

**An Advocates of
Silenced Turkey
Special Report
November, 2018**

A PREDATORY APPROACH TO INDIVIDUAL RIGHTS: ERDOGAN GOVERNMENT'S UNLAWFUL SEIZURES OF PRIVATE PROPERTIES AND COMPANIES IN TURKEY

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WHO WE ARE

When the Turkish AST is a 501(c)(3) Not for Profit charitable and educational organization based in NJ exclusively for defending human and civil rights.

To address all human rights violations in Turkey regarding civil, political, economic, social and cultural as contained in the basic human rights documents.

To prevent genocide, crime against humanity, arbitrary detention, torture and ill treatment, discrimination and to defend right to life, rule of law, right to privacy, freedom of expression, freedom of thought, conscience and religion, freedom of associations.

To utilize all human rights advocacy tools, mechanisms, and systems that can possibly be used to protect and promote the human rights of those whose voices are being silenced in Turkey and beyond.

To hold accountable the perpetrators of Human Rights in Turkey and beyond together with the opportunity for victims to obtain justice and reparation, in order to do so, it uses the power of the law to fight the impunity of perpetrators, accomplices and instigators of crimes, defends the interests of victims before national and international courts and brings cases before the appropriate international human rights bodies, in close collaboration with its local partners and the victims to get authorities to take firm action against violations.

EXECUTIVE SUMMARY

Property rights in Turkey are no longer protected because of the disregard the Erdogan government has shown to the rights of its dissidents. Even though the anti-government Turks suffer from many different rights violations, the violations of the right to property should be separately noted since it is deemed a fundamental human right.

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions” reads Article 1 of Protocol 1 to the European Convention on Human Rights. However, the property rights in Turkey are completely disregarded by the Turkish government, especially after the failed coup attempt in 2016. The followers of the Gulen Movement, specifically the businesspeople who supported the movement, became the victim of this merciless purge. Their businesses have been taken away from them and given to the state-appointed trustees strongly linked to the Erdogan government. Eventually, assets derived from these businesses are confiscated by the government with unfounded allegations.

The Erdogan government’s attitude towards these businesspeople is so cruel that even once-millionaires had to apply for poverty certificates to survive. The hatred pumped into the minds of pro-government Turks made them attack establishments linked to the Gulen Movement and even fire shots at their doors. The once-respected philanthropist businesspeople were subjected to gross mistreatments and deprived of basic needs in prisons.

The Erdogan government did not even hesitate to publish the number of confiscated businesses. Muhiddin Gülal, the head of Savings Deposits Insurance Fund (TMSF), a government organization that operates the confiscated companies, told in July 2018 that, at the time, 937 companies had been managed by trustees, reaching TL 19.4 billion (USD 3.3 billion) in equity and TL 50 billion (USD 8.5 billion) in assets. The numbers Gülal mentioned do not even include the assets of 127 individuals, 19 unions, 15 private universities, 49 hospitals, 174 media outlets, 1,419 foundations, and another 2,271 education companies confiscated by the government. The total value of all assets confiscated is estimated to be about TL 100 billion (USD 17 billion).

Advocates of Silenced Turkey (AST) wants to raise awareness regarding the massive property rights violations by briefly discussing some of the largest confiscated companies in Turkey. AST urges the readers of this report to stand against the unfair practices of the Turkish government after the failed coup attempt in July 2016 that historically resembles Hitler's use of the Reichstag fire to consolidate his power, Joseph McCarthy’s anti-Communist witch hunt in 1950s America, the Stalinist purges of the 1930s, and the Cultural Revolution in China in the 1960s.

3. A Story of Modern “Ali Baba and the Forty Thieves”: The Turkish Government

The story of “Ali Baba and the Forty Thieves” from hundreds of years ago has tragically become a reality in Turkey. In fact, the Turkish government has shown total disregard for property rights and seized hundreds of companies that have ties to the Gülen Movement¹.

The Turkish government targeted the Gülen Movement after the corruption operations in 2013 held against the sons of several ministers of the Erdogan Government. First, Turkish authorities seized Bank Asya² in 2015, after President Erdogan’s threatening statement “those who betray this country will pay for it”.

The number of seizures by the Turkish government skyrocketed after the failed coup attempt in July 2016. On August 5, 2016, president Erdogan vowed to choke off businesses linked to the Gülen movement, describing its schools, business, and charities as “nests of terrorism” and vowing to show no mercy in rooting them out³.

Indeed, according to the Turkish government’s cabinet members, over 1,000 companies including Boydak Holding, Koza İpek Holding, Naksan Holding, Dumankaya Holding, and Kaynak Holding, were confiscated, and the value of the combined assets of these companies amounted to about \$11.5 billion at the time of the failed coup attempt⁴. The Turkish Government transferred all these assets to a special fund, namely, Savings Deposit Insurance Fund of Turkey (TMSF)⁵, under the massive crackdown. Today, managing about TL 49 billion in assets with 985 companies, the TMSF is the largest holding in Turkey⁶.

¹ The Gülen movement (Gülen hareketi, in Turkish) is a transnational Islamic social movement that professes advocacy of universal access to education, civil society, and peace, inspired by the religious teachings of Fethullah Gülen, a Turkish preacher who has lived in the United States since 1999. (Wikipedia)

² <https://www.wsj.com/articles/turkish-authorities-seize-bank-asya-1433102306>

³ <https://www.reuters.com/article/us-turkey-security-erdogan-business/turkeys-erdogan-vows-to-cut-off-revenues-of-Gülen-linked-businesses-idUSKCN10F0YZ>

⁴ <https://www.dw.com/en/post-coup-turkey-journalists-public-employees-under-fire/a-39673957>

⁵ In Turkish: Tasarruf Mevduatı Sigorta Fonu (TMSF)

⁶ <https://www.dailysabah.com/business/2018/03/20/german-company-interested-in-two-trustee-managed-firms-in-turkey>

The value of the assets seized does not include the assets of 127 individuals, 19 unions, 15 private universities, 49 hospitals, 145 foundations, 174 media outlets, 1,419 foundations and another 2,271 education companies. The total value of all assets confiscated is estimated to be about TL 100 billion (about \$15 billion, at the time of this writing).

According to a statement issued by Turkey's General Directorate of Land Registry and Cadastre in July 2018, 4,583 properties were transferred to the Treasury as of July 9, 2018, and 2,117 properties were transferred to the General Directorate of Foundations. In total, 6,700 properties owned by alleged members of the Gülen movement were transferred to public institutions⁷.

In this AST report, we will briefly discuss some of the largest confiscated companies in Turkey.

Table 1. Turkish Government's Unlawful Seizure Procedure

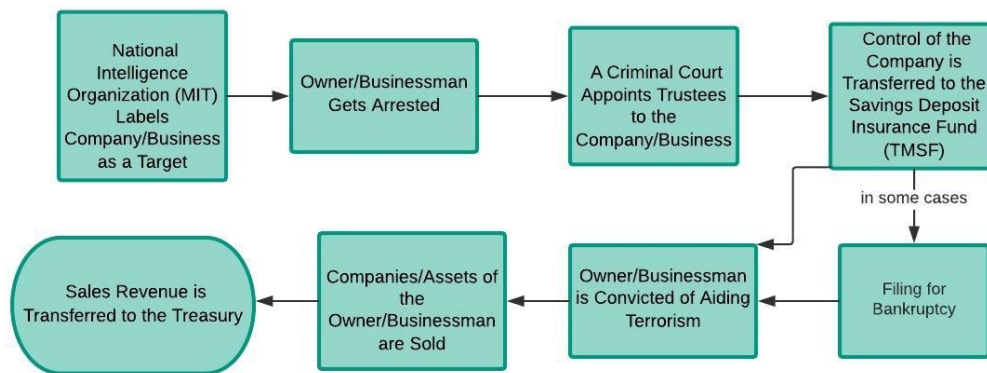


Table 2. Some of the Largest Companies/Assets Seized by the Turkish Government

Boydak Holding	TL 7.8 billion in assets, a turnover of TL 3.8 billion, TL 5.8 billion in equities
Dumankaya Group	Had investment plans of over TL 1.5 billion in 2016
Naksan Holding Group	TL 6.8 billion in assets, a turnover of TL 1.2 billion, TL 1.3 billion in equities
Bank Asya	Total assets amounted to almost 1 percent of Turkey's \$800 billion banking industry
Çetin Şaşmaz	Had 302 real estate properties
Ali Kervancı	He donated \$34 million to the Nizamiye Külliyesi in South Africa

⁷ <https://stockholmcf.org/turkish-govts-refugee-espionage-in-us-this-time-targets-nakiboglu-family/>

Hakan Şükür	TL 200 million in assets
Kaynak Holding	Had annual turnover of TL 1.5 billion
Uğur Group	850 sales locations and 240 Service Centers in 5 continents and 142 countries
İsmet Akil	million-dollar projects including large construction companies in Antalya
Ömer Faruk Kavurmacı	CEO of Aydınli Group Representative of Pierre Cardin, Cacharel, and US Polo in Turkey
Fi-Yapı	multi-million-dollar construction projects in Istanbul
İnanlar Construction	yearly turnovers of TL 600 million
Süvari Clothing	yearly turnovers of TL 150 million
Faruk Güllü	one of the largest baklava makers in Turkey with nearly 70 stores
Çetin Tekdemir	Komagene Chee Kofta (Turkish fast food brand) with 900 branches in Turkey
Orkide Holding	2013 turnover was TL 1 billion
* The list is not exhaustive since some of the information about seized companies may not be public.	

4. Assets and Corporations of Gülen-Affiliated Businessmen Confiscated by the Erdogan Government:

a) Koza Ipek Holding

Koza İpek Holding was a Turkish conglomerate. It included two mining companies (Koza Gold Corporation⁸ and Koza Anadolu Metal Mining Corporation⁹), an energy company (Ipek Energy), an aviation company (ATP Construction), an insurance company (Koza Ipek Insurance), an aviation company (ATP Aviation¹⁰), a printing company (Ipek Printing House), and a tourism company (Angel's Marmaris¹¹).

⁸ <http://kozaaltin.com.tr/kurumsal/hakkimizda/>

⁹ <http://kozametal.com.tr/kurumsal/hakkimizda/>

¹⁰ <http://atpair.com.tr/kurumsal/hakkimizda/>

¹¹ <http://angelsmarmaris.com/EN/Corporate>

Koza İpek's media assets included the widely read Bugün newspaper, the smaller Millet daily, and two TVs and radio stations, Bugün TV and Kanaltürk TV, the latter one having been bought by the holding in 2008.

The company was founded by Ali İpek in 1948 with the İpek Printery. Hamdi Akin İpek, son of Ali İpek, was the CEO of Koza İpek Holding and İpek Printing before the court ordered the seizure of Koza İpek's companies. Born in 1963, Hamdi Akin İpek studied economy in the UK and management at Hacettepe University in Ankara, Turkey.

On October 28, 2015, the Turkish police raided Koza İpek Media Group in Istanbul shortly after an Ankara court ordered the seizure of Koza-İpek's companies as part of a longstanding crackdown on companies having ties to the Gülen Movement¹². The court ordered that Koza-İpek Holding (more than 20 Koza-İpek companies) be placed under the management of a trustee appointed by the government¹³. Chief executive Akin İpek denounced the court order as “politically motivated”, saying that the government had failed to find any illegal activity during inspections. He also mentioned that there were serious misgivings over the case, particularly as the trustees were suspected to be pro-government.



After the failed coup attempt, the Turkish government published emergency decrees under the powers of the state of emergency. Under the September 1, 2016 executive decree, numerous companies placed under trusteeship by the courts were handed over to the TMSF, that is, to direct government control. The businesses seized ranged from small proprietorships to large holdings with companies in various sectors, including Koza İpek (gold mining, tourism, and

¹² <https://www.bbc.com/news/world-europe-34656901>

¹³ <https://www.nytimes.com/2017/07/22/business/turkey-akin-ipek-fethullah-Gülen-recep-tayyip-erdogan.html>

media), Boydak (furniture), Dumankaya (construction), Naksan (textiles and food), Akfa (tourism, construction, and textiles), Kaynak (publishing and logistics) and FI Yapi (construction). Those seized also included smaller enterprises, such as hospitals, publishing houses, hotels, and even pastry shops and baklava makers¹⁴.

According to the Guardian, Akin Ipek's London-based company, Ipek Investment LLC (IIL), filed a claim with the World Bank's Washington-based International Centre for Settlement of Investment Disputes (ICSID) against the Turkish government¹⁵. The UK-related claim, worth more than \$5 billion (£3.8 billion), is aimed at overturning what are alleged to be politically motivated confiscations by the Erdogan regime.

Ipek Investment LLC's claim says: "IIL seeks compensation for illegal acts attributable to Turkey which expropriated, treated in a discriminatory fashion, and otherwise failed to protect IIL's investments in Turkey." The company estimates damages to be in the range of \$5 billion to \$6 billion. IIL filed a claim with the ICSID in March 2018.

As a retaliatory action to the Ipek's filing with the ICSID, Anadolu Agency, a news agency funded by the Turkish government, targeted Akın İpek, a businessman living in England in July 2018. The agency secretly surveilled him and leaked his home and work addresses to the pro-government media.

b. Boydak Holding

Boydak Holding was established in 1957 in Kayseri carried out its activities in various sectors including furniture, textiles, chemistry, banking, marketing, iron-steel, logistics, energy, and informatics. Boydak Holding employed 15,000 employees, operated in 7 sectors with 34 companies and owned some of the most recognizable brands in Turkey including Istikbal, Bellona, Mondi, Boyteks, and Form Sunger. The holding had a turnover of TL 5.5 billion with more than 6% growth in 2015.

After the failed coup attempt, on July 29, 2016, Hurriyet Daily News reported that Turkish authorities detained "three prominent businessmen [...] the chairman of the family-

¹⁴ <https://asylumresearchcentre.org/wp-content/uploads/2018/02/turkey-country-report-2017-v3.pdf>

¹⁵ <https://www.theguardian.com/world/2018/jul/12/turkish-government-taken-to-international-tribunal>

owned Boydak Holding company, Mustafa Boydak, and two other top executives [...] Şükrü and Halit Boydak”¹⁶.

On September 6, 2016, Boydak Holding, a conglomerate which was featured in the Fortune 500 list of top Turkish companies, was added to the list of companies to be managed or sold by the TMSF after a court ordered its seizure.



On July 11, 2018, a court in Kayseri charged Memduh, Hacı, Şükrü and Mustafa Boydak with running a terrorist group. Memduh Boydak was sentenced to 18 years, while Mustafa, Bekir, Erol and İlyas Boydak and Murat Bozdağ (the grandson of the conglomerate's founder Sami Boydak) were each sentenced to seven years of imprisonment on the same charges. Hacı Boydak, the former CEO of Boydak Holding, and his nephew Şükrü Boydak were sentenced to 11 and 10 years imprisonment, respectively. Judges also ordered the confiscation the defendants' shares in their conglomerate, which was already being controlled by trustees appointed by the government¹⁷.

c. Dumankaya Holding

Dumankaya was one of the market leaders in property construction in Turkey. The construction company, which was founded in 1963 by Ibrahim and Halit Dumankaya, later became a group of companies providing services in the construction sector as well as in various other sectors including automotive and insurance. Dumankaya had grown rapidly prior to the coup attempt in 2016, thanks to a construction boom in Istanbul. The group signed a major sponsorship deal with Galatasaray, one of Istanbul's most prominent sports teams, for TL 30 million. The company had investment plans of over TL 1.5 billion in 2016 and targeted an increase in sales from TL 463 million to TL 750 million in 2015.

¹⁶ <https://www.capitalfm.co.ke/news/2016/07/turkey-detains-three-top-businessmen-probe-coup/>

¹⁷ <https://www.dailysabah.com/investigations/2018/07/13/boydak-business-dynasty-sentenced-for-feto-links-assets-seized>

Halit Dumankaya and Semih Serhat Dumankaya, two board members of the Dumankaya İnşaat construction company, were detained in April 2016 because of their ties to the Gülen Movement.

A Turkish court appointed trustees on 23rd September of 2016 to take over the management of companies owned by the Dumankaya family who have alleged ties to the Gülen Movement. The companies affiliated with the Dumankaya Group were later put under government control and transferred to the TMSF, following a court's decision.

In May 2018, the TMSF announced that six companies of the Dumankaya Holding would be liquidated. The liquidation did not concern Dumankaya's flagship construction firm. The TMSF had earlier said that the agency was working with a German company to complete Dumankaya's then-halted construction projects. Indeed, Muhiddin Gülal, the head the TMSF, had said that a German company was interested in Dumankaya and Fi Yapı, a company that was also seized by the government.

On June 21, 2018, the property developers Dumankaya and Fi-Yapı signed a cooperation deal with four companies to complete unfinished projects. The deal signed with EURABAU, CPB, Drees & Sommer, and Flagman Capital included a EUR 450 million (\$519 million) foreign loan to spend on the incomplete housing projects, as Reuters reported¹⁸.

The prosecutor demanded 22 years of imprisonment for the owners of the Dumankaya group in June 2018. The case is still pending before the Istanbul High Criminal Court.

d. Naksan Holding

Naksan Holding was originally founded as a hardware store by S. Mehmet Nakıboğlu. In the 1960's plastics sector boom, Nakıboğlu family began to sell PE films and agricultural films for greenhouses. This marked the foundation of the modern Naksan Holding. Naksan with its production capacity of 200.000 tons/year, its over 2000 employees, and strong economic structure, had become a global company with activities in both the domestic and international markets. Since 1995, NAKSAN has been included in the top 500 companies of Turkey. In 2006,

¹⁸ <http://www.hurriyetdailynews.com/seized-turkish-property-developers-sign-deal-with-four-firms-133627>

Naksan was the 136th largest company in Turkey. In the same year, Naksan became the 25th largest company in Anatolia.

Shortly after the coup attempt, the owner of the holding, Cahit Nakıboğlu, and his son Taner Nakıboğlu were arrested in Gaziantep and a trustee was appointed to Naksan Holding.



Cahit Nakıboğlu, a 70-year-old businessman, spent nearly a year and a half behind the bars as part of the government's post-coup crackdown and then was re-arrested only a day after he was released under house arrest on January 6, 2018.

Gaziantep-based Naksan Holding was also transferred to the TMSF along with its 51 companies. At the time of its transfer, it had a turnover of TL 1.2 billion, TL 6.8 billion in assets, TL 1.3 billion in equities, and nearly 3,800 employees¹⁹.

According to a statement from the Gaziantep Governor's Office, Naksan Holding Chairman and Organized Industrial Zones High Institution (OSBÜK) Chairman Cahit Nakıboğlu and Naksan Holding executive board member Taner Nakıboğlu were arrested due to allegations of membership, cohesion, connection, and financial aid to the Gülen movement, and a trustee was appointed to Naksan Holding.

In a court hearing on November 7, 2017, Taner Nakıboğlu said that before his company was confiscated, he was the richest businessmen in the Gaziantep province; yet his family now lives on the breadline.

“I once owned Europe’s biggest packing company. And I was the richest businessman in Gaziantep. We have not hidden money neither in Turkey nor abroad. Now, we depend on my mother’s retirement pension for a living. My wife has recently been granted poverty certificate

¹⁹ <https://www.dailysabah.com/business/2016/11/02/number-of-feto-affiliated-companies-transferred-to-state-body-reaches-500>

by the government,” Nakıboğlu said during a hearing in which he was being tried on terror charges²⁰.

In March 2018, Mahmut Birlik, vice chairman of the Gaziantep branch of the ruling Justice and Development Party (AKP), was appointed as a trustee for seven companies that were seized and transferred to the TMSF due to their owners’ alleged links to the Gülen movement. According to a report by the left-leaning Cumhuriyet Daily, Birlik was also appointed as a trustee for Naksan Holding²¹.

At the end of July 2018, the government run news agency, Anadolu Agency (AA), captured on film the lives of two owners of the Naksan Holding, Osman Nakiboglu and his son Bahaeddin Nakiboglu, in California, who are being sought by Turkey over their links to the Gülen Movement²². The AA had also serviced 3 stories about followers of the Gülen movement who live in the US and this has created fear among these followers that the Turkish government has accelerated its intimidation tactics and refugee espionage in the US.

e. Bank Asya

Bank Asya was established in October 24, 1996 as the sixth private finance house of Turkey and had its corporate headquarters in Istanbul.

Bank Asya, with an initial capital of TL 2 million and paid up capital of TL 900 million, had a multi-partnered structure based on domestic capital. At the end of 2009, Bank Asya’s total assets reached TL 14 billion. In 2010, Bank Asya climbed up 47 places (from 520 to 473) in the “Top 1000 World Bank Ranking” of “The Banker” Magazine. In the same year, Bank Asya ranked 403rd on “The Banker’s Top 500 Banking Brands” list. Bank Asya had become the largest participation bank in Turkey before it was seized, and later shut down because of its ties to the Gülen Movement.

By the end of 2013, the Gülen movement had become the target of the AK Party led by President Erdogan, and the Gülen movement was declared a national security threat.

²⁰ <https://turkeypurge.com/wife-purge-victim-businessman-granted-poverty-certificate>

²¹ <https://stockholmcf.org/local-head-of-turkeys-ruling-akp-appointed-as-trustee-for-7-seized-companies-in-gaziantep/>

²² <https://www.aa.com.tr/en/americas/anadolu-agency-films-feto-linked-businessmen-in-us-/1216708>



Consequently, Bank Asya lost a large fraction of its deposits and its contracts with government agencies. Its net income plummeted 81% in the second quarter of 2014.

Because of the financial crisis in Bank Asya, Fethullah Gülen called on the members of the movement to deposit money to the Bank to prevent a possible bankruptcy. Many of the Gülen Movement members sold their houses and cars to save the Bank.

On the first Monday after the coup attempt, on July 18, 2016, the TMSF announced that the operations of Bank Asya would be frozen before the Banking Regulation and Supervision Agency (BDDK)'s decision canceled its license. After efforts to sell the bank floundered, the Commercial Court of First Instance declared the institution bankrupt in November 2017²³.

After the failed coup attempt, the government started a massive purge of the followers of the Gülen Movement. Moreover, the top appeals court decided that those who deposited money at Bank Asya after Fetullah Gülen's call in 2014 should be seen as aiding and abetting "the

²³ <https://www.dailysabah.com/investigations/2018/02/12/depositing-money-in-bank-asya-on-Gülens-order-proof-of-feto-membership-1518386092>

terrorist Gülen Movement.²⁴” After this decision, people who deposited money to Bank Asya started to be prosecuted with a demand of at least 6 years of prison time.

f. Cetin Sasmaz

Among the former owners of the Kaynak Holding, Çetin Hakkı Şaşmaz had owned 302 real estate properties in Ankara, Istanbul, and Mersin, which were seized by the government after the attempted coup.

g. Ali Kervanci

Ali Kervanci, one of the wealthiest people in Istanbul, had owned numerous real estate properties. After retiring in his seventies, he left all his businesses to his son, left Turkey, and settled in Johannesburg, South Africa. As a philanthropist, he donated \$34 million to the construction of an Ottoman-style mosque complex, called the Nizamiye Külliyesi, in the South African city of Johannesburg. He mentioned that the legendary South African leader Nelson Mandela extended great support to the construction of the mosque complex. The mosque, opened in October 2012 by President Jacob Zuma, is the largest mosque in the southern hemisphere²⁵.

The complex is built on about 25 acres of land and has a mosque, a school for 900 children, and a dormitory for 300 children. The bazaar section of the complex has a supermarket, bakery, barber, bookshop, a carpet and ceramics store, and a restaurant. Moreover, the complex has a clinic and even a private cemetery. The complex is not only a place of worship, but also a place for education and healthcare, supplying free health services to disadvantaged communities in the area²⁶.

Kervanci mentioned his meeting with Nelson Mandela that ***“I could not help embracing him. He hugged me, too. We were like two brothers. ... The security guards were surprised. Everyone was looking at us.”***

²⁴ <https://www.dailysabah.com/investigations/2018/02/12/depositing-money-in-bank-asya-on-Gülens-order-proof-of-feto-membership-1518386092>

²⁵ <https://www.businesslive.co.za/bd/world/2016-08-29-new-analysis-how-the-fallout-from-turkeys-coup-attempt-has-been-felt-in-sa/>

²⁶ <https://www.news24.com/Archives/City-Press/East-dawns-on-Jozis-skyline-20150429>

However, even this elderly philanthropist could not escape President Erdogan's anger. After the failed coup attempt, his businesses and real estate properties were confiscated by the Turkish Government.

Pro-Government Daily Sabah targeted the mosque in South Africa, and claimed that it became a place where fugitive Gülen followers were sheltered²⁷. Daily Sabah went to Midrand, Johannesburg and observed the Gülen Movement-affiliated school in the county, the Nizamiye complex.

Turkey's Ambassador to South Africa Kaan Esener drew attention to the movement's establishment and said, *"We are after them and we will be until the end. We know where they all are. We urge them to come in and surrender to justice."* Underlining that South Africa is heavily populated by followers of the Gülen Movement and has become a center for them, Esener said, *"Regardless, they should not feel too comfortable here. The Turkish government will continue to follow them closely and it will not be possible for them to hide in South Africa from now on."*

Because of the Turkish officials' threats, Ali Kervanci (also known as Uncle Ali by the local African people) had to later leave South Africa.

h. Hakan Sukur

Hakan Şükür is a well-known retired Turkish football player who played as a striker. He spent the majority of his professional career with Galatasaray, attaining the prestigious "Goal King" title three times and winning a total of 14 major titles.

Şükür represented Turkey a total of 112 times, scoring 51 goals, making him Turkey's top goalscorer and 19th in the world at the time of his retirement. One of the most prolific strikers of the modern era, he netted 383 goals throughout his club career as well as the fastest ever in a World Cup, in 2002.

On 18 June 2011, Şükür was elected as a Member of Parliament to the Grand National Assembly of Turkey in the 2011 general elections, from the ruling Justice and Development Party (AKP), representing the 2nd electoral district of Istanbul Province.

²⁷ <https://www.dailysabah.com/war-on-terror/2017/01/31/fugitive-Gülenists-adopt-south-africa-as-a-new-base-yet-turkey-to-disabuse-them-of-this-delusion>



On December 16, 2013, Şükür, known for his links to the Gülen movement, resigned from his position as a protest against his party. At that time, the government had just started to target the followers of the Gülen Movement.

In February 2016, Şükür was charged with insulting President Erdoğan on Twitter. In August, a warrant was issued for his arrest as he was charged with “being a member of an armed terror group”.

In June 2016, Şükür fled Turkey, where he took up self-exile in San Francisco, California²⁸. He is currently planning to become a restaurateur in Palo Alto. However, a court in

Istanbul ruled that all his bank accounts, vehicles, and other assets (estimated to be worth TL 200 million²⁹) as well as those of his father be seized³⁰. His father, despite his advanced age (75) and poor health, was jailed and lost 40 kilos (about 88 pounds) in prison. After about four months, a judge ordered him to remain under house arrest instead.

The pro-government Daily Sabah newspaper did not stop harassing Hakan Şükür even in the United States. Agents of the newspaper secretly videotaped his house in California, photographed his cars without blurring his license plates, and made him a target for pro-government Turks in the US³¹.

²⁸ <https://www.dailysabah.com/investigations/2016/06/16/ex-football-star-Gülen-movement-supporter-hakan-sukur-moves-to-us>

²⁹ <https://www.yenisafak.com/ekonomi/fetocu-hakan-sukurun-200-milyon-liralik-mal-varligi-2510158>

³⁰ <https://www.reuters.com/article/us-turkey-security-soccer/turkey-seeks-arrest-of-soccer-striker-hakan-sukur-seizes-assets-idUSKCN10N1G2>

³¹ <https://www.dailysabah.com/investigations/2017/11/18/feto-fugitive-hakan-sukur-spotted-living-high-life-in-california>

i. Kaynak Holding

Kaynak Holding first began serving the publishing sector in 1979, and then expanded into retail, distribution, printing, paper production, and media. Finally, it grew into a business producing educational tools, stationery, school uniforms, logistics, cargo, and food products through foundations such as Kaynakder and Kaynak.

With an annual growth rate of 18% among its 31 companies in 16 different sectors and its 10,304 employees and approximately 100 active trademarks, Kaynak Holding was offering its services to all corners of Turkey and traded with more than 100 foreign countries.

It performed and carried out publishing activities, retailing activities (NT Stores), distribution activities, printing activities (Caglayan Printing House), paper production, media activities, information and data processing activities (Sürat Technology), tourism activities (Nuans Tur), cargo operations, logistics operations, and food operations (Bereket, Itina).



Before the failed coup attempt, in November 2015, at the request of the Istanbul Public Prosecutor's Office, the Istanbul Criminal Court of Peace decided to assign trustees to Kaynak Holding because of its affiliation with the Gülen Movement. The decision covered 19 subsidiaries, one foundation, and one association connected to the holding.

In November 2017, the Anadolu Chief Public Prosecutor's office in Istanbul issued an arrest warrant for 102 Kaynak Holding employees who were under investigation because of their ties with the Gülen Movement³². The prosecutors demanded 22.5 years of prison time for each employee.

³² <http://www.hurriyetdailynews.com/operations-launched-to-detain-110-feto-suspects-121165>

j. Feza Gazetecilik

Zaman newspaper, Turkey's bestselling national daily -with a daily circulation of nearly 1,000,000- was shut down completely with pressures from the ruling party and its assets were confiscated by the State with a State of Emergency Decree-Law. The ruling party's pressures on Zaman newspaper intensified particularly in late 2013. Thus, the businessmen who would place advertisements in the newspaper were contacted by the people affiliated with the ruling party and they were told to stop advertising with the paper, and the country's state-owned airliner Turkish Airlines (THY) stopped distributing Zaman newspaper to its passengers free of charge³³.

After major graft and bribery scandals went public on December 17, 2013, the Prime Ministry started not to accredit reporters from Zaman newspaper to cover the events at the Prime Ministry, and this practice was soon adopted by all ministries and public institutions.

On March 4, 2016, trustees were appointed by İstanbul 6th Criminal Judge of the Peace to the commercial entity titled Feza Gazetecilik A.Ş., which owned Zaman newspaper, Today's Zaman Newspaper and Aksiyon newsweekly, under Article 133 of the Code of Criminal Procedure.



³³ The information related to Feza Gazetecilik is acquired from its application to the European Human Rights Court.

Although this decision failed to specifically mention the crime in connection which the trustees were appointed, the decision maintains that Zaman newspaper made propaganda for a terrorist organization and trustees were appointed to prevent this. However, no investigation has so far been launched against the newspaper in question or any of its columnists and there has been no court decision against them. This measure was clearly censorship that sought to silence the newspaper or choke its future publications and it was taken in blatant breach of Article 28/1 and 30 of the Constitution (Article 28/1 reads: "The press is free, and shall not be censored").

Speaking at a public rally in Burdur on March 11, 2016, President Recep Tayyip Erdoğan referred to the confiscation of Zaman newspaper and the police officers' forcibly entry into the newspaper's building, saying: ***"We have said that we would enter their lairs. Have we done what we have said? We will continue to enter their dens"*** and indirectly disclosing that the trustee appointment decision which was believed to be taken by an 'independent' judge, had been given by himself.

After the failed coup attempt, the Decree-Law numbered 668, which entered into force on July 27, 2016 as part of the State of Emergency, shut down three news agencies, 45 newspapers and 15 periodicals, including Cihan news agency, Zaman newspaper, Today's Zaman newspaper and Aksiyon newsweekly. Article 2 of the Decree-Law numbered 668 reads: ***"... the newspapers and periodicals.... which belong to, or which are connected to, or affiliated with, the Gülenist Terror Organization (FETÖ/PDY), have been shut down."*** Under Paragraph 3 of the same Article, all assets and properties of the newspapers and periodicals which were shut down were transferred to the Treasury free of charge.

k. Sami Senturk

Sami Senturk had a large automotive business in Bursa. After the coup attempt, he was charged with terrorist group membership because of his affiliation with the Gülen Movement and subsequently arrested.

The house he built in Bursa was confiscated with the allegation that the house was built for Fethullah Gülen to live in if he returns to Turkey. The court in Bursa ordered the house to be confiscated and issued a search warrant to find out if there were any secret rooms to conduct terrorist activities. However, the teams who searched the house could not find any such rooms in it³⁴.

³⁴ <http://www.hurriyet.com.tr/feto-elebasi-icin-yaptirilan-malikanede-gizli-b-40879930>

I. Uğur Group

Uğur Group's flagship company, Uğur Soğutma, was founded in Nazilli in 1954. Operating in various sectors (textiles, motorcycles, construction, and food), Uğur Group Companies served 137 countries with their 6 affiliates and 2,500 employees.

Uğur Soğutma started its journey on 18 April 1954 in Nazilli, Aydın with the production of ice cream machines and produced Turkey's first deep freezer in 1986. Before the attempted coup, the company continued its production in its 220,000 m² (2,368,060 sq. ft.) main factory, 91,000 m² (979,516 sq. ft.) Nazilli Industrial Park factory, and had 2,500 employees at more than 850 sales locations and nearly 240 Uğur Authorized Service Centers in 142 countries in 5 continents. With an experience of more than half a century, Uğur Soğutma was still the leading company of its sector.

Uğur Motor Vehicles started its activities in the motorcycle sector in 2004 with its brand "Mondial" and continued to grow in the sector day by day without compromising its quality with its 44,500 m² (478,994 sq. ft.) factory and 15,000 m² (161,459 sq. ft.) after-sales spare parts store. In 2010, it began to produce its own motorcycle chassis and added ATV models to its product line.

An Aydın court ruled to seize Uğur along with 47 other enterprises over their alleged links to the Gülen movement in October 2017. Unal Takmakli, the founder of the company who was jailed in July, 2016 on similar charges, died of a heart attack in prison in November, 2016.

In August 2018, Mehmet Takmaklı and Zeynel Abidin Takmakli, the owners of Turkey's leading freezer company, were sentenced to 7.5 years in prison on charge of terrorist group membership. Four others from the same family were sentenced to 3 years plus 45 days imprisonment on accusation of lending support to the Gülen movement³⁵.

m. Ismet Akil

Ismet Akil was an Antalya based businessman who invested in petrol and construction companies. He had multi-million dollar projects including large constructions and automotive retail companies. He was jailed in October 2016, after a court issued an arrest warrant for him following the failed coup attempt. In April 2018, he was sentenced six years and seven months

³⁵ <https://turkeypurge.com/owners-of-freezer-company-get-prison-sentence-over-terror-charges>

imprisonment because of his ties with the Gülen Movement. He was charged with providing financial aid to the movement.

n. Omer Faruk Kavurmaci

Ömer Faruk Kavurmaci was the CEO of the Aydınli Group, ready-to-wear retailer, the official representative of brands such as Cacharel, Polo US, and Pierre Cardin in Turkey via its more than 3,000 employees and stores spread over 3 continents. Aydınli Group exported to more than 60 countries all over the world.

As part of its confiscation of private businesses over alleged coup charges, the Turkish government appointed trustees to the giant textile company. Ömer Faruk Kavurmacı, the son-in-law of then İstanbul Mayor Kadir Topbaş, was arrested as part of an operation against the Turkish Confederation of Businessmen and Industrialists (TUSKON), affiliated with the Gülen movement in September 2016.

In May 2017, an İstanbul court decided to release Ömer Faruk Kavurmacı for reasons of health. However, a month after his release he was re-arrested.

The leader of the main opposition party, Republican People's Party, Kemal Kılıçdaroğlu criticized the decision to re-arrest Ömer Faruk Kavurmacı as follows: ***"I don't find the verdict to re-arrest Kavurmacı right. There should be no double standards in the judiciary. He should be released pending trial,"***³⁶.

o. Fi Yapi

Fi Yapi was founded by Fikret İnönü in 2006. The company built around 6,000 houses in various locations under the brands Fi-Yaka, Fi-Tower, and Fi-Life.

After the failed coup attempt, in September 2016 the assets of important business leaders were seized, including Fi Yapi. The company's owner, Fikret İnönü, lost his more than 20 companies and was arrested on grounds that he had provided financial support to the Gülen Movement.

³⁶ <https://www.turkishminute.com/2017/06/17/chp-leader-finds-re-arrest-of-kavurmaci-wrong/>

Turkish authorities also confiscated an island in the Aegean that FI Yapi bought for \$32 million six years earlier³⁷.

p. Ekrem Gök

Ekrem Gök, the former president of the Kırıkkale Chamber of Commerce and Industry, was a successful furniture retailer. After the failed coup attempt, his business was confiscated, and he was sent to prison. Furthermore, because of the hatred pumped by the government, a furniture shop owned by Ekrem Gök, was assaulted with guns in September 2016³⁸.

“It makes our blood boil. My fight against them will continue all my life. We always stand by our country ,” Denizhan Vural, also a renowned businessman in Kırıkkale, told reporters on the day of the assault. Mr. Vural proudly confessed that he carried out the attack with this statement: ***“The allegation about the gun attack is true. We did our part regarding this incident,”***.

q. Inanlar Insaat

Inanlar Construction was operated primarily in the real estate industry in Turkey. The company was primarily engaged in the construction and sale of homes. It also operated as an authorized sales and service provider for the Renault, Dacia, Hyundai, and Karsan brands, selling new and previously owned vehicles, as well as providing after sales service. In addition, it offered home, auto, and travel insurance, as well as individual pension system packages under the Inanlar name. Founded in 1965, the company was headquartered in Istanbul.

Inanlar Construction had an annual turnover of TL 600 million in the years preceding the attempted coup. Shortly after the coup attempt, the owner Serdar Inan was detained in August 2016 and had to leave the country. Although his colleagues tried to keep the company afloat, the hardships caused by banks and the government brought about the company’s bankruptcy³⁹.

³⁷http://www.cumhuriyet.com.tr/haber/turkiye/596933/Taninmis_isadamlarinin_mal_varliklarina_el_konuldu.html

³⁸ <https://turkeypurge.com/businessman-boasts-of-gun-attack-on-store-owned-by-Gülen-follower>

³⁹ <https://twitter.com/mimarserdarinan>

r. Sesli Group

Founded in 1967 by Sesli Family, Sesli Group first started to produce woolen yarn in Uşak. The group continued their production with nearly 400 employees in 3 factories, with a total of 50.000 m² (538,196 sq. ft.) area. Its factories were some of the largest ones of their kind in Europe.

Until the 1990s, Sesli Tekstil operated in the domestic market. With the establishment of Sespa Ihracat ve Pazarlama A.S. in Istanbul in 1993, the group started catering to foreign markets. In its early years, Sespa exported to a few countries in the Middle East and Europe, but in about two decades, they started exporting their products to over 50 countries from 5 continents.

The owner of the companies Hazim Sesli was arrested over his links with the Gülen Movement on Oct. 22, 2015. In February 2017, trustees were appointed to his companies in Uşak due to his partners' alleged involvement in the coup plot. The largest among them was a textile company, Sesli Group. According to an Uşak court decision, the TMSF is now overseeing these companies.

s. Süvari Group

Süvari, who embarked upon its journey with a three-wheeled wooden car, was founded as a ready-made garment wholesaler in 1967. The company was an important retail brand in Turkey with operations in both domestic and foreign markets since 1997. Süvari brought its products and customers together in its 152 stores in 9 countries.

Süvari Clothing Company was seized in October 2016 by the decision of an Adana Peace Criminal Judge. Süvari had 150 branches in Turkey, and 148 branches in 14 different countries when it was seized by the government. The company's yearly turnover was about TL 150 million.

t. Yagmur Furniture

Yagmur Mobilya was one of the leading furniture companies in Turkey. The owner, Yagmur Akkulah, was arrested before the failed coup attempt over his links to the Gülen Movement. His company was subsequently seized by the Turkish Government in October 2016.

In one of his trials, the Yagmur Akkulah tragically said *“Execute me, but do not call me terrorist, they called us terrorists in the prison.”* Shortly after making this statement, he fainted and was taken to a hospital.

u. Ismail Hakki Kisacik

Ismail Hakki Kisacik was a shareholder in LC Waikiki Clothing Company (trades in 882 stores in 38 countries) and a board member of the TUSKON, which is affiliated with the Gülen movement.

Mr. Kisacik was arrested in August 2016 shortly after the failed coup attempt. Turkish authorities also ordered the seizure of his assets⁴⁰.

v. Faruk Gullu

Faruk Güllü, a prominent businessman who ran notable cafe and restaurant chain Faruk Güllüoğlu, one of the largest baklava producers in Turkey with almost 70 stores in Turkey.

In September 2016, after the failed coup attempt, as part of an investigation into the TUSKON with respect to the Gülen Movement’s economic structure, 28 businessmen affiliated with the confederation was arrested, including Faruk Güllü.

In January 2017, Turkish government appointed trustees to Güllüoğlu Baklava. Subsequently, the administration of Güllüoğlu Baklava was taken over by the TMSF.

⁴⁰ <https://www.turkishminute.com/2016/08/20/giant-textile-company-owner-among-targeted-businessmen-links-Gülen/>

w. Cetin Tekdemir

Çetin Tekdemir was one of the partners of the Komagene Chee Kofta (a famous Turkish fast-food) brand, which had about 900 branches.

Cetin Tekdemir has been in prison since September 2016. In May 2017, the indictment was completed by the prosecutors in an investigation conducted against the TUSKON, which is known to be close to the Fethullah Gülen community. Tekdemir was also included in the indictment and prosecutors demanded that he be given a life sentence⁴¹.

x. Ismail Colak

Within the scope of the investigation initiated by the Chief Public Prosecutor's Office in Düzce, the restaurant “Ismail's Place”, which has been operating for years in Bolu Mountain, was closed.

The owner, Ismail Colak, left the country about 6 months ago saying that he was going to Mecca for Umrah pilgrimage, but has not returned to Turkey since then.

y. Kucukbay Inc.

Küçükbay Inc., the leading cooking oil company in Turkey, was founded by Akif Küçükbay in 1979. Until after the coup attempt, the company was led by Akif Küçükbay's sons Ahmet Küçükbay and Halil Küçükbay. The company's flagship 'Orkide' brand of oil was distributed both in domestic and foreign markets.

Before the coup attempt, Küçükbay Inc. was the leader of the sector with its 3,000 tons refined oil capacity. The company had a market share of 35% and a 2013 turnover of TL 1 billion⁴².

One of the owners of the company, Ahmet Küçükbay, was arrested in August 2016 because of his links to the Gülen Movement.

⁴¹http://www.cumhuriyet.com.tr/haber/turkiye/733544/Unlu_cig_kofte_zincirinin_sahibine_muebbet_istendi.html

⁴² <http://www.star.com.tr/egge/kucukbay-grubu-zirveden-inmiyor-haber-721360/>

5. Conclusion and Recommendations

As mentioned in Universal Declaration of Human Rights, everyone has the right to own property alone as well as in association with others, and no one shall be arbitrarily deprived of his property⁴³.

The European Convention on Human Rights Article 1 of Protocol No. 1, which guarantees the right to property, provides: Every natural or legal person is entitled to peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law⁴⁴.

According to these international norms, Turkey should immediately remedy the consequences of the post-coup environment of seizures and confiscations. Advocates of Silenced Turkey urges the Turkish Government to return the properties of businessmen and prosecute the officials who violated



THE UNIVERSAL DECLARATION OF Human Rights

WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

WHEREAS disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

WHEREAS it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

WHEREAS it is essential to promote the development of friendly relations among nations,

WHEREAS the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have

determined to promote social progress and better standards of life in larger freedom,

WHEREAS Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

WHEREAS a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,

NOW THEREFORE THE GENERAL ASSEMBLY PROCLAIMS this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

ARTICLE 1 — All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 2 — 1. Everyone has the right to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether this territory be an independent, trust or non-self-governing territory, or under any other limitation of sovereignty.

ARTICLE 3 — Everyone has the right to life, liberty and the security of person.

ARTICLE 4 — No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.
ARTICLE 5 — No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ARTICLE 6 — Everyone has the right to recognition everywhere as a person before the law.

ARTICLE 7 — All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

ARTICLE 8 — Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

ARTICLE 9 — No one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 10 — Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

ARTICLE 11 — 1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

ARTICLE 12 — No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

ARTICLE 13 — 1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to his country.

ARTICLE 14 — 1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

ARTICLE 15 — 1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

ARTICLE 16 — 1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

ARTICLE 17 — 1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

ARTICLE 18 — Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

ARTICLE 19 — Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

ARTICLE 20 — 1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

ARTICLE 21 — 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

ARTICLE 22 — Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

ARTICLE 23 — 1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration.

including for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

ARTICLE 24 — Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

ARTICLE 25 — 1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

ARTICLE 26 — 1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education their children shall receive.

ARTICLE 27 — 1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

ARTICLE 28 — Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

ARTICLE 29 — 1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

ARTICLE 30 — Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

UNITED NATIONS

Adopted by the United Nations General Assembly on 10th December 1948 at its 183rd meeting, held in Paris on 10 December 1948
Revised by the Department of Public Information

⁴³ <http://www.un.org/en/universal-declaration-human-rights/>, Article 17.

⁴⁴ <https://rm.coe.int/168007ff55>

fundamental rules of law such as property rights. The environment of state of emergency facilitated these seizures, however, it must be noted that Turkey will face much larger lawsuits in the near future unless it immediately solves the problems with its judiciary.

In order for property rights to be fulfilled and for everyone to really enjoy these rights, every individual should possess a certain minimum amount of property necessary for a dignified life, including social security and social assistance. The arbitrariness in the seizure procedures makes Turkish people more and more vulnerable. The rules must be precise and predictable.

As mentioned⁴⁵ in UN's reports that property rights should be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order, and general welfare. No state should be engaged in any activity or perform any act aimed at the destruction of property rights. Therefore, Turkey must recognize its international commitments to human rights treaties and respect its citizens' property rights.

* * *

The Turkish Constitution in its 90th article reads: *International agreements duly put into effect have the force of law. No appeal to the Constitutional Court shall be made with regard to these agreements, on the grounds that they are unconstitutional.*

In addition, the Turkish Constitutional Court, in its judgment of February 7, 2008, stated that the European Convention on Human Rights (ECHR), under Article 90 of the Constitution, had become a part of domestic law, so that the provisions of the Convention are of qualified law and that the judgments of the ECtHR are binding.

However, unfortunately, the European human rights court is continuing to address the systematic and years-long human rights violations, and collective punishment by the Turkish

⁴⁵ United Nations (1954). Commission on Human Rights. Report of the Tenth Session. Economic and Social Council Official Records: Eighteenth Session. Supplement No. 7, Do. E/2573, Annex 1. New York: UN.

government against the Hizmet movement as "individual issues," and has rejected the applications from Turkey as if the regime change in Turkey has never happened and as if the justice mechanisms in Turkey have still been working. Therefore, the court is now leaving the victims of the massive purge in Turkey to the mercy of the unlawful practices of the Erdogan government.

It should not be forgotten that the fears of the victims, their lack of information, misleading statements of the Erdogan administration, the deprivation of legal representation and the political pressures on the victims cause the human rights institutions, including ECtHR stay away from the persecution issues in Turkey since the victims cannot make themselves heard.

The relevant departments of the UN and the Council of Europe, especially the European Court of Human Rights must be aware of this systematic genocide attempt in Turkey against the members of the Hizmet movement that exceeds millions of people. Otherwise, the innocent people exposed to such inhuman action in front of the eyes of the Western civilization in the 21st century will be destroyed under the torture of the Erdogan Administration.

With this occasion, we invite the individuals who read this report and who believe in human dignity and the virtuous life ideal for everyone, to urge and ask for action to the international human rights monitoring mechanisms to raise awareness with respect to Turkey.

The Organizations that Can Help Prevent the Property Violations in Turkey and the Steps Need to Be Taken

1- The Committee on Foreign Relations of the European Parliament and other relevant committees:

The European Parliament's Foreign Relations Committee publishes reports on human rights and various issues. It also provides advice on violations and problems in the countries under review. A recent report prepared by the European Parliament (EP) about Turkey named the Erdogan government's illegal overseas operations targeting the Gulen movement followers as

'abduction' and sharply condemned the countries which did not take precaution against these operations. Likewise, EP should work on property rights violations in Turkey, and should regularly publicize the violations and inform the member countries of the Parliament.

2- European Court of Human Rights

The European Court of Human Rights is an international institution which has a direct impact on Turkish law as explained above. However, it is unfortunate that so far, the court has taken an abstaining position on the human rights violations that occurred recently in Turkey and has not taken those cases into consideration which were brought by the victims of the Erdogan government's illegal systematic practices which exposed to millions of people who are the followers of the Gulen movement. Even though the worldwide-known impartial human rights organizations have prepared detailed reports about the inhuman practices in Turkey and there is an abundance of data about this cruel persecution, the court has only taken dilatory steps and unfortunately has been following a wait and see policy.

First, a reputable organization, such as the ECtHR, should act in accordance with its name, should define the human rights violations in Turkey as systematic in nature and aim to completely destroy a large group of people. Also, these violations should not be determined case by case, since they are constituting “collective punishment.” No part of Turkish society living under the rule of Erdoğan and not entirely in favor of him is not sure of any right. On the contrary, all the groups and individuals who criticize Erdogan's policies are under the risk of facing the fate of the state's crushing power. In this context, many groups, workers' unions, and communities have been deprived of many fundamental human rights, at first the property rights.

Another element used by the ECtHR to dismiss the applications made by Turkish nationals is the requirement of “exhaustion of domestic remedies”. This requirement should not be taken into consideration by the court for Turkish cases since there is no longer rule of law in Turkey. Indeed, since 2016, the judiciary in Turkey was changed utterly, and it was fallen under Erdogan's rule. Today, the hostage policy the Turkish authorities implemented is one of the most

obvious examples of this. Erdogan administration can imprison foreign people easily with unfounded claims in order to squeeze and pressure foreign governments; and dirty bargains can be made over them. Deniz Yucel, Pastor Brunson and many other hostages are the most obvious examples of the hostage policy and shows that the Turkish judiciary is between the two lips of Erdoğan that he can order to imprison foreigners at his will and release them whenever he wants.

As it is known, after the failed coup attempt in 2016, more than half of the members of the Turkish judiciary were suddenly dismissed from their posts with false claims and false statements and were labeled as terrorists by untrue allegations and were even put into solitary confinements. These people, who have worked hard to establish justice for years, today pay the price of Erdogan's personal resentment. On the other hand, the new, mostly inexperienced prosecutors and judges who replaced these labeled officials had publicly supported AKP policies and had had organic ties with the AKP government, and it is obvious that they cannot ensure fair trial procedures and the court of independence in Turkey.

Herewith, the European Court of Human Rights must get away from the illusion of seeing the human rights violations in Turkey as "individual violations" and should focus on the illegal practices of the collective punishment. Also, it must determine the politic and ineffective situation of the Turkish judiciary and must abandon the argument of “exhaustion of domestic remedies.”

3- United Nations

The United Nations can initiate investigative procedures by its Human Rights Committee and the Committee on Economic, Social and Cultural Rights to examine the human rights violations in Turkey, especially the property rights. In this way, the United Nations can prevent these human rights violations and unlawful confiscations in Turkey.

4- Commercial Attaches at Foreign Embassies

Commercial Attaches closely follow the economic situation in the countries they are in, and prepare reports to the states they belong to. One of the main objectives of the relevant attaches is to ensure that the investments of the citizens of their country are secured. Thus, commercial attaches can inform their countries about the property rights violations in Turkey in light of the objective and clear information they acquired; and through this way, an international political pressure can be created on the Erdogan regime. Within this framework, it will be appropriate for human rights organizations to share their property rights violations reports with the commercial attaches to let them report these violations to their countries' officials.

5- The World Bank, IMF, Islamic Development Bank

Three of the major lenders of Turkey or who gave direction to creditors of Turkey are these three institutions. These institutions must be made aware of the property rights violations in Turkey that there is no longer liberal economic politics in Turkey, rather they are despotic and coercive in nature, and no government opponent is economically safe. These institutions must warn the Turkish government to change its seizure policies and reinstitute the property rights all over the country and follow the rule of law.

6- Credit Rating Agencies

Credit rating agencies generally publish advice reports that guide investors around the world. Reports and publications by these agencies highlighting the insecurity of investments in Turkey would significantly affect direct investments to Turkey and would force the Erdogan administration to act in accordance with the rule of law. In order to protect existing and future investors' rights in Turkey, these institutions should regularly warn the Turkish government and ask for remedies for economic wrongdoings of the government. These warnings and asking for remedies would procure that Turkey, as an important trade country, to be in the global economic system in good standing. Otherwise, similar to other third world countries Turkey will eventually become radicalized in terms of its despotic and repressive economic policies and will be out of the global system.

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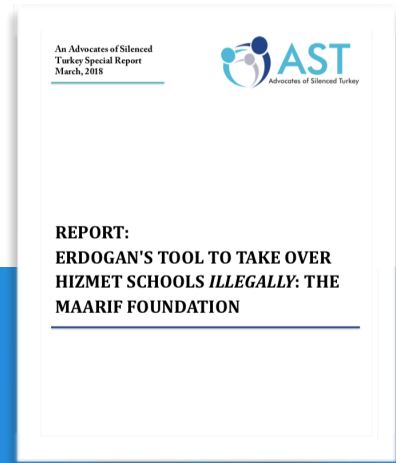
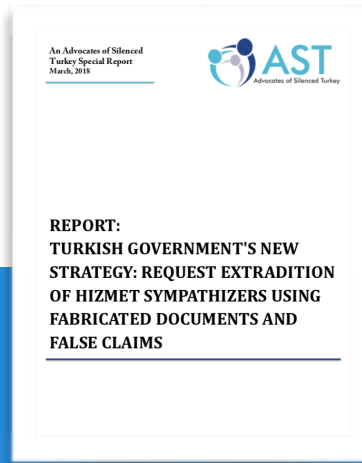
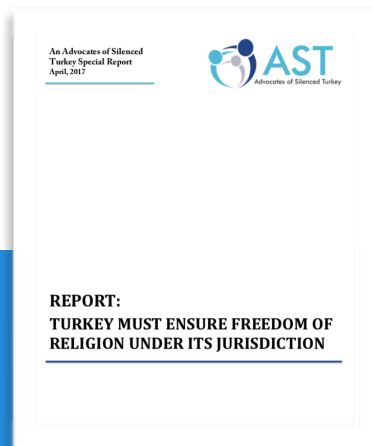
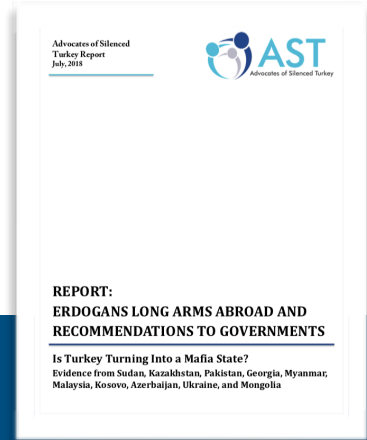
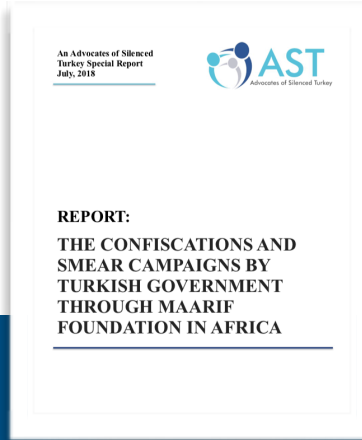
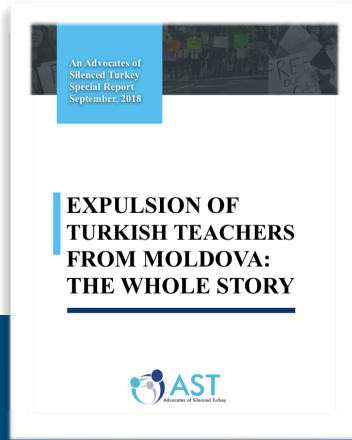
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AST REPORTS



AST has been working with many academicians, journalists, activists and purge victims to write reports about Human Rights violations, both in Turkey and around the world.

