



ECHOES OF FREEDOM

**STRIVING FOR JUSTICE
IN THE FACE OF HUMAN
RIGHTS VIOLATIONS
AGAINST THE GÜLEN
MOVEMENT**

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2023

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Echoes of Freedom: Striving for Justice in the Face of Human Rights Violations against the Gülen Movement

I. Introduction

Turkey started to experience a significant transition in human rights and freedoms at the beginning of the 2000s with the Justice and Development Party (AKP) coming to power.¹ The new government attempted to implement the European Union (EU) reform packages to be able to join the EU.² Yet, in the aftermath of the coup attempt in Turkey that happened on the 15th of July 2016, the deterioration and decline in freedoms and human rights which had already started in the early 2010s accelerated dramatically and in an unprecedented way. Especially, with the issued state of emergency (OHAL), the way for unlawful restrictions, systematic human rights violations, and active and effective control over the parliament and judiciary mechanism has been paved by the government.³ In this environment, the Gülen movement has been the main victim of all these unlawfulness, corruption, and disruption.⁴

The Gülen Movement, led by the Islamic cleric Fethullah Gülen, defines itself as “a civil society movement committed to peaceful coexistence and service to humanity based on social responsibility and philanthropy.”⁵ The conflict between the Gülen Movement and the government erupted in December 2013, when it emerged that Turkish president Recep Tayyip Erdogan's son and other government officials were implicated in ‘the Iran-Halbank-gold corruption’ scandal. President Erdogan blamed the movement for bringing the incident to public attention in order to undermine his government. Similarly, in the immediate aftermath of the coup attempt in Turkey, Erdogan accused the movement of masterminding the coup and this time launched a large-scale purge against the Gülen movement members and people who have alleged links to the movement.⁶

The massive purge against the movement caused the dismissal of at least 152.000 civil servants. More than 80,000 people were in pre-trial detention on accusations of membership in the Gülen Movement, the so-called 'Fethullahist Terrorist Organization' ('FETÖ'), for allegedly masterminding the 2016 coup attempt.⁷ Additionally, more than 95,000 citizens have been arrested or imprisoned, and more than 1,500 civil society organizations have been closed on terrorism-related charges chiefly for claimed links to the movement.⁸ According to the United Nations Universal Declaration of Human Rights, everyone has the right to life, liberty, security of person, freedom of movement, freedom of thought, freedom of expression, freedom of

¹ Balcioglu, E. (2021). Human Rights in Turkey: Past, Present and Future. In: Aydin, H., Langley, W. (eds) Human Rights in Turkey. Philosophy and Politics - Critical Explorations, vol 15. Springer, Cham. https://doi.org/10.1007/978-3-030-57476-5_2

² Demir, V. (2021). Freedom of the Media in Turkey Under the AKP Government. In: Aydin, H., Langley, W. (eds) Human Rights in Turkey. Philosophy and Politics - Critical Explorations, vol 15. Springer, Cham. https://doi.org/10.1007/978-3-030-57476-5_3

³ Freedom House. (2019). Turkey: Freedom in the World 2019 country report. Freedom House. <https://freedomhouse.org/country/turkey/freedom-world/2019>

⁴ Pandya, S., Olliden, B., Anli, I.A. (2021). Shunned and Purged: Turkey's Crackdown on the Hizmet (Gülen) Movement. In: Aydin, H., Langley, W. (eds) Human Rights in Turkey. Philosophy and Politics - Critical Explorations, vol 15. Springer, Cham. https://doi.org/10.1007/978-3-030-57476-5_10

⁵ Intercultural Dialogue Platform. (2021, November 17). Core values of the hizmet movement: Dialogue platform. Dialogue Platform | A Platform of Hizmet Inspired Dialogue Organisations in Europe. <https://dialogueplatform.eu/hizmetcorevalues/>

⁶ Pandya, S., Olliden, B., Anli, I.A. (2021). Shunned and Purged: Turkey's Crackdown on the Hizmet (Gülen) Movement. In: Aydin, H., Langley, W. (eds) Human Rights in Turkey. Philosophy and Politics - Critical Explorations, vol 15. Springer, Cham. https://doi.org/10.1007/978-3-030-57476-5_10

⁷ Balcioglu, E. (2021). Human Rights in Turkey: Past, Present and Future. In: Aydin, H., Langley, W. (eds) Human Rights in Turkey. Philosophy and Politics - Critical Explorations, vol 15. Springer, Cham. https://doi.org/10.1007/978-3-030-57476-5_2

⁸ U.S. Department of State. (2023). Turkey (Turkey) - united states department of state. U.S. Department of State. <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/turkey/>

peaceful assembly and association, work, and education; and no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, arbitrary arrest, detention or exile, and arbitrarily deprived of his property.⁹ The Turkish government has violated all of these articles under the pretext of fighting the Gülen movement. This situation was labeled as “a crackdown of exceptional proportions” by Amnesty International in order to emphasize the brutality and speed of the reaction of the Turkish government. All these cases demonstrate the extent of the violation, victimization, and abuse against the movement.

This report is descriptive and details problems and human rights violations facing the Gülen movement from a general perspective. It is imperative that policymakers and the international community understand that the Turkish government cracks down on the Gülen movement through unjust actions and the violation of international human rights principles. This concerning situation starting at the beginning of 2010s still continues and remains a big threat to the movement both at the local level and international level.

In this report, the main focus will be on the human rights violations and unjust activities against the Gülen Movement. In this framework, firstly, human rights violations and rule of law concerns will be discussed under a general trajectory. Secondly, the extraterritorial reach of repression activities by the Turkish government will be examined. Thirdly, the Gülen Movement will be assessed with its organizational structure, defense, and responses against these harassment and violations. Then, United Nations’ (UN) and other international organizations’ responses and attitudes will be analyzed. Next, challenges and recommendations for achieving justice, promoting reconciliation, and enhancing human rights protections will be discussed. Lastly, the report will conclude with a brief summary.

II. Human Rights Violations and Rule of Law Concerns

A. Freedom of Expression and Media Suppression

The Turkish media crackdown serves as a cautionary tale of what can happen when the media is suppressed and controlled by the government. The AKP government in Turkey took some measures to monopolize media channels by shutting down multiple media institutions, establishing censorship, and arresting journalists. As a result of these actions, the role of the media as a watchdog of democracy is undermined, which demonstrates how control over the media can be used to consolidate power, silence dissenting voices, and weaken the mechanisms that hold the government accountable.

The crackdown on the Turkish media was initiated in early 2016 and intensified after the 15th of July coup attempt. In the aftermath of the failed coup attempt, the government took control of the critical media and suppressed dissidents. International press and human rights organizations have demonstrated that the free media is silenced and underlined that the government took control of 90% of the national media¹⁰.

Under the decree-laws published after the coup attempt media agencies, newspapers, news agencies, radios, and publishing houses, also TV channels were closed. The decisions to close the media organs were taken by a special Commission (the RTUK Commission created

⁹ United Nations. (n.d.). Universal Declaration of Human Rights. United Nations. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

¹⁰ Turkey. Reporters Without Borders. (2023, July 3). <https://rsf.org/en/country-t%C3%BCrkiye>

by virtue of the Decree-Law No. 668). The 668 Decree-Law also provides for an extra right to suggest closing media bodies that are not on the lists enclosed as annexes to the Emergency Decrees¹¹.

Additionally, the pressure on journalists is among the essential obstacles to restoring media freedom and freedom of expression. The Turkish Journalists' Association (TGC) Board of Directors released its press report for 2016. In this report, it is emphasized that in 2016, the press cards of 780 journalists were revoked, and 839 journalists faced judges in trials due to their reported news stories. 189 journalists experienced verbal and physical attacks. Additionally, 144 journalists are entering the new year behind bars. According to the report, the number of unemployed journalists has surpassed 10,000.¹²

In 2016 and 2017, Turkey held the unenviable position of being the worst jailer of journalists. Government officials leveled charges of terrorism against certain journalists solely based on their alleged use of the ByLock messaging app or having bank accounts at institutions purportedly associated with the Gülen movement¹³.

Furthermore, the imprisoned journalists were subjected to extended periods of waiting for their indictments, often lacking substantial evidence. For example, Mümtazer Türköne, Mustafa Ünal and Şahin Alpay had to wait almost a year to be tried in a court and they confronted life sentences solely working for the opposition newspaper 'Zaman' which was forcibly closed in July 2016 by a decree-law. Also, Fevzi Yazıcı, former layout editor, was sentenced to lifetime prison under the accusation of transmitting a subliminal message through TV advertisement linked to coup attempt July 15¹⁴.

The European Court of Human Rights (ECtHR) decided that the imprisonment of journalist Hidayet Karaca, who was arrested in 2014, the former head of the shutdown Samanyolu Broadcasting Group, violated his entitlement to right to liberty and security as guaranteed by Article 5 of the European Convention on Human Rights (ECHR)¹⁵. Another decision was made by ECtHR about journalist Mehmet Baransu, who was arrested in 2015, on violation of his right to trial within reasonable time. The criminal proceedings are still pending before the domestic courts¹⁶.

B. Arbitrary Detentions and Arrests

When examining the post-coup attempt period, as indicated in the statement made by the Minister of Internal Affairs Süleyman Soyly, there were 282,790 individuals detained and 94,975 individuals arrested. Correspondingly, the cumulative count of individuals who underwent court proceedings reached 597,783, according to the same statement. Within those

¹¹ "21 Temmuz 2016-20 Mart 2018 Olağanüstü Hal Uygulamaları: Güncellenmiş Durum Raporu". 17 April 2018. İnsan Hakları Ortak Platformu (İHOP). <https://ihop.org.tr/olaganustu-hal-uygulamalariguncellestirilmis-durum>

¹² Keskin, Y. (n.d.). Gazeteciler için 2016 zorlu geçti. Turkey Gazeteciler Cemiyeti. <http://www.tgc.org.tr/32-gundem/419-6-ayda-24-ulkede-71-gazeteci-olduruldu.html>

¹³ Beiser, E. (2020, December 13). Record number of journalists jailed as Turkey, China, Egypt pay scant price for repression. Committee to Protect Journalists. <https://cpj.org/reports/2017/12/journalists-prison-jail-record-number-turkey-china-egypt/>

¹⁴ "Turkey sentences 4 journalists to life in prison, releases and indicts another". 16 February 2018. Committee to Protect Journalists (CPJ). <https://cpj.org/2018/02/four-journalists-sentenced-to-life-in-prison-another/>

¹⁵ Scf. (2023, June 20). ECtHR faults Turkey for detention of Media Executive Karaca. Stockholm Center for Freedom. <https://stockholmcf.org/ecthr-faults-turkey-for-detention-of-media-executive-karaca/>

¹⁶ Turkish Minute. (2023, July 11). *Turkey ordered to pay damages to journalist Baransu due to his long pretrial detention*. Turkish Minute. <https://turkishminute.com/2023/07/11/turkey-ordered-to-pay-damage-journalist-baransu-due-to-his-long-pretrial-detention/#:~:text=The%20European%20Court%20of%20Human,local%20media%20reported%20on%20Tuesday.>

prosecuted for their alleged involvement in the coup attempt, a total of 2,532 individuals received life sentences¹⁷.

In addition to the large number of arbitrary arrests and detentions, the alleged reasons were detentions lacking concrete and credible evidence. For example, the primary reason for the arrest of 75,000 individuals is their use of the ByLock messaging app which was accessible to everyone in Apple App Store and Google Play between 2014-2016 and downloaded over 600,000 times. Turkish authorities alleged that the app was used between members of the Gülen movement and considered as sufficient evidence to justify arresting people on charges of ‘terror’ crimes¹⁸.

Among the other indications to decide to arrest individuals on ‘terror crimes’ are: to hold a bank account in Asia Bank¹⁹ (which used to be legal according to Turkish law, while it was operating), staying in student accommodations purportedly linked to the Gülen movement have been considered highly indicative of ‘terrorist’ involvement²⁰. The scope of the alleged ‘terror’ charges has become so extensive that people from all walks of life are arrested for ‘terror’ crimes, including six human rights defenders²¹.

In 2018, the Working Group on Arbitrary Detention examined the ‘Mestan Yayman’²² case who was arrested on ‘terror crimes. Mr. Yayman was accused of attending meetings of the Gülen movement and using the ByLock app, however, the Working Group stressed that the authorities failed to show any illegal activity mentioned above, which was legal at the time when they were conducted.

The arbitrary arrest and detention still continue and the authorities disorderly conduct arbitrary arrests of those protected under the law, including children, pregnant women, the elderly, and sick people.

As the Office of the United Nations High Commissioner for Human Rights (OHCHR) confirmed that within the post-coup measures, roughly 100 women were arrested immediately after giving birth or pregnant despite the medical assessment indicating a potential risk to the well-being of both the mother and the baby.²³

86-year-old Mustafa Said Türk was arrested despite his heavy health problems. Mr. Türk, who suffered two brain hemorrhages, a heart attack and became paralyzed and bedridden in 2018, was sent to prison based on charges of being a member of the Gülen movement²⁴.

¹⁷ Gizem Sade. “15 Temmuz darbe girişimi sonrasında kaç kişi görevinden ihraç edildi, kaç kişi tutuklandı?”. 15 July 2020. Euronews. <https://tr.euronews.com/2020/07/15/verilerle-15-temmuz-sonras-ve-ohal-sureci>

¹⁸ Owen Bowcott. “Turks detained for using encrypted app 'had human rights breached'”. 11 Sep 2017. The Guardian. <https://www.theguardian.com/world/2017/sep/11/turks-detained-encrypted-ByLock-messaging-app-human-rights-breached>

¹⁹ It was transferred to the Savings Deposit Insurance Fund (Tasarruf Mevduatı Sigorta Fonu, TMSF) on 05.29.2015 and it was decided to revoke its operating license on 07.22.2016. <https://www.tmsf.org.tr/enUS/Tmsf/Cozumleme/banka.f>

²⁰ William Clegg QC & Simon Baker. “Opinion on the Legality of the Actions of the Turkish State”.

September 2017. <https://www.2bedfordrow.co.uk/opinion-on-the-legality-of-the-actions-of-the-turkish-state/>

²¹ Patrick Wintour. “Turkey holds six rights activists on charges of aiding terror group”. 18 July 2017. The Guardian. <https://www.theguardian.com/world/2017/jul/18/turkey-holds-six-rights-activists-on-charges-of-aiding-terror-g>

²² 8 “Opinions adopted by the Working Group on Arbitrary Detention at its eighty-second session, 20–24 August 2018”. 18 October 2018. Human Rights Council Working Group on Arbitrary Detention.

https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session82/A_HRC_WGAD_2018_42_AEV.pdf

²³ Office of the United Nations High Commissioner for Human Rights - OHCHR. OHCHR. (2018, March). https://www.ohchr.org/sites/default/files/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf

²⁴ Turkish Minute. (2023b, August 7). Disabled 86-year-old hospitalized soon after being imprisoned over Gülen links. Turkish Minute. <https://www.turkishminute.com/2023/08/01/disabled-86-old-hospitalized-soon-after-imprisoned-over-Gülen-links/>

C. Torture and Ill-Treatment Allegations

Torture is a crime against humanity, however, after the coup attempt, the allegations of use of torture and ill-treatment by Turkish authorities increased. These allegations of the use of torture were confirmed by the United Nations Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Nils Melzer, on his visit to Turkey between November 27 - December 2, 2016. Mr. Nils Melzer²⁵ stated his concerns over the seriousness of the use of torture and ill-treatment of detainees and the lack of efficient investigations of these allegations.

Especially, during the post-coup environment where the period of custody without judicial review was up to 30 days and the period without access to a lawyer was up to 5 days²⁶ under the state of emergency measures, the use of torture and ill-treatment allegations significantly increased. The allegations of the use of torture continue to be a significant concern.

Also, OHCHR Report in 2018²⁷, the detainees confirmed during numerous interviews, the forms of torture such as beatings, threats of sexual assault and actual sexual assault, electronic shocks, and waterboarding were conducted with the intention of coercing confessions and compelling detainees to implicate others. According to the same report, there are many detainees who deny their confessions and said they were forced during the subsequent court appearances. Additionally, medical examinations were conducted in the presence of police officers to prevent proper documentation of the instances of torture.

Furthermore, Amnesty International²⁸ and Human Rights Watch²⁹ reported serious accusations on the use of torture and ill-treatment to coerce confessions or implicate other individuals. According to Human Rights Watch, the absence of investigation on torture and ill-treatment allegations are a great concern and it leads to uncertainty about the number of victims and making effective investigations.

The Ankara Bar Association documented the allegations of torture against former Foreign Ministry officers dismissed by decree laws.³⁰ This document emphasizes that these people were threatened, assaulted, beaten, and sexually harassed to make confessions.

Among the torture investigations, the history teacher Gökhan Açikkollu³¹, dismissed from his job by decree law, was subsequently detained due to the accusations made against him for being a member of the Gülen movement. Unfortunately, on the thirteenth day of his detention, he lost his life because of torture. The President of the Human Rights Foundation, noted in her report that Gökhan Açikkollu had suffered torture, leading to a fatal heart attack. After 1,5 years of his death, he was found not guilty, and given the right to return to work.

²⁵ Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Nils Melzer on the Official visit to Turkey –

27 November to 2 December 2016. OHCHR. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E>

²⁶ According to the decree-laws 667 and 668

²⁷ Ibid. OHCHR 2018 report

²⁸ “The aftermath of the failed Turkey coup: Torture, beatings and rape”. 12 Jan 2018. Amnesty International. <https://www.amnesty.org.uk/aftermath-failed-turkey-coup-torture-beatings-and-rape>

²⁹ “In Custody, Police Torture and Abductions in Turkey”. October 2016. Human Rights Watch.

<https://www.hrw.org/report/2017/10/12/custody/police-torture-and-abductions-turkey>

³⁰ “Ankara İl Emniyet Müdürlüğü Mali Suçlar Soruşturma Bürosundaki İskence İddialarına Dair Raprudur”. 26 May 2019. Ankara Barosu, Avukat Hakları Merkezi Cezaevi Kurulu ve İnsan Hakları Merkezi. http://www.ankarabarusu.org.tr/HaberDuyuru.aspx?BASIN_ACIKLAMASI&=3099

³¹ “Gökhan Açikkollu Gözaltında Ölmüştür” 7 August 2016. Turkey İnsan Hakları Vakfı. <https://tihv.org.tr/basin-aciklamalari/gokhan-acikkolu-gozaltinda-olmustur/>

Based on the information provided by the IHD³² (Human Rights Association), in 2021, the number of claims to have experience torture and ill-treatment in prisons is 1,414 individuals and the number of claims to have experience torture and ill-treatment in custody is 531 individuals with 12 of them being children.

Sezgin Tanrikulu, the CHP Deputy from Istanbul, announced the Human Rights Violations Report in 2022³³ and according to this report, a total of 2,397 people, including 80 children, had their right to life violated., and 5,381 people were subjected to torture.

D. Independence of the Judiciary

The independence of the judiciary is the fundamental principle of fair trials. An independent judiciary is essential to uphold the rule of law, ensure equal legal proceedings and protect human rights. The independence of the judiciary is the essential element to be able to access fair trials and enjoy fundamental human rights.

In its report, the International Commission of Jurists (ICJ) highlighted that there has been a growing concern, particularly since 2014, over the increasing executive influence on the judiciary. The government's actions to influence the judiciary were justified as a response to combat the 'parallel state' and guard against Gülenist dominance in the judiciary³⁴. Nevertheless, the ICJ observed that the Ministry of Justice's influence in appointing judges gave rise to concerns about the independence of the judiciary and the potential government control over it.

After the coup attempt, the erosion of the Turkish judiciary's independence increased dramatically. The independence of the judiciary was exacerbated by various factors, including the removal and dismissal of 30% of judges and prosecutors in the aftermath of the 2016 coup attempt³⁵.

Unfortunately, no steps were taken to reinstate legal safeguards that would ensure the autonomy of the judiciary. Contrarily, changes made to the Council of Judges and Prosecutors (CJP) through constitutional amendments have only further eliminated its separation from the executive branch. The structure of criminal judges of peace remained unchanged, and no actions were implemented to address concerns surrounding the absence of impartial, merit-based, consistent, and pre-established criteria for the recruitment and advancement of judges and prosecutors, according to the European Commission 2018 Turkey Report.

The Constitutional reform of 2017 raised concerns about the independence of the judiciary. The new system granted the President the capacity to appoint members of high-level positions in the judiciary and increase the risk of political influence over the judiciary.

The Commissioner for Human Rights confirms that the new system fails to ensure judicial independence and puts the judiciary at risk of political manipulation. Since the

³² 2021 Yılı İnsan Hakları İhlalleri Raporu. İnsan Hakları DERNEĞİ - ihd.org.tr. (n.d.). https://ihd.org.tr/en/wp-content/uploads/2022/12/sr20221205_IHD-Elections-Report.pdf

³³ CHP'li Sezgin Tanrikulu, 2022 yılı İnsan Hakları ihlalleri raporunu açıkladı. Cumhuriyet Gazetesi. (2023, February 5). <https://www.cumhuriyet.com.tr/siyaset/chpli-sezgin-tanrikulu-2022-yili-insan-haklari-ihlalleri-raporunu-acikladi-2048503>

³⁴ "Turkey: the Judicial System in Peril A briefing paper". June 2016. The International Commission of Jurists (ICJ). <https://www.refworld.org/pdfid/57ee8e674.pdf>;

³⁵ COMMISSION STAFF WORKING DOCUMENT Turkey 2018 Report. European Commission. (2018). <https://neighbourhood-enlargement.ec.europa.eu/system/files/2019-05/20180417-turkey-report.pdf>

prevailing trend within the national and international system is appointing judges by an independent body like a council for the judiciary or some judicial commission, the power of appointing high-level positions in the judiciary by the President is extremely questionable when the media is censored, and the check and balance system does not work properly³⁶.

The 2019 Judicial Reform Strategy (JRS) and the Human Rights Action Plan (HRAP) released in March 2021 address certain areas necessitating reform. However, they lack specific measures to address the most pressing issues within this domain and lack significant improvements in the country's judicial system.³⁷

Also, the judiciary's alignment with international and European standards intensified, especially regarding the reluctance to execute judgments from the ECtHR. Turkey failed to obey and respect the decisions made by the ECtHR.³⁸ For example, the Court decided in the *Kavala v Turkey*³⁹ case that the arrest is arbitrary due to the absence of evidence of the person's involvement in any illegal activity. Despite the ECtHR decision, Turkey failed to carry out the court order to free the imprisoned human rights defender, Mr. Kavala, he is still in prison since 2017.⁴⁰

III. Extraterritorial Reach of the Repression

A. Impact on Gülen Movement Members Abroad

The repression inflicted on the proponents of the Gülen Movement is not restricted within Turkey. Considering the high congregated number of Turkish immigrants mainly in the EU, the repression has become borderless.⁴¹ A majority of these immigrants solely follow Turkish media outlets that are politically biased and that disseminate untruthful information.⁴²

Repression has reached an extreme to the point that the members of the Gülen Movement have been receiving death threats abroad by other ethnic Turkish people as reported by Politico.⁴³ This causes constant communication of the Gülen Movement with the police, living in fear of threat. Private entities of the Movement abroad have reported numerous insults on social networks, death threats, and arson destroying their properties.⁴⁴ The day-to-day operations of these private businesses have been impeded since people are afraid of being known to engage in financial activities for fear of facing possible criminal accusations in Turkey.⁴⁵

³⁶ Commissioner for Human Rights. Council of Europe. https://www.coe.int/en/web/commissioner/countrymonitoring/turkey/-/asset_publisher/IK6iqfNE1t0Z/content/turkey-new-council-of-judges-and-prosecutors-doesnot-offer-adequate-safeg

³⁷ COMMISSION STAFF WORKING DOCUMENT Turkey 2022 Report. European Commission. (2022). https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/strategy-and-reports_en

³⁸ Ibid. European Commission 2022

³⁹ *Kavala v. Turkey* (application no. 28749/18). 10 December 2019. ECtHR.

⁴⁰ Landmark judgment against Turkey for ignoring European ruling. Human Rights Watch. (2022, July 12). <https://www.hrw.org/news/2022/07/12/landmark-judgment-against-turkey-ignoring-european-ruling>

⁴¹ Hananel Director, S., Hananel, S., Director, Molof Director, D., Molof, D., Shahi, M., Damante, B., Wilson, N., & Molla, Z. A. (2023, August 10). *The Turkish diaspora in Europe*. Center for American Progress. <https://www.americanprogress.org/article/turkish-diaspora-europe/>.

⁴² Turkey: "Dark Day for online free expression" as new 'disinformation law' is passed. Amnesty International. (2023, January 26). <https://www.amnesty.org/en/latest/news/2022/10/turkey-dark-day-for-online-free-expression-as-new-disinformation-law-is-passed/>.

⁴³ de la Blaum , M. (2016, August 22). 'Sleepless Nights' for Gülen's Supporters in Europe. Retrieved August 2, 2023, from <https://www.politico.eu/article/sleepless-nights-for-fetullah-Gülen-supporters-in-europe-erdogan-turkey-coup/>.

⁴⁴ Ibid.

⁴⁵ de la Blaum , M. (2016, August 22). 'Sleepless Nights' for Gülen's Supporters in Europe. Retrieved August 2, 2023, from <https://www.politico.eu/article/sleepless-nights-for-fetullah-Gülen-supporters-in-europe-erdogan-turkey-coup/>.

The former NBA player and human rights activist Enes Kanter⁴⁶ has been subjected to repression owing to his ties with the Gülen Movement. Before becoming a United States of America (US) citizen in 2021,⁴⁷ his passport was canceled by the Turkish Government without a notice, leading to his detention at the Romanian airport in 2017.⁴⁸ He has been continuously receiving death threats as many of the other proponents of the Gülen Movement.⁴⁹ In spite of all the political pressure by the Turkish Government on the US Government in political affairs, Enes Kanter was granted the most valuable patriot award by Fox News in 2022⁵⁰ as well as the inaugural Mayor's Freedom Award in Utah by the Mayor in 2023.⁵¹

B. Extradition Requests and Responses

The extradition request was initiated by the Turkish Government almost a decade ago (in 2014) for the deportation of Mr. Gülen.⁵² Immediately after the failed coup attempt in 2016 in Turkey, the political pressure that the Erdogan Government caused through constant submission of piles of documents for both Mr. Gülen's and other members' extradition has not cultivated in affirmative for Turkey.⁵³

The US courts have ruled that the evidence provided by the Turkish officials to prove allegations that Mr. Gülen or the Gülen Movement is involved in any feasible manner with the coup attempt is inadequate.⁵⁴ This demolished expectations of the Turkish officials to form a strategic extradition scheme with the US, and on the contrary, it resulted in political tension between these two countries.⁵⁵ After numerous persistent and unfounded ventures of extradition requests, the Turkish officials decided to unfoundedly accuse the US officials of not delivering their documents to the courts with due diligence, and not providing the judges with the entirety of these documents containing evidence, which exacerbated the ongoing tension.⁵⁶

These tenacious and unfounded extradition requests were also raised before Mr. Donald Trump, the President of the US at the time, to intervene with dismissive verdicts of the US courts and to launch an official decision himself.⁵⁷ Mr. Trump opposed these demands by referring to the rule of law within his country, which vigorously prevented him from giving any decision over the matter.⁵⁸

⁴⁶Roth, Z. R. (2013). International student athletes and NCAA amateurism: setting an equitable standard for eligibility after proposal 2009-22. *Vanderbilt Journal of Transnational Law*, 46(2), 659-694.

⁴⁷Diane Cho, M. P. (2021, November 30). *Celtics' Enes Kanter Freedom celebrates his new US citizenship*. NBC Boston.

⁴⁸Kirby, J. (2019, November 13). *How NBA player Enes Kanter became a major enemy of Turkey's president*. Vox. <https://www.vox.com/world/2019/11/13/20941804/enes-kanter-nba-turkey-erdogan>

⁴⁹Chiari, M. (2017, September 23). *Enes Kanter reveals he's received death threats after failed Turkish coup*. Bleacher Report. <https://bleacherreport.com/articles/2653072-enes-kanter-reveals-hes-been-subject-to-death-threats-after-failed-turkish-coup>.

⁵⁰Hill, B. (2022, November 18). *Enes Kanter Freedom Gets Standing Ovation, awarded "Most valuable patriot" at Fox Nation's patriot awards*. Fox News. <https://www.foxnews.com/media/enes-kanter-freedom-gets-standing-ovation-awarded-most-valuable-patriot-fox-nation-patriot-awards>.

⁵¹Morgan, J. (2023, April 11). *Enes Kanter Freedom to be presented with inaugural "Mayor's Freedom Award" in Utah City*. Fox News. <https://www.foxnews.com/sports/enes-kanter-freedom-presented-inaugural-mayors-freedom-award-utah-city>

⁵²Letsch, C. (2014, December 19). *Turkey Issues Arrest Warrant for Erdoğan Rival Fethullah Gülen*. Retrieved August 3, 2023, from <https://www.theguardian.com/world/2014/dec/19/turkey-fethullah-gülen-arrest-warrant-erdogan-us>.

⁵³Reuters. (2018a, January 11). *Turkey to End Extraditions to U.S. Unless Cleric Is Turned over, Erdogan Says*. Retrieved August 5, 2023, from <https://www.reuters.com/article/us-usa-turkey-idUSKBN1F01XV>.

⁵⁴Ibid.

⁵⁵Ibid.

⁵⁶Scf. (2022, November 14). *Turkey's request for Gülen extradition not sent to us court since it would be denied, minister claims*. Stockholm Center for Freedom. <https://stockholmcf.org/turkeys-request-for-gülen-extradition-not-sent-to-us-court-since-it-would-be-denied-minister-claims/>.

⁵⁷Stracqualursi, V. (2018, November 17). *Trump: Turkish Cleric Fethullah Gülen 'Not under Consideration' for Extradition 'at This Point.'* Retrieved August 10, 2023, from <https://edition.cnn.com/2018/11/17/politics/trump-fethullah-gülen-turkey/index.html>.

⁵⁸Ibid.

Certain requests have been made to Germany⁵⁹ and Bosnia,⁶⁰ which have been rejected by these countries. Azerbaijan, however, is in the solitude of responding to extradition requests in favor of Turkey. Nevertheless, in *Senturk and others v Azerbaijan* case, the ECtHR found Azerbaijan in breach of the ECHR rights and obligations.⁶¹ It was revealed in the case that Mr. Senturk and his family and Mr. Ozturk received protection issued in 2017 and 2018 by the United Nations High Commissioner for Refugees (UNHCR).⁶² The UNHCR initially prevented the deportation of Mr. Senturk to Turkey by an intervention to the decision taken in Azerbaijan.⁶³ However, on another date, Mr. Senturk was deported to Turkey in the absence of any notification to his family or the UNHCR.⁶⁴ Legal proceedings against this decision were later considered, and the ECtHR held that Azerbaijan is in breach of Art. 5(1) and Art. 3 of the ECHR.⁶⁵

This extradition refusals have not led to the discontinuation of unfounded requests by the Turkish Government and has instead remained as a political and negotiation matter in the relationships of Turkey with other countries. The most recent example of this is the North Atlantic Treaty Organization (NATO) accession of Finland and Sweden against the illegal war launched by Russia in Ukraine.⁶⁶ Accession of these two EU members to NATO has been a vital step towards the cooperation between NATO and the EU,⁶⁷ and for which Turkish vote had been pivotal.⁶⁸ The Erdogan regime complicated this matter and leveraged its approval to accession by rendering it contingent on the extradition of several people from Finland and Sweden including the proponents of the Gülen Movement.⁶⁹ The highest Swedish and Finnish courts rejected these requests, withholding the rule of law and preserving the *trias politica*.⁷⁰ Only after the failed political insistence and exponentially raising the political tension, Turkey approved their accession to NATO.⁷¹

C. International Human Rights Law Implications

Extradition requirements fall into the realm of public international law.⁷² Sovereign states may conclude both bilateral and multilateral treaties to provide a legal framework for extradition in their interstate relations.⁷³ In addition to the treaties, international customary

⁵⁹Reuters. (2018b, October 1). Turkey asks Germany to return 136 people with alleged terror links: hurriyet. Retrieved August 12, 2023, from <https://www.reuters.com/article/us-turkey-security-germany-idUSKCN1MB39F>.

⁶⁰Sito-Sucic, D. (2018, April 23). Bosnia court rejects extradition of Turkish national over Gülen's links . Retrieved August 10, 2023, from <https://www.reuters.com/article/us-turkey-security-bosnia-idUSKBN1HU1LJ>.

⁶¹*Senturk and others v Azerbaijan* App no. 41326/17 (ECtHR, 10 March 2022).

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶Chatterjee, P. (2023, July 11). *How Sweden and Finland went from neutral to NATO*. BBC News. <https://www.bbc.com/news/world-europe-61397478>

⁶⁷Nato. (2023, July 12). *Enlargement and Article 10*. NATO. https://www.nato.int/cps/en/natohq/topics_49212.htm.

⁶⁸Guillermo. (2023, March 22). *The Turkish veto: Why Erdogan is blocking Finland and Sweden's path to NATO*. Foreign Policy Research Institute. <https://www.fpri.org/article/2023/03/the-turkish-veto-why-erdogan-is-blocking-finland-and-swedens-path-to-nato/>

⁶⁹Levin, P. (2023, March 8). *The Turkish veto: why Erdogan is blocking Finland and Sweden's path to Nato*. Retrieved August 11, 2023, from <https://www.fpri.org/article/2023/03/the-turkish-veto-why-erdogan-is-blocking-finland-and-swedens-path-to-nato/>

⁷⁰Ibid.

⁷¹Reuters. (2023, March 31). *Turkish Parliament ratifies Finland's NATO accession as Sweden kept waiting*. Reuters. [https://www.pubaffairsbruxelles.eu/opinion-analysis/turkeys-approval-of-finland-nato-membership/](https://www.reuters.com/world/europe/turkish-parliament-approves-finlands-nato-accession-2023-03-30/#:~:text=Turkish%20parliament%20ratifies%20Finland's%20NATO%20accession%20as%20Sweden%20kept%20waiting,-Reuters&text=ANKARA%2C%20March%2030%20(Reuters),as%20war%20rages%20in%20Ukraine; See also <i>Turkey's approval of Finland NATO membership</i>. PubAffairs Bruxelles. (2023, May 3). <a href=).

⁷²Giles, B. B. (1971). *Extradition and international law*. Auckland University Law Review, 1(4), 111-130; Dugard, J., and Abraham, G. (2005). *Public international law*. Annual Survey of South African Law, 2005(1), 137-162.

⁷³Saini, S. (2019). *Law of Extradition*. Supremo Amicus, 12, 83-91

rules govern extradition requests under public international law.⁷⁴ According to the international customary rules, states have the obligation to either extradite or prosecute (*aut dedere aut judicare*) criminals who are suspected of serious crimes if other technical requirements are fulfilled by the requesting state.⁷⁵

However, extradition for the purposes of political crimes of an individual is an exception, and the requested state may determine not to proceed with the request.⁷⁶ Exception of political crimes recognizes that circumstances may exist under which the political dissent should be protected in the interest of their right to freedom of expression.⁷⁷ The exception for political crimes is accepted as customary international law stemming from the lack of trust in fair trial in the requesting state and due to the benevolent approach towards the underlying conduct for which refuge was sought in the requested state.⁷⁸ Political offenses are categorized into pure political crimes and relative political crimes.⁷⁹ The former includes offenses which are aimed against the functioning of a state in a broader nature.⁸⁰ These primarily include treason, sedition, and espionage.⁸¹ The latter refers to offenses that might be perceived as ordinary, but nevertheless are committed with political motives.⁸² For instance, terrorism is recognized as a relative crime even though the victims might be private entities.⁸³ This approach is grounded in the notion that the offense is committed with political intentions.⁸⁴ The Anglo-American scholars apply certain legal tests, among which one can find the incidence test to determine whether the offense is considered a relative political crime.⁸⁵ The incidence test deems a conduct political offense if they are incidental to and committed in the furtherance of a political disturbance.⁸⁶

In spite of the pressure by the Turkish Government, the Gülen Movement is not recognized as a terrorist movement either by the EU or by the UN.⁸⁷ Furthermore, the US and the countries located in Europe have determined that the Gülen Movement is not a terrorist movement.⁸⁸ Even if the allegations of the Turkish officials were to be considered founded, as per international law and more precisely according to the political crime exception of extradition, states have the discretion not to comply with such requests.

Moreover, the ECHR is of significant nature for the considerations of extradition requests. Art. 2(1) of the ECHR protects the right to life and has extraterritorial application to

⁷⁴Giles, B. B. (1971). Extradition and international law. *Auckland University Law Review*, 1(4), 111-130; Dugard, J., and Abraham, G. (2005). Public international law. *Annual Survey of South African Law*, 2005(1), 137-162.

⁷⁵Kelly, M. J. (2004). *Aut Dedere Aut Judicare and the Death Penalty Extradition Prohibition*. *International Legal Theory*, 10, 53-82.

⁷⁶Giles, B. B. (1971). Extradition and international law. *Auckland University Law Review*, 1(4), 111-130; Dugard, J., and Abraham, G. (2005). Public international law. *Annual Survey of South African Law*, 2005(1), 137-162.

⁷⁷Ibid.

⁷⁸Ibid.

⁷⁹Gold, M. E. (1970). Non-extradition for political offenses: the communist perspective. *Harvard International Law Journal*, 11(1), 191-211.

⁸⁰Ibid.

⁸¹Ibid.

⁸²Sternberg, K. S., Skelding, D. L. (1983). State department determinations of political offenses: death knell for the political offense exception in extradition law. *Case Western Reserve Journal of International Law*, 15(1), 137-172.

⁸³Deere, L. L. (1933). Political offenses in the law and practice of extradition. *American Journal of International Law*, 27(2), 247-270.

⁸⁴Ibid.

⁸⁵Cebeci, R. (1988). International extradition law and the political offense exception: the traditional incidence test as workable reality. *Loyola of Los Angeles International and Comparative Law Journal*, 10(3), 629-656.

⁸⁶Ibid.

⁸⁷Karadeniz, T., & Gumrukcu, T. (2017, November 30). *EU says needs concrete evidence from Turkey to deem Gülen Network as terrorist*. Reuters. <https://www.reuters.com/article/us-eu-turkey-security-idUSKBN1DU0DX>; Miles, T. (2019, May 29). *Turkey Told by U.N. to Free and Compensate Gülen-Linked Detainees*. Retrieved August 10, 2023, from <https://www.reuters.com/article/uk-turkey-un-idUKKCN1SZ1QR>.

⁸⁸Hurriyetdailynews.com. (2016, June 2). *US says it does not consider Gülen movement a terror organization - world news*. Hürriyet Daily News. <https://www.hurriyetdailynews.com/us-says-it-does-not-consider-Gülen-movement-a-terror-organization-99985>; Reuters. (2018, September 28). *Germany needs more evidence to declare Gülen movement illegal: Merkel*. Reuters. <https://www.reuters.com/article-us-germany-merkel-Gülen-pkk-idUSKCN1M81HV>.

prevent states from extraditing individuals to protect them from any death penalty or from any real risk of deliberate killing.⁸⁹ Art. 3 ECHR is also applied extraterritorially to prevent individuals from torture, inhuman or degrading treatment in the State that they are being extradited to.⁹⁰ In *F.G. v Sweden* case the applicant brought before the ECtHR that his political past and religious conversion would endanger his Art. 2 ECHR and Art. 3 ECHR rights.⁹¹ The ECtHR decided that no *ex nunc* assessment by the Swedish authorities of Art. 2 and 3 ECHR consequences following extradition would be in breach of their obligations under the ECHR regime and reiterated that courts should make this assessment on their own motion.⁹²

The UN has found Turkish officials to infringe on both the right to life and the right not to be tortured among all the human rights that it violated on a constant basis.⁹³ There have been direct requests by the UN to Turkish officials with respect to the release and compensation of the Gülen Members.⁹⁴ Considering the *status quo* of the underlying political aspirations and infringement of most grave human rights, extradition requests concerning the members of the Gülen Movement should be denied by the requested States.

IV. Assessing the Gülen Movement

A. Gülen Movement's Response and Defense

The Gülen Movement has publicly and actively condemned any accusations regarding the coup attempt against the Turkish Government since the very beginning of these allegations.⁹⁵ There has been no evidence to justify such allegations and Fetullah Gülen himself has frequently reiterated that he has been against all the military coups and has been steadfastly denying all the accusations.⁹⁶

He has also stated that he finds the act of a coup attempt equivalent to murder and as being against his Islamic values.⁹⁷ Furthermore, he has emphasized that the accusations are a result of the political aspirations of Erdogan, which are grounded in establishing a presidential system for which he had to ignite a public pressure on the Gülen Movement.⁹⁸ The public accusations of the Gülen Movement regarding the military coup have been found unreasonable by other countries including the US.⁹⁹

B. Examining the Organization's Structure and Activities

The Gülen Movement is an Islamic civic organization, having its foundations in the spiritual and humanistic traditions of Islam.¹⁰⁰ It refers to the cluster of religious, educational,

⁸⁹Quenivet, N. (2019). The obligation to investigate after potential breach of article echr in an extra-territorial context: mission impossible for the armed forces. *Netherlands Quarterly of Human Rights*, 37(2), 119-138.

⁹⁰Ibid.

⁹¹*F.G. v Sweden* App no. 43611/11 (ECtHR, 23 March 2016).

⁹²Ibid.

⁹³Ibid.

⁹⁴Ibid.

⁹⁵Matthews, D. (2016a, July 16). *Turkey's coup: The Gülen movement, explained*. Vox. <https://www.vox.com/2016/7/16/12204456/Gülen-movement-explained>.

⁹⁶Ibid.

⁹⁷Toosi, N. (2016, September 9). *The Cleric, the Coup and the Conspiracy*. Retrieved August 11, 2023, from <https://www.politico.eu/article/fetullah-gülen-erdogan-turkey-coup-interview-cleric-conspiracy/>.

⁹⁸Ibid.

⁹⁹Liu, J. (2010, September 15). *Gülen movement*. Pew Research Center's Religion & Public Life Project. <https://www.pewresearch.org/religion/2010/09/15/muslim-networks-and-movements-in-western-europe-Gülen-movement/>.

¹⁰⁰Ibid.

and social organizations.¹⁰¹ The Movement represents the notions of liberal Islamic thinking and the affiliates of the Movement are connected within an international network.¹⁰²

The network aims to function as any other service in the field of education and business. As the Movement is keen on increasing education, it encompasses various NGOs and dialogue entities in addition to establishing schools.¹⁰³ Furthermore, beyond its immense educational agenda, the Gülen Movement is also present in the media sector. Additionally, fundraising to combat poverty mainly in Africa and Central Asia is among the primary goals of the Gülen Movement. There are activist establishments of the Movement that defend human rights and most specifically women's rights at the global scale. Members of the Movement come from a wide range of occupational backgrounds, from NBA players to teachers and from lawyers to technicians.¹⁰⁴

C. Legal Status in Different Countries

Although the Gülen Movement is projected adversely by the Turkish media outlet, there is a rather positive perception of it abroad.¹⁰⁵ The Gülen Movement, unlike all the accusations, has been considered a social entity that preaches a distinctly Turkish brand of Islam that condemns terrorism, promotes interfaith dialogue and cross-cultural understanding, and can function in concert with secular democratic mechanisms and modern economic and technological modes of living.¹⁰⁶ The Movement has engaged in a wide variety of activities, ranging from education services, media enterprises, and think tanks. In the US alone, the Movement has 126 charter schools in 26 states, and there has been rapid growth in New Jersey.¹⁰⁷

These schools are not only established in the US but also across Europe, Asia, and Africa. The Movement also engages in fundraising to provide scholarships to students who either excel in their studies or who may not be able to afford costs. "Kimse Yok Mu" had been a major fund-raising NGO of the Movement, retaining its status as a member of The United Nations Economic and Social Council (ECOSOC) before it was closed.¹⁰⁸ Nevertheless, fund-raising organizations are taking place through various other NGOs of the Movement.

Regarding the media involvement of the movement, these are some media organizations linked to the movement: "Caglayan" is a magazine encompassing pieces that have the objective of analyzing current issues in different fields such as education, life, family dynamics, etc.¹⁰⁹ "Samanyolu" is the news outlet, which still operates in Turkish and is accessible worldwide.¹¹⁰ Journalists and Writers Foundation (JWF) is a non-profit organization that has its headquarters

¹⁰¹Ibid.

¹⁰²Humanities Research Centre. (2022, October 11). *Works that shaped the world: The Gülen Movement – past, present and future*. Humanities Research Centre. <https://hrc.cass.anu.edu.au/events/works-shaped-world-g-len-movement-past-present-and-future>.

¹⁰³Balci, B. (2013, October 24). Turkey's Gülen Movement: Between Social Activism and Politics. <https://carnegieendowment.org/2014/02/04/g-len-movement-and-turkish-soft-power-pub-54430>.

¹⁰⁴Humanities Research Centre. (2022, October 11). *Works that shaped the world: The Gülen Movement – past, present and future*. Humanities Research Centre.

¹⁰⁵Zanotti, J., & Thomas, C. (2023). (rep.). *Turkey (Turkey): Background and U.S. Relations*. Retrieved 56AD, from <https://sgp.fas.org/crs/mideast/R41368.pdf>.

¹⁰⁶Humanities Research Centre. (2022, October 11). *Works that shaped the world: The Gülen Movement – past, present and future*. Humanities Research Centre.

¹⁰⁷Aydıntaşbaş, A. (2016, September 22). *The good, the bad and the Gülenists*. ECFR. https://ecfr.eu/publication/the_good_the_bad_and_the_Gülenists7131/.

¹⁰⁸Hizmet News. (2016, September 28). *Kimse Yok Mu becomes a member of ECOSOC*. Kimse Yok Mu Becomes A Member Of Ecosoc. <https://hizmetnews.com/423/kimse-yok-mu-becomes-a-member-of-ecosoc/>.

¹⁰⁹Caglayan. (n.d.). *Caglayan*. Caglayan_dergisi_272x90. <https://caglayandergisi.com/>.

¹¹⁰Media involvement. Gülen Movement. (2013, December 4). <https://www.Gülenmovement.com/Gülen-movement/media-involvement-of-Gülen-movement>

in New York and is associated with the United Nations Department of Global Communications.¹¹¹

V. United Nations' and International Community's Response

Although the tremendous efforts of the Turkish Government to make the international community accept their unlawful blaming on the Gülen Movement, nevertheless, these efforts have proved futile and failed. None of the international human rights institutions has ever linked Gülen Movement to a “small piece of crime”, on the contrary, the human rights violations against the ones who are allegedly members of the Movement, including but not limited to infringement of the right to liberty and right to a fair trial, ill-treatment, and torture etc, have been explicitly mentioned in their statements.

A. Statements and Reports from UN Bodies

Turkish Government declared a state of emergency right after the alleged coup attempt of 15 July 2016. In its report on the impact of the state of emergency on human rights in Turkey, OHCHR has examined the human rights violations against the ones linked with Gülen Movement during this emergency period.¹¹²

Because of the emergency decrees that the government took it as an advantage to enforce its unlawful and arbitrary decisions fast, aftermath of the coup attempt, over 152,000 civil servants were removed from their positions, with some also being apprehended on allegations of involvement in the coup. This included around 107,944 individuals who were listed in emergency decrees. There were substantial dismissals of educators and scholars, accused of having affiliations with the Gülen movement, leading to a notable impact on the education sector and the right to education. Additionally, approximately 4,200 judges and prosecutors were dismissed via executive orders from the High Council of Judges and Prosecutors. The Constitutional Court also removed two judges from their posts. Furthermore, the closure of private institutions like foundations, trade unions, and media outlets resulted in an additional 22,474 individuals losing their employment, let alone the forced social isolation of those people from society.¹¹³

Even in those early times right after 15 July, The Office recommended the government not to prolong the state of emergencies as it causes a “continued erosion of the rule of law and deterioration of the human rights situation in Turkey, as well as reminding the Turkish Government to respect the non-derogable human rights by stressing the strict conditions to limit even the derogable human rights regarding the arbitrary actions mentioned above.¹¹⁴

In November 2020 the Working Group on Arbitrary Detention took up the cases of 43 Turkish nationals linked to the Gülen Movement from different occupations whose fundamental rights have been violated initially by arbitrary arrests, detentions, and prosecutions

¹¹¹ About JWF - the journalists and Writers Foundation (JWF). The Journalists and Writers Foundation (JWF) -. (2023, January 6). <https://jwf.org/about-jwf/>.

¹¹² United Nations High Commissioner for Human Rights. (2018, March). Report on the impact of the state of emergency on human rights in Turkey, including an update on the south-east. Refworld. <https://www.refworld.org/docid/5ab146c14.html>

¹¹³ Idib, para 8.

¹¹⁴ Idib, para 116-118

right after the alleged coup attempt.¹¹⁵ In this Public Communication to the Turkish Government, The Working Group raised their concerns over the impartiality of the courts affected by the Government with the main focus on the criminal courts of peace which is the first step to depriving people of their liberty by taking the examples of the people in question. Also, it is stated in the Public Communication that from March 2016 to June 2019, individuals' residences were subjected to police raids in the absence of search warrants. During these raids, personal electronic devices such as phones and computers were confiscated. Many individuals were arrested without being provided with arrest warrants or reasons for their detention. In cases where arrest warrants were eventually presented, it has been reported that these warrants, along with detention orders, often lacked specific details or findings that could justify the need for detention (such as the suspicion of flight risk or tampering with evidence). Furthermore, there was a lack of evidence indicating a strong suspicion of the individuals having committed a crime. The irrelevance of the evidence used to link those people to a "terrorist organization", such as having an account at Bank Asya, subscribing to Zaman newspaper which is seen as the publication of Gülen Movement, or allegedly using/downloading an application ByLock without any communication content linked to a small piece of crime is not seen as a criminal act but rather to exercise of human rights protected by International Covenant on Civil and Political Rights (ICCPR).¹¹⁶

The Working Group expresses significant concerns regarding the arrest, detention, legal proceedings, and charges brought against these individuals. These concerns stem from the ambiguous and unclear accusation of "belonging to an armed terrorist organization," which seems to be consistently misapplied to single out dissenters of the government's strategies, notably following the declaration of the state of emergency. This has resulted in the wrongful criminalization of both actual and perceived nonviolent affiliations of individuals with the Gülen Movement, including their lawful engagements.¹¹⁷

Also, The Working Group notes that these accusations seem to indicate a breach of the articles of 7, 9, 14, 19, 21, and 22 of the International Covenant on Civil and Political Rights (ICCPR), which Turkey ratified on 23 September 2003. These articles safeguard the absolute and non-derogable rights to be protected against torture and any form of cruel treatment, the universally acknowledged rights to not be subject to unjustifiable deprivation of liberty, and to claim a fair trial before a judiciary that is independent and impartial, established in accordance with legal procedures. Additionally, the concern over the protection of the liberties of opinion and expression, as well as the rights to assemble and associate peacefully is also raised.¹¹⁸

Finally, the Human Rights Committee of the United Nations finds violations of the right to fair trial, arbitrary arrest and detention, conditions of detention, ill-treatment in its ruling over a dismissed and imprisoned teacher linked to the Gülen Movement because of allegedly downloading/using ByLock and depositing money at Bank Asya. In addition to the cruel treatment to the applicant, Committee has ruled that the mere usage of an application like ByLock cannot constitute criminal activity.¹¹⁹

¹¹⁵ Working Group on Arbitrary Detention; (2020, November 10). Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, REFERENCE: AL TUR 20/2020. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25660>

¹¹⁶ Idib, page 2,3

¹¹⁷ Idib, page 4

¹¹⁸ Idib, page 4

¹¹⁹ Jurisprudence CCPR/C/135/D/3736/2020 (United Nations Human Rights Committee, March 1, 2023).

Therefore, the precedent of the Committee proves that the prosecution process, the detention, and the forced social isolation of the people linked to the Gülen Movement are not substantiated with credited evidence but with highly arbitrarily motivated actions of the government which results in the violations of fundamental rights of those people.

B. Response from Human Rights Organizations

The unjust, arbitrary, and unlawful treatment to the people linked to the Gülen Movement has also been subject to several international human rights organisations. According to Human Rights Watch's 2022 Turkey Report, tens of thousands of people associated with the Gülen movement are still undergoing unjust trials on terrorism allegations, grounded in their presumed affiliation with the movement. A significant number among them have endured extended and arbitrary periods of imprisonment, and they have not received any form of recourse following their widespread dismissals from civil service positions and the judiciary.¹²⁰

Also in its early reports, the increase in claims of ill-treatment, torture, and cruel and inhuman treatment by the state to the Gülen Movement linked people held a remarkable place as a human rights concern. In addition to this, the unlawful efforts of Turkish Government to extradite alleged Movement supporters from different countries were also mentioned in Human Rights Watch's reports.¹²¹ Indeed, the Turkish Government either puts pressure on such countries to convict or extradite Movement linked innocent people like how they did in Turkmenistan, as it was indicated by the United Nations Working Group on Arbitrary Detention that 18 persons linked to the Gülen movement had been arbitrarily detained and imprisoned in Turkmenistan after closed trials¹²², or kidnaps those people via its intelligence service like how Orhan İnandı was kidnapped from Kyrgyzstan, tortured in his unlawful way back to Turkey and imprisoned afterward.

C. Diplomatic Efforts and Initiatives

Despite the effort that the Turkish government tried hard to convince the international community over the alleged "illegal" activities of the Gülen Movement, no statement to approve this allegation has ever been heard since the early days right after 15 July. Indeed, Gilles de Kerchove, the Counter-Terrorism Coordinator of the EU, declared in 2017 that "the EU doesn't believe Fethullah Gülen's network is a terrorist organization and is not likely to change its position soon!". He also stressed that the evidence used by the Turkish government does not suffice to link the Movement with criminal activity.¹²³

In line with this approach, the ECtHR has never linked the Movement to any single criminalization, on the contrary, the Court has had several rulings over the human rights violations conducted by the government to the Gülen Movement affiliated persons. For instance, in its ruling of Akgün v. Turkey in 2021, the Court decided that the mere use/download of the ByLock application cannot be sufficient evidence to convict a person.¹²⁴

¹²⁰ Human Rights Watch. (2023, January 20). *World Report 2023: Rights trends in Turkey*. Human Rights Watch. <https://www.hrw.org/world-report/2023/country-chapters/turkey>

¹²¹ Human Rights Watch. (2020, January 14). *World Report 2020: Rights Trends in Turkey*. Human Rights Watch. <https://www.hrw.org/world-report/2020/country-chapters/turkey>

¹²² *In dialogue with the Turkmenistan, experts of the Human Rights Committee praise measures to review judicial independence, raise issues concerning corruption and targeting of human rights defenders*. OHCHR. (2023, March 3). <https://www.ohchr.org/en/news/2023/03/dialogue-turkmenistan-experts-human-rights-committee-praise-measures-review-judicial>

¹²³ Hervey, G. (2017, November 30). *EU anti-terror chief: Gülen network not terrorist organization*. POLITICO. <https://www.politico.eu/article/fethullah-gülen-gilles-de-kerchove-eu-anti-terror-chief-gülen-network-not-terrorist-organization/>

¹²⁴ Akgün v Turkey (19699/18) (European Court of Human Rights July 20, 2021).

Yet, in spite of this reason, tens of thousands of people have been brought before heavy criminal courts in Turkey.

The position taken early in 2017 by the Parliament of the United Kingdom (UK) is also striking. The Parliament stresses that, considering the severity of the events that occurred on the 15th of July, the gravity of the charges directed at individuals affiliated with the Gülen movement, and the extensive scope of the purges targeting those perceived as Gülenists, there exists a noticeable lack of concrete, publicly available evidence substantiating the organizational responsibility of the Gülenists for the attempted coup in Turkey. The only indications as evidence are predominantly anecdotal or circumstantial, often reliant on confessions or informants high possibly seen to be taken from those people by torture¹²⁵, and thus far inconclusive regarding the organization as a whole or its leadership.¹²⁶

As of the release of this report, nine months following the coup attempt, neither the UK nor Turkish authorities have been able to point to a single individual who has been convicted by a court for participating in the coup attempt, let alone anyone convicted with substantiated ties to Gülenist motivations. It is worth noting that despite Turkey's submission of 80 boxes of 'evidence' to the US in a bid to extradite Fethullah Gülen on grounds of orchestrating the coup attempt, the US judiciary has yet to take steps toward his deportation.¹²⁷

Also in the US, the Bureau of Democracy, Human Rights, and Labor clearly stated in its recent reports of “2022 Country Reports on Human Rights Practices: Turkey (Turkey)” that human rights violations, such as forced disappearances, transnational repression to extradite innocent persons to Turkey, violation of the right to fair trial etc., unlawfully conducted to date against the persons linked to Gülen Movement. It is stated by the Bureau that the government has continued to restrict the fundamental rights and freedoms of thousands of people because of the alleged ties to the Movement.¹²⁸

VI. Challenges and Recommendations

The Gülen Movement has garnered international attention for its emphasis on education, interfaith dialogue, and community service. However, the movement has faced numerous challenges that have shaped its trajectory and perception. In this section of the report aims to explore the multifaceted challenges the movement encounters and provide recommendations for addressing these challenges.

A. Obstacles to Achieving Justice

The pursuit of justice within the context of the Gülen movement encounters several complex challenges that impede the fair application of legal processes and principles. These obstacles encompass a range of intricate dynamics that hinder the movement's ability to access justice and defend its position. The following subsections explore these challenges in depth:

¹²⁵ Hurriyetdailynews.com. (2016, July 21). *Top Turkish commander's aide admits allegiance to Gülenists - Turkey News*. Hürriyet Daily News. <https://www.hurriyetdailynews.com/top-turkish-commanders-aide-admits-allegiance-to-gulenists--101851>

¹²⁶ House of Commons - the UK's relations with Turkey - foreign affairs ... (2017, March 23), *The coup attempt, and the “Gülenists”* <https://publications.parliament.uk/pa/cm201617/cmselect/cmfaff/615/61507.htm>

¹²⁷ Ibid.

¹²⁸ U.S. Department of State. (2023, March 20). *Turkey (Turkey) - united states department of state*. U.S. Department of State. <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/turkey/>

A.1. Legal Complexities

The movement's legal status in various countries and the Turkish government's labeling of it as a terrorist organization can create legal complications and hinder justice efforts. The legal status of the Gülen movement varies across different countries, contributing to a convoluted landscape of regulations and designations. Furthermore, the Turkish government's characterization of the movement as a terrorist organization adds an additional layer of complexity. These legal intricacies can complicate efforts to pursue justice, as the movement's characterization and status can influence legal proceedings, potentially leading to different interpretations and outcomes.

A.2. Extradition Challenges

If individuals associated with the movement are sought by Turkish authorities for alleged involvement in the 2016 coup attempt, their legal rights and potential extradition can raise concerns about due process and fair treatment. Individuals linked to the Gülen movement who are subject to extradition requests by Turkish authorities face significant challenges related to due process and fair treatment. The movement's legal status in various countries and the Turkish government's labeling of it as a terrorist organization can create legal complications and hinder justice efforts. The potential extradition of these individuals raises concerns about their legal rights and protections, particularly in cases where allegations of involvement in the 2016 coup attempt are made. Ensuring a just and equitable extradition process while safeguarding individuals' rights remains a substantial obstacle.

A.3. International Diplomatic Pressures

The movement's global presence exposes it to diplomatic pressures from both pro- and anti-Gülen entities, impacting legal proceedings and potentially leading to uneven outcomes. The global reach of the Gülen movement exposes it to diplomatic pressures from various stakeholders, including entities both sympathetic and opposed to its objectives. These diplomatic pressures can influence legal proceedings, potentially leading to outcomes that are not entirely impartial. The movement's global presence and the diverse range of diplomatic interests involved create a challenging environment for achieving justice that is free from external influence.

A.4. Evidence Credibility

Ensuring the credibility and reliability of evidence presented in legal proceedings can be challenging, particularly when political motivations might influence the sourcing of evidence. In legal proceedings related to the Gülen movement, ensuring the credibility and reliability of presented evidence can be a daunting task. The potential influence of political motivations on the sourcing and presentation of evidence raises concerns about the integrity of the legal process. Discerning genuine evidence from politically motivated claims is crucial for upholding the principles of justice.

A.5. Fear of Retaliation

Individuals associated with the movement may fear retaliation, affecting their willingness to participate in legal processes or testify against accusations. Concerns about personal safety, retribution, and potential consequences for themselves and their families can deter individuals from participating in legal proceedings or testifying against accusations. This fear of retaliation adds an emotional and psychological layer to the obstacles faced in achieving justice.

B. Strengthening Human Rights Protections

B.1. Erosion of Liberties

The crackdown on perceived Gülen movement supporters has led to reports of human rights abuses, including detentions, dismissals, and restrictions on free expression. Instances of detentions, dismissals, and curbs on free expression have been documented. Such erosion of basic liberties not only infringes upon individual rights but also erodes the foundations of a just and open society.

B.2. Collateral Impact

The measures taken against the movement may inadvertently impact the broader society, affecting innocent individuals, their families, and their access to fundamental rights. The repercussions of the measures directed at the Gülen movement have cast a wider net, affecting individuals beyond the movement's immediate sphere. Innocent individuals, their families, and their access to fundamental rights have been inadvertently impacted. This collateral impact underscores the far-reaching consequences of actions taken against the movement.

B.3. Arbitrary Detentions and Arrests

Individuals linked to the movement have faced arbitrary detentions and arrests, raising concerns about due process and the presumption of innocence. These actions raise concerns regarding due process and the presumption of innocence—a cornerstone of justice. The arbitrary nature of these actions challenges the principles upon which a fair legal system is built.

B.4. Torture and Ill-Treatment Allegations

There have been reports of torture and ill-treatment of detainees associated with the movement. Such allegations require thorough investigation and accountability. These allegations demand rigorous investigation and accountability to uphold human rights standards and ensure that fundamental rights are respected, even in the face of alleged wrongdoing.

B.5. Impunity and Lack of Accountability

Allegations of human rights violations, including arbitrary detentions and torture, are often met with impunity. Perpetrators may not face meaningful consequences for their actions, undermining efforts to uphold human rights standards. The absence of meaningful consequences for those responsible undermines the integrity of justice systems and obstructs the upholding of human rights standards.

B.6. Limited Civic Space

Restrictions on civil society organizations, freedom of assembly, and freedom of association can hinder the efforts of human rights defenders and advocates to promote and protect human rights. The space to promote and protect human rights is curtailed, impairing the broader pursuit of justice.

B.7. Inadequate Legal Safeguards

Existing laws and regulations may not provide sufficient safeguards to prevent human rights abuses, leaving individuals vulnerable to arbitrary detention and other violations. Strengthening these safeguards is vital to ensure the protection of human rights.

B.8. Lack of Access to Legal Remedies

Limited access to effective legal remedies for victims of human rights violations can impede their ability to seek justice and redress. Victims of human rights violations often face hurdles when seeking effective legal remedies. The limited availability of avenues for justice and redress impedes the pursuit of accountability and the restoration of violated rights.

B.9. Uneven Application of International Standards

Disparities in the interpretation and application of international human rights standards at the national level can result in inconsistent protection of human rights. Such disparities challenge the principle of equal treatment and the universal application of these rights.

B.10. Security Concerns

The movement's global presence might make it vulnerable to security risks, including potential threats from those who view it unfavorably. Ensuring the safety of members, students, and institutions could be a challenge, particularly in regions with political instability.

C. Promoting Dialogue and Reconciliation

C.1. Trust Deficit

The lack of trust between the movement and the Turkish government, as well as differing perspectives on the movement's intentions, can impede reconciliation efforts. Years of contention and accusations have fostered deep-seated mistrust among various stakeholders, making it challenging to initiate genuine dialogue and reconciliation.

C.2. Political Instrumentalization

The Gülen movement has been subject to political instrumentalization, which can hinder sincere efforts towards reconciliation. This phenomenon can thwart sincere efforts to foster reconciliation, as political considerations may cloud the genuineness of the dialogue and impede the establishment of common ground.

C.3. Complex Web of Accusations

The complexity of the allegations against the Gülen movement, combined with the media's role in shaping perceptions, can make it difficult to ascertain the truth and engage in constructive dialogue. Navigating this complex web of allegations and counter-allegations creates a challenging environment for initiating honest and open dialogue.

C.4. Lack of Effective Mediation

The absence of effective mediation mechanisms and neutral parties can impede the initiation of meaningful dialogue between conflicting parties. A crucial aspect of successful dialogue and reconciliation is the presence of effective mediation mechanisms and impartial intermediaries. The absence of such mechanisms can hinder the initiation of substantive dialogue between conflicting parties. The unavailability of neutral parties capable of facilitating discussions and negotiations further complicates the task of promoting genuine reconciliation.

D. Other Challenges

Media portrayal and public perception have varied widely, with some seeing the movement as a positive force for education and interfaith dialogue, while others view it with suspicion. Negative media coverage, especially in the context of political controversies, has impacted the movement's image. Misleading narratives in media coverage can distort the movement's activities and intentions. The intricate interplay between media portrayal and public perception

has given rise to a spectrum of viewpoints concerning the Gülen movement. While some recognize it as a constructive force for education and interfaith dialogue, others cast a shadow of suspicion upon it. The movement's image has been subject to the ebb and flow of media coverage, particularly in the midst of political controversies. The prevalence of negative narratives within media coverage has exerted an impact on the public's understanding of the movement's nature. Misleading depictions have the potential to distort the movement's activities and intentions, adding to the complexities surrounding its reputation.

D.1. Geopolitical Tensions

The Gülen movement's international presence has made it susceptible to geopolitical tensions between Turkey and other countries where the movement operates. The movement's links to Turkey have led to diplomatic challenges, particularly in regions with complex political dynamics. These tensions underscore the cross-border implications that have repercussions on the movement's operational environment.

D.2. Educational and Organizational Challenges

The movement's vast network of educational institutions and other organizations may face challenges in maintaining consistency and quality across different locations. Managing a global network while adhering to a common ideology can be logistically and administratively complex.

D.3. Maintaining Unity and Cohesion

As the movement operates across different countries and cultures, maintaining a cohesive ideological alignment and sense of unity can be challenging. Balancing local adaptation with the preservation of core values requires careful management.

D.5. Disinformation Campaigns

The movement has been subjected to disinformation and propaganda campaigns, impacting public perception, and understanding. These campaigns can be weaponized to shape misleading narratives and further muddle accurate comprehension of the movement's objectives and activities. Countering such disinformation is a complex challenge that demands strategic communication and awareness efforts.

D.6. Diaspora Challenges

Individuals associated with the Gülen movement who have sought refuge in foreign countries due to political pressures face a series of challenges related to displacement, legal status, and integration. The experience of displacement and the pursuit of asylum may expose them to social stigma and discrimination, affecting their journey toward rebuilding their lives in unfamiliar environments.

E. Recommendations

In order to address the complex challenges related to the Gülen movement and ensure a just and rights-respecting approach,

We strongly call upon the Turkish Government to take immediate action, including:

- Terminating the systematic and arbitrary arrest, prosecution, and detention of political opponents and human rights defenders. Charges against those accused without valid evidence should be dropped, and detained individuals should be released unless credible evidence is presented in proceedings that adhere to internationally recognized fair trial standards,
- Aligning the laws governing the use of force by law enforcement officers with international legal norms,
- Designating arbitrary detention as a punishable offense within the Penal Code,
- Initiate prompt, thorough, and impartial investigations into allegations of torture and ill-treatment of detainees linked to the movement. Hold those responsible accountable, ensuring justice for victims,
- Adhering to the recommendations of the UN Human Rights Committee and the Working Group on Arbitrary Detention by promptly releasing those held arbitrarily and initiating legal actions against those responsible for such detentions,
- Enacting essential legislative and judicial reforms to prevent further violations related to Article 5, 6, 7, and 10 of the ECHR,
- Safeguard the freedom of expression and media independence, allowing diverse viewpoints to be expressed without fear of reprisals. Create an environment where critical discussions can occur without threat of persecution,
- Ensure that legal proceedings related to the Gülen movement are free from political interference or manipulation, guaranteeing an impartial legal process based on evidence and the rule of law,
- Increase transparency in legal proceedings involving Gülen movement members, allowing independent observers, including international human rights organizations, to monitor trials and proceedings,
- Review and amend domestic laws to strengthen legal safeguards for human rights, including the protection against arbitrary detention and torture, in accordance with international standards.
- Ensure that allegations of human rights violations, including arbitrary detentions and torture, are promptly and impartially investigated. Hold those responsible accountable through fair legal processes.

Call on the European Union to

- Encourage the EU to use its newly adopted human rights sanction regime to hold accountable individuals responsible for gross human rights violations in Turkey, including those linked to the treatment of the Gülen movement,
- Advocate for the EU to link the modernization of the Customs Union with concrete improvements in Turkey's democratic reforms, human rights practices, the rule of law, and respect for fundamental freedoms,
- Suggest the establishment of monitoring and reporting mechanisms within the EU to assess Turkey's progress in adhering to human rights commitments and democratic principles,
- Call on the EU to provide financial and political support to independent civil society organizations, human rights defenders, and media outlets in Turkey to ensure their ability to operate freely,
- Advocate for the EU to provide support and protections for refugees and asylum seekers associated with the Gülen movement who seek refuge within EU member states,
- Emphasize the importance of promoting and safeguarding freedom of expression and media independence as fundamental pillars of democratic societies,
- Encourage the EU to coordinate with international human rights bodies to ensure a comprehensive approach to addressing human rights concerns related to the Gülen movement in Turkey.

Call on the Council of Europe (CoE) Member States to

- Consider instituting an "infringement procedure" against Turkey to demonstrate their commitment to countering political persecution and promoting human rights within the CoE framework,
- Assert their right enshrined in Article 33 of the European Convention on Human Rights (ECHR) and submit an inter-state case to address concerns related to human rights violations in Turkey, particularly those linked to the Gülen movement,
- Actively support and oversee the implementation of judgments issued by the European Court of Human Rights (ECHR) concerning human rights violations related to the Gülen movement, ensuring that they are effectively executed,
- Encourage the CoE Committee of Ministers to play a more vocal and active role in overseeing the implementation and execution of ECHR judgments pertaining to the Gülen movement, advocating for accountability and compliance,
- Engage with relevant CoE bodies and mechanisms to foster dialogue, cooperation, and joint efforts aimed at addressing human rights concerns associated with the Gülen movement,

- Support and actively participate in monitoring mechanisms established by the CoE to assess human rights developments in Turkey, promoting transparency and accountability,
- Uphold human rights, democratic principles, and the rule of law, and encourage them to prioritize these values in their relations with Turkey,
- Amplify their collective voices in calling for accountability and justice for human rights violations related to the Gülen movement, both within the CoE framework and on the international stage.

Urge International NGOs to

- Allocate additional resources for the comprehensive documentation of ongoing human rights violations and practices related to the Gülen movement in Turkey,
- Formulate a justice initiative that utilizes universal jurisdiction frameworks to hold perpetrators accountable for gross human rights violations related to the Gülen movement,
- Advocate before international bodies, including the United Nations and relevant regional organizations, for targeted sanctions against individuals involved in human rights abuses within the context of the Gülen movement,
- Provide support and assistance to vulnerable individuals associated with the Gülen movement who are seeking refuge in other countries, addressing their legal, social, and psychological needs.
- Engage with diplomatic channels to promote dialogue, raise concerns, and advocate for human rights improvements in Turkey, emphasizing the importance of addressing challenges related to the Gülen movement.
- Collaborate with other international NGOs, human rights organizations, and advocacy groups to amplify efforts and collectively advocate for justice, accountability, and the protection of human rights,
- Utilize international courts and mechanisms, such as the International Criminal Court (ICC), to pursue legal actions against individuals implicated in serious human rights violations related to the Gülen movement.

Call on the UN Working Group on Arbitrary Detention to

- Conduct a comprehensive country visit to Turkey to assess the situation of arbitrary detention, human rights violations, and due process concerns within the context of the Gülen movement and publish its findings and recommendations following the country visit and investigation,

- Undertake a thorough investigation into allegations of arbitrary detention, torture, and ill-treatment of individuals linked to the Gülen movement,
- Assess Turkey's compliance with international fair trial standards, due process rights, and human rights obligations, specifically within the context of individuals associated with the Gülen movement,
- Raise international awareness about the challenges faced by individuals associated with the Gülen movement and the importance of respecting human rights and due process standards,
- Collaborate with other relevant UN bodies, such as the UN Human Rights Council and special rapporteurs, to ensure a coordinated and comprehensive approach in addressing human rights concerns related to the Gülen movement.

VII. Conclusion

The media's position as a watchdog for democracy is undermined in Turkey. Following the failed coup attempt, the authorities grabbed control of the critical media and persecuted dissidents. The pressure on journalists is one of the most significant barriers to restoring media independence and freedom of expression. Dozens of journalists are still on trial, and new arrests are made on a regular basis. In this regard, Turkey continues to be one of the worst jailers of journalists.

Aside from the enormous number of arbitrary arrests and detentions, the purported causes included detentions for which there was no tangible and reliable proof. Arrests and detentions continue to be arbitrary, and authorities perform arbitrary arrests of persons protected by law, including children, pregnant women, the elderly, and the sick.

During the post-coup period, when detention without judicial review may last up to 30 days and access to a lawyer might last up to 5 days due to the state of emergency regulations, the usage of torture and ill-treatment claims surged substantially. Torture claims continue to be a major source of worry. Torture methods like beatings, threats of sexual assault and real sexual assault, electrical shocks, and waterboarding, as detainees acknowledged in several interviews, were used to get confessions and force detainees to incriminate others.

Despite the fact that an independent judiciary is supposed and required to defend the rule of law, provide equal legal procedures, and protect human rights, there has been rising concern, particularly after 2014, about the increasing executive influence on the judiciary. The government calls its measures to influence the court as a response to the 'parallel state' and to protect the judiciary from Gülenist ascendancy.

The repression imposed on the supporters of the Gülen Movement is not limited to Turkey. Given the significant concentration of Turkish immigrants, mostly in the EU, repression has become global. Repression has reached such a high pitch that members of the Gülen Movement have received death threats from fellow ethnic Turkish persons living overseas.

Additionally, The Turkish government launched extradition requests. Certain requests have been made to Germany and Bosnia, both of which have been denied. These extradition refusals

have not resulted in the Turkish Government abandoning unjustified demands but have instead remained a political and negotiating point in Turkey's ties with other nations.

A variety of agencies and organizations have expressed serious concerns about these people's arrests, detentions, legal actions, and charges. Such concerns derive from the imprecise and ambiguous allegation of "belonging to an armed terrorist organization," which appears to be repeatedly misapplied to pick out critics of the government's policies, particularly following the imposition of the state of emergency. As a result, people's actual and supposed peaceful associations with the Gülen Movement, as well as their legitimate engagements, have been wrongfully criminalized.

Several international human rights assessments have also condemned the unfair, arbitrary, and unlawful treatment of those associated with the Gülen Movement. Tens of thousands of people linked with the Gülen movement are still facing unfair trials on terrorist charges based on their alleged association with the organization. The rise in charges of ill-treatment, torture, and harsh and inhuman treatment by the state against those associated with the Gülen Movement still hold a notable place as a human rights issue.



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