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Turkey

Individuals associated with the Gülen movement

The Finnish Immigration Service's fact-finding
mission to Ankara and Istanbul 2 – 6 October 2023

June 2024

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Information on the report

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Contents

Introduction.....	4
Sources.....	5
1. Security operations targeting alleged members and supporters of the Gülen movement	6
1.1 Do the Turkish authorities still conduct security operations targeting individuals allegedly associated with the Gülen movement?	6
1.2 Who is targeted in the security operations?	8
2. The criteria for connecting an individual to the Gülen movement	22
2.1 The list criteria for connecting an individual to the Gülen movement	22
2.2 Using or downloading the ByLock messaging application	24
2.3 Depositing money to or being in possession of a bank account in Bank Asya	26
2.4 Statements made by secret witnesses and informants.....	26
2.5 Other criteria	30
3. Human rights violations targeting alleged members and supporters of the Gülen movement.....	31
3.1 What happens to individuals targeted in the security operations?	31
3.2 Are alleged members and supporters of the Gülen movement targeted with human rights violations?.....	32
4. Treatment of individuals associated with the Gülen movement by the Turkish authorities	35
4.1 How do the authorities connect a particular individual to the Gülen movement in the administrative practices and official databases?	35
4.2 Do the authorities have the means to find out whether an individual has relatives associated with the Gülen movement?	39
4.3 Are children or other family members and relatives of individuals allegedly associated with the Gülen movement targeted by the Turkish authorities?	40
4.4 How do the authorities treat women associated with the Gülen movement?	44
4.5 Do the courts deliberate individual cases on a case-by-case basis?	45
4.6 Has it been possible for those dismissed under the decree laws to return to their former jobs?	46
4.7 Does an individual associated with the Gülen movement have access to a passport?	48
4.8 Does an individual associated with the Gülen movement have access to social security benefits and pension?	50
5. Treatment of individuals associated with the Gülen movement by the Turkish society	53
5.1 How does the Turkish society treat individuals associated with the Gülen movement?	53
5.2 How does society at large know that an individual or family is associated with the Gülen movement?	63

5.3 Informants	64
5.4 What kind of employment is available to individuals associated with the Gülen movement?	65

Introduction

This report discusses the situation of alleged members and supporters of the Gülen movement in Turkey and focuses, in particular, on the situation of individuals targeted in the current security operations against the Gülen movement and on the way people allegedly associated with the movement are treated by the Turkish authorities and, more generally, by Turkish society.

The report has been compiled by the Country of Origin Information (COI) researchers of the Finnish Immigration Service's (FIS) Country Information Service on the basis of interviews with knowledgeable sources conducted during a fact-finding mission to Turkey between 2–6 October 2023. In addition, several interviews were carried out online both before and after the fact-finding mission and some of the sources interviewed were presented later with additional questions.

The fact-finding mission was based on the information needs identified in Finland's national asylum process as well as on the results of a similar research conducted on the same topic by FIS in 2019–2020. The Terms of Reference and the questions presented to the sources evolved during the course of the research and some topics were discussed only with a limited number of sources. In particular, one topic that became prominent only at the later stage of the research was the apparently central role of the Security Investigations and Archival Research Law (7315/2021) when the authorities connect a person to the Gülen movement.

In total, 18 sources were interviewed for the report. All the interview notes utilised in the report have been approved by the sources. The sources are referred to in the report according to their own request and many have preferred different levels of anonymity for the sake of discretion and their personal and organisational safety. With regard to presenting the sources with additional questions or requesting their approval for the interview notes, the research was concluded in late December 2023.

The sources include, among others, Turkish and international human rights organisations,¹ legal experts² and experts/organisations whose work focuses on the Gülen movement³ or, more generally, the human rights violations targeting people subjected to administrative, investigative or legal measures during (and after) the State of Emergency (July 2016–July 2018)⁴. The sources discussed the situation of these individuals on the basis of their specific expertise. For example, while sources focusing on the Gülen movement provided in-depth information on this particular topic, other sources have followed the situation of people accused of terrorism-related crimes in Turkey on a more general level⁵ or in the context of

¹ Human Rights Watch 6 October and 13 November 2023; İHD 2 October 2023 and 22 November 2023; Mazlumder 2 October and 23 December 2023; Turkish human rights organisation 5 October 2023.

² Akıncı 6 and 19 December 2023; International expert on the Turkish legal system 2 October 2023.

³ Academic researcher 8 June 2023; Neval 25 May 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁴ Arrested Lawyers Initiative 7 and 11 September 2023; Gergerlioğlu 3 October 2023; Representative of a human rights organisation 3 October 2023; Turkish legal expert and representative of the Victims of the Emergency Decree Platform 4 October 2023.

⁵ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Member of a civil society organisation 26 October 2023; Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023; Turkish political expert 4 October and 22 November 2023.

particular professional groups, such as journalists⁶ or individuals associated with the Academics for Peace⁷.

With regard to the terminology utilised in the report, the term “member” is used in the context of the Gülen movement while being fully aware of the caveat that the movement does not have official “members”. For the sake of accuracy, names Turkey and Türkiye are used interchangeably.

Sources

- Academic researcher with knowledge on the organisation and activities of the Gülen movement, 8 June 2023
- Akıncı, Özcan, lawyer, 6 and 19 December 2023
- Arrested Lawyers Initiative, 7 and 11 September 2023
- Experts in the Delegation of the European Union to Türkiye, 15 August and 3 October 2023
- Gergerlioğlu, Ömer Faruk, Peoples' Equality and Democracy Party (*DEM Parti*) deputy for Kocaeli, 3 October 2023
- Human Rights Watch, 6 October and 13 November 2023
- İHD (İnsan Hakları Derneği, eng. Human Rights Association), 2 October 2023 and 22 November 2023
- International expert on the Turkish legal system, 2 October 2023
- Mazlumder, 2 October and 23 December 2023
- Member of a civil society organisation, 26 October 2023
- Neval, Emine, PhD researcher at the University of Helsinki, 25 May 2023
- Representative of a human rights organisation, 3 October 2023
- Representative of an organisation monitoring the human rights situation in Turkey, 3 October 2023
- Researcher, 2 November 2023
- Researcher who has studied the situation of people associated with the Gülen movement in the diaspora, 29 August 2023
- Turkish human rights organisation focusing on issues related to freedom of expression and freedom of speech, 5 October 2023
- Turkish legal expert and representative of the Victims of the Emergency Decree Platform, 4 October 2023
- Turkish political expert, 4 October and 22 November 2023

⁶ Turkish human rights organisation 5 October 2023.

⁷ Researcher 2 November 2023.

1. Security operations targeting alleged members and supporters of the Gülen movement

1.1 Do the Turkish authorities still conduct security operations targeting individuals allegedly associated with the Gülen movement?

The operations conducted by the Turkish authorities targeting the alleged members and supporters of the Gülen movement continue.⁸ According to several sources, information on new operations targeting the Gülen movement appear in the news regularly.⁹ For example, the Turkish legal expert and representative of the Victims of the Emergency Decrees Platform estimated in early October 2023 that approximately one or two new operations are conducted every week and the government publishes information on these operations in its official channels.¹⁰

In July 2023, around the time of the seventh anniversary of the 15 July 2016 failed coup attempt, Turkish Minister of Justice Yılmaz Tunç gave an announcement according to which, to date, judicial proceedings had been taken against 693 162 people allegedly associated with the Gülen movement and 67 893 investigations and 26 667 trials of first instance were still ongoing. As the result of the investigations, 344 848 people had received a decision of non-prosecution. With regard to finalised decisions, 122 632 people had been convicted, 97 139 had been acquitted and 33 983 had received other decisions. In total, 15 539 detainees and convicts were in prison as “FETÖ¹¹ members” (*FETÖ mensubu*).¹²

According to the Peoples' Equality and Democracy Party (DEM Parti)¹³ deputy Ömer Faruk Gergerlioğlu, since the beginning of the 2016 State of Emergency, there have been 2,2 million investigations related to “terror” and 90 percent of these have involved people allegedly associated with the Gülen movement.¹⁴ According to the Turkish legal expert and representative of the Victims of the Emergency Decrees Platform, approximately 2 million people have been criminally investigated after the 2016 coup attempt with hundreds of thousands of them prosecuted and imprisoned.¹⁵

⁸ Akıncı 6 and 19 December 2023; Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Gergerlioğlu 3 October 2023; Human Rights Watch 6 October and 13 November 2023; Member of a civil society organisation 26 October 2023; Neval 25 May 2023; Representative of a human rights organisation 3 October 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023; Turkish human rights organisation 5 October 2023; Turkish legal expert 4 October 2023; Turkish political expert 4 October and 22 November 2023.

⁹ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Human Rights Watch 6 October and 13 November 2023; Representative of a human rights organisation 3 October 2023; Turkish legal expert 4 October 2023; Turkish political expert 4 October and 22 November 2023.

¹⁰ Turkish legal expert 4 October 2023.

¹¹ The abbreviation is derived from the name “Fethullahist Terror Organisation” (*Fethullahçı Terör Örgütü*) utilised by representatives of the Turkish government and others emphasising the allegedly criminal nature of the Gülen movement.

¹² Türkiye Cumhuriyeti Adalet Bakanlığı 13 July 2023, Bakan Tunç, 15 Temmuz’u Anlattı, [url](#) (accessed 12 June 2024).

¹³ At the time of the interview, Mr. Gergerlioğlu was still a deputy representing the Peoples' Democratic Party (*Halkların Demokratik Partisi*, HDP).

¹⁴ Gergerlioğlu 3 October 2023.

¹⁵ Turkish legal expert 4 October 2023.

Gergerlioğlu states that the investigations and arrests connected to the Gülen movement are still going on 'intensely'.¹⁶ Lawyer Özcan Akıncı mentions the statement made by the Minister of Interior Ali Yerlikaya in late July 2023 according to which 905 operations targeting the Gülen movement were carried out in June and July 2023, and in these operations 1 329 people were detained, 212 arrested and 261 subjected to judicial control measures.¹⁷ Akıncı estimates that investigations targeting the structures of the Gülen movement are still being carried out, many people are being detained, of whom some are arrested. Akıncı adds that more than 70 000 people allegedly associated with the Gülen movement are still waiting for the finalisation of their sentences and live under the threat of imprisonment.¹⁸

Human Rights Watch estimates that information on new operations targeting the Gülen movement still appear in the news quite regularly and, on the basis of the news coverage in October and November 2023, the operations increased in the later part of the year with hundreds of people reportedly detained.¹⁹ On the basis of news coverage, Akıncı notes that there are many new operations targeting the movement. These operations are carried out either within one province or sometimes on a larger scale, concentrating on one central province while extending to other provinces as well.²⁰

The experts in the Delegation of the European Union to Türkiye estimate that the numbers of dismissals²¹ (of e.g., civil servants from their jobs), investigations and prosecutions of people allegedly associated with the Gülen movement are currently relatively low compared to the situation before 2020. The experts estimate that the relatively low number of new cases can be explained by the fact that the Turkish authorities have already targeted those alleged members or supporters of the movement who have been most vocal in the Turkish society and the people associated with the movement whose influence in the civil service the authorities wanted to eliminate have already been dismissed.²²

This decreasing trend in the number of new cases involving the Gülen movement is noted also by other sources.²³ An international expert on the Turkish legal system notes that the number of fresh cases brought at criminal courts is reducing and this can be verified from the statistics. The expert notes that new cases peaked in 2017 and 2018 and their number has been

¹⁶ Gergerlioğlu 3 October 2023.

¹⁷ Ali Yerlikaya [Twitter], 'Sayın Cumhurbaşkanımız @RTERdogan'ın ifade ettikleri gibi "Su uyur ama FETÖ'vari terör örgütleri uyumaz."... ', 27 July 2023, [url](#) (accessed 12 June 2024).

¹⁸ Akıncı 6 and 19 December 2023.

¹⁹ Human Rights Watch 6 October and 13 November 2023.

²⁰ Akıncı 6 and 19 December 2023.

²¹ Dismissals from the civil service have been a distinctive way to target people the authorities have affiliated with the Gülen Movement in the so-called "purges" that started after the failed July 2016 coup attempt. However, also other groups perceived as opposing the Turkish government have been targeted with dismissals. For example, the İHD emphasises that, in the current political climate, not just the people associated with the Gülen movement but also Kurds, political leftists and practically 'anybody who opposes the ruling party' can be dismissed. (İHD 2 October and 22 November 2023.) As discussed in the Introduction, some sources discuss also the topic of dismissals in more general terms or in relation to groups other than the Gülen movement. Since the administrative and legal mechanisms and repercussions pertain in a similar way to all dismissed, this more general information is used in this report to describe the situation of people associated with the Gülen movement in particular. For more detailed information on the dismissed, see below sections 1.2.1, 4.1, 4.6 and 5.4.

²² Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

²³ International expert on the Turkish legal system 2 October 2023; Turkish legal expert 4 October 2023.

decreasing since then.²⁴ The Turkish legal expert explains that this decreasing trend is due to an unprecedented number of people having already been arrested.²⁵

According to a researcher that has studied the situation of people associated with the Gülen movement in the diaspora, the fact that dismissals, investigations and arrests are still ongoing is based, in part, on the size of the Gülen movement's former support base and the fact that there were so many people who can be said to have had some kind of affiliation with the movement.²⁶

1.2 Who is targeted in the security operations?

Several sources discussed the apparent randomness of security operations targeting alleged members and supporters of the Gülen movement.

According to Human Rights Watch, some ordinary people have never been investigated while some others are targeted with severe oppression. Human Rights Watch estimates that, in this respect, the targeting of individuals allegedly associated with the Gülen movement is extremely random and unpredictable, and there is no clarity about the criteria involved. Human Rights Watch supposes that this randomness is based on variations in the level of police and intelligence operations at the local level. In other words, in some localities the authorities are good at rounding up everyone and in others they are not.²⁷

The researcher who has studied the situation of people associated with the Gülen movement in the diaspora estimates that the profile of people investigated in connection to the movement is very broad in terms of their occupation and standing within the movement. The researcher notes that, among the people associated with the movement and currently in the diaspora, there is an 'all-pervasive sense of randomness' with regard to how even a person without any ties to the movement can be subjected to investigations.²⁸

The targeting of individuals without any (discernible) ties to the Gülen movement was also discussed by Emine Neval, a doctoral researcher at the University of Helsinki, who notes how, sometimes, a person can face severe oppression without any 'real connections' with the movement. For example, just being a friend of a convicted person can be seen as a sign of affiliation with the movement and, in these cases, simply meeting a friend can be dangerous.²⁹

The (apparently) ordinary background of individuals targeted by the authorities is also emphasised by Akıncı, who mentions that almost all of the people prosecuted by the Turkish authorities on the basis of their alleged association with the Gülen movement faced criminal prosecution for the first time in their lives.³⁰

However, while taking the above into account, it is still possible to make some categorisations about the individuals targeted in the security operations. These categories are discussed in the following subsections.

1.2.1 Civil servants and members of the Turkish security forces

The sources are not unanimous on whether, and to what extent, civil servants are still dismissed from their jobs and investigated in connection with the Gülen movement. While some sources

²⁴ International expert on the Turkish legal system 2 October 2023.

²⁵ Turkish legal expert 4 October 2023.

²⁶ Researcher studying the Gülen movement in the diaspora 29 August 2023.

²⁷ Human Rights Watch 6 October 2023.

²⁸ Researcher studying the Gülen movement in the diaspora 29 August 2023.

²⁹ Neval 25 May 2023.

³⁰ Akıncı 6 and 19 December 2023.

consider operations targeting civil servants an ongoing process,³¹ others estimate that these operations are over³² or were uncertain on whether these operations are still taking place³³. While discussing the situation of civil servants, some sources commented on, in particular, the situation of members of the Turkish security forces.

The Arrested Lawyers Initiative says that the Turkish authorities have likely 'finished' with the operations targeting civil servants, who were the primary target after the 2016 coup attempt.³⁴ According to Human Rights Watch, it seems that civil servants are no longer dismissed, although the organisation is not certain about the issue and notes that there might still be some people who are administratively removed from their positions.³⁵ Also, while discussing this topic in the context of the Academics for Peace, the researcher says there have been no new dismissals of academics,³⁶ of whom those working in public universities are considered civil or public servants.

As discussed above, the experts in the Delegation of the European Union to Türkiye note that the number of new dismissals is 'relatively low'. However, the experts point out that dismissals still continue and there is a legal provision that gives the Turkish authorities the power to dismiss people on similar grounds as during the State of Emergency.³⁷ The Turkish legal expert and representative of the Victims of the Emergency Decree Platform provides the most comprehensive picture of the still ongoing operations targeting civil servants. According to the expert, the Victims of the Emergency Decree Platform estimates that approximately 220 000 people³⁸ were dismissed during the State of Emergency and, all in all, more than 400 000 people have been dismissed since the 2016 coup attempt. However, the expert adds that the exact number of those dismissed after the State of Emergency was lifted is not known since reliable data is not available. After the end of the State of Emergency (in July 2018), dismissals based on the authority of a particular minister or a senior supervisor of a particular government institution continued until the end of July 2022, after which dismissals have continued through high disciplinary boards established in government institutions.³⁹

A representative of a human rights organisation mentions that the exact number of public officials dismissed after the 2016 coup attempt is not known, since dismissals are still ongoing. The representative of a human rights organisation notes that there are weekly reports in the news about public servants such as judges or members of the Turkish military – including the army, the navy and the air force – being taken into custody because of their alleged affiliation with the movement.⁴⁰ Neval says that the Turkish authorities continue to investigate government employees with connections to the Gülen movement, although not as intensely as before. Neval estimates that the reason for this is that almost all the civil servants associated with the movement were dismissed under the decree laws.⁴¹ The Turkish political expert states that, on the basis of media information, civil servants are still targeted. The expert elaborates

³¹ Neval 25 May 2023; Representative of a human rights organisation 3 October 2023; Turkish legal expert 4 October 2023; Turkish political expert 4 October and 22 November 2023.

³² Arrested Lawyers Initiative 7 and 11 September 2023;

³³ Human Rights Watch 6 October and 13 November 2023.

³⁴ Arrested Lawyers Initiative 7 and 11 September 2023.

³⁵ Human Rights Watch 6 October and 13 November 2023.

³⁶ Researcher 2 November 2023.

³⁷ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

³⁸ The Turkish legal expert notes that the lists of people dismissed under the decree laws do not contain the total number of people dismissed during the State of Emergency since people dismissed on the basis of the authority of a particular minister or the authority of a senior supervisor of a particular government institution are not included in these lists. Turkish legal expert 4 October 2023.

³⁹ Turkish legal expert 4 October 2023.

⁴⁰ Representative of a human rights organisation 3 October 2023.

⁴¹ Neval 25 May 2023.

that, for example, if there is information about an operation in which 40 people are targeted and detained, occasionally, a few of them might be identified as civil servants.⁴² The researcher studying the situation of people associated with the Gülen movement in the diaspora notes that teachers who used to work in the movement's schools are still investigated.⁴³

According to the Human Rights Association (*İnsan Hakları Derneği*, İHD), dismissals of people on the basis of their association with the Gülen movement continue and 'all employees' (presumably also including civil servants)⁴⁴ associated with the movement have been targeted with dismissals, investigations and prosecutions. However, the İHD emphasises that, in the current political climate, not just the people associated with the Gülen movement but also Kurds, political leftists and practically 'anybody who opposes the ruling party' can be dismissed.⁴⁵

According to the researcher studying the Gülen movement in the diaspora, the Turkish authorities have been particularly interested in people working in the military and security forces. The source estimates that, supposedly, security operations targeting people working for these security institutions are still ongoing.⁴⁶ Akıncı notes the 13 December 2023 press release by the Turkish Minister of National Defense Yaşar Güler, according to which, 23 971 individuals connected to the Gülen movement have been dismissed from the Turkish armed forces since the 15 July 2016 failed coup attempt.⁴⁷ In the press release, Güler states that the "fight against FETÖ" continues until there is not a single person affiliated with the movement among the personnel of the armed forces.⁴⁸

The Turkish legal expert describes how the high disciplinary boards have continued to administratively investigate public servants, including members of the security forces. For example, the Victims of the Emergency Decree Platform has information on approximately 300 officers of the gendarmerie (*Jandarma*) investigated by the high disciplinary board after July 2022, although the organisation does not have information on whether these officers were dismissed. In addition, the expert says that (former) civil servants who have been dismissed from their posts in the past continue to be arrested.⁴⁹

The experts in the Delegation of the European Union to Türkiye estimate that it is not clear whether there are still some people associated with the Gülen movement in the military, since the operations targeting these people have not been transparent.⁵⁰ The Turkish political expert points out that, occasionally, there have been reports in the media about soldiers being detained in the recent operations targeting the Gülen movement.⁵¹ The Arrested Lawyers Initiative states that although there are occasional news about 'some ex-members of the Turkish army or ex-police officers' being arrested, these individuals are not commissioned officers but people who have already been dismissed in the past. The Arrested Lawyers

⁴² Turkish political expert 4 October and 22 November 2023.

⁴³ Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁴⁴ İHD 2 October and 22 November 2023.

⁴⁵ İHD 2 October and 22 November 2023.

⁴⁶ Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁴⁷ Akıncı 6 and 19 December 2023. See Türkiye Cumhuriyeti Millî Savunma Bakanlığı, Millî Savunma Bakanı Yaşar Güler, Bakanlığın 2024 Bütçesinin Görüşüldüğü TBMM Genel Kurulunda Konuştu, 13 December 2023, [url](#) (accessed 12 June 2024).

⁴⁸ See, e.g., Birgün, MSB Bakanı Güler: 15 Temmuz'dan beri FETÖ nedeniyle 23 bin 971 kişi ihraç edildi, 13 December 2023, [url](#) (accessed 12 June 2024); Sözcü, Bakan Güler: TSK'dan 23 bin 971 şahıs ihraç edildi, 13 December 2023, [url](#) (accessed 12 June 2024).

⁴⁹ Turkish legal expert 4 October 2023.

⁵⁰ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

⁵¹ Turkish political expert 4 October and 22 November 2023.

Initiative estimates that 'the authorities keep on arresting these people for unknown reasons, which may be of a political nature'.⁵²

1.2.2 Individuals who have previously received a decision of non-prosecution, who have been acquitted or who have been released after serving their sentence

According to Article 314 (2) of the Turkish Penal Code, the punishment for "membership in a terrorist organisation" is imprisonment for a term of five to ten years.⁵³ Therefore, the fact-finding mission adopted as its starting point the assumption that, in late 2023, many individuals convicted after the failed coup attempt of 15 July 2016 on the basis of their alleged association with the Gülen movement had already served their sentences.

The abovementioned assumption was verified independently by two knowledgeable sources who estimated that most of the individuals arrested right after the 15 July 2016 coup attempt and convicted for their alleged association with the Gülen movement have already been released.⁵⁴ The international expert on the Turkish legal system estimates that most of those charged for "membership in a terrorist organisation" have been released since they have already served their prison term which has been usually either six years and three months or seven years and six months.⁵⁵ The Turkish political expert notes that most convicts, including those associated with the Gülen movement and convicted for "membership in a terrorist organisation", have benefited from a practice based on Article 62 of the Turkish Penal Code and received a one-sixth reduction to their sentence.⁵⁶

Sources describe how Turkish authorities have subjected individuals associated with the Gülen movement to new investigations and prosecutions even though they have already either been convicted and served their sentence⁵⁷ or received a decision of non-prosecution⁵⁸ in the past.

Human Rights Watch states that, in some cases, an individual might have been merely investigated and nothing happened to them afterwards. However, as the result, there is a 'cloud' hanging over the individual in question or a 'mark' on their name (c.f. the so-called "OHAL codes" in section 4.1 below), especially if the individual or one of their family members has been dismissed from the civil service or lost their job in the private sector.⁵⁹

According to Akıncı, if a person has been convicted for "membership in a terrorist organisation" and served their sentence, is it possible that the person will be prosecuted again for this same crime. Akıncı states that there are many people who have been already sentenced for "membership in a terrorist organisation" for the second time or whose trials are still ongoing.⁶⁰ The Turkish legal expert has knowledge of several cases where individuals who had initially received a decision of non-prosecution in cases concerning "membership in a

⁵² Arrested Lawyers Initiative 7 and 11 September 2023.

⁵³ Türk Ceza Kanunu [Turkish Penal Code] (5237/2004), [url](#) (accessed 12 June 2024). An English translation of the Turkish Penal Code is provided by the Venice Commission ([url](#)) (accessed 12 June 2024).

⁵⁴ International expert on the Turkish legal system 2 October 2023; Turkish political expert 4 October and 22 November 2023.

⁵⁵ International expert on the Turkish legal system 2 October 2023.

⁵⁶ Turkish political expert 4 October and 22 November 2023.

⁵⁷ Akıncı 6 and 19 December 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁵⁸ Representative of a human rights organisation 3 October 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023; Turkish legal expert 4 October 2023.

⁵⁹ Human Rights Watch 6 October and 13 November 2023.

⁶⁰ Akıncı 6 and 19 December 2023.

terrorist organisation" were later prosecuted and convicted to prison for this same crime in the context of the so-called "payphone investigations".⁶¹

The researcher who has studied the situation of the Gülen movement in the diaspora notes that, among those in the diaspora, there are stories of people who have been released and then, a couple of months or a half a year later, they or their sons or wives are subjected to new investigations. The researcher states that the people associated with the movement have a sense that the (investigative and criminal) process is extremely arbitrary and that it is not possible for an individual to serve their sentence and be completely 'off the hook'. Although the researcher does not have information about the technicalities, people in the diaspora say that people who have been initially released have been prosecuted again on the basis of new charges.⁶² This possibility was noted also by experts in the Delegation of the European Union to Türkiye who estimate that if an individual keeps a low profile and distances themselves from the Gülen movement, the authorities might consider that the individual has 'suffered enough' and usually let this particular individual be. However, if the individual is very vocal and active in the Turkish society, it is possible that he or she will be prosecuted again.⁶³

A member of a civil society organisation notes that there have been new court cases where the former case suddenly 'evaporates' and the person is charged again for the same crime. The source supposes that the practice depends on whether the case in question can be instrumentalised in developing a new set of accusations against people allegedly associated with the Gülen movement for political purposes.⁶⁴ While not connected to the Gülen movement, the Turkish human rights organisation mentions the case of Pınar Selek to underline that it is possible to prosecute a person several times for the same crime: Selek has been tried for the same bombing (so called Mısır Çarşısı or Spice Bazaar bombing) seven times. The organisation estimates that the risk of being prosecuted more than once for the same crime is smaller in less prominent cases involving, for example, journalists, since the judges still care about keeping up the appearance of legality. However, if the authorities have a particular motivation to go after a certain individual, the situation is different.⁶⁵

Both Akıncı and the international expert note that, in the Turkish legal system, "membership in a terrorist organisation" is considered to be a continuous crime⁶⁶ and, since the defendant is prosecuted for those links to a particular organisation that predate the initiation of the legal process, it is possible that the person in question will be prosecuted again for the same crime on the basis of links that the person established or continued to have to the organisation on a later date.⁶⁷ The international expert on the Turkish legal system points out that it is not clear if the above can be considered as a case of double jeopardy since upholding links to a terrorist

⁶¹ Turkish legal expert 4 October 2023.

⁶² Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁶³ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

⁶⁴ Member of a civil society organisation 26 October 2023.

⁶⁵ Turkish human rights organisation 5 October 2023.

⁶⁶ According to the Venice Commission's opinion on Articles 216, 299, 301 and 314 of the Turkish Criminal Code (CDL-AD(2016)002), the interpretation of "membership in a terrorist organisation" as a continuous crime is based on the case law of the Turkish Court of Cassation. On the basis of this case law, 'acts attributed to a defendant should show "in their continuity, diversity and intensity" his/her "organic relationship" to an armed organisation or whether his/her acts may be considered as committed knowingly and wilfully within the "hierarchical structure" of the organisation'. See, The Venice Commission, Opinion on Articles 216, 299, 301 and 314 of the Penal Code of Turkey, 15 March 2016, para. 128, [url](#) (accessed 12 June 2024).

⁶⁷ The sources differ on whether the period under investigation is limited by the date when the defendant is taken into legal custody (Akıncı) or the date of the indictment (International expert on the Turkish legal system). Akıncı 6 and 19 December 2023; International expert on the Turkish legal system 2 October 2023.

organisation before and after the initiation of the legal process are interpreted as two separate acts by the Turkish judicial authorities.⁶⁸

Both the experts in Delegation of the European Union to Türkiye and the international expert on the Turkish legal system underline that an individual cannot be prosecuted or convicted for the same crime twice on the basis of same piece(s) of evidence.⁶⁹ According to the international expert, in a case in which the defendant is tried the second time for “membership in a terrorist organisation”, the same evidence used in the first trial cannot be used again in the second one. Therefore, if a person was convicted in the first trial for downloading the ByLock application, it is not legally possible to convict the person again on this same basis. However, in a hypothetical situation where it would be revealed that the person in question kept on using the application after the date of the first indictment, this could serve as a basis for the second conviction.⁷⁰ According to the representative of a human rights organisation, it is, in theory, legal to investigate and prosecute a previously acquitted person again for the same crime. For example, the public prosecutor's office can claim that they have discovered new evidence by gaining access to the defendant's ByLock data or by receiving a new statement from a secret witness.⁷¹

Some sources state that the Turkish authorities use surveillance measures against those individuals connected to the Gülen movement who have served their sentence and been released from prison.⁷² According to the Turkish legal expert, this practice forms the basis for investigations targeting those individuals who have helped current or former prisoners and their families. When those released communicate or get together either with each other or with each other's families, this provides the authorities with the proof to claim that these individuals are “reorganising” the Gülen movement (see the section 1.2.3 below).⁷³ Similarly, the Arrested Lawyers Initiative says that individuals responsible for distributing the money received from the diaspora are often followed by the Turkish police which forms the basis for security operations targeting these individuals.⁷⁴

The Turkish legal expert points out that an individual who is perceived by the Turkish authorities as an associate of the Gülen movement will be ‘living on eggshells’ even if the investigation has been completed and the person in question has received a decision of non-prosecution. The expert notes that the authorities are continuously following these individuals and their communication records and can, at some point, launch a new investigation on the basis of the people with whom the individual in question has been in contact with.⁷⁵

This type of surveillance is described also by Neval according to whom Turkey is currently witnessing new types of “purges” targeting particular individuals and their social networks. Whereas formerly the authorities used to dismiss and/or investigate people with formal connections with the Gülen movement, they are currently focusing on particular individuals and their personal contacts. Neval says that the authorities have adopted a praxis where they surveil and follow certain individuals and investigate everyone associated with them. Neval adds that the authorities might even release an individual convicted as a member of the Gülen movement in order to track down all the people this individual is in contact with once

⁶⁸ International expert on the Turkish legal system 2 October 2023.

⁶⁹ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; International expert on the Turkish legal system 2 October 2023.

⁷⁰ International expert on the Turkish legal system 2 October 2023.

⁷¹ Representative of a human rights organisation 3 October 2023.

⁷² Neval 25 May 2023; Turkish legal expert 4 October 2023.

⁷³ Turkish legal expert 4 October 2023.

⁷⁴ Arrested Lawyers Initiative 7 and 11 September 2023.

⁷⁵ Turkish legal expert 4 October 2023.

outside of prison. After this, the released individual is rearrested and everyone involved is subjected to investigations.⁷⁶

The Turkish legal expert points out that the technical surveillance described above does not cover only the communication records of a person but also the information on the base stations to which this person's mobile devices have connected in the past. The latter makes it possible for the authorities to track two or more persons to a certain location at a certain timeframe. According to the expert, an investigation against a person can be based solely on these records.⁷⁷

1.2.3 "Operations against restructuring"

According to many sources, current operations targeting alleged members or supporters of the Gülen movement are also targeting those individuals who have aided the prisoners associated with the Gülen movement or their families.⁷⁸

According to the Arrested Lawyers Initiative, the current operations targeting people associated with the Gülen movement are mostly so-called "operations against restructuring" (*Yeniden Yapılanma Operasyonlari*). These operations target people who have given money to the families of those alleged members and supporters of the movement who are currently in prison.⁷⁹ The Arrested Lawyers Initiative gives an example in their blog post (published in 16 November 2022) according to which,

*'on 18 October 2022, 704 individuals, including more than 250 women, mostly family members of those in prison, were arrested for giving or receiving money or food to and from one another. This operation is not an isolated case. Those monitoring the country can witness that the Turkish police regularly carry out similar operations under the pretext of fighting terrorist financing.'*⁸⁰

The Arrested Lawyers Initiative estimates that the Gülen movement is still active in Turkey on a 'humanitarian level' and describes how people connected to the movement are making donations and organising themselves to help family members, friends and colleagues who are in prison. According to the Arrested Lawyers Initiative, these activities are depicted by the Turkish authorities as attempts to "restructure" the movement's organisation.⁸¹

According to the Arrested Lawyers Initiative, the Gülen movement does not have the actual means to "restructure" itself nor, to begin with, the ability to have new members in the civil service. The organisation estimates that the Turkish government tries to isolate everyone associated with the Gülen movement with the aim that people sympathetic towards the movement lose all contacts and loyalty to each other. The organisation notes that the authorities are currently targeting university students and very junior lawyers allegedly associated with the movement, which shows that the government is no longer targeting 'grown-up people' who have already been dealt with.⁸²

According to the Turkish legal expert, currently, helping the families of those in prison is probably the most common criterion for launching a new investigation targeting people

⁷⁶ Neval 25 May 2023.

⁷⁷ Turkish legal expert 4 October 2023.

⁷⁸ Akıncı 6 and 19 December 2023; Arrested Lawyers Initiative 7 and 11 September 2023; Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Gergerlioğlu 3 October 2023; Human Rights Watch 6 October and 13 November 2023; Representative of a human rights organisation 3 October 2023; Turkish legal expert 4 October 2023.

⁷⁹ Arrested Lawyers Initiative 7 and 11 September 2023.

⁸⁰ Arrested Lawyers Initiative [blog post], Impoverishment and mass detention of Turkey's purge victims, 16 November 2022, [url](#) (accessed 12 June 2024).

⁸¹ Arrested Lawyers Initiative 7 and 11 September 2023.

⁸² Arrested Lawyers Initiative 7 and 11 September 2023.

allegedly associated with the Gülen movement. The expert states that there are no official statistics available about who are targeted in these operations, but estimates that this criterion forms the basis for nearly 50 percent of all the new investigations.⁸³ During the interview conducted in early October 2023, the expert points to a recent operation (publicised by the Turkish Minister of Interior in 29 September 2023)⁸⁴ in which 52 people were taken into custody for helping convicted (alleged) members of the Gülen movement with money collected from domestic and foreign sources.⁸⁵

Human Rights Watch does not have detailed information on "operations against restructuring". However, the organisation confirms that news on new round-ups in different provinces appear in the media periodically.⁸⁶ According to Akıncı, based on the information in the official records, the Turkish authorities claim that the people investigated in the context of "operations against restructuring" have tried 1) to obtain and distribute money from within the country and abroad in order to keep the organisation alive and to meet the social and economic needs of the members of the organisation; 2) to provide material and moral support in order to prevent the organisation's disintegration; 3) to provide support to members in prison and their families and other members of the organisation and their families who are in trouble.⁸⁷

The representative of an organisation monitoring the human rights situation in Turkey estimates that the "operations against restructuring" might be targeting the relatives of alleged members and supporters of the Gülen movement. However, the representative notes that it is not possible to confirm this estimation without seeing the indictments.⁸⁸ According to Akıncı, who is familiar with the indictments, most of the people targeted in the "operations against restructuring" are people who have been previously investigated on the basis of their alleged connections to the Gülen movement. Among those targeted are family members of those still in prison as well as those individuals, either in Turkey or abroad, whose sentences have not yet been finalized, their family members and their 'close circle'.⁸⁹

According to the experts in the EU Delegation, there have been recent arrests of individuals supporting the families of those imprisoned for their alleged association with the Gülen movement which makes it, in general, still dangerous to support the families of those in prison.⁹⁰ According to Gergerlioğlu, the Turkish authorities label individuals helping the families of those in prison as "terrorists" and they can face prison.⁹¹ According to Akıncı, in Turkish society, it is the individual's religious and moral duty to assist those in need, including relatives, friends, neighbours and others and, in connection to the Gülen movement, almost all such money transfers are criminalised. In this context, the family members and relatives of those in prison have been incriminated for "restructuring" because of having established contacts and friendships with other prisoners' families. Akıncı states that family members of prisoners continue to be subjected to investigations and prosecutions because of their mutual solidarity.⁹²

According to the representative of a human rights organisation, "operations against restructuring" can be witnessed once in every two months and they cannot be considered very common. These operations are not featured prominently in the news, which may contain general information on how, for example, 10 or 20 people were rounded up in these

⁸³ Turkish legal expert 4 October 2023.

⁸⁴ Ali Yerlikaya [Twitter], '15 TEMMUZ HAİN DARBE GİRİŞİMİNDE YER ALMIŞ TUTUKLU VE HÜKÜMLÜ...', 29 September 2023, [url](#) (accessed 12 June 2024).

⁸⁵ Turkish legal expert 4 October 2023.

⁸⁶ Human Rights Watch 6 October and 13 November 2023.

⁸⁷ Akıncı 6 and 19 December 2023.

⁸⁸ Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

⁸⁹ Akıncı, 6 and 19 December 2023.

⁹⁰ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

⁹¹ Gergerlioğlu 3 October 2023.

⁹² Akıncı 6 and 19 December 2023.

operations. In general, the names of those taken into custody are not published. The source adds that the authorities do not pay attention to the amount of money that has been sent or received and whether this can be considered as sufficient for "aiding and abetting a terrorist organisation." In many cases the amount of money received from the diaspora has been limited. The source mentions as an example a case in which a woman with children whose husband had fled abroad faced prosecution on the basis that she had received an electronic money transfer of 500 euros.⁹³ Neval notes that a woman whose husband is in prison might be taken in by the authorities for questioning simply on the basis that she is still able to pay the high rent for her family's apartment.⁹⁴

The international expert on the Turkish legal system points out that, when an investigation on a particular individual's connections to the Gülen movement is initiated, the authorities ask for every piece of information connected to the individual to be added in the case file. The expert states that the individual's right to privacy and data protection is wholly ignored when this kind of investigation is launched. In this manner, the authorities can get access to all the messages the individual has sent or received via the transactions made through the online banking system and include this information in the case file. If an individual receives a routine payment from the diaspora sources, they might be put under additional scrutiny.⁹⁵

The information provided by some sources on the security operations targeting the Gülen movement's current activities or structures does not fit the description of "restructuring" discussed above. For example, the Turkish political expert notes that media reports on security operations targeting the Gülen movement's 'clandestine structures' contain general information on how those detained had organised secret meetings and conducted other activities connected to the movement. However, the expert notes that, since there is no follow-up, the exact nature of these activities cannot be verified.⁹⁶ Experts in the Delegation of the European Union to Türkiye point to a recent investigation targeting 15 alleged members of the Gülen movement who took part in the civil service exam. The experts note that these individuals were allegedly part of a network assisting other members to enter civil service.⁹⁷

1.2.4 Individuals targeted in the so-called "payphone investigations"

While discussing the current operations targeting people allegedly associated with the Gülen movement, several sources noted the so-called "payphone investigations".⁹⁸

According to an in-depth article published by Al-Monitor in May 2021, these payphone investigations have focused on the members of the Turkish military. These retrospective investigations are based on payphone records and, in particular, on

*'the so-called consecutive calls, in which the caller uses a public phone to dial multiple soldiers one after another. Based on their immediate succession, the calls are believed to have been made by the same person, that is, an "imam" calling his subordinates. Prosecutors regard this pattern as serious evidence and usually order the arrest of soldiers involved in such conversations.'*⁹⁹

⁹³ Representative of a human rights organisation 3 October 2023.

⁹⁴ Neval 25 May 2023.

⁹⁵ International expert on the Turkish legal system 2 October 2023.

⁹⁶ Turkish political expert 4 October and 22 November 2023.

⁹⁷ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

⁹⁸ International expert on the Turkish legal system 2 October 2023; Turkish legal expert 4 October 2023; Turkish political expert 4 October and 22 November 2023.

⁹⁹ According to Al-Monitor, the so-called "payphone investigations" have also included investigations based on "singular calls". In these cases a soldier has received an individual call from an alleged member of the Gülen movement without the caller contacting another soldier within five minutes of the call. Cases based on "singular calls" have usually resulted in

The Turkish political expert estimates that new detentions made in 2023 in connection to the movement are 'always' connected to either the payphones or "clandestine structures".¹⁰⁰ According to the Turkish legal expert, the payphone investigations focus more on civil servants than, for example, those individuals targeted in the "operations against restructuring" (see section 1.2.3 above).¹⁰¹ The international expert on the Turkish legal system states that, especially in the context of the so-called "payphone investigations", new investigations might be initiated even against those individuals who have been investigated before but who have been released without charges (received a decision of non-prosecution).¹⁰²

The Turkish legal expert estimates that there are approximately 90 000 payphones in Turkey and, since the Turkish national police currently has the technical capacity to investigate around 30 000 payphones, it will take a long time to complete these investigations.¹⁰³

1.2.5 Individuals who have reached the age of criminal liability after the 2016 coup attempt

Sources were asked whether children who have studied in the educational institutions associated with the Gülen movement might face criminal investigations when reaching the age of criminal liability on the basis of having attended these institutions. In this context, it was also discussed whether an individual reaching the age of criminal liability could be targeted by the Turkish authorities simply because of his or her parents' involvement with the movement.

When asked about the targeting of persons who have reached the age of criminal liability, several sources described how individuals with this kind of background have been targeted by the Turkish authorities in an informal manner. For example, these individuals have been discriminated against when applying for a job in the civil service (see section 4.3).¹⁰⁴

The Turkish political expert estimated that the Turkish authorities would not investigate and prosecute individuals who have reached the age of criminal liability on the basis that they attended educational institutions connected to the Gülen movement as children. The expert bases this assessment on the fact that it would be extremely difficult for the authorities to start using this criterion as a basis of legal proceedings since most of the people affiliated with the ruling AKP (*Adalet ve Kalkınma Partisi*, eng. Justice and Development Party) have attended these same institutions.¹⁰⁵

However, according to information provided by other sources, individuals who have studied in the Gülen movement's schools and/or whose parents are connected to the movement might also face criminal investigations and even prosecutions on the basis of their background.¹⁰⁶

According to the Arrested Lawyers Initiative, an individual who attended the Gülen movement's schools or resided in their dormitories as a child can face criminal prosecution on this basis when reaching the age of criminal liability. The organisation notes that, in practice, the fact that an individual is connected to the Gülen movement through his or her parents

non-prosecution if there is no other incriminating evidence. Al-Monitor, Turkey broadens pay phone probes to nab Gulenist soldiers, 1 May 2021, [url](#) (accessed 12 June 2024).

¹⁰⁰ Turkish political expert 4 October and 22 November 2023.

¹⁰¹ Turkish legal expert 4 October 2023.

¹⁰² International expert on the Turkish legal system 2 October 2023.

¹⁰³ Turkish legal expert 4 October 2023.

¹⁰⁴ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Gergerlioğlu 3 October 2023; İHD 2 October and 22 November 2023; International expert on the Turkish legal system 2 October 2023.

¹⁰⁵ Turkish political expert 4 October and 22 November 2023.

¹⁰⁶ Arrested Lawyers Initiative 7 and 11 September 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023; Turkish legal expert 4 October 2023.

could lead to a prosecution later on and it is also possible to associate these individuals with the “restructuring” of the movement (see section 1.2.3 above).¹⁰⁷

The Turkish legal expert mentions that, in connection to the Gülen movement, the Turkish authorities are currently arresting students who have shared the same apartment. The expert states that there are many examples of children of ‘well-known figures’ connected to the Gülen movement who have been investigated because of their family background after reaching the age of criminal liability. The expert notes that, officially, the authorities base these investigations on the fact that it has been discovered that the individual has used the ByLock application, possessed a bank account in Bank Asya or been linked to the so-called “payphone investigations”. The fact that these investigations are based on the activities of the individual’s parents is not officially stated in the documents.¹⁰⁸

According to the researcher who has studied the situation of the Gülen movement in the diaspora, the people in diaspora tell that people who were minors at the time of the 2016 coup attempt and have recently turned 18 are now subjected to criminal investigations. The researcher supposes that individuals reaching the age of criminal liability have been investigated on the basis that they have studied in schools affiliated with the Gülen movement. The researcher mentions as an example a case discussed in the diaspora in which the authorities targeted the son of a high-ranking police officer convicted for his association with the Gülen movement after the son had reached the age of 18.¹⁰⁹

Neval states that the children of people allegedly associated with the Gülen movement are being punished because of their parents. According to Neval, the Turkish authorities are currently investigating and arresting people who were minors during the previous rounds of “purges”.¹¹⁰

Human Rights Watch describes the situation of the families of people associated with the Gülen movement as being a form of ‘collective punishment’. Human Rights Watch states that people associated with the movement have a high level of fear about the future of their children.¹¹¹

1.2.6 Human rights defenders and individuals defending people associated with the Gülen movement or critical of the Turkish government

Human rights defenders, individuals defending people associated with the Gülen movement and, more broadly, individuals critical of the Turkish government and its policies can be linked to the Gülen movement and other entities identified as “terrorist organisations” by the Turkish authorities.¹¹²

Individuals have been linked to the Gülen movement by the Turkish authorities on the basis of the fact that they have defended other individuals allegedly associated with the movement in public. These individuals have either acted as legal representatives of people allegedly

¹⁰⁷ Arrested Lawyers Initiative 7 and 11 September 2023.

¹⁰⁸ Turkish legal expert 4 October 2023.

¹⁰⁹ Researcher studying the Gülen movement in the diaspora 29 August 2023.

¹¹⁰ Neval 25 May 2023.

¹¹¹ Human Rights Watch 6 October and 13 November 2023.

¹¹² Akıncı 6 and 19 December 2023; Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; International expert on the Turkish legal system 2 October 2023; Member of a civil society organisation 26 October 2023.

associated with the Gülen movement¹¹³ or defended these people in a more general sense¹¹⁴ or defended them indirectly by criticising their treatment by the Turkish authorities¹¹⁵.

The experts in the Delegation of the European Union to Türkiye note that the dissidents in Türkiye are still scared of getting arrested for criticising the government's actions targeting the people allegedly associated with the Gülen movement.¹¹⁶ According to Akıncı, a single word or action in defence of people connected to the Gülen movement by the Turkish authorities could lead to labelling the individual in question a "terrorist" or "supporter of terrorism".¹¹⁷

According to a representative of an organisation monitoring the human rights situation in Turkey, being a lawyer of a person who is accused of being a member of the Gülen movement might serve as a basis for prosecution. After the 2016 coup attempt, many lawyers and even legal assistants were initially very hesitant to look at the cases connected to the movement, because the lawyer could be also targeted by the state authorities and, if convicted, lose his or her license.¹¹⁸ According to the member of a civil society organisation, any legal decision that deviates from the politically motivated general line set by the government can lead to "FETÖ" accusations by the representatives of the government and the media. Journalists themselves are susceptible to these accusations simply for doing their job.¹¹⁹

The experts in the Delegation of the European Union to Türkiye state that all kinds of human rights defenders and dissidents working in the civil service might be labelled as supporters of the Gülen movement which is the reason why these individuals generally avoid criticising the Turkish government. The experts estimate that a human rights defender criticising the Turkish government with similar rhetoric as utilised by people associated with the Gülen movement might be prosecuted on this basis. Also, supporting the rights of a professional group or civil society organisation associated with the Gülen movement (e.g., a professional group among which people associated with the movement were a prominent segment) might be seen as an incriminating factor by the authorities.¹²⁰

The experts in the Delegation of the European Union to Türkiye note that, in the current political climate, opposition members, civil society activists, trade unionists, journalists and academics all suffer from the risk of being detained and some of them might be labelled as associates of the Gülen movement in the process. The experts add that, in the early days (after the 2016 coup attempt), members of the civil society considered as conservative and connected to the religious organisations and opposing the government could be labelled as "associates of the Gülen movement". For example, the former chair of Amnesty International Turkey Taner Kiliç was labelled in this manner. The experts point out that the invoking of constitutional rights is used by the Turkish authorities as evidence against the person and as a basis to press charges. Some people protesting against the government, e.g., during Mayday protests, are always detained and prosecuted. Sometimes, these charges are based on the person's (alleged) association with the Gülen movement. However, if the person in question is secular without any religious background and does not have any conservative links, it is less likely that they will be prosecuted on the basis of their association with the movement.¹²¹

¹¹³ Human Rights Watch 6 October and 13 November; Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

¹¹⁴ Akıncı 6 and 19 December 2023.

¹¹⁵ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

¹¹⁶ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

¹¹⁷ Akıncı 6 and 19 December 2023.

¹¹⁸ Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

¹¹⁹ Member of a civil society organisation 26 October 2023.

¹²⁰ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

¹²¹ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

Both the experts in the Delegation of the European Union to Türkiye and a member of a civil society organisation estimate that round-ups targeting people allegedly associated with the Gülen movement are connected to internal power struggles within the Turkish government.¹²² In addition, the practice of associating those arrested with the Gülen movement is described as a way to 'silence' both the government's opponents¹²³ and as well as further inquiries about the actual reasons behind their arrests¹²⁴.

The member of a civil society organisation supposes that the ongoing roundups targeting people allegedly associated with the Gülen movement might be connected to an ongoing rivalry within the Turkish police force, although there is no clarity about this issue. The source notes that those arrested might not have actual ties to the movement and states that it has become useful for the authorities to connect people arrested in the roundups with the Gülen movement since no one then enquires further about the actual motive behind these collective detentions.¹²⁵ A similar dynamic was discussed by the experts in the EU Delegation, who note that Gülen movement related accusations have been utilised by the government to silence opposition as well as used as a tool in the powerplay within the government and, in particular, the Ministry of Interior.¹²⁶

The member of a civil society organisation mentions that anything that can be considered as critical of the Turkish government or the Turkish state in general or anything that is not completely in line with the political framework set by the government can lead to Gülen movement related accusations by the government and the (government) media. The source describes these accusations as 'stories' manufactured for political purposes and notes that the media attention received by these accusations can act as a catalyst for further investigations.¹²⁷

With regards to human rights defenders and people perceived as critical and/or opposing to the Turkish government more generally, the international expert states that the president and other politicians have *de facto* control over the Turkish judiciary and, if the president states that a certain individual should be punished, this individual will be punished and the courts will not act against the president's will. The expert points out how, in the cases of Selahattin Demirtaş and Osman Kavala, the ECHR detected a correlation between the statements made by high-level politicians and the judgements delivered by the courts.¹²⁸

In general, individuals engaging in civic action have been linked to "terrorism" on the basis of similar factors as described above, such as, participating in demonstrations or other public gatherings¹²⁹ or on the basis of their social media activity¹³⁰. According to the representative of an organisation monitoring the human rights situation in Turkey, in the politically motivated indictments targeting human rights defenders, civil society actors, journalists, academics, and political opponents among others, the evidence and the resulting legal decisions are mostly based on the speeches these individuals have given, the demonstrations that they have participated in, the political slogans they have used, and the things they have shared on social

¹²² Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Member of a civil society organisation 26 October 2023.

¹²³ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

¹²⁴ Member of a civil society organisation 26 October 2023.

¹²⁵ Member of a civil society organisation 26 October 2023.

¹²⁶ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

¹²⁷ Member of a civil society organisation 26 October 2023.

¹²⁸ International expert on the Turkish legal system 2 October 2023.

¹²⁹ International expert on the Turkish legal system 2 October 2023; Member of a civil society organisation 26 October 2023.

¹³⁰ International expert on the Turkish legal system 2 October 2023; Representative of an organisation monitoring the human rights situation in Turkey 4 October 2023.

media.¹³¹ According to the member of a civil society organisation, the Turkish authorities can launch investigations against individuals participating in public gatherings for “aiding and abetting a terrorist organisation”,¹³² while the international expert on the Turkish legal system estimates that social media posts, allegedly constituting the offence of “making propaganda of a terrorist organisation”, constitute a very common basis for prosecution¹³³.

The İHD states that the definition of “terrorism” or what it means to be “affiliated” or “communicating” with a terrorist organisation is very wide and arbitrary, and the prevailing state mentality considers human rights issues as matters of “terrorism.”¹³⁴ The international expert estimates that most prosecuted human rights defenders face charges that are based on activities that can be considered as ‘normal’ in their daily work while allegedly proving their “membership in a terrorist organisation”. For example, an individual working for a human rights organisation could be charged for cooperating with foreign NGOs, giving instructions to other members of the organisation or providing legal aid to inmates or detainees. In addition, there have been cases where individuals have been prosecuted based on the claim that, while they have participated in a demonstration under the banners of legally operating trade unions or other organisations, they have actually been invited to participate in the demonstration by a terrorist organisation. The expert adds that, in most of these cases, the connection between an individual and a terrorist organisation is merely an assumption.¹³⁵

1.2.7 Businessmen

According to the researcher studying the situation of people associated with the Gülen movement in the diaspora, the Turkish authorities are still investigating businessmen who have (allegedly) donated money to the movement. In addition, the researcher mentions that it is known that, recently, there have been wealthy business owners who have been able to pay their way out of investigations.¹³⁶

In the context of businessmen allegedly connected to the Gülen movement, the continued existence of the so-called “FETÖ exchange” (*FETÖ borsası*) is discussed also by other sources. According to the Arrested Lawyers Initiative, there have been businessmen who have paid large sums of money to public prosecutors in order to make their files ‘disappear’ but these were very exceptional cases.¹³⁷ According to the experts in the Delegation of the European Union to Türkiye, some people connected to the Gülen movement were able to ‘pay their way out of FETÖ charges’. However, a new criminal case might be lodged against these individuals at any time and, since the practice of making the charges disappear by paying the authorities is illegal, they cannot resort to the claim that they ‘have already paid’.¹³⁸

According to the Turkish political expert, the practice of people paying their way out of Gülen movement related charges is still happening on a regular basis. In addition, the expert mentions that it has also been possible avoid charges by being in the right place at the right time and having the right connections, which also works for quite a lot of people.¹³⁹ The member of a civil society organisation mentions that the ‘marketplace for buying off a criminal investigation or clearing the background of a person investigated if there is a lot of incriminating information in his or her files’ still exists. The source estimates that people in high

¹³¹ Representative of an organisation monitoring the human rights situation in Turkey 4 October 2023.

¹³² Member of a civil society organisation 26 October 2023.

¹³³ International expert on the Turkish legal system 2 October 2023.

¹³⁴ İHD 2 October and 22 November 2023.

¹³⁵ International expert on the Turkish legal system 2 October 2023.

¹³⁶ Researcher studying the Gülen movement in the diaspora 29 August 2023.

¹³⁷ Arrested Lawyers Initiative 7 and 11 September 2023.

¹³⁸ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October.

¹³⁹ Turkish political expert 4 October and 22 November 2023.

positions, such as judges or prosecutors, might be able to avoid new investigations and prosecutions (see section 1.2.2 above) by resorting to this “exchange”.¹⁴⁰ The Arrested Lawyers Initiative estimates that a person can avoid prosecution if they have a ‘strong reference from the ruling party’ (AKP). However, the organisation states that, in 90 percent of cases, it is not possible to utilise these kinds of connections.¹⁴¹

2. The criteria for connecting an individual to the Gülen movement

2.1 The list criteria for connecting an individual to the Gülen movement

While discussing the current criteria the Turkish authorities apply to connect an individual to the Gülen movement, some sources mentioned an established ‘list’¹⁴² or ‘framework’¹⁴³ which the authorities apply when subjecting a particular individual to investigative or legal measures.

The Arrested Lawyers Initiative references¹⁴⁴ a report published by the Italian Federation for Human Rights (FIDU) in July 2023 which contains a list of 18 ‘most commonly-used’ criteria for connecting a person to the Gülen movement.¹⁴⁵ The list is based on the analysis of 118 indictments which accuse an individual of membership in the Gülen movement on the basis of Article 314 of the Turkish Penal Code.¹⁴⁶ Since FIDU’s list is the most timely and comprehensive publicly available list on the possible criteria for connecting an individual to the Gülen movement, it provides a good starting point for analysing the information provided by the sources.

The criteria listed in the FIDU report include that the individual

- has used or downloaded the ByLock messaging application
- has deposited money or possessed a bank or credit card in Bank Asya or used one of its payment terminals
- has been denounced anonymously or his or her name appears in secret witness statements
- has attended the Gülen movement’s religious gatherings (*sohbets*)
- has served in an executive role or as a member in an association that has been either closed or dissolved during the State of Emergency on the basis of its alleged connection to the Gülen movement
- has served in an executive role or as a member in a trade union that has been either closed or dissolved during the State of Emergency on the basis of its alleged connection to the Gülen movement
- has been a shareholder, manager or employee in companies and other legal persons, including schools, universities, hospitals, media outlets, publishing houses that

¹⁴⁰ Member of a civil society organisation 26 October 2023.

¹⁴¹ Arrested Lawyers Initiative 7 and 11 September 2023.

¹⁴² Representative of a human rights organisation 3 October 2023; Turkish legal expert 4 October 2023.

¹⁴³ Akinci 6 and 19 December 2023.

¹⁴⁴ Arrested Lawyers Initiative 7 and 11 September 2023.

¹⁴⁵ Federazione Italiana Diritti Umani (FIDU), Perils of Unconstrained Prosecutorial Discretion: Prosecuting Terrorism Offences in Post-coup Turkey, July 2023, p. 18–19, [url](#) (accessed 12 June 2024).

¹⁴⁶ However, it is important to note that the vast majority (100) of the indictments analysed were issued before 2020 (i.e., in the period between 2016–2019). FIDU, Perils of Unconstrained Prosecutorial Discretion, July 2023, p. 16, [url](#) (accessed 12 June 2024).

have been closed down or seized under the State of Emergency for their alleged ties with the Gülen movement

- has subscribed to newspapers or magazines dissolved or seized during the State of Emergency on the basis of its alleged connection to the Gülen movement
- has been in possession of copies of the above-mentioned newspapers or magazines or books, CDs or DVDs issued by publishing houses closed, dissolved or seized because of their alleged connections to the Gülen movement
- has studied in schools or universities or resided in dormitories closed during the State of Emergency for their alleged connections to the Gülen movement or sent his or her children to these educational institutions
- has travelled abroad
- has followed certain accounts on social media or shared articles critical of the AKP government
- has donated to relief organisations associated with the Gülen movement
- has resided in hotels associated with the Gülen movement
- has been found to be in possession of one-dollar (USD) banknote
- has cancelled their subscription to the digital TV platform DIGITURK after its decision to end the broadcasting of seven television channels allegedly connected to the Gülen movement
- has participated in protests reacting to the Turkish government's takeover of (Gülen movement linked) the newspaper Zaman and Samanyolu TV or made press statements protesting the government's actions
- has expressed support for the opposition parties or criticised the Turkish government for human rights violations.¹⁴⁷

On the basis of the information provided by one or several of the sources consulted during the fact-finding mission, the list can be complemented with the criteria that an individual

- has been associated with the so-called "restructuring" of the Gülen movement's structures¹⁴⁸ or, in general, with assisting those associated with the movement financially¹⁴⁹ or otherwise¹⁵⁰
- has made consecutive calls from payphones connected to the activities of the Gülen movement's members¹⁵¹
- has a family member who has downloaded the ByLock messaging application¹⁵²
- has been mentioned in a ByLock correspondence without their knowing and without using the software themselves¹⁵³

¹⁴⁷ FIDU, Perils of Unconstrained Prosecutorial Discretion: Prosecuting Terrorism Offences in Post-coup Turkey, July 2023, p. 18–19, [url](#) (accessed 12 June 2024).

¹⁴⁸ Akıncı 6 and 19 December 2023.

¹⁴⁹ Gergerlioğlu 3 October 2023; International expert on the Turkish legal system 2 October 2023; Mazlumder 2 October 2023 and 23 December.

¹⁵⁰ Neval 25 May 2023.

¹⁵¹ International expert on the Turkish legal system 2 October 2023; Turkish political expert 4 October and 22 November 2023.

¹⁵² International expert on the Turkish legal system 2 October 2023.

¹⁵³ Akıncı 6 and 19 December 2023.

- has participated in the Gülen movement's religious conversations and programs¹⁵⁴
- has authored books published by the Gülen movement's publishing houses and/or about Fethullah Gülen¹⁵⁵
- has been mentioned in an intelligence report¹⁵⁶
- has been in contact with people influential in the Gülen movement¹⁵⁷
- has participated in a demonstration or written an article critical of the Turkish government¹⁵⁸

The remainder of this chapter focuses, in particular, on the two criteria considered by the sources as the most prevalent when associating a particular individual to the Gülen movement: that the individual has either used or downloaded the ByLock messaging application or possessed a bank account in Bank Asya. With regard to the other criteria, the sources' observations concerning their significance is discussed in section 2.5 below.

The targeting of individuals connected to the so-called "restructuring" of the Gülen movement, implicated in the so-called "payphone investigations" or taking part in civic activities considered as critical of the Turkish government are discussed above, respectively, in sections 1.2.3, 1.2.4 and 1.2.6.

2.2 Using or downloading the ByLock messaging application

The ByLock criterion is still applied in criminal investigations and legal proceedings connected to the Gülen movement.¹⁵⁹ According to lawyer Özcan Akıncı, ByLock users and those whose names have ended up in decipherable ByLock contents have been targeted in recent security operations.¹⁶⁰

Many sources estimate that the fact that an individual has downloaded the ByLock messaging application can still act as the sole basis for investigations and prosecutions.¹⁶¹ According to the representative of a human rights organisation, fulfilling the ByLock criterion can, by itself, constitute the crime of "membership in a terrorist organisation"¹⁶² and the researcher who has studied people associated with the Gülen movement in the diaspora notes that people in the diaspora name downloading the ByLock application as, by far, the most common reason given by the authorities for launching an investigation against an individual without any other ties to the Gülen movement.¹⁶³

The Arrested Lawyers Initiative identifies the ByLock criterion as one of the most important criteria on the basis by which people allegedly associated with the Gülen movement have been convicted.¹⁶⁴ The representative of an organisation monitoring the human rights situation

¹⁵⁴ Akıncı 6 and 19 December 2023.

¹⁵⁵ Researcher studying the Gülen movement in the diaspora 29 August 2023.

¹⁵⁶ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

¹⁵⁷ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

¹⁵⁸ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

¹⁵⁹ Arrested Lawyers Initiative 7 and 11 September 2023; International expert on the Turkish legal system 2 October 2023; Mazlumder 2 October 2023 and 23 December; Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023; Turkish legal expert 4 October 2023.

¹⁶⁰ Akıncı 6 and 19 December 2023.

¹⁶¹ Arrested Lawyers Initiative 7 and 11 September 2023; International expert on the Turkish legal system 2 October 2023; Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

¹⁶² Representative of a human rights organisation 3 October 2023.

¹⁶³ Researcher studying the Gülen movement in the diaspora 29 August 2023.

¹⁶⁴ Arrested Lawyers Initiative 7 and 11 September 2023.

in Turkey estimates that having downloaded the ByLock application could result in a conviction by itself.¹⁶⁵ The Turkish legal expert estimates that the courts would 'rarely decide against an indictment' which is based on ByLock evidence and supported by at least one or more of the other criteria (see the section 2.1 above).¹⁶⁶

The international expert on the Turkish legal system states that there is a general assumption that an individual who has downloaded the ByLock application is a member or supporter of the Gülen movement. According to the expert, the simple fact of downloading the application has been considered a sufficient basis for conviction in the eyes of the Turkish judicial authorities. As an example, the expert mentions the case of a prominent judge in which downloading the application was enough for the Court of Appeals and the Court of Cassation to indict said individual, even though the raw data submitted to the court showed that nothing that could be labelled as "violent" (in intent) was included in the communications.¹⁶⁷ The Turkish legal expert estimates that the courts would rarely decide against an indictment which is based on ByLock evidence and supported by at least one or more of the other criteria (discussed above in section 2.1).¹⁶⁸

The Turkish political expert estimates that, on the basis of information provided by lawyers with knowledge on legal proceedings connected to the Gülen movement, cases that are based on the fact that an individual has either used or downloaded the ByLock application are mostly finished. While discussing the recent operations targeting alleged members and supporters of the Gülen movement, the expert notes that, in the media, these operations are recurrently connected to the so-called "payphone investigations" (see section 1.2.4 above) while it is 'never' mentioned that these operations are based on tracking down ByLock users. However, the expert adds that the ByLock and the Bank Asya criteria (see section 2.3 below) are still 'the two elements' present in most of the convictions.¹⁶⁹

According to the international expert on the Turkish legal system, in the current cases, ByLock-related evidence is still used in two different ways. First, the Turkish authorities have a "ByLock list" that contains the names of ByLock users, which can be utilised as evidence when a person in hiding is caught by the authorities. Second, ByLock-related evidence can be used as additional evidence in cases where the indictment for "membership of a terrorist organisation" is based primarily on other pieces of evidence. In these cases, the prosecution requests the information on the individual's ByLock user history from the security services. The international expert on the Turkish legal system notes that ByLock user histories have been used as additional evidence in the so-called "payphone investigations". In addition, the courts have also inspected whether someone in the defendant's family has downloaded ByLock since, for example, a husband might have used his wife's phone to communicate with the application.¹⁷⁰

On 26 September 2023, the European Court of Human Rights (ECHR) delivered its judgement on the case of *Yüksel Yalçınkaya v. Türkiye* which found the applicant's '[c]onviction for membership of an armed terrorist organisation based decisively on use of encrypted messaging application ByLock, without establishing offence's constituent material and mental elements in an individualised manner' to be in violation of Article 7 (*Nulla poena sine lege* or "no punishment without law") of the European Convention on Human Rights.¹⁷¹ While the significance of this decision was discussed by several of the sources during the fact-finding

¹⁶⁵ Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

¹⁶⁶ Turkish legal expert 4 October 2023.

¹⁶⁷ International expert on the Turkish legal system 2 October 2023.

¹⁶⁸ Turkish legal expert 4 October 2023.

¹⁶⁹ Turkish political expert 4 October and 22 November 2023.

¹⁷⁰ International expert on the Turkish legal system 2 October 2023.

¹⁷¹ The European Court of Human Rights, Case of *Yüksel Yalçınkaya v. Türkiye*, 26 September 2023, para. 214–272, [url](#) (accessed 12 June 2024).

mission, it remains to be seen whether the Turkish authorities and courts respect the decision in practice.

2.3 Depositing money to or being in possession of a bank account in Bank Asya

Similar to the ByLock criterion discussed above, the fact that the person has been in possession of a Bank Asya bank account can still serve as the basis for new investigations and prosecutions.¹⁷² According to Akıncı, individuals connected to Bank Asya have been targeted in the recent security operations.¹⁷³

The Arrested Lawyers Initiative identifies the Bank Asya criterion as one of the most important criteria on the basis of which people allegedly associated with the Gülen movement have been convicted.¹⁷⁴ The international expert on the Turkish legal system states that, similar to using or downloading the ByLock application, the fact that a person has been in possession of a Bank Asya bank account can be also considered as 'standalone evidence'. This is especially the case if the individual in question deposited money in the bank after Fethullah Gülen advised his followers to do so.¹⁷⁵

On the basis of information provided by lawyers with knowledge on cases connected to the Gülen movement, the Turkish political expert states that cases based on the fact that an individual has had a bank account in Bank Asya (along with the cases based on the ByLock criterion) are mostly finished. Concerning the information on recent security operations, the expert notes that it is 'never' mentioned that these operations are based on tracking down Bank Asya accounts. However, the expert adds that the ByLock and the Bank Asya criteria are still 'the two elements' present in most of the convictions.¹⁷⁶

According to the Turkish political expert, people connected to the Gülen movement started a campaign to save Bank Asya in 2013, when the government wanted to seize control of the bank. The movement's supporters launched a campaign to deposit money into their Bank Asya accounts in order to save the bank. The expert notes how messages attached to SWIFT transactions from other banks to Bank Asya contained statements in support of the campaign and the Gülen movement and these statements are now used in the current indictments. The expert notes that, in a couple of cases in both the Turkish Court of Appeals and the Turkish Constitutional Court, it was established that if the individual in question had a Bank Asya account but it was not used or if, after initially transferring money to the account in order to save the bank, the individual withdrew the money from the bank, this did not constitute a terror crime.¹⁷⁷

2.4 Statements made by secret witnesses and informants

Individuals investigated by the Turkish authorities based on their alleged association with the Gülen movement have provided secret witness statements, based on the principle of "active repentance" (*etkin pişmanlık*), in order to get released from prison or receive a reduction to

¹⁷² Akıncı 6 and 19 December 2023; Turkish legal expert 4 October 2023.

¹⁷³ Akıncı 6 and 19 December 2023.

¹⁷⁴ Arrested Lawyers Initiative 7 and 11 September 2023.

¹⁷⁵ International expert on the Turkish legal system 2 October 2023.

¹⁷⁶ Turkish political expert 4 October and 22 November 2023.

¹⁷⁷ Turkish political expert 4 October and 22 November 2023.

their sentence^{178, 179} Also, people not directly targeted with investigative or legal proceedings connected to the Gülen movement have acted as informants and provided the authorities voluntarily with (anonymous) witness statements denouncing a particular individual as a member or a supporter of the movement (informants are discussed also in section 5.3 below).¹⁸⁰

According to Akıncı, individuals mentioned in (secret) witness statements or complaints made by informants have been targeted in recent security operations.¹⁸¹ The experts in the Delegation of the European Union to Türkiye state that charges based on secret witnesses and pressed against ordinary citizens are still common.¹⁸² While the representative of a human rights organisation states that a secret witness statement can be found in nearly every Gülen movement related case file¹⁸³ and the representative of a monitoring organisation confirms that secret witnesses are involved in many Gülen movement cases¹⁸⁴, the Turkish legal expert estimates that the practice of utilising secret witnesses was more common during the State of Emergency period. In addition, the expert estimates that cases connected to the Gülen movement where secret witnesses are used are rare, although the practice still continues.¹⁸⁵

Several sources describe the importance of secret witness statements as evidence in legal charges against people associated with the Gülen movement.

The Turkish human rights organisation estimates that, in general, the Turkish judicial system relies on secret witness statements because these are usually the only evidence available in cases where a person is prosecuted for "membership in a terrorist organisation".¹⁸⁶ The Turkish political expert compares the secret witness statements to a 'glue' that is used to put things together in the indictment.¹⁸⁷ The representative of an organisation monitoring the human rights situation in Turkey estimates that an individual might get convicted solely on the basis of a secret witness statement made against the individual in question.¹⁸⁸ Akıncı mentions that secret witness statements are accepted by the courts as if they are a 'sacred command,' and proving the contrary is often useless.¹⁸⁹

The Arrested Lawyers Initiative states that, with regard to convicting a person for their alleged association with the Gülen movement, the practice of relying on secret witnesses is a really important factor. For example, if a secret witness gives a statement claiming that a person attended a *sohbet* gathering, refuting this statement is very difficult. According to the Arrested Lawyers Initiative, people have been connected to the Gülen movement and investigated solely on the basis of information provided by informants, although denunciations made by

¹⁷⁸ Two sources (Turkish legal expert and Turkish political expert) underline that an individual cannot get acquitted on the basis of "active repentance" but it is possible for them to receive a reduced sentence or get released conditionally at some point.

¹⁷⁹ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Human Rights Watch 6 October and 13 November 2023; International expert on the Turkish legal system 2 October 2023; Turkish human rights organisation 5 October 2023; Turkish legal expert 4 October 2023; Turkish political expert 4 October and 22 November 2023.

¹⁸⁰ Arrested Lawyers Initiative 7 and 11 September 2023; Human Rights Watch 6 October and 13 November 2023; Representative of a human rights organisation 3 October 2023.

¹⁸¹ Akıncı 6 and 19 December 2023.

¹⁸² Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

¹⁸³ Representative of a human rights organisation 3 October 2023.

¹⁸⁴ Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

¹⁸⁵ Turkish legal expert 4 October 2023.

¹⁸⁶ Turkish human rights organisation 5 October 2023.

¹⁸⁷ Turkish political expert 4 October and 22 November 2023.

¹⁸⁸ Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

¹⁸⁹ Akıncı 6 and 19 December 2023.

them are becoming less and less common. The Arrested Lawyers Initiative estimates that military officers allegedly associated with the Gülen movement have been convicted solely on the basis of denunciations, since they might not necessarily match any other criteria. However, the organisation does not have information on other possible cases where denunciations have served as the sole basis for convictions.¹⁹⁰

The sources also discussed the ways in which a person can become a secret witness.

According to both the experts in the Delegation of the European Union to Türkiye and Human Rights Watch, the process of recruiting and utilising secret witnesses is very easy to exploit,¹⁹¹ since cross-examining the statements made by secret witnesses is very difficult¹⁹².

With regard to the process of convincing a person to become a secret witness (or a witness whose identity is known), Human Rights Watch cannot verify whether or not these individuals are coerced to testify, but this cannot be ruled out. Human Rights Watch mentions that individuals have provided open or secret witness statements so that their sentences might be reduced or that their family might be spared from prosecution. In addition, there is no transparency or clear process by which to expose possible cases of abuse where the witness might provide the statement on the basis of, for example, personal antipathy towards a suspect.¹⁹³ The experts in the Delegation of the European Union to Türkiye note that, in some cases, individuals have claimed that they were forced to give witness statements or admitted that their statements are false, and some witness statements have been later removed from active cases on this basis.¹⁹⁴

The arbitrary nature of the process of recruiting and utilising secret witnesses is also emphasised by other sources. According to the Turkish human rights organisation, during the investigations, individuals connected to the Gülen movement by the Turkish authorities have been pressured to provide names in order to reach some sort of deal with the authorities.¹⁹⁵ The researcher mentions that in cases of people investigated for terrorism-related crimes, individuals have been forced to give false information in order to receive a reduction to their sentences and have ended up, for example, just 'making up names' and accusing their neighbours.¹⁹⁶ While describing the situation of people associated with the Gülen movement, Neval says that, during an interrogation, a person can be also blackmailed with possible investigations targeting their children.¹⁹⁷

According to Human Rights Watch, in the context of secret witness statements connected to the Kurdish movement and the PKK (kurd. *Partiya Karkerên Kurdistanê*, eng. Kurdistan Workers' Party), there have been cases where a witness has testified simultaneously against hundreds of individuals and given statements that are very general in nature, and (the authorities) have not deliberated or questioned these statements.¹⁹⁸ The international expert on the Turkish legal system estimates that it is easy to provide false or misleading witness statements in the context of the Gülen movement because the authorities do not question claims made about the movement. For example, a secret witness might claim to have seen first-hand the accused individual attending an online chat room connected to the Gülen movement, and although it would be later discovered that this claim is actually based on second-hand information, it is

¹⁹⁰ Arrested Lawyers Initiative 7 and 11 September 2023.

¹⁹¹ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Human Rights Watch 6 October and 13 November 2023.

¹⁹² Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

¹⁹³ Human Rights Watch 6 October and 13 November 2023.

¹⁹⁴ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

¹⁹⁵ Turkish human rights organisation 5 October 2023.

¹⁹⁶ Researcher 2 November 2023.

¹⁹⁷ Neval 25 May 2023.

¹⁹⁸ Human Rights Watch 6 October and 13 November 2023.

doubtful that the overall reliability of the witness would be questioned by the courts.¹⁹⁹ According to the experts in the Delegation of the European Union to Türkiye, the Turkish authorities do not necessarily act upon the fact that a witness statement has been retracted (or proven out to be false) and reopen and reassess a case if it has already been closed.²⁰⁰

Sources state that police officers have provided secret witness statements²⁰¹ in order to ensure that a particular court case leads to a conviction²⁰². According to the experts in the Delegation of the European Union to Türkiye, police officers have been used as secret witnesses in many cases where the case seems weak and the authorities want to have the person in question convicted for the crime.²⁰³ The representative of a human rights organisation speculates that, if the police have received an order to get a particular person convicted, formulating a fake secret witness statement is usually the most expedient method.²⁰⁴ According to the Turkish political expert, especially in cases connected to the Kurdish movement, secret witnesses are mainly police officers. The expert estimates that this practice is made possible by the lack of transparency in the process and can be motivated by both the officers' personal gain as well as by the orders they have received from their superiors.²⁰⁵

Two knowledgeable sources verify the existence of an archive or a 'witness pool' where the statements of both secret witnesses and informants are collected.²⁰⁶ According to Akıncı, within the scope of investigations targeting the Gülen movement, an archive was created within the General Directorate Against Smuggling and Organised Crimes (*Kaçakçılık ve Organize Suçlarla Mücadele Başkanlığı*, KOM), where the statements of people who benefited from "active repentance" and those who have given information about the Gülen movement and its members for other reasons were collected. Akıncı notes that it is possible to conduct searches in this archive with the name and identity number of the person on trial and it is used throughout the country.²⁰⁷ According to the international expert on the Turkish legal system, this 'witness pool' is cross-checked in the context of new investigations.²⁰⁸

According to the representative of a human rights organisation, individuals connected to the Gülen movement by the Turkish authorities are still targeted by the Turkish authorities even though they have been acquitted or they have served their sentence. The representative of a human rights organisation says that these individuals are followed by the National Security Service (*Milli İstihbarat Teşkilatı*, MİT) and by the intelligence departments of the police, gendarmerie (*jandarma*) and the Turkish armed forces who try to persuade them to become informants and, for example, provide the authorities with the names of those individuals who have attended the meetings of the Gülen movement. Further, the source notes that, in return for becoming an informant, these individuals have been promised that they could, for example, return to their former jobs.²⁰⁹ Researcher Emine Neval speculates that the authorities

¹⁹⁹ International expert on the Turkish legal system, 2 October 2023.

²⁰⁰ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

²⁰¹ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Representative of a human rights organisation 3 October 2023; Turkish political expert 4 October and 22 November 2023.

²⁰² Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Representative of a human rights organisation, 3 October 2023.

²⁰³ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

²⁰⁴ Representative of a human rights organisation 3 October 2023.

²⁰⁵ Turkish political expert 4 October and 22 November 2023.

²⁰⁶ Akıncı 6 and 19 December 2023; International expert on the Turkish legal system 2 October 2023.

²⁰⁷ Akıncı 6 and 19 December 2023.

²⁰⁸ International expert on the Turkish legal system, 2 October 2023.

²⁰⁹ Representative of a human rights organisation 3 October 2023.

release a particular individual on probation or on the basis of the re-evaluation of their case for a reason and recruit those individuals whose cases are under re-evaluation as informants.²¹⁰

2.5 Other criteria

With regard to the other criteria listed above, the sources who discussed a list of criteria for connecting a person to the movement describe most, if not all, of them as still applicable.²¹¹ According to the Turkish legal expert, the only exception is the fact that the individual in question has been a member in a trade union associated with the Gülen movement, since there was the International Labour Organisation (ILO) decision on this criterion in 2021 after which also the Turkish Constitutional Court reached a decision that it is no longer applicable in new criminal cases from the beginning of 2023.²¹² Both the Arrested Lawyers Initiative and the international expert suggest that an individual has to fulfil several of them in order for the prosecution to obtain a conviction.²¹³

While discussing the contents of FIDU's list of criteria for connecting a person to the Gülen movement, the Arrested Lawyers Initiative states that – along with the ByLock criterion and the Bank Asya criterion discussed above – the most important criteria on the basis of which people allegedly associated with the Gülen movement have been convicted include the facts that the person in question has been a member of a union or an association connected to the Gülen movement, employed by an institution associated with the movement or participated in the movements religious gatherings (*sohbets*).²¹⁴

The Arrested Lawyers Initiative estimates that a person who fulfils two or more criteria (on the list) is likely to be convicted, while an individual who has merely subscribed to Zaman or other newspaper affiliated with the Gülen movement or has been found to be in possession of a one-dollar banknote may avoid prosecution and/or conviction. At the same time, the organisation points out that it is hard to find individuals associated with the Gülen movement to whom only one of the listed criteria applies. For example, if a person has subscribed to the Zaman newspaper, it is also likely that the person had a bank account in Bank Asya and sent their children to schools affiliated with the Gülen movement.²¹⁵

According to the international expert on the Turkish legal system, with regard to criteria other than ByLock or Bank Asya, the Turkish authorities are looking for a 'combination of things'. For example, when a new investigation is launched in the context of the so-called "payphone investigations" (see section 1.2.4 above), the authorities check whether the person investigated had a Bank Asya account, was using the ByLock application or whether the person's name can be found in the so-called "witness pool" (see section 2.4 above). The expert estimates that if the name of a person implicated in the "payphone investigations" can be also found in the witness pool, this becomes a strong predictor that the person might be prosecuted for "membership in a terrorist organisation".²¹⁶

According to Mazlumder, an individual will no longer be convicted solely on the basis of subscribing to a newspaper, opening a bank account or being a member of an association (connected to the Gülen movement). However, there is a perception, based on the principle of "*iltisak ve irtibat*", that the fact that an individual has deposited money to Bank Asya, is a member of a trade union or has participated in the Gülen movement's religious or other

²¹⁰ Neval 25 May 2023.

²¹¹ Akıncı 6 and 19 December 2023; Arrested Lawyers Initiative 7 and 11 September 2023; Turkish legal expert 4 October 2023.

²¹² Turkish legal expert 4 October 2023.

²¹³ Arrested Lawyers Initiative 7 and 11 September 2023; International expert on the Turkish legal system 2 October 2023.

²¹⁴ Arrested Lawyers Initiative 7 and 11 September 2023.

²¹⁵ Arrested Lawyers Initiative 7 and 11 September 2023.

²¹⁶ International expert on the Turkish legal system 2 October 2023.

gatherings after the 15 July 2016 coup attempt, together with other pieces of evidence, is enough to prove the individual in question as guilty.²¹⁷

A member of a civil society organisation estimates that if a person is, for example, accused by either an informant or a secret witness of attending a *sohbet* meeting arranged by the Gülen movement, it is doubtful that any prosecutor would dare to neglect the claim and refrain from investigating the case. On the contrary, the member of a civil society organisation estimates that Turkish prosecutors feel obliged and even pressured to proceed with a particular investigation or pass it on to someone else who will open the investigation and conduct further checks to find out, for example, whether the person's name is on the list of ByLock users, Zaman subscribers or those with a bank account in Bank Asya. The source adds that it is unimaginable that Turkish courts would dismiss any claim made by informants since the judge bypassing the claim would be targeted afterwards if the claim turned out to be an actual lead.²¹⁸

The researcher studying the Gülen movement in the diaspora notes that, according to people in the diaspora, the simple fact that an individual has resided in a particular hotel or travelled abroad might be enough to raise the authorities' suspicion. In addition, the researcher mentioned that people in the diaspora have the impression that an individual who is found to be in possession of a one-dollar banknote will be linked to the movement in the eyes of the Turkish authorities. This is based on the authorities' preconception that the banknote is a religious 'token' proving that the individual has visited Pennsylvania, where Fethullah Gülen is currently living in exile.²¹⁹ The Arrested Lawyers Initiative notes the existence of similar reasoning by the Turkish authorities and estimates that an individual who has only been found to be in possession of a one-dollar banknote may avoid prosecution or conviction. However, the situation can be quite problematic for a person who has, both, travelled to the United States and been found to be in possession of a one-dollar banknote.²²⁰

3. Human rights violations targeting alleged members and supporters of the Gülen movement

3.1 What happens to individuals targeted in the security operations?

The sources emphasise that there is no follow-up and, therefore, no information on the treatment and fate of those targeted in the security operations connected to the Gülen movement.²²¹ The Turkish political expert points out that since these people associated with the movement are out of sight and disorganised, it is difficult to know for certain what is happening with them.²²² This same problem is noted also by the international expert, who states that it is difficult to observe whether people associated with the Gülen movement face discrimination since no one admits openly that he or she is associated with the movement.²²³

Human Rights Watch estimates that, in general, publicly available information on new investigations and prosecutions against alleged members and supporters of the Gülen movement is very hard to find. In addition, human rights organisations in Turkey keep away from matters related to the Gülen movement and people are afraid of being incriminated if they work on this issue. Human Rights Watch states that it cannot follow the fate of those targeted in these operations from the media sources since these sources do not contain any

²¹⁷ Mazlumder 2 October and 23 December 2023.

²¹⁸ Member of a civil society organisation 26 October 2023.

²¹⁹ Researcher studying the Gülen movement in the diaspora 29 August 2023.

²²⁰ Arrested Lawyers Initiative 7 and 11 September 2023.

²²¹ Human Rights Watch 6 October and 13 November 2023; Turkish political expert 4 October and 22 November 2023.

²²² Turkish political expert 4 October and 22 November 2023.

²²³ International expert on the Turkish legal system 2 October 2023.

specific information about the evidence which forms the basis of detentions. According to Human Rights Watch, in a typical case, if there is news that, for example, 30 people have been arrested in a round-up, the news source contains no names, no specifics on their background, no information on what happens to those taken into custody, and the news coverage does not follow up on these cases. Human Rights Watch estimates that the news coverage resembles propaganda, focusing on emphasising the "'FETÖ' threat",²²⁴

According to the Turkish human rights organisation focusing on issues related to the freedom of expression and freedom of speech, Turkish civil society groups do not necessarily have much information about people associated with the Gülen movement since the civil society was initially reluctant to reach out to these people because of fear. The organisation estimates that people allegedly associated with the Gülen movement 'have been left to fend for themselves' and most individuals released from prison do not want to talk about their imprisonment. According to the source, most people who come out of jail do not talk about it, so it is not necessarily easy to follow-up on them. Based on social media posts, some of them have left the country and some of them have not.²²⁵

According to the Turkish political expert, it is 'impossible' to find out why and for how long the people targeted in the operations publicised in the media are detained. The expert estimates that conducting a follow-up on the situation of people connected to the Gülen movement by the Turkish authorities is 'extremely difficult' since the movement does not have, for example, its own civil society organisations to provide support for people targeted because of their alleged association with the movement.²²⁶

The Turkish legal expert provides a general estimate about the treatment of people targeted in the security operations and takes as an example the 52 people taken into custody in late September 2023 for collecting money for convicted members of the Gülen movement (see section 1.2.3 above). The expert estimates that, typically, the Turkish authorities will launch investigations against all of those detained in these kinds of operations and nearly 80 to 90 percent of them will be prosecuted for "membership in a terrorist organisation". Additionally, the expert estimates that while the ratio of those taken into pretrial detention is still higher than in other criminal cases (not connected to the Gülen movement), it is lower than in the period between 2016 and 2018 when most of the people facing prosecution were still under pretrial detention.²²⁷

3.2 Are alleged members and supporters of the Gülen movement targeted with human rights violations?

Based on the information provided by some knowledgeable sources, individuals allegedly associated with the Gülen movement are likely still targeted with severe human rights violations such as kidnappings, forced disappearances, torture and other ill-treatment.²²⁸ However, some sources also reach the conclusion that people are subjected to these violations to a lesser extent than in the years immediately following the 2016 coup attempt.²²⁹

The Human Rights Association (İHD) states that, although the number of allegations of torture and ill-treatment has decreased, the association still receives applications containing such allegations. For example, there have been reports of women who have been arrested due to 'affiliation and communication' with the Gülen movement who have been subjected to

²²⁴ Human Rights Watch 6 October and 13 November 2023.

²²⁵ Turkish human rights organisation 5 October 2023.

²²⁶ Turkish political expert 4 October and 22 November 2023.

²²⁷ Turkish legal expert 4 October 2023.

²²⁸ Gergerlioğlu 3 October 2023; İHD 2 October and 22 November 2023.

²²⁹ Mazlumder 2 October and 23 December 2023; Representative of a human rights organisation 3 October 2023.

naked searches and who have been tortured.²³⁰ According to DEM Parti deputy Ömer Faruk Gergerlioğlu, the situation has not changed, for example, with regard to kidnappings, forced disappearances and torture and other ill-treatment. However, Gergerlioğlu estimates that the numbers of cases involving these kinds of violations were higher during the first years of the State of Emergency.²³¹ The Arrested Lawyers Initiative notes that, with regard to torture allegations, some Turkish provinces are more 'notorious' and, for instance, in the provinces of Ankara, Sanliurfa, Afyon and Mersin torture and ill-treatment are 'almost common' practices when an individual is taken into police custody.²³² In addition, the Turkish legal expert mentions that 'careerist' and 'corrupt' public officials treat people allegedly associated with the Gülen movement in a deliberately 'harsh manner', which is manifested, in particular, in the extensive scale of the police operations against the so-called "restructuring" of the movement.²³³ The Arrested Lawyers Initiative makes a similar point by pointing out that the police has an additional financial incentive to conduct heavily armed and widely publicised anti-terrorism operations against ordinary people who, for example, provide money to those in prison.²³⁴

According to Mazlumder, although it is possible that there are individual cases of torture, people allegedly associated with the Gülen movement are not tortured systematically by the Turkish authorities while in custody.²³⁵ A representative of a human rights organisation notes that, in the years following the 2016 coup attempt, there were reports of degrading treatment, torture and ill-treatment against individuals connected to the Gülen movement by the Turkish authorities especially in custody and inside prisons. However, in the last year, the human rights organisation represented by the source has not received any information on alleged cases of torture. Based on this observation, the representative estimates that the attitude of the Turkish police has changed and adds that, although individual cases of torture or other types of ill-treatment cannot be ruled out, it is not likely that people allegedly associated with the Gülen movement face torture systematically or in a widespread manner. However, the source points out that the authorities exert a lot of pressure on the victims and their families which makes them reluctant to talk about cases of torture and other ill-treatment publicly.²³⁶

While discussing the human rights violations targeting the people associated with the Gülen movement, Gergerlioğlu pays particular attention to kidnappings and forced disappearances and estimates that, on the basis of recently reported cases, the practice of forced disappearances targeting people allegedly associated with the Gülen movement and others has not ended.²³⁷ The Turkish legal expert states that people continue to be kidnapped both in Turkey and abroad.²³⁸ Both Gergerlioğlu and the Turkish legal expert mention the cases of Koray Vural and Zeki Oguz as the two most recent cases of kidnapping and forced disappearance.²³⁹ According to information provided by Gergerlioğlu, Vural is a businessman kidnapped in Tajikistan's capital Dushanbe on 16 September 2023,²⁴⁰ and he is described as "FETÖ fugitive" in the Turkish media²⁴¹. Oguz is a Kurdish businessman kidnapped in Istanbul on

²³⁰ İHD 2 October and 22 November 2023.

²³¹ Gergerlioğlu 3 October 2023.

²³² Arrested Lawyers Initiative 7 and 11 September 2023.

²³³ Turkish legal expert 4 October 2023.

²³⁴ Arrested Lawyers Initiative 7 and 11 September 2023.

²³⁵ Mazlumder 2 October and 23 December 2023.

²³⁶ Representative of a human rights organisation 3 October 2023.

²³⁷ Gergerlioğlu 3 October 2023.

²³⁸ Turkish legal expert 4 October 2023.

²³⁹ Gergerlioğlu 3 October 2023 (information is based on a report compiled by the source not available online); Turkish legal expert 4 October 2023.

²⁴⁰ Gergerlioğlu 3 October 2023 (information is based on a report compiled by the source not available online).

²⁴¹ AA (Anadolu Ajansı), 'Turkish intelligence nabs wanted FETO fugitive abroad, brings back home', 5 October 2023, [url](#) (accessed 12 June 2024).

18 March 2023.²⁴² The Turkish legal expert says that Oguz, of both Turkish and German nationality, was kidnapped for ransom and/or blackmailing purposes and the Turkish authorities were involved in the process. The expert estimates that, because of fear, cases of kidnapping and forced disappearance are 'rarely' made public in the social media by the families of the victims. The expert adds that cases of forced disappearance reach a conclusion when the disappeared individuals reappear after they are made to resort to "active repentance" (see section 2.4 above).²⁴³

The İHD adds that applications received by the organisation contain allegations of ill-treatment experienced by all political prisoners in Turkish prisons which also include people associated with the Kurdish movement and the Kurdistan Workers' Party (PKK). According to the İHD, none of the facilities in favour of prisoners in the Law on the Enforcement of Sentences (5275/2004)²⁴⁴ are provided to those who are in prison for their political activities and those who are sentenced as militants of different organisations. For example, while ordinary prisoners serve less of their sentence in a prison environment and benefit from open prisons and possible earlier probation depending on the type of crime, people in prison for their political activities or militancy cannot benefit from these opportunities. The İHD states that individuals imprisoned because of their political activities, such as individuals associated with the PKK, are the most discriminated group and the release of these individuals can be postponed on the basis of the authorities' (arbitrary) assessment that the individual in question 'was not remorseful' and 'could carry out the same activities again.' The İHD adds that, according to data collected by the association, there are 651 seriously ill prisoners and around 1550 ill prisoners in Turkey. The İHD states that the denial of release of sick prisoners amounts to torture both for the prisoners and their families as they have to remain in high-security prisons located far away from their families when they actually need treatment.²⁴⁵

The Turkish political expert does not have information on alleged kidnapping or torture cases that took place in 2023. The expert mentions a detention case that happened 'two years ago' and in which around 20 people were abducted and tortured by the Turkish authorities. On the basis of this case the expert speculates that the *modus operandi* of the Turkish authorities and, in particular, the MİT, involving abductions and torture, can be explained by the fact that those individuals connected to the movement and suspected of planning in the 2016 coup attempt could not be reached and prosecuted without resorting to extrajudicial means. The expert attributes this difficulty to the opaque hierarchy of the movement, in which an ordinary primary school teacher can serve as the person responsible for the movement's armed operations and the authorities cannot know "who is who".²⁴⁶

²⁴² Oguz is not described as a member of the Gülen movement by the source. Gergerlioğlu 3 October 2023 (information is based on a report compiled by the source not available online).

²⁴³ Turkish legal expert 4 October 2023.

²⁴⁴ Law number 5275/2004 (*Ceza ve Güvenlik Tedbirlerinin İnfazı Hakkında Kanun*) is available (in Turkish) in the Presidency of the Turkish Republic's legal information system ([url](#)) (accessed 12 June 2024). İHD discusses the law with regard to sick prisoners in İHD, Human Rights Association Recommendations on Amendments to the Enforcement Law Concerning Sick Prisoners, November 2022, [url](#) (accessed 12 June 2024).

²⁴⁵ İHD 2 October and 22 November 2023.

²⁴⁶ Turkish political expert 4 October and 22 November 2023. The possibility that an 'ordinary civilian' could be the person responsible for the Gülen movement's armed activities was also mentioned by Mazlumder. Mazlumder 2 October 23 December 2023.

4. Treatment of individuals associated with the Gülen movement by the Turkish authorities

4.1 How do the authorities connect a particular individual to the Gülen movement in the administrative practices and official databases?

According to a report "Turkey: No Country for Purge Victims," published in 2022 by the Arrested Lawyers Initiative and Human Rights Defenders (HRD), civil servants dismissed under the Emergency Decrees were "blacklisted." In this process code "36/OHAL/KHK" was added in the Social Security Institution's (*Sosyal Güvenlik Kurumu*, SGK) records of those individuals.²⁴⁷ Individuals employed in public institutions closed up during the State of Emergency period of 2016–2018 were coded in a similar manner.²⁴⁸ Also, during the State of Emergency, the Turkish authorities compiled so-called "KHK lists" of dismissed state employees²⁴⁹ that were published alongside the Decree Laws.²⁵⁰ Ömer Faruk Gergerlioğlu describes how these individuals were dismissed from their professions overnight, their personal ID numbers were published online and they were labelled as "terrorists" in the process.²⁵¹

Sources confirmed that the so-called "OHAL codes" added in the SGK's system during the State of Emergency are still visible in the system.²⁵² For example, the researcher states that the Turkish authorities are still utilising different "OHAL codes" in a wide range of different contexts including, for example, when a person applies for a job or tries to receive pension (see section 4.8 below on receiving pension).²⁵³ According to experts in the Delegation of the European Union to Türkiye, because of these codes, individuals dismissed during the State of Emergency period of 2016–2018 might still discover it difficult to find employment. In addition, the experts estimate that this information is also visible when a person tries to gain access to public services.²⁵⁴ This utilisation of "OHAL codes" by the Turkish authorities in cases where individuals connected to the Gülen movement are trying to gain access to employment and public services is discussed in more detail below and in sections 4.6, 4.8 and 5.4.2.

During the fact-finding mission, it was discussed whether the Turkish authorities still add similar codes to the SGK records of those individuals who have been dismissed or subjected to investigative or legal procedures after the State of Emergency or whether there are other practices that serve a similar purpose. In this respect, the picture formed on the basis of the information provided by sources is not entirely clear. However, several sources emphasised the

²⁴⁷ Arrested Lawyers Initiative & Human Rights Defenders (HRD), Turkey: No Country for the Purge Victims, 2022, [url](#) (accessed 12 June 2024).

²⁴⁸ Arrested Lawyers Initiative 7 and 11 September 2023; Turkish human rights organisation 5 October 2023.

²⁴⁹ Neval states that although those working in the private sector are not included in the KHK lists, their names have been included in 'other unofficial lists' which are not public. Neval 25 May 2023.

²⁵⁰ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October; Neval 25 May 2023.

²⁵¹ Gergerlioğlu 3 October 2023.

²⁵² Arrested Lawyers Initiative 7 and 11 September 2023; Experts in the Delegation of the European Union to Türkiye 15 August and 3 October; Researcher 2 November 2023; Turkish human rights organisation 5 October 2023; Turkish political expert 4 October and 22 November 2023.

²⁵³ Researcher 2 November 2023.

²⁵⁴ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

significance of a 'security vetting process' to which a particular individual is subjected when, for example, applying for a job in the public sector.²⁵⁵

According to the Arrested Lawyers Initiative, if an individual has been prosecuted, indicted or convicted of a terrorism-related crime after the end of the State of Emergency, this can be seen in the national e-Devlet information system. However, the "blacklisting" does not have a similar effect compared to cases where the code "36/OHAL/KHK" is added in the SGK's system. Public officials are still able to see the information on the prosecution and they have the possibility to conduct further 'background checks' to inspect this information. However, a potential employer cannot see it in a similar manner compared to the "OHAL codes" (see section 5.4.2 below).²⁵⁶ According to the experts in the Delegation of the European Union to Türkiye, the Turkish authorities no longer compile and publish lists of dismissed state employees similar to the so-called "KHK lists". However, the authorities still have the legal means to dismiss and arrest state employees in a similar manner as during the State of Emergency.²⁵⁷

According to Gergerlioğlu, people investigated or prosecuted for terrorism-related crimes are all registered and 'under record'. Gergerlioğlu mentions that if a person with this kind of background applies for a job the employer 'sees everything' since the e-Devlet system contains SGK's records. On this basis, Gergerlioğlu discusses how a person labelled as a "terrorist" is discriminated against in all areas of life. These people are dismissed, their passports are confiscated (passports are discussed in more detail in section 4.7 below), they cannot undertake any bank transactions, and the private sector will not hire them since the employers are aware of their status registered in the system.²⁵⁸

Public institutions utilise the Security Investigations and Archival Research Law (*Güvenlik Soruşturması ve Arşiv Araştırması Kanunu*) (7315/2021)²⁵⁹ issued in 2021 to vet their (prospective) employees.²⁶⁰ The law was amended by a bylaw, Security Investigations and Archival Research Regulation (*Güvenlik Soruşturması ve Arşiv Araştırması Yönetmelik*) (5649/2022), introduced in the following year.²⁶¹ Several sources confirm the centrality of this law in Turkey's public administration.²⁶²

According to Article 4 of the law, "archival research" (*arşiv araştırması*) gives access to the following information in the existing records:

- the person's criminal record
- information on whether the person is wanted by Turkish law enforcement
- information on whether the person has a restriction (*bir tahdit*) in place

²⁵⁵ İHD 2 October and 22 November 2023; Member of a civil society organisation 26 October 2023; Researcher 2 November 2023; Turkish political expert 4 October and 22 November 2023.

²⁵⁶ Arrested Lawyers Initiative 7 and 11 September 2023.

²⁵⁷ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

²⁵⁸ Gergerlioğlu 3 October 2023.

²⁵⁹ *Güvenlik Soruşturması ve Arşiv Araştırması Kanunu* [Security Investigations and Archival Research Law] (7315/2021), [url](#) (accessed 12 June 2024).

²⁶⁰ Researcher 2 November 2023.

²⁶¹ *Güvenlik Soruşturması ve Arşiv Araştırması Yönetmelik* [Security Investigations and Archival Research Regulation] (5649/2022), [url](#) (accessed 12 June 2024).

²⁶² İHD 2 October and 22 November 2023; Member of a civil society organisation 26 October 2023; Researcher 2 November 2023; Turkish political expert 4 October and 22 November 2023.

- information on whether there are any finalised court decisions about the person or any decisions concerning either the postponement of the opening of a public court case against the person²⁶³ or the postponement of the announcement of a verdict²⁶⁴
- information within the scope of ongoing or concluded investigations or prosecutions against the person
- information on whether the person has been dismissed from public service or civil service.²⁶⁵

According to Article 5 on "security investigation" (*güvenlik soruşturması*), these investigations focus on:

- information provided by law enforcement and intelligence units concerning the person's qualifications for the task
- the person's relationship with foreign government institutions and foreigners
- whether the person has participated in the activities of or has contact or connection with a terrorist organisation or a criminal organisation.²⁶⁶

According to Article 4 (d) of the bylaw, concerning the institutions and organisations whose prospective employees are subjected to archival research and security investigations, these include, in addition to public entities, also 'other institutions and organisations that have units, projects, facilities and services that have strategic importance in terms of national security' (*milli güvenlik açısından stratejik önemi haiz birim, proje, tesis ve hizmetleri yerine getiren diğer kurum ve kuruluşu*).²⁶⁷ On this basis, the law is also applied in private institutions, although only to a limited extent (see section 5.4.3 below).

The researcher describes the practice based on the Security Investigations and Archival Research Law as 'an extended version of the emergency decrees' and states that, because of the existence of this law, in practice, the State of Emergency is still in place.²⁶⁸ Without explicitly referencing the law on which the practice is based, the İHD notes that security investigations and background checks continue with regard to public employees and extend also to their family members. On the basis this practice, the fact that individuals are allegedly associated with the Gülen movement is taken into consideration in the recruitment process.²⁶⁹

According to the researcher, when an individual applies for a job in the civil service, they have to pass the security vetting process which will prove out to be quite difficult for those individuals dismissed on the basis of their alleged links to the Gülen movement or another "terrorist organisation". In the course of the process, any link an individual may have to "terrorism" leads to stigmatisation and the individual's security clearance is rejected. In addition, the researcher describes the vetting process as 'covert and secretive' with regard to on what source of information a particular decision is based.²⁷⁰ The Turkish political expert notes that while Article 9 of the bylaw (5649/2022) limits the scope of who can be subjected to security vetting on the basis of the law, Article 5 (c) of the law and Article 8 (c) of the bylaw use the problematic term "connection" (*iltisak*) which gives the public employer a free hand to prevent not only people

²⁶³ Based on Article 171 (5) of the Criminal Procedure Code (5721/2004).

²⁶⁴ Based on Article 231 (13) of the Criminal Procedure Code (5721/2004).

²⁶⁵ *Güvenlik Soruşturması ve Arşiv Araştırması Kanunu* [Security Investigations and Archival Research Law] (7315/2021), art. 4, [url](#) (accessed 12 June 2024).

²⁶⁶ *Güvenlik Soruşturması ve Arşiv Araştırması Kanunu* [Security Investigations and Archival Research Law] (7315/2021), art. 5, [url](#) (accessed 12 June 2024).

²⁶⁷ *Güvenlik Soruşturması ve Arşiv Araştırması Yönetmelik* [Security Investigations and Archival Research Regulation] (5649/2022), art. 4 (d), [url](#) (accessed 12 June 2024).

²⁶⁸ Researcher 2 November 2023.

²⁶⁹ İHD 2 October and 22 November 2023.

²⁷⁰ Researcher, 2 November 2023.

actually affiliated with the Gülen movement but anyone perceivably “connected” to the movement from gaining employment.²⁷¹

Without discussing the legal basis of this practice, the Turkish legal expert mentions that the government institutions conduct an interview with an individual before hiring them. In the course of this process, the institution consults the National Intelligence Organisation (MİT) and the National Police to conduct a security check on the person in question. If the person is cleared, the institution can hire the person. The expert adds that any connection the person may have with the Gülen movement is a cause for the work application in the public sector to be dismissed. The connection does not have to be a criminal investigation but even the fact that the person has studied in a school which was closed down with an emergency decree law is a sufficient reason to ban the person from employment in the public sector. However, the expert also notes that in some public institutions the security checks are not that strict, and they can be, for example, limited only to those people recruited to senior positions.²⁷²

As described by the researcher, to pass the security vetting process, an individual has to make an appointment with the police who go through their records. The data used in the vetting process is gathered from all the possible sources, including, among others, the police, the National Intelligence Organization (MİT), the current and the former employers of the individual in question.²⁷³ A member of a civil society organisation states that, while the Security Investigations and Archival Research Law itself frames the security vetting process ‘rather innocently’, the public recruitment process relies extensively on unauthorised practices of surveillance, intelligence archives and information systems and includes profiling based on information on, for example, the individual’s family background, employment records, publication subscriptions, organisation memberships and whether the individual has attended any events considered as unfavourable or antagonistic to the Turkish state.²⁷⁴

The researcher notes that the Turkish authorities have collected huge amounts of data on each individual, but there is no precise information on how this data is actually collected and managed. It is known that the authorities have a huge database, and this database is centralised, so that it can be reached by all the governmental institutions under different ministries, including the Ministry of Interior, Ministry of Education and Ministry of Information. Besides the police and other institutions under the Ministry of Interior, the data can be reached also by the institutions under the Ministry of Information and the Ministry of Education.²⁷⁵ The member of a civil society organisation states that security vetting is largely facilitated by the information compiled in the interconnected information portals of “e-Government” (e-Devlet). The source estimates that the accountability of the utilisation of these portals and the confidentiality of personal information raises a lot of concern. For example, the authorities have full and unrestricted access to information concerning the vetted individual’s affiliation or membership in different associations (via DERBİS), trade unions (SENBİS) and political parties (PARBİS), which can be then cross analysed with, for example, their commercial relations and transactions registered in the Central Trade Registry (through MERSİS) or with their education or health records.²⁷⁶

According to the Arrested Lawyers Initiative, if an individual is or has been merely investigated of a terrorism-related crime, this cannot be seen in the national e-Devlet database,²⁷⁷ and the international expert states that neither can this information be seen in SGK’s system²⁷⁸.

²⁷¹ Turkish political expert 4 October and 22 November 2023.

²⁷² Turkish legal expert 4 October 2023.

²⁷³ Researcher 2 November 2023.

²⁷⁴ Member of a civil society organisation 26 October 2023.

²⁷⁵ Researcher 2 November 2023.

²⁷⁶ Member of a civil society organisation 26 October 2023.

²⁷⁷ Arrested Lawyers Initiative 7 and 11 September 2023.

²⁷⁸ International expert on the Turkish legal system 2 October 2023.

While the researcher states that it is not known whether information on past investigations is retained in the official databases if an individual has received a decision of non-prosecution or acquittal,²⁷⁹ the international expert on the Turkish legal system is certain that this information is retained in the prosecutor's office and can be requested by other state institutions and possibly used on a later date. The international expert states that, if an investigation does not lead to prosecution, ordinary state institutions cannot see that an investigation has taken place. However, whenever an individual is placed under official scrutiny, the public officials responsible for the investigation contact all the other state institutions, including the prosecutor's office, and inquire whether there have been any official investigations concerning the individual in question. During this process, all the information on the individual will be submitted to the officials responsible for the investigation, including the information on possible past investigations the individual has faced.²⁸⁰

According to the international expert, in cases where an investigation has led to a prosecution, the situation of a particular individual is more difficult than in cases of non-prosecution since the decision to prosecute can be seen by other authorities as an indication that judicial officials have taken the individuals alleged affiliation with the Gülen movement seriously. According to the international expert on the Turkish legal system, both non-prosecution and acquittal decisions in cases concerning the individual's "membership in a terrorist organisation" can still serve as a basis for other investigations concerning, for example, the individuals "connection and contact to a terrorist organisation" (*iltisak ve irtibat*). The expert describes the past investigations as a 'shadow' that follows the individual wherever they go as potential material for the authorities to launch new investigations.²⁸¹

4.2 Do the authorities have the means to find out whether an individual has relatives associated with the Gülen movement?

The information provided by the sources suggests that the Turkish authorities have, both, the legal²⁸² and technical²⁸³ means to check the family background of any individual to establish a link between them and their allegedly Gülen movement affiliated relatives, if deemed expedient.

Human Rights Watch states that acquiring information about the background of a particular individual is definitely easy for the Turkish authorities, since no court in Turkey is going to refuse giving over this information because of the tight political control exerted over the judiciary.²⁸⁴ According to the international expert on the Turkish legal system, when a new criminal investigation is initiated, the Turkish authorities ask for every piece of information connected to the accused individual to be added in the case file, and the individual's right to privacy and data protection is 'wholly ignored'.²⁸⁵ The Arrested Lawyers Initiative notes that the individual's right to privacy is very weak in Turkey, which makes it possible for the authorities to access all the background information concerning a particular individual.²⁸⁶ Without elaborating on this matter in more detail, the representative of a human rights organisation notes that the Turkish

²⁷⁹ Researcher 2 November 2023.

²⁸⁰ International expert on the Turkish legal system 2 October 2023.

²⁸¹ International expert on the Turkish legal system 2 October 2023.

²⁸² Arrested Lawyers Initiative 7 and 11 September 2023; Human Rights Watch 6 October and 13 November 2023; International expert on the Turkish legal system 2 October 2023.

²⁸³ International expert on the Turkish legal system 2 October 2023; Member of a civil society organisation 26 October 2023.

²⁸⁴ Human Rights Watch 6 October and 13 November 2023.

²⁸⁵ International expert on the Turkish legal system 2 October 2023.

²⁸⁶ Arrested Lawyers Initiative 7 and 11 September 2023.

Ministry of Interior has a system through which the status of a particular individual can be checked.²⁸⁷

As discussed above in section 4.1, when an individual applies for a job in the public sector, their family background is checked during the security vetting process on the basis of the Security Investigations and Archival Research Law (7315/2021). According to the member of a civil society organisation, the security vetting process centralised through the e-Devlet system involves the information of not only the individual directly subjected to the vetting but also their family members and relatives.²⁸⁸ While commenting on the availability of data in more general terms, the Arrested Lawyers Initiative notes the information on a particular individual's marital and other family background be found in the official databases. When the individual's file is opened in the official system, the file contains knowledge on their parents, children and siblings.²⁸⁹

The international expert on the Turkish legal system mentions that when the Turkish authorities request an individual's personal information, they also ask similar information on their families. So, for example, when the authorities request a person's ByLock data they also request this same data on his or her family. Because of this practice, if the family members have a connection to the Gülen movement that is visible in the data, they can also be prosecuted.²⁹⁰

4.3 Are children or other family members and relatives of individuals allegedly associated with the Gülen movement targeted by the Turkish authorities?

Family members and relatives have been intimidated²⁹¹ by the Turkish authorities and subjected to administrative and legal measures, including dismissals,²⁹² confiscations of property,²⁹³ 'judicial harassment'²⁹⁴ and prosecutions²⁹⁵, because of their family member's alleged involvement with the Gülen movement. In addition, children and other family members of people allegedly associated with the Gülen movement can be discriminated against when applying for employment in the public sector.²⁹⁶

The researcher states that, based on the Security Investigations and Archival Research Law (7315/2021) (see section 4.1 above), if a person applies for a job in the civil service, they have to pass a security vetting process in which any link a person may have to "terrorism" leads to stigmatisation and the person's security clearance being rejected. According to the researcher, a person's security clearance can be rejected because of his or her father who has been labelled as a member of the Gülen movement or the PKK even though the person himself or herself does not have any link or relationship with said organisations. Additionally, some family members have been dismissed because of their links to a dismissed individual.²⁹⁷

²⁸⁷ Representative of a human rights organisation 3 October 2023.

²⁸⁸ Member of a civil society organisation 26 October 2023.

²⁸⁹ Arrested Lawyers Initiative 7 and 11 September 2023.

²⁹⁰ International expert on the Turkish legal system 2 October 2023.

²⁹¹ Academic researcher 8 June 2023. As discussed in section 2.4 above, the authorities might persuade an individual to become a (secret) witness by threatening to target their families.

²⁹² Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

²⁹³ Academic researcher 8 June 2023.

²⁹⁴ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

²⁹⁵ Turkish political expert 4 October and 22 November 2023.

²⁹⁶ Akıncı 6 and 19 December 2023; Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Gergerlioğlu 3 October 2023; İHD 2 October and 22 November 2023; Researcher 2 November 2023.

²⁹⁷ Researcher 2 November 2023.

The academic researcher with knowledge on the organisation and activities of the Gülen movement estimates that the logic of associating relatives to the Gülen movement is likely limited to the immediate family and the parents and siblings of the person accused.²⁹⁸ The researcher who has studied the Gülen movement in the diaspora notes that the logic does not extend far in the extended family since, due to the size of the Gülen movement, it would be 'extremely impractical' for the Turkish authorities to go after the members of the extended family, such as cousins, in a systematic manner.²⁹⁹

However, some other sources describe how also members of the extended family, such as uncles, cousins and brothers-in-law, have been targeted by the Turkish authorities.³⁰⁰ For example, the representative of an organisation monitoring the human rights situation in Turkey states that, in some cases, individuals have been targeted by the authorities on the basis that their uncle has been dismissed or charged because of his connection to a "terrorist organisation".³⁰¹

According to the academic researcher, because of the way the Gülen movement operates, if the father or the husband of a family unit is heavily involved with the movement, it is always the case that his wife and children are also involved, and it is very unusual that, for example, under-aged children would 'break away' from the movement. However, also other relatives of an individual allegedly associated with the Gülen movement have been considered 'fair game' by the Turkish authorities.³⁰²

The Turkish political expert states that 'anyone' related to a person connected to the Gülen movement by the Turkish authorities could still face prosecution, including parents, siblings, uncles and cousins. The expert estimates that, in this respect, the situation was more arbitrary in the years immediately following the 2016 coup attempt and that the systematisation of the processing of cases connected to the Gülen movement that took place within the Turkish legal system in the last two to three years has curtailed this practice. However, the authorities still have the discretion to target and prosecute different family members in an arbitrary manner whenever it suits them. In this context, the expert emphasises the significance of the recognition of the concept of "connection" (*iltisak*) (to a terrorist organisation) by the Turkish Court of Cassation, which creates arbitrariness in the Turkish legal system, since there is no clarity on what this concept actually means and entails.³⁰³

According to the experts in the Delegation of the European Union to Türkiye, the logic according to which relatives of an individual associated with the Gülen movement are targeted varies on a case-by-case basis.³⁰⁴ Some sources estimate that targeting extends further in the family in cases where the individual investigated or prosecuted has a high-ranking position within the movement.³⁰⁵ However, the experts in the EU Delegation note that if the relative in question is in a prominent position in Turkish society, it is also possible that this person 'will not be touched' by the authorities.³⁰⁶ According to Neval, personal wealth can play a

²⁹⁸ Academic researcher 8 June 2023.

²⁹⁹ Researcher studying the Gülen movement in the diaspora 29 August 2023.

³⁰⁰ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023 (brothers-in-law); Researcher studying the Gülen movement in the diaspora 29 August 2023 (members of the extended family, including cousins); Turkish political expert 4 October and 22 November 2023 (uncles and cousins).

³⁰¹ Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

³⁰² Academic researcher 8 June 2023.

³⁰³ Turkish political expert 4 October and 22 November 2023.

³⁰⁴ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

³⁰⁵ Neval 25 May 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023; Turkish political expert 4 October and 22 November 2023.

³⁰⁶ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

role, as well. If a person has money, the authorities might open an investigation against the person in question to get this money.³⁰⁷

Sources describe the targeting of family members and relatives by the authorities as very arbitrary.³⁰⁸ According to the researcher, people in the diaspora share plenty of stories where both parents or older children have been targeted. However, there are also many stories where only one family member or only one of the spouses, often the husband, is targeted. In addition, the researcher notes that, in many cases, the authorities have targeted family members, such as parents whose children have left the country, on the basis that they have been unable to reach the 'person of primary interest'.³⁰⁹ This practice is also discussed by the Turkish political expert, who states that the authorities can arrest family members and keep them as "hostages".³¹⁰

According to Akıncı, family members of people convicted due to their alleged association with the Gülen movement have been discriminated against. Relatives working in the public sector might have lost out on a promotion, and their children have not been able to get a job in the public sector, especially in the military, police or judiciary.³¹¹ The Turkish political expert estimates that if it is discovered during the security vetting process that an individual's father or brother has been convicted as an alleged member of the Gülen movement, this will reduce 'dramatically' the individual's chances of being employed in the public sector.³¹² The representative of an organisation monitoring the human rights situation in Turkey states that children of people associated with the Gülen movement may not be selected for any public position, but they can find work in the private sphere.³¹³

Two sources say that some public institutions might employ children of people associated with the Gülen movement, but that this is not necessarily always the case.³¹⁴ According to the Turkish legal expert, the security vetting is not so strict in some public institutions, and some of them may employ the children of those associated with the Gülen movement without an issue. But in other institutions, such as the military or TÜBİTAK (*Türkiye Bilimsel ve Teknolojik Araştırma Kurumu*, eng. Scientific and Technological Research Council of Turkey), or prominent companies such as Aselsan and Havelsan, the recruitment rules are very strict and, for example, these institutions and companies do not hire children of those associated with the movement.³¹⁵ According to the international expert, children of people associated with the Gülen movement may be targeted by the authorities, but only in an informal way. According to the expert, there have been cases where the children of people associated with the Gülen movement have been employed by state institutions without any issues. However, in other cases, their situation might be different.³¹⁶

As discussed above, the İHD mentions that the practice of security investigations and background checks continue in the public sector and pertain also to family members of people associated with the Gülen movement. The İHD notes that children may find it difficult to obtain a job in the public sector due to this practice.³¹⁷ According to the researcher, in

³⁰⁷ Neval 25 May 2023.

³⁰⁸ Neval 25 May 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023.

³⁰⁹ Researcher studying the Gülen movement in the diaspora 29 August 2023.

³¹⁰ Turkish political expert 4 October and 22 November 2023.

³¹¹ Akıncı 6 and 19 December 2023.

³¹² Turkish political expert 4 October and 22 November 2023.

³¹³ Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

³¹⁴ International expert on the Turkish legal system 2 October 2023; Turkish Legal Expert 4 October 2023.

³¹⁵ Turkish legal expert 4 October 2023.

³¹⁶ International expert on the Turkish legal system 2 October 2023.

³¹⁷ İHD 2 October and 22 November 2023.

general, students are not subjected to a security vetting process by educational institutions. Police and military schools form an exception, since a person has to receive a security clearance in order to get accepted in these institutions. The researcher notes that there is a particular law about the vetting process for students in military and police institutions.³¹⁸ The Turkish legal expert states that children of people associated with the Gülen movement are 'blacklisted' by the state and denied entry to certain schools such as military and police academies.³¹⁹

Some sources mention, in particular, the civil service exam as a means to exclude children or other family members, such as spouses, of people allegedly associated with the Gülen movement from entering the civil service.³²⁰

According to experts in the Delegation of the European Union to Türkiye, if a child of a person associated with the movement enters a civil service exam and advances with good scores from the written phase to the oral phase of the exam, the child can 'fail' the oral exam, or, in other words, be disqualified, simply because of his or her background.³²¹ Also according to Ömer Faruk Gergerlioğlu, a person can 'fail' the oral exam or the interview phase of the civil service exam due to their background, for example, if one of their parents or their spouse was targeted during the State of Emergency or if one of their relatives is involved in Kurdish politics. Gergerlioğlu mentions further examples concerning the basis on which people have 'failed' the civil service exam, such as if the person's mother has worked as a cook in a Gülen movement affiliated school or if the person's sibling has matriculated from a Gülen movement affiliated school.³²² According to Akıncı, when applying for civil service, a person can be 'eliminated' from getting in on the basis that someone close to them had been subject to judicial and administrative investigation.³²³

The representative of a monitoring organisation mentions discrimination in certain public academies when describing the situation of children whose parents have been charged for terrorism-related crimes or have been a part of the opposition critical of the government. The representative states that even before the 2016 failed coup attempt, the children of the government's opponents were stigmatised. For instance, the candidate selection process of the Justice Academy under the Ministry of Justice was based on checking the person's records already many years ago. If the person's father was part of the critical opposition this would affect his or her chances of getting accepted. According to the representative, in the Justice Academy, there is a written and an oral entrance exam. If the person receives high scores in these exams, he or she can still 'fail' because of his or her ethnic or religious background being considered as problematic by the state. The representative says that this is a common practice and pertains also to a person who aspires to become a teacher, a judge, a prosecutor, or a bureaucrat. The person's whole background is being checked, including the information on which party the person's parents are voting for. People from an unsuitable background are failed even if they have been educated in the best universities, and less capable ones are selected in their place.³²⁴

According to the Arrested Lawyers Initiative, if a child's parents are members of the movement and convicted or dismissed, the child will be deprived of some of his/her rights. The child

³¹⁸ Researcher 2 November 2023. See The Republic of Turkey, Police Vocational Training Entrance Regulation (*Polis Meslek Eğitim Merkezleri Giriş Yönetmeliği*) (2008), [url](#) (in Turkish) (accessed 12 June 2024).

³¹⁹ Turkish legal expert 4 October 2023.

³²⁰ Akıncı 6 and 19 December 2023; Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Gergerlioğlu 3 October 2023.

³²¹ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

³²² Gergerlioğlu 3 October 2023.

³²³ Akıncı 6 and 19 December 2023.

³²⁴ Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

cannot receive a scholarship and cannot benefit from some social initiatives. The child will not be prosecuted but he or she will not benefit from some social services. Additionally, citing their "No Country for Purge Victims" report, the organisation mentions that 'purged' public servants and their families are discriminated against in relation to university admissions and tuition fees.³²⁵ The Turkish legal expert states that children of people associated with the Gülen movement are denied scholarships and benefits which all students are entitled to.³²⁶ Neval says that it is possible that the authorities might cancel a child's primary or higher education scholarship due to their parents' alleged association with the Gülen movement.³²⁷

4.4 How do the authorities treat women associated with the Gülen movement?

According to the researcher that has studied the situation of people associated with the Gülen movement in the diaspora, the authorities do not treat women any differently from the men.³²⁸ The Turkish legal expert and representative of the Victims of the Emergency Decree Platform states that, in terms of leniency shown by the Turkish authorities, there is no difference as to how men and women are treated. If anything, women suffer more at the hands of public officials due to them just being women.³²⁹ With regard to men and women charged with terrorism-related crimes in general, the representative of a monitoring organisation has not noticed a difference between men and women in relation to charges.³³⁰

The academic researcher with knowledge on the organisation and activities of the Gülen movement sees that due to the fact that men have had more leadership roles in the movement than women, they might have been targeted more by the authorities, but the researcher is not aware that women and men are in general treated differently. However, the academic researcher notes that since the men are, in practice, all married, they have a wife who would be co-implicated in the investigation. If the husband holds a mid-ranking position in the movement, his wife might be equally vulnerable.³³¹

Neval states that the Gülen movement is a family movement. She sees that, in the Turkish context, while some women may have a higher position in the movement than their husbands, authorities tend to focus on men.³³²

Additionally, some sources note the harsh treatment women face when in custody and the prison system,³³³ and, as mentioned above, the Turkish legal expert and representative of the Victims of the Emergency Decree Platform estimates that women might suffer more in the hands of public officials based on the fact of them being women, such as being victims of gender-based violence.³³⁴

The Turkish legal expert sees that women are subjected to degrading treatment when arrested such as being strip searched. The expert states that heavily pregnant women are constantly arrested and sent to prison despite a clear prohibition by the law. They are forced to give birth in hospitals while being guarded by prison officers and returned immediately back to prison once they have given birth. There have been instances where mothers have been forcibly

³²⁵ Arrested Lawyers Initiative 7 and 11 September 2023.

³²⁶ Turkish legal expert 4 October 2023.

³²⁷ Neval 25 May 2023.

³²⁸ Researcher studying the Gülen movement in the diaspora 29 August 2023.

³²⁹ Turkish legal expert 4 October 2023.

³³⁰ Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

³³¹ Academic researcher 8 June 2023.

³³² Neval 25 May 2023.

³³³ Neval 25 May 2023; Turkish legal expert 4 October 2023.

³³⁴ Turkish legal expert 4 October 2023.

separated from adopted children for their links to the Gülen movement. According to the Turkish legal expert, women have been ill-treated in custody. The Victims of the Emergency Decree Platform has information on 12 women who became pregnant while in custody and some of them had to give birth. The women were also forced to other actions, such as, to perform oral sex with police officers.³³⁵

The researcher mentions that the fact that the authorities do not show any leniency towards women associated with the Gülen movement, especially towards women with children, is a huge source of complaint amongst the diaspora. Among the diaspora, it is described how women are imprisoned with their children, which puts them in a more precarious situation than if they were imprisoned alone. This is especially the case with breastfeeding women, in which case the children would most commonly stay in the prison with their mothers. However, the researcher mentions how women's plight might be highlighted in the diaspora to garner more sympathy pointing out that while there are stories about imprisoned terminally ill women, it is likely there are just as many ill men in prison.³³⁶ The Turkish human rights organisation mentions how the maltreatment in Turkish prisons affects both men and for women.³³⁷ With regard to the way men and women are treated in the Turkish prison system, the representative of a monitoring organisation notes that there are people who may have special needs when in prison and these may not be fulfilled.³³⁸

Neval states that, while in prison, women are subjected to physical abuse and strip searches. Discussing the women affiliated with the movement in prison, Neval mentions that some children are in prison with their mothers and sometimes mothers give birth in prison. Neval mentions that children under 6 stay in prison with their mothers, because usually the fathers are in custody and sometimes the relatives do not want to deal with these children. Neval refers to poor conditions in the Turkish prison system and says that many things children need are not met by prison administrators. Concerning people associated with the Gülen movement, she says that even though mothers who have just given birth can receive alternative punishments (i.e., avoid prison), women in the Gülen movement give birth under supervision and return directly to prison with their new-born babies.³³⁹

Concerning the ways in which women are associated with the Gülen movement, the researcher states that they can be linked to the movement on the basis of their own activities as well as those of their husband's. A lot of women were active in the movement, as many as men. Women were not necessarily businessmen or high-ranking civil servants, but there were, for example, female teachers, academics, journalists and housewives that were associated with the movement. According to the researcher, a woman could be associated with the movement purely on the basis of her husband having links to it, but this might not always be the case. The woman's networks and family ties would matter, too. For example, a woman coming from a family whose members are known supporters of president Erdoğan might be in a better position than if she came from a family that is not so clearly positioned in Turkish society.³⁴⁰

4.5 Do the courts deliberate individual cases on a case-by-case basis?

Based on information on social media, Human Rights Watch observes that, in the context of people facing similar charges, some individuals have apparently been able to receive better decisions than others and there have been contradictory decisions that courts such as the

³³⁵ Turkish legal expert 4 October 2023.

³³⁶ Researcher studying the Gülen movement in the diaspora 29 August 2023.

³³⁷ Turkish human rights organisation 5 October 2023.

³³⁸ Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

³³⁹ Neval 25 May 2023.

³⁴⁰ Researcher studying the Gülen movement in the diaspora 29 August 2023.

Court of Cassation (*Yargıtay*) or the Constitutional Court have given. Human Rights Watch states that, although the organisation does not have confirmed information on this, it seems that there is not one single standard on the basis of which people are convicted.³⁴¹

According to lawyer Özcan Akıncı, it is possible that one individual is acquitted and another convicted on the basis of virtually the same evidence. Akıncı states that justifications for acquittal in many court decisions have been accepted as justifications for conviction in others. Akıncı notes that the case law on “membership in a terrorist organisation” (Article 314) is ambiguous, since the definition of the crime was created on the basis of Supreme Court decisions and there is no standard way for its application. Akıncı notes that precedent decisions of the Supreme Court of Appeals can be interpreted differently by different judges and courts in each case.³⁴²

However, while taking the above into consideration, Akıncı also states that it is not possible to claim that cases involving people accused of the membership in the Gülen movement are deliberated on an individual basis. The courts have been forced to act according to politically motivated criteria and place, for example, all the people accused of downloading the ByLock application in the same ‘basket’.³⁴³ Likewise, the Turkish legal expert states that the cases linked to the Gülen movement are, to a large extent, not deliberated individually and the case law is based on the technique of ‘cut, copy, paste’. However, in a small portion of cases, the courts may behave differently. The expert states that, in this respect there is a clear difference between the cases linked to the Gülen movement and other criminal cases.³⁴⁴

The representative of an organisation monitoring the human rights situation in Turkey observes that Turkey has very good judges and prosecutors, but they are not able to do their jobs. The representative states that the role of the courts should be to look at the individual cases on a case-by-case basis, which they are not currently doing.³⁴⁵

Akıncı states that judges who have deliberated cases independently and made contrary decisions have been targeted with criminal investigations, demoted and/or compulsorily removed from their posts and some even dismissed from office under various reasons.³⁴⁶ The member of a civil society organisation states that judges or prosecutors who would decide to assess the cases connected to the Gülen movement individually and look for actually tangible proof or evidence of crimes committed would find themselves in a very vulnerable position. For example, a judge whose decisions deviate from the general line can be easily targeted with a defamation campaign or direct or latent administrative punishments, including demotions or transfers to another province and/or a lower position, and, in extreme cases, with administrative investigations.³⁴⁷

4.6 Has it been possible for those dismissed under the decree laws to return to their former jobs?

According to the report “Turkey: No Country for Purge Victims,” published in 2022 by the Arrested Lawyers Initiative and Human Rights Defenders (HRD), civil servants and other public employees dismissed under the emergency decrees have been ‘indefinitely and permanently

³⁴¹ Human Rights Watch 6 October and 13 November 2023.

³⁴² Akıncı 6 and 19 December 2023.

³⁴³ Akıncı 6 and 19 December 2023.

³⁴⁴ Turkish legal expert 4 October 2023.

³⁴⁵ Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

³⁴⁶ Akıncı 6 and 19 December 2023.

³⁴⁷ Member of a civil society organisation 26 October 2023.

dismissed from public service'.³⁴⁸ As discussed in section 4.1 above, the so-called "OHAL codes" involved in this process are still included in the SGK's system,³⁴⁹ and an individual with any link to "terrorism" will get disqualified when applying for work in a public institution.³⁵⁰ With regard to dismissals of public employees during the State of Emergency (2016–2018), the State of Emergency Procedures Review Commission (*Olağanüstü Hal İşlemleri İnceleme Komisyonu*, hereafter State of Emergency Commission) received 127 292 applications to repeal these dismissals of which 17 960 were accepted.³⁵¹ Mazlumder cites the abovementioned numbers to conclude that approximately 15 percent of those dismissed were later reinstated.³⁵² However, some other sources emphasise that even if a person is able to get reinstated in their former position, it is not necessarily easy for them to return to it.³⁵³

The Turkish political expert mentions that most of the dismissed civil servants cannot return to civil service. This has been possible in some of the cases, if the person in question has received a decision from the State of Emergency Commission or an administrative court decision repealing the State of Emergency decision. However, even in the latter cases, there is uncertainty involved.³⁵⁴ The representative of an organisation monitoring the human rights situation in Turkey states that the State of Emergency Commission has given, in an arbitrary manner, negative decisions on reinstatement cases in which the person in question has been dismissed without a court decision or without being investigated or prosecuted.³⁵⁵ According to Akıncı, the State of Emergency Commission made decisions under conditions determined by 'political will'. Therefore, after a long delaying process, it rejected almost all of the applications. An administrative lawsuit was filed against these decisions, but the administrative courts rejected the applications with the reasons and justifications formulated by the State of Emergency Commission itself.³⁵⁶ The researcher mentions rumours concerning a 'secret trade behind closed doors' where a person might be able get reinstated by the State of Emergency Commission by paying bribes.³⁵⁷

According to the İHD, although approximately 15 000 individuals initially dismissed from their jobs without any judicial decision or due process were later acquitted by the judicial authorities, they have not been able to return to their jobs. These individuals are unable to open a bank account or obtain a loan and they have to cope with economic difficulties by receiving support from their relatives.³⁵⁸ Concerning individuals associated with the Academics for Peace, the researcher notes how, as of 12 November 2023³⁵⁹, 158 of the 377 academics who had been dismissed under the emergency decrees and filed a case (in the administrative

³⁴⁸ Arrested Lawyers Initiative & Human Rights Defenders (HRD), Turkey: No Country for the Purge Victims, 2022, p. 2, [url](#) (accessed 12 June 2024).

³⁴⁹ Arrested Lawyers Initiative 7 and 11 September 2023; Experts in the Delegation of the European Union to Türkiye 15 August and 3 October; Researcher 2 November 2023; Turkish human rights organisation 5 October 2023; Turkish political expert 4 October and 22 November 2023.

³⁵⁰ Researcher 2 November 2023.

³⁵¹ Türkiye Cumhuriyeti Cumhurbaşkanlığı, *Olağanüstü Hal İşlemleri İnceleme Komisyonu Faaliyet Raporu 2017 - 2022*, [n.d.], p. 1, [url](#) [accessed via The Wayback Machine] (accessed 12 June 2024).

³⁵² Mazlumder 2 October and 23 December 2023.

³⁵³ İHD 2 October and 22 November 2023; Representative for an organisation monitoring the human rights situation in Turkey 3 October 2023; Researcher 2 November 2023.

³⁵⁴ Turkish political expert 4 October and 22 November 2023.

³⁵⁵ Representative of an organisation monitoring the human rights situation in Turkey, 3 October 2023.

³⁵⁶ Akıncı 6 and 19 December 2023.

³⁵⁷ Researcher 2 November 2023.

³⁵⁸ İHD, 2 October and 22 November 2023.

³⁵⁹ The source cites the information in BirGün, 'Akademisyenler göreve dönemiyor', 12 November 2023, [url](#) (accessed 12 June 2024).

courts) had been acquitted and reinstated while only 49 of them had returned to work. The researcher mentions that some dismissed academics want to return after they are acquitted while others do not. After what has happened, it is difficult for them to return back to their posts in the universities where they were stigmatised in the past.³⁶⁰ The representative of a monitoring organisation notes that some of the academics who have been able to return to their faculties face problems and some do not. In some cases, people pretend not to notice them when they walk in the streets. There have also been cases of suicides connected to individuals associated with the Academics for Peace and to cases of people dismissed for other reasons.³⁶¹

According to the representative of a human rights organisation, if a person wanted to file a case of reinstatement to an administrative court, first, they had to file an application to the State of Emergency Commission, and to receive a decision from the State of Emergency Commission could take years. For example, in one case where the State of Emergency Commission's decision was negative, the person had waited for this decision for five years before being able to file their case to an administrative court. The source notes that cases filed to administrative courts might be still pending. In at least one case, the Constitutional Court has ordered a first instance administrative court to reinstate a person, but the administrative court has not complied with the Constitutional Court's decision.³⁶²

According to experts in the Delegation of the European Union to Türkiye, only few people associated with the Gülen movement or Academics for Peace have regained their former positions. The experts estimate that these people still find it hard to gain employment and usually get employed in different kinds of sales work available in the private sector. This assessment is based on the situation in previous years when the large majority of those dismissed and associated with the Gülen movement or the Academics for Peace were unable to find a job.³⁶³

According to the international expert on the Turkish legal system, the low rate of successful cases before the administrative courts, that is to say, the failure of civil servants successfully appealing against their dismissals, affects their possibilities of employment in the private sector as well. The employer sees from the social security system that the person has been dismissed due to a link to a terrorist organisation (see section 5.4.2 below). According to the expert, if the employer employs too many people with a Gülen movement background, they themselves might be prosecuted for helping people associated with the Gülen movement or having sympathy for the movement.³⁶⁴

4.7 Does an individual associated with the Gülen movement have access to a passport?

Currently, the administrative ban on passports for people associated with the Gülen movement has been lifted.³⁶⁵ According to the international expert on the Turkish legal system, before, the passports of dismissed public servants were cancelled categorically. This was based on a provision issued under the State of Emergency.³⁶⁶ According to the Turkish legal

³⁶⁰ Researcher 2 November 2023.

³⁶¹ Representative for an organisation monitoring the human rights situation in Turkey 3 October 2023.

³⁶² Representative of a human rights organisation, 3 October 2023.

³⁶³ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

³⁶⁴ International expert on the Turkish legal system 2 October 2023.

³⁶⁵ International expert on the Turkish legal system 2 October 2023; Turkish legal expert 4 October 2023.

³⁶⁶ International expert on the Turkish legal system 2 October 2023. See also the report "Turkey: No Country for Purge Victims", published by the Arrested Lawyers Initiative and Human Rights Defenders (HRD) in 2022, in which it still stated that dismissed public servants were unable to

expert, the ban was completely lifted with the decision by the Turkish Constitutional Court (2019/114 E. 2021/36 K.) that was published in the Official Gazette on 14 July 2021 and came into effect one year later from that date.³⁶⁷ According to the Arrested Lawyers Initiative, the restrictions on the issuance of passports have been gradually loosened since 2021, and it has become more achievable for people associated with the Gülen movement to obtain passports and leave the country.³⁶⁸

Although the categorical administrative ban has been lifted, sources discuss other legal and administrative obstacles people associated with the Gülen movement encounter when trying to obtain a passport.

The international expert on the Turkish legal system states that, currently, the 'general rule' is that dismissed public servants are able to get passports if they are not in custody and there is no court order banning their travel. Even those under investigation or prosecution are able to get passports. However, in some cases, passports can still be withheld conditionally by state authorities. The expert points out that both the Turkish Constitutional Court and the European Court of Human Rights (ECHR) have delivered judgements which state that, even if a public servant is dismissed, banning the issuance of passports for an unlimited time with an administrative decision cannot be seen as a measure that is required in a democratic society if there is no criminal case against the person in question. On the basis of these judgements, travel bans based on administrative decisions have been challenged successfully in the administrative courts.³⁶⁹

The international expert notes that there are two ways for the Turkish authorities to ban international travel: either by taking the person in question under criminal judicial proceedings or by an administrative decision. If a person is taken under criminal judicial proceedings, they cannot travel because their travel is banned under their current passport or because they will not be issued a new passport. The expert adds that, in many terror-related cases, bans based on criminal judicial proceedings are imposed until they are lifted by a decision of a court, which generally does not happen before the final judgment. In addition, the Ministry of Interior is still issuing administrative decisions that deny passport renewal in cases where it is claimed that the person in question poses a threat to 'national security'.³⁷⁰

Other sources describe the practice of obtaining a passport involving more restrictions. The Arrested Lawyers Initiative states that those still under investigation or on trial cannot obtain passports. However, those who have been convicted and served their time for terrorism-related crimes because of their association with the Gülen movement are currently able to obtain passports. However, it is still not predictable whether a person can obtain a passport or not since those who are considered to pose a risk to "general security" cannot obtain a passport and the Turkish intelligence makes this designation without a pre-set guideline.³⁷¹

According to the Turkish legal expert, despite the decision of the Constitutional Court to lift the administrative passport bans (see above), the Ministry of Interior is still banning the passports of tens of thousands of people and preventing them from travelling. The expert mentions two

receive passports or travel documents. See the Arrested Lawyers Initiative & Human Rights Defenders (HRD), Turkey: No Country for the Purge Victims, 2022, p. 11, [url](#) (accessed 12 June 2024).

³⁶⁷ Turkish legal expert 4 October 2023.

³⁶⁸ Arrested Lawyers Initiative 7 and 11 September 2023. In the report "Turkey: No Country for Purge Victims", published by the Arrested Lawyers Initiative and Human Rights Defenders (HRD) in 2022, it was still stated that dismissed public servants were unable to receive passports or travel documents. See the Arrested Lawyers Initiative & Human Rights Defenders (HRD), Turkey: No Country for the Purge Victims, 2022, p. 11, [url](#) (accessed 12 June 2024).

³⁶⁹ International expert on the Turkish legal system 2 October 2023.

³⁷⁰ International expert on the Turkish legal system 2 October 2023.

³⁷¹ Arrested Lawyers Initiative 7 and 11 September 2023.

'official documents' (administrative decisions) issued by the Ministry of Interior, the first of which rescinded the passports of approximately 50 000 and the second of almost 30 000 people. With regard to individuals who have served their prison sentences, the expert mentions that the majority of them do not have passports, and if they apply for one, a new investigation will be launched against them. In addition, the expert notes that dismissed public servants and people investigated in connection to the Gülen movement face 'difficulties' in obtaining passports even though no official restrictions are in place. The expert says that there are cases where the authorities are unable to continue with the application process for obtaining a passport and the process stalls.³⁷²

According to the researcher who has studied the people associated with the Gülen movement in the diaspora, technically, a person associated with the Gülen movement should be able to obtain a passport and exit Turkey legally if the person does not have a court case pending or if the person has received a decision of non-prosecution or served his or her sentence. However, some people in the diaspora tell that it is not actually possible for a person who has gone through the legal proceedings to obtain a passport. The people in the diaspora claim that there are all kinds of ways for Turkish bureaucrats and state officials to 'foot-drag' things and ensure that the applications submitted by people associated with the Gülen movement are never processed. The researcher notes that this applies especially to passports and visas to leave the country.³⁷³

The Turkish legal expert states that only those who have been acquitted or received a decision of non-prosecution by the court have been able to obtain passports.³⁷⁴ Also according to the Turkish political expert, a person allegedly associated with the Gülen movement can obtain a passport if the investigation has led to a decision of non-prosecution. Yet, the expert supposes that the Ministry of Interior decides on the issuance of passports on an arbitrary basis.³⁷⁵

According to a representative of a human rights organisation, Turkish authorities are refusing to deal with the requests made by those dismissed under the Emergency Decrees to renew their passports. For example, a person might have applied for a renewal several times without receiving any kind of response from the authorities.³⁷⁶ The Turkish legal expert points out that the General Directorate of Population and Citizenship Affairs, the authority responsible for the issuance of passports, should respond to a passport application within six days after receiving an application. Otherwise, the application is considered as automatically rejected. If the authorities do not respond, the applicant has to file a complaint to an administrative court within the next six days and it can take several years for an administrative court to decide on a case, which makes it, in practice, not possible for the applicant to get a passport.³⁷⁷

4.8 Does an individual associated with the Gülen movement have access to social security benefits and pension?

Some sources discussed how being associated with the Gülen movement has affected the possibility of receiving social security benefits or a pension. The sources who discuss these themes differ somewhat, especially, on the point of receiving a pension.

According to the experts in the Delegation of the European Union to Türkiye, if a person has the OHAL code included in the SGK's records, this code (and the information that a person

³⁷² Turkish legal expert 4 October 2023.

³⁷³ Researcher studying the Gülen movement in the diaspora 29 August 2023.

³⁷⁴ Turkish legal expert 4 October 2023.

³⁷⁵ Turkish political expert 4 October and 22 November 2023.

³⁷⁶ Representative of a human rights organisation 3 October 2023.

³⁷⁷ Turkish legal expert 4 October 2023.

has been dismissed during the State of Emergency) is certainly visible when the person tries to access social services and, therefore, their access to these services could be limited.³⁷⁸

While describing the situation of dismissed individuals in general, the researcher describes how the Turkish authorities still use the so-called "OHAL codes" in a wide range of different contexts, for example, when a person applies for a job or tries to apply for a pension. According to the researcher, there are still many people who were dismissed and who are unable to enjoy their normal rights. The source mentions, for example, a case where the parents of a disabled child were dismissed and the child's special medical support was cut off and the child died. According to the researcher, there are many similar cases where those dismissed and their families have lost their access to healthcare. However, before the May 2023 elections, the government decided to provide some health support for these families.³⁷⁹

According to Gergerlioğlu, a person that is labelled as a "terrorist" is discriminated against in all areas of life. A person dismissed under the emergency decrees cannot benefit of social assistance even if they apply for it as a mother or a father of a disabled child.³⁸⁰ Neval states that, usually people whose name is on the so-called "KHK lists" avoid contacting the authorities and a person included in these lists 'cannot demand anything' from the Turkish government or state institutions. Neval states that there have been cases where governmental assistance has been denied to children with special needs.³⁸¹

The Arrested Lawyers Initiative cites their "No Country for Purge Victims" report (see above) in which it is stated that disabled people whose first caregivers (such as parents, children, sons-in-law and daughters-in-law) are dismissed under the emergency decrees, cannot benefit from social care funds. Additionally, those dismissed under the emergency decrees, as well as their spouses and children, cannot benefit from the General Health Insurance for people with a low income and from the social rights that are offered to disabled people.³⁸² Also according to the representative of a human rights organisation, people dismissed under the emergency decrees face obstacles in accessing health care services.³⁸³ When asked specifically about the discrimination of individuals whose spouses have been connected to the Gülen movement, the Arrested Lawyers Initiative states that these individuals can benefit from health care services without facing any problems. However, they are discriminated against when trying to benefit from a specific 'social initiative' and, for example, when applying for a loan. The Arrested Lawyers Initiative adds that this type of discrimination, as well as discrimination related to the availability of social assistance, targeting people associated with the Gülen movement was observed also after the February 2023 earthquakes.³⁸⁴ According to Neval, after the March 2023 earthquake, there were reports that, in some places, people on the KHK lists were denied residence in hotels (serving as emergency housing).³⁸⁵

The member of a civil society organisation states that the system of social welfare support in Turkey is not fair and the support is already minimal. With regard to both healthcare and social welfare, it is unlikely that these services are outright denied from the people associated with the Gülen movement. However, people associated with the movement do not 'stand a strong

³⁷⁸ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

³⁷⁹ Researcher 2 November 2023.

³⁸⁰ Gergerlioğlu 3 October 2023.

³⁸¹ Neval 25 May 2023.

³⁸² Arrested Lawyers Initiative 7 and 11 September 2023. See the Arrested Lawyers Initiative & Human Rights Defenders (HRD), Turkey: No Country for the Purge Victims, 2022, p. 9–10, [url](#) (accessed 12 June 2024).

³⁸³ Representative of a human rights organisation 3 October 2023.

³⁸⁴ Arrested Lawyers Initiative 7 and 11 September 2023.

³⁸⁵ Neval 25 May 2023.

ground as citizens'. Additionally, their position is affected by the huge deterioration of services caused by Turkey's economic crisis.³⁸⁶

Concerning the social welfare funds that are controlled by the provincial governments, the member of a civil society organisation says that the discretion (involved in the social security payments) is very arbitrary although the provincial authorities claim to provide this support according to the statistical information on people's financial status. Since it is known that this assistance is almost systematically denied of refugees or immigrants to prioritise people of Turkish origin, the source estimates that it is doubtful that these funds would be easily accessible for people associated with the Gülen movement. In addition, especially those municipalities controlled by the opposition are not extending any help openly to individuals known to be closely associated with the Gülen movement. The source thinks that, for example, the opposition-controlled Istanbul metropolitan municipality would be 'on its toes' if a person with alleged background in the Gülen movement applied for social services, even if the person in question was not involved in any legal proceedings.³⁸⁷

According to the researcher who has studied the situation of people associated with the Gülen movement in the diaspora, people who have gone through the legal process, whether by being acquitted or by serving their sentence, are able to receive their pensions, since this is their legal right. Yet, there is talk among the diaspora about these people not being able to receive "green cards" (which refers to universal health insurance offered to the least well-off individuals)³⁸⁸. The researcher states that this restriction is not legally enforced, but has to do with, for example, bureaucrats and state officials not purposefully processing applications.³⁸⁹ (Similar 'foot-dragging' is also discussed in the context of the issuance of passports, see section 4.7 above.)

The international expert states that the fact that a person has past investigations or prosecutions in their official records does not affect the person's right to social security. According to the expert, if a person meets the requirements for receiving a pension or (other) social security benefits, the person is not denied this right on the basis of their alleged association with the Gülen movement. However, the expert notes that, in order to receive social security benefits the person has to be officially employed and included in the social security system. For example, if the person cannot find official employment after being dismissed, they might not be able to work in an official manner to qualify for retirement, and many dismissed public servants have worked without registration after their dismissals. So, people associated with the Gülen movement are excluded from the social security system in this indirect way.³⁹⁰

A similar dynamic affecting the amount of pension received is also discussed by Akıncı who states that, since people (associated with the Gülen movement) have lost their ranks and degrees due to being dismissed under the decree laws, they have been forced to retire at the lowest level (and received only the basic pension). Akıncı estimates that these individuals have been deprived of the retirement income they would have deserved on the basis of their former rank and degree. He adds that in Turkey, where the basic pension is not enough to support a

³⁸⁶ Member of a civil society organisation 26 October 2023.

³⁸⁷ Member of a civil society organisation 26 October 2023.

³⁸⁸ The World Bank describes the Green Card Programme as a 'noncontributory health insurance scheme for the poor' that was launched in 1992 and integrated into Turkey's universal health insurance scheme administered by the Social Security Institution (SGK) in January 2012. The World Bank, *Toward Universal Coverage: Turkey's Green Card Program for the Poor*, January 2013, p. 1–2, [url](#) (accessed 12 June 2024). See also, Republic of Türkiye Ministry of Labour and Social Security, *Social Security in Türkiye*, [n.d.], [url](#) (accessed 12 June 2024).

³⁸⁹ Researcher studying the Gülen movement in the diaspora 29 August 2023.

³⁹⁰ International expert on the Turkish legal system 2 October 2023.

'normal life', there are 'countless people who cannot receive even half of what they deserve'.³⁹¹

Concerning pensions, the researcher notes that, to receive pension, a person has to have a formal job in which the employer pays the person's pension fees. There are no other options for this in Turkey. It is not possible, for example, for labour unions to pay the person's pension fees. If the person does not have a formal job registered in the SGK's system, the person cannot receive a pension. The companies a person has worked for in the past confirm to the SGK that they have employed the person and pay a certain amount of money to the pension fund.³⁹²

The researcher says that, initially, the Turkish authorities refused to pay the pensions of people with the "OHAL code" added in their SGK records. However later, after a decision by the Constitutional Court³⁹³, the authorities resumed the payment of these pensions on a case-by-case basis. The source states that, if an individual had paid all the social security contributions to the Pension Fund by the date they were dismissed under the emergency decrees, these individuals can retire from the Pension Fund and receive their (proper) pension and related bonuses. However, if a person has not been acquitted, the authorities might find a way to refuse paying their pension.³⁹⁴

5. Treatment of individuals associated with the Gülen movement by the Turkish society

5.1 How does the Turkish society treat individuals associated with the Gülen movement?

The international expert on the Turkish legal system notes that, among the people associated with the Gülen movement, their past contacts with the movement are completely denied and people try to hide their identity.³⁹⁵ According to the Turkish legal expert and representative of Victims of the Emergency Decree Platform, it is not possible for an individual to openly state that they are a part of the movement without 'fear of prosecution, persecution and even violence'.³⁹⁶

Being associated with the Gülen movement stigmatises a person in the eyes of society,³⁹⁷ and several sources mention the association resulting in social exclusion or isolation.³⁹⁸ Isolation does not take place only in the larger community, but also inside families.³⁹⁹ The stigma is related to the fact that people are afraid of being associated with the movement

³⁹¹ Akıncı 6 and 19 December 2023.

³⁹² Researcher 2 November 2023.

³⁹³ Researcher did not have further information on the mentioned Constitutional Court decision.

³⁹⁴ Researcher 2 November 2023.

³⁹⁵ International expert on the Turkish legal system 2 October 2023.

³⁹⁶ Turkish legal expert 4 October 2023.

³⁹⁷ Gergerlioğlu 3 October 2023; International expert on the Turkish legal system 2 October 2023; Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023; Turkish political expert 4 October and 22 November 2023.

³⁹⁸ Akıncı 6 and 19 December 2023; Human Rights Watch 6 October and 13 November 2023; İHD 2 October and 22 November 2023; Neval 25 May 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023; Turkish legal expert 4 October 2023.

³⁹⁹ International expert on the Turkish legal system 2 October 2023; Representative of a human rights organisation 3 October 2023; Turkish human rights organisation 5 October 2023.

themselves,⁴⁰⁰ as well as the fact that many regard members of the Gülen movement as "terrorists"⁴⁰¹ or are hostile towards the movement⁴⁰². Some sources use the concept of "civilian death" or "civil death" when describing the societal or employment situation of people associated with the Gülen movement,⁴⁰³ or the situation of people accused of "terrorism" more broadly.⁴⁰⁴ Being associated with the Gülen movement (within the community) can result, for example, in divorce,⁴⁰⁵ losing contact with family⁴⁰⁶ and friends⁴⁰⁷, losing employment⁴⁰⁸, and having to change residence⁴⁰⁹.

According to a researcher who has studied the situation of people associated with the Gülen movement in the diaspora, being associated with the Gülen movement results in being perceived as a "terrorist" and a "traitor". According to the researcher, people associated with the movement are completely isolated and try to hide what they are going through. No one can admit openly that they have been associated with the Gülen movement, even if they have been convicted and they have served their sentence. According to the researcher, once a person's alleged affiliation with the movement becomes known in society, the stigma is 'all pervasive' and affects the person's life in school as well as in the neighbourhood. The stigma is connected to both the hostility towards the Gülen movement and the fact that people fear being associated with the movement themselves.⁴¹⁰

According to Ömer Faruk Gergerlioğlu, Turkish society stigmatises the people associated with the Gülen movement by staying silent and quietly supporting the process of isolating these individuals. Gergerlioğlu adds that the public react only to 'exceptionally tragic cases', as was recently seen with regard to a case where a child of a Gülen movement associated family died of cancer while the mother was in prison.⁴¹¹

According to researcher Emine Neval, especially families where one of the spouses is imprisoned are excluded from society, and it is difficult for the members of these families to get a job or rent a house as they are labelled as "terrorists". In describing the social repercussions a person associated with the Gülen movement may face, Neval mentions that individuals may choose to apply for a divorce due to concerns about potential job loss when their partners are under an investigation. Neval describes that being in a relationship with someone under investigation is like being 'exposed to a flu virus'. Even if people do not perceive the individual under investigation as guilty, they may prefer to maintain distance to avoid potential negative consequences.⁴¹²

⁴⁰⁰ Neval 25 May 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁴⁰¹ Neval 25 May 2023; Representative of a human rights organisation 3 October 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁴⁰² Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁴⁰³ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Neval 25 May 2023.

⁴⁰⁴ Researcher 2 November 2023.

⁴⁰⁵ Neval 25 May 2023.

⁴⁰⁶ International expert on the Turkish legal system 2 October 2023; Turkish human rights organisation 5 October 2023.

⁴⁰⁷ International expert on the Turkish legal system 2 October 2023.

⁴⁰⁸ See in detail below in section 5.4.1.

⁴⁰⁹ Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁴¹⁰ Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁴¹¹ Gergerlioğlu mentions that expressions of pity by the public led to the government to pass a law that postpones the execution of a sentence for one year in similar cases. Gergerlioğlu 3 October 2023.

⁴¹² Neval 25 May 2023.

A member of a civil society organisation states it is unlikely that any individual would make a special effort to provide help or show solidarity openly to people associated with the Gülen movement.⁴¹³

According to the researcher, in practice, "civil death" is not only about losing employment, but the authorities also push people to 'target the targeted'. Dismissed people are considered "dangerous" by society, and some family members have stopped talking to their dismissed relatives. The researcher mentions the difficulty of overcoming the social stigma. For those dismissed and stigmatised, it is very difficult to have a normal life. These people have lost contact with some of their family members and friends, and, if they have had to move, they try to hide their past conviction in their new place of residence. To hide their past, they do not socialise and isolate themselves from society.⁴¹⁴

Some sources see that the treatment by or the attitude of the community may vary to some degree on the basis of factors such as where the individual in question lives or the political leanings of the members of the community.

The member of a civil society organisation sees that the people associated with the Gülen movement are 'helpless' in Turkey, since they are attacked by both the government and the "progressivists".⁴¹⁵ According to the experts in the Delegation of the European Union to Türkiye, since the Gülen movement had a prominent role in the human rights violations targeting dissidents and human rights activists before 2016, there is little sympathy for the movement in these circles.⁴¹⁶

Akinci describes how the Gülen movement is currently opposed by both the ruling AKP and its supporters as well as the nationalists, secularists and Kemalists whom he points out as the movement's 'enemies'.⁴¹⁷ The representative of a human rights organisation estimates that between 65 to 70 percent of the Turkish population, including many supporters of the main opposition party CHP (*Cumhuriyet Halk Partisi*, eng. Republican People's Party), are nationalists, and this nationalist mentality constitutes a problem, in particular, to individuals associated with the Gülen movement.⁴¹⁸ The Turkish human rights organisation estimates that the stigmatisation of people associated with the Gülen movement is worse among the supporters of President Erdoğan who constitute approximately 50 percent of the Turkish population.⁴¹⁹

Concerning the social stigma, the Turkish human rights organisation focusing on issues related to the freedom of expression and freedom of speech points out that there are people who do not trust the Turkish court system and who understand that cases connected to the Gülen movement can be arbitrary and that it 'does not necessarily mean anything' if an individual has been imprisoned for Gülen movement related charges. Yet, the organisation also mentions that there are a lot of people associated with the Gülen movement whose family members have stopped talking to them.⁴²⁰

The international expert on the Turkish legal system sees that, generally, the people who oppose the Turkish government may more often question the government's position on people associated with the Gülen movement and raise questions, such as why are there people associated with the movement still active in the AKP circles while ordinary teachers and civil servants have been dismissed and prosecuted. The expert estimates that there is currently

⁴¹³ Member of a civil society organisation 26 October 2023.

⁴¹⁴ Researcher 2 November 2023.

⁴¹⁵ Member of a civil society organisation 26 October 2023.

⁴¹⁶ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

⁴¹⁷ Akinci 6 and 19 December 2023.

⁴¹⁸ Representative of a human rights organisation 3 October 2023.

⁴¹⁹ Turkish human rights organisation 5 October 2023.

⁴²⁰ Turkish human rights organisation 5 October 2023.

more of this type of questioning in the media, even though it is not done very openly, such as in the national television, but rather on social media and by individual journalists.⁴²¹

According to the experts in the Delegation of the European Union to Türkiye, when comparing the situation of those associated with the Gülen movement and those associated with the PKK, it can be assumed that the former are more socially isolated. While the left-leaning people in Turkey have a network of solidarity, people associated with the Gülen movement do not receive a similar solidarity from the community.⁴²² Similarly, the international expert estimates that compared to people of left-wing background, the more conservative, right-wing people associated with the Gülen movement were not used to being targeted by the Turkish authorities. Families and close friends of people associated with the Gülen movement left them and they were left without solidarity.⁴²³ Additionally, the international expert estimates that a military officer in the movement might be more stigmatised than, for example, a school teacher since the officer had a more critical role in the security sector.⁴²⁴

The Turkish political expert estimates that it can cause a problem for a person affiliated with the Gülen movement in their neighbourhood if one of their neighbours is someone that the Gülen movement imprisoned back when it had major influence in the government (and in the legal system). In a conservative neighbourhood, on the other hand, people might not care about the person's association with the movement. The expert sees that the situation depends on the province and neighbourhood where the person in question lives.⁴²⁵

Concerning the societal treatment of people associated with the Gülen movement, the member of a civil society organisation mentions the so-called "cocktail cases" in which people are prosecuted for their alleged affiliation with the Gülen movement, the PKK and the DHKP-C⁴²⁶ all at the same time. The source estimates that, if the local community is aware of the absurdity of these types of cases, the person prosecuted might 'have a chance' to make a living in the locality. Yet, it is unlikely that these individuals have a chance to regain their income comfortably.⁴²⁷

Concerning the stigmatisation of people who are charged with terrorism-related crimes, the representative of an organisation monitoring the human rights situation in Turkey mentions that the way these people are treated could be different, for example, in the central neighbourhoods of big cities like Ankara compared to a small town in central Anatolia. The source states that there are people who have had to move to another city or town because of the stigmatisation. When asked whether the community would understand that the reasons for which an individual is labelled as a "terrorist" could be purely political, the source estimates that, in general, life is more difficult for these individuals in more closed communities and towns where people only follow the news from the mainstream media which is mainly controlled by the Turkish government. The source mentions that representatives of the Turkish government target people in the media and accuse them of "terrorism" even in cases where the individual in question has been found not guilty by the courts.⁴²⁸

⁴²¹ International expert on the Turkish legal system 2 October 2023.

⁴²² Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

⁴²³ International expert on the Turkish legal system 2 October 2023.

⁴²⁴ International expert on the Turkish legal system 2 October 2023.

⁴²⁵ Turkish political expert 4 October and 22 November 2023.

⁴²⁶ DHKP-C (*Devrimci Halk Kurtuluş Partisi-Cephesi*, eng. Revolutionary People's Liberation Party-Front) is a Marxist-Leninist armed organisation designated as a terrorist organisation by Turkey.

⁴²⁷ Member of a civil society organisation 26 October 2023.

⁴²⁸ Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

Also some other sources mention government propaganda as a driver of social stigmatisation.⁴²⁹ A representative of a human rights organisation states that people associated with the Gülen movement are seen as “terrorists” and “traitors”. According to the representative of a human rights organisation, this ‘social hatred’ towards these individuals is connected to the propaganda against people associated with the Gülen movement in the pro-government media.⁴³⁰ Similarly, lawyer Özcan Akıncı describes how state propaganda has resulted in many people believing that the people associated with the Gülen movement deserved everything that has been done to them. This has led to family members denouncing each other, neighbours denouncing each other, and to the social exclusion of those connected to the Gülen movement.⁴³¹ Akıncı adds that the intense propaganda against the Gülen movement in the Turkish media has resulted in every segment of society trying to maintain their distance to the movement. According to Akıncı, as a result of the intense propaganda, people associated with the Gülen movement are treated as if they are a ‘plague in the society’, and they are excluded and pushed into isolation.⁴³²

The Turkish legal expert and representative of the Victims of the Emergency Decree Platform sees that the ‘hateful’ government rhetoric against the Gülen movement continues to fuel the hate the general public feels towards the movement. For example, there are a lot of dehumanising and even violent posts about the members of the movement on the internet. Additionally, the expert mentions that members of the movement have been ‘demonised’ and excommunicated by imams (of Islamic congregations). Also, the expert mentions that individuals who have replaced those dismissed from their jobs in the civil service ‘fuel hatred’ and ‘persecute’ those dismissed to further their own interests.⁴³³

5.1.1 Has there been any change in how society treats individuals associated with the Gülen movement?

Several sources compare the current situation to the situation immediately following the 2016 coup attempt. Some state that the situation has not changed,⁴³⁴ while others observe that there has been a little change for the better,⁴³⁵ for example, with regard to public perceptions on whether all the dismissals and prosecutions have been conducted fairly⁴³⁶.

The member of a civil society organisation states that it is today as dangerous to treat people associated with the Gülen movement in a fair manner as it was before. In general, the agitation against people associated with the Gülen movement has not ceased and it disappears momentarily only to reappear again as in the case of new round-ups targeting people allegedly associated with the movement.⁴³⁷ On the basis of observations made by the Victims of the Emergency Decree Platform, the Turkish legal expert states that there is no difference between those who have been dismissed, investigated and prosecuted during the

⁴²⁹ Akıncı 6 and 19 December 2023; Member of a civil society organisation 26 October 2023; Representative of a human rights organisation 3 October 2023.

⁴³⁰ Representative of a human rights organisation 3 October 2023.

⁴³¹ Akıncı 6 and 19 December 2023. See also the section 5.3 about informants.

⁴³² Akıncı 6 and 19 December 2023.

⁴³³ Turkish legal expert 4 October 2023.

⁴³⁴ Member of a civil society organisation 26 October 2023; Turkish legal expert 4 October 2023.

⁴³⁵ International expert on the Turkish legal system 2 October 2023; Mazlumder 2 October and 23 December 2023.

⁴³⁶ International expert on the Turkish legal system 2 October 2023; Researcher 2 November 2023.

⁴³⁷ Member of a civil society organisation 26 October 2023.

State of Emergency and those who have been subjected to these same procedures after the State of Emergency was lifted, as far as how they are treated by the public.⁴³⁸

Experts in the Delegation of the European Union to Türkiye mention that people associated with the Gülen movement are still stigmatised and ostracised. However, when compared to their situation during the State of Emergency, they now have better platforms to address issues related to their human rights situation in the country.⁴³⁹ The Turkish legal expert states that people targeted in the current round-up operations (see section 1.1 and 1.2 above) face exclusion and criticism by their relatives, neighbours and in colleagues. According to the expert, the current societal situation is still very difficult for people associated with the Gülen movement although not as difficult as right after the 2016 coup attempt. For example, keeping up a social life is still very difficult since other people such as neighbours do not want to communicate with a person associated with the movement nor visit them.⁴⁴⁰

According to the human rights organisation Mazlumder, people associated with the Gülen movement were initially, after the 2016 coup attempt, excluded from society and they had difficulties finding employment. The organisation estimates that, all in all, this sort of isolation that targeted those dismissed and affiliated with the Gülen movement has decreased compared to what it was, for example, five years ago.⁴⁴¹

The researcher states, with regard to people dismissed under the emergency rule in general, that the general atmosphere in Turkey is not positive. However, there have been some discussions about how those dismissed under the emergency rule were actually dismissed without any legal investigations and it is understood that the so-called 'blacklisting' had started even before the 2016 coup attempt.⁴⁴²

The international expert sees that while an individual who has been convicted and who has served their sentence has basically had their life ruined, there has been some recent change in the societal perception towards people who have been prosecuted due to their alleged membership in the Gülen movement. According to the expert, while the general public still believes that people associated with the Gülen movement were responsible for the 2016 coup attempt and that the higher-ups in the movement should be prosecuted and punished harshly, they have started to question whether the same should apply also to those individuals who have merely downloaded the ByLock application and who compose the majority of defendants before the criminal courts.⁴⁴³

The international expert refers to the recent Yalçinkaya judgement and estimates that, while the judgement has not made people see the Gülen movement in a good light, it has given people courage to question whether some of the people connected to the movement on the basis of, for example, downloading the ByLock application, have been treated too unfairly. The expert estimates that, in some cases, the social stigmatisation might currently be less damaging than before since people might understand that for some people the affiliation with the movement was unavoidable. For example, in some towns there has been only one preparatory school for university, and this school happened to be a Gülen movement affiliated school. In these cases, the parents could not have foreseen that sending their children to these schools would later count as evidence for terrorism-related activities.⁴⁴⁴

While discussing how it has been, in some circumstances, unavoidable to associate with the Gülen movement, the member of a civil society organisation describes interaction with the

⁴³⁸ Turkish legal expert 4 October 2023.

⁴³⁹ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

⁴⁴⁰ Turkish legal expert 4 October 2023.

⁴⁴¹ Mazlumder 2 October and 23 December 2023.

⁴⁴² Researcher 2 November 2023. The source gives an example of how only in a few days' time of the coup attempt the authorities had lists compiled of names (to be 'blacklisted').

⁴⁴³ International expert on the Turkish legal system 2 October 2023.

⁴⁴⁴ International expert on the Turkish legal system 2 October 2023.

Gülen movement as a social necessity for independent professionals especially in the provincial areas where an entrepreneur has had to attend the movement's religious meetings (*sohbets*) in order to keep their customers.⁴⁴⁵

5.1.2 Treatment of individuals who have received a decision of non-prosecution or acquittal

The sources who discuss the matter differ somewhat with regard to how serious the societal consequences are for people who have been investigated and/or prosecuted for their alleged association with the Gülen movement (or other designated terrorist organisation) but have received either a decision of non-prosecution or acquittal. Most see that merely being investigated can lead to societal difficulties (for more information, see below)⁴⁴⁶, although one source estimates that an investigation does not necessarily lead to many consequences since being subjected to a criminal investigation is so common in Turkey.⁴⁴⁷

This estimation is made by the Turkish political expert, who states that having only been investigated without it leading to any further legal proceedings does not necessarily have consequences since millions⁴⁴⁸ of people have been subjected to (similar) investigations. According to the expert, people who have been investigated and received a decision of non-prosecution are not stigmatised since ordinary people in Turkey understand that anybody can be investigated by the state, a practice which is described by the source as the 'new normal'.⁴⁴⁹

The member of a civil society organisation states that the situation of individuals who have either received a decision of non-prosecution or who have been acquitted is still precarious. Outside of their immediate circle (of family members and friends), these individuals are not on 'an equal footing' with the rest of society. The source estimates that there is only a 'slim chance' that a person who has been either investigated or convicted on the basis of their alleged affiliation with the Gülen movement might be adopted back as a full-fledged member of the society.⁴⁵⁰

According to the researcher, even a person who has been only investigated for a terrorism-related crime and received a decision of non-prosecution will face certain stigmatisation. For example, when the person returns to their workplace, colleagues might avoid speaking to the person or even looking them in the eyes.⁴⁵¹ According to the representative of a monitoring organisation, in the current 'climate of fear', an investigation can be seen as a conviction, and people who are being investigated can be dismissed (from their jobs).⁴⁵² The Turkish legal expert mentions that people who have been investigated on the basis of their alleged involvement with the Gülen movement cannot state it openly and/or in public because of the hostile political climate.⁴⁵³

According to Akıncı, family relations with people who were labelled as the Gülen movement's members or supporters or who were under administrative or judicial investigation were 'cut off'. In addition, the neighbours of these individuals kept their distance and they were left on

⁴⁴⁵ Member of a civil society organisation 26 October 2023.

⁴⁴⁶ Akıncı 6 and 19 December 2023; Member of a civil society organisation 26 October 2023; Neval 25 May 2023; Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

⁴⁴⁷ Turkish political expert 4 October and 22 November 2023.

⁴⁴⁸ For estimations concerning the number of people subjected to criminal investigations connected to the Gülen movement, see section 1.1.

⁴⁴⁹ Turkish political expert 4 October and 22 November 2023.

⁴⁵⁰ Member of a civil society organisation 26 October 2023.

⁴⁵¹ Researcher 2 November 2023.

⁴⁵² Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

⁴⁵³ Turkish legal expert 4 October 2023.

their own.⁴⁵⁴ The researcher studying the Gülen movement in the diaspora underlines that the situation is very difficult economically, socially and emotionally also for people who are not necessarily incriminated by legal processes but who are otherwise associated with the Gülen movement in Turkish society. The researcher mentions that the climate in Turkish society is still, in this respect, very tense.⁴⁵⁵ As mentioned above, Neval states that an investigation can lead to a person being abandoned by their family and they can lose 'everything'. According to Neval, this can be the case even though the investigation did not lead to a prosecution.⁴⁵⁶

5.1.3 Treatment of women by society

According to some sources, women and men allegedly associated with the Gülen movement are not generally treated differently from each other by Turkish society.⁴⁵⁷ For example, according to the Turkish political expert, women who were themselves associated with the movement are not treated differently from the men. If these women have served their sentence, the associated stigma is not different compared to men.⁴⁵⁸ The İHD makes a general observation that families of people accused of (affiliation with the Gülen movement) may face similar problems whether the head of the household is male or female.⁴⁵⁹ However, there might be circumstances where the women face particular difficulties. This applies to cases where women have been left alone when, for example, their husbands have left the country⁴⁶⁰.

Human Rights Watch states that female-headed households in cases where the husband has been imprisoned or has left the country may be 'miserably ostracised'.⁴⁶¹

According to the researcher that has studied the situation of people associated with the Gülen movement in the diaspora, both men and women who are associated with the Gülen movement are treated as 'pariahs' by society in general. The researcher mentions that one possible difference between the treatment of men and women has to do with the fact that men are more likely to have left the country or to be in hiding than women. Women, on the other hand, often cannot leave the country because of the children. They cannot, for example, cross (irregularly) the river at the border to Greece. In the researcher's estimation there are more women who are effectively single parents in these conditions. This could lead to these women having to have more interaction with the surrounding society, for example to enrol their children in school. This way women might be more subjected to prejudices than men.⁴⁶²

According to the representative of a human rights organisation, if a husband has left the country, it is a disaster for the family. If the women are lucky enough, they get aid from their own families or, in the very rural parts of Turkey, these women might find work in the agricultural sector if they are able to work and have farms in their villages. This must be done in an informal manner, and if the authorities find out, they will face problems. The source mentions an example where the police raided a very small enterprise of three women who sold tomato paste they had produced in the bazaar and these women were taken into custody.

⁴⁵⁴ Akıncı 6 and 19 December 2023.

⁴⁵⁵ Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁴⁵⁶ Neval 25 May 2023.

⁴⁵⁷ İHD 2 October and 22 November 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023; Turkish political expert 4 October and 22 November 2023.

⁴⁵⁸ Turkish political expert 4 October and 22 November 2023.

⁴⁵⁹ İHD 2 October and 22 November 2023.

⁴⁶⁰ Human Rights Watch 6 October and 13 November 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023; Representative of a human rights organisation 3 October 2023.

⁴⁶¹ Human Rights Watch 6 October and 13 November 2023.

⁴⁶² Researcher studying the Gülen movement in the diaspora 29 August 2023.

Concerning a situation where the woman is still in Turkey while the husband has left the country, the source mentions an example where the wife and children were left behind without an income. In this case, receiving a 500 euro money transfer from (the husband) abroad led to a prosecution for the woman.⁴⁶³

According to the international expert, the families of individuals associated with the Gülen movement are affected economically. The expert states that in most families connected to the Gülen movement the breadwinner is the father of the household, and when the father is sent to prison, the only way for his spouse and their children to survive is to either seek refuge at the grandparents' house or try to get by in new ways. For example, the spouse may have to apply for a job as a domestic worker.⁴⁶⁴ Concerning female-headed households, the Turkish legal expert states that, for example, if the landlord knows the family's situation he or she does not want to rent them an apartment or a house.⁴⁶⁵

5.1.4 Treatment of children and other family members by society

Several sources mention that children and family members of people associated with the Gülen movement can suffer societal stigmatisation,⁴⁶⁶ and other forms of discrimination such as problems or bullying in schools⁴⁶⁷. The fact that their parents have been imprisoned carries serious social consequences for children,⁴⁶⁸ and, on top of that, sources note the serious psychological effects it carries for the children themselves, too⁴⁶⁹. When asked about the nature of the discrimination against children whose parents have been associated with the Gülen movement, the international expert states that these children can be alienated by Turkish society, but in an informal way.⁴⁷⁰ This informal discrimination is discussed also by other sources.

The researcher studying the Gülen movement in the diaspora sees that having parents in prison carries a huge social stigma. When it gets revealed that the child's parents are imprisoned, it becomes a problem for the child in school, and the child might have to change schools or the family might have to move to a new neighbourhood. According to the researcher, it is very likely that the information of the parents' imprisonment becomes known in the community. This is due to Turkish neighbourhoods being 'very close-knit'. The researcher mentions that families with one or both parents in prison tend to move a lot because of the stigma upon the children who have to interact with the broader society when they go to school.⁴⁷¹

The representative of a human rights organisation states that children are punished when their parents are sent to prison. According to the source, children of people associated with the Gülen movement are blamed for being the children of "terrorists" in schools and that, in schools, references to "terrorism" are used as insults. The source mentions that children in school whose families work for the state are pushed to stigmatise the children whose parents

⁴⁶³ Representative of a human rights organisation 3 October 2023. The same example is discussed also in section 1.2.3.

⁴⁶⁴ International expert on the Turkish legal system 2 October 2023.

⁴⁶⁵ Turkish legal expert 4 October 2023.

⁴⁶⁶ Representative of a human rights organisation 3 October 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁴⁶⁷ Representative of a human rights organisation 3 October 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023; Turkish legal expert 4 October 2023.

⁴⁶⁸ Representative of a human rights organisation 3 October 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁴⁶⁹ International expert on the Turkish legal system 2 October 2023; Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

⁴⁷⁰ International expert on the Turkish legal system 2 October 2023.

⁴⁷¹ Researcher studying the Gülen movement in the diaspora 29 August 2023.

are associated with the Gülen movement.⁴⁷² Likewise, the Turkish legal expert mentions how the hateful rhetoric of the government is also repeated in schools.⁴⁷³

Discussing the so-called "civil death", the researcher mentions that dismissed people are considered 'dangerous' by Turkish society, and many family members have been also targeted.⁴⁷⁴ When asked about the targeting of the relatives of a person charged for terrorism-related crimes, the representative of a monitoring organisation mentions that the social stigmatisation is widespread, and, for example, if the courts convict a father as a "terrorist", it will be very traumatic to his children.⁴⁷⁵

Gergerlioğlu describes how the arrests, prosecutions and detentions following the 2016 coup attempt have created a 'sociological earthquake' in Turkey, with families having collapsed as family members are separated from one another, especially since so many parents have been imprisoned.⁴⁷⁶

The Turkish legal expert states that children suffer when parents are made to serve their sentences far away from their homes and they have few opportunities to visit their parents in prison. The expert mentions that there is no special psychological help offered to these children. According to the expert, adopted children have been forcibly taken away from their parents and foster parents.⁴⁷⁷ According to Neval, if the investigated person is imprisoned, they lose their job and the custody of the children is awarded to their employed spouse.⁴⁷⁸

Some sources discuss the particular situation when both parents have been imprisoned due to their alleged affiliation with the Gülen movement. For example, the representative of a monitoring organisation mentions the difficulty some children face when both their parents are imprisoned on the basis of the emergency decrees, which means that both parents are separated from young children.⁴⁷⁹ The international expert states that, in many cases, both the mother and the father of the family worked in the same legal profession and both of them were taken into custody. The expert notes that, if there were small children in the family, the children would typically be taken in by their grandparents or other people. According to the expert, this practice has created 'chaos' for the children.⁴⁸⁰

The international expert also mentions the age of the children as a factor with regard to the situation in the family. For example, it is difficult to explain the situation to small children if one or both of their parents have been convicted of a terror-related crime. Parents do not want their children to openly spread the information about the family's situation. However, if one or both parents are in prison, the reason for this situation has to be explained to the children. Additionally, the children have a need to see both their parents and the execution of a terrorism crime related sentence is harsher when compared to other crimes, especially if the family and the person sentenced are located in different cities and it is not possible to visit the prison that often.⁴⁸¹

⁴⁷² Representative of a human rights organisation 3 October 2023.

⁴⁷³ Turkish legal expert 4 October 2023.

⁴⁷⁴ Researcher 2 November 2023.

⁴⁷⁵ Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

⁴⁷⁶ Gergerlioğlu 3 October 2023.

⁴⁷⁷ Turkish legal expert 4 October 2023.

⁴⁷⁸ Neval 25 May 2023.

⁴⁷⁹ Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023.

⁴⁸⁰ International expert on the Turkish legal system 2 October 2023.

⁴⁸¹ International expert on the Turkish legal system 2 October 2023.

Some sources mention that children or family members of people associated with the movement have also committed suicides.⁴⁸² For example, according to the representative of a human rights organisation, 22 children have committed suicide whereas the total amount of people who have committed suicide is more than 150.⁴⁸³ The Turkish legal expert and representative of the Victims of the Emergency Degree Platform mentions that there have been a number of teenage suicides in connection to one or both parents being 'persecuted' by the state.⁴⁸⁴ Gergerlioğlu states that he has information on approximately 150 suicides amongst people who were 'persecuted', and more than 100 relatives have also committed suicide.⁴⁸⁵

Some children have been also imprisoned with their mothers (see section 4.4 above).⁴⁸⁶

5.2 How does society at large know that an individual or family is associated with the Gülen movement?

The State of Emergency Decree Law lists or so-called "KHK lists"⁴⁸⁷ are publicly available.⁴⁸⁸ According to the international expert, once the person's name is seen in one of the decree law lists, their situation is known in the community. The information is spread from person to person. The expert mentions as an example the situation of a primary school teacher who suddenly loses their position. If this happens during the State of Emergency, people make a connection and figure the reason for the dismissal. The expert adds that the person's alleged association with the Gülen movement can be learned by the society in an informal way and this information is then spread in the community.⁴⁸⁹

Some sources emphasise cultural factors when asked how society learns of an individual's association with the Gülen movement. As mentioned above, the researcher mentions how tight knit Turkish neighbourhoods can be, which is why parents' imprisonment can become known in the community.⁴⁹⁰ The representative of a human rights organisation mentions that people in Turkey 'love to talk' and they like to ask questions of private nature from each other. This means that gaining other people's private information is not an issue in Turkey. For example, when asked, the police might inform curious neighbours on the reasons of their visit to a particular person's home.⁴⁹¹

According to the representative of a human rights organisation, a person's name can also become public if people, especially journalists, start to pay special attention to their situation.

⁴⁸² Neval 25 May 2023; Representative of a human rights organisation 3 October 2023; Turkish legal expert 4 October 2023.

⁴⁸³ Representative of a human rights organisation 3 October 2023.

⁴⁸⁴ Turkish legal expert 4 October 2023.

⁴⁸⁵ Gergerlioğlu 3 October 2023,

⁴⁸⁶ Researcher studying the Gülen movement in the diaspora 29 August 2023; Neval 25 May 2023.

⁴⁸⁷ See section 4.1 above.

⁴⁸⁸ Arrested Lawyers Initiative 7 and 11 September 2023; International expert on the Turkish legal system 2 October 2023; Neval 25 May 2023; Representative of a human rights organisation 3 October 2023. The Venice Commission noted already in December 2016 that these lists are public. See The Venice Commission, Turkey: Opinion on Emergency Decree Laws nos. 667-676 Adopted Following the Failed Coup of 15 July 2016, 12 December 2016, [url](#) (accessed 12 June 2024).

⁴⁸⁹ International expert on the Turkish legal system 2 October 2023.

⁴⁹⁰ Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁴⁹¹ Representative of a human rights organisation 3 October 2023.

Since information on court hearings is freely available and a journalist can attend them, it is possible that a person's conviction is also found out in this manner.⁴⁹²

According to the Turkish legal expert, in general, people do not want to talk about their association with the Gülen movement and even their relatives do not necessarily know about their situation. However, the situation of these individuals can become suddenly revealed. For example, relatives can figure out the situation on the basis of the many official letters and documents the person in question receives from the authorities. Additionally, the neighbourhood *mukhtar* can have this knowledge. For example, post officials also often deliver official letters to the *mukhtar* in cases where the person in question is not reached.⁴⁹³

5.3 Informants

Acting as an informant for the authorities is connected to the practice of utilising secret witnesses. This practice is discussed further in section 2.4 above.

Members of the community, such as family members⁴⁹⁴, neighbours⁴⁹⁵ or colleagues⁴⁹⁶, can inform on a person associated with the Gülen movement or connected in some other way with "terrorism". According to the sources, the reasons for acting as an informant can relate to personal gain,⁴⁹⁷ personal antipathy,⁴⁹⁸ fear of being affiliated with the movement,⁴⁹⁹ or simply because people in Turkey do not like the Gülen movement⁵⁰⁰.

The experts in the Delegation of the European Union to Türkiye state that investigations can be started based on information received from colleagues.⁵⁰¹ According to Neval, a neighbour can inform on a person to the police and this can lead to an investigation or a court case.⁵⁰² According to the Arrested Lawyers Initiative, informing on a person has become an easy way to 'get rid of them' and these cases have nothing to do with the person's actual connections to the Gülen movement. Relatives, ex-partners, competitors and neighbours have acted as informants, and people have been informed on because of (the informant's) strong support for the AKP, inheritance issues and personal antipathy. Additionally, relatives have also informed on people in order to protect themselves (from investigative and legal measures).⁵⁰³

The researcher who has studied the situation of people associated with the Gülen movement in the diaspora describes how people are constantly launching new complaints and that informing on one another has become very ingrained in the Turkish society. It still happens that neighbours or relatives send complaints to the authorities about people they think used to be part of the movement. According to the researcher, there are several motives to inform on your neighbours. Primary reason is that no one in Turkey today has a friendly opinion on the

⁴⁹² Representative of a human rights organisation 3 October 2023.

⁴⁹³ Turkish legal expert 4 October 2023.

⁴⁹⁴ Akıncı 6 and 19 December 2023 Akıncı 6 and 19 December 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁴⁹⁵ Akıncı 6 and 19 December 2023; Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Neval 25 May 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁴⁹⁶ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Researcher 2 November 2023.

⁴⁹⁷ Akıncı 6 and 19 December 2023; Member of a civil society organisation 26 October 2023; Researcher 2 November 2023.

⁴⁹⁸ Arrested Lawyers Initiative 7 and 11 September 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁴⁹⁹ Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁵⁰⁰ Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁵⁰¹ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

⁵⁰² Neval 25 May 2023.

⁵⁰³ Arrested Lawyers Initiative 7 and 11 September 2023.

Gülen movement. Besides this, people who do not themselves despise the Gülen movement are afraid of being affiliated with the movement. If a person learns that someone might have connections to the movement, the sooner they inform the authorities, the better they ensure they themselves will not be associated with it. Additionally, informing on others is used as a technique to solve social disputes. The researcher mentions how there are stories about people informing or threatening to inform on others due to, for example, disliking a person, but it is unclear how widespread this practice is in reality.⁵⁰⁴

The researcher notes that citizens can easily file their complaints directly to the Ministry of Information through the CIMER web portal. According to the source, there is a huge number of denunciation cases, and the information given in these denunciations is unreliable. Yet, the Ministry must investigate every complaint and the Turkish government is inclined to rely on this unreliable information. According to the researcher, complaints can be motivated by personal competition or dislike among colleagues. The source estimates that there is no limit for these kinds of complaints which can be based on completely made-up accusations. In addition, if the person responsible for the complaint is in a higher position compared to the person who is being complained about, the authorities tend to believe the complainant.⁵⁰⁵

The researcher discusses people dismissed in connection to the Academics for Peace and states that not all of the dismissed were allegedly connected to the PKK or the Gülen movement, but in some cases the managers, rectors or directors may just have decided that they did not want to have certain individuals around any longer and made complaints about these people. In these cases, there was no legal evidence provided but the process would still go forth, especially if the complaint was made by a person connected to the AKP.⁵⁰⁶

Akinci gives examples how the mechanism of informing could be used against people for personal gain. For example, in order to evict a tenant, a landlord reported the tenant in question as a member of the Gülen movement. In another example, a woman who could not otherwise get a divorce tried to achieve her goal by reporting her husband as a member of the movement. Akinci states that similar accusations, denunciations and complaints have been made by people to gain a position in state institutions.⁵⁰⁷

According to the member of a civil society organisation, people inform on others without any basis for their own benefit. For example, if a civil servant in a mediocre position wants to advance in the organisational hierarchy, he or she can inform a higher-ranking individual in the organisation and claim that this individual is affiliated with the Gülen movement. The source estimates that many people have used this practice. The source adds that a person might find the general opinion on the Gülen movement unfair, but they cannot come out with their opinion since someone could inform on them for showing sympathy for the people associated with the movement.⁵⁰⁸

5.4 What kind of employment is available to individuals associated with the Gülen movement?

As discussed in section 4.6 above, civil servants and other public employees dismissed during the State of Emergency (2016–2018) have been unable to find employment in the public sector, and even in the rare cases where they have been reinstated by the State of Emergency Commission some of them have been unable to return to their jobs. Additionally, the security vetting practices that obstruct employment in the public sector for people associated with the

⁵⁰⁴ Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁵⁰⁵ Researcher 2 November 2023.

⁵⁰⁶ Researcher 2 November 2023.

⁵⁰⁷ Akinci 6 and 19 December 2023

⁵⁰⁸ Member of a civil society organisation 26 October 2023.

Gülen movement are discussed in section 4.1 above. The sections below concentrate in particular on employment in the private sector.

Concerning employment in the private sector, many sources discuss the subject especially in relation to dismissed public officials, though several sources also discuss the possibilities of people otherwise affiliated with the Gülen movement (e.g., those convicted for "membership in a terrorist organisation") of finding employment in the private sector.

In general, experts in the Delegation of the European Union to Türkiye describe how, regardless of whether they have been associated with the Gülen movement or not, a person's life has become different after they have been dismissed from their job or banned from practicing their profession on the basis of the emergency decrees. The experts note that these people have become unemployable, suffering a so-called "civilian death".⁵⁰⁹ The Turkish human rights organisation mentions that if an individual has been prosecuted for alleged association with the Gülen movement, dismissed under the emergency decrees or worked for an organisation affiliated with the movement, their situation is 'very tough'.⁵¹⁰ The representative of a human rights organisation states that being a convict is difficult in Turkey, as in any other country in the world, and it is not an easy for a person who has served time in prison to find a job. However, the source estimates that it is twice as hard for people associated with the Gülen movement to get employment because of the 'social hatred' towards the group.⁵¹¹

5.4.1 Employment in the private sector

In addition to losing employment in the public sector, being associated with the Gülen movement also curtails employment opportunities in the private sector⁵¹².

Several sources describe how people associated with the Gülen movement or, more generally, people dismissed during the State of Emergency have difficulties finding formal jobs with insurance.⁵¹³ Instead, if not unemployed,⁵¹⁴ many of these individuals work in contractor jobs⁵¹⁵ or in low-skilled sales jobs,⁵¹⁶ in which they may be subjected to exploitation.⁵¹⁷

According to several sources, private companies and institutions are afraid of hiring people associated with groups that are designated as "terrorist organisations" by Turkish authorities.⁵¹⁸ For example, according to the researcher, private companies do not want to be associated with "terrorism" on the basis of people they have employed. Some companies tolerate and employ a few of these people, but this can lead to repercussions if it becomes public knowledge.⁵¹⁹ Similarly, experts in the Delegation of the European Union to Türkiye state that employers usually fear the consequences of hiring people who have faced terrorism-related

⁵⁰⁹ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

⁵¹⁰ Turkish human rights organisation 5 October 2023.

⁵¹¹ Representative of a human rights organisation 3 October 2023.

⁵¹² Akıncı 6 and 19 December 2023; International expert on the Turkish legal system 2 October 2023; Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁵¹³ Akıncı 6 and 19 December 2023; Representative of an organisation monitoring the human rights situation in Turkey 3 October 2023; Researcher 2 November 2023.

⁵¹⁴ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

⁵¹⁵ Researcher 2 November 2023.

⁵¹⁶ Arrested Lawyers Initiative 7 and 11 September 2023; Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Turkish political expert 4 October and 22 November 2023.

⁵¹⁷ Akıncı 6 and 19 December 2023.

⁵¹⁸ Arrested Lawyers Initiative 7 September and 11 September 2023; Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Researcher 2 November 2023; Turkish human rights organisation 5 October 2023; Turkish political expert 4 October and 22 November 2023.

⁵¹⁹ Researcher 2 November 2023.

charges. The experts mention that employers who themselves can be considered as 'activists' might be willing to employ people associated with the Gülen movement knowingly. Sometimes, a person associated with the movement is hired unofficially and may, for example, receive less than the normal salary.⁵²⁰

The Turkish human rights organisation states that even private institutions, such as hospitals and universities, do not want to hire individuals dismissed under the emergency decrees out of fear.⁵²¹ According to the international expert on the Turkish Legal System, if a particular employer employs too many people with a background in the Gülen movement, they themselves might be prosecuted for helping people associated with the movement or having sympathy for the movement.⁵²² Neval states that an employer might get arrested for employing a person whose name is on the so-called "KHK lists" (see section 4.1 above).⁵²³

According Akıncı, public officials who were dismissed have been prevented from finding a job in civilian life due to 'negative and intense propaganda'. These people have then been forced to work without insurance and for low wages. For people who have lost their positions and ranks under the emergency decrees, it is difficult to find a job even in the private sector. The available jobs involve exploitation and the salary is enough to cover only the very basic needs.⁵²⁴ According to the Arrested Lawyers Initiative, it is possible to describe that people associated with the Gülen movement are going through a form of 'reversed social mobility', where people dismissed from jobs requiring higher education and skills are now mostly employed in jobs that do not require a public certificate or licence, such as selling food or non-food-related items in a bazaar.⁵²⁵ According to Neval, the Gülen movement has a network that sells some products from home so that its unemployed members can get by.⁵²⁶

The researcher describes the ways in which being associated with "terrorism" hinders an individual's possibilities to be employed in the private sector. The source discusses the subject particularly in relation to the Academics for Peace. (The employment situation of those who have been connected to terrorism-related crimes in general can be considered comparable, at least to some extent, to the situation of those allegedly associated with the Gülen movement, bearing in mind their harsh treatment by society discussed above.) The researcher states that, due to being scared of targeting by the Turkish authorities, private companies do not want to hire people who have been dismissed by the emergency decrees. Because of this, dismissed individuals can find employment mainly in contractor companies, in which the salaries are not sufficient and the employees do not have a safe work environment or work insurance. People working in these conditions have likened their situation to Syrian refugees who are working without official permits in the informal sector. The researcher mentions that people do not reveal the reason of their unemployment to their employers but try to hide their past, even when working in contractor-type jobs. The source states that if the employer finds out that these people were dismissed under the emergency decrees they will not be hired for the job.⁵²⁷

The Arrested Lawyers Initiative cites their "No Country for Purge Victims" report from 2022 in which several restrictions affecting purged civil servants are listed. Restrictions that could hamper activities in the private sector include, for example, that "purged" civil servants cannot open bank accounts and are discriminated against in financial transactions and procedures, that they cannot participate in real estate transactions, and that they are discriminated against in relation to insurance service and in relation to business development and incentive

⁵²⁰ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

⁵²¹ Turkish human rights organisation 5 October 2023.

⁵²² International expert on the Turkish legal system 2 October 2023.

⁵²³ Neval 25 May 2023.

⁵²⁴ Akıncı 6 and 19 December 2023.

⁵²⁵ Arrested Lawyers Initiative 7 and 11 September 2023.

⁵²⁶ Neval 25 May 2023.

⁵²⁷ Researcher 2 November 2023.

credits. Additionally, several professions are closed to them, including lawyer, accountant, architect, engineer, laboratory worker or technician in a building inspection company.⁵²⁸

The researcher studying the Gülen movement in the diaspora mentions that people dismissed under the emergency decrees are unlikely to be hired either by the public or the private sector. In most cases brought to the attention of the researcher who has studied the situation of people associated with the Gülen movement in the diaspora, those dismissed under the emergency decrees are employed anonymously via the internet or they can get jobs through their old networks in which cases they are not hired officially but informally.⁵²⁹

The Turkish political expert mentions that several of those individuals associated with the Gülen movement who previously worked in the civil service and are able to still live in Turkey, now have jobs in sales, such as selling tobacco. The expert doubts that big companies would hire these individuals. According to the expert, there are several people associated with the movement who have been employed by UN institutions, supposedly after having first gotten an approval from the Turkish government.⁵³⁰ Similarly to the Turkish political expert, the researcher says that big Turkish companies would not hire people who have been dismissed by an emergency decree because of the risk involved. However, some companies do hire them. According to the source, companies hiring dismissed individuals might be connected to big international corporations which makes them uninterested in the particular employee's background. Yet, there are not that many companies that hire dismissed people and even those that do would get into trouble if the authorities found out about it. In addition, the researcher mentions that some previously dismissed academics have found jobs that are funded by the European Union or they are working in different human rights organisations.⁵³¹

The Turkish legal expert and representative of the Victims of the Emergency Decree Platform states that people who have served their prison sentence are trying to make a livelihood by finding a job in the private sector or by starting their own businesses. However, if a private company wants to hire a person who is labelled as a "terrorist" to a senior or prominent position, this is not possible if the company is (partially) owned by the state or has any connection to the state.⁵³²

The Turkish political expert mentions that even a 'liberal person' would think twice before employing people who have previously worked for a private entity that was closed down during the State of Emergency, not to speak of the majority of employers. This is not because of active discrimination, but because of fear. However, the expert also supposes that, in many cases, the economic situation in Turkey is the main reason why individuals associated with the Gülen movement are unable to find employment. The expert estimates that, if an individual associated with the Gülen movement has any financial resources, they will open a small sales business and employ themselves.⁵³³

The international expert on the Turkish legal system states that if a private association was closed down during the state of emergency, this could affect the employment prospects of people who had links to this association. The expert adds that the situation of these individuals might differ on the basis of whether they were employed by or members in these associations. The expert mentions an example where a person who was a member of one of the closed associations was dismissed from their job (due to their membership in the association) and unable to get reinstated by the State of Emergency Commission even though they were not

⁵²⁸ Arrested Lawyers Initiative. For more information, see the Arrested Lawyers Initiative & Human Rights Defenders (HRD), 'Turkey: No Country for the Purge Victims', 2022, p. 3–18, [url](#) (accessed 12 June 2024).

⁵²⁹ Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁵³⁰ Turkish political expert 4 October and 22 November 2023.

⁵³¹ Researcher 2 November 2023.

⁵³² Turkish legal expert 4 October 2023.

⁵³³ Turkish political expert 4 October and 22 November 2023.

active in the Gülen movement nor had any other links with the movement. The expert notes a certain level of arbitrariness in this particular case, since no other person involved with the said association was dismissed. The expert estimates that the closure of an association does not necessarily constitute enough grounds to prosecute a person linked to the association at the Criminal Court, but it can be used against them at the administrative level (like in the example discussed above).⁵³⁴

According to the researcher, whether or not a teacher has been able to regain their licence depends on whether their application has been accepted by the State of Emergency Commission. The researcher mentions that, if there is an ongoing criminal case against a person, they cannot work as a teacher.⁵³⁵

While discussing the situation dismissed teachers working in public institutions, the member of a civil society organisation points out that while some of them were merely dismissed from their job in public service others were also banned from practicing their profession altogether. According to the source, if a teacher's license to practice their profession has been revoked, they can no longer work as a teacher in public or private schools. Additionally, all the schools are doing security checks and refrain from recruiting these individuals. The source states that Turkish municipalities and local governments will not hire these people.⁵³⁶ This practice is also discussed by the researcher who has studied the situation of people associated with the Gülen movement in the diaspora, who states that some teachers have had their teaching licences cancelled.⁵³⁷

The international expert discusses the situation of teachers dismissed from private institutions in similar terms. The expert mentions that, after the closure of schools and universities during the state of emergency, a lot of teachers in these schools lost their jobs. They could find employment after that only if they were cleared of the accusations connecting them to the Gülen movement. For example, teachers of İpek University in Ankara, an important Gülen movement linked institution, could after two years find employment in private institutions, including universities, if they were cleared. However, not all of them were. The expert estimates that whether a person was cleared might be connected to whether they were employed by the İpek University due to their links with the Gülen movement or not. Besides working in a Gülen movement affiliated institution, if a dismissed teacher had other links with the movement they would be treated similarly to people who were dismissed from their jobs due to alleged association with the Gülen movement.⁵³⁸

5.4.2 The significance of the so-called "OHAL code" in the private sector

As mentioned above (see section 4.1 above), civil servants dismissed on the basis of the emergency decrees received a code ("36/OHAL/KHK") in the SGK's system.⁵³⁹ This information on the dismissal is then visible to an employer, which makes it difficult for individuals with such a code to find a job.⁵⁴⁰ The Arrested Lawyers Initiative explains how "purged" civil servants assigned with the "36/OHAL/KHK" code are as a result 'blacklisted' in the employment and social security agencies' databases, and consequently in all the databases of all public and

⁵³⁴ International expert on the Turkish legal system 2 October 2023.

⁵³⁵ Researcher 2 November 2023.

⁵³⁶ Member of a civil society organisation 26 October 2023.

⁵³⁷ Researcher studying the Gülen movement in the diaspora 29 August 2023.

⁵³⁸ International expert on the Turkish legal system 2 October 2023.

⁵³⁹ Arrested Lawyers Initiative 7 September and 11 September 2023; Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

⁵⁴⁰ Arrested Lawyers Initiative 7 September and 11 September 2023; Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023; Gergerlioğlu 3 October 2023; Researcher 2 November 2023; Turkish human rights organisation 5 October 2023; Turkish legal expert 4 October 2023.

quasi-public entities. In practice, every employer in the private sector who would consider hiring these individuals can see the registry entry which states that the applicant was dismissed by an emergency decree. According to the Arrested Lawyers Initiative, this 'warning' constitutes a serious obstacle for gaining employment in the private sector, because employers are afraid of hiring people blacklisted by the government.⁵⁴¹

According to the Turkish human rights organisation, for a person who has been fired from public service by an emergency decree, finding a job is very difficult. The prospective employer can see the past information concerning the applicant in the social security system, and the "OHAL code" is visible to the employer as well as to the human resources department of a particular company. The human rights organisation states that private institutions do not want to hire these people out of fear. The situation is the same for dismissed academics seeking employment in private universities.⁵⁴²

While discussing the so-called "civilian death", the experts in the Delegation of the European Union to Türkiye describe how an individual becomes unemployable after the "OHAL code" has been added to their records in the social security system. For example, if the person in question was a lawyer, they could not continue in the legal profession after their involvement with the movement had been recorded in the system. Even if the bar association would give its approval, the Ministry of Justice would preclude the possibility of them working in the legal profession.⁵⁴³

Mazlumder states that while the introduction of the "OHAL code" resulted in public servants such as doctors, teachers and lawyers not being able to find employment in either the public or the private sector, nowadays, due to past judicial decisions and legal amendments, dismissed lawyers, judges and doctors can find employment in the private sector. Mazlumder states that, in the recent years, the organisation has not received complaints that the "OHAL code" would have prevented people from gaining employment. Yet, teachers who teach in private schools need a permit from the Ministry of Education. In practice, the Ministry does not give a teaching permit to a teacher who has been dismissed from public service. At the same time, Mazlumder mentions that while there are no legal obstacles for private sector employers to employ people dismissed due to their alleged association with the Gülen movement, the employers hesitate to employ these people, which is the reason why it is difficult for these people to find employment.⁵⁴⁴

When asked if there is any difference in the treatment of those who were dismissed during the State of Emergency and those who were dismissed after it was lifted, the representative of a human rights organisation assumes that, while they do not have enough information, there is not a particular difference in treatment. The source mentions one recent change concerning a system where the Ministry of National Education collates information about teachers. When applying for a job in a private school, the person's consent for entering his or her ID number to this system is asked, and the system gives a notice if the person in question was dismissed during the State of Emergency. According to the source, in 2023, the Turkish Constitutional Court found this system to be illegal, but the decision came only after seven years. So, as of today, teachers who were dismissed during the State of Emergency can be (formally) employed in the private sector but not in the public sector. The source states that, since this change is so recent, they have no information on how it has been applied in practice.⁵⁴⁵

⁵⁴¹ Arrested Lawyers Initiative 7 September and 11 September 2023.

⁵⁴² Turkish human rights organisation 5 October 2023.

⁵⁴³ Experts in the Delegation of the European Union to Türkiye 15 August and 3 October 2023.

⁵⁴⁴ Mazlumder 2 October and 23 December 2023.

⁵⁴⁵ Representative of a human rights organisation 3 October 2023.

5.4.3 Security vetting in the private sector

As already discussed to some extent above, private institutions or companies want to protect themselves from being affiliated with "terrorism".⁵⁴⁶ Some sources mention the role of security vetting in the recruitment processes of private companies or institutions. For example, the Turkish human rights organisation describes how different fields of formal employment can include vetting and legal obstacles that can prevent an individual associated with the Gülen movement from being recruited.⁵⁴⁷ Some sources mention, in particular, the Security Investigations and Archival Research Law (7315/2021) in relation to private sector recruitment (see section 4.1 above),⁵⁴⁸ but are not of same opinion on how widespread the security vetting based on this law actually is in the private sector.

According to the Turkish political expert, private institutions do not have a right to 'officially' use the means that the Security Investigations and Archival Research Law enables for certain public institutions. The expert has not heard of any overreach of the law and its by-law by public institutions that are not defined in the law. According to the expert, in the private sphere, the use of the law is practically limited only to defence and intelligence companies and their select projects with the Turkish government.⁵⁴⁹

According to the researcher, however, the security vetting process based on the Security Investigations and Archival Research Law is not only reserved for jobs in the civil service, but private companies also want their employees to go through the vetting. The researcher states that private companies resort to the security vetting process in order to 'protect themselves'. The source notes that, generally, if a person applies for a formal job, it is necessary to pass the security vetting process and this is not possible for people who were dismissed under the emergency decrees. In this process, any link a person may have with "terrorism" leads to stigmatisation and the person's security clearance will be rejected.⁵⁵⁰ The member of a civil society organisation says that, while security vetting has always been a conspicuous process, following the coup attempt of 2016, even the Turkish private sector has refrained from employing people with a 'tainted' record, even if these individuals have not been sentenced.⁵⁵¹

According to Akıncı, private companies require a criminal record from their job applicants⁵⁵². This rule is applied more strictly in corporate companies. Akıncı states that those who have a conviction for terrorism in their criminal record will definitely not be hired, unless the company has an ideological reason⁵⁵³ for hiring the person in question. He estimates that large companies and corporate companies unofficially observe the legal framework set during the State of Emergency. For this reason, there is almost no chance of finding a job in any of the companies. Akıncı states that smaller companies or sole proprietorships look at the issue from the perspective of their own interests, and labour exploitation is rampant, including paying lower wages or not offering insurance to those hired in an informal manner.⁵⁵⁴

The Turkish human rights organisation mentions different kinds of vetting processes resorted to in the recruitment process. According to the source, recruitment processes include a lot of vetting, which makes it difficult to get a job for a person associated with the Gülen movement,

⁵⁴⁶ Researcher 2 November 2023; Turkish human rights organisation 5 October 2023.

⁵⁴⁷ Turkish human rights organisation 5 October 2023.

⁵⁴⁸ In particular Researcher 2 November 2023 and Turkish political expert 4 October 2023 and 22 November 2023.

⁵⁴⁹ Turkish political expert 4 October 2023 and 22 November 2023.

⁵⁵⁰ Researcher 2 November 2023.

⁵⁵¹ Member of a civil society organisation 26 October 2023.

⁵⁵² Note that in the Security Investigations and Archival Research Law archival research includes checking the criminal record of a person. See section 4.1 for description of the law.

⁵⁵³ See section 5.4.1 where 'activists' are discussed.

⁵⁵⁴ Akıncı 6 and 19 December 2023.

even if they have not been dismissed under the decree laws. The source mentions an example in which a person who used to work for the Gülen movement affiliated newspaper Zaman got a new job in a small local newspaper. The owner of the newspaper applied for a government grant which was declined due to the newspaper employing a person who had previously worked for a company that was shut down by an emergency decree.⁵⁵⁵

According to the Turkish human rights organisation, it is not just public universities but also private universities that resort to vetting in the recruitment processes to protect themselves from terrorism accusations. Similarly, private hospitals also resort to security vetting in their recruitment, and even those employed by smaller businesses might have to go through a vetting process. The human rights organisation discusses as an example the above-mentioned case in which a small newspaper applied for a government grant and subjecting the newspapers staff to vetting was required as a prerequisite to receive it. The organisation mentions that a person can avoid vetting in some areas of employment, such as when opening up a store by themselves.⁵⁵⁶

The Turkish human rights organisation mentions a provision from a directive from the Presidency's Directorate of Communications which makes it practically impossible for the media to hire journalists charged with terrorism offenses. This leads to self-monitoring, since most charges against journalists in Turkey are terrorism-related. There are also regulations to limit public advertisement in newspapers that have employed people convicted of terrorism-related crimes. According to the human rights organisation the authorities issue press cards, which means a journalist has to go through a vetting before receiving it, and even the smaller outlets such as small and provincial industrial journals are issued press cards. Also, revenue from public advertisement is very important for smaller local outlets. This curtails their possibility to employ people convicted of terror related crimes. Bigger outlets may be able to decide that they can survive without the revenue from public advertisement, but the smaller outlets depend on it. If a newspaper is on the Public Ad List of the Ministry, the Ministry already knows who the newspaper in question has in its payroll.⁵⁵⁷

According to the international expert on the Turkish legal system, a private employer is not privy to whether a person has been previously investigated or prosecuted. It is private data and cannot be requested by the employer. Yet, the employer might be informed in an informal way. The source estimates that, sometimes, even public officials inform private employers that they are dealing with people associated with designated terrorist groups, such as the Gülen movement or the PKK, and 'informally encourage' them not to hire these individuals. However, this sort of practice is very informal, and its existence cannot be proved.⁵⁵⁸

The representative of a human rights organisation describes how Turkish officials have informed officials in a similar manner in cases when a person assigned with an "OHAL code" is looking for employment in the private sector. According to the source, there are examples from the State of Emergency period where the employer has received a phone call from the 'social security department' in order to warn them off from hiring a "terrorist". In one case a dismissed teacher was fired from a job as a cashier in a market after this kind of phone call. The source does not have information on whether the officials are still resorting to similar practices.⁵⁵⁹ Possibly commenting on this same practice, Akıncı describes how dismissed public officials who have been able to find a formal job (job with insurance) have been, later, fired due to the pressure exerted by the Social Security Institution.⁵⁶⁰

⁵⁵⁵ Turkish human rights organisation 5 October 2023.

⁵⁵⁶ Turkish human rights organisation 5 October 2023.

⁵⁵⁷ Turkish human rights organisation 5 October 2023.

⁵⁵⁸ International expert on the Turkish legal system 2 October 2023.

⁵⁵⁹ Representative of a human rights organisation 3 October 2023.

⁵⁶⁰ Akıncı 6 and 19 December 2023.

When asked whether an employer could ask an employee to provide a document attesting that they have not been connected to terrorism-related crimes, the international expert explains that this is not legally possible. However, if the employer wants to get rid of a particular individual, other reasons to dismiss them can be found. For example, in one case, a person charged for being a member of the Gülen movement was acquitted but the employer nevertheless dismissed the person in question on the basis of 'lack of trust'. The expert states that once a person is implicated in the eyes of the employer, their employment is, in practice, finished. The expert notes that there have often been cases where an employer dismisses a person and even opts to pay the compensation set by the labour court (for illegal dismissal) just to get rid of the person.⁵⁶¹

When asked whether the authorities check if different contractor companies employ people who have been dismissed for terrorism-related crimes, the researcher mentions that Turkish authorities have the discretion to conduct checks on contractor companies and close the company if it is found out that the company is employing "terrorists". This is why companies are scared to hire these individuals.⁵⁶²

⁵⁶¹ International expert on the Turkish legal system 2 October 2023.

⁵⁶² Researcher 2 November 2023.



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