

REPORT

A DECADE AFTER THE 'FAILED COUP' ATTEMPT IN TÜRKİYE

2016-2026



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ON THE 10TH ANNIVERSARY
OF THE 'FAILED COUP'
ATTEMPT IN TÜRKİYE



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Report
A Decade After the ‘Failed Coup’ Attempt in Türkiye
(2016-2026)

EXECUTIVE SUMMARY

1. The present report examines the deterioration of human rights in Türkiye over the past decade (2016-2026), with particular focus on the period following the attempted coup of July 15, 2016. What began as a stated effort to address security threats rapidly developed into a broad, sustained and ongoing campaign against dissent.
2. Under the cover of counterterrorism, national security, and emergency rule, Turkish authorities have almost exclusively targeted journalists, lawyers, judges, academics, civil society actors, political opponents, human rights defenders, and individuals alleged to be affiliated with the Hizmet movement. The result of a decade of repression has been the systematic narrowing of civic space and the erosion of basic rights protected under domestic and international law.
3. The report argues that Türkiye’s counter-terrorism framework has been used far beyond legitimate security purposes. Ordinary and previously lawful conduct, such as holding an account at Bank Asya, allegedly using the ByLock messaging application, working at certain schools or associations, participating in unions, donating to charities, or subscribing to particular publications, was subsequently treated as evidence of terrorist activity.
4. International human rights bodies, including the European Court of Human Rights and United Nations mechanisms, have repeatedly rejected the use of such generic indicators as sufficient grounds for criminal liability, detention, or the imputation of terrorist conduct. These findings demonstrate that the Turkish authorities’ approach has often criminalized association, expression, and belief rather than individualized acts of violence or criminal intent.
5. The decade under review has also been marked by grave violations of due process and fair-trial guarantees. Mass arrests, prolonged pretrial detention, dismissals from public service, asset freezes, passport cancellations, and politically charged prosecutions have affected hundreds of thousands, if not millions of law-abiding individuals. The judiciary, weakened by purges and executive pressure, has often failed to provide effective review or remedy. Individuals accused under terrorism-related laws have frequently faced vague charges, reliance on secret or weak evidence, restrictions on access to counsel, and proceedings that do not meet basic standards of independence and impartiality. These practices have contributed to a climate in which the legal system is perceived not as a safeguard against abuse, but as an instrument through which repression is carried out.
6. The report further addresses allegations of torture, ill-treatment, enforced disappearance, and transnational repression. Reports from international organizations, domestic human rights groups, and individual victims describe patterns of abuse in police custody, prisons, and unofficial detention sites. Turkish nationals living abroad have been abducted, disappeared, forcibly transferred to Türkiye, and then prosecuted upon arrival. These practices raise serious concerns

under the absolute prohibition of torture, the prohibition of arbitrary detention, the right to liberty and security, and the principle of non-refoulement. They also show that the repression of dissent has not remained confined within Türkiye’s borders but has extended into a broader campaign against exiled dissidents.

7. Finally, the present report considers the role of international institutions and financial mechanisms in Türkiye’s repression of dissent. Measures adopted in the name of compliance with anti-money laundering and counter-terrorism financing standards have been used to freeze assets, stigmatize dissidents, and restrict access to banking and financial services. Although mechanisms such as the Financial Action Task Force (FATF) are intended to prevent terrorism financing and money laundering, Türkiye’s implementation has raised concerns that these tools have been repurposed to punish political opponents and civil society actors.

8. The overall picture is one of systematic and ongoing repression: a decade in which dissent has been recast as terrorism, legal safeguards have been weakened, and grave human rights violations have become embedded in state practice.

9. To safeguard Türkiye’s democratic future and the rights of the next generation, the present report calls for renewed international scrutiny, accountability for past and ongoing abuses, and meaningful safeguards to ensure that counter-terrorism measures are not misused to suppress fundamental rights.

I. INTRODUCTION

10. On the evening of 15 July 2016, after a typically hot July day in Türkiye, a small faction within the Turkish Armed Forces were mobilized, which the country’s political leaders described as an attempt to overthrow the government of Türkiye. Military units were mobilized and positioned in key locations in Ankara, Istanbul, such as the Bosphorus Bridge. A group identifying itself as the “Peace at Home Council,” forced a declaration to be read on government run TRT television channel that they were taking over to restore democracy and rule of law. As news of the ‘attempted coup’ spread, civilians gathered in streets and public squares to enter a standoff with soldiers. According to official sources, at least 246 people were killed, majority of whom by unidentified shooters, and more than 2,000 were injured. As the night progressed, it became clear that many of the military units did not know the real reason for their mobilization and their communication with their commanders were cut off. Dozens of soldiers abandoned tanks and other military vehicles, only to be beaten and lynched by angry crowds. Forces loyal to the Government ultimately subdued the alleged coup plotters, and the ‘attempted coup’ was suppressed within approximately 12 hours.¹

11. While the ‘coup attempt’ was still unfolding, President Erdoğan stated on national television that Fethullah Gülen, a retired preacher, inspiration for the Hizmet Movement, and prominent critic of Erdoğan, was the alleged mastermind behind the attempted coup. The Government subsequently accused perceived members and sympathizers of the Hizmet Movement

¹ Committee against Torture, *Concluding observations on the fourth periodic report of Turkey*, Addendum Information received from Turkey on follow-up to the concluding observations (CAT/C/TUR/CO/4/Add.1), November 8, 2016, para 61

of belonging to a terrorist organization and of attempting to overthrow the constitutional order. Late Fethullah Gülen denied the accusation of staging or orchestrating a coup and called for an international commission to investigate Turkish government’s claim.² The Hizmet Movement has further denied any involvement in the attempted coup, reiterating its long-standing position against violent acts as a means come to power and support for democracy.

12. Following the ‘attempted coup’, the Grand National Assembly of Türkiye established a parliamentary investigation commission to examine the events of July 15, 2016, including the political, military, bureaucratic, and intelligence dimensions of the attempted coup, as well as the alleged role and activities of the Hizmet/Gülen Movement. The Commission began its work on October 4, 2016, and heard testimony from a range of officials, former military figures, law enforcement representatives, journalists, and other witnesses.

13. However, the Commission’s work remains controversial. Opposition members criticized the scope and method of the inquiry, including the reported failure to hear testimony from key senior political (i.e. Recep Tayyip Erdogan, President of Türkiye), military (i.e. Hulusi Akar, Chief of General-Staff of the Turkish Army), and intelligence officials (i.e. Hakan Fidan, Head of National Intelligence Agency). The final report was reportedly completed and submitted, but questions have continued regarding its publication, supporting annexes, dissenting opinions, and the extent to which the inquiry fully clarified the events of the night of 15 July.³

14. Other governments and intergovernmental organizations however disagree. Ten years following the attempted coup, Hizmet Movement or any individual related to it, is not listed in the Consolidated United Nations Security Council Sanctions List, or any other list by the United Nations or other UN Member States. No country in Europe (except Türkiye) has designated or considers Hizmet/Gülen Movement as a terrorist organization.⁴

15. The United States, a country in the forefront of the war against terrorism globally has designated in its national list for combating terrorism and the financing of terrorism, several natural and legal persons. Those persons have been designated as a result of cooperation requests from third States, in accordance with Security Council resolution 1373 (2001). **Hizmet Movement is not listed among these entities.**⁵ Former Secretary of State John Kerry stated that the Turkish government, as part of the extradition process, must link [late] Fethullah Gülen to the incident with evidence that withstands scrutiny in an American court.⁶ James Clapper, former director of U.S. National Intelligence, stated that Gülen’s involvement in the coup didn’t pass the “*smell test*” of credibility.⁷ The former U.S. House Intelligence Committee Chairman Devin Nunes publicly

² See e.g.: <https://www.reuters.com/article/us-turkey-security-gulen/turkish-cleric-calls-for-international-body-to-examine-coup-charges-idUSKCN11T28O>

³ Türkiye Büyük Millet Meclisi. *15 Temmuz Darbe Girişimi Meclis Araştırması Komisyonu Raporu*. Ankara: Türkiye Büyük Millet Meclisi, 2017. <https://www.turkiyehukuk.org/tbmm-15-temmuz-darbe-girisimi-meclis-arastirmasi-komisyonu-raporu>

⁴ Id.

⁵ See for example: <https://www.state.gov/reports/country-reports-on-terrorism-2021/turkiye>

⁶ <https://apnews.com/united-states-government-c0e5c80d48a348ee9c56a64eac864f24>

⁷ <https://www.washingtonpost.com/opinions/a-reality-check-on-the-middle-east-from-americas-spy-chief/2016/07/21/a221a1aa-4f86-11e6-aa14-e0c1087f7583story.html>

stated that he had not seen any evidence linking Gülen to the coup attempt. His statement reflected the broader skepticism of U.S. institutions regarding Ankara’s claims.⁸

16. The European Union Intelligence Center INTCEN’s report on the incident [July 15, attempted coup] contradicted the Turkish government’s claim that Fethullah Gülen was behind the plot. The report concluded that the coup was mounted by a range of Erdoğan’s opponents. The Service found it unlikely that Gülen himself played a role in the attempt. It also determined the purges that took place right in its aftermath were planned well before the incident.⁹ Similarly, the EU’s counter-terrorism coordinator, Gilles de Kerchove, told Reuters that the EU does not recognize Gülen’s network as a terrorist organization due to the lack of substantive evidence. He described Türkiye’s claims as largely anecdotal or circumstantial, such as arresting individuals merely for using a messaging app.¹⁰

17. In September 2018, former Chancellor Merkel of Germany stated that, “*We are not at the point of treating the Gülen (Hizmet) Movement as we treat the [outlawed Kurdistan Workers’ Party] PKK because we need more information.*”¹¹ Germany’s top intelligence official, Bruno Kahl reiterated that the coup appeared to be driven by elements within the Turkish military who feared purges, rather than being centrally directed by Gülen. He described the event as a complex internal reaction rather than a coordinated plot by a foreign-based figure.¹² He stated in an interview with Der Spiegel that Türkiye had tried to convince Germany that Gülen directed the coup but had failed to provide convincing evidence. Kahl characterized the Gülen movement as a civil organization focused on education, not terrorism, undermining the Turkish narrative.¹³

18. German Focus magazine reported in their July 2016 issue that British signals intelligence agency GCHQ intercepted communication between top Erdoğan brass about half an hour after shooting started that the coup would be blamed on Gülen and purges would start the next day. Similarly, Foreign Policy reported that Türkiye had not provided any evidence to U.S. authorities linking Fethullah Gülen to the 2016 coup attempt, despite submitting extradition demands. A Turkish official admitted that the evidence would be sent “*in due time*,” underscoring that Ankara’s accusations lacked substantiation at the time.¹⁴

19. A year following the attempted coup (2017), *The Guardian* noted that there was still no clear public proof of Gülen’s involvement. Few high-ranking military officers confessed to any affiliation with the movement, and the key civilian suspect had fled the country. Despite the government’s continued accusations, the evidence against Gülen remained concealed from public

⁸ Stockholm Center for Freedom. (2017, March 19). US Congressman: I haven’t seen any evidence Gulen involved in Türkiye’s coup attempt. <https://stockholmcf.org>

⁹ <https://intelnews.org/2017/01/18/01-2045/>

¹⁰ Karadeniz, T., & Gumrukcu, T. (2017, November 30). EU says needs concrete evidence from Turkey to deem Gulen network as terrorist. Reuters. <https://www.reuters.com/article/us-turkey-security-eu-idUSKBN1DU10X>

¹¹ Please also see <https://www.turkishminute.com/2018/09/28/merkel-says-germany-needs-more-evidence-on-gulen-movement-to-call-it-terrorist-organization/>

¹² Martin, M. (2017, March 19). German spy agency chief says does not believe Gulen behind Turkey coup attempt. Reuters. <https://www.reuters.com/article/us-turkey-security-germany-idUSKBN16Q0GN>

¹³ Martin, M. (2017, March 19). German spy agency chief says does not believe Gulen behind Turkey coup attempt. Reuters. <https://www.reuters.com/article/us-turkey-security-germany-idUSKBN16Q0GN>

¹⁴ Foreign Policy. (2016, August 25). Türkiye concedes it hasn’t sent evidence linking Gulen to coup. <https://foreignpolicy.com>

view.¹⁵ In addition, a detailed report by the UK Parliament Foreign Affairs Committee (2017) found a “*relative lack of hard, publicly-available evidence*” that the Gülen movement as an organization orchestrated the coup. While individual sympathizers may have been involved, the evidence remained circumstantial. Nine months after the coup, no convictions had been secured against individuals based on direct orders from Gülen, and even 80 boxes of documents sent to the U.S. failed to justify extradition.¹⁶

20. More recently (2022), the Voice of America confirmed that the U.S. repeatedly declined Türkiye’s extradition requests for late Fethullah Gülen on legal grounds, citing a lack of compelling evidence. U.S. officials emphasized that Türkiye’s claims failed to meet the judicial standards necessary for extradition under American law.¹⁷ In addition, a 2024 retrospective report by Al Jazeera pointed out that despite repeated extradition requests by Türkiye, the United States refused to extradite Gülen, citing insufficient legal evidence. Even as Ankara branded the group a terrorist organization, its inability to produce verifiable proof meant the U.S. continued to offer safe haven.¹⁸

21. In the period following July 15, 2016, the courts in the United Kingdom¹⁹, Greece²⁰, Romania²¹, Bosnia and Herzegovina²², all members of the Council of Europe, have dismissed Türkiye’s requests for the extradition of members of the Movement, on the grounds that actions of the said persons did not constitute any offence in their respective jurisdictions. The Supreme Court of Brazil has also rendered a similar judgment.²³

¹⁵ Shaheen, K. (2017, July 14). One year after the failed coup in Turkey, the crackdown continues. The Guardian. <https://www.theguardian.com/world/2017/jul/14/turkey-crackdown-continues-one-year-after-failed-coup>

¹⁶ UK Parliament Foreign Affairs Committee. (2017, March 25). The UK’s relations with Turkey: 10th report of session 2016–17. House of Commons. <https://publications.parliament.uk/pa/cm201617/cmselect/cmfaaff/615/615.pdf>

¹⁷ Voice of America. (2022, September 2). Fact check: Turkish interior minister falsely blames US for 2016 coup. VOA News. <https://www.voanews.com>

¹⁸ Al Jazeera. (2024, October 21). Fethullah Gulen: From presidential ally to Turkey’s alleged coup mastermind. <https://www.aljazeera.com>

¹⁹ Judgment of Westminster Magistrates’ Court dated 28 November 2018

²⁰ The High Court in Greece also refused the extradition request for the eight soldiers who had escaped from Turkey after the coup attempt of 15 July. (<https://www.bbc.com/turkce/haberler-turkiye-38758881>)

²¹ Bucharest Court of Appeal, 8494/2/2018, 14/12/2018; The extradition request from Romania for Kamil Demirkaya, an employee of Zaman newspaper, was refused by the Bucharest Court on the ground that “it is not a crime to be member of a social group” and the Prosecutor was of the opinion that “the extradition request is based on ideological and political reasons.” (<https://www.dw.com/tr/romanyadan-türkiyenin-iade-talebine-ret/a-46748090>)

²² Bosnia and Herzegovina Court, No: S1 3 K 025727 19 Kv 2, Sarajevo, Date: 15/05/2019

²³ On Turkey’s request for the extradition of Ali Sipahi, who resided in Brazil for 12 years, for the allegation of membership to the mentioned terrorist organization (feto), after a proceeding while being detained for 1 year, the Brazilian Federal Court, comprised of 5 judges, refused the extradition request on the ground that the mentioned person would not receive a fair trial and released him. The High Court unanimously ruled that there is no guarantee for Adil Sipahi to receive a fair trial in Turkey. Justice Edson Fachin stated his opinion that “There is no guarantee for the person to be extradited to be proceeded by an independent judge.” and the Brazilian Public Prosecutor suggested, on the ground that “there is no evidence indicating that Gulen Movement has been involved in any terrorist activity,” Sipahi should not be extradited. EXTRADIÇÃO 1578 DISTRITO FEDERAL, (<https://www.bbc.com/turkce/haberler-turkiye-49299760> ; <https://ahvalnews.com/tr/gulenciler/brezilya-yargisi-turkiyenin-talebini-reddetti-gulenci-yi-iade-etmedi> ; <https://aktifhaber.com/15-temmuz/brezilya-adil-yargilama-yok-dedi-is-adamini-turkiyeye-iade-etmedi-h135903.html>)

22. Finally, only recently (June 2026) INTERPOL reiterated that it has not published any Notice or Diffusion for membership in Hizmet Movement, referred to by authorities in Türkiye as FETO. In application of Article 3 of the Constitution, INTERPOL has maintained a clear stance of non-intervention in any aspect related to the failed military coup that took place in Türkiye in 2016.

II. AFTERMATH OF THE 2016 ATTEMPTED COUP

23. Only a few days following the attempted coup, on July 20, 2016, the Turkish Parliament approved the declaration of the state of emergency by a 346 to 115 vote. In the declaration of the state of emergency, absent any investigation or legal proceedings, the Turkish Government stated that “*Fethullah Terrorist Organization (FETÖ) staged a coup attempt in Türkiye on 15 July 2016.*”²⁴ According to the Turkish government, “*The purpose of the State of Emergency is [was] to take required measures in the most speedy and effective manner in the fight against FETÖ/PDY*”²⁵ *terrorist organization.*”²⁶

24. On July 21, 2016, the Turkish authorities notified the Secretary General of the Council of Europe, pursuant to Article 15 of the European Convention on Human Rights, that measures adopted in response to the attempted coup could involve derogations from Türkiye’s obligations under the Convention. On the same date, Türkiye also notified the Secretary-General of the United Nations, pursuant to Article 4 of the International Covenant on Civil and Political Rights, of its derogation from obligations under Articles 2(3), 9, 10, 12, 13, 14, 17, 19, 21, 22, 25, 26, and 27 of the Covenant.

25. Initially intended to last only ninety days, Türkiye’s state of emergency was extended seven times before it was officially lifted on July 18, 2018, two years after the attempted coup. During the state of emergency²⁷ and its aftermath, the government took permanent measures²⁸ and made several important structural changes to the legislation, which should have normally done through ordinary legislative process outside of the emergency period. New counterterrorism legislation adopted after the state of emergency²⁹ contains many of the measures like the extraordinary powers vested upon the government during the state of emergency.³⁰

²⁴ OHCHR, *Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East (January – December 2017)*, March 2018, footnote 3, page 3

²⁵ FETÖ (Fethullahçı Terör Örgütü) or Gülenist Terror Organization is a derogatory term used by President Recep Tayyip Erdoğan and his political associates to refer to the Hizmet Movement

²⁶ Committee against Torture, *Concluding observations on the fourth periodic report of Turkey, Addendum Information received from Turkey on follow-up to the concluding observations* (CAT/C/TUR/CO/4/Add.1), November 8, 2016, para 70

²⁷ SOE, between July 2016-July 2018.

²⁸ Civil servants for example were dismissed, not merely suspended, organizations and bodies were dissolved, and their property instantly confiscated.

²⁹ Law no.7145 entered into force on 31 July 2018.

³⁰ These powers include broad powers of the executive to restrict freedoms of assembly and movement; three-year executive authority to dismiss public officials by administrative decisions; and expanded police powers including custody periods for up to 12 days. See also Article 9(1) of Decree No. 667, of July 23, 2016; Article 37 of Decree No. 668, Decree No. 672 of September 1, 2016; Article 121 of Decree No. 696; Decree-Laws 667, 668 and 696 that have ever since acquired qualification of permanent law (Nos. 6749, 6755 and 7079).

III. A SYSTEMATIC AND ONGOING ASSAULT ON HUMAN RIGHTS

26. Although the identity of those ultimately responsible for the attempted coup remains unclear after ten years, the consequences of its aftermath are far better documented. In the years following the July 2016 attempted coup, the Turkish government launched an unprecedented purge that reached citizens from nearly every sector of society, with particularly devastating consequences for the education, media, military, and justice sectors. Ten years later, that purge remains ongoing. Measures first introduced under the state of emergency and later continued through post-state-of-emergency laws and practices, have severely restricted individual rights and liberties.

27. In the aftermath of the attempted coup, millions of individuals, actual members, alleged sympathizers, and perceived affiliates of Hizmet Movement were accused of membership in a terrorist organization. In some cases, these accusations extended even to individuals who had previously criticized the Hizmet Movement. Such allegations were many times, if not always, made without any individualized showing of a link between the person accused and any prohibited conduct, status, or activity allegedly attributed to the organization.

28. The crackdown on dissent following the attempted coup of July 2016 is ongoing, with measures introduced under the umbrella of the State of Emergency (SOE) and post-SOE continuing to severely limit individual rights and liberties and fundamentally compromising judicial independence and the rule of law. Most of security measures taken in context of COVID-19 response were unfortunately only an excuse to quash political or other dissent.

29. The documented human rights violations in the past ten years are extensive. They include arbitrary killings, suspicious deaths in custody, enforced disappearances, torture and ill-treatment, violence against women and children, arbitrary arrest and detention, severe restrictions on freedom of expression, assembly, and association, the arbitrary closure of media outlets and civil society organizations, the blocking of websites and online content, arbitrary deprivation of nationality, and significant restrictions on freedom of movement.

30. Between July 2016 and 2024, more than 1.6 million people were investigated on terrorism-related charges, reflecting the extraordinary breadth and continuing impact of the post-coup crackdown.³¹ According to official data, during the same period (2016-2024), 390,354 individuals were detained and over 113,000 were arrested over real or perceived links to the Hizmet Movement.³² Those targeted for persecution and prosecution include 3,774 judges, 1,314 prosecutors, 34 governors, 154 deputy governors, 35 interior ministry inspectors, 532 district governors, 43,818 police officers (11,043 with a rank), 216 generals, 15,182 commissioned officers, 38,888 other Turkish Armed Forces personnel and over 258,000 civilians from all walks of life – including housewives, children as young as thirteen, and terminally ill patients.

³¹ <https://justicesquare.org/wp-content/uploads/2025/07/TURKIYE-HR-REPORT-2016-2024.pdf>

³² <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/feonun-15-temmuzdaki-darbe-girisiminden-bu-yana-113-bin-837-zanli-tutuklandi/3630249>

31. Between June 1, 2023, and May 15, 2024, authorities carried out 5,191 operations against individuals with alleged ties to Hizmet, detaining 8,153. Turkish courts thereafter ruled to arrest 1,518 and imposition of supervision measures over 1,751 other individuals.³³ Thousands of applications filed by arrested judges are still pending before the ECtHR.³⁴

32. As of 2025 Türkiye’s National Intelligence Organization (MİT) has publicly acknowledged carrying out 128 operations for the forcible return of individuals with alleged links to the Hizmet Movement since 2016.³⁵ Turkish officials have constantly vowed to intensify the crackdown. In his remarks at a commemoration ceremony for July 15 Democracy and National Unity Day at police headquarters in Ankara in July 2025, President Erdoğan pledged to “*continue the fight against FETO with the same determination, without slowing down.*”³⁶ On the same day, Foreign Minister Hakan Fidan affirmed that “*Türkiye will keep pursuing FETO members worldwide and bring them to justice,*”³⁷ effectively confirming that the government’s transnational repression efforts will persist without interruption.

33. Recent findings by Immigration Services³⁸ and human rights organizations from around the world make it clear that the Turkish government’s targeting of real or perceived members of the Hizmet Movement did not end with the immediate post-2016 purge period, but continues through new and evolving forms of investigation, detention, and prosecution.

34. Recent reports point to an ongoing pattern of operations against the alleged “**restructuring**” of the Hizmet Movement in Türkiye, including cases involving individuals who were minors at the time of the July 2016 coup attempt but have since reached the age of criminal liability. These practices indicate that Turkish authorities continue to treat ordinary social, familial, educational, and humanitarian ties to alleged Movement members as grounds for criminal suspicion, with repression increasingly extending to the next generation through scrutiny based on family background, education, or alleged indirect indicators of affiliation.

35. Assistance to imprisoned individuals and their families, including small money transfers, food support, emotional support, or other forms of assistance, has been characterized as evidence of efforts to revive or reorganize the Movement. Likewise, payphone investigations remain active and expansive, relying on retrospective call-record analysis to justify arrests and renewed prosecutions, even against individuals previously cleared or released.

³³ <https://turkishminute.com/2024/05/24/turkey-detained-over-8000-people-on-gulen-link-in-past-11-months-minister/>

³⁴ Special Rapporteur on the Independence of Judges and Lawyers, *Communication dated June 21, 2024, addressed to the Government of the Republic of Türkiye*, AL TUR 3/2024, p. 2.

³⁵ Anadolu Ajansı, July 15, 2025, <https://www.aa.com.tr/tr/gundem/adalet-bakani-tunc-15-temmuzda-son-darbeyi-vuracaklarini-zannettiler-basaramadilar/3630883>

³⁶ <https://www.aa.com.tr/en/turkiye/july-15-defeated-coup-attempt-marked-one-of-most-critical-turning-points-in-turkiye-s-history-president/3631469>

³⁷ <https://www.aa.com.tr/en/turkiye/turkiye-marks-9th-anniversary-of-defeated-2016-coup-attempt/3631310>

³⁸ See for example: *Türkiye, Individuals Associated with the Gülen Movement*: The Finnish Immigration Service’s fact-finding mission to Ankara and Istanbul 2 - 6 October 2024 [https://migri.fi/documents/5202425/5914056/FISTürkiyeIndividuals+associated+with+the+G%C3%BClen+movementJune2024+\(2\).pdf/a14fa35f-a65a-9339-e331-fec99e9cd8c3/FISTürkiyeIndividuals+associated+with+the+G%C3%BClen+movementJune2024+\(2\).pdf?t=1723630918594](https://migri.fi/documents/5202425/5914056/FISTürkiyeIndividuals+associated+with+the+G%C3%BClen+movementJune2024+(2).pdf/a14fa35f-a65a-9339-e331-fec99e9cd8c3/FISTürkiyeIndividuals+associated+with+the+G%C3%BClen+movementJune2024+(2).pdf?t=1723630918594)

36. Taken in their totality, recent findings show that the Turkish government’s campaign against perceived Hizmet supporters is not a closed chapter or a past consequence of the 2016 coup attempt. Through an ongoing system of surveillance, collective punishment, intimidation, detention, and prosecution, the persecution is carried forward without interruption, as the impact of the attempted coup now extends well beyond the original targets and has begun to affect the next generation.

37. The sections below detail the widespread and systematic human rights violations committed against Turkish nationals on the basis of perceived political or other opinion, within the broader and continuing crackdown on dissent in Türkiye following the attempted coup of July 2016.

IV. TRANSNATIONAL REPRESSION

38. Since 2016, in its transnational repression efforts targeting Turkish dissidents and members of the Hizmet Movement abroad, the Government of Türkiye employs the full range of its available tools and coercive practices, including extraterritorial surveillance, rendition operations, and the characterization of political dissent as terrorism, with such actions being justified by the Turkish authorities under the pretext of national security.

39. In its efforts, the Government of Türkiye uses a wide range of tools, including the denial of consular and other services; diplomatic, economic, and political pressure; espionage and surveillance activities; the misuse of FATF³⁹ standards and other regulatory mechanisms to target dissent; the improper use of asset-freezing measures; the abuse of INTERPOL mechanisms, including Interpol Notices and diffusions, as well as extradition procedures; and, most seriously, enforced disappearances and illegal renditions.

A. Bilateral security cooperation agreements

40. Many of the bilateral security cooperation agreements (SCAs) signed by Türkiye with other countries, in particular since 2013, deliberately contain vague language enabling swift expulsion, rendition or even abduction of Turkish nationals living abroad. Since 2013, such agreements have generally included the same content indicating:

“In the fight against terrorism, the Parties shall prevent the activities of visual media and writings of the terrorist organizations and their representative institutions operating in their territory against one of the Parties. The parties will consider them as illegal organizations, to which they shall take appropriate measures in accordance with their national legislation.”

41. The agreements also state:

“The parties shall develop and apply effective measures in relation to individuals and institutions that provide financial or other support, including shelter, accommodation, training and treatment and logistical support to terrorist organizations in their territories.”

³⁹ The Financial Action Task Force (FATF) was established in 1989 by the G7 to examine and develop measures to combat money laundering. <https://www.fatf-gafi.org/en/the-fatf/mandate-of-the-fatf.html>

42. Türkiye’s security cooperation agreements initialed before the Gezi uprising did not include the above paragraphs, with Iraq on October 15, 2009, France on October 7, 2011, Mauritania on February 15, 2012, Somalia on February 12, 2013, and Mongolia on April 11, 2013. The only text having similar content was one signed with Democratic Republic of the Congo on November 15, 2012.

- Iraq, signed on October 15, 2009
- France, signed on October 7, 2011
- Mauritania, signed on February 15, 2012
- Democratic Republic of Congo, signed November 15, 2012.
- Somalia, signed on February 12, 2013
- Mongolia, signed on April 11, 2013.

43. New security mechanisms set up after the Gezi protests included the aforementioned wording, which was copy-pasted into each agreement, with countries below:⁴⁰

- Tanzania, signed on August 2, 2013, Article 2 (1.2.a-b)
- Maldives, signed on August 14, 2013, Article 3 (1.3.a-b)
- Azerbaijan, signed on November 13, 2013, Article 1 (2.c-d)
- Uganda, signed on January 21, 2014, Article 2 (1.3.a-b)
- Niger, signed on March 11, 2014, Article 2 (1.3.a-b)
- Senegal, signed on April 11, 2014, Article 2 (1.3.a-b)
- Cameroon, signed on June 19, 2014, Article 3 (3.a-b)
- Djibouti, signed on January 24, 2015, Article 2 (1.3.a-b)
- Mali, signed on February 3, 2015, Article 2 (1.3.a-b)
- Albania, signed on May 13, 2015, Article 5 (c-d)
- Rwanda, signed on August 28, 2015, Article 2 (1.3.a-b)
- Afghanistan, signed on December 24, 2015, Article 2 (2.c-d)
- Gabon, signed on January 25, 2016, Article 2 (2.c-d)
- Ecuador, signed on February 4, 2016, Article 2 (1.2.a-b)
- Chad, signed on November 16, 2016, Article 3 (3.a-b)
- Benin, signed on December 6, 2016, Article 2 (1.3. a-b)
- Venezuela, signed on October 6, 2017, Article 2 (2.c-d)
- Zambia, signed on July 28, 2018, Article 2 (2.a-b)
- Palestine, signed on October 25, 2018, Article 2 (3.a-b)
- Cambodia, signed in July 2019
- Hungary, signed on December 18, 2013; in exception, did not mention such matters

B. Misuse of legal assistance treaties and INTERPOL practices

44. Existing mutual legal assistance treaties and extradition agreements can, in theory, support cross-border investigations. In practice, they are often ineffective in transnational disappearance.

⁴⁰ Source: <https://www.nordicmonitor.com/2019/10/turkey-abuses-security-agreements-to-go-after-critics-journalists/>

In most, if not all cases reviewed by the submitting organization, both states are implicated, host states where enforced disappearances in the context of transnational repression are committed, and Türkiye, a state heavily involved in transnational repression and disappearances across the world.

45. Since 2016, Türkiye has uploaded tens of thousands of requests in Interpol for persons the government designated as affiliated with the Hizmet Movement. There are also frequent credible reports since 2016 that individuals face complications related to erroneous lost or stolen passport annotations the government has filed against suspected Hizmet Movement members in the years following the attempted coup.

46. Interpol has generally upheld its principles by not publishing notices issued by Türkiye, which constitute political abuse and thus violate Interpol’s Constitution. In a few cases however, the authorities of Türkiye have been able to misuse INTERPOL systems using what appear on their face to be ordinary law crimes.⁴¹ There is therefore an urgent need for Interpol to constantly review and strengthen its internal procedures to eliminate loopholes that enable political abuse of the system.

C. Misuse of diplomatic and consular missions as instruments of transnational repression

47. Since at least 2016, diplomatic and consular missions of Türkiye around the world have openly become instruments of transnational repression. On February 16, 2020, the Turkish Foreign Minister Mevlüt Çavuşoğlu confirmed that Turkish diplomatic and consular missions around the world have systematically spied on critics of President Recep Tayyip Erdoğan and collected information on Turks living abroad. “... *Espionage activities. Everyone is doing what they want [in other countries]. Intelligence gathering is the duty of diplomats,*” Çavuşoğlu told Turkish journalists on February 16, 2020, following the Munich Security Conference.⁴²

48. The misuse of these missions for purposes of transnational repression violates the provisions of Vienna Conventions on Diplomatic and Consular Relations, infringes on host state sovereignty and undermines the fundamental norms of international diplomacy. For victims and their families, the consequences have been catastrophic. It is highly unlikely that these abductions could have occurred without the extended reach of state repression carried out through diplomatic and consular missions around the world.

49. Addressing this issue continues to be a matter of priority which requires a coordinated and comprehensive response. Governments, international organizations, and civil society must act in coordination to enforce accountability, protect affected communities, and uphold the international system, since inaction only empowers perpetrators and weakens diplomatic norms. This includes stronger national monitoring and enforcement mechanisms, consequences for diplomatic abuse, international sanctions and conditional cooperation, and the meaningful inclusion of civil society and diaspora communities in policy design and reporting.

⁴¹ See for example the case of Selahaddin Gülen. <https://jwf.org/wp-content/uploads/2021/11/Abuse-of-Interpols-Notice-System-by-Turkey.pdf>

⁴² See here for more: <https://www.nordicmonitor.com/2020/02/erdogans-top-diplomat-cavusoglu-confirms-systematic-spying-on-turkish-government-critics-on-foreign-soil/>.

D. Misuse of humanitarian, religious and other institutions as instruments of transnational repression

50. There are probably hundreds of organizations and other entities funded by the Government of Türkiye, which actively promote and further Turkish government’s policies abroad, including its transnational repression. Among the most important are the Maarif Foundation, Türkiye’s Directorate of Religious Affairs (Diyanet), the Presidency for Turks Abroad and Related Communities (YTB) and the Turkish Cooperation and Coordination Agency (TİKA).

51. The **Turkish Maarif Foundation** was established in June 2016 by Law No. 6721, following a draft bill introduced shortly before the 2016 attempted coup, and operates under the authority of the Ministry of National Education. Presented by the Turkish government as a state-owned tool to expand Türkiye’s global educational presence, the Foundation was mandated to provide education and related services abroad. In practice, however, it has functioned as a central instrument in Türkiye’s transnational repression, particularly targeting educational institutions linked to the Hizmet Movement. Through political pressure and administrative measures, foreign governments have been urged to close, seize, or transfer such institutions, after which the Maarif Foundation has been positioned to take over their assets and operations. Its governance structure and public funding reflect its direct integration into the Turkish state apparatus and its role in advancing state policy overseas.

52. The vast network of **Türkiye’s Directorate of Religious Affairs (Diyanet)** abroad has turned into a sophisticated intelligence-gathering agency. A confidential document of September 20, 2016, from Diyanet instructed Turkish missions and religious representatives abroad to profile Hizmet Movement expatriates in their respective countries.⁴³ Those perceived as Hizmet sympathizers in many countries have been subject to violence by mosque members and others not been allowed to pray in Diyanet funded mosques. Many of the Turkish imams abroad have openly admitted being involved in intelligence gathering activities. Hundreds of imams have been under investigation in several European countries. Many of them have been recalled and returned to Türkiye. Increasingly imams of Diyanet funded mosques also incite worshippers to spy on followers of the Hizmet Movement and affiliated institutions, including schools.

53. The **Presidency for Turks Abroad and Related Communities (YTB)**⁴⁴ is yet another institution serving as a facilitator for Türkiye’s long arm abroad. Initially touted as a long-delayed project for the Turkish government to improve the well-being of Turks residing overseas, the agency was quickly transformed into a partisan tool in 2011 to advance clandestine projects of President Erdoğan and his associates. It has now become a cover for Erdoğan operatives including the National Intelligence Organization (MİT) to promote the Erdoğan brand in foreign countries.⁴⁵

⁴³ The document was quoted as stating: “We request that you send a detailed report about all FETÖ/PDY networks, activities, educational institutions [kindergartens, primary and secondary schools, faculties, dormitories, etc.] NGOs, aid organizations, human resources, associations that host cultural activities, etc., to disiliskiler@diyanet.com.tr by September 27, 2016”

⁴⁴ In Turkish Yurtdışı Türkler ve Akraba Topluluklar Başkanlığı (YTB)

⁴⁵ See Turkish Minute, *Turkey’s diaspora agency is building Erdoğan’s proxies abroad*, by Abdullah Bozkurt, October 31, 2018. Available at <https://www.turkishminute.com/2018/10/31/opinion-turkeys-diaspora-agency-is-building-erdogans-proxies-abroad/>

54. The **Turkish Cooperation and Coordination Agency (TİKA)** manages Türkiye's emergency and humanitarian aid fund, estimated at around \$3.2 billion in 2015, \$6.4 billion in 2016 and had surpassed \$8 billion in 2017. In 2019 TİKA was granted a \$100 million budget, only a fraction of the foreign Turkish aid expected to be delivered by public institutions, which stands at around \$8.2 billion.⁴⁶ Its remarkable expansion, in particular in the Balkans, Africa (with 22 offices) and South America have already turned the agency into a central agency in promoting Erdoğan's interests all over the world, which are expected to have long-lasting consequences, in particular as regards education.

V. ENFORCED DISAPPEARANCES

55. Türkiye has a notorious history of security forces carrying out enforced disappearances. Approximately 2,000 Turkish nationals are believed to have been subject to enforced disappearances in Türkiye following the 1980 military coup. Around 450 cases have been confirmed to have all the elements that would classify them unquestionably as “enforced disappearances”, pursuant to international law.⁴⁷ Most of the time victims are detained by individuals that claim state authority and available evidence points out to the involvement of state authorities. Blanket denial of enforced disappearances, no information whatsoever to their families and often lack of investigations and obstruction of justice follow. A few times a corpse is found, but this is the exception.

56. The Justice and Development Party of President Erdoğan came into power following the 2002 general elections, by promising greater democracy, freedom and human rights, including by putting an end to enforced disappearances. Over the years, until March 2016 (the last visit by WGEID), the UN Working Group on Enforced or Involuntary Disappearances (WGEID) has transmitted to Türkiye 202 cases of disappeared persons. Seventy-nine (79) of them were outstanding as of March 2016.

57. The **Saturday Mothers/People**⁴⁸ began their peaceful sit-ins in Galatasaray Square on May 27, 1995, calling on the authorities to investigate the fate and whereabouts of hundreds of people who forcibly disappeared in detention and killed after Türkiye's military coup in the 1980s and the state of emergency of the 1990s. For 30 years, the struggle of Saturday Mothers highlights not only the personal pain of those who have lost loved ones but also the broader fight for truth, justice, and the right to peaceful assembly in Türkiye. Their struggle is still ongoing.

58. The 700th Saturday Mothers vigil of 25 August 2018 was banned. Despite the ban the group tried to hold a vigil on Galatasaray Square as an act of peaceful defiance, this time also joined by family members of alleged members of the Hizmet Movement. Police broke up the vigil using tear gas and water cannons and detained 46 people who were later released but indicted two years later

⁴⁶ See for more <https://www.dailysabah.com/politics/2018/12/10/tika-president-serdar-cam-turkey-keeps-breaking-records-in-humanitarian-aid-and-development-assistance>

⁴⁷ Pursuant to the International Convention for the Protection of All Persons from Enforced Disappearance, there are three elements used to classify enforced disappearance: (i) Deprivation of liberty against the will of the person; (ii) Involvement of government officials, at least by acquiescence, authorization or support; and (iii) Refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person, which places the disappeared outside the protection of the law.

⁴⁸ Known in Turkish as “Cumartesi Anneleri/İnsanları”

in 2020 on the charge of “attending illegal meetings and marches without weapons and not dispersing despite warning.” In a landmark ruling in March 2025, almost seven years following their indictment, 45 members tried over the 700th sit-in were acquitted.

59. Following two Constitutional Court rulings in November 2022 and March 2023,⁴⁹ affirming that Saturday Mothers rights had been violated, and that authorities must prevent future violations, they faced weekly detentions and police violence, sometimes amounting to torture or other ill-treatment.⁵⁰

60. In July 2016, right before the attempted coup, the Report of the WGEID on its mission to Türkiye noted that: “Türkiye has not come to terms with past enforced disappearances in all relevant areas, namely truth, justice, reparation, and memory of the victims. There has been no comprehensive policy to address disappearances. Many families do not know the truth about what happened to their loved ones, there has hardly been a single case of criminal responsibility or civil liability for an act of enforced disappearance, there are no reparation programs independent from the compensation that may be awarded by a court, nor any effective and accessible social or psychological support for families, and there is no public memorial site or symbolic place for the families - and for society as a whole - to remember the victims and pay tribute to them. This lack of measures to address disappearances results from a combination of factors: mainly the lack of clear political will in all spheres to seriously tackle the issue, combined with legal and other obstacles.”⁵¹

61. Since the 2016 attempted coup, enforced disappearances carried out in broad daylight have become one of the most terrorizing tools of intimidation inside Türkiye, primarily targeting individuals perceived as members of the Hizmet Movement.⁵² Statistics vary depending on the source, but between 2016-2024, at least 37 individuals,⁵³ most with alleged links to Hizmet Movement, have been subject to enforced disappearance in broad daylight throughout Türkiye. Many remain unaccounted for, while those released have consistently testified horrific torture in the hands of intelligence services.⁵⁴

62. Enforced disappearances in Türkiye in the aftermath of the attempted coup seem to generally follow similar patterns, sharing the following features:

- With few exceptions, victims are all men and members of dissident groups stigmatized as terrorists or traitors.

⁴⁹ <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2020/7092>

⁵⁰ <https://www.amnesty.org/en/documents/EUR44/9418/2025/en/>

⁵¹ UN Human Rights Council, *Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Türkiye*, July 27, 2016

⁵² See also: <https://www.hrw.org/news/2017/08/03/letter-human-rights-watch-minister-gul>

⁵³ See for more details: <https://stockholmcf.org/enforced-disappearances-in-turkey-2/>. In addition to the enforced disappearances in the list, on February 18, 2021 – Uğurcan Baynal, Sena Bademli and Ali Berke Ayduğan went missing and were later released. On March 1, 2023, a Turkish businessman of Kurdish descent, Zeki Oğuz, was abducted in Istanbul

⁵⁴ See for example <https://www.turkishminute.com/2021/09/17/r-bureaucrat-who-turned-up-in-ankara-prison-after-9-months-missing-has-lost-significant-amount-of-weight-daughter/>

- Almost all the victims were purged from their positions following the July 2016 attempted coup, on alleged links to the Hizmet Movement.
- The authorities are reluctant or refuse to investigate into security forces, intelligence services and other public officials, alleged to have unlawfully subjected victims to enforced disappearance and tortured them.
- CCTV camera footage show that a black Volkswagen Transporter van is used by perpetrators in most of cases. In few cases, perpetrators have however used a white van.⁵⁵
- Disappearances have taken place in major urban centers in Türkiye, including Ankara, Izmir and Istanbul.
- Many victims have subsequently “reappeared” after weeks or months, in front of police stations and taken into custody by police.
- Experts point out to a unit within the security services likely to be behind all the enforced disappearances.
- While the victims were probably subjected to enforced disappearance to extract forced confessions or to coerce them incriminate others, it is unclear why they would have been singled out in the post-attempted coup crackdown.

63. Since 2017, the arbitrary detention of Turkish nationals, both in Türkiye and outside Türkiye has been subject to scrutiny by UN and regional human rights systems, including the WGAD. In all the cases considered by the WGAD, the latter has found Türkiye, and in many cases also other proxy governments, *inter alia*, in breach of Article 9 of the ICCPR.⁵⁶ Between 2017 and 2023, the Working Group issued twenty-eight (28) opinions concerning fifty (50) victims, overwhelmingly alleged members of Hizmet Movement. The Working Group has properly decided that the detention of the victims, both in Türkiye and in other countries had been arbitrary.

64. Almost immediately following the attempted coup of July 2016, the Government of Türkiye also began a global purge that mirrored its domestic crackdown, targeting individuals with perceived ties to Hizmet Movement living abroad for many years.⁵⁷ By the end of October 2024, Türkiye’s government was able to abduct and illegally transfer to Türkiye at least 148 individuals from 33 countries. From Malaysia to Kosovo, from Gabon to Saudi Arabia, Ukraine to Moldova and Mongolia, since October 2016 Turkish nationals began to disappear from the streets, roads, airports, their homes and workplaces. They thereafter “reappear” handcuffed in Türkiye, hours or months later, sometimes “paraded” before TV cameras.

65. The campaign of terror through enforced and involuntary disappearances by the Government of Türkiye, in close collaboration with other governments, began in Kuala Lumpur, Malaysia, three months following the attempted coup in Türkiye. On October 13, 2016, Alettin Duman and Tamer Tıbık were abducted from two different locations in the Malaysian capital and were subject to similar methods of torture in probably the same secret detention facility, before

⁵⁵ See for example the enforced disappearance of Özgür Kaya, on February 13, 2019.

<https://stockholmcf.org/enforced-disappearance-2-more-men-abducted-by-armed-group-in-broad-daylight-in-ankara/>

⁵⁶ Right to liberty and security of the person and freedom from arbitrary detention

⁵⁷ Victims of transnational repression are overwhelmingly alleged members of Hizmet Movement, classified by the Turkish government as a terrorist organization under the assigned names Gülenist Terror Organization (Fethullahçı Terör Örgütü FETÖ) or Parallel State Organization (Paralel Devlet Yapılanması, PDY)

being illegally transferred to Türkiye the next day, October 14. Their torture and ill-treatment continued in Türkiye.

66. In its follow-up report⁵⁸ to the recommendations made by the WGEID on its visit to Türkiye from 14 to 18 March 2016 (A/HRC/45/13/Add.4), the Working Group expressed particular alarm on the allegations of enforced disappearances reported to have been perpetrated under the pretext of combatting terrorism against actual or perceived members of Hizmet Movement. According to the United Nations, distressing reports of abductions by state agents in broad daylight, followed by months of torture and ill-treatment in clandestine detention sites aimed at extracting confessions for future prosecutions should be investigated as a matter of urgency.

67. The UN Working Group on Arbitrary Detention (WGAD) has consistently expressed concern over the pattern that all these cases follow, recalling that under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity.⁵⁹

68. The Working Group was further gravely concerned at what appears to be a systematic practice of State-sponsored extraterritorial abductions and forced returns of Turkish nationals from numerous States to Türkiye. According to the United Nations, to date [mid-2020], at least 100 individuals suspected of involvement with the Hizmet/ Gulen Movement are reported to have been subjected to arbitrary arrests and detention, enforced disappearance and torture, as part of covert operations reportedly organized or abetted by the Government of Türkiye in coordination with authorities of several States. In addressing the issue of extraterritorial abductions, the Working Group underlined that a failure to acknowledge deprivation of liberty by state agents and a refusal to acknowledge detention constitute an enforced disappearance, even if it is of a short duration.

69. The WGEID report to the HRC contained in document A/HRC/48/57, focuses in particular on the issue of enforced disappearances in the context of transnational transfers,⁶⁰ states among other that, “In response to the allegations, the [Turkish] authorities have either denied that the operations took place or maintained that they were necessary, legal and proportionate to the need to neutralize an imminent threat to national security. On July 5, 2021, for example, President Erdoğan delivered a public statement in which he commended the Turkish intelligence services for having ensured the forcible repatriation of more than 100 individuals from multiple States.”⁶¹

70. Investigating these acts become even more difficult as enforced disappearance does not constitute an autonomous offence under the Turkish criminal law and the government has not publicly expressed any intention to designate it as an offense in the foreseeable future. This is also

⁵⁸ The report is available here:

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F45%2F13%2FADD.4&Language=E&DeviceType=Desktop&LangRequested=False>

⁵⁹ See for example

<https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session89/AHRCWGAD202084.pdf>

⁶⁰ Chapter 6, page 14 of the report

⁶¹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35335> in response to AL TUR 5/2020. See www.rferl.org/a/kyrgyzstan-turkey-inandi-disappearance/31347063.html and www.trthaber.com/haber/gundem/cumhurbaskani-erdogan-aciklama-yapiyor-593498.html?_n_pid=3147 (in Turkish)

true for many other jurisdictions with weak legal systems and lack of the rule of law, where enforced disappearance is not defined as a standalone offense, extraterritorial jurisdiction is limited, and prosecutors lack specialized units or guidance to pursue cases involving foreign state actors. The enforced disappearances abroad at the behest and on behalf of the Turkish government since 2016 generally follow the following patterns:

- Victims are mostly subject to red or other notices from Interpol and prior extradition requests.
- Almost all of the victims are refugees or asylum seekers
- The victims are abducted by local law enforcement agencies and held under custody for a short period before being secretly transferred to Turkish custody.
- They are then immediately taken to Türkiye on Turkish aircraft, including private jets, charter flights or commercial flights.
- The victims are targeted for their alleged links to the Hizmet Movement.
- With few exceptions the victims are all kept in secret detention facilities operated by the Turkish Intelligence. This is also the most difficult and dangerous period for the lives of the victims, where they are also subject to different forms of torture for prolonged periods of time.

71. The intentions of the Turkish government for resorting to enforced disappearances can be summarized as follows:

- Use of enforced disappearances as a strategy for political gain and mobilize electoral support, either for the ruling parties or opposition.
- Spread terror among the dissidents, their close relatives, the communities, and the society.
- Extract forced confessions or coercing detainees to incriminate others, from individuals placed outside the protection of the law.

VI. INSTITUTIONAL AND HUMAN RIGHTS INFRASTRUCTURE

72. The Human Rights and Equality Institution together with the Ombudsman (under the Parliament), serve as government’s human rights monitoring bodies. The Human Rights and Equality Institution of Türkiye (“HREIT” or “TİHEK”) was established pursuant to Law No. 6701, published in the Official Gazette on April 20, 2016, No. 29690. The Institution is formally mandated to protect and promote human rights, guarantee the right to equal treatment, prevent discrimination in the exercise of legally recognized rights and freedoms, combat torture and ill-treatment, and serve as Türkiye’s National Preventive Mechanism. The NHREI cannot effectively and adequately carry out its mandate because it lacks the financial and institutional independence required under the Paris Principles.⁶²

73. Pursuant to the Law No. 6701, published in the Official Gazette dated 20.04.2016 and numbered 29690, the Human Rights and Equality Institution of Türkiye was established and the Institution was mandated with fighting against discrimination and acting as Equality Body, in addition to its duties as a National Human Rights Institution (NHRI) and a National Preventive Mechanism (NPM). The Board is the decision-making body of the Institution. The Board shall

⁶² Principles relating to the status of national institutions for the promotion and protection of human rights.

exercise its duties and powers given by this Law and other legislation under its own responsibility and independently. No body, authority, office or individual shall give orders nor instructions nor recommendations or suggestions to the Board on matters falling under its mandate. The Board consists of eleven members, including a Head and a Deputy Head.

74. The Law on Turkish Human Rights and Equality Institution of April 20, 2016 provided for a new body, which is fully dependent on the executive.⁶³ Under the existing circumstances the Human Rights and Equality Board cannot effectively and adequately carry out its mandate because it lacks the independence required under the Paris Principles.⁶⁴

75. Incapacitating and rendering completely ineffective the Human Rights and Equality Institution of Türkiye and the Parliament’s Committee on Human Rights Inquiry,⁶⁵ the government has also ensured that perpetrators of serious human rights violations, including enforced or involuntary disappearances, are granted complete immunity from prosecution.

76. As of June 2026, the Global Alliance of National Human Rights Institutions (GANHRI) is comprised of 119 members: 91 ‘A’ status NHRIs and 28 ‘B’ status NHRIs.⁶⁶ In accordance with the UN Paris Principles and the GANHRI Statute, the following classifications for accreditation are used by GANHRI:

- A. Fully compliant with the Paris Principles;
- B. Partially compliant with the Paris Principles.

77. The Human Rights and Equality Institution of Türkiye is listed under B accreditation, partially compliant with the Paris Principles. NHREI and Ombudsman’s Institution are not established in conformity with the Paris Principles, lacking the independence required under these principles to monitor the human rights situation, and protect/promote human rights.⁶⁷ The government has intentionally ensured that perpetrators of serious human rights violations, including torture in places of deprivation from liberty, are granted complete immunity from prosecution.

VII. RIGHT TO LIFE, LIBERTY AND SECURITY OF THE PERSON

78. Death penalty in Türkiye for peacetime offenses was abolished in 2002,⁶⁸ and it was replaced with life imprisonment. With the adoption of Law No. 5218 of July 14, 2004, the Parliament abolished death penalty for all offenses. On February 20, 2006, Türkiye ratified Protocol No. 13 to the ECHR and few days later,⁶⁹ ICCPR Second Optional Protocol.

⁶³ Eight members of the board are chosen by the government, and three by the president

⁶⁴ Principles relating to the status of national institutions for the promotion and protection of human rights

⁶⁵ Serving as a national monitoring mechanism, the Commission continues to have limited ability in influencing government decision-making

⁶⁶ <https://ganhri.org>

⁶⁷ <https://ganhri.org/membership/>

⁶⁸ Law No. 4771, on August 3, 2002. The Law (On changes made to various laws) published in the *Resmi Gazete* No. 24841 of August 9, 2002

⁶⁹ March 2, 2006

79. Over the years the debate for reintroducing death penalty remained theoretical. The government stance however changed on the night of attempted coup, with President Erdoğan vowing to bring back death penalty if parliament passed it.⁷⁰ Calls and the debate to reinstate the death penalty were renewed in the first half of 2018, ahead of a referendum for a constitutional package.⁷¹

80. The government has made no secret of the group(s), which members would be particularly targeted by the reinstatement of death penalty; since the attempted coup, it has gone to the extreme many times by declaring that Hizmet members do not have a right to life. In short, the reinstatement of the death penalty would provide the government a license to intensify its oppression against members of political and other dissent. A possible reinstatement of the capital punishment would further exacerbate discrimination based on political or other opinion, ethnicity, or other basis.

81. During the first days following the 2016 attempted coup, the government also removed all safeguards against torture, effectively writing a blank check to law enforcement agencies to torture and mistreat detainees.⁷² Even though the government has vehemently denied that torture and ill-treatment has played a role in deaths of individuals under custody, and autopsy reports, as well as investigation files have been kept confidential - it is well documented that at least several of the deaths under police custody were a direct consequence of excessive use of force by security officers.⁷³

82. In addition to the attempts to reinstate death penalty, between July 2016 and December 2020, there was a dramatic increase of suspicious deaths in custody of “high-profile” detainees, with at least 205 suspicious deaths and suicides.⁷⁴

VIII. TORTURE AND ILL-TREATMENT

83. Under articles 15(2) and 17(3) of the Constitution,⁷⁵ the prohibition of torture is *non-derogable*.⁷⁶ Many emergency decrees, ordinary laws enacted by the government following the July 2016 attempted coup, and their interpretation and implementation by law enforcement, judges and prosecutors, have however resulted in *de facto* departure from the prohibition of torture and ill-treatment.⁷⁷

⁷⁰ Interview with CNN International on July 18, 2016. See also <https://uk.reuters.com/article/uk-turkey-security-anniversary/defiant-erdogan-attacks-eu-backs-restoring-death-penalty-idUKKBN1A10EM>

⁷¹ The Referendum aimed at vesting extraordinary powers with the Turkish President

⁷² Human Rights Watch, *Turkey: Emergency Decrees Facilitate Torture, October 2016*. Available at <https://www.hrw.org/news/2016/10/25/turkey-emergency-decrees-facilitate-torture>

⁷³ See e.g. the case of Gökhan Açikkollu, a 42-year-old history teacher who died after 13 days of torture and abuse in police detention in İstanbul. More information about his tragic death under custody can be found here:

<http://jwf.org/jwf/wp-content/uploads/2018/05/Torture-Report-in-Turkey-2017.pdf> or <https://stockholmcf.org/tortured-to-death-holding-gokhan-acikkollus-killers-to-account/>

⁷⁴ Stockholm Center for Freedom, “Suspicious Deaths and Suicides in Turkey”, February 2021. See for more: <https://stockholmcf.org/suspicious-deaths-and-suicides-in-turkey-updated-list/>

⁷⁵ See for example: https://www.constituteproject.org/constitution/Türkiye_2017.pdf?lang=en

⁷⁶ Article 90 of the Constitution entered into force on November 7, 1982

⁷⁷ See for example: Article 9(1) of Decree No. 667, of July 23, 2016; Article 37 of Decree No. 668, Decree No. 672 of September 1, 2016; Article 121 of Decree No. 696; Decree-Laws 667, 668 and 696 that have ever since acquired qualification of permanent law (Nos. 6749, 6755 and 7079)

84. Despite the government’s stated zero tolerance for torture policy, individuals detained and arrested as part of the government crackdown on the Hizmet Movement have been systematically subjected to torture and ill-treatment, using methods firmly prohibited under international law.⁷⁸ Brutal interrogation techniques⁷⁹ were documented since 2016, inside and outside police stations and other facilities, aimed at mainly extracting forced confessions or coercing detainees to incriminate others.⁸⁰

85. Allegations on the use of torture and ill-treatment have reportedly been recorded from almost all regions, taking place in both, legal and illegal places of detention, prisons, police stations, gymnasiums, sport centers, warehouses, stables, abandoned buildings, gym salons, and other places where individuals were deprived of their liberty.

86. In March 2018, the Office of the High Commissioner for Human Rights (OHCHR) released a report on Türkiye covering the period January to December 2017. The report documented serious human rights violations during the state of emergency declared after the July 2016 coup attempt. It highlighted widespread restrictions on freedoms of expression, assembly, and association, including the closure of media outlets and NGOs, as well as the arrest of journalists, academics, and civil society members. The report also raised concerns about arbitrary detentions, torture and ill-treatment, lack of judicial safeguards, and mass dismissals from public service without effective remedies.

A. Torture and ill-treatment against women and girls

87. The OHCHR report of March 2018 underscored that women were disproportionately affected by the state of emergency. Thousands of women, including teachers, academics, and civil servants, were dismissed from their jobs, often leaving families without income or access to social services. Women human rights defenders and journalists faced gender-specific harassment and intimidation, while women in detention reported instances of sexual violence, threats, and ill-treatment. The report stressed that these violations had compounded effects, deepening social and economic vulnerability for women and their families.

88. According to the Special Rapporteur’s report on torture in Türkiye (A/HRC/37/50/Add.1, 2018), women and girls in detention faced specific risks that compounded the broader violations affecting detainees after the July 2016 coup attempt and in the conflict in the south-east. Female detainees reported threats of sexual violence, invasive strip searches, and harassment during

⁷⁸http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/TUR/INT_CAT_NGS_TUR_25838_E.pdf.

⁷⁹ More details and statistics are available at the report by the JWF report, “*Post-Coup Turkey: State of Emergency, Torture and Impunity*,” October 2016. Available at <http://jwf.org/jwf/wp-content/uploads/2018/05/Torture-Report-in-Turkey-2017.pdf>

⁸⁰ Those interrogation techniques include: Blunt force trauma and severe beatings; falaka; sexual torture, including anal penetration with foreign objects, electrocution and pressure on sexual organs; starvation, denial of water and medical treatment; positional torture/suspension and stress positions for up to 48 hours; sleep deprivation; verbal abuse and threats, including mock execution; Palestinian hanging; electric shock; nail extraction; cold/high-pressure water hosing; asphyxiation/suffocation; air-conditioning torture, including hot air conditioning during the day and cold air conditioning at night; exposure to icy water; dripping molten plastic on the extremities; and sharp force trauma

transfers. The report documents cases of rape with objects and degrading treatment, highlighting that these abuses often occurred during arrest, initial custody, or interrogation. The lack of privacy during medical examinations and the presence of male guards supervising women added to their vulnerability.

89. Conditions of detention also disproportionately affected women and girls. Overcrowding was particularly acute in women’s blocks, such as the Diyarbakır E-type facility, which exceeded its capacity by nearly 50 percent. This overcrowding reduced access to education, work, and family visits, which are especially critical for female detainees and adolescent girls. In some cases, adolescent girls were held with adult women, contrary to international standards. These conditions, combined with systemic intimidation and limited accountability, left women and girls in detention especially exposed to both physical and psychological harm.

90. According to recent reports, many women detained after the coup were subjected to severe torture, rape, ill-treatment and threats. The report also discusses the situation in prisons and states that individuals imprisoned for their political activities are the group most subjected to discrimination.⁸¹

B. Torture and ill-treatment against individuals subject to illegal rendition

91. Almost all victims of illegal transfers, deportations, expulsions or otherwise return to Türkiye have been subject to torture and ill-treatment – in the country of residence, on arrival / under custody in Türkiye, and also frequently during transfer. Reports concerning Türkiye’s extraterritorial renditions show a recurring pattern in which individuals accused of affiliation with the Hizmet Movement are allegedly abducted abroad, held incommunicado, subjected to physical abuse during transfer, and then reappear in Turkish custody after a period of enforced disappearance.

92. The cases of Zabit Kişi and Orhan İnandı are illustrative. Kişi was allegedly abducted from Kazakhstan in September 2017 and disappeared for 108 days before resurfacing in Türkiye. He later testified that, while blindfolded and handcuffed on the flight to Ankara, he was beaten on the head and genitals, lost consciousness, and continued to be abused even after agents confirmed he still had a pulse. He further alleged that, upon arrival, he was held at an intelligence site near Ankara Esenboğa Airport in a small container, where he was subjected to torture, sexual abuse, and other degrading treatment. Similarly, Orhan İnandı, a Turkish-Kyrgyz educator, disappeared from Kyrgyzstan on May 31, 2021, and later appeared in Türkiye after President Erdoğan publicly announced that Turkish intelligence had brought him there. Human Rights Watch described his case as an abduction, forcible disappearance, and extrajudicial transfer, and reported that he had been held incommunicado before appearing in Turkish custody.

⁸¹ Türkiye, Individuals Associated with the Gülen Movement: The Finnish Immigration Service’s fact-finding mission to Ankara and Istanbul 2 - 6 October 2024
[https://migri.fi/documents/5202425/5914056/FISTürkiyeIndividuals+associated+with+the+G%C3%BClen+movementJune2024+\(2\).pdf/a14fa35f-a65a-9339-e331-fec99e9cd8c3/FISTürkiyeIndividuals+associated+with+the+G%C3%BClen+movementJune2024+\(2\).pdf?t=1723630918594](https://migri.fi/documents/5202425/5914056/FISTürkiyeIndividuals+associated+with+the+G%C3%BClen+movementJune2024+(2).pdf/a14fa35f-a65a-9339-e331-fec99e9cd8c3/FISTürkiyeIndividuals+associated+with+the+G%C3%BClen+movementJune2024+(2).pdf?t=1723630918594)

93. Human Rights Watch has reported that Turkish nationals accused of links to the Hizmet Movement have been abducted and forcibly disappeared from countries around the world before being transferred to Türkiye, where they later resurfaced in custody. In March 2018 for example six Turkish nationals were illegally transferred from Kosovo, which the UN Working Group on Arbitrary Detention found to be arbitrary and contrary to international human rights norms.⁸² Similarly, the illegal transfer of Turkish teachers from Moldova in September 2018 was condemned by the European Court of Human Rights as an extra-legal transfer that bypassed domestic and international safeguards.⁸³

94. These cases support the broader allegation that illegal renditions to Türkiye often involves abuse both before and after transfer: first through abduction, incommunicado detention, and violence during removal, and then through secret detention, coercive interrogation, torture, or other ill-treatment once the victim is inside Türkiye.

C. Recent allegations of torture and ill-treatment

95. During the 80th session of the UN Committee against Torture (CAT) in July 2024, more than 40 NGOs submitted reports criticizing torture and ill-treatment as well as the widespread impunity for security forces allegedly responsible for torture and ill-treatment as described in their reports.

96. The reports accused Turkish authorities of using torture as a means of forcing confessions or intimidating political activists, media workers and alleged members of the Hizmet Movement and Kurdish minority. The reports on ill-treatment also refer to the conditions of detention. Inhumane conditions such as overcrowding in detention centers, denial of medical care and arbitrary solitary confinement to which political prisoners may be subjected are specifically addressed.

97. In its fifth report on the situation in Türkiye dated July 18, 2024, the Committee Against Torture acknowledged and confirmed the statements made by the NGOs. CAT report also outlines inadequacies in the legal framework concerning torture and ill-treatment. While the Turkish constitution explicitly prohibits torture, other offences are inadequately covered. As properly provided for, *inter alia*, in paragraph 20 of its Concluding Observations on the fifth periodic report of Türkiye (CAT/C/TUR/CO/5), “*The Committee is concerned about allegations that torture and ill-treatment continue to occur in the State party in a generalized manner, notably in detention centres, including allegations of beatings and sexual assault and harassment by law enforcement and intelligence officers and of the use of electric shocks and waterboarding in some cases. The Committee is particularly concerned about increases in allegations of torture and ill-treatment following the attempted coup in 2016, including in order to extract confessions, following earthquakes in the south-east of the country in 2023 and in the context of counter-terrorism operations. The Committee is also concerned that counter-terrorism legislation, including Law*

⁸² Mustafa Erdem et al against Kosovo and Türkiye. Document A/HRC/WGAD/2020/47, available at: <https://www.ohchr.org/en/special-procedures/wg-arbitrary-detention/opinions-adopted-working-group-arbitrary-detention-its-88th-session>

⁸³ *Ozdil and Others v. the Republic of Moldova* (Application no. 42305/18), European Court of Human Rights (ECtHR), available at: [https://hudoc.echr.coe.int/eng#%7B%22itemid%22:\[%22001-193614%22\]%7D](https://hudoc.echr.coe.int/eng#%7B%22itemid%22:[%22001-193614%22]%7D)

No. 3713 on Combating Terrorism, is frequently used in order to limit fundamental legal safeguards, including access to a lawyer and the right to review of the legality of detention, in contravention of international standards (arts. 2, 4, 11–13, 15 and 16).’’⁸⁴

98. The human rights organization İnsan Hakları Derneği (İHD) published its annual report on human rights violations for the year 2023 on August 23, 2024. According to the report, a total of 5,312 people were tortured or ill-treated by security forces in 2023. It also states that 348 people were tortured or ill-treated in police custody, while 733 people were subjected to such treatment outside of detention centers. In addition, 16 people were tortured or ill-treated by so-called village guards or security guards. Furthermore, 594 detainees reported cases of torture or ill-treatment in detention centers. According to the report, 3,487 people were beaten or injured during public protests when security forces intervened. This category represents the largest number of recorded assaults.

IX. ARBITRARY DETENTION AND ARREST

99. Since 2016, the Government of Türkiye follows a consistent policy of pursuing anyone allegedly related to Hizmet, relying on renditions, abuse of extradition proceedings, Interpol Red Notices, anti-terror financing measures, and co-opting other States to deport or transfer persons unlawfully.’’⁸⁵

100. United Nations treaty bodies and Special Procedures of the Human Rights Council, including the Working Group on Enforced or Involuntary Disappearances and relevant Special Rapporteurs, provide avenues for documentation, urgent appeals, and international scrutiny. Between 2017 and 2023, the Working Group on Arbitrary Detention issued twenty-eight (28) opinions against Türkiye and other states concerning fifty (50) victims, mainly alleged members of Hizmet Movement. Many of these cases concerned victims subject to enforced disappearance and subsequent illegal transfer, whose rights, including their right to privacy had been violated in the context of alleged countering terrorism measures.

101. In all cases the Working Group properly decided that the detention of the victims, both in Türkiye and in other countries had been arbitrary. No action whatsoever has been taken by the Government of Türkiye (and other concerned governments) in follow-up to the recommendations made by the Working Group in its Opinions. Further, no measures in any single case have been taken by the Government of Türkiye or other governments to comply with the remedies recommended by the Working Group.

102. This is not an isolated failure but part of a broader pattern in which States, including Türkiye, disregard the findings of UN human rights bodies without consequence. Persistent non-implementation, in the absence of accountability, entrenches impunity and undermines the authority and credibility of the mandate of the UN and other human rights systems.

⁸⁴ <https://digitallibrary.un.org/record/4059747?ln=en&v=pdf>

⁸⁵ See also the report of the Parliamentary Assembly of the Council of Europe (PACE), *Transnational repression as a growing threat to the rule of law and human rights*, May 23, 2023, para 6.

103. Without consequences for disregard of decisions by human rights bodies, States are even incentivized to ignore them, reducing these decisions to mere statements without practical effect rather than enforceable safeguards against most serious human rights violations.

X. CONDITIONS OF DETENTION

104. Even before the attempted coup, Türkiye's criminal system was overstretched, with crowded prisons and backlogged courts. Prisons quickly filled to their capacity in the days and weeks following the attempted coup. Detainees found themselves sleeping in shifts, in communal spaces, often without any bedding. Authorities used sports arenas, temporary tents, and other unofficial detention facilities to house tens of thousands rounded up in connection with the attempted coup. Prison overcrowding remains a significant problem. By the end of 2018, the total prison inmate population was estimated to be 260,144, housed in facilities with a capacity of only 211,766 inmates.

105. Those deprived of their liberty lack adequate access to potable water, heating, ventilation, and lighting. An estimated three thousand individuals deprived of their liberty because of links to Hizmet were arbitrarily subjected to solitary confinement for extended periods of time, turning it into a second punishment.⁸⁶ They also face severe limitations on outdoor exercise and out-of-cell activity, inability to engage in productive work, denial of access to books and media, and denial of medical treatment.

106. Pre-existing structural problems, such as chronic overcrowding and unhygienic conditions, coupled with the lack of proper access to healthcare enabled the rapid spread of COVID-19 in Turkish prisons, including the Silivri Prison.⁸⁷ Amendments to the Law⁸⁸ due to COVID-19, enabled the release of up to 100,000 prisoners, however political prisoners were not eligible for release.⁸⁹

107. In April 2020, pre-existing structural problems, such as chronic overcrowding and unhygienic conditions, coupled with the lack of proper access to healthcare enabled the rapid spread of COVID-19 in the notorious Silivri Prison in İstanbul, where in November 2019 a Parliamentary Investigation Committee found that 22,781 inmates were deprived of liberty, despite its official capacity of 11,000. Reports from the prison indicated that all inmates in wards B10 and B12 had tested positive for COVID-19.

108. Amendments to the Law on the Execution of Sentences and Security Measures were approved by the Parliament on April 13, 2020, as the Minister of Justice announced that 17 prisoners in five prisons had contracted COVID-19 and three prisoners held in open prisons had already died.

⁸⁶ See also <https://www.dw.com/en/turkey-holds-thousands-in-solitary-in-erdogans-prisons/a-48640213>.

⁸⁷ In November 2019 a Parliamentary Investigation Committee found that 22,781 inmates were deprived of their liberty, despite its official capacity of 11,000. Reports from the prison in April 2020 indicated that all inmates in wards B10 and B12 tested positive for COVID-19

⁸⁸ Amendments to the Law on the Execution of Sentences and Security Measures were approved by the Parliament on April 13, 2020

⁸⁹ Thousands of political prisoners are convicted in unfair trials under Türkiye's overly broad anti-terrorism laws and imprisoned solely for expressing their peaceful views.

109. Recent reports have found that there are 651 seriously ill prisoners and approximately 1,550 ill prisoners and detainees in Türkiye.⁹⁰

XI. ADMINISTRATION OF JUSTICE AND EROSION OF THE RULE OF LAW

110. Following years of relentless assault on the rule of law, Turkish judicial system has now turned into merely an extension of political authority that thwarts an effective defense and employs partisan and loyalist prosecutors and judges. In recent years the judiciary has embarked on an extremely dangerous path of ignoring the most basic principles of law necessary to ensure, at a minimum, a system of rule of law in the country, such as presumption of innocence, non-retroactivity of offences, *res judicata*, as well as legal certainty and foreseeability of criminal acts.

111. In the aftermath of the attempted coup, almost one third (4,424) of the judges and prosecutors were dismissed on allegations of conspiring with the Hizmet Movement and where 2,386 judges and prosecutors have been detained, while simultaneously 9,914 judges and prosecutors (with close ties to the ruling parties) have been recruited after the declaration of the state of emergency - does not provide an environment conducive to upholding the standards of due process.

112. This worrying practice by the Turkish judiciary has now reached such a level that it has become virtually impossible to assess objectively and in good faith whether a normal activity; such as participating in a legally operating civil society organization, depositing money in a legally operating bank, donating to the largest and most respectful humanitarian organization affiliated to the United Nations, residing in legally established dormitories, or attending legally established and duly licensed schools, or even acts of dissent or criticism of political authority - will be re-interpreted (after 2, 5 or 10 years) as criminal activity by Turkish prosecutors and courts. This approach by the Government of Türkiye is extremely worrying for the principles of legal certainty, foreseeability of criminal offences and the rule of law in Türkiye in general, as anyone can retroactively be considered a member of a criminal organization long after the events in question.

113. One of the most problematic aspects of the changes in the aftermath of the State of Emergency, is a series of limitations imposed on the right to a defense counsel, as well as severe restrictions to the client-lawyer privilege. The most important change in this respect is that meetings between lawyers and clients, both detainees and convicts, can now be strictly limited in duration, monitored by a prison official (including for documents exchanged between lawyer and client) and recorded in full. Human Rights Watch properly reports that “*this possibility is in practice widely applied and has now become the rule for FETÖ detainees.*”⁹¹

⁹⁰ Türkiye, Individuals Associated with the Gülen Movement: The Finnish Immigration Service's fact-finding mission to Ankara and Istanbul 2 - 6 October 2024
[https://migri.fi/documents/5202425/5914056/FISTürkiyeIndividuals+associated+with+the+G%C3%BClen+movementJune2024+\(2\).pdf/a14fa35f-a65a-9339-e331-fec99e9cd8c3/FISTürkiyeIndividuals+associated+with+the+G%C3%BClen+movementJune2024+\(2\).pdf?t=1723630918594](https://migri.fi/documents/5202425/5914056/FISTürkiyeIndividuals+associated+with+the+G%C3%BClen+movementJune2024+(2).pdf/a14fa35f-a65a-9339-e331-fec99e9cd8c3/FISTürkiyeIndividuals+associated+with+the+G%C3%BClen+movementJune2024+(2).pdf?t=1723630918594)

⁹¹ Human Rights Watch, “*Turkey: Mass Prosecution of Lawyers,*” April 10, 2019. Available at <https://www.hrw.org/news/2019/04/10/turkey-mass-prosecution-lawyers>

114. Many defense lawyers therefore have been reluctant to represent those accused of links to the coup or Hizmet Movement because of fear that they would be tainted by association or associated with the Hizmet Movement if they did. OHCHR (United Nations Office High Commissioner for Human Rights) has also identified a pattern of persecution of lawyers representing individuals accused of terrorism offences.⁹² These measures have worsened an already worrying situation regarding the right to a fair trial. This is a major concern for organized crime and terrorism-related cases where, a particularly loose application of criminal law provisions continues to affect tens of thousands of defendants, as the victim in the instant case.

115. The March 2018 report of the Office of High Commissioner for Human Rights found (paras 8-11) that, “[...] *Some 570 lawyers were arrested, 1,480 faced some kind of prosecution, and 79 were sentenced to long-term imprisonment. Moreover, approximately 34 bar associations were shut down on the ground of alleged affiliation to a terrorist organization. OHCHR also identified a pattern of persecution of lawyers representing individuals accused of terrorism offences.*

116. More recently, in its June 21, 2024 communication to the Government of Türkiye,⁹³ the Special Rapporteur on the independence of judges and lawyers (Ref.: AL TUR 3/2024), expressed “[...] deepest concern about the current situation of judges, prosecutors, lawyers, and the judiciary itself, that appears to be subject to increasing interference in Türkiye. Specifically, *I am concerned about the series of actions undertaken that, separately and in combination, appear to be aimed at undermining the independent functioning of the judiciary in the country. If these reports are confirmed, this course of action would constitute a violation of international human rights standards regarding the right to a fair trial and the independence of the judiciary. In this regard, I would like to recall that the right to a fair and public hearing by an independent and impartial court is provided for in international human rights standards, and that a competent and independent court is one of the guarantees of a fair trial. The requirement of independence concerns, in particular, the procedure and qualifications for the appointment of judges, the guarantees relating to their security in office and the guarantees of respect for their independent decisions. International standards on the independence of the judiciary make clear that judges may be suspended or removed only for reasons of proven incapacity or behavior that renders them unfit to exercise their duties. Such suspensions may only be imposed by an independent body following appropriate procedures.*”

117. Serious concerns have also arisen as regards the independence of bar associations in Türkiye, which further diminished with the adoption of Law No. 7249 of July 11, 2020. The Law dramatically decreased the influence of the Bar Associations of larger cities within the union. The purpose of the Law is to disempower these Bar Associations, which are critical of the Government, and have been playing an increasingly important role in documenting human rights abuses.

118. The aim of the Turkish government is to assert total control, not only of the judiciary, but also Turkish Bar Associations, by establishing new bar associations, so-called “Alternative Bar Associations.” A recently passed law provides for any group of at least 2,000 lawyers can set up

⁹² Please also see: OHCHR, “Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East (January – December 2017), March 2018, Para 9

⁹³ The Communication is available here: <https://arrestedlawyers.org/wp-content/uploads/2024/08/DownloadPublicCommunicationFile.pdf>

their own bar association. This is possible in five provinces in terms of the number of lawyers, including Istanbul, Ankara and Izmir.

119. The Arrested Lawyers Initiative explains the purpose of the arrangement: “*The Alternative Bar Association law was passed by the parliament, but it was announced that pro-government lawyers could gather 2,000 signatures only in Istanbul. An important aim of the regulation was to change the delegate balance in the elections for the presidency of the Turkish Bar Association [TBB]. Elections for provincial bar association will be held in October [2020]. In 2021 the president of the TBB will be elected. The government has failed to establish an alternative bar, but it may be trying to influence the TBB election with the mass arrest of lawyers. At this point, it is worth remembering that there are three ongoing criminal investigations into the board members of the Istanbul, Ankara, and Diyarbakir bar associations. Another important goal seems to intimidate bar associations and prevent them from reporting serious violations of rights such as the torture and enforced disappearances of recent years. The government, which has absolute authority over the judiciary, wants to take control of the bar associations.*”

120. According to the Arrested Lawyers Initiative, “*Bar associations can be called the last effective institution to fight against human rights violations in Türkiye. The Ankara and Diyarbakir bar associations in particular have published detailed reports on torture and enforced disappearances. Since detainees have trouble finding a lawyer, especially in mass detentions on terrorism charges, bars are in an essential position in Türkiye. In this case, the prosecutor’s office requests a lawyer from the local bar association. If the prosecutor requests a lawyer from a pro-government bar association, the risk exists that victims will be left vulnerable. Hundreds of lawyers highlighted this risk by protesting the alternative bar association legislation with a march from Istanbul to Ankara.*”

XII. RIGHT TO PRIVACY

121. The right to privacy in Türkiye is protected under Article 20 of the Constitution of Türkiye,⁹⁴ which guarantees respect for private and family life and the protection of personal data. The Constitution states that everyone has the right to request the protection of their personal data and to be informed about, access, correct, or delete such data. It also provides that searches, seizures, and surveillance measures generally require a judicial decision, except in urgent cases provided by law.

122. In addition to constitutional protections, the 2016 Law on the Protection of Personal Data (Law No. 6698) regulates the collection, processing, storage, and transfer of personal data and established the Personal Data Protection Authority to supervise compliance with the law. The legislation introduced rules on consent for data processing, limits on the use of personal data by public and private institutions, and mechanisms through which individuals can request access to or correction of their personal information.

123. Although these protections appear sufficient on paper, broad national security legislation and expanded surveillance powers have in practice granted state authorities extensive powers, significantly undermining effective safeguards for privacy and personal data protection.

⁹⁴ https://www.anayasa.gov.tr/media/7258/anayasa_eng.pdf

124. Türkiye’s Law No. 6532 (2014) amended the legal framework governing the work of the National Intelligence Organization (MİT), significantly expanding its authority to collect information and obtain data from public institutions, private companies, and financial institutions. It also granted intelligence officials broader operational powers and introduced legal protections that limited the ability to investigate or prosecute MİT personnel without authorization from the government.

125. Law No. 6532 (2014) weakened safeguards for privacy, freedom of expression, and government accountability, creating a framework that strengthens the state’s intelligence capabilities while raising serious concerns about the right to privacy and human rights violations.

126. Türkiye’s Law No. 6532 (2014) also expanded the authority of intelligence services to collect information and obtain data from public institutions, private companies, and financial institutions, including those related for health or social services. There is no restriction for collected personal data, such as for health or social services, to be repurposed or used for counterterrorism.

127. Further to granting to Türkiye’s intelligence agency almost unlimited powers, Türkiye also requires the use of mandatory national identity cards for its citizens. The Turkish national ID card is issued to all citizens and contains personal identification information, including a unique identification number, biometric data, and a photograph.

128. The widespread use of mandatory identity cards, combined with centralized databases and limited data protection safeguards, facilitates government surveillance and the tracking of activities by individuals. In particular, the requirement to link identity numbers to services such as SIM card registration and digital platforms increases the state’s ability to monitor communications and personal data.

129. Large-scale surveillance of mobile phone communications and mandatory SIM card registration requirements in the absence of adequate data protection legislation, raise significant concerns regarding privacy and the protection of personal data.⁹⁵

130. Most recently (March 4, 2026), the Government of Türkiye introduced a draft-bill⁹⁶ that would significantly expand regulation of social media platforms, particularly regarding age verification and child access. The bill would require social media platforms to block users under 15 years old from creating or accessing accounts, using effective age-verification systems and offering parental control tools. For users 15 and older, platforms would need to provide age-appropriate “safe services” and respond quickly to certain urgent content issues, potentially within one hour. If platforms fail to comply, the government could impose strong sanctions, including administrative fines of up to 3% of a platform’s global annual turnover and measures such as bandwidth throttling. Platforms will likely have about six months to implement the new rules if the bill becomes law. The bill would introduce user-facing changes, mainly through age verification at sign-up and restrictions on younger users. Important details, such as the exact

⁹⁵ See also: Concluding Observations on the second periodic report of Türkiye (CCPR/C/TUR/CO/2), para 47

⁹⁶ <https://www.reuters.com/technology/turkeys-ruling-party-submits-bill-ban-social-media-under-15s-2026-03-04/>

verification method, required data collection, and technical standards, remain unclear and may be defined later by regulators.

131. Overall, the proposal represents a shift toward stricter platform accountability, stronger child-safety requirements, and tougher penalties for global social media companies operating in Türkiye. However, key aspects of how the law would be implemented remain unclear, and there are already significant concerns that the government could use the bill to intensify its crackdown on dissent, particularly through expanded intrusions into the right to privacy.

132. Türkiye has increasingly used digital surveillance technologies, including large CCTV networks and facial recognition tools integrated into policing systems. The City Security Management System (KGYS) for example connects surveillance cameras, automatic license-plate recognition, and police databases to support law-enforcement monitoring and investigations. Human rights observers report that such technologies have also been used to identify individuals participating in protests or public demonstrations through camera footage, body-worn devices, and social media images.

133. Turkish authorities are also increasingly using artificial intelligence and biometric surveillance technologies to monitor and prosecute protesters. Following the March 2025 arrest of Istanbul Mayor Ekrem İmamoğlu, widespread demonstrations erupted across the country, which were in turn met with large-scale detentions. According to independent investigations, approximately 2,000 people were detained and at least 239 were formally imprisoned. Protesters were frequently identified using facial recognition technology, CCTV footage, body-worn police cameras, and images collected from social media platforms. In several cases, individuals were detained during early-morning raids after being identified through digital surveillance systems.⁹⁷

134. The use of artificial intelligence and biometric surveillance technologies is also documented by the rapid expansion of Türkiye’s surveillance infrastructure. Government procurement records show that authorities have invested heavily in AI-powered facial recognition systems, including the purchase of thousands of cameras and servers to support biometric monitoring across multiple provinces. One procurement in 2024 alone included 3,500 facial recognition cameras and hundreds of servers, while additional contracts in 2025 signaled further expansion of the system.⁹⁸

135. The deployment and expansion of these technologies have occurred with limited transparency and oversight, raising serious concerns that facial recognition and AI-driven surveillance may increasingly be used to identify and prosecute participants in protests, further weakening already fragile protections for freedom of assembly and expression.

⁹⁷ Gostoli, Ylenia. “Turkey’s AI-Powered Protest Crackdown.” *New Lines Magazine*, 5 June 2025
<https://newlinesmag.com/spotlight/turkeys-ai-powered-protest-crackdown/>

⁹⁸ *Id*

136. In addition, internet publications and access in Türkiye are governed by Law No. 5651.⁹⁹ A new law adopted by the Parliament on July 29, 2020,¹⁰⁰ introduced sweeping new powers to the government to further censor speech online. The law mandated social media platforms with more than one million daily users to appoint a local representative, something activists consider it will enable the government to conduct even more censorship and surveillance.

137. The law also provides for enhanced powers for Courts to order Internet providers to throttle social media platforms’ bandwidth by up to 90%, practically blocking access to those sites and social media platforms to store users’ data locally, prompting fears that providers would be obliged to eventually transmit those data to the authorities and potentially increase the risks for dissidents. Months into the new law, Twitter, Pinterest, and Periscope were already fined and targeted with advertising bans, after they failed to appoint a local representative to take down contentious posts mandated under the new law.¹⁰¹

138. Investigations in Türkiye are frequently initiated on the basis of social media posts, particularly when authorities allege that the content constitutes terrorist propaganda, disinformation, or insults against state officials. Law enforcement agencies monitor online platforms, and prosecutors routinely initiate criminal investigations against journalists, activists, and ordinary users for posts, reposts, or comments shared on social media.

139. Human rights organizations report that thousands of individuals have faced detention or prosecution in recent years for online expression. According to Human Rights Watch and Amnesty International,¹⁰² these practices raise serious concerns regarding freedom of expression and the misuse of criminal law to punish peaceful criticism. Reports note that broadly defined offenses, such as insulting the president or spreading terrorist propaganda, have been used to justify investigations and prosecutions based on social media activity, contributing to increased censorship and self-censorship in the digital space.

140. Official data indicate that in 2024, there were 534,505 criminal investigations related to online posts, of which 60,276 resulted in formal charges. Courts subsequently issued 11,161 convictions and 10,088 suspended sentences.¹⁰³

XIII. RIGHT TO MARRIAGE AND FAMILY LIFE

141. Turkish law defines 18 as the minimum legal age for marriage. Children at 17 can marry following parental permission, and at 16 upon court approval. In poor regions and among migrant communities, children as young as 12 however are sometimes getting married.

⁹⁹ Law No 5651 “On Regulation of Publications on the Internet and Suppression of Crimes Committed by means of Such Publication” was published on the Turkish Official Gazette on 23.05.2007, No. 26030

¹⁰⁰ The law entered into force on October 1, 2020

¹⁰¹ See for more: <https://www.turkishminute.com/2021/01/19/ankara-punishes-twitter-pinterest-over-new-censorship-law/>

¹⁰² Human Rights Watch, *World Report 2024: Türkiye* (New York: Human Rights Watch, 2024),

<https://www.hrw.org/world-report/2024/country-chapters/turkey>

Amnesty International, *Türkiye: Deep Erosion of Human Rights*, October 2024,

<https://www.amnesty.org/en/documents/eur44/8595/2024/en/>

¹⁰³ <https://turkishminute.com/2025/12/05/turkey-opened-more-than-1-1-million-criminal-insult-investigations-in-2024/>

142. Even though legally prohibited, underage and forced marriages continue to be widespread.¹⁰⁴ According to the latest prevalence studies, more than 25% of women in Türkiye reported having been married before the age of 18, a percentage which rises to 32% in rural areas. As many as 19.9% of these women indicate having been married by a family decision without their consent, while 46.8% of these marriages involved a family decision and were not based on the consent of the woman only.

143. Significantly, in more than 45% of cases, the underage girl was married to a man with an age difference of between five and nine years, and in more than 23% of such cases, the age difference was equal to or higher than 10 years. Moreover, roughly one fifth of marriages involving a minor girl entailed the payment of a bride price and 13% of these marriages involved lying about the girl’s age. [...] the latest prevalence survey clearly confirmed the strong relation between exposure to psychological/sexual violence and underage marriage: notably, 19% of women who were married before the age of 18 reported being subjected to sexual violence at least once in their lifetimes, whereas the same was reported by a far lower proportion of women who were married after the age of 18 (10%). Similarly, the lifetime prevalence of physical violence was as high as 48% among women who were married early (before the age of 18) and 31% among women who were married after the age of eighteen.¹⁰⁵

144. The situation of early marriages in Türkiye is also exacerbated from the influx of refugees, in particular Syrian refugees in the country since 2011. According to the UNHCR partners:¹⁰⁶ *“In Turkish law, civil marriage registration is the only thing that protects the rights of the woman to divorce, alimony, and child support. For Syrian refugee women and girls, who are tending to see early marriages and second marriages to older Turkish men as a form of social and economic protection, this may have the adverse effect of increasing the number of child brides, and increase polygamous relationships in which young women and their children have no legal rights or recourse.”* A UNHCR survey conducted in 2014 also revealed that the average age of marriage for Syrian refugee girls in Türkiye was between 13 and 20 years, with many respondents saying if they had had the money, they would not have resorted to marrying off their daughters at such a young age.

145. Finally, the Istanbul Convention, to which Türkiye is not currently a state party, requires parties to regulate both criminal and civil consequences of forced marriages. In Türkiye, there are no clear provisions in the Turkish Civil Code dealing with forced marriages. The annulment of a forced marriage might be sought under the provisions covering marriage vitiated by error¹⁰⁷ or marriage to which consent was given “under an extremely imminent and grave danger against one’s life or against a relative’s life or health or honor”.¹⁰⁸ The limited scope of applicability of the above provisions however does not provide for a solution in all cases of marriage to which a

¹⁰⁴ According to UNICEF’s The State of the World’s Children 2017, Turkey has one of the highest rates of child marriage in Europe, with an estimated 15% of girls married before the age of 18

¹⁰⁵ Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), *Baseline Evaluation Report Turkey*, October 15, 2018, paragraph 237

¹⁰⁶ *Evaluation of UNHCR’s Emergency Response to the Influx of Syrian Refugees into Turkey, January 2014-June 2015*, p. 54. Available here: <https://www.unhcr.org/58a6bbca7.pdf>

¹⁰⁷ Article 149 of the Turkish Civil Code

¹⁰⁸ Article 151 of the Turkish Civil Code

spouse has not voluntarily consented owing to psychological and/or physical violence. This leaves victims without an adequate remedy to untie the bonds of a forced marriage.

146. As regards the Turkish Criminal Code, forced marriage is not criminalized as a specific criminal offence. Other indirect provisions may criminalize also forced marriages however, such as offenses on the deprivation of liberty, human trafficking and sexual assault/rape. During its 2015 Universal Periodic Review Türkiye supported recommendations to criminalize child marriage and take legislative and political measures to end this practice as soon as possible, however no steps were taken to implement this recommendation.

147. The Report of the Working Group on the Universal Periodic Review on Türkiye in 2020¹⁰⁹ noted that Türkiye had also taken significant steps in the past five years to enhance children’s rights, notably with its ratification in 2017 of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. It had taken measures aimed at increasing the number of girls receiving education and at ending early and forced marriage.

Türkiye’s marry-your-rapist law

148. The age of majority and the principle of consent are the foundation of sexual and reproductive rights. In this context, children have the right to life, personal integrity, autonomy, private life and dignity, right to enjoy special protection from the State, right to equality and non-discrimination, the right to education and health, and finally, the right to live free from gender and sexual violence.

149. In the Republic of Türkiye, rape marriage law¹¹⁰ was into force until 2005, when the Government of Türkiye repealed it, as part of the negotiations to join the European Union. Eleven (11) years after the article was removed from the Turkish Criminal Code, the article was brought to the agenda again, with the *fatwa*¹¹¹ issued by the Presidency of Religious Affairs, stating that, “*it is okay to lust girls in and outside the family.*” The *fatwa* was included in the *Fatwa Line* under the Directorate of Religious Affairs on January 8, 2016.

150. In July 2016, Türkiye's Constitutional Court rescinded part of the criminal code, which classified sexual acts with children under 15-years-old as sexual abuse. The move was designed to clear the way for the government to put forward and adopt its highly contested “child rape bill.”¹¹² The bill provided for those who rape underage children to be pardoned for the crime, as long as

¹⁰⁹ Contained in document A/HRC/44/14 of March 24, 2020, paragraph 40. Available here: <https://undocs.org/A/HRC/44/14>

¹¹⁰ A marry-your-rapist law, marry-the-rapist law or rape-marriage law is a law concerning rape that exonerates a man from prosecution for rape, sexual assault, statutory rape, abduction or similar acts if the offender marries his female victim or in some jurisdictions at least offers to marry her

¹¹¹ A *fatwā* is a nonbinding legal opinion on a point of Islamic law given by a qualified jurist in response to a question posed by a private individual, judge or government

¹¹² The draft-law would have enabled the release from prison of men guilty of assaulting a minor if the act was committed without “force, threat, or any other restriction on consent” and if the aggressor “marries the victim”.

they marry the victim after the act.¹¹³ UNICEF emphasized in a statement¹¹⁴ that the bill would weaken Türkiye’s ability to combat sexual abuse and child marriage.¹¹⁵ Following fierce criticism from opposition parties and the public, just hours before a final vote in parliament,¹¹⁶ the Prime Minister informed that the draft was withdrawn and sent back to a commission for review and seek the opinion of the opposition and civil society.¹¹⁷

151. A new draft-law along the lines of the 2016 bill was debated in the Parliament on January 16, 2020. The draft provided for suspended sentences against men for child sex offences if the “two parties” get married and the age difference between the parties is less than 10 years. In essence, the bill encouraged the practice of taking child brides and legitimizes statutory rape.

152. According to the official data from Türkiye’s Statistical Institute (TUIK), in direct correlation to the *fatwa* and the preparations for the adoption of the law, the number of children victims of abuse increased from 74,064 in 2014 to 83,552 in 2016. Following the *fatwa*, the AKP submitted its law proposal to the Parliament’s General Assembly on November 17, 2016, which provides the following: “*those who commit sexual assault will not be punished if they marry the person they abused.*” In the proposal, “*If the offender is married to the victim woman or girl in sexual abuse crimes committed until November 16, 2016, the announcement of the verdict falls behind.*”

153. Following the *fatwa*, the official website of Diyanet posted an online glossary defining the terms “*marriage*” and “*adolescence*”. Diyanet indicated that whoever had reached the age of adolescence had the right to marry and it set the beginning of adolescence at age 9 for girls and 12 for boys. These two definitions, read in conjunction, might be understood as implying that a girl as young as nine is able to marry.¹¹⁸ Seeking to clarify its stance, following fierce opposition and public outcry, including in the Parliament, Diyanet stated that the glossary was merely meant as interpretation of Islamic laws, adding that, “*Our directorate has never approved early marriages in the past, and it never will.*”

154. Legislation passed subsequently in Türkiye however seem to have favored early marriages. On May 27, 2015 decision by Türkiye's Constitutional Court stroke down Section 230 paragraphs 5 and 6 of the Turkish Criminal Code that prohibited arranging or conducting a religious marriage ceremony without obtaining a civil marriage as well. This move effectively granted religious legitimacy to early marriage without rights. Under an amendment of October 19, 2017 to the Law

¹¹³ According to the ruling *Justice and Development Party* (AKP), the bill intended to benefit men who have had sex with a minor they are in a relationship with, and deal with the complications of child marriage within the country. The Turkish government said the bill would have applied to at least 3,000 men already in prison. Critics noted that it would legitimize statutory rape and encourage the practice of taking child brides.

¹¹⁴ The statement is available here: https://www.unicef.org/media/media_93338.html.

¹¹⁵ According to the United Nations, the bill would create a perception of impunity in favor of perpetrators of such child rights violations. In addition, it would increase the risk for further victimization of the child if she marries the perpetrator of the sexual abuse. The international community was outraged over the ruling, which also led to diplomatic rows between Turkey and several European Union member states.

¹¹⁶ The bill was withdrawn in November 2016.

¹¹⁷ According to the Prime Minister, the withdrawal would have allowed for “broad consensus” and to “give time for the opposition parties to develop their proposals.”

¹¹⁸ See for more: www.independent.co.uk/news/world/europe/turkey-children-marry-age-nine-islamic-lawdiyanet-government-chp-mp-investigation-muslim-a8142131.html

No. 5490 on Civil Registration Services, civil servants of Türkiye’s Directorate of Religious Affairs (Diyanet) acquired the authority to perform civil marriages. Until then, religious marriages that were not preceded by a civil marriage lacked legal status and created no rights for the spouses. These moves raised understandable concern among the Turkish society, because of the fear that the clergy celebrating civil marriages may not be able to ensure that civil marriages they celebrate fully comply with the relevant laws, including as regards the age of the parties.

155. The 2016 attempt by the government to reintroduce the *rape marriage law*, would have allowed, according to then-Minister of Justice at the time Bekir Bozdağ, around 3,000 to 4,000 men accused of statutory rape to marry their victims. Because of public outcry both locally and internationally the proposal of 2016 was dropped at the last moment, in November 2016.

156. A 2018 report showed that a total of 482,908 girls under 18 were married since 2008 (during a period of 10 years) in Türkiye, despite the 18 years legal age for marriage. According to the data (for 2018) from Türkiye’s Institute for Statistics (TUIK), 167 minors younger than 15 years old gave birth in 2018. Eleven thousand six hundred thirty-six (11,636) minors giving birth in the same year were from 15-27 years old. In total, out of the 1,248,847 births in 2018, 11,803 babies were born to minor mothers.

157. In 2019, Türkiye’s ruling party AKP insisted again that the aim of the legislation was not to excuse rape but to “*rehabilitate those who may not have realized that their sexual relations with young girls was unlawful, and also to protect the young victims from being ostracized.*” During the ruling Justice and Development Party (AKP) Central Executive Board (MYK) meeting in the beginning of December 2019, a group of ruling AK Party MPs favored the threshold age being “15 years,” whereas another group of AKP MPs, a threshold age of “10 years.”

158. One of the most controversial titles of the Second Judicial Package proposed for discussion/adoption in the Parliament, is the bill that will bring “amnesty to child abuse through marriage.” The draft of the bill included the same which failed in 2016. If adopted the bill would have effectively allow men who sexually abused children to get amnesty by marrying their victims.

159. The main elements of the bill discussed within the AK Party were the following: Amnesty would be granted to men convicted of child sex offenses and they would be able to avoid prosecution or conviction (i) as long as they reach a marriage agreement with their victims; (ii) their age difference is less than 10 years; and (iii) sexual intercourse (statutory rape) “has occurred without use of violence”?

160. Concerned about the devastating effects the bill could have on children in Türkiye, on January 15, 2020, the Peoples' Democratic Party (HDP) MP Meral Daniş Beştaş submitted a parliamentary inquiry to the Speaker's Office of the Grand National Assembly of Türkiye (TBMM) regarding the legislative regulation which she described as “*being of the essence of a pardon to the offenders of rape and sexual abuse.*” The MP asked the following questions, requesting Minister of Family, Labor and Social Services Zehra Zümrüt Selçuk to answer. There is no information on whether the Minister [government] has answered any of the questions below:

161. On January 29, 2020, the Opposition Republican People’s Party (CHP), along with group of Socialists, Democrats and Greens at the Council of Europe, issued a joint statement, arguing that the ruling Justice and Development Party (AKP) is working on legislation that would effectively allow men who sexually abused children to get amnesty by marrying their victims. Please see: <http://www.socpace.org/activites-evenements/statement-turkeys-intention-to-grant-amnesty-to-rapists>. The plans to reintroduce the bill have been also criticized by the Peoples' Democratic Party (HDP), the third largest party in Türkiye.

162. Further to significant repression, in late November 2016 Türkiye’s Ministry of Family and Social Policy announced that authorities may remove children from homes if their guardians are found to be supporters of the coup attempt [Hizmet].¹¹⁹ Following the policy, boys and girls across Türkiye were separated from their foster families, as the adoptive parents are under investigation over alleged links to Hizmet, however there are no accurate statistics how many children may have been subject to this heinous practice.

XIV. EQUALITY AND NON-DISCRIMINATION, FREEDOM OF RELIGION OR BELIEF

163. Türkiye and at its behest or behalf hundreds of organizations and other entities across the world funded by it in different forms, continued with the policy of deliberate actions which constitute incitement to discrimination, hostility or violence against individuals based on religion or belief, hindering full enjoyment of fundamental rights and freedoms.

164. Inflammatory rhetoric and hate speech targeting individuals allegedly linked to the Hizmet Movement have resulted in mass persecutions, unparalleled to anything in modern Turkish history. The use of derogatory phrases amounting to hate speech against Hizmet members has been conclusively documented,¹²⁰ with a cascading impact on the mindset of law enforcement officials, often serving as motivation for human rights abusers.¹²¹

165. The state of religious freedom in Türkiye continues to raise increasing concerns. Among other disturbing practices, the Turkish government continues to designate individuals perceived close to Hizmet as members of terrorist organization. Since at least 2013 (December 2013 corruption scandal) Türkiye has experienced an unprecedented rise in xenophobic, intolerant and hateful speech by the ruling political establishment, driven primarily by president Erdoğan's deepening divisions and expanding polarization for mainly short-term political gains.

166. This has negatively impacted social cohesiveness, pluralism and integrity in Turkish society, seriously jeopardized the enjoyment of fundamental human rights and liberties and further politicized state institutions. Invoking hate speech that stigmatizes millions among vulnerable social groups, minorities and others represents nowadays a daily routine of the autocratic regime

¹¹⁹ According to the Ministry of Family and Social Policy, “would not be right for a child to remain with a foster family if links to the Movement are confirmed as a result of investigations.”

¹²⁰ More than 240 different derogatory phrases have been used. See also the research on this matter available at: http://stockholmcf.org/wp-content/uploads/2017/06/Erdogans-Vile-Campaign-Of-Hate-Speech-Case-Study-Targeting-Of-The-Gulen-Movement_2017.pdf.

¹²¹ Derogatory insults are aimed not only at “normalizing” torture and ill-treatment by law enforcement against perceived Hizmet members, but also provide immunity assurances to all law enforcement for acts of torture.

of President Erdoğan. Hate speech pattern demonizing perceived members of Hizmet Movement, real or not, have resulted so far in a mass persecution of unparalleled to anything in modern Turkish history.

167. The relentless crackdown on dissent in Türkiye has forced thousands of Turkish citizens to internally displace with tens of thousands of others either fleeing the country or requesting asylum in place in residence countries.

168. A research¹²² carried out recently by the Stockholm Center for Freedom (SCF) revealed the use of more than 240 different derogatory phrases that amount to hate speech against the Hizmet movement in a little over three years (2013-2017).¹²³ Each derogatory phrase and instance of hate speech has been voiced by president Erdoğan dozens and even hundreds of times, repeatedly employing them in public speeches.

169. Many of these derogatory phrases constitute discrimination based on religion or belief, in short suggesting that perceived as members or sympathizers of Hizmet Movement are religiously deviant and non-Islamic. Taken into the broader context these derogatory phrases have served to set the ground for atrocity crimes and justify widespread torture and ill-treatment against real or perceived members/sympathizers of Hizmet Movement, labelled among other as terrorists, criminals and traitors.

170. There are unfortunately a myriad of troubling aspects in Türkiye’s Religious Affairs Directorate (Diyanet) and religious leaders inciting violence and other human rights abuses against Hizmet Movement sympathizers. In July 2016, Turkish cleric Nurettin Yıldız demanded a fatwa¹²⁴ from Diyanet suggesting that supporters of Fethullah Gülen should be executed, their opposing hands and feet be amputated or be exiled instead of keeping them in prisons. In a video published on July 25, 2016, Yıldız said the Religious Affairs High Commission, part of Diyanet responsible for issuing fatwas, must advise the Turkish government not to feed the jailed followers of Gülen in state prisons. “The Diyanet cannot say it has done its part by ordering imams to recite *salâ* (call to funeral prayer) on the night of the coup. The Religious Affairs High Commission must speak up about this [Hizmet Movement] group. If it is not able speak against it, it must declare the basic criterion [to punish them]. For example, how the Quran punishes those involved in terror in Surah al-Ma’idah. It says ‘*Kill them, execute them, order their opposing hands and feet be cut off or exile them.*’ There are no prison terms. The Religious Affairs Directorate and its high commission must direct the government [for punishing Gülen followers]. This Muslim nation will have to feed those people [Gülen followers] for more than 20 years in prison. Thousands of people will be more of a burden to the state than a town is,” Yıldız said. The former head of Türkiye’s *Diyanet* (Mehmet Gormez), issued a fatwa in which he pronounced members of the Hizmet Movement apostates.¹²⁵

¹²² http://stockholmcf.org/wp-content/uploads/2017/06/Erdogans-Vile-Campaign-Of-Hate-Speech-Case-Study-Targeting-Of-The-Gulen-Movement_2017.pdf.

¹²³ See also: <https://www.youtube.com/watch?v=TIQcj1v9xG4>.

¹²⁴ <https://turkeypurge.com/turkish-cleric-demands-fatwa-to-amputate-hands-feet-of-gulen-followers>.

¹²⁵ Recep Dogan, “The Usage of Excommunication (Takfir) in the Ideology of Justice and Development Party (the AKP), Political Islamists of Turkey,” *Macrothink Institute* (6:2), 2018, p. 56.

171. In July 2017, Diyanet released a year-long study¹²⁶ after allegedly analyzing approximately 670 hours of speeches and 80 books by the late Fethullah Gulen.¹²⁷ The study compares Hizmet Movement to past religious extremist movements like the Hashashins (Assassins) in the Seljuk period and the Kadızadeli of the Ottoman era. The study accuses Hizmet Movement of distorting Islamic teachings, inserting misleading theological interpretations, and misusing Islamic symbols. According to the Diyanet, the Hizmet Movement allegedly exploits not only Islamic beliefs but also Christian and esoteric ideas, attempting to merge Islam with Christianity. The report claims Fethullah Gulen positioned himself as a divine figure, manipulating followers through emotional and theatrical speech.

172. In addition, Hizmet Movement according to the study employs deception by mixing truth with falsehood, using ambiguous theological terms, and exploiting respected religious figures. The doctrine includes creating an alternative perception of God, where the leader claims direct communication with divine beings. Indoctrination allegedly starts in youth shelters, using religious manipulation to control and brainwash children.

173. In Türkiye, the government controls the religion and without its approval, there is no sermon containing even the slightest criticism against it. Imams allegedly linked to Hizmet Movement have been expelled based on the slightest suspicion. Those who criticize the government, including those voting “No” in the April 2017 referendum have been labelled as “infidels” and accused among other by imams in many mosques as committing treason and being “similar to Satan.”

174. Following the July 2016 attempted coup – the Diyanet also turned mosques and imams across Türkiye and in the world – into subordinate structures following orders from the Turkish government, with its vast network turning into a sophisticated intelligence-gathering agency. A confidential document of September 20, 2016, from Diyanet instructed Turkish missions and religious representatives abroad to profile Hizmet Movement expatriates in their respective countries. Those perceived as Hizmet sympathizers in many countries have been subject to violence by mosque members and others not been allowed to pray in Diyanet funded mosques. Many of the Turkish imams abroad have openly admitted being involved in intelligence gathering activities. Hundreds of imams are currently under investigation in several European countries. A part of them have been recalled and returned to Türkiye.

175. Increasingly imams of Diyanet funded mosques also incite worshippers to spy on followers of the Hizmet Movement and affiliated institutions, including schools. Diyanet itself has openly admitted it had gathered intelligence and prepared reports on sympathizers of the Hizmet Movement in at least 38 (thirty-eight) countries and regions,¹²⁸ by the end of 2016.

¹²⁶ <https://cdnuploads.aa.com.tr/uploads/TempUserFiles/haber/2017/07/KENDI-DILINDEN-FETO-20170725son.pdf>

¹²⁷ The study, titled “*FETÖ Organized Religious Abuse in Its Own Language*,” highlights the so-called exploitation of religion by FETÖ over 40 years, infiltrating the faith and minds of the youth.

¹²⁸ Abkhazia (Georgia), Germany, Albania, Australia, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Denmark, Estonia, Finland, Georgia, the Netherlands, the United Kingdom, Sweden, Switzerland, Italy, Japan, Montenegro, Kazakhstan, Kenya, Kyrgyzstan, Kosovo, Lithuania, Macedonia, Mongolia, Mauritania, Nigeria, Norway, Poland, Romania, Saudi Arabia, Tajikistan, Tanzania, Turkmenistan and Ukraine.

176. Systematic hate speech targeting Hizmet Movement members has served as a powerful motivation for human rights abusers and torturers who abuse victims in detention centers and prisons. The many cases of torture verified by reputable human rights organization indicate that government’s demonizing of Hizmet has had a cascading impact on the mindset of law enforcement officers.

XV. FREEDOM OF EXPRESSION

177. Since the July 15, 2016, attempted coup, Turkish authorities have stepped-up efforts to suppress dissent and restrict human rights and fundamental freedoms, including freedom of opinion and expression; both in law and in practice. The government and its supporters use a variety of means to intimidate journalists, including lawsuits, threats, and increasingly verbal and physical attacks.¹²⁹

178. Following the July 2016 attempted coup, 149 media and broadcasting organizations were closed down, including 72 newspapers and magazines, 5 news agencies, 33 television and 39 radio stations. Between July 2016 and November 2021, at least 650 journalists were deprived of their liberty in Türkiye, with many of them already convicted.¹³⁰

179. In 2020 the ECtHR found a violation of Article 10 in member states of CoE in 80 cases. In 31 of those cases the respondent state was Türkiye.¹³¹ With hundreds of journalists deprived of their liberty at any given time, and at least 167 journalists at large, Türkiye remains since 2016 the biggest jailer of journalists in the world.¹³² 149 media and broadcasting organizations were closed since July 2016, including 72 newspapers and magazines, 5 news agencies, 33 television and 39 radio stations. In 2020 Turkish courts handed down sentences of a total of 103 years to 23 journalists, sentenced on various bogus charges including “*insult*”, “*espionage*” and “*membership in a terrorist organization*.”¹³³

180. Forty-eight members of the press were detained in 2020, adding to 430 journalists taken into custody since 2016, with 201 detentions only during 2016. Between 2016 and 2021 there were 139 documented attacks against journalists, with 3,436 journalists losing their jobs during the same period.

181. According to Dicle Fırat Journalists Association (DFG),¹³⁴ a total of 280 journalists appeared in at least 821 hearings in Turkish courts throughout 2023. In addition, at least 26 journalists were detained, arrested and prosecuted in 2023 under a controversial “disinformation” law that was enacted in 2022.

¹²⁹ <https://pen-international.org/news/turkey-international-groups-condemn-attacks-against-journalists>.

¹³⁰ The number of journalists deprived of liberty varies based on the different methods used to account for detained, arrested and imprisoned journalists. See here: <https://stockholmcf.org/updated-list/>

¹³¹ See for more: <http://www.samanyoluhaber.com/aihm-kara-listesini-acikladi-ifade-ozgurlugu-ihlalinde-turkiye-birinci-sirada-haberi/1362569/>

¹³² See for more details: <https://stockholmcf.org/updated-list/>

¹³³ BİA Media Monitoring Report 2020

¹³⁴ <https://www.diclefiratgazeteciler.org/raporlar/dfg-2023-yili-gazetecilere-vonelik-hak-ihlalleri-raporu>

182. Until 2022 Türkiye was among the biggest jailers of journalists in the world, with the current number of journalists in prison estimated to be 63 (DFG)¹³⁵ or 43 (RSF),¹³⁶ depending on the source. According to Reporters Without Borders “*Not being among the top three jailers doesn’t mean that [Türkiye] doesn’t jail: One of the techniques of persecuting journalists in [...] Türkiye is actually to imprison them repeatedly.*”¹³⁷

183. Under immense pressure and serious threats to their lives and well-being, journalists and workers from the last remaining free and independent media have increasingly resorted to self-censorship and forced to flee abroad. It is estimated that by November 2021, at least 167 journalists had fled Türkiye to escape persecution.¹³⁸

184. Turkish journalists in exile can reach millions of people because of their independent reporting, despite all the efforts by the government to censor them, including by blocking websites, content and social media accounts through court orders or targeted cyber-attacks. Working in exile enables them to remain credible sources of information about Türkiye, currently one of the most hostile countries for journalists. Journalists think that “[...] in the near future in Türkiye, news that makes headlines will be reported by journalists in exile, because only exiled journalists have the guarantee of not being arrested in the morning.”¹³⁹

185. Safety in exile however for Turkish journalists is far from guaranteed. Transnational repression against journalists in exile includes repeated calls for their assassination, extensive surveillance and monitoring, physical assaults and threats of physical violence, arbitrary detention, enforced disappearances and illegal transfers, systematic online harassment and defamation campaigns, fabricated terrorism-related charges, trial in absentia on bogus charges, extradition demands on politically motivated allegations and threats to journalistic sources and networks that they rely on for their work. These threats also result in serious restrictions on the freedom of movement, including their ability to travel or communicate with sources in Türkiye or abroad.

186. Passports of Turkish journalists in exile are unlawfully reported to Interpol as lost or stolen, and an unknown number of them are probably subject to Interpol notices and diffusions. Journalists in exile are routinely added to Türkiye’s “Most Wanted” terrorist list, followed by restrictions of financial resources and denial [or threats] to deny access to financial and banking systems or other platforms¹⁴⁰ in host countries. Efforts by the Turkish government to silence journalists also entail constant intimidation and harassment of journalists’ family members in Türkiye.

187. Efforts by the Turkish government to silence journalists in exile are not limited to direct threats and transnational repression, but often also form part of diplomatic negotiations with countries where the Turkish government can exert any form of political or other pressure. During

¹³⁵ <https://www.turkishminute.com/2023/11/04/63-journalist-are-imprisoned-turkey-report/>

¹³⁶ Reporters Without Borders, *Round-up of Journalists Killed, Detained, Held Hostage and Missing in 2023*, p. 18. Available at https://rsf.org/sites/default/files/medias/file/2023/12/Round-up_2023_EN.pdf

¹³⁷ *Ibid*

¹³⁸ <https://stockholmcf.org/updated-list/>

¹³⁹ <https://www.turkishminute.com/2023/10/23/interview-adem-yavuz-arслан-exiled-journalists-are-hope-of-turkish-people/>

¹⁴⁰ Platforms such as Amazon, Uber, Etsy etc

deliberations at the Turkish Parliament,¹⁴¹ Turkish Deputy Foreign Minister¹⁴² inadvertently revealed that during discussions with the Swedish delegation on Sweden’s protocol of accession to NATO, one of key demands by Türkiye for Sweden’s NATO bid was the closure of “Nordic Monitor”, an online newspaper administered by Turkish journalists in exile.

188. Pro-government trolling has also increased significantly. It was allegedly initially carried out by youth branches of the ruling AK Party.¹⁴³ By September 2013 however efforts professionally advanced, as the ruling AK Party recruited 6,000 people to a new social media team, known as the New Türkiye Digital Office.¹⁴⁴ Following the attempted coup of July 2016 trolls intensified campaigns to intimidate journalists online, hacking social media accounts, threatening physical and sexual abuse, and orchestrating “virtual lynch mobs” of pro-government voices to silence criticism. Immediately following the attempted coup, the International Press Institute (IPI) found evidence of at least 20 cases where journalists were hacked and had their Twitter direct messages exposed for the world to see. Following the attempted coup journalists are no longer just attacked for being critical of the government, they are labelled as terrorists, threatened with libel and arrested.

189. Digital and social media platforms have also facilitated death threats against exiled journalists. On July 11, 2021, for example a pro-government social media account “Jitemkurt”¹⁴⁵ published a list of 21 Turkish journalists in Europe and North America whom they plan to assassinate.¹⁴⁶ In 2017, journalists Cem Küçük and Fuat Uğur, staunch supporters of the Turkish government, named journalists Ekrem Dumanlı, Emre Uslu, Abdullah Bozkurt and İhsan Yılmaz in exile as the first exiled journalists to be assassinated.¹⁴⁷

190. On July 12, 2018, journalist Yusuf Inan was arbitrarily detained at his farm in Mykolayiv, Ukraine, by Security Service (SBU) officers, including three masked officers. The next day a lower court in Mykolayiv improperly ruled for the extradition of Inan. While Inan’s lawyer was preparing an appeal and his application for asylum in Ukraine, he learned from the media that Inan had been already illegally transferred to Türkiye on July 12, 2018.¹⁴⁸ Around the same time, journalist Yunus Erdoğan in Ukraine was forced into hiding for eight months, as he had been threatened many times with death.¹⁴⁹ His vehicle was vandalized four times in front of his house and the windows were broken¹⁵⁰, but the Ukrainian police subsequently closed the investigation.

¹⁴¹ Turkish Parliament’s Foreign Affairs Committee meeting of October 25, 2023

¹⁴² Burak Akçapar

¹⁴³ <https://www.al-monitor.com/originals/2015/09/turkey-elections-akp-mulls-dumping-social-media-trolls.html>

¹⁴⁴ <https://www.hurriyetdailynews.com/ruling-akp-hires-thousands-for-new-social-media-campaign-54479>

¹⁴⁵ The name refers to a group linked to the notorious gendarmerie intelligence unit JITEM, linked to the disappearance and execution of Kurdish activists, politicians and businesspeople throughout the 1980s and 1990s. Its existence was denied for years, but later officially acknowledged by prime ministers Ecevit and Yılmaz

¹⁴⁶ <https://www.turkishminute.com/2021/07/14/progovernment-social-media-account-publishes-a-hit-list-of-exiled-turkish-journalists/>

¹⁴⁷ <https://www.turkishminute.com/2017/12/22/video-pro-kurdish-mp-says-he-received-intel-on-plans-to-kill-turkish-dissidents-in-europe/>

¹⁴⁸ Please see: <https://www.kyivpost.com/ukraine-politics/ukrainian-wife-of-extradited-erdogans-critic-says-he-was-sent-to-turkey-illegally.html>

¹⁴⁹ <https://europeanjournalists.org/blog/2018/07/23/ukraine-turkish-journalist-under-threat/>

¹⁵⁰ https://m.facebook.com/story.php?story_fbid=2611129085851960&id=100008646815838

191. In January 2021, a top advisor of Turkish President Recep Tayyip Erdoğan threatened journalist Abdullah Bozkurt with death.¹⁵¹ The same journalist was on September 24, 2020,¹⁵² subject to a physical attack in Sweden where he has been granted protection. In March 2022, another journalist in exile (Ahmet Dönmez) was attacked by two men in Stockholm in front of his 6-year-old daughter.¹⁵³

192. In July 2021, for the first time the German federal government made a statement¹⁵⁴ about the so-called “execution lists” containing the names of Turkish journalists in Germany. In its response to a parliamentary question, the government responded that, “*There are currently signs that there are different lists containing the names of people who are assumed to be critical of the Turkish government.*” The federal government stated that it did not have a concrete list and that the investigation on the issue was deepened.¹⁵⁵

193. In 2022, the pro-government Sabah Daily published secretly taken photos of exiled journalists, including Abdullah Bozkurt and Cevheri Güven, revealing their home addresses on its front page. Both exiled journalists expose the Turkish government’s relations with radical and extremist groups, unlawful activities of the Turkish intelligence service and government corruption.¹⁵⁶ On October 19, 2022, Sabah Daily targeted Bülent Keneş, an academic and former editor-in-chief of the now-closed Today’s Zaman newspaper. The Committee to Protect Journalists noted that reports published by Türkiye’s pro-government media outlets that shared the locations of Turkish journalists living in exile are “unethical and irresponsible” and “could lead to serious harm.”¹⁵⁷

194. As part of its widening crackdown against exiled dissidents, the Turkish Interior Ministry regularly updates its “Terrorist Wanted List”, a database that identifies alleged terrorists. The updated list of December 30, 2022¹⁵⁸ contained world-renowned academics, human rights defenders, former civil servants, and individuals from all walks of life, offering considerable rewards for their capture. The list also included at least 15 Turkish journalists living in exile, including Can Dündar, Bülent Keneş, Abdullah Bozkurt, Ahmet Dönmez, Cevheri Güven, Tarık Toros, Adem Yavuz Arslan, Said Sefa, Arzu Yıldız, Levent Kenez, Hasan Cücük, Sevgi Akarçeşme, Erhan Başyurt, Bülent Korucu and Hamit Bilici.¹⁵⁹

195. In January 2024, Mesopotamia Women Journalists Association (MKG) released a report focusing on the violations against women journalists during 2023. According to the report, 168 women journalists stood trial in 2023 in Türkiye. Thirty-two (32) female journalists faced new

¹⁵¹ <https://www.meforum.org/61949/erdogan-henchman-targets-mef-writing-fellow>

¹⁵² <https://cpj.org/2020/09/exiled-turkish-journalist-abdullah-bozkurt-attacked-in-stockholm/>.

¹⁵³ <https://www.turkishminute.com/2022/03/19/ital-turkish-journalist-living-in-exile-in-sweden-brutally-attacked/>

¹⁵⁴ German Undersecretary of Internal Affairs Helmut Teichmann

¹⁵⁵ <https://www.dw.com/tr/alman-h%C3%BCk%C3%BCmetinden-infaz-listeleriyle-ilgili-ilk-a%C3%A7%C4%B1klama/a-58653132>

¹⁵⁶ <https://internationaljournalists.org/pro-erdogan-daily-targets-yet-another-journalist-in-exile-reveals-his-home-address/>

¹⁵⁷ <https://www.turkishminute.com/2022/10/27/dia-publishing-locations-of-turkish-journalists-in-exile-can-lead-to-serious-harm-cpj/>

¹⁵⁸ <https://www.teroraranlar.pol.tr/taranlar>

¹⁵⁹ <https://cpj.org/2023/01/turkey-adds-journalist-can-dundar-to-list-of-wanted-terrorists-at-least-14-other-journalists-also-listed/>

investigations due to their professional activities and investigations targeting 13 journalists turned into trials. Thirty-seven (37) female journalists were detained and five (5) arrested, eight (8) convicted, and at least ten (10) remain under custody.¹⁶⁰

196. The Government of Türkiye also makes constant efforts to prevent access for exiled journalists to the United Nations human rights infrastructure. To prevent exiled journalists for example from speaking at a side event on the margins of the 40th session of the HRC in Geneva in 2019, Türkiye’s Ministry of Foreign Affairs claimed that journalists in exile scheduled to address the event were dangerous terrorists. Türkiye’s pro-government media ran stories claiming that the United Nations had allowed “terrorist propaganda” despite Türkiye’s efforts.¹⁶¹

197. In addition to journalists in exile, many other journalists in Türkiye remain at imminent risk. The Special Rapporteur should recommend hosting countries to consider expediting visa processing for journalists at risk in Türkiye under existing or additional emergency relief programmes. The Special Rapporteur should also urge governments of host countries to take all legal, administrative, and practical measures necessary to ensure a free and safe environment for Turkish journalists in exile. These measures can include designation of specialized police officers, establishment of direct telephone lines, where appropriate and necessary, or strengthening sanctions against perpetrators, who are mostly Turkish pro-government proxies living in the same countries.

198. Under immense pressure and threats, many journalists and media professionals have increasingly resorted to self-censorship, in addition to government’s increased direct censorship of news media, online media, and books.

XVI. DISINFORMATION AND MISINFORMATION

199. Over the past two decades, Türkiye’s government has captured over 90% of the media landscape, including direct control over the country’s public media and indirect control over much of the mainstream media through [ruling] party-aligned oligarchs. The capture of mainstream media has been backed by a mass crackdown on independent media.¹⁶²

200. All the above measures however cannot fully control social media, which have now become an important tool both at the national and international levels. Given high internet access in Türkiye and the widespread use of social media by tech-savvy Turkish people, it is natural that the Government of Türkiye and the ruling Justice and Development Party (AKP)¹⁶³ considers it essential to control social platforms.

¹⁶⁰ <https://www.turkishminute.com/2024/01/06/168-female-journalist-stood-trial-turkey-2023-report/>

¹⁶¹ <https://www.turkishminute.com/2019/03/06/turkey-tries-to-prevent-exiled-journalists-from-speaking-at-un-human-rights-council/>

¹⁶² 142 House lawmakers urge Biden to press Türkiye’s President to end his aggressive transnational repression campaign and persecution of opposition groups, Washington, July 2, 2024
<https://chrissmith.house.gov/news/documentsingle.aspx?DocumentID=413272>

¹⁶³ Adalet ve Kalkınma Partisi (Justice and Development Party)

201. Disinformation law of Türkiye adopted in October 2022,¹⁶⁴ consist of 40 articles amending several laws, including the Internet, Press Law, and the Criminal Code. The law provides additional grounds for extensive censorship of online information and criminalization of journalism, which enables further persecution of exiled journalists, extensive censorship of online information and criminalization of journalism. It also introduced criminal penalties for spreading alleged “false information,” raising fundamental concerns about its impact on freedom of expression, press freedom, and digital rights.

202. Over 30 journalists have faced action under this new law, including questioning by police, detention, legal charges and at least five arrests.¹⁶⁵ In November 2023, the Turkish Constitutional Court (TCC) reviewed the constitutionality of the “disinformation offense” but despite widespread condemnation of the law which is contrary to constitutional guarantees for freedom of expression, it rejected the call for its annulment.¹⁶⁶ The Disinformation Law among other provides the following:

- Criminalizes the intentional dissemination of “false” or “misleading” information that disturbs public order and security.
- Provides for prison sentences between one to three years for those who allegedly spread disinformation that creates “panic, fear, or disrupts public order can face.”
- If the offense is committed anonymously or through organized structures, the sentence can be increased by 50%.
- Social media companies and messaging platforms are required to comply with government content removal requests within four hours or face fines and bandwidth restrictions.
- Foreign social media platforms must appoint local legal representatives in Türkiye and store user data within the country.
- Failure to comply with regulations may result in bandwidth reduction up to 90%, effectively blocking access.

203. The Disinformation Law also provides for new press card regulations to digital journalists, which place independent and opposition media outlets at risk of denials of accreditation, limiting their ability to report freely. The Disinformation Law, even before its enactment became subject to severe criticism, including from human rights organizations, press freedom advocates, and international bodies, mainly because of the following:

- The vague wording of “false information” allows for broad interpretation and arbitrary enforcement.
- The law empowers authorities to target dissenting voices, including journalists, activists, and opposition figures.
- Online discussions, social media posts, and even personal messages can lead to criminal prosecution.

¹⁶⁴ For more se: <https://www.hrw.org/news/2022/10/14/turkey-dangerous-dystopian-new-legal-amendments>

¹⁶⁵ “Turkey: Press Freedom Crisis Deepens Amid Earthquake and National Elections,” the report was prepared by the Committee to Protect Journalists (CPJ), the International Press Institute (IPI), Reporters Without Borders (RSF), the European Centre for Press and Media Freedom (ECPMF) and Osservatorio Balcani e Caucaso Transeuropa (OBCT)

¹⁶⁶ <https://apnews.com/article/turkey-court-upholds-disinformation-law-media-b644131870183eb213822b11b38bb3bf>

204. The law increases state control over online platforms and messaging apps, facilitating mass surveillance. The requirement to store user data locally also raises concerns about privacy violations and government access to private communications. Türkiye’s Disinformation Law (2022) has significantly curtailed press freedom, online speech, and digital rights, marking a shift toward greater government control over information. In November 2023, the Turkish Constitutional Court (TCC) reviewed the constitutionality of the “disinformation offense” but despite widespread condemnation of the law which is contrary to constitutional guarantees for freedom of expression, it rejected the call for its annulment.¹⁶⁷

205. According to parliamentary records, since the enactment of the Disinformation Law in 2022 more than 4,500 individuals have been investigated, and 384 faced prosecution. Data from the Media and Law Studies Association (MLSA) shows that since its enactment at least 56 journalists have faced 66 criminal investigations.¹⁶⁸

XVII. FREEDOM OF ASSOCIATION

206. Pursuant to Article 121 § 2 of the Constitution, the scope of the Government’s emergency powers is defined in the Law on the SOE of 1983, which in articles 9 and 11 contains a *catalogue*, a *closed* list of measures, which may be taken by the government in situations such as the July 2016 attempted coup. The 1983 Law does not provide for *permanent dissolution* of legal entities; Article 11(o) only provides for the “*suspension* of the activities of associations for periods not exceeding three months, after considering each individual case.”

207. In defiance of constitutional and other legal provisions, 29 trade unions,¹⁶⁹ 1,419 associations and 145 foundations were permanently closed following the attempted coup. According to the Venice Commission, “*The emergency decree laws under examination [667 and 676] contain measures which transcend the period of the emergency. Thus, Article 2 of Decree Law no. 667 orders permanent dissolution of over two thousand (2,000) private institutions: under this Decree Law, 35 health institutions, 934 schools, 109 student dormitories, 104 foundations, 1125 associations, 15 universities and 29 trade unions have been liquidated. Pursuant to Article 2 (2) of this Decree Law, all assets of those legal entities are to be transferred to the State, permanently and without compensation. Articles 3 and 4 of Decree Law no. 667 provide for the dismissal of judges and other public servants, to be implemented by decisions of relevant judicial bodies or administrative entities.*”¹⁷⁰

208. In addition to significant limitations on the right to Freedom of Association, on December 24, 2020, the Parliament adopted a new law, significantly increasing the powers of the Ministry of

¹⁶⁷ <https://apnews.com/article/turkey-court-upholds-disinformation-law-media-b644131870183eb213822b11b38bb3bf>

¹⁶⁸ <https://stockholmcf.org/turkey-increases-pressure-on-journalists-thanks-to-2022-disinformation-law/>

¹⁶⁹ These trade unions were affiliated to two Confederations

¹⁷⁰ Venice Commission, *Opinion on emergency decree laws Nos 667-676 adopted following the failed coup of 15 July 2016*, 109th Plenary Session (December 9-10, 2016), para 81

Interior to limit CSOs activities and seriously threatening this freedom. The law¹⁷¹ arbitrarily curtails legitimate activities by CSOs and its implementation has seriously impaired this right.¹⁷²

209. The law “On Preventing Financing of Proliferation of Weapons of Mass Destruction,” which entered into force on December 31, 2020, arbitrarily curtails legitimate activities by civil society organizations and its implementation is expected to seriously impair the right to FoA. 475 nongovernmental organizations in Türkiye signed a statement¹⁷³ calling on the government to withdraw provisions of the law relating to the associations, foundations and fundraising.

210. The law was introduced by the Turkish government to allegedly “comply with a United Nations Security Council counterterrorism resolution 1373 (2001),” and in response to 2019 report by the Financial Action Task Force,¹⁷⁴ an intergovernmental organization against money-laundering and terrorism financing. Provisions of the law however greatly exceed the aim of preventing financing of terrorism and weapons’ proliferation.

211. Out of its 43 articles amending seven existing laws, only 6 aim at combating financing of terrorism. The remaining (37) articles of the law give the Interior Ministry and the President wide authority to restrict the activities of CSOs and diminish their role. The bill for example introduces annual inspections of nongovernmental groups; severe fines for online fundraising activities; suspension of organization’s entire board or activities; suspend a member of the CSOs; absolute lifetime exclusion of anyone convicted of crimes relating to drug trafficking or financing terrorism from being elected to executive positions in nongovernmental groups; inspection of groups that collaborate with or have links with a group under inspection; the authority to compel lawyers representing individuals or organizations to disclose any document or information relating to illegal income; and criminal prosecutions against individuals for peacefully exercising the right to FoA.

212. The law targets in particular human rights associations, women's rights, refugee rights, disability rights, child-youth rights and LGBTI + rights, legal associations, associations engaged in social struggle and funding sources for social assistance. Associations of citizens, sports clubs, associations and foundations of different faith groups will face the risk of being closed with a single signature, and since administrative lawsuits to be filed on this issue will last for years, a “quick closure” procedure will have lasting consequences.¹⁷⁵

¹⁷¹ Law “On Preventing Financing of Proliferation of Weapons of Mass Destruction”

¹⁷² Out of its forty-three articles amending seven existing laws, only six aim at combating financing of terrorism. The remaining (37) articles of the law give the Interior Ministry and the President wide authority to restrict the activities of CSOs and diminish their role. The bill for example introduces annual inspections of nongovernmental groups; severe fines for online fundraising activities; suspension of organization’s entire board or activities; suspend a member of the CSOs; absolute lifetime exclusion of anyone convicted of crimes relating to drug trafficking or financing terrorism from being elected to executive positions in nongovernmental groups; inspection of groups that collaborate with or have links with a group under inspection; the authority to compel lawyers representing individuals or organizations to disclose any document or information relating to illegal income; and criminal prosecutions against individuals for peacefully exercising their right to freedom of association

¹⁷³ See <https://siviltoplumsusturulamaz.org/>

¹⁷⁴ See for more: <https://www.fatf-gafi.org/>

¹⁷⁵ See <https://siviltoplumsusturulamaz.org/>

213. Finally, in suppressing human rights and liberties the government has not hesitated to crack down on any form of dissent, including from INGOs. In June-July 2017, human rights activists from Amnesty International and other INGOs were arrested and investigated on charges for membership of an 'armed terrorist organization'. Among human rights defenders detained and arrested are: Ömer Faruk Gergerlioğlu, a human rights advocate and an MP from the opposition parties; Hüda Kaya, a Turkish journalist, writer, activist and MP from the Peoples' Democratic Party (HDP); Selahattin Demirtaş and Figen Yüksekdağ, HDP co-chairs; Şebnem Korur Fincancı, a doctor of forensic medicine and head of the Human Rights Foundation of Türkiye (TİHV); Osman Kavala, a prominent and respected leading civil society figure in Türkiye; Şerafettin Can Atalay a Turkish lawyer, activist, and politician; the Chair and Director of Amnesty International in Türkiye (Idil Esler and Taner Kılıç). It was the first time in the history of Amnesty International had a director and chair from a single country both behind bars.¹⁷⁶

XVIII. RIGHT TO WORK, SOCIAL SECURITY AND TO AN ADEQUATE STANDARD OF LIVING

214. The scale of Türkiye's purge following the July 2016 attempted coup has been unprecedented. In July 2024, the Turkish Minister of Justice provided an overview of the crackdown on dissent, both in Türkiye and around the world, as follows:

- More than 130,000 public servants as well as 24,706 members of the armed forces were dismissed for alleged membership in or relationships with “terrorist organizations”.
- 4,006 prosecutors and judges were dismissed due to alleged Hizmet links.

215. Apart of the stigma, being branded “terrorists” under decree-laws results in many victims not been able to find any work at all. The Government has taken legal, administrative and other discriminatory measures excluding those unlawfully dismissed from public service in the post-coup period,¹⁷⁷ resulting in serious prohibited discriminatory practices.¹⁷⁸

¹⁷⁶ <https://www.amnesty.org/en/latest/news/2017/07/absurd-terrorism-investigation-launched-into-amnesty-internationals-turkey-director-and-nine-others/>.

¹⁷⁷ See here: <https://arrestedlawyers.org/wp-content/uploads/2022/01/36-ohal-khk-no-country-for-purge-victims.pdf>

¹⁷⁸ Dismissed civil servants for example are among other: Blacklisted in databases of the Employment and the Social Security Agencies with the code “36/OHAL/KHK”; Cannot serve as foster families; Cannot serve as mayors, eldersmen or mukhtars (local elected administrator for villages); Cannot practice law; Cannot work as accountants; Cannot work as architects, engineers, laboratory workers, or as technicians in building inspection companies; Cannot attend vocational courses; Cannot work in private educational institutions; Cannot work as sailors; Cannot work as on-site (workplace) doctors, or as occupational safety specialists; Denied licenses needed to run businesses; Cannot have an artificial insemination certificate as a veterinarian and cannot perform their professional duties in agricultural support programs; Blacklisted in the database of the General Directorate of the Land Registry (TAKBIS), which includes a list of suspicious individuals dismissed under emergency decrees. Those included on this list cannot participate in real estate transactions, either as a party (vendee or vendor) or as a witness; Included on the list of the Ministry of Justice, the Union of Turkish Public Notaries cannot carry out any procedures as notaries, other than giving a power of attorney; Disabled individuals whose first caregivers (e.g. parents, sons, daughters, sons-in-law and daughters-in-law) are dismissed under emergency decrees, cannot benefit from social care funds; Those dismissed under emergency decrees, and 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; Not issued passports and travel documents; Cannot open bank accounts and are discriminated as regards financial transactions and procedures; Discriminated regarding insurance services; Discriminated in relation to business development and incentive credits; Discriminated in relation to mandatory military service; Discriminated in academic publishing; Cannot enter the exams for associate professorships; Cannot receive science scholarships; Cannot be school bus drivers; Discriminated against in taxation;

216. Dismissed public sector employees have not been eligible for unemployment benefits, social assistance, or any state-provided economic support. Following the attempted coup of 2016, across Türkiye large banners even displayed in public offices, other public facilities, restaurants and different shops state that “Parallels and sympathizers of parallels [Hizmet movement] are not allowed inside.”

217. Hizmet movement sympathizers or alleged members have been disproportionately and unlawfully targeted by the decree-laws. Anyone listed in the decree-laws faces discrimination in the community, prospective employment, social participation etc. Dismissed public sector workers are barred by decree from employment in private security companies, effectively barring among other dismissed police and military officials from being employed in similar work or industries in the private sector.¹⁷⁹

218. In a report¹⁸⁰ published on May 22, 2017, Amnesty International echoes the question - Were dismissed public officials left to civil death? “Dismissals based on political affiliation, union membership or actions such as participation in demonstrations violate the rights to freedom of expression, association or assembly, in addition to the right to non-discrimination,” Amnesty International elaborated the jeopardized rights and freedoms, highlighting that: “Expelling people from all work in the public sector or their profession as a whole infringes on the right to work, and in the long term may threaten the right to an adequate standard of living.

219. The routine cancellation of passports violates the right to freedom of movement, while the lack of an effective appeal procedure threatens the right to a fair trial and an effective remedy.” “Due to the stigma of being branded “terrorists” under the decrees, many have not been able to find any work at all. Others, along with their families, have lost housing and health care benefits connected to their jobs. Unable to earn a living in Türkiye, dismissed public sector employees have been prevented from seeking employment abroad, as the decrees also require the cancelation of their passports. The highly uncertain future for dismissed public sector employees is heightened by the absence of any effective means for them to challenge their dismissal. Currently [2017], no courts in Türkiye have accepted jurisdiction to review the dismissals,” Amnesty International described the challenges dismissed civil servants face amid post-coup period.

220. In April 2017, the New York Times Magazine reported on the lists being drawn up of those being purged: In Türkiye, there is a website called *Resmi Gazete*, which means Official Gazette. It is the outlet in which the government posts bills passed by Parliament, but after the attempted coup, the Official Gazette became a site of lists - of the names of the first thousands of those who would eventually be purged from government ministries, schools, courts, universities, nongovernmental organizations, police departments, military battalions, hospitals and banks. Since then, news periodically ripples through Twitter or Facebook that new lists have been released. They are often posted after midnight, and in the terrifying hours that follow, people go online and check for their names, which will also be visible to their neighbors, their bosses, their parents, their

Dismissed physicians (M.D.) are not admitted to programs leading to specializations in medicine; Discriminated in relation to COVID-19 economic relief; Discriminated regarding natural disaster aid.

¹⁷⁹ Decree no. 667 22 July 2016, Article 4.3 and subsequent decrees.

¹⁸⁰ Released with the title “No end in sight: Purged public sector workers denied a future in Turkey”.

sons and daughters. This is how the listed learn that they have lost their jobs, their pensions, their passports. Once on a list, you are stuck in Türkiye - with little means to survive. You are subjected to a form of professional death, and in some cases a form of social death: children bullied at school, families vilified in their neighborhoods [...].

221. Purged public servants who were dismissed by Statutory Decree Law (KHK) lose also their right to benefit from healthcare services. KHK personnel who cannot find a job and therefore have no insurance coverage are forced to live without any health security.

222. According to a survey conducted by the Member of Parliament, Omer Faruk Gergerlioglu, 69.4% of KHK dismissals live without social security. The proportion of those experiencing psychological problems during the entire dismissal process and afterwards is 84.6%. The rate of new health issues or relapsed illnesses is recorded at 45.3%. The study also includes data regarding KHK individuals who are in detention. Among detained KHK personnel, 57.5% responded ‘No’ to the question ‘Can you access all your healthcare rights?’¹⁸¹

XIX. RIGHT TO HEALTH

223. Measures undertaken against the alleged members of Hizmet continue to have an adverse health effect on them and their family members, and in all instances in particular on women and children. Discrimination of women allegedly linked to Hizmet are particularly evident regarding women’s right to reproductive health. Their discrimination is leading to the violation of their right to health and safety, denying the right to human dignity.¹⁸²

224. Multiple sources, including the UN note detentions of pregnant women and mothers with babies, inadequate prenatal/postnatal care, restraints in medical settings, and immediate return to prison after childbirth. Accounts include births in custody and lack of gender-sensitive healthcare. Recommendations repeatedly call for non-custodial alternatives under the Bangkok Rules.

225. In an apparent abhorrent attempt to humiliate and degrade women perceived close to the Hizmet Movement, since the attempted coup of July 2016 the Government of Türkiye has been systematically detaining women on coup charges when they are pregnant or shortly before or after giving birth. Even though this degrading practice continues, within few weeks in July-August 2017, according to an incomplete account on the phenomenon, at least 16 cases were reported across Türkiye.¹⁸³ Lawyers, family members and human rights activists have disclosed serious allegations of discrimination and ill-treatment of women during pregnancy, childbirth and in particular the postpartum period. Cases of discrimination and alleged ill-treatment range from arrest of pregnant women, women in labor taken into custody, denial of medical services and detention/arrest of women during the postpartum period.

¹⁸¹ Deutsche Welle, <https://www.dw.com/tr/türkiyede-khklılar-bize-vebalı-muamelesi-yapıyorlar/a-50521070>

¹⁸² 73 individuals released from prison died due to lack of medical care while deprived of liberty. More information is available from the JWF Policy Paper “*Death in Custody: Right to Life in Turkish Prisons*”, available at <http://jwf.org/jwf/wp-content/uploads/2018/10/Death-in-Custody-Right-to-Life-in-Turkish-Prisons.pdf>.

¹⁸³ More information on this degrading practice available here: <https://turkeypurge.com/mothers-of-turkeys-purge> Please see also: JWF report “*Women’s rights under attack in Turkey*”, 2017. Available at: <http://jwf.org/jwf/wp-content/uploads/2017/05/Womens-Rights-Under-Attack.pdf>

226. On the basis of numerous interviews and credible reports, OHCHR identified a particularly alarming pattern of detaining women just before or immediately after giving birth. OHCHR estimates that approximately 600 women with young children were being held in detention in Türkiye as of December 2017. In almost all cases, they were arrested as “associates” of their husbands – who were the Government’s primary suspects for connection to terrorist organizations – without separate evidence supporting charges against them.¹⁸⁴

227. OHCHR estimated that approximately 600 women with young children were being held in detention in Türkiye as of December 2017, including about 100 women who were pregnant or had just given birth. OHCHR documented at least 50 cases of women who had given birth just prior to or just after being detained or arrested. OHCHR received a report concerning a woman who was sexually assaulted by a police officer during arrest. Moreover, NGOs brought to the attention of OHCHR at least six cases of women who were detained while they were visiting their spouses in prison. They were either detained together with their children or violently separated from them. OHCHR has received reports of medical doctors and nurses fighting to prevent the police from handcuffing women in hospitals during or immediately after giving birth. It received a report concerning the detention of a woman who was shackled by her legs immediately after her miscarriage. OHCHR also collected evidence of a woman who gave birth by caesarean section and was arrested hours later at high risk to her and baby’s health. OHCHR received credible reports that babies were held in inadequate conditions with their mothers, a situation which may constitute ill-treatment. A relative of a woman imprisoned in South-East Türkiye told OHCHR: “My daughter has been jailed for a year on a made-up charge of support to terrorism. With her is her 13 month-old infant who has anemia and a lung disease that requires him to spend a lot of time in fresh air, which is impossible in prison.” In another case, the mother of a prematurely born baby was removed from hospital after giving birth and taken to a prison 660 kilometers away, despite medical reports that the health of her baby, who could not be moved from the hospital incubator, was at risk unless breastfed by the mother.¹⁸⁵

228. Mothers and children exposed to such practices face serious risks of health complications, stunting and even death. Their situation may amount to torture, cruel, inhuman or degrading treatment. Due to stress, many women report being mentally unwell and unable to breastfeed or to look after their children who are imprisoned with them. OHCHR recalls that, according to the Bangkok Rules, the State should ensure that children held with their imprisoned mothers are never treated as prisoners, and that the environment in which children are detained is as close as possible to conditions outside prisons. A comprehensive individual assessment for each child should be made considering the best interests of the child, and non-custodial measures should be preferred for pregnant women and those with dependent children.¹⁸⁶ In this connection, the OHCHR recommended to the Government of Türkiye to “*end the practice of detaining pregnant and postpartum women, and consider using non-custodial measures for sentenced pregnant women*

¹⁸⁴ OHCHR, “Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East (January – December 2017), March 2018, paras 12 and 78. The report is available at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22853&LangID=E>

¹⁸⁵ OHCHR, “Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East (January – December 2017), March 2018, paras 85-88. The report is available at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22853&LangID=E>

¹⁸⁶ *Id.*, para 89

and those with young children.”¹⁸⁷ This recommendation has been disregarded by the government in its entirety.

229. Poor conditions in Turkish prisons and detention facilities exacerbate the current conditions of discriminated women, causing serious health complications for babies, expectant mothers, and mothers with newborn babies. Women in such situations are deprived of required diet, vitamins, medicine, proper care and assistance during or after the pregnancy. They are also prohibited from engaging in exercise necessary for the wellbeing of themselves and their babies.

XX. RIGHTS OF THE CHILD & RIGHT TO EDUCATION

230. Children of individuals allegedly linked to Hizmet continue to face direct and indirect discrimination; the latter also based on their families’ economic hardship, exclusion, violence and humiliating and degrading treatment, in particular in places where individuals are deprived of their liberty and in health-care facilities. Children therefore feel rejected, avoided and feared by other children and their families. They often face bullying at schools because a parent is in prison or simply labeled as “terrorist” and sometimes feel treated as if they were the delinquent.

231. Contrary to its obligations under the ICESCR, the Government of Türkiye has, *inter alia*, introduced legislation, which discriminates against those perceived close to the Hizmet Movement, and has also failed to reverse or repeal any of *de facto* discriminatory legislation or practices in the field of education.

232. Türkiye is also in flagrant breach of its obligations under ICESCR, to respect, protect and fulfil each of the “essential features”¹⁸⁸ of the right to education.¹⁸⁹ It has, *inter alia*, arbitrarily closed thousands of private schools and confiscated their assets, and it is failing to protect the accessibility of education by girls; to take positive measures to ensure that education is culturally appropriate for minorities and of good quality for all; to fulfil the adaptability of education by designing and providing resources for curricula which reflect the contemporary needs of students in a changing world; and to fulfil the availability of education by actively developing a system of schools, including building classrooms, delivering programs, providing teaching materials, training teachers and paying them domestically competitive salaries.

233. The actions of the government since 2015 have had a profound impact on the entire higher education sector, *inter alia*, denying academic freedom to staff and students, thus jeopardizing Türkiye’s future.

¹⁸⁷ OHCHR, “Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East (January – December 2017), March 2018, para 122.e. The report is available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22853&LangID=E>.

¹⁸⁸ Availability, accessibility, acceptability, adaptability

¹⁸⁹ See JWF report, *Assault on the Right to Education in Turkey*, available here: <https://jwf.org/wp-content/uploads/2022/01/Assault-on-the-Right-to-Education-in-Turkey.pdf>

A. Mass detention of children and students

234. One of the most disturbing aspects recently are reports of mass arbitrary detention of children and students under the so-called operations against the alleged “restructuring” of the Hizmet Movement in Türkiye. These operations target individuals who were minors at the time of the July 2016 coup attempt but have since reached the age of criminal liability.

235. Children as young as primary school age were subjected to months of physical surveillance in the courses they attended, as if they were terrorists, and everything they did was recorded. In this situation, hundreds of thousands of individuals and family members live with the psychological anxiety of being visited by the police every morning.

236. In all these cases it is not necessary to have committed an act of violence, which are essential elements of terrorism, to be arrested and punished for membership of a terrorist organization. Being a relative of a Hizmet-linked person who has been imprisoned or illegally dismissed from his job, or even receiving help from him, is enough to be accused of a criminal offence.

237. On 6 May 2024, for example, 38 persons were arrested as part of an investigation conducted by the Istanbul Chief Public Prosecutor's Office, and 29 of these were detained. The accusations were providing educational coaching to children whose parents are imprisoned, thereby supporting the families.¹⁹⁰ However, this operation differed from previous ones, as until that date, there had not been a direct investigation into minors in such circumstances. In this latest incident, even minors were directly targeted in terrorism investigations related to the Hizmet/Gülen Movement.

238. Many high school and university students, most of whom girls, were detained along with their mothers. Sixteen children under the age of 18 were held in a separate unit from their mothers at the police station and were subjected to psychological torture, being threatened by the police with statements such as *"we will make you vomit blood"*.¹⁹¹

239. Detained individuals were also accused of hugging each other as it was a secret way of exchanging a criminal asset.¹⁹² Obviously, it is seen that questions based on physical surveillance aim to portray routine activities of daily life as organizational activities and are based on questioning individuals' personal freedoms. 29 of the detainees, including female university students detained with their mothers, were arrested on the grounds some of them as follows:¹⁹³

- R.G. for teaching English to 5 primary school students,
- H.A. on the grounds of providing English lessons to his/her middle school-aged daughter.

¹⁹⁰ Kronos, “29 tutuklama: Parkinson hastası anne, kızıyla birlikte hapse gönderildi”, 11 Mayıs 2024, <https://kronos36.news/tr/29-tutuklama-parkinson-hastasi-anne-kiziyla-birlikte-hapse-gonderildi/>

¹⁹¹ Turkish Minute, “Erdoğan’s crackdown does not spare minors: Teenagers recount trauma of police custody”, May 15, 2024, <https://www.turkishminute.com/2024/05/15/erdogan-crackdown-donot-spare-minors-teenagers-recount-trauma-of-police-custody/>

¹⁹² Hürriyet, “FETÖ’nün kadın yapılanması çöktürüldü: Para transferi polis kamerasında! Ne ifade verecekleri öğretilmiş”, Mayıs 30, 2024, <https://www.hurriyet.com.tr/gundem/fetonun-kadin-yapilanmasi-cokertildi-para-transferi-polis-kamerasinda-ne-ifade-verecekleri-ogretilmis-42469674>

¹⁹³ Kronos, “29 tutuklama: Parkinson hastası anne, kızıyla birlikte hapse gönderildi”, 11 Mayıs 2024, <https://kronos36.news/tr/29-tutuklama-parkinson-hastasi-anne-kiziyla-birlikte-hapse-gonderildi/>

- N.E. on the grounds that he/she drove home the teacher who gave English lessons to his/her child,
- K.D. on the grounds that his/her daughter had invited her friends for dinner at her house,
- G.G. for making his/her daughter take English lessons in primary school,
- Z.T. on the grounds that he was an educational coach for students,
- H.K. (A university student) was arrested on the grounds that she and another friend were living in a house apart from their families.

240. The trial started on 23 September 2024, at the Istanbul 24th High Criminal Court. Testimonies of the defendants were taken on 23, 24 and 25 September. On Thursday 26 September, 15 girls aged between 13 and 17 who were forcibly taken to the police station are expected to be brought in by the police to testify.

241. The case of the Girls, which has been ignored by the Turkish public, is closely followed by some international human rights organizations and representatives of foreign countries. One of these representatives, Prof. Dr. Antonio Stango, President of the Italian Federation for Human Rights, told journalists following the case that he had not seen any evidence or questions about the alleged crime.¹⁹⁴

242. On 27 September 2024, the court ruled for the continuation of detention of 8 defendants, including Aysu BAYRAM, a housewife who received a liver transplant.¹⁹⁵

B. Detention of University Students

243. In February 2021, 30 female students detained as part of the operation against members of the Gülen Movement were subjected to strip searches at Uşak Security Directorate. In the incident, which was brought to the agenda by HDP Kocaeli MP and Human Rights Investigation Commission Member Ömer Faruk Gergerlioğlu, the women detained in the FETÖ operation were subjected to “strip searches” at Uşak Security Directorate and the criminal complaints filed in this regard were concluded with non-prosecution by the prosecutor's offices that became the regime judiciary. Female students detained on suspicion of Gülen Movement affiliation were subjected to humiliating strip searches, despite public outcry. Officials attempted to justify these invasive searches, perpetuating a culture of abuse and impunity.¹⁹⁶

244. On December 19, 2023, the Istanbul Directorate of Smuggling requested Istanbul Prosecutor's Office to begin an investigation on unverified information concerning activities by university students. Three months and ten days of phone tapping and technical surveillance followed, culminating on May 7, 2024, with the detention of female university students, their parents, and teachers (27 detained and an indictment against 41 individuals) on alleged activities

¹⁹⁴ 724 Haber, “İtalyan İnsan Hakları Federasyonu, Kız Çocukları Davasında akıl almaz ihlalleri raporlaştırdı”, -14 Kasım 2024, <https://www.tr724.com/italyan-insan-haklari-federasyonu-kiz-cocuklari-davasinda-akil-almaz-ihlalleri-raporlastirdi/>

¹⁹⁵ <https://x.com/drgokhangunes/status/1839667176782921980>;

<https://x.com/iahrageneva/status/1839675405126574096>

¹⁹⁶ Duvar, “Strip search, sexual violence claims in Turkish prisons prompt outrage”,

<https://www.duvarenglish.com/strip-search-sexual-violence-claims-in-turkish-prisons-prompt-outrage-news-55501>

aimed at what the authorities claim to be the so-called “restructuring process of Hizmet in Türkiye.” The 529-page indictment includes 418 pages focused on alleged “terror actions” deriving from phone taps and physical surveillance, which in many cases are simply routine normal conversations among female university students. The indictment against these individuals has been interpreted similarly to other cases where individuals dismissed by statutory decrees (KHK) or those under investigation or prosecution due to alleged links to Hizmet Movement, have been charged with engaging in organizational activities by gathering and providing lessons to their children.

245. The absurdities of the indictment in themselves are alarmingly indicative of the kind of “justice” the Turkish courts may deliver, and the sentences it may eventually hand down. If the court proceeds with the same reasoning, and if no different perception arises, these individuals, including fifteen children may be convicted to long prison sentences on charges of membership in a terrorist organization.

246. On 28 May 2024, eight university students were detained. In the investigation carried out by the Istanbul Chief Public Prosecutor's Office, it is alleged that the Hizmet Movement encouraged university students to stay together, that one of the students, in order to avoid attracting attention, fulfilled the procedures regarding the lease contract and invoices, that no documents related to the Hizmet Movement were kept in the houses, and that all these were preparations for terrorist activities to be carried out.

247. On 6 May 2025, Turkish authorities issued detention warrants for an initial total of 208 individuals across multiple provinces, primarily targeting university students, and the number of those detained later increased to 320. These detentions stem from an investigation characterized by serious procedural irregularities and a lack of transparency, with the entire process conducted in a highly secretive manner. Authorities imposed strict 24-hour restrictions on access to legal counsel, effectively preventing detainees from consulting with their lawyers, thereby undermining their right to a fair defense.

248. Statements from the authorities,¹⁹⁷ along with information gathered on the ground, indicate that the composition of those detained is as follows: (i) University students; (ii) Members of families previously targeted in similar investigations; and (iii) Individuals traveling abroad for valid reasons, including visiting relatives, pursuing education, or employment.

249. The justifications cited in support of the operation rely primarily on vague and generalized allegations, including participation in meetings conducted via widely available public communication platforms such as Signal and Telegram, and purported “*contact with companies alleged to be affiliated with the organization.*” These messaging applications are lawful, globally accessible tools used for personal and professional communication. The companies owning these messaging applications are also legally registered entities operating in compliance with Turkish national regulations.

¹⁹⁷ <https://x.com/AliYerlikaya/status/19196624667675857>

250. These actions reflect the broader misuse of anti-terrorism laws as mechanisms of systemic repression. Following a four-day detention and interrogation period, 77 children were arrested in a manner that raises significant concerns regarding legality and due process, while additional individuals have been released under judicial control. These youths are children of families previously subjected to administrative or judicial actions in Hizmet-related investigations, with many of their parents having lost jobs or faced imprisonment following the alleged coup attempt on 15 July 2016.

251. Those detained were between the ages of 8 and 12 at the time of the coup attempt, have continued to endure significant trauma during their formative years and now confront the prospect of detention and imprisonment themselves. The majority of those arrested are university students who now face exclusion from essential academic examinations, constituting a grave infringement on their educational rights.

C. Closure of Turkish Preparatory Schools

252. Preparatory schools (known in Türkiye as dersane) are private teaching institutions that aim to guide students and graduates in the courses that they want to be successful, to prepare them to the entrance exams of higher schools and of public and/or private institutions, to encourage them making research and analysis.¹⁹⁸¹⁹⁹ Preparatory schools emerged in the 1970s to address the test-oriented system of admission and high competition in the selection of high schools and colleges. According to available statistics, in 2012 over two million students attended 3,800 preparatory schools, competing for approximately 300,000 spaces in 179 public and private colleges and universities.

253. In average, 44 percent of 8th graders and 61 percent of 12th graders in Türkiye attended preparatory schools annually before 2014.²⁰⁰ Preparatory schools affiliated with the Hizmet Movement were first allegedly targeted during a National Security Council meeting on August 25, 2004²⁰¹. Practical and concrete actions, including open assault against the preparatory schools, and in broader terms against all educational institutions affiliated with the Hizmet Movement, intensified after the 2013 corruption scandal, which began with the detention of 52 individuals on December 17, 2013, connected in various ways with the ruling Justice and Development Party (AKP).

254. Following the scandal, then-Prime Minister Erdoğan openly called to the public to boycott Hizmet-affiliated schools and take their children out of the schools. “Special warnings” were even addressed to members of the parliament from the ruling AKP party, along with serious consequences in case of non-compliance. December 17, 2013 was also used as a reference date in later persecuting those who did not take out their children from the schools after that date. In mid-August 2016, Sakarya Governor confirmed that public officials who continued sending their children to the Hizmet-affiliated schools after December 17-25, 2013, were dismissed.

¹⁹⁸ https://link.springer.com/content/pdf/10.1057%2F9781137097811_12.pdf

¹⁹⁹ <https://www.resmigazete.gov.tr/eskiler/2009/10/20091021-1.htm>

²⁰⁰ Fevzi Bilgin, *Turkey Brief: The Preparatory School Debate*, Rethink Brief 02 / 2013

²⁰¹ See page 7 at Report: Assault on Education in Turkey and Abroad, available at <https://jwf.org/jwf/wp-content/uploads/2018/05/ASSAULT-ON-EDUCATION-In-Turkey-And-Abroad-Short-version.pdf>

255. In addition to the above measures, former Prime Minister and President Erdoğan on many occasions after the 2013 corruption scandal clearly stated his further intentions in relation to the Hizmet-affiliated schools; literally by “*scraping the roots of all of them.*” Measures in his own words included “*creating an intelligence state*” by changing the law on the National Intelligence Organization (MİT),²⁰² and threatening to “*settle accounts with them*”²⁰³ after March 30, 2014, by “*conducting operations and raiding their places.*”²⁰⁴

D. Closure of Hizmet-affiliated educational institutions in the aftermath of the July 2016 attempted coup

256. Article 2 of Decree Law no. 667 orders liquidation of organizations with the slightest contact with the Hizmet Movement, organizations “*which belong to, connect to, or have contact with*” the “*FETÖ/PDY*”. These organizations include private health institutions, private education institutions, private dormitories and lodgings for students, foundations and associations and their commercial enterprises, trade-unions, federations, etc. Under Article 2 (2) all assets of those companies are transferred to the State without any compensation.

257. The measures provided for under the Decree Law 667 constitute a far-reaching interference with several rights provided by the Turkish laws and relevant international law incumbent upon Türkiye. The unlawful seizure and liquidation of educational institutions in addition affects the students’ right to education as provided for in particular in Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 2 of Protocol No. 1 to the European Convention of Human Rights. Unlawful liquidation of educational institutions also concerns parallel obligations under, *inter alia*, Articles 19 and 21 regarding freedom of expression and association under the International Covenant on Civil and Political Rights (ICCPR).

258. Pursuant to the provisions of decree law 667, 1,064 private education institutions, 360 study centers, 847 student dormitories, 47 healthcare centers and 16 private foundation universities were permanently closed.²⁰⁵

259. The magnitude of the repression by the Turkish government on teachers and other education personnel, without providing a single proof on any wrongdoing by those affected suggests a systematic and widespread effort to suppress any perceived threat to the government - in clear infringement of the right to education and internationally recognized standards of academic freedom. Massive dismissals of teachers and academics, accused of links to Hizmet Movement have significantly affected the education sector and thereby the right to education.²⁰⁶

²⁰² National Intelligence Organization (Turkish: Millî İstihbarat Teşkilatı, MİT)

²⁰³ Civil society structures, the business and the media

²⁰⁴ Many of the measures against Hizmet affiliated institutions, including raids implemented following the above threat are described further down in this Chapter and the Annex on the preparatory schools

²⁰⁵ <https://turkeypurge.com/home-page-3>

²⁰⁶ See also OHCHR, “*Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East (January – December 2017)*,” March 2018, para 8. The report is available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22853&LangID=E>

260. The measures taken in the aftermath of the attempted coup have taken a lasting and devastating toll on the right to primary and secondary education. It is estimated that 34,274 teachers were dismissed by emergency decree laws, in addition to over 21,000 teachers having their teaching licenses cancelled.²⁰⁷ The crackdown also included the closure of teacher’s union *Aktif-Eğitim*, in flagrant breach of the right to freedom of association.

261. The tens of thousands of dismissed teachers cannot return to their previous jobs, cannot take other state positions, not allowed to work in the private sector and they cannot be employed in another industry, because of the decree dismissal label. They therefore face precarious living conditions, surviving with no income. According to the Education and Science Workers' Union (Eğitim Sen), fifty-three (53) teachers who could not make it anymore tragically committed suicide.²⁰⁸

262. At least 1,064 private education institutions, 360 study centers and 847 student dormitories were permanently closed through government decree. All their assets estimated at around 100 billion US dollars²⁰⁹ were arbitrarily seized without compensation. Article 6 of Decree-Law 677, published in the Official Gazette No. 29896 of November 22, 2016, provides an absolute restriction with respect to claims for damages. It stipulates the following: *“Within the scope of the decree-laws enacted under the state of emergency declared upon the Decision of the Council of Ministers dated 7/20/2016 and No. 2016/9064, the institutions and organizations closed for having membership to, affiliation, or connection with terrorist organizations or structures, formations or groups determined by the National Security Council to carry out activities against the national security may under no circumstances claim compensation for being closed.”*

E. Assault on Hizmet Schools Abroad

263. In the end of May 2016 (approximately two months before the attempted coup), the Turkish government presented a draft-law to the Parliament aiming to establish a foundation (Maarif²¹⁰ Foundation), which would operate under the Ministry of National Education of Türkiye. The Maarif Foundation was specifically established and tasked by the Turkish government to incite foreign governments seize educational foundations operating in other countries, targeting enterprises run by individuals close to the Hizmet/ Gülen Movement. In the event seizures are successful, through mainly illegal administrative and practical actions, the Maarif Foundation would be offered as an alternative foundation with the authority to purchase, take over and rent properties. According to Birol Akgün, chairman of the Maarif Foundation, as of August 2021 the Foundation has already taken over 216 schools affiliated with the Hizmet Movement in 44 countries.²¹¹

²⁰⁷ <https://turkeypurge.com/home-page-3>

²⁰⁸ <https://www.dw.com/tr/khkl%C4%B1-%C3%B6%C4%9Fretmenlerin-s%C4%B1k%C4%B1nt%C4%B1lar%C4%B1-s%C3%BCr%C3%BCyor/av-59356722>

²⁰⁹ Hürriyet newspaper, July 26, 2016. Available at: <http://www.hurriyet.com.tr/kapatilan-kurumlarin-degeri-en-az-100-milyar-dolar-40170575>

²¹⁰ Ottoman Turkish word for education, which comes from the Arabic word for knowledge or wisdom.

²¹¹ <https://stockholmcf.org/turkeys-maarif-foundation-illegally-seized-german-run-school-in-ethiopia-says-manager/>

264. The establishment of the Maarif Foundation and its stated goals have not gone unnoticed by the international community. The report by the co-rapporteurs, Ms. Godskesen and Ms. Mikko of the Council of Europe’s Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) published in May 2017 raised its concern “*by the move made by the Turkish authorities, with the assistance of the newly established Maarif Foundation, to incite foreign countries to close down Gülen linked schools and institutions, and by reported cases of religious authorities allegedly spying on the Turkish community living abroad or inciting Turks to denounce alleged members of the Gülen movement.*”²¹²

265. Finally, in addition to educational institutions and Turkish teachers, the Turkish government also targeted, in a discriminatory manner, Turkish students in other countries. On September 1, 2016, the Turkish government published Decree Law No. 673 revoking, *inter alia*, the diplomas and studentship of 158 Turkish students abroad, allegedly “*affiliated with or connected to the FETÖ/PDY terrorist organization, which were determined to pose a threat to national security.*”

F. Confiscation of Educational Institutions and Their Assets

266. Pursuant to the provisions of decree law 667, 1,064 private education institutions, 360 study centers, 847 student dormitories, 47 healthcare centers and 16 private foundation universities were permanently closed.²¹³

267. At least 1,064 private education institutions, 360 study centers and 847 student dormitories were permanently closed through government decree. All their assets estimated at around 100 billion US dollars²¹⁴ were arbitrarily seized without compensation. Article 6 of Decree-Law 677, published in the Official Gazette No. 29896 of November 22, 2016, provides an absolute restriction with respect to claims for damages. It stipulates the following: “Within the scope of the decree-laws enacted under the state of emergency declared upon the Decision of the Council of Ministers dated 7/20/2016 and No. 2016/9064, the institutions and organizations closed for having membership to, affiliation, or connection with terrorist organizations or structures, formations or groups determined by the National Security Council to carry out activities against the national security may under no circumstances claim compensation for being closed.”

268. The Turkish government’s use of these broad “criteria” to prosecute or justify the seizure of assets and detention of individuals demonstrates a pattern of political repression rather than legitimate law enforcement. Thousands of business people have experienced losing access to their accounts, records, and properties without due process aligns with this pattern, highlighting that

²¹² Council of Europe, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), *The functioning of democratic institutions in Turkey*, 5 April 2017, 3.2.1. *Extent of the measures taken, lack of proportionality*, para. 39, pages. 16/17

²¹³ <https://turkeypurge.com/home-page-3>

²¹⁴ Hürriyet newspaper, July 26, 2016. Available at: <http://www.hurriyet.com.tr/kapatilan-kurumlarin-degeri-en-az-100-milyar-dolar-40170575>

they are victims of an unjust system that labels and punishes individuals based on vague associations, rather than concrete evidence of criminal activity.

XXI. DECLINE IN WOMEN’S RIGHTS

269. Under the Justice and Development Party (AKP) rule since 2002, Türkiye has experienced a sharp declining trend in almost all democratic indicators, including the rights of women. Women continue to face unique challenges driven by government-promoted discrimination and stereotypes about their so-called “appropriate role”, including frequent demeaning statements about women who do not adhere to traditional roles. Islamist ruling AKP has also encouraged female subservience, with President Erdoğan even calling childless women “*deficient*”.

270. Since the breakdown of the Kurdish peace process (July 2015) and the attempted coup, Kurdish women and women allegedly linked to the Hizmet Movement suffer disproportionate multi-faceted discrimination, particularly as regards equal access to political participation, health, education, employment, and justice, both in law and practice. In addition, women belonging to the above marginalized groups face economic hardship, exclusion, and violence, humiliating and degrading treatment in places where persons are deprived of liberty, including in health-care facilities, especially during pregnancy, childbirth, and the postpartum period.²¹⁵

271. Women allegedly linked to the Hizmet Movement continue to suffer disproportionate multi-faceted discrimination, in particular as regards equal access to basic social services such as health, education, employment and justice, both in law and practice.²¹⁶ Tens of thousands of women, including housewives, journalists, teachers, academics, physicians, health care professionals and businesswomen, have been detained in the aftermath of the attempted coup, for allegedly having links to Hizmet. Many religious leaders and radical Islamic groups have even made public statements suggesting that, “*women and girls from Hizmet are subjects of the pro-Erdogan supporters.*”²¹⁷

272. Based on numerous interviews and credible reports, by 2017 the OHCHR identified a particularly alarming pattern of detaining women just before or immediately after giving birth. OHCHR estimated in 2018 that “*approximately 600 women with young children were being held in detention in Türkiye as of December 2017. In almost all cases, they were arrested as ‘associates’ of their husbands – who were the Government’s primary suspects for connection to terrorist*

²¹⁵ A postpartum period or postnatal period is the period beginning immediately after the birth of a child and extending for about six weeks

²¹⁶ On May 7, 2024, for example, 27 female university students were detained, and an indictment was prepared against 41 individuals (their parents, and teachers), on alleged activities aimed at what the authorities claim to be the so-called “restructuring process of Hizmet in Türkiye.” The 529-page indictment includes 418 pages focused on alleged “terror actions” deriving from phone taps and physical surveillance, which in many cases are simply routine normal conversations among female university students.

²¹⁷ See also: <https://www.turkishminute.com/2018/06/18/opinion-erdogan-govt-turns-to-rape-as-a-political-weapon-in-turkey/>

*organizations - without separate evidence supporting charges against them.”*²¹⁸ The Ministry of Justice announced on March 9, 2021 that 317 mothers were held in prisons, along with 345 children from 0 to 6 years old.²¹⁹

273. In March 2021, Türkiye also withdrew from the Istanbul Convention, a critical safeguard combatting violence against women, which has steadily increased in Türkiye. In 2016 - 328 women were killed by men; in 2017 - 409, with 387 children and 332 women sexually abused; in 2018 - 440 women murdered and 317 sexually assaulted; in 2019 - 474 women were murdered; and in 2020 – 300 women were killed by men and 171 women found dead in suspicious circumstances.

274. The Coalition for Women in Journalism’s “Press Freedom Status May 2021” index lists Türkiye among the top countries with the highest number of attacks against women journalists and media correspondents in the field.²²⁰ The coalition underlines that there is a dramatic increase in the cases of female reporters being physically harassed, while arbitrary detentions and pro-longed custody periods are also routinely occurring.

XXII. RIGHTS OF PERSONS WITH DISABILITIES

275. The decline of democratic values and the erosion of human rights and fundamental freedoms in Türkiye in recent years was followed by an increasing discrimination against persons with disabilities, on two or more prohibited grounds.

276. In particular in the aftermath of the attempted coup of July 15, 2016, persons with disabilities have become subject to an unprecedented and wholesale attack, aimed at suppressing all dissent among them, real or not. Among the most deplorable in the long list of violations and abuses in the post-coup Türkiye are the extensive punitive measures against persons with disabilities and their family members - detained, arrested or dismissed over their alleged links to the Hizmet Movement, in flagrant breach of the obligations of Türkiye under the Convention on the Rights of Persons with Disabilities (CRPD).

277. Among over 160,000 civil servants and other professionals arbitrarily dismissed following the attempted coup of July 15, 2016, it is estimated that there are at least 2,000 visually impaired individuals.²²¹ Along with their families, visually impaired dismissed officials have also lost housing and health care benefits connected to their jobs.

278. Disability allowance for children belonging to individuals accused of links to the Hizmet Movement are regularly cut off,²²² and children with disabilities are sometimes denied the right to

²¹⁸ OHCHR, “Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East (January – December 2017), March 2018, paras 12 and 78. The report is available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22853&LangID=E>.

²¹⁹ <https://cte.adalet.gov.tr/Home/SayfaDetay/basin-aciklamasi09032021045708>

²²⁰ <https://womeninjournalism.org/reports-2/press-freedom-status-for-women-journalists-may-2021>

²²¹ <https://turkeypurge.com/2000-visually-impaired-people-among-those-dismissed-in-turkeys-post-coup-purge-amnesty-intl>

²²² See for example: <https://turkeypurge.com/government-cuts-off-funds-for-disabled-child-over-fathers-gulen-links>.

a family environment and left unattended after their parents are arrested.²²³ To the dismay of the concerned families and the broader public, disabled persons have themselves been routinely taken into custody for alleged involvement in the attempted coup.²²⁴ In addition to the above devastating measures, health clinics and associations assisting disabled persons are among those shut down by decree-laws, on alleged links to the attempted coup.²²⁵

279. Relentless repression and discrimination against disabled persons, alleged members of Hizmet, has only intensified during the reporting period. The health of persons with disabilities in prisons is under imminent threat and ongoing damage of a very grave nature, which can easily turn in several cases into a life-threatening situation. This is exacerbated by the fact that prison conditions in Türkiye do not accommodate some disabilities, and there is no independent reporting system to ensure that they report ill-treatment without fear of reprisals.

XXIII. FREEDOM OF MOVEMENT

280. Since the attempted coup of July 15, 2016, the Turkish authorities have increasingly resorted to the arbitrary deprivation of citizenship, denial of important consular services and cancellation of passports as a means to punish dissent and retaliate against human rights defenders, teachers, academics and journalists in the country and exile.

281. In a report²²⁶ published on May 22, 2017, Amnesty International echoed the question – “Are dismissed public officials left to civil death? [...] The routine cancellation of passports violates the right to freedom of movement, while the lack of an effective appeal procedure threatens the right to a fair trial and an effective remedy.” The New York Times Magazine noted in April 2017 that it has become a common feature that freedom of movement i.e. trying to leave Türkiye, has been curtailed: “People become aware of their imminent detention or arrest and try to catch a foreign flight, only to have their passports seized or canceled before they can board the plane. Even those who have not been labeled members of a terrorist organization or been accused of trying to kill Erdoğan have arrived at the passport line and been made to wait while a clerk calls someone and reads their Turkish ID number over the phone to confirm that they are allowed to leave the country.”²²⁷

282. Decree No. 667, the first decree under the State of Emergency, published in the Official Gazette on July 23 [2016] provides in its Article 5 for the cancellation of passports of all those subjected to administrative acts, criminal investigation and prosecution, in clear violation of international human rights law and Article 23 of the Turkish Constitution. By December 2017, the authorities revoked 234,419 passports since the attempted coup of July 15, 2016.²²⁸

²²³ See for example: <https://turkeypurge.com/autistic-children-left-unattended-as-teacher-parents-under-arrest-over-alleged-coup-links>. <https://turkeypurge.com/mother-with-disabled-son-daughter-detained-over-alleged-coup-involvement>.

²²⁴ <https://turkeypurge.com/even-disabled-son-was-arrested-in-bylock-operation-woman-decries-witch-hunt>

²²⁵ For more see: <https://turkeypurge.com/13-health-clinics-2-disability-associations-shuttered-in-new-govt-decree>

²²⁶ Amnesty International, “No end in sight, Purged public sector workers denied a future in Turkey”, May 2017

²²⁷ The New York Times Magazine, Inside Turkey’s Purge, April 13, 2017. Available at:

https://www.nytimes.com/2017/04/13/magazine/inside-turkeys-purge.html?_r=0

²²⁸ Turkish interior minister: 55,665 jailed, 234,419 passports revoked since coup attempt, available at:

<https://turkeypurge.com/turkish-interior-minister-55665-jailed-234419-passports-revoked-since-coup-attempt>

283. The Council of Europe Commissioner for Human Rights raised [on July 26, 2016] serious concerns with regards to Decree KHK/667,²²⁹ including the provisions in Article 5 regarding the automatic cancellation of passports of persons being investigated or prosecuted, without any court order. On September 1 [2016], an amendment to the decree extended this power, enabling the authorities to cancel or confiscate the passports of spouses and partners of those under investigation.²³⁰ Article 10(2) of KHK 673 reads as follows: “The following Paragraph has been added to Article 5 of the Decree-Law No. 667:“(2) The passports held by the spouses of persons, whose names are notified to the relevant passport unit under Paragraph 1, may also be cancelled by the Ministry of Interior on the same date where it is considered as detrimental in terms of general safety.”²³¹

284. In this regard, the Government of Türkiye has not offered any argument for as to why seizing the passports of those dismissed through administrative acts are necessary to protect national security and the public order. In addition, *justifying* the restrictions on the freedom of movement to family members through what decree-law 673 describes as - “detrimental in terms of general safety” - does certainly not meet the standards of the Human Rights Committee, as provided for in its General Comment No. 27.

285. Cancellation of passports of family members raises other serious concerns on 'guilt through association'. Following his visit to Türkiye in September 2016, the CoE Commissioner found that “A series of measures of particular concern to the Commissioner are those which target directly or are liable to affect family members of suspects in an automatic fashion. In addition to the evictions, termination of lease agreements and freezing of assets of the said suspects, which are likely to create unnecessary hardship and victimization for family members, the Commissioner noted other measures of an administrative nature, such as the possibility for annulling passports of spouses of suspects who are themselves not under investigation and the unlimited access by administrative authorities to the personal data of family members of suspects.” This approach according to the Commissioner raised extremely serious concerns with regard to Article 8 of the ECHR. The Commissioner further expressed his concern that such measures will inevitably fuel the impression of 'guilt by association', already voiced by many of his interlocutors. In the opinion of the Commissioner, any measure treating family members of a suspect also as potential suspects should not exist in a democratic society, even during a state of emergency.”²³² Similar concerns were also expressed by different human rights bodies, including the UN Special Rapporteur on the right to

²²⁹ <https://www.coe.int/en/web/media-freedom/-/commissioner-statement-on-measures-taken-under-the-state-of-emergency-in-turkey>

²³⁰ Human Rights Watch, Turkey, *State of emergency provisions violate human rights and should be revoked*, - Joint NGO Letter, October 20, 2016

²³¹ Decree with the force of law No. 673, Article 10(2), September 1, 2016. Available from: <http://www.turkishpedia.com/2017/01/25/decreed-with-force-of-law-no-khk-673-english/>

²³² Council of Europe Commissioner for Human Rights, Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey, October 6, 2016, Sanctions affecting persons other than the suspects, paragraph 41, p. 8

freedom of opinion and expression, other special procedure mandate-holders and UN human rights treaty bodies.²³³

286. In a report published in May 2017, Amnesty International detailed the plight of dismissed public officials in several interviews with the victims. An academic dismissed from Kocaeli University told Amnesty International: “We had no idea that our passports had been cancelled, one of the other dismissed academics from the university was detained while going through passport control at the airport. After that we got our lawyer to check - apparently all of our passports have been cancelled.”²³⁴

287. Passport cancellations apply to both the green passports available to senior public-sector employees in place of an ordinary passport and to ordinary passports. Applications for new passports by dismissed people, after their existing passports had been cancelled, have been routinely refused by the authorities. Difficulties were also reported by those who had managed to leave the country. An academic who left Türkiye prior to being dismissed told Amnesty International that the Turkish Embassy in Berlin refused to provide consular services to her or other dismissed public-sector workers, without explanation.²³⁵

288. Türkiye continues to refuse renewal of passports of dissidents abroad as a form of reprisal in its efforts to illegally transfer them to Türkiye. In addition, it attempts to control their mobility, in absence of any individual review and without providing any explanation on why that is necessary or proportionate. By the end of September 2021, the number of cancelled passports was estimated to be around 650,000.

289. Since 2016, Türkiye continues to upload requests in Interpol databases, concerning individuals that it designates as affiliated with Hizmet. Many individuals also face complications related to erroneous lost or stolen passport annotations Türkiye has filed against suspected Hizmet members. Reports to Interpol’s stolen or lost passport database²³⁶ often lead to individuals’ detention or prevent them from traveling.

290. Recent crackdown on dissent and the detention of thousands of individuals believed to be affiliated with Hizmet has been characterized as efforts against its purportedly “reorganized” network in Türkiye. On May 7, 2024, for instance, police detained 15 children aged 13 to 17. This was followed by a detention order for 27 more individuals and an indictment against 41 people. The 529-page indictment includes 418 pages focused on alleged “terror actions” derived from phone taps and physical surveillance, which in many cases amount to routine conversations among female university students. The minors are accused of terrorism not only because of their social interactions but also due to their alleged links to Hizmet Movement through their families. Many of minors’ parents were previously dismissed and/or imprisoned following the attempted coup of 2016.

²³³ See UN Special Rapporteur on the right to freedom of opinion and expression, Preliminary conclusions and observations by the UN Special Rapporteur on the right to freedom of opinion and expression to his visit to Turkey 14-18 November 2016, November 18, 2016

²³⁴ Amnesty International, “No end in sight, Purged public sector workers denied a future in Turkey” (May 2017), p. 15

²³⁵ *Id.*, p. 15

²³⁶ <https://www.interpol.int/en/How-we-work/Databases/SLTD-database-travel-and-identity-documents>

291. The prosecution, part of a broader crackdown on alleged followers of Hizmet movement, has drawn widespread criticism in Türkiye and across the world for its lack of concrete evidence, resulting in legal experts calling the case a “travesty of justice.”

XXIV. HUMAN RIGHTS AND COUNTER-TERRORISM MEASURES

292. The major concern in this context since at least 2016 is the overbroad application of anti-terrorism laws, which continue to primarily target journalists, political opponents, lawyers, and civil society actors, instead of individuals suspected of involvement in terrorist organizations. The broad definition of terrorism has also resulted in significant restrictions on freedom of expression, association, and peaceful assembly, particularly where individuals are investigated or prosecuted for alleged participation in, or even indirect links to, entities closed by state of emergency decree laws,²³⁷ as well as for speech, social media activity, or political participation.

293. Following the consideration of its second periodic report on the implementation of ICCPR (2024),²³⁸ the Human Rights Committee noted, *inter alia*, the lack of compatibility with the ICCPR of the legal framework on counter-terrorism,²³⁹ including the Anti-Terror Law (No. 3713), in particular articles 1 and 2 thereof, which set out broad definitions of “terrorism” and of a “terrorist offender”.²⁴⁰

294. While the Human Rights Committee took note of the March 2024 amendments to article 220 (6) of the Criminal Code, reports indicate that the article still lacks sufficient precision and adequate safeguards against arbitrary arrest, detention, prosecution and conviction. The Committee also expressed concern about Law No. 7262 on the Prevention of the Financing of the Proliferation of Weapons of Mass Destruction. While the aim of the Law was to combat money-laundering and the financing of terrorism, it has reportedly been used to target civil society organizations, subjecting them to strict supervision and monitoring, asset freezes and restrictions of their rights (arts. 2, 4, 9, 14 and 22).²⁴¹

295. The Human Rights Committee therefore recommended that Türkiye should revise its counter-terrorism legislation, including Law No. 3713, Law No. 7262, and relevant Criminal Code articles. Specifically, Türkiye should:

- (a) Narrow and define terrorism-related offenses more precisely to prevent misuse against civil society or individuals engaging in lawful activities.
- (b) Ensure that those suspected or accused of terrorism have all legal safeguards from the outset of detention, including access to legal representation, clear communication of charges, and fair trial standards.²⁴²

²³⁷ The state of emergency in Türkiye was into force between July 2016 and July 2018.

²³⁸ <https://digitallibrary.un.org/record/4067638?ln=en&v=pdf>

²³⁹ CCPR/C/TUR/CO/1, para. 16.

²⁴⁰ Concluding Observations on the second periodic report of Türkiye (CCPR/C/TUR/CO/2).

²⁴¹ Id.

²⁴² Id.

A. Criteria for prosecuting alleged Hizmet supporters

296. In determining or assessing the affiliation of individuals to the Hizmet Movement, the Government of Türkiye uses the so-called *Feto-Meter* or *Fetömetre*.²⁴³ The program was initially employed by the Turkish Navy but gradually became widespread in identifying the perceived Hizmet followers based on 78 main and 253 secondary criteria.

297. The software conducts a detailed background check of individuals, collecting and analyzing data about them as regards the suspect's training, lifestyle, career, evaluation by superiors, family ties, marriage, service locations, courses attended, postgraduate studies, education of his wife and children and financial situation. The criteria can be grouped in seven main categories: personal data; education; school entrance examination results; social life data; professional knowledge; foreign language examinations and service abroad; and finally information from state organs. A person who the algorithm assigns four (4) points is identified as a suspect and faces a series of consequences, including dismissal and criminal prosecution on terrorism-related charges.

298. On September 3, 2016, the Daily Milliyet newspaper revealed a non-exhaustive “list of 16 criteria” used to “guide” the dismissals from state functions and prosecutions. According to the article,²⁴⁴ “people “fitting” the criteria below in varying degrees are subjected to official processes and labelled as ‘terrorists’ – followed many times by their detention or arrest. According to the article, the government allegedly emphasized that the aim of preparing such a list was to discern the guilty from the innocent. The criteria listed in the article, used by the Turkish Government to prosecute perceived members of Hizmet are the following:

- Depositing money in Bank Asya (a legally operating bank until was closed down by the government in 2016), and in other financial institutions of the so-called “parallel structure”.
- Being a member of Hizmet-related trade unions or associations.
- Using encrypted communication applications such as the ByLock application.
- Donating to Kimse Yok Mu, once largest Turkish aid organization, in a general consultative status at the United Nations.
- Being mentioned in reports produced by the police, MIT (The National Intelligence Organization of Türkiye) and MASAK (The Financial Crimes Investigation Board of Türkiye).
- Giving support to Hizmet Movement on social media.
- Attending lectures and meetings of the organization “under the guise of non-governmental organizations.”
- Being promoted in a short span of time or being assigned to prominent offices exceptionally.
- Transferring money to the organization under the guise of himmet (alms).
- Being subject to reliable denunciations, testimonies and confessions.
- Visiting Hizmet-linked Internet sites regularly.

²⁴³ For more information about Fetometer please see: Statewatch “*Algorithmic persecution in Turkey’s post-coup crackdown: The FETÖ-Meter system*”, November 2021. Available at: <https://www.statewatch.org/publications/reports-and-books/algorithmic-persecution-in-turkey-s-post-coup-crackdown-the-feto-meter-system/>

²⁴⁴ The article is available at: <http://www.milliyet.com.tr/16-kritere-gore-ihrac-gundem-2305561/>

- Undertaking the “back-door businesses” of Hizmet-linked corporations and protecting them.
- Accompanying the people in the judiciary and the police, who are determined to act in favor of the organization.
- Supporting Hizmet in the last years after having resided in houses of the organization.
- Being mentioned in the information given by colleagues and friends as Hizmet supporter.
- Continuing to enroll their children in the organization’s schools and maintaining the organization’s newspaper and magazine subscriptions.

299. The principal grounds relied upon by Turkish authorities to impute terrorist activity to individuals, including the holding of an account at Bank Asya, alleged use of the ByLock messaging application, membership in certain associations or trade unions, or employment at institutions later associated with the Hizmet movement, have been repeatedly tested before international human rights bodies and found insufficient to establish terrorism-related conduct.

300. Most notably, in *Yüksel Yalçınkaya v. Türkiye*, the Grand Chamber of the European Court of Human Rights held that Türkiye’s reliance on ByLock use, together with lawful acts such as Bank Asya transactions and association or union membership, violated the principles of legality, fair trial, and freedom of association under Articles 7, 6, and 11 of the European Convention on Human Rights. The Court made clear that such acts, without individualized evidence of criminal intent or concrete participation in violent or terrorist activity, cannot lawfully serve as a basis for treating a person as a member of a terrorist organization.

301. Likewise, United Nations human rights mechanisms, including the Working Group on Arbitrary Detention, have criticized Türkiye’s reliance on generic indicators such as ByLock, financial activity, professional affiliations, or alleged movement-linked associations as a basis for detention or prosecution. These findings demonstrate that the authorities’ recurring reliance on such criteria does not amount to credible evidence of terrorist activity, but rather reflects the criminalization of ordinary, previously lawful conduct and protected association.

302. Most recently, on May 5, 2026, the Grand Chamber of the European Court of Human Rights (ECtHR) issued its final judgment²⁴⁵ in the case of *Yasak v. Türkiye* (application no. 17389/20). The case concerned the conviction of a former teacher for membership of Hizmet Movement, designated [by the Turkish authorities] as an armed terrorist organization under the assigned names FETÖ/PDY, and considered by the same authorities to be behind the attempted coup d’état of July 15, 2016. In its decision, the European Court of Human Rights held: by eleven votes to six, that there had been a violation of Article 7 (no punishment without law) of the European Convention on Human Rights, and by nine votes to eight, that there had been a violation of Article 3 (prohibition of inhuman and degrading treatment). The case concerned the applicant’s conviction, under Article 314 § 2 of the Turkish Criminal Code, for membership of an armed terrorist organization, and the conditions in which he was detained in Çorum Prison. The case is one of many sets of criminal proceedings brought against persons accused of membership of an armed terrorist organization, namely the group described by the Turkish authorities as the “Fetullahist Terror Organization/Parallel State Structure” (“the FETÖ/PDY”), an organization

²⁴⁵ [https://hudoc.echr.coe.int/#{%22itemid%22:\[%22001-250157%22\]}](https://hudoc.echr.coe.int/#{%22itemid%22:[%22001-250157%22]})

that the Turkish authorities have held responsible for the attempted coup d’état in Türkiye on 15 July 2016. The Court found that the domestic courts, contrary to the requirements of national law, had not explained why the fact that the applicant had held certain responsibilities within the organization’s educational branch – well before the FETÖ/PDY was designated as a terrorist organization by the national authorities and the courts – had led to the conclusion that he was aware of the organization’s nature and terrorist objectives, intended to be part of that organization, and had actively and continuously contributed to it. This failure to conduct any assessment of the applicant’s intent – namely the mental element of the offence of membership of a terrorist organization – in the light of concrete evidence regarding his actions and the role played by him had amounted to a fundamental breach of the requirement to conduct an individualized assessment of criminal liability. With regard to the conditions of detention, the Court noted that the applicant had been held for almost four years in a situation of serious and persistent overcrowding, marked in particular by the lack of an individual bed for around 14 months, insufficient sanitary facilities, lack of privacy and limited access to activities and outdoor exercise. Taken cumulatively, those conditions had amounted to treatment attaining the level of severity required to fall within the scope of Article 3 of the Convention.

303. Despite clear rulings by human rights bodies, Türkiye continues to take measures in its counter-terrorism legal framework that significantly limit the exercise of fundamental freedoms, including freedom of opinion, expression, and association, and impact the right to fair trial and prohibition of arbitrary detention. Between June 2023 and June 2024, Turkish authorities conducted 5,543 police operations targeting individuals allegedly linked to Hizmet Movement, resulting in 1,595 arrests. These measures have contributed to Türkiye’s anti-terror legal framework not conforming to counter-terrorism efforts nor human rights standards.

B. Illegal Seizure of Private Properties and Assets

304. Almost all of the businesspeople affected by the purge and subject to repression in Türkiye following the attempted coup are affiliated with the Hizmet Movement, although President Erdoğan has seized the opportunity to target all dissent, real or not.

305. From the events following the attempted coup, both inside and outside Türkiye, the clear motive by members of the ruling AKP party elites in Türkiye is to benefit from the enormous wealth accumulated by perceived members of the Hizmet Movement. This also explains why businessmen or teachers living abroad for many years and with no strong ties to Türkiye have been mercilessly targeted for prosecution.

306. In Türkiye, the Turkish government continues to confiscate private property of non-loyalist businessmen without due process on unsubstantiated charges of terrorist links. Their companies are alleged to be connected to the Hizmet Movement, with the government coining the term “FETÖ” to designate the movement as a terrorist organization. Many of the assets and companies have afterwards been distributed to individuals close to the government or those in some way connected to the Justice and Development Party (AKP).²⁴⁶

²⁴⁶ See for example: <https://www.turkishminute.com/2022/04/05/og-an-forcing-tmsf-to-sell-hundreds-of-companies-seized-over-alleged-gulen-links-report/>

307. Turkish prosecutors for example issued detention warrants for 103 former Kaynak Holding executives, linked to the Gülen movement, which the government seized in November 2015. Of these, 38 have been detained. Simultaneous operations took place across 19 companies and two foundations tied to Kaynak Holding in seven provinces. The charges include membership in an armed terrorist organization and providing financial support to terror groups.

308. Since the government appointed trustees to Kaynak Holding in 2015, 43 of its companies were transferred to the state-run Savings Deposit Insurance Fund (TMSF) in 2016. The authorities continue to confiscate private property of businesspeople perceived as disloyal without due process, often on unsubstantiated terrorist charges. The government labels the Gülen movement as a terrorist organization, coining the term “FETÖ,” despite the absence of court rulings confirming such designation.

309. Following the failed coup attempt of July 15, 2016, Turkish authorities targeted businesses and businesspeople affiliated with the Hizmet Movement. Kaynak Holding and Bank Asya, for example, were taken over by the government, and their properties were confiscated without due process. As a result, hundreds and thousands of people and businesspeople were stripped of access to their private properties, companies, assets, and official records, including financial statements, shareholder information, and banking documents.

310. Businesspeople are now unable to retrieve or access any of these critical records through normal channels, rendering them as victims of unlawful confiscation and asset seizure. Their experience exemplifies the broader pattern of arbitrary property confiscation and deprivation of legal and financial rights faced by many businesspeople linked to the Hizmet movement, under the pretext of combating terrorism, despite the lack of court rulings or due process.

C. Asset Liquidation by Türkiye Savings Deposit Insurance Fund (TMSF)

311. By the end of May 2017 Türkiye’s state-run Savings Deposit Insurance Fund (TMSF) stated that a total of 879 companies with a total value of 40.3 billion Turkish liras (more than 13 billion USD) were either transferred to Türkiye’s state-run Savings Deposit Insurance Fund (TMSF), or trustees had been appointed to their management by the government. A total of 3,520 entities were shut down with their considerable assets confiscated, which included 147 closed-down media organizations (38 TV stations, 39 radio stations and 70 newspapers), 1,284 schools, 800 dormitories, 54 hospitals and 1,125 foundations. These were only partial data, since many organizations affiliated with the Hizmet Movement were already seized by the TMSF until 2017. Boydak Holding and Koza Ipek Group alone were valued at \$5-7 billion and \$4 billion respectively. According to a report by Advocates of Silenced Turkey²⁴⁷, Kaynak Holding’s annual turnover was 1.5 billion Turkish liras (~\$497.5 million in 2016).

312. In a March 2020 report, “The Erosion of Property Rights in Türkiye,” Platform Peace and Justice²⁴⁸ estimates that the total worth of the assets confiscated, seized or frozen since 2015, in Türkiye, amounts to at least \$32.24 billion. Following the targeting of the bank in the

²⁴⁷ [https://silencedturkey.org/Wp-Content/Uploads/2025/10/A-Predatory-Approach-To-Individual-Rights - Erdogan-Governments-Unlawful-Seizures-Of-Private-Properties-And-Companies-In-Turkey.pdf](https://silencedturkey.org/Wp-Content/Uploads/2025/10/A-Predatory-Approach-To-Individual-Rights-Erdogan-Governments-Unlawful-Seizures-Of-Private-Properties-And-Companies-In-Turkey.pdf)

²⁴⁸ <http://www.platformpj.org/>

aftermath of December 17-25, 2013, corruption scandal, in February 2015, Türkiye’s banking watchdog transferred control of Bank Asya to a state-run fund, purging its executives with a decision that effectively handed over the bank to the government. Banking regulators seized control of Bank Asya citing a lack of transparency in its operations.²⁴⁹

313. On May 3, 2015, the Banking Regulation and Supervision Board (BRSA) decided that 63% of the privileged share of Bank Asya would be used by the Saving Deposit Insurance Fund (SDIF). Immediately following the attempted coup of July 15, 2016, the Board of the Bank announced that the Bank's operating permit was canceled, and the operations terminated. The bank’s closure was announced in the Official Gazette issued on July 23, 2016. Bank Asya has been a legally operating bank until was closed by the Turkish government in July 2016.²⁵⁰ During its 20 years of financial activity Asya Bank is believed to have served to more than 20 million clients. At the time of its closure the Bank was estimated to have had approximately 1.6 million customers from all over the world.

314. Following the cancellation of Bank Asia's operating permit, monies deposited in hundreds of thousands of accounts were also seized by the Financial Crimes Investigation Institution (MASAK), the Savings Deposit Insurance Fund (SDIF), denying depositors access to their money. Individuals who merely worked for Bank Asya, had an account or used bank's credit card or other services, were accused of being members of a terrorist organization and subjected to criminal investigations. Many have been already convicted and currently serving their sentences. In its decision of June 1, 2019, the UN Human Rights Committee properly ruled that depositing money into Bank Asya was not a crime.²⁵¹

315. After the failed coup attempt in 2016, thousands of businessmen in Turkey who were subject to arbitrary confiscation of assets and the inability of individuals to access their bank accounts and financial records in Turkey.

316. The findings from a 2020 report by Platform Peace and Justice estimated that over \$32 billion worth of assets have been confiscated, seized, or frozen since 2015 across Turkey. Specifically, in the case of Bank Asya, the bank was officially closed by the government in July 2016 amid allegations of ties to terrorist organizations, despite the bank operating legally for over 20 years and serving millions of clients worldwide. Depositors, employees, and account holders were subsequently denied access to their funds and records, with many accused of terrorism-related crimes—charges later deemed unfounded by the UN Human Rights Committee.

317. Business owners have no longer has access to their company records, banking information, or assets, as their properties and business documents were confiscated without due process. The inability to retrieve these records prevents them from obtaining financial statements, bank records, or shareholder documents necessary for their legal or personal claims. This experience underscores

²⁴⁹ <https://www.voanews.com/a/turkey-bank-seizure-highlights-erdogan-growing-ambition/2629206.html>

²⁵⁰ <https://www.ft.com/content/e39ed98f-9227-39da-a22c-a28e872daeff>

²⁵¹ For the full text of the verdict (https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/125/D/2980/2017&Lang=en)

a systemic problem: individuals are deprived of their assets and their right to access their own financial and legal records, often without court rulings or proper legal procedures.

318. Most recently, in its report of May 23, 2023, the Parliamentary Assembly of the Council of Europe properly stated that, “It has also been reported that Türkiye is using anti-terror financing measures as a tool of transnational repression against persons allegedly affiliated with the Gülen movement. In 2021, the Government adopted asset-freezing decrees targeting some of these persons living abroad, who as a result faced problems with their bank accounts or credit cards. Some reported the Turkish embassy in their country of residence visited the banks and informed them about the decrees.”²⁵²

D. The Financial Action Task Force (FATF)

319. The Financial Action Task Force (FATF) leads global action to tackle money laundering, terrorist and proliferation financing.²⁵³ Efforts seemingly to comply with financial regulations have been used as a justification by the Government of Türkiye to add additional tools to its “inventory” of transnational repression, ultimately aiming at the abduction, extradition or return of individuals at risk. Türkiye’s “Terrorist Wanted List” has severely undermined the right to liberty and security of Turkish dissidents who fled domestic repression and sought refuge abroad. Although the Ministry of Interior claims those listed are subject to terrorism-related warrants, the list has been used beyond its intended scope.

320. Financial market data providers have inadvertently acted as intermediaries by transmitting these allegations to financial institutions without verification or due diligence. Turkish dissidents are labeled as alleged terrorists, often classified under “non-conviction terror” risk categories, which affects access to banking and financial services. These providers do not independently assess the allegations or offer affected individuals an opportunity to respond before publishing the information.

321. Türkiye first adopted Law No. 6415²⁵⁴ in February 2003 to address legal deficiencies and its practices in relation to money laundering and anti-terrorism financing, which were properly identified earlier in 2011 by the FATF.²⁵⁵ Under the Law, individuals and organizations are accused on the existence of reasonable grounds that they have committed the offense of collecting or providing funds to finance terrorism. In December 2019, FATF warned that unless it improved its “serious shortcomings,” Türkiye ran the risk of being added to the Grey List²⁵⁶ again. In Türkiye’s mutual evaluation report in 2019, the FATF highlighted Türkiye’s “need to improve measures for

²⁵² Parliamentary Assembly of the Council of Europe (PACE), *Transnational repression as a growing threat to the rule of law and human rights*, May 23, 2023, para 41. See also: https://internationaljournalists.org/wp-content/uploads/2022/08/IJA_handbook_Rapor_MulkuneElKonulanGazeteciler.pdf

²⁵³ FATF, 2023, *What we do - Financial Action Task Force*, [online] Available at: <https://www.fatf-gafi.org/en/the-fatf/what-we-do.html>

²⁵⁴ Law On the Prevention of the Financing of Terrorism

²⁵⁵ The FATF first put Türkiye on its grey list in 2011. See <https://iclg.com/briefing/17468-turkey-added-to-global-financial-watchdog-s-grey-list#:~:text=The%20FATF%20first%20put%20Turkey,to%20the%20grey%20list%20again.>

²⁵⁶ <https://www.fatf-gafi.org/en/countries/black-and-grey-lists.html>

freezing assets linked to terrorism and proliferation of weapons of mass destruction.”²⁵⁷

322. With the view of avoiding being included again on the Grey List, Türkiye amended its Law on the Prevention of the Financing of Terrorism in January 2021. The amendments to Article 7 of Law No. 6415 are particularly significant because they authorize requests to freeze assets abroad and establish procedures for freezing assets within Türkiye.²⁵⁸

323. FATF seems to also be fully aware of concerns over Türkiye's treatment of non-profit organizations (NPOs), underlining that, “Türkiye needs to implement a true risk-based approach to NPOs and ensure authorities don't disrupt or discourage legitimate activity.”²⁵⁹ In addition, the FATF press release of October 21, 2022, properly highlights the following: “Türkiye should continue to work on implementing its action plan to address its strategic deficiencies, including by: [...] (7) to fully implement a risk-based approach to supervision of non-profit organizations to prevent their abuse for terrorist financing, taking steps to ensure that audits conducted are risk-based, that supervision does not disrupt or discourage legitimate NPO activity such as fundraising, and that sanctions applied are proportionate to any violations. The FATF continues to monitor Türkiye's oversight of the NPO sector. Türkiye is urged to demonstrate the implementation of the risk-based approach to supervision of NPOs in line with the FATF Standards.”

324. Pursuant to the provisions of the amendments introduced in January 2021, in April 2021 Türkiye adopted an asset-freezing decree concerning 377 individuals, 205 of them allegedly linked to Hizmet. A second wave of “asset-freezing” materialized on December 24, 2021, as the Turkish Ministry of Treasury and Finance froze the assets of over 770 individuals and organizations²⁶⁰ on grounds that they were providing terrorist financing.²⁶¹ Among the individuals sanctioned were 454 members of Hizmet, 108 members of the Kurdistan Workers' Party (PKK), 119 individuals accused of being part of terrorist organizations that exploit religion, and 89 people accused of being part of left-wing terrorist organizations. The list also included the US-based Niagara Foundation, a non-profit organization. In principle those whose assets have been frozen can appeal the decision to the Ankara Heavy Penal Court; given the practical restrictions however, it is almost impossible for any dissident residing abroad to establish effective access to the Turkish legal system.

E. Account closures of Turkish dissidents abroad

325. Over the past several years, a considerable number of Turkish nationals in exile have had their accounts in financial institutions closed in several countries, including in the United States.

²⁵⁷ <https://www.fatf-gafi.org/en/publications/Mutualevaluations/Mer-turkey-2019.html>

²⁵⁸ The European Commission in particular expressed concern that “the law - also based on FATF recommendations - imperiled civil society organizations, which now face penalties and undue monitoring of fundraising. Amnesty International stated that Türkiye's government will “almost certainly” use the law to target non-profit organizations. It is an “unintended consequence” of FATF policies “which are all too often misused by repressive governments” to restrict rights, Amnesty said, calling on the FATF to push Turkish authorities to adjust the law.

²⁵⁹ <https://www.reuters.com/business/finance-watchdog-grey-lists-turkey-threat-investment-2021-10-21/>

²⁶⁰ See for example: <https://www.jurist.org/news/2021/12/turkey-freezes-assets-of-individuals-and-organizations-accused-of-funding-terrorism/>

²⁶¹ The decision was published in Türkiye's official gazette and signed by Treasury and Finance Minister Nureddin Nebati and Interior Minister Suleyman Soylu. <https://www.resmigazete.gov.tr/eskiler/2021/12/20211224-16.pdf? x tr sl=auto& x tr tl=en& x tr hl=en-US>

Without any prior indication, account holders simply receive a short notice by their financial institutions informing that, “Financial institutions have an obligation to periodically review customer relationships,” and that they decided to close the account(s),²⁶² because of “individual’s connection to a publicly reported financial investigation.”

326. “De-risking,” or “de-banking,” refers to the practice of financial institutions exiting relationships with and closing the accounts of clients perceived to be “high risk.” Rather than manage these risky clients, financial institutions opt to end the relationship altogether, consequently minimizing their own risk exposure while leaving clients bank-less.²⁶³ De-risking must be understood in conjunction with the overall decrease of risk-appetite by banks in recent years, because of the increasing pressure from regulators and the risk of substantial fines and other penalties.

327. The affected individuals in the cases of account closures referred to the Journalists and Writers Foundation are predominantly civil society leaders, human rights defenders and successful Turkish businessmen living for many years abroad. Consequently, on an individual level they have had to face severe loss of income, financial exclusion and economic hardship, in addition to reputational and other damage to themselves, their organizations and businesses.

328. The FATF has more recently recognized the “unintended consequences” and that, “[...] the FATF Standards and their implementation – legitimate or otherwise - do in fact contribute to these unintended and undesirable outcomes. [...] the FATF will now examine what more can be done to mitigate these unintended consequences, including issues related to due process and procedural rights.”

329. On one hand, these institutions should treat customers fairly and based on their values and policies, including in a manner consistent with human rights principles they themselves claim to highly promote; on the other hand, financial institutions are required to strictly comply with a myriad of legal and regulatory requirements common throughout the industry to avoid sometimes hefty fines and penalties. Based on their actions financial institutions contend there is not much choice. Financial institutions have therefore proceeded with de-risking through cutting loose of the entire class of customer, without considering seriously or/and comprehensively, their level of risk or risk mitigation measures for affected customers.

330. While remedial action is certainly welcome, it is undisputed that these financial institutions have all failed to act with transparency and fairness, considering that most of the affected accountholders are members of the Turkish dissent in exile subject to severe persecution (and prosecution) from the Government of the Republic of Türkiye, including human rights defenders, journalists, academics, and lawyers. Measured against the standards of transparency, fairness, and human rights that financial institutions contend to uphold, the latter have clearly failed.

331. Civil society leaders, human rights defenders and successful Turkish businessmen living for many years abroad with little, if any, links to Türkiye, are targeted not because of anything they

²⁶² Sometimes these closures also include closing of credit cards the individuals held with the same institution

²⁶³ Tracey Durner and Liat Shetret, 2016, *Understanding Bank De-risking and its Effects on Financial Inclusion: An Exploratory Study*, Global Center on Cooperative Security, p. 3

have done but because of what they are; members of the Turkish dissent who oppose antidemocratic and repressive policies of the current Turkish government at home and abroad. They deserve due process, through a transparent and independently validated process.

XXV. CONCLUSIONS AND KEY RECOMMENDATIONS TO THE GOVERNMENT OF TÜRKİYE

332. A decade following the attempted coup of July 2016, Türkiye’s human rights safeguards have been profoundly weakened. Measures introduced under the state of emergency have now become embedded in ordinary law and practice, eroding judicial independence, due process, freedom of expression, association, and peaceful assembly.

333. Broad counter-terrorism provisions, mass dismissals, arbitrary detention, restrictions on civil society, and pressure on lawyers, journalists, academics, and political opponents have in particular narrowed the space for lawful dissent. Institutions intended to protect human rights and freedoms frequently lack the independence and effectiveness necessary to provide meaningful remedies, while impunity for serious violations, including torture, enforced disappearance, and deaths in custody, has further undermined public confidence in the rule of law.

334. Consequences of this decade of repression extend far beyond individual victims or Hizmet Movement. They have irreversibly reshaped the Turkish society by normalizing fear, distrust, self-censorship, and insecurity, while weakening public confidence in the rule of law and the institutions meant to protect fundamental rights.

335. Restoring effective safeguards therefore will require more than isolated reforms. Beyond repeated calls for renewed international scrutiny, accountability for past and ongoing abuses, and meaningful safeguards to ensure that counter-terrorism measures are not misused to suppress fundamental rights - the Government of Türkiye should as a matter of priority:

- Criminalize enforced disappearance without limitation periods, and ensure prompt, independent investigations into disappearances, custodial deaths, torture, and ill-treatment.
- Restore the rule of law by safeguarding judicial independence, release arbitrarily detained judges, prosecutors, lawyers, and other prisoners of conscience, reinstate those unlawfully dismissed, and end harassment of the legal profession.
- Release all individuals arbitrarily detained because of alleged Hizmet links, remove barriers to the release of seriously ill prisoners, and ensure humane detention conditions and adequate medical care.
- Reinstate arbitrarily dismissed civil servants and teachers, restore dissolved civil society organizations and their confiscated assets, protect the right to education, and strengthen the independence of the national human rights institution.

- Protect freedom of expression, assembly, association, internet access, and movement; restore cancelled passports, end arbitrary travel bans and deprivation of nationality, and prevent childhood statelessness.
- Meaningfully combat discrimination against women, children, and persons with disabilities; prevent gender-based killings and forced marriage; rejoin the Istanbul Convention; and use non-custodial measures for pregnant women and mothers with dependent children.
- Accede to the Rome Statute of the International Criminal Court; prevent the misuse of counter-terrorism financing measures; and urgently undertake a systematic review and repeal of all remaining emergency and counter-terrorism provisions that are inconsistent with human rights standards and the principle of legality.



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