



Home Office

Country Policy and Information Note

Turkey: Gülenist movement

Version 2.0

February 2018

Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

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The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Policy guidance

Updated: 19 February 2018

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm by the state due to a person's actual or perceived involvement with the Gülenist movement.

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1.2 Points to note

- 1.2.1 For the purposes of this note it is referred to as the Gülenist movement. However, it is also known in Turkey as the 'Hizmet' (the 'Service') and is considered by Turkey as a terrorist organisation known as the 'Fetullahçı Terör Örgütü, FETÖ' ('Fethullahist Terrorist Organization (FTO)') and also sometimes referred to as the 'Parallel Devlet Yapılanması (PDY)' (the 'Parallel State Structure').

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

- 2.2.1 If there are serious reasons for considering that the person has been involved in committing a serious crime, for example involvement in the July 2016 coup attempt in Turkey, then decision makers must consider whether any of the exclusion clauses are applicable.
- 2.2.2 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Instruction on Restricted Leave](#).

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2.3 Convention reason

- 2.3.1 The Gülenist movement is a term used to describe those who follow the US-based Islamic cleric Fethullah Gülen; the movement is not a political party, neither is it a religion. The Gülenist movement is believed to have a large

number of sympathisers in Turkey; some estimate the number to be in the millions (see [Numbers of adherents](#)).

- 2.3.2 Members of the movement have founded a wide range of organisations, including hundreds of schools, tutoring centres, hospitals and relief agencies. Sympathisers and graduates of Gülenist institutions are believed to have held influential positions in institutions from the police and security services to the judiciary (see [Philosophy and activities](#)).
- 2.3.3 Fethullah Gülen has long been accused by leading Justice and Development Party (AKP) lawmakers and President Erdoğan of forming and heading a terrorist organisation with the aim of toppling the Turkish government through insiders in the police and other state institutions (see [Relations between Fethullah Gulen and President Erdogan](#) and [Gulenism declared a terrorist organisation](#)).
- 2.3.4 While the Gülenist movement is not a political party, given the Turkish authorities' views of it, those whose claim is based on actual or perceived involvement with the movement should be regarded as having a 'political opinion' for the purposes of a Refugee Convention reason.
- 2.3.5 However, establishing membership of the movement is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their actual or perceived membership of the movement.

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2.4 Assessment of risk

- 2.4.1 In May 2016 the Turkish Government declared that the Gülenist movement was an illegal terrorist organisation and in June 2017 the Supreme Court of Appeal ruled that the Gülenist movement is an armed terrorist organisation. This is broadly equivalent to the UK's proscribing of terrorist organisations and Turkish courts are likely to rule accordingly (see [Gulenism declared a terrorist organisation](#) and [Annex A](#)).
- 2.4.2 The coup attempt of 15 July 2016 was attributed by the Turkish government to members of the Gülenist movement (see [Gulenists held responsible for coup attempt](#)).
- 2.4.3 A state of emergency was put in place in Turkey a few days after the coup attempt, and this has been renewed every three months since then. Under the state of emergency, the European Convention on Human Rights has been partially suspended and measures were introduced to increase the length of time a person could be detained without charge to 30 days, although in January 2017 this was reduced to seven days, which can subsequently be extended to 14 days (see [State of emergency: dates and extensions](#), [State of emergency: provisions](#) and [State of emergency: modification of powers \(January 2017\)](#)).
- 2.4.4 Officials may observe, and even record, meetings between pre-trial detainees and their lawyers. By September 2017, 21 emergency decrees had been issued, and the scope of the emergency law had been broadened to include those who 'belong to, connect to, or have contact with the Fetullahist Terrorist Organisation.' One of the emergency decrees also

provided that officials involved in putting down the coup, tackling related threats and implementing state of emergency measures would not face prosecution. In addition, Turkey's anti-terrorism law is broadly interpreted to target political opponents (see [State of emergency: dates and extensions](#), [State of emergency: provisions](#), [State of emergency: modification of powers \(January 2017\)](#) and [Counter-terrorism law](#)).

- 2.4.5 Following the coup attempt, there was a large number of arrests, detentions and dismissals from jobs as the government took measures against those suspected of involvement in the Gülenist movement. In August 2017 it was estimated that 150,000 people had been suspended or sacked from government posts since the coup attempt; approximately 114,000 were dismissed from their posts. Those dismissed include around 4,000 judges and prosecutors, 30,000 teachers and professors, 3,000 soldiers and 24,000 police officers. It is reported that the Government publishes lists of those who will lose their jobs following the coup attempt on the 'Resmi Gazete' (Official Gazette) website. Arrest warrants continue to be issued (see [Statistics](#), [Introduction](#), and ['Wanted' lists](#)).
- 2.4.6 However, it was noted that 30,000 public officials who had been suspended have since been reinstated. On 22 December 2017 the State of Emergency Procedures Investigation Commission made its first decisions on the appeals of public sector staff against dismissals from their jobs. Those cleared of accusations are reinstated to their former positions within 15 days, and those whose appeals were rejected will be able to take their cases to the Council of Judges and Prosecutors (see [Reinstatement of suspected Gülenists](#)).
- 2.4.7 The overwhelming majority of those arrested are police officers and military personnel, judges and prosecutors, and civil servants, including teachers and academics. Approximately 50,000 people have been imprisoned for suspected links to the coup attempt. There are reports that some of those arrested have since been released, but it is not clear how many (see [Impact of the coup attempt on particular groups](#)).
- 2.4.8 Several hundred lawyers are in pre-trial detention, with the majority accused of links with the Gülenist movement. In November 2016 the government closed three lawyers' associations. Others affected by the measures taken following the coup attempt include foreign ministry staff, with 121 detention warrants issued (see [Lawyers](#) and [Foreign ministry staff](#)).
- 2.4.9 There is overcrowding in prisons, which are reported to be at 110% capacity. In September 2017 it was reported that allegations of torture in prisons had increased over the year; it is also reported that soldiers and persons suspected of involvement with the Gülenist movement or the coup attempt were particularly at risk of maltreatment in the immediate aftermath of the coup, and there are some reports that ill-treatment continues to occur in some cases. It is reported that those accused of torture may act with impunity due to the provisions of emergency decree number 667. However, Bekir Bozdağ, the Minister of Justice, stated categorically that there is no ill-treatment of detainees in Turkey and that prisons are open to international inspection. He added that complaints are investigated (see [Prison conditions](#), [Army officers and soldiers](#), [Abductions and forced disappearances](#), [Impunity for perpetrators of mistreatment](#) and [Allegations of torture](#)). See also the Country

Policy and Information Note on [Prison conditions](#) for further information on this subject).

- 2.4.10 There have been reports of Turkish nationals living outside Turkey, who are suspected by the Turkish authorities of involvement in the Gülenist movement, having their passports cancelled and replaced with a one-day passport to use to return to Turkey to be tried. Teachers and the military appear to have been particularly affected. Others suspected of involvement in the Gülenist movement may be prevented from leaving Turkey. In June 2017, it was thought that 140,000 people had had their passports cancelled (see [Cancellation of passports](#), [Teachers and academics](#) and [Army officers and soldiers](#)).
- 2.4.11 In June 2017 the UN Human Rights Council and the Council of Europe expressed concern about the independence of the judiciary. There are also reports that some of the new, younger judges who have replaced those judges who have been fired are not effective and do not adhere to the law. Due to measures taken through emergency decrees, it has become exceptionally difficult to apply for judicial review. However, the State of Emergency Procedures Investigation Commission was set up in January 2017 to review dismissals under the state of emergency and those whose appeals are rejected may take their case to the Council of Judges and Prosecutors (see [Independence of the judiciary](#), [Effectiveness of the judiciary](#), [Lack of judicial review](#) and [Reinstatement of suspected Gulenists](#)).
- 2.4.12 Trials of those suspected of involvement in the coup attempt have now begun. In December 2017 it was reported that 332 people had been sentenced to jail terms; of these:
- one hundred people received jail terms ranging from about a year to 20 years;
 - 232 were sentenced to life imprisonment (at least 24 years);
 - 117 of these received sentences of aggravated life imprisonment (at least 30 years);
 - 113 people were acquitted;
 - 57 were released as judges found no case to answer (see [Trials and sentences of suspected Gulenists](#)).
- 2.4.13 It is legitimate for the Turkish state to take action against those involved in a coup attempt against the democratically-elected government and to use all lawful and proportionate means to do so. The onus is on the person to show that on the particular facts of their case, they are at real risk of mistreatment and that this amounts to persecution on the basis of their actual or imputed political beliefs.
- 2.4.14 Those fleeing prosecution or punishment for a criminal offence are not normally refugees. However, prosecution may amount to persecution if it involves victimisation in its application by the authorities; for example, if it is the vehicle or excuse for persecution of a person or if only certain groups are prosecuted for a particular offence and the consequences of that discrimination are sufficiently severe. Punishment which is cruel, inhuman or

degrading (including punishment which is out of all proportion to the offence committed) may also amount to persecution.

- 2.4.15 In order for the person to qualify on the basis of a breach of Article 6 of the European Convention on Human Rights (right to a fair trial), they need to demonstrate a real risk of a flagrant violation of that right. Decision makers should consider whether a person has demonstrated that the alleged treatment in the country of return would be so serious as to amount to a flagrant violation or a flagrant denial of the protected right. For further information, see the [Asylum Instruction on Considering human rights claims](#).
- 2.4.16 For information about Turkish prisons, see the country policy and information note on [Turkey: Prison conditions](#).
- 2.4.17 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 As the person's fear is of persecution or serious harm from the state, they will not be able to avail themselves of the protection of the authorities.
- 2.5.2 See also the country policy and information note on [Turkey: Background, including actors of protection and internal relocation](#).
- 2.5.3 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 As the person's fear is of persecution or serious harm at the hands of the state, they will not be able to internally relocate to escape that risk.
- 2.6.2 See also the country policy and information note on [Turkey: Background including actors of protection and internal relocation](#).
- 2.6.3 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see the [Appeals Instruction on Certification of Protection and Human Rights claims under Section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

Updated: 24 December 2017

3. Legal framework

3.1 Freedom of belief

3.1.1 The US Department of State's (US DoS') International Religious Freedom report covering 2016 noted:

'The constitution defines the country as a secular state and provides for freedom of conscience, religious belief, conviction, expression, and worship. It stipulates individuals may not be compelled to participate in religious ceremonies or disclose their religion; acts of worship may be conducted freely as long as they are not directed against the integrity of the state. The constitution prohibits discrimination on religious grounds and prohibits exploitation or abuse of "religion or religious feelings, or things held sacred by religion" or "even partially basing" the order of the state on religious tenets.'¹

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3.2 Counter-terrorism law

3.2.1 In the Country Report on terrorism which covered 2016, the US DoS noted:

'Turkey has a broad definition of terrorism, to include crimes against constitutional order and internal and external security of the state, which is sometimes used to criminalize what the United States would consider the legitimate exercise of freedom of expression and assembly. Under Turkey's Anti-Terror Law and penal code, a person can be punished as a member of a criminal or terrorist organization, even if the person is not a member of that organization, if the person commits an offense on behalf of that organization. The legislation considers a member of an organization with terrorist aims as a terrorist offender, even if the person does not commit a crime. It imposes more severe sentences to terrorism offenses and terrorist propaganda involving mass media. Despite a 2013 amendment that narrowed the definition of terrorist propaganda to declarations that legitimize and laud the violent, coercive, and threatening methods of terrorist organizations and incite their use, authorities broadly interpreted counterterrorism laws to target political opponents, journalists, and activists. The government, for example, arrested Sebnem Korur Fincanci, President of the Human Rights Foundation, in June after she had served as a temporary guest editor of the pro-Kurdish newspaper Ozgur Gundem, on the charge of spreading terrorist

¹ US Department of State. 'International Religious Freedom Report 2016;' Turkey, 15 August 2017. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268876> Accessed: 10 October 2017

propaganda.² Her hearing was subsequently postponed and rescheduled for 26 December 2017.³

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3.3 State of emergency: dates and extensions

3.3.1 In September 2017, the Congressional Research Service noted that ‘The Turkish parliament voted within days [of the attempted coup of July 2016] to approve a three-month state of emergency, and has extended it every three months since... This allows the government to rule by decree. Turkey also partially suspended the European Convention on Human Rights...’⁴

3.3.2 In October 2017, France24 noted that the state of emergency would be extended for a further three months.⁵

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3.4 State of emergency: provisions

3.4.1 In the Country Report on Terrorism, covering 2016, the US DoS noted:

‘Following the attempted coup in July, the government issued 12 decrees under the state of emergency to expedite investigations into offenses against constitutional order, which could include offenses committed during the coup attempt or beyond. The executive orders, among other measures, increased the period of custody for these offenses to 30 days from 48 hours, and also imposed procedural restraints that removed attorney-client privilege in terrorism-related cases.’⁶

3.4.2 In a report of June 2017, the UN Human Rights Council noted:

‘Emergency decree No. 667, the first declared following the attempted coup, increased the amount of time a detainee could be held without charge from 4 to 30 days (article 6 (a)). Article 19 of the Constitution allows for a maximum of four days’ detention without charge and an extension of this period during a state of emergency. However, in the case of *Aksoy v. Turkey*, the European Court of Human Rights held that detention of 14 days without judicial review, even during a legitimate state of emergency, violated the human rights obligations of the State. Decree No. 667 also provides for officials to observe or even record meetings between pretrial detainees and their lawyers, in addition to restricting the choice of lawyers (article 6 (d)). Decree No. 684 reduces the maximum period for detention to seven days

² US Department of State. ‘Country Report on Terrorism 2016 - Chapter 2 - Turkey,’ 19 July 2017. Available at: http://www.ecoi.net/local_link/344195/475203_en.html Accessed: 2 November 2017.

³ World Organisation Against Torture (OMCT). ‘Turkey: Ongoing judicial harassment of Ms. Sebnem Korur Fincanci, Mr. Erol Önderoglu, Mr. Ahmet Nesin and Mr. Murat Çelikkan. New information. TUR 004 / 0616 / OBS 049.5. Judicial harassment. Turkey,’ June 20, 2017 <http://www.omct.org/human-rights-defenders/urgent-interventions/turkey/2017/06/d24393/> Accessed: 7 December 2017

⁴ Congressional Research Service. ‘Turkey: Background and U.S. Relations In Brief,’ 19 September 2017 <https://fas.org/sgp/crs/mideast/R44000.pdf> Accessed: 17 October 2017.

⁵ France 24. ‘Turkey extends state of emergency for fifth time,’ 16 October 2017. <http://www.france24.com/en/20171016-turkey-extends-state-emergency-fifth-time> Accessed: 31 October 2017.

⁶ US Department of State. ‘Country Report on Terrorism 2016 - Chapter 2 - Turkey,’ 19 July 2017. Available at: http://www.ecoi.net/local_link/344195/475203_en.html Accessed: 2 November 2017.

from the date of arrest, excluding the time spent taking the suspect to the nearest court.’⁷

3.4.3 In April 2017, the New York Times noted:

‘According to the European Court of Human Rights, to which Turkey is a signatory, a country has the right to deviate from the law during a state of emergency — but there are limits. A country cannot, for example, reinstate the death penalty, but it can change course on laws that guarantee, say, the speediness of a trial. In Turkey, the conditions have been extreme: Some of the accused can see their lawyers only one hour a week. There is no confidentiality in the relationship. Visits are recorded on video, and copies of all documents must be given to a prison minder who stands in the room during every conversation.’⁸

3.4.4 See [Access to lawyers](#) for further information on this subject.

3.4.5 The UN Human Rights Council (formerly the UN Commission on Human Rights) published a report in June 2017, following an official visit by the Special Rapporteur in November 2016, which stated that Turkey had:

‘...adopted a series of decrees which, it averred, were meant to address the security threats that gave rise to the attempted coup. Those decrees supplemented an already dense network of antiterrorism laws and proscriptions on expression, such as expression critical of the President and other government officials. Cumulatively, the laws preceding the attempted coup and those that followed give the authorities broad and increasingly unreviewable discretion to take measures against the press, writers, universities, jurists, civil servants, human rights defenders and many others. They have established one of the worst environments for freedom of expression in Turkey in decades, if not one that is unprecedented in its modern history.’⁹

3.4.6 The UN Human Rights Council report further stated:

‘Decrees adopted since July 2016 have broadened the scope of the original emergency to include those who “belong to, connect to, or have contact with the Fetullahist Terrorist Organization” (decree No. 668), public personnel who have “membership, affiliation or connection to the Fetullahist Terrorist Organization” and even the spouses and children of such persons (decree No. 670). Decree 671 amended Law 5651 denying employment in the Communication Technologies Authority to persons who have “membership,

⁷ UN Human Rights Council (formerly UN Commission on Human Rights). ‘Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey [A/HRC/35/22/Add.3],’ 21 June 2017 (paragraphs 28 and 72). Available at [ecoi.net](http://www.ecoi.net): http://www.ecoi.net/file_upload/1930_1503562020_g1717040.pdf Accessed: 3 November 2017.

⁸ New York Times. ‘Inside Turkey’s purge,’ 13 April 2017. <https://www.nytimes.com/2017/04/13/magazine/inside-turkeys-purge.html> Accessed: 8 November 2017

⁹ UN Human Rights Council (formerly UN Commission on Human Rights). ‘Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey [A/HRC/35/22/Add.3],’ 21 June 2017 (page 1). Available at [ecoi.net](http://www.ecoi.net): http://www.ecoi.net/file_upload/1930_1503562020_g1717040.pdf Accessed: 3 November 2017.

affiliation, link or connection with” terrorist groups, without limiting the ban to the Gülen movement.’¹⁰

3.4.7 In September 2017, the Council of Europe stated:

‘On 21 July 2016, the Turkish authorities notified the Council of Europe of its derogation from the European Convention on Human Rights, under Article 15 of the Convention...

‘Following the declaration of a state of emergency, the Turkish Government may legislate by way of emergency decree laws, without prior authorisation of the parliament, in “matters necessitated by the state of emergency” (Article 121 of the Constitution). Since then, 21 emergency “Decrees with Force of Law” have been published. The procedure governing emergency rule is regulated by the Law on State of Emergency of 1983. Emergency decree laws need to be approved by parliament (the Grand National Assembly), but, according to the Venice Commission, due to the delays involved, its control lost some of its effectiveness. Thus, the government legislated without parliament’s and the Constitutional Court’s control for over two months.

‘In the view of the Venice Commission [an advisory body of the Council of Europe], by issuing emergency decree laws, the government has “interpreted its extraordinary powers too extensively” and the measures have gone “beyond what is permitted by the Turkish Constitution and by international law”. The measures taken were permanent ones, as they “went beyond a temporary state of emergency” and “the Government made a number of structural changes to the legislation, which should normally be done through the ordinary legislative process outside of the emergency period”. The Venice Commission recommended that the Constitutional Court review the constitutionality of the emergency decree laws, once they have been approved by the parliament, in abstracto and in concreto.

‘It also expressed concern about the apparent lack of access to justice for the public servants dismissed directly by the decree laws and supported the idea of the Secretary General of the Council of Europe to create an independent ad hoc body for the examination of such cases. By way of Decree Law No. 685 of 23 January 2017, an Inquiry Commission on State Emergency Measures was created on 17 July 2017 and it has since started receiving applications. The executive appoints five of the seven members of the commission, the decisions of which are subject to judicial review.’¹¹

3.4.8 In an article dated September 2017, IRIN noted that ‘an emergency decree passed last year shields state officials from almost any penalisation for acts of violence or abuse perpetrated on prisoners linked to last year’s coup

¹⁰ UN Human Rights Council (formerly UN Commission on Human Rights). ‘Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey [A/HRC/35/22/Add.3],’ 21 June 2017 (paragraph 26). Available at [ecoi.net: http://www.ecoi.net/file_upload/1930_1503562020_g1717040.pdf](http://www.ecoi.net/file_upload/1930_1503562020_g1717040.pdf) Accessed: 3 November 2017.

¹¹ Council of Europe - Parliamentary Assembly. ‘New threats to the rule of law in Council of Europe member States: selected examples’ [Doc. 14405], 25 September 2017 (paragraphs 58 to 60). Available at [ecoi.net: http://www.ecoi.net/file_upload/1226_1506435068_new-threats-to-the-rule-of-law-in-council-of-europe-member.pdf](http://www.ecoi.net/file_upload/1226_1506435068_new-threats-to-the-rule-of-law-in-council-of-europe-member.pdf) Accessed: 31 October 2017.

attempt by stating: “Individuals who make decisions and perform their duty in the context of this decree bear no legal, administrative, financial, or criminal responsibility for those duties performed.”¹²

- 3.4.9 In October 2017, Hurriyet Daily News noted that ‘...Justice Minister Gül referred to another dropped investigation into a British citizen.

“There was an investigation about a British citizen, Amnesty International’s Turkey correspondent. It was decided not to pursue the investigation because the accusations were abstract and general,” Gül told state-run Anadolu Agency on Oct. 19 [2017].

“In taking that decision, we used the non-defamation principle that we introduced by State of Emergency decree. People claim that under the state of emergency the law has been suspended and freedom has been restrained. But here we have introduced an important reform on the protection of the rights and liberties of our citizens,” he added.¹³

- 3.4.10 See [Lack of judicial review](#) for further information about emergency decrees. See [Impunity for perpetrators of mistreatment](#) for further information on this.

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3.5 State of emergency: modification of powers (January 2017)

- 3.5.1 In January 2017, Al-Monitor noted:

‘...the government has quietly passed a series of new decrees that ease detention terms under the state of emergency that has been in force since the July coup attempt.

‘The measures, which came into effect on Jan. 23 [2017], sharply reduce the detention period for those held without charges from a maximum of 30 days to 14 and allows immediate access to lawyers. They also call for the establishment of a commission to examine complaints arising from detentions, dismissals and closures of companies, including media outlets, under the state of emergency. Those dissatisfied with the commission’s findings will reportedly be able to appeal their cases in domestic courts...

‘Still, Piri [Kati Piri, Turkey rapporteur for the European Parliament] said far more needs to be done to improve the situation of detainees, including granting access for independent monitors...

‘Human Rights Watch’s director for Turkey, Emma Sinclair-Webb, noted that maximum detention periods had only been reduced for regular suspects and not terror suspects, the bulk of detainees...

‘Sinclair-Webb noted that the independence of the proposed review commission was also in doubt. Three of its seven members are to be

¹² IRIN. ‘Crackdown: prison conditions worsen in post-coup Turkey,’ 6 September 2017. <http://www.irinnews.org/investigations/2017/09/06/crackdown-prison-conditions-worsen-post-coup-turkey> Accessed: 1 November 2017

¹³ Hurriyet Daily News. ‘Council of Europe head calls on Turkey’s minister for release of human rights activists,’ 19 October 2017. <http://www.hurriyetdailynews.com/council-of-europe-head-calls-on-turkeys-minister-for-release-of-human-rights-activists-121101> Accessed: 4 January 2017.

appointed by the prime minister and one each by the justice and interior ministers. The remaining two will be drawn from the top courts, giving “the aura of being a judicial body,” she said, when in fact it isn’t really.

‘Not only that, how would the commission, given its size and two-year mandate, handle the 100,000-plus cases of individuals who have been sacked since the coup?’¹⁴

- 3.5.2 For further information about the work of the review commission, see [Reinstatement of suspected Gulenists.](#)

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3.6 Referendum of 16 April 2017

- 3.6.1 In September 2017, the Council of Europe noted:

‘On 21 January 2017, the Turkish Grand National Assembly adopted a text of constitutional amendments, which was submitted to a referendum for voters’ approval on 16 April 2017. The result of the referendum was highly contested. Even beforehand, the Venice Commission expressed concern about the circumstances in which the constitutional amendments were adopted by the parliament: the President of the second-largest opposition party HDP and 10 other MPs were in detention on remand, the immunity of numerous MPs had been lifted in May 2016, the secret ballot rule was not fully respected during the vote and debates were lengthy but resulted in a very quick completion of the procedure, the amendments being adopted within 12 days. Moreover, the adoption of the constitutional amendments, and indeed the referendum itself took place during the prolonged state of emergency. The Venice Commission considered it to be “highly doubtful that the constitutional referendum scheduled for 16 April 2017 could and would meet the democratic principle of the European democratic tradition”.

‘The amendments, the majority of which will enter into force after the next presidential election in 2019, bring about a very extensive constitutional reform, moving from a parliamentary system to what the Turkish authorities have themselves described as a “Turkish-style” Presidential system. According to the Venice Commission, “they are not based on the logic of separation of powers, which is characteristic for democratic presidential systems” and “lead to an excessive concentration of executive power in the hands of the President and the weakening of parliamentary control of that power”...

‘The amendments to the Constitution also enhance the executive’s control over the judiciary, by granting the President the power to appoint six of the 13 members of the High Council of Judges and Prosecutors, including the Minister of Justice and his/her under-secretary. The remaining seven members will be appointed by the parliament. Thus, no member will be

¹⁴ Al-Monitor. ‘Rights groups unmoved by Turkey’s softened state of emergency,’ 24 January 2017. <https://www.al-monitor.com/pulse/originals/2017/01/turkey-relaxes-detentions-state-emergency.html> Accessed: 3 January 2018.

elected by peer judges anymore.... This places the independence of the judiciary in “serious jeopardy”...¹⁵

3.6.2 See [Judiciary and due process](#) for further information on this subject.

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4. Gülenism

4.1 Numbers of adherents

4.1.1 The US DoS' International Religious Freedom report covering 2016 noted, 'The media estimate there may be from 200,000 to four million people influenced by the movement led by Muslim cleric Fethullah Gulen, which identifies itself as an Islam-inspired civic, cultural, and educational movement.'¹⁶ In 2013 the BBC stated that the Gulenist movement had no formal structure, visible organisation or official membership, but there were said to be millions of followers in Turkey.¹⁷ In 2000, The Guardian stated that Gulen had 'hundreds of thousands' of supporters.¹⁸

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4.2 Philosophy and activities

4.2.1 The Middle East Eye published an article in July 2016 which gave an overview of the Gulen movement:

'Fethullah Gulen was born in 1941 near Erzurum, in northeastern Turkey, and first came to prominence as a Muslim preacher and intellectual in the 1970s, advocating for interfaith dialogue, modern education, and faith-based activism.

“The Gulen movement differentiates itself from other Islamic movements by stressing the importance of ethics in education, media, business, and public life,” wrote Gurkan Celik, author of “The Gulen Movement: Building Social Cohesion through Dialogue and Education,” which presents a very positive review of Gulen’s ideology and activities.

'The Gulen movement says it opposes using Islam as a political ideology, and presents itself as a moderate force advocating cooperation and dialogue.

'It is active in the fields of education, dialogue, relief work and media in more than 160 countries around the world, according to the Centre for Hizmet Studies, a London-based non-profit organisation affiliated with Gulen.

¹⁵ Council of Europe - Parliamentary Assembly. 'New threats to the rule of law in Council of Europe member States: selected examples' [Doc. 14405], 25 September 2017. Available at http://www.ecoi.net/file_upload/1226_1506435068_new-threats-to-the-rule-of-law-in-council-of-europe-member.pdf Accessed: 31 October 2017.

¹⁶ US Department of State. 'International Religious Freedom Report 2016;' Turkey, 15 August 2017. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dlid=268876> Accessed: 10 October 2017

¹⁷ BBC. 'Profile: Fethullah Gulen's Hizmet movement,' 18 December 2013. <http://www.bbc.co.uk/news/world-13503361> Accessed: 7 December 2017

¹⁸ The Guardian. 'Turkey accuses popular Islamist of plot against state,' 1 September 2000. <https://www.theguardian.com/world/2000/sep/01/1> Accessed: 7 December 2017

‘Several Gulen-affiliated non-profit groups, including the Journalists and Writers Foundation and the Alliance for Shared Values, have been established, while the movement also organises seminars and conferences. Gulen is said to have millions of followers worldwide, though the exact number is unknown.

‘But beyond establishing schools, charities and non-governmental organisations, Gulenist sympathisers also have a “dark side,” Turkish columnist Mustafa Akyol recently wrote.

‘Media reports and investigations have shown the Gulenist to be behind a “covert organisation within the state, a project that’s been going on for decades with the aim of establishing bureaucratic control over the state,” Akyol wrote.

‘Last year, Ankara hired law firm Amsterdam & Partners LLP to investigate the global activities of the Gulen movement, and expose alleged unlawful acts.

“The activities of the Gulen network, including its penetration of the Turkish judiciary and police, as well as its political lobbying abroad, should concern everyone who cares about the future of democracy in Turkey,” founding partner Robert Amsterdam said at the time.¹⁹

4.2.2 In June 2017 the New York Times stated:

‘Gulen and his followers have advocated a conservative Islamic lifestyle mixed with Turkish nationalism, high education standards and — unlike many Muslim brotherhoods — a selectively pro-Western worldview. Their proselytizing efforts, as well as the promise of education and career opportunities, enticed many Turks and Kurds among both the underprivileged and the elite to join the movement. Gulenists built schools abroad, including in the United States, in which followers worked as teachers. They also founded banks, nonprofit organizations, publishing houses, universities, newspapers, television stations and a profitable chain of tutoring centers that prepare students for the college entrance exam. Education, Gulenists said, was their priority.²⁰

4.2.3 The Middle East Eye stated that ‘A central way Gulen has extended his influence is by establishing schools inside Turkey and gradually setting up public and private academic institutions in other countries.’ Further information about the Gulenist education network is available [in the article](#).²¹

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¹⁹ Middle East Eye. ‘Analysis: Dissecting Turkey’s Gulen-Erdogan relationship,’ 21 July 2016, updated 26 July 2016. <http://www.middleeasteye.net/news/analysis-dissecting-turkeys-gulen-erdogan-relationship-528239159> Accessed: 17 October 2017.

²⁰ New York Times. ‘Inside Turkey’s purge,’ 13 April 2017. <https://www.nytimes.com/2017/04/13/magazine/inside-turkeys-purge.html> Accessed: 8 November 2017

²¹ Middle East Eye. ‘Analysis: Dissecting Turkey’s Gulen-Erdogan relationship,’ 21 July 2016, updated 26 July 2016. <http://www.middleeasteye.net/news/analysis-dissecting-turkeys-gulen-erdogan-relationship-528239159> Accessed: 17 October 2017.

4.3 Relations between Fethullah Gülen and President Erdogan

4.3.1 The Middle East Eye reported on the relationship between Fethullah Gulen and President Erdogan:

‘Erdogan was close to Gulen for decades, and the two leaders were in common opposition to secular Kemalist forces in Turkey.

‘They also shared the goal of transforming Turkey into a state of “Turkish nationalism with a very strong, conservative religiosity” at its core, said Ariel Salzman, an associate professor of Islamic and world history at Queen’s University in Canada.

‘Erdogan and Gulen were “partners in trying to assume power for decades,” Salzman said.

‘The leaders shared a common opposition to Kemalist forces in Turkey for many years, and though he did not enter politics himself, Gulen supported the AKP – and thus mobilised his followers – when the party was founded and later came to power.

‘Members of the Gulen movement were also linked to two notable cases in Turkey – the Ergenekon and Sledgehammer investigations – that looked into alleged attempts to overthrow the AKP government and Erdogan...

‘Ties between Erdogan and Gulen began to fray when Gulenists in the police and judiciary “became a little too independent,” Salzman said, and worsened when Gulen himself criticised Erdogan for his handling of the Gezi Park protests in 2013.

‘Later that year, Erdogan said Gulen and his supporters were trying to bring down his government through a corruption probe that implicated several officials and business leaders with ties to the AKP, and led to the resignation of AKP ministers.

‘The government has also accused members of the Gulen movement of wire-tapping government officials.

‘Since that time, Erdogan has repeatedly said Gulen is running a “parallel state” inside Turkey and his government has cracked down on Gulen-affiliated institutions, including the popular Zaman newspaper and Bank Asya.’²²

4.3.2 Fethullah Gulen has been living in exile in the US since 1999. The Turkish government has asked the US government to extradite him to Turkey.²³

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4.4 Gülenist movement declared a terrorist organisation

4.4.1 Hurriyet Daily News reported in May 2016 that the Gülen movement would be registered as a terrorist organisation. Hurriyet stated:

²² Middle East Eye. ‘Analysis: Dissecting Turkey’s Gulen-Erdogan relationship,’ 21 July 2016, updated 26 July 2016. <http://www.middleeasteye.net/news/analysis-dissecting-turkeys-gulen-erdogan-relationship-528239159> Accessed: 17 October 2017.

²³ Sputniknews.com. ‘Gulen explains why his extradition to US from Turkey is unlikely,’ 18 July 2017. <https://sputniknews.com/middleeast/201707181055651198-gulen-extraditionus-turkey-us/> Accessed: 10 November 2017.

“We took a new decision yesterday. We said that it [the Gülen movement] is an illegal terrorist organization,” said Erdoğan at an event in the Central Anatolian province of Kırşehir on May 27 [2016].

“We took a recommendation decision regarding the Fethullahist Terrorist Organization. We have sent it to the government and we’re now waiting for the cabinet decision. We will register it as a terrorist organization. It will be tried in the same category as the PYD [Democratic Union Party] and the PKK [outlawed Kurdistan Workers’ Party],” he said, referring to other groups that Turkey formally lists as “terrorist.”²⁴

- 4.4.2 On 17 June 2017, Turkish media outlet, Sabah, published an article which reported that the Supreme Court of Appeal had ruled that the Gulenist movement is a terrorist organisation. This sets a precedent for further cases related to the movement. This is broadly equivalent to the UK’s proscribing of terrorist organisations and Turkish courts are likely to rule accordingly. For further information, see [Annex A](#).
- 4.4.3 In the Country Report on Terrorism covering the year 2016, the US DoS noted: ‘Turkey’s National Security Council designated the religious movement of self-exiled Islamic cleric Fethullah Gulen a terrorist organization on May 26 [2016], referring to it as the “Fethullah Terrorist Organization” (“FETO”)...The Gulf Cooperation Council designated “FETO” a terrorist organization on October 13 [2016]. The Organization of Islamic Cooperation did the same on October 19 [2016].’²⁵

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5. Coup attempt of 15 July 2016

5.1 Background

- 5.1.1 Anadolu Agency noted that 250 people were killed and nearly 2,200 injured during the coup attempt.²⁶
- 5.1.2 In April 2016, Al-Monitor noted that ‘Gülen is ... a wanted man. He is accused in Turkey of leading a terrorist organization that has attempted to topple the government. A Turkish court has issued three arrest warrants for him. He is also being sued in the United States, in a civil case alleging human rights abuses.’²⁷
- 5.1.3 The BBC provided further coverage of the coup attempt [here](#).²⁸

²⁴ Hurriyet Daily News. ‘Turkey to add Gülen movement to list of terror groups: President,’ 27 May 2016. <http://www.hurriyetdailynews.com/turkey-to-add-gulen-movement-to-list-of-terror-groups-president--99762> Accessed: 5 January 2018.

²⁵ US Department of State. ‘Country Report on Terrorism 2016;’ Turkey, 19 July 2017 Available at eoi.net: http://www.eoi.net/local_link/344195/475203_en.html Accessed: 2 November 2017.

²⁶ Anadolu Agency. ‘Turkey marks first anniversary of defeated coup,’ 15 July 2017. <http://aa.com.tr/en/todays-headlines/turkey-marks-first-anniversary-of-defeated-coup/862250> Date accessed: 10 January 2018.

²⁷ Al-Monitor. ‘Everything you’ve ever wanted to know about Fethullah Gulen, Turkey’s most controversial cleric,’ 19 April 2016. <https://www.al-monitor.com/pulse/originals/2016/04/turkey-fethullah-gulen-cleric-opposition-erdogan-akp.html> Accessed: 10 January 2018.

²⁸ BBC. ‘Turkey’s coup attempt: what you need to know,’ 17 July 2016.

5.2 Gülenists held responsible for coup attempt

5.2.1 The BBC noted in July 2016 that it was unclear who was responsible for planning the coup attempt but stated that 'The government has blamed Fethullah Gulen, a powerful, reclusive US-based Muslim cleric whom it accuses of fomenting unrest. Mr Gulen denied the claims and has condemned the coup.'²⁹

5.2.2 The tenth report of session 2016-17 of the House of Commons Foreign Affairs Committee mentioned what Sir Alan Duncan, Minister of State for Europe and the Americas, Foreign and Commonwealth Office, told the Committee, stating:

'When asked specifically whether the Gülenist organisation were responsible for the coup he [Sir Alan Duncan] answered: I think the answer has to be, in large part, in terms of significant involvement, yes.... When pressed about the extent of Gülenist involvement in the coup attempt, he said: This is a very complicated phenomenon in Turkish government and society; it will probably take years to analyse this and to get to the bottom of it.'³⁰

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5.3 Cancellation of passports

5.3.1 Politico.eu, which covers politics of the European Union, published the following in August 2017:

'... Turkey has found other ways of making life abroad more difficult for Gülenists.

'Ankara has cancelled numerous passports, a strategy that came to international attention in May when Enes Kanter, a player in the NBA, the American professional basketball league, was detained at a Romanian airport after Turkey annulled his travel documents. Kanter has been openly supportive of Gülen.

'In June, the government threatened to strip 130 fugitive suspects of their citizenship, effectively rendering them stateless, if they did not return. Several European media outlets have reported on Turks having their passports seized upon visiting Turkish diplomatic missions.'³¹

5.3.2 In June 2017, the New York Times stated that 'So far, some 140,000 people in Turkey have had their passports canceled, according to a recent report by the main opposition party.'³²

<http://www.bbc.co.uk/news/world-europe-36816045> Accessed: 31 October 2017.

²⁹ BBC. 'Turkey's coup attempt: what you need to know,' 17 July 2016.

<http://www.bbc.co.uk/news/world-europe-36816045> Accessed: 31 October 2017.

³⁰ House of Commons Foreign Affairs Committee. 'The UK's relations with Turkey,' Tenth report of session 2016-17, HC615, published 25 March 2017

<https://publications.parliament.uk/pa/cm201617/cmselect/cmfa/615/615.pdf> Accessed: 19 February 2018

³¹ Politico.eu. 'Long arm of Turkey's anti-Gülenist purge,' 21 August 2017.

<https://www.politico.eu/article/long-arm-of-turkeys-anti-gulenist-purge/> Accessed: 7 November 2017.

³² New York Times. 'Inside Turkey's purge,' 13 April 2017.

<https://www.nytimes.com/2017/04/13/magazine/inside-turkeys-purge.html> Accessed: 8 November 2017

5.3.3 DutchNews.NL, which provides Dutch news in English, reported the following in February 2017:

‘The Turkish consulate in Rotterdam has been confiscating the passports of people it says support the Gülen movement, which Ankara holds responsible for last year’s failed coup, Trouw [a Dutch newspaper] said on Friday.

‘Several people have been told that they are listed as wanted fugitives and that they will be given a one-day passport to travel to Turkey. There they will have to appear before the courts to prove their innocence, at which point their passports will be returned...

‘At least four people have approached lawyers specialising in asylum issues but they told Trouw more people, including Kurds and journalists critical of the Ankara regime, have been affected as well.

‘At least one woman who is not a dual national has been rendered stateless after her passport was revoked and this has made it difficult to renew her Dutch residency permit, the paper said.’³³

5.3.4 In June 2017 the New York Times published the following:

‘[A doctor who had been involved with Gulenism] happened to have a visa for a foreign country, so he decided to escape Turkey. At the airport, though, he was stopped. This has become a ritual repeated all over the country. People become aware of their imminent detention or arrest and try to catch a foreign flight, only to have their passports seized or canceled before they can board the plane. Even those who have not been labeled members of a terrorist organization or been accused of trying to kill Erdogan have arrived at the passport line and been made to wait while a clerk calls someone and reads their Turkish ID number over the phone to confirm that they are allowed to leave the country.’³⁴

5.3.5 See [Army officers](#) and [Teachers and academics](#) for further information on the cancellation of passports. See [Kurdish population](#) for the impact of the coup attempt on Kurdish people. See Country Policy and Information Notes on [Alevi](#) and [Kurdish ethnicity](#) for full information on these subjects.

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5.4 ‘Wanted’ lists

5.4.1 In April 2017 the New York Times stated:

‘In Turkey, there is a website called Resmi Gazete, which means Official Gazette. It is the outlet in which the government posts bills passed by Parliament, but after the attempted coup, the Official Gazette became a site of lists — of the names of the first thousands of those who would eventually be purged from government ministries, schools, courts, universities, nongovernmental organizations, police departments, military battalions, hospitals and banks.

³³ DutchNews.NL. ‘Turkish consulate in Rotterdam revokes passports of “Gülen supporters”,’ 17 February 2017. <http://www.dutchnews.nl/news/archives/2017/02/turkish-consulate-in-rotterdam-revokes-passports-of-gulen-supporters/> Accessed: 7 November 2017

³⁴ New York Times. ‘Inside Turkey’s purge,’ 13 April 2017. <https://www.nytimes.com/2017/04/13/magazine/inside-turkeys-purge.html> Accessed: 8 November 2017

‘Since then, news periodically ripples through Twitter or Facebook that new lists have been released. They are often posted after midnight, and in the terrifying hours that follow, people go online and check for their names, which will also be visible to their neighbors, their bosses, their parents, their sons and daughters. This is how the listed learn that they have lost their jobs, their pensions, their passports. Once on a list, you are stuck in Turkey — with little means to survive. You are subjected to a form of professional death, and in some cases a form of social death: children bullied at school, families vilified in their neighborhoods. The government metes out other punishments too during this extended state of emergency, or *Olaganustu Hal*, which can also be read as Extraordinary State. Some people are put out of work. Others are arrested, imprisoned or tortured.

‘The lists aren’t just of people. Entire organizations, however innocuous seeming, show up on them: the Holistic and Alternative Medical Foundation, the Love Trees Protect Forests Live Humanely Foundation, the Gastrointestinal Oncology Foundation, to name just a few. Many of these are not Gulenist but Kurdish or leftist. If it seems as though Turkey’s purge lists are touching every part of its society, that’s because they are.’³⁵

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6. Impact of the coup attempt on particular groups

6.1 Introduction

6.1.1 In April 2017 the New York Times noted:

‘The purge worked its way through the country slowly, the intentions behind its advance at times difficult to discern. I started hearing stories from friends: One was taking his mother for a checkup and arrived to find that the physicians had all been arrested. A clinic specializing in in vitro fertilization was suddenly shut down, before any women could reclaim their stored eggs. The arrests became more bizarre: members of the family that owns the Gulluoglu chain, the oldest and most beloved baklava makers in the country, and Barbaros Sansal, a fashion designer, who was jailed for “insulting the Turkish nation” on social media. Entire universities have been closed and their graduates’ diplomas canceled. One private university was so decimated that its website showed a picture of the same man as rector, professor of Islamic theology, dean of the tourism department and more. Policemen have been known to wait outside delivery rooms to arrest new mothers. Some purged academics can no longer travel, or take posts, abroad.’³⁶

6.1.2 In a report of June 2017, the UN Human Rights Council noted:

‘Between the time of the attempted coup and the Special Rapporteur’s visit [of November 2016], approximately 74,000 public officials were removed from government positions and 100,000 from public office for political, religious or other beliefs. The dismissals took place without trial, investigation or appeal possibilities. The Government issued “blacklists”

³⁵ New York Times. ‘Inside Turkey’s purge,’ 13 April 2017. <https://www.nytimes.com/2017/04/13/magazine/inside-turkeys-purge.html> Accessed: 8 November 2017

³⁶ New York Times. ‘Inside Turkey’s purge,’ 13 April 2017. <https://www.nytimes.com/2017/04/13/magazine/inside-turkeys-purge.html> Accessed: 8 November 2017

containing the names of those removed from public office, reducing the possibility that they would be re-employed in either the public or private sector, leading to what one civil servant described as “civil death”. According to figures provided by the Government, 30,000 public officials have been reinstated.

‘The Special Rapporteur is particularly concerned that the dismissals failed to identify specific criminal acts carried out by the targeted officials. In that context, it may be that the penalties target the opinions of individuals, as reflected in their alleged associations, in violation of article 19 (1) of the International Covenant on Civil and Political Rights.’³⁷

- 6.1.3 See [Reinstatement of suspected Gulenists](#) for further information about reinstatement.

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6.2 Statistics

- 6.2.1 In November 2017, the Congressional Research Service noted that ‘According to an October 2017 estimate, around ... 60,000 people have been arrested. Sources indicate that the government’s actions have affected individuals and organizations—including several members of the media—beyond those connected to the coup attempt.’³⁸
- 6.2.2 In December 2017, Reuters noted that ‘about 150,000 have been dismissed or suspended from their posts, including soldiers, police, teachers and public servants, over alleged links with the movement of [...] Fethullah Gulen.’³⁹
- 6.2.3 In November 2017, Al-Monitor noted that ‘In the aftermath of the July 2016 coup attempt, 26 decrees were issued, 111,240 public servants were discharged and 32,180 were suspended with or without pay. In the same period, hundreds of organizations and companies were seized by the state.’⁴⁰ Reuters noted that a further ‘2,756 people were dismissed from their jobs in public institutions including soldiers, teachers and ministry personnel over links to “terror” organizations,’ on 24 December 2017.⁴¹

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³⁷ UN Human Rights Council (formerly UN Commission on Human Rights). ‘Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey [A/HRC/35/22/Add.3],’ 21 June 2017 (paragraphs 59 to 60). Available at http://www.ecoi.net/file_upload/1930_1503562020_g1717040.pdf Accessed: 3 November 2017.

³⁸ Congressional Research Service. ‘Turkey: Background and U.S. Relations In Brief,’ 9 November 2017. <https://fas.org/sgp/crs/mideast/R44000.pdf> Accessed: 5 January 2018

³⁹ Reuters. ‘Turkey dismisses more than 2,700 with emergency rule decree,’ 24 December 2017. <https://www.reuters.com/article/us-turkey-security-decree/turkey-dismisses-more-than-2700-with-emergency-rule-decree-idUSKBN1EI04Y> Accessed: 3 January 2018.

⁴⁰ Al-Monitor. ‘Never-ending “emergency” in Turkey is actually creating one,’ 10 November 2017. <https://www.al-monitor.com/pulse/originals/2017/11/turkey-rising-dissent-against-prolonged-emergency-rule.html> Accessed: 3 January 2018.

⁴¹ Reuters. ‘Turkey dismisses more than 2,700 with emergency rule decree,’ 24 December 2017. <https://www.reuters.com/article/us-turkey-security-decree/turkey-dismisses-more-than-2700-with-emergency-rule-decree-idUSKBN1EI04Y> Accessed: 3 January 2018.

6.3 Companies and assets

- 6.3.1 The US DoS' Country Report on Terrorism, which covered the year 2016, stated: 'Turkey's CFT [counterterrorism financing] efforts, especially after the July 15 coup attempt, focused on disrupting the finances of the PKK and the "Fethullah Terrorist Organization," and included, among other measures, closing or appointing trustees to companies and seizing properties affiliated with the Gulen movement, and freezing assets of businessmen suspected of Gulen links.'⁴²
- 6.3.2 In September 2017, the Congressional Research Service stated that 'The Turkish government also reported in May 2017 that it had seized the assets of 965 companies, totaling around \$11 billion. The crackdown, which has included sectors and firms considered important parts of Turkey's post-2000 economic growth, has caused considerable uncertainty regarding the economy's future.'⁴³

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6.4 Judges

- 6.4.1 In September 2017, the Council of Europe stated:
- 'The judiciary is perceived as being one of the most "penetrated" State institutions. On 16 July 2016, the High Council of Judges and Prosecutors (HSYK) held an extraordinary meeting and decided to dismiss 2 745 judges and five of its own members. Further dismissals were decided pursuant to Article 3 of Decree Law No. 667 of 23 July 2016. On this basis, two Constitutional Court judges, Mr Alparslan Altan and Mr Erdal Tercan, have been dismissed (having been taken into custody on 16 July 2016), as well as numerous other judges working at all levels of jurisdiction. It is estimated that more than 4 000 judges and prosecutors, i.e. a quarter of them, have been dismissed, while around 2 400 have been arrested; some of them are now detained in overcrowded prisons or held in solitary confinement. The Association of Judges and Prosecutors (YARSAV, a member of the International and European Association of Judges) was also dissolved by a governmental order and many of its board members arrested, including President Murat Arslan, who was taken into custody on 19 October 2016. In December 2016, the General Assembly of the European Network of Councils for the Judiciary (ECNJ) suspended the observer status of the HSYK. According to some sources between 800 and 900 newly appointed judges have direct links with the ruling Justice and Development Party (AKP).
- 'The mass dismissals and arrests of judges often took place without any individualised accusations. Many judges were dismissed and then detained by decisions of criminal judges of the peace who can only supervise the protective measures taken at the stage of investigation and do not have jurisdiction to detain other judges. As stressed by the Venice Commission, any dismissals within the judiciary or its regulatory bodies "should be

⁴² US Department of State. 'Country Report on Terrorism 2016;' Turkey, 19 July 2017. Available at: http://www.ecoi.net/local_link/344195/475203_en.html Accessed: 02 November 2017.

⁴³ Congressional Research Service. 'Turkey: Background and U.S. Relations In Brief,' 19 September 2017. <http://www.refworld.org/docid/59c3800f3d.html> Accessed: 31 October 2017

subjected to particularly exacting scrutiny, even in times of a serious public emergency”, since “judges represent a special category of public servants, whose independence is guaranteed at the constitutional and international levels”. Such dismissals may weaken the judiciary as a whole, whilst creating a “chilling effect”, resulting in other judges being “reluctant to reverse measures declared under the emergency decree laws out of fear of becoming subjects of such measures themselves”.⁴⁴

6.4.2 See [Impunity for perpetrators](#) for further information about the impact of the attempted coup on the judiciary.

6.4.3 In a report dated June 2017, the UN Human Rights Council stated:

‘Following the attempted coup, the authorities launched administrative investigations into the judiciary, dismissing an alarming number of judges and prosecutors on grounds of affiliation with the Gülen movement. In the first five months following the declaration of the state of emergency, 3,626 judges and prosecutors were removed under emergency decree. At the time of the Special Rapporteur’s visit [November 2016], only 198 had been reinstated.

‘Several dozen judges, including one judge serving on the International Residual Mechanism for International Criminal Tribunals, Aydin Sedaf Akay, have been detained, even after the Mechanism ordered the Turkish authorities to cease all legal proceedings against Judge Akay and to take all necessary measures to ensure his release from detention. Furthermore, the Constitutional Court expelled two of its own judges. In February 2017, another 227 judges and prosecutors were dismissed by the Board of Judges and Prosecutors following the inclusion of their names in lists annexed to emergency decrees. By emergency decree No. 667, members of the judiciary who have been dismissed are entitled to file an action directly with the Council of State.’⁴⁵

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6.5 Lawyers

6.5.1 In a report published in October 2017 Human Rights Watch stated:

‘Most lawyers interviewed by Human Rights Watch expressed concerns for their own safety. Several commented that provincial bar associations and the Union of Turkish Bar Associations were not offering the support to lawyers they needed, and were not willing to support efforts to document and lodge complaints about detainees’ allegations of illtreatment. Without the institutional support of bar associations and the Union of Turkish Bar

⁴⁴ Council of Europe - Parliamentary Assembly. ‘New threats to the rule of law in Council of Europe member States: selected examples’ [Doc. 14405], 25 September 2017 (paragraphs 61 to 62). Available at [ecoi.net](http://www.ecoi.net):

http://www.ecoi.net/file_upload/1226_1506435068_new-threats-to-the-rule-of-law-in-council-of-europe-member.pdf Accessed: 31 October 2017.

⁴⁵ UN Human Rights Council (formerly UN Commission on Human Rights). ‘Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey [A/HRC/35/22/Add.3],’ 21 June 2017 (paragraph 70). Available at [ecoi.net](http://www.ecoi.net): http://www.ecoi.net/file_upload/1930_1503562020_g1717040.pdf Accessed: 6 November 2017.

Associations to which they belong, the ability of lawyers to protect the human rights of detainees without fear of reprisals is limited.

'In November 2016, the government issued a decree under the state of emergency, closing down three Turkish lawyers' associations which had played an important role in promoting fair trial standards and the rights of detainees and defendants.

'Several hundred lawyers are in pre-trial detention, the majority accused of links to the group the government and courts in Turkey refer to as the Fethullahist Terror Organization (FETÖ).'⁴⁶

6.5.2 In a report published in June 2017, the UN Human Rights Council noted that 'Lawyers representing detained persons reported harassment pursuant to the course of their work. The Government has launched an investigation into the tax records of a number of lawyers and many have been investigated and detained.'⁴⁷

6.5.3 See [Access to lawyers](#) for information about access to lawyers for those accused of involvement in Gulenism. See [State of emergency: provisions](#) for the impact of emergency decrees on the work of lawyers.

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6.6 Foreign ministry staff

6.6.1 In October 2017, the pro-Government Turkish news website, Yeni Safak, stated:

'Simultaneous operations across 30 Turkish provinces by the Ankara Security Directorate Anti-Terror Branch targeting the Fetullah Terrorist Organization (FETÖ) were launched on Thursday.

'Detention warrants were issued for 121 former foreign ministry staff who were discharged. The suspects used the terrorist organization's encrypted messaging application, ByLock.

'ByLock is used by FETÖ terrorists, and the app is believed to have been cracked by Turkish security agencies before the coup, prompting the plotters to switch to the WhatsApp messaging service, but not before tens of thousands of FETÖ suspects had been identified.'⁴⁸

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⁴⁶ Human Rights Watch. 'In custody. Police torture and abductions in Turkey,' October 2017 (Summary, pages 4 to 5). https://www.hrw.org/sites/default/files/report_pdf/turkey1017_web_0.pdf Accessed: 1 November 2017

⁴⁷ UN Human Rights Council (formerly UN Commission on Human Rights). 'Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey [A/HRC/35/22/Add.3],' 21 June 2017 (paragraph 74). Available at [ecoi.net: http://www.ecoi.net/file_upload/1930_1503562020_g1717040.pdf](http://www.ecoi.net/file_upload/1930_1503562020_g1717040.pdf) Accessed: 3 November 2017.

⁴⁸ YeniSafak.com. 'Turkey to detain 121 ex-foreign ministry staff over FETO links,' 26 October 2017. <http://www.yenisafak.com/en/news/turkey-to-detain-121-ex-foreign-ministry-staff-over-feto-links-2796800> Accessed: 9 November 2017.

6.7 Police officers

- 6.7.1 In April 2017 the New York Times stated that 24,000 policemen have been dismissed from their jobs since the coup attempt.⁴⁹
- 6.7.2 On 14 July 2017, the BBC reported that Turkey had dismissed more than 7,000 police, ministry staff and academics, ahead of the first anniversary of the attempted coup. These dismissals came in a decree from 5 June 2017 which stated that the employees were people "who it's been determined have been acting against the security of the state or are members of a terrorist organisation". Among those listed were 2,303 police officers.⁵⁰
- 6.7.3 See [Trials and sentences of suspected Gulenists](#) for information about sentences handed down to police officers.

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6.8 Army officers and soldiers

- 6.8.1 On 14 July 2017, the BBC reported that Turkey had dismissed more than 7,000 police, ministry staff and academics, ahead of the first anniversary of the attempted coup. These dismissals came in a decree from 5 June 2017 which stated that the employees were people "who it's been determined have been acting against the security of the state or are members of a terrorist organisation". 342 retired officers and soldiers were stripped of their ranks and grades.⁵¹
- 6.8.2 In November 2017 Radio Free Europe/Radio Liberty reported that according to the state-run Anadolu news agency, 'Prosecutors in Turkey have issued arrest warrants for 360 people in an operation targeting alleged supporters of U.S.-based cleric Fethullah Gulen [...] Anadolu reported that 333 of those facing arrest in the Istanbul-based operation were soldiers, 216 of them serving personnel.'⁵²
- 6.8.3 An article by The Guardian dated 19 August 2016 indicated that over 6,000 soldiers, 2,000 senior army officers and a number of army generals had been arrested and over 3,000 soldiers had been sacked.⁵³
- 6.8.4 However in July 2016, Radio Free Europe/Radio Liberty noted that a number of conscripts who had been arrested were subsequently released:

'Turkish courts have released over 800 enlisted conscripts who were under arrest as part of the investigation into the July 15 failed coup, state media has reported. In Istanbul on July 30, 758 out of 989 conscripts under arrest

⁴⁹ New York Times. 'Inside Turkey's purge,' 13 April 2017.

<https://www.nytimes.com/2017/04/13/magazine/inside-turkeys-purge.html> Accessed: 8 November 2017

⁵⁰ BBC. 'Turkey dismisses thousands a year after coup attempt,' 14 July 2017.

<http://www.bbc.co.uk/news/world-europe-40612056> Accessed: 2 November 2017

⁵¹ BBC. 'Turkey dismisses thousands a year after coup attempt,' 14 July 2017.

<http://www.bbc.co.uk/news/world-europe-40612056> Accessed: 2 November 2017

⁵² Radio Free Europe/Radio Liberty. 'Turkey Issues Warrants For 360 People In Probe Targeting Gulen "Supporters"', 29 November 2017. Available at ecoi.net:

http://www.ecoi.net/local_link/350410/482583_en.html Accessed: 5 January 2018.

⁵³ The Guardian. 'Turkey's post-coup crackdown – in figures,' 19 August 2017.

<https://www.theguardian.com/world/datablog/2016/aug/19/turkeys-post-coup-crackdown-in-figures> Accessed: 10 November 2017.

in the coup investigation were freed by the chief public prosecutor's office following a court decision.

'The prosecutors recommended their release on the grounds they had delivered their testimony and did not pose a flight risk. Among those released were military high-school students.

'Another 47 enlisted conscripts were released by a court in Ankara on similar grounds.'⁵⁴

6.8.5 On 6 July 2017, the BBC reported on Turkish army officers living outside Turkey:

'A year ago, Ibrahim and Abdullah (not their real names) were high-ranking members of the Turkish military delegation to Nato. Now they are jobless and de facto stateless - two of the myriad casualties of a purge that followed an attempted military coup in Turkey a year ago.

'Ayse and Deniz (also pseudonyms) are the wives of two other purged Turkish Nato officers. All their lives have changed dramatically. They have lost their homes and their incomes and may never be able to return to the country of their birth.

'After the unsuccessful coup on the night of 15 July 2016, tens of thousands ... were arrested, suspected of being followers of Fethullah Gulen... Among them were hundreds of military officers, but those serving abroad felt safe. It was clear, at least, that they had not taken any active role in the fighting...

'In August [2016], however, lists of names began to arrive in Brussels every Friday after business hours - they were the names of officers who had been suspended or dismissed without explanation.

'At the end of September [2016], a long document with 221 names arrived at Turkish missions abroad, including the Nato headquarters in Brussels and in Mons, nearby. In it, the Turkish General Staff ordered the officers to return to Turkey immediately, again without explanation...

'Those who didn't comply were purged in a decree issued on 22 November [2016], accusing them of links with a "terrorist organisation", a reference to the Gulenist movement. Their assets in Turkey were frozen and their passports were cancelled.

'By this stage it had long become clear that obeying the summons to Turkey was fraught with danger. A group of officers...returned in early October and almost all were arrested - some on arrival at the airport, others when they reported to headquarters.

'Around the same time, a Navy officer was called from Brussels to an emergency meeting on "standardisation" at the general staff in Ankara...It turned out to be a set-up. He was arrested and has been in jail awaiting trial ever since. "Up until now, he has not been informed about any evidence against him," Abdullah says. His wife and three children, who were not

⁵⁴ Radio Free Europe/Radio Liberty. 'Turkey releases over 800 soldiers after failed coup,' 30 July 2016. <https://www.rferl.org/a/turkey-coup-releases-800-soldiers/27890330.html> Accessed: 6 December 2017

officially notified of his arrest, remain behind in Belgium, trying to survive without him.

'...One story, though, evokes a bitter smile. The men explain that a colleague was involved in a serious road accident in the days before the coup. At the time it happened he was in intensive care in a Belgian hospital. "He was unconscious," Ibrahim says. But he too was accused of being involved in the coup.

'Overall, more than 700 officers out of 950 officers serving at Nato and in Turkish diplomatic missions around the world are estimated to have been purged. Most have applied for asylum in their host countries, and some - in Germany and Norway, for example - have already received it...

'The families have so far been surviving on their savings. They will soon need to find work - but they are barred from employment until, or unless, they are granted asylum.'⁵⁵

- 6.8.6 See [Cancellation of passports](#) and [Teachers and academics](#) for further information on the cancellation of passports.

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6.9 Teachers and academics

- 6.9.1 In the report dated June 2017, the UN Human Rights Council stated:

'Even before the attempted coup, the Government had taken aim at academics. In January 2016, thousands of academics signed a peace petition condemning the security operations in cities in south-eastern Turkey. The petition called for a resumption of peace talks with the PKK. In response, many university administrations, on the instructions of the Higher Educational Council, have taken disciplinary action, including dismissing signatories from their positions. The Government argues that the petition echoed a statement previously made by a PKK leader and thus constituted the spread of terrorist propaganda and insult to the State. On 15 January 2016, at least 18 academics were detained and investigated by the Istanbul Prosecutor's Office.

'Emergency decree No. 675 has been used to dismiss academics from university appointments. The Special Rapporteur spoke with academics who were at a loss to identify any cause for their removal, as they had no connection to the Gülenist movement or to the PKK. Following the attempted coup, the Government dismissed approximately 27,000 schoolteachers, as well as over 5,000 professors and administrators at universities. The licences of approximately 21,000 teachers in schools operated by the Gülenist movement were cancelled. Teachers of Kurdish origin, those with leftist views, or those who teach subjects such as science have reportedly been targeted. Elections within universities have been abolished and replaced with direct appointments by the President of the Republic, in effect erasing the autonomy of universities.

⁵⁵ BBC. 'Purged: the officers who cannot go home to Turkey,' 6 July 2017. <http://www.bbc.co.uk/news/magazine-40500182> Accessed: 2 November 2017

'Under the state of emergency decrees of February 2017, another 330 academics were expelled, together with 2,585 schoolteachers. At universities, seminars are reportedly being cancelled because professors have been dismissed. The content of classes must reportedly be relayed to higher officials for approval. Further, members of several teachers' unions expressed fear that the Government would eradicate the choice for secular education.'⁵⁶

6.9.2 In April 2017, the New York Times reported:

'In February, the Turkish government released a new list — and this time, it was sinister in a new way. The latest wave of purges hit academia again, not just Gulenists or Kurds but especially liberals and leftists, which meant that the purge was spreading. Hundreds of academics, some of the most prominent and well known in the country, found their names on the lists. They, too, face the prospect of losing their passports and their pensions and being unable to seek state employment in Turkey again.'⁵⁷

6.9.3 In April 2017 the New York Times reported that 15 Universities and 1,000 schools had been shut down in the aftermath of the coup attempt.⁵⁸ An article by The Guardian dated 19 August 2016 indicated that around 2,000 schools closed.⁵⁹

6.9.4 On 14 July 2017, the BBC reported that Turkey had dismissed more than 7,000 police, ministry staff and academics, ahead of the first anniversary of the attempted coup. These dismissals came in a decree from 5 June 2017 which stated that the employees were people "who it's been determined have been acting against the security of the state or are members of a terrorist organisation". Among those listed were 302 university academics.⁶⁰

6.9.5 Radio Free Europe/Radio Liberty reported on Turkish teachers and academics living outside Turkey in October 2017:

'Yakub Doganai came to Kazakhstan from his native Turkey 18 years ago to work as a teacher at a private school in the capital, Almaty. Like other foreigners, Doganai has had to renew his visa every year, normally nothing more than a bureaucratic nuisance. Until this year.

"I've work at Suleyman Demirel University since arriving in Kazakhstan. For the past two months, I worked at the Eurasian Technological University after being invited to teach there. They tried to extend my visa at the university, but were unable to," explains Doganai.

⁵⁶ UN Human Rights Council (formerly UN Commission on Human Rights). 'Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey [A/HRC/35/22/Add.3],' 21 June 2017 (paragraphs 55 to 57). Available at http://www.ecoi.net/file_upload/1930_1503562020_g1717040.pdf Accessed: 3 November 2017.

⁵⁷ New York Times. 'Inside Turkey's purge,' 13 April 2017.

<https://www.nytimes.com/2017/04/13/magazine/inside-turkeys-purge.html> Accessed: 8 November 2017

⁵⁸ New York Times. 'Inside Turkey's purge,' 13 April 2017.

<https://www.nytimes.com/2017/04/13/magazine/inside-turkeys-purge.html> Accessed: 8 November 2017

⁵⁹ The Guardian. 'Turkey's post-coup crackdown – in figures,' 19 August 2017.

<https://www.theguardian.com/world/datablog/2016/aug/19/turkeys-post-coup-crackdown-in-figures> Accessed: 5 January 2018.

⁶⁰ BBC. 'Turkey dismisses thousands a year after coup attempt,' 14 July 2017.

<http://www.bbc.co.uk/news/world-europe-40612056> Accessed: 2 November 2017

'And he was not alone. "About 30 to 40 teachers can't get visas. Some have expired passports as well. The Turkish Embassy won't issue them new passports," Doganai adds.

'Finally, the Migration Service of Kazakhstan delivered him the news: Dogania and his family had to leave the country by September 26 due to the expiration of his visa.

'Like other Turkish citizens in Kazakhstan, Doganai suspects the refusal of Kazakh authorities to extend his visa has nothing to do with his work but rather geopolitics between the two friendly states.

'Back home in Turkey, observers say authorities have cracked down [sic] on anyone suspected of being connected with last year's failed coup, arresting and jailing literally thousands. Amid an atmosphere of fear, suspected sympathizers or supporters of the U.S.-based Turkish preacher Fethullah Gulen have been singled out in what critics liken to a witch hunt...

'And as Doganai's case attests, it's not only Turks at home who are being targeted... Turkish authorities appear especially suspicious of Turkish citizens working at schools abroad, claiming many of the institutions are linked to Gulen.

'In November 2016, Pakistan ordered out more than 100 Turkish teachers who worked at Pakistani-Turkish schools that Ankara accused of having ties with Gulen, something the schools all denied.

'In Kazakhstan, there are 27 Kazakh-Turkish lyceums, or private secondary schools. Established by a bilateral 1992 agreement, the schools have a reputation for high academic standards.

'Nevzat Uyanyk, the Turkish ambassador to Kazakhstan, claimed in June 2016 that Gulen "cells" were operating in Kazakhstan and called on Astana to shut down any school "linked with Gulen."

'Kazakh President Nursultan Nazarbaev assured Turkish President Recep Tayyip Erdogan in August 2016 that a special commission comprising Turkish and Kazakh specialists would vet the schools. Shortly after, Kazakhstan Education Minister Erlan Sagadiyev announced the institutions were clean, "operating in strict accordance with our standards."

'Later that same year, Nazarbaev announced 11 Turkish teachers had been repatriated to Turkey after their role in the failed coup had been "proven." He added, however, that those remaining Turkish teachers in Kazakhstan were innocent and would not be sent back unless Ankara provided evidence proving otherwise. However, such assurances by Nazarbaev... appear to be increasingly hollow.

'The well-known Kazakh scientist Askar Zhumadildaev told the magazine Qazaq Adebieti that, due to the current political climate, 20 Turkish professors with whom he worked at Suleyman Demirel University had left Kazakhstan.

'Olzhas Kudaibergenov, an economist and member of the board of trustees at the NurOrda international school, claims teachers returning to Turkey from Kazakhstan face jail without trial or investigations. He has urged Almaty to

grant Kazakh citizenship to Turkish teachers... Like others, Doganai denies any role in politics and fears what may await him back in Turkey...

'Mustafa Demir worked at a Kazakh-Turkish lyceum before leaving three years ago for Indonesia, where he now lives in Jakarta. He says Ankara has unleashed a witch hunt for suspected supporters of Gulen.

"I haven't visited my parents in Turkey for three years. There's no rule of law there. They'll take us into custody if we go there," Demir says. "Teachers at schools in Kazakhstan aren't the only ones affected, but Turkish teachers in Indonesia as well. The Turkish Embassy refused to extend our passports. Now, kids of Turkish citizens who were born in Indonesia don't have any citizenship."

'Marat Tokashbaev, editor in chief of the pro-government President And People news site, says that despite promises by Nazarbaev not to return Turkish citizens to Turkey, the country's bureaucracy is throwing up roadblocks to make it possible to stay in Kazakhstan.

"They either need a visa or a residence permit so that they can continue to work here," Takashbaev explains. "Those who can't get one or the other have to file for asylum status at the embassies of either Germany or Sweden."

'Political scientist Aidos Sarim says Turkish citizens living in Kazakhstan at least 14 or 15 years could be given political asylum and that 30 to 40 teachers could be granted Kazakh citizenship for their "contribution in the field of education."

'Sarim accuses low-level bureaucrats of failing to follow Nazarbaev's orders. "Society and the government have sympathy for the plight of the Turkish teachers," Sarim says. "But those who have the power to do something about this don't."⁶¹

- 6.9.6 See [Cancellation of passports](#) and [Army officers](#) for further information on the cancellation of passports. See [Trials and sentences of suspected Gulenists](#) for information about sentences handed down to teachers.

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6.10 Other risk factors

- 6.10.1 In April 2017, the New York Times stated:

'Gulen has been living in exile in Pennsylvania since 1999, which partly explains why the police were looking for American \$1 bills whose serial numbers start with "F" — the Turkish government claims that these were used in some mysterious way by something it has branded the Fethullah Gulen Terrorist Organization, or FETO, which it blames for the attempted coup in Turkey on July 15, 2016.

'At present, several pieces of evidence can suggest that you may be a member of FETO, including having had an account at Bank Asya, which was founded by Gulenists; running the ByLock encrypted communication app on

⁶¹ Radio Free Europe/ Radio Liberty. "'They'll take us into custody:" Turkish teachers in Kazakhstan fear going home,' 8 October 2017. <https://www.rferl.org/a/kazakhstan-turkey-teachers-gulen-repatriation/28780416.html> Accessed: 2 November 2017.

your phone (thought to have facilitated planning for the coup attempt); possessing those F-series dollar bills; sending your children to a school associated with Gulen; working at a Gulen-affiliated institution (a university, say, or a hospital); having subscribed to the Gulen newspaper Zaman; or having Gulen's books in your house. One action implicated the doctor [reported on in this article]: When he returned to Turkey after living abroad for three years and moved into a new house with his wife and children, he opened an account at the nearest bank up the street: Bank Asya.⁶²

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6.11 Human rights defenders

6.11.1 For information about the impact of the coup attempt on human rights defenders, please see the [Country Policy and Information Note](#) on human rights defenders.

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6.12 Journalists

6.12.1 For information about the impact of the coup attempt on journalists, please see the [Country Policy and Information Note](#) on Journalists.

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7. Reinstatement of suspected Gulenists

7.1.1 In September 2016 Middle East Eye reported that 'Many have had their assets frozen or confiscated shortly after their arrest or dismissal, although authorities promise that all those found innocent will eventually be allowed to return to work and clear their names. Those suspended from the public sector continue to receive two-thirds of their salaries until investigations are complete. If reinstated they are reimbursed the remaining one-third.'⁶³

7.1.2 The US Library of Congress noted that the Turkish government issued two new emergency decrees, numbers 693 and 694, on 25 August 2017. It noted that Decree Law 693 continued the pattern of earlier decrees in providing for both 'the dismissal of public servants and the closure of institutions and organizations deemed to be a threat to national security or affiliated with terrorist organizations' and 'the reinstatement of those persons or institutions/organizations cleared of such charges...'⁶⁴

7.1.3 In March 2017, Middle East Monitor noted:

'Some 416 civil servants dismissed for suspected links to the Fethullah Gulen movement, which was accused of orchestrating the failed July 2016 coup attempt, will be reinstated, according to a new statutory decree, the official gazette said yesterday.

⁶² New York Times. 'Inside Turkey's purge,' 13 April 2017.

<https://www.nytimes.com/2017/04/13/magazine/inside-turkeys-purge.html> Accessed: 8 November 2017

⁶³ Middle East Eye. 'Turkey sacks 10,000 public staff as Gulenist hunt continues,' 2 September 2016 <http://www.middleeasteye.net/news/turkey-sacks-10000-public-staff-gulenist-hunt-continues-36066099> Accessed: 11 December 2017

⁶⁴ Library of Congress. Global Legal Monitor. 'Turkey: More emergency decrees issued,' 8 September 2017 <http://www.loc.gov/law/foreign-news/article/turkey-more-emergency-decrees-issued/> Accessed: 11 December 2017

'The statutory decree said that the employees have to begin work in 10 days to be reinstated. All of their financial and social rights that were lost after they were dismissed will also be reinstated.

'The civil servants were suspected of being members of or having links to the Fetullah Organisation and include employees from the interior, health, justice and national defence ministries, as well as from the Turkish Armed Forces, General Directorate of Security, Directorate of Religious Affairs and other state institutions... Many other employees remain under investigation.'⁶⁵

7.1.4 Al Jazeera reported that a decree of 24 December 2017 reinstated 115 employees who had previously been dismissed.⁶⁶

7.1.5 On 22 December 2017, Hurriyet Daily News reported:

'Turkey's State of Emergency Procedures Investigation Commission on Dec. 22 [2017] made its first decisions on public sector staff who had been dismissed with state of emergency decrees in the wake of last year's failed coup attempt, state-run Anadolu Agency has reported.

'Among the commission's first decisions were provisions on both reinstating and rejection of applications by public sector personnel.

'According to the report quoting an official, a total of 103,276 public sector staff have applied to be reinstated to their jobs since May 22 [2017], after being dismissed in the aftermath of the July 2016 failed coup attempt.

'The report did not provide any information on the number of those who succeeded or failed in appealing their dismissals.

'Those who have been cleared of accusations would be reinstated to their former positions within 15 days, the report said.

'In addition, those whose appeals were rejected will also be able to take their cases to the Council of Judges and Prosecutors.

'Meanwhile, the assessment processes on other applications over the failed coup attempt has been ongoing in the commission...

'The commission was established with a decree law issued on Jan. 23 [2017] to allow civil servants to appeal legal action taken against them under the state of emergency imposed following the coup attempt.

'It consists of seven members along with a team of 200 people including inspectors, law officials, accountants, investigation judges and transcribers working in the commission.'⁶⁷

⁶⁵ Middle East Monitor. 'Over 400 dismissed suspected Gulenists reinstated,' 30 March 2017 <https://www.middleeastmonitor.com/20170330-over-400-dismissed-suspected-gulenists-reinstated/> Accessed: 11 December 2017

⁶⁶ Al Jazeera. 'Turkey sacks 2,766 civil servants over "terror" links,' 24 December 2017. <http://www.aljazeera.com/news/2017/12/turkey-sacks-2766-civil-servants-terror-links-171224063408092.html> Accessed: 3 January 2018.

⁶⁷ Hurriyet Daily News. 'Turkey's state of emergency commission makes first decisions on dismissed public sector staff,' 22 December 2017. <http://www.hurriyetdailynews.com/turkeys-state-of-emergency-commission-makes-first-decisions-on-dismissed-public-sector-staff-124583> Accessed: 4 January 2017.

- 7.1.6 For further information on the State of Emergency Procedures Investigation Commission, see [State of emergency: modification of powers \(January 2017\)](#).

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8. Detention of suspected Gülenists

8.1 Statistics

- 8.1.1 In an article published in September 2017, IRIN stated, 'Some 50,000 people have been jailed for suspected ties to the attempted takeover last July, including elected officials, academics, human rights workers, and journalists. In total, monitors estimate that at least 220,000 people are currently imprisoned in Turkey...To make space for the growing number of political prisoners, state officials released more than 38,000 non-political criminals last August, including some guilty of violent offenses, even murder.'⁶⁸
- 8.1.2 In April 2017 the New York Times stated that 'About 35,000 have been detained and then released.'⁶⁹

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8.2 Introduction

- 8.2.1 In the Country Report on Terrorism which covered 2016, the US DoS noted that 'Courts imprisoned tens of thousands of persons accused of supporting the attempted coup or terrorist groups, in many cases with little clarity on the charges and evidence against them.'⁷⁰
- 8.2.2 In the article dated September 2017, IRIN stated: 'Some of those convicted of crimes against the state have no direct links to the coup attempt, but were jailed instead for protesting or expressing criticism of the increasingly authoritarian governing style of President Recep Tayyip Erdogan.'⁷¹
- 8.2.3 In the same article, IRIN stated: 'State-run commissions responsible for monitoring prison conditions have either been dissolved following the coup attempt or remain largely ineffective. The result, Guveren [Banu Guveren, a lawyer who represents political prisoners] said, is that prison guards and administrations operate largely without oversight.'⁷²
- 8.2.4 The IRIN article further stated:

⁶⁸ IRIN. 'Crackdown: prison conditions worsen in post-coup Turkey,' 6 September 2017. <http://www.irinnews.org/investigations/2017/09/06/crackdown-prison-conditions-worsen-post-coup-turkey> Accessed: 1 November 2017

⁶⁹ New York Times. 'Inside Turkey's purge,' 13 April 2017. <https://www.nytimes.com/2017/04/13/magazine/inside-turkeys-purge.html> Accessed: 8 November 2017

⁷⁰ US Department of State. 'Country Report on Terrorism 2016,' Turkey, 19 July 2017. Available at: http://www.ecoi.net/local_link/344195/475203_en.html Accessed: 2 November 2017.

⁷¹ IRIN. 'Crackdown: prison conditions worsen in post-coup Turkey,' 6 September 2017. <http://www.irinnews.org/investigations/2017/09/06/crackdown-prison-conditions-worsen-post-coup-turkey> Accessed: 1 November 2017

⁷² IRIN. 'Crackdown: prison conditions worsen in post-coup Turkey,' 6 September 2017. <http://www.irinnews.org/investigations/2017/09/06/crackdown-prison-conditions-worsen-post-coup-turkey> Accessed: 1 November 2017

'Political prisoners' woes begin far before conviction: Among recorded violations of international human rights declarations, to which Turkey is a signatory, is the use of lengthy pre-trial detention periods.

'Ibrahim Bilmez, a lawyer representing political prisoners in Turkey, including Abdullah Ocalan, founder of the outlawed Kurdistan Workers' Party (PKK), told IRIN that political prisoners are subjected to frequent strip searches both before and after conviction, as well as restrictions on family visits. Meetings with lawyers are recorded by video cameras or conducted in the presence of security personnel, inhibiting the right to a proper defense.

"Everything now is arbitrary. Everything is now limited in prisons," Bilmez told IRIN in a phone interview. "Normally, arrests are only done when they're needed, but now they arrest first and ask questions later... We see people go to jail for crimes like propaganda and insulting the president in higher frequency than ever before."⁷³

- 8.2.5 See [State of emergency: provisions](#) for the impact of emergency decrees on the work of lawyers. See [Access to lawyers](#) for further information on this.

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8.3 Prison conditions

- 8.3.1 In the article of September 2017, IRIN stated:

'The crackdown on alleged opponents of the state has given rise to hunger strikes by inmates across the country as penal institutions have become increasingly overcrowded... Abdulhamit Gul, Turkey's new justice minister, admitted the existence of overcrowding in Turkish prisons in a recent interview with TRT, the Turkish state television news channel.

"There are more prisoners and convicts than there is capacity to accommodate in our prisons." Gul said. "The prisons are approximately 110 percent full."

'To reduce the burden, Gul is considering some partial pardons for additional criminals that would allow them to be transferred to lower-security "open" prisons. He also said the state is building new prisons to expand capacity.'⁷⁴

- 8.3.2 The same IRIN article stated:

'Ozturk Turkdogan, chairman of the Human Rights Association in Turkey, explained how political prisoners are often transferred to jails far from both their families and court hearings.

'The distance between inmates and their hometowns not only makes it more difficult for family members to visit, but can also be used to force inmates to attend trials through SEGBIS, the audio/video communication interface similar to Skype that is used by the Turkish government.

⁷³ IRIN. 'Crackdown: prison conditions worsen in post-coup Turkey,' 6 September 2017. <http://www.irinnews.org/investigations/2017/09/06/crackdown-prison-conditions-worsen-post-coup-turkey> Accessed: 1 November 2017

⁷⁴ IRIN. 'Crackdown: prison conditions worsen in post-coup Turkey,' 6 September 2017. <http://www.irinnews.org/investigations/2017/09/06/crackdown-prison-conditions-worsen-post-coup-turkey> Accessed: 1 November 2017

'Turkdogan believes this infringes defendants' rights. "The transfers, which we call 'sending people into exile', dehumanise defendants by barring them from attending hearings in person," he told IRIN in a phone interview. "The use of SEGBIS strips them of the ability to interact with people in the court."

'In addition to prison conditions and rights violations, inmates in Turkey must also pay for water and gas usage while incarcerated. Extra food, books, phone calls, trips to the hospital, and bathroom supplies are all added to inmates' prison bills. As a result, some women with minimal financial resources cannot afford basic hygienic items such as sanitary pads (which they are not provided), Guveren said.

'Lawyers who spoke with IRIN were especially concerned about the frequent use of solitary confinement. They said guards discipline inmates by locking them in süngerli odalar or "sponge rooms", cells named for the yellow foam mattresses that pad their interiors.

'Guveren [Banu Guveren, a lawyer who represents political prisoners] said one of her clients was locked in such a room for 30 days. The client told her his mattress was soaked with water when he first entered and he was barred from all human contact during this period.'⁷⁵

8.3.3 The Stockholm Centre for Freedom stated:

'The deaths of 54 persons who allegedly committed suicide after being detained, in detention, in prison, after being released or due to fear of being taken into custody after the July 15 coup attempt should be considered suspicious until a thorough and rigorous probe, conducted by competent and independent bodies free of political pressure, concludes otherwise. The fact that 22 of these suspicious deaths occurred in prison and five in police custody raises more questions on the conditions that led to the deaths of these people.'⁷⁶

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8.4 Allegations of torture

8.4.1 In the article dated September 2017, which focussed on the worsening of prison conditions since the coup attempt, IRIN stated:

'Allegations of torture and mistreatment in prisons have also increased over the last year. Prisoners have reported being held in stress positions over prolonged periods, while also being subjected to sleep deprivation, beatings, sexual abuse, and threats of rape. Bilmez [Ibrahim Bilmez, a lawyer representing political prisoners in Turkey, including Abdullah Ocalan, founder of the outlawed Kurdistan Workers' Party (PKK)] said his clients told him of beatings inside their prisons following the coup attempt.

⁷⁵ IRIN. 'Crackdown: prison conditions worsen in post-coup Turkey,' 6 September 2017. <http://www.irinnews.org/investigations/2017/09/06/crackdown-prison-conditions-worsen-post-coup-turkey> Accessed: 1 November 2017

⁷⁶ Stockholm Center for Freedom. 'Suspicious Deaths And Suicides In Turkey – Updated List' (As of December 14, 2017) <http://stockholmcf.org/suspicious-deaths-and-suicides-in-turkey-updated-list/> Accessed: 28 December 2017

“[They] heard moaning, screaming, and groaning until the morning,” the lawyer told IRIN. “From the screams, they understood the torture was bad, but we don’t know the details of what happened.”

‘Political prisoners are also regularly denied access to doctors and medical examinations, which rights groups have claimed is a deliberate effort to stop the verification of torture allegations.

‘Banu Guveren, a lawyer who represents political prisoners, told IRIN that one of her female clients complained of abdominal pain following a beating. In response, the prison administration scheduled her a doctor’s appointment for two months later. The client lost consciousness within days and was rushed to the hospital, where she was found to be suffering from internal bleeding. She did eventually recover.’⁷⁷

8.4.2 In April 2017, the New York Times stated:

‘The worst abuses have fallen on soldiers, Gulenists and Kurds, in part because they have been publicly and legally branded as terrorists. “There is a lot of serious torture,” Piskin [Levent Piskin, lawyer for Selahattin Demirtas] told me. “And they don’t hide it. You see the photographs in the papers.” But there are many more acts of violence, Piskin said, that no one sees. “There is a forest, I don’t know where it is,” he said. “They took some of my clients there and sexually abused them. I have to go to court today for one of these men.”’⁷⁸

8.4.3 Human Rights Watch published a report in October 2017 which stated:

‘In Turkey today, people accused of terrorism or of being linked to the July 2016 attempted coup are at risk of torture in police custody. There has been a spate of reported cases of men being abducted, some of whom were held in secret detention places, with evidence pointing to the involvement of state authorities.

‘Based on interviews with lawyers and relatives, and on a review of court transcripts, this report looks in detail at ten cases in which security forces tortured or ill-treated a total of 22 people, and an eleventh case in which police beat scores of villagers, 38 of whom lodged formal complaints of torture.

‘The report also presents details of five individual cases of abduction that likely amount to enforced disappearance by state authorities since March 2017. Enforced disappearance occurs when state authorities take a person into custody, but deny it or refuse to provide information about the disappeared person’s whereabouts.

‘The report looks at cases in which the accused are accused of links with terrorist organizations or of involvement in the July 2016 coup attempt.’⁷⁹

⁷⁷ IRIN. ‘Crackdown: prison conditions worsen in post-coup Turkey,’ 6 September 2017. <http://www.irinnews.org/investigations/2017/09/06/crackdown-prison-conditions-worsen-post-coup-turkey> Accessed: 1 November 2017

⁷⁸ New York Times. ‘Inside Turkey’s purge,’ 13 April 2017. <https://www.nytimes.com/2017/04/13/magazine/inside-turkeys-purge.html> Accessed: 8 November 2017

⁷⁹ Human Rights Watch. ‘In custody. Police torture and abductions in Turkey,’ October 2017

8.4.4 The report by Human Rights Watch of October 2017 further stated:

‘The 11 cases of torture or ill-treatment Human Rights Watch includes in this report represent a fraction of the credible cases reported in the media and on social media. Such reports indicate that torture and ill-treatment in police custody in Turkey has become a widespread problem. Official figures show that in the past year well over 150,000 people have passed through police custody accused of terrorist offenses, membership of armed groups, or involvement in the attempted coup in July 2016. The highest number of detentions concerns people suspected of links with the group the government and courts in Turkey refer to as the Fethullahist Terror Organization (FETÖ), associated with US-based cleric Fethullah Gülen. The government says this group was behind the attempted coup. The second largest group concerns people with alleged links to the armed Kurdistan Workers’ Party (PKK/KCK). Cases reported to Human Rights Watch show that it is people detained on these two grounds who are at greatest risk of torture.

‘In all 11 cases of torture presented in this report, which altogether involve scores of individuals, Human Rights Watch gathered accounts of severe beatings, threats, and insults. Human Rights Watch heard accounts of detainees stripped naked, and in some cases of detainees being threatened with sexual assault, or being sexually assaulted. In many cases, the torture appeared to be aimed at extracting confessions or forcing detainees to implicate other individuals. Detainees who alleged torture were brought before doctors for routine medical reports, but either the doctors showed no interest in physical evidence of torture or the presence of police officers inhibited them from conducting proper medical examinations and made it hard for detainees to describe their injuries or speak about treatment in custody.’⁸⁰

8.4.5 The Human Rights Watch report also commented on the impact of the state of emergency and subsequent lifting of some of the restrictions in January 2017:

‘In October 2016, Human Rights Watch published a report on the impact of the removal of safeguards against torture and ill-treatment under the state of emergency that was imposed in Turkey after the attempted coup. For example, the government extended the period of police detention to 30 days and restricted the right of detainees to meet with lawyers. The report documented incidents of torture that followed the introduction of these measures. In January 2017, the cabinet issued a decree lifting some of the most severe of these restrictions on detainees’ rights. However, the evidence presented in this report indicates that in spite of the easing of restrictions on detainees’ rights, the abuse of detainees in police custody has continued.’⁸¹

(Summary, page 2). https://www.hrw.org/sites/default/files/report_pdf/turkey1017_web_0.pdf
Accessed: 1 November 2017

⁸⁰ Human Rights Watch. ‘In custody. Police torture and abductions in Turkey,’ October 2017.
https://www.hrw.org/sites/default/files/report_pdf/turkey1017_web_0.pdf Accessed: 1 November 2017

⁸¹ Human Rights Watch. ‘In custody. Police torture and abductions in Turkey,’ October 2017

8.4.6 The Ministry of Justice published the following undated material, which was posted by Bekir Bozdağ, the Minister of Justice, on his Twitter account:

‘Bekir Bozdağ, the Minister of Justice, rigorously denied the assertions of ill-treatment and torture in penal institutions and stated "If those, who contradict this, do not prove their assertions, then they are calumniators".

‘The explanations that Bozdağ made on his social media account Twitter are as follows:

‘1) There is no ill-treatment and torture in penal institutions and detention houses in Turkey. If those, who contradict this, do not prove their assertions, then they are calumniators.

‘2) Those, who charge Turkey with ill-treatment and torture, must explain where, when, how and who did ill-treatment and torture to whom.

‘3) We are telling to those, who charge Turkey with ill-treatment and torture, that:

a) In which penal institution this happened?

b) Against whom was this done?

c) Who did this?

‘4) d) How it happened?

e) When it happened?

Explain that and then we shall do what is necessary. They do not give information. They do not take action.

‘5) They do not give information and chance to Turkey for examining those assertions. They do not accept the explanations of Turkey; they only accuse Turkey.

‘6) Those, who impose false charges on our country, must know that Turkey do not accept any false charges and do not cover up the truth.

‘7) It is a gross injustice to charge Turkey, which shows zero tolerance towards ill-treatment/torture and abolished the statute of limitations for these offenses.

‘8) I announce that again: There is no ill-treatment and torture in penal institutions and detention houses in Turkey. Absent could not be created with lie/calumniation.

‘9) I established a unit in the Ministry of Justice, which is to follow each news and comment in the press on ill-treatment and torture in penal institutions and detention houses.

‘10) This unit will meticulously follow each news and comment in the press, immediately examine them, have them examined and declare the results to the public.

(Summary, page 2). https://www.hrw.org/sites/default/files/report_pdf/turkey1017_web_0.pdf
Accessed: 1 November 2017

'11) The penal institutions and detention houses in Turkey are open to international monitoring, civilian monitoring, judicial and administrative inspection. These monitorings are perfectly conducted.

'12) In addition, the European Committee for the Prevention of Torture and the United Nations Subcommittee on Prevention of Torture carry out an unlimited monitoring at any time.

'13) The Human Rights Injury Committee of the Grand National Assembly of Turkey, civilian monitoring boards assigned by law as well as provincial and district human rights committees periodically carry out examination.

'14) In case of a complaint or denunciation, enforcement judgeships and chief public prosecutor offices hold an examination and conduct judicial or administrative investigation.

'15) Furthermore, within the scope of administrative inspection, the Board of Inspection and the Controllers Unit of the General Directorate of Prisons and Detention Houses of the Ministry of Justice inspect the penal institutions by law.⁸²

- 8.4.7 See [State of emergency: dates and extensions](#), [State of emergency: provisions](#) and [State of emergency: modification of powers \(January 2017\)](#) for further information on this subject. See [Access to lawyers](#) for further information on this subject.

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8.5 Imprisonment of children

- 8.5.1 On 8 November 2017, Daily Hurriyet reported:

'Some 197 children were in prison on terror charges and a total of 2,767 children between the ages of 12 and 18 were in prison in Turkey as of 1 August [2017], the General Directorate of Prisons and Detention Houses has stated.

'In response to an official question from main opposition Republican People's Party (CHP) lawmaker Onursal Adiguzel, 1,403 of these children were in children's educational facilities and juvenile prisons while 1,364 of them were currently in adult prisons.

'The directorate also stated that 111 of the total children in prison were receiving basic literacy courses, 62 of them were receiving secondary literacy courses, 187 of them were attending distance education middle schools, 495 of them were attending distance education high schools and 219 of them were receiving a normal education. It was stated only one was attending university.

'Of those in prison on terror-related offences, 15 of the 197 children were residing in education facilities and four of them were currently enrolled in an education system, the directorate reported.

⁸² Republic of Turkey Ministry of Justice. 'BOZDAĞ: "THERE IS NO ILL-TREATMENT AND TORTURE IN PENAL INSTITUTIONS IN TURKEY,"' undated. <http://www.adalet.gov.tr/bozdag-twitter> Accessed: 4 January 2017.

'Furthermore, "33 of the 182 children who were in juvenile prisons or in the child section of adult prisons were currently enrolled in a non-formal education system. One was enrolled in basic literacy education," it stated.'⁸³

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8.6 Abductions and forced disappearances

8.6.1 In the report of October 2017, Human Rights Watch noted:

'This report also presents details of five cases of abductions which likely amount to enforced disappearances. In one case a man was abducted in Ankara and subsequently found in police custody, after having been held at a secret location for 42 days, during which time he alleges he was tortured. The facts of his case strongly indicate that he was the victim of an enforced disappearance, and was abducted and held in unacknowledged detention with at least the acquiescence of Turkish state agents.

'Human Rights Watch documented four other cases of people who were abducted in contexts that lead to the conclusion that they too should be presumed to be victims of enforced disappearances.

'Human Rights Watch has information about a sixth case – a man who went missing and was held at a secret place of detention for over two months before being released. We have not presented the details of the case in this report for the individual's own safety.

'In most of the cases of abduction documented, witnesses reported the victims were abducted in broad daylight in the street by men who declared to passersby they were from the police. In three cases the same type of vehicle, a VW Transporter, was used to abduct the men. In all cases, the relatives of the disappeared men had difficulty lodging formal complaints with the authorities or with receiving information about the investigation. In one case witnesses to the abduction told relatives they called the police, who said they could not intervene because the individual's apprehension seemed to have been handled by the anti-terror branch of the police.'⁸⁴

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8.7 Impunity for perpetrators of mistreatment

8.7.1 In the report of October 2017, Human Rights Watch stated:

'Although the government of President Erdoğan publicly asserts a zero tolerance for torture, there remains a climate of impunity for the torture and mistreatment of detainees. Human Rights Watch is not aware of any serious measures that have been taken to investigate credible allegations of torture, much less hold perpetrators to account. Human Rights Watch discussed the cases of torture documented in its October 2016 report directly with the Turkish government. However, a year later, lawyers and families have

⁸³ Daily Hurriyet. '197 children in prison on terror charges in Turkey,' 8 November 2017. <http://www.hurriyetdailynews.com/197-children-in-prison-on-terror-charges-in-turkey-122057> Accessed: 9 November 2017.

⁸⁴ Human Rights Watch. 'In custody. Police torture and abductions in Turkey,' October 2017 (Summary, page 3). https://www.hrw.org/sites/default/files/report_pdf/turkey1017_web_0.pdf Accessed: 1 November 2017

informed Human Rights Watch that there has yet to be any sign that prosecutors have conducted effective investigations into two complaints by named individuals examined in the October report, or complaints by three individuals identified in the report by their initials.

‘Several individuals whose cases are examined in this latest report also told prosecutors or courts they had been ill-treated. Most of their allegations appear to have been ignored or sidelined. There are scant indications that prosecutors are taking the initiative proactively to investigate abuse when they encounter suspects who show signs of having been subjected to ill-treatment.

‘These developments should be seen in the context of the government’s moves since the July 2016 coup attempt to further undermine the already compromised independence of the judiciary. Mass dismissals and prosecutions of judges and prosecutors over alleged Gülenist links and tighter executive control over the judiciary make it increasingly unlikely that prosecutors and judges concerned about their own job security will risk investigating such crimes.’⁸⁵

8.7.2 See [Judiciary and due process](#) and [Judges](#) for further information of the impact of the attempted coup on the judiciary.

8.7.3 In January 2017, Turkish Minute published the following:

‘A document recently issued by a prosecutor’s office in Trabzon stated that there are no grounds to investigate a torture complaint since police officers can act with impunity under the current state of emergency in Turkey.

‘A few minor Turkish news portals published the document on Sunday displaying the reasoning for dropping charges against police officers who allegedly tortured a plaintiff under detention.

‘However, the prosecutor’s office in Trabzon stated that given the impunity granted by Article 9 in decree No. 667, police officers cannot be held accountable for their actions.

‘The prosecutor’s office issued the decision on Jan. 5, stating that no public investigation is possible as suspects cannot be subject to investigation.

‘Turkey issued several decrees in the wake of a July 15 coup attempt restricting people’s access to lawyers, allowing detention periods up to 30 days and granting impunity to public officials.

‘However, according to international law and norms, there is no statute of limitations for torture crimes.’⁸⁶

8.7.4 See [State of emergency: provisions](#) for further information about the decrees issued following the coup attempt.

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⁸⁵ Human Rights Watch. ‘In custody. Police torture and abductions in Turkey,’ October 2017 (pages 2 to 3). https://www.hrw.org/sites/default/files/report_pdf/turkey1017_web_0.pdf Accessed: 1 November 2017

⁸⁶ Turkish Minute. ‘Prosecutor drops torture complaint due to impunity under state of emergency,’ 15 January 2017. <https://www.turkishminute.com/2017/01/15/prosecutor-drops-torture-complaint-due-to-impunity-state-emergency/> Accessed: 8 November 2017

9. Judiciary and due process

9.1 Introduction

- 9.1.1 In the report of June 2017, the UN Human Rights Council noted that ‘In the present context, the judiciary appears to be increasingly unavailable to those charged under the antiterrorism and emergency laws. Nor does it appear available to the tens of thousands of individuals who have lost their employment as a result of vague accusations of association with the Gülenist movement and Kurdish organizations...’⁸⁷
- 9.1.2 See [State of emergency: modification of powers \(January 2017\)](#) and [Reinstatement of suspected Gulenists](#) for the possibility of appealing dismissal from employment.

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9.2 Independence of the judiciary

- 9.2.1 In a press release dated July 2017, the Turkish Government stated, ‘We have a serious state tradition that never compromises on the independence of the judiciary...’⁸⁸
- 9.2.2 In the report of June 2017, the UN Human Rights Council stated:
‘The Special Rapporteur is concerned about structural changes to the judicial system which undermine the independence of the judiciary, even those that predate the emergency declared in 2016. Pursuant to Law No. 6545 of 2014, the system of criminal judicature of peace (or criminal peace judges) streamlines cases in such a way as to limit the ability to appeal and challenge emergency decrees and measures taken under such decrees...
‘Since 2014, the executive branch has strengthened its control of the institutions of the judiciary and prosecution, including by the arrest, dismissal and arbitrary transfer of judges and prosecutors and threats against lawyers. This began following the split between the ruling Justice and Development Party and the Gülen movement, which had been closely allied until 2013.’⁸⁹
- 9.2.3 See [Referendum of 16 April 2017](#) for information about the impact of changes to the Constitution on the independence of the Judiciary.

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⁸⁷ UN Human Rights Council (formerly UN Commission on Human Rights). ‘Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey [A/HRC/35/22/Add.3],’ 21 June 2017 (paragraph 66). Available at [ecoi.net](http://www.ecoi.net): http://www.ecoi.net/file_upload/1930_1503562020_g1717040.pdf Accessed: 3 November 2017.

⁸⁸ Republic of Turkey Ministry of Foreign Affairs. ‘No: 238, 21 July 2017, Press Release Regarding the Statement of the Foreign Minister of the Federal Republic of Germany, Mr. Sigmar Gabriel, on Turkey,’ 21 July 2017 http://www.mfa.gov.tr/no_-238_-afc-disisleri-bakani-gabrielin-ulkemize-iliskin-beyanlari-hk_en.en.mfa Accessed: 4 January 2018.

⁸⁹ UN Human Rights Council (formerly UN Commission on Human Rights). ‘Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey [A/HRC/35/22/Add.3],’ 21 June 2017 (paragraphs 68 to 69). Available at [ecoi.net](http://www.ecoi.net): http://www.ecoi.net/file_upload/1930_1503562020_g1717040.pdf Accessed: 3 November 2017.

9.3 Effectiveness of the judiciary

9.3.1 In an article dated April 2017, the New York Times stated:

‘The judiciary in Turkey has never been independent of ideological or political pressure, but neither has it been a broken system. The European Union and the Council of Europe spent millions of dollars training Turkish judges to follow European human rights standards. But the purge has swept out some 4,000 judges and prosecutors, including many of the trainees and at least two judges from the Constitutional Court, the highest court in Turkey. Many new, younger judges have been fast-tracked as replacements for the purged ones — and they have no idea what they are doing, according to lawyers who have dealt with them. Defense lawyers try to uphold legal standards and procedures, while judges and prosecutors operate in an absurd alternative reality.

“‘We act as if the law exists,” Piskin [Levent Piskin, lawyer for Selahattin Demirtas] said. “But the prosecutors and judges are not going by the law. They really don’t even know the law.”⁹⁰

9.3.2 The same article by the New York Times noted:

‘Another impediment to justice in Turkey is its Constitutional Court. The court has received some 100,000 cases (on behalf of people in jail and those who have lost their jobs) since the failed coup — an unmanageable number for a court that usually processes 20,000 cases a year. Since purge cases began to reach the court about seven months ago, the court has not ruled on a single application. And this means that technically none of the Turks can appeal to the European Court of Human Rights, which requires you to exhaust every legal remedy in your home country first. If Turkey’s Constitutional Court refuses to hear cases, there is no way to exhaust anything. And yet Turks are not giving up: Thousands of people file their cases over and again, sometimes monthly, at home and in Europe.’⁹¹

9.3.3 See [Judges](#) for further information about the impact of the coup attempt on this group.

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9.4 Lack of judicial review

9.4.1 In a report dated June 2017, the UN Human Rights Council noted:

‘Between the declaration of the state of emergency and December 2016, the Constitutional Court received approximately 60,000 applications for judicial review, many for claims in connection with arrests, pretrial detention and dismissal from employment, often connected to asserted membership in or beliefs associated with Gülenist or other organizations. During approximately the same period, more than 36,000 persons were jailed pending trial, and 110,000 were dismissed from public service. Furthermore, following the decision of the Court of 12 October 2016 with regard to emergency decrees

⁹⁰ New York Times. ‘Inside Turkey’s purge,’ 13 April 2017.

<https://www.nytimes.com/2017/04/13/magazine/inside-turkeys-purge.html> Accessed: 8 November 2017

⁹¹ New York Times. ‘Inside Turkey’s purge,’ 13 April 2017.

<https://www.nytimes.com/2017/04/13/magazine/inside-turkeys-purge.html> Accessed: 8 November 2017

No. 668 and No. 669, the possibility for individuals to challenge the constitutionality of measures taken under emergency decrees has been, at best, made exceptionally difficult.⁹²

9.4.2 However, see [State of emergency: modification of powers \(January 2017\)](#) and [Reinstatement of suspected Gulenists](#) for information about the possibility of appealing dismissal from employment.

9.4.3 See [State of emergency: provisions](#) for further information about decreed under the state of emergency.

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9.5 Access to lawyers

9.5.1 In a report dated June 2017, the UN Human Rights Council stated:

‘The Special Rapporteur visited Silivri prison [in November 2016] ... where lawyers are permitted only very brief meetings each week. During those meetings, they are unable to exchange documents and all conversations are allegedly monitored by the prison authorities. Lawyers with whom the Special Rapporteur met explained that in most cases neither they nor their clients were informed of the specific charges, making it difficult to prepare a defence. Individuals in detention were also unable to see their lawyers until shortly before being brought to court or being interrogated, adding an additional challenge for due process.

‘Under the state of emergency decrees, judges can order that lawyers be replaced. Detained persons in many instances do not have access to legal and other books and cannot make telephone calls. Access to family members is also restricted.’⁹³

9.5.2 In the report of October 2017, Human Rights Watch reported:

‘Despite the January 2017 reforms, several lawyers told Human Rights Watch that they had limited opportunity to speak to their clients in confidence because police officers were often present during their meetings with detainees. Under Turkey’s Anti-Terror Law, lawyers’ meetings with clients in police detention can be legally restricted for the first 24 hours. However, lawyers reported that in some cases the police still attempted to bar access beyond that period, forcing them to apply to the prosecutor’s office to negotiate access.

‘Some lawyers also reported that they had come under undue pressure from the police when they challenged official written police accounts of police interviews with their clients, at which they (the lawyers) had been present.’⁹⁴

⁹² UN Human Rights Council (formerly UN Commission on Human Rights). ‘Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey [A/HRC/35/22/Add.3],’ 21 June 2017 (paragraph 71). Available at [ecoi.net](http://www.ecoi.net): http://www.ecoi.net/file_upload/1930_1503562020_g1717040.pdf Accessed: 6 November 2017.

⁹³ UN Human Rights Council (formerly UN Commission on Human Rights). ‘Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey [A/HRC/35/22/Add.3],’ 21 June 2017 (paragraphs 73 to 74). Available at [ecoi.net](http://www.ecoi.net): http://www.ecoi.net/file_upload/1930_1503562020_g1717040.pdf Accessed: 6 November 2017.

⁹⁴ Human Rights Watch. ‘In custody. Police torture and abductions in Turkey,’ October 2017

- 9.5.3 See [Lawyers](#) for information about the impact of the coup attempt on lawyers. See [State of emergency: provisions](#) for the impact of emergency decrees on the work of lawyers. See [State of emergency: modification of powers \(January 2017\)](#) for further information about access to lawyers.

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10. Trials and sentences of suspected Gülenists

- 10.1.1 In December 2017, Anadolu Agency reported:

‘Turkish courts have finalized 42 cases stemming from last year’s defeated coup attempt, sentencing 332 people to jail terms.

‘After the July 15 coup attempt by the Fetullah Terrorist Organization (FETO), Turkish prosecutors across the country launched 100,993 investigations.

‘So far, verdicts for 502 suspects have been announced by courts and 232 of those have been sentenced to life imprisonment, meaning they will serve at least 24 years in prison.

‘Some 117 of these received sentences of aggravated life imprisonment, meaning they will serve at least 30 years in prison.

‘A hundred people were also sentenced to a variety of jail terms ranging from one year two months to 20 years.

‘The courts also acquitted 113 suspects. Fifty-seven others were released as judges thought there was no case to answer.

‘Many of those were accused of attempting to overthrow the Turkish government and parliament.’⁹⁵

- 10.1.2 On 1 August 2017, Radio Free Europe/Radio Liberty stated:

‘Almost 500 people accused of involvement in last year’s failed coup in Turkey have gone on trial. The mass trial, which kicked off at a purpose-built courtroom outside Ankara on August 1 [2017], is the largest yet relating to last year’s failed putsch against President Recep Tayyip Erdogan.

‘Many of the 486 suspects face life terms in prison for crimes that include murder and attempt to assassinate Erdogan. The case centers around the Akinci air base, northwest of the capital, which the government says the coup plotters used as their headquarters.

‘U.S.-based cleric Fethullah Gulen, whom the government accuses of orchestrating the coup, has been named as the main defendant in the case and will be tried in absentia. He rejects the charges and denies any involvement in the coup attempt.

(Summary, page 4). https://www.hrw.org/sites/default/files/report_pdf/turkey1017_web_0.pdf
Accessed: 1 November 2017

⁹⁵ Anadolu Agency. ‘Turkish courts jail 332 people over coup attempt,’ 20 December 2017.
<http://aa.com.tr/en/todays-headlines/turkish-courts-jail-332-people-over-coup-attempt/1010171>
Accessed: 4 January 2018.

'The trial is one of dozens that are under way in Turkey in relation to the failed putsch that resulted in about 250 deaths in July 2016.'⁹⁶

10.1.3 On 4 October 2017, the BBC stated:

'A Turkish court has sentenced 40 people to life in prison for attempting to kill President Recep Tayyip Erdogan.

'Forty-six people were on trial for the alleged assassination plot during last year's failed military coup. The majority were ex-soldiers from the Turkish special forces, accused of launching an operation at the hotel where Mr Erdogan was on holiday.

'The high-profile verdicts are the latest in a series of trials involving hundreds of alleged participants. Exiled cleric Fetullah Gulen, who lives in the US, was among those on trial, but did not appear in court and no verdict was given in his case... Mr Gulen, who lives in the US, denies any involvement in the failed July 2016 coup...

'A key development on the night of the coup was the attempt to capture - or allegedly assassinate - Mr Erdogan, who was staying at a luxury hotel in the Marmaris resort, south-west Turkey... Those accused of launching an attempt on Mr Erdogan's life were captured in the next two weeks.'⁹⁷

10.1.4 In October 2017, the Turkish news website, Yeni Safak, stated:

'At least five suspects linked to Fetullah Terrorist Organisation (FETO) were convicted and received prison sentences in three separate court hearings on Thursday, according to judicial officials... Ankara accuses FETO of being behind a long-running campaign to overthrow the state through the infiltration of Turkish institutions, particularly the military, police, and judiciary.

'The suspects were accused of being members of an armed terrorist organisation and using ByLock mobile application, an encrypted smartphone messaging app used by FETO members before and during last year's coup attempt.

'The 2nd Criminal Court in southern Adana province sentenced two ex-police officers to more than six years in prison, an official, who asked not to be named due to restrictions on talking to the media, said.

'Another former police officer was sentenced to more than seven years in prison by the 2nd Criminal Court in eastern Malatya province. The suspect, who denied the charges, was revealed to have used ByLock 3,644 times.

'In another hearing, a FETO-linked former teacher and a dormitory employee in northern Kastamonu province were sentenced to more than six years in prison.'⁹⁸

⁹⁶ Radio Free Europe/ Radio Liberty. 'Nearly 500 suspects on trial over Turkey's failed coup,' 1 August 2017. <https://www.rferl.org/a/turkey-mass-trial-erdogan-coup-attempt-/28652587.html> Accessed: 2 November 2017.

⁹⁷ BBC. 'Erdogan assassination plot: Turkish court sentences dozens,' 4 October 2017. <http://www.bbc.co.uk/news/world-europe-41502531> Accessed: 2 November 2017.

⁹⁸ YeniSafak.com. 'Turkish courts slap five FETO suspects with jail terms,' 27 October 2017.

- 10.1.5 On 3 November 2017 Yeni Safak noted that a former policeman, Ali Fuat Yilmazer, had been sentenced to 16 years and 6 months in jail for being a member of an armed terrorist group, i.e. the Gulenist movement.⁹⁹
- 10.1.6 See [Police officers](#) and [Teachers and academics](#) for further information about the impact of the coup attempt on these groups.

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<http://www.yenisafak.com/en/news/turkish-courts-slap-5-feto-suspects-with-jail-terms-2796867>

Accessed: 9 November 2017

⁹⁹ YeniSafak.com. 'Top FETO terrorists receive jail sentences,' 3 November 2017.

<http://www.yenisafak.com/en/news/top-feto-terrorists-receive-jail-sentences-2797454> Accessed: 9 November 2017.



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On 17 June 2017, Turkish media outlet Sabah published an article¹⁰⁰ in Turkish to report the Supreme Court of Appeal's decision that effectively makes "FETO" a terrorist organisation, and sets precedent for further cases related to the organisation. In legal terms, this is broadly the equivalent of the UK's process of proscribing terrorist organisations.

The translation of the relevant parts of the article is as follows:

"The definition of 'armed terrorist organization' was registered with the decision of the Supreme Court

With the Supreme Court of Appeals' historical ruling, FETÖ has been branded as an armed terrorist organisation by the senior judiciary for the first time. This ruling has also defined the criteria of being a member to this organisation. Since this ruling will be a precedent, it will pave the way for the judges of FETO cases to give more rapid rulings. When Turkey asked some countries to extradite FETO members, they were using the excuse that "the judiciary did not have any final ruling on this being an organisation".

¹⁰⁰ <https://www.sabah.com.tr/gundem/2017/06/17/silahli-teror-orgutu-tanimi-yargitay-karariyla-tescillendi>

Version control

Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **19 February 2018**

Changes from last version of this note

Update to country information and subsequent review of guidance.

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