

ASSOCIATION OF YAMANLAR HIGH SCHOOL GRADUATES

STAKEHOLDERS SUBMISSION FOR THE THIRD UPR OF TURKEY

EXECUTIVE SUMMARY

OVERVIEW OF THE SITUATION

Since Erdogan and the ruling party came under fire by investigations in 2013, Turkey has been passing through a vicious era in which tens of thousands of innocent people are victimized under the illusion of rule enforcement. The demonization of a segment of society who dared to oppose and say the truth has been initiated by Erdogan. He accepted that there was a witch hunt going on and they would continue it vehemently up until the annihilation of the last member standing. Although a massive inhuman process has been continuing on all the segments of society, which are considered as part of opposition, we aim to focus on the agony, which is being experienced by the graduates of education institutions and communities which allegedly having links with Hizmet movement. Throughout the history so many atrocities have been witnessed but this type of massive annihilation attempt against education and every relevant individual linked with these institutions is unique in human experience. Just to give a quick idea about what is going on in Turkey on this issue, leaving aside the closure of 1043 schools and 2000+ educative institutions in a single day, leaving tens of thousands of teachers without a job, practically preventing them from other private sector jobs, constantly pointing them and their family members at the presidential level as targets of hate crimes, canceling their passports to keep them as hostages, arresting, hijacking, torturing and killings, all of the teachers diplomas were cancelled by legislation. Canceling legitimate diplomas was not even witnessed in Pol Pot's Cambodia or in any other ruthless dictatorship. This can only be explained by the degree of hate and fury Erdogan feels against these people and his uneasiness to publicize a valid university diploma of him, which was a necessary precondition for presidential candidacy in Turkey.

INTRODUCTION

Throughout his life, Fethullah Gulen has advised and preached in all available platforms the importance of higher standard education. People who respected him tried to put his advices into life. The first private high school initiated by F. Gulen's ideas, Izmir Yamanlar High School, was established in Izmir in 1982, aiming to provide a premium level of education in English to the bright children of the relatively poorer segments of the society. Other schools in other cities followed this example and these schools set the standard for successful education as they received continuous achievements in International Science Olympiads and nationwide contests. Almost every year, the members of the Turkish science Olympiad national team consisted of these schools' students. University entrance exams, the top exams of the country became another platform for these schools to perform their success. All leading students in all categories consisted of the students of these schools. Because of this success, the graduates of these high schools were widely seen in ivy league top universities in USA and as employees

in Government institutions in Turkey. Some of these schools had very big and diverse campuses that there could be more than ten thousand students at a time. It is difficult to determine a cumulative figure but in a period of more than three decades, 1426¹ schools only within the borders of Turkey have been established by people who were inspired by F. Gulen's ideas.

After the 2013 investigations targeting himself and his ministers, Erdogan began to blame these schools in his every single speech. He demonized and threatened the people linked with these schools. He invited the nation publicly to boycott them. In his public meetings, he urged the parents to take their children away from these schools, although they were the most legitimate and respected institutions for decades.

Erdogan's hate speech was supported of the state apparatus. Ministry of Education began sending dozens of inspectors to these schools. All other relevant ministries, financial auditors, municipality controllers with strict orders to find and if not to fabricate irregularities to give enough reason to shut down the schools. They were even measuring doorsteps centimeter by centimeter to check if these were in accordance with tiny legislation arrangements.² Police officers were tasting bird manure in the school laboratories in order to understand if it was a narcotic drug. Financial records were checked hundreds of times with multiple teams. None of these intimidations could give the authority even the simplest reasoning to issue a fine or punishment. The students and the parents attached to their schools more.

In some schools with boarding facilities, the girls' dormitories were sealed by the municipality inspectors in the middle of the winter night for violation of fire safety rules and the students were left in the school garden with their pajamas. In some other places, main entrances were blocked by weird municipality excavations for weeks. Rules of selection to national team for science olympiad were changed in order to avoid or decrease the number of students from these schools. Half of the national team was allocated to state schools independent of their test scores.

VILLAINIZATION OF GRADUATES OF GULEN SCHOOLS

As incredible measures were issued to suffocate these schools, High school diplomas of the successful bureaucrats became a heavy burden for them.³ Because human resources departments were busy with issuing lists of personnel who had been graduated from these schools. Language skills of Bureaucrats were a sign that they could be a Gulen school graduate. Prime Ministry's office issued a

¹<http://www.meb.gov.tr/bakan-yilmaz-tbmm-plan-ve-butce-komisyonunda-sunum-yapti/haber/14898/tr>

Minister of National Education's presentation in the National Assembly

²<https://www.haberler.com/merdivenleri-olctuler-cerceveleri-kontrol-ettiler-7695289-haber/>

³<https://www.yenisafak.com/gundem/kamudan-ihraclari-belirleyen-16-kriter-2521643>

circular to all ministries and institutions on 2nd February 2016,⁴ ordering to determine all personnel linked to illegal bodies which seemed legal. This statement was the first of its kind in bureaucratic and legislative history, because nobody knew what “illegal bodies which seemed legal” meant. But the message was received and, in every ministry and government institution, employees graduated from these schools were moved to passive positions. They were not sent to foreign positions or given tasks abroad. Later they were suspended from their positions and as a further step they were discharged from their positions by administrative orders without being charged with any specific accusation. These personnel were not also given any chance to defend themselves⁵ because there was not any concrete accusation to anyone. Against all the existing rules and regulations, they were also banned from entering the facilities they worked. As it was impossible for any court to justify these decisions,⁶ Erdogan came up with a fake coup attempt idea. Right after this comedy scenario, lists of government employees were published in the Official Gazette. Tens of thousands of officials from every ministry and institution were dismissed instantly by these lists. The below excerpt is taken from **(Country Policy and Information Note- Turkey Gülenist Movement, UK Home Office, February 2018)**.

-2.4.5 Following the coup attempt, there was a large number of arrests, detentions and dismissals from jobs as the government took measures against those suspected of involvement in the Gülenist movement. In August 2017, it was estimated that 150,000 people had been suspended or sacked from government posts since the coup attempt; approximately 114,000 were dismissed from their posts. Those dismissed include around 4,000 judges and prosecutors, 30,000 teachers and professors, 3,000 soldiers and 24,000 police officers. It is reported that the Government publishes lists of those who will lose their jobs following the coup attempt on the ‘ResmiGazete’ (Official Gazette) website. Arrest warrants continue to be issued

“Yamanlar Koleji Mezunlar Derneği” Association of Yamanlar High School Graduates was also banned by a presidential decree⁷, like so many other associations and civil society organizations.

According to the EU Commission’s Turkey 2018 Report⁸, which was published in April 2018, out of a total number of 110.778 people who had been dismissed, **only 3.604** people had been reinstated to office by decree.

“At the end of February 2018, out of a total number of 110 778 people who had been dismissed, 3.604 people had been reinstated to office by decree whilst another 36 000 reinstatements took place (according to the authorities),

⁴<http://www.resmigazete.gov.tr/eskiler/2016/02/20160217-7.pdf>

⁵Article 129 of the Constitution of the Republic of Turkey

⁶Article 125, Article 128/2, Article 15 of the Constitution of the Republic of Turkey, Article 7 nd 6 of European Human Rights Convention

⁷<http://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8.htm>

⁸<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-turkey-report.pdf>

following an unclear and opaque administrative process across various institutions.” (p.20)

EU Commission’s report further explains that the reinstatement numbers are given by Turkish Government and are not objective. Dismissals by decree are published in the Official Gazette and could be followed.

The only reasoning was being member of an armed terrorist organization but there was no specific accusation. Just a few short paragraphs of one page and following lists of names. These people were banned to practice their profession. Their passports and their family members’ passports were cancelled.

2.4.10 In June 2017, it was thought that 140,000 people had had their passports cancelled.

UK report also states that the government systematically cancelled the passports of these people. This is a clear sign that they are being held as hostage. Credit cards were blocked.

Teachers’ diplomas were cancelled. These people were not allowed to initiate a lawsuit against this decision.

Sources close to the government announced that the criteria to pinpoint these name lists included being graduated from a Gulen school and having your children to be students at these schools.

European Commission Turkey 2018 Report 17.4.2018

FUNDAMENTALS FIRST: POLITICAL CRITERIA AND RULE OF LAW CHAPTERS

Measures under the state of emergency

The state of emergency declared after the attempted coup of 15 July 2016 remains in force...

*Its primary objective is to dismantle the Gülen movement, **designated as a terror organization by the Turkish authorities** in May 2016 and considered responsible for the organization and execution of the attempted coup of 15 July 2016.*

Overall, over 150 000 people have been taken into custody since the state of emergency began...

A set of unofficial criteria were relied upon to determine alleged links to the Gülen movement, including the attendance of a child at a school affiliated with the organization, (page 8-9)

“A Report On Common Reasons For Refusal Of Asylum To Gulen Movement Affiliated Applicants In EU Member Countries – London Advocacy League, Spring 2018” states that;

Turkish courts have already formulated a list of criteria or arrest named the "FETO MEMBERSHIP CRITERIA" which is used at the verdicts of the Turkish courts almost as a copy-paste list. This list includes the following:

- 1.
 - 2.
 3. *Attending schools or prep-schools run by Gulen affiliates*
 4. *Sending children to these schools*
 - 5.
 - 6.
 - 7.
 - 8.
 9. *Staying in the dormitories or student houses run by the GM*
 - 10.
 - 11.
 - 12.
 - 13.
- (p.32)*

The same issue is mentioned in **United Nations, "Report on The Impact of The State of Emergency On Human Rights in Turkey, Including an Update On The South-East , March 2018 - Office of the United Nations High Commissioner for Human Rights"**

*65. ...As a result, dismissals have been ordered on the basis of a combination of various elements... based on reports by the police or secret service about some individuals, analysis of social media contacts, donations, websites visited, or **sending children to schools associated with the Gülenist network...**(p.15)*

Losing jobs, passports, diplomas and being stigmatized as a terrorist was only the beginning for these graduates. It is stated in the UK Report that thousands of people dismissed by decrees are facing a civil death and these dismissed people are being targets of arrest, imprisonment and torture.

5.4.1 In April 2017 the New York Times stated 'In Turkey, there is a website called Resmi Gazete, which means Official Gazette. It is the outlet in which the government posts bills passed by Parliament, but after the attempted coup, the Official Gazette became a site of lists —

*'They are often posted after midnight; this is how the listed learn that they have lost their jobs, their pensions, their passports. Once on a list, you are stuck in Turkey — with little means to survive. **You are subjected to a form of professional death, and in some cases a form of social death, others are arrested, imprisoned or tortured...**'*

DISAPPEARANCE OF RULE OF LAW

Normally there is a law in Turkey, the Act # 4982 “Act for the Right to Reach Information”,⁹ which ensures the right of citizens to reach information. Government agencies and institutions are obliged to provide the citizens all the information about documents and procedures except the ones that are classified and other categories those are protected by other laws. Citizens have the power by law to reach information about themselves. In addition, there is a higher board “Bilgi Edinme Değerlendirme Kurulu - Right to Information Assessment Board” in Turkey, established by the same law, which consists of members from high courts, professors of law and judges. If a citizen is denied of his right to reach an information or document without a lawful reason, he has the right to file a complaint to the abovementioned board. But this board has made a principle decision (# 2016/1 and date 4th of August 2016) which ruled that the people who were dismissed from governmental jobs by presidential decrees and the people who were investigated for having ties with terrorist organizations should be denied of their lawful rights to reach information. Even before this date, police and other authorities usually denied basic information requests because of the state of emergency in Turkey, but after this date government authorities and officials began to consider that they had a more solid ground to refuse these types of lawful demands. In order to cover up these illegalities, even this institution was evaporated.¹⁰ In the last UPR, Turkey has declared that the protection and promotion of human rights was one of the political objectives of Turkey. The representative of Turkey promised to eliminate the problems stemming from legislation and to establish new national human rights mechanisms.¹¹ Unfortunately, even the existing ones are getting lost from sight in order to hide their shameful practices.

There is no rule of law in Turkey for the time being. UK Report tells that the judiciary had been almost totally cleansed and exchanged with loyal recruits.

*6.4.1.....It is estimated that more than **4 000 judges and prosecutors**, i.e. a quarter of them, have been **dismissed**, while around 2 400 have been **arrested**... According to some sources between 800 and 900 newly appointed judges have direct links with the ruling Justice and Development Party (AKP).*

EU Report also shares similar information with larger numbers and more to the point phrases.

⁹<http://www.mevzuat.gov.tr/Metin.Aspx?MevzuatKod=1.5.4982&MevzuatIliski=0>

¹⁰<https://www.memurlar.net/haber/791223/kayip-bilgi-edinme-degerlendirme-kurulu-nun-yeri-belli-oldu.html>

¹¹<https://mail.google.com/mail/u/0/?tab=rm#search/ha/FMfcgxwBVgjLqcxvDQqnXmFWbzXDSVKm?projector=1&messagePartId=0.6>

4.680 candidate judges and prosecutors were integrated in the judicial and administrative jurisdictions since the attempted coup, following an accelerated and un-transparent selection process, which raised questions as to the application of the merit-based criteria. **31 % of them were lawyers.** (p. 26)

Basic judicial rights do not exist anymore in Turkey. Detainees are not allowed to meet with their lawyers alone, their conversations are being recorded. Worst of all, people close to the government are being given continuous impunity by law. These people can both be officials and civilians. Presidential Decree number (696) has granted this privilege to the civilians, which can be formulated as a “**license to kill.**” They are free to do any act against Hizmet sympathizers including killing and torture.

8.7.3 In January 2017, Turkish Minute published the following: ‘A document recently issued by a prosecutor’s office in Trabzon stated that there are no grounds to investigate a torture complaint since police officers can act with impunity under the current state of emergency in Turkey.

The above-mentioned excerpt is taken from the UK Report, which shows a concrete example about how people can come across with the effect of these regulations. A second excerpt this time from EU Report shown below explains the same issue.

*Legislation passed in June 2016 is still in place, granting security forces judicial privileges and thereby increasing the risk of **impunity**, as is an emergency decree of July 2016 limiting their criminal liability. Another controversial decree was issued in December 2017, **removing criminal liability for civilians** who acted to resist the 15 July 2016 attempted coup, **as well as any acts in the aftermath of the attempted coup.** (p.32)*

A third excerpt, this time from **United Nations, “Report on The Impact of The State of Emergency On Human Rights in Turkey, Including an Update On The South-East , March 2018 - Office of the United Nations High Commissioner for Human Rights”** hints how this legislation is meant to grant continuous impunity, because according to the government, acts that could be interpreted as support to the attempted coup can arise any time in the future, therefore there is not a specific time span to limit this authorization.

*45. OHCHR notes with concern that Decree 696 of 24 December 2017 allows impunity and lack of accountability by affording full legal, administrative, criminal and financial immunity to “people who took decisions, executed these measures and decisions, participated in any legal and administrative measures in order to suppress the coup attempt and the terror acts which took place on 15/7/2016 **and its follow-up events.**”(p.12)*

Turkey’s promises in the last UPR to aim strengthening the independence and impartiality of the judiciary, enhancing its efficacy, facilitating access to justice,

expanding the scope of freedoms and ensuring further improvements in freedom of expression¹²zero-tolerance policy for torture and ill-treatment, ¹³stands like a big joke now because today's Turkey has gone to a point wildly worse than the existing one.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

- Repeal all the unlawful regulations, which aimed to dismiss tens of thousands of people from government positions.
- Adopt relevant measures to compensate material losses of these people.
- Release all the graduates and other relevant people who are put in jail for only being a graduate of these schools
- Restore the honor of these graduates and their family members with all available public means
- Take all the necessary measures the compensation of all non-pecuniary damages
- Return all legitimate rights and achievements of these people
- Remove all unlawful rules, regulations and directions targeting them
- Ensure that all civil servants and individuals who were involved in illegitimate acts and misconducts especially with regard to torture and unjust arbitrary treatment should be brought in front of objective courts
- Return all the assets and properties of these people and organizations which were confiscated illegally
- Restore all the banned organizations established by the graduates of these schools

¹²<https://mail.google.com/mail/u/0/?tab=rm#search/ha/FMfcgxwBVgjLqcxvDQqnXmFWbzXDSVKm?projector=1&messagePartId=0.6>

¹³<https://mail.google.com/mail/u/0/?tab=rm#search/ha/FMfcgxwBVgjLqcxvDQqnXmFWbzXDSVKm?projector=1&messagePartId=0.6>