law of confiscation, and the limits of criminal responsibility are assessed in a problematic manner, and universal and constitutional guarantees relating to the right to property are, in effect, disregarded.

• An approach that undermines the principle of proportionality:

In the decision in question, the Court of Cassation finds it legally possible to appoint trustees to, and to order the confiscation of, companies owned by the defendants and their assets, on the basis of its conclusion that these were used within the framework of organizational activities. The Court characterized the defendants' commercial activities as “an economic structure providing financing for the organization,” and stated that the companies had to be assessed as “property dedicated to the commission of the offence.” The reasoning given by the Chamber in the decision — to the effect that the defendants had used their formally lawfully established companies as instruments to serve the organization's ultimate goal and purpose, had dedicated their commercial activities to the aims of the terrorist organization of which they were members, had used

them in the commission of the offence of membership of an armed organization and dedicated them to the commission of that offence, and that — taking into account that "the principle of proportionality cannot apply" to property dedicated to the commission of an offence and property arising from an offence — the companies and the related assets obtained were used, in effect, as "instrumentalities of crime" in the offence of membership of an armed terrorist organization — symbolizes the Chamber's fundamental approach. The Court of Cassation has thus openly disregarded, with respect to these cases, the universal legal principle of proportionality. It is apparent that the decision gives rise to serious debate, particularly from the standpoint of the right to property, the personal nature of criminal responsibility, and the fundamental principles of the law of confiscation.

In the decision of the Court of Cassation, it is stated that trustees had been appointed to the defendant's companies and that the management of the companies was in fact being carried out by the trustee. In the same decision, it is calculated that the defendant had assets of approximately TRY 668 million, of which approximately 27.6% was assessed to be organization-derived. Despite these findings, rather than limiting the scope of the interference, the Court of Cassation leaves the door open to the confiscation of the companies in their entirety. The fundamental legal problem here is as follows:

- The Court accepts that the greater part of the assets is lawful.
- Nevertheless, the ground for confiscation is constructed on the assumption that the entirety of the companies is connected with the offence.

This approach constitutes an assessment that undermines the principle of proportionality. The fundamental principle with respect to the right to property is that the interference must be necessary, proportionate, and directly connected with the offence. However, the assessment in the decision that the entirety of the companies was to be treated as instrumentalities of crime shows that no clear distinction was drawn between lawful economic activities and transactions alleged to constitute an offence.

- The characterization of routine economic activities as "organizational activity"

In the decision, activities of the defendants — such as founding companies, taking part in the establishment of universities and foundations, granting scholarships, making donations, and expanding their commercial activities — are assessed as economic activities connected with the organization. At this point, a serious legal problem arises. According to the logic of the decision, ordinary economic and social activities — commercial growth, donation activities, support for educational institutions, or a relationship with a foundation or university — are accepted as evidence of organizational membership. This approach weakens one of the fundamental principles of criminal law: the principle of the specificity and foreseeability of the offence (typicality). This is because all of these activities are:

• lawful,

• carried out within the ordinary course of commercial life,

• activities engaged in by many entrepreneurs.

The retroactive interpretation of such activities as evidence of an offence carries the risk of the criminalization of individuals' economic and social lives.

• The problem of characterizing companies as "instrumentalities of crime"

In the decision of the Court of Cassation, it is stated that companies and asset values must be assessed, in effect, as "instrumentalities of crime." Yet, under the classical approach to criminal law, instrumentalities of crime generally refer to the tools used in the commission of an offence. For a company to be regarded, in its entirety, as an instrumentality of crime is possible only where the company's essential activity is the commission of offences. In this file, however, it is accepted that the companies carried on commercial activities, produced goods and services, and were active in the market. For this reason, treating the companies, in their entirety, as instrumentalities of crime is a perspective that expands the boundaries of the institution of confiscation and narrows, or even eliminates, the guarantees relating to the right to property.

• Misinterpretation of the right to property and of the provisions of the European Convention on Human Rights

In the decision, reference is made to Article 1 of Protocol No. 1 to the European Convention on Human Rights, and it is stated that states have a wide margin of appreciation in combating crime. However, ECtHR case law requires three fundamental criteria:

• a legal basis,

• a legitimate aim,

• proportionality (fair balance).

In the context of this decision, the third criterion in particular is controversial. Because, according to the Court's own findings, it is accepted that a significant portion of the assets was lawful, yet the companies were treated as connected with the offence in their entirety, and this broad-scope approach to confiscation is such as to undermine the fair balance that must be struck between the right to property and the public interest.

In conclusion, this decision of the 3rd Criminal Chamber of the Court of Cassation demonstrates that the Court of Cassation has adopted an extremely broad interpretation with respect to the application of the institutions of trustee appointment and confiscation. In the decision:

• the interpretation of routine economic activities as organizational activity,

• the treatment of the same activities both as evidence of an offence and as grounds for confiscation,

• the insufficient distinction between lawful economic activity and proceeds of crime,

• the treatment of companies, in their entirety, as "instrumentalities of crime,"

give rise to serious debate from the standpoint of the fundamental principles of the right to property and the law of confiscation. It is clear that this approach needs to be reassessed, in particular from the standpoint of proportionality, legal foreseeability, and the protection of the right to property. However, like the other higher judicial organs that acted with the function of placing the Erdoğan regime's unlawful practices during this process onto a legitimate footing through the hand of the judiciary, the Court of Cassation, too, reflected in its decisions not the law, but the discourse and expectations of the regime.

F. APPLICATIONS MADE TO LOCAL COURTS ON ACCOUNT OF SEIZURE MEASURES, COURT DECISIONS, AND THE DIFFICULTIES ENCOUNTERED

1. The Decisions and General Approaches of the Specially Authorized Administrative Courts Concerning OHAL Transactions

The closure, through the OHAL decree laws, of thousands of private-law legal entities, and the transfer of their assets to the Treasury without any individual court decision whatsoever, shows that interference with the right to property in Türkiye ceased to be an exceptional measure and was transformed into a mass and systematic practice. The categorical transfer into public ownership of movable and immovable assets, receivables, and other economic values, together with the closure transactions, produced the result not merely of terminating legal personalities, but of fundamentally extinguishing property itself.

The absence, in the first years of these interferences, of an effective judicial remedy further increased the gravity of the violation. The closure and asset-transfer transactions carried out under Decree Law No. 667 and subsequent regulations were, for a long time, left outside judicial review; the OHAL Procedures Inquiry Commission subsequently established did not provide an effective remedy, particularly with respect to additional measures. The Constitutional Court's decision of 24 December 2019 (E.2018/74, K.2019/92), annulling the regulation that closed off the avenue of application against additional measures, demonstrated that this legal gap had also been identified at the constitutional level. However, the subsequent opening of the judicial avenue did not eliminate the losses of rights suffered over the long period that had elapsed since the date on which the interference with the right to property occurred.

Even after the judicial avenue against additional measures was opened by Law No. 7256, the practices encountered by applicants demonstrated a serious gap between the formal recognition of the right to an effective remedy and genuinely effective judicial review. In particular, the rejection of actions on the ground that no action had previously been brought against the closure transaction, the acceptance of the transfer of assets to the Treasury as the natural and unquestionable consequence of the closure transaction, and the assertion that company partners lacked standing to sue, prevented examination of the merits of the interference with assets. Thus, the courts, in most cases, did not substantively examine the question of why, on what concrete grounds, and by what legal criteria the property had been transferred into public ownership.

Yet the closure of a legal entity and the transfer of the entirety of that legal entity's assets to the Treasury are not, legally, the same transaction. Even accepting closure as a measure relating to the termination of legal personality, the transfer to the state of assets and receivables worth millions of lira without any individualized examination whatsoever is a separate and severe interference with property. For this reason, courts ought to have examined whether the assets had been obtained from an offence, whether they had been used in the commission of an offence, or whether the interference was necessary and proportionate with respect to the concrete case.

The fundamental legal problem here is the transfer of an entire body of assets into public ownership without any concrete connection being established between broad and abstract categories such as “affiliation,” “connection,” or “belonging” and a specific asset. In criminal law, confiscation is, as a rule, a sanction or measure relating to assets connected with an offence. By contrast, the categorical transfer to the Treasury of an entire institution's assets, without regard to whether those assets were obtained from an offence or used in an offence, gives rise to serious constitutional problems from the standpoint of the prohibition of general confiscation. Even OHAL conditions do not permit the state to carry out this interference in an unlimited and unsupervised manner.

Moreover, the fact that the closure and interference with assets became, even after OHAL, effectively permanent, meant that the interference ceased to be a “temporary state-of-emergency measure” and turned into a continuous loss of property. The delayed establishment of mechanisms through which rights-holders over the assets of institutions that remained closed for approximately ten years could effectively apply gave rise to serious problems not only with respect to the right to property, but also with respect to access to court and the right to an effective remedy.

The fact that judicial review was carried out through Ankara administrative courts specially designated for this purpose must also be separately assessed. With respect to courts assigned, after the disputes arose, specifically to a particular group of cases, the principle of the lawful judge and the natural judge has become a matter of

serious debate. This arrangement is problematic not only with respect to access to court, but also with respect to perceptions and guarantees concerning the independence and impartiality of judicial bodies.

When all these elements are considered together, it is not possible to regard the closures and asset transfers carried out through the OHAL decree laws merely as isolated interferences with the right to property. Closure, stigmatization, the transfer of assets into public ownership, and the delay of effective judicial review have formed a mutually reinforcing process. The closure of institutions, without any individual court decision, on the ground that they were "affiliated" or "connected" with certain structures, also caused the stigmatization, in the eyes of the public, of these institutions and of the persons who managed or were connected with them.

In conclusion, the model applied during the OHAL period raises a serious human rights problem in that it transformed state-of-emergency powers into a permanent mechanism eliminating the right to property. In an effective rule-of-law state, no automatic link can be drawn between the closure of an institution and the transfer of the entirety of its assets to the state. The state must set out the lawful and legitimate purpose, the concrete grounds, the connection with an offence, the necessity, and the proportionality of the seizure of property, and must also provide individuals with an effective opportunity to contest this interference before an independent and impartial court.

The picture that has emerged at the end of approximately ten years shows that the interferences carried out through the OHAL decree laws did not merely close institutions, but created a comprehensive system that simultaneously weakened property rights, legal certainty, and effective judicial protection. For this reason, these practices should be assessed not as a sum of isolated administrative acts, but as a mode of governance leading to the systematic changing of hands of property.

2. The Rejection of Actions Brought by Partners of Closed Companies on the Assumption That They Lack Standing to Sue on the Ground That They Are Not Authorized to Represent the Company

It is observed that, in some of their decisions, the courts proceeded on an abstract and categorical assumption that there was no unlawfulness whatsoever in the transfer to the Treasury of the assets of companies closed under Decree Law No. 667. In this approach, the fact that a company had been closed by decree law was accepted as sufficient for the entirety of the company's assets to be transferred to the Treasury without any separate examination whatsoever. Yet the "termination of legal personality" and the "transfer of the legal person's assets to the state" are not, legally, the same transaction.

In order for the transfer of property into public ownership to be legitimate, there must, at a minimum, be a concrete and verifiable connection between the transferred assets and the legal purpose underlying the interference. Nevertheless, in the cases in question, it is argued that no effective examination was carried out as to whether the assets had been obtained from any offence, used in the commission of an offence, or had any concrete connection with terrorist activities. Thus, assets worth millions of lira were transferred collectively to the Treasury without any individualized assessment whatsoever.

This practice causes the fundamental distinction between a seizure measure in the classical sense and the transfer of property into public ownership to be disregarded. Whereas seizure in criminal law is, as a rule, a temporary protective measure, the definitive transfer of property to the state is a far more severe interference, and, as a rule, must be based on a concrete legal foundation connected with an offence. Even accepting that an institution is "affiliated," "connected," or has a relationship of "belonging" with a particular structure, this does not, on its own, render unnecessary a separate inquiry into the connection between that institution's entire assets and an offence.

For this reason, this practice gives rise to serious problems with respect to the right to property guaranteed under Article 35 of the Constitution and the prohibition of general confiscation set out under Article 38. The transfer of the entirety of assets to the public without an inquiry into their connection with an offence risks the transfer to the state of assets having no connection whatsoever with any offence. This situation is of a nature liable to result in the interference with the right to property exceeding "the extent required by the situation" and violating the principle of proportionality.

The Constitutional Court's decision of 24 December 2019 (E.2018/74, K.2019/92) is also important in this context. The Court's annulment of the regulation closing off the avenue of application against additional measures demonstrated the need for these interferences to be subject to effective judicial review. Subsequently, Law No. 7256 opened the avenue of application and action against additional measures. However, the question of whether the new application mechanism provided guarantees effectively examining whether the assets transferred to the Treasury were connected with an offence and whether the interference was proportionate has continued to exist as a separate problem.[103]

The fact that courts regarded the finding of "affiliation" or "connection" as sufficient, without carrying out a separate examination of the source and purpose of use

[103] 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, accessed: 01/04/2026.

of the assets, largely reduces judicial review to a formal examination. Yet effective review of the right to property cannot be confined to the question "why was the institution closed?"; it must also answer the question "why was this particular asset transferred to the state?"

Within this framework, the fundamental problem is that the automatic transfer of the entirety of a closed company's assets to the Treasury has transformed the right to property from an individualized and proportionate interference into a collective asset sanction. The closure of a company does not mean that the entirety of that company's assets were obtained from, or used in, an offence. For this reason, the establishment of an automatic legal causal link between the ground for closure and the seizure of the entirety of the assets creates a serious interference with the essence of the right to property.

In conclusion, the fact that courts accepted the transfer of assets to the Treasury, without any concrete examination, as the natural consequence of the closure transaction, means that they avoided their duty to review the lawfulness of the interference with the right to property. Effective judicial review must separately assess the nature of the assets, their source, their connection with an offence, the purpose of the interference, its necessity, and its proportionality. The transfer of the entirety of the assets into public ownership without such an examination constitutes a serious rule-of-law problem, both with respect to the prohibition of general confiscation and the right to property.

G. UNLAWFUL STATE INTERFERENCE WITH PROPERTY IN THE JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS

1. The ECtHR's Criteria for Examining Violations of the Right to Property

ECtHR case law analyses interferences with the right to property within a tripartite structure, developing different but interrelated review criteria for each type of interference. The first rule concerns restrictions on the peaceful enjoyment of possessions; the second rule concerns permanent deprivation of property; and the third rule concerns the control of the use of property in the public interest. In particular, the case law developed under the second rule shows that interferences touching the very essence of the right to property are subjected to strict scrutiny. Transactions such as expropriation, compulsory sale, and the statutory transfer of property to the state are assessed as deprivation of property because they produce permanent consequences. In such cases, the conditions of public interest, lawfulness, and adequate compensation must all be satisfied together.

Within the second rule, the concept of "deprivation" refers to the owner being permanently deprived of the right to property. The decisive criterion is that the

interference produces not a temporary, but a permanent, result. At this point, the boundary between the second rule and the first and third rules becomes sensitive. If the interference is permanent in such a way as to render it impossible for the owner ever again to make use of the property, then deprivation of property exists.

The formal transfer of movable or immovable property to public authorities as a result of the state's disposition over property, and the complete elimination of the individual's power of disposition, fall, as a rule, into this second category. Expropriation transactions constitute a typical example within this scope. As a result of expropriation, the right to property passes definitively to the public administration, and the individual's power of disposition over the property comes to an end. For this reason, the Court assesses expropriation as deprivation of property.

Indeed, in *Håkansson and Sturesson v. Sweden*,[104] the Court held that compulsory sales to state institutions by operation of law amount to deprivation of property. What was involved there was a transaction occurring against the will of the owner and permanently terminating the right to property.

Similarly, the passing, by operation of law, of immovables in private ownership to the state has likewise been examined by the Court within the framework of the second rule. This matter was addressed in *Former King of Greece and Others v. Greece*.[105] The Court characterized as deprivation of property the transfer, without any compensation, into state ownership — by a law enacted in 1994 — of the movable and immovable property belonging to the former King of Greece, his sister, and his aunt. The Court based its assessment on the permanent character of this interference and on the fact that no compensation had been provided for.

In the same vein, in *Yagtzilar and Others v. Greece*,[106] the Court accepted as deprivation of property the seizure, in 1925, of the immovables of applicants of Turkish origin, and the failure to pay any compensation whatsoever on the ground of limitation. In that case, regardless of the historical background of the interference, it was concluded that the applicants had been permanently deprived of their property rights and that no effective compensation mechanism had been put into operation. The Court accordingly held that the right to property had been violated.

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[104]Case of Gösta Håkansson and Sune Sturesson v. Sweden, Application No. 11855/85, https://hudoc.echr.coe.int/eng#{"fulltext":["Håkansson"],"itemid":["001-45432"]}, accessed: 02/04/2026.

[105]Case of Former King of Greece and Others v. Greece, Grand Chamber, 23 November 2000, Appl. No. 25701/94, https://hudoc.echr.coe.int/eng?i=001-59051, accessed: 02/04/2026.

[106]Case of Yagtzilar and Others v. Greece, Appl. No. 41727/98, 6.12.2001, https://hudoc.echr.coe.int/eng#{"fulltext":["Yagtzılar"],"itemid":["002-5474"]}, accessed: 02/04/2026.

This systematic approach demonstrates that the right to property is not merely a theoretical guarantee; on the contrary, it is protected against state interferences by an effective mechanism of judicial review.

2. Important ECtHR Judgments Concerning State-Sponsored Seizure of Property

In assessing state interferences with the right to property, the European Court of Human Rights takes as its basis not the name given to the interference, but its effect. Even where a seizure transaction is called a "security measure," "administrative closure," or "temporary trusteeship," if it eliminates the right to property in its result, the Court will characterize this as deprivation of property. This approach is the product of settled case law aimed at preventing states from sheltering behind formal legal instruments to render the guarantees of the Convention, in effect, inoperative.

This section sets out, with their grounds and factual frameworks, how the ECtHR judgments examined below are relevant to the practices that emerged as a result of the Erdoğan regime's "politics of plunder" put into effect in Türkiye after 15 July 2016. Although no case specific to this period has yet been concluded before the ECtHR, this does not mean that these practices are beyond dispute from the standpoint of Convention standards. The principles developed in Broniowski, the Former King of Greece, Yukos, Cıngıllı Holding, and Rysovskyy display an extremely strong structural and functional overlap with the practices carried out through decree laws during the OHAL period and, subsequently, through de facto practices. The purpose of the analysis below is to demonstrate the nature and legal consequences of this overlap through concrete facts.

a. *Broniowski v. Poland* — Systematic Violations of Property and the "Illusory" Right to Property

The *Broniowski v. Poland* judgment[107] is important for Türkiye because it demonstrates that interference with the right to property arises not from isolated transactions, but from a systematic state policy that consists of mutually reinforcing measures and affects a large group of victims. The Court found incompatible with Article 1 of Protocol No. 1 the fact that a right representing economic value and a legally protected expectation was, through successive regulations and practices issued by the state, rendered in practice unusable. This approach is directly relevant to the confiscation of the assets of particular persons and institutions following the OHAL decree laws, the transfer of companies to trustees, the transfer of immovables to the Treasury, and the

[107]Case of Broniowski v. Poland, Grand Chamber, Appl. No. 31443/96, 19 September 2005, https://hudoc.echr.coe.int/eng?i=001-70326, accessed: 02/04/2026.

rendering of rights-holders unable, in practice, to use the economic value of these assets. In particular, the fact that a large number of persons were deprived of their property through the same legal and factual mechanism makes the "structural problem" approach in Broniowski especially relevant for Türkiye. Accordingly, the fact that the state presents its interferences in the form of different decree laws, administrative transactions, or company transactions will not remove them from ECtHR review where they share a common systematic outcome; what is decisive is whether the right to property can genuinely and effectively be exercised.

b. *Former King of Greece and Others v. Greece* — The Limits of Redefining Private Property as "Public Property"

The *Former King of Greece and Others v. Greece* judgment is important for Türkiye in particular where the state redefines private property as public property through a political or administrative discourse.

The *Former King of Greece and Others v. Greece* case, examined by the European Court of Human Rights under application no. 25701/94, was concluded with a Grand Chamber judgment of 23 November 2000. The Former King of Greece case is one of the cases in which the Court reviewed whether the right to property guaranteed under Article 1 of Protocol No. 1 to the ECHR had been violated. At the root of the case lies an application made to the Court, against Greece, by the former King of Greece and eight members of his family. The applicants objected to the expropriation, without any compensation, of certain of their movable and immovable property, and to their being deemed the property of the Greek State, by a law adopted and entering into force in 1994 by the Greek Parliament, claiming that their rights under the ECHR had been violated. Examining the case, the Court emphasized that the applicants had a legitimate expectation of receiving compensation from the Greek State in return for the taking of their property, while noting that the Greek authorities had failed to provide any convincing explanation as to why no compensation whatsoever had been paid for taking the applicants' property. Accordingly, finding that the applicants' right to freely dispose of their property had been interfered with, that they had been harmed by being deprived of their property, and that a fair balance had not been struck between the protection of property and the public interest, the Court held that Article 1 of Protocol No. 1 to the ECHR had been violated.[108]

In this judgment, the ECtHR accepted that an asset's having been associated, in the past, with a public function or a special status does not automatically eliminate its

[108]Kabash, Ditar: 'Eski Yunanistan Kralı ve Diğerleri v. Yunanistan Davası' [The Case of the Former King of Greece and Others v. Greece], AndHD, Vol. 9, No. 1, January 2023, pp. 181-202.

character as private property, and established that the legal nature of property may not be unilaterally redetermined by the state. This principle is particularly important with respect to the practice, during the OHAL period, of transferring into public ownership — through political discourse describing them as "belonging to the nation," "the nation's trust," or "assets returned to the nation" — the assets of schools, hospitals, universities, associations, foundations, media organizations, and companies belonging to persons and institutions associated with the Gülen Movement. The expressions used by Erdoğan and TMSF officials, such as "the nation's property," "the nation's trust," and "return to the rightful owner," do not constitute an independent legal ground changing the legal status of property. In light of the Former King of Greece judgment, what is decisive is who the assets in fact belong to, whether the state's interference is based on a clear and foreseeable legal basis, whether it pursues a legitimate aim, and, in particular, whether the conditions of compensation and fair balance have been satisfied. The judgment's fundamental message for Türkiye is therefore this: the state cannot first declare private property to be "the nation's property" through political discourse, and then turn that very discourse into the legal justification for seizing the property.

c. *Cıngıllı Holding A.Ş. and Cıngıllıoğlu v. Turkey* — The State Cannot Benefit from a Factual Situation Arising from Unlawful Interference

The *Cıngıllı Holding A.Ş. and Cıngıllıoğlu v. Turkey* judgment[109] is an ECtHR precedent of direct relevance for Türkiye, in particular with respect to the company and bank interventions carried out through Bank Asya and TMSF. In this judgment, the Court assessed — from the standpoint of the right to property and fair-trial guarantees — the fact that, in the process whereby Demirbank was transferred to TMSF and subsequently sold, the domestic courts found the interference to be unlawful, yet the state failed to eliminate the resulting factual situation. The most important principle of this judgment for Türkiye is that the state cannot create an irreversible factual situation as a result of its own unlawful transactions, and then use the irreversibility of that situation as a defence for itself. This principle is particularly important with respect to Bank Asya: because the restriction of a bank's activities, the transfer of its management to TMSF, the elimination of shareholders' economic and managerial rights, and, ultimately, the liquidation of the bank may, even if each is assessed as a separate transaction, together constitute an overall interference with property. Accordingly, the Cıngıllı judgment shows that, for Türkiye, while the existence of banking-regulation authority is accepted, this authority cannot be exercised independently of the conditions

[109]Case of Cingilli Holding A.Ş. and Cingillioğlu v. Turkey, Appl. nos. 31833/06 and 37538/06, 21 July 2015, https://hudoc.echr.coe.int/fre#{"itemid":["001-156254"]}, accessed: 02/04/2026.

of lawfulness, foreseeability, procedural guarantees, proportionality, and effective redress. In particular, where the unlawfulness of the interference is established in domestic law, whether the state not only carried out the transaction in the past, but also failed effectively to remedy the resulting harm, will also be decisive from the standpoint of the ECtHR.

d. *OAO Neftyanaya Kompaniya Yukos v. Russia* — The Transformation of Tax and Enforcement Powers into an Instrument of Liquidating Property

The *OAO Neftyanaya Kompaniya Yukos v. Russia* judgment[110] is important for Türkiye in respect of the property-rights problems that may arise where the state exercises its powers of taxation, public debt collection, enforcement, or regulation to a degree that effectively terminates the economic existence of an economic entity. The ECtHR accepted the state's legitimate power to collect tax debts, but found problematic, from the standpoint of "fair balance," the exercise of this power in a manner such as to eliminate the company's economic existence, without sufficient time and procedural guarantees being provided, and in a manner leading to the disproportionate sale of the company's most valuable assets. This approach is important, for Türkiye, in particular with respect to the erosion of the economic value, through debts, taxes, or other public claims, of companies placed under trusteeship or transferred to TMSF management, and their ultimate elimination through sale or liquidation. The Yukos judgment shows that what must be examined is not the formal legal justification of the transaction, but the real economic consequence of the interference. Accordingly, the fact that a company's property has not been directly confiscated is not, on its own, sufficient; if state interferences in fact destroy the company's economic existence, or liquidate its assets below their real value, the proportionality and fair balance of the interference must be separately examined. The judgment's fundamental significance for Türkiye is that it demonstrates that the powers of taxation and public regulation cannot be turned into an instrument of indirect dispossession.

e. *Reisner v. Turkey* — The Protection of Even Minority Shareholders by the Full Guarantee of the Right to Property

The *Reisner v. Turkey* judgment[111] is important for Türkiye in particular with respect to the protection of the right to property of minority shareholders and small investors against state interferences. The Court accepted that Demirbank shares

[110]Case of OAO Neftyanaya Kompaniya Yukos v. Russia, Appl. No. 14902/04, Judgment 20.9.2011, https://hudoc.echr.coe.int/eng#{"fulltext":["Yukos"],"itemid":["002-422"]}, accessed: 02/04/2026.

[111]Case of Reisner v. Turkey, Application no. 46815/09, 21 July 2015, https://hudoc.echr.coe.int/eng#{"itemid":["001-156260"]}, accessed: 02/04/2026.

constituted a "possession" having economic value, and that the small size of the applicant's stake in the bank did not remove him from the scope of protection under Article 1 of Protocol No. 1. For this reason, a state's interference with a company or a bank may produce consequences for the right to property not only of the majority shareholders, but of every shareholder who thereby loses economic value as a result of the interference. This principle is important, for Türkiye, in particular with respect to the elimination of the economic value of the shares of shareholders in companies transferred to TMSF or placed under trustee management. Moreover, Reisner reinforces the necessity for the state, where the unlawfulness of state interference is established under domestic law, to create an effective mechanism to redress the resulting harm. In this respect, the judgment shows that a defence to the effect that "the company's assets were seized, but the shareholder was not directly seized" will not be sufficient, and that the elimination of the economic value of a share may itself constitute a direct interference with property.

f. *Rysovskyy v. Ukraine* — The Requirement That a Right to Property Existing on Paper Be Effectively Usable in Practice

The *Rysovskyy v. Ukraine* judgment[112] is important for Türkiye in particular with respect to the fact that it is not sufficient for the right to property to be merely legally recognized; the right must also be effectively usable and enforceable. The Court assessed the long-term non-implementation of a final court judgment not only as a violation of the right to a fair trial, but also as an interference preventing the applicant from genuinely benefiting from the right to property. This principle is important, for Türkiye, with respect to the non-implementation, or the rendering ineffective, of decisions rendered in favour of persons who initiated administrative and judicial proceedings concerning their property or companies during the OHAL period, or the impossibility of restoring the situation to the status quo ante as a result of new legal and factual situations created after the interference. In particular, a state's refusal to implement a subsequent judicial decision on the ground that it is "no longer factually possible" after having seized an asset or liquidated a company may seriously conflict with the principles set out in Rysovskyy. The judgment's fundamental message for Türkiye is that turning the right to property into a right recognized on paper but not effectively exercised in practice does not provide sufficient protection under the Convention.

[112]Case of Rysovskyy v. Ukraine, Application no. 29979/04, 20 October 2011, https://hudoc.echr.coe.int/eng?i=001-107088, accessed: 02/04/2026.

g. The Judgment of 10 February 2026 — *Erol Aksoy v. Türkiye* — Sales or Liquidation Transactions Carried Out by Institutions Exercising Public Power Such as TMSF

The judgment of 10 February 2026 in *Erol Aksoy v. Türkiye*[113] is the current outcome of the situations described above, assessed by the ECtHR directly against Türkiye. The applicant complained of the non-implementation of Council of State decisions annulling the transactions relating to the valuation, putting out to tender, and sale of Viva TV and Radyo Viva, belonging to joint-stock companies in which he was a shareholder. The Second Section of the ECtHR held that TMSF's failure to take any effective step to implement these decisions had in effect eliminated the applicant's right of access to court concerning the determination of his civil rights and obligations, and found a violation of Article 6 § 1 of the Convention. The Court particularly emphasized that the implementation of final court decisions is an inseparable part of the principles of the rule of law and legal certainty.

The true significance of the judgment for the practices of property seizure in Türkiye emerges here: Erol Aksoy clearly demonstrates that, where sale or liquidation transactions carried out by institutions exercising public power, such as TMSF, are subsequently found unlawful by domestic courts, the state cannot preserve the resulting factual situation by failing to implement those decisions. However, the judgment also sets an important legal limit for the purposes of this report: the right to property of the company is not the same thing as the right to property of the shareholder. Accordingly, in future ECtHR applications concerning trusteeship and TMSF practices in Türkiye, it will be necessary to demonstrate concretely not only the interference with the company's assets, but also the applicant's direct and legally recognizable property connection with those assets. In this respect, while the judgment, on the one hand, provides an important guarantee preventing the state from preserving factual situations arising from its own unlawful interferences, it also, on the other hand, clearly confirms the distinction between the company's assets and the shareholder's individual right to property. The ECtHR judgment became final following the rejection, on 15 June 2026, of the request for referral to the Grand Chamber.

3. The Application of ECtHR Precedent to the Recent Violations of the Right to Property in Türkiye

The state of emergency declared immediately after the 15 July 2016 coup attempt brought with it a wave of property seizure unprecedented in Turkish legal history. In

[113]Case of Aksoy v. Turkey, Application no. 58919/18, 10 February 2026, https://hudoc.echr.coe.int/eng#{"itemid":["001-248393"]}, accessed: 02/04/2026.

this process, which began with Decree Law No. 667 and deepened systematically through subsequent decree laws, thousands of schools, universities, hospitals, media organizations, associations, foundations, and commercial companies were either directly closed, with their assets transferred to the Treasury, or placed under TMSF trusteeship. According to official sources and independent research, the total value of the seized assets reaches at least USD 32 billion; as noted above, this figure covers 985 companies, 48 health institutions, 1,061 educational institutions, 800 dormitories, 223 course/tutoring centres, 155 foundations, 1,595 associations, 15 universities, 19 trade unions, and 174 media organizations.

There is not yet a case concluded before the ECtHR directly addressing the post-15 July decree-law practices.[114] However, this does not mean that these practices are beyond dispute from the standpoint of Convention standards. On the contrary, the principles developed by the Court through its judgments display an extremely strong structural and functional overlap with what occurred during the decree-law process. This section aims to demonstrate how this case law will be reflected in the application to Türkiye. According to the ECtHR's settled case law, in order for an interference with the right to property to be regarded as compatible with the Convention, three conditions must be satisfied together:

- the interference must have a foreseeable and accessible legal basis;[115]
- it must serve a legitimate public-interest aim;[116]
- a fair balance must be struck between individual loss of property and social gain.[117]

Although the decree-law process gives rise to serious problems with respect to each of these three conditions, the grave violation underlying the practice arises from the systematic transgression of the fair-balance condition.

Assessed from the standpoint of lawfulness, it might be said that the provisions of the decree laws are, formally, based on domestic law; for this reason, the condition of lawfulness might, at first sight, appear to be satisfied. However, as noted above, the Court, in Broniowski, seeks not merely the existence of a legal basis, but also that this basis be foreseeable and specific. The inclusion of an institution in the lists established through the annexes to the decree laws does not include any individualized assessment

[114]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, accessed: 01/04/2026.

[115]See Broniowski v. Poland, cited above.

[116]See Former King of Greece and Others v. Greece and OAO Neftyanaya Kompaniya Yukos v. Russia, cited above.

[117]See Broniowski v. Poland and Former King of Greece and Others v. Greece, cited above.

whatsoever of its connection with terrorism; it remains unclear in advance which criteria will bring which persons within scope. The concepts of "affiliation" and "connection," used as grounds for trustee appointment, are open to arbitrary interpretation owing to their legal uncertainty and do not meet the standard of foreseeability sought by the Court.

From the standpoint of legitimate aim, the security measures taken against the coup attempt might, on paper, be accepted as pursuing a legitimate aim. Yet the Court gave a decisive warning on this point in Yukos: the existence of a legitimate aim does not, on its own, guarantee the proportionality of the means used. Just as Russia liquidated Yukos on the pretext of tax debt, Türkiye, too, instrumentalized banking legislation and, subsequently, the counter-terrorism framework, to neutralize institutions and organizations that had become political targets. In both processes, the deep gulf between the formal justification and the real aim entirely determines the fair-balance assessment.

It is the fair-balance condition that the decree-law practices most clearly violate. In *Former King of Greece and Others v. Greece*, the Court clearly established that uncompensated confiscation is incompatible with the fair-balance principle. The state, where it has extinguished the right to property without paying compensation, bears the burden of proving concretely and proportionately why this constitutes a sacrifice required by the public interest. The decree-law regulations fall far short of fulfilling this obligation: the market value of seized institutions has not been determined, no compensation mechanism has been established, and the grounds for confiscation have not been set out separately for each institution. Moreover, closure and seizure transactions have been carried out in an environment effectively devoid of judicial review; the OHAL Commission, for its part, has failed to function as an effective remedy mechanism, remaining nothing more than a formal avenue of application.

The most striking concretization of this structural picture is seen in the example of Bank Asya. Bank Asya, founded in 1996 and one of Türkiye's most successful participation banks, had, through the awards it received in international financial circles and its strong financial structure, established itself as a well-rooted institution in the sector. Following the 17-25 December 2013 corruption investigations, the bank became the direct target of the government. Through decisions of the BDDK, management-control mechanisms were first restricted; then, in February 2015, ownership rights were transferred to TMSF; in May 2015 its operating licence was revoked; and, immediately after July 2016, the bank passed entirely under TMSF's control. In November 2017 it was declared bankrupt, and the bank was subsequently confiscated in its entirety and its legal personality terminated. At the end of this process, shareholders — including

individual investors — lost their entire savings without receiving any compensation whatsoever.

The mechanism in the Cıngıllı Holding case and the mechanism in the Bank Asya process are structurally almost identical. In both cases, the process concludes with a decision by the regulatory authority for transfer to TMSF, the elimination of management and shareholder rights, the erosion of assets, and shareholders being left without compensation. As mentioned in the Cıngıllı Holding case above, Turkish administrative courts themselves found the transfer to be unlawful; upon this finding, the Court rendered a finding of violation. The state's defence of an "irreversible factual situation" was expressly rejected by the ECtHR: the irreversible factual situation created by the state does not remedy the unlawfulness; on the contrary, it further strengthens the obligation to pay compensation. Even though domestic mechanisms in the Bank Asya process lost their function, this does not mean that the practice complies with Convention standards. Under the Court's settled case law, where oversight mechanisms are rendered, in effect, ineffective, the violation acquires an even graver character.

The same structural problem also manifests itself in TMSF trusteeship practices directed at large commercial company groups. As with thousands of companies after 15 July, company groups such as Koza-İpek Holding, Boydak Holding, Naksan Holding, Dumankaya Group, and Alfemo were also placed under TMSF trusteeship through magistrates' courts. Although this mechanism was designed on paper as a temporary protective measure, in practice it turned into a de facto permanent seizure instrument. The assets of companies under trusteeship were eroded, transferred to third parties, or the companies were ultimately liquidated. Partners were, in this process, in practice deprived of the ability to represent their companies, to engage legal counsel, and to genuinely have recourse to the judiciary. The fundamental conditions of the precautionary measure regarded as reasonable by the Court in Karahasanoğlu — that the measures be genuinely temporary and protective, be aimed at securing a specific claim, and be subject to periodic judicial review — are not satisfied with respect to decree-law trusteeships. Accordingly, the government's attempt to use this case law as a defensive shield will remain legally baseless.

The principle set out in Broniowski, that of the "right turned into an illusion," points to another fundamental problem of the decree-law process. The avenue of application to the OHAL Commission has been kept formally open; however, applicants who obtained a favourable decision from the Commission experienced not the return of their property, but a limited and uncertain compensation process. In cases where property transferred to third parties or destroyed has not, in practice, been returned, the formal recognition of a right has not provided genuine redress, and the property right of the rights-holder has remained nothing more than a guarantee existing on paper. In

Rysovskyy, the Court accepted the non-implementation of a final decision as an independent and aggravated ground of violation. This case law is directly applicable to situations in which favourable Commission decisions rendered during the decree-law process are not implemented.

The overall picture that this entire analysis reveals is as follows: the principles of fair balance, lawfulness, and proportionality crystallized in ECtHR case law have been systematically transgressed during the decree-law process. Uncompensated seizure, non-individualized collective confiscation decisions, judicial review rendered ineffective, and avenues of application that go no further than being formal, share, at their core, the same logic as the practices characterized as violations in the Court's previous judgments. It is assessed that, as cases specific to Türkiye are brought before the ECtHR in the coming years, the application of this case law to the Turkish facts will lay the ground for a strong finding of violation.

CHAPTER IV:

INSTITUTIONS AND ORGANIZATIONS SUBJECTED TO SYSTEMATIC SEIZURE OF PROPERTY IN TÜRKİYE

A. THE SCOPE AND OVERALL BALANCE SHEET OF THE SEIZURE OF PROPERTY DURING THE OHAL PROCESS

1. In General

The regulations put into effect in Türkiye under the State-of-Emergency Decree Laws (*OHAL KHKs*) were not confined to dismissals from public office; they also laid the ground for extensive transfers of property and seizure of assets. In this process, numerous private institutions, companies, educational organizations, and immovable property were placed under state control without any judicial decision whatsoever. These transactions, carried out devoid of legal guarantees, gave rise to serious debate, in particular with respect to the right to property.

As part of the liquidation process conducted against the Gülen Movement after 15 July, the assets of companies, foundations, associations, trade unions, confederations, and various organizations alleged to be connected with the Movement were also seized. In most cases, these transactions were carried out through brief provisions added to the texts of the decree laws, without any detailed justification being provided, without any individualization whatsoever being made with respect to the legal entity itself or its partners/members, and without the administrative and judicial procedures ordinarily prescribed by law being followed.

Under the OHAL decree laws issued during the state-of-emergency period, the activities of a large number of institutions alleged to be connected with the Gülen Movement were terminated, and all the assets of these institutions were placed under state control. In this framework, under the OHAL decree laws, 187 media organizations — comprising 1,595 associations, 155 foundations, 1,061 schools, 841 dormitories, 223 course/tutoring centres, 48 hospitals, health centres and clinics, 15 universities and 7 affiliated hospitals, 19 trade unions, 70 newspapers, 20 magazines, 33 television channels, 34 radio stations, and 30 publishing/distribution companies — were permanently closed and their assets transferred to the Treasury. The termination of these institutions' activities was not confined merely to the elimination of their legal personalities; it also led to thousands of employees losing their jobs, and to hundreds of thousands of citizens being prevented from accessing quality services. Given the

employment capacity of the closed institutions, it is understood that the number of persons rendered unemployed in the private sector is far higher than the number dismissed from the public sector.

Different figures appear in different sources concerning the number of institutions closed during the OHAL period. It is understood that these discrepancies primarily stem from the date on which the figures were compiled, the sources used, and differences in how the scope of the concept of "institution and organization" has been defined. In this context, with respect to media organizations, some sources report a total of 180 organizations — 31 television channels, 5 news agencies, 62 newspapers, 19 magazines, 34 radio stations, and 29 publishing houses. Other sources state that 174 media and publishing organizations were closed, comprising 70 newspapers, 20 magazines, 33 television channels, 34 radio stations, and 30 publishing/distribution companies. Likewise, the Journalists' Association's July 2018 Report on Freedom of Expression and the Press indicates that closure decisions were taken with respect to 70 newspapers, 20 magazines, and 34 radio stations, in addition to 30 publishing/distribution companies and 33 television channels being taken off air. The figures here show that a total of 187 media organizations were closed.

This discrepancy can be explained by methodological factors, such as closure transactions being recorded on different dates over time, the same legal entity having more than one broadcasting organ or field of activity, and some sources counting "organization" and "broadcasting organ" differently. Indeed, some 2018 sources have separately reported categorical data in the form of 70 newspapers, 20 magazines, 34 radio stations, 30 publishing/distribution companies, and 33 television channels.

For this reason, in this report, the figures relating to the closed institutions and organizations have been treated as approximate statistics that may vary by source; the fact that the figures given in different sources do not correspond exactly to one another has not been accepted as a factor undermining the scope of the closure policy pursued during the OHAL period.

On the other hand, these practices were not confined to the closure of institutional structures alone; they also encompassed assets falling within the personal property of businesspeople assessed as connected with the Movement. In this context, trustees were appointed to a large number of companies, and control over a total of 985 companies was transferred to state institutions.

A research report published by the Brussels-based Platform Peace and Justice[118] sets out important findings concerning the scope of the violations of the right to property that occurred in Türkiye during this period. According to the report, the total value of assets confiscated, or transferred under state control, in a manner of disputed legal basis under the state-of-emergency regulations, is estimated at least USD 32 billion. This figure points to a striking magnitude in demonstrating the scale of the economic and administrative measures applied during the OHAL period.

Similarly, according to a news report published on the basis of sources from the Ministry of Environment and Urbanization of the Republic of Türkiye, it has been stated that a large number of immovables alleged to belong to certain civil structures were identified by the state. According to this report, a total of 62,317 immovables were alleged to be connected with the structure in question; a significant portion of these immovables was transferred into the public inventory. Within this scope, 4,548 properties consisting of dormitories, schools, universities, and various dwellings were transferred into state ownership, of which 2,381 were transferred to the Treasury and 2,167 to the Directorate General of Foundations.[119]

In conclusion, the closure and property-transfer transactions carried out within the framework of the OHAL decree laws during the state-of-emergency period emerged not merely as an administrative disposition, but as a policy producing wide-ranging consequences with respect to the right to property. In this process, in which judicial review did not exist at all with respect to institutions seized and subjected to general confiscation under the OHAL decree laws until 2021, and was, after 2021, deliberately exercised only in a very limited manner, and only in form, by specially authorized courts, a large number of educational institutions, associations, foundations, companies, and various immovables were placed under state control; these transactions gave rise to intense debate, both under domestic law and under international human rights law. In this section, the institutions closed during this process and the practices concerning the seizure of their assets are examined in detail; their effects on the right to property are analysed in light of available data and existing reports.

When the following data for the first month of OHAL alone are taken into account, it will be seen that the scale of property seized during the OHAL process was massive:

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[118] 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, accessed: 01/04/2026.

[119] https://ekonomi.haber7.com/ekonomi/haber/2083728-fetonun-mal-varligi-saskina-cevirdi, accessed: 01/04/2026.

- **Associations**

Under the OHAL decree laws, 1,595 associations were permanently closed and their assets transferred to the Treasury. According to the TBMM's report on the 15 July Coup Attempt, 1,326 of these associations had 69,926 members, 81 automobiles, and 178 immovables. However, no report or information has been obtained regarding the total value of these assets transferred to the Treasury.

- **Foundations**

Under the OHAL decree laws, 155 foundations were entirely closed and their assets transferred to the Directorate General of Foundations (*VGM*). According to the TBMM's report on the 15 July Coup Attempt, 2,214 immovables belonging to these foundations were transferred to the VGM. The same report states that 123 foundations possessed assets worth a total of TRY 2.3 billion (USD 826 million at the 23/07/2016 exchange rate), consisting of 1,531 immovables.

- **Cash Assets**

According to a statement made by the then Minister of Finance, Naci Ağbal, in May 2016, cash and negotiable instruments worth TRY 472 million (USD 163.5 million at the 23/07/2016 exchange rate) belonging to legal entities closed under the OHAL decree laws were transferred to the Treasury.

- **Precautionary Measures on Immovables**

According to the TBMM's unpublished Report on the 15 July Coup Attempt, precautionary measures were placed on the land-registry records of 213,696 immovables at the request of administrative and judicial authorities.

- **Private Schools**

Under the OHAL decree laws, 1,061 schools, in which 138,000 students were being educated and with a total capacity of 400,000 students, were closed and their assets transferred to the Treasury. According to Public Procurement Authority data, the average construction cost of a 24-classroom school is TRY 7.5 million. Based on this data, the total value of the closed schools is estimated at approximately TRY 7.95 billion (USD 2.76 billion at the 23/07/2016 exchange rate).

- **Student Dormitories**

According to the TBMM report, 841 dormitories with a capacity of 86,397 students were closed under the OHAL decree laws and their assets transferred to the Treasury. The construction cost of a dormitory with a capacity of 1,000 students is a minimum of TRY 27 million. Based on this figure, the total value of the closed

dormitories is calculated at approximately TRY 2.3 billion (USD 806 million at the 23/07/2016 exchange rate).

- **Media Organizations**

Under the OHAL decree laws, 187 media organizations — comprising 70 newspapers, 20 magazines, 33 television channels, 34 radio stations, and 30 publishing/distribution companies — were permanently closed and their assets transferred to the Treasury. The value of the closed İpek Media Group was calculated, as of December 2015, at USD 250 million. Given that Doğan Media was sold in 2018 for USD 1.1 billion, it is assessed that the value of the 187 closed media organizations was not less than USD 1 billion.

- **Hospitals and Health Institutions**

Under Decree Laws No. 667 and 689, 47 hospitals, health centres, and clinics were closed and their assets transferred to the Treasury. Nine of these institutions had a total bed capacity of 2,052. According to 2016 data, 21 of these institutions had an annual turnover of TRY 400 million. The total value of the 47 closed health institutions has been assessed at USD 1.29 billion.

- **Private Companies**

According to a briefing note sent by the Ministry of Customs and Trade to the TBMM, in addition to the 998 companies transferred to TMSF, 1,075 companies were entirely closed and struck off the commercial registry, and their assets transferred to the Treasury. The value of the companies transferred to TMSF has been stated to be TRY 58.94 billion (USD 20.4 billion at the 23/07/2016 exchange rate). No report exists concerning the value of the 1,075 closed companies whose assets were transferred to the Treasury.

- **Confiscated Buildings**

In addition to the 2,214 immovables transferred to the Directorate General of Foundations, according to a statement of the then Minister of Finance, Naci Ağbal, 4,351 immovables were also transferred to the Treasury, of which 3,361 were buildings. These buildings have a total enclosed floor area of 7.2 million square metres. According to the Ministry of Environment and Urbanization's minimum-cost circular, the construction cost of these buildings is estimated at TRY 6.73 billion (USD 2.23 billion at the 23/07/2016 exchange rate).

- **Universities**

Under the OHAL decree laws, 15 universities and 7 affiliated hospitals were closed and their assets transferred to the Treasury. Although there is no report on the

total value of these universities, which at the time of closure had 64,533 students and 2,808 academics, it is assessed that the value of eight of the universities alone was at least USD 1.5 billion.

2. Statistical and Sectoral Map of the Seizure of Property

The protection of property rights within a robust institutional environment is a fundamental condition for a country's economic development. Models in which property rights are not clearly defined produce societies with slower economic development. For this reason, legal restrictions on property must be clear and specific. Laws containing vagueness and discretionary power threaten the rule of law by giving rise to "the rule of men" rather than "the rule of law."

The total economic cost of the violations of the right to property varies according to the calculation methods and scope used in different reports. According to the most comprehensive data available on this subject, the total value of property rights seized or confiscated in Türkiye through OHAL and the decree laws is estimated at at least USD 32.24 billion.[120] The details of this cost, and the estimates in different reports, are as follows:

• Minimum Investment Cost Estimate: This figure of USD 32.24 billion reflects the minimum estimated investment cost of the assets, rather than their real market value.

• Broader-Scope Estimates: When immovables, land, and all closed institutions are assessed together, the total value loss is estimated to reach approximately USD 100 billion. Some preliminary reports have stated the value of the seized assets at USD 30–40 billion.

The sectoral breakdown is as follows:

• Companies Under TMSF Control: The total asset size of the 998 companies and 113 natural persons whose assets were transferred to TMSF has been announced at approximately USD 20.46 billion (TRY 58.94 billion).

• Education Sector: The value of the 1,061 closed private schools has been calculated at USD 2.76 billion; the value of the 841 student dormitories at USD 806 million; and the minimum value of the 15 foundation universities at USD 1.5 billion.

• Health and Media: The total value of the 47 closed health institutions is USD 1.29 billion; the estimated value of the 151 media organizations is at least USD 1 billion.

[120] 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, accessed: 01/04/2026.

• Immovables and Cash: The minimum construction cost of the 3,361 buildings transferred to the Treasury is estimated at USD 2.33 billion, while the value of the seized cash assets is USD 163.5 million.

• Foundations and Associations: The market value of the assets of just 123 foundations transferred to the Treasury is approximately USD 826 million.[121]

Although the total value of the seized assets has been stated by government officials as TRY 75 billion, this figure does not include the assets seized from many natural persons, liquidated organizations, or the thousands of immovables transferred for educational purposes. In addition, precautionary measures were placed on the land-registry records of 213,696 immovables at the request of administrative and judicial authorities, and there is no precise data regarding the total value of these frozen assets.

B. EDUCATIONAL INSTITUTIONS CLOSED / SEIZED UNDER THE OHAL DECREE LAWS — TUTORING COURSES / PRIVATE SCHOOLS / DORMITORIES

During the State of Emergency (OHAL) declared in Türkiye following the dubious coup attempt of 15 July 2016, thousands of private educational institutions were seized through Decree Laws (KHK). The ground for closure was based on findings to the effect that these institutions were "connected with the Fethullahist Terror Organization/Parallel State Structure (FETÖ/PDY)." The seized properties have gone through a significant process of transformation in the field of education and public administration in Türkiye.

1. The Scope of the Closed Schools, Dormitories, and Tutoring Courses, and the Statistical Data

The State-of-Emergency Decree Laws (*OHAL KHKs*) put into effect after 15 July 2016 resulted in the closure of a large number of institutions active in the field of education in particular. This liquidation process, carried out by means of decree laws, produced wide-ranging effects both in terms of the elimination of institutional structures and in terms of the termination of the professional activities of tens of thousands of persons working in the education sector.

The number of institutions closed under the decree laws reached a fairly high level. In the initial official announcements, it was stated that 1,043 private schools and tutoring courses had been closed. As the process progressed, these figures increased further. In particular, under Decree Law No. 667 of 23 July 2016 alone, it was announced

[121] Yıldız, Ali / Spencer, Leighann: The Erosion of Property Rights in Turkey, cited above.

that 997 private schools had been closed.[122] Subsequently, the then Deputy Minister of National Education, Orhan Erdem, stated on 26 January 2017 that 1,061 schools had been closed by decree laws following the coup attempt.[123] Likewise, the then Minister of National Education İsmet Yılmaz, responding to a parliamentary question submitted by CHP İstanbul MP Mahmut Tanal, stated that, as of 24 October 2017, 1,069 private schools had been closed under the decree laws, of which 69 had subsequently been permitted to reopen.[124]

Reports prepared by civil society organizations also present detailed data on the scope of the closure transactions. According to the State of Emergency Practices Status Report published by the Human Rights Joint Platform, as of March 2018 the number of institutions closed under the decree laws had spread across a fairly wide range. The report states that 1,064 private educational institutions (kindergartens, primary schools, middle schools, and high schools), 360 private courses and tutoring centres, 847 student dormitories, 738 tutoring courses (*dershaneler*), 47 private health centres, 15 foundation universities, 19 trade unions affiliated with two confederations, 1,419 associations, 145 foundations, and 174 media organizations had their activities terminated.[125]

A closer examination of the education-specific data shows that the majority of the closed institutions consisted of private educational institutions. The closure decisions directly affected not only the institutions themselves, but also the educational personnel working at these institutions. During the OHAL process, more than 50,000 teachers were dismissed from public office, and, in addition, the working permits of 22,474 teachers employed at closed private educational institutions were revoked. Subsequent examinations resulted in the restoration of 2,182 teachers' working permits, but 20,292 teachers were effectively rendered unable to practise their profession. In addition, as noted above, according to 2018 data, the closure of 1,064 private educational institutions (kindergartens, primary schools, middle schools, and high schools), 360 private courses and tutoring centres, and 847 student dormitories caused a significant portion of the teachers working in the private education sector to become unemployed.

In this process, the Ministry of National Education issued a circular dated 21 July 2016 instructing provincial governorships that teachers who had worked at closed institutions should not be permitted to work at other private schools. Under this practice, teachers' working permits were recorded on MEBBİS, the Ministry of National

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[122] Detailed data on the closed private schools; official announcements accompanying Decree Law No. 667 of 23 July 2016.

[123] Statement of Deputy Minister of National Education Orhan Erdem, 26 January 2017.

[124] Written parliamentary reply of Minister of National Education İsmet Yılmaz to CHP MP Mahmut Tanal, October 2017.

[125] Human Rights Joint Platform, State of Emergency Practices Status Report, March 2018.

Education's electronic system, with the annotation "institution closed under Decree Law No. 667," and these teachers were effectively prevented from being employed at other educational institutions.

The number of closed schools produced important consequences not only in the field of education, but also economically. According to a report published by the Brussels-based Platform Peace and Justice,[126] during the OHAL process, 1,060 schools — in which 138,000 students were being educated and with a total capacity of approximately 400,000 students — were closed, and the assets of these institutions were transferred directly to the Treasury. According to Public Procurement Authority data, the average construction cost of a 24-classroom school is calculated at approximately TRY 7.5 million. Taking this average cost into account, the total material value of the closed schools is estimated to be in the order of TRY 7.95 billion (approximately USD 2.76 billion at the exchange rate of 23 July 2016).

When all this data is assessed together, it is seen that the closure transactions carried out in the field of education during the OHAL period were not merely an administrative measure, but pointed to a large-scale transformation producing wide-ranging effects on the education system, teacher employment, and property rights.

2. The Fate of the Properties of the Closed and Seized Institutions

The buildings and properties of closed educational institutions were transferred to the Treasury and to the Ministry of National Education (MEB). The assets of the educational institutions closed during the OHAL period were not confined to a mere transfer of ownership; the subsequent manner in which these properties were used has also given rise to broad public debate. Although most of the schools, dormitories, and other educational facilities closed under the State-of-Emergency Decree Laws (*OHAL KHKs*) were directly transferred to state institutions, practice concerning the subsequent use of these properties has shown significant differences at the local level. While some buildings were reopened as state schools, some were converted into service buildings for various public institutions; some were left idle for a long period or were damaged owing to serious security vulnerabilities. In addition, allegations that certain immovables were allocated to various foundations and associations have also frequently come onto the public and political agenda.

a. Conversion into State Schools and the Tendency Toward İmam Hatip High Schools

[126]Platform Peace and Justice report, cited above.

The large majority of the seized private schools were transferred to the Ministry of National Education. The then MEB Undersecretary Yusuf Tekin stated at the time that all the acquired institutions would serve as schools within the MEB. In this process, the most striking transformation has been that a significant portion of these schools — which possessed modern and well-equipped campuses — were reopened as Anadolu İmam Hatip High Schools or İmam Hatip middle schools, institutions that have become the backyard of the Erdoğan regime. In major cities such as Istanbul, Ankara, İzmir, and Bursa, İmam Hatip schools were established in place of many prestigious colleges that had been closed.

These schools were generally given the names of persons who lost their lives during the 15 July coup attempt. For example:

- The closed Özel Kılıçaslan High Schools in Kayseri were renamed the "Uluslararası Şehit Ömer Halisdemir Anadolu İmam Hatip Lisesi" (*International Martyr Ömer Halisdemir Anatolian İmam Hatip High School*).
- The closed Servergazi Primary and Middle School in Denizli was renamed the "15 Temmuz Şehitleri Anadolu Lisesi" (*15 July Martyrs Anatolian High School*).
- The Turgut Özal College in Malatya became the "Zekeriya Bitmez İmam Hatip Ortaokulu" (*Zekeriya Bitmez İmam Hatip Middle School*).

While this transformation has been presented as falling within the government's education policies, education trade unions and certain civil society organizations have criticized the process, stating that it imposed a "single-type school model" and that it was turned into an ideological opportunity.

The allocation of a significant portion of the properties of the educational institutions closed during the OHAL process to İmam Hatip schools has given rise to intense debate concerning education policy and the use of public resources. A large number of private schools and colleges closed under the State-of-Emergency Decree Laws (*OHAL KHKs*) were subsequently reopened by the Ministry of National Education as Anadolu İmam Hatip High Schools or İmam Hatip middle schools. The conversion of these institutions — which had modern infrastructure, large campuses, and high educational capacity — into İmam Hatip schools in particular has emerged as one of the most striking dimensions of the institutional transformation in the field of education. In fact, rather than being a transformation of education, this is an activity of expanding the İmam Hatip schools that the Erdoğan regime regards as its ideological centre of education.

This process has been interpreted as the government's long-standing policy of expanding İmam Hatip schools gaining new momentum. Education trade unions and certain civil society organizations, criticizing the large-scale allocation of the closed schools to the İmam Hatip system, have argued that this has led to public resources

being heavily used in favour of a particular educational model. According to these criticisms, the conversion of a significant portion of private education campuses with high physical standards into İmam Hatip schools has led to a decrease in diversity in the field of education and to the dissemination of a particular school model.

In this context, the allocation of the properties of the closed institutions to İmam Hatip schools is assessed not merely as a matter of administrative reuse, but also as a practice showing the direction of education policies and the state's priorities in the field of education. This transformation, occurring at the local level, can be interpreted as the restructuring of the education infrastructure in line with ideological preferences. The Erdoğan regime found in this an opportunity to expand İmam Hatip schools, which it regards as its backyard.

b. Plunder, Being Left Idle, and Destruction

The lack of oversight between the closure and transfer processes led to serious security vulnerabilities occurring in some buildings. It has been reported that, at many schools, doors and windows were broken and entry was forced, and that computers, smart boards, laboratory equipment, and even furniture were stolen.

The slow progress of the transfer transactions and the inadequate protection of the buildings prepared the ground for such incidents. In particular, some schools that were not allocated to any institution, or whose transfer process was prolonged, gradually fell into disuse and ruin. This situation has been criticized on the ground that it caused millions of lira worth of national wealth to decay.

As described above, owing to the lack of oversight during the transfer process, some schools were left idle and their buildings were damaged. Sign boards removed from a closed institution and the resulting debris have been photographed and reported.

c. Use Outside the Original Purpose: Conversion into Public Offices

Some buildings originally constructed as educational institutions were allocated for use, outside their original purpose, to various public institutions. In particular, school buildings located in central positions in large cities were transferred to institutions such as governorships' auxiliary service buildings, district governorships, or provincial/district directorates of security. For example:

- The Güzide Hanım Primary School in Elazığ was allocated to the Elazığ Provincial Directorate of Security.
- The Fatih College in Sakarya began to be used as the Akyazı District Directorate of Security.
- One of the former Samanyolu College buildings in Ankara was made into a district governorship auxiliary service building.

This situation has given rise to criticism given the existing need for classrooms.

d. Allegations of Allocation to Other Foundations and Communities

There is conflicting information regarding the fate of the closed school and dormitory buildings. It is known that the large majority of the buildings were officially transferred to state institutions (*the Ministry of National Education and the Credit and Dormitories Institution — KYK*). However, it is observed that some school, dormitory, and tutoring-course buildings were allocated to foundations and associations known for their closeness to structures described as "brotherhoods" or "communities" supportive of the Erdoğan regime. Strong allegations have appeared in the public sphere and the press to the effect that some of these seized properties (in particular dormitory buildings) were allocated to foundations and associations such as TÜRGEV, Ensar Foundation, TÜGVA, and the İlim Yayma Cemiyeti (*Association for the Propagation of Knowledge*).

In this context, journalist Murat Ağırel, on his personal social media account, reported with supporting documents that dormitories and schools belonging to the Gülen Movement that had been seized were allocated to foundations such as Ensar, İlim Yayma Cemiyeti, TÜRGEV, and TÜGVA. The data based on the documents shared by journalist Murat Ağırel reveal that a large number of dormitories, schools, and tutoring courses closed on the ground of alleged connection with the Gülen Movement (FETÖ) were allocated to particular foundations and associations. The examined lists show that these allocations were spread across a wide geography throughout Türkiye, and that the property transfers were concentrated on particular civil-society organizations openly supported by the Erdoğan regime. Since Mr. Ağırel did not share the entire spreadsheet, a general analysis is not possible at present; however, even the available data, when examined, shows the following distribution of allocations by institution:

• İlim Yayma Cemiyeti: Stands out in the shared lists as one of the institutions with the highest volume of allocations. According to available data, the number of institutions allocated to the İlim Yayma Cemiyeti is at least 196. These institutions include numerous higher-education and secondary-education student dormitories located in provinces such as Antalya, Ankara, Istanbul, and İzmir.

• Önder (Association of Graduates and Members of İmam Hatip Schools): In the relevant sections of the list, it is recorded that 88 dormitory and school-status institutions with an İmam Hatip focus were transferred to the Önder Association.

• Ensar Foundation: According to the documents, the total number of institutions allocated to the Ensar Foundation has been determined to be 85. These institutions predominantly consist of higher-education dormitories for male and female students.

• TÜGVA, TÜRGEV, İMH, and KADEM: The names of these foundations appear explicitly, in the main tabs of the documents, among the institutions to which allocations were made. However, because the exact numerical breakdown (by row number) of the

lists relating to these foundations does not appear in the page excerpts provided, a precise total figure cannot be reached.

On the other hand, specific allegations reported in the press concerning allocations made to communities, brotherhoods, and associations supportive of the Erdoğan regime among the closed institutions are as follows:

• The Diken newspaper alleged that a community dormitory in Fatih, Istanbul, reopened as the "TÜRGEV Haliç Kız Yurdu" (*TÜRGEV Golden Horn Girls' Dormitory*).

• The Birgün newspaper repeated the allegation that closed FETÖ dormitories were transferred to foundations such as TÜRGEV, ENSAR, TÜGVA, and the İlim Yayma Cemiyeti.

• The matter has repeatedly come onto the agenda of the Grand National Assembly of Türkiye (*TBMM*). Opposition MPs (CHP's Akif Ekici, Veli Ağbaba, and Nihat Yeşil) have submitted numerous written parliamentary questions concerning whether closed FETÖ schools and dormitories were transferred to foundations such as ENSAR and TÜRGEV.

• Press reports indicate that the government avoided giving direct, clear answers to these questions, and instead provided answers relating to general procedures.

• CHP Yozgat MP Ali Keven, in a speech in Parliament, criticized the fact that a student dormitory seized under an OHAL decree law, after being closed by the state, was transferred to the Ensar Foundation, emphasizing that the transfer of public resources to controversial foundations raised serious concerns from the standpoint of the safety of young people and the public interest.

3. The Status of Symbolic Institutions

The closure process became more visible in the public eye through certain symbolic educational institutions. Schools such as Fatih Colleges, Yamanlar College, and Samanyolu College — long recognized in Türkiye for their academic achievements — were among the educational institutions that stood out, both nationally and internationally, for the successes they achieved. Students educated at these schools won numerous medals at International Science Olympiads in fields such as mathematics, physics, chemistry, biology, and computer science; they were also seen as symbolic institutions of academic performance in Türkiye owing to their high success rates in university placement examinations. Thanks to their modern laboratory infrastructure, foreign-language education, scientific research clubs, and international project programmes, these schools created a profile that attracted attention not only in Türkiye but also in international education circles.

Fatih, Yamanlar, and Samanyolu Colleges played a dominant role for many years in Türkiye's representation at international science olympiads and won numerous

medals. According to available sources, the achievements of these schools have been listed as follows:

• Yamanlar College in İzmir was likewise included among the institutions closed under Decree Law No. 667. It was announced that the Yamanlar Science/Anatolian High School in İzmir would be renamed "Şehit Prof. Dr. İlhan Varank" and converted into an İmam Hatip high school.

• Samanyolu Educational Institutions were likewise closed by decree law during the OHAL period. Samanyolu College in Ankara was renamed after non-commissioned officer Ömer Halisdemir. The name of Ahmet Özsoy was also given to another school in Keçiören closed on the allegation of connection with the Gülen Movement.

• Within this scope, it was planned that many schools in Ankara would be designed as Anatolian İmam Hatip high schools and opened for education. In Eskişehir, the former Samanyolu Gülbahar College building was transferred to a state school, and there were reports of empty bullet cartridges being found in this building.

• Fatih College was among the schools closed by decree law on 12 August 2016. The educational buildings of the closed Fatih College were allocated to a Girls' Anatolian İmam Hatip High School, and the school's name was changed to "Şehit Ömer Halisdemir Kız Anadolu İmam Hatip Lisesi." There are also records showing that a "Şehit Yılmaz Ercan Anadolu İmam Hatip Lisesi" was opened in place of a Fatih College building in Serdivan.

As explained above, these three symbolic institutions, until the time of their closure, constituted the large majority of Türkiye's national science teams (15 of a 23-person squad came from these three schools). They effectively functioned as Türkiye's centre of educational achievement. However, under the State-of-Emergency Decree Laws (*OHAL KHKs*) issued during the OHAL period, these institutions were closed and all their assets were placed under state control. Subsequently, a significant portion of these campuses was allocated to different educational institutions or public agencies. As a result of this transformation, some of these campuses — formerly associated with science olympiads, academic projects, and international achievements — were converted into İmam Hatip schools or various public institutions; others began to be used for purposes outside of education. This situation has given rise to assessments pointing to a marked gap between the academic model these schools formerly represented and their current forms of use.

Criticism has also been voiced to the effect that the new structures that took the place of these institutions — which stood out particularly for their scientific production, participation in international competitions, and academic competitiveness — have not been able to sustain the same level of academic success. Some experts and civil society organizations active in the field of education have stated that the use, for different

purposes, of the campuses that once produced students representing Türkiye at International Science Olympiads constitutes an important subject of debate from the standpoint of the efficient use of educational infrastructure. For this reason, the closure of these institutions and their subsequent use for different purposes is regarded not merely as a matter of transfer of ownership, but also as a transformation debated from the standpoint of the quality of education, scientific production, and academic competitiveness in Türkiye.

4. The Introduction of the "Code 36" Practice for Persons Whose Institutions Were Closed

In addition to the cancellation of working permits for persons employed at institutions closed under the OHAL decree laws, another unlawful practice introduced against these persons was the "Code 36" practice. The Ministry of Labour and Social Security introduced certain regulations aimed at monitoring dismissed persons or persons whose institutions had been closed, and at putting pressure on their employers. Within this scope, under Circular No. 2016-16, published by the Ministry on 2 August 2016, additions were made to the codes used by the Social Security Institution (SGK) for terminations of employment. For employees left unemployed as a result of their workplace being closed by an OHAL decree law, the code number "36" began to be used; for persons dismissed from public office through the lists annexed to the decree laws, the code number "37" began to be used in SGK records, together with the note "Removed from Public Office (*pursuant to Law/Decree Law*)." For this reason, it was made effectively impossible for persons dismissed by decree law, or whose institutions had been closed by decree law, to work in the private sector. This is another grave example of the practice of civil death.

Regulations described as "civil death," which prohibit persons dismissed from the profession and persons whose institutions were closed from ever again being employed in public service, and which also obstruct their employment in the private sector, have no connection whatsoever with the legitimate aim pursued by the declaration of OHAL, and are openly contrary to the ECHR. The ECtHR has held that, even in situations where a total prohibition on employment in public service might be justified, it is unacceptable for the persons concerned to be stripped of all opportunities to work. Notwithstanding that all these matters were known, these regulations were systematically introduced as part of policies of hatred and a discriminatory regime.

C. THE TÜRKİYE MAARİF FOUNDATION AND THE TRANSFER OF INTERNATIONAL SCHOOL AND EDUCATIONAL ASSETS

1. The Foundation's Basic Purpose and Ideological Role

The Türkiye Maarif Foundation (*TMV*)[127] was established on 17 June 2016 under Law No. 6721,[128] and has been defined as the sole official organization authorized to carry out educational activities abroad on behalf of the Republic of Türkiye. The Foundation's establishment process is directly connected with the strategy of liquidating and taking over schools belonging to the Gülen Movement following the 15 July coup attempt.[129]

In official documents, the Foundation's purpose is stated to be to raise "good people" combining universal values with Anatolian wisdom, to disseminate the Turkish language and Turkish culture, and to provide scholarship and accommodation opportunities.[130] However, various reports[131] argue that TMV is not merely an educational institution, but a "diplomatic instrument" established to take over or destroy the existing education network, and an ideological extension of the Erdoğan regime. The fact that the Board of Trustees is appointed directly by the President has led to the Foundation being seen not as an independent civil-society organization, but as an "executive organ" of the Erdoğan regime.[132]

The Foundation's most striking legal feature is the "diplomatic shield" status granted to its personnel under Article 4 of the founding Law. Under this article, TMV officials are granted diplomatic passports and privileges equivalent to those of an attaché. This situation creates a sphere of "immunity from judicial review" that allows TMV to bypass local oversight mechanisms in host countries — such as "Foreign Agents" laws or "NGO Transparency Laws" — by claiming "sovereign-state status." This paradoxical status, being a state-connected structure while operating in the field of private law, has turned the Foundation into the legal operator of "cross-border dispossession operations." This report aims to analyse the property-transfer practices of this strategic instrument across different geographic regions and their conflict with international legal norms.

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[127] See the Foundation's own publications and website for its stated mission and structure.

[128] Law No. 6721 on the Türkiye Maarif Foundation.

[129] Various academic and NGO commentaries on the founding purpose of TMV.

[130] TMV, official statements of purpose.

[131] Various critical reports on TMV's international activities.

[132] Commentary on TMV's governance structure and presidential appointment power.

2. The Foundation's Activities Abroad

Following the 15 July 2016 coup attempt, the Erdoğan regime declared the Gülen Movement a "terrorist organization," which it defined as "FETÖ," and launched operations against all connected institutions, including schools within Türkiye. Similar steps were, over time, also extended abroad. The profound transformation in Türkiye's foreign-policy doctrine after 15 July 2016 triggered a strategic process directly targeting the ownership structure of educational assets abroad. The Erdoğan regime, as part of its policies directed at the Gülen Movement, also had the Maarif Foundation established in order to seize schools abroad.

The Erdoğan regime supported the Türkiye Maarif Foundation's strategy of increasing its power and directing global education operations, in particular from 2016 onward. The Erdoğan regime encouraged the conclusion of protocols with other countries, in coordination with the Turkish foreign ministry, in order to conduct the process of taking over schools abroad through diplomacy. In official Turkish discourse, in order to justify the policy of "ending the Gülen Movement's schools' educational mission," it has been alleged that these schools engage in "terrorist-organization propaganda" and misuse education for other purposes, and campaigns have been carried out to support this allegation. Some sources also allege that these activities are aimed not only at education, but also at increasing political influence.

The Türkiye Maarif Foundation has taken over the administrative and academic management of hundreds of foreign schools alleged to be connected with the Gülen Movement, particularly in regions such as Africa and Asia. According to official figures, since the coup attempt, the management of more than 200 schools has been transferred to the Maarif Foundation, either directly by Türkiye or through the government of the country concerned. Schools in countries such as Guinea, Kyrgyzstan, Burkina Faso, Sudan, Chad, and Senegal have been transferred to the Maarif Foundation. In some countries, takeover agreements were made through official protocols, while in others the schools were entirely closed or taken over under the discourse of "nationalization."

According to the Foundation's 2024 activity report, the fight against the Gülen Movement in the field of education abroad continued resolutely in 2024 as well; following the completion of the processes in Burkina Faso and Zambia, 246 schools connected with the Gülen Movement, located in 22 countries (*Afghanistan, Albania, Burkina Faso, Chad, Equatorial Guinea, Ethiopia, Gabon, Guinea, Iraq, Cameroon, Democratic Republic of Congo, Congo, Mali, Mauritania, Niger, Pakistan, Somalia, Sudan, Togo, Tunisia, Venezuela, and Zambia*), were taken over. As a result of the arrangements and improvements made, activities continue at 226 of these schools. According to the Foundation's statement, the number of countries with which contact was made in 2024

rose to 108, and the number of countries in which the Foundation operates educational institutions rose to 55 with the addition of Burkina Faso, Indonesia, and Zambia; it is seen that the Foundation provides educational services through 452 pre-school, primary, and secondary (K–12) institutions, 12 Türkiye Research Centres, 44 student dormitories, 18 non-formal education centres, and 1 university.

Criticism of the Foundation's activities abroad continues to intensify. The criticism also addresses the Foundation's use of resources and its political connections. In particular, the appointment of certain administrators and teachers sent to Türkiye Maarif Foundation institutions abroad without knowledge of the local language, and the fact that they nonetheless receive high salaries, has been criticized. It has been stated that vague criteria such as "preferred" were used in appointments, and that even the professional requirements for accounting and administrative positions were not made mandatory. CHP MP Murat Bakan, who raised these criticisms, submitted an information request through CİMER concerning details of the Türkiye Maarif Foundation, established with the aim of taking over schools abroad connected with the Gülen Movement. In response to CHP MP Bakan's questions, Maarif Foundation Chairman Birol Akgün stated that, as of November 2019, the Foundation was conducting educational activities in 41 countries through 311 schools, 5 education centres, 42 dormitories, and one institution of higher education. Akgün stated that a total of 408 personnel from Türkiye — 307 educators and 101 support staff — had been sent to the Maarif Foundation's schools abroad, and that the three countries to which the most personnel had been sent were, respectively, Pakistan, Afghanistan, and Mali. The number of persons employed from local sources in the countries where the Maarif Foundation's institutions are located was also given as 5,090.

A significant budget has been allocated each year from the Ministry of National Education's budget to the Türkiye Maarif Foundation to be used for its founding transactions. In this context, it has been stated that the amount transferred in 2025 was TRY 7 billion.

Since its establishment, the Maarif Foundation has received increasing amounts of funding from the state budget, while its field of activity has simultaneously expanded. The transfer of large amounts of funding to the Maarif Foundation for its educational activities abroad has given rise to criticism, given that the Turkish education system is grappling with problems such as teacher shortages, overcrowded classrooms, and inadequate state resources, resulting in teachers not being appointed. Critics have also stated that the transfer of large amounts of funding to the Maarif Foundation is inconsistent with the austerity measures the government recently announced with the aim of curbing the country's rapidly rising inflation and reducing public spending. When the schools were run by the Gülen Movement, they were financed by donations

from the movement's followers and were not dependent on taxpayers' money to continue their activities. The takeover of Gülen-linked schools by the Maarif Foundation has led to protests by students and parents in many countries where these schools were praised for their academic success.

REGNUM, one of the important news sites operating in Russia, published a broad analysis of the Maarif Foundation's work. In the analysis, signed by Arif Aslıoğlu, attention was drawn to deficiencies in Türkiye's education curriculum. According to the analysis, based on statements by AKP government politicians in the press and in official remarks concerning the Foundation's purpose and activities, this foundation is a politically based institution established with the aim of carrying the party's mentality and party politics to developing countries, as an instrument of the "Neo-Ottomanism," "superior race," or "Caliphate of Islam" rhetoric, or of the AKP's foreign-policy imposition, that Türkiye's foreign policy has recently sought to project. The Foundation, established in 2016 with the support of the Ministry of Education, has, as its first actions, exerted pressure on Hizmet Movement institutions in some developing countries, as part of the domestic turmoil experienced in Türkiye over the past 5 years as the AKP government has targeted the Gülen Movement.

The Foundation's activities have been assessed not only as educational in purpose, but also as part of Türkiye's international public diplomacy strategy. The cultural and political effects of education policies may be perceived by friendly countries as interference in their own education systems, and this can give rise to tensions in diplomatic relations. This situation has become particularly pronounced in relations with countries that strongly apply the principle of secularism; for example, France's restriction of TMV's initiatives, and the resulting political debates in the field of education between the two countries, have become the subject of criticism. One of the reasons the French government has opposed the expansion of the Maarif Foundation is concerns relating to the imposition of religious education, which conflicts with France's strict secular education system. Conversely, Türkiye's increasing pressure on French schools within its own borders has drawn criticism owing to its potential to politicize education and to affect the welfare of students and their families.

Examining the establishment of the Türkiye Maarif Foundation and the network of activities rapidly expanded on a global scale, it is clear that the Foundation is not a technical institution operating solely in the field of education. The process carried out through the Türkiye Maarif Foundation is not a classical educational cooperation project, but a cross-border practice of "state-led dispossession." This practice, while instrumentalizing the sovereign rights of host states through diplomatic pressure, systematically disregards the property and educational rights of individuals.

3. The Maarif Foundation's Lack of Acceptance in European Union Countries and in the US

TMV's strategy of seizing property abroad has failed in Western countries where judicial independence and pedagogical autonomy are under constitutional guarantee. It is observed that Türkiye's pressure has come to nothing in countries such as Romania, Germany, and Austria, and that the right to property and judicial independence in these countries have functioned as a shield.

Western authorities regard TMV not as an independent educational institution, but as a centre of "transnational repression" and ideological export. The debates over schools with France also support this perspective; the West finds the injection of a foreign state's domestic political classifications into its own education system to be contrary to its local laws on pluralism.

These schools in Europe and the US follow an entirely secular and local curriculum rather than a religious one. Compared with structures such as the Diyanet, in these schools, rather than religious instruction, ethics classes based on universal human values (honesty, respect, benevolence) or "world citizenship" programmes come to the fore. Experts describe the most important achievement of these schools as bringing immigrant-origin children, who are discriminated against in the education system, into higher-tier schools (such as the Gymnasium).

• Germany

In Germany, education is within the jurisdiction of the federal states (Länder). Opening and operating a school is subject to strict licensing, constitutional review, and the requirement of pluralism and ideological neutrality in education. The Maarif Foundation has been perceived, under German law, as a state-connected foundation. At the federal and state levels, the fundamental ground has been that "the domestic political classification of a foreign state is not binding under German law." For these reasons, Türkiye's requests for the closure of schools connected with the Gülen Movement, or for their transfer to the Maarif Foundation, have not been accepted.

• The Netherlands

In the Netherlands, pluralism in education and pedagogical freedom are under constitutional protection. Schools are independent of the state but subject to strict oversight. Türkiye's initiatives have been based on diplomatic pressure and security reports. Dutch authorities do not recognize the Gülen Movement as a terrorist organization. In addition, schools in the Netherlands have been assessed as independent legal entities that meet educational standards. The fundamental view with respect to the Maarif Foundation has been that it is "a structure directly connected with the Turkish

state." For these reasons, Türkiye's requests for the closure of schools connected with the Gülen Movement, or for their transfer to the Maarif Foundation, have not been accepted.

Hate-motivated discourse, such as "FETÖ" or similar, directed by Turks in the Netherlands at schools connected with the Gülen Movement, at the instigation of Türkiye, has also been penalized by Dutch courts. In a case heard in the city of Haarlem, the court ordered persons who used expressions such as "terror school" or "FETÖ school" about the De Roos School to pay a fine of €1,000 for each such use. The decision was rendered on the application of the school administration, following a defamation campaign conducted by certain parents concerning the school after 15 July 2016. The court assessed the statements in question as having no legal basis and as targeting the institution, and imposed sanctions against the repetition of such characterizations.

Türkiye's official news agency, Anadolu Agency, published, in August 2016, immediately after the coup attempt, a list of schools, companies, and organizations in the Netherlands connected with the Gülen Movement. Both then Prime Minister Mark Rutte and Foreign Minister Bert Koenders criticized Türkiye for this unwanted interference directed at the Turkish community in the Netherlands.

- The United States

In the US, it is estimated that there were 33 charter schools in Texas alone in 2011, and that the total number nationwide exceeded 100. The schools in question are independent legal entities under US law. Because the "terrorist organization" characterization of the Gülen Movement has also not been accepted by US authorities, Türkiye's requests for the closure of schools connected with the Gülen Movement, or for their transfer to the Maarif Foundation, have been rejected.

4. Attempts to Have Some Schools Taken Over in Exchange for Economic Privileges

The government began sending delegations to some countries to secure the closure or takeover of Turkish schools belonging to the Hizmet Movement. The delegations sent made various promises to state officials in the countries visited, such as money, trade, and tourism development, in exchange for the transfer of these schools to them. In the West African country of Mali, the closure of the Collège Horizon schools, which had operated since 2002, was first insistently requested by President Erdoğan during Malian President Ibrahim Boubacar Keita's visit to Türkiye in February 2015, but the request was rejected by the Malian leader. Similar practices have unfortunately also occurred in places such as Afghanistan and Burkina Faso. According to current rumours, the Turkish government has requested the closure of institutions connected with the Gülen Movement from the Central Asian republics in exchange for certain offers and promises. In most cases this has succeeded.

In conclusion, the international activities of the Türkiye Maarif Foundation should be assessed not as a classical model of international cooperation in the field of education, but as a state-supported process of restructuring and property transfer. In this process, the Foundation has become not merely an educational institution, but also an institutional instrument of the Turkish government's foreign-policy and ideological projection. The instrumentalization of education for partisan and geopolitical purposes gives rise to serious concerns both under international human rights law and from the standpoint of the principles of pluralism and academic freedom in the field of education.

D. CLOSED UNIVERSITIES WHOSE ASSETS WERE SEIZED

1. Closed Universities in General, and the Status of Academics

The state-of-emergency regime declared in Türkiye following the coup attempt of 15 July 2016 significantly expanded the state's capacity for interference in the public and private spheres. Under the decree laws issued during this period, the activities of a large number of private-law legal entities were terminated; these interferences were not limited to administrative closure decisions alone, but turned into comprehensive liquidation processes that also included the transfer of the relevant institutions' assets to the state. Foundation universities, active in the field of higher education, constitute one of the most striking examples of these practices.

Under Decree Law No. 667 — the first and most comprehensive decree law issued after the 15 July 2016 coup attempt — 15 foundation universities were closed on the ground of alleged belonging, affiliation, or connection with structures (the Gülen Movement) alleged to "constitute a threat to national security." All the movable and immovable property, receivables, and rights of these universities were seized, transferred without charge to the Treasury, without any compensation whatsoever being paid. At the time of closure, there were a total of 3,041 academics and 65,216 students. These figures correspond to 13.1% of the total number of academics and 12.2% of the total number of students at all foundation universities operating in Türkiye in 2016. Employees of the closed universities suffered further harm on account of the use of the code "OHAL/KHK" as the reason for termination of employment in Social Security Institution records.

The total value of the closed universities — Turgut Özal, Fatih, Zirve, Mevlana, Melikşah, Gediz, Canik, and İpek Universities — has been calculated at a minimum of USD 1.5 billion. Fatih University's value has been estimated at approximately USD 400 million, and Turgut Özal University's at USD 347 million.

Data obtained by the Solidarity with Others Platform's project 'The Erdoğan Regime's Hate Speech: "FETÖ,"' appears to be even graver. According to this data, the number of academics dismissed from state universities has been determined to be 5,990.

According to data compiled by BBC Turkish on the first anniversary of the coup attempt — covering the period since 1 September 2016, when academic dismissals began — as of July 2017 at least 23,427 academics in Türkiye had either lost their tenure, been dismissed, or become unemployed because the university at which they worked was closed. Decree Law No. 672, which entered into force on 1 September 2016, began the dismissal of academics, and 2,346 academics from 96 different universities were dismissed. Subsequently, 1,267 were dismissed on 29 October, 242 on 22 November, 631 on 6 January 2017, 330 on 7 February 2017, and 484 on 29 April 2017. Under Decree Laws No. 677 and 688, 53 academics were reinstated. Thus, within the first year following the declaration of OHAL, a total of 5,247 academics from 117 different universities lost their jobs through the 6 decree laws published.

According to another study, the dismissals of academics carried out through decree laws over the two long years during which OHAL was in force constitute the most mass purge in the history of Turkish universities. During this period, a total of 6,081 academics were dismissed from 122 universities on the allegation of being "affiliated with terrorist organizations," their passports were confiscated, and they were banned for life from working at any university and, more generally, in the public sector.

The plunder policy directed at the right to property during the OHAL process began with the Gülen Movement and was subsequently applied to other opposition groups as well. In this context, former Prime Minister and Gelecek Party Chairman Ahmet Davutoğlu — a political rival of the government — founded İstanbul Şehir University in 2008 through the Bilim ve Sanat Vakfı (*Science and Art Foundation*); a trustee was first appointed to this university and its assets transferred to a guarantor university, and subsequently, under a Presidential Decision published in the Official Gazette of 30 June 2020, the university's operating licence was revoked.

The Erdoğan regime demonstrated here another example of the politics of plunder it developed against the Gülen Movement. As in the Bank Asya episode, in which the regime used the public institutions and banks under its command to carry out this seizure of property, in the case of İstanbul Şehir University the regime carried out the operation through Halkbank. Just as BDDK, SPK, TMSF, and BİST were used with manipulative reports in the process leading to the seizure of Bank Asya, Halkbank placed a precautionary measure on the accounts of İstanbul Şehir University — founded in 2008 — on account of a loan debt; as a result of this decision, the university's accounts were blocked, it was unable to make payments, and was thereby driven into insolvency. In another link of the unlawful interferences with the right to property, the judiciary was

also brought into play: 11 years after its allocation, the Council of State's 13th Chamber stayed the execution of the free transfer to İstanbul Şehir University of a 297,000-square-metre valuable immovable in Kartal, Istanbul, belonging to TEKEL.

2. The Issuance of Annotated Diplomas to Students of Universities Closed by Decree Law

Under the fourth paragraph of Article 2 of Decree Law No. 667 — the "Decree Law on the Measures Taken within the Scope of the State of Emergency," published in the Official Gazette of 23/7/2016, No. 29779 — the Council of Higher Education (*YÖK*) determined and published the Procedures and Principles Concerning the Transactions of Students in the Associate and Bachelor's Degree Programmes of Foundation Higher-Education Institutions Closed by Decree Law No. 667, in connection with the placement of registered students of closed foundation higher-education institutions at designated alternative higher-education institutions and the carrying out of related transactions. Accordingly, it was decided that the documents and records relating to graduates of, and those still registered at, the associate and bachelor's degree programmes of the closed foundation higher-education institutions would be transferred by YÖK to a designated coordinating university.

In its explanation regarding the conditions for obtaining diplomas for students at universities closed by decree law, YÖK stated that "these students' diplomas will be issued by the universities to which they are placed. However, the courses they took at their previous universities will be indicated in the diploma supplement and transcript." Accordingly, although it was stated that their previous university would appear only in their transcript, and although there was no provision stating that a record of the closed university would appear on the diploma itself, students who had studied at foundation universities closed by KHK and transferred to other universities were issued diplomas bearing an annotation. These students, compelled against their will to study at a different university, also had this annotation appear on their provisional graduation certificates.

E. DECREE-LAW INTERFERENCES DIRECTED AT THE HEALTH SECTOR AFTER 15 JULY: INSTITUTIONAL CLOSURES, PERSONNEL DISMISSALS, AND LEGAL EFFECTS

1. The Administrative and Legislative Framework of the Interference with the Health Sector

a. The Legislative Basis and Scope of the Decree Laws in the Field of Health

The Decree Laws (*KHKs*) issued within the scope of OHAL declared in Türkiye following the dubious coup attempt of 15 July 2016 became the fundamental executive mechanism used by the state to restructure the infrastructure and workforce of the provision of health services. These mechanisms, by rendering the traditional avenues of legal review inoperative, made possible wide-ranging and unilateral interference with the sector.

The closure of institutions and the seizure of assets in the health sector were carried out, as a rule, by decision of the executive, using the exceptional legislative power afforded by OHAL. In this process, the closure of institutions and organizations, and the transfer of ownership, were rapidly implemented by administrative decision, rather than through the individualized judicial procedures that ought to exist in a normal rule-of-law state.

This interference essentially bypassed standard legal guarantees and procedures. Article 127 of CMK provides that seizure orders must normally be issued by a judge, a public prosecutor, or a senior law-enforcement officer. This situation, by causing the executive to assume both the accusing and the adjudicating role in seizure matters, fundamentally undermined the principle of separation of powers. This choice points to the government's policy of prioritizing administrative action while avoiding individualized evidence-gathering and judicial-review processes. In other words, a procedure of seizure of property was adopted by rendering the law inoperative.

b. The Fundamental Regulatory Instrument: Decree Law No. 667 and the Targeted Assets

Decree Law No. 667, the first decree law issued within the scope of OHAL, constituted the legal ground for the interference.[133] This decree law, as in other sectors, determined the scope of the acts in the health sector as well. Under Decree Law No. 667, 35 private health institutions and organizations, together with 15 private higher-education institutions that also contained health units, were closed in the first stage. Subsequently, the number of health institutions closed under different decree laws

[133]Official Gazette, 23.07.2016, No. 29779, Decree Law No. 667.

reached 47.[134] These private institutions were closed, in most cases, on the allegation of being connected with the Gülen Movement.[135]

The closure process was not confined to centres providing patient services alone; it also targeted private universities with faculties of medicine. This approach was aimed at wholly eliminating not only the Gülen Movement's service infrastructure, but also its intellectual and professional capacity for training physicians, academics, and other health professionals. This institutional targeting is part of a larger, systematic liquidation operation — in which thousands of associations, foundations, schools, and media organizations were closed — that diminished the country's general democratic principles and civil-society strength.[136]

2. The Seizure of Property in the Health Sector in Light of Quantitative Data

The Erdoğan regime, through Decree Laws No. 667 and 689 issued during the OHAL process, closed hospitals, medical centres, and clinics, and seized all the assets of these institutions. In total, 47 health institutions in Türkiye were closed and seized by the state. Seven of these health institutions belonged to the private universities referred to above. The remaining forty health institutions are entirely private enterprises.

Of these closed health institutions, 35 were closed under Decree Law No. 667 and 13 under Decree Law No. 689. Of these closed health institutions, the Özel İstanbul Kadın Sağlığı ve Tüp Bebek Merkezi (*Private Istanbul Women's Health and IVF Centre*), closed under Decree Law No. 667, was reopened under Decree Law No. 677. Accordingly, the total number of closed health institutions is 47.

The report titled "The Erosion of Property Rights in Turkey: In the Pretext of the State of Emergency and Counter-Terrorism Measures" contains important findings concerning the health institutions closed under the OHAL decree laws, whose assets were transferred to the Treasury, and the material value of these institutions.[137] The total economic cost of the violations of the right to property varies according to the calculation methods and scope used in different reports. According to the most comprehensive data available on this subject, the total value of property rights seized or confiscated in Türkiye through OHAL and the decree laws is estimated at least USD 32.24 billion.[138] In

[134]International Commission of Jurists: Justice Suspended: Access to Justice and the State of Emergency in Turkey.

[135]Yazıcıoğlu, Yıldız: 'FETÖ' Gerekçeli OHAL'de Neler Kapatıldı? [What Was Closed under OHAL on the Ground of 'FETÖ'?].

[136]Turkey Rights Monitor: Closed and Seized Institutions.

[137]Yıldız, Ali / Spencer, Leighann: The Erosion of Property Rights in Turkey, IACL-AIDC Blog.

[138]Yıldız, Ali / Spencer, Leighann: op. cit.

this context, the total value of the 47 closed health institutions is estimated at USD 1.29 billion. According to the data in the report, the health institutions include:

1. Sema Hospital — Istanbul
2. Maltepe Hospital — Istanbul
3. Mevlana University Hospital — Konya
4. Şifa University Bornova Hospital — İzmir
5. Şifa University Basmane Hospital — İzmir
6. Şifa University Ataşehir Hospital — Istanbul
7. Bahar Hospital — Bursa
8. Osmanoğlu Hospital (private hospital)
9. Rentıp Hospital — Istanbul

These nine hospitals have a total bed capacity of approximately 2,052. In addition, it is stated that the 21 closed health institutions had a combined annual turnover of approximately TRY 400 million. The report also notes that there is no reliable data concerning the economic value of the other health institutions.

3. The Closure of Private Health Institutions, and the Transfer and Allocation of Property to the Public

After the ownership and assets of the health institutions closed under the OHAL decree laws were transferred to the Treasury, the allocation of these institutions was carried out by the Ministry of Health. After these hospitals were closed, their immovables, medical equipment, and corporate assets were transferred to the state without any compensation being paid.

In this context, most of these closed institutions were reopened as public hospitals, and some were transferred to state universities. For example:[139]

• Fatih University Sema Application and Research Hospital reopened as an auxiliary service building of Kartal Dr. Lütfi Kırdar Training and Research Hospital.

• Sema Hospital in Istanbul was first transferred to the Ministry of Health and subsequently transferred to Bezmialem Vakıf University.[140]

• Şifa University Hospital in İzmir began to be used as an auxiliary service building of Health Sciences University Tepecik Training and Research Hospital.

• The building of Şifa University's Faculty of Dentistry began to be used by the Ministry of Health as an auxiliary building of the Bornova Oral and Dental Health Centre.

[139]https://www.ntv.com.tr/turkiye/cumhurbaskani-erdogan-bir-asir-once-yazilan-kanli-senaryolara-izin-veremeyiz-1716268, accessed: 01/04/2026.

[140]https://www.aydinlik.com.tr/haber/yandasa-gecti-parali-oldu-1474, accessed: 01/04/2026.

• Mevlana University Hospital in Konya began to be used as an auxiliary building of Meram Training and Research Hospital.[141]

As explained above, all the assets (buildings, land, medical equipment, and financial assets) belonging to the closed health institutions and organizations were transferred to the Treasury pursuant to the provisions of the decree laws,[142] or allocated without charge to public institutions.[143] This transaction is a direct seizure without any prior individualized judicial determination, and no compensation whatsoever was paid to the former owners in this process.

The use of the seized facilities for the public interest confirms the punitive nature of the interference. For example, the fact that health institutions alleged to belong to the Gülen Movement were reopened within a very short time within the Ministry of Health or universities[144] shows that these assets were permanently nationalized, and that, beyond being a temporary administrative measure, the aim was deprivation of property. This permanent transformation proves that the interference was carried out not merely to meet a security need, but also for the purpose of a punitive and penalizing economic liquidation.

4. The Mass Liquidation of Professional Rights: The Dismissal of Health Personnel

The administrative liquidation implemented during the OHAL period targeted not only institutional infrastructure, but also qualified human resources, giving rise to losses in the Turkish health system that will be difficult to repair.

5. Quantitative Analysis of the Dismissed Personnel

According to the Activity Report of the OHAL Procedures Inquiry Commission, published in January 2020, at least 125,678 public officials were dismissed under the decree laws issued within the scope of OHAL.[145] Health-sector employees were part of this figure. During the OHAL years following the coup attempt, a total of 7,755 persons were dismissed from public office in the health sector through the decree laws.[146] This figure does not include health workers in the private sector; accordingly, the total personnel loss in the health sector is far greater.

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[141]https://www.konyayenigun.com/fetonun-binalari-15-temmuzla-millilesti, accessed: 01/04/2026.

[142]https://www.saglikaktuel.com/haber/kapatilan-ozel-saglik-kuruluslarinin-hazineye-devir-islemleri-basladi-52466.htm, accessed: 01/04/2026.

[143]Turkey Rights Monitor: Closed and Seized Institutions.

[144]Turkey Rights Monitor: Closed and Seized Institutions.

[145]https://tr.euronews.com/2020/07/15/verilerle-15-temmuz-sonras-ve-ohal-sureci, accessed: 01/04/2026.

[146]Turkey Rights Monitor: The Scope of Dismissals and Legal Effects.

The academic profile of the 1,355 physicians dismissed from faculties of medicine is critically important from the standpoint of the long-term effects of this liquidation. Among those dismissed were 318 professors, 336 associate professors, and 453 assistant professors.[147] Under another decree law, No. 677, 752 employees of the Ministry of Health and 942 academics were dismissed from office at a single stroke.[148]

The removal from office, at a single stroke, of a total of 318 professors, 336 associate professors, and 453 assistant professors — 1,107 senior academics in total — was a devastating blow to specialist medical education and advanced medical research in Türkiye. The loss of personnel of this seniority level lowered the quality of specialist physician training, disrupted international scientific cooperation, and increased pressure on tertiary health services.[149] This situation must be assessed not merely as an individual violation of rights, but as a long-term assault on the country's public-health capacity.

F. CLOSED MEDIA ORGANIZATIONS WHOSE ASSETS WERE SEIZED

1. The Process of the Disappearance of Mainstream Media in Türkiye

For the Erdoğan regime, transformation in the media — alongside other political, economic, and cultural reasons — has constituted one of the fundamental pillars of the hegemony it sought to, and did, establish. The Erdoğan regime has, in large part, secured the retention of its electoral base at every ballot box thanks to its strict oversight and control of every kind of thought and news transmitted to the masses through the media order. Mainstream media organizations — together with the media groups the AKP created out of nothing after 2007 using the resources of the state — which are rewarded when they act in line with the government's position but subjected to heavy sanctions when they act otherwise, have played the leading role in sustaining this order.[150]

Islamist media actors, who had a limited sphere of influence in Türkiye in the 1990s, gained significant power in the 2000s thanks to the direct and indirect support of the Erdoğan regime. This transformation points to a multi-layered restructuring process in the field of media. In particular, certain newspapers, television channels, and broadcasting groups were expanded through public resources, advertising revenues, and various economic incentive mechanisms, thereby creating a pro-government media

[147]https://hekimpostasi.com/son-bir-yilda-khk-lerle-3315-hekim-ihrac-edildi.495.html, accessed: 01/04/2026.

[148]https://www.klimik.org.tr/2016/11/23/yeni-khk-ile-752-saglik-bakanligi-calisani-ve-942-akademisyen-ihrac-edildi/, accessed: 01/04/2026.

[149]https://www.izgazete.net/hastaneler-devlete-cefasi-saglikciya, accessed: 01/04/2026.

[150]Eres, Benan / Yüksel, Hakan: AKP Döneminde Türkiye'de Değişen [Changing (Media Structure) in Türkiye during the AKP Period].

ecosystem. In this process, the relationship between media ownership and public tenders intensified markedly; some holding companies expanded their media investments, thereby increasing both their economic and their ideological spheres of influence.

In parallel, individual journalists were also positioned within this new order. Persons who gained high visibility on various platforms, above all public broadcasting, were, over time, brought into managerial or editorial positions at major media organizations. This situation points to the fact that the practice of journalism was reshaped on the basis of political allegiance rather than independence. During the same period, it was observed that media structures close to particular religious or ideological groups also expanded in the sector and played a role in the transformation of media ownership.

From the mid-2000s onward, the transformation in the field of media acquired a more systematic and harsh character. Economic pressures, tax sanctions, and political interference directed at large and relatively independent media groups increased; in this process, some media organizations were forced to change ownership. These developments resulted in the redistribution of media ownership, and a significant portion of the sector passed under the control of pro-government actors. The pressure policies applied in this process directly affected not only ownership structure, but also editorial independence.

A significant portion of mainstream media organizations chose to conform to these pressures without resistance. The fact that political sensitivities became determinative in the setting of news content led to the erosion of journalistic standards. This situation has turned into a structural problem undermining the public's right to accurate and impartial information.

On the other hand, pressure directed at opposition media organs also intensified during the same period. Broad interpretation of counter-terrorism legislation, judicial proceedings against journalists, broadcast bans, administrative fines, and licence revocations were used systematically as instruments. In addition, press-card practices and mechanisms relating to the distribution of official announcements also functioned as instruments of control over the media. These practices led to a serious narrowing in the field of freedom of expression and of the press. As a result of these developments, the media landscape today can be assessed under three basic categories:

- Media directly controlled by the political power (“pool media”),
- Mainstream media indirectly supervised or directed,

• Opposition media attempting to operate with limited resources.[151]

This new structure created by the Erdoğan regime in the media points to a hierarchical and asymmetrical media order far removed from pluralism. In this new order, journalistic activity is shaped not merely within the framework of professional ethics and public responsibility, but also under political and economic pressure.

In conclusion, the media has, to a large extent, lost the oversight and informational function it ought to perform in democratic societies, and has effectively begun to function as the propaganda apparatus of the Erdoğan regime.

Over the AKP's 22 years in power, major changes in ownership have occurred in the Turkish media. In a process extending from the sale of the Uzan, Dinç, Karamehmet, and Doğan Media groups to TMSF decisions, the structure of the sector has been fundamentally transformed. However, the greatest control was achieved through the OHAL process.[152]

2. Media Companies Seized in the Earlier Period

One of the first things the AKP did after coming to power was to gradually bring the media under its own control and, within this scope, to use the power of the state to pressure media groups either into selling to businesspeople close to it or into being seized by TMSF. While the AKP, under Erdoğan's leadership, subsequently took steps to consolidate its hegemony over the judiciary and other influential institutions, it also, step by step, took steps toward dominance in the field of media.

When the cases relating to the Uzan, Dinç Bilgin, Çukurova, Doğan, and Doğuş groups are assessed together, it is seen that the transformation of media ownership in Türkiye did not consist of independent commercial transactions; on the contrary, the state's regulatory, financial, and judicial instruments became increasingly determinative in reshaping media ownership. The seizure of 219 companies in the Uzan Group, the passing of 63 companies of the Dinç Bilgin Group under TMSF control, the liquidation of the Çukurova Group's media and strategic assets through its debts, and, ultimately, the transfer of Doğan Media to the Demirören Group, are the principal examples of this transformation that emerged in different periods. In particular, the fact that TMSF, rather than remaining an institution used for debt collection, became a central actor in the management and transfer of media assets, reinforces the assessment that the right to property and media freedom eroded within the same process. Indeed, the current Reuters Institute assessment likewise states that media ownership in Türkiye is highly

[151] Keten, Emre Tansu: AKP'nin Medya ile Mücadelesinin Kısa Bir [Tarihi] [A Brief History of the AKP's Struggle with the Media].

[152] Jim Egan, 'Turkey', in Digital News Report 2026 (Reuters Institute).

concentrated, and that a significant portion of the major television and print organizations are under the control of groups with close relations with the government.

Among these cases, the Uzan and Dinç Bilgin examples in particular show the role of TMSF's seizure power in the redistribution of media ownership; the Çukurova example shows how debt relationships can be used in the changing of hands of media and strategic companies; and the Doğan example shows how a sale supported by tax audits, economic pressure, and public-bank financing — without direct seizure — could fundamentally transform media ownership. The transfer of Doğan Media to the Demirören Group in 2018 is the most critical stage of this chain. The Reuters Institute characterized the sale of the Doğan Group as the most important development in the Turkish media environment in 2018, recording that the sale took place to a capital group close to the government and that significant changes in editorial staff followed. Media Ownership Monitor data likewise show that, following Demirören's takeover of Doğan's media assets in 2018, it began to control a broad media portfolio including Hürriyet, Posta, Fanatik, DHA, YAYSAT, Kanal D, and CNN Türk.[153]

Nevertheless, the Doğuş Group case carries an important difference from the others. Here, there is no classical seizure in the sense carried out by TMSF. However, the purchase of Star TV from Doğan, the crisis experienced over NTV's editorial policy following the Gezi Park protests, and the subsequent sale of part of the group's media assets owing to its financial difficulties, show that media ownership in Türkiye can be transformed not only through legal seizures, but also through the political climate, economic pressure, and the financial fragility of capital. The Doğuş case must therefore be assessed not as a direct link in the chain of seizures, but as a complementary example of the media-economy-politics environment that this chain has created.[154]

The common feature of these corporate cases is that property is treated not merely as an economic value, but as an instrument carrying political power and media influence. Following a media group's conflict with the political power, or its economic weakening, the state's tax, debt, regulatory, trusteeship, or TMSF mechanisms have come into play; thereafter, a significant portion of these assets has passed under the control of capital groups with close relations with the political power. Media Ownership Monitor states that a significant portion of the largest 40 media organizations in Türkiye belong to groups that are also active in sectors such as construction, energy, mining, and tourism, and that have close relations with the AKP and President Erdoğan. This is an important structural indicator supporting the thesis that media ownership has shifted

[153] Media Ownership Monitor Turkey, 'Demirören Group' (Global Media Registry).

[154] Media Ownership Monitor Turkey, 'Individual Owners' (Global Media Registry).

from centres of economic power toward capital centres that are politically more compliant.

In particular, the use of public resources to finance media acquisitions makes it difficult to view this transformation merely as a capital transfer within the private sector. The use of a loan from Ziraat Bank in the sale of Doğan Media to Demirören, and the Reuters Institute's assessment of the 2018 sale as one of the media transfers carried out with a state-bank loan, show that the state is not merely a regulatory or supervisory actor, but also an actor directly influential in the financial restructuring of media ownership.[155]

In conclusion, the process that began with Uzan and continued through Dinç Bilgin, Çukurova, and Doğan — and was completed, in a different form, with the Doğuş example — shows that the ownership structure of the media sector in Türkiye has changed systematically. The result of this transformation is not merely a change of particular company owners. The true result is the concentration of economic power and media power in capital groups closely connected with particular political circles. The Reuters Institute's assessments, following the transfer of Doğan Media to Demirören in 2018, that a "great media monopoly" had emerged and that Erdoğan's political control over the media had been further strengthened, clearly demonstrate the consequences of this transformation for press freedom. For this reason, these cases must be examined not as isolated corporate liquidations, but within the broader context of a "state-supported transformation of media ownership," in which media ownership has been redistributed through the use of the state's legal, administrative, and financial instruments.

3. The Seizure of Media Organs and Companies Connected with the Gülen Movement

In Türkiye, as part of the policies of hatred and discriminatory regime practices formed with the aim of erasing, destroying, othering, and portraying as criminal the Gülen Movement in social, cultural, and economic life, before the 15 July coup attempt, above all Zaman newspaper — Türkiye's highest-circulation newspaper[156] — together with Today's Zaman, Meydan, Bugün, and Millet newspapers, as well as Kanal Türk, Bugün TV, Cihan News Agency, and Aksiyon magazine, were seized, and trustees were appointed to the companies owning these media organs.[157] The United Nations Office of the High Commissioner for Human Rights stated, on this subject, that "the decision to

[155]Jim Egan, 'Turkey', in Digital News Report 2026 (Reuters Institute).

[156]Wikipedia, 'Zaman'.

[157]MediaCat, 2016'nın Medya Olayları [Media Events of 2016], 06.01.2017.

seize one of the most important sources of independent journalism in Turkey poses an extraordinary threat to the free media and pluralism."[158]

After 15 July, under Decree Law No. 668,[159] 131 media and publishing organizations were closed. These included 45 newspapers, 23 radio stations, 16 television channels, 15 magazines, 3 news agencies, and 29 publishing/distribution channels. Under the regulation introduced by Decree Law No. 668, it was also decided that the movable property and all assets, receivables and rights, documents and records, and immovables belonging to the closed newspapers and magazines, publishing houses and distribution channels, and private radio and television organizations, would be transferred without charge to the Treasury.[160] As can be seen, under Decree Law No. 668, the largest mass closure and seizure transactions in Turkish history, in terms of media organs, took place.[161]

The closure of media organizations, begun with Decree Law No. 668, continued through Decree Laws No. 675, 677, 683, 689, 693, 695, and 701, issued in the following years of OHAL. In the end, 187 media organizations — comprising 70 newspapers, 20 magazines, 33 television channels, 34 radio stations, and 30 publishing/distribution companies — were permanently closed and their assets transferred to the Treasury. Among these, prominent examples include Samanyolu TV, Bugün TV, Kanaltürk, Barış TV, Zaman newspaper, Cihan News Agency, and Taraf. The liquidation of this media pillar seriously weakened both content production and the right to receive independent news.

According to the data of the OHAL Procedures Inquiry Commission, a total of 204 media organizations were closed. Among the closed organizations were 53 newspapers, 37 radio stations, 34 television channels, 29 publishing houses, 20 magazines, and 6 news agencies. According to the OHAL Procedures Inquiry Commission, of the 204 closed media organizations, the closure decision was annulled with respect to 25, while the closure decision remained in force with respect to the remaining 179.

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[158]https://web.archive.org/web/20160504123302/http:/zamanamerika.com/haberler/dunya/zamanin-gasbi-icin-bm-insan-haklari-bagimsiz-gazetecilige-olaganustu-tehdit/, accessed: 06/04/2026.

[159]Official Gazette, 23.07.2016, No. 29779, Decree Law No. 667; and Decree Law No. 668, https://www.resmigazete.gov.tr/eskiler/2016/07/20160727M2-1..pdf.

[160]Altıok, Zeynep: OHAL Bilançosu Hak İhlalleri Raporu [The Balance Sheet of OHAL: A Human Rights Violations Report], pp. 15-16.

[161]The Guardian, 23 July 2016, https://www.theguardian.com/world/2016/jul/23/turkey-erdogan-closure-of-1000-private-schools-gulen.

According to a statement made by TMSF,[162] excluding 26 organizations whose closure decisions were lifted, 151 newspapers and magazines, publishing houses and distribution channels, and private radio and television organizations closed under Decree Laws No. 668, 670, and 674 were transferred by the Ministry of Finance to TMSF for the purpose of sale.

The table below sets out the data concerning media and press organizations closed under the decree laws, as of 31.12.2024:

Number of Closed Media Organizations: 177

Number of Media Organizations Removed from the List: 26

Total Number of Media & Press Organizations to Be Taken Over by TMSF: 151

— Television: 34

— Radio: 38

— Newspapers, Magazines, and Printing Houses: 73

— News Agencies: 6

Number of Media Organizations for Which an Identification Study Was Carried Out: 126

As of 31 December 2024, net income of approximately TRY 44.12 million has been generated from the assets taken over as trustee after OHAL. Of this income, TRY 42.85 million has been transferred to the Treasury and Ministry of Finance, and, following the conclusion of the ongoing processes, all of the income will be transferred to the Treasury and Ministry of Finance.

Different figures appear in different sources concerning the number of organizations closed during the OHAL period. It is understood that these discrepancies primarily stem from the date on which the figures were compiled, the sources used, and differences in how the scope of the concept of "institution and organization" has been defined. In this context, with respect to media organizations, some sources report a total of 180 organizations — 31 television channels, 5 news agencies, 62 newspapers, 19 magazines, 34 radio stations, and 29 publishing houses.[163] Other sources state that 174 media and publishing organizations were closed,[164] comprising 70 newspapers, 20 magazines, 33 television channels, 34 radio stations, and 30 publishing/distribution companies. Likewise, the Journalists' Association's July 2018 Report on Freedom of Expression and the Press indicates that closure decisions were taken with respect to 70

[162]https://www.tmsf.org.tr/tr/Tmsf/Kayyim/kayyim.medya, accessed: 06/04/2026.

[163]CHP OHAL Bilançosu Hak İhlalleri Raporu, Zeynep ALTIOK, Deputy Chair for Human and Nature Rights, İzmir MP.

[164]Medyaport, Medya Raporu-12 (Mart-2019), Medya Ağları Ve Demokrasi [Media Report No. 12 (March 2019), Media Networks and Democracy].

newspapers, 20 magazines, and 34 radio stations, in addition to 30 publishing/distribution companies and 33 television channels being taken off air. The figures here show that a total of 187 media organizations were closed.[165]

This discrepancy can be explained by methodological factors, such as closure transactions being recorded on different dates over time, the same legal entity having more than one broadcasting organ or field of activity, and some sources counting "organization" and "broadcasting organ" differently.

As can be seen, the closure of these press and publishing organizations — most of which were connected with the Gülen Movement — and the seizure, without a court decision and without even the need for a trial, by mere decree-law provision, of assets worth billions of lira, eliminated both the right to property and press freedom as a whole. In this way, the media that could have publicized Türkiye's policies of hatred and discriminatory regime practices to domestic and international public opinion was rendered ineffective, and Türkiye entered a period of near-total media blackout. Thanks to the "pool media" created by the Erdoğan regime, these policies and practices began to be portrayed as legitimate. With the closure of independent media, regime media became the sole dominant force and effectively began to function as the propaganda apparatus of the Erdoğan regime.

4. Analysis of the Media Groups Liquidated during the OHAL Process

Excluding the 26 organizations whose closure decisions were subsequently lifted, 151 newspapers and magazines, publishing houses and distribution channels, and private radio and television organizations closed under Decree Laws No. 668, 670, and 674, issued during the OHAL process, were transferred by the Ministry of Finance to TMSF for the purpose of sale. TMSF carries out the identification of these organizations' assets, has them valued using SPK-approved valuation firms, and subsequently carries out the work relating to the sale of these organizations. However, as explained in the relevant sections, it is established, from statements made by TMSF itself, that these sales and transfers were carried out well below their real value.

According to a statement made by TMSF, as of 31 December 2024, net income of approximately TRY 44.12 million has been generated from the assets taken over by TMSF, and this has been transferred to the Treasury and Ministry of Finance.

When this statement by TMSF is assessed together with the size of the media groups discussed below, it is understood that the assets and equipment of the closed media groups were sold and allocated, in particular, to pro-government media organizations at especially low prices.

[165]Journalists' Association Report on Freedom of Expression and the Press, July 2018, p. 40.

On the other hand, the practices applied to media organizations closed during the post-2016 State of Emergency process were not confined to the termination of activities alone; they also turned into a comprehensive process that included the redistribution of these organizations' assets. In this context, it is seen that the frequencies, licences, and technical infrastructure possessed by media organs closed on the allegation of connection with the Gülen Movement were taken under the disposal of public authorities.

According to the findings obtained, all the rights of a large number of radio and television organizations closed under OHAL were put up for sale without any tender process being operated and without any open, competitive environment being ensured. In this process, the Savings Deposit Insurance Fund (TMSF) was authorized with respect to the transfer of the relevant media assets and carried out the sale transactions.

In the first stage, it was determined that the licence and broadcasting rights of the television and radio channels of some previously closed media organizations were transferred to companies within the Turkuvaz Media Group, known for its closeness to the government. Within this scope, it is stated that various television channels and radio stations changed hands together with all their technical infrastructure.

In addition, the process was not confined to the transfer of ownership alone; findings have been reported to the effect that the frequencies of closed media organizations were temporarily transferred to the public broadcaster, TRT, and that these frequencies subsequently began to be used in practice by different broadcasting organs. It has been stated that, in some cases, this use took place without regulatory authorization, and that, notwithstanding this, no effective oversight mechanism was operated.[166]

Another striking dimension of the process is that the closed media companies were first liquidated, then revived and made ready for sale, and that these transactions were completed within a short period. This situation shows that the transfer of ownership was a process carried out in an accelerated manner and with limited transparency.

Assessed together, these findings show that the OHAL period did not merely see the implementation of closure policies in the field of media; a structural transformation of the sector was also carried out through the redistribution of media assets. The failure to operate tender processes, the failure to secure competitive conditions, and the limited nature of oversight mechanisms point to the fact that the media-ownership structure was seriously damaged from the standpoint of the principles of transparency and pluralism.

[166]https://www.birgun.net/haber/cemaat-medyasi-yandas-turkuvaz-medya-grubu-na-satildi-158034, accessed: 06/04/2026.

a. İpek Media Group

The interference directed at the İpek Media Group began in 2015, within the scope of a "financing of terrorism" and "criminal organization" investigation, and turned into a grave interference with media freedom and the right to property with the appointment of a trustee by the 5th Magistrates' Court of Ankara on 26 October 2015, and the police intervention at the television buildings during a live broadcast. The process turned into a permanent loss of property with the complete closure of the group's media organizations and the transfer, without compensation and without charge, of all its movable and immovable assets, rights, and receivables to the Treasury under Decree Law No. 668. The liquidation of the assets was left to TMSF; the White Mansion (*Beyaz Köşk*) belonging to Akın İpek in Bebek, Istanbul, was sold in 2025 for TRY 1.116 billion, and media assets such as Kanaltürk and Bugün TV were reported to have been transferred to the pro-government Turkuvaz Media Group. Compensation of approximately USD 6 billion was claimed by the former owners before ICSID, but the arbitral tribunal rejected the claims in 2022 on the grounds that they did not fall within the scope of the investment agreement and were abusive in nature. Notwithstanding this, the case stands out as one of the most striking examples of the changing of hands of media ownership through trusteeship, closure by decree law, and uncompensated transfer of assets, without any conviction or final confiscation order.[167]

b. Samanyolu Media Group

The Samanyolu Media Group, founded in 1993, possessed a broad media network consisting of 7 television channels — Samanyolu TV, Samanyolu Haber, Mehtap TV, Yumurcak TV, Dünya TV, Hira TV, and MC TV — and 3 radio channels, including Burç FM, Radyo Mehtap, and Samanyolu Haber Radyosu. Following investigations and arrests directed at the group's managers, the channels' economic and editorial activities were systematically narrowed through their removal from Digiturk, Turkcell TV+, Kablo TV, and Teledünya, and, on 15 November 2015, their complete removal from Türksat; following the appointment of trustees to 14 companies on 12 April 2016, all its media organizations were closed under Decree Law No. 668 and their assets transferred without charge to the Treasury. In the TMSF liquidation process, the group's broadcasting rights, technical equipment, and other assets were put up for sale; the sale of the machinery and equipment in the Samanyolu building at an appraised value of TRY 1,547,606, and of the fixtures at TRY 353,099, gave rise to criticism that facilities whose reconstruction cost was stated to be in the millions of euros were

[167]https://www.birgun.net/haber/cemaat-medyasi-yandas-turkuvaz-medya-grubu-na-satildi-158034, accessed: 06/04/2026.

liquidated below their real market value. The main building was subsequently allocated to the Health Sciences University. Thus, the process in which trustee appointment, exclusion from broadcasting platforms, closure by decree law, and uncompensated transfer of assets followed one another constitutes an example in which both press freedom and the right to property were eliminated through a punitive administrative mechanism.[168]

c. Feza Publishing Group

Feza Gazetecilik was one of Türkiye's largest media structures, comprising numerous publishing organs — above all Zaman and Today's Zaman newspapers — and strategic media companies such as Cihan Media Distribution. In particular, Zaman newspaper reached a daily circulation of more than 1 million in 2011–2012; even immediately before the 2016 trusteeship intervention it had a daily circulation of approximately 650,000, and the fall of circulation to approximately 3,000 after the trusteeship demonstrates the economic and editorial effect of the intervention. The appointment of a trustee on 4 March 2016, and, on 27 July 2016, the closure under Decree Law No. 668 of Zaman, Today's Zaman, Meydan, Cihan News Agency, and other publishing organs, together with the uncompensated transfer of all assets to the Treasury, brought the process to its conclusion. A trustee was also appointed to Cihan Media Distribution; although the reconstruction cost of the printing house, packaging systems, and technical equipment in Ankara was stated to be approximately €15 million, its being put up for sale by TMSF at an appraised value of approximately TRY 2.5 million reinforced criticism that the liquidation transactions were seriously disconnected from market value. The transfer of Zaman's building in Yenibosna and part of its technical infrastructure to TRT, and the subsequent conversion of the building into a courthouse service building, also constitute examples of the change in the public and institutional use of the assets. For this reason, the Feza case can be assessed as an example in which judicial trusteeship, closure by decree law, uncompensated transfer to the Treasury, and low-value liquidation mechanisms combined to eliminate both media ownership and the capacity for pluralistic journalism.[169]

5. Other Opposition and Alternative Media Organizations Closed during the OHAL Period

The liquidation of the media during the OHAL period was not confined to organizations close to the Gülen Movement; it turned into a broad closure mechanism

[168]https://www.turkishminute.com/2021/07/13/billionsofdollar-changed-hands-after-the-2016-coup/, accessed: 06/04/2026.

[169]Wikipedia, 'Zaman (gazete)', accessed: 06/04/2026.

also encompassing Kurdish, left/socialist, Alevi, and other opposition publishing organs. Under Decree Laws No. 668, 675, and 689, or using the administrative powers afforded by these regulations, Özgür Gündem, DİHA, İMC TV, Azadiya Welat, Hayatın Sesi TV, JİNHA, TV10, Yön Radyo, Zarok TV, and numerous other media organizations were closed; the organizations' movable and immovable property, technical equipment, and rights and receivables were transferred to the Treasury without compensation. The transfer of some organizations' technical equipment to TRT showed that the seizure was not confined merely to the termination of broadcasting activity, but also brought the economic infrastructure under public control. The use of broad and uncertain grounds such as "national security," "combating terrorism," and "terrorist-organization propaganda" in the OHAL regulations gave rise to serious problems from the standpoint of the principles of individualized judicial assessment, effective remedy, and proportionality. As a result, the capacity of different political, ethnic, and social segments to produce news and reach the public was substantially eliminated; a more homogeneous structure, dominated by politically compliant capital rather than pluralism, emerged in the field of media ownership and broadcasting.

6. Ciner Media Group — The Sale to Can Holding, and the Investigation and Trusteeship Process

Following the transfer of the Ciner Media Group to Can Holding on 22 December 2024, important media assets such as Habertürk, Show TV, Bloomberg HT, and HT Spor passed to the new ownership structure; however, in 2025, within the scope of an investigation into Can Holding and 121 companies for "forming a criminal organization, smuggling, fraud, and money laundering," the companies were seized and TMSF was appointed as trustee. The connection made between the investigation and the financing used in the sale of Ciner Media, and suspicious money movements alleged to amount to approximately USD 350 million, formed the legal basis of the operation. An arrest warrant was issued against Turgay Ciner on 28 September 2025; however, the lifting of the arrest warrant in 2026 and the transition from TMSF trusteeship to a "supervision and oversight" model raised question marks concerning the legal nature of the interference. In particular, the lifting of the arrest warrant within a short period and the termination of the trusteeship practice brought onto the agenda the debate over whether the operation rested on a legal process proportionate to, and consistent with, the initial grave accusations. Although this case, unlike the previous examples, has not yet reached a final confiscation outcome, it shows that the political and legal risks concerning media ownership in Türkiye continue, as private media ownership continues to be temporarily or permanently brought under state control through the mechanism of investigation and trusteeship.

7. The Seizure of TELE1 Television

The appointment, on 24 October 2025, of a trustee to ABC Radyo Televizyon ve Dijital Yayıncılık A.Ş., the owner of TELE1, has been one of the most direct recent interferences with an opposition national television channel. Within the scope of an investigation by the Istanbul Chief Public Prosecutor's Office involving allegations of "espionage" and other grave charges, the detention of Editor-in-Chief Merdan Yanardağ, followed by the transfer of company management to TMSF and Yanardağ's arrest on 27 October 2025, formed the basis of the process. Following the management of appointed trustee İbrahim Paşalı, live broadcasts were cut, documentaries were put in place of news programmes, and the channel's YouTube account — with more than 1 million subscribers — was closed and its digital archive of approximately 76,000 videos was deleted, while news entries on the website were blocked; this showed that the interference was directed not only at company management, but also at the channel's editorial identity and institutional memory. The mass resignation of the channel's employees on 31 October 2025, and their subsequent creation of a new digital platform under the name "Tele2 Haber," concretized the effect of the trusteeship practice on broadcasting freedom. For this reason, the TELE1 case must be assessed as a strong example demonstrating that investigation and trusteeship powers can be used not merely to change the management of an opposition media organization, but to transform its editorial line, eliminate its digital archive, and effectively terminate its editorial independence.

8. The Role of RTÜK, under the Control of the Erdoğan Regime, in Media Pressure

a. Assessment of RTÜK Sanctions in the Context of Freedom of Expression and the Press

The Erdoğan regime destroyed opposition media through seizure and trusteeship practices, thereby seizing the assets of these large media structures. Another avenue effectively used by the Erdoğan regime against the media in this process has been the placing of pressure on the media through RTÜK (*Radyo ve Televizyon Üst Kurulu)*. This pressure also has an economic and property dimension, and, most importantly, is pressure aimed at silencing independent media.

RTÜK underwent a profound institutional transformation during the Erdoğan regime period, ceasing to be a nominally independent regulatory authority and becoming one of the central instruments of media control. Although designed as an institution tasked with overseeing broadcasting standards, its sanctioning practices in

application increasingly display political selectivity and contribute to the systematic restriction of media freedom in Türkiye.

Academic studies show that RTÜK's sanctioning practices disproportionately target media organizations that broadcast critically of the government. These sanctions — administrative sanctions such as fines, programme-suspension decisions, and licence revocations — are applied in a manner that reinforces existing power asymmetries in the field of media. This selective application undermines the principle of equality before the law and shows that regulatory authority has been instrumentalized for political purposes.

RTÜK, the regulatory authority in the field of the press, was given temporary and, in certain conditions, permanent broadcast-suspension power, thereby increasing RTÜK's oversight over press organizations. At the same time, a new rule was introduced concerning the coverage of terrorist attacks in the media. Although the justification given for this rule was that such broadcasts should not "produce results serving the interests of terrorism," its real aim was to cut off, under the guise of combating terrorism, the ability of media members and writers to write and comment against the operations directed at the Gülen Movement. Although Cumhuriyet and Sözcü newspapers had no connection with the Gülen Movement, many of their writers were given heavy sentences for the offence of assisting an organization because they reported on the unlawful practices directed at the Gülen Movement.

RTÜK's true effect emerges essentially in its capacity to produce deterrence, beyond direct sanctions. Media organizations facing the risk of heavy financial sanctions increasingly turn to self-censorship. Journalists avoid politically sensitive subjects, which leads to a narrowing of the space for public debate. These dynamics are seen to reflect a structural mechanism limiting media pluralism, rather than isolated violations.

This picture is consistent with the assessments of international observers such as Reporters Without Borders. According to these organizations, the expansion of RTÜK's powers to apply broadcast suspensions and heavy fines, in particular, is incompatible with international standards on freedom of expression.

RTÜK's function is not confined to sanctioning alone. The institution also contributes to the restructuring of the media market by systematically placing independent and opposition media organizations at a disadvantage. While economic pressure weakens critical media organs, media close to the government benefit from a more favorable regulatory environment. In this respect, RTÜK is not merely an institution applying censorship, but also an active actor reshaping media ownership and spheres of influence.

In conclusion, RTÜK's role in Türkiye clearly demonstrates how regulatory institutions are instrumentalized within an increasingly authoritarian structure of

governance. Notwithstanding the existence of legal norms guaranteeing press freedom, the selective application of these norms creates a serious contradiction. For this reason, media freedom in Türkiye largely continues to exist at a formal level, while genuine pluralism and independent journalism are eroded under ever-increasing regulatory pressure.

b. Assessment of RTÜK Sanctions in the Context of the Right to Property

RTÜK has produced a determinative effect not only on freedom of expression and the press, but also on the right to property of media organizations. In this context, RTÜK's sanctioning practice must be assessed from the perspective of the restriction of the right to property guaranteed under European human rights law.

According to ECtHR case law, the right to property covers not only material assets, but also economic interests arising from commercial activities, company assets, and income-generating capacity. Indeed, the Court, in *Tre Traktörer AB v. Sweden*, assessed the revocation of a business licence as an interference with the right to property. This case law is one of the fundamental ECtHR precedents accepting that permits and licences also fall within the scope of the right to property.

Similarly, in *Centro Europa 7 S.r.l. and Di Stefano v. Italy*, the Court accepted the obstruction of access to a broadcasting licence as an interference with the exercise of an economic activity. Although the applicant company obtained a national television broadcasting licence in 1999, it was unable to broadcast for approximately 10 years because no frequency was allocated to it. It was argued that this situation stemmed from legal and administrative regulations protecting existing major broadcasters. The Court found:

- that the state had failed to establish a system ensuring effective media pluralism, and
- that, notwithstanding the grant of the licence, it had not, in practice, afforded the possibility of actually broadcasting.

For this reason, the Court held, within the scope of the application, that both freedom of expression (Article 10 ECHR) and the right to property (Article 1 of Protocol No. 1) had been violated. This decision is a fundamental ECtHR precedent clearly establishing that the practical unusability of a broadcasting licence constitutes a violation of both freedom of expression and the right to property.

Taking ECtHR case law into account, the fines, programme-suspension decisions, and threats of licence revocation applied by RTÜK, although appearing formally as instruments of administrative regulation, in fact constitute interferences that directly affect the economic assets of media organizations. In particular, broadcast-suspension decisions interrupt advertising revenue; high fines weaken working capital;

and the risk of licence revocation constitutes a threat capable of entirely eliminating a media organization's economic existence.

According to the settled case law of the European Court of Human Rights, in order for an interference with the right to property to be regarded as legitimate, it must together satisfy the criteria of lawfulness, legitimate aim, and proportionality. However, empirical data on RTÜK's practices show that sanctions are concentrated, in particular, on media organizations that broadcast critically of the government. This situation demonstrates that the interferences are incompatible with the principles of foreseeability and equality, and that the requirement of proportionality has been violated.

On the other hand, RTÜK's systematic sanctioning practice also affects the collective dimension of the right to property by distorting competitive conditions in the media market. While independent media organizations, kept under constant financial pressure, are economically weakened, media organs close to the government operate in a relatively more advantageous regulatory environment. This situation leads to property being redistributed not only at the individual level, but also at the level of market structure. The rapid growth of "palace/pool/pro-government media" structures — which have effectively become propaganda organs of the recent Erdoğan regime — and the fact that media organs closed or seized under the decree laws were, in effect, sold for next to nothing to groups close to the Erdoğan regime, confirm this situation.

Within the framework of the approach of "de facto expropriation" developed in ECtHR case law, the elimination of the economic value of property, even without its formal transfer, may also be assessed as a violation of the right to property. RTÜK's selective and intensive sanctioning practices bring onto the agenda the risk of this kind of de facto expropriation, by eliminating the sustainability of independent media organizations.

As can be seen, RTÜK's sanctioning mechanism, while not directly eliminating media organizations' right to property, constitutes a structural interference that seriously restricts the exercise of this right and erodes its economic value. This situation shows that, notwithstanding the formal protection of the right to property in Türkiye, it has, in practice, become ineffective particularly with respect to critical media.

G. CLOSED FOUNDATIONS, ASSOCIATIONS, AND TRADE UNIONS

1. In General

As explained above, under the OHAL decree laws — above all Decree Law No. 667 — thousands of civil society organizations were closed on the ground of belonging, affiliation, or connection with structures alleged to "constitute a threat to national security." In this context, a total of 1,595 associations and 155 foundations were closed and all their assets transferred, without charge, to the Directorate General of Foundations (*VGM*). According to the TBMM report, the market value of the 1,531 seized immovables of just 123 of these foundations was calculated at approximately USD 826 million.[170] In addition, a total of 1,607 associations were closed under Decree Laws No. 667, 677, 679, 689, 693, and 695. Although 188 of these decisions were later lifted, as of 20 March 2018 a total of 1,419 associations remained permanently closed.[171] As of the date of this report, it has been determined that this figure stands at 1,595. Of these associations, 1,326 had approximately 70,000 members, 81 automobiles, and 178 immovables. In addition, 19 trade unions and confederations were closed under the OHAL decree laws and their activities terminated.

The data concerning the foundations, associations, and trade unions closed during the OHAL process show that these practices systematically eliminated not only the right to property, but also fundamental democratic rights such as freedom of association and trade-union freedoms.

In fact, Article 51 of the Constitution provides that the right to form trade unions shall be regulated by law and may likewise be restricted by law. Article 31 of Law No. 6356 on Trade Unions and Collective Labour Agreements likewise provides that trade unions and confederations may be closed by court decision, upon the request of the Chief Public Prosecutor. Similarly, Article 37 of Law No. 4688 on Public Servants' Trade Unions and Collective Agreements provides that trade unions and confederations may be closed by decision of the local court with jurisdiction over labour cases, upon the request of the Chief Public Prosecutor. It is seen that the OHAL decree laws issued rendered inoperative these special statutory provisions, above all Article 51 of the Constitution.

On the other hand, the closure even of prestigious associations such as YARSAV (the Union of Judges and Prosecutors), the first and largest association of members of the Turkish judiciary, created a heavy climate of pressure and silence upon the

[170] Grand National Assembly of Türkiye (TBMM): Report on the Fethullahist Terror Organization.

[171] International Commission of Jurists: Justice Suspended: Access to Justice and the State of Emergency in Turkey.

opposition. Likewise, among the associations closed under various decree laws were legal organizations carrying out effective work in the field of human rights, such as the Association of Contemporary Jurists, the Association of Libertarian Jurists, and the Human Rights Research Association. The closure, in this manner, of the most important vehicles of freedom of association placed people's will to seek their rights under pressure. In other words, it is seen that Türkiye, in this process, was transformed into a "closed-circuit despotic regime," and that fundamental rights such as freedom of association became effectively unusable.

On the other hand, under Decree Law No. 667 of 23 July — the first decree law issued within the scope of OHAL — a total of 19 trade unions, comprising 10 unions affiliated with Cihan-Sen and 9 unions affiliated with Aksiyon-İş, were closed, and thousands of workers and public officials were stripped of their trade-union representation rights. Trade-union membership was used directly, in many trials, as evidence of "membership of a terrorist organization." In particular, the closure of trade unions in critical sectors such as education and health entirely destroyed the avenues for seeking rights and the collective-bargaining power of personnel working in these fields. In this context, Aktif Eğitim-Sen — associated with the Gülen Movement and one of the largest trade unions in Türkiye — was also closed during this process.

2. The Reaction of International Institutions to the Closure of the Closed Associations, Foundations, and Trade Unions

The closure of foundations, associations, and trade unions through the OHAL decree laws was not merely a seizure of property; it was the systematic destruction, by the hand of the state, of individuals' ability to come together, to work toward a common purpose, and to defend their professional rights. This situation is openly contrary to Türkiye's international human rights obligations and to its own constitutional order. For this reason, this matter has been the subject of criticism in numerous reports.

In the assessment report published by the Council of Europe Commissioner for Human Rights, Dunja Mijatović, following her visit to Türkiye from 1 to 5 July 2019,[172] serious concerns were expressed regarding the compatibility of certain measures applied during the State-of-Emergency period with international human rights standards. The report focuses, in particular, on interferences with the sphere of civil society and the legal consequences of these interferences.

The report prepared by the Venice Commission (*the European Commission for Democracy through Law*), titled "Opinion on Emergency Decree Laws Nos. 667-676

[172]Commissioner for Human Rights of the Council of Europe, Dunja Mijatović, report following visit to Türkiye, 1-5 July 2019.

adopted following the failed coup of 15 July 2016," contains important assessments concerning the closure of civil-society organizations such as associations, foundations, and trade unions.[173]

In this assessment report prepared by the Venice Commission, it is stated that the measures taken within the framework of State-of-Emergency Decree Laws No. 667–676, issued following the 15 July 2016 coup attempt, produced broad and lasting effects, particularly on the sphere of civil society. The Commission emphasizes that these regulations were not confined merely to temporary security measures, and that, in many cases, they gave rise to structural interferences producing permanent consequences.

[173]Venice Commission of the Council of Europe, Opinion on Emergency Decree Laws Nos. 667-676 adopted following the failed coup of 15 July 2016.

CHAPTER V:

SEIZURE OF, AND TRUSTEESHIP PRACTICES DIRECTED AT, PRIVATE COMPANIES

A. THE OHAL PROCESS AND TRUSTEESHIP PRACTICES

The right to property, guaranteed under Article 35 of the Constitution, is not merely an individual right; it is one of the fundamental pillars of the principle of the rule of law, economic stability, and legal predictability. Likewise, freedom of work and contract, regulated under Article 48 of the Constitution — in other words, free enterprise and the free-market order — also brings with it the legitimate expectation that the state will not arbitrarily interfere with entrepreneurs' assets and economic activities. Within this framework, restrictions on the right to property and private enterprise must necessarily be made only within a clear, foreseeable, and reviewable legal framework, in accordance with the criteria set out in Article 13 of the Constitution. It is a constitutional obligation, in particular in the context of measures applied in criminal proceedings, that the cause, condition, and scope of the restriction be regulated without leaving room for uncertainty, and that it remains open to judicial review. It is undoubtedly possible, in the face of an allegation that an offence has been committed, for elements of assets — including companies, accounts, records, and savings — concretely shown by evidence to be directly connected with the offence under investigation or prosecution, to be made the subject of examination and measures. However, the exercise of this power may not be expanded in a manner that eliminates the guarantees afforded to the person by the Constitution. Indeed, under Article 38/9 of the Constitution, general seizure and general confiscation are explicitly prohibited. This prohibition clearly demonstrates that disproportionate, arbitrary, and collective interferences with the right to property cannot be legitimized even on the ground of criminal justice.[174]

Türkiye has faced a process of autocratization that began with the 17/25 December process. This process of autocratization has shown its effects in every field. The right to property has, in effect, been subjected to an open politics of plunder. The Erdoğan regime developed grave and unlawful practices against the Gülen Movement, which it targeted for elimination. In this context, in the first stage, Bank Asya was seized on the ground of its alleged connection with the Gülen Movement. Likewise, numerous

[174]Şen, Ersan / Serdar, Cem: Yeni Kayyım Düzenlemesi [The New Trusteeship Regulation], 17.02.2025.

regulations and practices were resorted to in order to cancel the activities of, and close, tutoring courses connected with the Gülen Movement. However, with the OHAL process, this politics of plunder directed at the right to property was carried out through the "institution of trusteeship." In this process, trustees were appointed to the management of institutions and companies unlawfully seized. The Erdoğan regime also used the trusteeship practice, which it employed in effect as an economic weapon, against its political rivals. Trustees were appointed, on the ground of combating terrorism, to municipalities whose mayoral posts the Erdoğan regime had lost at the ballot box.

1. Trusteeship Practices and the Legal Framework

Trusteeship (kayyımlık) is a legal institution regulated across the fields of civil law, criminal procedure law, enforcement and bankruptcy law, and commercial law. Although the word "kayyum" is also used in doctrine and practice, given the content of the present study and the fact that Article 133 of the CMK uses the term "kayyım," this term will also be used in this study. In its lexical meaning, kayyım is also used to mean "*a person assigned to manage a particular asset or to carry out a particular task*."[175] In Turkish law, it refers to a person appointed by a court or an administrative authority to manage and represent an asset or a company. Under normal conditions, the appointment of a trustee is applied, as a temporary and exceptional measure, by court decision and for a specified period.[176]

Given its nature, purpose, and conditions in particular, the measure of trustee appointment for company management under Article 133 of the CMK is a severe and exceptional protective measure that differs from similar institutions, that may be applied during the investigation and prosecution stages, and that, because it targets the management of all types of companies that may be established under Turkish law, constitutes a direct conflict with the right to property and an interference with freedom of contract.[177]

The appointment of a trustee for company management under Article 133 of the CMK, as an exceptional protective measure, is subject to strict conditions. First, one of the catalogue offences exhaustively listed in the law must be "being committed" within the framework of the company's activity; an offence committed by a company partner independently of the company's activity does not, on its own, justify the appointment of

[175]TDK (Turkish Language Association), Current Turkish Dictionary, https://sozluk.gov.tr/.

[176]Bozgeyik, Hayri / Pamuk, Tamer: 'Türk Hukukunda Kayyımlık' [Trusteeship in Turkish Law].

[177]Karahan, Abdurrahman Burak: Şirket Yönetimi İçin Kayyım Tayini [The Appointment of a Trustee for Company Management] (CMK Art. 133).

a trustee to the company's management. In addition, there must exist strong grounds for suspicion, based on concrete evidence, demonstrating the connection between the offence and the company's activity, and the appointment of a trustee must be necessary for uncovering the material truth. Accordingly, mere or reasonable suspicion is not sufficient; this measure, which constitutes a direct interference with company management, may only be applied where the conditions prescribed by law are satisfied together. The trustee's duty is confined to facilitating the conduct of the investigation by taking over company management; a trustee who investigates past transactions, gathers evidence, or acts, in effect, as an "investigator" exceeds the limits of the power granted. In addition, since Article 133 of the CMK explicitly targets "companies," it is not possible, on the basis of this provision, to appoint a trustee with respect to other legal entities that do not have the character of a company.[178]

2. The Transformation of the Trusteeship Practice into a State Practice during the OHAL Process

Following the coup attempt that occurred in Türkiye on 15 July 2016, various regulations were made through the issued State-of-Emergency Decree Laws (KHK). While thousands of institutions were closed under these decree laws, hundreds of thousands of people were, at the same time, dismissed from their jobs. In this context, under the OHAL decree laws, some of the institutions and organizations having belonging, affiliation, or connection with the Gülen Movement — which they defined as the Fethullahist Terror Organization (FETÖ/PDY) — (for example, private schools, private health institutions, dormitories, foundations, private radio and television organizations, etc.) were closed; the companies to which these closed institutions and organizations were affiliated were struck off the commercial registry, and the assets taken over were transferred to the Treasury. In addition, pursuant to Article 133 of the Code of Criminal Procedure (CMK), trustees were appointed by judges or courts to some companies.

Trusteeship under Article 133 of the CMK is, by its nature, essentially an exceptional method of seizure. However, following the 15 July 2016 coup attempt, trustee appointments carried out through the KHK issued during the State of Emergency (OHAL) period in Türkiye turned into a "state practice." Under the decree laws issued after OHAL, the scope of trustee appointments was significantly expanded, and it was widely applied, in particular, to companies alleged to be connected with FETÖ/PDY. In this process, trustee appointments were, for the most part, carried out by decision of the Magistrates' Courts, in most cases without effective judicial review and for an indefinite

[178]Şen, Ersan / Serdar, Cem: Yeni Kayyım Düzenlemesi, 17.02.2025.

period. In other words, the Erdoğan regime instrumentalized criminal and counter-terrorism legislation in its pressure on the Gülen Movement. It abused Article 133 of the CMK to restrict access to personal property. Under this provision, trustees were appointed to companies belonging to persons believed to be sympathizers or members of the Gülen Movement, and, even where the statutory conditions were not satisfied, control of the private assets of Gülen Movement members was transferred to trustees supportive of the Erdoğan regime.[179]

Under Articles 19 and 20 of Decree Law No. 674,[180] published in the repeated issue of the Official Gazette of 1 September 2016, No. 2918 (later enacted into law by Law No. 6758 of 10 November 2016), it was decided that the duties and powers of trusteeship in companies for which a trustee had been, or was to be, appointed pursuant to Article 133 of the Code of Criminal Procedure, on account of belonging, affiliation, or connection with the FETÖ/PDY terrorist organization, would be transferred to TMSF, and the same decree law also regulated provisions concerning the sale and liquidation of these companies and assets.[181]

As explained above, while Article 133 of Code of Criminal Procedure No. 5271, titled "Appointment of a Trustee for Company Management," regulates the conditions under which a trustee may be appointed in criminal investigations and prosecutions, the matter of TMSF serving as trustee in companies is regulated in Articles 19 and 20 of Decree Law No. 674 on Certain Regulations within the Scope of the State of Emergency, and in Articles 19 and 20 of Law No. 6758 on the Adoption, with Amendments, of the Decree Law on Certain Regulations within the Scope of the State of Emergency.

These regulations also granted TMSF, where certain conditions were satisfied, the authority to decide on and implement the sale and liquidation of companies it managed as trustee. Subsequently, through various decree laws, additional regulations were made concerning companies and assets for which trusteeship duties had been transferred to TMSF, or for which TMSF had been appointed trustee; in addition, regulations were introduced allowing the competent judge or court to appoint TMSF as "Share Trustee" (*Partial Trusteeship*) for the purpose of managing and representing the shares of real and legal persons having belonging, affiliation, or connection with the FETÖ/PDY terrorist organization in companies where their ownership share was less than fifty percent, and also allowing TMSF to be assigned as trustee over the personal assets of natural persons.

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[179]InstituDE, Persecutory Confiscation Amounting to Crimes Against Humanity: Case of the Gülen Group.

[180]Official Gazette, 1 September 2016, No. 2918 (bis).

[181]Official Gazette, 24 November 2016.

Companies for which TMSF has been appointed trustee must be managed, until the conclusion of the investigation and prosecution stages, under TMSF's supervision, by managers assigned by the minister to whom TMSF is affiliated, in accordance with commercial custom, as a prudent merchant would.[182]

In addition, with respect to movable property and all assets, receivables, and rights belonging to closed newspapers and magazines, publishing houses and distribution channels, and private radio and television organizations, under the provision in Decree Law No. 674 stating that "… this shall also apply where the assets taken over are transferred by the Ministry of Finance to the Savings Deposit Insurance Fund for the purpose of sale and liquidation …" and within the scope of the approval of the Ministry of Finance's General Directorate of National Property dated 22 September 2016, No. 25734, the assets of the media and press organizations in question were also transferred to TMSF for the purpose of sale and liquidation, and it was envisaged that the amounts obtained from the sale of the transferred assets would be transferred to the Ministry of Finance.

Although, under Article 133 of the CMK, the fundamental conditions for the appointment of a trustee are that "the offence is being committed within the framework of a company's activity" and that "there exist concrete evidence showing strong grounds for suspicion," it is seen that these conditions were not satisfied in the trustee decisions rendered as a result of investigations and prosecutions directed at the Gülen Movement. Examination of these trials shows that trusteeship decisions were rendered notwithstanding the absence of any fact or finding of an offence having been committed other than that the company partners were persons close to the Gülen Movement.

On the other hand, although there is no provision in Article 133 of the CMK stating that legal entities may be appointed as trustees, and although, when the views in doctrine concerning the qualifications of a trustee are taken into account, those appointed as trustee should be natural persons, under the provision introduced by the OHAL decree law, TMSF — a legal entity — was designated as trustee.

As explained above, the matter of TMSF serving as trustee in companies is regulated in Articles 19 and 20 of Law No. 6758. In this context:

- The transfer of managerial trusteeship, under Article 19 of Law No. 6758, to TMSF, an entity subordinate to the political will;
- The fact that this regulation was issued to apply only to FETÖ/PDY investigations and prosecutions directed at the Gülen Movement;
- The absence of any mechanism established to supervise the transactions of TMSF, appointed as managerial trustee;

[182]Karahan, Abdurrahman Burak: Şirket Yönetimi İçin Kayyım Tayini (CMK M. 133).

• TMSF's failure to inform courts and the parties concerning its transactions;

• The fact that the approval mechanism for Fund Board decisions concerning the sale of companies under trusteeship is tied not to the courts that rendered the trustee-appointment decision, but to the decision of the manager to whom TMSF, a body of a political character, is affiliated;

• The fact that the authority granted to TMSF makes it possible to sell and liquidate the assets of companies belonging to persons whose confiscation order has not yet become final;

• The fact that the sale and liquidation are applied to the company as a whole, in the manner of enforcement of a general confiscation order;

• The fact that, in the course of these transactions, no fair balance capable of protecting the right to property has been established,[183]

will give rise to problems from the standpoint of constitutionality.

B. THE ENTRENCHMENT OF OHAL MEASURES AND THE SEIZURE OF PROPERTY MADE PERMANENT THROUGH TMSF TRUSTEESHIP

As explained above, while Article 133 of CMK No. 5271 regulates the conditions for the appointment of a trustee in criminal investigations and prosecutions, Articles 19 and 20 of Decree Law No. 674 and Articles 19 and 20 of Law No. 6758 launched a new era with respect to TMSF's assignment as trustee in companies; TMSF was granted the authority, where certain conditions were satisfied, to decide on and implement the sale and liquidation of companies it managed as trustee.[184]

Through these regulations, during the state-of-emergency process, seizure measures could be applied — irrespective of whether they were connected with the alleged offence — to the asset values in the ownership of persons under investigation or prosecution on suspicion of membership of a terrorist organization, and trustees were appointed to company management. TMSF, appointed as trustee, was equipped with the power to "decide on the sale of the company or its assets, and on its dissolution and liquidation." Through these powers, the way was opened for the asset values in question to be sold by an administrative decision, even before any connection with a concrete offence had been established and before a confiscation order had been rendered.[185] It is beyond dispute that these practices will give rise to significant legal problems in cases

[183]Demir, İzzettin: Ceza Muhakemesi Hukuku Kapsamında TMSF'nin [Role of TMSF within the Scope of Criminal Procedure Law].

[184]Demir, İzzettin: Ceza Muhakemesi Hukuku Kapsamında TMSF'nin.

[185]Özgenç, İzzet: Suç Örgütleri [Criminal Organizations], 14th ed., Ankara, March 2022.

where the persons prosecuted are acquitted and no connection can be established between the asset values in question and a concrete offence.[186]

During the State-of-Emergency period, the regulation — introduced through Decree Law No. 674 and Article 19 of Law No. 6758, which enacted this decree law into law — allowing for TMSF's appointment as trustee, was explicitly accepted as a temporary and exceptional measure confined to extraordinary conditions. Indeed, the application of these provisions had, in law, come to an end with the ending of OHAL. However, the fact that Türkiye passed to the ordinary legal order as of 19 July 2018 was itself announced by the executive.

Notwithstanding this, the Erdoğan regime immediately made various regulations in order to continue the OHAL regime. In the first stage, under Provisional Article 1 of Law No. 7145 of 25/07/2018 on Amendments to Certain Laws and Decree Laws, the practice of TMSF's appointment as trustee, which had begun during the OHAL process, was extended for a period of 3 years.

Through the provisional article added to Law No. 7145, the practice of TMSF's appointment as trustee was made part of the ordinary criminal-justice process; thus, a seizure regime that was controversial even under OHAL conditions was transformed, within the ordinary legal order, into a permanent instrument of interference with property. Notwithstanding this, it is seen that, through Law No. 7539, adopted on 31 January 2025 and published in the Official Gazette on 4 February 2025, this exceptional mechanism, specific to the OHAL period, was reintroduced — this time on a permanent basis.

Under Article 7 of Law No. 7539, the following provisional article was added to Law No. 7145 of 25/7/2018 on Amendments to Certain Laws and Decree Laws.[187] This new regulation makes it possible — relying solely on the concept of "strong suspicion," without any final conviction whatsoever — for companies and asset values to be transferred to TMSF's management, sold, liquidated, and ultimately recorded as revenue to the Treasury. The carrying-over into the ordinary period, renewable in five-year terms, of powers presumed to be temporary even during OHAL, means the de facto suspension of the right to property protected under Article 35 of the Constitution and Article 1 of Protocol No. 1 to the ECHR.[188]

Within this framework, the problem is not confined merely to the content of the text of the norm. The true grave violation is the carrying of the logic and reflexes of

[186] Özgenç, İzzet: 15 Temmuz 2016 Tarihli 'Darbe Teşebbüsü' Suçunun [The Offence of the 'Coup Attempt' of 15 July 2016].

[187] Official Gazette, https://www.resmigazete.gov.tr/eskiler/2025/02/20250204-1.htm.

[188] Şen, Ersan / Serdar, Cem: Yeni Kayyım Düzenlemesi, 17.02.2025.

OHAL into the ordinary legal order. The Erdoğan regime has transformed extraordinary measures that ought to have been temporary, through new statutory provisions, into a permanent regime of seizure and economic liquidation. In this way, it has institutionalized a systematic and continuous practice of property seizure. This is as much a denial of the principle of the rule of law as it is a clear indicator that instruments of criminal procedure are being used for the purpose of political and economic liquidation.

1. TMSF: The Principal Actor of the Erdoğan Regime's Politics of Plunder and Encroachment on Property

The OHAL declared and the decree laws issued following the 15 July 2016 coup attempt, contrary to universal legal principles and constitutional provisions, constitute a historical breaking point in Türkiye from the standpoint of the right to property and the principles of the rule of law. In this process TMSF has assumed a central role in the seizure of the assets of institutions, organizations, and companies alleged to belong to the Gülen Movement in particular. TMSF has been turned into the principal actor of the Erdoğan regime's seizure and confiscation policy, and trusteeship practices have been turned into the main instrument of this process.

The function of TMSF — the principal actor of the trusteeship practice used by the Erdoğan regime as a weapon against the opposition — in this process was not confined merely to the management of seized assets; it also turned into a state-conducted politics of plunder, through the systematic devaluation of these assets and their subsequent transfer to businesspeople close to the regime. The example of Bank Asya is one of the most striking indicators of this process. Following the seizure of Bank Asya, the bank's assets and customer trust were rapidly eroded, and its financial value was made to fall substantially. Likewise, seized companies, media organizations, educational institutions, and other assets were rendered dysfunctional under trustee management, kept far below their market value, and thereby made ripe for "collapse."

In this process, TMSF disregarded fundamental principles such as the protection of assets and transparent management, and prepared the ground for the assets to lose value and for the public interest to go unobserved. Thereafter, the tender and transfer processes for these assets were, in most cases, carried out hidden from the public, far from transparency, and lacking competition; businesspeople and groups known for their closeness to the Erdoğan regime became the new owners of these assets. Thus, the assets seized by the Erdoğan regime were turned into an instrument for creating a new capital group on the basis of political loyalty.

TMSF's role in this process is not merely a technical trusteeship duty; it is the most important actor of a politics of plunder and seizure conducted by the hand of the

Erdoğan regime. The rule of law, the right to property, and the principles of fair trial have been systematically violated; the seized assets have been redistributed in line with the interests of the political power, in a manner giving rise to great social and economic destruction.

In conclusion, TMSF and the trusteeship practices have gone down in history as the most concrete example of how the right to property and the economic order can be turned upside down through political interference in Türkiye. This process signifies not merely a liquidation directed at the Gülen Movement, but also the redistribution of the state's economic resources on the basis of political loyalty. TMSF, as the institutional carrier and implementer of this politics of plunder, has become a symbol of a deep crisis of legitimacy in Türkiye from the standpoint of the rule of law and the right to property.

2. TMSF and Trusteeship Practices in Quantitative Data

General information concerning the trusteeship activities carried out by TMSF — which effectively acts as the Erdoğan regime's "trusteeship company" — is set out below.[189] According to TMSF's official statements, a total of 470 persons, of whom 336 are Fund personnel, have been appointed to the management organs of the companies and personal assets for which TMSF has been appointed trustee. The statement indicates that the appointed persons were selected from among expert, competent, and reliable persons with public and/or private-sector experience, who are also experienced in financial and legal matters. However, this does not reflect reality. Indeed, the fact that almost all these companies have been put up for sale well below their real value, with their financial integrity destroyed, their financial structure wiped out, their market image turned negative, and many of them in a state of bankruptcy, demonstrates that this statement does not reflect the truth.

It is both TMSF's primary purpose and duty, as well as its legal obligation, to manage the activities of companies for which it has been appointed trustee in accordance with commercial custom, as a prudent merchant would, and to ensure that these companies' contribution to the national economy continues. In addition, ensuring that employees at these companies are not victimized and that employment is not adversely affected is among TMSF's priority duties.

However, it is seen that TMSF has acted in a manner directly contrary to these obligations. The most important proof of this is that not a single company for which it has been appointed trustee has been sold at its true value. TMSF, as part of the politics of plunder in particular, after undermining the financial condition, ownership structure, and market appearance and value of the companies for which it has been appointed

[189]https://www.tmsf.org.tr/tr/Tmsf/Kayyim/kayyim.veri, accessed: 06/04/2026.

trustee, decides to sell the company or its assets, or to dissolve and liquidate it, or to sell the asset values referred to in the tenth paragraph of Article 128 of Law No. 5271, on the ground that "the current situation has been determined not to be sustainable."

Thus, as part of a wholly collapse- and plunder-oriented policy, companies TMSF assesses as not being "sustainable" are put into a liquidation process and sold to companies favourable to the Erdoğan regime, described as "pro-government."

TMSF Trusteeship Data (as of 3 December 2025):

• Companies under Full Trusteeship (companies in which a trustee holds 50% or more of ownership shares): 1,034

• Companies under Supervisory Trusteeship: 87

• Partial Trusteeship (Share Trusteeship) (companies in which a trustee holds less than 50% of ownership shares): 66

• Personal Asset Trusteeship (Natural Persons): 127

The list of companies seized and for which TMSF has been appointed trustee can be found on TMSF's website. According to TMSF's most recent update of 19.12.2025, the number of companies under trusteeship is 1,105.[190]

According to another source, as of July 2024, the "trusteeship" duty for 1,371 companies had been transferred to TMSF within the scope of investigations carried out against the Gülen Movement following the dubious 15 July coup attempt.[191]

3. The Unlawfulness of the Liquidations Carried Out through TMSF, and Suspicions of Corruption

TMSF, one of the most important instruments of the Erdoğan regime's politics of plunder, works not to protect the companies whose assets it has seized, but to liquidate these assets below their market value. The powers of trustees appointed pursuant to Article 133 of the Code of Criminal Procedure under Decree Law No. 674 were transferred to TMSF, and this situation turned the seizure of property into a central state practice. TMSF's role in this process is not merely a technical management function; it is the institutional implementation of a "politics of plunder" in which property is redistributed on the basis of political loyalty. Under Law No. 7539, issued at the beginning of 2025, this "temporary" mechanism, specific to the OHAL period, was made permanent, and the liquidation of companies by the hand of TMSF without a conviction was made part of the ordinary legal order.

[190]https://www.tmsf.org.tr/tr/Sirket/Kayyim?page=23, accessed: 06/04/2026.

[191]https://www.ekonomim.com/kose-yazisi/kayyimdaki-1371-sirketin-643u-iade-edildi-tmsfnin-yonettikleri-146-milyar-lirayi-asti/754513, accessed: 06/04/2026.

In essence, TMSF has been taken out of "deposit insurance" — its founding purpose and function — and transformed into an "instrument of property transfer." In fulfilling this function, it has put its name to many controversial and dubious decisions and practices. In this context, examples of the unlawful practices raised can be summarized as follows:

a. Sales Carried Out before a Conviction Becomes Final

As explained above, under Article 7 of Law No. 7539, a provisional article was added to Law No. 7145 of 25/7/2018 on Amendments to Certain Laws and Decree Laws.[192] Under the regulation set out in the second paragraph of this provisional article, sales or liquidations of company or asset values, or sales of "commercial and economic integrities," are carried out within the framework of the powers granted to the Savings Deposit Insurance Fund under Law No. 5411. From the proceeds of the sale, after the debts of the company or asset values have been paid, the remaining amount may be used in the business of the company or asset values. If a decision is made for liquidation, the transactions are carried out by liquidation commissions. If a balance remains at the end of the liquidation, it is recorded as revenue to the Treasury.

Under this regulation, relying solely on the concept of "strong suspicion," without any final conviction whatsoever, it becomes possible for companies and asset values to be transferred to TMSF's management, sold, liquidated, and ultimately recorded as revenue to the Treasury. The carrying-over into the ordinary period, renewable in five-year terms, of powers presumed to be temporary even during OHAL, means the de facto suspension of the right to property protected under Article 35 of the Constitution and Article 1 of Protocol No. 1 to the ECHR.[193]

In particular, the sales carried out by TMSF within the framework of sales of commercial and economic integrities create serious legal problems.[194] In this context, Maydanoz Döner, for which TMSF had recently been appointed trustee, was put up for sale within this scope. While the partners of Maydanoz Döner remain in detention and their trial continues, the company, unjustly seized, was put up for tender by TMSF as a sale of commercial and economic integrity.[195]

Within this framework, the problem is not confined merely to the content of the text of the norm. The true grave violation is the carrying of the logic and reflexes of

[192]Official Gazette, https://www.resmigazete.gov.tr/eskiler/2025/02/20250204-1.htm.

[193]Şen, Ersan / Serdar, Cem: Yeni Kayyım Düzenlemesi, 17.02.2025.

[194]https://www.cumhuriyet.com.tr/ekonomi/tmsf-satislara-devam-ediyor-dort-ticari-ve-iktisadi-butunluk-daha-2490360, accessed: 06/04/2026.

[195]https://www.alomaliye.com/2026/03/31/tmsfden-maydonoz-doner-grubu-ticari-ve-iktisadi-butunlugu-satis-ilani/, accessed: 06/04/2026.

OHAL into the ordinary legal order. The Erdoğan regime has transformed extraordinary measures that ought to have been temporary, through new statutory provisions, into a permanent regime of seizure and economic liquidation. In this way, it has institutionalized a systematic and continuous practice of property seizure. Persons' assets are put up for sale by TMSF — which has become an apparatus of the Erdoğan regime — without a final conviction. This is as much a denial of the principle of the rule of law as it is a clear indicator that instruments of criminal procedure are being used for the purpose of political and economic liquidation. Indeed, under this provisional article added by Article 7 of Law No. 7539 to Law No. 7145 of 25/7/2018, seized properties are put up for sale even before the conclusion of the criminal proceedings.

b. Low-Value Sales

TMSF is accused of undermining the financial structure and market image of the companies it has seized, thereby rendering these companies "unsustainable." This situation is described as a "politics of plunder" that lays the ground for assets to be sold at low prices to pro-government capital groups on the ground that the current situation is "not sustainable." Similarly, it has been reported that 780 luxury automobiles belonging to companies under trustee control were sold at least 30% below market value. In particular, the sale of these assets hastily and at low prices, without awaiting the outcome of the trials of the persons concerned, is also a subject of criticism in doctrine.[196]

c. Sales to Pro-Government Groups and the Transfer of Resources to These Groups

Many of the companies seized by the Erdoğan regime and subsequently placed under TMSF trusteeship have been deliberately put up for sale after their financial structure and market image were undermined, and the sales have, for the most part, been made to pro-government businesspeople close to the Erdoğan regime. In this context:

- All the equipment and broadcasting rights of closed media organizations such as Samanyolu TV and Kanaltürk were transferred to the Turkuvaz Media Group, known for its closeness to the government.[197]
- MILSOFT, a defence-industry company, was sold by TMSF to SSTEK, a publicly owned company.[198]

[196]https://x.com/izzetoezgenc/status/2046796202214101133.

[197]https://www.sabah.com.tr/ekonomi/2019/09/17/tmsf-milsoftu-ssteke-satti, accessed: 06/04/2026.

[198]https://www.trthaber.com/haber/ekonomi/milsoft-savunma-sanayi-bakanligi-istirakine-satildi-431417.html, accessed: 06/04/2026.

• The "White Mansion" (*Beyaz Köşk*), a highly valuable property belonging to Akın İpek with a view of the Bosphorus, could not be sold in the first three tenders in which it was put up, and was sold in the fourth tender to a businessman named Ali Bekmezci for TRY 1.116 billion.[199]

• Companies within holding groups such as Naksan Plastik were deliberately driven into losses under trustee management before being sold by tender. For example, Naksan Plastik was transferred to a packaging company that bid TRY 1.476 billion.[200]

• TMSF put Alfemo Mobilya up for sale at an appraised value of TRY 552 million; the company first passed to the Diler Group and subsequently to the Zeren Group.[201]

As can be seen, the financial structure of companies under trusteeship is first undermined, their financial integrity is destroyed, and their market image is turned negative. Thereafter, it is stated that these companies are "handed over" to persons described as "pro-government" at prices well below their real value, on the ground that their "current situation is not sustainable."

Under the new system, it would not even be a difficult matter for a trustee to be appointed to any company thought to be structured or active contrary to the government's thinking and structure. In addition, it is frequently stated that the impartiality of an institution whose chairman, members, and deputy chairman are appointed by the President is in question, and that the property, education, and free-election rights guaranteed under Protocol No. 1 to the European Convention on Human Rights are not protected under the new regulation.[202]

d. The Deliberate Creation of Loss of Value in Companies

TMSF, by deliberate choice, neglects its obligation to "manage as a prudent merchant," undermines the financial structure of the companies it has seized, and, rendering them "unsustainable," sells them at prices well below their value to pro-government capital groups. The most severe example of this is Bank Asya. Bank Asya, one of Türkiye's most successful private financial institutions, saw its customer trust shaken and its assets rapidly lose value after passing under TMSF control, and was, through a deliberate policy, driven into bankruptcy through the collapse of its financial

[199]https://www.memurlar.net/haber/1147678/bogazin-en-pahali-kosklerinden-beyaz-kosk-dorduncu-ihalede-satildi.html, accessed: 06/04/2026.

[200]https://haber.sol.org.tr/haber/tmsf-naksan-plastiki-bedavaya-satti-334808, accessed: 06/04/2026.

[201]https://www.indyturk.com/node/569606/ekonomi%CC%87/tmsf-alfemo-mobilyay%C4%B1-sat%C4%B1%C5%9Fa-%C3%A7%C4%B1kard%C4%B1, accessed: 06/04/2026.

[202]Yörükoğlu, Hüseyin: TMSF'nin Şirketlere Kayyım Olarak Atanması [TMSF's Appointment as Trustee to Companies].

structure. The fact that the bank lost TRY 378 million while under Fund management is assessed as a violation of the obligation of prudent management.

e. The Exploitation of Company Resources: Trustee Salaries

The burden of the monthly salaries paid to the 289 trustees managing the 998 companies under TMSF is passed directly onto the budget of the seized companies. These practices show that the principle of "management as a prudent merchant" has been violated, and that property has been turned into an instrument of political plunder.[203] The liquidation and sale processes conducted by TMSF are marred by practices far removed from transparency and violating the principles of accountability. TMSF trusteeship is also used as an instrument to hollow out the seized companies from within, by placing a heavy financial burden on them.

f. Suspicions of Corruption

In some sale operations, serious suspicions have been raised regarding the source of the money involved; for example, reports that approximately USD 350 million was "carried to banks in suitcases" in Can Holding's purchase of Ciner Medya have brought with them suspicions of money laundering and irregularity.[204]

C. ASSESSMENT OF TMSF TRUSTEESHIP PRACTICES IN THE CONTEXT OF THE ECtHR

1. The Transformation of TMSF Trusteeship into De Facto Confiscation

In assessing interferences with the right to property, the European Court of Human Rights (ECtHR) is concerned not with the name given to the interference, but with its effect. This approach has been set out clearly and consistently in the Court's settled case law. In particular, in *Sporrong and Lönnroth v. Sweden*,[205] the Court emphasized that the determinative factor in interferences with the right to property is the de facto burden and the consequences it produces on the property.

In the Court's case law, there is a qualitative difference between temporary measures and confiscation. In *Raimondo v. Italy*,[206] the Court emphasized that preventive measures applied during a criminal investigation must be temporary, limited, and

[203]Yıldız, Ali / Spencer, Leighann: The Erosion of Property Rights in Turkey.

[204]https://t24.com.tr/gundem/ciner-medya-nin-can-holding-e-satisinda-kara-para-iddiasi-350-milyon-dolar-bavullarla-tasindi,1264433, accessed: 06/04/2026.

[205]Case of Sporrong and Lönnroth v. Sweden, Application no. 7151/75; 7152/75.

[206]Case of Raimondo v. Italy, Application no. 12954/87.

reversible. On the other hand, the Court, in *Grifhorst v. France*[207] and *Veits v. Estonia*,[208] held that measures applied without conviction and permanently eliminating economic assets constitute "de facto confiscation."

When TMSF's practices in Türkiye are assessed in the context of these principles, it is seen that trusteeship practices:

- are not limited in time,
- do not afford the possibility of periodic and effective judicial review,
- give rise to irreversible consequences through sale and liquidation.

With these characteristics, they are clearly distinguished from the category of "temporary measure" that the ECtHR regards as acceptable. When Türkiye's practice of appointing the Savings Deposit Insurance Fund (*TMSF*) as trustee is assessed within the framework of this line of case law, it is clear that it has exceeded the limits of a temporary measure or a legitimate managerial interference and has acquired the character of de facto confiscation.

When Türkiye's property-seizure practices are examined within the framework of ECtHR case law, it is seen that they constitute a "de facto confiscation" carried out under the mask of an "administrative measure." This can be explained as follows, within the context of fundamental principles:

- The Prohibition of General Confiscation: Article 38 of the Constitution definitively prohibits the seizure of all assets, which amounts to general confiscation. However, the OHAL decree laws bypassed this constitutional prohibition by transferring all assets irrespective of whether they were connected with an offence.
- Irreversibility: According to the ECtHR, the permanent termination of property, through sale or liquidation, by a measure that ought to have been temporary, is the most radical and unlawful violation of the right to property.
- Uncompensated Seizure: International customary law and Protocol No. 1 to the ECHR require reasonable compensation to be paid in the event of deprivation of property; uncompensated seizure eliminates the very essence of the right to property.

2. The Violation of the Principles of Legality and Foreseeability

According to the ECtHR, an interference with the right to property cannot be confined merely to having a legal basis; it must also be accessible, clear, and foreseeable. This principle was set out clearly in *Beyeler v. Italy*[209] and *Hentrich v. France*.[210] The Court

[207]Case of Grifhorst v. France, Application no. 28336/02.

[208]Case of Veits v. Estonia, Application no. 12951/11.

[209]Case of Beyeler v. Italy [GC], Application no. 33202/96.

[210]Case of Hentrich v. France, Application no. 13616/88.

emphasizes that individuals must be able reasonably to foresee under what conditions they may be deprived of their property.

In Türkiye, the legislation concerning TMSF trusteeship presents a broad, uncertain, and unlimited framework, in particular with respect to the powers relating to sale, liquidation, and the elimination of companies' economic existence. This situation is directly consistent with the unforeseeable economic-sanction practice that the ECtHR characterized as a violation in *Šimaitienė v. Lithuania*.[211]

3. The Violation of the Principle of Proportionality and Fair Balance

According to the ECtHR, in every interference with the right to property, there must be a "fair balance" between the public interest and the individual's fundamental rights. This principle was defined, in *James and Others v. the United Kingdom*,[212] as the backbone of the Court's property case law.

Assessed within the framework of these ECtHR findings, TMSF trusteeship is seen to involve:

- the complete elimination of all the powers of disposition of company partners,
- the absence of any requirement of consent from minority shareholders,
- the possibility of the economic liquidation of the company in its entirety.[213]

This situation is directly analogous to the example of excessive and disproportionate interference found to constitute a violation in *Capital Bank AD v. Bulgaria*.

4. The Lack of Effective Judicial Review

The ECtHR regards effective and prompt judicial review as mandatory in interferences with the right to property. This matter was set out in *Forminster Enterprises Limited v. the Czech Republic*.[214] Review must be not merely formal but must produce a genuine result.

In Türkiye, the avenues of objection and litigation with respect to TMSF trusteeship:

- take a long time,
- involve sale and liquidation transactions being completed while the trials continue,

[211]Case of Šimaitienė v. Lithuania, Application no. 55056/10.

[212]Case of James and Others v. The United Kingdom, Application no. 8793/79.

[213]Case of Capital Bank AD v. Bulgaria, Application no. 49429/99.

[214]Case of Forminster Enterprises Limited v. The Czech Republic, Application no. 38238/04.

• result in reversal becoming, in practice, impossible even where a violation is found.

This situation shows that the right to property is not effectively protected according to ECtHR standards.

When the settled ECtHR case law summarized above is assessed together, TMSF trusteeship practices — applied without conviction, over a long period, involving the power of sale and liquidation, and producing irreversible economic consequences — constitute "de facto confiscation" within the meaning of Article 1 of Protocol No. 1 to the ECHR, and clearly violate the Convention. Türkiye's TMSF trusteeship regime is incompatible with the ECtHR's principles of legality, foreseeability, proportionality, and fair balance concerning the right to property. In practice, exceeding the limits of a temporary measure or legitimate trusteeship, it has turned into a permanent mechanism of de facto confiscation that eliminates, without conviction, the very essence of property.

D. LARGE COMPANIES WHOSE ASSETS WERE SEIZED AND TRANSFERRED TO TMSF

1. Basic Information Concerning the Erdoğan Regime's Process of Seizing Companies

Following the failed coup attempt of the so-called 15 July 2016, decree laws were issued during the OHAL declared in Türkiye, and broad measures were taken against persons and institutions alleged to be "affiliated/connected with terrorist organizations." One of these measures was the appointment of trustees to companies and the transfer of companies' assets to TMSF (*the Savings Deposit Insurance Fund*).

According to the official narrative, the aim of these steps was to secure financial controls against financial structures alleged to be connected with the Gülen Movement — which the Erdoğan regime defines as FETÖ/PDY— to eliminate allegations of affiliation with the organization, and to protect the public interest. Under some decree laws, the powers of trustee appointment and intervention in companies were expanded, and some transactions resulted in the transfer of company shares through a "confiscation" order.[215]

For example, with respect to the Koza İpek Holding companies, for which a trustee was appointed by the decision of the 5th Magistrates' Court of Ankara of 26 October 2015, and whose trusteeship powers were transferred to TMSF as of 22 November 2016, the confiscation order rendered by the 24th Heavy Penal Court of

[215]https://www.tmsf.org.tr/tr/Basin/List/koza-ipek-holding-bas%C4%B1n-ac%C4%B1klamas%C4%B1, accessed: 06/04/2026.

Ankara was upheld by the 3rd Criminal Chamber of the Court of Cassation. The trial process took 8 years. With this affirming decision, the shares of all companies within Koza İpek Holding were transferred to the Treasury, subject to the reservation of the rights of good-faith shareholders and third parties.[216]

In addition, TMSF has stated that it has adopted a "prudent-merchant management" approach with respect to some of the companies it has seized, on grounds such as continuing their activities, preserving their balance-sheet values, and sustaining employment.

Confiscation orders concerning some companies have entered into force, pending finalization through court processes. For example, as of 14.07.2024, it has been announced that decisions have been rendered concerning the transfer of ownership to the Treasury with respect to 94 of the companies for which TMSF has been appointed trustee, and that these decisions remain in process.[217]

According to a statement made by TMSF officials on 15 July 2024,[218] within the scope of investigations carried out after 15 July 2016, the management of a total of 1,371 companies was transferred to the Savings Deposit Insurance Fund (*TMSF*) on the allegation of "connection with a terrorist organization." According to TMSF data, trustee management continues, across 32 provinces throughout Türkiye, in a total of 994 companies. In addition, share trustees have been appointed to 82 companies, and trustees have been appointed to the assets of 93 natural persons. This data shows that the trusteeship practice has not been confined merely to company management, but has turned into large-scale asset oversight.

According to TMSF's statement, in accordance with judicial decisions, the trusteeship decision has been lifted with respect to 643 of the companies to which a trustee had been appointed, and these companies have been returned to their former owners. Among the returned companies are various firms from the textile, construction, and industrial sectors. Among the companies returned to their former owners are Karteks Tekstil in Adana, Uğur Soğutma in Nazilli, Hasırcı Tekstil and Işık Ahşap in Gaziantep, Fi Yapı İnşaat in Istanbul, Çobanlar Mermer in Muğla, and Tozlu Tekstil in Samsun.

According to TMSF's statement, with respect to liquidation and sale processes, it has been reported that liquidation proceedings have been initiated for 97 companies,

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[216]https://www.tmsf.org.tr/tr/Basin/List/koza-ipek-holding-sirketlerinin-hazine-ye-devri-hakk%C4%B1nda, accessed: 06/04/2026.

[217]https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/tmsfye-devredilen-sirketlerden-94unun-mulkiyeti-hazineye-gecti/3274894, accessed: 06/04/2026.

[218]https://www.ekonomim.com/kose-yazisi/kayyimdaki-1371-sirketin-643u-iade-edildi-tmsfnin-yonettikleri-146-milyar-lirayi-asti/754513, accessed: 06/04/2026.

and that 34 companies have been entirely liquidated and struck off the commercial registry. In addition: some company shares have been sold by TMSF, generating income of TRY 341 million. Certain assets belonging to groups under trustee management (for example, private aircraft) have also been disposed of.

In light of the statements made by TMSF, the economic data concerning companies remaining under trustee management are as follows:

- Total asset size has risen from TRY 39.5 billion to TRY 146.5 billion.
- Equity has risen from TRY 17.5 billion to TRY 63 billion.
- Total turnover stands at TRY 123.3 billion, and profit exceeds TRY 10 billion.
- Approximately 26,914 people are employed at these companies.

This data shows that the companies under trustee management have reached a significant economic scale, and that public control encompasses a broad economic sphere. The findings above point to three basic conclusions:

- Mass Interference: The appointment of trustees to 1,371 companies points to a large-scale interference with the sphere of private property in Türkiye.
- Economic Concentration: The size of the companies remaining under trustee management demonstrates that state control has reached a serious economic capacity.

In an information note sent by then TMSF Vice-Chairman İsmail Güler to journalist Vahap Munyar, the following information was given concerning the companies in the liquidation process:

- With respect to the 97 companies for which TMSF has been appointed trustee, it has been decided to initiate preparatory transactions for liquidation and removal from the registry, and the preparation of balance sheets; the liquidation transactions of 34 companies have been completed and they have been struck off the commercial registry.
- The 34 companies whose liquidation transactions have been completed are not among the 694 companies still under the Fund's trusteeship. The following information was given concerning the assets, equity, and turnover of the 694 companies:
- The asset size of the 694 companies for which TMSF has been appointed trustee, which stood at TRY 39.5 billion as of the date of transfer to TMSF, has grown by 271% to reach TRY 146.5 billion as of 31 December 2023.
- The total equity of these 694 companies has grown by 262%, from TRY 17.5 billion to TRY 63 billion.
- The turnover of the 694 companies in question reached TRY 123.3 billion as of 31 December 2023, and their profit reached TRY 10.09 billion.
- 26,914 people are currently employed at these companies, still under TMSF management.

• Two aircraft belonging to the Koza Group, for which TMSF has been appointed trustee, and one aircraft belonging to the Erciyes Anadolu Group (the former Boydak-İstikbal-Bellona group), have been sold.

In the information note from then TMSF Vice-Chairman İsmail Güler, the following information was given concerning companies that had become legally saleable following the trusteeship process:

• The number of companies whose shares have been sold by TMSF is 16, and total sale proceeds of TRY 341 million have been generated from these sales.

• In commercial and economic integrity (TİB) tenders concerning companies for which TMSF has been appointed trustee, 38 TİBs have been put up for sale at an appraised value of TRY 12.87 billion and USD 3.5 million.

• As a result of the tenders held, total sale proceeds of TRY 14.66 billion (TRY 16.27 billion including VAT) and USD 7 million have been reached.

• Confiscation orders have been rendered by the relevant courts with respect to 94 of the companies for which TMSF is trustee, and these decisions have become final; sale and liquidation processes have begun.

• Within this scope, the sale processes for the Erciyes Anadolu Group companies are proceeding in stages. To date, the sale of Doğu Ev Tekstili Sanayi ve Ticaret A.Ş., one of the Erciyes Anadolu Group companies, has been completed, and it has been transferred to the purchaser, Anadolu Güçbirliği Holding A.Ş.

The data announced by TMSF shows that the asset, equity, and turnover sizes of the companies managed as trustee have increased in nominal Turkish lira terms. However, assessing these figures as an increase in the companies' real economic value is methodologically problematic. This is because, in the period between the date on which the companies were transferred to trustee management and the date of TMSF's statement, Türkiye experienced high inflation and the Turkish lira lost significant value. For this reason, comparing the asset size that rose from TRY 39.5 billion to TRY 146.5 billion, and the equity that rose from TRY 17.5 billion to TRY 63 billion, solely on the basis of nominal TRY amounts disregards the effects of inflation and exchange rate. For a sound assessment, it would be necessary to compare the real value of these assets at the date of seizure with their value in the subsequent period, adjusted for inflation, and also to demonstrate the change in value in foreign-currency terms. In addition, the companies' level of indebtedness, profitability, capital investments made, and growth arising from their operations would need to be separately analyzed. Accordingly, the increase in the nominal balance-sheet figures announced by TMSF does not, on its own, prove that the companies have genuinely gained value, or that trustee management has achieved economic success.

The Savings Deposit Insurance Fund (TMSF) generated sale proceeds of TRY 18.6 billion from the sale of companies belonging to the Gülen Movement following the 15 July 2016 coup attempt. The Fund carried out trusteeship duties in 1,326 companies. Of the companies for which the Fund was appointed trustee by judicial and court decisions, the trusteeship decision has, to date, been lifted by the courts with respect to 643 companies.[219] However, TMSF continues to act as trustee in 683 companies across 35 provinces.[220]

2. The Violation of the Principle of Legal Certainty and of Fundamental Guarantees Concerning the Right to Property

The decisions taken concerning the seizure of, appointment of trustees to, and sale of private companies are incompatible with the rights protected under the Constitution, in particular the right to property and the principle of legal certainty. The fact that decisions to appoint trustees and to transfer company assets have, in some cases, been implemented before the conclusion of the criminal trial has eliminated the fair-trial standards of the ongoing processes. For example, in decisions of the Constitutional Court, interferences based on TMSF's transactions, through regulations giving priority to banks' claims, have been assessed as constituting interference with the right to property.[221]

Factors such as the size of the company, the risk of loss, and the connection of the allegations with concrete evidence have been disregarded. In some companies, serious unlawfulness has occurred in the processes of "asset-stripping," transfer of assets, and restructuring. In particular, creditor minority shareholders or supplier companies have suffered great harm.[222]

Some companies have been kept under trusteeship for years, and sale processes have taken a very long time or have remained uncertain. This situation has had a negative effect on investor confidence and economic efficiency. In addition, the processes have not been transparent, and, without competitive conditions being ensured in company valuation and tenders, an advantage has been provided to predetermined persons.[223] Third-party shareholders or creditors of companies have suffered harm as a

[219]https://www.ekonomim.com/kose-yazisi/kayyimdaki-1371-sirketin-643u-iade-edildi-tmsfnin-yonettikleri-146-milyar-lirayi-asti/754513, accessed: 06/04/2026.

[220]https://www.dunya.com/ekonomi/tmsf-fetonun-sirketlerinin-satisindan-186-milyar-lira-hasilat-elde-etti-haberi-750970, accessed: 06/04/2026.

[221]AYM, Tasfiye Hâlinde Cemtur Seyahat ve Turizm Ltd. Şti. [GK] (in liquidation).

[222]https://www.insaport.com/haberler/tmsf-dumankaya-ve-fi-yapida-magdur-olan-8-bin-kisi-var/, accessed: 06/04/2026.

[223]https://www.evrensel.net/haber/299867/ohal-ekonomiyi-devletlestirdi, accessed: 06/04/2026.

result of the transfer of the company or the appointment of a trustee. Criticism has focused on the fact that the protection of "good-faith third parties" has not been adequately secured.

Some analyses have focused on the risk that such seizure powers may be used for political purposes. In other words, concerns have been voiced that governments may use this power as an instrument of pressure against opposition companies or capital groups. These concerns are not at all unfounded. Concepts such as "financing of terrorism," "affiliation with an organization," and "assets derived from crime" can be interpreted very broadly, and this expands the margin of discretion in favour of the executive.

In some cases, the late issuance of court decisions or appeal processes taking years has caused the de facto situation to take precedence over judicial decisions, leading to harm being suffered by many companies.

E. SOME LARGE COMPANIES SEIZED, FOR WHICH TMSF WAS APPOINTED TRUSTEE, AND THEIR CURRENT STATUS

The process the Erdoğan administration launched, following the 17/25 December 2013 corruption investigations, with the aim of increasing its control over the economy, evolved into a new and systematic stage with the State of Emergency (*OHAL*) regime declared following the 15 July 2016 coup attempt. This period is not merely a security policy in which criminal investigations were expanded; it is also a wide-ranging and institutionalized process of interference with property rights. In this process, the Erdoğan regime developed a politics of plunder as a matter of state policy, and, within the framework of this policy, the property rights of many persons and institutions were seized.

In this context, the transactions carried out in particular against persons and institutions alleged to be connected with the Gülen Movement went beyond the boundaries of classical criminal law and directly targeted the economic sphere. Within this scope, hundreds of companies, holdings, and commercial enterprises — in most cases before judicial processes had even been completed — were transferred to trustee management through TMSF, and their ownership was ultimately transferred to the public. Although these practices were ostensibly based on the ground of "combating the financing of terrorism," when the timing, scope, and manner of implementation of the processes are taken into account, it is seen that they constituted a redistribution mechanism leading to the systematic changing of hands of economic assets. Indeed, trustee appointments, in most cases, disrupted the companies' operational activities and

lowered their market values, after which the transfer of these assets to third parties by tender was made possible.

Another striking aspect of this process is that company owners and managers were subjected to grave criminal investigations. Numerous businesspeople and managers were sentenced to lengthy terms of imprisonment on charges such as "membership of an armed terrorist organization," "management of an organization," or "financing of terrorism"; this created a pressure mechanism that made the defence of property effectively impossible. The picture produced by the Erdoğan regime's property-seizure practices points, beyond individual violations of property, to a large-scale "economic liquidation" and restructuring process carried out by the hand of the state.

A particularly notable aspect of this process, dominated by the politics of plunder, is that seizure and trusteeship practices were directed not at random or marginal economic actors, but at companies that were leaders in their sectors, held high market shares, and had international competitiveness. The common feature of these companies — active in different sectors from furniture to mining, from energy to textiles — is their strong production infrastructure, extensive export networks, and institutionalized financial structures. This situation makes it difficult to assess the interferences solely within the scope of criminal investigation; on the contrary, it shows that actors of high economic value and with a determinative effect on the market were systematically targeted. Indeed, a significant portion of these companies ranked among the top of Türkiye's largest industrial enterprises, provided employment to thousands of people, and played a critical role in strategic sectors. In this context, it is assessed that these interferences carry the character of a structural policy that reshaped market balances, transformed the competitive environment, and led to the redistribution of economic power among particular actors. Accordingly, the trusteeship practices and processes of company seizure that have occurred in Türkiye over the last decade give rise to serious debate not only from the standpoint of domestic law, but also from the standpoint of international human rights law, in particular the principles of the right to property and fair trial.

The purpose of this part of the report is to demonstrate the scale and effects of this process through concrete data, and, in particular through the examples of large holdings and strategic companies, to show how interferences with the right to property turned into a systematic politics of plunder.

1. Boydak Holding

Boydak Holding, whose foundations were laid in the 1950s and which had, by 2016, reached an economic scale of USD 10 billion, became one of the most concrete

targets of the unlawful policies of dispossession in the post-15 July process. The shares of the 35 companies within the holding — first placed under trusteeship and subsequently transferred to TMSF — were confiscated together with the prison sentences given to their owners; it has been alleged that, during this process, the companies were hollowed out from within over 10 years of trustee management. In this process, which bears the character of systematic seizure of property, the group's most important brands were broken up and sold: Bellona Mobilya was tendered for TRY 8.1 billion to a partnership formed by its dealers, HES Kablo to Rize-based Nakkaş Holding, and İstikbal Mobilya to the Paşalı Group. The lack of transparency in the valuation processes, and the disposal of assets for the purpose of deliberate dispossession, form the centre of the violations of the right to property.[224]

2. Koza-İpek Holding

The process that began with the appointment of a trustee, in 2015, to the Koza-İpek Group — which possessed some of Türkiye's most strategic assets in the media and mining sectors — turned into a "politics of plunder" in which the right to property was entirely liquidated by public power. Notwithstanding that MASAK reports confirmed that all of the group's capital increases were lawful and transparent and that there was no suspicious transaction whatsoever, 22 companies within the holding were transferred to TMSF and subsequently confiscated. Koza Altın, the group's most valuable asset and responsible for one-third of Türkiye's gold production, was nationalized by having its ownership transferred to the Türkiye Wealth Fund (TVF), and its name was changed to "Türk Altın İşletmeleri A.Ş." In addition, high-value immovables belonging to the group — such as the "White Mansion" in Bebek, Istanbul, valued at TRY 1.1 billion — were sold by tender to businesspeople such as Ali Bekmezci, resulting in a large-scale economic redistribution.[225]

3. Naksan Holding

Naksan Holding, the giant of the Gaziantep economy, has gone down as one of the gravest examples of the erosion of the security of property. The 42 companies within the holding were seized with a "wholesale" approach without any concrete causal link to an offence being established, and their ownership was entirely liquidated. In particular, the sale of Naksan Plastik turned the seizure of property into a scandal; based on 2019 exchange rates, the company was sold to the firm Yapien İnşaat/Kimpack for a

[224] https://az.wikipedia.org/wiki/Boydak_Holding, accessed: 10/04/2026.

[225] https://tr.wikipedia.org/wiki/Koza_İpek_Holding, accessed: 10/04/2026.

price (TRY 1.245 billion) at least 10 times below its real value. The fact that the asset lost 67% of its value in dollar terms as a result of this sale proves both that the right to property was seized and that it was "plundered" in a manner causing harm to the public.[226]

4. Dumankaya Group

Dumankaya Group, one of the leading firms in the housing sector, became a victim of the violation of the right to property when entirely lawful past commercial activities (such as Bank Asya transactions) were retroactively treated as criminal. The Court of Cassation's initial reversal decision — rendered on the ground that there was no finding that the company's capital had been funded by crime — was withdrawn within 15 days as a result of political pressure, and the confiscation process of the companies was accelerated. The fact that TMSF placed the group into a liquidation process before there was even a final court decision, and put 86 immovables up for sale, shows that ownership changed hands for political motivations and that the principle of proportionality was openly violated.[227]

5. Kaynak Holding

Kaynak Holding, comprising more than 30 companies across 16 different sectors, was declared a "financial centre" during the OHAL period and brought under state control through a non-transparent process. The holding — which owns well-known brands such as Sürat Kargo, NT Mağazaları, and Zambak Yayınları, and had a turnover of TRY 2.5 billion in 2015 — had all its assets subjected to transfer of ownership through trusteeship and subsequently TMSF management. With the Court of Cassation's affirmance of the confiscation order for 24 companies, ownership passed definitively to the state; the holding's broad sectoral network became one of the largest pieces of the state-conducted dispossession operation.[228]

6. Akfa Holding

Akfa Holding, founded in 1997 and active in a broad field ranging from information technology to medical equipment, was transferred to TMSF in 2016 together with its 44 subsidiaries. In the process, begun with grave accusations against company managers, TMSF began publishing asset-sale and liquidation notices before confiscation

[226]https://www.matriksdata.com/website/matriks-haberler/sirket/645525-naksan-plastik-ve-royal-hali-en-buyuk-500-sanayi-kurulusu-listesinde, accessed: 10/04/2026.

[227] https://www.dumankaya.com/Kurumsal/Tarihce; Advocates of Silenced Turkey (AST) report.

[228] Advocates of Silenced Turkey (AST), A Predatory Approach to Individual Rights.

orders had become final. The sale of subsidiaries such as Nurkay Makine, and the liquidation and removal from the registry of Akfa Kimya and Akfa Mühendislik, point to a process of seizure in which property was destroyed by administrative decisions before legal finality had been reached.[229]

7. Fİ-YAPI

The story of Fi-Yapı, one of the giants of the housing sector, is a dramatic example of how property can be "plundered" by the hand of the state. Although the company's owner, Fikret İnan, was acquitted of all charges in 2022 and regained his company, it emerged that, during the 6 years of TMSF/trustee management, the company's projects had been plundered, and that a fixed loss of TRY 369 million had occurred in just one project, according to an expert report. As a result, the company — taken over with a strong financial structure — was returned as a "plundered" wreck caught in a spiral of debt, and, following an application by thousands of victims, was declared bankrupt in 2025.[230]

8. Alfemo Mobilya

Alfemo Mobilya, a global brand headquartered in İzmir, lost its property rights and operational strength with the appointment of a trustee in 2016. The company, whose market power was deliberately weakened under trustee management, was put up for sale at a low appraised value of TRY 552 million. Transferred first to the Diler Group and then, in rapid succession, to the Zeren Group, the company became a typical example of non-transparent sale methods and seizure of property in the process of changing ownership.[231]

9. Aydınlı Group

Aydınlı Group, the licensee of world brands such as Pierre Cardin and U.S. Polo, is a huge retail network seized and transferred to TMSF in 2016. The group — debt-free at the time of trusteeship but which accumulated millions of lira in tax debt and was mismanaged during the trusteeship period — became the subject of a scandalous sale traffic at the end of 2025. First sold for TRY 20.3 billion to Ramazan Kaya (HRK Holding), owner of Saat&Saat, the billion-lira group was, just one month after Competition Board approval, rapidly transferred to Mehmet Çeker, owner of İntaya İntes İnşaat. This rapid

[229] https://tr.wikipedia.org/w/index.php?title=Akfa_Holding&oldid=36400678, accessed: 10/04/2026.

[230] https://t24.com.tr/gundem/binlerce-daire-teslim-edemeyen-fi-yapi-icin-iflas-karari-verildi,1247701, accessed: 10/04/2026.

[231] https://www.yenicaggazetesi.com/unlu-mobilya-firmasi-el-degistirdi-feto-sorusturmasi-kapsaminda-kayyum-atanmisti-691340h.htm, accessed: 10/04/2026.

change of hands concretizes the scale reached by state-conducted seizure of property and capital transfer.[232]

10. Status of Other Companies Seized and Placed under Trusteeship during the OHAL Process

Beyond the large-scale holdings examined in detail in the report, data obtained from TMSF and various open sources show that the number of companies subjected to similar practices is expressed in the hundreds. It is observed that, in a significant portion of these companies, the economic and financial structure rapidly deteriorated following the trustee-appointment and seizure processes; production capacity declined, commercial relationships weakened, and institutional sustainability was seriously damaged. There are strong findings that, in the ongoing process, a large part of these companies have been put up for sale at prices well below their real market value or have been driven directly into bankruptcy. This picture points not to isolated management problems, but to trusteeship practices functioning as a mechanism that systematically erodes company values and ultimately facilitates the transfer of ownership.

11. Recent Trusteeship Practices

Following the dubious 15 July coup attempt in Türkiye, thousands of persons alleged to be connected with the Gülen Movement have been systematically targeted; this environment of pressure has not been confined to investigations and arrests alone, but has expanded to encompass social exclusion and stigmatization as well. This pressure has been further deepened by economic hardship, public defamation campaigns, and intense psychological pressure, seriously damaging individuals' personal and professional lives.

In the post-OHAL process as well, operations have been carried out against many companies on the allegation of connection with the Gülen Movement, and trustees have been appointed. In this context, in the first six months of 2025, new waves of pressure have taken shape through large-scale “restructuring” operations. These operations subject persons previously investigated on the ground of connection with the Gülen Movement to renewed examination and legal pursuit. Within this scope, ordinary social or economic activities — such as providing mutual financial assistance, living in the same house, travelling abroad, employing previously investigated persons, or engaging in basic acts of solidarity — are treated as elements of an offence, and these persons are repeatedly confronted with the threat of prosecution. For companies, this situation has resulted in seizure and the appointment of trustees.

[232] https://tr.uspoloassn.com/aydinli-grup/, accessed: 10/04/2026.

a. The Appointment of Trustees to Maydanoz Döner and Antiochia Künefe Companies

Economic pressure has become an important instrument of pressure in this period. The "Code 36-37" practice applied by the Social Security Institution to persons dismissed, or whose institutions were closed, during the OHAL process, effectively prevents these persons from finding work in the private sector, drives them into financial instability, and reinforces the state of "civil death."[233] This blacklisting mechanism can be exemplified by operations such as the April 2025 Maydanoz Döner raids; such operations systematically deprive affected persons of their livelihoods and trap them in a cycle of poverty.[234]

Within the scope of the "Maydanoz Döner" investigation, launched by the Antalya Chief Public Prosecutor's Office on 21 February 2025, 372 people were taken into custody across the country. The Minister of the Interior stated that this operation targeted the restructuring of the Gülen Movement and its financial networks, alleging that the Maydanoz Döner chain provided employment and financial support to persons connected with the Movement.[235]

Similarly, in an operation on 26 May 2025 against the İzmir-based Antiochia Künefe chain, the business's assets were seized and a trustee was appointed. Officials alleged that this chain provided financial support to persons connected with the Movement, but no concrete evidence was presented. In these operations, the employment, in the private sector, of persons dismissed or whose institutions were closed during the OHAL process was treated as organizational activity, both from the standpoint of the employee and from the standpoint of the company owner.

b. HAKMAR Group

Among the structures recently seized within the scope of operations directed at the Gülen Movement is also the HAKMAR Group, which has approximately 800 branches across Türkiye. This operation, stated to have been carried out in coordination with the National Intelligence Organization (MİT), the Istanbul Chief Public Prosecutor's Office, and the Istanbul Security Directorate, was carried out within the framework of an allegation of "financial structuring."[236]

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[233]Turkut, Emre / Yıldız, Ali / Dent, Kevin: Perils of [ongoing repression].

[234]https://stockholmcf.org/turkey-detains-36-in-raids-targeting-gulen-movement-linked-business-network/, accessed: 10/04/2026.

[235] https://en.haberler.com/in-the-maydonoz-doner-operation-126-people-who-18406924/, accessed: 10/04/2026.

[236] https://www.dw.com/tr/hakmar-ve-tatbak-marketlerine-kayyum-atand%C4%B1/a-73280925, accessed: 10/04/2026.

On the basis of the Istanbul Chief Public Prosecutor's Office's letter of 14.07.2025, investigation no. 2023/84873, the 8th Magistrates' Court of Istanbul, by its decision of 14.07.2025, Misc. No. 2025/6802, decided to appoint the Savings Deposit Insurance Fund as trustee, within the scope of FETÖ/PDY investigations, over the assets of HAKMAR Mağazacılık Limited şirketi, HAKMAR Gıda Turizm Hayvancılık Ve İnş. San. Ltd. Şti., TATBAK Mağazacılık Limited Şirketi, and their partners, all belonging to the HAKMAR Group. In the subsequent process, other companies affiliated with the Group were also seized and TMSF was appointed trustee.

Within the scope of the operation directed at the Group, 26 suspects were taken into custody, including Zeki Doruk, owner of the HAKMAR and TATBAK chain markets. Some managers and partners were arrested. Subsequently, under the indictment issued against these persons dated 14/11/2025, the confiscation was requested — pursuant to Article 4/5 of Law No. 6415 on the Prevention of the Financing of Terrorism and Article 8/B of Anti-Terror Law No. 3713, by reference to Article 60/2 of TCK No. 5237 and pursuant to Article 54/1 of the TCK — of the assets, in proportion to the above-mentioned ownership shares, of Zeki Doruk, the controlling partner of the 22 companies belonging to the Group that had been transferred, as trustee, to the Savings Deposit Insurance Fund pursuant to Article 133 of CMK No. 5271. The trial proceedings are still ongoing before the 14th Heavy Penal Court of Istanbul.

The involvement of the intelligence service, to this degree and directly, in the judicial process directed at a company engaged in civilian commercial activity, and the fact that the operation was presented to the public in this manner, gives rise to serious question marks from the standpoint of the principles of the rule of law. Whereas criminal investigations ought to be conducted by independent judicial organs, the visible and determinative role assumed by intelligence institutions reinforces assessments to the effect that the process was conducted within a security-oriented and political framework rather than a criminal one. This situation is a striking example demonstrating that legal boundaries have become blurred and fundamental guarantees have been weakened in interferences directed at economic actors.

c. Can Holding

The property-seizure practices, which reached their peak during the OHAL period and became a state practice, conducted through TMSF, did not disappear with the ending of OHAL; on the contrary, they gained continuity under different legal grounds. In this new stage, direct “terrorism” accusations were, in most cases, replaced by “money laundering,” “financial crimes,” or similar economic charges; but the result did not change. The seizure of the ownership of targeted companies and groups, and the takeover of control through public power, continued to be applied as a state practice.

This situation shows that the instruments of the interference changed, but the aim and method continued. Indeed, one of the most striking recent examples of this approach has been the transactions directed at Can Holding.

Can Uluslararası Yatırım Holding is a family company headquartered in İkitelli, Istanbul, which became a holding in 1986 under Zamanhan Can.[237] The group's origins go back to the 1950s, and it is today active in a broad range of fields, including energy, technology (Awox), durable consumer goods, tourism, logistics, health, education, and media. In the group's most recent period, management was in the hands of Kemal Can.[238]

The period before Can Holding's assets were seized attracted attention on account of its "privileged" relations with the governing AKP and government circles, and the rapid growth alleged to have been secured thereby. The group, directly labelled in the media as "The AKP's Can,"[239] came onto the agenda through allegations linking its expansion in strategic sectors such as education and media with political influence.[240] The most concrete and controversial example of this closeness is shown to be the transfer, in 2022, of Doğa Koleji — affiliated with the state institution İstanbul Teknik Üniversitesi (İTÜ) — to Can Holding for a symbolic price of just TRY 250,000, without even a general-assembly decision being taken and without existing public debts being paid.[241] It has also been reflected in MASAK reports and investigation files that the holding used the government's "Asset Peace Law" contrary to its purpose to bring money of unclear origin into the system, thereby seeking both to increase its economic power and to gain a form of legitimacy in the eyes of the public.

As can be seen, the Group, which grew rapidly thanks to its close relations with the Erdoğan regime, has attracted attention in particular through the large-scale acquisitions it has carried out in recent years. Within this scope, the Group:

- purchased İstanbul Bilgi University for USD 90 million in 2019;[242]
- incorporated Doğa Koleji in 2022;[243]

[237]https://tr.wikipedia.org/wiki/Can_Holding, accessed: 10/04/2026.

[238]https://gazeteoksijen.com/ekonomi/turkiyenin-en-yeni-medya-patronlariydi-can-holdingin-faaliyet-alanlari-ve-yatirimlari-251286, accessed: 10/04/2026.

[239]https://www.birgun.net/haber/operation-against-akps-can-653096, accessed: 10/04/2026.

[240]https://www.aa.com.tr/tr/gundem/can-holdinge-yonelik-sorusturmada-18-sirkete-kayyum-atandi/3703652, accessed: 10/04/2026.

[241]https://12punto.com.tr/gundem/galeri-doga-kolejinin-can-holdinge-satisinda-buyuk-skandal-88-milyon-tl-dendi-ama-gercek-farkli-cikti-98634, accessed: 10/04/2026.

[242]https://tr.wikipedia.org/wiki/Can_Holding, accessed: 10/04/2026.

[243]https://12punto.com.tr/gundem/galeri-doga-kolejinin-can-holdinge-satisinda-buyuk-skandal-88-milyon-tl-dendi-ama-gercek-farkli-cikti-98634, accessed: 10/04/2026.

• became the owner of Habertürk, Show TV, and Bloomberg HT, among other organizations, by taking over Ciner Yayın Holding on 23 December 2024;[244]

• became the largest shareholder of Tekfen Holding by reaching a stake exceeding 40%. However, the Competition Board fined the group TRY 10.9 million on the ground that this share transfer had been carried out without authorization.[245]

On 11 September 2025, within the scope of an investigation launched against the Group, based on MASAK reports, on charges of "forming an organization for the purpose of committing crime," "laundering assets obtained from crime," "aggravated fraud," and "tax evasion," detentions were carried out, the holding's partners and managers were arrested, and TMSF was appointed trustee to the Group.[246] As the investigation deepened, the holding's assets were interfered with, and the assets of 121 companies within the holding were seized and TMSF was appointed trustee to their management.[247] Kasımpaşa Spor Kulübü is among the companies.[248]

In the course of the process, trustees were also appointed to additional companies on account of financial links with the Ciner Group; an arrest warrant was issued against Turgay Ciner, but this warrant was lifted in February 2026.[249] Release decisions have recently been rendered concerning senior managers arrested within the scope of the investigation. Kemal Can, Chairman of the Holding's Board of Directors, was released at the beginning of April 2026 subject to the condition of "not leaving his residence" (house arrest).[250] Kenan Tekdağ, Chairman of the Board of Directors of Can Yayın Holding, was likewise released at the end of March 2026, subject to judicial control.[251] The managerial trusteeship decisions over Park Holding and Park Elektrik, belonging to

[244]https://gazeteoksijen.com/ekonomi/turkiyenin-en-yeni-medya-patronlariydi-can-holdingin-faaliyet-alanlari-ve-yatirimlari-251286, accessed: 10/04/2026.

[245]https://tr.wikipedia.org/wiki/Can_Holding, accessed: 10/04/2026.

[246]https://www.aa.com.tr/tr/gundem/can-holdinge-yonelik-sorusturmada-18-sirkete-kayyum-atandi/3703652, accessed: 10/04/2026.

[247]https://www.dw.com/tr/can-holdinge-soru%C5%9Fturma-121-%C5%9Firkete-el-konuldu/a-73955944, accessed: 10/04/2026.

[248]https://www.tv5.com.tr/tmsf-can-holdinge-yonelik-sorusturmada-121-sirkete-kayyim-olarak-atandi, accessed: 10/04/2026.

[249]https://t24.com.tr/gundem/turgay-ciner-hakkindaki-yakalama-karari-kaldirildi-,1297873, accessed: 10/04/2026.

[250]https://www.trthaber.com/haber/turkiye/can-holding-sorusturmasinda-yonetim-kurulu-baskani-kemal-can-tahliye-edildi-940177.html, accessed: 10/04/2026.

[251]https://medyascope.tv/2026/03/31/kenan-tekdag-hakkinda-tahliye-karari-verildi/, accessed: 10/04/2026.

the Ciner Group, were entirely lifted, with a transition made to supervisory trusteeship.[252]

In the legal processes directed at the managers of Can Holding and the Ciner Group, the successive releases and the lifting of arrest warrants that occurred at the beginning of 2026 have reinforced public allegations that this situation resulted from a "settlement" concerning the changing of hands of strategic assets. In this context, as noted above, Kemal Can, Chairman of the Board of Directors of Can Holding, was released at the beginning of April 2026 subject to the condition of "not leaving his residence." During his detention, Kemal Can attracted attention with his statement that "I did everything on the direction of senior state officials."

Likewise, Kenan Tekdağ, Chairman of Can Yayın Holding, was released under judicial control at the end of March 2026. Concurrently with this process, on 25 December 2025, Atilla Ciner, Turgay Ciner's son, and Gökhan Şen, CEO of Ciner Glass, were released, and the arrest warrant against Turgay Ciner, who is abroad, was lifted in February 2026; the managerial trusteeship measures over Park Holding and Park Elektrik, of which he is the owner, were also entirely ended as of March 2026.

This judicial softening occurred immediately after the Ciner Group transferred huge media organs such as Habertürk and Show TV to Can Holding at the end of 2024, and these assets passed under TMSF oversight (trusteeship) with the investigation launched in September 2025. Although, in official documents, the basis of the investigation is grounded on charges such as "money laundering" and "aggravated fraud," the fact that the group was directly labelled in the media as "The AKP's Can" and that news emphasizing its "AKP connection" was published, reinforces the view that the releases and the lifting of the trusteeships were, in fact, part of an asset-transfer operation shaped in line with the demands of circles in power.

[252]https://t24.com.tr/ekonomi/park-elektrik-ve-park-holding-hakkinda-denetim-kayyimi-karari-kaldirildi,1305685, accessed: 10/04/2026.

CHAPTER VI:

THE SEIZURE OF BANK ASYA AND THE APPOINTMENT OF A TRUSTEE

A. THE BANK'S FOUNDING PROCESS

Asya Katılım Bankası Anonim Şirketi (*Bank Asya*), one of the four participation banks operating in Türkiye, was founded on 24/10/1996 under the name Asya Finans Kurumu Anonim Şirketi and began its activities with its Head Office branch in Altunizade. On 20/12/2005, its name, Asya Finans Kurumu Anonim Şirketi, was changed to Asya Katılım Bankası Anonim Şirketi. 253

From the date of its founding, thanks to its institutional development and structural strength, Bank Asya became one of Türkiye's most talked-about private financial institutions. For this reason, it received awards from many internationally authoritative institutions.254 One of the fundamental reasons the bank received these awards is shown to be its strong financial structure.255

B. THE PROCESS OF THE BANK'S TRANSFER TO TMSF

As a result of the Erdoğan regime's policies directed at the Gülen Movement, although it was normally Türkiye's most successful private financial institution, the Bank was seized through the BDDK (*Banking Regulation and Supervision Agency*) on grounds having no international validity. The basis of this seizure process lies in the Erdoğan regime's policies directed at the Gülen Movement following the 17/25 December operations.[256]

As a result of this regime of plunder directed at the right to property by the Erdoğan regime, many state institutions began to render decisions and take actions against Bank Asya. In this context, in order to place Bank Asya in financial difficulty and to undermine its public credibility:

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[253]http://www.muflisbankasyadan.com.tr/hakkimizda, accessed: 11/04/2026.

[254]https://tr.wikipedia.org/wiki/Bank_Asya, accessed: 11/04/2026.

[255]https://tr.wikipedia.org/wiki/Bank_Asya, accessed: 11/04/2026.

[256]Açıkgöz, Hayrettin: Asya Katılım Bankası A.Ş.'ne El Konulması [The Seizure of Asya Katılım Bankası A.Ş.].

• In August 2014, the Revenue Administration, the Social Security Institution (*SGK*), and the Ministry of Customs and Trade[257] terminated their collection protocols with Bank Asya.[258]

• On 7 August 2014, Borsa Istanbul temporarily closed trading in the Bank's shares, traded on the national market, before the second session.

• On 14 August, Borsa Istanbul decided that the suspension of trading in Bank Asya shares would continue until the uncertainty in the ownership structure was resolved, and that the shares would be removed from all stock-exchange indices.

• On 21 August, Ziraat Bankası announced that it had decided to end informal talks with Bank Asya.[259]

As a result of these decisions, which resulted from the Erdoğan regime's policies of targeting, Bank Asya shares — whose trading had been suspended since 7 August 2014 — were reopened for trading on 15 September 2014 and began the day with an 11.29% fall to a floor price of TRY 1.10; the loss in share value continued for several days. Trading in Bank Asya shares was again temporarily suspended on 26 September, and, following the opening of the second session, an announcement was made placing the bank's shares in the "Watch Market." In a statement on 21 November, Bank Asya announced that, in line with the change in its financial size, 80 branches had been merged with other branches and closed, and that its number of personnel had also decreased by 1,708 compared with the end of 2013.[260] Bank Asya was forced to take these decisions as a result of the first acts of the Erdoğan regime's politics of plunder.

On the other hand, on 16 September 2014, returning from a trip to Qatar, President Recep Tayyip Erdoğan made a call to journalists to the Banking Regulation and Supervision Agency (*BDDK*) regarding Bank Asya, stating that they themselves would know which provision to apply. President Erdoğan stated: "Banking has its own rules. You have to play by them. A citizen should be able to withdraw his money whenever he wants. If the citizen becomes unable to withdraw his money, that means there is a serious contraction in the capital ratio. There are steps the BDDK needs to take. I don't know which provision they will apply, but I too, for the unity and well-being of my country, need to follow the matter up to a point and obtain the necessary information. We are following it. The BDDK must decide and take steps accordingly.

[257]https://www.yenisafak.com/gundem/bank-asyaya-bir-sok-da-gumrukten-676748, accessed: 11/04/2026.

[258]https://www.aa.com.tr/tr/ekonomi/gib-ve-sgkdan-asya-katilim-bankasi-karari/133603, accessed: 11/04/2026.

[259]https://www.aa.com.tr/tr/ekonomi/bank-asyaya-resmi-teklif-yok/129379, accessed: 11/04/2026.

[260]https://www.aa.com.tr/tr/ekonomi/bank-asyanin-yonetimi-tmsfye-gecti/78012, accessed: 11/04/2026.

Otherwise, the BDDK will be responsible for this."[261] These statements in fact demonstrate that the Bank was seized for entirely political motives.

Then Prime Minister Ahmet Davutoğlu, in a statement on Bank Asya on 4 February 2015, stated: "*… The Bank Asya decision is entirely a legal decision; it has no political dimension…*"[262] However, the opposite was confirmed by a statement made by SETA, which functions effectively as the Erdoğan regime's propaganda centre. Assoc. Prof. Dr. Sadık Ünay, Director of Economics at the Foundation for Economic and Social Research (SETA), in a statement to the press, when asked *"Does the seizure of Bank Asya have anything to do with the 17-25 December processes?"*, replied: *"Of course this has to do with the 17-25 December processes. This situation is emerging as the result of a process continuing from there."* Thus, the bank was in fact seized not for financial reasons or reasons of banking legislation, but effectively to take revenge for the 17/25 December process.[263]

In the first stage, pursuant to decision no. 6187 of the Banking Regulation and Supervision Board (*BDDK*) of 03.02.2015 — which turned into an instrument of pressure of the Erdoğan regime — within the scope of the fifth paragraph of Article 18 of Banking Law No. 5411, it was decided that the non-dividend ownership rights of the privileged shares belonging to 122 shareholders of the Bank would be exercised by TMSF.[264] Thus, 63% of the privileged share that determined Bank Asya's board of directors passed to the use of TMSF.[265] Pursuant to the decision, the existing Board of Directors was replaced by TMSF, and a new Board of Directors and General Manager were appointed.[266]

Following this interference with Bank Asya, the Erdoğan regime moved to bring the Bank entirely under control, its true objective. In line with Erdoğan's instructions, the Banking Regulation and Supervision Board, by its decision no. 6318 of 29/05/2015, decided — on the ground that, as a result of inspections carried out with respect to Asya Katılım Bankası A.Ş. within the scope of Banking Law No. 5411, it had emerged that the problems in the Bank's financial structure, ownership and management structure, and activities posed a danger to the rights of participation-fund holders and to the trust and stability of the financial system — pursuant to subparagraph (b) of the first paragraph of Article 71 of the Law, to transfer the Bank's non-dividend ownership rights and its management and supervision, with the proviso that the loss would be deducted from

[261]https://bianet.org/haber/bddk-bank-asya-yonetimine-nasil-el-koydu-162030, accessed: 11/04/2026.

[262]https://beyazgazete.com/video/webtv/guncel-1/davutoglu-bank-asya-ya-el-koyma-surecinde-ayrimcilik-yoktur-435401.html, accessed: 11/04/2026.

[263]SETA, Bank Asya'ya El Konulması Ülke Menfaatine [The Seizure of Bank Asya Is in the National Interest], 09 February 2015.

[264]https://www.bddk.org.tr/Duyuru/EkGetir/552?ekId=572, accessed: 11/04/2026.

[265]https://www.ntv.com.tr/ekonomi/bank-asyanin-yonetimi-tmsfye-gecti, accessed: 11/04/2026.

[266]https://www.ntv.com.tr/ekonomi/bank-asyanin-yonetimi-tmsfye-gecti, accessed: 11/04/2026.

the existing shareholders' capital, to the Savings Deposit Insurance Fund for the purpose of partial or complete transfer, sale, or merger.[267] Thus it decided to transfer the Bank's non-dividend ownership rights and management and supervision to the TMSF for the purpose of partial or complete transfer, sale, or merger.[268]

The fundamental aim of this interference and seizure — carried out for entirely political motives, far removed from grounds arising from the financial and banking sector — was to cause the Bank to incur losses and, ultimately, to close it entirely. At this point, when the then Chairman of the BDDK, Mehmet Ali Akben, was asked the reason why Bank Asya — which had reported a profit before passing under TMSF management — lost TRY 378 million while under Fund management, he used the expression: "The loss at Bank Asya stems from loans extended before TMSF."[269] However, it is a known reality that this loss was in fact the result of a deliberate policy aimed specifically at bringing down Bank Asya.

Then Deputy Prime Minister Ali Babacan, when asked about the transfer of Bank Asya to TMSF, replied: "If it were something political, why would it be delayed 1.5 years and done today? If it were something political, surely all this would have been done long before — why would it be delayed this long?"[270] However, notwithstanding that the truth was known to be very different, such untrue statements were made so as not to produce a negative effect on the economy.[271] Indeed, Babacan, by a deliberate choice, remained silent on the debates that arose — following Bank Asya's being targeted by President Recep Tayyip Erdoğan, the government, and pro-government media — to the effect that "for the first time, a bank is being brought down by the hand of the state."[272] At this point, the following questions also come onto the agenda:[273]

• Do the open and repeated calls made by government officials, in the process that began following the 17-25 December Corruption Investigations, for intervention in Bank Asya through the Banking Regulation and Supervision Agency, not show that this interference was carried out for political motives?

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[267]https://www.bddk.org.tr/Duyuru/EkGetir/554?ekId=574, accessed: 11/04/2026.

[268]https://tr.wikipedia.org/wiki/Bank_Asya, accessed: 11/04/2026.; https://www.finansingundemi.com/haber/bank-asyanin-tamami-tmsfye-devredildi/444473, accessed: 11/04/2026.

[269]https://www.bloomberght.com/bddkakben-bank-asyanin-zarari-el-koyma-oncesi-kredilerden-1852425, accessed: 11/04/2026.

[270]https://www.memurlar.net/haber/517469/babacan-bank-asya-ya-el-konmasi-siyasi-bir-karar-degil.html, accessed: 11/04/2026.

[271]https://www.tr724.com/babacanin-yanlis-dugmesi-zarrabin-cikinovasi/, accessed: 11/04/2026.

[272]Açıkgöz, p. 4.

[273]https://www.tr724.com/babacanin-yanlis-dugmesi-zarrabin-cikinovasi/, accessed: 11/04/2026.

• Do Recep Tayyip Erdoğan's statements to the effect that "***I want to see the keys of Bank Asya on my desk***"[274] and that "***that bank has already gone bankrupt anyway***" not demonstrate that the seizure of management was a predetermined political disposition?

• Is the Savings Deposit Insurance Fund's seizure of Bank Asya's management, relying on a power not explicitly defined in Article 18 of Banking Law No. 5411, not a clear usurpation of power and a grave violation of law?

• On what concrete and legal ground is this sudden intervention directed at a bank that had been repeatedly audited, in which no irregularity had been found, and which had fulfilled all founding and public-offering criteria with the approval of the Banking Regulation and Supervision Agency, based?

• On the basis of what new and concrete evidence were the shareholders of a bank that had operated for approximately 20 years suddenly declared "uncertain" and "suspicious"?

Ali Babacan, who later left the AKP and founded the DEVA Party, made grave admissions in a programme he attended in 2020 concerning the process by which Bank Asya was, in fact, driven into bankruptcy by the state.[275] The assessments Babacan voiced in an interview with television presenter Cüneyt Özdemir indicate that the process leading to the liquidation of Bank Asya was shaped not by "technical" considerations, but essentially by "political motives."

These statements, made by Babacan years later, demonstrate that the Bank Asya process was not merely an economic regulation, but an interference directed by political motives, one that went beyond institutional decision-making mechanisms. In this context, the process must be assessed not merely as the liquidation of a bank, but as a breaking point at which state reasoning gave way to political impulses, legal foreseeability was damaged, and economic decisions were made subject to political reckonings.[276]

On the other hand, as has also been emphasized in many reports prepared in the subsequent process, when the process of the seizure of Bank Asya is examined in detail, it is seen that the Bank was regarded by the political will as one of the stages of the struggle waged against the Gülen Movement; that, within this scope, the process of seizing the Bank was shaped entirely in accordance with political decisions; that steps

[274]https://t24.com.tr/gundem/reuters-erdoganin-sozlerini-boyle-duyurmustu-bank-asyanin-anahtarini-masamda-istiyorum,285995, accessed: 11/04/2026.

[275]https://devapartisi.org/parti/e-arsiv/genel-baskanimiz-sayin-ali-babacan-cuneyt-ozdemirin-youtube-kanalina-konuk-oldu, accessed: 11/04/2026.

[276]Açıkgöz, Hayrettin: Bank Asya'nın Batırılmasının Arkasındaki "DÜRTÜ"[The "MOTIVE" Behind the Collapsing of Bank Asya].

were first taken to worsen the Bank's economic values; that, thereafter, the Bank's management was temporarily taken over through an engineered process; that, following this takeover, reports containing false and distorted information alleging that the Bank's economic data were poor were prepared; and that, relying on these reports, the Bank was entirely seized and transferred to TMSF.[277]

As examined in detail above, almost all of the acts and transactions carried out by the administration in the process of seizing the Bank are unlawful. The Kenan Işık judgment,[278] rendered by the Constitutional Court — the final stage of domestic law with respect to the seizure of Bank Asya — in light of all these assessments, gives the impression of a decision manifestly lacking legal basis, rendered under the still-ongoing influence of politics over the judiciary.[279] However, should the decision to seize Bank Asya become the subject of ECtHR and ICSID proceedings, it is highly likely that these proceedings will conclude against Türkiye.

C. THE REVOCATION OF BANK ASYA'S OPERATING LICENCE

Immediately after the 15 July coup attempt, on 18 July 2016, it was decided to temporarily suspend Bank Asya's activities within the scope of the second paragraph of Article 107 of Banking Law No. 5411. At the final stage reached, by decision no. 143 of the TMSF Board of 21 July 2016, it was decided to request the BDDK, pursuant to the final paragraph of Article 107 of Banking Law No. 5411, to revoke the bank's operating licence. Upon this request from TMSF, by BDDK decision no. 6947 of 22 July 2016, Bank Asya's operating licence was revoked. This decision means the commencement of the liquidation process to be conducted by TMSF pursuant to Law No. 5411.[280]

D. THE DECISION THAT BANK ASYA WAS BANKRUPT

Within the framework of the final paragraph of Article 107 of Banking Law No. 5411, the bankruptcy of Bank Asya — whose operating licence had been revoked by the decision of the BDDK of 22.07.2016 — was ultimately requested.[281] TMSF, standing in the place of the savings-deposit holders, directly requested the Bank's bankruptcy, and the 1st Civil Court of First Instance (Commercial) of Istanbul, by its decision of 16.11.2017, E. 2017/41, declared the Bank bankrupt.[282]

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[277]https://www.tr724.com/babacanin-yanlis-dugmesi-zarrabin-cikinovasi/, accessed: 11/04/2026.

[278]AYM, Kenan Işık [2nd Section], Appl. No: 2017/26291.

[279]Açıkgöz, p. 26.

[280]https://www.aa.com.tr/tr/ekonomi/tmsf-bank-asyada-tasfiye-sureci-basladi/614957, accessed: 11/04/2026.

[281]Açıkgöz, p. 9 et seq.

[282]https://www.tmsf.org.tr/tr/Tmsf/Cozumleme/banka.dikkatine, accessed: 11/04/2026.

The Bank's liquidation is being conducted by the Bankruptcy Administration proposed by TMSF and appointed by the Enforcement Court. The Bank's bankruptcy-liquidation proceedings began, pursuant to Article 106 of Banking Law No. 5411, under file no. 2017/14 Bankruptcy of the 1st Bankruptcy Directorate of Istanbul, and the bankruptcy liquidation has been carried out within the scope of Article 106 of the Banking Law and the provisions of the Enforcement and Bankruptcy Law.

Thus, the final stage of the Erdoğan regime's politics of plunder was also realized. Türkiye's financially strongest investment bank was, by the hand and force of the state, driven into bankruptcy.

E. THE DECISION TO CONFISCATE BANK ASYA

Violations of the right to property in Türkiye were carried, in the example of Bank Asya, into a new dimension. Another move by the Erdoğan regime against Bank Asya — which it drove into bankruptcy as the result of a deliberate policy of collapse and plunder — was the confiscation of Bank Asya. Under an indictment prepared by the Istanbul Chief Public Prosecutor's Office on 06.04.2021, using a method rarely seen in criminal law, the confiscation of Bank Asya was requested. Examining the request, the 24th Heavy Penal Court of Istanbul, on 28.06.2022, decided to confiscate the bank's liquidation balance. This decision means that, whereas the balance remaining after the receivables of the bank under liquidation had been collected and its debts paid ought to have been distributed to the shareholders — including stock-exchange shareholders — the entirety was instead confiscated in favour of the state. Thus, the assets remaining after bankruptcy were also seized through the method of confiscation, and the rights of thousands of independent, good-faith stock-exchange investors were disregarded.

In this process, the legal entity Bank Asya itself was directly named as the accused in the indictment and the trial; this practice is, in essence, in open contravention of the Turkish Penal Code. This is because, under Article 20 of Turkish Penal Code No. 5237, legal entities are not regarded as perpetrators of an offence; only Article 60 of the TCK provides for the application of a security measure to private-law legal entities on account of certain offences specified in the Law. According to Article 60 of TCK No. 5237, the measures of “annulment of the operating licence granted by public bodies” and “confiscation” may be applied to private-law legal entities on account of certain offences specified in the Law.[283]

As can be seen, under Articles 20 and 60 of Law No. 5237, legal entities cannot commit an offence and cannot be an accused; however, they may be used as an

[283]Centel, Nur: 'Ceza Hukukunda Tüzel Kişilerin Sorumluluğu' [The Responsibility of Legal Entities in Criminal Law].

instrument in the commission of an offence. In this situation too, a connection must be established with the natural person who committed the offence, and measures must be applied pursuant to Article 20 of the TCK. Here, however, without it being shown what connection the stock-exchange shareholders had with which offenders, the entirety of the liquidation balance, in which thousands of persons held rights, was confiscated.

The ECtHR, in numerous judgments — above all *AGOSI v. the United Kingdom*[284] and *Air Canada v. the United Kingdom*[285] — has stated that a reasonable causal link must be established, for confiscation, between the owner's act and the unlawfulness, and that the rights of good-faith owners must be protected or compensated. In addition, in Bowler International *Unit v. France*,[286] the ECtHR concluded that, where there is no redress mechanism from which a good-faith owner can benefit, the right to property has been violated.

The Constitutional Court, in *Bekir Yazıcı*,[287] likewise emphasized that a reasonable balance must be observed between confiscation and the interference with the right to property, and that the principle of proportionality must be complied with. The confiscation of the rights of stock-exchange shareholders against whom there is no investigation whatsoever is an open violation of the principle of proportionality.

In conclusion, the confiscation of Bank Asya's liquidation balance is openly contrary to Articles 54 and 55 of the TCK, to Article 35 of the Constitution, and to Article 1 of Protocol No. 1 to the ECHR. The disregard of the rights of stock-exchange shareholders is a striking example of the unlawful seizure of assets remaining after bankruptcy as well, through the method of confiscation. This confiscation process is the gravest stage of the Erdoğan regime's politics of plunder.

F. THE CRIMINALIZATION OF HOLDING AN ACCOUNT AT BANK ASYA

In this process, just as the Bank itself was made a direct target, the Bank's customers likewise became direct targets. Opening an account and carrying out financial transactions at Bank Asya — assessed by the Erdoğan regime as one of the financial resources of the Gülen Movement — was treated as an organizational act. Within this scope, thousands of people were arrested and sentenced to imprisonment.

In this context, in the judgment of the Grand Chamber on Criminal Matters of the Court of Cassation of 20/12/2018, E.2018/16-419, K.2018/661, it is stated that,

[284]Case of AGOSI v. The United Kingdom, Application no. 9118/80.

[285]Case of Air Canada v. The United Kingdom, Application no. 18465/91.

[286]Case of Bowler International Unit v. France, Application no. 1946/06.

[287]AYM, Bekir Yazıcı [GC], Appl. No: 2013/3044, 17/12/2015.

following Bank Asya — assessed as connected with FETÖ/PDY prior to the coup attempt — falling into financial difficulty after December 2013, Fethullah Gülen made a call on 25/12/2013 for money to be deposited into Bank Asya, in order to show that the Bank was in good financial condition and thereby to ensure the continuity of the transfer of money to the organization. The decision further states that it was determined that, from the beginning of 2014, persons who complied with the organization's leader's call — whether by disposing of some of their assets or by taking out loans from other financial institutions — deposited money for the benefit of the organization without regard to savings or profit motives, opened participation accounts, and carried out transactions such as buying and selling foreign currency and gold.

On the other hand, for a long time, local courts and the Court of Cassation assessed the deposit and withdrawal transactions of January 2014, 4 February 2015, and 30 May 2015 as assistance to, or membership of, a terrorist organization.[288] The Court of Cassation, in its decisions, established that payments and other transactions made upon the instruction of the organization's leader, serving the organization's purpose and for the benefit of the bank, could be regarded as organizational activity for the purposes of the offence of membership of an organization, and, on their own, as assisting the organization.

As can be seen, the trials conducted in Türkiye, particularly with respect to Bank Asya, point to a process in which serious departures from classical criminal-law principles have occurred. In this process, essentially lawful and routine banking transactions were transformed into evidence of organizational activity in criminal investigations. Bank Asya was a lawful financial institution under the supervision of the relevant public authorities during the period in which it operated. Notwithstanding this, entirely lawful financial transactions of individuals — such as opening an account at this bank, depositing money, operating a participation account, or taking out a loan — were, in subsequent trials, turned into one of the fundamental grounds for the offences of "membership of an organization" or "assisting an organization."[289] In this process, the following points in particular attract attention:

- The criminalization of lawful activities and the violation of the principle of *nullum crimen, nulla poena sine lege (No crime without law, no punishment without law)*;
- The violation of other fundamental principles such as legal certainty, foreseeability, and the presumption of innocence;
- The lowering and broadening of the evidentiary standard;

[288]Court of Cassation, 16th Criminal Chamber, E. 2019/4536, K. 2020/1712, 04.03.2020.

[289]Güneş, Gökhan: 'Bir İnsanlığa Karşı Suç Örneği: Bankacılık' [An Example of a Crime Against Humanity: Banking].

• Contradiction and uncertainty in judicial case law;

• Findings of violation with respect to these processes by national and international judicial bodies.

The example of Bank Asya represents a critical breaking point from the standpoint of the fundamental principles of modern criminal law. Lawful financial activities were, subsequently and through broad interpretation, transformed into evidence of an offence;

This practice resulted in individuals being subjected to criminal responsibility for activities carried out within the ordinary course of economic and social life; thus, the individual-protecting structure of criminal law was inverted and turned into an expansive and punitive instrument. In this respect, the process is assessed not merely as consisting of individual violations of rights, but also as a practice bearing a systematic character requiring serious examination from the standpoint of international human rights law as well.

The Constitutional Court, too, in the applications brought before it,[290] has taken as its basis the Court of Cassation's approach that accounts opened, and banking transactions carried out, at Bank Asya after a particular date could form the basis for accusations of assisting an organization or of organizational membership. In this respect, the Court has specifically refrained from setting out a clear and protective principle that ordinary and lawful activities of economic life, such as banking transactions, cannot categorically constitute an offence.

G. THE REFLECTIONS OF THE SEIZURE OF BANK ASYA AND THE TMSF PROCESS IN FINANCIAL CIRCLES

Bank Asya is the first large financial institution targeted on the allegation of connection with the Gülen Movement. Following the 17/25 December corruption and bribery investigations, as the conflict between the Erdoğan regime and the Gülen Movement deepened, pressure on Bank Asya increased; state institutions and public banks warned companies and individuals doing business with the bank and forced them to withdraw their deposits. This process led the bank into a liquidity crisis and, ultimately, to the seizure of its management by the BDDK. Assessments to this effect have also been made in the international media.[291]

International legal and human rights organizations have stated that this process was conducted far from transparency, for political motives, and in violation of the

[290] AYM, Hakan Darıcı and others [1st Section], Appl. No: 2021/34045.

[291] https://www.reuters.com/article/markets/turkish-banking-regulator-seizes-control-of-bank-asya-idUSL1N0VD2D9/, accessed: 11/04/2026.

principles of the right to property and fair trial.[292] In particular, the decisions to seize the bank's management and, subsequently, to revoke its operating licence have been criticized as lacking independent judicial review, by international investors, financial institutions, and economic authorities as well.[293]

Following the seizure of Bank Asya, the bank's assets rapidly lost value, customer trust was shaken, and the bank's financial structure was collapsed. Reuters emphasized that this process demonstrated how open Türkiye's financial sector was to political interference, and that it created a systemic risk in the banking sector.[294]

In another report published by Reuters on 5 October 2014, a striking statement demonstrating Recep Tayyip Erdoğan's approach to Bank Asya was included. The report, citing a source close to the decision-making process, quoted Erdoğan as saying: "When I return, I want to see the keys of Bank Asya on my desk." This statement is assessed as a strong finding indicating that the administrative and financial interferences directed at the bank were not confined merely to the technical assessments of regulatory institutions, but, on the contrary, were shaped under the direct direction of the political will.[295]

The process by which Bank Asya was closed — driven by the state's coercive practices — together with its transfer to TMSF and the subsequent transfer of its assets, through non-transparent tender processes, to businesspeople close to the regime, can be characterized as an "economic liquidation" and "plunder" conducted by the hand of the state.

The closure of Bank Asya seriously damaged international investors' trust in Türkiye's financial system and legal infrastructure. The Economist stated that this event was critical in showing that the investment environment in Türkiye had become unforeseeable, and that political interference could have a direct effect on economic actors.[296]

[292]Peker, Emre: Turkish Authorities Seize Bank Asya, 31 May 2015.

[293]Ellis, Eric: The battle for Bank Asya, 28 November 2014.

[294]https://www.reuters.com/article/markets/turkish-banking-regulator-seizes-control-of-bank-asya-idUSL1N0VD2D9/, accessed: 11/04/2026.

[295]Sezer, Seda: Loyal depositors shoulder Turkey's Bank Asya while [seeking to weather the crisis].

[296]https://www.economist.com/finance-and-economics/2015/01/15/saved-by-the-well, accessed: 11/04/2026.

CHAPTER VII:

VIOLATIONS DIRECTED AT PERSONS' SALARY ACCOUNTS AND OTHER RIGHTS AND CLAIMS

A. IN GENERAL

As explained in the relevant chapters, the OHAL process declared following 15 July 2016 was not confined merely to interferences directly targeting economic structures, such as the closure of institutions, the seizure of companies, or the appointment of trustees; it also brought with it practices producing direct and systematic effects on individuals' personal assets, income, and economic possessions. In the course of the process, numerous restrictive and discriminatory measures directly concerning the right to property were applied by the Erdoğan regime, in particular against persons dismissed from public office, persons under investigation, or persons merely assessed as being connected with particular structures.

Within the scope of the unlawful practices developed by the Erdoğan regime's politics of plunder, practices such as the seizure of individuals' salary accounts, the effective unusability of pension payments, the blocking of bank accounts, the application of collective and unjustified measures on assets, and even forced eviction from public housing, became widespread. A significant portion of these measures were implemented, without any conviction whatsoever, through administrative or judicial decisions that were, in most cases, not based on concrete evidence, were not individualized, and were collective in nature.

At the same time, the regulations introduced under the OHAL decree laws were not confined to interference with existing assets alone; they also eliminated individuals' future economic expectations. Pension payments, acquired rights, receivables, and even claims arising from private-law relationships were arbitrarily obstructed depending on persons' status or the processes conducted against them. This situation created an open conflict with national and international legal standards concerning the fact that the right to property covers not only existing assets, but also economic rights based on legitimate expectation.

In this chapter, the interferences applied by the Erdoğan regime during and after the OHAL process to individuals' salaries, bank accounts, pension income, housing rights, and other economic values are examined within the framework of the Constitution, domestic legislation, and the European Convention on Human Rights, and

the structural violations of rights produced by these practices are addressed from a holistic perspective.

B. THE PLACING OF MEASURES ON PENSION PAYMENTS

Following the 15 July coup attempt, hundreds of thousands of public officials were dismissed. It is known that measures were placed on the salaries many public officials, unjustly dismissed by OHAL decree law, were entitled to before their dismissal. In addition, measures were also placed on the salaries of persons against whom terrorism investigations were ongoing. In this respect, thousands of retirees who had retired before 15 July, in particular, were subjected to this unlawful practice.

In this context, MASAK, in a statement it made,[297] within the scope of investigations directed at the Gülen Movement, rendered a deferral decision concerning the financial transactions of certain persons, thereby preventing these persons from using public payments made to them, their pension, or their retirement bonus. MASAK based this deferral decision concerning the use of these persons' pension payments or bonuses on the provision, titled 'seizure and letter of guarantee for coercive purposes,' set out in Article 248 of Code of Criminal Procedure No. 5271, and this decision was shared with the judicial authorities that had issued search warrants concerning the persons in question, for their assessment.

MASAK has also stated that, in the past, within the scope of investigations directed at the Gülen Movement, it has continued its work to prevent public-sourced payments from being made to, and to prevent the use of such payments by, persons subject to search warrants. This statement and practice of MASAK is openly contrary to the principle of the social state set out in the Constitution.

By their very nature, pension payments do not fall among the assets that may be subjected to a measure within the scope of a criminal investigation under Articles 128 and 248 of the CMK. This is because a pension payment is a right arising solely from the social security system and the principle of premium payment. Assessed in this respect, it is not an asset that could be obtained from an offence.[298] Disregarding this nature, pension payments also do not fall within MASAK's direct decision-making authority under Article 19 of Law No. 5549 on the Prevention of the Laundering of Proceeds of Crime.

It is clear that the measures placed on pension payments during the OHAL process, since they suspended fundamental rights such as the right to property and the

[297]https://www.memurlar.net/haber/918108/feto-culerin-kaynagi-kurutuluyor.html, accessed: 11/04/2026.

[298]Violation of Property: MASAK's Interference with the Right to Property and with the Judiciary.

right to social security, and targeted lawful gains having no connection with proceeds of crime, are devoid of legal basis.

In this process, in particular the restrictions on pension payments, the obstacles to the payment of retirement bonuses, and the matter of compensation for the financial rights of which persons reinstated to their posts had been deprived, acquired a new legal status through landmark judicial decisions rendered in 2024 and 2025. On the delicate scale between the actuarial balance of the social security system and the individual's acquired rights, the judicial organs now display an approach placing the right to property and the prohibition of discrimination at the centre.

In the special situation of persons dismissed by decree law, it has been established by judicial decisions that blocks placed solely on the ground of "institutional risk," without any judicial decision, are unlawful.[299] Restrictions on the pension payments of persons dismissed by decree law who were forced to live abroad, or who found themselves abroad, on account of travel bans or passport cancellations during the OHAL period, have also been the subject of recent decisions. As matters stand as of 2026, obstacles to benefiting from social security rights in the country of residence are being gradually lifted. However, the practice of suspending payments for persons whose prison sentence has become final and who are in fugitive status continues to apply under certain conditions (except for house arrest).[300]

C. THE DIRECT PLACING OF BLOCKS ON BANK ACCOUNTS BY MASAK

Another institution used in violations of the right to property during and after the OHAL process has been the Financial Crimes Investigation Board (*MASAK*).[301] That this institution, rather than being an autonomous body, has been turned, within the Ministry, into an instrument of pressure used by the political establishment, creates serious problems. At this point, the most significant problems arise from the blocking of accounts through the deferral of transactions within the scope of Article 19/A of Law No. 5549 on the Prevention of the Laundering of Proceeds of Crime. Under Article 19/A of the Law, MASAK has the power, where there is suspicion that the assets subject to a transaction attempted or currently under way at, or through, obliged parties are connected with the offence of laundering or the financing of terrorism, to suspend such transactions for a period of seven business days, or to refuse to permit their execution

[299] AYM, Fikret Aslan [GC], Appl. No: 2019/41241, 25/2/2025.

[300] https://www.pv.at/cdscontent/load?contentid=10008.782537&version=1716879037, accessed: 11/04/2026.

[301] Ersöz, Kürşat: Mali Suçları Araştırma Kurulunun 5549 Sayılı Suç [Gelirlerinin Aklanmasının Önlenmesi Kanunu Kapsamındaki Yetkileri].

for the same period. The fundamental purpose of the article is, where there is suspicion that the assets subject to a transaction are connected with laundering or the financing of terrorism, to confirm the suspicion, to analyse the transaction, or to convey the results of the analysis to the competent authorities.

The most fundamental reason for the problems experienced with respect to the blocking of bank accounts is this provision, which entered into force in 2016. This is because the deferral decision given under the regulation is limited to just 7 days, and must come to an end at the end of the 7 days if no further decision is taken. However, this is not how the practice operates. The regulation, owing to the uncertainties it contains, causes account holders to be victimized. Indeed, no avenue of objection to the decision is provided for, and the use of the bank account is frozen for 7 days through an administrative disposition. On the other hand, while banks are required to lift the block at the end of the 7 days, they may refrain from doing so. This leads to serious deprivations of rights.

For this reason, the failure to share with the public transparent, disaggregated, and auditable statistics concerning the scope of the financial measures applied under Article 19/A of Law No. 5549 during and after the OHAL process makes it difficult to determine the systematic scale of the interferences. This situation points to a structural problem preventing the restrictions on the right to property from being assessed within the framework of proportionality, necessity, and the prohibition of arbitrariness. In other words, the absence of data is not merely a technical deficiency; it is also a structural transparency problem leading to violations of rights being rendered invisible. On account of this character, this provision has been one of the practices actively resorted to by the Erdoğan regime during the OHAL process.

D. THE NON-PAYMENT OF RETIREMENT BONUSES TO DISMISSED PERSONS

Another injustice suffered by dismissed persons in this process was the non-payment of retirement bonuses. As is known, under Civil Servants Law No. 657 and the relevant social security legislation, in order for public officials to receive a retirement bonus, they must both complete a specified period of service and actually satisfy the conditions for retirement. However, persons dismissed from public office by decree law, if they had not completed this period as of the date of their dismissal from public office, had their applications for payment of a retirement bonus rejected by the SGK, on the ground that, even if they subsequently completed 25 years through other insured work, they did not satisfy the condition of having acquired entitlement to severance pay.

This unlawful practice of the SGK was brought before legal review mechanisms. The General Assembly of the Constitutional Court, examining the matter, in its Fikret Aslan judgment of 25 February 2025[302] (Appl. No: 2019/41241), characterized this practice as a violation of the prohibition of discrimination in connection with the right to property.

The grounds set out by the Constitutional Court in the Fikret Aslan judgment constitute binding case law that is not merely the restoration of an individual right, but that also underscores the principles of legal equality, foreseeability, and respect for fundamental rights in the administration's practices in the field of social security. The rejection of a right such as a retirement bonus — which is the reward for many years of labour — solely on the ground of a past administrative decision such as dismissal from public office, is contrary to the constitutional guarantees relating to the right to property, the prohibition of discrimination, the right to work, and the right to social security.

E. THE INABILITY TO CLAIM COMPENSATION FOR UNJUST DISMISSAL DURING THE OHAL PROCESS

During the OHAL process, a total of 37 OHAL decree laws were issued with the systematic and planned aim of entirely erasing members of the Gülen Movement from the public sphere and the private sector, seizing their assets, and facilitating their arrest. Under the decree laws issued during the OHAL process, more than 130,000 public officials were dismissed by list procedure. Türkiye also experienced coups in 1960 and 1980 in past periods; however, dismissals by list procedure through decree laws occurred only during the 15 July process.

Under Decree Law No. 672,[303] more than 40,000 public employees were dismissed at a single stroke. There is no other similar example of this in the world. Likewise, in Turkish and world history, the largest dismissal of judicial personnel by a single decision was carried out by the Council of Judges and Prosecutors (*HSK*) on 28 July 2016.[304] By its dismissal decree of 24/08/2016, the HSK General Assembly dismissed 2,847 judges and prosecutors at a single stroke.

According to the Activity Report of the OHAL Procedures Inquiry Commission, established to examine requests for reinstatement made by persons dismissed under the

[302]AYM, Fikret Aslan [GC], Appl. No: 2019/41241, 25/2/2025.

[303]Decree Law No. 672 on Public Personnel within the Scope of the State of Emergency.

[304]Council of Judges and Prosecutors, General Assembly Decision.

OHAL decree laws, while the number of persons dismissed from public office is 125,678, the number reinstated to their posts is approximately 17,000.[305]

Unjust regulations were introduced through the OHAL decree laws with respect to persons reinstated to their posts. In this context, the fourth sentence of paragraph (1) of Article 2, titled 'Provisions on Reinstatement,' of Law No. 7150 of 31/10/2018 on the Adoption, with Amendments, of the Decree Law on Certain Measures Taken within the Scope of the State of Emergency, provided that "*Persons who begin duty within this scope shall be paid the financial and social rights corresponding to the period between the date of their dismissal from public office and the date they began duty,*" while its fifth sentence provided that "*These persons may not make any claim for compensation on account of their dismissal from public office.*"

Under this rule, it was provided that persons directly dismissed from public office by one state-of-emergency decree law (*OHAL KHK*) and reinstated to public office by another OHAL decree law could not make any claim for compensation whatsoever; it is clear that, since a person's reinstatement to public office means that the person was unlawfully dismissed from public office, the rule eliminated the possibility of recourse to administrative and judicial remedies for the redress of material or moral damage that persons subjected to an unlawful measure within the scope of the state of emergency might have suffered. Under this provision, persons unjustly dismissed from the profession, notwithstanding their subsequent reinstatement to their posts, were unable, for a long period, to bring a compensation action for the harm they suffered on account of their unjust dismissal.

On account of this decree-law provision, which was the subject of prolonged legal debate, the 22nd Administrative Court of Ankara, in an action brought seeking "compensation for the moral damage suffered by the plaintiff, who was reinstated to his post after being dismissed from public office," applied to the Constitutional Court on the ground that the fifth sentence of paragraph 1 of Article 2 of Law No. 7150 of 31 October 2018 on the Adoption, with Amendments, of the Decree Law on Certain Measures Taken within the Scope of the State of Emergency was contrary to the Constitution. The Constitutional Court, by its decision of 4 December 2024, No. 2024/191,[306] annulled the provision preventing persons who, after being dismissed from public office by a State-of-Emergency Decree Law, were reinstated to their posts by another decree law, from claiming compensation.[307]

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[305]https://bianet.org/haber/gorevlerine-iade-edilen-khk-lilere-tazminat-yolu-acildi-300470, accessed: 11/04/2026.

[306]AYM, E.2025/134, K.2025/114, 3/6/2025.

[307]https://www.resmigazete.gov.tr/eskiler/2025/03/20250310-7.pdf, accessed: 11/04/2026.

In its decision of 30/6/2022, E.2018/137, K.2022/86, the Constitutional Court likewise annulled the provision providing that persons directly dismissed from public office by an OHAL decree law and reinstated to their posts by the State-of-Emergency Procedures Inquiry Commission (*the Commission*) could not make any claim for compensation on account of their dismissal from public office. In its decision, the Court, after stating that the provision in question had to be examined within the framework of the right to an effective remedy, regulated under Article 40 of the Constitution, which guarantees that persons alleging violation of their fundamental rights and freedoms may apply to the competent authorities, stated that affording individuals alleging that they have suffered material and moral harm on account of the unlawful acts of public authorities the opportunity to apply to administrative and judicial bodies for the redress of their harm is a requirement of Article 40 of the Constitution.

With these annulment decisions, the Constitutional Court has made it possible for persons dismissed by decree law who have been reinstated to their posts, whether by an OHAL decree law or by a decision of the State-of-Emergency Procedures Inquiry Commission, to bring an action for moral damages for the loss of reputation and psychological trauma they suffered, in addition to the financial rights of which they were deprived on account of the unlawful dismissal. Thus, an unlawful practice essentially concerning Article 40 of the Constitution, but also connected with the individual's right to property, has come to an end. Persons reinstated to their posts can accordingly claim wages and salary, bank promotion payments, counter-terrorism (operation) compensation, overtime pay, the rank and step progression they would have received during the period they were kept away from duty, interest accruing on all these items from their date of accrual, and moral compensation.

F. THE PLACING OF MEASURES ON THE SALARIES AND ACCOUNTS OF THOUSANDS OF JUDGES AND PROSECUTORS

As a result of an investigation opened, on the ground of the coup attempt, against judges and prosecutors suspended from duty on charges of being members of FETÖ/PDY, by decision of the 1st Magistrates' Court of Ankara of 29.07.2016, Misc. No. 2016/3971, a measure was placed on all the assets, bank accounts, and every kind of right and claim of thousands of judges and prosecutors named in the “digital list” annexed to the decision. Under the decision rendered, the accounts through which judges and prosecutors received their salaries from the state were also blocked within this scope. This measure was rendered by a formulaic decision, without any examination whatsoever of matters such as whether the seized assets subject to the measure had been obtained from an offence, whether they were consistent with the persons' income, or

whether they were connected with the offence of laundering proceeds of crime or the financing of terrorism, and without the names of the persons subject to the measure being included, but merely by reference to the digital list. Thousands of judges and prosecutors suffered grave victimization on account of this unjust measure. This blatantly unjust measure decision is one of the grave violations of the right to property. The objections lodged were resolved only months later; upon the Ankara Chief Public Prosecutor's Office's request that the seizure decision in question be lifted, the previously rendered seizure decision, Misc. No. 2016/3971, was lifted with respect to certain judges and prosecutors by the decision of the 4th Magistrates' Court of Ankara of 21.11.2016, Misc. No. 2016/6195.

The automatic seizure, without any evidence whatsoever, of the bank accounts and assets of all the judges and prosecutors named on a list contained on a CD annexed to the decision — persons under constitutional guarantee — is a manifest violation of the right to property. Assessed together, ECtHR case law and Article 35 of the Constitution of the Republic of Türkiye show that this collective and unjustified seizure practice directed at the assets of judges and prosecutors constitutes a manifest and grave interference with the right to property.

G. THE ECTHR'S APPROACH TO MEASURES DIRECTED AT SALARIES

The European Court of Human Rights has, in numerous judgments, established that salaries and income based on legitimate expectation are also protected under Article 1 of Protocol No. 1 to the European Convention on Human Rights. The Court, in *Anzelika Šimaitienė v. Lithuania*,[308] established the fundamental principle that processes such as the suspension of a public official or the conduct of a criminal investigation against them do not, on their own, eliminate the acquired and legitimately expected right to salary. The Court assessed the non-payment of salary to a suspended judge during the investigation as an interference with the right to property under Article 1 of Protocol No. 1, and found that the interference did not have a sufficiently foreseeable legal basis. It emphasized, in particular, that the mere existence of a regulation in domestic law is not sufficient; this regulation must also be compatible with the rule of law and must afford sufficient guarantees against arbitrary interference.

This principle is important for Türkiye, in particular from the standpoint of the legal foreseeability of interferences with the salary, personal, and pension rights of judges and other public officials dismissed after 2016. Indeed, the Constitutional Court, in the Mehmet Ali Dinçer judgment, examined, from the standpoint of the right to

[308]Case of Anzelika Šimaitienė v. Lithuania, Application no. 55056/10.

property, the non-payment of the salary difference arising from a promotion to first class, on the ground that the person had subsequently been dismissed from the profession, and, noting that there was no explicit regulation in the relevant decree laws to the effect that a previously acquired salary difference would not be paid retroactively, concluded that the requirements of certainty and foreseeability had not been satisfied. For this reason, the Constitutional Court held that the right to property guaranteed under Article 35 of the Constitution had been violated.

When these two judgments are assessed together, the fact of "having been dismissed by decree law" is not, on its own, a sufficient ground for the subsequent elimination, without an explicit statutory basis, of financial rights the person had lawfully acquired prior to the date of dismissal. This approach requires the collective disregard of the retrospective salary, grade, step, and similar financial rights of dismissed judges and other public officials in Türkiye to be seriously questioned, not only from the standpoint of domestic law, but also from the standpoint of Article 1 of Protocol No. 1 to the ECHR.[309]

H. THE FORCED EVICTION FROM PUBLIC HOUSING OF PUBLIC OFFICIALS DISMISSED OR SUSPENDED FROM DUTY

Under KHK issued during OHAL process declared in Türkiye on 15 July 2016, a large number of public officials were dismissed from public office. Likewise, the great majority of persons suspended or dismissed were taken into custody and arrested. In this process, thousands of public officials who were deprived of their liberty and lost their jobs were, under the regulation introduced by the OHAL decree law, required to vacate the public housing (*lojman*) in which they and their families lived. Article 3 of OHAL Decree Law No. 667, published on 23 July 2016, provides: "The weapon licences and pilot licences of persons whose duties are terminated under this article shall be cancelled, and these persons shall be evicted, within fifteen days, from the public housing or foundation housing in which they reside." This provision applies to persons whose duties have been terminated.

In addition, the "Law on Amendments to Certain Laws and Decree Laws," containing new regulations made after OHAL, was published in the Official Gazette and entered into force on 31 July 2018. Under this regulation, certain measures were adopted for investigations to be conducted against public officials for a period of three years.

Public officials covered by the regulation who were suspended or dismissed were evicted from public housing and lojmans within 15 days. A significant portion of

[309]Molu, Benan: on the ECtHR's judgment in Anzelika Šimaitienė v. Lithuania.

dismissed persons had been residing in public housing (*lojman*) allocated on account of their duties. In addition, with respect to many persons, a decision to vacate housing was issued together with only a suspension decision, without a dismissal decision having been rendered. This situation gave rise to important debates concerning the legal nature of eviction from public housing after dismissal, and, in particular, forced-eviction practices.

On the other hand, the eviction from their housing of public officials against whom there is not yet any final conviction — and, in most cases, who have merely been suspended — in effect produces a punitive result; this situation is incompatible with the presumption of innocence. Moreover, the sudden and coercive elimination of persons' housing opportunities violates not only the right to housing, but also, indirectly, the right to property guaranteed under Article 35 of the Constitution of the Republic of Türkiye and the principle of the protection of property regulated under Article 1 of Protocol No. 1. This is because, in ECtHR case law, the concept of property is interpreted broadly to encompass not only formal ownership, but also economic and social interests giving rise to a "legitimate expectation."

In conclusion, these practices, developed under the OHAL regime, show that the punitive authority of public power was expanded beyond judicial review, through administrative acts. The eviction from their housing of dismissed public officials, or of public officials merely under investigation, functions as a secondary sanction rendering them socially and economically vulnerable; in this respect, it both violates the principle of proportionality and openly conflicts with the principles of foreseeability and legal certainty, which are among the fundamental elements of the rule of law. Assessing the overall effect of these practices, it is concluded that forced evictions are not merely an administrative measure, but also a systematic practice of violation of rights.

CHAPTER VIII:

BLOCKING AND FREEZING INITIATIVES DIRECTED AT FOREIGN ACCOUNTS AND ASSETS

A. IN GENERAL

The state-of-emergency regime put into practice in Türkiye after 15 July 2016 turned into a multi-layered policy of interference targeting not only persons and institutions within the country, but also the assets of natural persons resident, and legal entities operating, abroad. In this process, blocking and freezing initiatives directed at the foreign bank accounts, immovables, and corporate assets of persons and institutions alleged to be connected or affiliated with the Gülen Movement in particular came onto the agenda as a systematic state practice.

These practices were, to a large extent, carried out through administrative and diplomatic instruments, without final convictions based on criminal proceedings. Thus, interference with the right to property was carried out under the appearance of a preventive financial measure, with the classical guarantees of criminal law rendered inoperative.

With the state of emergency declared in Türkiye in the post-15 July 2016 period, a comprehensive economic liquidation process was launched, targeting not only persons and institutions within the country, but also the assets of natural and legal persons abroad. In this process, the foreign bank accounts, channels of donation, and corporate assets of persons and organizations associated with the Gülen Movement in particular were made the subject of blocking and freezing initiatives on the basis of allegations of "financing of terrorism" and "money laundering."

Although these initiatives were formally based on the framework of Law No. 5549 on the Prevention of the Laundering of Proceeds of Crime and Law No. 6415 on the Prevention of the Financing of Terrorism, in practice the preventive and temporary nature of this legislation was exceeded, and a mechanism producing, in effect, punitive and permanent consequences was put into operation.

B. WITH RESPECT TO ASSETS AND ACCOUNTS WITHIN TÜRKİYE

As is known, the status of fugitives is regulated in the Second Part, titled "The Trial of Fugitives," within the Fifth Book, titled "Special Trial Procedures," of Code of Criminal Procedure No. 5271. This institution, regulated in Articles 247-248 of the CMK, took its current form after being amended by Law No. 6763, Decree Law No. 680, and

Law No. 7072. Under these new regulations, a fugitive-status decision may now be rendered with respect to a suspect, just as with respect to an accused, and, if necessary, measures specific to fugitives — such as "in absentia detention, issuance of a letter of guarantee, seizure, and the appointment of a trustee to administer seized property" — may thereafter be applied. Under these amendments, the scope of the offences for which a fugitive-status decision may be rendered has also been expanded.[310]

However, the normative content and purpose of the statutory regulation is such that this article is a good-faith restrictive measure and does not target the direct seizure of assets located abroad. The article explicitly grants the power to seize "assets, rights, and receivables located in Türkiye"; it is understood, from the systematics of the CMK, that foreign assets are not regulated within this scope. Accordingly, the text and doctrinal meaning of Article 248 of the CMK grants the power of seizure only with respect to assets and rights located within the borders of Türkiye. The definition of "fugitive accused" is regulated in the Law for accused persons who cannot be reached by the competent authorities or who fail to appear at trial; as a result, the measures regulated in the CMK are confined to Türkiye.

According to data in the European Commission's 2023 Türkiye Report, the mechanism for freezing the domestic assets of terrorist organizations through joint decisions published by the Ministry of Treasury and Finance and the Ministry of the Interior has continued to be applied. In 2021, the assets of 1,145 natural persons and 16 organizations were frozen through three joint decisions taken by the ministries. In 2022, through 4 joint decisions taken by the ministries, the assets of 64 natural persons and 14 organizations were frozen.

On the basis of these two provisions of the CMK, in particular after 15 July, fugitive-status decisions were rendered with respect to many persons under FETÖ investigations on the allegation that they were members of the Gülen Movement, and, subsequently, decisions were rendered to seize these persons' assets, rights, and receivables, and trustees were also appointed to some of them. In carrying out all these transactions, the condition of "proportionality to the purpose" required by the Law was not observed; the existence of the investigation or prosecution was regarded as sufficient.

[310]Evik, Ali Hakan: Ceza Muhakemesinde Kaçakların Yargılanması [The Trial of Fugitives in Criminal Procedure]; Koruculu, Irmak: 'Kaçakların Yargılanmasında Hüküm' [Judgment in the Trial of Fugitives], Sakarya University.

C. THE ERDOĞAN REGIME'S EFFORTS TO APPLY THE "FUGITIVE" PROVISION ABROAD

While the Erdoğan regime introduced measures under Articles 247 and 248 of the CMK with respect to persons under arrest warrant within the scope of investigations and prosecutions conducted in Türkiye, it also began to seek alternative avenues for applying similar measures with respect to persons and institutions not present in Türkiye at all. In this context, following 15 July 2016, Türkiye made numerous initiatives aimed at freezing the foreign bank accounts, donation networks, and institutional assets of natural and legal persons alleged to be connected with the Gülen Movement. These initiatives were predominantly conducted through:

- diplomatic requests,
- mutual legal assistance (MLAT) mechanisms,
- allegations of the financing of terrorism,
- information-sharing originating from MASAK.

However, unlike the domestic OHAL/decree-law practice, these requests did not automatically find a response abroad. Although Türkiye also requested that measures be placed abroad on the assets and accounts of persons on whom it had placed measures domestically, these requests were, for the most part, not accepted.

The Erdoğan regime based its requests within the scope of the financing of terrorism, for the most part, on:

- the allegation that the Gülen Movement is an "armed terrorist organization";
- the allegation that donation and aid organizations carried out activities within the scope of the "financing of terrorism."

In these requests, particular emphasis was also placed on UN Security Council Resolutions 1267 and 1373 and the International Convention for the Suppression of the Financing of Terrorism. However, the UN's 1267 list does not include the Gülen Movement or any person or institution connected with it. Accordingly, the automatic international freezing regime for accounts and assets was never triggered.

D. BLOCKING AND FREEZING INITIATIVES DIRECTED AT FOREIGN ASSETS AFTER 15 JULY

1. Assessment from the Standpoint of the Legal Framework, Practice, and International Law

The state-of-emergency process declared following 15 July 2016 turned into a large-scale regime of interference targeting not only persons and institutions within the borders of Türkiye, but also the assets of natural and legal persons abroad. In particular,

the foreign bank accounts, donation networks, and corporate assets of persons and organizations alleged to be connected with the Gülen Movement were made the subject of blocking and freezing initiatives on the basis of allegations of "financing of terrorism" and "money laundering." In this process, in particular:

- aid organizations operating abroad,
- educational institutions,
- civil society organizations

were targeted.

These initiatives were, in domestic law, predominantly based on Law No. 5549 on the Prevention of the Laundering of Proceeds of Crime, Law No. 6415 on the Prevention of the Financing of Terrorism, and Articles 128 and 248 of the Code of Criminal Procedure; in the international sphere, mutual legal assistance (MLAT) mechanisms and diplomatic channels were used. However, none of these normative bases permits the unilateral and permanent liquidation, by Türkiye, of assets located in foreign countries.

Law No. 5549 provides for preventive and administrative measures aimed at the prevention of the laundering of proceeds of crime. It grants powers relating to suspicious-transaction reporting, the monitoring of financial movements, and the temporary suspension of transactions. The transfer of ownership or permanent seizure falls outside the scope of this law.

Law No. 5549 was adopted for the purpose of preventing the laundering of proceeds of crime and the financing of terrorism. The Law's fundamental approach is oriented toward prevention, not punishment. In this respect, it is distinct from criminal-procedure measures (CMK seizure, confiscation, etc.). The Law essentially regulates mechanisms of:

- suspicious-transaction reporting,
- the monitoring of financial movements,
- temporary suspension/freezing,
- international financial cooperation.

Law No. 5549 does not provide for the transfer of ownership or permanent seizure, but rather temporary and precautionary financial measures.

Within this framework, the central role is assumed by MASAK (*the Financial Crimes Investigation Board*). Law No. 5549 does not grant a direct power of blocking or freezing with respect to assets located abroad; a result in this direction can arise only through international mutual legal assistance and the acceptance of the law of the relevant country.

Law No. 6415 regulates the freezing of assets in line with United Nations Security Council resolutions and Financial Action Task Force (*FATF*) standards. However, the

freezing measure must be temporary, proportionate, and open to judicial review. This mechanism does not amount to confiscation. Within the scope of the Law, the freezing of assets and the suspension of financial transactions are provided for (Arts. 3-4). Here too, however, the freezing of assets must be temporary, proportionate, and open to judicial review. In other words, this measure may not be applied in a manner producing the result of eliminating property or of de facto confiscation.

Within this framework, the processes initiated under Article 248 of the CMK have been carried into the international sphere through Laws No. 5549 and 6415; thus, an instrument specific to criminal procedure has been turned into the justification for a cross-border interference with property. This approach bears the character of a misuse of the purpose of the laws (*détournement de pouvoir*).

2. The Method Followed in Practice: MASAK and the Diplomatic-Pressure Mechanism

The fundamental method followed in practice has been the sharing of analysis and assessment reports prepared by MASAK with foreign countries' financial intelligence units. It is seen that these reports, in most cases, relied not on concrete and individualized criminal accusations, but on vague concepts undefined in criminal law — such as "belonging," "affiliation," or "connection" — which became a jargon developed by the Erdoğan regime for establishing unlawful transactions during and after the OHAL process. This approach, for the most part, did not find a response within the MLAT system, which requires dual criminality, concrete evidence, and an independent judicial decision.

Through these reports, requests were conveyed to foreign banks and financial supervisory authorities for the freezing of the accounts of the persons or institutions concerned. However, in countries with strong rule-of-law standards, such as European Union countries, the US, Canada, and Australia, these requests were:

- rejected or not processed

on grounds of:

- insufficiency of concrete evidence,
- the absence of a conviction,
- suspicion of political motive.[311] This situation has also been reflected in international reports and academic studies. This picture shows that the "terror" label, applied by administrative disposition in Türkiye, does not automatically produce results on the plane of international law.

[311]Venice Commission of the Council of Europe report.

This picture emerging with respect to Türkiye demonstrates that the "high-risk country" perception that has formed internationally stems not only from technical deficiencies, but also from the manner in which the legislation is applied. Indeed, there is serious criticism that the existing regulations are, in most cases, applied not for the purpose of combating genuine proceeds of crime and the financing of terrorism as required by international standards, but expanded for "political motives." In particular, findings that, under the Recep Tayyip Erdoğan administration, persons, companies, and aid organizations with no connection whatsoever to any concrete criminal activity have been subjected to financial measures solely on the allegation of connection with the Gülen Movement, reinforce concerns that AML/CFT mechanisms have been instrumentalized. International analyses also note that the expansion of the definition of terrorism, the freezing of assets, the appointment of trustees, and exclusion from the financial system can be used to put pressure on opposition or undesired social groups. This situation reinforces criticism that anti-money-laundering legislation in Türkiye has, moving away from the principles of legal certainty and foreseeability, turned into a selective and arbitrary instrument of application.[312]

At this point, the report titled "Misuse of FATF Standards as a Tool of Transnational Repression," published by Solidarity with Others, demonstrates that Türkiye has used international standards on combating money laundering and the financing of terrorism — in particular FATF framework — as a political instrument of pressure, departing from their purpose. The report finds that, while FATF standards are, in essence, aimed at preventing proceeds of crime and the financing of terrorism, in the example of Türkiye these mechanisms have been instrumentalized, through a broad and vague definition of "terror," to target opposition persons and groups.[313]

The report examines, through concrete cases, the practices directed in particular at persons and organizations alleged to be connected with the Gülen Movement. Within this scope, it states that, without any concrete evidence being presented of any act of violence or proceeds of crime, the assets of numerous companies have been seized, economic assets have been brought under state control through the appointment of trustees, and civil society organizations have been closed. The report also emphasizes that these measures have not remained confined within the borders of Türkiye; they have reached the dimension of "transnational repression" through pressure, extradition requests, and attempts at exclusion from the financial system directed at persons and organizations operating abroad.

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[312]Solidarity with Others: Misuse of FATF (Financial Action Task Force) Standards as a Tool of Transnational Repression.

[313]Solidarity with Others: Misuse of FATF Standards as a Tool of Transnational Repression.

As can be seen, anti-money-laundering and counter-terrorism-financing legislation in Türkiye has been diverted from its essential purpose and turned into an instrument for suppressing political opposition. Within this framework, it is clear that the misuse of FATF standards not only gives rise to violations of rights at the domestic level, but also damages the legitimacy of these standards within the international system.

On the other hand, allegations that Türkiye has monitored the activities abroad of many persons and organizations also appear in various sources. According to an analysis by Nordic Monitor, a confidential report prepared by MASAK, affiliated with Türkiye's Ministry of Treasury and Finance, revealed a wide-ranging international intelligence operation extending beyond Turkish citizens to encompass foreign nationals as well. The report alleges that the National Intelligence Organization (*MİT*) and Turkish diplomatic missions abroad not only monitored persons suspected of being connected with the government-critical Gülen movement but also kept organizations and foreign individuals under surveillance. This situation gives rise to important diplomatic and legal concerns. In addition, according to the report, humanitarian aid organizations are accused of financing terrorism, and this allegation is assessed as an attempt to discredit the organizations' work and to silence opposition. The same analysis also states that this information has been shared with other states, in an attempt to portray the organizations as falling within the scope of terrorism financing. This situation shows that a systematic mechanism of surveillance and pressure has been created over civil society.[314]

3. Initiatives Directed at Civil Society Organizations

It is seen that a large number of civil society organizations — founded in accordance with the national legislation of the countries in which they are located, regularly audited, and contributing in the fields of education, culture, and humanitarian aid in the societies in which they operate — have been systematically targeted by the Erdoğan regime. It is understood that these organizations, without being connected with any concrete criminal activity whatsoever, have been labelled solely on the basis of alleged connections with the discourse of "money laundering" and "financing of terrorism"; and that, within this scope, initiatives have been undertaken before international institutions and national authorities aimed at freezing their assets, blocking their access to bank accounts, and restricting their activities. In this process, strong findings have emerged that these mechanisms have been used not as a legal necessity, but as an instrument of political pressure, and that the organizations concerned have

[314]Kenez, Levent: Secret report shows Turkish intelligence expanded [surveillance abroad].

been kept under continuous pressure aimed at discrediting them internationally and narrowing their field of activity.

According to the national asset-freezing decisions list published by MASAK, affiliated with the Ministry of Treasury and Finance of the Republic of Türkiye, sanctions have been applied to 1,334 persons and organizations.[315] Within this scope:

• many managers of civil society organizations — including international human rights organizations operating in Europe such as Solidarity with Others, Human Rights Defenders, and the Stockholm Center for Freedom —

• journalist Bülent Keneş, resident in Sweden, who became the subject of debate on account of Türkiye's making his extradition a condition for its approval of Sweden's NATO membership,[316]

• numerous journalists resident in Germany, including Can Dündar, Cevheri Güven, and Sevinç Özarslan,

appear on Türkiye's sanctions lists.

In a statement made by the Ministry of Treasury and Finance's Financial Crimes Investigation Board, it was announced that, under Decision No. 2021/1, published in the Official Gazette of 7 April 2012, the accounts of a total of 377 persons, institutions, and organizations — members of the FETÖ/PDY, DEAŞ, PKK/KCK, and DHKP/C terrorist organizations, determined to be terrorist organizations by Turkish courts — have been frozen.[317]

Likewise, Türkiye's asset-freezing list published on 24 December 2021 includes the names of 770 persons and 1 organization.[318] Of these 770 persons, 455 were subjected to asset-freezing measures solely on the allegation of connection with the Gülen Movement, which is recognized as a terrorist organization only by the Erdoğan regime.[319] Yet UN and EU institutions have stated that this movement has no connection whatsoever with terrorist activities.

In another statement by the Ministry of Treasury and Finance's Financial Crimes Investigation Board, it was decided, between 2021 and 2025, to freeze the assets of a total of 1,483 persons, institutions, and organizations. In the Excel list published within this scope, the assets of a total of 1,432 persons, institutions, and organizations were frozen solely on the allegation of membership of the Gülen Movement.[320]

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[315]Ministry of Treasury and Finance, list of Individuals, Entities, and Organizations subject to asset freezing.

[316]https://www.dw.com/en/swedens-top-court-bars-turkeys-extradition-requests/a-66213463, accessed: 11/04/2026.

[317]https://masak.hmb.gov.tr/duyuru/basin-aciklamasi, accessed: 11/04/2026.

[318]https://ms.hmb.gov.tr/uploads/sites/12/2021/12/RESMI-GAZETE_24_ARALIK.pdf, accessed: 11/04/2026.

[319]https://ms.hmb.gov.tr/uploads/sites/12/2021/12/RESMI-GAZETE_24_ARALIK.pdf, accessed: 11/04/2026.

[320]https://masak.hmb.gov.tr/7madde, accessed: 11/04/2026.

Among the institutions most seriously affected by these asset-freezing decisions are, above all, civil society organizations engaged in humanitarian aid work.

Within this scope, under Decision No. 2021/5, published in the Official Gazette of 24 December 2021, No. 31699, on the ostensible ground of preventing the financing of terrorism, the assets of hundreds of persons and organizations — together with the Niagara Foundation, active in the United States — were frozen.[321]

Subsequently, under Decision No. 2024/6, taken by Türkiye on 28 August 2024, an asset-freezing measure was applied with respect to Time to Help's branches in Germany, Belgium, the United Kingdom, Denmark, France, the Netherlands, and Switzerland in Europe.[322]

The 2023 Türkiye Report prepared by the European Commission stated that the mechanism for freezing the domestic assets of terrorist organizations through joint decisions published by the Ministry of Treasury and Finance and the Ministry of the Interior continued to be applied; that, in 2021, the assets of 1,145 natural persons and 16 organizations were frozen through three joint decisions taken by the ministries; and that, in 2022, through 4 joint decisions taken by the ministries, the assets of 64 natural persons and 14 organizations were frozen.[323]

The Erdoğan regime's arbitrary misuse of counter-terrorism laws to add individuals to "asset-freezing" lists on terrorism charges has been widely criticized internationally. In statements made, it has been emphasized that the Turkish government's purpose in adding these persons and organizations to the list is not to combat the financing of terrorism, but, on the contrary, to misuse the anti-money-laundering and counter-terrorism-financing (*AML/CFT*) system to apply pressure within the global financial system, to exclude, and to obstruct them.[324]

In this context, the Parliamentary Assembly of the Council of Europe (*PACE*) has openly condemned the misuse of counter-terrorism-financing measures to unjustly target individuals abroad, including those alleged to be connected with the Gülen Movement.[325]

Similarly, the United Nations has also criticized Türkiye's procedures for preparing lists of wanted terrorists and lists of frozen assets, and for adding individuals or organizations to terrorism watch lists. UN reports emphasize that human rights defenders, political opponents, lawyers, and activists are, in most cases, included on

[321]https://ms.hmb.gov.tr/uploads/sites/12/2021/12/RESMI-GAZETE_24_ARALIK.pdf, accessed: 11/04/2026.

[322]https://ms.hmb.gov.tr/uploads/sites/12/2024/09/resmi-gazete-1.pdf, accessed: 11/04/2026.

[323]European Union Commission, 2023 Türkiye Report, Brussels.

[324]Solidarity with Others: Misuse of FATF Standards as a Tool of Transnational Repression.

[325]The Parliamentary Assembly of the Council of Europe, 2023.

these lists without any reasonable, concrete, and sufficient justification being shown. The UN also emphasizes that fundamental legal guarantees such as notification, the right of defence, objection mechanisms, and judicial review are absent in this process. The UN has emphasized that this practice contributes to a "bounty-hunter economy" targeting human rights defenders both within Türkiye and abroad.[326]

The statements above show that the misuse of anti-money-laundering and counter-terrorism-financing regulations cannot be resolved through individual cases, applications, or objection processes, but rather through the identification of gaps in the system and its restructuring to close those gaps.[327]

As can be seen in the example cases given, the possibility of challenging, through the judicial system, unfounded terrorism accusations made by individuals and repressive regimes exists, even if it is a lengthy process. However, within the current political and legal framework, it is almost impossible to prevent repressive regimes from victimizing thousands of people through the publication of a single list. For this reason, FATF and other relevant institutions should be responsible for ensuring that AML/CFT regulations are applied in a manner compatible with human rights and universal legal principles, with the participation of civil society and relevant stakeholders.

One of the points particularly highlighted in the report titled "Misuse of FATF Standards as a Tool of Transnational Repression," published by Solidarity with Others, is that requests coming from Türkiye are, to a large extent, general and abstract in nature. It is stated that these requests adopt an approach of collective accusation based on association with a particular community, rather than individualized criminal charges. This situation openly conflicts with the principle of "suspicion based on concrete evidence," required both by Belgian domestic law and by European human rights standards. Indeed, the report emphasizes that such requests damage the credibility of international financial oversight mechanisms and increase the risk of misuse. The report also states that the transactions carried out against the association concerned produce not only legal, but also serious humanitarian, consequences. These consequences include the interruption of aid activities, the reduction of support reaching those in need, and harm to the volunteer network. In this respect, the case is treated not merely as a matter of financial oversight, but also as a problem of the narrowing of civil society's field of activity.

[326]https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=29351, accessed: 11/04/2026.

[327]Solidarity with Others: Misuse of FATF Standards as a Tool of Transnational Repression.

4. The Violation of Financial Action Task Force Standards

As is known, the Financial Action Task Force is the global body overseeing money laundering and the financing of terrorism. This intergovernmental body sets international standards aimed at preventing these unlawful activities and the harm they cause to society. As a policy-setting body, the FATF works to build the political will necessary to carry out national legislative and regulatory reforms in these fields. The Financial Action Task Force, a 40-member body, sets international standards to ensure that national authorities can effectively pursue illicit funds connected with drug trafficking, illegal arms trade, cyber fraud, and other serious crimes. More than 200 countries and jurisdictions have committed to implementing the FATF Standards as part of a coordinated global response to preventing organized crime, corruption, and terrorism.[328]

In this context, the report prepared by the Financial Action Task Force on Türkiye on 16 December 2019 emphasized that serious deficiencies persisted in Türkiye, including the need to improve measures for freezing assets connected with terrorism and the proliferation of weapons of mass destruction.[329]

In addition, the report also criticizes Türkiye's approach in the field of civil society organizations (in particular non-profit organizations — NPOs). While the FATF calls for the adoption of a risk-based approach in this field, it draws attention to the fact that Türkiye's practices are not sufficiently targeted, and, in some areas, carry the risk of excessive or disproportionate interference. This situation points to a structure giving rise, at the same time, to both ineffectiveness and the risk of potential violations of rights.

In conclusion, the FATF's 2019 report shows that Türkiye has serious problems in the field of combating the financing of terrorism, not only in terms of technical deficiencies, but also in terms of the quality of implementation, the accuracy of targeting, and legal guarantees. Findings to the effect that sanction mechanisms are either ineffective or not structured in accordance with the standards, and that there is disproportionate and inconsistent practice in place of a risk-based approach, show that Türkiye departs significantly from international standards in this field.

Similarly, the 2023 Türkiye Follow-up Report published by the Financial Action Task Force,[330] while acknowledging, as in the 2019 report, that Türkiye had developed its system of targeted financial sanctions against terrorism-connected persons and

[328]https://www.fatf-gafi.org/en/the-fatf/who-we-are.html, accessed: 11/04/2026.

[329]The Financial Action Task Force (FATF), Anti-money laundering and counter-terrorist financing measures – Türkiye, 2019.

[330]The Financial Action Task Force (FATF), Anti-money laundering and counter-terrorist financing measures – Türkiye, follow-up report, 2023.

organizations (Recommendation 6), stated that no strong assessment was made to the effect that the deficiencies concerning the rapid, accurate, and effective implementation of this mechanism had been entirely remedied.

Although the 2023 Follow-up Report does not explicitly use the term "misuse," the framework it sets out points to the following reality: the counter-terrorism-financing and targeted financial sanctions system in Türkiye has been normatively strengthened, but the question of how and against whom this system is applied remains open to serious debate. In particular, the structure — which allows for broad and abstract application rather than a risk-based and evidence-based approach — forms the basis of the criticism that this legislation is not operated in full compliance with international standards and in a foreseeable manner.

5. Unlawful Notifications Directed at the Humanitarian Aid Organization Time to Help

Time to Help is an independent humanitarian aid organization, founded in Germany in 2006, which has, since 2013, opened branches in countries such as the United Kingdom, Belgium, and the Netherlands, and which combats poverty worldwide. The organization is seen to have adopted a working model based on volunteerism and wide-ranging social-responsibility projects such as clean-water wells, food aid, refugee support, and cataract surgeries.[331]

Time to Help, which targets international humanitarian aid, delivers its projects to people in Africa, Asia, the Middle East, and Eastern Europe through its global network of joint project offices in more than 20 countries. Time to Help has no direct connection with any religious or ethnic group. However, because some persons connected with the Gülen Movement have also taken part in and organized certain of this organization's activities, it is known that the Erdoğan regime has, as part of its "transnational pressure," targeted this civil society organization with allegations of financing terrorism.[332] In particular, it is known that the organization has become the target of asset-freezing decisions taken in Türkiye.

In this context, under Decision No. 2024/6, taken by Türkiye on 28 August 2024, an asset-freezing measure was applied with respect to Time to Help's branches in Germany, Belgium, the United Kingdom, Denmark, France, the Netherlands, and Switzerland in Europe.[333] Turkish authorities based this decision on the allegation that the organization was connected with the Gülen Movement, defined by the Erdoğan

[331]https://timetohelp.eu/aktuelles/, accessed: 11/04/2026.

[332]https://committees.parliament.uk/writtenevidence/138145/pdf/, accessed: 11/04/2026.

[333]https://ms.hmb.gov.tr/uploads/sites/12/2024/09/resmi-gazete-1.pdf, accessed: 11/04/2026.

regime as "FETÖ." However, the decision contains no concrete and lawful evidence[334] or justification whatsoever in this regard.

These decisions of the Erdoğan regime have resulted in the foundation and its volunteers being recorded as "terrorism financiers" in risk-intelligence databases used in the international banking system (such as World-Check). This situation is characterized as a "financial exclusion" strategy, resulting in the closure and freezing of the foundation's bank accounts and the obstruction of its legitimate humanitarian aid activities.[335]

However, these initiatives have not been accepted in many countries, on grounds including freedom of expression and association, the right to property, and the principles of legal foreseeability. Nevertheless, as a result of the notifications made by the Erdoğan regime through the misuse of international counter-terrorism-financing legislation, some banks conducted short-term risk reviews, but no permanent freezing or seizure took place. The organization has continued its activities through different accounts and legal avenues. This example clearly shows that the "terror" label, which the Erdoğan regime uses without limit domestically, does not find legal recognition abroad.

In the post-15 July period, the blocking and freezing initiatives directed at foreign assets, although carried out under a legal appearance, turned into a collective and politically motivated practice of dispossession, devoid of the guarantees of criminal law.

Türkiye's decision to freeze the assets of Time To Help Belgium and other Time To Help organizations — which operate abroad and have not been the subject of any investigation in the country in which they are located — constitutes a striking example of the misuse of anti-money-laundering and counter-terrorism-financing (AML/CFT) mechanisms. Indeed, "Time To Help Belgium", an aid organization established under Belgian law and conducting its activities within that framework, has to date not been the subject of any judicial or administrative investigation in Belgium. On the contrary, its humanitarian aid activities have, on various occasions, been commended by Belgian public authorities. No problem whatsoever has arisen in routine administrative inspections to date either. In addition, the organization has no assets whatsoever in Türkiye. It has no institutional or legal connection with Türkiye. The only connection with Türkiye is that some persons on the management staff are of Turkish origin. Notwithstanding this, Turkish authorities have included Time To Help Belgium on the asset-freezing list, relying on Article 7 of Law No. 6415 on the Prevention of the

[334]Lombardo, Giuseppe: on measures relating to combating the financing of terrorism.

[335]https://committees.parliament.uk/writtenevidence/138145/pdf/, accessed: 11/04/2026.

Financing of Terrorism. This situation gives rise to serious debate from the standpoint of the principles of jurisdiction and legality.

CONCLUSION

Within the scope of the practices that began with the process following the Erdoğan regime's 17/25 December bribery and corruption investigations, and that turned into state policy together with the dubious 15 July coup attempt, individuals' property rights, along with other fundamental rights, have been subjected to grave violations. With the state-of-emergency process declared following the dubious coup attempt of 15 July 2016, a systematic and intensive politics of plunder directed at the property rights of individuals and institutions began to be applied, and state-sponsored seizures of property took place. Under the decree laws issued — above all OHAL Decree Law No. 667

[336]

— 2,761 legal entities were closed; all the movable and immovable property, receivables, rights, documents, and records belonging to these legal entities were, without any distinction whatsoever, transferred to the Treasury.

Under the OHAL decree laws issued during the OHAL process, 187 media organizations — comprising 1,595 associations, 155 foundations, 1,061 schools, 841 dormitories, 223 course/tutoring centres, 48 hospitals, health centres and clinics, 15 universities and 7 affiliated hospitals, 19 trade unions, 70 newspapers, 20 magazines, 33 television channels, 34 radio stations, and 30 publishing/distribution companies — were permanently closed and their assets transferred to the Treasury. In addition to the closed institutions, hundreds of private companies were likewise seized and placed under trusteeship during the OHAL process. Within this scope, thousands of commercial enterprises were also transferred to the Savings Deposit Insurance Fund (*TMSF*). Similarly, the bank Bank Asya, seized before the coup attempt and transferred to TMSF, was closed.

On the other hand, according to the public statement of the Ministry of Environment and Urbanization dated 7 October 2016, following the closures and transfers effected through the OHAL decree laws, 3,333 immovables were transferred to the Treasury and 2,086 immovables to the Directorate General of Foundations during this process; it was stated that the total market value of the seized immovables was approximately TRY 15 billion. These figures clearly demonstrate that the interference was not exceptional in nature, but mass and systematic.[337] Calculated at the exchange rate as of 7 October 2016, according to the Ministry's figures, the market value amounts to approximately USD 4.92 billion.

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[336] https://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8.htm, accessed: 11/04/2026.

[337] Altıok, Zeynep: OHAL Bilançosu Hak İhlalleri Raporu, pp. 15-16.

The value produced by the institutions seized and closed, and the private companies placed under trusteeship, as part of the Erdoğan regime's "plunder practices," is expressed in the billions of dollars. Although the total value of the seized assets has been stated by government officials as TRY 75 billion, this figure does not include the assets seized from many natural persons, liquidated organizations, or the thousands of immovables transferred for educational purposes. In addition, precautionary measures were placed on the land-registry records of 213,696 immovables at the request of administrative and judicial authorities, and there is no precise data regarding the total value of these frozen assets.[338]

In this context, according to the report titled "The Erosion of Property Rights in Turkey," prepared within the scope of a study carried out on this subject, the value of the assets seized in connection with the Gülen Movement, through the Decree Laws (KHK) issued during the State-of-Emergency (OHAL) period and using the Anti-Terror Law, is at least approximately USD 32.24 billion as of 21 July 2016, the date OHAL was declared.[339]

A striking feature of all the decree-law provisions that closed institutions in this manner is that no distinction whatsoever was made, with respect to assets, between property used in the commission of an offence, property obtained from an offence, and property having no connection with any offence. In other words, the OHAL decree laws established a general and automatic regime for the transfer of assets, without being based on any individualized assessment. Although Decree Law No. 667 used the concepts of "closure" and "transfer" with respect to the institutions whose assets were seized, when the consequences produced by the provisions of the decree law are taken into account, it is apparent that the practice is in fact "confiscation," a direct institution of criminal law.

It is clear that the mass closures and uncompensated asset transfers carried out through the OHAL decree laws bear the character of general confiscation within the meaning of criminal law. Moreover, since the transfer concerns the entirety of the assets, these practices directly conflict with the "general confiscation" prohibition explicitly set out in Article 38 of the Constitution.

In the course of the process, the closure of thousands of institutions through the OHAL decree laws was not regarded as sufficient; investigations were also conducted, and arrests carried out, on charges of membership of an armed terrorist organization, against thousands of people who worked at these institutions, all of which were under the oversight and supervision of the relevant state institutions. Hundreds of thousands

[338]https://www.memurlar.net/haber/619451/feto-kasasindan-servet-cikti.html, accessed: 11/04/2026.

[339]Yıldız, Ali / Spencer, Leighann: The Erosion of Property Rights in Turkey.

of cases were brought, on the allegation of terrorist-organization membership or assistance, against persons who held an account at Bank Asya — an institution under the state's routine supervision, from every transaction of which the state collected tax and fees. Here, as a result of the state's discriminatory regime practices, proceedings were conducted on the basis of policies of hatred and discriminatory regime practices, rather than on the basis of evidence.

In the process of unlawful interference with the right to property guaranteed under Article 35 of the Constitution and Protocol No. 1 to the ECHR, carried out on the pretext of OHAL, the authorities did not confine themselves to seizing the assets of institutions and organizations. The assets of some dismissed public officials were also seized without any concrete justification whatsoever being shown. Within this scope, by decision of the 1st Magistrates' Court of Ankara of 29.07.2016, Misc. No. 2016/3971, a measure was placed on all the assets, bank accounts, and every kind of right and claim of approximately 3,000 judges and prosecutors sent in the form of a digital list. This situation is, in essence, a grave example — as we have emphasized at every stage — of systematically discriminatory regime practices carried out with the specific intent of destruction.

The OHAL declared, and the decree laws issued, in a manner contrary to universal legal principles and constitutional provisions, following the 15 July 2016 coup attempt, constitute a historical breaking point in Türkiye from the standpoint of the right to property and the principles of the rule of law. In this process, TMSF has assumed a central role in the seizure of the assets of institutions, organizations, and companies alleged to belong to the Gülen Movement in particular. TMSF has been turned into the principal actor of the Erdoğan regime's seizure and confiscation policy, and trusteeship practices have been turned into the main instrument of this process.

The function of TMSF — the principal actor of the trusteeship practice used by the Erdoğan regime as a weapon against the opposition — in this process was not confined merely to the management of seized assets; it also turned into a state-conducted politics of plunder, through the systematic devaluation of these assets and their subsequent transfer to businesspeople close to the regime. The example of Bank Asya is one of the most striking indicators of this process. Following the seizure of Bank Asya, the bank's assets and customer trust were rapidly eroded, and its financial value was made to fall substantially. Likewise, seized companies, media organizations, educational institutions, and other assets were rendered dysfunctional under trustee management, kept far below their market value, and thereby made ripe for “collapse.”

According to a statement made by TMSF officials on 15 July 2024,[340] within the scope of investigations carried out after 15 July 2016, the management of a total of 1,371 companies was transferred to TMSF on the allegation of "connection with a terrorist organization."[341] According to TMSF data, trustee management continues, across 32 provinces throughout Türkiye, in a total of 994 companies. In addition, share trustees have been appointed to 82 companies, and trustees have been appointed to the assets of 93 natural persons. This data shows that the trusteeship practice has not been confined merely to company management, but has turned into large-scale asset oversight. According to TMSF's most recent update of 19.12.2025, the number of companies under trusteeship is 1,105.[342]

In the face of the state's politics of plunder and property-seizure practices directed at property seized during the OHAL process, the judiciary either remained entirely indifferent or, more gravely, adopted an attitude that covered up these unlawful acts and the violations of the right to property. During this period, local courts wrote reasoned decisions effectively in the language of the regime; they made no reference, in their reasoning, to universal legal principles, the proportionality test, individual-fault analysis, or an assessment of fairness. The dominant approach in these decisions was not a constitutional perspective centred on the individual, but an entirely statist point of view.

The example of Bank Asya shows that the state's interference in the economic sphere in Türkiye was shaped not by legal and economic standards, but on the basis of political loyalty. The Bank's first being weakened through political pressure, then having its value reduced through transfer to TMSF, and, ultimately, being declared bankrupt, shows that a model of state-conducted "economic liquidation" and "plunder" has become institutionalized. This process points to a serious crisis of legitimacy, at both the national and international level, from the standpoint of the right to property, the rule of law, and economic freedoms. At the root of all these unlawful practices lies, in essence, one of the gravest examples of the fact that the Erdoğan regime has recognized no right to life, in economic and social terms, for the opposition. Notwithstanding that it was an important asset for the country's economy, the Erdoğan regime deliberately drove this bank into bankruptcy, and ultimately closed it, in order to destroy the Gülen Movement.

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[340]https://www.ekonomim.com/kose-yazisi/kayyimdaki-1371-sirketin-643u-iade-edildi-tmsfnin-yonettikleri-146-milyar-lirayi-asti/754513, accessed: 11/04/2026.

[341]https://www.ekonomim.com/kose-yazisi/kayyimdaki-1371-sirketin-643u-iade-edildi-tmsfnin-yonettikleri-146-milyar-lirayi-asti/754513, accessed: 11/04/2026.

[342]https://www.tmsf.org.tr/tr/Sirket/Kayyim?page=23, accessed: 11/04/2026.

Within the scope of the unlawful practices developed by the Erdoğan regime's politics of plunder, practices such as the seizure of individuals' salary accounts, the effective unusability of pension payments, the blocking of bank accounts, the application of collective and unjustified measures on assets, and even forced eviction from public housing, became widespread. A significant portion of these measures were implemented, without any conviction whatsoever, through administrative or judicial decisions that were, in most cases, not based on concrete evidence, were not individualized, and were collective in nature. What is particularly striking is that these interferences were, to a large extent, applied without a conviction, and, in most cases, relied on abstract and generalized assumptions rather than on individualized assessment. This situation also gives rise to serious violations with respect to the presumption of innocence and the right to a fair trial, which are directly connected with the right to property.

The state-of-emergency regime put into practice in Türkiye after 15 July 2016 turned into a multi-layered policy of interference targeting not only persons and institutions within the country, but also the assets of natural persons resident, and legal entities operating, abroad. In this process, blocking and freezing initiatives directed at the foreign bank accounts, immovables, and corporate assets of persons and institutions alleged to be connected or affiliated with the Gülen Movement in particular came onto the agenda as a systematic state practice. These practices were, to a large extent, carried out through administrative and diplomatic instruments, without final convictions based on criminal proceedings. Thus, interference with the right to property was carried out under the appearance of a preventive financial measure, with the classical guarantees of criminal law rendered inoperative. In this process, the foreign bank accounts, channels of donation, and corporate assets of persons and organizations associated with the Gülen Movement in particular were made the subject of blocking and freezing initiatives on the basis of allegations of “financing of terrorism” and “money laundering.” These initiatives were formally based on the framework of Law No. 5549 on the Prevention of the Laundering of Proceeds of Crime and Law No. 6415 on the Prevention of the Financing of Terrorism.

In a statement made by the Ministry of Treasury and Finance's Financial Crimes Investigation Board, it was announced that, under Decision No. 2021/1, published in the Official Gazette of 7 April 2012, the accounts of a total of 377 persons, institutions, and organizations — members of the FETÖ/PDY, DEAŞ, PKK/KCK, and DHKP/C terrorist organizations, determined to be terrorist organizations by Turkish courts — have been

frozen.[343] Likewise, Türkiye's asset-freezing list published on 24 December 2021[344] includes the names of 770 persons and 1 organization. Of these 770 persons, 455 were subjected to asset-freezing measures solely on the allegation of connection with the Gülen Movement, which is recognized as a terrorist organization only by the Erdoğan regime.[345] Yet UN and EU institutions have stated that this movement has no connection whatsoever with terrorist activities.

In another statement by the Ministry of Treasury and Finance's Financial Crimes Investigation Board, a list of persons, institutions, and organizations whose assets are to be frozen was published, within the scope of Article 7 of Law No. 6415 on the Prevention of the Financing of Terrorism, titled "… measures to be taken with respect to assets located in Türkiye." Accordingly, between 2021 and 2025, it was decided to freeze the assets of a total of 1,483 persons, institutions, and organizations. In the Excel list published within this scope, the assets of a total of 1,432 persons, institutions, and organizations were frozen solely on the allegation of membership of the Gülen Movement.[346]

Through the OHAL decree laws issued within the State-of-Emergency process declared on the pretext of the dubious 15 July coup attempt, Türkiye was rendered entirely lawless, and a regime emerged in which discriminatory regime practices dominated every sphere of life. Rather than fulfilling their function of dispensing justice against this unlawful order — created both by the OHAL decree laws and by the practices of judicial bodies in Türkiye — the Constitutional Court, the Court of Cassation, and the Council of State instead rendered decisions lending wholesale legitimacy to these unlawful practices of the Erdoğan regime, and made public statements amounting to a declaration of opinion in that direction.

The higher courts abandoned the case law and practices they had previously shaped within the framework of ECtHR judgments, and, taking particular advantage of the chaotic opportunities afforded by the OHAL period, began to produce case law geared toward the expectations and wishes of the Erdoğan regime. In this process, Türkiye's highest judicial organs — the Constitutional Court, the Court of Cassation, and the Council of State — rather than reviewing unlawfulness and protecting fundamental rights, rendered decisions legitimizing the policies of the executive organ. Rather than fulfilling its function of constitutional review, the higher judiciary effectively became an instrument for producing legal cover for the regime.

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[343]https://masak.hmb.gov.tr/duyuru/basin-aciklamasi, accessed: 11/04/2026.

[344]https://ms.hmb.gov.tr/uploads/sites/12/2021/12/RESMI-GAZETE_24_ARALIK.pdf, accessed: 11/04/2026.

[345]https://ms.hmb.gov.tr/uploads/sites/12/2021/12/RESMI-GAZETE_24_ARALIK.pdf, accessed: 11/04/2026.

[346]https://masak.hmb.gov.tr/7madde, accessed: 11/04/2026.

This lawless attitude on the part of the HSK and the higher courts opened the way for lower courts to engage in arbitrary practice, and turned into an instrument of pressure and intimidation against individuals. The ECtHR's findings of violation in this process — above all in the cases concerning Osman Kavala and Selahattin Demirtaş — were not applied by domestic courts, and were disregarded. The greatest loss in this process has been the loss of the gains that the Turkish judiciary had achieved through the EU accession process, and the fact that unlawfulness and arbitrariness have come to dominate the Turkish judiciary.

The holistic analysis of this report reveals a reality that goes beyond isolated examples of violation, beyond fragmented practices, and that entirely invalidates the discourse of exceptional security measures: the order built in Türkiye, particularly after 15 July, is a regime of seizure of property shaped under the leadership of Recep Tayyip Erdoğan. This regime has been established not through the suspension of law, but, on the contrary, through the instrumentalization of law. For this reason, what we face here is not a "vacuum of unlawfulness," but rather a systematic politics of plunder conducted under the appearance of law.

What occurred in Türkiye during the State-of-Emergency process that began with the process following the 17/25 December bribery and corruption investigations, and that followed the dubious coup attempt, is not an ordinary violation of rights; it is the construction of a systematic regime of seizure of property, conducted by the hand of the state. OHAL was not applied as a temporary security measure; on the contrary, it was transformed into the legal cloak for a permanent regime of liquidation and seizure. In this process, hundreds of thousands of people were, without any effective judicial guarantee whatsoever, deprived of their companies, their banks, their educational and health institutions, and their associations and foundations.

What is at issue here is not individual errors or isolated violations. This is an organized practice of dispossession, centrally planned and implemented through administrative-judicial mechanisms. Seizures, trustee appointments, liquidations, and closures were, in most cases, carried out without any conviction, were in no way proportionate to the criminal accusation, and produced irreversible consequences. Exceptional practices, defined in European human rights law as "de facto confiscation," have been transformed, in Türkiye, into "state practice."

More striking still is the role of the judiciary in this process. The judicial organs, rather than being the guarantor of the right to property, became the institutional instrument for its elimination. Through decisions that rendered the explicit provisions of the Constitution and the European Convention on Human Rights ineffective, the courts approved trustee appointments, company transfers, and closures; thereby lending a "legal appearance" to openly unlawful practices.

Another matter that must particularly be underscored here is that the judiciary was not a passive actor in this process. On the contrary, local and higher judicial bodies decided upon and approved trustee appointments, legitimized company transfers, and thereby gave a legal appearance to the state-conducted liquidation processes. Accordingly, thanks to this active role of the judiciary, when the unlawful practices directed at the right to property in Türkiye are assessed as a whole, it is seen that the right to property has, in essence, not merely been violated, but systematically eliminated.

In the implementation of the Erdoğan regime's politics of plunder, the OHAL decree laws did not remain the temporary instruments of an extraordinary period; they turned into a permanent mechanism of dispossession forming the normative infrastructure of the politics of plunder. Closures carried out without a court decision, assets directly transferred to the Treasury, trusteeship practices, and the liquidations subsequently carried out — notwithstanding the claim that legal procedures were being followed — in reality created a systematic regime of transfer in which property changed hands by force.

The statistical data set out in the report demonstrate this reality beyond dispute. Hundreds of companies, thousands of immovables, hundreds of educational and health institutions, civil society organizations, and financial assets were brought under state control without any effective judicial review whatsoever. In this process, not only economic values, but also social, cultural, and institutional capital were liquidated. In this respect, what occurred is not classical expropriation, but a collective operation of dispossession conducted for political motives. In this process, it is seen that unlawful practices developed on the pretext of security policies, and a direct politics of plunder, prevailed. In this process:

- the Gülen Movement was, in essence, directly targeted;
- the practices were carried out systematically and centrally;
- the judiciary assumed not a supervisory, but a legitimizing role with respect to the unlawful practices of the politics of plunder;
- the consequences produced by these unlawful practices are irreversible in nature.

When these four elements addressed here are brought together, the structure that emerges is the result of a “systematic dispossession” conducted by the hand of the state, clearly defined within the context of human rights law. In this context, the Bank Asya process stands out as one of the most critical examples analysed in the report. The revocation of the bank's operating licence, the takeover of its management, and its ultimate liquidation are not merely a financial interference, but an irreversible seizure of property. This process is one of the important unlawful practices of the politics of plunder conducted through the Savings Deposit Insurance Fund. Accordingly, the

situation experienced in Türkiye cannot be explained solely by the arbitrary practices of the administration. What is at issue here is an institutionalized regime of plunder in which the judiciary, TMSF, MASAK, and similar state organs are involved. This statement is not rhetoric; it is the necessary conclusion of the data set out in the report.

One of the most important conclusions this report reaches is that the transformation experienced in Türkiye is not merely legal, but also regime-related. The process that began with the OHAL decree laws was not temporary crisis management; it turned into a permanent technique of governance. This technique aims to consolidate political control through the redistribution of property. Indeed, the fact that the process that began against the Gülen Movement was subsequently applied to the opposition in general, above all the main opposition, is the greatest proof of this.

The findings this report sets out are not merely a record of violations that occurred in the past; they are also a diagnosis of an ongoing, deepening, and institutionalized regime of seizure of property. For this reason, the call to be made here is not an ordinary academic or legal recommendation. This call is a call for necessary intervention for the reconstruction of law, the re-establishment of the right to property, and the halting of the politics of plunder. Indeed, at the point that has been reached, indifference and silence, just as they have allowed these violations to continue, are also making the seizure of property and dispossession permanent. In other words, inaction legitimizes the politics of plunder. For this reason, we regard it as a necessity to make the following calls through this report.

- **Our Call To The Republic Of Türkiye: The Instrumentalization Of Law Must End, And Action Must Be Taken In Accordance With The Constitutional Guarantees Concerning The Right To Property**

As explicitly stated in the Universal Declaration of Human Rights, that everyone has the right to own property alone or in association with others, and that no one shall be arbitrarily deprived of this right, is an uncontested principle of international law. Article 1 of Protocol No. 1 to the European Convention on Human Rights likewise guarantees every natural and legal person's right to the peaceful enjoyment of their possessions, and explicitly provides that interferences with this right are possible only for a purpose of public interest and within the framework of lawfulness and the general principles of international law.

In light of this normative framework, it is seen that the seizure and confiscation practices that became systematic in Türkiye in the post-coup period have gone beyond being isolated measures and have turned into a widespread and structural regime of human rights violations. State-of-emergency conditions expanded the scope of these practices; but in no way did they lend legal legitimacy to arbitrary interferences that eliminate the very essence of fundamental rights.

In particular, the rendering ineffective of effective remedies, serious doubts concerning the independence and impartiality of the judiciary, and the automatic and generalized application of interferences with the right to property, demonstrate that the violations have acquired a systematic character. This situation not only creates individual victimizations; it also demonstrates that Türkiye is gravely violating its obligations under the European Convention on Human Rights.

Within this framework, the immediate and effective restoration of the rights of persons and institutions unlawfully stripped of their property, the redress of the harm suffered, and the conduct of independent and impartial investigations concerning public officials responsible for these violations, are a necessity. An attitude to the contrary will deepen Türkiye's international responsibility, and will lead Türkiye to face high compensation obligations and findings of structural violation before international judicial bodies, above all the European Court of Human Rights.

The findings of this report openly demonstrate that the OHAL decree laws, and the legislation subsequently issued, systematically eliminated, rather than protected, the right to property. For this reason, the steps that need to be taken are not limited reforms, but a structural restoration of law. In this context, it is imperative that Türkiye:

- repeal all decree laws relating to the OHAL period and the regulations making them permanent;
- return all assets seized and transferred to the Treasury or to public institutions to their rightful owners;
- return companies and assets managed by the Savings Deposit Insurance Fund to their genuine owners;
- fully and effectively compensate all harm arising from trusteeship practices and administrative dispositions;
- lift the measures and restrictions placed on the immovables of tens of thousands of persons and institutions;
- establish an independent and effective legal framework guaranteeing the principle of the rule of law and the right to property.

A rule-of-law state cannot be established without the return, to those concerned, of these assets seized as a result of the politics of plunder. Uncompensated harm is a continuing violation. It falls to the state to remedy this harm without delay.

- **Our Call to United Nations Mechanisms: On-Site Examination and Reporting Are Imperative**

The picture set out by this report requires the urgent intervention of special-rapporteur mechanisms at the international level. This is because the seizure of property is not, on its own, a single violation of rights; it is a multi-layered area of violation directly affecting freedom of association, the right to education, the right to housing, and

the right to a standard of living compatible with human dignity. For this reason, the relevant rapporteurships within the United Nations — above all the Office of the High Commissioner for Human Rights and the Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism — should carry out on-site visits to Türkiye and prepare comprehensive reports encompassing violations of the right to property. This is because reality cannot be established without on-site examination.

- **Our Call to European Human Rights Mechanisms: A Structural Response Must Be Given to Structural Violations**

The European human rights system cannot remain passive in the face of a scale of property-seizure practices that has become the Erdoğan regime's state policy. It is necessary for European institutions, above all the Council of Europe and the European Court of Human Rights, to:

• prepare special reports examining the effects of the OHAL regulations on the right to property;

• assess the compatibility of trusteeship practices with the European Convention on Human Rights;

• activate pilot-judgment mechanisms where necessary.

In addition, it is imperative that the Parliamentary Assembly of the Council of Europe and the Venice Commission prepare in-depth reports examining the effects of the OHAL decree laws on the right to property and on human dignity.

- **Our Call to the European Parliament and Financial Institutions: Do Not Become Complicit in the Plunder Economy**

The seizures of property that are part of the Erdoğan regime's politics of plunder are not merely a legal, but also an economic, process. The sale and transfer of seized assets constitute the economic pillar of this politics of plunder. For this reason, it is necessary for the European Parliament to:

• prepare binding reports examining the effects of the OHAL decree laws on the right to property;

• adopt decisions calling on European companies not to purchase unlawfully seized assets;

• develop measures ensuring that the European Investment Bank and other financial institutions do not become involved in transactions relating to these assets.

For multinational companies, the matter is not merely one of investment security, but an obligation of respect for human rights. In this context, it is necessary that assets seized under the OHAL decree laws not be purchased, and that no commercial transaction or investment relating to these assets be made. This is because assets obtained through the politics of plunder are not a legitimate investment instrument. For

this reason, providing economic support for an unlawful transfer of property is to become part of the violation.

- **Call to International Human Rights Organizations: Monitor, Expose, and Hold to Account**

International human rights organizations have a critical role in making this process visible. For this reason, it is necessary to continuously monitor violations of the right to property in Türkiye, to expose persons and institutions using unlawfully seized assets, to prepare evidence and reports that can be used in the cases brought by victims, and to conduct campaigns raising awareness within international public opinion.

- **Our Call to the Academic World: The Production of Knowledge Is a Form of Resistance**

As this report has also shown, the process of seizure of property experienced in Türkiye has not been sufficiently examined, given its scale and effects, in the comparative law and human rights literature. This situation is not a coincidence; on the contrary, it is the result of systematic violations being rendered invisible. For this reason, the responsibility falling on the academic world is clear.

• The seizure of property and the politics of plunder experienced in Türkiye over the last 10 years must be systematically analysed within the context of comparative constitutional law and human rights law.

• The process of dispossession carried out through the Erdoğan regime's politics of plunder and the OHAL decree laws must be set out through empirical, rather than merely normative, data.

• The economic effect of the seized assets must be brought into the international academic literature through quantitative analyses.

It must not be forgotten that scholarly silence is the strongest ally of unlawfulness. At this point, academic production not only produces knowledge; it also forms the ground for accountability. In this context, examples of seizure of property that occurred during the Erdoğan regime period — as in the example of Bank Asya — must be treated not merely as case studies, but as critical laboratories testing the limits of state interference.

- **Our Call to Victims: The Struggle to Seek One's Rights Is the First Step of the Reconstruction of Law**

In this process, the most critical matter for individuals and institutions who have been subjected to the Erdoğan regime's violation of the right to property is the documentation and visibility of what has occurred. This is because the greatest support of systematic violations is the scattering of evidence and the rendering invisible of victimizations through their individualization. For this reason, it is vital for victims to:

• meticulously collect all documents setting out the material and moral harm they have suffered;

• use all national and international application mechanisms, even where domestic remedies are ineffective;

• systematically report the violations experienced to international human rights organizations.

It must not be forgotten that an undocumented violation is condemned to be denied.

The picture set out by this report shows that the practices directed at the right to property in Türkiye consist not of isolated violations, but of a widespread and systematic practice of seizure of property by the Erdoğan regime. The seizure of property is not merely an economic problem. This is the most concrete indicator of the collapse of the democratic order. The right to property is the foundation of legal certainty, the guarantee of economic freedom, and the assurance of political pluralism. For this reason, democratization cannot occur without the right to property being guaranteed and the politics of plunder being ended. Accordingly, the calls made by Justice Square through this report are a necessity rather than a wish. The democratic order cannot be established in Türkiye without the liquidation of the politics of plunder applied by the Erdoğan regime. And, most importantly, these violations are not merely Türkiye's internal affair. These violations constitute a case in which the international human rights order itself is being tested.

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