

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BÜNYAMIN ATEŞ, TURGUT)
YILDIRIM and MURAT)
OZTÜRK,)

Plaintiffs,)

v.)

Civil Action No. _____

MUHAMMED FETHULLAH)
GÜLEN, and DOES 1-50,)

Defendants.)

JURY TRIAL DEMANDED

_____)

COMPLAINT AND REQUEST FOR JURY TRIAL

Plaintiffs Bünyamin Ateş (“Mr. Ateş”), Turgut Yıldırım (“Mr. Yıldırım”), and Murat Oztürk (“Mr. Oztürk” and collectively “Plaintiffs”) by their counsel, Amsterdam & Partners LLP and Fox Rothschild LLP, by way of Complaint and Request For Jury Trial against defendant, Muhammed Fethullah Gülen, (“Mr. Gülen” or the “Defendant”), and Doe defendants 1-50, whose true identities are presently unknown, aver the following:

INTRODUCTION

1. This action is brought pursuant to the Alien Tort Statute, 28 U.S.C. § 1350, as recourse for the intentional, wrongful, and malicious conduct of the

Defendant who issued orders from within this jurisdiction directing his well-placed religious followers residing in Turkey to launch a targeted campaign of persecution against a different religious group in Turkey that resulted in the arbitrary and prolonged detention of Plaintiffs, along with dozens of fellow members of their religious group. Defendant took these actions because of critical statements made by members of Plaintiffs' religious group and the fact that Defendant had access to a network of loyal state officials – police, prosecutors, and judges – in Turkey willing to do his bidding. Such conduct violates well-established international law and, in turn, the Alien Tort Statute, which provides recourse for Plaintiffs to adjudicate these violations in U.S. courts.

2. On Defendant's orders, his co-conspirators in Turkey illegally planted evidence, fabricated search warrants, secured illegal wiretaps, and ultimately arrested Plaintiffs without any legal basis, unlawfully detaining them for periods of up to 20 months.

PARTIES

3. Defendant Muhammed Fethullah Gülen is a Muslim cleric of Turkish origin. Mr. Gülen promotes an Anatolian version of Islam derived from the teachings of Said Nursi, a Sunni Muslim theologian responsible for the voluminous Risale-i Nur commentary on the Qur'an. Said Nursi's teachings gave rise to the religious Nur Movement in Turkey, which fragmented in the 1970s and 1980s

resulting in various offshoots. The movement that follows the religious instruction of Mr. Gülen (the “Gülen Movement”) is ostensibly an offshoot of the Nur Movement, but its deviation from Said Nursi’s teachings has raised criticism from other branches of the Nur Movement, and most vociferously from the branch with which Plaintiffs are affiliated.

4. Although Defendant has resided in the United States since 1998 as a lawful permanent resident, Mr. Gülen remains active in Turkey while living in Pennsylvania through his acolytes in the Gülen Movement as well as his weekly online broadcasts in Turkish. All of Defendant’s actions as described herein occurred in Pennsylvania.

5. Over the course of the past two decades, Mr. Gülen has implemented a political strategy of encouraging his followers to secure official positions within the official Turkish state apparatus – notably in police, prosecutorial and judicial positions – through whom he is able to exercise a corrupt influence in Turkish society.

6. Experts and commentators contend, for example, that Mr. Gülen and his network inside the judicial system in Turkey were largely responsible for several recent high-profile show trials, including the notable “Sledgehammer” trials of 2010-12, wherein high-ranking Turkish military officers were accused of

planning a military coup, tried, convicted and sentenced based solely on demonstrably manufactured evidence.

7. Similarly, experts and commentators have held Mr. Gülen responsible for the massive, corrupt attack by Gülen Movement loyalists within Turkish law enforcement and the judiciary against members of his political opposition within the lawfully constituted government of Turkey on or about December 17 and 25, 2013.

8. Mr. Gülen has since been formally charged in Turkey with infiltrating key state institutions in order to overthrow the lawfully elected government. The Government of Turkey has informally requested his extradition to Turkey to stand trial, although Mr. Gülen presently remains in the United States and is residing within this jurisdiction.

9. Mr. Gülen has an international following estimated to approach 10 million people. He has developed a vast network of businesses and non-governmental organizations that supply him with financial support, and he is estimated to control at least \$25 billion in assets. In the United States, Mr. Gülen controls dozens of business entities and more than 120 charter schools in various states, many of which are or have been under investigation by state and federal criminal and regulatory authorities.

10. Plaintiffs are informed that Doe defendants 1-50 are all co-conspirators with the Defendant and were in some form or manner directly or indirectly involved in carrying out the conspiracy and other acts alleged herein. Because of the nature of the conspiracy, the true identities of Doe defendants 1-50 are presently unknown to Plaintiffs.

11. Plaintiffs Bünyamin Ateş, Turgut Yıldırım, and Murhat Oztürk are all Turkish citizens and permanent residents of Turkey. Plaintiffs are devout Muslims, connected through their affiliation with an independent offshoot of the Nur Movement known as the “Doğan Movement,” which follows the interpretations of Mehmet Doğan on the teachings of Said Nursi.

JURISDICTION AND VENUE

12. This Court has federal question jurisdiction over Plaintiffs’ claims pursuant to 28 U.S.C. § 1331 as certain of Plaintiffs’ claims arise under federal law, specifically the Alien Tort Statute, 28 U.S.C. § 1350. The Alien Tort Statute provides: “The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.” 28 U.S.C. § 1350.

13. This Court has jurisdiction over Plaintiffs’ claims arising under the laws of Pennsylvania pursuant to 28 U.S.C. § 1367 as those state law claims are so

related to the federal law claims that they “form part of the same case or controversy under Article III of the United States Constitution.” 28 U.S.C. § 1367.

14. Venue is proper in this judicial district pursuant to § 1391(b)(1) and (2) because Defendant resides in this judicial district and a substantial part of the events giving rise to Plaintiffs’ claims occurred in this judicial district.

FACTS

15. Mehmet Doğan and other members of the Doğan Movement have openly criticized Mr. Gülen for defiling the Nur Movement and deviating from the teachings of Said Nursi. Mehmet Doğan has authored multiple works expressing his disagreement with Mr. Gülen’s theology, which have been disseminated through Turkish publishing houses named *Tahşiye* and *Rahle*, both of which are owned in part by Mr. Ateş. As a consequence of said publications, Mr. Gülen targeted the members of the Doğan Movement for incarceration, in order to discredit *Tahşiye’s* critical voice, to consolidate his influence within the Nur Movement, and to retaliate against his detractors.

16. On or about April 6, 2009, Mr. Gülen in effect issued instructions to his followers illegally to misuse the Turkish law enforcement system against the members of the Doğan Movement, which included Plaintiffs. Those instructions were issued and carried out with the assistance, directly or indirectly, of Does 1-50, all of whom acted in some form or manner as co-conspirators with the Defendant

to injure the Plaintiffs by bringing fraudulent criminal proceedings against them and causing their prolonged arbitrary detention in Turkey.

17. The Defendant's instructions began with a video speech by Mr. Gülen published on www.herkul.org, a website controlled by Mr. Gülen, in which Mr. Gülen used the term *Tahşiye* to refer to members of the Doğan Movement, likened *Tahşiye* to the terrorist organization al-Qaeda, and predicted that *Tahşiye* would be given military weaponry and would engage in violent activity against innocent civilians in Turkey.

18. Mr. Gülen's instructions continued on or about April 9, 2009 through an episode of the television series *Tek Türkiye* (the "One and Only Turkey"), which is broadcast nationally throughout Turkey on the Samanyolu Network, a network openly supportive of and indirectly controlled by Mr. Gülen. During that episode, the narrator discussed in ominous tones a "dark council" consisting of the international powers dealing with the affairs of certain nations, including Turkey, and identified a group named *Tahşiye*, affiliated with al-Qaeda, as the new terror organization to create a state of chaos in Turkey. Two weeks later, in another episode of *Tek Türkiye*, the narrator made similar predictions about a group he identified as "Rahle," the name of the other publishing house owned in part by Mr. Ateş that has disseminated the works of Mehmet Doğan. Mr. Gülen was aware of and secretly approved the content of both television programs before they aired.

19. Defendant's speech on or about April 6, 2009 and the subsequent television programs demonizing "*Tahşiye*" were intended to direct members of the Gülen Movement inside the Turkish criminal justice system to take action against the Plaintiffs, and other members of the Doğan Movement, and Defendant's followers in fact acted in direct response thereto.

20. Within days of Mr. Gülen's instructions, a group of police chiefs, prosecutors and judges loyal to Mr. Gülen and the Gülen Movement conspired to follow Mr. Gülen instructions to incarcerate members of the Doğan Movement, including Plaintiffs.

21. Shortly after receipt of Mr. Gülen's instructions, on or about 24 April 2009, Ali Fuat Yilmazer, Chief of the Intelligence Division of the Istanbul Police Department and a Gülen loyalist, issued an intelligence note to the General Directorate of Police in Ankara identifying *Tahşiye* as a potentially dangerous organization.

22. Subsequently, on or about May 14, 2009, based in part upon Chief Yilmazer's note, police chiefs loyal to Mr. Gülen in 15 Turkish provinces, with the consent of prosecutors in those provinces, applied to judges loyal to Mr. Gülen for judicial consent to wiretap telephones belonging to members of the Doğan Movement, and for consent to surveil those members.

23. Over the nine-month period that followed, various police officers participating in the conspiracy surveilled members of the Doğan Movement, including the Plaintiffs, pursuant to those illegally-obtained judicial orders, although they discovered no incriminating evidence. From an initial target of 10 people, the wire-taps were extended 16 times to cover a total of 56 members of the Doğan Movement under surveillance.

24. On or about January 20, 2010, various police officers participating in the conspiracy illegally entered certain residential premises owned by the deceased brother of Plaintiff Mr. Yıldırım, which premises were utilized from time to time by members of the Doğan Movement for religious gatherings (the “Premises”). During said illegal entry, police officers participating in the conspiracy planted inert explosive devices inside the Premises in order to fraudulently incriminate the members of the Doğan Movement.

25. On or about January 21, 2010, various police officers participating in the conspiracy effected a fraudulent search warrant for the Premises during which they falsely claimed to discover the same explosive devices they themselves had planted at the Premises, which devices they attributed to members of the Doğan Movement. Coincidentally, it was alleged that the explosives recovered were those involved in the “Sledgehammer” case noted *supra* paragraph 6.

26. As a consequence of the purported discovery of allegedly incriminating evidence at the Premises, some 40 members of the Doğan Movement, including Plaintiffs, were arrested and charged with alleged participation in terrorist activities. Mr Yıldırım was charged with membership of an armed terror organization as well as multiple charges of possession of illegal weapons, and Mr Ateş and Mr Öztürk were charged with membership of an armed terror organization. The conspirators caused those criminal charges to be brought against the members of the Doğan Movement, including Plaintiffs, in order to carry out Mr. Gülen's instructions, knowing full well that Plaintiffs and the other members of the Doğan Movement were innocent of any crime or of the specific charges brought.

27. As a consequence of Mr. Gülen's instructions and the conspiracy that followed, Plaintiffs were wrongfully incarcerated in Turkey for periods ranging between 8 months and 20 months. Additionally, Plaintiffs suffered monetary loss as a consequence of their wrongful incarceration, along with severe emotional distress, loss of consortium, and other injury. Defendant's conduct was also intentional, malicious, and so outrageous as to support an award for punitive damages.

28. Plaintiffs became aware of the claims alleged below on or about December 2014, when the Turkish government discovered the conspiracy,

launched an investigation and removed the conspirators from their official positions. Plaintiffs have since been released from incarceration, and replacement prosecutors have recommended dismissal of all criminal charges against them. In September 2015, an indictment was issued against the co-conspirators in Turkey, and the case was accepted by the Turkish courts in October 2015.

29. Mr. Gülen has at all times actively concealed, and he continues to conceal, the true nature of his involvement in the actions that led to the unlawful persecution and detention of Plaintiffs, preventing Plaintiffs from having the ability to know that he was the driving force behind their persecution, arrest and prolonged detention.

ADDITIONAL ALLEGATIONS COMMON TO ALL COUNTS

30. Plaintiffs incorporate by reference all of the allegations set forth in paragraphs 1 through 29 above, as if fully set forth herein.

31. As result of Defendant's actions, Plaintiffs suffered severe deprivations of their fundamental rights in violation of customary international law, including the rights to:

- a. Equality and non-discrimination;
- b. Freedom to exercise their own religion;
- c. To be free from arbitrary arrest and prolonged detention;
- d. The right to privacy and the person and home;

32. The deprivation of these rights was severe and prolonged.

33. Plaintiffs were deprived of these rights on the basis of their religious expression as members of the Doğan Movement.

34. Defendant's actions in depriving Plaintiffs of their fundamental rights were intentional.

35. Defendant's actions were committed as part of a widespread and systematic attack on people in the Turkish population who were members of the Doğan Movement.

36. Defendant's conduct violated customary international law and is actionable under the Alien Tort Statute. Defendant's conduct was also intentional, malicious, and so outrageous as to support an award for punitive damages.

COUNT ONE

(Persecution of Members of the Doğan Movement under Alien Tort Statute)

37. Plaintiffs incorporate by reference all of the allegations set forth in paragraphs 1 through 36 above, as if fully set forth herein.

38. Defendant intentionally ordered the coordinated, systematic attack on members of the Doğan Movement because of that group's religious beliefs and public criticism of Defendant. Defendant ordered his co-conspirators in Turkey to use their high level positions in Turkish law enforcement to identify members of the Doğan Movement, plant evidence, and target them for arrest and incarceration.

39. Defendant took these actions in violation of customary international law, which protects the right of individuals to practice their own religious beliefs. Numerous international treaties and declarations protect rights to religious freedom and freedom of thought and conscience. For example, Article 18 of The United Nations' ("U.N.") Universal Declaration of Human Rights makes clear, "Everyone has the right to freedom of thought, conscience and religion." Article 18 of the U.N. International Covenant on Civil and Political Rights contains the same command.

40. As a result of Defendant's actions, Plaintiffs and other members of the Doğan Movement were wrongfully singled out for their religious beliefs and subject to arrest and incarceration, without any legal basis, and incarcerated for periods of time between 8 and 20 months.

41. This wrongful detention caused Plaintiffs to suffer monetary losses in an amount to be proven at trial, loss of consortium, and severe emotional distress. Defendant's conduct was also intentional, malicious, and so outrageous as to support an award for punitive damages.

COUNT TWO
**(Aiding and Abetting Persecution of Members
of the Doğan Movement under Alien Tort Statute)**

42. Plaintiffs incorporate by reference all of the allegations set forth in paragraphs 1 through 41 above, as if fully set forth herein.

43. Defendant, through his actions of, among other things, encouraging his followers to obtain high level positions in the Turkish criminal justice system, ensuring he had the ability to exercise a corrupt influence on those individuals, and sending messages to his followers that the members of the Doğan Movement were dangerous and akin to terrorist groups, intentionally provided material and practical assistance to Turkish officials in their efforts to target members of the Doğan Movement, including Plaintiffs, and subject them to arrest and detention with no legal basis. Defendant took these actions knowing that the ultimate purpose of the efforts of those officials in Turkey was to unlawfully persecute and detain members of the Doğan Movement.

44. Defendant took these actions in violation of customary international law, which protects the right of individuals to practice their own religious beliefs. Numerous international treaties and declarations protect rights to religious freedom and freedom of thought and conscience. For example, Article 18 of the U.N. Declaration of Human Rights makes clear, “Everyone has the right to freedom of thought, conscience and religion.” Article 18 of the U.N. International Covenant on Civil and Political Rights contains the same command.

45. As a result of Defendant’s actions, Plaintiffs and other members of the Doğan Movement were wrongfully singled out for their religious beliefs and

subject to arrest and incarceration, without any legal basis, and incarcerated for periods of time between 8 and 20 months.

46. This wrongful persecution caused Plaintiffs to suffer monetary losses in an amount to be proven at trial, loss of consortium, and severe emotional distress. Defendant's conduct was also intentional, malicious, and so outrageous as to support an award for punitive damages.

COUNT THREE
**(Arbitrary Arrest And Prolonged
Detention of Plaintiffs under Alien Tort Statute)**

47. Plaintiffs incorporate by reference all of the allegations set forth in paragraphs 1 through 46 above, as if fully set forth herein.

48. Defendant intentionally ordered the incarceration and prolonged detention of Plaintiffs. Defendant issued instructions to members of the Turkish criminal justice system loyal to him to misuse their authority in order to incarcerate members of the Doğan Movement with no basis under law. Defendant issued these orders through a video speech appearing on a website he controls and through television episodes over which he controlled and approved the content. Acting on Defendant's orders, Turkish officials illegally planted explosive devices in Mr. Yıldırım's home meant to incriminate members of the Doğan Movement, and used that trumped-up evidence to arrest and incarcerate Plaintiffs, and other

members of the Doğan Movement, who were wrongfully detained, without any legal basis, and incarcerated for periods of time between 8 and 20 months.

49. Defendant took these actions in violation of customary international law, which protects individuals from being subject to arbitrary arrest and prolonged detention. For example, Article 9 of the U.N. International Covenant on Civil and Political Rights states, “No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” Similarly, Section 702 of the Restatement of Foreign Relations lists prolonged arbitrary detention as a violation of customary international law.

50. As a result of Defendant’s actions, Plaintiffs and other members of the Doğan Movement were subject to arbitrary arrest and prolonged incarceration, without any legal basis, and incarcerated for periods of time between 8 and 20 months.

51. This wrongful arbitrary arrest and prolonged detention caused Plaintiffs to suffer monetary losses in an amount to be proven at trial, loss of consortium, and severe emotional distress. Defendant’s conduct was also intentional, malicious, and so outrageous as to support an award for punitive damages.

COUNT FOUR
**(Aiding and Abetting Arbitrary Arrest And
Prolonged Detention of Plaintiffs under Alien Tort Statute)**

52. Plaintiffs incorporate by reference all of the allegations set forth in paragraphs 1 through 51 above, as if fully set forth herein.

53. Defendant, through his actions of, among other things, encouraging his followers to obtain high level positions in the Turkish criminal justice system, ensuring he had the ability to exercise a corrupt influence on those individuals, and sending messages to his followers that the members of the Doğan Movement were dangerous and potentially affiliated with terrorist groups, intentionally provided material and practical assistance to Turkish officials in their efforts to target members of the Doğan Movement, including Plaintiffs, and subject them to arrest and detention with no legal basis. Defendant took these actions knowing that the ultimate purpose of the efforts of those officials in Turkey was to unlawfully persecute and detain members of the Doğan Movement. In large part due to Defendant's efforts, Plaintiffs were wrongfully detained, without any legal basis, and incarcerated for periods of time between 8 and 20 months.

54. Defendant took these actions in violation of customary international law, which protects individuals from being subject to arbitrary arrest and prolonged detention. For example, Article 9 of the U.N. International Covenant on Civil and Political Rights states, "No one shall be subjected to arbitrary arrest or

detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” Similarly, Section 702 of the Restatement of Foreign Relations lists as a violation of customary international law prolonged arbitrary detention.

55. As a result of Defendant’s actions, Plaintiffs and other members of the Doğan Movement were subject to arbitrary arrest and prolonged incarceration, without any legal basis, and incarcerated for periods of time between 8 and 20 months.

56. This wrongful arbitrary arrest and prolonged detention caused Plaintiffs to suffer monetary losses in an amount to be proven at trial, loss of consortium, and severe emotional distress. Defendant’s conduct was also intentional, malicious, and so outrageous as to support an award for punitive damages.

COUNT FIVE
(False Imprisonment)

57. Plaintiffs incorporate by reference all of the allegations set forth in paragraphs 1 through 56 above, as if fully set forth herein.

58. Defendant, unsatisfied with Plaintiffs’ expression of their religious beliefs, and seeking retribution for the critical public statements made about him by members of the Doğan Movement, knowingly and intentionally gave orders to those members of the criminal justice establishment in Turkey loyal to him to have

members of the Doğan Movement, including Plaintiffs, arrested and detained against their will.

59. Plaintiffs were detained for periods of time from 8 to 20 months within a fixed space, under direct orders given by Defendant, and were not free to leave.

60. Plaintiffs' detention was without basis in the law, and in fact only made possible by the unlawful planting of evidence by Turkish officials acting under the direction of Defendant.

61. This wrongful arbitrary arrest and prolonged detention caused Plaintiffs to suffer monetary losses in an amount to be proven at trial, loss of consortium, and severe emotional distress. Defendant's conduct was also intentional, malicious, and so outrageous as to support an award for punitive damages.

COUNT SIX
(Civil Conspiracy)

62. Plaintiffs incorporate by reference all of the allegations set forth in paragraphs 1 through 61 above, as if fully set forth herein.

OBJECT OF CONSPIRACY

63. The object of the conspiracy was to silence Defendant's critics among the Doğan Movement and punish members of the Doğan Movement for exercising

their religious freedom and publicly professing their beliefs and opinions in a way Defendant found objectionable.

MEANS AND MANNER OF CONSPIRACY

64. It was part of the conspiracy that Defendant, along with Does 1-50, Ali Fuat Yilmazer, Chief of the Intelligence Division of the Istanbul Police Department, and numerous police officers, prosecutors, and judges in Turkey loyal to Defendant, would and did:

- a. Agree to target members of the Doğan Movement for the expression of their religious beliefs;
- b. Agree to use unlawful means to accomplish their unlawful goals, including ignoring proper legal procedures, fabricating evidence, and planting evidence in a way that Defendant's co-conspirators could use it to blame Plaintiffs; and
- c. Agree to arbitrarily arrest and detain Plaintiffs and dozens of other members of the Doğan Movement without any basis under the law.

OVERT ACTS

65. In furtherance of the conspiracy and to effect the objects thereof, Defendant, Does 1-50, and their co-conspirators took the following overt acts both in this judicial district and in Turkey:

- a. Defendant encouraged his followers to secure official positions within the Turkish state apparatus where he is able to exercise his corrupt influence over them;
- b. Defendant issued instructions to his followers to illegally misuse the Turkish law enforcement system against members of the Doğan Movement by way of a speech published on a website he controlled and through television shows broadcast in Turkey over which Defendant had control;
- c. Under Defendant's direction, police chiefs loyal to Defendant in 15 Turkish provinces, with approval of prosecutors, applied to judges loyal to Defendant to approve wiretaps to conduct surveillance on members of the Doğan Movement, with no legal basis, which were granted;
- d. Police officers acting under the direction of Defendant illegally entered an apartment belonging to a brother of Mr. Yıldırım and planted inert explosive devices to incriminate members of the Doğan Movement;
- e. Those officers then conducted a fraudulent search of the premises to find the explosive devices that the police officers had already planted;

- f. The police officers then arrested and criminally charged dozens of members of the Doğan Movement, including Plaintiffs, and labeled them terrorists;
- g. Incarcerated Plaintiffs for periods ranging between 8 and 20 months;
- h. Plaintiffs are informed and believe and on that basis aver that Does 1-50 actively and/or indirectly participated in the conspiracy by knowingly facilitating its direction and/or execution.

EFFECT OF CONSPIRACY

66. As a result of the conspiracy, Plaintiffs suffered monetary losses in an amount to be proven at trial, loss of consortium, and severe emotional distress. Defendant's conduct was also intentional, malicious, and so outrageous as to support an award for punitive damages.

WHEREFORE, Plaintiffs Bünyamin Ateş, Turgut Yildirim, and Murat Oztürk respectfully request that the Court enter judgment in favor of Plaintiffs for compensatory damages in an amount to be determined at trial, interest, costs, attorney's fees, punitive damages, and any such further relief that this Court deems just and proper.

A Jury Trial is hereby demanded.

Respectfully submitted,

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