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13. RECOMMENDATIONS

1. INTRODUCTION

In this report, an explanation is presented regarding the government's unlawful seizure and closure of the private educational institutions that were affiliated with the Hizmet Movement and were thus claimed to be part of a terrorist organization. The said institutions had been established in full accordance with the Constitution and laws of the Republic of Turkey, they operated under the umbrella of the Ministry of National Education and had passed every periodic inspection and audit from their establishment until their closure through the KHK (Emergency Decree Law).

Additionally, the unlawful actions taken against the company/school owners, such as the blacklisting of individuals, the subjection to allegations of membership to a terrorist organization, the violations of union rights, unjustly taking people under custody, the arrests and the seizures of property and assets are also matters that have been discussed.

The unlawful treatment and social genocide carried out by Turkish politicians and judiciary and directed towards the Hizmet Movement, in general, and the private educational institutions, in particular, have been discussed within this report and have been explained through documentation.

2. THE ESTABLISHMENT OF PRIVATE EDUCATIONAL INSTITUTIONS AND THEIR OPERATING SYSTEM

Private schools establish their legal basis on the Private Educational Institution Law and are established through permission from the Ministry of National Education. The operations and curriculum of these institutions are specified and overseen by the Ministry of National Education. The institutions are not permitted to organize their activities with the sole intention of gaining a profit. However, provided that they be in accordance with the purpose and goals of Turkish National Education, a certain profit may be sought after in order to raise the quality of education, and bring about investment and services that will provide opportunities and chance for development and growth.¹

3. THE ESTABLISHMENT OF HIZMET SCHOOLS IN TURKEY AND THEIR SUCCESS

In 1982, the Izmir Private Yamanlar College was the first to be established--under the umbrella of the Ministry of National Education Directorate-General of Private Education-- followed by the Private Fatih College in Istanbul and the Private Samanyolu College in Ankara. Through the years, the private schools

¹ *Private Educational Institution Law, Article 12*

now having spread out to all the major cities and towns throughout the country became widely known for their success. These schools became the institutions where both regular citizens as well as the bureaucrats and politicians of the country lined up to have their children educated. From the first years of establishment up until the date on which the AKP government forcibly shut down these institutions through the Emergency Decree Laws (KHK) these schools raised, educated and graduated thousands of students and served as an example to both private and public schools nationwide. Throughout the years, students of these schools were awarded hundreds of gold, silver and bronze medals in the many Science Olympics both in the national level and abroad. Graduates have gone on to study at prestigious universities both in the country and abroad, and have taken on professions and jobs in many different fields of life. These schools were not only the first choice of the government officials, ministers, congress members and bureaucrats of the time to send their children, successful student with limited financial means were awarded scholarships in order to complete their education. The school owners--rather than seeing these institutions as a place of business to bring in profits-- reinvested the revenue coming in from these schools into education and scholarship funds.

4. THE CONSTANT DEFAMATION AND THREATS MADE IN FRONT OF MASSES AGAINST THE HIZMET MOVEMENT, INITIATED BY THE PRIME MINISTER OF THE TIME RECEP TAYYIP ERDOGAN, FOLLOWING THE DECEMBER 17/25, 2013 CORRUPTION AND BLACK MONEY INVESTIGATIONS

Following the December 17, 2013 corruption investigations, the Prime Minister of the time and current President of the Republic of Turkey, Recep Tayyip Erdoğan, in every program, rally, meeting, etc. that he participated in, dedicated a significant part of his speech to slandering the educational institutions he thought to be close to the Hizmet Movement (popularly known as "cemaat"), insulting the members and calling on his supporters and spectators to take action against and boycott the educational institutions established by 'these people'. While, on one hand, he incited masses to bear hatred and resentment towards these people through his hate speech, he was also openly threatening this group of people he had targeted.

Prime Minister (of the time) Recep Tayyip Erdoğan, on March 2, 2014, in a rally held in the city of Denizli, said, "I am telling you, come and take your children out of their preparatory courses (dershane). Take them out of there. If they are attending their schools, take them out. Our public schools are more than enough for you. Like leeches, I tell you, they sucked us all out. I say leeches, but leeches are more virtuous than they are. Leeches suck out the bad blood. But they, they sucked out our clean blood. That's why you should take your children from them."²

During a public speech in Osmaniye, on March 3, 2014, he said, "They are even on the point of heresy when it comes to belief. They truly are assassins..."

² <https://t24.com.tr/haber/erdogandan-cemaate-suluk-bunlardan-daha-faziletlidir,252346>

"This parallel structure most likely has preparatory courses and schools here in Osmaniye as well. I say to you: Take your children out of these courses, can you give me a yes? Take them out of their schools too, why am I telling you this, because our public schools are enough for us."

"If our children need extra classes on the weekends, we, as the state, will provide supporting courses on the weekends for our children free of charge, and we, as the state, will be the ones to pay the fees to the teachers for putting in their extra time and effort because we will stand up against them in this way. Preparatory courses were a doorway to riches for them, they made a yearly profit of one billion dollars this way and now it's gone.³

5. MINISTRY OF NATIONAL EDUCATION AND THE AKP ADMINISTRATION, REFUSING TO ABIDE BY THE DECISIONS OF THE CONSTITUTIONAL COURT AND STATE COUNCIL, SHUT DOWN THE EXAM PREPARATORY COURSES THROUGH MEMORANDUMS

Following the open threats and insults made in front of the public eye, the subject was then taken up in the TBMM (Turkish Grand National Assembly) agenda and the Draft Law to Make Changes in the National Education Fundamental Law as well as Certain Laws and Decrees was passed through by the General Board of the TBMM on the date of 02/28/2014. The President approved on 03/12/2014, and the law was published in the Official Gazette and came into effect on 03/14/2014. With this Law the exam preparatory courses (dershane) in which students prepared for the entrance exams going into high school after middle school and going into the university after high school were canceled out.⁴

However, the Constitutional Court, on the date of 07/13/2015 (decision number: 2015/68), decided that "the exam preparatory courses could not be closed down." In the decision of the Constitutional Court, it was specifically stated that the closure of the courses would be in violation of the "Right to Education, and Freedom of Enterprise".⁵

In spite of the decisions of the Constitutional Court, the Ministry of National Education published a memorandum numbered 2015/23 on the date of 08/12/2015 and issued regulations towards the closure of the courses. However, with the justification that "the exam preparatory courses were institutions which had been established in accordance with the ruling laws at the time of their establishment", through decision number 2015/10398, the State Council 8th Department ruled for the enforcement of the memorandum to be ended.

Following the State Council decision number 2015/10398, the Ministry of National Education canceled memorandum number 2015/23 and issued a new memorandum, number 2015/25, which would bring

³ http://www.cumhuriyet.com.tr/m/haber/siyaset/46887/Erdogan_dan_cemaate__Bunlar_tam_hashasi.html

⁴ <http://www.resmigazete.gov.tr/eskiler/2014/03/20140314-1.htm>

⁵ <http://kararlaryeni.anayasa.gov.tr/Karar/Content/5d165f96-094e-4204-93d4-b5b3c262e6e5?excludeGerekce=True&wordsOnly=False>

about the same outcomes.⁶ However, this memorandum was also partially canceled out by the State Council 8th Department, through decision number 2015/12487 dated 12/11/2015.

6. WHEN DESIRED OUTCOME FAILS TO BE MET THROUGH THE LEGAL REGULATIONS TAKEN ON BY THE AKP ADMINISTRATION AND THE MINISTRY OF NATIONAL EDUCATION, SCHOOLS AND EXAM PREPARATORY COURSES ARE SUBJECT TO UNLAWFUL POLICE RAIDS, TRUSTEES ARE APPOINTED

Despite the decisions reached by the judiciary, using the police forces, the AKP government raided many preparatory courses and schools, conducted searches and confiscated documents. Moreover, **inspectors/superintendents** appointed from MASAK (The Financial Crimes Investigation Board) and the Ministry of Finance conducted financial investigations within the institutions. However, just as there was no trace of any actual court decisions to conduct the raids and searches, as a result of the conducted raids and investigations there was not a single trace of any crime elements or infractions of any rules or regulations whatsoever that could be found.

The only thing that was achieved through the police and fiscal raids to the educational institutions was that the Hizmet schools, employees and students were portrayed as criminals and terrorist breeding facilities in the eyes of the public, therefore inciting hatred and animosity within the society. Members and volunteers of Hizmet were put in such a position that they were naturally seen as criminals and were subject to discrimination. In continuation of this oppression the educational institutions were appointed new trustees by the government, the existing administration was made to give up their positions/duties, some of the teachers were canceled out of their contracts and school owners and executive board members were made to be virtually ineffective.

Having arrived at the institutions together with the police forces, the new appointee committees failed to keep any records during the handovers, nor did they provide any information to the business owners and administrators regarding how and where the existing cash, check and promissory notes found in the cash registers were spent. The new appointees had adopted a kind of administrative policy/understanding in which they aimed for the institutions to be closed down and come to harm rather than to duly manage and operate the institutions.

7. EKASEN / UNION FOR THE DEVELOPMENT OF EDUCATIONAL EMPLOYERS (EĞİTİM İŞVERENLERİNİ KALKINDIRMA SENDİKASI) UNLAWFULLY SHUT DOWN, ASSETS BELONGING TO UNION MEMBERS CONFISCATED, UNION ADMINISTRATION AND MEMBERS SUBJECT TO UNLAWFUL LAWSUITS

⁶ https://ookgm.meb.gov.tr/meb_iys_dosyalar/2016_06/06025012_201525_sayili_genelge_ozel_ogretim_kurumlari_ile_ilgili_islemler.pdf

The EKASEN, "Union for the Development of Educational Employers" was founded on the date of 12/19/2012 through publication in the Official Gazette numbered 28502. The purpose of EKASEN was to gather the owners of companies that were active in the fields of private education and instruction under the roof of a union and thereby standing up for the universal rights and interests of its members. The union, having been secured under international laws and regulation as well as the Constitution of the Republic of Turkey, was subject to a search on 04/27/2016 in accordance with decision number 2016/2421 issued through the orders of Ankara Public Prosecutor Serdar Coşkun whereby all documents, lists of members and all record were confiscated⁷. The confiscated documents were not returned to the union authorities by the prosecutor and thus the union was left in a partial state of being unable to reach decisions and operate. EKASEN, with more than 2,100 educational institutions (private elementary, middle, high schools, basic high schools, private preparatory courses and tutoring centers, dormitories and boardinghouses, educational consultation companies) operating under more than 350 foundations/corporations was shut down by the Ministry of Labor and the Governor's Office of Ankara, following the July 15, 2016 coup attempt.

Through the investigative file no. 2016/160616 of the Ankara Chief Public Prosecutor, dated 02/13/2017, 11 individuals that were part of the administrative committee of the EKASEN were issued an arrest warrant. The right of organization, as guaranteed by the Constitution, was thus violated. In the indictment which was prepared subsequently no evidence whatsoever was able to be presented as an element of crime⁸.

The injustice which EKASEN and, consequently, the Private Educational Institution owners were subject to were directly in violation of rights such as the Individual Freedom to Unionize, as well as the violations of the following rights;

- The Freedom to Unionize as stated in article 23 of the Universal Declaration of Human Rights,
- Article 23 of the Convention for the Protection of Human Rights and Fundamental Liberties,
- Article 5 of the Freedom to Unionize as stated in the Reviewed European Social Standards,
- Article 8 of the International Agreement Concerning Economic, Social and Cultural Rights
- The International Labor Union Agreement No. 87 Concerning the Protection of the Freedom and Rights for Unions
- international warranties protected under the Agreement for the Application of the Principles of the Rights of Organization and Collective Negotiation, and the International Warranties for the Individual Freedom to Unionize;
- article 51, Right to Unionize as stated in the 1982 Constitution,
- Union Rights as stated in the Law no.6356, Unions and Collective Labor Agreements Law, as a result of which

⁷ Official report of the Union search conducted by Ankara Police Headquarters

⁸ Written Order by the Prosecutor's Office for the Detention and Arrest of the Union administration

a union was forcibly shut down, and by the appointment of trustees to the educational institutions which were union members as well as the seizures carried out by the TMSF (Savings Deposit Insurance Fund), the property owners were made to suffer the loss of billions of liras.

8. HIZMET MOVEMENT MEMBERS AND INSTITUTIONS UNLAWFULLY BEING SET AS A TARGET BY R. TAYYIP ERDOGAN ON THE NIGHT OF JULY 15, 2016, (AND AS A RESULT) EDUCATIONAL INSTITUTIONS TARGETED BY OUT-OF-CONTROL MASSES AND PARAMILITARY UNITS BEING SUBJECT TO ATTACKS

On the night of July 15, 2016, the so-called/theatrical coup took place, and even though it was pretty early on in the developments and no judicial decisions or findings had been made yet, President Erdoğan came out on national television and declared that "the Hizmet Movement is the responsible party for what has taken place". He called on the people to go out into the streets and defend their democracy. He posed the members and institutions of the Hizmet movement as the target, and on that same night, the masses of people he called to the streets organized attacks towards the movement's educational institutions, in particular, as well as other affiliated institutions. Many educational institutions were set on fire, causing substantial damage.

9. THE AKP ADMINISTRATION DECLARING A STATE OF EMERGENCY AND ISSUING "EMERGENCY DECREE LAWS" (KHK), THROUGH WHICH 946 CORPORATIONS AND MORE THAN 2,200 EDUCATIONAL INSTITUTIONS WERE SUBJECT TO CLOSURE AND ALL ASSETS SUBJECT TO SEIZURE

Through the Emergency Decree Law (KHK) no. 667, passed on July 23, 2016, 934 elementary, middle and high schools, 109 private dormitories, 15 universities, numerous educational foundations and 19 unions were forcibly shut down and all assets were confiscated.

The shutting down of educational institutions continued on after the initial shut-downs carried out after the abovementioned mentioned decree law (KHK) was passed. The Minister of National Education, İsmet Yılmaz, on November 7, 2017, in his presentation to the TBMM (Turkish Grand National Assembly) Planning and Budget Commission stated that 1065 private schools, 361 other educational facilities, and 848 private student dormitories, coming to a total of 2,274 institutions established/founded by the members of the Hizmet Movement had been shut down⁹.

⁹ <http://www.meb.gov.tr/bakan-yilmaz-tbmm-plan-ve-butce-komisyonunda-sunum-yapti/haber/14898/tr>

In addition, through the decision reached by the government, a total of 946 corporations--among which were also educational foundations/institutions-- were turned over to the TMSF (Savings Deposit Insurance Fund) complete with all their financial assets^{10 11}.

10. FOUNDERS AND OWNERS OF COMPANIES AND EDUCATIONAL INSTITUTIONS UNLAWFULLY BEING SUBJECT TO GENOCIDE IN PRISONS, IN FLIGHT AND IN EXILE

Following the July 15 coup attempt, the owners of the corporations and affiliated schools that had been forcibly shut down were put on an international travel ban and their passports were confiscated. Some of them were unlawfully arrested and their trials are ongoing. Others are living as fugitives or in hiding, with arrest warrants in their names. Some of the businessmen were forced to escape out of the country through illegal means and have been forced to live their lives in exile. These people are still living abroad, struggling to build a life for themselves. Two very important names who have been subject to such unlawful treatment are detailed below:

The big shareholders of BOYDAK HOLDING, who are still currently under arrest, in addition to their family businesses and companies prevalent in the city of Kayseri in Turkey, have made very significant contributions for the establishment of schools under the umbrella of Kılıçarslan Educational Institutions. In addition, esteemed Memduh BOYDAK and his family have made contributions to the establishment of the Melikşah University. The esteemed Memduh BOYDAK also served as the president of the Melikşah University board of trustees. Many members of the Boydak family have been arrested and received sentences¹².

The esteemed Akin İpek, currently living abroad, is also another individual who has devoted himself to education and whose companies and assets have all been confiscated in Turkey. The investments he has made to privately-owned educational institutions, as well as the state schools he sponsored and turned over to the public are widely known by the people. In addition, he lead the way in the establishment of Ipek University and also served as president of the Ipek University board of trustees. His brother who is currently in Turkey, esteemed Tekin İpek, is also a successful businessmen and educational devotee who has been under arrest for more than 2 years. Turkey has requested the return of esteemed Akin İpek from the British government, however, the British courts denied the return request deeming it unfit¹³.

¹⁰ <https://www.tmsf.org.tr/tr/Sirket/Kayyim?Page=10&Rows=100>

(The corporations which the TMSF sells are erased from their list. Thus, the number of corporations may change depending on the date.)

¹¹ <http://www.diken.com.tr/fetoyle-mucadele-raporu-48-5-milyarlik-servet-devlete-gecti/>

¹² <http://www.hurriyet.com.tr/boydak-holding-davasinda-boydak-kardeslere-ceza-40894798>

¹³ <https://www.haberturk.com/akin-ipek-in-turkiye-ye-iade-talebi-reddedildi-2239309>

11. THE VIOLATION OF RIGHTS CARRIED OUT AGAINST THE COMPANIES AND AFFILIATED EDUCATIONAL INSTITUTIONS TAKEN OVER BY THE TMSF (SAVINGS DEPOSIT INSURANCE FUND OF TURKEY) WERE HIJACKED FROM THE RULE OF LAW THROUGH THE KHK'S (EMERGENCY DECREE LAWS) PASSED BY THE GOVERNMENT AND THUS THE INJUSTICE WAS MULTIPLIED

- a. As stated in the 2nd and 3rd sections of article 2 of the Emergency Decree Law (KHK) no. 667, all movable and immovable assets, documents of value, and money owed to the closed down educational institutions were confiscated and turned over to the Ministry of Finance. With the judiciary path having been closed up, it has been made impossible to seek any way to compensate for the injustice, to seek redress for said unlawful treatments. Moreover, as can be understood from the stated article, no decision has been taken regarding the debts of the said institutions, thus leaving the debts to the initial company owners. Regarding the process of closure for the educational institutions that would follow later on, special commissions set up within the ministries were given the necessary authority.
- b. Through the Emergency Decree Law no. 672, 934 kindergarten, elementary, middle and high schools, 109 student dormitories, 104 foundations and 1125 associations most of which were active in the educational field, 15 universities and 19 unions were forcibly shut down, all of which was carried out without any court orders or investigations carried out.
- c. Through articles 19 and 20 of the Emergency Decree Law no. 674, the companies which were made to be operated by government appointed trustees were now turned over to the TMSF (Savings Deposit Insurance Fund). The TMSF was given authority to liquidate and purge these transferred companies, should TMSF deem it to be necessary. Through such practice, in other words, by making decisions regarding the personal assets of the shareholders without resorting to any input on their behalf, the "government" has exercised a kind of lawlessness in which it has acted as though it were the "law" or "mafia".
- d. Through article 11 of the Emergency Decree Law no. 675; it has been specified that the trustees appointed to the said companies are exempt from having to take on any responsibilities regarding their appointed duties and that they cannot be taken to trial regarding these duties. In addition, through the provisions that the following articles cannot be applied to the appointed trustees, the infractions of the trustees have been hijacked from the rule of law;
article 35 and repeated articles 35 of effective Law on Collection Procedures of Assets, no.6183, dated 07/21/1953, as well as
article 10 of the Tax Procedure Law no. 213, dated 01/04/1961.
- e. Through article 12 of the Emergency Decree Law no. 675, RETROSPECTIVELY from the date of publication of the decree law, the operations to sell certain immovables belonging to the

corporations, made after the date of 01/01/2014 and in accordance with due procedures by the corporations were nonetheless canceled. Through said article, the individuals' freedom to do business was taken from them, the victimization of both the buyer and seller were multiplied.

The fact that laws and regulations which can limit the rights of an individual, in particular, can only be applied to the events and transactions taken after the said law/regulation has been put into effect and that they cannot be applied retrospectively is one of the most fundamental principles adopted by all modern judicial systems.

12. THE INJUSTICE AND LAWLESSNESS THAT COMPANY OWNERS, EDUCATIONAL INSTITUTION FOUNDERS, EMPLOYEES, AS WELL AS STUDENTS WERE SUBJECT TO, ALSO FOLLOWED BY MORE INJUSTICE AND LAWLESSNESS WHICH CAME ABOUT BY EXTENSION

- a. Immediately following the July 15, 2016 so-called coup attempt, in addition to the thousands of public officers/employees who had clearly been blacklisted beforehand, privately-owned educational institutions were closed down, the teachers were stripped of their teaching and working licenses and left without professions and jobs.

These privately-owned educational institutions provided employment to a total of 65 thousand individuals, with 35 thousand being educational personnel and 30 thousand being blue-collar service personnel. 65 thousand employees, and their families, were left without employment and without any provisions. What is more, these employees were victimized and subject to a kind of genocide by both the society and the government. In this way, articles 23 and 24 of the Universal Declaration for Human Rights as well as the right to work as stated in article 49 of the Turkish Republic Constitution were violated.

- b. The decreases in the turnovers between the years 2013 and June 15, 2016 are estimated as follows. While the total turnovers of educational institutions in 2013 were 3 billion and 200 million Turkish liras, with 25% decrease in proportion to the number of students, they dropped to 2 billion and 400 million Turkish liras in 2014; and in 2015, with 50% decrease in the turnover and the number of students compared to two years ago, they went down to 1 billion and 600 million Turkish liras.

The financial harms of companies and educational institutions following July 15, 2016 accrued as follows: the total values of immovable properties of the educational institutions serving under more than 350 companies are 10 billion Turkish liras (1 Euro= 3,21 / July 14, 2016), which equals to 3 billion, 115 million, two hundred and sixty five thousand Euros.

Not only the educational corporations of these companies' allottees but also the companies concurrently performing in other sectors that they are the allottees of are confiscated and transferred to savings deposit insurance fund.

In this way, the freedom of labor and contract in the 48th article of the 1948 Constitution of the Republic of Turkey, as well as the social rights in the 49th article and its continuing articles have been infringed¹⁴.

- c. The total amount of the recorded fixtures of the inventory of companies and educational institutions equals to 300 million Euro. Apart from this, these companies' facilities, buildings and lands value billions of Euros. Without any judgment, the possessions and the accounts of company-owners equaling to billions of Euros, which is impossible to compensate for, have been confiscated by the government. In this way, the proprietary right has been infringed according to the protocol no. 1-1 of the European Convention of Human Rights and the article no 36 of the Turkish Constitution.
- d. The libellous speeches and slanders targeted at Hizmet movement and educational institutions that the Prime Minister had given via television and other media organs before July 15, 2016, as well as the raids to the educational institutions done by means of the police, followed by the appointment of trustees caused the institutions to be disgraced. The systematic struggle for discrimination and alienation has provided psychological motivation for the unlawful genocide to be carried out following the coup.

According to the Universal Declaration of Human Rights (p. 11, s. 2), European Convention of Human Rights (p. 6/2) and the article number 36 and 38 of the Constitution, the presumption of innocence has been confiscated.

- e. An arrest warrant was issued for the company allotees, most of whom were taken under custody and sentenced from 7 to 22 years of conviction. In addition, it is a fact that no information has been received from the majority of them and that they were escapees. Some, on the other hand, had to move abroad through illegal means. The businessmen going abroad had not been able to take their stocks that were accumulations of many years out of Turkey together with them and are struggling against difficulties.
- f. There is a number of people among the company owners that couldn't tolerate the genocide, went through psychological problems, lost family integrity, committed to suicide, passed away because of the fact that they were not able to receive treatment service. As a result, according to the Universal Declaration of Human Rights (p. 11, s. 2), European Convention of Human Rights' verdict of 7 § 1 and the Turkish Constitution (p. 38), presumption of innocence has been confiscated.

Article number 19 in the Turkish Constitution foresees that only with the presence of a high probability in the criminal suspicion it is possible to seek for arrest. According to one of the Turkish penal codes, the Criminal Court Law number 100/1, in order for an individual to be arrested, from the initial decisive moment on, concrete evidence indicating the criminal suspicion needs to be indicated, and information and evidence indicating that at least one reason for arrest and a judicial control will fail to satisfy need to be found. Thus, according to p.5 in the ECHR individual freedom and security, issued by the European Court of Human Rights, human rights are violated through false imprisonments.

According to the article number 3 in in the European Convention of Human Rights, prohibition of torture is conducted, and the sufferers have been physically as well as psychologically tortured.

13. RECOMMENDATIONS

1. As a result of the accusation of school-ownership, hundreds of people have been through unlawful actions such as tagging, exposure to false claims to be a member of a terrorist organization, custody, arrest, dismissal from profession, confiscating bank accounts, torture. The rights stated in the aforementioned Constitution and ECHR should be applied at legal levels.

In order for the unlawful arrest, punishment and tortures due to the accusation on school-ownership in Turkey to end, we wish that the Commission take concrete actions by contacting the constitutions in power to resolve the unjust suffering.

2. Pursuant to the investigations, since the broad authorities given to the law enforcers allow for the unjust sufferings such as investigations, custody, search, confiscation and torture/maltreatment during interrogations, these authorities need to be limited and enabled to be accounted for before the law (17)
3. School ownership should be eliminated from being a criterion for a crime. During criminal proceedings, the Office of Chief Public Prosecutor should nolpros the indictment; during trials/prosecutions, competent and authorized criminal courts should return an acquittal. The arrestees, on the other hand, should be released by annulling false imprisonments.
4. The obstacles to the right to establish trade unions should be removed. (20) The forfeiture of rights of those that have been taken under custody, arrested, returned a verdict of guilty due to having been a manager or a member of an Association/Trade Union should be recompensed.
5. The criteria of compliance with the laws should be met in the proceedings of confiscations of properties due to financial offenses in the eye of public authorities and law. (21) The confiscation of the school owners' properties should be removed, and their properties should be returned. Starting with the state schools that the students and parents are interested in, those that invested in education should be given the authority to take any legal action that was prohibited. The usurped assets of 1,605 private schools, more than 800 private teaching institutions, 848 student dormitories and 361 other educational institutions should either be returned or compensated by paying the statutory damages.
6. The pecuniary as well as non- pecuniary damages caused by the the accusation of school-ownership should be recovered.
7. The teachers, academicians and other employees whose right for agreement were taken away as their institutions were unjustly shut down and whose employment authorization were cancelled, thereby being restrained from conducting their profession should be rehabilitated. All damages until today, including the default interest, should be compensated to them. The unpaid monthly payment of those who have been retired should be paid back, including the severance pay interests.

8. The forfeiture of the students and parents whose legal rights were disrupted as they were tagged and blamed for studying at Gulen schools should be compensated. The discriminating actions applied to these people that are against human rights should be removed from regulations. The ones that are jailed solely because they are graduates of these schools should be released. Government's actions blaming the graduates and family members should be repealed. All the public practices lowering honor and personal dignity should be changed.
9. All restrictive practices should be abolished regarding those whose passports were taken from their hands, forced to sign, and those deprived of their travel freedoms, since their legal proceedings still continue.

ADDITIONAL NOTES

- But the main shortcomings still exist. The rights arising from the European Convention on Human Rights (ECHR) and the case law of the European Court of Human Rights (ECHR) are not yet fully implemented. A comprehensive framework law on combating discrimination in accordance with European standards needs to be urgently adopted. (The European Union, 2015 Turkey Report https://www.ab.gov.tr/files/000files/2015/11/2015_turkiye_raporu.pdf)
- The armed forces and intelligence units are not accountable to the Turkish Grand National Assembly. (The European Union, 2015 Turkey Report https://www.ab.gov.tr/files/000files/2015/11/2015_turkiye_raporu.pdf)
- The independence of the judiciary and the principle of separation of powers have been damaged and judges and prosecutors are under intense political pressure. The campaign carried out by the government against the alleged parallel structure within the state has been carried out effectively, sometimes damaging the independence of the judiciary. Significant efforts are needed to restore and secure the independence of the judiciary. (The European Union, 2015 Turkey Report https://www.ab.gov.tr/files/000files/2015/11/2015_turkiye_raporu.pdf)
- The struggle against parallel structure claims was formally included in the government program and the agenda of the National Security Council. Remarkable changes in place of duty and layoffs in the police, public service and judiciary continued. (see also public administration reform). Representatives of the executive power made public statements regarding the ongoing judicial investigations targeting persons alleged to be members of the "parallel structure" and thus intervened in the independence of the judiciary. Judicial investigations have been significantly expanded with crimes ranging from illegal listening and espionage to membership in an armed terrorist organization. Such claims should be examined in accordance with the principle of separation of powers and the principle of independence of the judiciary. Transparent procedures and the judicial process should be conducted in accordance with the Constitution. (The European

Union, 2015 Turkey Report

https://www.ab.gov.tr/files/000files/2015/11/2015_turkiye_raporu.pdf

- Recent dismissal and deductible rankings in the context of the struggle against parallel structure have been a source of concern. (The European Union, 2015 Turkey Report https://www.ab.gov.tr/files/000files/2015/11/2015_turkiye_raporu.pdf)
- However, the recent dismissal and deduction of the ranks of many civil servants ranking on the basis of the alleged involvement in the “parallel structure” has been of concern.
- Difficulty with the routine procedures of some NGOs continued through closure cases, penalties, restrictions or discriminatory practices by public authorities. Restrictions on freedom of assembly remain a problem for some segments of civil society (See. freedom of association and freedom of assembly). In some cases, investigations were carried out on human rights defenders' activities, lawsuits were filed and they were punished. (The European Union, 2015 Turkey Report https://www.ab.gov.tr/files/000files/2015/11/2015_turkiye_raporu.pdf)
- Financial investigations are still not conducted in the way they should be. Precautionary freezing of assets is rarely used and the amount of assets confiscated is small.
- In cases related to corruption and organized crime, financial investigations are not carried out systematically. The establishment of the freezing of alleged offenses as a protection measure continues to function effectively. While the number of corruption cases in which the assets resulting from crime were confiscated was 11,048 in 2013, this number increased to 12,324 in 2014.
- (The European Union, 2015 Turkey Report https://www.ab.gov.tr/files/000files/2015/11/2015_turkiye_raporu.pdf)