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İZMİR

OFFICE OF THE CHIEF PUBLIC PROSECUTOR

TERROR AND ORGANIZED CRIMES BUREAU

Preliminary No: 2017/61942

Merits No: 2017/29170

Indictment No: 2017/4365

INDICTMENT

TO THE İZMİR () HEAVY PENAL COURT

PLAINTIFF: K.H.

DEFENDANT: TANER KILIÇ, son of ÖMER and DUDU, born on 11/03/1969, registered in GÜMÜŞKOL village, ULUBEY district, UŞAK province, Volume No 18, Family Order 32, Number Individual, at the address of Osmangazi Mah. Dumlupınar Cad. No:154-1 İç Kapı No:1 Bayraklı/ İZMİR (AT PRESENT IMPRISONED IN IZMIR T TYPE CLOSED PRISON NO 3)

SOLICITORS : 1- Av. SÜLEYMAN ÇETİNTULUM, Mansuroğlu Mah.1593/1 Sk.No:2 Lider Centrio A Blk. K:9 D:93 35535 Bayraklı/İZMİR

2- Av. MEHMET GÜN, 1583/1 Sk. Rod-Kar Merkez A/Blok No:4/122 Konak/İZMİR

3- Av. EDA BEKÇİ 288/6 Sk. No:10 A Blok K:1 D:2 Bayraklı/İZMİR

OFFENCE: Membership of an armed terrorist organisation

DATE AND PLACE OF OFFENCE: 06/06/2017 İZMİR

DATE OF DETENTION: 06/06/2017 - 09/06/2017 (3 days)

DATE OF ARREST: 09/06/2017 (with the arrest warrant of İzmir 3. Criminal Court of Peace dated 09/06/2017 and with No. 2017/483)

RELATED ARTICLE: Turkish Penal Code 314/2, Anti-Terror Law 5/1, TPC 58/9, TPC 53,54,63/1 on the basis of Anti Terror Law Article 7 which regulates membership of a terrorist organisation.

EVIDENCE: Statement of defendant, new bylock records (showing that he is a user), Interrogation records and Arrest warrant, Charity Commission Provincial Directorate records, HTS records, Arrest and Search Warrants, Seizure and Detention forms, Financial Audit report, Bylock Technical Report, Criminal Court of Peace decisions, petitions by the defendant and his solicitors, and case file.

PRELIMINARY DOCUMENTS WERE INVESTIGATED

It is understood that the defendant Taner KILIÇ has been working as a solicitor, he is a member of FETÖ/PDY armed terrorist organisation, he has downloaded and used the bylock application -the organisation's secret communication tool- on his mobile phone, he acted against the financial, commercial and technical nature of things as the examination of his financial accounts shows which will be described below, and that the defendant has been part of this structure.

To describe the terrorist organisation that the defendant is part of, the organisation was founded by the defendant Fethullah GÜLEN;

Fethullah GÜLEN, the Founder and the pseudo leader of the organisation, son of Ramiz and Rabia, born on 27.04.1941, registered in Erzurum-Pasinler-Korucuk village, has been working as imam and preacher in various provinces since 1959; Fethullah who has been part of the Yeni Asya Group until 1970s and he later started acting in an autonomous way with the people around him, by using the religious motifs (abusing them) and forming the core team of the group while he was working in İzmir Kestanepazarı Qoran Course; he focused on the students and young people between the ages of 13 and 18; he formed the organisation known with his name by disseminating tape-recorded and video-recorded preaches and talks to his sympathisers.

The group which has spread abroad especially in the beginning of 1990s started operating in 160 countries across the world in an unusual way,

The statements of the defendants active in the organisation shows that the aim of the group since its formation is to take over the state institutions (legislative, executive and judicial powers) of the Turkish Republic by using the students trained in accordance with their aims and ideology, in their education institutions established in Turkey and abroad through the 'Himmet' finances obtained by abusing the religious sentiments of the public, and to become a big and influential political/economic power globally.

Organisation Strategy: Considering its organisation strategy, tactics and strategies since the 1970s in a holistic way, it is understood that even if the methods have changed, the aim of the organisation has not changed and its main objective is to take over all the state institutions in Turkey.

In this context, FETÖ / PDY used the following methods: obtaining resources and legitimacy by taking advantage of its members; expanding its membership by ideologically training young people chosen from villages and neighbourhoods through their student selection committees in their charities, enlightenment houses, schools and training centres; secretly infiltrating into all state institutions including political, administrative, judicial, financial, military and security units, by organising in a way parallel to the state; bringing up submissive and thoughtless, human beings in their dormitories, schools and enlightenment houses through brain washing methods; trying to show itself as the representative of Islam by organising meetings with representatives of celestial religions in the name of interreligious dialogue; forming its own financial system beyond the state; generating a wealthy club by forming companies and

confederations, and in this way having a say in domestic and international trade; illegally obtaining exam questions for public service and university entrance and facilitating their sympathisers' entrance to state institutions and influential schools; liquidating non-members from state institutions by forging documents and evidences against them paving the way for criminal and administrative investigations and replacing them with their members.

It can easily be understood from F. GÜLEN's statements that they infiltrated into the state since 1970s and illegally set up their own cadres especially in 'Administrative, Judicial, Security, National Education and Turkish Armed Forces'. Some examples to these statements include:

"Be flexible, spread around their lifelines without manifesting yourselves!"; "progress through the lifelines of the system until you reach the centres of power creeping up on!"

"All steps are considered early until you have all the power and strength in Turkey on your front"

"Presence of our friends in judiciary, administration or any other vital institution should not be considered as individual presences. They are our future guarantees in these units. In other words they are the assurances for our existence".

Members of the organisation trained through his fatwas "Tedbir ve İstihbarat (Precaution and Intelligence)", "Maarif ve Şirket (Education and Enterprise)" are made to target and neutralize anyone who confronts them in their way and to become influential within the state.

Governance Structure of the Organisation: Pennsylvania Organisation has a leader-centred structure. Those who are closest to the Leader are his protectors. Besides those who are organised around the 'Leader', at the outside circle of the movement are 'the sympathisers of the organisation'. Such individuals are important because the organisation bases its legitimacy to the numbers of its sympathisers. These individuals are not 'within the organisation' but they are not at its outside either. They only sympathise with the organisation.

FETÖ/PDY organisation, uses the tactics of illegal organisations such as secrecy, hierarchical structure, communicating copy papers, reporting on their CVs and using code names. In FETÖ/PDY, any thought, act or attitude which might question F.Gülen's decisions are suppressed and all instructions of the leader and other seniors who follow him are treated as sacred. Leaders of the organisation, in particular F.Gülen show modesty in their public speeches but act with an absolute authority within the organisation and it is understood that there is an reward and punishment system within the organisation.

Even the marriages of the members of the organisation take place following the permission and instructions of the imams they are bound to. The member who decides to get married communicates this decision to the imam who is responsible for him, and they choose their partners in a catalogue which includes the pictures of the female members of the organisation.

In this way, they strengthen the commitment of the members to the organisation and in case they decide to leave the organisation, their wives and children are used as a leverage against them.

The most important reason for the members' leaving all the decisions about their personal and business lives to the group is because they believe that their imams and Fethullah GÜLEN would never make a mistake. Besides, the duties and the responsibilities allocated to the members strengthen their commitment.

Fethullah GÜLEN's statements such as "Whoever you are, don't allow status and fame to turn your head. Become "ZERO". Become zero so that you can be used in big numbers, in big positions" represent the function attributed to the members in the organisation. The members who individually mean nothing to GÜLEN are valued through their activities within the organisation.

The fact that FETÖ/PDY interprets religious values according to contemporary conditions, it considers the state as the enemy rather than being in peace with its country and state; it uses "code names, special communication tools, money from unknown sources" like an intelligence organisation rather than being a transparent organisation; it manages the activities of its management cadres from abroad; it uses all forms of oppression, threats and illegal methods to eliminate its enemies; it organises meetings with the representatives of foreign missions the aims of which are not known; shows that the organisation is an organised crime group engaging in espionage.

The Hierarchical Structure of the Organisation: The hierarchical structure of the organisation was described in various reports of state institutions at various dates. For example, according to a finding in a research conducted by Ankara Security Directorate in 1999, the structure of the organisation is as follows:

1. Negotiation Group
2. World İmam
3. Geographical Region İmam
4. Country İmam
5. Regional İmam
6. Provincial İmam
7. District İmam
8. Vicinity İmam
9. Neighbourhood İmam
10. House İmam (Enlightenment Houses)
11. Head Guides
12. Instructors
13. Students and members of the organisation (*şakirt* and *şakirdeler*).

The hierarchical structure of the organisation has now taken a more developed and complex form. Statements of the defendants and research show that the current structure of the organisation is as follows;

FETÖ/PDY Organisation has a hierarchical structure composed of individuals in charge who are called 'imam' based on 'geographical', 'sectoral' or 'institutional' levels.

The organisation headed by Fethullah GÜLEN - who is regarded as the 'Universe Imam' and 'Mehdi' by the members of FETÖ/PDY- is composed of Consultants Board, Continent Imams, Country Imams, Regional Imams, Provincial Imams, District Imams, Tradesman Imams, Neighbourhood Imams, House Imams and it has spread across its membership in this way.

In addition to the representatives at the continent, country, region, province, district, neighbourhood, 'enlightenment' houses levels, there are those appointed as the responsible people in state institutions (Ministries and local institutions, municipalities, universities, government business enterprises) and in the private sector (Law offices, informatics companies, accountancy agencies etc.) in addition to the existing hierarchical structures in these units.

Imams responsible for a particular institution are usually appointed from outside the institution; and in some cases, imams may be chosen among people within the institution. They are responsible to the Imam of the institution. Imams who are active in Administration, Security Directorate, Turkish Armed Forces and Judiciary are part of a different structure. Because of their role in sensitive state institutions, they take further precautions not to be followed compared to other members and they benefit from new technologies in a rather controlled way.

National educational institutions of the organisation, civil society organisations, media organisations, health organisations all have different responsibilities. Besides being an important financial source for the organisation, they are also used to increase membership and organise propaganda.

As a result; while education forms the first part of the long term project of F.GÜLEN since 1970s, those who received their education were placed in important cadres in Security, Judiciary, Turkish Armed Forces, and Bureaucracy and some others have become businessmen. The organisation, while on the one hand training its cadres, on the other hand increased its activities in other areas.

Communication Tools of the Organisation: For an organisation which is active in 160 countries across the world and which has thousands of members, communication is crucial for communicating instructions, prompt and secure communication of developments and regular running of activities. In parallel to the diversity of its activities, the communication methods of the organisation are also diverse.

The most important communication method of the organisation is GSM mobile networks. These sim cards are either registered on other people's names or registered on the name of the group controlled by the organisation, the user of which cannot be reached via subscription information.

Every three months, they obtain a new sim card and the mobile phone and the old sim cards are replaced.

*The fact that the members of the organisation get sim cards on other people's names and replace these sim cards and phones in regular intervals shows that the activities they claim to be legal are illegal and they are trying to hide them.

Applications such as Skype, Tango, WhatsApp which can be used via the internet are often preferred for being encrypted and cheap.

Members of the organisation often avoid mentioning their real names and use general remarks such as "*abi* (brother)" or "*hocam* (master)", just like they frequently change their phones and sim cards. Provincial and district imams often use code names.

*They pay attention not to use words such as '*hizmet, şakirt, Fethullah GÜLEN, cemaat*' during their organisational meetings and use cryptic remarks when deciding meeting places.

As a result, it has been understood that all these are done in accordance with a strategy to take over the state, destroy the constitutional structure of the state, make the government unoperational, and eliminate the government and every means to this end is seen legitimate by the organisation.

Boards of Trustees and Financial Structure of the Provinces: Members of the Boards of Trustees become members of the civil society organisations established by businesspeople. The decision about who will become a member of which NGO is given by the '*abi* (brother)'. The organisation aims to influence the elections of chairs and members of these NGOs and in this way pressurize the government.

Thus, the Parallel State Structure; is an organised group getting organised within the country '*Parallel to the State*' through its over hundred institutions/organisations and through financial means. Besides, the aim of this structure is to establish a religious state by eliminating the Constitution of the Turkish Republic.

THE ACTIVITIES OF THE DEFENDANT

Defendant Taner KILIÇ has been working as a solicitor as mentioned above, he is a member of FETÖ/PDY armed terrorist group, he has been using his know-how for the benefit of the group, to explain the evidences against the defendant in more detail;

The first evidence against the defendant is that he has been using the bylock application, the secret communication tool of the group; according to the new bylock records in the file the defendant downloaded the application on his mobile phone with the mobile no 0 532 681 68 18 and the imei number 35362705592974 on 27/08/2014, the defendant contacted other members of the group using this application; regarding the examination of the records, the Prosecutor's Office has sent the bylock contents for 3919 defendants, but other contents have not yet been sent, the bylock text content for the defendant has not been included in the file as they have not yet been sent, but the defendant sincerely admitted that the mobile number belongs to him, ,

In his statement, the defendant stated,

"I do not have a request to benefit from repentance laws. The mobile number 0 532 681 68 18 belongs to me. I myself have been using this number for about 20 years. I certainly did not download the alleged application on my mobile on 27/08/2014. I did not use it. I did not send any messages via it. I have not been aware of its existence. I do not know why the records show that bylock application was detected on my phone. I have no links to the *cemaat* (the community). I do not know the structure in Izmir. I have not received any such requests by any of my colleagues in Izmir and I do not know the lawyers who are part of this group. I do not have any information on these issues.

Regarding the question whether I have any relatives who have been investigated in the context of FETÖ/PDY, my sister Ömür KAMIŞ is a chemist. Her husband Mehmet KAMIŞ used to work as deputy editor in Zaman newspaper. Mehmet KAMIŞ is currently fugitive. I do not know where he is. He is missing since 15th of July. There has been no application download on my phone to my information. If there is such a download, it might have been done by Mehmet KAMIŞ but I do not have exact information on that. I did not know about bylock in 2014. I heard the word 'bylock' after 15th of July. I met this family in both my home, their home and my parents' home and had trips together, owing to the fact that they are my close relatives. I do not know whether Mehmet KAMIŞ has used the application in that period. I always spoke to Mehmet KAMIŞ on my normal mobile phone network.

I have been working in Izmir for 31 years. I was Deputy Chair of the Izmir branch of Zehra Education and Culture Foundation. There has been an investigation against this foundation during the 28 February period and I was one of the defendants in the case. I have not faced any prosecution, a decision of non-prosecution was given.

I later became management committee member of the Izmir branch of Mazlum-der. As part of the 28 February investigation, my home and workplace were searched but a decision of non-prosecution was given. I applied to the European Court of Human Rights. I have a successful case at the ECHR on my name. I am among the founders of the Amnesty International. I have been working as the Chair of the Amnesty International Turkey since 2014. I founded the Organisation for Solidarity with Refugees in 2007. I have also been the Chair of that organisation.

I have had no contact with the FETÖ/PDY armed terrorist organisation. I have not been part of the organisation. My world view is totally different than theirs. I do not know why there is such a record on my phone.

I would like one more point to be added to my statement. I believe that there is a technical mistake in the bylock records, or I think that there is a conspiracy to create lots of victims in order to make the current investigation process ineffective. I therefore deny the accusations against me.

I had a bank account in Bank Asya. My daughter was a student in Malhun Hatun College in Menemen. I have three children. My middle daughter attended the İmam Hatip lisesi and my

youngest daughter is in year 5 in state school. Bengisu is currently studying at the Business Administration Department, Yıldız Technical University. She is in year 5. She studied in Malhun Hatun College for about 6 years ago. I opened the bank account in Bank Asya to be able to pay the school fee in instalments.

If my Bank Asya accounts are investigated, it could be seen that there have been no irregularities. I have never paid in money following fethullah gülen's instructions. I had direct debit orders there. I used that bank account for my daughter's college. Regarding the participation account, I think it was a long time ago, about 10 years ago. I do not have any clients in such cases, I only took the enforcement proceedings cases of a company called İpeksan. The company has been operating in Bornova Yeşilova, İzmir. There had been detentions in this company in the previous week. Ahmet KARABULUT, Özgür KARABULUT, their brother (I cannot remember his name) and their mother were detained. Ömer, who was released as part of this case called me and asked me to handle the FETÖ investigation case against the company but I told him that I do not take up such criminal cases and that they should seek another solicitor.

It is true that I have been handling the enforcement proceeding files of this company as their solicitor. I have three business partners. Nihat OSMANOĞLU and Hüseyin KAYA are my business partners.

Solicitor Metin ÖZYURT is my class mate. I do not know Coşkun DOĞRU. I have never been to Legal Sciences Research Centre (Hukuk Bilimleri Araştırma Merkezi), I have not attended any of its activities.

The solicitor friends that I work with have not faced any investigations or there is no such solicitor around me. I know İsmail Hakkı KÜÇÜK, I contacted him only once for work.

I had a client called Mürsel AKÇAY, he granted power of attorney to both me and Mr ismail, we talked to him about this matter, I have not had any other meetings with him. There is no other person that I know of. I deny the accusations against myself. My statement at the Security Directorate is correct.

Considering my position, 31 year-long history and my conduct in Izmir, everyone knows that I have no links with the *cemaat* (community). I by no means admit the bylock records. I heard about the bylock application after the 15 July coup. I certainly did not download the application on my mobile phone. I deny the accusations. "

The defendant claims that the investigation against İsmail Hakkı KÜÇÜK - mentioned in the defendant's statement- for being a member of FETÖ/PDY armed terrorist group is ongoing, there is a search warrant against him; and the defendant's sister Ömür KAMIŞ's husband Mehmet KAMIŞ has been working as the Deputy Editor of Zaman newspaper, he has been on the run following the accusations against him for being a member of FETÖ/PDY armed terrorist organisation; if there is such an app on his phone that Mehmet KAMIŞ might have downloaded it, because they have often been together, they have been to holidays together, the application might have been downloaded to his phone beyond his knowledge.

It has been understood that it is not normal that the defendant, who is one of the founders of Amnesty International, to allow someone else to use his phone; besides it is not sufficient to use the application only once to register, it is required to use it at least three times; the server was examined based on the decision of the Ankara Public Prosecutor; the defendant's statements that the application might have been downloaded on his phone by someone else or that the records are not correct run against the bylock technical report; one sample of that report has been included in the file.

It has been understood that the evidence against the defendant is not only the bylock application; according to the report prepared by the financial expert examining his Bank Asya accounts, which were closed down due to the links with FETÖ/PDY, it is not normal for the defendant having loan in Kuveyt Turk Katilim Bank during the period when his participation account was open in Bank Asya; the returns on his participation account was lower than the interest and commission rates on his loan; considering this economic reality, it is against the financial, commercial and technical nature of things that he has an active loan in Kuveyt Turk Katilim bank limited company while having a participation account in Bank Asya, thus the defendant has been acting against his own financial interests,

Considering the report produced by the financial expert, the fact that he acted beyond his financial interests is one of the things indicating criminal intent; although the defendant repeatedly stated in his statement that he did not download the application and that he has no links with the organisation, he was not able to explain why he gave his phone to someone else, how and why he consented to someone else downloading and using an application on his phone.

TO SUM UP, it has been understood that the defendant Taner KILIÇ used the bylock app which is the secret communication tool of the organisation; financial audits of his Bank Asya accounts showed that he has been acting for interests other than his, and that his actions form the offence of being a member of FETÖ/PDY armed terrorist organisation, hence, it is claimed and alleged on behalf of the public that the defendant shall be convicted in accordance with the articles cited above. 09/08/2017

MEHMET ÖZGÜR TURHAN

Public Prosecutor 37674

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