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Annex I – Report:

From the Rule of Law to "Enemy Criminal Law": "Restructuring" Operations in Türkiye

Submitted by

Security Studies and Rule of Law Association

The Security Studies and Rule of Law Association (SRL Swiss) is a non-profit and non-political civil society organization based in Geneva and established in accordance with Articles 60–79 of the Swiss Civil Code. The association operates in the fields of the protection of human rights, the strengthening of the principles of the rule of law, and the assessment of the compatibility of security policies with fundamental rights.

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Introduction

1. Despite numerous shifts and disruptions in Türkiye's political and social dynamics throughout 2025 and into 2026, arbitrary detentions, rights violations, pressure, surveillance, and stigmatization directed against individuals associated with the Gülen group continue to be observed. Regardless of changes in the political context in Türkiye—including shifts in governing alliances, narratives of judicial reform, initiatives related to the Kurdish issue, or fluctuations in relations with Western partners—the Gülen group does not appear to benefit positively from these developments; on the contrary, the patterns of victimization appear to persist and, in some cases, deepen.
2. An examination of judicial decisions and police operations indicates that investigations initiated under the heading of "affiliation with FETÖ" have gradually expanded over the years to include family members, children, and broader social circles of individuals who have already been imprisoned for long periods. These investigations are frequently reproduced within a recurring narrative of "Restructuring," thereby generating a continually renewed perception of threat and enabling the continuation of practices that raise concerns regarding legal safeguards.
3. This situation suggests that the Gülen group continues to be positioned within the political discourse of the Republic of Türkiye as a persistent or "unchanging" adversary. Developments such as judgments of the European Court of Human Rights, the disarmament of the PKK, renewed policy initiatives regarding the Kurdish issue, constitutional reform debates, or evolving diplomatic dynamics with the United States and the European Union have not led to any observable easing in the systematic pressure and patterns of arbitrary detention directed toward individuals associated with the Gülen group. Notably, in a political environment where long-standing taboos in the PKK–Kurdish issue—an issue that has been deeply entrenched in Turkish political history—are being challenged, and where discussions have emerged regarding the potential reintegration of former PKK members into political life, authorities have nonetheless continued to pursue criminal proceedings against children whose family members are imprisoned, including cases where individuals were detained merely for gathering together. Such developments contribute to the perception that the Gülen group is treated as a category that remains outside broader political or legal normalization processes and is instead framed as a distinct and enduring concern of the governing system.
4. It appears that, from the perspective of the current political order in Türkiye, the Gülen group is positioned not only as a figure associated with past events but also as a continuing criminalized "other" within the political narrative. In this context, new political alliances, diplomatic adjustments, and both domestic and foreign policy initiatives appear to take shape within a framework that excludes the Gülen movement and, in some instances, may further reinforce its targeting within the legitimacy generated by these developments.

5. This report has been prepared to analyze the legal process in Türkiye that began with the state of emergency declared after the attempted coup of 15 July 2016 and that has evolved into a new phase characterized by operations conducted under the labels of "Restructuring" or "Current Structuring." The analysis is undertaken in light of international human rights standards. As the SSRL Association, our primary objective is to identify, on the basis of concrete evidence, points at which judicial practice in Türkiye diverges from universal legal principles within the framework of the European Convention on Human Rights (ECHR), the International Covenant on Civil and Political Rights (ICCPR), and the OSCE commitments on human rights and counter-terrorism. In particular, the report examines the impact of recent operations—many of which target even the most basic forms of social solidarity—on the rule of law and the functioning of a democratic society.
6. The report examines, in a comprehensive manner, the continuing effects of the legal framework established during the state of emergency period, as well as how fundamental rights such as the right to property, freedom to work, and the right to respect for private life have been restricted under the banner of "counter-terrorism." The analysis covers a wide spectrum, ranging from the retrospective use of routine activities—such as Bank Asya account transactions, the alleged use of the ByLock application, and trade union memberships—as instruments of criminal prosecution, to more recent processes in which humanitarian assistance and social activities have been criminalized under allegations of "Restructuring." Within this context, the report discusses, with reference to legal evidence, how universal principles such as the individual nature of criminal responsibility, the requirement of a material element of the offense, and the legality of penalties have, in the context of recent operations, been transformed into mechanisms producing forms of "civil death."
7. Finally, the study evaluates the proportionality between the security arguments advanced by the Republic of Türkiye and its international obligations, drawing on landmark jurisprudence of the European Court of Human Rights (ECtHR), including *Yalçınkaya v. Türkiye*, as well as reports issued by the United Nations (UN). The report aims not only to document existing allegations of violations but also to provide strategic recommendations to the OSCE and other international organizations with a view to restoring legal certainty in Türkiye and preventing systematic human rights violations. This analysis has been prepared from an objective and evidence-based perspective, grounded in the conviction that lasting social peace can only be achieved through the strict application of the principle of individual criminal responsibility and the right to a fair trial.

1. From "Punishment" to "Sustained Pressure": The Psycho-Political and Legal Foundations of the "Restructuring" Operations

8. In the period following 15 July, the first wave of operations was primarily characterized by a punitive approach, involving mass dismissals from public institutions and widespread detentions. In contrast, the operations initiated under the label of "Restructuring" represent a new phase of **"sustained pressure,"** aimed at preventing individuals who had been punished or excluded from public service from re-establishing themselves in social life. Following existing legal proceedings, the release of thousands of individuals from prison or their exclusion from public life through emergency decrees created, from the perspective of the governing authorities, what was perceived as a "population requiring control." At this stage, operations carried out under the label of "Restructuring" have targeted individuals whose property rights have already been restricted and whose freedom to work has been limited; within this

context, acts of mutual assistance aimed at overcoming these restrictions—such as food aid, assistance in finding employment, or financial support—have been redefined as new forms of "terrorism-related offenses," thereby contributing to the permanence of a condition described as civil death.

9. On 12 July 2024, the Minister of Justice, Yılmaz Tunç, announced that **"the number of individuals against whom legal action had been taken due to FETÖ since 15 July reached 705,172."** [1]As a result, individuals who had completed their sentences and been released, those who had received non-prosecution decisions or acquittals, and those being tried without detention—people who must nevertheless continue their daily lives within society—together with their families—have seen ordinary social activities and basic social needs
become the subject of criminal investigations.
10. The series of operations launched on 24 October 2023 under the name **"KISKAÇ-1"** continued through 40 separate operations until 21 February 2025, during which thousands of individuals were taken into custody under allegations of "restructuring."[2] Announced directly by the Minister of Interior through his personal social media account, these operations have framed ordinary social activities—such as alleged "current structuring," "restructuring," or "providing financial support"—as if they constituted acts of terrorism, thereby turning this **"sustained pressure"** into a pervasive atmosphere of fear and paranoia among those affected. Even the most ordinary social activities—such as picnics, children's events, or home visits—have been labeled as "organizational cell activities," reinforcing a sense among individuals that they are **"never truly safe."** This dynamic can be interpreted as a form of psychological pressure intended to sustain a climate of insecurity.
11. The legal deviation underlying these operations reflects a shift from **"act-based criminal law"** to **"perpetrator-based criminal law,"** often described in legal scholarship as **"enemy criminal law."** Under Article 1 of the Anti-Terror Law, an act must constitute a criminal offense in order to be considered a terrorism-related crime. However, in many "Restructuring" case files, the activities in question—such as picnics, shopping, or social gatherings—do not themselves constitute criminal acts; rather, the **"labeled identity"** of the individual involved appears to transform these activities into criminal conduct. In practice, humanitarian solidarity networks formed among individuals dismissed by emergency decrees have been categorized as efforts to "sustain the organization." As a result, activities that would normally fall within the scope of legally protected social solidarity have been subsumed under accusations such as **"membership in a terrorist organization"** or **"financing terrorism"** pursuant to Article 7 of the Anti-Terror Law.[3]
12. The chronological timing of these operations—often coinciding with the conclusion of major trials or with increases in releases from detention—appears unlikely to be coincidental. From the perspective of prevailing state practices, the continuation of narratives such as **"a new cell has been uncovered"** helps maintain social polarization while simultaneously providing what may be perceived as a legitimizing framework for the continuation of **sustained pressure**, which manifests in forms described by observers as **social exclusion and civil death**.

[1] https://www.adalet.gov.tr/adalet-bakani-yilmaz-tunc-15-temmuzu-degerlendirdi

[2]https://x.com/AliYerlikaya/status/1888819544065474597?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1888819544065474597%7Ctwgr%5Ef28eac5dfd7539dc177f377695b12145ae48f7d2%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.icisleri.gov.tr%2Ffetoye-yonelik-kiskac-38-operasyonlarinda-24-supheli-tutuklandi

[3]https://www.ahaber.com.tr/gundem/2025/04/22/fetonun-geri-donus-hamlesine-operasyon-aile-imami-yakalandi-operasyon-goruntuleri-ilk-kez-a-haberde?paging=11

13. Ultimately, it has been argued that the systematic nature of these practices corresponds to conduct defined under Article 77 of the Turkish Penal Code as **crimes against humanity**. In particular, paragraph 1(c) of this provision states that **the deprivation of a person's liberty, when carried out systematically against a segment of society on political, philosophical, racial, or religious grounds, constitutes a crime against humanity**. Against this backdrop, the European Court of Human Rights delivered what has been described as one of the most significant and comprehensive judgments in its 63-year history in the case of *Yalçınkaya v. Türkiye*. Nevertheless, despite the Court's findings—particularly its conclusions concerning the evidentiary use of elements such as ByLock and Bank Asya transactions—the Turkish authorities appear to be attempting to maintain judicial pressure by introducing **new and "current" accusations**, thereby continuing existing practices in modified legal forms.

2. Patterns and Methods of Accusation

14. The patterns of accusation employed by the authorities appear to focus not on concrete criminal conduct but rather on perceived affiliation and identity. The objective increasingly appears not merely to impose criminal sanctions but to marginalize individuals from society, sever their social relationships, instill fear, and discourage collective interaction. Such practices raise concerns regarding compatibility with the European Convention on Human Rights (ECHR), the International Covenant on Civil and Political Rights (ICCPR), and the Constitution of Türkiye. Moreover, because this systematic exclusion targets groups associated with a particular belief-based identity, it has been described in international academic and legal literature through concepts such as civil death, social isolation, or forms of civil exclusion. In addition, the concepts frequently invoked in accusations—such as "restructuring" or "affiliation"—often appear detached from clear legal definitions and function as flexible instruments enabling the continuation of operations. The accusation patterns used in operations targeting the Gülen group in Türkiye therefore appear to conflict with rule-of-law principles, as they do not primarily address individualized criminal conduct but rather seek to isolate a specific social group. Allegations such as "current restructuring," "providing moral support," "financial assistance or financing," and "connection or affiliation" are frequently directed not toward concrete criminal acts but toward identity, perceived belonging, and forms of social solidarity.[4]
15. For example, in many operations where individuals are accused of "restructuring," a recurring evidentiary pattern can be observed. The most common elements cited include situations in which individuals previously convicted of similar offenses—or their relatives—come together in ordinary social contexts, regardless of whether they are adults or children. Activities such as gathering together, having a picnic, playing bowling, being present in the same social environment, or even speaking by telephone have, in certain cases, been portrayed as if they constituted organized activities, thereby becoming part of terrorism-related investigations despite falling within the ordinary course of daily life.
16. Among the most striking examples are cases in which humanitarian or financial assistance provided to individuals whose relatives are in prison, acts of moral solidarity, or the interaction between children whose parents are incarcerated have been framed as if they constituted extraordinary forms of terrorism-related conduct. Through narratives disseminated by pro-government media outlets, such activities have been criminalized using arguments lacking a clear legal basis and have been assigned political meaning.

[4] https://icisleri.gov.tr/kiskac-40-operasyonlarinda-353-supheli-yakalandi

As a result, fundamental rights—including freedom of expression, the right to private life, the right to a fair trial, and freedom of movement—have reportedly been systematically affected. Through such allegations, which lack clear legal qualification, the apparent aim extends beyond punishment to include the social exclusion, stigmatization, and intimidation of individuals, forcing them to live under persistent fear. These developments suggest that criminal law in Türkiye is increasingly applied not solely to punish individual criminal acts but, in certain contexts, to criminalize identity and perceived affiliation.

3. The Most Concrete Examples of Arbitrary and Unlawful Interventions Against the Gülen Group

3.1 Gaziantep-Centered Operation Targeting University Students and Children[5]

17. On 6 May 2025, the Gaziantep-centred operation led to numerous detentions. This is distinct from the Istanbul operation of 7 May 2024 discussed below. Reports describe student and family involvement. Among the accusations directed at those detained were allegations such as **"restructuring of the organization," "establishing a current structure," "maintaining organizational contact," "providing moral support to the organization,"** and **"communicating with individuals considered affiliated."** These accusations were formulated through vague and abstract concepts whose legal basis has been widely questioned.
18. During the operation, several of the detainees were reportedly denied access to legal counsel for several days. According to available accounts, this measure was intended to intimidate the detainees and exert pressure on them to provide statements under coercive circumstances. Such practices have been documented as a clear violation of the right to defense. A number of those detained were children whose parents were in prison, as well as young individuals living in student housing due to economic hardship. In many of these cases, the only alleged basis for suspicion was that these individuals resided with or maintained contact with others who shared a similar social background.

3.2 The "Girls' Case" Heard Before the Istanbul 24th High Criminal Court[6]

19. On 7 May 2024, an operation conducted in Istanbul resulted in the detention of 41 individuals, including high school girls aged between 13 and 17 as well as university students.
20. Following the investigation, the Istanbul Chief Public Prosecutor's Office issued an indictment dated 10 June 2024, bringing charges against 41 individuals for **"membership in an armed terrorist organization."** In the 529-page indictment—based, according to the document itself, on **"intelligence information requiring verification"**—it was alleged that the defendants were involved in a "current student structure." The indictment claimed that several female university students had stayed in student apartments described as **"organizational houses."** Furthermore, 13 parents (three fathers and ten mothers) were also implicated for allegedly allowing their daughters to visit these apartments. The document presented ordinary activities of the girls—such as meeting in shopping malls to talk, playing bowling, going to the cinema, and ordering food through the delivery platform Yemeksepeti—as if they constituted

[5] https://icisleri.gov.tr/gaziantep-merkezli-47-ilde-fetonun-guncel-yapilanmasina-yonelik-bugun-es-zamanli-olarak-duzenledigimiz-operasyonlarda-208-supheli-yakalandi

[6] Wikipedia: secondary lead only; the indictment has not been independently inspected.

elements of criminal conduct, thereby portraying routine daily and social activities as evidence of organizational involvement.

21. Evidence cited in the indictment included telephone interception records, surveillance reports produced as a result of the physical monitoring of the girls and university students, and statements obtained from girls aged 13–17 during questioning conducted at the Juvenile Branch Directorate under the label of **"information gathering."** These materials were presented as evidentiary elements in the prosecution.

3.3 Operation Targeting the "Maydanoz Döner" Company[7]

22. On 21 February 2025, an operation was conducted against a döner restaurant chain operating in Adana under the name **"Maydanoz Döner,"** on allegations of affiliation with the Gülen group. The company's founder, a former teacher, had previously been dismissed from his profession and prosecuted; despite having served his sentence and been released, he was reportedly targeted again years later.
23. Among those detained during the operation were employees working in various positions within the company, including cashiers, waiters, warehouse staff, accountants, and delivery personnel. The indictment reportedly did not include any specific allegations of concrete criminal conduct; instead, it advanced abstract claims such as that **"the organization was being restructured,"** that it **"regained morale through the restaurant,"** and that **"members of the group were sustaining the organization by working there."** In addition, the fact that 23 individuals detained—either partners or employees of the branches—had first-degree relatives allegedly linked to the Gülen group was presented as evidence. In this case as well, efforts by individuals to maintain a presence in social and economic life were effectively framed as criminal conduct.

4. Violations of Rights and Inconsistencies with International Standards

24. **A. Violation of the Presumption of Innocence**

Individuals dismissed through emergency decrees (KHK) are portrayed as "natural criminals" or "terrorists" without a final judicial ruling. Media campaigns prior to arrest frequently contribute to public stigmatization, while even relatives of the accused are sometimes subjected to investigations and judicial proceedings as suspects. In some cases, judicial decisions delivered during the defense phase appear to reflect political considerations, raising concerns regarding impartiality.

25. **Logic of Collective Accusation**

When legal proceedings are initiated against one family member, other members of the family may also come under suspicion. In certain cases, even children have been implicated in terrorism-related investigations on the basis of their social activities, leading in some instances to detention (for example, the operation conducted in Gaziantep on 6 May).

26. **Violation of the Right to a Fair Trial**

[7]https://icisleri.gov.tr/kiskac-40-operasyonlarinda-353-supheli-yakalandi

Concerns have been raised regarding the non-implementation of judgments of the European Court of Human Rights (ECtHR) and the Turkish Constitutional Court in certain proceedings. Allegations that would not normally qualify as evidence under universal legal standards have reportedly been used as the basis for terrorism investigations resulting in detention. Reports of pressure on defense lawyers and restrictions on the exercise of defense rights have also been documented.

27. **Systematic Discrimination and Arbitrary Justice**

Individuals alleged to be affiliated with the Gülen group are, in some cases, treated as guilty solely on the basis of this perceived affiliation or relationship. In addition, limitations in access to effective judicial remedies have been reported, raising concerns regarding the availability of meaningful legal recourse.

28. **Attribution of Responsibility Based on Family or Social Relations**

Sanctions or legal consequences have, in certain instances, been imposed on the basis of family, kinship, or friendship ties, in ways that appear to conflict with the fundamental principle of the individual nature of criminal responsibility.

29. **Ongoing Surveillance and Continuity of Operations**

Documentation from 2025 indicates that such operations have not diminished; rather, they have continued and in some instances intensified. This suggests that the issue is not limited to past events but remains an ongoing phenomenon.

30. **Criminalization of Attempts to Leave the Country**

Attempts to leave Türkiye through irregular routes in order to seek asylum abroad have, in some cases, been prosecuted as "organizational activities." This practice may indicate that individuals concerned perceive themselves as facing unavoidable risks within the country.

5. Conclusion, Requests, and Recommendations

31. As of 2026, regardless of how shifting political dynamics in Türkiye—such as new initiatives concerning the Kurdish issue, constitutional debates, or evolving regional alliances—develop, state policy toward the Gülen group appears to remain grounded in a persistent **"exceptional legal regime."** In this context, steps taken toward the restoration of fundamental rights and freedoms often appear to be structured in a way that excludes individuals associated with this group.
32. Judicial practice in Türkiye increasingly appears to reflect a shift toward a form of **"perpetrator-based criminal law,"** in which past affiliations and social networks are emphasized over concrete individual acts. Operations conducted under ambiguous concepts such as **"current structuring"** and **"affiliation"** appear not only to pursue legal punishment but also to push individuals to the margins of society, rendering them

socially invisible, isolating them through a climate of fear, and contributing to conditions that observers describe as a form of **"civil death."** Such developments raise serious concerns regarding compliance with the obligations arising from the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR). They also provide important context in assessing the objective risks faced by individuals seeking international protection (asylum).

33. As the SSRL Association, and within the framework of **OSCE Human Dimension commitments** and international human rights monitoring mechanisms, we call for the following measures:
34. **Appointment of an Independent Monitoring Mission:** The OSCE should establish an independent observer mission composed of legal experts to monitor, on-site, proceedings related to cases labeled as "Restructuring," and to document potential violations of fair trial standards during court hearings.
35. **Assessment of the Risk of Persecution in Asylum Procedures:** European states and OSCE participating countries should take into account the continuing and politically resilient nature of the pressure faced by this group in Türkiye and reflect in their asylum assessments the reality that return may pose significant and potentially life-threatening risks.
36. **Protection of Financial and Social Solidarity Activities:** The United Nations and the OSCE should adopt a clear international stance against the characterization of humanitarian assistance as **"terrorist financing,"** and emphasize that such practices are incompatible with fundamental principles of humanitarian and human rights law.

37. Recommendations to the Republic of Türkiye

In order to restore legal certainty and contribute to the rebuilding of social peace, it is recommended that the Republic of Türkiye urgently implement the following reforms:

1. **Immediate Implementation of the ECtHR Yalçınkaya Judgment:** The principle of *"legality in crime and punishment"* emphasized in the Grand Chamber judgment of the European Court of Human Rights should be fully restored. Lawful activities—such as banking transactions, trade union membership, or charitable assistance—should no longer be treated as sufficient grounds for criminal conviction.
2. **Limiting Articles 1–7 of the Anti-Terror Law to Their Legal Boundaries:** The definition of terrorism should be aligned with the scope established in the 2003 amendment and restricted solely to **concrete criminal acts involving force and violence**. Acts of social solidarity should not be criminalized.

3. **Restoration of Rights for Individuals Dismissed by Emergency Decrees and the Termination of Discriminatory Practices:** Administrative barriers restricting the freedom to work and freedom of movement of individuals dismissed under emergency decrees should be removed. Efforts by individuals to sustain themselves and their families should not be interpreted as "organizational activities."
4. **Ending Collective Punishment:**

   In accordance with the principle of the individual nature of criminal responsibility, measures such as passport restrictions, asset freezes, and secondary investigations directed at family members should be immediately discontinued.

Conclusion

Justice can only truly be called justice when it is ensured even for those perceived as the weakest or most marginalized. Türkiye should return to universal legal standards and abandon practices associated with “enemy criminal law.” At the same time, the OSCE and the broader international community should actively fulfill their monitoring responsibilities in response to these systematic practices.

Source limitations and publication revision - 26 October 2026
The March 2026 report is retained as a historical submission. The unsupported estimate of nearly two million affected persons has been removed because no reproducible calculation accompanies it. The Istanbul operation of 7 May 2024 and Gaziantep operation of 6 May 2025 are distinct events.
The official Gaziantep announcement is Ministry of Interior press statement 2025-118, dated 6 May 2025. Its figures and allegations do not independently establish individual criminal responsibility.
The Girls' Case account in paragraphs 19-21 derives from a secondary account; the signed indictment dated 10 June 2024, the cited 529-page document and relevant hearing records are needed to verify the precise page references, defendant counts and age distribution. Wikipedia is not treated as primary evidence. Statements about political purpose or psychological effects are SRL analysis and should not be read as judicial findings.