

**IN ITS 4<sup>TH</sup>, 5<sup>TH</sup> AND 6<sup>TH</sup> YEARS  
SOCIAL COSTS  
OF THE STATE OF EMERGENCY**

# **STATE OF EMERGENCY & DECREE LAWS ARE A CRIME AGAINST HUMANITY**

**RESEARCH REPORT  
FEBRUARY 2025**



**IN ITS 4<sup>TH</sup>, 5<sup>TH</sup> AND 6<sup>TH</sup> YEARS  
SOCIAL COSTS  
OF THE STATE OF EMERGENCY (SOE)**

**STATE OF EMERGENCY &  
DECREE LAWS ARE A  
CRIME AGAINST  
HUMANITY**

**RESEARCH REPORT  
JANUARY 2025**

**“JUSTICE BEING TAKEN AWAY,  
THEN, WHAT ARE KINGDOMS BUT  
GREAT ROBBERIES?  
FOR WHAT ARE ROBBERIES THEMSELVES,  
BUT LITTLE KINGDOMS?”**

ST. AUGUSTINE  
BOOK IV OF THE CITY OF GOD  
(354-430)





“We are working for a country and a world where the right has the might, not the ones who possess the might are deemed right. As long as there are people who have been wronged due to their language, religion, race, ethnicity, gender, lifestyle, social, political, cultural and ideological preferences all over the world, including our country, we will always continue to fight for them.

The world is getting rotten day by day not because of those who do evil, but because of those who do not speak out against the evil done, and those who want to turn a persecution into an opportunity for their own interests.”



**“WHAT WE, THE KHK VICTIMS, WERE SUBJECTED TO IS NOT MUCH DIFFERENT FROM WHAT IT WAS DURING THE NAZI ERA. IN THE LATTER, THE GENOCIDE WAS COMMITTED DIRECTLY, NOW IT IS DONE UNHURRIEDLY, PAINFULLY, BY FORCING PEOPLE TO COMMIT SUICIDE. I HAVE NOT EVEN STARTED COUNTING THE PRACTICES IN PRISONS. THEY CRAM INNOCENT PEOPLE IN JAILS, IN CELLS, WITHOUT PAYING ATTENTION WHETHER THEY ARE SICK, PREGNANT, SENILE OR WITH BABIES, AND THEY DON'T LET THEM RECEIVE TREATMENT ...”**

A STATEMENT BY A  
VICTIM OF SOE / KHKS



# **“JUSTICE FOR VICTIMS PLATFORM” PRESENTATION**

THE DECREE LAWS OF STATE OF EMERGENCY (SOE) ARE A CRIME AGAINST HUMANITY. SOE TRIALS ARE “INQUISITION” TRIALS. THE SOE REGIME IS NEO-NAZISM.

This research study does not aim to answer questions such as who carried out the coup attempt of 15 July 2016 or who must be held accountable from the coup attempt. Nevertheless, it must be noted that the State of Emergency (SOE) and the Decree Laws (KHK) have not applied to individuals who are alleged to have actually participated in the coup attempt, but almost entirely to unarmed/civilians such as educators, academics, healthcare professionals, judicial personnel, and civilian or public employees who cannot have an organic relationship with the coup attempt. The fact that it targets civilians in particular has made it necessary to examine the grievances that emerged during the SOE from a victim-centric sociological and victimological point of view.

During the State of Emergency (SOE), neither the political power nor the cooperative bureaucracy cared about the blatant trampling on the rights, law and justice by the systematic purges, witch hunts, social, economic and political genocides carried out by the political power. Because the clues and codes of the unlawfulness that are about to be experienced in the country were clearly expressed in the texts of the first KHKs. For example, the text of Article 4 of the KHK No. 667 on Measures Taken Under the SOE, published in the Official Gazette dated July 23, 2016 and numbered 29779, is as follows: “Those 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 shall be dismissed from public service; Those dismissed from service ... shall not anymore be employed in public service, and they shall not, directly or indirectly, be assigned; all kinds of membership in a board of trustees, a board, a commission, a board of management, a supervisory board or a liquidation board under the responsibility of those dismissed from service and their other tasks shall be deemed to have ended.”

As clearly stated, all decisions regarding purges, expulsions, or witch-hunts will be made based on "considerations" rooted in doubt, probabilities, or possibilities, rather than concrete evidence, leading to the deprivation of individuals' rights and freedoms. In modern legal terms, this approach amounts to the blatant abolition of fundamental human rights and freedoms. Such treatment of any social group is classified as a "crime against humanity" in today's world.

In matters that directly concern basic human rights and freedoms, an unreasonable approach such as “consideration” cannot have a place in modern law, conscience or rationality, and it is very difficult to find any resemblance of it even in medieval or ancient laws. In judicial or administrative proceedings, there is only one trial procedure, which relies on “suspicion”, rather than the existence of concrete evidence, for reaching a verdict. It is the procedure exploited by the

“Inquisition” trials used in medieval Europe.

In the Inquisition, the judges of the Catholic church were targeting those whom they had the slightest doubt about their apostasy, but in reality those whom they saw as opposed to the teachings of the Catholic church, for example, those they believed to be “crypto-Jews”, “crypto-Muslims”, Calvinist or Lutheran. Those seen as crypto were most of the time Jews or Muslims forcibly converted to Christianity. All those targeted could be subjected to systematic and brutal torture until they confessed to being a servant of the devil, a witch or collaborating with the devils.<sup>1</sup>

Inquisition proceedings started when the inquisitors received information or denouncement about the people under inquiry that they were corroborating with a heretic, sorcerer, witch or devil. Subsequent assertions or situations that would raise suspicion were accepted as “presumption of guilt”, and the accused suspects were asked to confess their crimes before the inquisitors. The inquisitors who took part in the inquisition trials simultaneously assumed the duties of both judge and prosecutor. There were no institutions such as “defendants’ rights”, “defense of the accused”, “right to a lawyer”, “audit” or “appeal review” to balance arbitrariness, error, injustice and unlawfulness in the proceedings.

The defendants, who were suspected of being heretics during the Inquisition proceedings, and the people who were were “considered” as deviants when expressed for the KHK victims, were taken to the interrogation/torture rooms. If the defendants did not immediately confess their crimes before the inquisitors, torture would begin in order to obtain their confessions. Fastening to some place or hanging on a wall, interrogators tortured their bodies with heated metal clamps, thumbscrews, metal molds, etc. They could pinch and stretch their hands, feet, or any part of their body, poke holes, burn, or use any device designed to inflict pain or injury. During the systematic torture processes, the defendants could die because they could not stand the torture they experienced, or they could not endure the atrocities they had gone through any longer and confessed “how they became heretics, how they sold their souls to the devil, what kind of spells they cast on whom or what kind of crimes they had committed against humanity by the order of the devil”. All actions, discourses, thoughts and beliefs other than formal teachings of the Catholic church were considered to have been inspired by Satan and the penalty for collaborating with the devil was usually execution by burning.

Brutal torture was the standard practice in the Inquisition proceedings since the Papacy had ordered cruel treatment against heretics, crypto-Catholics, sorcerers or witches as a “divine duty”. Confidentiality was essential in the trials. That is, the prosecuted person would never be given any information as to who confessed or testified against him or her. Witnessing in favor of the accused was not accepted, nor did anybody had the temerity to easily do so as witnessing in favor of a witch could also mean being one of the accused’s secret accomplices, who the Inquisitors were willing to find out as much as to punish the accused. Neither material nor moral assistance could be provided to the defendants. Because such aids were considered a clear sign of being in the same heresy or witchcraft as the accused, or of being one of their accomplices. Another standard practice was to ask the defendants under torture “who apart from themselves are heretics, crypto-Catholics, witches and sorcerers, infidels who sold their souls to the devil” and to make them confess under torture the names of the other members of the secret/devil organization they were members of. For this reason,

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1 BROEDEL, H. P. (2003). The “Malleus Maleficarum” and the construction of witchcraft: Theology and popular belief. Manchester University Press. <http://www.jstor.org/stable/j.ctt155jgrj>. p 199.

many of the accused, who could not endure the severe tortures they experienced, were giving the names of people, most of the time including their own mothers, fathers, spouses, friends, neighbors or people with whom they were in any way related as other heretics, magicians, crypto, deviant infidels, enemies of religion, and yet-undiscovered members of the evil secret organization. They were then burned to death with them.<sup>2</sup>

In short, “death” was often the only way to escape from the inquisition and torture. Thousands of innocent people were killed with such inhumane methods like being tortured, burned, drowned, beheaded, and left without food or water, in medieval Europe. An important reason why the inquisition trials lasted about 600 years in Europe is that they sow fear and terror in the hearts of ordinary people through the atrocities committed against heretics, cryptos, sorcerers and witches. Thus, for centuries, no one dared to criticize, question, challenge or oppose the absolute power of the church’s authority and the religious and political elites whose authority the church supports while at the same time deterring people from giving open support to religious/political opponents.

At this point, it may be useful to note that the most “reputable” figures of the Inquisition period were “informants” and “slanderers”. Because, thanks to them, the perception that the eyes, ears and hands of the inquisition extend and reach everywhere all across the land was able to spread rapidly and deeply among the social layers. The atmosphere of distrust, suspicion and deep fear consciously spread by the inquisitors aimed to prevent, as much as possible, the support, protection, dissemination or strengthening of opposing people and ideas among social groups.

Apart from suppressing the dissidents, there was another motif that made the witch hunts and inquisition trials in Europe irresistibly attractive. Although this motif may have drawn less attention in the face of persecution, which looked religion-motivated on the surface, it has been one of the very important motifs that ensured the continuation of the inquisition for centuries. Inquisition functioned as a method of “transfer of wealth”, as the assets of all convicted heretics, so-called cryptos, sorcerers or witches were confiscated by the inquisitors and sold at nominal prices to supporters of the church or the ruling elite. It can be claimed that the inquisition trials continued for 600 years with the support provided by the religious/political ruling elites, since the inquisition proceedings not only uprooted the religious/political opponents, they also provided an excuse to confiscate their property.

There is a great deal of data, news and resources showing that a similar motif have been in place in the witch hunts that took place in Turkey with the SOE, even clandestine and criminal stock exchanges were established for “asset looting” with the powers vested by the SOE and murders due to disputes or fights while sharing the loot were committed from time to time.<sup>3</sup>

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2 Ellerbe, Helen, (1998) *The Dark Side of Christian History*, 4th Printing, Orlando, FL: Morningstar Books and Lark; Jean Bodin, (1995) *On the Demon-Mania of Witches*, Translated by Randy A Scott with an introduction by Jonathan L Pearl Toronto: Centre for Reformation and Renaissance Studies

3 Can Özçelik, (2020), *FETO Exchange*, Istanbul: Kirmizi Kedi Publishing House; AKP member Şamil Tayyar’s ‘FETÖ exchange’ claim was brought to the Parliament, <https://www.evrensel.net/haber/348073/akpli-samil-tayyarin-feto-borsasi-iddiasi-tbmm-ye-tasindi>. FETO Exchange, <https://ahvalnewscom/tr/feto-borsasi> ; The Size of the Companies Transferred to the SDIF After July 15 Equivalent to CB Reserves! <https://ahvalnewscom/tr/tmsf/15-temmuz-sonrasi-tmsfy-devredilen-sirketlerin-buyuklugu-mb-rezervlere-den>

In this context, paragraph 1 of article 17 of the Law No. 7407 on Amending the Banking Law and Some Laws and the KHK No. 655, published in the Official Gazette dated 28 May 2022 and numbered 31849, provided an extensive legal, administrative, financial and criminal immunity / irresponsibility protection to public officials involved in asset transfers in witch hunts in Turkey that were carried out under the surveillance and supervision of political elites.<sup>4</sup>

The experience, mindset, approach and methods of the inquisition in the Middle Ages were resurrected and brought to life in a way that could be called the “neo-inquisition” for the determination of those who were targeted with the KHKs in Turkey in the 21st century; demonizing, isolating and accusing them; and carrying out criminal (!) investigations and prosecutions, trials, social and economic genocide against them. Therefore, the jobs, positions, incomes, goods and assets of the KHK victims could easily be transferred to the elites, supporters and adherents of the political system. At the same time, many people who could advocate for rights or provide social assistance in favor of the KHK victims were often either unable to act or were forced to face the risk of being destroyed by being thrown into the same witch’s cauldron for fear of being accused of complicity with them and being thrown into the same cauldron. For this reason, very few people, including the families of the KHK victims, had the courage to defend and protect their rights and support them financially and morally, even if they wanted so much.

In response to the injustices, unlawfulness, and human rights violations committed against the victims of the SOE/KHK, we, as the “Justice Platform for Victims,” have voluntarily taken on the responsibility of identifying the grievances, rights violations, and unlawful acts experienced by those directly or indirectly impacted by the SOE and KHKs, and of amplifying the voices of all oppressed individuals. In line with our mission of ‘Victim, Oppressed and Human Rights Advocacy’, we started our work in 2017 to report the grievances experienced in Turkey with all its depth since July 15, 2016, and we are still continuing it in a coordinated manner. The practices after 15 July 2016 unfortunately moved Turkey to a more authoritarian regime instead of further democratization. In particular, the “ultra-authoritarianism” created by the “SOE regime” declared on July 20, 2016, relegated the country from the league of civilized countries in human rights, justice, protection of freedoms, democratic politics, transparency in administration, limitation and supervision of the extraordinary power of the execution, and free competition. Before the SOE, Turkey was in the status of a “partly free” country in the global freedom and democracy indices; however, after the SOE, it was taken into the status of “de facto dictatorship” and “non-free countries”.

Since every road that is not followed with common wisdom and science leads always to absolute darkness, Turkey has been put in a social and economic stalemate with the established SOE regime. It does not seem possible to get out of this

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4 Law No. 7407 on Certain Amendments to Banking Law, Certain Laws and Statutory Decree No. 655 Article 17: The first and second paragraphs of Article 20 of the Law No. 6758 have been amended as follows:“(1) ... the Article 37 of the Law No. 6755 on the Adoption of the Amendments of the Decree Law on Measures to be Taken Under the State of Emergency and Arrangements Made on Certain Institutions and Organizations, dated 8 November 2016 is applied about those appointed, commissioned or commissioned by those appointed to have the authority to represent to manage the banks/companies and partnership shares whose management and supervision or trustee authority has been transferred to the Fund during the investigation, prosecution or bankruptcy and liquidation and about those appointed, commissioned or commissioned by those appointed to have the authority to represent in accordance with the tenth paragraph of Article 128 of the Law No. 5271, and about the works and transactions carried out within this scope. (Article 37 of Law No. 6755 has the following sentences: (1) Legal, administrative, financial and criminal actions of the persons who have adopted decisions and executed decisions or measures with a view to suppressing the coup attempt and terrorist actions performed on 15 /7/2016 and the ensuing actions, who have taken office within the scope of all kinds of judicial and administrative measures and who have adopted decisions and fulfilled relevant duties within the scope of the decree laws promulgated during the period of state of emergency shall not arise from such decisions taken, duties and acts performed.)

vicious cycle without returning to common sense, justice, common good and social reconciliation.

The unlawful practices and usurpation of rights by the current administration against the SOE/KHK victims, in simplest classification, can be evaluated as inhuman treatment, degrading treatment, ill-treatment, torture, discrimination and hate crimes if the ECtHR's decision numbered 27473/02 dated 6 March 2007, Erdoğan Yağız v Turkey taken into consideration.<sup>5</sup> With a more advanced classification, however, the unlawfulnesses practiced by the SOE regime can be defined as "crime against humanity, social, political, ideological and economic genocide".

Dr. Erdoğan Yağız's application to the ECtHR is very important in terms of the legal definition of the inhumane treatment applied to the SOE and KHK victims and their families. Because Yağız had not complained about physical violence or actual torture in his application to the ECtHR. Yağız complained that he was handcuffed and detained in front of his patients at his clinic on organized crime charges, in which his name was involved but was acquitted in the end, and that being exposed in handcuffs in front of his neighbors and family members in the neighborhood where he lived was an "inhuman treatment and ill-treatment" against him. In Yağız's application, it was argued that his handcuffed exposition was intended to create fear and panic on family members on the one hand, and possibly undermine his self-confidence by damaging his dignity and humiliating him, on the other. He added that he was forced to sit on a chair during the three days he was detained in the police station, during which time he was constantly insulted.

Examining Erdoğan Yağız's personal history, the ECtHR found that the person did not pose a security threat to anyone, did not attempt to escape, did not try to obscure the evidence, posed a security hazard neither to himself nor to others, and that he did not have a criminal record from the past. Therefore, the court claimed that there were no conditions justifying his being handcuffed while being taken into custody, being displayed in handcuffs in his work and social circle, and being held in handcuffs while the police were searching his home. For these reasons, the ECtHR accepted the allegations that Yağız's being handcuffed at home and in his social circle was intended to create fear and panic among his family members, as well as to damage his dignity, humiliation and possibly undermine his self-confidence, and considered that there was a violation of Article 3 of the ECtHR and sentenced Turkey to pay compensation.

In the content of the Yağız decision, the ECtHR also referred to previous decisions on "degrading and inhuman treatment"<sup>6</sup> The ECtHR mentioned that in some of its reference decisions, it made much more liberal decisions than the Dr Yavuz decision. For example, referring to the decisions on Smith and Grady v United Kingdom and also Tyrer v United Kingdom, the ECtHR argued that for a ruling that a person is subjected to "degrading treatment," the person may not necessarily be humiliated in the eyes of or in front of others. Even when "the victim feels humiliated in his own eyes," the court will still decide for the degrading treatment.

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5 European Court of Human Rights (27473/02) - Court (Second Section) - Judgment (Merits and Just Satisfaction) Case Of Erdoğan Yağız V Turkey, [https://www.stradalex.com/en/sl\\_src\\_publ\\_jur\\_int/document/echr\\_27473-02](https://www.stradalex.com/en/sl_src_publ_jur_int/document/echr_27473-02)

6 For example; Ireland v the United Kingdom, 18 January 1978, § 162, Series A no 25; Smith and Grady v United Kingdom, No 33985/96 and no 33986/96, 120, ECHR 1999-VI; Kudla v Poland [GC], no 30210/96, § 92, ECHR 2000-XI); Albert and Le Compte v Belgium, 10 February 1983, § 22, Series A no 58; Peers v Greece, no 28524/95, § 74, ECHR 2001-III; Kalashnikov v Russia, no 47095/99, § 101, ECHR 2002-VI; Raninen v Finland, 16 December 1997, § 55, Tyrer v. the United Kingdom, 25 April 1978, § 32, Series A no. 26; Klaas v Germany, 22 September 1993, § 30, Series A no. 269.

The names of the KHK victims were published in the supplementary lists of the Official Gazettes as “terrorists”. Thus, in the eyes of their families, colleagues, social acquaintances and even millions of people they do not know, they and their families have been turned into objects of hate crime, humiliated, attacked and insulted. As a result, they have been made the target of dozens of inhumane treatments by both state institutions and large masses. In the light of the decisions of the ECtHR in all the cases mentioned above, when the ill-treatment against the KHK victims in Turkey is taken into consideration, the thesis of “KHKs are crimes against humanity” will obviously be confirmed.


This study aims to contribute to the literature in history, social sciences, and human rights violations concerning the “crimes against humanity” experienced by victims and their relatives, who have endured countless instances of inhuman treatment, humiliation, hate crimes, and torture, and have been systematically turned into objects of hatred by the SOE regime.

As the Justice for Victims Platform, we support democratic administrations where people, law, and freedoms are strong, not authoritarian regimes. “It is not that the strong are right, but that the right is strong.” We work towards the goal of “establishing a world full of peace, trust, and calmness.” Regardless of who the victims of injustice are, we have always stood by them and will continue to do so. We stand with the oppressed, marginalized, and those whose rights have been seized. We will continue to fight for social and economic “JUSTICE” so that we can live in peace, security, and calmness on earth in a humane and fraternal way.

**DR. ÖMER FARUK GERGERLİOĞLU**

SPOKESPERSON FOR THE JUSTICE FOR VICTIMS PLATFORM


# DID YOU KNOW ABOUT THE SOCIAL AND ECONOMIC COSTS OF SOE AND KHKs?


 The political power made arbitrary, selective and discriminatory political and intelligence profiling with the KHKs implemented after 20 July 2016 within the scope of the SOE. The “targets” were selected as targets completely independent of their relations with the coup attempt on 15 July 2016. As a result of this;


**500,000 people became direct (primary) victims,**


**3 million people became indirect (secondary) victims, and**

**84 million people across Turkey were subjected to tertiary victimization by damaging their quality of life, lifestyle, rights, freedoms and welfare.**


 Universal legal principles such as “lawfulness of crimes and punishments”, “personality of crimes and punishments”, “doubt is in favor of the accused”, “presumption of innocence”, “right not to be tainted”, “safety from punishment without impartial court process”, “prohibition of discrimination” for the victims of the KHKs. Did you know that almost all of these people were punished without any administrative or criminal investigation or prosecution, without even being given the right to defend themselves? Did you know that they were “first punished and then tried” on the basis of “arbitrary”, “selective” and “discriminatory” criteria, accusations and judgments?


 Did you know that the KHK victims, together with their family members, have been exposed to dozens of practices that fall within the scope of “crimes against humanity”, especially being deprived of their “right to life, protection and development of their material and spiritual assets” in blatant violation of the UN “International Covenant on Civil and Political Rights” articles 4, 6, 7, 15 and 18; UN “Convention on the Prevention and Punishment of the Crime of Genocide”, article 2, European Convention on Human Rights, articles 1, 2, 3, 5, 6, 7, 9, 13, 14, 15, 17, 18; International Criminal Court, Rome Statute, article 6 and Constitution of the Republic of Turkey, article 17,


 Did you know that 1 million 576 thousand 566 people, the KHK victims and their relatives, who have not killed a single person, have been treated as “members of an armed terrorist organization” by the SOE regime in Turkey for six years? Whereas, according to the most farfetched intelligence estimates, the total number of members of all terrorist organizations in the world including those of the Taliban, ISIS, Boko Haram, Al-Shabab, Al-Qaeda and Jamaat-i Nusret al-Islam wal Muslim (CNIM) among 150 others, which have killed an average of 24,000 people in the world every year after 2010, is barely reaching 750,000.


 Did you know that only 4 per thousand of the crime allegations brought against the KHK victims and their relatives in the judicial/criminal proceedings are related to crimes such as “participating in the coup or attempting to abolish the constitutional order”? 99.6 percent of the allegations are purely based on criminalization of legal activities,


illegal tagging lists, and dubious confessor/whistleblower statements, most of which were obtained through pressure. This information alone shows that the political power does not aim to fight the coup or coup plotters, but to seize the social, economic and political power in the country.


 Did you know that the unlawfulness applied in Turkey to the victims, who were “targeted” by the KHKs, includes even more unlawfulness than the “Gesetz zur Wiederherstellung des Berufsbeamtentums” law enacted by Hitler against the Jews on April 7, 1933 in Nazi Germany?


 Did you know that criminal investigations and trials of KHK victims are in many ways similar to the Inquisition trials in medieval Europe?


 Did you know that the unlawfulness and arbitrariness in the SOE investigations and trials have been so great that they lead to grave abuses, for example, that a “FETO Exchange” has been created in the triangle of bureaucracy, politics and organized crime gangs? With this method, some people with good economic status were chosen as “targets”, and certain amounts of bribe or extortion were demanded from them through threats and blackmail. They were intimidated by threats that if they did not pay what they were asked to, they would be imprisoned for membership in a terrorist organization and/or aiding terrorism, and all their assets would be confiscated.

 Did you know that actions such as having an account in a bank, being a member of a union, graduating from schools belonging to a certain group, going to the university preparatory courses of that group, sending their child to such educational institutions are “normal and ordinary” for the “acceptable citizens” of the political power; but a crime for the KHK victims that the elites of the political power labeled as “objectionable citizens”?

 According to legal conventions, with the official end of the SOE on 19 July 2018, the provisions of the KHKs enacted during this period were supposed to expire. However, did you know that the SOE/KHK practices, together with all their consequences, have been left in force indefinitely? In particular, with Law No. 7145 on the Amendment of Certain Laws and KHKs and other additional legislative amendments, the KHKs have been extended and made permanent in many respects indefinitely.

 Did you know that 99.1 percent of KHK victims are graduates from college or higher schools, a striking figure given that the rate of graduates from academy, university, master’s and doctorate programs over the general Turkish population does not exceed 17 percent. 30.6 percent of them are graduates of master’s and doctorate degrees. Perhaps one of the main reasons why they were “selected as targets” with the KHKs is that they committed the crime(!) of “being well-educated and successful”.

 Did you know that 91.2 percent of SOE/KHK victims would like to go and live in a foreign country if they had the opportunity, because of the unlawfulness they experienced in Turkey?

 Did you know that, according to TurkStat International Migration Statistics data for 2019, the highest rate among those who migrated from Turkey to foreign countries is the young population in the 25-29 age group

with undergraduate/postgraduate education, followed by university youth in the 20-24 age group?

Did you know that Turkey's per capita income has decreased by more than 50 percent since 2015? In other words, during the SOE, the people were impoverished by 50 percent, meaning that the SOE imposed a heavy economic and social cost on every segment of society.

Did you know that the number of people who applied for asylum abroad to escape the SOE / KHK regime is three times more than the Turkish citizens who took refuge in other countries after the military coup of September 12, 1980?

Did you know that there were 3 universities in Turkey that could enter the top 300 in the world rankings before the SOE/KHKs, but now there is not a single university that can enter the top 500, and Turkey has fallen behind even countries such as Iran and Mexico in terms of scientific studies during this time.

Did you know that while Turkey's global competitiveness ability was 52nd among the world countries examined in 2015 according to The Global Talent Competitiveness Index, it fell to 64th place in 2016-2018 and 73rd in 2019-2021? During this period, countries that were behind Turkey, such as Colombia, Mexico, Botswana, Thailand, Namibia, Albania, Ukraine, Argentina, and Indonesia, rose ahead of Turkey. This situation has increased the distance of competitiveness not only with the countries that are in close competition, but also with the developed countries.

Did you know that while Turkey ranked 16th among G20 countries in terms of economic size in 2016, it fell to 17th in 2017, 18th in 2018, 19th in 2019, 20th in 2020, 21st in 2021, and 22nd in 2022?

Did you know that Turkey is not technically among the G20 countries since 2021, and it is unknown that it will remain as the 22nd largest economy in the world since its share in the World's Gross Product has decreased rapidly since 2016?

Do you know that the legal rights of the members of the KHK in 146 different items were violated and they were subjected to a social, economic and political genocide with all their family members? The death rate among KHK victims and their families is around 3 times the average of Turkey. Similarly, suicide cases among this group are 25 times higher than Turkey's average, and rates such as divorce/family division have increased 55 times the national average.

The answers to these questions and more are in our reports.

**THE KHKS OF SOE ARE A CRIME AGAINST HUMANITY.**

**SOE TRIALS ARE "INQUISITION" TRIALS.**

**THE SOE REGIME IS NEO-NAZISM.**



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# RESEARCH STUDY PRESENTATION

This study primarily utilized quantitative, qualitative, and mixed methods. The report includes the analysis and evaluation of data collected from KHK victims and their relatives, who are considered the primary sources for victim research, conducted online using the Computer Assisted Web Interview (CAWI) technique.

The research population is all SOE/KHK victims and their relatives in Turkey and around the world. The research samples consist of approximately 25,000 "direct/primary victims" as well as 5,000 "indirect/secondary victims," relatives of victims who participated in our studies from 81 provinces of Turkey and more than 40 countries around the world.

The point that our victimological research studies, which has been going on for six years, has brought us is this: The political power and the practices by the SOE/KHK regime against the victims of the SOE/KHK and their relatives cannot be described as just ending their jobs and dismissing them from their duties. The actions, procedures and policies implemented by the SOE/KHK regime and the collaborative bureaucracy against the victims, their families, their spouses and children, their parents, siblings and other relatives have long exceeded the limits of an ordinary job termination and have turned into "CRIMES AGAINST HUMANITY".

SOE, which was put into effect by the political power on 20 July 2016, the ensuing KHKs and the "SOE/KHK regime", has committed numerous state-supported, conscious, planned, projected and systematic crimes, which can be classified under the category of "crimes against humanity", in violation of national and international law, with the social/economic and political-atrocities it has implemented against the KHK victims and their relatives. As a result, it has prepared the environment for many crimes against humanity to be committed, has been the source of tens of thousands of crimes against humanity, has encouraged them, and has protected and rewarded those who commit these crimes.

The SOE/KHK regime established by the political power has systematically violated the provisions and the following articles of its additional protocols of the "European Convention on Human Rights" (ECHR), one of the international conventions on the protection of human rights and fundamental freedoms.

**ARTICLE 1 - OBLIGATION TO RESPECT HUMAN RIGHTS:** The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention. [The rights and freedoms listed in the First Section: right to life, prohibition of torture, right to liberty and security, right to a fair trial, no punishment without law, right to respect for private and family life, freedom of thought, conscience and religion, freedom of expression, freedom of assembly and association, prohibition of discrimination, right to effective application, prohibition of abuse of rights. Article 1 of the ECHR has been systematically violated by the SOE regime against the victims and their relatives.]

**ARTICLE 2 [RIGHT TO LIFE]:** Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law. [Article 2 of the ECHR has been systematically violated by the SOE regime against the victims and their relatives.]

**ARTICLE 3 [PROHIBITION OF TORTURE]:** No one shall be subjected to torture or to inhuman or degrading treatment or punishment. [Article 3 of the ECHR has been systematically violated by the SOE regime against the victims and their relatives.]

**ARTICLE 5 [RIGHT TO LIBERTY AND SECURITY]:** (1). Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law. (3). Everyone arrested or detained ... shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. [Article 5 of the ECHR has been systematically violated by the SOE regime against the victims and their relatives.]

**ARTICLE 6 [RIGHT TO A FAIR TRIAL]:** (1). ... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. (2). Everyone charged with a criminal offense shall be presumed innocent until proven guilty according to law. [Article 6 of the ECHR has been systematically violated by the SOE regime against the victims and their relatives.]

**ARTICLE 7 [NO PUNISHMENT WITHOUT LAW]:** (1). No one shall be held guilty of any criminal offense on account of any act or omission which did not constitute a criminal offense under national or international law at the time when it was committed. Nor shall a weight penalty be imposed than the one that was applicable at the time the criminal offense was committed. [Article 7 of the ECHR has been systematically violated by the SOE regime against the victims and their relatives.]

**ARTICLE 9 [FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION]:** [1]. 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 worship, teaching, practice and observance. [Article 9 of the ECHR has been systematically violated by the SOE regime against the victims and their relatives.]

**ARTICLE 13 [RIGHT TO AN EFFECTIVE REMEDY]:** Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity. [Article 13 of the ECHR has been systematically violated by the SOE regime against the victims and their relatives.]

**ARTICLE 14 [PROHIBITION OF DISCRIMINATION]:** The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. [Article 14 of the ECHR has been systematically violated by the SOE regime against the victims and their relatives.]

**ARTICLE 15 [DEROGATION IN TIME OF EMERGENCY]:** In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation , provided that such measures are not inconsistent with its other obligations under international law. [Article 15 of the ECHR has been systematically violated by the SOE regime against the victims and their relatives.]

**ARTICLE 17 [PROHIBITION OF ABUSE OF RIGHTS]:** Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth Herein or at their limitation to a greater extent than is provided for in the Convention. [Article 17 of the ECHR has been systematically violated by the SOE regime against the victims and their relatives.]

**ARTICLE 18 [LIMITATION OF RESTRICTIONS ON RIGHTS]:** The restrictions permitted under this Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed. [Article 18 of the ECHR has been systematically violated by the SOE regime against the victims and their relatives.]

***Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocol No. 11. Paris, 20.III.1952***

**ARTICLE 1 [PROTECTION OF PROPERTY]:** Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. [This article has been systematically violated by the SOE regime against the victims and their relatives.]

**ARTICLE 2 [RIGHT TO EDUCATION]:** No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and convictions. [This article has been systematically violated by the SOE regime against the victims and their relatives.]

**ARTICLE 3 [RIGHT OF FREE CHOICE]:** The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature. [This article has been systematically violated by the SOE regime against the victims and their relatives.]

***Additional Protocol No. ECHR to the Convention for the Protection of Human Rights and Fundamental Freedoms. 7:***

**ARTICLE 4 [RIGHT NOT TO BE TRIED OR PUNISHED TWICE]:** (1). No one shall be liable to be tried or punished again in criminal proceedings under the jurisdiction of the same State for an offense for which he has already been finally acquitted or convicted in accordance with the law and penal procedure of that State. [This article has been systematically violated by the SOE regime against the victims and their relatives.]

***Protocol No. 12 To The Convention For The Protection Of Human Rights And Fundamental Freedoms***

**ARTICLE 1 [GENERAL PROHIBITION OF DISCRIMINATION]:** (1). The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. AHIS Additional Protocol No. This article in Article 12 has been systematically violated by the SOE regime against the victims and their relatives. [This article has been systematically violated by the SOE regime against the victims and their relatives.]

Despite the dire situation described above, the SOE regime has consistently tried to manipulate both the national and international communities regarding the SOE and KHKs, as well as against the victims of these KHKs. For instance, when the SOE was declared on July 20, 2016, the government claimed it would likely last 45 days. However, it extended to 2,245 days—nearly 50 times the original 45-day estimate. Yet, the SOE, the KHKs, and their provisions have still not ended.

They claimed that "one in a thousand mistakes" was made in the expulsions with the KHKs. However, if what is done with the KHKs was not carried out deliberately and systematically and in a planned and projected manner but 'by mistake', it is then seen in practice that 990 mistakes per thousand have been actually made.

They said that those who have been acquitted before the law will be returned to their duties. However, the vast majority of those who were acquitted or dismissed, or for whom no legal action was taken, have not been reinstated in the six years that have passed.

In fact, those who were targeted with pre-prepared black lists in the SOE;

- Although none of their actions were falling into any category of crime under the current laws, crimes were invented against them through strained interpretations of the laws.
- Even if there is no evidence of the crime, the evidence was fabricated by force.
- If they had no relationship or connection with crimes or criminals, they were created through illegal ways.
- Unlimited opportunities of slander and revenge were given to those who had a personal grudge, enmity or feeling of revenge against the victims. Thus, the unlawfulness of the SOE and the KHKs were used as tools for the personal grudges and ambitions of the political elites and their supporters.
- Laws were enacted so that actions that were perfectly legal at the time they were committed could be arbitrarily punished or the rights and freedoms could be arbitrarily restricted.

In summary, what type of crimes against humanity were the crimes committed against the victims of the SOE / KHKs and their relatives? Were they inhumane treatment, degrading treatment, ill-treatment, torture or severe torture? Or were they a civil or social extermination, people/mass-extermination, social genocide, political genocide, ideological genocide,

despotic genocide or economic-genocide? Or were they the organized crime activities of "one or more criminal organizations with financial profit motives" that commit crimes by using the power of the state after the seizure of political power by an organized group?

It may take some more time for the full legal definition of these to emerge. However, it is certain that three things are happening in the country, and something needs to be done:

(1) A number of "planned", "systematic" and "organized crimes" are committed against KHK victims and their families, which the law and conscience of humanity cannot accept.

(2) It is imperative to stand against and say "stop" to these crimes that are being committed.

(3) Those who keep silent or support the injustice and unlawfulness committed against the KHK victims and their relatives, even though they see and know well what is going on, are the "partners" of these crimes.

**As the Justice for Victims Platform, we, based on the phrase "WE WILL NOT PARTICIPATE IN THIS CRIME", which is also frequently used by Peace Academics, we want to say "Let's not be silent about crimes against humanity" or "We no longer be silent supporters of these crimes with our silence". More silence in the face of crimes against humanity in the country, now or when the day comes, may turn into a fire that will burn both those who support them and those who remain silent, as well as their own children and even their grandchildren. This social reality is an inescapable social rule.**

# ABBREVIATIONS AND TERMS

◆ **PRIMARY VICTIM:** Persons and groups that are directly at the target of a crime/wrongful act or violation of rights and that the crime "directly affects" and harms them physically, psychologically, economically or spiritually.

◆ **SECONDARY VICTIM:** Individuals or groups who are "indirectly" negatively affected, traumatized, and whose social-economic rights are damaged by acts committed against primary victims. Family members, those who are economically and/or psychologically dependent on primary victims, those who have established a close emotional bond with the primary victim are accepted as the secondary or "indirect victims". Witnesses affected by crimes against the primary victim were also counted as secondary victims. The grievances caused by states or social segments of the society can create very deep and wide-ranging social, political and economic secondary grievances.

◆ **TERTIARY VICTIM:** Tertiary victims are the masses of society who are forced to change their "lifestyles", social, economic or cultural relations by experiencing shock, fear, anxiety, restriction or loss of rights specifically due to the wide-scale oppression, violence and victimization environment created by the states. These are generally the victims' friends, distant or close relatives, and even those who have no relationship with the victims, who suffer social, economic or psychological losses, and who suffer material and/or moral losses from the pressure and victimization environment experienced by the primary and secondary victims. Victimization created by states often give rise to the category of tertiary victims. In such cases, the entire population can be included in the category of tertiary victims.

◆ **ECTHR:** European Court of Human Rights.

◆ **ECHR:** European Convention on Human Rights.

◆ **AYM:** Turkey's Constitutional Court.

◆ **BTK :** Information Technologies Authority

◆ **BDDK:** Banking Regulation and Supervision Agency

◆ **CBS:** Attorney General's Office.

◆ **ÇİK:** Penitentiary Institution.

◆ **CMK:** Code of Criminal Procedure No. 5271.

◆ **EP:** Sincere Repentance. It is regulated in Article 168 of the Turkish Penal Code No. 5237. It is an attitude that a person repents of his own free will for the crime he has committed, informs the judicial institutions about the crime, his accomplices or the subject of the crime, and thus eliminates the negative effects of the criminal act or actively contributes to the criminal justice. The EP is a criminal law institution that provides for the abolition or reduction of the sentence.

- ◆ **FETO:** Fethullahist Terrorist Organization.
- ◆ **GBT:** It is a system that means "collection of general information". This system, which works under the Ministry of Internal Affairs, provides all kinds of decisions of restrictions, searches, arrest warrants, executions, etc., given by the judicial authorities about a person.
- ◆ **HAGB:** Deferred announcement of the verdict.
- ◆ **HSK:** Board of Judges and Prosecutors.
- ◆ **HSYK:** High Council of Judges and Prosecutors.
- ◆ **IP:** Internet protocol or "Communication control protocol". It is the address or internet identification number that a computer or any device that wants to connect to an internet network uses to recognize each other.
- ◆ **AFFILIATION:** In the SOE law practices, positive association with terrorist organizations without any concrete evidence, linking or counting members.
- ◆ **JITEM:** "Gendarmerie Intelligence and Fight Against Terrorism". It is a clandestine structure claimed to be operating as the "Intelligence Group Command" of the Gendarmerie General Command within the scope of the fight against terrorism, but whose existence is denied by state institutions.
- ◆ **KHK:** Decree-Law.
- ◆ **KYOK :** Non-prosecution decision.
- ◆ **MASAK:** Financial Crimes Investigation Board.
- ◆ **MİT:** National Intelligence Organization.
- ◆ **OHAL:** State of Emergency (SOE).
- ◆ **PDY:** Parallel State Structure. A term coined by Erdoğan to denote the state officials who have affiliations with the Gülen movement.
- ◆ **SCH :** Magistrate Judge / Magistrate Judge
- ◆ **SSI:** Social Security Institute
- ◆ **TMK:** Anti-Terror Law No. 3713.
- ◆ **TCK:** Turkish Penal Code No. 5237.
- ◆ **TSK:** Turkish Armed Forces
- ◆ **TURKSTAT:** Turkish Statistical Institute
- ◆ **YBP:** Unity in Judiciary Platform.

# REPORT SUMMARY

- ✔ The research data consists of qualitative and quantitative analysis of the information obtained from approximately 25,000 primary and 5,000 secondary victims from 81 provinces of Turkey and over 40 countries of the world.
- ✔ The overall average age of all participants is 43.5 years. The average age of the participants who were SOE/KHK victims was 44.7, while the average age of the victims' relatives is 39.45.
- ✔ 99.1 percent of KHK victims are graduates of a college / faculty / master's degree or / doctorate. Among the KHK victims with higher education degrees, 22.1 percent have master's degrees and 8.5 percent have doctorate degrees. In other words, the total rate of these two highly educated groups reaches 30.6 percent among the KHK victims. According to TurkStat, the ratio of the total number of graduates of Vocational School / Faculty / Master's and / Ph.D. to the general population in Turkey is around 17 percent. Taking this figure into account, it can be seen what a great loss of qualified human resources the KHKs have caused for Turkey. However, it should be emphasized that this is never a "coincidence", on the contrary, it is a completely conscious choice by the political power. Because, the criterion of "being well educated and successful" was used as an important point of reference when creating the profiling lists, filings and target selection. Thus, it has been seen that the political power, which is in pursuit of an uncontrolled power, aims to remove what it sees as an important obstacle in seizing the "mental/cultural power" in the country.
- ✔ 87.3 percent of the participants who were KHK victims were married or had a marriage. The average number of their children is 2.
- ✔ 3.4 percent of the participant KHK victims are disabled.
- ✔ The SOE/KHK victims included in this report were predominantly composed of 'Conservative-Democratic' segments. However, after the SOE, they have had an increasing inclination towards left, socialist, social democrat and secular/humanist parties.
- ✔ The incomes of 96.3 percent of the victims of the KHK/SOE have decreased compared to before their victimization. The current income of 83.6 percent of them is not enough for their living. The current income of only 16.4 percent is sufficient for their livelihood.
- ✔ 44.5 percent of KHK/SOE victims had to sell their movables or real estates. The main reason why the remaining 55.5 percent seem to have sold nothing is that the majority of them did not have such assets or savings in the first place.
- ✔ 32.5 percent of the KHK/SOE victims are not working in any job. The rate of those who can earn income by working in a permanent job is 23 percent. The majority of workers in any job are in uninsured and/or low-paying jobs.
- ✔ 41.5 percent of the KHK/SOE victims who participated in the research do not have any health insurance. 14 percent of the participants stated that they have health insurance through their parents. Some of the 44.5 percent who stated that

they had health insurance obtained this insurance by paying the compulsory SSI premiums.

✔ 61.5 percent of the KHK/SOE victims had to migrate from their homes, neighborhoods and cities after their victimization.

✔ Of those who participated in the research as relatives of the victims, 53 percent are spouses, 15 percent are siblings, 12 percent are children, and 9 percent are parents. The remaining participants consist of other close relatives.

✔ 28.5 percent of the relatives of the victims stated that they have relatives who are still in pre-trial detention.

✔ 34.6 percent of the victims' relatives have not received any support from anyone, including their families. The rate of those who can receive some support from their families, albeit limited, is 58.3 percent. The rate of relatives of victims who think that they do not receive enough support from their social environments is 82.9 percent. For these reasons, the perceptions of "social exclusion", "isolation" or "excommunication/abandonment" among victims' relatives are very common.

✔ 74.6 percent of the victims' relatives stated that they were negatively affected psychologically by the victimization of their family members and, as a result, felt the need to seek medical or psychological support. This rate shows a significant increase compared to the results of the previous research (62.7 percent), and means that the negative effects of the SOE/KHK grievances, especially on spouses and children, are felt much more heavily over time. On the other hand, approximately 45 percent of the spouses and children of the victims stated that they could not reach medical/psychological support for a number of reasons. This dire outlook has the potential to create serious socio-economic costs or social problems that may be difficult to solve.

✔ At the top of the problems experienced by relatives of victims who are excluded/isolated by their social circles are not "economic problems" anymore, but psychological problems with 85.3 percent. Economic problems come second with 82 percent, while social pressure and exclusion was ranked third with 73.25 percent.

✔ Families who are victims of the SOE/KHK who have relatives of detainees complain that their relatives are kept hundreds of kilometers away from their place of residence. They say that they had to commute up to a thousand kilometers in order to visit them, that this situation created a serious financial burden, and that they encountered risks of traffic accidents and similar risks during their journeys.

✔ A significant part of the relatives of some of the soldiers and the military students who were on duty during the coup attempt say that the cadets and soldiers were victims as they were called to the headquarters due to "a terrorist attack", "an insurrection" or "a drill", that they were sent to certain places and thus they were trapped. These cadets and soldiers were later accused of being putschists/terrorists and have been in prison for 6 years. These relatives said, "We/our spouses/children/relatives are not coup plotters or terrorists. They have made many statements such as "We are loyal to our country, homeland and nation". Despite the 6 years that have passed since the coup attempt, the fact that such statements have not been taken seriously by judicial, administrative or political authorities opens the door to some speculation about

what really happened on July 15, 2016.

✔ Some participants stated that some of the family members, who were KHK/SOE victims, are currently living abroad, but they could not meet with their families because their passports were canceled and they were prevented from obtaining new passports. Again, some of them said that they have business/residence connections abroad, but for the same reason, they cannot maintain these relations sufficiently. For these reasons, they asserted that their families were divided de facto and that they and their children were experiencing many financial and moral difficulties.

✔ 44 percent of the participants who were victimized by the KHK/SOE are employed in the education sector, including teachers and academics. 77.1 percent of all victims were serving in civilian areas unrelated to firearms such as doctors, engineers, educators and other civil servants. The rate of victims working in the field of security services (military, police, private security, prison guard) among all victims is 22.9 percent.

✔ 89.6 percent of the KHK/SOE victims in the public sector were directly dismissed from their jobs. The rest have been victimized by the institutions they work for because of the powers granted by the SOE/KHKs.

✔ 62.2 percent of the private sector victims lost their jobs as a result of the closure of or the appointment of a trustee to the institution they worked/owned, and 23.3 percent as a result of the cancellation of their work/vocational licenses.

✔ There is no relationship between the administrative investigations opened before and after the coup attempt against 99 percent of the victims who were dismissed from their jobs with the KHK/SOE powers. This shows that the administrative investigations brought against the victims after 15 July 2016 are almost entirely conjunctural and have nothing to do with the past acts of the victims.

✔ There is no relationship between the judicial/criminal investigations opened before and after the coup attempt against 98.2 percent of the victims who were dismissed from their jobs with the KHK/SOE powers. This situation shows that almost all of the judicial/criminal investigations opened against the victims after 15 July 2016 are conjunctural and have no relation with the past acts of the victims.

✔ 77.2 percent of the victims detained under the SOE were detained for 2 or more days (up to 30 days at the most).

✔ 92.6 percent of the SOE/KHK victims who went through judicial processes declared that the judicial investigations they underwent during the SOE were not conducted fairly, and that they were treated with prejudice during all the processes they went through at the police station and courthouses.

✔ The “presumption of innocence” of modern/positive law has not been applied to the victims of the SOE/KHK. Within the framework of the burden of proving the allegation of the claimant, the prosecutor's office did not bother to prove the crimes allegedly committed by the suspect/defendant, on the contrary, it asked the victims to prove their innocence. Most of those who did not admit that they were guilty or committed a crime could be accused of “concealing or denying their guilt or exhibiting organizational behavior.”

✔ Most of the victims arrested during the SOE have been subjected to human rights violations, including systematic severe torture, humiliating and/or ill-treatment in detention centers and prisons. When they were released, many of them could not find the opportunity to treat the permanent psychological damage caused by their ill-treatment. On top of that, they had to continue their struggle for economic, physiological and psychological survival in the face of "civil death", "social death", "social insecurity", "exclusion", "unemployment" and "abandonment to starvation" practices from the society and the state.

✔ The provisions of the "Law No. 5275 on the Execution of Penalties and Security Measures" about pregnant women and those who have just given birth or have babies are not applied to women imprisoned on the grounds of membership of a terrorist organization during and after the SOE, seriously violating their legal and human rights.

✔ Since the SOE Procedures Investigation Commission took office on May 22, 2017, only 2,895 of the 127,130 application files submitted to them have been resolved, despite the 5.5 years that have passed. The Commission rejected 86.1 percent of the applicants' requests for reinstatement. Only 13.9 percent of the applicants were given the decision to "return to duty". Instead of heeding the legal/objective principles proposed by the Venice Commission, the ECtHR or the Council of Europe, the SOE commission preferred to evaluate the applications according to the political criteria determined by the political power.

✔ The SOE/KHK process not only damaged the victims' family and close kinship relations, but also caused great damage to their neighborly and friendship relations.

✔ The SOE/KHK process has increased the divisions, tensions and divorces between the families of the victims. The rate of divorce or de facto separation from their spouses among the victims is 7 percent. Considering that the crude divorce rates in Turkey in general are 2.07 per thousand for 2021, according to TurkStat data, it turns out that the divorce/separation rates among the victims are 33.82 times the average of Turkey. This rate reaches 11.2 percent when victims who state that their families are actually split or disintegrated even though they have not yet been legally divorced or have not decided to live separately through the courts are taken into account. This picture reveals the frightening depth of the SOE's destruction among the families of victims. Because the rate of 11.2 percent corresponds to approximately 55 times the average divorce rate in Turkey.

✔ Crude death and suicide rates among victims and their families are well above the Turkey average, and this situation seems to have emerged as a result of the social genocide policies they were exposed to, rather than coincidental. Because, according to TurkStat data, Turkey's "crude suicide rate" is around 4 per hundred thousand, while the rate of relatives who are reported to have died by suicide by the relatives of the victims of the SOE is around 1 percent. This rate shows that, according to the most tolerant calculations, suicide rates among KHK victim families are 30-35 times higher than suicide rates in the general population.<sup>1</sup> On another account, while the crude death rate in Turkey is around 5.5 per thousand, according to TurkStat death statistics, families who were victims of the SOE stated that the rate was 9.3 percent for them.

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<sup>1</sup> The calculation was made by assuming that the size of an average SOE family is 6 people, consisting of parents, 2 children and grandparents. However, according to the TurkStat data, the average household size in Turkey is ~3.5 people.

This rate means that, according to the most conservative calculations, the death rates among KHK victim families are at least 3 times higher than the crude death rates in Turkey.<sup>2</sup>

✔ 91.2 percent of SOE/KHK victims want to go and live in a foreign country if they have the opportunity to leave Turkey. Considering that 99.1 percent of the KHK victims graduated from a college / faculty / master's degree or / doctorate, especially considering that 22.1 percent of them had a master's degree and 8.5 percent of them had a doctorate, even if the individual and social costs of the time and effort they had spent to reach the professional qualifications they have acquired are ignored, it can be seen that the economic costs of the undergraduate, graduate and doctoral educations of these individuals in the country and abroad exceed hundreds of billions of dollars. Considering that the rate of the total number of Vocational/Faculty/Master's and/PhD graduates to the general population is around 17 percent in Turkey, according to TurkStat, it is clear what a great loss of qualified human capital has been caused for Turkey by the exclusion of highly educated KHK victims from the labor market. The negative economic and social data that emerged after the SOE show that Turkey does not have the capacity to handle such a heavy loss of human capital.

✔ The problems of law, justice and freedom created by the SOE in the country not only caused individual or social grievances, but also significantly damaged the innovation, creativity, scientific research, adaptation to new developments in the world, production and competition capacity of the country. One of the cornerstones of the losses the country has suffered due to the SOE is that before July 2016, there were 3 universities that could enter the top 300 in the world rankings, but now there is not a single university that can be listed in the top 500. Before and after the SOE, publications in all academic fields such as medicine, engineering, natural sciences and social sciences from Turkey decreased by up to 30 percent, falling behind countries such as Iran and Mexico. This is a sign that the grievances created have become a threat to national welfare and security.

✔ All the KHK victims have been faced with social extermination practices such as complete civilian death, social death, social insecurity and starvation due to the barriers to finding a job, establishing a business, going abroad and the social stigma attached to them. In the face of the heavy burdens they are subjected to, accusations, ill-treatment and the bad conditions they are forced to live in, the ability of many victims to survive or their chances of survival is decreasing day by day. For this reason, the incidence of cancer, severe physical and mental illnesses, and suicide among the victims of the SOE/KHK and their families is well above the Turkey average.

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<sup>2</sup> The calculation was made by assuming that the size of an average SOE family is 6 people, consisting of parents, 2 children and grandparents. However, according to the TurkStat data, the average household size in Turkey is ~3.5 people.

**✔ SOE/KK victims in penitentiary institutions due to detention or conviction have been subjected to many violations of rights, humiliating or ill-treatment arising from the physical conditions of the prisons and the prison administration. Among them are:**

- ✔ Keeping detainees/convicts in numbers far above the capacity of prisons/wards/rooms,
- ✔ Making very frequent and sudden raids for room / ward searches ,
- ✔ Insufficient heating in winter,
- ✔ Keeping in high temperature conditions in summer,
- ✔ Failure to provide regular flow of clean water,
- ✔ Providing drinking and utility water in conditions unsuitable for human health,
- ✔ Insufficient supply of hot and clean water for a healthy life,
- ✔ Not being taken out to common areas regularly,
- ✔ Hobby activities are not allowed,
- ✔ Insufficient space in the prison to carry out hobby activities,
- ✔ Encountering an arbitrary and insulting attitude in using physical facilities,
- ✔ The physical conditions of the prisons are not suitable for prisoner life,
- ✔ Not treating detainees humanely by prison staff,
- ✔ Inability of detainees to perform social and physical activities,
- ✔ The products sold in the canteen do not offer enough variety to meet the needs of the detainees,
- ✔ The high prices in canteens,

- ✓ Meals are not of sufficient nutritional value and of reasonable variety,
- ✓ Preventing and restricting the supply of books, newspapers, magazines,
- ✓ Inability to find daily newspapers on the day,
- ✓ The detainee letters do not arrive on time,
- ✓ Imprisoned victims are not taken to ventilation regularly,
- ✓ Systematic oppression, violence and ill-treatment
- ✓ Psychological pressure, violence or ill-treatment
- ✓ Arbitrary disciplinary sanctions

**☑ SOE and KHK victims have been subjected to many violations of rights, humiliating or ill-treatment in the form of denial of their right to access health services while being held in penitentiary institutions. These include:**

- ✓ Imprisoned victims cannot easily exercise their right to access health,
- ✓ Not having enough doctors in the prison infirmary,
- ✓ Inadequate medical care services provided in prisons,
- ✓ Inability to easily access the medical support services needed in prisons,
- ✓ Not giving special diet food to prisoners under the control of a physician when they have health problems,
- ✓ Failure to meet the nutritional needs of sick prisoners specific to their illness,
- ✓ The imposition of handcuffed treatment when detainees go to the hospital,
- ✓ The imposition of handcuffed treatment when going to the dental hospital,
- ✓ When detainees get sick, they cannot be treated easily in the prison infirmary,

- ✓ When it is necessary for the detained victims to be referred to the hospital, they cannot be referred easily,
- ✓ Subjecting prisoners to ill-treatment while being taken to or in hospital
- ✓ Not responding to urgent health problems in a short time,
- ✓ Not providing emergency health support outside of working hours,
- ✓ The lack of regular and consistent treatment of the disease,
- ✓ Encountering with an arbitrary and insulting attitude during treatment,
- ✓ Surveillance of rooms and toilets-bathrooms with cameras in a way that does not respect the privacy of private life,
- ✓ The place and body searches in the prison are against human dignity,
- ✓ Subjecting prisoners and their relatives to strip search,
- ✓ To cause problems in the meetings and/or visits of the detained victims with their families,
- ✓ Violation of the prisoners' right to communicate with their families,
- ✓ Transferring prisoners to prisons hundreds of miles away from their families, rather than prisons as close as possible to their families.

**☑ While the victims of the SOE/KHK were held in penitentiary institutions, they were subjected to many violations of rights, degrading treatment or ill-treatment in relation to the impediment of their right to defense. These include:**

- ✓ Not allowing detainees to meet with their lawyers despite their legal rights,
- ✓ Restricting the detainees' communication with their lawyers,
- ✓ Recording the interviews of the detainees with their lawyers with cameras and voice recorders,

- ✓ Interfering with the meetings of the detainees with their lawyers,
- ✓ Making it difficult for detained victims to gather evidence that may be in their favor,
- ✓ Inability of victims to easily access documents related to the cases they are prosecuted,
- ✓ When prisoners face an arbitrary or insulting attitude while exercising their right of defense.

**☑ KHK and SOE victims were subjected to many violations of rights, humiliating or ill-treatment in terms of petition, communication and communication rights. They include:**

- ✓ The petitions written to international institutions and organizations such as the CPT, the ECHR and the UN are not delivered within a reasonable time by the prison administration,
- ✓ Inability of the prisoners to learn the fate of the petitions they sent to international institutions,
- ✓ Inability of detained victims to follow up the petitions submitted to the prison administration,
- ✓ The letters sent by the detained victims are not delivered to their addresses within a reasonable time after they are checked,
- ✓ Restrictions to the delivery of letters to detained victims,
- ✓ It is not possible for imprisoned victims to meet with prison authorities to seek remedy for their problems,
- ✓ Imprisoned victims do not encounter positive approaches in their meetings with the prison administration and/or staff to solve their problems,
- ✓ Imprisoned victims encountering restrictions while benefiting from their right to legal opinion,
- ✓ Preventing detained victims from using radio,
- ✓ Detained victims are not allowed to wear wrist watches,
- ✓ Inability of detained victims to access the newspapers they want,

- ✓ Inability of detained victims to watch the TV channels they want,
- ✓ Arbitrary restriction of open and closed visit times of detained victims,
- ✓ Inability of detained victims to bring books from outside,
- ✓ Inability of detained victims to access books written in a language other than Turkish,
- ✓ Failure to convey the applications and complaints of the detained victims to the necessary authorities without any restrictions,
- ✓ Failure of judicial and administrative mechanisms to conduct effective investigations into applications and complaints made by detained victims.

**☑ Pregnant women who are imprisoned/convicted in penal institutions have been subjected to many rights violations, humiliating or ill-treatment. They include:**

- ✓ The inability of female prisoners to easily exercise their right to mother-child health and access to a doctor,
- ✓ Insufficient number of competent physicians in the prison infirmary to take care of female prisoners and their babies,
- ✓ Inadequate medical care provided to mothers and their children in prison,
- ✓ In prison, when mothers and their children have health problems, special diet food is not provided under the supervision of a physician,
- ✓ Forcing mothers to always wear handcuffs when they are taken to the hospital,
- ✓ The restrictions against pregnant inmates or prisoners with children to be referred easily when referral to the hospital is required,
- ✓ Inmates, who are pregnant or with children, are subjected to ill-treatment while being taken to the hospital or in the hospital,
- ✓ Not responding to the emergency health problems of pregnant or with-child detainees in a short time,

- ✓ Not providing emergency health support to pregnant or with-child detainees outside of working hours,
- ✓ Failure to meet the nutritional needs of sick detainees specific to their illness,
- ✓ Not being treated regularly and consistently for detainees who are pregnant or with children,
- ✓ Pregnant and with-child inmates encounter an arbitrary and insulting attitude in their treatment,
- ✓ When pregnant detainees are taken to the hospital for delivery, they are not allowed to meet with their families and/or visiting family,
- ✓ Families are not allowed to accompany pregnant detainees when they are taken to the hospital for delivery,
- ✓ In detention conditions, mothers who have just given birth are not allowed to "breastfeed their babies" due to reasons arising from the child or the mother,
- ✓ Failure to provide necessary measures and facilities to protect children's right to "breast milk" and nutrition.

The negative effects and consequences of crimes against humanity committed by the SOE/KHK regime established after the events of 15 July 2016 were not limited to these victims and their relatives. Along with the destruction of law, fundamental human rights and freedoms, freedom of the press, competence and merit, transparency and accountability, the environment of oppression and violence created throughout the country had many social, economic and political dire effects. This grave picture of the social, economic and political conditions created by the SOE/KHK regime across the country has made all Turkish citizens, except for a small privileged minority, "tertiary victims".

The ways in which all citizens living in the Republic of Turkey have been made "tertiary victims" have been determined using data from a variety of sources, including the Organization for Economic Co-operation and Development (OECD), the World Bank (WB), the International Monetary Fund (IMF), the European Union Statistical Office (Eurostat), the United Nations (UN), the Turkish Statistical Institute (TurkStat), the T.R. Ministry of Treasury and Finance, the T.R. Central Bank, the T.R. Ministry of Justice, the T.R. Ministry of Family and Social Services, the European Asylum Support Office, the Global Terrorism Index, Reporters Without Borders' (RSF) "Press Freedom Index," the Rule of Law Index, the Human Rights and Rule of Law Index, the Index for Control of Corruption, Transparency International's Corruption Perceptions Index, the Voice and Accountability Index, the Global Talent Competitiveness Index, the Fragile States Index, Hanke's Annual Misery Index, the World Happiness Index, the Nature Index, and analyses made using data obtained from other sources.

**Some of the social, economic and political negative effects of the SOE/KHK regime across Turkey are summarized below:**

- ✓ The RSF has declared Turkey as one of the world's leading countries in imprisoning journalists. RSF announced that Turkey became an “authoritarian state” in and after 2016 and fell behind countries such as Venezuela, Russia, Congo and Brunei in the “Press Freedom Index”.
- ✓ Press/Media institutions have seen much greater state pressure and violence than the repression during the military coup of 12 September 1980. Ten times more journalists were arrested than in the 1980 coup, and nearly 3,500 media workers were unemployed.
- ✓ 3 times the number of Turkish citizens who went abroad as political refugees in the aftermath of the 1980 military coup, fled the SOE/KHK regime and sought asylum in other countries.
- ✓ While 98,404 people were tried by the State Security Courts for being a member of a terrorist organization during the 1980 coup, the number of lawsuits filed for membership of an armed terrorist organization during the SOE reached 1.58 million.
- ✓ This figure is irrational even when viewed on a global scale. Because, the total number of members of all known organizations designated by the UN and certain countries, whose numbers have reached 150 in the world and which are directly responsible for the deaths of 24,000 people worldwide every year after 2010, does not exceed 750,000 even with the most strained estimates. However, approximately 1.58 million people who have not killed a single person in their lives have been accused of being members of an armed organization by the SOE/KHK regime in Turkey.
- ✓ Before the SOE/KHK's, 3 universities were in the list of top 300 universities of the world, however, there is not a single university that can enter the top 500 anymore. In this process, Turkey has fallen behind countries like Iran and Mexico in scientific studies and global competitiveness.
- ✓ According to The Global Competitiveness Index data, while Turkey was in the 52nd place among the world countries examined in 2015 in terms of global competitiveness, it fell to the 64th place in 2016-2018 and to the 73rd place as of 2019-2021. Within the specified framework, many countries that were behind Turkey in 2015-2016 rose ahead of Turkey. The list of some of these countries is as follows. Countries

<b>COUNTRIES</b>	<b>HOW MANY PLACES WERE THEY BEHIND IN 2015?</b>	<b>HOW MANY PLACES DID THEY MOVE AHEAD IN 2021?</b>	<b>RANK ADVANCE DIFFERENCE</b>
Colombia	1	4	5
Mexico	4	6	10
Botswana	7	8	15
Thailand	8	7	15
Namibia	15	1	16
Albania	17	2	19
Ukraine	10	10	20
Argentina	2	19	21
Indonesia	26	3	29
Azerbaijan	3	28	31

✓ According to TurkStat's 2019 International Migration Statistics data, the highest rate among those who migrated from Turkey to foreign countries is the 25-29 age group with undergraduate/postgraduate education. It is followed by university students in the 20-24 age group.

✓ According to economic data, Turkey's per capita income has decreased by at least 50 percent since 2015. The SOE regime impoverished the people by at least 50 percent.

✓ Household consumption expenditures have decreased by 25 percent since 2016, due to country-wide losses in disposable income and increases in impoverishment.

✓ Overall debt quantities as well as the installment debts of households increased.

✓ Turkey's budget balance has deteriorated more and the nation has started to give more budget deficits.

✓ Turkey's economic growth rate has slowed down.

✓ Turkey's share in world gross product decreased by at least 35 percent.

✓ The Turkish Lira has depreciated by 85 percent on average every year since 2016, against foreign currencies. The Turkish Lira depreciated at various rates even against the currencies of many underdeveloped countries.

✓ According to the Consumer Confidence Indices, households' confidence in the economy has decreased.

✓ Due to the decrease in the trust of individual savers and investors in the Turkish Lira, foreign currency deposits in banks increased by 50 percent in terms of amount compared to 2016. Compared to 2005, this rate has increased by 430 percent.

✓ Domestic capital investments decreased.

- ✓ Imports of goods and services as a percentage of GDP increased due to production and productivity losses.
- ✓ The share of information technologies in exports has decreased by 50 percent since 2016.
- ✓ External debt as a percentage of gross national product (GNP) increased.
- ✓ Short-term external debt as a percentage of GNP increased.
- ✓ The rate of Turkey's foreign exchange reserves to short-term external debt has fallen.
- ✓ The Central Bank's foreign exchange reserves have decreased.
- ✓ The numbers of the poor, the rate of the poor in the general population and poverty have increased.
- ✓ In income distribution inequality, Turkey is the fourth from the last among OECD countries.
- ✓ Turkey fell into the Middle Income Trap and its risk of staying among lower middle-income countries has increased.
- ✓ Unemployment rates have increased. The overall unemployment rate in Turkey is more than double the average of 38 OECD countries. The youth unemployment rate is also in a similarly poor state.
- ✓ Research and development investments, which are necessary for Turkey to adapt to global developments and innovations, have plummeted.
- ✓ Turkey's adaptation to global change, development and innovation has deteriorated.
- ✓ While Turkey ranked 16th in economic size among G20 countries in 2016, it ranked 17th in 2017, 18th in 2018, 19th in 2019, 20th in 2020, 21st in 2021 and in 2022 22nd. As of 2021, Turkey was technically no longer among the G20 countries. It is also unknown that with its current economic performance, Turkey can remain as the 22nd largest economy in the world.
- ✓ Consumer prices inflation in Turkey is 8 times the average of OECD countries, according to the official statistics of TurkStat. According to the calculations of the Independent Inflation Research Group (ENAG), it is 18 times more than the OECD average.
- ✓ Producer price inflation in Turkey is 7 times higher than the average of OECD countries, according to official findings of Turkstat. According to the calculations of ENAG, it is 15 times higher.
- ✓ According to the Fragile States Index, Turkey was in the position of a country that gives an "Elevated Warning". In this framework, Turkey was seen in a slightly better situation than countries such as Syria, Bhutan, Sudan, Burma, Bahrain and Guinea among the countries whose social fragility reached alarmingly high levels.

- ✓ The Fragile States Index has also evaluated Turkey in terms of the presence of elites that are divided along ethnic or religious factions, and have power struggles and political rivalries in the context of mental gaps, communal irredentism or ideological polarization. Accordingly, under the sub-title of schisms between the elite, tensions and the division of state institutions along ethnic or religious lines, the index found Turkey to be a country that sends an "Elevated Warning". Turkey ranked second from the last, ahead of only Belarus, among the 41 countries in Europe examined. When the whole world is taken into account, it is seen that it is even worse than countries such as Kenya, Rwanda, Guatemala, Bolivia, Nicaragua, Tanzania, Colombia, Gambia, Papua New Guinea.
- ✓ The "Respect for Human Rights and the Rule of Law Index" ranked Turkey third among European countries, after Russia and Belarus, in resisting respect for human rights, that is, insisting on disrespecting human rights, among the 41 European countries it examined. Turkey ranked 150th in the world ranking, where Norway ranks first in respect of human rights and law.
- ✓ In the "Rule of Law" or "Law of the Superiors" index, Turkey ranked 39th among 43 European countries examined, ahead of only Moldova, Ukraine, Russia and Belarus. In terms of world ranking, Turkey ranked 113th among 192 countries, even behind countries such as Uruguay, Costa Rica, Botswana, Namibia, Ghana, Sri Lanka, South Africa, Malawi, Senegal, Uganda and Peru.
- ✓ According to the "Trust in Law and Legal Institutions Index", Turkey ranked 39th among 41 European countries, ahead of only Russia and Belarus.
- ✓ According to the "Corruption Perceptions Index" prepared by Transparency International, Turkey ranked 96th among 180 countries examined, with 38 points as of 2021. The CPI ranks 180 countries and territories around the world by their perceived levels of public sector corruption. The results are given on a scale of 0 (highly corrupt) to 100 (very clean).
- ✓ CPI also determined that Turkey is a country that has been deteriorating continuously, especially since 2016, in terms of public transparency and perceptions of the prevalence of corruption in the public sector. Among the 37 OECD countries examined, Turkey ranks second after Mexico in perceptions of the prevalence of public sector corruption.
- ✓ According to the "Voice and Accountability Index", which measures the effectiveness of the people on the administration, democratic freedoms and the state of the government's accountability to the people, Turkey ranked third from the last among 41 European countries, after Russia and Belarus. Among the 193 world countries tracked by the index, Turkey ranks 146th, even behind African countries such as Kenya, Tanzania, Uganda, Angola and Mali.
- ✓ According to the Misery Index 2021, an economic indicator that measures the financial well-being of citizens in the world's countries prepared annually by Professor Steve H. Hanke from Johns Hopkins University based on the data provided by the IMF, World Bank, ILO, central banks of the world countries, Turkey has ranked 13th in the world in economic misery with a score of 54.6. The median poverty score of the 156 world countries included in the index is 14.8. In other words, the economic misery in Turkey is 3.7 times the median poverty in 156 countries of the world.

✓ The World Happiness Report has found that among the 146 world countries it has examined, the life satisfaction of Turkish citizens has decreased significantly since 2017. The index ranks countries according to factors such as real GDP per capita, social security support opportunities, healthy life expectancies, freedom to make life choices, social peace, trust and social cohesion, and perceptions of corruption in the public. Turkish citizens were ranked 69th in the world in terms of life satisfaction in 2017, but they dropped to 74th place in 2018, 79th in 2019, 93rd in 2020, 104th in 2021, and 112th in 2022.

**Summary and Conclusion:** SOE/KHK victims are "chosen victims" who are "specially targeted" mostly by arbitrary, selective and political criteria and sometimes to satisfy the personal grudges and vengeance of political elites and their collaborators for reasons that cannot be seen as legal, humanitarian or conscientious according to modern human rights standards and positive legal norms and by using such criteria that are completely far from legality, humanity and conscientiousness, and they have been targets of many crimes against humanity. Everyone who was targeted by the SOE/KHK regime was subjected to social, political and economic extermination processes through administrative and judicial proceedings carried out in a "conscious and systematic" manner.

Although the political power has tried to hide the illegal and inhumane treatment inflicted on all SOE/KHK victims by state institutions during the SOE and its aftermath by using many propaganda techniques and a significant part of the society has been convinced that what has been done to them was just and right, the practices done to the victims, when evaluated within the framework of the basic principles of political science or positive law, are among the crimes that fall into the category of "crimes against humanity". Because the unlawful practices against the SOE/KHK victims violated the principles such as "individuality of crime", "personality of crimes and punishments", "lawfulness of crimes and punishments", "generality of law", "non-retroactivity of laws" and "equality before the law". In addition, those selected as targets together with their families and relatives were subjected to the practices of "discriminatory law" and "apartheid policy" carried out in an "organized, conscious, planned and systematic" manner. They were oppressed and tried to be oppressed and "destroyed" by unlawful, unjust and inhumane treatment, in a "systematic" and "organized" manner, by acts and methods that constitute crimes against humanity.

The unlawfulness to which the SOE/KHK victims have been subjected to was tried to be portrayed to the national and international public opinion as if it was ordinary cases of "dismissals from posts and jobs", "no one was victimized without evidence or unlawfully", "the law was being applied" by using the propaganda tools of the government. In reality, however, what has been done against the victims and their relatives are conscious, planned and "systematic" operations aimed at condemning them to economic, social and political extinction, to an actual death. Because, each of the illegal practices done to the SOE/KHK victims as well as their families and relatives can be considered as "genocide", "any of the different stages of the genocide" and/or one of the "sub-categories of the genocide".

**These actions are as follows in order;**

1. civil death, mors civilis /civiliter mortuus,
2. social death,
3. socialcide,
4. pocide/politicide,
5. ideological genocide,
6. despotic genocide,
7. economicide,
8. democide,
9. state violence / terrorism,
10. hate speech,
11. hate and discrimination crimes,
12. excommunication, exclusion, ostracism,
13. Serious human rights violations, ill-treatment and severe torture,
14. crimes against humanity, genocide.

The social scientific data analyses of the crimes against humanity that are being committed against the SOE/KHK victims, listed in the fourteen items above, are included in the report. On the other hand, the unlawfulness of the SOE/KHK regime not only affected the SOE/KHK victims, but also the grave social, economic and political effects it created throughout the country, negatively affected all citizens, leaving them poorer, more unemployed and under more pressure, thus more unhappy, more restless and more insecure. It seems that there is no way out of this environment of poverty, unrest, prohibitions, chaos and nightmares in the foreseeable future without the SOE/KHK regime being eliminated through a democratic struggle.

**JUSTICE PLATFORM FOR VICTIMS**

# **CHAPTER I**

## **NATIONWIDE SOCIAL, ECONOMIC AND POLITICAL EFFECTS OF HUMANITARIAN CRIMES COMMITTED AGAINST THE SOE/KHK VICTIMS AND THEIR RELATIVES AFTER 15 JULY 2016**

## INTRODUCTION

The political power, citing the July 15 coup attempt as a justification, announced to the public on 20 July 2016 that "in accordance with Article 120 of the Constitution, a state of emergency has been declared for 3 months in order to quickly eliminate all elements of the terrorist organization that attempted the coup". In the statement, the main purpose of the declaration of SOE was as the most effective and fastest way to take the necessary steps to eliminate the threats against democracy, the rule of law, and the rights and freedoms of citizens in the country.<sup>3</sup> However, as stated in the "SOE" report prepared by İsmet Akça and others, the reality was far from what was stated in government declarations, but in the exact opposite of the statements in the declaration.<sup>4</sup>

The SOE regime did not strengthen democracy, law and freedoms, but on the contrary, turned the coup attempt into an opportunity to increase the power of the political power. In the aforementioned context, the political power carried out large-scale purges in both public institutions and non-governmental organizations in order to rapidly realize some of its political goals with absolute authority, to turn the SOE into a tool to pave the way for the presidential system, and to accelerate the construction of an autocratic regime. Those who were purged were not limited to those who attempted a coup. For this reason, in the field of legislation, more than 1,000 laws have been amended in total, most of which are not related to the reasons for the declaration of the SOE. Regulations aiming at restructuring state-society relations in many areas from national defense and internal security to the judiciary and personnel regime, from economy and social security to administrative structure, education and health were put into effect.

The political power approached the security crisis opportunistically, relying on discourses such as the protection and strengthening of democracy, law and freedoms. Instead of protecting and strengthening the law and freedoms, however, it preferred to augment its own political power. The political power began to rule the country by decrees, leaving the legislature largely disabled with the KHKs it put into effect due to its autocratic preferences. In the new regime it created, the political power opened the door to important problems and debates in terms of loyalty to constitutional law and democratic norms, and respect for fundamental rights and freedoms.

In this framework, heavy measures such as dismissals, closures, confiscation of assets and appointment of trustees were applied to public employees, associations and foundations, media outlets, companies and municipalities, without the need for a judicial decision, in particular, with the KHKs. The means of appeal for those who seek their rights or remedy to their losses was closed against the measures taken by the KHKs, and the SOE Procedures Investigation Commission was shown as the only authority against which real or legal persons can object, with the KHK No. 685. All this led to the aggravation of the great violations of rights in the country and the completely arbitrary management of the process.

In this section of the report, it will be discussed how the political power sees the security crisis in the country not as an

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3 '3 ay süreyle olağanüstü hal ilan edilmesi kararlaştırıldı' <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/cumhurbaskani-erdogan-3-ay-sureyle-olaganustu-hal-ilan-edilmesi-kararlastirildi/612361>

4 İsmet Akça, Süreyya Algül, Hülya Dinçer, Erhan Keleşoğlu, Barış Alp Özden, (2018), Olağanlaşan SOE: KHK'ların Yasal Mevzuat Üzerindeki Etkileri, Rapor, Heinrich Böll Stiftung Derneği Türkiye Temsilciliği, sayfa 7-8, [https://tr.boell.org/sites/default/files/SOE\\_rapor\\_web.pdf](https://tr.boell.org/sites/default/files/SOE_rapor_web.pdf)

opportunity to "protect and strengthen democracy, law and freedoms in Turkey", but as a "gift from God" for its own political success. Again, instead of struggling with the perpetrators and collaborators of the crimes, some social and economic effects of the practices that transcend the boundaries of law, ethics, reason and conscience will be analyzed for the private or public sector employees whom they see as opposed to their political stance.

The analysis of social and economic data in this section revealed the following: Using the pretext of the coup attempt, the political power stigmatized, marginalized, demonized, persecuted and oppressed hundreds of thousands of people who could not have a direct or indirect relationship with the coup attempt, destroyed their rights, confiscated their property and inflicted social, economic and political genocide on them and their families.

It is quite remarkable that the violations of rights and unlawfulness experienced during the SOE following the coup attempt, in many respects, exceeded the violations of rights and unlawfulness experienced after the real military coup on September 12, 1980. In this context, it can also be said that the violations of rights and unlawfulness in Turkey during the post-SOE period have been, in some respects, even more extensive than the massacres of personnel perpetrated by Hitler's Germany against Jews working in the public sector. Similarly, the SOE purges have been many times more in number and scope than the McCarthyism period "Anti-Communist-witch hunts" in the USA between 1947-1954.

In summary and in conclusion, the "witch hunt" policies, unlawful prosecutions and "inquisitions" against the SOE/KHK victims have directly or indirectly affected millions of people living in the country, causing irreparable damages for the primary, secondary and tertiary victims.

In this section, the social and economic costs imposed by the SOE not only on the KHK victims and their relatives, but also on all citizens living in the country are analyzed. The picture that emerged as a result of the analyses is also a photograph of how much the SOE regime has disrupted the social and economic fabric of the country, made it fragile and put its social integrity in jeopardy.

# **COMPARATIVE ANALYSIS OF PURGES AND VIOLATIONS OF RIGHTS IN INDIVIDUAL, SOCIAL AND PUBLIC SPACES DURING THE MILITARY COUP OF 12 SEPTEMBER 1980 AND THE SOE PERIOD AFTER 20 JULY 2016**

In this section, the purges, violations of rights and unlawfulness during the SOE after 15 July 2016 will be compared in many aspects with the purges, rights violations and unlawfulness experienced after the military coup of 12 September 1980. In this context;

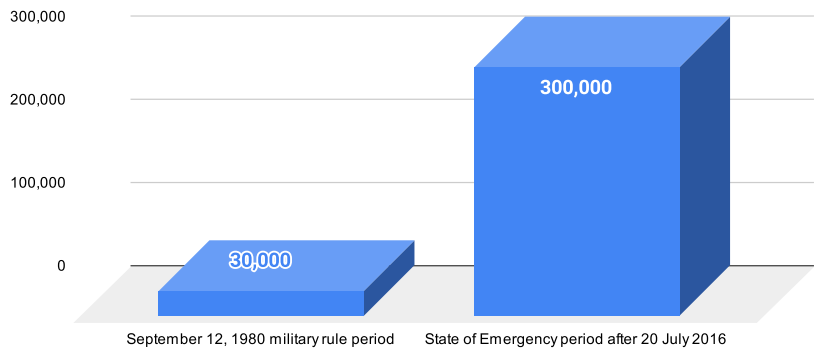
- A comparative analysis of the total number of personnel directly dismissed from all public institutions after the military coup of September 12, 1980 and after July 20, 2016 will be made.
- A comparative analysis of the numbers of those dismissed from military institutions after the military coup of September 12, 1980 and after July 20, 2016 will be made.
- A comparative analysis of the number of teachers dismissed from the public after the military coup of 12 September 1980 and after 20 July 2016 will be made.
- A comparative analysis of the numbers of academics dismissed from public institutions after the military coup of September 12, 1980 and after July 20, 2016 will be made.
- A comparative analysis of the number of judges and prosecutors dismissed from the public after the military coup of September 12, 1980 and after July 20, 2016 will be made.
- A comparative analysis of the pressure on the press / media institutions and the number of arrested journalists after the military coup of 12 September 1980 and after the 20 July 2016 will be made.
- A comparative analysis of the number of Turkish citizens who took refuge in foreign countries after the military coup of 12 September 1980 and after 20 July 2016 will be made.
- A comparative analysis of the numbers of those who were tried by state security courts for the crime of being a member of a terrorist organization in the period of 12 September and those who were tried for membership of a terrorist organization by the SOE regime after 20 July 2016 will be made.

Then, the “Witch Hunts” that took place during the SOE after 15 July 2016 will be analyzed comparatively with the witch hunts during the McCarthy era and Nazi Germany. In this context;

- Comparative analysis of the witch hunts that took place in Turkey during the SOE after 15 July 2016 and the McCarthyist "Anti-Communist-witch hunts" that also took place in the USA between 1947 and 1954 will be made.

- The violations of rights and unlawfulness experienced in Turkey during the SOE after July 15, 2016 will be compared in some aspects with the purges of personnel in 1933-1941 by Hitler Germany against Jews working in public institutions.

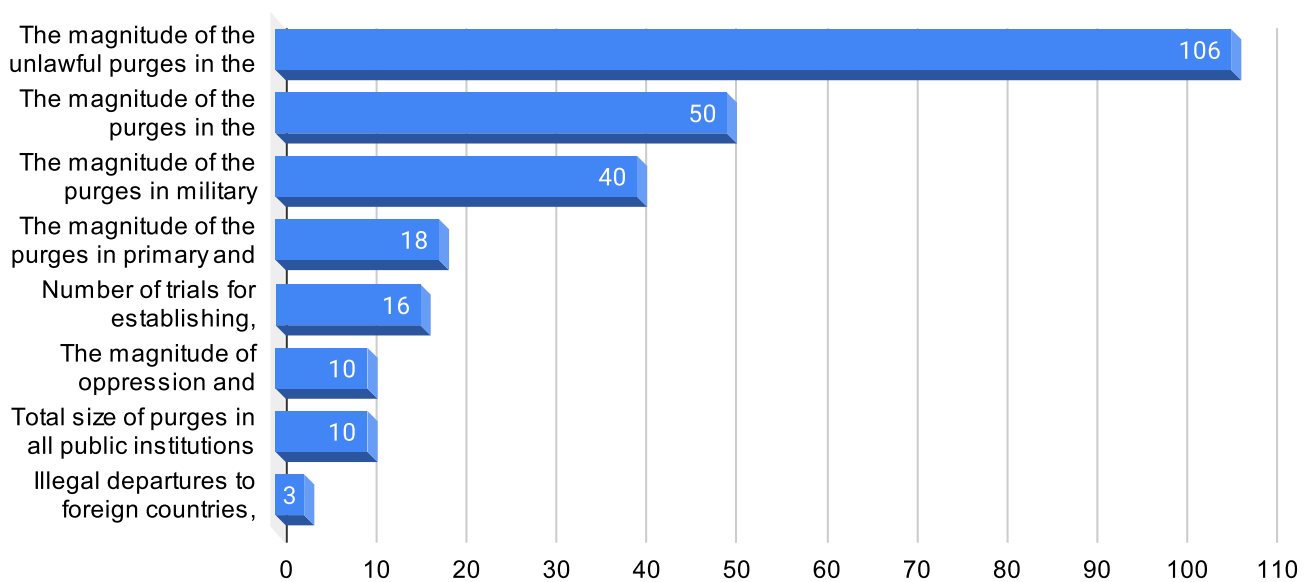
**Comparison of the total number of personnel directly dismissed from all public institutions**



Then, the effects of the SOE/KHKs on immigration or asylum by Turkish citizens will be analyzed on a monthly and annual basis for the periods before and after 15 July 2016. The effects of the SOE on Turkey's GDP, production, education, innovation, creativity, unemployment rates and poverty will be analyzed from more than 30 aspects.

## Number of purges and rights violations after the 1980 military coup and after OHAL?

(Kenan Evren scale: The size of the number of purges in public institutions or the results of social



During the 1980 coup period, with Martial Law No. 1402, according to one calculation around 6,000, and according to some other calculations around 30,000 public servants, from theater actors to primary school teachers and academics, were dismissed from their jobs. During the SOE period starting in 2016, the number of public servants dismissed exceeded 300,000.

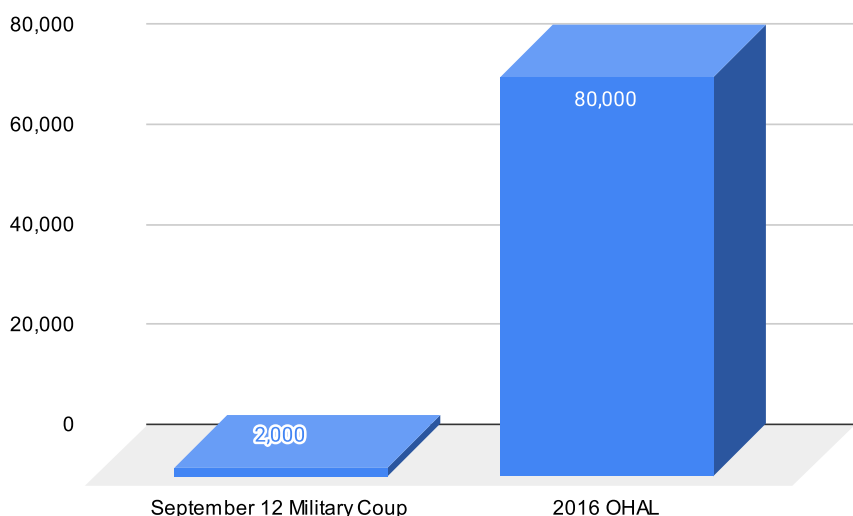
In the determination of this number, the names of over 130,000 people whose names were published in the Official Gazette annexes, students from military schools, whose number exceeded 40,000, students expelled from police schools before or after their graduation, police officers or police candidates, those who were arbitrarily expelled from public institutions depending on the rules as set out in the KHKs, other public employees, contracted personnel whose contracts have been terminated, personnel working in companies that the public has a share in and municipalities are included. If the private sector employees who were left unemployed by the appointment of trustees (the number is estimated to be in the ballpark of 250,000) or the closure of institutions are added to these numbers, it is possible to see that the number of those who lost their jobs with the SOE/KHK powers easily exceeds 550,000. On the other hand, when the figures of the dismissals of those who were expelled or not employed in the public sector because they are relatives of the KHK victims or because they are critical of the government or their relatives, who are fired from their jobs for ungrounded excuses for these reasons, whose right to work is usurped through sham interviews or security investigations are also included, the total number can be expressed in millions. The number of victims' relatives, who are not given social rights or lost their income or social benefits because they are relatives of SOE/KHK victims, is not included in the number of victims.

While the number of active duty soldiers who were dismissed during the military coup of September 12, 1980 was around 2,000, the number of military personnel who were the primary victims after the declaration of the SOE in 2016 became 80,000. This number includes 40,000 active-duty soldiers and around 40,000 military school students or interns who were victimized by closing their schools.

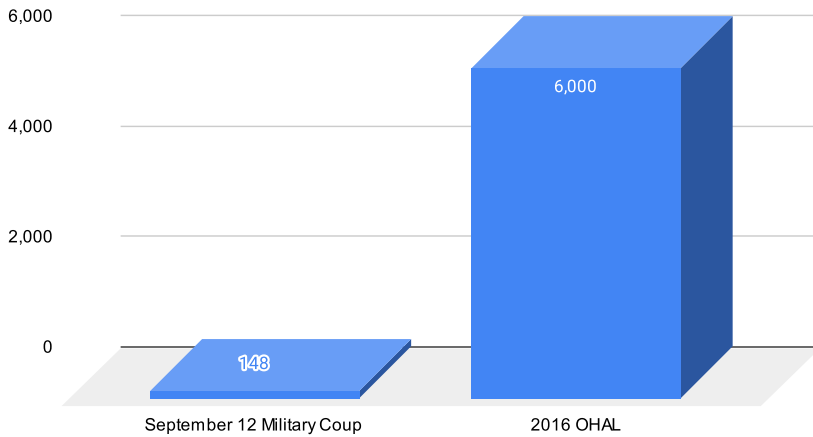
The number of teachers who were prosecuted during the 1980 coup period was 3,854. The number of teachers who lost their jobs after the declaration of the SOE in 2016 reached 70,000.

The large-scale purges made by the political power in military and educational institutions have shown that in order to increase its power and control over these institutions, the political power has purged the personnel that it considers to be opposition or obstacle to its own political policies, with the profilings that it had carried out long ago. The political power replaced the cadres it purged with people who could fit its own political views. Evaluations are made that the purges in military institutions are related to military support for foreign operations such as Syria, Iraq and Libya, as well as some ideological reasons, and that the purges made in educational institutions are related to the policies of raising a "religious and vindictive generation".

**Number of Expulsions from Military Institutions**

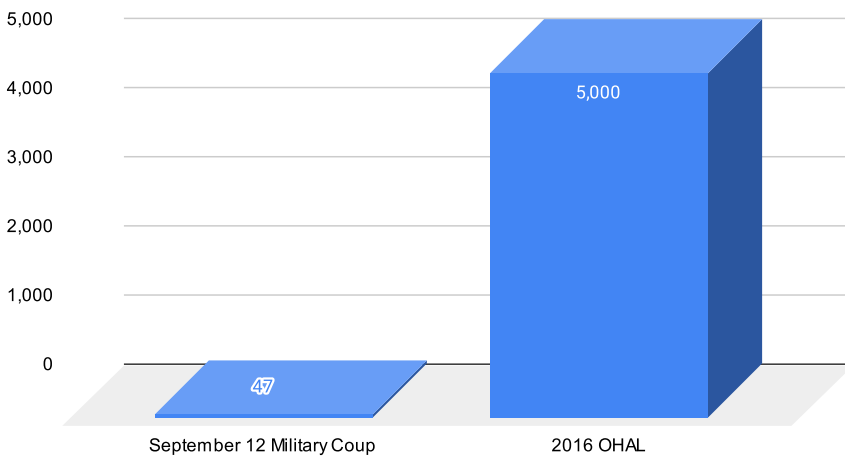


### Number of Academics Expelled from Public Institutions



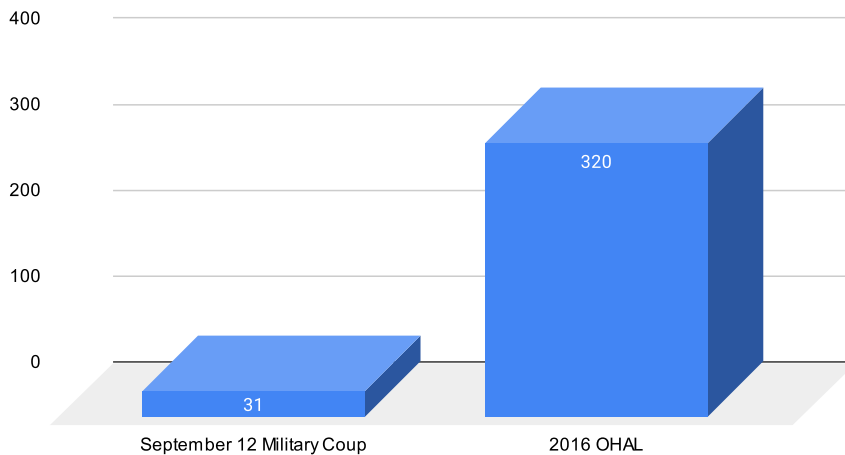
During the 1980 military coup, the number of academic staff, including research assistants, dismissed by the martial law no. 1402, was 148 as of November 15, 1982. However, after the declaration of the SOE on 20 July 2016, the number of academics dismissed from their jobs in public universities has exceeded 6,000. This number does not include the 1,500 academic staff who were left unemployed from foundation universities that were closed by KHKs.

### Number of Judges and Prosecutors Expelled



The number of judges and prosecutors dismissed from their duties during the military coup of September 12 was 47. However, the current government purged 2,745 judges and prosecutors overnight, starting on the night of 15 July 2016. Although many of them were on leave, on vacation or bed-ridden patients, they were all dismissed, arrested and expelled by KHKs, as if they had actually participated in the coup attempt. The total number of judges and prosecutors dismissed during the SOE is around 5,000. This may be regarded as an important proof that the political power wanted to disable the judicial institutions in the face of unlawfulness that it was planning to commit during the SOE.

### Number of journalists arrested



While the number of journalists arrested during the military coup of September 12, 1980 was 31, the number of journalists arrested during the SOE exceeded 320. According to Reporters Without Borders (RSF), Turkey ranks in the top rows in the world in terms of imprisoning journalists. In the "Press Freedom Index" published by the RSF since 2002, Turkey lagged even be-

hind countries such as Venezuela, Russia, Congo and Brunei in 2016 and beyond. Among 180 countries followed by RSF between 2016 and 2022, Turkey has always been ranked 25th or 30th from the bottom in terms of press freedom. Turkey has been described as an authoritarian state, one of the countries where there is systematic censorship and the judicial system is abused, using all the w<sup>5</sup> The arrested journalists were sentenced a total of thousands of years in prison, including aggravated life sentences. A total of 177 media outlets, including 5 news agencies, 16 television channels, 24 radios, 62 newspapers, 19 magazines, and 29 publishing houses, were closed with the KHKs, and nearly 3,500 media workers were either unemployed or had been fired due to government's pressure on media outlets.<sup>6</sup>

COUNTRIES	2022 Score	2022 Pos.	2021 Score	2021 Pos.	2020 Score	2020 Pos.	2019 Score	2019 Pos.	2018 Score	2018 Pos.	2017 Score	2017 Pos.
Norway	92.65	1	93.28	1	92.16	1	92.18	1	92.37	1	92.4	1
Denmark	90.27	2	91.43	4	91.87	3	90.13	5	86.01	9	89.64	4
Sweden	88.84	3	92.76	3	90.75	4	91.69	3	91.69	2	91.73	2
Germany	82.04	16	84.76	13	87.84	11	85.4	13	85.61	15	85.03	16
Canada	81.74	19	84.75	14	84.71	16	84.31	18	84.72	18	83.47	22
Czech Republic	80.54	20	76.62	40	76.43	40	75.11	40	78.11	34	83.09	23
Belgium	78.86	23	88.31	11	87.43	12	87.93	9	86.84	7	87.25	9
UK	78.71	24	78.41	33	77.07	35	77.77	33	76.75	40	77.74	40
France	78.53	26	77.4	34	77.08	34	77.79	32	78.13	33	77.76	39
Netherlands	77.93	28	90.33	6	90.04	5	91.37	4	89.99	3	88.72	5
Argentina	77.28	29	71.01	69	71.22	64	71.7	57	73.95	52	74.93	50
Austria	76.74	31	83.66	17	84.22	18	84.67	16	85.96	11	86.53	11
Spain	76.71	32	79.56	29	77.84	29	78.01	29	79.49	31	81.31	29
South Africa	75.56	35	78.41	32	77.59	31	77.81	31	79.61	28	79.88	31
Taiwan	74.08	38	76.14	43	76.24	43	75.02	42	76.64	42	75.63	45
Australia	73.77	39	80.21	25	79.79	26	83.45	21	84.54	19	83.98	19
United States	72.74	42	76.07	44	76.15	45	74.31	48	76.27	45	76.12	43
South Korea	72.11	43	76.57	42	76.3	42	75.06	41	76.49	43	72.39	63
Italy	68.16	58	76.61	41	76.31	41	75.02	43	75.88	46	73.74	52
Niger	67.8	59	71.56	59	71.75	57	70.74	66	72.6	63	72.79	61
Ghana	67.43	60	78.67	30	77.74	30	79.19	27	81.59	23	82.05	26
P. New Guinea	66.66	62	75.12	47	76.07	46	75.3	38	73.81	53	74.93	51
Kyrgyzstan	64.25	72	69.63	79	69.81	82	70.08	83	69	98	69.08	89
Somalia	44.01	140	44.53	161	44.55	163	42.76	164	36.96	168	34.05	167
Eq. Guinea	43.96	141	44.33	164	43.62	165	41.65	165	33.53	171	33.53	171

5 Rsf.org. (2022). Turkey. [online] Available at: <https://rsf.org/en/country/turkey> [Accessed 14 Nov. 2022].

6 Rsf.org. (2021). Turkey – press freedom in figures. [online] Available at: <https://rsf.org/en/turkey-press-freedom-figures> [Accessed 14 Nov. 2022]. Veysi Polat (2020). Şimdiki 'Basın Özgürlüğü,' Geçmiş SOE Dönemlerine Rahmet Okutuyor. [online] Medya ve Hukuk Çalışmaları Derneği. Available at: <https://www.mlsaturkey.com/tr/simdiki-basin-ozgurlugu-gecmis-SOE-donemlerine-rahmet-okutuyor/> [Accessed 14 Nov. 2022]. Platform24.org. (2019). Olağanüstü Hâl'de Gazeteciler – 15. [online] Available at: <http://platform24.org/medya-izleme/1695/olaganustu-h-l-de-gazeteciler---15> [Accessed 14 Nov. 2022]. Dicle Fırat Gazeteciler Derneği (2021). Journalism Within Four Walls. Available at: <https://bianet.org/system/uploads/1/files/attachments/000/003/608/original/DFG.pdf?1648476202> [Accessed 14 Nov. 2022]

Cambodia	43.48	142	53.16	144	54.54	144	54.1	143	54.1	142	57.93	132
Libya	43.16	143	44.27	165	44.23	164	44.23	162	43.21	162	43.19	163
Brunei	42.53	144	50.09	154	50.35	152	48.52	152	48.52	153	46.28	156
Colombia	42.43	145	56.26	134	57.34	130	57.18	129	58.97	130	58.53	129
Sri Lanka	42.13	146	57.8	127	58.06	127	60.39	126	58.63	131	55.66	141
Philippines	41.84	147	54.36	138	56.46	136	56.09	134	57.47	133	58.92	127
Hong Kong	41.64	148	69.56	80	69.99	80	70.35	73	70.96	70	70.54	73
Turkey	41.25	149	50.21	153	49.98	154	47.19	157	46.5	157	47.02	155
India	41	150	53.44	142	54.67	142	54.33	140	56.76	138	57.06	136
Sudan	40.96	151	47.07	159	44.67	159	27.55	175	28.87	174	26.44	174
Tajikistan	40.26	152	44.48	162	44.66	161	45.98	161	49.94	149	49.73	149
Belarus	39.62	153	49.18	158	50.25	153	48.34	153	47.41	155	47.57	153
Azerbaijan	39.4	154	41.23	167	41.52	168	40.87	166	40.27	163	43.6	162
Russia	38.82	155	51.29	150	51.08	149	49.69	149	50.04	148	50.55	148
Afghanistan	38.27	156	59.81	122	62.3	122	63.45	121	62.72	118	60.54	120
Pakistan	37.99	157	53.14	145	54.48	145	54.17	142	56.76	139	56.45	139
Kuwait	37.87	158	65.64	105	65.7	109	66.14	108	68.09	105	66.39	104
Venezuela	37.78	159	52.4	148	54.34	147	50.9	148	53.97	143	57.06	137
Nicaragua	37.09	160	60.02	121	64.19	117	64.47	114	69.59	90	68.99	92
Saudi Arabia	33.71	166	37.27	170	37.86	170	34.12	172	36.87	169	33.98	168
Bahrain	30.97	167	38.9	168	39.87	169	38.69	167	39.15	166	41.12	164
Egypt	30.23	168	43.83	166	43.18	166	43.53	163	43.28	161	44.22	161
Yemen	29.14	169	37.65	169	41.75	167	38.34	168	37.77	167	34.2	166
Palestine	28.98	170	56.82	132	55.91	137	55.32	137	57.04	134	57.1	135
Syria	28.94	171	29.37	173	27.43	174	28.22	174	20.78	177	18.51	177
Iraq	28.59	172	44.43	163	44.63	162	47.4	156	43.44	160	45.97	158
China	25.17	175	21.28	177	21.52	177	21.08	177	21.71	176	22.34	176
Myanmar	25.03	176	53.86	140	55.23	139	55.08	138	56.85	137	58.18	131
Turkmenistan	25.01	177	19.97	178	14.56	179	14.56	180	15.8	178	15.81	178
Iran	23.22	178	27.3	174	35.19	173	35.59	170	39.29	164	34.88	165
Eritrea	19.62	179	18.55	180	16.5	178	19.74	178	15.76	179	15.76	179
North Korea	13.92	180	18.72	179	14.18	180	16.6	179	11.13	180	15.02	180

After the September 12 coup, 30,000 people went abroad as political refugees and asylees. After the declaration of the SOE on 20 July 2016, the number of Turkish citizens seeking asylum, mainly in EU countries, is over 90,000. This figure is mainly derived from the asylum statistics data of countries such as the European Asylum Support Office, USA, England, Canada, Sweden and Norway.

On the other hand, it is seen that these numbers are constantly increasing in parallel with the unlawfulness of the SOE.

## ASSESSMENT OF DATA ON PROFILINGS, TERRORIST TRIALS AND TRAVEL BANS

It is claimed that 1.7 million people were profiled in the aftermath of the military coup of

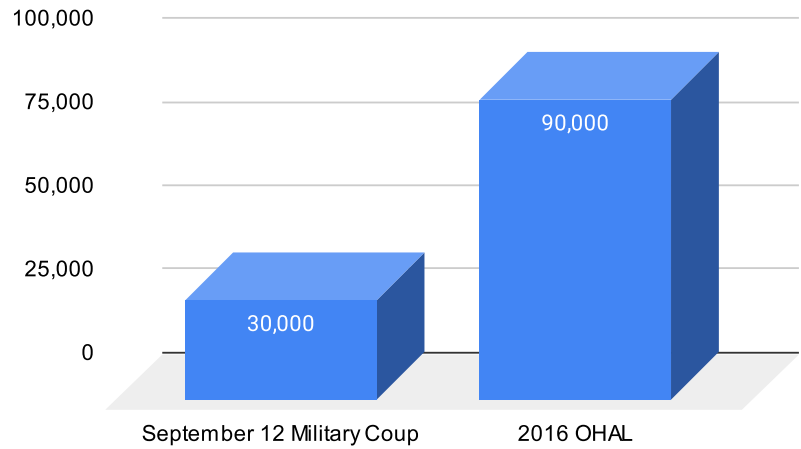
September 12, 1980. However, it is estimated that the number of people who were tagged during the SOE regime exceeded 12.5 million. During the 12 September coup period, 98,404 people were tried by the State Security Courts for being a member of a terrorist organization and 21,764 people were convicted of 'membership in a terrorist organization'. However, during the SOE established after July 20, 2016, the number of lawsuits filed for membership of a terrorist organization reached 1.58 million. In other words, more than 15 times more terrorist membership lawsuits were filed than the terror lawsuits filed during the actual coup period, and it is possible to access the data in this context through the Justice Statistics data shared with the public by the Ministry of Justice, General Directorate of Criminal Records and Statistics.

According to the Justice Statistics data, the annual distribution of the investigations in the context of approximately 1.58 million armed organization crimes opened under Article 314 of the Turkish Penal Code, which deals with the crimes of establishing, leading or membership of an armed organization against the constitutional order and its functioning, was 155,014 in 2016, 457,423 in 2017, 444,342 in 2018, 310,954 in 2019 and 208,833 in 2020.<sup>7</sup>

According to the world terrorism data published online by OurWorldInData.org, an average of 24,000 people have lost their lives every year as a result of terrorist attacks all over the world in the last 10 years. The lowest death toll was 8,000 in 2010, while the highest number of deaths was 44,000 in 2014.<sup>8</sup>

In the graphic on the right, the number of people who lost their lives in terrorist attacks in Turkey between 2002-2022 is provided. As seen in the chart, it seems that 2016 was the year in which the highest number of people lost their lives due to terrorist acts in Turkey. Every person's life is precious. However, as can be seen in the image on the

### Number of Turkish Citizens Seeking Refuge In Other Countries



<sup>7</sup> Yeneroğlu, M. and Milletvekili, İ. (2021). Silahlı Terör Örgütü Üyeliği Yargılamaları. [online] Available at: <https://www.raporlar.org/wp-content/uploads/2021/09/Teror-Orgutu-Uyeliği-Raporu.pdf> [Accessed 15 Nov. 2022].

<sup>8</sup> Ritchie, H., Hasell, J., Mathieu, E., Appel, C. and Roser, M. (2013). Terrorism. [online] Our World in Data. Available at: <https://our-worldindata.org/terrorism> [Accessed 15 Nov. 2022].

next page, the total number of people who lost their lives in terrorist attacks in other countries in the same year was 35,236, which is 35 times more than the number of people who lost their lives in Turkey in 2016. It is necessary to pay attention to an important detail: According to the world terrorism intelligence reports, the number of victims of terrorism all over the world every year and continuously is tens of times higher than the number of lives lost by Turkey due to terrorism. In some years, the number of victims of terrorism is 35 times that of Turkey, sometimes 70 or even 100 times in some years. It is estimated that the total number of members of all terrorist organizations that carried out these attacks, including organizations such as the Taliban, ISIS, Boko Haram, Al-Shabab, Maoists (India, Nepal), Al-Qaeda, Jamaat Nusret al-Islam wal Muslimin, is around 500,000. With the most demanding counts, this figure can reach 750,000. However, the SOE regime opened terrorism investigations against 1.58 million people in Turkey. More interestingly, although SOE believer there are so many members of the terrorist organization in Turkey, none of the accused has committed even a single terrorist act in the 6 years since July 15, 2016 despite relentless persecution through KHKs. This alone is an indication of how the political power turned a crisis in the country into an opportunity to increase its own political power.

During the 12 September period, 388,000 people were not issued passports. It is estimated that the number of people who are not given passports in the SOE is around 1 million people.

In the aftermath of the 12 September coup, 300 people died suspiciously, and 171 people were documented to have died from torture. The real numbers of those who died under the SOE from torture or suspiciously will probably be revealed when rule of law prevails in the country once again.

## **A COMPARATIVE ANALYSIS OF THE WITCH HUNT PRACTICES IN TURKEY'S SOE, IN THE MCCARTHY ERA OF THE US AND IN NAZI GERMANY**

There are similarities between the Witch Hunt carried out in Turkey after the declaration of the SOE and the McCarthy period "anti-communist-witch hunts" in the USA as well as the anti-Jewish witch hunts in Nazi Germany. In some practices, the situation in Turkey is worse even dozens of times compared to the other two periods. In this context, the concept of "civilian genocide" comes to the fore as the most appropriate term to describe the current situation, considering the magnitude of the violence and horror caused by the SOE in Turkey.

The number of academics who were dismissed or retired early in Nazi Germany between 1933 and 1934 was 1,145. It is thought that the total number of academics victimized by Hitler in the 8 years between 1933 and 1941 is 3,200 and the number of personnel he removed from public institutions is at most 12,000.

To draw attention to a detail at this point, Hitler dismissed the non-Aryan, mostly Jewish civil servants by the "Law for the Restoration of the Professional Civil Service" published on April 7, 1933.<sup>9</sup> Article 3, paragraph 1 of the law stipu-

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<sup>9</sup> Gesetz zur Wiederherstellung des Berufsbeamtentums

lated the immediate retirement of non-Aryan civil servants. Paragraph 2 of article 3 stated that Jews who became civil servants after 1 August 1914 could continue to work if they could prove that they fought for Germany or its allies in World War I, or that one of their sons or father had been martyred.<sup>10</sup> If the Jewish personnel who were suspended from the public had the social rights they deserved, Hitler also let them benefit from them.

The SOE regime, on the other hand, implemented a brutal policy of extermination, which can be summed up with the phrase "let them eat tree bark". Jews were not prohibited from finding employment in the private sector, establishing businesses, or migrating to other countries. It is known that nearly 70 Jewish academics who were dismissed came to Turkey and worked in various universities and institutions in Turkey. In the same way, it is known that they went to many other countries of the world.

In America, the number of those who lost their jobs was between 10,000-12,000 among the civil servants who were alleged to fit the definition of "Communist internal enemies" by the Republican Party, Wisconsin Senator Joseph McCarthy between 1947-1954. Despite all the efforts of McCarthy, not even 15 academics in the US were dismissed from their jobs.

At this point, we would like to note that McCarthyism in the USA ended with the struggle and attitude of a few brave senators, journalists, fair judges and lawyer Joseph Nye Welch. Welch, one day, could no longer stand the defamatory language and unsubstantiated accusations McCarthy used, up to character assassinations, and uttered these words: "Until this moment, Senator, I think I never really gauged your cruelty or your recklessness." When McCarthy tried to continue his attack, Welch angrily interrupted, "Let us not assassinate this lad further, senator. You have done enough. Have you no sense of decency?"<sup>11</sup> After these words, there was a big change in the attitude of the public and McCarthy was dismissed by the Senate within 3 months. Thus came the end of McCarthyism.

In Turkey, which has been turned into a mega concentration camp or an open prison for the marginalized, the "civil genocide" practices will likely continue unless brave people like Welch came fore and they raise their voices to protest by saying "enough of what you've done!"

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10 Gesetz zur Wiederherstellung des Berufsbeamtentums, madde 3: Aryan olmayan memurlar emekliye sevk edilir.

11 Senate.gov. (2021). U.S. Senate: 'Have You No Sense of Decency?' [online] Available at: <https://www.senate.gov/about/powers-procedures/investigations/mccarthy-hearings/have-you-no-sense-of-decency.htm> [Accessed 15 Nov. 2022].

# **THE EFFECTS OF LAWLESSNESS OF SOE/KHK ON IMMIGRATION AND ASYLUM TO FOREIGN COUNTRIES**

According to the data of Frontex, the border police of the European Union, the monthly and annual comparative asylum requests of Turkish citizens who illegally went out of Turkey and took refuge in European countries increased by 25-30 times after 15 July 2016 compared to the previous periods. This picture is worrying in terms of Turkey's national survival and competitiveness among the world's nations. Because, forcing the highly educated people of the country to migrate to foreign countries through the systematic, unlawful social, economic and political pressures against them has led to the destruction of the country's human resources, social capital and the brain power it has trained.

It is obvious that the migration of trained minds towards other countries has caused and will cause great harm to the science, technology, production and competitiveness of the country. Apart from the fact that the victims are highly educated and qualified victims, it should not be ignored that the years spent for the development of these people, labor, capital and mental power are also wasted. In addition to all these, it is not difficult to predict that very few economies in the world can afford the loss or waste of financial and human capital, considering that the cost of their undergraduate, graduate and doctoral educations in the country and abroad exceeds hundreds of billions of dollars. Indeed, numerous signs and data have emerged and continue to emerge that show that the Turkish economy cannot bear this burden.

One of the most important indicators of this is the rapid impoverishment of the country, with the per capita income of the country falling from \$10,910 in 2015 to \$8,979 in 2019, which was the level seen 10 years ago (2009). As long as the unlawfulness continues, it should not be difficult to predict that this deterioration in national income will only deepen.

Many data, like worsening unemployment, inflation, foreign debt, loss of production in the country, and the impoverishment of both the country and the people are analyzed in the upcoming sections of the report.

The result of the social and economic data analyzes included in the report is alarming for Turkey. The data show that Turkey has begun to lag behind the developments in the contemporary world and is now closer to the status of "fragile states" rather than being a stable state.

## **CHANGES IN GDP**

In calculating GDP, which is the total value of goods and services produced in a country in a year, three different methods – "production", "expenditure" and "income" methods – are generally used. Calculations are in US dollars. The dollar-denominated size for GDP is converted into local currencies using the annual official exchange rates. If the "production" method is used in the calculation of GDP, taxes are added to the market price of the values produced in a year in agriculture, industry and services sectors and subsidies are subtracted. If the "expenditure" approach is exploited to calculate the annual GDP, the total consumption expenditures, investment expenditures, government purchases and net foreign trade (export - import) are summed. If the "income" approach is used in calculating GDP, total wages (labor income), interest (capital income), rent (rental income from natural resources), profit (entrepreneur's income), depreciation and indirect taxes in a year are all added together and subsidies are subtracted from this amount. The image above shows that the decrease in Turkey's GDP accelerated after the SOE's declaration. The production and/or the material value of the goods and services produced in the country has decreased rapidly, and as a result, the country and the people have become impoverished.

## **CHANGES IN PER CAPITA GDP AND ECONOMIC GROWTH**

Per capita income is obtained by dividing the GDP by the mid-year population. The scale of economic growth, on the other hand, measures how much production increases or decreases in a country. It uses the proportional changes in GDP as a percentage from one year to the next. In order for the two images on this page to be evaluated properly, Turkey's GDP and the decrease in its shares from the world's gross product should be evaluated together. Another point that draws attention in the light of these data is the "new TurkStat effect" in the production of growth data.

## **CHANGES IN PERCENTAGE SHARES OF TURKEY IN TOTAL GLOBAL GDP**

The Global GDP is the sum of the gross domestic product of all countries, measured in US dollars. A country's share in the world economic output is found by dividing its annual GDP to the total global gross product.

The chart showing "Turkey's Percentage Share in World Gross Product", which was found with the "production" calculation approach using the World Bank data, indicates a serious regression in economic size both at the national and international scales following the declaration of SOE. The current view of Turkey is evidence that development and social welfare will not be possible in a country where justice, democratic freedoms, capital security, competence and merit

are not available. Because for any economic system to function properly, the existence of an effective legal system security is of great importance. <sup>12</sup> The fact that Turkey started to receive a lesser share from the total income produced in the world is another proof that both the country and the people are rapidly becoming poorer economically. This situation also reveals that the SOE regime established in Turkey has made the whole of Turkey a tertiary victim.

## CHANGES IN THE RANKING OF G20 COUNTRIES

G20 member countries represent more than 80 percent of world GDP, 75 percent of international trade and 60 percent of the world's population and have a strategic role in driving global economic growth and prosperity. Among them are the USA, China, Japan, Germany, England, India, France, Italy, Canada, South Korea, Brazil, Russia, Argentina, Australia, Spain, Indonesia, Mexico, Saudi Arabia, South Africa and Turkey. However, according to the economic data analysis presented in the tables below, Turkey is technically no longer among the G20 countries as of 2021.

TOP COUNTRIES BY GDP SIZES (2022)		
Rank	Countries	GDP
1	USA	24,796,076
2	Chinese	18463,13
3	Japan	5,383,682
4	Germany	4557,35
5	England	3,442,205
6	India	3,250,078
7	France	3,140,031
8	Italy	2,272,269
9	Canada	2,189,786
10	South Korea	1,907,661
11	Brazil	1,810,612
12	Russia	1,703,527
13	Australia	1,677,451
14	Spain	1570,91
15	Mexican	1,371,635
16	Indonesia	1,247,352
17	Iranian	1,136,683
18	Holland	1,070,754
19	Saudi Arabia	876,148
20	Switzerland	862,819
21	Taiwan	850,528
22	Turkey	844,534

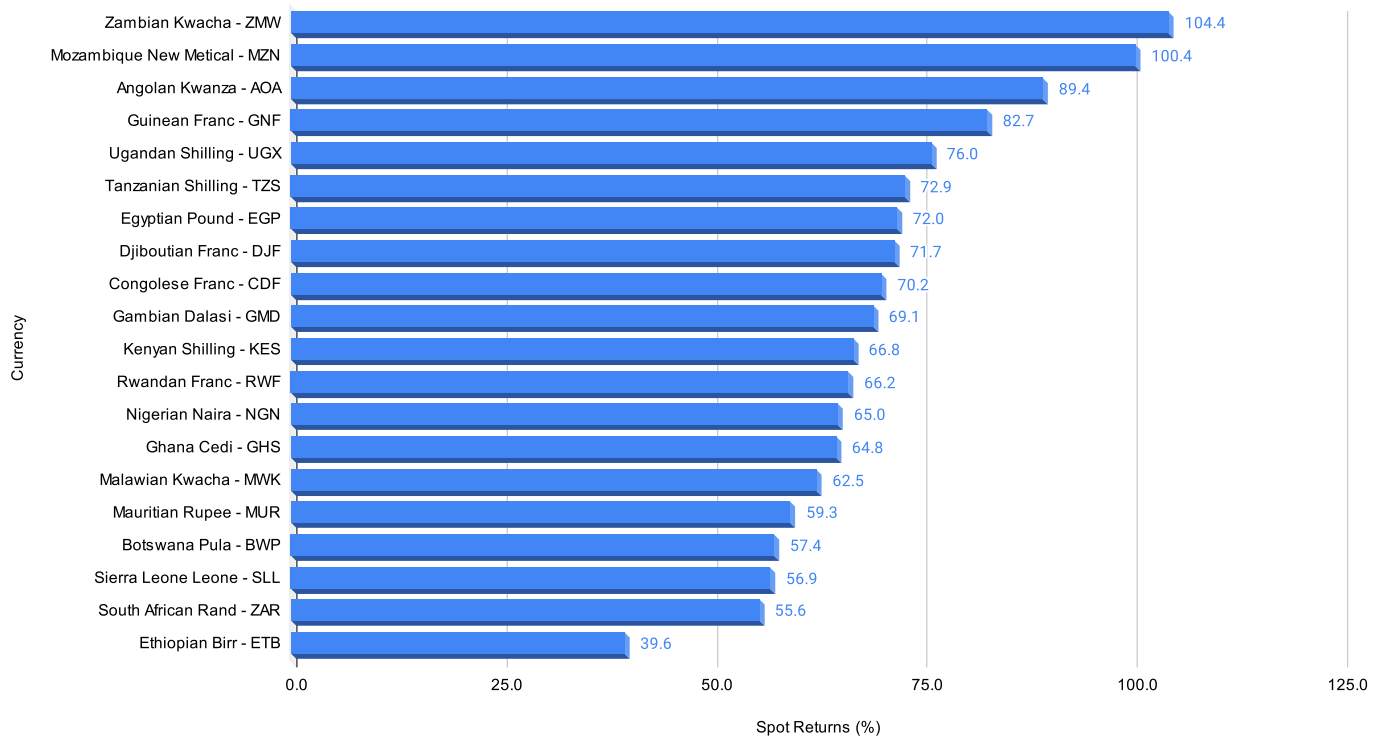
<sup>12</sup> Barış Soydan (2020). Yabancı yatırımcı Türkiye'den neden kaçıyor? [online] T24. Available at: <https://t24.com.tr/yazarlar/baris-soydan/yabanci-yatirimci-turkiye-den-neden-kaciyor,25600> [Accessed 16 Nov. 2022].

### TURKEY'S RANKING IN THE WORLD BY GDP SIZE (2013-2022)

Year	GDP (million \$)	Global Rank
2013	957.78	
2014	938.95	
2015	864.32	
2016	869.69	16
2017	859	17
2018	778.47	18
2019	761.4	19
2020	719.95	20
2021	815.27	21
2022	844.534	22

## DEPRECIATION OF TURKISH LIRA AGAINST FOREIGN CURRENCIES

### Depreciation of Lira Against Some African Countries Currencies



After the declaration of SOE, the lira depreciated by an average of 85 percent every year against the currencies of almost all OECD countries, especially strong currencies such as the euro and the dollar. However, this precipitous depreciation of the Turkish lira was not only against the OECD countries, but even against the currencies of the less developed coun-

tries of Africa. In the exchange analysis made between 31.12.2020 and 30.11.2021, it is seen that the currencies of 20 African countries have gained significant values against the Turkish Lira. The Zimbabwean Kwacha gained the highest value against TL with 104.35 percent. Mozambique New Metical became the second African currency that gained the most value against TL with a rate of 100.38 percent.

It is possible to express the fact that the currencies of 20 African countries, whose names are listed in the table, have appreciated by approximately 40 percent to 105 percent against TL, as follows: Distancing from common sense, science, law, justice, openness, transparency and accountability in the management of the country, led to free fall of the value of TL against foreign currencies.<sup>13</sup>

## CHANGES IN BUDGET BALANCES

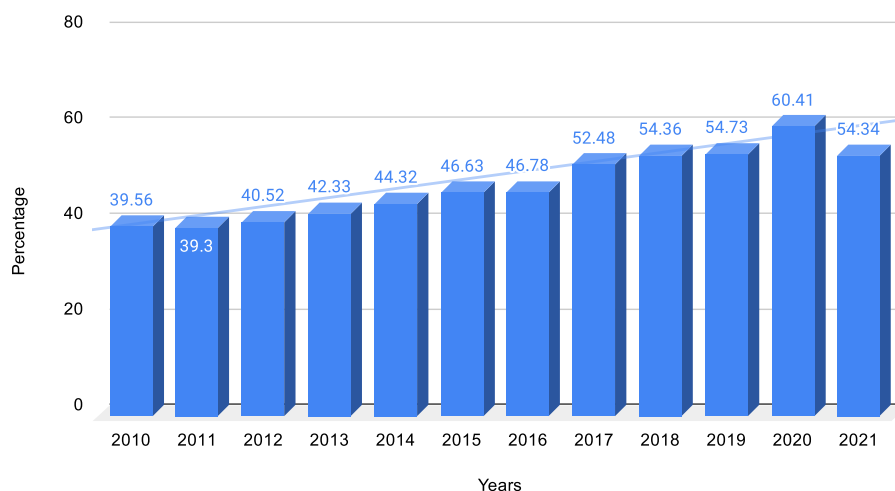
The budget balance, or fiscal balance, is the difference between government revenues and government expenditures, expressed as a percentage of GDP.

## CHANGES IN DOMESTIC CAPITAL INVESTMENTS

Domestic gross capital investments consist of investments in fixed/durable assets and additional expenditures on these assets. Fixed assets include land improvements (fences, ditches, sewers), plant, machinery and equipment purchases, constructions such as schools, offices, hospitals, private residences, commercial and industrial buildings, roads, railways.

## EXTERNAL DEBT AS A PERCENT OF GROSS NATIONAL INCOME

Turkey's External Debt - % of GDP



External debt refers to the total amount owed to non-residents and is expressed as a percentage of a country's total international liabilities to that country's GDP. Total external debt is the sum of public, publicly guaranteed and privately non-guaranteed long-term debt, IMF loan use, and short-term debt.

13 Eray İspir (2021). Türk Lirası'nın Değer Kaybı Afrika Paraları Karşısında percent 100'e Ulaştı. [online] Onedio. Available at: <https://onedio.com/haber/turk-lirasi-nin-deger-kaybi-afrika-paralari-karsisinda-percent-100-e-ulasti-1021565> [Accessed 16 Nov. 2022].

## SHORT-TERM EXTERNAL DEBT AS A PERCENT OF GDP

Short-term debt is the sum of all debt with an original maturity of one year or less, plus overdue interest on long-term debt. An increase in short-term external debt may mean that the country is having difficulty finding long-term debt. It can also increase the Credit Default Swap (CDS), which shows that country's credit risk premiums. This risk means that external debt can be found with higher borrowing costs.

## NATIONAL DEBT AS A PERCENTAGE OF GDP

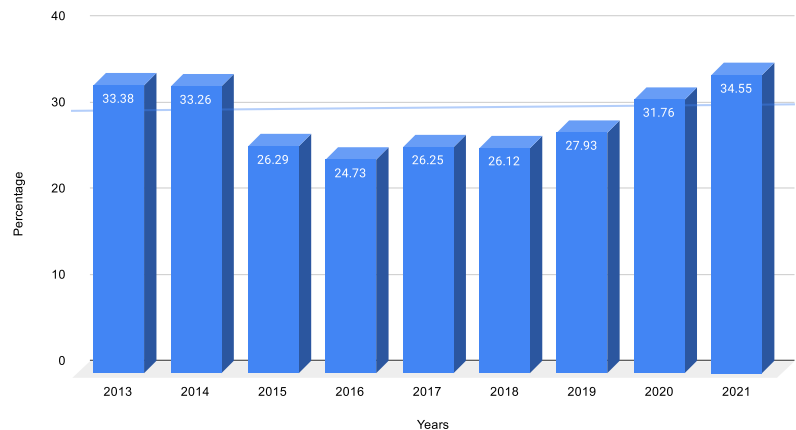
The national debt, or the government or public debt, is the entire stock of financial obligations that must be paid on a given date. It includes foreign currency and national currency deposits, non-equity securities, and domestic and foreign debt, such as loans. Public debt is calculated by deducting the amount of equity and financial derivatives held by the public sector from its liabilities. Because debt is a stock rather than a flow, it is measured as of a specific date, usually the last day of the fiscal year.

Public debt is the total amount owed by the national government to domestic and international lenders, and the size of the debt is assessed by the size of the economy and is therefore reported as a percentage of GDP. As can be clearly seen on the chart on the right, Turkey's debt-to-GDP ratio has been increasing rapidly in the post-SOE period. This increase is due to the fact that institutions such as the Central Bank, which must be independent, work under political influence and pressure, and the problems of competence and merit in public appointments.

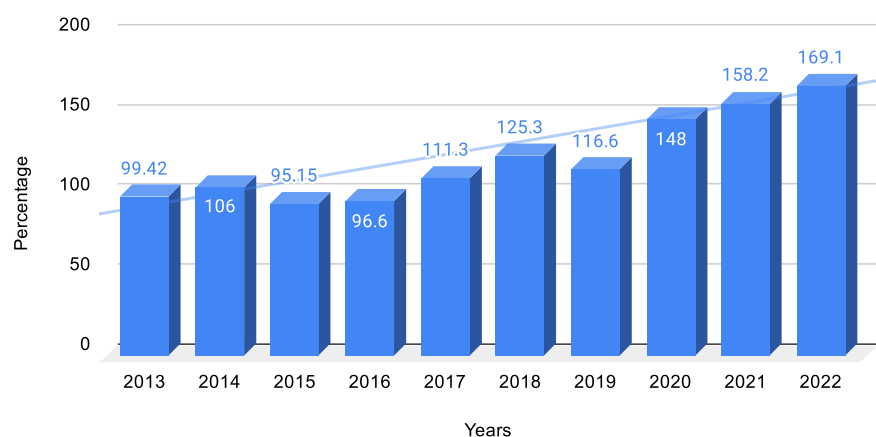
## SHORT-TERM EXTERNAL DEBT AGAINST INTERNATIONAL RESERVES

Short-term debt includes all debt with an original maturity of one year or less, and any overdue interest on long-term debt. Total reserves also include gold stocks.

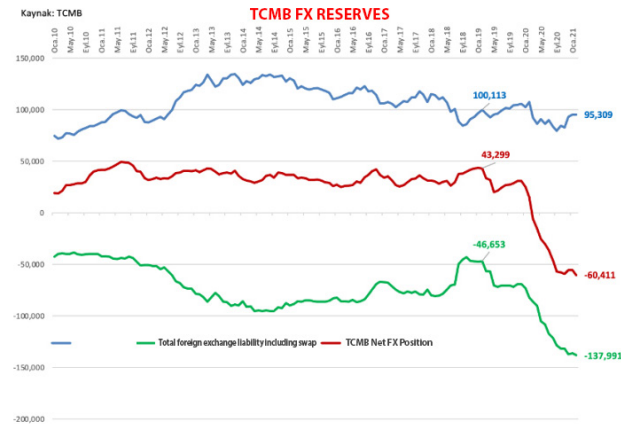
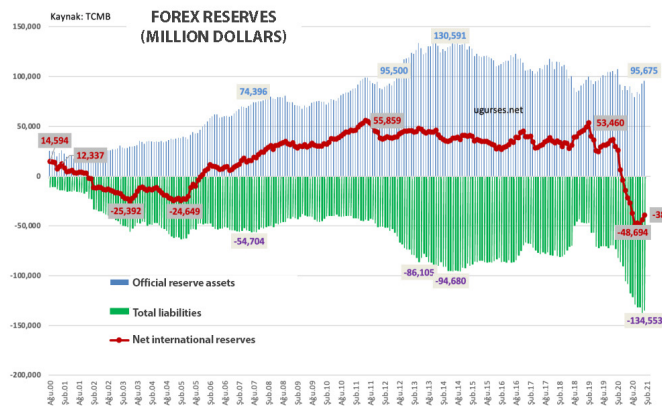
Turkey's Short-term External Debt - % of GDP



Short-Term External Debt over International Reserves (%)

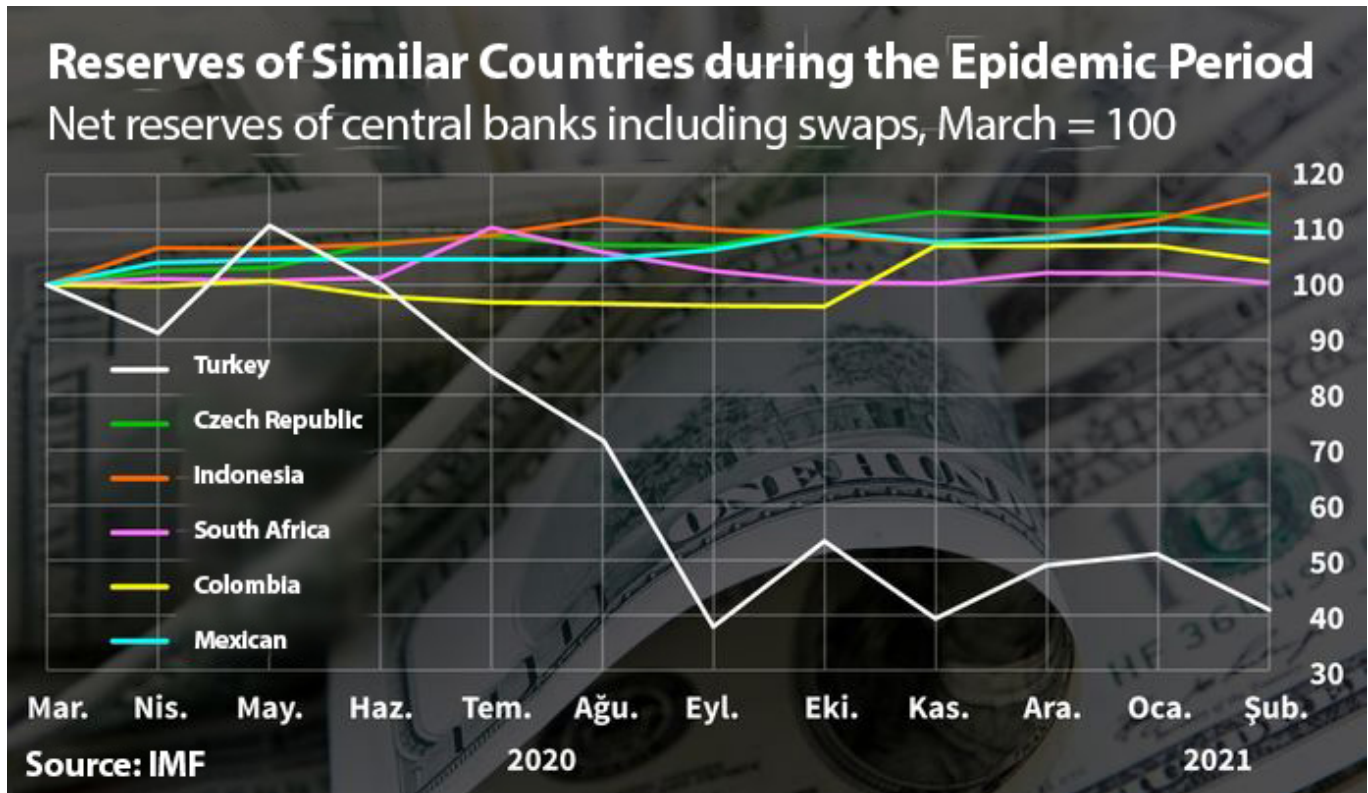


Especially in the post-SOE period, the foreign exchange reserves of the Central Bank of the Republic of Turkey eroded rapidly due to developments such as the decrease in GDP due to the worse management of the economy, the start of domestic capital to flee abroad, the inability to control waste and inefficient expenditures in the country.



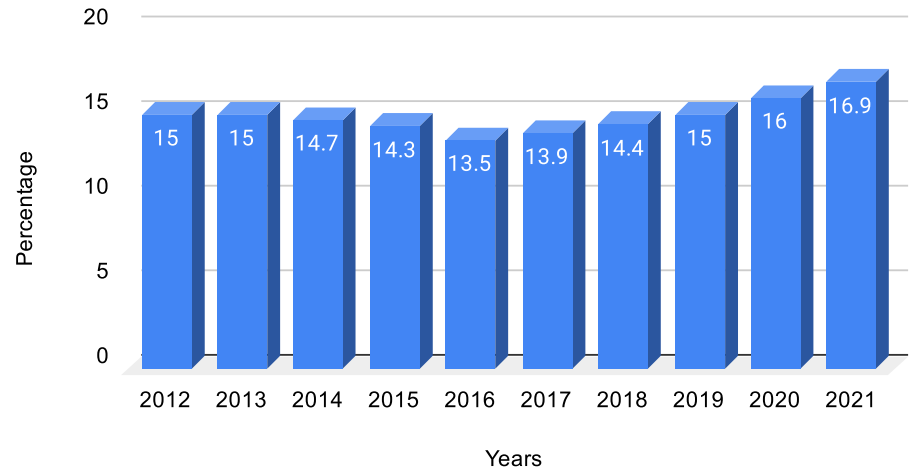
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 Source: <https://www.malumatfurus.org/wp-content/uploads/merkez-bankasi-doviz-durumu.png>

## COMPARISON OF CENTRAL BANK'S FOREIGN EXCHANGE RESERVES WITH THE RESERVES OF SIMILAR COUNTRIES FOR THE SAME PERIOD CHANGES IN POVERTY RATES



The proportion of poor people in a country is the percentage of the population living below the national poverty line(s). National estimates are based on population-weighted subgroup estimates from household income and living conditions surveys. According to the 2021 Activity Report of the Ministry of Family and Social Services, 5.9 million households across Turkey benefited from social assistance in 2021. Of these households, 2.47 million received regular assistance whereas 5.27 million received temporary assistance. 1.85 million households benefited from both regular and temporary benefits.<sup>14</sup>

### Poor population rate in Turkey (%)



According to the 2021 data of the TurkStat, the number of households in Turkey was 19.48 million and the average household size was 3.23. When these figures are taken into account, it can be said that a quarter of Turkey's population lives below the poverty line. Because, one of the criteria for benefiting from social assistance is "not having a regular and continuous income that can meet their basic needs."

The conditions sought for applications to social assistance and solidarity foundations by governorships or district governorships are as follows:

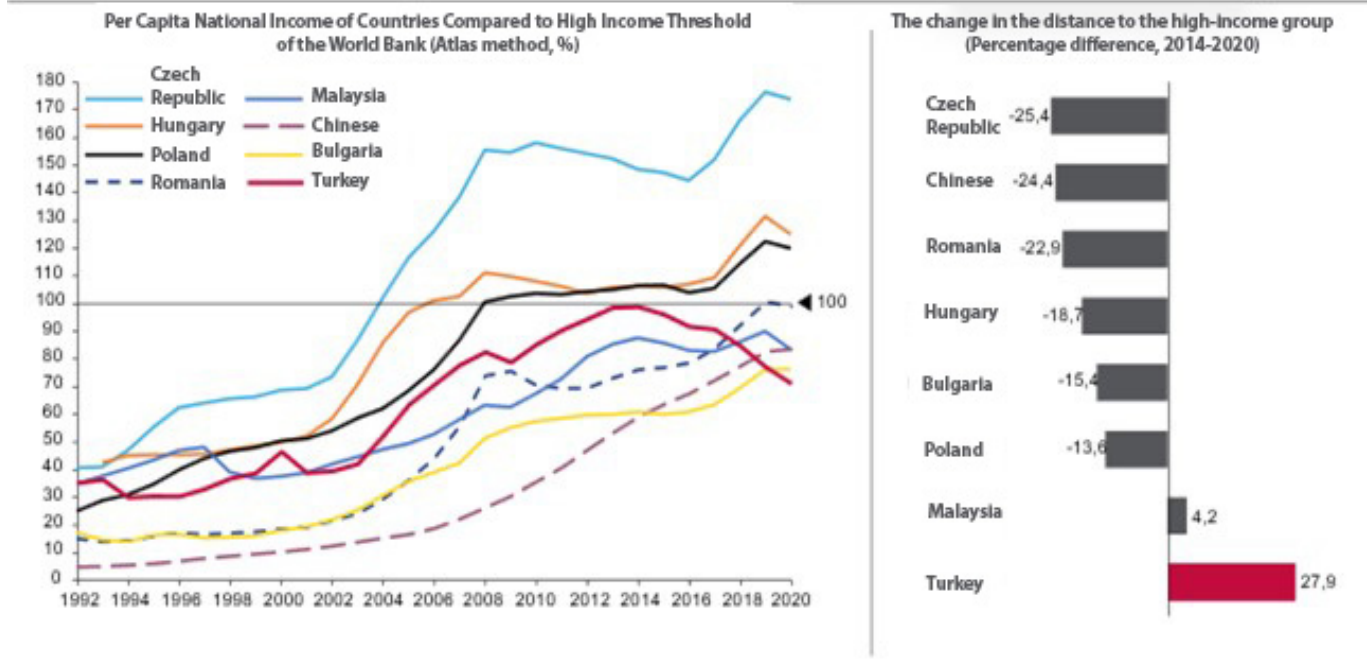
- Not to be enrolled in social security institutions (SSK, BAĞ-KUR, Retirement Fund / Social Security Institution) and not to receive salary and income from these institutions,
- Social security institutions do not meet all or part of the applications for the treatment expenses and functional orthopedic and other auxiliary equipment needs by the disabled who are subject to them or receive a pension or monthly income from them, and the disabled do not have the ability to pay for this unmet part.
- Not having a regular and continuous income that can meet their basic needs.

The TurkStat 2021 Income and Living Conditions Survey determined the poverty rate in Turkey as 21.3%, taking into account 60 percent of the equivalent household disposable individual median income. However, when the poverty rate by household type is analyzed, it is observed that 27.2% of the households consisting of large families live below the poverty line.<sup>15</sup>

<sup>14</sup> Aile ve Sosyal Hizmetler Bakanlığı 2021 Yılı Faaliyet Raporu, Strateji Geliştirme Başkanlığı, Şubat 2022, Sayfa 132, <https://www.aile.gov.tr/media/100242/2021-yili-faaliyet-raporu.pdf>

<sup>15</sup> TÜİK, Gelir ve Yaşam Koşulları Araştırması, 2021, <https://data.tuik.gov.tr/Bulten/Index?p=Gelir-ve-Yasam-Kosullari-Arastirma-si-2021-45581>, TÜİK, İstatistiklerle Aile, 2021, <https://data.tuik.gov.tr/Bulten/Index?p=Istatistiklerle-Aile-2021-45632>

# TURKEY'S RISK OF FALLING INTO THE "MIDDLE INCOME TRAP" AND MOVING BETWEEN MIDDLE-LOW INCOME COUNTRIES

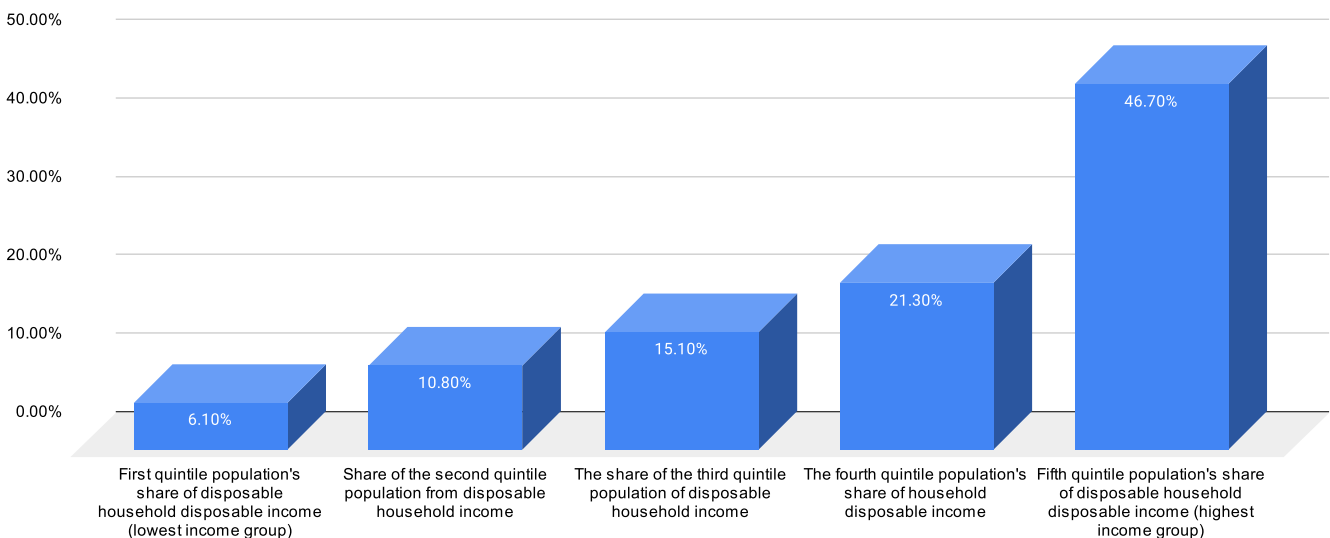


Source: World Bank, IYI Party calculations

Source: IYI Party Development Congress, (2022) Producing Turkey Industry and Technological Transformation, 31 March 2022, Istanbul

Due to poor economic management, Turkey is rapidly moving away from the high-income countries group and approaching the lower-middle-income group. This raises the risk of the country falling into the middle-income trap.

## Distribution of Equivalent Household Usable Individual Incomes by Quintiles (Income and Living Conditions Survey 2021)



## INCOME DISTRIBUTION INEQUALITY

According to TurkStat's "Income and Living Conditions Survey 2021" data, the share of the lowest 20% income group in GDP was 6.1 percent. The highest share belongs to the 20 percent group with the highest income with 46.7 percent. This indicates that the average annual income per capita of the poorest 20 percent of Turkey's population is \$2,627. Accordingly, their per capita daily income is at a level of 7.2 dollars. The average annual income per capita of the 20 percent income group, which has the highest share of GDP, was \$ 20,110, meaning that they have a daily income of \$55.10.

It is seen that the difference between the highest 20% income group and the lowest 20% income group is 7.6 times when they are compared to each other. Based on the same research data, it turns out that the income gap between the lowest-income 10 percent of the population and the highest-income 10 percent of the population reaches 13.7 times.

According to the "Gini coefficient", which measures income distribution inequality, Turkey's income inequality coefficient has been calculated as 0.401, which denotes that the income distribution in Turkey is very unbalanced. The income inequality data of OECD countries given in the table below also confirm this situation.<sup>16</sup> According to these data, income justice in Turkey is not better than any OECD country except Mexico, Chile and Costa Rica.

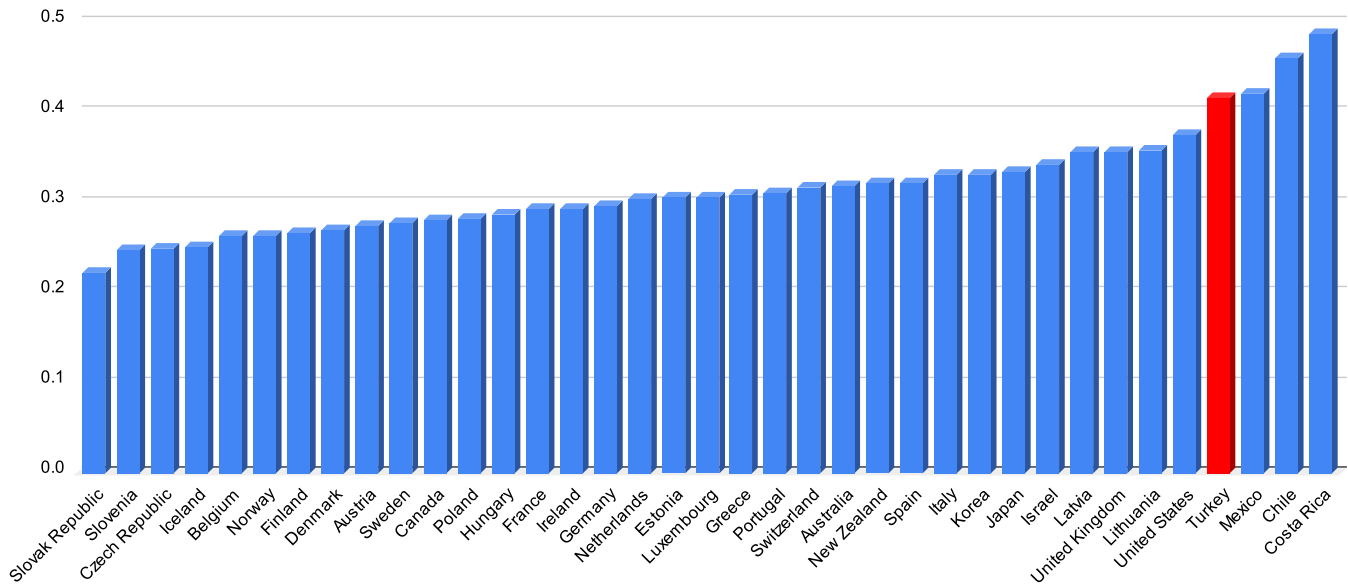
In terms of material deprivation and permanent deprivation categories, which are among other indicators of income inequality, it is seen that Turkey is in a much worse situation compared to EU or OECD standards.

According to TurkStat and the European Statistical Office (Eurostat), the inability to afford at least three of the nine items listed below indicates a state of "material deprivation" in individuals or households. If at least four of these items are not met, this means "serious financial deprivation". The situation of individuals who have been poor in at least three of the last 4 years according to 60 percent of the equivalent household disposable individual median income is defined as "permanent poverty". The list of needs, at least 3-4 of which cannot be met due to financial deprivation, include: Washing machine, color television, telephone, automobile, unexpected expenses, a week's vacation away from home, rent, housing loan, debt payments, meat every other day, food containing chicken, fish and the heating need of the house. Accordingly, 27.2 percent of Turkey's population experienced "serious financial deprivation" in 2021, as they were unable to meet at least four of these needs. This rate was 26.5% in 2018 and 27.4% in 2020. Permanent poverty rate was 13.8% in 2021. It was 12.7% in 2018 and 13.7% in 2020.

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16 OECD, Income inequality, <https://data.oecd.org/inequality/income-inequality.htm>

### Income inequality in OECD countries

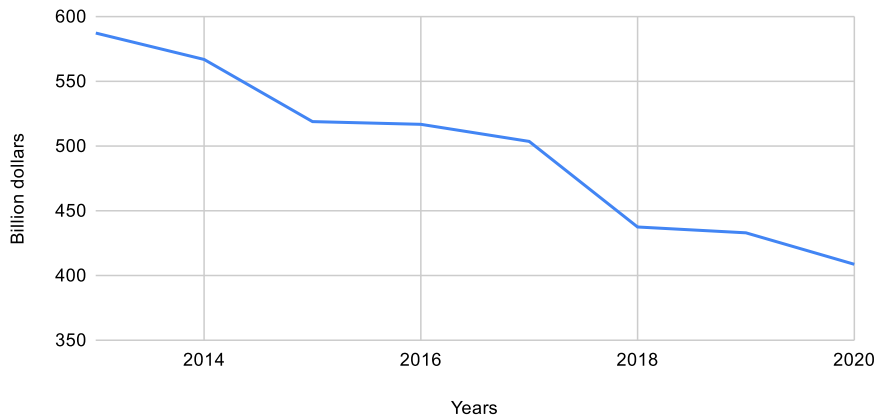


Gini coefficient, 0 = complete equality, 1 = complete inequality, 2021 or latest available

## CHANGES IN HOUSEHOLD CONSUMPTION EXPENDITURES

### Household Consumption Expenditures

Source: The World Bank



Household consumption expenditure is equal to the total amount at market value of all goods and services purchased by households, including consumer durables such as cars, washing machines, and home computers. Home purchases are not included in household consumption expenditures but rent for owner-occupied residences is included. It also includes payments and fees to governments for obtaining permits and licenses.

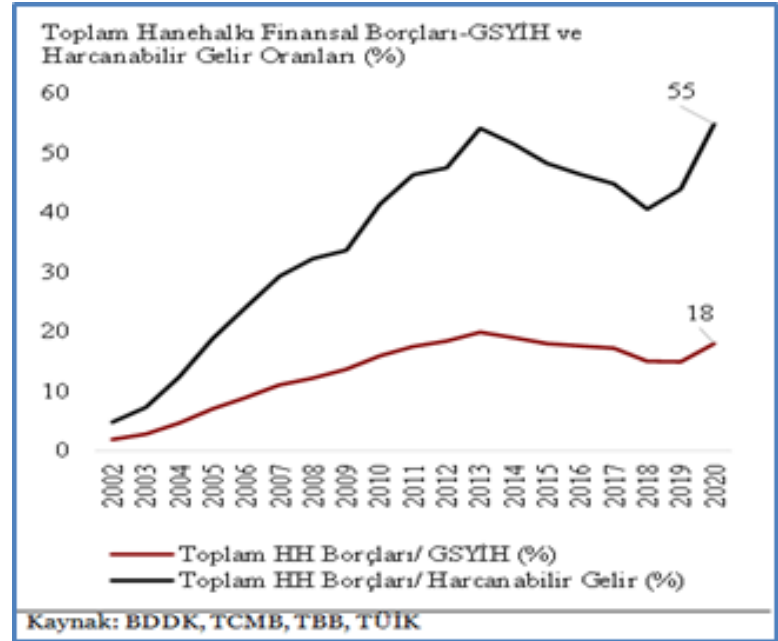
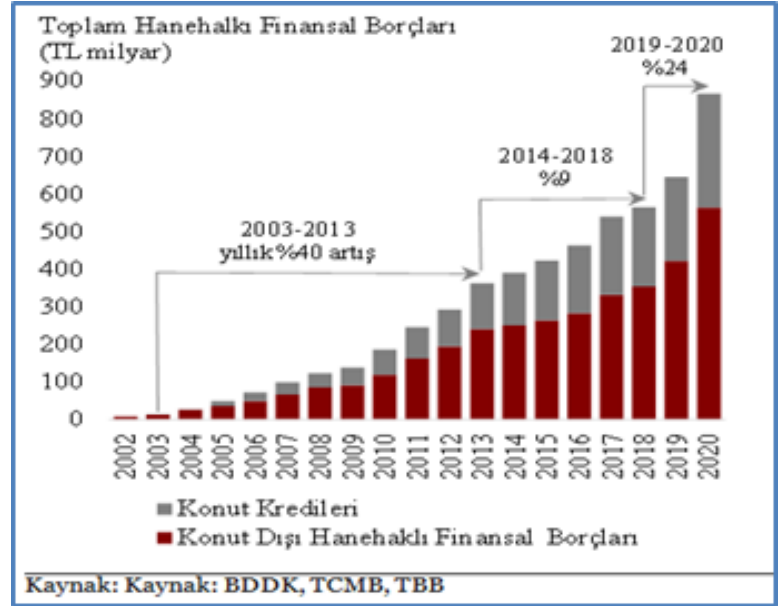
Household consumption expenditures also include expenditures from non-profit organizations serving households.

Especially with SOE, exchange rates rose due to inefficiency in production, loss of national income as a result of poor economic management, and the depreciation of TL. As a result, producer costs increased in parallel with the price increases in imported inputs. Consumption expenditures of households whose incomes did not increase sufficiently in the face of high inflation naturally decreased. The decrease in household consumption expenditures can also be understood as impoverishment. The people have been impoverished because of the inefficient use of the country's

resources, the management of the country's economy in a way that is far from rational and scientific approaches, and the fair distribution of wealth in the country. Due to the decrease in their disposable income, household expenditures naturally tapered off.

## HOUSEHOLD DEBT AND DIFFICULTY PAYING DEBT INSTALLMENTS

Household indebtedness in Turkey has turned into a burden that is difficult to bear. The two tables above reveal the recent changes in households' indebtedness rates in all their simplicity.<sup>17</sup> The rate of households' debts to their disposable income rose to 55% at the end of 2020, and this rate is gradually increasing. According to TurkStat's Income and Living Conditions Survey, 2021, the proportion of households with debt or installment payments other than housing purchases and housing costs increased by 5.4 points to 63.7% compared to the previous year. Only 6.6% of the population said that they had no problems with their installment payments. For 23% of the participants of the survey, installment payments bring a serious burden. 60.8% of households declared that they could not afford a one-week vacation away from home. 38.3% are deprived of the opportunity to pay for meals containing meat, chicken or fish every other day. 33.4% do not have savings for unexpected expenses. 20.5% declared that they could not meet the heating needs of the house, and 62.9% stated that they could not meet the cost of renewing their old furniture.<sup>18</sup>



Yük getirme durumu	Borç veya taksit ödemeleri (Konut masrafları dışında)		Konut masrafları	
	2020	2021	2020	2021
Çok yük getiriyor	18,8	23,0	13,3	19,6
Biraz yük getiriyor	32,5	34,1	57,7	55,2
Yük getirmiyor	7,0	6,6	29,0	25,2
Borç veya taksiti olmayanlar	41,7	36,4	-	-

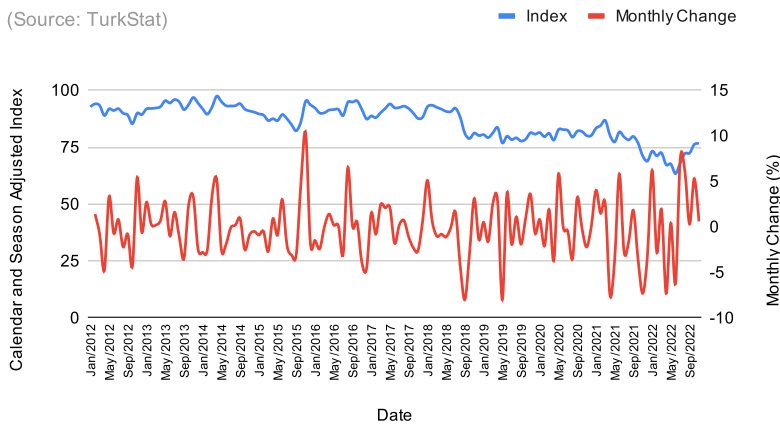
<sup>17</sup> Ekonomiuzmanı.com. (2022). Ercan Uysal Yazdı: 'Hanehalkı Borçluluğu; Zor Zamanlar' – Ekonomi Uzmanı. [http://ekonomiuzmanı.com/ercan-uysal-yazdi-hanehalki-borclulugu-zor-zamanlar/?doing\\_wp\\_cron=1669405970.4023048877716064453125](http://ekonomiuzmanı.com/ercan-uysal-yazdi-hanehalki-borclulugu-zor-zamanlar/?doing_wp_cron=1669405970.4023048877716064453125) [Accessed 25 Nov. 2022].

<sup>18</sup> TÜİK, Gelir ve Yaşam Koşulları Araştırması, 2021, <https://data.tuik.gov.tr/Bulten/Index?p=Gelir-ve-Yasam-Kosullari-Arastirmasi-2021-45581>

# HOUSEHOLDS' CONFIDENCE IN THE ECONOMY

Monthly Consumer Confidence Index

(Source: TurkStat)



The Consumer Confidence Index evaluates the responses of consumers to the standard questions of the trend surveys conducted to monitor their personal financial situation as well as their evaluations of the general economy, their spending and savings trends and expectations, and presents a summary of these as an indicator.

The questions asked in consumer trend surveys aim to learn the financial situation of households and their perceptions of the general economic situation in the country. It also includes standardized questions about trends in inflation, unemployment, savings, purchasing durable goods, or buying or building a house or buying a car. The survey gives the opportunity to identify and analyze the trends of the public about the country's economy and economic management.

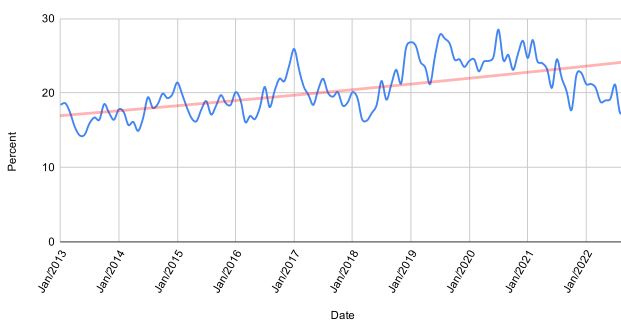
A consumer confidence index greater than 100 indicates an optimistic state in consumer confidence, while a lower than 100 indicates a pessimistic state of consumer confidence. It is observed that households' pessimism regarding the general economic situation of Turkey increased after the SOE.

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# CHANGES IN UNEMPLOYMENT AND YOUTH UNEMPLOYMENT RATES

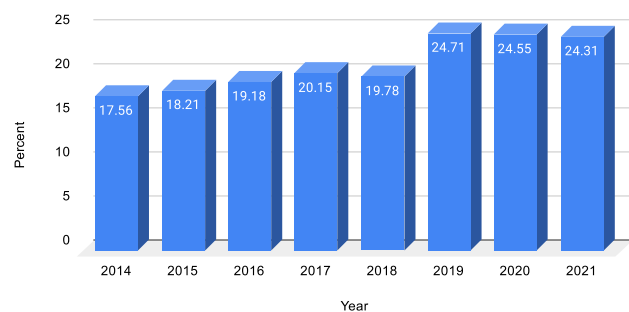
Unemployment rate (%)

Source: TurkStat



Youth Unemployment Rates

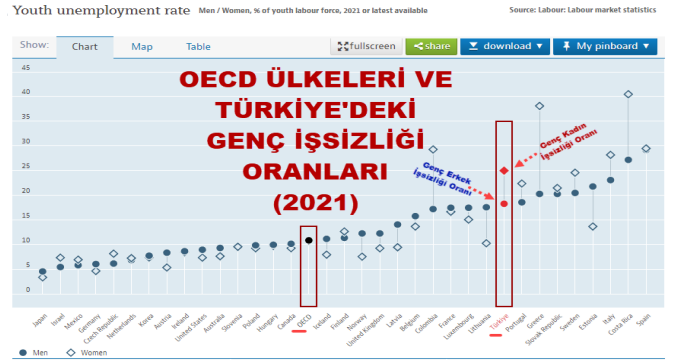
Source: The World Bank



TurkStat data shows that the unemployment rate in Turkey is 11 percent in 2022, adjusted for seasonal and calendar effects. This rate is more than twice the average unemployment rate of 38 OECD countries, which is 5 percent. In youth unemployment, the unemployment rate in Turkey is 22.1%, whereas the average of OECD countries is 10.5%.

Unemployment among young women in Turkey is much higher (27.9%). Youth unemployment refers to the workforce between the ages of 15-24 who are looking for a job but cannot find it.

## COMPARISON OF OECD AND TURKEY UNEMPLOYMENT RATES

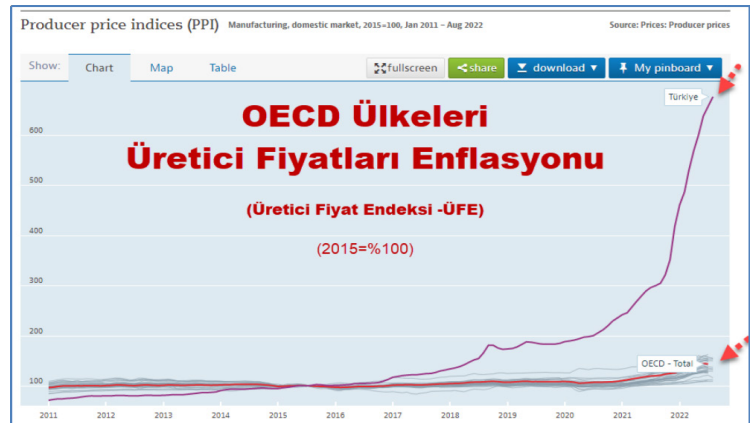
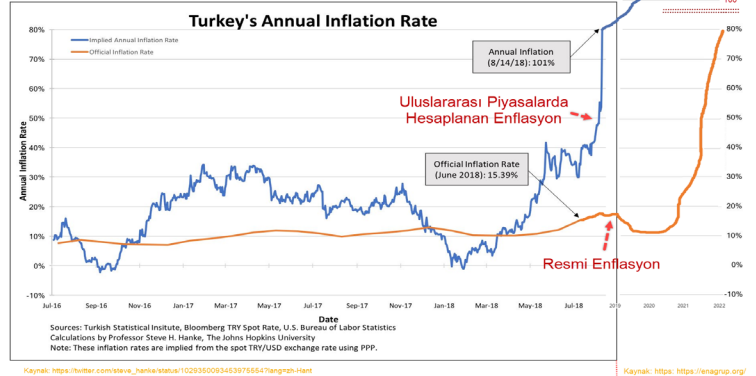


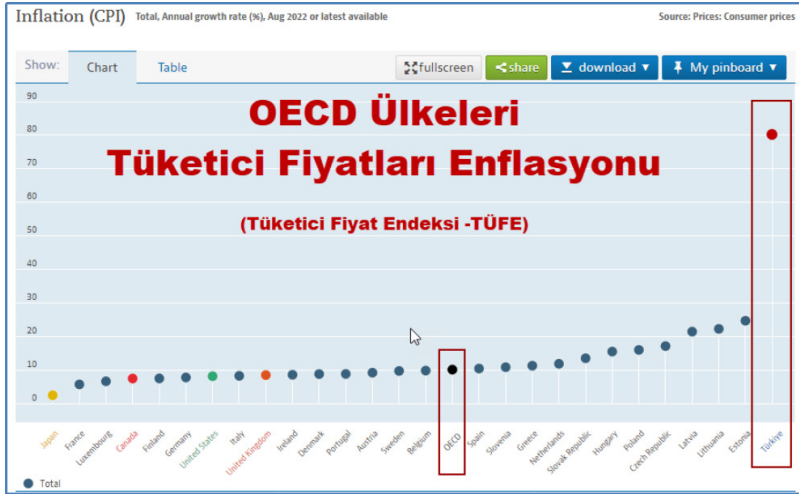
## CHANGES IN CONSUMER INFLATION RATES

Inflation, as measured by the consumer price index, reflects the annual percentage changes in the cost to the average consumer of acquiring a basket of goods and services, the contents of which may be changed at annual intervals. Fixed-based indices such as Laspeyres and Paasche formulas are used in the calculation. In addition, unweighted indices such as Carli, Dutot, Jevons, Carruthers, Sellwood, Ward, Dalén, Harmonic mean or non-fixed indices such as Fisher's ideal price index formula may also be used for measuring the changes in the overall price levels.

The inflation rates published by TurkStat differ considerably from the inflation rates determined by international organizations or independent institutions. These figures, sometimes

### TÜİK'in Açıkladığı Resmi Enflasyon Oranları ile Uluslararası Piyasalarda veya Bağımsız Kuruluşlarca Hesaplanan Enflasyon Oranlarının Karşılaştırmalı Analizi (2016-2022)





nearly 80 percent less than the independently-released numbers, undermine the confidence in Turkey's official statistics agency. Since it is not explained which of the calculation methods listed above is used in TurkStat's inflation measurements, and/or the calculation processes are not operated transparently, it is not fully understood how serious differences can occur between official figures and independent accounts.

## CHANGES IN CONFIDENCE IN TURKISH LIRA AND FOREIGN CURRENCY DEPOSITS IN BANKS



Negative political and economic developments in Turkey, rapid fluctuations in monetary and financial markets, and the rapid depreciation of TL against foreign currencies have shaken the confidence of investors and citizens in the Turkish Lira. As a result, it is observed that FX deposits increased rapidly in the post-SOE period in terms of quantity.

As consumers' and investors' confidence in the economy plummets, their demand for foreign currency increases in order to protect the value of their material savings or investments. In this context, it is possible to state that demand changes for foreign currency are closely related to consumer, producer and investor confidence indices. Especially after the SOE, the increasing pessimism perceptions of households, producers and investors about the general economic situation of the country due to the political and economic developments in Turkey increased the demand for foreign currency. It is possible to reveal this situation from the opposite relationship between decreases in confidence indices and increases in foreign currency deposits. This outlook also increases the vulnerability of the national economy to internal and external economic shocks.

## CHANGES IN IMPORTS OF GOODS AND SERVICES AS A PERCENT OF GDP

Imports of goods and services as a percentage of GDP are found by dividing the total amount of goods and services produced abroad and sold domestically to GDP, and expressed as a percentage. When both images are analyzed compar-

atively, it is seen that despite the decrease in imports for the next three years compared to 2017, its ratio to national income increased. This means that the per capita income is falling and the country and the people are getting poorer.



## CHANGES IN THE SHARE OF INFORMATION TECHNOLOGIES IN EXPORTS

Information and communications technology exports include computers and peripherals, communications equipment, consumer electronics equipment, electronic components, and other information and technology products.

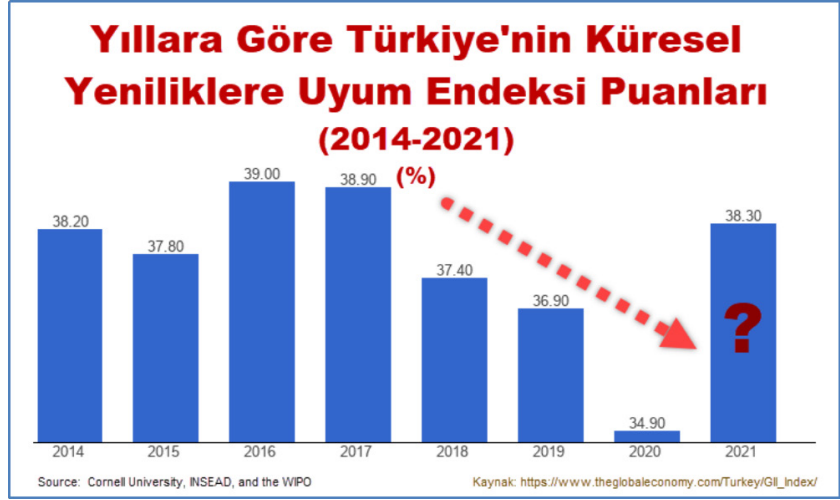
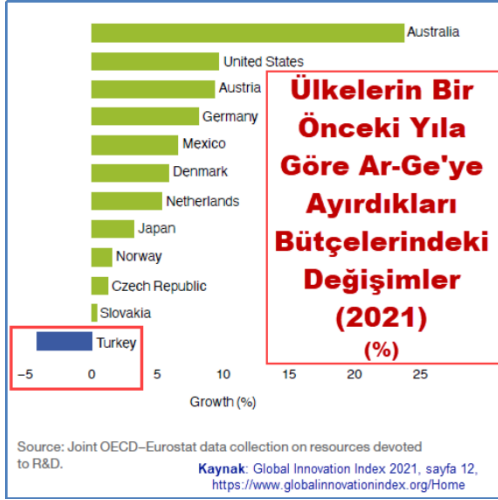
## RESEARCH AND DEVELOPMENT INVESTMENTS TO ADAPT TO GLOBAL DEVELOPMENTS AND INNOVATIONS

In order to survive in global competition, all countries of the world, especially developed or developing countries, allocate significant resources to R&D investments. For instance, the R&D investments of developed countries such as



Australia, USA, Austria and Germany have increased between 10 percent and 25 percent. Despite this, it is observed that R&D investments in Turkey have decreased by 5 percent.

## ADAPTATION TO GLOBAL CHANGE, DEVELOPMENT AND INNOVATION



Global innovation indices measure the capacity of national economies to enable innovative activities. The collected data are categorized as innovation inputs and innovation outputs and evaluated. Innovation inputs include institutions' use of innovation, openness and adaptability, the country's human capital and research investment and capacity, infrastructure, market sophistication and business sophistication. Among the innovation outputs are technical knowledge and technology outputs and creativity outputs.

Although the share of information and communication technologies in exports and R&D investments in Turkey are decreasing each year, the sudden increase in the score in the global innovation adaptation index in 2021 may possibly be an indicator of a situation that can be called the "New TurkStat effect" in the new Turkey.

## TURKEY IN RESPECT FOR HUMAN RIGHTS AND RULE OF LAW INDEX

RESPECT FOR HUMAN RIGHTS AND RULE OF LAW INDEX GLOBAL RANKING (2022)					
Countries	Score	Ranking	Countries	Score	Ranking
Norway	0.3	1	Morocco	5.3	80
Finland	0.3	2	Jamaica	5.3	81
Iceland	0.4	3	Belize	5.3	82
Austria	0.4	4	Tunisia	5.4	83

Switzerland	0.5	5	Fiji	5.4	84
New Zeland	0.5	6	Mexican	5.5	85
Holland	0.6	7	Comoros	5.5	86
Denmark	0.6	8	El Salvador	5.6	87
Italy	0.8	9	Tanzania	5.9	92
Germany	0.8	10	Madagascar	5.9	93
Grenada	1.8	22	Nepal	6	94
Croatia	2.3	29	Bolivia	6	95
Cape Verde Islands	2.6	31	Rwanda	6.1	96
Sao T. and Principe	2.7	32	Angola	6.1	97
Macedonia	2.7	33	Kenya	6.2	98
Argentina	3	39	Indonesia	6.2	99
South Korea	3.1	40	Guinea-Bissau	6.3	100
Guyana	3.1	41	Gabon	6.4	102
Montenegro	3.2	42	Togo	6.5	103
Uruguay	3.3	43	Burkina Faso	6.5	104
Albania	3.3	44	Papua Y.G.	6.6	105
Trinidad & Tobago	3.4	45	Mauritania	6.6	106
Samoa	3.5	47	Cuba	6.6	107
Micronesia	3.5	48	Brunei	6.6	108
Mauritius	3.5	49	Laos	6.8	111
Serbia	3.6	50	Niger	7	114
Greece	3.6	51	Liberia	7	116
Antigua and Barbuda	3.6	52	Guinea	7	117
Peru	3.7	53	UAE	7.1	118
Chile	3.8	55	Uganda	7.1	119
Panama	4.1	58	Zambia	7.2	121
Ghana	4.1	60	Colombia	7.2	126
Ecuador	4.1	61	Guatemala	7.3	128
Moldova	4.2	62	Gambia	7.3	129
Suriname	4.3	63	Nicaragua	7.4	131
Seychelles	4.3	64	Haiti	7.4	133
Dominican Republic	4.4	65	Mozambique	7.5	137
South Africa	4.5	67	Honduras	7.5	138
Senegal	4.5	68	Cameroon	7.6	141
Lesotho	4.8	72	Vietnamese	7.8	143
Botswana	4.9	74	Philippines	7.8	144
Butane	4.9	75	Cambodia	7.8	146
Malawi	5	76	Sri Lanka	7.9	148
Paraguay	5.2	77	Zimbabwe	8.1	149
Sierra Leone	5.3	79	<b>Turkey</b>	<b>8.1</b>	<b>150</b>

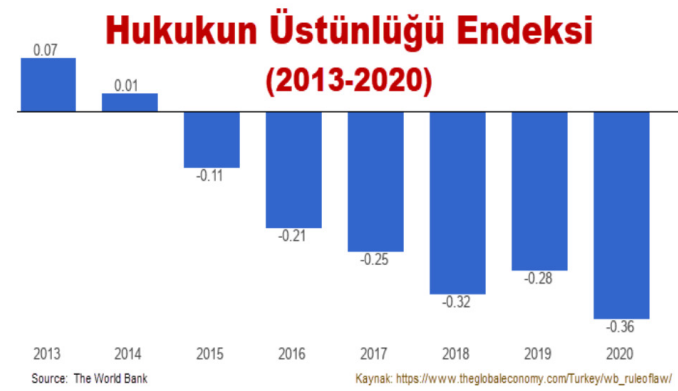


The “Human Rights and the Rule of Law Index” measures the relationship between states and their citizens within the framework of the protection of fundamental human rights and freedoms of countries and respect for democratic freedoms.<sup>19</sup> The value of the indicator shows how well human rights and the rule of law are protected in a country.

According to the index, among 41 European countries, Turkey ranks third in resisting respect for law and human rights, after Russia and Belarus.<sup>20</sup> It was ranked 28th among 177 countries worldwide. Norway took the first place in terms of respect for human rights and law, and Turkey was only 150th.

With respect to existing human rights and freedoms, Turkey was able to score better than only Iraq, Equatorial Guinea, Belarus, Turkmenistan, Chad, Saudi Arabia, Nigeria, Afghanistan, Tajikistan, Bahrain, Ethiopia, Venezuela, Somalia, Libya, Burundi, Russia, Eritrea, Sudan, Burma, North Korea, Congo, Syria, Central African Republic, Egypt, China, Iran and Yemen. Some

countries in better standing than Turkey are: Costa Rica, Namibia, Guyana, Uruguay, Samoa, Micronesia, Mauritius, Peru, Chile, Mongolia, Ghana, Suriname, South Africa, Senegal, Lesotho, Botswana, Bhutan, Malawi, Paraguay, Benin, Sierra Leone, Morocco, Belize, Tunisia, Fiji, Comoros, El Salvador, Tanzania, Madagascar, Nepal, Bolivia, Rwanda, Angola, Kenya, Gabon, Togo, Burkina Faso, Papua Y.G., Mauritania, Brunei, Algeria, Oman, Laos, Kazakhstan, Niger, Liberia, Guinea, United Arab Emirates, Uganda, Zambia, Mali, Colombia, Guatemala, Gambia, Nicaragua, Djibouti, Republic of the Congo, Mozambique, Honduras, Cameroon, Cambodia, Swaziland, Sri Lanka and Zimbabwe.



## INDICATORS OF “RULE OF LAW” OR “LAW OF THE SUPERIORS”

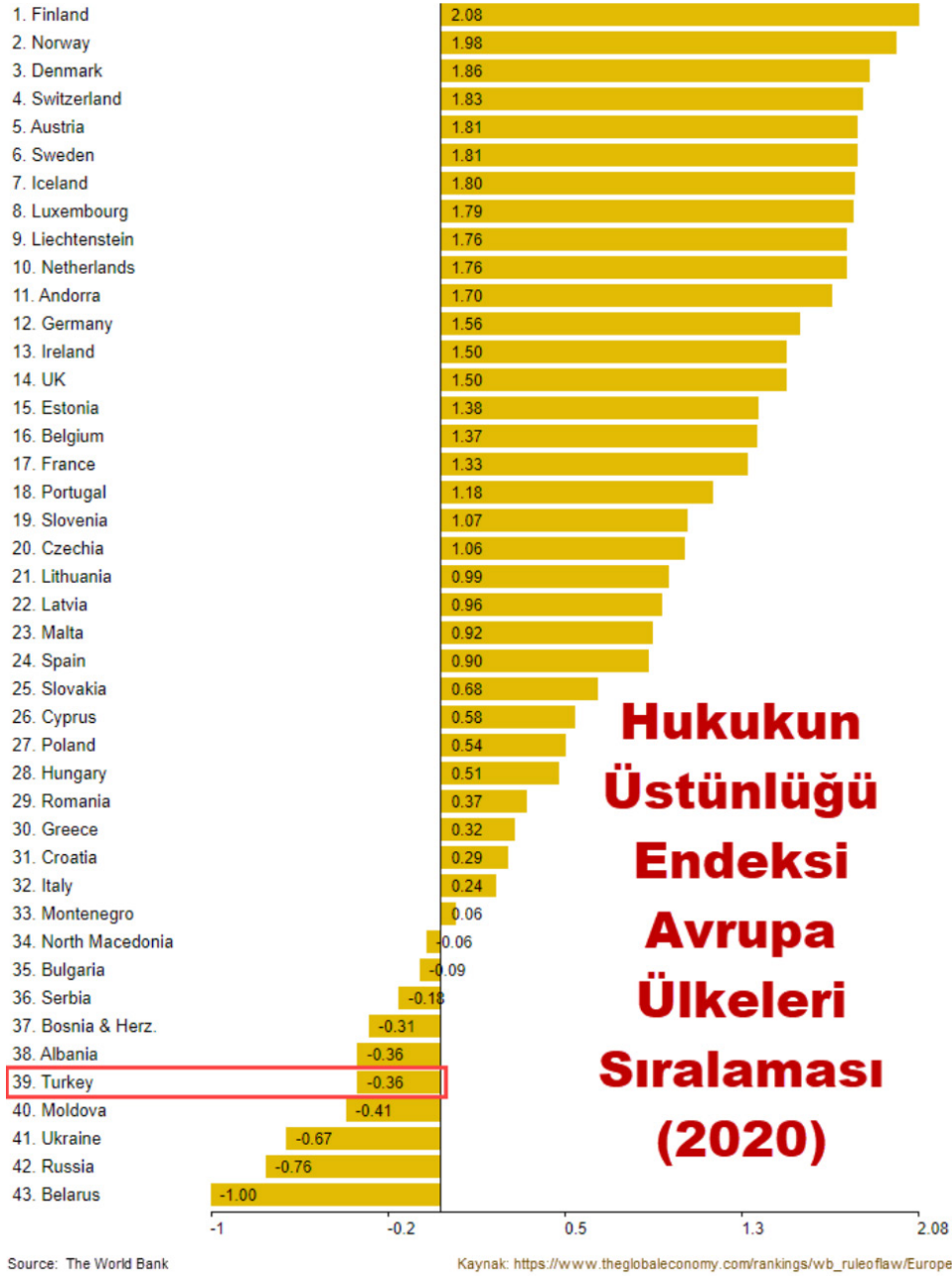
The rule of law indices make measurements and evaluations on the topics like the extent to which the ruling elites respect social rights and freedoms, universal law rules, property rights and other rights of citizens, to

19 Human Rights and Rule of Law Index - Country rankings [https://www.theglobaleconomy.com/rankings/human\\_rights\\_rule\\_law\\_index/](https://www.theglobaleconomy.com/rankings/human_rights_rule_law_index/)

20 TheGlobalEconomy.com. (2021). Human rights and rule of law index by country, around the world | TheGlobalEconomy.com. [online] Available at: [https://www.theglobaleconomy.com/rankings/human\\_rights\\_rule\\_law\\_index/](https://www.theglobaleconomy.com/rankings/human_rights_rule_law_index/) [Accessed 10 Dec. 2022].

what extent the security forces and courts can work independently and impartially and to what extent the public's life, property and legal security can be guaranteed. According to these indices, Turkey is far behind the civilized and free world. The point Turkey has reached as of 2020 was 39th among 43 countries in Europe, ahead of only Moldova, Ukraine, Russia and Belarus.<sup>21</sup>

Among the 192 countries followed by the index, Turkey ranks 113th even behind countries such as Uruguay, Costa Rica, Botswana, Namibia, Ghana, Sri Lanka, South Africa, Malawi, Senegal, Uganda and Peru.



21 [https://www.theglobaleconomy.com/rankings/wb\\_corruption/](https://www.theglobaleconomy.com/rankings/wb_corruption/)

<b>RULE OF LAW INDEX GLOBAL RANKING (2020)</b>					
<b>Countries</b>	<b>Score</b>	<b>Ranking</b>	<b>Countries</b>	<b>Score</b>	<b>Ranking</b>
Finland	2.08	1	Tongan	0.44	63
Norway	1.98	2	Romania	0.37	64
New Zeland	1.88	3	Barbados	0.34	65
Singapore	1.88	4	Kuwait	0.33	66
Denmark	1.86	5	Greece	0.32	67
Switzerland	1.83	6	Namibia	0.3	68
Austria	1.81	7	Croatia	0.29	69
Sweden	1.81	8	Georgia	0.29	70
Iceland	1.8	9	Grenada	0.29	71
Germany	1.56	17	Saudi Arabia	0.24	73
Japan	1.53	18	Jordan	0.21	75
Ireland	1.5	19	Seychelles	0.21	76
England	1.5	20	Tunisia	0.14	77
South Korea	1.18	28	Thailand	0.12	78
Chile	1.07	29	Fiji	0.11	79
Slovenia	1.07	30	Rwanda	0.11	80
Czech Republic	1.06	31	Micronesia	0.09	81
Israel	1	32	Montenegro	0.06	83
Train	1	33	India	-0.02	84
Lithuania	0.99	34	Ghana	-0.04	85
Latvia	0.96	35	Sri Lanka	-0.05	86
Brunei	0.93	36	Chinese	-0.06	87
Malta	0.92	37	Macedonia	-0.06	88
Mauritius	0.92	38	Armenia	-0.08	89
UAE	0.92	39	Bulgaria	-0.09	90
Spain	0.9	40	Solomon Islands	-0.1	92
Kiribati	0.88	41	Suriname	-0.11	93
Samoa	0.88	42	South Africa	-0.12	94
Macau	0.85	43	Trinidad Tobago	-0.13	95
Dominica	0.74	44	Vietnamese	-0.13	96
Bermuda	0.69	45	Brazil	-0.18	97
Slovakia	0.68	46	Serbia	-0.18	98
Uruguay	0.68	47	Panama	-0.21	100
Malaysia	0.66	48	Jamaica	-0.24	101
Porto Rico	0.63	49	Dominican Republic	-0.26	102
Oman	0.62	50	Mongolia	-0.26	103
Butane	0.59	52	Malawi	-0.27	104
Costa Rica	0.57	54	Senegal	-0.28	105
Poland	0.54	56	Bosnia	-0.31	106

Tuvalu	0.53	57	Uganda	-0.33	108
Hungary	0.51	58	Indonesia	-0.34	109
Bahrain	0.49	59	Peru	-0.34	110
Cape Verde Islands	0.49	60	Albania	-0.36	111
Antigua and Barbuda	0.45	61	Egypt	-0.36	112
Botswana	0.44	62	Turkey	-0.36	113

## INDICATORS OF TRUST IN LAW AND LEGAL INSTITUTIONS

This index is an indicator of the legitimacy of the state. The higher the rating score, the lower the country's legitimacy. The index assesses the government's ability to represent the public, its openness, and its relationship with citizens. It examines the public's level of trust in government institutions and processes. It evaluates the effects of mass demonstrations, protests, acts of civil disobedience, or escalation of armed riots where the public lacks confidence in the government.

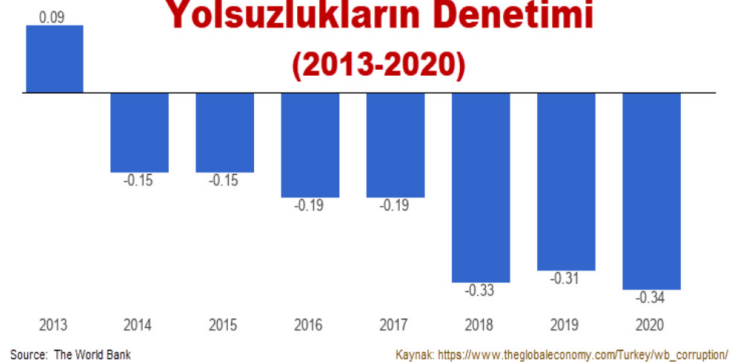
## AUDIT STATUS OF WASTE AND CORRUPTION IN THE PUBLIC

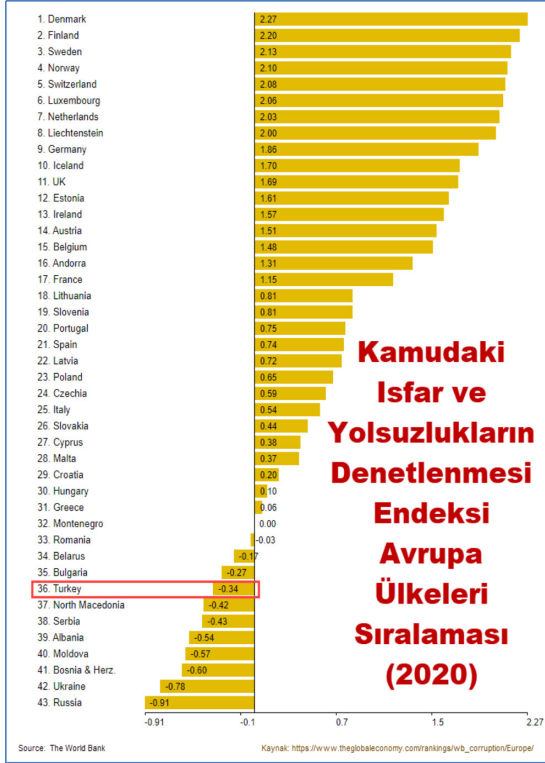
Corruption indices collect data on the extent to which public power is used for private benefit or gain by the ruling elite and their supporters in terms of petty corruption and types of corruption.

Turkey is far behind the civilized world on the index. Turkey ranked 36th in 2020, ahead of only Macedonia, Serbia, Albania, Moldova, Bosnia, Ukraine and Russia among 43 European countries in the context of not being able to control the waste and corruption in the public, the government's lack of openness and transparency, and the avoidance of information and accountability to



## Kamudaki İstif ve Yolsuzlukların Denetimi (2013-2020)





the public and audit institutions. Among the 192 countries evaluated by the index, Turkey ranks 105th, even behind countries such as Uruguay, Chile, Costa Rica, Botswana, Rwanda, Namibia, South Africa, Guyana, Sri Lanka, and Gambia.

## TANSPARENCY IN THE PUBLIC AND PERCEPTIONS OF THE PREVALENCE OF CORRUPTION IN THE PUBLIC SECTOR

Transparency International's "Corruption Perception Index" assesses and ranks the countries by collecting the prevalence of corruption and the existence of transparency and accountability in public sectors from sources such as the business world, NGOs, independent research and auditing institutions.<sup>22</sup>



Transparency International is an international non-governmental organization whose mission is to eliminate corruption and social and economic injustices due to corruption in all countries of the world and to ensure transparency, accountability and honesty at all levels of the public sectors. The fight against corruption is seen as a part of the struggle for social and economic justice, human rights, peace and security for all people.

According to the Corruption Perceptions Index published by Transparency International for 2021, the country with the least corruption is Denmark. Turkey, on the other hand, took the 96th place. Among 37 OECD countries, Turkey ranked second to last. In other words, in perceptions of the prevalence of poverty in the public sector, Turkey was in a better shape than Mexico alone.

Transparency International defines corruption as the abuse of public power entrusted to the political establishment and

<sup>22</sup> <https://www.transparency.org/en/cpi/2021> ; <https://www.transparency.org/en/about>

public institutions for private gain. However, corruption is not seen as a simple ill-gotten gain or asset transfer. It considers corruption as a danger that can have profound consequences on many issues from the economy to human rights, from democracy to the development of the country, from ecological balance to the law and security of life of citizens. Accordingly, corruption erodes trust in the state and social institutions, undermines the spirit of social unity, weakens democracy, slows down economic development, reveals or deepens economic and social inequality, poverty, social division and environmental/ecological crises.

Corruption has serious political costs. For example, it destroys the foundations of democracy in the country, such as human rights, fundamental individual freedoms, freedom of the press and the rule of law. Among the social costs of corruption, it is possible to show the power of the people to influence public institutions and the decrease in their trust in the government. As an example of its environmental costs, it can be mentioned that the chance of the society to live in a healthy environment and to establish a sustainable future is reduced. As economic costs; Opportunity to build grassroots wealth and economic growth decreases, innovation and creativity decrease, and poverty increases.

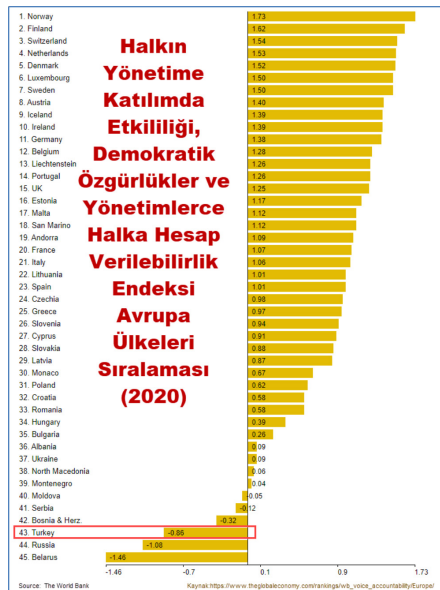
There is authoritarianism in countries where human rights, fundamental freedoms and the rule of law are violated. In systems where authoritarianism rises, the fight against corruption becomes very difficult. Because authoritarian regimes are the main source of corruption. In these countries, besides law, security and human rights, democratic operability is under threat. Nobody has the security of life and property. The press with the public is not free or safe. Press organizations have either become pro-government or they are always at risk of being shut down. In terms of the human development of countries, the fight against corruption is of utmost importance.

The index of “Transparency International Perceptions of the Prevalence of Corruption in the Public Sector OECD Ranking (2021)” on the next page evaluates countries over 100 points. 100 points are very clean, countries close to zero are deemed worthy of adjectives such as corrupt/dirty/rotten country.

### **TRANSPARENCY INTERNATIONAL, PUBLIC SECTOR CORRUPTION PERCEPTIONS INDEX (2021)**

<b>OECD Countries Ranking</b>	<b>Countries</b>	<b>Transparency Score</b>	<b>Global Rank</b>
1	Denmark	88	1
2	Finland	88	1
3	New Zeland	88	1
4	Norway	85	4
5	Sweden	85	4
6	Switzerland	84	7
7	Holland	82	8
8	Luxembourg	81	9
9	Germany	80	10
10	England	78	11
11	Canada	74	13
12	Iceland	74	13

13	Ireland	74	13
14	Estonia	74	13
15	Austria	74	13
16	Australia	73	18
17	Belgium	73	18
18	Japan	73	18
19	France	71	22
20	Chile	67	27
21	USA	67	27
22	South Korea	62	32
23	Portugal	62	32
24	Lithuania	61	34
25	Spain	61	34
26	Israel	59	36
27	Latvia	59	36
28	Slovenia	57	41
29	Italy	56	42
30	Poland	56	42
31	Czech Republic	54	49
32	Slovakia	52	56
33	Greece	49	58
34	Hungary	43	73
35	Colombia	39	87
36	Turkey	38	96
37	Mexico	31	124



## THE INFLUENCE OF THE PEOPLE ON THE GOVERNMENT, DEMOCRATIC FREEDOMS AND THE ACCOUNTABILITY OF THE POWER TO THE PEOPLE

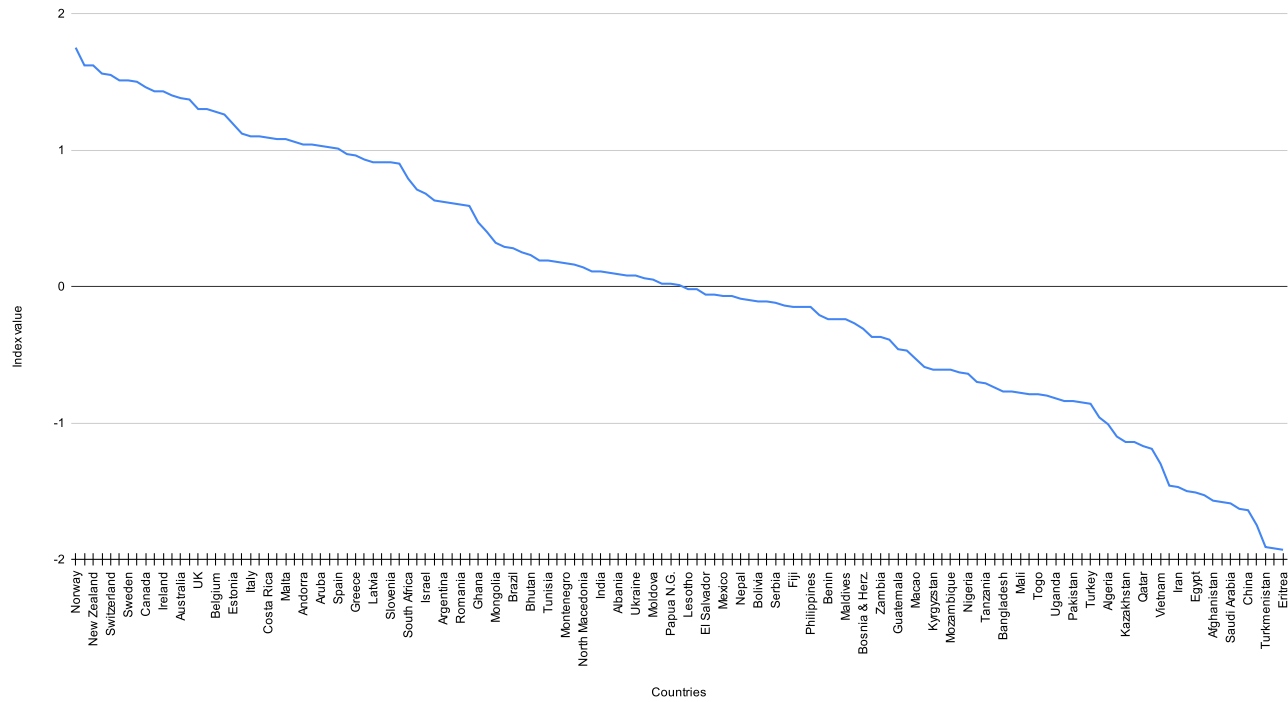
The index for Voice and Accountability captures perceptions of the extent to which the citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media. It also measures the transparency and public accountability of the administrations.<sup>23</sup>

23 [https://www.theglobeconomy.com/Turkey/wb\\_voice\\_accountability/](https://www.theglobeconomy.com/Turkey/wb_voice_accountability/)

Turkey has been deteriorating for years on the index scale. For that indicator, the platform named Global Economy provides data for Turkey from 1996 to 2021. The average value for Turkey during that period was -0.33 points with a minimum of -0.86 points in 2020 and a maximum of 0.01 points in 2004. The latest value from 2021 is -0.86 points. For comparison, the world average in 2021 based on 193 countries is -0.04 points. Due to factors such as the ineffectiveness of the people in the government, the limitations on democratic freedoms, the lack of transparency of the government, and the avoidance of accountability to the public, Turkey ranks third among the European countries after Russia and Belarus. Among the 193 world countries ranked by the index, Turkey ranks 146th, even behind African countries such as Kenya, Tanzania, Uganda, Angola and Mali.



Voice and accountability, 2021



## HANKE'S ANNUAL MISERY INDEX INDICATOR

The Misery Index, prepared by Steve H. Hanke, a professor of applied economics at the Johns Hopkins University in Baltimore, is an economic indicator that measures the financial well-being of a country's citizens. In calculating the index, economic factors such as inflation, unemployment and economic growth are taken into account.<sup>24</sup> Factors used by the misery index include:

<sup>24</sup> Economist Intelligence Unit (including estimates). International Monetary fund World Economic Outlook. World Bank, International Labor Organisation, and central bank statistics of countries denoted with \* Calculations by professor Steve H. Hanke. The Johns Hopkins University

- Annual unemployment rates: Unemployment shows the percentage of people who are actively looking for work but cannot find a job in the total workforce.
- Annual inflation rates: Refers to the general increase in the prices of goods and services. As prices increase, purchasing power decreases as the amount of money spent on purchasing the same amount of product or service will increase. So inflation can lead to misery of citizens.
- Bank loan interest rates: The interest rates applied by banks for short-term borrowings affect the credit utilization costs of consumers.

GDP change: Real GDP measures the change in a country's economic output, taking into account inflation or deflation.

To calculate the misery index score, inflation, unemployment, and loan interest rates are added together and GDP per capita is subtracted. A higher result indicates that people are worse off financially. The data for the misery index is gathered from a variety of sources, including the Economist Intelligence Unit, the International Monetary Fund's World Economic Outlook, the World Bank, and the International Labor Organization.

<b>HANKE ECONOMIC MISERY INDEX (2021)</b>					
<b>Country</b>	<b>Index score</b>	<b>Country</b>	<b>Index score</b>	<b>Country</b>	<b>Index score</b>
<b>Cuba</b>	1227.6	<b>Tongan</b>	22.3	<b>Guinea Bissau</b>	10.2
<b>Venezuela</b>	774.3	<b>Uganda</b>	22.2	<b>Cyprus</b>	10.1
<b>Sudan*</b>	397.2	<b>Uruguay</b>	22	<b>Iceland</b>	10
<b>Lebanon</b>	248.7	<b>Chad</b>	21.9	<b>Australia</b>	9.9
<b>Zimbabwe*</b>	134.6	<b>Honduras</b>	21.1	<b>Sweden</b>	9.9
<b>Argentina</b>	86.1	<b>Macedonia</b>	21.1	<b>Niger</b>	9.6
<b>Suriname*</b>	86	<b>Sri Lanka</b>	20.9	<b>Cameroon</b>	9.2
<b>Angola</b>	82.6	<b>Costa Rica</b>	20.5	<b>Chile</b>	9
<b>Brazil</b>	63.9	<b>Sweetcorn</b>	19.6	<b>Ecuador</b>	8.9
<b>Iranian</b>	62.3	<b>Trinidad and Tobago</b>	19.5	<b>Morocco</b>	8.9
<b>Nigeria</b>	59.4	<b>Colombia</b>	19.5	<b>Ivory Coast</b>	8.8
<b>Haiti</b>	57.8	<b>Comoros*</b>	19.1	<b>Indonesia</b>	8.7
<b>Turkey</b>	54.6	<b>Montenegro</b>	19	<b>Finland</b>	8.5
<b>Zambia*</b>	54.1	<b>Mauritania</b>	18.9	<b>Oman*</b>	8.3
<b>Ethiopia</b>	52.7	<b>Spain</b>	18.8	<b>Slovenia</b>	8.1
<b>Myanmar</b>	48.2	<b>Moldova</b>	18.7	<b>Train</b>	8.1
<b>Namibia</b>	47.5	<b>Vanuatu*</b>	18.4	<b>Serbia</b>	8
<b>South Africa</b>	44.4	<b>Belize</b>	18.3	<b>Australia</b>	8
<b>Georgia</b>	37.2	<b>Saudi Arabia</b>	17.8	<b>UAE</b>	7.8
<b>Gambia*</b>	36.6	<b>Bosnia and Herzegovina</b>	16.8	<b>Germany</b>	7.7
<b>Malawi*</b>	36.3	<b>Mauritius</b>	16.2	<b>Hungary</b>	7.7
<b>Lesotho</b>	36	<b>Peru</b>	16.2	<b>Norway</b>	7.5

<b>South Sudan*</b>	25.4	<b>Estonia</b>	16	<b>Malaysia</b>	7.3
<b>Guinea</b>	34.9	<b>Equatorial Guinea*</b>	15.4	<b>Belgium</b>	6.7
<b>Algeria</b>	33.4	<b>Lithuania</b>	15.2	<b>Israel</b>	6.7
<b>Uzbekistan*</b>	33.1	<b>India</b>	14.9	<b>Canada</b>	6.4
<b>D.R. Congo</b>	32.6	<b>Latvia</b>	14.9	<b>South Korea</b>	6.3
<b>Jordan</b>	32.1	<b>Dominican Republic</b>	14.8	<b>Bahrain</b>	6.2
<b>Armenia</b>	30.4	<b>Guatemala</b>	14.8	<b>Fiji</b>	6.1
<b>Congo</b>	30.1	<b>Madagascar</b>	14.6	<b>Thailand</b>	6.1
<b>Tome Principe*</b>	29.6	<b>Mali</b>	14.6	<b>Togo</b>	5.8
<b>Pakistan</b>	29.6	<b>Russia</b>	14.2	<b>Hong Kong</b>	5.5
<b>Eswatini</b>	29.5	<b>Bangladesh</b>	14.2	<b>Denmark</b>	5.3
<b>Ukraine</b>	29.5	<b>Nicaragua</b>	13.8	<b>Romania</b>	5.1
<b>Kyrgyzstan</b>	29.4	<b>Bolivia</b>	13.8	<b>Kuwait</b>	5.1
<b>Mozambique</b>	29.4	<b>Kenya</b>	13.7	<b>Italy</b>	4.8
<b>Botswana</b>	29.4	<b>Greece</b>	13.6	<b>Luxembourg</b>	4.4
<b>Rwanda</b>	28.8	<b>Mexican</b>	12.8	<b>Chinese</b>	4.3
<b>Tunisia</b>	28.7	<b>Poland</b>	12.7	<b>Switzerland</b>	4.1
<b>Tanzania</b>	28.2	<b>Guyana</b>	12.6	<b>Holland</b>	3.9
<b>Iraq</b>	27.8	<b>Papua New Guinea</b>	12.9	<b>Japan</b>	3.2
<b>Mongolia*</b>	27.7	<b>Philippines</b>	12	<b>Croatia</b>	3.1
<b>Azerbaijan</b>	27.7	<b>Panama</b>	12	<b>France</b>	2.7
<b>Paraguay</b>	25.7	<b>El Salvador</b>	11.8	<b>Portugal</b>	2.4
<b>Jamaica</b>	25.4	<b>Nepal*</b>	11.4	<b>Taiwan</b>	2.4
<b>Belarus</b>	24.7	<b>Vietnamese</b>	11.3	<b>New Zeland</b>	2.2
<b>Burundi*</b>	24.4	<b>Czechia</b>	11	<b>Singapore</b>	0.2
<b>Central African Rep.</b>	24.3	<b>USA</b>	10.8	<b>England</b>	-0.2
<b>Gabon</b>	23.2	<b>Slovakia</b>	10.8	<b>Ireland</b>	-0.4
<b>Liberia</b>	23.1	<b>Albania</b>	10.6	<b>Malta</b>	-1.5
<b>Kazakhstan</b>	22.7	<b>Burkina Faso</b>	10.4	<b>Libya*</b>	-36



## CHANGES IN LIFE SATISFACTION

The Happiness Index,<sup>25</sup> ranks countries according to factors such as real GDP per capita, social security support opportunities, healthy life expectancies, individuals' freedom to make choices, social peace, trust and integrity, and perceptions of corruption in the public.

Happiness Index - 2022								
1	Finland	7,821	49	El Salvador	6,120	98	Ukraine	5,084
2	Denmark	7,636	50	Kuwait*	6,106	99	Congo	5,075
3	Iceland	7,557	51	Hungary	6,086	100	Morocco	5,060
4	Switzerland	7,512	52	Mauritius	6,071	101	Mozambique	5,048
5	Holland	7,415	53	Uzbekistan	6,063	102	Cameroon	5,048
6	Luxembourg*	7,404	54	Japan	6,039	103	Senegal	5,046
7	Sweden	7,384	55	Honduras	6,022	104	Niger*	5,003
8	Norway	7,365	56	Portugal	2,016	105	Georgia	4,973
9	Israel	7,364	57	Argentina	5,967	106	Gabon	4,958
10	New Zealand	7,200	58	Greece	5,948	107	Iraq	4,941
11	Austria	7,163	59	South Korea	5,935	108	Venezuela	4,925
12	Australia	7,162	60	Philippines	5,904	109	Guinea	4,891
13	Ireland	7,041	61	Thailand	5,891	110	Iranian	4,888
14	Germany	7,034	62	Moldova	5,857	111	Ghana	4,872
15	Canada	7,025	63	Jamaica	5,850	112	Turkey	4,744
16	USA	6,977	64	Kyrgyzstan	5,828	113	Burkina Faso	4,670
17	England	6,943	65	Belarus*	5,821	114	Cambodia	4,640
18	Czechia	6,920	66	Colombia	5,781	115	Benin	4,623
19	Belgium	6,805	67	Bosnia and Herzegovina	5,768	116	Comoros*	4,609
20	France	6,687	68	Mongolia	5,761	117	Uganda	4,603
21	Bahrain	6,647	69	Dominican	5,737	118	Nigeria	4,552
22	Slovenia	6,630	70	Malaysia	5,711	119	Kenya	4,543
23	Costa Rica	6,582	71	Bolivia	5,600	120	Tunisia	4,516
24	UAE	6,576	72	Chinese	5,585	121	Pakistan	4,516
25	Saudi Arabia	6,523	73	Paraguay	5,578	122	Palestine*	4,483
26	Taiwan	6,512	74	Peru	5,559	123	Financial	4,479
27	Singapore	6,480	75	Montenegro	5,547	124	Namibia	4,459

<sup>25</sup> World Happiness Report 2022, <https://www.theglobaleconomy.com/rankings/happiness/>; Happiest Countries in the World 2022, <https://worldpopulationreview.com/country-rankings/happiest-countries-in-the-world>; World Happiness Report 2022

28	<b>Romania</b>	6,477	76	<b>Ecuador</b>	5,533	125	<b>Eswatini</b>	4,396
29	<b>Spain</b>	6,476	77	<b>Vietnamese</b>	5,485	126	<b>Myanmar</b>	4,394
30	<b>Uruguay</b>	6,474	78	<b>Turkmenistan*</b>	5,474	127	<b>Sri Lanka</b>	4,362
31	<b>Italy</b>	6,467	79	<b>North Cyprus*</b>	5,467	128	<b>Madagascar*</b>	4,339
32	<b>Kosovo</b>	6,455	80	<b>Russia</b>	5,459	129	<b>Sweetcorn</b>	4,288
33	<b>Malta</b>	6,447	81	<b>Hong Kong</b>	5,425	130	<b>Chad*</b>	4,251
34	<b>Lithuania</b>	6,446	82	<b>Armenia</b>	5,399	131	<b>Ethiopia</b>	4,241
35	<b>Slovakia</b>	6,391	83	<b>Tajikistan</b>	5,377	132	<b>Yemen*</b>	4,197
36	<b>Estonia</b>	6,341	84	<b>Nepal</b>	5,377	133	<b>Mauritania*</b>	4,153
37	<b>Panama</b>	6,309	85	<b>Bulgaria</b>	5,371	134	<b>Jordan</b>	4,152
38	<b>Brazil</b>	6,293	86	<b>Libya*</b>	5,330	135	<b>Togo</b>	4,112
39	<b>Guatemala*</b>	6,262	87	<b>Indonesia</b>	5,240	136	<b>India</b>	3,777
40	<b>Kazakhstan</b>	6,234	88	<b>Ivory Coast</b>	5,235	137	<b>Zambia</b>	3,760
41	<b>Cyprus</b>	6,221	89	<b>Macedonia</b>	5,199	138	<b>Malawi</b>	3,750
42	<b>Latvia</b>	6,180	90	<b>Albania</b>	5,199	139	<b>Tanzania</b>	3,702
43	<b>Serbia</b>	6,178	91	<b>South Africa</b>	5,194	140	<b>Sierra Leone</b>	3,574
44	<b>Chile</b>	6,172	92	<b>Azerbaijan*</b>	5,173	141	<b>Lesotho*</b>	3,512
45	<b>Nicaragua</b>	6,165	93	<b>Gambia*</b>	5,164	142	<b>Botswana*</b>	3,471
46	<b>Mexican</b>	6,128	94	<b>Bangladesh</b>	5,155	143	<b>Rwanda*</b>	3,268
47	<b>Croatia</b>	6,125	95	<b>Laos</b>	5,140	144	<b>Zimbabwe</b>	2,995
48	<b>Poland</b>	6,123	96	<b>Algeria</b>	5,122	145	<b>Lebanon</b>	2,955
			97	<b>Liberia*</b>	5,122	146	<b>Afghanistan</b>	2,404

*\*Does not have survey information in 2020 or 2021. Its average is based on the 2019 survey.*

## THE EFFECTS OF KHKS ON TURKEY'S SCIENTIFIC RESEARCH AND PUBLICATION CAPACITY

The losses caused by unlawfulness have reflected on different levels in the educational life of the country. Before 2016, there were 3 Turkish universities that could enter the top 300 in the world rankings.<sup>26</sup> Currently, there is not a single university from Turkey even in the top 500.<sup>27</sup> For example, there is not a single Turkish university in the Nature Index 2022, which lists the world's top 500 universities.

<sup>26</sup> <https://www.timeshighereducation.com/world-university-rankings/2019/world-ranking> ; <https://www.timeshighereducation.com/world-university-rankings/2020/world-ranking> ;

<https://www.topuniversities.com/university-rankings/world-university-rankings/2020> ;

<http://www.shanghairanking.com/ARWU2019.html> ; <http://webometrics.info/en/world>

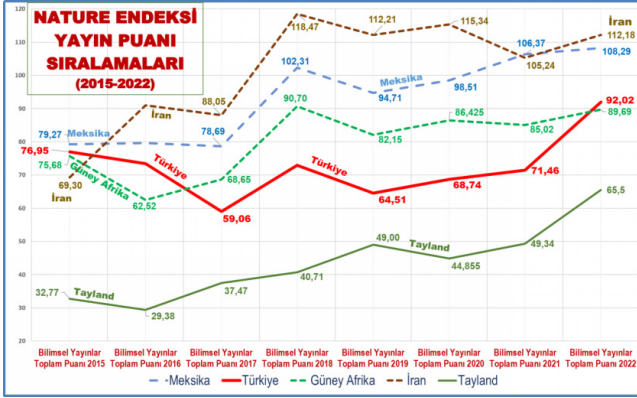
<sup>27</sup> <https://www.nature.com/nature-index/annual-tables/2022/institution/all/all/global>

<https://www.nature.com/nature-index/annual-tables/2022/institution/all/all/countries-Turkey>

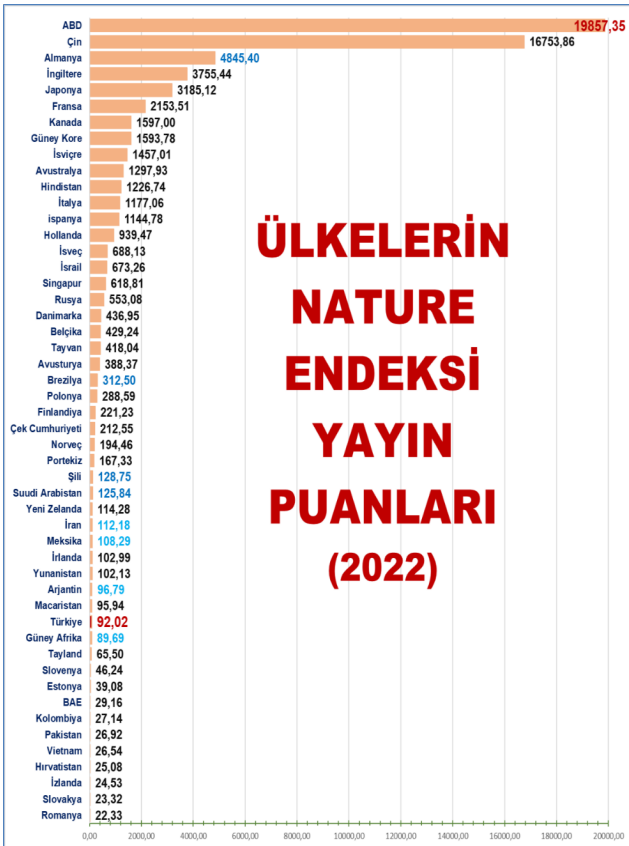
<https://www.nature.com/nature-index/annual-tables/2022/institution/academic/all/countries-Turkey>

<https://www.nature.com/nature-index/annual-tables/2022/institution/corporate/all/countries-Turkey>

<https://www.natureindex.com/faq>



Nature Index has been conducting bibliometric content analyses of the publications by scanning 82 natural sciences journals, which are known for their high quality standards in the fields of natural sciences such as physics, chemistry, geology, biology and medicine, since 2015. According to the ranking, based on its level in 2015, Turkey suffered a 23.25% decrease in 2017. In 2019, there was still a 16.16% decrease in publications compared to 2015. In this time period, Turkey has been surpassed by countries such as Iran and Mexico and is about to be caught by Thailand.<sup>28</sup>



## FAILURE TO RANK AMONG THE TOP 500 UNIVERSITIES IN THE WORLD IN THE AGE OF ARTIFICIAL INTELLIGENCE

The above image, which measures the relationships between IQ level and obtaining a doctorate degree, shows that individuals with high IQ levels are more likely to obtain a doctorate degree than individuals with low intelligence levels. According to the data in the image, while the probability of obtaining a doctorate degree for individuals with low intelligence level is close to zero (5 per thousand), the probability of obtaining a doctorate degree for individuals with high intelligence level reaches 6-7 percent.



According to Akçigit's analysis, although the effects of education on creativity are important, there are findings that intelligent and talented people can be creative regardless of their education.<sup>29</sup> In this respect, the exclusion

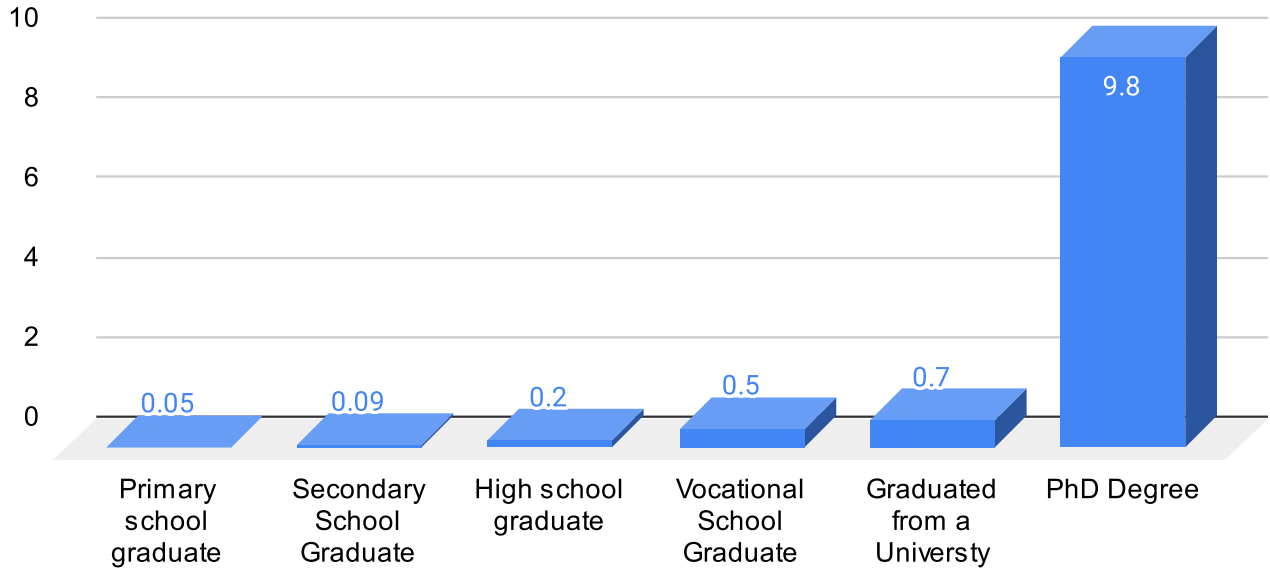
28 [https://www.natureindex.com/country-outputs/generate/All/global/n\\_article](https://www.natureindex.com/country-outputs/generate/All/global/n_article); <https://www.natureindex.com/annual-tables/2016>; <https://www.natureindex.com/annual-tables/2020>; <https://www.natureindex.com/country-outputs/Turkey>

29 Ufuk Akçigit, Jeremy G. Pearce, and Marta Prato (2020) Tapping into Talent: Coupling Education and Innovation Policies for Economic Growth, NBER Working Paper No. 27862, September 2020,



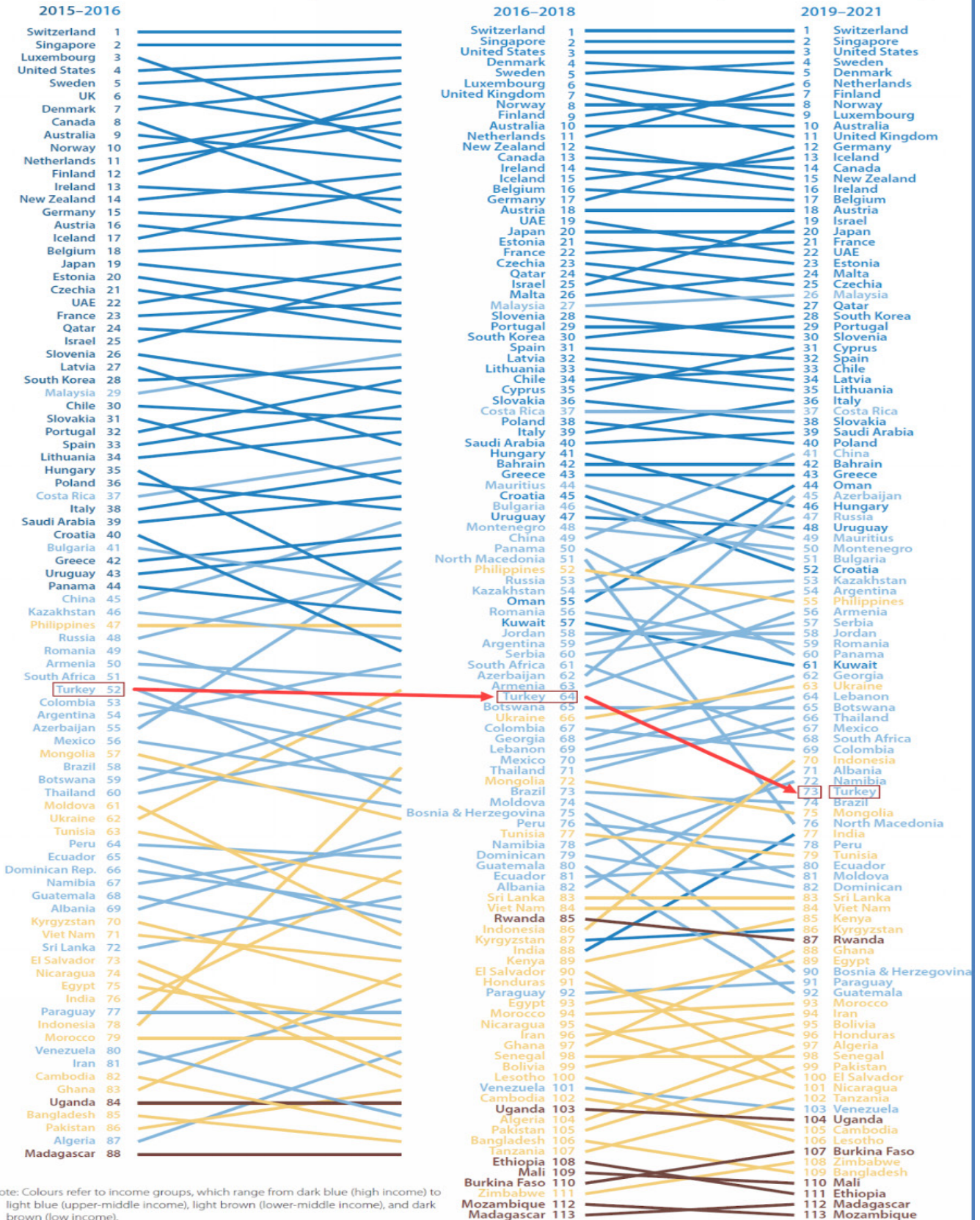
## vs. Relationship Between Education Level and Probability of Being an Inventor (%)

(Probability of inventing at least one patented product)



of Turkey's best-educated people with the highest IQ from production, management and science has had a negative impact on the country's productivity and creativity performance. It would not be wrong to argue that this is one of the reasons for the declines and decreases in scientific studies, economic production, national income figures and many other indicators.

## Küresel Rekabetçilik Yeteneği Endeksi (2015-2021)



## EFFECTS OF KHKS ON TURKEY'S GLOBAL COMPETITIVENESS CAPACITY IN THE AGE OF ARTIFICIAL INTELLIGENCE

According to The Global Talent Competitiveness Index prepared in cooperation with INSEAD Business School, Adecco Group and Google, Turkey was ranked 52nd among the countries examined in 2015. Between 2016-2018, it fell 12 places to 64th place. In the years 2019-2021, Turkey dropped another 9 places in global competitiveness and fell to 73rd place. In the aforementioned process, Turkey lagged even behind countries such as Colombia, Mexico, Botswana, Thailand, Namibia, Albania, Ukraine, Argentina and Indonesia. As stated in the report, this situation has increased the distance of competitiveness not only with the countries in close competition, but also with the developed countries.

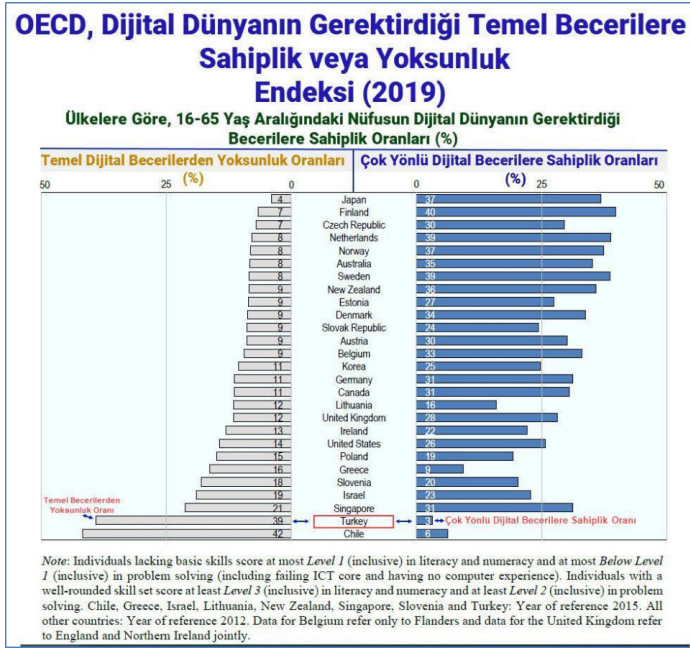
The countries that lagged behind Turkey in 2015-2016 but surpassed Turkey in 2021 can be seen in the table below.<sup>30</sup>

Countries	How many places were they behind in 2015?	How Many Places Did They Move Ahead in 2021?	Difference
Colombia	1	4	5
Mexican	4	6	10
Botswana	7	8	15
Thailand	8	7	15
Namibia	15	1	16
Albania	17	2	19
Ukraine	10	10	20
Argentina	2	19	21
Indonesia	26	3	29
Azerbaijan	3	28	31

## CAPACITY TO PROVIDE LIFELONG LEARNING EDUCATION AND TRAINING INFRASTRUCTURE TO ADAPT TO THE AGE OF ARTIFICIAL INTELLIGENCE AND TENDENCY OF ADULTS TO PARTICIPATE IN LIFELONG LEARNING TRAININGS

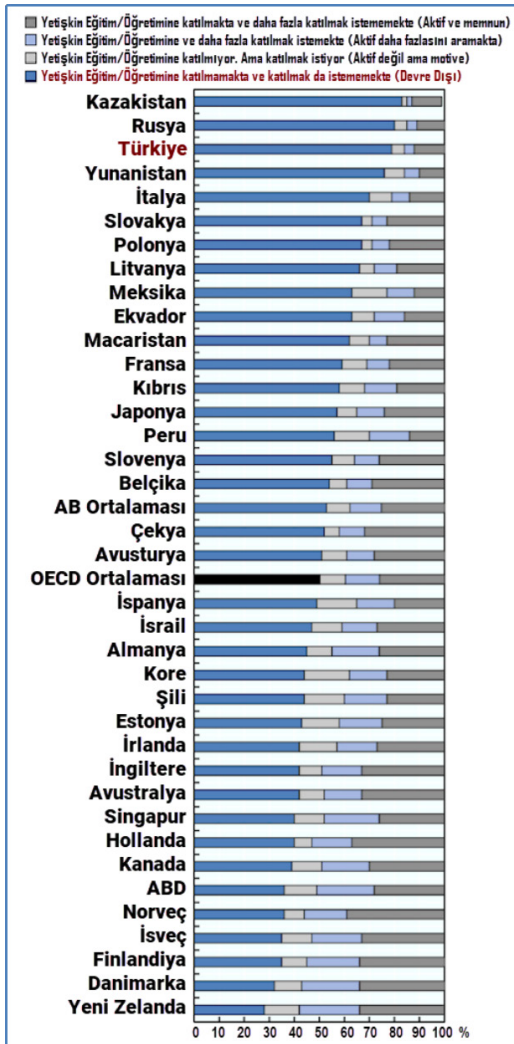
The Index of Basic Skills Required by the Digital World or Deprivation, prepared by the OECD, showed that as of 2019, Turkey is the last in the world with 3 percent of the population aged 16-65 in terms of possession of the versatile skills required by the digital world. The rate of deprivation of basic digital skills is second to last in the world, after Chile, at 39 percent. The OECD 2019 report is in line with the Global Competitiveness Index 2021 data.

<sup>30</sup> Lanvin, B. and Monteiro, F. (n.d.). The Global Talent Competitiveness Index 2020 Global Talent in the Age of Artificial Intelligence. [online] Available at: <https://www.insead.edu/sites/default/files/assets/dept/globalindices/docs/GTCI-2020-report.pdf>.



Similar findings were also included in the report titled "Global Competitiveness Special Report 2020: How Countries Are Performing on the Path to Economic Recovery" prepared by the World Economic Forum. The report counts Turkey among the countries with low proficiency in acquiring students with the necessary knowledge and professional skills for tomorrow's job markets.

"Lifelong learning" programs are an absolute necessity in order to survive, individually or nationally, in the face of all kinds of shocks and competition that may be experienced in the job/vocational markets in or outside the country in a rapidly changing and uncertain world. In this context, in the following table "Learner's profiles characterizing willingness to train and participation in adult learning, by country - Percentage of 25-65 year-olds who completed initial education", Turkey, is the third worst country among OECD countries in terms of the rate of disengaged individuals.



In our age, lifelong learning is very important in order to be successful in labor markets and societies shaped by sudden shocks such as COVID-19 pandemic, as well as mega trends such as increases in life expectancy, rapid technological changes, globalization, migration, environmental changes and digitalization. However, according to the table above, the rate of indifference to the training of Turkish citizens of working age aged 25 to 65 in learning a new profession or developing their current profession is 79 percent. This rate is 50 percent across OECD countries. For example, when compared with the rates of countries such as New Zealand (28 percent) or Denmark (32 percent), it is seen that the share of those who are not interested in vocational training or vocational development training in Turkey is almost three times higher than in the mentioned countries.

Lifelong learning aims to support the active participation of individuals in all stages of social and economic life in order to adapt to the information society they live in and to better control their lives. In a rapidly changing uncertain world, lifelong learning is essential for individuals and countries to adapt and become resilient to internal and external shocks. However, the massive purge and unlawfulness of highly qualified civil servants, to-

gether with and after the SOE, increased the tendency to go abroad among gifted or highly qualified young people and competent professionals. The quality losses in educators and educational institutions exacerbated the bad image seen in the above data. This scene is an indication that Turkey has been brought into a very dire situation in terms of competitiveness with the world.

Lifelong learning policies are important for keeping the quality of human resources high and thus for sustainable economic development. At the same time, they are important in terms of helping individuals to keep up with the progress of the modern age, by updating themselves according to the requirements of the age, and by ensuring that they can adapt to the changing world and environmental conditions. However, in Turkey, where competency and merit, free competition and fair play have been destroyed, what is necessary for lifelong learning has not been achieved and/or could not be achieved. Because the basic philosophy of lifelong learning is to train manpower with the knowledge and skills needed by the age and the market. Such individuals can only grow up in an environment of free competition, fair-play, rights, law, justice and freedoms. These are the conditions for motivating individuals to get more knowledge and skills training. Otherwise, individuals either cannot be raised open and receptive to the times and innovations, or they tend to migrate to other countries as in what is happening among the youth in Turkey.

## INDICATORS OF DISINTEGRATION, UNREST AND ANGER BETWEEN SOCIAL GROUPS OR STRATA

The Fragile States Index <sup>31</sup> ranked Turkey first among 41 European countries, and 7th among 177 world countries, in the category of fragmentation, unrest and anger (Group grievance index <sup>32</sup>) among social groups or strata. While Finland was the least problematic country in terms of divisions based on social or political character-

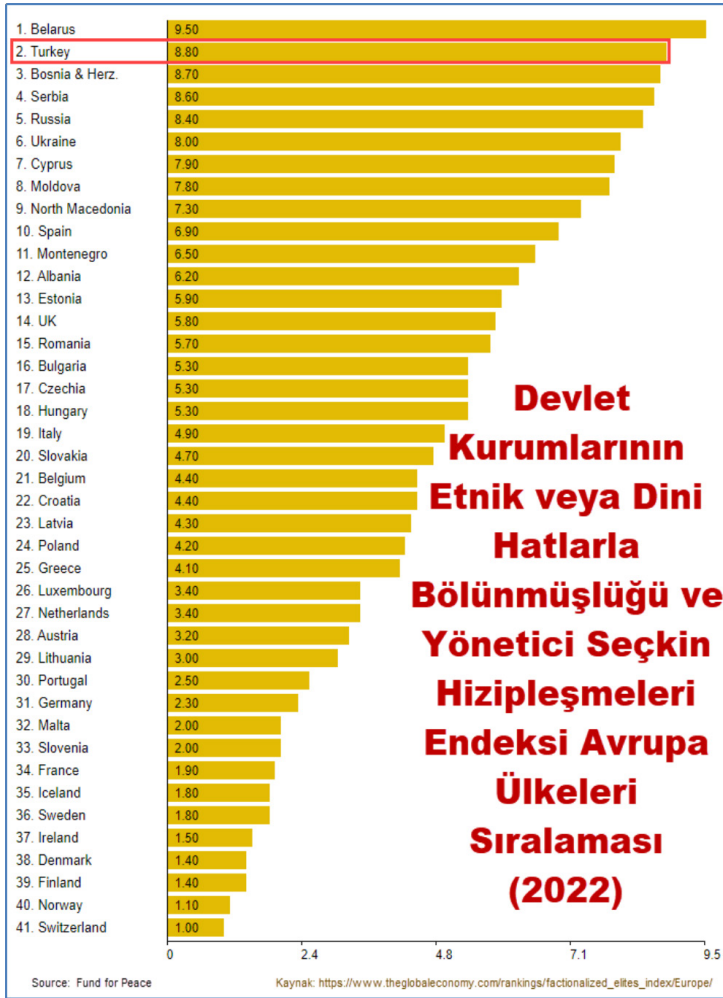


31 Fragile states index, <https://fragilestatesindex.org/wp-content/uploads/2022/07/22-FSI-Report-Final.pdf>

32 Group Grievance Index, [https://www.theglobaleconomy.com/rankings/group\\_grievance\\_index/](https://www.theglobaleconomy.com/rankings/group_grievance_index/)

istics and the effects of these divisions on participation in political processes, public services and access to resources, Turkey ranked 171st among 177 countries.

One of the topics the index assesses is the different groups in society – particularly divisions based on social or political characteristics and their role in accessing public services or resources. The perception that there is a clear case of impunity in the face of injustices faced by marginalized groups, unlawfulness and crimes committed against these groups, and the perception of respecting the rights and freedoms of marginalized groups are also taken into account. Likewise, the exclusion of certain groups from state resources and authorities by stereotyping them as scapegoats, and the fact that they are persecuted and oppressed is another criterion that the index deals with. The index also takes into account the “illegitimate” acquisition of wealth, status or power by favored groups in the ruling elite, and the hate speech produced against certain groups.



imate” acquisition of wealth, status or power by favored groups in the ruling elite, and the hate speech produced against certain groups.

The Fragile States Index has shown Turkey in the category of countries with Elevated Warning, that is, with a very high level of vulnerability. In this respect, Turkey's outlook is only slightly better than countries with serious problems such as Syria, Bhutan, Sudan, Burma, Bahrain and Guinea.

## INDICATORS OF TENSION AMONG THE RULING ELITES AND THE FUNCTIONAL INTEGRITY OR SEGREGATION OF GOVERNMENT INSTITUTIONS

According to the Factionalized Elites Index, which deals with the extent of power struggle and political rivalry among the elites in the context of ethnic or religious lines, separation of fractions, mental rifts, communal irredentism or ideological polarization, Turkey was ranked 36 from the beginning among 177 countries around the world. In Europe, Turkey ranked second among 41 countries from the beginning.<sup>33</sup>

33 Factionalized elites index, [https://www.theglobaleconomy.com/rankings/factionalized\\_elites\\_index/](https://www.theglobaleconomy.com/rankings/factionalized_elites_index/)

Among the issues taken into account by the scale, the fairness and reliability of the electoral processes, the intensity of political polarization and fragmentation, and the schism among the elites, and the degree of effectiveness of this situation in political processes stand out. Presence of political reconciliation processes, perceptions of national identity (nationalism or the violence of separatist calls), extremist rhetoric (presence or prevalence of hate language and speech), and stereotyping (prevalence of religious, ethnic or other stereotypes use and presence of people and groups stigmatized as scapegoats) are among other criteria. In addition, the existence of justice in the distribution of the country's resources or the concentration of wealth (that is, whether the wealth is concentrated in the hands of a narrow group), the growth of the middle class, who controls the country's resources and the existence of a fair system in the distribution of these resources are also taken into account. Rights and the rule of law, equality and justice, whether the laws are democratic or biased, representation in the judicial system, as well as problems such as population flight abroad and brain drain are also taken into consideration.

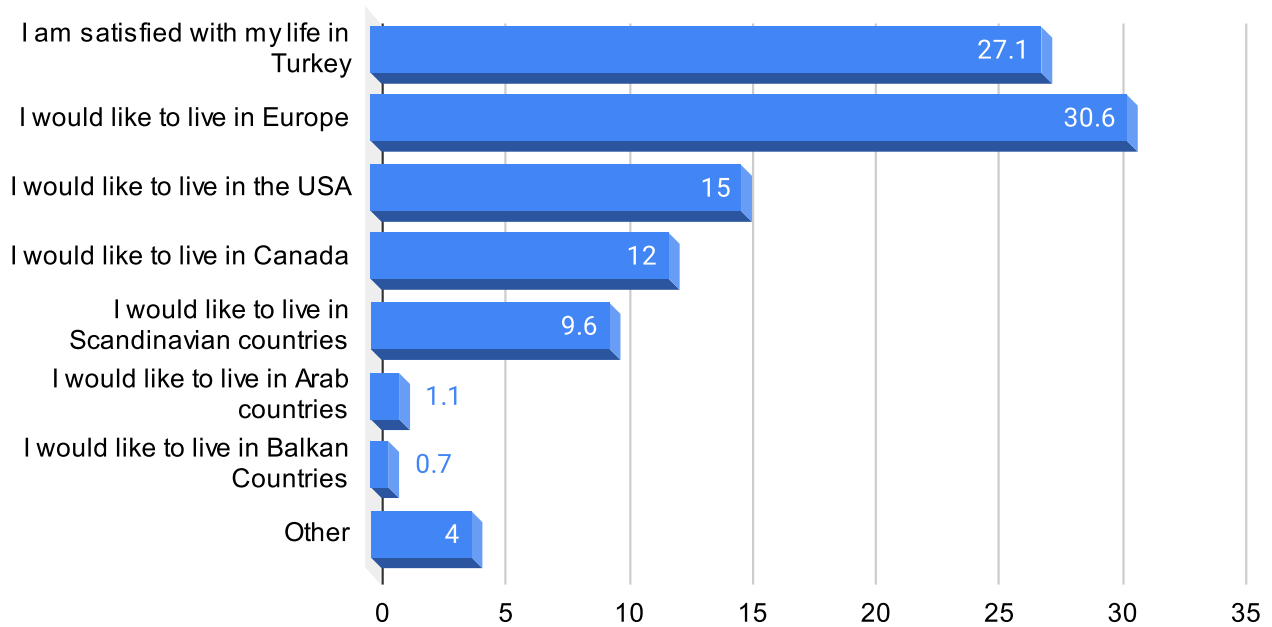
The Fragile States Index put Turkey in the Elevated Warning category, stating that Turkey is a highly vulnerable country in terms of schism between elites. In this context, it is seen in the class of countries such as Russia, Guatemala, Bolivia, Nicaragua, Tanzania, Colombia, Gambia, Sri Lanka, Papua New Guinea.

<b>Factionalized elites index, 2022<sup>34</sup></b>								
<b>Countries</b>	<b>Index</b>	<b>Global Rank</b>	<b>Countries</b>	<b>Index</b>	<b>Global Rank</b>	<b>Countries</b>	<b>Index</b>	<b>Global rank</b>
Guinea	10	1	Ukraine	8	60	Zambia	5.9	119
Somalia	10	2	Azerbaijan	7.9	61	Suriname	5.8	120
Yemen	10	3	Cyprus	7.9	62	UK	5.8	121
Ivory Coast	9.9	4	Fiji	7.9	63	Romania	5.7	122
Syria	9.9	5	Burkina Faso	7.8	64	Grenada	5.6	123
Zimbabwe	9.9	6	Madagascar	7.8	65	Micronesia	5.6	124
C.A. Republic	9.7	7	Moldova	7.8	66	Tr.&Tobago	5.6	125
Thailand	9.7	8	Paraguay	7.8	67	Cape Verde	5.5	126
DR Congo	9.6	9	Sierra Leone	7.8	68	Mongolia	5.5	127
G.-Bissau	9.6	10	Turkmenistan	7.8	69	Bulgaria	5.3	128
Haiti	9.6	11	Gabon	7.7	70	Czechia	5.3	129
Iran	9.6	12	Gambia	7.7	71	Hungary	5.3	130
Iraq	9.6	13	Bahrain	7.6	72	Guyana	5.1	131
Lebanon	9.6	14	Colombia	7.6	73	Samoa	5.1	132
Niger	9.6	15	Kazakhstan	7.6	74	Qatar	5	133
Sudan	9.6	16	Togo	7.6	75	Italy	4.9	134
Belarus	9.5	17	Bhutan	7.5	76	El Salvador	4.8	135
Chad	9.5	18	Kuwait	7.5	77	Slovakia	4.7	136
Venezuela	9.4	19	Brunei	7.4	78	Bahamas	4.5	137

34 TheGlobalEconomy.com. (2021). Factionalized elites index by country, around the world | TheGlobalEconomy.com. [online] Available at: [https://www.theglobaleconomy.com/rankings/factionalized\\_elites\\_index/](https://www.theglobaleconomy.com/rankings/factionalized_elites_index/) [Accessed 11 Dec. 2022].

Bangladesh	9.3	20	Peru	7.4	79	Belgium	4.4	138
Cameroon	9.3	21	Djibouti	7.3	80	Croatia	4.4	139
Nigeria	9.3	22	India	7.3	81	Belize	4.3	140
Ethiopia	9.2	23	Lesotho	7.3	82	Latvia	4.3	141
North Korea	9.2	24	N. Macedonia	7.3	83	Barbados	4.2	142
Egypt	9.1	25	USA	7.3	84	Poland	4.2	143
Georgia	9.1	26	Algeria	7.2	85	Greece	4.1	144
Libya	9.1	27	Angola	7.2	86	Singapore	4	145
Sri Lanka	9.1	28	China	7.2	87	South Korea	3.9	146
Burma	9	29	Mali	7.2	88	Costa Rica	3.8	147
Pakistan	9	30	Tunisia	7.2	89	Ant.& Barb.	3.7	148
Liberia	8.9	31	Guatemala	7.1	90	Jamaica	3.7	149
Palestine	8.9	32	Indonesia	7.1	91	UA Emirates	3.6	150
Uganda	8.9	33	Nicaragua	7.1	92	Namibia	3.5	151
Mauritania	8.8	34	Papua N.G.	7.1	93	Luxembourg	3.4	152
Nepal	8.8	35	Cuba	7	94	Netherlands	3.4	153
Turkey	8.8	36	Honduras	7	95	Botswana	3.3	154
Uzbekistan	8.8	37	Senegal	7	96	Austria	3.2	155
Afghanistan	8.7	38	Jordan	6.9	97	Mauritius	3.1	156
Bosnia & Herz.	8.7	39	Spain	6.9	98	Lithuania	3	157
Eritrea	8.7	40	Vietnam	6.9	99	Argentina	2.8	158
Malawi	8.7	41	Malaysia	6.8	100	Uruguay	2.7	159
Solomon Isl.	8.7	42	South Africa	6.8	101	Japan	2.6	160
Kenya	8.6	43	Swaziland	6.8	102	Canada	2.5	161
Serbia	8.6	44	Armenia	6.7	103	Portugal	2.5	162
Burundi	8.5	45	Benin	6.7	104	Germany	2.3	163
Saudi Arabia	8.5	46	R. of Congo	6.7	105	Chile	2.2	164
Cambodia	8.4	47	Morocco	6.6	106	Panama	2.2	165
Russia	8.4	48	Oman	6.6	107	Malta	2	166
Tajikistan	8.4	49	Montenegro	6.5	108	Slovenia	2	167
Laos	8.3	50	Tanzania	6.5	109	France	1.9	168
Bolivia	8.2	51	Mozambique	6.3	110	Iceland	1.8	169
Ecuador	8.2	52	S.T.&Principe	6.3	111	Sweden	1.8	170
Eq. Guinea	8.2	53	Albania	6.2	112	Australia	1.7	171
Kyrgyzstan	8.2	54	Brazil	6.2	113	Ireland	1.5	172
Maldives	8.1	55	Domin. Rep.	6.2	114	Denmark	1.4	173
Comoros	8	56	Seychelles	6	115	Finland	1.4	174
Israel	8	57	Estonia	5.9	116	New Zealand	1.4	175
Philippines	8	58	Ghana	5.9	117	Norway	1.1	176
Rwanda	8	59	Mexico	5.9	118	Switzerland	1	177

If you had the opportunity, would you like to live in Turkey or in another country?



## IMMIGRATION TENDENCIES OF YOUNG GENERATIONS ABROAD

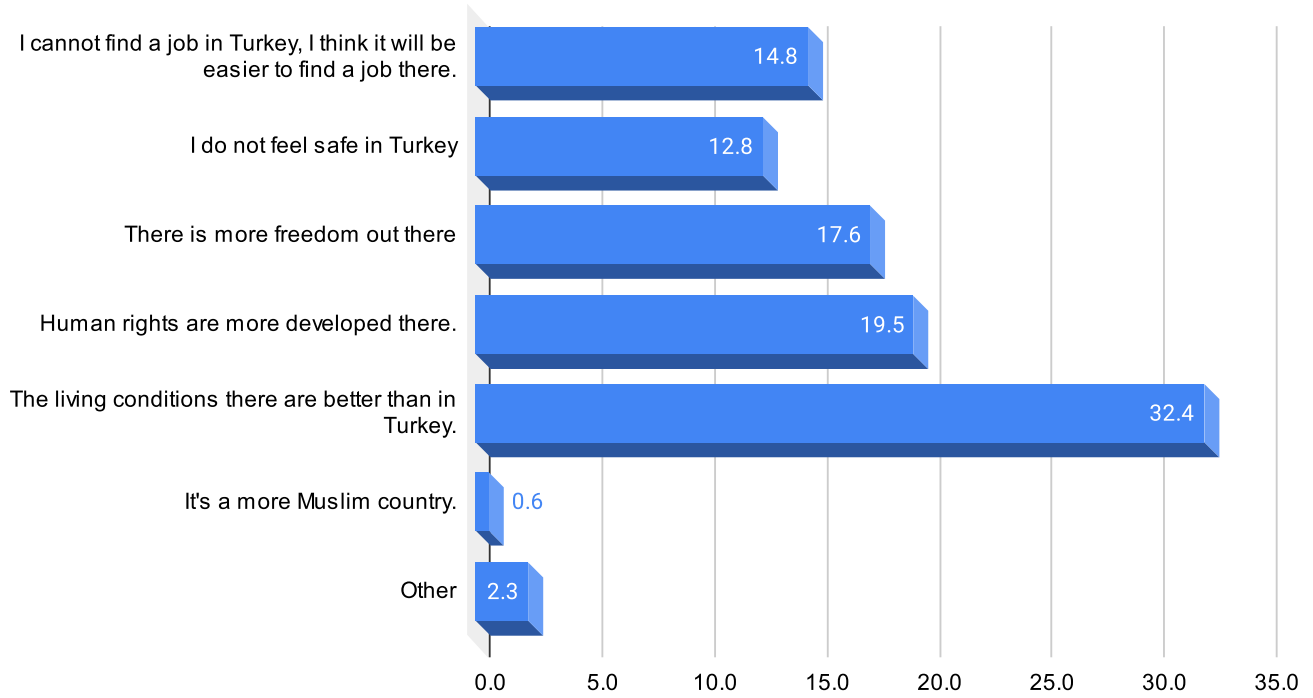
According to the Turkey Youth Survey – 2021, 72.9 percent of young people do not want to live in Turkey. A team of experts from Hacettepe University conducted the research by the Konrad-Adenauer-Stiftung (KAS) Association Turkey Representative. Between May and September 2021, a face-to-face interview-survey technique was conducted with 3,243 young people between the ages of 18-25 in 28 provinces.<sup>35</sup>

“If you had the opportunity, would you like to live in Turkey? Or in another country?” 72.9 percent of the young people answered the question by saying that they want to live in a country other than Turkey. The first preference of these young people was European countries with a rate of 30.6 percent. Among these countries, Germany, England and France are the most preferred countries, respectively. The USA (15 percent) and Canada (12 percent) are among the countries where young people most want to live. 9.6 percent stated that they want to live in Scandinavian countries.

Turkey's economic and social data show that the SOE has made the whole country a tertiary victim, as well as direct victims, due to the climate of lawlessness. There is no doubt that this situation threatens the future of the country even in the near term. It has caused most of the young people, who are the future of the country, to give up hope in Turkey.

<sup>35</sup> Konrad Adenauer Vakfı, “Türkiye Gençlik Araştırması – 2021”, Sayfa 111-115 [https://www.kas.de/documents/283907/16886777/T%C3%BCrkiye+Gen%C3%A7lik+Ara%C5%9Ft%C4%B1rmas%C4%B1+2021\\_T%C3%BCrkiye.pdf/fd08cee1-8d75-02bb-13cb-2bb341b8897d?version=1.2&t=1644871408910](https://www.kas.de/documents/283907/16886777/T%C3%BCrkiye+Gen%C3%A7lik+Ara%C5%9Ft%C4%B1rmas%C4%B1+2021_T%C3%BCrkiye.pdf/fd08cee1-8d75-02bb-13cb-2bb341b8897d?version=1.2&t=1644871408910)

## Why would you want to live in another country?



In the research, "Why would you want to live in another country? When the question was asked, only 14.8 percent answered, "I cannot find a job in Turkey, I think I will find a job easier there". The remaining 80 percent of the answers are about security and freedom issues.<sup>36</sup> Social Democracy Foundation's (SODEV) "Turkey's Youth Research Report", which examines the evaluations and perceptions of young people between the ages of 15-25 and residing in Turkey, about their own position and future, reached similar results to the research of the KAS Association, and revealed oppression and lawlessness in the country.<sup>37</sup> It has been shown that the environment of young people has a very serious negative impact on the motivation of young people to stay in Turkey and serve Turkey.

<sup>36</sup> Konrad Adenauer Vakfı, "Türkiye Gençlik Araştırması – 2021", Sayfa 111-115 [https://www.kas.de/documents/283907/16886777/T%C3%BCrkiye+Gen%C3%A7lik+Ara%C5%9Ft%C4%B1rmas%C4%B1+2021\\_T%C3%BCrkiye.pdf/fd08cee1-8d75-02bb-13cb-2bb341b8897d?version=1.2&t=1644871408910](https://www.kas.de/documents/283907/16886777/T%C3%BCrkiye+Gen%C3%A7lik+Ara%C5%9Ft%C4%B1rmas%C4%B1+2021_T%C3%BCrkiye.pdf/fd08cee1-8d75-02bb-13cb-2bb341b8897d?version=1.2&t=1644871408910)

<sup>37</sup> Türkiye'nin Gençliği Araştırması Raporu, 2020, Rapor, Sosyal Demokrasi Vakfı (SODEV), <http://sodev.org.tr/wp-content/uploads/2020/05/arastirma.pdf>

## **CHAPTER II**

# **CRIMES AGAINST HUMANITY COMMITTED AGAINST SOE/KHK VICTIMS AND THEIR RELATIVES AND THE SOCIAL, ECONOMIC AND POLITICAL EFFECTS OF THIS PERSECUTION ON THEM**

According to TurkStat's Suicide Statistics data, the crude suicide rate in Turkey is around 4 per hundred thousand. Turkey's crude suicide rate has taken values between 3.49 and 4.37 per hundred thousand people in the last 20 years.<sup>38</sup>

The study titled "The Crude Incidence Rate Of Suicide And Related Factors In Turkey Between 2009 and 2018" by Elif Nur Yıldırım Öztürk and Mustafa Öztürk analyzed suicides according to age groups, gender, marital status, education level and causes of suicide.<sup>39</sup>

In the Chi-Square statistical analyzes made according to age groups<sup>40</sup> and genders<sup>41</sup>, the research found a statistically significant relationship between women aged 15-24 and suicides ( $p= 0.001$ ). In Chi-Square analyzes made according to marital status and gender, a statistically significant relationship was found between "women living alone" (never married, widowed, divorced) and suicides ( $p= 0.001$ ).<sup>42</sup> In the Chi-square analyzes made according to education status and gender, a statistically significant relationship was found between "primary school graduate men" and suicides ( $p= 0.001$ ).<sup>43</sup> A statistically significant relationship was found between the disease and suicides in the Chi-square analyzes made according to the causes of suicide and gender ( $p= 0.001$ ).<sup>44</sup>

Among the known causes of suicide in Turkey, the most frequently recorded causes of suicide are "illness, financial difficulties and family discord". The most frequently recorded legal marital status of women in the group who committed suicide is "living alone", while that of men is "married".<sup>45</sup>

In the light of the analysis of the reasons for suicide mentioned above, it is useful to note that the crude suicide rates among KHK victims and their families. While Turkey's "crude suicide rate" is around 4 per hundred thousand, the rate of relatives of SOE victims who are reported to have died by suicide is about 1 percent. This rate means that, according to the most tolerant calculations, suicide rates among KHK victims and their families are 30-35 times higher than suicide rates in the general population.<sup>46</sup> On the other hand, suicide profiles of KHK victims and the findings of the above-mentioned study do not match. Because for the suicides of the victims of KHK:

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38 TurkStat (2019). Death and Cause of Death Statistics, Available at <https://data.tuik.gov.tr/Bulten/Index?p=Olum-ve-Olum-Nedeni-Istatistikleri-2019-33710> [Accessed 12/11/2022]

39 YILDIRIM, E. and ÖZTÜRK, M., 2009-2018 arasında Türkiye'de intihar hızı ve ilişkili özellikler. Dokuz Eylül Üniversitesi Tıp Fakültesi Dergisi, 35(1), pp.23-32.

40 Yaş Grupları: [<15 ]: [15-24] : [25-34] : [35-44] : [45-54] : [55-64] : [65-74] : [ >75 ]

41 Cinsiyetler: [Kadın] : [Erkek]

42 Medeni Durumlar: [Evlî] : [Yalnız yaşıyor]

43 Eğitim Durumları: [Okuma yazma bilmeyen] : [Okuma yazma bilen fakat okul bitirmeyen] : [İlkokul mezunu] : [Ortaokul-ilköğretim mezunu] : [Lise ve dengi okul mezunu] : [Yüksek öğretim mezunu]

44 İntihar nedenleri: [Bilinmeyen] : [Hastalık] : [Aile geçimsizliği] : [Geçim zorluğu] : [Ticari başarısızlık] : [Gönül ilişkisi] : [Öğrenim başarısızlığı] : [Diğer]

45 Elif Nur Yıldırım Öztürk, Mustafa Öztürk, A.g.e. s.30

46 Ortalama bir SOE ailesinin büyüklüğünün 6 kişi olduğu kabul edilerek hesap yapılmıştır: anne, baba, 2 çocuk, büyük anne ve büyük baba. Ancak TÜİK verilerine göre Türkiye'de ortalama bir hanehalkının büyüklüğü ~3,5 kişidir.

- They don't fit the profile where women in the [15-24] age range are more prone to commit suicide in terms of age groups and gender.
- They do not fit the profile of "women living alone" in terms of marital status and gender.
- They do not fit the profile of "primary school graduate men" in terms of educational status and gender.
- They do not fit the profile of "sick" in terms of suicide reasons and genders.<sup>47</sup>

In the light of the above findings and evaluations, it can be said that the main reason for the very high suicide rates among the KHK victims and their relatives, compared to the conditions in Turkey, is the social genocide they were subjected to under the SOE/KHKs. Because the most common causes of suicide in Turkey are illness, financial difficulties and family conflict. This situation can explain why many victims and their relatives, whose livelihoods, work relations, family orders, social relations and psychology have been disrupted by the KHKs, turn to suicide.<sup>48</sup>

It is possible to point out that another reason for the high rate of crude suicide among the KHK victims and their relatives is the restriction of their access to social/psychological support and treatment services in an environment of severe social pressure, exclusion and marginalization. On the next page, "Status of Psychological Treatment and Medication of Victims and Their Relatives after SOE/ KHKs?" "What Kind of Difficulties Did the Victims of the SOE/KHK and Their Relatives Experience in Their Work / Working Life?" The images show what kind of social pressure, exclusion and marginalization the victims and their relatives face in their new working life, and how they are deprived of psychological support and treatment opportunities in the face of all these pressures and exclusions.

It seems that those who want to inflict "indirect genocide" on those they target KHK victims with detention, imprisonment, hunger, torture, ill-treatment, humiliating treatment and deep poverty seem to have achieved this goal, albeit partially.

## **ANALYSIS OF "CRUDE DEATH" RATES AND CAUSES AMONG THE VICTIMS OF SOE/KHKs**

According to the Death Statistics of TurkStat, the "crude death rate", which represents the number of deaths per thousand people, was 5.1 per thousand in 2014 for Turkey, while it was 5.2 in 2018 and 5.3 per thousand in 2019.

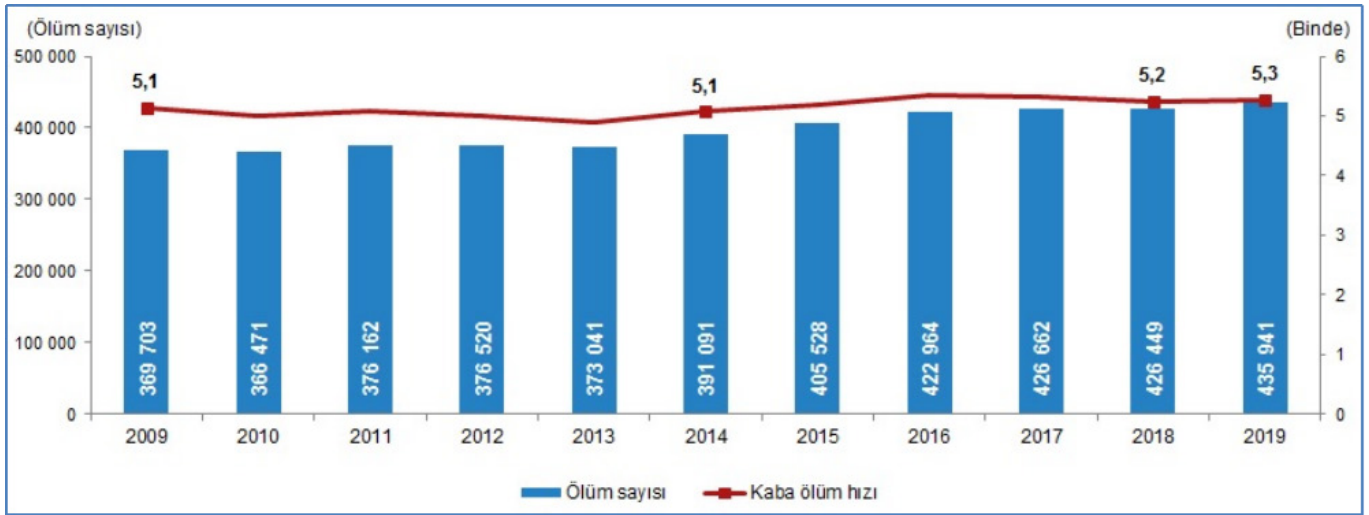
In the light of these data, when the crude death rates among the KHK victims and their families are examined, it is seen that the crude death rate in this group is 9.3 percent. This rate means that, according to the most tolerant calculations, the death rates among KHK victims and their families are at least 3 times higher than the crude death rates in Turkey.<sup>49</sup>

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47 İntihar nedenleri: [Bilinmeyen] : [Hastalık] : [Aile geçimsizliği] : [Geçim zorluğu] : [Ticari başarısızlık] : [Gönül ilişkisi] : [Öğrenim başarısızlığı] : [Diğer]

48 Elif Nur Yıldırım Öztürk, Mustafa Öztürk, A.g.e. s.30

49 Ortalama bir SOE ailesinin büyüklüğünün 6 kişi olduğu kabul edilerek hesap yapılmıştır: anne, baba, 2 çocuk, büyük anne ve büyük



It is clear that such a high rate is not accidental. On the contrary, it would not be misleading to say that they emerged as a result of the social genocide policies they were exposed to. Because, many people who lost their livelihoods, family orders, social relations and psychology with the KHKs lost their health. After losing their social security, their treatment was interrupted. They have relapsed old illnesses or have new illnesses. Among these people, the rate of those who lost their lives prematurely due to their lack of access to adequate and quality health services was high.<sup>50</sup>

Our research on victims of SOE/KHK confirms the above situation. In the given context:

It has been determined that 41.5 percent of the victims and their relatives who participated in our SOE/KHK grievances surveys do not have any health insurance. 14 percent of the victims or their relatives stated that they have health insurance through their parents. Of the 44.5 percent who stated that they had health insurance, they stated that they had this insurance by paying the compulsory SSI premium.

34.6 percent of the victims and their relatives have not received any support from anyone, including their families. The rate of those who can receive some support from their families, albeit limited, is 58.3 percent. The rate of victims and their relatives who think that they cannot get enough support from their social circles is 82.9 percent. For these reasons, there is a high perception of "social exclusion", "isolation" or "excommunication/abandonment" among victims and their relatives. It is possible to argue that this is an additional factor that negatively affects their physical health.

The relatives of the victims stated that they were psychologically affected negatively by the victimization inflicted on their family members. Although 74.6 percent feel the need to receive medical/psychological support, approximately 45 percent cannot reach medical/psychological support for some reason. It has been determined that the negative effects of the SOE/KHK grievances, especially on spouses and children, are felt much more severely.

Among the relatives of victims who were excluded/isolated by their social circles, a high percentage of 85.3 percent stat-

baba. Ancak TÜİK verilerine göre Türkiye'de ortalama bir hanehalkının büyüklüğü ~3,5 kişidir.

50 Elif Nur Yıldırım Öztürk, Mustafa Öztürk, A.g.e. s.3

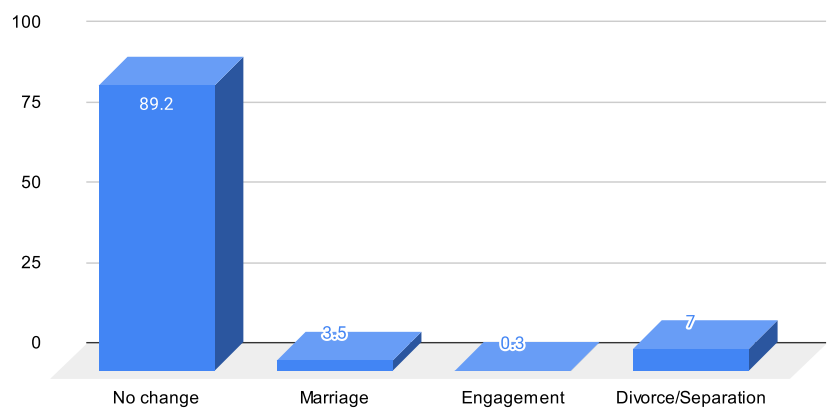
ed that they had psychological problems. Even economic problems are in second place (82%). When all these problems are exacerbated by social pressure and exclusion (73.25 percent), they negatively affect the physical health of both victims and their relatives.

From another point of view, the high number of divisions, tensions and divorces among the families of victims not only shows the frightening depth of the social, economic and psychological damage to the families of victims, but also indicates that the physical health of these family members will be adversely affected.

In summary, it is clear that those who were targeted under the SOE/KHKs were subjected to "indirect genocide" through detention, imprisonment, hunger, torture, ill-treatment, humiliating treatment and deep poverty.

## CRUDE DIVORCE RATE ANALYSIS AMONG TURKEY GENERAL AND VICTIMS OF SOE/KHK

Changes in the Civil /Relationship Status of the OHAL Victims with/after OHAL

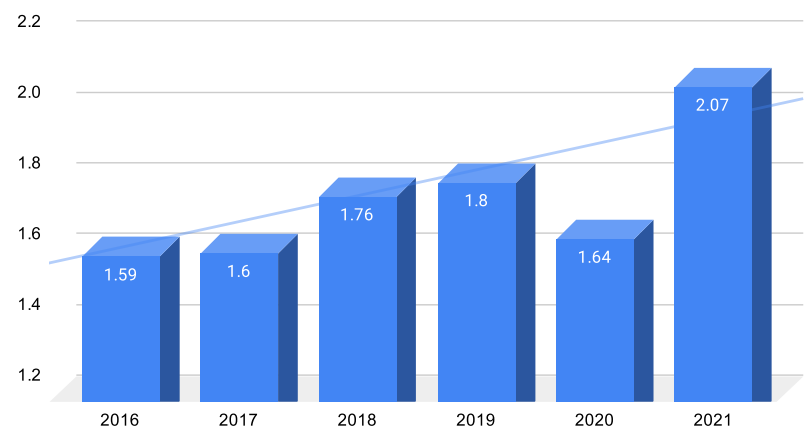


According to our research data, the divorce rate among families who are victims of SOE/KHK is 7 percent. Considering that the crude divorce rates in Turkey are 2.07 per thousand for 2021, according to TurkStat data, it turns out that the divorce/separation rates among the victims are 33.82 times the average of Turkey. This rate reaches 11.2 percent when the proportion of victims who state that "their families are actually split or disintegrated" even though they have not been legally divorced or have not actually made decisions to live apart through the courts. This rate, which corresponds to 55 times the Turkey average, reveals the frightening depth of the SOE's destruction on families.

## TURKEY-WIDE POVERTY RATES AND CAUSES ANALYSIS

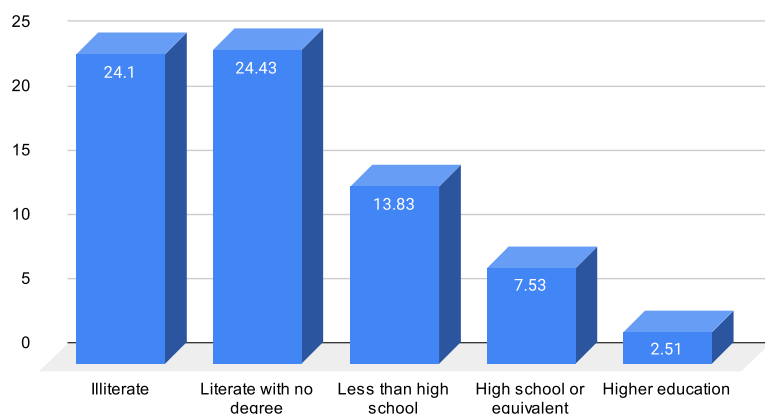
Low-income individuals are considered relatively poor compared to the general level of society. According to the poverty line determined by the TurkStat Income and Living Con-

Crude Divorce Rate in Turkey (2016 - 2021) (per 1,000 people)



ditions Survey, taking into account 60 percent of the equivalent household disposable median income for 2021, the poverty rate in Turkey was 21.3 percent. However, according to factors such as education, gender, household size, poverty affects different segments of the society at different degrees and depths.

Poverty Rate by Education Level (2021) (%)



## TURKEY-WIDE POVERTY RATES BY EDUCATIONAL STATUS

According to the poverty rate calculated by TurkStat, taking into account 50 percent of the equivalent household disposable median income, 24.1 percent of illiterate individuals were found to be poor. Again, 24.4 percent of

those who have not completed school and 13.8 percent of those who have not received high school education are in poverty. While the poverty rate is 7.5 percent among high school and equivalent school graduates, only 2.5 percent of higher education graduates are found to be poor.

## ANALYSIS OF AVERAGE MAIN JOB INCOME RATES AND AMOUNTS IN TURKEY BY EDUCATIONAL STATUS

Mean annual income at main job by level of education, 2006-2021

	2016	2017	2018	2019	2020	2021
<b>Illiterate</b>	10,815	11,581	12,043	14,129	16,785	19,835
<b>Literate with no degree</b>	13,204	15,306	16,835	18,279	22,936	25,911
<b>Less than high school</b>	18,471	21,388	23,437	26,833	32,838	35,344
<b>High school or equivalent</b>	24,829	28,260	30,485	34,115	41,855	47,326
<b>Higher education</b>	39,536	43,821	46,755	51,888	63,085	68,229
<b>Total</b>	24,976	28,299	30,748	34,733	43,118	47,886

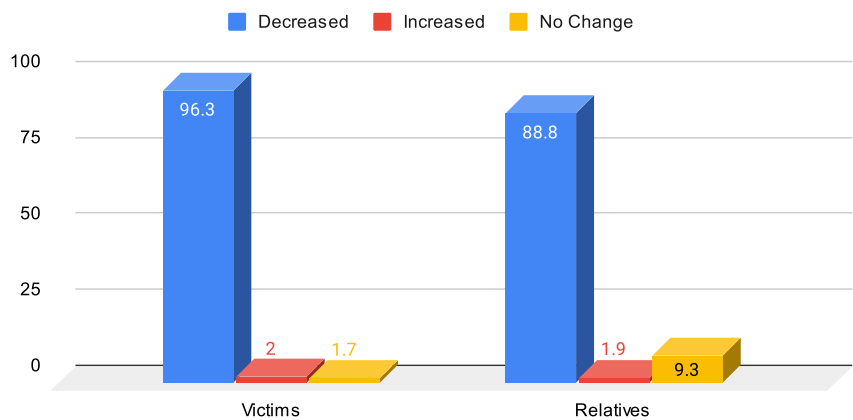
According to TurkStat's 2021 Income and Living Conditions Survey, the annual average main job income was 68,229 TL for higher education graduates. While the average annual income of those who graduated from high school and equivalent schools was 47,326, it was 35,344 TL for those with less than high school education. The annual income of those who did not complete a school was calculated as 25,911 TL, and those who were illiterate 19,835 TL. The nominal data given above may cause confusion due to the very rapid changes in the value of money in an environment of high inflation. To this end, the chart below presents a comparative analysis of average revenues. Accordingly, an illiterate

employee earns an average of 29.07 TL per year, while an average higher education graduate earns 100 TL per year. These figures indicate that there is a significant relationship between education and income. In this context, it is seen that an ordinary literate person earns 1 TL on average in the job market, while a highly educated person earns 3.44 TL.

## COMPARATIVE ANALYSIS OF INCOME AND POVERTY RATES IN TURKEY AND AMONG THE VICTIMS OF SOE/KHK

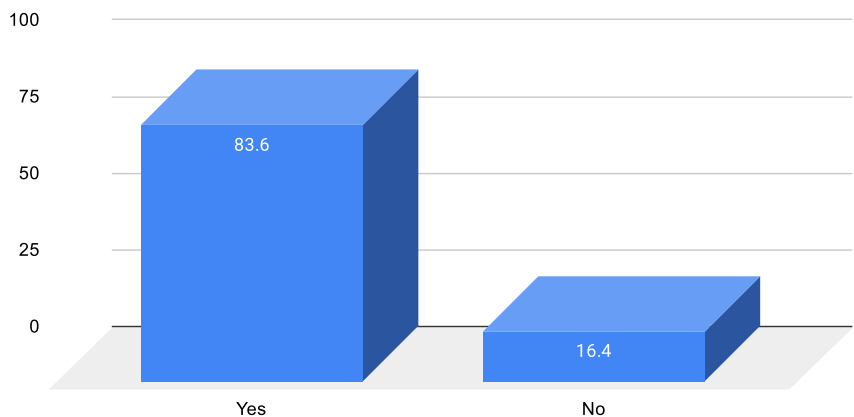
Evaluations on poverty rates and income amounts made within the framework of TurkStat's aforementioned research reveal a different view from the reality of Turkey. Indeed, in the comparative analysis of the KHK victims and the whole of Turkey, the differentiation seen in the comparisons in areas such as crude death, suicide and divorce is encountered. The determinations based on our victimization research have revealed that 83.6 percent of the SOE/KHK victims do not have sufficient earnings for their living. On the other hand, 96.3 percent of the SOE/KHK victims stated that their current income has decreased compared to before the declaration of the SOE.

A Comparison of Mean Annual Incomes at Main Job by Level of Education, 2021



According to the analyzes made on the basis of TurkStat income and living conditions data under the previous section titles, the poverty rate among those who have a college/faculty/master's or/doctorate degree is a maximum of 2 percent, as in equivalent social groups. It was expected to be around 5. However, this rate was found to be 83.6 percent among the KHK victims. The result reveals that the poverty among the victims of the KHKs is 33.44 times the average of Turkey when compared with the equivalent highly educated social groups. Even if the poverty among the victims of the KHKs is not compared with the highly educated groups, even when the poverty rate of Turkey in 2021 is 21.3 percent, it is seen that the poverty rate

Is the Current Income of KHK Victims Sufficient for Their Livelihood?



in Turkey has reached 3.93 times the average. On the other hand, it can be said that the poverty rate among the victims of SOE/KHK and their families was zero before the SOE/KHK victims. In this case, it turns out that the poverty of the victims is a situation that stems entirely from the unlawful practices of the SOE/KHK regime. The main reason why the poverty of the KHK victims is at such high levels is obviously not because they are illiterate and incompetent. This situation stems from social genocide practices such as preventing them from working or retiring in both the public and private sectors, putting high barriers in front of them to start a business, and preventing them from going abroad.

As a result of crimes against humanity within this framework, some of the work and income indicators related to the victims of the SOE/KHK are as follows:

- Among the victims of the SOE/KHK, the current unemployment rate is 32.5 percent. The rate of those who can earn income by working in a permanent job is 23 percent. The majority of workers in any job are in uninsured and/or low-paying jobs.
- 41.5 percent of SOE/KHK victims do not have any health insurance. 14 percent stated that they have health insurance through their parents. Some of the 44.5 percent who stated that they had health insurance obtained this insurance by paying the compulsory SSI premium.

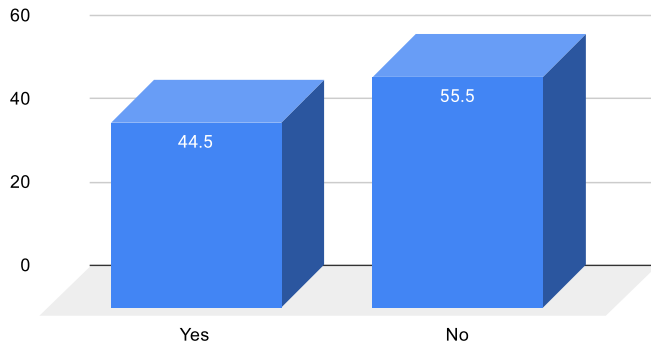
<b>Difficulties Encountered by Victims and Their Relatives</b>	<b>KHK Victims (%)</b>	<b>Victims' relatives (%)</b>
Economic problems	92.66	89.11
Psychological Problems	86.01	90.54
Foreign Travel Ban	78.63	45.81
Loss of Social Rights	76.7	55.53
Social Exclusion, Humiliation and Mobbing	76.38	68.59
Social Insecurity	68.67	58.63
Rejection of Job Applications	64.16	35.09
Lack of Health Insurance	52.75	37.52
Ignored by Relatives / Relatives	43.43	41.62
Physical Health Issues	43.02	50.42
He had to move from the city / district he lived in	39.48	29.98
Prevention of Commercial / Professional Activities	33.23	17.59
Not Receiving Legal Support	28.71	30.23
Could Not Benefit From Bank Services	24.62	11.06
Forced to Move Out / Home Owners Didn't Rent Their Homes	21.79	19.26
The Family Unity Has Been Broken	20.47	42.71
Spouse / Child / Sibling / Relative Also Dismissed	15.66	20.6
Job Application of Relatives Not Received or Eliminated in Interview/Security Investigation	13.54	13.65
Ignored by His Family	11.56	11.98
Suicide Attempted	7.75	9.21

Your Child's Scholarship/Study Credit Has Been Cut	1.39	1.51
Child Removed/Expelled from Dormitory	0.47	0.59
Scholarship Discontinued	0.33	0.42
Other	1.59	1.26

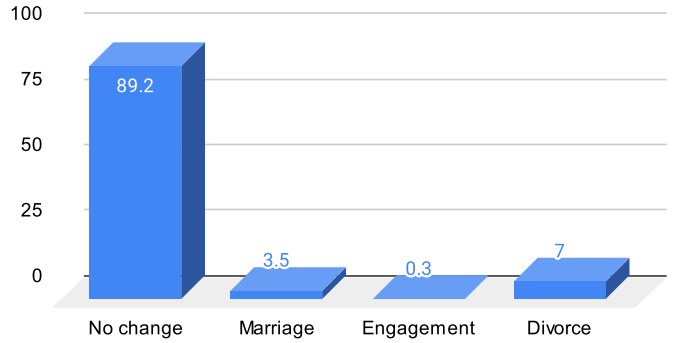
<b>Current Livelihoods of SOE/KHK Victims and Their Relatives</b>	<b>KHK Victims (%)</b>	<b>Victims' relatives (%)</b>
Working in Temporary / Irregular / Casual Jobs	19.12	9.23
Working as Insured	17.57	21.98
Living with Family Support	13.83	13.09
Working Without Insurance	12.84	6.29
He is retired	8.68	6.46
Doesn't Work, Lives By Spending Savings	7.3	8.05
Unemployed/Searching for a job	7.15	12.58
Started His Own Business	2.89	1.43
Giving Private Lessons	2.79	1.43
Craftsmanship	2.34	2.77
Engaged in Agricultural Activity	2.01	1.76
Social / Solidarity etc. Getting Help	1.47	2.01
Peddled Vendor	1.23	0.76
Home Production and Handicrafts	0.69	5.37
Selling with e-commerce	0.51	0.76
Living Abroad	0.47	0.76
Student	0.41	6.46

<b>Difficulties Experienced by Victims and Their Relatives in their Work/Working Life</b>	<b>KHK Victims (%)</b>	<b>Victims' relatives (%)</b>
Discrimination/Exclusion	67.21	69.25
Low Pay Employment	38.97	58.77
Working in Physically Weary Jobs	33.46	50.21
Uninsured Work	25.24	43.16
Free Overtime	25.34	36.77
Irregular Working Hours	14.99	18.8
Couldn't Find a Job in the Private Sector Due to State Pressure / Dismissed	4.06	5.19
Couldn't Apply for a Job Due to Health, Age, Family Status, Work Bans	3.19	0.62
Living/Working Abroad to Relieve the Pressures in Turkey	0.1	0.09
Switching to the agricultural sector	0	0.03
No Significant Discrimination or Exclusion	0.58	0.02
Other	0.39	0.29

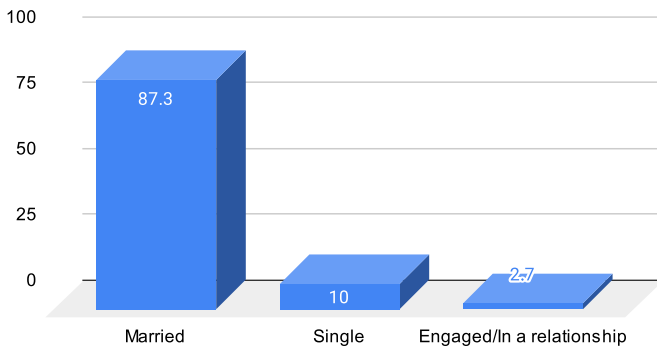
**Did the Victims Have to Sell Their Movable or Immovable Properties (%)**



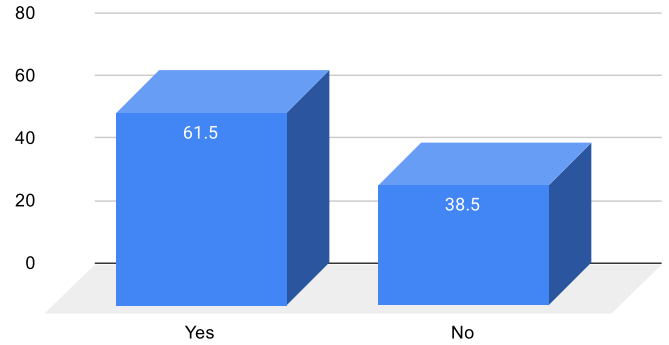
**Marital Social Relationship Status of the Victims After the SOE KHK (%)**



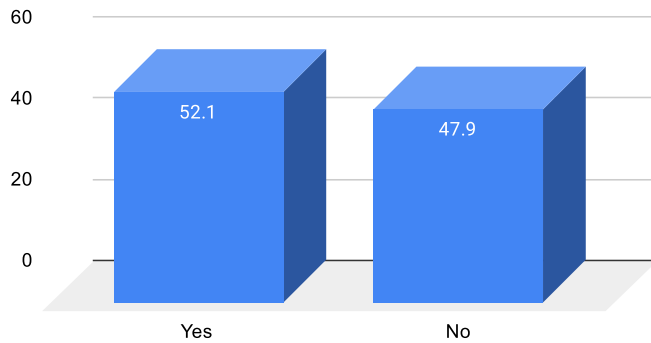
**Marital Social Relationship Status of the Victims Before the SOE KHKs (%)**



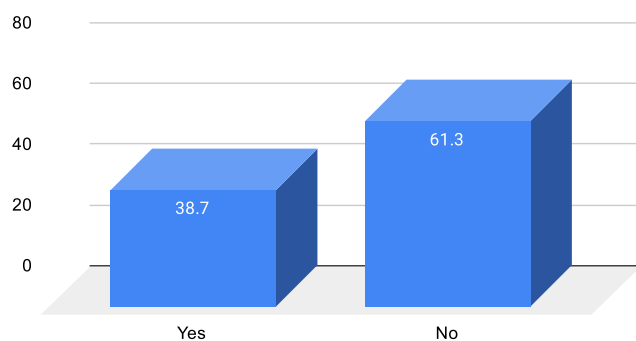
**Did the Victims Have to Change Their Places of Residence Houses After the SOE0 KHKs (%)**



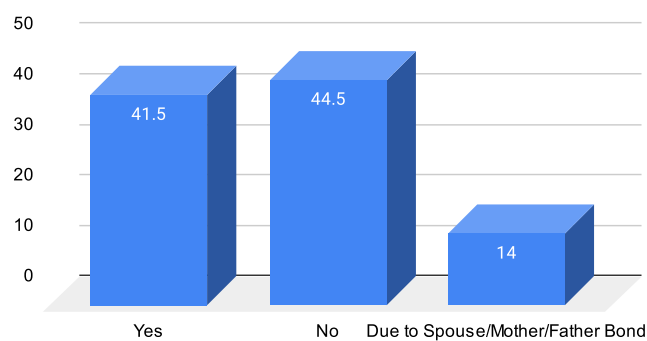
**Have the victims had to change their Provinces or Districts of Residence (%)**



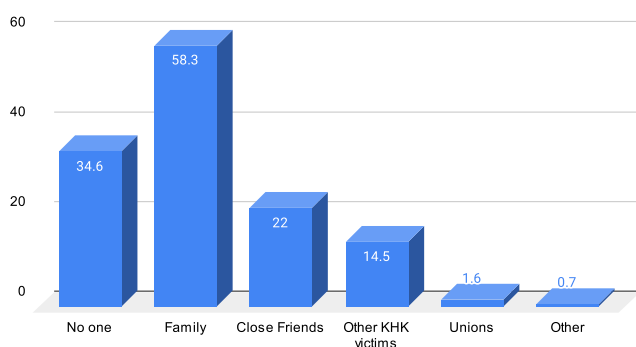
Do KHK Victims Have Health Problems? (%)



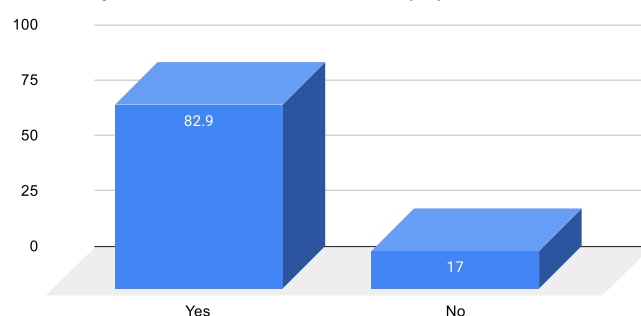
Do KHK Victims Have Any Health Insurance? (%)



Relatives of KHK Victims Received Solidarity/Support From (%)



Did the Victims' Relatives Have Enough Support and Solidarity From Their Social Circles (%)



### Psychological Treatment and Drug Use of KHK Victims and Their Relatives? (%)

	Victims	Their Relatives
Didn't Need Treatment	35.33	25.38
<b>No Opportunity to Apply for Treatment</b>	<b>40.24</b>	<b>45.98</b>
Received Psychological / Psychiatric Support. Used Psychological Drugs for a Time	14.01	12.73
Received Psychological / Psychiatric Support. Still Uses Psychological Medicines	8.01	11.39
Continues to Receiving Psychological / Psychiatric Treatment	2.01	4.02
Other	0.39	0.5

### What kind of hardships did the relatives of the victims have to go through? (%)

Psychological Problems	85.3
Economic Problems	82
<b>Social Pressure and Exclusion</b>	<b>73.25</b>
Pressure form Their Families or Relatives	45
They Have Been Banned From Traveling Abroad	23.37
Security investigations/Banned from working in the public sector	7.35
They were detained	7.1

They Have Been Fired From Their Jobs In The Private Sector	6.69
Investigation Launched and they have been Suspended In Public Sector	6.03
They Have Been Fired From Their Public Sector Jobs	5.28
They were arrested	4.05
Education Loans Cut / Scholarships Removed	0.74
Other Problems	7.76

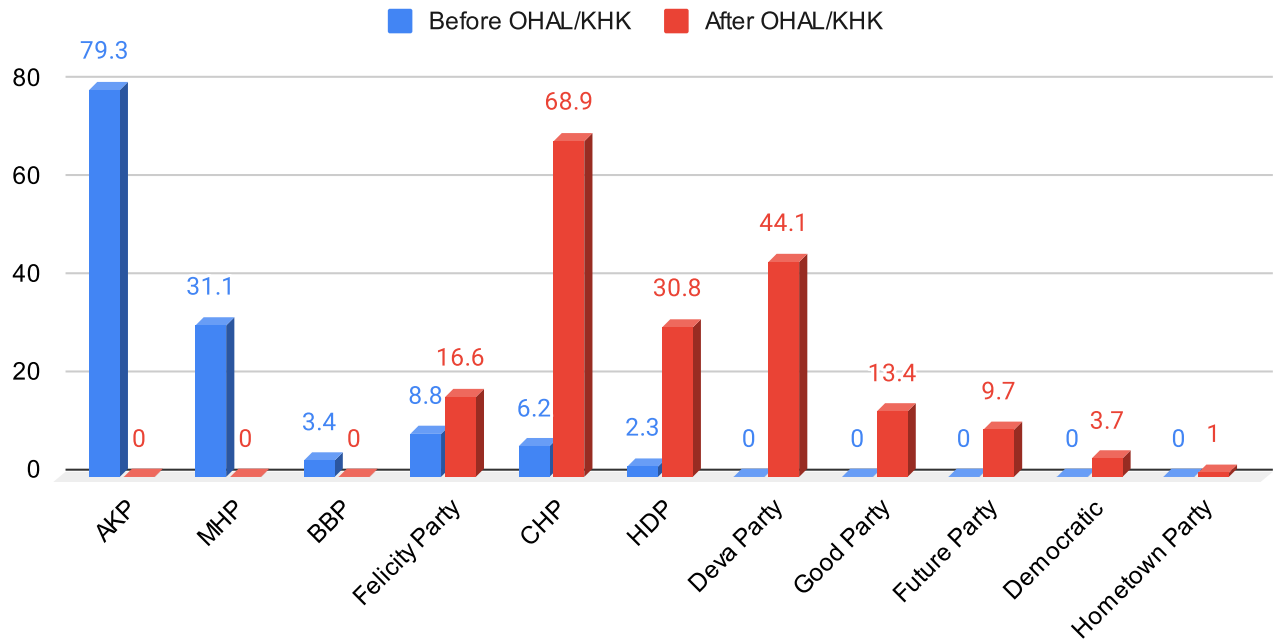
### How Were Victims' Children Affected by the Lawlessness of Their Families? (%)

Their children's psychological state deteriorated	58.79
They failed in their classes	26.84
Their children had to attend a worse school	25.11
They had to be separated from their children because their families broke up.	5.45
His children could not attend school	4.14
Their children's education scholarships / loans have been discontinued	1.74
Other negative experiences	5.78
Since children are young, they are not aware of the situation yet.	2.81
They hid the situation from the children. They didn't tell them	0.44
They were less affected as their children were older	17.55
Increased success in classes	1.24

## ANALYSIS OF CHANGES IN VOTING PREFERENCES OF SOE/KHK VICTIMS AND THEIR RELATIVES

The answers given to the question "whether there was any change in political party preferences before and after the SOE", which was asked to the victims and their relatives, showed that up to 90 percent of the participants changed their political preferences. The resulting picture demonstrated that parties that are more sensitive to the problems created by the SOE regime will gain from the elections. Analysis of vote shifts or pass-through between parties in the aforementioned context shows that victims and their relatives, who previously supported AKP and coalition partners MHP and BBP, completely turned to other parties. The votes went to the HDP, which is actively working for the protection of the rights of the KHK victims, as well as to the members of the Nation Alliance such as CHP, Deva Party, Felicity Party, IYI Party and Future Party. However, when determining their voting preferences, respondents mainly look at which of the opposition parties they voted for is the strongest alternative party in their constituencies. KHK victims act with the strategy of supporting the strongest opposition party. They support the strongest local candidates of the parties that openly declare that they are against the lawlessness of the SOE. In the same context, they move away from "right conservative" parties, which are the main carriers of lawlessness and injustice in the country, and turn to "left-democratic" or "right-liberal" parties that prioritize principles such as the rule of law, justice, human rights, pluralist and liberal democracy.

## Change in Voting Preferences of OHAL/KHK Victims and Their Relatives (%)



## **CHAPTER III**

# **PROGRESS IN JUDICIAL AND ADMINISTRATIVE INVESTIGATIONS IN THE SIXTH YEAR OF THE SOE**

# INTRODUCTION

The administrative investigations that 99 percent of the victims, who were fired from their jobs during the SOE, faced before July 15, 2016, and the investigations they went through afterward, have no relation with each other. This shows that the administrative investigations opened against the victims after the July 15 coup attempt are completely conjectural and have no relation with the acts of the victims.

◆ 98.2 percent of the victims, who were dismissed from their jobs with the powers of the SOE, did not have any contact with the judicial/criminal investigations they had before 15 July 2016. In other words, almost all of the judicial/criminal investigations opened against the victims after the coup attempt are conjectural.

◆ 92.6 percent of the victims who were subjected to judicial processes during the SOE believe that the judicial investigations they went through were not conducted fairly.

◆ 77.2 percent of the victims detained under the SOE were detained for 2 or more days (up to 30 days at the most).

◆ A significant portion of the SOE/KHK victims who have undergone judicial processes have declared that they have been treated with prejudice during all their processes in the police station, courthouse and courts.

◆ The principle of "obligation to prove the claim of the claimant", which is an essential requirement of the presumption of innocence principle of modern/positive law, was not applied and the accused SOE/KHK victims were obliged to "prove their innocence". Those who did not admit that they were guilty or committed a crime in this pressure environment were mostly accused of "hiding or denying their guilt" and thus exhibiting organizational behavior.

◆ Most of the victims arrested during the SOE have been subjected to violations of their rights as grave as "systematic severe torture" in detention centers and prisons. They were humiliated and/or mistreated. When they were released, many suffered permanent psychological damage caused by their ill-treatment. Most of them could not find enough means for treatment. In addition to these, they tried to survive by struggling economically, physiologically and psychologically among all kinds of "civil death", "social insecurity", "exclusion", "unemployment" and "abandonment to hunger" practices from society and the state.

◆ The provision in the Law No. 5275 on the Execution of Penalties and Security Measures stating that pregnant women, women who have just given birth or with babies cannot be imprisoned was not applied to women who were arrested on the allegation of membership of a terrorist organization during or after the SOE. This situation seriously violated the legal and human rights of mothers and their babies.

◆ The SOE Procedures Investigation Commission, which became operational on May 22, 2017, has decided only 2,895 out of 127,130 applications in the 5.5 years that have passed. The Commission rejected 86.1 percent of the applicants' requests for reinstatement. The commission uses the political criteria determined by the political power, instead of

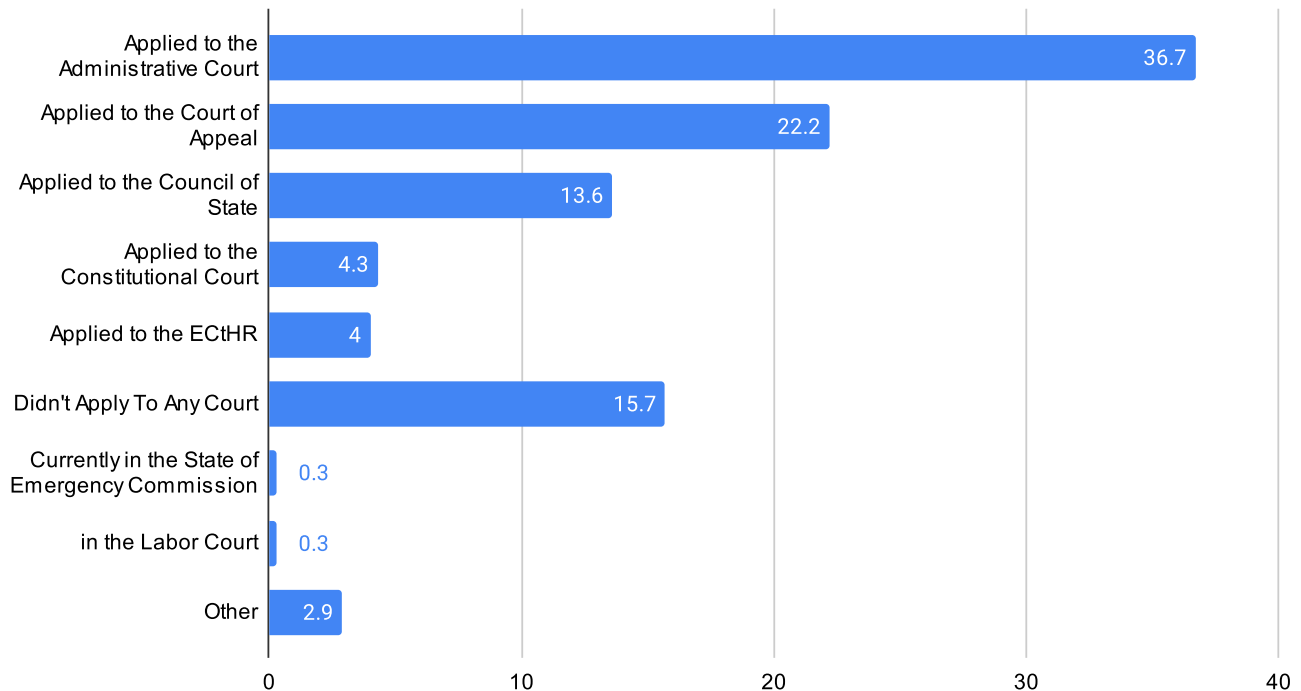
using the legal/objective criteria suggested by the ECHR or the Venice Commission of the Council of Europe.

◆ 82.1 percent of the KHK victims were subjected to judicial/criminal proceedings. The vast majority of those who have been prosecuted have been subjected to ill, humiliating, inhuman treatment and torture through systematic detention, arrest and imprisonment.

◆ Only 4 per thousand of the crime allegations brought against the victims of the SOE/KHK and their relatives during the judicial/criminal proceedings are related to serious crimes such as "participating in the coup or attempting to abolish the constitutional order". 99.6 percent of the allegations stemmed from the criminalization of purely legal activities, illegal tagging lists and dubious confessor/whistleblower statements, most of which were obtained through pressure. This means that the political power struggles not with the coup or coup plotters, but against the social, economic and political opposition in the country, and tries to gain an uncontrolled power by suppressing all the people and groups they see as their opposition.

◆ The purposes of the systematic judicial and administrative ill-treatment by the SOE/KHK regime against the victims and their relatives by ignoring the general principles of the law or by interpreting them too broadly are to create fear and panic among the victims themselves and among their family members, to damage their dignity, humiliate them and break their self-confidence and to force them to admit crimes they did not commit as well as to make false accusations about others.

### At What Stage Are OHAL/KHK Victims in the Administrative Judgment Process?



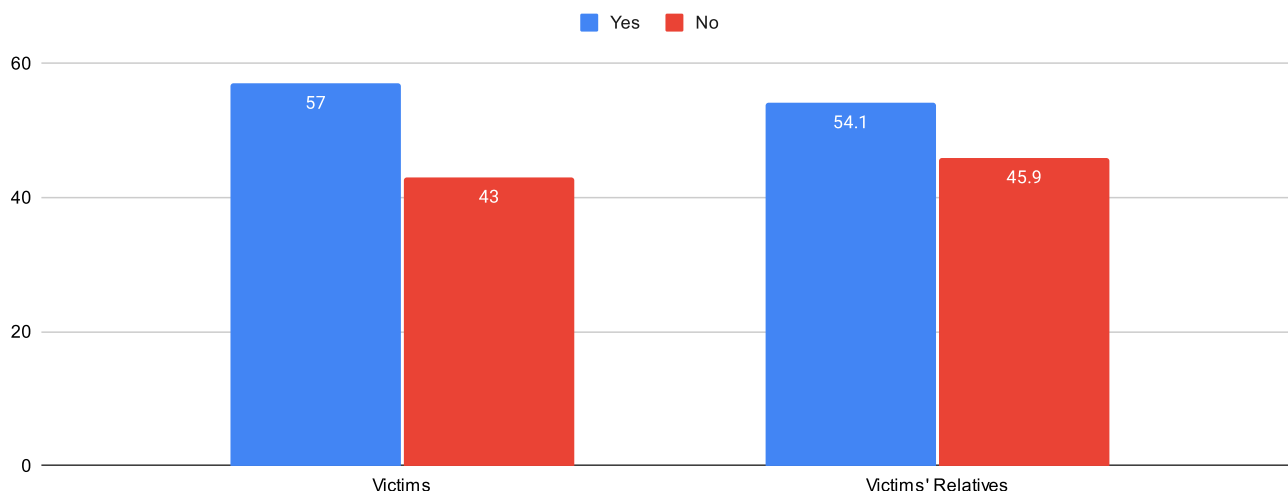
## LEGAL OR ADMINISTRATIVE ACTION SITUATIONS TO WHICH THE SOE/KHK VICTIMS AND THEIR RELATIVES ARE SUBJECTED

The vast majority of the victims of the KHK and their relatives, against whom legal action was taken, were subjected to ill-treatment, degrading treatment, inhuman treatment and torture through systematic detention, arrest and imprisonment.

Types of Judicial or Administrative Actions Victims and their Relatives had (%)		
	Victims	Relatives
They were legally prosecuted and eventually dismissed or acquitted.	31.7	29.1
They received a prison sentence that has not yet been determined by the higher courts.	25.8	23.4
They were released from prison, but their cases continue.	25.5	16.6
Court processes are in progress.	22.2	34.2
Released by judicial control after detention or arrest.	15	13.6
<b>They were prosecuted, but they did not experience any detention or arrest.</b>	<b>13.9</b>	<b>20.4</b>
They were detained and released.	12.8	15.5
They have undergone an administrative investigation in the institutions they work for.	3.9	11.4
They got jail time and they have completed their sentence.	3.1	1.4
They were sentenced to prison, but their sentences were postponed.	2.7	4.1
Other	2.68	4.1

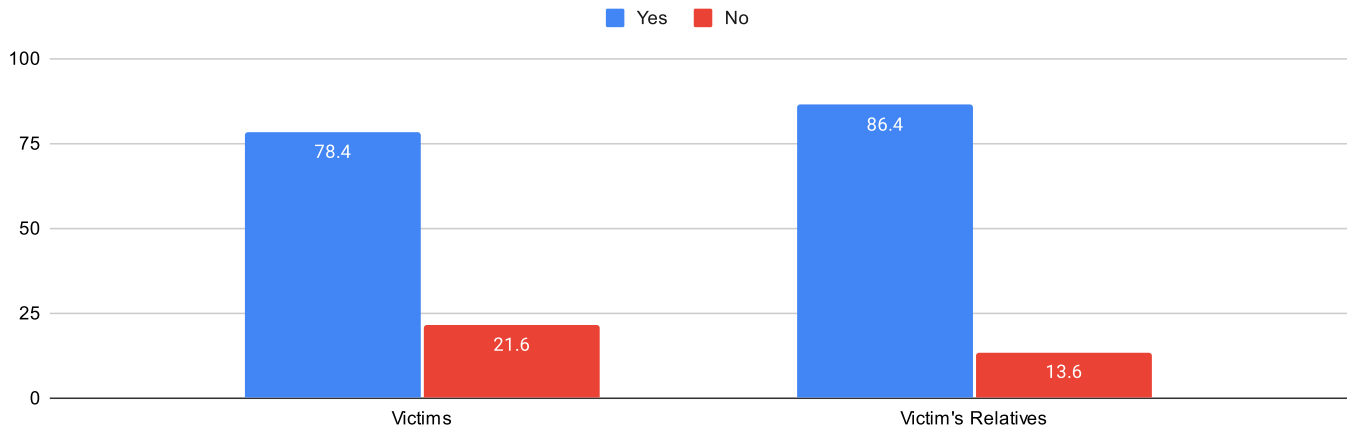
## AVAILABILITY OF LEGAL SUPPORT IN LEGAL PROCESSES OF KHK VICTIMS AND THEIR RELATIVES

Were the KHK Victims and their Relatives Able to Receive Legal Support in the Judicial Process?



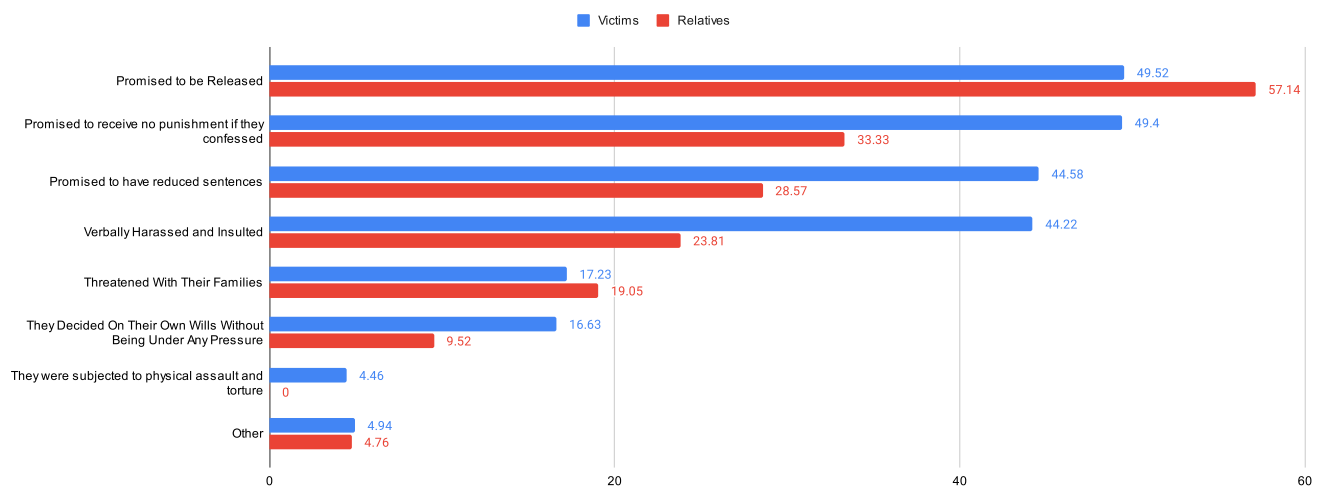
## PRESSURE TO BENEFIT FROM EFFECTIVE REPENTANCE ON KHK VICTIMS AND THEIR RELATIVES

Have KHK Victims and Their Relatives been Pressurized to Benefit from Effective Repentance in Judicial Processes? (%)



## PRESSURE AND SUGGESTIONS MADE TO FORCE KHK VICTIMS AND THEIR RELATIVES TO CONFESSION OR EFFECTIVE REPENTANCE

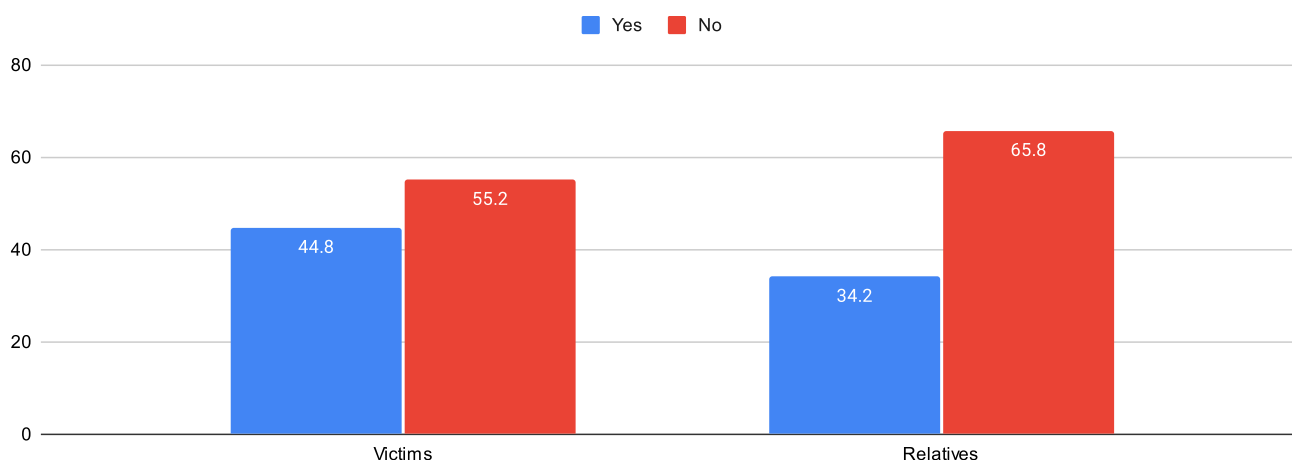
What Kind of Pressure and Suggestions KHK Victims and Their Relatives were Subjected to for Effective Repentance and Confession? (%)



## ALLEGATIONS OF CRIME OR ACCUSATIONS MADE AGAINST KHK VICTIMS IN JUDICIAL PROCESSES

<b>What are KHK Victims accused of?</b>	
Having an account at Bank Asya	35.98
Confessor / Whistleblower statements	31.87
Institutional opinion	25.59
Installing / using ByLock	23.71
Membership or Management in Closed Unions	20.45
Being Named on the Listings (Waiter, Albatross etc)	20.42
Having Worked in closed Institutions	16.45
Sending their children to closed schools	15.88
Attending trips / Religious conventions	13.9
Being associated / affiliated / member / manager with/in a terrorist organization	13.12
Confidential witness statements	10.36
Newspaper / magazine / publication subscription	10.17
Giving donations to an organization	9.96
Membership / Management of closed associations	8.58
Social Environment	7.2
Helping / supporting the organization	5.58
Being called from payphones	5.25
Posting dissident messages on social media	3.79
They don't with what they are charged	2.41
Press release, rally, protest, strike etc kparticipate in demos	1.7
Asking for peace / being a Peace Signatory	1.38
Being a part of the struggle for labor and democracy	1.21
<b>Participation in the coup / Attempt to overthrow the constitutional order</b>	<b>0.4</b>
Other	3.44

Have the KHK victims and their relatives been imprisoned?

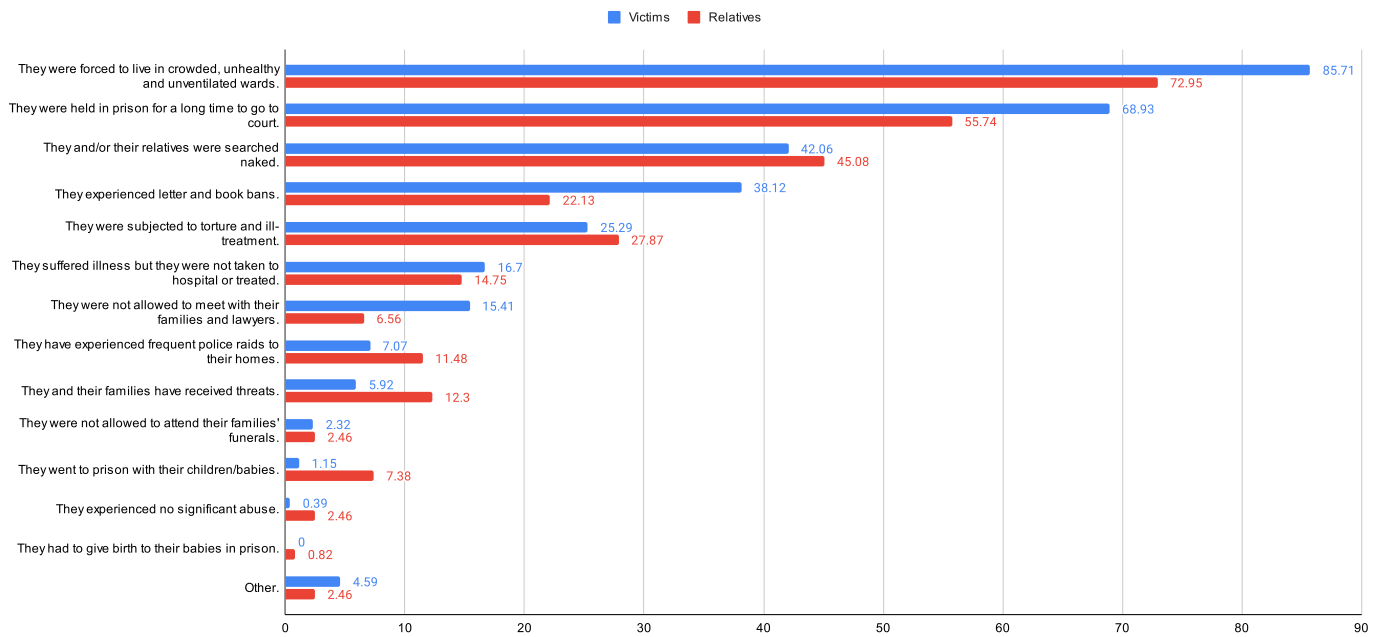


## ILL-TREATMENT ENCOUNTERED BY KHK VICTIMS AND THEIR RELATIVES IN PRISON PROCESSES

### What Kind of Mistreatment Did the KHK Victims Their Relatives Encounter in Prison? (%)

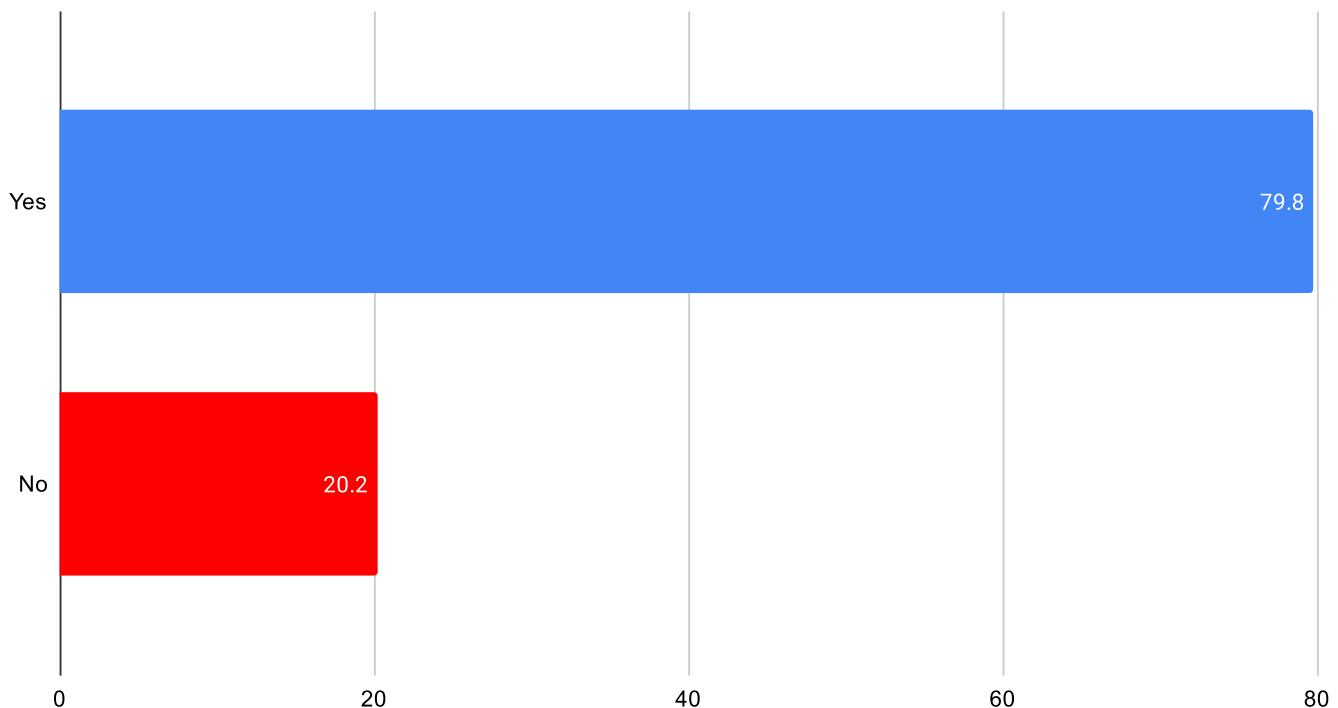
	Victims	Relatives
They were forced to live in crowded, unhealthy and unventilated wards.	85.71	72.95
They were held in prison for a long time to go to court.	68.93	55.74
They and/or their relatives were searched naked.	42.06	45.08
They experienced letter and book bans.	38.12	22.13
They were subjected to torture and ill-treatment.	25.29	27.87
They suffered illness but they were not taken to hospital or treated.	16.7	14.75
They were not allowed to meet with their families and lawyers.	15.41	6.56
They have experienced frequent police raids to their homes.	7.07	11.48
They and their families have received threats.	5.92	12.3
They were not allowed to attend their families' funerals.	2.32	2.46
They went to prison with their children/babies.	1.15	7.38
They experienced no significant abuse.	0.39	2.46
They had to give birth to their babies in prison.	0	0.82
Other.	4.59	2.46

What Kind of Mistreatment Did the KHK Victims their Relatives Encounter in Prison? (%)



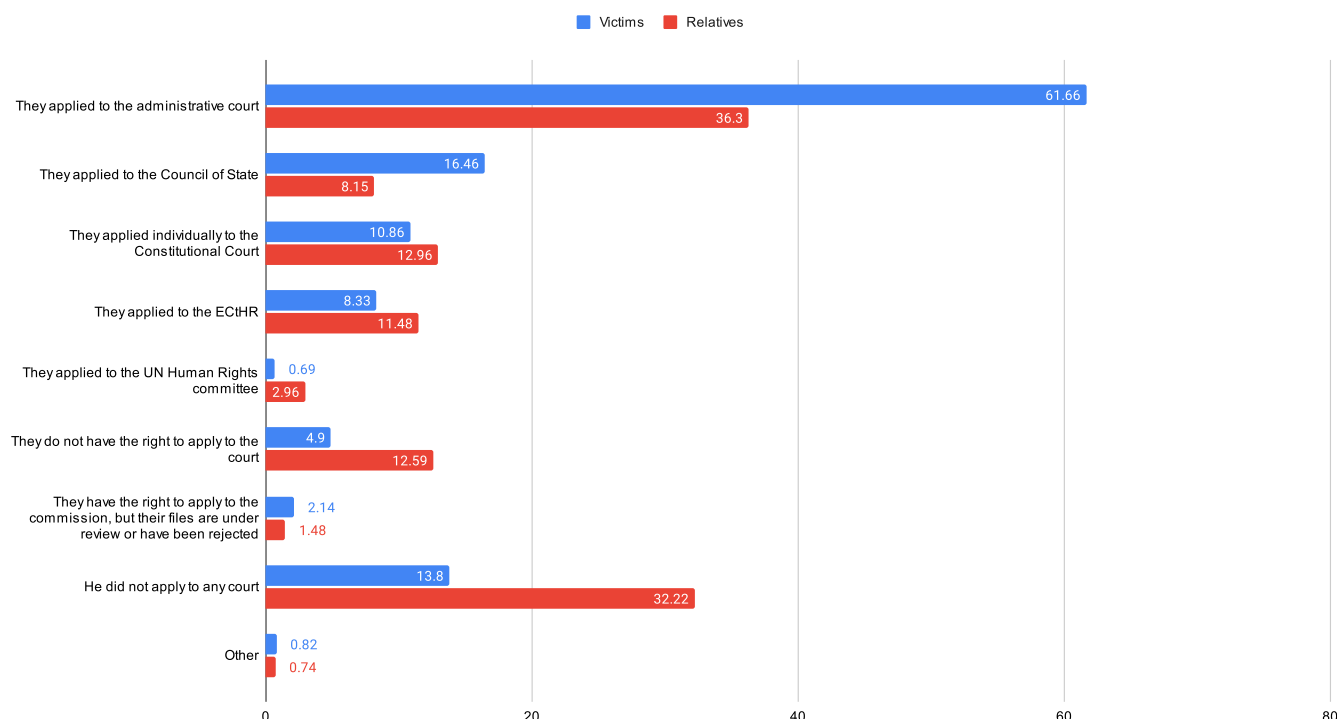
## WHETHER OR NOT THE KHK VICTIMS HAVE THE RIGHT TO APPLY TO THE SOE COMMISSION

Did the KHK victims have the right to apply to the OHAL Commission? (%)



## LEGAL PROCESSES FOLLOWED BY VICTIMS WHO DO NOT HAVE THE RIGHT TO APPLY TO THE SOE COMMISSION AND STAGES IN LEGAL PROCESSES

What kind of legal process did the victims, who did not have the right to apply to the OHAL commission, or what stage of the legal processes did they reach? (%)



## ALLEGATIONS OR ACCUSATIONS AGAINST KHK VICTIMS IN THE PROCESSES OF THE SOE COMMISSION

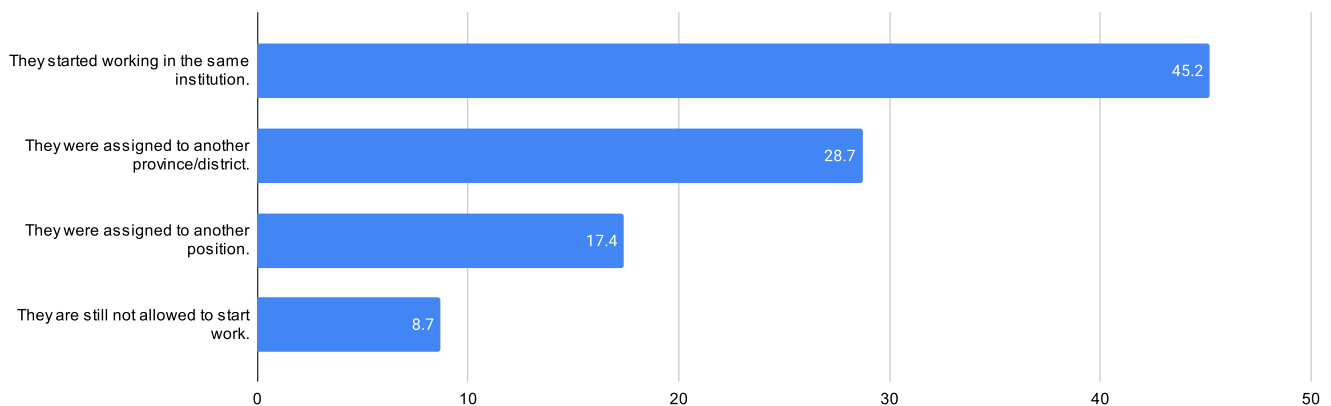
### Allegations or Accusations of Crime Made to KHK Victims in the Processes of the SOE Commission (%)

Having an account at Bank Asya	43.38
Membership or Management in Closed Unions	33.27
Institutional opinion	31.82
Being Named on the Listings (Waiter, Albatross etc)	20.43
Installing / using ByLock	20.17
Confessor / Whistleblower statements	19.99

Sending their children to closed schools	19.43
Newspaper / magazine / publication subscription	17.55
Giving donations to an organization	13.76
Attending trips / Religious conventions	10.33
Membership / Management of closed associations	9.8
Being associated / affiliated / member / manager with/in a terrorist organization	9.42
Confidential witness statements	8.79
They don't with what they are charged	5.37
Having Worked in closed Institutions	5.11
Social Environment	4.19
Helping / supporting the organization	3.92
Posting dissident messages on social media	2.01
Being a part of the struggle for labor and democracy	1.78
Asking for peace / being a Peace Signatory	1.71
Press release, rally, protest, strike etc participate in demos	1.64
Being called from payphones	1.01
<b>Participation in the coup / Attempt to overthrow the constitutional order</b>	<b>0.4</b>
Other	1.44

## THE SITUATION OF AND CONDITIONS FOR REINSTITUTION OF KHK VICTIMS WHOSE APPLICATIONS WERE APPROVED BY THE SOE COMMISSION

Were the KHK victims, who were accepted by the OHAL Commission, able to return to their previous duties? (%)



From the above data, it can be seen that serious unlawfulness has been experienced in the return of the KHK victims, for which the decision of reinstatement was given by the SOE Commission, which was appointed by the political power and kept under strict control. 50 percent of the victims, whom the SOE Commission said could return to their duties, were not

employed in the same institution, in the same province/district and in the same position. On the other hand, there are many victims' statements that those who were employed in the same institution were subjected to systematic mobbing by the political power and the collaborative bureaucracy. As it is understood from the statements of the victims, the political power and the collaborative bureaucracy have always continued to see them as "objectionable" citizens and workers and have created obstacles to prevent them from doing their jobs in peace and security. Whether the victims returned to their duties through the SOE Commission or through the administrative courts, this situation has not changed.

## **CHAPTER IV**

# **THE CONCEPTUAL FRAMEWORK OF CRIMES AGAINST HUMANITY AGAINST THE VICTIMS OF SOE/ KHK AND THEIR RELATIVES**

# **CONCEPTUAL FRAMEWORK ANALYSIS OF CRIMES AGAINST HUMANITY COMMITTED AGAINST THE KHK VICTIMS AND THEIR RELATIVES**

The SOE declared on July 20, 2016, apparently ended on July 20, 2018, after paving the way for thousands of crimes against humanity. However, in fact, with the enactment of the KHKs in the Grand National Assembly of Turkey, especially with the Law No. 7145 on the Amendment of Some Laws and Statutory Decrees published in the Official Gazette on 31 July 2018, and some additional legislative amendments, it has been extended indefinitely. The SOE, which ended on July 20, 2018, but still continues in practice, has turned the country into a huge concentration camp. It continues to suppress or oppress all individuals and institutions in the country as the cause of silent deaths, silent social-crimes, political-crimes, economic-crimes, unlimited tortures, silent cries for help.

According to the Justice Statistics data shared with the public by the Ministry of Justice, General Directorate of Criminal Records and Statistics, a total of at least 1,576,566 criminal investigations were initiated, including 155,014 judicial decisions in 2016, 457,423 in 2017, 444,342 in 2018, 310,954 in 2019, and 208,833 judicial decisions in 2020 from the article 314 of the Turkish Penal Code, which regulates the crime of establishing, directing or being a member of an armed organization against the constitutional order and the functioning of this order.<sup>51</sup>

Victims of the SOE/KHK are largely identified based on "arbitrary and political" criteria, which cannot be considered legal, humanitarian or conscientious according to modern human rights standards and positive legal norms, and sometimes "specially elected" individuals and/or social groups identified as "targets" to satisfy the personal feelings of hatred and revenge of political elites and their collaborators. Those who were targeted by the SOE/KHK regime were subjected to social, political and economic destruction processes through administrative and judicial proceedings carried out in a "conscious and systematic" manner.

During and after the SOE, the political power attempted to conceal the unlawful practices perpetrated and perpetuated by all state institutions through the use of various propaganda techniques. It convinced an important part of the society in this regard and provided their support. This apparent support does not change the fact that what has been done falls under the category of "crimes against humanity" within the framework of the basic principles of social sciences, political sciences or positive law. Unlawful practices against the victims of the SOE/KHK violated principles such as "individuality of crime", "personality of crimes and punishments", "lawfulness of crimes and punishments", "generality of law", "irreversibility of laws" and "equality before the law". It exposed not only the victims of the KHK, but also their families and descendants, to the practices of "discriminatory law" and "discriminatory policy" carried out "consciously and deliberately", in an "organized and planned" manner. By subjecting them to legal and inhuman treatment, the political power tried to "destroy" them in a "systematic" and "organized" manner with acts and methods that constitute crimes against humanity.

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<sup>51</sup> Mustafa YENEROĞLU, Hukuksuzluğun Sıradanlaşması: Silahlı Terör Örgütü Üyeliği Yargılamaları, Eylül 2021, sayfa 2, <https://www.raporlar.org/wp-content/uploads/2021/09/Teror-Orgutu-Uyeliği-Raporu.pdf>

The unlawfulness to which the victims of the SOE/KHK were subjected was tried to be presented to the national and international public opinion as an ordinary case of "dismissal" by using the propaganda tools of the government. In the same way, an image was tried to be given as "no one is victimized without evidence or unlawfully" and "the law is working" in all processes. In reality, what is done to the victims of the SOE/KHK is conscious, planned and "systematic" operations aimed at condemning them to economic, social and political poverty, to an actual death, together with their families and close ties of kinship.

Actors within the state, state apparatus or state institutions have consciously and deliberately committed all crimes against humanity against the KHK victims and their relatives. For this reason, the state mechanism itself makes great efforts to ensure that these crimes against humanity are not exposed, investigated, prosecuted or tried.

Unlawful practices against the KHK/SOE victims, their family and descendants are acts that can be counted under one or more of sub-categories of genocide and/or under different stages of "inquisition", "witch hunt", "state terrorism", "terror politics", "crime against humanity", "hate crimes", "social/political/economic genocide".<sup>52</sup> In this framework, all crimes against humanity committed against the victims of the SOE/KHK and their relatives will be categorized and examined under 14 headings.

## **1 - CIVIL DEATH**

Civil death, which is referred to as "Civilly dead /Civil death /Mors civilis / Civilter mortuus" in the literature, is the treatment of a living person as if s/he "died naturally/physically" and placed in a grave. A person sentenced to civil death loses all human, civil, professional and social rights as in natural/physical death. Within the specified framework, individuals sentenced to civil death lose all their human and social rights, such as the right to work/work in the public sector, their right to practice their profession/to obtain a professional license, inheritance rights, witnessing rights, power of attorney, representation rights, marriage rights, insurance rights and retirement rights. In this case, the only way out of an actual/physical death in prison or in the community is to leave the country where he/she lives. However, it is quite strange that the KHK victims and their relatives have been banned from leaving the country and their passports have been revoked. In other words, the KHK victims and their relatives were sentenced to death from hunger and desperation in the country, which was turned into an open prison or a large concentration camp.

With the powers granted by the KHKs to the bureaucracy, the above-mentioned civilian death treatments were applied to most of the KHK victims. Thus, they were exposed to policies that would result in their death from hunger and desperation. As a symbolic expression of these policies, a politician's words "let them eat tree roots" for the KHK victims can be shown.<sup>53</sup>

These treatments in the 21st century to the people with the KHK are very similar to the religious excommunication of the Catholic church in the Middle Ages, the witch hunts that lasted for centuries, and the treatment against the people

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52 Møller, Bjørn. "Securitisation and Genocide." Draft chapters. Accessed 03 May 2020, [https://cric.ku.dk/publications/cric-papers/Securitisation\\_and\\_Genocide.pdf](https://cric.ku.dk/publications/cric-papers/Securitisation_and_Genocide.pdf)

53 AKP'li Osman Zabun, KHK'lılar "ağaç kökü yesinler!" [https://www.youtube.com/watch?v=u4tiQc3lw\\_o](https://www.youtube.com/watch?v=u4tiQc3lw_o)

called "vogelfrei" in the Roman Empire, whose murderers are not held accountable even if they are murdered.<sup>54</sup> For example, Article 121 of the KHK No 696 on Certain Amendments to Be Made Within the Scope of the State of Emergency is clear evidence of this.

The first paragraph of Article 37 of the Law No 6755 offered legal immunity from almost any offense that could be committed against the KHK victims: "Legal, administrative, financial and criminal liabilities of the persons who have adopted decisions and executed decisions or measures with a view to suppressing the coup attempt and terrorist actions performed on 15/7/2016 and the ensuing actions, who have taken office within the scope of all kinds of judicial and administrative measures and who have adopted decisions and fulfilled relevant duties within the scope of the decree laws promulgated during the period of state of emergency shall not arise from such decisions taken, duties and acts performed."

Article 121 of the Decree Law No 696 On Certain Amendments To Be Made Within The Scope Of The State Of Emergency added the following paragraph: "Provisions of paragraph 1 shall also be applicable to those individuals who acted with the aim of suppressing the coup attempt and the terrorist activities that took place on July 15, 2016 and actions that can be deemed as the continuation of these, without having regard to whether they held an official title or were performing an official duty or not."

With the legal protections described above, the rights of innocent people who were brutally lynched and killed by crowds on the streets on 15 July and after, and innocent people who were subjected to many inhumane treatments, could not be sought before the law, as was the case with those who were given the "vogelfrei" status in the Roman Empire.

## **2 - SOCIAL DEATH**

Social death is another form of genocide or emerges as an important element of all genocides. The term was used by social scientists such as Claudia Falconer Card and Zygmunt Bauman, as well as by many historians, and evokes the excommunication of the Middle Ages or the apartheid regime practices applied in South Africa in modern times.<sup>55</sup>

Apartheid is a system of systematic discrimination and ignoring the others, isolating them and depriving them of social support. With the "social death" policies implemented, encouraged or supported by the apartheid regimes, some social groups that are stigmatized by the despotic political authority are seen as completely "non-human" by the society. Society no longer treats these people as "humans" and creates obstacles for these people to continue their lives with dignity. There are many types of social death practices. Some of those;

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<sup>54</sup> Harry David Saunders, (1970), Civil Death: A New Look at an Ancient Doctrine, William and Mary Law Review, Volume 11, Issue 4, p.988-1003; Encyclopædia Americana, Volume IV, 1854 ed, Boston: B. B. Mussey and Co., page 138-139. igation of the Middle Ages or the apartheid regime practices applied in South Africa in modern times.

<sup>55</sup> Card, Claudia (2003) Genocide and Social Death, Hypatia, Volume 18, Number 1, Winter 2003, pp. 63-79, Indiana University Press; Card, Claudia, (2010), Confronting Evils: Terrorism, Torture, Genocide. Amazon Kindle Edition; Brodber, Erna, (2012), History and Social Death, Caribbean Quarterly, December 2012, 58 (4): 111-115; Terrence James Victorino, (2012) Social Death: Zygmunt Bauman, Ostracism, Decadence, Health, Palliative sedation, Log press, Riga; Bojan Žalec, (2013) Genocide as Social Death: A Comparative Conceptual Analysis, Anthropological Notebooks, Volume 19, Issue (2), pp. 57-74. (ISSN 1408-032X); Claudia Card, Genocide and Social Death: The Atrocity Paradigm, <https://www.pbs.org/video/university-place-genocide-and-social-death/>

- Persecution by the state or society based on race, ethnicity or gender, such as systematic discrimination, exclusion, isolation, punishment, imprisonment and slavery.
- The state's systematic stigmatization, segregation, exclusion, expulsion, isolation or exile of certain individuals, minorities or marginalized groups, on religious, cultural or political grounds (exile, ostracism, excommunication).
- To be forced to change identity.

KHK members and their relatives, similar to many social death practices, have been tagged with labels such as "terrorist", "traitor", "internal enemy", "poppy", "religious heretic", "immoral", "tumor in the social body", "virus" or "cancer cell" by the ruling elites. Isolated from their families and society, they were victims of organized hunting or witch hunts. For this reason, many KHK members not only lost their jobs and social security, but also lost their social circles, were ostracized, blamed, humiliated, insulted by their relatives, friends, neighbors and even their families. They were not given jobs, deprived of social or economic support, and some were even abandoned by their wives. The options left to them were imprisonment, death, suicide or leaving the country by illegally crossing the borders at the risk of death.

Unfortunately, it was common to see parents who fell into deep depressions and then killed their own children and then committed suicide, and children who committed suicide because they couldn't stand the unlawfulness they experienced with their parents.<sup>56</sup>

### **3 - SOCIAL GENOCIDE**

Social Genocide or social-cide means can be defined as the total or partial destruction, killing a social class or a cultural or religious group or inflicting serious bodily or mental damage to them through systematic harassment and rape on the basis of some of their political views and/or some of their distinguishable social, political, cultural or religious features, through a set of open or closed oppressive and discriminatory socio-political methods and within the framework of a deliberate plan. Social genocide is the extermination, social, political or cultural cleansing of those who are targeted by keeping their living conditions in such a state that will lead them to physical extinction, in whole or in part. Serbs' systematic rape of Muslim Bosniak women in certain rape camps, impregnating them with a kind of "genocide strategy", genocidal rape or terrorist politics is an example of this. Destroying communities by humiliating them, creat-

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<sup>56</sup> KHK mağduru İbrahim Öztürk'ün eşi Seher Denizli'de bunalıma girerek Önce engelli çocuğunu öldürdü. Ardından da kendisi intihar etti: <https://twitter.com/VuralErgul2/status/1550566114731737091?t=M-dlpkigoq9EmOalHENZLg&s=08> , KHK mağduru avukat Emine Üzel Ahmadi bayram günü intihar etti: Geride 4 aylık bebeği kaldı, <https://kronos35.news/tr/gergerlioglu-duyurdu-khkli-avukat-emine-uzel-ahmadi-intihar-etti/> , Dört Yıldır Tutuklu KHK mağduru Öğretmenin 16 Yaşındaki Oğlu Bahadır Odabaşı İntihar Etti, <https://onedio.com/haber/4-yildir-tutuklu-khk-li-ogretmenin-16-yasindaki-oglu-bahadir-odabasi-intihar-etti-1035518> , Üç çocuk babası KHK mağduru Ahmet Ongun Ordu'da kendini yakarak intihar etti, <https://twitter.com/avcemilcicek/status/1499863729688788994> , Kanun Hükmünde Kararname (KHK) ile ihraç edilen biri 7 aylık 3 çocuk annesi, 37 yaşındaki hemşire Sevgi Balcı, Isparta'da kendini asarak intihar etti. <https://www.sondakika.com/haber/haber-khk-ile-ihrac-edilen-hemsire-intihar-etti-9973951/> , KHK mağduru anneler psikolojik sorunlar yaşayan çocukları için Gergerlioğlu'nu aradı: 'Başka intiharlar olmasın', <https://kronos35.news/tr/khkli-anneler-psikolojik-sorunlar-yasayan-cocuklari-icin-gergerlioglunu-aradi-baska-intiharlar-olmasin/>

ing terror, shame and disgust is considered among the social-genocide methods.<sup>57</sup> What Hutus did to Tutsi women in Rwanda was also evaluated as a "genocide strategy" in the category of genocidal rapes.

The statements that "their bodies are carrion, their spouses are halal, their goods are booty" and some actions in this direction are among the social genocide practices against the KHK victims in Turkey.<sup>58</sup> Likewise, on the night of July 15, 2016, it was observed that some radical religious crowds gathered in front of military lodgings in some provinces, shouting slogans like "soldiers' wives and daughters are our booty" and attempting to raid the military lodgings. After the coup attempt, many similar harassment, rape and looting incidents occurred in many parts of Turkey, whether or not they were reflected in the press.<sup>59</sup>

The culture of "takfirism" in the tradition of political Islam renders the blood, property, women and daughters of those who do not think like them, do not believe in them, do not support them, do not live like them or those who criticize them permissible for political Islamists. The political Islamist mentality<sup>60</sup> protected those who committed all inhuman crimes on and after July 15th, with the 37th article of the above-mentioned Law No. 6755 and the 121st article of the 696th KHK. In this way, it aimed to prevent such systematic harassment, rape, terrorism, social and economic massacres from being brought to light in the country.

## 4 - POLITICAL GENOCIDE

Political-Genocide, or politicide, is the deliberate attempt of the ruling political majority to destroy some social/political groups in the minority, either completely or partially, through such methods like political pressure, political cleansing, ethnic cleansing, exile, murder, etc.

According to Barbara Harff and Ted R. Gurr, the difference between politicide and genocide is as follows: While the genocidal state exterminates its victims completely or partially on the grounds of their ethnicity, in the latter, the same mass or partial genocide is committed with political motives, thoughts and imaginations. Harff and Gurr state that radical or revolutionary one-party states quite often commit these crimes.<sup>61</sup>

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57 Debra B. Bergoffen, (2012), *Contesting the Politics of Genocidal Rape: Affirming the Dignity of the Vulnerable Body*, New York: Routledge.

58 <https://odatv4.com/bunlarin-karilari-bize-helaldir-verin-onlari-demisler-2609161200.html> ; <https://odatv4.com/darbeci-p.clerin-karilari-ganimet-1607161200.html> ; 15 Temmuz'da "Bunların karıları bize helaldir" diyerek askeri lojmanların kapısına dayandılar <https://t24.com.tr/haber/mhp-milletvekili-15-temmuzda-bunlarin-karilari-bize-helaldir-diyerek-askeri-lojmanlarin-kapisina-dayandilar,361797> Hüseyin Demirtaş, (2019), *Asker Gözüyle On Beş Temmuz Senaryosu: 21. Yüzyıl Türkiye'sinde Post Modern Bir Post Modern Soykırım Nasıl Planlandı?* Kindle Edition, sayfa. 388.

59 <https://video.haber7.com/video-galeri/162761-omer-dongeloglu-fetoye-boyle-ianet-okumustu> ; <https://www.facebook.com/744432365672679/videos/1462136387235603> . <https://youtu.be/732lfbQdBVI> "Malları ganimettir, tepe tepe kullanın" fetvası. <https://www.yeniakit.com.tr/video/balkanlioglu-hoca-fetonun-ganimetlerini-tepe-tepe-kullanin-11786.html> ; <https://haber.sol.org.tr/toplum/vid-eo-rakip-cemaatten-fetva-fetonun-mallari-ganimettir-tepe-tepe-kullanin-165107> "Malları ganimettir, tepe tepe kullanın!".

60 Maaroo Al-Huseeini, (2016), *Din ve Siyaset Bağlamında Tekfir*, T.C. Ankara Üniversitesi, Sosyal Bilimler Enstitüsü, Temel İslam Bilimleri (Kelam) Anabilim Dalı, Doktora Tezi, Ankara 2016, sayfa 111, <https://dspace.ankara.edu.tr/xmlui/bitstream/handle/20.500.12575/37585/maaroo.pdf?sequence=1&isAllowed=y>

61 Barbara Harff and Ted Robert Gurr, *Toward Empirical Theory of Genocides and Policides: Identification and Measurement of Cases*

What is done in Turkey to the KHK victims is also a good example for politicide. Because, the political Islamist government has targeted all kinds of people and groups that it sees as political opponents, and subjected them to all kinds of inhuman oppressive practices with the black propaganda methods it carries out with the hands of state institutions and bureaucracy. Dehumanized and demonized by the hand, power and bureaucracy of the state, the KHK victims and their relatives were subjected to a state-sponsored, organized hunt or witch hunt. They were terrorized by the judiciary, which was politicized, corrupted and instrumentalized in order to commit crimes against humanity. They were subjected to political genocide through trials conducted using approaches similar to the methods of the Inquisition.

## 5 - IDEOLOGICAL GENOCIDE

Ideological genocide is a method of genocide that includes the activities or attempts of the political forces or governments that dominate the government of a country to destroy religious/cultural/ideological groups that they deem to be hostile to them or their authority. The political power uses methods such as defamation, humiliation, demonization, accusing them to be in partnership with the devil, and marginalizing them by comparing them to things that are seen as disgusting and despicable, such as harmful animals, insects, microbes, viruses, etc. Thus, by using some imaginary scenarios or propaganda techniques, they declare them as enemies of the people, nation, humanity, state and/or religion and turn the society against them.

According to Helen Fein, an example of this is what the Nazis did to Jews, gypsies, and physically and mentally disabled people within the framework of the "pure race/superior race" ideology between 1933 and 1945. Likewise, the genocides that Pol Pot committed against the people in Cambodia between 1975 and 1979 within the framework of the Maoist autarky ideology of the Khmer Rouge regime can be cited as another example.<sup>62</sup> Within the framework of the ideology of the "dictatorship of the proletariat", it is possible to evaluate what the Soviet Union did, especially to the Ukrainian peasants between 1932 and 1933, in this category.<sup>63</sup>

All genocides or genociders must have an ideology. Genocide perpetrators carry out their genocide by using certain discourses, methods and tools in line with their ideology. However, there is a special feature that makes the genocidal political Islam mentality and ideology very dangerous and terrible for the entire humanity. The political Islamic mentality carries out all its inhuman acts such as massacre, assassination, suicide, bombing innocent civilians, beheading,

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Since 1945, *International Studies Quarterly*, Vol. 32, No. 3 (Sep., 1988), pp. 359-371; Harff, Barbara. "Recognizing Genocides and Politicides." In *Genocide Watch*, edited by Helen Fein, 27-41. New Haven, CT: Yale University Press, 1992.

62 Otarşı (autarky): Sosyal ve ekonomik olarak dış dünya ile tam izolasyon, her alanda kendi kendine yetmek isteği, uluslararası ticaretin yasaklanmasıdır. Khmer Rouge, Maoist komünizmin örnek alındığı ideolojide (17 Nisan 1975 – 7 Ocak 1979), tek kabul edilebilir hayat tarzının "fakir tarım işçilerinin (köylülerin)" hayatı olduğu dayatılır. Bu sebeple fabrikalar, hastaneler, okullar, üniversiteler kapatılmış avukatlar, doktorlar, öğretmenler, mühendisler ve mesleklerinde uzman tüm profesyoneller yeni rejimde düşman ilan edildiler. Para, müzik, radyo, televizyon, din, ne tür bir elbisenin giyileceği ve devletten izinsiz evlilikler yasaklandı. Böylece dış dünyadaki hiçbir ülke ile ticaret yapmadan, özellikle tarım alanında kendi kendine yeterlilik sağlanmaya çalışıldı. Bu ütopya için o günkü nüfusu 7 milyon 800 bin olan Kamboçya'da, 1,5 ile 2 milyon insanın katliamlar, kıtlık, açlık ve hastalıklarla soykırımdan geçirildiği (Nüfusun %25'i) değerlendirilmektedir.

63 Helen Fein, (1984), *Scenarios of Genocide: Models of Genocide and Critical Responses*, in I. W. Charny (ed.) *Toward the Understanding and Prevention of Genocide: Proceedings of the International Conference on the Holocaust and Genocide*. Boulder/London: Westview Press. 1984, pp. 3-31; Helen Fein (1992), "Genocide: A Sociological Perspective." In *Current Sociology*, 38(1), 1990; Fein, Helen, ed. *Genocide Watch*. New Haven, CT: Yale University Press, 1992.

drowning, torture, burning, looting, etc., with a conviction of religious legitimacy.<sup>64</sup> They may believe that these barbaric acts are among the most valuable deeds in the sight of Allah and will bring them closer to Allah quickly.

In this context, the political Islamic mentality, which sees making takfir of those who are not like them, that is, declaring them non-religious and therefore murderable, is "like worshiping Allah", is very dangerous not only for the peoples of the countries in which they are in power, but also for the peoples of the whole world. Because political/radical Islamists, who have the idea of political/ideological takfir, blow up trains, planes, buildings, vehicles and even temples using the name of Allah, killing people without blinking. While doing this, they do not pay any attention to whether the victims are Muslim, non-Muslim, infant, child, woman, man, adult or old. Since they see all inhuman acts such as genocide, torture, massacre, unjust destruction of people's property, and rape as 'worship' or approaching to God, they do not make any moral, conscientious or humane inquiries about their acts and they don't bother themselves with any qualms.<sup>65</sup> Therefore, women, children, the elderly, the disabled, etc., they never show remorse for the terrible crimes they have committed against thousands of innocent people. The fact that political Islamists, when they seize uncontrolled power, are happy to do evil to people who do not think or live as they do, or to be treated badly, make them a great potential or real danger to the entire human world.

Political Islamists, using radical ideological symbols such as the Islamic Union / Pan-Islamism / Caliphate / Islamic State, see as enemies (the other) those who do not agree with their narrow religious bigotry, strict fundamentalist teachings, do not support, do not think like them, do not believe, do not support, criticize or do not live like themselves. They make no distinction between whether the segments they marginalize are Muslim or non-Muslim. In general, they do not hesitate to commit genocide or massacres against people and groups they choose within the framework of the culture, terminology and mentality of takfirism<sup>66</sup> by using categories such as infidel (kafir), hypocrite (munafiq), apostate (murtet), polytheist, enemy of religion, and deviant (bagi) in Islamic terminology.<sup>67</sup>

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64 Kadriye Yanmış, (2015), İslam Mezheplerinde Tekfir ve İbadiyye'nin Tekfir Anlayışının Mukayesesi, Dicle Üniversitesi Sosyal Bilimler Enstitüsü Temel İslam Bilimleri Anabilim Dalı İslam Mezhepleri Tarihi Bilim Dalı Yüksek Lisans Tezi. Diyarbakır 2015, Sayfa 4, <http://acikerisim.dicle.edu.tr/xmlui/bitstream/handle/11468/1568/%C4%B0islam%20mezheplerinde%20tekfir%20ve%20%C4%B0badiyye%E2%80%99nin%20Tekfir%20anlay%C4%B1%C5%9F%C4%B1n%C4%B1n%20mukayesesi.pdf?sequence=1&isAllowed=y>; Ali Rıza Akgün, (2021), Günümüz Selefi Hâricî Akımın Şiddet Teolojisi, Fatih Sultan Mehmet Vakıf Üniversitesi, Lisansüstü Eğitim Enstitüsü, Temel İslam Bilimleri Anabilim Dalı, Temel İslam Bilimleri Programı, Doktora Tezi, İstanbul 2021, <http://acikerisim.fsm.edu.tr/xmlui/bitstream/handle/11352/3826/Akg%C3%BCn.pdf?sequence=1&isAllowed=y>; Erkan Baysal, Tekfir veya Deaşçılık, 2 Mayıs 2019, <https://www.yorungedergi.com/2019/05/tekfir-veya-deascilik/>

65 Ali Rıza Akgün, (2021), Günümüz Selefi Hâricî Akımın Şiddet Teolojisi, Fatih Sultan Mehmet Vakıf Üniversitesi, Lisansüstü Eğitim Enstitüsü, Temel İslam Bilimleri Anabilim Dalı, Temel İslam Bilimleri Programı, Doktora Tezi, İstanbul 2021, sayfa 3, 26, <http://acikerisim.fsm.edu.tr/xmlui/bitstream/handle/11352/3826/Akg%C3%BCn.pdf?sequence=1&isAllowed=y>

66 Tekfir, <https://islamansiklopedisi.org.tr/tekfir>; Bicer, Ramazan. (2018). Tekfir ve Tekfircilik, [https://www.researchgate.net/publication/325130184\\_TEKFIR\\_VE\\_TEKFIRCILIK\\_Declare\\_someone\\_an\\_unbeliever](https://www.researchgate.net/publication/325130184_TEKFIR_VE_TEKFIRCILIK_Declare_someone_an_unbeliever); Doç. Dr. Halil Aydınalp Çağdaş Kural Dışı Tekfirciliğin Yapısal Unsurları Üzerine Bir Model Denemesi-I, Marmara Üniversitesi İlahiyat Fakültesi Dergisi, Cilt-Sayı 49, Aralık 2015, ss. 161-182, DOI 10.15370/muifd.33706 <https://dergipark.org.tr/tr/download/article-file/162886>; Kurt, F. (2019). Dini İstismar Eden Örgütlerin Şiddet ve Terör Konusundaki Teolojik Gereksinimleri, Usul İslam Araştırmaları, 31 (31), 77-98, <https://dergipark.org.tr/tr/download/article-file/707053>

67 Büyükkara, Mehmet Ali, (2015), Çağdaş İslâmî Akımlar, İstanbul: Klasik Yayınları; Diyanet İşleri Başkanlığı, Din İşleri Yüksek Kurulu, (2015) "Daiş'in Temel Felsefesi ve Dini Referansları Raporu", Diyanet İşleri Başkanlığı: Ankara, <https://kurul.diyaret.gov.tr/DosyaGoster.aspx?enc=fjOIsAhG5Tj6s%2BQ3gonHz%2BQDPa7V3aKADCzkLrbFOeOr3Iel3j%2BCiGaWoZU1Tu0Xjlx6UFpA928i9ap2WpH-qft%2BNOLKe%2BbLoMhAqQ%2FRbKM1QQBoOXnh4jRJEw%2BE%2F8NQjwAjJalXUITnGXX0k2dU9cZ0JR7prdWUAIvBzAXVRSzY6X-zTTcbMaTb78YXfajdfxwYNASA%2FtkUqdmwyfAlm9A%3D%3D>; Beyazyüz Murat, Alkan Sevinç Göral, Göka Erol, "Fundamentalizmin Psikolojisi", <http://www.asam.org.tr/temp/temp506.pdf>; Carr Thomas.K. and Santosh Saha C., (2001), Religious Fundamentalism in

Takfir culture in political Islam brings with it unlimited hatred, revenge, massacre, marginalization and ignorance. According to political Islamists, in massacres and genocides carried out under the guise of takfirism, the property, spouses and children of the victims of genocide are trophies. In other words, political Islamists have an aspect of genocides being social and economic genocides at the same time. For, the ideology, mentality and philosophy of political Islam not only approves of such inhumane deeds, crimes, plunder and barbarism, but also considers it a means of approaching Allah.<sup>68</sup>

The historical, cultural, philosophical or theological mentality patterns that somehow exist in the political Islamic mind-set or in the Islamic world can provide social legitimacy for the social / economic / political genocides committed by political Islamists. For example, such mentality patterns, which are common in Arab and Afghan geographies, where radical religious terrorist organizations such as Al-Qaeda, ISIS, Taliban, Hezbollah and Boko Haram have a wide social base, have unfortunately been adopted by groups with a political Islamist way of thinking among the Muslim Turkish community, unfortunately, on 15 July 2016. It was revealed by many events that took place in the night.<sup>69</sup>

Even in the 21st century, the political Islamic perception, as it most clearly manifests itself in the propaganda and actions of the terrorist organization ISIS, in a geography close to Turkey and in a history close to the present day, doesn't see mass murders, rapes, enslavement, human trafficking, property extortion and looting as a source of concern, inhumane acts or crimes, but as a "natural/divine right". However, such acts are among the crimes that require prosecution within the scope of "crimes against humanity".

In order to understand the tendency of the political Islamist comprehension to commit crimes against humanity and their genocidal mentality codes to a certain extent, we recommend that you read Chapter 10 of our "Social Costs of the State of Emergency in its Second Year" report titled "The Foundations of the Unlawful Treatment of SOE Victims and their Relatives in Political Islamist Thought". The article titled "Religious-Political Discussions in the Early Periods of Islam and The Theological Foundations of Contemporary Political Islamism" will be particularly relevant (Page 1438).

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Developing Countries, Westport, Connecticut, London: Greenwood Press; Heywood Andrew, (1998), "Religious Fundamentalism", Political Ideologies, London: Macmillan Press Ltd, 291-319; Hoffman John and Graham Paul, (2006), "Fundamentalism", Introduction to Political Theory, England: Pearson Education Limited, 392-413.; Kazemzadeh Masoud, (1998), "Teaching the Politics of Islamic Fundamentalism", Political Science and Politic, Volume: 31, 52-59.

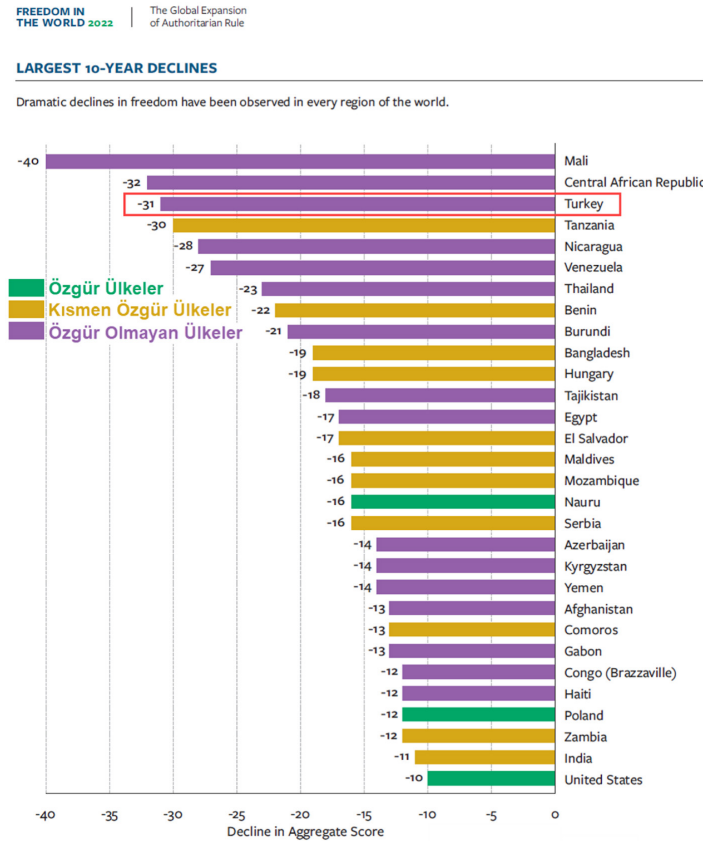
68 Ali Akgün, (2019), T.C. Kırklareli Üniversitesi, Sosyal Bilimler Enstitüsü, Temel İslam Bilimleri Anabilim Dalı Yüksek Lisans Tezi, Cihâdî Selefilik'in Kur'an Yorumu Ve Eleştirisi - Cihad Ayetleri Çerçevesinde, Tez, Temmuz-2019, <http://acikerisim.kirklareli.edu.tr:8080/xmlui/bitstream/handle/20.500.11857/1262/573895.pdf?sequence=1&isAllowed=y>; <https://www.sosyalmanet.com/balkanlioglundan-feto-mallari-fetvasi-3700h.htm>; <https://www.yeniakit.com.tr/video/balkanlioglu-hoca-fetonun-ganimetlerini-tepe-tepe-kullanin-11786.html>; <https://haber.sol.org.tr/toplum/video-rakip-cemaatten-fetva-fetonun-mallari-ganimettir-tepe-tepe-kullanin-165107>; <http://www.haberozetim.com/haber-cemaatin-mallari-ganimettir-tepe-tepe-kullanin-diyen-balkanlioglu-oldu-5111.html>; <https://www.youtube.com/watch?v=732lfBQdBVI>; Mürted ve İslam Hukuku (Şer'iat Normları), <https://forum.memurlar.net/konu/911604/>; Mürtedin Cezası Ölüm, Kafirin Yeri Cehennem: Dinde Vicdan Ve Ifade Özgür Değil, <https://www.evrensel.net/yazi/75331/murtedin-cezasi-olum-kafirin-yeri-cehennem-dinde-vicdan-ve-ifade-ozgur-degil>.

69 Bunların Karıları Helâldir' Diyerek Askeri Lojman Kapisına Dayandılar, <https://www.gazeteduvar.com.tr/gundem/2016/09/26/mhpli-vekil-bunlarin-karilari-helaldir-diyerek-askeri-lojman-kapisina-dayandilar>; Bunların Karıları Bize Helaldir, Verin Onları, <https://www.odatv4.com/guncel/bunlarin-karilari-bize-helaldir-verin-onlari-demisler-2609161200-101191>; Selcan Taşçı, Yeniçağ Gazetesi, "Ganimet'im Olur Musun? 16 Haziran 2020 Salı, <https://www.yenicaggazetesi.com.tr/mobi/ganimetim-olur-musun-405377h.htm>

It is possible to consider the crimes against humanity perpetrated by the SOE regime in Turkey, as an ideological-genocide, carried out by the power of the state, against those who are opposed by the political Islamic ideology and who do not conform to their own fundamentalist ideological patterns. In its fight against the segments it demonizes, the political Islamist power uses rhetoric such as "Crusaders and Zionists' lackeys", "the war between right and wrong", "the war between unbelief and tawhid", "the war of the crescent and the cross", "the struggle of faith and unbelief", "enemy's accomplices among us", "external and internal foes", etc. <sup>70</sup>

Thus, political Islamist forces were able to conduct an organized and systematic witch hunt against the KHK victims, which they demonized and isolated. For this reason, many KHK victims have not only lost their jobs and social security, but have also lost their social circles. They have been ostracized, accused, humiliated and insulted by their relatives, friends, neighbors and families. They found no social or economic support. Some were also abandoned by their spouses. They were faced with the choice of leaving the country at risk of imprisonment, suicide or death.

## 6 - DESPOTIC GENOCIDE



Despotic genocide is a method of genocide carried out by a newly established political regime against real or potential social structures or ethnic groups, which it sees as a danger, during periods when political systems are undergoing radical change or political revolution. An example of this category is the mass destruction that the Soviet regime, which emerged after the Bolshevik revolution, inflicted on their own people on the grounds that they were/ could be opponents/enemies.

If Turkey's situation is to be evaluated within the framework of the autocratic administrations literature and despotism criteria, the Transformation Index BTI prepared by the German Bertelsmann Stiftung Foundation can be used. The study, which has been conducted every two years since 2004 by examining the functioning and economies of the governments

70 15 Temmuz darbe kalkışmasından ziyade haç ile hilalin kavgasıydı, <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/15-temmuz-darbe-kalkismasindan-ziyade-hac-ile-hilalin-kavgasiydi/1189597> ; Hilal ile Haç'ın Savaşını Başlattılar, <https://www.yeniakit.com.tr/haber/hilal-ile-hacin-savasini-baslattilar-290355.html> ; Cumhurbaşkanı Erdoğan: Haç ile Hilal Mücadelesi Başlattılar, <https://www.yenisafak.com/gundem/hac-ile-hilal-mucadelesi-baslattilar-2629492> ; Hilalin yanına haç koyma kavgası, <https://www.yenimesaj.com.tr/hilalin-yanina-hac-koyma-kavgasi-H1266719.htm> ; Haç ile Hilalin Savaşı Devam Ediyor, <https://www.takvim.com.tr/yazarlar/erkan-tan/2017/08/28/hac-ile-hilalin-savasi-devam-ediyor> ; Haç ile Hilal penceresinden dış güçler, <https://www.bursahakimiyet.com.tr/yazarlar/hayrettin-cakmak-85/hac-ile-hilal-penceresinden-dis-gucler-18424>

of 137 countries, makes measurements and evaluations on a point scale between 1 and 10. In the 2020 report, Turkey ranked 77th with 4.92 points in the Political Transformation category and 95th with 4.05 points in the Governance Index category. As for the Status Index it was 62nd with 5.51 points.<sup>71</sup> Accordingly, Turkey was included in the de-facto dictatorship classification. In the in-group ranking among de-facto dictatorships, Turkey, along with countries such as Bangladesh, Guatemala, Honduras, Kenya, Mozambique, Nicaragua and Uganda, was among the "moderate autocracy" or one-man regimes.

In the results of the same report for 2022, Turkey's political, economic and democratic indicators worsened. In the Governance category, it dropped two more places to 97th with a score of 3.98. The Political Transformation score also fell to 4.8 and its overall Status Index value was found to be 5.45, with which Turkey was ranked 63rd out of 137 countries. The moderate autocracy status continued in the country's de-facto dictatorship category. In the report, it was emphasized that although Turkey had some faults before 2016, it was in the class of democracies. However, it was pointed out that after 2016, the political power used populist concepts such as ballot box, voter's voice and people's will to gather legislative, executive and judicial powers in one hand, limit the freedom of the press, freedom of assembly and demonstration, and maintain its de-facto dictatorship status by cheating in the elections.<sup>72</sup>

Another organization that observes principles such as democratization and respect for human rights and freedoms in countries and carries out studies on measuring them is Freedom House. According to Freedom in the World Report, in which Freedom House covers the status of political rights and individual freedoms in 210 countries, Turkey was in the status of "Partly free" countries with 39 points out of 100 in 2017. The country's score dropped to 34 in 2018, and Turkey started to be included in the "non-free countries" category. Its score fell another 3 points in 2019 to 31 points. It was 31 points in 2020, 32 points in 2021, and 32 points in 2022.<sup>73</sup>

It would not be wrong to say that the constitutional amendment referendum held on April 16, 2017, which abolished the parliamentary system and replaced it with the Turkish-type Presidential System, was one of the key factors that rapidly regressed the country to the status of non-free countries. Turkey's democracy and individual freedom score lagged behind countries such as Bangladesh, Guatemala, Honduras, Mozambique, Kenya, Mali, Somalia, Tanzania and Uganda. In the specified index, Finland, Norway and Sweden were among the countries with a full score of 100.

According to the Freedom in the World 2022 report, Turkey ranked as the third country in the world with the most significant decline in democracy, following Mali and the Central African Republic. Over the past decade, Turkey's decline in democracy and freedoms placed it in a worse situation than countries like Tanzania, Nicaragua, and Venezuela. In the

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71 [https://bti-project.org/fileadmin/api/content/en/downloads/reports/country\\_report\\_2020\\_TUR.pdf](https://bti-project.org/fileadmin/api/content/en/downloads/reports/country_report_2020_TUR.pdf)

72 [https://bti-project.org/fileadmin/api/content/en/downloads/reports/country\\_report\\_2022\\_TUR.pdf](https://bti-project.org/fileadmin/api/content/en/downloads/reports/country_report_2022_TUR.pdf); [https://www.bti-project.org/content/en/reports/global-report-d/global\\_findings\\_democracy\\_2020\\_EN.pdf](https://www.bti-project.org/content/en/reports/global-report-d/global_findings_democracy_2020_EN.pdf); [https://www.bti-project.org/content/en/reports/global-report-g/global\\_findings\\_governance\\_2020\\_EN.pdf](https://www.bti-project.org/content/en/reports/global-report-g/global_findings_governance_2020_EN.pdf); [https://atlas.bti-project.org/1\\*2020\\*CO:SDX-MIX:0\\*DOA\\*DOA:1:0:0:0:0:1:K01:0:HOR:0,ESE,LAC,ASO,ENA:0,CIS,ESA,W-CA](https://atlas.bti-project.org/1*2020*CO:SDX-MIX:0*DOA*DOA:1:0:0:0:0:1:K01:0:HOR:0,ESE,LAC,ASO,ENA:0,CIS,ESA,W-CA); <https://www.duvarenglish.com/politics/2020/04/30/turkey-a-de-facto-dictatorship-bertelsmann-stiftung-transformation-index/>;

73 Kaynak: Freedom House, Freedom in The World 2022: The Global Expansion of Authoritarian Rule, Sayfa 16, [https://freedomhouse.org/sites/default/files/2022-02/FIW\\_2022\\_PDF\\_Booklet\\_Digital\\_Final\\_Web.pdf](https://freedomhouse.org/sites/default/files/2022-02/FIW_2022_PDF_Booklet_Digital_Final_Web.pdf)

**RANKING THE WORLD BY ECONOMIC FREEDOM 2022**

Rank	Country	Overall Score	Rank	Country	Overall Score	Rank	Country	Overall Score
1	Singapore	84.4	65	Saint Lucia	64.3	129	Guinea	54.2
2	Switzerland	84.2	66	Mongolia	63.9	130	Ukraine	54.1
3	Ireland	82.0	67	Mexico	63.7	131	India	53.9
4	New Zealand	80.6	68	Bosnia and Herzegovina	63.4	132	Sri Lanka	53.3
5	Luxembourg	80.6	69	Guatemala	63.2	133	Brazil	53.3
6	Taiwan	80.1	70	Thailand	63.2	134	Malawi	53.0
7	Estonia	80.0	71	Dominican Republic	63.0	135	Belarus	53.0
8	Netherlands	79.5	72	Vanuatu	62.9	136	Cameroon	52.9
9	Finland	78.3	73	Paraguay	62.9	137	Bangladesh	52.7
10	Denmark	78.0	74	Bahrain	62.0	138	Kenya	52.6
11	Sweden	77.9	75	Azerbaijan	61.6	139	Angola	52.6
12	Australia	77.7	76	Côte d'Ivoire	61.6	140	Sierra Leone	52.0
13	Iceland	77.0	77	Greece	61.5	141	Eswatini	51.4
14	Norway	76.9	78	Moldova	61.3	142	Mozambique	51.3
15	Canada	76.6	79	Seychelles	61.1	143	Comoros	50.4
16	Germany	76.1	80	Philippines	61.1	144	Argentina	50.1
17	Lithuania	75.8	81	Benin	61.0	145	Haiti	50.0
18	Latvia	74.8	82	Micronesia	61.0	146	Chad	49.8
19	Korea, South	74.6	83	Tonga	60.8	147	Tajikistan	49.7
20	Chile	74.4	84	Vietnam	60.6	148	Nepal	49.7
21	Czech Republic	74.4	85	São Tomé and Príncipe	60.3	149	Burma	49.6
22	Austria	73.8	86	Kosovo	60.1	150	Ethiopia	49.6
23	Cyprus	72.9	87	Jordan	60.1	151	Laos	49.2
24	United Kingdom	72.7	88	Senegal	60.0	152	Egypt	49.1
25	United States	72.1	89	Ghana	59.8	153	Pakistan	48.8
26	Georgia	71.8	90	El Salvador	59.6	154	Zambia	48.7
27	Malta	71.5	91	Guyana	59.5	155	Congo, Rep.	48.5
28	Barbados	71.3	92	Honduras	59.5	156	Suriname	48.1
29	Bulgaria	71.0	93	Tanzania	59.5	157	Lesotho	48.1
30	Mauritius	70.9	94	Bhutan	59.3	158	China	48.0
31	Portugal	70.8	95	Namibia	59.2	159	Liberia	47.9
32	Slovenia	70.5	96	Kiribati	59.2	160	Congo, Dem. Rep.	47.6
33	United Arab Emirates	70.2	97	Morocco	59.2	161	Maldives	47.3
34	Uruguay	70.0	98	Madagascar	58.9	162	Lebanon	47.3
35	Japan	69.9	99	Trinidad and Tobago	58.8	163	Equatorial Guinea	47.2
36	Slovakia	69.7	100	Burkina Faso	58.3	164	Timor-Leste	46.3
37	Belgium	69.6	101	Kuwait	58.3	165	Turkmenistan	46.2
38	Bahamas	68.7	102	Gambia	58.0	166	Guinea-Bissau	46.0
39	Poland	68.7	103	Montenegro	57.8	167	Algeria	45.8
40	Samoa	68.3	104	Togo	57.2	168	Central African Republic	45.7
41	Spain	68.2	105	Rwanda	57.1	169	Bolivia	43.0
42	Malaysia	68.1	106	Cambodia	57.1	170	Iran	42.4
43	Israel	68.0	107	Turkey	56.9	171	Eritrea	39.7
44	Oatar	67.7	108	Oman	56.6	172	Burundi	39.4
45	Croatia	67.6	109	Belize	56.6	173	Zimbabwe	33.1
46	Jamaica	67.4	110	Solomon Islands	56.5	174	Sudan	32.0
47	Romania	67.1	111	Fiji	56.4	175	Cuba	29.5
48	Hungary	66.9	112	South Africa	56.2	176	Venezuela	24.8
49	Cabo Verde	66.7	113	Russia	56.1	177	Korea, North	3.0
50	Albania	66.6	114	Mali	55.9			
51	Peru	66.5	115	Gabon	55.8			
52	France	65.9	116	Kyrgyz Republic	55.8			
53	North Macedonia	65.7	117	Uzbekistan	55.7			
54	St. Vincent & Grenadines	65.7	118	Saudi Arabia	55.5			
55	Costa Rica	65.4	119	Mauritania	55.3			
56	Panama	65.4	120	Djibouti	55.3			
57	Italy	65.4	121	Niger	54.9			
58	Armenia	65.3	122	Nicaragua	54.8			
59	Serbia	65.2	123	Papua New Guinea	54.6			
60	Colombia	65.1	124	Nigeria	54.4			
61	Botswana	64.8	125	Dominica	54.4			
62	Brunei Darussalam	64.8	126	Ecuador	54.3			
63	Indonesia	64.4	127	Uganda	54.2			
64	Kazakhstan	64.4	128	Tunisia	54.2			

**Economic Freedom Scores**

- 80-100 Free
- 70-79.9 Mostly Free
- 60-69.9 Moderately Free
- 50-59.9 Mostly Unfree
- 0-49.9 Repressed

**The Heritage Foundation**  
[heritage.org/Index](https://heritage.org/Index)

Freedom in the World 2022 report, Turkey continued to be classified under the "Not Free" category.

Another organization that works on democratization, respect for human rights and freedoms and measuring economic freedoms in the world is The Heritage Foundation. In its "2022 Index of Economic Freedom" report, Turkey was included in the status of Mostly Unfree due to significant problems in financial freedoms, financial health and the serious regressions in the rule of law, and the fight against corruption.

Turkey ranks 107th in the world among 177 countries in the index; In Europe, it ranked 42nd among 45 countries. Interestingly, Turkey was ranked 70th out of 178 countries in the same index in 2015. In 2010, it was ranked 67th out of 179 countries. It can be seen that as Turkey moves towards authoritarianism, it also loses its financial freedom. The result of the loss of financial freedoms is that while an elite few dominate the country's resources, a large part of the population is impoverished. It is possible to see the reflections of this situation in Turkey's current social and economic picture.

In addition to the 3 different indexes on economic and democratic freedoms mentioned above, Prof. Dr. Ersin Kalaycıoğlu's work can also be mentioned. The study, which has evaluations made with reference to the studies of Spanish sociologist and political scientist Juan J. Linz, who worked as Sterling Professor Emeritus at Yale University, titled "Sultanistic Regimes", "Totalitarian and Authoritarian Regimes" and "Problems of Democratic Transition and Consolidation", determines that the Turkish type presidential regime led by Erdoğan is 'Neo Patrimonial Sultanism'.

The term 'Neo Patrimonial Sultanism' was developed from the term 'Patrimonial-Sultanism' by German sociologist Max Weber. The reason for the addition of the word "neo" is that this administration seems to have an active constitution, laws and institutions unlike traditional monarchical sultanates. However, in reality, behind/invisible, the constitution, laws and institutions do not function and the arbitrary administration prevails. The constitution and laws are applied to the person whom the sole sovereign wishes, as he wishes, with the "constitutional hypocrisy". In short, although the new regime apparently has a constitution, parliament, laws and institutions, all these have no meaning or value as in

the old monarchical/sultanic regimes. Institutions, rules and institutionalism do not exist, or even if they do, they have no value. Because everything depends on the arbitrary decisions of a single sovereign.<sup>74</sup>

Among the features of this regime, despite the appearance of modernization, there is actually a traditional centralized power organization. Within this type of organization, the country is shaped around a person/leader-centered 'focus'. The regime does not take into account the existing institutions, it excludes them. Around a single leader who rules by destroying existing institutions, there is a ruling elite that includes that leader's close relatives, cronies and friends (nepotism/cronyism/favoritism). Another feature of neo-patrimonial sultanism regimes is that they are 'unpredictable'. In countries that are institutionalized and operate based on the rule of law, it is possible to make predictions. This is because, in such states, the rules, how these rules will be interpreted and applied, and the institutions and rules that will come into play in case of disagreement are clear. However, since the 'Neo Patrimonial Sultanism' regimes are not institutional and work in a person-centered manner, it is not possible to predict in which direction they will move. Because the working direction and methods of institutions are determined not by predetermined rules, but by personal interventions. In this case, the foresight of the direction of the administration begins to enter the field of psychology, leaving the field of law, political science and management science. Because, in the face of a conflict, it is necessary to predict how the only person with power, not the institutions, will react to this event and take an attitude accordingly.

Kalaycıoğlu states that 'Neo Patrimonial Sultanism' is practiced in many autocratic countries, but it doesn't have even a single application as a 'democracy' and emphasizes that this system cannot work as a 'democracy'. In 'Neo Patrimonial Sultanism' regimes, it does not matter whether the elections are held under democratic conditions. The president is elected by popular vote, but the assemblies cannot check the elected president. The influence of the people in the government is limited, and the power of the Assembly is generally and only limited to approving, supporting and applauding the decisions taken by the president. Some regimes that could be counted among the similar ones of the 'Neo Patrimonial Sultanism' regime include Haiti (which is known for its poverty and chaos), Dominican Republic, Nicaragua (rule of dictator Anastasio Somoza 1937-1980), Kingdom of Burundi, El Salvador (Nayib Bukele Regime), Iran (Shah Reza Pahlavi regime), Romania (Ceausescu Regime) Syria (Assad Regime).

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74 Türkiye'nin Neo-Patrimonial Sultanizm ile imtihanı <https://www.cumhuriyet.com.tr/yazarlar/olaylar-ve-gorusler/turkiyenin-neo-patrimonial-sultanizm-ile-imtihani-1514223> ; <https://www.youtube.com/watch?v=iO1fRSCNs4g&feature=youtu.be> ; Instead of democracy, a cimocracy <https://www.duvarenglish.com/columns/2019/12/04/instead-of-democracy-a-cimocracy/> ; <https://medyascope.tv/2019/05/05/ersin-kalaycioglu-turkiyedeki-rejimin-benzeri-haitide-vardi-suriyede-var-buna-neo-patrimonial-sultanizm-deniyor/> ; Kutuplaşma mı? Popülizm mi? Konuk: Prof. Dr. Ersin Kalaycıoğlu <https://www.youtube.com/watch?v=7tbbcc-3n74> ; Juan J. Linz and Alfred Stepan, (1996), Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe, London: The Johns Hopkins University Press; H. E. Chehabi and Juan J. Linz, (eds), (1998) Sultanistic Regimes, London: The Johns Hopkins University Press; Juan J. Linz, (2000) Totalitarian and Authoritarian Regimes, London: Lynne Rienner Publishers Inc.; Helen Fein, (1984) Scenarios of Genocide: Models of Genocide and Critical Responses, in I. W. Charny (ed.) Toward the Understanding and Prevention of Genocide: Proceedings of the International Conference on the Holocaust and Genocide. Bolder/London: Westview Press. 1984, pp. 3-31; Fein, Helen, (1990) "Genocide: A Sociological Perspective." In Current Sociology, Volume 38, Number 1, Mar 01, 1990.

## 7 - ECONOMIC GENOCIDE

Economic Genocide (economicide) is to systematically destroy the economic resources and bases that ensure the economic survival of the masses targeted by the genocide, preventing them from continuing their de facto/physical existence and thus aiming for their destruction. An example of such genocide is when the Soviet Union took their land from millions of farmers between 1928 and 1934 in order to "collectivize" their farmland.<sup>75</sup> Those who resisted were arrested, imprisoned and even executed, and as a result of these harsh measures, millions of peasants died of starvation, malnutrition, food shortage and disease, especially in Ukraine.

The SOE Regime had practices that could be seen within the scope of economic genocide. For example, people who were dismissed from their jobs or duties, and even their relatives, were prohibited from being employed again in the public and private sectors. They were prevented from starting new businesses and doing their jobs. They were even prevented from receiving social assistance. Pensions have been revoked. Their means of earning a living by going abroad, at least in other countries, were blocked by banning them from leaving the country. The assets of thousands of them were confiscated. In the words of some genocide supporters, they were condemned to eat "tree root" and "starve with their families". Things like "no pity even for their children" were expressed about them. There were people who presented their goods as "booty". Aside from prosecuting those who said, "By God, it is obligatory to kill those who take pity on them," these people were protected. KHK victims and their families have been tried to be destroyed by these and similar methods.<sup>76</sup>

One of the practices of the genocidal SOE regime in order to economically annihilate the KHK members and their families was to enter the codes 36 and 37 in their Social Insurance Institution (SGK) records, in addition to their expulsion from their positions in public institutions forever. Because of these codes, persons who have been fired from their jobs with KHKs cannot find a job even in the private sector. In addition, due to the aforementioned codes, the KHK victims and their family members were prevented from taking advantage of social security benefits.

Due to the 36 or 37 profiling codes, all kinds of health insurance rights, social security rights and employment rights of the victims and their relatives were arbitrarily and selectively usurped. Thus, it was not possible for them to benefit from the services that the social state must provide to its citizens by Constitution. For this reason, many KHK victims and their relatives suffered from neglect, malnutrition and stress-related illnesses. Many of them even lost their lives because of these reasons. There were also some cases of suicide.

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75 Tessa Hofmann, 'Cold Cases' of Genocide: The Meaning and Limits of Genocide 'Recognition' by Legislative Bodies, The Crime of Genocide: Prevention, Condemnation and Elimination of Consequences: International Conference in The Light of The UN Convention on The Prevention and Punishment of The Crime of Genocide, Proceedings of International Conference, Page 64-77, December 14-15, 2010, Yerevan.

76 <https://twitter.com/gergerliogluof/status/1068458401343115264?s=20> Resmî bir kurumdan arayıp "O kişiyi işten çıkarmazsanız kurumunuz kapatılır" denmiş. <https://www.yeniakit.com.tr/video/balkanlioglu-hoca-fetonun-ganimetlerini-tepe-tepe-kullanin-11786.html> "Ganimettir ganimet! Tepe tepe kullanın!" <https://twitter.com/gergerliogluof/status/1257616064982196229?s=20> ; <https://t24.com.tr/haber/mal-varligina-el-koyma-nasil-uygulaniyor,355039> 100 bine yakın kişinin mallarına tedbir konuldu. <https://www.evrensel.net/haber/323806/iskur-ihrac-ettigi-istihdam-uzmanina-temizlik-isi-buldu> "Ekmeğimi taştan çıkarır çalışırım dedim. Ancak inşaatta dahi çalışmana imkân verilmiyor" dedi. <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/kapatilan-tup-bebek-merkezindeki-embriyolar-nakledildi-/620688>; <https://www.youtube.com/watch?v=wECW6iLyDvE> "Uzmanlık eğitimime izin verilmedi". <https://www.birgun.net/haber/khk-ile-ihrac-edilen-akademisyenin-staj-mucadelesi-suruyor-153633>

There are only abstract and political evaluations, not concrete legal evidence, on the basis of the social and economic genocide carried out against those who were dismissed from their jobs with the KHKs. For this reason, the political power was able to target the employees of public institutions, whom it saw as opposition or obstacles to its own political Islamist agenda, to the target of its genocidal policies with political motives. For example, the first and second paragraphs of article 4 of the KHK No. 667 on Measures Taken Under the SOE published in the Official Gazette dated 23 July 2016 and numbered 29779 are as follows: "(1) Those 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 shall be dismissed from public service .... (2) Those dismissed from service under paragraph one shall not anymore be employed in public service, and they shall not, directly or indirectly, be assigned; all kinds of membership in a board of trustees, a board, a commission, a board of management, a supervisory board or a liquidation board under the responsibility of those dismissed from service and their other tasks shall be deemed to have ended. Provisions of this paragraph shall apply to those who perform a task set out in this paragraph but do not have the status of public official."

As in these articles, public employees working in public institutions and viewed as opponents by the political power began to be dismissed from their jobs arbitrarily and selectively. The names of those who were dismissed directly with the KHKs were published in the supplementary lists to these KHKs published in the Official Gazette. Apart from these, thousands more were dismissed from their jobs with the approval of the ministers, the decisions of the Council of Higher Education (YÖK) in the academy, and the approval of the supervisors authorized to appoint the personnel employed in all kinds of cadres, positions and status (including workers) in institutions affiliated to a ministry, related or unrelated. Their direct or indirect employment or assignment in public service was completely prohibited. All kinds of memberships and positions in boards of trustees, boards, commissions, boards of directors, supervisory boards, liquidation boards and other duties under the responsibility of those who were dismissed from public duties were also terminated. The same provisions have been applied to those who carry out the above-mentioned duties but do not hold the title of public official.

Weapon licenses and pilot licenses of those dismissed from public duties were revoked. These people were asked to evacuate their public residences or foundation lodgings within fifteen days at the latest. Many restrictions or prohibitions were imposed on these people to establish their own businesses or practice their profession. They were also prevented from receiving social assistance and going abroad.

The retirement rights of the victims of the SOE KHKs were arbitrarily usurped by the genocidal SOE regime. Probably because the executive bureaucrats must have started to worry about these operations, which were carried out completely against the law, a special protection law was enacted to give them assurance and comfort. Article 50 of the Law No. 7194 on the "Digital Service Tax and Amendments to Certain Laws and Decree Law No. 375" published in the Official Gazette dated 7 December 2019 and numbered 30971 provided such protection. Accordingly, legal, administrative, financial and penal immunity for all decisions and actions of those who took arbitrary, selective and unlawful decisions regarding the usurpation of their rights, those who signed those decisions, and public officials who had any role in usurping their rights has been brought. Even the existence of this law as evidence of systematic discriminatory

state policies, economic-genocide and crimes against humanity, carried out against the victims of the KHKs, is too obvious to leave any room for further evidence.

The first paragraph of Article 37 of the Law No 6755 offered legal immunity from almost any offense that could be committed against the KHK victims: "Legal, administrative, financial and criminal liabilities of the persons who have adopted decisions and executed decisions or measures with a view to suppressing the coup attempt and terrorist actions performed on 15/7/2016 and the ensuing actions, who have taken office within the scope of all kinds of judicial and administrative measures and who have adopted decisions and fulfilled relevant duties within the scope of the decree laws promulgated during the period of state of emergency shall not arise from such decisions taken, duties and acts performed." This article is another irrefutable proof of extrajudicial executions, discrimination, crimes against humanity and economic genocide committed against the victims of the SOE/KHK by the SGK.<sup>77</sup>

More details on the economic genocide practices against the KHK members and their families will be shared under the list titled "146 Methods of the Practices of Crimes Against Humanity Committed Against the People Targeted by the SOE Genocide".

## **8 - DEMOCIDE**

The concept of democide consists of the words "demos", which is used to mean the common people, the masses in ancient Greek, and the Latin suffix -caedo (act of killing). Democide is the partial or complete destruction of unarmed and defenseless individuals or communities, on political/social/economic grounds, in a planned and conscious way, by autocratic powers or their collaborators. Some practices implemented by autocratic governments, either in person or through neglect or abuse of their duties, constitute the methods of democide. Examples of these are forced labor, concentration camps, massacres by militias, mass murders, extrajudicial killings, isolating target groups and keeping their lives in conditions that will lead to physical extinction, in whole or in part, by exposing them to starvation, neglect and disease.

According to Rudolph Joseph Rummel, the more political power an authority can wield, the more likely that authority will murder its people. The number of people killed by democides made by oppressive governments in authoritarian, totalitarian and absolutist regimes is 6 times more than the number of people killed in wars in the 20th century. Rummel argues that the number of people killed by various methods by the governments in the 19th and 20th centuries has likely reached 170 million. But he stated that this number could be increased up to 300 million with other killings. Rummel cited as examples of democide what was done to those who were seen as enemies of the

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<sup>77</sup> In the press release dated September 23, 2021 and numbered ND 28/21, the Constitutional Court reported that it decided to annul the phrases "by the National Security Council" and "legal" and "financial" in paragraph (3), as they are unconstitutional. It evaluated that the part regulating that the officers will not be held accountable for any criminal liability for all their decisions and actions in the aforementioned period is a "general amnesty regulation" in nature. It ruled that this issue falls within the field of disciplinary/administrative law and that the legislator has discretion, therefore, this rule is not incompatible with the Constitution. For the decision of the Constitutional Court, see: Constitutional Court, Examining the Rules of the Law No. 6755 which are requested to be annulled. <https://www.anayasa.gov.tr/tr/haberler/norm-denetimi-basin-duyurulari/6755-sayili-kanun-un-iptali-istenen-kurallarinin-incelemesi/>; Anayasa Mahkemesi Karari, Esas Sayısı : 2020/18, Karar Sayısı : 2021/38, Karar Tarihi : 3/6/2021, R.G.Tarih-Sayısı : 23/9/2021-31607, <https://normkararlarbilgibankasi.anayasa.gov.tr/Dosyalar/Kararlar/KararPDF/2021-38-nrm.pdf>.

regime in the Soviet Union or to Russian peasants, the massacres carried out by Maoist regime against the Chinese people during the Cultural Revolution, the massacres perpetrated by the Khmer Rouge led by Pol Pot in Cambodia, and the genocides in African countries.<sup>78</sup>

## **9 - STATE VIOLENCE / TERRORISM**

State terrorism can be defined as the use of, or encouragement and financing by, the power of a state's own institutions (security forces, judicial institutions, intelligence agencies, collaborative bureaucracy, etc.) and/or non-state actors (such as paramilitary structures) for extensive, widespread and systematic acts of violence perpetrated against persons, groups or communities that the power holders in a state deems to be in opposition to their regime.

The "Global Terrorism Index" (GTI), published annually by the Institute for Economics and Peace (IEP), defines terrorism as 'the threatened or actual use of illegal force and violence by a non-state actor to attain a political, economic, religious, or social goal through fear, coercion, or intimidation.'<sup>79</sup> A state can carry out practices that can be seen as acts of terror to its own citizens as well as against the citizens of other states. In the latter case, state terrorism also gains the title of "international terrorism".

Terrorism, massacres, extrajudicial executions and disproportionate use of force by Nazi Germany, post-Bolshevik revolution Russia, and Italy under Benito Mussolini are often cited as examples of state terrorism. However, it would not be wrong to consider the methods of crimes against humanity implemented by authoritarian states within the scope of state terrorism. It is known that states, using their own armed forces or paramilitary structures, carry out acts such as torture, harassment, rape, extrajudicial executions, terror, looting, among their own citizens or citizens of other states, against persons and groups that they deem against their authority or interests.<sup>80</sup> States may be prosecuted for "war crimes" or "human rights violations", depending on the nature and scope of such violence and terrorism.

Based on the definitions used by the global terrorism indexes, the 'witch hunt' carried out by the SOE regime against the victims of the KHKs can be classified as 'state terrorism'. Because the actors of all crimes against humanity and massacres that have been or will be carried out against the victims of the SOE/KHK have been assigned or protected by the state. It is clear that those who commit or incite crimes against humanity in a planned and systematic way against the KHK victims and their relatives are those who control the power and institutions of the state. The

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78 R. J. Rummel, (1992), *Democide: Nazi Genocide and Mass Murder*, New Brunswick, N.J.: Transaction Publishers; R. J. Rummel, (1996), *Death by Government*, *The Journal of Interdisciplinary History*, Vol. 27, No. 1 (Summer, 1996), pp. 117-119, The MIT Press; R. J. Rummel, (1997), *Death by Government: Genocide and Mass Murder Since 1900*, New Brunswick, N.J.: Transaction Publishers; Rudolph J. Rummel, (1998), *Statistics of Democide: Genocide and Mass Murder since 1900*. Piscataway, NJ, Transaction Publishers; R. J. Rummel, (2002), *Power Kills: Democracy as a Method of Nonviolence*, New Brunswick, N.J.: Transaction Publishers.

79 Global Terrorism Index 2020: Measuring the Impact of Terrorism, sayfa 6, <https://visionofhumanity.org/wp-content/uploads/2020/11/GTI-2020-web-1.pdf>

80 Bakınız: Debra B. Bergoffen, (2012), *Contesting the Politics of Genocidal Rape: Affirming the Dignity of the Vulnerable Body*, New York: Routledge.; İzzet KONCAGÜL, (2021), *Terörizmin Unutulan Yüzü: Devlet Terörizmi*, *Savunma Bilimleri Dergisi*, *The Journal of Defense Sciences Mayıs / May 2021, Sayı/Issue 39*. Sayfa: 323-353

collaborationist bureaucracy, acting under the guidance of the political power, has a share in these crimes. Another indication of state involvement is that the government enacted laws to prevent the investigation, prosecution and trial of all these crimes to protect all bureaucratic and paramilitary forces that committed crimes against humanity.<sup>81</sup> It would not be wrong to say that all these efforts are useless since torture and genocide practices are crimes against humanity and there is no statute of limitations for such crimes. Therefore, it will not be possible for efforts to hide all crimes against humanity committed against the KHK victims and their relatives by protecting the criminals with legal shields will not be successful forever.

For Foucault, 'fear' is part of the modern model of strategic power. The use of death, violence, horror, fear and terror as a political technique to control and lead citizens is one of the political tools also called terrorist politics. Prisons have very important functions in generating the politics of fear. Crimes against humanity that befell the victims of the SOE/ KHKs, or terrorism within the framework of Michel Foucault's definitions, is a political technique used by the political elites in order to seize the 'social body', biopower<sup>82</sup> or biopolitical power<sup>83</sup>, thus to strengthen their control over the life of individuals and society and to discipline the masses. This has also been done in Turkey.

David Claridge, in the Journal of Terrorism and Political Violence, uses the following seven-point criteria to describe state terrorism:<sup>84</sup>

1. State terrorism is systematic,
2. It contains violence and threats of violence,
3. It is political,
4. It is implemented by the state's own members or by the supporters (paramilitary groups) backed/ fed by the resources of the state,
5. It aims to sow fear,
6. It aims to arouse fear / give a message of intimidation to a larger group than the victim,
7. The victimized group is not an armed organization.

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81 Özgür Sevgi Göral ile Söyleşi: Devlet Şiddeti Nedir? <https://www.tuicakademi.org/ozgur-sevgi-goral-ile-soylesi-devlet-siddeti-nedir/#:~:text=K%C3%BClt%C3%BCr%C3%BCn%C3%BC%20hayata%20ge%C3%A7irmesini%2C%20dilini%20yasaklamay%C4%B1,Bunlar%C4%B1n%20b%C3%BCt%C3%BCn%C3%BCne%20devlet%20%C5%9Fiddeti%20diyoruz.>

82 Foucault'ya göre 'biyoiktidar', insanları büyük gruplar halinde yönetebilmek için kullanılan bir iktidar teknolojisidir; Bu politik teknolojinin ayırt edici özelliği, tüm nüfusun kontrolüne izin vermesidir. Bu araçlardan en önemlileri ise korku ve politik törörün kullanılmasıdır.

83 Foucault'ya göre 'biyopolitika', insanları "biyoiktidar" yani siyasi gücün insan yaşamının tüm yönleri üzerinde uygulanması ve etkisi aracılığıyla yönetmeye çalışma yaklaşımını ifade eder.

84 David Claridge (1996) State terrorism? Applying a Definitional Model, Terrorism and Political Violence journal, 8:3, 47-63, DOI: 10.1080/09546559608427363

The violence and terror perpetrated by the SOE regime against the KHK victims and their relatives fully comply with the criteria of "state terrorism" in David Claridge's model. The SOE regime uses death, violence, fear and terror as a political instrument, a political tactic and strategy or a psycho-social weapon as a part of its policy of fear. Fear is one of the methods used by the government to control individuals and masses more, to discipline them more, to ensure their obedience and thus to manage them more easily.<sup>85</sup>

In the works of prominent thinkers of political philosophy like Niccolò Machiavelli<sup>86</sup> and Thomas Hobbes<sup>87</sup>, the issues of how vital or necessary the use of fear and intimidation as a source of political legitimacy and authority or an important tool of administration are discussed in detail.<sup>88</sup> In this context, it is possible to argue that the SOE regime uses fear and terror as a strategy to increase its socio-political power and/or administration in order to impose its socio-political agenda on the society. The government has implemented a strategy of creating fear on large masses, providing socio-political control by terrorizing the society, and subordinating the society through the violence, horror, imprisonment and social-genocide policies implemented by the KHK. The phrase "Silivri is cold", which is frequently used in a climate of fear and oppression, provides a kind of self-censorship about criticisms of the government, and refers to the Silivri prison where the dissidents are thrown, is a good example. Again, the expressions such as "traitors" and "terrorists" shouted by government supporters at high pitch to silence even the slightest criticism against Erdoğan and the government have been engraved in the social memory as codes, symbols or magic words of the established system. Similarly, symbolic expressions such as "the war between faith and disbelief", "the battle of the Crescent and the Cross", "the external enemies and their internal collaborators", "collaborators among us", "the Crusaders and the servants of the Zionists" are some bio-power or bio-political power tactics that aim to instigate the fear and hatred in the society between different segments and hence control them more easily.

## 10 - TORTURE

Torture is a crime against humanity and there is no statute of limitations for those who commit this crime. It is an undoubted reality that the practices against innocent people and their relatives with the SOE/KHKs within the framework of the ECHR and ECtHR decisions carry all the elements of systematic torture, degrading treatment, inhuman treatment and crimes against humanity. However, the SOE social-extinction regime tried to hide and obscure all the evidence of crimes in order to prevent the revealing of all systematic torture and crimes against humanity, which it carried out consciously and in a planned way, and to refute it if it ever has to defend itself before the independent judiciary. For this reason, almost none of the torture, degrading treatment, inhuman treatment and other crimes against humanity committed by the social-genocide regime or collaborative paramilitary structures have

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85 Foucault, M. (2008), *The Birth of Biopolitics: Lectures at the Collège de France 1978-1979*, New York: Macmillan.

86 Niccolò Machiavelli, (2020) *The Prince*, translated by W. K. Marriott, independently published.

87 Thomas Hobbes, (2012), *Leviathan*, Edited by Noel Malcolm, 3 vols, The Clarendon Edition of the Works of Thomas Hobbes, Oxford: Clarendon Press.

88 Bakınız: Preechaya Kittipaisalsilpa, (2017) *The Concept of Biopower: The Use of Terror as a Political Technique of Controlling and Governing Citizens*, *Rangsit Journal of Social Sciences and Humanities (RJSH)* Vol. 4, No. 1, January - June 2017, pp.83-92.

been thoroughly investigated or allowed to be investigated at all.

In the above-mentioned context, images of the tortures perpetrated on soldiers or civilians detained without any resistance by members of the SOE regime and their collaborators were even broadcast on television or in newspapers. In this way, other members of the society were intimidated, in a way, about what could happen to them if they objected to the SOE regime.<sup>89</sup> Some officials even confessed on TV how they tortured the suspects while they were in custody or in prison, but no investigation was launched against these torture perpetrators by the SOE regime. Beyond that, with the 37th article of the KHK No. 668 published in the Official Gazette dated 27 July 2016 and the 121st article of the KHK No. 696 published in the Official Gazette dated 24 December 2017, the political power granted immunity for crimes against humanity, including killing, wounding, lynching and systematic torture. With the said articles, "legal, administrative, financial and criminal liability or full immunity" was brought to the "genocide bureaucracy" and "paramilitary groups" working in cooperation with the regime for their criminal acts. Because of these articles, almost no investigation could be opened on torture, ill-treatment, lynching or harassment.

In Articles 94 and 95 of the Turkish Penal Code No. 5237, acts of torture are defined as 'torture' and 'aggravated torture', and various penal provisions are recorded about them. However, since the SOE regime abolished the TCK de facto, the relevant articles were rendered obsolete or invalid.

Articles 94 and 95 under the titles of 'Torture' and 'Aggravated Torture on Account of its Consequences' in the TCK are as follows:

Article 94 (1) A public officer who performs any act towards a person that is incompatible with human dignity, and which causes that person to suffer physically or mentally, or affects the person's capacity to perceive or his ability to act of his own will or insults them shall be sentenced to a penalty of imprisonment for a term of three to twelve years. (2) If the offense is committed against: a) a child, a person who is physically or mentally incapable of defending himself or a pregnant women; or b) a public officer or an advocate on account of the performance of his duty, a penalty of imprisonment for a term of eight to fifteen years shall be imposed. (3) If the act is conducted in the manner of sexual harassment, the offender shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years, (4) Any other person who participates in the commission of this offence shall be sentenced in a manner equivalent to the public officer. (5) If the offense is committed by way of omission there shall be no reduction in the sentence. (6) (Added on 11 April 2013 – By Article 9 of the Law no. 6459) No statute of limitation shall apply to this offense.

Article 95 (1) Where the act of torture causes (of the victim); a) a permanent impairment of the functioning of any one of the senses or an organ, b) a permanent speech defect; c) a distinct and permanent scar on the face, d) a situ-

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<sup>89</sup> 15 Temmuz Sonrası İşkence İddiaları, <https://www.dw.com/tr/15-temmuz-sonras%C4%B1-i%C5%9Fkence-iddialar%C4%B1/vid-eo-36148535> ; Gözaltındaki Askerlerin İşkence Sonrası Görüntüleri Paylaşıldı, <https://www.dailymotion.com/video/x4l1cgi> ; 15 Temmuz'da Köprüde Linç Edilen Hava Harp Okulu Öğrencisinin Ablası: Yılmayacağım! <https://www.dailymotion.com/video/x6hx1gq> ; 15 Temmuz Sonrası İşkenceler 90'lar Gibi: 'Yok mu Tecavüz Edecek Bir Babayığit? <https://www.diken.com.tr/15-temmuz-iskence-raporu-90lari-aratma-di-yok-mu-tecavuz-edecek-babayigit/> ; 15 Temmuz Gecesi Gözaltına Alınan ve İşkence Görenlerin İfadeleri Ortaya Çıktı, <https://ahvalnews.com/tr/15-temmuz-darbe-girisimi/15-temmuz-gecesi-gozaltina-alinan-ve-iskence-gorenlerin-ifadeleri-ortaya> ; Gözaltında İşkence İddiaları: Yüreğimin En Pis Yerine Yazdım, <https://www.bbc.com/turkce/haberler-turkiye-38126711>;

ation which endangers a person's life, or e) the premature birth of a child, where the victim is a pregnant woman the penalty determined in accordance with the above article shall be increased by one half. (2) Where the act of torture causes (of the victim): a) an incurable illness or if it has caused the victim to enter a vegetative state, b) the complete loss of functioning of one of the senses or organs, c) The loss of the ability to speak or loss of fertility, d) a permanent disfigurement of the face, or e) the loss of an unborn child, where the victim is a pregnant woman The penalty determined in accordance with the article above shall be doubled. (3) Where an act of torture results in the breaking of a bone, the offender shall be sentenced to a penalty of imprisonment for a term one to six years according to the effect of the broken bone on his ability to function in life. (4) Where an act of torture causes the death of the victim, the penalty to be imposed shall be aggravated life imprisonment.

As can be seen, although it has been decreed that perpetrators of torture or those who turn a blind eye to torture will be sentenced to various terms of imprisonment or aggravated life imprisonment, as previously stated, a large number of systematic tortures against the KHK victims and their relatives remained unpunished, as the SOE regime rendered these articles ineffective and null and void. Some of the systematic tortures committed by the SOE regime have been reported in detail by organizations such as Human Rights Watch (HRW)<sup>90</sup>, Human Rights Association (İHD)<sup>91</sup>, Amnesty International (AI).<sup>92</sup>

## 11 - HATE CRIME

The crime of hate and discrimination are crimes committed against a person or group out of prejudices based on characteristics such as ethnicity, race, language, religion, gender, sexual orientation, disability, age or political opinion. They often involve direct and indirect violence and involve harming the material and moral assets of their victims. They also include acts of exposing them to derogatory behavior or words. Hate crimes are sometimes called "bias crimes" in the literature.<sup>93</sup>

The crime of hate and discrimination is defined and punished as follows in Article 122 of the TCK:“(1) Any person who (a) Prevents the sale, transfer or rental of a movable or immovable property offered to the public, (b) Prevents a person from enjoying services offered to the public, (c) Prevents a person from being recruited for a job, (d) Prevents a person from undertaking an ordinary economic activity on the ground of hatred based on differences of language, race, nationality, color, gender, disability, political view, philosophical belief, religion or sect shall be sentenced to a penalty of

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90 Turkey: Events of 2016, <https://www.hrw.org/world-report/2017/country-chapters/turkey>; Turkey: Events of 2017, <https://www.hrw.org/world-report/2018/country-chapters/turkey>.

91 15 Temmuz Darbe Kalkışması ve SOE Sürecinde Yaşanan Hak İhlalleri Bilançosu, <https://www.ihd.org.tr/15-temmuz-darbe-kalkis-masi-ve-SOE-surecinde-yasanan-hak-ihlalleri-bilancosu/>; SOE KHK'ları ve İnsan Hakları Mücadelesine Etkileri Özel Raporu, <https://www.ihd.org.tr/wp-content/uploads/2022/06/SOE-KHKlar%C4%B1-Raporu.pdf>.

92 Uluslararası Af Örgütü Raporu 2016/17, <https://www.amnesty.org.tr/public/uploads/files/yillik-rapor286.pdf>; Gelecek Karanlık: Türkiye'de İhraç Edilen Kamu Çalışanlarına Yönelik Sonu Gelmeyen Baskılar, [https://www.amnesty.org.tr/public/uploads/files/Gelecek-KaranlikTRAmnesty\(1\).pdf](https://www.amnesty.org.tr/public/uploads/files/Gelecek-KaranlikTRAmnesty(1).pdf)

93 Rayburn N. R., Mendoza M., Davison, G C., (2003), Bystanders' Perception of Perpetrators and Victims of Hate Crimes. *Journal of Interpersonal Violence*, 2003, Vol. 18 (9), s. 1055-1074.

imprisonment for a term of one year to three years.”

This crime is among the crimes that should be prosecuted ex officio by the Public Prosecutor's Office.<sup>94</sup> However, just as the social-genocide against the KHK victims was organized and implemented by the SOE regime, the crimes of hatred and discrimination against them were also encouraged by the same regime. For this reason, the perpetrators of this crime have not been prosecuted.

## **12 - HATE SPEECH**

Hate speech refers to speech made with the aim of creating prejudice, hatred, disgust or hostility about a certain group of people because of their race, ethnicity, nationality, religious belief, sexual orientation or similar grounds. The UN Strategy and Plan of Action on Hate Speech defines hate speech as...“any kind of communication in speech, writing or behavior, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, color, descent, gender or other identity factor.”<sup>95</sup> Hate speech does not have to have content that directly calls for violence. The discourse of hate speech desires to send the message to the target person or group that they are rejected and that they cannot live on an equal basis with the other part of the society.<sup>96</sup>

In this context, the innocent masses, who were dismissed from their jobs and deprived of their rights with the KHKs, despite having no ties to the coup or the putschists, were subjected to othering, humiliation, arousing and hostile hate speeches such as “terrorists, putschists, traitors, deviants, conspirators, etc.”, by the government and its supporters. For this reason, many KHK victims and their relatives have been subjected to hate crimes and have been subjected to actual attacks and insults. The report will have plenty of examples for them in the upcoming sections.

## **13 - OSTRACISM AND SOCIAL EXCLUSION**

Acts such as excommunication, exclusion, exile, and ostracism are often the result of directing social anger against social groups considered to pose a possible threat to the power of authoritarian rule. The society shows hostility towards the targeted people and groups. It excludes them, ignores them, cuts off social relations, or in some cases directly reacts physically and psychologically. In the end, it becomes impossible for the targeted people and groups to live peacefully in the society in question.

In this context, by the political power and its supporters, intense media attacks and almost all the means of the state were mobilized, marginalizing, humiliating, hateful, hostile hate speeches and black propaganda were car-

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94 Cemalettin Gürler, (2010), Nefret Suçları ve İş Hayatı, Ankara Barosu Dergisi, Yıl:68, Sayı: 2010/ 1, s. 259-274.

95 United Nations. (2021). What is hate speech? | United Nations. <https://www.un.org/en/hate-speech/understanding-hate-speech/what-is-hate-speech> [Accessed 29 Dec. 2022].

96 Prof. Dr. Timur Demirbaş, (2017), Nefret Söylemi ve Nefret Suçları, Dokuz Eylül Üniversitesi, Hukuk Fakültesi Dergisi, Prof. Dr. Şeref Ertaş'a Armağan, C. 19, Özel Sayı-2017, s. 2693-2701.

ried out against the victims of the KHKs and their relatives. In this way, efforts were made to exclude the victims from the society and excommunicate them. For this reason, many KHK victims and their relatives were subjected to hate crimes, actual attacks and insults, and were forced to leave their places of residence for years in order to survive. Wherever they went, they had to hide that they were victims of KHKs. There are many examples of this subject in our reports.

## 14 - GENOCIDE

Article 2 of the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group."<sup>97</sup>

One of the important elements of the genocide mechanism is the establishment of committees and squads of execution and murder that will actually carry out the massacres. However, genocidal massacres are not always carried out with bullets, knives, axes or poison gas.<sup>98</sup> For example, in the Soviet Union, as a result of the practice of starving the people in Ukraine and called "Holodomor"<sup>99</sup> by Ukrainians, nearly 7 million people died of starvation.<sup>100</sup>

According to Raphael Lemkin, genocide is not merely the physical, complete and direct destruction of a nation, a race, an ethnic, religious or social group. It is also a combination of activities, within the framework of a conscious and coordinated plan against a target group and individuals only on the grounds of their belonging to this group, aimed at the partial or complete elimination of the language, culture, religion, social values, material assets, economic life, social and political institutions, life safety, freedom, health, honor and dignity, and their existence as a social group.

For example, the Nazis in Germany regarded the Jews, whom they described as sub-race, degenerate and evil, as the natural enemies of the Nazis, who were the Superman (Übermensch) and the Superior Race (Überlegene Rasse).

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97 Samuel Totten, Paul Robert Bartrop, Steven Leonard Jacobs, (1988) Dictionary of Genocide Volume I (A-L) and Volume II (MZ), Greenwood Press: Westport, Connecticut; Jones, Adam, (2011), Genocide: A Comprehensive Introduction. London & New York: Routledge.

98 Samuel Totten, Paul Robert Bartrop, Steven Leonard Jacobs, (1988), Mechanisms of Genocide, Dictionary of Genocide Volume I (A-L) and Volume II (MZ), Greenwood Press: Westport, Connecticut. p. 275

99 The Holodomor, also known as the Terror-Famine or the Great Famine, was a man-made famine in Soviet Ukraine from 1932 to 1933 that killed millions of Ukrainians. It is a type of genocide that is carried out by depriving the victims of their food sources, by destroying their economic resources and their access to healthy food, transportation or nutrition, subjecting them to living conditions that will lead to physical extinction, causing their death from starvation / famine.

100 <http://holodomorct.org/>, <https://www.bbc.com/news/world-europe-25058256>, <https://holodomormuseum.org.ua/en/recognition-of-holodomor-as-genocide-in-the-world/>, How Stalin Starved Ukraine: The Genocide That Russia Has Tried to Cover Up for Decades, <https://youtu.be/lejDbulJN54>

This mentality and belief was behind the genocide they carried out with the policies they called the 'final solution to the Jewish problem' (Endlösung der Judenfrage). It is estimated that 6 million Jews were killed in the "Holocaust" genocide. When targeting Jews, the Nazis took into account their mere Jewishness, not their individual faults or crimes. These attitudes formed one of the conditions of the crime of genocide.<sup>101</sup>

In the Rwandan Genocide, the ruling Hutu killed 800,000 people from the "Tutsi" tribe in just three months, simply because they were members of another tribe. The terrorist organization ISIS, on the other hand, systematically killed Shiite, Yazidi and Christians in the regions they captured in Iraq and Syria, looted their property, raped their women and children, used them as slaves or sold them in slave markets.<sup>102</sup> The crimes committed by ISIS against religious minorities in Iraq and Syria have been classified as "genocide" by the UN organization and many countries, by taking them into the category of "crimes against humanity". Captured ISIS militants were tried for the crime of genocide and convicted of these crimes in certain countries like Germany and the US.

When the inhuman treatment carried out by the SOE regime against a certain group in Turkey is evaluated according to the "10 stages of the Genocide" criteria, in which Dr Gregory Stanton modeled as the stages in the genocidal regimes' tendency towards genocide, it is seen that 9 out of 10 stages coincide with the practices in Turkey.<sup>103</sup>

Accordingly, in order for the series of inhumane criminal acts to be considered genocide, the ninth of the 10 criteria of genocide, the "extermination" stage, must have taken place. In the genocide carried out against the victims of the KHKs and their relatives, the "indirect" method of genocide, which is a covert method, was used instead of the direct/open genocide methods. With this, it is aimed to facilitate the denial of the genocide and make it difficult to prove it. However, whether direct or indirect methods were used in the genocides, the result does not change for the victims. Because, whether the deaths are carried out within a few minutes or a few hours by direct methods of execution, or within a few months or years by indirect methods, the victims actually/physically die as a result. The fact that it took a few months for the members of the targeted group to die cannot be a reason to deny the genocide and cannot excuse the genocide perpetrators.

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101 Lemkin, Raphael. (1944), *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*. Washington DC: Carnegie Endowment for International Peace, Division of International Law; Harff, Barbara, (2003) *No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1995*. *American Political Science Review* 97 (1): 57–73.

102 Card, Claudia. (2010), *Confronting Evils: Terrorism, Torture, Genocide*, Amazon Kindle Edition; Jones, Adam, (2011), *Genocide: A Comprehensive Introduction*. London & New York: Routledge.

103 The Ten Stages of Genocide, <https://www.genocidewatch.com/tenstages>; Ten Stages of Genocide, [https://genocideeducation.org/wp-content/uploads/2016/03/ten\\_stages\\_of\\_genocide.pdf](https://genocideeducation.org/wp-content/uploads/2016/03/ten_stages_of_genocide.pdf).

<b>TEN STAGES OF GENOCIDE</b>		
Classification	All cultures have categories to distinguish people into "us and them" by ethnicity, race, religion, or nationality: German and Jew, Hutu and Tutsi. If societies are too segregated (divided) they are most likely to have genocide.	✓
Symbolization	The marginalized group is given names or other symbols to the classifications of ethnicity, race, religion, or nationality and is labeled with derogatory words like "traitors", "viruses", "terrorists", "enemies within us", etc.	✓
Discrimination	A dominant group uses law, custom, and political power to deny the rights of other groups. The powerless group may not be given full civil rights or even citizenship. The marginalized are excluded and discrimination is exercised against them in public service, employment, judiciary, society, etc.	✓
Dehumanization	Dehumanization is when one group treats another group as second-class citizens. Members of a persecuted group may be compared with animals, parasites, insects or diseases. When a group of people is thought of as "less than human" it is easier for the group in control to murder them. In Turkey, the KHK victims have been defined and symbolized with harmful animals, insects, vermin, cancer cells, virus etc.	✓
Organization	Genocide is always organized, usually by the state, though sometimes informally or by terrorist groups. Special army units or militias are often trained and armed. Plans are made for genocidal killings.	✓
Polarization	Extremists drive the groups apart. Hate groups broadcast propaganda that reinforces prejudice and hate. Laws may forbid intermarriage or social interaction between the groups. Extremist terrorism targets moderates, and intimidates them so that they are silent. Moderate leaders are those best able to prevent genocide and they are often the first to be assassinated.	✓
Preparation	National or perpetrator group leaders plan the "Final Solution" to the Jewish, Tutsi or other targeted group "question." They often use euphemisms to cloak their intentions, such as referring to their goals as "ethnic cleansing," "purification," or "counter-terrorism." They build armies, buy weapons and train their troops and militias. They indoctrinate the populace with fear of the victim group. Leaders often claim, "If we don't kill them, they will kill us."	✓

Persecution	Victims are identified and separated out because of their ethnic or religious identity. Death lists are drawn up. In state sponsored genocide, members of victim groups may be forced to wear identifying symbols. Their property is often confiscated. Sometimes they are even segregated into ghettos, deported into concentration camps, or confined to a famine-struck region and starved. Genocidal massacres begin. They are acts of genocide because they intentionally destroy part of a group.	✓
Extermination	Extermination begins, and quickly becomes the mass killing legally called "genocide." It is "extermination" to the killers because they do not believe their victims to be fully human (see dehumanization). When it is sponsored by the government, the armed forces often work with private armies to do the killing. Sometimes the genocide results in revenge killings by groups against each other, creating the downward whirlpool-like cycle of mutual genocide where the victims actually organize and commit a second genocide on the perpetrators.	?
Denial	Denial is the tenth stage that always follows genocide. It is among the surest indicators of further genocidal massacres. The perpetrators of genocide dig up the mass graves, burn the bodies, try to cover up the evidence and intimidate the witnesses. They deny that they committed any crimes, and often blame what happened on the victims. They block investigations of the crimes, and continue to govern until driven from power by force, when they flee into exile. Leaders of the genocide continue to deny the crime unless they are captured and a tribunal (special court) is established to try them.	✓

The SOE regime used the indirect method of genocide to hide inhumane treatment and genocide practices in Turkey. In this direction, it has carefully implemented its plan to destroy the target group, in clear and blatant contradiction to basic human rights and freedoms such as preventing them from working in the public or private sector, bans on going abroad, deprivation of social rights or social benefits. In this context, with the implicit/indirect genocidal methods, the KHK victims were left unemployed, hungry and desperate. Thus, they were subjected to genocidal treatment that led to their "silently" death through starvation, malnutrition, disease, neglect, and suicide. Delicately implemented indirect genocide practices were masked by manipulative propaganda in the national and international arena and did not attract the attention of the public in many countries. However, there is no doubt that the treatment to which the KHK victims are subjected is a type of genocide that includes elements that can fit the definitions of social-death, politicide, democide, and economic-genocide. One of the indicators of this situation is that the crude death and suicide rates among KHK victims and their families are too high to be a coincidence, compared to Turkey's averages. In this context, examples of people, mothers, fathers and children who committed suicide by falling into a deep depression in the environment of genocide they lived in, and mothers or fathers who first killed their own children and then committed suicide themselves were encountered.<sup>104</sup>

104 KHK mağduru İbrahim Öztürk'ün eşi Seher Denizli'de bunalıma girerek Önce engelli çocuğunu öldürdü. Ardından da kendisi intihar etti: <https://twitter.com/VuralErgul2/status/1550566114731737091?t=M-dlpkigoq9EmOalHEnZLg&s=08>, KHK mağduru avukat Emine Üzel Ahmadi bayram günü intihar etti: Geride 4 aylık bebeği kaldı, <https://kronos35.news/tr/gergerlioglu-duyurdu-khkli-avukat-emine-uzel-ahmadi-intihar-etti/>, Dört Yıldır Tutuklu KHK mağduru Öğretmenin 16 Yaşındaki Oğlu Bahadır Odabaşı İntihar Etti, <https://onedio.com/haber/4-yildir-tutuklu-khk-li-ogretmenin-16-yasindaki-oglu-bahadir-odabasi-intihar-etti-1035518>, Üç çocuk babası KHK mağduru Ahmet Ongun Ordu'da kendini yakarak intihar etti, <https://twitter.com/avcemilcicek/status/1499863729688788994>, Kanun Hükmünde Kararname (KHK) ile ihraç edilen biri 7 aylık 3 çocuk annesi, 37 yaşındaki hemşire Sevgi Balcı, Isparta'da kendini asarak intihar etti. <https://www.sondakika.com/haber/haber-khk-ile-ihrac-edilen-hemsire-intihar-etti-9973951/>, KHK mağduru anneler psikolojik sorunlar yaşayan çocukları için Gergerlioğlu'nu aradı: 'Başka intiharlar olmasın', <https://kronos35.news/tr/khkli-anneler-psikolojik-sorunlar-yasayan-cocuklari-icin-gergerlioglunu-aradi-baska-intiharlar-olmasin/>.

In summary, and as a result, the report reached unsuspecting data that the victims of the SOE/KHKs, along with their family and descendants, were subjected to very grave violations of rights, severe torture and “crimes against humanity”, which is defined as genocide in modern law. The degrading, inhuman and unlawful ill-treatment of victims and their families complies with the definition of genocide as defined in national and international law.

In this context, it is especially necessary to mention the violations of the "International Covenant on Civil and Political Rights", which was accepted by the United Nations General Assembly with its resolution 2200 A (XXI) dated 16 December 1966 and entered into force on 23 March 1976. Article 4 of the Convention has the following statements: "In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin. (2) No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision."<sup>105</sup> In other words, no reduction can be made in certain obligations such as the right to life (art.6), the prohibition of torture (art.7), the principle of no punishment without law (art.15), freedom of thought, conscience and religion (art.18). However, all kinds of lawlessness and discrimination were committed during the SOE in breach of this convention.

At this point, we find it useful to draw attention to an important issue regarding crimes against humanity applied to KHK victims. Genocide practices in Turkey mostly conform to the definition of "indirect genocide", not direct or open. It is a type of genocide that is committed with covert/masked methods, designed to commit the perfect murder, with a very delicate and professional plan, in order to be portrayed as having no perpetrator. For this reason, genocide committed in Turkey is in conformity with the definitions in Article 2 of the UN Convention on the Prevention and Punishment of the Crime of Genocide and Article 6 of the Rome Statute of the International Criminal Court, a method that can be defined as “deliberately subjecting the members of a group to such living conditions that may lead to their physical extinction in whole or in part”. It is applied as execution by ill-treatment, psychological pressure, starvation, misery or neglect.

Turkey ratified the aforementioned covenant with the Law no 5630 published in the Official Gazette on 23 March, 1950. The crime of genocide is regulated in Article 76 of the TCK and it has been decreed that the statute of limitations will not apply for these crimes. However, unfortunately, the SOE regime did not hesitate to subject KHK members to conditions that would lead to their total or partial physical extinction in 2016 and beyond.

The statements of a KHK victim who participated in our research fully confirm this thesis:

*“What we, the KHK victims, were subjected to is not much different from what it was during the Nazi era. In the latter, the genocide was committed directly, now it is done unhurriedly, painfully, by forcing people*

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105 OHCHR. (2022). International Covenant on Civil and Political Rights. [online] Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [Accessed 29 Dec. 2022].

*to commit suicide. I have not even started counting the practices in prisons. They cram innocent people in jails, in cells, without paying attention whether they are sick, pregnant, senile or with babies, and they don't let them receive treatment ..."*

This act of genocide, perpetrated using sophisticated methods against the KHK victims, complies with the definitions expressed in both the Convention on the Prevention and Punishment of the Crime of Genocide and Article 76 of the TCK . The provision of "Everyone has the right to life and the right to protect and develop his material and spiritual entity" stated in article 17 of the Constitution of the Republic of Turkey has also been ignored for the KHK victims.

The fact that the crimes against humanity committed in Turkey are not exactly similar to, say, the crimes against the Jews in Nazi Germany, or that gas chambers were not established to execute the KHK victims, cannot be a justification for accepting that no crimes against humanity are being committed in Turkey. Creating such a perception is legally, mentally and conscientiously unacceptable. Because no genocide practice in the world is an exact copy of another. Each genocide or genocidal person was tried within the framework of their own criminal practices and dynamics. In addition, the fact that an element that is prominent in one genocide is absent in another does not mean that the other genocide committed is not genocide.

As mentioned above, the political elites of the SOE regime are trying to present the practices carried out against the KHK victims in the national or international public opinion as a legitimate struggle against certain individuals and groups within the framework of the fight against terrorism, by using deliberate propaganda methods and techniques. In this process, the regime has successfully created a perception that an effective and independent legal system is functioning in the country in circles unaware of the depth of crimes against humanity in Turkey. It is obvious that the genocide committed in no part of the world is exactly alike. Trying to deny the genocide in Turkey by comparing it with the genocide in Nazi Germany is an effort of manipulation in this respect. According to those who try to spread the aforementioned perception, there are no concentration camps such as Auschwitz, Bergen-Belsen or Buchenwald in Turkey. Gas chambers were not built to mass murder the KHK victims. However, these excuses only aim to cover up a genocide that was committed with different methods and to justify the genocide.

Although the genocides are not exactly the same, they all have common features. For example, it will be seen that there are great similarities between the crimes against humanity committed against the KHK victims and the practices against the Jews in Nazi Germany, except for such atrocities like the "concentration camps" and "gas chambers" used by Nazi Germany against the Jews. Each genocide varies and is shaped according to time, place, social and cultural structure of societies. For example, concentration camps or gas chambers were not used in the genocide crimes committed by ISIS against Shiites, Yazidis and Christians in Iraq and Syria. However, ISIS has committed a deliberate and systematic crime of genocide through rape of women and children, massacres by shooting or beheading, enslavement and trafficking by establishing slave markets, torture, forced conversion, plunder and exile.<sup>106</sup> On

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<sup>106</sup> Security Council, ISIL/Da'esh Committed Genocide of Yazidi, War Crimes against Unarmed Cadets, Military Personnel in Iraq, Investigative Team Head Tells Security Council, U.N. Doc. SC/14514 (May 21, 2021), available at <https://www.un.org/press/en/2021/sc14514.doc.htm> . Islamic State Committing Genocide Against Yazidis, says UN, <https://www.bbc.com/news/world-middle-east-36547467> .

the other hand, for crimes against humanity to be considered genocide, there is no requirement that the number of victims reach hundreds of thousands or millions. For example, the number of Yazidis killed or kidnapped by ISIS in Northern Iraq is around 10,000.<sup>107</sup> The free world did not consider the number of victims as a justification for mitigating the gravity of the crime.<sup>108</sup>

Although it deliberately tries to conceal the acts that constitute crimes against humanity and the perpetrators of these acts, the SOE regime has committed the crime of genocide and continues to operate in its own unique forms and conditions. However, since some specially developed, detailed and elaborately designed "indirect genocide" techniques are used, this genocide may not cause sufficient reaction by people and institutions that are not particularly interested in the issue. For this reason, the direct and indirect methods and techniques of genocide used by the SOE regime, which we can list under 146 headings, will be listed in the upcoming section. Detailed explanations about these practices will also be provided.

As seen in other examples of genocide, many deaths, suicides, murders, torture, rape, seizure of property, looting, usurpation of rights or exile were experienced in the genocide committed in Turkey. However, the facts are prevented from being revealed by not operating the state institutions and the legal system in a conscious, planned and systematic way, by censoring and silencing the press, and by suppressing the victims and their relatives with threats and imprisonment. Thus, information about both the perpetrators and the victims is tried to be kept away from the public's attention in a conscious, planned and systematic way.

All genocides or perpetrators must have an "ideology", and the genocidalists carry out their genocide by taking shelter in certain discourses and methods in line with that ideology. Political Islamists have committed genocide and massacres by using the ideologies of "pan-Islamism and the caliphate".

In the genocides within the Islamic world, the property, wives, and children of the victims are also viewed as "booty" by political Islamists. This means that, as stated earlier, the genocides of political Islamists can also be classified as economic and social genocides. Political Islamic ideology legitimizes such inhumane elephants, plunder and barbarism with the ideology of "takfirism".<sup>109</sup>

Historical, cultural, philosophical or theological patterns that somehow continue to exist in the Islamic world, as they do in the political Islam mindset, constitute a source of social legitimacy for the genocidal practices of political Islamists.

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107 Mr. Dr. Marieke de Hoon, Accountability for The Yazidi Genocide, Position Paper for Dutch Parliament, 10 February 2022, page 1, <https://www.tweedekamer.nl/downloads/document?id=dca0cb02-add5-4174-a158-51937997509d&title=Position%20paper%20M.%20de%20Hoon%20t.b.v.%20rondetafelgesprek%20Situatie%20van%20de%20Jezidi%E2%80%99s%20%28vervolg%29%20met%20juridische%20experts%20d.d.%2017%20februari%202022.pdf>

108 Genocide Trial: IS Suspect in Court in Germany, <https://www.bbc.com/news/world-europe-52409406> ; Yazidi Genocide: IS Member Found Guilty In German Landmark Trial, <https://www.bbc.com/news/world-europe-59474616> ;

109 <https://www.sosyalmanet.com/balkanlioglundan-feto-mallari-fetvasi-3700h.htm> ; <https://www.yeniakit.com.tr/video/balkanlioglu-hoca-fetonun-ganimetlerini-tepe-tepe-kullanin-11786.html> ; <https://haber.sol.org.tr/toplum/video-rakip-cemaatten-fetva-fetonun-mallari-ganimettir-tepe-tepe-kullanin-165107> ; <http://www.haberozetim.com/haber-cemaatin-mallari-ganimettir-tepe-tepe-kullanin-diyen-balkanlioglu-oldu-5111.html> ; <https://www.youtube.com/watch?v=7321fBQdBVI> .

Radical religious terrorist organizations such as Al-Qaeda, ISIS, Taliban, Hezbollah, and Boko Haram can find a wide social base in Arab, Afghan, African and other Islamic societies thanks to the prevalence of such mentality patterns. Unfortunately, the events that took place on the night of July 15, 2016 revealed that groups with a political Islamist mentality among the Muslim Turkish community also have such a mentality. On this night of the coup attempt, radical religious crowds gathered in front of military lodgings in some provinces, chanting slogans "Soldier's wives and daughters are our trophies," and attempted to raid the military lodgings. In the same night and afterwards, many similar harassment, rape and looting incidents were experienced in many parts of Turkey, whether or not they were reflected in the press. Some radical religious imams admitted that they gave fatwas for the atrocities that took place that night.<sup>110</sup>

All of the above-listed social, political and economic genocide methods have been applied with certain measures and qualities in crimes against humanity committed against the people under the decree laws in Turkey.

## **THE MAIN TASKS UNDERTAKEN BY THE PRO-GENOCIDE BUREAUCRACY**

The most important actor and essential element of all genocides has been bureaucracy. Because the bureaucracy, which always obeys the power holders and accepts to be a partner in their crimes against humanity, determines, finds and selects all the victims of genocide, and makes their extermination possible by actually focusing all the crushing and destructive power of the state mechanisms on the targeted ones.

The bureaucracy also feeds, directs and controls the news, hate speech and propaganda in the written, visual and audio media on behalf of the genocidal regimes under its command. Unfortunately, the judicial, administrative and military bureaucracy agreed to a large extent in the crimes of the political power in the SOE/KHK regime's genocidal practices in Turkey. Principled bureaucrats who resisted the unlawfulness of the political power were targeted by both the ruling elite and the genocidal bureaucracy and were disqualified by KHKs or different methods. Some were dismissed whereas some others were forced to resign or retire. Some were demoted or had to face criminal sanctions such as imprisonment or exile. The collaborative genocide bureaucracy in Turkey has been instrumental in all kinds of genocide practices against the KHK victims and their relatives.

The Republic of Turkey did not refrain from subjecting people whose lives were blackened by KHKs to "conditions that would lead to physical destruction, in whole or in part", and subjected them to judicial and administrative or judicial proceedings that ignored the basic principles of positive law. They were subjected to inhuman treatment through methods repeated over and over in this report and which will be described in detail in the next section. The victims of the KHKs were subjected to social-crime through dismissal, wasting of their right to work, deprivation of social security, the usurpation of many social rights, detention, custody or heavy prison processes. They were subjected to all kinds of ill-treatment and/or violations of their rights, including systematic torture. The majority of the victims, who were

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110 İmam Halil Konakçı: Hainleri Cezaevine Yatırmayacaktık... Ben o gece fetvayı verdim. Yine veririm, beni arayın, <https://twitter.com/IskençeReport/status/1552355135413682182?t=LGSAM8r18E8VvtWwXrz-FA&s=08> Akgündüz'ün ölüm' fetvası, Hollandayı ayağa kaldırdı, <https://www.tr724.com/akgunduzun-olum-fetvasi-hollandayi-ayaga-kaldirdi/>.

arrested, released or allowed to live outside without being detained, were subjected to practices such as civil death, social death, social insecurity, starvation, and deprivation of their right to life and participation.

Those who were chosen as victims by the SOE regime were isolated by social and political pressures. A ruthless process is experienced by aiming to intimidate them completely or to collapse them psychologically, physically and existentially in the face of the sovereign will towards them. It is clear that these applications are directed from a certain source. These practices were applied not only to the KHK victims, but also to their relatives. Within the framework of the same practices and propaganda processes, they were isolated from the society, isolated in the society by being "marginalized", their working and social rights were taken away from them, thus they were oppressed and left alone and defenseless against all kinds of ill-treatment and attacks by the political power.

Within the framework of the definitions of Raphael Lemkin, the creator of the term "Genocide" and the chief executive of the efforts for the ratification of the "Convention on the Prevention and Punishment of the Crime of Genocide" at the United Nations General Assembly, or Prof Dr Claudia Falconer Card, the creator of the concept of "social death" as a new genocide method. When considered, it is possible to conclude that the KHK victims, who are exposed to attacks and practices that destroy their social existence, life and endurance, are victims of "social-genocide".<sup>111</sup> In the process of lawlessness, the people under the decree laws were de facto expelled from citizenship and humanity, demonized, destroyed and "stateless". They were made de facto civil/social dead, homeless and/or "Haymatlos" through acts that fall within the scope of "crimes against humanity".

## **THE ROLE OF MILITARY AND PARAMILITARY STRUCTURES IN THE IMPLEMENTATION OF GENOCIDE POLICIES**

All authoritarian, totalitarian, despotic or genocidal regimes have established, organized, directed and used some paramilitary structures in dirty operations. The main use of such secret structures is to suppress the dissidents. States can avoid responsibility for systematic attacks and executions by "deep state" or "shadow state" entities that operate covertly and whose existence cannot be proven. One of the most important proofs of the state-sponsored activities of such paramilitary structures is that the security forces generally remain bystanders to the organizations and activities of these groups. Indeed, the main security forces or judicial units of the state avoid revealing the crimes committed by such groups, neglect the adequate and necessary investigation, prosecution and trial phases, and make practices such as incomplete investigation, ignoring the evidence, hiding or destroying it. Examples of such state-sponsored paramilitary structures are the "Black Hundreds" (Чёрная сотня) in Tsarist Russia, the "Black Shirts" (Camicie Nere) in Italy, the "BrownShirts" (Braunhemden) in Germany, and the "Los Urabeños" in Colombia.

The gangs belonging to the paramilitary Black Hundreds in Tsarist Russia made pro-Tsarist attacks against the opposi-

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111 Raphael Lemkin (1944), *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government Proposals for Redress*, Washington Carnegie Endowment for International Peace Division of International Law, Washington, DC.; Card, Claudia (2003) *Genocide and Social Death*, *Hypatia*, Volume 18, Number 1, Winter 2003, pp. 63-79, Indiana University Press; Card, Claudia. (2010) *Confronting Evils: Terrorism, Torture, Genocide*. Amazon Kindle Edition;

tion worker-peasant popular movements that rose after the 1905 Russian Revolution. Paramilitary gangs of Black Shirts, founded by Benito Mussolini supporters in Italy, attacked the left opposition movements that developed in Italy after the First World War and the Bolshevik revolution, beating and killing some workers' leaders, intellectuals and journalists, and burning some buildings in the country. They formed the basis for the establishment of an oppressive fascist regime.

After the First World War and the Bolshevik revolution in Russia, the paramilitary SA gangs in Germany mainly acted against the emerging and developing left-socialist movements similar to those in Italy. The SA played an important role in suppressing the political rivals of the National Socialists in Germany, in the rise of the National Socialists and in the establishment and strengthening of the Nazi/Hitler fascist regime. Paramilitary groups, which were mentioned after the Nazi regime's full domination of the country, were also used in bloody and deadly attacks on Jewish homes, workplaces and synagogues.<sup>112</sup>

In Colombia, the anti-left paramilitary structure called Los Urabeños, which allegedly has around 8,000 members, has been fighting leftist movements for many years, especially the Revolutionary Armed Forces of Colombia (FARC), which have recently laid down their arms and are a political party, and the National Liberation Army (ELN). Many of the gangs of the Los Urabeños, which are closely associated with the governments, are engaged in drug dealing, on the one hand, and on the other hand, they carry out massacres against left-socialist workers' representatives and people and groups that support leftist structures in the country.

In Turkey, the political Islamist government organized some organized crime structures and paramilitary groups among those close to its ideology, culture and mentality and manipulated the prejudices against people and groups that it describes as the "other". Particularly, on and after July 15, 2016, it mobilized those groups in an organized manner, paving the way for many lynchings, murders, harassment and rapes. For example, on the night of the coup attempt, some radical religious crowds gathered in front of the military lodgings in some provinces, chanting slogans "Soldier's wives and daughters are our trophies," and attempting to raid the military lodgings in order to rape the women and girls living there, despotic/ideological executions. Beheading of some cadets who were dispatched to the Bosphorus bridge by their superiors and lynching of some others were also carried out by these groups. These and some other examples demonstrate clearly that some paramilitary structures have been used in Turkey.<sup>113</sup>

There are significant allegations that the political power organized armed paramilitary structures such as the People's Special Operations (HÖH), the Ottoman Hearths, the Milli-Yerli Teşkilat, the Turkish State Fedai as well as other groups that were organized in the form of religious sects, before and after the coup attempt, by the hand of the deep state or the shadow state.<sup>114</sup>

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112 Wikipedia Contributors (2022). Kristallnacht. Wikipedia. <https://en.wikipedia.org/wiki/Kristallnacht> [Accessed 1 Jan. 2023].

113 Bunların Karıları Helâldir' Diyerek Askeri Lojman Kapisına Dayandılar, <https://www.gazeteduvar.com.tr/gundem/2016/09/26/mhpli-vekil-bunlarin-karilari-helaldir-diyerek-askeri-lojman-kapisina-dayandilar> ; Bunların Karıları Bize Helaldir, Verin Onları, <https://www.odatv4.com/guncel/bunlarin-karilari-bize-helaldir-verin-onlari-demisler-2609161200-101191> ; Selcan Taşçı, Yeniçağ Gazetesi, "Ganimet"im Olur Musun? 16 Haziran 2020 Salı, <https://www.yenicaggazetesi.com.tr/mobi/ganimetim-olur-musun-405377h.htm>.

114 Paramiliter örgütlenmeler: Reisin ordusu, Her türlü otoriter emarenin su yüzüne çıktığı Türkiye'de, "makbul vatandaş" olarak tarif edilen tip, silahlarla sokağı kontrol etmeyi amaçlıyor. <https://taz.de/Paramiliter-oerguetlenmeler/!5391223>, <https://ilerihaber.org/icerik/>

As a sign that paramilitary structures carry out their activities under state support, the Article 37 of the Law No. 6755 on the Adoption of the Amendments of the Decree Law on Measures to be Taken Under the State of Emergency and Arrangements Made on Certain Institutions and Organizations and the 121st article of the KHK no 696 can be shown. With these two, it is certain that military and/or paramilitary groups that act illegally, commit looting and murder were taken under the protection of the state by providing legal immunity to all kinds of massacres and attacks they commit.

## **CHAPTER V**

# **PRACTICES AND METHODS OF “CRIME AGAINST HUMANITY” COMMITTED AGAINST THOSE WHO WAS TARGETED IN THE GENOCIDE BY SOE (THEORETICAL FRAMEWORK)**

## 10 STAGES OF GENOCIDES

According to Gregory H. Stanton, there are 10 stages of genocide.<sup>115</sup> The sequence of these phases may vary and they may be implemented simultaneously. On top of all these stages, we find it useful to note that all past genocides have had an ideology and that they were all carried out with the legitimacy and motivations provided by ideologies. A genocidal ideology can have origins or names such as fascism, socialism, communism, romanticism, autarky, pan-Islamism, etc. However, in the end, all massacres are carried out on groups that do not conform to the design of the adopted ideology, are viewed as contrary or hinder this ideology from achieving its goals. The theorists, diffusers, orators, and writers of ideology undertake to identify targeted groups and justify their destruction. The militants of this ideology carry out genocidal executions.

**Classification:** The public is polarized and divided into "us" and "them". Those who are "us" are local and national. Those who are "other" are always deceived, treacherous and are the tools of foreign powers.

**Symbolization:** Names like traitors, hypocrites, viruses, terrorists, etc. are attributed to the marginalized segments.

**Discrimination:** Those who are stigmatized are exposed to discrimination, marginalization and exclusion in receiving services from the public, in employment, in the judiciary, in short, in all areas of society.

**Dehumanization:** In this stage, people are defined by names such as harmful animals, insects, vermin, cancer, virus, etc.

**Organization:** Genocides do not occur spontaneously. They are definitely planned and carried out by the state itself or with the support of it. The state may organize and arm paramilitary groups for this purpose.

**Polarization:** Different segments of society are turned against each other through organized campaigns, propaganda and discriminatory laws.

**Preparation:** The preparation phase begins for the "final solution". Hateful rhetoric wreaks havoc. Measures are taken to prepare the ground for extermination.

**Persecution:** Members of the victim community are pursued. Torture, arrest, starvation may occur in the form of torture.

**Extermination:** One community attempts to wipe out another community entirely, resorting to mass murder, rape, sterilization, and kidnapping for this purpose. The properties of the targeted members of the community are also plundered during this process.

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115 The Genocide Education Project. (2006). [https://genocideeducation.org/wp-content/uploads/2016/03/ten\\_stages\\_of\\_genocide.pdf](https://genocideeducation.org/wp-content/uploads/2016/03/ten_stages_of_genocide.pdf).

**Denial:** This is the final phase and follows the extermination phase in every case without exception. Perpetrators destroy bodies and evidence. Witnesses are threatened. Crime is often blamed on the victim community.

## **GENOCIDE PREPARATIONS IN THE SOE REGIME**

Preparations for the SOE genocide began with systematic filings. Execution practices were carried out with the genocide execution lists created according to these tagging lists. Systematic filing criteria called FETOMETRE played an important role in determining who will be targeted in all institutions across the country. As revealed after the July 15 coup attempt, FETOMETRE criteria and systematic filings based on these criteria were used in the determination of executive/staff committees in all institutions that would implement the genocide, in the establishment of these committees, in the determination of personnel who could work in harmony with the staff committees and fulfill their orders without questioning them. At the same time, in determining who will be appointed to critical public duties, in establishing teams that will carry out propaganda and manipulations in order to convince the local and international community about the legitimacy of unlawfulness, in organizing the state institutions and bureaucracy that will carry out executions, and in the formation of militant and paramilitary groups, these FETOMETRE criteria and the systematic profilings based on these criteria were used.

In addition, those who are considered as "supporters or allies" when systematic filings are made are particularly protected from being prosecuted even though they themselves did activities that are considered terrorist crimes for "others". In other words, according to the systematic filing and execution lists, it didn't matter who did what in the past or what they did on July 15, 2016. Everything has been put into practice in a "selective" and "arbitrary" fashion, regardless of who did/does what. There are many examples of this in the main text of the report titled "Social Costs of the State of Emergency in its Third Year". For this reason, the back cover of the report featured the motto of "Nothing was illegal. Because there was no law".

## **CRIMES AGAINST HUMANITY AND FORMATION OF THE CONCEPT OF "GENOCIDE"**

The term "crime against humanity" first came to the fore at the Nuremberg Tribunal, where 24 prominent leaders of Nazi Germany were tried on an international platform. There are some conditions that distinguish this crime from crimes such as murder, rape, robbery, looting that ordinary people can commit.

Crimes committed within the scope of crimes against humanity:

- a. must be "committed as part of a large-scale and systematic attack". The word attack here doesn't mean only a military attack, but also legislative and administrative measures such as forced displacement.
- b. must target "a civilian population".

c. must be carried out in accordance with a “policy regarding a government or organization”.

Thus, crimes against humanity can be committed through actions promoted by government officials or individuals, such as the establishment of death squads, or with their alliance or consent.<sup>116</sup>

Article 2 of the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group."

Article 76 of the TCK defines the crime of genocide as follows:

(1) The commission of any of the following acts against any member of any national, ethnic, racial, or religious group with the intent to destroy such group, in whole or in part, through the execution of a plan shall constitute Genocide: a) Intentional killing; b) Causing serious physical, or mental, harm to persons; c) Deliberately inflicting on the group living conditions calculated to bring about its physical destruction in whole or in part; d) Imposing measures intended to prevent births within the group; e) Forcibly transporting children of the group to another group. (2) Any person who commits genocide shall be sentenced to a penalty of aggravated life imprisonment. However, where the offences of intentional killing and intentional injury are committed in the course of genocide, there shall be an actual aggregation of such offences, in accordance with the number of victims identified. (3) Legal entities shall be subject to security measures for these offences. (4) There shall be no limitation period in respect of these offenses.

Consequently, according to both the UN Convention on the Prevention and Punishment of the Crime of Genocide and Article 76 of the Turkish Penal Code, the acts committed against the KHK victims are included in the definitions of genocide.

All genocides have similar common features, but each genocide also has their sui generis characteristics. How genocides are carried out varies according to society, time period, technical and technological possibilities and social values. The genocides in Nazi Germany, Soviet Russia, Pol Pot Cambodia and Hutu Rwanda are not carbon copies of each other in terms of their causes and consequences, the methods used and their development. Therefore, there is no standard type of genocide crime and seeking "gas chambers" or "furnaces" in which corpses are burned in every genocide can be seen as either naivety or a deliberate diversion.<sup>117</sup> The Soviet Union did not kill in the gas chambers, but starved the people it had killed in Ukraine, the number of which, according to some estimates, reached 10 million. In the Tutsi genocide supported by the Hutu government in Rwanda, nearly 1 million people were killed with

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116 <https://www.ombudsman.gov.tr/contents/files/32702-Soykirim-Sucunun-Onlenmesine-Ve-Cezalandirilmasina-Dair-Sozlesme.pdf>

117 <https://www.cumhuriyet.com.tr/haber/prof-kabogluna-gore-SOE-komisyonu-basvurulari-7-8-yilda-bitecek-akpnin-gaz-oda-si-922016> Prof. Dr. İbrahim Kaboğlu: “SOE İnceleme Komisyonu AKP hükümetinin gaz odasıdır!”

sticks, machetes, lines, and blunt objects. The killing of 1.5-2 million people by the Khmer Rouge in Cambodia has been committed by ethnic cleansing, extrajudicial executions, torture, famine, forced labor, human experiments, enforced disappearances, exile and forced deportation. In the genocides committed by ISIS in Iraq and Syria, methods of "massacre, ethnic cleansing, rape, enslavement, forced conversion" were used. In short, the means used in all crimes of genocide and the desired results may be different.

There is one feature common to all genocides committed in the modern era: The bureaucracy acts as the "accomplice" of the government in committing the crime of genocide. Modern states benefit from the expertise of a submissive bureaucracy against their target audience. In this respect, the role and contribution of bureaucracy is very important in modern era genocides as mostly it decides who will be targeted and how they will be destroyed.

## **“NEO-MODERN GENOCIDE” AS A GENOCIDE METHOD EXCLUSIVE TO THE SOE REGIME**

Genocides are not just cases where people are actually murdered and exterminated. Genocide is a process in which the individual and social identities of the victims are destroyed by destroying their freedom, dignity and humane living conditions before the stage of mass extermination. In genocides, before extermination, those who are targeted are humiliated, devalued, marginalized, isolated and condemned to "social death". Right after that, actual genocidal attacks start.

The genocide applied to the SOE/KHK victims includes some tools and methods that are not exactly similar to those in other parts of the world. It is seen that many opportunities brought by modern facilities and technologies were used in the genocide process in Turkey. Turkish authorities are carrying out a very elaborate genocide planning and execution by putting into use a number of specially developed criteria and algorithms. For this reason, it would be appropriate to define the ongoing genocide in Turkey with the term "neo-modern genocide". Especially before the declaration of the SOE and KHKs, secret filings were made in all public institutions, including hundreds of criteria such as FETÖMETRE, which are elements of "crime against humanity". Based on these, many issues such as who will be identified as "objectionable citizen", "enemy of the state/nation", "terrorist" or "acceptable citizen", who will be targeted or protected, have been carefully planned in advance and has been put into practice immediately from the first hours of 16 July 2016.

According to the FETÖMETRE filings, the marriages of the targeted citizens, their parents, siblings, social circles, social relations, social attitudes and behaviors, and even the names they gave to their children were determined as a reason for genocide against the selected ones. However, it was also observed that the same criteria were not applied equally to everyone. "Privileged", "elected", "elite" or "acceptable" citizens have always been protected and never targeted by genocidal policies.

The most important sign that the filings were made long before the coup attempt is the dismissal and arrest of 2745 judges and prosecutors, most of whom were on leave, on vacation, at home, resting, bedridden, sick or even dead, as if

they had actually participated in the coup attempt. However, while all these things were being done, a very elaborate propaganda activity was carried out, and it was suggested and announced to the public that there was no mistake and that the crimes of all those who were chosen as the target were fixed. In order to prevent possible objections from the public against the deliberate and planned expulsions and arrests, and to create the image that everything is done properly, the public was prevented from reacting with propaganda such as "Despite all attention, if a mistake even by 1 percent is made, the rights of the innocent will be reinstated". However, it became clear in the following years that the accusations made against the majority of the KHK victims were almost completely groundless and arbitrary. Acts that could not be considered a crime according to the legal regulations were considered crimes only according to the target groups. For example, while having deposits in Bank Asya is not considered a crime for the supporters of the government, penalties were given to those who were targeted by being included in the scope of aiding the terrorist organization. Despite the fact that Bank Asya has 1.6 million depositors, as revealed after it was transferred to the Savings, Deposits Insurance Fund (SDIF), the number of those who have been sued was 50-60,000.<sup>118</sup> It is interesting that some of Bank Asya's former employees and managers were appointed as the Chairman of the Capital Markets Board (SPK) or the general manager of human resources at the Central Bank, while some Bank Asya depositors were sentenced to heavy allegations of membership in a terrorist organization or supporting terrorism. Hundreds of similar cases are available among media sources.

While such discriminatory practices were being performed, all operations were carried out with conscious, planned and systematic intricacy in order not to attract the attention and reaction of the public. As a result, when someone was killed, either physically or by torture, it was recorded as "suicide". It was declared a "natural death" when someone was killed because their treatment was delayed or because they were unable to access it. It was shown that those who were led to suicide by conscious pressure ended their lives by their own choice. In summary, although people were killed in a very delicate way in the "Neo-modern genocide" system of the SOE, as can be seen in the "perfect murder" literature, both the murderer and the victim were left unknown. As the genocide practiced in Turkey, as stated, is not exactly similar inhuman treatment to the genocides practiced elsewhere in the world, there is a perception as if no genocide is being committed in Turkey. But our report revealed that what has been done to the SOE/KHK victims, together with their families, was a "genocide".

The treatment against the KHK victims is completely against national and international law. In this context, we find it useful to especially mention the violation of the "International Covenant on Civil and Political Rights" Article 4 of the Convention stipulated clearly that no derogation can be made in certain obligations such as the right to life (art. 6), the prohibition of torture (art. 7), the principle of no punishment without law (art.15), freedom of thought, conscience and religion (art. . 18). However, all kinds of lawlessness and discrimination were committed during the state of emergency in breach of this convention.

Neo-modern genocide method applied in Turkey is very similar to a genocide method known as "indirect genocide" in terminology.<sup>119</sup> In the indirect method of genocide, states/powers may purposefully cause the death of members

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118 <https://t24.com.tr/haber/bank-asyada-hesabi-olan-1-milyon-600-bin-kisi-inceleniyor,361044>

119 Jeffrey S. Bachman (2017) *The United States and Genocide: (Re)Defining the Relationship*, London: Routledge

of certain groups they target in order to achieve some of their social, economic or political goals. They can cause this target group as a whole to experience severe trauma and suffering, and seriously harm their physical or mental health. However, at first glance, it may not attract the attention of many, as the deaths in an indirect genocide do not occur as suddenly as, for example, a military massacre. However, the deliberate killing of members of a group targeted for genocide by starvation, thirst, or by preventing them from accessing health services through a collective punishment method is no different from killing them by shooting them in terms of its consequences. The only difference is that while deaths are sudden in one method, it takes a little longer in the other. In indirect genocide practices, many crimes against humanity such as death, suicide, murder, torture, rape, property extortion, looting, usurpation of rights and exile are committed. However, it is possible to create an atmosphere in which neither the perpetrator nor the victim is known, or the two are unrelated to each other.

The statements of a KHK victim who participated in our research fully confirm the above-mentioned theses.

“What we, the KHK victims, were subjected to is not much different from what it was during the Nazi era. In the latter, the genocide was committed directly, now it is done unhurriedly, painfully, by forcing people to commit suicide. I have not even started counting the practices in prisons. They cram innocent people in jails, in cells, without paying attention whether they are sick, pregnant, senile or with babies, and they don't let them receive treatment ...”

The role of the collaborative bureaucracy is very important in concealing such acts of genocide. Because while they portray the deaths of the victims of the genocide as natural deaths, it prevents the perpetrators from being identified and prosecuted. In the same process, it blocks the victims' ways of seeking legal and administrative rights, and thus blocks the way for the victims of genocide to make their voices heard.

## **AN OVERVIEW OF THE PRACTICES OF THE GENOCIDE IN THE SOE**

Genocide crimes include social, political, economic, cultural and ideological elements of genocide and criminal methods, which can be divided into more than one category in terms of their nature. In this context, crimes against the victims of the State of Emergency/KHK can be included in the following categories: Civil death, social genocide, politicide, genocide, economicide, despotic genocide, democide, legicide, liberticide, hate crimes, torture,<sup>120</sup> inhu-

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120 The United Nations Convention on the Prevention of Torture of 26 June 1987 made a clear definition of torture and the ECHR partially approved this definition: “the term torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.” The TCK did not impose a special qualification requirement for being a victim of the crime of torture. Anyone can be a victim of torture. However, in the article 94/2 of the Law, which discusses the qualified cases of the crime, special adjectives were sought in the victim. Accordingly, if torture is committed against children, those who cannot defend themselves physically or mentally, pregnant women, and lawyers or other public officials due to their duties, it is defined as qualified torture and the penalty is increased.

man treatment<sup>121</sup>, degrading treatment<sup>122</sup>, inhuman and degrading punishment<sup>123</sup> and severe torture.

The sections that the SOE regime targeted for destruction were intended to be destroyed economically and socially. Together with their families, they were subjected to social isolation and/or excommunication. They were driven to death by starvation, condemned to eat "tree root." In this context, many victims were systematically subjected to economic and social genocide. Among the methods applied for this are the usurpation and looting of salary income, bank deposits, real estate, workplaces, workshops or factories after their suspension or issuance. With the special codes numbered 36 and 37 placed in the SGK records, obstacles were placed in front of finding new jobs, establishing their own businesses and retiring. In addition to this difficult situation, all aid to them was cut off. As if that were not enough, even aid to the victims in the name of social solidarity was blocked, and investigations were launched against people who showed such solidarity on charges of aiding terrorism. Most of the usurpation occurred simultaneously with the deprivation of liberty of the victims. In order for them not to be able to seek their legal rights, legal remedies were closed and/or put under pressure, and travel bans were imposed.<sup>124</sup>

On the other hand, the genocidal regime, aware of the unlawfulness it is responsible for, enacted special KHKs and laws in order to relieve and protect public officials who committed crimes on their behalf, and to ensure the continuation of their partnerships in crime, and provided them with a shield of legal immunity. Such laws show that the regime is aware of the crimes committed, commits the crime of "genocide" deliberately, and therefore protects its accomplices.<sup>125</sup>

Certain religious discourses were highlighted as the ideological justification or underlying reason for these rights violations and usurpations. It should be noted that the archaic/scholastic ideas and slogans like "they/the targeted people are not Muslims, so their property, women and daughters are booty and hence looting and rape is permissible/legitimate" also had effects.<sup>126</sup> With the help of religious discourses, it was easy for the victims of the genocide produced by the SOE regime

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121 Inhumane treatment is "severe physical or mental torture that is not justified according to the context in which it is applied and is intentionally applied". For example, using a Palestinian hanger to force a person to confess is considered inhumane treatment.

122 Degrading treatment is the treatment that causes mental and physical pain in terms of factors such as social status, identity and gender of the person. For example, handcuffing a person with a social status in the community in front of that community was deemed as humiliating. In the *Erdogan Yağız vs Turkey* decision, the ECtHR considered the handcuffing of Erdoğan Yağız in front of a group and his family by the police as humiliating treatment and considered it a human rights violation. The full text of this judgment in English, in which the court found Turkey guilty, can be found at the following link: [https://www.stradalex.com/en/sl\\_src\\_publ\\_jur\\_int/document/echr\\_27473-02](https://www.stradalex.com/en/sl_src_publ_jur_int/document/echr_27473-02)

123 According to the ECtHR, the act of intentionally inflicting severe pain on a person, whether physical or mental, based on any kind of discrimination, is torture.

124 <https://twitter.com/gergerliogluof/status/1257616064982196229?s=20> Bank Asya'da bloke paramı 4 sene sonra alabildim. <https://t24.com.tr/haber/mal-varligina-el-koyma-nasil-uygulaniyor,355039> 100 bine yakın kişinin mallarına tedbir konuldu. <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/kapatilan-tup-bebek-merkezindeki-embriyolar-nakledildi-/620688> ; <https://www.hurriyet.com.tr/gundem/morbeyini-cokertti-isine-donemedi-40952235>

125 Article 50 of the Law No. 7194 on Digital Service Tax and Amendments to Some Laws and Decree Law No. 375, published in the Official Gazette dated 7 December 2019 and numbered 30971: "Public officials who took a decision on the applications for social security rights made by persons whose administrative investigation or prosecution is ongoing, fulfill these decisions or do not take any action, shall not have legal, administrative, financial and penal liability due to these decisions and actions." In addition, judicial immunity was given to the public officials with the KHK No. 667 and to the civilians with the Decree No. 696 for the crimes they committed. <https://www.resmigazete.gov.tr/eskiler/2019/12/20191207-1.htm>

126 Yeni Akit (2016). Balkanlıoğlu Hoca: FETÖ'nün ganimetlerini tepe tepe kullanın. <https://www.yeniakit.com.tr/video/balkanlioglu->

to be branded with adjectives such as "enemy of the state" and "traitor / terrorist". They classified their descendants as an "inappropriate / dangerous / hostile / terrorist family". Thus, an entire mass of "enemy groups/usual suspects" was produced. Supporters or collaborators of the genocide ideology and bureaucracy were described as "acceptable and distinguished citizens, who are worthy of paradise". These "patriotic, heroic citizens" were made a privileged coterie. Such distinctions were reflected in court indictments. While the victims of the genocide were called "the polytheists of Mecca", the oppressors and torturers were given religious legitimacy by being likened to the heroes of the Battle of Badr, one of the first wars of Islam.

With such stigmatization, those who were alienated and marginalized from their own countries and societies were put in the "fence-free version of the Nazi concentration camps". Thus, for the marginalized, the country has been turned into a huge open prison, "hell on earth" or "death fields", where they are effectively left to die due to hunger, desperation, sickness, neglect and psychological ruin. All victims of the SOE regime were thrown in front of a genocide mechanism, whose extermination was carried out by "starvation or execution by desperation", by using a gradual and organized mechanism.<sup>127</sup>

What was done to the victims of the genocide was not limited to these. They were prevented from starting a family, their homes were dispersed, their children were taken away, parents rejected their children, and did not take care of their children-in-law and grandchildren. They were subjected to many social, economic, religious and de facto lynching campaigns with the aim of killing them socially. When the lives of the victims of lynching became unlivable, it was seen that they inflicted psychological or physical violence on their spouses and children. There were those whose families were dispersed, those who committed suicide, and those who drowned in the Aegean Sea and River Maritsa while trying to cross the border to escape from the country.

Educational institutions also participated in the lynching campaigns, students who were close to the KHK victims were exposed to mobbing, their scholarships were cut off, many of them were prevented from passing their classes, their right to have a job/profession or to build a future was usurped.

During this social genocide process, the "neighborhood" institution, which has been historically and culturally one of the important and distinctive pillars of Turkish society apart from the family institution, was also dynamited. People became hostile to their neighbors, whom they knew well and were sincere until recently, and neighborhood was replaced by a denouncement and lynching mechanism.

One of the most painful practices under the genocidal regime is the treatment against women who are pregnant or have babies. The liberties of pregnant and postpartum women were arbitrarily curtailed as part of plans to "cut off and destroy" the objectionable citizens. Those who were at risk of miscarriage during their pregnancy were not given abortion prevention drugs or were given late. Thus, abortions and infant deaths were not infrequent. Hundreds of babies who were born alive despite everything were born in prisons and spent the first years of their lives in prison wards

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lu-hoca-fetonun-ganimetlerini-tepe-tepe-kullanin-11786.html [Accessed 1 Jan. 2023].

127 Internet Haber. (2012). Balyozcular intikam yeminleri ediyor. <https://www.internethaber.com/balyozcular-intikam-yeminleri-edi-yor-429665h.htm> [Accessed 1 Jan. 2023].

and even in cells.

All these practices, summarized above, were committed in the form of genocide crimes, organized and systematically, within a great chain of unlawfulness. While these crimes were being committed, lower and upper lineage ties, marriage ties were also used as reasons, and in the atmosphere of terror created, family and social identities and ties, as well as individual identities, were destroyed. As a matter of fact, many families were torn apart, spouses divorced, children separated from their parents, and social ties were destroyed.

In the next chapter, 146 methods of crimes against humanity committed against those who were targeted in the neo-modern genocidal SOE regime are listed and elaborated.

## **CHAPTER VI**

# **146 TYPES OF CRIMES AGAINST HUMANITY METHODS AND PRACTICES COMMITTED AGAINST THOSE SELECTED AS TARGET BY THE SOE REGIME**

## LIST OF 146 METHODS OF “CRIMES AGAINST HUMANITY” COMMITTED AGAINST THOSE SELECTED AS TARGETS IN THE SOCIAL-GENOCIDE OF SOE<sup>128</sup>

### 1. DECLARING PEOPLE AS VERY DANGEROUS CRIMINALS, TRAITORS/TERRORISTS OR HEROES, RELIABLE, ACCEPTABLE OR INNOCENT ACCORDING TO COMPLETELY ARBITRARY, SELECTIVE AND DISCRIMINATORY CRITERIA, CONTRARY TO THE PRINCIPLE OF EQUALITY BEFORE THE LAW

In the SOE, the designers and implementers of the mechanics of committing systematic crimes against humanity violated the universal principle of "Equality before the Law", which is one of the basic principles in modern law, in a planned and systematic way. Based on pre-prepared tagging lists, they determined which actions would be considered crimes for some or "ordinary actions" in line with the ordinary course of life for the others. In this context, "objective, hostile, target persons" or "acceptable, reliable persons" as well as which actions will be criminal for whom, normal for whom, who will be declared guilty and who will be innocent were defined according to systematic tagging lists prepared in advance, of uncertain origin and of doubtful reliability. For example, although depositing money in Bank Asya when Erdoğan was trying to bankrupt the bank with speculation was later included in the scope of crime, only those who had a record of being dissident were prosecuted, not everyone who deposited money at that time.<sup>129</sup> Only those who were known to be dissidents were prosecuted, not all those who sent their children to the Hizmet movement schools. Not all employees in the institutions of the Gülen movement, but those who were seen as dissidents were punished. While some victims or their relatives could be fired from their jobs just because one of their relatives was dismissed by a KHK, others in the same situation retained their positions and even received promotions.<sup>130</sup>

Since 2016, many more examples of discrimination and arbitrariness have been encountered in many issues that are taken as a basis for trial in both the judicial and administrative courts. For example, an officer was dismissed because his child was previously enrolled in a Hizmet movement school. However, there was no problem in Berat Albayrak, who graduated from the same schools, serving as a minister in the cabinet of the ruling party for nearly five years until November 2020. While examining the school records, the criterion was the period when the Hizmet movement was in opposition to the government, not the period when it was considered a terrorist organization. Thus, it was decided on the basis of "conformity with political will" rather than compliance with law.

Another example of discrimination is the appointment of Bekir Pakdemirli as the Minister of Agriculture and Forestry, despite the fact that his brother Prof Dr Mehmet Pakdemirli has been in prison since 2016 for his membership in the Ce-

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128 The crimes against humanity perpetrated against the KHK victims, their relatives or descendants are not limited to those listed under this heading. This number has been reached in the light of the data available until the publication of this report. It may increase as this list is constantly being updated.

129 T24 (2016). Bank Asya'da hesabı olan 1 milyon 600 bin kişi inceleniyor. <https://t24.com.tr/haber/bank-asyada-hesabi-olan-1-milyon-600-bin-kisi-inceleniyor,361044> [Accessed 1 Jan. 2023].

130 Cumhuriyet (2018). Darbe sanığı Mehmet Dişli'nin kardeşi Şaban Dişli Lahey büyükelçisi oldu. <https://www.cumhuriyet.com.tr/haber/darbe-sanigi-mehmet-dislinin-kardesi-saban-disli-lahey-buyukelçisi-oldu-1076267> [Accessed 1 Jan. 2023].

maat, at a time when the administrative courts taking into considerations the investigations about family members while considering the legal statuses of the suspects. In another example, Mehmet Dişli, brother of Şaban Dişli, who was imprisoned for his actions in the failed coup attempt, was appointed as the Dutch Ambassador. The problem here is not their continuation and promotion to public office. It is that many dismissed from public office and their relatives are deprived of the principles of presumption of innocence and personality of crimes. The fact that their close or distant relatives are related to the Gülen movement can be used as evidence against them in their files and can be justified for their dismissal from public office. In this context, the practice of dismissing civil servants from administrative courts due to the condition of their relatives is contrary to the principle of equality as well as many fundamental rights and freedoms.

On July 15, 2016, those who were bedridden in the hospital, those who died or were martyred before that date, those who were on vacation during those days<sup>131</sup>, and even those who struggled to suppress the coup attempt were included in the putschist/traitor/terrorist lists. Those who did nothing to prevent the coup that day or did not take any action other than those who were declared putschists/traitors/terrorists were declared acceptable/heroes.<sup>132</sup> It is possible to find hundreds of similar cases among the media/social media news or among the data of all "Social Costs of the State of Emergency" reports. In this context, while the personnel/judges and prosecutors who can carry out arbitrary and discriminatory practices and/or discriminatory trials like the examples given above are allowed to take office and/or remain on duty in judicial institutions, those who will not engage in such discriminatory treatment will be tagged, blacklisted, and terminated from their duties with the KHKs. They were subjected to many kinds of genocidal treatment together with their families.

## **2. ESTABLISHMENT OF THE PRESUMPTION OF GUILT INSTEAD OF THE PRESUMPTION OF INNOCENCE. SUBSTITUTING THE NOTION THAT EVERY ACCUSED IS A TERRORIST UNTIL THEY PROVE THEIR INNOCENCE, INSTEAD OF THE PRINCIPLE THAT SUSPECTS BENEFIT FROM DOUBT**

The principles of "presumption of innocence" and "the accused benefits from doubt" (in dubio pro reo in Latin) are among the unchanging and indispensable universal principles of today's criminal procedure law. The presumption of innocence basically accepts the presumption of all defendants as innocent until their guilt is proven without any doubt, with concrete and convincing evidence. The principle that the accused benefits from doubt stands out as a universal rule, which has its roots in ancient times. For example, in the sources of Roman law of the classical period and later, it is seen that there is a principle in dubio pro libertate, that is, that one should be on the side of freedom in doubtful situations.<sup>133</sup>

As with article 6/2 of the European Convention on Human Rights, the presumption of innocence is very clearly fixed in article 38/4 of the Constitution of the Republic of Turkey. The presumption of innocence is counted among the "core rights" that cannot be partially or completely removed. However, in the implementation of the SOE, judgments were made ignoring these provisions.

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131 One of the victims of the KHK genocide was the family of Naval Petty Officer Esat Kalkan. Kalkan was expelled from the army with a KHK in November 2016, 3 months after he was martyred in Afghanistan, and his family was persecuted.

132 Stockholm Center for Freedom (2017). 15 Temmuz: Erdoğan'ın Darbesi. p.16. [https://stockholmcf.org/wp-content/uploads/2017/07/15-Temmuz-Erdogan%C4%B1n-darbesi\\_05.07.2017.pdf](https://stockholmcf.org/wp-content/uploads/2017/07/15-Temmuz-Erdogan%C4%B1n-darbesi_05.07.2017.pdf) [Accessed 1 Jan. 2023].

133 Supreme Court Criminal General Assembly, Basis 2011/6-126, Decision No. 2011/171.

Modern law adopted the principle of "in dubio pro reo" to prevent defendants from being convicted on the basis of probability, guesswork, or presumption. Pursuant to this presumption, in order for the suspect to be considered guilty, he or she must be convicted with a final verdict, and for conviction, it must be proven free of doubt that the alleged crime was committed by the accused. These rights are among the "universal rights" listed in the Universal Declaration of Human Rights, as well as in the European Convention on Human Rights.

However, under the SOE genocidal regime, these universal criteria of law for its victims were revoked. Instead, it has been transformed into the rule that the state, its institutions, accusers, criminal judges, courts, and prosecutors benefit from suspicion.<sup>134</sup> Thus, in judicial or administrative proceedings, all criminal suspects were deemed "criminals/terrorists until they proved their innocence". As a result, the methods of medieval European inquisition proceedings were made a legal norm and put into practice in Turkey in the 21st century. By using this unlawful principle as a general rule in all judicial or administrative proceedings, defendants who were victims of KHKs were forced to prove their innocence in the matters they were accused of. Those who could not prove their innocence beyond doubt were considered "criminals". The rights, laws and honors of themselves and even of their family members have been violated and destroyed.

There is a lot of evidence that the unlawfulness of "the state benefits from the doubt" or that the lawlessness is turned into a state policy by the political power after the declaration of the SOE. The first of these is the confession made by the Chief of the General Staff, Org Hulusi Akar, while answering the questions of the delegates at the 62nd General Assembly, Defense and Security Committee meeting of the NATO Parliamentary Assembly held in Istanbul on 20 November 2016. Akar stated that the existence of FETO was felt somehow before July 15, but due to the sensitivity of the members of the organization to abide by the law, they weren't able to fight with them with sufficient efficiency. "After the emergence of this situation (the coup attempt of 15 July) and after a final decision has been taken on this issue, necessary actions are taken here, taking into account the future of the state rather than the situation of the individuals, by using the suspicion in favor of the state, in order not to have the same problem again. But I want to say this once again, all these activities are still within the framework of the law. Prosecutors and judges have information," he said.<sup>135</sup> These statements show that special instructions or suggestions were made to judges and prosecutors to "interpret the suspicion against the defendants", which is exactly the same as the decisions taken by all judicial or administrative courts and administrative institutions such as the SOE Commission. The Chief of Staff of the Naval Forces Command, Rear Admiral Cihat Yaycı, also admitted in an interview that he was given instructions and information on how to treat the KHK victims. Otherwise, it is not possible to explain the conviction or refusal of any person due to their actions that were completely legal at the time they were performed, or for reasons that have no legal validity, such as "institutional opinion".

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134 Yeni Nesil Terör: FETÖ'nün Analizi, FETÖ Çalıştay Raporu (New Generation Terrorism: Analysis of FETO, FETO Workshop Report), Police Academy Publications: 31, Report No: 10, First Edition: October 2017. Page 38

135 Türk Silahlı Kuvvetleri (2016). Speech by Chief of the General Staff Hulusi AKAR to the NATO Defense and Security Committee. YouTube. <https://www.youtube.com/watch?v=1IOWMLSK9dQ&t=2406s> [Accessed 1 Jan. 2023].

The second evidence that the unlawfulness of "the state benefits from the doubt" or that the lawlessness was turned into a "government/state policy" by the political power in the post-SOE period is the distribution of the genocide systematic to public organizations and its implementation after being developed/matured in the "Fethullahist Terrorist Organization as an Organized and Financial Crime Organization" workshop held in Ankara on February 11, 2017, at the Police Academy.

The following statements are included on page 38 of the report:

*"While fighting against FETÖ, not everything should be demanded to be proven. From the point of view of administrative law, if there is any doubt, the state should take advantage of it. In case of the slightest doubt, the person should not be employed in the state."*

This gruesome approach is the method used in medieval witch hunts and inquisitorial witch trials. The implementation of this method as a state policy in Turkey in the 21st century is an indisputable proof of the planned, organized, conscious and systematic genocide.

### **3. THE MEDIEVAL INQUISITION PROCEEDING METHOD, THAT THE EXISTENCE OF SUSPICION OF GUILT ABOUT THE DEFENDANTS IS EVIDENCE OF THEIR GUILT, AND THAT THERE IS NO NEED FOR FURTHER EVIDENCE, WAS ACCEPTED AS A BASIS IN JUDICIAL OR ADMINISTRATIVE COURT DECISIONS**

For the KHK victims, "it is unnecessary to seek evidence for every criminal charge. If there is doubt, the accusers will benefit from this situation. Even if there is even the slightest doubt, that person should not be employed in the state" rule has been implemented as a state policy. This method, which was used in the witchcraft trials by the inquisition courts, was adopted as state policy. This mentality was present in the words and spirits of all KHK, starting with the decree numbered 667. In addition, this rule was complied with in all administrative institutions, in all judicial institutions, including the Constitutional Court, in the proceedings against the KHKs.

Chief of General Staff Hulusi Akar admitted that this method is implemented by all judicial and administrative institutions, in his speech at the 62nd General Assembly, Defense and Security Committee meeting of the NATO Parliamentary Assembly held in Istanbul on 20 November 2016.

The head of the SOE Procedures Investigation Commission did not hesitate to express that this rule was implemented as a state policy in many examination/study visits made with him: "The decisions of non-prosecution and acquittal of the courts do not concern us, we do not take them into account, we look for liaison and connection." Thus, tens of thousands of victims, against whom no criminal charges were made, about whom the public prosecutor's office decided for lack of grounds for legal action or who were acquitted in the courts were not reinstated to their duties based on the understanding and policy that "it is unnecessary to seek evidence for every criminal charge. If there is doubt, the accusers will benefit from this situation. Even if there is even the slightest doubt, that person should not be employed in the state".<sup>136</sup> It was seen that the same approach was endorsed at the "FETO as

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136 Türk Silahlı Kuvvetleri (2016). Speech by Chief of the General Staff Hulusi AKAR to the NATO Defense and Security Committee.

an Organized and Financial Crime Organization" workshop held in Ankara on February 11, 2017.<sup>137</sup>

The rule of "the state/accusers benefit from doubt" is not accepted in modern positive law. It is possible to evaluate that this lawlessness in Turkey is based on a rule originating from 'customary law, shar'i law or Islamic law' from the periods of medieval sultanates or absolute monarchies. As delineated under the Doubt article in Turkish Diyanet Foundation's Encyclopedia of Islam, "Doubt in Criminal Law" can be explained as below:<sup>138</sup>

"The principle of benefiting from doubt is usually adopted in classical Islamic law (fiqh) doctrine in terms of hudud (punishments for adultery, theft, drinking, adultery slander against a chaste woman, and roadblocking) and qisas (retribution against willful killing and some acts of deliberate injury and maiming) punishments. However, this principle was not considered valid in ta'zir punishments, the types and amounts of which are not fixed by the nass and left to the discretion of mujtahids and the judiciary. The Zahiri jurists, who consider the related hadiths and narrations to be baseless or too weak to be evidence, and claiming that there is no objective criterion as to what is considered doubtful and what is not, did not adopt the abatement of hudud and other punishments on the grounds of doubt. On the other hand, some of the contemporary Islamic jurists are of the opinion that there is no obstacle to the application of this principle to ta'zir punishments. In addition, it is accepted that doubt in classical doctrine is effective on penances, which are considered a kind of punishment. In classical fiqh works, the provisions of doubt, which are effective in the determination of the crime and the reduction of the penalty, are handled in detail, especially in the sections about the crime of adultery and theft, mostly concerning the formation and elements of the crime. Although there are some classification and terminology differences among the sects of fiqh, theoretical studies on the types of doubt and the conceptual contents of each type are also occasionally included. However, there is no general and systematic theory of suspicion that covers all crimes and punishments."

The above statements express that even in the 21st century, according to medieval Islamic law, especially in "ta'zir/administrative" punishments, the caliph/head of state or administrator can arbitrarily "punish" even in situations that involve doubt. As if confirming this thesis, the authorities of the government have constantly claimed and stated that dismissing the KHK victims is an "administrative act".<sup>139</sup> The existing administrative courts and the SOE Commission must have adopted the same doctrine given that they did not reinstate the majority of those who were acquitted in criminal courts on the grounds that "the administration has the right to dispose of whom to work with".

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YouTube. <https://www.youtube.com/watch?v=1IOWMLSK9dQ&t=2406s> [Accessed 1 Jan. 2023].

137 Yeni Nesil Terör: FETÖ'nün Analizi, FETÖ Çalıştay Raporu (New Generation Terrorism: Analysis of FETO, FETO Workshop Report), Police Academy Publications: 31, Report No: 10, First Edition: October 2017. Page 38

138 TDV İslâm Ansiklopedisi. (2023). ŞÜPHE <https://islamansiklopedisi.org.tr/suphe> [Accessed 1 Jan. 2023].

139 Minister of Justice Bekir Bozdağ said that those who were dismissed from public office were not dismissed because they were criminals but were dismissed with administrative decisions. Mansur, A. (2017). Suçludur diye değil idari tasarrufla ihraç ettik. YouTube. Available at: <https://www.youtube.com/watch?v=VWhpQ5xHhrl> [Accessed 1 Jan. 2023]. Also see: Öğretmenler Sitesi (2017). Bozdağ: Her atılan suçlu değil, idari kararlar ihraç edildiler. <https://www.ogretmenlersitesi.com/bozdag-her-atilan-suclu-degil-idari-kararla-ihrac-edildiler/37398/> [Accessed 1 Jan. 2023].

According to modern law, it is not permissible for individuals under KHKs to be punished for life, nor should their families be punished alongside them. However, even heavy penalties such as death sentences, confiscation of property, exile and hard labor, which are also defined as "political killing" in the Ottoman Empire, were legitimized by the formula of "ta'zir punishment" or "customary law".<sup>140</sup> In this way, it was possible to punish the crimes alleged to have been committed against the public/state/state administrators and sometimes even against God, in the Ottoman Empire or in many countries in the Islamic world. It is possible that the political Islamist mentality wanted to apply this medieval law against the KHK victims. It does not seem possible to explain the unlawfulness experienced with SOE in any other way.

Unfortunately, the Supreme Court and the Constitutional Court, whose election of members were made completely dependent on the government, did not resist or could not resist the unlawfulness imposed on the country by the SOE and KHKs. One reason for this is that the election and appointment of the members of the Supreme Court and the Constitutional Court are under the control of the ruling party. The members of the Supreme Court are elected by the HSK, which is under the control of the government. A similar situation exists for the Constitutional Court. Some of its members are elected by the votes of the ruling party, which has a majority in the parliament, while the remaining members are appointed by the President, who is also the leader of the ruling party. In this case, it is not possible for those who do not adopt and remain loyal to government policies to be elected as members of the Court of Cassation and the Constitutional Court. As a result, it becomes impossible for the members of the Supreme Court and the Constitutional Court, whose appointments, organizational structures and personal rights are dependent on the government, to act independently and impartially. In addition, the Supreme Court or the Constitutional Court are put under serious pressure in case they take decisions that the government does not like. When they rarely make decisions that the government does not like, the President and some members of the government do not hesitate to state in front of the public that they do not recognize the decisions of the Constitutional Court and that they will not abide by them.

As a matter of fact, in the decision numbered 2019/4389 and 2019/3534 dated 16.04.2019 of the 16th Criminal Chamber of the Court of Cassation, the dissenting opinion of a member who cast a dissenting vote clearly shows the situation:

*"At a meeting held by the president and members of our department at the European Court of Human Rights on the communication systems used by the FETÖ/PDY armed terrorist organization in the Council of Europe, [one person from the [Council of Europe Cyber Crimes Department] opened his computer and [searched] by typing "ByLock download". He projected the image onto the projector and said, "Look, the whole screen is full of ByLock download sites. Even today you can download it. How can you make that*

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140 Ezgi Turan, (2019) Osmanlı Hukukunda Cezaların İnfazı, Yüksek Lisans Tezi, T.R. Baskent University, Institute of Social Sciences, Department of Public Law, Master's Program with Thesis, Ankara 2019, <http://dspace.baskent.edu.tr:8080/xmlui/bitstream/handle/11727/4144/10296712.pdf?sequence=1&isAllowed=y>; Dr. İlhan Akbulut, İslam Hukukunda Suçlar ve Cezalar, <https://dergipark.org.tr/tr/download/article-file/628991>. Mehmet Koç, (2017) Osmanlı Hukukunda Ta'Zir Suç ve Cezaları, T. C. Necmettin Erbakan University, Institute of Social Sciences, Department of Basic Islamic Sciences, Department of Islamic Law, PhD Thesis, Konya 2017; <https://acikerisim.erbakan.edu.tr/xmlui/bitstream/handle/20.500.12452/869/477189.pdf?sequence=1&isAllowed=y> İsmail KATGI, Osmanlı Devleti'nde Siyaseten Katl (Hukuki Maiyeti, Sebepleri, Usulü, İnfazı ve Sonuçları); The Journal of International Social Research, Vol: 6, Issue: 24, Winter 2013, [https://www.sosyalarastirmalar.com/cilt6/cilt6sayi24\\_pdf/katgi\\_ismail.pdf](https://www.sosyalarastirmalar.com/cilt6/cilt6sayi24_pdf/katgi_ismail.pdf).

*a crime?" In response to this question, we said "Well, can you use it?" He responded saying "No, I can't use it". In response, we said to him, "Here, downloading ByLock is not a crime in our decisions, having residue [cached info] on the phone is not evidence of using ByLock, it is a sign. INSTALLATION AND USE IS REQUIRED for us to accept that you are using ByLock. To be able to actually use it, the person must have an ID and password. We said, "You cannot enter through the electronic door without an ID and password." "Yes, you are right," he said, and the dialogue ended. Now, if we abandon the criteria we accepted for ByLock and accept downloading ByLock or Eagle or having residue on the phone as evidence, we will fall into the trap of "ByLock is a communication system, everyone uses it" directed at us internationally. This is the biggest danger of this decision of the Penal General Assembly."*

The General Assembly of the Constitutional Court adopted the methods imposed by politics. In its decision dated 04.08.2016 and numbered E:2016/6, K:2016/12 on the expulsion of his own members, it cited Article 3 of the Decree Law no 667, which emphasized that accusations need not have substantiating evidence. Accordingly, the Constitutional Court did not consider it necessary to prove that the person in question had a direct link with the terrorist organization, terrorist activities and the coup attempt in order for a measure to be taken against him/her. Even the presence of any bond with the "structure", "formation" or "groups" that were decided by the National Security Council to act against the national security of the state was sufficient. It did not consider it necessary to reveal the bond between the given structure, formation or groups and the members in a clear and indisputable manner, free of doubt. The existence of a suspicion regarding the existence of such a link was deemed sufficient by the General Assembly of the Constitutional Court.

#### **4. THE APPLICATION OF ARBITRARINESS OF CRIMES AND PUNISHMENTS INSTEAD OF THE PRINCIPLES OF LEGALITY OF CRIMES AND PUNISHMENTS AND NON-RETROACTIVITY OF LAWS**

The principles of "Legality of Crimes and Penalties" and "Irreversibility of Laws" were not applied for the KHK victims. Acts that were completely legal at the time they were committed, none of which were considered crimes, were subsequently considered "crimes" retrospectively, and judicial or administrative penalties were imposed on the victims. These practices are completely contrary to national and international law, especially the principles of the "International Covenant on Personal and Political Rights" and the decisions of the ECtHR.

In our reports, many examples of unlawfulness that are arbitrarily and selectively applied in all judicial and administrative processes are listed. For example, there were those who were punished for having membership, employment and service relations with associations, unions, foundations, schools and banks that were operating completely within the framework of the law during their active period. Likewise, there were those who were held responsible for subscribing to or watching the country's best-selling or watched media outlets, which operated entirely within the legal framework. Some were investigated and even penalized for donating to a charity established by law and always audited legally, long before the administrators of that charity were declared guilty and the Hizmet movement, to which that charity was affiliated, was declared a terrorist organization.

Sometimes future-spective crimes have been invented.<sup>141</sup> Interestingly, membership, donation and aid activities supported and encouraged by the political leaders of the period and/or public institution managers during the period they were active were only accepted as crimes for those who were targeted. On the other hand, political leaders and their supporters who in the past supported or encouraged to participate in or support these activities were specially and selectively protected and exempted from any judicial or administrative prosecution. In fact, these people even took a role as whistleblower, slanderer, complainant or witness in the hunt for the KHK victims.

In this context, possessing books and documents for which there was no ban on publication at the time of their publication, visiting websites that were not banned, were considered as evidence for "membership in an armed terrorist organization" in the indictments issued by the investigating authorities. It can be qualified as an organizational activity to follow the websites that are not against the law and to have books and documents on which there is no ban on publication.

Implementation of the rulelessness of "arbitrary determination of crimes and execution of punishments" has been experienced so intensely that an organized crime system called FETO Exchange was established in the triangle of some opportunistic public officials, politicians and organized crime gangs. It was revealed that with threats and blackmail, bribes or extortion were collected from many businessmen as part of this FETO Exchange practice. Businessmen who did not pay the fees demanded of them were threatened with imprisonment and confiscation of their assets. Those who ignored this threat were indeed imprisoned. There are organized crime files that have been submitted to the courts in this regard.<sup>142</sup>

## **5. COLLECTIVE ACCUSATION AND PUNISHMENT OF THOSE WHO ARE TARGETED, TOGETHER WITH THEIR DESCENDANTS OR SOCIAL CIRCLES, RATHER THAN THE PRINCIPLE OF INDIVIDUALITY OF CRIMES AND PUNISHMENTS**

Victims of the genocide were mostly accused of artificially produced intangible relationships, not for the concrete crimes they committed individually, and were punished collectively. For example, among those targeted, a person could be accused, even punished, because of what his family and relatives were accused of, if there was nothing for which he could be blamed for his actions. However, there was often no solid evidence even that their relatives had actually committed the alleged crimes. For example, Levent Mazılıgüney was victimized and dismissed from public office because he was trying to prove that his brother was innocent by examining the evidence for a criminal charge against his brother. As if that wasn't enough, his third brother was expelled because the other two brothers were expelled. Another example is Lieutenant Züleyha Kurt, who was victimized due to an investigation about her hus-

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141 Cemal Yıldırım: I was not returned to my job, which I was fired in 2016, because I acted "I want my job" in 2019. Twitter. (2023). <https://twitter.com/cemalyldrm/status/1349308647113969665?s=20> [Accessed 1 Jan. 2023].

142 Can Özçelik, 2019, FETÖ Borsası, Kırmızı Kedi Yayınevi. <https://www.sozcu.com.tr/hayatim/kultur-sanat-haberleri/fetoyle-mucadelede-bir-kisim-cikar-sagliyor/> FETÖ'yle mücadelede bir kısım çıkar sağlıyor; <https://www.youtube.com/watch?v=brSiljLiQx8> ; Fetö Borsası Nasıl Çalışıyor? <http://www.diken.com.tr/istanbuldaki-feto-borsasinda-iddianame-polis-ve-mit-personeli-saniklar-arasin-da/> FETÖ borsası'nda iddianame: Polis ve MİT personeli sanıklar arasında; <https://www.ciddigazete.com/politika/feto-borsasi-kuruldu-h1046.html> Şamil Tayyar: FETÖ Borsası kuruldu; <https://www.sozcu.com.tr/2019/yazarlar/aytunc-erkin/bu-fotografi-kullanip-feto-borsasi-kurmuslar-5499837/>

band, and Kurt's older brother was dismissed since his sister was accused.<sup>143</sup> The dismissal of Colonel İsmail Gül due to an accusation against his son, that is, because he is the father of his son, is another example of this monstrosity.<sup>144</sup> There are also many victims of collective punishment who are imprisoned for their spouses, parents or children.<sup>145</sup>

## 6. PREVENTING FAIR TRIALS WITH A SPECIALLY APPOINTED JUDGE / SPECIALLY DESIGNATED SPECIAL AUTHORIZED COURTS INSTEAD OF A NATURAL JUDGE / NATURAL COURT

In modern law or states of law, the concepts of "legal judge" and "natural judge" are practices put into effect to directly guarantee the legality, independence and impartiality of the courts. However, with the declaration of the SOE, the political power established special authorized judicial and administrative courts in order to eliminate the possibility of any national court stopping or eliminating the lawlessness created by the KHKs. It kept under strict and constant control both the appointments made to these courts and the decisions taken in the courts so that the judges it appointed to those courts would not take decisions deviant from what the political power desired or dictated on them.<sup>146</sup> Despite all these measures, if the courts made decisions that went beyond expectations, these judges were dismissed and assigned to other places. Even those judges were sometimes accused of membership in a terrorist organization and imprisoned. It is entrenched in Article 37 of the Constitution, titled "principle of natural judge," that "no one may be tried by any judicial authority other than the legally designated court. Extraordinary tribunals with jurisdiction that would in effect remove a person from the jurisdiction of his legally designated court shall not be established." According to the provision of this article, it should not be left to the discretion of the administration, in which court the trial to be held regarding an event will be held, should be prescribed by law and should be arranged before the event that is the subject of the case occurs. In its decision dated 20.10.1998 and numbered E:1990/13 K:1990/30, the Constitutional Court clarified the content of this principle and said, "The natural judge principle prevents the establishment of judicial authorities or the appointment of judges after a crime has been committed or a conflict has occurred; It does not allow the appointment of a judge according to the accused or the sides of the case".<sup>147</sup>

143 KHK mağduru teğmen Züleyha Kurt: Eşimden dolayı beni, benden dolayı abimi ihraç ettiler. <https://www.youtube.com/watch?v=29Pc6MU-xmQ&t=63s>

144 <https://www.hurriyet.com.tr/gundem/mezarda-iade-i-itibar-40890488> ; Nedim Şener, Kahraman Hainler, Destek Yayınları, 2018, Sayfa: 226; "1. derecede yakınında, eş, baba, anne, çocuğunda ByLock çıkan kişi 2.000 puan ile 'görevden uzaklaştırma veya atılmayla' cezalandırılır." [https://www.youtube.com/watch?v=PW\\_vwvWvZkA](https://www.youtube.com/watch?v=PW_vwvWvZkA) Babası KHK mağduru diye ablası ile birlikte polis okulundan atıldılar. <https://boldmedya.com/2020/11/10/babasinin-rutbeleri-sokuldugu-icin-ihrac-edilen-astsubay-yavuz-cetin-gozaltina-alindi/> Babasının rütbeleri söküldüğü için ihraç edilen Astsubay Yavuz Çetin gözaltına alındı.

145 <https://twitter.com/SaimAksoy12/status/1342918597262389249?s=20> Saim Aksoy: 17-25 Aralık soruşturmalarında şube müdür yardımcısı olan babamı tutuklayan irade, hırsını alamadığından birçok emniyet mensubunun eşi gibi annem Sümeyya Aksoy'da tutuklandı ve 3 senedir hapistedir. <https://www.cnnturk.com/turkiye/17-25-aralik-sorusturmasini-yuruten-emniyet-mudurlerinin-eslerine-feto-davasi-17-25-aralik-sorusturmasini-yuruten-emniyet-mudurlerinin-eslerine-feto-davasi> FETÖ davası. <https://www.haberturk.com/son-dakika-semih-terzi-nin-esi-nazire-terzi-ye-18-yil-hapis-1834704> Darbeci General Semih Terzi'nin eşi Nazire Terzi'ye 18 yıl hapis; <https://www.hurriyet.com.tr/gundem/ali-fuat-yilmazerin-kizlari-icin-flas-tutuklama-karari-40408744> Ali Fuat Yılmaz'ın kızları için flaş tutuklama kararı.

146 The expression "Special Authorized Administrative Courts" is a designation used by the Board of Judges and Prosecutors in the division of labor decisions of the Ankara Regional Administrative Court.

147 Constitutional Court, Decision dated 20 October 1990 and numbered E.1990/13, K.1990/30, Journal of Constitutional Court Decisions (Anayasa Mahkemesi Kararlar Dergisi), Issue 27, Volume 1, p.39. [https://anayasa.gov.tr/media/4946/kd\\_27\\_1.pdf](https://anayasa.gov.tr/media/4946/kd_27_1.pdf). The Constitutional Court has used the same definition in other decisions. For example, see: Constitutional Court, Decision no. 2002/170, K.2004/54 of 5 May 2004; Constitutional Court Decision Dated 17 July 2013 and numbered E.2012/146, K.2013/93.

The principle of natural judge is one of the indispensable elements of the rule of law, as well as the right to a fair trial.<sup>148</sup> In a state of law, it is expected that the legal norms are predictable and accessible, and that individuals perform their business and transactions with legal certainty and trusting the state. It is essential for people to know the legal destiny to which they will be subject when determining their behavior. The rule of law and the principles attached to it have a safe area that covers other fundamental rights and freedoms. When a dispute arises, the subsequent change of the authorities authorized and responsible for resolving the dispute in accordance with the existing norms not only undermines the principle of natural judge, but also undermines the principles of legal certainty, predictability and trust in the state within the framework of the rule of law.

However, the political power openly violated the principle of natural judge after the SOE and assigned a limited number of judicial and administrative courts, to which it had controlled and special appointments, to hear the cases of the victims of the SOE/KHKs.

The SOE Commission, which has been specially appointed to handle reinstatement applications by the SOE/KHK victims, was designed in the same way. The Commission was established with the Decree Law No. 685, which was published in the Official Gazette dated 23.01.2017 and numbered 29957. The KHK was enacted with the Law No. 7075 on the Adoption of the KHK on the Establishment of the Emergency Procedures Investigation Commission, which was published in the Official Gazette No. 30354, dated 08.03.2018 According to Article 1 "The Commission shall be composed of seven members. Three members shall be assigned by the Prime Minister from among public officials; one member shall be assigned by the Minister of Justice from among judges and prosecutors who hold office in central organization of the Ministry of Justice and in related and affiliated institutions; one member shall be assigned by the Minister of Interior from among personnel held the class of civil administration; and two members shall be assigned by the High Council of Judges and Prosecutors from among rapporteur judges who hold office in the Court of Cassation or in the Council of State." Even with its establishment, it is obvious that there is a commission that is completely dependent on the administration and will that issues the KHKs. In addition, they have no legal guarantees against the administration that created them.

According to article 6/1 of the European Convention on Human Rights on the right to a fair trial, in order to be able to talk about the fairness of the trial, the trial committee must be appointed by law and be independent and impartial. In order to say that a delegation exercising judicial power is independent, it is necessary to examine some aspects such as the way its members are appointed, their term of office, the guarantees they have against external pressures, and whether the delegation in question is seemingly independent. It is not possible to talk about the independence of the authorities whose members may be exposed to the intervention of the executive power<sup>149</sup> or dismissed by the executive power due to the decisions they make<sup>150</sup>.

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148 Nur Centel, Hamide Zafer; *Ceza Muhakemesi Hukuku*, İstanbul, Beta, Fifteenth Edition, 2018, p. 644.

149 *Sovtransavto Holding v. Ukrayna*, B. No:48553/99, 25.07.2002, § 80, 82.

150 *Henryk Urban et Ryszard Urban v. Polonya*, B. No: 23614/08, 30.11.2010, § 53.

The majority of the members of the SOE Commission are appointed by the persons and authorities who establish the cases to be examined by the commission and who have their signatures under the said cases. Again, the commission does not have its own independent secretariat, and the secretariat services are carried out by the Presidency in accordance with Article 12 of Law No. 7075. Although the members of the commission cannot be dismissed during their term of office as a rule, many exceptions to this rule have been introduced in article 4/1 of the same law. For example, a member may be investigated or prosecuted for crimes such as disrupting the unity and integrity of the state, violating the constitution, assassinating the president, attempting to overthrow the government, or being a member of an armed terrorist organization. Likewise, the Presidency may initiate an administrative investigation against them on grounds of relation, connection or contact with terrorist organizations, or structures/entities, or groups established by the National Security Council as engaging in activities against the national security of the State.

As it is seen, the members of the commission can be dismissed at any time by starting a simple investigation or at the discretion of the president, who is the head of the executive power. Moreover, according to the exceptions listed, if a member makes an assessment in favor of the applicants and decides against the administration, he or she may face the same accusations and accusations as the KHK victims. In addition, as per the law, the commission members are required to obtain an extension of their mandate every year by the political will, in order to continue their duties after the end of their two-year mandate. Because, pursuant to Article 3/2 of Law No. 7075, the duties of the current members are deemed to have ended automatically whenever the term of office of the SOE Commission is extended. All these issues reveal that the SOE Commission, which has to operate in the shadow of the executive power, is not independent.<sup>151</sup>

Even after the end of the SOE, the fact that it is not possible to apply directly to the administrative judiciary and that an application to an ad hoc commission is still obligatory is inexplicable in the context of the principle of natural judge and the rule of law. The fact that the SOE Commission continues to function even in the ordinary period is proof that the SOE has been normalized in Turkey.

Although the administrative judicial remedy was kept open against the decisions made by the State of Emergency Commission, there were some regulations regarding which courts to appeal the decisions made by the Commission. New courts have been established to hear the annulment cases brought against the decisions of the State of Emergency Commission. For example, although there were eighteen administrative courts in Ankara, the 19th and 20th administrative courts with special authority were established in Ankara to oversee the decisions of the State of Emergency Commission. Then the 21st, 22nd, 24th, 25th, 26th, 27th and 28th administrative courts followed. Appeal applications against the decisions of special authorized administrative courts are decided by the 13th and 14th administrative case chambers of the Ankara Regional Administrative Court, which was also appointed and subsequently established by the HSK. These changes and arrangements in the judicial organization were made after the procedures for dismissal from public service were established. Leaving the legal supervision of the decisions of the State of Emergency Commission to the special courts established by the executive, which did not exist at the time the disputes arose, clearly violates the principle of natural judge.

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151 Metin Günday, "SOE, İhraç KHK'leri ve Hukuki Durum", Ankara Barosu Dergisi, 2017, Sayı 1, s. 37.

## **7. ARBITRARY AND SYSTEMATIC PUNISHMENTS WITH A METHOD THAT CAN BE EXPRESSED AS 'PUNISH FIRST, THEN INVESTIGATE THE SITUATION AND TRY TO FIND THE EVIDENCE THAT WILL BE AN EXCUSE FOR PUNISHMENT'**

In the state of emergency, practices like the phrase “shoot first, ask questions later” were systematically applied to the victims of the KHK. As set forth in detail in all our reports, the political power, which sees the state of emergency as “a gift from God”, has used the filing lists prepared long ago for all public officials that it sees as opposition to or hindrance to its own policies or practices, without needing any additional evidence. It declared them “terrorists” by publishing their names in the Official Gazette. It banned all of them from working in public institutions for life. It took away all their citizenship rights such as passport, right to vote and be elected, right to work, social security rights and right to travel. Arbitrary punishments against KHK victims were not limited to these. Many of the people under the decree laws were detained in police or gendarmerie detention centers for up to 30 days without any evidence, questioning or questioning, and then they were arrested and sent to prison with the same approach or logic through specially appointed Criminal Judges of Peace.

As the KHK victims were found guilty in advance and definitively by the judicial institutions controlled and directed by the political power, their judicial proceedings were mostly continued in detention. Until they proved their innocence without leaving any room for doubt, even for some professionals such as military students, military personnel, policemen, judges and prosecutors, even if they proved their innocence, they were still considered guilty and kept in prisons if they were registered in the red list in the tagging lists. According to modern law, those who claim that someone has committed a crime must prove their claims in a way that leaves no room for doubt. However, this universal principle of law was not applied for the people with the decree laws. Pay phone calls made 5 years ago, when the caller and the subject of the call were unknown, the content of the conversation was unclear and even lasting "0" seconds, were used to show the victims as guilty by the hand of the judiciary under pressure and control. Sometimes, even the false/doubtful/contradictory statements of the confessors, who benefited from effective repentance, were accepted as strong criminal evidence and the grounds for conviction could be made.

The policy of "Kill first and then you search and find the evidence that will be an excuse for killing" that was applied to the KHK victims was applied to their relatives in the same way, causing many grievances for them as well. Details of the systematic punishments applied against their relatives with decree laws are available in all our reports.

## **8. CREATING A CYCLE OF LAWLESSNESS AND UNPRINCIPLED MORALITY IN ORDER TO BLOCK THE WAYS OF THE TARGETED PEOPLE TO ACCESS JUSTICE AND SEEK THEIR RIGHTS**

During the state of emergency genocide practices, judicial and administrative "cycles of unlawfulness" were created for those on the "objectionable, hostile, target person" lists so that they would not be able to regain their rights before 10, 20 or even 30 years. For example, tens of thousands of victims had to wait 3-4 years for the decisions of the State of Emergency Commission in order to file a lawsuit to return to work. In order to object to the files decided by the Commission, which is under the full control of the political power and rejects the applications at a rate of 90-95 percent, the victims should apply to 5-6 specially designed courts in Ankara, which are no different from the State of Emergency Commission, instead of the administrative court closest to their residence. These courts, which were specially established, designed

and created with special appointments contrary to the principle of natural court and natural judge, continued to fulfill their duties entrusted to them in the cycle of lawlessness. A victim statement explaining this issue is as follows:

*"After the State of Emergency Commission, the administrative court also rejected it on the grounds that my criminal proceedings were still continuing. I got tired. I did not apply to another place since nothing would happen anymore. Because all judicial units set one another as a precedent and if they cannot find anything, they cite the KHK with which we have been expelled and give a rejection decision."*

Another issue is the situation of tens of thousands of civil servants who were not reinstated to their jobs despite being acquitted from criminal proceedings or non-prosecution in judicial investigations. This situation constitutes another example of the lawlessness cycle. There are thousands of victim statements such as "I was acquitted by the court. However, my professional rights have not been restored".

One of the most striking examples of the lawlessness cycle is military school students sentenced to life imprisonment. Although none of the military school students actually participated in the coup, they did not kill or injure anyone, they were brought into a cycle of unlawfulness, their cases or hearings were extended, the evidence in their favor was never investigated, the crime scene discovery requests were not taken into account, and the evidence that could be in their favor was blacked out. On the other hand, unfounded evidence such as secret witnesses and false witnesses to make them guilty were produced, and most of them were declared coup plotters/terrorists and sentenced to life imprisonment. It does not seem possible before 10, 20 or 30 years for these students to regain their usurped rights within the current lawlessness order. The cycle of unlawfulness in the Osman Kavala case can be given as another example of this issue.

Thousands of victims were declared terrorists on the grounds that there was a 5-10 TL increase in their deposits in Bank Asya, that they took housing loans, that they attended schools belonging to the Hizmet movement, or that they sent their children to these schools. They were fired from their jobs. They were imprisoned by the courts, rejected by the State of Emergency Commission, and rejected by 5-6 specially elected administrative courts in Ankara. Their judicial sentences were upheld by the higher-courts and they were directed to judicial/administrative stalemates as a "forced direction". They were plunged into cycles of unlawfulness where compensation for the usurpation of their rights would not have been possible before 10, 20 or even 30 years ago. On the other hand, no action was taken against the "acceptable" or "selected" citizens who committed much more than the targeted "offensive persons". They have always been ignored or protected.

Even more frightening than the cycle of unlawfulness listed above is the enactment of legislation that provides legal immunity to those who commit crimes in the name of political power. Some of these are listed below:

(1) Article 37 of KHK No: 668 has the following sentences: "Legal, administrative, financial and criminal liabilities of the persons who have adopted decisions and executed decisions or measures with a view to suppressing the coup attempt and terrorist actions performed on 15/7/2016 and the ensuing actions, who have taken office within the scope of all kinds of judicial and administrative measures and who have adopted decisions and fulfilled relevant duties

within the scope of the decree laws promulgated during the period of state of emergency shall not arise from such decisions taken, duties and acts performed."This provision is the most obvious evidence that the political power is fully aware of the crimes it has committed or has committed, and is determined to protect those who commit crimes in the name of its power and to block all remedies for the victims.

(2) Similar provisions on legal, administrative, financial and criminal liability were added to Article 9 of the Law No. 6749 on the Amendment of the Decree-Law on Measures Taken Under the State of Emergency, published in the Official Gazette dated October 29, 2016. ARTICLE 9-(1) included that the provision that persons who take decisions and fulfill their duties within the scope of this law shall not be liable for legal, administrative, financial or criminal liability due to their duties, whereas Article 10- (1) includes the provision that stay of execution cannot be decided in cases filed due to the decisions taken and actions taken within the scope of this law.

(3) Article 37 (1) of the Law No. 6755 on the "Adoption of the Amendments of the Decree Law on Measures to be Taken Under the State of Emergency and Arrangements Made on Certain Institutions and Organizations" published in the Official Gazette dated November 24, 2016: "Legal, administrative, financial and criminal liabilities of the persons who have adopted decisions and executed decisions or measures with a view to suppressing the coup attempt and terrorist actions performed on 15/7/2016 and the ensuing actions, who have taken office within the scope of all kinds of judicial and administrative measures and who have adopted decisions and fulfilled relevant duties within the scope of the decree laws promulgated during the period of state of emergency shall not arise from such decisions taken, duties and acts performed."

(4) Article 121 of the KHK No. 696 published in the Official Gazette dated December 24, 2017 brought the immunity armor of the law no. 6755 to the civilians who committed crimes on behalf of the government: "The following paragraph has been added to Article 37 of Law No. 6755 on the Adoption of the Amendments of the Decree Law on Measures to be Taken Under the State of Emergency and Arrangements Made on Certain Institutions and Organizations, dated 8 November 2016: "(2) Provisions of paragraph 1 shall also be applicable to those individuals who acted with the aim of suppressing the coup attempt and the terrorist activities that took place on July 15, 2016 and actions that can be deemed as the continuation of these, without having regard to whether they held an official title or were performing an official duty or not."

Against the KHK victims, civilians without any official duties or public employees committed rights violations. Due to the above legal protections, which provide impunity to the perpetrators of these crimes, claims or complaints from victims are often ignored by the official authorities, not investigated effectively, or they are plunged into cycles of unlawfulness. In addition, the Constitutional Court in the cases regarding the annulment of the laws, KHKs and provisions listed above, by giving rejection decisions contrary to its previous practices, legitimized all the unlawfulnesses experienced.

Actions aimed at protecting the perpetrators of crimes against humanity committed against the KHK victims have an important meaning. Those who consciously and commit all crimes against humanity, or those who encourage or facilitate them, are those who control the state power and state institutions themselves. The planners and implementers

of the crimes against humanity committed against the KHK victims and their relatives aimed not to reveal the crimes of both their own crimes and the bureaucratic or paramilitary forces that they used as tools or partners in their crimes. In order for crimes against humanity to remain as secret as possible, it was aimed to hide crimes and criminals by preventing their investigation, prosecution and trial. One of the purposes in this was to establish a mechanism to acquit themselves in the face of possible lawsuits to be filed in the national or international areas in the future. However, the efforts to hide all crimes against humanity committed against the KHK victims and their relatives, to prevent their investigation and trial, and to black out the criminals, will not be successful forever.

### **9. ORGANIZED FRAUD, CONCEALMENT OF EVIDENCE, OBFUSCATION OF EVIDENCE AND FABRICATION OF FALSE EVIDENCE SO THAT THOSE TARGETED CANNOT DEFEND THEMSELVES AND ARE CONVICTED, CONTRARY TO THE PRINCIPLE OF EQUAL PROTECTION BEFORE THE LAW**

The SOE/KHK regime restricted the rights of victims, their lawyers or descendants to obtain information from public institutions in order to obstruct or make it difficult for victims to defend themselves and/or defend their rights. For this, they cited decrees, state secret excuses, orders, instructions or circulars as reasons. They didn't just stop there. Stakeholders of the state of emergency genocide regime engaged in a wide variety of organized crime activities to achieve their goals. For example, false testimony, producing false statements in administrative investigations and expert reports, and obscuring the evidence in favor of social-genocide victims in official records are some of these methods. Again, they did not hesitate to violate the rights of the victims by not giving them the information and documents they needed, by rejecting their requests for evidence research and discovery. They served fake news to the public. They made changes to the autopsy/expert reports to hide the facts. They hid the crime scene footage. While they destroyed the evidence that could be in favor of the victims, they obscured the evidence that could be against those who belong to the elite/privileged group and their loyalties. They assassinated key witnesses and, in cases such as the sniper killings, made the killings appear to have been committed by the victims of genocide. If someone from a privileged group committed a crime they considered a crime, they chose to blame it on others or to cover it up completely. They did not process or cover up the criminal complaints about the perpetrators of torture.<sup>152</sup>

### **10. PLANNED AND SYSTEMATIC VIOLATIONS OF THE RIGHT TO A FAIR TRIAL**

The right to a fair trial, which is mentioned in article 36/1 of the Constitution and regulated in article 6 of the ECHR, is the right that the ECtHR<sup>153</sup> and the Constitutional Court<sup>154</sup> have given the most violation decision. Political power violates the victims' right to a fair trial in a planned, coordinated and systematic manner. For this, it uses the bureaucracy and judicial institutions under its command against the victims in coordination and cooperation. Again, the executive and judicial organs under the full control and supervision of the government deliberately violated the right to a fair

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152 Kemal Uçar (2020). Av. Turan Canpolat'a yapılan hukuksuzluklar... YouTube. <https://www.youtube.com/watch?v=Du5RWxZ3m1g> [Accessed 1 Jan. 2023].

153 Annual Report of the European Court of Human Rights. (2020) (n.d.). [https://www.echr.coe.int/Documents/Annual\\_report\\_2020\\_ENG.pdf](https://www.echr.coe.int/Documents/Annual_report_2020_ENG.pdf). [Accessed 1 Jan. 2023].

154 T.R. Constitutional Court Individual Application Statistics 2012-2021", [https://www.anayasa.gov.tr/media/7412/bb\\_istatistik\\_2021-1-yeni.pdf](https://www.anayasa.gov.tr/media/7412/bb_istatistik_2021-1-yeni.pdf), § 8, [Accessed 1 Jan. 2023].

trial for the KHK victims in a planned, coordinated and systematic manner. For this, it committed unlawful acts such as unjust arrest, long detention, denial of or ignoring their defense rights, refusal to seek evidence, hiding evidence, obfuscating evidence, producing false evidence, not prosecuting in a reasonable time, only collecting the evidence against them and ignoring those in favor.

Unfortunately, courts often refrain from examining all legal and factual questions, evidence and issues with fairness in the cases of KHK victims. While they take into account the arguments of the prosecution in the strongest way, they do not consider the arguments of the defense, do not examine them in depth and comprehensively, most of them deprive the defense of their rights, they reject the objections of the defense without justification or on copy-paste printed grounds. In this context, neither the KHK victims nor the independent experts were given the opportunity or permission to examine the digital copies of the programs allegedly used by some of the KHK members, such as ByLock. The same attitude was displayed regarding tag lists such as the Garson, Albatros, and payphones. For example, data sources were not opened to the inspection of all parties in pay phone investigations or lawsuits. The data was specifically filtered only against the individuals who were the target of the tagging. Payphone calls, whose content and information about the callers were unclear, were shown as evidence of organized crime and were considered the basis for many convictions.

#### **11. FORCING VICTIMS TO CONFESS OR MAKE FALSE STATEMENTS THROUGH UNLAWFUL DETENTIONS AND ARRESTS, SYSTEMATIC ILL-TREATMENT, THREATS, DETENTION, RESTRICTING THEIR RIGHTS TO EDUCATION, HEALTH, SPORTS, COMMUNICATION, AND SOCIAL ACTIVITIES, AND DISCRIMINATORY PRACTICES**

The victims of the genocide were systematically subjected to ill-treatment and torture as well as unlawful detention and/or arrest. These people were forced to make baseless confession or slander others by being threatened, kept in bad conditions or deliberately deprived of most of their rights such as education, health, sports, communication, life rights, self-development, social and hobby activities. These ill-treatment practices are discussed in detail in different parts of this report, but it would be useful to give some examples here. The victims were held in overcrowded wards. Sometimes they were imprisoned in solitary cells for days. Their request to go to the infirmary when they became ill was denied. Their referrals to health institutions were prevented, and they were not given the drugs they regularly use. Even diet food was not provided for health reasons. Their surgeries were postponed, laboratory results were not given, they were kept in the ring vehicle for a long time during hospital referrals. They were prevented from enrolling in schools where they were entitled to education, following courses and taking exams. They were subjected to ill-treatment, psychological pressure and naked search. Common areas such as chat, sports and hobbies were banned. Communication rights have been blocked through practices such as banning of visits, cancellation of the right to telephone, bans on periodic and non-periodical publications, books and letters, confiscation of radios, the ban on sending letters, and the ban on in-house correspondence. Photocopy requests were denied. They were exiled or transferred to prisons far from their families, and their requests for transfer to other prisons were turned down. Water and food were not provided along the way during shipments/transport. They were subjected to arbitrary disciplinary punishments. Sometimes they were even banned from using the prison canteen. They faced exorbitant prices and were forced to buy certain brands in the prison canteens where they had to shop. Complaints were either not processed or left unanswered. Meals were given little and poor quality and the running water was poor/muddy. There were prohibitions or

restrictions on seeing lawyers. No precautions were taken against infectious diseases/COVID, hygiene measures were insufficient, adequate hygiene and cleaning materials were not provided, and health supplies such as cologne, masks and gloves were sold for money. They were put in a cell under the name of quarantine. With many more deliberate, planned, systematic practices of ill-treatment and discrimination like these, the KHK victims were forced to confess or to make baseless confessions or slanders about others.<sup>155</sup>

In order to get rid of the ill-treatment, some of which are listed above, some victims have chosen the path of confession or slander. In this case, most of the time, they did not sign their own statements, but the lists of names that were put in front of them or the minutes containing the statements. Victims often had to choose between two situations: they would either accept detention or imprisonment under poor conditions and ill-treatment, or they would become confessors/slanderers and avoid bad conditions or treatment. There are many accounts in our reports and on social media that especially married and families with children surrender to such pressures and make complaints about people they do not know.

## **12. DISCRIMINATION DURING THE PRISON SENTENCES OF THE TARGETED ONES. CONSCIOUSLY PROLONGED DETENTION AND/OR FORCING THE RENUNCIATION OF LEGAL RIGHTS**

The victims have completed the execution periods of their unjust and unlawful prison sentences in accordance with the Law No. 5275 on the Execution of Penalties and Security Measures. However, the rights provided by the law were sometimes arbitrarily restricted in order to prevent the victims from being released on probation. Sometimes, if they objected to the convictions of the criminal courts, their release was deliberately prevented on the pretext of delaying the "confirmation" or "overturning" decisions of the Court of Cassation.<sup>156</sup> Seeing this situation, some detainees were forced to be released as soon as possible by giving up their right to appeal in order not to spend more time in prison. In the event that the KHK victims gave up the legal remedies in order not to be imprisoned any longer, the means of seeking rights in the Constitutional Court and the European Court of Human Rights were also disappearing, since they did not completely exhaust the domestic remedies.<sup>157</sup>

On the other hand, it is necessary to note that the KHK victims were not allowed to benefit from the evacuation facilities brought by Law No 7242 Amending the Law on the Execution of Sentences and Security Measures and Some Laws published in the Official Gazette dated April 15, 2020. While the prisoners of sexual assault, sexual abuse of children, sexual intercourse with minors, manufacturing and trafficking of drugs or stimulants, and even those involved in many orga-

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155 Human Rights Association, Istanbul Branch Prison Commission, Report of Rights Violations in Marmara Region Prisons (July-August-September 2020) 23.10.2020, [https://www.ihd.org.tr/wp-content/uploads/2020/10/20201023\\_TemmuzAgustosEylul2020\\_MarmaraHapishaneRaporu.doc](https://www.ihd.org.tr/wp-content/uploads/2020/10/20201023_TemmuzAgustosEylul2020_MarmaraHapishaneRaporu.doc); Human Rights Association, Istanbul Branch Prison Commission, Central Anatolia Region Prisons Report (July-August-September 2020) [https://www.ihd.org.tr/wp-content/uploads/2020/10/20201015\\_IcAnadoluUcAylikHapishanelerRaporuJuli-Agustos-September2020.docx](https://www.ihd.org.tr/wp-content/uploads/2020/10/20201015_IcAnadoluUcAylikHapishanelerRaporuJuli-Agustos-September2020.docx). My colleagues have been in solitary cells for years! Female judges are in solitary cells! It will be almost five years. I go crazy when I think about it! (Meslektaşlarım yıllardır tek kişilik hücrelerde! Kadın hakimler tek kişilik hücrelerde! Neredeyse beş yıl olacak. Düşündükçe çıldırışım geliyor!) <https://twitter.com/WomanJudgeTR/status/1368690528032862210>. It's a sample cell picture I shared, and it shows that it's torture <https://twitter.com/WomanJudgeTR/status/1368800032984563714?s=20>.

156 Artı Gerçek. (2021). Prisoners whose sentences have ended are not released (Cezası biten tutuklular tahliye edilmiyor.) <https://arti-gercek.com/guncel/cezasi-biten-tutuklular-tahliye-edilmiyor-151970h> [Accessed 1 Jan. 2023].

157 Hüseyin Demirtaş at Twitter. (2023). <https://twitter.com/HDemirtasTR/status/1316753730008743936?s=20> [Accessed 1 Jan. 2023].

nized crimes could benefit from the early release rights recognized by the law, the KHK victims were not able to benefit from them. After the amendment of the execution law, the rights of the victims of probation or parole were usurped by instruction. They were not allowed to benefit from probation on various pretexts such as "there is no conviction that they left the terrorist organization". Sometimes a signed document was imposed stating that they left the terrorist organization.<sup>158</sup> Signing such a document meant that these people, who had persistently refused to be members of a terrorist organization, were ultimately forced to accept that they were members of a terrorist organization.

In a period when the COVID-19 epidemic was wreaking havoc all over the world and in Turkey, the failure of the KHK victims to benefit from this law caused many victims to get sick and die in prisons. One of the names reflected on social media from such deaths was Mustafa Kabakçiođlu, who was found dead on a plastic chair in an isolation ward.<sup>159</sup>

### **13. PRESSURE ON JUDICIAL AND ADMINISTRATIVE INSTITUTIONS TO MAKE BIASED DECISIONS**

Some of the testimonies of the victims in our report are given below without comment: "We will also arrest the judge who released the person we sent to the court with a request for arrest." "I filed a lawsuit in the administrative court. ... The two judges who decided in my favor were appointed by exile." "I was sentenced in just 10 minutes at the first hearing. When the lawyer asked 'why did you do such a thing' in surprise, the judge said, 'This is the general conjuncture of Turkey, you know.' This sentence is enough to show the state of justice." "They arrested me by showing my name on the profiling lists." "The judge was instructed, he arrested me directly." "I was allegedly using ByLock. The judge admitted that I got arrested with the information sent by the MIT. Because he had no evidence, he couldn't even look at us." "Me and my wife were punished for downloading ByLock to a non-smart phone. In fact, the judge said to my wife, 'You made insulting remarks on social media.' 'What insults did I do?' my wife asked. No response from the judge. My wife said, 'Mr judge, I have never had a social media account'. They had registered us beforehand, they found a fake cover and punished us." "All the judges and prosecutors ... are afraid that they will be harmed. An empire of fear reigns..."

The words of some judges on duty confirmed the above statements of the victims. For example, a peace judge said to a colleague, 'I can't stand it anymore. I really can't stand it. I know that if I do not lose the point of view of the political power and arrest those people in the files sent to me with a request for arrest, I will definitely be one of the people who will be arrested. I will be one of the people who will be expelled. I arrest pregnant, old, poor people. But when I go home in the evening and put my head on the pillow, I can't sleep,' he confessed.<sup>160</sup>

158 Gergerliođlu: Even though the time has come for the arrestees to go on probation, they are not released and their probation rights are prevented by usurpation. <https://twitter.com/gergerliogluof/status/1349804729602199553?s=20> Songül Ceren Şimşek: It really hurts the heart when murderers and rapists are free outside while mothers are in held in prison. <https://twitter.com/khktelevizyonu/status/1356859390922481664?s=20>

159 BBC News Türkçe (2020). KHK mağduru eski polis memuru Mustafa Kabakçiođlu'nun ölümü neden cezaevinde ihmal iddialarını gündeme getirdi? <https://www.bbc.com/turkce/haberler-turkiye-54561319> [Accessed 1 Jan. 2023]. Bold Medya (2020). Cezaevinde ölüme mahkum edilen KHK mağduru kanser hastası doğduđu köye defnedildi. <https://boldmedya.com/2020/11/11/cezaevinde-olume-mahkum-edilen-khkli-kanser-hastasi-dogdugu-koye-defnedildi/> [Accessed 1 Jan. 2023]. Bold Medya (2020). Korkunç iddia! Gümüşhane'de hücreye konulan koronavirüslü mahkum ölü bulundu. <https://www.boldmedya.com/2020/09/09/korkunc-iddia-gumushanede-hucreye-konulan-koronaviruslu-mahkum-olu-bulundu/> [Accessed 1 Jan. 2023].

160 <https://www.youtube.com/watch?v=Cmacryo04KM&feature=youtu.be>

Statements confirming the above statements were also made by Deputy Mustafa Yeneroğlu. In a television program he attended, Yeneroğlu said that some officials from the ruling party called the judges, who are members of the Constitutional Court, personally or through officials, to make sure that they give decisions in the direction they wanted, and they gave suggestions to them. They pressed when needed. If the pressures on the judges were found to be ineffective, their families were called to try to bring them into line. Yeneroğlu said that he personally knew which members were called by whom, the callers and those sought, and how expectations were expressed, and that these actions were contrary to Article 138 of the Constitution.<sup>161</sup>

#### **14. IGNORING/NOT RECOGNIZING THE DECISIONS OF THE COURTS AND PROSECUTOR'S OFFICES REGARDING THE VIOLATION OF RIGHTS, ACQUITTAL OR NON-PROSECUTION IN FAVOR OF THE VICTIMS**

Despite all the attempts and coercion of the security forces, prosecutor's offices and courts to find evidence of a crime, against positive legal rules, the percentage of the KHK victims, who cannot be prosecuted or who were acquitted or dismissed because they cannot find evidence, is around 50 percent. However, tens of thousands of victims, who were able to come out unscathed from the judicial proceedings under the appointment, management and all kinds of control of the political power, were not reinstated to their duties despite all these. As an excuse, it was claimed that they were considered suspicious, unreliable, or did not fulfill their obligations of loyalty to the state, according to the arbitrary criteria of the government.<sup>162</sup> The government-controlled SOE Commission and administrative courts have also made decisions that will continue or support this unlawful situation. Stating that the decision not to prosecute as a result of the criminal investigation or an acquittal decision as a result of the criminal prosecution did not bind them, the State of Emergency Commission and the administrative courts, referring to the aforementioned proceedings, refrained from re-examining the issues that were discussed and decided there. In this case, both the State of Emergency Commission and the administrative courts ignored the acquittal decisions of the criminal courts regarding the same incident. For this, they took refuge on the grounds that the administration had discretionary power. They have repeatedly claimed and stated that the belief/suspicion that they are related to or affiliated with an illegal organization will be considered sufficient grounds for refusal of their requests for reinstatement, and for this reason, those who have been acquitted in the criminal court may not be reinstated by the administration. Thus, the reinstatement of those acquitted and dismissed to their posts was arbitrarily prevented. Provisions of innocence in favor of the KHK victims were constantly questioned.<sup>163</sup>

Thus, tens of thousands of KHK victims, despite being cleared in the judiciary, did not receive a positive response to their reinstatement requests/cases made to the State of Emergency Commission and administrative courts.<sup>164</sup> The

161 <https://youtu.be/f8-LRBrtv98?t=2338>

162 <https://twitter.com/KYOKPlatform/status/1331661130687770625?s=20> ; [https://twitter.com/magdur\\_khklilar](https://twitter.com/magdur_khklilar) ; <http://www.kamujans.com/kamu-memurlar/SOE-komisyon-baskani-neden-her-beraat-edeni-iade-etmediklerini-acikladi-h543507.html> ; <https://twitter.com/mertce40/status/1331660443228786688?s=20> ; <https://www.memurlar.net/haber/866499/SOE-komisyon-baskani-neden-her-beraat-edeni-iade-etmediklerini-acikladi.html> ; <https://twitter.com/GkhanKI69914323/status/1331658075040845831?s=20> .

163 SOE RAPORU: Olağanüstü Hal Kanun Hükmünde Kararnameleri ile İhraç Edilen Kamu Personelinin Görevlerine İadesine Yönelik Hukuki Rapor, Av. Mesut Can Tarım, Sayfa 78, <https://www.hukukibilgiplatformu.com/wp-content/uploads/2021/09/SOE-Done-minde-Kamu-Gorevliilerinin-Ihracinda-Kullanilan-Kriterlerin-Analizine-Dair-Rapor.pdf> , Erişim tarihi: 26 Kasım 2021.

164 <https://www.haberturk.com/beraat-veya-takipsizlik-alan-khk-lilar-neden-donemiyor-2541508> ; <https://halkweb.com.tr/>

State of Emergency Commission and many courts did not actually recognize the decisions of the judiciary in favor of the victims.<sup>165</sup> The state of emergency genocidal regime dismissed judges who made decisions they did not like, arrested them, and expelled them to other provinces. They did not even recognize the decisions of the Constitutional Court and the ECtHR.<sup>166</sup> Turkey was the country with the highest number of violation verdicts by the ECtHR in 2019. It is difficult to come across such examples of lawlessness even in the most despotic regimes in the world.

The reaction of the ruling party administrators to a decision made by the Constitutional Court is quite remarkable. The Constitutional Court ruled that "the right to personal liberty and security, as well as the freedoms of expression and press" were violated regarding the long-term detention of Cumhuriyet Newspaper Editor-in-Chief Can Dündar and Ankara Representative Erdem Gül. Upon this decision, Erdoğan said: "The Constitutional Court may have made such a decision. I just remain silent about the decision of the Constitutional Court, that's all. But I will not accept it. Let me say it very clearly. I do not abide by the decision of the Constitutional Court, nor do I respect it."<sup>167</sup>

## **15. SYSTEMATIC DISINFORMATION, DEFAMATION, BLACK PROPAGANDA, HATE SPEECH, AND STIGMATIZATION AS WELL AS LEGITIMIZATION AND ENCOURAGEMENT OF ALL KINDS OF HATE CRIMES**

Those who were targeted for genocide were fired from their jobs and exposed to national and international public opinion as if they were perpetrators of horrific crimes. Many of them were counted among the "terrorist" names included in the supplementary lists of the KHKs published in the Official Gazettes, their names were tarnished, their dignity was insulted and they were stigmatized. Thus, all kinds of hate crimes to be committed against them were legitimized and rendered ordinary. These crimes were even encouraged. Thus, similar to the concept of "the banality of evil" coined by Hanna Arendt regarding the actions of public servants in Nazi Germany, based on the case of Nazi SS officer Otto Adolf

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beraat-veya-takipsizlik-alan-khklilar-neden-gorevlerine-iade-edilmiyor/ ; [https://www.memurlar.net/haber/868308/istinaftan-be-  
raat-veya-takipsizlik-karari-almis-olanlarin-davalarina-yonelik-emsal-karar.html](https://www.memurlar.net/haber/868308/istinaftan-be-<br/>raat-veya-takipsizlik-karari-almis-olanlarin-davalarina-yonelik-emsal-karar.html) .

165 <https://yeni1mecra.com/SOE-komisyon-baskani-yargi-kararlari-bizi-baglamaz/> SOE Komisyon Başkanı: Yargı kararları bizi bağlamaz; <https://twitter.com/yeni1mecra/status/1341705172209307648?s=24> ; [https://t24.com.tr/haber/mehmet-altan-in-actigi-da-  
va-khk-ihraclariyla-iligili-sirlari-desifre-etti-SOE-komisyonu-nun-ihraca-gerekce-gosterdigi-rapor-aslinda-hic-hazirlanmamis,928855](https://t24.com.tr/haber/mehmet-altan-in-actigi-da-<br/>va-khk-ihraclariyla-iligili-sirlari-desifre-etti-SOE-komisyonu-nun-ihraca-gerekce-gosterdigi-rapor-aslinda-hic-hazirlanmamis,928855) Mehmet Altan'ın açtığı dava, KHK ihraçlarıyla ilgili 'sırları' deşifre etti: SOE Komisyonu'nun Altan'ı ihraça gerekçe olarak gösterdiği rapor aslında hiç hazırlanmamış!

166 <https://www.cumhuriyet.com.tr/haber/erdogan-bizi-baglamaz-dedigi-aihm-in-kapisini-3-kez-caldi-1147006> AKP Genel Başkanı ve Cumhurbaşkanı Recep Tayyip Erdoğan "AİHM'nin verdiği kararlar bizi bağlamaz"; [https://www.dw.com/tr/erdo%C4%9Fan-aihm-nin-karar-  
lar%C4%B1-bizi-ba%C4%9Flamaz/a-46374963](https://www.dw.com/tr/erdo%C4%9Fan-aihm-nin-karar-<br/>lar%C4%B1-bizi-ba%C4%9Flamaz/a-46374963) Erdoğan: AİHM'nin kararları bizi bağlamaz; [https://www.bbc.com/turkce/haber-  
er/2016/02/160228\\_erdogan\\_dundar\\_aym](https://www.bbc.com/turkce/haber-<br/>er/2016/02/160228_erdogan_dundar_aym) C.Başkanı R. Tayyip Erdoğan, "Ben Anayasa Mahkemesi'nin vermiş olduğu karara uymuyorum, saygı da duymuyorum"; <https://www.aa.com.tr/tr/turkiye/cumhurbaskani-erdogan-aymnin-kararına-saygi-duymuyorum/528587> Cumhurbaşkanı Erdoğan, "Anayasa Mahkemesinin verdiği karara uymuyorum, saygı da duymuyorum"; [https://www.sozcu.com.tr/2020/  
gundem/aymnin-berberoglu-icin-verdigi-yeniden-yargilama-karari-reddedildi-6079228/](https://www.sozcu.com.tr/2020/<br/>gundem/aymnin-berberoglu-icin-verdigi-yeniden-yargilama-karari-reddedildi-6079228/) Yerel mahkeme, İstanbul 14. Ağır Ceza Mahkemesi, AYM'nin kararını tanımadı. [https://www.yenicaggazetesi.com.tr/agir-ceza-mahkemesi-anayasa-mahkemesinin-enis-berberoglu-kara-  
rina-uymadi-307936h.htm](https://www.yenicaggazetesi.com.tr/agir-ceza-mahkemesi-anayasa-mahkemesinin-enis-berberoglu-kara-<br/>rina-uymadi-307936h.htm) Ağır ceza mahkemesi, Anayasa Mahkemesi'nin kararına uymadı; [https://www.birgun.net/haber/yerel-mah-  
keme-aym-nin-enis-berberoglu-kararini-tanimadi-319016](https://www.birgun.net/haber/yerel-mah-<br/>keme-aym-nin-enis-berberoglu-kararini-tanimadi-319016) Yerel mahkeme, AYM'nin Enis Berberoğlu kararını tanımadı! [https://www.dw.com/  
tr/yerel-mahkeme-aymnin-berbero%C4%9Flu-karar%C4%B1n%C4%B1-tan%C4%B1mad%C4%B1/a-55255505](https://www.dw.com/<br/>tr/yerel-mahkeme-aymnin-berbero%C4%9Flu-karar%C4%B1n%C4%B1-tan%C4%B1mad%C4%B1/a-55255505) , Yerel mahkeme AYM'nin kararını tanımadı.

167 Cumhurbaşkanı Erdoğan: AYM'nin kararına saygı duymuyorum: Cumhurbaşkanı Erdoğan, Cumhuriyet Gazetesi Genel Yayın Yönetmeni Dündar ile Ankara Temsilcisi Gül'ün tahliyesine ilişkin, "Anayasa Mahkemesinin verdiği karara uymuyorum, saygı da duymuyorum" dedi. <https://www.aa.com.tr/tr/turkiye/cumhurbaskani-erdogan-aymnin-kararına-saygi-duymuyorum/528587#>

Eichmann, who was tried in Jerusalem for the crimes he committed in Nazi Germany, the SOE regime has made the evil so widespread throughout the public bureaucracy and in the perceptions, actions and discourses of ordinary citizens.<sup>168</sup>

Eichmann played an important role in the deportation of 1.5 million Jews in Europe to killing centers and other killing sites in the occupied territories of Poland and Soviet Union. Eichmann and his team organized the deportation of hundreds of thousands of Jews from Slovakia, the Netherlands, France and Belgium. In 1943 and 1944, he planned the deportation of the Jews of northern Italy, Greece and Hungary. Eichmann personally participated in the immigration process only in Hungary. From late April 1944 to early July, Eichmann and his associates oversaw the deportation of 440,000 Hungarian Jews to killing centers. Adolf Eichmann did not personally kill anyone, but he was the key figure in the deaths of hundreds of thousands of people. Likewise, the SOE Regime caused the death of very few people, openly and visually. However, with the social, political, institutional and psychological atmosphere it created, it caused direct or indirect heavy victimization, torture and death of hundreds of thousands of people.

The right to good reputation is one of the basic principles of human rights law and an important element of the presumption of innocence. Article 6/2 of the European Convention on Human Rights includes the provision that “everyone charged with a criminal offense shall be presumed innocent until proven guilty according to law” in order to protect the individual's right not to be tainted during the trial. The same notion is also included in Article 38 of the Turkish Constitution. Articles 157 of the CMK and 285 of the TCK contain regulations to protect the presumption of innocence and the right to good reputation. However, those who were targeted because of their opposition to the state of emergency genocidal regime were condemned, together with their families, to a policy of defamation, smearing and social genocide that would last for generations.

## **16. ENCOURAGING ACTUAL ATTACKS, ASSASSINATIONS, MURDERS AND MASS MURDERS AND PROVIDING DE FACTO AND DE JURE PROTECTION TO THOSE WHO COMMIT THESE CRIMES**

Along the way to the declaration of the state of emergency, there were murders, lynchings and killings of soldiers, cadets or civilians with snipers in front of the cameras, as well as mass attacks, mass or individual torture killings in some places.<sup>169</sup> The most important evidence that shows the existence of actual, planned and organized killings in the state of emergency regime, the encouragement and patronage of mass killings and legitimizing pogroms<sup>170</sup> in a way is Article 121 of the Decree Law No. 696 published in the Official Gazette on 24 December 2017. With this article, the existence of actual attacks, massacres, murders and tortures by civilian citizens or organized paramilitary groups has been accepted and all these have been legitimized. Immunity armor was provided to perpetrators of all kinds of crimes against humanity. With this article, regulations have been introduced that eliminate legal, administrative, financial and

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168 Arendt, H. Eichmann in Jerusalem: A Report on the Banality of Evil, The Viking Press (1963). Bergen, B.J. The Banality of Evil: Hannah Arendt and “The Final Solution”, Rowman & Littlefield Publishers (1998).

169 <https://www.dailymotion.com/video/x4qhuw4> Darbeci General Semih Terzi'nin eşi noterden bıçakla kovalandı.

170 Pogrom is a Russian word meaning “to persecute, to destroy by violence”. The term entered the English language to describe 19th- and 20th-century attacks on Jews in the Russian Empire and it is also used to describe publicly sanctioned purgative attacks against non-Jewish groups. Pogrom can be defined as acts of violence against a group for religious, ethnic or political reasons. These acts of violence often consist of destroying homes, businesses or places of worship, beating, injuring, raping or killing people.

penal responsibilities for all kinds of actions for those who act within the scope of suppressing the actions that follow the coup attempt and the July 15 coup attempt.

While with the Decree Law No. 667, judicial immunity was brought to public officials, with the Decree No. 696, judicial immunity was brought to the civilians. Thus, the state bureaucracy legitimized the activities of murder, torture and lynching, which are sub-crimes of genocide, and crimes against humanity were taken under the protection of the state thanks to this genocide law. Prosecutors decided not to prosecute the tortures and murders committed. It is clear that this situation encourages and encourages massacres that have been or will be carried out against the victims of the State of Emergency/KHK. As a matter of fact, some of them, encouraged by such protection and encouragement, showed the courage to threaten all citizens, women and children together through television, newspapers and social media.<sup>171</sup>

### **17. USING INDIRECT KILLING METHODS PREDOMINANTLY INSTEAD OF DIRECT/ACTUAL KILLINGS IN ORDER TO HIDE THE SOCIAL EXTERMINATION, MAKE IT DIFFICULT TO PROVE OR FACILITATE DENIAL BY THE PERPETRATORS**

One of the key elements of the genocide mechanism is the formation of execution committees and murder squads tasked with carrying out the massacres. However, genocidal massacres are not always carried out with bullets, knives, axes or poison gas.<sup>172</sup> As we mentioned in the example of the Holodomor application made to Ukrainians before, it can also be done in different ways. There were deaths caused by methods such as state of emergency genocide practices, social, economic, psychological and actual pressures, prevention of disease treatments, delaying treatments.<sup>173</sup>

The genocide regime mainly implemented indirect methods of genocide in order not to give an account of the genocide they committed before an independent judiciary one day, to make it difficult to prove the crimes they committed before national or international courts, and to facilitate their denial.<sup>174</sup> Indirect-genocide practices include prevention of employment through institutions like SSI, Finance Ministry, e-state, BDDK, judiciary, security, intelligence, prevention of social as-

171 <https://www.yenicaggazetesi.com.tr/olum-tehdidi-eden-edene-bir-olum-tehdidi-de-fatih-tezcandan-geldi-278921h.htm>, <https://www.gercekgundem.com/guncel/180887/bir-liste-tehdidi-de-fatih-tezcandan-biz-sokaga-cikarsak-karinizi-cocuklarinizi-bizden-nasil-koruyacaksiniz>, <https://t24.com.tr/haber/fatih-tezcan-bir-daha-sokaga-cikarsak-listelerden-kimleri-to-playacagimizdan-haberiniz-var-mi-karinizi-cocugunuzu-nasil-koruyacaksiniz,877941>, <https://www.superhaber.tv/fatih-tezcan-video-izle-fatih-tezcan-ne-dedi-karilarinizi-bizden-nasil-koruyacaksiniz-video-275949>, <https://www.cumhuriyet.com.tr/video/fatih-tezcandan-yeni-provokasyon-karinizi-cocuklarinizi-nasil-koruyacaksiniz-bizden-1738282>; [https://www.youtube.com/watch?v=6FbnS2p\\_ZtQ](https://www.youtube.com/watch?v=6FbnS2p_ZtQ), <https://www.tv5.com.tr/haber/2028/sevda-noyan-darbede-bizim-aile-soyle-bir-50-kisiyi-goturur-yani.html>, <https://t24.com.tr/haber/rtuk-baskani-mazaret-bildirdi-toplantida-bizim-aile-en-az-50-kisi-goturur-diyen-sevda-noyan-gundeme-alinmadi,878671>, <https://www.sondakika.com/haber/haber-bizim-aile-50-kisiyi-goturur-diyen-sevda-noyan-13243515/>, <https://onedio.com/haber/-bizim-aile-50-kisiyi-goturur-liste-yaptim-diyen-sevda-noyan-sozlerimin-arkasindayim-905086>.

172 Samuel Totten, Paul Robert Bartrop, Steven Leonard Jacobs, (1988), Mechanisms of Genocide, Dictionary of Genocide Volume I (A-L) and Volume II (M-Z), Greenwood Press: Westport, Connecticut. p. 275

173 KHK mağduru Askeri Öğrenci Konuştu: "Ölüm Döşeginde Sigortam Kesildi, Ameliyatımı Yapmadılar" <https://www.youtube.com/watch?v=2uvmbkKFCss&feature=youtu.be>; Gergerlioğlu: 'Hasta mahpus ölümleri cinayet, faili ise devlettir'. <https://ahvalnews.com/tr/cezaevlerinde-hak-ihlalleri/gergerlioglu-hasta-mahpus-olumleri-cinayet-faili-ise-devlettir>; Kanser Hastaları Tahliye Edilsin! <https://twitter.com/HastaTutuklular/status/1353267113365004288>, Silivri Cezaevi'nde vefat eden Şükrü Tuğrul Özşengül'ün savunması: "Kalp krizi geçirdim, yoğun bakımda kelepçelendim. Cezaevine dönünce 5 gün kalp ilacım verilmedi. İkinci defa gelirsem kurtulamayabilirim. Tutuklu kal-mam ölüm fermanımı imzalamanızdır." <https://twitter.com/UyumluTris/status/1554165415219236864>.

174 <https://twitter.com/i/status/1294097861240672261> Erdoğan: Ağırlaştırılmış da oldu, müebbetle olsa cezaevinde onları beslemek bile bana ağır geliyor

sistance and solidarity, malnutrition, hunger, imprisonment, usurpation of property rights, ban from profession, prevention of commercial activities, practices such as preventing the purchase of health services. Thus, people's lives were made unlivable, and they died from illness, malnutrition, grief, stress, suicide, and going on a death fast out of desperation. Babies of pregnant women died in the womb before they were born due to the stress their mothers experienced or because their medication was not given or given late. Some of them lost their babies by miscarriage, some of them died with their babies.<sup>175</sup> Some of the victim's statements are as follows: "My wife had a miscarriage due to the KHK and we did not have any children after that". "I was pregnant when I was detained. I had a miscarriage due to the stress, fear, anxiety and pressure at the police station. They took me to the hospital under police supervision. I had the surgery without my family being with me in any way. I spent the hospital process in police custody without being allowed to meet with my family. I was brought before the court before I had a chance to heal, when I was in pain, when it was difficult for me to even walk on the road...". "My wife has liver disease due to sadness, I have heart disease too". "My eldest daughter committed suicide because she was exposed to mobbing at her school and because of the pressure she had to face due to the 'FETOist father'". "My child was small, his treatment was left unfinished". "I have no children. Due to the stress I am experiencing, I cannot have children naturally. We need to do IVF treatment. But I have no financial means. In other words, having a child is the most valuable capital in life. We were adversely affected by these reasons and currently my husband is working in one province and I am working in another to save treatment money". "I had my first child after being expelled and we lost it at birth. My wife's psychological problems and my inability to take her to a comprehensive and equipped hospital were most likely effective in this. Both death and life are in the hands of Allah. We believe so, but it is necessary to see those who caused it".

## 18. DETENTION AND/OR ARREST OF WOMEN WHO HAVE JUST GIVEN BIRTH OR WILL GIVE BIRTH IN HOSPITAL ROOMS

Many pregnant women, who were alleged and accused of being affiliated with the congregation, were detained when they went to the hospital to give birth. It was alleged against these people that "with an order from the FETO leadership, young women affiliated with the organization became pregnant and tried to 'exploit emotions and manage perception' when they were detained."<sup>176</sup> In fact, as if being arrested while pregnant was not enough, they were also accused of being pregnant when they were arrested.

175 <https://twitter.com/KocasakalSerhat/status/1298207745540337664> ; <https://twitter.com/sevincozarslan/status/1297884146686189569> ; [https://twitter.com/Turkiye\\_KHK/status/1328422013053112321?s=08](https://twitter.com/Turkiye_KHK/status/1328422013053112321?s=08) ; <https://twitter.com/yeniyasamgazete/status/1298349430093930497?s=20> İdam yasada yok uygulamada var.

176 <https://www.cumhuriyet.com.tr/haber/dogmamis-cocuklar-hukuksuzlukla-tanisti-insanlik-ayaklar-altinda-1056453> Doğmamış çocuklar hukuksuzlukla tanıştı: 'İnsanlık ayaklar altında'. FETÖ suçlamasıyla tutuklu ve hükümlü 4 hamile kadının doğmamış çocukları hukuksuzlukla tanıştı ; <https://twitter.com/MBekaroglu/status/1344981007024402432?s=20> Doğumunun ilk gününde lohusa Hacer Yıldırım'ın odasında polis! <https://www.cnnturk.com/turkiye/fetoden-aranan-kadin-dogumdan-sonra-tutuklandi-FETÖ'den-aranan-kadin-dogumdan-sonra-tutuklandi> ; <https://www.milliyet.com.tr/gundem/fetoden-hamile-kalin-emri-2503800-FETÖ'den-hamile-kalin-emri!-Örgüte-bağlı-kadınların-hamile-kaldıkları-ve-gözetiminde-40831729-SOE'de-tutuklu-yargılanan-anneler:6-aydan-küçük-bebekler-de-cezaevlerinde> ; <https://twitter.com/HDemirtasTR/status/1345135776447819776?s=20> ; <https://tr.euronews.com/2020/02/09/cezaevinde-780-cocuk-yenidogan-bebeği-ile-40-gun-cezaevinde-kalan-anne-anlatiyor-khk-video-Bebeğiyle-40-gün-hapiste-kalan-anne:Koca-yüreklerin-kaldırmadığını-küçük-yüreklerle-yüklüyorlar> ; <https://www.indyturk.com/node/27266/haber/t%C3%BCrkiyenin-hapisteki-%C3%A7ocuklar%C4%B1-700-%C3%A7ocuk-neden-cezaevinde-nas%C4%B1l-bir-hayatlar%C4%B1-var-700-cocuk-neden-cezaevinde-nasıl-bir-hayatları-var?> <https://twitter.com/AvciSumeyya/status/1363618575722962950?s=20> AKP'li Özlem Zengin: Bu insanlar artık talimatla bebek sahibi oluyorlar; 'bebekli kadınlar cezaevinde' demek için. <https://t24.com.tr/haber/akp-li-ozlem-zengin-bu-insanlar-artik-talimatla-bebek-sahibi-oluyorlar-bebekli-kadınlar-cezaevinde-demek-icin,934517>

This point of view was justified in the law for ignoring the explicit provision of leniency to pregnant women for the execution of the sentence. According to Article 16/4 of the Law on the Execution of Penalties and Security Measures 5275, the execution of the prison sentence is suspended for women who are pregnant or who have not passed six months since the date they gave birth. If the child dies or is given to someone other than his mother, the penalty is executed two months after the birth. Thus, unborn or newborn children, together with their postpartum mothers, were introduced to the unlawfulness of the SOE/KHK genocide.<sup>177</sup> According to the victims, their pregnancies developed in a completely natural process, as it does for everyone. They said that it is not possible to get pregnant with the order and that they are already in the advanced stages of having children. They said that it was natural for them to have children during a period when they were isolated from social life, lost their jobs and occupied with endless judicial proceedings, they express.

## **19. CAUSING INFANT AND/OR MATERNAL DEATHS THROUGH TRAUMAS TO PREGNANT MOTHERS**

According to Article 16/4 of the Law on the Execution of Penalties and Security Measures 5275, the execution of the prison sentence is suspended for women who are pregnant or who have not passed six months since the date they gave birth. If the child dies or is given to someone other than the mother, the penalty is executed two months after the birth. However, pregnant women who were KHK victims could not benefit from these clear provisions and were deliberately kept in detention centers and prisons.<sup>178</sup> Despite bleeding, some pregnant women were prevented from receiving health care or receiving treatment.<sup>179</sup> As a result of these inhibitions, babies were killed while they were still in the womb.<sup>180</sup> In one case, both herself and her baby died because the expectant mother was taken to the hospital late. The statement of a victim who participated in our research on this subject is as follows: "I was pregnant when I was detained. I had a miscarriage at the police station due to stress, fear, anxiety and pressure. They took me to the hospital in police custody. My family was never allowed by my side before or after the operation. I spent the hospital process in police custody without being allowed to meet with my family. I was brought to court when I was in pain and unable to even walk my way without giving me a chance to heal".

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177 The "Law on the Amendment of the Law on the Execution of Penalties and Security Measures and Some Laws" dated April 15, 2020 and numbered 7242 brought some conveniences in favor of pregnant women and women who have just given birth. Although there is no guarantee that these will be applied to women who are victims of SOE/KHK, it is useful to note these provisions: According to Article 4, a suspect who cannot live alone in prison conditions due to a serious illness or disability can be put under judicial control instead of being arrested. But for this, the judge needs to evaluate the disease in question according to the third paragraph of Article 16 of the Law No. 5275. The same facility can also be applied to female suspects who are pregnant or who have not passed six months from the date of delivery. Article 15 of Law No. 7242 also changed the abrogated fourth paragraph of Article 109 of the Code of Criminal Procedure No. 5271, using the same expressions. With the 50th article, the 110th article of the 5275 numbered Law was amended. Accordingly, the execution judge may order that convicted women who have been sentenced to imprisonment for a total of three years or less within six months from the date they gave birth, or whose judicial fines have been converted to imprisonment during the execution period, serve their sentences in their homes. In order to make a claim pursuant to this paragraph, one year and six months must not have passed from the date of giving birth to the woman. If the child dies or is given to someone other than his mother after deciding on the execution in the house, the execution judge revokes the decision regarding the execution in the house.

178 <https://twitter.com/gergerliogluof/status/1120350652826300418?s=20> "Hamile tutuklu, cezaevinde doğum yaptı."; <https://www.youtube.com/watch?v=Tf2mfqfD4ks> "Hamileleri cezaevinde tutanlar iki canı götürdü."

179 <https://www.boldmedya.com/2020/12/11/ahlaksiz-savcidan-sorguda-hamile-kadina-skandal-sozler/> Düşük önleyici ilaçları verilmedi. <https://kronos34.news/tr/metoo-gozaltindaki-hamile-kadin-bassavci-ibrahim-keskinin-tacizini-ifsa-etti/>

180 <https://twitter.com/gergerliogluof/status/1155841512053366788?s=20> "İktidarın eline bebek kanı bulaştı!" <https://www.evrensel.net/haber/381293/hamile-olan-tutuklu-kadının-cezaevindeki-ihmal-sonucu-bebegini-dusurdu-iddiasi> .

Forced detention of pregnant women in prisons not only prevented expectant mothers from having a healthy birth, but also made their living conditions and physical and psychological conditions intolerable. These are undoubtedly among the elements included in the definition of the crime of genocide.

Preventing the birth of babies by usurping their right to life is a proof of genocidal intent. On the one hand, the officials responsible for the prisons were making public statements such as "Our citizens in prisons are entrusted to the state" in their statements. But on the other hand, they were tolerating the crimes or omissions related to these murders and protecting those responsible. As proof that these practices are systematic, the slander and propaganda of "they got pregnant by order" spread about these women in the media and social media. As further evidence, some court officials' threats against the victims saying "I will cause you to deliver your child dead" can be cited. Such discourses and actions reinforce the conviction that the regime committed infanticide in a planned and systematic manner. Infant and maternal deaths are not investigated effectively and the perpetrators of these murders are not punished. Thus, it can be thought that the state patronizes infant killers and becomes the instigator and partner of those crimes.<sup>181</sup> There are many testimonies of victims or witnesses in this regard in the report.

## **20. SENDING CHILDREN TO SOLITARY CONFINEMENT WITH THEIR MOTHERS**

Despite being against the law, the freedoms of pregnant women, children and babies were arbitrarily restricted under the SOE/KHK. In fact, hundreds of mothers, including postpartum mothers who have just given birth and whose children are breastfeeding, were deprived of their freedom with their babies. Hundreds of infants and young children had to spend the first years of their lives with their mothers in 4-5 square meters of prison cells.<sup>182</sup> During the COVID-19 epidemic, there were very painful cases. For example, when a mother in Sincan Women's Prison developed a high fever, she was thrown into a cell with her 3-4 year old son instead of being sent to the hospital.<sup>183</sup> This incident can be seen as yet another practice among the tools and methods of genocide such as "preventing the treatment" and "not counting the victims as human beings". Among the accounts that were collected during our research, there is information that a detained mother with two children was forced to share the same cell, the same bed and the same food with her two children throughout their detention.

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181 <https://www.yeniakit.com.tr/haber/feto-talimati-hamile-kalin-magdurlari-oynayin-420890.html> ; <https://www.sabah.com.tr/yazarlar/ovur/2017/09/22/fetonun-seytani-planl-hamilelik-testi> ; <https://www.timeturk.com/cezaevine-girmemek-icin-hamile-kalin-haber-703129> . The threat that "I will cause you to deliver your child dead", made by a prosecutor to a pregnant woman in custody, is among our report data.

182 <https://www.gazeteduvar.com.tr/turkiye/2019/12/01/annesiyile-hapiste-780-cocuk-var/> .

183 <https://odatv4.com/buyukelci-yapilan-saban-dislinin-pasaportuna-da-damga-vurulacak-mi-08091805.html> Ana-babalarından dolayı çocukları damgalamakta bir beis yoksa Lahey Büyükelçisi yapılan Şaban Dişli'nin pasaportuna da kardeş kontenjanından aynı damga vurulsun! <https://boldmedya.com/2020/03/26/sincanda-korona-semptomlu-tutuklular-huceyre-atiliyor-burada-bagira-bagira-oleceksiniz/Sincan'da-korona-semptomlu-tutuklular-huceyre-atiliyor-Burada-bagira-bagira-oleceksiniz/>

## 21. DEPRIVING INFANTS OF BEING BREASTFED

Postpartum mothers were kept in custody and cells and were not allowed to breastfeed their newborn babies. They had to express their milk, leave it to rot in glasses, throw it in the trash and sometimes pour it into the sink. The milk accumulated in the breasts of the postpartum mothers was used as an additional torture/tormentation or infliction tool.<sup>184</sup>

## 22. BABIES AND CHILDREN WHO ARE FORCED TO STAY / LIVE WITH THEIR MOTHERS IN PRISONS ARE NOT GIVEN SPECIAL BEDS, ADDITIONAL FOOD, TOYS, PLAYGROUNDS OR NURSERIES

Babies and children, who compulsorily had to stay with their mothers, who are victims of KHKs and who are imprisoned or convicted, were not provided with separate, extra beds, and separate food. No toys were allowed for them to play with, except for one or two simple toys. Adequate playgrounds or nurseries were not provided. Among the data compiled in the study, there is information that a prisoner mother with two children shared the same cell, the same bed and the same food with her two children. The SOE genocide regime looked at the children of the victims of the KHKs with an outdated and inhuman perspective, such as "the child of a terrorist is also a terrorist". Even babies were treated as "terrorists". They were even subjected to severe treatment, which in some respects was not even applied to real terrorists. Because the right to food, the right to bed, the right to sports, the right to education, the right to self-development, which were provided to those convicted of terrorism, were not provided to the babies/children of mothers who were KHK victims.<sup>185</sup> Some imprisoned mothers describe the victims as follows: "I always had problems in meeting the needs of my 3.5-year-old son who was staying with me in prison. When I asked to buy for my son the basic nutrients I needed from the outside canteen, the prison prosecutor dismissed it by saying, "This place is a prison." My child's clothes with English writing on them were not given to him. His toys are limited to 4. Play dough and balloons are not allowed inside. We went through a lot of things like this". "My 14-month-old baby was not given food, even though I asked for additional food. My baby's nails fell out due to malnutrition. But she was not cured. For the first 5 days, both me and my baby were not given clean plastic bottles of water. Instead we were told to drink the dirty running tap water. At the entrance to the prison, we were stripped up to our pads and searched naked".

## 23. SYSTEMATIC TORTURE AND ILL-TREATMENT

The SOE regime widely used torture and ill-treatment as a "systematic" state policy to crush and intimidate social opposition, to prevent seeking justice, to destroy the struggle for rights, and to render the law ineffective.<sup>186</sup> In the same

184 <https://twitter.com/hh8170/status/1263174291107065859?s=20> "Hayvana reva görülmeyen işkence"

185 Cemre Birand Anlatıyor, <https://twitter.com/TutsakBebekler/status/1485019599473197056> ; Yusuf'un Zinan Günlüğü, [https://www.youtube.com/watch?v=kkzcg4\\_Dmdk](https://www.youtube.com/watch?v=kkzcg4_Dmdk) ; Cezaevlerinde Anneleri ile Kalmak Zorunda Kalan Yüzlerce Bebeğe Dikkat Çeken "Yusuf'un Zindan Günlüğü" Animasyon Filmi Yayınlandı, <https://khktv.org/2022/01/16/cezaevlerinde-anneleri-ile-kalmak-zorunda-kalan-yuzlerce-bebege-dikkat-ceken-yusufun-zindan-gunlugu-animasyon-filmi-yayinlandi/>.

186 <https://ahvalnews.com/tr/iskence/ankara-emniyetinde-50den-fazla-kiz-ogrenciye-iskence-iddiasi> Ankara Emniyet'inde 50'den fazla kız öğrenciye işkence iddiası; <https://www.cumhuriyet.com.tr/haber/emniyette-iskence-iddialari-raporu-supheliler-aciga-alin-sin-1711445> Emniyet'te işkence iddiaları raporu: 'Şüpheliler açığa alınsın'; <https://www.gazeteduvar.com.tr/gundem/2019/12/28/ankara-barosundan-iskence-iddialarina-dair-rapor> Ankara Barosu'ndan işkence iddialarına dair rapor; <https://tr.euronews.com/2019/12/19/gergerlioglu-dan-ankara-emniyet-mudurlugu-ile-ilgili-aciklama-iskence-iddialari-cok-vahim> Gergerlioglu'dan Ankara Emniyet Müdürlüğü ile ilgili açıklama: İşkence iddiaları çok vahim; <https://tr.sputniknews.com/turkiye/201905281039184819-ankara-barosu-emniyette-5-kisi-yekence-yapildi/> Ankara Barosu'nun gözaltındakilerle yaptığı görüşme raporuna göre, karanlık bir odaya sokulan beş kişiye işkence yapıldı;

context, it provided legal and de facto immunity to torture through methods such as preventing investigations against public officials accused of torture, continuing their duties, and blackening the evidence. The torturers were allowed to continue their inhumane acts. Torture was encouraged, either covertly or openly. Some of the legal regulations that provide legal immunity to those who commit crimes in the name of political power are as follows:

(1) Article 37 of KHK No: 668 has the following sentences: "Legal, administrative, financial and criminal liabilities of the persons who have adopted decisions and executed decisions or measures with a view to suppressing the coup attempt and terrorist actions performed on 15/7/2016 and the ensuing actions, who have taken office within the scope of all kinds of judicial and administrative measures and who have adopted decisions and fulfilled relevant duties within the scope of the decree laws promulgated during the period of state of emergency shall not arise from such decisions taken, duties and acts performed." This provision is the most obvious evidence that the political power is fully aware of the crimes it has committed or has committed, and is determined to protect those who commit crimes in the name of its power and to block all remedies for the victims.

(2) Similar provisions on legal, administrative, financial and criminal liability were added to Article 9 of the Law No. 6749 on the Amendment of the Decree-Law on Measures Taken Under the State of Emergency, published in the Official Gazette dated October 29, 2016. ARTICLE 9-(1) included that the provision that persons who take decisions and fulfill their duties within the scope of this law shall not be liable for legal, administrative, financial or criminal liability due to their duties, whereas Article 10- (1) includes the provision that stay of execution cannot be decided in cases filed due to the decisions taken and actions taken within the scope of this law.

(3) Article 37 (1) of the Law No. 6755 on the "Adoption of the Amendments of the Decree Law on Measures to be Taken Under the State of Emergency and Arrangements Made on Certain Institutions and Organizations" published in the Official Gazette dated November 24, 2016: "Legal, administrative, financial and criminal liabilities of the persons who have adopted decisions and executed decisions or measures with a view to suppressing the coup attempt and terrorist actions performed on 15/7/2016 and the ensuing actions, who have taken office within the scope of all kinds of judicial and administrative measures and who have adopted decisions and fulfilled relevant duties within the scope of the decree laws promulgated during the period of state of emergency shall not arise from such decisions taken, duties and acts performed."

(4) Article 121 of the KHK No. 696 published in the Official Gazette dated December 24, 2017 brought the immunity armor of the law no. 6755 to the civilians who committed crimes on behalf of the government: "The following paragraph has been added to Article 37 of Law No. 6755 on the Adoption of the Amendments of the Decree Law on Measures to be Taken Under the State of Emergency and Arrangements Made on Certain Institutions and Organizations, dated 8 November 2016: "(2) Provisions of paragraph 1 shall also be applicable to those individuals who acted

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<https://www.patreon.com/posts/saatlerce-yapip-42986621> Saatlerce işkence yapıp namaz kıldılar, o zaman korktum: İşkenceyi bir ibadet gibi yapıyorlardı. Tıpkı İŞİD zihniyeti gibi." <https://boldmedya.com/2020/10/20/benimle-namaz-kildiklarinda-anladim-ki-iskenceyi-ibadet-olarak-goruyorlar/> Benimle namaz kıldıklarında anladım ki işkenceyi ibadet olarak görüyorlar. <https://twitter.com/myeneroglu/status/1509476796294746120?s=20&t=vqXq2f1rRh5IHmSUEXDKaQ> Terörist suçlamasına maruz bırakılan 1 milyon 600 binden fazla insan ve artık nefes alamaz hale gelmiş 85 milyonluk bir ülke.

with the aim of suppressing the coup attempt and the terrorist activities that took place on July 15, 2016 and actions that can be deemed as the continuation of these, without having regard to whether they held an official title or were performing an official duty or not.”

Under the protection of these immunity measures, complaints of torture from victims were mostly ignored or not recorded by the official authorities. The allegations were not investigated or the perpetrators were not allowed to be prosecuted. On the other hand, the Constitutional Court legitimized all unlawfulness by giving rejections to the lawsuits filed for the annulment of the above-mentioned KHKs and laws.

It was also seen that measures were taken to make it difficult to prove the crimes against humanity committed against the victims. For example, instead of corporal/physical torture methods such as brute beating, electrocution, sexual harassment, rape, waterboarding, which were applied to the expelled soldiers and police officers and their family members, mostly lower-intensity but continuous torture methods were used for the KHK victims and their families. For example, psychological torture methods such as keeping 45 people in 7-person wards, toilet and bathroom restrictions, isolation, naked search, delaying or preventing access to health services, swearing, insults, humiliation, restrictions on radio, television, books, social activities, education and sports were used. Thus, they aimed to increase the risk of physical illness by disrupting the physical health, mental balance and psychology of the victims. They tried to kill indirectly by delaying or preventing their treatment, triggering their psychological problems and leading them to suicide.

However, torture is one of the prohibitions with no exceptions under any circumstances, including the state of war, according to the United Nations "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" which entered into force on 26 June 1987. The Convention clearly states that the authorities cannot in any way give orders or instructions to their subordinates to torture, including in a state of war or under existential threat. Despite this, the SOE/KHK genocidal regime committed hundreds/thousands of systematic torture and ill-treatment in detention and prisons. Many examples of these tortures, enforced disappearances, kidnappings and unsolved murders are recorded in detail both in our reports and in the torture and ill-treatment reports of many human rights organizations.<sup>187</sup>

The practices of the SOE/KHK regime that encourage and protect the crimes and massacres against humanity that have been or will be carried out have another meaning. Those who consciously and deliberately commit or give orders

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187 HRW, 24 Ekim 2016 Raporu, Türkiye’de İşkeceye Açık Çek <https://www.hrw.org/tr/report/2016/10/24/295429> ; HRW, Gözaltında: Türkiye’de Polis İşkencesi ve İnsan Kaçırma Raporu <https://www.raporlar.org/hrwkacirmaveiskenceraporu/> ; Office of the United Nations High Commissioner for Human Rights, 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 [https://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf); United States Department of State, TURKEY 2018 HUMAN RIGHTS REPORT: Country Reports on Human Rights Practices for 2018, Bureau of Democracy, Human Rights and Labor ; <https://www.state.gov/wp-content/uploads/2019/03/TURKEY-2018-HUMAN-RIGHTS-REPORT.pdf> United States Department of State, TURKEY 2019 HUMAN RIGHTS REPORT: Country Reports on Human Rights Practices for 2019, Bureau of Democracy, Human Rights and Labor <https://tr.usembassy.gov/wp-content/uploads/sites/91/TURKEY-2019-HUMAN-RIGHTS-REPORT.pdf> ; <https://www.ihd.org.tr/category/c86-raporlar/c35-yk-raporlar/> İHD Yıllık Raporlar ; <https://www.ihd.org.tr/ihd-istanbul-subesi-SOEdeturkiye-raporu/> İHD İstanbul Şubesi, SOE’de TÜRKİYE RAPORU ; <https://tihv.org.tr/basin-aciklamalari/turkiyede-degisik-boyutlariyla-iskence-gercegi/> Türkiye’de Değişik Boyutlarıyla İşkence Gerçeği; <http://www.agos.com.tr/tr/yazi/16827/khk-lar-gozaltinda-iskenceyi-kolaylastirdi> ; <https://www.dw.com/tr/bm-raport%C3%B6r%C3%BC-t%C3%BCrkiyede-i%C5%9Fkence-iddialar%C4%B1-soru%C5%9Fturulmuyor/a-42762191> BM Raporörü: Türkiye’de işkence iddiaları soruşturulmuyor.

to commit all crimes against humanity against the KHK victims and their relatives are the individuals and groups that control the state power and institutions. They prevent their crimes from being investigated and prosecuted so that the crimes of bureaucratic or paramilitary forces that they use as tools or partners in their crimes cannot be exposed. However, it is not possible for efforts to hide all crimes against humanity, to prevent their investigation and trial, and to obfuscate evidence, will not be successful forever. Because the truth has a habit of coming out eventually.

## 24. FORCING VICTIMS AND THEIR RELATIVES TO COMMIT SUICIDE

In the implementations of the SOE regime, apart from the actual killings, many SOE/KHK victims and descendants were forced to commit suicide due to the systematic pressure and torture in detention centers and prisons. Demonization produced in the society in line with the genocidal will of the political power, the atmosphere of social lynching and the fact that even social contact could be considered a crime had a great impact on this. There are around 100 known cases of the suicide of SOE/KHK victims and their relatives. However, the findings we reached with our research determined that the real number was much higher. However, even the figures reflected to the public are far above Turkey's crude suicide rates in their current form.

There are serious doubts that many KHK victims were deliberately caused to commit suicide. For example, as described in the testimonies of the victims, after the severe torture sessions, the torturers "leave the place of torture by leaving suicide instruments where they can see and reach" in order to enable or facilitate the victims' suicide. Another victim statement is as follows: "My eldest daughter committed suicide because of being teased at her school and pressure she faced for her FETOist father". As a result, the victims and their relatives, whose social and economic life channels were systematically blocked, were kept in a kind of death corridor deadlock.<sup>188</sup> It is understood from the high rates of suicide among the KHK victims that the efforts to push them to commit suicide have been successful. In addition to individuals, mothers, fathers and children who commit suicide by falling into a deep depression in the social genocide environment, there are even examples of mothers or fathers who first kill their children and then commit suicide.<sup>189</sup>

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188 <https://twitter.com/i/status/1294097861240672261> Erdoğan: Ağırlaştırılmış da oldu, müebbetle olsa cezaevinde onları beslemek bile bana ağır geliyor <http://www.cumhuriyet.com.tr/haber/bursa-barosu-baskanindan-khk-paylasimi-o-avukat-bu-yuzden-canina-kiydi-1348093> ; [https://twitter.com/KHKLI\\_Platformu/status/1207724359130988544?s=20](https://twitter.com/KHKLI_Platformu/status/1207724359130988544?s=20) Kan kusuyordu, vefat etti!

189 KHK mağduru İbrahim Öztürk'ün eşi Seher Denizli'de bunalıma girerek Önce engelli çocuğunu öldürdü. Ardından da kendisi intihar etti: <https://twitter.com/VuralErgul2/status/1550566114731737091?t=M-dlpkigoq9EmOalHEnZLg&s=08> , KHK mağduru avukat Emine Üzel Ahmadi bayram günü intihar etti: Geride 4 aylık bebeği kaldı, <https://kronos35.news/tr/gergerlioglu-duyurdu-khkli-avukat-emine-uzel-ahmadi-intihar-etti/> , Dört Yıldır Tutuklu KHK mağduru Öğretmenin 16 Yaşındaki Oğlu Bahadır Odabaşı İntihar Etti, <https://onedio.com/haber/4-yildir-tutuklu-khk-li-ogretmenin-16-yasindaki-oglu-bahadir-odabasi-intihar-etti-1035518> , Üç çocuk babası KHK mağduru Ahmet Ongun Ordu'da kendini yakarak intihar etti, <https://twitter.com/avcemilcicek/status/1499863729688788994> , Kanun Hükmünde Kararname (KHK) ile ihraç edilen biri 7 aylık 3 çocuk annesi, 37 yaşındaki hemşire Sevgi Balcı, Isparta'da kendini asarak intihar etti. <https://www.sondakika.com/haber/haber-khk-ile-ihrac-edilen-hemsire-intihar-etti-9973951/> , KHK mağduru anneler psikolojik sorunlar yaşayan çocukları için Gergerlioğlu'nu aradı: 'Başka intiharlar olmasın', <https://kronos35.news/tr/khkli-anneler-psikolojik-sorunlar-yasayan-cocuklari-icin-gergerlioglunu-aradi-baska-intiharlar-olmasin/> .

## **25. CAUSING DEATH/PHYSICAL EXTINCTION BY DELIBERATE SOCIAL, ECONOMIC AND PSYCHOLOGICAL PRESSURES AND DENIAL OF ACCESS TO HEALTH SERVICES**

Although the victims or their relatives did not commit suicide despite all the pressures, more than 1,000 people still lost their lives due to the hardships they experienced.<sup>190</sup> Their livelihoods were taken from them, they were prevented from benefiting from social security benefits and therefore their access to health services was severely restricted. Even if they were able to survive under a social lynching and in an environment of heavy oppression, they suffered a fate that could be called death in an environment of great stress, hopelessness or demoralization they were forced to suffer. Due to factors such as heart attacks, severe diseases such as cancer, recurrence of similar diseases they had in the past, and exacerbation of existing diseases, a large number of people who were victims of KHK died.

Some victim statements are as follows: "My eldest daughter committed suicide because she was exposed to mobbing at her school and because of the pressure she had to face due to the 'FETOist father'". "I had my first child after being expelled and we lost it at birth. My wife's psychological problems and my inability to take her to a comprehensive and equipped hospital were most likely effective in this. Both death and life are in the hands of Allah. We believe so, but it is necessary to see those who caused it".

The deaths among the KHK victims or their relatives were much higher than the Turkey average. One of the notable deaths is the death of Colonel İsmail Gül, a veteran of the Cyprus peacekeeping operation who had retired from the army 21 years ago. His son was claimed to have installed the ByLock application on his phone, and Gül was deprived of his rank and all his retirement rights, on the grounds that he was the father of his son, with the Decree No. 692. He was demoted to the rank of a mere private. Colonel Gül, unable to withstand the stigma of "treason and terrorism" made against him by printing his name in the Official Gazette, passed away on 11 December 2017. The Colonel was found to have been wronged months after his death. It was also revealed that his son did not have ByLock on his phone. The Colonel's rights and rank was reinstated, but he was no longer alive.<sup>191</sup> Similarly, dozens of people were reinstated after their deaths, and although they were tried and acquitted, they died while waiting to be reinstated. One of them is Professor Haluk Savaş, one of the founders of many organizations operating in the field of human rights, such as the Union of the Platforms of KHK Victims, KHK Academy, KHK TV.<sup>192</sup>

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190 For detailed information on the number of deaths and trends in the following headings, in terms of different segments of society in terms of gender, age and disability, and for the number and lists of deaths reflected on social media, see: <https://bitenhayatlar.com/category/vefatlar/> and <https://www.solidaritywithothers.com/deaths>. However, the actual numbers are much higher.

191 <https://www.hurriyet.com.tr/gundem/mezarda-iade-i-itibar-40890488> ; Nedim Şener, Kahraman Hainler, Destek Yayınları, 2018, Sayfa: 226; "1. derecede yakınında, eş, baba, anne, çocuğunda ByLock çıkan kişi 2.000 puan ile 'görevden uzaklaştırma veya atılmayla' cezalandırılır."

192 [https://twitter.com/biten\\_hayatlar/status/1237078926415060993?s=20](https://twitter.com/biten_hayatlar/status/1237078926415060993?s=20) ; <https://www.youtube.com/watch?v=gZRJ0-UBGwM> ; <https://boldmedya.com/2020/11/11/cezaevinde-olume-mahkum-edilen-khkli-kanser-hastasi-dogdugu-koye-defnedildi/> ; <https://www.gazeteduvar.com.tr/gundem/2020/06/30/prof-dr-haluk-savas-vefat-etti/> ; <https://yesilgazete.org/blog/2020/07/01/prof-dr-haluk-savas-vefat-etti/> ; <https://www.tr724.com/haluk-savas-evinde-vefat-etti-kalbi-kirik-gitti/> .

## **26. CAUSING THE DEATH/PHYSICAL EXTINCTION OF WOMEN, RELATIVES OF VICTIMS OR DESCENDANTS, THROUGH DISEASES OR SUICIDES THAT DEVELOP AS A RESULT OF CONSCIOUS SOCIAL, ECONOMIC AND PSYCHOLOGICAL PRESSURES**

There is no definite number of people who lost their lives under the pressures of the SOE regime. However, according to the compilations made from the news reflected on the social media, it is known that more than 160 women lost their lives in this process. Our research is full of examples of how many victims and their families lost their lives under the SOE regime's pressure, either from natural causes or by suicide. Among the causes of these tragedies are many social genocide practices such as making the lives of the victims and their relatives unlivable, the destruction of their income sources, thus condemning them to hunger and despair, and the severe social lynching and isolation they are subjected to. However, since the official records do not contain any separate records of the deaths of the KHK victims or their relatives, we unfortunately do not have a clear source as to the size of the actual numbers. According to our research, the death and suicide rates among KHK victims and their relatives are estimated to be almost 30 times higher than the Turkey average, considering crude death rates delivered by the TurkStat.

## **27. CAUSING THE DEATH/PHYSICAL EXTINCTION OF CHILDREN, RELATIVES OF VICTIMS OR DESCENDANTS, THROUGH DISEASES OR SUICIDES THAT DEVELOP AS A RESULT OF CONSCIOUS SOCIAL, ECONOMIC AND PSYCHOLOGICAL PRESSURES**

There is no clear number of children who lost their lives under the pressures of the state of emergency. However, it is known that more than 60 children lost their lives in this process based on the research on and through social media. Information about young children who lost their lives or committed suicide because of the social lynching and isolation they were exposed to, because their lives were made unlivable under the pressures of the state of emergency, their families were broken up, their economic income sources were destroyed, and they were sentenced to hunger and helplessness are among the findings and data of our research. However, since the official records do not contain any separate records of the deaths of the KHK victims or their relatives, we unfortunately do not have a clear source as to the size of the actual numbers. According to our research, the death and suicide rates among KHK victims and their relatives are estimated to be almost 30 times higher than the Turkey average, considering crude death rates delivered by the TurkStat.

## **28. CAUSING THE DEATH/PHYSICAL EXTINCTION OF THE ELDERLY, RELATIVES OF THE VICTIMS OR DESCENDANTS, THROUGH DISEASES OR SUICIDES THAT DEVELOP AS A RESULT OF CONSCIOUS SOCIAL, ECONOMIC AND PSYCHOLOGICAL PRESSURES**

The exact number of victims who lost their lives due to the difficulties they experienced under the pressure of the state of emergency is not known. However, it is known that many elderly people lost their lives according to the table that emerged in the research made through social media and within the framework of our own research data. Information about the elderly who lost their lives or committed suicide because of the social lynching and isolation they were exposed to, because their lives were made unlivable under the pressures of the state of emergency, their families were broken up, their economic income sources were destroyed, and they were sentenced to hunger and helplessness are among the findings and data of our research. However, since the official records do not contain any separate records of the deaths of the KHK victims or their relatives, we unfortunately do not have a clear source as to the size of the actual

numbers. According to our research, the death and suicide rates among KHK victims and their relatives are estimated to be multiple times higher than the Turkey average.

### **29. CAUSING THE DEATH/PHYSICAL EXTINCTION OF PERSONS WITH DISABILITIES, RELATIVES OF VICTIMS OR DESCENDANTS, THROUGH DISEASES OR SUICIDES THAT DEVELOP AS A RESULT OF CONSCIOUS SOCIAL, ECONOMIC AND PSYCHOLOGICAL PRESSURES**

There is no clear information about the number of people with disabilities who lost their lives due to the intense pressures of the state of emergency regime. However, it is known that many disabled people lost their lives in the process, within the framework of research on or through social media, as well as the data of our own research. Our research data also reveals that because their treatment was interrupted or prevented due to the pressures and persecution of the SOE regime, because life was made completely unlivable for them, because families were broken up, their economic income sources were destroyed, and they were sentenced to hunger and many social lynching and being left alone. As a result of the genocidal methods, many KHK victims lost their lives. It is worth repeating that, since there is no special record of the death of the disabled KHK victims or the disabled relatives of the KHK victims, the actual figures cannot be known exactly. However, numerous research findings reveal that the death rate among the disabled people, who are among the KHK victims, their relatives or descendants, is much higher than the Turkey average.

### **30. CAUSING THE DEATH/PHYSICAL EXTINCTION OF WOMEN, RELATIVES OF VICTIMS OR DESCENDANTS, AS A RESULT OF DELAYING OR PREVENTING THEIR TREATMENT**

There is no definite number of women who lost their lives under the intense pressure and persecution of the SOE regime. However, it is known that many women lost their lives as a result of delaying or preventing their treatment, according to the picture that emerged within the framework of the data we obtained as a result of the research made through social media and the studies we carried out in person. Among the data we obtained within the scope of our research, it was seen that many women lost their lives as a result of a myriad of methods such as social lynching and isolation, as their lives became unlivable under the regime pressure, their families were broken up, and their income sources were destroyed and they were condemned to hunger and despair as a result of social lynching and isolation. It is worth repeating that, since there is no special record of the death of the female KHK victims or the female relatives or descendants of the KHK victims, the actual figures cannot be known exactly. However, numerous research findings reveal that the death rate among the women, who are among the KHK victims, their relatives or descendants, is much higher than the Turkey average.

### **31. CAUSING THE DEATH/PHYSICAL EXTINCTION OF CHILDREN, RELATIVES OF VICTIMS OR DESCENDANTS, AS A RESULT OF DELAYING OR PREVENTING THEIR TREATMENT**

There is no clear figure on the number of children who lost their lives under the pressure and persecution of the SOE regime. However, it is known that many children lost their lives as a result of delaying or preventing their treatment, according to the picture that emerged within the framework of the data we obtained as a result of the research made through social media and the studies we carried out in person. The death of 8-year-old Ahmet Burhan Ataç by prevent-

ing cancer treatment is one of the death events that resonated with the public.<sup>193</sup> Among the data we obtained within the scope of our research, it was seen that many children lost their lives as a result of a myriad of methods such as social lynching and isolation, as their lives became unlivable under the regime pressure, their families were broken up, and their income sources were destroyed and they were condemned to hunger and despair as a result of social lynching and isolation. For example, some of the participants in our study have many victim statements such as "my child was small, his treatment was incomplete", "my child was dreaming of the day his father would return to his profession, he passed away with those dreams". It is worth repeating that, since there is no special record of the death of the children of KHK victims or the child relatives or descendants of the KHK victims, the actual figures cannot be known exactly. However, numerous research findings reveal that the death rate among the kids, who are among the KHK victims, their relatives or descendants, is much higher than the Turkey average.

### **32. CAUSING THE DEATH/PHYSICAL EXTINCTION OF THE ELDERLY, RELATIVES OF VICTIMS OR DESCENDANTS, AS A RESULT OF DELAYING OR PREVENTING THEIR TREATMENT**

There is no clear figure on the number of the elderly who lost their lives under the pressure and persecution of the SOE regime. However, it is known that many children lost their lives as a result of delaying or preventing their treatment, according to the picture that emerged within the framework of the data we obtained as a result of the research made through social media and the studies we carried out in person. Among the data we obtained within the scope of our research, it was seen that many elderly lost their lives as a result of a myriad of methods such as social lynching and isolation, as their lives became unlivable under the regime pressure, their families were broken up, and their income sources were destroyed and they were condemned to hunger and despair as a result of social lynching and isolation. It is worth repeating that, since there is no special record of the death of the elderly KHK victims or the elderly relatives or descendants of the KHK victims, the actual figures cannot be known exactly. However, numerous research findings reveal that the death rate among the elderly, who are among the KHK victims, their relatives or descendants, is much higher than the Turkey average.

### **33. CAUSING THE DEATH/PHYSICAL EXTINCTION OF THE PERSONS WITH DISABILITIES, RELATIVES OF VICTIMS OR DESCENDANTS, AS A RESULT OF DELAYING OR PREVENTING THEIR TREATMENT**

There is no concrete figure on the number of the disabled who lost their lives under the pressure and persecution of the SOE regime. However, it is known that many disabled people lost their lives as a result of delaying or preventing their treatment, according to the picture that emerged within the framework of the data we obtained as a result of the research made through social media and the studies we carried out in person. Among the data we obtained within the scope of our research, it was seen that many people lost their lives as a result of a myriad of methods such as social lynching and isolation, as their lives became unlivable under the regime pressure, their families were broken up, and their income sources were destroyed and they were condemned to hunger and despair as a result of social lynching and isolation. It is worth repeating that, since there is no special record of the death of the disabled KHK victims or the

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<sup>193</sup> <https://www.karar.com/kanser-hastasi-8-yasindaki-ahmet-burhan-atac-hayatini-kaybetti-1561503> ; <https://tr.euronews.com/2020/05/07/kanser-hastasi-8-yasindaki-ahmet-atac-hayata-veda-etti-anne-zekiye-baba-harun-adana-tarsus> ; <https://www.cumhuriyet.com.tr/haber/kanser-hastasi-8-yasindaki-ahmet-yasamini-yitirdi-1737449> ; <https://www.birgun.net/haber/8-yasindaki-ahmet-atac-kansere-yenik-dustu-299941> .

disabled relatives or descendants of the KHK victims, the actual figures cannot be known exactly. However, numerous research findings reveal that the death rate among the elderly, who are among the KHK victims, their relatives or descendants, is much higher than the Turkey average.

### **34. ATTEMPTS OF ASSASSINATION TOWARD VICTIMS**

There is information that the victims, who were likely to reveal some information against the will of genocide, have been tried to be killed by the assassins or that they are allowed to be attacked, either in prisons or outside.<sup>194</sup>

### **35. FORCING VICTIMS TO DIE/PHYSICAL EXTINCTION BY PREVENTING THEIR TREATMENT OR MAKING THEIR LIVING CONDITIONS UNBEARABLE**

There are hundreds of sick prisoners in need of care in prisons. Despite the clear provisions in the health board reports issued by the authorized health boards for the majority of these individuals, stating that "the prisoner's life is in danger, the sentence needs to be postponed, the person cannot live alone during treatment in prison conditions, and their illness is permanent," court committees often deprived prisoners of their liberty, treatment, and essential care.

Imprisoning inmates, sometimes 4 times more than the capacity of these wards, keeping pregnant women, the elderly, the disabled and thousands of people in need of treatment and care in inhumane conditions of prisons, depriving them of medical opportunities and rights caused them to lose their lives. Such obstructions are made with the intention of "compromising living conditions", which is one of the elements of the crime of genocide. Public officials, who surrender to the criminal will of the genocide bureaucracy, prevent the treatment of the victims and deprive them of their medical, civil, humanitarian and companion rights, despite the reports of the health boards that they must be "released", causing these people to lose their lives. It is worth noting that in some cases victim prisoners were hastily released when they were about to die to keep the number of deaths in prisons low.<sup>195</sup>

One of these cases is what was done to the journalist named Mevlüt Öztaş. After being imprisoned in 2018, Öztaş contracted pancreatic cancer in prison. He was cuffed to his feet even while undergoing chemotherapy treatment. Unnecessary cuffing of a person, in a degrading manner is a crime of torture. With a decision dated June 4, 2020, the health board determined that Öztaş's life was in danger, his sentence must be postponed, that he cannot live alone during treatment in prison conditions, that he needed the care of someone else, that his illness was not temporary but permanent, and stated that he should be released. The report of the Board was submitted to the court on 5 June 2020 through a lawyer. On the same day, the same report was submitted as an annex to a petition by his first-degree relative and Öztaş's release was requested. Then, on June 8, 2020, once again, the report was submitted directly to the court to decide, by a first-degree

<sup>194</sup> <https://t24.com.tr/haber/bakanlar-hakkinda-bildiklerim-var-demisti-feto-den-tutuklu-is-insani-cezaevinde-sislendi,866407>  
"Bakanlar hakkında bildiklerim var, konuşsam yer yerinden oynar" demişti, şişlendi.

<sup>195</sup> Gergerlioğlu: 'Hasta mahpus ölümleri cinayet, faili ise devlettir' <https://ahvalnews.com/tr/cezaevlerinde-hak-ihlalleri/gergerlioglu-hasta-mahpus-olumleri-cinayet-faili-ise-devlettir>; Silivri Cezaevi'nde vefat eden Şükrü Tuğrul Özşengül'ün savunması: "Kalp krizi geçirdim, yoğun bakımda kelepçelendim. Cezaevine dönünce 5 gün kalp ilacım verilmedi. İkinci defa kriz gelirimsem kurtulamayabilirim. Tutuklu kal-mam ölüm fermanımı imzalamanızdır." <https://twitter.com/UyumluTris/status/1554165415219236864>, <https://boldmedya.com/2020/11/11/cezaevinde-olume-mahkum-edilen-khkli-kanser-hastasi-dogdugu-koye-defnedildi/>.

relative, as an appendix to another petition, and the prisoner's release was requested. However, in its examination on the file on 9 June, the court decided that Öztaş, who was in urgent need of care and in danger of life should be kept in prison under inhumane conditions, on the grounds that "judicial control measures would be insufficient otherwise". It did not even approve of the methods allowed by law, such as house arrest and electronic cuffs.

When Mevlüt Öztaş was finally released, his condition had exacerbated to the point of no return. He died a short time later. As seen in this case, it would not be wrong to conclude that the judicial authorities, who do not use the judicial control measures provided by the law, act in an organized and deliberate manner, although there are no requirements and the decisions of the health boards demand immediate release. Intentionally making living conditions unlivable, preventing the treatment and care of patients in need of care, forcing them to die by depriving them of accompaniment despite their civil and humane conditions, medical facilities and accompanying needs, became one of the prominent methods of the genocide systematic implemented in the SOE regime.<sup>196</sup>

Similar deliberate practices continued during the COVID-19 pandemic.<sup>197</sup> Many international and national institutions and organizations, especially UN institutions, drew attention to the inhumane conditions in prisons and called for the temporary release of prisoners due to the risk of pandemic.

In the execution law, which was published in the Official Gazette on April 14, 2020, KHK victims and political prisoners were excluded from the scope of release facility. Thus, they left the imprisoned victims in a death corridor that gradually ended in death.

### **36. SENDING VICTIMS AND DESCENDANTS TO DEATH/PHYSICAL EXTINCTION BY DEPRIVING THEM OF ALL SOCIAL SECURITY SERVICES AND BENEFITS**

Code 36 or code 37 added to the Social Security Institution records of KHK victims meant that these people were filed. Thus, the victims and their relatives were completely prevented from benefiting from the services that the social state should provide to its citizens, by arbitrarily and selectively usurping all kinds of health insurance rights and material and moral guarantees. As a result, many citizens lost their lives due to neglect, malnutrition and stress, either naturally or by suicide.

As the victims became unemployed after the expulsion, they were deprived of social security protection. They were prevented from getting a new job and working because of the codes on them, and they were forced to pay a fee/premium for benefiting from SGK health services. However, most of them could not afford to pay the fee, as all their income opportunities were cut off. Simply put, they were rendered unable to buy a drug from a pharmacy.

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<sup>196</sup> Mevlut Aktaş, 23 Haziran 2020 günü kamuoyundan gelen yoğun baskılar sonucu tahliye edildi. Ancak, onun gibi durumu sağlık durumu kritik olan onlarca hastanın mağduriyeti devam ettirilmektedir. <https://www.a3haber.com/2020/06/24/kanser-hastasi-olan-tutuklu-gazeteci-mevlut-oztas-tahliye-edildi/>; <https://aktifhaber.com/15-temmuz/kanser-hastasi-gazeteci-mevlut-oztas-tahliye-edildi-h146758.html>.

<sup>197</sup> <https://tr.euronews.com/2020/05/11/cezaevlerinde-covid-19-vakas-art-yor-mu-mahkum-yak-nlar-sosyal-medyada-sesini-duyurmaya-ca>.

Such usurpation of rights was not applied to everyone, but selectively to some people. This eclecticism aims to create discord among the victims of the KHKs.

### **37. SENDING VICTIMS AND DESCENDANTS TO DEATH/PHYSICAL EXTINCTION BY PREVENTING ALL KINDS OF FAMILY SUPPORT AND SOCIAL SOLIDARITY AIDS**

Any aid to the victims, from their social circles or even from their own family members, was charged with the heavy accusation of "supporting terrorism". Many people were arrested just because they helped the victims.<sup>198</sup> This situation prevented the giving of humanitarian aids such as fitra, zekat alms, grants and debts to the victims, their families and descendants from their social circles. If those who tried to help the victims, albeit secretly, were detected, they were caught like terrorists with operations of the anti-terror police accompanied by cameras of the embedded media, and thus the whole society was intimidated.

### **38. SENDING VICTIMS AND DESCENDANTS TO DEATH/PHYSICAL EXTINCTION BY DISMISSING THEM FROM WORK IN THE PUBLIC SECTOR, PREVENTING THEM FROM WORKING IN PUBLIC INSTITUTIONS**

The genocidal practice of completely banning from working in the public sector on unproven accusations such as "affiliation or contact with a terrorist organization" was not limited to the accused person alone. It was applied arbitrarily under the names such as "Interview" and "Security Investigation" to individuals with kinship ties, such as the spouse of the victim, descendants of lower/upper lineage, siblings with deliberate discrimination, which was applied selectively.<sup>199</sup> Some of the victims described this unlawful practice as follows: "My son, who is an Industrial Engineer from Boğaziçi University, won the Ministry of Energy and Natural Resources exam twice. In both of them, they were eliminated in the interview in Ankara because of me". "My child was eliminated in the exam he took for public office, saying "Your father was expelled". "My child graduated from police school and got a certificate. He was eliminated in the interview 3 days before the swearing-in ceremony and could not become a police officer". "Because there was a legal action against us, they didn't take my child to the sergeant school he won." "My child gets stuck in the security investigation for government job applications": "My son could not pass the security investigation because of his father". "They fired my daughter and her husband because I was under the statutory decree". "Because I was expelled by a statutory decree, my son, who was about to graduate from the Police School, was deemed unsuccessful in the interview when he started his duty, and they played with his life." In the SOE/KHK genocide, there were also great arbitrariness in the line of lineage. Some citizens were subjected to the above sanctions because of their lineage. descendants of the victims were appointed to the State of Emergency Investigation Commission, and some were even made ambassadors.<sup>200</sup>

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198 <https://kronos34.news/tr/abla-yalcinkaya-khkli-kardeslerine-yardim-ettigi-icin-hapse-atildi/> Hilal Yalçınkaya KHK mağduru kardeşlerine yardım ettiği için hapse atıldı; <https://youtu.be/unOyv0YxuTY?t=777> Hilal Yalçınkaya: Kardeşlerime yardım ve yataklıktan beni gözaltına aldılar. [https://twitter.com/kiz\\_deli1/status/1341457426931957761?s=20](https://twitter.com/kiz_deli1/status/1341457426931957761?s=20) Fatmagül Yılmazın babasının avukatlığını yaptığı için 7 yıl 5 ay ceza aldı ve hâlâ hapiste.!

199 <https://twitter.com/khktelevizyonu/status/1341083836164280320?s=20> Babası KHK mağduru diye ablasıyla birlikte polis okulundan attılar. KHK mağduru Halil Karaca'nın hikayesi.

200 <https://odatv4.com/buyukelci-yapilan-saban-dislinin-pasaportuna-da-damga-vurulacak-mi-08091805.html>

### **39. SENDING VICTIMS AND DESCENDANTS TO DEATH/PHYSICAL EXTINCTION BY DISMISSING THEM FROM THEIR JOBS IN THE PRIVATE SECTOR, PREVENTING THEM FROM WORKING IN THE PRIVATE SECTOR**

For the victims, who were dismissed from their positions in the public sector with the KHKs, any possibility to return to the public sector was completely eliminated as well as their opportunity to work in the private sector. As we mentioned above, because of code 36 and code 37 recorded in the SGK records of these people, not only themselves but also their relatives began to have difficulties in finding a job in the private sector. For example, many private sector companies that received public tenders either did not hire KHK victims or their relatives or dismissed such people who were previously working in their organization. It has been observed that some sanctions have been imposed by the public sector on companies that do not behave in this way and continue to employ the people in question despite the codes 36 and 37. For example, these companies were either not given new tenders or heavily penalized by sending them tax inspectors. Some companies were even threatened to close their workplaces or appoint a trustee to their management if they did not dismiss the people in question with phone calls or in person threats. Other private sector companies, who heard about such unlawful treatment to private companies in the hands of the state inspectors, especially avoided hiring people who were victims of that public opinion in order not to encounter similar problems. The statement of a KHK victim is as follows: "One year after I was expelled by a KHK, the private kindergarten where my wife worked fired my wife, saying, "Your husband has been expelled. We got a call from above!"

An example of all these is a circular numbered 15520822-405.99-E 7783529, dated 21 July 2016, sent by the Ministry of National Education, General Directorate of Private Education Institutions to the National Education Directorates of all provinces through the governorships. The circular was published 2 days before the publication of the KHK No. 667, which was published in the Official Gazette dated 23/7/2016 and numbered 29779, within the scope of the SOE measures and closed many private education institutions. The administrators, educators, teachers, specialist trainers, master trainers and other personnel working in the said institutions were identified through the Ministry of National Education Information Systems (MEBBIS) and their work permits were requested to be canceled by the governorships. The text also included an order to process the necessary information on MEBBIS and not to issue work permit approval for these people in a private education institution.<sup>201</sup> This circular of the Ministry of National Education and other orders and instructions that it has issued later is one of the important examples of how the KHK victims were caught in the grip of annihilation through the MEBBIS system. However, the political power would not have found it satisfactory in the long run that the usurpation of human rights it carried out against the KHK victims was fulfilled with a circular, as it later perpetuated this injustice with an amendment to the "Private Education Institutions Law".

Article 11 of the Law No. 7141 on the Amendment of the Higher Education Law and Some Laws and Decrees with the Force of Law, published in the Official Gazette dated May 18, 2018 and numbered 30425 amended the first paragraph of Article 4 of the "Private Education Institutions Law" dated February 8, 2007 and numbered 5580. With this amendment, it was made illegal to employ people who oppose the government, especially those who are blacklisted by the government with the KHKs and their relatives, as founders, managers or personnel in private education institutions.

<sup>201</sup> [https://oogkm.meb.gov.tr/meb\\_iys\\_dosyalar/2016\\_07/21051151\\_fetopy.pdf](https://oogkm.meb.gov.tr/meb_iys_dosyalar/2016_07/21051151_fetopy.pdf)

After this change was published in the Official Gazette, the authorities began to take the administrators of private education institutions to court, who did not listen to the pressures and threats not to employ their relatives or descendants regardless of whether they were directly targeted by a KHK or not. As a result of lawsuits filed by official institutions, samples of official documents related to the situation of the KHK victims and their relatives, who were terminated by a court decision, are among our data sources.

#### **40. MOBBING AND HARASSMENT PRACTICES AND PREVENTION OF PROMOTION OF THE RELATIVES OF KHK VICTIMS WORKING IN THE PUBLIC SECTOR**

The relatives of the KHK victims, who were not dismissed from their jobs, were seen as "objectionable personnel" this time and were subjected to numerous kinds of exile, harassment and mobbing practices. Thus, many of them were prevented from being promoted in their positions. The statements of the relatives of the two KHK victims are as follows: "I was prevented from being promoted to duty". "Because of my spouse, my academic promotion didn't go through. I was not given my associate professorship. Professorship is not available now. I was not investigated, I was not suspended. But I am regarded as objectionable because my spouse was expelled from the public service and did not start to work. My spouse is a victim of the purple brain. Purple brain victims were recruited."

#### **41. REVOCATION OR DENIAL OF PROFESSIONAL OR WORK LICENSES TO LEAD VICTIMS AND DESCENDANTS TO PHYSICAL EXTINCTION**

The rights of victims of social-genocide to use, renew or extend professional licenses or certificates that they already held or subsequently earned were usurped. Examples of licenses subject to such violations of rights are teaching license, attorney license, private security license, piloting license, parachute license, seafaring license, diving license, occupational health and safety license, occupational medicine license, real estate appraisal license, Ministry of Finance internal auditing license, expert authority/license, sworn translator authorization/license.<sup>202</sup> Victims were not given the license documents and professional certificates they deserved, equivalence certificates were not issued, existing license or authorization certificates were revoked, their right to obtain different professional licenses was usurped and they were unable to perform their profession, which they had been practicing for years, in Turkey or elsewhere in the world. In this way, they were almost made into the living dead, increasing the likelihood that they would actually die.

#### **42. PREVENTING THE VICTIMS AND THEIR RELATIVES FROM ACQUIRING A NEW PROFESSION, ESTABLISHING A BUSINESS AND WORKING IN A NEW OR DIFFERENT JOB BY PREVENTING THEM FROM BENEFITING FROM VOCATIONAL TRAINING COURSES**

Victims of KHK were prevented from participating in and benefiting from new vocational training or vocational specialization programs and were systematically excluded from such programs organized by institutions like İSMEK, İŞKUR,

<sup>202</sup> <https://www.youtube.com/watch?v=wECW6iLyDvE> "Uzmanlık eğitimi almama izin verilmedi"; <https://twitter.com/Leventism/status/1347819503837708289> Levent Mazılıgüney, Kamu İç Denetçi Adaylığı sınavını Türkiye 5. olarak kazandım. A2 seviyesinde iken kamu görevinden çıkarıldım ve iç denetçilik lisansım da iptal edildi. <https://www.hmb.gov.tr/duyuru/ic-denetci-kadrosunda-bulunanlardan-kamu-ic-denetci-sertifikasi-iptal-edilenler-3> T.C. Hazine ve Maliye Bakanlığı, 689 sayılı KHK kapsamında iç denetçi kadrosunda bulunanlardan kamu iç denetçi sertifikası iptal edilenler listesi.

MoNE, Ministry of Health, Ministry of Finance. Due to codes 36 and 37 in SGK, İŞKUR and e-state records indicating that they were dismissed from their jobs with KHKs, they were not registered for any vocational training courses. Those whose registrations were made inadvertently were either deleted from their registrations or they were not given course completion or professional competency certificates. As intended in the cancellation of the professional competence, expertise and work licenses they had gained before their victimization, with this method, the KHK victims were prevented from pursuing a new profession, opening a new workplace or finding a job in a new profession.<sup>203</sup> A victim statement on this matter is as follows: "I applied for an entrepreneurship certificate. Even though my documents were accepted, at the end of the 1st day of the training, I was told that I was fired with a KHK and hence 'banned' and I was not allowed to participate."

#### **43. THE USURPATION OF THE RIGHTS OF THE VICTIMS AND THEIR CHILDREN TO DO INTERNSHIP**

The rights of the victims to do internships were usurped not only in the public sector, but also in the private sector like preventing freelance accountancy.<sup>204</sup> Similarly, there is information in our research data that the children of KHK victims are prevented or prohibited from doing internships in state institutions such as the Central Bank.

#### **44. THE USURPATION OF EDUCATION AND SELF-DEVELOPMENT RIGHTS OF THE KHK VICTIMS AND THEIR FAMILY MEMBERS BY CUTTING THE CONTINUING EDUCATION SCHOLARSHIPS AND/OR REQUESTING THESE SCHOLARSHIPS RETROACTIVELY**

The right of many students to use the scholarships they have won in domestic and foreign universities has been usurped because they are KHK victims or relatives of victims. The statement of a KHK victim on this matter is as follows: "Although my brother was the 3rd in the university [in terms of his GPA], his university scholarship has been canceled".

In another incident, with the directive of the Ankara Police Department, which is affiliated to the Ministry of Interior, the General Directorate of Credits and Dormitories affiliated to the Ministry of Youth and Sports canceled the education loan of 2 university students on March 24, 2020. They were asked to repay the amount previously granted with legal interest. Similar practices were also experienced in other provinces, in many institutions such as MEB and TUBITAK. Cancellation of a continuing education scholarship by KHK, and requesting this scholarship back with interest retroactively is an practice that can only be made with the intention of social-genocide. It has no purpose other than to render the targeted students unable to further their education, to crush them, to destroy them socially and economically, and is unlawful.<sup>205</sup>

203 <https://twitter.com/gazeteduvar/status/1328962841928404993> ; <https://twitter.com/BatcMd/status/1329327740412104705?s=20> ; <https://twitter.com/FthanI21/status/1329334413470142464?s=20> ; <https://www.gazeteduvar.com.tr/seracilik-kursuna-khk-engeli-haber-1504669> ; <https://artigercek.com/haberler/seracilik-kursuna-khk-engeli-artik-gelmeyin> ; <https://www.boldmedya.com/2019/11/04/iskur-khk-ile-cikartilanlara-kurs-vermiyoruz/> , <https://www.gazeteduvar.com.tr/is-kur-khkliyseniz-sartlari-saglamaz-yetmez-haber-1509634> İŞKUR'a başvuran ve başvurusu kabul edilen birçok KHK'liye kurum, "Artık gelmeyin. Çünkü KHK'lisiniz" diyor. <https://www.gazeteduvar.com.tr/khkli-diye-sinavi-kazanan-doktorlara-is-yeri-hekimi-sertifikasi-verilmiyor-haber-1552808> 'KHK'li' diye sinavi kazanan doktorlara iş yeri hekimi sertifikası verilmiyor.

204 <https://www.birgun.net/haber/khk-ile-ihrac-edilen-akademisyenin-staj-mucadelesi-suruyor-153633> .

205 <http://yeniyasamgazetesi1.com/kayyum-ogrencilerden-bursu-faiziyle-istedi/> ; <https://twitter.com/Varyokyokvar/status/1329383402773082113?s=20> ; <https://twitter.com/CanBursali/status/1330845648418123782?s=20> .

#### **45. DEPRIVATION OF THE KHK VICTIMS FROM THE EDUCATIONAL ASSISTANCE PROVIDED FOR THE SCHOOL NEEDS OF THE CHILDREN OF HIGH SCHOOL AND BELOW EDUCATION AGE**

Educational/school needs such as stationery, school uniforms, shoes, boots, and coats were not provided to the children of the families who were victims of the KHKs and who attended basic education institutions as students. Children of KHK victims were prevented from benefiting from assistance such as Student Transport, Housing and Subsistence Aids. In addition, under the name of Conditional Education Assistance (ŞEY), the families who do not have social security and who are in need were deprived of the aid provided that their children continue their formal education and that they do not attend more than 4 days in a month during the months when the school is open.

#### **46. THE USURPATION OF THE RIGHTS OF EDUCATION AND SELF-DEVELOPMENT BY PREVENTING THE VICTIMS AND THEIR FAMILY MEMBERS FROM ENJOYING THEIR UNDERGRADUATE, GRADUATE AND DOCTORAL EDUCATION RIGHTS**

SOE/KHK victims were expelled from their undergraduate, graduate or doctoral programs or were not admitted to the undergraduate, graduate and doctoral programs they deserved. This practice was often also made for the relatives of the victims. In particular, imprisoned victims were prevented from enrolling in the schools they had won. Their right to education and self-development was revoked by preventing them from following their courses and taking the passing exams. The statements of some victims or their relatives on this matter are as follows: "I was expelled from the master's program I was enrolled in after I was victimized by the KHK." "My graduate doctorate education was blocked at the thesis stage." "My graduation thesis was not received during my master's degree at the university. I was suspended from school for a while." "When I was a graduate student, an investigation was opened against me." "I had to hide that I was a KHK victim in order to continue my education." "I could not continue my doctoral studies." "I was expelled from the doctorate." "The institution, which removed me from duty with a KHK, did its best to take away my right to be a student. It changed the student regulation and started to apply the regulation from the previous year, usurping my right to be a student. It did not benefit from the amnesty that came later. Everyone had a good time. When I started my doctorate education at another university, university professors suddenly became hostile when they learned that I was a KHK victim two years later. My advisor did not approve my course registration. Although I have reported the situation to both the rectorate and the relevant institute with a petition, there has been no change. Since my course registration was not approved by the advisor, I could not take the proficiency exam for two semesters. My thesis supervisor put the blame on me, and I was expelled from the doctorate for the second time on the pretext that I couldn't take the proficiency exam. Even though my grades were very high, just because I was a KHK victim, the same teachers, who had been regarding me with high esteem and talking about me with praise, turned against me but unfortunately, the injustices did not come to an end. In the disciplinary investigation opened against the related teacher upon my complaint, the teacher was first given a reprimand. Later, this punishment was abolished with the cover of "he had no intention". The petitions I wrote many times were not even answered". "After my child won the National Defense University (MSU) and made a choice, his registration was canceled on the grounds that he did not meet the application requirements". "They blocked the school my child wanted to go to and the profession he wanted to choose because of me." "As the child of the KHK victim, I could not enter the Military University". "I could not enroll in the school I won with the External Transfer Test (DGS)". "I was not allowed to take the PhD qualifying exam". "My right to attend university has been violated. I

was prevented from taking the AÖF exams in prison". "I could not take the AÖF exams due to the ban on education". "The right to register for the exams was not given. An officer came and said, 'I am not registering you for the test. You can report me'. Location ... Prison, year 2016, ward L1".

#### **47. THE USURPATION OF THE RIGHT OF GIFTED PEOPLE TO RECEIVE SPECIAL EDUCATION TO DEVELOP THEMSELVES AND THEIR TALENTS ON THE GROUNDS THAT THEY ARE RELATED TO OR DESCENDENTS OF KHK VICTIMS**

Some of the KHK victims who have gifted children stated that they were not accepted even though their children were successful in the Science and Art Education Centers (BİLSEM) exams. The BİLSEM exam is administered by the Ministry of National Education, General Directorate of Special Education and Guidance Services in order to determine the potential of gifted children. BİLSEMs are institutions where gifted students can receive additional education after school. Their primary purpose is to help gifted children develop their abilities. Students learn to think creatively, innovatively and interdisciplinary as they train to master their talents and develop their practice. However, this door was also unlawfully closed to the relatives of the KHK victims. A victim statement on this matter is as follows: "While my daughter was studying at a public school, she passed the written/practical exam on [determining] genius as the only student from that school. She would receive education after the third grade. But in the interview, they were eliminated her directly".

#### **48. PREVENTION OF STATE-ISSUED SUPPORTIVE SCHOLARSHIPS FOR THE CHILDREN OF KHK VICTIMS**

The scholarship rights of the children of the families who were victims of the KHKs were arbitrarily usurped. These extortions were mostly not even based on official information recorded in the UYAP criminal record system. Information prepared by units of unknown identity, without official records in the state, but regarded as credible by the genocide bureaucracy, was exploited. This information was sometimes based on statements by confessors who admitted to being affiliated with terrorism or by defendants who testified under duress, escape from punishment, torture and blackmail. Sometimes they were reports produced from secret security investigations.<sup>206</sup>

In order not to provide scholarships to the children of families who were the target of the genocide, when they applied for "dormitory" or "scholarship", they were asked to "give a commitment that no terrorist investigation or expulsion was made against any person with paternity bond." Thus, their applications were blocked or scholarships were not given on the grounds that they "made false statements" if they applied. Judicial authorities did not take action in the face of these practices that constitute a crime of discrimination, thus ensuring that systematic unlawfulnesses become permanent.

#### **49. PREVENTION OF SCHOLARSHIPS TO SUPPORT EDUCATION AND TRAINING OF PRIVATE EDUCATION INSTITUTIONS**

The scholarship rights of the children of KHK victims and their families who were victims of KHKs, who were studying in private schools with scholarship or who were entitled to new enrollment in private schools with scholarships due to

<sup>206</sup> <https://haberiniz.com.tr/gundem/fetoculer-serbest-birakiliyor-iddiasi-mecliste-19032018/> CHP İstanbul Milletvekili Avukat Mahmut Tanal: "Hapse girmeme amacı güden birinin itiraflarına ne kadar güvenilir?" <https://gercekhaberajansi.org/akpnin-itirafcilastirma-politika-iskence-santaj-kompo/> İtirafçılaştırma Politikası: İşkence, Şantaj, Kompo. <https://www.memurlar.net/haber/609949/guvenlikten-gecemeyenin-burs-ve-kredisi-kesiliyor.html> Güvenlik soruşturmasından geçemeyenin burs ve kredisi kesiliyor.

their high success in the placement exams, were arbitrarily denied or usurped. These usurpations of rights were made through MEBBIS, e-state or the secret genocide execution systems prepared secretly and hidden from the public.<sup>207</sup>

The fact that the state allows discrimination against the children of families who are victims of KHKs in private education institutions, as in public institutions, and does not investigate or initiate an investigation, is another proof that such discriminations are carried out systematically with the support of the state.<sup>208</sup>

## **50. PROHIBITION OF PARTICIPATION IN STATE-SPONSORED SCIENTIFIC PROJECTS, EVEN AS STUDENTS/TRAINEES OR RESEARCHERS, OF KHK VICTIMS, THEIR RELATIVES AND DESCENDANTS**

Like public institutions and universities, the Scientific and Technological Research Council of Turkey (TÜBİTAK) also discriminated against the victims of the decree laws and their relatives. Victims of KHK were not accepted as undergraduate, graduate, doctoral student or post-doctoral researcher, student or intern researcher in any research project carried out in the center and institutes of the institution or supported by TÜBİTAK. Among the project application conditions, these institutions put the prerequisite "Not to be dismissed from the profession, public office or the organization of the relevant institutions directly or within the framework of the procedures stipulated in these Decrees". Thus, they prevented students or trainee researchers from applying to and participating in scientific research programs. The "Trainee Researcher Scholarship Program" (STAR) run/supported by TÜBİTAK is an example of scientific programs that are prevented from participating in the KHK victims.<sup>209</sup> The STAR program was created to encourage and support post-doctoral researchers and students studying for undergraduate, postgraduate and doctoral studies in Turkey. TÜBİTAK provided support to students within the scope of the program between 750 TL and 6,000 TL per month in 2020. Even those who have been removed from the citizenship of the Republic of Turkey and their descendants can benefit from such programs (Blue Card Holders), while students who were victims of the Decree Law were not benefited from this program.<sup>210</sup> This is another proof that the victims of the Decree Law were de facto deprived of their citizenship and made stateless, de facto stateless or "Haymatlos".

## **51. EXCLUSION OF CHILDREN OF KHK VICTIMS FROM THE SPORTS TEAMS/CLUBS THEY PLAYED IN OR NOT BEING INCLUDED IN SPORTS TEAMS**

Some KHK victim families reported that their children were excluded from or not included in the sports teams they were involved in, even though they were very good athletes. Such incidents were made either by suggestions from government officials or by sports team officials with the fear that the political power would make them targets.

207 <https://twitter.com/gazianteptv27/status/1289113007193296896?s=20> ; <https://twitter.com/Sorgu68281576/status/1290189131948019712?s=20> ; <https://twitter.com/gergerliogluof/status/1290034358733037568?s=20> ; <https://twitter.com/gergerliogluof/status/1288490694026432513?s=20> .

208 <https://twitter.com/HASANhsan20/status/1289228235654549505?s=20> .

209 [https://www.tubitak.gov.tr/sites/default/files/4000/star-2020\\_v3.pdf](https://www.tubitak.gov.tr/sites/default/files/4000/star-2020_v3.pdf) .

210 Mavi Kart, doğumla Türk vatandaşlığını kazanan, çıkma izni almak kaydı ile Türk vatandaşlığından çıkanlar ve bu kişilerin 5901 sayılı Türk Vatandaşlığı Kanunu 28.maddesi uyarınca altsoylarına verilen, söz konusu maddede yer alan haklardan faydalanabileceklerini gösteren resmi bir belgedir.

## 52. EXTORTION OF FINANCIAL RIGHTS ACQUIRED IN THE PAST

The financial rights of the victims, such as the accrued additional tuition fees earned in their profession, were usurped. Arbitrary terrorism investigations launched against the victims, triggered by the genocidal enforcement teams in state institutions, were effective in this. Some were even asked for their salaries retroactively. Thus, by closing their life channels one by one, the victims were forced to die economically, to starvation, and to death or suicide with the psychological collapse they would cause.<sup>211</sup>

## 53. THE USURPATION OF PENSION RIGHTS, INCLUDING FOR THE DISABLED, TO LEAD TO PHYSICAL EXTINCTION

The pension rights of the victims of the genocide were arbitrarily and selectively denied. Disabled people were also affected by this deliberate economic genocide practice. For this practice, "institutional opinion" and filing reports were generally taken as the basis. This practice is another version of the vicious circle of genocide. In this method, victims are thrown into a social-death corridor and also into a vicious circle. The retirement of all dismissed public servants, including the disabled, was arbitrarily and selectively prevented, and this functioned as part of the death-cycle.<sup>212</sup>

The most important evidence that pension rights usurpation was carried out deliberately and systematically by the genocide regime and the genocide bureaucracy, is the Law No. 7194 on the "Digital Service Tax and Amendments to the Decree Law No. 375," published in the Official Gazette dated 7 December 2019 and numbered 30971: The following paragraph has been added to Article 37 of the Law No. 6755 on Amending and Adopting the KHK on Measures to be taken within the scope of the State of Emergency and Regulation of Certain Institutions and Organizations dated 11/8/2016. "(3) No legal, administrative, financial or criminal responsibility shall arise due to the decisions and actions of public officials who have taken a decision, perform the decisions to be taken or proceed nothing until 10/31/2019 on the applications to Social Security rights of those who have membership, connection or link with terrorist organizations or structures, formations or groups decided by the National Security Council to act against the national security of the state." These expressions in the law do not only show that the genocide regime committed and/or perpetrated an organized and conscious crime against the victims. It also shows that the public officials, who are probably aware of what kind of crime they have been involved in, were brought out upon requests to be released from any legal, administrative, financial and criminal liability in the future. This article is a proof of the economic genocide committed against the victims of the SOE/KHK by the SGK.<sup>213</sup>

211 <https://youtu.be/2ReCTNTrwgQ> Ormancı: "Ağaç kökü yiyemezsin. Eğer yemeye kalkarsan sana ceza yazarım!" <https://t24.com.tr/haber/khk-liler-icin-emsal-karar-goreve-iade-edilene-maddi-kayıplari-verilecek,858787> Yerel mahkeme, A.U'nun yaklaşık 3 yıl yoksun kaldığı maddi haklarının verilmesine karar verdi.

212 <https://twitter.com/hh8170/status/1166564451220361217?s=20> "Toplamda 28 yıl hizmet edip hak ettiğim emekliliğimi bana vermeyerek; bizleri maddi ve manevi olarak çok yıpratıldılar." <https://www.youtube.com/watch?v=2ReCTNTrwgQ&feature=youtu.be> "KHK mağduru engelliyim, emeklilik hakkım verilmedi"

213 In the press release dated September 23, 2021 and numbered ND 28/21, the Constitutional Court reported that it decided to annul the phrases "by the National Security Council" and "legal" and "financial" in paragraph (3), as they are unconstitutional. It evaluated that the part regulating that the officers will not be held accountable for any criminal liability for all their decisions and actions in the aforementioned period is a "general amnesty regulation" in nature. It ruled that this issue falls within the field of disciplinary/administrative

#### **54. EXTORTION OF INDIVIDUAL SAVINGS**

The rights of those who were targeted to withdraw and use their savings in private funds were usurped. Just like those who committed genocide against the victims in retirement, they were exposed to discrimination on the basis of institutional opinion and other profiling information, as to whether they would be given their savings in special funds such as OYAK, which they needed to survive in the death corridor where the victims were thrown into.<sup>214</sup> As we explained above about the Law No. 7194, the secret body that decided on the executions of genocide deliberately made the crimes they committed immune from the judiciary by KHKs or laws enacted later. Thus, the genocidal execution group, which was rendered "untouchable", gained the privilege of deciding who could retire and who could access their private savings at their own pleasure.

#### **55. EXTORTION OF FAMILY INHERITANCE**

The inheritance rights of the victims were also usurped. A judicial/administrative investigation could be opened against the targeted victim with all kinds of fraudulent methods and slanders, and the properties he had worked and acquired until that day could be seized under the pretext of the investigation. In the same way, even the right of disposition on the property that is likely to be acquired in the future by inheritance could be usurped by marking the person in question as "risky person" in the land registry cadastral records.<sup>215</sup>

#### **56. WITHHOLDING OR USURPING FINANCIAL AID WITH THE AIM OF LEADING TO PHYSICAL DESTRUCTION**

Even the right to use the aid money sent to the victims by their friends and relatives through banks was usurped. Such practices were not limited to one or two isolated incidents. All kinds of financial aid to the victims was tried to be prevented through state institutions such as SGK and BDDK. Even the victims who were acquitted from the judicial process were counted as enemies of the state and prevented from getting help.<sup>216</sup> For example, Vakıfbank did not pay a victim the money sent by her older sister. When the victim investigated the situation, she learned that she was in the

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law and that the legislator has discretion, therefore, this rule is not incompatible with the Constitution. For the decision of the Constitutional Court, see: Constitutional Court, Examining the Rules of the Law No. 6755 which are requested to be annulled. <https://www.anayasa.gov.tr/tr/haberler/norm-denetimi-basin-duyurulari/6755-sayili-kanun-un-iptali-istenen-kurallarinin-incelenmesi/> ; Anayasa Mahkemesi Karari, Esas Sayısı : 2020/18, Karar Sayısı : 2021/38, Karar Tarihi : 3/6/2021, R.G.Tarih-Sayısı : 23/9/2021-31607, <https://normkararlarbilgibankasi.anayasa.gov.tr/Dosyalar/Kararlar/KararPDF/2021-38-nrm.pdf> .

214 <https://odatv.com/buyukelci-yapilan-saban-dislinin-pasaportuna-da-damga-vurulacak-mi-08091805.html> TSK'dan ihraç edilmiş olanların OYAK birikimleri ödenmiyor...

215 <http://www.cumhuriyet.com.tr/haber/khk-ile-ihrac-edilen-ogretmen-babasindan-kalan-mirasi-da-alamadi-1703738> KHK mağduru babasından kalan mirası da alamadı; <https://twitter.com/gergerliogluof/status/1197096968364986368> ; <https://halktv.com.tr/turkiye/khklilerin-miras-hakki-da-elinden-alindi-410698h> KHK mağdurlarının miras hakkı da elinden alındı. <https://www.haberturk.com/gundem/haber/1509651-darbe-girisimi-sonrasi-alinan-acil-tedbirler-Agır-Ceza-mahkemelerine-sorusurma-kapsaminda-tasinmaz-hak-ve-alacaklara-el-koyma-yaninda-kayyim-atama-yetkisi-de-tanindi>; <https://www.milligazete.com.tr/haber/3385588/khklilerin-miras-hakki-bile-yok-KHK-magdurlarinin-miras-hakki-bile-yok>; <https://twitter.com/gergerliogluof/status/1197096968364986368> .

216 <https://twitter.com/mcthukuk/status/1281170346553618432?s=20> ; <https://twitter.com/seyf1yldz/status/1281197091205844992?s=20> ; <https://twitter.com/bybyturkce/status/1281236024853757953?s=20> .

status of "objectionable person" and was therefore prohibited from receiving money transfer services.<sup>217</sup> When she asked "who put the ban", she received the answer "the state". The system, which allows a sibling to send money to her sibling and collects the transfer fee, but prevents the delivery of the transacted amount because it is forbidden when it comes to withdrawing the money, aims to condemn the victims to starvation together with their children.

The SOE regime portrays what is done to victims as something simple and limited, as if they were simply suspended from their public duties. However, in reality, even their financial support is confiscated, they are sentenced to death together with their families, circles and children, and they are not even given the right to breathe comfortably in any area of life. In another case, the friends of a teacher who died in Diyarbakır, who were living abroad, offered humanitarian aid to the teacher's orphaned children by sending a humble amount of 150 euros to another victim, whose initials are N.K. This money was not paid to the person by the public bank to which it was sent. This case is another piece of evidence showing that even the innocent children of a dead person are not given a chance to exist in any area of life, and that genocide is practiced by the state. Worse than not paying the aid money to the needy person, investigations are opened against those who provide humanitarian support to the KHK victims on charges such as "aiding a terrorist", thus creating a cycle of crimes against humanity.<sup>218</sup>

## 57. THE USURPATION OF CITIZENSHIP RIGHTS OBTAINED THROUGH MARRIAGE BOND

The application of an Afghan woman, who married a Turkish man in 2014 and has a child with him, to acquire Turkish citizenship was rejected by the Ministry of Interior, on the grounds that her husband was dismissed from public service with a KHK in 2017. There was no negative issue about or criminal charge against the woman who applied for citizenship. The only reason for the rejection was that her husband was a KHK victim and that he had received an imprisonment sentence, which was not yet finalized in the lawsuit.<sup>219</sup> This practice against the person who wants to become a citizen is yet another example how the state was not respecting the principle of the "personality of the crime", but rather the groupality of the crime, the "lawfulness of the crime", but the arbitrariness of the crime; presumption of guilt, not "presumption of innocence"; full discrimination, not "equality before the law"; disintegration of families, not "preservation of family unity and peace". It is another typical example of systematic discrimination and crimes against humanity, aimed at inflicting an indirect genocide on them and their families, through means of "work bans" in private or public institutions.

217 <https://t24.com.tr/haber/banka-khk-li-ogretmene-yasakli-tc-diyerek-odeme-yapmadi,854257> ; <http://www.krttv.com.tr/gundem/banka-khk-li-ogretmene-yasakli-tc-diyerek-odeme-h23534.html> ; <http://yeniyaşamgazetesi1.com/khkli-ogretmene-yasakli-tc-denilerek-odeme-yapilmadi/> ; <https://www.gazeteduvar.com.tr/gundem/2019/12/31/khkliye-banka-havalesi-de-yasak/> .

218 <https://t24.com.tr/haber/banka-khk-li-ogretmene-yasakli-tc-diyerek-odeme-yapmadi,854257> Banka, KHK mağduru öğretmene "yasaklı TC" diyerek ödeme yapmadı. <https://www.gazeteduvar.com.tr/gundem/2019/12/31/khkliye-banka-havalesi-de-yasak/> KHK'lıya banka havalesi de yasak. <https://www.cumhuriyet.com.tr/haber/khklinin-hesabina-yatan-parayi-vermediler-olen-arkadaslarinin-cocuk-larina-ulasitiracakti-1741894> "KHK'linin hesabına yatan parayı vermediler! Ölen arkadaşlarının çocuklarına ulaştıracaktı". [https://twitter.com/r\\_aslan/status/1258379546824507392](https://twitter.com/r_aslan/status/1258379546824507392) Ramazan ayında çoluk çocuğun rızıkına bari dokunmayın. <https://ozgurdenizli.com/khkliye-banka-havalesi-de-kasko-da-yasak/> ; <https://halktv.com.tr/gundem/khkli-diye-bankadan-parasini-cekemedi-415072h> ; <https://twitter.com/MehmetAlkanTC/status/1258460536620093442?s=08> Yardımlaşmaya terör soruşturması. <https://www.khklplatformlaribirligi.org/banka-sakin-calisin-diyerek-khkliya-parasini-vermedi/> ; <https://www.haberler.com/manisa-da-feto-ye-10-tutuklama-12263724-haberi/> Cezaevindeki yakınlarına ve hakkında işlem yapılmış örgüt mensuplarına para ve erzak desteği sağladığı için tutuklandı.

219 Vatandaşlığı iptal edildi, gerekçe; KHK mağduru eşine ceza verilmesi, <https://www.indyrturk.com/node/487321/haber/vatanda%C5%9Fli%C4%B1%C4%9F%C4%B1-iptal-edildi-gerek%C3%A7e-khkli%C4%B1-e%C5%9F-fine-ceza-verilmesi>

## **58. DECLARING PERSONS OR INSTITUTIONS THAT ASSIST/INTERMEDIATE IN FINDING A JOB FOR KHK VICTIMS AS CRIMINALS/TERRORISTS**

Individuals, associations, foundations or businesses that find the genocide practices perpetrated against the KHK victims inhumane and try to help them and/or their family members by finding jobs where they can work with or without insurance have been made the target of security and intelligence agencies. These individuals and institutions were accused of membership in a terrorist organization, aiding/abetting, they were subjected to judicial/administrative prosecution, and were even subjected to detention, arrest and imprisonment.<sup>220</sup> Nowhere in the free world is helping the unemployed, the poor, the marginalized, the victims and their families considered a crime, but rather a human virtue. Criminalizing/terrorizing individuals and institutions that try to help the people and their families, materially or morally, in Turkey, and being regarded as a supporter of terrorism reveals the magnitude, severity and depth of the genocide committed against the people and their families in the 21st century.

## **59. OBSTRUCTION OR USURPATION OF SOCIAL ASSISTANCE TO FAMILIES**

Social support aids provided to families in need through the Ministry of Family and Social Services, Social Assistance and Solidarity Foundations or municipalities were not given to families who were KHK victims. In this context, shelter, food, fuel aid, one-time cash or periodic cash social benefits, aids for orphans, disaster-emergency aids and job referral-start-to-work aids were not given to families who were KHK victims.

## **60. VIOLATION OF RIGHTS OF HEALTHY PREGNANCY AND MATERNITY AS WELL AS THE BENEFITS FOR FIRST BIRTH OR MULTIPLE BIRTH**

In order to achieve the objectives of the Law on Encouragement of Social Assistance and Solidarity, one-time maternity allowance for all Turkish citizens and blue card holders has been paid amounting to 300 TL for their first child born alive, 400 TL for their second child and 600 TL for their third and subsequent children as of 15 May 2015.<sup>221</sup> However, families who were KHK victims were prevented from benefiting from this right. In addition, within the framework of the "Multiple Birth Assistance Programme", in order to meet the nutritional and self-care needs of the needy households with children born with multiple births, for each child (two and above) aged 0-24 months in life, provided that the vaccines included in the vaccination calendar are given within the time limit, a monthly cash aid of 150 TL was granted. Families who were KHK victims were prevented from benefiting from this right, too.<sup>222</sup> The practical result of the usurpation of such aid is the economic killing and starvation of citizens.

On the other hand, social assistance provided to families in need without social security within the scope of Conditional Health Aids (ŞŞY), on the condition that they send their children to health check-ups, and that pregnant women go to

<sup>220</sup> <https://kronos34.news/tr/ihrac-edilen-kisilere-sigortasiz-is-bulmaya-calismak-sucundan-23-gozalti/> ; <https://kronos34.news/tr/sigortasiz-is-bulmalari-da-suc-khklilarin-calismasinin-onundeki-yasal-engel-ne-hangi-genelge-khklilarin-hayatini-zindan-ediyor/> .

<sup>221</sup> <https://twitter.com/gergerliogluof/status/1197839532437262336?s=20> "Bu para size verilemez!"

<sup>222</sup> <https://www.gazeteduvar.com.tr/gundem/2020/04/22/khkiye-bin-liralik-yardim-da-yok/KHK'liya korona yardımı da yok>; <https://www.tr724.com/isidliye-maas-khkiya-agac-koku/IŞİD'liye maaş, KHK'liya ağaç kökü!>

health checks during pregnancy and give birth in hospital, were not provided to KHK victims. Apart from not being able to receive such assistance, KHK victim women were even accused of "being pregnant with the order of an organization".

## **61. THE USURPATION OF THE RIGHT TO SHORT-TIME WORKING ALLOWANCE**

Short-time working allowance was allocated to employers who had to stop their production at their workplaces or whose work was interrupted for a short time due to the coronavirus pandemic. Employers who employ workers who are KHK victims were not allowed to benefit from this allowance.<sup>223</sup>

## **62. EXCLUSION FROM THE SCOPE OF THE "DISMISSAL BAN" INTRODUCED DURING THE COVID 19 PANDEMIC**

Law No. 7244, which was prepared with the aim of preventing the negative effects of the COVID-19 epidemic on the business world and working life, entered into force on April 17, 2020. The law prohibited the termination of any employment contract by the employer for a period of three months, except in cases of violation of morality and goodwill. The President had the authority to extend the ban on layoffs, if deemed necessary. As a matter of fact, the President extended the duration of this ban until January 17, 2021. However, during the period when the dismissal bans were in effect, there was no obstacle to the dismissal of the victims of the Decree Law, who were labeled with code 36 or code 37. Thus, even if the victims, who faced all kinds of obstacles to not being employed in the private sector, were able to overcome all the obstacles they encountered and get a job registered with the SGK, there was nothing they could do if their employers dismissed them due to the negative effects of the pandemic. As a result, when they were fired, they were not entitled to either compensation for the wrongful termination of their employment contracts or unemployment benefits.<sup>224</sup>

An additional article has not been opened since we consider that the "short-time working allowance" as well as the "unemployment allowance" rights are not given to the SGK members, who are unemployed during the pandemic, as a part of the social and economic genocide. However, we find it useful to note again that it is unlawful for those who have been unjustly dismissed with the KHKs to not be given unemployment benefits, which they are entitled to, even though they continue to pay SGK premiums in their new jobs registered with the SGK.

## **63. EXCLUSION FROM THE SCOPE OF EPIDEMIC SOCIAL SUPPORT PROGRAMS SUCH AS DIRECT INCOME SUPPORT AND GRANT SUPPORT GIVEN TO TRADESMEN AND CRAFTSMEN DURING THE COVID 19 PANDEMIC**

Two Presidential decrees have been issued on financial support to tradesmen and craftsmen and real person traders in order to reduce the negative effects on commercial life due to the COVID-19 epidemic.

The Presidential Decision No. 3323 on the Support to be Given to Tradesmen, Craftsmen and Real Person Traders due to the Coronavirus Pandemic was published in the Official Gazette on 23 December 2020 and entered into

<sup>223</sup> <https://www.omerfarukgergerlioglu.com/basin/basindan/salgin-zamaninda-bile-ayrimcilik-khkli-esnafa-kisa-calisma-odene-gi-verilmedi/15002/> Salgın zamanında bile ayrımcılık! KHK mağduru esnafa kısa çalışma ödeneği verilmedi.

<sup>224</sup> <http://www.muhasabetr.com/yazarlarimiz/orhankotan/009/İşten Çıkış Yasağına Girmeyen SGK Kodları>.

force.<sup>225</sup> Pursuant to the decision, 1 million 239 thousand 438 tradesmen and craftsmen and real person traders affected by the epidemic were paid a monthly rental support of 750 Turkish Liras per month in metropolitan cities and 500 Turkish Liras per month in other provinces, with a total of 3,000 Turkish Liras per month, with a total of 3,000 Turkish Liras per month.<sup>226</sup>

The second Presidential Decree published on the same subject, numbered 3998, "The President's Decision on Grant Support to be Given to Tradesmen, Craftsmen and Real Person Traders due to the Coronavirus Epidemic" was published in the Official Gazette on May 21, 2021 and entered into force.<sup>227</sup> Tradesmen and craftsmen and real person merchants to be granted grant support were divided into two groups. A one-time grant of 5,000 TL was given to tradesmen, craftsmen and real person merchants, who were in the first group and reached 235,000 in total.<sup>228</sup> A one-time grant of 3,000 TL was given to tradesmen, craftsmen and real person traders, who fall into the second group and have a total number of more than 1,150,000.<sup>229</sup>

Grant and/or rent support payments for tradesmen and craftsmen and real person merchants whose commercial activities were adversely affected due to the epidemic were not given to tradesmen and craftsmen and real person merchants who were victims of the Decree Law.<sup>230</sup> In addition, the victims could not benefit from the "Social Protection Shield Package" implemented within the framework of the "COVID-19 Epidemic Social Support Programme". This package envisaged social assistance to needy, weak and solitary Turkish citizens over the age of 65, to those whose unemployment benefits ended and to households that became needy due to the epidemic.

#### **64. EXCLUDING KHK VICTIMS AND THEIR RELATIVES, WHO CAN OPEN A BUSINESS DESPITE ALL OBSTACLES, FROM THE SCOPE OF SUPPORT GIVEN TO MICRO AND SMALL-SCALE ENTERPRISES**

Businesses established by the KHK victims and/or their relatives were not allowed to benefit from many supports such as entrepreneurship, R&D, technological production and localization, business development, growth and internation-

<sup>225</sup> 3323 sayılı "Esnaf ve Sanatkârlar İle Gerçek Kişi Tacirlere Koronavirüs Salgını Nedeniyle Verilecek Destekler Hakkında Cumhurbaşkanlığı Kararı", <https://www.resmigazete.gov.tr/eskiler/2020/12/20201223-23.pdf>.

<sup>226</sup> Erdoğan, esnafa destek paketini açıkladı: 1 milyondan fazla kişiye ayda bin lira destek ödemesi <https://www.bbc.com/turkce/haberler-turkiye-55306742>. Resmî Gazete, 24 Aralık 2020 Perşembe, Sayı: 31344, Tebliğ, Ticaret Bakanlığında: Koronavirüs Salgını Nedeniyle Verilecek Hibe Desteği Programı ve Uygulama Esasları Hakkında Tebliğ, <https://www.resmigazete.gov.tr/eskiler/2020/12/20201224-13.htm>

<sup>227</sup> 3998 sayılı Esnaf ve Sanatkârlar İle Gerçek Kişi Tacirlere Koronavirüs Salgını Nedeniyle Verilecek Hibe Desteği Hakkında Cumhurbaşkanlığı Kararı", <https://www.resmigazete.gov.tr/eskiler/2021/05/20210521-8.pdf>.

<sup>228</sup> 20.05.2021 tarihli ve 3998 sayılı Cumhurbaşkanlığı Kararı Kapsamında 5000 TL Hibe Desteği Verilecek Esnaf Sanatkarlar ile Gerçek Kişi Tacirlerin Ekonomik Faaliyetleri (1. GRUP), [https://ticaret.gov.tr/data/60a78b0d13b8762fd4493865/\(1.\)Esnaf%20ve%20Sanatk%C3%A2rlar%20C4%B0le%20Ger%C3%A7ek%20Ki%C5%9Fi%20Tacirlerin%20Desteklenmesi\\_Ek\\_1.%20GRUP%20ESAS%20FAAL%C4%B0YET%20KONULARI%20L%C4%B0STES%C4%B0.pdf.pdf](https://ticaret.gov.tr/data/60a78b0d13b8762fd4493865/(1.)Esnaf%20ve%20Sanatk%C3%A2rlar%20C4%B0le%20Ger%C3%A7ek%20Ki%C5%9Fi%20Tacirlerin%20Desteklenmesi_Ek_1.%20GRUP%20ESAS%20FAAL%C4%B0YET%20KONULARI%20L%C4%B0STES%C4%B0.pdf.pdf)

<sup>229</sup> 20.05.2021 tarihli ve 3998 sayılı Cumhurbaşkanlığı Kararı Kapsamında 5000 TL Hibe Desteği Verilecek Esnaf Sanatkarlar ile Gerçek Kişi Tacirlerin Ekonomik Faaliyetleri (1. GRUP), [https://ticaret.gov.tr/data/60a78b0d13b8762fd4493865/\(1.\)Esnaf%20ve%20Sanatk%C3%A2rlar%20C4%B0le%20Ger%C3%A7ek%20Ki%C5%9Fi%20Tacirlerin%20Desteklenmesi\\_Ek\\_1.%20GRUP%20ESAS%20FAAL%C4%B0YET%20KONULARI%20L%C4%B0STES%C4%B0.pdf.pdf](https://ticaret.gov.tr/data/60a78b0d13b8762fd4493865/(1.)Esnaf%20ve%20Sanatk%C3%A2rlar%20C4%B0le%20Ger%C3%A7ek%20Ki%C5%9Fi%20Tacirlerin%20Desteklenmesi_Ek_1.%20GRUP%20ESAS%20FAAL%C4%B0YET%20KONULARI%20L%C4%B0STES%C4%B0.pdf.pdf)

<sup>230</sup> <https://tr.euronews.com/2021/05/28/erdogan-n-ac-klad-g-esnaf-destek-paketine-tepki-ayl-k-kiram-30-bin-destek-3-bin-tl>

alization, financing, technology, innovation and localization, education, fairs, projects, foreign business trip supports, etc. Such supports are provided by some government institutions such as KOSGEB, İŞKUR, TÜBİTAK, Ministry of Industry, in order to improve the innovation, creativity, production, employment and marketing capacities of small and medium-sized enterprises operating in the industrial sector, especially in technological fields and domestic production in the forms of grants or low interest loans.

### **65. EXPOSING THE KHK VICTIMS AND THEIR FAMILIES TO DEATH, PERMANENT HEALTH DAMAGE AND PREVENTING THEM FROM LIVING A HEALTHY LIFE BY NOT ALLOWING THEM TO BENEFIT FROM THE GENERAL HEALTH INSURANCE**

The general health insurance services of those expelled from the public sector were also terminated and they were prevented from receiving health services.<sup>231</sup> When victims applied for universal health insurance, they were obliged to pay the GSS premium, but it was impossible for most victims to pay these premiums as their all income channels were blocked. In this way, not only the targeted persons themselves, but also their spouses and children were sentenced to death because their right to treatment was usurped.<sup>232</sup> The statement of a victim's relative about his child is as follows: "My child had a stomach ulcer and it became chronic because it could not be cured".

### **66. PREVENTING DISABLED CHILDREN OR ADULTS FROM PROVIDING THE TOOLS AND DEVICES THEY NEED**

Disabled support aids provided by the Ministry of Family and Social Services, social assistance and solidarity foundations or municipalities were not given to the victims of KHK with disabilities, their spouses, parents or children. These aids include wheelchairs, motor vehicles, hand-foot prosthesis, walking aids, orthopedic boots, hearing aids, and speech aids for the disabled.

### **67. EXTORTION OR OBSTRUCTION OF CARE/CAREGIVER PENSION FOR THE ELDERLY, DISABLED AND SEVERELY CHRONIC PATIENTS TO LEAD TO PHYSICAL EXTINCTION**

Disabled Care Pension, Disabled Relatives Pension, Chronic Disease Assistance and Disability Needs Assistance, paid to the caregivers of the elderly or disabled and chronically ill people and/or their companions were not given to the KHK victims and their relatives.<sup>233</sup> These aids are provided within the scope of programs that help citizens who cannot meet their basic and essential needs such as house cleaning and personal care due to old age, disability and severe chronic illness, and who are in need of assistance in these matters, to meet such needs in their own homes. This distinction has weakened the chances of surviving financially and morally for the elderly, disabled and victims with severe chronic diseases. At the same time, it

231 <https://www.gazeteduvar.com.tr/gundem/2020/04/30/khklinin-yesil-karti-iptal-edildi/> KHK'linin yeşil kartı iptal

232 <https://twitter.com/hh8170/status/1254332147810340864?s=20> Tedavileri engelleyip öldürme. <https://www.dw.com/tr/t%C3%B-Crkiyede-khkl%C4%B1lar-bize-vebal%C4%B1-muamelesi-yap%C4%B1yorlar/a-50521070> Tek isteğim bebeğim için genel sağlık sigortasını yapmalarını, yapmadılar. Bebeğim tedavi alamadı ve vefat etti.

233 <https://www.tr724.com/khkli-kizi-oldugu-icin-yuzde-70-engelli-burcuya-bakim-maasi-verilmedi/> Yüzde 70 engelli Burcu'ya babası KHK mağduru olduğu için bakım maaşı verilmedi. <https://twitter.com/TomrisHan4/status/1168237343368601601?s=20> 3 yıl önce bugün eşim ihraç edildi. Kızımız Down'lu. Ben 2 farklı kanserle mücadele ederken 675 KHK ile ihraç edildim. Eşim 1 yıl tutuklu kaldı. Skolyoz ameliyatı olan kızıma yeşil kart ve bakım parası vermediler. Bize sivil ölüm yaşattılar!

put those who would look after the needy citizens into financial difficulties. Such economic pressures directed against the KHK victims or their relatives sometimes also caused the bonds between families to be weakened or broken.<sup>234</sup>

Some of the statements of the victims regarding the prevention of disability care pension are as follows: "I have a child with a 90 percent disability. I wanted to apply for a carer's salary, but they did not even receive my petition." "My son is 80 percent disabled. However, disability pension was not provided and disability assistance was not provided either". "Despite his disability, my son was deprived of the rights granted to disabled people".

## **68. PREVENTION / USURPATION OF DISASTER (EMERGENCY) AIDS**

KHK victims and their families have been selectively and arbitrarily deprived of the supports extended to the victims of natural disasters such as earthquakes, floods and fires in order to meet their basic needs such as food, clothing and shelter, or from the social assistance provided by the social state to all its citizens during the pandemic.<sup>235</sup>

## **69. THE USURPATION OF THE RIGHTS OF SOCIAL AND ECONOMIC SUPPORT AND THUS STARVATION OF FAMILIES TO LEAD TO PHYSICAL EXTINCTION**

One of the main goals of the SOE regime was to starve the targeted citizens together with their families. The scope of this policy has sometimes been extended to even parents and close relatives.

Just like the Holodomor practiced by the Soviet Union in Ukraine or Nazi Germany's genocide of the Jews, the KHK victims and their relatives were tried to be exterminated with hunger. Considering the situation of the detainees who were left half-starved in prisons, and the KHK victims who were sentenced to starvation along with their descendants throughout Turkey, it is seen that a more brutal will of genocide was implemented than the Nazi administration.<sup>236</sup>

Around 7 million people in Ukraine became victims of the Holodomor. One of the main factors behind the inability to

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234 <https://www.dw.com/tr/t%C3%BCrkiyede-khk%C4%B1lar-bize-vebal%C4%B1-muamelesi-yap%C4%B1yorlar/a-50521070> Türkiye'de KHK'lılar: Bize vebalı muamelesi yapıyorlar. <https://www.gazeteyolculuk.net/akrabasinin-khkli-olmasi-gerekce-gosterilen-engellinin-maasi-kesildi> Akrabasının KHK mağduru olması gerekçe gösterilen engellinin maaşı kesildi. <https://www.gazeteduvar.com.tr/engelli-yakinina-khk-gerekcesiyle-yardim-verilmedi-haber-1507972> Engelli yakınına KHK gerekçesiyle yardım verilmedi.

235 <https://t24.com.tr/haber/khk-lilara-bin-liralik-sosyal-yardim-da-verilmiyor-iddiasi,874293> KHK'lılara bin liralık sosyal yardım da verilmiyor; <https://kronos34.news/tr/khk-ile-ihrac-edilenlerin-ailelerine-bin-liralik-korana-yardimi-da-yasak/> KHK ile ihraç edilenlerin ailelerine bin liralık korana yardımı da yasak. <https://ahvalnews.com/tr/deprem/evi-hasarli-depremede-ogretmene-khkli-diye-yardim-yapilmamis> KHK mağduru depremedeye yardım yok! <https://twitter.com/hh8170/status/1052487926276345856?s=20> Yüzlerce askere, soy bağı ilişkisi bahanesiyle binlerce ailesine HTS, SGK, SSK, okul kaydı, banka hesap hareketleri SOYKIRIM İNFAZI oldu.

236 <http://www.kardelenhaber.com/188838-188838.html>; <https://www.aa.com.tr/tr/politika/cumhurbaskani-erdogan-ye-ni-zelanda-hesap-sormazsa-biz-sormasini-biliriz/1422406>; <https://www.krdnews.net/news/politika/erdogandan-idam-aciklamasi-besle-mek-agir-geliyor>; <https://www.yeniakit.com.tr/haber/cumhurbaskani-erdogan-idami-kaldirarak-yanlis-yaptik-665451.html>; <https://www.ahaber.com.tr/gundem/2012/05/29/balyoz-sanigi-amiralden-sok-ifadeler>; <https://www.haber7.com/siyaset/haber/884836-balyoz-sanigi-pasadan-intikam-yemini-iddiasi>; <https://www.medyafaresi.com/haber/cocuk-cocuk-demeden-rovans-alacagiz-sok-ses-kaydi/84891>; <https://www.tr724.com/bu-kimin-intikami/>; [https://www.yeniasya.com.tr/gundem/akp-il-baskani-kamudan-ihrac-edilenler-agac-koku-yesin\\_412107](https://www.yeniasya.com.tr/gundem/akp-il-baskani-kamudan-ihrac-edilenler-agac-koku-yesin_412107); [http://www.kanal32.com.tr/haber-19148-%E2%80%9Cagac\\_koku\\_yesinler%E2%80%9D.html](http://www.kanal32.com.tr/haber-19148-%E2%80%9Cagac_koku_yesinler%E2%80%9D.html); <https://www.hurriyet.com.tr/gundem/ihrac-edilen-agac-koku-yesin-40242885>; <https://mutlakaoku.com/15-temmuz-sonrasinda-atiii-sube-neler-yapti-gorevli-persone-lin-itirafleri/>; <https://www.aktifhaber.com/15-temmuz/bir-astsubay-deniz-kuvvetlerindeki-tasfiyeleri-ifsa-etti-kim-bu-cihat-yayci-h121129.html>.

reach similar levels in the number of victims who died in Turkey was that the victims of the genocide were able to help each other, their extended families, or even a small number of conscientious benefactors. However, the will of genocide has portrayed food aid, clothing aid, humanitarian, material or moral aid to victims and their relatives as crimes of supporting terrorism in order to destroy such cooperation channels. Those who sold cakes, stuffed meatballs, raw meatballs, handicrafts and spent the small amount of money they earned to keep them alive were arrested. In fact, an investigation was launched against a victim's relative who obtained a power of attorney to be able to hire a lawyer for a KHK victim, on the charge of "supporting terrorism", and the genocide execution mechanism continued to operate ruthlessly.<sup>237</sup>

Cutting off all means of income and deprivation of services offered to the public by using public power is clearly an act of condemnation to hunger, helplessness and poverty by the state. Even the spouses and children of the victims were rendered incapable of exercising their citizenship rights. They were deprived of social and economic support.<sup>238</sup> In short, not only the victims themselves, but also their spouses and children, their parents' social assistance rights were usurped, and they were forced to a Holodomor-like economic death together with their descendants.

## **70. DENIAL OF ACCESS TO DOCUMENTS NECESSARY FOR ECONOMIC ACTIVITY AND PROFIT TO LEAD TO PHYSICAL EXTINCTION**

In any commercial enterprise, the document showing that there is no tax debt is one of the documents that must be obtained in the beginning in order to open a business or to receive support for a commercial enterprise. However, victims who have been prevented from working in the public or private sector and therefore trying to start a business have been prevented from obtaining this document. Thus, any commercial undertaking and transactions requiring the presentation of this document were prevented. They were prevented from obtaining a "Farming Certificate" when they wanted to do farming. They were prevented from opening clinics as veterinarians. Even if it was not blocked, permissions such as "artificial insemination" were not given, making clinic openings meaningless. The A-class Occupational Safety Expertise certificate, which they won through the exam, was not given by using the KHKs, which are also genocide execution orders, as an excuse.<sup>239</sup> Specialization training of doctors who were successful in the Medical Specialization Exam (TUS) was prevented.<sup>240</sup> Although they were successful in TUS, there are many KHK victim doctors that were not assigned to the places they applied. Victims, who were once able to work successfully in the private or public sector as skilled persons with these unlawful methods, were suddenly forced to work in unskilled jobs with KHKs.

Some victim statements in this regard is as follows:

"As a doctor, I was not allowed to work for 2 years by the Ministry of Health. For this reason, I had to work for a mini-

237 <https://youtu.be/Q4ZHLfKkMZU> "Avukat tutsun diye verdiğim vekalet soruşturma sebebi yapılıyor".

238 <https://www.omerfarukgergerlioglu.com/basin/basindan/koronavirus-salgini-nedeniyle-daha-da-zor-gunler-geciren-khklilar-sosyal-ve-ekonomik-destek-hizmeti-icin-basvurduklari-aile-calisma-ve-sosyal-hizmetler-bakanligindan-skandal-bir-ret-cevabi-a/15269/> Korona virüs salgını nedeniyle daha da zor günler geçiren KHK'lılar, Sosyal ve Ekonomik Destek hizmeti için başvurdukları Aile Çalışma ve Sosyal Hizmetler Bakanlığında skandal bir ret cevabı alıyor.

239 <https://t24.com.tr/yazarlar/omer-faruk-gergerlioglu/khk-ile-yetki-gaspi-skandali,18956>.

240 <https://youtu.be/wECW6iLyDvE> "KHK ile ihraç edilen hekimin uzmanlık eğitimi engelleniyor".

mum wage in a factory for a while. I took the Occupational Medicine Exam in May 2018 and became the 50th in Turkey. However, in the last 3 years, my occupational medicine certificate has not been approved by the Ministry of Labor and Social Security. This is how the Ministry of Labor prevented me from working as an occupational physician. The Ministry of Health allowed me to work as a doctor in a medical center after two years. But the Ministry of Labor still does not allow me to work as an occupational physician in any factory. This is the practice of two different ministries in Turkey. One allows, the other does not, saying "you are a terrorist". "I am a veterinarian. I was not prevented from opening a clinic. But my artificial insemination permission was denied. Therefore, I could not open a clinic". "Although I passed the Occupational Health and Safety Expertise exam successfully, I was not given my C-class occupational safety expert certificate for 3 years on the pretext of a safety investigation." "I took the Medical Specialization Examination. I made a selection. But I was prevented from being placed where I chose."

The practices of preventing the issuance of documents and licenses to the victims are not limited to the events and institutions listed above. Numerous examples such as the ban on attorneyship licenses, the non-issuance of private security certificates, and the prevention of teacher/trainer licenses have actually occurred. Some of these problems were resolved after 5-6 years, but large amounts of obstacles still continue. Another issue is the arbitrariness of the transactions. Because the documents that were not given to some victims in order to condemn those who were sentenced to starvation could easily be given to other victims. On the other hand, the fact that some obstacles were removed later or that some problems were resolved proves that the initial actions were unlawful, and that everything was done consciously and planned. Because, in the problems that were solved later, the public officials who violated all kinds of rights were not punished, on the contrary, they were protected.

As can be understood from some examples above, as a result of the privileged groups imposing terrorism on whom ever they please, the ways of "acquiring a job, earning income/earnings", which are indispensable for the victims of the genocide, to hold on to life and to provide for their families and themselves, have been blocked in a planned, organized and systematic manner.

## **71. TO PREVENT THE PURCHASE AND SALE OF REAL ESTATE**

For a significant number of KHK victims, the registration definitions of "objectionable person" or "risky person" were entered in the database of the General Directorate of Land Registry and Cadastre, and the right of these people to buy real estate or sell their personal properties such as houses and land and convert them into money was usurped. Thus, the victims, who were prevented from finding a job, deprived of all the facilities of the social state, and prevented from starting a business, were also prevented from selling their properties, and this was used as another method of killing them economically.<sup>241</sup>

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<sup>241</sup> <https://odatv4.com/buyukelci-yapilan-saban-dislinin-pasaportuna-da-damga-vurulacak-mi-08091805.html> Mülkleri üzerindeki tedbirler devam ediyor... <https://twitter.com/gergerliogluof/status/1166792679268786178?s=20> Ev satılmıyor. Öğrendim ki alıcılar ihraç olduğumuzu öğrenince almaktan vazgeçiyormuş başımıza bir şey gelir diye; <https://twitter.com/gergerliogluof/status/1197096968364986368> .

## 72. RESTRICTION OF THE RIGHT OF DISPOSAL ON REAL ESTATE OR THE COMPLETE USURPATION OF THESE RIGHTS

The rights of the victims on their real estate were usurped. One of the examples in this regard happened to a citizen named Sittika Atay, who was 87 years old. Atay had donated her house to a foundation, which was closed with a KHK, to be transferred after her death. Although it is written in the title deed that "the usufruct right belongs to Sittika Atay", the public institution that took over the closed foundation took from Atay the house where she lived for 65 years while she was still alive. It made the old woman an occupier on her own property.<sup>242</sup>

## 73. BLOCKING THE SALE OF SECURITIES

Just as it was done to prevent the sale of their real estates, the rights of the KHK victims, who were registered as "Objectionable Person" or "Risky Person" in the database of public institutions such as the BDDK, Ministry of Interior, Ministry of Finance, and e-state, to sell their properties and convert them into money were usurped.<sup>243</sup> The execution of such decisions was carried out through the warning notes written on the systems generally used by the notaries. Thus, official buying, selling and giving power of attorney were prevented. In this regard, a victim's statement is as follows: "The injunctions on my house, car and field have not been lifted. I couldn't sell my car."

Property restraint transactions made through judicial institutions are mostly carried out by placing 'encumbrances' or injunctions on property records at the investigation stage. So much so that while the court did not hold a hearing and no judgment was given about the citizen, arbitrary restrictions could be placed on the right to property.

Such usurpation activities were mostly carried out through Criminal Judgeships of Peace.<sup>244</sup> Criminal Judgeships of Peace were presented to the public as if they were an independent judicial institution, a court, and their decisions were court decisions. However, peace judges are not independent, they are dependent, they consist of a committee of 3 judges, and they are judgeships, not courts. With this form, it mostly fulfills the executive's directives regarding genocidal practices, such as detention by order, search, arrest, seizure, detention, tweet deletion, passport cancellation, news blocking, unlawful closing of websites including a global site such as Wikipedia, refusing to open applications. They consist of project officers who carry out executions and are tasked with killing the law.<sup>245</sup> As a matter of fact, even though they titled their

242 <https://www.evrensel.net/haber/395852/tapuda-ev-satmak-isteyen-kisiye-khk-engeli-esiniz-risk-grubunda> Risk grubundakiler ve aileleri tapuda işlem yapamaz. Documents were presented in the report annexes

243 <https://www.gazeteduvar.com.tr/gundem/2020/01/22/khkiye-ev-satmak-da-yasak/> KHK'lıya ev satmak da yasak. <https://www.memurlar.net/haber/602357/5-milyon-feto-tapusu-icin-islemler-durduruldu.html> KHK mağdurlarının mal varlıklarını satmasını engellemek için tüm tapu müdürlüklerine gönderilen yazıyla alım-satım işlemleri durduruldu. <https://odatv4.com/buyukelci-yapilan-saban-dislinin-pasaportuna-da-damga-vurulacak-mi-08091805.html> ana-babalarından dolayı çocukları damgalamakta bir beis görülüyor, o halde Lahey Büyükelçisi yapılan Şaban Dişli'nin pasaportuna da kardeş kontenjanından aynı damga vurulsun!.. <https://twitter.com/gergerliogluof/status/1214970840678309892?s=20>.

244 <https://www.haberturk.com/gundem/haber/1509651-darbe-girisimi-sonrasi-alinan-acil-tedbirler> Taşınmazların veya kara, deniz ya da hava ulaşım araçlarının devir ve temlikini veya bunlarla ilgili hak tesisi ya da tasarruf yetkisini kısıtlama imkânı getirildi. Kısıtlama kararı, soruşturma aşamasında sulh ceza hâkimi tarafından verilebilir.

245 <https://www.evrensel.net/haber/393996/aymden-wikipedia-ile-ilgili-hak-ihlali-karari>; <https://www.aa.com.tr/tr/turkiye/wikipedia-itirazi-reddedildi/811942> Ankara 1. Sulh Ceza Hâkimi Sezer Söylemez, Wikipedia'nın kapatılmasına itiraz başvurusunu reddetti.

decisions with "In the Name of the Turkish Nation", they say "it was decided by our judge", not "by our court committee". The equivalent of the phrase "our sovereignty" is only 1 person, so in practice it says "I decided that way".<sup>246</sup>

#### **74. PREVENTING THE ISSUANCE OF A BUSINESS LICENSE/NOT TO OPEN A BUSINESS TO LEAD TO PHYSICAL EXTINCTION**

KHK victims were not given permission to open a workplace in their fields of expertise, such as education, health and security, with excuses such as security investigation, legal obstacle, refusal of the relevant permission board. Even the right of the victims to open an ordinary waffle shop was usurped. In one example, the SOE/KHK victim was allowed to open a shop first, spent all the money in his hand for the shop he wanted to open, after making all kinds of expenses, his license was canceled when the opening time came and all his savings were destroyed.<sup>247</sup> In another example, the same kind of incidents happened to the SOE/KHK victim who wanted to open a health cabin in his place of residence.

#### **75. BLOCKING BANK ACCOUNTS TO LEAD TO PHYSICAL DESTRUCTION**

The bank accounts of many SOE/KHK victims were blocked through KHKs, BDDK practices or decisions of criminal courts of peace. They and their families were condemned to hunger and despair at a time when they needed it most. Even if the blockage on their accounts were later lifted, the victims still faced difficulties in getting their money.<sup>248</sup>

#### **76. PREVENTING THE OPENING OF A BANK ACCOUNT FOR BOTH THE VICTIM AND HIS SPOUSE TO LEAD TO PHYSICAL EXTINCTION**

"Not opening a bank account" was another genocide tool specially developed to prevent the KHK victims from maintaining their economic assets, even under minimum conditions. By defining the code "Risky/objectionable person", these people were prevented from using even basic banking services. The practice of not opening a bank account was integrated with the Social Security Institution system, private fund institutions such as OYAK, insurance companies and private enterprises.<sup>249</sup>

SOE/KHK victims, who were able to find a job, albeit with difficulty, during the SOE, were prevented from opening salary accounts in banks with such unlawful records. Thus, many of the victims had to quit their jobs that they had difficulty in, or were dismissed.<sup>250</sup> Even if all these difficulties were somehow overcome, employers employing the victim were always threatened by SGK and finance/tax inspectors, and were pressured with warnings like "don't give those traitors a job".

<sup>246</sup> <https://m.bianet.org/bianet/insan-haklari/194415-deniz-yucel-neden-serbest-kaldigimi-bilmiyorum> "Neden bir yıl önce tutuklandığımı bilmiyorum ve aynı şekilde neden bugün serbest bırakıldığımı da bilmiyorum"

<sup>247</sup> <https://www.milligazete.com.tr/haber/3389299/khkli-memura-is-yeri-ruhsati-verilmedi> . " : KHK mağduru olduğu için iş yeri ruhsatı alamadı: <https://www.gazeteduvar.com.tr/turkiye/2019/11/26/khkli-oldugu-icin-is-yeri-ruhsati-alamadi-artik-korkmuyorum>

<sup>248</sup> [https://www.yeniasya.com.tr/gundem/banka-khk-linin-parasini-vermedi\\_512794](https://www.yeniasya.com.tr/gundem/banka-khk-linin-parasini-vermedi_512794) ; [https://twitter.com/istanbul\\_KHK/status/1298320941274091528?s=08](https://twitter.com/istanbul_KHK/status/1298320941274091528?s=08) .

<sup>249</sup> <https://kronos34.news/tr/bakan-albayrak-khklilerle-igili-uc-onergeye-yine-link-gondererek-yanit-verdi/> ; <https://www.gazeteduvar.com.tr/gundem/2020/05/21/khkliye-bankaya-para-yatirmak-da-yasak/> .

<sup>250</sup> <https://www.birgun.net/haber/banka-khk-li-oldugu-gerekcesiyle-doktora-hesap-acmadi-282780> ; <https://www.birgun.net/haber/bankalarda-hesap-acamiyorlar-khk-liler-issizlige-mahk%C3%BBm-285655> ; <https://genotr.com/olaylar/garanti-bankasi-khkliya-hesap-acmadi/> ; <https://www.khkliplatformlaribirligi.org/khk-zulmunde-son-nokta-banka-khkli-ogretmene-hesap-acmadi/> .

## 77. PREVENTING THE VICTIMS AND THEIR SPOUSES FROM MAKING BANK TRANSFERS/EFTS

There were many unlawful practices carried out with secret orders and circulars to be applied against the KHK victims. For example, KHK victims and their relatives were prevented from “making bank transfers or EFTs”. When a person who was a KHK victim who wanted to pay the school installments of his children studying in private school wanted to make the transfer, the system did not allow the transaction because there was a prohibitive record about that person. When they wanted to do the same thing this time, they learned that they were blocked in the same way as a whole family. On this occasion, they learned that the KHK victims could not make a transfer, even to make the installment payments of their children who go to private school. Moreover, the same restriction was placed on even completely unrelated spouses, and they were considered 'objectionable or risky'.<sup>251</sup> In the research conducted on the subject, it is understood that such records are generally set by the BDDK.

## 78. PREVENTING THE KHK VICTIMS FROM BENEFITING FROM LOANS PROVIDED BY BANKS OR OTHER INSTITUTIONS

The rights of the victims to obtain and use loans were blocked by the notes and records about them that were put on black lists of many institutions such as the Central Bank, the BDDK, the Ministry of Finance, e-state, and the Risk Center of the Banks Association of Turkey. The usurpation of victims' right to use credit was not limited to access to bank loans. In line with the directives from the provincial police directorates to institutions such as the Student Loans and Dormitories Institution, victims and their relatives were prevented from getting education loans.<sup>252</sup>

## 79. PREVENTING THE KHK VICTIMS FROM BENEFITING FROM DEBT PAYMENT FACILITIES

By preventing the victims from restructuring and closing their credit debts and credit card debts, an attempt was made to accelerate their economic deaths.<sup>253</sup> They were prevented from getting new credit cards, or sometimes their credit cards were canceled, thus trying to prevent their attempts to get out of the economic death environment they were thrown into.

251 <https://www.omerfarukgergerlioglu.com/basin/basindan/khkiye-yine-banka-engeli-esiniz-de-sakincali/17019/>; <https://t24.com.tr/haber/bankadan-khk-ile-ihrac-edilen-eski-savciya-siz-ve-esiniz-sakincali-gorunuyorsunuz-isleminizi-gerceklestiremiyoruz-yaniti,893797>; <https://twitter.com/gergerliogluof/status/1289288639365685249?s=20>; [https://twitter.com/KHKLI\\_Platformu/status/1288742246955851776?s=20](https://twitter.com/KHKLI_Platformu/status/1288742246955851776?s=20); <https://twitter.com/gergerliogluof/status/1288722977115209728?s=20>; <https://twitter.com/gergerliogluof/status/1288945816913301507?s=20> Bank denied the request of decree-law (KHK) victim by saying that “you and your wife are considered 'inconvenient/undesirable. <https://twitter.com/gergerliogluof/status/1288874616782495744?s=20> Sanko Okul Said “We won't give scholarships to the children of the Decree-Law (KHK) purgees.

252 <https://twitter.com/gergerliogluof/status/1096984158784704512?s=20> Ziraat bankası kredi kartı borcu için kredi çekmek istediğimizde KHK lı olduğumuz için krediye onay vermedi. <https://tr.euronews.com/2020/01/14/video-khk-lilar-turkiye-sakincali-vatandas-is-ve-saglik-hizmeti-yok-bankalar-hesap-acmiyor> KHK'lılar Türkiye'nin “sakincalı” vatandaşı mı? İş ve sağlık hizmeti yok, bankalar hesap açmıyor. <https://twitter.com/gergerliogluof/status/1147207142644035584?s=20> Eşim beraat almış bir KHK mağduru polis bugün devlet bankası Vakıfbank'tan kredi başvurusu yaptım eşimden dolayı bana kredi vermeyeceklerini söylediler. <http://www.sanalbasin.com/mobil/kart-borcu-kampanyasi-vakifbank-khli-musterisini-geri-cevirdi-29216204> Kart borcu kampanyası: Vakıfbank KHK mağduru müşterisini geri çevirdi. <https://www.hurriyet.com.tr/egitim/kapatilan-universitelerdeki-ogrencilerin-kyk-burslari-kesildi-40183433> Kapatılan üniversiteledeki öğrencilerin KYK bursları kesildi.

253 <http://www.diken.com.tr/kart-borcu-kampanyasi-vakifbank-khli-musterisini-geri-cevirdi/> Vakıfbank'ta KHK'lıya kredi kartı yapılandırması yok. <https://www.youtube.com/watch?v=UqU6ZUb5n84> Hukuka Çağrı.

## **80. CANCELLATION OR BLOCKING OF CURRENT ACCOUNTS AND/OR CREDIT CARDS**

Many banks, especially public banks, canceled or imposed very serious usage restrictions on the victims' debit or credit cards on the grounds that they were expelled by KHKs.<sup>254</sup>

## **81. THE USURPATION OF THEIR RIGHTS ON RECEIVABLES**

Insurance receivables and commercial receivables of the victims were usurped.<sup>255</sup> State institutions collected the receivables of the victims on their behalf, but did not give this money to the victims. Private individuals, on the other hand, took advantage of the SOE/KHK process and usurped their rights by not paying their debts such as rent, sales, borrowed money and valuables. In the face of such usurpation of rights, the victims could not apply to courts in any way. Since the judicial institutions were also put under pressure, their attempts in that direction were left inconclusive.

## **82. PREVENTING THEM FROM GETTING POS DEVICES**

Victims were prevented from getting POS devices, which are now indispensable tools of trade.<sup>256</sup> Even their spouses returned empty-handed from POS device applications. Such obstructions, in addition to being a means of killing people economically, also caused the disintegration of families, which are the most sacred building blocks of a nation. A large number of families were torn apart in order to escape the grave consequences of being thrown into a death corridor with the chained, simultaneous, organized, systematic genocide tools and methods included in this study. Breaking up families is a practice in the theory of the crime of genocide.

## **83. OBSTRUCTION OF TAX DEDUCTION RIGHTS**

The economic survival of the victims of the social genocide was deliberately blocked, but on the other hand, all the public burdens were sustained. Thus, the victims were not only left without an income, they were forced to continue to bear all the burdens of citizenship despite the fact that most of their citizenship rights were taken away. For example, the application of a victim to benefit from the real estate tax reduction was rejected by the Ministry of Treasury and Finance.<sup>257</sup> On the grounds of refusal, it was answered that the tax reduction is a state service and that the person concerned cannot benefit from this service since he or she is one of the expelled people for not fulfilling the "obligation of loyalty to the state". There

<sup>254</sup> <https://www.dw.com/tr/bankadan-khk-yan%C4%B1t%C4%B1-kart%C4%B1-ihra%C3%A7-nedeniyle-kapat%C4%B1d%C4%B1/a-53363760> .

<sup>255</sup> <https://www.otoclubturkiye.com/forum/topic/302315-khk-ile-ihra%C3%A7-edilene-sigorta-%C3%B6deme-yapm%C4%B1yormu/> ; <https://gazete.alinteri1.org/khkliyan-sigorta-sirketleri-bile-zarari-odemiyor> ; <https://www.hukukihaber.net/ekonomi/sigorta-sirketi-khk-linin-kaza-hasarini-odemedi-h434349.html> ; <https://aktifhaber.com/15-temmuz/aksigorta-khklilarin-paralarini-odemiyor-h141704.html> ; <https://boldmedya.com/2020/01/17/123743/> ; <https://www.gazeteduvar.com.tr/gundem/2020/01/17/aracina-kamyon-carpan-khkliye-sigorta-parasi-yok/> ; <https://onedio.com/haber/gerekce-khk-li-olmasi-sigorta-sirketi-kasko-yaptigi-aracin-kaza-bedelini-odemedi-893064> ; <https://www.memurlar.net/haber/876086/sigorta-sirketi-esi-kaza-yapan-khk-liya-odeme-yapmadi.html> ; <https://ozgurdenizli.com/khkliye-banka-havalesi-de-kasko-da-yasak/> .

<sup>256</sup> <https://twitter.com/gergerliogluof/status/1238914949440823296?s=20> "KHK mağduru olduğum için eşime post cihazını uygun görmemiş".

<sup>257</sup> <https://t24.com.tr/haber/hazine-ve-maliye-bakanligi-ndan-khk-liya-vergi-indirimi-yapilamaz-karari-gerekce-devlete-sadakat,878543> Hazine ve Maliye Bakanlığı: KHK'lıya "vergi indirimi yapılamaz".

was no legal basis for such usurpation of rights. However, a kind of discrimination that "did not take its source from the Constitution" was frequently applied to those who passed the KHKs. In other words, the state institutions themselves forced the victims to economic death with practices that did not even recognize the Constitution.

This incident reveals that the efforts to reduce the dismissals made with the KHKs to an ordinary word of "dismissal" and "removal from public service" are efforts to conceal the genocide. What actually happens is to starve the victims by causing them to collapse economically.

#### **84. PREVENTING THEM FROM BENEFITING FROM INSURANCE SERVICES**

Although the Turkish state has attempted to disseminate a perception to local and international public opinion that the KHKs were simply devices to dismiss people from their jobs, what was done was never limited to dismissal. For example, in addition to all their usurped rights, the victims were even prevented from having compulsory traffic insurance and/or motor vehicle insurance for their vehicles.<sup>258</sup> When they were somehow insured, even their right to collect the insurance damage cost, which they paid in advance, could be usurped.<sup>259</sup>

One of the victims' statements in this regard is as follows: "Some insurance agents refused to make compulsory traffic insurance for my car". "I had an accident with the vehicle registered to my spouse. Since my spouse was in prison (my spouse's file number was written on my guardianship document), the insurance of the vehicle was not paid to us. In addition, although the interim injunction decision of the court regarding my spouse was revoked by the court decision, our vehicle was confiscated by the gendarmerie as it was not reflected in the system. The situation was later resolved with great difficulty. However, we paid the parking fee of the vehicle, which was held unjustly under the trustee, out of our own pocket."

Another dimension revealed by this practice is that some of the methods and tools of genocide are "dormant". In other words, before an event occurs, the public cannot be aware of such a genocidal exercise. Similar violations can be experienced in many different areas, as seen in passport restriction and purchase and sale transactions. Citizens who do not actually make an application or attempt to exercise their right are not aware of the fact that a dormant method and instrument of genocide is in effect against them.

A significant part of the problems related to the insurance payment mentioned in this article were resolved after a while after the public disclosure of the related motor insurance companies. However, the fact of the violations of rights experienced in the intervening period until this problem was resolved was engraved in the memory of the victims.

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258 [https://twitter.com/672\\_magdur/status/1210699456615714816?s=20](https://twitter.com/672_magdur/status/1210699456615714816?s=20).

259 <https://www.gazeteduvar.com.tr/gundem/2019/12/27/khkli-diye-kaskodan-kaza-bedeli-odenmedi/> KHK mağduru diye kaskodan kaza bedeli ödenmedi.

## **85. USURPATION OF PROPERTY RIGHTS OF THE KHK VICTIMS, TO DEMAND RENT FROM THEM SO THAT THEY CAN USE THEIR OWN PROPERTY AND/OR NOT TO PAY THEIR DEBTS WHILE COLLECTING THEIR RECEIVABLES FROM THIRD PARTIES AND INSTITUTIONS**

The movable and immovable properties of the victims were first confiscated, then the victims were demanded to pay rents retroactively for the confiscated real estate, as if they were an occupier on their own property. What happened to the 87-year-old woman named Sittika Atay presents a grave and striking example in this regard. In 2007, Atay donated her house, where she lived, to an education foundation, which was later closed by statutory decree, on the condition that it would be transferred after her death. The public institution, which took over the ownership of the foundation with a KHK, sent a warning to Atay in 2020 and asked for a 4-year retrospective rent for her house. Otherwise, it warned her to vacate her own house. Similar incidents have occurred in many other workplace or property cases. The state institution that took over the property collected the receivables of the workplace it took over. However, they continued to commit the crime of economic genocide, leaving their debts on the victim. Encouraged by this attitude of the public, some invading or looting groups usurped the property of the victims with similar looting or plundering, or did not pay their debts such as rent to them.<sup>260</sup> Examples of this type are available in our report.

## **86. IGNORING THE IDENTITIES, PERSONALITIES AND PRESENCE OF KHK VICTIMS AND THEIR RELATIVES**

The targets of oppression and genocide were generally people who had a reputation in the society and held high positions in the public. What was done to these people was used to create an atmosphere of terror and intimidation on other people. Victims were threatened with their spouses, children, their own honor and even the honor of their wives and daughters. When the security forces could not reach the wanted persons, they even resorted to a method such as taking their spouses or parents hostage.<sup>261</sup> They separated mothers who had breastfed babies from their babies. These women had to express their milk in the sink in the prisons where they were held. They were kept in solitary confinement for years and tried to destroy their identities, personalities, individual existence and will. By such methods, they were forced to accept the impositions of the will that kept them there. Rights to employment, education, access to health services, and access to many other public services continued to be arbitrarily denied as part of depersonalization practices.<sup>262</sup>

<sup>260</sup> <https://ahvalnews.com/tr/15-temmuz/hapse-atilip-mallari-talan-edilen-demir-ailesinin-hikayesi> ; <https://boldmedya.com/2020/04/29/demir-ailesinin-6-7-eylulu-aileden-8-kisi-tutuklandi-mallari-talan-edildi/> .

<sup>261</sup> <http://www.haberdar.com/gundem/esini-bulamayinca-avukat-anneyi-ve-6-5-aylik-miray-bebegi-tutukladilar-h113688.html> Eşini bulamayınca avukat anneyi ve 6,5 aylık Miray bebeği tutukladılar. <https://www.milliyet.com.tr/yerel-haberler/mugla/fetocu-babasina-seslenerek-teslim-olmasi-cagrisinda-bulundu-11619011-FETÖ'cü-Babasına-Seslenerek,Teslim-Olması-Çağrısında-Bulundu>. <https://www.gazeteduvar.com.tr/gundem/2019/03/01/pasaport-tahditleri-kalkti-cok-cok-kotu-cok-kotu-oldu/Tahdit-kalkti:çok-kötü-oldu!> <https://www.dogrusu.com/gozaltina-almak-istedikleri-khkli-babayi-yakalayamayinca-ogluna-iskence-yaptilar> Gözaltına almak istedikleri KHK mağduru babayı yakalayamayınca oğluna işkence yaptılar. <https://twitter.com/hh8170/status/1150635795914600448?s=20> Soykırımına karar verdikleri vatandaşın tedavisini engelleyerek, geciktirerek onu öldürürler. <https://youtu.be/Q4ZHLFkKMZU> "Bana ulaşamayınca babamı tutukladılar"; <https://www.demokrathaber.org/guncel/dilek-dundar-esime-karsi-rehin-tutuluyorum-h112947.html> ; <https://medyascope.tv/2019/02/11/dilek-dundar-esime-karsilik-rehin-tutuluyorum/> ; <https://www.gercekgundem.com/medya/69772/can-dundarin-esi-dilek-dundar-esime-karsi-rehin-tutuluyorum> ; <https://ahvalnews.com/tr/muhalliflere-baski/dilek-dundar-25-yildir-esime-karsi-rehin-tutuluyorum> .

<sup>262</sup> <https://twitter.com/tgmcelebi/status/1083658731420831745?s=20> KHK mağdurlarının devlet kurumlarında iş bulması imkansızlaştırıldı. <https://tr.euronews.com/2020/01/14/video-khk-lilar-turkiye-sakinca-vatandas-is-ve-saglik-hizmeti-yok-bankalar-hesap-acmiyor> KHK'lılar Türkiye'nin "sakıncalı" vatandaşı mı? İş ve sağlık hizmeti yok, bankalar hesap açmıyor.

## 87. SOCIAL DISREGARD FOR VICTIMS AND THEIR RELATIVES

Memberships of the victims' school-parent unions, associations and foundations were prevented and thus their social existence and status were tried to be destroyed.

## 88. CHARACTER ASSASSINATIONS

With widespread "hate speech" and campaigns of hatred and malice, people who were respected in the society due to their social and economic status until 15 July 2016 were declared "traitors", "terrorists", "enemy of the state", "enemy of the nation", and "deviant" whereby their social prestige, status and identity were destroyed.

## 89. VIOLATING THE RIGHT TO EDUCATION BY BANNING ACCESS TO SCHOOL BUILDINGS

There are many statements and information about the usurpation of the education rights of all the victims of the KHKs, especially the victims who are imprisoned in prisons, among the data we have reached through our research. For example, the books requested by the victims who wanted to continue their education during their imprisonment were not brought to their wards or obstacles were put in their way when they wanted to take the exams. The case of academician Cenk Yiğiter, who was not admitted to the school just because he was a KHK victim even though he passed the Undergraduate Placement Examination, is another exemplary case that has made its mark on the public opinion in Turkey and the world.<sup>263</sup>

Another exemplary case of denial of education rights, as they were prevented from entering school buildings, took place at the University of Health Sciences, formerly known as GATA. Medical school students were prevented from entering the school buildings shortly before they received their diplomas. Thus, they could not graduate since they were marked absent in attendance sheets, not able to take exams or complete their other assignments.<sup>264</sup>

The usurpation of the right to education was not limited to the KHK victims, but was also extended to the relatives of the victims. In particular, the relatives of the victims of the KHKs or the disabled people were dismissed from the special education and rehabilitation centers. Thus, a crime against humanity was committed against the disabled people, who needed special support or education due to their disability, by hindering their education and personal development because of their relative or familial bonds with the KHK victims.<sup>265</sup>

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<sup>263</sup> <https://www.cumhuriyet.com.tr/haber/khk-ile-ihrac-edilen-yigiter-iki-universitede-ogrenci-sadece-kendi-okuluna-alinmiyor-826458>

<sup>264</sup> <https://kronos34.news/tr/gatada-3-hafta-sonra-mezun-olacak-42-ogrencinin-okulla-ilisigi-kesildi/> ; <https://www.milligazete.com.tr/haber/4933673/okulla-ilisigi-kesilen-42-gata-ogrencisi-tbmm-baskanligina-tasindi> .

<sup>265</sup> KHK'yı Gereğe Gösterip Yüzde 100 Engelli Nurefşan'ı Okuldan Attılar, <https://www.boldmedya.com/2020/12/03/yuzde-yuz-engelli-cocuk-okuldan-atildi/> .

## **90. PROHIBITING THE ENTRANCE OF KHK VICTIMS TO THE INSTITUTIONS FROM WHICH THEY WERE EXPELLED, TO ANY PUBLIC INSTITUTION OR PUBLIC BUILDINGS**

Among the information and data we have obtained through our report studies, there are many victims' statements that the KHK victims are prohibited from entering the institutions from which they were expelled, by arbitrary and administrative decisions. Such examples are also frequently encountered in social media. One of the remarkable cases that can be an example of the prohibitions and restrictions in question is the security regulation amendment made at the first Presidency Council meeting of the Presidential Council of the Grand National Assembly of Turkey (TBMM) on October 8, 2020, in the 27th term 4th legislative year. At this meeting, the Court banned those who were expelled from the state for any reason after January 1, 2015, from entering the TBMM campus. It is clear that the main purpose here is to ban the victims from entering the parliament.<sup>266</sup> Thus, it is obvious that the victims are tried to be prevented from seeking their rights by meeting with the TBMM members. According to the Constitution of the Republic of Turkey, fundamental rights and freedoms can only be restricted by law. The fact that the victims were not admitted to the Assembly campus with this regulation change is another proof that no fundamental rights and freedoms were wanted to be granted to them, and that they were not considered as members of the public or citizens.

Another arbitrary and unlawful prohibition against the victims is not accepting them in the Presidential National Library located in the Presidential Complex in Ankara, Beştepe. For example, when a person named Rafet Irmak wanted to enter this library, the police there made a GBT inquiry about the person. Here he was asked many questions and was interrogated. Then he was not allowed to use the library. When he objected that the practice is not acceptable, the police, who prevented him from using the library, answered Irmak saying, "Our President does not want you here."<sup>267</sup>

## **91. DELETING HISTORY / DESTROYING VICTIMS' HISTORICAL RECORDS**

In the SOE genocidal system, isolating and exterminating people from society was not limited to the present. The biographies of the victims were deleted from the histories, publications and websites of the institutions they worked for before their dismissals, or any information about them was blacked out or destroyed. Similar blackouts were also made in the indictments, investigation and expert reports, camera recordings that provided evidence in favor of the victims of the genocide, and testimonies of witnesses.

<sup>266</sup> <https://twitter.com/gergerliogluof/status/1056447464423809029> ; <https://www.dogrusu.com/news/khk-magdurlarinin-meclise-girisi-yasaklandi> ; <https://www.gazeteduvar.com.tr/meclisten-ihrac-personel-yerleskeye-alinmayacak-haber-1501133> ; <https://www.hukukihaber.net/siyaset/meclisten-ihrac-edilenler-tbmm-yerleskesine-giremeyecek-h438546.html> ; <https://www.tr724.com/tbmmde-soykirim-yasasi-kabul-edildi-khklilar-meclise-giremeyecek/> ; <https://www.boldmedya.com/2020/10/09/khkyla-ihrac-edilenlerin-meclise-girisi-yasaklandi/> ; <https://kronos34.news/tr/meclisten-ihrac-edilen-khklilarin-tbmm-yerleskesine-girisi-yasaklandi/> ; <https://www.cumhuriyet.com.tr/haber/devletten-ihrac-edilenler-tbmm-yerleskesine-giremeyecek-1772116> .

<sup>267</sup> KHK'liye Beştepe'de Millet Kütüphanesi engeli: Cumhurbaşkanımız sizi istemiyor. KHK mağduru Rafet Irmak, cumhurbaşkanlığında bulunan kütüphaneye yürüdüğü sırada önu polisler tarafından kesildi. Irmak'a polisler, "Cumhurbaşkanımız sizi istemiyor" dedi.<https://www.gazeteduvar.com.tr/khkliye-bestepede-millet-kutuphanesi-engeli-cumhurbaskanimiz-sizi-istemiyor-haber-1560121>

## 92. DESTROYING THE FUTURE OF THE VICTIMS, IGNORING THEM

In the SOE, as a result of the ignoring of the citizenship rights of the targeted individuals, their right to "live, protect and develop their material and spiritual assets" was usurped, and their civil rights and assets were destroyed. All channels for the victims and their relatives to cling to life have been blocked not only for the present or temporarily, but permanently and for a long time. Examples of practices in this context include preventing the education rights of victims and their perpetrators, especially for children, mobbing these people during the education process<sup>268</sup>, preventing them from being successful in an educational institution, preventing them from having a job,<sup>269</sup> being discredited in the society, being tagged and blacklisted wherever they apply and presentation of their lineage relations and negative security investigations to them as barriers can be shown.<sup>270</sup> For example, when military schools were closed by KHK, the students there suddenly found themselves in great uncertainty. Their futures were destroyed along with all their career plans. On the other hand, although they are ostensibly shown to be placed in universities, YÖK added the text "Granted in accordance with the Decree Law No. 669" in the issuance of diplomas, and stamped the diplomas of former military school students with an eternal stamp of "KHK" with a special and discriminatory practice.<sup>271</sup>

There was no need for such stigmatization, and there is no public interest in this stigma. It is clear that this stigma is deliberate, with the aim of causing the victims to experience hardship and obstacles throughout their lives. Thus, it was desired to transform the diploma holder into a social dead forever.

## 93. IGNORING THE TIES OF CITIZENSHIP AND RELATIONS (THE USURPATION OF THE RIGHT TO VOTE AND TO BE ELECTED)

In democracies, one of the most important rights and duties that a citizen can show his influence and contribution to the state administration is the right to elect and be elected. However, the social terror created in the SOE regime and the use of public power, especially in prisons, have usurped the right to vote of the victims.<sup>272</sup> In the local government elections held on March 31, 2019, the practice of destroying the rights of the KHK victims to vote or be elected manifested itself as the ruling party presented their votes to the YSK as a justification for the renewal of the Istanbul Metropolitan Municipality elections.<sup>273</sup> On the other hand, the KHK victims were allowed to participate in the elections

268 <https://www.usakhabermerkezi.com/egitim-ogretim/git-fetoculugunu-itiraf-et-ver-bir-kac-isim-sonra-gel-seni-okul-muduru-yap-alim-derseniz-bu-sonucu-alirsiniz-h30286.html> Git FETÖ'cülüğünü itiraf et ver birkaç isim sonra gel seni okul müdürü yapalım dersiniz bu sonucu alırsınız.

269 <http://direnisteyiz27.org/khkli-ogretmen-eylem-yapanlari-anlamazdim-haksizliga-ugradim-simdi-anliyorum/> KHK mağduru Öğretmen: Eylem yapanları anlamazdım, haksızlığa uğradım, şimdi anlıyorum.

270 <https://www.dw.com/tr/khklilar-sosyal-ölüme-terk-edildik/a-52005145> "Hundreds of thousands of people were expelled from the public sector. They could not find a job in the private sector, they were banned from going abroad. Their participation in the courses and programs of the Turkish Employment Agency (İŞKUR) was prohibited. Even the municipalities were preventing the KHK victims from opening any business. Even withdrawing the money sent to them from abroad was prohibited."

271 <https://www.milliyet.com.tr/yemel-haberler/ankara/yok-ten-kapatilan-askeri-yuksekogretim-kurumlariyla-ilgili-aciklama-11547897>

272 <https://www.hurriyet.com.tr/gundem/tutukluya-oy-sinirlamasi-41067592> Tutukluya oy sınırlaması.

273 <https://www.bbc.com/turkce/haberler-turkiye-48198506> 31 Mart'ta CHP adayı Ekrem İmamoğlu'nun kazandığı İstanbul Büyükşehir Belediye Başkanlığı seçimini iptal edildi.

in order to send a message to the national and international public opinion as if the victims had the right to participate in the elections and to be elected. However, after these people were elected as mayor or city council members, these rights were usurped and they were not given their mandates. This practice also means usurping the voting rights of all voters who voted for the victims.

Interestingly, the victims were allowed to become deputies and enter Parliament as deputies. This shows that it is part of deliberate genocidal practices to enforce the decision that those subjected to the practice of genocide can never be appointed to positions in executive roles.<sup>274</sup> It is another application that shows that the victims are Haymatlos.

#### **94. NOT BENEFITING FROM THE RIGHT TO DO SHORT-TERM MILITARY SERVICE, WHICH SHOULD BE ACCORDING TO THE MILITARY LEGISLATION, AND BEING EXPOSED TO MOBBING DURING MILITARY SERVICE**

According to the old military law, those with a bachelor's degree could do short-term military service for six months. Those who were expelled by KHKs were not benefited from this right, and they were also exposed to mobbing during their military service. A few statements of victims on this matter are as follows: "According to the old military law, those with a bachelor's degree could do short-term military service. I did my military service as long-term (12 months) due to my dismissal by decree. I was exposed to many exclusions and mobbing in the military." "Even though I graduated with a bachelor's degree, they made me do my military service for 12 months as a long-term private. After receiving anti-terrorism training, I did my military service in Uludere, Şırnak. So, supposedly am I a terrorist."

#### **95. IGNORING IN THE JUDICIARY (NOT BEING ABLE TO DEFEND, SEEK RIGHTS, MAKE AN APPLICATION)**

Those who were expelled by KHKs or ministerial circulars, which are genocide execution tools, were often rendered unable to seek their rights and/or defend themselves when subjected to judicial investigations. Because the remedies in the judiciary and administration have been turned into rabbit holes by the genocide bureaucracy. Thus, with the orders and instructions sent to the administrations and prosecutor's offices, they blocked the way of seeking rights so that no positive action would be taken against the applications made. For example, although a first-degree relative of a citizen has the right to apply to the Constitutional Court, if a victim's relative did this, the application document was not received. With a decision of the Supreme Court, the genocide bureaucracy confirmed that all past and future material rights of the victims can be usurped.<sup>275</sup> In this framework, the complaints of the victims, their denunciations, the petitions of the tortured, and even the complaints of the families whose children were killed were not taken into account.

274 <https://t24.com.tr/haber/hdp-li-esbaskana-khk-li-oldugu-icin-mazbata-verilmedi,815577> HDP'li Eşbaşkana KHK mağduru olduğu için mazbata verilmedi. <https://twitter.com/hh8170/status/1114407254806155264?s=20> SOE Komisyonu SOYKIRIM SUÇU'nun tatbikinde infazların KEYFİ'liğini sağlamak üzere kurulmuş bir örgüt kademesidir. <http://www.cumhuriyet.com.tr/haber/akp-bunu-da-gundeme-getirdi-khkliler-secmen-olamaz-1349672> AKP bunu da gündeme getirdi: KHK'liler seçmen olamaz. <https://twitter.com/hh8170/status/1205221189074989059?s=20> Levent Gültekin: "Bir soykırım gibi insanlar açlığa mahkûm edildi."

275 <http://www.ankara.adalet.gov.tr/sayfalar/duyuru/egitim-sosyal-isler/uygulamadabirlik.pdf> Dz.K.K.: "Yapılan suç duyuruları üzerinden soruşturma işlemleri işlem makamındaki personelin moral ve motivasyonunu olumsuz etkiliyor." Not: Bu linkteki dokümanın siteden kaldırıldığı anlaşıldı. Ancak bir kopyası tarafımızda mevcuttur. <https://www.tr724.com/sivil-darbeciler-yasalari-da-aym-kararlarini-da-takmiyor/> Sivil darbeciler, yasaları da AYM kararlarını da takmıyor. <https://www.kamupersoneli.net/kamu-personelleri/yargitay-dan-khk-larla-kaptilan-kurumlarda-calisanlar-h21094.html>

On the other hand, in none of the cases, it was seen that not a single piece of evidence, information or document that could be in favor of the victims was included in the indictments. During these unlawful proceedings of the judiciary and the courts, the rights of the victims were always considered to be absolutely non-existent, the rights of defense were usurped in an organized manner, and the remedies to seek justice were turned into a maze with no exit. Complaints filed by victims of the genocide were not arbitrarily processed. Another unlawfulness was committed when the decisions regarding their non-processing were to be notified to the applicants. If the person was released, he was forcibly taken to the institution by the police and the notification was informed to that person with degrading treatment there.<sup>276</sup>

## 96. OBSTRUCTION OF INDIVIDUAL AND PUBLIC ACCESS TO INFORMATION THROUGH SUPPRESSION OF THE PRESS AND PUBLIC ORGANIZATIONS

It will not be misleading to say that intense pressure and censorship on the media are used as an important method to hide the genocidal practices from the public. The plight of the media in Turkey can be understood from the fact that the country is one of the countries with the worst performance in the world in terms of the number of imprisoned journalists. Criminal Judgements of Peace came to the fore in silencing the media. Antidemocratic and unlawful actions such as detention, search, arrest, seizure, tweet deletion, passport cancellation, news blocking, unlawful closure of a global site such as Wikipedia, rejection of the application to be opened, in line with the orders from the higher levels of the bureaucracy, generally take place first by the hands of these judgements.<sup>277</sup> For example, targeted journalists were deprived of their passport, press cards, jobs and even their retirement, even though there were no judicial or administrative actions against them and they did not even know what they were accused of.<sup>278</sup>

Press members, who try to do their duties properly, were forced to choose between "death, imprisonment or silence", among sanctions such as fines and broadcasting bans as well as social lynching, targeting and beating, being targeted and detained, canceling their press card suddenly and without any justification, extortion of freedom of travel, dismissal, arbitrary and discrimination crime by using RTÜK for broadcasting companies.<sup>279</sup> In this situation, the only area

276 <https://tr.euronews.com/2020/01/29/aym-khk-hakim-icin-hak-ihlali-ve-tazminat-karari-verdi> AYM, KHK mağduru hâkim için hak ihlali ve tazminat kararı verdi. <https://www.avazturk.com/sasirtan-ihrac-fetocu-degilsin-dediler-ihrac-ettiler-35017h.htm> Şaşırta ihraç! 'FETÖ'cü değilsin' dediler, ihraç ettiler.

277 <http://www.internationaljournalists.org/haber/tutuklu-gazeteciler-listesi.html> 15 Mayıs 2020 itibarıyla Türkiye'de tutuklu gazeteci sayısı: en az 189'dur. <https://www.evrensel.net/haber/393996/aymden-wikipedia-ile-ilgili-hak-ihlali-karari> <https://www.aa.com.tr/tr/turkiye/wikipedia-itirazi-reddedildi/811942> Ankara 1. Sulh Ceza Hakimi Sezer Söylemez, Wikipedia'nın kapatılmasına itiraz başvurusunu reddetti.

278 <https://tr.euronews.com/2019/12/11/cpj-dunyada-en-az-250-gazeteci-tutuklu-cin-ve-turkiye-en-buyuk-gazeteci-hapishanesi> Committee to Protect Journalists (CPJ): China and Turkey are the world's largest journalist prisons. The government (in Turkey) shut down more than 100 news channels and laid off many journalists. Dozens of journalists who did not go to jail in Turkey still face trials. Many who are abroad were convicted in absentia and will be arrested if they return to the country.

279 <https://www.yenicaggazetesi.com.tr/mhpyi-yorumlayan-gazetecileri-boyle-hedef-gosterdi-196508h.htm> "MHP'yi yorumlayan gazetecileri böyle hedef gösterdi". <https://www.gazetekritik.com/yasam/yandas-medya-hedef-gosterdigi-gazeteci-ece-oz-turk-gozaltina-alindi-h49878.html> "Yandaş medya hedef gösterdiği gazeteci Ece Öztürk gözaltına alındı". <https://www.dw.com/tr/sar%C4%B1-bas%C4%B1n-kartlar%C4%B1-iptal-gazeteciler-isyanda/a-52137083> "Gazetecilere iptal gerekçesi hakkında bilgi verilmedi.". <https://www.birgun.net/haber/yandas-hedef-gosterdi-gazeteci-bozkurt-kovuldu-226800> "Yandaş Sabah, Fox TV tarafından Türkiye'de operasyon yürütüldüğünü iddia etti. Ardından Fox Ankara Temsilcisi Bozkurt'un işine son verildi". <https://www.birgun.net/haber/rtuk-ten-fox-krt-halk-tv-ve-tele-1-e-para-cezasi-286945> "RTÜK, haber kanallarına para cezası yağdırdı. FOX, KRT, Halk TV ve Tele 1 de para cezasına çarptırılan kanallar arasında" <https://bianet.org/bianet/medya/193288-520-gazeteciye-237-agirlastirilmis-muebbet-3-672-yil-hapis-tehdidi> "122 journalists are in jail. Censorship was applied to 36 website news and articles, eight cartoons, six books and three newspapers. 39 journalists

where the victims of the genocide could make their voices heard was the social media, and that area was constantly suppressed by the power trolls, hitman media elements and the Criminal Judgeships of Peace.<sup>280</sup>

## **97. THE PREVENTION OF THE RIGHT TO OBTAIN INFORMATION FROM PUBLIC INSTITUTIONS**

In the SOE regime, the right of press members, victims and their lawyers to receive information from official institutions was significantly hindered. For example, during the COVID-19 pandemic, information on virus infection cases in prisons or on inmates undergoing surgery was hidden from their families. Families only realized that their relatives in prison were in poor condition when they did not make weekly phone calls or were unable to meet on visiting days.

Public officials who provided authentic information to the public in the SOE were immediately suspended from their duties, journalists were arrested or false press statements and fake news were made against them. In this process, only manipulative news from the pro-government media was allowed. The freedoms of independent journalists, writers, researchers and lawyers who research the facts and question the fake news and propaganda spread to the public, by hiding real figures and cases, have been arbitrarily curtailed.<sup>281</sup>

## **98. VIOLATION OF THE RIGHT TO DEFENSE OR ACCESS TO THE DEFENSE BY PROHIBITION, RESTRICTION, THREAT, HARASSMENT OR DETENTION OF LAWYERS**

The right to a lawyer is the most fundamental part of the right to defense. However, most lawyers who wanted to fulfill their legal duties in the SOE genocidal regime were prevented from doing their jobs. Lawyers were arrested and/or banned from their profession.<sup>282</sup> According to a research study by a group called The Arrested Lawyers Initiative, between 2016 and 2022, more than 1,600 lawyers were detained and taken to court. Of these, 615 were put on trial. 474 people were sentenced to a total of 2,966 years in prison on the grounds that they were members of a terrorist organization or making propaganda for a terrorist organization.<sup>283</sup> In addition, private meetings of the victims with

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are accused of defamation. Attacks are increasing, threats are becoming widespread, 46 journalists are out of work.”

280 <https://tr.euronews.com/2020/02/27/youtube-kanal-khk-tv-ye-erisim-engeli-getirildi> “Access to the YouTube channel, which was established by those who were expelled from their professions with KHKs, and which includes the stories of the KHK victims, has been blocked in Turkey. Member of the Parliamentary Human Rights Investigation Commission, HDP Kocaeli Deputy Ömer Faruk Gergerlioğlu announced that the access ban was taken without a court decision.” <https://twitter.com/hh8170/status/1205733671795404801?s=20> .

281 <https://twitter.com/usameceran/status/1255478361381572608?s=20> Adliye hakimler gelmiyor ama o hakimlerin sorumluluğundaki tutuklular virüs kapma tehlikesiyle karşı karşıya. <https://twitter.com/hh8170/status/1188039646053318656?s=20> Soy bağlınızı soykırım kurbanı yaptığımızdan eşi olarak sizin de bilgi edinme hakkınızı gasp ediyorsunuz.

282 Fatmagül Yılmaz babasının avukatlığını yaptığı için 7 yıl 5 ay ceza aldı ve hâlâ hapiste! [https://twitter.com/kiz\\_deli1/status/1341457426931957761?s=20](https://twitter.com/kiz_deli1/status/1341457426931957761?s=20) ; Darbeci subayların avukatı Kemal Uçar tutuklandı <https://www.youtube.com/watch?v=qhQV8iG8ltQ> ; <https://www.ahaber.com.tr/gundem/2018/03/15/darbeci-subaylarin-avukati-kemal-ucar-tutuklandi> ; <https://www.sabah.com.tr/gundem/2019/11/06/avukat-kemal-ucara-orgut-uyeligi-7-yil-6-ay-hapis> ; <https://www.kocaelikoz.com/guncel/donanmadaki-darbecilerin-avukatiydi-kemal-ucar-tutuklandi-h22710.html> ; <http://www.sanalbasin.com/kemal-ucar-kimdir-neden-gozaltina-alindi-23907157/> ; <https://www.tr724.com/alincagini-soylemisti-kemal-ucar-avukatlik-yaptigi-icin-tutuklandi-karari-okuyunca-ulke-adina-utandim/> ; <https://www.ahaber.com.tr/gundem/2018/03/15/darbeci-subaylarin-avukati-kemal-ucar-tutuklandi> ; <https://kronos34.news/tr/turkiyeden-dunyaya-avukat-manzaralari-savunmaya-plastik-kelepce/> ; <https://kronos34.news/tr/cemaat-davalarini-takip-etmek-sucundan-48i-avukat-60-kisiye-gozalti/> ; <https://kronos34.news/tr/ihd-baskani-ozturk-turkdogan-son-5-yilda-iskence-yapanlarin-hepsi-yar-gi-la-na-cak-lar/> .

283 The Arrested Lawyers Initiative, (2021) The Crackdown: Systematic Arbitrary Imprisonment of Lawyers in Turkey (2016-2022), <https://arrestedlawyers.files.wordpress.com/2021/12/the-crackdown.pdf> .

their lawyers were also prevented by KHKs. With the KHK no 667 numbered Decree Law Article 6-d, this lawlessness was disguised as legality, and attorney/client meetings were held under the supervision of guards and under video recordings. Even those who objected to this unlawful practice were subjected to torture and ill-treatment after their lawyers left them. Thus, it was aimed to "leave them defenseless" by destroying the right of defense of the victims, directly or indirectly.

## 99. IGNORING THEM IN INSTITUTIONS THEY WORK OR BY THEIR ADMINISTRATORS

KHK victims were subjected to procedures such as demotion, exile, suspension, dismissal, expulsion that would throw them into the death/absence corridor, and all their vested rights were ignored.<sup>284</sup> The privileged group, which carried out the genocidal practices in the institutions, ignored the victims and arbitrarily carried out the aforementioned practices under the guise of "administrative savings", even though they were against even the current KHKs.<sup>285</sup> Then, petitions, applications, official and legal demands of victims and descendants were treated as non-existent and almost destroyed in terms of administrative provisions and actions. In this context, while the illegal acts of the privileged genocidal group were deemed credible and put into effect immediately and with extraordinary speed by the judicial and administrative authorities, the petitions, applications, official and legal demands of the victims, who were decided to be a socially dead person, were treated as "the petition of a terrorist, a traitor", and as if they did not exist.

## 100. IGNORING THEIR TESTIMONIES

Even the right of the victims, who were decided to be victimized by the genocide, to use their right to testify was usurped.<sup>286</sup> For example, they were prevented from testifying even in the sale of a property. These persons were defined as "Objectionable Person" or "Risky Person" in the database of many public institutions such as the BDDK, the General Directorate of Land Registry and Cadastre, the Ministry of Interior, and the Turkish Employment Agency, and in this way, they were prevented from participating in official proceedings as witnesses in the land registry, in the presence of a notary public, and in courts. The usurpation of this right is proof that the victims of the SOE/KHK, who were decided to be the victims of genocide, are now considered "totally absent" as a human and citizen.

There is an important detail that is part of the genocide systematic here. That is, in order for a privileged group, which was created in violation of the Constitution, to easily apply the crime of genocide, false witnesses to relieve that group

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284 <https://gazetehayir.com/surgun-yerinden-surgun-edildiler/> Sürgün yerinden sürgün edildiler. <https://www.aa.com.tr/tr/turkiye/mardin-valiligi-hukuk-musaviri-feto-sorusturmasi-nedeniyle-aciga-alindi-/1755052> Mardin Valiliği Hukuk Müşaviri, FETÖ soruşturması nedeniyle açığa alındı. <https://www.a3haber.com/2019/12/27/hsk-18-hakim-ve-savciyi-aciga-aldi/> HSK, 18 hâkim ve savcıyı açığa aldı. <https://www.cnnturk.com/turkiye/hsk-bir-hakim-ile-iki-savciyi-meslekten-ihrac-etti> HSK, bir hâkim ile iki savcıyı meslekten ihraç etti.

285 <https://www.youtube.com/watch?v=VWWhpQSxHhrl> Suçludur diye değil idari tasarrufla ihraç ettik. <https://www.bbc.com/turkce/haberler-turkiye-37904717> KHK'larla ihraç edilen memurlar: Mağduruz, bizi soruşturun. <https://twitter.com/tutsakavukatt/status/1159535809026056192?s=20> Araç sigortası yaptırmak isteyen vatandaşın karşısına çıkan ekranda, vatandaşın "FETÖ" fişlemesi ile riskli müşteri listesine eklendiği görülüyor.

286 <https://kronos34.news/tr/khklinin-sahitligi-de-kabul-edilmedi-riskli-kisi-listesi-varmis/>; <https://artigercek.com/haberler/khk-linin-sahitligi-kabul-edilmedi/>; <https://ahvalnews.com/tr/khk-magdurlari/khkliler-icin-yeni-bir-fisleme-listesi-mi-sahitlik-basvurlari-da-kabul-edilmiyor> KHK'linin şahitliği "Riskli Kişi Listesi"ndesin" denilip kabul edilmedi; <https://twitter.com/gergerliogluof/status/1197096968364986368>; <http://www.haberozetim.com/haber-bu-da-oldu-khk-linin-sahitligi-kabul-edilmedi-6491.html>.

from the responsibility of proving their claims were created. On the one hand, the rights of the KHK victims were usurped. On the other hand, the privilege of "credible witness" was granted to those who confessed to being a "member of a terrorist organization" and chose to take advantage of the facilities of the institution of confession and did not hesitate to slander innocent people for this purpose. With the slanders of those who were deemed to be confessors, decisions were made to suspend, initiate administrative and judicial investigations, expulsion, detention, arrest and even conviction against hundreds of thousands of innocent people, mostly along with some descendants. Citizens who were targeted for the genocide had their right to testify usurped, and their statements were deemed false in advance. For this reason, criminal complaints, applications, notices and complaints made by the victims were always rejected, ignored and not processed. In addition, all criminal complaints and justified demands made in the hearings against the privileged group were rejected.

### **101. HIERARCHICAL DISCREDITING**

Even if the person who was targeted for the genocide was reinstated, this time, hierarchical discrediting was carried out with demotion. Thus, the state of social death was perpetuated for these people.<sup>287</sup> This practice was canceled by the Constitutional Court after staying in force for about 4 years. Thousands of people's lives were ruined for 4 years because of one of these genocide practice methods and tools, which the Constitutional Court considered as a violation of rights.<sup>288</sup>

### **102. DEPRIVATION OF CITIZENSHIP DUE TO NATIONAL OR INTERNATIONAL RIGHTS AND RESPONSIBILITIES**

In the SOE genocide regime, victims were legally ignored by usurping all their citizenship rights. For example, notaries were prevented from processing the power of attorney of many KHK victims. Many lawyers have been prevented from obtaining a lawyer's license. Their rights to practice as lawyers continued to be usurped, even if they later obtained their attorney's licenses and were even tried and acquitted of the crimes they were alleged to have committed.<sup>289</sup> KHK victims, who were deemed non-existent before the judiciary and the administration, were systematically rendered incapable of exercising their rights of defense, access to a lawyer, right to file a lawsuit, right to appeal, right to petition, in some cases even the right to obtain a simple birth certificate, and their right to buy and sell property.<sup>290</sup> This elimination was not only limited to the borders of the Republic of Turkey. If the victims were abroad, they were prevented

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287 <https://www.memurlar.net/haber/867643/boyle-ozur-dileme-olmaz-SOE-komisyonunun-goreve-iade-ettigi-mudur-kaloriferci-yapildi.html> SOE Komisyonunun göreve iade ettiği müdür, kaloriferci yapıldı. Maaşı 6000 TL'den 3500 TL'ye düşürüldü. <http://www.cumhuriyet.com.tr/haber/iade-edilen-khkli-polisler-hak-kaybi-yasiyor-1718112> İade edilen KHK mağduru polisler hak kaybı yaşıyor.

288 <https://www.anayasa.gov.tr/tr/haberler/norm-denetimi-basin-duyurulari/kamu-gorevine-iade-edilen-yoneticipozisyonundaki-kisilerin-atamalarinda-yoneticilik-gorevlerinden-onceki-unvanlarinin-dikkate-alinmasini-ongoren-kuralin-iptali/> Kamu Görevine İade Edilen Yönetici Pozisyonundaki Kişilerin Atamalarında Yöneticilik Görevlerinden Önceki Unvanlarının Dikkate Alınmasını Öngören Kuralın İptali.

289 <https://www.bbc.com/turkce/haberler-turkiye-47884078> KHK ile ihraç edilen hukukçular 'aklansa dahi avukatlık yolu kapalı'. <https://www.indyrturkish.com/node/115186/haber/arak%C4%B1n%C4%B1-satmak-istedi-noterde-s%C3%BCrprizle-kar%C5%9F%C4%B1la%C5%9Ft%C4%B1-sak%C4%B1ncal%C4%B1-listesinde-oldu%C4%9Fu> Aracını satmak istedi, noterde sürprizle karşılaştı: "Sakıncalı" listesinde olduğu için işlemini gerçekleştirmedi.

290 <https://ahval.me/tr/khk-magdurlari/khkliye-evlilik-de-yok-KHK'liya-evlilik-de-yok>

from obtaining citizenship services from embassies or consulates.<sup>291</sup> For example, there were those whose marriages were not held and whose children were not given an identity card. Embassies or consulates did not issue or approve documents required for judicial and administrative proceedings in Turkey. When the victims, who could not get notary services from embassies or consulates, used the internationally valid "Apostille" mechanism, their transactions were deemed invalid.<sup>292</sup> In addition, necessary procedures were not carried out on family reunification visas for the disintegration of the families of victims and the required documents were not given. In short, all the victims and their relatives were annihilated before the state in Turkey and elsewhere in the world. This extermination seems to have been planned massively, including the spouse and unborn children, and systematically without any time limit. This situation also shows that the victims were de facto deprived of citizenship and made "Haymatlos".

### 103. ENFORCED DISAPPEARANCES, ABDUCTIONS

Under SOE, the life or freedom of the victims was not safe in Turkey or anywhere else in the world.<sup>293</sup> The enforced abduction and disappearance of the targeted persons became one of the common practices of the SOE genocide.<sup>294</sup> Interestingly, when even the laws enacted in violation of human rights and freedoms during the state of emergency did not satisfy the genocide regime, dozens of people from both Turkey and various countries of the world were abducted by intelligence or security forces, just as despotic regimes did.<sup>295</sup>

Cases of enforced abduction and disappearance have taken place especially in countries not registered with the ECHR.<sup>296</sup> Therefore, it turns out that the genocide administration committed this crime against humanity by considering and designing in advance where international mechanisms could be abused and kidnapping could be implemented more freely. When the families of the forcibly disappeared persons wanted to publicize the situation of their children or spouses, their freedoms were also restricted and/or their petitions were not processed.<sup>297</sup> From time to time, false statements were made about people who were abducted and disappeared and were never heard from again, such as "these traitors fled abroad".<sup>298</sup>

291 <https://www.61saat.com/yurtdisinda-pasaportlari-iptal-edilen-magdurlar-ve-feto-ile-mucadele-makale,2454.html> Yurt dışında pasaportları iptal edilen mağdurlar ve FETÖ ile mücadele.

292 <https://www.hurriyet.com.tr/gundem/firari-hakan-sukure-buyuk-sok-kayinpederi-noterde-yakalanmis-41136810> Hakan Şükür'ün kayınpederi, 'damadına yardımcı olmak'tan yargılanacak.

293 <https://tr.euronews.com/2019/07/29/aileleri-acikladi-turkiye-de-6-aydan-beri-haber-alinamayan-6-khklinin-4-u-ankara-emniyeti> Aileleri açıkladı: Türkiye'de 6 aydan beri haber alınamayan 6 KHK'linin 4'ü Ankara Emniyeti'nde.

294 <https://www.hrw.org/tr/news/2020/04/29/341404> Türkiye: Zorla Kaybetme Vakaları ve İşkence.

295 <https://twitter.com/kybdlnhayatlar/status/1340545845847076864?s=20> Mustafa Yeneroğlu: "İnsan kaçırılmaları ile ilgili bir başsavcıya gittim. Savcı 'Bunları kimin kaçırdığını biliyorsunuz, bizi aşıyor, yapabileceğimiz bir şey yok.' dedi.

296 <https://www.sozcu.com.tr/2020/dunya/fetocu-hain-yurt-disinda-mit-operasyonu-yla-kiskivrak-yakalaninca-5544244/> FETÖ'cü hain yurt dışında MİT operasyonuyla kiskivrak yakalandı.

297 <https://www.evrensel.net/haber/399219/ankara-emniyetinde-yine-gozaltina-iskence-iddialari-sikayetler-rapora-yansitilmadi> Ankara Emniyetinde yine gözaltına işkence iddiaları: Şikayetler rapora yansıtılmadı.

298 <https://tr.euronews.com/2019/09/24/kayip-esi-sumeyye-yilmaz-gozaltina-alinip-serbest-birakild-gergerlioglu-yilmaz-a-destek-ve> "Nerden biliyorsunuz kaçtığını? Kaçtı dediğiniz adamlar Ankara Emniyeti'nde çıktı!"

Some of the abducted persons could not be reached for months or even years. The questions about the abducted persons were left unanswered. Sometimes they tried to be silenced with threats.<sup>299</sup> Some of them were subjected to official detention and imprisonment with the marks of months of torture on their bodies, mostly in the Ankara Police Department, with scenarios as if they had willingly walked in and surrendered.<sup>300</sup> Interestingly, the missing/abducted persons who emerged months later, when they first met their families after a long time, their first request from them was "don't tweet, take back your applications to the UN and international institutions".<sup>301</sup> These victims were isolated from their families, lawyers, bar associations, parliamentarians, human rights organizations and the public. Even their trials were held secretly in anonymous courtrooms.<sup>302</sup>

#### **104. DENYING ANY RIGHT TO HOLD PUBLIC OR PRIVATE MEETINGS TO PREVENT THE TARGETED ONES FROM MAKING THEIR VOICES HEARD BY THE PUBLIC, THROUGH STATE VIOLENCE, DETENTIONS, PRISON SENTENCES OR OTHER JUDICIAL AND ADMINISTRATIVE PROHIBITIONS**

According to Article 34 of the Constitution, "Everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission." However, when the people who were targeted by the political power, SOE and KHKs want to resist and remain silent in the face of the unlawfulness they experience, when they come together to make their voices heard, when they want to hold open or closed space meetings, when they go out to the squares, when they want to make a peaceful protest march, press release, when they make any effort to seek their rights, such as hunger strikes, sit-ins, rallies, opening stands, setting up tents, distributing leaflets/brochures, hanging posters/placards, they immediately face state violence. Public workers resisting the oppression of the SOE faced pressure and violence when they tried to exercise their legal and legitimate rights granted to them by the Constitution and the Law on Meetings and Demonstrations No. 2911.

Those who were targeted were detained even if they were just sitting on a certain street, on a bench, in a square, on a stone, to seek their rights. When they tried to open their mouths and complain about their situation in any area, even if they tried to make a little noise, they were detained. They were banned from entering cities or squares. Their freedom of expression was restricted. They were detained, sentenced to prison terms and on top of that they were fined.

Here are some case studies of those who faced state violence, detention and prison sentences for exercising their legitimate rights of demonstration and protest granted to them by the constitution and laws: Hundreds of people

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299 [https://tr.sputniknews.com/turkiye/201704251028219809-sezgin-tanrikulu-ankara-kacirilanlari-sordu/SOE'de 13 kiři kaırıldı, 7 kiřiden hâla haber alınamıyor: "Hükümet hesabını versin."](https://tr.sputniknews.com/turkiye/201704251028219809-sezgin-tanrikulu-ankara-kacirilanlari-sordu/SOE'de%2013%20ki%C5%9Fki%20ka%C3%A7irildi%2C%207%20ki%C5%9Fki%20den%20h%C4%9F%C4%B1%20haber%20al%C4%B1nam%C4%B1yor%3A%20%22H%C5%9Fk%C5%9Fmet%20hesab%C4%B1n%C4%B1%20versin.%22) <https://www.youtube.com/watch?v=kdMhfnnOD70> Yenerođlu: "Tüm bunların arkasında kimin olduğunu bilmesem bu kadar iddialı konuşmam. Tehditler alıyorum". <https://iskenceraporu.com/eski-akp-milletvekili-mustafa-yeneroglu-insan-kacirmalarla-ilgili-konustu-kacirmalarin-kimler-tarafindan-yapildigini-cok-iyi-biliyorum/>

300 [https://tr.euronews.com/2019/07/29/aileleri-acikladi-turkiye-de-6-aydan-beri-haber-alinamayan-6-khklinin-4-u-ankara-emniyeti 'Yürüyerek Emniyet'e gelince GBT'ye takıldılar'](https://tr.euronews.com/2019/07/29/aileleri-acikladi-turkiye-de-6-aydan-beri-haber-alinamayan-6-khklinin-4-u-ankara-emniyeti-Yuruyerek%20Emniyet'e%20gelince%20GBT'ye%20takildilar)

301 <https://artigercek.com/yazarlar/celal-baslangic/kacirilan-insanlarin-bulunma-noktasi-ankara-tem> Kaırılan insanların 'bulunma noktası': Ankara TEM. [https://silencedturkey.org/wp-content/uploads/2019/11/15-Temmuz-2016-Darbe-Giriřimi-Sonrası-Türkiye'de-Sistematik-İşkence-Ve-Kötü-Muamele-12-kasim-1.pdf](https://silencedturkey.org/wp-content/uploads/2019/11/15-Temmuz-2016-Darbe-Giriřimi-Sonras%C4%B1-T%C5%9Fkiye'de-Sistematik-%C5%9Fkence-Ve-K%C3%96t%C5%9F-Muamele-12-kasim-1.pdf) Zabit Kiři işkencede geçen 108 günü anlattı: İntihar edenleri artık yadırgamıyorum.

302 <https://www.gazeteyolculuk.net/ankara-emniyetinde-gozaltinda-olduklari-ortaya-cikan-4-kisi-avukatlarıyla-ve-aileleriyle-gorusturulmuyor> "Ankara Emniyeti'nde gözaltında oldukları ortaya çıkan 4 kiři, avukatlarıyla ve aileleriyle görüřtürülüyor."

were detained in protests in front of Yüksel Street and Community Health Center in Ankara, and in Bakırköy Freedom Square in Istanbul as well as city squares in Düzce, Aydın and Malatya, demanding "that SOE must end and KHKs must be canceled". Two educators, Nuriye Gülmen and Semih Özakça, were arrested several times during their hunger strike, which lasted 324 days, with a demand "I Want My Job Back". Those who protested in the specified areas were detained hundreds of times and tortured. During the protests on Ankara Yüksel Street, Nazan Bozkurt's cheekbone, Nuriye Gülmen's nose and Mehmet Dersulu's leg were broken. During the protests in Bakırköy Freedom Square, the coccyx of Selvi Polat and the arm of Nursel Tanriverdi were broken by the police. Complaints of disproportionate violence, unjust assault and torture, as well as criminal complaints against the police, were dismissed each time. Hundreds of lawsuits have been filed against the demonstrators for opposing the Law on Meetings and Demonstrations No. 2911. Bakırköy Resistance fighters were arrested five times in the 9 months between 2018-2019 for violating Law No. 2911. During their detention, they were held in isolation cells with the right to ventilation for 1 hour. They were forbidden to approach certain areas of demonstrations, such as 100 meters, 200 meters, 500 meters, which could go down in legal history as a scandal.

Governorships and district governorships banned actions in order to prevent public workers who were violated from making their voices heard in public places. Those who did not comply with these prohibitions were given heavy fines for violating the misdemeanors law. Seeing that the detention, imprisonment and fines imposed for the opposition to the Law on Meetings and Demonstrations No. 2911 were not a sufficient deterrent for the insurgents, then the security forces began to carry out operations against the insurgents' homes many times. In cases brought after the house raids, prison sentences were given. Yüksel Resistance members spent nearly a year in prison after a house raid in 2020.

Although a significant portion of those who actively resisted in the squares after the usurpation of their rights with the KHKs, could not stand the pressures, detentions, arrests, harassment and tortures they experienced and left the squares. But a number of people who still continue to resist in Ankara Yüksel Street and Istanbul Bakırköy Freedom Square have been around for 6 years, more than 2,000 days.

### **105. USE OF ADMINISTRATIVE FINES AS A WEAPON TO SILENCE THOSE WHO RESIST/DISSENT AGAINST UNLAWFULNESS**

When the victims themselves, their spouses or parents wanted to express their innocence, they were never allowed.<sup>303</sup> Even when they wanted to talk to the deputies under the roof of the Parliament to explain their situation and find a cure for their problems, they were met with obstacles. They were repeatedly detained and fined during their efforts to seek justice. They were barred from entering most public spaces, including the parliament building. When victims took to the streets to claim their rights, they were detained, sometimes even if they were just sitting on a bench or on a stone. When they opened their mouths to express their grievances, they were subjected to police violence and thus their freedom of expression was restricted. As if these were not enough, high administrative fines were imposed on these individuals, who were already in financial difficulties, and an attempt was made to create additional economic

<sup>303</sup> <https://tr.euronews.com/2020/01/23/video-harbiyeli-annesi-melek-cetinkaya-ankara-tem-sorgusu-sonrasi-sartli-tahliye> "Adalet Yürüyüşü" engellenen Harbiyeli annesi Melek Çetinkaya adli kontrol şartıyla serbest kaldı.

pressure on them.<sup>304</sup>

## **106. TURNING KHK VICTIMS INTO LIVING DEAD THROUGH SOCIAL ISOLATION**

Victims who were targeted by the genocide were subjected to discrimination and isolation at every level of society.<sup>305</sup> The social assets of the victims, who have already been killed in an economic sense, by means of being completely isolated from the society, have been tried to be destroyed socially as well.<sup>306</sup> In this context, victims were prevented from even being members of school-parent unions or mosque associations in their neighborhoods.

## **107. HOLDING FAMILY MEMBERS HOSTAGE**

If a victim, whose extermination was decided by the SOE genocide regime, was not found in the search, his spouse or parents were detained and arrested. Their freedom to go out on the streets was usurped on the grounds of judicial control or probation.<sup>307</sup> This practice meant that the relatives of the wanted person were held hostage by the judicial institutions so that the victim tried to be captured could be caught. In some cases, they even did not hesitate to openly express their intentions to the faces of the family members they had detained or arrested. Warnings and threats were also made to the hostages, saying, "If your spouse/son/daughter does not surrender, you will remain in detention. If they surrender, only then will we release you".

## **108. PREVENTING THE KHK VICTIMS FROM WORKING ABROAD, RECEIVING EDUCATION, LIVING FREELY AND/OR REUNITING THEIR FAMILIES BY PREVENTING THEM FROM TRAVELING ABROAD**

Victims were made the target of a systematic and organized black propaganda in their homes, streets, schools, shopping malls, notary, public institutions, courtrooms, media, in short, in all areas of life, and thus they were discredited and subjected to a heavy social lynching. When they wanted to go abroad to get rid of this social genocide they have been subjected to in Turkey, this time they faced different obstacles. Freedom of travel abroad has been de facto prevented by canceling their passports and/or by illegal and arbitrary restrictions placed on their passports. Thus, the victims of the SOE/KHK were rendered unable to leave Turkey, work, receive education or start a new life abroad.<sup>308</sup> They could not even

304 <http://www.samanyoluhaber.com/pankart-acti-diye-gozalti-ve-320-lira-ceza-haberi/1334073/> ; <https://www.tr724.com/bir-gunde-iki-kez-gozaltina-alindi-640-lira-para-cezasi-kesildi/> ; <https://www.gazeteduvar.com.tr/gundem/2019/12/01/3-yilda-300-gozalti-64-ceza-yalnizlik-zaman-zaman-uzuyor/> ; <https://kronos34.news/tr/veli-sacilika-bankta-oturdugu-icin-330-tl-ceza/> .

305 <https://twitter.com/gergerliogluof/status/1079090509774237696?s=20> "5 yaşındaki masum çocukla oynamıyorlar, okulda dışlanmışlar".

306 <https://twitter.com/gergerliogluof/status/1162261078513836034?s=20> "Köyümüzde evimizi taşladılar".

307 <https://youtu.be/Q4ZHLFkKMZU> "Bana ulaşamayınca babamı tutukladılar"; <http://www.haberdar.com/gundem/esini-bulamayinca-avukat-anneyi-ve-6-5-aylik-miray-bebegi-tutukladilar-h113688.html> Eşini bulamayınca avukat anneyi ve 6,5 aylık Miray bebeği tutukladılar; <https://www.demokrathaber.org/guncel/dilek-dundar-esime-karsi-rehin-tutuluyorum-h112947.html> ; <https://medyascope.tv/2019/02/11/dilek-dundar-esime-karsilik-rehin-tutuluyorum/> ; <https://www.gercekgundem.com/medya/69772/can-dundar-in-esi-dilek-dundar-esime-karsi-rehin-tutuluyorum> ; <https://ahvalnews.com/tr/muhaliflere-baski/dilek-dundar-25-yildir-esime-karsi-rehin-tutuluyorum> .

308 <https://twitter.com/gergerliogluof/status/1129085711028764672?s=20> "Nişanlımın bekarlık kâğıdı alması için pasaportum olmalıymış!" <https://www.hurriyet.com.tr/gundem/morbeyini-cokertti-isine-donemedi-40952235> "Kardeşinizde ByLock var" denilerek, açığa alındı. Üçüncü kardeşleri de ailesinden iki kişi ihraç edildiği için meslekten çıkarıldı." <https://kesk.org.tr/2018/10/11/khkli-millet->

go to Cyprus, which does not require a passport for travel.<sup>309</sup> There were KHK victims who could not get married abroad because they were not given a passport.<sup>310</sup> The usurpation of passport and travel rights was implemented as a kind of "forced detention" in order to prevent the victims from saving themselves from the indirect genocide.

### **109. PREVENTING FAMILY MEMBERS OF KHK VICTIMS FROM WORKING, RECEIVING EDUCATION, LIVING AND/OR FAMILY REUNIFICATION ABROAD BY PREVENTING THEM FROM TRAVELING ABROAD**

Systematic and organized black propaganda activities, social lynching and indirect genocide carried out against the victims of the SOE/KHK included not only the victims but also their family members. With the illegal and arbitrary restrictions placed on the passports of spouses, children, parents and siblings of the victims, their freedom of travel was also restricted de facto and arbitrary. Thus, the family members of the victims were also subjected to social genocide, making them unable to live, work, start a new life, marry or start a new home outside of Turkey.<sup>311</sup> In addition to keeping the family hostage within the country, this practice also aims to make their descendants anonymous and punish them and usurp all their citizenship rights.

### **110. ARBITRARY AND SYSTEMATIC RESTRICTION OF FREEDOMS**

According to the systematic tagging lists, which served as a kind of execution list of the SOE genocide regime, the first thing that happened to the victims who were subjected to judicial investigation was their arbitrary long-term detention and thus the arbitrary restriction of their freedom. After detention and interviews by law enforcement officers, forbidden interrogation methods and torture, they were arrested by the decision of the prosecutor's office and the Criminal Judgeship of Peace. In the subsequent trials, mostly their detention continued.

After extrajudicial trials, a significant number of defendants were convicted. However, while the executions were being carried out, the judicial steps and especially the Supreme Court process were arbitrarily long. The freedoms of many convicts whose execution periods had expired were systematically denied, unlawfully and illegally, on the pretext that

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vekillerinden-ihraclara-iliskin-basin-aciklamasi/ KHK mağduru Milletvekillerinden İhraçlara İlişkin Basın Açıklaması! <https://www.youtube.com/watch?v=UqU6ZUb5n84> "Eşime karşı rehin tutuluyorum". <https://www.haber3.com/guncel/khkli-ismen-yesil-karti-da-iptal-edildi-haberi-5330187> KHK mağduru ismin yeşil kartı da iptal edildi. <https://www.youtube.com/watch?v=G9stwGTqfIU> SOE Komisyonunun Amacı Mahkeme Kapısını Mağdurlara Kapatmaktadır.

309 <https://www.dw.com/tr/SOE-kalkt%C4%B1-yurt-d%C4%B1-C5%9F%C4%B1-yasa%C4%9F%C4%B1-kalkmad%C4%B1/a-46551851> SOE kalktı, yurt dışı yasağı kalkmadı.

310 <https://twitter.com/gergerliogluof/status/1129085711028764672?s=20> "Bakin pasaport yasağı ne kötülükler yapıyor! KHK mağduru yuva kuramıyor!"

311 <https://twitter.com/gergerliogluof/status/1129085711028764672?s=20> "Nişanlımın bekarlık kâğıdı alması için pasaportum olmalıymış!" <https://www.hurriyet.com.tr/gundem/morbeyini-cokertti-isine-donemedi-40952235> "Kardeşinizde ByLock var" denilerek, açığa alındı. Üçüncü kardeşleri de ailesinden iki kişi ihraç edildiği için meslekten çıkarıldı." <https://www.haber3.com/guncel/khkli-ismen-yesil-karti-da-iptal-edildi-haberi-5330187> KHK mağduru ismin yeşil kartı da iptal edildi. <https://www.youtube.com/watch?v=G9stwGTqfIU> SOE Komisyonunun Amacı Mahkeme Kapısını Mağdurlara Kapatmaktadır.

the Supreme Court process had not been completed.<sup>312</sup>

### **111. ARBITRARY DISMISSAL FROM THE WORKPLACES OF PUBLIC INSTITUTIONS AND ORGANIZATIONS BY CANCELING ALL THEIR RIGHTS**

Article 8 of the Decree Law No. 667 on Measures Taken Under the State of Emergency, published in the Official Gazette dated 23 July 2016 and numbered 29779: "The relevant institution and organization shall ex officio abolish the rights of easement and usufruct and terminate the lease contracts of the beneficiaries and leaseholders of all immovable properties of which belong to public administrations within the scope of general budget and administrations within the scope of special budget, regulatory and supervisory agencies, social security institutions, local administrations and associations and entities set up by these administrations, other public agencies, boards, supreme boards and organizations, public economic enterprises established under special law and their subsidiaries, establishments and entities and the immovables whose 50 % or more shares are owned by the other public subsidiaries and foundations set out in Public Financial Management and Control no. 5018 of 10 December 2003; in the event that they are considered to be a member of, related to or in connection with the structures/entities, organizations, groups or terrorist organizations which have been found to pose a threat to national security."

Pursuant to this article, the political power arbitrarily closed the workplaces of the people it deemed dissident and their relatives on immovable property under the disposal of public institutions and organizations, with excuses such as "affiliation or contact with a terrorist organization", which has not been proven according to positive law rules. There is also a need to further investigate the issue of who the workplaces evacuated by the KHKs have been allocated to.

### **112. EXPULSION OF KHK VICTIMS FROM PRIVATE OR PUBLIC RESIDENCES OR FORCED MIGRATION**

Soykırım failleri, mağdurları ve yakınlarını konutlarından attırmak için, ev sahiplerine baskı yaptı. Kamu görevlisi oldukları için lojmanlarda oturan mağdurlardan, yine KHK'lara dayanılarak 15 gün içerisinde konutlarını boşaltmaları istendi. Ancak, KHK mağdurlarına yönelik tacizler sadece bununla sınırlı kalmamış özel sektör konutlarında da benzer tacizler yaşandı.

Bir soykırım kurbanı, aile yaşamak zorunda bırakıldıkları güçlükleri aşağıdaki şekilde ifade etmiştir:<sup>313</sup> "İhraç olduğumuzda kendi evimizde oturuyorduk. Kredisini ödeyemedik. Sattık ve kiraya çıktık. Sonra kirada oturduğumuz bu evden işyerimize yakın olmak için taşındık. Trol esnafın sürekli zabıtaya şikayetleri, bizi sürekli taciz etmeleri yüzünden bu sefer de hem evimizi hem işyerimiz bırakıp şehir değiştirmek zorunda kaldık. Bilmediğimiz şehirde hem dükkân hem ev masrafı çok olur diye dubleks tuttuk. Üst katı home-ofis yaptık. Şimdi de ev sahibi evi sattı. Bize yine göç yolu göründü. Yarın sabah yine taşınıyoruz. 4 yılda 5inci ev! Çok yorgunuz!"

Meskeninden atma, attırma, kovma veya kovdurma olayları kamu konutları, özel konutlar, ev sahibi veya kiracı olma durumlarına göre aşağıdaki iki ayrı başlıkta incelendi:

<sup>312</sup> <https://twitter.com/gergerliogluof/status/1206174209363390464?s=20> Yaş: 62, hürriyeti tahdit bahanesi Bank Asya'ya 100 TL yatırmak ve 2 kişinin pasta istemesi.

<sup>313</sup> <https://twitter.com/AvciSumeyya/status/1267963255982641158?s=20>.

a) Expulsion from public housing (lodgings)

Kamu konutlarından kovulanlara, kovulmaları öncesinde ihtar ve ihbar verilmedi, savunma hakkı tanınmadı ve önceden tebliğ edilmedi. Mağdurlar, bir gece yarısı Resmî Gazete’de terörist olarak ilan ve teşhir edildi ve en geç 15 gün içerisinde çoluk çocuklarıyla birlikte sokağa atıldılar. Bu sokağa atma, hukuken hükümsüz olmasına rağmen KHK metinlerinde yer aldığından, bir yasallık kisvesi kazanmış gibi ve ihraç işleminin doğal bir sonucu gibi gösterildi. Halbuki bu olay tıpkı işkencenin tetiklediği bir kalp krizinin işkence suçundan dolayı değil de doğal bir ölümmüş gibi gösterilmesi gibidir. Baştan beri planlanmış bir hukuksuzluklar zincirinin bir parçasıdır.

b) Expulsion from their private sector residences as landlords or tenants, or forcing them to migrate

The victims and their descendants, who were the target of the genocide, could no longer hold on there because of the social terror organized against them in the neighborhood, complex, apartment buildings, etc. As a result of the organized lynching, the homes of the victims were stoned. Victims were beaten, threatened and thus forced to move. In addition to the acts listed above, the tenants were forcibly expelled from their homes after pressures or threats leveled at their landlords.

**113. EXPELLING THE TENANTS WHO PAY RENTS TO THE KHK VICTIMS WHO OWN THESE BUILDINGS, FORCING THEM TO LEAVE OR MOVE WITH THREATS**

If victims of genocide had tenants in their homes or workplaces, these tenants were threatened. Based on the terrorism stigma produced on the landlord, these people were pressured, saying that "they must not stay in the terrorist's house/workplace", and their tenants were forced to move to other places. Thus, the victim was prevented from obtaining rental income, and another income channel that could help them hold on to life was hence destroyed.<sup>314</sup> On the other hand, some tenants who learned that the owners were stigmatized by KHKs began not paying their rent and occupied the properties for a long time without paying rent for months or years. The statement of a victim in this regard is as follows: "Our tenant in our house in Istanbul did not pay rent for 2 years when he learned that I was a victim of a KHK. We had to pay the site dues and fuel as well. I was able to have him evacuate the house by court order. In total, I suffered a loss of 55,000 TL".

**114. NOT GIVING KHK VICTIMS AND THEIR FAMILIES SHELTER / HOUSING AND PREVENTING THEM FROM BEING GIVEN**

The victims, who were expelled from their places of residence, were forced to hide their identities when they moved to another place. Otherwise, they were not even given a rental house.<sup>315</sup> House purchases were completely blocked.

**115. EXPELLING VICTIMS FROM PUBLIC ACCOMMODATION/GUESTHOUSES**

314 <https://youtu.be/Q4ZHLFkKMZU> "Kiracılarım tehditle evlerinden çıkarıldı".

315 <https://twitter.com/gergerliogluof/status/1141438623105146882?s=20> "KHK mağduru olduğumuzu öğrendiklerinde kiralaktan vazgeçiyorlar."

Victims were prevented from using public guest houses such as teachers' homes or public social facilities for a fee, as they are more economical, cleaner or safer during their intercity travels. The security forces, who called the facility management, had them expelled by saying "Get those terrorists out."<sup>316</sup>

### **116. NOT GIVING A BURIAL PLACE WHEN THEY DIE**

The policy of leaving no space for victims to survive was so brutally enforced that when they died, they were prevented from even being given a burial place in graveyards. In line with the directives of the Presidency of Religious Affairs, such as "Do not bury them in Muslim cemeteries, do not perform funeral prayers, do not let them in the mosques", which constitute crimes of hatred, discrimination and genocide, the funeral prayers of many citizens were not performed, funeral procedures were not carried out, and their bodies were not allowed to be buried in the cemeteries.<sup>317</sup> Many victims who lost their lives due to this practice were buried in the garden of their homes or on the slope of a mountain far from the settlements, apart from the local cemeteries.<sup>318</sup>

Due to such ideas supported by the Presidency of Religious Affairs, the victims were not given burial places, and even some places under the name of "Traitors Cemetery" were reserved for them.<sup>319</sup> The judicial authorities also patronized all these crimes against humanity. Therefore, such cases were not committed individually, but as systematic crimes, which were also sanctioned by state institutions.

### **117. PROMOTING AND ORGANIZING CRIMES AGAINST VICTIMS AND THEIR RELATIVES**

Those who committed crimes against the victims and their descendants were favored. Violation of the rights of victims was legitimized, harassment, rape, profanity and insult against them were encouraged, made ordinary and facilitated, far from being prevented.<sup>320</sup>

Complaints by the victims when they were subjected to any harassment or rape were "disregarded" on the grounds that "the report of the person branded as terrorism is not respected". Thus, while those who committed crimes against the victims were protected, the victims were deprived of the legal and constitutional protections that every citizen enjoys.<sup>321</sup>

316 [https://youtu.be/8dQB-iN\\_7yw?t=938](https://youtu.be/8dQB-iN_7yw?t=938) .

317 <https://video.haber7.com/video-galeri/162761-omer-dongeloglu-fetoye-boyle-lanet-okumustu> .

318 <https://twitter.com/PatrickJane02/status/1343994537300152322> Darbeci diye köy mezarlığına kabul edilmeyip bir dağ başına gömülen Şehit Teğmen Abdulkadir Karadağ.

319 <https://www.ahaber.com.tr/galeri/gundem/iste-hainler-mezarlighi> ; <https://tr.sputniknews.com/turkiye/201607261024101314-hain-mezarlik-ibb/> ; <https://www.evrensel.net/haber/286100/hainler-mezarlighi-ilk-kez-goruntulendi> ; <https://www.aksam.com.tr/guncel/hainler-mezarlighi-nerede-kimler-defnedilecek/haber-536539> ; <https://www.sozcu.com.tr/2016/gundem/tobas-acikladi-vatan-hainleri-mezarlighi-yapildi-1330024/> .

320 <https://www.bbc.com/turkce/haberler-turkiye-42471577> Paramiliter yapılar meşrulaştırılıyor.

321 <http://www.diken.com.tr/dort-kisinin-oldugu-osmangaziden-aypay-hocalardan-kurtulmak-icin-bayar-kullanildi/> ; <https://tr.sputniknews.com/turkiye/201804131033019341-volkan-bayar-osmangazi-universitesi-bilgisayar-format/>

## 118. ORGANIZING LYNCHINGS IN THE NATIONAL AND INTERNATIONAL ARENAS

Intense discrediting activities were carried out in the process of the actual, social, economic and/or psychological destruction of victims, who were made the organized target of public officials, genocide aggressor media elements and trolls who are pro-government social media actors sponsored by the government using the public resources. The mentioned groups consciously and systematically organized the society against the victims.<sup>322</sup> A lynching was carried out in public against the victims who were chosen as the target by making fake news from these elements from time to time.<sup>323</sup>

The genocide bureaucracy formed a troll army to carry out black propaganda, harassment and terror activities on their behalf by exploiting the state's facilities. Twitter announced that it closed 7,340 accounts from such a criminal army in 2020 alone.<sup>324</sup> It was also revealed that 37 million tweets were sent from these troll accounts.<sup>325</sup> However, this lynching is not limited to traditional media or social media. Prosecutors, statesmen and institutions also participated in these organized lynching activities.

All of the official articles prepared by these organized elements and the news presented to the press, who acted with the intention of lynching those who were targeted, were included in the process of organizing the lynching. This process is one in which both cyclical and the most active actions are carried out within the genocide enforcement mechanism.

If a victim's voice began to be heard, resonated and attracted attention in the public, and these efforts to seek rights harmed the interests of the sneaky genocidal organization in the background, that person's life or freedom was immediately curtailed. The victims, who cannot be silenced by the slander, torture, all kinds of cheating and fraud, fake news, false indictments prepared by the slanderous prosecutors<sup>326</sup> and the troll army attacking on social media by using the state's facilities and spin-doctor media elements, are placed on the international wanted terrorists list and rewarded in the form of bribes.<sup>327</sup>

## 119. SYSTEMATIC HYPOCRISY AND ABUSE

Hypocrisy and abuse are among the methods preferred by the genocidal bureaucracy. For example, the state allows certain individuals and groups to take exams, elections, and vocational certification programs, but their rights are usurped when they pass exams, elections and professional qualifications. Trustees are appointed to replace the elect-

322 <https://twitter.com/hh8170/status/1052487920584728577?s=20> Soykırım suçunda keyfiliğin kanıtı (arbitrary genocide).

323 <https://www.dailymotion.com/video/x4qhuw4> Darbeci General Semih Terzi'nin eşi noterden bıçakla kovalandı.

324 <https://tr.euronews.com/2020/06/12/twitter-cogunlugu-ak-parti-genclik-yap-lanmasiyla-baglantili-7-binden-fazla-hesabi-kapatti>.

325 <https://twitter.com/KatiPiri/status/1271306406843478016?s=20> Turkey's ruling party actively engaged in spreading disinformation: amplifying AKP politicians & criticizing opposition across 37 million tweets.

326 <https://twitter.com/hh8170/status/1215890795900866560?s=20> "YALANI davaya dönüştürdüler. Şimdi örgütlü sahtekarlığı kamuoyuna duyurduğum twitlerime engelleme!"

327 <https://twitter.com/hh8170/status/1196784381379121154> İnfaz edemediğini rüşvetle infaz ettirmek için terörist listesine sokuşturma.

ed in the region where they are elected<sup>328</sup>, and certificates are not given to those who are entitled to receive their certificates.<sup>329</sup> Such abuses were often made against the victims. For example, while they were branded as terrorists and accused of treason, on the other hand, they were able to be recruited and given weapons. When they were martyred while doing their military service, they were buried with a state ceremony.<sup>330</sup> On the one hand, they accuse them of terrorism, dismiss them from public service and deprive them of public services, but on the other hand, they push them into an armed confrontation by giving them a gun. In this respect, it is not difficult to say that the method of the SOE regime was inspired by the practice of "Jews can be employed in hard labor" under Hitler's rule.

## **120. PREVENTING THE USE OF CAR RENTAL SERVICES**

Victims were destroyed in all layers of life and turned into the living dead. One of these is the arbitrary usurpation of even the right to receive car rental services offered for a fee.

## **121. NOT BEING ALLOWED TO DONATE BLOOD**

One of the items in the genocide theory is "dehumanization". An example of the genocidal practices included in this scope was the Red Crescent's refusal of victims who wanted to donate blood.

## **122. DEPRIVATION OF RELIGIOUS FREEDOM OF BELIEF OR DESTRUCTION OF CONSCIENTIOUS VALUES**

Freedom of religion and conscience is considered one of the fundamental rights in many universal legal texts such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights. Nations are not permitted under any circumstances to violate or discriminate against these fundamental rights. Article 4/2 of the International Covenant on Civil and Political Rights states that freedom of religion and conscience cannot be abolished even in extraordinary times.<sup>331</sup> However, the methods of "dehumanization, not seeing the victims as human beings, identifying them with harmful animals, likening them to viruses or microbes that need to be destroyed", which are frequently used in genocide theory and practices, were also used for the victims of the SOE regime. The phrases like "their bodies are carrion, their wives are halal [can be sexually assaulted], their properties are booty" were frequently used about them. In this context, they were ignored in the religious field as well, and even their routine worship was tried to be prevented. Victims in prisons were prevented from reading the Qur'an and religious books, and were prevented from using prayer mats, thus restricting their religious freedom. Even the books in the prison libraries were not given

328 <https://www.dw.com/tr/osman-can-kayyum-atamalar%C4%B1-anayasaya-ayk%C4%B1r%C4%B1/a-51753877> Kayyum atamaları.

329 <https://ato.org.tr/news/show/376> Haklarında bir ceza mahkumiyeti olmadığını gösteren adli sicil belgesi alınabilmekte ise de bu belgeyi Genel Müdürlük yeterli saymamaktadır.

330 <https://www.memurlar.net/haber/862974/khk-ile-ihrac-edilen-polis-askere-gitti-sehit-dustu.html> KHK ile ihraç edilen polis askere gitti, şehit düştü. <https://medyascope.tv/2017/06/23/ihrac-edilen-polisler-ve-askeri-ogrenciler-askere-alinacak/> İhraç edilen polisler ve askeri öğrenciler askere alınacak. <https://twitter.com/gergerliogluof/status/1120208808805007360?s=20> Ben KHK mağduru polisim 9,5 yıl görev yaptım KHK ile ihraç oldum yarın askere gidiyorum.

331 The International Covenant on Civil and Political Rights was adopted by the United Nations General Assembly Resolution 2200 A (XXI) dated 16 December 1966 and opened for signature, ratification and accession. It entered into force on March 23, 1976, pursuant to Article 49 of the Convention.

with arbitrary restrictions by the higher authorities.<sup>332</sup> For such reasons, many victims were expelled from mosques, funeral prayers were not performed, duties like washing the dead body and shrouding it before burial were not carried out, and their bodies were not allowed to be buried in the cemeteries.<sup>333</sup>

Disregarding people in the religious field and declaring their property as booty, encouraging the people to plunder with provocative rhetoric against them at rallies, using religion among a predominantly Muslim society like the Republic of Turkey has been one of the most important tools that facilitated the genocide. The actual result of usurping the right of people to worship the god they believe in and violating their belief system is to kill the person spiritually.

### 123. OBSTRUCTIONS AND DIFFICULTIES IN PERFORMING HAJJ

Victims and descendants were prevented from going to Hajj, one of the important religious responsibilities according to Islam.<sup>334</sup> This blocking can be seen as a natural consequence of passport restriction. However, it should be considered together with the fact that the usurpation of rights in this matter is not limited to the individuals concerned, but is applied to include their descendants as well. Another point, considering the existence of a wide variety of travel document issuing mechanisms, the regime's intent to take the citizen hostage emerges.

### 124. OBSTRUCTIONS AND DIFFICULTIES IN PERFORMING FASTING

Especially in prisons and detention houses, restrictions were tried to be imposed on the fasting of the victims. They were not given the suhoor meal that they had to eat before starting fasting. Sometimes, the fasting people were left without water in prison cells to make them suffer from thirst and/or their meals were not given at the right time and variety for the suhoor and fast-breaking times.<sup>335</sup>

### 125. NOT ALLOWING IN TEMPLES

Places of worship, which were inviolable even under the law of war, were abused under the SOE/KHK regime and citizens were segregated even in mosques.<sup>336</sup> The mosque frequenters said to the victims of the KHK who came to pray, "You are a family of terrorists, Allah will not accept your prayers. You cannot pray in our mosque". They were not allowed to visit mosques even to pray and recite the Qur'an outside of prayer times.

332 <http://magduriyetler2.blogspot.com/2018/05/silivri-cezaevinde-seccade-bile-yasak.html> Silivri Cezaevinde Seccade Bile Yasak!

333 <https://video.haber7.com/video-galeri/162761-omer-dongeloglu-fetoye-boyle-lanet-okumustu> ; <https://www.facebook.com/744432365672679/videos/1462136387235603> . <https://youtu.be/732lfbQdBVI> "Malları ganimettir, tepe tepe kullanın" fetvası. <https://www.yeniakit.com.tr/video/balkanlioglu-hoca-fetonun-ganimetlerini-tepe-tepe-kullanin-11786.html> ; <https://haber.sol.org.tr/toplum/vid-eo-rakip-cemaatten-fetva-fetonun-mallari-ganimettir-tepe-tepe-kullanin-165107> "Malları ganimettir, tepe tepe kullanın!".

334 <https://hertaraf.com/haber-khk-li-ogretmen-hacca-gidemiyor--khk-lilere-hacca-gitmek-de-mi-yasak-3784#.XjvwMhx96gd.twitter> KHK mağduru öğretmen hacca gidemiyor...KHK'lilere Hacca gitmek de mi yasak?

335 <https://boldmedya.com/2020/04/01/3-gun-su-verilmeyen-ordu-cezaevinde-cesmeden-camur-akti/> 3 gün su verilmeyen Ordu Cezaevinde çeşmeden çamur akti.

336 <https://twitter.com/gergerliogluof/status/1216099484511481858?lang=en> Cami Hocası, KHK mağduru imam için "Onun durumu sakat" dedi.

## **126. BARRING FROM SOCIAL/RELIGIOUS SOLIDARITY MECHANISMS SUCH AS CHARITY, FITRA AND ZAKAT**

Due to the social terror created by the judicial/administrative public officials, all kinds of social contact, communication and even humanitarian aid to the victims were accepted as support to terrorism and aid to terrorists. Thus, even the provision of social assistance recommended by religion, such as fitra, zakat and alms, to the victims, their families and descendants was prevented. When those trying to help, albeit undercover, were identified, they were arrested in police operations.<sup>337</sup> One of these people was English teacher Halime Gülsu. Gülsu used to make and sell stuffed meatballs in order to help them financially by giving the money she earned to the families who were victims of the KHK. She was accused of supporting terrorism and was arrested and imprisoned. She had SLE and had medications that she needed to take regularly. She died shortly after being put behind bars as a result of not being given her medication. Dozens of similar cases were covered in social and national media.<sup>338</sup>

## **127. SYSTEMATIC TORTURE, ABUSE AND RAPE**

Since the spouses and children of the victims who were exposed to the genocide practices were not seen as human beings, the harassment and rape against them were also seen as legitimate. In fact, the torture and rape of some victims of genocide was sometimes carried out in front of their spouses and children, and it was aimed to spread the terror to other family members and even to the psychological state of their children, and thus to spiritually oppress family members and children and to make them social dead. Families were torn apart by the traumas caused by these rapes, adults and children lost their mental health and committed suicide.

There have been many rape cases, especially in prisons.<sup>339</sup> When the victims told about the rapes that took place to the court committees, to make them known by the delegations of international human rights organizations, and they wanted to make a complaint about the rapists, the court committees said, "The issue has nothing to do with your defense," and dismissed it. Thus, they covered up the crimes against humanity committed against them and prevented them from being recorded. The investigation requests of international human rights organizations were not dealt with by similar methods and the perpetrators of the crimes were protected.

## **128. DENYING SUCH RELIGIOUS/HUMAN RIGHTS LIKE FUNERALS**

<sup>337</sup> <https://kronos34.news/tr/abla-yalcinkaya-khkli-kardeslerine-yardim-ettigi-icin-hapse-atildi/> Abula Yalçinkaya KHK mağduru kardeşlerine yardım ettiği için hapse atıldı.

<sup>338</sup> <https://kronos34.news/tr/mazlumder-ogretmen-halime-gulsuyu-olume-goren-ihmaller-icin-cezaevinde/> ; <https://www.tr724.com/muhtaclara-yardim-yapan-hayirseverlere-terror-baskini-6-aylik-elif-veranin-annesi-tutklandi/> ; <https://t24.com.tr/haber/khk-lilara-bin-liralik-sosyal-yardim-da-verilmiyor-iddiasi,874293> ; <https://boldmedya.com/2020/04/23/khkliya-olum-1000-liralik-korona-yardimi-da-yok/> ; <https://www.tr724.com/isidliye-maas-khkliya-agac-koku/> ; <https://www.dw.com/tr/khkl%C4%B1lar-sosyal-%C3%B6l%C3%BCme-terk-edildik/a-52005145> . <https://t24.com.tr/haber/banka-khk-li-ogretmene-yasakli-tc-diyerek-odeme-yapmadi,854257> Banka, KHK mağduru öğretmene "yasaklı TC" diyerek ödeme yapmadı.

<sup>339</sup> <http://www.diken.com.tr/15-temmuzdan-sonra-cezaevlerinde-iskence-darp-tecavuz-girisimi-tehdit/> Cezaevlerinde işkence, tehdit ve tecavüz girişimi; [https://twitter.com/Nesv\\_uNeva25/status/1333473582115155976](https://twitter.com/Nesv_uNeva25/status/1333473582115155976) ; <https://ahvalnews.com/tr/iskence/SOE-raporunda-askerlere-dair-dehsetengiz-iskence-ayrintilari> SOE raporunda askerlere dair dehşetengiz işkence ayrıntıları.

In addition to not fulfilling religious/humane duties such as washing the corpses of the victims, performing the funeral prayers and burial, even the services of using transport vehicles to carry the funerals were prevented.<sup>340</sup> In one public example of this, even the dead children of the victims were not given a hearse.<sup>341</sup>

### **129. TO FORCE DEATH PSYCHOLOGICALLY IN A CYCLE OF TERROR, ISOLATION, HUMILIATION, EXPOSURE AND PROVOCATION**

The genocide bureaucracy was often unable to identify criminal acts against the millions of victims they accused of terrorism. For this reason, they took refuge in lies, slander and fraud by exploiting all kinds of religious, national, moral, political and social values. In the process of genocide they carried out, they had to apply the cycle of terror, insult, isolation and exposure, out of desperation that they could not find a criminal act that they could use as a cover or justification for their oppression. Victims targeted for the genocide were demonized by the stigma of terrorists and traitors. They were tried to be destroyed by means of unemployment, social exclusion, social lynching, and by exposing them to hunger, desperation and diseases together with their descendants. They were tried to be isolated and destroyed by psychological collapse.

Helping prisoners and their relatives is considered a great virtue in many countries. For this purpose, thousands of associations and foundations such as Prison Fellowship International, organized in 117 countries of the world, carry out aid activities with hundreds of thousands of volunteers for prisoners and their relatives. In Turkey, there are NGOs such as the Association of Convicts of Fate and Assistance to the Families of Detainees, which provide assistance to the relatives of prisoners. While helping the prisoners and their families is a universal value, humanitarian, national, moral, religious values and social state obligations require it, while in the SOE/KHK regime, condemning the relatives of prisoners to starvation was implemented as a social-genocide policy. The prevention of humanitarian assistance to these families under the guise of "supporting terrorism" should be considered as one of the important pieces of evidence of the genocidal intent.<sup>342</sup>

The practical result of these systematic practices was that the spirit of solidarity and "national unity and togetherness" was replaced by the spirit of hatred and division. As a result of the disintegration of society, for example, the teachers' day of a person who was a victim of social-genocide could not be celebrated. An investigation was launched against those who sent such a congratulatory message on the grounds of affiliation with terrorism. Establishing human relations with a victim was accepted as if it was evidence of a terrorist organization membership. Even singing or holding concerts to raise the voices of the victims of the genocide was prevented.<sup>343</sup>

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340 <https://www.memurlar.net/haber/684487/feto-culer-murted-ilan-edilsin-cenaze-namazlari-kilinmasin.html> FETÖ'cüler murtet ilan edilsin, cenaze namazları kılınmasın. <https://www.sabah.com.tr/gundem/2016/07/20/darbecilerin-cenaze-namazi-kilinmayacak> Darbecilerin cenaze namazı kılınmayacak.

341 <https://www.cumhuriyet.com.tr/haber/insanlik-da-boguldu-bebeklere-cenaze-arabasi-verilmedi-1041491> ; <https://kronos30.news/tr/bursada-baskan-skandali-egede-olen-bebeklere-cenaze-arabasi-vermedi/> ; <https://www.tr724.com/olen-bebeklere-terorist-di-yen-akpli-bursa-beledelyi-baskani-cenaze-araci-vermedi/> ; <https://www.ocakmedya.com/abden-bogulan-3-kisi-icin-cenaze-nakil-araci-ver-ilmemesine-tepki/> .

342 <https://hukukpenceresi.com/mahpus-yakinlarina-yardim-erdemi-ve-devlet-teroru> .

343 <https://www.aa.com.tr/tr/kultur-sanat/silanin-konserleri-iptal-edildi/626822> Sila'nın konserleri iptal edildi.

### **130. TO FORCE DETAINEES/CONVICT SPOUSES, CHILDREN AND THEIR FAMILIES TO DIE OF STARVATION AND NEGLECT BY PREVENTING ALL KINDS OF FINANCIAL AID TO THEM BY ACCUSING THEM OF SUPPORTING TERRORISM**

In the SOE, all kinds of financial aid, especially from the families or social circles of the detained or convicted victims, were criminalized by evaluating them as supporting terrorism, aiding and abetting terrorism, restructuring the organization, and reviving the organization. For this purpose, many police or gendarmerie operations were carried out in front of the national television cameras, trying to instill fear into the society.<sup>344</sup> Hundreds of arrests were made. In this created social terror atmosphere, humanitarian aids such as fitra, zekat alms, grants and debts from their social circles were prevented from reaching the victims, their families and descendants. Those who tried to help the victims, albeit covertly, were exposed to police operations if they were detected, and the whole society was intimidated.<sup>345</sup> Thus, all kinds of financial or assistance to the victims from their families and social circles were completely prevented, and their chances of survival were tried to be de facto eliminated.

### **131. GENOCIDE BY INCLUDING THE FUTURE GENERATIONS OF THE KHK VICTIMS IN THE PERSECUTION THROUGH CODING**

One of the most important elements in the genocide was the practice of coding the victims. Simultaneously with the expulsions carried out by the genocide execution teams, code 36 and/or code 37 codes were logged in the SGK records of the targeted citizens and their descendants, and the victimization of the genocide was transferred from generation to generation.<sup>346</sup> The fact that these codes were submitted to the SGK proves that the target in genocide is not the person himself, but the permanent and arbitrary extermination of other people who have lower/upper lineage, marriage and kinship ties with the person.<sup>347</sup> Practical applications have also developed in this direction.

344 <https://kronos34.news/tr/mahpuslarin-ailelerine-yardimdan-25-kisi-tutuklandi-aralarinda-koronadan-vefat-eden-ogretmenin-esi-de-var/> Antalya: 'Mahpusların ailelerine yardım suçundan' 25 tutuklama daha: Antalya'da cezaevlerindeki kişilerin ailelerine yardım ettikleri için gözaltına alınan 36 kişiden 25'i tutuklandı. <https://kronos34.news/tr/abla-yalcinkaya-khki-kardeslerine-yardim-etti-gi-icin-hapse-atildi/> Hilal Yalçınkaya KHK mağduru kardeşlerine yardım ettiği için hapse atıldı; <https://youtu.be/unOyv0YxuTY?t=777> Hilal Yalçınkaya: Kardeşlerime yardım ve yataklıkla beni gözaltına aldılar.

345 Zulme doymadılar, vicdansızlığa doymadılar. İnsani Yardım Suçsa, [https://twitter.com/gergerliogluof/status/1582795069857619969?cxt=HBwWgoDTsdzum\\_crAAAA&cn=ZmxleGlibGVfcmVjcw%3D%3D&refsrc=email](https://twitter.com/gergerliogluof/status/1582795069857619969?cxt=HBwWgoDTsdzum_crAAAA&cn=ZmxleGlibGVfcmVjcw%3D%3D&refsrc=email); FETÖ'ye ekim darbesi: 543 mahrem/kurye içinde yer alan kişi gözaltına alındı, <https://www.odatv4.com/guncel/feto-ye-atm-operasyonu-254579>; FETÖ'nün mali yapılanmasına yönelik operasyonda 623 gözaltı, <https://www.dha.com.tr/gundem/fetonun-mali-yapilanmasina-yonelik-operasyonda-623-gozalti-2148079>; Gazi Turgut Aslan Operasyonu ile FETÖ'nün para transfer yöntemleri deşifre edildi, <https://www.aa.com.tr/tr/gundem/gazi-turgut-aslan-operasyonu-ile-fetonun-para-transfer-yontemleri-desifre-edildi/2714652>; 59 ilde 'Gazi Turgut Aslan' operasyonu... Bakan Soylu açıkladı: 704 gözaltı kararı, <https://www.hurriyet.com.tr/gundem/ankarada-feto-operasyonu-bakan-soylu-704-gozalti-karari-alindi-543-kisi-yakalandi-42155305>; FETÖ'nün mali yapılanmasına 'Turgut Aslan' operasyonu! Gözaltı sayısı 623'e çıktı, <https://www.milliyet.com.tr/gundem/fetonun-mali-yapilanmasina-turgut-aslan-operasyonu-gozalti-sayisi-623e-cikti-6843382>; FETÖ'ye yönelik Gazi Turgut Aslan Operasyonu: 48 zanlı yakalandı, <https://www.yenisafak.com/gundem/fetoye-yonelik-gazi-turgut-aslan-operasyonu-48-zanli-yakalandi-3865049>; FETÖ'nün finans ağına darbe: Gazi Turgut Aslan operasyonunda 545 gözaltı, <https://www.yenisafak.com/gundem/fetonun-finans-agina-darbe-gazi-turgut-aslan-operasyonunda-545-gozalti-3865083>; FETÖ'ye "Gazi Turgut Aslan" operasyonu: 59 ilde 543 gözaltı, <https://www.sabah.com.tr/gundem/2022/10/18/fetoye-gazi-turgut-aslan-operasyonu-59-ilde-704-gozalti>;

346 <https://te1.com.tr/SOE-sona-erse-bile-36-kod-numarasi-ile-fisleme-devam-ediyor-73217/> SOE fişlemesi sürüyor. SGK çalışanları 36 koduna dikkat! <https://www.gercekgundem.com/siyaset/123556/khkiilar-tc-vatandasi-olmak-istiyor> "KHK'lılar T.C. vatandaşı olmak istiyor." <http://www.diken.com.tr/mulakat-ve-guvenlik-sorusturmasi-ile-yapilan-ayrimcilik/> Mülakat ve güvenlik soruşturmasıyla ayırmıcılık.

347 <https://twitter.com/hh8170/status/1191078162249265152?s=20> Kimlerin tutuklanacağı önceden belirlenmişti.

### **132. CRIMES AGAINST HUMANITY THAT ENCOMPASSES EVEN THE GENERATIONS TO COME, BOTH AGAINST THEMSELVES AND THEIR FAMILY MEMBERS, THROUGH UNLAWFUL TREATMENT, DEFAMATION, EXPULSIONS AND VIOLATIONS OF RIGHTS AGAINST DECEASED PERSONS**

The social genocide perpetrated against the victims of the SOE/KHK included previously deceased persons and their descendants. Even people who died or even became martyrs before 15 July 2016 were expelled. Their names were included in the KHK texts, ministry circulars and prosecution investigations, and they were not left restful even in their graves. They, like the survivors, were subjected to the practice of crimes against humanity.<sup>348</sup>

Of course, these executions against the deceased have no effect on the deceased. However, the unlawful treatment against them paved the way for their surviving descendants, marriage and kinship relatives to be stigmatized and subjected to genocide. Executing even the dead and stigmatizing the living through these executions is the most important proof of genocidal intent, as well as being an important method of execution from generation to generation in genocide.

### **133. PREVENTING FROM FOUNDING FAMILIES**

A great number of young people were prevented from marrying at home or abroad with the organized social, economic, moral and de facto lynching.<sup>349</sup> These obstacles were made sometimes through social pressure and sometimes by preventing the issue of documents necessary for marriage. Thus, the rights of the victims, who were selected as victims of genocide and expelled by privileged genocide enforcement teams formed in administrative institutions, to marry, to found a home and family were usurped.<sup>350</sup>

### **134. DESTROYING FAMILIES BY FORCING THE SPOUSES OF THE KHK VICTIMS TO DIVORCE**

The genocidal system specifically targeted the family. Families, which are the basic building blocks of society, were disintegrated, thus paving the way for social segregation. In this context, not only the victims themselves, who were directly targeted, but also their families and lineages, such as spouses and children, were included in the witch cauldron produced in the genocidal system. Efforts were made to ensure that family life could not be maintained in a healthy way.<sup>351</sup> Families were forced into divorce, death, suicide, and disintegration through systematic social terror and persecution including, but not limited to, publications promoting social terror and social lynching conducted through the

348 <https://hukukpenceresi.com/mezarindan-darbecileri-ifsaden-savci-ahmet-bicer> Savcı Ahmet Biçer vefatıyla da hukuka hizmet etdi. <https://www.birgun.net/haber/oluyu-de-khk-ile-ihrac-ettiler-222400> Ölüyü de KHK ile ihraç ettiler. <https://twitter.com/crkml/status/1341096147901968385?s=20> Şehadetinin 5. Yılında, El Bab şehidimiz Astsubay Okan Altıparmak'ın ankesörlü arama listesindeki yeri! Şehit düşmese terörist diye yargılanacaktı! Kendisi şehit ama kardeşi terörist diye görevinden uzaklaştırıldı!

349 <https://t24.com.tr/haber/darbeden-anlamam-komutanlarin-dediklerini-yaptim-hapse-dustum-sozlum-korktu-beni-birakti,408099> "Darbeden anlamam, komutanların dediklerini yaptım; hapse düştüm, sözlüm korktu, beni bıraktı..."

350 <https://twitter.com/gergerliogluof/status/1129085711028764672?s=20> KHK mağduru yuva kuramıyor! <http://www.cumhuriyet.com.tr/haber/khkliye-evlilik-engeli-1701492> KHK'lıya evlilik engeli; <https://twitter.com/gergerliogluof/status/1289897373389295617?s=20>; <https://twitter.com/gergerliogluof/status/1289897511281258497?s=20>.

351 <https://ahvalnews.com/tr/khk-magdurlari/khk-magduru-kadinlar-SOE-bizi-hem-isimizden-hem-esimizden-etti> KHK mağduru kadınlar: SOE bizi hem işimizden hem eşimizden etti <https://www.bizimsakarya.com.tr/guncel/serdivan-da-intihar-2-h112228.html> KHK mağduru eski asker intihar etti!

media, expulsion, detention, torture, imprisonment and trial processes, making it difficult for parents to exercise their custody rights over their children, preventing social benefits, isolating victims' children and making them subjects to insults and attack, preventing the restitution of the rights to acquitted victims, etc.

According to our research data, the divorce rate among the participating victims is 3.2 percent, and the rate of those who are living apart from their spouses is 0.7 percent. Considering that the crude divorce rates in Turkey are 2.07 per thousand for 2021, according to TurkStat data, it turns out that the divorce/separation rates among the victims are 19-20 times the average of Turkey. When the proportion of victims who state that their families are split, de facto broken up or disintegrated despite not being legally divorced or having decided to live separately in courts yet, this figure reaches 11.2 percent. This rate is 55 times the average of Turkey and reveals the frightening depth of the destruction of the families of victims under the SOE.

### **135. DISINTEGRATION OF FAMILY UNITY BY FORCING THE CHILDREN OF THE KHK VICTIMS TO REJECT THEIR PARENTS**

In the social, economic, spiritual and de facto lynching environment organized under the SOE, the children were forced to reject their fathers.<sup>352</sup>

### **136. DISINTEGRATION OF FAMILY UNITY BY FORCING PARENTS TO REJECT THEIR CHILDREN WHO ARE VICTIMS OF KHKs**

Under the intense pressure of the SOE, the parents of the victims, who were targeted by organized social, economic, psychological, religious and de facto lynching campaigns, were rendered unable to stand by and support their own children. Some were even brought to the point of rejecting or abandoning their own children.<sup>353</sup>

### **137. MOBBING PRACTICES THROUGH LINEAGE TIES**

Not only the victims of the genocide themselves, but also their spouses, children, parents and siblings on the basis of lineage or marriage also suffered from mass abuse or mobbing. Some students were called "the son of a terrorist", and the children were prevented from passing their classes and their right to develop themselves was usurped. Again, some students were insulted and humiliated by their teachers in front of the class, using their bonds with their victim parents as a reason. A victim statement: "My child was mistreated by the teacher who learned that her parents were KHK victims. She was humiliated. Her pride was hurt. She was a child who had just passed the 8th grade while she was going through this. The incident happened at the ... Primary School in Izmir, Buca".

In this process, parents, spouses and children who attempted to defend the rights of their children, spouses and parents, even verbally, were immediately lynched in an organized manner with the terrorist/terror supporter/traitor stig-

<sup>352</sup> <https://www.memurlar.net/haber/758812/feto-cu-tekalan-in-kizi-babasini-reddetti-sadece-biyolojik-babam.html> "kızı babasını reddetti: Sadece biyolojik babam."

<sup>353</sup> <http://www.medyagundem.com/fetullahci-cocuklarini-evlatliktan-reddetti/> "çocuklarını evlatlıktan reddetti." <https://www.haber-turk.com/gundem/haber/1278608-ailesi-enes-kanteri-evlatliktan-reddetti> Ailesi Enes Kanter'i evlatlıktan reddetti.

mas. In fact, investigations were launched against them on the grounds of terrorist propaganda and their freedoms were often restricted.<sup>354</sup>

### 138. MOBBING PRACTICES THROUGH KINSHIP TIES

Mobbing, as a means of execution of genocide, was not limited only to family and first-degree relatives. The spouses and family members of the victims of the genocide were also subjected to mobbing practices.<sup>355</sup>

### 139. DESTROYING THE TRADITIONAL SOLIDARIST NEIGHBORHOOD AND COLLABORATIVE SOCIETY CULTURE IN THE SOCIAL STRUCTURE AND REPLACING IT WITH A CONFLICTING CULTURE BASED ON SUSPICION, DENUNCIATION, HARASSMENT AND LYNCHING

Solidarity society/neighborhood, which is one of the indispensable institutions of healthy societies, was almost completely destroyed in the SOE regime. Instead, a kind of espionage, slander, harassment, tension and lynching based on suspicion, denunciation and conflict was established. President Erdoğan's words "Expose the FETO members. This is our patriotic duty. I call to all of you; Wherever there is a FETO terrorist organization member you know or find, you will definitely let us know. If you do not report, you are responsible" were particularly effective in this.<sup>356</sup> An environment was created in which everyone could denounce or slander each other for the purpose of interpersonal enmity, enmity, interest or power.

On the other hand, those who harbored personal grudges, enmity or vengeance against the marginalized were given unlimited freedom to slander and revenge. Thus, in the environment of the lawlessness of the SOE, the KHKs became a tool for the personal grudges and ambitions of all kinds of ambitious and ambitious people. Thus, the neighbor began to denounce his neighbor as FETÖist, like father did for his son, wife for her husband, relative for other relative, chief officer for workers under him, commander for his subordinate, student for the teacher, and the traditional spirit of social unity, solidarity and trust was destroyed. It was replaced by a divided and polarized social structure that was sociologically shattered, distrustful of each other, always suspicious of each other, and increasing social distance.<sup>357</sup> Therefore, as a product of the genocidal system, all the official and unofficial institutions of the society were broken up and the roots of the society were damaged.<sup>358</sup> In addition, in the environment of social tension, polarization or social

354 <http://yeniyaamgazetesi1.com/adalet-yuruyusune-mudahale-en-az-20-gozalti/> 'Adalet Yürüyüşüne' müdahale: En az 20 gözaltı.

355 <https://youtu.be/Q4ZHLfKkMZU> "Sadece benim değil eşimin ailesine de..."

356 <https://www.ensonhaber.com/gundem/erdogandan-fetoculeri-ihbar-edin-cagrisi-2016-08-10> ; <https://www.sabah.com.tr/gundem/2017/06/25/erdogan-fetoculeri-bildirmeyen-sorumludur> ; <https://www.bloomberght.com/haberler/haber/1912326-erdogan-feto-bildikleriniz-varsa-ihbar-edin-gerekeni-yapalim> ; <https://www.sozcu.com.tr/2016/gundem/fetocuyu-ihbar-et-hatti-1349446/> 'FETÖ'cüyü ihbar et' hatti kuruldu.

357 <https://www.timeturk.com/erdogan-feto-cu-bildikleriniz-varsa-ihbar-edin/haber-269852> ; <https://www.sozcu.com.tr/2016/gundem/fetocuyu-ihbar-et-hatti-1349446/> ; <https://m.bianet.org/bianet/siyaset/148606-basbakanin-cagrisi-komsunuzu-ihbar-edin> ; <https://www.ensonhaber.com/gundem/erdogandan-fetoculeri-ihbar-edin-cagrisi-2016-08-10> ; <https://www.bloomberght.com/haberler/haber/1912326-erdogan-feto-bildikleriniz-varsa-ihbar-edin-gerekeni-yapalim> ; <https://sehirmedya.com/adliye/komsusuna-kizdi-fetocu-diye-ihbar-etti-h281263.html> Komşusuna kızdı, FETÖ'cü diye ihbar etti!

358 [https://www.yeniasya.com.tr/kazim-gulecyuz/yeni-sistemle-devlet-darmadagin\\_510891](https://www.yeniasya.com.tr/kazim-gulecyuz/yeni-sistemle-devlet-darmadagin_510891) .

cleavage created, neighbors not only felt grudges against each other, but also started to attack and harm each other's property and life, either openly or secretly.<sup>359</sup>

#### **140. SEPARATING CHILDREN FROM THEIR FAMILIES AND GIVE THEM TO OTHER PEOPLE OR INSTITUTIONS**

The regime was not content with psychological pressure and terror against parents; It also tried to separate the children from their parents by force. In this method, children were tried to be taken from their families and given to child welfare institutions or other individuals and institutions through prosecutors' offices.<sup>360</sup>

#### **141. SEPARATING ADOPTEES FROM THEIR FAMILIES**

The adopted children, whose foster families were the victims of the genocide, were taken from them.<sup>361</sup> In this way, children, most of whom lived through the trauma of losing their biological parents and trying to overcome it, also experienced the trauma of losing their new family, with whom they finally found the warmth of their home.

#### **142. PREVENTING ADOPTION**

The rights of adoption of victims of social genocide have been usurped.<sup>362</sup>

#### **143. ATTEMPT TO HARASS AND BREAK UP FAMILIES BY BREAKING THEIR SOCIAL TIES**

The families who were victims of the social genocide were prevented from coming to see their children at school.<sup>363</sup>

#### **144. ATTEMPT TO HARASS AND BREAK UP FAMILIES BY VIOLATING THEIR RIGHT TO EDUCATION**

The children of families targeted by the genocide were not admitted to the private schools they applied to, they were not enrolled in the universities they won, and they were prevented from getting the degrees they deserved.<sup>364</sup> Their

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359 <https://twitter.com/gergerliogluof/status/1333128262571188226> KHK mağduru Celalettin Tokmak'ın su boruları yakıldı. Kendi köyünde bile yaşam hakkı verilmek istenmedi; [https://twitter.com/Celali\\_/status/1333089846961836034](https://twitter.com/Celali_/status/1333089846961836034); <https://twitter.com/Gazete-Davul/status/1333130926545645569>; <https://www.youtube.com/watch?v=XkaoRNN1hvA> <https://www.ozgurplatform.org/2020/11/30/pek-cok-haktan-mahrum-birakilan-khkli-ogretmenin-bu-kez-tarlasi-kundaklandi/>; <https://www.boldapp.de/2020/11/29/khk-magdu-ru-ogretmenin-tarlasini-kundakladilar-failler-kayip/>.

360 <https://artigercek.com/haberler/gergerlioglu-savci-annesi-gozaltina-alinan-cocuklari-cocuk-esirgeme-kurumuna-gondermeye-calisti>.

361 [https://twitter.com/euronews\\_tr/status/1119201748185382912](https://twitter.com/euronews_tr/status/1119201748185382912) "Sen burada bekle ben gelip seni alacağım dedim ama olmadı. Yalan söylemek zorunda kaldım. O da hissetti..." <https://tr.euronews.com/2019/04/19/khk-koruyucu-ailenin-hayatini-degistirdi-ihrac-edilince-evlat-edindikleri-cocuk-ellerinden>

362 <https://tr.euronews.com/2019/04/19/khk-koruyucu-ailenin-hayatini-degistirdi-ihrac-edilince-evlat-edindikleri-cocuk-ellerinden> KHK, koruyucu ailenin hayatını değiştirdi: İhrac edilince, evlat edindikleri çocuk ellerinden alındı. <https://twitter.com/HDemirtasTR/status/1362718851742498817/photo/1>

363 <https://www.birgun.net/haber/khk-ile-aciga-alinan-gergerlioglu-nun-kamu-kurumlarına-girmesi-yasaklandi-155358> KHK ile açığa alınan Gergerlioğlu'nun kamu kurumlarına girmesi yasaklandı!

364 <http://yeniyasamgazetesi.com/70-binin-uzerinde-tutuklu-ogrencinin-egitim-hakkina-erisemedigini-soyleyen-bogatekin-egit>

or their children's education rights were usurped. In some cases, this has resulted in family harassment and breaking up of family unions.<sup>365</sup> The usurpation of the right to education and the practices of breaking up families within this framework could also be carried out by dismissing the relatives of the victims or the disabled people from special education and rehabilitation centers. Thus, both education and personal development of disabled people who need special support or education due to their disabilities were hindered because they were relatives of the victims of KHK or family members. Thus, one more crime against humanity could be committed against them.<sup>366</sup>

#### 145. DESTROYING THE STRUCTURAL FUNCTIONALITY OF FAMILIES

People who were the target of genocide practices, sometimes both parents were detained at the same time and were even arrested and sent to prison. Travel bans and judicial control restrictions were imposed on all family members, thus restricting their freedoms arbitrarily. Sometimes, when the wanted person could not be found, one of the other family members was taken hostage on various pretexts in order to capture the wanted person. With all these methods, the existence, unity, harmony and functionality of families were tried to be destroyed.<sup>367</sup>

#### 146. SYSTEMATIC EXECUTIONS ACCORDING TO THE EXECUTION LISTS CREATED BY FILINGS

FETÖMETRE is a systematic filing method that forms the backbone of genocide profilings. FETÖMETRE is a method that allows the arbitrary selection of individuals, institutions and families to be targeted and its criteria can change perpetually and completely randomly. It is an important genocide systematic algorithm or method used as a guide for the establishment of the genocide execution lists of the SOE/KHK genocidal regime and the construction of the basic methods of their systematic executions.

In the light of the data provided to us through court records or open information sources or by the victims, it has been revealed that these FETÖMETRE criteria and systematics are used in the secret filings of police officers, judges

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im-gaspinin-dunyada-ornegi-yok/ 'Eğitim gaspının dünyada örneği yok!

365 <https://www.gazeteduvar.com.tr/gundem/2020/02/06/universitede-khki-ogrenci-ayrimciligi/> Üniversitede KHK mağduru öğrenci ayırmacılığı.

366 KHK'yı Gereçe Gösterip Yüzde 100 Engelli Nurefşan'ı Okuldan Attılar <https://www.boldmedya.com/2020/12/03/yuzde-yuz-engelli-cocuk-okuldan-atildi/>

367 <https://twitter.com/UyumluTris/status/1351877829626126338?s=20> İlayda Tekgöz tutuklandı. Eşi de tutuklu. İki çocuğu ile adliyyede süründürüldükten sonra evlatlarıyla birlikte cezaevi karantina hücrelerine kondu. <http://www.haberdar.com/gundem/esini-bulamayinca-avukat-anneyi-ve-6-5-aylik-miray-bebegi-tutukladilar-h113688.html> Eşini bulamayınca avukat anneyi ve 6.5 aylık Miray Bebeği tutukladılar. <https://www.milliyet.com.tr/yerel-haberler/mugla/fetocu-babasina-seslenerek-teslim-olmasi-cagrisinda-bulundu-11619011> FETÖ'cü Babasına Seslenerek, Teslim Olması Çağrısında Bulundu. <https://www.gazeteduvar.com.tr/gundem/2019/03/01/pasaport-tahditleri-kalkti-cok-cok-kotu-cok-kotu-oldu/> Tahdit kalktı: Çok çok kötü, çok kötü oldu! <https://www.dogrusu.com/gozaltina-almak-istedikleri-khki-babayi-yakalayamayinca-ogluna-iskence-yaptilar> Gözaltına almak istedikleri KHK mağduru babayı yakalayamayınca oğluna işkence yaptılar. <https://twitter.com/hh8170/status/1150635795914600448?s=20> Soykırımına karar verdikleri vatandaşın tedavisini engelleyerek, geciktirerek onu öldürürler. <https://youtu.be/Q4ZHLfkKMZU> "Bana ulaşamayınca babamı tutukladılar"; <https://www.demokratheraber.org/guncel/dilek-dundar-esime-karsi-rehin-tutuluyorum-h112947.html>; <https://medyascope.tv/2019/02/11/dilek-dundar-esime-karsilik-rehin-tutuluyorum/>; <https://www.gercekgundem.com/medya/69772/can-dundarin-esi-dilek-dundar-esime-karsi-rehin-tutuluyorum/>; <https://ahvalnews.com/tr/muhaliflere-baski/dilek-dundar-25-yildir-esime-karsi-rehin-tutuluyorum> .

and prosecutors, and Energy Market Regulatory Authority (EPDK) employees, such as "Garson", "Albatross".<sup>368</sup> In other words, the same arbitrary criteria and systematics were used in the identification of civil servants and laborers working in all public institutions and organizations such as academics, educators, doctors, architects, engineers, civil servants and workers.

In short, regardless of which institution they work in, the victims of the SOE/KHK were labeled as oppositional or objectionable citizens, much earlier than July 20, 2016, by using sources such as the ruling party provincial and district organizations, party members, pro-bureaucracy and the National Intelligence Organization. What was done after 20 July 2016 consisted of executing the previously made filing and execution lists within a certain application system. In this context, those who were sentenced to be executed as political dissidents before 20 July were executed together with their families, regardless of what they did on and after July 15. Some of the hundreds/thousands of examples on this subject are among our research data.

**INFORMATION NOTE: We believe that the crimes against humanity committed against those targeted in the state of emergency genocide are not limited to the 146 methods identified here. Based on the data we have obtained from open sources and victims, we have been able to identify and report 146 methods of crimes against humanity so far. However, we anticipate that this number will increase significantly if new data are obtained and if new information and documents currently hidden in state archives are accessed in the future.**

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368 (1) Av. Mesut Can Tarım, (2019), The report stating that the tagging information on the SD card submitted by the secret witness using Garson (K) alias was obtained from the PBS system on the Closed Network System (Pol-Net) of the General Directorate of Security (that is, the data was obtained illegally), <https://www.hukukibilgiplatformu.com/wp-content/uploads/2019/12/3-Verilerin-Pol-Net-%C3%B-Czerinden-%C3%A7ekildi%C4%9Fine-dair.pdf> Ankara: Mesut Can Tarım, Law Office / Hukuk & Danışmanlık. (2) Av. Mesut Can Tarım, (2019), Gizli Tanık Garson (SD Kart-Adli Bilişim Kapsamında Analiz-Sonuç Değerlendirme) CMK 134'e Göre Dijital Delilin Elde Ediliş Şekline Göre Sunulacak Rapor, <https://www.hukukibilgiplatformu.com/wp-content/uploads/2019/12/4-Dijital-Veri-%C4%B0ncelemesi.pdf> Ankara: Mesut Can Tarım, Law Office / Hukuk & Danışmanlık. (3) Av. Mesut Can Tarım, (2019), Gizli Tanık Garson (SD Kart-Adli Bilişim Kapsamında Analiz-Sonuç Değerlendirme) CMK 134'e Göre Dijital Delilin Elde Ediliş Şekline Göre Sunulacak Rapor, <https://www.hukukibilgiplatformu.com/wp-content/uploads/2019/12/2-Adli-Bili%C5%9Fim-Siber-Raporu-%C4%B0ncelemesi.pdf> Ankara: Mesut Can Tarım, Law Office / Hukuk & Danışmanlık. (4) Av. Mesut Can Tarım, (2019), Gizli Tanık Garson (İfadelerdeki Çelişkiler- Analiz-Sonuç Değerlendirme) Raporu, <https://www.hukukibilgiplatformu.com/wp-content/uploads/2019/12/1-Garson-K-Gizli-Tan%C4%B1k-%C4%B0fade-Analizi.pdf> Ankara: Mesut Can Tarım, Law Office / Hukuk & Danışmanlık. (5) Av. Mesut Can Tarım, (2019), Gizli Tanık Garson Kom Daire Başkanlığı -Emniyet Mahrem Yapılanma Raporunun Dışa Aktarımı -(SD Kart-Fişlemeye İlişkin Kodlamalar -Sonuç Değerlendirme): FETÖ Silahlı Terör Örgütü Emniyet Mahrem Yapılanması Raporu, <https://www.hukukibilgiplatformu.com/wp-content/uploads/2019/12/5-Kod-anlamlar%C4%B1-Mahrem-Yap%C4%B1-Kapsam%C4%B1nda-%C3%87%C3%B6z%C3%BCmler-ve-De%C4%9Ferlendirme.pdf> Ankara: Mesut Can Tarım, Law Office / Hukuk & Danışmanlık. (6) Av. Mesut Can Tarım, (2020), EGM FETÖ Emniyet Mahrem Yapılanması Mukayese Raporu'na ilişkin İnceleme Raporu, <https://www.hukukibilgiplatformu.com/wp-content/uploads/2020/07/Emniyet-Mukayese-Raporu-Av-Mesut-Can-TARIM.pdf> Ankara: Mesut Can Tarım, Law Office / Hukuk & Danışmanlık.

**IN ITS 4<sup>TH</sup>, 5<sup>TH</sup> AND 6<sup>TH</sup> YEARS  
SOCIAL COSTS  
OF THE STATE OF EMERGENCY**

# **STATE OF EMERGENCY & DECREE LAWS ARE A CRIME AGAINST HUMANITY**

**RESEARCH REPORT  
FEBRUARY 2025**

