

**United Nations Human Rights Committee (CCPR) 142nd Session**

**14 October – 8 November 2024,**

**Second Periodic Review of Turkey**

**“Hate Speech, Marginalization and Persecution Against Individuals  
with GÜLEN Genealogy”**

**Executive Summary**

This shadow report analyses how individuals with GÜLEN Genealogy in Turkey, as part of hate speech, marginalization and persecution, facing the violations of human rights which are guaranteed by the Articles 2, 7, 9, 14, 15, 17, 25, and 26 of the International Covenant on Civil and Political Rights (ICCPR), in order to contribute to the United Nations Second Periodic Review of Turkey.

The information regarding the members of the GÜLEN family mentioned in the report was obtained as reflected in the public and social media. The accuracy of this information was confirmed by the family members and added to the report with their permission.

The Turkish government has been engaging in systematic and widespread human rights violations against individuals with GÜLEN Genealogy, especially in the aftermath of the July 15, 2016, coup attempt. This report analyses hate speech and marginalization discourses which have been spread by the Turkish government and pro-Turkish-government media outlets, from social and psychological perspectives. It also examines illegal actions and persecutions, using individual cases as examples of the consequences of hatred and marginalization.

Additionally, this report examines the roles of pro-Turkish-government media outlets and social media platforms in the process of hate speech and marginalization. It also analyses the negative impacts of hate speech and marginalization discourses on social peace and reveals the extent of social segregation.

Finally, the report reveals the reflections of hatred and marginalization against individuals with GÜLEN Genealogy in judicial practices, and how these individuals, who have done nothing rather than bearing the surname “Gülen”, have been punished through the judiciary by being treated as enemies and deprived of fundamental human rights.

In brief, this report emphasises that putting an end to the **“systematic and arbitrary rights violations”** against Gülen family is of vital importance, as individuals bearing the surname “Gülen” have been completely ostracized from society and left to “civil death.”

## CONTENT OF THE REPORT

### Introduction

#### **I. Hatred and Marginalization Against the Gülen Movement and Genealogy**

A) The Gülen Movement and Its Activities in General

B) The Beginning of Hatred and Marginalization Against the Gülen Movement

#### **II. Explanations on the Concepts of Hate Speech and Marginalization**

A) Hate Speech and Marginalization in General

B) Kinship Bond and Social Identity

#### **III. Hate Speech Against the Gülen Genealogy and Kinship Bond**

A) Hatred Against Individuals Bearing the Surname “Gülen”

B) Marginalization Through the Use of Media Outlets

C) Exclusionary Practices and Decisions Against the Surname “Gülen”

D) The Reflection of Surname-Based Hatred Practices in International Reports

#### **IV. Judicial Procedures Against Individuals with Gülen Genealogy**

A) An Overview of Judicial Proceedings Related to the Gülen Genealogy

B) Examples of Hatred Practices and Human Rights Violations Carried Out Through the Judiciary Against Individuals Bearing the Gülen Surname

1. Salih Gülen

2. Kutbettin Gülen and His Children Ahmet Ramiz Gülen and Asiye Gülen

3. Kazım Avcı

4. Selahaddin Gülen

5. Kemal Kevser Gülen and His Wife Hale Gülen

6. Selman Gülen

C) **Fundamental Human Rights Violations Carried Out Through the Judiciary**

1. Violation of the Prohibition of Torture (ICCPR Article 7)

2. Violation of the Right to Liberty and Security (ICCPR Article 9)

3. Violation of the Right to a Fair Trial (ICCPR Article 14)

4. Violation of the Principle of No Punishment Without Law (ICCPR Article 15)

5. Violation of the Right to Privacy and Freedom of Communication (ICCPR Article 17)

6. Violation of Property Rights (ICCPR Article 26)

7. Violation of Political Rights (ICCPR Article 25)

8. Violation of the Principle of Equality and Prohibition of Discrimination (ICCPR Articles 2 and 26)

### Conclusion

# **HATRED, MARGINALIZATION, AND PERSECUTION AGAINST GÜLEN GENEALOGY**

## **Introduction**

Turkey's political structures have caused individuals, social groups, and NGOs to be subjected to hate speech and marginalization. Due to Turkey's social dynamics, Kurds, Romanians, Armenians, Christians, Jews, and immigrants have occasionally been the targets of hate speech. Over the 11 years since 2013, the "Gülen Movement and Genealogy" have been the primary targets of hate speech and marginalization.

The individuals with "Gülen" Genealogy have immediately become the main target of marginalization in the aftermath of the July 15, 2016, coup attempt. Besides, individuals bearing Gülen surname have been facing vitriolic hate speech in the media outlets and social media platforms. Individuals subjected to hate speech such as being labelled "traitors", "terrorists", and "Hashashin" in the media, have faced social exclusion and discrimination. They have been facing judicial investigations, deprived of their fundamental rights and sentenced to heavy imprisonments, solely because they bear the surname "Gülen".

Hate speech is a serious issue that threatens social cohesion and peace. Hate speech targeting the individuals bearing "Gülen" surname has created deep fractures both among people and within society. Hate speech spreading through media and social media platforms have affected not only the targeted individuals, but also their families and close relatives. For this reason, the hostile legal practices and human rights violations carried out against these individuals due to their "Gülen Genealogy" have been the subject of the examination.

## **I. Hatred and Marginalization Against The Gülen Movement and Genealogy**

This section gives information about the Gülen Movement and its activities and explains how hate speech and marginalization began.

### **A) The Gülen Movement and Its Activities in General**

The "Gülen Movement" can be described as a civil society organization that operates based on the views and teachings of Fethullah Gülen, carries out significant activities in education field, and aims for basic goodness in areas such as culture, health, and humanitarian aid, based on volunteerism. This Movement, which has been in existence for more than 50 years, has sought to achieve its goals through educational institutions, associations, and foundations with a legal basis and subject to oversight."

Even in the periods before the AK Party (AKP) government in Turkey, all political powers recognized the Gülen Movement as a civil society organization and supported its activities for many years.

## **B) The Beginning of Hatred and Marginalization Against the Gülen Movement**

In the aftermath of “the major corruption and bribery investigations of December 17 and 25, 2013”, the political power characterized these operations as a coup attempt against the Government and hold the Gülen Movement as responsible.<sup>1</sup> Afterwards, the government produced discourses such as “parallel structure”, “traitor”, “agent”, “virus” and “Hashashin” regarding the Gülen Movement and declared the Movement as an enemy.<sup>2</sup> Until the investigations of December 17 and 25, 2013, the Movement had no illegal activities, but from this point onwards, it was gradually marginalized using state resources and the media, and began to be declared a terrorist organization.<sup>3</sup> Recep Tayyip Erdoğan who was the prime minister at that time and Ak Party (AKP) government set a target of marginalization and destruction the Gülen Movement. Erdoğan defined this struggle as an “independence war” and stated that all individuals connected to it would pay the price.<sup>4</sup>

President Erdoğan applied to the National Security Council to declare the Gülen Movement a 'terrorist organization,' but until May 26, 2016, despite negative definitions such as “*structures threatening our national security*”, “*illegal formations*”, and “*parallel structures and illegal formations*”, the Movement was not officially recognized as a terrorist organization.

Since the Gülen Movement has not supported any acts of violence or terrorism, it is clear that the Movement cannot be considered a terrorist organization. Such a grave accusation

---

<sup>1</sup> <http://www.hurriyet.com.tr/gundem/26203995.asp>  
<http://www.hurriyet.com.tr/gundem/26583224.asp>  
<http://www.hurriyet.com.tr/gundem/26709052.asp>  
<http://www.hurriyet.com.tr/gundem/25394062.asp>  
<http://www.hurriyet.com.tr/gundem/25416599.asp>  
<http://www.hurriyet.com.tr/gundem/25455343.asp>

<sup>2</sup> <http://www.hurriyet.com.tr/gundem/25819437.asp>  
<http://www.hurriyet.com.tr/gundem/25821471.asp>  
<http://www.hurriyet.com.tr/gundem/26119975.asp>  
<https://www.hurriyet.com.tr/dunya/cumhurbaskani-erdogan-dan-abd-de-paralel-yapi-aciklamasi-27258809>  
<https://www.dunya.com/gundem/erdogan039dan-039operasyon039-yorumu-haberi-266303>  
<http://www.hurriyet.com.tr/gundem/28140578.asp>

<sup>3</sup> <http://www.hurriyet.com.tr/gundem/25995066.asp>  
<http://www.hurriyet.com.tr/gundem/26013823.asp>  
<http://www.hurriyet.com.tr/gundem/26047983.asp>  
<http://www.hurriyet.com.tr/gundem/26299464.asp>

<sup>4</sup> <http://www.hurriyet.com.tr/gundem/25887710.asp>  
<http://www.hurriyet.com.tr/gundem/26397831.asp>  
<http://www.sabah.com.tr/gundem/2015/04/28/bedelini-odeyecekler>  
<http://www.hurriyet.com.tr/gundem/28850256.asp>  
<http://www.hurriyet.com.tr/gundem/28862429.asp>

against the Movement that has operated as a civil society organization for nearly half a century has never been realistic.

In its 41-page presentation dated May 11, 2016, submitted to the Istanbul Chief Public Prosecutor's Office under investigation file number 2015/126342, the National Intelligence Organization (MİT) stated that the biggest obstacle to recognizing the Gülen Movement as a terrorist organization was the absence of armed actions.<sup>5</sup> On the night of the July 15, 2016 coup attempt, Erdoğan described the coup as “a great blessing from God” and directly blamed the Gülen Movement even before the pro-coup soldiers were identified.<sup>6</sup>

Immediately after the July 15, 2016 coup attempt, criminal prosecutions were initiated against individuals who sympathized with or participated in the activities of the Gülen Movement. Hate speech and marginalization continued at full speed, and hundreds of thousands of people who had committed no crimes were subjected to persecution and inhumane treatment. More than 150,000 public servants were dismissed, over two million people were investigated for “terrorism”, and more than 100,000 people were arrested. Among the human rights violations were abductions, torture, confiscation of assets, and lifetime bans.

## **II. Explanations on the Concepts of Hate Speech and Marginalization**

Hatred and marginalization are practices that are incompatible with the rights a person inherently possesses simply by being human, and are undermining humanity.

### **A) Hate Speech and Marginalization in General**

Hate speech can be defined as expressions that incite hostility, discrimination, or violence against certain individuals or groups based on differences such as language, race, nationality, colour, gender, political opinion, philosophical beliefs, religion, or sect. In this context, in the aftermath of the July 15, 2016, coup attempt, individuals bearing the Gülen surname became targets of a widespread hate campaign and were subjected to severe human rights violations. These individuals were subjected to severe accusations such as being traitors and terrorists solely because they carried the “Gülen” surname and became targets.

The political power defines and delineates the “other” to maintain and strengthen its own legitimacy.<sup>7</sup> The target group is marginalized and excluded from society using arguments such as “barbarians”, “infidels”, “depraved”, “heretics”, “terrorists”, and similar labels, depending on political or social dynamics. These groups are seen as deviating from societal

---

<sup>5</sup> See the decision of the 16th Criminal Chamber of the Court of Cassation, rendered in its capacity as the court of first instance, Case No. 2015/1, Decision No. 2019/4.

[https://twitter.com/GkhanGnes8/status/1467200074975428611?t=BA\\_pn7E\\_uPiGYPZafEm5Xg&s=19](https://twitter.com/GkhanGnes8/status/1467200074975428611?t=BA_pn7E_uPiGYPZafEm5Xg&s=19)

<sup>6</sup> <http://m.haber7.com/ic-politika/haber/2046581-erdogan-havalimaninda-konustu-zamanlamaya-dikkat#>

<http://www.egehaber.com/m/gundem/cumhurbaskani-erdogan-ataturk-havalimani-nda-konusma-yapiyor-h107880.html>

<http://www.sozcu.com.tr/2016/gundem/son-dakika-haberi-cumhurbaskani-erdogan-ataturk-havalimanina-geldi-1316504/>

<http://www.hurriyet.com.tr/cumhurbaskani-erdogan-size-verilen-silahlari-milletimize-dogrultursaniz-bedelini-odersiniz-40148727>

<sup>7</sup> Öztürk, Ali; a.g.e. s.7-11.

norms and values, which serves as a justification for their exclusion, and society may view them as less “human” or, even further, not human at all.

The experiences of individuals with the Gülen Genealogy in this context—facing marginalization and subsequent punishment—serve as an important example of the societal effects of hate speech and marginalization, and how dangerously these phenomena can become.

### **B) Kinship Bond and Social Identity**

The family into which a person is born and the naturally established “kinship bonds” are inherent aspects of their identity. Respecting kinship ties, whether by blood from birth or established through marriage, is a fundamental human right. Kinship plays a significant role in shaping an individual's social identity. This bond critically influences an individual's social status, cultural heritage, and social behaviors.

Kinship bonds often reinforce an individual's perception of belonging to a particular group or can be used as a tool for marginalization.

Family relationships can lead to individuals being associated with a particular ideology or behavioral pattern in public. This situation can result in individuals being held accountable not only for their own actions but also for the actions of their family members.

Being subjected to marginalization based on familial connections generates hate speech that targets and complicates the exercise of fundamental rights and freedoms. Hate speech turns individuals into targets because of their familial ties, depicting them as the epicentre of organized malevolence.

The process of crimes against humanity and persecution directed at individuals bearing the surname “Gülen” following the July 15, 2016 coup attempt in Turkey represents one of the most tragic examples of hatred and marginalization. Individuals bearing the “Gülen” surname have been labelled as “the other” across a broad spectrum solely due to their surname and have become the subject of hate speech.

## **III. Hate Speech Against the Gülen Genealogy and Kinship Bond**

This section examines hate speech directed at individuals with the “Gülen” surname, the role of pro-government media outlets in their marginalization and antagonism, societal exclusion, and their reflection on decisions, along with the reflection of antagonistic activities in international reports.

### **A) Hatred Against Individuals Bonding the Surname “Gülen”**

Individuals with the “Gülen” surname, especially after the July 15, 2016, coup attempt, have been subjected to severe accusations and hate speech from both the state and society. During this process, the conscious and systematic hate speech of political power and its

spokespeople have been particularly prominent in the media and on social platforms. As a consequence of it, the Gülen Genealogy, deemed an enemy by political authorities and society, has been subjected to an intense campaign of hatred and marginalization.

Social media has played a significant role in the widespread dissemination of hate speech. On social media, insults, threats, and hate-filled posts targeting individuals with the “Gülen” surname have led to their exclusion from social life. Phrases such as “Everyone with the Gülen surname is a traitor” have become common on social media, turning people with the Gülen surname into targets.

As a result of the pressures from the political power, individuals who have been subjected to hate speech and marginalization solely because of their “Gülen” surname have been severely excluded from all levels of society. This marginalization has not been a one-time event but has been systematic and ongoing. For example, individuals in Turkey with the name “Fethullah” or the surname “Gülen” have been compelled to apply to courts to change their names.

### **B) Marginalization Through the Use of Media Outlets**

The marginalization of individuals bearing the “Gülen” surname has been particularly evident in political rhetoric and traditional media. Media outlets have labelled these individuals with negative epithets such as “traitor” and “terrorist”, inciting the rest of society against them.

These reports, which lack a solid basis and are presented to the public, have caused people with the same surname to be viewed as “the other” and “dangerous”. On television channels and radio programs, particularly in morning shows, hosts interacting with the audience have made harsh criticisms of these individuals and called for their social exclusion.

On the other hand, in digital media, particularly on news websites, articles about individuals with the “Gülen” surname have often been presented with sensational and eye-catching headlines. For example, news articles with headlines such as “Connection of a person with the Gülen surname to a terrorist organization revealed” have been embellished with exaggerated and misleading expressions to increase click rates.

These individuals have faced difficulties in integrating into social life, finding employment, and living under a constant threat of security.

### **C) Exclusionary Practices and Decisions Against the Surname “Gülen”**

In the aftermath of July 15, 2016, hate practices targeting the “Gülen” surname have persisted in all areas of social, economic, and communal life. In this context, the “Gülen” surname has become the target of numerous hate practices. For example, in Turkey, vehicle license plates containing letter combinations reminiscent of F (Fethullah) and G (Gülen) have

been deemed problematic. In 2014, the license plate numbering system reached the 'FG' letter combination. Due to concerns that the 'FG' abbreviation would evoke Fethullah Gülen, the General Directorate of Security cancelled all 'FG' plates issued in 2014 and thereafter.<sup>8</sup>

The existence of many citizens who have faced hate and discrimination due to their name “Fethullah” and have had to change their names as a result is a concrete indication of the situation.<sup>9</sup>

The name of Korucuk Village in Pasinler District, Erzurum Province, where Fethullah Gülen was born, was changed to Şehit Burak Karakoç Village in an attempt to prevent any association with Gülen.<sup>10</sup> Additionally, there was an attempt to set fire to Fethullah Gülen's birthplace in Korucuk Village, Erzurum Province.

Furthermore, the name of the mosque in Palandöken District, Erzurum Province, which was named after Fethullah Gülen's father, Ramiz Efendi, was changed to Sultan Alparslan Mosque by the local “mufti” (the highest religious authority).<sup>11</sup>

## **D) The Reflection of Surname-Based Hatred Practices in International Reports**

The hate speech and discriminatory practices targeting the “Gülen” surname and individuals bearing this surname in Turkey have been documented in reports by international institutions and governments. For instance, on page 47 of the “General Official Notification Turkey” Report prepared by the Official Notifications Department (DAF/AB) of the Dutch Ministry of Justice and Security, dated August 2023, there is a separate section addressing the situation of Fethullah Gülen's relatives.

The report states that “In the previous two official reports, it was noted that family members of high-profile Gülenists, in particular, are at risk of negative attention from Turkish authorities.” As an example of this assessment, the illegal abduction of Fethullah Gülen's nephew, Selahaddin Gülen, from Kenya by Turkish intelligence and his subsequent transfer to Turkey is highlighted. Additionally, the report mentions the arrest of Fethullah Gülen's niece, Asiye Gülen, and her husband in Istanbul on June 24, 2023. The report also cites a news article

---

<sup>8</sup> <https://www.cnnturk.com/turkiye/turkiye-genelinde-fg-plakalar-iptal-ediliyor#:~:text=T%C3%BCrkiye%20genelinde%20Ter%C3%B6r%20%C3%B6rg%C3%BCt%C3%BC%20eleba%C5%9F%C4%B1,b%C3%BCt%C3%BCn%20FG%20plakalar%20iptal%20edilecek>

<sup>9</sup> <https://www.milliyet.com.tr/gundem/emniyetten-fg-plaka-genelgesi-2299391>  
<https://www.haberler.com/guncel/fetullah-lar-isim-degistirmek-icin-siraya-girdi-12580264-haberi/>  
<https://www.haberturk.com/yasam/haber/1274138-fethullah-isimleri-degistiriliyor>

<sup>10</sup> [https://tr.wikipedia.org/wiki/%C5%9Eehit\\_Burak\\_Karako%C3%A7,\\_Pasinler#cite\\_note-5](https://tr.wikipedia.org/wiki/%C5%9Eehit_Burak_Karako%C3%A7,_Pasinler#cite_note-5)  
<https://nisanyanyeradlari.com/?yer=13598&haritasi=korucuk>

<sup>11</sup> <https://www.ulusal.com.tr/haber/8585990/fethullah-gulenin-dogdugu-korucuktaki-ev-yakilmak-istendi>  
<https://www.haberler.com/erzurum-fethullah-gulen-in-dogdugu-korucuk-taki-ev-8634839-haberi/>



from the pro-government Yeni Şafak newspaper, which reported the arrest of Selman Gülen, his wife, and his mother-in-law in Istanbul.

The report indicates that the previous reports had also highlighted the victimization of Gülen family members, and that this situation persists. It notes that family members' passports have been confiscated, passport applications have been rejected, and they have faced barriers in the labour market. They may have been deprived of employment opportunities or promotions. This report by an international organization reveals the continuation of systematically applied hate campaigns against Gülen family members.<sup>12</sup>

#### **IV. Judicial Procedures Against Individuals with Gülen Genealogy**

In this section, the judicial proceedings and human rights violations experienced by individuals bearing the Gülen surname, based on their genealogy, are examined in detail.

##### **A) An Overview of Judicial Proceedings Related to the Gülen Genealogy**

Following the July 15, 2016 coup attempt, legal proceedings against individuals bearing the “Gülen” surname accelerated and became concentrated around the indictments based on the allegations of "FETÖ membership" put forth by the government.

Following the coup attempt, the government authorities have attempted to erase the “Gülen” surname from the country’s records and memory through extensive operations and investigations. Many individuals with the Gülen surname have been detained, arrested, tried, and punished under accusations of being members of a terrorist organization, and have faced human rights violations of such severity that they amount to crimes against humanity.

The principle of the presumption of innocence—where a person is considered innocent until proven guilty—has been among the most violated human rights in these cases.

The human rights violations carried out without a solid basis have heightened concerns about the independence of the judiciary in Turkey. Numerous reports have claimed that the judicial processes in Turkey are not impartial and that a system of the hostile legal practices have been adopted targeting specific groups.

The deliberate human rights violations carried out through judiciary have affected not only individuals with the Gülen surname but also their families and social circles. Especially children, women, and other close relatives have suffered severe trauma due to social discrimination and psychological pressure.

##### **B) Examples of Hatred Practices and Human Rights Violations Carried Out Through the Judiciary Against Individuals Bearing the Gülen Surname**

---

<sup>12</sup> <https://www.rijksoverheid.nl/documenten/ambtsberichten/2023/08/31/algemeen-ambtsbericht-turkije-augustus-2023>

The examples of hate speech, marginalization, crime against humanity, and persecution directed at individuals with familial ties to Fethullah Gülen or those bearing the Gülen surname are too numerous to be fully detailed in this report. Since it is not possible to examine all the victims within the scope of this report, the focus will be on a few examples of the inhumane practices and persecution these individuals have endured. It should be noted that similar actions have been carried out against many other victims not mentioned here, constituting a widespread act of crime against humanity.

Indeed, the 2023 Turkey Report by the Dutch Ministry of Justice and Security details the unjust practices faced by individuals with Gülen family ties.<sup>13</sup> The report explicitly states: *“Previous official reports have indicated that particularly high-profile Gülen affiliates and their family members are at risk of adverse attention from Turkish authorities.”* This clearly highlights the dangers faced by the Gülen family.

### **1. Salih Gülen**

After the coup attempt on July 15, 2016, a detention and arrest orders were issued for Salih Gülen, Fethullah Gülen’s brother, despite the absence of any legal evidence. Salih Gülen’s small printing shop in Erzurum was shut down, and all of his assets were seized. Prior to this, Salih Gülen, who was around 70 years old and suffering from cancer, had existing health issues. Knowing that incarceration would negatively impact his health, he did not surrender to the authorities and was forced to hide at the home of acquaintances. Without access to any medical services and with his cancer treatment interrupted, Salih Gülen passed away alone and in obscurity on March 18, 2019, while in hiding to escape legal injustices.<sup>14</sup> His wife and children, who were either imprisoned or in hiding due to arrest warrants, could not attend his funeral. Salih Gülen was buried in an unknown location, without the presence of his family.

The right to live with dignity, to be buried honourably, to have a grave, to be buried by loved ones, and to be mourned and remembered in accordance with moral and religious duties are fundamental rights. The respect for private and family life, freedom of belief, and the prohibition of discrimination, as guaranteed by the Constitution and articles 17-18 of the ICCPR, were clearly violated. The “traitors' cemetery” practice, which was implemented for members of the Gülen Movement to exacerbate the impact of hate policies and deepen societal division, was also applied to Salih Gülen.

### **2. Kutbettin Gülen and His Children Ahmet Ramiz Gülen and Asiye Gülen**

Fethullah Gülen's brother, **“Kutbettin Gülen”**, who worked as a labourer at a printing shop named “Çağlayan” in İzmir, was subject to an arrest warrant for "membership in a terrorist

---

<sup>13</sup> Ayrı For detailed information, see: The Netherlands Ministry of Justice and Security's 2023 Turkey Report, pp. 47-48.

<sup>14</sup> <https://www.yeniakit.com.tr/haber/feto-elebasi-gulenin-kardesi-saklandigi-evde-olu-bulundu-666489.html>

organization" without any evidence presented. During this period, the printing house where he worked was taken over by a trustee, and he was subsequently dismissed from his job due to his surname.<sup>15</sup> Kutbettin Gülen was detained for an extended period due to Gülen Genealogy,<sup>16</sup> and was unable to appear in court for 16 days because three attorneys registered with the İzmir Bar Association refused to take his case.<sup>17</sup> On October 18, 2016, he was transferred to the Criminal Peace Judgeship, which issued a detention order against him.<sup>18</sup> Despite his advanced age and multiple health conditions, including heart disease, hypertension, and herniated disc, his requests for release were denied on illegal grounds. He was sentenced to 10 years and 6 months in prison, and the verdict was finalized.<sup>19</sup> In 2022, after undergoing surgery in the hospital, Kutbettin Gülen was sent back to prison within 24 hours, despite being known to be in no condition to care for himself. He was placed in a solitary cell, and despite the serious risk to his life, he was not released and remained in prison for an extended period.<sup>20</sup>

“**Ahmet Ramiz Gülen**”, the son of Kutbettin Gülen and the nephew of Fethullah Gülen, was arrested, detained and sentenced to 12 years in prison without any legal evidence against him. During the trial, the chief judge asked Ramiz Gülen whether he viewed his uncle, Fethullah Gülen, as a “terrorist leader.”<sup>21</sup> This situation highlights that the legal proceedings against these individuals were based not on legal evidence but rather on their family connections and the accompanying prejudice and discrimination.

Asiye Gülen, the daughter of Kutbettin Gülen and the niece of Fethullah Gülen, was also detained at her family home. The news of Asiye Gülen's arrest was reported by pro-government media outlets using similar expressions.<sup>22</sup> This situation reveals that there was a planned and systematic application of hate and discrimination against members of the Gülen family. Furthermore, the arrest warrant for Asiye Gülen was reported in pro-government media in a way that perpetuated similar hate rhetoric.<sup>23</sup> For instance, the pro-government Takvim newspaper used the headline “YALLAH KODESE” (which translates roughly as “OFF TO PRISON”) in the visual related to Asiye Gülen's arrest news.<sup>24</sup> Asiye Gülen's use of respectful

---

<sup>15</sup> <https://www.aa.com.tr/tr/turkiye/feto-elebasi-gulenin-kardesi-yakalandi/656678>

<sup>16</sup> <https://www.karar.com/feto-lideri-fetullah-gulenin-kardesi-kutbettin-gulen-izmirde-yakalandi-son-262904>

<sup>17</sup> <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/feto-elebasinin-kardesini-savunacak-avukat-bulunamadi/666783>

<sup>18</sup> <https://www.ntv.com.tr/turkiye/fetullah-gulenin-kardesi-tutuklandi,m0PCDBE49UytIMmKvxnpnA>

<sup>19</sup> <https://www.middleeasteye.net/news/turkey-sentences-fethullah-gulens-brother-more-10-years> ;

<https://www.aa.com.tr/tr/turkiye/yargitay-feto-elebasi-gulenin-kardesi-kutbettin-gulenin-cezasini-onadi/1960918>

<sup>20</sup> <https://kronos36.news/tr/fitik-ameliyati-olan-kutbettin-gulen-24-saat-gecmeden-cezaevine-geri-gonderildi/>

<sup>21</sup> <https://www.aa.com.tr/tr/turkiye/feto-elebasinin-yegeni-gulene-terorist-basi-diyemedi/>

<sup>22</sup> <https://www.sabah.com.tr/gundem/2023/06/25/yegeni-yakalandi>

<https://www.aa.com.tr/tr/gundem/feto-suphelisi-asiye-gulen-istanbulda-yakalandi/2930160>

<https://www.hurriyet.com.tr/gundem/fetullah-gulenin-yegeni-yakalandi-42289540>

<sup>23</sup> <https://www.aa.com.tr/tr/gundem/feto-firarisi-asiye-gulen-tutuklandi/2931666>

<https://www.ntv.com.tr/turkiye/fethullah-gulenin-yegeni-asiye-gulen-tutuklandi,ARv1WZs0GkO54P1mkHa8ZQ>

<https://www.yeniakit.com.tr/haber/feto-firarisi-asiye-gulen-tutuklandi-1768886.html>

<sup>24</sup> <https://www.takvim.com.tr/guncel/2023/06/26/4-yildir-firari-olarak-araniyordu-feto-elebasi-fetullah-gulenin-yegeni-tutuklandi>

terms like "Hoca Efendi" or "Hocam" when referring to her uncle, Fethullah Gülen, was interpreted as endorsement of the so-called terrorist leader and was used as evidence of her involvement in terrorist activities.<sup>25</sup> These actions illustrate that Asiye Gülen faced hatred and discrimination due to her familial connection to Fethullah Gülen. She was subjected to investigation and prosecution solely based on her surname and family ties, without any concrete and legal evidence.

### 3. Kazım Avcı

Kazım Avcı, who is the son of Fethullah Gülen's aunt Dürdane (Gülen) Avcı, has been subjected to arrest and detention orders based on the investigation known as the "Çatı Case."<sup>26</sup> During the July 15 coup attempt, the victim, who was in prison at the time, was sentenced to life imprisonment for the crime of "Attempt to Violation of the Constitution," with his familial connection to Gülen) Gülen Genealogy being cited as a reason. Additionally, he was sentenced to 17 years and 4 months in prison for his role as the founder of the Mehmet Akif Kültür Derneği, which was closed by a decree (KHK), with the association's activities being used as a basis for the sentencing.

Kazım Avcı, who lost his left leg at a young age and now uses a prosthetic leg, still requires a cane to walk. During his trial, the prosecutor, despite having no relevance to the case, used a derogatory term referring to his familial connection to Gülen (Gülen Genealogy), calling him "lame." Despite having numerous health problems and a disability report indicating 68% disability, he was held in solitary confinement with the status of a dangerous inmate. The victim, who suffered a heart attack in 2022 and is at risk of prostate cancer, has had his release requests denied without justification, despite health reports documenting that his imprisonment poses a serious risk to his life.<sup>27</sup>

### 4. Selahaddin Gülen

On May 3, 2021, "Selahaddin Gülen", a nephew of Fethullah Gülen, was unlawfully abducted by Turkish intelligence (MIT) while traveling from the United States to Kenya. This "abduction" operation occurred while the Kenyan judicial authorities were reviewing Turkey's extradition request, and Selahaddin Gülen was brought to Turkey.<sup>28</sup>

The Standard, one of Kenya's major newspapers, reported on May 5, that Gülen was abducted by individuals believed to be Turkish intelligence officers, "with the assistance of

---

<sup>25</sup> <https://www.takvim.com.tr/guncel/2023/11/11/feto-elebasinin-yegeni-asiye-gulen-ile-mustafa-camyar-icin-istenen-ceza-belli-oldu>

<sup>26</sup> <https://www.milliyet.com.tr/gundem/paralel-de-buyuk-operasyon-basladi-2162409>

<sup>27</sup> <https://boldmedya.com/2022/03/01/tbmmden-emekli-musavir-yuzde-68-engelli-kazim-avci-parmaklarim-uyusuyor-her-an-kalp-krizi-gecirebilirim/>

<sup>28</sup> <https://www.aa.com.tr/tr/fetonun-firarileri/feto-uyesi-selahaddin-gulen-yurt-disinda-mit-operasyonu-yla-yakalanarak-turkiye-ye-getirildi-/2259115>

<https://www.sabah.com.tr/gundem/2021/05/31/son-dakika-feto-lideri-gulenin-akrabasi-selahaddin-gulen-yurt-disinda-mit-operasyonu-yla-yakalanarak-turkiye-ye-getirildi>

local police.” Additionally, Kenya24news, a Kenyan news site, reported on May 7 that during the extradition trial, the court had rejected Turkey's request, but it was too late for Selahaddin Gülen, noting that the operation to capture him was a “commando-type operation.”

On May 19, 2021, President Erdoğan announced, “*We will soon reveal a significant figure from the FETÖ team; we currently have him in our custody.*”<sup>29</sup> TRT Haber reported under the headline “*Nephew Gülen Captured*” and stated that interrogations would begin on June 1, 2021.<sup>30</sup>

The 2023 report by the Dutch Ministry of Justice and Security notes that, “*For instance, in May 2021, MIT brought Selahaddin Gülen, a cousin of the Gülen movement leader, from Kenya to Turkey. On March 21, 2022, Gülen was sentenced to three years and four months in prison for membership in a terrorist organization,*” highlighting the human rights violations faced by Selahaddin Gülen.<sup>31</sup>

Selahaddin Gülen was arrested on June 4, 2021, and sentenced to three years and four months in prison. The justification for the decision highlighted his familial connection to Fethullah Gülen as evidence of guilt, and the relationship was used as a reason to deviate from the minimum sentence during the personalizing of the punishment. The verdict was finalized following the approval of the Court of Cassation. Despite meeting the conditions for supervised release, his requests were denied on unlawful grounds. During the investigation and prosecution process, Selahaddin Gülen was subjected to discrimination, psychological abuse, and mistreatment by being forcibly removed from a country where he was legally present, in violation of international law.

Kemal Gülen, the famous media personality who is the brother of Selahattin Gülen and sought asylum in Canada, stated that his brother gave his statement under torture and said the following:<sup>32</sup> “*Unfortunately, my brother Selahattin Gülen was arrested. We had not heard from him since May 3, the day he was kidnapped from Kenya. We learned that he was at the Ankara Police Department on May 31. He was detained for 5 days in the fight against terrorism and was arrested and sent to prison today. We are sorry. Some journalists who act like the backyard of politics and many media outlets, especially the official state agency, made news based on false statements for two days and tried to portray an ordinary teacher as the most important agenda of the country. Unfortunately, the judicial authorities who bowed to media pressure made cruel politicians and known journalists happy but upset millions of innocent people.*

*Unfortunately, the Ankara Police Department turned down the lawyers we referred as of May 31. Our lawyers did not have the opportunity to meet with my brother. Unfortunately, when he appeared in court after his police statement, our chosen lawyer was not allowed into*

---

<sup>29</sup> <https://www.bbc.com/turkce/haberler-dunya-57306678>

<sup>30</sup> <https://www.trthaber.com/haber/gundem/selahaddin-gulenin-sorgusu-yarin-baslayacak-585319.html>

<sup>31</sup> For detailed information, see: The Netherlands Ministry of Justice and Security's 2023 Turkey Report, pp. 47

<sup>32</sup> <https://zamaustralia.com/2021/06/kemal-gulen-kardesime-iskence-altinda-ifadeler-imzalatildi/>

*the courtroom. We have heard that my brother Selahattin, from whom we have not heard for 28 days, was forced to sign statements under torture, ill-treatment and pressure. I am concerned that the statements taken in a manner contrary to law, procedure, law and conscience will be used to denigrate innocent people."*

## 5. Kemal Kevser Gülen and His Wife Hale Gülen

**“Kemal Kevser Gülen”**, who is a nephew of Fethullah Gülen, had an arrest warrant issued against him due to the media exposure of his familial connection to Gülen (Gülen Genealogy) and his entire assets were seized as a result. Prior to the July 15, 2016 coup attempt, Kemal Kevser Gülen had worked as a news presenter on Samanyolu News TV, Samanyolu TV, and other channels. Following the issuance of the arrest warrant, he was compelled to leave the country via illegal means and seek asylum in another country.

**“Hale Gülen”**, Kemal Kevser Gülen’s spouse, applied to leave Turkey for Georgia legally on July 30, 2017, at the Sarp Border Gate. Despite there being no arrest warrant or investigation against her, she was detained and arrested on the grounds of her husband’s arrest warrant. The subsequent imprisonment sentence against her remains final. Hale Gülen’s right and freedom of movement, right to personal liberty and security were restricted in violation of the principle of individuality of criminal responsibility (the principle of personal responsibility in crime and punishment). During the investigation and prosecution phases, she faced hatred and discrimination solely due to her association with her husband’s surname.

Kemal Kevser Gülen and Selahaddin Gülen’s father, **“Seyfullah Gülen”**, passed away in 2014, and their mother, **“Mükafat Gülen”**, died on July 25, 2022, in Edremit town. The Edremit Mufti's Office issued a directive to all mosque officials to prevent the performance of the funeral prayer.<sup>33</sup> Despite the family's attempts to request the funeral prayer at two different mosques, mosque officials stated they could not perform it. Consequently, the funeral prayer was only conducted by close family members.<sup>34</sup> These actions highlight the extent to which the policy of marginalization and hatred towards individuals with the Gülen surname extends to their funerals, demonstrating the severity of these policies.

## 6. Selman Gülen

**“Selman Gülen”**, who is a nephew of Fethullah Gülen, was detained on August 17, 2016<sup>35</sup>, and held in custody for 23 days. He was arrested by the Istanbul 10<sup>th</sup> Criminal Peace Judgeship on September 9, 2016.<sup>36</sup> Following the public trial, he was sentenced to 8 years and 9 months in prison for membership in an armed terrorist organization. His detention was

---

<sup>33</sup> <https://www.tr724.com/edremit-muftulugunden-imamlara-talimat-mukafat-gulenin-cenaze-namazi-kildirilmayacak/>

<sup>34</sup> <https://www.tr724.com/edremit-muftulugune/>

<sup>35</sup> <https://www.yenisafak.com/gundem/teroristbasi-gulenin-yegeni-yakalandi-2513182>

<sup>36</sup> <https://www.haberturk.com/gundem/haber/1294880-feto-alebasi-gulenin-yegeni-selman-gulen-tutuklandi>

confirmed, and his appeals and requests for review were rejected, making the prison sentence final.<sup>37</sup>

Selman Gülen was kept in a **“solitary confinement”** for a long period while in prison. After serving his entire sentence, he was released from prison. His detention, arrest, and imprisonment were reported in pro-government media under the headline **“Gülen’s nephew”**. Additionally, his photos were shared publicly, exposing him and violating the presumption of innocence repeatedly by portraying him as guilty solely because of his surname.

Selman Gülen shared a cell in prison with journalist and writer Ahmet Altan. After being released from prison, Altan wrote an article titled **“Kâğıttan Flüt” (Paper Flute)** in which he mentioned Selman Gülen.<sup>38</sup> In his article, Altan described how Selman Gülen had no visitors in prison, noted that Gülen was religious but also interested in philosophy and scientific research, and mentioned that Gülen played a flute he made himself, giving recitals in the prison courtyard. Altan also reflected on how, despite both being innocent, they were unable to convey their innocence to the judges in court, who did not listen to them.

Selman Gülen completed his entire prison sentence and was released on June 7, 2022. However, on July 14, 2023, he was re-arrested along with his wife, Nur Gülen, and his in-laws, Bekir Öztürk and Mine Öztürk, while at his father-in-law's house.<sup>39</sup> Subsequent news reports, which clearly indicated a centralized source of direction, described his father-in-law's home as a **“cell house”** and emphasized his familial connection to Fethullah Gülen.<sup>40</sup> The reports framed the re-arrest as part of a **“restructuring”** effort, without mentioning the previous imprisonment or addressing the completed sentence.

The reason behind the hate speech, divisive, and disparaging rhetoric towards Selman Gülen is solely due to his being the nephew of Fethullah Gülen. Although the second indictment against Selman Gülen states that **“he did not sever his ties with the organization”**, no legal evidence is presented to support this claim. In the second case concerning the same charges, Selman Gülen was sentenced to 6 years and 3 months in prison for being a member of a terrorist organization. He was also granted conditional release under judicial controls, including regular check-ins and a ban on traveling abroad.<sup>41</sup> The lack of concrete evidence necessitating a second

---

<sup>37</sup> <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/feto-alebasi-gulenin-yegenine-hapis-cezasi/1175168>

<sup>38</sup> <https://t24.com.tr/k24/yazi/kagit-flut,2455>

<sup>39</sup> <https://www.sabah.com.tr/gundem/2023/07/13/feto-alebasi-fetullah-gulenin-yegeni-selman-gulen-yakalandi>

<sup>40</sup> <https://www.hurriyet.com.tr/gundem/mit-ve-istanbul-polisinden-ortak-operasyon-fethullah-gulenin-yegeni-alesiyle-birlikte-gozaltinda-42298455>

<https://www.sabah.com.tr/gundem/2018/01/06/son-dakika-feto-alebasi-gulenin-firari-yegeni-yakalandi>

<sup>41</sup> <https://www.turkiyegazetesi.com.tr/gundem/fetullah-gulenin-yegeni-selman-gulene-6-yil-hapisle-tahliye-1040360>

<https://kronos37.news/fethullah-gulenin-yegeni-selman-gulen-tahliye-edildi/>

judicial proceedings for the same offense, aside from subjective evaluations, exemplifies the application of hate and ostracism.

### **C) Fundamental Rights Violations Carried Out Through the Judiciary**

During this process, not only the immediate relatives of Fethullah Gülen, as exemplified in the sections above, have been affected by the climate of hatred created. In addition, his second and third-degree relatives, in-laws, and even acquaintances from the same village have been subjected to hatred and discrimination.<sup>42</sup> As a result of the policies of hatred and marginalization carried out through the judiciary, many provisions of the International Covenant on Civil and Political Rights (ICCPR) have been violated. The fundamental rights and freedoms violated are listed below.

#### **1. Violation of the Prohibition of Torture (ICCPR Article 7)**

According to Article 7 of the ICCPR, no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment. Furthermore, under Article 4(2) of the ICCPR, the prohibition of torture cannot be violated even in times of emergency.

A significant number of individuals believed to be associated with the Gülen Movement, or simply bearing the Gülen surname, solely because of their surname, have been subjected to inhumane and degrading treatment by law enforcement or in prison. These individuals have faced numerous forms of degrading and humiliating treatment, ranging from being held in overcrowded detention centers or prison wards under inhumane conditions to being isolated in solitary confinement cells.

The arbitrary extension of the detention period was intended to wear down the targeted individuals, create psychological pressure, intimidate, coerce, and force them into becoming repentant (collaborator of justice) (ICCPR Article 14/3g).

Following the July 15 coup attempt, the publication of torture photos in the media and widespread allegations of torture further increased the psychological pressure on individuals. They were forced to sign pre-prepared statements. Pressure was applied to ensure they provided statements in a certain way while in custody, which constitutes a clear violation of the prohibition of torture outlined in Article 7 of the International Covenant on Civil and Political Rights (ICCPR).

#### **2. Violation of the Right to Liberty and Security (ICCPR Article 9)**

---

<sup>42</sup>For example, on September 25, 2016, six individuals, including cousins and nephews of Fethullah Gülen from his birthplace, were taken into custody. This event was reported to the public by pro-government media under the headline "Six Relatives of Fethullah Gülen in Custody."<https://www.haberler.com/fetullah-gulen-in-6-akrabasi-gozaltinda-8801310-haberi/>



According to Article 9/1 of the ICCPR, “No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law.” To justify an arrest, there must be concrete evidence indicating a reasonable suspicion of the alleged crime, sufficient to convince an objective observer. In the case of the arrest of victims, no lawful action or concrete evidence demonstrating their involvement in the alleged crime was present. According to decisions by the European Court of Human Rights (ECHR), the UN Human Rights Committee, and the UN Working Group on Arbitrary Detention, these actions do not meet the threshold of reasonable suspicion necessary to justify detention and arrest.

The practice of detention without reasonable suspicion violates Article 91/2 of the Criminal Procedure Code (CMK) and, therefore, the detention practice in violation of domestic law also breaches Article 9/1 of the ICCPR.

With the provisions of Decree-Laws No. 667 and 668, the maximum detention period was extended to 30 days, and a ban on meeting with a lawyer was imposed for the first five days of detention, although it was stipulated that no statements could be taken during this period. In this context, many individuals with Gülen Genealogy were detained, held under inhumane conditions for days without any investigative action. Articles 19/5 of the Constitution, 91/1 of the Criminal Procedure Code (CMK), and 9/3 of the ICCPR have been clearly violated.

These violations, stemming from hatred clearly, cannot be justified by the events that led to the state of emergency.

According to Article 19/3 of the Constitution and Article 100 of the Criminal Procedure Code (CMK), a detention order can only be issued if there is a "strong indication" of the individual's guilt. Detention orders have been issued for individuals with no actions other than carrying the surname "Gülen" without any evidence demonstrating strong suspicion of a crime.

The UN Working Group of Arbitrary Detention (WGAD) decided in many applications that the detention of people alleged to be members of the Hizmet/Gülen Movement arbitrary and that there was discrimination on the basis of membership to a social group. Moreover, the WGAD states that widespread or systematic imprisonment or other severe deprivation of liberty subjected to the members of the Movement in violation of the rules of international law may constitute crimes against humanity.<sup>43</sup>

### **3. Violation of the Right to a Fair Trial (ICCPR Article 14)**

---

<sup>43</sup> Opinion No. A/HRC/WGAD/2020/51, para. 102; Opinion No. A/HRC/WGAD/2020/47, para. 101; Opinion No. A/HRC/WGAD/2020/67, para. 96; Opinion No. A/HRC/WGAD/2020/66, para. 67; Opinion No. A/HRC/WGAD/2020/84, para. 76.

In order to ensure the right to a fair trial by an independent and impartial tribunal, it is essential to have a "legally established and independent and impartial" court as required by Article 14 of the ICCPR. Reports, including progress reports from the Council of Europe, have reflected that judicial members are not independent from the executive and are subject to political pressure. There are numerous instances demonstrating the lack of judicial independence in Turkey.

The Law No. 6723, which came into effect with its publication in the Official Gazette on July 23, 2016, terminated the membership of all members of the Court of Cassation and mandated the reappointment of its members, thereby undermining the independence of the Court of Cassation. Despite the lack of any serious criminal offense, the arrest and detention of two members of the Constitutional Court, 140 members of the Court of Cassation, 48 members of the Council of State, and 2,745 judges and prosecutors (a number that has since increased) on the pretext of the July 15 coup attempt, and dismissals from their professions without any right to defence, have undermined the independence of the courts. In this context, the first-instance courts, appellate courts, and the Court of Cassation lack independence guarantees.<sup>44</sup>

Indeed, in the case of *Kartal v. Turkey*, the European Court of Human Rights (ECHR) accepted the applicant's claim of violation, who was dismissed from his position as Deputy Chair of the High Council of Judges and Prosecutors (HSYK) by Law No. 6524. The ECHR ruled that there was a violation of the right to a fair trial under Article 6 of the European Convention on Human Rights (ECHR) due to the lack of an effective remedy against the dismissal, and also found that this intervention endangered judicial independence and the rule of law.<sup>45</sup> Similarly, regarding dismissals under the aforementioned Law No. 6723, the ECHR, in the case of *Bekir Sözen*, who was dismissed from his position as a Council of State member by Law No. 6723, found a violation of Article 6 of the ECHR and determined that this intervention posed a threat to judicial independence and the rule of law.<sup>46</sup>

The judicial guarantees and independence protected under Article 139 of the Constitution have been systematically destructed. With Article 3 of Decree-Law No. 667, all judicial guarantees embodied in the Constitution were disregarded, and over 4,500 members of the judiciary were dismissed from their positions without a fair judicial process.<sup>47</sup> Article 3 of Decree-Law No. 667 has led to the loss of the overall independence of the judiciary in Turkey.

On July 17, 2017, "The Platform for an Independent Judiciary in Turkey" a coalition of four international associations in the field of justice, issued a joint statement declaring that the

---

<sup>44</sup> <https://humanrights-ev.com/tr/turkiyede-yargi-bagimsizligi-ve-tarafsizligi-yoktur-hrd-ozel-rapor/>

<sup>45</sup> *Kartal v. Turkey*, Application No. 54699/14, March 26, 2024.

<sup>46</sup> *Sözen v. Turkey*, Application No. 73532/16, April 9, 2024.

<sup>47</sup> "Judges can be suspended or removed only on serious grounds of misconduct or incompetence after fair proceedings" (@UNHumanRights - 27/7/16 - 09.00).

"independence of the judiciary is abolished" in Turkey.<sup>48</sup> The Council of Europe's progress reports for 2014, 2015, 2016, 2018, 2019, and subsequent years have highlighted a regression in judicial independence, a serious disruption to the principle of separation of powers, and the presence of significant political pressure on judges and prosecutors. Due to the lack of pre-established and/or independent and impartial courts, the right to a fair trial before an independent and impartial tribunal (Constitution Article 36, ICCPR Article 14) has been violated.

One of the fundamental principles of the right to a fair trial is the principles of "equality of arms" and "adversarial proceedings." Individuals detained solely due to having the surname "Gülen" have been denied access to the investigation file.

During this process, decisions regarding the arrest, detention, and continuation of arrest for victims, as well as the rejection of appeals against these decisions, were made by the Criminal Peace Judgeship. However, it is widely known that these Criminal Peace Judgeships have been criticized by international organizations.<sup>49</sup> Reports prepared by the Venice Commission<sup>50</sup> and the UN Special Rapporteur<sup>51</sup> regarding the duties, powers, and functioning of the Criminal Peace Judgeships are particularly explanatory. According to these reports, since decisions related to detention were not made by a previously established, independent, and impartial court, Article 9/4 of the ICCPR has been violated.

Without any legitimate basis, the detention of these individuals and their treatment as "guilty," "traitors," "coup plotters," or "terrorists" throughout all stages of the judicial proceedings has led to violation of the presumption of innocence (Article 38/4 of the Constitution, Article 14/2 of the ICCPR).

The detention, arrest, and subsequent heavy prison sentences imposed on individuals with "Gülen" Genealogy have not been viewed as surprising incidents by society.

In the entire process of investigation, prosecution, appeal, and cassation concerning individuals with the "Gülen" Genealogy, the burden of proof has been unjustly placed on them, in violation of Article 14(3) of the ICCPR. A person with the "Gülen" surname was expected to prove in court that they were not a member of the organization and had no involvement with the Gülen Movement. During these proceedings, the defendants faced a "prove your innocence" approach. The judges and prosecutors handling these cases feared that if they issued favourable

---

<sup>48</sup> [http://www.medelnet.eu/index.php?option=com\\_content&view=category&id=68&Itemid=345](http://www.medelnet.eu/index.php?option=com_content&view=category&id=68&Itemid=345)

<sup>49</sup> The PACE report titled "**The Functioning of Democratic Institutions in Turkey**" (Doc. 14078, paragraphs 5 and 69), dated June 6, 2016. This report was adopted with some amendments during the PACE session on June 22, 2016. (Resolution 2121(2016). See <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22957&lang=en>

<sup>50</sup> The Venice Commission's report titled "**Turkey - Opinion on the Duties, Competences and Functioning of the Criminal Peace Judgeships**," dated March 13, 2017, No. 852/2016.

<sup>51</sup> The report titled "**Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression on His Mission to Turkey**," dated June 7, 2017, No. A/HRC/35/22/Add.

rulings for someone with the "Gülen" surname, they themselves might be marginalized or dismissed from their positions. As a result, in an attempt to protect their own careers, they harshly imposed severe sentences.

#### **4. Violation of the Principle of No Punishment Without Law (ICCPR Article 15)**

The accusations and grounds for the arrests related to the Gülen Movement and individuals with the "Gülen" Genealogy lack any legal basis. Moreover, the prison sentences handed down to these individuals for the crime of "membership in a terrorist organization" are also devoid of a legitimate foundation. These decisions, in themselves, clearly demonstrate a violation of the principle of "no punishment without law."

According to the principles of the rule of law and legal foreseeability, individuals are obligated to direct their actions based on declared legal decisions. In accordance with the principles of legal certainty, individuals have the right to foresee the consequences of their intentional actions. Considering that the crime of membership in a terrorist organization is one that can only be committed with intent.

In this context, individuals accused solely due to their "Gülen" Genealogy or kinship ties have been subjected to severe punishments and oppression merely because they belong to a particular family. The information from before July 15, 2016 were included with fabricated reasons in their case files and their family connections and histories were made the subject of legal proceedings. The principles of legal certainty and the legality of crimes and punishments were completely ignored.

Laws do not criminalize the "Gülen" Genealogy or kinship ties with "Gülen". In a similar case regarding the Gülen Movement, the European Court of Human Rights (ECHR) examined fundamental principles under Articles 6, 7, and 11 of the European Convention on Human Rights (ECHR)<sup>52</sup> in its September 26, 2023, decision in *Yüksel Yalçınkaya v. Turkey* and established fundamental principles. The ECHR emphasized the importance of the principle of no punishment without law in this decision with "*...rely on the law and legal norms while exercising all these rights, not anticipating that these actions would be criminalized in the future, the way Article 314/2 of the Turkish Penal Code is interpreted as expanding the scope of this provision in an unforeseeable manner, and the lack of adequate minimum protection against arbitrary interventions, for these reasons, the provisions of the Convention have been violated*" and for this reason the ECHR issued a violation ruling.<sup>53</sup>

---

<sup>52</sup> It corresponds to Articles 14, 15, 21, and 22 of the ICCPR (International Covenant on Civil and Political Rights).

<sup>53</sup> European Court of Human Rights, Great Chamber, *Yüksel Yalçınkaya v. Turkey*, Application No. 15669/20, 26 September 2023.

The principle in Article 21 of the Turkish Penal Code, “The existence of the crime depends on the intent,” has been ignored, and prison sentences have been imposed based on assumptions and prejudices without any investigation into criminal intent. Since the actions attributed to these individuals have no legal basis, Article 15 of the ICCPR has been clearly violated.

### **5. Violation of the Right to Privacy and Freedom of Communication (ICCPR Article 17)**

In the trials related to the Gülen Movement and Gülen Genealogy, personal data (such as marriage and family records, personal data about family members, workplace information, bank records, and similar records) were seized by law enforcement without court orders and used as the basis for the legal proceedings. Furthermore, in violation of the principle of individual criminal responsibility (the principle of personal responsibility in crime and punishment), personal data of the victims' relatives (such as spouses, children, parents) were investigated and utilized in the judicial proceedings.

Individuals subjected to these investigations solely due to their kinship bond had their communication and social interactions monitored while in prison. Their meetings with lawyers were recorded, and these recordings were added to their case files. Family visits, both open and closed, in the prison were particularly scrutinized, and the continuity of family ties was examined.

Additionally, mail and letters received by or sent from these individuals were opened, with copies taken and archived in the UYAP system. In a case concerning a similar investigation in the aftermath of July 15, 2016, where Nuh Uzun was dismissed from his judicial position and arrested, in his application concerning the privacy of private life and freedom of communication, the European Court of Human Rights (ECHR) issued a violation decision.<sup>54</sup> As stated in this decision, recording in a system and making public data obtained from individuals' communications and social interactions violates the right to privacy and the freedom of communication. The interference with the right to respect for private life without a legal basis constitutes a violation of Article 17 of the ICCPR.

Charging these individuals based on their kinship bonds or relationships clearly has violated their right to respect for private and family life.

### **6. Violation of Property Rights (ICCPR Article 26)**

In the societal atmosphere that emerged after July 15, severe and unjust sanctions were imposed on individuals with the "Gülen" Genealogy or kinship bonds to “Gülen”. This can be described as a "**witch hunt**" targeting those with the Gülen Genealogy, leading to prosecutions

---

<sup>54</sup> See: ECtHR, Nuh UZUN v. Turkey, 22 March 2022, No: 49341/18. <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-216748%22%5D%7D>

of Fethullah Gülen's relatives. Additionally, arrest warrants were issued against these individuals, and some had their "assets" unjustly seized. Due to inability to apprehend those with arrest or detention orders, the seizure of their assets indicates a systemic and escalating presence of hatred. Thus, the property rights of these individuals were clearly violated solely due to their association with the Gülen Genealogy.

#### **7. Violation of Political Rights(The Right to Participate in Public Administration, the Right to Vote and Be Elected, and the Right to Enter Public Services) (ICCPR Article 25)**

Following the July 15 coup attempt, some individuals with the Gülen Genealogy were dismissed from their positions in the public sector due to hatred and marginalization as a result of the state of emergency decrees. These individuals were also deprived of their rights to participate in public administration and access public services for life due to discriminatory and exclusionary treatment. The government issued a State of Emergency Decree (Decree No. 670) on this matter, which later passed into law. Despite the lack of a court decision, the dismissal of these individuals from public office and their lifelong prohibition from public service, as stipulated by the decree, clearly violates Article 25 of the ECHR. This situation demonstrates that individuals connected to the Gülen Movement and bearing the Gülen surname have been ostracized and left to "civil death" in Turkey.

The UN Working Group on Arbitrary Detention, in its decision on Mestan Yayman/Turkey (Opinion No. 42/2018 - August 21, 2018), ruled that participation in religious gatherings falls within the right to peaceful assembly and, therefore, that the applicant's rights under Articles 21 and 22 of the UN ICCPR were violated. Consequently, accusations based on family and kinship bonds and the courts' acceptance of such accusations have violated Articles 24-25 of the Constitution and Article 18 of the ICCPR.

#### **8. Violation of the Principle of Equality and Prohibition of Discrimination (ICCPR Articles 2 and 26)**

It has been observed that the restrictions applied in operations and prosecutions against individuals with the Gülen Genealogy or kinship bonds are not based on concrete justifications and suspicions of crime permitted by the Constitution and laws. It is clear that these individuals have been targeted solely due to their family connections and not because of their "religious, political, or other beliefs" or any "status such as birth or other reasons". Due to the imposition of restrictions based on hatred and discrimination, and based solely their family ties, without legal and justifiable reasons, the "prohibition of discrimination" guaranteed under Article 2 of the ICCPR has clearly violated.

The deprivation of rights and freedoms and the prevention of their exercise for individuals belonging to a particular segment of society or a family due to "kinship bonds and other beliefs" violates the prohibition of discrimination and the principle of equality under Articles 2 and 26 of the ECHR."

Due to their beliefs and kinship bonds, these individuals, who have created the idea of goodness and aimed at integrity, faced systematically destructive interventions have led to division and exclusion in society. Despite sharing similar beliefs, they were marginalized as "others" in other segments of society and subjected to persecution. They were accused of being "FETÖ/PDY members" by linking them to the group formerly known as "Cemaat" at that time, solely because they bear a family surname and live according to their faith. In contrast, thousands of individuals in similar positions with victims, due to their proximity to the political power, did not face any judicial or administrative investigations. The principle of equality before the law and the prohibition of discrimination have been violated because the victims, as a result of the hatred and hostility directed against a particular family, were subjected to severe penalties and unjust practices.

Similarly, actions attributed to these individuals, such as using ByLock and depositing money into Bank Asya, were considered criminal only for them. However, no judicial actions were taken against individuals close to the political power or members of the AK Party for the same actions.<sup>5556</sup> The criminalization of the same actions or activities for certain groups while others are protected by the political power constitutes a clear violation of Articles 2 and 26 of the ICCPR.

In light of the aforementioned examples, while the same actions were not considered crimes for some individuals, severe sanctions were imposed only on those associated with the Gülen Movement and with Gülen Genealogy. As a result, the hatred and hostility fostered by the political power specifically has targeted one group, and led to their sharp exclusion from society. Due to the hatred, hostility, and marginalization experienced solely by these individuals, the principles of "equality before the law and prohibition of discrimination" as stated in Articles 2 and 26 of the ICCPR have been violated.

## **Conclusion**

The adaption of hate speech systematically carried out against the Gülen Genealogy and its wide dissemination among people have made these individuals as targets. Such hate speech, on the other hand, potentially constitutes a hate crime. As an extension of hatred campaign, restriction or complete destruction of fundamental rights and freedoms through the judiciary has brought the concept of crimes against humanity to the agenda concerning the Gülen family.

Due to their association with a specific family, targeting the individuals bearing the same surname with Fethullah Gülen and those with kinship bond to him and being subjected to incessant negative comments have been turning into a form of collective persecution in Turkey.

---

<sup>55</sup>[http://www.cumhuriyet.com.tr/amp/haber/turkiye/1286490/Mahkeme\\_Tamince\\_icin\\_organun\\_varligindan\\_haberdar\\_degildi\\_dedi.html?\\_twitter\\_impression=true](http://www.cumhuriyet.com.tr/amp/haber/turkiye/1286490/Mahkeme_Tamince_icin_organun_varligindan_haberdar_degildi_dedi.html?_twitter_impression=true)

<sup>56</sup><https://ahvalnews-com.cdn.ampproject.org/c/s/ahvalnews.com/tr/bank-asya/bank-asya-yoneticisi-merkez-bankasina-atandi?amp>

This situation has revealed a potential that could undermine social peace and incite hostility against targeted individuals or groups within society.

As a consequence of hate speech, discrimination against individuals with the surname “Gülen” has been adopted and this has paved the way for these individuals to be ostracized or targeted by the society. The negative stereotypes and generalizations against individuals with “Gülen” surname aim to portray a certain group of people as one type and reinforce negative perceptions. It has negatively affected the societal perception of these individuals and aroused feelings of fear, hatred and hostility towards those who are targeted by it.

The widespread hate speech that has turned into action, has revealed hate crime from the perspective of the Gülen family. Especially the unified negative discourse in the pro-Turkish-government media outlets has reinforced the negative perception on the Gülen Genealogy, aroused feelings of hatred and hostility, caused the hate speech taking into physical assaults. The attempt to set fire to Fethullah Gülen’s house of birth in his home village and the deprivation of fundamental rights from individuals solely because of their surname are examples of brutal assault. Such hostile practices have led individuals with Gülen Genealogy to question their place in society and experience insecurity in social life.

Many countries have regulated hate speech and hate crime and severe penalties can be applied to such crimes. In this context, this approach involving hate speech and hate crime targeting individuals bearing Gülen surname should also be judicially examined and the required legal steps should be taken. The fact that the practices involving serious restriction or complete destruction of fundamental rights and freedoms through the judiciary demonstrate the gravity of the situation. It is crucial to apply the necessary legal sanctions to serious hate speech and marginalization directed at these individuals. Considering the impact of such discourses on society, the judiciary and authorities should act more sensitively on this matter.

Moreover, hate speech and hate crimes are factors that seriously threaten social peace and human rights. Tackling such discourses and promoting tolerance and understanding highlight the importance of not only strong legal measures but also education and awareness initiatives. Since hate speech and marginalization targeting individuals with Gülen Genealogy cause serious harm not only to the individuals but also overall structure of society. Therefore, it is of vital importance to put an end to leave individuals bearing Gülen surname to “civil death” by means of ostracizing from society and to the **“systematic and arbitrary human rights violations”** against Gülen family.

Such harmful administrative practices reduce individuals’ quality of life and damage the diversity and tolerance that are essential to a democratic society. The peaceful coexistence of diverse elements within society is one of the fundamental principles of democracy, and any discourse or behaviour that violates this principle harms democratic values. From this perspective, it is required to urgently put an end to the severe violations of rights directed at



individuals with Gülen Genealogy, take necessary actions against these acts and violations, and punish those who are responsible.

Consequently, both legal and social measures should be taken to prevent hate speech and marginalization. In terms of legal measures, effective laws must be enacted and applicable law should be implemented effectively. These laws should penalize hate crimes and discrimination and promote equality and respect among diverse groups within society. Additionally, through educational and awareness-raising initiatives at the societal level, people should be encouraged to be more understanding and tolerant towards one another. Thus, respecting the rights of every individual within society and ensuring that everyone has the right to live equally will fulfil an important function for social peace.

**Intercultural Dialogue Platform ASBL**

[info@dialogueplatform.eu](mailto:info@dialogueplatform.eu)

Brussels, Belgium