

Brief Report on

---

**ABUSE OF  
COUNTER-TERRORISM LAWS  
AGAINST THE  
HIZMET MOVEMENT**

---

Prepared By:  
**Journalists and Writers Foundation**



May 10, 2025

NEW YORK

[www.jwf.org](http://www.jwf.org)

# **ABUSE OF COUNTER-TERRORISM LAWS AGAINST THE HIZMET MOVEMENT**

**May 10, 2025**

## **Executive Summary**

The Hizmet / Gülen Movement has been one of the most prominent and influential advocates for democracy, the rule of law, and fundamental human rights in Türkiye. Internationally Hizmet Movement has been widely recognized for promoting peace, tolerance, and dialogue, particularly through its work in education and cultural initiatives.

Hizmet Movement is not a terrorist organization. To date, neither the Government of Türkiye nor any other entity has produced credible evidence demonstrating that the Movement or its members have engaged in armed activity or acts of violence.

The designation of the Hizmet Movement as a terrorist organization lacks due process and fails to meet international legal standards, including those outlined by the UN Special Rapporteur on counterterrorism. Individuals linked to the movement face heightened risks of arbitrary detention, safety threats, and privacy violations.

Türkiye's overly broad and highly abusive anti-terrorism laws have been used to arbitrarily arrest hundreds of thousands of individuals affiliated or suspected to be affiliated with Hizmet Movement, and place many more at risk of prosecution on serious terrorism-related charges. These laws are inconsistent with international human rights standards and have been widely criticized for criminalizing dissent and peaceful association.

Internationally, the Turkish government has extended its campaign against Hizmet-affiliated institutions through the state-run Maarif Foundation, which has illegally seized at least 232 schools across 21 countries, primarily in Africa and Asia. These efforts have been accompanied by a global pattern of transnational repression, including the extrajudicial abduction and forced transfer of at least 148 individuals from 33 countries - most of whom are educators.

Actions by the Government of Türkiye raise grave concerns regarding the rule of law, educational freedom, and the extraterritorial application of state power in violation of international legal norms.

## **TABLE OF CONTENTS**

---

- I. Introduction**
- II. Ongoing Crackdown against Hizmet Movement**
- III. Terrorist-related allegations against Hizmet Movement**
- IV. Aftermath of the Attempted Coup of July 15, 2016**
- V. Abuse of Counter-Terrorism Laws**
- VI. Assault against Educational Institutions under the Guise of Fighting Terrorism**
  - A. Closure of Preparatory Schools affiliated to Hizmet Movement*
  - B. Closure of Hizmet-affiliated Educational Institutions after the Attempted Coup of July 15, 2016*
  - C. Assault and takeover of Hizmet Movement affiliated institutions abroad*

## I. Introduction

1. Since the onset of the Arab Spring in 2011, Türkiye has faced escalating security challenges, exacerbated by regional instability and cross-border threats. The Syrian civil war and the emergence of ISIS in Syria and Iraq have significantly strained Türkiye's internal stability, leading to political, economic, and social distress. The attempted coup in July 2016 further intensified these challenges. Regional conflicts, particularly in Iraq and Syria, spilled over into Türkiye, destabilizing an already fragile security environment.

2. Terrorist activity surged dramatically in the mid-2010s. While no major attacks were recorded in 2014, 2015 witnessed four attacks resulting in 149 casualties, and 2016 saw a sharp escalation with 22 attacks causing over 317 deaths. Notable incidents include the May 11, 2013, Reyhanlı car bombings in Hatay Province, which killed 51 Turkish nationals, and the New Year's Day 2017 attack on the Reina nightclub in Istanbul, where 39 people from 15 different nationalities were killed and at least 70 others injured.<sup>1</sup>

3. In recent years, Türkiye has continued to face terrorist threats, even though with varying intensity. On October 1, 2023, for example a suicide bombing occurred in Ankara, injuring two police officers, in an attack claimed by the PKK. Additionally, on January 28, 2024, two Islamic State gunmen attacked the Santa Maria Church in Istanbul, resulting in the death of one individual.<sup>2</sup>

4. In response to these ongoing threats, Türkiye has implemented some counterterrorism measures, including domestic security operations, cross-border military actions, and international cooperation. For example, in April 2025, Turkish authorities arrested 89 individuals suspected of being affiliated with the Islamic State during coordinated security operations across multiple provinces.<sup>3</sup>

5. Furthermore, Türkiye has seemingly strengthened its legal and institutional frameworks to combat terrorism. The country has enhanced its anti-money laundering and counterterrorism financing policies, leading to its removal from the Financial Action Task Force's "grey list" in 2024. Additionally, Türkiye has actively participated in international counterterrorism initiatives, such as co-chairing the Global Counter Terrorism Forum and contributing to NATO's counterterrorism efforts.<sup>4</sup>

6. Despite these measures, the Government of Türkiye continues to willingly and purposefully fail in balancing security concerns with human rights obligations. The government's broad definition of terrorism and its application in legal proceedings have repeatedly drawn sharp criticism from the United Nations<sup>5</sup> and international human rights organizations. Amnesty International for example has

---

<sup>1</sup> [https://en.wikipedia.org/wiki/List\\_of\\_suicide\\_attacks\\_in\\_Turkey?utm](https://en.wikipedia.org/wiki/List_of_suicide_attacks_in_Turkey?utm)

<sup>2</sup> Ibid.

<sup>3</sup> <https://english.news.cn/europe/20250416/2e7c6667d8a3408ca5a025e31fa59416/c.html>

<sup>4</sup> <https://www.ft.com/content/f2c9cc27-1267-4606-983e-9c3836b7e035?utm>

<sup>5</sup> See for example, United Nations Human Rights Council. *Joint Allegation Letter: AL TUR 5/2024*. Special Procedures of the Human Rights Council, October 7, 2024.

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29191>

raised frequent concerns about the use of counterterrorism laws to suppress dissent and target political opponents.<sup>6</sup>

## II. Ongoing crackdown against Hizmet Movement

7. Since December 11, 2015, the Hizmet Movement is 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). In the declaration of the State of Emergency following the attempted coup of July 15, 2016, absent any investigation or legal proceedings, the Turkish Government stated that “Fethullah Terrorist Organization (FETÖ) has staged a coup attempt in Türkiye on 15 July 2016.”<sup>7</sup> Late Fethullah Gülen denied the accusation of staging a coup and called for an international commission to investigate Turkish government’s claim.<sup>8</sup>

8. Despite ongoing and credible threats posed by internationally recognized terrorist organizations, including ISIS, the Government of Türkiye has, since at least 2014, increasingly prioritized the suppression of the Hizmet (Gülen) Movement, designated as a terrorist organization without any evidence. In the aftermath of the attempted coup in July 2016, attributed without evidence by Turkish authorities to the Hizmet Movement, this shift in focus has resulted in the systematic application of counter-terrorism legislation to detain, arrest, and prosecute individuals based on alleged or perceived affiliation with Hizmet Movement. In many, if not all cases, such measures have been undertaken absent individualized evidence of criminal conduct, raising serious concerns under international law, including violations of the rights to liberty, fair trial, freedom of expression, and freedom of association.

9. In the aftermath of the attempted coup, Article 4 (1) of Decree Law No. 667 (July 23, 2016) orders the dismissal of public servants “who are considered to be a member of, or have relation, connection or contact with terrorist organizations or structure/entities, organizations or groups, established by the National Security Council as engaging in activities against the national security of the State”. They are dismissed by decision of the relevant administrative entities and officials. Judges are dismissed on the same grounds by virtue of Article 3 (1) by decisions of the relevant judicial bodies (top courts and the High Council for Judges and Prosecutors-HCJP).

10. In determining or assessing the affiliation of individuals to the Hizmet Movement, the Government of Türkiye uses the so-called *Feto-Meter* or *Fetömetre*.<sup>9</sup> 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. *Fetömetre* has reportedly similarities with the program developed by Huawei to assist the Chinese government spot members of the ethnic Uighur minority. 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,

---

<sup>6</sup> <https://www.amnesty.org/es/wp-content/uploads/2021/07/EUR4442692021ENGLISH.pdf>

<sup>7</sup> 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.

<sup>8</sup> See e.g.: <https://www.reuters.com/article/us-turkey-security-gulen/turkish-cleric-calls-for-international-body-to-examine-coup-charges-idUSKCN11T28O>

<sup>9</sup> 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/>

family ties, marriage, service locations, courses attended, postgraduate studies, education of his wife and children and financial situation.

11. The criteria can be grouped in seven main categories: (1) personal data; (2) education; (3) school entrance examination results; (4) social life data; (5) professional knowledge; (6) foreign language examinations and service abroad; and finally (7) 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.

12. On September 3, 2016, the Daily Milliyet newspaper published<sup>10</sup> a non-exhaustive “list of sixteen criteria” used to “guide” the dismissals from state functions and prosecutions. People “fitting” the criteria below in varying degrees are subjected to official processes and labeled as ‘terrorists’ – followed many times by their detention or arrest. According to the government the aim of preparing such a list was to “discern the guilty from the innocent.” The criteria listed in the article are the following:

- Investing 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.
- 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.

13. Using one or a combination of two or more of the ‘criteria’ above, according to the report of the OHCHR<sup>11</sup> since the attempted coup until the end of December 2017 - 159,506, individuals had

---

<sup>10</sup> The article is available at: <http://www.milliyet.com.tr/16-kritere-gore-ihrac-gundem-2305561/>

<sup>11</sup> 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.

been arrested in connection with the coup, including around 300 journalists, 1,719 organizations were permanently closed, and some 166 media outlets were liquidated, including publishing houses, newspapers and magazines, news agencies, television stations and radios.

14. Measures undertaken by the Government of Türkiye based on the above criteria have retroactively equated what have otherwise been legitimate and normal activities with terrorism, thereby effectively criminalizing freedom of expression, association and other important rights. This has increased the risk and the practice that individuals are prosecuted for legitimate, non-violent exercise of rights enshrined in both, domestic and international law. As noted by the Council of Europe Commissioner for Human Rights:

*“Despite deep suspicions about its motivations and modus operandi from various segments of the Turkish society, the Fethullah Gülen movement appears to have developed over decades and enjoyed, until fairly recently, considerable freedom to establish a pervasive and respectable presence in all sectors of Turkish society, including religious institutions, education, civil society and trade unions, media, finance and business. It is also beyond doubt that many organizations affiliated to this movement, which were closed after 15 July, were open and legally operating until that date. There seems to be general agreement that it would be rare for a Turkish citizen never to have had any contact or dealings with this movement in one way or another.”<sup>12</sup>*

15. In the aftermath of the attempted coup, there may have been a need to take immediate action in respect of a *very limited number* of persons (according to the government around **8,000** individuals) who, due to their functions (army, police, security personnel etc.), represented a potential security threat, followed by a fair legal process. By contrast, more than eight years following the attempted coup, the ongoing crackdown on Turkish dissent, both in Türkiye and around the world has only intensified. According to the Turkish authorities:

- **705,172** individuals have been investigated over alleged links to the Hizmet Movement.
- **13,251** individuals accused of Hizmet links are currently in pre-trial detention or convicted of terrorism.
- More than **130,000** public servants as well as **24,706** members of the armed forces were dismissed in the aftermath of the attempted coup for alleged membership in or relationships with “terrorist organizations”.
- **4,006** prosecutors and judges were dismissed due to alleged Hizmet Movement links.

### **III. Terrorist-related allegations against Hizmet Movement**

16. Accusations against late Fethullah Gülen or the Hizmet Movement over terrorism are not a novelty.<sup>13</sup> The Hizmet Movement and its alleged members were first targeted during a National

---

<sup>12</sup> Council of Europe Commissioner for Human Rights, “Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey” (7 October 2016), para. 20. Available from <https://rm.coe.int/16806db6f1>

<sup>13</sup> Right after the February 28, 1997, post-modern military coup, a lawsuit asking for capital punishment was filed against Mr. Gülen with the charge of “an unarmed terrorist organization consisting of one person.” In 1999, late Fethullah Gülen had to leave Türkiye and move to the United States, following advice from then-Prime Minister Bulent

Security Council meeting on August 25, 2004.<sup>14</sup> The crackdown against the Hizmet Movement however is widely considered to have begun in late 2013. On December 17, 2013, a major corruption scandal emerged when police conducted raids on several residences, seizing approximately \$17.5 million in cash allegedly intended for bribery. All 52 individuals detained during the operation were, in various ways, connected to the ruling Justice and Development Party (AKP).

17. Following the December 2013 scandal, widespread public indignation forced four cabinet ministers to resign, while then-Prime Minister Erdoğan dismissed the whole graft investigation as an attempted “judicial coup” targeting his government.<sup>15</sup> He then proceeded to dismiss thousands of police officers, prosecutors, and judges. The government continued to tighten its grip on the media and the judiciary. Prosecutors, judges, and other officials involved in the investigations on the 2013 corruption scandal (many of whom now in jail or exile) deny having any connection to the Hizmet Movement.

18. The Hizmet Movement also denied any involvement or knowledge of the investigations. The Government of Türkiye, however, accused Fethullah Gülen and members of the Hizmet Movement of treason and started referring to them as “parallel structure and terrorists”, as well as “blood-sucking vampires, perverts, leeches,” etc.<sup>16</sup> The government of Türkiye called the corruption scandal a “judicial coup” aimed at overthrowing it.

19. The government’s simplistic and propagandistic effort to label the Hizmet Movement as a ‘terrorist organization’ fails to withstand reasonable scrutiny. For years, the Turkish government recognized Hizmet Movement as a legitimate non-governmental organization, referring to it as ‘the Gülen Community,’ ‘the Community,’ or ‘the Hizmet Movement,’ and acknowledging its contributions in the fields of education, health, finance, and beyond.

20. Government officials not only supported Hizmet-affiliated institutions but also regularly participated in their activities, both domestically and internationally. They publicly praised and encouraged the Movement’s initiatives, expressing consistent approval and endorsement. As recently as May 2013, then-Prime Minister Erdoğan praised the activity of the Hizmet Movement, also calling on Fethullah Gülen to return and contribute in Türkiye. In addition, leaders from all over the world

---

Ecevit on reasonable belief regarding active preparations by the military and judiciary to arrest him on alleged terrorism charges for plotting to overthrow the government. The charges against Gülen were found to be baseless and eventually dismissed in 2008.

<sup>14</sup> The minutes of the meeting attended by then President Ahmet Necdet Sezer, Prime Minister Recep Tayyip Erdoğan, Chief of General Staff Hilmi Özkök and Foreign Minister Abdullah Gül reveal that a decision<sup>14</sup> was taken to prepare an action plan against the activities [institutions] belonging to “Nurculuk and the Fethullah Gülen Group.” The decision also provided for making “legal arrangements which bring heavy sanctions and a preparation of an action plan.” In implementing the decision by the National Security Council, it was agreed that “the Gülen group’s domestic and international activities should have been followed closely by the Ministry of Interior, the Ministry of Foreign Affairs, the Turkish Intelligence Service and other related institutions, under the coordination of Prime Ministry Implementation Monitoring and Coordination Board (BUTKK).”

<sup>15</sup> See e.g. <https://www.reuters.com/article/us-turkey-corruption/turkish-judicial-purge-brings-corruption-investigation-to-halt-idUSBREA0L1G220140122>

<sup>16</sup> Available at: <http://stockholmcf.org/wp-content/uploads/2017/06/Erdogans-Vile-Campaign-Of-Hate-Speech-Case-Study-Targeting-Of-The-Gulen-Movement2017.pdf>

and all continents<sup>17</sup> have praised Hizmet-related schools and their contribution to quality education and prevention of radicalization.

21. With the above in mind, the question presented is why the Hizmet Movement turned overnight in the view of the government of Türkiye a terrorist organization, and why one man blamed for allegedly masterminding the July 2016 coup attempt: late Fethullah Gülen, hundreds of thousands of individuals in Türkiye and all around the world are persecuted, detained and arrested?

22. The Hizmet Movement was the primary target as it presented one of the strongest and most influential advocates of democracy, rule of law and fundamental human rights in the country. The chronology of events explains how and why the universally appreciated Hizmet Movement working for peace, tolerance, and dialogue in every possible way, especially in education and culture, has been stigmatized and labelled a terrorist organization in Türkiye, through political denigration and government propaganda.

#### **IV. Aftermath of the Attempted Coup of July 15, 2016**

23. Approximately one-hour after the Istanbul Bosphorus bridge was closed by a group of soldiers in the context of the attempted coup, a small TV channel affiliated with the ultra-nationalists<sup>18</sup> claimed that the coup was orchestrated by the Hizmet Movement.

24. With the coup attempt still ongoing, President Erdoğan claimed on national TV that late Fethullah Gülen, a retired preacher and a vocal critic of Erdoğan was the coup's mastermind. Alleged members and sympathizers of the Hizmet Movement were immediately accused of participating in the attempted coup through association with the group, in what has been described as the biggest purge of the 21<sup>st</sup> century.

25. 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<sup>19</sup> terrorist organization."<sup>20</sup> Thirty-two (32) arbitrary emergency decrees with a sweeping nature were issued during the two-year period of the state of emergency, targeting members of the Hizmet Movement and severely curtailing human rights and liberties.

26. Following the attempted coup of July 15, 2016, the Hizmet Movement was accused for everything gone wrong in Türkiye. The Movement was accused for orchestrating Ergenekon<sup>21</sup> and Sledgehammer<sup>22</sup> trials, where hundreds of defendants - a mixture of military officials and civil leaders - were blamed for secret plots to overthrow the government. The Movement was further blamed for

---

<sup>17</sup> For example, William Jefferson Clinton, Kofi Annan, Madeline Albright, former-President Karzai of Afghanistan, Malian President Amadou Toumani Touré etc.

<sup>18</sup> See for more: <https://twitter.com/turanfelek/status/1048932172730515456>

<sup>19</sup> FETÖ is a derogatory term used by President Recep Tayyip Erdoğan and his political associates to refer to the Hizmet Movement.

<sup>20</sup> Committee against Torture, Concluding observations on the fourth periodic report of Türkiye, Addendum Information received from Türkiye on follow-up to the concluding observations (CAT/C/TUR/CO/4/Add.1), November 8, 2016, para 70.

<sup>21</sup> <https://en.wikipedia.org/wiki/Ergenekontrials>.

<sup>22</sup> [https://en.wikipedia.org/wiki/Sledgehammer\(coupplan\)](https://en.wikipedia.org/wiki/Sledgehammer(coupplan)).

the downing of the Russian jet in November 2015<sup>23</sup> - for the appalling murder of the Russian Ambassador to Türkiye in December 2016, match-fixing conspiracies<sup>24</sup> or ruining the economy, changing the perception [about the economy], discouraging foreign investors and changing their perception about Türkiye. Finally, the Movement is accused for even “plotting earthquakes, with the help of foreign powers, to damage the Turkish economy.”<sup>25</sup> Depending on the “occasion” and the politics, other states and organizations have been blamed publicly by Erdogan and the AKP for the attempted coup, including the United States, CIA, Israel, Mossad, European Union, Amnesty International etc.

27. Other governments and observers however have not accepted the narrative of the Turkish government on any wrongdoing of the Hizmet Movement related to the July 15, 2016, attempted coup. From 2016 to the present, credible investigations and statements from international bodies have repeatedly countered the Turkish government’s account of the attempted coup. The overarching finding is a marked absence of hard evidence that late Fethullah Gülen orchestrated the attempted coup.

28. Governments and other observers largely agree that while individual Hizmet Movement sympathizers may have been involved, alongside other discontented factions, no proof has emerged of an authoritative Gülenist plan or order for the coup. This consensus – spanning foreign intelligence officials, parliamentary inquiries, journalists, and human rights organizations – directly disputes Ankara’s narrative, arguing that the claim of Gülen’s mastermind role remains unproven and unsupported by the available evidence.<sup>26</sup>

29. The United States is in the forefront of the war against terrorism globally and 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.**<sup>27</sup>

***QUESTION:** Turkey has officially designated the Gulen movement as a terrorist organization. The leader of the group, Fethullah Gulen, is based here in the United States; he lives here. Where does the U.S. Government stand on his organization? Do you support it? You don’t consider it a terrorist organization, do you?*

***MR KIRBY:** The Gulen movement has not been designated as a foreign terrorist organization. We’ve seen the reports you’re talking about, and I’d refer you to Turkish authorities for more on that, on their decisions.*<sup>28</sup>

<sup>23</sup> <https://en.wikipedia.org/wiki/2015RussianSukhoiSu-24shootdown>.

<sup>24</sup> <https://www.turkishminute.com/2016/12/02/islamic-scholar-gulen-cited-number-one-suspect-match-fixing-conspiracy-indictment/>.

<sup>25</sup> <http://uk.reuters.com/article/uk-turkey-economy-quake-idUKKBN15M1K6>

<sup>26</sup> <https://www.aljazeera.com/news/2024/10/21/fethullah-gulen-from-presidential-ally-to-turkeys-alleged-coup-mastermind#:~:text=Turkey%20made%20a%20number%20of,Gulen%20directly%20to%20the%20coup>

<sup>27</sup> See for example: <https://www.state.gov/reports/country-reports-on-terrorism-2021/turkiye>

<sup>28</sup> U.S. Department of State. (2016, June 1). *Daily press briefing: John Kirby, Spokesperson*. Washington, DC. <https://2009-2017.state.gov/r/pa/prs/dpb/2016/06/258035.htm>

30. In addition, 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.<sup>29</sup>

- In the United States, the former Secretary of State John Kerry stated that the Turkish government, as part of the extradition process, must link [late] Gülen to the incident with evidence that withstands scrutiny in an American court.<sup>30</sup>
- 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.<sup>31</sup>
- The former U.S. House Intelligence Committee Chairman Devin Nunes publicly 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.<sup>32</sup>
- In the end of September 2018, 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.”<sup>33</sup>
- 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 were that took place right in its aftermath were planned well before the incident.<sup>34</sup>
- 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.
- 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.<sup>35</sup>

---

<sup>29</sup> Id.

<sup>30</sup> <https://apnews.com/united-states-government-c0e5c80d48a348ce9c56a64eac864f24>

<sup>31</sup> <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>

<sup>32</sup> 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>

<sup>33</sup> Please also see <https://www.turkishminute.com/2018/09/28/merkel-says-germany-needs-more-evidence-on-gulen-movement-to-call-it-terrorist-organization/>

<sup>34</sup> <https://intelnews.org/2017/01/18/01-2045/>

<sup>35</sup> Foreign Policy. (2016, August 25). Türkiye concedes it hasn’t sent evidence linking Gulen to coup. <https://foreignpolicy.com>

- Human Rights Watch (2016) emphasized that thousands of people were purged from their jobs or arrested not based on proven involvement in the coup but solely due to alleged or perceived association with the Gülen movement. The speed and scale of these purges pointed to politically motivated targeting rather than a legitimate legal process based on individualized evidence.<sup>36</sup>
- A year after the attempted coup, *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 view.<sup>37</sup>
- 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.<sup>38</sup> 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.<sup>39</sup>
- 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.<sup>40</sup>
- 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.<sup>41</sup>
- International reactions from the EU, the Council of Europe, and the UN have also raised alarm. EU Enlargement Commissioner Johannes Hahn commented that the mass arrest lists appeared to have been prepared prior to the coup, suggesting premeditated repression rather than

---

<sup>36</sup> <https://www.hrw.org/news/2016/08/03/government-response-turkeys-coup-affront-democracy#:~:text=Whatever%20the%20merits%20of%20the,association%20with%20the%20Gulen%20movement>

<sup>37</sup> 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>

<sup>38</sup> Martin, M. (2017, March 19). German spy agency chief says does not believe Gülen behind Turkey coup attempt. *Reuters*. <https://www.reuters.com/article/us-turkey-security-germany-idUSKBN16Q0GN>

<sup>39</sup> Martin, M. (2017, March 19). German spy agency chief says does not believe Gülen behind Turkey coup attempt. *Reuters*. <https://www.reuters.com/article/us-turkey-security-germany-idUSKBN16Q0GN>

<sup>40</sup> Karadeniz, T., & Gumrukcu, T. (2017, November 30). EU says needs concrete evidence from Turkey to deem Gülen network as terrorist. *Reuters*. <https://www.reuters.com/article/us-turkey-security-eu-idUSKBN1DU1OX>

<sup>41</sup> 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/cmfaff/615/615.pdf>

reactive justice. These organizations called on Türkiye to base its actions on credible evidence and uphold due process.<sup>42</sup>

- Voice of America (2022) 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.<sup>43</sup>
- 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.<sup>44</sup>

## V. Abuse of Counter-Terrorism Laws

31. Even before the attempted coup of July 15, 2016, ill-defined or vague legislation adopted in Türkiye aimed at arbitrary banning organizations and curbing otherwise legitimate activities and to target journalists, human rights defenders, members of minority groups, members of the political opposition or other individuals.

32. The Republic of Türkiye is a party to several core international human rights treaties as well as anti-terrorism conventions, which reinforce and complement each other when properly read together. In particular, the principle of legality, that is, sufficient clarity and certainty of law, is a *non-derogable* human rights principle and has been interpreted by the Human Rights Committee from article 15 of the International Covenant on Civil and Political Rights (ICCPR). It states that “No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed.”

33. Measures during the duration of the State of Emergency (2016-2018) and amendments to key pieces of legislation have aimed at solely banning political dissent or otherwise peaceful means of expression, political and social opposition, with those accused of links with the Hizmet Movement bearing the brunt of state oppression.

34. In Türkiye, hundreds of individuals, including children, are detained or arrested every week since July 2016 over bogus terrorism-related charges for allegedly being members or sympathizers of the Hizmet Movement - many times followed by torture, ill-treatment, lack of legal safeguards and other serious human rights violations. The Government of Türkiye also continues to engage in a systemic practice of State sponsored extraterritorial abductions and forced returns of Turkish nationals associated with the Hizmet Movement, as noted by relevant Special Procedures in their Allegation Letter of October 7, 2024 (AL TUR 5/2024).

---

<sup>42</sup> Human Rights Watch. (2016, August 3). The government response to Turkey’s coup is an affront to democracy. <https://www.hrw.org/news/2016/08/03/government-response-turkeys-coup-affront-democracy>

<sup>43</sup> Voice of America. (2022, September 2). Fact check: Turkish interior minister falsely blames US for 2016 coup. VOA News. <https://www.voanews.com>

<sup>44</sup> Al Jazeera. (2024, October 21). Fethullah Gulen: From presidential ally to Turkey’s alleged coup mastermind. <https://www.aljazeera.com>

35. Concerns regarding the alleged persecution of actual and suspected persons affiliated with the Hizmet Movement repeatedly were raised by the United Nations Special Procedures mandate holders in the following communications: AL TUR 5/2024, UA TUR 13/2021, AL TUR 8/2021, AL TUR 20/2020, AL TUR 18/2020, AL TUR 5/2020, AL TUR 10/2019, UA TUR 6/2019, AL TUR 2/2019, AL TUR 6/2018, UA TUR 7/2018, AL TUR 5/2018, UA TUR 1/2018, UA TUR 7/2017, UA TUR 6/2017, OL TUR 5/2017, AL TUR 4/2017, UA TUR 8/2016, UA TUR 6/2016.

36. In their Allegation Letter of October 7, 2024, (AL TUR 5/2024) for example, eight (8) United Nations rapporteurs, led by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism state the following: “[...]we would like to bring to the attention of your Excellency’s Government [Türkiye] information we have received concerning alleged measures of systematic repression against persons ostensibly affiliated with the Gülen Movement through the misuse of counter-terrorism legislation, and the concomitant impact on civil society, human rights defenders, political dissidents, and journalists. These measures include: (i) mass arrests, detentions, and judicial control orders; (ii) transnational renditions; (iii) the expansion of terrorist “grey lists”; and (iv) the misuse of surveillance powers.”<sup>45</sup>

37. The General Assembly of the United Nations has repeatedly underlined the importance of ensuring that national legislation criminalizing acts of terrorism is accessible, formulated with precision, non-discriminatory, non-retroactive and in accordance with international law, including international human rights law (resolution 70/148, para. 6 (o)).<sup>46</sup> Defining “acts of terrorism” in domestic criminal legislation in line with the principle of “legality” is recognized as one critical step towards prevention and towards ensuring that those responsible are brought to justice. Ensuring that counter-terrorism legislation and policy comply with international legal standards helps to promote the prosecution and conviction of individuals engaged in acts of terrorism. When States take steps to ensure that national counter-terrorism legislation is specific, necessary, effective and proportionate, this facilitates international cooperation and ultimately leads to more successful criminal justice outcomes. It also helps to prevent the abusive enforcement of the law and ensure accountability of the State authorities that are responsible for law enforcement.<sup>47</sup>

38. The antiterrorism laws of Türkiye, in particular Articles 312 and 314 of the Criminal Code are misused in Türkiye to dismiss a sheer number of over 160,000, and hundreds of thousands are detained or arrested on terrorism-related grounds, with little or no clarity on charges, which is highly disturbing. From the number of detained persons, it is clearly evident that reasonable suspicion, an essential requirement for the imposition of pretrial detention, has not been present at every stage of individual detention. Since the attempted coup of July 15, 2016, concerns about the misuse of antiterrorism laws as a means to quash all dissent, real or not, have reportedly only intensified.

---

<sup>45</sup> <https://www.drgokhangunes.com/wp-content/uploads/2024/12/DownLoadPublicCommunicationFile.pdf>

<sup>46</sup> The General Assembly, urges States, while countering terrorism: To ensure that their laws criminalizing acts of terrorism are accessible, formulated with precision, non-discriminatory, non-retroactive and in accordance with international law, including human rights law.

<sup>47</sup> See A/HRC/28/28. See also Working Group on Promoting and Protecting Human Rights and the Rule of Law while Countering Terrorism, “Basic human rights reference guide: conformity of national counter-terrorism legislation with international human rights law”.

39. Pursuant to Article 15 (1) of the International Covenant on Civil and Political Rights (ICCPR), the prohibition of terrorist conduct must be framed in such a way that: (a) the law is adequately accessible so that the individual has a proper indication of how the law limits his or her conduct; and (b) the law is formulated with sufficient precision so that the individual can regulate his or her conduct.<sup>48</sup> Laws must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and must be made accessible to the public. Laws must not confer unfettered discretion but rather provide sufficient guidance to those charged with their application to enable them to ascertain the sort of conduct that falls within their scope.

40. Measures by the Government of Türkiye have retroactively equated what are otherwise legitimate and normal activities - with terrorism, thereby effectively criminalizing freedom of expression, association and other important rights. This has increased the risk and the practice that individuals are prosecuted for legitimate, non-violent exercise of rights enshrined in both, domestic and international law. It is undisputed that all the institutions and entities he was attending until July 2016 were legally established and operating according to the laws of Türkiye and respective countries.

41. In their Allegation Letter of October 7, 2024, (AL TUR 5/2024), United Nations rapporteurs, led by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism state the following: “[...] *we maintain our concern that the designation of the Gülen Movement as a terrorist organization does not appear to meet the requirements of due process or satisfy the criteria outlined in the model definition of terrorism advanced by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/16/51, para. 28). We further note that there appears to be an observable trend in Türkiye where individuals and groups who have been linked to the Gülen Movement experience significant risks to their safety, arbitrary detention, and invasions of their privacy. The concerns relating to the facts alleged in this communication specifically are categorised into four parts below: (A) mass arrests, detentions, and judicial control orders; (B) transnational renditions; (C) the use of terrorist “grey lists”; and (D) the misuse of surveillance powers.*”<sup>49</sup>

42. More recently, on November 7, 2024, the Human Rights Committee adopted its Concluding Observations on Türkiye's second periodic report (CCPR/C/TUR/CO/2). These observations outline ongoing human rights violations by the Turkish government. The Committee further recommended to the Turkish government that, as regards the counter-terrorism measures, Türkiye should revise its counter-terrorism legislation, including Law No. 3713, Law No. 7262, and relevant Criminal Code articles. Specifically, Turkey 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.

---

<sup>48</sup> See E/CN.4/2006/98, para. 46.

<sup>49</sup> Allegation Letter by UN Special Procedures, October 7, 2024 (AL TUR 5/2024).

<https://www.drgokhangunes.com/wp-content/uploads/2024/12/DownloadPublicCommunicationFile.pdf>

## VI. Assault against educational institutions under the guise of fighting terrorism

43. Since 2014, the Government of Türkiye has pursued a persistent, coordinated, and systematic campaign against Hizmet Movement-affiliated institutions and individuals in the country and abroad by claiming that they were an extension of a “parallel state.” Members of the education system inside and outside Türkiye have been routinely subjected, *inter alia*, to seizure of property, arbitrary detention and arrest, ill-treatment, and punishment over false accusations, including for allegedly “membership of terrorist organizations, spreading terrorist propaganda, inciting people to hatred, violence and breaking the law, and insulting Turkish institutions and the Turkish Republic.”

### A. Closure of preparatory schools affiliated to Hizmet Movement

44. Preparatory schools (known in Türkiye as *dershane*) were among the earliest targets<sup>50</sup> of these policies, allegedly first identified as a threat during a National Security Council meeting on August 25, 2004.<sup>51</sup> Concrete and increasingly aggressive actions against these institutions - particularly those affiliated with the Hizmet Movement - intensified following the December 17, 2013, corruption scandal, which involved the detention of 52 individuals linked to the ruling Justice and Development Party (AKP). Established in the 1970s, *dershane* emerged in response to Türkiye’s exam-centric education system, aiming to support students in navigating the highly competitive entrance processes for high schools, universities, and public or private institutions. These schools were designed to guide students in their academic goals, prepare them for standardized exams, and foster skills in research and analysis.<sup>5253</sup>

45. On February 28, 2014, the Turkish Parliament passed the bill which provided for the closure of thousands of private schools setting September 1, 2015, as the deadline to close the network of preparatory schools. On July 14, 2015 Türkiye's constitutional court overturned<sup>54</sup> the law closing down the preparatory schools, arguing in its judgment that “without introducing an arrangement of the specified nature and putting forward a compelling reason in respect of the order of a democratic society and without resorting to less restrictive means which shall accomplish the purpose of restriction as well, closure of private training centers with a completely prohibitive method was a restriction on the freedom of enterprise, which was disproportionate and not necessary in the order of a democratic society.”<sup>55</sup>

46. The Government however completely disregarded the court ruling and did not seize its efforts to close the schools at all costs. Police raids, inspections, and audit controls on preparatory schools throughout Türkiye were reported immediately after the decision was announced. Ordered by local Governor Offices to scare away students, parents and also teachers, illegal raids included sometimes by as many as eight central government agencies, including the Finance Ministry, the Social Security

---

<sup>50</sup> Only those private teaching institutions affiliated to Hizmet Movement

<sup>51</sup> 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>

<sup>52</sup> <https://link.springer.com/content/pdf/10.1057%2F978113709781112.pdf>

<sup>53</sup> <https://www.resmigazete.gov.tr/eskiler/2009/10/20091021-1.htm>

<sup>54</sup> *Ibid*

<sup>55</sup> The Constitutional Court of the Republic of Turkey, Annual report 2015. Pages 90-95  
<http://constitutionalcourt.gov.tr/inlinepages/publications/pdf/annualreport2015.pdf>

Institution (SGK), the Ministry of Environment and Urban Planning and the Ministry of Agriculture.<sup>56</sup> Openly and unlawfully defying the authority of the court, many governors across the country officially notified (ordered) preparatory schools operating in their territory to “*immediately cease operations and close forever.*”

### *B. Closure of Hizmet-affiliated educational institutions after the attempted coup of July 15, 2016*

38. Article 2. b) of Decree Law No. KHK/667<sup>57</sup> of July 23, 2016, concerning the measures taken in the scope of state of emergency provided for disbanding all “private educational institutions and organizations as well as private student dormitories and hostels” attached, affiliated, or connected with what the Government unlawfully labelled as “*pro-Fetullah [Gülenist] Terrorist Organization (FETÖ/PDY).*”

40. According to Decree Law 667 - “Health practice and research centers of the disbanded foundation higher education institutions, and the movables and all forms of assets, receivables and rights, documents and papers belonging to all other disbanded institutions and organizations shall be deemed to have been transferred to the Treasury against no cost; immovable properties belonging to the aforementioned shall be registered to the Treasury at the land registry office, in a fashion free from all forms of restrictions and immovable liabilities. Students enrolled to the disbanded higher education institutions shall be placed by the Higher Education Council (YÖK) in public or foundation universities. Until they graduate, these students shall continue making the due payments that they need to pay to those foundation higher education institutions to the relevant university. YÖK shall be mandated and authorized to set out the procedures and principles governing the implementation of this paragraph; to steer implementation thereof; to take all forms of measures and to remove all hesitations that may emerge in connection with the implementation of this paragraph.”<sup>58</sup>

41. A decision by Türkiye’s Constitutional Court in January 2017 ruled that government decrees, including those issued during a state of emergency targeting seizure of assets of individual’s are unconstitutional.<sup>59</sup> No government decrees on property rights can be issued according to the Constitutional Court, without a trial that requires a verdict. This ruling by the Constitutional Court however had no practical effect, as it was simply disregarded and left unimplemented.

### *C. Assault and takeover of Hizmet Movement affiliated institutions abroad*

42. 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 (Maarif<sup>60</sup> Foundation), which would operate under the Ministry of National Education of Türkiye. Defending the bill on the Maarif Foundation in Parliament on June 16, 2016, the Minister of Education emphasized that the foundation was owned by the state and described the initiative as proof of the Turkish state’s ambition to project greater power in the world. He said the foundation would operate in places from “the Balkans to Eastern Turkistan [China’s Xinjiang Uyghur Autonomous Region]

---

<sup>56</sup> For more information see Annex 2

<sup>57</sup> <http://www.epsu.org/sites/default/files/article/files/Turkey%20EN%20State%20of%20Emergency%20Law.pdf>

<sup>58</sup> [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-ad\(2016\)037-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-ad(2016)037-e)

<sup>59</sup> The news was first published by Birgün daily

<sup>60</sup> Ottoman Turkish word for education, which comes from the Arabic word for knowledge or wisdom.

and from Somalia to Canada.” The proposal was adopted by the Turkish Parliament on June 17, 2016, and entered into force as Law No. 6721 “On the Turkish Maarif Foundation.”

43. Legally, the purpose and scope of the Law No. 6721 was to establish the Maarif Foundation as a subsidiary of the Turkish Ministry of Education, with an initial budget of 1 million Turkish liras,<sup>61</sup> with the objective of *providing education services in foreign countries at elementary, middle, and higher levels, as well as private courses, culture centers, libraries, laboratories, arts, and sports centers, in addition to dormitories for students and instructors.*<sup>62</sup>

44. 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 Gülen/Hizmet 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.

45. According to several sources, as of July 2024, the Turkish government's Maarif Foundation took control of 232 schools affiliated with Hizmet Movement across 21 countries. The majority of these school takeovers have occurred in Africa and Asia, with 223 institutions seized in these regions. Additionally, five schools were taken over in the Americas and another five in the Middle East.<sup>63</sup> These actions have sparked debates regarding educational sovereignty, the legality of such transfers, and the broader implications for international education networks.

46. 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. Godsken 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.*”<sup>64</sup>

47. 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.<sup>65</sup> 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.

---

<sup>61</sup> Around \$285,294.52 USD according to the December 2016 average exchange rate

<sup>62</sup> Law No. 6721 on “Turkish Maarif Foundation”

<sup>63</sup> <https://turkishminute.com/2024/07/16/turkish-govt-seized-232-gulen-linked-school-21-countries-since-coup-attempt/>

<sup>64</sup> 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*

<sup>65</sup> 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).

48. One clear pattern emerging from those abductions is that most, if not all the victims are **teachers or educators at schools arbitrarily seized by the Maarif Foundation**. In addition, teachers abroad are certainly a suspected class, as Turkish diplomats are specifically instructed to investigate all Turkish nationals whose professions were listed as teachers in different consular filings.<sup>66</sup>

49. 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.<sup>67</sup> In addition, the 1992 Declaration for the Protection of All Persons from Enforced Disappearances is very clear about the connection between the systematic nature of enforced disappearances perpetrated by the Government of Türkiye since July 2016 and crimes against humanity. The “*systematic practice of enforced disappearances is by its very nature a crime against humanity*”.<sup>68</sup>

50. On September 26, 2023, the Grand Chamber of the European Court of Human Rights (ECtHR) issued its final judgment in the case of *Yüksel Yalçınkaya v. Türkiye* (application no. 15669/20). The court held by 11 votes to 6, that there had been a violation of Article 7 (no punishment without law) of the European Convention on Human Rights, *inter alia*, that the **expansive interpretation of the law had created an almost automatic presumption of guilt based on ByLock use alone, making it nearly impossible for the applicant to exonerate himself from the accusations against him**.

51. The ECtHR further held that such a uniform and global approach by the Turkish judiciary vis-à-vis the ByLock evidence departed from the requirements laid down in national law in respect of the offence in question and was contrary to the object and purpose of Article 7 which is to provide effective safeguards against arbitrary prosecution, conviction and punishment.

52. The ECtHR also held by 16 votes to 1, that there had been a violation of Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights and unanimously held that that there had been a violation of Article 11 (freedom of assembly and association) of the European Convention on Human Rights.

\*\*\*

---

<sup>66</sup> <https://nordicmonitor.com/2021/06/turkish-govt-hunts-down-all-expat-turks-who-declared-their-profession-as-teacher-in-consular-visits/>

<sup>67</sup> See for example <https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session89/AHRCWGAD202084.pdf>

<sup>68</sup> Considering that enforced disappearance undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms, and that the systematic practice of such acts is of the nature of a crime against humanity.