

The General Assembly of the High Council of Judges and Prosecutors assembled in accordance with Article 29 of Law no. 6087 with the participation of members mentioned below on 15/11/2016.

## **I) INVESTIGATION PROCESS AND ITS SUBMISSION**

The FETÖ/PDY Armed Terrorist Organization which for about a half century has established a social and public entity and basis of legitimacy through so-called religious references in the socio political agenda of Turkey and has a strict congregational structure as of its sociological aspect bound its followers to the relevant structure within the scope of principle of total loyalty and found all kinds of immoral and illegal actions of its members licit. They did not see harm in performing immoral and illegal acts such as violating individual rights carelessly, favoritism, lying, falsification of evidence, calumny and committing crime for the sake of their goals as it is in their actions such as stealing questions in central exams by believing in a mystic authority (belief in the Mahdi), restricting liberty of people by keeping them in penal institutions without even notifying them the accusation by violating presumption of innocence.

The organization, which mobilizes collectively through the instructions, which acts with the motive of seizing public sphere, particularly critical bureaucratic fields of the public force, and which obtains employment illegally with its specific hierarchical structure in the area of civil service, courthouses, police forces, education and army, has put the state organization in a place where it serves the terrorist organization in question through the members of the organization it has employed in all State institutions, and in the organization establishing a veritable state within the state, such instructions given by the so-called leader Fetullah GÜLEN;

"-Be flexible, move around the vital parts without coming into prominence!; move forward to the essential parts of the system without being noticed until all power centers are reached!

-Until you have all power and authority in Turkey by your side, each step is deemed to be early.

-The existence of our fellows in judiciary, civil service or other vital institution should not be considered as individual existences. So these are our guaranties in those units for the future. At some point, they are the guaranty of our existence.

-Our fellows should improve their capabilities and acuirements in that field, I assume that they, in essence, will always be appreciated for their performance as to their bilateral aspect. They need to learn our aspect thus. So, they should work through our judicial system, on one hand, we should work and bring it to a form for them to take advantage from, we should formulate it that way, subject it to such arrangement and criticism.

-The Messenger of Allah considered it better than anyone that coming forward where there is no balance of power would result in smackdown and defeat and therefore always organized his strategy with deliberation and precaution. When balance is not overseen under circumstances where smackdown and defeat are inevitable, demonstration of heroism is betrayal.

-So, you are not dominant, there are other forces. It is advisable to move balancedly, carefully, vigilantly, poisedly by counting various forces in this country so that we do not step back... So everything is a game. Like kung fu, taekwondo, judo, a game is not always about defeating the enemy by punching and taking him down. Sometimes, even escaping from the enemy is an important maneuver (there is interruption) you will know very well, plan very well and move on accordingly. When there is no balance of power, you will not apply to power, your heart is valuable; not technic or tactic.

- I personally prefer to spread my own thought, to conquer everywhere for the sake of my system of thought, the way of invading since there is no balance of power.

- The time hasn't come yet. Until we can shoulder and take on whole world, you should wait until you are ready and conditions are favorable! Especially, in terms of intelligence, we should be a long way ahead of enemies.

- In terms of reaching big sections and parties of the society with this feeling and thought, until they get a specific point and stage, it is inevitable, indispensable, necessary for them to serve in this way... We cannot repair mistake.

- Each step is deemed to be early until we have the power and competence in all constitutional institutions by our side relative to the state structure criterion in Turkey. (...) in such a crowd, I told you this world and my thought in so-called privacy. (...) Your secret is your secret. If you reveal it, you become bond slave.

- Hundreds of friends, of course I say hundreds. They give scholarships in Turkey and in thousands of foreign countries. They build career in about thirty different universities in the U.S. Besides building career, these friends also serve there and this lasts two or three years. There were a few friends before but thank Allah, they were organized. Benevolences at some point... (interruption) were done. And now, they are very well managed they are also fed each year with the blessing and grace of Allah. Our friends building career are fed everywhere from England to Germany, from Australia to the U.S. And these friends will be our communicators at universities there in the future for our goals. When they go back to Turkey, they will be my professors at the top universities there.

- There is no man money cannot buy in the world... They only have different prices. You buy one at low price, another at high."

Shows the importance of staffing for the organization and that staffing is a strategic method to obtain constitutional order.

FETÖ/PDY terrorist organization which has managed to hide for years by determining discretion and hypocrisy as its founding philosophy, has attached importance to legal appearance and turned this into its priority. In this way, it strived to strengthen its legitimacy and make it unquestionable among the public. The means of appearance of the organization have varied from display of sensitivity for Turkish flag, love for the Turkish language to so-called educational institutions which have attached importance to wisdom and science and might educate people from each segment of the society.

However, the mask which has concealed the real purposes of this blood guilty terrorist organization started to fall down following the debates concerning the private tutoring centers (2013) and finally the mask fell down after the 17/25 December bureaucratic coup attempt which tried to redesign the government and politics. Having regard to these consequences, it will not be wrong to state that 17/25 December bureaucratic coup attempt is the date on which both the State and the Nation reached a common conviction (in the State and public opinion) that the mentioned structure (organization) is not an aid organization/ movement of service but a terrorist organization and terrorist activity. Following the bureaucratic coup attempt on 17-25 December, it was underlined aloud for the first time that the FETÖ/PDY was a terrorist organization and the public also reacted in the same loud/strong voice. Since then, this organization which has tried to achieve its secret and illegitimate purposes by abusing the pure religious and national feelings of the people for years has been irretrievably repelled from the heart of Turkish nation.

Following the effective struggle initiated by the State against the FETÖ / PDY terrorist organization, which had been utilizing persons whose confidence it had gained by means of exploiting religious beliefs in line with its malicious plans for years, upon realization of its true face, the organization, which had difficulty in maintaining its current cadres, entered into the dissolution process, weakened in economic and political terms, let alone place its members to the cadres recently created, got into the act on 15 July 2016 in several provinces of the country notably in İstanbul and Ankara, with a view to overthrowing the Government of the Republic of Turkey and altering the constitutional order, through the commissioned and non-commissioned officers, the recruits and sergeants including generals and admirals, who had infiltrated into the Turkish Armed Forces, and the cadets. In this scope, at around 10:00 p.m., the Bosphorus and Fatih Sultan Mehmet Bridges in İstanbul were blocked off by the members of the armed terrorist organization with the tanks and tracked armoured vehicle, and the İstanbul Yesilkoy Atatürk Airport was occupied by the troops who were members of the organization and were transported to the airport with tanks. Thereafter, by 10:15 p.m., entries to and exits from the Airport were blocked and all flights, domestic and foreign, were cancelled by means of taking control of the control tower. The F16 fighter jets flew over the airport at low altitudes and thereby hindered the take-off and landing of the passenger planes. During the same hours, the troops took similar steps to take control of the Sabiha Gokcen Airport. The troops, who were the organization members, tried to dominate strategically important police stations, harbours, bridges and squares notably the entry and exit points of the Vatan Street, the İstanbul Metropolitan Municipality, the İstanbul Governor's Office, the İstanbul Provincial Security Directorate, the Kuleli

Military High School by use of tanks and armoured vehicles. Military officers who flew in the fighter jets at very high speeds often breaking the sound barrier and at very low altitudes and attacked by using sound bombs tried to prevent the public from pouring into streets by means of making them be afraid and panic. The troops opened fire with long barreled weapons upon civilians gathering on the Bosphorus Bridge for protecting national will.

Simultaneously, the F16s, which were accompanied by helicopters equipped with heavy weapons, flew over the Grand National Assembly of Turkey where the public will is represented, the Presidency of General Staff and the Security General Directorate at very low altitudes. Upon gathering of the members of parliament of all political parties, which are represented in the Assembly, at the General Assembly Hall of the GNAT with a view to protecting the democracy and the Assembly, the campus where the main building of the Assembly is located was bombed, and the citizens pouring into streets and protecting democracy and national will were exposed to fire opened by the troops in the helicopters. The building of the Police Special Operations - Training Centre located in the Golbasi district of Ankara was exposed to intensive bombardments by tanks and fighter jets. With a view to preventing the public from pouring into streets, the fighter jets constantly made sorties, and people gathering in front of the public buildings notably the GNAT, the National Intelligence Organization (the MIT) and the Ankara Provincial Security Directorate, on streets and at squares were attacked with long barreled weapons. Unarmed and undefended people, regardless of being women, children, young and old, were exposed to random fire opened by the troops. As a result of the armed conflicts taking place throughout the country, 246 citizens became martyred while 2186 citizens got wounded,

In the press statement issued by the Turkish General Staff on 19/07/2016 at 13:00 o'clock, that the public opinion was informed about the process, by explaining precaution taken by the Turkish Armed Forces as from intelligence was received, the fact that the coup attempt launched by the terrorist organization on 15/07/2016 at the evening hours was quashed countrywide as from 17/07/2016, 16:00 o'clock was released to the public and in the written statement, although the coup attempt was initiated within the Turkish Armed Forces, the traitors who attempted this have no relations with the vast majority of the Turkish Armed Forces named as "the home of Prophet" by the public that loves their country, nation and flag, the given statements about being in charge and command of the State and Grand Nation of from the youngest enlisted man to the highest ranking general/admiral, the Turkish Armed Forces with its staff,

The biggest bloody coup attempt of the history of the republic initiated by the FETÖ/PDY on 15/07/2016 that considers the time has come to change the regime by subverting the Constitutional order after having completed its staffing in civil service, judiciary, security, education and army, by showing a great awareness for the sake of protecting the regime and the democracy, the public, at the cost of their own lives, moving a stand against bullets, tanks run over them and military vehicles, bombs dropped by jets and fire opened by helicopters, with a unique struggle in Turkish Independence War, after having repelled the enemy, it became obligatory to take some precaution to end illegal acts and activities of this betrayal team that uses the law as weapon and whose steps and attempts are unclear in terms of its time and way, that infiltrated in the vital parts of the State and has the ultimate goal of invading State of the Republic of Turkey and its institutions.

Within this context; an ex officio investigation was initiated by the Ankara Chief Public Prosecutor's Office against the members of the FETÖ/PDY terrorist organization, organized within the Turkish Armed Forces, who attempted to abolish the order provided by the Constitution of the Republic of Turkey, or to establish another order instead of this order, or to prevent de facto application of this order, or to overthrow the Government of the Republic of Turkey, or to prevent it from performing its duties, with the use of force and violence, instructions were written with the demand of being transferred to the General Directorate of Security and all Public Prosecutors' Offices within the scope of the investigation, a request of seizure of property of suspects was made, documents were written for the notification of the cancellation of passports of suspects and if any, of their international departure information to the General Directorate of Security, footage of the day of event were brought and submitted to the expert for examination,

Legal investigation was initiated and still continues within general provisions under Article 94 of Law No. 2802 on Judges and Prosecutors, on the basis of the determination of the existence of red-handed situation falling into the criminal court's remit, with respect to the judges and prosecutors who

are determined to be affiliated even if this affiliation is on the level of connection with the FTO/PDY armed terrorist organization,

As it was decided in the preliminary reports prepared by justice inspectors against those who hold duties in the central, affiliated and relevant institutions of the Ministry of Justice, and in the preliminary reports prepared by the Council's inspectors against the others, that the nature of the alleged acts required dismissal from the profession and continuation of profession of investigated judges and prosecutors would harm ascendancy and honor of judicial power, it was requested to suspend them from the profession until the end of the investigation, in accordance with Article 77 of Law no. 2802 on Judges and Prosecutors and Article 40 of the Supervisory Board Regulation of the High Council of Judges and Prosecutors. After the preliminary reports were submitted to the Second Chamber of the High Council of Judges and Prosecutors through the Presidency of Supervisory Board, the President of the Chamber called an extraordinary meeting basing upon his authority set out in Article 30/2 of Law no. 6087 on the High Council of Judges and Public Prosecutors and in Article 4/6 of the Regulation on Working Procedures and Principles of the High Council of Judges and Prosecutors, entered into force by being announced in the Official Gazette no. 28343, dated 04/07/2012. The Chamber, gathered in the extraordinary meetings dated 16/07/2016, 22/07/2016, 01/08/2016, 10/08/2016 and 12/08/2016 and in its stated meeting dated 19/07/2016, unanimously decided to suspend the judges and public prosecutors and the administrative judges mentioned in denunciations, from their professions for a period of three months as a precautionary measure, in accordance with Articles 77/1 and 81/1 of Law no. 2802 on Judges and Prosecutors, concluding that there were strong evidence and suspicion concerning that they were members of the FETÖ/PDY organization which made a coup attempt on 15/07/2016, and continuation of their profession would harm ascendancy and honor of judicial power.

Memberships of members of the Council of State with Law No. 6723 on the Council of State dated 01/07/2016 having entered into force after its publication in the Official Gazette No. 29779 (second clause) dated 23/07/2016, with the provisional Article 27 added to Article 12 of the Law regarding Amendments on Some Laws, of members of the Court of Cassation, with Article 22 of Law No. 6723, by the provisional Article 15 added to Law, were ended by 23/07/2016, date of its publication, a selection was made by the General Assembly of the High Council of Judges and Prosecutors of among the members of the Court of Cassation and the Council of State whose memberships were terminated under the relevant regulations of the relevant Laws and within the given term provided for Law No. 6723, the members who cannot be selected and considered as the members of, in affiliation, cohesion or connection with the FETÖ/PDY Organization, as statutory provision requires, they are also within our decision since their personal rights related high court membership ended by the date they could not be selected.

Based upon the investigation opened by the Ankara Public Prosecutor's Office on members of the High Council of Judges and Prosecutors Mustafa Kemal ÖZÇELİK, Kerim TOSUN, Şaban IŞIK, Ahmet BERBEROĞLU and Mahmut ŞEN for the violation of the Constitution, armed revolt against the Government of the Republic of Turkey and being member of the FETÖ/PDY armed Terrorist Organization, at the extraordinary meeting dated 16/07/2016 of the Plenary Session of the High Council of Judges and Prosecutors with the determination of their continuation on duty would prejudice the prestige, impartiality and credibility of judiciary and that they lost the conditions of being a High Council member during the execution of the present duty, it was decided on their suspension and they were included in our decision,

By the Decree Law of the Council of Ministers dated 20 July 2016, a state of emergency has been declared throughout the country for ninety days as from 01.00 a.m. on 21 July 2016 under Article 120 of the Constitution and Article 3 § 1 (b) of Law no. 2935 on State of Emergency and this decision was upheld by the decision of the General Assembly of the Grand National Assembly of Turkey dated 21 July 2016 and numbered 1116. As it was established in Article 3 § 1 of the Decree Law no. 667 on the Measures to Be Taken Within the Scope of the State of Emergency that entered into force upon being published in the Official Gazette no. 29779 and dated 23 July 2016 that 'continuation in the profession of those who are considered to be a member of, or have relation, connection or contact with terrorist organizations or structure, organizations or groups established by the National Security Council as engaging in activities against the national security of the State, shall be found to be

unsuitable and their dismissal from the profession shall be decided by the absolute majority of the Plenary Session of the Constitutional Court in so far as the members of the Constitutional Court are concerned; by the Board of the First Presidency of the Court of Cassation in so far as Presidents of Chambers of the Court of Cassation and its members are concerned; by the Board of Presidency of the Supreme Administrative Court in so far as the Presidents of Chambers of the Supreme Administrative Court and its members are concerned; by the Plenary Session of the High Council of Judges and Prosecutors in so far as judges and prosecutors are concerned; and by a commission, consisting of President of a Chamber and a member to be determined by the President and Vice Presidents of the Court of Accounts under the chairmanship of the President of the Court of Accounts in so far as members of profession of the Court of Accounts are concerned...’, on the basis of the assessment to be made within the scope of Article 3 of the Decree Law no. 667; the information concerning the related persons’ entry into profession, activities they carried out in education centers and the Turkish Justice Academy, their attendance to in-service trainings and language education, their being sent abroad, appointments made to the specially authorized prosecutions or courts or administrative positions; criteria taken into account in these appointments such as judges to the specially authorized courts used as a weapon, or titled as president, vice president or inspector to the Department of Inspection Board, investigating judges, head of department or deputy head of department, directorate general or deputy directorate general to the administrative institutions; information and documents in their personal files; their shares on the social media accounts; complaints, reports made to the High Council of Judges and with regard to the related persons; examination and investigation files and the decisions rendered with regard to these files; searches made on the spot; processes carried out and decisions rendered by the judges and public prosecutors in charge of the cases in respect of the FETÖ/PDY terrorist organization; records in the cipher program the members of the organization used for communication; disciplinary penalties imposed by the High Council of Judges and Prosecutors and its dissenting opinions with regard to the members of the FETÖ/PDY terrorist organization identified in the reports drawn by the anti-terror units of the Security General Directorate; information on their social sphere; information and documents received from the Ankara Chief Public Prosecutor’s Office; the nature of the investigation launched by the Ankara Chief Public Prosecutor’s Office and charged offences and orders of custody and detention with regard to the related persons; records of statements and inquiry of the judges and public prosecutors whose statements were taken within the scope of the investigation; statements of confessors and other information and documents were presented to the General Assembly of the High Council of Judges and Prosecutors for its examination.

## **II) FETULLAHIST ARMED TERRORIST ORGANIZATION (FETÖ/PDY)**

By the first Article of Anti-Terror Law No. 3713, terrorist organization can be defined as, with the use of violence and force; with one of the methods of pressure, frightening, terrorization, intimidation or threatening, organization in which person or persons who are capable of committing all kinds of crimes are member of, with the aim of changing the qualities of the Republic, the political, legal, social, secular, economic order, destroying the indivisible unity of the State with its country and nation, jeopardizing the existence of the Turkish State and Republic, enfeebling or eliminating fundamental rights and freedoms, destroying the internal and external security of the State, the public order and wealth.

Terrorist organizations that differ from other organization types with the element of political aim, are sometimes categorized to an extent that exceeds its concept. According to the U.S. based National Security Consultative Committee the Task Force, terrorism can be categorized under six: civil disobedience, political terrorism, (with individual or collective interest aim), non-political terrorism, terrorism-related activities, restricted political terrorism and state terrorism. In another classification in which the detective aspect outweighs, leftist marginalism, rightist marginalism, single targeted terrorism, religious terrorism, national or ethnic terrorism, racial hatred, narco-terrorism and cyber terrorism categories are also encountered. The terrorist organizations acting in Turkey are generally handled under four categories. These are terrorist organizations acting within the scope of Marxist - Leninist ideology, separatist-regionalist terrorist organizations, religion based terrorist organizations and foreign based terrorist organizations. Revolutionary People’s Liberation Party

(DHKP/C), Kurdistan Workers' Party and Hezbollah and The Armenian Secret Army (ASALA) can be given as examples.

To accept the existence of a terrorist organization, there should be organized dependence, distribution of tasks, code names, a hierarchy and people defending the ideology of this organization. There exist a cell relation between the FETÖ/PDY members, an exchange of report and instruction. Reports from down to up, instructions from up to down are given, there are active ties of the organization to gain new members, youngsters and children being educated and raised are integrated to the organization. The organization has training materials, books, documents and texts on its statement and ideology, armed power settled in the military and security. The FETÖ/PDY is, like other organizations, based on a belief and ideology system that its members meet challenges for, sacrifice for, do something for its aim. Since the security institutions in which the organization infiltrated are armed and have the authority to use weapon, it is important since it shows the tendency of the organization. As it is in the Hashshashins grouped together around Hasan Sabbah, emerging as a terrorist organization murdering public officers via its bouncer by smoking opium a thousand years ago, the FETÖ/PDY members too, by acting with the aim of absolute obedience and going to heaven, they applied to assassination alike actions within the State.

While religious beliefs do not change, the fact that the organization allegedly acting upon religious motives changes itself, instead of being at peace with its country and State, considering its State as an enemy, instead of being precise and accountable with its structure, using code names, special communication channels, money from unspecified sources like an intelligence organization, running the administrative body from abroad and escaping from coming to Turkey, using all kinds of pressure, blackmailing and illegal activities to eliminate enemies, meeting with different stranger missionaries that the context of meeting is vague, making contact with other terrorist organizations and providing them intelligence, logistic support and support of action, these are facts showing that the present organization is an organized terrorist organization including also espionage activities.

### **1) Foundation of the FETÖ/PDY**

The FETÖ/PDY Terrorist Organization was founded by Fetullah GÜLEN in 1966.

Having been a part of the Yeni Asya Group until 1970s, Mr. GÜLEN then formed the hard core of the organization with his group of friends, during the period he worked in Izmir Kestanepazarı Quran Course, by exploiting religious motives. Thus, he started to carry out independent activities. Within the scope of his activities, he centered particularly upon students and youngsters aged 13-18, and founded the organization, which is referred with his own name, together with the sympathizer group to whom he conveyed his opinions through his speeches recorded in audio and video cassettes and through conversation meetings.

GÜLEN giving the impression of instilling the Islamic thought in society, adapting himself in the present socio-political circumstances, caring being autonomous of political parties by apprehending periodic power balances, developed his organization by increasing his activities within the triangle of "religion, politics and money", impressed religious circles, notably Nurcus by his manner of address including emotional (misty-eyed) and physical elements.

The organization gained a new power in the field of press and propaganda with the 'Sızıntı' Magazine that its publication started in 1978. Contrary to a man of god, GÜLEN changing his compartments and attitudes according to the present power balance and circumstances, although there was a search warrant, just before the 12 September Military Coup, he pointed out his support to the military coup, in his editorial titled 'Soldier' of the 'Sızıntı' Magazine, being connected to him, dated June 1979, "His bayonet eased our wailing hundred times and relieved our fire. Even in our late history, we saw the smiling face of the past and brightening bravery several times... If dark desires that had been preparing for ages would not be prevented immediately, there would be no other choice than crying with resentment. Salute to the 'Sanjak', thousand times of salute to the soldiers holding the Sanjak. Again, after the military coup, in 'Sızıntı' Magazine dated October 1980, in his article title

'Last Police Station(Son Karakol)' we wrote up that 'where hope is gone thousand times of salute to the Soldier who came as a godsend.

The organization that started expanding abroad in the early 1990s, became operating in 160 countries worldwide in a short period of time with a great growth.

## **2) The Aim of the FETÖ/PDY**

When organizing methods, tactics and strategies being applied from the 1970s are examined with a holistic view, by exploiting religious sentiments of the society from its foundation, the armed terrorist organization FETÖ/PDY by using students, briefly human source, its economic and politic power in the educational establishments he operated at home and abroad owing to financial sources he collected as 'Benevolence(Himmet)' in line with his organizations ideology, he aimed at staffing in the Constitutional institutions of the State of the Republic of Turkey (legislative, executive and judicial power) and also becoming an efficient power in international platforms.

Within this context, the organization has strived attaining legitimacy in the society by means of exploiting religious sentiments of people, the organization has created its cadres and gained manpower by way of upbringing youngsters chosen from villages and cities via student selection teams it reached through the houses of heavenly light (ısrıkevleri, i.e. student residents), schools, dormitories and private tutoring centers it owns. Members of the organization, who have stealthily infiltrated into the capillaries of the State, particularly into the area of civil service, politics, courthouses, military and police forces, through an organization parallel to the State model, has been raised in he, schools, dormitories and private tutoring centers as individuals who do not question or think and who act with absolute obedience and are loyal to the organization. Under the name of interreligious dialogue, by meeting with representatives of other religions, he has tried to show himself an interlocutor for sake of Islam, to form a rich-man's club by creating company unions and confederations and thereby to have a say in national and international trade. Questions of examinations, particularly Student Selection Examination, Academic Personnel and Postgraduate Education Entrance Exam, Examination for Specialty in Medicine, Public Personnel Selection Examination, Military Schools Admission Exams, exam to become a police officer, and exams to become a trainee judge were unlawfully obtained and given to the educational institutions belonging to their members, which accordingly has ensured that the members of the organization easily pass examinations. Furthermore, the organization ensured through false documents and evidence fabricated and through slanders that judicial and administrative investigations were opened against those, who are not members of the organization, and these persons were dismissed from the public institutions, and the militants of the organization were employed instead of these personnel.

## **3) Sociocultural and Mental Structure of the Organization**

There is not a certain criterion for membership to the organization. Within the parallel structure, there are also persons of Turkish, Kurdish, Laz, Cherkess, Armenian origins, Sunnis, Alewis, even Atheists, Jewish or Christians who seem not having close relations with the organization. In other words, for membership to the FETÖ/PDY, it is not required to be religionist or faithful, as well as, a Muslim. Among the members of the organization, there are also persons involved any offences, alcohol addicts, gamblers, thieves, pawnbrokers and bribe takers. However, in the understanding of the organization, since 'money' constitutes the priority rather than fulfilling the religious duties and avoiding actions prohibited by the religion, crime or sin committed by person who subsidizes has no importance. If a share is given out of ill-gotten gain to the organization, sin or crime committed is organizedly covered.

There is a little difference between organization of the FETÖ/PDY and a military organization. In this scope, any thought, act or conduct which amounts to questioning the decision of the so-called leader is strongly suppressed. All instructions of GÜLEN and of the other heads under him are regarded as holy beyond reason and carried out. The so-called leader GÜLEN, contrary to

what he says and writes, as a holy commandment, he is not subject to religious, moral, legal rules, considers his organization and himself not within the state order but beyond, is vested with the authority to go against what he says, change them, remove all kinds of bans, bringing a totally new ban and more importantly, he considers himself an authority capable of changing decretals and a heavenly creature such that even an unfinished meal or leftover of this heavenly creature is splendid. Members of the organization form a line to drink tea from his cup or water left in his glass and attribute holiness to him. GÜLEN is a person who meets and consults prophets, saints and other religious seniors in spiritual universe. This is one of the important themes elaborated during the religious conversations at houses or dormitories. One who does not believe in this theme cannot become a real member or he/she is not deemed to have faith from their perspective.

The organization presents him as a Mahdi, Messiah or Honorable to its members. Mahdi and Messiah are superhuman people believe that they will appear at the end of the world. Honorable is a popular word they use to show him sacred and present him as an esteemed person to the society. These notions resulted in rapid growth of the organization and absolute loyalty of its members to the so called leader of the organization. The access to the speeches recorded in audio and video cassettes, books and editorials in various magazines of Fetullah GÜLEN got easy, warnings and advices in these speeches and documents with own words of GÜLEN, had a primary locomotive effect on organization members.

Organization members without kids go to the U.S., Pennsylvania to see their so-called leader and expect to have baby by eating "holy date (hurma)" taken from GÜLEN. This state of mind is also the same for highly educated members. Since it reveals the faithfulness and level of loyalty to the so called leader of judge and public prosecutors being organization members, the things written under cover of 'judgment' by Judge İlhan KARAGÖZ at 18. Penal Court of First Instance being subject to the investigation file No. 2016/5 for precaution devolved on the Second Chamber of the High Council of Judges and Prosecutors are disgraceful for the judiciary.

In the case known as 'the Balyoz Case', opened of malpractice of expertise about experts working at TUBITAK by allegedly preparing and submitting expert report contrary to facts, in the brief decision of the judge dated 04/07/2016 of 577 pages, the mentioned judge used complimentary expressions having the characteristics of propaganda, proclaimed the so-called leader of the organization Fetullah GÜLEN 'mahdi' and openly humiliated and insulted the President of the Republic of Turkey, Ministers of the Cabinet and judicial bodies and again some public officials. In the judgment;

"I praise Allah to state my devotion to your honor and grandness, to have blessings on me accomplished, to maintain his divine guidance and grace. I salute Mohammed and through him, all of his ummah to express that I prostrated before prophetic office, to fulfill right to respect on us given by him being the messenger of Allah and that I beg for his intercession..."

"Do not beat the air. I finally figured it out! Recep Tayyip Erdoğan, AKP, with all its followers, supporters and jesters, including Doğu Perinçek, with the National Intelligence Organization, deep state and "EPLİSMENT" superior mind, you plotted against this country! Such a plot that, without a veritable divine help, maybe I would not be able to figure it out..."

"We file a criminal complaint and reexpress it again against all prosecutor and judges involved in corruptions, nol-processed investigations carrying out on this subject and chief prosecutors and their deputies having influence herein and all Ministry of Justice authorities and all of the High Council of Judges and Prosecutors members exercising power and assigning according to the Ministry of Justice."

"From here we declare, Fetullah Gülen Hodja Effendi is chosen person as Last Prophet Muhammad al-Mustafa Sallallahu Alaihi Wasallam informed that our Effendi would come from his blood and as we transmitted it from the books of Abdul-Qadir Gilani again from his blood and while Hazrat Abu Bakr, Hazrat Umar, Hazrat Uthman and Hazrat Ali were successors of our Prophet, Madhi, since he is a unique person who will lead humanity to the right path he will have lots of

brilliances and miracles, many people will obey him as they stand by and he will immediately start renewal and restore and as he has freedom of movement since he knows how to act and how to guide people, he will rise as the Caliph of Allah..."

"...AND YES ERDOĞAN IS THE LAST AND BIGGEST DAJJAL.." non-relevant expressions constituting crime are so important since they show court decision can be also sacrificed for the aims and desires of the FETÖ/PDY terrorist organization and used to give message to its members.

#### **4) Efforts to Create a Parallel State**

The organization particularly infiltrated into the area of politics, civil service, courthouses, army, police forces and bureaucracy recorded illegal acts by various reports prepared by public institutions and intelligence service to the State archives (at different dates). The organization leader Fetullah GÜLEN found it backbreaking to fight against the State to reach their goals at first step, that's why instead of destroying the present system, he aimed at possessing public institutions. The organization almost succeeded to build a suitable organization by having numerous charities, associations, private schools, companies, private teaching institutions, dormitories, media and broadcasting institutions at home and abroad under his supervision.

#### **5) The Administration of the Organization**

The FETÖ/PDY armed terrorist organization, like other illegal terrorist organizations, has a confidential and hierarchical structure, and it is administered through organizational tactics such as communication through onionskin papers, providing CV and using a code name on the part of the members. On other hand, by giving them certain tasks and responsibilities, their commitment to the organization is improved.

The organization categorizes people under 5 groups; the first group is composed of haters of the organization and people fighting against the organization; the second, of people who are not interested in the organization but being enemies, the third, of the ones who love the organization without contributing or donating money, the fourth, of people helping and supporting the organization without being member of, the fifth, of people devoted themselves to the organization without questioning it.

The most important reason why all decisions of members of the organization in their private and business lives are under the initiative of the organization is that they believe that the so-called leader Fetullah GÜLEN and imams they are affiliated to would never commit mistake. Even marriages of the organization members are generally done with the permission and direction of imams they are affiliated to. Member of the organization deciding to marry someone informs his imam about the situation and picks his wife-to-be from a catalogue in which pictures of women being member of the organization exist. Therefore, the commitment of members to the organization gets stronger and in case of leaving the organization by driving a wedge between his/her children, wife/husband and his/her wife/husband, pressure is created.

The words spoken by the leader of the organization, Fetullah GÜLEN which reads as follows: "Whoever you are, do not let your position or reputation captivate you. Become 'zero', and accordingly you can be used in big numbers and important places", express the functional values of the members of the organization, and individuals who have no importance individually for GÜLEN, gain value in accordance with their activities within the organization.

The fact that the FETÖ/PDY armed terrorist organization allegedly acting upon religious motives interprets, changes, ignores religious values for their goals, instead of being at peace with its country and State, considering its State as enemy, instead of being precise and accountable with its structure, using all kinds of pressure, blackmailing and illegal activities to eliminate enemies, meeting

with different missionaries that the context of meeting is unknown shows that the present organization is an organized terrorist organization capable of spying.

According to the instructions of the so-called leader concerning reaching the goals of the organization in some speeches being reflected in the public opinion, the intelligence is the most important element to be one step ahead of enemies, attack should be avoided until necessary greatness, capacity and suitable conditions are met, until reaching sufficient power, being moderate and assuming a humble attitude are important. Planning should be done before taking the action, nothing should be done without planning, strategies and tactics should be kept secret, and even some strategies and tactics should be only known by the one who is in charge of them, the ends justify the means.

## **6) The Hierarchical Structure of The Organization**

In geographic, sectoral or institutional terms, the organization has a working order composed of responsible persons called “imam” and a hierarchical structure. The leader of the organization, GÜLEN, is regarded as “the so-called Imam of the Universe” by the members of the organization. Under the Imam of the Universe, the supreme boards manage the units of the organization and arrange its activities. These boards are the advisory board, mullahs, appointment committee and special service units.

The organization has domestic and foreign structuring, and the foreign structuring of the organization is composed of the continental imams and the country imams under them. Under each continental imam, there are responsible country imams, and the relevant country’s infrastructure studies are carried out and its policy over the country is determined under the coordination of the continental and country imams.

The domestic structure of the organization is hierarchical and composed of the imam of Turkey, region (state) imams, province imams, small province region imams (only in big provinces), county imams, district imams, neighborhood imams, home imams (abiler), student imams, serrehbers and belletmens, and they spread through the organization. There are 5 region imams under the imam being responsible of Turkey and city imams under these 5 region imams. Each city is divided in subregions by taking into account its size, and a different imam is appointed to each district. Under district imams, there are İşik house imams affiliated to that district.

In addition, imams are also appointed by the organization for the public (ministries, provincial institutions, regional administrations, universities, public economic initiatives etc.) and private (law bureaus, information technologies companies, accounting firms etc.) institutions.

After the so-called leader Fetullah GÜLEN went to the U.S. in 1999, the responsibility concerning activities in Turkey was transferred to the imam of Turkey. Activities within the country are carried out under the supervision of country imam and the approval of GÜLEN for the activities is directly or via deliveryman required. Special service unit imams, appointment committee, judicial imam, media imams, Turkish Board of Trustees, continental imams, region imams and academic imams are directly affiliated to the imam of Turkey.

The special service unit imams that create the backbone of the organization and provide the prestige that the organization gained today are the most valuable ones in the eyes of the so-called leader of the organization GÜLEN. This unit is vastly composed of imams of judiciary, police, civil service, Turkish Armed Forces, the National Intelligence Organization, National Education and Academic Staff. The organization obtains its essential power from special service units, almost all activities, notably operations carrying out in the country are performed via these units. These units that the organization attaches great importance are also known as secret services units and all work of these units are done in confidence. All members of the organization performing in these units hide their identities by using code names. Another precaution to prevent being uncovered of special service units is the cell structure. Each unit has a cell structure within itself. A member of the organization can only

know a superior responsible and an inferior member. Again, members of these units take extra measures to not to be followed and benefit from means of technology in terms of communication in a controlled level.

All internal and external appointments of the organization are done by the appointment committee, the instructions for going to place of duty are given in May concerning the appointments, generally done in March and these two months between March and May are considered as adaptation period.

Imam of judiciary being affiliated to the imam of Turkey and being able to get in touch with Fetullah GÜLEN, if needed, is selected among people who can have a voice in judiciary.

### **7) The Intelligence Network and Illegal Structuring of the Organization:**

It is inevitable that one of the leading factors that makes the organization strong is that it has an efficient intelligence network. The organization members working at the public institutions transfer the information and documents are collected in a repository and these are used against person and institutions being enemy by making the information and documents fit for purpose. Especially an information, document or file in Directorates of Intelligence Bureau will be transferred, the organization members use a news portal with phony names. After creating account with fake information, passwords are given to the organization members, on opened web page, there is a news portal as image but when the icon below the image is clicked a new page is opened. On this page, online people are seen. File transfer or data sharing are done this way and important information and documents are collected through branch office on news portal. Briefly, all confidential information and documents of official authorities of the State are transferred to region responsible of the organization.

Files such as judicial subjects being followed at intelligence offices, instructions given by the organization responsible, recording info of persons whose fraud is tried to be uncovered are transferred to the organization responsible. This system is only used for weighty situations, ones who discharge an order with absolute obedience and full devotion without questioning rightness, rationality, religious, legal and moral aspects of the given instructions by the so-called leader or board level are specially used.

The fact that some administrative penalties are unjustly given to public officers not being the organization member or their promotion to sensitive positions or their promotion by destroying their register are prevented, copying at promotion examinations, investigation files or voice records of persons being leaked to the public opinion by devious means in order to create perception operations, publication of confidential info and documents of the State, trying to obtain info, document and image as to utilize for the FETÖ/PDY by using means of the State, taking info and documents which are supposed to be in the secret archives of the State out of the relevant institution, these are among the first things coming to mind concerning the actions of the members brought up as "Golden Generation" of the FETÖ/PDY. The organization, via these acts, blocked ones not being member of it or obliged them to be member. Being a member of the FETÖ/PDY has become an essential condition to be top official in certain institutions and organizations, ones who obey the organization and accept each duty to be done are promoted to the highest positions.

### **8) The Means Used in Communication by the Organization**

First of all, since there is a separate hierarchical structure for each profession and a member belonging to a profession does not know another member from another profession, an organization member is only in touch with 3 or 4 members at most and cell structure is adopted, it would be nonsense to seek for a communication network and connection between all members of the organization.

The members of the organization use the following means for the communications: face-to-face meeting, using a courier, mobile phone, special note, internet, social media and general explanations through media organs. The primary communication means is face-to-face meeting. Accordingly, if there is an emergency case which requires discussing with someone or requires something to be discussed, face-to-face meeting is certainly conducted, and except compulsory conditions telephone conversation is not made.

Mobile phones are the most important means of communication for the organization. SIM cards used in these mobile phones are generally registered in the name of someone else or institutions or organizations that are under the control of the organization, and real persons using these SIM cards cannot be identified from the customer's information. It is an important data revealing that the acts that the organization members that provide telephone cards not registered to them and change them periodically with mobile phone allegedly legal are in fact illegal.

Senior 'brothers' and 'sisters' of the organization use mobile phone cards registered in another country from which, by subscriber info, only the country it belongs to can be seen, to communicate with abroad schools, encoded IP telephone is used via lines for rent.

Mobile applications such as Skype, Tango, Bylock, Line, Kakaotalk, which allow communication through mobile data, are frequently preferred means and methods of communication as they cost low and are protected through the encryption of messages.

Using delivery person is accepted as one of the most reliable means of communication, especially to communicate with the so-called leader of the organization GÜLEN this method is mostly used, to receive instructions or report activities, organization members go in person to the U.S. Pennsylvania to have a face-to-face meeting with the so-called leader.

## **9) Creating Pressure**

The methods used by the FETÖ/PDY terrorist organization that has been recently building an empire of fear in our country to create pressure vary in terms of the number of target person or persons, the position, profession, social status, weaknesses and the level of hostility of target person.

Among pressure methods, having a self-employed sustain loss in defiance of free competition circumstances or self-employed being subjected to often inspections by the organization members working at public institutions, again mobbing on public officials, blocking the promotion, not appointing to strategic positions, involuntary appointments, not awarding even if he/she deserves, deprivation of at home or abroad training opportunities or being subjected to disciplinary punishments can be given.

Some of the illegal methods used by the organization are aimed at destroying both materially and morally the target person. It is possible to enumerate these methods as; to send anonym and unsigned advice letter or electronic mail in a way that it is impossible to detect the sender including libelously advices concerning private or professional life of the person to discredit or blame the public official in the eyes of the institution he/she works at and the public opinion, to open judicial and administrative investigations on persons thus, to discredit them in family, social and professional lives, to publish images and voices that violate the right to privacy via internet sites operated from various external servers that makes the detection of the real broadcaster impossible, to reach large masses by broadcasting this kind of things on the internet by providing reference the present site via media organizations, to present some manipulated digital data obtained through illegal ways owing to members in security units or strategic institutions to the public opinion, to oblige people to pay huge amounts of money (benevolence) to force them to do the work required or to make them leave the job by blackmailing or threatening such as being dismissed from profession through a criminal case or they possess digital data that the person would not want them be revealed.

The organization also creates pressure on members that tend to leave in order to prevent this situation, taking account of their will, behaviour and conduct in terms of leaving, it applies to strict measures from light to severe as "Reprimand", "Light Slap"(as warning), "Heavy Slap" (the opposite of Light Slap) and "Expulsion".

Relation of the organization with politics is pragmatic and it is primarily aimed at paving the way for staffing by having influence on politics and its institutions and bringing its members to efficient positions and having them protected. Lots of academicians and journalists being the FETÖ/PDY terrorist organization members that are specially raised and featured in the public to mold a public opinion around their thought system, to manage people according to its own comprehension or to influence politicians leave no stone unturned, notably perception management to dominate national and international politics. Besides, by having its members infiltrated in parliament, by doing studies through law offices on law drafts in which it shows interest, it tries to be involved in the legislative process also with the participation of media organs.

In the press and media sphere, the organization has carried out activities in order to suppress and discourage the society, State and groups and persons, who oppose the domination of this organization, by using its media and press organs. The radio and TV channels, newspapers and magazines belonging to the organization demonstrate these activities, the leader of the organization has been introduced as "Honorable Fetullah Gülen Hodja Effendi" (Muhterem Fetullah Gülen Hocaefendi) in the radio and TV channels and printed media controlled by the organization, his position as an indisputable, untouchable and uncriticizable superhuman being has wide media coverage, and the public's memory has been instilled with the belief that he is a sacred person through exaggeration. At the beginning of each week, instructions, which are called as "the talk of honorable Fetullah Gülen", to be carried out that week have been conveyed to the members of the organization through the press and media, and these instructions have been given sometimes in an encrypted way by the organization's language, and sometimes overtly during these talks. In these talks, political, economic topics and topics related to the future of the organization have constituted the subject matters of these talks under the guise of religious topics, and accordingly those, who have been taken into detention or against whom an investigation has been initiated or an action has been brought on the ground of organizational activities are encouraged, and a message is given to the effect that the organization supports these persons and protects them in the future, and the general instructions are conveyed to "the grassroots of the organization" by the same method and the perception of the public opinion is managed.

The organization with no certain position and publication principles, by using its financial sources or allying with media organizations that serve the same purpose, makes other press institutions write and publish whatever it wants. For instance, it brainwashed for years by assigning a channel to the trials of an imagined organization it created under name of "Ergenekon Terrorist Organization" and provided support of the public opinion, later on it used all press and media organs for black propaganda against the government.

The FETÖ/PDY seized confidential info, clandestine gatherings, confidential phone calls of the State through its staff in public institutions by considering all means legal and published them by montaging on social networking sites such as "twitter, facebook, youtube", by means of discrediting state and government it performed spying missions, the most confidential info of the State served to the media. Despite all these, the organization still tries to create a perception in same press organs that it has not any blame concerning the present situation of the country, the members committed no crime, the State is unfair to the organization through investigation and cases.

#### **10) Education Field: Private Teaching Institutions, PDY Houses and Student Dormitories**

Children from poor families from various segments of society but especially coming from rural areas to cities compose an important part of the organization. The main purpose of the organization by concentrating on schools and private teaching institutions is to raise intelligent people that can lead the organization and take part in staff in time. Within this scope, meetings have been arranged under cover of picnic and meal to gain new members starting from secondary and high school period, by these meetings, students are oriented to private teaching institutions affiliated to the organization and in these places, there are organization members being responsible of students. Students whose contact with the organization is provided are distributed to houses that brothers or sisters are responsible of. If they want to place a student in a specific school, several months before the examinations, students are sent to different dormitories in groups. These groups are divided into smaller ones later on. Code names are given to each student. Students who will get ready for strategic institutions such as civil administration, police, Turkish Armed Forces and judiciary are selected and raised under more specific conditions. Cell type of structure is applied to them; students that will infiltrate into military schools, Police Academy and Police College are not registered with their own names to the private teaching institutions of the organization. They were given the questions and answers and this is called "learning by heart" in the organization.

At university period, the students are placed in dormitories or houses of the organization or some of them stay at dorms of Credit and Dormitories Institution and thereby try to gain new members. The main duty of brothers and sisters falling in line with confidentiality rule by using code names and being responsible of students staying at houses or dormitories is to strengthen and follow commitment of students to the organization. The organization pays attention that students in different groups coming to house do not see each other, in meetings and conversations of the organization, it is generally emphasized that Fetullah GÜLEN is a special person and engages in dialogue with Hz. Mohammad in different dimensions and he receives his advices and decisions, thereby holiness to the so-called leader of the organization is attributed.

It is also known that the organization covers the identity of students studying especially law by teaching them how they can change their dressing style. Private teaching institutions and tutorship means of the organization are also a database in which information of children and their families is stored. This structure has one school per city at least, since families are worried that their children could be labelled, schools are not preferred but since this possibility is less for private teaching institutions, more students go to these institutions and families can also be included in this structure. Education constitutes an "interface" for the organization. Because education functions in three ways with regard to the organization. Firstly, it provides human source, secondly, it is an economic source and thirdly, maybe above all, it legitimates the organization.

### **11) Financial Structure of the Organization**

Revenues obtained through benevolence are generally collected by means of boards of trustees. Members of boards of trustees are chosen among people taking part in conversation groups of the organization, performing their duties and participating regularly to conversation meetings, obeying fully instructions given by the organization and wealthy ones. In this conversation groups, money under name of alms, scholarship, sacrifice and benevolence is collected; members of boards of trustees are additionally held responsible for meeting financial needs of an organization house. Trustees give the collected money to the accountant that the hodja of the conversation accompanied. These accountants keep financial records of the organization. City imam has also an accountant and this person keeps financial records of the city.

Under the coordination of city imam, camp is organized with the participation of members of boards of trustees at least once a year. During camps, by exploiting religious sentiments, money collection under name of benevolence, alms, sacrifice and student scholarship is increased and it is pointed out that the recompense for the collected money will be Heaven. Members of boards of trustees are made member of non-governmental organizations founded by business people, the question of who will become member of which non-governmental organization is determined by

brother of the conversation. The organization aims at having a say in the selection of president and members of these institutions and thereby creating pressure on the government.

*Income Sources of the Organization:*

*a) Incomes from Public Sources;*

- i) The fact that public procurements are given to firms connected to the organization,
- ii) That the organization-related firms start legal and administrative proceedings against rival firms and the market is handed over to organization-related firms,
- iii) It leaks the information of financial plannings and investment plannings of institutions which are supposed to be confidential to related firms,
- iv) Alienation of public land allocations to organization-related foundations, charities or companies without charge,
- v) Zoning plan changes done by municipalities are for the benefit of organization-related foundations, charities or companies,
- vi) Through its men in Turkish Cooperation and Coordination Agency, in return for providing external business connections to business people, taking money from them in the name of the organization,
- vii) Favouring PDY firms while receiving projects and following public grants, supports and promotions.

*b) Income from Business People;*

- i) Collecting money from business people to conclude their judicial and administrative proceedings in favour of them,
- ii) Money obtained by threatening and blackmailing business people by recording images and voices concerning some weaknesses of them,
- iii) Money from business people in return for providing them business connections,

*c) Income from NGOs*

- i) Subscription fees collected from TUSKON and related federations, foundations, companies and charities,
- ii) Income from printed and visual media,
- iii) Through "Isn't There Anybody?" Or similar related NGOs, money collected from citizens under name of help,
- iv) Interest gained by acting in favour of organization-related foundations, charities and firms at current value determination of public service procurement by seizing/dominating Chamber of Trade administrations,

*d) Income based on voluntariness*

- i) Before the feast of sacrifice, money collected from business people, firms and tradesmen by stating that they will sacrifice on behalf of them,
- ii) Money collected under name of alms and scholarship by creating boards of trustees in which business people participate in cities and counties,
- iii) Pay cut of salaries and awardings of public officers,
- iv) The fact that the organization members placed in public institutions give their initial salaries to the organization.

*e) Incomes from Educational Activities*

- i) Money taken from students studying at organization-related institutions in 154 countries,
- ii) Money taken from students studying at organization-related institutions in the country,
- iii) Although students studying at educational institutions pay money, money collected under name of 'scholarship' to undertake educational costs of poor students.

## **12) Evaluation of the National Security Council on the FETÖ/PDY Terrorist Organization**

In numerous meetings of the National Security Council held between 26.02.2014 and 26.05.2016, the FETÖ/PDY is considered as a terrorist organization that threatens national security, damages public order, under its legal cover within the State operates illegal activities, has illegal economic aspect, and collaborates with other terrorist organizations, and decisions were taken that all institutions and units of the State should efficiently fight against this terrorist organization.

### **III) STRUCTURING OF THE FETÖ/PDY in JUDICIARY AND ITS ACTIVITIES**

It has been seen that within judiciary power of the State of Republic of Turkey, they organize hierarchically and operate alternatively, regard enemy ones not being member of it, notably ones not serving for personal interests and benefits of the organization, target people arguing against the organization or thinking differently by making them subject to judicial decisions and police operations, perform decisions taken by senior executives of the organization according to intelligence provided through police and judiciary that gathers intelligence and takes operation decisions, attempt lynching via press, manipulate perception of the society, heroize the ones in the organization, repeat the process of making forget, regardless of perpetrator or innocent, behave unjustly toward many people by favour of judiciary, bring unsolvable, exaggerated, where truths are hidden, intentional, partial and with no evidence suits, organization members within judiciary creating a perception that Turkey fights against mafia and terrorism constitute a parallel judiciary power as a pro-junta congregation.

It is clear that after a holistic evaluation of statements of testified judges and public prosecutors as confessor or anonymous witness; each of them, in different periods of their lives, came in contact with the FETÖ/PDY militants, the main purpose of the organization is to infiltrate into army, courthouse and civil service of the State, they were raised to meet this need of staff in judiciary, they were indoctrinated to enter examination of judges and prosecutors, the exam questions were illegally obtained and given as answered booklets to students by brothers and sisters a few days before the exam in order them to memorize the answers with the purpose of raising organization members by means of organization houses, private teaching institutions and schools as judge and prosecutor that the organization pays a great attention to, in case they succeed, bureaucrats and senior executives of the organization in judiciary will give reference about them, judge and prosecutor candidates who pass the interview and start their internships are coordinated by the Justice Academy and during internship, again by the organization, in order to prevent their judge and prosecutor candidates from being uncovered, it is recommended that they stay at houses in which they keep their contact with the organization in secret and in line with 'Caution' rules of the so-called leader, it is provided that the candidates stay at houses financed by the organization and in closed groups of five, keeping in touch of two houses is required, by sending organization members called auditor to these houses, receiving information from students staying at that house and making recommendation are provided,

Işık houses belonging to the organization are divided into many regions on basis of city, each region includes 8 to 10 houses, people being responsible of regions are called the brother/sister of the region, in the internship of the Turkish Justice Academy, the organization divides judge and prosecutor candidates as to their internship periods, it is required from some judge and prosecutor candidates that they stay at dormitory of the Justice Academy and report other candidates speaking up for or out against the organization, each period has a responsible brother/sister, judge and prosecutor candidates are indoctrinated that they would not fast, not go to Friday prayer, could drink alcohol and cocktail at receptions, if required, and could not marry women not being member of the organization, provincial and term structuring are constituted by categorizing organization member judges and prosecutors as T1, T2, T3, T4 and T5, in term structuring, one-week camp is set up in summer, in provincial structuring, regular meetings are arranged all the year round, they get in touch with people not being member of the organization but feeling sympathy for it, in order to get them interested in, the demands especially before the High Council of Judges and Prosecutors of judges and public prosecutors that they are responsible for are tried to be fulfilled,

To maintain and strengthen organizational commitment, a system is developed to promote marriages between organization members who hadn't have social relation or acquaintance before working in profession or at other professions having strategic importance as military judge, military prosecutor, soldiers, local authorities, and thereby marriages through catalogue were arranged, marriage with a non-member of the organization is not approved, in order to prevent organization secrets from being uncovered, they keep this people at a distance or resort to their removal from the organization,

With the purpose of presenting and featuring the FETÖ/PDY terrorist organization member judge-prosecutor candidates among other judge-prosecutor candidates, in words of the organization their 'glorifying', graduation yearbook committees composed of judge prosecutor candidates of these members, by meetings arranged by members of the mentioned yearbook committees they are referred to public bureaucracy,

The Justice Academy is transformed to a profiling center for judge-prosecutor candidates and candidates being one of them are given good registries and the organization paves the way for them thus, registries for non-members of the organization are constituted in a way that they cannot accepted into profession and promote, in order to prevent their entry into profession, judge candidate Didem YAYLALI whose punishment is determined by irregular investigations, just as in the Ali TATAR example, who was not accepted to profession by reasoning this decision, she committed suicide since she could not stand this injustice, whereas organization member candidates are prepared for critical missions and their professional careers by glorifying them through registries given in internship periods and membership of yearbook committee,

The organization keeps following its member whose candidatedship is ended and appointment is done by decree of lot, it keeps them in touch with other organization members working at same place or somewhere around, therefore their commitment to the organization becomes permanent and organization member judges and prosecutors give almost all of their initial salaries and in following months, single people donate 15%, married ones 10% and ones with at least three children 5% of their salaries to the organization,

The organization has ensured that the judges and prosecutors, who are members of the FETÖ/PDY, has become more equipped in comparison with their colleagues through language training, master's degree and PhD degree, abroad trips, and domestic and foreign programs for increasing professional and personal knowledge and improving etiquette, arranged by the organization, that some judges and public prosecutors, who are members of the organization, have been placed in postgraduate and doctoral programs within and outside the country, even though they are unqualified, without the provisions of the legislation being complied with and that it has been ensured that the persons in question graduate from these programs in a shorter time than their colleagues through the academician members of the organization in universities.

Meetings of aid under name of 'benevolence' are arranged at organization houses and especially dormitories, in these meetings, participants are encouraged to donate by making them listen to sermons of the ringleader of the organization Fetullah GÜLEN influencing them spiritually, organization member public officials transfer their initial salaries to the organization and the organization is financed this way,

At the end of certain enquiries or investigations previously conducted, it has been understood that by way of subjecting judges and public prosecutors to different procedures, the judges and public prosecutors, who are members of the FETÖ/PDY, have been protected against disciplinary proceedings, that judges and public prosecutors who are not members of the said organization have been subjected to unlawful investigations with the help of anonymous advices and fabricated evidence, that even though judges and public prosecutors, who had been subjected to either administrative or criminal investigations and brought before their colleagues as accused persons in the courts, were acquitted of the actions, for which they had been tried, on any ground other than the lack of evidence,

those very same actions have been taken as basis for the disciplinary penalties and thus their promotion and advancement in seniority have been prevented, that a great number of judges and prosecutors, who could not bear up against unlawful treatments and duress any longer and who were disgraced in the eyes of their colleagues by being profiled in this way, had to give up their profession, that some judges and public prosecutors even committed suicide,

The organization members operate in the direction of strategy of the organization to get people they consider dangerous for the parallel structuring out of the way, through methods such as pressure, threatening, blackmailing, fraud or anonymous witness, within this scope, while the case process of Erzincan Part of Ergenekon is scrutinized; because of an investigation the chief public prosecutor of Erzincan İlhan CİHANER launched on crimes of opening educational institutions with no permission and being incompatible with the Law on Aid Collection under Article 220 of Turkish Penal Code concerning 'groups known as absolute Fetullahist', he was taken into custody by force from his office by special public prosecutors of Erzurum being members of the FETÖ/PDY organization and police forces and mentioned images recorded by police camera are served to press organs by violating principle of presumption of innocence and confidentiality of investigation, thereby on the other hand, they menace judiciary members not being of them and increase moral and motivation of their members, to hide the fact that the investigation concerns Fetullah GÜLEN structuring, they tried to create perception that the case was about another congregation by manipulating public opinion, in fact, the investigation summary concerning congregation declared to public opinion was already closed after its submission to the chief public prosecutor long before the operation, it is doubtlessly and inarguably clear that the organization militants, after having learned that an investigation had opened concerning their organization, took the action after that date, it was decided that the chief public prosecutor CİHANER should be arrested on charges of "Being Member of Ergenekon Terrorist Organization, Forgery of Official Document, Defamation, Threatening" on 16.02.2010 by Second Specially Authorized Criminal Court of Erzurum, as a result of searches done at home, office, car of former chief public prosecutor and on him, seized CDs being indictment annex by alleging that they had evidential value were in fact cartoons, movies and music as it was understood by expert examining, during investigation process, İliç public prosecutor Bayram BOZKURT who resigned in order to get rid of the investigation and disciplinary proceeding on him for transfer to another locality (displacement) because of another action was the stooge, he testified as anonymous witness in the investigation and proceedings on the chief public prosecutor, name of the anonymous witness was changed as Hakan ASLAN and he was sent abroad for a while, later on, by the High Council of Judges and Prosecutors at the term that it was mainly composed of the FETÖ/PDY members, some information on his entry to the profession file being hidden from the Council members not being member of the organization, anonymous witness was accepted to the profession, acquittal of defendants including chief public prosecutor İlhan CİHANER was returned on 13.11.2015 as result of trials, therefore, besides putting an end to the professional career of chief public prosecutor who conducts the investigation concerning charges within the framework of Constitution and laws for the sake of his duty and subjects illegal activities to the investigation and does research on the structure of the organization, the investigation and file on chief public prosecutor were certainly setup aimed at destroying his entire life,

The Inspection Board was also used as a means by the members of the FETÖ/PDY, that during the routine inspections, enquiries have been commenced on the basis of anonymous and unsigned petitions of advices against certain judges and public prosecutors, who are considered as targets by the FETÖ/PDY, without taking any action with a view to identifying the informants' identities, that those who conducted the enquiries and investigations confined themselves to collecting evidence of an unfavourable nature without collecting evidence favourable to the accused, that witnesses have been provided with guidance or put under pressure so as to ensure that they give congruent statements or statements which are unfavourable to the persons in respect whom an enquiry or investigation was being conducted, or that certain parts of the statements deliberately have not been included in the records, that persons in respect of whom an enquiry or investigation was being carried out have been brought into discredit by way of breaching confidentiality or having unrelated persons

be heard as witnesses, that the rights of defence have been restricted during those investigations and that it has been requested that disciplinary penalties be imposed with regard to the issues in respect of which no defence was asked to be submitted. On the other hand, it has also been understood that no investigation has been conducted into the undue and unlawful acts and actions of certain judges and public prosecutors, who are members of the FETÖ/PDY, that investigation files have been concluded without carrying out any effective investigation into such allegations, or that certain judges and public prosecutors have been provided with assurances that no proceedings would be carried out with regard to the undue actions they took within the framework of the activities of the FETÖ/PDY.

In order to assure relief of injured judges and public prosecutors as result of irregular disciplinary investigations, pursuant to Article 32 of Law No. 6572 that came into force after its publication in the Official Journal dated 12.12.2014 and to provisional Article 19 of Law No. 2802 on Judges and Prosecutors, concerning judges and public prosecutors in the civil judiciary and administrative judges and prosecutors, all punishments of reprimand and pay cut given because of crimes committed from 14.02.2005 to 01.09.2013 were remitted with all its costs, also, within the scope of amnesty, there will be no disciplinary examination, investigation and proceeding about concerned parties because of acts being supposed to be given disciplinary punishment; ongoing disciplinary examinations, investigations and proceedings will be cancelled and unenforceability of definitive disciplinary punishments is ensured, therefore without seeking for an application condition,

560 disciplinary punishments are cancelled by the enforcement date of the law concerning pay cuts and reprimands, on the other hand, excluding Article 65, 66, 67 and (e) and (f) clauses of Law No. 2802 on Judges and Prosecutors, pursuant to its Article 68 and the last phrase of the second clause and third clause of Article 69, an evaluation will be done by the High Council of Judges and Prosecutors at the request of punished people concerning final reprimand, suspension of advancement, suspension of progress and transfer to another locality (displacement), disciplinary punishments, within this scope, a thorough examination on disciplinary files of 238 judge and public prosecutors was held, as result of examinations by plenary session of the HCJP, it has been decided that definitive disciplinary punishments of 58 people being taken before will be cancelled since there is no reason of punishment, conversion of definitive disciplinary punishment of 115 people into reprimand or pay cut disciplinary punishments, since it remains in the scope of amnesty, final disciplinary punishment will be cancelled, 21 people will be sentenced to an inferior disciplinary punishment in line with their acts, instead of severe punishments, while the number of punished people and the quality of punishments are taken into account, the High Council of Judges and Prosecutors of the term that it was mainly composed of the FETÖ/PDY members, used disciplinary proceedings to block promotion of judges and public prosecutors not being of them, their appointment to important and critic positions, to force them to alienate from the profession by assimilating and discrediting them, to resign or to retire early, in investigations on target judges and public prosecutors, they are also charged with "showing interest to a member of the opposite sex", "having an intimate relationship", if everything is fine, "looking daggers at someone", "whisperings on this issue exist", such as to violate fidelity resulting from unity of family, thereby, besides tarnishing professional career, it is also aimed at destroying family rejoice and unity, for instance, in an examined file within the scope of Law No. 6572, an investigation was opened based on an advice letter sent with a pseudonym name, there are some allegations that the alleged act leaves the impression of existence of relationship between the concerned and court clerk at courthouse going beyond superior-subordinate relationship, as so it is also found strange by entourage and that this situation causes gossips about him, the investigation summary about the concerned is arranged by the deputy chief public prosecutor of Erzurum Taner AKSAKAL as investigator, investigator not deeming it necessary to apply to the statements of witnesses including the mentioned court clerk and his family members on this issue that the concerned submitted in his plea and asked their examination considered it necessary to apply to the statements of Chief Public Prosecutors Bekir DURAN, Özkan GÜLTEKİN and Presidents of the Justice Commission Murat KIZILYAR and Ertuğrul AYAR being members of the FETÖ/PDY organization, the Second Chamber of the HCJP of the term disregarding statements of the mentioned gendarme in the letter advice, staff working at the same courthouse of the concerned, judges and public prosecutors pointing out that they had no

speculation about existence of relation between the prosecutor and court clerk, prescribed disciplinary punishment

although there is no concrete evidence supporting the allegations about the concerned public prosecutor, it has been unanimously decided that as result of examination of file pursuant to Law No. 6572, by decision of the Plenary Session of the HCJP dated 25.02.2015, disciplinary punishment of the concerned will be cancelled and there is no place for prescribing punishment since the alleged act does not require reprimand,

Again, the FETÖ/PDY in some former inspections to legitimate its acts for overtaking the State, paved the way for appointment of its judge and public prosecutors to titled positions by means of drawing up performance evaluation and improvement forms in irrelevant way to the reality, blocked the appointment of judges and public prosecutors that the organization deemed target to titled positions, or it removed some judges and public prosecutors from their titled positions, besides appointment of judges and public prosecutors not being of them to titled positions, they are exiled without considering their excuses such as health issues, the first example coming to mind is Alaattin ÇAMBEL, judge ÇAMBEL being afflicted by Crohn's disease and having a medical health report about his disease in his personal file was appointed to Erzurum, known as the coldest city of Turkey from Ceyhan county by the summer decree of 2011, his objections against the appointment were rejected, after working there for 2 years, stating that his disease had progressed, he asked his appointment to anywhere else by the summer decree of 2013 however the Plenary Session of the High Council of Judges and Prosecutors of the term remained insensitive to this issue and they deliberately sentenced him to death, judge getting worse and not being able to stand this oppression anymore committed suicide on 19.01.2014 since he got no return on his efforts,

By means of examination of less files of the organization member judges and public prosecutors, of more files of target ones or while similar deficiencies of judges working at the same court are made subject of advice for some of them but not for the others or pre-notification of acts of target judges and public prosecutors which can be subject to advice is required from some courthouse staff being member of the organization and by means of making these acts subject of advice, and sometimes though there is no valid reason, performance evaluation and improvement forms are drawn up as so they serve the purposes of the organization, promotions of target judges and public prosecutors are suspended for long time on the grounds that there are undue disciplinary investigations being carried out on them, as reason of not being promoted is that they could not be appointed to titled positions or are exiled to eastern cities, as a consequence, they successively used an investigation launched after anonymous advice, forged document, irregular recording etc., and the law as a weapon to tarnish people's lives through the medium of official institutions and organizations of the State, by means of their militants infiltrated into the Presidency of Committee of Inspection and investigators in charge and being ready to follow given order of execution,

The FETÖ/PDY Terrorist Organization obtained by-election memberships in the newly formed High Council of Judges and Prosecutors following the Constitution Referendum held on 12.09.2010, 160 judges and prosecutors that the majority is member of the organization are selected to the Court of Cassation as member by this High Council of Judges and Prosecutors, with the new members, the organization became the single power in the Court of Cassation that it had its majority, the organization had the power to have whatever decision upheld or quashed in certain penal chambers, each person having case comes by law offices of lawyers being members of the organization, approval of cases consisted of plots of the organization in special courts is begun, it has been proven by actions not by words that no one can escape the organization's clutches anymore, the FETÖ/PDY having some unfair decisions like Balyoz upheld before the Court of Cassation made people perceive all unlawfulness of the judiciary branch of the organization as justifiable, besides the organization being dominant with members that it selected to higher judicial bodies via the High Council of Judges and Prosecutors indirectly overtook institutions such as the Supreme Electoral Council and Constitutional Court,

The FETÖ/PDY armed terrorist organization provided that a great majority of thousands of judges and public prosecutors who were newly admitted to profession became members of the organization by means of using all kinds of ways and methods and by continuing staffing, the organization gaining enough power in high and district courts, important offices of the chief prosecutor and magistracies and having balance of power by its side, started to exercise its power through imams of judiciary,

Unfair, unlawful actions and shady decisions of specially authorized courts were supported by the members being organization member or sympathizer of the High Council of Judges and Prosecutors composed in 2010, the High Council of Judges and Prosecutors of the term which was mainly composed of organization-related members did not open disciplinary proceedings on judge and prosecutors taking illegal actions, in this way, it supported operations of the organization and it did not prevent the politicization of the judiciary and judicial organs from replacing politics, it did not object that the organization manipulated state and society as it wants, since unlawful decisions and misjudgments of specially authorized courts that will be submitted to the relevant chambers of the Court of Cassation for appellate review are pre-designed by imams of the judiciary of the FETÖ/PDY armed terrorist organization, this way does not make any sense for the appearance of right and justice,

For the purpose of reaching final goals, the mentioned organization eliminated all bureaucrats and staff that could pose an obstacle to the organization in order it to dominate especially army, civil service, police forces, judiciary and other public institutions with strategic significance and placed its members to these positions, within this scope, some project investigations and proceedings such as Hüseyin KURTOĞLU, Military Spying, Şemdinli, Balyoz, Ergenekon were made up by the judicial branch of the organization,

Each court had an organization responsible, responsible person influenced judges being member of the organization to have decisions issued as it desires by following cases concerning the organization,

Objections to injustices that the FETÖ/PDY armed terrorist organization performed via irregular proceedings were prevented by saying "judicial decision" or "appreciation of the judiciary", in terms of operations "independent judiciary, let it decide through examination" is said and injustice is legitimated, as result of years of proceedings, even when the truth is revealed, no one went after injustice perpetrated by the judiciary, the armed terrorist organization knows that the judiciary is a quite immense power and there is nothing that cannot be done by means of using it efficiently and in an operational way and everything could be limitlessly done, specially authorized courts turn into a weapon to design all society in the hands of the organization,

The judiciary being the determinant and the last decision-maker of the state and society facilitates things for the organization, the organization uses the judiciary as an efficient weapon in every aspect, not only for pushing its enemies out but for regulating the politics, changing methods of political parties, enhancing its efficiency in society, controlling society, collecting information on everyone, dominating business fields and public institutions, even overthrowing the government and building a political structure fitting its philosophy, the judiciary turns into a perfect weapon that the organization can use when it is supported with its infrastructure, police and investigation factors, with change in the higher judiciary, sphere of influence of this weapon of the organization hits the top, the FETÖ/PDY armed terrorist organization monopolizing the judiciary eliminated judge -prosecutor, soldier, police officer, administrative chiefs and other public officers that it considers as obstacle by fabricated inquiries and detentions, in this way, it also menaced other people, it also subdued the Turkish Armed Forces by false investigations on its members, mass detentions and cases, therefore, it paved the way for the promotion of its own members, consequently, the organization became the biggest decisive power in criminal and legal actions,

Information obtained by members of the organization or intelligence unities were registered on

computers, this information was put into operation as digital evidence as if it was found by prostitution or spying ring during searches, in this way, investigations were carried out on public officers on the pretext that they act against the law, commit crime etc., by eliminating public officers through military spying cases being operated in Izmir and Istanbul, they led up invasion movement of the organization staff, judiciary was became an instrument to this,

The organization took the action on 07.02.2012 by using the Judiciary with the MIT investigation on one hand to possess the National Intelligence Organization and to rule out the administration of the National Intelligence Organization not being of them, on the other hand to stop peace process launched for solving the southeast problem with the same investigation, the administrators of the National Intelligence Organization, the government and the prime minister were wanted to be charged with supporting terrorist organization, aim of this investigation was to damage and menace the government, this attempt was prevented by moving into the system of allowance of investigations on intelligence officers,

After February 7, the government suspended operations of specially authorized courts on the grounds that they were found dangerous and it included another sort of new competent courts to the judiciary, these courts were established pursuant to Article 10 of the Anti-terror Law (TMK), since the organization had the High Council of Judges and Prosecutors, these new courts were also established under the control of the organization, the FETÖ/PDY armed terrorist organization continued its applications being incomplete in specially authorized courts, in anti-terror courts,

As a result of systematic implementations in inspections, investigations and proceedings, appointments, notably titled positions, promotions, selection of member to high courts between 2010 and 2014, the FETÖ/PDY gained an effective power in judiciary, in order to protect this power and maintain former organizational applications, the 2014 election of new members of the HCJP had a great importance,

Before the October 2014 elections of member of the High Council of Judges and Prosecutors, the organization gaining great dominance in the Court of Cassation and the Council of State thanks to the organization members being elected member to high courts in 2010 and after then, took the action by the encrypted instructions of the so-called leader Fetullah GÜLEN under conversation and sermon within this scope, YARSAV (Union of Judges and Prosecutors) was also infiltrated and used to win the elections, the organization took part in elections with a list of 11 people connected to the organization, 10 of them were independent candidates, one was the candidate of YARSAV, members of the organization adopt 'the ends justify the means' way, to reach their goals, they did not hesitate to carelessly use consecrated religious values of people, in statement of a judiciary member connected to the organization stated that a person coming from Adana for election works, in October 2014 told that the organization leader Fetullah GÜLEN went to Ka'bah in his dream and met the Prophet there, Prophet asked him "they upset you, don't they?", Fetullah GÜLEN cried and nodded his head yes, then the Prophet told him "do not worry, little time left" that the elections will absolutely result in their favour,

They also created information pollution about the candidates of the Platform for Judicial Unity they regard as great danger by sharing unreal writings, comments and opinions via social media accounts to discredit them, they generally tried to influence judges and public prosecutors by imposing that the candidates of the Platform for Judicial Unity could not act independently of the government, in the meantime, they tried to create perception against these candidates by different slanders and defamations for each candidate,

In many of the organization activities, although not being uncovered and confidentiality are important, because of the importance attributed to member election of the High Council of Judges and Prosecutors, members of the organization, took the risk of being uncovered, they arranged courthouse, home visits and dinner organizations, non-member judges and prosecutors were tried to be influenced by gifts, during the process, intra-organizational communication was provided through encrypted communication platform known as "Bylock", some of so-called independent candidates made election campaign trails together, members of the organization voting for candidates of the organization as

blocks, wanted judges and public prosecutors not being member of the organization to vote for their so-called independent candidates, it was aimed at winning the election by block votes, votes of judges and public prosecutors not being member of the organization, votes of YARSAV supporter judges and prosecutors for YARSAV candidate, they also tried to convince judges and public prosecutors that they did not think to receive block vote from to vote at least for some candidates if there was common political opinion or acquaintances, and on the election day, they kept their election activities in the polls by receiving judges and public prosecutors that came to vote, by videotaping on the ground of election, by following election results, in an organized way, when the results are declared, the so-called independent candidates were in tandem arrangement at the vote sequence of 4495-5312, while candidate members of the High Council of Judges and Prosecutors of YARSAV received 886-2078 votes, the candidate being member of the organization and participated with the list of YARSAV got more than five thousand votes but in a different sequence of vote from the list he participated with his friends; in the sequence of members of the organization,

The FETÖ/PDY by detecting its members via its secret communication network that it formed before the election calculated potential votes that the so-called independent candidates would receive, the organization considering that it will be a close-fought election, not leaving it to chance, gave instructions to its members through Bylock to have candidates completing internship and preparing for the draw that the majority is of the organization use vote in the election, this matter is clear with statement of testified judges and prosecutors within the scope of investigation launched after the 15 July coup attempt, for instance, in the statement of a judge as suspect, concerning the matter he said as follows: *"We submitted petition to the Supreme Electoral Council in order to vote in the HCJP elections. The message concerning this petition was sent by ... via Bylock. Because ... told us like this. Moreover, since our accepting into profession had not published in the Official Gazette yet, before going to the Supreme Electoral Council, we went to the HCJP to get necessary documents on our accepting. We lodged an application to the Supreme Electoral Council with these documents to vote in the elections, and in order not to be seen as only the organization members lodge application, they also invited some people not being linked to the organization."* Even though they had not come into office yet and had not had right to vote, they by-passed the Secretary General of the High Council of Judges and Prosecutors in line with the instructions of the organization, they submitted to the Supreme Electoral Council with the irregular documents drawn up by rapporteur judges, they made request to vote, plans of members of the organization being pitted at the post and likely to win in case their cheat was not noticed, were ruined by the Supreme Electoral Council being reporting the situation to the High Council of Judges and Prosecutors,

Even after election defeat, members of the organization launched a systematic activity with support of some media organs by pulling together in terms of both thought and action to discredit the decisions of the new High Council of Judges and Prosecutors on judges and prosecutors being members of the organization, members of the High Council being also members of the organization elected from the Court of Cassation and the Council of State supported this action by leaking information coordinately to the organization, on other hand, they carried out works to extend decision process of judges and Public prosecutors being members of the organization, members of the organization being appointed to other places by decrees issued after 2014 got long-term medical reports by acting in unison, therefore, it is clear that they aimed at discrediting the Council by hindering the proceedings and keeping organizational connections with other members of the organization in their former place of duty alive.

Some matters that testified judge and Public prosecutors as confessor or anonymous witness stated within the context of investigation launched by the Ankara Chief Public Prosecutor's Office upon the coup attempt reveal the ugly face of the organization that it hides from the society and why public confidence in judiciary gained thanks to conscientious judges and prosecutors of honor confronting difficulties all over the country from the first years of the Republic with great devotion hit bottom.

-“(x) and I went to the address that the chief auditor called (y) gave to us. We knocked the door and the chief auditor called (y) opened the door. He invited us to the sitting room. He primarily told us that being a judge or prosecutor was divine, that honest people should perform this duty and that honest people should be appointed to this profession in a completely fair manner. Then he asked us "whether we had an idea of the reason why he invited us." I do not remember the answer that (x) gave to this question but I said to the chief auditor called (y): "Either we will pray that we can succeed in the exam or you will ask us not to perform as judges and prosecutors but to choose another profession." Upon this answer, (y) smiled and told us that "he would give the answers to the exam for judges and prosecutors in the civil judiciary" and asked us "whether we would accept this." He added later that different segments had done this for years, that the conservative circles had been left behind and that justice would be served as required when people like us started to serve in this profession. I accepted it when I heard these words. (x) who came with me also accepted this offer. Then (y) entered the room with Quran and the questions in his hand. He made us swear on Quran. While doing this, he said that "we should swear that we had never taken the questions even though the Hodja efendi asked us and we should swear on Quran for this." We said: "We swear on Quran" and he gave us all the photocopied questions. The correct answers to the questions in the booklet was circled in by a pencil. There was only one exam booklet and he told us before leaving the room that "we had one hour, we should memorize the answers to the questions and we should not mention even a slightest thing to each other about these questions after we left the house." We studied these questions with (x) for one hour and memorized all the answers. (y) came back afterwards and took the booklet from us. He also told me to solve the questions to the extent that would help us get a grade between 75 and 80 and that (x) should get a grade between 70 and 75. Furthermore, he said: "do not leave the exam booklet empty, try to do some writing as if you solved the questions."

- "There were some rules that the others and I had to follow but these were not definitely written. There was even no written material like a receipt or a document in this structure. Everything was conducted orally. I would also like to say that members of the community called each other through fixed telephones. What I mean by fixed telephone is not the telephones we use at the houses. For example, if I am at a restaurant, one who wants to call me to talk about something related to the community called my cell phone by using a telephone at a kiosk or a telephone booth. They had "permission" that they called "license" among each other. What I mean by permission is the situations which are not tolerated under normal circumstances but are made tolerable by Fetullah Gülen who took license from the Prophet Mohamed by talking to him. For instance, it is normally forbidden by religion to drink alcohol but the big brothers are told to drink alcohol if necessary. No one told me so. The clothes of the female members will look like those of Tansu Çiller, you will fast at Ramadan but you will carry a bottle of water in your hand even though you fast, you will break the fast and drink what is offered to you by a higher-level authority if he/she offers you anything at Ramadan. But you will continue fasting and compensate it afterwards....what is interesting to me is that one of the "permissions" was that "the female members were supposed to read Quran as particles even though they were in their period."

- "When I was appointed to Istanbul, Istanbul judge ... took care of public housing works. He was also member of the GÜLEN congregation. We stayed at the same block in lodgement. In workplace we began meeting with other members around ... . After a while, in the Istanbul Courthouse ... was appointed to a specially authorized court within the scope of Article 250 of the Code of Criminal Procedure. And after a while, I also took office as specially authorized prosecutor at his recommendation. In June or July 2011, I came into office as specially authorized prosecutor (Code of Criminal Procedure Article 250) in the Courthouse of Besiktas. I worked there for 1,5-2 months. I never wrote indictment. I was only on guard duty for a week once. All requests such as search, seizure, detention, wiretapping, tracking by technical means were brought by Anti-terror Branch Office in flash drive. I was signing. When I wanted to read them, Public prosecutor ... 'deputy chief prosecutor...' we work with was getting angry and telling me 'he instructed, do not read, just sign it'. And I was signing to avoid unpleasantness. Personally, I never wrote warrant, letter rogatory or judgment. I even did not know to whom requests, letter rogatories and judgments concerning

investigations that we sign would be applied. I do not know for whom we ruled on communication detection, search seizure or detention."

"I know that they accommodated the students close to them risen from the ranks at the state owned dormitories and aimed to accept new students among them by making new friendships... The primary target was the military. When I look at the process we went through, they have made efforts to find cadre for themselves in the military since 1998-1999. If they could not be employed in the military, they wanted to constitute a majority in the fields of law, medicine etc. I learned later that this structure worked under two different divisions called university division and students division in Istanbul. I realized that I stayed at the houses under students division since my housemates were interested in bringing up the students generally at the secondary or high schools. It was aimed to place the promising students at the best high schools and then at qualified universities in Istanbul. They even visited the families of these students, they took the students who studied at the good departments of the universities with them during their visit."

"He started tell ..... to five of us at the house. First, he talked generally and then added that we should always keep in touch with the structure when we succeeded in the exam and the interview, we should not go to the Friday prayers (we should not look devout), they would choose who we would marry, they would choose the places of internship as restricted to Ankara and Istanbul, fifteen percent of the first salaries should be given to them as favor when we succeeded in the following exam."

"... there was also a project on removing Emin Ağaoğlu from presidency by being member of YARSAV (Turkish Judges and Prosecutors Association) of the congregation. As a continuation of this project, colleagues from the congregation were participating in the elections from the list of Emin Ağaoğlu. In the polls, they were appearing by saying 'I am also candidate' as if it was improvised, in this manner, they were ensuring the group being supposed to be selected, so the congregation to be selected by breaking the list."

"One of the students was the "big sister" of the house where we stayed. She followed us to see whether we obeyed the rules or not. Those who had a boyfriend could not be the big sister so I had never become the big sister. The length of service is not sufficient to be the big sister who should be more demure and affiliated to the community. The big sister of the house had a superior authority that was called "area manager". These managers controlled the big sisters. These people were generally selected among the students of the Faculties of Education."

"... They followed personal applications of police officers under arrest because of 17-25 December and of Balyoz investigation through rapporteur ..., this structure tried so hard to issue decision upon the position of the applicants."

"As we grew up to a certain age, I started to learn some other notions of the name of the organization at that time and of the service. Such topics as consultation, measure, obedience, mahdism started to be discussed and people started to act warily in order to control our words and attitudes so that no one could do anything without consultation and no one outside could know that we were the members of the community. The decisions of the big brothers were obeyed. They always referred to the works of Bediüzzaman and explained that the mahdism had three phases. The first phase was reached by the master, the second phase was where the hodja efendi was but the third phase was also attained by the hodja himself. They said that Islam could not be lived appropriate due to oppression, thus, it was continuously indicated that measures should be maintained."

"The congregation, in the HCJP elections, communicated through Bylock and carried out evaluation. Efforts were made later to intervene in the other elections through this system. I heard that this system was used in the local and general elections. They even gave instructions to judges and prosecutors who were members of this structure by saying that "they should go to their hometowns and not vote for the ruling party but to the other parties." I know that all this was done through Bylock."

- "The private teaching institutions formed an interview center like a concentration center during the registration period of universities. We went to this institution as well. They took me to a room when I went there. I saw someone but that person was not probably an employee of the institution. As far as I guess, he could be one of the members of the community who was responsible for the houses in that region. That person asked me questions related to my family as well as personal questions. He asked me whether I performed the salaah, I knew Fetullah Gülen, I had a girlfriend and smoked or not. He told me that smoking and having a girlfriend was forbidden and I would be thrown out of the house if I broke the rules. He also said that we needed to pay a certain amount to them in order to stay at home, that the person they called "big brother" or "imam of the house" at the house would tell us the rules and we were supposed to obey them... During my internship, they summoned us once a week at these houses ..... and said: "Do not go to Friday prayers, perform the salaah at home, the people in the courthouse were from the left wing and enemies of the religion. They shouldn't understand that you are conservative"... "During these meetings, they demanded information from us regarding the political views, faith, personal situation of the judges and prosecutors when we worked at the courthouses in the provinces."

- "After interview and gaining candidate status, 4 or 5 people from the profession warned us not to perform prayer, not to go to Friday prayer, to be prudent and vigilant at the period of our internship..."

- "During my stay in the dormitory, I saw that the members of the community were given a number each in order to certify their commitment to the community. This number was enumerated as 1, 2, 3, 4, 5. These numbers represented the degree of commitment to the community. 5 referred to the students who were affiliated to death to the community. The dormitory manager would enumerate the students. This person was informed by a Chief Guide. The Chief Guide met with each student like us personally. Points were given for the study performance and other situations of a student. For example, a student who is a member of the community scored one point when he/she finished the books of Fetullah Gülen and Said Nursi. If he/she joined the camp, 100 points were given for each day and extra points were given for the activities of the student and other prayers like fasting. According to these points, students were enumerated from 1 to 5. The dormitory manager awarded the students who were enumerated by this method and scored high points. For instance, those who had low scores were given a pencil, those who had high scores were given an mp3 or a tablet computer. The purpose for this approach was to make low-scoring students make more efforts and score higher points, thus become more strictly committed to the community."

- "In the administrative judiciary, ....and higher-placed judges and prosecutors were coded as T1 , .... registered officials as T2, .... registered officials as T3, .... and lower ranked people as T4. I don't know what T referred to. In my opinion, this classification system may have been introduced so that people of each term could only know each other in their term and could not contact the other members of the community. It was believed that the less number of people who knew each other, the better it would be. They could be easily tracked to see in which group they would be in the province where they were appointed."

- "The lieutenant concerning the investigation file carried out of professional malpractice in respect of another one's phone book being downloaded to the mobile phone of Mehmet Ali Çelebi being under arrest of the Ergenekon Case in 2013, by police officers, and his father and mother came and told me that the case changed four prosecutors and it should be immediately settled. I handled the case file thus. After nol-prossing an additional indictment for some police officers, I drew up an indictment for several defendant police officers of professional misconduct. Since the deputy chief prosecutor was on leave at that time, the deputy chief prosecutor ... substituted him called me. He told me that the case was concerning them and "these police officers are our men, I do not want them get harm. Can't we do something?" And I told "You better refile the indictment with regard to abuse and misconduct, I will proceed it again".

- "At the last week of the exams, (x) met us at around 9.30 in the evening on Friday. He said: 'You studied enough, close the books now.' He asked us to give our mobile phones. Everyone gave them to (x). (x) took them to the back room and came back. He told us to "swear that we would never tell what we would witness in there" and even made us "swear on the death of our mother, father, children and wife." All of the other friends swore one by one. I couldn't understand it first. I asked what we would swear not to tell. Upon his insistence, I swore. Then (x) took his laptop out of his bag and put it on the table we studied at. He took a small flash disk out of his pocket and plugged it into the computer. When he opened it, all the law questions appeared on the screen. (x) said: "now, solve them." When I entered the judge examination held by ÖSYM for lawyers on ...., I saw that the questions of the exam were the same as those (x) brought to us on Friday evening."

- "He told me "... I heard that you will marry, who is your wife-to-be, to what extent she is linked to the congregation, is she linked to" I told her name. When I told that she graduated from faculty of theology and religious vocational high school, they both told me "brother, what are you doing, we tell you be prudent, you are talking about marrying a school of theology graduate. Well, is she going to uncover her head?...", "You can marry her on condition that she uncovers her head, we do not want to lose you" they gently told me.

- " "... was a civilian that I knew from the education division where the members of the judiciary who were also members of the organization at that time raised children specifically in moral terms. The big brother .... was responsible for this education division. The education division was developed especially because the children of judges-prosecutors in the educational division were not sent to the schools and educational institutions of the community and they were not cared as in our term and the children lacked in moral issues. Since I had been in the community since the years of the secondary school and I could closely contact the children, I also served in this division occasionally. In 2013, there were discussions as to sending the children to the USA during the summer vacation for foreign language education. They offered me to organize it. I took initiatives to apply for visa but the plan was cancelled after a while. This issue came to the agenda one year later in 2014. Rapporteur Judge of the Court of Cassation .... called me to talk about this issue. First, I did not want to go there but I accepted when he said there was no one else. Indeed, I took three children who, as far as I knew, were the daughters of the judges and prosecutors in Ankara, who were the students at high school and whose names escape me, to New Jersey in August. A big brother called ..... met us there. We made the necessary arrangements regarding the language course and checked in at the hotel where they were going to stay. We stayed at a school of the community. We met a big brother .... who also brought students for language course from Ankara. Big brother ..... told us later that he would take us to see Hodja efendi. We went to Pennsylvania. We joined a conversation there. It was crowded. We stayed there for 2 or 3 days. Apart from the conversations, I only saw Fetullah GÜLEN coming to perform the salaah. I came across the Rapporteur Judge of the Court of Cassation .... in Pennsylvania but I don't know for what reason he was in the USA."

- Our other students ... and ... won the Non-commissioned Officers Academy and in the later years, these students were followed by me or other brothers being responsible of secret duty. Questions given us by ... that I met those years and being at very critic secret duties right now have great effect on these students to win the exams, if they were not given the questions, they could not succeed"

- He got general information regarding our expectations and preferences about marriage and candidate of wife-to-be. This person was the marriage unit of the part concerning us.", "He told me that he found a proper candidate for me and told me about her. However, I did not accept when I learned that she was living in a village. In case that the personal qualities were accepted, name and photo were being shown. Otherwise, no information, name or photo of the person was given" - Because of the facts that our prophet often coming into someone's dreams and they pointing out that our prophet makes promise on our congregation, all of these being groundless, we isolated ourselves from the congregation"

- "We considerably detached ourselves from the community when we learned that all the news that our Prophet continuously appeared in the dreams of someone and he made promises about our community was groundless."

- "I don't remember a process of self-criticism after the HCJP elections. It was considered that the elections were lost mostly due to salary increase of the government and oppression of the ruling party. Measures were increasingly taken in this period. The number of participants decreased to 2-3 people in the conversation groups especially after 2015. The communication was restricted to the minimum extent. We stopped using ByLock in mid-2015. Even though the situation deteriorated in the community, it was always said that we would recover this, we should not forget that we were at the end of the world, we would see such examination, some people would be eliminated at the end of the examination but we should not lose, that we should have strong moral commitment. In this sense, the dreams that the community used and conveyed through different means and the comments and views of some members of the Turkish-Islamic guild were shared for further motivation."

- There were lots of the Gülen Congregation member judge, prosecutor, head of department, deputy director general acting with him. Who will participate in abroad trips in the Ministry, who will go on special mission, these issues were generally determined by ...", "They were generally composing the list of their men"

- "Concerning the 17-25 December, the prosecutor ... that we stay at the same building, told me "there is a search in a law bureau, ... he wants you to participate". On the morning of December 17, I went to him. "There is a search in a law bureau, you will participate" he told me. We took the road with some police officers. We pulled up to a building. The police officers wanted to search the whole building. I objected. I told that we could only search the law bureau in the building. Meanwhile, they had a talk with the prosecutor ... . "the search warrant includes the whole building, police officers can search the building" they told me. We entered in, I only participated in the search of the bureau of the attorney being co-partner of the son of Muammer Güler; the Minister of Internal Affairs of the term and I remember that his surname was Kuş. Police officers searched the whole building. They even wanted me to sign the search report for places other than the law bureau"

"At the very beginning of the internship, as far as I remember, ... Member of the Administrative Court... came to the study houses and told us the points we should take into account in the profession. At the top of the list, we should not create an impression as a devout person, we should not perform the salaah in public, we should perform all the salaah at once instead of five times a day, we should eat and drink even if we fast when a higherly-placed person eats and drinks at Ramadan during the meeting with the delegation and we should continue to fast after the meeting. We should end our friendship with those who are members of the community but not of the same profession as us and with those who we knew in the past. We should marry someone in the community as much as possible and should not decide to marry without consulting the community. Professionally, recommendations were made for us to improve ourselves, be sensitive in terms of working hours, work meticulously over the files and even learn a language, complete a masters degree. It was said that we should have good relations with those who were not members of the community without making it realized and we should act caringly towards them. Towards the end of the internship, .... was no longer the contact person and Rapporteur Judge of the Council of State ... contacted us and told us to drink alcohol because alcoholic beverage was allowed in the prom at the end of the year."

- "... I stay at the same wing with judges and prosecutors. People there, believe that this is a divine service, staying here."

- "In 2012, I took the judge exam held for lawyers. I previously served as lawyer for 5-6 years. I didn't study much for the exam. A lawyer in Mersin, ... called me and said that they would enter the exam but they would go to Konya before passing to Ankara. While going to Konya, I asked .... why we were going to that province and he said: "You will see what you have never imaged to see." When we arrived in Konya, we went to the office of a law association, the name of which escapes me, in the

business center called '.....'. We met Att. .... and a person that I thought was a mathematics teacher .... there. We were invited to a salon. They switched on the laptop on the table in the salon and showed me the questions and answers that I was going to see in the exam. We examined these questions and answers for one hour with the people I went there with. Then we left and went to Ankara. I entered the exam and saw that the questions were the same as those shown to us.”

- “A civilian .... asked me to give my mobile phone when I went to his house. He downloaded the program called Bylock from Googleplay to my phone. I said I did not want to use this program. He said that it was a secure program and it only provided for communication. Then he saved all the numbers of himself and the judges and prosecutors of the civil judiciary serving in this region in my phone. He said: "You will communicate through this application as a group from now on." The people mutually added to the same group should know the code number among each other in order to use this program. For example, a message is sent to x when I accept or do not accept x's invitation to the group in the program. Then if it is accepted by both parties, x and I should enter the password we already know in the system. This password was so easily remembered and everyone in the group knew it."

#### **IV) Some FETÖ/PDY RELATED INVESTIGATION FILES SUBMITTED TO THE HIGH COUNCIL OF JUDGES AND PROSECUTORS**

**1) As summary of the Investigation File No. 2015/184 of the Second Chamber of the High Council of Judges and Prosecutors;** After the plot investigations of 17-25 December were launched by security and judiciary members of the FETÖ/PDY armed terrorist organization on 07.05.2010 , with the efforts of the Deputy Undersecretary of the National Intelligence Organization (MIT) of the term Hakan FİDAN, the Tehran Declaration or The Nuclear Exchange Treaty between Turkey, Brazil and Iran was signed, Hakan FİDAN was appointed as the Undersecretary of the MIT, in the period of the Mavi Marmara (passenger ship) humanitarian organization took place, Nureddin ŞİRİN had a hand in the investigation of the so-called Tawhid Salam Jerusalem Army Terrorist Organization on 12.05.2010, by "the Platform of Kagithane Gazza Volunteers", for the purpose of attracting attention to Gaza under blockade of Israel and put the palestinian atrocity to the public opinion, in the program arranged under name of "Brotherhood Bridge from Istanbul to Gaza (İstanbul'dan Gazze' ye Kardeşlik Köprüsü), the speech"Ummah/Panislamism dated 09.05.2010, the case of Jerusalem and Gaza message" of İzzet ŞAHİN, west bank responsible of the Foundation of Human Rights and Liberties (İHH) on his arrest by Israel was shown reason,

In the investigation file, pointing out that the armed terrorist organization, by force and violence; although there is no evidence of the existence of methods concerning pressure, terrorization, intimidation, suppression or threatening, related to actions done or to be done where or how for the sake of the organization, alone or together, no crime or material contingencies evoking crime element; by means of clearly violating the procedural provisions of the supervision of the communication via telecommunication and application of technical monitoring measure arranged in article 135 and 140 of the Code of Criminal Procedure no. 5271, upon allegations of false statements of Kamile YAZICIOGLU on his husband Huseyin Avni YAZICIOGLU that she denied after a while, false digital and printed evidences allegedly submitted by Kamile YAZICIOGLU, by asserting that they belong to Huseyin Avni YAZICIOGLU, false e-mail notices, false witness statement and requirements of security officer, from 01.01.2001 and 23.07.2006 to the dates of requirement, by means of detailed HTS and e-mail records of many people, people from different segments of society such as politicians, bureaucrats, journalists, business people, academicians, were detected and recorded, many people were followed via technical means, HTS reports from old dates as compared to the date of crime were obtained, in comparison with the previous decision of measure, in spite of the interruption, extension decisions were held again and again, although it is only a measure to be applied to natural entities, extending over monitoring of institution as charity, foundation, company and some addresses via technical means, by means of targeting especially bureaucrats at critic positions as Presidency, Ministries, and the MIT, after preparing the ground for recording their non-related communication to the file being supposed to stay confidential, President, Ministers, former and present deputies and high authorities of the State like the MIT undersecretary using communication means, even though there is no convincing information and document in requirement writings of the police, without linking the

addressees with the armed terrorist organization, they ordered monitoring measures with printed reasons by basing on non-physical evidences without researching whether there is a way to have other kind of evidence or not, thereby, detection, wiretapping and recording of communication of 239 people within this investigation in 3 years and 7 months and monitoring of 78 people with technical means were decided, additionally, they applied same measure for 10 different charity, foundation and address without determining for whom it will be applied, 1348 times for people that detection, wiretapping and monitoring were applied, 950 times in total for people, charity, foundation and address that monitoring was decided, extension decision was given, some meetings of the Turkish Prime Minister (still the President), Ministers, the MIT Undersecretary and superior bureaucrats being supposed to stay confidential in terms of the state security and politics were recorded, additionally, they tried to show the government of the Republic of Turkey, the MIT members and important bureaucrats and politicians and humanitarian relief institutions like IHH and private entities as pro-Iran and helping the Al-Qaeda terrorist organization,

When legislation provisions are taken into account, although there is a legal obligation that wiretapping cannot be done out of the Department of Technical Bureau, they wiretapped from several different points, one from the U.S., they recorded some meetings of some superior state authorities and government members supposed to stay confidential in terms of the state security and politics for the purpose of political spying under cover of membership of the organization during the investigation that took 3 years and 7 months and they transferred them to computers with different IP addresses,

Within the context of making evidence up to constitute a link between the Tawhid Salam so-called Jerusalem Army investigation and trade between Iran and Turkey, December 17-25 plot investigation thus, in the statement of Safak as anonymous witness, even though he did not mention, some parts concerning trade with Iran were added, thereby, a link between the Tawhid Salam so-called Jerusalem Army investigation and trade between Iran and Turkey, so December 17-25 plot investigation was constituted, in this way, they aimed at uniting these two investigations by making impression that they are linked to each other, for this purpose, even though proceedings are ongoing and there is no order of the public prosecutor carrying out the investigation, the Tawhid Salam so-called Jerusalem Army investigation was ended by security officers being members of the organization, by means of deleting them from the Log records, all wiretapping records were secretly sent to the Istanbul Chief Public Prosecutor's Office with a cover letter,

Since December 17-25 coup attempt failed, this time the FETÖ/PDY tried to create public opinion via media organs being close to it, under cover of the so-called Jerusalem Army Terrorist Organization investigation, by fake reasons, evidence and notices, administrators and members of the 'National Security Organization' as institution, and administrators and employees of the "IHH Humanitarian Relief Foundation" being NGO were tried to be linked to terrorism, they tried to create a perception that the government through the MIT, by using IHH had arms aid to terrorist organizations such as Al-Qaeda before MIT trucks were stopped, although the investigation file no. 2011/762 was closed on 17.12.2013 and submitted to the Istanbul Chief Public Prosecutor's Office, it is held by the information, document and evidences within the investigation file that an attempt was made on MIT trucks to provide evidence for weapon element of the so-called Tawhid Salam organization.

**2) As summary of the Investigation File No. 2016/99 of the Second Chamber of the High Council of Judges and Prosecutors;** staff of the Ankara Regional Administration of Mobilization of the General Staff where there are cosmic rooms, was technically monitored via the supervision measures of the communication within the scope of Ergenekon Terrorist Organization, to have the support of the public opinion, as a sensational accusation, regarding the fact that vice prime minister and minister of state Bulent ARINC residing in Cukurambar where Staff Colonel Baki KAYA being followed by the army personnel within the scope of counter intelligence activities resides as opportunity, a charge of attempted assassination was brought forward with forged advice letter, to strengthen this charge, false evidence was made up, by charging meanings as so they do not comply with the reality on some documents and notes, they were excluded from the investigation and by extending the number of ranking military officers included in the investigation, communication monitoring measures were unlawfully applied, by basing on false notice reports, without examining

evidences alleged in the plea, by relying on subjective and partial police evaluation reports, although there is no reasonable doubt, illegal search and seizure were performed in cosmic rooms no. 11 and 16 in which there are information and documents being state secret and some documents and electronic data including some information and texts were unlawfully seized, although he has no mission or authority in the investigation file, the examination of the mentioned information, texts and documents in the Courthouse by Unal TATAR being expert at cases known by the public opinion like "Balyoz, Military Spying, Poyrazkoy, Ergenekon and Oda Tv" and being removed from TUBITAK since he prepared partial expert report was provided and therefore the computer was imaged, unauthorized people had access to state secret information and document thus, according to the Code of Criminal Procedure, whereas examination of the state secret topics is not possible even in the investigation process, 'State Secret' information and documents having vital importance for the internal and external security of the State of the Republic of Turkey were unlawfully seized and disclosed by judges and public prosecutors mentioned in the file for military spying purposes, in the investigation process, about people expressing 'thought, critics and opinion on the FETÖ/PDY', not being linked to the investigation and not constituting a crime, they illegally decided on decisions of communication detection and extension of measure period for many times, protection measures were disproportionably used, the present actions were performed by contacting and getting in touch with many real and private persons for whom legal proceedings are carried out because of the FETÖ/PDY.

**3) As summary of the Investigation File No. 2015/100 of the Second Chamber of the High Council of Judges and Prosecutors;** in the 7 different investigation files composing of 594 folders in total of the Istanbul Chief Public Prosecutor's Office, Terror and Organized Crimes Investigation Bureau, lots of suspects under arrest of crimes including 'being member of terrorist organization, attempting to eliminate the government of Republic of Turkey or hindering it from partially or completely performing its duties, providing information of the State being supposed to stay confidential with the purpose of political and military spying', after their objection to imprisonment and release requisitions through their counsels on different dates were objected by the decisions of the Istanbul Criminal Court of Peace Magistracies, on the following day of the requirement of the so-called leader of the FETÖ/PDY terrorist organization about the release of people under arrest via encrypted order, under cover of prayer and sermon/conversation sent to the Parallel State Structuring members of the organization in judiciary on 19.04.2015, under the title of 'Holy Tribulation and Aid Heroes(Mukaddes Çile ve İnfak Kahramanları)', 51 petitions dated 20.04.2015 of some suspects, by their counsels, including recusation of all judges working at the Criminal Courts of Peace in the Istanbul Courthouse and release requirement of the suspects, being supposed to be given to the clerk's office properly to the procedure and to be submitted to judge of the court after registration and scanning procedures, were directly given to the Istanbul 29th Penal Court of First Instance Judge Metin OZCELİK in defiance of routine procedure, mentioned person on the following day, so when another judge was on call, after all staff left, had petitions recorded into the system in privacy though he is unauthorized as of his court of duty, although all opinion letters not being examined in electronic environment since there is no access through UYAP because of the restriction decisions, even there is no electronic investigation file, sent to the Istanbul Criminal Court of Peace Magistracies are unfavourable, just by relying on petitions and its annexes of the suspects submitted by their counsels, with the decision dated 24.04.2015, in all of the Judges working at Istanbul Criminal Court of Peace, he definitely decided on the acceptance of recusation requirements of all judges, by means of pointing name and registry numbers out to handle release requirements concerning the suspects in the investigation file, the assignment of the Istanbul 32nd Penal Court of First Instance Judge Mustafa BASER whose watch was ended by 5:00 p.m., after the illegal assignment, suspects were brought to the Istanbul 32nd Penal Court of First Instance by the court clerk of papers composing of counsels' petitions, arrest warrants, previous release requirements and objection decisions of courts, as it is pointed out in the statement dated 25.04.2015 of the mentioned court clerk as witness, all staff of the Istanbul 32nd Penal Court of First Instance had left the court and the door of clerk's office was locked, although the watch was ended by 5:00 p.m., judge Mustafa BASER sit in the room alone and received the files from the court clerk, in Article 10 of Law No. 5235 amended by Law No. 6545 on condition that the circumstances that the Laws require are reserved, he decided on that Criminal Court of Peace Magistracy is responsible for taking necessary decision being supposed to be given by judge in

investigations, operating and examining objections against decisions and though penal courts of first instance are not entitled concerning investigation procedures, taken into account his court of duty not having superior instance title and on that sense being equivalent basing upon the decision of illegal assignment of the judge of the 29th Penal Court of First Instance, with 7 decisions of same quality that he ruled on, on 25.04.2015, investigation files composing of 594 folders without being submitted, evidences in the investigation files without being examined because of the offences charged, without individualizing each suspect with offences and evidences, with de facto and similar reasons, the release of 63 suspects,

The effort made during the weekend to hold the release decision is really extraordinary as its details are given in the decision of the Chamber and it is quite clear and evident that the aim is to immediately fulfill the orders of the so-called leader Fetullah GULEN, so, Mustafa Kemal OZCELIK and Mahmut SEN being the HCJP members backed a law massacre by their dissenting opinions to not to prescribe punishment, whatever position or title of the organization members within judiciary is, it is evident that they would not hesitate to use law as weapon for the sake of interests of the organization,

When extraordinary efforts of Judges Metin OZCELIK and Mustafa BASER, for the purpose of release of arrested suspects in the investigations known as "July 22, Spying, Illegal Wiretapping, December 17-25, Plot in Tawhid-Salam, Plot against the Tahsiye Group and Parallel Structuring Investigation in the Police" in the public opinion, illegal actions from the beginning and evidence making activities of the police are evaluated together, the reason of self-confidence of the arrested suspects being enforcement officers in terms of pushing the limits of law to create evidence, in same way, submitting dissenting opinion to the investigation allowance and disciplinary punishments against openly done unlawful acts that their dismissal is decided pursuant to the decree law is explained, it also reveals the self-confidence of the judges hiding their initial intention under cover of 'Decision' but they disregarded the fact that the law can never be sacrificed for personal interest or desires of a person, group or organization.

**When the investigation files relating to the suspects that were intended to be released as per the decisions dated 25/04/2015 by Judge Mustafa BAŞER at the 32nd Criminal Court of First Instance of Istanbul are analyzed;**

**a) According to the content of the indictment dated 23/10/2015, Investigation no. 2014/41637 and Docket No. 2015/39902 issued by the Terror and Organized Crimes Investigation Bureau under the İstanbul Chief Public Prosecutor's Office;** it is established that an aid convoy was organized by Foundation for Human Rights and Freedoms and Humanitarian Relief (IHH) in April and May 2010 with a view to delivering humanitarian aid with Mavi Marmara ship to Gaza occupied by Israel and bringing the occupation of Gaza to the attention of the international public opinion, the investigation against the so-called Jerusalem Army Terrorist Organization was initiated by the suspects under the file number 2010/1074 (2011/762) upon the letter dated 12/05/2010 that was signed by the suspect Yurt ATAYUN working as the Chief of Counter Terrorism Division of Istanbul Police Department and submitted to the Office of Chief Public Prosecutor of Istanbul (Assigned as per Article 250 of Code of Criminal Procedure(CCP)) on 12/05/2010 at the same time when Mavi Marmara Ship departed, primarily the President and managers of IHH Foundation that organized the aid convoy as well as the members and volunteers of IHH Foundation and many people who were travellers on board Mavi Marmara were wiretapped on the grounds of "Membership to a Terrorist Organization", the telephone communications of these persons that were not of criminal nature but rather related to "professional, family and private life" affairs and the activities of the foundation were recorded and documented in the report on interception of communications as evidence for the crime of "being a manager and member Of a terrorist organization", the speech of Nureddin Şirin delivered on 09/05/2010 and themed as "Ummah Awareness, Jerusalem Cause and Gaza's Message" and also related to the arrest of IHH's West Bank Representative İzzet Şahin by Israel at the program "İstanbul'dan Gazze'ye Kardeşlik Köprüsü (Fraternity Bridge From Istanbul to Gaza)" organized by "Kağıthane Gazze Gönüllüleri Platformu (Kağıthane Volunteers for Gaza Platform)" in order to call

attention to Gaza that was under the blockade of Israel and bring the atrocity in Palestine to the attention of the public opinion was indicated as the justification for initiating the investigation against the so-called Jerusalem Army Terrorist Organization,

The Undersecretary of the National Intelligence Organization (MIT) Hakan FİDAN was included in the investigation initiated against IHH Foundation over Mavi Marmara as of 12/05/2010 on the basis of the statement given by the witness named Kamile YAZICIOĞLU who was exposed to the ill - treatment of her husband, took shelter in her friend in Bursa after her quarrel with her husband and stated while submitting her complaint against her husband that her husband supported the Al-Qaeda organization, leaked confidential information to Iran, met with the Undersecretary of the National Intelligence Organization Hakan FİDAN, top-ranking state officials were included in the investigation based on a 'fiction built upon' the information and documents allegedly provided by the witness, certain matters that were not stated by the witness were added to the statement as if they had been uttered by her as the justification for the decisions of interception of communications and technical surveillance against the abovementioned persons, this active and illegal role assumed by the police chiefs and police officers working at Istanbul Police Department's Counter Terrorism Division during the initiation of the investigation were without any doubt within the knowledge of the person or persons that they were accountable and based on their instructions, it is evident that the police chiefs and police officers assigned at the division believed since right from the beginning that their unlawful acts would be hushed up somehow by the persons they trusted and the illegal evidence would be used during the investigation regardless of how they were obtained and this is the proof that there exists the will of participation between the parties, otherwise it is not possible to explain, within the natural flow of life, the engagement of the law enforcement officers, whose concerned acts and actions that were of judicial nature would be subjected to the legality review by judges and public prosecutors, in an act which may in fact be called as "making up evidence" that would jeopardize their professional lives, the acts of the law enforcement officers to make up evidence included not only the distortion of the witness statement but also making up fake anonymous witness, having an e-mail report be sent in return for payment, having an anonymous e-mail report be written and etc., although pursuant to the Constitution and laws of the Republic of Turkey it was not legally possible to wiretap the communications of the Prime Minister of the Republic of Turkey and the members of the cabinet, advisors to the Prime Minister, members of the parliament, Undersecretary of the National Intelligence Organization and his closest colleagues who were included in the investigation using the same method, a decision was taken stating that they were members of a terrorist organization although there was no evidence and their official phone lines registered at the Department of Administrative and Financial Affairs of the Prime Ministry were wiretapped, their national and international communications were recorded, these communications were related to the national security and foreign policy of the state and were in the nature of information and documents that had to be kept confidential for the national/international interests of the state; furthermore, several public bodies and institutions, non-governmental organizations, associations, foundations such as Turkish Radio and Television Corporation, Anadolu Agency, Council of Higher Education, Foundation for Human Rights and Freedoms and Humanitarian Relief (IHH), AKABE Foundation, the Association for Human Rights and Solidarity for the Oppressed (MAZLUM-DER), Ehlibeyt Alimleri Association (EHLADER), Alülbeyt Foundation, Bab-ı Ali Foundation, El Mustafa Madrasah, Jerusalem Solidarity Association (KUDÜS-DER), Kanal On4, etc. and everybody that somehow had contacts with them were included in the investigation and the measure of interception of communications was applied to them.

**b) Having regard to the indictment dated 26/10/2015 with Investigation No. 2014/69722 and Case No. 2015/40117 issued by the Terror and Organized Crimes Investigation Bureau under the Istanbul Chief Public Prosecutor's Office;** it was understood that the law enforcement officers used the same method while collecting the evidence; the irregularities and unlawful acts were listed as follows on page 94 of the indictment;

- The clear identity, duty, title and address of the target persons who were wiretapped were not indicated in the phone number section of the Decision Request Forms submitted to the courts,

- The clear identity, duty, title and address of the target persons who were wiretapped were not indicated in the IMEI number section of the Decision Request Forms submitted to the courts,

- Fake or incomplete names rather than the real names of the target persons who were wiretapped were used in the Decision Request Forms submitted to the courts,

- After the court decision for the interception of communications was obtained on the grounds that the target persons who were wiretapped were members of an organized crime organization, it was indicated, in the Decision Extension Forms regarding the extension of the duration of the interception of communications, that they were members of a terrorist organization,

- The approval of the Technical Operations division was not obtained despite the order and instructions letter dated 29/01/2008 relating to the target persons who were wiretapped,

- A permission was not granted for proper and detailed examination as to the organization from the relevant Communications divisions despite the order and instructions letter dated 29/01/2008 relating to the target persons who were wiretapped,

- Decisions were taken by the relevant courts for the interception of communications of the target persons who were wiretapped by filling out the printed forms without any materials such as information, document, report etc. showing that they were the members of an organized crime organization or terrorist organization,

- It was ordered to take decisions, for several times, for the extension of the duration of interception of communications by filling out printed forms without any materials such as information, document, report etc.,

- It was ordered to take decisions for the interception of communications of the target persons who were wiretapped on the grounds that they were members of a terrorist organization without any materials such as information, document, report etc. and wiretapping and interception of communication devices continued for more than 12 months by filling out printed forms although there were no information and documents regarding the ongoing threats posed by the activities of the terrorist organization,

- After the legal period for the interception of communications of the target persons who were wiretapped expired, they were wiretapped for an unlimited time by showing them as members of the terrorist organization although interception should have been stopped,

- The records of communications of the target persons who were wiretapped that should have been destroyed were not destroyed and saved in another external data storage device,

- Interception activities were carried out in the special room that was allocated outside the Technical Surveillance Bureau (TSB) which is also referred to as Technical Operations Bureau (TOB),

Under this scope;

Milliyet Newspaper's author Fikret BİLA was wiretapped as per the decision taken upon the request submitted under the name "Fikri" within the scope of Ergenekon Terrorist Organization,

The phone line which was used by Şaban SEVİNÇ who was a member of RTÜK (Radio and Television Supreme Council), deputy candidate from Samsun for nomination for CHP and who is still assigned as the Director General of Halk Tv and which was registered for RTÜK was wiretapped as per the decision taken upon the request submitted under the name "Şaban YILDIZ" within the scope of Ergenekon Terrorist Organization,

Chief Judge of Istanbul 6th Tax Court Hasan ERDEM's phone line registered in his name was wiretapped within the scope of Ergenekon Terrorist Organization as per the decision taken upon the request submitted under the names "Hasan" and "Hasan YALÇIN" while his wife Sevinç TAŞ ERDEM's phone line registered in her name was wiretapped again within the scope of Ergenekon Terrorist Organization as per the decisions taken upon the request submitted under the names "Sevinç" and "Sevinç YILDIRIM",

Former Minister of Foreign Affairs and Academic Member at Işık University Emre GÖNENSAY was wiretapped within the scope of Ergenekon Terrorist Organization as per the decision taken upon the request submitted under the name "Emrah",

Police Chief Dinçer AY was wiretapped on the grounds that he was a member of an organized crime organization as per the decision taken upon the request submitted under the name "Dinç",

Journalist Oray EĞİN working at several newspapers such as Radikal, Akşam and Sözcü and mainly writing paparazzi columns was wiretapped as per the decision taken upon the request submitted under the names "Orhan" and "Orhan EĞRİ" within the scope of Ergenekon Terrorist Organization,

Yeniçağ Newspaper's author Behiç KILIÇ was wiretapped as per the decision taken upon the request submitted under the name "Bahri" within the scope of Ergenekon Terrorist Organization,

AK Party's Deputy from Istanbul for the 24th Term Metin KÜLÜNK was wiretapped as per the decision taken upon the request submitted under the name "Metin" on the grounds that he was a member of an organized crime organization,

Police Officer at Istanbul Intelligence Division Sami TERZİ was wiretapped as per the decision taken upon the request submitted under the name "Semih" on the grounds that he was a member of an organized crime organization,

The mobile phone of Hanefi AVCI, who had been assigned to different posts at the police department as police chief, with IMEI Number 356423023390090 in which the line registered in the name of subscriber Tuğrul ÇAKIR was inserted was wiretapped as per the decision taken upon the request which was submitted through the IMEI number and used the name "İbrahim SAĞLAM",

The wife of the author Nurettin VEREN who wrote the books titled Fetullah Hoca'nın şifreleri, ABD'nin Truva Atı Fetullah Gülen, Türkiye Nasıl Kuşatıldı Kuşatma and criticized the community in his speeches and articles in the printed and visual media Gönül VEREN's phone lines registered in the name of Hasan DOĞAN and Orhan DOĞAN were wiretapped on the grounds that she was a member of an organized crime organization as per the decision taken upon the request submitted under the names Nurettin" and "Nurettin SAVAŞ",

The President of TOBB (Turkish Union of Chambers and Commodity Exchanges) Mustafa Rıfat HİSARCIKLIOĞLU was wiretapped as per the decision taken upon the request submitted under the name "Rıfat" within the scope of Ergenekon Terrorist Organization,

Member of the Central Executive Body of BBP (Great Unity Party) and businessman Metin CORUT was wiretapped as per the decision taken upon the request submitted under the name "Metin" on the grounds that he was a member of an organized crime organization,

Journalist-Author Fatih ALTAYLI was wiretapped as per the decision taken upon the request submitted under the name "Fatih" within the scope of Ergenekon Terrorist Organization,

Eraslan ÖZKAYA who was the President of the Court of Cassation but retired in 2004 was wiretapped as per the decision taken upon the request submitted under the name of "Ersan" within the scope of Ergenekon Terrorist Organization,

Mehmet Turgut OKYAY, who was the Former President of the State Security Court and Retired Member of the Court of Cassation and also tried Abdullah ÖCALAN, the so-called leader of PKK Terrorist Organization, and ruled his conviction was wiretapped as per the decision taken upon the request submitted under the name "Mehmet" within the scope of Ergenekon Terrorist Organization,

Retired Full General Halit Edip BAŞER who was the Commander of the Second Army and Second Chief of Staff was wiretapped as per the decision taken upon the request submitted under the name within the scope of Ergenekon Terrorist Organization,

Senior Executive of Koç Holding and Member of Council of Galatasaray Sports Club İnan KIRAÇ was wiretapped as per the decisions taken upon the request submitted under the names "İlhan" and "İlhan KIRAÇ" within the scope of Ergenekon Terrorist Organization,

Doğaner GÖNEN who was one of the chief editors of Hürriyet Newspaper was wiretapped as per the decision taken upon the request submitted under the name "Ahmet" within the scope of Ergenekon Terrorist Organization,

Chairman of the Executive Board of Doğan Group of Companies Aydın DOĞAN was wiretapped as per the decisions taken upon the request under the names "Ahmet" and "Ahmet DOĞAN" within the scope of Ergenekon Terrorist Organization,

Former Commander in the Air Forces Faruk CÖMERT was wiretapped as per the decisions taken upon the request submitted under the name "Fahri" within the scope of Ergenekon Terrorist Organization,

Former Minister of Foreign Affairs Osman Mümtaz SOYSAL was wiretapped as per the decision taken upon the request submitted under the name "Osman" within the scope of Ergenekon Terrorist Organization,

Retired Major General who was the Head of the Psychological Operations Department Hüsnü Can TELER was wiretapped as per the decision taken upon the request submitted under the name "Hüsnü" within the scope of Ergenekon Terrorist Organization,

Journalist author Hatice Leyla TAVŞANOĞLU was wiretapped as per the decision taken upon the request submitted under the name "Leyla BAŞAK" within the scope of Ergenekon Terrorist Organization,

Former President of the Constitutional Court Yekta Güngör ÖZDEN's phone was wiretapped within the scope of Ergenekon Terrorist Organization,

MIT member Serdar BOZDOGAN's wife Elif BOZDOGAN's phone was wiretapped on the grounds that she was in contact with the members of an organization operating in the rural area,

One of the Former Presidents of Galatasaray Sports Club Adnan POLAT and the President of Gençlerbirliği Sports Club İlhan CAVCAV were wiretapped as per the decision taken upon the request submitted on the grounds that they were members of an organized crime organization,

Alarko Holding's founder İshak ALATON's daughter Leyla ALATON was wiretapped as per the decision taken upon the request submitted under the name "Leyla ALTIN" within the scope of Ergenekon Terrorist Organization; member of the executive board of the same company Dalia GARİH was wiretapped as per the decision taken upon the request submitted under the name "Deniz GARİP" within the scope of Ergenekon Terrorist Organization,

Journalist author Gürbüz Saygı ÖZTÜRK was wiretapped as per the decision taken upon the request submitted under the names "Salih" and "Salih ÖZTÜRK" within the scope of Ergenekon Terrorist Organization, and their electronic mail addresses were subject to technical surveillance,

Journalist Müge ANLI was wiretapped as per the decision taken upon the request submitted under the name "Müge ÖZTEKİN" on the grounds that she was a member of an organized crime organization, the victim did not indicate the surname as "ÖZTEKİN" in her statement and she stated that she had never had such a surname,

The ADSL line of the Journalist-author Gareth Huvv JENKINS who presented a report that Fetullah GÜLEN Movement underlay the operations related to Ergenekon Investigation, regarding the Ergenekon Investigation conducted during a conference organized in Washington in the United States of America was subject to technical surveillance,

Decisions of the interception of communications were taken through similar methods to intercept the phones and electronic mail addresses of hundreds of people such as former members of parliament from various parties that had groups in the parliament, vice chairmen of these parties, heads of provincial and sub-provincial units of political parties, Former Deputy Director General of Turkish National Police, Former Head of Intelligence Department of Turkish National Police, several police chiefs and deputy police chiefs of provincial police departments, retired police officers and police officers who are still in office, commissaries, deputy commissaries, chief commissaries and police chiefs, Director General for Foundations, Presidents of the Inspection Board, Chief Civil Inspector, Police Inspector General, Prime Ministry Experts in Istanbul, personnel assigned at the Presidency of Savings Deposit Insurance Fund, Police protection officers, Chief of Antalya Counter Terrorism Division, retired judges, academic members, Yandex Turkey's CEO, Former Head of Counter Terrorism Department, several journalist-authors, TÜBİTAK's (The Scientific and Technological Council of Turkey) Cryptology specialist, presidents and members of boards of executives of private companies, personnel of Police Colleges Protection Division, personnel of Security Departments, correction officers, personnel of police departments in several provinces including primarily Istanbul Provincial Police Department, Head of Department at the Directorate General for Land Registry and Cadastre, directors of land registry, Prime Ministry Directorate General for Personnel and Principles and Advisor to the Mayor of Istanbul Metropolitan Municipality, chief clerk of the Criminal Chamber of the Court of Cassation, personnel of Fatih Office of Chief Public

Prosecutor, Semerkant Foundation's President, Head of Department at the Directorate General for Banks and Foreign Exchange of the Undersecretariat of Treasury, Counsellor of the Speaker of the Grand National Assembly of Turkey (GNAT), attorneys, actors/actresses, models, singers, mayors and

deputy mayors, private secretary at municipalities, contractors, provincial directors of national education, provincial deputy directors of national education, manager of residential facilities, presidents of chambers of commerce and industry, president of the chamber of drivers, bar owner and its employees, pharmacists, doctors, pilots, ship owners and etc.

**c) The following are included in the indictment dated 28/09/2015 with Investigation No. 2014/115949 and Case No. 2015/35346 issued by the Office of Chief Public Prosecutor of Istanbul Investigation Bureau for Terror and Organized Crimes;**

Having regard to the files containing the reports of interception of communications of the target persons sent to the Chief Public Prosecutor's Office in a sealed form, it was discovered during the investigation carried out by the Office of Chief Public Prosecution of Istanbul with respect to the interception of communications under the scope of investigation file no. 2012/656 that the telephone communications of 29 people primarily including the Prime Minister Recep Tayyip ERDOĞAN, Minister of National Education Ömer DİNÇER, MP from Gümüşhane Sabri VARAN, Minister of Forest and Water Affairs Veysel EROĞLU, Former Minister of Justice Sadullah ERGİN, Former Minister of Interior İdris Naim ŞAHİN, MP from İstanbul İdris GÜLLÜCE, Former Minister of Interior Muammer GÜLER, Minister of State Ali BABACAN, Minister of Customs and Trade Hayati YAZICI, Former Minister of Economy Zafer ÇAGLAYAN, Minister of Culture and Tourism Ömer ÇELİK, Minister of Labour and Social Security Faruk ÇELİK, Former Minister of Communications Maritime Affairs and Transport Binali YILDIRIM, Minister of Energy and Natural Resources Taner YILDIZ, Former Minister of Environment and Urbanization Erdoğan BAYRAKTAR, Minister of Foreign Affairs Ahmet DAVUTOĞLU, MP Nurettin CANIKLI, Minister of Health Mehmet MÜEZZİNOĞLU, MP Kamer GENÇ, MP from Kahramanmaraş Mahir ÜNAL, Former Minister for European Union Affairs Egemen BAGIŞ, MP from İstanbul Gürsel TEKİN, MP from Ankara Yalçın AKDOĞAN, MP from Gaziantep Hüseyin ÇELİK, Minister of State Beşir ATALAY, MP Mehmet METİNER, MP Mustafa ELİTAŞ and MP Melda ONUR who had "Parliamentary Immunity" in the period when the investigation file no. 2012/656 was drafted were deciphered and transcribed although the concerned persons had parliamentary immunity as per Articles 83 and 100 of the Constitution and were subject to special investigation procedures and charges were pressed against some of them in the dossiers that were drafted, the relevant articles were violated and there was persistence in these unlawful methods during the investigation process although the facts found about them should have been notified to the Office of Chief Public Prosecutor directly and immediately and the evidence should have been collected according to the special investigation procedures if there had been suspicion of crime since it was understood that their investigation was subject to a special form.

**d) In the indictment dated 04/12/2015 with Investigation No. 2014/40810 and Case No. 2015/47335 issued by the Terror and Organized Crimes Investigation Bureau under the Istanbul Chief Public Prosecutor's Office;** it was stated that the suspects Ramazan AKYÜREK, Ali Fuat YILMAZER and Coşgun ÇAKAR were among the leaders of the armed terrorist organization that aimed at structuring a group called Fetullah GÜLEN community within the police organization, Hrant DİNK would be definitely killed by the armed terrorist organization, although the leaders and members of the crime organization that made preparations for that purpose as well as the triggerman "Ogün" who would commit the murder were all known in advance, the murder of Hrant DİNK, the instrumental crime, was anticipated for the commission of the target crime, the acts of the suspect Ramazan AKYÜREK during the process of the murder of Chief Editor of Agos Newspaper Hrant DİNK were explained in details in Articles 68 to 75 of the indictment.

It is clear that the militants of the organization in their capacity as Judges and Public Prosecutors served for the illegitimate goals of the organization with their acts and actions they hid under the mask of "Decision" and they described as "Judicial discretion"; one of the strategies applied to hide the irregularities during the abovementioned investigations from the authorized persons or competent authorities that were not the members of the organization was to find an "Eligible Judge or prosecutor"; the law enforcement officers who were the members of the FETÖ/PDY Terrorist Organization preferred the judges and public prosecutors who they knew would serve for the goals and interests of the organization and united around the same goal in order to hide the irregularities during the interception of communications and technical surveillance and take the decisions they wanted and avoid any setback, and in this way, they could continue the illegal acts secretly with a view to achieving their goal, one of the written evidences for that was the information sheet which was sent by Istanbul Intelligence Division Bureau to Edirne, Tekirdağ, Kırklareli, Kocaeli and Sakarya Intelligence Divisions, found during the search of the computers at the Intelligence Division and inserted to page 651 of the indictment with investigation no. 2014/69722 and case no. 2015/40117 issued by the Office of Chief Public Prosecutor Investigation Bureau of Terrorism and Organized Crimes, and which read as "TO THE ATTENTION OF THE COLLEAGUES WHO ARE DEALING WITH THE COURT DECISIONS! (MUST READ IT, GET IT READ) The possible decisions that will not be taken by the Judge of the 11. High Criminal Court on duty in the following week are as follows: Extension decisions including the first extension for all terrorist organizations including

- 1- Ergenekon
- 2- Missionary activities
- 3- Terrorist Organizations

However, s/he may take decisions for these terrorist organizations that are entered for the first time and organized crimes with a well-structured content. Therefore, we recommend that you take the decisions within this week which you are supposed to take for the following week... For your information. İstanbul TOB Bureau".

**4) Investigation File, Case No. 2015/129 drafted by the Second Chamber of the High Council of Judges and Prosecutors can be summarized as follows:** it is well established with the information, documents and evidence contained in the concerned investigation file that the communications of some businessmen, MPs, provincial heads of parties working in Şanlıurfa and public officials at Şanlıurfa Provincial Police Department Intelligence Division were intercepted at the Provincial Police Department Intelligence Division by the officials working at Şanlıurfa Police Department Intelligence Division from 2011 to 2013 based on the unreal intelligence reports unlawfully drafted by the public officials working at the provincial police department, the intelligence reports indicated the persons to be wiretapped under different names rather than their real identities or were prepared by pressing charges unlawfully; decisions permitting the interception of communications were obtained from the courts in Diyarbakır that were mandated by Article 250 of CPL over the IMEI numbers of the phones on the basis of these reports although the GSM line numbers were known; and then preventive interception of communication was carried out; destruction minutes were issued following the interception without any legal proceedings; the facts established with respect to the concerned unlawful interceptions revealed that no data regarding the crimes written in the reports were entered into the intelligence evaluation project and the evaluation of the archive records regarding the persons whose names were mentioned in the lines that were technically surveilled revealed that they did not contain any information and document, it was understood that the communications were intercepted under different names by making up crimes and directly through the IMEI numbers of the cell phones used by the complainants; the officials who were working at Ankara

Intelligence Department on the date of the commission of the crime approved the interceptions despite all these unlawful acts and missing elements and thus paved the way for the concerned unlawful acts; the suspects were detained on 5/1/2015 under the investigation initiated upon the instruction of the Şanlıurfa Public Prosecutor's Office; Judge Mustafa GÜRBÜZ who found out this and was in his capacity as the President of the Justice Commission of First Instance of Şanlıurfa in Civil Jurisdiction sank himself into the effort of finding an "Eligible Judge" so to speak for interrogation in a way to disrupt the independence and impartiality of the judiciary considering the likelihood that the suspects might be referred to the court for arrest, called the judge on duty Cihat TAN by phone and visited him in his room and he suggested to the judge on duty that he might skip duty and be granted with a leave although the judge on duty did not submit any such request and no excuse regarding the fulfillment of his duty was put forward; but he could not achieve his purpose because the judge on duty stated that he would fulfill his duty; the public prosecutor carrying out the investigation requested that the suspects be arrested due to the alleged offences with his/her request letter dated 07/01/2015 submitted to the 2nd Criminal Judgeship of Peace of Şanlıurfa; the suspects who worked at Şanlıurfa Provincial Police Department Intelligence Division as of the date of the crime Fuat AKTÜMEN, Kaan ÖZYİĞİT and Harun TORGAY were arrested; the objections of the defendant's counsel to the arrest warrant were rejected; the President of the Commission Mustafa GÜRBÜZ who took the advantage of the fact that Judge Turan ÖZDEMİR who would be on duty from 12/01/2015 to 18/01/2015 got a medical report due to his health problems assigned Habil KAHRAMAN as the judge on duty, which contradicted with the routine practice and arouse astonishment and doubts among the judges and prosecutors working there; the fact that the abovementioned judge was one of the judges whose admission into profession would be cancelled later by the Third Chamber of the High Council of Judges and Prosecutors justified the doubts at that place; the defendant's counsel Att. Rifat TOKDEMİR who knew that the requests for arrests, objection to arrest warrant and release requests as well as other miscellaneous requests submitted to the criminal judgeships of peace outside the working hours and on holidays were ordered by the judge on duty requested with his petition addressed to the Criminal Judgeship of Peace on Duty of Şanlıurfa, submitted on 17/01/2015 Saturday and referred by Habil KAHRAMAN on the same day that the arrest warrant against the suspects and the decision of rejection of the objection against the arrest warrant be re-assessed and reviewed although his objection submitted on 13/01/2015 was rejected as per the decision of the judgeship 1 day before and became final with a view to achieving the goal of releasing the detained suspects under an organized and systematic plan that had been developed previously, in which the concerned Judge Habil KAHRAMAN was assigned as the judge on duty as a part of the plan as proven by the evidences contained in the file including the HTS records of telephone communications and witness statements, and requested that his clients be released; Judge Habil KAHRAMAN issued a fake report with respect to the content stating that the investigation file was not sent to him since the public prosecutor who possessed the investigation file was out of the city, and signed the report jointly with the suspect counsel, and then decided on the release of the suspects as per the Decision dated 18/01/2015 Miscellaneous File No. 2015/190 issued by the 1st Criminal Judgeship of Peace of Şanlıurfa with an arbitrary decision without seeing the investigation file comprised of three folders, without examining the inculpatory documents and evidences, and without any paper, data or document through which he could assess the release of the detained suspects and without judging if the reasons for strong suspicion of an offence and requiring their detention persisted or not,

Although the act was not mentioned as one that was undertaken under an organization since the connection of the act with the FETÖ/PDY terrorist organization was not clarified on the date when the abovementioned investigation file was delivered to the High Council of Judges and Prosecutors and on the date when the disciplinary punishment was inflicted against the relevant persons; the act was undertaken within the scope of the organization considering the fact that the connection of the

detained suspects, who were intended to be released, with the FETÖ/PDY organization was found out later, and release decisions were taken without even reading the investigation files after unlawful assignment with a similar release method as also observed by our Chamber in the investigation file, case no. 2015/100.

**5) Investigation file, Case No. 2016/125 drafted by the Second Chamber of the High Council of Judges and Prosecutors can be summarized as follows:** It is well established with the information, documents and evidence contained in the concerned investigation file that under the Investigation No. 2014/88611 carried out by the Office of Chief Public Prosecutor of İzmir relating to the offences “forming organized groups with the intention of committing crime, being a member of the organized group, violation of privacy, unlawful delivery or acquisition of data , counterfeiting official documents by public servants, producing an offence”; upon the petition no. 01/02/2015 on the request for release which was submitted by the counsel of the suspects Memduh TOSUN and Taner AYDIN who were ruled to be arrested as per the decision no. 2015/65 dated 31/01/2015 issued by the 2nd Criminal Judgeship of Peace in İzmir and Article 100 of the CPL and which qualified as an objection against the arrest warrant considering its content and date of submission, and upon the petition no. 01/02/2015 which was submitted by the counsel of Hasan Ali OKAN and Ramazan KARAKAYALI against whom an arrest warrant was issued as per the decision no. 2015/381 dated 26/01/2015 taken by the 3rd Criminal Judgeship of Peace in İzmir and Article 98 of the CPL under the same investigation and which qualified as an objection against the arrest warrant but which they named as lifting of the arrest warrant, Judge in İzmir Serdar ERGÜL evaluated and ruled on the requests in his capacity as the 1st Criminal Judgeship of Peace on duty in İzmir although he ruled on some of the decisions relating to the interception of communications that form the basis of the investigation and are stated to be unlawful and he was not competent as per the mandatory provision of Article 268/3-a of the CPL, by way of which he circumvented the law and exercised a power that was not granted by law, in another word, he seized power,

Furthermore, he ruled on the request no. 01/02/2015 submitted by the suspects’ counsel for the revocation of the decision no. 2014/2055 dated 17/12/2014 issued by the 3rd Criminal Judgeship of Peace in İzmir for the restriction of the suspect’s and his counsel’s power to review the file content and take samples from the documents under the same investigation file, with his decision no. 2015/530 dated 02/02/2015 without receiving the opinion of the public prosecutor on this matter despite the explicit provision of Article 33/1 of the CPL,

In conclusion; the concerned judge, who signed some of the decisions on the interception, wiretapping and recording of communications, which were stated to be unlawful and resulted in the arrest of police officers detained on the grounds of the offences "forming organized groups with the intention of committing crime, being a member of the organized group, unlawful delivery or acquisition of data, violation of privacy, producing an offence, slander, forgery in official documents by public servants under the activities of the relevant criminal organization”, paved the way for the execution of the unlawful interceptions due to the decisions he took, and also he made a great effort and took the decisions with respect to the revocation of the decisions of release/arrest warrants/decisions of restriction that were the subject-matter of the investigation although he was not competent for the release of the police officers who were detained on the grounds of the abovementioned crimes and tried for being members of the organization.

**6) Investigation File, Case No. 2015/8 drafted by the Second Chamber of the High Council of Judges and Prosecutors can be summarized as follows:** It is understood that the investigation papers no. 2013/24880 and 2012/120653 of the Office of Chief Public Prosecutor of Istanbul were

kept at the Office of Chief Public Prosecutor of Istanbul Bureau for Investigation of Smuggling, Societal Events and Organized Crimes; according to the content of the document contained in the file and signed by the Chief Public Prosecutor of Istanbul Hadi SALİHOĞLU, the abovementioned bureau had been coordinated by the Deputy Chief Public Prosecutor Zekeriya ÖZ since 25/07/2011, the public prosecutor Celal KARA had been working at the Bureau for Investigation of Smuggling Societal Events and Organized Crimes since 17/06/2013 while the Public prosecutor Mehmet YÜZGEÇ who held the responsibility for the abovementioned files had been working at the Bureau for Crimes Committed by Civil Servants since 16/01/2012, although there didn't exist any legal or de facto connection between the files of the investigation no. 2012/125043 carried out by the public prosecutor Mehmet YÜZGEÇ and the investigation files no. 2013/24880 and 2012/120653; within the same period of time, the Deputy Chief Public Prosecutor Zekeriya ÖZ and the Public prosecutor Celal KARA working at the Bureau for Smuggling and Narcotic Crimes at the Office of Chief Public Prosecutor of Istanbul that Zekeriya ÖZ coordinated and the Public prosecutor Mehmet YÜZGEÇ working at the Bureau for Crimes Committed by Civil Servants at the Office of Chief Public Prosecutor of Istanbul interrupted the investigations, hit the button and hastily launched an operation based on the instruction they received from another person or other persons, so to speak, because the Chief Public Prosecutor, who represented the Office of Chief Public Prosecutor and was at the top level in hierarchical order, did not know it, by violating the presumption of innocence, without even deeming it necessary to take the statements of several people that were detained as suspects and without even feeling the need to allow the completion of the statements that had been left unfinished at the law enforcement unit just as in the case of Rıza SARRAF, although it was stated in the Working Instructions issued by the Office of Chief Public Prosecutor of İstanbul and put into force on 01/10/2012 that as soon as the terrorism and societal events, organized crime organizations, events relating to public security that caused a widespread impact in the public opinion, homicide and other important events are discovered, this must be notified by the relevant Public prosecutor to the Chief Public Prosecutor in the most expeditious way by such means as phone, fax, e-mail or in the form of information sheet within the framework of supervision, the Chief Public Prosecutor of Istanbul Turan ÇOLAKKADI, who had the supervisory power on them, was not informed as per the Law No. 5235 either by the relevant persons Deputy Chief Public Prosecutor Zekeriya ÖZ and Public prosecutor Celal KARA about the investigation carried out under the file no. 2012/120653 and 2012/24880 and connected with the ministers, which was of particular concern to the public opinion and in which the Minister of Interior Muammer GÜLER's son Barış GÜLER's statement was taken as suspect, or by the Public prosecutor Mehmet YÜZGEÇ about the investigation that affected the economy of the country and also involved businessmen, and they applied the protection measures such as mass detention, search and seizure against several suspects under the abovementioned three investigations, which did not have any de facto and legal connection, even though there was no evidence requiring simple suspicion while the wiretapping and physical surveillance had still been ongoing.

**7) Investigation File, Case No. 2016/93 drafted by the Second Chamber of the High Council of Judges and Prosecutors can be summarized as follows:** it is well established with the information, documents and evidence contained in the concerned investigation file that the allegations against the Public Prosecutors Celal KARA and Mehmet YÜZGEÇ read as 'being members of the organization called Parallel State Structure (PDY) led by Fetullah GÜLEN, and committing crimes that disrupted the honor and dignity of the profession or decreased the overall respect to and trust in the profession and thus required conviction through their attempt to overthrow the Government of the Republic of Turkey and prevent it from fulfilling its duties as part of a setup applied in a planned and systematic way in line with the goal of the structure by acting in agreement and joining the actions with some police officers and police chiefs working at the Istanbul Police Department in order to put

the State and Government of the Republic of Turkey in a difficult situation and damage their reputation at both national and international level due to the annoyance of the abovementioned organization with the Government's policy and also by getting the support of the press and media organs that were under the control of that structure' and in this regard, the acts of the Public Prosecutor Celal KARA were listed in details, which included primarily having the conversations of the 61st Government's Prime Minister Recep Tayyip ERDOĞAN, Minister of Economy Zafer ÇAĞLAYAN, Minister for EU Affairs Egemen BAĞIŞ, Minister of Interior Muammer GÜLER, who had parliamentary immunity, with the target persons recorded and transferred to tapes although they were not the target persons and thus there was no court decision against them; assaulting the personal rights explicitly through defamation and slander using the media by making grave accusations against the President of the Republic of Turkey with the intention to incriminate him, through the interviews published on Cumhuriyet Newspaper on 25-30/1/2015, similarly, the acts of the Public prosecutor Mehmet YÜZGEÇ were listed in details, which included primarily wiretapping the Minister of Environment and Urbanization Erdoğan BAYRAKTAR, who had parliamentary immunity, indirectly over the target persons although there was no court decision taken against him, and having his 77 conversations recorded and transferred to tapes, pressing charges against Erdoğan BAYRAKTAR, Member of Cabinet in the 61st Government of the Republic of Turkey, by carrying out an investigation without complying with the due investigation procedure, making the law enforcement officers include several telephone conversations of the said person in the dossiers that he instructed, allowing the wiretapping and recording of telephone conversations between the persons who had the right not to testify and transfer into tapes; while the allegations against the Public Prosecutor Zekeriya ÖZ read as "being a member of the organization called Parallel State Structure (PDY) led by Fetullah GÜLEN, attempting to overthrow the Government of the Republic of Turkey and prevent it from fulfilling its duties by acting in agreement and joining the actions with the Public Prosecutors Celal KARA, Mehmet YÜZGEÇ and law enforcement officers due to the annoyance of the abovementioned organization with the Government's policy" and in this regard, he manipulated the abovementioned Public prosecutors by taking part as the coordinating Deputy Chief Prosecutor in the investigations no 2012/125043, 2012/120653 and 2013/24880 carried out by the Public Prosecutors Celal KARA and Mehmet YÜZGEÇ, his post on his personal twitter account on 2/8/2015 stating "If PKK had been involved in Gezi events, those who are now in the government would not have had the possibility to sit in that office. PKK did not join the Gezi events for whoever they were ordered to do so, PKK never participated and did not get involved in Gezi events for any reason. This was expressed as regret by PKK, we are governed by a temporary Prime Minister who does not know that Gezi events have nothing to do with the solution process" was inserted, HTS recordings were obtained by the Chief Inspector of the High Council of Judges and Prosecutors who carried out the investigation pursuant to the judicial decision in order to investigate the organizational ties of the public prosecutors; according to the report dated 1/12/2015 issued by The Counter Terrorism Department of Turkish National Police, Public prosecutors Zekeriya ÖZ, Mehmet YÜZGEÇ and Celal KARA's direct and coherent connections with persons who were members of FETÖ/PDY terrorist organization were detected just as in the case of judges Mustafa BAŞER and Metin ÖZÇELİK who unduly issued release orders, and even their conversations with people abroad and their contacts and connections inside the country were detected.

**8) In the Investigation File, Case No. 2015/9 issued by the Second Chamber of the High Council of Judges and Prosecutors; the following is summarized:** it is well established with the information, documents and evidence contained in the concerned investigation file that the Public prosecutor Muammer AKKAŞ decided on the detention of the suspects under the investigation file no. 2012/656 of the Office of Chief Public Prosecutor of Istanbul (competent as per Article 10 of ATL

(Anti -Terror Law)) without collecting any evidence except wiretapping, without having any document or file relating to the acts alleged to be corruption and violations be brought, without any attempt to explore if the suspects really set up a criminal organization and its structure if such organization existed, without determining the association of the suspects with the crimes charged and evidences regarding those crimes, asking the tapes of technical surveillance and recordings from the Presidency of Telecommunication and Communication and comparing them with the ones in the file, without even unsealing 11 bags closed and sealed with the seal of the law enforcement unit, which contained the wiretapping records that in fact formed the basis of the investigation, without summoning the files indicated in the dossiers issued by the law enforcement officers and the decisions of non-prosecution, without exploring if an investigation had been carried out or an action had been brought previously regarding the charges alleged, without taking the plaintiff's and witnesses' statements regarding the claims of duress by threats, without ordering the bringing of information and documents regarding the claims of irregularity and forgery, without commissioning an expert review on that matter, without even collecting the inculpatory evidence let alone the obligation to collect the exculpatory evidence in support of the suspects as per Article 160 of the CPL, without meeting the requirement that "there must be reasons for strong suspicion based on concrete evidence that the crimes, which are the subject-matter of the investigation, have been committed and the evidence has been collected in relation with those crimes, which qualifies as "Conditio sine qua non" that has to be met in order to seize the property of the suspects, taking into account the shortcomings indicated in the document titled "Review Paper" dated 26/12/2013 issued jointly by the Public Prosecutors who took over the investigation file, requested that the decision be taken for the seizure of the entire property registered in the name of (7) real and (2) legal persons, which would explicitly contradict the applicable legal provision without having regard to the fact that it was not possible to seize the property of the companies that were legal entities as per the provision laid down in Article 128 of the CPL, Judge Süleyman KARAÇÖL also decided that the request be accepted in a very short time which was 24 minutes without conducting any review and seized their property unduly and unlawfully, the Public Prosecutor Muammer AKKAŞ did not inform the Chief Public Prosecutor of Istanbul about the investigation although this was instructed in the Working Instructions issued by the Office of Chief Public Prosecutor of Istanbul and communicated by the Office of Chief Public Prosecutor of Istanbul as per Article 17 of Law No. 5235; under the investigation no. 2012/656 carried out by the Office of the deputy Chief Public Prosecutor of Istanbul (mandated as per Article 10 of the ATL); violated the confidentiality of the investigation by leaking some of the information and documents under the scope of the investigation, which he was responsible for and nobody knew, to the media.

**9) Investigation File, Case No. 2016/85 drafted by the Second Chamber of the High Council of Judges and Prosecutors can be summarized as follows:** it is well established with the information, documents and evidence contained in the concerned investigation file that the allegations against the Public Prosecutor Muammer AKKAŞ and Judges Süleyman KARAÇÖL and Menekşe UYAR read as; "being members of the organization called Parallel State Structure (PDY) so-called led by Fetullah GÜLEN, and committing crimes that disrupted the honor and dignity of the profession or decreased the overall respect to and trust in the profession and thus required conviction through their Attempt to Overthrow the Government of the Republic of Turkey and Prevent It From Fulfilling Its Duties, in line with the goal of the structure by, knowingly and willingly and although they were not mandated, acting in agreement and joining the actions with some police officers and police chiefs working at the Division of Financial Crimes of the Police Department of Istanbul, who are still tried by the 13th High Criminal Court under the file no. 2015/366 following the investigation no. 2014/115949 carried out against them by the Office of Chief Public Prosecutor of Istanbul on the

grounds of the crimes of Attempting to Overthrow the Government of the Republic of Turkey or Partially or Completely Prevent It From Fulfilling Its Duties, Violating Confidentiality and Misconduct in Office, and also by getting the support of the press and media organs that were under the control of that structure in order to put the State and Government of the Republic of Turkey in a difficult situation and disrupt their reputation at both national and international level, and put them under criminal and civil liability in the eye of the international judicial bodies by creating the impression that they aid Al-Qaeda Terrorist Organization, due to the annoyance of the abovementioned organization with the Government's policy, and in this regard, the acts of the Public Prosecutor Muammer AKKAŞ were listed in details, which included primarily carrying out the investigation without competence, failing to hand over the investigation file to the special investigations bureau for the chief public prosecutor or the deputy chief public prosecutor to carry out the investigation, having the communications of the 61st Government's Prime Minister Recep Tayyip ERDOĞAN, Minister of Energy and Natural Resources Taner YILDIZ, Minister of Interior Muammer GÜLER, Former Minister of Environment and Urbanization Erdoğan BAYRAKTAR, MP from Gümüşhane Sabri VARAN, MP from Ankara Yalçın AKDOĞAN, Former Minister of Transport Binali YILDIRIM, Former Minister of National Education Ömer DİNÇER, Minister of Forest and Water Affairs Veysel EROĞLU, Former Minister of Justice Sadullah ERGİN, Former Minister of Interior İdris Naim ŞAHİN, MP from İstanbul İdris GÜLLÜCE, Former Minister of State Ali BABACAN, Former Minister of Customs and Trade Hayati YAZICI, Former Minister of Economy Zafer ÇAĞLAYAN, Minister of Culture and Tourism Ömer ÇELİK, Minister of Labour and Social Security Faruk ÇELİK, Former Minister of Foreign Affairs Ahmet DAVUTOĞLU, Minister of Health Mehmet MÜEZZİNOĞLU, Former Minister for EU Affairs Egemen BAĞIŞ, MPs Nurettin CANIKLI, Mahir ÜNAL, Hüseyin ÇELİK, Beşir ATALAY, Mehmet METİNER and Mustafa ELİTAŞ, who had parliamentary immunity, with the target persons on different dates recorded and transferred to tapes although they were not the target persons and thus there was no judicial decision taken against them, likewise, the acts of judge Süleyman KARAÇÖL were listed, which included approving the request for interception of communications made through the telephone used by Aydın ÜNAL, the adviser to the Prime Minister of the Republic of Turkey Recep Tayyip ERDOĞAN and having the telephone communications of the said person recorded without exploring the "presence of the reasons for strong suspicion that the crime has been committed" that is a requirement laid down in Article 135/1 of the CPL, with a view to reaching the Prime Minister of the Republic of Turkey Recep Tayyip ERDOĞAN, approving some of the decisions for the interception and recording of communications, physical and technical surveillance that were drafted and submitted by the law enforcement officers in digital media by acting in agreement and joining the actions with some officers at the police department; the acts of judge Menekşe UYAR were listed as taking the decisions for the interception of communications and technical surveillance against some of the suspects although she was not authorized and competent, approving some of the decisions for the interception and recording of communications, technical surveillance that were drafted and submitted by the law enforcement officers in digital media by acting in agreement and joining the actions with some officers at the police department, deciding on the recording of the communications retrospectively, approving the request for the interception of communications made through the telephones used by the advisers to the prime minister although the requirements laid down in Article 135/1 of the CPL were not met with a view to reaching the Prime Minister of the Republic of Turkey Recep Tayyip ERDOĞAN, having the telephone communications of the said persons recorded; HTS recordings were obtained by the Chief Inspector of the High Council of Judges and Prosecutors, who carried out the investigation, as per the judicial decision in order to investigate the organizational ties of the public prosecutors; according to the report dated 01/12/2015 issued by the Counter Terrorism Department of Turkish National Police, direct and coherent connections of the Public Prosecutor Muammer AKKAŞ

and Judges Süleyman KARAÇÖL and Menekşe UYAR with persons who were members of the FETÖ/PDY terrorist organization were detected, conversations with people abroad and their contacts and connections inside the country were detected.

**10) Investigation File, Case No. 2015/164 drafted by the Second Chamber of the High Council of Judges and Prosecutors can be summarized as follows:** It is understood that, upon the request submitted by the law enforcement officers working at the Intelligence Division of Istanbul Police Department that a decision be taken for the wiretapping, recording and technical surveillance, over the IMEI number and under the name of İbrahim SAĞLAM" which was a fake name, of the mobile phone with IMEI number 356423023390090 containing the subscriber number 05xx.xxx.xx94 registered in the name of the subscriber Tuğrul ÇAKIR, actually used by the plaintiff Hanefi AVCI and, claimed by the plaintiff that it was known by the police chiefs to be used by the plaintiff because they were members of the same profession, similarly that a decision was taken for the wiretapping, recording and technical surveillance, under the name of "Necip KALAN" which was a fake name, of the mobile phone with IMEI number 359740001170330 containing the subscriber number 05xx.xxx.xx70 registered in the name of the subscriber Necdet KILIÇ who was a friend of the plaintiff Hanefi AVCI, and also of the mobile phone belonging to Lokman AKSU over the IMEI number without exploring who he was, Judge Oktay AÇAR at the 1st High Criminal Court in Istanbul mandated as per Article 250 of the CPL decided on the wiretapping, recording and technical surveillance of 4 mobile phones used by İbrahim SAĞLAM, Necip KALAN and Lokman AKSU over the IMEI numbers as per the Decision No. 2009/1860 and dated 07/11/2009; under the investigation known by public as the investigation of "Revolutionary Headquarters Terrorist Organization", Hanefi AVCI whose communications were intercepted and recorded was included in the investigation on grounds that he aided the members of the organization knowingly and willingly, leaked information to Necdet KILIÇ against whom an investigation was carried out on the grounds that he was a member of the same organization, assisted and supported Necdet KILIÇ in escaping from the surveillance performed by the law enforcement officers, this was understood from the information on wiretapping contained in the book written by the suspect and titled "Haliçte Yaşayan Simonslar, Dün Devlet Bugün Cemaat" (Simons Living in Golden Horn, State in the Past Community at Present) and from the content of his phone conversations with the suspect Necdet KILIÇ, fake IDs, driving licenses and passports were found at the residence of the said person in Eskişehir province, and also Kalashnikov weapons and guns given under the Law on the State of Emergency and the term of license of which expired were found at the same address, the other documents captured contained personal data and information as well as military documents inscribed with word classified, but no data were entered to UYAP (National Judiciary Informatics System) under the name of the suspect Hanefi AVCI; instruction letter no. 2009/1868 and dated 21/9/2010 was sent to the Ankara Chief Public Prosecutor's Office (competent as per Article 250 of the CPL) under the investigation carried out with file no. 2009/1868 and it was requested that Hanefi AVCI's statement as suspect be taken and released but the instruction addressed to Ankara was cancelled hastily after such statements as "they are going to make me pay the price of this" were indicated in the book written by Hanefi AVCI and in his interviews served in the press and media organs due to this book and he was taken from Ankara to Istanbul by plane on 28/9/2010, Hanefi AVCI whose identity information retrieved from UYAP at 13:59:29 p.m. by entering his ID number was added at 14:06:53 p.m. to the investigation file no. 2009/1868 as a party, he was detained and put in prison after his interrogation; it was stated in the judgment no. 2015/926 dated 30/04/2015 of the 16th Criminal Chamber of the Court of Cassation that absolutely convincing evidence showing that the accused Hanefi AVCI acted with the intention to prevent the disclosure of the members and activities of the organization knowing that Nejdete KILIÇ was a member of the organization and requiring conviction could not be obtained; and following the

investigation initiated upon the complaint of the plaintiff against Judge Oktay AÇAR at the 1st High Criminal Court in Istanbul who unduly took the decision for the interception of communications and technical surveillance against him, the Third Chamber of the High Council of Judges and Prosecutors in that term put the complaint submitted by the plaintiff Hanefi AVCI on the agenda along with around 300 petitions submitted by dozens of plaintiffs including Dursun ÇİÇEK, Mehmet HABERAL, Osman Ali Feyyaz PAKSÜT, Ömer Faruk EMİNAĞAOĞLU, Levent ERSÖZ, Doğu PERİNÇEK, Şahin MENGÜ, Ahmet Tuncay ÖZKAN, Muammer AYDIN and etc. against Specially Authorized Public Prosecutors in Istanbul and most of the judges and Public prosecutors at specially authorized high criminal courts; and as per the Decision No. 2011/4293 dated 01/07/2011 issued by that Chamber, it was held that there was no need to issue the permit for investigation of the judges and Public prosecutors that also included Judge Oktay AÇAR, member of the 11th High Criminal Court in Istanbul (competent as per Article 250 of the CPL) , while as regards the personnel at the Intelligence Division of Istanbul Police Department who realized the unlawful wiretapping, after it non-prosecution decision was issued on 01/11/2011 by the end of the investigation carried out under the file no. 2010/18412 by the Office of Chief Public Prosecutor in Istanbul, the Public prosecutor Adnan ÇİMEN decided that the investigation be extended under the file no. 2012/91028 instead of filing a lawsuit after the 9th High Criminal Court of Bakırköy held that the appeal of the plaintiff against the abovementioned decision be admitted as per its decision dated 12/06/2012, and he issued a non-prosecution decision once again on 18/07/2013, this decision was revoked as per the decision dated 16/12/2013 by the 6th High Criminal Court of Bakırköy upon appeal, he submitted the file to the Directorate General for Criminal Affairs of the Ministry of Justice requesting appeal for the sake of appeal, he persistently abstained from bringing an action against the law enforcement officers, a public action was brought against the law enforcement officers after the investigation file was handed over to another Public prosecutor following the persistent legal struggle of the plaintiff and the trial is still ongoing,

That the Public Prosecutor Adnan ÇİMEN did not bring an action against the suspects although his verdict of non-prosecution was revoked twice by the authority was explicitly undue and unlawful, such act of the said person aimed at enabling the Deputy Chief of Istanbul Police Department Ali Fuat YILMAZER and the Chief of Division Erol DEMİRHAN, who had the decisions for the interception of communications and technical surveillance issued unlawfully against the complainant by forging documents and were understood to be members of the FETÖ/PDY organization according to the intelligence reports and against whom public actions were brought, to escape from punishment.

**11) Investigation File, Case No. 2016/76 drafted by the Second Chamber of the High Council of Judges and Prosecutors can be summarized as follows:** It is well established with the information, documents and evidence contained in the concerned investigation file that under the coordination of the Former Deputy Chief Public Prosecutor of Istanbul Fikret SEÇEN who was understood to be a member of the FETÖ/PDY terrorist organization, for the sake of the organization's goal to seize the state authority, they had decisions for the interception of communications issued against Şeref ÇOLAK against whom an investigation was launched for a simple petty offence by connecting his file with the crimes laid down in Article 250 of the CPL contrary to the facts although the requirements to apply that provision did not exist, and also against Nurettin TURAN who was the Chief Judge of the 3rd High Criminal Court of Kartal by initiating an unlawful and unsubstantial investigation against him by indicating as if he had been retired although there wasn't any allegation that he exerted force and violence and despite the fact that there was no authorization for investigation and prosecution against him by falsely adding the word retired to the letter of Istanbul Police Department dated 13/01/2011; they had decisions for the interception of communications issued

against 28 judges and Public prosecutors, 11 MPs, undersecretaries, governors, senior security officers, artists, and etc. although they had no relation with the allegations indicated in the file; they recorded these grave interventions they made into privacy and stored them in the file; the abovementioned deputy chief public prosecutor, for the goals of the organization to seize the state authority, had the report no. 35 dated 29/11/2010, the report no. 40 dated 09/12/2010 and their annexes, which were exculpatory to show that Yücel ÇİPLİ who was detained for 1 year 3 months 17 days deliberately using the law as a stick while he had been the Director of TÜBİTAK BİLGEM (Informatics and Information Security Research Centre) for ten years and also Metin MERDAN who was the engineer of the project related to the cyrtophones at TÜBİTAK and detained for 1 year 2 months 17 days were not guilty, taken to the property and evidence unit in a sealed cloth bag on 07/02/2011 in order to prevent the facts from being revealed, he did not mention these expert reports and other documents in the indictment he issued two days later, he did not insert their copies into the investigation file, he did not indicate them in the evidence section of the indictment, the former chief judge and member judges of the 11th High Criminal Court of Istanbul who were understood to be the members of the same organization prevented the release of the abovementioned reports and their annexes, which were in favour of the accused, from the property and evidence unit although they were requested with the petitions submitted in 4 different hearings and on 3 different dates except the hearings, they did not provide their copies to the accused and their counsels in order to prevent the facts from being revealed and in accordance with the goals of the organization that they were members, they did not mention these documents at all in the reasoned decision, they ensured that Yücel ÇİPLİ who was the Director of TÜBİTAK BİLGEM was removed from his office and the person they planned was appointed to replace him, similarly the measures of interception of communications ordered as per the forged documents about the persons who were not related with the investigation at all were applied.

**12) Investigation File, Case No. 2016/124 drafted by the Second Chamber of the High Council of Judges and Prosecutors can be summarized as follows;** the following is summarized: It was understood that the former Public Prosecutor of İzmir and the current Public Prosecutor of Eskişehir Zafer KILINÇ performed undue and unlawful proceedings during the investigation known by public as "İzmir Military Espionage Case" that was carried out by the Office of Chief Public Prosecutor in İzmir (competent as per Article 10 of ATL) under the file number 2010/640 and adjudicated and finalized by the 5th High Criminal Court in İzmir under the file no. 2014/100, with a view to damaging the reputation of some public institutions including primarily the Turkish Armed Forces (TAF) and public officials working there, by insulting in a way to harm the honour and dignity of the profession and decrease the overall respect and trust in the profession,

Under this scope, he accepted in advance the trueness of the records of exposing by labelling, which constituted personal information, contained in the digital materials of Bilgin ÖZKAYNAK and other accused persons that were captured without questioning and inquiring if they were factual and indicated them explicitly in the indictment and thus led to the disreputation of the parties in the file,

As regards the records of exposing by labelling, which were related to the Former Commander in the Navy Nusret GÜNER and his daughter and the trueness of which was not inquired/verified and which were contained in the digital documents claimed to be captured from the Non-commissioned Officer Sunay AKKAYA, he did not even prosecute Judge Murat ATAMAN indicated as the person who wrote this records and the Non-commissioned officer Mustafa KOÇ denoted as the person who placed a camera in the house due to their criminal acts as per the Turkish Criminal Law, and included in the indictment, without censoring and with all details, these records of exposing by labelling claimed to be related to Nusret GÜNER who was heard as a victim under the rogatory letter he wrote

and his daughter, in order to damage the reputation of a commander who was well known by the public and his daughter in the eye of the public although they denied the allegations, stated that there was no affirmatory evidence and did not lodge a complaint and although the records were not related with the subject-matter of the investigation,

Concerning the suspects claimed to have relationships with escort girls with contagious diseases, he violated the right to "privacy" that is safeguarded by the Constitution under the investigation he carried out by sending a writ to their institutions for the necessary action although there wasn't any court decision that proved that claim, he was not competent to do so and it was not laid down in the law/procedure,

He violated privacy by transcribing in the indictment the recordings of telephone conversations, which did not contain any organizational ties and the content of which was not related with the subject-matter of the trial, and by causing the disclosure of the documents of private life publicly through their insertion to the file,

He conducted proceedings relating to the substance under the investigation just after he was assigned on 08/05/2012 to perform the prosecution along with the other Public Prosecutor under the investigation file ongoing for two years and containing hundreds of folders; within this framework he requested search warrants against some of the suspects and issued detention warrants and even search warrants on the grounds of urgency,

He did not carry out the investigation effectively because he accepted in advance the trueness of the acts mentioned in the digital data without inquiring if they were undertaken in real life and drafted the indictment taking these data as the basis and he did not issue any positive or negative decision as to the requests for fingerprint and biological (DNA) examination with respect to the materials obtained during the searches although it would have revealed the material fact and eliminate any doubts about the evidence,

Although there is no provision, he undertook unlawful acts regarding the searches and seizures, within this framework he issued the search warrants dated 09/05/2012 arguing that it was so urgent in a way that resulted in the search, and as a result, seizure of the computers/computer logs, in some of which he exceeded his judiciary power,

As to the plaintiff Onur SÜER; he ordered that the place of residence of the first lieutenant Onur SÜER at Aksaz Base Defence Operations Naval Base Command who became party as an accused to the abovementioned trial after the indictment was drafted be searched with a view to involving him in the organization although it was stated in the indictment no. 2013/3 dated 06/01/2013 that "What is striking at this point is although no connection had been detected between the known telephones of the First Lieutenant Onur SÜER and Bilgin ÖZKAYNAK since the date when the technical surveillance was initiated...", he instructed the Police Chief at the Izmir Division of Counter Smuggling and Organized Crime that joined the search to reject the plaintiff Onur SÜER's request for the provision of the copy of two hard disks found behind the refrigerator during the search conducted at his place of residence that the plaintiff claimed he did not see before on the grounds that a confidentiality decision was taken for the investigation,

Although he asked for information about the presence, activities and contacts of the organization from the National Intelligence Organization with his letter no. 2010/640 dated 04/10/2012, he did not include its response in the investigation file and didn't insert it to the indictment,

As regards the plaintiff Doğan ŞAHİN; he violated Doğan ŞAHİN's personal rights by stating in the indictment he drafted in relation to "İzmir Military Espionage" case that Doğan ŞAHİN met with Safiye KÖTEN, one of the suspects, for several times to have sexual intercourse although that had no relevance to the subject-matter of the case and he marketed the said person to other persons,

In the light of all these explanations, that the images of private life with privacy sensitive content, the expert reports drafted on this matter, records of exposing by labelling which qualified as personal information but the accuracy of which was not known were included publicly into the file of the investigation that had hundreds of parties, indictment and its annexes publicly so that they could be served to the attention of the entire public by intervening in all areas of personal life without sorting out the records of exposing by labelling, inquiring and exploring their accuracy, determining their relevance to the subject-matter of the investigation and associating them with the material evidence led to the perception that the relevant public officials including primarily the personnel of the TAF and the military personnel "were traitors, maintained immoral lives, were fond of women and money and did not feel disturbed due to the cheating by their spouses" with the dissemination of such information by the printed and visual media organs and social media,

Finally, the concerned investigation initiated by the members of the police organization and judiciary who were affiliated to FETÖ upon the claim that some TAF personnel were engaged in spying in connection with the businessmen based on the electronic mail sent from a location close to the headquarters of the USA's intelligence organization CIA in Virginia to the e-mail address of İzmir Police Department aimed at disposing of the military personnel who were not affiliated to FETÖ in order to enable FETÖ members to seize strategically important commands.

**13) Investigation File, Case No. 2016/45 drafted by the Second Chamber of the High Council of Judges and Prosecutors can be summarized as follows:** It became evident that it was decided by the 13th High Criminal Court in Istanbul on 23/11/2011 that Özgür BALCAN who was under detention at the 7th Closed Prison of Silivri "be permitted to leave from the prison to attend the funeral of his father with the accompany of an external security officer for two days excluding the travel days" with miscellaneous decision 2011/749 and dated 23/11/2011, the Public Prosecutor Mehmet KURT in charge of the prison called the Prison Warden Dursun Şah ÖZYILMAZ by phone after the prisoner took his leave from prison for the funeral and requested that the prisoner be asked about where he spent his leave for funeral and his statement on this matter be taken, while the prisoners had not been asked previously about where and how they had spent their leaves from prison and where they had stayed and as such, these matters were specifically asked to Özgür BALCAN; although the prisoner stated that his leave from prison went very well, he did not have any problems, he thanked him and the Gendarmerie officials very much, he did not have any complaints, the Public Prosecutor Mehmet KURT initiated an investigation against the Provincial Gendarmerie Commander of İstanbul Hüseyin KURTOGLU and other officials under the file no. 2011/7454 at the Office of Chief Public Prosecutor in Silivri into the offence of Deprivation of Liberty on the grounds that the night was spent at prison during his leave from prison instead of funeral home,

Gendarmerie officials acted in line with the letter sent by the Prison Warden, the review of the file showed that none of the documents bore the signature of the Provincial Gendarmerie Regiment Commander in İstanbul Hüseyin KURTOGLU and also there was no evidence or statement indicating he gave orders or instructions for the retention of the prisoner Özgür BALCAN at prison at night during his leave from prison for funeral, a public action was brought against the public officials and Hüseyin KURTOGLU who acted in compliance with the applicable provision of the regulation,

Although Hüseyin KURTOĞLU who was the Provincial Gendarmerie Regiment Commander in İstanbul on the date of the event was at the top in the list of those who would be promoted as General during the meetings of the Supreme Military Council to be held in 2012, he could not be promoted due to the unjust and unlawful investigation initiated by Mehmet KURT, Hamza CELEPOĞLU was promoted as General instead of the Colonel Hüseyin KURTOĞLU, the trucks belonging to the MIT were stopped, which aimed at putting the country in a difficult situation, in the period when Hamza CELEPOĞLU was the Gendarmerie Regional Commander in Adana and he also played a principal role in that unlawful event and was arrested due to that event, the Chief Public Prosecutor of Silivri was Ali İŞGÖREN on the date of the event and the said investigation was carried out, within his knowledge, by Mehmet KURT and a public action was brought, Judge Zühal İŞGÖREN admitted the indictment by disregarding the unlawful elements in the investigation, the Chairperson of the Justice Commission in Ordinary Justice Onur ÇOĞAN authorized another court's judge Ahmet TÜRKERİ in contradiction with the legislation and practices, Ahmet TÜRKERİ made an unlawful decision and that un lawful decision was ignored and not appealed by the Public Prosecutor Burhanettin ÖZTÜRK; upon the application of the accused persons and their counsels for the appeal of the decision, the Public Prosecutor of the Court of Cassation Mazlum BOZKURT wrote a letter of notification in the form of printed paper requesting approval and the members of the 14th Criminal Chamber of the Court of Cassation except its president approved the decision unlawfully, the president of the Chamber annotated his detailed dissenting opinion that the elements of the crime did not occur and the decision was issued unlawfully; once that event and unlawful acts were debated by the public, Public Prosecutor of the Court of Cassation Mehmet Reis KOCA challenged the decision perfunctorily for a totally different reason by ignoring the unlawful elements in the file,

The said investigation file brought to light the conspiracy that went on in an order starting from the law enforcement officers up to the members of the high court; the organization's militants, who prevented the promotion of Hüseyin KURTOĞLU on the excuse that there was an investigation against him, realized one more step of the plan they prepared in order to achieve the goals of the organization by enabling the promotion and advancement of Hamza CELEPOĞLU who was affiliated to their organization and who would unlawfully stop MIT's trucks, to achieve the ultimate goals of the organization, they did not hesitate to use the concepts of rights, law and justice as an instrument, they possessed the power and conscience (!) that could easily destroy the life of a person in the state organization who was not one of them, and they could sacrifice the continuation of the state and human life for the personal interests and ambitions of the organization.

**14) In the Investigation File, Case No. 2015/76 drafted by the Second Chamber of the High Council of Judges and Prosecutors can be summarized as follows:** *Incident dated 01/01/2014:* It was understood that the Gendarmerie Sergeant Halil ALP working at Hatay Provincial Gendarmerie Intelligence Division made a report, by calling the hotline 156 of the Gendarmerie at 15:29:57 and making it appear line an ordinary report introducing himself as Tahir KARA through a payphone located in Antakya Köprübaşı location, that the weapons of a terrorist organization, the name of which he did not provide, would be taken to Kilis through Reyhanlı, Kırıkhan and İslâhiye of Hatay via, the vehicles the plate numbers of which he provided, in contact with the First Lieutenant Gökhan BAKIŞKAN working at Hatay Provincial Gendarmerie Intelligence Division who was found to be contacted by him one minute before the report at 15:28:06 according to the analysis of the HTS recordings; then Mehmet Mansur AVCI and Ahmet AKDAG working as process sergeants at 156 Operations Centre of Hatay Provincial Gendarmerie Command's Public Order Division communicated the said report immediately to the Police units and other units of the Gendarmerie; and at the same time, the information about the report was also communicated to Kırıkhan District Gendarmerie

Command's 156 Operations Centre at 16:00 p.m.; according to the statements of the non-commissioned officers working at Kırıkhan District Gendarmerie Command's 156 Operations Centre Halil İbrahim KAPLAN and Mahmut GÖÇER, it was only stated in the report communicated that the truck was loaded with weapons, and no other explanation was provided that they belonged or were sent to Al-Qaeda or another similar organization; the report communicated was notified by the noncommissioned officer in charge to the Central Station Commander of Kırıkhan District Gendarmerie Company Command Cemil ÇELİK; in the meantime, the truck belonging to MIT and the vehicle accompanying the truck were stopped by Atilla BOZAK working at Hatay Police Department's Regional Traffic Division in a short time following the report; the relevant persons were released by the said police officer after they presented their IDs showing they were members of the MIT during the ID control conducted and this was informed to Hatay Traffic Division; this matter was communicated by the officers of Hatay Traffic Division to Hatay Gendarmerie's 156 Operations Centre at 16:47 p.m., upon which, this information was communicated by Mehmet Mansur AVCI working at 156 Operations Centre at 16:48 p.m. to all other Gendarmerie units including Kırıkhan District Gendarmerie Command; in the meantime, Kırıkhan Central Station Commander Cemil ÇELİK informed the District gendarme Commander Kubilay AYVAZ about the report that a truck loaded with weapons and led by a Fiat Linea make car moved from Reyhanlı towards Kırıkhan; in the meantime, Cemil ÇELİK got prepared and moved towards the route that the truck and vehicle were travelling and when he arrived at the location of the vehicles, it had been made certain by the police teams that those persons were MIT personnel and he communicated the information that the vehicles belonged to MIT and the personnel was MIT's personnel to the District Gendarmerie Commander Kubilay AYVAZ; in the meantime, the Gendarmerie Staff Sergeant İsmail DEĞİRMEN called the Public Prosecutor on duty Yunus ALKAN and provided information about the report and developments; after the Public Prosecutor on Duty in Kırıkhan Yunus ALKAN was informed that the truck belonged to the MIT, Yunus ALKAN notified the matter to Yaşar KAVALCIOĞLU, the Chief Public Prosecutor of Kırıkhan, since he was new in the profession; he first ordered that a request letter be issued for detention and search warrant upon the instruction of the chief public prosecutor, Yaşar KAVALCIOĞLU; the Chief Public Prosecutor of Kırıkhan, manipulated the Public Prosecutor on Duty in Kırıkhan Yunus ALKAN and deterred him from issuing the search warrant stating that the office of public prosecutor that was mandated by Article 10 of ATL was competent after calling the Public Prosecutor in Adana mandated by Article 10 of ATL; İsmail DEĞİRMEN drafted the request letter and went to the office of the Public Prosecutor on duty, after the Public Prosecutor on duty said that he was not in charge of the matter anymore, the prosecutor in Adana mandated by Article 10 of ATL was competent, the officer covered up with white-out the word "Kırıkhan" and added the word "Adana" and sent the letter by fax to the office of the public prosecutor in Adana that was competent as per Article 10 of ATL, he received the search warrant by fax from the office of public prosecutor in Adana and went to the place of the incident; when the District Gendarmerie Commander Kubilay AYVAZ arrived at the place of the incident, he chatted with the MIT's personnel as they knew each other before, and some of the Gendarmerie officials expressed that they had a suspicion for why the search warrant and detention warrant against the MIT's personnel were issued although it was made certain that the vehicles belonged to the MIT and the persons were personnel of the MIT and why there was so much insistence to search the truck; when the District Gendarmerie Commander Kubilay AYVAZ arrived at the place of the incident, the Chief Public Prosecutor of Kırıkhan Yaşar KAVALCIOĞLU and the Director Mehmet FIRAT, Gökhan BAKIŞKAN, Hayati ÖZCAN and an specialist sergeant, the name of whom he did not know, from Hatay Intelligence Division were present there, the Public Prosecutor on Duty came to the place of the incident later and had a conversation with the MIT's personnel after a while, the MIT's personnel said that they were subject to a special law and showed the articles of the Law applicable to them, which provided that no search could be

performed; the Public Prosecutor on Duty Yunus ALKAN told this to Özcan ŞİŞMAN during his phone call, while Özcan ŞİŞMAN expressed that this was not true in his reply by saying “who is telling this”; Kubilay AYVAZ talked to the Public Prosecutor Özcan ŞİŞMAN once with the phone belonging to the Chief Public Prosecutor Yaşar KAVALCIOĞLU and twice with the phone belonging to Gökhan BAKIŞKAN, Özcan ŞİŞMAN instructed during these talks that truck be pulled off to a secure place, that incident was a judicial matter, they should not be under the influence regardless of whoever called and no phone calls from anyone including the minister should not be answered; Yaşar KAVALCIOĞLU made an attempt for the search of the truck, but the MIT’s personnel did not allow for the search of the truck; during that process, the Chief Public Prosecutor of Hatay Bestami TEZCAN had a conversation with the Chief Public Prosecutor of Kırıkhan Yaşar KAVALCIOĞLU by 11 times over his own phone and 2 times over the phone of the public prosecutor on duty when he could not reach him, told him that the act was not right and unlawful, the public prosecutor mandated by Article 10 of ATL was unauthorized, thus he should not act according to his instructions; furthermore, he reminded repeatedly that the search warrant issued by the competent public prosecutor was unlawful because it was not urgent as there was no search warrant issued by a court, the oral instruction he gave would not be binding on him, if that attitude were persisted, this would result in legal liability, the proceedings carried out were undue and unlawful, but Yaşar KAVALCIOĞLU, despite that, coordinated the law enforcement officers and poised over the vehicles, directly contributed to the realization of the incident by keeping a close eye on the persons and vehicles until the Public Prosecutor Özcan ŞİŞMAN in Adana mandated by Article 10 of ATL arrived to the place of the incident; and also when the Chief Public Prosecutor of Hatay Bestami TEZCAN said to him “What are you doing, are you poisoning over the trucks, you are keeping the vehicles knowingly on purpose until the prosecutor comes from Adana, this is clearly an unlawful act. Why are you acting like this although the provision of the law is so explicit? What is your purpose?”, Yaşar KAVALCIOĞLU replied “I will bear the legal consequences” and persisted his attitude; the decision taken by the Governorate of Hatay instructing that “the MIT’s personnel not be retained unduly due to their special status as per the Law No. 2937 they are subject and since they are directly affiliated to the Prime Ministry” was brought by the Registrar of the Kırıkhan District Governorate Muhammet ŞAHİN to the place of incident and given to Kubilay AYVAZ at the time when the arrival of the public prosecutor of Adana mandated as per Article 10 of ATL to the place of incident was expected; upon that decision, an order was given to all the units affiliated to Kırıkhan District Gendarmerie Command that were present at the place of incident to withdraw to the headquarters of the District Gendarmerie Command; in the meantime, the truck started moving, upon which the Chief Public Prosecutor Yaşar KAVALCIOĞLU said “You cannot leave. A crime is being committed here and now”, upon that, Kubilay AYVAZ ordered again that the truck be stopped; at that time, a quarrel took place between Yaşar KAVALCIOĞLU and the MIT’s personnel, Chief Public Prosecutor Yaşar KAVALCIOĞLU said “I’m the king here, and you are my slaves, everyone will do what I say”; then the troops of Kırıkhan District Gendarmerie Command left the place of incident pursuant to the order of Kubilay AYVAZ; the truck that left the place of incident was chased and stopped upon the instruction of Yaşar KAVALCIOĞLU by Gökhan BAKIŞKAN and Mehmet FIRAT working at Hatay Intelligence Division, Kırıkhan Gendarmerie teams did not attend the place where the truck was stopped for the second time, Özcan ŞİŞMAN was called on his mobile phone at around 17:00 p.m by Ulvi CANIKLI, the legal advisor at the civil department of the MIT, before Özcan ŞİŞMAN departed from Adana and told that the truck belonged to the MIT, the truck could not be searched without an investigation permit as per the MIT Law and the act was unlawful; the Public Prosecutor Özcan ŞİŞMAN, in his reply to the legal advisor, said that he would take an action against him on the grounds of attempting to influence the investigation if persisted speaking in that way; at around 21:00, the public prosecutor Özcan ŞİŞMAN arrived at the place of incident and as soon as he arrived, he

gave an instruction to the teams of the Counter Terrorism Division by saying “detain these persons, handcuff them, prevent them from making phone calls, take their mobile phones”; at that time, the MIT’s personnel stood as a barrier in front of the back door of the truck because he wanted that the door be opened, the MIT’s personnel told the Public Prosecutor Özcan ŞİMŞEK that they would not let the vehicle be opened, this was a crime, they would let it be opened only upon the permission of the Prime Minister; the Public Prosecutor Özcan ŞİŞMAN instructed that a locksmith be found because his request for the key of the vehicle to be given to him was not fulfilled and attempts were undertaken for that purpose; then as a result of the instructions sent by the Governorate, at around 22:00 all units of the gendarmerie and police left the place of incident , then the personnel of Hatay Intelligence Division also left the place of incident and thus the endeavour to search the truck constituted an attempt,

*Incident dated 19/01/2014:* In view of the facts that under the name of preventive surveillance by Ankara Provincial Gendarmerie Command’s Intelligence Division under the scope of drug trafficking and Anti-Smuggling Law No. 5607, communication and signal information of 42 telephone numbers belonging to 29 individuals were intercepted (wiretapping) based on the decisions of Ankara 13th High Criminal Court (authorized by Article 10 of ATL), wiretapping indicated by the related orders were carried out by Gendarmerie Captain Hakan GENÇER, Gendarmerie Sergeant First Class Gültekin MENGE, Gendarmerie Sergeant First Class Mahmut ÖZCAN, Specialist Sergeant Cumali KATIRCI, Specialist Sergeant Ahmet YÜKSEL and Specialist Sergeant Haşan ÜLKER, based on the letter issued by the National Intelligence Organization on 27/03/2014, the 7 individuals about whom the related interception decisions were taken, are National Intelligence Organization officers including one spouse and all these individuals are those who conducted the activity constituting the subject matter of investigation (i.e. subject matter activity concerning the trucks stopped in Adana) and they used these telephones during these activities, and since 07/01/2014 information had been obtained in advance on the details of the activity carried out by the MIT as required by the related decisions of Ankara 13th High Criminal Court, in the light of this information surveillance was initiated on MIT officers by Hakan GENÇER, Gültekin MENGE, Ahmet YÜKSEL and Cumali KATIRCI, who worked at Ankara Provincial Gendarmerie Command’s Intelligence Division, according to their division of tasks, the night before the incident, which means on 18/01/2014 around 22:00, Gültekin MENGE picked up Cumali KATIRCI and Ahmet YÜKSEL from home, and left Ahmet YÜKSEL in front of the monitor at the premises of Ankara Provincial Gendarmerie Command to surveil the telephones of MIT officers involved in the related activity and provide information accordingly, Ahmet YÜKSEL informed Gültekin MENGE and Cumali KATIRCI, who were waiting on the road to Gölbaşı, after the MIT trucks left Ankara Esenboğa Airport, and as a result of this information flow they took note of the license plates of these trucks when the trucks reached Gölbaşı, later Gültekin MENGE called and informed Hakan GENÇER and they agreed to meet at the premises of the Regiment, after Gültekin MENGE arrived at the Regimental Command, he surveilled the movements of the trucks, after that he met with Hakan GENÇER and they together went to Ankara Demetevler neighbourhood, then Hakan GENÇER disguised his face with the help of a cap and bought a calling card from a stall and gave it to Gültekin MENGE, although there was a payphone next to the stall where they bought the calling card, they went to Etlik neighbourhood and Gültekin MENGE made a report using a payphone located at a side street outside the visual range of CCTV to call Adana Provincial Gendarmerie Regimental Command from its landline, a number known only to Gendarmerie personnel, during the report was made Hakan GENÇER kept waiting in the car, and soldiers at Adana Provincial Gendarmerie Command’s Intelligence Division had already been informed about all stages, without notice to the police officers and administrative units either in Ankara, where the trucks started off or routes followed or might be followed by the trucks, Hakan

GENÇER spoke to Önder KIR on Sunday, weekend holiday, at 03:57 and informed him about the arrival of trucks, and Önder KIR informed his co-worker Hüseyin ÖZMEN accordingly, later at 05:57 he informed Aziz TAKCI instead of Atilla RAHİMİ, who was on duty on the day of the incident, immediately after that at 06:01 he spoke to Hakan GENÇER, at 06:04 he again spoke to Aziz TAKÇI and although he was with Hüseyin ÖZMEN, he went to Aziz TAKCI's house in the morning before sunrise to speak to him, despite the fact that he did not have any direct judicial duty or responsibility Önder KIR went to Aziz TAKCI's house at a very early hour on a Sunday, which was against the natural flow of life, in fact to discuss about the background of the next action they were planning, as a result of this talk he spoke to Hakan GENÇER six times about the way and how to make the report before the report was made, at 07:47, approximately 18 minutes after the report was made they spoke again, and in the meantime Aziz TAKCI, at 08:14 after the report, called and informed Ahmet KARACA, Deputy Chief Public Prosecutor of Adana, who was mandated for ATL Article 10, although Aziz TAKÇI was not on duty on the day of the incident, relying on the search warrant submitted to him, despite the fact that the truck stopped in Hatay Kırıkhan on 01/01/2014 had been released after establishing that it belonged to MIT and it was known that it had no connection with the terrorist organization and as described above, it had already been certain as a result of the intelligence communicated from Ankara that the trucks belonged to MIT, by indicating "may be related to investigation file 2014/2" and not precisely explaining the urgency, although in the transcript of the voice recordings for the report the word "explosives" was used and no reference was made to a terrorist organization, and issued a search warrant after accepting the request for a search warrant, to which the words "Al Qaeda terrorist organization" and "arms and ammunition" were later added, he spoke with Önder KIR and Ahmet KARACA many times after the trucks were stopped as a result of this decision and they assessed the situation, starting from 12:00, 3 trucks and the automobile with a license plate indicating 34, which was reported by the vanguard Gendarmerie Intelligence officers to accompany these trucks, were stopped at Ceyhan-Sirkeli toll collection point, MIT staff in these vehicles were forced to get off and pushed on the ground, they were physically battered, violated and afterwards handcuffed, while one of the trucks was searched journalists working for media organs that belonged to the parallel structure recorded some scenes and served them to media immediately, meanwhile the Public Prosecutor arrived at Kürkçüler area where the two trucks were kept waiting, the related Public Prosecutor executed the search and seizure order, which he unlawfully issued despite the evident fact that the activity that qualified as a state secret did not constitute a crime or criminal element, and got the materials on the trucks recorded, during the course of these proceedings, although he had not participated personally in search and record keeping proceedings conducted under all other investigations he carried out when he worked as the Public Prosecutor mandated as per ATL Article 10, contrary to his previous practice, he went to the crime scene in person and climbed up MIT trucks, got the trailers opened, took photos of the materials on the trucks using the mobile phone at hand, made the Gendarmerie video record the scene, got samples taken while the search was ongoing and at 16:15, with undue haste, he asked Sergeant Major NCO Celalettin BARDAKÇI working as explosives disposal expert at Gendarmerie Crime Scene Investigation Unit, who was in the incident scene at that point in time, to examine the item left in the truck's trailer and draft the physical examination report, and instructed that samples be sent to Ankara Gendarmerie Criminal Department subsequently, through which he got expert reports attached to the file, and acted, knowingly and purposefully, outside his mandate, with the intent of disclosing state secrets, by issuing a search warrant, making or having made a search on the trucks that were already known to belong to the MIT before and after the report and allowing for press and media coverage of these information and images by means of retaining the trucks,

In both cases investigation proceedings were carried out by the related unauthorized public prosecutors, instead of the authorized public prosecutors and these related public prosecutors were not included in the duty roster prepared and endorsed by the Deputy Public Prosecutor, and again, unlike the usual practice these prosecutors went to the incident scene and engaged in a persistent endeavour to search the trucks,

Public Prosecutors Süleyman BAĞRIYANIK, Ahmet KARACA, Aziz TAKÇI, Özcan ŞİŞMAN and Yaşar KAVALCIOĞLU, together with the accused soldiers against whom charges were pressed based on allegations of Obtaining State Secrets for Political or Political Espionage and Disclosing Secret Information about State Security for Espionage, as a part of a planned and systematic organized structure, in order to both strand and bring into discredit the State of the Republic of Turkey and its government both domestically and internationally, and lead to the imposition of legal and criminal liability by international judicial organs through giving an impression as if it helped terrorist organizations such as Al Qaeda etc, conducted the unlawful and illegal search on the trucks dedicated and used by the MIT for undertaking lawful activities, which qualified as state secrets as per Law No. 2937, and got images captured and samples taken and allowed for the press and media coverage of these information and images, although they had already known it before the reports were made,

In this framework, in consequence of interception decisions taken by Ankara 13th High Criminal Court in relation to offences of “setting up an organization for committing crimes, becoming a member of the organization, committing crimes in the name of the organization, manufacturing and trading of drugs or stimulants under the organization”, mobile phones used by 7 individuals engaged in the related MIT operation were intercepted on 19/01/2014 by being included in the other suspected telephone numbers, details of the activity had been known since 07/01/2014, in the light of this knowledge MIT staff was taken under surveillance by the Gendarmerie personnel working at Ankara Provincial Gendarmerie Command’s Intelligence Division according to their division of tasks, information received as a result of the abovementioned organized activity was shared with soldiers working at Adana Provincial Gendarmerie Command’s Intelligence Division, thus soldiers working at Adana Provincial Gendarmerie Command’s Intelligence Division had already possessed knowledge about all stages before the report was made and they were in contact with soldiers working at Ankara Gendarmerie Intelligence Division, the related Public Prosecutors were also in contact with the soldiers working at Adana Provincial Gendarmerie Command’s Intelligence Division before and after the report and managed the process after the report based on the information they had received, it is understood that these individuals, conducted the unlawful acts and actions, by agreement in word and action, under an organized structure emerging from Ankara Provincial Gendarmerie Command’s Intelligence Division extending to the related Public Prosecutors,

To have a better understanding about the purpose to which the investigation on MIT trucks served, it is essential to make an assessment about a few activities that had previously been undertaken by the organization,

It is understood that the FETÖ/ PDY armed terrorist organization under the so-called leadership of Fetullah GÜLEN, made efforts to manipulate the public opinion according to the aims of the organization, through news reports, articles and scenarios of tv series before 17/12/2013, with a view to depicting state bodies and their high-level officials in contact with the so-called Jerusalem Army Terrorist Organization based on a fabricated investigation and setting the scene for the operations that would be initiated,

In his article published on Taraf newspaper on 19/09/2013 titled "Who is behind El Nusra?" the FETÖ/PDY director Emre (Emrullah) Uslu stated that "MIT is behind El Nusra, it is alleged that the support is provided via the organization (İHH) that organized Mavi Marmara, although it denies the allegations, MIT provided support, via İHH over a long period of time, in the form of personnel, arms and large amounts of money, Mavi Marmara incident could have been stopped by MIT; however, it was not stopped on purpose, and all these developments were in favour of İnan and its supporters",

Two days after the speech titled "murders in the name of religion" had been delivered by the so-called leader of the FETÖ/PDY Fetullah GÜLEN, on 25/09/2013, a news report was published on Zaman newspaper based on this speech with an emphasis on Islamophobia, a day later in the tv series called "Şefkat Tepe" broadcast on Samanyolu Tv channel, in the "Decision Council" scene the main topic was "Islamophobia", and the actors were engaged in dialogues that "Turkey would be included in the list of countries supporting terrorism, it would be reported that Turkey aided illegal structures globally acknowledged as terrorist organizations, and Turkey would be pushed to a significant loneliness in the international arena, and Turkey would be left alone by creating a perception that it helped Al Qaeda and illegal Islamic extremist terrorist organizations",

In his article titled "Disengaging From Al-Qaeda" dated 06/10/2013, which was published on the English "Today's Zaman" newspaper, in order to complain about Turkey and create international public opinion against Turkey, Emre (Emrullah) Uslu stated "Turkey closed its eyes to Al Qaeda militants passing from Turkish border to Syria, and the MIT helped these groups, and some nongovernmental organizations were instrumental in the aid provided by the MIT to Al Qaeda",

In the tv series called "Şefkat Tepe" broadcast on STV television channel, which was responsible for making propaganda in line with the aims of the FETÖ/PDY armed terrorist organization, in episode 21 dated 12/10/2013, the "Dark Council" scene included some dialogues such as "animosity towards the western world and the image presented as if it helped religious extremists groups worked, we should continue",

In his column titled "Why was the news about MIT leaked, What Happens" dated 24/10/2013 and published on Taraf newspaper, Emre (Emrullah) Uslu made remarks such as "the western world has serious doubts about Al Qaeda activities' being coordinated over Turkey, and MIT's extra-system activities will lead to Turkey's isolation, and Turkey can even be listed among states supporting terrorism", which aimed at manipulating the public opinion against the MIT as required by the aims of the FETÖ/PDY armed terrorist organization,

The FETÖ/PDY armed terrorist organization continued with its efforts to form a public opinion through its supporter press-media organs, after the attempt known as the 17-25 December process, and in this respect in episode 21 of the tv series called "Şefkat Tepe" broadcast on STV channel on 11/01/2014, the "Dark Council" scene included some statements such as "on the one hand we infiltrate the veins of the country and play with its genes, while on the other we exacerbate the massacre in Syria using the money we receive. Despite all, our strategy will be fear, panic, trafficking and frenzy. If everything is cast on MIT, the incidents will be merged ",

Through his account with the extension @EmreUslu on the social networking site called Twitter, Emre (Emrullah) Uslu wrote on 13/01/2014 at 10:50 "Very soon very beautiful things will happen. I am telling you...", at 10:53 "you know when after a strong storm comes the sun rendering the environment amazingly lucid, silent and beautiful. It is that good...", and on 14/01/2014 under the scope of Al Qaeda investigation conducted by Van City Police Department Anti-Terrorism Division, the head of which was Serdar Bayraktutan, İHH Foundation's office in Kilis province was searched

and computers at the office were seized and after the operation pro-organization press and media organs continuously mentioned the allegations that "MIT aided Al Qaeda through İHH",

Through his account with the extension @EmreUslu on the social networking site called Twitter, Emre (Emrullah) Uslu wrote on 16/01/2014 at 07:39 " Very soon very beautiful things will happen...", and in his column titled "Al Qaeda, İHH, the Truck etc." published on Taraf newspaper on 15/01/2014 he alleged that "the question as to whether Turkey aids Al Qaeda is re-introduced to the agenda when some İHH offices were raided under the operation against Al Qaeda, and Turkey aids Al Qaeda and made this through the intelligence services, Heysem Topalca, to whom the howitzer shells caught in Adana belonged, is an intelligence officer, he was taken under custody but not arrested, he was probably rescued by the MIT, the İHH organized a ceremony in the past weeks for sending five trucks full of humanitarian aid materials from Ankara to Syria; however, there were three trucks at the ceremony area, on the very same day the Gendarmerie stopped a truck in Hatay, but the MIT did not order for the search of that truck, and that truck was in contact with the İHH ",

In his column titled "Are the trucks caught by the pro-Aydınlık group in the MIT" published on Taraf newspaper on 22/01/2014, he remarked that "The arms were meant for Al Qaeda, the MIT could have taken several measures to prevent the stopping of trucks, but it did not on purpose as it wanted to get the trucks caught, first they loaded the arms and made a report and confronted the clerical community (cemaat) with Erdoğan saying that they were caught by the pro-clergy prosecutors, there is a pro-Aydınlık group that has infiltrated the MIT, this group prevented arms' being sent against Esad by getting the trucks caught" in order to drive attention away the FETÖ/PDY armed terrorist organization, which conducted the act,

The suspects listed in the investigation no. 2011/762 about the so-called Jerusalem Army terrorist organization tried to show the Undersecretary of National Intelligence Organization and the National Intelligence Organization, the İHH Chairman Fehmi Bülent Yıldırım and İHH as if they were in contact with the so-called terrorist organization relying on fabricated reasons, they could not find any act by this organization during the course of the investigation; therefore, they tried to use fabricated secret witness statements, false reports and intelligence correspondences as evidence,

The FETÖ/PDY armed terrorist organization initiated the 17-25 December investigation on 07/05/2010, while on 12/05/2010 it initiated the so-called "Tawhid Salam Jerusalem Army Terrorist Organization" investigation, these investigations were initiated because of the fact that in April 2010, approximately one month before the investigation was initiated, the Foundation for Human Rights and Freedoms and Humanitarian Relief (İHH) decided to send the ship called "Mavi Marmara" to carry humanitarian aid to Gaza due to the Israeli embargo, that Hakan Fidan was appointed as the Undersecretary of National Intelligence Organization to replace Emre TANER on 25/05/2010 despite reactions by international power groups and the political will assigned him to coordinate the peace process, known as the "National Unity and Brotherhood Project", as the Undersecretary of National Intelligence Organization,

Before trucks that belonged to the MIT were stopped, İHH offices had been raided to create the perception that the MIT aided terrorist organizations such as Al Qaeda through İHH Foundation, although the investigation about so-called "Tawhid Salam Jerusalem Army Terrorist Organization" was finished and the file was submitted to the Istanbul Chief Public Prosecutor's Office on 17/12/2013, members of the terrorist organization were engaged in such an attempt concerning the MIT trucks to provide evidence on the arms element of the Tawhid Salam organization, they tried to

overthrow the government and push the Prime Minister out of politics on grounds of investigations such as Tawhid Salam and Iran espionage, using corruption investigations as an excuse,

In the light of explanations provided, it has been understood that the acts and actions undertaken by related individuals are not related to judicial discretion, but under a planned organization aiming at the fulfilment of unlawful objectives, likewise these judicial powers were used at the disposal of the unlawful aim planned before the reports and attempted to be achieved, and this was the aim which soldiers working for the Turkish Armed Forces but were members of the FETÖ/PDY armed terrorist organization wanted to achieve on 15/07/2016 with the coup attempt.

**15) The file to which the Third Chamber of High Council of Judges and Prosecutors gave an investigation permit, known by the public as the “Balyoz Investigation” can be summarized as follows:** in order to reach the aim of getting control over the Turkish Armed Forces command posts strategically important for national defence, for promoting the armed forces personnel who are members of the FETÖ/PDY and purging the existing commanders, public perception was created about the possible coup by the Turkish Armed Forces (TAF) using the news reports titled “They would bomb Fatih Mosque”, “We would shoot down our own jet fighter” were published in Taraf newspaper, a national newspaper which started being published when the conspiracy was plotted, by the members of the organization on 20/01/2010, these news reports mentioned that the coup plots dated 2003 were discovered, that according to the plots encoded as ‘burqa’ as ‘beard’, in order to create a coup atmosphere Fatih and Beyazıt Mosques would be bombed on a friday, and immediately after these efforts Office of the Chief Public Prosecutor in Istanbul initiated an investigation based on the letters by the Press Bureau of the Office of the Chief Public Prosecutor in İstanbul and petitions submitted by some citizens, on 21/01/2010, one day after the news was published, Mehmet BARANSU, a correspondent working for Taraf newspaper, delivered to the Office of the Deputy Chief Public Prosecutor the 3 DVD’s and 1 CD carrying the documents that are the subject matter of this investigation, and as a result of the trial process the court sentenced 325 soldier suspects, these judgements were upheld by the then members of 9th Criminal Chamber of the Court of Cassation, majority of whom were members of the FETÖ/PDY, with their decision dated 09/10/2013 and numbered 2013/12351 related to Case No. 2013/9110; however, with its decision dated 18/06/2014, the Constitutional Court ruled that the right to a fair trial, which is safeguarded by Article 36 of the Constitution, was violated stating that “as regards the complaints submitted concerning the assessment of digital evidence, ‘right to a reasoned decision’ and ‘equality of arms principle’ were violated as the court expert reports and expert opinions submitted by the applicants had not been accepted by the first instance courts and requests for court expert examination had been rejected based on inadequate justifications”.

**16) The file to which the Third Chamber of High Council of Judges and Prosecutors gave an investigation permit, known by the public as the “Ergenekon Investigation” can be summarized as follows:** on 12/06/2007 an anonymous report was made to Trabzon Provincial Gendarmerie Command via Gendarmerie hotline 156, the report indicated that C-4 type explosives and hand grenades were hidden adjacent to the electric pole, in the roofing of a flat in İstanbul Ümraniye, operation was conducted in the reported address on the same day, 27 hand grenades were seized, and it was found that the reporter was a person called Şevki YİĞİT, and the said flat belonged to the reporter’s relative called Mehmet DEMİRTAŞ, it was alleged that the seized hand grenades belonged to the retired noncommissioned officer Oktay YILDIRIM, who had been the commander of Mehmet DEMİRTAŞ when he served his compulsory military service, thus the related persons were taken under custody under the scope of the investigation, as the investigation went deeper individuals in contact with these persons were also taken under custody and arrested, the first indictment was

drafted on 25/08/2008 and comprised of 2.455 pages, and it pressed charges of directing the armed terrorist organization called Ergenekon, being a member to this terrorist organization and attempting to break the Constitutional order, against 86 individuals among whom 46 were under detention, including the retired Brigadier General Veli KÜÇÜK, retired Captain Muzaffer TEKİN, retired Captain Mehmet Zekeriya ÖZTÜRK, Chairman of Worker's Party Doğu PERİNÇEK, former rector of İstanbul University Kemal ALEMDAROĞLU, Editor in Chief and Publisher of Cumhuriyet newspaper İlhan SELÇUK, Sedat PEKER and Sami HOŞTAN, while the second indictment in Ergenekon was accepted on 25/03/2009 and pressed charges against 52 suspects, among whom 37 were under detention, and the third indictment in Ergenekon was accepted on 05/08/2009, and later cases related to the Action Plan Against Reactionary Forces, Internet Memorandum, Excavations in Şile, serving arms to Alparslan ARSLAN, the perpetrator of attack against the Council of State, threatening of Zekeriya ÖZ, the prosecutor in charge of the investigation, were merged with the Ergenekon case stating they were related, although these cases were filed in different provinces before different courts, and eventually cases concerning attack against the Council of State, attack against Cumhuriyet newspaper with hand grenades, attack against Cumhuriyet newspaper with Molotov cocktails, allegations of assassination of Fener Greek Patriarch Bartholomeos, 2 separate indictments related to the assassination plot against Sivas Armenian group leader Minas DURMAZGÜLER, cases known by the public as "Kayseri Ergenekon" involving Yusuf ERİKEL, attorney at law, and Hayri BİLDİK, publisher, were merged with Ergenekon file,

The trial continued with the Second Ergenekon File and, former Chief of General Staff Full General İlker BAŞBUG was arrested due to attempting to overthrow the government of the Republic of Turkey or partially or completely preventing it from fulfilling its duties and also managing a terrorist organization under the scope of Action Plan Against Reactionary Forces case, and after this indictment was merged with Ergenekon case he ended up being one of the accused in Ergenekon case, eventually the file was processed under the name "Ergenekon file" formed by merging 23 indictments, thus public figures such as retired full generals İlker BAŞBUĞ, Mehmet Şener ERUYGUR, Hurşit TOLON, Tuncer KILINÇ, Kemal YAVUZ, Haşan İĞSİZ, retired brigadier generals Veli KÜÇÜK and Levent ERSÖZ, retired colonel Arif DOĞAN, journalists Mustafa BALBAY, Tuncay ÖZKAN, former Chairman of ATO Sinan AYGÜN, former Head of Division of Combatting Organized Crimes in İstanbul Adil Serdar SAÇAN, and Ferda Paksüt, who is the wife of former vice-president of Constitutional Court Osman PAKSÜT, were tried as the accused in the same case, and although Mustafa BALBAY, Tuncay ÖZKAN and Mehmet HABERAL, who performed the first organ transplant in Turkey on 03/11/1975 and has recently made Turkey proud by being elected unanimously as the Chairman by the Congress of the International Society for Organ Transplantation in Hong Kong, were elected as Members of the Parliament during the trial process, the trial first instance court decided for the rejection of requests for release based on this ground, the Presiding Judge, Koksal ŞENGÜN, was sent to exile to Bolu as a judge by the then composition of High Council of Judges and Prosecutors because he dissented the judgement, among the judges who rejected the requests for release as members of the panel, inspector Fevzi ALKAN was rewarded with a track record rated as "beyond satisfactory", likewise the HCJP promoted Haşan Hüseyin ÖZESE, another member in the panel, to the presiding judge position, investigations and prosecutions were based on secret witness statements, secret witness Deniz, disclosed his identity telling that he did not wish to stay as a secret witness, and it was found that the testified secret witness Deniz was Şemdin SAKIK, a former director of PKK terrorist organization and testified secret witness no. 9 was Osman YILDIRIM, an accused in the case,

The trial first instance court, after accepting the existence of Ergenekon terrorist organization, sentenced a significant number of the tried individuals to long terms of imprisonment and aggravated life-time imprisonment establishing that they actually committed the offenses alleged, despite the amendments introduced to the legislation as long detention periods and trial proceedings constituted significant problems, judges, who were members of the FETÖ/PDY, insisted in the continuation of these individuals' detention and they could only be released after judgments of the Constitutional Court taken upon their individual applications,

It is understood that judgements established in the bundle of cases known as the Ergenekon case were examined by the 16th Criminal Chamber of the Court of Cassation upon appeal and the related Chamber established its judgement on 21/04/2016, and published its decision of reversal that can qualify as a legal manifestation, which stated that the leader of Ergenekon terrorist organization was unknown, it was not established who set up this organization, with whom, when and where, its hierarchy was uncertain, the offenses alleged to have been committed by this organization could not be presented with the related evidence, the evidence was illegally collected, the trial was not fair, the former Chief of General Staff, İlker BAŞBUĞ, who should have been tried by the Supreme Court, was tried by the first instance court although it was not authorized and mandated, which was clearly an illegal practice, killings in the Council of State attack and Ergenekon terrorist organization were not related, merging the case files was against the procedure and law as the said cases were not related, the fact that the case file related to the attack against the Council of State was merged with the Ergenekon file aimed at adding the arms element to Ergenekon terrorist organization and sentencing individuals by merging 23 unrelated case files was against the law.

**17) The file to which the Third Chamber of High Council of Judges and Prosecutors gave an examination permit, known by the public as the “Unlawful Interceptions” can be summarized as follows:** after the country-wide investigations, it was found that some judges linked to or acting in conjunction with the FETÖ/PDY caused the illegal and unlawful surveillance, interception and recording of communication of persons including Ministers, bureaucrats, MP's, governors, district governors, provincial and district chairpersons of political parties, chief police constables, police chiefs, police constables, prosecutors, judges, members of Turkish Armed Forces, mayors, academics, directors of NGO's and businesspeople upon requests laid down on the pretext of combating terror activities, organized criminal groups, drug trafficking and smuggling offences and terrorist organizations such as Ergenekon, DHKPC and İBDA-C, by law enforcement officers against whom charges were pressed on membership to the FETÖ/PDY, issuance of false documents and other offences,

Powers enjoyed by the general law enforcement forces must effectively prevent and dispose of the threat and dangers aimed at the State by the criminal/terrorist organizations, which constantly change their tactics and strategies, in order to identify on time the terrorist powers threatening the existence of the democratic state of law and prevent the acts plotted while they are under preparation; nevertheless, the most natural and essential consequence of the rule of law in a democratic state of law is the protection of individuals' rights and freedoms against interventions, which damage the essence of these rights and freedoms or are excessively restricting them. The legal element mentioned as decision of the judge or approval of the judge in Annex 7 of Law on the Powers and Duties of the Police (LPDP), Article 6 of Law on State Intelligence Services and the National Intelligence Organization and additional article 5 of Law on the Organization and Duties of the Gendarmerie, is aimed at ensuring the freedom of communication, as safeguarded by Article 22 of the Constitution, and thus implementation of the rule of law. Requirement of decision of the judge for not only judicial interceptions but also interceptions for intelligence purposes also aims at prevention of law

enforcement forces from deviating from public benefit as the main objective in all administrative acts and proceedings and placing arbitrary requests. In this framework, to protect the freedom of communication, safeguarded by the Constitution, the judge must examine carefully and in detail all documents presented by law enforcement officers as the basis for their requests for interception of communication, avoid acceptance of requests without sufficient and essential supervision, identify and reject requests for interception against the law and material facts and observe legality in all aspects. It is absolute that failure to implement supervision or failure to implement it as required would be against the institution of supervision of the judge for requests of interception, which was introduced by the Constitution and legislation to implement the rule of law, and cause interception of communication against material facts by malicious law enforcement officers taking over the initiative in all respects in such a case.

In the concrete case, which constituted the subject matter of the decision of examination and investigation, the legality control was not implemented by the decision authority and decisions for interception of communication taken upon requests that did not comply with the material fact systematically spread around the whole country, and unlawful interventions were made in many individuals' freedom of communication and right to privacy.

In addition to the investigation files briefly described above to provide some examples, it is displayed in investigation files passed to the High Council of Judges and Prosecutors that a group of judges and public prosecutors shared on social media messages that served the aims of the FETÖ/PDY by creating a different perception in public through discourse that would bring members of the Cabinet and particularly the President of the Republic under suspicion, slandering and defaming them, praising unlawful acts and actions carried out by the members of the FETÖ/PDY terrorist organization, blaming, denigrating and threatening the Constitutional organs acting against these acts and actions along with the civil servants working in such organs, before and after disciplinary penalties were decided about the related individuals in investigation files such as the 17th-25th December, which was seen by the Second Chamber of High Council of Judges and Prosecutors, the unlawful release order file, cosmic room file, Tawhid Salam file, MIT trucks file, espionage file etc. (Second Chamber of the High Council of Judges and Prosecutors files with Case No. 2016/123, Case No. 2015/153, Case No. 2015/188, Case No. 2016/109, Case No. 2016/110, Case No. 2015/176, Case No. 2015/179, Case No. 2015/107, Case No. 2015/183....) and many judges and public prosecutors supported these posts and in this way they acted by agreement in word and action.

#### **V- REGULATIONS IN OUR DOMESTIC LAW AND ASSESSMENT OF THE PROVISIONS OF LEGISLATION:**

In view of the principles listed in preamble of the Constitution, Article 2 titled "Characteristics of the Republic", Article 5 titled "Fundamental aims and duties of the State", Article 6 titled "Sovereignty", Article 15 titled "Suspension of the exercise of fundamental rights and freedoms", Article 91 of the Constitution regulating the Parliament's "Authorization to issue Decrees In the Force of Law", Article 104 providing the "duties and powers" of the President of the Republic, Article 120 regulating "Declaration of state of emergency because of widespread acts of violence and serious deterioration of public order" under extraordinary administration procedures, Article 121 titled "Rules regarding the states of emergency", Article 125 providing for "recourse to judicial review" against all actions and acts of administration, Article 148 regulating "functions and powers" of the Constitutional Court, Article 138 titled "Independence of the courts", Article 139 titled "Security of tenure of judges and public prosecutors", Articles 1, 2, 3 and 4 of the State of Emergency Act No. 2935 dated 25/10/1983, Articles 1, 3 and 4 of the Decree Law on Measures taken during the State of Emergency, which entered into force upon being published in the Official Gazette No. 29779 dated 23/07/2016:

As explained by the Constitutional Court in its judgement dated 04/08/2016, No. 2016/6 (miscellaneous) and decision no. 2016/12: the Constitution, in its preamble, it is stated in principle by highlighting the absolute supremacy of the will of the nation that sovereignty is vested fully and unconditionally in the Turkish Nation and that no individual or body empowered to exercise this sovereignty in the name of the nation shall deviate from the “liberal democracy” indicated in the Constitution and “the legal system instituted according to its requirements”, in Article 2 of the Constitution “being based on the fundamental tenets set forth in the preamble” and “being a democratic state governed by rule of law respecting human rights” are listed among the fundamental characteristics of the Republic of Turkey, sovereignty-related considerations stated in principle in the preamble of the Constitution are provided for in Article 6 and as per this article sovereignty belongs to the Nation without any restriction or condition, the Turkish Nation shall exercise its sovereignty “through the authorized organs”, as prescribed by the principles set forth in the Constitution, the exercise of sovereignty shall not be delegated by any means to any “individual”, “group” or “class” and no person or organ shall exercise any state authority “that does not emanate from the Constitution”,

In part one providing for fundamental rules and institutions of the democratic constitutional order, the Constitution regulates the “general principles”, in part two “fundamental rights and duties”, and in part three “fundamental organs of the Republic”, and in part three among the fundamental organs of the republic through which the sovereignty shall be exercised by the nation, The Grand National Assembly of Turkey (the Parliament) is provided for the “legislative power” (Article 75 and subsequent articles), the President of the Republic and Council of Ministers are provided for the “legislative power” (Article 101 and subsequent articles), independent and impartial courts are provided for the “judicial power” (Article 138 and subsequent articles),

In view of the principles listed in preamble of the Constitution, characteristics of the state provided in Article 2, ownership of sovereignty and method of exercise provided in Article 6 along with the systematic of the Constitution, it is clear that “sovereignty”, “method of exercising the sovereignty”, “will of the nation”, “democracy”, “rule of law” and “human rights” are indivisibly connected, and accordingly like in all civilized societies the source of sovereignty shall be the nation, sovereignty shall be exercised through the organs authorized directly or indirectly by the will of the nation, the will of the nation would emanate in a democratic order, sovereignty shall be exercised in line with the principles of democracy, respecting the human rights, principally complying with the rule of law requiring the exercise of sovereignty through authorized organs,

The coup attempt was undertaken by a group, which was not the source of sovereignty and not among the organs authorized by the nation to exercise sovereignty, trying to break or change the democratic constitutional order by force, had the coup attempt been successful, the democratic constitutional order and supremacy of will of the nation would have been broken, a group of rebels would have gained control over sovereignty, which belonged to the nation and thus all individuals constituting it in a democratic order, and this would render democracy and the rule of law ineffective, and it is indisputable that mechanisms to safeguard the fundamental rights and freedoms of individuals would not exist in such an order,

Due to the reasons described above, coup attempts constitute a clear and severe attack against the essential principles of the democratic order provided by the Constitution as “sovereignty is vested in the Nation”, “exercise of sovereignty through the authorized organs”, “sovereignty shall not be delegated by any means to any individual, group or class”, “no person or organ shall exercise any state authority that does not emanate from the Constitution”, principles of “democracy”, “rule of law” and

“respecting human rights”, and thus one of the most serious threats, or maybe the most serious a democratic society can face, is a coup attempt,

With a view to assessing the size of the threat against the democratic constitutional order constituted by the coup attempt staged on the night of 15/07/2016, it is not sufficient to consider only the material damage caused by this prevented attempt, one should also consider the risks which might have occurred had the coup attempt not been prevented shortly or had the coup attempt been successful, recent situation witnessed in countries near abroad present bitter examples of disorder and chaos to the international public that when a state’s authority is broken, fundamental human rights are attacked everyday let alone living in a democratic order, the risk is even aggravated as the coup attempt was made during the time when our country is an open target for many terrorist organizations,

Considering all the facts assessed above, it is clear that the coup attempt constitutes an actual and severe threat not only for the democratic constitutional order but also for the “national security”, which is closely tied thereto, and national security is listed in the Constitution and many international documents on the protection of human rights among reasons for the restriction of fundamental rights and freedoms, it is not possible to maintain the democratic order and implement freedoms in the absence of security, and it should be concluded that the coup attempt dated 15 July, which is a disgrace in the history of Turkish democracy due to the reasons stated above, has been one of the most serious, or maybe the most serious attack against the democratic constitutional order, fundamental rights and freedoms and national security.

The coup attempt was de facto prevented; nevertheless, it is not only within the power of the state to completely eliminate the danger posed by this attempt against the democratic constitutional order, fundamental rights and freedoms and national security and to take measures for preventing similar attempts, but also listed among its irrecusable responsibilities and duties towards the individuals and society by Article 5 of the Constitution. In some cases, the State may not be able to eliminate threats against the democratic constitutional order, fundamental rights and freedoms and national security by using ordinary administration procedures. Therefore, it may be required to implement extraordinary administration procedures until such threats are eliminated. To allow for this, the Constitution provides for “extraordinary administration procedures”, which include “declaration of state of emergency” regulated in Article 120 of the Constitution. As per Article 120 of the Constitution “In the event of serious indications of widespread acts of violence aimed at the destruction of the free democratic order established by the Constitution or of fundamental rights and freedoms, or serious deterioration of public order because of acts of violence, the Council of Ministers, meeting under the chairpersonship of the President of the Republic, after consultation with the National Security Council, may declare a state of emergency in one or more regions or throughout the country for a period not exceeding six months”. As a matter of fact, after de facto prevention of the coup attempt Council of Ministers, meeting under the chairpersonship of the President of the Republic, after consultation with the National Security Council, decided for the declaration of state of emergency in the whole territory for ninety days starting from 01.00 on 21/07/2016, and the decision was approved by the Parliamentary Plenary on the very same day. Another possibility provided by paragraph 3 of Article 121 of the Constitution throughout the state of emergency, with a view to disposing of the threats against the democratic constitutional order and fundamental rights and freedoms, is the authorization given to the Council of Ministers, meeting under the chairpersonship of the President of the Republic for issuing decrees having the force of law “on matters necessitated by the state of emergency”. In this respect, the Council of Ministers, meeting under the chairpersonship of the President of the Republic issued the Decree Law No. 667, which entered into force upon being published in the Official Gazette

No. 29779 dated 23/07/2016. The following can be understood from general recital of the Decree and contained provisions:

a) The Council of Ministers, meeting under the chairpersonship of the President of the Republic assessed that the coup attempt was undertaken by “the FETÖ/PDY members organized within the TAF and some civil servants and civil elements acting with them”.

b) The aim is to completely terminate the coup attempt carried out by the FETÖ/PDY and prevent any other similar intervention attempts, to eliminate completely the threat posed by the FETÖ/PDY in general against the democratic constitutional order and fundamental rights and freedoms, and to combat these elements more effectively.

c) To this end, it is provided that all institutions and organizations such as education providers, health-care providers, trade unions, foundations and associations, which are found to belong to, be in conjunction or contact with the FETÖ/PDY shall be shut down; all civil servants including members of the judiciary, who are found to be members of, in affiliation or conjunction or contact with terrorist organizations or structures, formations or groups designated by the State Security Council as those engaged in activities against national security of the state shall be dismissed or removed from public office; and some measures shall be taken to ensure that investigation and prosecution of some offenses are carried out more effectively.

Article 3 of the Decree provides that members of the judiciary and those who qualify as members of this profession and Article 4 provides that all other civil servants (including workers), , who are found to be members of, in affiliation or cohesion or connection with “terrorist organizations or structures, formations or groups designated by the State Security Council as those engaged in activities against national security of the state” shall be dismissed or removed from public office. As per the abovementioned articles, those dismissed shall never again be employed, or directly or indirectly be assigned by public bodies.

In view of the subject matter, which required the state of emergency, the purpose of Decree No. Law 667, the scope and nature of measures provided in Articles 3 and 4, it is understood that the related measures are aimed at removal from public office of all individuals, who are found to be members of, in affiliation or cohesion or connection with terrorist organizations or structures, formations or groups designated by the State Security Council as those engaged in activities against national security of the state, principally the FETÖ/PDY. **Accordingly, unlike sanctions implemented when criminal offenses or disciplinary offenses are committed, dismissal or removal from public office provided by Articles 3 and 4 of the Decree qualifies as an “extraordinary measure”, which aims at eliminating the presence of terrorist organizations and other structures recognized as those acting against national security in public bodies, and it is a permanent measure leading to a final result.** The fact that the FETÖ/PDY organized in almost all public bodies and the concrete attempt for the coup emanating from this organization, has transformed the potential (possible) threat into an present (existing) danger, which necessitated extraordinary measures for the maintenance of democratic constitutional order.

Dismissal of members of the judiciary, who are found have any link to terrorist organizations, or structures, formations or groups designated by the State Security Council as those engaged in activities against national security of the state, principally the FETÖ/PDY, is of particular importance for ensuring reliability and prestige of the judiciary as one of the fundamental values of democratic societies. As a matter of fact, the rationale behind the measure concerning dismissal of members of the judiciary is described as follows by Article 3 of the Decree: “Despite the fact that Article 139 of the

Constitution provides for security of tenure of judges and public prosecutors stating they shall not be dismissed, exceptions indicated in law relating to those determined as unsuitable to remain in the profession, are reserved. Article 44 of the Law No. 2802 on Judges and Public Prosecutors contains a similar provision. Retaining in office members of the judiciary, who are linked to the FETÖ/PDY, which is responsible for the coup attempt on 15/07/2016 conflicts first and foremost with the independence and impartiality of the judiciary. As per Article 138 of the Constitution, members of the judiciary shall give judgment in accordance with the Constitution, laws, and their personal conviction conforming with the law; however, their engagement in structures that strongly conflict with independence and impartiality, actions undertaken within the organizational hierarchy with strict ideological loyalty undermines first the prestige and reliability of the judiciary. Presence of members within the judiciary, who submit to instructions given by a hierarchical structure other than the State, constitutes a significant hindrance for the citizens' right to a fair trial, which is also safeguarded by the Constitution. Thus, in order to eliminate the harms resulting from detention in office of such members of the judiciary, whose related links are found, this provision is introduced observing also the discretionary right stated in Article 139 of the Constitution.”

### **IT IS CONSIDERED THAT**

Assessment conducted by the Plenary of High Council of Judges and Prosecutors based on Article 3 of the Decree Law No. 667, concerns the judges' and Public prosecutors' link in the form of "membership", "affiliation", "cohesion" or "connection" with the "Parallel State Structure" as quoted in State Security Council decisions among structures, formations or groups designated by the SSC as those engaged in activities against national security of the state; in view of the abovementioned characteristics of the concrete case, information about the activities of the related individuals, starting from their admission into profession, their activities in the training center and Justice Academy, participation in in-service training courses and foreign language training courses, their posting abroad, assignment in offices of special authority prosecutors or courts or administrative offices as well as the criteria observed in such assignment and in appointment as judges or other professionals with a title to special authority courts, which were used as weapons, in appointment as the president, vice president or inspector to Inspection Board, in appointment as rapporteur judges, head or deputy head of department, director general or deputy director general etc. to administrative offices, information and documents in personal employment files, posts in social media accounts, complaints, reports, examination and investigation files about the related individuals, which were received by the High Council of Judges and Prosecutors, and decisions taken in respect of those files, facts obtained in-situ, proceedings carried out and decisions taken by judges and public prosecutors, who worked on case files related to the FETÖ/PDY terrorist organization, records in encoded software used by members of the organization for communication, disciplinary penalties decided by the High Council of Judges and Prosecutors and dissenting opinions about members of the organization, whose membership to the FETÖ/PDY is proven by the reports drafted by anti-terror units of Turkish National Police, information about social environment and information and documents provided by the Ankara Chief Public Prosecutor's Office, characteristics of the investigation initiated against the related individuals by the Ankara Chief Public Prosecutor's Office, charges pressed, detention and arrest warrants, records of statements by and interrogation of judges and Public prosecutors, who testified under the scope of the investigation, and statements by confessors,

It is unanimously decreed on 15/11/2016 that as their "cohesion" and "connection" with the FETÖ/PDY organization is proven under the scope of paragraph 1, Article 3 of the Decree Law No. 667, **judges and Public prosecutors listed in the annex are UNSUITABLE TO REMAIN IN THE PROFESSION and they SHALL BE DISMISSED separately** pursuant to Article 3 of the Decree

Law on Measures taken during the State of Emergency, which entered into force upon being published in the Official Gazette No. 29779 dated 23/07/2016,

As per Article 33 of Law No. 6087, request for re-examination may be placed before the Plenary of the High Council of Judges and Prosecutors within ten days subsequent to the notification of this decision.

Mehmet YILMAZ  
Acting President

Taci BAYHAN  
Member

Kenan İPEK  
Member

Yakup ATA  
Member

Alp ARSLAN  
Member

Mehmet DURGUN  
Member

Metin YANDIRMAZ  
Member

Ömer KERKEZ  
Member

Halil KOÇ  
Member

Hayriye ŞİRİN ÜNSEL  
Member

Emin SINMAZ  
Member

Muharrem ÖZKAYA  
Member

Aysel DEMİREL  
Member

Rasim AYTİN  
Member

Ramazan KAYA  
Member

Ömür TOPAÇ  
Member

Turgay ATEŞ  
Member

İsa ÇELİK  
Member