

The Case of Detained Girls

Illegality in the Police Investigation Reports



solidarity with
OTHERS

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BELGIUM

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Introduction

Terrorism, in its simplest and clearest definition, refers to the organized use of violence to achieve a political or ideological goal. Terrorist organizations aim to create a climate of fear among the public using violent methods for their ideological and political aims. For any activity performed by a group to be defined, detected and assessed as a 'terrorist act', the "elements of ideology, action and violence" must come together. In the absence of any of these elements, neither terrorism, acts of terrorism, terrorist organizations nor members of terrorist organizations can be addressed. From this point of view, definitions such as "unarmed terrorist organization", which are on the agenda in non-democratic countries, are also unacceptable. In countries where democracy and the rule of law have declined, labeling dissidents as "terrorists" and targeting them under "counterterrorism" mechanism is, above all, an unlawful practice. Establishing or taking part in such a mechanism would mean being responsible for such unlawful practices.

The police, like many other areas of security, enjoy specific responsibilities, duties as well as powers to prevent, investigate and respond to threats of terrorism. While carrying out routine security work, the police are tasked with gathering intelligence, monitoring potential threats, detaining and interrogating suspects and reporting such incidents. Such tasks also apply in the context of counterterrorism. The police work closely with intelligence agencies, judicial authorities and international partners to effectively combat terrorism. As the powers granted to the police are extensive, they need to be exercised in line with legal constraints provided for by the laws so as to prevent their misuse at the expense of fundamental rights and freedoms.

This report aims to reveal the illegality appeared in **the Police Investigation Reports** because of the misuse of investigative powers in counterterrorism context. The report focuses on the case known as the "The Case of Detained Girls" which:

- was initiated at the beginning of 2024 based on "intelligence information in need of confirmation",
- involved physical and technical surveillance of dozens of girls, including minors, for months,

- was shaped by unlawful detention and investigation processes,
- recorded the routine daily communication and interactions as “terrorist acts”,
- aimed to manipulate the prosecutors and judges by naming the operation as “combating restructuring of the Gülen Movement”.

This report examines the illegality arising from the systematic mistakes/errors, arbitrary assessments and procedural infringements in the Police Investigation Reports, particularly those prepared in so-called counterterrorism cases. This report is divided into three sections: The first section analyzes the “illegality of the police's definition of ‘terrorist act’”, the second section analyzes the “illegality of the police's detection of ‘terrorist act’” and the last section analyzes the “illegality of the police's assessment of ‘terrorist act’”. The Police Investigation Report is the first step in the cyclical misuse of the counter-terrorism mechanism. Identifying and publicizing the illegality of this first step is essential for the protection of the fundamental rights and freedoms of individuals.

First Section: Illegality of the police's definition of ‘terrorist act’

Turkey has considerable precedents in terms of the broad and arbitrary definition of the ‘terrorist act’ in politically motivated prosecutions. One can find examples of such cases in the sixties and eighties, which ended in coups and military interventions. The strategy of defining the act of terrorism in an arbitrary manner by the government has become more evident in the aftermath of the Corruption Investigations in 2013 and the coup-attempt in 2016, in a way resembling the previous periods. In the past decade, according to official data, more than 2 million people have been prosecuted under the pretext of the counterterrorism (For details see: <https://tr.solidaritywithothers.com/arbitrary-detention-and-arrest>), numerous investigations have been initiated against dissents, detention/arrest has become a routine practice, and more interestingly, all forms of ill-treatment, torture in particular, have come under the legal protection of the government.

Turkey, like many other countries facing the threat of terrorism, has a legislation on combating terrorism, and terms such as terror/terrorism/terrorist organization/terrorist act are regulated in the relevant laws. The change of the terrorist threat depending on time and geography has affected the legislation. The state's defensive reflexes, especially against separatist terrorism, as well as the democratization efforts during the European Union candidacy process also played an active role in this regard. Nevertheless, despite its faltering democracy, Turkey's counterterrorism momentum has been in favor of democracy. However, this situation has changed in recent periods. The government's tendency towards authoritarianism has negatively affected the counterterrorism policy and thus the definition of ‘terrorist acts’ by the police.

The government's strategy of “criminalizing” individuals/groups they perceive as dissidents has played an important role in the illegality of police's definition of ‘terrorist acts’. Broad and

arbitrary definitions such as '*unarmed terrorist organization*', '*affiliation with an organization based on association or relationship*', '*acting on behalf of an organization while not being a member*', and '*retroactive criminalization*' formed the basis of the police's unlawful approach. Some aspects of illegality in the way in which the police define 'terrorist acts' are expressed below:

- Turkey's democratic momentum in its counterterrorism efforts has shifted after 2014, with the government's abandonment of democracy, and the fight against terrorism has been re-defined as an arbitrary repressive instrument of the regime. The "broad and arbitrary definition", which became even more pronounced after the July 15 plot, not only encompassed peaceful activities of individuals, groups or independent journalistic activities as 'terrorist acts', but also became an instrument of punishing anyone who criticizes the government by putting them in the category as 'terrorists', 'members of terrorist organizations' or 'terrorist activists'.
- The government's mischaracterization of counterterrorism was not enough; the approach based on "connection/links" was imposed to the police and judicial authorities. The police interpreted any links, direct or indirect, to the groups targeted by the government as an indication of 'terrorist intent'. The police endeavored to put all those they claimed to have the slightest connection to the Gülen Movement, which is at the top of the government's target list, behind bars on the grounds of "mere connection/ links";
- Another issue is the "*retrospective criminalization*" effort, which results in the police defining any past legal action or behavior as 'terrorist act'. Actions or behaviors that were legal at the time of their occurrence were subsequently added to the category of crimes through the reinterpretation of laws. People with alleged links to the Gülen Movement were deemed sufficient for membership of a terrorist organization if they had at some time in the past "been a member of a legal association or deposited money in a state-protected bank". The fact that individuals with alleged links to the Gülen Movement had at some point in the past "become a member of a legally established associations or deposited money in a state-protected bank" was deemed sufficient to conclude that they were 'members of a terrorist organization'.

After the July 15 plot, the arbitrariness in the approach of the government as well as the police has become more evident. The government's appetite for building more prisons led the police to conduct even more investigations. By 2025, this arbitrariness has reached unimaginable levels. New strategies have been devised to return people who had unjustly lost years in prisons to behind bars again. At this point, a new illegal process has begun under the name of "combating restructuring of Gülen Movement" through a cyclical system of evil established in the triangle of the Police, Prosecutor's Office and Court. This new process has raised the bar of unlawfulness in the way the police define '*terrorist acts*'.



One of the detained girls' lawyer, Hatice Yıldız, posted on X:

'Hearings continue its third day. The defendants are being heard by the judge. We haven't yet seen any 'armed terrorist act'.

What is even surprising that these girls are very successful at their schools!'

'terrorist acts' in its investigation report. The same acts were later incorporated into the indictment as 116 separate acts of terrorism. As was revealed in the details of the indictment, 'going to the cinema and bowling', 'going to a shopping mall' or 'planning a trip abroad' were defined as 'terrorist acts', and minor girls were defined as 'members of a terrorist organization' trying to 'restructure the Gülen Movement'.

When the "terrorist acts" referred to previously in the Police Investigation report and later in the Prosecutor's Indictment in 'the Case of Detained Girls' are categorized, the following results are observed:

- The girls' entry and exit of their respective homes (34 separate actions), social activities considered as study programs (22 separate actions), phone calls between them (22 separate actions), their gatherings (18 separate actions), planning trips abroad (7 separate actions), meeting for social activities (6 separate actions), paying the rent of the houses they stay in (5 separate actions) and providing food aid to each other (2 separate actions) were identified and recorded;
- When the investigation report is examined in detail, it is revealed that the social activities/behaviors/communications that are meant as 'terrorist acts' are recorded as follows: "Activity in X Village, Going to Bowling Program, Going to the Shopping Mall, Participation in Bowling Program, Iftar Program, Phone Call Related to Iftar Program, Going to a Friend's Residence, Going to the Beach" etc. As can be seen from the wording of the report, there were no actions or behaviors that were "criminalized by



Journalist Şule Aydın announced the case on her YouTube channel:

'The guilt of the detained girls whose parents dismissed from their public duties by Emergency Decrees (KHK) was so grave:

They studied together, and they stayed at the same dormitories.'

regulations", in other words, there is no action in the true sense of the term 'terrorist act';

- The main reason for the illegality that arises from such an approach of the police is the broad and arbitrary definition of an act of terrorism, the attempt to associate and retrospectively criminalize the target individuals and group. The police are aware that the acceptance of an arbitrary definition of any social communication/activity/behavior by judicial authorities will facilitate the establishment of a connection between the target individuals and grouping them under the same category. Establishing such a connection will facilitate retroactive criminalization in the interrogation process and strengthen the position of the police in obtaining unlawful evidence.

The summary of the situation described above is as follows:

Under the pretext of "combating restructuring of the Gülen Movement", the police targeted minor girls and their parents who were dismissed from public duties by Emergency decrees (KHK). The Police want to prevent *university students* from staying together in the same houses and paying the rent of the houses they stay in, *high school students* from going to each other's houses, studying and having religious conversations, engaging in social activities such as bowling or going to the shopping mall, planning a trip abroad, and moreover, sometimes making phone calls for all these social activities, which police consider as '*terrorist acts*'. Such an approach is a manifestation of the illegality of the police's definition of '*terrorist acts*'.

Second Section: Illegality of the police's detection of 'terrorist act'

Detection of 'terrorist acts' is an expert field of the police, and the evolution of terrorist acts over time has necessitated more effort in making such a detection. The police use certain criteria such as "intent, method and effect" to identify 'terrorist acts' and have to keep up with the latest developments in technology as well as intellectual knowledge in the field. The analysis of whether an act is intended to incite fear or whether it involves violence, threats or coercion to influence political, social or ideological outcomes is conducted. Police also use intelligence gathering, physical and technical surveillance, forensic analysis and cooperation with national and international organizations to detect potential terrorist acts.

In addition to the methods used by the police, relevant regulations such as the anti-terrorism law have also provided poor guidance to the police in detection of 'terrorist act'. A closer look into the Turkish counter-terrorism history reveals that ignoring international legal standards in the detection of 'terrorist acts' has led to serious consequences. Police misidentification of 'terrorist acts' primarily resulted in human rights violations and raised objections both nationally and internationally. During periods of excessive measures taken under the pretext of counterterrorism, the false detections became more apparent. While the rule of law declined, the police also lost its justifiable legitimate grounds for its activities.

Turkey's precedents in the fight against terrorism have shown that severe consequences emerge when there is an "unlawful approach to the detection of terrorist acts" or when there is a "deliberate misinterpretation". In such situations, the police pursue a strategy of manipulation to support their allegations, thus fabricating fake evidence or misinterpreting so-called evidence. Once supported by the collusive partnership with corrupt Prosecutor's Office and the Court, the police acted more recklessly by "fabricating/misinterpreting evidence, forcibly taking suspect and witness statements, and targeting vulnerable individuals". In order to maintain this strategy of manipulation, the police needed to engage in a series of illegal acts, ranging from abusing their authority and duty in the detection of terrorist activity or fabricating crimes to manipulating the judicial authorities and public opinion. Some of these manipulations, in particular the illegality in the detection of 'terrorist acts', are set out below:

- The recent practices of the police in "fabricating/misinterpreting evidence" in the detection of terrorist acts are quite interesting. Initiating multiple investigations against targeted individuals, adding weak and fabricated evidence to investigation files, introducing social media posts or books owned as "evidence" in detecting 'terrorist acts' are just a few of these. After the July 15 coup attempt, it has become clear that there is no limit to the police's ability to fabricate or misinterpret evidence in cases against the Gülen Movement. "Maklube plates¹, cancellation of Digitürk subscription², encyclopedia of hadiths³, PhD diplomas or foreign language certificates⁴, 1-dollar bills printed more than 13 billion times⁵, giving 2 names to children⁶" were all included in the police report as evidence of membership in a terrorist organization;
- "Forced suspect statements/witness statement" is among the methods frequently used by the police in the recent period for the detection of 'terrorist acts'. The police repeatedly resorted to obtaining false confessions or testimony in order to fulfill the instructions of the government. Targeted individuals as well as their family members have been subjected to ill-treatment, especially torture, threats and unlawful practices

¹ Maklube is a traditional Middle Eastern rice dish, but in Turkey, police have controversially claimed it is associated with the Gülen movement, arguing that those who prepare or eat it may be considered as having ties to the group.

² Digitürk is widely seen as pro-government in Turkey, and after removing opposition-affiliated channels, those who protested the platform or canceled their subscriptions were accused of having alleged links to the Gülen movement.

³ The Encyclopedia of Hadiths is a comprehensive collection of the Prophet Muhammad's sayings, but in Turkey, possession of such religious books has been considered during house searches as alleged evidence of being religious and thus having links to the Gülen movement.

⁴ For individuals suspected by the police, holding a PhD or a foreign language diploma is often considered an indication of links to the Gülen movement, based on the belief that the movement promotes obtaining such qualifications among its followers.

⁵ Possession of a 1-dollar bill with a serial number starting with "F" is considered by police as evidence of membership in the Gülen movement, based on the claim that the "F" refers to Fethullah Gülen.

⁶ In Turkey, giving children both a first name and a middle name is sometimes seen by police as a sign of links to the Gülen movement, as it is believed to be a common practice among its followers, even though tens of millions of people in the country have middle names.

in order to obtain coerced confessions and testimonies. Coerced confessions and testimonies have also been obtained from victims, family members or social circles of victims who have been investigated, detained, arrested or disappeared for alleged links to the Gülen Movement and incorporated into the police investigation reports.

- "Targeting vulnerable individuals" is also among the strategies of the Police in detecting 'terrorist acts'. "Political opponents, journalists, street interviewees, youtubers, activists, academics or lawyers" who are perceived to be obstacles in the government's process of building a new regime have been the subject of Police investigations. Concerning the Gülen Movement, the situation has become even more dire, with "minors, the sick, the elderly, pregnant women or young mothers with babies" being indiscriminately targeted by the police.



One of the lawyers of the case, Lale Demirkazan, stated:

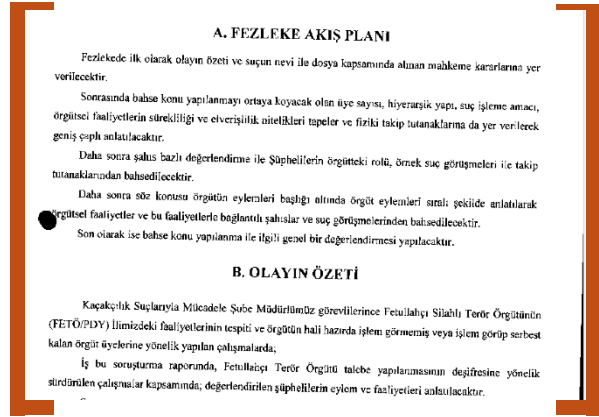
'We read 529 p. indictment, and we didn't find anything criminal. This approach poses a risk! You can be accused of having tea together, going to the cinema or bowling one day, no matter what political opinion you have!'

- The way in which the police detected 'terrorist acts' that are the basis of the "the Case of Detained Girls" is exemplary in terms of showing how the police can go even further than that described above. According to the information contained in the police investigation report, the police classified the targeted girls as part of "restructuring of the Gülen movement" file. An investigation was launched against the children and their families for "membership/leadership of a terrorist organization". The police conducted months of physical and technical surveillance to obtain evidence against the targeted individuals, including minor girls, and attempted to obtain forced confessions / testimonies on the day of the operation. As a result of the surveillance

conducted with reference to the relevant articles of the Criminal Code, the police attempted to fabricate and/or misinterpret the evidence from the social activities or behaviors of the girls. The failure to identify a 'terrorist act' in true sense of the meaning in the hundreds of pages of police investigation report clearly demonstrated the illegality and arbitrariness of the police's manner of detecting 'terrorist act'.

When the police investigation report on 'the Case of Detained Girls' is analyzed, the following are only a few of the illegalities in the police's method of detection of 'terrorist act':

- The underlying investigation for 'the Case of the Detained Girls' was carried out by the police 'anti-smuggling unit' rather than the 'anti-terrorism unit'. Even though a certain expertise of the personnel of the anti-smuggling unit was acknowledged in their field, the fact that the fight against terrorism is another area of expertise was ignored. Therefore, in "identifying the intention, method and effect"



The Police Investigation Report reveals that investigative activities carried out by the police 'anti-smuggling unit' rather than the specialized 'anti-terrorism unit'.

- of a terrorist act, expertise was disregarded and a biased assessment based on prejudice was made. At the very beginning of the investigation report, in the first sentence of the section titled "Summary of the Incident", it is stated that "work is being carried out against members of the organization who have not already been prosecuted or who have been prosecuted and released". Such a statement shows that there was a prior preparation by the government against the targeted individuals, and the addition of the phrase "New Current Structure" in the same section about the investigation shows that there was another pre-prepared plan behind the criminal investigation.
- In the investigation report, the starting point of the investigation is stated as "intelligence information that needs confirmation from reliable sources" before January 2025. In response to the defense lawyer's question about the origin of the operation in May 2025, the police responded in November 2024 that "it was a screenshot taken from a suspect's phone in May 2024 on the grounds of superficial examination (!)". Later, it is understood that "the recording alleged to be a screenshot was not pre-planned, does not contain any information that can be used as a starting point for the upcoming investigation, and the image recording is different from other images taken from the same phone". Therefore, it is understood that the police launched a biased investigation based on intelligence information in need of confirmation. Furthermore, the police attempted to fabricate evidence accordingly to provide a proper answer to the defense lawyer's question.
- As can be seen in the investigation report (*under the heading 'Court Decisions in the Scope of the Case'*), the police requested "interception, recording and evaluation of signal information" and "monitoring with technical means in public places and workplaces" based on Articles 135 and 140 of the Code of Criminal Procedure on the grounds of "being able to gather conclusive, sufficient and convincing evidence that is beyond all doubt, to fully substantiate the issue and reach a conclusion, to reveal the material truth in all its aspects and to identify other possible criminal elements and items that can be used as a means of proof - considering the existence

of strong grounds for suspicion based on concrete evidence, it is not possible to obtain evidence in any other way-". These requests were repeated several times for all targeted individuals, including 15-year-old high school girls. At the end of nearly 4 months of hard work and surveillance, the police failed to find any concrete evidence and reported the minor girls' everyday social activities/behaviors as 'terrorist act'.

05	AKTIF	D.İs (CMK 135)	MUHAFZA
05	AKTIF	D.İs (CMK 135)	MUHAFZA
05	AKTIF	D.İs (CMK 135)	MUHAFZA
TEKNİK İZLEME	AKTIF	D.İs (CMK 140)	MUHAFZA
TEKNİK İZLEME	AKTIF	D.İs (CMK 140)	MUHAFZA
TEKNİK İZLEME	AKTIF	D.İs (CMK 140)	MUHAFZA

The Police Investigation Report reveals that police had intercepted and recorded phone conversations of targeted minor girls based on Articles 135 and 140 of the Code of Criminal Procedure.

- One of the unlawful methods of police's 'terrorist act' detection is the coerced confessions/witness testimonies. In early morning raids on 7th May 2024, the police forcibly detained minor girls, despite the objections of their families and lawyers. The procedures of "interrogation" for some children under the category of "children dragged into crime" and "obtaining witness testimonies" for others have turned into a form of torture. In their statements to the public, the victimized children and their lawyers described the "16-hour interrogation session" at the police station without the presence of a lawyer as a kind of torture. 15 minor girls, who were forcibly taken to the police station without their families and lawyers, were forced to "testify against their families" under intensive psychological pressure hearing from the police "we will make you vomit blood".
- Another issue that reveals the unlawfulness of the investigation report is the fact that the Police targeted vulnerable individuals. After July 15, a state of emergency decree (KHK) was issued stating that the police will not be held responsible for their wrongdoings during the state of emergency. While there has been confusion between the government and the opposition as to how long the decree law in question lasts, the police have interpreted the decree law as an authorization and guarantee for all forms of unlawfulness, especially torture and ill-treatment. This kind of guarantee has turned individuals into desperate open targets for the police. By launching investigations solely based on "intelligence information in need of confirmation", the police attempted to substantiate the unlawful operations through scrutinizing communication, socio-economic or cultural activities of the decree-law victims and their children who can only establish social relations among themselves due to the ongoing social exclusion from the society. Upon a closer look at the investigation report, it becomes clear that the target families and their children have been labeled as "members of a terrorist organization" since police found their everyday social interactions "contrary to the ordinary course of life".

Kız çocuklarının yargılandığı utanç davası: İtalyan İnsan Hakları Federasyonu, akıl almaz ihlalleri raporlaştırdı.

İtalyan İnsan Hakları Federasyonu (FIDU), kamuoyunda "Kız Çocukları Davası" olarak bilinen ve 23-27 Eylül tarihleri arasında İstanbul 24. Ağır Ceza Mahkemesi'nde ilk duruşması görülen dava ile ilgili gözlemci raporunu yayınladı. Davayı, FIDU adına başkan Prof. Antonio Stango takip etti.

14/11/2024



KIZ ÇOCUKLARI UTANÇ DAVASI:

Italian Federation of Human Rights (FIDU) president Prof. Antonio Stango attended the hearings at the courthouse in Istanbul. FIDU has released an observation report on the arbitrary nature of the prosecution highlighting the violation of fundamental guarantees in criminal justice system.

The summary of the above is as follows: The investigation process reflected in the police report is illegal from the very beginning. Because it is illegal to forcibly take minor girls into custody and take them to a police station without their families, to deny them access to lawyers while in custody, to interrogate them under the threat of "you will vomit blood" and to force them to testify against their families. The police attempted to

fabricate illegal evidence and to forcibly obtain confession/witness testimonies from children. The police know very well that such a method is illegal according to the Code of Criminal Procedure and the Child Protection Law. However, unfortunately, the "normalization of illegality and impunity" in the country has encouraged the perpetrators.

Third Section: Illegality of the police's assessment of 'terrorist act'

The illegality of the 'terrorist act' assessment refers, first and foremost, to the misuse of terrorism investigations by the police (under the government's control), who manipulate the legal framework to label the everyday activities of innocent individuals as "terrorist acts" in the absence of concrete evidence. Indeed, such illegality demonstrates a systematic approach in which routine social communication, activity, behavior or family ties are deliberately misinterpreted to justify terrorism charges. The continued illegality in the assessment of 'terrorist acts', allows police to launch terrorism investigations without sufficient evidence against targeted individuals, and to support the claims with "biased assessments" when they are unable to obtain evidence of a real 'terrorist act'.

The illegality in the police's assessment of the 'terrorist act' is the third intervention area of the cyclical mechanism of evil (pro-government police-prosecutor-judge cooperation) in the investigation phase. As a result of the police's illegal definition of act of terrorism, daily routine communication/social activities/behaviors are identified as "terrorist acts(!)", then they are broadly assessed in the police investigation report. In this way, the police manipulate prosecutors and judges, through illegal assessments, and ensure that the investigation reports turn into indictments and that the illegality continues in the judicial system. Here is how it was done in 'the Case of Detained Girls':

- The first thing that draws attention in unlawful police investigation reports is the extensively written “preliminary information/assessment” section aimed at influencing the judicial authorities. The police filled this introduction section with all kinds of copy-paste information, relevant or irrelevant, prepared by central units. In this way, the police wanted to create an impression that they had knowledge/interest in the case file and to manipulate the decisions of the competent judicial authorities. Considering the functioning of the judicial mechanism and the insufficient experience of the newly appointed pro-government judiciary in counter-terrorism investigations, it has been understood that the ‘broad introduction section’ of the police investigation reports cause difficulties in reading/comprehension and create the perception(!) that the suspects have committed a crime. After July 15th, the pattern has not been any different for the police investigation reports concerning the members of the Gülen Movement. The same copy-pasted hundreds of pages of “introductory” sections were included in the investigation reports concerning any person against whom there was a false denunciation, who deposited money in a legally established bank, who was a member of certain trade unions, who subscribed to certain newspapers/magazines, or who engaged in a similar ‘legal act’. The police tried to create negative perception of the victims and manipulate the judicial authorities through such an “introduction”, which neither the prosecutor nor the judge nor the lawyers read.
- Another unlawful approach of the police's assessment of ‘terrorist acts’ is the vague argument of “contrariness to the ordinary course of life”. In the absence of material evidence, the police used such a copy-paste assessment as a reference, almost like a monkey wrench, and tried to associate the ordinary communication/social activities/behavior of the targeted individuals with those assessments. In the investigations against the members of the Gülen Movement, the allegation of “contrariness to the ordinary course of life” has sometimes constituted the entirety of an indictment on its own. Completely opposite circumstances -such as a targeted person sometimes having met another person and sometimes not, sometimes being together and sometimes being in different places, sometimes communicating on a regular phone and sometimes not, sometimes using social media and sometimes not- were added to the investigation report as evidence simply because police considered them as “contrary to the ordinary course of life”. Furthermore, in some police officers' assessments, “contrariness to the ordinary course of life” claim was supported by



French Human Rights Lawyer **Anaïs Lefort** attended the third hearings 18th February 2025. She shared her observation notes during an interviewed broadcasted on YouTube.

another manipulative and unfounded statement like “it was unquestionably determined that the person ...”.

- Another factor that is always used by the police in its assessment of ‘terrorist acts’ and routinely included in the investigation reports as evidence of “membership of a terrorist organization” is “family ties”. The police ignored the “principle of individual criminal responsibility”, a fundamental principle of law, and further examined the family ties of the

Şahsın FETÖ/PDY Havuz Sorgulaması:

- Şahıs UYAP ve KİHBİ projelerinden ARANMIYOR.
- Bu başlık altında herhangi bir kayda rastlanılmamıştır.

Aile Bireylerinin FETÖ/PDY Havuz Sorgulaması:

- Annesi [REDACTED] isimli şahsın örgüte müzahir Bank Asya’da bulunan hesabında bilinen tarihlerde [REDACTED] TL bakiye artışı bulunduğu tespit edilmiştir.

An excerpt from the Police Investigation Report reveals that there had been a prior inquiry if there were any profiling record concerning the parents of the detained girls. In this excerpt it is indicated that the mother of a girl has deposited Bank Asya, which was used by the Turkish courts as an indicator of being member of a terrorist organization, but later ECHR ruled it should not (*Yalçınkaya v. Türkiye*).

targeted individuals. This practice became more apparent in the period following the July 15 plot. A section titled “FETÖ/PDY Pool Inquiry of Family Members” was also included in the police investigation reports. ‘Information on parents, spouses, siblings or children’ was recorded as an indicator/reason for affiliation with the terrorist organization.

The illegality in the way police assessed ‘terrorist act’ was also evident in ‘the Case of Detained Girls’. It is striking that the police attempted to establish terrorism links, albeit weakly, with minor high school girls. Analyzing the police investigation report on ‘the Case of Detained Girls’, only a few of the numerous illegalities are mentioned below:

- In the preliminary information given under the title of “Summary of the Incident” in the police report, on the one hand, the history and activities of the Gülen Movement since the 1960s, and on the other hand, the label of “armed terrorist organization” that was intended to be attached to the Movement under the pretext of the July 15 plot. Thus, the police intended to portray the targeted minor girls like the perpetrators of July 15 and ‘members of an armed terrorist organization’. However, it should be noted that girls who were under the age of 10 at the time of the July 15 plot cannot be considered as subjects to support the Government narrative for such a plot. What is interesting is that the manipulative approach of the police in this regard was also reflected in the procedures of obtaining suspect statements/witness testimonies. During the interrogation, minor girls were asked “what they were doing on the night of July 15th”.
- Another noticeable assessment error is that the allegation of “contrariness to the ordinary course of life” and the statement of ‘it was unquestionably determined that the person...’ are frequently repeated in the investigation report. The aim of the police here is to label the ordinary social communication and interaction

between individuals as 'terrorist acts' when there is no concrete evidence found. As such, the efforts of the minor girls, their families and friends to continue their encircled lives due to ongoing social exclusion were evaluated as social activities "contrary to the ordinary course of life". The police used the allegation of "contrariness to the ordinary course of life" to justify their unfounded accusations of "*minor girls gathering together without their parents' permission*" or "*minor girls without knowledge of the organization's structure, past and present, participating in the organization's ongoing activities*" as "terrorist act".

- Another illegal aspect of the police investigation report against the minor girls is the assertion of "family ties" as an indicator of 'terror links'. Such an assertion is more than just a "violation of the principle of the individual criminal responsibility", since the families of the targeted girls are also victims of the government oppression. In the investigation report, there are frequently repeated sentences such as "FETÖ/PDY (!) members and their families are in contact with... financial aid is distributed to the families of FETÖ/PDY (!) members in prison... family members of the majority of the students staying in the houses have been subjected to judicial proceedings or have been found to be in contact and affiliated with the organization... family members of the students staying in the houses are also aware of the organization...". These sentences are based on the notes under the title "Person-Based Evaluation" and the sub-title "FETÖ/PDY Pool Inquiry of Family Members". The police also created profiling records on families of the detained girls, and considered their parents' activities such as "being member of a legally established association, subscribing a legal newspaper, depositing money in a legally functioning bank or using a publicly available online messaging app etc." as grounds for terror links, moreover, police profiled minor girls under the same category on the grounds of "family ties".

In basic terms, the above-mentioned issue is as follows:

- The police targeted a group of minor girls as the subjects of historical events dating back to the 1960s and the July 15 plot.
- The police found their ordinary social communication/interactions "contrary to the ordinary course of life" and categorized them as "Terrorist acts".
- The police concluded that the children were "members of a terrorist organization" on the grounds of "family ties" with their parents, who had previously been subjected to similar unlawful treatment.
- In conclusion, a person who subscribed to a nation-wide newspaper was profiled as a member of a terrorist organization, and his/her daughter was also listed as a member of the same terrorist organization on the basis of "family ties".

CONCLUSION

The fight against terrorism is an important area of responsibility for the police, requiring diligence, accuracy and strict adherence to legal principles. In a democratic country governed by the rule of law, human rights should be respected, and accountability must be upheld in the performance of tasks performed by public officials. These also mean that investigations should be based on concrete evidence, due process should be respected and politically motivated actions should be avoided. Transparency, judicial oversight and adherence to constitutional institutions are essential to ensure that counter-terrorism does not become a tool of repression. Police should always seek to uphold serving justice rather than political interests in their work and should not forget the importance of striking a balance between public safety and individual freedoms.

The findings of this report highlight the alarming level of arbitrariness in counterterrorism, which is reflected in the 'police investigation reports'. The police have actively sought to fabricate false accusations, misrepresent evidence and manipulate judicial processes, prioritizing government instructions over legal provisions. The police didn't hesitate to ignore the law when defining, detecting and assessing the 'terrorist acts'. Such practices have undermined the credibility of the police, while threatening democracy and justice. It is imperative to recognize that the fight against terrorism cannot justify arbitrariness disregarding human rights.

The summary of the illegalities in the police investigation report prepared for 'the Case of Detained Girls' is as follows:

Under the pretext of "combatting restructuring of the Gülen movement", the police targeted minor girls and their parents who were dismissed from their public duties by Emergency Decrees (KHK). The police defined "university students staying together in the same houses, high school students going to each other's houses for studying, having religious conversations, engaging in social activities such as bowling or going to the shopping mall, planning trips abroad, paying the rent of the houses they stay in, helping each other, and moreover, sometimes communicating through phone calls and sometimes not making phone calls for all these social activities and behaviors" as 'Terrorist acts'. Such attitude, in simple terms, has been noted as the illegality in the way the police define 'terrorist acts'.

The investigation process detailed in the police investigation report is unlawful from the very beginning. In fact, it is first and foremost a crime that minor girls were subjected to physical and technical surveillance for months upon an "intelligence in need of confirmation", that they were forcibly detained and taken to a police station, that they were denied access to lawyers while in custody, that they were interrogated under the threat of "vomiting blood" and forced to testify against their families. The police attempted to fabricate unlawful evidence by forcing the girls to confess and provide testimonies against their parents. The police are also aware that such practices are unlawful according to the Code of Criminal Procedure and the Child

Protection Law. However, “the normalization of illegality and impunity” in the country has unfortunately encouraged the officials thus resulting in widespread violations of human rights. Such an approach, in simple terms, has been noted as the illegality in the way the police detect ‘terrorist acts’.

The police targeted a group of minor girls as the subjects of historical events dating back to the 1960s and the July 15 plot. The police found their ordinary social communication/interactions “contrary to the ordinary course of life” and categorized them as “Terrorist acts”. The police concluded that the children were “members of a terrorist organization” on the grounds of “family ties” with their parents, who had previously been subjected to similar unlawful treatment. In short, a person who subscribed to a nation-wide newspaper was profiled as a member of a terrorist organization, and his/her daughter was also listed as a member of the same terrorist organization on the basis of “family ties”. Such practice, in simple terms, has been noted as the illegality in the way the police assess ‘terrorist acts’.

In a climate where the government wants to reshape the country with “Turkey without Terror” discourse, the attempt to portray minor girls as members of a terrorist organization and their ordinary interactions/activities as ‘terrorist acts’, and even the attempt to cover up such illegality with an absurd justification such as “Combatting restructuring of the Gülen movement” is a crime committed by the police. Such misuse of the legal process under the pretext of counterterrorism, initiated by the police investigation report, undermines the fundamental principles of law and jeopardizes the rights of innocent individuals. If left unaddressed, such misuse is detrimental to the fairness and impartiality of the judiciary. Adherence to legal and ethical standards at all stages, from the ‘Police Investigation Report’ to the ‘Court Decision’, is not only a legal obligation, but a moral imperative in the protection of fundamental rights of individuals.



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