



Submission

to the **Special Rapporteur on counterterrorism  
and human rights**

concerning

Call for Inputs on the Human Rights Impacts of Administrative  
Measures to Counter Terrorism and (Violent) Extremism

**May 2025**

**Solidarity With OTHERS**

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<sup>1</sup> Solidarity with OTHERS is a non-governmental organization established in Brussels with the aim of defending and promoting human rights in Türkiye. Our name reflects our solid commitment to act in solidarity with anyone who has been subjected to injustice and violations in Türkiye, regardless of race, religious beliefs, social affiliation or political views. Our work consists of ensuring that rights violations in Türkiye do not go unnoticed and unrecorded. In order to achieve this, we prepare and release reports, fact sheets and newsletters on major human rights issues.

## 1. Introduction

- 1) The following submission is presented in response to the UN Special Rapporteur's call for inputs on the human rights impacts of administrative measures to counter terrorism, **with a specific focus on the role of Türkiye's Financial Intelligence Unit, MASAK**. While international frameworks such as the Financial Action Task Force (FATF) aim to prevent the financing of terrorism through risk-based and proportionate approaches, the Turkish government has systematically misapplied these standards to target political opponents, exiled individuals, and civil society organisations. Under the guise of FATF compliance, MASAK has evolved from a financial oversight body into a powerful administrative tool of repression, producing intelligence reports that lack judicial oversight but are used to justify arbitrary detentions, asset freezes, and transnational financial blacklisting.

## 2. FATF Recommendations on Terrorism Financing and Their Abuse by Authoritarian Regimes

- 2) The Financial Action Task Force (FATF) is an inter-governmental body established in 1989 with the mandate to develop global standards to combat money laundering, terrorist financing, and proliferation financing.<sup>2</sup> It operates through a set of 40 Recommendations, which are considered the international benchmark for national anti-financial crime frameworks.<sup>3</sup>
- 3) FATF's power lies not in legal enforcement, but in global influence: countries are pressured to comply or face consequences such as placement on the grey list or blacklist, leading to financial de-risking, reduced foreign investment, and reputational damage.<sup>4</sup> FATF assessments shape how national governments draft legislation, allocate law enforcement resources, and regulate financial flows.

### FATF Recommendation 8 and Non-Profit Organisations (NPOs)

- 4) Of particular relevance to civil society is Recommendation 8 (R.8), which addresses the **potential abuse of non-profit organisations (NPOs) for terrorist financing purposes**. Originally interpreted broadly, R.8 was revised in 2016 to reflect concerns from the non-profit sector about the chilling effects of overregulation. The current standard requires countries to:
  - Identify which NPOs fall within the FATF definition (those primarily engaged in fundraising or distributing charitable resources);
  - Assess the actual risk of terrorist financing abuse in the sector;
  - Apply proportionate, risk-based, and targeted measures;
  - Avoid unduly disrupting or discouraging legitimate charitable activities;

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<sup>2</sup> <https://www.fatf-gafi.org/en/the-fatf/what-we-do.html>

<sup>3</sup> FATF Recommendations, <https://www.fatf-gafi.org/en/publications/Fatfrecommendations/Fatf-recommendations.html>

<sup>4</sup> Otudor, Lovina & Bagheri, Mahmood. (2023). Legitimacy of power exercised by FATF under international law. Journal of Financial Crime. 31. 10.1108/JFC-09-2023-0239.

[https://www.researchgate.net/publication/375862370\\_Legitimacy\\_of\\_power\\_exercised\\_by\\_FATF\\_under\\_international\\_law](https://www.researchgate.net/publication/375862370_Legitimacy_of_power_exercised_by_FATF_under_international_law)

- 5) Despite this progressive language, R.8 remains vulnerable to authoritarian misuse. **The FATF does not systematically monitor whether implementation respects human rights, nor does it sanction states for abusive application of its standards.**

## FATF Standards on Terrorist Financing and Their Administrative Reach

- 6) Beyond R.8, several other FATF recommendations empower states to use administrative mechanisms in countering terrorist financing (TF), including:
- R.6: Requires the freezing of terrorist assets without delay;
  - R.26, R.27, R.31: Involve financial intelligence units and law enforcement in Anti - money laundering and Combatting Terrorism Financing (AML/CTF) coordination;
  - R.36–R.40: Enable international cooperation and information sharing.
- 7) These recommendations often result in national frameworks that permit **non-judicial asset freezes, STR-based** (Suspicious Transaction Reports) **investigations**, and **extensive surveillance of financial transactions**, all without the guarantees of due process, especially where oversight is weak.

## Abuse of FATF Standards by Authoritarian Regimes

- 8) There is a growing global pattern of abuse of FATF standards by authoritarian or semi-authoritarian regimes, as detailed in the reports *Weaponisation of FATF Standards* (2024)<sup>5</sup> and *Abuse of FATF Standards – Civil Society Perspective* (2023)<sup>6</sup>. The FATF's technical focus and its failure to integrate human rights monitoring into its evaluations have enabled **governments to use FATF compliance as a pretext for repression.**
- 9) Typical forms of abuse include:
- Equating political opposition or dissent with terrorism financing;
  - Expanding surveillance powers under anti-financial crime laws;
  - Shutting down or deregistering NGOs based on vague allegations of terrorism links;
  - Freezing assets of individuals or charities without proof or trial;
  - Using FIUs to produce intelligence reports that act as blacklists.
- 10) Examples abound:
- In **Egypt**, authorities have used counter-terrorism financing laws to freeze the assets of human rights defenders and close NGOs.<sup>7</sup>

<sup>5</sup> Reimer, Stephen. (2024). *Weaponisation of the FATF Standards A Guide for Global Civil Society*. <https://www.rusi.org/explore-our-research/publications/special-resources/weaponisation-fatf-standards-guide-global-civil-society>

<sup>6</sup> Kozlovska, Lyudmyla & Jardemalie, Bota. (2023). *Tools to prevent abuse of AML/CFT laws*.

<https://en.odfoundation.eu/a/723329,submission-to-fatf-tools-to-prevent-abuse-of-aml-cft-laws/>

<sup>7</sup> Amnesty International. (2016). *Egypt: Civil society faces existential threat*. <https://www.amnesty.nl/actueel/egypt-civil-society-faces-existential-threat>

- In **Russia**, the “foreign agent” law operates alongside FATF compliance rhetoric to restrict civil society activity.<sup>8</sup>
- In **Turkey**, as detailed in this submission, FATF standards have been invoked to justify administrative harassment of peaceful individuals and associations, particularly those linked to the Gülen movement or operating in human rights spaces.<sup>9</sup>

11) These abuses reveal a serious implementation gap: while FATF demands compliance with technical standards, **it fails to enforce safeguards or evaluate impact on civil liberties**. Consequently, authoritarian regimes use FATF norms to launder legitimacy for repression, knowing that technical compliance can earn praise even when rights are violated.<sup>10</sup>

### 3. Turkish Financial Crimes Investigation Board (MASAK)

12) The Financial Crimes Investigation Board (MASAK) serves as Türkiye’s national Financial Intelligence Unit (FIU), operating under the Ministry of Treasury and Finance and reporting directly to the Minister.<sup>11</sup> Established under Law No. 4208 in 1996 and restructured by Law No. 5549 on the Prevention of Laundering Proceeds of Crime, MASAK plays a central role in combatting money laundering (ML) and terrorism financing (TF) through *data collection, analysis, supervision, coordination, and referrals*.

13) Its mandate is further detailed in Article 231 of Presidential Decree No. 1, which lists its powers and functions, including:

- Gathering and analysing financial intelligence and STRs;
- Monitoring compliance of all obligated entities (banks, NGOs, etc.);
- **Producing intelligence reports and submitting findings to law enforcement;**
- Exchanging information with foreign FIUs and signing MOUs.

14) In principle, MASAK’s role is **technical** and **preventive**: identifying financial risks, fostering compliance, and forwarding substantiated suspicions for prosecution.

### Use and Misuse of MASAK Reports

15) One of MASAK’s core activities is receiving and analysing Suspicious Transaction Reports (STRs) from banks and other reporting institutions. These STRs form the backbone of Türkiye’s financial surveillance regime. When MASAK determines that a

<sup>8</sup> McBride, Jeremy. (2025). Non-governmental organisations: review of developments in standards, mechanisms and case law 2020-2024. INGO Council of Europe. p49. <https://rm.coe.int/expert-council-ngo-law-update-2024-approved-by-ec-doc-2025-1/1680b3f82a>

<sup>9</sup> Stockholm Center For Freedom. (2022). Erdoğan’s long arm: Deutsche Bank closes accounts of Erdoğan opponents without giving any reason. <https://stockholmcf.org/erdogans-long-arm-deutsche-bank-closes-accounts-of-erdogan-opponents-without-giving-any-reason/>

<sup>10</sup> Türkiye was rated as “*Largely Compliant*” or “*Compliant*” in several FATF follow-up reports from 2021 to 2023, particularly regarding Recommendations 6, 8, 23, 24, and 25, despite credible evidence of the misuse of these standards to suppress political opposition and civil society. See FATF Follow-Up Reports on Türkiye (2021, 2022, 2023).

<sup>11</sup> MASAK, Who we are. <https://en.hmb.gov.tr/fcib-presentation>

transaction or pattern raises red flags, it produces a MASAK report: a **non-judicial, non-public** intelligence file that can include:

- Transaction histories;
- Financial profiles;
- Personal affiliations and associations;
- Presumed links to proscribed entities.

16) These reports are **not independently verified by courts or subjected to adversarial review**, yet they carry enormous weight. MASAK can directly forward them to Chief Public Prosecutors, police departments, or counter-terrorism units, and they frequently serve as:

- a. **Triggers for Criminal Investigations:** Individuals are summoned by prosecutors or arrested based solely on MASAK's conclusions, often without being informed of the underlying evidence.<sup>12</sup>
- b. **Grounds for Administrative Sanctions:** People listed in MASAK reports have faced passport cancellations, public sector dismissals, account freezes, and denial of licenses.<sup>13</sup>
- c. **Sources of De-Banking and Financial exclusion:** Even unproven allegations in a MASAK report can lead to informal blacklisting by banks, employers, or service providers.<sup>14</sup>
- d. **International Justifications:** In some cases, Turkish authorities have used MASAK reports to issue Interpol Red Notices or share "evidence" with other countries, leading to extraterritorial consequences, including asylum denials, financial exclusion abroad, or deportations.<sup>15</sup>

## Politicisation and Disproportionality

17) The misuse of MASAK reports is evident in the **politicised pattern of designations**. As for the Gülen movement case, individuals with no criminal records or violent activity (often teachers, students, academics, housewives, businesspeople, or civil society workers) have been listed as terrorism financiers because they:

- Held an account at Bank Asya (a legal bank shut down post-2016 for alleged Gülen links)<sup>16</sup>;

<sup>12</sup> Turkish Minute. (2025). Popular döner restaurant chain in Turkey investigated over Gülen links, 353 detained.

<https://turkishminute.com/2025/02/21/popular-doner-restaurant-chain-turkey-investigate-over-gulen-linked-353-detained6/>

<sup>13</sup> Albayrak, Nurullah. (2025). The Manipulation of Justice in Political Trials in Turkey. <https://politurco.com/the-manipulation-of-justice-in-political-trials-in-turkey.html>

<sup>14</sup> Kozłowska, Lyudmyla & Jardemalie, Bota. (2023). Tools to prevent abuse of AML/CFT laws. p.33

<https://en.odfoundation.eu/a/723329.submission-to-fatf-tools-to-prevent-abuse-of-aml-cft-laws/>

<sup>15</sup> AFP & Algorithm Watch, False Positives Podcast. (2025) <https://podcasts.afp.com/michaela-cancela-kieffer-false-positives/202501030100-no-refuge>

<sup>16</sup> Turkish Minute. (2024). Turkish court again convicts teacher of terrorism in defiance of landmark ECtHR ruling .

<https://turkishminute.com/2024/09/12/turkish-court-again-convicted-teacher-terrorism-defiance-of-landmark-ecthr-ruling/>

- Donated to legally operating charities prior to 2016<sup>17</sup>;
- Transferred or received money to/from relatives under investigation<sup>18</sup>;

- 18) These activities, while legal at the time they occurred, are retroactively interpreted by MASAK as evidence of terrorist financing. This violates principles of non-retroactivity, presumption of innocence, and proportionality.
- 19) Moreover, individuals listed in MASAK reports often cannot access the reports, challenge the data, or clear their names. This lack of transparency and remedy has created a system of financial blacklisting without judicial oversight, where mere inclusion equals punishment, regardless of actual wrongdoing.

## 4. Three Exemplary Cases: Weaponisation of MASAK Reports Against Opponents

- 20) The misuse of MASAK's financial intelligence powers to target political opponents, individuals, and civil society organisations has become a hallmark of Turkey's post-2016 counter-terrorism framework. Below are three emblematic cases demonstrating how MASAK reports, originally intended to detect financial crime, are **repurposed to suppress dissent** and justify disproportionate punitive measures.

### Political Opponent: Ekrem İmamoğlu

- 21) In the lead-up to Turkey's highly contested 2023 elections, opposition party Istanbul Mayor Ekrem İmamoğlu became the target of politically motivated investigations. According to a leaked MASAK financial investigation report, İmamoğlu was accused of money laundering and unexplained wealth accumulation based on vague inferences and unsubstantiated connections.<sup>19</sup>
- 22) The report, commissioned at the request of politicised prosecutors, failed to show any actual criminal financial activity. Instead, it listed routine transactions and property ownership, attempting to portray legitimate activities as suspicious. The political nature of the report was apparent from its **timing** and the fact that its contents were **leaked to pro-government media** prior to any formal legal proceedings, effectively serving as a tool for public defamation.<sup>20</sup>
- 23) In this case MASAK reports were manipulated to produce **pretextual "evidence" for smear campaigns** against high-profile political rival.

<sup>17</sup> FIDU-Italian Human Rights Federation. (2021) Third party intervention by Italian Federation for Human Rights under Article 36 of the European Convention on Human Rights ('ECHR') Application no. 14894/20, Gültekin Sağlam against Turkey. p.4 <https://fidu.it/wp-content/uploads/THIRD-PARTY-INTERVENTION-BY-FIDU-logo-12.10.2021.pdf>

<sup>18</sup> Turkish Minute. (2024). Student arrested for receiving money from relatives abroad, charged with 'terrorist financing'. <https://www.turkishminute.com/2024/06/01/student-arrested-receive-money-relative-abroad-charged-with-terrorist-financing/>

<sup>19</sup> Turkish Minute. (2025). Main opposition leader says İstanbul mayor framed by report from finance ministry watchdog. <https://www.turkishminute.com/2025/03/25/main-opposition-leader-says-istanbul-mayor-framed-by-report-from-finance-ministry-watchdog4/>

<sup>20</sup> Solidarity With OTHERS. (2025). The Latest Example of Seizing Opponents' Assets in Turkey: EKREM İMAMOĞLU's Case and the Trusteeship of İMAMOĞLU CONSTRUCTION INC. [https://www.solidaritywithothers.com/files/ugd/b886b2\\_82f89b871a0749fabdc099d1712ec466.pdf](https://www.solidaritywithothers.com/files/ugd/b886b2_82f89b871a0749fabdc099d1712ec466.pdf)

## Individual: Educator and Activist S.T.

- 24) **S.T.**, a teacher and human rights advocate residing in Belgium, was subjected to a MASAK-driven investigation despite having no criminal record or evidence of financial wrongdoing. In **December 2015**, Turkey's Ankara Chief Public Prosecutor issued arrest warrants for 61 individuals linked to the Gülen movement—S.T. among them.<sup>21</sup> The basis: alleged financial support for a terrorist organisation.
- 25) The MASAK report used against S.T. included financial transactions as benign as sending remittances to relatives and previous employment at Gülen-affiliated schools, activities fully legal at the time. These were reinterpreted post-facto as suspicious financial behavior. Turkish media, aligned with state narratives, further weaponised the report to defame S.T., labeling him a fugitive and terrorist financier.
- 26) Despite living abroad and working in legal civil society capacities, S.T. was flagged in the Turkish asset-freezing list, creating reputational and financial barriers, including difficulties with banking and employment.<sup>22</sup>

## Civil Society Organisation: Time to Help Belgium

- 27) The humanitarian NGO **Time to Help Belgium**, previously known as *All for Live*, was placed on the Turkish government's Asset Freezing Lists through a MASAK-generated designation.<sup>23</sup> The NGO, based in Brussels and having no presence in Turkey, is internationally known for its charitable operations, including disaster relief and food assistance.
- 28) However, the Turkish authorities accused the group of terrorism financing solely on the grounds of its alleged affiliation with the Gülen movement—without public evidence, trial, or transparent investigation. This inclusion led to asset freezes, donor flight, and difficulties with banking activities, significantly impairing its operations in Europe and Africa.
- 29) Notably, MASAK, while claiming adherence to FATF standards in international fora, failed to meet FATF's own risk-based and proportionate response principles under Recommendation 8. The lack of due process and reliance on guilt by association exemplifies how FATF norms are exploited to dismantle legitimate non-profits, even based in abroad, under political pretences.

## 5. Conclusion

- 30) In conclusion, Türkiye's misuse of MASAK reports as administrative tools to target dissent undermines both domestic rule of law and international counter-terrorism

<sup>21</sup> Solidarity With OTHERS. (2025) Misuse of FATF (Financial Action Task Force) Standards as a Tool of Transnational Repression [https://www.solidaritywithothers.com/files/ugd/b886b2\\_f2a38aaf4797492a85a4d14b6f068418.pdf](https://www.solidaritywithothers.com/files/ugd/b886b2_f2a38aaf4797492a85a4d14b6f068418.pdf)

<sup>22</sup> There are many other individual cases see: AFP & Algorithm Watch, False Positives Podcast. (2025) <https://podcasts.afp.com/michaela-cancela-kieffer-false-positives/202501030100-no-refuge>

<sup>23</sup> Solidarity With OTHERS. (2025) Misuse of FATF (Financial Action Task Force) Standards as a Tool of Transnational Repression [https://www.solidaritywithothers.com/files/ugd/b886b2\\_f2a38aaf4797492a85a4d14b6f068418.pdf](https://www.solidaritywithothers.com/files/ugd/b886b2_f2a38aaf4797492a85a4d14b6f068418.pdf)

standards. By exploiting FATF's framework without respecting its human rights safeguards, the government legitimises repression under the pretext of financial security.

***31) We kindly urge the UN Special Rapporteur to formally engage with the Financial Action Task Force (FATF) and call for the integration of human rights safeguards into its evaluation processes. FATF should be encouraged to assess not only states' technical compliance with its Recommendations but also the real-world human rights impact of their implementation.***